

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

July 5, 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

Speaker, spoke on Closed Session items; transparency and the Kennedy Commission lawsuit.

CLOSED SESSION

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

1. Conference with legal counsel regarding existing litigation: The Kennedy Commission, et al vs. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2016-00832585-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
2. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc., a California corporation; Sure Haven, a California corporation; and Rock Solid Recovery, a California corporation v. City of Costa Mesa; Orange County Superior Court Case No. 30-2015-00815218-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
3. 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 5:53 p.m.

CALL TO ORDER (00:00:23)

The meeting was called to order by the Mayor at 5:53 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:36) – Council Member Foley

MOMENT OF SOLEMN EXPRESSION (00:00:54)

Pastor Phil Eyskens, The Lighthouse Church, Costa Mesa

ROLL CALL (00:02:30)

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righheimer 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 Officer Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Transportation Services Manager Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – NONE (00:02:42)

Deputy City Attorney Tarquin Preziosi reported on Closed Session item number 2 on which the City Council on a vote of 5-0, approved a settlement agreement on the City's remaining cross-complaint against John Morehart and Lisa Cervantes. (00:03:10)

ANNOUNCEMENTS (00:03:58)

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

PRESENTATIONS: (00:06:32)

Mayor's Award – Michael Howard, Founder – Operation Clean State

Michael Howard, Founder of Operation Clean State, accepted the Mayor's award.

PUBLIC COMMENTS (00:15:30)

Speaker, spoke on transparency; attendance at a water study group meeting; and an encounter with the Mayor. (00:16:31)

Speaker, spoke on leadership and respect. (00:19:20)

Karl Ahlf, Costa Mesa, spoke on problems with fireworks. (00:22:12)

Chuck Perry, Costa Mesa, spoke on the 100th birthday of Virginia Townsend and the Mayor's visit with her; spoke on street improvements; and requested a study on 20th Street and Newport Boulevard. (00:24:22)

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team attendance at the change of command ceremony; the banner program; requested a report on fireworks; and wished Claire Flynn success. (00:27:42)

T. Koken, Costa Mesa, spoke on illegal fireworks. (00:30:16)

J. Perler, Costa Mesa, spoke on the adopted Environmental Impact Report. (00:32:23)

Wendy Leece, Costa Mesa, spoke on public speakers at Council meetings and decorum. (00:34:37)

Cindy Brenneman, Costa Mesa, spoke on the Waves of Valor program for Veterans; and problems with fireworks. (00:37:45)

Speaker, spoke on the will of citizens and citizen initiatives. (00:40:25)

Robin Leffler, Costa Mesa, spoke on participatory government; and past election voting results. (00:42:12)

Public Comments Closed

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:45:15)

Council Member Foley spoke on the Smart Camp; the Economic Development Plan; an issue with promotional fair tickets; requested a report on consultant fees for the Environmental Impact Report; and praised Claire Flynn for her service. (00:45:17)

Council Member Genis spoke on reclaimed water and the Zika virus; re-examining rates for reimbursement from the O.C. Fair; and public comments from the last City Council meeting. (00:49:01)

Council Member Monahan spoke in support of fireworks; and walking the neighborhoods and meeting residents in the community. (00:52:05)

Mayor Pro Tem Righheimer spoke on representation and the democratic process; problems at motels; and the unfunded pension liability. (00:53:17)

Mayor Mensinger spoke on the 100th birthday of Victoria Townsend; spoke on public comments; thanked the Fire and Police Chiefs for their efforts on the 4th of July holiday; and spoke on people taking pictures of his house. (00:59:09)

City Council recessed into a break at 7:01 p.m. (01:07:00)

City Council reconvened at 7:06 p.m. (01:12:50)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) – (01:13:16)

CEO Hatch provided an update on the fireworks report; addressed Council comments on the Smart Camp, the Economic Development Plan, the promotional fair tickets issue, and a report on consultant fees for the Environmental Impact Report; praised Claire Flynn for her service; and spoke on recycled water.

CONSENT CALENDAR (01:16:44)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11.

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer (01:16:55)

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

CONSENT CALENDAR:

1. READING FOLDER

- a. Claims received by the City Clerk: Keith Raffel and Avery Troutman

ACTION:

City Council received and filed.

