

**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, APRIL 19, 2016**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**CLOSED SESSION – 5:00 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**

**CLOSED SESSION – 5:00 P.M.**

**ROLL CALL**

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

Absent: None

## 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)(1).
3. Conference with Real Property Negotiator  
Pursuant to California Government Code Section 54956.8.  
Property: Vanguard – 2374 Newport Blvd., Costa Mesa, CA 92627,  
APN: 439-272-24 and 115 Santa Isabel Avenue, Costa Mesa, CA 92627,  
APN: 439-272-22; and Civic Center Park – 77 Fair Drive, Costa Mesa, CA 92628, APN: 419-151-01  
Negotiating Parties: Tom Hatch, CEO and Michaels Beals, President, Vanguard  
Under Negotiation: Price and Terms

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

#### **CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**      Council Member Foley

#### **MOMENT OF SOLEMN EXPRESSION**

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Pastor David Manne, Calvary Chapel, Costa Mesa

#### **ROLL CALL**

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

Absent:      None

#### **CITY ATTORNEY CLOSED SESSION REPORT - NONE**

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

**CONSENT CALENDAR:**

**Item 2 was pulled for separate consideration.**

**Items 1, and 3 thru 14**

**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

Motion carried: 5-0

**1. READING FOLDER**

a. Claims received by the City Clerk: Sture Davidsson

**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 April 5, 2016.

**4. RENEW ONE YEAR CONTRACT FOR MANAGED INVESTMENT SERVICES**

**ACTION:**

1. City Council renewed one (1) year term of the Professional Services Agreement (PSA) with Chandler Asset Management, Inc. (Chandler) for investment management services in an amount up to \$50,000; and

2. City Council authorized City Chief Executive Officer to execute the Amendment Number One to the Professional Services Agreement with Chandler Asset Management, Inc.

**5. PLACENTIA AVENUE BICYCLE SIGNAL IMPROVEMENTS, FEDERAL PROJECT NO. CML - 5312 (095), CITY PROJECT NO. 14-01**

**ACTION:**

1. City Council adopted the plans, specifications and working details for the Placentia Avenue Bicycle Signal Improvements, Federal Project No. CML – 5312 (095), City Project No. 14-01; and

## FOR INFORMATIONAL PURPOSES ONLY

2. City Council awarded a construction contract to Smart Tech Group, Inc., 3972 Barranca Parkway, Suite J-283, Irvine, CA 92606, in the amount of \$190,000.00; and
  3. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement.
- 6. CITYWIDE SCHOOL ZONE TRAFFIC CALMING PROJECT, FEDERAL PROJECT NO. SRTSL-5312 (090), CITY PROJECT NO. 15-04**
- ACTION:**
1. City Council adopted the plans, specifications and working details for the Citywide School Zone Traffic Calming Project, Federal Project No. SRTSL-5312 (090), City Project No. 15-04; and
  2. City Council waived the minor irregularities in the bid submitted by the apparent low bidder and award a construction contract to Asplundh Construction Group, 3972 Barranca Parkway, Suite J-283, Irvine, CA 92606, in the amount of \$442,557.00.
- 7. FINAL MAP FOR TRACT NO. 17974 LOCATED AT 261 MESA DRIVE, COSTA MESA, CALIFORNIA**
- ACTION:**  
City Council approved the Final Map for Tract No. 17974 and authorized signing of the Map by the City Clerk and the City Engineer.
- 8. FINAL MAP FOR TRACT NO. 17921 LOCATED AT 531 BERNARD STREET, COSTA MESA, CALIFORNIA**
- ACTION:**  
City Council approved the Final Map for Tract No. 17921 and authorized signing of the Map by the City Clerk and the City Engineer.
- 9. FINAL MAP FOR TRACT NO. 17800 LOCATED AT 671 W. 17<sup>TH</sup> STREET, COSTA MESA, CALIFORNIA**
- ACTION:**  
City Council approved the Final Map for Tract No. 17800 and authorized signing of the Map by the City Clerk and the City Engineer.

## FOR INFORMATIONAL PURPOSES ONLY

**10. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00134 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17198 LOCATED AT 2013-2029 ANAHEIM AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. PB10163700220) in the amounts of \$21,612.00 each for street improvements and (Certificate No. PB10163700221) for setting corner monuments in the amount of \$3,000.00 to CMA 26 Group, LLC (Developer), 16580 Aston, Irvine, California 92606.

