

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

DECEMBER 3, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 4:40 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Genis (arrived at 4:41 p.m.)

Council Members Absent: Council Member Monahan

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

SPECIAL 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 Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.

The City Council ended Closed Session at 5:05 p.m.

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

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:29) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:00:50)

Pastor Mike Gibson, Christ Lutheran Church

ROLL CALL (00:02:55)

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.

CITY ATTORNEY CLOSED SESSION REPORT - NONE

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

ANNOUNCEMENTS (00:03:09)

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

PRESENTATIONS (00:05:20)

Jennifer Knapp, President, Estancia and Tewinkle Schools Foundation provided an update on educational advancement for Costa Mesa students. (00:05:23)

Sergeant Vic Bakkila presented Chief Gazsi with an award for his support of the Guards and Reserves in the Police Department. (00:09:35)

The City Council recognized Costa Mesa High School Football Team for winning the "Battle of the Bell." (00:15:15)

PUBLIC COMMENTS (00:31:35)

Discussion ensued among City Council Members on the change of Order of Business and the number of public comment speakers. (00:31:44)

MOTION: To continue to operate under existing adopted Resolution No. 12-21 regarding Order of Business until a new Resolution is adopted. (00:35:12)

MOTION/SECOND: Council Member Genis/Council Member Leece

Motion failed by the following roll call vote:

Ayes: Council Member Genis and Council Member Leece

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

The motion failed 2-3

Cynthia McDonald, Costa Mesa, spoke on civility and public discourse. (00:38:59)

Howard Hull, Costa Mesa, spoke on the City budget and City improvements. (00:42:13)

James Bridges, Costa Mesa, spoke on Closed Session meetings; and public comments period. (00:44:03)

Robin Leffler, Costa Mesa, spoke on the change of Order of Business. (00:46:14)

Eleanor Egan, Costa Mesa, spoke on public comments. (00:49:37)

Sue Lester, Costa Mesa, welcomed new Fire Chief Dan Stefano; thanked Chief Gazsi; spoke on adopting military officers for the holidays; and employee's retiring. (00:51:02)

Greg Thunell, Costa Mesa, spoke on warrants; contract attorneys; and playbooks. (00:54:11)

Terry Koken, Costa Mesa, spoke on the cannon at the police substation; and sang a song. (00:57:37)

Tamar Goldmann, Costa Mesa, spoke on decorum at Council meetings. (00:59:55)

Dan Goldmann, Costa Mesa, spoke on the Fairview Park path removal. (01:02:56)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (01:04:30)

Mayor Pro Tem Mensinger welcomed new Fire Chief Stefano; thanked Chief Arnold; and invited the public to contact him to discuss any issues. (01:04:34)

Council Member Genis welcomed new Fire Chief Stefano; spoke on attending the Southern California Economic Summit and a long-term economic strategy; announced a bird hike at Fairview Park on December 7; spoke on long term uses of Fairview Park; and wished Helen Nenadal well on her retirement. (01:05:43)

Council Member Leece spoke regarding public comments; change in the Order of Business; City spending; Fairview Park; inquired on the placement of items on the consent calendar; spoke on hate crimes in Costa Mesa; requested updates on AB109 realignment of parolees and 60th Anniversary reports; spoke on sponsorships; wished retirees well; spoke on a letter from Gilbert Collins regarding Fairview Park; and wished everyone a Merry Christmas. (01:08:56)

Council Member Monahan spoke on sports field lighting data; the Consent Calendar; the 60th Anniversary investigation; paths at Fairview Park; City sponsorships; welcomed new Fire Chief Stefano; and congratulated various sports teams. (01:16:03)

Mayor Righeimer spoke on the new "Preserve Our Neighborhoods" Task Force; group homes; toll roads and the I-405 issue; and wished Helen Nenadal well on her retirement. (01:20:13)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:27:00)

CEO Hatch spoke on the I-405 toll road issues; coyote issue; presented a video on the Police Department's 60th Anniversary event; welcomed new Fire Chief Dan Stefano; announced upcoming Study Sessions on Supportive Housing, the General Plan update and Land Use Alternatives; welcomed Jerry Guarracino who will be assisting the Planning Department; congratulated employees on their retirement; spoke on the removal of the decomposed granite path at Fairview Park; addressed the question on the placement of items on the Consent Calendar; and AB109 realignment of parolees. (01:27:03)

CONSENT CALENDAR (01:34:35)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, and 14.

