

## UNOFFICIAL UNTIL APPROVED

**MINUTES OF THE SPECIAL JOINT STUDY SESSION MEETING OF THE COSTA MESA CITY COUNCIL, PLANNING COMMISSION AND PARKS AND RECREATION COMMISSION****OCTOBER 20, 2011****CALL TO ORDER**

The meeting was called to order by the Mayor at 4:30 p.m. in Conference Room 1A at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

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

Absent: None

Planning Commissioners Present: Chair Fitzpatrick, Vice Chair Dickson, Commissioner Matthews, Commissioner McCarthy, Commissioner Sesler

Officials Present: Interim Assistant CEO Peter Naghavi, Interim Public Services Director Ernesto Munoz, Assistant Development Services Director Claire Flynn, Acting Economic and Interim Development Services Director Khanh Nguyen, Chief of Code Enforcement Willa Bouwens-Killeen, City Clerk Julie Folcik

Council Member Leece recused herself due to a potential conflict of interest. (00:00:20)

Mayor Monahan stated this was an informational meeting only; first formal presentation of the Banning Ranch Development; speakers will be allowed one minute each; all questions will be answered on the website and directly to the person via e-mail; and time limit on eight items being presented. (00:00:37)

**PUBLIC COMMENTS (00:03:23)**

Jim Mansfield, Costa Mesa, spoke on the proposed properties by Banning Ranch; impact on 17<sup>th</sup> St.; and schools. (00:03:37)

Chris Bunyan, Corona Del Mar, spoke on the density of the Banning Ranch Project, and increased traffic. (00:04:54)

Jim Mosher, Newport Beach, spoke on an environmental report conducted by the City of Newport Beach. (00:06:03)

Chip Stassel, Costa Mesa, spoke on benefits for the City from the Banning Ranch Project. (00:07:22)

Daniel Cassades, Costa Mesa, opposed the project due to the environmental impact. (00:08:18)

John Ursini, Costa Mesa, spoke on the positive impacts the project will bring to the Westside. (00:09:45)

Tim De Cinces, Costa Mesa, spoke in support of the project; and the benefits to the Westside. (00:10:47)

Ron Frankiewicz, Costa Mesa, read excerpts from the Environmental Impact Report regarding traffic and noise; and intersections concerned with the Banning Ranch Project. (00:11:33)

Arthur Goddard, Costa Mesa, spoke on traffic impacts in Costa Mesa, and past issues concerning Newport Beach. (00:12:47)

Debby Koken, Costa Mesa, spoke in opposition to the project. (00:14:11)

Terry Koken, Costa Mesa, spoke in opposition to the project. (00:15:02)

Eleanor Egan, Costa Mesa, spoke on traffic impacts in Costa Mesa. (00:15:36)

Tom Egan, Costa Mesa, stated Costa Mesa is the dumping grounds for Newport Beach. (00:16:04)

Lisa Rios, Costa Mesa, spoke on traffic impacts to Costa Mesa. (00:17:16)

**DISCUSSION ITEM - NEWPORT BANNING RANCH DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) (00:18:13)**

**1. Introduction – City of Costa Mesa CEO (00:18:13)**

CEO Hatch stated that City Staff has been working on responses to the EIR; introduced Patrick Alford who will be speaking on the process, discussed how residents can formally respond to the RFP; welcomed George Basye and Mike Mohler from Newport Banning Ranch; and gave a brief overview of the agenda. (00:18:15)

**2. Overview – City of Newport Beach (00:20:16)**

Patrick Alford, Planning Manager for the Planning Division of the Community Development Department of the City of Newport Beach, presented a slide presentation of the Banning Ranch project overview, and proposed Master Development Plan. (00:20:18)

**3. Newport Banning Ranch Team (00:26:06)**

George Basye and Mike Mohler, Newport Banning Ranch Team, presented a slide presentation on the development of the Banning Ranch project, Newport Beach General Plan, site conditions, roadways; and discussed residential neighborhoods. (00:26:19)

**4. Costa Mesa City Staff (00:53:40)**

Peter Naghavi, Interim Assistant CEO, presented a slide presentation on traffic analysis; and impacts in Costa Mesa regarding the Banning Ranch project. (00:54:15)

**5. Council Questions (01:01:44)**

Council Member Bever requested Mr. Naghavi post the answers to the following questions: are all the traffic impacts considered in the existing General Plan; are the traffic mitigations paid for by the project; any opportunity for Bluff Road not to go all the way from Coast Hwy to 19<sup>th</sup> Street, and proposed density on the Costa Mesa side of the line. (01:02:05)

Council Member Mensinger requested Mr. Naghavi post the answers to the following questions: the total cost of the mitigation for traffic and over what time frame; how does the open space interact with Banning Ranch, Talbert and the County island issue; and what does this do to the Newport/55 corridor as far as traffic impacts in relation to Banning Ranch. (01:04:23)

Mayor Monahan requested Mr. Naghavi post the answers to the following questions: whether or not, and if not, if it could take into consideration the 55 Freeway extension study being looked at, and would the impacts either increase or decrease if that were to go through; and could Bluff Road stop at 17<sup>th</sup> Street and what would the increase of pressure be on 17<sup>th</sup> Street. (01:06:05)

Mayor Pro Tem Rigeimer requested Mr. Naghavi post the answers to the following questions: what about cut through traffic on the Eastside; how is the open space endowment going to be funded and how do you pick someone to be in charge of the process; eastern edge of the property shows a large amount of green space, are their plans for ball fields, play fields or some kind of facilities for the kids to use, and if it is how are the costs of the improvements to be done. (01:06:40)

**6. Banning Ranch Conservancy (01:07:44)**

Terry Welsh, President of the Banning Ranch Conservancy, presented a slide presentation on Banning Ranch open space; wildlife and coastal nature preserve, Measure M funds; Bluff Road, and 19<sup>th</sup> Street. (01:08:03)

**7. Council Questions (01:16:44)**

Discussion ensued regarding money raised for the Conservancy; property restoration, clean-up, improvements, and public use, property clean-up costs, and property value; and the OCTA Grant money, purchasing contaminated property, and community park land. (01:16:56)

Discussion ensued regarding property clean-up, sports park areas, and Sunset Ridge; land acquisition and habitat restoration, soccer fields, and public support; and the length of time it will take to get the project done and the clean-up risk. (01:27:47)

Mayor Monahan requested Mr. Naghavi return to Council with information regarding the OCTA Mitigation Grants; and discussion ensued regarding the size of two soccer fields. (01:39:43)

**8. Final Comments – Newport Banning Ranch Team (01:40:38)**

Mike Mohler, Newport Banning Ranch Team, stated they are committed to working with Costa Mesa to create an enforceable program to mitigate traffic impacts; and purchasing Banning Ranch. (01:40:49)

**COUNCIL MEMBER AND COMMISSION COMMENTS AND SUGGESTIONS (01:45:30)**

Ethan Temianka, Costa Mesa Parks and Recreation Commissioner, requested information to be posted on the 17 acres being drilled on and the timeline as to when they will be done. (01:45:51)

The Mayor adjourned the meeting at 5:45 p.m.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA**

**November 8, 2011**

The City Council of the City of Costa Mesa, California met in a Special Closed Session, on Tuesday, November 8, 2011 at 4:30 p.m. in Council Chambers, 77 Fair Drive, Costa Mesa.

Mayor Monahan called the meeting to order.

**ROLL CALL:**

Council Members Present: Mayor Gary Monahan  
Mayor Pro Tem James R. Righeimer  
Council Member Eric Bever  
Council Member Wendy Leece  
Council Member Stephen M. Mensinger

Council Members Absent: None

**CLOSED SESSION**

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Fighters Management Association, and Costa Mesa Division Managers Association and Unrepresented Employees (Executive and Confidential) pursuant to Government Code Section 54957.6

**PUBLIC COMMENTS:**

The meeting was recessed to Conference Room 5A for the closed session at 4:34 p.m.

The City Attorney stated there was no reportable action.

**ADJOURNMENT**

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA**

**June 10, 2014**

The City Council of the City of Costa Mesa, California met in a Special Closed Session, on Tuesday, June 10, 2014 at 6:05 p.m. in Council Chambers, 77 Fair Drive, Costa Mesa.

Mayor Mensinger called the meeting to order.

