

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

January 20, 2015

CALL TO ORDER

The meeting was called to order by the Mayor at 5:45 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

CALL TO ORDER (00:00:23)

PLEDGE OF ALLEGIANCE (00:00:37) – Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:59)

Rev. Sian Wiltshire, Orange Coast Unitarian Universalist Church

ROLL CALL

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

Absent: Council Member Monahan (Arrived at 6:21 p.m.)

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

CLOSED SESSION REPORT (00:04:29)

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

ANNOUNCEMENTS (00:04:37)

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

PRESENTATIONS (00:06:32)

1. 2015 Wyndham Sister City Education Exchange

Mayor Mensinger and the City of Costa Mesa welcomed our Sister City Australian Delegates. He thanked and welcomed the students from Hoppers Crossing Secondary College and Werribee Secondary College. (00:06:58)

PUBLIC COMMENTS (00:16:04)

Richard Russell, Costa Mesa, spoke on the State of the Union and debt service; the City Budget; and financial prudence. (00:16:44)

Mary Spadoni, Costa Mesa, spoke on the Officer Law Enforcement Appreciation Day. (00:19:54)

Karl Ahlf, Costa Mesa, spoke on the homeless issues; and the need for more Police Officer's. (00:21:43)

Speaker, Costa Mesa, spoke on Fairview Park Trail; and coffee with the Mayor. (00:23:02)

Speaker, Costa Mesa, spoke on Economic Development; and the Parks Master Plan. (00:24:18)

Robin Leffler, Costa Mesa, spoke on paying down the unfunded pension liability; and spoke on public comments. (00:27:42)

Jeff Mathews, Costa Mesa, spoke on the two Council Members lawsuit with the Police Association. (00:30:02)

Sue Lester, Costa Mesa, spoke on the shooting an individual while serving a warrant; and a wake. (00:33:28)

Travis Azevedo, Costa Mesa, spoke on the Medical Marijuana initiatives. (00:36:25)

Chuck Perry, Costa Mesa, spoke on citizens speaking with the Mayor; and the Mayor helping a youth. (00:38:14)

Gay Royer, Costa Mesa, spoke on traffic concerns on Victoria; and delays at a left signal. (00:39:52)

James Bridges, Costa Mesa, spoke on the City Council's pensions; Charter; and Police Department. (00:41:35)

Beth Rafakes, Costa Mesa, inquired on implementation of signal preemption; spending funds on upgrading the fire stations; the homeless issues; and meeting place for Veterans. (00:44:54)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:47:55)

Council Member Monahan spoke on the success of the Mesa Verde Classic Charity Golf Tournament Fundraiser; discussed a wake and fundraiser at Monahan's restaurant. (00:48:10)

Mayor Pro Tem Righeimer spoke on the Parks Master Plan and Fairview Park Master Plan; spoke on development and increase of property taxes. (00:51:31)

Mayor Mensinger spoke on the success of the Mesa Verde Mesa Verde Classic Charity Golf Tournament Fundraiser; discussed the Parks and Recreation Commission Meeting; and encouraged communication with Mayor. (00:54:10)

Council Member Foley thanked donors who supported the Mesa Verde Classic Charity Golf Tournament Fundraiser; requested update on Medical Marijuana Ordinance; and library meeting spaces available. (00:56:02)

Council Member Genis spoke on the Orange County Council of Governments Meeting; requested a ½ day goal setting session including fiscal issues; a cost-revenue study; and property taxes. (00:57:33)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:00:49)

CEO Hatch spoke on the scheduled February 10 and February 24 study sessions on the budget; attended graduation of police officers from the academy; Police Appreciation Day; follow-up with the Medical Marijuana Initiatives; and recommended Public Hearing Item #2 be moved to the end of the meeting.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (01:05:02)

2. APPEAL OF THE REVOCATION OF PLANNING APPLICATION PA-87-154: CONDITIONAL USE PERMIT FOR A NEIGHBORHOOD RECYCLING FACILITY (REPLANET, FORMERLY EARTHWISE RECYCLING) 2180 NEWPORT BOULEVARD

MOVED/SECOND: Council Member Genis/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Abstain: Council Member Monahan

Absent: None

Motion carried: 4-0-1

ACTION:

City Council Moved Public Hearing Item #2 to the End of the Meeting.

