

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

February 16, 2016

CALL TO ORDER

The Closed Session meeting was called to order by the Mayor at 5:10 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:12 p.m. to consider the following item:

1. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(4) for one potential case.
2. Conference with legal counsel regarding existing litigation: The Kennedy Commission; Mehrnoosh Barimani; Timothy Dadey; Denise Riddell; and Patricia Wagner v. City of Costa Mesa, a municipal corporation, Orange County Superior Court Case No. 30-2016-00832585-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
3. Conference with legal counsel regarding existing litigation: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(d)(1).

Council Member Genis stated she will not be participating on Closed Session Item #3 due to a potential conflict of interest.

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

CALL TO ORDER (00:00:13)

The meeting was called to order by the Mayor at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:34) – Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:00:58)

Father Michael Hanifin, St. Joachim Catholic Church, Costa Mesa

ROLL CALL (00:02:28)

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

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 (00:02:40)

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

City Attorney reported regarding Closed Session Item #1 Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(4) for one potential case. On a vote of 4-0 (Council Member Foley absent), City Council provided direction to initiate litigation. The defendants and actions will be disclosed when litigation commences. (00:03:00)

ANNOUNCEMENTS (00:03:23)

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

PRESENTATIONS: NONE

PUBLIC COMMENTS (00:05:37)

Martin Millard, Costa Mesa, spoke on the developments on the Westside of the City. (00:06:17)

Flo Martin, Costa Mesa, spoke on hazardous traffic on Fair Drive and pedestrian safety; and requested an increase in police presence. (00:09:20)

Kim Hendricks, Costa Mesa, spoke on Fairview Park and the initiative. (00:11:45)

Reggie Mundekis, Costa Mesa, spoke on the O.C. Fairgrounds and the noise level settlement agreements. (00:14:46)

Beth Rafakes, Costa Mesa, spoke on the 1/5 Military Affairs Team seeking Easter donations; and the Council Chambers upgrade. (00:17:27)

Speaker, spoke on crime problems on the Eastside. (00:19:41)

Steven Weeks, Costa Mesa, spoke on vehicular speeding problems on Wilson St. (00:22:42)

Speaker, Costa Mesa, spoke on the Hixson business; Air Quality Management District meeting; and the Coastal Commission meeting. (00:25:25)

Jay Humphrey, Costa Mesa, spoke on noise issues at the Fairgrounds. (00:27:51)

Tom Pollitt, Costa Mesa, spoke on pension plans. (00:30:58)

Al Melone, Costa Mesa, spoke on the dog park. (00:35:16)

Speaker, commended the Fire Department; and spoke on various topics. (00:39:06)

Ralph Taboada, Costa Mesa, spoke on funding programs at the schools. (00:42:14)

Tim Lewis, Costa Mesa, spoke on the Red Mountain Property on Harbor Blvd. (00:44:37)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:46:11)

Council Member Genis spoke on Fairview Park; pedestrian safety; the O.C. Fairgrounds noise levels; and the Red Mountain property. (00:46:11)

Council Member Monahan had no comments. (00:53:56)

Mayor Pro Tem Righeimer requested Staff look into traffic problems. (00:53:59)

Mayor Mensinger spoke on traffic problems. (00:55:02)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (00:56:22)

CEO Hatch had no report.

CONSENT CALENDAR (00:56:36)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 4.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Foley

Motions carried: 4-0-1

1. READING FOLDER

- a. Claims received by the City Clerk: Luis Silva Hernandez, Jesus Ibarra, Angela Leong, Eric Marienthal, and Maria T. Ortiz Ramirez.

ACTION:

City Council received and filed.

- 2. WARRANT RESOLUTION NO. 2551 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 16-02 "A" FOR \$11,959.83; AND 16-03 FOR \$2,111,818.90; AND CITY OPERATING EXPENSES FOR \$1,888,638.31; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

City Council approved Warrant Resolution No. 2551.

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

ACTION:

City Council approved the minutes of February 2, 2016.

- 4. ADOPT RESOLUTIONS 16-06 AND 16-07 CONSENTING THE INCLUSION OF THE CITY OF COSTA MESA PROPERTIES IN THE CALIFORNIA HOME FINANCE AUTHORITY (CHF) PACE PROGRAMS AND ASSOCIATE MEMBERSHIP IN CALIFORNIA HOME FINANCE AUTHORITY TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING AN AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO**

ACTION:

1. City Council reviewed and adopted Resolution 16-06, consenting to Inclusion of Properties within the City's Incorporated Area in the California Home Finance Authority (CHF) Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Generation, Energy Efficiency, Water Conservation and Electric Vehicle Charging Infrastructure Improvements and approving associate membership in CHF; and
2. City Council reviewed and adopted Resolution 16-07, consenting to Inclusion of Properties within the City's Incorporated Area in the California Home Finance Authority (CHF) PACE Program to Finance Renewable Energy Generation, Energy and Water Efficiency Improvements and Electric Vehicle Charging Infrastructure and approving associate membership in CHF.

