

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL, AND  
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING**

**December 2, 2014**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Council Members Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan  
Council Members Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE**

**CLOSED SESSION**

The City Council recessed into Closed Session at 5:00 p.m. to consider the following items:

1. Conference with Legal Counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).
2. Conference with Legal Counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc., v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01852, pursuant to California Government Code Section 54956.9(d)(2).
3. Conference with Legal Counsel regarding existing litigation: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, pursuant to California Government Code Section 54956.9(d)(2).

The City Council reconvened at 6:00 p.m.

**CALL TO ORDER (00:00:36)**

**PLEDGE OF ALLEGIANCE (00:00:38)** – Led by Council Member Leece

**MOMENT OF SOLEMN EXPRESSION (00:01:16)**

Mike Decker, Palm Harvest Church

**ROLL CALL (00:03:37)**

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

**CLOSED SESSION REPORT – (00:03:58)**

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

**ANNOUNCEMENTS (00:04:01)**

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

**PUBLIC COMMENTS (00:06:37)**

Robin Leffler, Costa Mesa, congratulated Katrina Foley; and spoke on the coat drive. (00:07:41)

Sue Lester, Costa Mesa, thanked Council Member Leece for service to the community; thanked Police Chief Gazsi for service; mentioned a Costa Mesa Park Ranger that is overseas in Afghanistan; and asked for care packages to be sent and welcomed Katrina Foley back to Council. (00:10:35)

Cindy Brenneman, Costa Mesa, thanked Jay Humphrey; thanked Council Member Leece; congratulated Katrina Foley on her win; and expressed sadness for losing Police Chief Gazsi and congratulated Captain Sharpneck on interim promotion. (00:13:15)

James H. Bridges, Costa Mesa, congratulated Katrina Foley, spoke on the coat drive; and read excerpts from the article in the OC Register newspaper. (00:15:13)

Cynthia McDonald, Costa Mesa, thanked Council Member Leece for her contributions to the community; spoke on civility; and spoke on the coat drive. (00:17:43)

Perry Valantine, Costa Mesa, thanked Wendy Leece; welcomed back Katrina Foley, thanked Police Chief Gazsi; and spoke on the coat drive. (00:20:45)

Phil Morello, Costa Mesa, thanked Council Member Leece for service; congratulated Katrina Foley and Jim Righheimer as winners; and thanked Police Chief Gazsi. (00:22:49)  
Barrie Fisher, Costa Mesa, thanked Council Member Leece for service; discussed sober living homes; and spoke about the Serenity Shores House website. (00:24:09)

Susan Meyer, Costa Mesa, thanked Police Chief Gazsi; spoke on compassion; and spoke on the coat drive. (00:27:14)

Mary Spadoni, Costa Mesa, thanked Police Chief Gazsi's; and spoke on creating a "We Love Costa Mesa" Facebook site. (00:29:56)

Jay Humphrey, Costa Mesa, thanked Council Member Leece for service; expressed sadness for Police Chief Gazsi's departure; and spoke on the coat drive. (00:32:56)

Laurene Keene, Costa Mesa, thanked Council Member Leece for service; discussed sober living homes; requested more residents be involved with the community and spoke on the coat drive. (00:36:10)

Tamar Goldmann, Costa Mesa, discussed selection of Police candidates; saddened by Police Chief Gazsi's departure; and spoke on the coat drive. (00:38:47)

Anna Vrska, Costa Mesa, thanked Council Member Leece, Katrina Foley and Police Chief Gazsi; and discussed non-profit organizations. (00:41:52)

Ann Parker, Costa Mesa, expressed sadness by Police Chief Gazsi and Council Member Leece's departure; and discussed sober living homes. (00:44:22)

Bill Harader, Costa Mesa, complimented Council Member Leece on eight years of diligent service; acknowledged Katrina Foley's victory; and spoke on the coat drive. (00:47:32)

