

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

September 2, 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, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis (arrived at 4:35 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 City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) for two potential cases. City Clerk Brenda Green announced on Closed Session item 2: “One case is in the matter of the administrative proceeding regarding Dan Joyce.”
3. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa Police Management Association (CMPMA) pursuant to California Government Code Section 54957.6
4. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa Fire Fighters Management Association pursuant to California Government Code Section 54957.6
5. Conference with legal counsel regarding existing litigation: Larry and Pamela Olsen v. City of Costa Mesa, a municipal corporation, et al., United States District Court—Southern District of California, San Diego, (Federal Court), Case No. 08-CV-2035-JAH-BLM, pursuant to California Government Code Section 54956.9(a).

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

CALL TO ORDER (00:00:20)

PLEDGE OF ALLEGIANCE (00:00:32) – Led by Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:0:51)

Pastor Phil Wood, Redemption Church

ROLL CALL (00:02:18)

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, Deputy City Attorney Richard Adams, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:02:34)

City Attorney Duarte reported on Closed Session item number 5:

(5-0 vote) – City Council agreed to pay plaintiffs \$349,000 and in return plaintiffs agreed to release all claims.

Chief Negotiator Richard Kreisler reported on Closed Session item number 2:
(00:03:05)

Mr. Kreisler stated, "Pursuant to Government Code Section 54956.9(d)(2) the City Council heard the matter where there was significant exposure to litigation in the pending matter of Dan Joyce. The City Council voted unanimously to accept a settlement offer by Dan Joyce to resolve pending administrative and civil litigation between Mr. Joyce and the City in the amount of \$170,225.00 in exchange for a release of all claims."

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

ANNOUNCEMENTS (00:03:43)

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

PRESENTATIONS (00:05:22)

Costa Mesa Foundation Presentation by Mr. Jason Werner, Vice President, Costa Mesa Foundation, Concert in the Parks Chairman

PUBLIC COMMENTS (00:09:32)

Greg Tunnell, Costa Mesa, spoke regarding manners and social interactions. (00:10:43)

James H. Bridges, Costa Mesa, spoke regarding the Charter. (00:14:01)

Harold Weitzberg, Costa Mesa, spoke regarding ethical behavior; and microaggressions. (00:15:22)

Ms. Drain, Costa Mesa, requested an independent forensic audit of the 60th Anniversary event. (00:18:40)

Tamar Goldmann, Costa Mesa, spoke regarding parking concerns and development projects. (00:21:53)

J. Paul Wilson, Costa Mesa, spoke about sober living homes and the over saturation in residential neighborhoods. (00:23:51)

Robin Leffler, Costa Mesa, spoke regarding words spoken at a candidate endorsement meeting; and read a letter submitted to the editor of the Daily Pilot regarding the Charter. (00:26:55)

Noel Perkins, Costa Mesa, spoke about sober living homes and a plan of action. (00:29:32)

Cindy Black, Costa Mesa, spoke on the Mesa Verde Community Forum. (00:31:43)

Speaker, spoke regarding legal expenses. (00:33:26)

Joy Williams, Costa Mesa, spoke regarding the drought and fires. (00:36:51)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:39:46)

Council Member Genis thanked the Costa Mesa Foundation for their work; spoke regarding campaign signs; taping of the eastside candidate forum; and annual review of city attorney services. (00:39:54)

Council Member Leece spoke regarding the September 19th Special Closed Session on the Police Association contract; spoke on fireworks and reviewing the policy; group homes; mosquitos and the West Nile virus; the Great Reach meeting; and the Orange Coast College Community Meeting on September 9th. (00:42:49)

Council Member Monahan spoke regarding comments made regarding Harold Weitzberg's name. (00:54:36)

Mayor Righeimer spoke regarding the 60th Anniversary audit; the taping of the Eastside candidate forum; campaign contributions; group homes and impacts and the Newport Beach lawsuit; legal expenses in regards to group homes; parking standards and using garages for storage. (00:55:23)

Mayor Pro Tem Mensinger spoke on safe and sane fireworks and illegal fireworks; water conservation; and statements made regarding Harold Weitzberg's name. (01:06:26)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:15:10)

CEO Hatch welcomed new Deputy City Clerk Michael Dunn; welcomed back Claire Flynn, Assistant Community Development Services Director; and welcomed Jerry Guarracino who will be managing a team related to Group homes and problem properties; spoke on Group homes and how to report problems; spoke on the status of the G4S Jail operations and transition of current employees; spoke regarding the taping of the Eastside candidate forum; Talbert Regional Park public meeting on September 10th; announced the Orange Coast College Community Meeting on September 9th; and spoke on the 60th Anniversary event, audits and reforms.

CONSENT CALENDAR (01:30:59)

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 8 except for item nos. 3, 7, and 8.

MOVED/SECOND: Council Member Leece/Council Member Genis

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: Holly Eck; Ivin Mood; Mohammad Tavassol; Kathy O'Neill; Elvia Jimenez; Kendra Sturgeon; and Igor Pereira.

ACTION: Received and filed.

