

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

**May 17, 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,  
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 legal counsel regarding existing litigation: Lenard Tovar vs. City of Costa Mesa, et al, Superior Court of California, County of Orange, Case No. 30-2015-00778027-CU-PO-CJC, pursuant to California Government Code Section 54956.9(d)(1).
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 (00:00:33)**

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 (00:00:44)** – Council Member Monahan

**MOMENT OF SOLEMN EXPRESSION (00:01:12)**

Pastor Tim McCalmont, Presbyterian Church of the Covenant, Costa Mesa

## **ROLL CALL (00:04:29)**

Present: Council Member Foley, Council Member Genis, Council Member Monahan,  
Mayor Pro Tem Righermer 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 (00:04:44) - NONE**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) -  
NONE

## **ANNOUNCEMENTS (00:04:55)**

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

## **PRESENTATIONS (00:06:59)**

Mayor's Award – John Carpenter, Teacher and Coach at Estancia High School

John Carpenter, Teacher and Coach at Estancia High School, accepted the Mayor's  
Award.

## **PUBLIC COMMENTS (00:16:55)**

Terry Koken, Costa Mesa, spoke on public comments. (00:17:49)

Beth Refakes, Costa Mesa, spoke on the Women's Club and the Attic Theatre.  
(00:20:28)

Speaker, spoke on campaign contributions. (00:23:41)

Dan Goldmann, Costa Mesa, spoke on repairs and upgrades needed at Tewinkle Park  
and asked for Wilson Park to be opened during the weekends. (00:27:00)

Speaker, spoke on the Council Members. (00:29:36)

Speaker, spoke on good governance. (00:33:41)

Speaker, spoke on public records requests. (00:36:43)

Cindy Brenneman, spoke on the Fire Department contract and ambulance service. (00:38:33)

Greg Tunnell, spoke on fraud. (00:39:34)

Speaker, spoke on new development in the City; housing; Voting Rights Act and parks. (00:42:02)

Speaker, spoke on Solid Landings and sober living homes. (00:45:06)

Ruth Novikoff, Costa Mesa, spoke against aerial spraying by the Orange County Vector Control. (00:48:13)

Jay Humphrey, Costa Mesa, thanked the police department for their dedication and service. (00:51:19)

Robin Leffler, Costa Mesa, thanked the police department for their service; spoke on consent calendar procedures and public comments on the General Plan hearing. (00:52:36)

Public Comments Closed

#### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:55:04)**

Council Member Monahan – None (00:55:07)

Mayor Pro Tem Righeimer thanked the police department for their service and thanked contributors to charities. (00:55:11)

Mayor Mensinger thanked the police department for their service and praised Coach Carpenter. (00:56:54)

Council Member Foley thanked the police department; spoke on the police department lawsuit with the Mayor and Mayor Pro Tem; apologized to a citizen; spoke on public comments and civility; the Action Arts event; the Children and Adults with Attention-Deficit/Hyperactivity Disorder organization conference in November; the Fish Fry and St. John the Baptist events; and praised Public Works Director Ernesto Muñoz. (00:57:53)

Council Member Genis spoke on her attendance at the Southern California Association of Governments conference. (01:04:32)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) – (01:06:11)**

Chief Executive Officer Tom Hatch spoke on public comments and praised Public Works Director Ernesto Muñoz.

**CONSENT CALENDAR (01:07:44)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 2 and 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

**1. READING FOLDER**

a. Claims received by the City Clerk: William David Keys

**ACTION:**

City Council received and filed.

**3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**ACTION:**

City Council approved the minutes of May 3, 2016.

**4. FAIRVIEW PARK CATTAIL REMOVAL PROJECT, CITY PROJECT NO. 15-14**

**ACTION:**

1. City Council accepted the work performed by McNabb Construction Inc. and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Labor and Materials Bond one (1) year after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

**5. 2015 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM ALLOCATION IN AN AMOUNT NOT TO EXCEED \$16,710.00**

**ACTION:**

1. City Council authorized the Chief Executive Officer or his designee to execute the Agreement to Transfer Funds for the 2015 Emergency Management Performance Grant (EMPG) Program; and
2. City Council adopted Resolution No. 16-24, which authorizes the Chief Executive Officer or his designee to accept the funds for the Emergency Management Performance Grant (EMPG) Program, in an amount not to exceed \$16,710.00 to purchase a free-standing Smartboard and display cart, mini DVD writer, display adaptor, desktop mini sec/dual vesa sleeve wireless mouse, and seven lap top computers dedicated to the City's Emergency Operations Center (EOC). This acquired equipment will support new technology requirements and provide improvements to support emergency management.