Tom Pollitt, Costa Mesa, thanked Council Member Leece and Police Chief Gazsi for service with the City; and spoke on Council Members lawsuit against the Police Association. (00:50:42)

#### **COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:53:15)**

Council Member Genis spoke on the Election and that there needs to be more collaboration between Council Members; requested a goal setting session; thanked Council Member Leece and wished Police Chief Gazsi well. (00:53:19)

Council Member Leece discussed the coat drive; thanked Police Chief Gazsi for his work with the City of Costa Mesa; and spoke on dropping the lawsuit between the Mayor and Mayor Pro Tem and the Police Association. (00:58:45)

Council Member Monahan thanked Police Chief Gazsi; thanked Council Member Leece; welcomed Katrina Foley back; and congratulated Mr. Righeimer; and thanked families for being in attendance. (01:01:42)

Mayor Righeimer thanked Council Member Leece for service; discussed the lawsuit against the Police Association; recognized Police Chief Gazsi for his service and contributions to the City, and presented him a proclamation. (01:03:44)

Police Chief Gazsi expressed his gratitude to the City, and spoke on the Police Department. (01:12:47)

Mayor Pro Tem Mensinger thanked the candidates that participated in the election, congratulated Foley on win; thanked Council Member Leece and Police Chief Gazsi for their service with the City; spoke on public comments; and spoke on the lawsuit with the Police Association. (01:15:43)

#### **REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:20:27)**

CEO Hatch thanked Police Chief Gazsi and Council Member Leece for service with the City; advised that there will be an Adjourned Council Meeting to discuss the Medical Marijuana issue; discussed the Sober Living Home Ordinance; and invited the public to attend the reception to be held after the meeting.

#### **1. GENERAL MUNICIPAL ELECTION (01:24:04)**

Brenda Green, City Clerk, reported on the General Municipal Election held on November 4, 2014. (01:24:08)

##### **Public Comments:**

Gene Hutchins, Costa Mesa, thanked Council Member Leece for service; recognized Mayor Righeimer and Katrina Foley on win; and expressed disappointment Measure O did not pass. (01:26:09)

Jay Humphrey, Costa Mesa, congratulated Katrina Foley and Mayor Righeimer on win; and spoke on everyone working together. (01:28:16)

James H. Bridges, Costa Mesa, recognized Council Member Leece for service with the City. (01:30:05)

Eleanor Egan, Costa Mesa, thanked Council Member Leece and Police Chief Gazsi for their service with the City; and congratulated Katrina Foley on win. (01:32:34)

Jaime MacLeod, Costa Mesa, thanked Council Member Leece; and congratulated Katrina Foley on win. (01:34:36)

Mother Nature's Daughter, Costa Mesa, spoke on City politics; thanked Council Member Leece; and spoke on nature preservation. (01:35:16)

Tom Egan, Costa Mesa, congratulated Katrina Foley and Mayor Righeimer on win; and thanked Wendy Leece for service with the City; and spoke on coat drive. (01:38:01)

Greg Ridge, Costa Mesa, discussed Measure P; thanked Council Member Leece for service with the City; and congratulated Mayor Righeimer and Katrina Foley on victory. (01:39:25)

Flo Martin, Costa Mesa, thanked Council Member Leece for service with the City; and congratulated Katrina Foley on win. (01:41:54)

Susan Meyer, Costa Mesa, honored Council Member Leece for service with a plaque; and welcomed Katrina Foley to the City Council. (01:44:53)

**MOVED/SECOND:** Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

1. City Council Adopted Resolution No. 14-78, to be read by title only and further reading waived: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2014; DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW**

Recognition of Council Member Wendy Leece (01:47:46)

Mayor Righeimer read proclamation recognizing Council Member Leece's service with the City on behalf of the residents of Costa Mesa. (01:48:06)

Council Member Leece thanked everyone for their kind words; thanked God for the courage to continue to service the community for eight years; thanked family members; thanked City staff; and expressed appreciation for the Police and Fire Department. (01:50:21)

