

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL, HOUSING  
AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**November 15, 2016**

**CALL TO ORDER (00:00:01)**

The meeting was called to order by the Mayor at 5:50 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**PLEDGE OF ALLEGIANCE (00:00:19)** – Mayor Pro Tem Righeimer

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

Pastor Phil Wood, Redemption Church, Costa Mesa

**ROLL CALL (00:02:40)**

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

Absent: Council Member Monahan

Officials Present: Chief Executive Officer Tom Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Richard Francis, Assistant Chief Executive Officer Tamara Letourneau, Economic Development and Development Services Director/Consultant Jay Trevino, Interim Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:02:55)**

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

**ANNOUNCEMENTS (00:03:10)**

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

**PRESENTATIONS - Estancia Sister City Presentation (00:05:06)**

Jennifer Chamberlin, Estancia High School's Assistant Principal along with the Australia 2016 Sister City Youth Ambassadors from Estancia High School made a presentation and received recognition from the Mayor.

**PUBLIC COMMENTS (00:14:37)**

Jay Humphrey, Costa Mesa, thanked the election volunteers. (00:15:17)

Speaker, spoke on the election and a variety of issues. (00:16:58)

Speaker, spoke on clapping at City Council meetings. (00:19:48)

Robin Leffler, Costa Mesa, spoke on civility. (00:21:40)

Rachel Perry, Costa Mesa, spoke on the election. (00:22:42)

Barrie Fisher, Costa Mesa, thanked the Mayor. (00:23:58)

Sue Lester, Costa Mesa, spoke on the election. (00:24:44)

Tamar Goldmann, Costa Mesa, spoke on the election. (00:27:49)

Jeff Cullen, Costa Mesa, spoke on clapping at City Council meetings; and the election. (00:29:49)

Chuck Perry, Costa Mesa, spoke on living in Costa Mesa; and thanked the City Council. (00:31:40)

Speaker, spoke on the election and thanked the volunteers. (00:32:54)

Gary Parkin, Costa Mesa, thanked the Mayor for his service; spoke on the unfunded pension liability; the Veterans ceremony and the new Heroes Hall Veterans Museum. (00:35:37)

Cindy Brennehan, Costa Mesa, spoke on the election and thanked the volunteers. (00:37:35)

Beth Refakes, Costa Mesa, spoke on the Heroes Hall event; and the election. (00:39:42)

Alex Reich, Costa Mesa, spoke on the election; the Mesa Water District; and homelessness. (00:41:25)

Flo Martin, Costa Mesa, spoke on traffic in the city. (00:44:45)

Sandra Rush, requested parking permits on Coolidge Avenue. (00:47:50)

Richard Mehren, Costa Mesa, spoke on the election and thanked the volunteers. (00:51:04)

**COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:52:31)**

Council Member Genis thanked the volunteers; spoke on the Heroes Hall Dedication and Veterans Day; requested a study session on a General Plan Amendment pertaining to overlays; and spoke on the Halecrest Chili Cook off on November 18.

Mayor Pro Tem Righeimer spoke on the Veterans Day events; and the election.

Mayor Mensinger spoke on the election and thanked the volunteers and his family.

Council Member Foley spoke on voting; Heroes Hall and Veterans Day; the Home Tour on December 1<sup>st</sup>; a study session on Measure Y; and traffic control.

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:09:23) - NONE**

**CONSENT CALENDAR: (01:09:28)**

**MOTION:** Approve recommended actions for Consent Calendar item numbers 1 through 9 except for 2, 5, 6, 7, and 8.

**MOVED/SECOND:** Mayor Pro Tem Righeimer/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

Absent: Council Member Monahan

Motion carried: 4-0-1

**1. READING FOLDER**

Claims received by the City Clerk: James Faulkner

**ACTION:**

City Council received and filed.

**3. MINUTES OF THE REGULAR AND SPECIAL CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF NOVEMBER 1, 2016 AND OCTOBER 17, 2016**

**ACTION:**

City Council approved the minutes of the regular meeting on November 1, 2016 and special meeting on October 17, 2016.

**4. RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS**

**ACTION:**

City Council adopted Resolution No. 16-83, approving the submittal of grant applications for transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2017-18 through 2019-20.

