

## UNOFFICIAL UNTIL APPROVED

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY AND SPECIAL JOINT MEETING  
WITH THE COSTA MESA HOUSING AUTHORITY**

**September 1, 2015**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5:30 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, Council Member Genis (arrived 5:35 p.m.), and Council Member Monahan (arrived 5:35 p.m.).

Council Members Absent: None

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

The City Council recessed into Closed Session at 5:32 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: Myra Bailey v. City of Costa Mesa, a municipal corporation, et al, Orange County Superior Court Case No. 30-2013-00676207, pursuant to California Government Code Section 54956.9(a).
2. Conference with legal counsel regarding existing litigation: *City of Costa Mesa, et al., v. Civic Center Barrio Housing Corporation*, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 5:45 p.m.

**CALL TO ORDER (00:22:54)**

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.

**PLEDGE OF ALLEGIANCE (00:23:03)** – Council Member Foley

**MOMENT OF SOLEMN EXPRESSION (00:23:31)**

Father Michael Hanifin, St. Joachim Catholic Church

**ROLL CALL (00:24:54)**

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger  
Absent: None

Officials Present: Assistant Chief Executive Tamara Letourneau, 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 (00:25:09)**

City Attorney, Tom Duarte, reported on Closed Session item #1, Myra Bailey v. City of Costa Mesa, that City Council on a vote of vote 4-1, with Council Member Monahan voting No, agreed to pay the Plaintiff \$150,000, in exchange Plaintiff agreed to dismiss all claims against the City.

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

**MOTION:** Continue New Business #1 – General Plan Screening GPS-14-04 for proposed 28-unit residential project at 440 Fair Drive to a future meeting.

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

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

Motions carried: 5-0

**ANNOUNCEMENTS (00:26:31)**

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

**PRESENTATIONS (00:28:46)**

1. Mayor's Award – Hank Panian

Hank Panian, Community Leader, accepted the Mayor's Award.

**PUBLIC COMMENTS (00:39:04)**

Rich Russell, Costa Mesa, spoke on a false DUI call to the Police that took place on the August 22, 2012 regarding Mayor Pro Tem Righeimer; and spoke on the GPS unit attached to Mayor Mensinger's car. (00:39:53)

Lee Ramos, Costa Mesa, spoke on a new car wash in the City; and commended Council Member Monahan for hosting a fundraiser. (00:43:18)

John LaVere, Costa Mesa, requested that the restrooms be reopened at Lions Park; and submitted letters for Council's review. (00:44:48)

Robin Leffler, Costa Mesa, requested that Council Meetings start at 6:00 p.m. (00:47:33)

T. Koken, Costa Mesa, spoke on Mayor Mensinger and Mayor Pro Tem Righeimer's lawsuit; Fairview Park and submitted a book. (00:49:17)

Speaker, spoke on problems associated with Sober Living Homes. (00:52:24)

Margaret Mooney, Costa Mesa, requested an update on permanent supportive housing; spoke on the sales of new housing; apartment vacancies; and homeless issues. (00:55:23)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team support; and the success of the ball gown donations. (00:57:48)

Chuck Perry, Costa Mesa, spoke on Hank Panian receiving the Mayor's Award; new developments; and median improvements. (01:00:54)

Jay Humphrey, Costa Mesa, spoke on the initiative circulating; and spoke on restaurants and square footage trip counts. (01:02:18)

Speaker, Costa Mesa, spoke on Police Officer deaths nationwide; and respect for law enforcement. (01:05:32)

Karl Ahlf, Costa Mesa, spoke on the Poseidon Desalination Project. (01:08:18)

Sue Lester, Costa Mesa, spoke on problems associated with homeless persons. (01:10:55)

Robert Graham, Costa Mesa, spoke on the San Onofre Nuclear Generating Station shutting down. (01:14:12)

**COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:17:24)**

Council Member Foley spoke on the Costa Mesa High School (CMHS) Gala fundraiser on September 19, 2015; spoke on school foundations; CMHS grants; requested feedback on the summer camp; and publicizing recreation activities. (01:07:27)

