

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

MAY 6, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 4:02 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 (arrived at 4:15 p.m.), Council Member Leece, Council Member Genis 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 4:05 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).

Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves from Closed Session item number 1.

The City Council reconvened at 6:03 p.m.

CALL TO ORDER (00:00:20)

PLEDGE OF ALLEGIANCE (00:00:41) – Mayor Righeimer

MOMENT OF SOLEMN EXPRESSION (00:01:16)

Rabbi Elie Spitz of Congregation B'nai Israel

ROLL CALL (00:01:30)

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, Public Services Director Ernesto Muñoz, 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 (00:02:00)

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

PRESENTATION (00:04:14)

1. Rabbi Elie Spitz of Congregation B'nai Israel on the Day of Holocaust Remembrance (00:04:24)
2. New Ambulance Presentation (00:08:54)
3. Provide a Ride Presentation (00:14:30)
4. Recognition of St. John the Baptist School Clover Choir and Music Director Yvette Itano (00:22:30)

PUBLIC COMMENTS (00:37:32)

Cindy Brenneman, Costa Mesa, spoke on the fire fighters assistance for burn victims; and new ambulances. (00:37:48)

Phillip Marx, Costa Mesa, spoke on radiation poisoning. (00:40:05)

Sue Lester, Costa Mesa, spoke on the OC Marathon; and on life saving efforts from Officer Olin. (00:43:15)

Al Melone, Costa Mesa, spoke on the dog park. (00:45:30)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team support of 1/5 Marines; the 60th Anniversary report; and the 19th Street traffic calming meeting. (00:48:48)

Charles Mooney, Costa Mesa, spoke on library renovations. (00:51:50)

Laurene Keane, Costa Mesa, spoke on the 60th Anniversary issue; and the Costa Mesa minute video. (00:53:27)

Greg Thunell, Costa Mesa, spoke on the Mayor's responsibility and public sentiment on various issues. (00:56:31)

Tamar Goldmann, Costa Mesa, spoke on the comment period for public speakers; and the 2012 elections. (00:59:55)

Cindy Black, Costa Mesa, spoke on approved developments; traffic mitigation for the Banning Ranch development; and donations to Mayor Righeimer. (01:02:35)

Harold Weitzberg, Costa Mesa, spoke on infringement of rights. (01:05:44)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:07:10)

Mayor Righeimer – spoke on new ambulances; the Fire Department reorganization; and thanked citizens of Costa Mesa who paid for the fire services. (01:07:12)

Mayor Pro Tem Mensinger – spoke on the new ambulances; the leadership of the Fire Department; announced the Mayor's celebration on May 8th, 2014; spoke on the OC Marathon event and the Battle of Costa Mesa event; Costa Mesa Connect system for iPhones; dog park maintenance; developments in the City; and the COIN process being considered by the County. (01:11:32)

Council Member Genis – thanked St. John the Baptist School Choir; reported her attendance at the Southern California Association of Governments conference; spoke on funding for transportation; spoke on toll lanes; spoke on Consent Calendar 4; spoke on development fees; development of long narrow single parcels; and the Metro Point development. (01:19:28)

Council Member Leece – spoke on the dog park; spoke on the 60th Anniversary report; the RFP for expanding library services; reported her attendance at the Art Fair at Estancia Adobe; spoke on the Moment of Solemn Expression; spoke on the General Plan Update; COIN; transparency; and ex-parte communications. (01:25:10)

Council Member Monahan – spoke on the Moment of Solemn Expression; the dog park and planting trees; neighborhood clean-up and removing old signs; and invited the public to fundraiser events for St. Joachim and Kaiser Woodland School. (01:35:25)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:38:50)

CEO Thomas Hatch provided a report on the 60th Anniversary event; spoke on the dog park; the budget process; an Elections Committee; complemented public services staff on cleaning up of trees after the winds; spoke on the Hamilton Community Garden; and the lease agreement between the County and Ganahl Lumber Company.

CONSENT CALENDAR (00:55:52)

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1-5 except for items 4 and 5.

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 Righheimer.

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: Godoy Glad; Lou Jean Stead; Julie Fowler; and Southern California Edison.

ACTION: Received and filed.

3. **WARRANT RESOLUTION 2514: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-07 "A", 14-08, 14-08 "A", 14-09 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-07 "A" for \$3,367.93, Payroll No. 14-08 for \$2,154,038.99, Payroll No. 14-08 "A" for \$1,358.07, Payroll No. 14-09 for \$2,048,020.85 and City operating expenses for \$4,023,608.96.**

ACTION: Approved Warrant Resolution No. 2514, to be read by title only and further reading waived.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:45:05)

City Council considered Public Hearing item number 2 first followed by Public Hearing item number 1.