**ROLL CALL:**

Council Members Present: Mayor James M. Righeimer  
Mayor Pro Tem Stephen M. Mensinger  
Council Member Sandra Genis  
Council Member Wendy Leece  
Council Member Gary Monahan

Council Members Absent: None

**CLOSED SESSION**

- 1. Conference with legal counsel regarding anticipated litigation: Significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(2): (2) two potential cases.

**PUBLIC COMMENTS:**

The meeting was recessed to Conference Room 5A for the closed session.

The City Attorney stated there was no reportable action.

**ADJOURNMENT**

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA  
January 13, 2015**

The City Council of the City of Costa Mesa, California met in a Special Closed Session, on Tuesday, January 13, 2015 at 4:35 p.m. in the Council Chambers, 77, Fair Drive, Costa Mesa.

Council Member Monahan called the meeting to order.

**ROLL CALL:**

Council Members Present: Council Member Katrina Foley  
Council Member Sandra Genis  
Council Member Gary Monahan  
Mayor Pro Tem James M. Righeimer (arrived at 4:41  
p.m.)  
Mayor Stephen M. Mensinger (arrived at 4:37 p.m.)

Council Members Absent: None

**CLOSED SESSION**

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding 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 Costa Mesa Police Officers Association (CMPA), pursuant to California Government Code Section 54957.6

**PUBLIC COMMENTS:**

None Received.

Council Member Foley spoke on the lawsuit filed by Mayor Mensinger and Mayor Pro Tem Righeimer against the Costa Mesa Police Association (CMPA). She stated that the Costa Mesa Police Management Association (CMPMA) and the Costa Mesa Police Officers Association (CMPA) contracts are almost identical and that the Mayor and Mayor Pro Tem should have a conflict of interest with both associations. Council Member Foley requested an opinion from the California Attorney General whether they can participate in the bargaining process regarding a majority of the quorum being able to vote versus a majority of the Council during negotiations. (00:01:38)

Council Member Monahan stated contracts require three votes regardless of abstentions and that an opinion from the Attorney General is welcomed but would not be binding. (00:04:27)

Council Member Foley spoke on the uniqueness of the scenario; the District Attorney investigation and that the civil lawsuit initiated seeks monetary damages which is a conflict of interest. (00:07:26)

Council Member Genis asked if the City Attorney has reviewed the letter received from the law firm, Silver, Hadden, Silver & Levine. (00:08:18)

City Attorney Tom Duarte replied he had reviewed the letter and determined that there is no conflict of interest, and that Mayor Mensinger and Mayor Pro Tem Righeimer can participate in negotiations for the CMPMA. (00:08:41)

Mayor Mensinger asked if there are any Ex Parte Communications pursuant to Municipal Code Section 2-238(b). (00:09:18)

Council Member Foley replied that she spoke with Mr. Dimmel to obtain the status of negotiations prior to being elected as a Council Member. (00:09:25)

Council Member Monahan inquired if Mayor Mensinger and Mayor Pro Tem Righeimer are able to participate in the discussions. (00:09:46)

City Attorney Tom Duarte replied that in respect to the CMPA, Mayor Mensinger and Mayor Pro Tem Righeimer will recuse themselves because of a conflict of interest. (00:09:59)

Council Member Foley objected to the participation of Mayor Mensinger and Mayor Pro Tem Righeimer for the CMPMA negotiations because both the CMPMA and CMPA contracts are almost identical. (00:10:08)

Council Member Monahan stated the City Attorney stated that there is no conflict of interest if Mayor Mensinger and Mayor Pro Tem Righeimer participates for the CMPMA. (00:11:03)

Mayor Pro Tem Righeimer spoke on the lawsuit against the Police Association and spoke regarding the District Attorney's comments. He stated he will participate in the CMPMA negotiations; and requested City Attorney to judge if they could participate in CMPA. (00:11:18)

Council Member Foley spoke on the civil case and the District Attorney's comments. (00:14:47)

City Attorney Tom Duarte advised they should adjourn to closed session.

The Mayor recessed the meeting to Conference Room 5A for the closed session. (00:18:48)

City Attorney Tom Duarte stated there would be no reportable action.

**ADJOURNMENT**

The special meeting adjourned at 4:55 p.m.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA  
March 24, 2015**

The City Council of the City of Costa Mesa, California met in a Special Closed Session, on Tuesday, March 24, 2015 at 9:08 a.m. in Council Chambers, 77 Fair Drive, Costa Mesa.

Council Member Monahan called the meeting to order.

**ROLL CALL:**

Council Members Present:            Council Member Katrina Foley  
   Council Member Sandra Genis  
   Council Member Gary Monahan

Council Members Absent:            Mayor Stephen Mensinger  
   Mayor Pro Tem James M. Righeimer

Mayor Stephen M. Mensinger and Mayor Pro Tem James M. Righeimer were not in attendance and are recused from participating on the item.

**CLOSED SESSION**

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Police Officers Association (CMPA), pursuant to California Government Code Section 54957.6.

**PUBLIC COMMENTS:**

None Received.

The meeting was recessed to Conference Room 5A for the closed session at 9:10 a.m.

The City Attorney stated there was no reportable action.

**ADJOURNMENT**

The special meeting adjourned at 10:55 a.m.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**SPECIAL CLOSED SESSION MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA  
March 24, 2015**

The City Council of the City of Costa Mesa, California met in a Special Closed Session, on Tuesday, March 24, 2015 at 5:03 p.m. in Council Chambers, 77 Fair Drive, Costa Mesa.

Mayor Mensinger called the meeting to order.

**ROLL CALL:**

Council Members Present: Council Member Katrina Foley (Arrived at 5:04 p.m.)  
Council Member Sandra Genis (Arrived at 5:05 p.m.)  
Council Member Gary Monahan  
Mayor Pro Tem James M. Righeimer  
Mayor Stephen Mensinger

Council Members Absent: None

**CLOSED SESSION**

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Firefighters Management Association (CMFMA), pursuant to California Government Code Section 54957.6.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Firefighters Association (CMFA), pursuant to California Government Code Section 54957.6.

**PUBLIC COMMENTS:**

Speaker, Costa Mesa, spoke on the closing of Fire Department Station No. 6.

The meeting was recessed to Conference Room 5A for the closed session at 5:07 p.m.

The City Attorney stated there was no reportable action.

**ADJOURNMENT**

The special meeting adjourned at 7:11 p.m.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**MINUTES OF THE JOINT MEETING OF THE COSTA MESA HOUSING AUTHORITY,  
COSTA MESA CITY COUNCIL AND THE CITY COUNCIL ACTING AS SUCCESSOR  
AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY**

**June 12, 2012**

**CALL TO ORDER**

The meeting was called to order by the Chair at 6:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Members Present: Chair/Mayor Pro Tem Righeimer, Vice-Chair/Council Member Mensinger, Board Member/Mayor Eric Bever, Board/Council Member Wendy Leece, Board/Council Member Gary Monahan

Members Absent: None

Officials Present: Executive Director/Chief Executive Officer Thomas R. Hatch, Director of Economic and Development/Deputy CEO Peter Naghavi, Public Services Director Ernesto Muñoz, Finance and I.T. Bobby Young, Assistant Finance Director Colleen O'Donoghue, Management Analyst Hilda Veturis, Stradling Yocca, Carlson & Rauth Vanessa Locklin, Economic Consultant Kathe Head, and Recording Secretary Martha Rosales.

**CLERKS STATEMENT**

The Agenda and Notice and Call for the Special Joint Meeting of the Costa Mesa Housing Authority, City Council and the City Council Acting as Successor Agency to the Costa Mesa Redevelopment Agency was posted at the City Council Chambers, Adams Postal Office, Headquarters Police Department, Neighborhood Community Center and the Mesa-Verde Public Library on Thursday, June 7, 2012.

**MINUTES**

**MOVED/SECOND:** Chair Righeimer/Member Leece

The motion carried by the following roll call vote:

Ayes: Chair Righeimer, Vice Chair Mensinger, Member Eric Bever, Member Leece, and Member Monahan

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council Approved the Minutes of the Costa Mesa Housing Authority of April 3, 2012.

**PUBLIC COMMENTS**

Chair Righeimer opened the session for public comments. There being none, the public comments session was closed.