Council Member Genis requested an update on Group Homes; announced the September 9, 2015 Coast Community College District Meeting; and spoke on the death of Russell Hiroyuki Yamaga and requested a recognition in his honor. (01:22:18)

Council Member Monahan spoke on the initiative circulating; clarified comments regarding square footage trips count; and complimented Staff on their work on the homeless issues and problems. (01:24:53)

Mayor Pro Tem Righeimer spoke on the San Onofre Nuclear Generating Station; and spoke on California as an anti-development State. (01:28:34)

Mayor Mensinger spoke on problems associated with homeless persons; problems caused by Proposition 47; and problems with motels. (01:32:56)

Police Chief Sharpnack spoke on designation of resources and collaboration of resources; and spoke on homeless issues.

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:45:11)**

Assistant Chief Executive Tamara Letourneau spoke on the dog park closing for improvements; crime mapping working on the website; and the Fire Station renovation.

**CONSENT CALENDAR (01:46:10)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 9 and 11.

**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

Motions carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

**ACTION:**

City Council adopted and approved Ordinances and Resolutions by reading title only, and further reading waived.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Arthur Lopez and Christopher Thompson.

**ACTION:**

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2541 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-15 "A" FOR \$147.00, 15-16 FOR \$2,148,593.52, 15-16 "A" FOR \$1,532.51, AND 15-17 FOR \$2,167,454.92; AND CITY OPERATING EXPENSES FOR \$3,611,956.29; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

Approved Warrant Resolution No. 2541, to be read by the title only, and waived further reading.

4. **SOLE SOURCE PURCHASING OF ZOLL CARDIAC MONITORS**

**ACTION:**

City Council approved and authorized the Chief Executive Officer to sign the sole source purchase request for specialized cardiac monitors and associated accessories from Zoll Medical Corporation in an amount not to exceed \$419,000.

5. **MINUTES**

**ACTION:**

City Council approved the minutes of the Regular City Council and Successor Agency Meeting of August 4, 2015.

**6. RELEASE BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00082 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17519 LOCATED AT 2157 AND 2159 TUSTIN AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 784497S) in the amounts of \$15,000.00 each for street improvements and (Certificate No. 784907S) for setting corner monuments in the amount of \$500.00 to White-Warmington Tustin Avenue Associates, L.P. (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

**7. CONTRACT FOR PARKING TICKET CITATION PROCESSING SERVICES**

**ACTION:**

City Council approved and authorized the Chief Executive Officer to execute the service agreement for parking ticket citation processing services through the City of Sausalito Performance Agreement with Data Ticket, Inc., effective September 1, 2015 through August 31, 2016, in an amount not to exceed \$125,000 annually, with the option to renew for four (4) additional one year terms, upon mutual agreement of both parties.

**8. AUTHORIZE CONTRACT, APPROVE VEHICLE PURCHASES AND BUDGET ADJUSTMENT FOR POLICE DEPARTMENT VEHICLES**

**ACTION:**

1. City Council authorized the lease contract with Enterprise Fleet Management, Inc.; and
2. City Council approved the purchase of eight additional unbudgeted vehicles for a total of 17 vehicles in FY 2015-16; and
3. City Council approved the budget adjustment to fund vehicle purchases.

**10. DOCUMENT CONVERSION AND IMAGING SERVICES**

**ACTION:**

City Council authorized the Chief Executive Officer to execute the manual purchase order for conversion, scanning, imaging, and indexing services through the County of Orange Regional Cooperative Agreement No. MA-017-12011896 with Matrix Imaging Products, Inc., effective September 1, 2015 through August 31, 2016, in an amount not to exceed \$110,000 annually, with the option to renew four (4) additional one year terms, upon mutual agreement of both parties.

**12. APPOINTMENT OF CITY NEGOTIATORS FOR THE CITY OF COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS 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 Costa Mesa Division Managers Association CMDMA as the salary reopener; and
2. City Council authorized Staff to have the independent fiscal analysis completed per the requirements of the COIN Ordinance.

