

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL, HOUSING  
AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

**September 6, 2016**

**CALL TO ORDER**

The Closed Session meeting was called to order by the Mayor at 5:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**ROLL CALL**

Council Members Present: Council Member Foley, Council Member Genis,  
Council Member Monahan (arrived at 5:10 p.m.),  
Mayor Pro Tem Righeimer and Mayor Mensinger  
Council Members Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

NONE

**CLOSED SESSION**

The City Council recessed into Closed Session at 5:04 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: The Kennedy Commission, et al vs. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2016-00832585-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
2. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al., v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC, pursuant to California Government Code Section 54956.9(d)(4).
3. Threat to Public Services or Facilities  
Security Briefing by Rob Sharpnack, Chief of Police  
Pursuant to California Government Code Section 54957(a).

The City Council reconvened at 5:50 p.m.

**CALL TO ORDER (00:00:07)**

The meeting was called to order by the Mayor at 5:50 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

**PLEDGE OF ALLEGIANCE (00:00:19) – Council Member Monahan**

**MOMENT OF SOLEMN EXPRESSION (00:00:49)**

Pastor David Manne, Calvary Chapel, Costa Mesa

**ROLL CALL (00:02:04)**

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

Absent: None

Officials Present: Chief Executive Officer Tom Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Richard Francis, Assistant Chief Executive Officer Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Interim Public Services Director Jim Ross, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:02:30)**

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

City Attorney Duarte reported on Closed Session item number 1, The Kennedy Commission, et al vs. City of Costa Mesa, on which the City Council directed staff to appeal the court's order granting petitioner's preliminary injunction, on a vote of 3-2, with Council Member Foley and Council Member Genis voting no.

City Attorney Duarte reported that in regards to Jeffrey Horn vs. City of Costa Mesa, on June 14, 2016, by a vote of 5-0, the City Council approved a settlement agreement wherein the City of Costa Mesa agreed to pay the plaintiff \$200,000 and in exchange the plaintiff agreed to dismiss the City.

**ANNOUNCEMENTS (00:03:08)**

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

**PRESENTATIONS: (00:05:15)**

Mayor's Award – Mayor's Cup Little League All Star Teams

Mayor Mensinger congratulated and presented the Mayor's cup to the 2016 Costa Mesa American and National Little League All-Star Teams.

**PUBLIC COMMENTS (00:16:19)**

Beth Refakes, Costa Mesa, spoke on the Military Affairs Team's request for ball gown donations; requested a status on the Council Chambers and Fire Station No. 1 upgrades; and thanked Council Member Foley and Mayor Pro Tem Righeimer for holding citizen meetings. (00:17:07)

Speaker, spoke on public records requests; ordinances; comments at Council meetings; and attorney fees. (00:19:39)

Linda Dean, Costa Mesa, spoke on parking issues on Coolidge Street. (00:22:51)

Alex Reich, Costa Mesa, spoke on density and growth management; burrowing owls; his attendance at the Responsible Desalination event; and invited the public to the Coastal Commission meeting on September 7, 2016. (00:25:20)

Tamar Goldmann, Costa Mesa, spoke in opposition to the Neighborhood Community Center's demolition. (00:27:25)

Kim Hendricks, Costa Mesa, spoke in support of Measure AA regarding Fairview Park. (00:30:05)

Speaker, spoke on the writ by Ms. Egan regarding Measure Y; in support of Measure AA; and public comments at Council meetings. (00:33:12)

Cynthia McDonald, Costa Mesa, spoke on the writ by Ms. Egan regarding Measure Y; in support of Measure Y; and campaign donations. (00:36:06)

Kirokiro, spoke on adding bike lanes at 19<sup>th</sup> Street and on housing for homeless individuals. (00:38:26)

Speaker, spoke on the City Council race and the Coastal Commission meeting on September 7, 2016. (00:40:17)

Public Comments Closed

## **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:43:11)**

Council Member Monahan – none (00:43:13)

