

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL, HOUSING
AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

November 1, 2016

CALL TO ORDER (00:00:03)

The meeting was called to order by the Mayor at 5:49 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:15) – Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:00:49)

Pastor Phil Wood, Redemption Church, Costa Mesa

ROLL CALL (00:01:56)

Present: Council Member Foley (arrived at 5:51 p.m.), Council Member Genis,
Council Member Monahan (arrived at 6:29 p.m.), Mayor Pro Tem
Righeimer and Mayor Mensinger

Absent: None

Officials Present: Chief Executive Officer Tom Hatch, City Attorney Thomas Duarte,
Assistant Chief Executive Officer Richard Francis, Assistant Chief Executive Officer
Tamara Letourneau, Interim Development Services Assistant Director Peggy Schneble,
Interim Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:13)

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

ANNOUNCEMENTS (00:02:24)

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

PRESENTATIONS (00:04:35)

Mayor's Award – Rick Kapko, Community Volunteer

Community Volunteer Rick Kapko received the Mayor's award.

PUBLIC COMMENTS (00:12:00)

Richard Russell, Costa Mesa, spoke on the election and candidates. (00:12:46)

Speaker, spoke on getting involved in local politics; the election and candidates. (00:15:53)

Margaret Mooney, Costa Mesa, spoke on the election and candidates. (00:18:19)

Jim Fitzpatrick, Costa Mesa, spoke on positive improvements in the City; and thanked the Council. (00:21:31)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team Trunk or Treat event. (00:24:22)

Kathy Esfahani, Costa Mesa, spoke on the election and candidates. (00:27:00)

Tim Lewis, Costa Mesa, owner of Red-E-Rentals, spoke on the election and candidates. (00:30:08)

Shannon Bales, Costa Mesa, spoke against using children in political campaigns. (00:33:24)

Doug Vogel, Costa Mesa, spoke on the election, candidates, and campaign filings.

Council Member Genis spoke on campaign filings. (00:39:33)

Speaker, spoke on the election and candidates. (00:41:19)

Alex Reich, Costa Mesa, spoke on transparency; the election and candidates. (00:43:21)

Ned Whittemore, Costa Mesa, spoke on the election and candidates. (00:46:34)

Allan Mansoor, Costa Mesa, spoke on the election; candidates; and pension reform. (00:48:25)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:50:27)

Council Member Genis spoke on the upcoming Veterans Day celebration at the the Orange County Fairgrounds; spoke on the Southern California Metroplex; spoke on commercial and industrial space in the City; impartial analysis on Measure Y; spoke on public and Council comments; and spoke on aerial spraying. (00:50:28)

Council Member Monahan spoke on aerial spraying. (00:55:26)

Mayor Pro Tem Righeimer spoke on election issues; campaigns; and pensions. (01:02:01)

Mayor Mensinger spoke on the election and candidates. (01:10:19)

Council Member Foley thanked campaign volunteers; spoke on the election and campaigns; maintenance of west side streets; Rutan & Tucker, LLP invoices; requested options from staff on campaign finance reform; announced the Home Tour on December 1, 2016 and the next Get Connected meeting on January 24, 2016. (01:11:24)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) – (01:23:32)

CEO Hatch had no items to report.

City Clerk Green spoke on the early voting location at the Neighborhood Community Center. (01:23:55)

CONSENT CALENDAR: (01:24:35)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 2 and 6.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

Claims received by the City Clerk: Gabriela Garcia

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF OCTOBER 4, 2016

ACTION:

City Council approved the minutes of October 4, 2016.

4. AMEND EXISTING TITLE VI PROGRAM FOR THE USE OF FEDERAL TRANSIT ADMINISTRATIVE FUNDING

ACTION:

City Council amended the City's existing Title VI Plan as required by the California Department of Transportation.

5. APPROVE AGREEMENTS FOR FEDERAL-AID PROJECTS

ACTION:

1. City Council approved the Master Agreement No. 12-5312F15 Administering the Agency-State Agreement for Federal-Aid Projects, and authorized the Mayor and City Clerk to execute the Agreement; and
2. Approved Resolution No. 16-80, authorizing the Public Services Director to execute all project specific Program Supplements to the Master Agreement, and authorized the Chief Executive Officer (CEO) to execute future revisions to the Master Agreement; and
3. Approved Resolution No. 16-81, authorizing the Public Services Director to execute Program Supplement No. F076 to the Master Agreement for the Bristol Street and Bear Street Rehabilitation projects.

7. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00860 FOR STREET IMPROVEMENTS AT 334 E. 16TH ST., COSTA MESA, CALIFORNIA

ACTION:

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS15-00860 in the amount of \$18,550.82 to 334 Costa Mesa Partners, LLC, 20201 SW Birch Street, Newport Beach, CA 92660.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:25:11)

1. **CONTINUED: SECOND AMENDMENT TO THE SOBECA URBAN PLAN (SP-05-06 A2) TO ALLOW INDIVIDUAL RESIDENTIAL DEVELOPMENT AT MAXIMUM DENSITY OF 40 DU/ACRE AND AN OVERALL DEVELOPMENT CAPACITY OF 450 UNITS (01:25:20)**

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan (01:26:48)

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

ACTION:

City Council adopted Resolution No. 2016-79, approving the SoBECA Urban Plan Amendment (SP-05-06 A2) to allow residential development at maximum density of 40 du/acre and an overall development capacity of 450 units within the urban plan area.

