

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

January 6, 2015

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

CLOSED SESSION

The City Council recessed into Closed Session at 5:01 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: Costa Mesa 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).

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

CALL TO ORDER (00:00:36)

PLEDGE OF ALLEGIANCE (00:00:49) – Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:01:18)

Pastor David Manne, Calvary Chapel

ROLL CALL

Present: Mayor Mensinger, Mayor Pro Tem Righeimer, Council Member Foley, 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 (00:03:00)

- 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 (00:05:25)

Mayor Mensinger presented the Mayor's Award to Harlan Andersen. (00:05:36)

Mayor Mensinger presented the Mayor's Award to Clayton Peterson of Boathouse Collective. (00:12:12)

PUBLIC COMMENTS (00:18:20)

Tom Pollitt, Costa Mesa, spoke on the lawsuit with the Police Department; and recommended an investigation to be conducted. (00:39:28)

John W. Goddard, Costa Mesa, invited residents to visit the newly refinished Senior Center. (00:22:21)

Resident #3, Costa Mesa, requested the City provide quarterly reports in regards to Economic Development Plan for the City; and discussed pension liabilities. (00:23:55)

Barrie Fisher, Costa Mesa, spoke on the Costa Mesa connect application; and a neighborhood tenant parking issue. (00:26:28)

Gay Royer, Costa Mesa, spoke on the increased traffic congestion at night; and asked everyone to support Police Officers by placing a blue light outside their house. (00:28:57)

Ken Nyquist, Joshua Tree, congratulated Mayor Mensinger, Mayor Pro Tem Righeimer and Council Member Foley on win. (00:30:17)

Chuck Perry, Costa Mesa, congratulated Mayor Mensinger, Mayor Pro Tem Righeimer and Council Member Foley on win; discussed traffic within the City; and discussed damaged roads that need to be resurfaced. (00:31:19)

Greg Tunnell, Costa Mesa, read an excerpt from the Bible. (00:32:54)

Robin Leffler, Costa Mesa, announced January 9, 2015 is National Law Enforcement Appreciation Day asked that everyone wear or display Blue in their honor. (00:36:03)

Cindy Black, Costa Mesa, spoke on the BoatHouse Collective and the granite path in Fairview Park investigation. (00:37:49)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:41:04)

Council Member Genis reminded everyone the deadline to apply for Planning, Senior and/or Parks Recreation Commission is Wednesday, January 7, 2015 at 5:00 p.m.; noted the Comprehensive Annual Financial Report has been released; invited residents to attend Fairview Park Committee meeting Wednesday, January 7, 2015 at 6:00 p.m.; and discussed union responsibilities. (00:41:11)

Council Member Monahan wished Mayor Mensinger a Happy Birthday. (00:44:15)

Mayor Pro Tem Righeimer spoke on the General Plan; the RFP for the library; the continued road work; and invited residents to visit the newly renovated Senior Center. (00:44:30)

Mayor Mensinger announced the retirement party January 8, 2014 at 5:30 p.m. for Ed Fawcett at Monahan's Restaurant; and announced the Mesa Verde Classic Golf Tournament. (00:47:01)

Council Member Foley requested CEO Mr. Hatch to schedule a study session on Fire Department staffing and operations; requested more information on the Teen Cert Academy; discussed Newport Blvd. roads and requested the inclusion of more sidewalks; requested updates from the District regarding Costa Mesa school academies and application process; requested a day long retreat with neighboring agencies to discuss priorities for their governing body; and reminded the public about the deadline to apply for the Planning, Parks and Recreation and/or Senior Commissions. (00:47:52)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (00:52:30)

CEO Hatch spoke on the success of the Snoopy House event and the RFP for the library architect.

CONSENT CALENDAR (00:54:47)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for Items 4, 6 and 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

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: Vivanco Alfredo, Scott Orchard, All State Insurance – A/S/O John Ordaz and Joshua Sarinana.

ACTION:

Received and Filed.

