

**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**

June 2, 2015

CALL TO ORDER

The meeting was called to order by the Mayor at 5:02 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 Genis, and Council Member Monahan (arrived at 5:10 p.m.)

Council Members Absent: Council Member Foley

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

Council Member Genis recused herself from Closed Session Item #1 as previously served on the Board of Directors of the Civic Center Barrio Housing.

CLOSED SESSION

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

1. Conference with legal counsel regarding existing litigation: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(a).
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
3. 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 5:55 p.m.

CALL TO ORDER

The meeting was called to order by the Mayor at 5:55 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

CALL TO ORDER (00:00:17)

PLEDGE OF ALLEGIANCE (00:00:38) – Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION (00:01:06)

Pastor Tim McCalmont, Presbyterian Church of the Covenant, Costa Mesa

ROLL CALL (00:04:28)

Present: Council Member Foley (arrived at 7:55 p.m.), Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger
Absent: None

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 (00:04:43)

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

City Attorney Tom Duarte reported on Closed Session Item #3, stated the case was settled on a vote 3-1-1 (Council Member Genis, Mayor Pro Tem Righeimer and Mayor Mensinger voting Yes; Council Member Monahan voting No; and Council Member Foley Absent); and authorized the CEO to sign the settlement agreement.

Mayor Pro Tem Righeimer spoke on the case and the settlements.

ANNOUNCEMENTS (00:10:58)

Mayor Mensinger noted for the record that Public Hearing Item #3 and New Business Item #2 had been withdrawn from the agenda.

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

PRESENTATIONS (00:13:30)

1. Signature Academy Program - Jake Haley, Principal of Costa Mesa High School, spoke on the Newport Mesa School District Signature Academies. (00:13:39)
2. Irvine Ranch Water District Drought Action Plan – Paul Cook, General Manager of Irvine Ranch Water District, spoke on water conservation measures, rates, maintenance services; and allocations. (00:27:38)
3. MesaWater District's Water Conservation Measures - Paul Shoenberger, General Manager of MesaWater District, spoke on conservation, rates; and meeting a 20% reduction in water usage. (00:37:05)
4. City of Costa Mesa's Water Conservation Mandate Implementation – Bruce Hartley, Manager of Maintenance Services, spoke on the City's water conservation measures. (00:57:00)
5. Nick Berandino, OC Fair Board Member, spoke on the Heroes Hall – Veterans Exhibit Museum Project. (01:04:47)

PUBLIC COMMENTS (01:14:48)

Dan Worthington, Costa Mesa Veteran, spoke on sign at Home Depot 'Reserved for United States Veteran'. (01:16:07)

Chuck Perry, Costa Mesa, spoke on new homes on Pacific Ave; recommended Lions Park to be utilized as a soccer field; and requested bus benches on 17th Street at Ralphs. (01:19:40)

Barrie Fisher, Costa Mesa, spoke on the poor conditions of the green belts on Victoria Ave. (01:21:11)

Gay Royer, Costa Mesa, spoke on water conservation measures; and spoke on Veterans Museum. (01:23:15)

Jennifer Defrain of the Alzheimer's Association, spoke on Alzheimer's and Brain awareness month in June. (01:25:40)

Karl Ahlf, Costa Mesa, spoke on tagging and graffiti problems in the City. (01:29:17)

Kyle Woosley, representing the Costa Mesa Chamber of Commerce, spoke on the state of the Chamber. (01:31:12)

Lee Ramos, Costa Mesa, spoke on improvements and redevelopment in the City; and provided pictures. (01:31:45)

Speaker, Costa Mesa, spoke on leadership; and qualities of leaders. (01:34:52)

Richard Huffman, Costa Mesa, spoke on out of scale development; and provided pictures. (01:37:58)

Speaker, Costa Mesa, spoke on the CEO budget meeting; spoke in opposition of the removal of the bus benches; spoke on homeless issues; and opposed to the term "vagrant." (01:40:58)

Beth Rafakes, Costa Mesa, spoke on Military Affairs Team event at Camp Pendleton; and provided pictures. (01:44:41)

Greg Tunnell, Costa Mesa, spoke on responsible spending; the budget; and police officer staffing levels. (01:47:52)