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.

Noes: None

Absent: None

The 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 approval and adoption of same by reading title only.

2. READING FOLDER

a. Claims received by the City Clerk: Paul Bass; and Roy Rodgers.

b. Requests for Alcohol Beverage Control licenses:

- For MP Enterprises Inc., dba Mama Hong's, at 3013 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Serenity Beach Investments Inc., dba Globe European Delicatessen, at 1928 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).

ACTION: Received and filed

7. **BRENTWOOD PARK IMPROVEMENTS, CITY PROJECT NO. 13-14**

ACTION: City Council rejected all bids and approved to re-advertise the project.

PUBLIC HEARINGS (01:35:50)

1. **AMENDMENT TO 2005 RESIDENTIAL DESIGN GUIDELINES: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, APPROVING AN AMENDMENT TO THE CITY'S 2005 RESIDENTIAL DESIGN GUIDELINES". (01:36:05)**

Mino Ashabi, Senior Planner, presented the report on the amendment to the City's 2005 residential design guidelines. (01:36:28)

Council Member Monahan thanked staff for their excellent work; and spoke on structure walls. (01:42:03)

Discussion ensued regarding ratios; setbacks; project deviations; site coverage; massing; and the zoning code. (01:42:36)

Discussion ensued regarding the seven day appeal notification sent to property owners on Planning Commission decisions, and Council Member Genis suggested changing the 7-day appeal notification to 10 days. (01:48:43)

Jay Humphrey, Costa Mesa, expressed concerns on the setbacks. (01:53:37)

Tamar Goldmann, Costa Mesa, spoke on density; group homes; and the 7-day appeal notification. (01:55:19)

Robin Leffler, Costa Mesa, spoke on residential guidelines; setbacks; and expressed opposition to guideline changes. (01:57:08)

Cindy Brenneman, Costa Mesa, expressed opposition to the guideline changes. (02:00:20)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer (02:01:52)

Council Member Genis clarified ratios and setbacks. (02:08:17)

The motion carried by the following roll call vote:

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

Noes: Council Member Leece

Motion carried: 4-1

ACTION: City Council adopted Resolution No. 13-57, to be read by title only, and waived further reading, amending the Residential Design Guidelines, with a change to Section 5, adding "or over 2,700 square feet in area with up to 50 percent lot coverage" for second story construction.

2. **CODE AMENDMENT CO-12-07: CONSIDERATION OF A MORATORIUM EXTENSION REGARDING HOOKAH PARLORS: "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, FOR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW HOOKAH PARLORS FOR A PERIOD NOT TO EXCEED 10 MONTHS AND 15 DAYS PENDING A STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH AND SAFETY RELATING TO HOOKAH PARLORS". (02:11:33)**

Gary Armstrong, Economic and Development Services Director, presented the report regarding a moratorium extension on Hookah lounges. (02:12:07)

Mayor Righeimer spoke on the reason for this amendment. (02:12:44)

Cindy Brenneman, Costa Mesa, spoke in favor of the Ordinance. (02:15:32)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council adopted Urgency Ordinance No. 13-09, to be read by title only, and waived further reading, an extension of the hookah parlor moratorium considered under Code Amendment CO-12-07 for a period not to exceed 10 months, 15 days.

OLD BUSINESS (02:16:08)

- 1. SECOND READING OF ORDINANCE 13-05 FOR CODE AMENDMENT C0-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT": "AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF SINGLE HOUSEKEEPING UNIT." (02:16:13)**

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council gave second reading and adopted Ordinance No. 13-05, to be read by title only and waived further reading, amending the following section of Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of "single housekeeping unit."