CONSENT CALENDAR (01:08:54)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for Items 7 and 8.

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

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 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: Christian Flores, Jannet Flores, Jazmine Flores, Tiffany Mullin, Kailee Olsen, Justino Perez and Vicki Renea Sakioka.

ACTION:

City Council Received and Filed.

3. **WARRANT RESOLUTION NO. 2528 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-25 "A" FOR \$1,913.03, 14-26 FOR \$2,395,410.80, 14-26 "A" FOR \$5,697.78, 15-01 \$2,138,006.93; AND CITY OPERATING EXPENSES FOR \$1,337,703.81 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2528, to be Read by Title Only and Further Reading Waived.

4. PARKING LOTS REHABILITATION PROJECT: FIRE STATION NO. 5 (PROJECT "A") AND CANYON PARK (PROJECT "B") – CITY PROJECT NO. 14-02

ACTION:

1. City Council Accepted the Work Performed by Superior Paving, Inc. DBA United Paving Company and Authorized the City Clerk to File the Notice of Completion; and
2. City Council Authorized the Release of the Labor and Material Bond Seven (7) Months after the Filing Date; Release the Faithful Performance Bond One (1) Year after the Filing Date; and Release the Retention Monies 35 Days after the Notice of Completion Filing Date.

5. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETINGS OF DECEMBER 6, 2011, JANUARY 8, 2013, FEBRUARY 19, 2013 AND DECEMBER 2, 2014; THE ADJOURNED MEETING/SPECIAL STUDY SESSION OF FEBRUARY 26, 2013 AND MAY 28, 2013; THE SPECIAL JOINT CITY COUNCIL AND PARKS AND RECREATION COMMISSION OF MAY 14, 2013; THE SPECIAL JOINT STUDY SESSION OF THE CITY COUNCIL AND HOUSING AUTHORITY OF JUNE 11, 2013; AND THE SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE HOUSING AUTHORITY OF JUNE 11, 2013

ACTION:

City Council Approved the Minutes.

6. 2013 – 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: BAKER STREET ALLEY (ALLEY NO. 120) AND LA SALLE AVENUE ALLEY (ALLEY NO. 121) IMPROVEMENT PROJECT – CITY PROJECT NO. 14-05

ACTION:

1. City Council Accepted the Work Performed by Patriot Paving, Inc., and Authorized the City Clerk to File the Notice of Completion; and
2. City Council Authorized the Release of the Labor and Material Bond Seven (7) Months after the Filing Date; Release the Faithful Performance Bond One (1) Year after the Filing Date; and Release the Retention Monies 35 Days after the Notice of Completion Filing Date.

9. FISCAL YEAR 2013 – 2014 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY, AS HOUSING SUCCESSOR; AND, HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND PURSUANT TO SECTION 34176.1 OF THE DISSOLUTION LAW

ACTION:

City Council and Housing Authority Received and Authorized the Filing of the Fiscal Year 2013 – 2014 Independent Financial Audit of the Low and Moderate Income Housing Asset Fund and the Fiscal Year 2013 – 2014 Housing Successor Annual Report.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:09:59)

7. DEDICATION OF STORM DRAIN EASEMENT – CANYON PARK

Ernesto Munoz, Public Services Director, clarified that the title of the report should read Dedication of Storm Drain Easement instead of Acceptance of Storm Drain Easement. (01:10:02)

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 Adopted the Resolution to be Read by Title Only and Waived Further Reading, to Dedicate a Storm Drain Easement within Canyon Park.

8. ANIMAL SHELTER SERVICES

Council Member Genis spoke on animal shelter services contract; various contracted shelters through the year; euthanasia rates; requested developing additional performance standards; and discussed the need for the shelter do update their website. (01:11:19)

Council Member Monahan spoke on animal shelters. (01:14:10)

Council Member Foley suggested returning to the Council in 6 months to discuss performance standards. (01:15:32)

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:

1. City Council Awarded the Animal Shelter and Related Services Contract to the Orange County Humane Society (OCHS), 21632 Newland St., Huntington Beach, California, in the Amount of \$75,000 with Automatic Annual Adjustments as Specified in the Professional Services Agreement; and
2. City Council Authorized the Mayor and the City Clerk to Execute the Professional Services Agreement for the Contract.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:17:13)

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

Council Member Monahan complimented the owners and operators of the BLVD Hotel and joining the BIA. (01:17:46)

Mayor Mensinger complimented the renovations and upgrades of the hotel. (01:18:23)

Public Hearing was Opened, No Public Comments, Public Hearing Closed.

