

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

MARCH 18, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 5:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Genis

Council Members Absent: Council Member Monahan

Council Members Recused: Mayor Righeimer and Mayor Pro Tem Mensinger (5:38 p.m.)

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

CLOSED SESSION:

The City Council recessed into Closed Session at 5:37 p.m. to consider the following item.

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.

The City Council reconvened at 6:13 p.m.

CALL TO ORDER (00:00:06)

PLEDGE OF ALLEGIANCE (00:00:26) – Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:01:00)

Lynell Brooks, Vanguard/Newport Mesa Church

ROLL CALL (00:01:52)

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis

Absent: Council Member Monahan

Officials Present: Chief Executive Officer Thomas R. Hatch, Deputy City Attorney Yolanda M. Summerhill, Assistant Chief Executive Officer Rick Francis, Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:02:02) - NONE

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

City Clerk Brenda Green stated due to a lack of quorum the Closed Session would be held at the end of the meeting. (00:02:10)

ANNOUNCEMENTS (00:02:22)

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

PRESENTATIONS (00:04:08)

Mayor Righeimer recognized Werner Escher, Executive Director of Domestic and International Markets of South Coast Plaza with a check presentation.

PUBLIC COMMENTS (00:11:56)

Terry Koken, Costa Mesa, presented a check to OC Model Engineers; and spoke on the lawsuit between the Mayor and the Costa Mesa Police Officers Association (CMPOA). (00:13:00)

Lisa Morlan, Costa Mesa, spoke on citations; nuisance group homes; the Neighborhood Task Force; and fines. (00:15:16)

Debby Koken, Costa Mesa, spoke regarding a Banning Ranch Conservancy Town Hall meeting on March 20, 2014. (00:18:37)

Greg Tunnell, Costa Mesa, spoke on Costa Mesa Police Department staffing levels. (00:19:31)

James H. Bridges, Costa Mesa, spoke on the public comment process and public participation. (00:22:42)

Flo Martin, Costa Mesa, spoke on crime statistics, Costa Mesa Police Department staffing levels, and complimented the Police Department. (00:25:14)

Al Melone, Costa Mesa, spoke on police officer recruitments nationwide. (00:28:05)

Bill Burke, Costa Mesa, thanked the Council for approving the construction of the entrance to the golf course. (00:30:33)

Chris McEvoy, Costa Mesa, spoke on the public comments process, Consent Calendar items not being pulled; Friday night softball league, and West Side development. (00:31:47)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:38:26)

Council Member Genis acknowledged Christian Redmond for his Eagle Scout Project at Fairview Park; and spoke regarding the Neighborhood Preservation Task Force. (00:35:04)

Council Member Leece thanked Police Officers and staff members who participated in the Micah basketball tournament; requested that CEO Hatch address the plan for Police Officer recruitment; spoke on the Police Explorer's campaign on alcohol awareness; Police Officer's contract negotiations; fines for nuisance violations; inquired on the Neighborhood Preservation Task Force; spoke on the massage parlors update; and the Senior Center Board Meeting. (00:37:16)

Mayor Righeimer spoke regarding nuisance citations and waiving fees; Police Officer recruitment; Capital Improvement Projects; spoke on a tour of businesses on the West Side; and Group Homes. (00:45:14)

Mayor Pro Tem Mensinger thanked Mr. Escher and the South Coast Plaza team; and requested a status on the median at Red Hill Avenue. (00:52:27)

CEO Hatch complimented Mr. Escher and the South Coast Plaza team; spoke regarding the Neighborhood Preservation Task Force staffing; spoke on the group home issue and citations; complimented Director of Public Services, Ernesto Muñoz and the engineering staff on public works projects. (00:53:17)

Mr. Muñoz provided a review on the 6.6 million dollar award for capital improvement projects; spoke on street improvements and change orders. (00:57:55)

