

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

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

TUESDAY, JANUARY 5, 2016
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:30 P.M.
REGULAR MEETING – 5:45 P.M.

STEPHEN M. MENSINGER
Mayor

JAMES M. RIGHEIMER
Mayor Pro Tem

GARY MONAHAN
Council Member

SANDRA GENIS
Council Member

KATRINA FOLEY
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

SPECIAL CLOSED SESSION – 4:30 P.M.

ROLL CALL

Council Members Present: Mayor Mensinger, Mayor Pro Tem Righeimer, Council Member Foley, Council Member Genis, and Council Member Monahan (arrived at 5:20 p.m.)

Council Members Absent: None

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).

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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: Phillip A. Luchesi and Karen S. Luchesi, v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court, Case No. 30-2015-00824266-CU-WM-CXC, pursuant to California Government Code Section 54956.9(d)(2).
4. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) for one potential case.

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

CALL TO ORDER

ROLL CALL

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger
Absent: None

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney stated no reportable action.

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

CONSENT CALENDAR:

Items 1, 2, 4, 6, and 8 were pulled for separate consideration.

Items 3, 5, and 7

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motions carried: 5-0

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3. MINUTES

ACTION:

City Council approved the minutes of the City Council and Successor Agency to the Redevelopment Agency of November 3, 2015 and December 1, 2015; the minutes of the City Council and Successor Agency to the Redevelopment Agency and Special Joint Meeting with the Costa Mesa Housing Authority of November 17, 2015; and the minutes of the Special Closed Session of December 8, 2015 and December 11, 2015.

5. FINAL MAP FOR TRACT NO. 17824 LOCATED AT 2880 MESA VERDE DRIVE, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the Final Map for Tract No. 17824 and authorized signing of the Map by the City Clerk and the City Engineer.

7. ADOPTION OF THE FY 2015-2016 STATEMENT OF INVESTMENT POLICY

ACTION:

City Council and the Successor Agency to the Costa Mesa Redevelopment Agency (Successor Agency) adopted Resolutions approving the Statement of Investment Policies for Fiscal Year 2015-2016 and delegating investment activities to the City Treasurer.

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

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

1. AN ORDINANCE TO ADOPT CODE AMENDMENT CO-15-06: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CULTIVATION OF MARIJUANA AND/OR MEDICAL MARIJUANA

MOVED/SECOND: Mayor Pro Tem Righeimer/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

Motion carried: 5-0

ACTION:

City Council gave first reading to Ordinance No. 16-01, to be read by title only, and further reading waived, to adopt Code Amendment 15-06 amending Costa Mesa Municipal Code Title 13, Chapter I definitions and enforcement, Chapter IV

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City Wide Land Use, and adding new Article 20 to Chapter IX, Special Land Use Regulations, related to cultivation of marijuana.

2. “RESIDENT ONLY” PARKING RESTRICTION ON PUBLIC STREETS – POLICIES AND PROCEDURES

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

- The petitions require a majority, fifty-one (51) percent support, to initiate a resident permit parking study.
- The threshold on usage of on-street and off-street parking is seventy (70) percent of on-street and visible off-street parking (driveways) available to residents.
- Limit the number of permits to three (3) per eligible household. Additional permits will be considered based on the documented need. The permits shall be “hanger” type and interchangeable among vehicles.
- Limit the number of guest permits to one hundred (100) per eligible household per year. Residents may request an additional twenty five (25) guest permits for specific events at their residence.
- Eligible households are defined as those on a designated permit parking street and single-family households located within 250 feet of the permit parking street.
- Establish parking zones to limit parking accessibility of a permit holder within their parking zone. Permits will be color coded or uniquely marked to identify the parking zone.
- The permits in each zone will need to be renewed every three (3) years.

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 introduced Ordinance No. 16-02, to be read by title only, and further reading waived, to amend Costa Mesa Municipal Code Section 10-221, et seq., Article 3, Chapter XI (Stopping, Standing or Parking Restricted or Prohibited on Certain Streets) of Title 10 regarding Resident Permit Parking for first reading; and
2. City Council approved revisions to the “Guidelines for Consideration of Installation or Removal of Resident Only Permit Parking.”

