

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

October 7, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

CALL TO ORDER (00:00:14)

PLEDGE OF ALLEGIANCE (00:00:40) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:01:03)

Doug Jacks, Palm Harvest Church

ROLL CALL (00:01:30)

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

Absent: Council Member Monahan (arrived at 6:19 p.m.)

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 (00:01:45) - NONE

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

ANNOUNCEMENTS (00:01:48)

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

PRESENTATIONS (00:04:26)

Mayor Righeimer recognized Maximilian (Max) Mormont, Master's World Champion, coach at Costa Mesa CrossFit and Costa Mesa resident.

PUBLIC COMMENTS (00:13:52)

Flo Martin, Costa Mesa, spoke on parking problems around Wilson Park. (00:14:27)

T. Koken, Costa Mesa, sang a song opposing the Charter. (00:17:54)

Mary Spadoni, Costa Mesa, spoke on public safety staffing levels. (00:20:40)

Doug Morrow, Costa Mesa, spoke on political propaganda mailers; and opposed to the Charter. (00:23:59)

Pamela Wilson, Costa Mesa, spoke in support of the Charter. (00:25:47)

Rick Luna, Costa Mesa, spoke in support of firework sales. (00:29:10)

Jennifer Hutchinson, Costa Mesa, spoke in support of firework sales. (00:30:09)

Gay Royer, Costa Mesa, thanked the Costa Mesa Firefighters for supporting Breast Cancer Awareness. (00:31:47)

Gene Hutchins, Costa Mesa, spoke in favor of the Charter. (00:32:30)

Teresa Drain, Costa Mesa, spoke on the conducting a forensic audit on the 60th Anniversary expenses. (00:36:01)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:39:49)

Council Member Monahan had no comments. (00:39:50)

Mayor Righeimer spoke on the 2013 – 2014 \$6 million budget surplus. (00:39:55)

Mayor Pro Tem Mensinger spoke on housing and parking issues; the \$6 million budget surplus; firework sales supporting the school programs; and increasing fines for the use of illegal fireworks. (00:41:35)

Council Member Genis spoke on Tewinkle Intermediate School 50th anniversary; thanked groups who organized the Scarecrow Festival; thanked groups who put on candidate forums; fireworks; and previous advisory measure. (00:50:27)

Council Member Leece spoke on fireworks and how to address illegal fireworks; congratulated MICA celebrating 10 year anniversary; the Library Board; the Monster Bash at the Senior Center; trees being planted on public parkways during the drought; and small business concerns. (00:54:59)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:02:08)

CEO Hatch spoke on the Senior Center programs; Orange County Fair Meeting; the applicant's guide to entitlement processing in the City of Costa Mesa regarding the Development Process; and tree planting.

CONSENT CALENDAR (01:07:32)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 6 except for items 3 and 4.

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

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: Artem Peshkov; Rachel Orchard; and Joseph Barrack.

ACTION:

Received and filed.

5. **REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 4, 2014**

ACTION:

City Council approved cancellation of the meeting.

6. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETINGS OF JANUARY 15, 2013 AND SEPTEMBER 2, 2014; AND THE SPECIAL CITY COUNCIL MEETINGS OF SEPTEMBER 19, 2014 AND SEPTEMBER 23, 2014.**

ACTION:

City Council approved the minutes.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:08:08)

1. CODE AMENDMENT CO-12-07: CONSIDERATION OF A MORATORIUM EXTENSION REGARDING HOOKAH PARLORS

Mel Lee, Senior Planner, presented the Staff Report. (01:08:34)

Discussion ensued in regards to Conditional Use Permit requirements for vapor lounges; and the timeframe of moratorium. (01:09:25)

Public Comments:

Ann Parker, Costa Mesa, requested including vapor lounges. (01:14:06)

Nayef Amhaz, Costa Mesa, spoke in opposition of the extension of the Moratorium. (01:16:12)

Mayor Righeimer requested clarification on the extension. (01:19:40)

City Attorney Tom Duarte responded that the Government Code allows 45 days and one extension for 10 months and 15 days and one more extension for one year. (01:20:34)

MOVED/SECOND: Council Member Leece/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: Council Member Monahan

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted Urgency Ordinance No. 14-12, to be read by title only and waived further reading, extending the hookah parlor moratorium considered under Code Amendment CO-12-07 for a period not to exceed 12 months.