**11. I-405 IMPROVEMENT PROJECT – COOPERATIVE AGREEMENT NO. C-5-3612**

**ACTION:**

1. City Council approved the Cooperative Agreement C-5-3612 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the I-405 Improvement Project; and
2. City Council authorized the Chief Executive Officer and City Clerk to execute the agreement; and
3. City Council authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

**12. REVISED EFFECTIVE DATE TO AN AMENDMENT OF THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE**

**ACTION:**

City Council adopted Resolution No. 16-16 approving a revised effective date to the Waste Disposal Agreement (WDA) Amendment between the County of Orange and the City of Costa Mesa to allow for the continued importation of waste at the County's three (3) landfills and to extend the terms of the WDA through June 20, 2025.

**13. OCTA SENIOR MOBILITY PROGRAM AGENCY SERVICE PLAN**

**ACTION:**

City Council approved and adopted the OCTA Senior Mobility Program Agency Service Plan.

14. PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS

**ACTION:**

1. City Council approved Amendment One of the Professional Services Agreement (PSA) with the Lilley Planning Group for an additional \$42,427.00 and extended the PSA through June 30, 2017; and
2. City Council authorized the City Chief Executive Officer to sign the Amendment to the Professional Services Agreement with the Lilley Planning Group.

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

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

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING; THE ADOPTION OF THE 2014-2018 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE ASSOCIATION (CMPA); THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTION**

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.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Mayor Pro Tem Righeimer and Mayor Mensinger

Motion carried: 3-0-0-2

**ACTION:**

1. City Council held the second Public Hearing as required by COIN.; and
2. City Council approved and adopted the 2014-2018 Memorandum of Understanding between the City of Costa Mesa and the CMPA; and
3. City Council adopted Resolution 16-17, which provides for a 3% salary increase for CMPA represented employees effective the pay periods inclusive of the adoption of the MOU, July 1, 2016 – July, 1, 2017; and

## FOR INFORMATIONAL PURPOSES ONLY

4. City Council adopted Resolution 16-18, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Officers Association. The effective date of this Resolution is inclusive of the adoption of the MOU; and
5. City Council adopted Resolution 16-19, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Officers Association. The effective date of this Resolution is June 26, 2016; and
6. City Council adopted Resolution 16-20, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Police Officers Association. The effective date of this Resolution is June 25, 2017.

### 2. **PLAN FOR COMMUNITY PARTICIPATION IN CREATION OF DISTRICT BOUNDARIES FOR DISTRICT ELECTIONS**

**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, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

#### **ACTION:**

1. City Council held a public hearing regarding City Council voting district formation and a community participation plan for gathering public input on district boundaries; and
2. City Council approved a community participation plan; and
3. City Council directed staff to implement the plan.

**OLD BUSINESS: NONE**

**NEW BUSINESS:**

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

**MOTION:** Receive and file.

**MOVED/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 Mensinger

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

**ACTION:**

City Council received and filed.

**2. APPOINTMENTS TO VARIOUS COMMITTEES**

**BIKEWAY AND WALKABILITY COMMITTEE**

**MOTION:** Appoint Russel Baldwin, Maggie Gallagher, and Cindy Brenneman

**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

Noes: Mayor Mensinger

Absent: None

Motion carried 4-1

**ACTION:**

1. City Council appointed and filled three regular member vacancies on the Bikeway and Walkability Committee to serve one-year terms (2016-2017): Russel Baldwin, Maggie Gallagher, and Cindy Brenneman.

**CULTURAL ARTS COMMITTEE**

**MOTION:** Appoint Jason Komala, Anthony S. Manrique, and Chrystal Swope as regular members and Charlene M. Ashendorf as an alternate member.

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

Noes: None

Absent: None

Motion carried 5-0



## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

2. City Council appointed and filled three regular member vacancies and one alternate member vacancy on the Cultural Arts Committee to serve two-year terms (2016-2018): Jason Komala, Anthony S. Manrique, and Chrystal Swope as regular members; and Charlene M. Ashendorf as an alternate member.

### **FINANCE ADVISORY COMMITTEE**

**MOTION:** Appoint Jeff Arthur, Robert Juneman, Richard Riva, and Ralph Taboada for two-year terms; and Tom Pollitt, Susan Tuchler, and Steve Young for one-year terms.