3. **WARRANT RESOLUTION NO. 2527 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-24 "A" FOR (\$-1,807.64) AND 14-25 for \$2,064,647.87; AND CITY OPERATING EXPENSES FOR \$4,718.087.24; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2527, to be Read by Title Only and Further Reading Waived.

5. **MINUTES**

ACTION:

City Council Approved the Minutes of the Regular Meeting of the Costa Mesa City Council, and Successor Agency of: February 7, 2012, March 19, 2013, June 18, 2013 and November 18, 2014.

8. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00245 FOR PARKWAY IMPROVEMENTS AT 1036 AND 1042 W. 18TH STREET

ACTION:

City Council Authorized the Release and Refund of Cash Deposit in Connection with the Encroachment Permit No. PS13-00245 in the Amount of \$41,135 to MBK Southern California LTD, 4 Plaza Drive, Irvine CA 92614.

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

OLD BUSINESS: None

NEW BUSINESS – (00:55:55)

1. MODIFICATION TO THE BUSINESS IMPROVEMENT AREA (BIA) TO ADD “BLVD HOTEL” THAT WILL BE SUBJECT TO THE BIA ASSESSMENT

MOVED/SECOND: Council Member Foley/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council Introduced for the First Reading Ordinance No. 15-xx to be Read by Title Only and Waive Further Reading, Modifying the BIA to Add a New Hotel that Will be Subject to the BIA Assessment.

2. City Council Conducted a Public Meeting Regarding the Business Improvement Area (BIA) Modification to Include an Additional Hotel into the Business BIA.

2. URBAN MASTER PLAN SCREENING REQUEST (UMP-14-06) FOR A 4-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT LOCATED AT 2068 MAPLE AVENUE (00:59:12)

Staff Report provided by Minoo Ashabi, Principal Planner. (00:59:40)

Mr. Lam, Applicant, spoke on the project and economic incentives. (01:04:04)

Mayor Pro Tem Righeimer and Council Member Foley discussed parking and deviations. (01:08:06)

Mr. Lam spoke on a subdivision map; the small lot ordinance; and setbacks. (01:09:03)

Discussion ensued regarding parking spaces for residents and guests. (01:11:09)

Mayor Pro Tem Righeimer spoke the parking codes currently in place and enforcement by the Homeowners Association verifying that the garages are being utilized by vehicles. (01:18:47)

Gary Armstrong, Director of Development Services, spoke on the Condition of Approval that requires that garage spaces are kept for parking only and requesting a letter affidavit from the Homeowners Association each year. (01:21:04)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on parking enforcement around the City; and the roof deck versus open space. (01:25:10)

Sheila Pfafflin, Costa Mesa, spoke on density concerns, variances and overlays; and discussed development. (01:27:43)

Cynthia McDonald, Costa Mesa, spoke on the site plan, setbacks and overlays; recommended reviewing the Zoning Ordinance; and recommended a moratorium for high density projects. (01:30:00)

Richard Huffman, Costa Mesa, spoke on impacts of 3-story buildings on narrow streets; and his opposition to overlay zones. (01:32:06)

Robin Leffler, Costa Mesa, spoke on open space and the issue with privacy and agreed with a moratorium for high density projects; and discussed shade and shadow. (01:35:10)

Council Member Genis expressed concern with front setback and the availability of parking. (01:38:27)

Council Member Foley spoke on this project being a compatible use for the location; parking; and open space and setbacks. (01:40:51)

Mayor Pro Tem Righeimer spoke on the parking enforcement of parking in garages. (01:41:46)

ACTION:

City Council Provided Feedback on Proposed Urban Master Plan for a 3-Story, 4-Unit Residential Common Interest Development Project within the Mesa West Residential Ownership Urban Plan.