2. CODE AMENDMENT CO-14-03: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES (01:21:42)

Elena Gerli, City Attorney's Office, presented the Staff Report. (01:22:43)

Mayor Righeimer spoke on the issue. (01:48:52)

Discussion ensued on moratoriums; the permit process; reasonable accommodations; regulations and enforcement by the state; and reporting complaints and nuisances. (01:50:02)

Public Comments:

Barrie Fisher, Costa Mesa, spoke in support of the Ordinance. (02:00:29)

Patricia Bintliff, Costa Mesa, spoke in opposition to the Ordinance. (02:04:02)

Richard Perlin, Huntington Beach, spoke in opposition to the Ordinance. (02:07:34)

Terry Koken, Costa Mesa, spoke on the inclusion of R2 Zones; boarding houses; parking onsite; and management living onsite. (02:10:34)

Jay Humphrey, Costa Mesa, spoke on group homes; and customer service training. (02:12:58)

Carol Williams, Costa Mesa, spoke in opposition to group homes; and supports the Ordinance. (02:16:37)

Robin Leffler, Costa Mesa, spoke on the Ordinance; and including R2 Zones. (02:19:28)

Chris Bunyan, Costa Mesa, spoke on the permitting process. (02:21:19)

Ann Parker Costa Mesa, spoke on the new State Law; including R1 and R2 Zones; and individuals coming to Costa Mesa from outside areas. (02:22:12)

Grant McNiff, Costa Mesa, spoke in opposition of the Ordinance; and legal expenses. (02:24:04)

Justin Cheatham, Costa Mesa, spoke in support of the Ordinance; and clients of homes coming from outside the community. (02:27:25)

Mary Spadoni Costa Mesa, spoke on a citywide Ordinance not just in R1 Zones. (02:30:23)

Wendy Okumura, Costa Mesa, spoke in support of the Ordinance due to saturation. (02:33:39)

Discussion ensued regarding including R2 Zones; proximity to schools; limiting parolees; and parking. (02:23:52)

Mayor Righeimer spoke on group homes, population; comparison of Ordinances; reasonable accommodations; and Group Home operators. (02:54:55)

Council Member Genis spoke in support of the Ordinances; spoke on Group Homes operating in a residential zone; and rejection of the Ordinance from operators. (03:01:25)

Council Member Leece discussed the proliferation of homes impacting the quality of life; reasonable accommodations; and the application process. (03:02:41)

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:

1. City Council found that the proposed ordinance was exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of CEQA because there was no possibility that the proposed amendment to the Zoning Code would have a significant effect on the environment; and
2. Approved the first reading of the Ordinance with the modifications contained in the Supplemental Memorandum dated October 7, 2014 (A-D below).
 - A. Approved the following alternative language for Section 13-311(10)(iii), from the County rules regarding referral facilities:

“The sober living home’s rules and regulations must prohibit the use of any alcohol or any non-prescription drugs at the sober living home or by any recovering addict either on or off site. The sober living home must also have a written policy regarding the possession, use and storage of prescription medications. The facility cannot dispense medications but must make them available to the residents. The possession or use of prescription medications is prohibited except for the person to whom they are prescribed, and in the amounts/dosages prescribed. These rules and regulations shall be posted on site in a common area inside the dwelling unit. Any violation of this rule must be cause for eviction under the sober living home’s rules for residency and the violator cannot be re-admitted for at least 90 days. Any second violation of this rule shall result in permanent eviction. Alternatively, the sober living home must have provisions in place to remove the violator from contact with the other residents until the violation is resolved.”
 - B. Revised the definition of Integral Facilities (page 12) by replacing, “sober living facilities” with “Group Homes” to read as follows: “Any combination

of two or more group homes which may or may not be located on the same parcel ...”

- C. Revised the definition of Integral Uses (page 12) deleting, “licensed or unlicensed,” to read as follows: “Any two or more residential care programs commonly administered by the same owner...;” and
- D. Revised section 13-311(a)(7) Special use permit required (page 15) by replacing “uses” with “facilities,” to read as follows: “integral group home facilities are not permitted.”

City Council recessed for a break at 9:08 p.m.

City Council reconvened the meeting at 9:20 p.m.