Tom Hatch, Chief Executive Officer, presented Council Member Leece with a plaque. (02:01:08)

Kelly Shelton, Executive Assistant, presented Council Member Leece with a memory book thanking her for her service with the City. (02:02:12)

Helen Fried, Orange County Public Libraries, honored Council Member Leece for serving as a member of the Library Advisory Board. (02:03:36)

Hank Lloyd, Costa Mesa Tennis Center, provided Council Member Leece with a tennis racket as the key to the Tennis Center and thanked her for her assistance with after school programs. (02:04:53)

Mike Hearst, Orange County Vector Control, thanked Council Member Leece for service on the Vector Control. (02:06:10)

Nadia Flores, Think Together, presented Council Member Leece with a plant thanking her for her advocacy. (02:07:16)

John Moorlach, Supervisor, thanked Council Member Leece. (02:08:55)

Robin Leffler, Costa Mesa's for Responsible Government, thanked Council Member Leece. (02:12:38)

2. City Clerk administered the Oath of Office to the newly-elected City Council Members: Katrina Foley and James M. Righeimer. (02:18:06)

Council Member Katrina Foley thanked all those that helped her during the Election; thanked Council Member Leece for service with the City; thanked family members; and discussed role as a Council Member. (02:20:07)

Council Member Righeimer thanked everyone in attendance; thanked family for their support; and thanked fellow Council Members. (02:34:17)

3. City Council Reorganization by election of Mayor and Mayor Pro Tem. (02:42:47)

#### Public Comments:

Gene Hutchins, Costa Mesa, spoke in support of James Righeimer or Stephen Mensinger for Mayor. (02:43:15)

Jim Fitzpatrick, Costa Mesa, thanked Council Member Leece for eight years of service; thanked Police Chief Gazsi; congratulated Council Member Foley and Mayor Righeimer for win; and supports Stephen Mensinger as Mayor. (02:45:14)

Colin McCarthy, Costa Mesa, expressed that the Mayor is an important role in the City; and recommended seeing a unanimous vote that the Mayor Pro Tem Mensinger become Mayor. (02:47:09)

**MOTION:**

Council Member Genis nominated Katrina Foley for Mayor. (02:48:38)

Motion died for lack of a second.

**MOTION:**

Council Member Monahan nominated Mayor Pro Tem Mensinger for Mayor. Seconded by Mayor Righeimer. (02:51:40)

**MOVED/SECOND:** Council Member Monahan/Council Member Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Council Member Mensinger, Council Member Righeimer.

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

Nominations for Mayor were closed.

**MOVED/SECOND:** Council Member Monahan/Council Member Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Council Member Mensinger, Council Member Righeimer.

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

City Council elected Stephen M. Mensinger as Mayor.

Mayor Pro Tem Mensinger thanked everyone for their support; and thanked Mayor Righeimer for all his work. (02:53:09)

**MOTION:**

Council Member Monahan nominated Council Member Righeimer as Mayor Pro Tem. Seconded by Mayor Mensinger. (03:00:02)

**MOTION:** Council Member Foley nominated Council Member Genis as Mayor Pro Tem  
Motion died for lack of a second. (03:00:18)

**MOVED/SECOND:** Council Member Monahan/Council Member Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Council Member Righeimer, Mayor Mensinger.

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

Nominations for Mayor Pro Tem were closed.

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

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Council Member Righeimer, Mayor Mensinger.

Nays: Council Member Foley and Council Member Genis

Absent: None

Motions carried: 3-2

**ACTION:**

City Council elected James M. Righeimer as Mayor Pro Tem.