**BOARD MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS – None**

**NEW BUSINESS**

**1. AGREEMENT FOR PROFESSIONAL LEGAL SERVICES**

Ms. Ullman presented the Staff Report and gave a narrative of the various services Stradling, Yocca, Carlson & Rauth had provided to the City since 1986. Ms. Ullman added that Shareholder and Lead Partner, Celeste Brady, had provided several years of special counsel services in Redevelopment, affordable housing, public finance and other public law matters. Ms. Ullman recommended the Center enter into a professional legal services agreement with Stradling, Yocca, Carlson & Rauth.

**MOVED/SECOND:** Member Monahan/Vice-Chair Mensinger

The motion carried by the following roll call vote:

Ayes: Chair Righeimer, Vice Chair Mensinger, Member Eric Bever, Member Leece, and Member Monahan Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

Housing Authority, the City Council and the City Council Acting as Successor Agency to the Costa Mesa Redevelopment Agency, approved the agreement for Professional Legal Services with Stradling, Yocca, Carlson & Rauth.

**2. AGREEMENT FOR PROFESSIONAL FINANCIAL CONSULTING SERVICES**

Executive Director Tom Hatch presented the Staff Report and stated the agreement was to continue financial consulting services with Keyser-Marston Associates, Inc., a top-notch financial analysis firm who had provided a variety of services to the City for many years. Mr. Hatch stated the contract (up to \$100,000 annually) was for 1 year with three (3) one year renewals. Mr. Hatch recommended the City approve the contract for financial consulting services with Keyser-Marston Associates, Inc.

**MOVED/SECOND:** Member Monahan/Member Bever

The motion carried by the following roll call vote:

Ayes: Chair Righeimer, Vice Chair Mensinger, Member Eric Bever, Member Leece, and Member Monahan Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

Housing Authority, the City Council and the City Council Acting as Successor Agency to the Costa Mesa Redevelopment Agency, approved the agreement for Financial Consulting Services with Keyser-Marston Associates, Inc.

**3. UPDATE ON CORRESPONDENCE WITH THE STATE DEPARTMENT OF FINANCE**

Finance and I.T. Director Bobby Young presented the Staff Report. He reported both ROPS (Recognized Obligation Payment Schedules) for the periods of January through June 2012 and July through December 2012 had been approved by the State Department of Finance and commended Staff on a job well done completing the task. The State had also approved the City-Agency loan that was on the Second ROPS (July through December 2012) – Staff was cautiously optimistic that the loan would remain on the ROPS and be paid. Macias Gini & O'Connell (auditors contracted by the State) had completed their audit that included the EOPS (Enforceable Obligation Payment Schedule) and ROPS. An exit conference was scheduled for later in the week and more information would be available at the June 21, 2012 Oversight Board meeting.

Chair Jim Righeimer commended Mr. Young and Staff on doing a phenomenal job compiling the color-coded flow chart for the original 1971 City-Agency loan. At a time when Board Members thought the money would be gone, Staff's efforts saved the City \$10 million dollars.

Board Member Eric Bever echoed Chair Jim Righeimer's comments and thanked Staff for a great job documenting the obligation payment schedules as well.

Board Member Wendy Leece also commended Staff on their phenomenal work. She asked if the ROPS would be submitted to the State Department of Finance twice a year for review. Mr. Young reported that work on the ROPS for the period of January through June 2013 would begin in September 2012. Staff would then update the ROPS every 6 months for each period and address items for reimbursement.

Board Member Leece requested that copies of the Oversight Board's Agendas and Minutes be provided to the Council to keep them informed. Recording Secretary Martha Rosales assured Board Member Leece that her request would be handled accordingly. Board Member Leece asked if the Oversight Board had approved the

EOPS and ROPS. Chair Jim Righeimer (Chair of the Oversight Board) gave a brief summary of what took place at the Oversight Board meetings and confirmed the the EOPS and ROPS had been approved by the Oversight Board. Mr. Young asked if the Board wanted the matter agendized for future meetings or if they preferred receiving correspondence after each Oversight Board meeting. Chair Jim Righeimer opted for receiving correspondence after each Oversight Board meeting.

**MOVED/SECOND:** Member Bever/Vice-Chair Mensinger

The motion carried by the following roll call vote:

Ayes: Chair Righeimer, Vice Chair Mensinger, Member Eric Bever, Member Leece, and Member Monahan Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

Housing Authority, the City Council and the City Council Acting as Successor Agency to the Costa Mesa Redevelopment Agency, received and filed the update on correspondence with the State Department of Finance.

**ADJOURNMENT**

The Chair adjourned the meeting.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk

**MINUTES OF THE ADJOURNED MEETING/SPECIAL STUDY SESSION OF THE  
COSTA MESA CITY COUNCIL**

**MAY 28, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:30 p.m. in Conference Room 1A at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Acting Economic and Development Services Director Claire Flynn, Public Services Director Ernesto Muñoz, Finance and I.T. Director Bobby Young, Acting Chief of Code Enforcement Willa Bouwens-Killeen, Public Affairs Manager Bill Lobdell, City Clerk Brenda Green.

**PUBLIC COMMENT (00:01:03)**

Sharon Komer, Costa Mesa, spoke in support of funding for fields at Costa Mesa High School. (00:01:15)

Ed Baum, Costa Mesa, spoke in support of funding for fields at Costa Mesa High School. (00:03:42)

Frank Albers, Costa Mesa, spoke in support of funding for fields at Costa Mesa High School. (00:05:16)

Mayor Righeimer encouraged the public to speak to the School Board. (00:05:50)

Council Member Genis encouraged the public to ask the School Board about bond monies. (00:07:00)

Howard Hull, Costa Mesa, spoke in support of funding for fields at Costa Mesa High School. (00: 08:34)

**FISCAL YEAR 2013-2014 PRELIMINARY OPERATING AND CAPITAL  
IMPROVEMENT BUDGET**

CEO Hatch provided an introduction to the budget and announced upcoming meetings. (00:10:18)

Staff report presented by Finance and I.T. Director Bobby Young. (00:20:26)

Council Member Genis expressed concern about using the reserve fund balance. (00:22:04)

Discussion ensued regarding the use of the reserve fund balance, property allocation, and the equipment fund. (00:26:58)

Council Member Monahan spoke about PERS rate increases, position vacancies, and estimated savings generated from outsourcing of services. (00:41:48)

Discussion ensued on solid waste hauler franchise fees; cable franchise fees; permit fees; red light camera fees; the golf course; reimbursement fees; the Office of Traffic Safety Grant funds; State reimbursement funds; and the Non-Departmental, and Communications and Marketing categories. (00:46:31)

Mayor Righeimer spoke on the preliminary budget. (01:02:13)

Discussion ensued regarding what should be included in the preliminary budget. (01:05:08)

Mr. Young spoke on CEO recommendations and the Capital Improvement Program budget. (01:10:13)

Discussion ensued concerning the general fund purchases. (01:12:25)

Ernesto Munoz, Public Services Director, spoke on funding for Fairview Park, deferred maintenance, Del Mar median strip project, and alley maintenance. (01:18:02)

Discussion ensued regarding improvements at Fairview Park; Smallwood Park; median project at Del Mar; unimproved alleys; Tewinkle Park; a grant writer position and trees. (01:21:35)

#### **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS - NONE**

The Mayor adjourned the meeting at 6:06 p.m.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE COSTA MESA CITY COUNCIL**

**June 10, 2014**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 6:21 p.m. at Costa Mesa City Hall, Council Chambers, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant CEO Rick Francis, Assistant CEO/Administrative Services Director Tamara Letourneau; Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, Interim Finance Director Steve Dunivent and City Clerk Brenda Green.

