

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

MAY 20, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 4:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Righeimer (arrived at 4:45 p.m.), Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis (arrived at 4:45 p.m.) and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

CLOSED SESSION

The City Council recessed into closed session at 4:35 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 Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Fire Fighters Association (CMFA), and Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.
4. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al v. Michael Cohen, et al, Sacramento County Superior Court, Case No. 34-2013-80001675, pursuant to California Government Code Section 54956.9(a).

Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves from Closed Session item number 1 due to a possible conflict.

The City Council reconvened at 6:04 p.m.

CALL TO ORDER (00:00:14)

PLEDGE OF ALLEGIANCE (00:00:36) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:00:57)

Doug Jacks, Palm Harvest Church

ROLL CALL (00:01:26)

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, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Transportation Services Manager Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:01:45) - NONE

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

ANNOUNCEMENTS (00:01:50)

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

PRESENTATION (00:00:00) - NONE

PUBLIC COMMENTS (00:04:52)

Harold Weitzberg, Costa Mesa, spoke regarding a new development project on Victoria. (00:05:00)

Mary Ann Dunham, Costa Mesa, spoke on the Relay for Life event. (00:08:08)

Charles Mooney, Costa Mesa, spoke on the Library and Community Center. (00:10:00)

~~Beth Refakes, Costa Mesa, spoke regarding the budget meeting; development in the airport area; and use of the substation for the American Legion Post. (00:11:26)~~

Al Melone, Costa Mesa, spoke regarding animal control services; and the dog park. (00:14:38)

Chuck Perry, Costa Mesa, thanked Council on road repairs; Dan Joyce; the Community Center and Library; and Estancia's High School class reunion. (00:17:42)

Laurene Keane, Costa Mesa, spoke regarding the 60th Anniversary; crime statistics; and displacement of apartment tenants. (00:19:47)

Robin Leffler, Costa Mesa, spoke on public safety and police patrols; and the Charter. (00:22:10)

Chris McEvoy, Costa Mesa, spoke regarding a political flyer; high density units; and traffic. (00:25:12)

Teresa Drain, Costa Mesa, spoke regarding the 60th Anniversary event. (00:28:10)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:29:12)

Mayor Pro Tem Mensinger - spoke on the library; election year comments; and the police helicopter and patrols. (00:29:12)

Council Member Genis – spoke on the scholars who were recognized by the Chamber of Commerce; the Library Foundation event; the Harbor Lawn Memorial Day Ceremony; airport expansion and compatibility; animal control issues; and the fire at Talbert Park. (00:32:35)

Council Member Leece – spoke on the Library Foundation event; library improvements; the dog park; the Senior Center; the American Legion; congratulated Christian Hernandez; addressed public comments; spoke on the enforcement of commercial vehicles parking in residential areas; and attorney fees. (00:36:05)

Council Member Monahan – None. (00:45:29)

Mayor Righeimer – spoke on the ICSC Conference; the substation for the American Legion; the Senior Center and the Library; airport expansion; and spoke on police patrols and hiring of police officers. (00:45:31)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:53:58)

CEO Thomas Hatch spoke on the American Legion Post awards to police and fire; the Charter; the dog park; the library; and Fire Department staffing levels.

CONSENT CALENDAR (00:55:52)

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1-6.

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

- 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: Jorge Urbano-Miguel; Yolanda Arroyo; Dillion Giedt; Ronald Campbell; Leonard Tovar; and Brenda Hale.

ACTION: Received and filed.

- 3. WARRANT RESOLUTION 2515: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-09 "A", 14-10, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-09 "A" for \$1,997.16, Payroll No. 14-10 for \$2,097,288.29, and City operating expenses for \$2,170,529.84.**

ACTION: Approved Warrant Resolution No. 2515, to be read by title only and further reading waived.

- 4. A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY ADOPTING A BUDGET FOR THE HOUSING AUTHORITY FOR FISCAL YEAR 2014-2015**

ACTION:

City Council and Housing Authority adopted Resolution No. 14-29, to be read by title only and waived further reading, approving the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY 14-15.

- 5. RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014**

ACTION:

1. City Council Adopted Resolution No. 14-26, to be read by title only and waived further reading, calling and giving notice to conduct a General Municipal Election on November 4, 2014 for the election of two members to the City Council; and
2. Adopted Resolution No. 14-27, to be read by title only and waived further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election; and
3. Adopted Resolution No. 14-28, to be read by title only and waived further reading, adopting regulations pertaining to Candidates Statements.