- 2. AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURE". (02:17:21)**

Jay Humphrey, Costa Mesa, spoke on limiting public comments. (02:18:22)

Anna Vrska, Costa Mesa, expressed opposition to changing the ordinance. (02:19:56)

Robin Leffler, Costa Mesa, expressed opposition changing the ordinance. (02:20:10)

Tamar Goldmann, Costa Mesa, expressed opposition to the ordinance and is in support of the rehearing process. (02:21:50)

Cindy Brenneman, Costa Mesa, expressed opposition to the ordinance. (02:23:57)

Chris McEvoy, Costa Mesa, expressed opposition to the ordinance (02:25:01)

Eleanor Egan, Costa Mesa, suggested the Council have a rehearing process that requires a super majority or unanimous vote. (02:25:40)

Mayor Righeimer spoke to the issue and explained the rehearing process. (02:26:12)

Council Member Genis spoke on instances where a rehearing is needed. (02:29:20)

City Attorney Duarte clarified Municipal Code Section 2-72 regarding Reconsideration. (02:32:24)

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

Council Member Leece cited Municipal Code Section 2-58, "Any Council Member shall have the right to have the reasons for their dissent from any action of the Council entered into the minutes. Such dissent to be entered in the minutes shall be made and substantiated in the following manner," and stated she would like the minutes to reflect her opposition to the action for the following reasons: Addressing the issue of reconsideration, she stated that taking it outside of the Council Chambers and making it a conversation with another Council Member who voted for something is taking the business of the public away from the public. She indicated that there was evidence and many people came and talked about Fairview Park and why the items should be reheard. She stated it was a public matter, and that is probably why it was written into the Municipal Code, and that the rehearing process is a public process. She stated that we are cutting the people out, and are eliminating a step that is transparent, public, and fair. She added Ms. Genis did a lot of research, and that a lot of people came to that hearing and believed there was new relevant evidence which was not produced at the first hearing and that evidence was denied as being new. In her opinion, the evidence was new and it justified a rehearing. She hoped that this action does not hurt Costa Mesa in the future, and that by skipping this process, we will be in trouble with an agency just like we are in trouble with the Fish and Wildlife Department. Although maybe slow and inefficient, she stated these steps are put in government for the people, facts, and information. For these reasons, she expressed opposition to the change. (02:33:00)

Mayor Righeimer spoke on new information being produced and available for a rehearing. (02:35:54)

Council Member Genis spoke on defining "available" and on new information being provided; and expressed opposition to the motion. (02:37:05)

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION: City Council gave second reading and adopted Ordinance No. 13-08, to be read by title only and waived further reading, which amends Chapter IX of Title 2 of the Costa Mesa Municipal Code relating to Appeal, Rehearing, and Review Procedures.

City Council recessed for a break at 8:42 p.m.

City Council reconvened the meeting at 8:55 p.m.

NEW BUSINESS (02:52:32)

1. **URBAN MASTER PLAN SCREENING REQUEST (UMP-13-07) FOR A 37-UNIT DETACHED TOWNHOUSE CONDOMINIUM DEVELOPMENT LOCATED AT 573-591 VICTORIA STREET (02:52:35)**

Report by Antonio Gardea, Planning Services Department. (02:52:57)

Discussion ensued between City Council and Mr. Gardea on setbacks, property presentation, tandem parking, maximum density, open space, and parking spaces. (02:58:16)

Don Lamm, Applicant Representative, spoke on urban planning, deviations versus variances, and history of projects. (03:03:59)

Discussion continued regarding permeable pavers, setbacks, greenbelts, patios, a pool area, homeowners' association dues, tandem parking, and a street signal. (03:11:44)

Terry Koken, Costa Mesa, spoke on tandem parking. (03:22:48)

Jay Humphrey, Costa Mesa, expressed concern with tandem parking; and spoke on balconies being allowed over hardscape and softscape. (03:23:00)

Tamar Goldmann, Costa Mesa, spoke on the General Plan meeting and expressed opposition to boxy buildings. (03:24:28)

Discussion ensued regarding tandem parking; boxy architecture; setbacks; and the sidewalk issue. (03:26:21)

ACTION: City Council provided feedback on the proposed 37-unit detached townhouse condominium development within the Mesa West Residential Ownership Urban Plan Area.

