

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

**December 1, 2015**

**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 (00:00:21) – Council Member Foley**

**MOMENT OF SOLEMN EXPRESSION (00:00:49)**

Pastor David Manne, Calvary Chapel, Costa Mesa

**ROLL CALL (00:02:55)**

Present: Council Member Foley, Council Member Genis (arrived at 5:53 p.m.), Council Member Monahan, Mayor Pro Tem Righeimer (arrived at 5:53 p.m.), 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 (00:03:07)**

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

Council Member Foley spoke with the Fire Association President regarding the delay of the contract. (00:03:16)

**ANNOUNCEMENTS (00:03:37)**

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

**PRESENTATIONS: NONE**

**PUBLIC COMMENTS (00:06:05)**

Tom Pollitt, Costa Mesa, spoke on library funding, pension funding; and reducing expenses. (00:06:50)

Dyson Worth, Costa Mesa, spoke on problems with flooding on Canyon Drive due to the change of slope. (00:09:40)

Cindy B, Costa Mesa, spoke on the Military Affairs Team and Spark of Love Toy Drives. (00:11:51)

Greg Thunell, Costa Mesa, spoke on the causes of homelessness. (00:13:54)

Chuck Perry, Costa Mesa, spoke on keeping the Community Center. (00:17:09)

Speaker, Costa Mesa, spoke on the contracts for Police and Fire; spoke in opposition to outsourcing medic services; and the Costa Mesa First Initiative. (00:18:38)

Beth Rafakes, Costa Mesa, spoke on the Military Affairs Team Toy Drive. (00:21:44)

Tamar Goldmann, Costa Mesa, spoke on the General Plan update and development. (00:24:10)

#### **REPORT – CHIEF EXECUTIVE OFFICER (CEO) (00:28:01)**

Fire Chief Dan Stefano spoke on the Fire Department reorganization. (00:30:16)

Jeff Arthur, Chair of the Pension Oversight Committee, provided a report from the Committee. (00:41:40)

CEO Hatch spoke on Emergency Preparedness and available sandbags. (00:54:53)

Steve Ely, Director of IT, spoke on the capital improvement projects program on the City website. (00:56:27)

#### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:02:04)**

Council Member Genis spoke on the Professional Services Contract for Planning Consultants and requested an update on unfilled positions; General Plan Notice of Preparation input; Association of California Cities report on growth; Vector Control and aerial spraying; and spoke on the tour of the Animal Shelter. (01:02:07)

Council Member Monahan spoke on the review of the County Animal Shelter; spoke on the CEO's report; Snoopy House; Canyon Drive flooding; the Fire Plan and paramedics; and Fire and Police negotiations and documents available on the website. (01:07:56)

Mayor Pro Tem Righeimer spoke on the new developments in the City; and wished all a Happy Holiday. (01:11:27)

Mayor Mensinger spoke on the Toy Drive and providing collection containers at various locations; paramedic services; new developments in the City; flooding at the Canyon Drive property; and meetings with the Mayor. (01:12:29)

Council Member Foley spoke on the cleaning of the bus stops; spoke on notifying parents on emergency issues at the schools; spoke on the Toy Drive and City's donations of baseball caps; requested in February a review on a Housing Ordinance; Capital Improvements update on the website; the Home Tour and thanked sponsors; announced the annual coat drive for kids; and wished all a Happy Holiday. (01:14:54)

### **CONSENT CALENDAR (01:25:23)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for 1, 4, 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

### **2. READING FOLDER**

a. Claims received by the City Clerk: Joseph Bonofiglio and Ada M. Mezquita.

**ACTION:**

City Council received and filed.

### **3. WARRANT RESOLUTION NO. 2547 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-23 "A" FOR \$23,621.07; AND 15-24 FOR \$2,118,951.36; AND CITY OPERATING EXPENSES FOR \$1,631,098.80; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

City Council approved Warrant Resolution No. 2547, to be read by the title only, and waived further reading.

5. **HARBOR BOULEVARD IMPROVEMENTS FROM SOUTH COAST DRIVE TO SUNFLOWER AVENUE, CITY PROJECT NO. 14-07 – CHANGE ORDER NO. 3**

**ACTION:**

1. City Council approved Contract Change Order (CCO) No. 3 in the amount of \$80,812.65; and
2. City Council approved Budget Adjustment Authorization No. 16-008 in the amount of \$30,000.00; and
3. City Council authorized the Chief Executive Officer to execute the Contract Change Order.

6. **A RESOLUTION APPROVING A REVISED EFFECTIVE DATE TO THE WASTE DISPOSAL AGREEMENT AMENDMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF COSTA MESA**

**ACTION:**

City Council adopted Resolution No. 15-64, to be read by title only, and further reading waived, revising the effective date of the Waste Disposal Agreement (WDA) Amendment between the County of Orange and the City 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.

7. **RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS**

**ACTION:**

1. City Council approved Staff's recommendation to allocate 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. City Council approved the budget adjustment (BA #16-007) to increase revenue and appropriations in the JAG fund, and allocate funds as follows:
  - o Technology Improvement – South Coast Plaza Streaming Live Video to Responding Police Vehicles: \$17,290.00.

8. **MEASURE M2 EXPENDITURE REPORT**

**ACTION:**

City Council adopted Resolution No. 15-65, to be read by title only and further reading waived, approving the Measure M2 Expenditure Report.