2. WARRANT RESOLUTION NO. 2560 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-12 "A" FOR \$-655.96 and 16-13 for \$2,142,892.41; AND CITY OPERATING EXPENSES FOR \$2,645,351.37; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

ACTION:

City Council approved Warrant Resolution No. 2560.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF JUNE 21, 2016 AND SPECIAL CLOSED SESSION AND SPECIAL MEETING OF JUNE 14, 2016

ACTION:

City Council approved the minutes of June 21, 2016 and June 14, 2016.

4. IMPROVEMENT AT THREE BUS STOPS, PROJECT NO. 15-11

ACTION:

1. City Council accepted work performed by Unique Performance Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond six (6) months after the filing date and release of the retention monies 35 days after the Notice of Completion filing date.

5. NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 671-673 W. 17TH STREET AT TWO LOCATIONS: W. 17TH STREET AND SUPERIOR AVENUE

ACTION:

1. City Council set a public hearing on August 2, 2016 for the vacation of a portion of West 17th Street and Superior Avenue Right-Of-Way (ROW); and
2. Adopted Resolution No. 16-58 of Intent to vacate a portion of West 17th Street and Superior Avenue Right-Of-Way (ROW).

6. HARBOR BOULEVARD IMPROVEMENTS FROM SOUTH COAST DRIVE TO SUNFLOWER AVENUE, CITY PROJECT NO. 14-07

ACTION:

1. City Council approved Contract Change Order No. 4 in the amount of \$19,898.00; and
2. Approved Budget Adjustment Authorization NO.17-002 in the amount of \$19,898.00; and
3. Accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and

4. Authorized release of the Faithful Performance Bond (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

7. CONTRACT AMENDMENT – WEST COAST ARBORISTS, INC.

ACTION:

1. City Council approved and authorized the Chief Executive Officer to execute Amendment #2 to the professional services agreement with West Coast Arborists, Inc. to increase by 1.5%, based on the Consumer Price Index, the annual amount of the contract by \$7,050 and the unit pricing schedule for urban forest maintenance tasks; and
2. Authorized the Chief Executive Officer to approve the one (1) year time extensions per the terms and conditions of the existing agreement, upon mutual agreement of both parties.

8. VEHICLE LIGHTING AND EQUIPMENT INSTALLATION SERVICES

ACTION:

1. City Council approved and authorized the Chief Executive Officer and the City Clerk to execute a three (3) year service agreement for the vehicle lighting and equipment installation services with Stommel Inc. dba. LEHR, 1370 North McCain Street, Anaheim, CA 92806, effective July 6, 2016 through July 5, 2019, in an amount not to exceed \$150,000 annually; and
2. Authorized the Chief Executive Officer to renew the agreement for two (2) additional one year terms, upon mutual agreement of both parties.

9. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32ND DISTRICT AGRICULTURAL ASSOCIATION

ACTION:

City Council approved the 2016 contract for traffic management services between the Costa Mesa Police Department and the 32nd District Agricultural Association for the Orange County Fair and authorized the Chief Executive Officer, or his designee, to sign the contract. The term of the agreement is July 15, 2016, through August 14, 2016, and the maximum amount not to exceed \$365,000.

10. PARTICIPATION IN THE COUNTY OF ORANGE, COUNTYWIDE PUBLIC MASS NOTIFICATION SYSTEM – ALERT OC

ACTION:

1. City Council approved the City's continued participation in the County of Orange, Countywide Public Mass Notification System – AlertOC; and
2. Authorized the Chief Executive Officer (CEO) or his designee to sign the Memorandum of Understanding (MOU) between the County of Orange and Participants for use of the countywide mass notification system.

11. PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS

ACTION:

1. City Council approved the Professional Services Agreement with Kimley-Horn, not to exceed \$199,000; and
2. Authorized the City Chief Executive Officer to sign Amendment One with Kimley-Horn and Associates.