6. **PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FIRE STATION #4 (PLACENTIA) RENNOVATION/ADDITION PROJECT**

ACTION:

1. City Council awarded a Professional Services Agreement to IDS Group for architectural and engineering services for the extension of the apparatus bay and the addition of a vehicle storage building at fire station 4 in the amount of \$57,820; and
2. Authorized an additional contingency appropriation of \$14,000 for services which may include AutoCAD conversion of as-built plans, geotechnical investigation, and pre-construction destructive testing; and
3. Authorized the Mayor to execute the Professional Services Agreement.

Consensus: Public Hearing Item 1 moved to after New Business.

OLD BUSINESS – (00:57:00)

1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING APPROVAL TO ADOPT REZONE R-13-02 FOR A REZONE (OR CHANGE) OF THE ZONING CLASSIFICATION OF THE 4.17-ACRE DEVELOPMENT SITE FOR THE 125 EAST BAKER APARTMENT PROJECT FROM COMMERCIAL LIMITED (CL) TO PLANNED DEVELOPMENT RESIDENTIAL – HIGH DENSITY (PDR-HD) AT 125 EAST BAKER STREET (00:57:10)**

Public Comments:

Robin Leffler, Costa Mesa, spoke regarding the neighborhood manufacturing business. (00:57:49)

Tamar Goldmann, Costa Mesa, spoke in support of the manufacturing business. (01:01:10)

Council Member Leece expressed concerns on traffic and density. (01:02:52)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted Ordinance No. 14-05, to be read by title only and waived further reading.

2. **AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA, GRANTING APPROVAL TO ADOPT ZONING CODE AMENDMENT CO-13-02 TO AMEND COSTA MESA MUNICIPAL CODE TITLE 13 FOR A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THE 125 EAST BAKER APARTMENT PROJECT. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: TABLE 13-58 (PLANNED DEVELOPMENT STANDARDS) TO ALLOW A SITE-SPECIFIC DENSITY OF 58 DWELLING UNITS PER ACRE FOR THIS PROJECT AT 125 EAST BAKER STREET (01:03:44)**

Public Comments:

Robin Leffler, Costa Mesa, spoke on the General Plan process. (01:04:35)

Tamar Goldmann, Costa Mesa, spoke on density and affordable housing. (01:05:40)

Kathy Esfahani, Costa Mesa, spoke on affordable housing. (01:07:25)

Mayor Pro Tem Mensinger read into the record a letter received from Todd Perkins in support of the project. (01:16:20)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted Ordinance No. 14-06, to be read by title only and waived further reading.

NEW BUSINESS – (01:17:04)

1. **GENERAL PLAN SCREENING GPS-14-02 FOR PROPOSED 236-UNIT RESIDENTIAL APARTMENT PROJECT AT 2277 HARBOR BOULEVARD (01:17:10)**

Public Comments:

Donald Lamm, Applicant, spoke on the project. (01:28:12)

Harold Weitzberg, Costa Mesa, spoke on affordable housing. (01:46:00)

Beth Refakes, Costa Mesa, spoke regarding low income housing. (01:49:00)

Dianne Russell, Costa Mesa, spoke on affordable housing. (01:51:45)

Cynthia McDonald, Costa Mesa, spoke on density and park fees. (01:55:10)

Margaret Mooney, Costa Mesa, spoke on affordable housing. (01:58:20)

Mick Meldrum, Vice President, ICI Development Co., spoke in support of the project. (01:59:20)

Kathy Esfahani, Affordable Housing Coalition, spoke regarding affordable housing. (02:01:10)

Jay Humphrey, Costa Mesa, spoke on affordable housing and the height of the project. (02:04:15)

Tamar Goldmann, Costa Mesa, spoke on affordable housing. (02:07:30)

Robin Leffler, Costa Mesa, spoke on density and the height of the project. (02:09:14)

Council Member Leece spoke on affordable housing. (02:12:35)

Council Member Genis spoke on traffic concerns; calls for service; high density and economic impacts. (02:16:30)

Mayor Pro Tem Mensinger spoke regarding poor living conditions at the motel and affordable housing. (02:20:20)

Mayor Righeimer spoke on police issues at the motel; affordable housing; and the forty units per acre ratio. (02:27:00)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: None

Motion carried: 4-1

ACTION:

City Council accepted the General Plan amendment request for processing to amend the land use designation from General Commercial to Planned Development Residential related to development of a 236-unit apartment complex project.