**PUBLIC COMMENTS (00:00:40)**

John W. Goddard, Costa Mesa, spoke on the upgrading of the Senior Center; and correspondence submitted. (00:02:14)

Sue Healey, Costa Mesa, spoke on the deteriorating morale of seniors; lack of fundraising; and supports the City operating the Senior Center. (00:04:26)

Tamar Goldmann, Costa Mesa, spoke on the firing of employees; and no indemnification from the City. (00:50:51)

Stella Adkins, Costa Mesa, spoke on volunteering at the Senior Center; the decline of the membership; mistreatment of seniors; financial problems; and supports City as operator. (00:07:27)

Richard Detwiler, Costa Mesa, spoke on the noticing agreement; and informing the Senior Center Board. (00:08:36)

Barbara Echan, Costa Mesa, spoke on the troubled non-profit; supports City as operator; and deteriorating services to seniors. (00:10:02)

Kathleen Eric, Costa Mesa, spoke on the deteriorating issues at the Senior Center; and supports City as operator. (00:12:28)

Judy Lindsay, President, Board of Directors, spoke regarding funding, the audit; communication to Staff and Board; noticing; and inaccurate accusations. (00:15:38)

Beth Rafakes, Costa Mesa, spoke on the 90-day notice for contract termination with the Senior Corporation; people on the Board should not be subject to lawsuits; and the decline of the Senior Center. (00:18:44)

Ernie Feeney, Costa Mesa, spoke on Senior Center staffing; supports City operating the Senior Center; and the lacking of services. (00:22:12)

Gay Royer, Costa Mesa, stated that seniors deserve the best services and treatment. (00:26:12)

**ITEM**

**1. SENIOR CENTER OPERATIONS – PROPOSAL FOR CITY TO PROVIDE PROGRAMS AND SERVICES**

Tammy Letourneau, Assistant Chief Executive Officer, presented Staff Report. (00:27:50)

Discussion ensued on history of the agreement between the City and Corporation. (00:35:51)

Council Member Leece spoke on the financial assistance from the City; and analysis of funds. (00:36:53)

Discussion ensued on the Albert Dixon Fund; Albert Dixon Board; and use of that money. (00:38:12)

Council Member Leece spoke on the indemnifying of Board Members. (00:40:53)

Discussion ensued on the Senior Board Meetings; financial situation; Senior programs and services; and rescuing of the Senior Center. (00:42:34)

Council Member Genis spoke on Board insurance; funding; and legal authority. (00:44:55)

Mayor Pro Tem Mensinger spoke on indemnification; and Senior treatment. (00:46:12)

Mayor Righeimer spoke on operation of Senior Center; indemnity clause; and working cooperatively in the best interest of the seniors. (00:47:17)

**MOVED/SECOND:** Council Member Monahan/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

**ACTION:**

City Council approved the following recommendations regarding the Senior Center operations to provide an opportunity for the Senior Center to thrive:

1. Invoked the 90-day termination clause in the current Agreement between the City and the Costa Mesa Senior Corporation; and
2. Adopted Resolution No. 14-xx, to be read by title only and waived further reading, the exception to the 180-Day Wait Period Government Code Sections 7522.56 and 21224 to retain the services of a retired PERS employee who is a former Senior Center Director at another public agency; and
3. Adopted Resolution No. 14-xx, to be read by title only and waived further reading, which establishes the new Senior Center Program Administrator job description; and corresponding salary range; and
4. Authorized the CEO to execute a three (3) year contract with one optional two (2) year extension with Allied Nationwide Security Inc. to provide security services at the Senior Center during hours of operation; and
5. Approved one (1) year of free membership for all seniors who sign up at the center.

**COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Leece spoke on the Relay for Life event at Costa Mesa High School; and Teen Academy. (00:51:56)

**ADJOURNMENT** – Mayor Righeimer adjourned the meeting at 7:13 p.m.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**MINUTES OF THE REGULAR STUDY SESSION OF THE COSTA MESA CITY  
COUNCIL**

February 11, 2014

**CALL TO ORDER**

The meeting was called to order by the Mayor at 4:30 p.m. in Conference Room 1A at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

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

Absent: Council Member Leece

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

**PUBLIC COMMENTS – None (00:00:29)**

**ITEM FOR DISCUSSION**

**1. FISCAL YEAR 2013-14 MID-YEAR BUDGET REPORT (00:00:44)**

CEO Hatch provided an overview of the upcoming budget year and process; and spoke on public's needs and interest. (00:00:52)

Presentation by Stephen Dunivent, Interim Finance Director. (00:04:52)

Mayor Righeimer spoke on monies not spent the previous year; re-approval of those funds; and a fund balance increase. (00:08:14)

Discussion ensued on pension liability reduction; capital projects funds carryovers; and operational items carryovers. (00:09:18)

Ernesto Munoz, Public Services Director, spoke on improvement projects not completed within the year budgeted; carryover of funds; and additional funding. (00:10:23)

Discussion regarding a category be created for funds encumbered but not spent; and a list of projects that have not been completed and have been carried over. (00:11:02)

CEO Hatch discussed the Fire-Traffic Signal pre-emption. (00:18:45)

Discussion ensued on contingency funding; Department's budget; and allocating for blocks of funds. (00:22:54)

Council Member Genis spoke on actual versus budgeted; and anticipated expenditures. (00:24:46)

Discussion ensued on transferred funds from General Fund to Capital Projects Fund; grant funding; reimbursement; Costa Mesa United Grants; and carryovers for property acquisitions. (00:25:35)

Council Member Monahan requested the actual numbers for contingencies. (00:28:22)

Mayor Righeimer discussed contingencies; economic life of the City; discussed funds of neighboring cities; new developments and impact and park fees; and Development Services dollars. (00:28:53)

Discussion ensued on no current development impact fees for parks; and Quimby fees and subdivisions. (00:31:27)

Mr. Munoz spoke on previous discussions on deferred park and development fees until a project is completed. (00:32:57)

Discussion ensued on funding for a Community Center to be converted to a Library; Library Impact Fee; and infrastructure. (00:34:55)

**ACTION:**

City Council provided Staff direction on FY 2013-2014 budget adjustment and recommendations for direction on the FY 2014-15 budget preparation.

**COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS – NONE**

Mayor Righeimer adjourned the meeting at 5:14 p.m.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk

**MINUTES OF THE STUDY SESSION OF THE COSTA MESA CITY COUNCIL**

**March 10, 2015**

**CALL TO ORDER**

The meeting was called to order by the Mayor Pro Tem at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL (00:00:22)**

Council Members Present: Mayor Pro Tem Righeimer, Council Member Foley, Council Member Genis (arrived 5:05 p.m.) and Council Member Monahan.

Council Members Absent: Mayor Mensinger

Officials Present: 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.

**ITEM FOR DISCUSSION**

**1. REVIEW OF DRAFT ORDINANCE REGARDING A CITY MEASURE TO ESTABLISH REGULATION OF MEDICAL MARIJUANA BUSINESSES**

Staff report provided by Assistant CEO Rick Francis and Deputy City Attorney, Chris Neumeyer. (00:01:00)

Staff highlighted the following changes in the draft City Ordinance that Council recommended at the December 16, 2014 City Council meeting and individual Council Members subsequently recommended: an Operator permit requirement; restrictions on employees with a felony; separation from Sober Living Homes; locations limited to Industrial zones; cost recovery due to public nuisances; appeals; special taxes; and fees. (00:02:25)

Discussion ensued regarding tax rates, annual permit fees, cultivation, and collectives. (00:13:00)

Discussion ensued regarding a Conditional Use Permit requirement, Operating permits; a Request for Proposal process; and zoning. (00:23:00)

Discussion ensued regarding enforcement tools, and criminal versus civil charges. (00:36:55)

Discussion ensued regarding placing a City measure on the 2016 ballot, a special election, a State ballot initiative, enforcement and costs. (00:43:00)

## UNOFFICIAL UNTIL APPROVED

Discussion ensued regarding employees with a felony, a permitting process, deliveries, proximity to sober living homes, defining public nuisances, and state and federal legislation. (00:50:00)

Public Comments:

Speaker, spoke on state legislation and a Senate press conference on the issue. (01:01:40)

Charles Mooney, Costa Mesa, spoke on the need for more discussion on quality controls pertaining to edibles. (01:04:44)

Matt Pappas, Long Beach, spoke on recreational marijuana, medical cannabis, and expressed opposition to the current draft ordinance. (01:04:44)

Jason Piazza, Costa Mesa, expressed support for including commercial zones. (01:06:52)

Ann Parker, Costa Mesa, spoke on limiting the dispensaries near group homes; that medical marijuana is available in Santa Ana; and is opposed to allowing in Costa Mesa. (01:09:21)

Harold Weitzberg, Costa Mesa, offered to assist with providing information regarding medical marijuana, restricting distribution, and is opposed to limiting to industrial areas, and submitted a letter outlining his suggestions. (01:11:10)

Paul Lucas, expressed support for no limitations on locations. (01:13:28)

Lisa Cargile, Mission Viejo, expressed opposition to the Ordinance due to the high taxes and no delivery service. (01:15:47)

Suzi Iwamoto, Costa Mesa, suggested slowing down and have thoughtful deliberation; and include in the General Plan process. (01:17:45)

Public Comments closed.

