

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

**APRIL 1, 2014**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:00 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 5:00 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).

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

**CALL TO ORDER (00:00:05)**

**PLEDGE OF ALLEGIANCE (00:00:23)** – Council Member Leece

**MOMENT OF SOLEMN EXPRESSION (00:00:45)** – Pastor Phil Eyskens, Lighthouse Church

**ROLL CALL (00:02:20)**

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.

### **CLOSED SESSION REPORT – NONE**

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

### **ANNOUNCEMENTS (00:02:51)**

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

### **PRESENTATIONS (00:05:09)**

Presentation by Ambassador John Whalen on Donate Life California

### **PUBLIC COMMENTS (00:09:41)**

Susan Shaw, Costa Mesa, spoke on traffic. (00:09:59)

Fabiola Soto, Community Service Programs Project Path, spoke about Costa Mesa Police Explorers' participation in a campaign to deter driving under the influence of alcohol. (00:11:58)

Robert Graham, Costa Mesa, spoke on undergrounding utilities. (00:14:02)

Laurene Keane, Costa Mesa, spoke about sober living homes and the Preserve our Neighborhood Task Force. (00:16:11)

Greg Thunell, Costa Mesa, commented on pension contributions; vacancies in police and fire departments; and department organization. (00:19:43)

Dana Lavin, Costa Mesa, spoke about Bruno, police dog; K-9 training; and police officer recruitments. (00:22:04)

Chris McEvoy, Costa Mesa, commented on the draft Charter; traffic problems; Friday Night lights; developments; the hiring of a private investigator; and the trail at Fairview Park. (00:25:36)

Sue Lester, Costa Mesa, spoke about the 60<sup>th</sup> Anniversary Committee meeting; and Fairview Park. (00:28:45)

Ann Parker, Costa Mesa, spoke on sober living homes and group homes. (00:30:10)

### **COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:34:17)**

Council Member Leece spoke on vandalism at the train station at Fairview Park; traffic; and group homes. (00:34:20)

Mayor Righeimer spoke about group homes; the Neighborhood Improvement Task Force; undergrounding of utilities; the Charter; outsourcing of street sweeping services; and Clover Choir at Carnegie Hall. (00:37:26)

Public Services Director Ernesto Muñoz provided an update regarding undergrounding utilities. (00:47:46)

Mayor Pro Tem Mensinger commented on group homes; improvements at Victoria Street; and back-to-school night at Estancia High School. (00:57:00)

Council Member Genis spoke about the Great American Write-In; Fairview Park; spoke on undergrounding; upcoming community meetings; group homes; and the choir at Saint John the Baptist. (00:58:55)

### **REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:02:50)**

CEO Hatch spoke on unfunded pension liabilities and the fire side fund; employee service awards; Fire Department staff development; upcoming community meetings; earthquake response and preparedness; City goals and expectations; John Wayne airport settlements; distracted drivers; and group homes.

### **CONSENT CALENDAR (01:11:57)**

**MOTION:** Approved recommended actions for Consent Calendar Item Nos. 1 through 8 except for Items 4 and 6.

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

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: Tiffany Frignacchase and Sergio Galaviz.

**ACTION:** Received and filed.

3. **WARRANT RESOLUTION 2512: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-05 "A" AND 14-06 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-05 "A" for \$-21.75, Payroll No. 14-06 for \$2,025,289.40 and City operating expenses for \$1,234,436.96.**

**ACTION:**

Approved Warrant Resolution No. 2512, to be read by title only and further reading waived.

5. **PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**

**ACTION:**

1. City Council approved Amendment One, revising existing cap of \$100,000 not to exceed \$255,000, to the Professional Services Agreement with the Lilley Planning Group; and
2. Authorized the City Chief Executive Officer to sign the amended Professional Services Agreement with Lilley Planning Group.

**7. AGREEMENT FOR PROSECUTION SERVICES**

**ACTION:**

1. City Council approved the Agreement between the City of Costa Mesa and the County of Orange for Prosecution Services; and
2. Authorized the Mayor and the City Clerk to execute the Agreement.

