

UNOFFICIAL UNTIL APPROVED

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING****August 4, 2015****CALL TO ORDER**

The meeting was called to order by the Mayor at 5:47 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

CALL TO ORDER (00:00:09)**PLEDGE OF ALLEGIANCE (00:00:17)** – Mayor Mensinger**MOMENT OF SOLEMN EXPRESSION (00:00:43)**

Pastor Josh Harrison, ROCKHARBOR Church, Costa Mesa

ROLL CALL

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– NONE (00:01:56)

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

ANNOUNCEMENTS (00:02:13)

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

PRESENTATIONS (00:04:46)

1. Mayor’s Award – Reiner Communities/Tower on 19th (00:04:58)

Sean Burrowes, Investment Director from Reiner Communities, accepted the Mayor’s Award.

PUBLIC COMMENTS (00:12:39)

Dan Worthington, Costa Mesa, spoke on offering reserved parking for Veteran's. (00:13:30)

Lea Lowe, Costa Mesa, spoke on behalf of the Costa Mesa Foundation; thanked the City for assistance for the Concerts in the Park. (00:16:18)

Nancy Young, Costa Mesa, spoke on "permit parking only" on West 19th Street. (00:17:50)

Karl Ahlf, Costa Mesa, spoke on the anniversary of the Hiroshima bombing during World War II. (00:19:22)

Chuck Perry, Costa Mesa, spoke on Bethel Towers improvements, and curb and gutter improvements. (00:22:28)

Janet Lee Krochman, Costa Mesa, spoke on homeless issues and problems on Harbor Blvd. (00:23:37)

Colleen McCune, Costa Mesa, spoke on permit "parking only" on West 19th Street. (00:26:17)

Speaker, Costa Mesa, spoke on crime issues. (00:27:49)

Jason Dupuis, Costa Mesa, spoke on "permit parking only" on West 19th St; and submitted a petition to the transportation manager. (00:28:58)

Speaker, Costa Mesa, thanked the Planning Commission and the City Council for their decision on ZA-15-01. (00:32:03)

Jay Humphrey, Costa Mesa, spoke on a refund of appeal fees; and spoke on the initiative he is circulating. (00:33:42)

Rudolph Zacher, Costa Mesa, spoke on "permit parking only" on West 19th Street. (00:35:13)

Speaker, Costa Mesa, spoke on Parvo disease at the Dog Park; and conditions at the Dog Park. (00:37:02)

Wendy Leece, Costa Mesa, spoke on storm drain improvements; and the enforcement of codes. (00:38:23)

Greg Tunnell, Costa Mesa, spoke on the Care Ambulance Contract. (00:41:01)

Rich Russell, Costa Mesa, spoke on the violence in the City. (00:43:50)

Pastor Phil of Lighthouse Church, Costa Mesa, spoke on assisting individuals in the City. (00:47:05)

Shannon Bale, Costa Mesa, spoke on the homeless; Group Home issues; and crime. (00:50:06)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:52:06)

Mayor Mensinger spoke on homeless issues; "permit parking only" on West 19th Street; and the OC Fair Cattle Drive. (00:52:14)

Council Member Foley spoke on the Dog Park's conditions; requested a meeting on West Side Overlays; spoke on the firework report and data; requested water conservation data; complimented the Segerstrom Center for the Arts for Summer at the Center Program; spoke on homeless issues; and crime and Police presence as a deterrent. (00:58:24)

Council Member Genis thanked the Costa Mesa Foundation and volunteers for the Concerts in the Park series; spoke on attendance at the Eastside Community picnic; spoke on Dog Park issues; homeless issues; spoke on transitional housing; and spoke on West Side Overlays; (01:06:36)

Council Member Monahan spoke on the High Times Chili cook-off; spoke on the Fairview Developmental Center Project; spoke on fireworks fundraising; the West Side Overlays; dog park issues; homeless issues; and announced a fundraiser at Skosh Monahan's for Fresh Beginnings Ministries. (01:13:29)