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 Conducted a Public Hearing Regarding the Business Improvement Area (BIA) Modification to include an Additional Hotel into the Business BIA and Accepted Public Comments Regarding Such Proposed Modification; and
2. City Council Conducted the Second Reading and Approved Ordinance No. 15-01 to be Read by Title Only and Waived Further Reading, Modifying the BIA to Add a New Hotel that Will be Subject to the BIA Assessment and Consider Adoption of the Same.

OLD BUSINESS: None

NEW BUSINESS – (01:19:17)

1. AWARD A PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL SERVICES FOR THE DONALD DUNGAN LIBRARY AND NEIGHBORHOOD COMMUNITY CENTER PRELIMINARY DESIGN PHASE

Tammy Letourneau, Assistant Chief Executive Officer, presented Staff Report. (01:19:39)

Council Member Monahan requested a review of the policies for the meeting spaces. (01:25:22)

Council Member Foley inquired when the community workshops were occurring during the predesign phasing plan. (01:26:04)

Steve Johnson, of Johnson Favaro, responded and discussed the three community workshops that will occur. (01:27:06)

Council Member Genis discussed connecting the two facilities with a breezeway but to not conflict with the open space required at Lions Park. (01:30:20)

Public Comments:

Bob Ooten, Costa Mesa, President of the Costa Mesa Friends of the Library spoke in support of the conversion of the Community Center to the library. (01:31:43)

Kyle Woosley, Costa Mesa, representing the Chamber of Commerce, spoke in support of the library project. (01:34:28)

Mary Ellen Goddard, Costa Mesa, spoke in support of the library project. (01:34:46)

Charlene Ashendorf, Costa Mesa, spoke on the central library project in the City of Irvine; spoke in support of the library project; and a fundraising library project fund. (01:37:12)

Robin Leffler, Costa Mesa, spoke on the preservation of the Community Center and meeting rooms; supports expansion of the library; and preservation of the center. (01:39:54)

Barrie Fisher, Costa Mesa, spoke in support of a library expansion; and a homeless taskforce at Lions Park. (01:41:39)

Beth Rafakes, Costa Mesa, spoke on keeping the Community Center and the the meeting rooms; expressed concern with financing; and discussed the homeless. (01:43:05)

Chuck Perry, Costa Mesa, spoke in the opposition of the library project and the loss of the Community Center. (01:45:33)

Karl Ahlf, Costa Mesa, spoke in support of the library project. (01:46:36)

Al Melone, Costa Mesa, spoke in opposition of the library project. (01:48:29)

Christopher Otis, Costa Mesa, spoke in support of the library project. (01:50:44)

Speaker, Costa Mesa, spoke in opposition of the library project because it will take away the Community Center. (01:51:35)

Cindy Black, Costa Mesa, spoke in the opposition of the library project. (01:53:55)

Kathy Esfahohani, Costa Mesa, spoke in opposition of the library project and the loss of the Community Center. (01:55:35)

Frank Forbath, Costa Mesa, spoke in opposition of the library project. (01:57:29)

Council Member Foley thanked all the speakers during public comment; spoke on space available in the proposed library to accommodate a vibrant Community Center as the Library can be upgraded; redesign of the library is needed for technological advancements and to meet the current needs of the public; and better usage of space. (02:00:33)

Mayor Pro Tem Righheimer spoke on the upgrading of the library and Community Center; current inefficient space; and a commitment to find meeting space. (02:04:27)

Council Member Monahan spoke on supporting the motion; supports having enclosed walkways to connect the buildings; need for focus on technology and buildings to be upgraded; spoke on homeless issues; and requested the Mesa Verde Library ADA accessibility be reviewed. (02:08:39)

Council Member Genis spoke in support of the library project; spoke on library standards; noted the Irvine business excise tax; usage of school; and City facilities. (02:11:42)

Mayor Mensinger discussed shared facilities; maintaining meeting space; and discussed upgrading facilities. (02:14:32)

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 Authorized the CEO to Sign the Professional Services Agreement for an Amount not to Exceed \$125,125 to Johnson Favaro, 5898 Blackwelder Street, Culver City, CA 90232, for the Preliminary Design Phase of the Donald Dungan Library and Neighborhood Community Center (NCC) Projects, Including the Outdoor Space Surrounding these Sites.