**7. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEES ASSOCIATION MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE COIN ORDINANCE**

**ACTION:**

1. City Council designated Tamara S. Letourneau, Assistant Chief Executive Officer and Steven Berliner, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa City Employees Association (CMCEA); and
2. City Council authorized staff to have the independent fiscal analysis of the current CMCEA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:08:43)**

2. **WARRANT RESOLUTION NO. 2557 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-10 FOR \$2,169,362.19; AND CITY OPERATING EXPENSES FOR \$1,920,968.70; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:08:54)**

Public Comments: None

**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  
Motions carried: 5-0

**ACTION:**

City Council approved Warrant Resolution No. 2557.

6. **REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON CLEVELAND AVENUE AND PAULARINO AVENUE (01:09:20)**

Public Comments: (01:09:23)

John Feeney, Costa Mesa, spoke on parking problems in the neighborhood and requested Dorset Lane be included. (01:09:52)

Public Comments Closed

Discussion ensued on the survey and adding Dorset Lane; and addressing the parking problems with the apartment property owners. (01:13:10)

**MOTION:** To approve recommended actions 1 and 2 and also add Dorset Lane to the Resolution. (01:22:34)

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

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

**ACTION:**

1. City Council adopted Resolution No. 16-25 approving the implementation of a “Resident Only” parking restriction on Cleveland Avenue between Paularino Avenue and Dorset Lane, Paularino Avenue Westbound between Coolidge Avenue and Van Buren Avenue, and Paularino Avenue Eastbound between Van Buren Avenue and the alley east of Paularino Avenue; and also added Dorset Lane from Cleveland Avenue to cul de sac West of Arthur Avenue.

2. City Council authorized the Transportation Services Manager to extend the "Resident Only" parking restriction for a maximum of 1,000 feet as needed.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:23:03)**

**1. 2015-2035 GENERAL PLAN AND DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) – SCH# 2015111068 (01:23:20)**

Staff report by Claire Flynn, Assistant Development Services Director and Laura Stetson, AICP with MIG. (01:23:40)

Discussion ensued on references for Fairview Park; ball parks; including open space master plan survey information; and cultural resources. (01:41:40)

Council Member Foley requested a mixed-use analysis for residential housing. (01:51:00).

Council Member Genis spoke in support of having an analysis on the EIR alternatives. (01:51:30)

Mayor Righeimer spoke against housing on the area north of the I-405 freeway and west of Fairview Road. (01:51:45)

Council Member Foley spoke on creating walking communities. (01:53:30)

Council Member Genis spoke in support of an analysis. (01:55:04)

**MOTION:** To not proceed with a residential analysis for the area north of the I-405 freeway and west of Fairview Road. (01:56:00)

**MOVED/SECOND:** Mayor Pro Tem Righeimer/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

Discussion ensued on considering alternatives to a residential analysis; a mixed-use analysis; no housing for the area north of the I-405 freeway and west of Fairview Road; and a correction needed on pg. 4.1-3 to reflect to not include an overlay on Triangle square. (01:56:06)

Council Member Foley spoke against including the Mesa Verde Center in the residential incentive overlay on Harbor Boulevard. (02:06:10)

Mayor Righeimer supports removing Mesa Verde East from the incentive overlay on Harbor Boulevard. (02:11:00)

Council Member Foley spoke against housing on commercial boulevards and requested an analysis to provide economic incentives for motels. (02:15:00)

Mayor Pro Tem Righeimer spoke on incentives needed to deal with problem motels. (02:16:29)

Council Member Genis spoke on public storage; not including historic properties in the Newport Boulevard residential incentive overlay; and spoke on air quality. (02:20:10)

Mayor Pro Tem Righeimer spoke in support of adding public storage on Newport Boulevard; spoke on the Fairview Development Center and the need for park space; and recommended fifty percent of the space be for single-family residential, twenty-five percent for park space, and twenty-five percent for affordable housing. (02:27:14)

