

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

November 18, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 5:05 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, Council Member Genis and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

CLOSED SESSION

The City Council recessed into Closed Session at 5:06 p.m. to consider the following items:

1. Conference with Legal Counsel - Potential Litigation: Two Cases, Pursuant to Government Code Section 54956.9(d)(4)

The City Council reconvened at 6:00 p.m.

CALL TO ORDER (00:00:02)

PLEDGE OF ALLEGIANCE (00:00:20) – Mayor Righeimer

MOMENT OF SOLEMN EXPRESSION (01:01)

Ryan Zuniger, Grace Fellowship Church

ROLL CALL (00:01:52)

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

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.

CLOSED SESSION REPORT (00:02:04) - NONE

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

ANNOUNCEMENTS (00:02:12)

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

PRESENTATIONS (00:04:31)

Mayor Righeimer introduced Dannie Watkins, Commander of Chapter 752 Military Order of the Purple Heart. Proclaiming the City of Costa Mesa a Purple Heart City.

Dannie Watkin, Commander of Chapter 752 Military Order of the Purple Heart, informed all that they are comprised of 123 members and over 200 purple hearts combined amongst them. They are congregationally approved and are non-profit who work for the benefit of those that have been wounded in action. California has been proclaimed as Purple Heart State in April 2012. County supervisors worked on making the County of Orange a Purple Heart County and proclaimed the month of November as the Purple Heart month. Glad that Costa Mesa has made this proclamation and receives it honorably. (00:05:05)

Mayor Righeimer presented Dannie Watkins with the Purple Heart plaque and proclaimed the City of Costa Mesa as a Purple Heart City. (00:08:08)

PUBLIC COMMENTS (00:10:53)

Tamar Goldmann, Costa Mesa, spoke regarding the election and DUI patrols. (00:11:29)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team Trunk or Treat event. (00:14:41)

Chuck Perry, Costa Mesa, thanked the community for their participation at the Costa Mesa United Golf Tournament and spoke on the new street median on 17th Street. (00:17:56)

Sue Lester, Costa Mesa, spoke on the election; thanked Council Member Leece for her service; spoke on the Mayor and Mayor Pro Tem's lawsuit; congratulated Lieutenant Vic Bakkila who was promoted in Police Department; and congratulated Dan Baker who was promoted as Public Affairs Director. (00:19:07)

Susan Shaw, Costa Mesa, spoke on the election turnout for Election season; opposed to a charter and expressed concerns on the draught. (00:22:42)

Martin H. Millard, Costa Mesa, congratulated Mayor Righeimer on election victory and pointed out the positive changes in the City. (00:25:06)

Mrs. Drain, Costa Mesa, requested an independent forensic audit of the 60th anniversary expenses; and thanked Council Member Leece for her commitment to the Community. (00:27:17)

Gay Royer, Costa Mesa, thanked Council Member Leece for her service; and expressed the concern with the signal delay at National and Victory. (00:30:48)

Mary Spadoni, Costa Mesa, spoke on the elections; thanked Council Member Leece. (00:33:30)

Ann Parker, Costa Mesa, spoke about the Sober Living Homes Ordinance. (00:36:28)

Frances Woods, Costa Mesa, spoke about code enforcement violations and enforcement. (00:39:28)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:43:18)

Mayor Pro Tem Mensinger congratulated all the candidates; congratulated Estancia High School football team, volunteers and coaches; and thanked the Public Services Department. (00:43:26)

Council Member Genis spoke on the sales tax and raising the minimum reserve amount; and expressed her happiness that the City is now a Purple Heart City. (00:46:11)

Council Member Leece spoke on her appreciation that we are a Purple Heart City and thanked Staff who attended Camp Pendleton; addressed homelessness in Costa Mesa and thanked volunteers for their help; attended Working Wardrobes Organization at Los Amigos High School; Vanguard University has a program honoring Veterans enrolled; attended Native Sons of the Golden West acknowledging Estancia Adobe as a historical monument; acknowledged she is a supporter of the Police Association; spoke on the elections; requested an update on the CMCEA lawsuit that and expressed her honor to serve the City as a Council Member. (00:50:56)

Council Member Monahan thanked all the candidates that ran for Election; and spoke on the history of sober living homes in the City. (00:59:48)