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

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:17:05)

1. CODE AMENDMENT CO-16-01 – AMENDMENT TO TITLE 13, CHAPTER VIII, ARTICLES 2, 6 & 6.5, POLITICAL CAMPAIGN SIGNS AND PORTABLE SIGNS WITHIN PUBLIC RIGHT-OF-WAY AND TABLE 13-115 OF THE COSTA MESA MUNICIPAL CODE (01:17:11)

Staff report by Willa Bouwens-Killeen, Zoning Administrator. (01:18:30)

Public Comments: (01:23:00)

Wendy Leece, Costa Mesa, spoke in support of having political signs placed in the public-right-of-way four weeks before an election instead of six weeks. (01:23:22)

Karl Ahlf, expressed support for the ordinance. (01:23:56)

Greg Ridge, Costa Mesa, spoke on problems with political signs and properly enforcing regulations. (01:25:34)

Public Comments Closed

Zoning Administrator Bouwens-Killeen explained signage allowed on properties. (01:26:30)

Discussion ensued on the maximum 3 foot height requirement and commercial signs on private property. (01:27:02)

Mayor Pro Tem Righeimer spoke on signs placed in the public-right-of-way. (01:34:18)

MOTION: To approve the recommended action with an amendment to the ordinance to increase the maximum height of non-commercial portable signs on private property from 3 foot height above grade to 5 foot height above grade. (01:35:15)

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

Council Member Foley spoke on freedom of expression; and banners on private property and residential zones. (01:35:30)

Discussion ensued on increasing the maximum height of non-commercial signs on private property to 6 feet. (01:38:58)

AMENDMENT TO ORIGINAL MOTION: To approve the recommended action with an amendment to the ordinance to increase the maximum height of non-commercial portable signs on private property from 3 foot height above grade to 6 foot height above grade and to allow banners in the residential zones. (01:39:20)

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 conducted the Public Hearing and gave first reading to Ordinance 16-04 to adopt Code Amendment CO-16-01 amending Costa Mesa Municipal Code Title 13 Chapter VIII, Signs; with an amendment to the ordinance to increase the maximum height of non-commercial portable signs on private property from 3 foot height above grade to 6 foot height above grade and to allow banners in the residential zones.

2. DISTRICT ELECTIONS MAPPING PROCESS – VOTING DISTRICTS FORMATION (01:39:47)

Staff report by Rick Francis, Assistant CEO. (01:40:12)

Yesenia Arias representative from Arellano Associates, provided a presentation on the public engagement program. (01:44:35)

David Ely from Compass Demographics, provided a presentation on voting district formation, including data on geography; demographics; voter participation; public input; and reviewed the four map proposals. (01:56:20)

Discussion ensued on the number of attendees at community meetings. (02:06:00)

Public Comments: (02:11:30)

Speaker, spoke in support of five districts and is opposed to six districts with a Mayor elected at-large. (02:12:27)

T. Koken, Costa Mesa, spoke in support of proposal number four with seven districts and proposal number one with five districts. (02:13:55)

Speaker, spoke in support of proposal number one. (02:14:57)

Joanne Perler, spoke in opposition to a proposal with six districts with a Mayor elected at-large; rescheduling the second public hearing to July 12th; and supports the Fairview Park area be split into two districts. (02:17:39)

Speaker, spoke on not diluting the Latino vote. (02:20:32)

Robin Leffler, requested clarification on data and on the measure if it does not pass. (02:22:11)

Linda DeChlarra, Costa Mesa, spoke on district area four and expressed support for voting district formation. (02:23:48)

Beth Refakes, Costa Mesa, spoke in opposition to six districts; and spoke on rescheduling the second public hearing date. (02:26:33)

Wendy Leece, Costa Mesa, spoke on rescheduling the second public hearing date; and suggested the City Council consider a two year residency requirement for individuals interested in running for office in their district. (02:28:11)

Keturah Kennedy, Costa Mesa, expressed support for district based elections and supports proposal number one with five districts. (02:30:44)

Greg Ridge, Costa Mesa, spoke on the data for district four; and spoke in support of proposal number four with seven districts. (02:32:07)

Ryan Gamo, Costa Mesa, expressed support for voting districts and supports proposal number one with five districts. (02:35:02)

Sarah Goodman, Costa Mesa, spoke in support of proposal number one or number two, both containing five districts. (02:37:44)

Karl Ahlf, Costa Mesa, spoke on the item and the associated costs. (02:38:21)

Juana Trejo, Costa Mesa, spoke in support of district formation and having a Latino representation. (02:41:26)

Daniel Bravo, Costa Mesa, spoke in support of having districts; in support of proposal number one with five districts; and spoke on rescheduling the public hearing to July 12th. (02:45:04)