4. EAST SIDE STREET IMPROVEMENT PROJECT, CITY PROJECT NO. 12-05

ACTION:

1. City Council accepted the work performed by All American Asphalt and authorized 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. RENEW PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF

ACTION:

City Council authorized the City's Chief Executive Officer (CEO) to enter into a one year Professional Services Agreement with Mike Linares, Inc., in an amount not to exceed \$85,000 per fiscal year, with the option to renew for up to four one year periods.

6. MINUTES

ACTION:

City Council approved the minutes of the Regular Meeting of the City Council and Successor Agency of March 18, 2014 and June 3, 2014.

PUBLIC HEARINGS – (01:32:34)

1. TEFRA HEARING FOR WHITTIER COLLEGE PROJECT (01:32:30)

Staff report by Colleen O'Donoghue, Assistant Finance Director. (01:32:35)

MOVED/SECOND: Council Member Monahan/Council Member Leece

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 conducted a Public Hearing, as required by the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code, for the financing by the California Municipal Finance Authority (CMFA) of various improvements and capital projects on the Whittier College campus located at 3333 Harbor Blvd in the City; and
2. Adopted Resolution No. 14-52, to be read by title only and waived further reading, to become a member of the CMFA and approve the issuance of a loan by the CMFA for the benefit of Whittier College to provide for the financing of the Project; and
3. Authorized the CEO to execute the Joint Powers Agreement of the CMFA.

2. SECOND READING FOR THE PRE-ZONING AND PROPERTY TAX EXCHANGE AGREEMENT FOR THE SANTA ANA/COLLEEN ISLAND ANNEXATION (01:33:50)

Staff report by Margaret Chang, Management Analyst. (01:34:50)

Council Member Monahan spoke on not supporting the 6,600 square ft. minimum lot size. (01:38:00)

Public Comments:

Tim Huth, representing owners on Santa Ana and 22nd street, spoke in support of the R-1 6,000 minimum square ft. lot size. (01:41:15)

Ken Defeo, Costa Mesa, supports the 25 feet rear yard setbacks; and spoke on developer campaign contributions. (01:45:20)

Liz Parker, Costa Mesa, spoke regarding the process of county and city zoning; and supports keeping the zoning the same. (01:48:24)

Jay Humphrey, Costa Mesa, spoke regarding property rights; and zoning surrounding the property owners. (01:51:10)

Jonathan Fletcher, Costa Mesa, spoke in support of having 7,200 minimum square ft. lot size and 25 ft. rear yard setbacks; and read a quote. (01:53:10)

Robin Leffler, Costa Mesa, spoke regarding neighborhood integrity and preservation of the neighborhood and zoning; asked if Council Member Monahan should recuse himself. (01:55:40)

Joseph Rink, Costa Mesa, supports the 25 ft. rear yard setbacks and 7,200 minimum square ft. lot size. (01:58:00)

Gay Royer, Costa Mesa, supports maintaining the 25 square ft. setbacks and 7,200 minimum square ft. lot size. (02:00:00)

Joanne Perler, Costa Mesa, submitted a letter to Council; spoke regarding a common shared driveway; and spoke in support of the 7,200 minimum square ft. lot size. (02:01:45)

Richard Alexander, Costa Mesa, supports the 7,200 minimum square ft. lot size; spoke regarding property tax values and a representative government. (02:06:50)

Ernie Gallard, Irvine, representing the developer, spoke to the easement agreement and ability to subdivide; and spoke in support of the 6,000 minimum square ft. lot size. (02:08:50)

Speaker, spoke against developer variances and is in support of large lots. (02:12:35)

Chris Gray, Costa Mesa, supports the 6,000 square ft. lot size. (02:13:20)

Keith Palmer, Architect for the project developer, spoke on setbacks; and Northside Homes and density. (02:14:10)

Peter Naghavi, San Clemente, spoke on behalf of the developer, spoke on working with staff and residents on planning the project; the minimum lot size; setbacks for the North homes; and requested a 6,000 minimum square ft. lot size. (02:20:30)

Anna Vrska, Costa Mesa, supports a 7,200 minimum square ft. lot size; and does not support variances and changing setbacks. (02:25:10)

Mayor Righeimer spoke regarding setbacks and zoning on the project. (02:25:50)

Council Member Leece expressed support for county standards of 7,200 minimum square ft. lot sizes and 25 ft. minimum setbacks. (02:29:00)

Council Member Genis spoke regarding setbacks. (02:30:40)

Jerry Guarracino, Assistant Director Community Improvement Division, clarified the County's general plan designation for the site allows for a density of .5 dwelling units to the acre, up to 18 dwelling units to the acre and Costa Mesa's general plan designation is currently medium density residential which would allow up to 12 dwelling units to the acre. (02:33:01)

Discussion ensued regarding the easement and setbacks. (02:35:10)

Council Member Genis spoke to not supporting the 6,000 square ft. minimum lot size. (02:39:20)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (02:46:10)

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 Rigeimer.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council conducted the Public Hearing; and
2. Adopted Resolution No. 14-53, to be read by title only and waived further reading, for the Property Tax Exchange Agreement between the City of Costa Mesa and the County of Orange.

