

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING AND SPECIAL  
JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY**

**NOVEMBER 19, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:30 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, Council Member Genis and Council Member Monahan

Council Members Absent: None

(4:32pm) Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves and left the Council Chambers, due to a conflict on closed session item 4.

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

Eleanor Egan, Costa Mesa, spoke on item 4 of the Closed Session and stated it should be considered in open session.

Tamar Goldmann, Costa Mesa, spoke regarding item 4 and supports the city accepting the CMPOA claim.

Robert Dickson, Costa Mesa, submitted a letter requesting denial of the CMPOA claim. – item 4

Colin McCarthy, Costa Mesa, submitted a letter requesting denial of the claim. – item 4

Kent Mora submitted a letter requesting denial of the CMPOA claim. – item 4

Council Member Monahan spoke on item 4 of the Closed Session and indicated he would like it to be considered in open session.

City Attorney Duarte clarified why item 4 was being discussed in Closed Session.

Council Member Genis spoke to an e-mail received regarding item 4 and clarified she had no financial conflict of interest due to campaign contributions.

**CLOSED SESSION**

The City Council recessed into Closed Session at 4:40 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employees Association (CMCEA), Costa Mesa Division Managers Association, and Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.

2. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: Agnieszka Szczerbinska Baltusis and Victor Baltusis v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2012 00607875, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding exposure to litigation: Claimant – Costa Mesa Police Association, pursuant to California Government Code Section 54956.9 (d)(2)(e)(3).
5. Conference with legal counsel regarding anticipated litigation: Significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(4) for one potential case.

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

**CALL TO ORDER (00:00:05)**

**PLEDGE OF ALLEGIANCE (00:00:26)** – Mayor Righeimer

**MOMENT OF SOLEMN EXPRESSION (00:00:50)**

Jonathon Murillo, Redemption Church

**ROLL CALL (00:01:28)**

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 (00:01:40)**

Item 4 - City Attorney Duarte stated the City Council, on a vote of 3-0-2, with Mayor Righeimer and Mayor Pro Tem Mensinger recused, voted to deny the claim filed by the Costa Mesa Police Association for defense and indemnity.

The City Council, on a vote of 4-1, Council Member Monahan voting no, authorized the City Attorney, in co-operation with Special Council, to initiate litigation against Civic Center Barrio Housing Corporation and other interested parties.

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

## **ANNOUNCEMENTS (00:02:35)**

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

## **PRESENTATIONS (00:04:50)**

2013 Scarecrow Festival Presentation by Charlene Ashendorf, Chairperson, Scarecrow Committee gave a slide presentation on the event and it's history. (00:05:11)

## **PUBLIC COMMENTS (00:11:58)**

Mayor Righeimer clarified the request to speak process. (00:12:01)

Council Member Leece requested 30 minutes for Public Comments. (00:12:38)

Council Member Genis stated the Council may be in violation of the Brown Act, and changes to the Order of Business need to be adopted by the Council. (00:13:12)

Mayor Righeimer requested Order of Business be agendized on the next meeting. (00:14:10)

Anna Vrska, Costa Mesa, spoke regarding the public comment cards, and asked for clarification of disruptiveness.(00:15:30)

Aviva Goelman, Costa Mesa Senior Center, spoke on the problems due to the homeless people. (00:16:50)

Margaret Mooney, Costa Mesa, thanked Council for their attendance at the Fairview Park picnic, spoke on Fairview Park; and field lighting. (00:18:42)

Tom Pollitt, Costa Mesa, spoke against intimidation, bullying, and a tracking device on an elected official's vehicle. (00:19:39)

Scott Morlan, Costa Mesa, spoke on prison realignment and police staffing. (00:21:42)

Robin Leffler, Costa Mesa, spoke against the change to public comments. (00:24:07)

Greg Thunnell, Costa Mesa, spoke on hypocrisy. (00:26:52)

Cindy Brennaman, Costa Mesa, spoke on First Amendment rights and public comments. (00:30:01)

Jay Humphrey, Costa Mesa, spoke on Freedom of Speech and the Fairview Park picnic. (00:33:16)

Perry Valantine, Costa Mesa, spoke on the changes to public comments; and the proposed rehearing Ordinance. (00:34:38)

Beth Refakes, Costa Mesa, spoke on the Veteran's Day event; the Veteran's Hall; and changes to public comments. (00:37:40)

Pamela Wilson, Costa Mesa, spoke in opposition to taxpayers paying the defense for CMPOA. (00:39:57)

Council Member Leece motioned to overrule the chair regarding changing public comments. (00:41:33)

**MOTION/SECOND:** Council Member Leece/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece, and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:42:14)**

Mayor Righeimer spoke on prison realignment; and the public comment period. (00:42:18)

