

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE  
REDEVELOPMENT AGENCY AND SPECIAL JOINT MEETING WITH THE COSTA  
MESA HOUSING AUTHORITY – 5:45 P.M.**

**November 17, 2015**

**CALL TO ORDER (00:00:20)**

The meeting was called to order by the Mayor at 5:48 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**PLEDGE OF ALLEGIANCE (00:00:28) – Council Member Foley**

**ROLL CALL (00:00:52)**

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer (arrived at 6:10 p.m.), and Mayor Mensinger

Absent: None

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

**CITY ATTORNEY CLOSED SESSION REPORT (00:01:06) – NONE**

- COIN: Council Members Ex Parte Communications pursuant to Municipal Code Section 2-238(b)

**ANNOUNCEMENTS (00:01:18)**

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

**PRESENTATIONS (00:03:32)**

1. Mayor's Award: Hydee Beth and Donna Swift - (00:03:33)

Ms. Hydee Beth and Ms. Donna Barnhard-Swift, Costa Mesa residents and school and community volunteers, accepted the Mayor's Award.

**PUBLIC COMMENTS (00:12:17)**

Beth Rafakes, Costa Mesa, spoke on the Military Affairs Team Toy Drive and the project funding for Fire Station No. 1. (00:13:08)

Emily Goodwin, Regional Manager of Ygrene Energy Fund, spoke on the YGrene Energy Fund. (00:15:33)

Cindy Brenneman, Costa Mesa, spoke on speaking during public comments. (00:17:19)

Chuck Perry, Costa Mesa, spoke on the Boys Club; building improvements in the City; and red curbs. (00:19:44)

Speaker, Costa Mesa, spoke on the Veteran's Day Event at the Orange County Fair. (00:22:22)

Farooq Ansari, Costa Mesa, spoke on the Summer Learning Lag. (00:25:12)

Ralph Taboada, Costa Mesa, spoke on the budget and City spending, Pension Cost Sharing; and Police negotiations. (00:29:49)

Wendy Leece, Costa Mesa, spoke on the Fire Department reorganization plan and employee negotiations. (00:33:19)

Speaker, Costa Mesa, spoke on the Veteran's Day Event at the Orange County Fair and requested Mayor Pro Tem Righeimer recuse himself from Old Business Item #2. (00:36:25)

Mayor Pro Tem Righeimer stated the statements made by the previous speaker are incorrect. (00:38:30)

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:39:10)**

Council Member Foley thanked Staff for their assistance at the luncheon pertaining to the Arts; spoke on attendance at the Veterans Day event at the OC Fairgrounds; spoke on Cindy Brenneman speaking at Council Meetings and her volunteer position; requested a status update of the Fire Department reorganization plan; requested speed humps on St. Claire be agendized for a future City Council meeting; and spoke on the December 3<sup>rd</sup> Costa Mesa Home Tour. (00:39:12)

Council Member Genis spoke on attendance at the Veteran's Day Event at the OC Fairgrounds; spoke on the funding for supportive and transitional housing; spoke on the Boys Club; attendance at Reason Foundation luncheon regarding Transportation in California; and acknowledged Elizabeth Perry who knits hats for cancer patients. (00:46:31)

Council Member Monahan had no comments. (00:52:33)

Mayor Pro Tem Righeimer spoke on attendance at St. John the Baptist Veteran's Day Event; the COIN process; and spoke on documents on the City website regarding Police negotiations. (00:52:41)

City Council Member Foley objected to the comments made by Mayor Pro Tem Righeimer regarding Police negotiations. (00:55:46)

City Attorney Tom Duarte stated that comments need to be general in nature and cannot attempt to influence or influence the decision. (00:57:38)

City Council recessed at 6:47 p.m.

City Council reconvened at 6:54 p.m.

Mayor Mensinger requested a follow-up on the Boys Club; spoke on attendance at St. John the Baptist on Veteran's Day; and requested a timeline for the Fire Department reorganization plan. (00:59:40)

Council Member Foley continued to object to Mayor Pro Tem Righeimer providing comments on Police negotiations. (01:01:37)

Council Member Monahan spoke on the COIN process and negotiations available on the City website. (01:03:13)

City Attorney Tom Duarte stated that comments need to be general in nature and cannot attempt to influence or influence the decision. (01:04:17)

Mayor Pro Tem Righeimer read a printed document that is available on the City website regarding Police salary negotiations. (01:03:52)

#### **REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:08:41)**

CEO Hatch spoke on following up on items the Boys Club; the Fire Station reorganization plan; and highlighted City Staff working with local groups to prepare for El Nino.