**9. ESTABLISHMENT OF THE NEW CLASSIFICATION OF ASSISTANT BUILDING OFFICIAL**

**ACTION:**

City Council adopted Resolution No. 16-84, which amends Resolution No. 08-59, establishing the new Assistant Building Official job classification; and corresponding salary range of \$7,937 - \$10,636 per month.

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

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

- FIRST READING OF ORDINANCE 16-14 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, AND 5-1.3 OF TITLE 5 AND SECTIONS 7-14 AND 7-15, AND DELETING SECTION 7-19 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2016 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO, AND REPEALING THE ADOPTION OF THE 2013 EDITIONS OF THE CALIFORNIA CODES AND AMENDMENTS THERETO, WITH THE EFFECTIVE DATE OF JANUARY 1, 2017 (01:10:36)**

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the Staff Report. (01:11:24)

No public comments on the item.

**MOVED/SECOND:** Council Member Genis/Council Member Foley (01:12:59)

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:**

1. City Council adopted Resolution No. 16-85 of the City Council of the City of Costa Mesa, California, setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
  2. Gave first reading to Ordinance 16-14, to be read by title only, and further reading waived, for the 2016 Edition of the Model California Construction Codes and set for second reading at the Council's Dec. 6, 2016 meeting.
- 2. REVIEW OF PLANNING APPLICATION PA-16-55 FOR HOLIDAY (FORMERLY LION'S DEN AND MAISON) 719 WEST 19<sup>TH</sup> STREET (01:13:44)**

Ex-Parte Communications: Mayor Pro Tem Righeimer and Mayor Mensinger spoke with the principals; Council Member Genis met with the principals; and Council Member Foley spoke with the applicant. (01:13:54)

Mel Lee, Senior Planner, presented the Staff Report. (01:14:32)

Council Member Genis stated she requested review of the item due to concerns with the ABC requirements; spoke on the noise study; and the bass noise. (01:30:54)

Discussion ensued on the provisional entertainment permit and enforcement. (01:36:56)

Karen Martin, applicant representing Pacific Planning Group, Inc., provided a PowerPoint presentation. (01:44:43)

Public Hearing Opened:

Chuck Perry, Costa Mesa, spoke in support of the Conditional Use Permit. (02:01:02)

Speaker, spoke on donation given to Mayor Mensinger by Javier Vasquez, owner of the bar; and spoke on recusal policies. (02:02:00)

Discussion ensued on what constitutes an applicant. (02:05:25)

City Council recessed for a break. (02:06:42)

City Council reconvened the meeting. (02:15:30)

Mayor Mensinger recused himself and stepped down from the dais, and left the Council Chambers due to a conflict of interest. (02:15:31)

Wendy Leece, Costa Mesa, spoke against the Conditional Use Permit. (02:16:18)

Steve Chan, Costa Mesa, spoke against the Conditional Use Permit. (02:19:29)

**MOVED/SECOND:** Council Member Foley/Mayor Pro Tem Righeimer

**MOTION:** To continue the Public Hearing item to the January 3, 2016 City Council meeting. (02:23:40)

The motion carried by the following roll call vote:

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

Nays: None

Abstain: Mayor Mensinger

Absent: Council Member Monahan

Motion carried: 3-0-1-1

**ACTION:**

City Council continued the Public Hearing item to the January 3, 2016 City Council meeting.

#### **OLD BUSINESS:**

1. **SECOND READING OF ORDINANCE 16-12 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA FOR REZONE R-15-01 TO REZONE (OR CHANGE) A 3.18-ACRE SITE LOCATED AT 375 BRISTOL STREET FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO C2 (GENERAL BUSINESS DISTRICT) FOR A SELF-STORAGE FACILITY AND RETAIL BUILDING AT 375 BRISTOL STREET (02:26:08)**

Mel Lee, Senior Planner, presented the Staff Report. (02:26:45)

No public comments on the item.

**MOVED/SECOND:** Council Member Foley/Council Member Genis (02:27:07)

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 gave second reading and adopted Ordinance 16-12, to be read by title only, and further reading waived, for R-15-01 to rezone (or change) a 3.18-acre site from PDC (Planned Development Commercial) to C2 (General Business District).

