

**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 16, 2015**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5:50 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**CALL TO ORDER (00:00:18)**

**PLEDGE OF ALLEGIANCE (00:00:33)** – Council Member Genis

**ROLL CALL (00:01:03)**

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

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**

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

**PRESENTATIONS (00:01:39)**

1. Mayor's Award – Pete Carolan

Pete Carolan – Artist, U.S. Navy Seal (ret.), received the Mayor's Award. (00:01:47)

**ANNOUNCEMENTS (00:19:17)**

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

**PUBLIC COMMENTS (00:21:19)**

Tamar Goldmann, Costa Mesa, spoke in appreciation of the Meet the Mayor event with Police Chief Sharpnack; and spoke on police officer recruitment. (00:22:03)

Wendy Leece, Costa Mesa, spoke on the 2015-2016 proposed budget and the inaugural address of President Jefferson. (00:24:08)

Steven Chan, Costa Mesa, spoke in support of the Planning Commission decision regarding Maison; and legal review of Maison. (00:27:16)

Jay Humphrey, Costa Mesa, spoke on the Supreme Court ruling on affordable housing requirements. (00:30:10)

Beth Rafakes, Costa Mesa, spoke on the Military Affairs 1/15 ball gown drive; and recognition dinner at Camp Pendleton. (00:32:32)

Karl Ahlf, Costa Mesa, spoke on biking, bike paths and racks. (00:35:48)

Joann Perler, Costa Mesa, spoke on the budget meeting, goals and priorities. (00:38:49)

Jeff Cullen, Costa Mesa, spoke on rent control; and large condominium construction projects. (00:41:52)

#### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:44:13)**

Council Member Genis reported on her attendance at the SCAG Conference; buying cooperatives for electricity; spoke on a meeting with the Fairview Developmental Center; spoke on the 800<sup>th</sup> Anniversary of the Magna Carte; and requested adjourning the meeting in memory of Sheri Sanders a Costa Mesa City Employee. (00:44:18)

Mayor Mensinger thanked Beth Rafakes and Mr. and Mrs. Drain for the Marines 1/15 event; spoke on Jake Knapp a Costa Mesa resident qualifying for the US Open; spoke on Consent Calendar Item #12 regarding the Greenville Banning Channel; and applauded Staff on obtaining the grant. (00:48:43)

#### **MOTION: To open Public Comment for CC-12 - ADOPT PLANS AND SPECIFICATIONS FOR THE GREENVILLE-BANNING CHANNEL IMPROVEMENT PROJECT**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

Council Member Foley requested a report on the status of Fairview Developmental Center; thanked Interim Police Chief Lowenberg; thanked Police Chief Sharpnack and Police Officer's for volunteering at Costa Mesa High School; spoke on the Bikeway and Walkability Committee meeting; welcomed the CEO of the Orange County Fairgrounds; and spoke on high school graduations. (00:56:34)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:01:24)**

CEO Tom Hatch provided an update on Fairview Developmental Center; spoke on two new firefighters; and spoke on the special budget meeting on June 23, 2015 at 7:00 p.m.

**CONSENT CALENDAR (01:05:48)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 17 except for Items 7, 14 and 16.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motions carried: 3-0-2

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: Todd Gosson, Spyro Kemble, Steve Lang, Felipe Ortega and USAA, as subrogee for Kathleen Monk.

**ACTION:**

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2537 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-11 "A" FOR \$243.05 AND 15-12 \$2,035,997.97; AND CITY OPERATING EXPENSES FOR \$1,869,472.94; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID – Finance Department**

**ACTION:**

Approved Warrant Resolution No. 2537, to be read by the title only, and waived further reading.

4. **PARKWAY CONCRETE REPAIR PROJECT (PROJECT "B"), CITY PROJECT NO. 13-18**

**ACTION:**

1. City Council accepted the work performed by C.J. Concrete Construction, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the monies 35 days after the Notice of Completion filing date.

5. **MINUTES**

**ACTION:**

City Council approved the minutes of the Regular City Council and Successor Agency Meeting and Special Joint Meeting with the Costa Mesa Housing Authority of June 2, 2015; and minutes of the Special Closed Session Meeting of June 9, 2015.