#### **CONSENT CALENDAR (01:10:52)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for 7.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

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: Victoria Backstrom, Dorothy Bayliss and Michael Patrick Killelea

**ACTION:**

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2546 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-22 "A" FOR \$62,398.63; AND 15-23 FOR \$2,100,482.57; AND CITY OPERATING EXPENSES FOR \$1,703,085.25; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

Approved Warrant Resolution No. 2546, to be read by the title only, and waived further reading.

4. **AWARD THE PURCHASE OF ONE NEW 2016 DUMP TRUCK**

**ACTION:**

City Council approved and authorized the Chief Executive Officer to execute a purchase order for the purchase of one new 2016 114SD Freightliner Conventional Chassis with a compressed natural gas powered engine and a fifteen foot (15') 10/12 cubic yard capacity dump bed, through the National Joint Powers Alliance (NJPA) #102811, in conjunction with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076 in the amount of \$181,344.16.

**5. MINUTES**

**ACTION:**

City Council approved the minutes of the City Council Special Closed Session Meeting of October 29, 2015.

**6. AWARD THE PURCHASE OF ONE NEW 2016 FORD F750, NIXON-EGLI, PB, BC-4 ASPHALT PATCH TRUCK**

**ACTION:**

City Council approved and authorized the Chief Executive Officer to execute a purchase order for the purchase of one 2016 Ford F-750, regular cab XLT truck with a 'Nixon-Egli' asphalt patch truck bed through the National Joint Powers Alliance (NJPA) #113012-in conjunction with Nixon-Egli Equipment Company, 2044 South Vineyard Avenue, Ontario, CA 91761 in the amount of \$173,044.96.

**8. REQUEST FOR A "RESIDENT ONLY" PARKING RESTRICTION ON PARSONS STREET BETWEEN VICTORIA STREET AND THE SOUTH END OF THE CUL-DE-SAC**

**ACTION:**

1. City Council adopted Resolution No. 15-63, to be read by title only and further reading waived, approving the implementation of a "Resident Only" parking restriction on Parsons Street between Victoria Street and the south end of the cul-de-sac; and
2. City Council authorized the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet, as needed.

**9. A RESOLUTION CHANGING THE DAY AND START TIME OF THE HOUSING AUTHORITY MEETINGS TO OCCUR CONCURRENTLY WHEN THE CITY COUNCIL MEETINGS ARE HELD**

**ACTION:**

The Housing Authority adopted Resolution No. 2015-01 entitled: A RESOLUTION OF THE COSTA MESA HOUSING AUTHORITY APPROVING AND ADOPTING THE SECOND AMENDED AND RESTATED BYLAWS OF THE COSTA MESA HOUSING AUTHORITY.

**10. SOLE SOURCE PURCHASE OF TWO (2) PIERCE ARROWXT FIRE ENGINES**

**ACTION:**

City Council authorized the sole source purchase of two (2) Pierce ArrowXT Fire Engines from South Coast Fire Equipment, Inc., 2020 South Baker, Ontario, CA 91761. The total net purchase cost, including state/local taxes and manufacturer-discount shall be \$1,340,961.44.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:11:25)**

**7. REQUEST FOR A "RESIDENT ONLY" PARKING RESTRICTION ON MURRAY LANE, FERNHEATH LANE, DONNYBROOK LANE, WARREN LANE, ROYCE LANE, AND KILLYBROOKE LANE BETWEEN BAKER STREET AND WATSON AVENUE**

Public Comments:

Jim Hastie, Costa Mesa, spoke in support of the resident only parking. (01:12:09)

Louise Rose, Costa Mesa, spoke in support of the resident only parking. (01:15:08)

Isaac Torres, Costa Mesa, spoke in opposition to the resident only parking. (01:18:23)

Robert Serrano, Costa Mesa, spoke in support of the resident only parking. (01:21:12)

David Mackenzie, Costa Mesa, spoke in support of the resident only parking. (01:22:27)

Mayor Mensinger requested Staff to research parking issues and safety concerns on Baker Street. (01:25:30)

Council Member Genis spoke on the pedestrian safety issues and reporting car repairs on public streets to Code Enforcement and/or the Police Department. (01:26:52)

Council Member Foley requested Staff to encourage conversation with property owners requiring garages being made available for parking and the possibility of shared parking with neighboring businesses. (01:28:39)

Director of Public Services Ernesto Munoz provided figures on available parking. (01:29:40)

Mayor Pro Tem Righeimer spoke on the safety issues on Baker Street; garages being used for storage; requested an option for mandatory garage parking and the enforcement for apartments through an Ordinance; and a restriction on number of parking permits issued. (01:31:40)

Mr. Munoz spoke on returning with a report in January. (01:35:42)

Council Member Monahan spoke on coordinating with the Police Department for enforcement once the new parking signs are installed. (01:35:57)

Discussion ensued on the possibility of an Ordinance for parking enforcement; educating neighbors regarding the new parking update; and the renting out of garages as a separate unit from regular units. (01:36:19)

**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  
Motion carried: 5-0

**ACTION:**

1. City Council adopted Resolution No. 15-62, to be read by title only and further reading waived, approving the implementation of a "Resident Only" parking restriction on Murray Lane, Fernheath Lane, Donnybrook Lane, Warren Lane, Royce Lane, and Killybrooke Lane between Baker Street and Watson Avenue; and
2. City Council authorized the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet, as needed.