Council Member Genis spoke on the Veteran's facility; Audubon Society Program on the birds of Fairview Park on November 26<sup>th</sup>; public comments; and the 150<sup>th</sup> Anniversary of the Gettysburg Address. (00:48:22)

Council Member Leece spoke on clarifying public comments on the agenda and speaker cards; spoke on homeless issues at the Costa Mesa Senior Center; spoke on the Fairview Park picnic; prison realignment; police staffing; CMPOA lawsuit; and her vote on the Closed Session item regarding the CMPOA claim. (00:51:03)

Mayor Righeimer spoke on public comments; and tracking devices on an elected official's car. (01:00:25)

Council Member Monahan spoke on urban coyote's; KOCI radio fundraiser for Toys 4 Tots; and Newport Harbor football game. (01:03:33)

### **CONSENT CALENDAR (01:06:32)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 2a, 5, 6, 9, 10, 13, and 14

**MOVED/SECOND:** Council Member Monahan/Council Member Genis

The motion carried unanimously:

- 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 approval and adoption of same by reading title only.

### **2. READING FOLDER**

- b. Requests for Alcohol Beverage Control licenses:

- For Jorge Vivar, dba Tacos Gil, at 528 W 19<sup>th</sup> Street, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Circle K Stores Inc., dba Circle K 9421, at 3470 Fairview Road, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 9456, at 3006 Harbor Blvd, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3078, at 1654 Santa Ana Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3037, at 111 Del Mar Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine).

**ACTION:** Received and filed

3. **WARRANT RESOLUTION 2498: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \$567,781,57.**

**ACTION:** Approved Warrant Resolution No. 2498, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2499: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-22 "A" AND 13-23 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-22 "A" for \$0.00, Payroll No. 13-23 for \$2,017,466.42 and City operating expenses for \$635,525.04.**

**ACTION:** Approved Warrant Resolution No. 2499, to be read by title only and further reading waived.

7. **RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P".**

**ACTION:** City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, approving the submittal of transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2014-15 through 2017-18.

8. **ART IN PUBLIC PLACES PROGRAM-** THIS ITEM WAS REMOVED FROM THE AGENDA AND NOT CONSIDERED.
11. **MINUTES:** Regular Meeting of October 1, 2013; and October 15, 2013.  
**ACTION:** Approved
12. **PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**  
**ACTION:** City Council approved contract with Lilley Planning Group in the amount of \$100,000 for planning services from citywide salary savings.

**PUBLIC HEARINGS (Resolution No. 05-55) (01:08:30)**

1. **ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS". (01:08:40)**

Ernesto Muñoz, Public Services Director, spoke on the traffic impact program and Measure M. (01:09:07)

Jay Humphrey, Costa Mesa, spoke on the reduction of the traffic impact fee. (01:13:13)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:**

City Council adopted Resolution No. 13-54, to be read by title only, and waived further reading to:

1. Continue the current traffic impact fee of \$181 per Average Daily Trip (ADT); and
2. Continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and
3. Approved the annual accounting of the Citywide Traffic Impact Fee Program.

**REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:17:47)**

CEO Hatch announced Study Sessions: Homeless Supportive Housing on December 10, 2013; General Plan update on January 14, 2014; Mid Year Budget review on February 25, 2014; introduced Steven Ely, Interim Information Technology Director and Dan Stefano, new Fire Chief; and spoke on homeless issues. (01:17:59)

**OLD BUSINESS (01:21:40)**

- 1. BUILDING AND FIRE CODE ADOPTION: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, AND 5-1.3 OF TITLE 5 AND SECTIONS 7-14, 7-15, AND 7-19 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO WITH THE EFFECTIVE DATE OF JANUARY 1, 2014". (01:21:42)**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** City Council gave second reading and adopted Ordinance 13-06, to be read by title only, and waived further reading, adopting the most recent editions of the Construction and Fire Codes with the applicable amendments effective on January 1, 2014.

**PUBLIC COMMENTS (01:22:46)**

Terry Koken, Costa Mesa, spoke regarding the Mayor and Mayor Pro Tem's lawsuit. (01:23:19)

Sue Lester, Costa Mesa, spoke on speaker cards and changes to the public comments; Study Session training on effective communication; and indicated opposition to a tracking device on vehicles. (01:26:06)

Philip Marx, Costa Mesa, spoke on the Estancia High School stadium speaker system; blind intersections; telephone poles; Arrow Street maintenance; Harbor Blvd. construction and water levels. (01:29:24)

Council Member Monahan requested moving consent calendar items 2A and 14 to the end of the agenda. (01:33:30)

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:33:39)**

- 5. FINAL MAP FOR TRACT NO. 17435 LOCATED AT 2070 MAPLE AVENUE, COSTA MESA, CALIFORNIA (01:33:40)**

Robin Leffler, Costa Mesa, spoke on green setbacks; and a general plan screening for a small lot development. (01:33:55)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion was carried unanimously.