Robin Leffler, Costa Mesa, spoke on personal responsibility for actions; decomposed granite path; 60th anniversary and a forensic audit. (01:50:59)

Speaker, Costa Mesa, read an article from the Daily Pilot regarding Mayor Mensinger's comments; and spoke on items on the upcoming Planning Commission Meeting. (01:53:06)

Speaker, Costa Mesa, spoke the budget; paying the unfunded pension liability and increasing reserves. (01:56:05)

Wendy Leece, Costa Mesa, spoke on the budget and a strategic plan; public safety; location of capital improvement projects; replenishing the reserves; and opposed to the replacement of bus benches. (01:59:11)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (02:02:31)

Council Member Genis thanked the 1/5 marines for the event; thanked the Freedom Committee for Memorial Day event; spoke on the Fish Fry event; and spoke on pesticide management, chemicals and signage. (02:02:53)

Council Member Monahan spoke on pesticide management; attendance at the Pilot Cup; and spoke on the meeting of June 4, 2015 at the NCC regarding Talbert Regional Park. (02:06:26)

Mayor Pro Tem Righeimer spoke on the budget and prioritization. (02:07:48)

Mayor Mensinger congratulated Police Chief Sharpnack; and spoke on the budget. (02:11:20)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (02:14:54)

CEO Tom Hatch spoke on the budget; a vacancy report; the ICSC report; spoke on the promotion of Chief Sharpnack; and presented a video on CPR month and spoke on hands only CPR.

Council Member Foley spoke on attendance at the ICSC; recommended a Planning Open House in Costa Mesa and requested information on post conference meetings.

Council Member Genis spoke on the CPR video.

CONSENT CALENDAR (02:27:01)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Items 6, 7 and 9.

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 adopt and approve Ordinances and Resolutions by reading title only, and further reading waived.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Theresa Hollowell

ACTION:

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2536 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-09 "A" FOR \$637.91 15-10 FOR \$2,029,891.66, 15-10 "A" FOR (\$-4,245.93) AND 15-11 FOR \$2,035,154.99; AND CITY OPERATING EXPENSES FOR \$2,932,493.92; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2536, to be read by the title only, and waived further reading.

4. **DESTRUCTION OF FILES FOR THE FINANCE DEPARTMENT BY ADOPTION OF RESOLUTION**

ACTION:

City Council adopted Resolution No. 15-23, to be read by title only, and waived further reading, authorizing destruction of various Finance Department records dated 1980 to 2008, that are obsolete, of no legal effect, without historical value, and past the legal retention period pursuant to State Law.

5. **MINUTES**

ACTION:

City Council approved the minutes of the Regular City Council and Successor Agency Meeting of May 5, 2015; minutes of the Special Closed Session Meeting of May 5, 2015; and minutes of the City Council Study Session of May 12, 2015

8. **HOUSING AUTHORITY BUDGET FOR FY15-16**

ACTION:

1. City Council approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY15-16; and
2. Housing Authority approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY15-16.

10. VEHICLE RENTAL FROM ENTERPRISE RENT-A-CAR HOLDINGS THROUGH COOPERATIVE PRICING AGREEMENT

ACTION:

1. City Council approved the service agreement for vehicle rentals through the Western States Contracting Alliance (WSCA) Master Price Agreement No. 9950 with Enterprise Rent-A-Car Holdings, 28112 Camino Capistrano, Laguna Niguel, CA 92677 in the amount not to exceed \$83,000 annually; and
2. City Council authorized the Mayor and the City Clerk to execute the Participating Agency Addendum for the pricing contract; and
3. City Council authorized the Chief Executive Officer to sign for any justified rate increase to the contract within his signing authority and to extend the contract for four (4) additional one-year terms.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING AN AMENDMENT TO THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE

ACTION:

1. City Council adopted Resolution No. 15-15, to be read by title only, and waived further reading, amending the Waste Disposal Agreement (WDA) between the County of Orange and the City of Costa Mesa to allow for the continued importation of waste at the County's three (3) landfills and to extend the terms of the WDA through June 30, 2025; and
2. City Council authorized the Mayor and the City Clerk to sign and execute the agreement.