Mayor Pro Tem Righeimer spoke on the fireworks data; spoke on West Side Overlays; spoke on parking issues and utilizing garages; spoke on homeless issues; Group Home issues; motel issues; spoke on zoning; Police Department Staffing and crime. (01:19:36)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:35:02)

CEO Tom Hatch spoke on National Night Out; spoke on City of Costa Mesa as Host City for the Special Olympics including a video; thanked Costa Mesa Foundation for the Concerts in the Park series; provided updates on Solid Landings; spoke on the West Side Overlay schedule; spoke on the Fairview Developmental Center Project and the Shannon Mountain project; spoke on the Dog Park issues; spoke on homeless issues and transitional housing including and update from Assistant CEO Rick Francis and Police Chief Sharpnack.

CONSENT CALENDAR (02:25:50)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6.

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 adopted and approved Ordinances and Resolutions by reading title only, and further reading waived.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Carmen Contreras, and Ramon Martin

ACTION:

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2540 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-14 "A" FOR \$2.74 AND 15-15 FOR \$2,119,338.88; AND CITY OPERATING EXPENSES FOR \$1,932,207.19; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2540, to be read by the title only, and waived further reading.

4. **AWARD CONTRACT FOR DEFERRED COMPENSATION PLAN MONITORING SERVICES**

ACTION:

1. City Council awarded a contract for Deferred Compensation Plan monitoring services for one year to Benefit Funding Service Group ("BFSG"), in the total amount of \$25,000, with an option to extend the contract in four one-year periods; and

2. City Council authorized the City Chief Executive Officer to sign and execute a professional services agreement with the selected firm, as approved by the City Attorney's Office.

5. MINUTES

ACTION:

City Council approved the minutes of the Regular City Council and Successor Agency Meeting of July 21, 2015.

6. CONVERSION OF CODE ENFORCEMENT OFFICER POSITION TO PARK RANGER

ACTION:

City Council approved the newly created Code Enforcement Officer position approved in the FY 2015-16 adopted budget to an additional Park Ranger position within the Police Department.

City Council recessed for a break at 8:12 p.m.

City Council reconvened the meeting at 8:22 p.m.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (02:26:34)

1. PROPOSED 2015 UPDATE TO THE PARK IN-LIEU FEES (PARK FEES) (02:35:22)

Staff report, including a PowerPoint presentation presented by Daniel Inloes, Associate Planner, and Mitch Mosesman, Consultant, David Taussig & Associates. (02:35:55)

Discussion ensued on fee calculations and methodology; the General Plan goal; requirements of AB 1600; and survey of neighboring cities Park Fees. (02:53:09)

Mitch Mosesman, Consultant of David Taussig & Associates, spoke on Mitigation Fee Act; AB 1600; fees based on existing formula; Quimby Act Maximum Fee. (03:11:00)

Public Comments:

Tommy Thompson, Executive Director of California Apartment Association in Orange County, spoke on fees; and recognizing park amenities in communities. (03:27:22)

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Tim O'Brien, with Legacy Partners, spoke in support of reduced Park Fees for apartments; spoke on the 580 Anton Blvd project, and consideration of on-site amenities. (03:30:19)

Jay Humphrey, Costa Mesa, spoke on amenities included in the rent; spoke on renters utilizing parks; and spoke in opposition to credit for park fees. (03:32:24)

Steven La Motte, Director of Government Affairs for the Building Association of the Orange County, spoke in support of the reduced Park Fees. (03:35:25)

Beth Rafakes, Costa Mesa, spoke in support of assessing Park Fees for apartments; and include an inflation index. (03:36:36)

Speaker, Costa Mesa, spoke in support of Park Fees for apartments; and spoke in opposition of a decrease in Park Fees. (03:39:05)

Wendy Leece, Costa Mesa, spoke on the chart regarding grant monies; and that not all projects have amenities and should still pay park fees. (03:40:27)

Speaker, Costa Mesa, spoke on the 2012 Park Facts; and spoke in support of the open space increase. (03:43:00)

MOVED/SECOND: Council Member Genis/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

Motion carried: 5-0

ACTION:

1. City Council gave the first reading to Ordinance No. 15-09, to be read by title only, and waived further reading, relating to Park Impact Fees for Multi-Family Residential Renter Development (Apartments) in Costa Mesa.