~~2. RENEWAL OF THE USER AGREEMENT WITH HARBOR SOARING SOCIETY – ITEM REMOVED FROM THE AGENDA~~

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

The City Council reconvened the meeting at 8:52 p.m.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55)- (02:48:42)

1. APPEAL OF THE REVOCATION OF PLANNING APPLICATION PA-99-09 – A CONDITIONAL USE PERMIT ALLOWING EXTENDED OCCUPANCY ROOMS AT THE SANDPIPER MOTEL LOCATED AT 1967 & 1977 NEWPORT BOULEVARD (02:48:50)

Council Member Monahan recused himself as lives within 500 feet of the motel, and left the Council Chambers. (02:38:00)

City Clerk Brenda Green swore in Senior Planner Mel Lee and Code Enforcement Officer Jonathan Neal. (02:50:59)

Report by City Prosecutor Palmer and Code Enforcement Officer Neal. (02:51:50)

Allan Calomino, Attorney representing Appellant Mike Lin, spoke. (03:58:14)

City Clerk Green swore in Appellant Mike Lin. (04:17:38)

Allan Calomino spoke and asked a series of questions to Code Enforcement Officer Neal and Mr. Neal responded. (04:18:35)

Mike Lin, Appellant, spoke. (04:33:06)

Allan Calomino, spoke. (04:35:40)

Discussion ensued. (04:41:00)

Alan Calamino spoke and asked a series of questions to Code Enforcement Officer Neal and Mr. Neal responded. (05:00:00)

Discussion continued. (05:07:47)

The City Council recessed for a break at 11:38 p.m. (05:33:29)

~~The City Council reconvened the meeting at 11:46 p.m. (05:41:48)~~

Public Comments:

Jean Forbath, Costa Mesa, spoke. (05:42:29)

Bob Washer, Costa Mesa, spoke. (05:44:00)

Morgan Lin, Costa Mesa, spoke. (05:47:25)

Cindy Black, Costa Mesa, spoke. (05:50:40)

Christine Nolf, Affordable Housing Coalition, spoke. (05:51:45)

Richard Pleasant, Costa Mesa, spoke. (05:53:50)

Kathy Esfahani, Costa Mesa, spoke. (05:57:18)

Robin Leffler, Costa Mesa, spoke. (06:00:22)

MOTION: To continue the meeting past midnight. (06:03:20)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Recused: Council Member Monahan

Motion carried: 4-0

Tamar Goldmann, Costa Mesa, spoke. (06:03:40)

Jay Humphrey, Costa Mesa, spoke. (06:05:35)

Greg Ridge, Costa Mesa, spoke. (06:08:40)

Discussion ensued. (06:12:15)

MOTION/SECOND: Council Member Leece/Council Member Genis (06:16:10)

MOTION:

Conclude that there are insufficient findings that the Sandpiper Motel has been operated in violation of the conditions of approval of Conditional Use Permit PA-99-09 or as a public nuisance. The existing conditions of approval regulating the motel would remain as originally approved.

The motion failed by the following roll call vote: (06:27:50)

Ayes: Council Member Genis and Council Member Leece

Nays: Mayor Pro Tem Mensinger and Mayor Righeimer

Absent: None

Recused: Council Member Monahan

Motion failed: 2-2

MOTION/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger (06:28:20)

MOTION:

Uphold the Planning Commission's determination that the Sandpiper Motel has been operated in violation of the conditions of approval in Conditional Use Permit PA-99-09 and/or as a public nuisance, such that revocation of the CUP is justified; and revoke, or in lieu of revocation, amend the conditions of the CUP.

The motion failed by the following roll call vote:
Ayes: Mayor Pro Tem Mensinger and Mayor Righeimer
Nays: Council Member Genis and Council Member Leece
Absent: None
Recused: Council Member Monahan
Motion failed: 2-2

City Attorney stated that the Planning Commission decision stands and there is no action by the Council. (06:28:50)

ITEMS REMOVED FROM THE CONSENT CALENDAR - NONE

CONTINUED PUBLIC COMMENTS (00:00:00)

Phillip Marx, Costa Mesa, spoke on radiation poisoning. (06:29:25)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT- To next regular meeting on June 3, 2014.

The Mayor adjourned the meeting at 12:37 p.m.



MAYOR



CITY CLERK