

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING**

April 21, 2015

CALL TO ORDER

The meeting was called to order by the Mayor Pro Tem at 5:02 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Mensinger (Arrived 5:10 p.m.), Mayor Pro Tem Righeimer, Council Member Foley (Arrived 5:06 p.m.), Council Member Genis, and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:04 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al v. Michael Cohen, et al, Sacramento County Superior Court, Case No. 34-2013-80001675, pursuant to California Government Code Section 54956.9(a).
2. Conference with legal counsel regarding existing litigation: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: Myra Bailey v. City of Costa Mesa, a municipal corporation, et al, Orange County Superior Court Case No. 30-2013-00676207, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association (CMCEA) v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 5:56 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 5:56 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:22) – Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:49)

Reverend Julie Elkins, First United Methodist Church of Costa Mesa

ROLL CALL (00:02:52)

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:03:04) – NONE

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – None

ANNOUNCEMENTS (00:03:13)

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:05:34)

Karen McGlinn, CEO of the non-profit organization Share Our Selves (SOS), received the Mayor's Award.

PUBLIC COMMENTS (00:15:12)

Tom Pollitt, Costa Mesa, thanked Council on legal efforts regarding the Sober Living Homes; spoke in opposition to Smart Balance Assessment Tests in the schools; and spoke on Police negotiations. (00:16:01)

UNOFFICIAL UNTIL APPROVED

Ann Parker, Costa Mesa, spoke in opposition to the Sober Living Ordinance and on the problems pertaining to Sober Living Homes; spoke on Homeland Security and the influx of heroin. (00:18:44)

Jay Humphrey, Costa Mesa, spoke on the Orange Coast College Development meeting on April 27, 2015 at 6:00 p.m.; spoke on the Orange County Fair traffic and noise issues meeting on April 28, 2014; and spoke on the Police Department staffing levels. (00:21:00)

Chuck Perry, Costa Mesa, thanked Council for the Sober Living Ordinance; pleased with the Fire Department's response times; spoke in support of a development on Harbor; requested a bench at the Ralph's grocery store on 17th St.; and spoke in opposition of converting the Community Center to a library. (00:23:56)

Trudy Hall, Costa Mesa, spoke on the desalination plant, the costs; and the drought. (00:27:09)

Scott Mahaffy, Costa Mesa, spoke on the sports field usage at Jack Hammet sports complex; and the Matt Leinert Foundation. (00:31:13)

Jennifer Lopez, Costa Mesa, spoke on homeless children; and on Project Hope Alliance. (00:33:15)

Tim DeBrincat, Costa Mesa, spoke on overgrown vegetation; and a safety hazard at a residence. (00:36:21)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:38:28)

Mayor Pro Tem Rigueimer spoke on the Mercy House services and resignation from the Foundation in order to participate on affordable housing issues; spoke on the City prevailing in court on the Sober Living Ordinance; meeting in Sacramento with legislators on Group Homes legislation; spoke on the Library expansion; OC Innovate project; and CEO recognition by ACC-OC. (00:38:35)

Mayor Mensinger spoke on CEO Hatch's recognition by ACC-OC; TourdeOC bike fundraiser; homeless issues at Wilson Park; Mayor's Celebration on May 14, 2015; Arbor Day and tree plantings; and requested an update from Water District on water restrictions; and drought tolerant planting. (00:45:36)

Council Member Foley thanked Muriel Ullman for their efforts in helping a homeless woman; asked for donations for a young girl; spoke in support of the Project Hope Alliance; spoke in support of SoCo; spoke in support of Smart Balance Assessment Tests in Costa Mesa; invited the Community to Estancia and Costa Mesa High School Golf Tournament Fundraiser on June 22, 2015; and spoke on Police Department staffing levels; and crime levels in the City. (00:50:31)

Council Member Genis spoke on Police fees for Orange County Fair services and cost recovery; spoke on Communications Center staffing levels; spoke on contract labor concerns and open positions; spoke on the desalination project; supports MPT on affordable housing issues; spoke on the library project; the Spring Garden Show at South Coast Plaza; and remembering the 100 year anniversary of the Armenian Genocide. (00:58:18)

Council Member Monahan requested Scott Mahaffy and Tim DeBrincot contact him; spoke on Fairview Developmental Center; April 29, 2015 Chamber of Commerce farewell lunch for Ed Fawcett; April 23, 2015 fundraiser for Kaiser Woodland School; Newport Harbor play; Attic Theater play; spoke in support of affordable housing; complimented Muriel Ullman and Staff for their efforts in dealing with the homeless; and the challenges on homeless issues. (01:08:25)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:13:59)

CEO Tom Hatch spoke on Emergency Operations Services and introduced a new employee Terre Duensing; spoke on bike trail grants the City has received; provided a Senior Center update; and Ernesto Munoz spoke on the Safe Routes to School Program.