3. MODIFICATIONS TO PUBLIC COMMENTS, MEETING START TIME AND CONSENT CALENDAR ON THE CITY COUNCIL AGENDA

Staff Report provided by Stephen M. Mensinger, Mayor. (01:44:40)

Discussion on having Council Reports at the end of the meeting; Council Members time limits; and a formal agenda versus the business of the people. (01:48:29)

Council Member Foley recommended moving the Council Reports and CEO Report to the end of the meeting before City Attorney Report; Council Members staying within the three minute timeframe; and opposition to formalizing in a Resolution. (01:50:04)

Council Members responded to comments from the public, as the public makes comments then the Council Members should be able to respond; agreed not to formalize; supported the Mayor; and not addressing in a Resolution. (01:51:32)

Public Comments:

Mrs. Drain, Costa Mesa, spoke on the opposition to having speakers comment cards to be turned in by 5:45 p.m.; and posed concern with warrant documents no longer printed. (01:56:30)

Wendy Leece, Costa Mesa, spoke on the Public Comments being an important part of the meeting and suggested allowing residents to turn in cards while public comments are being conducted. (01:57:14)

Ken Nyquist, Joshua Tree, supports the change of order of business; agrees with having Public Comments at the end of the meeting; and supported the Council Members decisions. (01:59:09)

Jay Humphrey, Costa Mesa, agrees with Council members and CEO comments at the end of meeting; and spoke on the problem with limiting Council Member comment time. (02:01:32)

Speaker #1, Costa Mesa, expressed concern with changing the time of the meeting to 5:45 p.m.; and the opportunity for the residents to participate. (02:04:13)

Beth Rafakes, Costa Mesa, expressed concern with earlier starting time, and requiring speakers to fill out speaker cards before the first speaker; agreed that the Public Comments are the people's business; recommends letting speakers turn in their cards anytime during Public Comments; and supports having all Public Comments be heard at the beginning of the meeting. (02:06:38)

Sheila Pfafflin, Costa Mesa, spoke against the start time of the meeting being moved to 5:45 p.m.; turning in the Public Comments cards prior to the first speaker; and does not want to see the Council Members time reduced. (02:09:26)

Ann Parker, Costa Mesa, recommended having Public Comment cards to be turned in anytime during the Public Comment section of the meeting. (02:11:47)

Mary Spadoni, Costa Mesa, discussed the 1st amendment; does not agree with limiting the Council Member time to three minutes. (02:12:47)

Joanne Perler, Costa Mesa, discussed the Business of the People vs. the agenda items; no concern with new meeting start time; opposed turning in a Public Comment card prior to the first speaker; and opposed to Council Members being limited to three minutes. (02:15:09)

Robin Leffler, Costa Mesa, agreed that Council Members should not be limited to three minutes; spoke on the Business of the People; opposed changing start time and submitting Public Comments cards prior to the first speaker; discussed the Brown Act; and requested all comments be at to the beginning of the meeting. (02:17:36)

James Bridges, Costa Mesa, spoke on traffic congestion; addressing Council Members; discussed Closed Session running over time; and commented that there are many presentations that are time consuming. (02:20:58)

Council Member Genis expressed concern with turning in the Public Comment cards prior to the first speaker; and agreed to having Public Comments no earlier than 6:00 p.m. (02:24:15)

Mayor Pro Tem Righeimer spoke on the additional time for Public Comments; submitting the Public Comment cards prior to the first speaker; and requested that Council Members follow the three minute timeframe but not adopt by Resolution. (02:27:18)

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

ACTION:

City Council Adopted Resolution No. 15-01 that Allows for More Public Comments Near the Beginning of City Council Meetings; Changes the Regular City Council Meeting Start Time to 5:45 p.m.; Requests Members of the Public Wanting to Speak on Matters during "Public Comments" to Submit a Speaker Card during the "Public Comments" Period for Non-Agenda Items; up to 6:40 p.m. or prior to the last speaker, whoever is earlier. Any Requests to Speak on Non-Agenda Items Not Heard Prior to 6:40 p.m. Will be Allowed to Speak at the End of the Meeting; Removes the "Continued Public Comments" and "Continued Council Member Comments" Sections from the City Council Agenda; and Requires Members of the Public Wanting to Speak on a Consent Calendar Item on the City Council Agenda to Submit Such a Request on a Speaker Card Prior to the Start of the Consent Calendar.