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:47:39)**

**1. CODE AMENDMENT CO-15-02: AN AMENDMENT TO TITLE 8 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VAPING IN PUBLIC FACILITIES AND THE REGULATION OF SMOKING LOUNGE USES (01:47:40)**

Staff report, including a PowerPoint presentation presented by Stephanie Roxas, Associate Planner.

Amy Buch, M.A., of the Orange County Health Care Agency, presented a PowerPoint presentation; spoke on second hand smoke; chemicals; and electronic cigarette usage.

Discussion ensued on State Law regulations regarding minors; the concern with targeting teens; and the inclusion of language limiting locations nearby schools.

**Public Comments**

Speaker, Costa Mesa, spoke in support of the Ordinance and supports eliminating vaping lounges.

Discussion ensued on updating the language in the Ordinance to include language that would require smoking and vaping retailers to be established a minimum of 1,000 feet from specified school facilities.

**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, Council Member Monahan, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council conducted the Public Hearing and introduced for first reading, Ordinance No. 15-10, to be read by title only, and waived further reading, amending the Costa Mesa Municipal Code to create standards regulating smoking lounge uses, including but not limited to hookah parlors, vaping lounges, and cigar bars.

**2. FIRST READING OF THE CAPITAL ASSET NEEDS ORDINANCE (02:12:50)**

Staff report presented by Stephen Dunivent, Interim Finance Director.

Mayor Mensinger spoke on funding for Capital Assets.

Public Comments

Robin Leffler, Costa Mesa, spoke in favor of a policy versus an Ordinance.

Council Member Genis spoke against the item; and spoke on saving money and long-term sustainability.

Discussion ensued on State law requirements for a balanced budget.

Council Member Foley spoke against the item; supports the policy and not an Ordinance; and recommended having a long term strategic plan.

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

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 conducted the Public Hearing and introduced for first reading, Ordinance No. 15-07, to be read by title only, and waived further reading, regarding the Capital Asset Needs Ordinance.

City Council recessed for a break at 8:08 p.m.

City Council reconvened the meeting at 8:15 p.m.

**3. PUBLIC HEARING FOR THE VACATION OF RIGHT-OF-WAY AT 970 WEST 16<sup>TH</sup> STREET (02:39:22)**

Staff report presented by Director of Public Services, Ernesto Munoz.

Council Member Genis commented on the pedestrian easements.

Public Comments:

Wendy Leece, Costa Mesa, expressed concerns on the vacation of the easement.

Speaker, Costa Mesa, spoke on the City keeping the easement.

Council Member Foley explained the reasoning for vacating of the easement.

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

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 conducted the Public Hearing and adopted Resolution 15-39, read by title only, and waived further reading, ordering the vacation of excess Right-Of-Way (ROW) at 970 West 16<sup>th</sup> Street; and
2. City Council authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

**4. PUBLIC HEARING FOR THE VACATION OF A FLOWAGE EASEMENT 970 WEST 16<sup>TH</sup> STREET (02:50:08)**

Staff report presented by Director of Public Services, Ernesto Munoz.

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

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 conducted the Public Hearing and adopted Resolution 15-40, read by title only, and waived further reading, ordering the vacation of a flowage easement at 970 West 16<sup>th</sup> Street; and
2. City Council authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

**OLD BUSINESS (02:51:40)**

**1. SECOND READING OF ORDINANCE NO. 15-09: AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING CODE AMENDMENT CO-15-04, AMENDING TITLE 13, CHAPTER XI, ARTICLE 5 AND CHAPTER XII RELATING TO PARK IMPACT FEES FOR MULTI-FAMILY RESIDENTIAL RENTER DEVELOPMENT (APARTMENTS) IN COSTA MESA (02:51:41)**

Staff report, including a PowerPoint presentation presented by Associate Planner, Daniel Inloes.

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

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 the second reading and adopted Ordinance No. 15-09, read by title only, and waived further reading, adopting park impact fees for multi-family residential renter development (apartments) in Costa Mesa.