Public Comments Closed

MOTION: To proceed with proposal number three, containing six districts, with a Mayor elected at-large to serve a two year term, with a maximum of two consecutive terms. (02:48:08)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

Mayor Pro Tem Righeimer spoke in support of proposal number three with six districts and a Mayor elected at-large; and on the College Park area. (02:49:00)

SUBSTITUTE MOTION: To proceed with proposal number one with five districts. (02:55:23)

MOVED/SECOND: Council Member Foley/Council Member Genis

Council Member Foley spoke on having a diverse population and building consensus. (02:53:38)

Council Member Genis spoke on the proposal with seven districts; and splitting the College Park area. (02:56:50)

Council Member Monahan spoke in support of having a directly elected Mayor voted by the people. (02:57:42)

Mayor Mensinger spoke on representation throughout areas in the community. (03:02:05)

Council Member Foley spoke on having a mandatory rotation for the position of Mayor; and expressed support for proposal number one with five districts. (03:03:22)

SUBSTITUTE MOTION: To proceed with proposal number one. (02:55:23)

MOVED/SECOND: Council Member Foley/Council Member Genis

The motion failed by the following roll call vote: (03:04:50)

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: To proceed with proposal number three containing six districts with a Mayor elected at-large to serve a two year term, with a maximum of two consecutive terms. (02:48:08)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote: (03:08:55)

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 directed staff to proceed with map proposal number three containing six districts with a Mayor elected at-large to serve a two year term, with a maximum of two consecutive terms.

City Council recessed into a break at 9:02 p.m. (03:09:05)

City Council reconvened at 9:12 p.m. (03:18:40)

Council Member Foley requested outreach notifications be sent through schools. (03:21:15)

Council Member Genis requested clarification on the Brown Act regarding proposal number three and a directly elected Mayor. (03:22:06)

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan
The motion carried by the following roll call vote: (03:22:25)
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:

2. City Council scheduled the third and final public hearing at a Special City Council meeting on July 12, 2016 for City Council to select a map (Proposal number three with six districts and a Mayor elected at-large, two-year term, maximum of two consecutive terms) to include on the November 8, 2016 ballot, asking voters to decide whether to approve voting district elections as defined by the selected map.

OLD BUSINESS:

1. **CONSIDERATION OF A CITY INITIATIVE ORDINANCE REGARDING MEDICAL MARIJUANA BUSINESSES (03:22:32)**

Staff report by Tarquin Preziosi, Deputy City Attorney. (03:22:55)

Discussion ensued on not including dispensaries in the ordinance; how the state measure will affect the proposed ordinance if it passes in November; Moon Park area; and state licensing changes. (03:26:25)

Public Comments: (03:43:04)

Wendy Leece, spoke in support of having one medical marijuana clinic in the city; and spoke in opposition to the proposed measure. (03:43:26)

Christopher Kim, California Cannabis Industry Association, spoke on recreational and medical marijuana uses. (03:45:09)

T. Koken, Costa Mesa, sang a song. (03:47:54)

Karl Ahlf, Costa Mesa, spoke in support of the measure. (03:48:55)

Greg Ridge, Costa Mesa, spoke on the need for a broader comprehensive measure. (03:52:01)

Joanne Perler, Costa Mesa, spoke in opposition to the measure. (03:54:46)

Robert Taft, Costa Mesa, spoke in support of the measure. (03:57:50)

Randall Longwith, spoke on state licensing and state law for medical marijuana uses; and in support of the proposed measure. (04:00:18)

Speaker, spoke on the locations affected by the ordinance. (04:03:50)

Public Comments Closed

Mayor Pro Tem Righeimer spoke on the creation of the measure. (04:06:00)

Discussion ensued on including definitions; notification to property owners; and increasing the minimum age to 21 to work at a medical marijuana facility. (04:16:35)

Council Member Monahan spoke in support of the ordinance. (04:24:00)