CONSENT CALENDAR (01:19:31)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for Items 3, 6, and 7.

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: None

Absent: None

Motions carried: 5-0

- 1. PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council waived reading in full of Ordinances and Resolutions and approved and adopted of same by reading title only

2. READING FOLDER

- a. Claims received by the City Clerk: Abraam Guirguis

ACTION:

City Council received and filed.

4. FINAL MAP FOR TRACT NO. 17781 LOCATED AT 2026 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the Final Map for Tract No. 17781 and authorized the signing of the map by the City Clerk and the City Engineer.

5. MINUTES

(A) MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: None

Absent: None

Abstain: Council Member Foley (Not a Council Member at those meetings)

Motion carried: 4-0-1

ACTION:

City Council approved the minutes of the Special Meeting of the City Council of April 22, 2014; Minutes of the Special Study Session of April 29, 2014; Minutes of the Special Joint Study Session of the City Council and Planning Commission of June 10, 2014; and Minutes of the Regular City Council and Successor Agency Meeting of September 20, 2011; and April 15, 2014.

(B) MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: None

Absent: None

Abstain: None

Motion carried: 5-0

ACTION:

City Council approved the minutes of the Regular City Council and Successor Agency Meeting of April 7, 2015; and Minutes of the Closed Session Meeting of the City Council of April 14, 2015.

8. PROFESSIONAL SERVICES AGREEMENT WITH TRI PLANNING GROUP FOR INTERIM MANAGEMENT ASSISTANCE REGARDING COMMUNITY IMPROVEMENT EFFORTS

ACTION:

City Council provided authorization for the City CEO to enter into a Professional Services Agreement with the Tri Planning Group to provide interim management assistance regarding community improvement efforts in an amount not to exceed \$100,000.

----- **END OF CONSENT CALENDAR** -----

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:20:15)

1. APPEAL OF PLANNING APPLICATION PA-14-39 FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A CONVENIENCE STORE WITHOUT ALCOHOLIC BEVERAGE SALES AND WITH A VARIANCE FROM THE LANDSCAPED SETBACK REQUIREMENT LOCATED AT 2281 NEWPORT BOULEVARD (UNION 76)

Principal Planner, Mino Ashabi, provided staff report. (01:20:48)

Council Member Monahan requested clarification on undue concentration. (01:24:25)

Council Member Genis spoke on trash issues; and expressed concern with undue concentration. (01:26:34)

Council Member Foley requested clarification on variance findings; and the trash enclosure and curb appeal. (01:28:50)

Mino Ashabi spoke on the variance findings. (01:29:22)

Public Comments:

Thad D. Solloway, Costa Mesa, spoke in opposition to the convenience store at the location; and traffic problems. (01:31:00)

Council Member Genis requested that Staff work with the applicant on the location of the driveway approaches. (01:35:00)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Momahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council upheld the Planning Commission's approval of the proposed convenience store, including a specific requirement for a Buyer's Notice related to the restriction on alcoholic beverage sales in the new convenience store.

OLD BUSINESS:

1. SECOND READING OF ORDINANCE 15-03 FOR CODE AMENDMENT CO-15-01 RELATED TO SMALL LOT ORDINANCE (01:35:30)

Public Comments:

Ann Parker, Costa Mesa, requested clarification on small lots and front house facing alleyways. (01:36:34)

Council Member Foley provided clarification and that it depends on the particular development. (01:37:32)

Council Member Genis spoke on conflicts with Table 13-85A versus Table 13-42; and requested that the record reflect that this is not required to make small lot subdivisions more restrictive than for common interest developments, as currently is less restrictive. (01:37:55)

Council Member Foley spoke in opposition of the project because it encourages high density, inadequate parking, and excludes efficient open space between buildings. (01:40:07)

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

ACTION:

City Council gave second reading, read by title only and further reading waived, and adopted Ordinance No. 15-03, amending Title 13, Chapter V, Article 2.5, Residential Small Lot Subdivision, of the Costa Mesa Municipal Code.