Mayor Pro Tem Righeimer expressed support for not rushing and adding a City Measure to the 2016 ballot, spoke on the issue being about money, and spoke on potential state and federal legislation. (01:21:40)

Council Member Foley expressed support for placing a City Measure on the 2016 ballot. (01:22:40)

Council Member Monahan spoke on timing for placing a City measure on the 2016 ballot, potential litigation, 2016 statewide proposition, two qualifying initiatives, medical marijuana polling, opposition to the taxes, supports allowing deliveries, the benefits of medical marijuana for the ill, and in support of Mr. Weitzberg's suggestions listed in his letter. (01:23:55)

**UNOFFICIAL UNTIL APPROVED**

Council Member Genis expressed support for a City Measure on the 2016 ballot, stated that some degree of taxes is needed, address safety issues; and supports deliveries. (01:29:39)

Council Member Foley stated that the issue is not strictly about medical marijuana, it is about the money; spoke on impacts to the City; and stated she will not support a measure that does not have strict regulations. (01:33:00)

Mayor Pro Tem Righeimer spoke on the enormity of the issue and that it needs to be addressed at the State and Federal level; spoke on it being about money; no system in place for enforcement; waiting to see what happens in Santa Ana; and supports placing a City Measure with a reasonable tax on the November 2016 ballot, but does not support the City Council adopting an Ordinance. (01:35:28)

Council Member Genis agreed that the City Council should carefully craft a measure to place on the November 2016 ballot. (01:40:08)

The Mayor adjourned the meeting at 6:44 p.m.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk

**MINUTES OF THE ADJOURNED REGULAR MEETING OF THE COSTA MESA  
CITY COUNCIL**

**December 16, 2014**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 2:08 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**PLEDGE OF ALLEGIANCE (00:00:01)** – Led by Council Member Foley

**ROLL CALL (00:00:22)**

Council Members Present: Mayor Mensinger, Mayor Pro Tem Rigeimer (arrived 2:20 p.m.), Council Member Foley, Council Member Genis and Council Member Monahan (arrived 2:45 p.m.).

Council Members Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, 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.

**PUBLIC COMMENTS (00:01:50)**

Flo Martin, Costa Mesa, requested a permanent fence at the vernal pools at Fairview Park (00:01:52)

Jim Fitzpatrick, Costa Mesa, spoke on Police Union issues. (00:03:45)

Beth Refakes, Costa Mesa, encouraged attendance at the Snoopy House and civility at meetings. (00:07:08)

Jeff Arthur, Costa Mesa, spoke on the school pension contribution rates, teacher's retirement and unfunded pension liability. (00:08:15)

**COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:12:16) -  
NONE**

**REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:12:50)**

CEO Hatch discussed the Senior Center closure; and invited the public to attend the Jack Hammet services.

**CONSENT CALENDAR – None**

## UNOFFICIAL UNTIL APPROVED

Discussion regarding an entity operating and selling marijuana outside of the perimeters of the law in the City of Costa Mesa, criminal penalties; and penalties for operating without a permit. (01:09:46)

### Public Comments:

Flo Martin, Costa Mesa, supports access to Medical Marijuana and supports Option 2. (01:16:45)

Harold Weitzberg, Costa Mesa, spoke in support of creating a stakeholders study group for a City proposed Ordinance; and options for citizens to obtain medical marijuana in a safe environment. (01:17:16)

Paul Lucas, Costa Mesa, spoke on access and restrictions for children; enforcement and the Orange County Health Department; and restriction of locations. (01:20:34)

Virginia Vargas, Costa Mesa, spoke in opposition to adopting the medical marijuana dispensary initiatives as it provides children easier access to drugs. (01:23:46)

Ann Parker, Costa Mesa, spoke on children easily obtaining marijuana; and recommended examining the issue further. (01:25:45)

Randall Longwith, attorney who wrote the 1<sup>st</sup> initiative; spoke regarding the 1% sales tax; no clause or provision allowing Council to change; on the initiative writers; and opinion that the provision in Proposition 218 does not apply to a citizen petition. (01:28:11)

Gay Royer, Costa Mesa, spoke in support of medical marijuana dispensaries. (01:31:42)

Gary Parkin, Costa Mesa, expressed concern on easily obtaining medical marijuana; recommended restricting to only Industrial areas and to include specific restrictions. (01:34:28)

Sue Lester, Costa Mesa, spoke in support of the initiatives to be on the November 2016 General Election ballot; recommended drafting a City Ordinance with more safeguards; and spoke regarding zoning. (01:35:55)

Michael Alexander, Costa Mesa, supports legalizing medical marijuana in the City and taxing. (01:39:01)

Jay Humphrey, Costa Mesa, stated that the City Drafted Ordinance is a good start but needs further refining; and more time needed to develop the process. (01:41:35)

Lance Rogers, Attorney Newport Beach, has represented licensed dispensaries; City has opportunity to govern the locations of medical marijuana shops; and willing to assist with questions. (01:45:50)

**UNOFFICIAL UNTIL APPROVED**

David Kinkade, Costa Mesa, supports the use of cannabis for medical purposes, concerned with proposed initiatives and controls; discussed restrictions of selling in certain areas; and recommended talking to neighboring cities. (01:47:42)

Robert Taft, Costa Mesa, stated he was the main proponent of the first initiative; and discussed the closing of shops in Santa Ana and the relocation of those shops to Costa Mesa. (01:49:50)

Bruce Lamb, Costa Mesa, expressed opposition to the proposed marijuana clinics in Costa Mesa; stated that distribution of marijuana is an entry level drug that leads to substance abuse; and recommend the City reject any proposals for clinics and sales in the community. (01:51:05)

Wendy Leece, Costa Mesa, spoke on safe access; the State of New York passing a Compassionate Care Act; and the wrong message that children are receiving. (01:53:42)

Travis Azevelo, Costa Mesa, stated that children will find access to drugs whether shops are opened in the City or not; and supports adding to the ballot. (01:56:53)

Mayor Pro Tem Righeimer spoke regarding prescriptions versus recommendations; that the State should be addressing the issue; stated not in favor of allowing medical marijuana dispensaries in Costa Mesa; the two initiatives have tax issues and therefore needs to be on the November 2016 ballot; spoke on no enforcement; and supports a stakeholders group. (01:59:05)

**MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Genis (02:05:03)

**MOTION:** Agendize the two initiatives for June 2016 City Council meeting to order them to be placed on the November 2016 ballot; the City consider creating an ordinance and the Mayor to appoint a task force of all the stakeholders.

Council Member Foley spoke about obtaining marijuana easily and that it is a gateway drug; that the City needs to be ahead of the issue to have controls in place; spoke on the need to address the medical marijuana issue in order to limit impacts to the community; spoke on medical marijuana ancillary effects; and spoke on the Department of Justice guidelines. (02:07:00)

**SUBSTITUTE MOTION/SECOND:** Council Member Foley/Council Member Monahan (02:10:56)

**SUBSTITUTE MOTION:** Adopt Ordinance/Option 3 (will refer to as "City Ordinance") with the following changes:

1. Include attachment 36, (map that shows a total of 17 at the top), which is a 1,000 ft. restriction as to: public and private schools, parks, libraries, child care centers, R1, R2, and R3, zones, and only allow in Industrial and Manufacturing zones.
2. Include an Operator permit requirement.
3. Include a minimum age limit of 21.

**UNOFFICIAL UNTIL APPROVED**

4. Allow City Council to amend and repeal .
5. Limit to Industrial and Manufacturing Zones only.
6. No felons with felony records in the last 10 years are allowed to be employees or operators.
7. Conditional Use Permit be required.
8. No deliveries be allowed for the first two years.
9. An annual review and report be conducted on compliance and impacts of crime and a report from private and public school districts.
10. Adopt the Ordinance, and approve a March 14, 2015 Special Election to add on the ballot a Special Business Tax of 10% of all gross receipts and earmark the monies in the following order:
  1. Reimbursement for the Special Election cost.
  2. Enforcement of inspection and compliance of Ordinance requirements.
  3. Unfunded Pension liabilities, and after that, any Pension contributions.
  4. Drug Abuse Prevention Education.
  5. Homelessness Prevention and Housing.
11. Staff return in 200 days with a process and procedure for how the City would implement the program.