2. **SECOND READING OF ORDINANCE 16-13 OF THE CITY OF COSTA MESA, CALIFORNIA FOR REZONE R-16-02 TO REZONE A 23.4-ACRE SITE LOCATED AT 1375 SUNFLOWER AVENUE AND 3370 HARBOR BOULEVARD FROM INDUSTRIAL PARK (MP) TO PLANNED DEVELOPMENT COMMERCIAL (PDC) AND ZONING CODE AMENDMENT TO TITLE 13, CHAPTERS IV AND V RELATED TO LAND USE MATRIX, FLOOR AREA RATIOS AND PLANNED DEVELOPMENT STANDARDS (02:27:31)**

Minoo Ashabi, Principal Planner, presented the Staff Report. (02:28:14)

No public comments on the item.

**MOVED/SECOND:** Council Member Foley/Council Member Genis (02:27:07)

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 gave second reading and adopted Ordinance No. 16-13, to be read by title only, and further reading waived, for Rezone Application R-16-02 to rezone a 23.4-acre site consisting of three parcels (APNs: 140-041-24, 140-041-40, 140-041-62) from Industrial Park (MP) Planned Development Commercial (PDC) consistent with the 2015-2035 General Plan; and, Code Amendment CO-16-05 to Title 13, Chapters IV and V related to land use matrix, floor area ratios and Planned Development Commercial standards as related to the site.

**NEW BUSINESS:**

1. **GENERAL PLAN SCREENING GPS-16-05 FOR PROPOSED SELF-STORAGE FACILITY AT 390 FORD ROAD AND 1957 NEWPORT BOULEVARD WITH A 1.50 FAR INCLUDING BASEMENT FLOOR AREA (02:29:00)**

Minoo Ashabi, Principal Planner, presented the Staff Report. (02:29:27)

Discussion ensued on the Floor Area Ratio (FAR) and the General Plan. (02:35:25)

Matthew Nelson, applicant representing Gresham Savage Nolan & Tilden, PC, spoke on the project. (02:38:03)

Public Comments:

Judy Smith, Costa Mesa, spoke against the project due to problems with the current storage facility. (02:41:47)

Discussion ensued on the FAR and the closure of Ford Road. (02:46:08)

**MOVED/SECOND:** Council Member Foley/Mayor Mensinger (02:52:45)

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 denied the General Plan amendment request for processing to increase the allowable Floor Area Ratio (FAR) for three parcels located within the "General Commercial" General Plan land use designation from 0.75 for very low trip generator use to 1.50 FAR.

**2. URBAN MASTER PLAN SCREENING REQUEST (UMP-16-01) FOR A MIXED-USE DEVELOPMENT IN THE SOUTH BRISTOL ENTERTAINMENT & CULTURAL ARTS (SOBECA) URBAN PLAN CALLED "THE PLANT" AT 769 BAKER STREET AND 2972 CENTURY PLACE (02:53:40)**

Ex-Parte Communications: Council Member Foley and Mayor Pro Tem Righeimer spoke with Mr. Sadeghi, CEO from Lab Holding, LLC. (02:54:00)

Mel Lee, Senior Planner, presented the Staff Report. (02:54:17)

Chris Bennett, applicant representing the Lab Holding, LLC., provided a PowerPoint presentation. (03:00:39)

Mayor Pro Tem Righeimer spoke on the lack of parking in the entire area. (03:13:11)

Council Member Genis spoke on a parking district. (03:21:33)

Discussion ensued on angled parking. (03:24:40)



Public Comments:

Cynthia McDonald, Costa Mesa, supports mixed use; opposed to the four story housing structure; and spoke on parking issues. (03:27:42)

Richard Huffman, Costa Mesa, supports re-purposing the property; spoke on density, traffic and parking issues; spoke on lower housing density; and community outreach. (03:30:12)

Jay Humphrey, Costa Mesa, spoke on parking issues. (03:33:16)

Beth Refakes, Costa Mesa, spoke on parking issues; modifying the project and reducing the density; and community outreach. (03:36:12)

Richard Russell, Costa Mesa, spoke in support of the project. (03:38:38)

Council Member Foley spoke in support of the project, but would like the parking issues addressed and density reduced. (03:41:44)

Mayor Pro Tem Righeimer spoke in support of the project, but would like the parking issues addressed. (03:44:33)

**ACTION:**

City Council provided feedback on the proposed Urban Master Plan for a mixed use development within the South Bristol Entertainment & Cultural Arts (SoBECA) Urban Plan.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

2. **WARRANT RESOLUTION NO. 2566 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-23 FOR \$2,188,504.75 AND 16-22 "A" FOR \$-2842.06; AND CITY OPERATING EXPENSES FOR \$1,249,115.17; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (03:53:21)**

**MOVED/SECOND:** Mayor Pro Tem Righeimer/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

Absent: Council Member Monahan

Motion carried: 4-0-1

**ACTION:**

City Council approved Warrant Resolution No. 2566.