NEW BUSINESS: (01:41:05)

1. AUTHORIZATION OF CONSTRUCTION OF COMMUNITY MEETING ROOM AND OUTDOOR MEETING SPACE AND REMODEL EMPLOYEE LOUNGE AT CITY HALL

CEO, Tom Hatch, spoke on the budgeting and funding for the project; and the Emergency Operations Center (EOC) space as a dedicated facility. (01:41:20)

Mayor Pro Tem Righeimer spoke in opposition to the EOC being a dedicated facility for disasters only. (01:43:43)

Video Production Coordinator, Dane Bora, and Principal Architect, Betsy Dougherty of Dougherty and Dougherty Architects, provided a presentation. (01:45:31)

Council Member Monahan requested clarification on contracts to understand costs savings; and spoke in support of the project. (01:55:15)

Mayor Pro Tem Righeimer spoke on savings with construction management costs; and the need for upgrades. (01:56:12)

Council Member Foley complimented previous work done by Dougherty and Dougherty Architects; and supports a functional community space. (01:56:57)

Public Comments:

Beth Rafakes, Costa Mesa, expressed concern with delaying the Council Chambers upgrades. (01:58:33)

CEO Hatch spoke on the budget and funding the project. (02:01:05)

Betsy Dougherty spoke on access issues. (02:02:22)

CEO Hatch spoke on limited employee impacts; and meetings in the new space. (02:03:12)

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Monahan, and Mayor Pro Tem Righeimer

Nays: Council Member Genis and Mayor Mensinger

Absent: None

Motion carried: 3-2

ACTION:

1. City Council approved designating \$992,000 to convert City Hall's former print shop into a community meeting room with broadcasting capabilities; and direct City staff to issue a Notice Inviting Bids (NIB) for the conversion of the former print shop into a community meeting room; and
2. City Council directed City staff to issue a Notice Inviting Bids (NIB) to remodel employee/community lounge; and
3. City Council authorized Request for Proposals (RFPs) for design, construction documents and bids for an outdoor meeting space on the south side of City Hall adjacent to the new community meeting room.

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:08:16)

3. **WARRANT RESOLUTION NO. 2534 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 15-08 FOR \$2,068,818.25; AND CITY OPERATING EXPENSES FOR \$1,755,350.99; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (02:08:30)**

Public Comments:

Cindy B, Costa Mesa, requested clarification on Warrants. (02:08:49)

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Abstain: None

Motion carried: 5-0

ACTION:

Approved Warrant Resolution No. 2534, to be read by the title only, and waived further reading

6. NOTICE OF INTENT FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 155 FLOWER STREET (02:13:05)

Public Comments:

Ann Parker, Costa Mesa, requested clarification on the right-of-way and the possibility of a sidewalk. (02:13:21)

Director of Public Services, Ernesto Munoz, explained the vacation is in line with the circulation element and will not preclude installation of a sidewalk. (02:14:33)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Abstain: None

Motion carried: 5-0

ACTION:

1. City Council set the Public Hearing on June 2, 2015 for the vacation of a portion of Fullerton Avenue Right-Of-Way (ROW); and
2. City Council Adopted Resolution No. 15-12, to be read by title only, and waived further reading.

7. REQUEST FOR “RESIDENT ONLY” PARKING RESTRICTION ON WALLACE AVENUE BETWEEN VICTORIA STREET AND HAMILTON STREET (02:15:33)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on the 1,000 ft. radius; and no parking requirements on streets for new residential developments. (02:15:46)

Cindy B, Costa Mesa, agreed with Jay Humphrey’s comments. (02:18:27)

Susan Korr, Costa Mesa, spoke in support of the parking restrictions. (02:19:06)

Miguel Martinez, Costa Mesa, spoke on the difficulty of finding parking; and supports parking restrictions. (02:20:58).

Mayor Pro Tem Righeimer spoke on the process for a “Resident Only” parking restriction; spoke on the current Council approving developments with the strictest parking requirements; and that issues are due to old apartment projects approved years ago with little parking requirements. (02:22:41)

UNOFFICIAL UNTIL APPROVED

Mayor Mensinger spoke on old projects approved with not enough parking; and garages being used for storage instead of parking. (02:24:33)

Council Member Genis spoke in support of the item; and the existing parking problems. (02:26:32)

Council Member Foley spoke on the parking problems in that area; and supports the issue. (02:27:21)

MOVED/SECOND: Council Member Monahan/Council Member Foley
The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Abstain: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 15-13, to be read by title only, and waived further reading, approving the implementation of a "Resident Only" parking restriction on Wallace Avenue, between Victoria Street and Hamilton Street; and
2. City Council authorized the Transportation Services Manager to extend the "Resident Only" parking restriction for a maximum 1,000 foot radius from the above limits, as needed.

REPORT – CITY ATTORNEY – None (02:28:07)

ADJOURNMENT – To the Regular Meeting, May 5, 2015, 5:00 p.m.

The Mayor adjourned the meeting at 8:24 p.m.

Minutes adopted on this 5TH day of May, 2015.

Stephen M. Mensinger, Mayor

ATTEST:

Brenda Green, City Clerk