CEO Hatch spoke on the City Ethics Policy; Employee Service Awards; Mothers against Drunk Driving (MADD) Awards; South Coast Metro Alliance Emergency Response and Training Program; field usage; and the plan for Police Department recruitments. (01:18:45)

Finance Director, Steve Dunivent and Tax Auditing Specialist, Anna Baca provided a presentation on the new Business License WEB Renewal Program. (01:26:58)

Discussion ensued regarding business license data in Costa Mesa; and the renewal of animal licenses online. (01:30:14)

Jay Humphrey commented on Consent Calendar items being pulled and public comments regarding those items. (01:35:16)

CONSENT CALENDAR (01:35:11)

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 13 except for Items 3, and 6 through 12.

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

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 Ordinances and Resolutions and approval and adoption of same by reading title only.

2. READING FOLDER

a. Claims received by the City Clerk: Greg Nickel and George Berg.

ACTION: Received and filed

4. RED HILL AVENUE REHABILITATION PROJECT, CITY PROJECT NO. 13-02 CHANGE ORDER NO. 1

ACTION: City Council approved Change Order No. 1 in the amount of \$206,460.00 and authorized the Chief Executive Officer to execute contract Change Order No. 1.

5. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT, CITY PROJECT NO. 12-18

ACTION:

1. City Council accepted the work performed by C.J. Concrete Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1854 FULLERTON AVENUE
ACTION:

1. City Council set a public hearing on April 15, 2014 for the vacation of a portion of Fullerton Avenue Right-of-Way (ROW); and
2. Adopted Resolution No. 14-15, to be read by title only and waived further reading, of intent to vacate a portion of Fullerton Avenue Right-of-Way (ROW).

OLD BUSINESS (01:37:17)

1. SMALL LOT ORDINANCE: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42

Senior Planner, Mino Ashabi, clarified changes made to the Ordinance. (01:37:41)

Council Member Genis expressed concern on not having a CEQA review. (01:38:21)

Gary Armstrong, Economic and Developmental Services Director, explained in-fill development projects. (01:40:56)

Discussion ensued on curb cut clarification; driveway width; and guest parking. (01:44:00)

Chris McEvoy, Costa Mesa, spoke regarding affordable housing and expressed opposition to the Ordinance. (01:52:04)

Robin Leffler, Costa Mesa, spoke on the history of the small lot Ordinance; and on parking, setbacks, and density under the proposed Ordinance. (01:55:08)

James Bridges, Costa Mesa, spoke regarding density and the quality of neighborhoods and expressed opposition to the Ordinance. (01:58:15)

Cynthia McDonald, Costa Mesa, spoke regarding the small lot Ordinance problems in Los Angeles; spoke on density and expressed opposition to the Ordinance. (02:01:04)

Jay Humphrey, Costa Mesa, spoke on families needing yards; small lots; setbacks; deviations; variances; and expressed opposition to the Ordinance. (02:03:09)

Discussion ensued regarding Homeowners Association and on trash storage. (02:06:19)

Council Member Leece spoke regarding an e-mail received from Mr.Hoffman expressing opposition to the Ordinance. (02:08:58)

Mayor Righimer clarified that these homes would be in only R-2 neighborhoods; spoke regarding the need for the Ordinance; spoke on setbacks; zoning and parking; and regarding a letter in support of the Ordinance from Planning Commissioner McCarthy. (02:11:42)

Council Member Genis expressed concern with the Ordinance because of the minimum distance between buildings with less open space and setbacks. She made a motion to continue the item. (02:20:33)

MOTION: To continue to the next meeting.