2. UPGRADES TO AUDIO/VISUAL EQUIPMENT AND BROADCAST SYSTEM AND RELATED CONSTRUCTION FOR COUNCIL CHAMBERS (03:29:43)

Report by Bill Lobdell, Director of Communications, and Dane Bora, Video Production Coordinator. (03:30:05)

Discussion ensued regarding the podium location; general public seating; staff stations; wheelchair ADA compliance; TV screens; an electronic voting system; field equipment; archival issues; and indexing agendas. (03:36:19)

Terry Koken, Costa Mesa, spoke in support of the project. (03:57:22)

Sue Lester, Costa Mesa, spoke on replacement of the speaker outdoors and in support of the project. (03:58:07)

Beth Refakes, Costa Mesa, spoke in support of the project; and expressed concern with layout changes, overhead control, and losing two rows of seats. (03:59:01)

Jay Humphrey, Costa Mesa, spoke on Conference Room 1A; the print shop; the channel for the hearing impaired; and expressed support for the project. (04:02:11)

Cindy Brenneman, Costa Mesa, spoke about a voice-to-text system; audience seating; and expressed support in the project. (04:03:27)

Discussion ensued regarding computer use and presentations; lighting; and speaker podiums and location. (04:05:00)

Mayor Pro Tem Mensinger requested that the speaker podium be placed in the front, and include all upgrades to Conference Room 1A; and suggested the creation of a reserve account for future upgrades. (04:07:34)

Council Member Genis expressed concern regarding the loss of public seating and spoke on upgrading 1A to accommodate overflow seating. (04:08:16)

MOTION/SECOND: Mayor Pro Tem Mensinger/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council approved designating \$1.6 million of the \$7.1 million FY 2012-13 surplus to upgrade the City's audio/visual equipment and broadcast system used to facilitate and broadcast public meetings in the Council Chambers and broadcast city news and information on CMTV, the City's television channel. The funding will also be used for related construction in the Council Chambers; and
 2. Directed the City staff to issue a Request for Proposals (RFP) for the purchase and installation of the new audio/visual equipment and broadcast system; and
 3. Directed staff to obtain bids for related construction work needed in the Council Chambers.
3. **FIRST READING OF THE EXCESSIVE USE OF RESOURCES ORDINANCE: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VI (COST RECOVERY FOR EXCESSIVE USE OF RESOURCES DUE TO NUISANCE ACTIVITIES AT LODGING ESTABLISHMENTS) OF TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING COST RECOVERY FOR EXCESSIVE USE OF POLICE SERVICES." (04:09:39)**

Mayor Righeimer spoke on the need for the Ordinance. (04:10:32)

Rick Francis, Assistant CEO, presented the report on the Ordinance. (04:11:50)

Elena Gherli, Legal Counsel, provided clarification on the definitions in the Ordinance. (04:19:46)

Discussion ensued regarding calls for service; parole checks; targeted or saturation patrols; and inverse condemnation. (04:22:29)

Mayor Righeimer commented on language regarding specific location for focused or prolonged enforcement activity. (04:31:22)

Council Member Monahan concurred with removing the following: "Specific location for focused or prolonged enforcement activity shall not be counted." (04:32:57)

Discussion ensued regarding the appeal process. (04:33:06)

Chief Gazsi spoke regarding focused or prolonged enforcement activity and criteria that would trigger a billing. (04:34:02)

Council Member Genis spoke about calls for disturbing the peace for small establishments. (04:36:49)

Council Member Monahan suggested a minimum of two calls per quarter. (04:38:19)

Assistant CEO Francis clarified that the trigger on the nuisance activities would be a citation or arrest. (04:39:43)

Discussion ensued regarding billing notices to owners and notifications to each establishment before the second reading. (04:41:04)

Tamar Goldmann, Costa Mesa, expressed concern on employee time and expense to administer the program; spoke on establishments fearful of calling; room refusal by owners; and inquired on Ordinances adopted by other cities. (04:44:36)