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE**

**OLD BUSINESS: (01:38:08)**

1. **SECOND READING OF ORDINANCE NO. 15-14 FOR REZONE NO. R-14-04 AND ORDINANCE NO. 15-15 FOR CODE AMENDMENT NO. CO-14-02 – 2277 HARBOR BOULEVARD – MOTOR INN**

Staff report presented by Ryan Loomis, Associate Planner; and Celeste Brady, Special Counsel of Stradling Yocca Carlson & Rauth. (01:39:18)

Public Comments:

Sylvia Hatton, Costa Mesa, spoke on the \$200,000 relocation funds and accountability of the monies. (01:41:12)

Mrs. Drain, Costa Mesa, spoke on the affordable housing and relocation assistance plan. (01:42:21)

Wendy Leece, Costa Mesa, requested considering the poor for future housing projects. (01:45:04)

Tamar Goldmann, Costa Mesa, spoke on allowing longer term stays at other hotels and spoke on parking concerns. (01:47:06)

Mayor Mensinger spoke on a conversation with Mercy House offering to assist with free transitional assistance for the residents at Motor Inn. (01:49:00)

Council Member Foley requested the monies to not be used for administration costs, only for relocation costs; spoke on replacing motels with high density projects; spoke on the bringing forth of additional projects; and allowing for affordable housing. (01:49:56)

Mayor Pro Tem Righeimer spoke on the monies to relocate the families and spoke in support of the project. (01:51:28)

Council Member Genis spoke in opposition of the project. (01:57:52)

Mayor Mensinger requested CEO Hatch speak with Larry Haynes of Mercy House regarding the transitioning services to be provided. (02:10:43)

Council Member Foley requested a third party administrator instead of through Mercy House. (02:11:34)

Council Member Monahan spoke in favor of Mercy House offering their services at no cost for transitioning housing services. (02:13:07)

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

**ACTION:**

1. City Council gave second reading and adopted Ordinance No. 15-14, to be read by title only, and further reading waived, approving Rezone R-14-04 for a rezone of the zoning classification from C1 (Local Business District) to PDR-HD (Planned Development Residential – High Density) for the 4.15-acre development site located at 2277 Harbor Boulevard; and



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

**ACTION:**

2. City Council gave second reading and adopted Ordinance No. 15-15, to be read by title only, and further reading waived, approving Code Amendment CO-14-02 to amend Costa Mesa Municipal Code Title 13 for a site-specific density of 54 dwelling units per acre for the 2277 Harbor Boulevard, as established by General Plan Amendment GP-14-04. The amendment is proposed to Table 13-58 (Planned Development Standards) to allow a site-specific density of 54 dwelling units per acre for this project.

**2. SECOND READING OF ORDINANCE NO. 15-11 AND ORDINANCE NO. 15-13 FOR CODE AMENDMENT NO. CO-15-04 – MFR GROUP HOME (02:16:50)**

Staff report presented by Mel Lee, Senior Planner and Tarquin Preziosi, City Attorney. (02:18:37)

Public Comments:

Fernando Pedroza, representing Solid Landings, spoke on the enforcement and the transferring of patients back to their home place; and working on a collaboration with the City. (02:20:51)

Jay Humphrey, Costa Mesa, expressed concern with the apartments on Royal Palm being used as Group Homes; and spoke against the current Ordinance as proposed. (02:22:50)

Speaker, Costa Mesa, spoke on not knowing the location of all Group Homes and spoke on the number of units legally allowed and their enforcement. (02:27:21)

Wendy Leece, Costa Mesa, spoke in support of recovery, spoke on concerns of the legal contract agreement with patients including relapse; spoke on enforcement; and commercial licenses. (02:30:29)

Grant McNiff, Costa Mesa, spoke in opposition to the proposed Ordinance. (02:33:34)

Speaker, Costa Mesa, requested Mayor Pro Tem Righeimer recuse himself from voting on the item; spoke in opposition of the proposed Ordinance; and supports the City of Orange's Group Home Ordinance. (02:35:26)

