

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

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

**TUESDAY, JUNE 7, 2016**  
**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.**

**ROLL CALL**

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer (arrived at 5:05 p.m.) and Mayor Mensinger

Absent: None

1. 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.
2. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) for 1 potential case.

**FOR INFORMATIONAL PURPOSES ONLY**

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Mayor Pro Tem Righeimer

**MOMENT OF SOLEMN EXPRESSION**

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Father Phil DeVaul, St. John the Divine Episcopal Church, Costa Mesa

**ROLL CALL**

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

Absent: None

**CITY ATTORNEY CLOSED SESSION REPORT -**

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

Mayor Mensinger reported that he and CEO Tom Hatch met with Captain Rob Gagne from the Fire Department regarding infrastructure improvements.

**CONSENT CALENDAR:**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for 2, 8, 13, and 14.

**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

## FOR INFORMATIONAL PURPOSES ONLY

### 1. READING FOLDER

- a. Claims received by the City Clerk: Tricia Wilson

**ACTION:**

City Council received and filed.

### 3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF MAY 17, 2016 AND STUDY SESSION OF MAY 10, 2016.

**ACTION:**

City Council approved the minutes of May 17, 2016 and May 10, 2016.

### 4. COOPERATIVE AGREEMENT BETWEEN THE CITY OF SANTA ANA AND THE CITY OF COSTA MESA FOR THE CONSTRUCTION OF A PORTION OF THE SANTA ANA DELHI DIVERSION CHANNEL PROJECT

**ACTION:**

1. City Council approved the Cooperative Agreement with the City of Santa Ana for the construction of a portion of the Santa Ana-Delhi Channel Project within the limits of the City of Costa Mesa; and
2. City Council authorized the Chief Executive Officer and City Clerk to execute the Cooperative Agreement.

### 5. FUNDING FOR SUNGARD CONTRACT AND AMENDMENTS FOR CITY COMPUTER AIDED DISPATCH (CAD)/RECORDS MANAGEMENT SYSTEM (RMS)

**ACTION:**

City Council authorized additional funding not to exceed \$276,317.63 (\$20,153 in additional new appropriations) for previously approved Software Licenses and Services Agreement and Software Maintenance Agreement with SunGard Public Sector, Inc. (Contract #130585), including Amendments 1 through 4, for services performed and travel expenses incurred within the authorized scope of work.

### 6. FINAL MAP FOR TRACT NO. 17839 LOCATED AT 2333 ELDEN AVENUE, COSTA MESA, CALIFORNIA

**ACTION:**

City Council approved the Final Map for Tract No. 17839 and authorized signing of the Map by the City Clerk and the City Engineer.

**7. HOUSING AUTHORITY BUDGET FOR FY16-17**

**ACTION:**

1. City Council approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY16-17 by adoption of joint Resolution No. 16-38; and
2. Housing Authority approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY16-17 by adoption of joint Resolution No. 16-38.

**9. PROFESSIONAL TRAFFIC ENGINEERING SERVICES**

**ACTION:**

1. City Council approved the Professional Services Agreement in the amount of \$120,000 to Kabbara Engineering for traffic engineering services for an initial term expiring on June 30, 2017, and optional two (2) one-year extensions in the amount of \$60,000 each year; and
2. City Council authorized the Mayor and City Clerk to execute the agreement; and
3. City Council authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

**10. AGREEMENT FOR PROFESSIONAL FINANCIAL, LAND USE AND HOMELESS AND HOUSING CONSULTING SERVICES**

**ACTION:**

City Council approved the sole source Professional Services Agreement for professional financial, land use, and homeless and housing consulting services with Keyser Marston Associates, Inc. ("KMA"), the City of Costa Mesa ("City") and the Costa Mesa Housing Authority ("CMHA") for an amount not to exceed \$100,000, for the period of July 1, 2016 – June 30, 2017 with three (3) one (1) year renewals, and directed the CEO to sign the agreement and authorized the CEO to execute any renewal amendments.

**11. RESOLUTIONS RELATING TO THE CALLING OF THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 8, 2016**

**ACTION:**

1. City Council adopted Resolution No. 16-26, to be read by title only and waived further reading, calling and giving notice to conduct a General Municipal Election on November 8, 2016 for the election of three members to the City Council; and

## FOR INFORMATIONAL PURPOSES ONLY

2. Adopted Resolution No. 16-27, to be read by title only and waived further reading, requesting the Orange County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election and to issue instruction to the Orange County Registrar of Voters Elections Department to provide specific services in the conduct of the consolidated election; and
3. Adopted Resolution No. 16-28, to be read by title only and waived further reading, adopting regulations pertaining to Candidates Statements.

### 12. BEVERAGE CONTAINER RECYCLING PAYMENT PROGRAM AUTHORIZATION

#### **ACTION:**

City Council adopted Resolution No. 16-39, authorizing City staff to submit applications for all CalRecycle payment programs, including the Beverage Container Recycling Payment Program, for which the City is eligible.

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

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

#### 1. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT**

**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. 16-40: A resolution of the City Council of the City of Costa Mesa, California, levying an annual assessment for Fiscal Year 2016-2017 for a Business Improvement Area covering certain Costa Mesa hotels and motels; and
2. Adopted the Fiscal Year 2016-2017 Community-Wide Marketing and Support Budget.