6. **PARKWAY CONCRETE REPAIR PROJECT (PROJECT "C), CITY PROJECT NO. 13-19 – Public Services Department/Engineering Division**

**ACTION:**

1. City Council accepted the work performed by C.J. Concrete Construction, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

**8. 2014 – 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; REHABILITATION OF ARNOLD AVENUE, BEACH STREET, COVE STREET, ROSS STREET, SEAL STREET, AND SURF STREET – CITY PROJECT NO. 14-11**

**ACTION:**

1. City Council accepted the work performed by Copp Contracting, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

**9. 2014 – 2015 STREET REHABILITATION PROJECT – CITY PROJECT NO. 15-05**

**ACTION:**

1. City Council adopted plans, specifications, and working details for the 2014 – 2015 Street Rehabilitation Project, City Project No. 15-05; and
2. City Council awarded a construction contract to RJ Noble Company, 15505 E. Lincoln Avenue, Orange, California 92865, in the amount of \$1,536,928.00; and
3. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**10. AGREEMENT EXTENSIONS FOR BUILDING SAFETY & FIRE PREVENTION PLAN REVIEW AND INSPECTION SERVICES**

**ACTION:**

City Council authorized the Mayor to execute Professional Services Agreements (PSAs), authorizing the extensions for the terms approved in FY 2012-2013, for contract plan check and inspection services, with the companies of Scott Fazekas & Associates, Inc., Bureau Veritas, Melad & Associates, Interwest Group, and CSG Consultants Inc.

## **11. FUEL SERVICE AGREEMENTS**

### **ACTION:**

1. City Council approved and authorized the Chief Executive Officer to execute the service agreement for delivery of unleaded fuel through the County of Orange Regional Cooperative Agreement No. MA-017-11012276 with Mobil Delivery Service Inc. (dba: Diamond Oil Service), effective June 16, 2015 through June 15, 2016, in an amount not to exceed \$300,000 annually; and
2. City Council approved and authorized the Chief Executive Officer to execute the service agreement for delivery of diesel fuel through the County of Orange Regional Cooperative Agreement No. MA-017-13010843 with Mobil Delivery Service Inc. (dba: Diamond Oil Service), effective June 16, 2015 through June 15, 2016, in an amount not to exceed \$200,000 annually; and
3. City Council authorized the Chief Executive Officer to renew the agreements for three (3) additional one year terms, upon mutual agreement of both parties.

## **12. ADOPT PLANS AND SPECIFICATIONS FOR THE GREENVILLE-BANNING CHANNEL IMPROVEMENT PROJECT**

### **ACTION:**

City Council adopted the plans and specifications for the Greenville-Banning Channel Improvement Project.

## **13. RENEWED MEASURE M (M2) ELIGIBILITY**

### **ACTION:**

1. City Council approved the City's Maintenance of Effort (MOE) for Fiscal Year 2015-16 and
2. City Council approved the City's Seven-Year Capital Improvement Program (CIP) for Fiscal Year 2015-16 through Fiscal Year 2021-22; and
3. City Council adopted Resolution 15-29, to be read by title only, and waived further reading, for the Master Plan of Arterial Highways Conformance.

## **15. APPOINTMENTS TO THE BIKEWAY AND WALKABILITY COMMITTEE**

### **ACTION:**

City Council appointed the Costa Mesa Chamber of Commerce and the Newport Mesa Unified School District to the Bikeway and Walkability Committee. Each of these entities shall select one representative to the Committee.

**17. RENEWAL OF AIR SUPPORT SERVICES CONTRACT WITH THE CITY OF HUNTINGTON BEACH**

**ACTION:**

City Council authorized the CEO to administratively execute a renewal of the current contract with the City of Huntington Beach for helicopter support services from July 1, 2015 until June 30, 2018, not to exceed the amount of \$300,000 dollars annually.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:05:47)**

**7. PALMER STREET ALLEYS (ALLEY NO. 67 AND ALLEY NO. 69), 17<sup>TH</sup> PLACE ALLEYS (ALLEY NO. 99 AND ALLEY NO. 101), SANTA ANA AVENUE ALLEY (ALLEY NO. 100), FAIRWAY PLACE ALLEY (ALLEY NO. 117), AND LILLIAN PLACE ALLEY (ALLEY NO. 118) IMPROVEMENT PROJECT – CITY PROJECT NO. 14-10**

