

**ACTION REPORT
AGENDA
CITY OF COSTA MESA
REGULAR CITY COUNCIL, AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING**

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, APRIL 7, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 5:45 P.M.**

STEPHEN M. MENSINGER
Mayor

JAMES M. RIGHEIMER
Mayor Pro Tem

GARY MONAHAN
Council Member

SANDRA GENIS
Council Member

KATRINA FOLEY
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

CLOSED SESSION – 5:00 P.M.

1. 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).

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

FOR INFORMATIONAL PURPOSES ONLY

CITY ATTORNEY CLOSED SESSION REPORT

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

CONSENT CALENDAR:

Items 7, 8 and 9 were pulled for separate consideration.

Items 1, 2, 3, 4, 6, and 10

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righaimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righaimer, 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 waived reading in full of Ordinances and Resolutions and approved and adopted of same by reading title only

2. **READING FOLDER**

- a. Claims received by the City Clerk: Dario Aguirre, Jeff Arthur, Chase Johnson and Leigh White.

ACTION:

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2533 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-05 "A" FOR (\$0.00); 15-06 FOR \$2,075,723.79; 15-06 "A" FOR \$2,227.24; AND 15-07 FOR \$2,110,814.00; AND CITY OPERATING EXPENSES FOR \$3,459,064.06; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2533, to be read by the title only, and waived further reading.

FOR INFORMATIONAL PURPOSES ONLY

4. REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2015 CONCERTS IN THE PARK SERIES

ACTION:

City Council approved the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2015 Summer Concerts in the Park series. City Council granted administrative authority to the CEO to annually authorize such request. The CEO will notify council via memo of said requests and approvals.

5. MINUTES

(A) MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Foley (Not a Council Member at those meetings)

Motion carried: 4-0-1

ACTION:

City Council approved the minutes of the Special Joint Study Session Meeting of the City Council, Planning Commission and Parks and Recreation Commission for October 20, 2011; minutes of the Closed Session Meetings of the City Council for November 8, 2011 and June 10, 2014; minutes of the Joint Housing Authority, City Council and the City Council acting as the Successor Agency for June 12, 2012; minutes of the Adjourned Meeting/Special Study Session of May 28, 2013; minutes of the Special City Council meeting of June 10, 2014; and the minutes of the City Council Study Session for February 11, 2014.

(B) 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

Abstain: None

Motion carried: 5-0

ACTION:

City Council approved the minutes of the Closed Session Meetings of the City Council for January 13, 2015, March 24, 2015 (9:00 a.m.) and March 24, 2015 (5:00 p.m.); minutes of the City Council Study Session for March 10, 2015; minutes of the Adjourned Regular City Council Meeting of December 16, 2014; and minutes of the Regular City Council and Successor Agency meeting of March 17, 2015.

FOR INFORMATIONAL PURPOSES ONLY

6. 2014 ANNUAL REVIEW OF THE COSTA MESA GENERAL PLAN

ACTION:

City Council approved the 2014 Annual Report of the Costa Mesa General Plan.

10. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2015 REGIONAL CONFERENCE AND 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** -----

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): None

OLD BUSINESS:

1. SECOND READING OF ORDINANCE 15-03 FOR CODE AMENDMENT CO-15-01 RELATED TO SMALL LOT ORDINANCE

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

Abstain: None

Motion carried: 3-2

ACTION:

1. City Council gave the first reading of Ordinance 15-03, to be read by title only and waived further reading, amending Title 13, Chapter V, Article 2.5, Residential Small Lot Subdivision, of the Costa Mesa Municipal Code; and
2. City Council amended the Parking Standards in Table 13-42 of the proposed Ordinance No. 15-03, removing “Required open parking may be provided in a two-car or three-car garage provided that a minimum of one open parking space is provided per unit,” and that the item return for a second reading.

NEW BUSINESS:

1. APPOINTMENTS TO VARIOUS COMMITTEES AND THE SENIOR COMMISSION

SENIOR COMMISSION

MOTION: Appoint Ann Perry

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

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

MOTION: Appoint Wendy Leece

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

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

Absent: None

MOTION: Appoint Sue Healey

Motion/Second: Mayor Mensinger/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

ACTION:

1. City Council appointed and filled two additional regular member positions on the Senior Commission: Ann Perry to a 4 year term; and Sue Healey to a 2 year term.