MOTION: To approve the proposed initiative ordinance entitled, "The City of Costa Mesa Medical Marijuana Measure" relating to medical marijuana manufacturing, testing and related uses within certain areas of the City including amendments to the ordinance as follows: to make the revisions suggested by staff, including to remove the word dispensing from Section 2 of the Initiative, section 13-200.91(a) and to include a sentence to read, "Except that any future change or amendment to this ordinance related to dispensaries and/or cultivation or specific areas in the city where medical marijuana businesses may be located shall require a vote of the people" in Section 8 of the Initiative, Future Changes; and to amend the definitions "distributor", "distribution", "manufacturer", "manufacturing site", "research and development laboratory" and "testing laboratory" in Section 2 of the Initiative, section 9-485, as set forth in the staff report; increase the age of 18 to 21 in section 9-495(g)(9); and to revise section 13-200.91 of the Zoning Code to prohibit the medical marijuana uses set forth in the ordinance from being located within 500 feet from Moon Park. (04:27:55)

MOVED/SECOND: Mayor Mensinger/Council Member Monahan

The motion carried by the following roll call vote: (04:29:41)

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 approved the proposed initiative ordinance entitled, "The City of Costa Mesa Medical Marijuana Measure" relating to medical marijuana manufacturing, testing and related uses within certain areas of the City including amendments to the ordinance as follows: to make the revisions suggested by staff, including to remove the word dispensing from Section 2 of the Initiative, section 13-200.91(a) and to include a sentence to read, "Except that any future change or amendment to this ordinance related to dispensaries and/or cultivation or specific areas in the city where medical marijuana businesses may be located shall require a vote of the people" in Section 8 of the Initiative, Future Changes; and to amend the definitions "distributor", "distribution", "manufacturer", "manufacturing site", "research and development laboratory" and "testing laboratory" in Section 2 of the Initiative, section 9-485, as set forth in the staff report; increase the age of 18 to 21 in section 9-495(g)(9); and to revise section 13-200.91 of the Zoning Code to prohibit the medical marijuana uses set forth in the ordinance from being located within 500 feet from Moon Park.

MOTION: To approve recommended item numbers 2a and 2b adopting the resolutions to place the measure on the November 8, 2016 ballot.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (04:29:45)

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:

2. City Council adopted the following resolutions:
 - a. Resolution 2016-51: 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, "The City of Costa Mesa Medical Marijuana Measure"; and
 - b. Resolution 2016-52: 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, "The City of Costa Mesa Medical Marijuana Measure".

MOTION: To approve recommended item number 2c and authorize Mayor Pro Tem Righeimer to write the argument in favor of the proposed ordinance. (04:30:45)

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

The motion carried by the following roll call vote: (04:31:47)

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:

2. City Council adopted the following resolution:

- c. Resolution 2016-53: Authorizing written arguments for or against the proposed ordinance "The City of Costa Mesa Medical Marijuana Measure", setting priorities for filing written arguments, authorizing Mayor Pro Tem Righeimer to write the argument in favor of the proposed measure, and directing the City Attorney to prepare an impartial analysis.

MOTION: To approve recommended action number 2d authorizing the filing of a Notice of Exemption pursuant to the provisions California Environmental Quality Act. (04:31:55)

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

The motion carried by the following roll call vote: (04:32:02)

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:

2. City Council adopted the following resolution:

- d. Resolution 2016-54: Authorizing the filing of a Notice of Exemption pursuant to the provisions California Environmental Quality Act.

MOTION: Direct staff to prepare three informational mailers. (04:32:16)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote: (04:32:29)

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:

3. City Council approved three informational mailers.
2. **ELECTION CODE SECTION 9212 REPORT ON “AN INITIATIVE REQUIRING CHANGES IN USE AT FAIRVIEW PARK BE SUBJECT TO VOTER APPROVAL”, CONSIDER PLACING THE INITIATIVE ON THE NOVEMBER 8, 2016 BALLOT; AND PROVIDE DIRECTION ON AN ALTERNATIVE MEASURE**

Staff report by Yolanda Summerhill, Deputy City Attorney.