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (02:46:30)

The motion carried by the following roll call vote:

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

Nays: Council Member Genis, Council Member Leece

Absent: None

Motion carried: 3-2

3. City Council gave first reading to Ordinance No. 14-07, to be read by title only and waived further reading, to rezone the Santa Ana/Colleen Annexation Area to R1 – 6,000 square foot minimum size.

Discussion ensued on bringing back a separate Ordinance for the north lot setbacks. (02:47:10)

City Council recessed for a break at 8:49 p.m.

City Council reconvened the meeting at 9:01 p.m.

3. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2013-2016 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) (03:00:57)

Staff report provided by Richard Kreisler, City Chief Negotiator. Mr. Kreisler provided a slide presentation on the changes in the MOU. (03:01:20)

Discussion ensued regarding the cost savings and annual employee reviews. (03:30:00)

Public Comments:

Jay Humphrey, Costa Mesa, spoke regarding oppressive governments and transparency. (03:35:00)

Greg Tunnell, Costa Mesa, spoke regarding ex-parte communications; contracts; and supports the cost savings. (03:36:18)

Robin Leffler, Costa Mesa, spoke regarding ex-parte communications; supports the cost savings; and concern with Costa Mesa hiring the best and brightest. (03:40:10)

Tamar Goldmann, Costa Mesa, spoke regarding negotiations; and an article in the OC Register. (03:40:50)

Discussion ensued regarding the COIN process, transparency and ex-parte communications. (03:44:05)

ACTION:

1. City Council conducted the first Public Hearing as required by COIN; and
2. Scheduled the second and final Public Hearing as required by COIN for September 16th, 2014.

OLD BUSINESS - NONE

NEW BUSINESS (03:53:46)

1. ARCHITECTURAL AND CONCEPTUAL DESIGN SERVICES FOR THE EVENTUAL REPLACEMENT OF FIRE STATION 1 AND FIRE STATION 2 (03:53:54)

Report provided by Thomas Hatch, CEO. (03:54:10)

Discussion ensued regarding the poor conditions of the stations; hiring a consultant for a needs assessment; and location of fire stations. (03:56:14)

Public Comments:

Beth Refakes, Costa Mesa, spoke regarding location of fire stations and financing considerations. (04:09:20)

Robin Leffler, Costa Mesa, supports upgrading stations but is concerned with bond indebtedness. (04:12:00)

Discussion regarding replacement and rehabilitation. (04:13:45)

MOVED/SECOND: Council Member Genis/Mayor Pro Tem Mensinger
(04:20:00)

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 directed staff to proceed with the hiring of an architectural firm to provide conceptual development for the replacement of fire station 1 and fire station 2.

ITEMS REMOVED FROM THE CONSENT CALENDAR (04:20:15)

3. **WARRANT RESOLUTION 2521: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-15 "A", 14-16, 14-16 "A", AND 14-17, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-15 "A" for \$592.92, Payroll No.14-16 for \$2,122,411.38, Payroll No. 14-16 "A" for \$-10.96, and Payroll No.14-17 for \$2,153,995.47 and City operating expenses for \$4,700,208.19 (04:20:25)**

Public Comments:

Tamar Goldmann, Costa Mesa, spoke regarding city expenses. (04:20:45)

Anna Vrska, Costa Mesa, spoke regarding city expenses and transparency. (04:23:53)

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: Approved Warrant Resolution No. 2521, to be read by title only and further reading waived.

7. POLICE RESERVE OFFICER – SALARY ADJUSTMENT (04:28:44)

Discussion ensued regarding the structure of the reserve program and the new part-time position. (04:28:53)

Public Comments:

Tamar Goldmann, Costa Mesa, supports the \$38.00 dollars per hour. (04:45:15)

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 adopted Resolution No. 14-54, to be read by title only and waived further reading, which amends Resolution No. 12-49 by revising the salary range for the Police Reserve Officer classification, and approving a new hourly rate of \$38.00.

8. PROFESSIONAL SERVICES CONTRACT EXTENSION FOR LILLEY PLANNING CONSULTANTS (04:46:34)

Discussion ensued regarding consulting and addition of full time positions. (04:46:50)

Public Comments:

Tamar Goldmann, Costa Mesa, spoke regarding the costs of outsourcing. (04:53:20)

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 authorized the extension to the existing Professional Services Agreement extension with the Lilley Group, for interim staffing assistance, in an amount not to exceed \$225,000; and
2. Authorized the City Chief Executive Officer to sign the amended Professional Services Agreement with the Lilley Planning Group.

CONTINUED PUBLIC COMMENTS (04:56:44)

Jay Humphrey, Costa Mesa, spoke on the Neighborhood Task Force; taping of the eastside forum; outsourcing; and police officer applications. (04:56:49)

Cindy Black, Costa Mesa, spoke regarding Council Chamber upgrades; and the Mayor's campaign contributions. (05:00:50)

Beth Refakes, Costa Mesa, spoke regarding the Costa Mesa Military Affairs Committee; the collection of ball gowns; and the signal pre-emption in the downtown area. (05:04:50)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT The Mayor and the City Council adjourned the meeting at 11:08 p.m.



MAYOR



CITY CLERK