2. APPOINTMENTS TO THE PLANNING COMMISSION, PARKS AND RECREATION COMMISSION, AND SENIOR COMMISSION (02:17:02)

Brenda Green, City Clerk, presented Staff Report. (02:17:17)

Public Comments:

Josue Castaneda, Costa Mesa, spoke on his application submitted to the Senior Commission and asked for Council's consideration for the Commission. (02:20:50)

Sue Lester, Costa Mesa, spoke on diverse applicants for various Commissions. (02:23:27)

Kim De Broux, Costa Mesa, introduced herself and spoke on her application for the Parks and Recreation Commission. (02:34:33)

Karl Ahlf, Costa Mesa, spoke in support of Jay Humphrey, Harold Wietzberg and Wendy Leece. (02:26:21)

Harold Weitzberg, Costa Mesa, spoke in support of Andrea Marr for Planning Commission. (02:27:13)

Libby Doughty, Costa Mesa, introduced herself and spoke on her experience and application submitted for the Parks and Recreation Commission. (02:28:33)

Christopher Otis, Costa Mesa, spoke on the work of the Mayor and Mayor Pro Tem. (02:29:52)

Council Member Genis spoke on the process and the applicant's different skill sets. (02:31:20)

PLANNING COMMISSION (02:32:38)

MOTION: Appoint Andrea Marr

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Foley, Council Member Genis

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

Absent: None

MOTION: Appoint Robert L. Dickson, Jr.

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried: 4-1:

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

Noes: Council Member Foley

Absent: None

MOTION: Appoint Byron de Arakal

Motion/Second: Council Member Foley/

Motion failed for the lack of a second.

MOTION: Appoint Jeff R. Matthews

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried: 3-2:

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

Noes: Council Member Genis and Council Member Foley

Absent: None

MOTION: Appoint Stephan H. Andranian

Motion/Second: Mayor Mensinger/Mayor Pro Tem Righeimer

The motion carried: 3-2:

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

Noes: Council Member Genis and Council Member Foley

Absent: None

ACTION:

1. City Council Appointed and Filled the Three Vacancies on the Planning Commission: Stephan H. Andranian, Robert L. Dickson, Jr. and Jeff R. Matthews, all to a 4 Year Term.

Council Member Foley inquired with the City Attorney about changing the process of selecting Commissioner's. (02:35:38)

City Attorney Duarte responded that it would need to be agendized and a majority vote to change the policy. (02:36:05)

Council Member Monahan commented that throughout the years there have been many different ways Council has selected Commissioner's. (02:37:00)

PARKS AND RECREATION COMMISSION (02:37:24)

MOTION: Appoint Jose De La Jara

Motion/Second: Council Member Foley/

Motion failed for the lack of a second.

Council Member Foley inquired about conflicts of interest for certain appointed Commissioner's. (02:28:31)

City Attorney Duarte responded that it would need to be analyzed on a case by case basis. (02:28:48)

MOTION: Appoint Brett Eckles

Motion/Second: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried 3-2:

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

Noes: Council Member Genis and Council Member Foley

Absent: None

MOTION: Appoint Lynn L. Redman

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Genis and Council Member Foley

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

Mensingher

Absent: None

MOTION: Appoint Robert Graham

Motion/Second: Mayor Pro Tem Righeimer/Council Member Genis

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint Byron de Arakal

Motion/Second: Mayor Mensinger/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

ACTION:

2. City Council Appointed and Filled the Three Vacancies on the Parks and Recreation Commission: Byron de Arakal, Brett Eckles and Robert Graham, all to a 4 Year Term.