Public Comments: (04:39:29)

Speaker, spoke in support of the initiative. (04:40:02)

T. Koken, Costa Mesa, spoke in support of the initiative. (04:42:20)

Jay Humphrey, Costa Mesa, spoke in support of the initiative; and in opposition to a competing measure. (04:42:20)

Wendy Leece, Costa Mesa, spoke in support of the initiative; and in opposition to a competing measure. (04:46:05)

MOTION: To receive the Elections Code Section 9212 report regarding the initiative. (04:48:28)

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

The motion carried by the following roll call vote: (04:50:53)

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

Nays: Council Member Genis

Absent: None

Motion carried: 4-1

ACTION:

1. City Council received the Elections Code Section 9212 report regarding the initiative.

MOTION: To approve recommended item numbers 2a and 2b adopting the resolutions to place the measure on the November 8, 2016 ballot. (04:51:10)

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan (04:51:55)

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:

2. City Council adopted the following resolutions:

- a. Resolution 2016-41: 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 Requiring Changes in use at Fairview Park Be Subject to Voter Approval"; and
- b. Resolution 2016-42: 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 Requiring Changes in use at Fairview Park Be Subject to Voter Approval".

MOTION: To approve recommended action number 2c and authorize Mayor Pro Tem Righeimer in conjunction with Mayor Mensinger to write an argument against the proposed measure. (04:53:05)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote: (04:53:25)

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:

2. City Council adopted the following resolution:

- c. Resolution 2016-43: Authorizing written arguments for or against the proposed ordinance "An Initiative Requiring Changes in use at Fairview Park Be Subject to Voter Approval", setting priorities for filing written arguments, authorizing Mayor Pro Tem Righeimer in conjunction with Mayor Mensinger to write an argument against the proposed measure, and directing the City Attorney to prepare an impartial analysis.

Mayor Pro Tem Righeimer spoke on the need for an alternative measure. (04:54:40)

Council Member Genis spoke on the history of Fairview Park. (04:58:28)

Council Member Foley spoke on Section 6 of the ordinance regarding exceptions to changes at Fairview Park; and spoke on maintaining the park natural and passive. (05:08:28)

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger (04:54:18)

The motion carried by the following roll call vote: (05:10:02)

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:

3. City Council provided special counsel with direction to prepare an alternative measure to be placed on the November 8, 2016 ballot prohibiting athletic fields at Fairview Park without a vote of the people.

3. PROPOSED CITY COUNCIL SPONSORED MEASURE ADDRESSING FUTURE DEVELOPMENT AND DEVELOPMENT-FUNDED OPEN SPACE AND RECREATION (05:10:25)

Staff report by Patrick Muñoz, Special Counsel. (05:10:35)

Discussion ensued on the development impact fee and the single subject rule requirement for measures. (05:13:20)

Public Comments: (05:20:05)

Wendy Leece, Costa Mesa, spoke in opposition to a competing measure. (05:20:25)

Beth Refakes, Costa Mesa, expressed concern with the composition of the Open Space and Recreational Advisory Committee representatives and suggested representation from each district if the city will have district voting. (05:21:29)

Speaker, spoke in opposition to a competing measure. (05:23:53)

Cynthia McDonald, Costa Mesa, spoke in opposition to a competing measure. (05:25:40)

Robin Leffler, Costa Mesa, spoke in opposition to a competing measure. (05:28:50)

MOTION: To approve the proposed Council initiated ballot measure (the "Measure") that would directly compete with the Initiative for Voter Approval on Certain Development Projects (the "Initiative") with amendments to the ordinance as follows: For Section 3 and 4 to reflect Exhibit "A" and "B" instead of "B" and "C"; for the second sentence in Section 5 to read, "The Fee shall be applicable to all new development located both north of the 405 freeway and west of Fairview Drive."; to include at the end of Section 3, a sentence to read, "The City's General Plan approved by the City Council on June 21, 2016 specifically designates not less than 25 percent or approximately 25.6 of the 102.6 total acres of the Fairview Developmental Center site as either passive or recreational open space; any change to this designation shall require a vote of the people."; and to include at the beginning of Section 7, a sentence to read, "Except as otherwise provided herein, any future changes or amendments to this ordinance, if approved, including any future changes or amendments to the General Plan, Specific Plan(s), Overlay Plan(s), or Municipal Code provisions affected by the Measure, may occur in the manner set forth in State law and the City's Municipal Code, and shall not require a vote of the people". (05:31:30)

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

The motion carried by the following roll call vote: (05:42:30)

