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

October 21, 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 (Arrived at 5:30 p.m.)

Council Members Absent: None

PUBLIC COMMENTS ON SPECIAL CLOSED SESSION ITEMS

SPECIAL CLOSED SESSION

The City Council recessed into Closed Session at 4:07 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 Management Association (CMPMA), 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 Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6

Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves from Item 2 due to a potential conflict of interest.

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

CALL TO ORDER (00:00:18)

PLEDGE OF ALLEGIANCE (00:00:40) – Mayor Righeimer

MOMENT OF SOLEMN EXPRESSION (00:01:03)

Pastor Phil Eyskens, Lighthouse of Costa Mesa

ROLL CALL (00:03:00)

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, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:03:14) - NONE

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

ANNOUNCEMENTS (00:03:27)

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

PRESENTATIONS - NONE

PUBLIC COMMENTS (00:05:50)

Joel Burnstein, Newport Beach, spoke on civility. (00:06:27)

Greg Tunnell, Costa Mesa, defined words from the Thesaurus. (00:09:11)

Cindy Brenneman, Costa Mesa, spoke on elections. (00:12:26)

Gene Hutchins, Costa Mesa, spoke in support of the Charter and of Mayor Righeimer. (00:13:10)

Karl Ahlf, Costa Mesa, spoke on Police Department staffing levels. (00:16:23)

Robin Leffler, Costa Mesa, spoke on Mayor Righeimer's campaign, City fiscal surplus; and Police Department staffing. (00:19:15)

T. Koken, Costa Mesa, sang a song. (00:22:39)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team, Trunk or Treat candy drive; and ball gown swap. (00:24:32)

David Kinkade, Costa Mesa, spoke on the City Fiscal History. (00:30:31)

Chuck Perry, Costa Mesa, spoke on the skate park and safety; capital improvement projects; Senior Center improvements; and location of a Veteran's Hall. (00:33:41)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:35:47)

Mayor Righeimer acknowledged and thanked City Staff; spoke on center dividers; the Senior Center; and Cal PERS rates. (00:35:52)

Mayor Pro Tem Mensinger congratulated Estancia High School football team; and requested an update on the Veteran's Hall progress. (00:39:20)

Council Member Genis congratulated the Public Services Department on finding grants; spoke on voters raising taxes in 2010; clarified wording in the proposed Charter; and encouraged citizens to be informed. (00:40:24)

Council Member Leece spoke on the Consent Calendar Item #7 – Bicycle Education at Elementary School and requested data when program is done; discussed Doughtery + Doughtery Architects LLP payment for upgrade of Council Chambers; Vector Control District and West Nile Virus; the homeless issues and supportive housing; Police Department Staffing; and the unfunded pension liability. (00:44:38)

Council Member Monahan spoke on the San Francisco earthquake 25 years ago; discussed Medical Marijuana Initiatives; discussed Measure O regarding the Charter, spoke on Police Officer Staffing; 17th Street Medians; and clarified Consent Calendar Item #7 Bicycle Education Grant. (00:52:14)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (00:58:11)

CEO Hatch stated that an update will be provided on the Council Chamber design and spoke on the Bicycle Safety Grant.

CONSENT CALENDAR (00:59:16)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10 except for Items 3, 7, 8 and 9.

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

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

Motions 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 approved and adopted of same by reading title only.

2. READING FOLDER

a. Claims received by the City Clerk: Jack Khounthikoummane, Tahir Djokovic, Tom Vasich, Tracey Dorame, and Amanda Mendoza.

ACTION:

Received and filed.

4. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT (PROJECT "A") – CITY PROJECT NO. 13-17

ACTION:

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

5. MINUTES

ACTION:

City Council approved the minutes of the Special Joint Study Session of the City Council and Planning Commission of January 14, 2014; and the regular meeting of the Costa Mesa City Council, Successor Agency, and the joint meeting of the Costa Mesa Housing Authority of September 16, 2014.

6. RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS

ACTION:

City Council adopted Resolution No. 14-69, to be read by title only and waived further reading; and approved the submittal of grant applications of transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2015-16 through 2017-18.

10. RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS

ACTION:

- City Council approved staff's recommendation to allocate 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
- 2 Approved Budget Adjustment No. 15-009 to increase revenue and appropriations in the JAG fund, and allocated funds as follows: Facility Security System Upgrade \$18,026.