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

City Council recessed for a break at 8:23 p.m.

City Council reconvened the meeting at 8:30 p.m.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (02:28:08)

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT (02:24:25)

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 a public hearing regarding the Business Improvement Area (BIA) reauthorization and approved Resolution No. 15-19, to be read by title only, and waived further reading, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2015-2016 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS; and
 2. City Council received and filed audited financial report for Fiscal Year 2013-14; and
 3. City Council authorized the annual Fiscal Year 2015-16 expenditure of \$164,000 for additional community marketing and support budget.
- 2. PUBLIC HEARING FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 155 FLOWER STREET (02:35:53)**

Discussion ensued the reasoning for the vacation. (02:37:00)

Discussion ensued regarding notifying property owners on Fullerton Avenue; and previous properties that have been vacated. (02:39:39)

Public Comments:

Speaker, Costa Mesa, spoke on the potential of becoming a small lot development; and charging for the property. (02:43:24)

Teresa Drain, Costa Mesa, spoke on charging for vacation of land. (02:45:15)

Mr. Munoz spoke on spacing requirements; explained street vacations; and spoke on sidewalk requirements. (02:47:38)

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 a public hearing regarding the vacation of a portion of Fullerton Avenue at 155 Flower Street; and
2. City Council adopted Resolution No. 15-25, to be read by title only, and waived further reading, ordering the vacation of a portion of Fullerton Avenue Right-Of-Way at 155 Flower Street; and
3. City Council authorized execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE NO. 15-04 FOR REZONE R-14-03 (02:54:40)**

Discussion ensued on the Westside overlays and to be considered at a future Planning Commission meeting. (02:55:35)

Public Comments:

Gay Royer, Costa Mesa, spoke on heavy traffic on Victoria Street. (02:57:17)

Council Member Genis spoke in opposition due to the density. (02:59:29)

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 gave the second reading, to be read by title only, and waived further reading, and adopted Ordinance No. 15-04, approving Rezone R-14-03 for a rezone (or change) of the zoning classification of the site from Administrative and Professional (AP) District to Multiple-Family Residential District, High Density (R2-HD) District (up to 14.5 dwelling units per acre) at 1239 Victoria Street.

NEW BUSINESS: (03:00:17)

1. APPOINTMENTS TO THE TRAFFIC IMPACT FEE AD HOC COMMITTEE, BIKEWAY AND WALKABILITY COMMITTEE AND PENSION OVERSIGHT COMMITTEE (03:00:22)

City Clerk, Brenda Green, provided Staff report. (03:00:34)

Public Comments:

Andrew Barnes, Costa Mesa, spoke on the applicant procedure and Council appointments. (03:05:11)

Wendy Leece, Costa Mesa, spoke on appointing a Costa Mesa resident to the Bikeway and Walkability Committee. (03:07:38)

Cynthia McDonald, Costa Mesa, spoke on appointing a Costa Mesa resident to the Bikeway and Walkability Committee; and spoke on her qualifications. (03:08:30)

TRAFFIC IMPACT FEE AD HOC COMMITTEE

MOTION: Appoint Bret Rosol

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried 4-1:

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

Noes: Council Member Foley

Absent: None

ACTION:

1. City Council appointed Bret Rosol to fill the at-large representative on the Traffic Impact Fee Ad Hoc Committee.

BIKEWAY AND WALKABILITY COMMITTEE

MOTION: Increase number of committee seats from 15 (fifteen) to 17 (seventeen) to include permanent representation from the Newport Mesa Unified School District and the Chamber of Commerce

Motion/Second: Council Member Foley/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint Brian Valles

Motion/Second: Council Member Foley/Mayor Mensinger

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint Cynthia McDonald

Motion/Second: Council Member Foley/Mayor Pro Tem Righeimer

The motion carried 5-0:

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

Noes: None

Absent: None

ACTION:

2. City Council approved the increased number of committee seats to 17 (seventeen) to include permanent representation from the Newport Mesa Unified School District and the Chamber of Commerce; and appointed Brian Valles and Cynthia McDonald to the Bikeway and Walkability Committee.

