

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

APRIL 15, 2014

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 Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, 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 5:03 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 Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.
2. 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.
3. 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).
4. 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).
5. Request for Special Leave of Absence: Public Employee, pursuant to California Government Code Section 54957(b)(1).

Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves from Closed Session item number 3 due to a potential conflict.

The City Council reconvened at 6:05 p.m.

CALL TO ORDER (00:00:16)

PLEDGE OF ALLEGIANCE (00:00:30) – Council Member Monahan

MOMENT OF SOLEMN EXPRESSION (00:00:54) –

David Manne, Calvary Chapel of Costa Mesa

ROLL CALL (00:02:09)

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 (00:02:22)

City Attorney Duarte reported on Closed Session item 5: Request for Leave of Absence

(5-0 vote) – City Council approved the request.

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

ANNOUNCEMENTS (00:02:45)

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

PRESENTATIONS (00:05:12)

Dave Kiff, City Manager, City of Newport Beach, provided an update and a presentation on the John Wayne Airport. (00:05:25)

Presentation by Transportation Corridor Authority (TCA) on all electronic tolling (no cash booths). (00:11:32)

Recognition of Code Enforcement Officer Mike Tucker and Grace Fellowship Church for assisting a citizen in property maintenance. (00:23:11)

PUBLIC COMMENTS (00:29:00)

Chris McEvoy, Costa Mesa, spoke regarding a Charter; public participation; the 2014 election; and Fairview Park. (00:29:23)

Chuck Berry, Costa Mesa, spoke regarding the rehabilitation of Victoria Street; and Vanguard University Soccer field and parking. (00:32:05)

Flo Martin, Costa Mesa, spoke regarding Firefighters and Paramedics who saved her sons life. (00:33:33)

Beth Refakes, Costa Mesa, spoke on the collection for the 1/5 Marine Battalion; a 60th Anniversary Committee follow up; and requested a link on the website for John Wayne Airport issues. (00:36:59)

Sue Lester, Costa Mesa, recognized Mike Tucker on his award and a Costa Mesa Park Ranger for being deployed; and ethics policy. (00:40:40)

Kathie Espahani, Costa Mesa, Affordable Housing Coalition; spoke on the revocation of the Sandpiper Motel Conditional Use Permit. (00:44:01)

Cindy Brenneman, Costa Mesa, spoke regarding donations for the Marines 1/5; a Goat Hill event on Saturday, April 19; fire department donation fund for families; Community Run on April 26; Relay 4 Life on April 31, 2014; distracted drivers and an ethics policy. (00:47:19)

Alan Katz, Costa Mesa, spoke on a crosswalk or light standard on Victoria by Victoria Healthcare. (00:50:29)

Robin Leffler, Costa Mesa, spoke regarding items discussed at the 60th Anniversary meeting. (00:53:01)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:56:19)

Council Member Monahan – spoke regarding the possibility of a medical marijuana initiative. (00:56:23)

Mayor Righeimer – spoke regarding Affordable Housing; the revocation of the Sandpiper Motel Conditional Use Permit; motel rooms and long term stays; and a comment on a blog. (00:57:35)

Mayor Pro Tem Mensinger – echoed the Mayor's sentiments regarding comments on blogs. (01:05:46)

Council Member Genis – spoke on the Goat Hill event; and the Southern California Association of Governments annual conference on May 1st and 2nd. (01:06:54)

Council Member Leece – spoke on public comments; spoke on free speech; the ethics policy; Roberts Rule of Order; motels; affordable housing; the Senior Center; and the Freedom Committee. (01:07:47)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:15:46)

CEO Hatch – spoke on the ethics policy; the Charter Public Hearing on April 22nd; Study Session regarding General Land Use Alternatives; library concepts; budget study session on May 13th; the 60th Anniversary meeting; Costa Mesa Connect Smart Phone application; and a Firefighter rescue at a daycare.

Assistant CEO Richard Francis and Code Enforcement Officer Mike Tucker provided an update on group homes.

CONSENT CALENDAR (01:37:49)

MOTION: Approved recommended actions for Consent Calendar Items Nos. 1-10 except for items 6 and 10.

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.