Tarquin Preziosi spoke on the R2 Multi-Family Zone and 650 ft. separation between Sober Living Homes and State regulations versus what the City can regulate. (02:39:10)

Discussion ensued on the City of Orange's Group Home Ordinance and the number of parolees allowed to reside together. (02:44:31)

CEO Hatch spoke on the map being circulated; spoke on 297 locations of Group Homes with 144 on the City's current list, 153 are non-existing addresses and 27 other locations to be furthered investigated. (02:49:52)

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

**ACTION:**

City Council gave second reading and adopted Ordinance No. 15-11 to be read by title only, and waived further reading revising Title 13 of the Costa Mesa Municipal Code with regard to group homes, state licensed facilities and boardinghouses in the Multiple-Family Residential (KMJFR) zones and Planned Development zones ("MFR Group Home Ordinance"); and

2. **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  
Motion carried: 5-0

**ACTION:**

City Council gave second reading and adopted Ordinance No. 15-13 to be read by title only, and waived further reading revising Title 9 of the Costa Mesa Municipal Code with regard to operator's permits for group homes in the MFR zones.

City Council recessed at 8:50 p.m.

City Council reconvened at 8:57 p.m.

**NEW BUSINESS: (02:54:58)**

**1. CONSIDERATION OF THE NEW DONALD DUNGAN LIBRARY, NEIGHBORHOOD COMMUNITY CENTER, AND PARK IMPROVEMENTS PROJECT AT LIONS PARK**

Staff report, including a PowerPoint presentation presented by Tamara Letourneau, Assistant CEO. (02:55:10)

Steve Johnson representing Johnson Favaro presented a PowerPoint presentation regarding work and completion of Phase 1. (02:57:55)

Helen Fried, County Librarian of Orange County, provided a brief statement and spoke to staffing of the new library. (03:33:22)

Staff report, including a PowerPoint presentation presented by Steve Dunivent, Interim Finance Director regarding the Fiscal Analysis review. (03:35:53)

Discussion ensued on occupancy size for various rooms; meeting certain accommodations; funding options; and user groups. (03:45:07)

Public Comments:

Wendy Leece, Costa Mesa, spoke in support of the project and supports a parcel tax to fund the project. (03:57:49)

Mary Ellen Goddard, Costa Mesa, spoke in support of the project. (04:00:26)

Tamar Goldmann, Costa Mesa, spoke on fiduciary responsibility and spoke against tearing town the Neighborhood Community Center. (04:01:55)

Beth Rafakes, Costa Mesa, spoke on safety concerns; expressed concern on the dollar amount; and spoke in support of funding for a new Fire Station. (04:05:06)

Discussion ensued on parcel tax, certificates of participation and a general obligation bond. (04:08:04)

Discussion ensued on Option 3, Funding with reduced debt that includes: (04:08:44)

- Start of project could be FY 16-17
- Uses some gas tax and park fees
- Uses all FY 16-17 1.5% cap. Facilities funds
- Uses half the 5% CIP funds
- Debt of \$25,258,131
- Lower annual payment: \$1,535,751.00

CEO Hatch spoke on the upcoming fiscal year budget; and current allocated funds. (04:11:09)

Mayor Pro Tem Righeimer spoke in favor of the project. (04:14:26)

Council Member Genis spoke in favor of a the project; spoke on the group reservations; requested further information on events such as community functions that would exceed capacity in the Costa Mesa room; and spoke on bonding and debt financing. (04:17:01)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council approved the Donald Dungan Library, Neighborhood Community Center, and Park Improvements Project, specifically regarding the following:

1. City Council approved the recommended option to build new library building; renovate existing Donald Dungan library to serve as the new Neighborhood Community Center (NCC); demolition of the NCC; and proposed parking and landscape developments in two (2) phases; and
2. City Council approved in concept for further development funding option 3 as described in the Fiscal Review section of this report and Attachment 1C Part 3 including Fire Station 1 and direct staff to return with an update on the funding options as part of the FY 15-16 mid-year budget report; and
3. City Council authorized the Mayor to execute a second professional services agreement with Johnson Favaro for architectural services for the new Donald Dungan Library, NCC, and Park Improvements Project at Lions Park (City Project No. 800015), in the amount of \$2,991,287, for a five (5) year term, and execute the option for a two-year extension if needed.

**REPORT – CITY ATTORNEY – NONE (04:23:06)**

**ADJOURNMENT (04:23:11)**

The Mayor and City Council adjourned at 10:25 p.m.

Minutes adopted on this 5<sup>th</sup> day of January, 2016.



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Stephen M. Mensinger, Mayor

ATTEST:



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Brenda Green, City Clerk