

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY, AND  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 5:45 P.M.**

**March 15, 2016**

**CALL TO ORDER**

The Special Closed Session meeting was called to order by the Mayor at 4:45 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 (arrived at 4:49 p.m.), Council Member Foley, and Council Member Genis

Council Members Absent: Council Member Monahan

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

**SPECIAL CLOSED SESSION**

The City Council recessed into Closed Session at 4:49 p.m. to consider the following item:

Item #2 was withdrawn and not discussed.

1. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) for 1 potential case – Correspondence received regarding Voting Rights Act.
2. Conference with legal counsel regarding existing litigation: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, pursuant to California Government Code Section 54956.9(d)(2).
3. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).
4. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. and Rock Solid Recovery v. City of Costa Mesa, Orange County Superior Court, Case No. 30-2015-00815218-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(2).

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

**CALL TO ORDER (00:00:11)**

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 (00:00:20) – Council Member Genis**

**MOMENT OF SOLEMN EXPRESSION (00:00:47)**

Father Michael Hanifin, St. Joachim Catholic Church, Costa Mesa

**ROLL CALL (00:02:25)**

Present: Council Member Foley, Council Member Genis, Council Member Monahan (arrived at 6:15 p.m.), Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

Officials Present: Chief Executive Officer Tom Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:02:38)**

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

City Attorney Tom Duarte stated in regards to Closed Session Item #1, that direction was given, that there is no reportable action and Council Member Monahan was absent.

**ANNOUNCEMENTS (00:03:27)**

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

**PRESENTATIONS: (00:06:46)**

1. Mayor's Award –Kirk Bauermeister (00:06:48)

Kirk Bauermeister, Community Leader, accepted the Mayor's Award.

**PUBLIC COMMENTS (00:15:50)**

Speaker, spoke on a variety of issues. (00:16:31)

Jay Humphrey, Costa Mesa, spoke on wildlife; and the Fairview Park Initiative. (00:18:24)

Terry Koken, Costa Mesa, spoke regarding the Mayor. (00:19:43)

Kim Hendricks, Costa Mesa, spoke on public comments; and ambulance services. (00:22:22)

Marshall Krupp, Costa Mesa, spoke on the trees being cut down at Providence Park Community. (00:25:23)

Karl Ahlf, Costa Mesa, spoke on homeless issues. (00:28:44)

Jon Crawford, Costa Mesa, spoke on the transients and problems at Brentwood Park and the need for lighting at the park. (00:29:45)

Katie Crawford, Costa Mesa, spoke on the transients and problems at Brentwood Park and the need for lighting at the park. (00:33:01)

Speaker, spoke on pensions and development. (00:36:32)

Beth Rafakes, Costa Mesa, spoke on the Military Affairs Team Easter donations; OC Fairgrounds groundbreaking for Military Museum; and the sign at the end of the 55 Freeway. (00:39:04)

Speaker, spoke on problems at Brentwood Park; and comments made by Planning Commissioners. (00:41:42)

Cindy Brenneman, Costa Mesa, clarified comments regarding ambulance services. (00:44:45)

Al Melone, Costa Mesa, spoke on the dog park. (00:47:49)

Speaker, spoke on a letter sent by the Costa Mesa Chamber of Commerce regarding the initiative. (00:50:43)

Speaker, spoke on a fundraiser for Childhood Cancer; and closed session item regarding Solid Landings. (00:52:26)

Speaker, spoke on the comments made on social media and patriotism. (00:55:28)

**COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:57:39)**

Mayor Pro Tem Righheimer spoke on voter's opinions and issues; ambulance services and pensions; and Brentwood Park problems. (00:57:41)

Mayor Mensinger spoke on adjourning the meeting in the memory of Edgar Baume. (01:04:39)

Council Member Foley spoke on Brentwood Park maintenance and policing; the sign at the end of 55 Freeway; requested data on personnel retention; spoke on comments made at meetings and on social media. (01:05:14)

Council Member Genis spoke on comments made at meetings; fire personnel duties; personnel retention; and grant funding. (01:12:36)

Council Member Monahan spoke on the Brentwood park problems; street sweeping complaints; the Brown Act; and comments on social media. (01:16:43)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:19:02)**

CEO Hatch reported on the National League of Cities Conference attended by the Mayor, Tom Hatch and Kelly Shelton.

