

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

October 20, 2015

CALL TO ORDER

The Closed Session meeting was called to order by the Mayor at 5:00 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, and Council Member Genis (Arrived at 5:10 p.m.), Council Member Foley, Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:04 p.m. to consider the following item:

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).
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 anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2), and California Government Code Section 54956.9(d)(4) for one potential case.

The City Council reconvened at 5:44 p.m.

CALL TO ORDER (00:00:06)

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 (00:00:15) – Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:42)

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

ROLL CALL (00:02:45)

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, 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 (00:02:57) – NONE

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

ANNOUNCEMENTS (00:03:10)

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

PRESENTATIONS (00:04:54)

1. Mayor's Award: Knots of Love (00:04:56)

Christine Fabiani, Founder and Executive Director of "Knots of Love", accepted the Mayor's Award.

PUBLIC COMMENTS (00:15:15)

Ralph Taboada, Costa Mesa, spoke on the adopted City Budget and requested reducing the funding for sports fields and apply to other areas. (00:16:05)

Gay Royer, Costa Mesa, requested the signal timing at Wilson and Pomona be inspected; and spoke on the wall closures on Victoria. (00:19:23)

Reggie Mundekis, Costa Mesa, spoke on the Arlington Drive bio-swale and bike trail project. (00:21:24)

Beth Rafakes, Costa Mesa, spoke on the collection of candy for the Trunk or Treat event; and the funding for the Fire Stations. (00:22:06)

Speaker, Costa Mesa, requested refund of appeal fees. (00:23:57)

Cindy Black, Costa Mesa, spoke on special caps for cancer patients. (00:26:50)

Dr. Reich, Costa Mesa, expressed support of the new State Law SB 331; spoke on the rally at the Costa Mesa Motor Inn; and spoke on the removal of bus benches and shelters. (00:28:08)

Chuck Perry, Costa Mesa, spoke on the improvement of new housing in the City; spoke on the widening of Irvine Blvd.; and traffic at In-N-Out. (00:31:19)

Wendy Leece, Costa Mesa, spoke on free speech, the Freedom of Information Act; spoke on fire safety response times; spoke on Council Member remodeling projects; and Council Member comments. (00:33:50)

Steve White, Costa Mesa, spoke on 9/11; and spoke on Medical Marijuana and uses of hemp. (00:36:55)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:40:09)

Mayor Pro Tem Righeimer requested Staff to review the Victoria St. closure; spoke on the budget and funding for sports fields, fire stations and maintaining roads; spoke on new houses and improvements on the Westside. (00:40:10)

Mayor Mensinger spoke on the Walk with the Mayor; the light signal at Wilson; and requested the Police Chief to report on the crime mapping results. (00:45:10)

Council Member Foley spoke on comments made by Mayor Mensinger on Housing; requested an update on St. Claire speed bumps; requested a report on the Victoria entrance closure and the survey; spoke on the Arlington trail bioswale project public meeting; requested a report on RINA numbers; spoke on the Fire Department requests; and requested all communication between Mayor Mensinger and Mayor Pro Tem Righeimer and developers on affordable housing. (00:47:58)

Council Member Genis thanked the community for the Halecrest Chili Cook-off; spoke on the Scarecrow Festival; requested additional information on Consent Calendar Item #4 – Fairview Park Cattail Project and Consent Calendar Item #6 – Harbor Medians Project; spoke on the Arlington Drive bio-swale and bike trail project Meeting; spoke on the cancellation of the Library Study Session Meeting; spoke on the sustainability of the roadway system; and requested a report on housing to include affordable housing units for low income and very low income. (00:57:16)

Council Member Monahan spoke on the St. Joachim Catholic Church Harvest Festival and fundraiser at Monahan's for Newport Harbor Dance Club. (01:07:09)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:09:03) – NONE

CONSENT CALENDAR (01:09:15)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for 4, 5, 6 and 7.

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

2. **READING FOLDER**

- a. Claims received by the City Clerk: Patrick Almaguer, Donna Casey, and Ramon Gutierrez.

ACTION:

City Council received and file.

3. **WARRANT RESOLUTION NO. 2544 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-21 FOR \$2,109,250.50; AND CITY OPERATING EXPENSES FOR \$1,631,635.95; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2544, to be read by the title only, and waived further reading.