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

The motion carried by the following roll call vote:

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

Nays: Council Member Monahan

Absent: None

Motion carried: 4-1

ACTION:

2. City Council approve the current methodology for calculating Parkland In-Lieu fees per unit (no changes) for new Single-Family and Multi-Family residential development for residential subdivisions.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

MOTION: City Council approved Park Impact Fees or Apartments-Multi-Family Renter, at \$5,000 per unit.

SUBSTITUTE MOTION: City Council approve Park Impact Fees for Apartments-Multi-Family Renter as follows: Properties that have 0-25 units \$1,250.00; 26-50 units \$2,500; and 50 units and above \$5,000.

MOVED/SECOND: Council Member Monahan
The motion died due to a lack of second.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

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

Motion carried: 5-0

ACTION:

3. City Council approved Park Impact Fees for Apartments-Multi-Family Renter, at \$5,000 per unit.

2. APPEAL OF PLANNING COMMISSION'S APPROVAL OF CASE NO. PA-08-27A1 TO AMEND AN EXISTING CONDITIONAL USE PERMIT FOR A JEWELRY STORE WITH ANCILLARY PAWN SERVICES AT 1872 NEWPORT BOULEVARD (04:05:43)

Staff report, including a PowerPoint presentation presented by Assistant Planner, Chelsea Crager. (04:06:48)

Appellant and Applicant, Dan Stansell spoke on camera surveillance at the business; different locations for their business; spoke on loans; explained stolen property procedures and deterrents; and spoke on the business activities. (04:12:22)

Jordan Tabach-Bank, 3rd generation pawnbroker, spoke on the camera surveillance and an armed guard; stolen property procedures; monetary restrictions; loans below a certain amount not allowed; purchase and sale of jewelry; spoke on the purchasing procedures for loans; and spoke on signage. (04:21:30)

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Police Chief Robert Sharpnack spoke on Proposition 57; and stolen property. (04:33:32)

Public Comments:

Wendy Leece, Costa Mesa, spoke in support of maintaining the \$1,000 limit; and spoke in support of no changes to the Conditional Use Permit. (04:39:52)

Speaker, spoke on concern with the signage at the side of the building; and spoke on petty thefts and stolen goods. (04:40:51)

Mrs. Drain, Costa Mesa, spoke on stolen goods; and a database. (04:42:32)

Speaker, Costa Mesa, spoke on signage; and that limitations are not enforced on other pawnshops. (04:44:11)

Speaker, Costa Mesa, spoke on reverting back to original Conditional Use Permit; and spoke in opposition to pawnshops. (04:45:46)

Dan Stansell clarified comments on property not serialized; and spoke on an upcoming statewide database. (04:48:28)

Discussion ensued on the store's primary operation, and pawn services are ancillary services. (04:55:45)

MOTION: Uphold the Planning Commission's decision and adopt Resolution No. 15-45.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

SUBSTITUTE MOTION: Remove requirement for minimum loan amounts of \$2,500; expand the list of eligible goods for pawning, and the building sign be renovated or removed.

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion failed by the following roll call vote:

Ayes: Council Member Foley, and Council Member Monahan

Nays: Council Member Genis, Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

Motion failed: 2-3

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Monahan

Absent: None

Motion carried: 3-2

ACTION:

City Council upheld the Planning Commission's decision, and adopted Resolution No. 15-45, read by title only and waived further reading, approving an amendment to the Conditional Use Permit PA-08-27A1 relating to certain conditions of approval for an existing jewelry store with ancillary pawn brokerage services at 1872 Newport Boulevard.

City Council recessed for a break at 10:55 p.m.

City Council reconvened the meeting at 11:02 p.m.

3. APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION PA-14-41: CONDITIONAL USE PERMIT FOR OPERATION OF AN OUTDOOR FARMERS MARKET AT 183 E. BAY STREET (ST. JOHN THE DIVINE EPISCOPAL CHURCH) (05:15:51)

Staff report, including a PowerPoint presentation presented by Associate Planner, Antonio Gardea. (05:16:40)

Appellant, Carrie Renfro, provided presentation. (05:24:05)

MOVED/SECOND: Council Member Foley/Council Member Genis (06:10:58)

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, and Mayor Mensinger

Nays: Mayor Pro Tem Righeimer

Absent: None

Motion carried: 4-1

ACTION: City Council continued the meeting past midnight, and rescheduled Public Hearing item #4, and New Business Items # 2 – 4 to the Council Meeting of September 1, 2015.

Applicant, Reverend Philip DeVaul, provided presentation. (06:14:21)

Public Comments:

Speaker, Costa Mesa, spoke on closing connectivity; and other churches requesting similar events. (06:20:29)

Barbie Gareau, Costa Mesa, spoke in favor of the Farmer's Market. (06:22:01)

David Roman, Costa Mesa, spoke in favor of the Farmer's Market. (06:22:53)

Julie Patterson, Costa Mesa, spoke in opposition of the Farmer's Market. (06:24:13)

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Wendy Leece, Costa Mesa, spoke in opposition the Farmer's Market; and spoke on safety concerns. (06:27:18)

Jay Humphrey, Costa Mesa, spoke in opposition of the Farmer's Market; spoke on traffic and parking impacts; and the precedent of setting a commercial venue in a residential area. (06:28:39)

Speaker, Costa Mesa, spoke in opposition of the Farmer's Market; and spoke on homeless population. (06:30:02)

Steve V, Costa Mesa, spoke in opposition of the Farmer's Market. (06:32:48)

Alisa Jaskiewicz, Costa Mesa, spoke in opposition of the Farmer's Market. (06:34:10)

Mitch Healey, Costa Mesa, spoke in favor of the Farmer's Market. (06:35:21)

Jerika Hayes, Costa Mesa, spoke in favor of the Farmer's Market. (06:37:41)

Dr. Jim Gatewood, Costa Mesa, spoke in favor of the Farmer's Market. (06:39:07)

Victoria Henson, Costa Mesa, spoke in favor of the Farmer's Market. (06:41:31)

Marilyn Ashwill, Costa Mesa, spoke in opposition of the Farmer's Market. (06:42:45)

Brian Summerfield, Costa Mesa, spoke in favor of the Farmer's Market. (06:44:21)

John Hohl, Costa Mesa, spoke on parking issues; and in opposition of the Farmer's Market. (06:45:57)

Jeff Kirst, Costa Mesa, spoke in favor of the Farmer's Market. (06:46:36)

Michael Lingle, Costa Mesa, spoke in favor of the Farmer's Market. (06:47:42)

Roger Jacobs, Costa Mesa, spoke in favor of the Farmer's Market. (06:49:21)

Hannah Risinger, Costa Mesa, spoke in favor of the Farmer's Market. (06:50:07)

Cory Linman, Costa Mesa, spoke in favor of the Farmer's Market. (06:51:11)

Cynthia Foley, Costa Mesa, spoke in opposition of the Farmer's Market. (06:51:34)

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Nina Marshall, Costa Mesa, spoke in favor of the Farmer's Market. (06:52:39)

Tim Marshall, Costa Mesa, spoke in favor of the Farmer's Market. (06:53:15)
Speaker, Costa Mesa, spoke in favor of the Farmer's Market. (06:54:13)

Beth Refakes, Costa Mesa, spoke on a traffic concerns; and in opposition of the Farmer's Market. (06:56:08)

Mrs. Drain, Costa Mesa, spoke on a traffic study; parking issues; and spoke in opposition of the Farmer's Market. (06:59:10)

Chuck Perry, Costa Mesa, spoke in opposition of the Farmer's Market. (07:01:06)

Anastasia Winley, Costa Mesa, spoke in favor of the Farmer's Market. (07:02:43)

Speaker, Costa Mesa, spoke in opposition of the Farmer's Market. (07:04:54)

Discussion ensued on open space for the church and manor; parking requirements; parking connectivity issues and joint use of parking; paving the parking lot; and future expansion for a church sanctuary. (07:07:47)

Discussion ensued on joint use of parking. (07:35:22)

Note: the Regular City Council Meeting of August 4, 2015 continued past midnight. Ordinance No. 15-08 was approved on August 5, 2015 at 1:34 a.m.

