

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

June 7, 2016

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: Council Member Foley, Council Member Genis,
Council Member Monahan, Mayor Pro Tem Righeimer
(arrived at 5:05 p.m.), and Mayor Mensinger.
Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:01 p.m. to consider the following items:

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.

The City Council reconvened at 5:45 p.m.

CALL TO ORDER (00:00:14)

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) – Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:49)

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

ROLL CALL (00:02:27)

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

Absent: None

Officials Present: Chief Executive Officer Tom Hatch, Deputy City Attorney Tarquin Preziosi, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:35)

- 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.

ANNOUNCEMENTS (00:02:58)

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

PRESENTATIONS (00:05:23)

Mayor's Award – Kirk McIntosh, Pilot Cup

Kirk McIntosh, Pilot Cup Organizer/Volunteer, accepted the Mayor's Award.

PUBLIC COMMENTS (00:13:53)

Gary Parkin, Costa Mesa, thanked the City Council for their service. (00:14:43)

Doug Vogel, Costa Mesa, spoke on improvements in the City; problems at motels; homeless issues; and having respectful behavior at Council meetings. (00:15:30)

Shannon Bales, Costa Mesa, spoke on public comments; cyber bullying; and asked to have respectful behavior online. (00:18:48)

Chuck Perry, Costa Mesa, thanked Public Services Director Ernesto Muñoz for his service and inquired on a banner to be placed at Costa Mesa High School. (00:21:17)

Speaker, spoke in support of preservation of Fairview Park. (00:24:30)

Mrs. Drain, Costa Mesa, spoke on the Estancia High School Freedom Wall Dedication; the Memorial Day Service; and expressed support for honoring Veterans. (00:27:14)

Beth Refakes, Costa Mesa, thanked CEO Tom Hatch and City staff for the budget meeting; thanked Public Services Director Ernesto Muñoz for his service; and spoke on the Women's Club property value. (00:30:23)

Speaker, Costa Mesa, spoke on various issues including homelessness, policing and developments. (00:32:43)

Martie O'Meare, Costa Mesa, spoke against the citizen sponsored development initiative and on having appropriate behavior at City Council meetings. (00:35:54)

Tamar Goldmann, Costa Mesa, spoke on the general plan update and developments in the City and motels. (00:39:06)

Speaker, spoke on leadership; good governance; and transparency. (00:42:11)

Julie Fowler, Costa Mesa, spoke on solving issues and having appropriate behavior at the Council meetings. (00:45:34)

Louise Estrada Rose, Costa Mesa, spoke on having appropriate behavior at the Council meetings. (00:48:44)

Speaker, spoke regarding problem motels and prostitution data. (00:52:00)

Speaker, spoke on developments; rehabilitation housing; crime and real estate in the City. (00:55:23)

Public Comments Closed

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:57:49)

Mayor Pro Tem Righeimer spoke on students attending the meeting; Council Member votes and decisions; development projects; thanked Public Services Director Ernesto Muñoz for his service; and spoke on the arrests made by the violent protesters at the Trump rally. (00:57:50)

Mayor Mensinger requested an update on the homeless issue; spoke on meeting with citizens; and thanked Public Services Director Ernesto Muñoz for his service. (01:06:01)

Council Member Foley spoke on her attendance at the Open Space meeting and suggested communicating through the schools to increase public attendance; requested review of the bus shelter contract and the cleaning of the bus shelters; thanked volunteers who assisted during the weekend events; spoke on the importance of voting; and spoke on social media behavior. (01:10:12)

Council Member Genis thanked volunteers who assisted at the Fish Fry and car show events; spoke on Consent Calendar item 4 and street sweeping; housing projects; the arrests made of the violent protestors at the Trump rally and seeking restitution; thanked Public Services Director Ernesto Muñoz for his service; spoke on having a homeless update; and civility at Council meetings and postings on social media. (01:18:10)

Council Member Monahan thanked everyone who attended the meeting. (01:25:56)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) – (01:26:17)

Chief Executive Officer Tom Hatch recognized Public Services Director Ernesto Muñoz for his 22 years of service with the City of Costa Mesa.