Council Member Foley spoke on the urgency to address the issue; spoke on enforcement and limiting access; and the 21 age limit for access to the medical marijuana. (02:16:44)

City Attorney Duarte clarified Council Member Foley's motion to adopt Option 3 with changes and that it would need to come back for Council consideration for a 1<sup>st</sup> and 2<sup>nd</sup> reading; and in addition Council would need to take action on the two initiatives. (02:18:52)

Discussion ensued on the map, attachment 36, which would allow for 17 locations, and whether to include Commercial zones. (02:22:35)

Council Member Monahan stated that as part of his seconding Council Member Foley's Substitute Motion, he would like commercial zones included with the 1,000 sq. ft. restriction (per the map Attachment 36); age limit of 21; no felonies; and requested a Minor Conditional Use Permit, and to move #4 and #5 ahead of #3 pertaining to the priority of the tax monies, and to bring back the Ordinance with the changes for further discussion and debate. (02:27:10)

Council Member Foley stated that she will not agree to adding the commercial zone. (02:31:03)

Council Member Genis stated she is not prepared to vote on the motion and requested two additions, i.e. no medical personnel on-site; and dispensaries not allowed to do referrals to physicians. (02:31:12)

City Attorney Duarte stated that the urgency on the matter is that the initiatives qualify for a special election. However, if the two initiatives are not placed on a special election ballot then staff would have more time to draft a City Ordinance. (02:32:27)

Council Member Genis inquired on making a substitute motion to bring the two initiatives back in June of 2016 because of the taxation issue and then have a separate motion for a City Ordinance. (02:33:22)

Council Member Monahan stated that today's vote is to bring back the item in order to debate and include all the changes at that time. (02:34:18)

Mayor Pro Tem Righeimer spoke on the 2/3 voter requirement to approve a special tax. (02:37:15)

Discussion ensued regarding more public comments. City Attorney Duarte stated that the public hearing was closed and a vote is needed to allow additional public comments. (02:38:46)

**MOVED/SECOND:** Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, and Council Member Monahan

Nays: Mayor Pro Tem Righeimer and Mayor Mensinger

Absent: None

Motions carried: 3-2

**ACTION:**

City Council approved allowing additional time for the Public Hearing.

Public Comments

Robert Taft, Costa Mesa, stated that regulating marijuana shops is the only way to have control and that they should be located 1,000 sq. ft. from any residence or school. (02:40:41)

Randall Longwith, attorney who drafted the 1<sup>st</sup> initiative, stated that he is willing to withdraw 1<sup>st</sup> initiative and is in favor of working with the City on an Ordinance to ensure all the legal ramifications are addressed. (02:41:53)

Deputy City Attorney Chris Neumeyer stated that the petitions have been certified and cannot be withdrawn. (02:43:02)

Discussion ensued on support for a City sponsored initiative and Los Angeles Measure D.

Mayor Pro Tem Righeimer asked how many dispensaries Measure D allowed. (02:44:39)

Randall Longwith responded that Measure D allowed 135 dispensaries of which 88 are licensed. He noted that previously there were 1,000 dispensaries but currently there are now 700 dispensaries. Santa Ana addressed the problem by having an enforcement plan in place. (02:44:48)

## UNOFFICIAL UNTIL APPROVED

Council Member Genis spoke on adding an enforcement plan to the Ordinance; no onsite physician referral; include an excessive use provision; add reasonable distance from sensitive uses; delete the quality control section; add no recommending a physician; and supports a study session on the issue. (02:45:08)

Council Member Foley stated she does not support adding a City Measure on the November 2016 Election. She added that the City will have more control if done the way she recommended in her motion and can earmark the money; stated she does not agree with creating a task force, but would need to complete a compliance and regulation program. (02:47:06)

Council Member Genis spoke on adding the two initiatives to the ballot in 2016, and the Council can still address a City Ordinance separately.

CEO Hatch spoke to bringing back the issue to a study session in early 2015. (02:51:52)

Deputy City Attorney Chris Neumeyer asked Council to consider the legal analysis for the two citizen measures in regards to Special Election versus General Election. (02:52:49)

Council Member Foley restated the substitute motion and the changes to the draft ordinance as follows: (02:56:37)

1. Include attachment 36, (map that shows a total of 17 at the top), which is a 1,000 ft. restriction as to: public and private schools, parks, libraries, child care centers, R1, R2, and R3, zones, and only allow in Industrial and Manufacturing zones.
2. Include an Operator permit requirement.
3. Include a minimum age limit of 21.
4. Allow City Council to amend and repeal.
5. No felons with felony records in the last 10 years are allowed to be employees or operators.
6. Conditional Use Permit be required.
7. No deliveries be allowed for the first two years.
8. An annual review and report be conducted on compliance and impacts of crime and a report from private and public school districts.
9. In early 2015 bring back the Ordinance for consideration and also to consider a Special Election to add on the ballot a Special Business Tax of 10% of all gross receipts and earmark the monies in the following order:
  1. Reimbursement for the Special Election cost.
  2. Enforcement of inspection and compliance of Ordinance requirements.
  3. Unfunded Pension liabilities, and after that, any Pension contributions.
  4. Drug Abuse Prevention Education.
  5. Homelessness Prevention and Housing.
10. Staff return in 200 days with a process and procedure program for how the City would implement the program.

**UNOFFICIAL UNTIL APPROVED**

Council Member Monahan stated he has seconded the motion and it is to bring back the issue to a study session in early 2015. (02:56:15)

Council Member Foley stated the draft Ordinance will also include Council Member Genis suggestions.

Mayor Pro Tem Righeimer spoke regarding a Special Tax; stated he will vote against the motion; and recommends creating a special task force. (02:59:10)

Discussion ensued clarifying that Council would not be voting on the 1<sup>st</sup> reading, it is to bring back for consideration the draft City ordinance, and the special tax. (02:57:18)

The Substitute Motion carried by the following vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan

Nays: Mayor Pro Tem Righeimer, Mayor Mensinger

Absent: None

Motion carried 3-2

**MOTION:** Council Member Monahan motioned to agendize the two initiatives for June 2016. (03:00:47)

The motion died for lack of a 2<sup>nd</sup>.

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

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan and Mayor Mensinger

Nays: Mayor Pro Tem Righeimer

Absent: None

Motions carried: 4-1

**ACTION:**

City Council approved to agendize for a June 2016 City Council meeting to order the two initiatives to be placed on the November 2016 ballot.

Deputy City Attorney Chris Neumeyer clarified that in regards to the City Ordinance, Option 3, staff will revise and bring back for Council consideration. (03:02:58)

City Attorney Tom Duarte clarified no special election was approved. (03:03:21)

**CONTINUED PUBLIC COMMENTS - NONE**

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

**REPORT – CITY ATTORNEY – NONE**

The Mayor adjourned the meeting at 5:10 p.m.

\_\_\_\_\_  
Stephen M. Mensinger, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Green, City Clerk

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

**March 17, 2015**

**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 Mensinger, Mayor Pro Tem Righeimer, Council Member Foley, and Council Member Genis

Council Members Absent: Council Member Monahan

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE**

**CLOSED SESSION**

The City Council recessed into Closed Session at 5:07 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association (CMCEA) 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 5:45 p.m.

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5:45 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**CALL TO ORDER (00:00:14)**

**PLEDGE OF ALLEGIANCE (00:00:30)** – Council Member Genis

**MOMENT OF SOLEMN EXPRESSION (00:00:45)**

Jonathan Allbaugh, Vanguard University

**ROLL CALL (00:02:04)**

Present: Council Member Foley, Council Member Genis, Mayor Pro Tem  
Righeimer, Mayor Mensinger  
Absent: Council Member Monahan

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.

**CITY ATTORNEY CLOSED SESSION REPORT (00:02:23) – NONE**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

**ANNOUNCEMENTS (00:02:28)**

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

**PRESENTATIONS (00:04:52)**

City Council presentation to Werner Escher, South Coast Plaza's Executive Director of Domestic and International Markets.