MOTION: City Council uphold the Planning Commission's decision and adopt Resolution No. 15-46, to be read by title only, and further reading waived, Planning Application PA-14-41 – A Conditional Use Permit (CUP) for the operation of a Farmers Market at an existing church (St. John the Divine Episcopal Church).

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger
Mayor Mensinger withdrew his 2nd.
The motion died due to a lack of a second.

MOVED/SECOND: Mayor Mensinger/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

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 15-46, read by title only and further reading waived, reversing the Planning Commission's decision and denying PA-14-41 – A Conditional Use Permit (CUP) for the operation of a Farmers Market at an existing church (St. John the Divine Episcopal Church).

4. FIRST READING OF THE CAPITAL ASSET NEEDS ORDINANCE

(Rescheduled to September 1, 2015)

OLD BUSINESS:

- 1. SECOND READING OF ORDINANCE NO. 15-08: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING REZONE R-14-05 FOR THE PROPERTY LOCATED AT 2880 MESA VERDE DRIVE EAST FROM I&R (INSTITUTIONAL AND RECREATIONAL) TO SINGLE FAMILY RESIDENTIAL DISTRICT (R1) (07:50:02)**

Note: the Regular City Council Meeting of August 4, 2015 continued past midnight. Ordinance No. 15-08 was approved on August 5, 2015 at 1:39 a.m.

MOVED/SECOND: Council Member Foley/Council Member Genis

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

Motion carried: 5-0

ACTION:

City Council gave the second reading and adopted Ordinance No. 15-08, read by title only, and waived further reading, approving Rezone R-14-05 to rezone a 2-acre site from I&R (Institutional and Recreational) to R1 (Single Family Residential District), for property located at 2880 Mesa Verde Drive East.

NEW BUSINESS:

- 1. URBAN MASTER PLAN SCREENING REQUEST (UMP-15-01) FOR A 10-UNIT DETACHED SMALL LOT RESIDENTIAL DEVELOPMENT WITHIN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN LOCATED AT 527 AND 531 BERNARD STREET (07:50:29)**

Staff report, including a PowerPoint presentation presented by Senior Planner, Mel Lee. (07:50:56)

Michael Marini, CEO and Founder of Planning Home Living Developer, presented presentation. (07:54:51)

Alan Scales, Architect of KTG Y Group, spoke on the massing and design of the project. (07:56:14)

Discussion ensued on three story versus two story; architecture; streetscape and landscaping; room conversions; parking concerns; articulation; deviations; and HOA certification for garage parking utilization. (08:00:51)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on architecture; parking and rear setbacks. (08:13:43)

Greg Tunnell, Costa Mesa, spoke on aesthetics; and requested a moratorium. (08:15:22)

Speaker, Costa Mesa, spoke in favor of the architecture; and spoke on deviations. (08:18:29)

ACTION:

City Council provided feedback on a proposed Urban Master Plan for a 2- and 3-story, 10-unit, detached, small lot residential development project within the Mesa West Residential Ownership Urban Plan.

2. **COUNCIL DIRECTION FOR ALLOCATION OF FIELD USE FEES**
(Rescheduled to September 1, 2015)
3. **REQUEST FOR REFUND OF APPEAL FEE FOR ZA-15-01**
(Rescheduled to September 1, 2015)
4. **DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE FOR 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**
(Rescheduled to September 1, 2015)

ITEMS REMOVED FROM THE CONSENT CALENDAR – NONE

REPORT – CITY ATTORNEY – NONE (08:20:05)

ADJOURNMENT – To the Regular Meeting

The Mayor adjourned the meeting at 2:07 a.m.

Minutes adopted on this 1st day of September, 2015.

Stephen M. Mensinger, Mayor

ATTEST:

Brenda Green, City Clerk