**ACTION:** City Council approved the Final Map for Tract No. 17435 and authorized signing of the Map by the City Clerk and the City Engineer.

6. **BICYCLE CORRIDOR IMPROVEMENT PROGRAM APPLICATION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDS UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21<sup>ST</sup> CENTURY FEDERAL TRANSPORTATION ACT FOR THE WEST 19<sup>TH</sup> STREET BICYCLE TRAIL PROJECT". (01:35:37)**

Karl Ahlf, Costa Mesa, spoke in support of additional bike trails. (01:35:52)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** City Council adopted Resolution No. 13-48, to be read by title only, and waived further reading, approving the submittal of the West 19<sup>th</sup> Street Bicycle Trail Project for potential grant funding under the Orange County Transportation Authority's (OCTA) Bicycle Corridor Improvement (BCI) Program for Fiscal Year 2014-15.

9. **ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2013-2014 STATEMENT OF INVESTMENT POLICY". (01:37:38)**

Robin Leffler, Costa Mesa, spoke regarding investments. (01:38:03)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.

**ACTION:** City Council adopted Resolution No. 13-50, to be read by title only, and waived further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the City Treasurer.

10. **ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS SUCCESSOR AGENCY TREASURER TO INVEST AND REINVEST IDLE MONEYS OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY IN ACCORDANCE WITH THE ADOPTED 2013-2014 STATEMENT OF INVESTMENT POLICY".**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion carried unanimously.



**ACTION:** Successor Agency to the Costa Mesa Redevelopment Agency adopted Resolution No. 13-51, to be read by title only, and waived further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the Successor Agency Treasurer.

**13. MOBILE DATA COMPUTER (MDC) REPLACEMENT (01:40:36)**

Beth Refakes, Costa Mesa, requested clarification on the cost of keyboards. (01:40:58)

Rick Francis, Assistant Chief Executive Officer, clarified the costs for keyboards were included in the price. (01:43:27)

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger  
The motion was carried unanimously.

**ACTION:**

1. City Council approved and authorized the CEO to sign the Purchasing Agreement in the amount of \$503,742.00 for the replacement of the current Police and Fire Departments' Mobile Data Computers (MDC) with Datalux Corporation, 155 Aviation Drive, Winchester, VA 22602; and
2. Approved Budget Adjustment No. 14-012 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$388,300.80) and Proposition 172 Fund (\$115,441.20) in the total amount of \$503,742.00.

Mayor Righeimer and Mayor Pro-Tem Mensinger stated a conflict on items 2a and 14, recused themselves and left the Chambers. (01:44:44)

**14. SALARY RESOLUTIONS FOR CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA): "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) PURSUANT TO THE 2007-2014 MOU" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) PURSUANT TO THE 2007-2014 MOU". (01:47:44)**

**MOTION/SECOND:** Council Member Monahan/Council Member Leece  
The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Council Member Genis, and Council Member Leece

Noes: None

Recused: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried 3-0-2

**ACTION:**

1. City Council adopted Resolution No. 13-52, to be read by title only, and waived further reading, which implements salary range adjustments for job classifications represented by the CMPA; and
2. Adopted Resolution No. 13-53, to be read by title only, and waive further reading, which implements salary range adjustments for job classifications represented by the CMPMA; and
3. Approved Budget Adjustment No. 14-016, in the amount of \$911,450.00.

**2a. READING FOLDER (01:48:27)**

- a. Claims received by the City Clerk: Costa Mesa Police Association; Stacey Lynn Roberts De Michele; Loren Michael Pfautz; Devon Holbert; and Iosana Sipa.

Council Member Monahan spoke on the POA claim; and indicated that he would have preferred it be considered in open session. (01:48:30)

Sue Lester, Costa Mesa, requested information on City funds being used to defend an organization. (01:49:42)

Council Member Genis stated the CMPOA is an association and it would be a gift of public funds to defend their claim. (01:50:15)

Council Member Leece spoke to the issue. (01:51:45)

**MOTION/SECOND:** Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, and Council Member Monahan

Noes: None

Recused: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried 3-0-2

**ACTION:** Received and filed

**NEW BUSINESS** - None

**REPORT – CITY ATTORNEY** – None

**ADJOURNMENT – To Regular Meeting, December 3, 2013, 5:00 p.m.**

Council Member Genis adjourned the meeting at 8:10 p.m.

\_\_\_\_\_  
MAYOR

*Brenda Green*  
\_\_\_\_\_  
CITY CLERK