Mayor Righeimer thanked those that ran during this Election season; discussed budgeting for additional staff in the Police Department; congratulated Lieutenant Vic Bakkila on becoming Lieutenant; addressed the Charter and understands the public is clear they do not want to be a Charter City; and stated that he was appointed a position on the OCTA Board. (01:04:54)

Mayor Righeimer requested that Mr. Tom Hatch report on the forensic audit. (01:11:56)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:12:03)

CEO Hatch spoke on the Holiday closure for City Hall December 25, 2014 through January 2, 2015; Estancia Adobe is now a California Historic Landmark #227; spoke on reducing the impact of Group Homes in the Community; addressed the Finance Advisory Committees work on the Budget and Financial Policy document; and spoke in detail on the 60th anniversary event.

CEO Hatch stated that the forensic audit would have cost about \$70,000-\$80,000.

Mayor Righeimer suggested a Council Member would need to make a motion to spend \$70,000-\$80,000 to order a forensic audit.

Council Member Leece suggested Mrs. Drain meet with Mr. Hatch to clarify information.

Discussion ensued on a forensic audit.

CONSENT CALENDAR (01:29:48)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Items 4 and 7.

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

The motion carried by the following roll call vote:

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

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: Enterprise Rent-A-Car, Interinsurance Exchange of the Automobile Club of Southern California, as Subrogee for Jill Pereira, James & Laura Bryan, and GEICO, as Subrogee for Jamie Leeds.

ACTION:

Received and filed.

3. WARRANT RESOLUTION NO. 2525 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-21 "A" FOR \$157,350.30 AND 14-22 for \$2,143,406.15; AND CITY OPERATING EXPENSES FOR \$2,965,916.94; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

ACTION:

Approved Warrant Resolution No. 2525, to be read by title only and further reading waived.

5. MINUTES

ACTION:

City Council approved the minutes of the regular meeting of the Costa Mesa City Council, and Successor Agency of: December 3, 2013, January 21, 2014, April 1, 2014 and May 6, 2014; and the regular meeting of the City Council and Successor Agency and the Special Joint Meeting with the Housing Authority of January 7, 2014.

6. FINAL MAP FOR TRACT NO. 17705 FOR PROPERTY LOCATED AT 2294 PACIFIC AVE.

ACTION:

City Council approved the Final Map of Tract No. 17705; and authorized vacation of a twenty-five foot portion of a thirty-foot wide public utility easement.

8. ADOPTION OF THE FY 2014-2015 STATEMENT OF INVESTMENT

ACTION:

City Council adopted Resolution No. 14-70 and Successor Agency adopted Resolution No. 14-71, to be read by title only and Further Reading Waived, approving the Statement of Investment Policies for Fiscal Year 2014-2015 and delegating investment activities to the City Treasurer.

9. LANDSCAPE AND TURF MAINTENANCE OF PARKWAYS, MEDIANS, AND FIRE STATIONS

ACTION:

City Council authorized the execution of an Amendment to the Performance Services Agreement with Midori Gardens, Inc., extending the term to February 28, 2015, in the amount of \$37,051.67 per month.

10. LANDSCAPE AND TURF MAINTENANCE OF PARKS, FACILITIES, AND SPORTS FIELDS

ACTION:

City Council authorized the execution of an Amendment to the Performance Services Agreement with SpectrumCare Landscape, extending the term to February 28, 2015, in the amount of \$29,560.53 per month.

11. MODIFICATION TO THE BUSINESS IMPROVEMENT AREA (BIA) TO ADD BLVD HOTEL FOR THE COLLECTION OF ASSESSMENTS

ACTION:

City Council adopted Resolution No. 14-72, to be read by title only and further reading waived, declaring the City's intention to modify the BIA to include certain hotels and motels in the area, and setting a Public Hearing for January 20, 2014.