Mayor Pro Tem Righeimer spoke on parking solutions for Coolidge Street; and temporary meeting arrangements for user groups of the Neighborhood Community Center facility. (00:43:22)

Assistant CEO Letourneau spoke on the City's effort of locating temporary meeting space for user groups. (00:45:15)

Mayor Mensinger requested CEO Hatch address Council Chambers and Fire Station No. 1 upgrades. (00:47:00)

Council Member Foley thanked staff for the Get Connected forum; spoke on parking issues; announced that her next meeting will address the library, skate park and sober living homes issue; and requested the costs for Rutan & Tucker for the writ on Measure Y. (00:47:33)

Council Member Genis spoke on parking solutions for Coolidge Street; grants for restoration at Fairview Park; watering trees; writs addressed by the court; and spoke on a campaign committee. (00:54:15)

## **REPORT – CHIEF EXECUTIVE OFFICER (CEO) – (00:58:30)**

CEO Hatch provided updates on the mosquito issue in Fairview Park, Council Chambers, and Fire Station No. 1 upgrades; capturing grants; and watering trees. (00:58:30)

## **CONSENT CALENDAR (01:02:38)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 5 and 7. (01:02:50)

**MOVED/SECOND:** Council Member Monahan/Mayor Mensinger (01:03:03)

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: Steven C. Chan, Katherine Crawford, Maria Santos De Lucas, Rex Hardesty, Maria Guadalupe Ramos, and Roya Tabarзад.

**ACTION:**

City Council received and filed.

**2. WARRANT RESOLUTION NO. 2562 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-15 "A" FOR \$606.54, 16-16 FOR \$2,239,878.28, 16-16 "A" FOR \$1,814.10, and 16-17 FOR \$2,284,356.61; AND CITY OPERATING EXPENSES FOR \$4,073,317.03; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

City Council approved Warrant Resolution No. 2562.

**3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF AUGUST 2, 2016**

**ACTION:**

City Council approved the minutes of August 2, 2016.

**4. 2013-2014 STREET REHABILITATION PROJECT, CITY PROJECT NO.13-16**

**ACTION:**

1. City Council accepted the work performed by R.J. Noble Company, and authorized the City Clerk to file the Notice of Completion; and
2. Authorized the release of the Labor and Material Bond seven (7) months after filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

**6. FINAL MAP FOR TRACT NO. 17791 LOCATED AT 2661 ORANGE AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council approved the Final Map for Tract No.17791 and authorized signing of the Map by the City Clerk and City Engineer.

**8. EXTENSION OF EXISTING PROFESSIONAL SERVICES AGREEMENT WITH MANAGEMENT PARTNERS FOR DEVELOPMENT-RELATED CONSULTING SERVICES AND INTERIM MANAGEMENT ASSISTANCE**

**ACTION:**

1. City Council approved Amendment One to the existing Professional Services Agreement with Management Partners Inc. to perform consulting services and interim management assistance on an hourly basis in an additional amount not to exceed \$200,000 and extend the term of the agreement through December 30, 2017; and
2. Authorized the Chief Executive Officer and City Clerk to execute the amendment; and
3. Authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

**9. PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP FOR BUILDING OFFICIAL SERVICES**

**ACTION:**

1. City Council approved the Professional Services Agreement with Interwest Consulting Group to perform Building Official services in an amount not to exceed \$150,000;
2. Authorized the Chief Executive Officer and City Clerk to execute the agreement; and
3. Authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

**10. BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE**

**ACTION:**

City Council approved Resolution No. 16-69, to be read by title only and waived further reading, entitled, "A Resolution of the City Council of the City of Costa Mesa, California, revising the list of designated positions for the City's Conflict of Interest Code."