3. REVIEW OF PLANNING APPLICATION PA-88-134 A2: SECOND AMENDMENT FOR THE ORANGE COAST BUICK/GMC/CADILLAC DEALERSHIP LOCATED AT 2600 HARBOR BOULEVARD

Mel Lee, Senior Planner, presented the Staff Report. (03:19:00)

On behalf of applicant, Mr. Peter Nagavi of In Focus Consultants, provided a presentation on the project. (03:31:16)

Discussion ensued on new conditions; on lighting of entry monument; and lighting standard. (03:52:30)

Public Comments:

Teresa Drain, Costa Mesa, requested more time to work with the dealership to address concerns. (04:01:54)

Beth Rafakes, Costa Mesa, spoke on the project; the living wall; and concerns of light spillage. (04:08:35)

Chris McEvoy, Costa Mesa, spoke on the quality of life. (04:11:39)

Leslie Sterrett, Costa Mesa, spoke against the second deck parking. (04:13:53)

Kyle Woosley, Costa Mesa, represented the Chamber of Commerce and, spoke in support of the project. (04:15:34)

Scott Nguyen, Costa Mesa, stated he had met with developer and opposes the second deck; spoke on concerns with lighting; requested annual inspections of landscape; requests 10' wall; and requested mitigation measures for lights. (04:16:07)

Jay Humphrey, Costa Mesa, spoke on problems from previous dealership owners; spoke on light spillage; and ongoing dialogue. (04:21:06)

Speaker, Costa Mesa, agreed with Teresa Drain's comments. (04:24:03)

Robin Leffler, Costa Mesa, agreed with Teresa Drain's comments; concern with 2nd story parking; light spillage, landscaping; and supports first plan. (04:24:14)

Ron MacEachern, Senior Vice President of The Suburban Collection, spoke on the evolution of the project; and stated the updated conditions are agreeable. (04:27:44)

Mayor Pro Tem Mensinger spoke on the project; spoke on the old parking structure; the process; likes the project; and 10' wall on one section. (04:39:11)

Mayor Righeimer spoke on the memorandum and micromanagement; lights moved back; stated all issues addressed by Planning Commission; and disappointed with appeal. (04:47:13)

MOVED/SECOND: Mayor Righeimer/Council Member Monahan

MOTION: Approve Planning Commission's approvals with the addition to add the 10' wall on two houses; and remove Conditional Use Permit from 1988. (04:50:16)

Council Member Leece stated that she will not support the motion. (04:50:33)

Council Member Genis spoke on history of parcel of land; previous monument sign; requested concessions not be folded into conditions of approval; requests the ramp be fully enclosed; and all conditions reflect items that happened in the hearing. (04:53:53)

SUBSTITUTE MOTION:

MOVED/SECOND: Council Member Genis/Council Member Leece
Approve the dealership, subject to amended conditions of approval.

The motion failed by the following roll call vote:

Ayes: Council Member Genis and Council Member Leece

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

Absent: None

Motion failed: 2-3

ORIGINAL MOTION

MOVED/SECOND: Mayor Righeimer/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:

1. City Council found that the project was categorically exempt from CEQA per the Class 32 Categorical Exemption for infill development;
2. Approved second amendment to Planning Application PA-88-134 for the Orange Coast Buick/GMC/Cadillac dealership to construct a 34,000 square foot second floor parking deck over a portion of the previously permitted 52,779 square foot automotive dealership building, as well as a portion of the proposed parking lot, for storage of vehicle inventory;
3. Approved Administrative Adjustment to deviate from rear yard setback requirements of 50-feet to 32-feet;
4. Approved a Planned Sign Program, removing the existing 40-foot high freestanding sign and replacing it with two new 23-foot high freestanding signs that will be approximately 190-feet apart; and
5. Directed the applicant to work with property owners at 458 and 452 Princeton Dr. to provide a maximum 10-foot high perimeter, and an 8-foot high perimeter for the remaining properties on Princeton Dr.

OLD BUSINESS – NONE

NEW BUSINESS

1. **PROPOSED URBAN MASTER PLAN SCREENING REQUEST (UMP-14-04) FOR A 32-UNIT DETACHED 3-STORY LIVE/WORK DEVELOPMENT WITH ROOFTOP DECKS TO BE LOCATED AT 1672 PLACENTIA AVENUE**

Antonio Gardea, Senior Planner, presented the Staff Report. (05:10:15)

Chad Brown, applicant, spoke on the project addressing parking; and open space concerns. (05:18:51)

Mayor Righeimer spoke on impact fees. (05:24:20)

Mayor Pro Tem Mensinger spoke on trash collection; power poles; and storefronts. (05:25:26)

Discussion ensued on the trash collection process and the Sanitary District. (05:26:55)

Council Member Leece spoke on the type of businesses to be at location; and the General Plan. (05:27:33)