Mayor Mensinger and John Moorlach, Orange County Supervisor, presented a plaque to former Mayor Righeimer; and thanked Police Chief Tom Gazsi. (03:03:55)

Former Mayor Righeimer presented a gavel to newly appointed Mayor Mensinger. (03:07:19)

**CONSENT CALENDAR (03:08:51)**

**MOTION:** Approved recommended actions for Consent Calendar Item Nos. 1 through 8 except for Item Nos. 3, 7, and 8.

**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, Mayor Pro Tem Righeimer, Mayor Mensinger.

Nays: None

Absent: None

Motions carried: 5-0



1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

**ACTION:**

City Council waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

a. Claims received by the City Clerk: Justin Deyle and Steve Alford.

**ACTION:**

Received and filed.

4. **FINAL MAP FOR TRACT NO. 17658 FOR PROPERTY LOCATED AT 2023, 2025 AND 2027 PLACENTIA AVE.**

**ACTION:**

City Council adopted and approved Final Map of Tract Map No. 17658.

5. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY MEETING OF SEPTEMBER 18, 2012 AND OCTOBER 2, 2012; THE MINUTES OF THE ADJOURNED MEETING/STUDY SESSION AND SPECIAL JOINT STUDY SESSION OF DECEMBER 10, 2013; AND THE REGULAR CITY COUNCIL, COSTA MESA HOUSING AUTHORITY AND SUCCESSOR AGENCY OF NOVEMBER 20, 2012 – Chief Executive Officer's Department/City Clerk's Office**

**ACTION:**

City Council approved the minutes of the regular meeting of the Costa Mesa City Council, and Successor Agency of: September 18, 2012 and October 2, 2012; the Adjourned Meeting/Study Session and Special Joint Study Session of December 10, 2013; and the Regular Meeting of the City Council, Costa Mesa Housing Authority and Successor Agency of November 20, 2012.

6. **ACCEPT HARBOR BOULEVARD BEAUTIFICATION PROJECT NO. 13-05 – FEDERAL PROJECT NO. RPSTPLE – 5312(083) – Public Services Department /Engineering Division**

**ACTION:**

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

9. **APPROVAL TO CONTRACT CHANGE ORDER #1 FOR THE WIRING FOR TELEPHONE SERVICE AT THE SENIOR CENTER – Parks and Community Services Department.**

**ACTION:**

City Council approved contract change order #1 in the amount of \$14,007.18 for additional wiring at the Senior Center and authorized the Chief Executive Officer to execute the change order.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

3. **WARRANT RESOLUTION NO. 2526 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-22 "A" FOR \$18,513.66, 14-23 for \$2,065,627.88, 14-23 "A" FOR \$105.96, AND 14-24 FOR \$2,129,535.98; AND CITY OPERATING EXPENSES FOR \$2,076,608.56; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID.**

Public Comments:

Anna Vrska, Costa Mesa, questioned Chapman University expense (Page 5) and legal services expenses (Page 19).

**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 Rigeheimer, Mayor Mensinger.

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

City Council Approved Warrant Resolution No. 2526, to be read by title only and further reading waived.

**7. AWARD CDBG PROJECT: REHABILITATION OF ARNOLD AVENUE, BEACH STREET, COVE STREET, ROSS STREET, SEAL STREET, AND SURF STREET, CITY PROJECT NO. 14-11**

**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, Mayor Mensinger.

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

1. City Council adopted plans, specifications, and working details for the Rehabilitation of Arnold Avenue, Beach Street, Cove Street, Ross Street, Seal Street, and Surf Street, City Project No. 14-11; and
2. City Council awarded the construction contract to Copp Contracting, Inc., P.O. Box 457 Buena Park, California 90621-0457, in the amount of \$450,002.50; and
3. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**8. MEASURE M2 EXPENDITURE REPORT**

**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, Mayor Mensinger.

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

City Council approved Resolution No. 14-76 to be read by title only and further reading waived and approved the Measure M2 Expenditure Report.

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** The Mayor and the City Council adjourned the meeting at 9:20 p.m.



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Stephen M. Mensinger, Mayor



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Brenda Green, City Clerk