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:35:56)

4. PROFESSIONAL ENGINEERING SERVICES FOR THE UPDATE OF THE CITY'S PAVEMENT MANAGEMENT PROGRAM

Public Comments:

Ann Parker, Costa Mesa, spoke on street paving done by Black Stone; and the proper overseeing procedures of projects. (02:36:36)

Council Member Foley clarified that the item is not for the hiring of a contractor, but instead it is a hiring of a contractor to do an update of the pavement management program to create a 7 year plan to have proper paving of the City. (02:38:33)

Ernesto Munoz, Director of Public Services, stated that the City is required by the Orange County Transit Authority to have a pavement management system and the contract is awarded on the basis best qualified consultant. (02:39:01)

Council Member Foley asked if the consultant will review any existing paved areas. (02:39:52)

Ernesto Munoz responded part of their scope is to evaluate the methods we use and make recommendations. (02:40:07)

MOVED/SECOND: Council Member Foley/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 Rigeimer, Mayor Mensinger
Nays: None
Absent: None
Motion carried: 5-0

ACTION:

City Council Awarded a Contract to Bucknam Infrastructure Group, Inc., 3548 Seagate Way, Suite 230, Oceanside, CA 92056, in an Amount Not to Exceed \$88,475 for Annual Updates to the City's Pavement Management Program and Authorized the Mayor and City Clerk to Execute the Professional Services Agreement.

6. FINAL MAP FOR TRACT NO. 17450 LOCATED AT 1974 MEYER STREET

Public Comments:

Jay Humphrey, Costa Mesa, discussed both Tract Maps in conjunction for Consent Calendar #6 and Consent Calendar #7; discussed increasing densities and impacts of parking. (02:40:57)

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, Mayor Mensinger
Nays: None
Absent: None
Motion carried: 5-0

ACTION:

City Council Approved the Final Map for Tract No. 17450 and Authorize the Signing of Final Tract Map No. 17450 by the City Clerk and the City Engineer.

7. FINAL MAP FOR TRACT NO. 17663 LOCATED AT 2183, 2187 AND 2191 MINER STREET

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, Mayor Mensinger
Nays: None
Absent: None
Motion carried: 5-0

ACTION:

City Council Approved the Final Map for Tract No. 17663 and Authorized the Signing of Final Map Tract No. 17663 by the City Clerk and the City Engineer.

CONTINUED PUBLIC COMMENTS (02:42:44)

Charles Mooney, Costa Mesa, discussed medical marijuana and edibles; and suggested more regulations and detail in regards to edible marijuana. (02:43:21)

Ann Parker, Costa Mesa, supports dropping the outstanding lawsuit with the two Council Members and the Police Department. (02:46:28)

Mrs. Drain, Costa Mesa, requested a forensic audit be conducted for the 60th anniversary expenses. (02:48:13)

Mary Spadoni, Costa Mesa, spoke on the reduced law enforcement work force; the oneline system for seeing police calls; and residents need to be proactive in the City. (02:51:08)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS – (02:54:09)

Mayor Pro Tem Rigeimer discussed medical marijuana and noted it will be brought to Council to be voted on as an Ordinance and the initiatives will be placed on the ballot in November of 2016; discussed the independent audit and the cost. (02:54:12)

Council Member Foley responded to the Public Comments regarding medical marijuana and the public should wait until the report is provided by the Attorney. (02:57:01)

REPORT – CITY ATTORNEY – (02:58:12)

ADJOURNMENT – To the Regular Meeting, January 20, 2015, 5:00 p.m.

The Mayor adjourned the meeting at 8:56 p.m.



Stephen M. Mensinger, Mayor



Brenda Green, City Clerk