

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

January 21, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 5:05 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 Genis and Council Member Monahan (arrived at 5:30 p.m.)

Council Members Absent: Council Member Leece

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:08 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 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 6:03 p.m.

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:17) – Mayor Pro Tem Steve Mensinger

MOMENT OF SOLEMN EXPRESSION (00:03:13)

Father Tashjian, St. Mary Armenian Church

ROLL CALL (00:03:12)

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

Absent: Council Member Leece

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:03:35) - NONE

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

ANNOUNCEMENTS (00:03:39)

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

PRESENTATIONS (00:05:50)

Presentation by the 2014 Sister City Youth Ambassadors from Wydham Australia. Mayor Righeimer provided the students with Certificates of Recognition.

PUBLIC COMMENTS (00:21:03)

Terry Koken, Costa Mesa, spoke regarding the Mayor's comments. (00:21:36)

Cindy Brenneman, Costa Mesa, thanked everyone involved in the Homeless Housing Outreach workshop; and announced the First Friday Road Show on February 7th, 2014. (00:24:25)

Anna Vrska, Costa Mesa, spoke regarding Public Records Requests; and warrants. (00:25:47)

Sue Lester, Costa Mesa, spoke on the 60th Anniversary documents and release of information to the public. (00:27:09)

Greg Thunell, Costa Mesa, spoke on a New Yorker magazine article; and pensions. (00:30:16)

Chris McEvoy, Costa Mesa, spoke on Rule of law; Fairview Park path; and public comments. (00:33:27)

Robin Leffler, Costa Mesa, spoke on the Historical Society; and the budget. (00:35:59)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:38:28)

Council Member Monahan – None (00:38:30)

Mayor Righeimer requested information on the 60th Anniversary issue and the police investigation. (00:38:33)

CEO Hatch spoke on the release of the 60th Anniversary documents and the police investigation. (00:39:12)

Mayor Righeimer spoke on public comments; and the budget reserves. (00:40:00)

CEO Hatch announced the budget surplus amounts from the last three years; and announced the Mid-Year budget Study Session on February 11th, 2014. (00:42:00)

Mayor Pro Tem Mensinger reported on the 9th Annual Costa Mesa United Golf event; spoke on the City budget; and the pension unfunded liability. (00:44:45)

Council Member Genis spoke regarding the budget; warrants and financial details; paying off the fire side fund; and thanked the Fire Department regarding the brush fires at Fairview Park. (00:48:00)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:51:26)

CEO Hatch announced the Mid-Year Budget Study Session on February 11th, 2014 at 4:30 p.m.; spoke on the 60th Anniversary event; the establishment of a Purchasing Committee; read the worker's compensation update and stated that the 14 recommendations have been completed; spoke on computer improvements; and invited the public to attend the General Plan Study Session on January 28th, 2014.

CONSENT CALENDAR (00:56:49)

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 9 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 Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

- 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**

RECOMMENDATION:

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: David B. Thompson

b. Requests for Alcohol Beverage Control Licenses:

- For Fresh & Easy, at 1835 Newport Blvd., Suite C140, a fiduciary transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine) and "86" (Instructional Tasting).
- For Al Forno Cafe, at 1525 Mesa Verde Drive East, Suites 124 and 125, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Aloha Grill, at 1749 Newport Blvd., a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
- For Kitakata Ramen Ban Nai, at 891 Baker Street, Suite B21, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Pub 33, at 1562 Newport Blvd., #C&D, an original State Alcoholic Beverage Control (ABC) License Type "48" (On-Sale General, Public Premise).

ACTION: Received and filed.

- 3. WARRANT RESOLUTION 2507: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-01 AND 13-26 "A" AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-01 for \$2,209,017.52, Payroll No. 13-26 "A" for -11.68 and City operating expenses for \$1,054,820.89.**

ACTION: Approved Warrant Resolution No. 2507, to be read by title only and further reading waived.

- 6. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00415 FOR STREET IMPROVEMENTS AT 449 HAMILTON ST, COSTA MESA, CALIFORNIA**

ACTION:

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS12-00415, in the amount of \$18,925.00 to Do Construction And Design Inc., (Contractor), 10495 Bolsa Avenue, Westminster, California 92683.

7. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00123 FOR STREET IMPROVEMENTS AT 2269 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS13-00123 in the amount of \$17,824.80 to Dennis Gimian, 3 Rana, Irvine, CA 92612.