Public Comment:

Citizen #47, Costa Mesa, spoke on the alley on Palmer Street. (01:07:35)

Council Member Foley clarified that the work has already been completed and the action is to accept the work and release the bonds. (01:08:34)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

**ACTION:**

1. City Council accepted the work performed by Patriot Contracting & Engineering, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Labor and Material Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

**14. AMENDMENT FOUR TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

Item continued to the Special Meeting of June 23, 2015 due to a lack of quorum.

**16. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF AUGUST 18, 2015 (01:09:30)**

Council Member Genis spoke on cancelling the first meeting in September in order to participate in "A National Night Out." (01:09:31)

Council Member Foley spoke in support of cancelling the August 18, 2015 meeting. (01:10:34)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

**ACTION:**

City Council approved canceling the August 18, 2015 City Council Meeting.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:12:13)**

**1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE SIDE LETTER AGREEMENT TO THE 2013-2016 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) (01:12:14)**

Staff Report presented by Laura Kalty, Special Counsel, and Lance Nakamoto, Human Resources Manager. (01:12:34)

Public Comments:

Tamar Goldmann, Costa Mesa, expressed problems with COIN; and spoke on the costs of consultants and contractors. (01:15:47)

Mayor Mensinger thanked Council Member Foley and Mayor Pro Tem Righeimer for their work on the MOU; and spoke on the COIN process and disclosure of costs. (01:18:32)

CEO Hatch clarified which employees are covered under the MOU. (01:20:07)

Council Member Genis thanked Council Member Foley and Mayor Pro Tem Righeimer for their work on the MOU; and Staff. (01:23:40)



**MOVED/SECOND:** Council Member Genis/Council Member Foley  
The motion carried by the following roll call vote:  
Ayes: Council Member Foley, Council Member Genis, and Mayor Mensinger  
Nays: None  
Absent: Council Member Monahan, and Mayor Pro Tem Righeimer  
Motion carried: 3-0-2

**ACTION:**

1. City Council held the first Public Hearing as required by COIN; and
2. City Council scheduled the second and final Public Hearing as required by COIN for July 7<sup>th</sup>, 2015.

**2. EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS PER AB 2188 (01:26:02)**

Staff Report provided by Khanh Nguyen, Building Official, provided a Power PowerPoint Presentation; and noted additional language to be included in the motion the verbiage regarding the analysis for CEQA exemption. (01:26:36)

Discussion ensued on solar inspections. (01:29:36)

**MOVED/SECOND:** Council Member Foley/Mayor Mensinger  
The motion carried by the following roll call vote:  
Ayes: Council Member Foley, Council Member Genis, and Mayor Mensinger  
Nays: None  
Absent: Council Member Monahan, and Mayor Pro Tem Righeimer  
Motion carried: 3-0-2

**ACTION:**

1. City Council conducted the first Public Hearing and gave the first reading to Ordinance No. 15-05 including the verbiage regarding the analysis for CEQA exemption, to be read by title only, and waived further reading; and
2. City Council scheduled the second reading to Ordinance No. 15-05, to be read by title only, and waived further reading, for July 7, 2015.

**3. ADOPTION OF FISCAL YEAR 2015-2016 APPROPRIATIONS LIMIT (01:31:35)**

Staff Report provided by Stephen Dunivent, Interim Finance Director. (01:32:15)

Public Comments:

Mrs. Drain, Costa Mesa, requested clarification on the Appropriations Limit. (01:33:45)

Mr. Dunivent spoke on calculating the Appropriations Limit. (01:34:37)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

**ACTION:**

City Council adopted Resolution No. 15-28, to be read by title only, and waived further reading, establishing the Fiscal Year 2015-2016 Appropriations Limit for the City of Costa Mesa at \$201,264,174 by using the County of Orange's population growth for population adjustment, and the California per capita income growth for inflationary adjustment.

4. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TABLE 13-30 (LAND USE MATRIX) OF CHAPTER IV (CITYWIDE LAND USE MATRIX) TITLE 13 (ZONING CODE OF THE COSTA MESA MUNICIPAL CODE) TO REFLECT CHANGES MADE BY CODE AMENDMENT CO-14-03, AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 14-13 (GROUP HOMES) ON OCTOBER 21, 2014 (01:36:02)**

Staff report provided by Jerry Guarracino, Assistant Director. (01:36:42)

Public Comments:

Speaker, Costa Mesa, spoke on sober living homes; citations; and crime statistics. (01:39:50)

Mr. Guarracino spoke on investigations; nuisance reports; and notice of violations. (01:41:48)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

**ACTION:**

1. City Council conducted the first Public Hearing and gave the first reading to Ordinance No. 15-06, to be read by title only, and waived further reading; and
2. City Council scheduled the second reading to Ordinance No. 15-06, to be read by title only, and waived further reading, for July 7, 2015.

**OLD BUSINESS: None**

**NEW BUSINESS: (01:47:51)**

**1. 4<sup>TH</sup> OF JULY PUBLIC SAFETY LETTER FROM THE CITY COUNCIL AND PUBLIC SAFETY DEPARTMENTS TO THE COMMUNITY (01:47:52)**

Mayor Mensinger spoke on providing information on legal versus illegal fireworks. (01:48:06)

Dan Stefano, Fire Chief and Robert Sharpnack, Police Chief spoke on safety efforts and policing. (01:49:15)

Council Member Genis recommended including on the flyer the hours for fireworks discharge; and explained legal fireworks become illegal when altered or thrown. (01:51:07)

Council Member Foley recommended including on the flyer the fines; expressed that fines are not a deterrent to illegal fireworks; requested a report on each firework group profits; and spoke in support of a firework celebration at the fairgrounds. (01:54:23)

**Public Comments:**

Jay Humphrey, Costa Mesa, spoke on illegal fireworks and zero tolerance. (01:58:05)

Wendy Leece, Costa Mesa, spoke on limiting the number of days for sale of fireworks; and spoke on safety issues of discharge. (02:01:10)

Beth Rafakes, Costa Mesa, recommended the font size be larger for the dates and times; include fines; provide copies at City Hall; and spoke on illegal fireworks. (02:03:41)

Karl Ahlf, Costa Mesa, spoke on the problems of discharging illegal fireworks. (02:06:23)

Council Member Foley requested outreach to schools and to include sensitivity to neighbors for noise. (02:12:15)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

**ACTION:**

1. City Council authorized the Fire Department and Police Department to prepare a joint public safety message letter from the City to help mitigate the use of illegal fireworks in the City of Costa Mesa during this year's Independence Day celebration (July 2 – 4, 2015); and
2. City Council authorized the Office of CEO to mail it to all of the residents in Costa Mesa.

**2. HERO'S HALL FINANCIAL SUPPORT (02:17:24)**

Staff report provided by Dan Baker, Public Affairs Manager. (02:17:43)

Public Comments:

Bobby McDonald, Chair of OC Veteran's Advisory Counsel, spoke in support of the donation. (02:18:47)

Beth Rafakes, Costa Mesa, spoke in support of the donation. (02:21:33)

Mrs. Drain, Costa Mesa, spoke in support of the donation. (02:23:28)

Karl Ahlf, Costa Mesa, spoke in support of the donation. (02:24:18)

CEO Hatch spoke on contingency funds available for appropriations. (02:26:31)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan, and Mayor Pro Tem Righeimer

Motion carried: 3-0-2

**ACTION:**

City Council authorized \$25,000 for the completion of a Veteran's Museum that will be situated at the Orange County Fairgrounds.

**REPORT – CITY ATTORNEY – (02:27:49).**

**ADJOURNMENT – To the Special Meeting, June 23, 2015, 7:00 p.m.**

Council Member Genis adjourned the meeting in memory of Sheri Sanders, a Costa Mesa City Employee at 8:18 p.m.

Minutes adopted on this 7<sup>th</sup> day of July, 2015.



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Stephen M. Mensinger, Mayor

ATTEST:



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Brenda Green, City Clerk