----- END OF CONSENT CALENDAR -----

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

OLD BUSINESS (01:15:17)

1. SECOND READING OF ORDINANCE 14-13 FOR CODE AMENDMENT CO-14-03: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTION 13-6 (DEFINITIONS) OF ARTICLE 2 (DEFINITIONS) OF CHAPTER I (GENERAL), ADDING CHAPTER XV (GROUP HOMES), AND REPEALING AND REPLACING ARTICLE 15 (REASONABLE ACCOMMODATIONS) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS), OF TITLE 13 (ZONING CODE) AND AMENDING THE CITY OF COSTA MESA LAND USE MATRIX - TABLE NO. 13-30 OF CHAPTER IV. (CITYWIDE LAND USE MATRIX) OF THE COSTA MESA MUNICIPAL CODE RELATING TO GROUP HOMES

Elena Gerli, Deputy City Attorney's Office, spoke on R-2 Zones and the difference between R1 Zones; provided staff report; and spoke on disability groups and issues. (01:01:42)

Letter submitted to Costa Mesa City Council in regards to Solid Landings v. Costa Mesa received from Kristen B. Ford, Vice President and Corporate Counsel of Solid Landings Behavioral Health is on file.

Public Comments:

Barrie Fisher, Costa Mesa, spoke on living next door to Group Homes; and supports the Ordinance. (01:07:53)

Tom Thurston, Costa Mesa, representing New Direction's for women; spoke in opposition of the Ordinance. (01:10:48)

Paul Dumont, Housing Rights Advocate of the Sober Living Network, spoke in opposition of the Ordinance; and spoke in support of the Sober Living Network. (01:13:59)

Grant McNiff, Costa Mesa, spoke in opposition of the Ordinance and data. (01:17:26)

Stuart Lanning Jr., Costa Mesa, spoke in support of the Ordinance. (01:20:56)

Robin Leffler, Costa Mesa, spoke in support of putting the Ordinance on hold and working on it further. (01:23:26)

Patricia Bintliff, Costa Mesa, spoke in opposition of the Ordinance. (01:25:15)

Jay Humphrey, Costa Mesa, spoke in support of putting the Ordinance on hold. (01:28:38)

Joyanna Rios, Costa Mesa, spoke in support of the Ordinance. (01:31:34)

Jesus Rios, Costa Mesa, spoke in support of the Ordinance. (01:33:46)

Ann Parker, Costa Mesa, spoke regarding Sober Living Home operators; and spoke in opposition of the Group Homes. (01:36:01)

Mary Spadoni, Costa Mesa, spoke regarding the Ordinance and R2 Zones. (01:39:27)

Ashley Richmond, Costa Mesa, spoke in support of Sober Living Homes; and opposes the Ordinance. (01:42:43)

Mary Helen Beatificato, Costa Mesa, representing In-Sight Psychology and Addiction, spoke in opposition to the Ordinance. (01:44:24)

Council Member Monahan discussed having a Manager onsite 24 hours; and discussed that the Group Homes issue is not new. (01:50:41)

Mayor Righeimer spoke on payment to the 24 hour Manager on-site and licenses. (01:54:19)

Elena Gerli spoke on the courts; economic viability; the profit aspect; and permits. (01:54:43)

Discussion regarding the house manager requirements; and reasonable accommodations within the Zoning Code. (01:57:33)

Council Member Leece spoke on reporting complaints; differences of opinion; not in support of Ordinance as needs to include R2 Zone. (02:00:03)

Mayor Pro Tem Mensinger spoke on substance abuse issues and the Ordinance. (02:06:35)

Council Member Monahan spoke on complaints on Group Homes for years and trying to address the issues by requiring to obtain a permit. (02:07:56)

Council Member Leece spoke on the Ordinance and it needs further work. (02:09:33)

Council Member Genis spoke on an R2 Zone Ordinance; and requested a report about issues brought up previously. (02:10:15)

Mayor Righeimer spoke on the timeline to register and to be in compliance. (02:11:40)

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:

City Council gave second reading and adopted Ordinance No. 14-13, to be read by title only and waived further reading, and approved Code Amendment CO-14-03 with regard to the proposed Ordinance to amend Title 13, Chapter(s), I, IV, and IX, and to add Chapter XV (Group Homes) to the Costa Mesa Municipal Code with regard to group homes ("Group Home Ordinance").

NEW BUSINESS (02:13:56)

1. REQUEST FOR AMENDMENTS TO COUNCIL POLICY 400-2 REGULATIONS GOVERNING FIREWORKS

Dan Baker, Management Analyst, presented Staff Report. (02:14:43)

Council Member Leece spoke on the need for change in the governing of fireworks; and discussed a study group. (02:20:20)

Discussion ensued in regards to the formation and role of the study group; firework sales; and water quality protection. (02:22:43)

City Attorney Tom Duarte spoke on citation fines. (02:28:36)

Police Chief Tom Gazsi discussed Administrative Citations for fireworks and protocol for illegal sales and display of fireworks. (02:29:21)

Public Comments:

Todd Cowley, Costa Mesa, spoke in support of fireworks; and fundraising sales for schools and youth group organizations. (02:34:51)