MOVED/SECOND: Council Member Genis/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

NEW BUSINESS (02:31:40)

1. CHARTER COMMITTEE DRAFT CHARTER (02:32:15)

Special Counsel, Kimberly Hall Barlow gave a statement presenting the Charter document and asked for Council's direction. (02:32:26)

Discussion regarding community outreach. (02:34:30)

Public Comments:

Jay Humphrey, Costa Mesa, expressed his opposition to the Charter. (02:37:15)

Chris McEvoy, Costa Mesa, expressed his opposition to the Charter. (02:40:04)

Robin Leffler, Costa Mesa, spoke regarding the appointed Charter Committee and the defeat of Measure V. (02:41:30)

Greg Thunnell, Costa Mesa, spoke in opposition to the Charter. (02:43:20)

Mayor Righeimer encouraged the Council to take a look at what the Charter Committee has presented out of respect for all of those who have worked so hard. (02:46:26)

Special Counsel Barlow recommended that the Council choose a date for the first Public Hearing. Direction was provided scheduling a public hearing for April 22, 2014. (02:49:03)

Special Counsel Barlow inquired if the committee members should be released from their duties. Mayor Righeimer responded that the committee should remain intact. (02:56:12)

Council Member Leece expressed opposition towards the Charter, stating that the people of Costa Mesa voted overwhelmingly against the Charter. (02:56:52)

Council Member Genis stated that she sees flaws in the charter and would be surprised if she decides to support it. (02:57:27)

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:58:00)

3. **WARRANT RESOLUTION 2511: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-04 "A" AND 14-05 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding payroll No. 14-04 "A" for \$650.14, Payroll No. 14-05 for \$1,975,829.39 and City operating expenses for \$1,891,020.21. (02:58:06)**

Anna Vrska, Costa Mesa, spoke in regards to Municipal Code Section 2-61. (02:58:32)

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION: Approved Warrant Resolution No. 2511, to be read by title only and further reading waived.

6. **2013-2014 SLURRY SEAL PROJECT, CITY PROJECT NO. 13-15 (03:03:16)**

Public Comments regarding Item Nos. 6-10 were taken all at once.

Jay Humphrey, Costa Mesa, spoke regarding the issue of public comments; spoke on Prevailing Wage; and staff time allocation. (03:03:30)

Robin Leffler, Costa Mesa, spoke regarding the Slurry Seal projects; problems with schedules between the new projects and the trash trucks; and timeliness of public comments and staff time. (03:07:00)

Mayor Righeimer closed the Public Hearing. (03:08:38)

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the 2013-2014 Slurry Seal Project, City Project No. 13-15; and
2. Awarded a construction contract to American Asphalt South, INC., 14436 Santa Ana Avenue, Fontana, CA 92337 in the amount of \$374,138.10; and
3. Approved the Contract Change Order No. 1 in the amount of \$74,830.00; and
4. Authorized the Chief Executive Officer to execute the Contract Change Order No. 1; and
5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

7. 2013-2014 STREET REHABILITATION PROJECT, CITY PROJECT NO. 13-16

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the 2013-2014 Street Rehabilitation Project, City Project No. 13-16; and
2. Awarded a construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, CA 92865 in the amount of \$2,583,978.00; and
3. Approved Contract Change Order No. 1 in the amount of \$516,800.00; and
4. Authorized the Chief Executive Officer to execute Contract Change Order No. 1; and
5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

8. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT (PROJECT "A") - CITY PROJECT NO. 13-17

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Parkway Concrete Repair and New Sidewalk Construction Project (Project "A"), City Project No. 13-17; and
2. Awarded a construction contract in the amount of \$497,603.00 to Horizons Construction Co. International, Inc., 432 W. Meats Avenue, Orange, CA 92865; and
3. Approved Contract Change Order No. 1 in the amount of \$99,500.00; and
4. Authorized the Chief Executive Officer to execute Contract Change Order No. 1; and
5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

9. PARKWAY CONCRETE REPAIR PROJECT (PROJECT "B"), CITY PROJECT NO. 13-18

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Parkway Concrete Repair Project (Project "B"), City Project No. 13-18; and
2. Accepted the withdrawal of the bid submitted by Horizons Construction Company International, Inc., 432 W. Meats Avenue, Orange, CA 92865; and
3. Rejected the bid submitted by Harry H. Joh Construction, Inc., 7303 Somerset Boulevard, Paramount, CA 90723; and
4. Awarded a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670 in the amount of \$1,229,970.00; and
5. Approved Contract Change Order No. 1 in the amount of \$246,000.00; and
6. Authorized the Chief Executive Officer to execute Contract Change Order No. 1; and
7. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