2. **FIRST READING OF ORDINANCE 16-12 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR REZONE R-15-01 TO REZONE (OR CHANGE) A 3.18-ACRE SITE LOCATED AT 375 BRISTOL STREET FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO C2 (GENERAL BUSINESS DISTRICT) AND PLANNING APPLICATION PA-15-30 FOR A SELF-STORAGE FACILITY AND RETAIL BUILDING AT 375 BRISTOL STREET (01:27:37)**

Ex-Parte Communications: Mayor Pro Tem Righeimer spoke to the property owner and a representative; Council Member Foley met with the property owner; Mayor Mensinger met with the property owner; Council Member Genis spoke with the property owner. (01:28:20)

Mel Lee, Senior Planner, presented the Staff Report. (01:29:05)

Council Member Genis spoke on the project summary and on the traffic count. (01:35:02)

Paul Freeman, representing Sanderson J. Ray Development, addressed the traffic modeling used and spoke on the decrease in traffic counts. (01:42:22)

Michael E. Houlihan, CEQA consultant from Environmental Science Associates, spoke on the revised traffic estimate. (01:51:10)

Discussion ensued on undergrounding of utilities; and traffic counts. (01:53:20)

Mr. Freeman requested time to work with adjacent property owners regarding the undergrounding of utilities. (01:56:50)

Discussion ensued on undergrounding of utility costs; and environmental reviews. (01:58:08)

Public Hearing Opened.

Speaker, spoke on undergrounding of utilities. (02:02:19)

Robin Leffler, Costa Mesa, spoke in support of the project. (02:04:41)

Dan and Sheri Krogh, Dan's Autocare Express, spoke in support of the project. (02:06:04)

Carter Grant, Costa Mesa, spoke in support of the project. (02:07:29)

George H. Bean, spoke in support of the project. (02:08:14)

Jay Humphrey, Costa Mesa, spoke in support of the project. (02:10:30)

Public Hearing Closed.

MOTION: To approve recommended actions. (02:12:40)

MOVED/SECOND: Council Member Foley/Council Member Monahan

Council Member Genis spoke in support of the project. (02:13:10)

Discussion ensued on ensuring the undergrounding of utilities are completed for the project in four years. (02:13:45)

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (02:20:23)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved the Initial Study/Negative Declaration; and
 2. Gave first reading to Ordinance No. 16-12, to be read by title only, and further reading waived, for R-15-01 to rezone (or change) a 3.18-acre site located at 375 Bristol Street from PDC (Planned Development Commercial) to C2 (General Business District); and
 3. Approved Planning Application PA-15-30 by adopting Resolution 16-82 to approve the project, including a Condition of Approval to be as follows: "Prior to the issuance of building permits, the developer shall post an irrevocable letter of credit, subject to the approval of the City Treasurer, for the cost of future undergrounding of the overhead utilities in the public right-of-way along Bristol Street within 2 to 4 years from the effective date of the resolution."
- 3. FIRST READING OF ORDINANCE 16-13 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR REZONE R-16-02 TO REZONE A 23.4-ACRE SITE LOCATED AT 1375 SUNFLOWER AVENUE AND 3370 HARBOR BOULEVARD FROM INDUSTRIAL PARK (MP) TO PLANNED DEVELOPMENT COMMERCIAL (PDC) AND ZONING CODE AMENDMENT TO TITLE 13, CHAPTERS IV AND V RELATED TO LAND USE MATRIX, FLOOR AREA RATIOS AND PLANNED DEVELOPMENT STANDARDS RELATED TO THE SITE (02:21:00)**

Minoo Ashabi, Principal Planner, presented the Staff Report. (02:21:40)

Ex-Parte Communications: Mayor Pro Tem Righeimer spoke to the representative of the property. (02:23:50)

Public Hearing Opened. No public comments. Public Hearing Closed. (02:24:20)

MOVED/SECOND: Council Member Monahan/Mayor Mensinger (02:24:25)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council gave first reading to Ordinance No. 16-13, to be read by title only, and further reading waived, adopting Rezone R-16-02 changing the zoning of the property located at 1375 Sunflower Avenue and 3370 Harbor Boulevard from Industrial Park (MP) zone to Planned Development Commercial (PDC) and Code Amendment 16-05 related to Title 13, Zoning Code, Chapters IV and V relative to land use matrix, floor area ratio and Planned Development Commercial standards.