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

1. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM (01:30:10)

Staff report provided by Ernesto Munoz, Public Services Director. (01:30:47)

Council Member Leece questioned the membership and how one is appointed for the Ad Hoc Committee. (01:35:01)

Public Service Director Ernesto Munoz spoke on the membership and the process. (01:35:39)

Mr. Munoz explained the incentive program and fees. (01:36:24)

Public Comments:

Robin Leffler, Costa Mesa, spoke on trip fees and supports an increase in the fees and that small developers should pay fees. (01:40:48)

Discussion ensued on clarification of a traffic impact fee; residential trips versus commercial trips; and the membership of the Ad Hoc Committee. (01:44:04)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 14-73, to be read by title only and further reading waived; approved the continuation of the current Traffic Impact Fee of \$181 per Average Daily Trip (ADT) for new development in the City of Costa Mesa; and continued the incentive program for new developments by assessing Traffic Impact Fees on an incremental basis for the first 100 trips; and approved the annual accounting of the citywide Traffic Impact Fee Program.

2. PROPOSED 393-UNIT MID-RISE RESIDENTIAL DEVELOPMENT, "SYMPHONY APARTMENTS" TO BE LOCATED AT 585 AND 595 ANTON BLVD.

Staff report provided by Minoo Ashabi, Senior Planner. (01:52:56)

Discussion on the original and addendum to the program EIR and CEQA Guidelines provided by Shawna Schaffner, CEO of CAA Planning. (02:06:57)

Council Member Genis inquired about the anticipated population because it will be an important factor and the biggest issues are the recreational impact. (02:10:07)

Mayor Righeimer stated that per Ex Parte Communications, the Council Members have met with the applicant, George Sakioka individually, except for Council Member Monahan who has spoken to him via telephone. (02:11:28)

George Sakioka, applicant with Sakioka Company, thanked the Council Members and Staff for their cooperation and responsiveness. Introduced the speakers to follow that are working on the project. Noted that the proposal originally was for a 485 unit and 26 story building and has been reduced to 393 units and a 6 story building. (02:11:45)

Allen Hyden of Wilson Meany spoke about the project. (02:14:24)

David Sendten of KTG Group spoke about how the project integrates into the community. (02:16:02)

Mark Shatinger, Landscape Architect, spoke on the landscaping portions of the project. (02:19:02)

Public Comments:

Mary Spadoni asked that the open space be considered; and discussed the homeless; low income; and asked that Council reconsider the mitigated park fee. (02:35:15)

Jeff Cullen, Costa Mesa, spoke on parking concerns and the setback for the easement. (02:36:56)

Cindy Brenneman, Costa Mesa, commended builder on the project; concern with sidewalk setback and park fees but concluded it is a quality project. (02:39:47)

Jay Humphrey, Costa Mesa, discussed opportunity of a vacation of an easement; noted there should be more bike paths, addressed the park fees, and the increase of population. (02:41:36)

Beth Rafakes, Costa Mesa, commended the project, discussed that the park fees are needed as population increases and expressed concerns with setbacks. (02:44:45)

Robin Leffler, Costa Mesa, spoke on her concern with water conservation and the setbacks and added a sight study should to be conducted. (02:47:41)

Paul Sanford, Costa Mesa, spoke as the President of the Lakes Association which is directly across the street from the proposed project, discussed the walking area availability and density and commended the high quality of the proposed project. (02:51:07)

Council Member Leece questioned the guest parking. (02:53:20)

David Sendten pointed out the guest parking using the Power Point presentation and noted there will be guest and retail parking which is secured differently than resident parking. There are 132 spaces reserved for guests and retail and there are a total of 731 spaces required and the project has 722 spaces. (02:53:51)

Minoo Ashabi stated that the Staff Report includes the breakdown of the parking spaces. (02:54:38)

Council Member Leece asked if there are bike lanes near the area. (02:54:56)

David Sendten responded there are no dedicated bike lanes. (02:55:12)

Ernesto Munoz responded that there is a multipurpose trail designated on the Master Bike Plan. (02:55:21)

Mayor Righeimer stated he would like to address the public's comments, the project is favorable; however, the setback is close to the street. (02:56:15)

David Sendten responded that the building is placed beyond the 20 ft. setback. (02:56:56)

Mayor Righeimer asked if the building and patios could be pushed back. (02:57:14)

David Sendten responded that it will not be the best design solution. He commented that it is odd to have a 20 ft. setback of landscaping before a stoop or patio and reiterated that it is unusual to have a nothing allowed in the 20 ft. setback compared to other cities. (02:57:16)

Discussion with the applicants, architects and Council Members ensued about the setback and what is within that setback. (02:58:35)