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:26:00)**

**1. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM**

Staff report presented by Ernesto Munoz, Director of Public Services. (01:26:43)

Council Member Genis spoke on the timeframe for the Study. (01:30:07)

Public Comments:

Joanne Perla, Costa Mesa, spoke on the raising of Traffic Impact Fees. (01:32:12)

Tom Pollitt, Costa Mesa, spoke against raising Traffic Impact Fees. (01:35:19)

Mr. Munoz explained the incentive program. (01:36:39)

Council Member Foley spoke on eliminating or changing the incentive program. (01:38:51)

Council Member Genis spoke on eliminating the incentive program; raising fees; the economics; taxpayers not subsidizing; and the true cost of developments. (01:40:44)

Mayor Pro Tem Righeimer spoke on the calculating of the per Average Daily Trip and the incentive plan. (01:44:34)

Council Member Monahan spoke on not supporting the substitute motion; the history of the fee and incentive program; and the nexus for reaching the fee. (01:47:04)

Council Member Genis spoke on the justification of charging fees. (01:51:49)

Council Member Foley spoke on the rationale of the incentive program; housing developments benefiting from the program; and not needing the incentive program. (01:54:07)

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Righeimer To adopt Resolution No. 15-66, to be read by title only, and further reading waived, approving the recommendations by the Traffic Impact Fee Ad Hoc Committee and Staff as follows:

1. Continue the current Traffic Impact Fee of \$181.00 per Average Daily Trip (ADT); and

2. Continue the incentive program for new developments by assessing Traffic Impact Fees on an incremental basis for the first 100 trips; and
3. Approve the annual accounting of the Citywide Traffic Impact Fee Program.

**SUBSTITUTE MOTION:** Continue the current Traffic Impact Fee at \$181 per Average Daily Trip and eliminate the incentive program.

**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 failed: 2-3

**ORIGINAL MOTION:** Council Member Monahan/Mayor Pro Tem Righeimer

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:**

City Council adopted Resolution No. 15-66, to be read by title only, and further reading waived, approving the recommendations by the Traffic Impact Fee Ad Hoc Committee and Staff as follows:

1. Continue the current Traffic Impact Fee of \$181.00 per Average Daily Trip (ADT); and
  2. Continue the incentive program for new developments by assessing Traffic Impact Fees on an incremental basis for the first 100 trips; and
  3. Approve the annual accounting of the Citywide Traffic Impact Fee Program.
2. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 8-76, 8-77, AND 8-83 OF CHAPTER IV (GARBAGE, RUBBISH, AND WEEDS), OF TITLE 8 (HEALTH SANITATION), OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MANDATORY COMMERCIAL WASTE AND ORGANICS RECYCLING (01:59:41)**

Staff report, including a PowerPoint presentation presented by Ernesto Munoz, Director of Public Services. (02:00:27)

Council Member Monahan spoke on haulers that can provide services. (02:07:49)

**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 introduced for first reading, Ordinance No. 15-16, to be read by title only, and further reading waived, to amend sections 8-76, 8-77, and 8-83 of Chapter IV (Garbage, Rubbish, and Weeds) of Title 8 regarding Mandatory Commercial Waste Recycling and new requirements of Mandatory Organics Recycling required by the State of California.

**OLD BUSINESS: NONE**

**NEW BUSINESS: (02:17:05)**

**1. URBAN MASTER PLAN SCREENING REQUEST (UMP-15-04) FOR A 10-UNIT DETACHED RESIDENTIAL DEVELOPMENT AT 522 AND 526 BERNARD STREET (02:17:09)**

Staff report, including a PowerPoint presentation presented by Minoo Ashabi, Principal Planner. (02:17:26)

Discussion ensued on parking availability and access. (02:23:16)

Presentation presented by the Applicant, Michael Marini. (02:24:37)

Public Comments:

Tamar Goldmann, Costa Mesa, spoke in opposition of the project. (02:28:39)

Miguel Zamarripa Costa Mesa, spoke in opposition of the project due to traffic concerns; and spoke on the Urban Development Plan. (02:29:06)

Council Member Genis spoke on the General Plan Update; concerns with the setback; and spoke on the design. (02:32:10)

Council Member Foley spoke on the current proposal design and spoke on sufficient parking. (02:34:34)

**ACTION:**

City Council provided feedback on proposed Urban Master Plan for a two and three-story, 10-unit detached residential development within the Mesa West Residential Ownership Urban Plan.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (02:38:25)**

- 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 (02:28:33)**

**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

Motion carried: 5-0

**ACTION:**

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

- 4. PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS (02:39:55)**

Public Comments:

Tamar Goldmann, Costa Mesa, spoke on the salaries of the Planners and paying for outsourcing. (02:39:51)

CEO Hatch spoke on the recruitments of Planning Staff. (02:42:20)

**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

Motion carried: 5-0



**ACTION:**

1. City Council approved the Professional Services Agreement with The Lilley Planning Group, not to exceed \$93,000.00; and
2. City Council authorized the Chief Executive Officer to sign the Professional Services Agreement with The Lilley Planning Group; and
3. City Council authorized the Chief Executive Officer to sign the renewals of the approved Professional Services Agreement.

**9. PROFESSIONAL SERVICES AGREEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR REMODELING AND/OR NEW CONSTRUCTION OF VARIOUS CITY FACILITIES (02:45:21)**

**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

Motion carried: 5-0

**ACTION:**

1. City Council awarded the Kitchell CEM, Inc., 940 South Coast Drive, Suite 115, Costa Mesa, California 92626, in an amount not to exceed \$906,218.00 for professional services for construction management services for various City facilities; and
2. City Council authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

**REPORT – CITY ATTORNEY – NONE (02:38:25)**

**ADJOURNMENT (02:45:41)**

The Mayor and City Council adjourned at 8:33 p.m.

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



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Stephen M. Mensinger, Mayor

ATTEST:



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Brenda Green, City Clerk