Nays: None

Absent: None

Abstain: Mayor Pro Tem Mensinger and Mayor Righeimer (on Consent Calendar Item No. 9)

Motion carried: 5-0 (items 1-10, excluding item Nos. 6, 9 and 10)

Motion carried: 3-0-2 (on Consent Calendar Item No. 9)

- 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. **WARRANT RESOLUTION 2513: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-06 "A" AND 14-07 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-06 "A" for \$1,957.29, Payroll No. 14-07 for \$2,055,846.95 and City operating expenses for \$1,567,440.24.**

ACTION:

Approved Warrant Resolution No. 2513, to be read by title only and further reading waived.

3. **INVESTMENT MANAGEMENT SERVICES UPDATE**

ACTION:

City Council received and file.

4. **PARKWAY CONCRETE REPAIR (AREA 29) – CITY PROJECT NO. 12-21**

ACTION:

1. City Council accepted the work performed by C.J. Concrete Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Released the Labor and Material Bond seven (7) months after the filing date; released the Faithful Performance Bond one (1) year after the filing date; and released the retention monies 35 days after the Notice of Completion filing date.

5. **MEMORANDUM OF UNDERSTANDING WITH STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR SHARING OF CLOSED CIRCUIT TELEVISION (CCTV) VIDEOS**

ACTION:

1. City Council approved the attached Memorandum of Understanding between the City of Costa Mesa and the State of California Department of Transportation (Caltrans) for the purpose of sharing Closed Circuit Television (CCTV) video images/streams between Caltrans, participating cities in Orange County, and the City of Costa Mesa; and
2. Authorized the Chief Executive Officer and the City Clerk to execute the above agreement.

7. REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2014 CONCERTS IN THE PARK

ACTION:

1. City Council approved the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2014 Summer Concerts in the Park series in a confined area and with appropriate training for servers; and
2. Granted administrative authority to the CEO to annually authorize such request. The CEO will notify Council via memo of said requests and approvals.

8. REQUEST FOR ALCOHOL SERVICE AND CONSUMPTION AT FAIRVIEW PARK FOR ANNUAL FISH FRY

ACTION:

1. City Council approved the Costa Mesa-Newport Harbor Lions Club's request to sell wine and beer at the 2014 Fish Fry; and
2. In addition, granted administrative authority to the CEO to annually authorize such request. The CEO will notify Council via memo of said requests and approvals.

9. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA POLICE ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE

ACTION:

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Police Association (CMPA); and
2. Authorized staff to have the independent fiscal analysis of the current CMPA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:38:40)

- 1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 1854 FULLERTON AVENUE (01:45:33)**

Staff report provided by Public Services Director, Ernesto Muñoz.

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 14-20, to be read by title only and waived further reading, ordering the vacation of a portion of Fullerton Avenue Right-Of-Way at 1854 Fullerton Avenue; and
2. Authorized execution of the Quitclaim Deed by the Mayor and the City Clerk.

- 2. 125 EAST BAKER STREET APARTMENT PROJECT:**

FINAL EIR (STATE CLEARINGHOUSE # 2013081051); GENERAL PLAN AMENDMENT GP-13-02; REZONE R-13-02; ZONING CODE AMENDMENT CO-13-02; MASTER PLAN PA-13-11, AND DEVELOPMENT AGREEMENT DA-14-02 FOR 125 EAST BAKER STREET (01:38:45)

Public Comments:

Robin Leffler, Costa Mesa, spoke on considering the General Plan update first. (01:41:23)

MaryAnn O'Connell, Costa Mesa, spoke regarding traffic and housing. (01:41:50)

Terry Koken, Costa Mesa, spoke on attracting people to Costa Mesa. (01:42:54)

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.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council continued the Public Hearing.

OLD BUSINESS – NONE

NEW BUSINESS (01:56:35)

1. APPOINTMENTS TO COUNCIL-APPOINTED COMMITTEES (01:56:41)

Staff report by City Clerk Brenda Green. (01:56:41)

ACTION:

City Council made appointments to fill vacancies on the following committees:

a. Finance Advisory Committee

Mayor Pro Tem Mensinger nominated the following individuals to the Finance Advisory Committee:

James Fisler, Christopher Graham, Howard Hull, Robert Juneman, Tom Pollitt, Richard Riva, Terry Shaw, and Colin Smith, Jeff Arthur

MOTION: Approve

MOVED/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

Nays: None

Absent: None

Motion carried: 5-0

b. Fairview Park Citizens Advisory Committee

Mayor Pro Tem Mensinger nominated Frank Davern to the Fairview Park Citizens Advisory Committee.