Anna Vrska, Costa Mesa, expressed concern regarding discriminatory practices, and requested statistics. (04:46:42)

Mike Lin, spoke on resources and cost recovery; and the definition of nuisance activity. (04:47:54)

Beth Refakes, Costa Mesa, supports applying to all lodging establishments; spoke on calls from the rooms; and administrative costs. (04:51:39)

Laurie Dickendasher, Regency Inn Representative, spoke on unintended consequences due to adoption of Ordinance. (04:54:17)

Jay Photoglou, Costa Mesa, spoke on the language that would trigger a report and safeguards. (04:56:46)

Jack Chen, New Harbor Inn Representative, spoke on the City's surplus money to hire more police officers; that hotel security guards do not have police powers and expressed opposition to the Ordinance; and nuisance calls. (04:58:42)

Wilson Wang, President of the Taiwan Hotel/Motel Association of Southern California, spoke about illegal activities at hotels; City revenue from the Transient Occupancy Tax; and expressed opposition to the Ordinance. (05:01:52)

Scott Morlan, Costa Mesa, stated all his questions had been answered. (05:04:57)

Cindy Brenneman, Costa Mesa, indicated that she hopes the Ordinance is not used to discriminate. (05:05:17)

Mayor Pro Tem Mensinger spoke regarding screening hotel guests; reducing police calls; long-term stays at motels; resources for problem motels; and recommended a threshold. (05:05:34)

Discussion ensued regarding data administration; other cities enacting motel restrictions; police calls; and the need for more police officers. (05:12:00)

Council Member Genis stated that "calls for service" needs to be clearly defined; and how different motels are managed. (05:16:06)

Council Member Monahan suggested using the "0.4 calls for service" threshold; spoke on the history of the hotel/motel task force and operators properly managing their businesses; and made a motion to approve the Ordinance for first reading, with a 0.4-call threshold on a quarterly basis, and to eliminate the proposed service language section. (05:19:33)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

Mayor Righeimer expressed support for using a 0.4 threshold and removing the service language. (05:22:08)

Mr. Francis spoke on delineation of calls. (05:25:54)

Mayor Pro Tem Mensinger supported the 0.4 calls threshold. (05:27:08)

Council Member Genis supported the motion, but requested that the definition of "service calls" be clearly defined. (05:29:36)

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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council introduced for first reading and adopted Ordinance 13-xx, to be read by title only, and waived further reading, regarding the excessive use of resources, and with a 0.4-call threshold on a quarterly basis.

ITEMS REMOVED FROM THE CONSENT CALENDAR (05:30:47)

3. **WARRANT RESOLUTION 2500: 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 \$659,620.74. (05:31:01)**

Anna Vrska, Costa Mesa, spoke on line item descriptions for warrants. (05:31:16)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2500, to be read by title only and waived further reading.

4. **WARRANT RESOLUTION 2501: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-23 "A" AND 13-24 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-23 "A" for \$-574.99, Payroll No. 13-24 for \$1,992,347.15 and City operating expenses for \$333,999.81. (05:34:13)**

Anna Vrska, Costa Mesa, inquired about fees and services paid. (05:34:26)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: Approved Warrant Resolution No. 2501, to be read by title only and waived further reading.

5. **DOWNTOWN COSTA MESA GATEWAY LANDSCAPE IMPROVEMENTS, FEDERAL PROJECT NO. STPE-P055 (055), CITY PROJECT NO. 13-06 (05:36:43)**

Beth Refakes, Costa Mesa, spoke in support of the project. (05:37:00)

Jay Humphrey, Costa Mesa, spoke in support of the project; and commented on grant funding. (05:37:45)

Cindy Brenneman, Costa Mesa, spoke in support of the project; and commented on granting projects to local Costa Mesa organizations. (05:38:20)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Downtown Costa Mesa Gateway Landscape Improvements on SR-55 Freeway, City Project No. 13-06; and
2. Awarded a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$554,460.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

6. **EAST 17TH STREET LANDSCAPE ENHANCEMENT, FEDERAL PROJECT NO. RPSTPLNE-5312(091), CITY PROJECT NO. 13-12 (05:39:04)**

Jay Humphrey, Costa Mesa, requested clarification on grant money used for this project. (05:39:08)