Council Member Genis spoke on concerns with changes; and providing affordable housing for homelessness. (02:34:00)

Council Member Foley requested alternatives of items discussed and visual scenarios. (02:40:12)

Discussion ensued on the traffic cap; land use element; housing and employment projections; increasing owner occupied housing; and a correction on pg. 83 Policy LU-7.5 (02:48:00)

Council Member Genis requested a list of new and old land use policies. (02:49:00)

Presentation by Laura Stetson from MIG on impacts of air quality and greenhouse gas emissions. (02:51:00)

Council Member Genis spoke on significant issues and misstatements in the Environmental Impact Report. (02:55:13)

Presentation by Darrel Zirfus from Stantec on traffic analysis. (03:03:33)

Council Member Genis requested traffic count dates. (03:10:00)

Discussion ensued on trip generation and examples. (03:13:15)



Council Member Foley requested more information on trips. (03:20:15)

Mr. Zirfus noted that most arterials in the City would experience a change of less than 1,000 trips per day from the current plan to the proposed plan and it is considered negligible. (03:26:40)

Presentation by Roger Dale from Natelson Dale Group on the fiscal impact analysis of the general plan. (03:42:50)

Discussion ensued regarding hotel entitlements; cost revenues for land uses; sales tax per square foot of retail space; potential hearing dates; and having an infill exemption analysis. (04:04:00)

City Council recessed into a break at 10:17 p.m. (04:31:57)

City Council returned at 10:24 p.m. (04:39:40)

Discussion ensued on potential hearing dates. (04:40:00)

Public Comments: (04:41:40)

Steven La Motte, Director of Government Affairs, Building Industry Association of Orange County, spoke in support of the general plan update and land use changes. (04:42:10)

Jay Humphrey, Costa Mesa, spoke in support of no new high density developments and spoke on the four percent of land available; affordable housing; maximum density units per acre; and sport fields. (04:43:29)

Wendy Leece, Costa Mesa, spoke on the Public Hearing dates; spoke on Fairview Park preservation alliance mission; and expressed concern on references related to park uses. (04:46:38)

Julie Fowler, Costa Mesa, spoke on the long term plan; suggestions contained in the document; the Mesa Verde Center; and replacing motels. (04:49:48)

George Sakioka, spoke in support of the proposed plan and the Environmental Impact Report. (04:52:53)

Silvia Hatton, Costa Mesa, spoke in support of affordable housing for low income working families. (04:55:48)

Kim Hendricks, Costa Mesa, spoke on corrections needed in the Environmental Impact Report. (04:57:20)

Tamar Goldmann, Costa Mesa, spoke on corrections needed in the Environmental Impact Report; density; and motels. (05:00:42)

Rick Huffman, Costa Mesa, spoke against residential overlays on Harbor and Newport Boulevard and spoke on spot zoning. (05:03:46)

Honnie Kang, representing Kearney Real Estate Company, spoke in support of the plan. (05:05:43)

Flo Martin, Costa Mesa, spoke on the Fairview Park Master Plan and the park as a passive use and no sports activities. (05:07:09)

Robin Leffler, Costa Mesa, spoke on removing references to Fairview Park; and on corrections needed in the Environmental Impact Report. (05:10:28)

Greg Ridge, Costa Mesa, spoke on having no changes at Fairview Park; language in the Environmental Impact Report; and corrections needed. (05:13:50)

Kathy Esfahani, Costa Mesa Affordable Foundation, spoke in support of including a requirement of twenty percent set aside for lower income households for motels that get replaced. (05:16:51)

Joanne Perla, Costa Mesa, expressed concern with the Environmental Impact Report. (05:20:11)

Speaker, spoke on problems in the documents. (05:23:15)

Cynthia McDonald, Costa Mesa, spoke on air quality; traffic issues and changes needed in the Environmental Impact Report. (05:25:53)

Public Comments Closed

**MOTION:** to continue to the June 21<sup>st</sup> meeting (05:29:05)

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

Mayor Righeimer recommended adding a new housing project on 2850 Mesa Verde Drive East; changes in the plan; motel problems; and affordable housing. (05:33:00)

Council Member Foley spoke on citizens providing public comments and is opposed to spot zoning. (05:46:20)