Council Member Leece inquired about the upgrades such as water conservation plans. (03:02:30)

Shawna Schaffner responded that a water assessment was done and they are in compliance. (03:02:52)

Mayor Pro Tem Mensinger asked that the architect, if stoops were removed, everything all would be in compliance. (03:04:38)

David Sendten responded yes but added that the transition from stoop to door is very important. (03:05:01)

George Sakioka stated that they are not proposing to change the setback; but instead, asking to allow an encroachment into the setback. (03:05:22)

Mayor Pro Tem Mensinger requested drought tolerant landscaping. (03:06:35)

Mayor Pro Tem Mensinger discussed all the amenities available onsite and expressed that those amenities keeps residents onsite. (03:08:34)

Council Member Monahan spoke about the patio and stoops and added they are inviting. (03:09:12)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Leece, Council Member
Monahan, Mayor Pro Tem Mensinger and Mayor Righeimer.
Nays: None
Absent: None
Motion carried: 5-0

ACTION:

1. City Council Adopted Resolution No. 14-74, to be read by title only and further reading waived, approving the Addendum to the Final Program Environmental Impact Report No. 1052 and Final Master Plan PA-14-11.

Mayor Righeimer spoke on the Park Mitigation Fees and explained the Quimby Act. Also that the City's park fee currently is \$13,800 and there is no park fee for an apartment since there is no subdivision map to associate with it. (03:10:41)

Discussion ensued about what the proposed park fees should be and the public space available on the project. (03:15:33)

MOTION: Mayor Righeimer moved the park fee to be \$13,800. (03:17:53)
Motion died for lack of a second.

MOVED/SECOND: Mayor Pro Tem Mensinger/Mayor Righeimer: Mayor Pro Tem Mensinger moved that the park fee to be \$13,700 per unit. (03:18:06)

SUBSTITUTE MOTION/SECOND: Council Member Monahan/Council Member Genis: Council Member Monahan moved a substitute motion of a fee of \$1,500 per unit. (03:20:22)

Mayor Righeimer withdrew his original motion.

Council Member Genis withdrew the seconded motion.

MOTION/SECOND: Mayor Righeimer/Council Member Genis; Mayor Righeimer motioned a to Adopt Resolution No. 14-75, to be read by title only and further reading waived, approving Park Mitigation Agreement between the Wilson Meany, LP and the City of Costa Mesa to fund future Parkland related improvements or acquisitions at the cost of \$3,500 per unit and to not exceed the fees submitted from the study. If there is a map recorded on the property, the excess fee can be credited to that property. (03:23:10)

Council Member Monahan stated he will not support the motion because the proposed fee is too high. He proposed a substitute motion that the park fee be \$2,500. (03:25:00)

SUBSTITUTE MOTION/SECOND: Council Member Monahan/Council Member Leece: Council Member Monahan moved a fee of \$2,500 per unit. (03:25:41)

Mayor Righeimer stated he will not support the motion. (03:26:01)

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Mensinger/Mayor Righeimer. Mayor Pro Tem Mensinger motioned to Adopt Resolution No. 14-75, to be read by title only and further reading waived, approving Park Mitigation Agreement between the Wilson Meany, LP and the City of Costa Mesa to fund future Parkland related improvements or acquisitions at the cost of \$3,000 per unit and to not exceed the fees submitted from the study. If there is a map recorded on the property, the excess fee can be credited to that property. (03:26:09)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece and Council Member Monahan

Absent: None

Motion carried: 3-2

ACTION:

2. Adopted Resolution No. 14-75, to be read by title only and further reading waived, approving Park Mitigation Agreement between the Wilson Meany, LP and the City of Costa Mesa to fund future Parkland related improvements or acquisitions at the cost of \$3,000 per unit and to not exceed the fees submitted from the study. If there is a map recorded on the property, the excess fee can be credited to that property.

City Council recessed for a break at 9:30 p.m.

City Council reconvened the meeting at 9:44 p.m.