OLD BUSINESS: (02:24:40)

- 1. SECOND READING OF ORDINANCE 16-11 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA FOR REZONE R-16-05 TO REZONE (OR CHANGE) A 2.07 ACRE SITE FROM C1 (LOCAL BUSINESS DISTRICT) TO R1 (SINGLE FAMILY RESIDENTIAL DISTRICT) FOR THE PROPERTY LOCATED AT 2850 MESA VERDE DRIVE EAST (02:24:47)**

Ex-Parte Communications: Mayor Pro Tem Righeimer spoke to a representative on the project; Mayor Mensinger spoke to a representative on the project; Council Member Foley spoke to individuals involved on the project. (02:25:15)

Public Comments Opened.

Reverend Jim Turrell, spoke in opposition to the item. (02:26:14)

Speaker, spoke in support of the item. (02:30:34)

Cynthia McDonald, Costa Mesa, spoke in opposition to the item. (02:31:48)

Public Comments Closed.

MOVED/SECOND: Council Member Monahan/Mayor Mensinger (02:34:55)

The motion carried by the following roll call vote: (02:47:50)

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council gave second reading to Ordinance No. 16-11, to be read by title only, and further reading waived, for R-16-05 to rezone (or change) a 2.07-acre site from C1 (Local Business District) to R-1 (Single Family Residential District - eight (8) dwelling units per acre maximum density allowed).

Council Member Foley spoke in support of the motion. (02:35:10)

Council Member Genis spoke in support of the motion. (02:36:46)

NEW BUSINESS: (02:48:05)

1. HEROES HALL FINANCIAL SUPPORT (02:48:07)

Daniel K. Baker, Assistant to the CEO, presented the Staff Report. (02:48:45)

Public Comments Opened.

Nick Berardino, spoke in support of the item. (02:50:56)

Beth Refakes, Costa Mesa, spoke in support of the item. (03:01:18)

Robin Leffler, Costa Mesa, spoke in support of the item. (03:03:33)

Speaker, spoke in support of the item. (03:05:12)

Karl Ahlf, Costa Mesa, spoke in support of the item. (03:07:01)

Public Comments Closed.

MOVED/SECOND: Council Member Monahan/Council Member Foley (03:08:00)

The motion carried by the following roll call vote: (03:10:45)

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved an additional \$25,000 for the completion of the Heroes Hall Veterans Museum at the Orange County Fairgrounds.

Council Member Genis, Mayor Pro Tem Righeimer and Mayor Mensinger spoke in support of the item. (03:08:15)

ITEMS REMOVED FROM THE CONSENT CALENDAR (03:10:57)

2. **WARRANT RESOLUTION NO. 2565 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-21 FOR \$2,153,330.61, 16-21 "A" FOR \$-3,777.97, AND 16-22 FOR \$2,180,346.50; AND CITY OPERATING EXPENSES FOR \$3,894,782.67; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (03:11:01)**

Public Comments: (03:11:16)

Speaker, spoke on attorney billings for the Solid Landings case and on returned business license fees for sober living homes. (03:11:20)

Public Comments Closed.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (03:14:27)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2565.

6. **EAST 17TH STREET LANDSCAPE ENHANCEMENT PROJECT, FEDERAL PROJECT NO. RPSTPLE – 5312(091), CITY PROJECT NO. 13-12 (03:14:39)**

Council Member Genis left the dais at 9:06 p.m. (03:14:45)

Public Comments: (03:14:59)

Speaker, spoke on the project. (03:15:00)

Public Comments Closed.

MOVED/SECOND: Council Member Monahan/Mayor Mensinger (03:16:15)

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION:

1. City Council accepted the work performed by Horizons Construction Co. International and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond six (6) months after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

CONTINUED PUBLIC COMMENTS – (03:17:21)

Wendy Leece, Costa Mesa, spoke on public safety; pensions; and police and fire contracts. (03:17:34)

Council Member Genis returned to the dais at 9:09 p.m.

Julie C., spoke on the election and candidates. (03:20:44)

Greg Ridge, Costa Mesa, spoke on study sessions and election issues. (03:24:48)

Karl Ahlf, spoke on election issues; and campaigns. (03:28:16)

Speaker, spoke on the 60th Anniversary event. (03:31:22)

Speaker, spoke on firefighters overtime. (03:34:33)

David Bracey, Anaheim University, spoke on academic services provided by Anaheim University. (03:38:02)

Robin Leffler, Costa Mesa, spoke on comments made by Mayor Mensinger. (03:39:52)

Speaker, spoke on a variety of issues and the election. (03:43:00)

Barrie Fisher, Costa Mesa, spoke on the wall closures along Victoria. (03:46:03)

Council Member Monahan left the dais at 9:37 p.m.

T. Koken, Costa Mesa, sang a song. (03:48:10)

Greg Tunnell, Costa Mesa, spoke on a variety of issues and the election. (03:51:00)

Charles Mooney, Costa Mesa, spoke on Measure TT. (03:54:10)

Public Comments Closed.

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT - The Mayor adjourned the meeting at 9:45 p.m.

Minutes adopted on this 15th day of November, 2016.



Stephen M. Mensinger, Mayor

ATTEST:



Brenda Green, City Clerk