8. COOPERATIVE AGREEMENTS FOR THE NEWPORT BOULEVARD AND ADAMS AVENUE TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS

ACTION:

1. City Council approved the Cooperative Agreements between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the Newport Boulevard and Adams Avenue Traffic Signal Synchronization (TSS) Projects; and
2. Authorized the Mayor and City Clerk to execute the above agreements.

9. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CHIEF EXECUTIVE OFFICER OR HIS DESIGNEES TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF SANTA ANA ENTITLED: AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR THE FY 2013 URBAN AREAS SECURITY INITIATIVE (UASI)".

ACTION:

1. City Council adopted Resolution No. 14-02, to be read by title only and waived further reading, that authorizes the Chief Executive Officer or his designee to execute the attached Sub-Recipient Agreement with the City of Santa Ana to receive a grant under the FY 2013 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorized the Police Department to accept FY 2013 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$5,121. This amount will reimburse training costs included but not limited to tuition, overtime, and backfill for pre-approved Office of Domestic Preparedness-approved training for police, fire, and city personnel; and
3. Approved Budget Adjustment No. 14-022 in the amount of \$5,121 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (00:57:40)

- 1. GENERAL PLAN AMENDMENT GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT UPDATE TO THE 2000 GENERAL PLAN: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT AND GENERAL PLAN GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT”. (00:58:00)**

Staff report presented by Mino Ashabi, Principal Planner and Laura Stetson, MIG. (00:58:20)

Council Member Genis expressed concern with losing affordable housing and low income units; and asked how to address the loss of housing for low income families. (01:06:20)

Ms. Stetson indicated that there can be language included if resources come available the City will designate resources for rehabilitation. (01:08:57)

Council Member Genis asked if the City is tracking the loss of affordable units. (01:09:30)

Ms. Ashabi responded that the City does track on an annual basis and also provides a report to the Planning Commission and the City Council. (01:10:10)

Council Member Genis stated that the fees on pg. 71 seem to be lower than other cities and it might be time to examine the fee structure. (01:10:30)

Robin Leffler, Costa Mesa, spoke on condominium conversions; setbacks; affordable housing; and parking problems. (01:11:10)

Council Member Monahan complimented staff on a great report. (01:14:00)

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: None

Absent: Council Member Leece

Motion carried: 4-0-1

ACTION:

City Council adopted Addendum to Final Program EIR and approved General Plan Amendment GP-13-03 for the proposed 2013-2021 Housing Element, by adoption of Resolution No. 14-03, to be read by title only, and waived further reading.

OLD BUSINESS – NONE

NEW BUSINESS (01:14:40)

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-08) FOR AN 89-UNIT RESIDENTIAL AND LIVE/WORK DEVELOPMENT LOCATED AT 1620 THROUGH 1644 WHITTIER AVENUE (01:15:10)

Staff report provided by Mel Lee, Senior Planner. (01:15:20)

Council Member Genis spoke on the views blocked by Banning Ranch; density and calculation requirements; general floor area ratios; and traffic studies. (01:21:45)

Mayor Pro Tem Mensinger asked for clarification on the 10 acre property to the west of the site; and spoke on parking requirements. (01:25:55)

Mr. Lee reviewed the parking space requirements; CC&R's; and storage space for units. (01:26:20)

Discussion ensued regarding parking requirements for residential loft units. (01:28:48)

Chris McEvoy, Costa Mesa, spoke on project density; parking and traffic concerns; and ocean views from the Senior Center. (01:33:22)

Jay Humphrey, Costa Mesa, demonstrated slides and spoke on ocean views; spoke on the need to protect affordable housing; overlay zones, including mobile home parks; and expressed parking concerns. (01:35:55)

Wanda Garro, Costa Mesa, spoke regarding public notification; signage regarding chemicals; inquired if the land is contaminated; spoke on parking spaces; and expressed traffic concerns. (01:39:35)

Mayor Righeimer reviewed the notification process on the project. (01:42:30)

Robin Leffler, Costa Mesa, spoke on public notifications; read a letter regarding excessive traffic, noise and air pollution and smoke from rooftop bbq's. (01:43:15)

Cindy Black, Costa Mesa, spoke in opposition to the project due to density. (01:46:15)

Council Member Monahan spoke on the screening process for parking spaces; spoke on the history of the school district property; recommended to make the separation larger; and spoke on traffic problem alleviation. (01:48:40)

Council Member Genis recommended the 6' separation; spoke on oil wells; contamination at the school district site and annexing the school site; suggested the City look at purchasing large parcels as they become available; and spoke on density, open space and impacts to schools. (01:52:03)

Mayor Righeimer spoke on contamination at sites; and spoke on revitalization of neighborhoods. (01:56:10)

Council Member Genis suggested asking applicants for affordable units. (01:58:58)

Mayor Pro Tem Mensinger spoke in support of the project. (01:59:35)

City Council provided feedback on the proposed project as described below:

- Urban Master Plan screening for an 89-unit detached residential development, consisting of 3 stories and a roof deck. 40 of the units are live/work, 27 units are residential lofts, and 22 units are traditional residential. The site has a General Plan land use designation of Light Industry and a zoning classification of MG (General Industrial). The site is also located within the Mesa West Bluffs Urban Plan.