Mayor Pro Tem Righeimer recommended changing the Ordinance for the Senior Commission to appoint 7 Commissioners, including 5 Commissioners and 2 alternate Commissioners. (02:43:54)

CEO Hatch stated that the Ordinance currently calls out that there are 5 Senior Commissioners; and, the Ordinance would need to be revised. (02:45:02)

Council Member Foley commented that if the Ordinance is going to be changed, then continue the item to allow more individuals to apply. (02:46:12)

City Clerk Brenda Green advised that a Government Code requires Special Noticing for vacancies. (02:46:49)

Council Member Genis spoke in support of a larger group of Commissioners. (02:47:10)

Council Member Monahan commented that 9 Commissioners are too many.
(02:47:52)

Council Member Foley spoke in support of appointing women on various Commissions. (02:48:12)

SENIOR COMMISSION (02:50:44)

MOTION: Appoint Charlene M. Ashendorf – 4 Year Term
Motion/Second: Council Member Genis/Council Member Foley
The motion failed 2-3:
Ayes: Council Member Genis and Council Member Foley
Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Absent: None

MOTION: Appoint Stella Adkins – 4 Year Term
Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger
The motion carried 4-1:
Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: Council Member Foley
Absent: None

MOTION: Appoint Janet Lee Krochman – 4 Year Term
Motion/Second: Council Member Monahan/Mayor Mensinger
The motion carried 3-2:
Ayes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: Council Member Genis and Council Member Foley
Absent: None

MOTION: Appoint Martha Hernandez – 4 Year Term
Motion/Second: Council Member Foley/Council Member Genis
The motion failed 2-3:
Ayes: Council Member Genis and Council Member Foley
Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Absent: None

MOTION: Appoint Kirk Bauermeister – 4 Year Term

Motion/Second: Mayor Mensinger/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint Wendy Leece – 2 Year Term

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Genis and Council Member Foley

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

Absent: None

MOTION: Appoint Ernie Feeney – 2 Year Term

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint John S. McGlenn – 2 Year Term

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried 4-1:

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

Noes: Council Member Genis

Absent: None

ACTION:

3. City Council Appointed and Filled the Five Vacancies on the Senior Commission: Kirk Bauermeister, Stella S. Adkins and Janet Lee Krochman to a 4 Year Term and Ernie Feeney and John S. McGlenn to a 2 Year Term.

Council Member Foley stated for the record that out of the appointments made, 6 made donations to the campaigns for Mayor Pro Tem Righeimer, Mayor Mensinger and OC Taxpayers. (02:57:43)

Mayor Pro Tem Righeimer spoke on donations by the Police Associations. (02:58:00)

3. **APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE COSTA MESA CONFERENCE AND VISITOR BUREAU, TRANSPORTATION CORRIDOR AGENCY AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT AND REVIEW OF POTENTIAL NEW COMMITTEES - (02:58:47)**

Kelly Shelton presented Staff Report. (02:59:05)

Council Member Genis questioned the appointing authority; and asked for clarification. (03:00:21)

Council Member Monahan stated the selection has been conducted this way for a while. (03:01:48)

City Attorney Duarte commented that it can be reviewed. (03:02:07).

Kelly Shelton stated that in 1992 there was a different process; however, Staff was unable to locate the staff report that outlined the process. (03:02:25)

Public Comments:

Christopher Otis, Costa Mesa, requested that the Council make the right decision. (03:04:52)

Beth Refakes, Costa Mesa, spoke on the Military Affairs team; and requested to operating the same way with Mr. Baker as the Staff Liaison. (03:05:07)

MOVED/SECOND: Council Member Genis/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

ACTION:

City Council Approved the Mayor's Appointments to the Boards of the:

1. Costa Mesa Conference and Visitor Bureau (CMCVD) – Appointee Mayor Mensinger and Alternate Council Member Monahan.
2. Transportation Corridor Agency (TCA) – Appointee Council Member Monahan and Alternate Mayor Pro Tem Righeimer.
3. Orange County Vector Control District (OCVCD) – Appointee Council Member Monahan and Alternate Council Member Genis.

MOVED/SECOND: Council Member Foley/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

4. City Council Directed Staff to Begin the Process of Forming a Bikeway and Walkability Committee.

City Council recessed for a break at 8:59 p.m.