**5. MEDIAN LANDSCAPE AND IRRIGATION IMPROVEMENTS PROJECT, CITY PROJECT NO. 16-19 (03:54:04)**

Council Member Genis spoke on the project and cost concerns. (03:54:15)

Public Comments:

Robin Leffler, Costa Mesa, spoke against the project. (03:56:38)

Wendy Leece, Costa Mesa, spoke against the project. (04:00:00)

Discussion ensued on reducing the cost of the project. (04:02:08)

**MOVED/SECOND:** Mayor Pro Tem Righeimer/Mayor Mensinger

**MOTION:** To approve the recommended actions: (04:05:09)

1. City Council adopt plans, specifications, and working details for the Median Landscape and Irrigation Improvements Project, City Project No. 16-19; and
2. Award a construction contract to KASA Construction, Inc., 15148 Sierra Bonita Lane, Chino, CA 91710, in the amount of \$ 457,737.00; and
3. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

**SUBSTITUTE MOTION/SECOND:** Council Member Foley/Council Member Genis

**SUBSTITUTE MOTION:** To continue the item to the December 6, 2016 City Council meeting. (04:33:00)

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 continued the item to the December 6, 2016 City Council meeting.

**6. FINAL MAP FOR TRACT NO. 18006 LOCATED AT 326 22ND STREET AND 2212, 2216 AND 2220 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA (04:33:24)**

Public Comments:

Joanne Perler, Costa Mesa, spoke on the property boundary lines; and requested a surveyor report from the developer. (04:33:57)

Discussion ensued on the surveyor report and the boundary lines. (04:35:53)

Mayor Mensinger recused himself and stepped down from the dais, and left the Council Chambers due to a conflict of interest with Melia Homes. (04:41:11)

Chad Brown, with Melia Homes, spoke on the communication he had with Ms. Perler. (04:41:27)

**MOVED/SECOND:** Council Member Foley/Council Member Genis (04:45:50)

The motion carried by the following roll call vote:

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

Nays: None

Abstain: Mayor Mensinger

Absent: Council Member Monahan

Motion carried: 3-0-1-1

**ACTION:**

City Council approved the Final Map for Tract No. 18006 and authorized signing of the Map by the City Clerk and the City Engineer.

**7. FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER (04:46:09)**

Council Member Genis requested clarification on continuing the legal service agreement. (04:46:30)

Discussion ensued on the legal service agreement. (04:47:32)

Public Comments:

Wendy Leece, Costa Mesa, inquired on the need to continue the contract. (04:49:58)

**MOVED/SECOND:** Mayor Mensinger/Mayor Pro Tem Righeimer

**MOTION:** To approve the recommended action: (04:51:06)

City Council authorize additional funding of \$75,000 for the special counsel legal services agreement with Best Best & Krieger (BB&K) for legal services relating to environmental and election issues.

**SUBSTITUTE MOTION/SECOND:** Council Member Foley/Council Member Genis

**SUBSTITUTE MOTION:** To continue the item to the January 17, 2017 City Council meeting. (04:51:15)

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 continued the item to the January 17, 2017 City Council meeting.

**8. KIMLEY-HORN AND ASSOCIATES PROFESSIONAL SERVICES CONTRACT AMENDMENT (04:52:23)**

**MOVED/SECOND:** Mayor Pro Tem Righeimer/Mayor Mensinger (04:53:34)

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:**

1. City Council approved Amendment Two to the existing Professional Services Agreement with Kimley-Horn and Associates to perform community improvement consulting services in an additional amount not to exceed \$250,000 and extend the term of the agreement through June 30, 2017; and
2. Authorized the CEO and City Clerk to execute the agreement; and
3. Authorized the CEO and City Clerk to accept and execute future amendments to the agreement.

**CONTINUED PUBLIC COMMENTS - NONE**

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor and City Council adjourned the meeting at 10:44 p.m.

Minutes adopted on this 6<sup>th</sup> day of December, 2016.



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James M. Righeimer, Mayor Pro Tem

ATTEST:



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Brenda Green, City Clerk