10. PARKWAY CONCRETE REPAIR PROJECT (PROJECT "C"), CITY PROJECT NO. 13-19

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Parkway Concrete Repair Project (Project "C"), City Project No. 13-19; and
2. Rejected the bid submitted by Harry H. Joh Construction, Inc., 7303 Somerset Boulevard, Paramount, CA 90723; and
3. Awarded a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670 in the amount of \$822,580.00; and
4. Approved Contract Change Order No. 1 in the amount of \$164,500.00; and
5. Authorized the Chief Executive Officer to execute Contract Change Order No. 1; and
6. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

11. WILSON STREET AT HARBOR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-07 (03:08:55)

Public Comments:

Jay Humphrey, Costa Mesa, thanked staff for doing an excellent job on the improvements on Wilson Street at the Harbor Boulevard intersection. (03:08:52)

MOVED/SECOND: Council Member Genis/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council accepted the work performed by GMC Engineering, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

12. A RESOLUTION OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, FINDING THAT GOVERNMENT CODE 65402 SHALL NOT APPLY TO THE ABANDONMENT OF A MINOR PORTION OF THE RIGHT-OF-WAY THROUGH FILING OF A FINAL TRACT MAP FOR TRACT NO. 17508 (03:09:30)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on fees and the budget. (03:09:32)

Mayor Righeimer and CEO Thomas Hatch stated that the money goes into the Park Development Fund to be allocated by the City Council. (03:10:04)

MOVED/SECOND: Council Member Genis/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried 4-0-1

ACTION:

1. City Council adopted Resolution No. 14-15, to be read by title only and waived further reading, finding that Government Code Section 65402 shall not apply to the abandonment of a minor portion of the right-of-way through filing of a Final Tract Map for Tract No. 17508; and
2. Approved the Final Map for Tract No. 17508 and authorized signing of the Map by the City Clerk and City Engineer.

CONTINUED PUBLIC COMMENTS (03:11:57)

Anila Ali, Irvine, introduced herself and announced her candidacy for Assembly District 74. (03:12:13)

Anna Vrska, Costa Mesa, spoke on warrant items; conducting of Council meetings; items placed on the Consent Calendar; and on the Small Lot Ordinance. (03:13:46)

Gay Royer, Costa Mesa, shared a story of her next door neighbor who had a difficult time keeping up with home repairs, and recommended for the City to communicate and work with the residents. (03:16:40)

Mayor Righeimer stated that there are some funds to help people who cannot afford the repairs and who qualify. (03:19:44)

Robin Leffler, Costa Mesa, spoke on small lot developments; and indicated that the new Ordinance will not eliminate building condominiums and will increase density. (03:20:23)
Jay Humphrey, Costa Mesa, spoke on the Neighbors for Neighbors program and assistance from the community. (03:22:50)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS (03:24:10)

Discussion ensued on home repairs, grant money, and the Neighbors for Neighbors program. (03:24:10)

Council Member Leece requested clarification regarding grants to help citizens and inquired on the formal application process. (03:25:21)

Council Member Genis suggested Code Enforcement inform residents of funds available for home repairs. (03:26:41)

REPORT- CITY ATTORNEY- None

Council Member Leece asked the City Attorney to coordinate a time in which the three Council Members would convene to address Item 1 under Closed Session. (03:28:51)

CLOSED SESSION WAS NOT HELD DUE TO LACK OF A QUORUM

ADJOURNMENT- the Mayor and the City Council adjourned the meeting in memory of David Stiller at 9:43 p.m. to regular meeting, April 1, 2014, 5:00 p.m.



MAYOR



CITY CLERK