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 approved the proposed Council initiated ballot measure (the "Measure") that would directly compete with the Initiative for Voter Approval on Certain Development Projects (the "Initiative") with amendments to the ordinance as follows: For Section 3 and 4 to reflect Exhibit "A" and "B" instead of "B" and "C"; for the second sentence in Section 5 to read, "The Fee shall be applicable to all new development located both north of the 405 freeway and west of Fairview Drive."; to include at the end of Section 3, a sentence to read, "The City's General Plan approved by the City Council on June 21, 2016 specifically designates not less than 25 percent or approximately 25.6 of the 102.6 total acres of the Fairview Developmental Center site as either passive or recreational open space; any change to this designation shall require a vote of the people."; and to include at the beginning of Section 7, a sentence to read, "Except as otherwise provided herein, any future changes or amendments to this ordinance, if approved, including any future changes or amendments to the General Plan, Specific Plan(s), Overlay Plan(s), or Municipal Code provisions affected by the Measure, may occur in the manner set forth in State law and the City's Municipal Code, and shall not require a vote of the people".

MOTION: To approve recommended item numbers 2a and 2b adopting the resolutions to place the measure on the November 8, 2016 ballot. (05:42:39)

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

The motion carried by the following roll call vote: (05:42:45)

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:

2. City Council adopted the following resolutions:

- a. Resolution 2016-55: 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 City Council sponsored proposition for the enactment of an ordinance, which will be referred to as the "Measure for Sensible Community Development and Development-Funded Open Space and Recreation," entitled:

A resolution of the City Council of the City of Costa Mesa, California, ordering, and giving notice of the submission to the voters of a proposition for the enactment of an ordinance relating to future Development and Development-Funded Open Space and Recreation at the November 8, 2016 consolidated regular election; and

- b. Resolution 2016-56: 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 referred to as the "Measure for Sensible Community Development and Development-Funded Open Space and Recreation."

MOTION: To approve recommended action number 2c and authorize Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument in favor of the proposed measure and authorize Council Member Genis and Council Member Foley to write an argument against the proposed measure. (05:43:00)

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

The motion carried by the following roll call vote: (05:44:20)

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:

2. City Council adopted the following resolution:

- c. Resolution 2016-57: Authorizing written arguments for or against the proposed ordinance referred to as the "Measure for Sensible Community Development and Development-Funded Open Space and Recreation, setting priorities for filing written arguments, authorizing Mayor Pro Tem Righeimer in conjunction with any other interested Council Member to write an argument in favor of the proposed measure and authorize Council Member Genis and Council Member Foley to write an argument against the proposed measure, and directing the City Attorney to prepare an impartial analysis.

MOTION: Direct staff to prepare three informational mailers. (05:44:25)

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

The motion carried by the following roll call vote: (05:44:50)

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:

3. City Council approved three informational mailers.

Council Member Monahan left the Chambers at 11:38 p.m. (05:44:30)

NEW BUSINESS: (05:45:07)

1. GENERAL PLAN SCREENING GPS-16-03 FOR THE EMULEX PROPERTY AT 3333 SUSAN STREET (05:45:10)

Ex-Parte Communication report:

Mayor Pro Tem Righeimer communicated with individuals from Steelwave LLC, including Don Lamm. (05:45:35)

Mayor Mensinger communicated with Don Lamm, representative of Steelwave LLC. (05:45:40)

Staff report by Mel Lee, Senior Planner. (05:46:20)

Don Lamm, representative of Steelwave LLC, spoke on the project. (05:49:30)

Discussion ensued on the reasons the item was not included in the recent General Plan amendment. (05:51:30)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on the addition of trips into the area; and expressed concerns with parking. (05:55:43)

Public Comments Closed

Mayor Pro Tem Righeimer spoke on the plan, on the parking; and the need to have two reciprocal accesses to the LA Times building. (05:59:20)

Discussion ensued on the amendment to the agreement; and the trip analysis. (06:02:20)

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Foley (06:05:52)

The motion carried by the following roll call vote: (06:06:57)

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

City Council accepted the General Plan amendment screening request for processing to amend the land use designation from Industrial Park (IP) to Commercial Center (CC) related to development of the 14.25 acre Emulex property at 3333 Susan Street.

ITEMS REMOVED FROM THE CONSENT CALENDAR - NONE

REPORT – CITY ATTORNEY – NONE

ADJOURNMENT - The Mayor adjourned the meeting at 12:01 a.m.

Minutes adopted on this 2nd day of August, 2016.



James M. Righelmer, Mayor Pro Tem

ATTEST:



Brenda Green, City Clerk