**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

Noes: None

Absent: None

Motion carried 5-0

**MOTION:** Appoint James R. Fislser for a one-year term and Howard Hull for a two-year term.

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

The motion carried by the following roll call vote:

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

Noes: Council Member Foley, Council Member Genis

Absent: None

Motion carried 3-2

### **ACTION:**

3. City Council appointed and filled nine regular member vacancies on the Finance Advisory Committee: Jeff Arthur, Robert Juneman, Richard Riva, Ralph Taboada, and Howard Hull to serve two-year terms (2016-2018); and Tom Pollitt, Susan Tuchler, Steve Young, and James R. Fislser to serve one-year terms (2016-2017).

### **HISTORICAL PRESERVATION COMMITTEE**

**MOTION:** Appoint Christopher Ganiere, Mary Ellen Goddard, Matthew Fletcher, George S. Nakai, and Garrett Peterson as regular members; and Dave Goodman and Susan Tuchler as alternate members.

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

Noes: None

Absent: None

Motion carried 5-0

**ACTION:**

4. City Council appointed and filled five regular member vacancies and two alternate member vacancies on the Historical Preservation Committee to serve two-year terms (2016-2018): Christopher Ganiere, Mary Ellen Goddard, Matthew Fletcher, George S. Nakai, and Garrett Peterson as regular members; and Dave Goodman and Susan Tuchler as alternate members.

**HOUSING AND PUBLIC SERVICE GRANT COMMITTEE**

**MOTION:** Appoint Leah Ersoylu, Dave Goodman, and Phillip Morello for two-year terms; and Rebecca Trahan for a one-year term.

**MOVED/SECOND:** Mayor Mensinger/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

Noes: None

Absent: None

Motion carried 5-0

**ACTION:**

5. City Council appointed and filled four regular member vacancies on the Housing and Public Service Grant Committee: Leah Ersoylu, Dave Goodman, and Phillip Morello to serve two-year terms (2016-2018); and Rebecca Trahan to serve a one-year term (2016-2017).

**PENSION OVERSIGHT COMMITTEE**

**MOTION:** Appoint Lee Ramos

**MOVED/SECOND:** Mayor Mensinger/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

Noes: None

Absent: None

Motion carried 5-0

**ACTION:**

6. City Council appointed and filled one regular member vacancy on the Pension Oversight Committee to serve a one-year term (2016-2017): Lee Ramos

**3. INCLUSIONARY HOUSING**

**MOTION:** Receive and file.

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

The motion carried by the following roll call vote:

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:**

City Council received and filed.

**4. CONSIDERATION OF CITY INITIATIVE PETITION(S) REGARDING MEDICAL MARIJUANA DISPENSARIES**

**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:**

1. City Council provided staff direction for a City Council measure to be placed on the November 2016 ballot and to include the following:
  - a) To allow manufacturing, testing labs, wholesale, [and dispensaries] North of the 405 freeway and West of Harbor; and
  - b) To allow Council to pass an ordinance regulating the details consistent with the to be adopted state medical marijuana regulations; and
  - c) To allow City Council to adopt an ordinance setting forth the precise details and the possibility of including a tax component.

5. **APPROVE RESOLUTION FOR FUNDING COMMITMENT FOR SPORTS FACILITIES CAPITAL IMPROVEMENTS TO INCLUDE NEWPORT HARBOR HIGH SCHOOL**

**MOVED/SECOND:** Council Member Foley/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 adopted the proposed resolution of support adding Newport Harbor High School to the current partnership with the Costa Mesa Community Athletic Foundation (“Costa Mesa United”) that includes a funding commitment for capital improvements of sports facilities at Estancia and Costa Mesa High Schools; and
2. City Council authorized the CEO to execute any agreement of amendment to the existing agreement with Costa Mesa United for a Capital Improvement Grant Program to include Newport Harbor High School, and to execute and administer any other agreement, in a form approved by the City Attorney’s office, as needed to carry out the resolution and City Council direction.

**SUBSTITUTE MOTION:** All three schools (Estancia, Costa Mesa, and Newport Harbor) share equal funding of the \$75,000 and authorize funding come from 2016-2017 budget.

**SUBSTITUTE MOTION/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

Substitute Motion carried: 5-0

**ACTION:**

3. City Council authorized all three schools (Estancia, Costa Mesa, and Newport Harbor) share equal funding of the \$75,000 and authorize funding come from 2016-2017 budget.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**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

Motion carried: 5-0

2. **WARRANT RESOLUTION NO. 2555 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 16-07 "A" FOR \$1,528.00; and 16-08 FOR \$2,133,964.28; AND CITY OPERATING EXPENSES FOR \$1,475,138.93; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

City Council approved Warrant Resolution No. 2555.

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor and City Council adjourned the meeting at 10:11 p.m.