8. BUDGET ADJUSTMENT AND ACCEPTANCE OF GRANT FROM HOAG FOR MEDICAL TRANSPORTATION PROGRAM

ACTION:

City Council authorized a budget adjustment in the amount of \$100,000 to accept a grant from Hoag for the Medical Transportation Program through the Costa Mesa Senior Center.

9. A RESOLUTION 2015-XX CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY OF COSTA MESA TO JOIN THE CALIFORNIAFIRST PROGRAM

ACTION:

City Council adopted Resolution No. 15-57, to be read by title only, and further reading waived, consenting the inclusion of properties within the City's Jurisdiction into the CaliforniaFIRST Program.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. FAIRVIEW PARK CATTAIL REMOVAL – CITY PROJECT NO. 15-14 (01:10:24)

Council Member Foley spoke on the communication received regarding mosquitoes and no-see-ums from residents on Swan Drive. (01:10:29)

Mr. Munoz spoke on the meeting with neighbors on Swan Drive and the Vector Control District; and testing and remediation efforts. (01:12:42)

Council Member Genis spoke on insects at Fairview Park such as no-see-ums; and the benefits of removal of the cattails. (01:52:58)

Public Comments:

Mary Hannah, Costa Mesa, spoke on the mosquito problem on Swan Drive and at Fairview Park. (01:21:09)

Mayor Mensinger spoke on maintenance at Fairview Park; and providing additional information to residents. (01:24:18)

Discussion ensued on the pumps and maintenance staff at Fairview Park. (01:24:47)

MOVED/SECOND: Council Member Foley/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 adopted plans, specifications, and working details for the Fairview Park Cattail Removal Project, City Project No. 15-14; and
2. City Council awarded a contract to McNabb Construction, Inc. in the amount of \$215,460.00; and
3. City Council approved the Budget Transfer No. 16-124 in the amount of \$232,000.00; and
4. City Council authorized the Mayor and City Clerk to execute the Agreement.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:31:55)

1. **AN ORDINANCE FOR THE SECOND AMENDMENT TO DEVELOPMENT AGREEMENT DA-00-02 (DA-15-02) AND RESOLUTION TO ADOPT NORTH COSTA MESA SPECIFIC PLAN AMENDMENT SP-15-01 FOR THE SEGERSTROM TOWN CENTER SUBAREA AT THE SOUTHEAST CORNER OF BRISTOL/SUNFLOWER – (01:31:59)**

Staff report, including a PowerPoint presentation presented by Assistant Planner, Stephanie Roxas. (01:32:41)

Public Comments: None (01:34:17)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

MOTION: (1) City Council adopt Resolution No. 15-56, to be read by title only and further reading waived, for SP-15-01 North Costa Mesa Specific Plan Amendment and (2) City Council give first reading to Ordinance No. 15-12, to be read by title only, and further reading waived to approve a Second Amendment to Development Agreement No. DA-00-02 for Segerstrom Town Center including:

2a) Extending the term of the development agreement (originally executed in 2001) for an additional 20 years to the year 2035, except as otherwise described in 2b; and (2b) For the properties located at 3400 and 3420 Bristol Street within Segerstrom Town Center Sub-Area 3, the term of the development agreement shall be 10 years, to the year 2025. However, the Development Services Department may automatically grant a 5-year extension, to the year 2030, at a staff level provided that construction started on at least 30% of the projects on

these specified parcels; and (2c) Amend the development agreement to incorporate entitlements approved on January 16, 2007 by General Plan Amendment (GP-06-02), as described in the North Costa Mesa Specific Plan. (01:34:22)

Justin McCluster, CJ Segerstrom and Sons; spoke on the Master Plan and term of the Agreement. (01:37:43)

Discussion ensued on the term of the agreement, future agreements and setting a precedence. (01:38:49)

SUBSTITUTION MOTION/SECOND: Council Member Foley/Council Member Genis

SUBSTITUTE MOTION: City Council adopt Resolution No. 15-56, to be read by title only, and further reading waived, for SP-15-01 North Costa Mesa Specific Plan Amendment; and City Council give first reading to Ordinance No. 15-12, to be read by title only, and further reading waived, to approve the Second Amendment to the Development Agreement DA-00-02 for Segerstrom Town Center (staff recommendation).