Council Member Monahan recused himself due to the project's proximity to his residence within the 500 ft. radius.

City Council reconvened the meeting at 9:08 p.m.

PUBLIC HEARINGS (CONTINUED) – (03:22:40)

2. APPEAL OF THE REVOCATION OF PLANNING APPLICATION PA-87-154: CONDITIONAL USE PERMIT FOR A NEIGHBORHOOD RECYCLING FACILITY (REPLANET, FORMERLY EARTHWISE RECYCLING) 2180 NEWPORT BOULEVARD

Mel Lee, Senior Planner, presented the Staff Report. (03:23:39)

Greg Palmer, City Attorney's Office, presented, in depth, the facts and circumstances in support of the revocation of an existing Conditional Use Permit; and conducted a trial De Novo. (03:57:00)

Brenda Green, City Clerk, swore-in as Witnesses for the City: DeAnne Hemmens, Christy Turley and Tyler Turley. (04:12:40)

Mr. Palmer called Witness No. 1, DeAnne Hemmens, Rural Lane resident, to testify. (04:13:15)

Mr. Palmer called Witness No. 2, Christy Turley, Rural Lane resident, to testify. (04:44:36)

Mr. Palmer called Witness No. 3, Tyler Turley, Rural Lane resident, to testify. (04:53:12)

City Council recessed for a break at 10:46 p.m.

City Council reconvened the meeting at 10:50 p.m.

Paige Gosney, Attorney at Jackson/DeMarco/Tidus/Peckenpaugh, representing the appellant RePlanet, spoke on the operations at RePlanet. (05:04:28)

Joe Perez, Director of Business Development for RePlanet, spoke on reverse vending machines. (05:22:10)

Public Comments:

Larry O'Leary, Costa Mesa, spoke on his proximity of RePlanet to his home; transients hanging out between the recycling center and massage parlor; and noise and dirt issues. (05:55:17)

Christopher Otis, Costa Mesa, spoke on non-compliance of stores and their recycling requirements; pick up days; and loitering around RePlanet. (05:56:40)

Laura Peralta, California Grocers Association, spoke on issues and options with recycling; needing the facility in the City; and money reinvested in the City. (05:59:41)

Discussion ensued in regards to reverse vending machines. (06:03:50)

Marianne Comp, Costa Mesa, spoke on safety issues, the business has outgrown the site; and move location to accommodate growing business. (06:12:21)

MOTION: To continue the meeting past midnight.

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Genis
The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

Angela Miner, Costa Mesa, spoke on the location outgrowing their location; and the homeless. (06:14:03)

Speaker, Costa Mesa, spoke on nuisance, noises, trash; and loitering. (06:15:11)

Speaker, Costa Mesa, spoke on nuisance, noises, trash, loitering; and wants location moved.

Tyler Turley, Costa Mesa, spoke on the growth at the center; the Irvine facility's not close to residential; and the Costa Mesa location too close to residential. (06:16:32)

DeAnne Hemmens, Costa Mesa, spoke on the homeless problem. (06:19:23)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

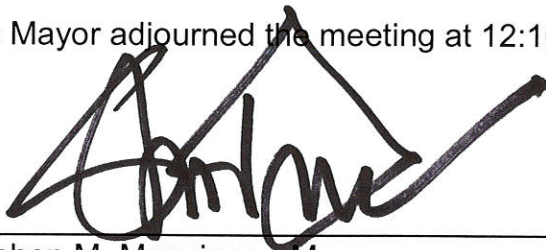
City Council Upheld the Planning Commission's Revocation of PA-87-154 by Adopting a Resolution Consistent with its Findings as Follows:

- Made Findings that RePlanet Recycling Facility has been Operated in Violation of the Conditions of Approval in Conditional Use Permit PA-87-154 and/or as a Public Nuisance, Such that the Planning Commission's Revocation of the CUP was Justified; and Upheld the Planning Commission's Revocation.

REPORT – CITY ATTORNEY – (06:29:48)

ADJOURNMENT – To the Regular Meeting, February 3, 2015, 5:00 p.m.

The Mayor adjourned the meeting at 12:16 a.m.



Stephen M. Mensinger, Mayor



Brenda Green, City Clerk