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

OLD BUSINESS: (00:57:50)

1. REQUEST TO CLOSE OFF WALL OPENINGS ALONG VICTORIA STREET AND DORSET LANE (00:57:56)

Staff report and PowerPoint presentation presented by Transportation Services Manager, Raja Sethuraman. (00:58:17)

Discussion ensued on wall heights; utility boxes; the distance between the wall and curb; and review by the Bikeability and Walkability Committee. (01:05:19)

Public Comments:

Jim Erickson, Costa Mesa, spoke in favor of keeping the wall openings along Victoria West. (01:07:06)

Sandra Bangert, Costa Mesa, spoke in favor of closing off the wall openings at Meyer Place. (01:10:08)

Robert Chatwin, Costa Mesa, spoke in favor of closing off all wall openings at the Victoria Street locations. (01:13:15)

Maggie Dodge, Costa Mesa, spoke in opposition of closing the wall openings at the Victoria East and West locations. (01:15:20)

Gay Royer, Costa Mesa, spoke in opposition of closing the wall openings at the Victoria East and West locations. (01:18:03)

DeeDee RuoRock, Costa Mesa, spoke in opposition of closing the wall openings at the Victoria East and West locations. (01:20:16)

Kristina Drescher, Costa Mesa, spoke in opposition of closing the wall openings at the Victoria East and West locations. (01:22:43)

Lewis Lee Lewis, Costa Mesa, spoke in favor of closing the wall opening at Dorset Lane at Fairview Road. (01:25:08)

Martin Millard, Costa Mesa, spoke in favor of closing the wall openings at Raleigh Avenue and Dorset Lane at Fairview Road; and keeping the wall opening at the Victoria Frontage (West). (01:28:42)

Joanna Brown, Costa Mesa, spoke in favor of closing the wall opening at Dorset Lane at Fairview Road. (01:29:32)

Kimberly Clayton, Costa Mesa, spoke in opposition to the closing of the wall openings on Victoria Street. (01:30:48)

Barrie Fisher, Costa Mesa, spoke in favor of the wall closures on Placentia to Harbor but not by Victoria School. (01:33:25)

John LeVere, Costa Mesa, spoke in opposition to the wall closures; and spoke in favor of keeping the wall opening at Miner Street. (01:36:06)

Tom Steinfeld, Costa Mesa, spoke in favor of keeping open the north side wall openings. (01:38:55)

Christopher Otis, Costa Mesa, spoke in opposition to the frontage wall closures on Victoria Street; and requested larger wall openings. (01:41:57)

Tim Lewis, Costa Mesa, spoke on the homeless; unfriendly landscaping; requested larger wall openings; and requested each site be considered individually. (01:43:58)

Greg Ridge, Costa Mesa, spoke in opposition to the wall closures at the Victoria Street frontage locations. (01:46:38)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Foley

Motions carried: 4-0-1

ACTION:

City Council approved the request to close off the wall openings to pedestrian access at the following locations:

1. Raleigh Avenue (south side of Victoria Street)
2. Meyer Place (north side of Victoria Street)
4. Wallace Avenue (south side of Victoria Street)
7. Dorset Lane at Fairview Road

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

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

Nays: None

Absent: Council Member Foley

Motions carried: 4-0-1

ACTION:

City Council approved the request to close off the wall opening to pedestrian access at the following location:

3. Miner Street (north side of Victoria Street)

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Foley

Motions carried: 4-0-1

ACTION:

City Council approved to keep the wall openings to pedestrian access at the following locations:

5. Victoria Frontage (West)
6. Victoria Frontage (East)

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (02:06:13)

1. **AN ORDINANCE TO ADOPT CODE AMENDMENT CO-15-05: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO WATER EFFICIENT LANDSCAPE PLAN AND RELATED GUIDELINES (02:06:13)**

Staff report and PowerPoint presentation presented by Principal Planner, Minoo Ashabi. (02:07:06)

MOVED/SECOND: Council Member Genis/Mayor Pro Tem Righeimer
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem
Righeimer, and Mayor Mensinger
Nays: None
Absent: Council Member Foley
Motions carried: 4-0-1

ACTION:

1. City Council gave first reading to Ordinance No. 16-03, to be read by title only, and further reading waived, and adopted Code Amendment CO-15-05 amending Costa Mesa Municipal Code Title 13 Chapter VII, Landscape Standards.