**CONSENT CALENDAR (01:22:43)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for 2, 4, 6, 7 and 8.

**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

**1. READING FOLDER**

- a. Claims received by the City Clerk: Ulla J. Clair, and Nancy Smith.

**ACTION:**

City Council received and filed.

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

**ACTION:**

City Council approved the minutes of March 1, 2016.

**5. COMMUNITY BASED TRANSIT CIRCULATOR PROGRAM APPLICATION**

**ACTION:**

City Council adopted Resolution 16-11, approving the submittal of a grant funding application for the Costa Mesa Transit Circulator Project under the Orange County Transportation Authority's (OCTA) Measure M2 Project V – Community Based Transit Circulator Program.

**9. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2016 REGIONAL CONFERENCE & GENERAL ASSEMBLY**

**ACTION:**

City Council designated Council Member Genis as the delegate for the upcoming Annual SCAG Regional Conference and General Assembly.

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

**OLD BUSINESS: NONE**

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:24:36)**

**1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2014-2018 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA)**

Mayor Mensinger and Mayor Pro Tem Righeimer recused themselves due to a potential conflict of interest and stepped down from the dais and left the Council Chambers. (01:23:48)

Staff report and PowerPoint presentation presented by Assistant CEO, Tamara Letourneau and Human Resources Manager Lance Nakamoto. (01:24:43)

Public Comments:

Ralph Taboada, Costa Mesa, expressed concern with the MOU and requested the Pension Committee to review and comment. (01:30:45)

Tom Pollitt, Costa Mesa, requested the Finance Committee to review and comment; and spoke in opposition to the MOU. (01:34:00)

Speaker, spoke in support of the MOU. (01:38:11)

Richard Riva, Costa Mesa, spoke on cost containment for benefits and the cost of non-sustainable pension benefits. (01:41:30)

Cindy Brenneman, Costa Mesa, spoke in support of the MOU. (01:43:44)

Phil Morello, Costa Mesa, spoke in opposition to the MOU. (01:45:05)

John Hill, Costa Mesa, spoke in opposition to the MOU. (01:48:26)

Speaker, spoke on the deputy Sheriff's contract; and in support of the MOU. (01:51:38)

Robin Leffler, Costa Mesa, spoke in support of the MOU and input from the Finance and Pension Committees. (01:53:29)

Ivar Vasco, Costa Mesa, spoke on fiduciary responsibility; unfunded liability; and spoke in opposition to the MOU. (01:55:36)

Wendy Leece, Costa Mesa, spoke in support of the MOU and on input from the Finance and Pension Committees. (01:58:10)

Jay Humphrey, Costa Mesa, spoke in support of the MOU. (02:01:19)

Tamar Goldmann, Costa Mesa, spoke in support of the MOU. (02:03:50)

Public Hearing Closed at 7:50 p.m.

Council Member Monahan spoke on police recruitments; and options if not approved. (02:05:40)

Council Member Genis spoke on the COIN analysis; and unfunded pension liability. (02:09:54)

Interim Finance Director Stephen Dunivent spoke on the unfunded pension liability. (02:10:54)

Discussion ensued on current PERS percentage rate; full analysis in Attachment 9; and actuaries not required by COIN. (02:14:11)

Human Resources Manager, Lance Nakamoto, explained contributions for the two tiers; and top paid Orange County Police Officer's. (02:18:22)

Council Member Foley spoke on the tentative agreement and the risk of bad faith negotiations. (02:21:17)

Council Member Foley read into the record the memo received from Interim Finance Director, Stephen Dunivent:

- The COIN fiscal analysis of the CMPA MOU is complete and meets the requirements of the COIN ordinance.
- The fiscal impacts of each MOU term and condition are displayed on the worksheet.
- Reference to the funded and unfunded liability is included in the last four columns of the COIN fiscal analysis worksheet. As you know, many variables affect these numbers in the future; the review of the proposed MOU resulted in no factors that would be outside the scope of what PERS has already built into their calculations of funded and unfunded liability. Since the MOU results in no change to those amounts, the columns are left blank.
- Actuarial services and completion of columns would be needed only when proposed MOU provisions affect funded and unfunded liability which this MOU does not.
- The fiscal analysis was reviewed and approved an outside CPA firm: Lance Soll Lunghard LLP.