OLD BUSINESS (02:48:00)

1. **SECOND READING OF ORDINANCE NO. 14-14 AMENDING CHAPTER IV OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE, ESTABLISHING A SENIOR COMMISSION THAT WILL SERVE AS AN ADVISORY COMMISSION TO THE CITY COUNCIL ON MATTERS RELATED TO THE OPERATION OF THE COSTA MESA SENIOR CENTER**

Staff report provided by Travis Karlen, Recreation Manager. (03:41:30)

Public Comments

Robin Leffler, Costa Mesa, supports a committee rather than a Commission. (03:42:46)

Council Member Leece stated that she will not support the motion because the Commission should not be paid \$100. (03:44:04)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem
Mensinger and Mayor Righeimer.
Nays: Council Member Leece
Absent: None
Motion carried: 4-1

ACTION:

City Council gave second reading, to be read by title only and further reading waived and adopted Ordinance No. 14-14.

NEW BUSINESS

1. HOST TOWN PARTICIPATION FOR THE 2015 SPECIAL OLYMPICS WORLD GAMES

Staff report provided by Dan Baker, Public Affairs Manager. (03:44:35)

Mayor Pro Tem Mensinger stated that he attended a Special Olympics preview and asked if the Fairgrounds Committee has been approached for assistance. (03:51:54)

Dan Baker responded that it is in the works and the goal is to get all the tickets for free. (03:52:25)

Mayor Righeimer stated that money can be raised amongst people and businesses. (03:54:50)

Dan Baker stated that as soon as a Committee is launched there will be more opportunity to reach out for assistance. (03:53:46)

Council Member Leece asked if individuals can buy sponsorships. She pointed out that the School District Committees could assist and added that they will want to be involved. (03:53:54)

MOVED/SECOND: Council Member Monahan/Mayor Righeimer
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Leece, Council Member
Monahan, Mayor Pro Tem Mensinger and Mayor Righeimer.
Nays: None
Absent: None
Motion carried: 5-0

ACTION:

City Council approved Staff to solicit sponsorship for the City's participation in the 2015 Special Olympic World Games.

2. TWO MEDICAL MARIJUANA INITIATIVE PETITIONS QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING NEW ORDINANCE, ORDERING ELECTION OR ORDERING REPORT; CONSIDERATION OF CITY MEDICAL MARIJUANA MEASURE(S)

Staff report provided by Chris F. Neumeyer, Deputy City Attorney. (03:55:56)

Discussion ensued regarding loss of sales tax revenues; ordering a special election or adding the initiatives to the November 2016 election; litigation issues; competing measures; super majority vote for tax measures; and the Election Code versus the State Constitution;

Public Comments

Sal Tinajero, Council Member of Santa Ana, spoke on the legalization of Marijuana and Measure CC to regulate Medical Marijuana in the City of Santa Ana. (04:11:36)

Flo Martin, Costa Mesa, spoke on the issue and supports allowing Medical Marijuana dispensaries. (04:15:56)

Jeff Cullen, Costa Mesa, spoke for the Medical Marijuana initiatives; however, stated he does not want to see the City get into legal issues and incur legal fees. (04:19:26)

Harold Weitzberg, Costa Mesa, stated that he was part owner of a collective cannabis which helped patients with migraines, cancer and tumors; suggested creating an ordinance that can work for the City which will give the City full control. (04:21:02)

Sue Lester, Costa Mesa, stated she ran a Medical Marijuana collective recommended the City create an ordinance and select the 2016 option and pick a date. In the interim, work with the Police Department and other bodies who have firsthand experience with these types of businesses. (04:23:04)

Council Member Leece appreciates the time Staff and Council Member Monahan put into the previous ordinance but there should have been additional sessions held to discuss this item; she recommended more input by the residents in future discussions, and expressed her concern that Staff needs to work with the Police Department to obtain a understanding of the consequences if any one of these initiatives are voted on by the voters. (04:26:02)

MOVED/SECOND: Council Member Monahan/Council Member Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council accepted the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding: An initiative to allow operation of up to eight Medical Marijuana (Cannabis) businesses in the City of Costa Mesa; and

MOVED/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

2. City Council accepted the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding: An Initiative to Allow Operation of up to Four Licensed Medical Marijuana Businesses in City of Costa Mesa.

Council Member Leece discussed how the initiatives will affect other agencies within the City and added they would all need to work together. (04:28:43)

MOVED/SECOND: Council Member Leece/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

4. City Council ordered a report pursuant to Election Code § 9212 for two qualifying medical marijuana ballot initiatives, a report for a proposed City's Medical Marijuana Ordinance, and a report on the City of Santa Ana's recently passed Medical Marijuana Ordinance.