**PUBLIC COMMENTS (00:13:35)**

Flo Martin, Costa Mesa, thanked Staff for having an additional Police Officer on Fair Dr. monitoring speed limits; and requested lowering the speed limit at Harbor and Fairview. (00:14:29)

Joy Thomas, representing non-profit organization Ability First, spoke on the organization. (00:16:11)

John W. Goddard, Costa Mesa, spoke on the Senior Center; the Senior Commission; and recommendation of Wendy Leece for the Senior Commission. (00:20:08)

Wendy Leece, Costa Mesa, spoke on the Freedom of Information; and the Brown Act. (00:24:36)

Barrie Fisher, Costa Mesa, spoke on the State report on Sober Living Homes; and a moratorium on licenses allowed by the State. (00:28:09)

Ann Parker, Costa Mesa, spoke on correspondence regarding Sober Living Homes; and homeless individuals that come from Sober Living Homes. (00:30:49)

Jonathan Aspuria, Costa Mesa, spoke on comprehensive services for students and students that are struggling; and HR Bill 375 which provides funding for comprehensive studies. (00:32:51)

Beth Rafakes, Costa Mesa, spoke on behalf of the Military Affairs Team accepting donations for the Easter Egg Hunt. (00:35:59)

Stephen Chan, Costa Mesa, spoke on construction at Lions Den with no permits. (00:38:00)

Jay Humphrey, Costa Mesa, spoke on the Police Department staffing levels; and lateral transfers. (00:41:15)

Eileen Lewis, Costa Mesa, spoke in opposition of dorms being built at Orange Coast College. (00:43:16)

Tom Pollitt, Costa Mesa, spoke on the Police Association's contract; raises; and pension contributions. (00:46:27)

Johnathan Murillo, Costa Mesa, invited residents and Council to the 11<sup>th</sup> Annual C3 Basketball Tournament and Community Fair Saturday from 11:00 a.m. – 4:00 p.m. (00:49:35)

#### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:51:06)**

Council Member Genis spoke on the 11<sup>th</sup> Annual C3 Basketball Tournament and Community Fair Saturday; Orange Coast College proposals; Police negotiations; use of the Emergency Operation Center (EOC) and meeting space; discussed Emergency Operations Plan and creating a Hazard Mitigation Plan; and spoke in memoriam of Huy Pham. (00:51:18)

Mayor Pro Tem Righeimer spoke on the Group Home issue; AB 838; a meeting with Department of Health Care Services; traffic concerns; and Orange Coast College future proposals. (00:59:19)

Mayor Mensinger spoke on the Ability First program; spoke on the Group Homes issue; spoke on a potential business relocating back to Costa Mesa; fundraiser on Monday March 23, 2015 for Estancia High School at Subway; and the "All that Glitters" Gala on Saturday March 28, 2015. (01:06:31)

Council Member Foley spoke on the speed limit on Fair Dr.; spoke on evaluation of City Attorney services; Cultural Arts Committee; and spoke on meetings held with residents regarding the 60<sup>th</sup> anniversary. (01:10:11)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:12:43)**

CEO Tom Hatch reported on attendance at the National League of Cities conference; discussed budget sessions in May; Orange Coast College construction; and City Committee recruitments.

**CONSENT CALENDAR (01:18:19)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 5 and 11.

**MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motions 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**

**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: Dino Bonadonna and John Halbakken.

**ACTION:**

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2532 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-04 "A" FOR (-\$4,547.74) AND 15-05 FOR \$2,028,376.04; AND CITY OPERATING EXPENSES FOR \$1,550,339.86; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

Approved Warrant Resolution No. 2532, to be read by the title only, and waived further reading.

4. **APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,500 IN REGARDS TO A DONATION MADE BY THE COSTA MESA COMMUNITY RUN TO THE CITY'S "HAPPY FEET RUNNING CLUB" YOUTH SPORTS PROGRAM**

**ACTION:**

City Council authorized a budget adjustment (budget adjustment #15-012) in the amount of \$1,500 to accept a donation from the Costa Mesa Community Run for the youth sports program, "Happy Feet Running Club."

6. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS10-00187 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17176 LOCATED AT 351 W. BAY STREET, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 4371998) in the amounts of \$18,266.00 each for street improvements and (Certificate No. 4371999) for setting corner monuments in the amount of \$2,750.00 to Bayside West, LLC (Developer), 190 Newport Center Drive, Suite 220, Newport Beach, California 92660.

7. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00147 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16990 LOCATED AT 372/378/382 VICTORIA STREET, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 0176156) in the amounts of \$32,753.00 each for street improvements and (Certificate No. 0176155) for setting corner monuments in the amount of \$1,500.00 to Taylor Morrison of California, LLC (Developer), 8105 Irvine Center Drive, Suite 1450, Irvine, California 92618.

8. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00230 FOR PARKWAY IMPROVEMENTS AT 421 BERNARD STREET, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized a refund cash deposit in connection with the Encroachment Permit No. PS13-00230 in the amount of \$88,185.25 to Behringer Harvard Pacifica, 5510 Morehouse Dr. Suite 200, San Diego CA 92121.

**9. FINAL MAP FOR TRACT NO. 17708 LOCATED AT 2075 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council approved the Final Map for Tract No. 17708 and authorized the signing of the Map by the City Clerk and the City Engineer.

**10. BLOOD WITHDRAWAL TESTING SERVICES AGREEMENT**

**ACTION:**

1. City Council awarded a 2<sup>nd</sup> Amendment to the Professional Services Agreement with California Forensic Phlebotomy, Inc., 27762 Antonio Parkway, Suite L1-647, Ladera Ranch, CA, for blood withdrawal testing services for a one-year period for an amount not to exceed \$91,000 per year for the term to 1/25/2016; and
2. City Council authorized the Mayor to execute the 2<sup>nd</sup> Amendment to the Professional Services Agreement; and
3. City Council authorized the Chief Executive Officer to renew the contract for up to three (3) term periods of one-year each with final expiration 1/25/2019 for any rate increases or any amount above \$91,000 as long as the increase fall within his signing authority.

**12. ENERGY PARTNERSHIP CONTRACT EXTENSIONS BETWEEN SOUTHERN CALIFORNIA EDISON AND SOUTHERN CALIFORNIA GAS AND THE CITY OF COSTA MESA FOR 2015 – 2016 – Office of the Chief Executive Officer**

**ACTION:**

1. City Council approved and authorized the Mayor and City CEO to execute the "Second Amendment" to the Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program with Southern California Edison Company; and
2. City Council approved and authorized the Mayor and City CEO to execute the "Second Amendment" to the Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program with Southern California Gas Company and adjacent Orange County cities; and
3. City Council authorized the City CEO to execute any subsequent documents approved as to form by the City Attorney necessary to advance, manage or complete Energy Leader Partnership activities.

**13. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEES ASSOCIATION MEET AND CONFER SALARY REOPENER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE**

**ACTION:**

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer and Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa City Employees Association (CMCEA) as to the salary reopener; and
2. City Council authorized Staff to have the independent fiscal analysis of the current CMCEA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

**14. AMENDMENT TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM**

**ACTION:**

City Council approved the terms of the Amendment to the Joint Agreement for the Operation, Maintenance, and Financial Maintenance of the 800 Megahertz Countywide Coordinated Communications System.

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

**PUBLIC HEARINGS – 7:00 P.M. (Resolution NO. 05-55) – (01:19:28)**

**1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPA)**

Laura Kalty, Chief Negotiator's for Costa Mesa Police Management Association (CMPA), provided staff report pursuant to COIN Ordinance, specifically for Section 2-239. (01:19:47)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

**ACTION:**

1. City Council held the second Public Hearing as required by COIN; and
2. City Council approved and adopted the CMPMA Side Letter of Agreement between the City of Costa Mesa and the CMPMA for 26 consecutive pay periods through and inclusive of February 20<sup>th</sup>, 2016.