(02:24:01)

Council Member Monahan recommended Staff meet with Finance and Pension Committees for their input. (02:33:35)

**ACTION:**

1. City Council held the first public hearing regarding the proposed 2014-2018 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Police Association; and
2. City Council scheduled the second public hearing on April 19, 2016 as required by COIN.

City Council recessed at 8:20 p.m.

City Council reconvened at 8:30 p.m.

2. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-38 FOR A RELIGIOUS AND CULTURAL CENTER WITH A DEVIATION FROM SHARED PARKING REQUIREMENTS AT 3184 AIRWAY AVENUE, SUITE J (02:34:40)**

Council Members Ex-Parte Communications:

Mayor Mensinger spoke with one of the applicant's representatives. (02:35:08)

Mayor Pro Tem Righeimer spoke with applicant. (02:35:10)

Council Member Genis spoke with one of the applicant's representatives. (02:35:16)

Council Member Foley had a meeting with the applicants and the applicant's representatives. (02:35:19)

Council Member Monahan had no ex-parte communications. (02:35:22)

Staff report and PowerPoint presentation presented by Senior Planner, Mel Lee. (02:35:29)

PowerPoint presentation presented by applicants: Nazum Karum, Alim Rahemtolla, and Arthur Black with LSA Associates. (02:42:06)

Public Hearing Comments Opened. (03:03:17)

Ramzan Amiri, spoke in support of the zoning application. (03:04:29)

Keith Rodenhuis, Costa Mesa, spoke in support of the zoning application. (03:07:15)

Kim Josephson, Costa Mesa, spoke in opposition to the zoning application and to uphold the denial by the Planning Commission. (03:09:51)

Mark Lim, Costa Mesa, spoke in opposition to the zoning application and to uphold the denial by the Planning Commission. (03:12:30)

Ferzana Jessa, Irvine, spoke in support of the zoning application. (03:18:07)

Mike Howard, Costa Mesa, spoke in opposition to the zoning application and to uphold the denial by the Planning Commission. (03:19:32)

Speaker, spoke in opposition to the zoning application and to uphold the denial by the Planning Commission. (03:22:45)

Cindy Brenneman, Costa Mesa, spoke in opposition to the zoning application and to uphold the denial by the Planning Commission. (03:24:53)

John Lotz, Costa Mesa, spoke in opposition to the zoning application and to uphold the denial by the Planning Commission. (03:26:16)

Speaker, spoke in support of the zoning application. (03:29:46)

Public Comments Closed at 9:28 p.m.

Discussion ensued regarding speaker's names. (03:32:56)

Rebuttal by applicants, Salim Rahemtulla. (03:33:21)

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

**MOTION:** City Council uphold the Planning Commission's denial of Zoning Application ZA-15-38.

**SUBSTITUTE MOTION/SECOND:** Council Member Genis/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

Abstain: None

Motions carried: 3-2

**ACTION:**

City Council reversed the Planning Commission's decision and approved Zoning Application ZA-15-38; including incorporating into the Conditions of Approval a cap at 80 parking spaces and a requirement for a parking plan.

**NEW BUSINESS: (04:01:36)**

**2. ANIMAL SHELTER SERVICES (04:01:38)**

Staff report and PowerPoint presentation presented by Lieutenant, Greg Scott and Animal Control Officer, Anna Rodriguez. (04:03:30)

Discussion ensued on the animal shelter hours of operation. (04:34:07)

Council Member Genis presented a PowerPoint presentation. (04:39:28)

Public Comments Opened (05:05:46)

Cindy Brenneman, Costa Mesa, expressed concern on spending and fatality rates. (05:07:19)

Robin Leffler, Costa Mesa, expressed concern on rates; and continuing with the contract. (05:08:22)

Speaker, spoke in opposition to the shelter and continuing the contract. (05:09:33)

Karl Ahlf, Costa Mesa, expressed concern for the animals. (05:11:59)

Speaker, suggests transitioning out of current contract. (05:12:20)

Public Comments Closed at 11:08 p.m.