T. Koken, Costa Mesa, spoke in support of firework shows versus the sale at small firework stands. (02:26:39)

Scott Mahaffy, Costa Mesa, spoke in support of fireworks; and fundraising sales for schools and youth group organizations. (02:39:13)

Brian Harris, Costa Mesa, spoke in support of fireworks; and no changes to the policy. (02:40:56)

Robin Leffler, Costa Mesa, spoke in support of safe and sane fireworks; problem with expanding time frame for setting off fireworks; and enforcement is key. (02:43:55)

Gay Royer, Costa Mesa, spoke in support of safe and sane fireworks; and supports discharging fireworks only on 4th of July. (02:47:12)

Sue Lester, Costa Mesa, supports selling fireworks for 5 days; and enforcement for illegal fireworks. (02:49:27)

Lou Desandro, Costa Mesa, spoke on not changing the sales of safe and sane fireworks; and request the focus be on enforcement of illegal fireworks. (02:51:00)

Robert Murtha, Costa Mesa, spoke on not changing the days for sales of fireworks. (02:52:56)

Chris Ray, Costa Mesa, spoke on not changing the policy; and fundraising benefits. (02:54:40)

Chris Cox, Costa Mesa, spoke on not changing the policy; and the problems associated with illegal fireworks. (02:56:45)

John McLuckey, Costa Mesa, spoke on not changing the policy. (02:58:05)

Bill Schallmo, Costa Mesa, spoke on not changing the policy. (02:59:57)

Chuck Perry, Costa Mesa, spoke on not changing the policy; and consider having less firework stands. (03:02:31)

Yumi Patterson, Costa Mesa, spoke on not changing the policy; and fundraising benefits. (03:04:26)

Corinne Stover, Costa Mesa, spoke in support of proposed changes. (03:07:02)

Cynthia McDonald, Costa Mesa, spoke in support of the changes; and fireworks a one day event only. (03:08:44)

Sharon Hilton, Costa Mesa, spoke in support of the changes; and fireworks a one day event only. (03:11:27)

Joan Morrow, Costa Mesa, spoke in support of the changes; and risks of smoke inhalation. (03:13:43)

Karen Weigand, Costa Mesa, spoke in support of changes to a one day event. (03:14:24)

Justin Cheathem, Costa Mesa, spoke in support compromise. (03:15:45)

Resident read a letter on behalf of Teri Fugua, Costa Mesa, spoke in support of the changes; and recommends a concert series for fundraising. (03:18:48)

Jay Humphrey, Costa Mesa, spoke in support of discharge of fireworks only on 4th of July; and supports the changes. (03:21:12)

Marianne Hahn, Costa Mesa, spoke in support of no changes; and fundraising benefits. (03:24:20)

Karl Ahlf, Costa Mesa, spoke in support of changes; and discharging fireworks only on 4th of July. (03:25:09)

John Kelly, Vice President of TNT Fireworks, support safe and sane fireworks; problem is illegal fireworks and confiscation; and approach at a regional issue. (03:28:08)

Tamar Goldmann, Costa Mesa, spoke in support of changes; and limitations. (03:32:17)

Christopher Otis, Costa Mesa, spoke on 4th of July as a freedom holiday; supports concert shows; stopping illegal fireworks; and compromise. (03:34:15)

MOTION: Receive and file.

Motion/Second: Council Member Monahan/

Motion failed for the lack of a second.

Council Member Leece spoke regarding a committee; the need to take small steps to bring balance and change; and scaling back discharging only on 4th. (03:36:40)

Council Member Genis spoke in support of discharging fireworks only on 4th of July; and spoke on the amounts raised from fundraising. (03:40:12)

Mayor Pro Tem Mensinger spoke on the distinction of legal and illegal fireworks; and supports a group to review the issue. (03:44:08)

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

Mayor Righeimer spoke on spending dollars to eliminate illegal fireworks. (03:49:23)

SUBSTITUTE MOTION: Five days of sales, and discharge only on July 4th; and include the 7 suggestions.

Motion/Second: Council Member Leece/ Motion failed for the lack of a second.

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

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 received and filed and directed the CEO to form a group of stakeholders to review solutions for illegal fireworks.

City Council recessed for a break at 9:57 p.m. City Council reconvened the meeting at 10:08 p.m.

2. FIRST READING OF AN ORDINANCE ESTABLISHING A SENIOR COMMISSION (04:04:50)

Travis Karlen, Recreation Manager, presented Staff Report. (04:05:17)

Council Member Leece inquired about qualifications of Commissioner Applicants and age requirements. (04:07:42)

Mr. Karlen researched nearby cities and their process and they did not have an age restriction. (04:08:18)

Discussion ensued on quarterly meetings, subcommittees, and applications for the Senior Commission. (04:08:37)

Public Comments:

Tamar Goldmann, Costa Mesa, spoke on security and safety for seniors; and senior issues. (04:10:08)

Beth Refakes, Costa Mesa, spoke on qualifications and residency; adopting an Advisory Committee instead of a Commission; opposed to paying members; and the need for members to be a member of the electorate. (04:12:52)

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

SUBSTITUTE MOTION: Eliminate the \$100 pay to the Commissioner's and applicants are residents of the City.

Motion/Second: Council Member Leece/Council Member Genis.

The motion failed 2-3:

Ayes: Council Member Genis and Council Member Leece

Noes: Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor

Righeimer. Absent: None

ORIGINAL MOTION

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:

City Council introduced Ordinance No.14-14, to be read by title only and waived further reading, to establish a Senior Commission that would serve as an advisory commission to the City Council in matters related to the operation of the Costa Mesa Senior Center and members need to be residents in Costa Mesa.

ITEMS REMOVED FROM THE CONSENT CALENDAR (04:16:47)

3. WARRANT RESOLUTION 2524: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-20 "A", and 14-21, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, FUNDING PAYROLL No. 14-20 "A" FOR \$71.22, PAYROLL NO. 14-21 FOR \$2,123,190.78, AND CITY OPERATING EXPENSES FOR \$2,035,885.23

Public Comments:

Tamar Goldmann, Costa Mesa, spoke on the payment to Lilley Planning Group. (04:17:09)

MOVED/SECOND: Mayor Righeimer/Council Member Monahan

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. 2524, to be read by title only and further reading waived.

7. PROFESSIONAL SERVICES FOR BICYCLE EDUCATION AT ELEMENTARY SCHOOLS (04:20:31)

Public Comments

Jay Humphrey, Costa Mesa, spoke in support of the project; discussed bicycle safety. (04:20:46)

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

The motion carried by the following roll call vote:

Aves: 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 awarded a Professional Services Agreement to Safe Moves, 15500 Erwin Street #2451, Van Nuys, CA 91411, in the amount of \$130,030; and
- 2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

8. CITY COUNCIL RESOLUTION NO. 14-65 AMENDING THE COSTA MESA 2000 GENERAL PLAN FOR THE THIRD CYCLE OF 2014: GP-14-02 FOR COLLEEN/SANTA ANA AVENUE ANNEXATION (04:23:07)

Public Comments:

Jay Humphrey, Costa Mesa, spoke that the item should not be a Consent Calendar item. (04:23:20)

Joanne Perler, Costa Mesa, spoke in opposition; and item should not be a Consent Calendar item. (04:24:28)

Robin Leffler, Costa Mesa, spoke against the item; and spoke on property rights. (04:26:41)

Tamar Goldmann, Costa Mesa, spoke against the item. (04:29:03)

Mayor Righeimer spoke on the LAFCO process and zoning. (04:30:33)

Council Member Genis spoke on not supporting the item; and supports 7,200 sq. ft. minimum lot. (04:33:45)

Council Member Leece spoke on not supporting the item; supports 7,200 sq. ft. minimum lot; and read a letter submitted by Ms. Liz Parker. (04:34:38)

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, Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council adopted Resolution No. 14-65, to be read by title only and waived further reading; and amended the 2000 General Plan for the third cycle of 2014 for an area-specific general plan amendment.

9. ADOPTION OF THE FY 2014-2015 STATEMENT OF INVESTMENT POLICY (04:38:25)

ACTION:

Item was moved to the November 4, 2014 meeting at 6:00 p.m.

CONTINUED PUBLIC COMMENTS (04:38:30)

Sue Lester, Costa Mesa, spoke on campaigns paying for expenditures; and police staffing levels. (04:39:09)

Mary Spadoni, Costa Mesa, spoke on police staffing levels. (04:42:16)

Jay Humphrey, Costa Mesa, spoke on participation and voting. (04:45:31)

Tamar Goldmann, Costa Mesa, spoke on election issues. (04:46:42)

Steven White, Costa Mesa, spoke on sign vandalism, theft; and payment to Dan Joyce. (04:49:50)

Mrs. Drain, Costa Mesa, spoke on independent forensic audit of the 60th anniversary; and hiring of employees. (04:53:18)

Ann Parker, Costa Mesa, spoke on the Mayor's positions. (04:56:33)

Cindy Black, Costa Mesa, spoke on Mayor's campaign donations. (04:58:51)

Speaker, spoke on self-insurance fund; meeting policies; and legal invoices. (05:01:47)

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT – To the Regular Meeting, November 18, 2014, 5:00 p.m.

The Mayor adjourned the meeting at 11:08 p.m.

Stephen M. Mensinger, Mayor