Ernesto Munoz, Public Services Director, stated that grant monies are being utilized; and indicated that traffic fees are being utilized for traffic improvements at Tustin and 17th Street. (05:39:37)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the East 17th Street Landscape Enhancement, City Project No. 13-12; and
2. Awarded a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$776,995.00; and
3. Approved Budget Adjustment No. 14-018, in the amount of \$30,000.00 towards the project; and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

8. HARBOR BOULEVARD BEAUTIFICATION PROJECT, FEDERAL PROJECT NO. RPSTPLE-5312 (083), CITY PROJECT NO. 13-05 (05:42:05)

Jay Humphrey, Costa Mesa, spoke on federal funding for the projects. (05:42:15)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council adopted plans, specifications, and working details for the Harbor Boulevard Beautification Project, City Project No. 13-05; and
2. Awarded a construction contract to Jeff Tracy, Inc. DBA Land Form Construction, in the amount of \$572,809.95 (base bid plus additive bid item No. AD-1); and

3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

9. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE STAFF SUPPORT FOR VARIOUS PARKS PROJECTS (05:44:12)

Anna Vrska, Costa Mesa, requested clarification on park projects. (05:44:37)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council awarded a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$200,000 to provide Project Management and/or Construction Management staff support as needed for various Capital Improvement Program (CIP) projects; and
2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Approved Budget Adjustment No. 14-010 in the amount of \$200,000 to fund the above mentioned contract.

10. MEASURE M2 EXPENDITURE REPORT: "A RESOLUTION OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2012-2013." (05:49:13)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council adopted Resolution No. 13-55, to be read by title only, and waived further reading, approving the Renewed Measure M2 Expenditure Report.

11. PUBLIC SAFETY APPLICATION SUPPORT CONTRACT (05:49:34)

Cindy Brenneman, Costa Mesa, expressed support of Consent Calendar Items 11, 12 and 13. (05:50:03)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: City Council authorized the City CEO or his designee to sign the Maintenance and Support Agreement and Purchase Requisition for support services in the amount of \$58,301 for the City's CAD-RMS system with Motorola Inc., 1303 East Algonquin Road, Schaumburg, IL 60196.

12. RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS (05:49:34)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council approved staff's recommendation to allocate 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. Approved Budget Adjustment No. 14-015 to increase revenue and appropriations in the JAG fund, and allocate funds as follows:
 - Technology Improvement – South Coast Plaza Streaming Live Video to Responding Police Vehicles: \$17,896

13. APPROVE THE PURCHASE AND OUTFITTING OF TEN REPLACEMENT 2014 FORD POLICE INTERCEPTOR UTILITY VEHICLES (05:49:34)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION:

1. City Council approved and authorized the CEO to sign the purchase agreement in the amount of \$318,406.70 for ten replacement Ford Police Interceptor Utility vehicles from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, under the National Joint Powers Alliance (NJPA) master vehicle contract #102811, and under existing City of Costa Mesa Purchase Order 0000008608; and
2. Approved and authorized the CEO to sign the purchase agreement in the amount of \$125,162.77 for outfitting ten new Ford Police Interceptor Utility vehicles from Hi Standard Automotive, LLC, 1110 West Barkley Avenue, Orange, CA, 92868, under existing City of Costa Mesa Purchase Order 0000008786; and
3. Approved Budget Adjustment No. 14-019 to appropriate undesignated fund balance in the General Fund in the amount of \$443,569.47 for the total purchase of ten vehicles with the required outfitted emergency safety equipment.

14. MODIFICATON TO PUBLIC COMMENTS AND CONSENT CALENDAR ON THE CITY COUNCIL AGENDA: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS" (05:51:43)

Terry Koken, Costa Mesa, expressed opposition to changing the Order of Business; and spoke on Freedom of Speech. (05:51:58)

Jay Humphrey, Costa Mesa, expressed opposition to changing the Order of Business; and spoke on Freedom of Speech. (05:54:35)

MOTION: Continue the meeting past midnight. (05:57:33)

MOTION/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.