MOVED/SECOND: Council Member Genis/Mayor Pro Tem Righeimer
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem
Righeimer, and Mayor Mensinger
Nays: None
Absent: Council Member Foley
Motions carried: 4-0-1

ACTION:

2. City Council adopted Resolution No. 16-05, approving an update to the Water Efficient Landscape Guidelines.

NEW BUSINESS: (02:16:20)

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-15-05) FOR A 3-UNIT DETACHED RESIDENTIAL DEVELOPMENT AT 1979 ANAHEIM AVENUE

Council Members Ex-Parte Communications – NONE (02:16:50)

Staff report and PowerPoint presentation presented by Principal Planner, Minoo Ashabi. (02:17:08)

Public Comments:

Speaker, spoke regarding insufficient parking and overcrowding on Anaheim Street; deviations; and the Small Lot Ordinance. (02:22:13)

Rick Huffman, Costa Mesa, spoke on the Mesa West Residential Ownership Urban Plan. (02:24:56)

Christopher Otis, Costa Mesa, spoke in support of the project. (02:28:01)
Discussion ensued on parking concerns. (02:28:12)

ACTION:

City Council provided feedback on proposed Urban Master Plan for a three-story, 3-unit detached residential development within the Mesa West Residential Ownership Urban Plan.

2. FINANCIAL UPDATE INCLUDING: REVIEW OF JUNE 30, 2015 CAFR, FISCAL YEAR 2015-16 MID-YEAR BUDGET REPORT, AND FIVE-YEAR FINANCIAL PLAN (02:39:07)

Staff report and PowerPoint presentation presented by Interim Finance Director, Stephen Dunivent. (02:39:38)

Discussion ensued on replenishment of the self-insurance fund; prepaying pension obligations; and certain expenses. (02:57:43)

Public Comments:

Christopher Otis, Costa Mesa, thanked Staff for hard work. (03:10:32)

Ralph Taboada, Costa Mesa, spoke on staff vacancies; supports the Fire Side Fund payment; expenses; and keeping the budget at \$115 million. (03:10:47)

Mayor Pro Tem Righeimer spoke on increasing the employee costs; prepayment pension costs; spoke in opposition to taxpayers paying the increase of pension costs; employees paying all pensions costs; and pension model. (03:18:18)

Council Member Genis spoke on the Fire Side Fund. (03:26:15)

MOVED/SECOND: Council Member Monahan/Council Member Genis

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Righeimer/

SUBSTITUTE MOTION: Move \$500,000 from the Fire Side Fund to the Library. Died for a lack of second.

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Monahan, and Mayor Mensinger

Nays: Mayor Pro Tem Righeimer

Absent: Council Member Foley

Motions carried: 3-1-1

ACTION:

1. From the June 30, 2015 CAFR report:
 - a. City Council received and filed the Comprehensive Annual Financial Report; and
 - b. City Council approved FY 15-16 budget adjustments for \$980,153 in carry over prior year encumbrances to FY 15-16; and
 - c. City Council approved a FY 15-16 budget adjustment for, and the payment of, an additional \$500,000 to further reduce the Fire Side Fund debt.

MOVED/SECOND: Council Member Monahan/Council Member Genis
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Nays: None
Absent: Council Member Foley
Motions carried: 4-0-1

2. From the FY 2015-16 Mid-year Budget report:
 - a. City Council received and filed this report; and
 - b. City Council approved recommended FY 2015-16 budget adjustments as listed, excluding Item Nos. 16 and 17 on Attachment 2G regarding the funding of cardiac monitors; and
 - c. City Council added one new full-time Community Outreach Worker to support the Costa Mesa Housing Authority Rapid Re-housing Program; and
 - d. City Council authorized a transfer of funds from the Housing Authority Fund 222 to reimburse the General Fund expenses of \$309,515 used to pay off the loan balances of the program properties on 18th Street.

MOVED/SECOND: Council Member Monahan/Council Member Genis
The motion carried by the following roll call vote:
Ayes: Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Nays: None
Absent: Council Member Foley
Motions carried: 4-0-1

3. From the Five-year Financial Plan:
 - a. City Council received and filed the five-year plan; and
 - b. City Council provided direction to staff regarding issues raised in connection with the five-year financial plan and future priorities.

ITEMS REMOVED FROM THE CONSENT CALENDAR – NONE

REPORT – CITY ATTORNEY – NONE (02:53:00)

ADJOURNMENT (02:53:06)

The Mayor and City Council adjourned at 9:34 p.m.

Minutes adopted on this 1st day of March, 2016.



Stephen M. Mensinger, Mayor

ATTEST:



Brenda Green, City Clerk