PENSION OVERSIGHT COMMITTEE

MOTION: Appoint Richard Riva

Motion/Second: Mayor Mensinger/Council Member Foley

The motion carried 5-0:

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

Noes: None

Absent: None

ACTION:

3. City Council appointed Richard Riva on the Pension Oversight Committee.

ITEMS REMOVED FROM THE CONSENT CALENDAR (03:17:53)

6. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION (03:17:42)

Council Member Genis requested a continuation to review overhead costs and obtaining full cost recovery. (03:18:10)

Council Member Monahan spoke on the rationale of reasonable fees; previously working with neighbors; and lowered costs. (03:19:24)

Sergeant Bryan Wadkins spoke on special event rate charges for the OC Fair grounds. (03:20:56)

Discussion ensued on special event rate charges and overhead costs. (03:21:24)

MOVED/SECOND: Council Member Monahan/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved the 2015 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair; and
2. City Council authorized the Chief Executive Officer or his designee, to sign the contract. The term of the agreement is July 17, 2015 through August 16, 2015 and the maximum amount is \$365,000.

7. **TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION (03:22:52)**

MOVED/SECOND: Council Member Monahan/Mayor Mensinger

SUBSTITUTE MOTION: To continue the item to review administrative costs for the cost of the service.

MOVED/SECOND: Council Member Foley/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Foley and Council Member Genis

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

Absent: None

Motion carried: 2-3

Discussion ensued on events that take place on the Fairgrounds; and rate determination. (03:25:21)

Council Member Foley requested a meeting with Interim Finance Director Dunivent and Council Member Genis to discuss the costs. (03:29:52)

MOVED/SECOND: Council Member Monahan/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: None

Motion carried: 4-1

ACTION:

1. City Council approved the 2015 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for all designated Interim Events of the Orange County Fair and Exposition Center; and
2. City Council authorized the Chief Executive Officer or his designee, to sign the contract. The term of the agreement is April 1, 2015 through March 31, 2016 and the maximum amount shall not to exceed \$70,000.

9. PROFESSIONAL SERVICES AGREEMENT WITH JAMZCLAN CONSULTING, LLC FOR INTERIM SUPPORT SERVICES MANAGEMENT (03:30:09)

MOVED/SECOND: Council Member Foley/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

Motion carried: 5-0

ACTION:

City Council authorized the City CEO to process final payment to JAMZCLAN Consulting, LLC totaling \$3,787.50 for services rendered beyond the original professional services agreement of \$50,000.

CONTINUED PUBLIC COMMENTS (03:31:00)

Andrew Barnes, Costa Mesa, spoke on dissatisfaction to a call by the Police; and unsightly temporary fencing at Victoria Ave and Placentia. (03:31:18)

Steven Chan, Costa Mesa, spoke on Planning Commission agenda item (PA-15-17 scheduled for the June 8, 2015 Meeting); live entertainment at former Lion's Den; and a petition. (03:33:17)

Reggie Mundekis, Costa Mesa, expressed safety concerns on Arlington Drive bioswale project. (03:36:12)

Jay Humphrey, Costa Mesa, spoke on the Veteran's Memorial; the budget; and the CMCEA agreement and COIN. (03:40:47)

Flo Martin, Costa Mesa, spoke on reconsideration of CDBG Block Grant Funding; and requests directing to Public Service Grants. (03:43:13)

Mrs. Drain, Costa Mesa, requested an independent forensic audit of the 60th anniversary; and spoke on bid rigging. (03:45:09)

Council Member Foley spoke on a forensic audit. (03:48:09)

REPORT – CITY ATTORNEY – (03:52:08)

City Attorney Tom Duarte reported on Closed Session Item #3, stated the case was settled on a vote 3-1-1 (Council Member Genis, Mayor Pro Tem Righeimer and Mayor Mensinger voting Yes; Council Member Monahan voting No; and Council Member Foley Absent); and authorized the CEO to sign the settlement agreement.

ADJOURNMENT – To the Regular Meeting, June 16, 2015, 5:00 p.m.

Minutes adopted on this 16th day of June, 2015.



Stephen M. Mensinger, Mayor

ATTEST:



Brenda Green, City Clerk