MOTION: Approve

MOVED/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

Nays: None

Absent: None

Motion carried: 5-0

c. Historical Preservation Committee

Council Member Leece nominated John McQueen to the Historical Preservation Committee as an alternate member.

MOTION: Approve

MOVED/SECOND: Council Member Leece/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

Nays: None

Absent: None

Motion carried: 5-0

2. **URBAN MASTER PLAN SCREENING REQUEST (UMP-14-01) FOR A 16-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2026 PLACENTIA AVENUE (02:02:00)**

Staff report provided by Minoo Ashabi, Principal Planner. (02:02:00)

Discussion ensued regarding parking; garages; alley setback; retail space; kitchen; and open space. (02:07:10)

Public Comments:

Jay Humphrey, Costa Mesa, spoke regarding parking concerns and tandem parking. (02:12:09)

Robin Leffler, Costa Mesa, spoke on the West Bluffs Urban Plan vision; work units; and open space. (02:13:58)

Matt Hamilton, Applicant, spoke on the work area; kitchen; entrances; work space; parking; alley setback; and tandem parking. (02:16:04)

Discussion continued regarding picnic and outdoor areas; open space; and permeable pavers. (02:18:40)

City Council provided feedback for a proposed 16-unit live/work project within the Mesa West Bluffs Urban Plan.

3. **~~ETHICS POLICY - REMOVED~~**

RECOMMENDATION:

~~Staff recommends that the City Council approve City Council Policy 000-15 establishing an Ethics Policy.~~

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:26:40)

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON CENTER STREET BETWEEN PLACENTIA AVENUE AND WALLACE AVENUE (02:27:06)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on parking concerns. (02:27:30)

Anna Vrska, Costa Mesa, expressed parking concerns due to high density developments. (02:29:45)

Wing Lamm, Costa Mesa, suggested resident parking after 5 p.m. and on the weekend due to the limited parking at his business. (02:30:28)

Discussion ensued regarding parking issues. (02:32:20)

Nelsie Jimenez, Costa Mesa, expressed concerns with having no parking on her street. (02:34:25)

Speaker, Costa Mesa, expressed concerns with having no parking on her street. (02:35:05)

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

SUBSTITUTE MOTION: To approve original staff recommendation

MOVED/SECOND: Council Member Genis/Council Member Leece

Mayor Righeimer requested staff bring back a report in 3 to 4 months.

Council Member Genis and Leece withdrew their substitute motion.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 14-19, to be read by title only and waived further reading, approving the implementation of a "Resident Only" parking restriction on Center Street, between Placentia Avenue and Wallace Avenue from 5 p.m.-8 a.m.; and
2. Authorized the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet as needed.

10. PARTICIPATION IN ECONOMIC DEVELOPMENT CONFERENCE (02:41:03)

Council Member Leece requested information from the attendance of this conference. (02:41:03)

MOTION/SECOND: Council Member Monahan/Council Member Leece

Public Comments:

Beth Refakes, Costa Mesa, inquired on the estimated total cost and businesses attracted to Costa Mesa from previous conferences. (02:43:05)

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council provided formal approval, per Council Policy 100-8 for both Mayor Righeimer and Mayor Pro Tem Mensinger to attend the annual International Conference of Shopping Centers (ICSC) conference in Las Vegas, Nevada on May 18-20, 2014, along with City staff.

CONTINUED PUBLIC COMMENTS (02:45:15)

Anna Vrska, spoke on the ethics policy; a leaked memo to the Daily Pilot; 1st Amendment; Committee appointments and late applicants. (02:45:30)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS (00:00:00)

REPORT – CITY ATTORNEY – NONE

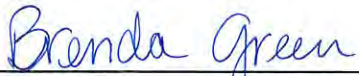
ADJOURNMENT (02:48:20) The Mayor adjourned the meeting at 8:49 p.m. to Special City Council meeting, April 22, 2014, 7:00 p.m.

Minutes adopted on this 21st day of April, 2015.



Stephen M. Mensinger, Mayor

ATTEST:



Brenda Green, City Clerk