Noes: None

Absent: None

The motion carried: 5-0

Eleanor Egan, Costa Mesa, spoke on Freedom of Speech; and expressed opposition to changing the Order of Business. (05:57:44)

Jay Photoglou, Costa Mesa, spoke on restrictions; and expressed opposition to changing Order of Business. (06:01:49)

Perry Valentine, Costa Mesa, spoke on the average time for public comments, and the motive for the change. (06:05:26)

Charles Mooney, Costa Mesa, spoke on the First Amendment Coalition; Freedom of Speech; and expressed opposition to changing the process. (06:08:29)

Tamar Goldmann, Costa Mesa, expressed opposition to changing the Order of Business; spoke on Freedom of Speech. (06:11:19)

Beth Refakes, Costa Mesa, expressed opposition to changing the Order of Business; spoke on Freedom of Speech; and expressed concern on random drawing. (06:13:35)

Greg Thunell, Costa Mesa, shared an article from the Daily Pilot. (06:16:46)

Robin Leffler, Costa Mesa, spoke on the Consent Calendar; Freedom of Speech; and opposed to changing the Order of Business. (06:19:58)

Anna Vrska, Costa Mesa, spoke on Freedom of Speech; and opposed to changing the Order of Business. (06:23:25)

Cindy Brenneman, Costa Mesa, spoke against changing the Order of Business. (06:24:14)

Chris McEvoy, Costa Mesa, opposed to changing the Order of Business; and Freedom of Speech. (06:25:00)

Sue Lester, Costa Mesa, spoke against changing the Order of Business; and Freedom of Speech. (06:26:46)

Mayor Righeimer stated that the cards are shuffled face down; spoke on adding a second Council Comments section; and spoke on Freedom of Speech. (06:29:54)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan
To adopt Resolution No. 13-56 - Changing the Order of Business.

SUBSTITUTE MOTION: To receive and file (06:34:29)

MOTION/SECOND: Council Member Leece/Council Member Genis

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 Genis spoke about the amount of time spent on items on the agenda. (06:34:43)

Council Member Monahan spoke on Public Comments in Costa Mesa and in other cities. (06:45:55)

Council Member Leece spoke on the Presentations section; spoke on Freedom of Speech; and indicated opposition to changing the Order of Business. (06:47:45)

Council Member Genis spoke on the Government Code regarding the Order of Business. (06:52:49)

Mayor Pro Tem Mensinger spoke on Freedom of Speech; meeting with citizens; allowing more speakers to speak with a reduced time limit; and the need for a schedule. (06:54:10)

ORIGINAL MOTION: Mayor Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION: City Council adopted Resolution No. 13-56, to be read by title only, and waived further reading, adding an "Additional Public Comments" section to the agenda, changing the order when "Items removed from the Consent calendar" will be addressed, and adding "Additional Council Comments" after "Additional Public Comments".

ADDITIONAL PUBLIC COMMENTS (06:57:41)

Chris McEvoy, Costa Mesa, spoke on decision making; and Freedom of Speech. (06:57:59)

Jay Photoglou, Costa Mesa, suggested presentations be done last. (07:00:31)

Charles Mooney, Costa Mesa, spoke on the removal of the decomposed granite path at Fairview Park. (07:03:42)

Jay Humphrey, Costa Mesa, spoke about grants; and placement of items on the Consent Calendar. (07:04:57)

Anna Vrska, Costa Mesa, spoke on Freedom of Speech; the General Plan meetings; and the removal of the decomposed granite path. (07:07:15)

Cindy Brenneman, Costa Mesa, welcomed Fire Chief Stefano; spoke on Freedom of Speech; and civility. (07:10:01)

Beth Refakes, Costa Mesa, spoke on civility; Public Hearings; and shortage of fields. (07:12:53)

REPORT – CITY ATTORNEY – None

ADJOURNMENT – To Regular Meeting, January 7, 2014, 5:00 p.m.

The Mayor adjourned the meeting at 1:20 a.m.



James M. Righheimer, Mayor



Brenda Green, City Clerk