**2. APPEAL OF PLANNING APPLICATION PA-14-40 FOR THE GANAHL LUMBER HARDWARE STORE AND OUTDOOR STORAGE YARD AT 1100 BRISTOL STREET (01:21:27)**

Senior Planner, Mel Lee, provided the Staff Report highlighting the issues raised by the Appellant in the Appeal application. (01:22:00)

Mayor Pro Tem Righeimer discussed the Zoning Code; use categories; and Conditional Use Permit. (01:27:07)

Ex Parte Communications: Council Member Foley, Council Member Genis, Mayor Pro Tem Righeimer and Mayor Mensinger stated they had separately spoken with representatives of Ganahl. (01:31:40)

Discussion ensued on types of businesses allowed in C1 Zone. (01:32:00)

Michael H. Leifer, spoke on behalf of Appellant, spoke on the type of use not permitted in the C1 Zone; variance findings; non-conforming uses; setbacks on the property inconsistent with surrounding area; retail use; parking demand; comparison to a Home Depot not valid; a lumber yard versus a retail operation; and recommended denial. (01:33:55)

Discussion ensued on variance findings; setback variance inconsistency; height variances for other buildings not shown; parking use analysis; floor area ratio (FAR) and Pole Shed excluded from count; and deliveries of building materials. (01:38:40)

Council Member Genis clarified that the B Shed square footage was included but the Pole Shed square footage was not included. (01:50:24)

Mel Lee responded that per the Zoning Code, the Pole Shed building was not included into the FAR because it is not a fully enclosed building. (01:40:45)

Joe Miller, on behalf of the property owners of 1072 Bristol, spoke on the Industrial Use not being complimentary with an office building use; spoke on zoning laws protecting business owners; and expressed opposition to the use at that site. (01:51:44)

Peter Ganahl, CEO of Ganahl Lumber, spoke on history of Ganahl Lumber Company; and longevity and philosophy of the Company. (01:54:28)

Discussion ensued on sales tax generated for the City specifically for items sold to the general public and contractors; and discussion on the types of products and services to be provided at the location. (01:59:36)

Bob Carpenter, Architect, spoke on the site plan of the building and the parking spaces on the property. (02:02:42)

Discussion ensued on the property's ownership by the County Flood Control District that limits the development potential due to its location and required unbuildable easements by Caltrans and the County Flood Control District; underground water conduit; designing the project around the box culvert; topography restrictions; building within the property lines; setback requirements; the street dedication along Bristol St.; property line within the street; B Shed 28 ft. behind existing property line; and solar panel accommodations. (02:05:42)

Public Comments:

Alexandra Kozak, on behalf of Izzy Hirsch of 1102 Bristol St., spoke against the project; the proposed use is not permitted in the C1 zone; no façade drawings have been submitted for review; and relocation of lumber yard with increase of noise pollution and the effect on air quality. (02:12:27)

Kyle Woosley, Costa Mesa, spoke in support of the project. (02:14:52)

Jay Humphrey, Costa Mesa, spoke in support of the project, expressed concerns with having existing facility closed prior to utilization of the new site; and the inclusion of larger trees. (02:15:18)

T. Koken, Costa Mesa, spoke in support of preserving Ganahl Lumber. (02:17:48)

Ann Parker, Costa Mesa, spoke on Santa Ana Country Club effects to the Ganahl proposal. (02:19:27)

Shari Markley, Costa Mesa, owner of 1120 Bristol St., spoke in opposition of the project. (02:21:00)

Richard Russell, Costa Mesa, spoke in support of the project and architecture. (02:22:35)

James Campbell, representing the County of Orange, spoke in support of the project. (02:25:30)

Council Member Genis spoke on the limited development options on the site due to the location and the required unbuildable easements by Caltrans and the County Flood Control District; agreed with the Planning Commission's decision; stated the following additional findings be included:

1. Special circumstances also exist with regard to the unique size of the resultant buildable area of the property due to two major constrains related to existing Caltrans and County easements; and
  2. The unique location of the existing property line within Bristol Street provides justification for the building setback variance;
- and spoke on merchandise sold at store subject to retail sales tax and stated for the record that the Ganahl business is a retail operation that will provide sales tax. (02:26:35)

Discussion ensued on street dedication requirements; buildable area of the property; and reducing the front setback. (02:33:14)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

**ACTION:**

City Council upheld the Planning Commission's decision and approved PA-14-40 by adopting Resolution 15-xx, to be read by title only and further reading waived, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION PA-14-40 FOR THE RELOCATION AND EXPANSION OF GANAHL LUMBER LOCATED AT 1100 BRISTOL STREET.

**OLD BUSINESS:** None

**NEW BUSINESS:** (02:37:40)

**1. PROFESSIONAL SERVICES AGREEMENT FOR THE UPDATE OF THE OPEN SPACE MASTER PLAN OF PARKS AND RECREATION**

Director of Public Services, Ernesto Munoz, provided the Staff Report. (02:37:54)

Zachary Mueting, Project Manager with RJM, spoke on the telephone survey; and demographic profile data. (02:46:33)

Discussion ensued on the phone survey and recommended alternative options such as an online survey. (02:48:40)

Mr. Mueting spoke on how the surveys will be conducted including: executive interviews of key members of the community; sports organizations questionnaires; community wide telephone survey; and three public workshops. (02:49:04)

Discussion ensued on the interviews including stakeholders; the phone survey; open space; parking uses; analyzing field usage; Fairview Park; and the length of the study. (02:51:07)

Public Comments:

Flo Martin, Costa Mesa, spoke on the Fairview Advisory Committee and requested no decision be made until after the Open Space Master Plan is completed. (03:09:55)

Wendy Leece, Costa Mesa, spoke on parks and open space; field usage data; and the promoting of the workshops. (03:10:33)

T. Koken, Costa Mesa, spoke on the phone survey; requested more than three public workshops; include previous community input; sports fields lighting; and requested leaving Fairview Park alone. (03:13:38)

Beth Rafakes, Costa Mesa, requested an update on the open space and master plan; spoke on the landline telephone survey method; disagreed with limiting 50 people attending public workshops; requested adequate noticing; parks on the Eastside needed; and improved outreach methods. (03:16:31)

Gay Royer, Costa Mesa, spoke in support of the survey; recommended an online survey as an option. (03:19:02)

Jay Humphrey, Costa Mesa, spoke on validation of data; fields reserved but not used; acquisitions for acquiring additional properties; adequate noticing on public meetings; and no limitations on number of attendees. (03:20:46)

Discussion ensued on attendance levels for General Plan Workshops; and workshops be held on both the Eastside and Westside. (03:23:55)

**MOVED/SECOND:** Council Member Foley/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

**ACTION:**

1. City Council awarded a contract to RJM Design Group, 31591 Camino Capistrano, San Juan Capistrano, CA 92675 in the amount of \$161,270.00 for professional services for the update of the Open Space Master Plan of Parks and Recreation; and
2. City Council authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. City Council directed Staff to hold a Fairview Park Committee meeting to present data for information purposes only and to postpone Fairview Park Committee meetings until the Open Space Master Plan is completed.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (03:19:20)**

**5. MINUTES**

Jay Humphrey, Costa Mesa, spoke regarding Council Members voting on minutes when not in attendance. (03:29:39)

**(A) MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Abstain: Council Member Foley (Not a Council Member at those meetings)

Motion carried: 3-0-1-1

**ACTION:**

City Council approved the minutes of the Special Closed Session Meetings of the City Council for July 25, 2012, July 31, 2012, October 7, 2013 and November 26, 2013.

**(B) MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Abstain: None

Motion carried: 4-0-1

**ACTION:**

City Council approved the minutes of the regular City Council and Successor Agency Meeting of March 3, 2015.

**11. BRENTWOOD PARK, PHASE II, CITY PROJECT NO. 14-17 (03:33:50)**

Mayor Pro Tem Righeimer spoke on the purchasing of Brentwood Park; needs in the community; concern of spending money on walking trails and not the park itself; and stated he is not in support of the project or the re-advertising. (03:33:57)

Discussion ensued on placing the project on hold until after the Open Space Master Plan is in updated. (03:37:41)

Ernesto Munoz, Director of Public Services, spoke on returning grant monies to the State. (03:38:06)

Discussion ensued on utilization of State grant monies; rejecting all bids; and not authorizing re-advertisement of the project. (03:39:12)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Abstain: None

Motion carried: 4-0-1

**ACTION:**

City Council rejected all bids and did not authorize re-advertisement of the project.

**REPORT – CITY ATTORNEY – None (03:42:41)**

**ADJOURNMENT – To the Regular Meeting, April 7, 2015, 5:00 p.m.**

The Mayor adjourned the meeting at 9:30 p.m.

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Stephen M. Mensinger, Mayor

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Brenda Green, City Clerk