2. EXCESSIVE USE OF RESOURCES COST RECOVERY AMOUNT RESOLUTION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING THE INVOICE PERIOD AND COST RECOVERY AMOUNT FOR EXCESSIVE USE OF POLICE SERVICES UNDER CHAPTER VI OF TITLE 14 OF THE COSTA MESA MUNICIPAL CODE". (02:00:05)

Staff report provided by Rick Francis, Assistant CEO. (02:00:35)

Discussion ensued regarding fees; and average costs of calls. (02:01:20)

Council member Genis requested clarification on the average cost of a call. (02:02:20)

Assistant CEO Francis reviewed the methodology and total budget. (02:02:50)

Discussion ensued regarding officer time; methodology; on call time for police officers; disproportionate effect of living close to motels; and cost recovery amount. (02:07:00)

Robin Leffler, Costa Mesa, spoke on the fee for excessive use of calls; indicated that other uses should be charged the same amount; and spoke on safety. (02:19:00)

Andrea Marcos, Costa Mesa, recommended gathering data on calls from businesses and measuring data. (02:21:35)

Mike Lin, Costa Mesa, spoke on the excessive service call fee; and stated that lodging operators may hesitate before calling in. (02:22:32)

Discussion ensued regarding excessive false alarm fees. (02:25:30)

Mayor Pro Tem Mensinger spoke on the impacts to motels and clients from surrounding businesses. (02:26:00)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

Council Member Genis stated that the \$360.00 cost recovery amount is probably not unreasonable but does not see enough evidence in the record to support that amount; and asked to look at apartments under the Motel Ordinance as well. (02:27:59)

Council Member Monahan spoke in support of the cost recovery amount. (02:30:00)

MOTION/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: Council Member Leece

Motion carried: 3-1-1

ACTION:

City Council adopted Resolution No. 14-04, to be read by title only and waived further reading, regarding the cost recovery amount for excessive use of resources by lodging establishments.

3. **CITY STAFF REORGANIZATION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-58 BY ESTABLISHING NEW CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-59 BY AMENDING THE FIRE ADMINISTRATIVE ASSIGNMENT PAY". (02:30:45)**

Staff report provided by CEO Tom Hatch. (02:31:10)

Discussion ensued on the Senior Maintenance Worker position; Park Ranger and Part-Time Park Ambassador positions; the hiring of four (4) additional Police Officers; and police staffing levels. (02:37:50)

MOTION/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

ACTION:

The City Council:

1. Authorized the following 12 positions:
 - a. Senior Maintenance Worker (2 positions)
 - b. Public Right of Way Coordinator
 - c. Assistant Chief Executive Officer/Administrative Services Director
 - d. Deputy City Clerk
 - e. Human Resources Analyst
 - f. Buyer
 - g. Battalion Chief – Administration
 - h. Police Officers (4 positions); and
2. Created a Parks and Community Services Department (no staffing changes); and
3. Approved Resolution Nos. 14-05 and 14-06, to be read by title only and waived further reading; and
4. Appropriated \$600,000 from the General Fund fund balance to fund these positions for the remainder of FY 2013-14.

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:48:40)

4. BAKER STREET AND BEAR STREET INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 11-10 (02:48:45)

Jay Humphrey, Costa Mesa, supports the projects; and spoke on grant funding. (02:49:05)

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: None

Absent: Leece

Motion carried: 4-0-1

(02:57:00)

ACTION:

1. City Council accepted the work performed by C.T. & F., Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized to Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

5. **19th STREET REHABILITATION FROM NEWPORT BOULEVARD TO PARK AVENUE – CITY PROJECT NO. 12-20**

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: None

Absent: Council Member Leece

Motion carried: 4-0-1

(02:57:00)

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. Authorized to Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

CONTINUED PUBLIC COMMENTS - NONE

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT (02:57:20) – In memory of Anna Reagan.

The Mayor adjourned the meeting at 9:01 p.m.



James M. Rigeimer, Mayor



Brenda Green, City Clerk