Council Member Monahan was excused from the meeting and exited the Council Chambers at 8:45 p.m.

**NEW BUSINESS (02:54:22)**

**2. COUNCIL DIRECTION FOR ALLOCATION OF FIELD USE FEES (02:54:29)**

Staff report presented by Public Affairs Manager, Dan Baker.

Council Member Foley spoke on designating funds to all sports.

Council Member Genis supports returning the funds to the General Fund; expressed concern on designation of monies.

Public Comments

Teresa Drain, Costa Mesa, spoke in support of returning funds to the General Fund.

Wendy Leece, Costa Mesa, spoke on communication problems; and supports returning monies to the General Fund.

Council Member Foley withdrew her request and the funds will remain in the General Fund (no action taken).

**3. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE FOR 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (03:09:35)**

Staff report presented by Executive Assistant to the CEO, Kelly Shelton.

**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

Motion carried: 4-0-1

**ACTION:**

City Council designated Mayor Mensinger as Costa Mesa's voting delegate and Council Member Genis as voting delegate alternate for the 2015 League of California Cities Annual Conference.

**4. REQUEST FOR REFUND OF APPEAL FEE FOR ZA-15-01 AND PA-14-41 (03:12:28)**

Council Member Genis spoke in support of refunding the monies to Ms. Parker and Ms. Renfro.

Council Member Foley spoke on staff time spent on appeals; spoke on drafting a policy pertaining to appeals; and does not recommend refunds on a case by case basis.

Mayor Pro Tem Righeimer spoke against refunding the monies.

Public Comments

Wendy Leece, Costa Mesa, supports a new policy and supports returning the fees.

Speaker, Costa Mesa, spoke in support of returning the fees.

Speaker, Costa Mesa, spoke in support of returning the fees.

Council Member Genis spoke on previously returned appeal fees; and spoke on the success with appellants bringing forth new information.

Mayor Mensinger spoke on requesting a Council Member to request a review.

Mayor Pro Tem Righeimer requested a survey of nearby Cities and the amount of their appeal fees.

Council Member Foley recommended adopting an appeals policy.

**MOTION:** Refund half of the appeal fees to the appellants.

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

Tie vote – no action, by the following roll call vote:

Ayes: Council Member Foley and Council Member Genis

Nays: Mayor Pro Tem Righeimer and Mayor Mensinger

Absent: Council Member Monahan

Motion carried: 2-2-1

Council Member Foley indicated she will give \$50 to Ann Parker and \$50 to Carrie Renfro.

City Council requested Staff to review the current appeal fees and survey other cities.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (03:38:35)**

**9. DEL MAR AVENUE MEDIAN IMPROVEMENTS (FROM NORTHBOUND NEWPORT BOULEVARD TO 300 FEET EAST), CITY PROJECT NO. 15-12 (03:38:40)**

Staff report presented by Public Services Director, Ernesto Munoz.

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

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 adopted plans, specifications, and working details for the Del Mar Avenue Median Improvements (from NB Newport Boulevard to 300 feet east), City Project No. 15-12; and
2. City Council approved Budget Adjustment No. 16-003 in the amount of \$158,000; and
3. City Council awarded a construction contract to HYM Engineering, Inc., 6380 Roland Street, Buena Park, CA 90621, in the amount of \$299,422; and
4. City Council authorized the Mayor and City Clerk to execute the Public Works Agreement.

**11. MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICERS (03:50:43)**

Staff report presented by Police Captain, Mark Manley.

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

City Council approved the Memorandum of Understanding between the City of Costa Mesa and the Newport-Mesa Unified District pertaining to the School Resource Officer Program for academic year 2015-2016.

**REPORT – CITY ATTORNEY – NONE (03:52:15)**

**ADJOURNMENT – To the Regular Meeting (03:52:18)**

The Mayor adjourned the meeting in memory of Russell Hiroyuki Yamaga at 9:28 p.m.

Minutes adopted on this 15<sup>th</sup> day of September, 2015.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk