

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

July 15, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 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 (arrived at 5:02 p.m.), and Council Member Monahan (arrived at 5:15 p.m.)
Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

The City Council recessed into closed session at 5:05 p.m. to consider the following items.

1. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) for two potential cases.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa Police Management Association (CMPMA) pursuant to Government Code Section 54957.6.
3. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.

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

CALL TO ORDER (00:00:12)

PLEDGE OF ALLEGIANCE (00:00:38) – Led by Mayor Righeimer

MOMENT OF SOLEMN EXPRESSION (00:01:01)

Father Moushegh Tashjian, St. Mary Armenian Church

ROLL CALL

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 Munoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT – NONE - (00:04:58)

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

ANNOUNCEMENTS (00:05:03)

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

PRESENTATIONS (00:07:18)

Kelly Vucinic, National Night Out event

Mayor's Cup presentation to Costa Mesa American Little League and Costa Mesa National Little League teams

PUBLIC COMMENTS (00:20:32)

Al Melone, Costa Mesa, spoke regarding maintenance at the dog park. (00:21:14)

Sue Lester, Costa Mesa, spoke regarding medical marijuana initiatives. (00:24:30)

James H. Bridges, Costa Mesa, spoke regarding the Pension Oversight Committee and Charter Committee appointment process.(00:28:21)

Cindy Brenneman, Costa Mesa, spoke regarding the medical marijuana initiatives; the First Friday Road Show; the OC Fair; KaBOOM! playground at Shalimar Park; and addressing the audience. (00:31:43)

Robert Graham, Costa Mesa, spoke regarding El Nino rains and effects on Fairview Park bluffs. (00:34:47)

Tom Pollitt, Costa Mesa, spoke regarding leadership and civility during the election season; commended city workers for cleaning up a fallen tree; and encouraged learning about Common Core. (00:37:13)

Spencer Richley, Costa Mesa, spoke regarding his new business, Boxfli. (00:39:21)

Chuck Perry, Costa Mesa, spoke regarding positive developments and improvements in the City; and a Veterans' Hall. (00:41:00)

Teresa Drain, Costa Mesa, spoke regarding a forensic audit on the 60th Anniversary event; Costa Mesa singer Madasen McGrath; and Municipal Code Section 2-106. (00:43:19)

Robin Leffler, Costa Mesa, spoke regarding developments in the City; parking concerns; light and shade; and entitlements to developers. (00:46:02)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:49:17)

Mayor Righheimer spoke regarding KaBOOM! at Shalimar Park; Mr. Irrelevant football event; Westside overlay and developments; medical marijuana initiatives; and announced that the meeting will be adjourned in memory of Ben Carlson. (00:49:24)

Mayor Pro Tem Mensinger spoke regarding Camp Costa Mesa; Mr. Irrelevant football event; golf course entrance improvements; improvements and developments in the city; a Veterans' Hall; and improvements at the fire stations. (00:57:03)

Council Member Genis spoke regarding the OC Fair and parking; development on Tustin Avenue; Camp Costa Mesa; a Veterans' Hall; and medical marijuana initiatives. (01:01:21)

Council Member Leece spoke regarding medical marijuana initiatives; Boxfli; KaBOOM! event at Shalimar Park; upcoming Great Reach Community Workshop; developments in the City; OC Vector Control District; the Asian Tiger mosquito and the West Nile Virus; fireworks; Police Association negotiations; and Municipal Code Section 2-106. (01:04:19)

Council Member Monahan spoke regarding the upcoming Costa Mesa Chamber of Commerce golf tournament; and announced the Newport-Mesa Girls Fastpitch Softball team has made it to the Midwest regionals. (01:16:05)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:17:20)

CEO Hatch spoke about the KaBOOM! event at Shalimar Park; fireworks; the Senior Center's 4th of July event; Orange Coast College Master Plan program; a Veterans' Hall; and parking impacts due to the OC Fair.

Economic and Development Services Director Gary Armstrong provided an update regarding Orange Coast College's development and impacts.

CONSENT CALENDAR: (01:26:42)

MOTION: Approved recommended actions for Consent Calendar Items Nos. 1 through 8 except for Item No. 6.

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

The motion carried by the following roll call vote:

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

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: Rafael Cortes; and Greg Fournier.

ACTION: Received and filed.

3. **WARRANT RESOLUTION 2519: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-13 "A", 14-14 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-13 "A" for \$2.02, Payroll No. 14-14 for \$2,083,410.02, and City operating expenses for \$2,559,897.82.**

ACTION: Approved Warrant Resolution No. 2519, to be read by title only and further reading waived.

4. RED HILL AVENUE REHABILITATION PROJECT (FROM BRISTOL STREET TO PAULARINO AVENUE), CITY PROJECT NO. 13-02

ACTION:

1. City Council accepted the work performed by R.J. Noble Company 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. HARBOR BOULEVARD WIDENING FROM SOUTH COAST DRIVE TO SUNFLOWER AVENUE – CONSTRUCTION MANAGEMENT AND INSPECTION SUPPORT SERVICES

ACTION:

1. City Council awarded a Professional Services Contract for an amount not to exceed \$120,364 to CivilSource, Inc., 9890 Irvine Center Drive, Irvine, CA 92618, for Construction Management and Inspection Support Services for the Harbor Boulevard Widening project; and
2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

7. APPROVE THE PURCHASE REQUEST FOR THE REPLACEMENT AND INSTALLATION OF OUTDOOR DUTY LOCKERS PURSUANT TO THE TERMS OF THE PROFESSIONAL SERVICE AGREEMENT WITH OLPIN

ACTION:

1. City Council approved and authorized the CEO to sign the Professional Services Agreement for the Replacement and Installation of Outdoor Duty Lockers with Olpin Group, Inc., 3520 E. Enterprise Drive, Anaheim, CA 92807 in the amount of \$82,761.36, including tax; and
2. Approved Budget Adjustment #15-002 for the appropriation of Narcotics Asset Forfeiture Fund undesignated funds in the amount of \$82,761.36 for the purchase of duty lockers.

8. AWARD CONTRACT FOR ANNUAL TRANSIENT OCCUPANCY TAX AUDIT SERVICES

ACTION:

1. City Council awarded contract for annual transient occupancy tax audit services for fiscal years 2014, 2015 and 2016 to Mayer Hoffman McCann, P.C., in the total amount of \$58,500 with an option to extend the contract in one-year periods, for a minimum of two fiscal years; and
2. Authorized City Chief Executive Officer to sign and execute a professional services agreement with the selected audit firm.

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

The Mayor made a request to consider Public Hearing Item No. 4 out of order.

4. SECOND READING FOR THE PRE-ZONING AND PROPERTY TAX EXCHANGE AGREEMENT FOR THE SANTA ANA/COLLEEN ISLAND ANNEXATION (01:27:02)

MOTION: Continue the item to a future meeting.

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

Mayor Righeimer requested for developers, owners, and staff meet on this item.
(01:28:00)

Public Comments:

Speaker inquired on a meeting and setbacks. (01:30:30)

Robin Leffler, Costa Mesa, spoke on public speaking on this issue. (01:32:00)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. APPROVE CERTIFICATION OF SPECIAL ASSESSMENTS FOR DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS (01:32:55)

Staff report provided by Colleen O'Donoghue, Assistant Finance Director.
(01:33:33)

Discussion ensued regarding the property tax assessment and citation process. (01:35:50)

Public Comments:

Sue Lester, Costa Mesa, thanked and complimented Code Enforcement staff, and spoke about municipal code violations. (01:49:09)

Sheila Pfafflin, Costa Mesa, expressed concerns regarding tax lien and special precautions for seniors; and spoke on efficient water use. (01:50:33)

Beth Refakes, Costa Mesa, spoke regarding Habitat for Humanity assistance. (01:52:58)

David Balough, Costa Mesa, spoke about his case. (01:53:50)

Robin Leffler, Costa Mesa, expressed concern regarding Code Enforcement and the lack of personal contact with the public. (01:56:09)

MOTION: Adopt Resolution No. 14-47, to be read by title only and waived further reading, entitled "A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations."

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

SUBSTITUTE MOTION: Adopt Resolution No. 14-47, to be read by title only and waived further reading, entitled "A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations"; and remove Item No. 6. (01:59:20)

Council Member Monahan withdrew his original motion. (01:59:50)

MOVED/SECOND: Mayor Righeimer/Council Member Monahan

Council Member Leece suggested including a flyer with assistance information. (02:00:20)

Council Member Genis expressed concern with using public monies to fix some parkways, and fining others who do not fix their parkways. (02:02:10)

The substitute motion carried by the following roll call vote:

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

Nays: Council Member Genis.

Absent: None

Motion carried: 4-1

2. PUBLIC HEARING FOR THE VACATION OF A PORTION OF SUPERIOR AVENUE AT 1677 SUPERIOR AVENUE (02:04:16)

Staff report provided by Ernesto Munoz, Public Services Director. (02:04:20)

Council Member Genis expressed concern with the tract map not being recorded. (02:06:55)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 14-48, to be read by title only and waived further reading, ordering the vacation of a portion of Superior Avenue Right-Of-Way at 1677 Superior Avenue; and
2. Authorized execution of the Quit Claim Deed by the Mayor and the City Clerk; and
3. Authorized the Street Vacation effective date is upon recordation of tract map.

3. GENERAL PLAN AMENDMENT GP-14-01 / LOT LINE ADJUSTMENT LL-14-03 LOCATED AT 320 E. 18TH STREET (02:08:45)

Staff report provided by Minoo Ashabi, Senior Planner. (02:09:50)

Discussion ensued regarding a request from Howard Banghausen on entitlements, floor area ratios, and parking; and occupancy limits. (02:14:50)

Public Comments:

Beth Refakes, Costa Mesa, spoke in support of the application; and expressed concerns regarding parking issues; striping; floor plan; and ratios. (02:18:20)

Susan McDowell, consultant for RSI Homes, spoke on conditions of approval regarding parking and the Master Plan Amendment. (00:22:50)

Discussion ensued on the Master Plan Amendment, and reasons for not continuing the item. (02:24:30)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council found that the Project is exempt from the provisions of the California Environmental Quality Act (CEQA), under Section 15061(b)(3) – General Rule; and
 2. Adopted Resolution No. 14-49, to be read by title only and waived further reading, for General Plan Amendment GP-14-01, pending approval as part of future General Plan Cycle to change the land use designation of a 16-foot by 63-foot strip of land (1,009 Sq. Ft) within an existing church site from Public/Institutional to Medium Density Residential and approving Lot Line Adjustment LL-14-03 to move the rear property line to the north by 16 feet for future residential development, subject to conditions; and
 3. Introduced Ordinance No. 14-10 for first reading, to be read by title only and waived further reading, approving Rezone R-14-01, of a 16-foot by 63-foot strip of land within an existing church site from I&R (Institutional and Recreational District) to R2-MD (Multiple Family Residential – Medium Density District); and
 4. Removed the condition of approval stating, “An amendment to the Master Development Plan for the Lighthouse Coastal Community Church shall be submitted for review that reflects the current conditions of the site and church sanctuary.”
5. **CODE AMENDMENT CO-13-03 TO TITLE 13, CHAPTER IX, ARTICLE 8 GOVERNING MOTELS (02:32:05)**

Staff report by Mel Lee, Senior Planner; Yolanda Summerhill, Deputy City Attorney; and Jerry Guarracino, Interim Assistant Development Services Director. (02:33:10)

Discussion ensued regarding electrical and building code requirements; temporary and long-term stays; square footage; on-site laundry services and security boxes; single room occupancy policy; affordability standards and affordable housing; long-term stay requirements; Regional Housing Needs Allocation and the number of affordable units required in the Housing Element; and health standards. (02:41:55)

Public Comments:

Harold Weitzberg, Costa Mesa, spoke on health standards. (03:08:41)

Zeenat Hassan, Public Law Center attorney, spoke in opposition to the Ordinance. (03:10:48)

Sheila Pfafflin, Costa Mesa, spoke about property being taken illegally, and last-resort housing. (03:12:02)

Kathy Esfahani, Costa Mesa Affordable Housing Coalition member, spoke in opposition to the Ordinance. (03:14:19)

Andrea Marr, Costa Mesa Affordable Housing Coalition member, spoke in opposition to the Ordinance. (03:18:00)

Linda Tang, representing Kennedy Commission, spoke in opposition to eliminating long-term stays in motels, and requested that Program 12 of the 2008-2014 Housing Element be reinstated. (03:19:21)

Speaker, Costa Mesa, spoke in opposition to the Ordinance. (03:22:34)

Jean Forbath, Costa Mesa Affordable Housing Coalition member, spoke in opposition to the Ordinance. (03:23:44)

Robin Leffler, Costa Mesa, spoke in opposition to the Ordinance. (03:26:12)

SUBSTITUTE MOTION: To continue item and request staff bring back a request for a moratorium.

MOTION/SECOND: Council Member Leece/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Genis, and Council Member Leece

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

Absent: None

Motion failed: 2-3

The original 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

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

ACTION:

City Council found that the proposed ordinance is exempt from California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of CEQA because there is no possibility that the proposed amendment to the Zoning Code will have a significant effect on the environment; and introduce Ordinance No. 14-11 for first reading, to be read by title only and waived further reading, regarding Code Amendment CO-13-03 to Title 13, Chapter IX, Article 8 Governing Motels.

OLD BUSINESS

1. **AN ORDINANCE OF THE CITY OF COSTA MESA REPEALING AND REPLACING COSTA MESA MUNICIPAL CODE SECTION 11-15 RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING PRIVATE PROPERTY (03:38:00)**

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council gave second reading and adopted Ordinance No. 14-08, to be read by title only and waived further reading, regarding rewards for information leading to the apprehension of individuals who damage property.

2. **SECOND READING OF THE ORDINANCE AMENDING SECTION 2-61 RELATING TO CONDUCT WHILE ADDRESSING THE CITY COUNCIL AND ADDING SECTION 2-87 (SEVERABILITY) (03:38:45)**

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

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council gave second reading and adopted Ordinance No. 14-09, to be read by title only and waived further reading.

NEW BUSINESS - NONE

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. SAFE TRANSIT STOPS PROGRAM APPLICATIONS (03:40:44)

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. 14-50, to be read by title only and waived further reading, approving the submittal of a grant funding application for three (3) bus stop improvement projects under the Orange County Transportation Authority's (OCTA) Measure M2 Project W – Safe Transit Stops Program.

CONTINUED PUBLIC COMMENTS - NONE

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

The Mayor adjourned the meeting at 9:42 p.m. in memory of Ben Carlson.



Stephen M. Mensinger, Mayor



Brenda Green, City Clerk