**8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE, AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO**

**ACTION:**

City Council adopted Resolution No. 14-18, to be read by title only and waived further reading, consenting to the inclusion of properties within the City's Jurisdiction in the California HERO Program to Finance Distributed Generation Renewable Energy Sources, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approved an amendment to a certain joint powers agreement related thereto.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) – NONE**

**OLD BUSINESS – (01:14:30)**

**1. SMALL LOT ORDINANCE: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42**

Staff report provided by Principal Planner Minoo Ashabi. (01:15:00)

Phil Morello, Costa Mesa, spoke in support of the Small Lot Ordinance. (01:16:30)

Jim Fitzpatrick, Costa Mesa, spoke in support of the Small Lot Ordinance. (01:19:30)

Greg Thunell, Costa Mesa, commented on developments. (01:22:40)

Joe Flanagan, Red Oak Investments, spoke in support of the Small Lot Ordinance. (01:25:47)

Chris McEvoy, Costa Mesa, spoke on developments and parking. (01:26:45)

Peter Naghavi spoke in support of the Small Lot Ordinance. (01:29:29)

Tamar Goldmann, Costa Mesa, expressed opposition to the Small Lot Ordinance; and commented on parking requirements. (01:31:44)

Cynthia McDonald, Costa Mesa, spoke in opposition to the Small Lot Ordinance; and commented on density, setbacks, parking and developments. (01:34:53)

Susan Shaw, Costa Mesa, spoke in opposition to the Small Lot Ordinance; and expressed concerns with traffic. (01:38:11)

Jay Humphrey, Costa Mesa, spoke on the Small Lot Ordinance. (01:40:00)

Katie Arthur, Costa Mesa, spoke in opposition to the Small Lot Ordinance; and expressed concerns with open space, parking, and infrastructure. (01:43:15)

Al Melone, Costa Mesa, expressed concern with the Small Lot Ordinance; and spoke on the General Plan. (01:45:35)

Robert Graham, Costa Mesa, spoke on parking and building permits (01:48:30)

Mayor Righeimer spoke on parking standards, density, traffic studies; and variance issues. (01:52:20)

Discussion regarding Homeowners' Associations and Maintenance Associations. (02:03:40)

Discussion ensued on parking and vehicle access. (02:06:25)

Council Member Leece spoke on project developments; common lot requirement; lot area; open space, density; and expressed that the Ordinance will have a negative effect. (02:09:44)

Council Member Genis spoke in support of a Small Lot Ordinance, but not with the one proposed; and commented on CEQA; setbacks; density; overlay zones; maintenance association issues; provided information on ownership and rental rates. (02:12:40)

Mayor Pro Tem Mensinger spoke on the large demand for homes. (02:23:35)

**MOVED/SECOND:** Mayor Pro Tem Mensinger/Council Member Monahan  
**MOTION:** To approve with revisions to Table 13-42: removing the requirement for developments with more than 10 units to provide two additional guest parking spaces, and reducing the setback minimum to five feet. (02:27:00)

City Attorney Duarte advised that changes to the Ordinance would require an additional second reading. (02:28:10)

Council Member Monahan withdrew his second of the motion. (02:28:18)  
Original motion died for lack of a second.

Council Member Genis expressed opposition to the motion. (02:29:25)

**SUBSTITUTE MOTION:** Approve second reading and adopt the ordinance.

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

**ACTION:**

City Council gave second reading and adopted Ordinance No. 14-04, to be read by title only and waived further reading, amending Title 13, Chapter I, IV, and V related to definitions; amendment to land use matrix; and a new Article 2.5 to Chapter V to allow small lot subdivisions in multiple family zoning districts and urban plan areas.

City Council recessed for a break at 8:41 p.m.

City Council reconvened the meeting at 8:55 p.m.

**NEW BUSINESS (02:51:45)**

**1. APPROVE POSTING OF A MONETARY REWARD IN MURDER INVESTIGATION (02:51:50)**

Council Member Genis asked if the language could be revised to reflect a reward in the amount of "up to \$10,000." (02:51:55)

**MOTION:** Approve recommended action, and to revise the reward amount to "up to \$10,000." (02:52:37)

**MOVED/SECOND:** Mayor Righeimer/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis and Council Member Leece, Council Member

Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer  
Nays: None  
Absent: None  
Motion carried: 5-0

**ACTION:**

City Council approved the posting of a monetary reward in the amount of up to ten thousand dollars (\$10,000) for information leading to the arrest and conviction of the persons or persons responsible for the murder of Gary Smola, in compliance with City Council Policy 400-1, Reward Policy.