Discussion ensued on parking spaces. (05:34:42)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on cumulative traffic effects; no backyards; and open space. (05:36:21)

Robin Leffler, Costa Mesa, spoke on parking concerns; density; and car trips. (05:39:35)

Chris McEvoy, Costa Mesa, spoke in opposition of the development. (05:42:18)

T. Koken, Costa Mesa, spoke in opposition of the project. (05:45:11)

Richard Huffman, Costa Mesa, spoke in opposition of the project. (05:46:24)

Greg Tunnell, Costa Mesa, spoke on concerns regarding traffic; and congestion. (05:48:22)

Speaker, Costa Mesa, spoke in opposition to the live work projects; and deviations. (05:51:38)

Flo Martin, Costa Mesa, spoke on parking concerns; need for fewer units; and more common parking areas. (05:53:18)

Council Member Leece spoke on density of the project; no open space; and concern with too much traffic. (05:55:37)

Council Member Genis spoke on size of parking spaces; and building design. (05:56:28)

Mayor Righeimer spoke in support of the roof decks. (05:58:03)

ACTION:

City Council provided feedback on the project.

MOTION: To continue the meeting past midnight

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

2. REQUEST FOR AMENDMENTS TO COUNCIL POLICY 400-2 REGULATIONS GOVERNING FIREWORKS – Office of the Chief Executive Officer

ACTION:

Item was continued to the October 21, 2014 City Council meeting

ITEMS REMOVED FROM THE CONSENT CALENDAR (06:00:21)

3. WARRANT RESOLUTION NO. 2523 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-18 "A" FOR \$129.12, 14-19 FOR \$2,029,407.87, 14-19 "A" FOR \$4,281.28, AND 14-20 FOR \$2,116,460.46; AND CITY OPERATING EXPENSES FOR \$3,093,615; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

Public Comments:

T Koken, Costa Mesa, spoke on a payment to an employee. (06:00:34)

MOVED/SECOND: Mayor Righeimer/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:

Approved Warrant Resolution No. 2523, to be read by title only and further reading waived.

4. APPROVE RESOLUTIONS FOR THE APPLICATION OF GRANT FUNDS FROM THE ARTERIAL PAVEMENT MANAGEMENT PROGRAM FOR THE BRISTOL STREET (FROM THE 405 FREEWAY TO RANDOLPH AVENUE) AND THE BEAR STREET (FROM WAKEHAM PLACE TO THE 405 FREEWAY) PROJECTS

Public Comments:

Flo Martin, Costa Mesa, spoke on grant monies; and prevailing wage. (06:01:34)

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. 14-66, to be read by title only and waived further reading, for the submittal of a grant application to the Orange County Transportation Authority (OCTA), Arterial Pavement Management Program (APM) for the Bristol Street from the 405 Freeway to Randolph Avenue Project;
2. Adopted Resolution No. 14-67, to be read by title only and waived further reading, for the submittal of a grant application to the Orange County Transportation Authority (OCTA), Arterial Pavement Management Program (APM) for the Bear Street from Wakeham Place to the 405 Freeway Project; and
3. Authorized the Public Services Director as the City's authorized representative.

CONTINUED PUBLIC COMMENTS (06:03:23)

Chris McEvoy, Costa Mesa, spoke on students voting on Measure P. (06:03:31)

Beth Rafakes, Costa Mesa, spoke about the Military Affairs Team. (06:07:03)

Greg Tunnell, Costa Mesa, spoke on standards and hypocrisy. (06:10:11)

Robin Leffler, Costa Mesa, spoke on civility; budgets; and campaign emails. (06:13:38)

Speaker, Costa Mesa, spoke about the Mayor; addressing Council; and medical marijuana legal billing. (06:17:13)

Brian Harris, Costa Mesa, spoke in opposition of changing Council Policy 400-2 pertaining to fireworks; supports the sale of safe and sane firework as the sales supports organizations. (06:20:50)

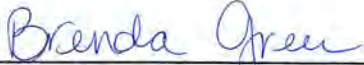
REPORT – CITY ATTORNEY – NONE

ADJOURNMENT – To the Regular Meeting, October 21, 2014, 5:00 p.m.

The Mayor adjourned the meeting at 12:25 a.m.

A bold, black, handwritten signature in a cursive style, appearing to read 'SM Mensinger'.

Stephen M. Mensinger, Mayor

A blue, handwritten signature in a cursive style, appearing to read 'Brenda Green'.

Brenda Green, City Clerk