

**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, MARCH 15, 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, and Council Member Genis

Council Members Absent: Council Member Monahan

## FOR INFORMATIONAL PURPOSES ONLY

1. 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 – Correspondence received regarding Voting Rights Act.
2. 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).
3. 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).
4. Conference with legal counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. and Rock Solid Recovery 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)(2).

### **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 (arrived at 6:15 p.m.), Mayor Pro Tem Righeimer, Mayor Mensinger

Absent: None

#### **CITY ATTORNEY CLOSED SESSION REPORT**

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

City Attorney Tom Duarte stated that direction was given for Closed Session Item #1, there is no reportable action; and noted that Council Member Monahan was absent.

**CONSENT CALENDAR:**

**Items 2, 4, 6, 7 and 8 were pulled for separate consideration.**

**Items 1, 3, 5 and 9**

**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 Righheimer, and Mayor Mensinger

Nays: None

Absent: None

Motions carried: 5-0

**1. READING FOLDER**

a. Claims received by the City Clerk: Ulla J. Clair, and Nancy Smith.

**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 March 1, 2016.

**5. COMMUNITY BASED TRANSIT CIRCULATOR PROGRAM APPLICATION**

**ACTION:**

City Council adopted Resolution 16-11, approving the submittal of a grant funding application for the Costa Mesa Transit Circulator Project under the Orange County Transportation Authority's (OCTA) Measure M2 Project V – Community Based Transit Circulator Program.

**9. DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) 2016 REGIONAL CONFERENCE & GENERAL ASSEMBLY**

**ACTION:**

City Council designated Council Member Genis as the delegate for the upcoming Annual SCAG Regional Conference and General Assembly.

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

## FOR INFORMATIONAL PURPOSES ONLY

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

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2014-2018 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA)**

Mayor Mensinger and Mayor Pro Tem Righeimer recused themselves due to a potential conflict of interest and stepped down from the dais and left the Council Chambers.

**ACTION:**

1. City Council held the first public hearing regarding the proposed 2014-2018 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Police Association; and
2. City Council scheduled the second public hearing on April 19, 2016 as required by COIN.

2. **APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ZONING APPLICATION ZA-15-38 FOR A RELIGIOUS AND CULTURAL CENTER WITH A DEVIATION FROM SHARED PARKING REQUIREMENTS AT 3184 AIRWAY AVENUE, SUITE J**

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

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, and Council Member Monahan

Nays: Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: None

Motions carried: 3-2

**ACTION:**

City Council reversed the Planning Commission's decision and approved Zoning Application ZA-15-38; including incorporating into the Conditions of Approval a cap at 80 parking spaces and a requirement for a parking plan.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

**2. ANIMAL SHELTER SERVICES**

**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 Staff's recommendation to maintain the animal care sheltering services with the City's current service provider, Orange County Humane Society (OCHS), throughout the approved contractual agreement which ends January 21, 2018: authorized spending up to \$50,000 for improvements for software; part time Animal Control Officer; and monitoring the operations.

**CONTINUE NEW BUSINESS ITEMS #4 AND #5 TO A FUTURE MEETING**

**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

Motions carried: 5-0

**4. FEASIBILITY STUDY FOR LIGHTING AND SYNTHETIC TURF AT MULTIPLE LOCATIONS**

(Rescheduled to a future meeting)

**5. INCLUSION OF FINGERPRINTING (LIVESCAN) REQUIREMENT FOR COMMITTEE/COMMISSION APPOINTEES**

(Rescheduled to a future meeting)

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **WARRANT RESOLUTION NO. 2553 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-05 FOR \$2,058,461.48; AND CITY OPERATING EXPENSES FOR \$1,287,233.32; 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

Motions carried: 5-0

**ACTION:**

City Council approved Warrant Resolution No. 2553.

4. **2015 FALL FIELD AUDIT REPORT AND AMENDMENTS TO THE EXISTING FIELD USE AND ALLOCATION POLICY**

**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:**

1. City Council received and filed the 2015 Fall Field Audit Report; and
2. City Council approved amendments to the Field Use and Allocation Policy (FUAP) by the Parks and Recreation Commission to include language regarding the auditing procedure and to decrease the local residency requirement from 25% to 10% for Group 6 users.

## FOR INFORMATIONAL PURPOSES ONLY

### 6. **SMALLWOOD PARK IMPROVEMENTS PROJECT, CITY PROJECT NO. 14-13**

**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:**

1. City Council adopted plans, specifications and working details for the Smallwood Park Improvements Project, City Project No. 14-13; and
2. City Council awarded a construction contract to Micon Construction Inc., 1616 E. Sierra Madre Circle, Placentia, CA 92870, in the amount of \$298,778.00; and
3. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement.

### 7. **RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2016 ORANGE COUNTY MARATHON**

**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, and Mayor Mensinger

Nays: None

Absent: None

Abstain: Mayor Pro Tem Righeimer

Motions carried: 4-0-1

**ACTION:**

City Council adopted Resolution 16-10, designating event routes for the 2016 Orange County (OC) Marathon and approve the temporary street closures for May 1, 2016, as requested for the 2016 OC Marathon.

8. HARBOR BIKE TRAIL IMPROVEMENT PROJECT, CITY PROJECT NO. 14-14

**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

Motions carried: 3-2

**ACTION:**

1. City Council adopted plans, specifications and working details for the Harbor Bike Trail Improvement Project, City Project No. 14-14; and
2. City Council approved Budget Adjustment, BA-16-163 in the amount of \$109,000.00 towards the project; and
3. City Council awarded a construction contract to KASA Construction Inc., 15148 Sierra Bonito Lane, Chino, CA 91710, in the amount of \$962,356.00; and
4. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

**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

Motions carried: 5-0

**ACTION:**

Continue the meeting past midnight.



**3. INITIATIVE PETITION QUALIFYING FOR BALLOT; CONSIDERATION OF ADOPTING NEW ORDINANCE, OR ORDERING 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, and Mayor Mensinger

Nays: None

Absent: None

Motions carried: 5-0

**ACTION:**

- A. City Council accepted the Certificate of Sufficiency issued by the County of Orange Registrar of Voters regarding, "An Initiative To Require Voter Approval On Certain Development Projects."

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

Motions carried: 5-0

**ACTION:**

- B. City Council ordered a report pursuant to Election Code (EC) §9212 at the regular meeting at which the certification of the petition was presented.

**REPORT – CITY ATTORNEY – NONE**

**ADJOURNMENT** – The Mayor and City Council adjourned the meeting in memory of Edgar Baume at 12:23 a.m.