**2. APPOINTMENTS TO VARIOUS COUNCIL-APPOINTED COMMITTEES AND BOARD (02:52:55)**

Staff report provided by City Clerk Brenda Green. (02:52:57)

**ACTION:**

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

- Cultural Arts Committee  
4 regular member vacancies (2 two-year terms and 2 one-year terms) and 2 alternate member vacancies (1 two-year term and 1 one-year term)

Council Member Genis nominated Irene P. Engard and Anthony S. Manrique for a two-year term; and Tina Wlasick for a one-year term. (02:54:31)

**MOTION:** Approve

**MOVED/SECOND:** Council Member Genis/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

- Historical Preservation Committee  
6 regular member vacancies (5 two-year terms and 1 one-year term) and 2 alternates (2 two-year terms)

Council Member Leece nominated Christopher Ganeire, Mary Ellen Goddard, Margaret Johnston, Terry Shaw, and Melinda Lowery to a two-year term; Karen McKenna-Juergens to a one-year term; and George Nakai as an alternate. (02:55:18)



**MOVED/SECOND:** Council Member Leece/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

- Housing and Public Service Grant Committee  
3 regular member vacancies – this reduces the committee membership to 9 regular members (3 two-year terms)

Mayor Pro Tem Mensinger nominated Leah Ersoylu, Philip Morello and Bob Wakeham for a two-year term. (02:56:08)

**MOVED/SECOND:** Mayor Pro Tem Mensinger/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

- Costa Mesa Senior Corporation Board of Directors  
2 representative vacancies (2 one-year terms)

Council Member Leece nominated James R. Fisler and Susan Healey for a one-year term to the Costa Mesa Senior Corporation Board of Directors (02:56:38)

**MOVED/SECOND:** Council Member Leece/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR (02:57:47)**

#### **4. BUS SHELTER ADVERTISING FRANCHISE AGREEMENT (02:57:56)**

Eleanor Egan, Costa Mesa, spoke on a non-discrimination provision. (02:58:45)

Jay Humphrey, Costa Mesa, spoke on non-discrimination and free speech. (02:59:48)

Council Member Leece requested the addition of a non-discrimination clause. (03:00:25)

Discussion ensued regarding approval of advertisements and the City's right to reject advertisement that is improper, offensive, or interferes with pedestrian or traffic safety. (03:01:38)

**MOTION:** Council Member Monahan/Mayor Pro Tem Mensinger (03:03:10)

Council Member Leece spoke on free speech for advertising and indicated that discretion should be with the City. (03:03:15)

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

**ACTION:**

1. City Council approved a new Franchise Agreement for a Bus Shelter Advertising Program, effective April 2, 2014 through March 31, 2019, with Clear Channel Outdoor, Inc., 19320 Harborgate Way, Torrance, CA 90501; and
  2. Authorized the Mayor and the City Clerk to execute the Franchise Agreement.
6. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY OF COSTA MESA TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA FRANCHISE TAX BOARD AUTHORIZING THE RECIPROCAL AND CONFIDENTIAL EXCHANGE OF TAX DATA IN THE CITY BUSINESS TAX PROGRAM (03:06:44)**

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

Discussion ensued regarding the cost of the agreement. (03:07:15)

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

The motion carried by the following roll call vote:

Ayes: Council Member Genis and 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. 14-17, to be read by title only and waived further reading, authorizing the Chief Executive Officer to execute the State of California Standard Agreement C1300129 with the State of California Franchise Tax Board to participate in the City Business Tax Program.

**CONTINUED PUBLIC COMMENTS - NONE**

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE**

**REPORT – CITY ATTORNEY - NONE**


**ADJOURNMENT** - To Special City Council meeting, April 22, 2014, 7:00 p.m.

The Mayor adjourned the meeting at 9:12 p.m.



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James M. Righelmer, Mayor



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Brenda Green, City Clerk