Council Member Foley spoke on the non-profit status; having two Costa Mesa residents as board members on the non-profit board; expressed concern with breach of contract; and the option to initiate a new RFP. (05:13:11)

Discussion ensued on the contract; the non-profit status; and an RFP. (05:15:41)

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

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

**ACTION:**

City Council approved Staff's recommendation to maintain the animal care sheltering services with the City's current service provider, Orange County Humane Society (OCHS), throughout the approved contractual agreement which ends January 21, 2018; authorized spending up to \$50,000 for improvements for software, part time Animal Control Officer, and monitoring the operations.

**CONTINUE NEW BUSINESS ITEMS #4 AND #5 TO A FUTURE MEETING**

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

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

4. **FEASIBILITY STUDY FOR LIGHTING AND SYNTHETIC TURF AT MULTIPLE LOCATIONS**  
(Rescheduled to a future meeting)
5. **INCLUSION OF FINGERPRINTING (LIVESCAN) REQUIREMENT FOR COMMITTEE/COMMISSION APPOINTEES**  
(Rescheduled to a future meeting)

**ITEMS REMOVED FROM THE CONSENT CALENDAR (05:29:28)**

2. **WARRANT RESOLUTION NO. 2553 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-05 FOR \$2,058,461.48; AND CITY OPERATING EXPENSES FOR \$1,287,233.32; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (05:29:56)**

Public Comments:

Speaker, spoke on legal fees and credit card expenditures. (05:30:31)

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

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

**ACTION:**

City Council approved Warrant Resolution No. 2553.

4. **2015 FALL FIELD AUDIT REPORT AND AMENDMENTS TO THE EXISTING FIELD USE AND ALLOCATION POLICY (05:31:39)**

Public Comments:

T Koken, Costa Mesa, spoke on concern with fees. (05:32:07)

Speaker, spoke on fields; and total participants. (05:32:58)

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

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

**ACTION:**

1. City Council received and filed the 2015 Fall Field Audit Report; and
2. City Council approved amendments to the Field Use and Allocation Policy (FUAP) by the Parks and Recreation Commission to include language

regarding the auditing procedure and to decrease the local residency requirement from 25% to 10% for Group 6 users.

**6. SMALLWOOD PARK IMPROVEMENTS PROJECT, CITY PROJECT NO. 14-13 (05:34:05)**

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

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

**ACTION:**

1. City Council adopted plans, specifications and working details for the Smallwood Park Improvements Project, City Project No. 14-13; and
2. City Council awarded a construction contract to Micon Construction Inc., 1616 E. Sierra Madre Circle, Placentia, CA 92870, in the amount of \$298,778.00; and
3. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**7. RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2016 ORANGE COUNTY MARATHON (05:34:05)**

Mayor Pro Tem Righeimer recused himself due to a potential conflict of interest and stepped down from the dais and left the Council Chambers.

**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, and Mayor Mensinger

Nays: None

Absent: None

Abstain: Mayor Pro Tem Righeimer

Motions carried: 4-0-1

**ACTION:**

City Council adopted Resolution 16-10, designating event routes for the 2016 Orange County (OC) Marathon and approve the temporary street closures for May 1, 2016, as requested for the 2016 OC Marathon.

8. **HARBOR BIKE TRAIL IMPROVEMENT PROJECT, CITY PROJECT NO. 14-14  
(05:35:12)**

Public Comments:

Wendy Leece, Costa Mesa, spoke in opposition to project; and monies being used from the General Fund and not through grants. (05:35:38)

George Yaghnam, Costa Mesa, spoke on creating a special tax zone land; and maintain portion of what they own. (05:35:56)

Ralph Taboada, Costa Mesa, expressed concerns with costs. (05:37:03)

Robin Leffler, Costa Mesa, expressed concern with costs. (05:37:47)

**MOTION/SECOND:** Council Member Foley/Council Member Genis  
Direct the Bikeway Committee to review and give input and return to Council.

**SUBSTITUTE/SECOND:** Mayor Pro Tem Righeimer/Mayor Mensinger  
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  
Motions carried: 3-2

**ACTION:**

1. City Council adopted plans, specifications and working details for the Harbor Bike Trail Improvement Project, City Project No. 14-14; and
2. City Council approved Budget Adjustment, BA-16-163 in the amount of \$109,000.00 towards the project; and
3. City Council awarded a construction contract to KASA Construction Inc., 15148 Sierra Bonito Lane, Chino, CA 91710, in the amount of \$962,356.00; and
4. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

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

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

**ACTION:**

Continue the meeting past midnight.

**3. INITIATIVE PETITION QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING NEW ORDINANCE, OR ORDERING REPORT (05:44:52)**

Staff report presented by City Clerk, Brenda Green. (05:45:11)

Public Comments:

Kyle Woosley, Costa Mesa, spoke in support of ordering a 30 day report to study the impacts. (05:47:57)

Kevin A. Coleman, Costa Mesa, spoke in support of ordering a 30 day report to study the impacts. (05:48:46)

Cynthia McDonald, Costa Mesa, spoke in support to place initiative on ballot; and spoke in opposition to ordering a 30 day report. (05:49:23)

Jay Humphrey, Costa Mesa, thanked volunteers. (05:52:10)

Cindy Brenneman, Costa Mesa, spoke in support to place initiative on ballot; and spoke in opposition to ordering a 30 day report. (05:53:51)

Robin Leffler, Costa Mesa, requested a study on how much growth the initiative allows. (05:54:44)

**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

**ACTION:**

- A. City Council accepted the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding, "An Initiative To Require Voter Approval On Certain Development Projects."

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

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

**ACTION:**

- B. City Council ordered a report pursuant to Election Code (EC) §9212 at the regular meeting at which the certification of the petition was presented, and to include:

- Comparison with Newport's Greenlight Initiative. How many projects have been voted on and is it more or less restrictive. Allowance for Affordable Housing, does the Initiative apply to Affordable Housing Projects to State Law Formula Density Bonus units?
- Are vacant lots counted with a net zero basis for trip generation, is it 200 plus trips over zero that would trigger the Initiative
- Is the General Plan update subject to the Initiative, all the General Plan or just the Land Use portions
- An analysis of the as-built section on the Initiative and it's impacts and allowances
- An analysis of the effective date and Retroactive Clause, its impacts and on what projects
- The 8 year/half mile radius clause legal, does it include all projects built, or only projects that would have triggered the Initiative, and definition of project
- An analysis of what is the time frame of a proposed project that triggers the Initiative, with General Election or Special Election
- Analysis of how much growth would be allowed under the current General Plan, and how much additional growth would be allowed if the Initiative passed
- Clarification of which certain projects would be impacted if there is a limited number of projects
- Analysis of the triggers, impacts and exceptions
- Is this Initiative more restrictive than Newport Beach or less
- Look at other cities' Initiatives for comparisons and implementation problems, litigation
- Analyze issues regarding attracting and retaining businesses and employees, including City employees

- Creating a map illustrating areas of 8 year/half mile radius that would trigger the Initiative
- Analyze the meaning of Section 2A6 of the initiative
- How would this effect density bonus units and square footage would trigger the 200 trips trigger SF, MF, High Density, etc.
- How many dwelling units would we get if we had high density at this trip cap based on high density housing
- Would a General Plan Amendment be required for a project like the Civic Center Park for Supportive, or Affordable Housing
- Creating a competing Initiative to solve some of these concerns

**REPORT – CITY ATTORNEY – NONE (06:27:19)**

**ADJOURNMENT (06:27:22)**

The Mayor and City Council adjourned the meeting in memory of Edgar Baume at 12:23 a.m.

Minutes adopted on this 5<sup>th</sup> day of April, 2016.

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Stephen M. Mensinger, Mayor

ATTEST:

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Brenda Green, City Clerk