**NEW BUSINESS:**

**1. APPOINTMENT TO PARKS AND RECREATION COMMISSION**

**MOTION:** To nominate Julie Mercurio to the Parks and Recreation Commission.

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

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 appointed Julie Mercurio to fill one vacancy on the Parks and Recreation Commission.

**2. SUBMISSION TO THE VOTERS AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION TWO PROPOSED ORDINANCES QUALIFIED BY VOTER INITIATIVE ALLOWING OPERATION OF LICENSED MEDICAL MARIJUANA BUSINESSES IN THE CITY OF COSTA MESA**

**MOTION:** To approve recommended actions 1, 2, and 3.

**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 and Mayor Pro Tem Righeimer.

Nays: None

Absent: Mayor Mensinger

Motion carried: 4-0-1

**ACTION:**

1. City Council adopted Resolution 2016-29: Calling and giving notice for the holding of a General Municipal election to be held on November 8, 2016 for the submission to the voters of a proposed ordinance entitled, "Allow Operation of up to Eight Medical Marijuana (Cannabis) Businesses in the City of Costa Mesa"; and
2. Adopted Resolution 2016-30: Calling and giving notice for the holding of a General Municipal election to be held on November 8, 2016 for the submission to the voters of a proposed ordinance entitled, "Allow Operation of up to Four Licensed Medical Marijuana Businesses in the City of Costa Mesa"; and
3. Adopted Resolution 2016-31: Requesting the Orange County Board of Supervisors to Consolidate a General Municipal election to be held on November 8, 2016, for the purpose of submitting to the voters of the City of Costa Mesa two questions relating to the adoption of proposed ordinances.

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**MOTION:** To approve recommended action number 4 and authorize Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument against the proposed measure.

**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:**

4. City Council adopted Resolution 2016-32: Authorizing written arguments for or against the proposed ordinance to Allow Operation of up to Eight Medical Marijuana (Cannabis) Businesses in the City of Costa Mesa; setting priorities for filing written arguments, authorizing Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument against the proposed measure, and directing the City Attorney to prepare an impartial analysis.

**MOTION:** To approve recommended action number 5 and authorize Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument against the proposed measure.

**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:**

5. City Council adopted Resolution 2016-33: Authorizing written arguments for or against the proposed ordinance to Allow Operation of up to Four Medical Marijuana Businesses in the City of Costa Mesa; setting priorities for filing written arguments; authorizing Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument against the proposed measure, and directing the City Attorney to prepare an impartial analysis.

**MOTION:** To approve recommended action number 6.

**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

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### **ACTION:**

6. City Council adopted Resolution 2016-34: Authorizing the filing of rebuttal arguments for City measures submitted at municipal elections.

### **3. SUBMISSION TO THE VOTERS AT THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION A PROPOSED ORDINANCE QUALIFIED BY VOTER INITIATIVE TO REQUIRE VOTER APPROVAL ON CERTAIN DEVELOPMENT PROJECTS**

**MOTION:** To approve recommended actions 1 and 2.

**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 adopted Resolution 2016-35: Calling and giving notice for the holding of a General Municipal election to be held on November 8, 2016 for the submission to the voters of a proposed ordinance entitled, "An Initiative To Require Voter Approval On Certain Development Projects"; and
2. Adopted Resolution 2016-36: Requesting the Orange County Board of Supervisors to Consolidate a General Municipal election to be held on November 8, 2016, for the purpose of submitting to the voters of the City of Costa Mesa a question relating to the adoption of a proposed ordinance entitled, "An Initiative To Require Voter Approval On Certain Development Projects".

**MOTION:** To approve recommended action number 3 and authorize Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument against the proposed measure.

**MOVED/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:**

Adopted Resolution 2016-37: Authorizing written arguments for or against the proposed ordinance to Require Voter Approval On Certain Development Projects, setting priorities for filing written arguments, authorizing Mayor Pro Tem Righeimer



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in conjunction with any other interested Council Member to write an argument against the proposed measure, and directing the City Attorney to prepare an impartial analysis.

### ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **WARRANT RESOLUTION NO. 2558 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-10 "A" FOR \$1,261.68 and 16-11 for \$2,170,736.12; AND CITY OPERATING EXPENSES FOR \$1,214,084.76; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**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:**

City Council approved Warrant Resolution No. 2558.

8. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE WEST 17<sup>TH</sup> STREET WIDENING PROJECT**

**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 West 17<sup>th</sup> Street Widening project to Onward Engineering, 300 S. Harbor Boulevard, Suite 814, Anaheim, CA 92805, in the amount of \$295,416; and
2. City Council authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. City Council approved Budget Adjustment, BA 16-014, recognizing and appropriating Measure M2 grant funding received for the project in the amount of \$262,500.

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### 13. FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER FOR ELECTION AND ENVIRONMENTAL LEGAL ASSISTANCE

**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:**

City Council authorized additional funding not to exceed \$75,000.00 for the special counsel legal services agreement with Best Best & Krieger (BB&K) for legal services relating to environmental and election issues.

### 14. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF AUGUST 16, 2016

**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 cancelled the meeting of Tuesday, August 16, 2016; and
2. Authorized the permanent cancellation of the 2<sup>nd</sup> regularly scheduled City Council meeting in August of each year until future direction from the City Council.

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor and City Council adjourned the meeting at 7:45 p.m.