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/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

Motion carried: 5-0

ACTION:

(1) City Council adopted Resolution No. 15-56, to be read by title only and further reading waived, for SP-15-01 North Costa Mesa Specific Plan Amendment; and

(2) City Council gave first reading to Ordinance No. 15-12, to be read by title only, and further reading waived to approve a Second Amendment to Development Agreement No. DA-00-02 for Segerstrom Town Center including:

2a) Extending the term of the development agreement (originally executed in 2001) for an additional 20 years to the year 2035, except as otherwise described in 2b; and

(2b) For the properties located at 3400 and 3420 Bristol Street within Segerstrom Town Center Sub-Area 3, the term of the development agreement shall be 10 years, to the year 2025. However, the Development Services Department may automatically grant a 5-year extension, to the year 2030, at a staff level provided that construction started on at least 30% of the projects on these specified parcels; and

(2c) Amend the development agreement to incorporate entitlements approved on January 16, 2007 by General Plan Amendment (GP-06-02), as described in the North Costa Mesa Specific Plan. (01:34:22)

2. PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 752 WEST 19TH STREET – (01:45:13)

Staff report, presented by Director of Public Services, Ernesto Munoz. (01:45:25)

Public Comments:

Teresa Drain, Costa Mesa, spoke on the use of right-of-way to enhance the bikeability and walkability of the area. (01:46:42)

Ralph Taboada, Costa Mesa, spoke on the use of right-of-way to enhance the bikeability and walkability of the area; encouraged more people to bike and walk; and requested a deferral on the item. (01:48:34)

Robert Gibson, Costa Mesa, spoke in support of the vacation and spoke on the unfeasibility of a bike path due to surrounding properties. (01:50:48)

Council Member Foley spoke in opposition of the project and spoke on 19th Street as a highly used bike community. (01:52:50)

Council Member Genis spoke in opposition to the project and requested a deferral of project. (01:53:25)

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:

1. City Council adopted Resolution No. 15-55, to be read by title only, and further reading waived, ordering the vacation of excess Right-Of-Way at 752 West 19th Street; and

2. City Council authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS: NONE

NEW BUSINESS:

1. **DISCUSSION OF CITY'S APPEAL FEES AND PROCEDURES – WITHDRAWN FROM AGENDA**

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:55:02)

5. **MINUTES (01:55:16)**

Mayor Pro Tem Righaimer requested that Attachment 1 (Map) further clarify the lots pertaining to Council Member Monahan's property and conflict of interest. (01:55:19)

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 Righaimer and Mayor Mensinger

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the minutes of the City Council and Successor Agency to the Redevelopment Agency of October 6, 2015

6. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE HARBOR BOULEVARD IMPROVEMENTS (01:56:24)**

Public Comments:

Wendy Leece, Costa Mesa, spoke on the concern of small businesses going out of business due to traffic median obstacles. (01:56:47)

Discussion ensued on community meetings; and installation of sidewalks. (01:59:08)

Council Member Genis requested a traffic study. (02:00:45)

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 a Professional Services Agreement for the design of the Harbor Boulevard Improvements to Civil Source, Inc., 9930 Research Drive, Suite 200, Irvine, CA 92618, in the amount of \$139,850; and
2. City Council authorized the Mayor and City Clerk to execute the Professional Services Agreement.

7. RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS (02:02:08)

Public Comments:

Jay Humphrey, Costa Mesa, spoke in support of obtaining grants; and requested clarification on adding a lane at Newport and Superior. (02:02:25)

Cindy Black, Costa Mesa, spoke on the right turn lane into Triangle Square and eminent domain. (02:04:25)

MOVED/SECOND: Council Member Monahan/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted Resolution 15-54, to be read by title only, and further reading waived, approving the submittal of grant applications for transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2016-17 through 2018-19.

REPORT – CITY ATTORNEY – NONE (02:05:50)

ADJOURNMENT (02:06:00)

The Mayor and City Council adjourned at 7:54 p.m.

Minutes adopted on this 3rd day of November, 2015.

A handwritten signature in dark ink, appearing to be 'SM', written over a horizontal line.

Stephen M. Mensinger, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to be 'Brenda Green', written over a horizontal line.

Brenda Green, City Clerk