2. 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE GRANT ALLOCATIONS (01:42:26)

Mayor Righeimer recused himself from this item because he is on the Board of Mercy House.

Public Comments:

Kathy Duvernet, Youth Employment Service, Costa Mesa, thanked the city for support; requested continued funding; and spoke on their programs. (01:50:40)

Timothy Huyah, Mercy House Living Centers, Costa Mesa, spoke regarding homelessness and requested continued funding. (01:53:15)

John Hobso, Youth Employment Service, Costa Mesa, thanked the city for support and requested continued funding. (01:54:30)

MOTION/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, and Mayor Pro Tem Mensinger.

Nays: None

Absent: None

Recused: Mayor Righeimer

Motion carried: 4-0-1

ACTION:

City Council approved a \$20,000 Community Development Block Grant Public Service Grants for Fiscal Year 2014-2015 for Mercy House.

Mayor Righeimer returned to the meeting. (01:57:30)

MOTION/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the following Community Development Block Grant Public Service Grants for Fiscal Year 2014-2015: Fair Housing Foundation \$21,000; Community SeniorServ-Home Delivered Meals \$20,000; Youth Employment Services \$19,000; Council on Aging \$9,000; Women's Transitional Living Center \$10,000; Colette's Children's Home \$20,000; and Community SeniorServ-Congregte Meals \$20,000.

1. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT OF ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (01:58:15)**

MOTION/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 approved recommended allocation of \$1,031,757 for the Fiscal Year 2014-2015 Community Development Block Grant (CDBG) Application; and
2. Approved recommended allocation of \$353,421 for the Fiscal Year 2014-2015 HOME Investment Partnership Grant; and
3. Approved Resolution No. 14-21, to be read by title only and waived further reading, authorizing the following:
 - o City's Chief Executive Officer (CEO) to act as the official representative of the City in order to submit the Annual Action Plan and all certifications and assurances contained therein; and
 - o CEO to act in connection with the submission of the Annual Action Plan; and
 - o CEO to approve minor changes and provide additional information as may be required.

City Council recessed into a break at 8:21 p.m. (02:18:22)

City Council resumed at 8:31 p.m. (02:29:04)

**3. 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 (02:29:01)**

Staff report presented by Mel Lee, Senior Planner and Jerry Guarracino,
Assistant Director Community Improvement Division.

Joe Flanagan, Applicant, Red Oak Investments, and the design team provided a
presentation. (03:21:20)

Public Comments:

Alex Remo, Irvine, spoke in support of the project. (04:16:30)

John Harty, Newport Beach, spoke in support of the project. (04:19:40)

Michael Garz, Costa Mesa, spoke in support of the project. (04:21:34)

Anne Lukas, Tustin, spoke in opposition to the project. (04:22:44)

Morgan Hill, Costa Mesa, spoke in support of the project. (04:25:23)

Garry Lukas, Costa Mesa, spoke in opposition to the project. (04:27:00)

Sam Olmstead, Costa Mesa, spoke in support of the project. (04:28:20)

John Feeney, Costa Mesa, expressed concerns with the project. (04:30:14)

Carter Harrington, Costa Mesa, spoke in support of the project. (04:31:34)

Jay Humphrey, Costa Mesa, expressed concerns with the project. (04:32:22)

Richard Huffman, Costa Mesa, spoke in opposition to the project. (04:35:30)

Robin Leffler, Costa Mesa, expressed concerns with the project. (04:38:05)

Anna Vrska, Costa Mesa, spoke in opposition to the project. (04:41:12)

Cynthia McDonald, Costa Mesa, spoke in opposition to the project. (04:44:08)

1. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Resolution No. 14-22, to be read by title only and waived further reading, certifying the Final Environmental Impact Report for the project.

2. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
(05:25:30)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

2. City Council tentatively approved by adoption of Resolution No. 14-23, to be read by title only and waived further reading, General Plan Amendment GP-13-02, with substituting 4 stories and a loft instead of 5 stories.

3. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
(05:34:10)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

3. City Council approved first reading to Ordinance No. 14-05, to be read by title only and waived further reading, approving Rezone R-13-02.

4. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:34:30)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

4. City Council approved first reading to Ordinance No. 14-06, to be read by title only and waived further reading, approving Zoning Code Amendment CO-13-02

5. MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:34:40)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

5. City Council approved by adoption of Resolution No. 14-24, to be read by title only and waived further reading, Master Plan PA-13-11, subject to conditions of approval and the EIR Mitigation Monitoring and Reporting Program for the project.

6. MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:35:05)

SUBSTITUTE MOTION BY COUNCIL MEMBER GENIS: To approve the development agreement except for clause six. (05:39:35)

MOTION DIED FOR LACK OF A SECOND

ORIGINAL MOTION: Council Member Monahan/Mayor Pro Tem Mensinger
(05:40:28)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

6. City Council approved Development Agreement DA-14-02 between the applicant and the City of Costa Mesa to fund public infrastructure improvements in the area.

City Council recessed for a break at 11:43 p.m. (05:40:50)

City Council resumed at 11:54 p.m. (05:50:25)

MOTION: Continue the meeting past midnight

MOVED/SECOND: Council Member Leece/Council Member Monahan

The motion to continue the meeting past midnight carried by the following roll call vote:

Ayes: Council Member Leece, Council Member Monahan, and Mayor Righeimer.

Nays: None

Absent: Mayor Pro Tem Mensinger/Council Member Genis

Motion carried: 3-2

NEW BUSINESS (05:50:50)

1. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2014-2015 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL (05:50:59)**

MOTION/MOVED: Council Member Monahan/Mayor Pro Tem Mensinger
(05:57:10)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council received and filed the Business Improvement Area (BIA) annual report for Fiscal Year 2013-14; and
2. Received and filed audited financial report for Fiscal Year 2012-13; and
3. Approved Resolution No. 14-25, to be read by title only and waived further reading, declaring its intention to levy an annual assessment for Fiscal Year 2014-2015 for a Business Improvement Area covering certain Costa Mesa Hotels and Motels and setting the time and place for a public hearing on June 3, 2014.

2. REQUEST FOR CITY COUNCIL DIRECTION ON POTENTIAL REVIEW/REVISION OF THE CITY'S SIGN ORDINANCE (06:00:15)

John Feeney, Costa Mesa, spoke on the current sign code. (06:01:40)

City Council provided direction to staff to refer to the Planning Commission. (06:05:20)

3. ETHICS POLICY (06:11:26)

Sue Lester, Costa Mesa, spoke on compliance of the ethics policy. (06:15:00)

Beth Refakes, Costa Mesa, spoke on enforcement and compliance of the policy. (06:17:00)

Robin Leffler, Costa Mesa, inquired on a hearing or appeal process for censure. (06:20:10)

Cindy Brenneman, Costa Mesa, spoke on compliance of the ethics policy. (06:20:45)

MOTION: To receive and file. (06:28:40)

MOVED/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council received and filed the ethics policy.

ITEMS REMOVED FROM THE CONSENT CALENDAR –

4. 2013 ANNUAL REVIEW OF THE COSTA MESA 2002 GENERAL PLAN (06:37:35)

Jay Humphrey, Costa Mesa, spoke regarding mobile homes being sold and replaced with high density housing. (06:37:50)

Robin Leffler, Costa Mesa, commented on various sections of the general plan review. (06:40:08)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (06:43:19)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the 2013 Annual Report of the Costa Mesa 2002 General Plan.

5. CHANGE ORDER – WEST COAST ARBORISTS, INC. (06:43:49)

Jay Humphrey, Costa Mesa, spoke on outsourcing of tree trimmings. (06:43:58)

MOTION: Council Member Monahan/Mayor Pro Tem Mensinger (06:44:50)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Contract Change Order No. 1 to the Professional Services Agreement authorizing payment for additional work in the amount

of \$100,000 for tree planting services with West Coast Arborists, Inc., 2200 E. Via Burton Street, Anaheim, California 92806; and

2. Authorized the CEO to execute the Contract Change Order.

CONTINUED PUBLIC COMMENTS (06:46:55)

Anna Vrska, Costa Mesa, spoke on the 60th Anniversary documents; and the ethics policy. (06:47:17)

Robin Leffler, Costa Mesa, spoke on ambulance transportation; the Metro Point development; the Auto Club and IKEA development; and General Plan Amendments. (06:48:51)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

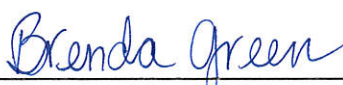
REPORT – CITY ATTORNEY - NONE

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

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



James M. Righeimer, Mayor



Brenda Green, City Clerk