CONSENT CALENDAR (01:33:37)

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

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
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): (01:34:14)

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT (01:34:20)

Staff report by Daniel Baker, Assistant to the CEO. (01:34:30)

Public Comments: None (01:35:45)

MOVED/SECOND: Council Member Monahan/Council Member Foley (01:35:58)

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: (01:36:09)

1. APPOINTMENT TO PARKS AND RECREATION COMMISSION (01:36:24)

Staff report by Brenda Green, City Clerk. (01:36:27)

Public Comments: (01:37:55)

Rachel Correll, Costa Mesa, spoke on her interest in serving on the Parks and Recreation Commission. (01:38:10)

Public Comments Closed

MOTION: To nominate Leah Ersoylu to the Parks and Recreation Commission. (01:39:10)

MOVED/SECOND: Council Member Foley/Council Member Genis

The motion carried 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

MOTION: To nominate Julie Mercurio to the Parks and Recreation Commission.
(01:39:35)

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 (01:40:10)**

Staff report by Brenda Green, City Clerk. (01:40:25)

Public Comments: (01:42:54)

Robin Leffler, Costa Mesa, requested a City sponsored initiative on medical marijuana. (01:43:13)

Public Comments Closed

Mayor Mensinger left the Chambers at 7:28 p.m. and returned at 7:30 p.m.
(01:43:18)

MOTION: To approve recommended actions 1, 2, and 3. (01:44:40)

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.

MOTION: For Mayor Pro Tem Righeimer and Council Member Foley to work in conjunction to write the arguments against both initiatives. (01:45:45)

MOVED: Mayor Pro Tem Righeimer

Council Member Foley declined to write the argument the against. (01:45:58)

Motion dies due to lack of a second.

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. (01:46:05)

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. (01:46:23)

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. (01:44:58)

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:

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 (01:47:00)**

Staff report by Brenda Green, City Clerk. (01:47:08)

Public Comments: (01:48:29)

Jay Humphrey, Costa Mesa, thanked volunteers who worked on the initiative. (01:48:44)

Public Comments Closed

MOTION: To approve recommended actions 1 and 2. (01:49:30)

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".

Mayor Pro Tem Righeimer inquired if Council Member Foley would like to work in conjunction to write the argument against. (01:49:44)

Council Member Foley declined to write the argument against. (01:49:51)

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. (01:50:00)

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 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 (01:50:30)

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 (01:50:40)**

Public Comments: None (01:50:45)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer (01:50:50)

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 17TH STREET WIDENING PROJECT (01:51:00)

Public Comments: (01:51:02)

Jay Humphrey, Costa Mesa, spoke on the street boundaries of the project and expressed concern on the potential loss of business parking. (01:51:10)

Public Comments Closed

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer (01:52:25)

Discussion ensued on giving notice to affected property owners. (01:52:35)

Council Member Genis noted that this phase of the project will be funded through grants. (01:53:10)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer (01:52:25)

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 17th 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.

13. FUNDING FOR LEGAL SERVICES AGREEMENT WITH BEST BEST & KRIEGER FOR ELECTION AND ENVIRONMENTAL LEGAL ASSISTANCE (01:53:43)

Public Comments: (01:53:50)

Speaker, spoke on the costs of legal services. (01:54:05)

Public Comments Closed

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer (01:55:10)

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 (01:55:20)

Public Comments: None (01:55:27)

MOVED/SECOND: Council Member Monahan/Council Member Foley (01:55:35)

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 2nd regularly scheduled City Council meeting in August of each year until future direction from the City Council.

CONTINUED PUBLIC COMMENTS: (01:55:50)

Speaker, spoke on public records requests. (01:56:09)

REPORT – CITY ATTORNEY – NONE (01:59:39)

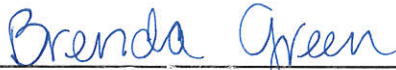
ADJOURNMENT - The Mayor adjourned the meeting at 7:45 p.m.

Minutes adopted on this 21st day of June, 2016.



Stephen M. Mensinger, Mayor

ATTEST:



Brenda Green, City Clerk