Council Member Genis expressed concern with land use changes south of the 405 freeway and density. (05:51:02)

**SUBSTITUTE MOTION:** To continue the item to a Special City Council Meeting of June 14, 2016 and Regular Meeting of June 21, 2016; directed staff to prepare the final Environmental Impact Report for the June 21, 2016 meeting and to agendize the public hearing at 8:00 p.m. (05:53:16)

**SUBSTITUTE MOTION/SECOND:** Council Member Genis/Council Member Foley  
The motion carried by the following roll call vote:

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

Nays: Council Member Monahan

Absent: None

Motion carried: 4-1

**ACTION:**

1. City Council received the public comments on the General Plan and Draft Environmental Impact Report; and
2. City Council continued the item to a Special City Council Meeting of June 14, 2016 and Regular Meeting of June 21, 2016; directed staff to prepare the final Environmental Impact Report for the June 21, 2016 meeting and to agendize the public hearing at 8:00 p.m.

**OLD BUSINESS:**

1. **TEMPORARY WEB MASTER CONSULTANT SERVICES FOR THE DESIGN AND DEVELOPMENT OF THE CITY'S INTERNAL WEB PLATFORM AND APPLICATIONS (05:55:20)**

Staff report by Steven Ely, I.T. Director. (05:56:01)

Council Member Foley spoke against having permit information online and a long term contract. (06:00:50)

IT Director Steven Ely clarified that the agreement is an 8 to 10 month contract. (06:02:25)

Discussion ensued on revising the contract term. (06:03:00)

Public Comments: (06:04:30)

Speaker, spoke in support of the old crime map system and expressed concern with utilizing consultants. (06:05:14)

Greg Tunnell, Costa Mesa, spoke in opposition to the contract. (06:07:02)

Robin Leffler, Costa Mesa, requested clarification on why this item was listed as old business. (06:10:38)

Public Comments Closed

Council Member Foley requested clarification on the tracking system on homelessness; and requested to add the words up to one year on page 2 of Exhibit A. (06:11:11)

**MOTION:** To approve the recommended action with a contract term of one year.

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Righeimer (06:13:50)

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:**

1. City Council authorized temporary web master services to rebuild and develop the internal web platform and applications; and
2. City Council authorized the City CEO to sign the Professional Services Agreement with Robert Half Technology, d.b.a. Protiviti Government Services, in an annual contract amount not to exceed \$178,000.00.

**MOTION:** Continue the meeting past midnight (06:15:51)

**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:** City Council approved to continue the meeting past midnight.

**NEW BUSINESS: (06:16:35)**

**1. PARKS & RECREATION COMMISSION REVIEW OF TALBERT PARK RESTORATION PLAN (06:16:43)**

Staff report by Rick Francis, Assistant CEO. (06:16:45)

Public Comments: (06:22:35)

Jay Humphrey, Costa Mesa, spoke on easements; bike trails and habitats. (06:23:00)

Greg Ridge, Costa Mesa, spoke on the cutting down of trees at Talbert Park and improvements for water drainage. (06:25:39)

Joanne Perla, Costa Mesa, spoke on concerns at the park and the natural beauty of the park. (06:29:34)

**MOVED/SECOND:** Council Member Monahan/Council Member Genis (06:30:58)

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:**

City Council directed the Parks and Recreation Commission to review the Talbert Regional Park Final Habitat Restoration Plan and make recommendations to the City Council for potential joint restoration projects between the City and the County of Orange.

Council Member Foley requested the City Attorney review the campaign finance disclosure statements for Mayor Mensinger. (06:31:05)

**CONTINUED PUBLIC COMMENTS: (06:32:19)**

Joanne Perla, Costa Mesa, spoke on public comments and election contributions. (06:32:52)

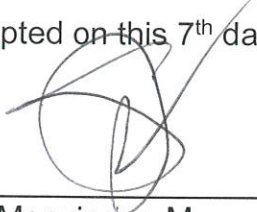
Speaker, spoke on law enforcement week. (06:35:52)

**REPORT – CITY ATTORNEY – NONE (06:37:46)**

**ADJOURNMENT**

The Mayor adjourned the meeting at 12:23 a.m.

Minutes adopted on this 7<sup>th</sup> day of June, 2016.

A handwritten signature in black ink, appearing to be "S. Mensinger", 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