Council Members and CEO discussed additional provisions to be added and reports from different Staff such as Police Department so costs can be discussed. (04:32:10)

ITEMS REMOVED FROM THE CONSENT CALENDAR (04:37:21)

4. PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF MEDIANS AND ENTRY MONUMENT SIGN (04:37:35)

Council Member Genis stated she pulled the item because she opposed the reallocation of the budget. (04:38:10)

Discussion ensued regarding when the medians were worked on last; conservation measures; design elements; drought tolerant turf; and funding sources. (04:38:17)

Public Comments

Robin Leffler, Costa Mesa, suggested instead of reallocating money from the library fund, seek a grant or wait until there is money to dedicate to this project. She discussed the medians and recommended drought tolerant turf. (04:48:22)

Mrs. Drain, Costa Mesa, concerned that the library funds were used for this project and pointed out other medians in the City that need maintenance. (04:51:42)

Jay Humphrey, Costa Mesa, spoke that \$638,000 was reallocated for the project and concern with priority of projects. (04:52:46)

Cindy Brenneman, Costa Mesa, expressed her confusion on why medians are being replaced again and recommended instead, putting that money towards other areas in the City. (04:55:00)

Council Member Genis stated there was talk previously to finance the Fire Department. Concerned with excess money not being used for certain projects. (04:56:30)

Council Member Leece stated that she was disheartened and does not support that the funds were taken from the library fund and emphasized the library is a higher priority as well as the public safety, Fire Department, than the medians. (04:57:16)

Mayor Righeimer was supportive of the library funds and the money was moved because it was not being used and it will be replaced. (04:58:48)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council authorized the execution of a Professional Services Agreement with Asakura Robinson Company, 445 Santa Ana Av., Newport Beach, California 92663, in an amount not-to-exceed \$68,350 for Design Services.

7. PROPOSED 177-UNIT LIVE/WORK AND LOFT DEVELOPMENT AT 671 W. 17TH STREET (05:01:07)

Discussion ensued with City Council Members and Gary Armstrong, Economic and Development Services Director and the Initial Study/Mitigated Negative Declaration and CEQA guidelines. (05:01:13)

Public Comments

Jay Humphrey, Costa Mesa, spoke about the noise mitigation and parking concerns. (05:09:28)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved a Professional Services Agreement with PlaceWorks, Inc. (Consultant) and Westport Properties, Inc. (Applicant) in the Amount of \$86,165, to provide Environmental Consulting Services to proceed with the preparation of the Initial Study/Mitigated Declaration, provided that upon completion of all analysis no significant unavoidable impacts were determined; and authorized CEO to sign extensions or renewals of the contract

CONTINUED PUBLIC COMMENTS (05:13:28)

Cindy Brenneman, Costa Mesa, spoke regarding respect of Council Members; congratulated Dan Baker on promotion and thanked Council Member Leece for service on Council. (05:14:08)

Robin Leffler, Costa Mesa, thanked Council Member Leece for service and asked that the two Council Members drop the lawsuit against the Police Department. (05:16:39)

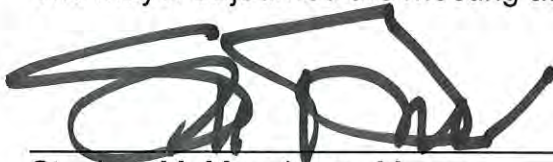
Anna Vrska, Costa Mesa, thanked Council Member Leece for service and requested legal medical marijuana invoices. (05:19:34)

REPORT – CITY ATTORNEY – (05:21:30)

Tom Duarte, City Attorney, provided an update on CMCEA lawsuit and noted that the trial date will be in April of 2015.

ADJOURNMENT – To the Regular Meeting, December 2, 2014, 5:00 p.m. (05:21:44)

The Mayor adjourned the meeting at 11:24 p.m.

A handwritten signature in black ink, appearing to read "Stephen M. Mensinger", written over a horizontal line.

Stephen M. Mensinger, Mayor

A handwritten signature in blue ink, appearing to read "Brenda Green", written over a horizontal line.

Brenda Green, City Clerk