ACCESS, BUILDING, FIRE AND HOUSING BOARD OF APPEAL

MOTION: Appoint Jacob Batista, Gilbert Figueroa, Bill L. Mason, Tariq Shamma, and Larry Weichman

Motion/Second: Mayor Pro Tem Righeimer/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

FOR INFORMATIONAL PURPOSES ONLY

MOTION: Appoint Jim Fitzpatrick – Alternate

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried: 3-2:

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

Noes: Council Member Foley, and Council Member Genis,

Absent: None

MOTION: Appoint Josue Castaneda – Alternate

Motion/Second: Mayor Mensinger/Council Member Genis

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 appointed and filled five regular member vacancies and two alternate member vacancies on the Access, Building, Fire and Housing Board of Appeal: Jacob Batista, Gilbert Figueroa, Bill L. Mason, Tariq Shamma, and Larry Weichman to a 4 year term (2015 –2019); and Josue Castaneda, and Jim Fitzpatrick as alternate members.

CULTURAL ARTS COMMITTEE

MOTION: Appoint Kathleen Eric, Lisa Grant, Frank Gutierrez, Andrea Marr, Monica Morita, Tracy Taber, and Chrystal A. Swope; alternate members - Rocky Evans and Jason Komala; and Stacie Wendland as a School Representative

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:

3. City Council appointed and filled seven regular member vacancies and two alternate member vacancies on the Cultural Arts Committee: Kathleen Eric, Lisa Grant, Frank Gutierrez, Monica Morita; Andrea Marr, and Tracy Taber to a two year term (2015 – 2017); and Chrystal A. Swope to a one year term (2015 – 2016); and alternate members: Rocky Evans to a two year term (2015 – 2017) and Jason Komala to a one year term (2015 – 2016); and Stacie Wendland as a Representative from the School District.

HISTORICAL PRESERVATION COMMITTEE

MOTION: Appoint Dave Gardner, Karen McKenna-Juergens, John McQueen, and Gary Parkin; and alternate member - Matthew Fletcher.

Motion/Second: Council Member Genis/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:

4. City Council appointed and filled four regular member vacancies and one alternate member vacancy on the Historical Preservation Committee: Dave Gardner, Karen McKenna-Juergens, John McQueen, and Gary Parkin to a term of April 2015 – April 2017; and Matthew Fletcher as an alternate member to a term of April 2015 – April 2016.

HOUSING AND PUBLIC SERVICE GRANT COMMITTEE

MOTION: Appoint Tony Capitelli, Denise Rochelle Dew-Bennett, Christian Eric, Jeff R. Mathews, Yvonne Rowden, and Eric Vu

Motion/Second: Mayor Mensinger/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:

5. City Council appointed and filled six regular member vacancies on the Housing and Public Service Grant Committee: Tony Capitelli, Denise Rochelle Dew-Bennett, Christian Eric, Jeff R. Mathews, Yvonne Rowden, and Eric Vu to a term of April 2015 – April 2017.

PENSION OVERSIGHT COMMITTEE

MOTION: Appoint Jeff Arthur, James H. Bridges, Robert Juneman, Al Melone, Gary Parkin, Tim Sesler, Ralph Taboada, and George Turner; re-advertise for one vacancy on the Pension Oversight Committee; and conduct meetings once per month.

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried 4-1:

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

Noes: Council Member Monahan

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

6. City Council appointed and filled eight regular member vacancies on the Pension Oversight Committee: Jeff Arthur, James H. Bridges, Robert Juneman, Al Melone, Gary Parkin, Tim Sesler, Ralph Taboada, and George Turner to a term of April 2015 – April 2017; re-advertise for one vacancy on the Pension Oversight Committee; and conduct meetings once per month.

TRAFFIC IMPACT FEE AD HOC COMMITTEE

MOTION: Appoint Walt Davenport, George Sakioka, and Kerry Smith

Motion/Second: Mayor Pro Tem Righeimer/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: Cynthia McDonald

Motion/Second: Council Member Foley/Council Member Genis

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

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

Absent: None

MOTION: To re-advertise for one vacancy for one at-large representative on the Traffic Impact Fee AD HOC Committee.

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

The motion carried 3-0:

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

Noes: None

Absent: None

Abstain: Council Member Foley, and Council Member Genis

ACTION:

7. City Council appointed and filled three regular member vacancies: Walt Davenport - at-large representative, George Sakioka - major developers' representative, and Kerry Smith - small developers' representative, on the Traffic Impact Fee Ad Hoc Committee: Walt Davenport, George Sakioka, and Kerry Smith to a term of April 2015 – April 2019; and re- advertise for one vacancy for one at-large representative on the Traffic Impact Fee AD HOC Committee.