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OLD BUSINESS:

- 1. SECOND READING OF ORDINANCE 15-16: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 8-76, 8-77, AND 8-83 OF CHAPTER IV (GARBAGE, RUBBISH, AND WEEDS), OF TITLE 8 (HEALTH SANITATION), OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MANDATORY COMMERCIAL WASTE AND ORGANICS RECYCLING**

MOVED/SECOND: Council Member Foley/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

Motion carried: 5-0

ACTION:

City Council gave second reading and adopted Ordinance No. 15-16, to be read by title only, and further reading waived, to amend sections 8-76, 8-77, and 8-83 of Chapter IV (Garbage, Rubbish, and Weeds) of Title 8 regarding Mandatory Commercial Waste Recycling and new requirements of Mandatory Organics Recycling required by the State of California.

NEW BUSINESS:

- 1. CHANGES TO THE TEMPORARY SIGN CODE/POLICY**

SIGNS

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

MOTION: To approve Option C, October 1st as the start date to post temporary signs, and sign retrieval cost of \$5.00.

SUBSTITUTE MOTION/SECOND: Council Member Foley/Council Member Genis

SUBSTITUTE MOTION: To amend the Sign Code as follows:

- Add a provision that non-commercial temporary signs be allowed to be displayed throughout the City except in front of properties with I&R or I&R-S zones (includes public facilities such as parks, schools, City Hall, and fire stations) for six weeks continuously before an election.
- Remove the 10 sign limit per issue.
- Remove retrieval fees.

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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 provided direction to Staff on existing Sign Code to amend the Sign Code to:

- Add a provision that non-commercial temporary signs be allowed to be displayed throughout the City except in front of properties with I&R or I&R-S zones (includes public facilities such as parks, schools, City Hall, and fire stations) for six weeks continuously before an election.
- Remove the 10 sign limit per issue.
- Remove retrieval fees.

FORUMS

MOVED/SECOND: Council Member Foley/Council Member Genis

MOTION: To approve and allow the taping of candidates up to six forums per election cycle in the following categories: Mesa Verde Community Inc. forum, a business forum, media sponsored forum, two established neighborhood association forums, and one non-City Council forum. Forums to be open to all candidates and all persons on a first come, first serve basis. The date the filing period opens is the date that the application for a forum request to be opened.

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

SUBSTITUTE MOTION: To not tape candidates' forums

SUBSTITUTE SUBSTITUTE MOTION/SECOND: Council Member Genis/
Council Member Foley

SUBSTITUTE SUBSTITUTE MOTION: To approve and allow three established Homeowners Groups, One Business Group, and one non City Council group with the provision that all candidates be invited and any member of the public that wishes to attend can attend.

The motion failed 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

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ORIGINAL SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Righeimer/
Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Righeimer and Mayor
Mensingher

Nays: Council Member Foley, and Council Member Genis

Absent: None

Motion carried: 3-2

ACTION:

City Council directed Staff to not film/video production of candidates' forums and to not post forums on the City's website.

CONTINUE THE MEETING PAST MIDNIGHT

MOVED/SECOND: Council Member Genis/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved to continue the meeting passed midnight.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. READING FOLDER

- a. Claims received by the City Clerk: Walter MacDonald, Matt Grimmond, Suzanne Kustner, Sandra Moreno, Newport Condominium Association, and Donna Vanmil.

ACTION:

City Council received and filed.

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2. **WARRANT RESOLUTION NO. 2548 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-24 "A" FOR \$0.00; 15-25 FOR \$2,102,671.99; 15-25 "A" FOR \$1,615.76; AND 15-26 FOR \$2,272,366.01; AND CITY OPERATING EXPENSES FOR \$5,661,747.88; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

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:

City Council approved Warrant Resolution No. 2548.

4. **WEST 19TH STREET CORRIDOR PEDESTRIAN IMPROVEMENT PROJECT, FEDERAL PROJECT HSIPL-5312 (086), CITY PROJECT NO. 13-10**

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:

1. City Council accepted the work performed by Traffic Development Services, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. City Council released the Labor and Material Bond seven (7) months after the filing date; released the Faithful Performance Bond one (1) year after the filing date; and released the retention monies 35 days after the Notice of Completion filing date.

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6. APPARATUS ROOM EXTENSION AND RESCUE VEHICLE STORAGE BUILDING FIRE STATION NO. 4, CITY PROJECT NO. 15-10

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:

City Council approved Change Order Number 4 in the amount of \$45,000.00.

8. RESTATEMENT OF LEASE AGREEMENT WITH THE BOYS AND GIRLS CLUB OF THE HARBOR AREA, INC.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council continued the item to a future Council Meeting.

REPORT – CITY ATTORNEY

ADJOURNMENT – The Mayor and City Council adjourned at 12:16 a.m.