BIKEWAY AND WALKABILITY COMMITTEE

MOTION: Appoint Leah Ersoylu

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

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 Flo Martin

Motion/Second: Council Member Monahan/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

MOTION: Appoint Jim Erickson

Motion/Second: Council Member Foley/Council Member Genis

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 Jim Kerins

Motion/Second: Council Member Genis/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 Tony Capitelli

Motion/Second: Mayor Mensinger/Council Member Genis

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

FOR INFORMATIONAL PURPOSES ONLY

MOTION: Appoint James Kane

Motion/Second: Mayor Pro Tem Righeimer/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 Richard J. Huffman, II

Motion/Second: Council Member Monahan/Council Member Foley

The motion carried 4-1:

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

Noes: Mayor Mensinger

Absent: None

MOTION: Appoint Cynthia McDonald

Motion/Second: Council Member Foley/Council Member Genis

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

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

Absent: None

MOTION: Appoint John C. Merrill

Motion/Second: Council Member Genis/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

MOTION: Appoint Donna Check

Motion/Second: Mayor Mensinger/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 Ralph Taboada

Motion/Second: Mayor Pro Tem Righeimer/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

FOR INFORMATIONAL PURPOSES ONLY

MOTION: Appoint Brent Stoll

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried 4-1:

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

Noes: Council Member Genis

Absent: None

MOTION: Appoint Andrea Marr

Motion/Second: Council Member Foley/Council Member Genis

The motion carried 3-2:

Ayes: Council Member Foley, Council Member Genis, and Council Member Monahan

Noes: Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

MOTION: Appoint Jim Drain

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Foley, and Council Member Genis

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

Absent: None

MOTION: Appoint Max Poling

Motion/Second: Mayor Mensinger/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

MOTION: Appoint Kathleen Brown

Motion/Second: Mayor Mensinger/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

MOTION: Appoint Michael M.S. Chun

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

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

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

8. City Council appointed and filled fifteen regular member vacancies on the Bikeway and Walkability Committee: Kathleen Brown, Tony Capitelli, Donna Check, Michael M.S. Chun, Jim Erickson, Leah Ersoylu, Richard J. Huffman, II, James Kane, Jim Kerins, Andrea Marr, Flo Martin, John C. Merrill, Max Poling, Brent Stoll, and Ralph Taboada to a 2 year term.

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. **BUDGET ADDENDUM TO ENGAGEMENT OF LEGAL SERVICES LETTER WITH MEYERS, NAVE, RIBACK, SILVER & WILSON AS SPECIAL LEGAL COUNSEL ON FAIRVIEW PARK**

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 Pro Tem Righeimer

Nays: None

Absent: None

Abstain: Mayor Mensinger

Motion carried: 4-0

ACTION:

City Council authorized the Mayor Pro Tem to execute a Budget Addendum, dated March 31, 2015, to the Legal Services Agreement with Meyers, Nave, Riback, Silver & Wilson ("Meyers Nave") for special counsel legal services in connection with endangered species, environmental and other issues relating to Fairview Park.

8. **REQUEST FOR AMENDMENT TO COUNCIL POLICY 100-8 CITY COUNCIL CONFERENCE, MEETING AND TRAINING EXPENDITURES**

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, and Mayor Pro Tem Righeimer

Nays: Mayor Mensinger

Absent: None

Abstain: None

Motion carried: 4-1

ACTION: City Council amended the Council Policy 100-8 pertaining to City Council conference, meeting and training expenditures that will include: travel must be within the United States; and an increase in annual budget from \$2,000 to \$4,000 for each Council Member to attend conferences.

FOR INFORMATIONAL PURPOSES ONLY

9. PARTICIPATION IN ECONOMIC DEVELOPMENT CONFERENCE AND CONSIDERATION TO CANCEL THE CITY COUNCIL MEETING OF MAY 19, 2015

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

Abstain: None

Motion carried: 5-0

No action was taken on No. 1 due to previous approval of Consent Calendar Item No. 8.

ACTION:

- ~~1. City Council provided formal approval, per Council Policy 100-8 for both Mayor Mensinger and Mayor Pro Tem Righeimer to attend the annual RECon – The Global Retail Real Estate Convention – International Conference of Shopping Centers (ICSC) in Las Vegas, Nevada on May 17-20, 2015, along with City staff; and~~
2. City Council approved canceling the May 19, 2015 City Council Meeting.

REPORT – CITY ATTORNEY

ADJOURNMENT in Memory of Joel Moskowitz’. The Mayor and City Council adjourned at 8:44 p.m.