**11. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR REZONE R-15-01 AND PLANNING APPLICATION PA-15-30 FOR A SELF-STORAGE FACILITY AND RETAIL BUILDING AT 375 BRISTOL STREET**

**ACTION:**

1. City Council approved Amendment One to the Professional Services Agreement in the amount of \$4,480 with a new contract total amount not to exceed \$54,470 for Environmental Sciences Associates (ESA) with a term expiring on October 31, 2017; and
2. Authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

**12. ANNUAL REVIEW OF THE CURRENT HOUSING ELEMENT AND FINAL REVIEW OF THE PREVIOUS GENERAL PLAN PURSUANT TO STATE LAW**

**ACTION:**

City Council approved 2015 Annual Report of the 2002 adopted Costa Mesa General Plan.

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

**NEW BUSINESS: (01:03:50)**

**1. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2016 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE (01:03:57)**

Kelly Shelton, Executive Assistant to the CEO, presented Staff Report. (01:04:10)

No public comments on this item.

**MOVED/SECOND:** Council Member Monahan/Council Member Foley (01:05:50)

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 designated Mayor Mensinger as Costa Mesa's voting delegate and Mayor Pro Tem Righeimer and Council Member Genis as voting delegate alternates for the 2016 League of California Cities Annual Conference.

**ITEMS REMOVED FROM THE CONSENT CALENDAR: (01:06:20)**

**5. APPROVE A RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FROM THE YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM FOR THE JACK HAMMETT SPORTS COMPLEX TURF REPLACEMENT PROJECT (01:06:27)**

Council Member Foley recused herself and left the dais due to her property being within a 500-foot radius. (01:06:35)

No public comments on this item.

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Righeimer (01:06:58)

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: None

Abstain: Council Member Foley

Motion carried: 4-0-0-1

**ACTION:**

1. City Council adopted Resolution No. 16-68, for the submittal of a grant application to the California Department of Parks and Recreation, Youth Soccer and Recreation Development Program, for the Jack Hammett Sports Complex Turf Replacement Project; and

2. Authorized the Public Services Director as the City's authorized representative.

**7. AMENDMENTS TO THE EXISTING FIELD USE AND ALLOCATION POLICY (01:07:10)**

Council Member Genis expressed concern on not having a majority of Costa Mesa residents in user groups. (01:07:13)

Justin Martin, Recreation Manager, clarified allocation of fields among the user groups and user group numbers. (01:11:00)



Discussion ensued on revisiting the policy; managing user groups; and user groups' permits. (00:12:15)

Public Comments:

Wendy Leece, Costa Mesa, spoke on defining Costa Mesa youth in the user groups and working with the City of Newport Beach on solutions. (01:16:55)

Public Comments Closed.

Council Member Genis requested clarification on percentage data of local residents using fields. (01:19:36)

Discussion ensued on user groups percentages; and school board policy changes that conflict with the Joint Use Agreement. (01:23:25)

Recreation Manager Martin spoke on the changes in the hours and working with the school district to make reasonable accommodations for user groups. (01:28:00)

Council Member Foley requested including language that would allow staff to audit if necessary. (01:29:44)

Council Member Monahan expressed support in including language that would allow staff to audit if necessary as field checks are conducted. (01:29:55)

Council Member Foley spoke on working with the school district and the City of Newport Beach. (01:29:44)

**MOVED/SECOND:** Council Member Monahan/Mayor Mensinger (01:19:25)

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 the amendments to the existing Athletic Field Use and Allocation Policy (FUAP), which include the addition of a code of conduct and other minor language changes.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): (01:32:35)**

**1. NORTH COSTA MESA SPECIFIC PLAN AMENDMENT (SP-16-01) RELATED TO HOME RANCH SITE, 3350 AVENUE OF THE ARTS AND SAKIOKA LOT 2 (01:32:40)**

Mino Ashabi, Principal Planner, presented Staff Report. (01:33:00)

Discussion ensued on a development agreement; entitlements; and trip generation. (01:39:00)

No public comments on this item.

Council Member Genis inquired if the trip increase was included in the current General Plan update. (01:46:30)

Raja Sethuraman, Transportation Services Manager, clarified that the 60 daily trip increase was included in the General Plan. (01:47:30)

**MOVED/SECOND:** Council Member Monahan/Mayor Mensinger (01:48:58)

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 adopted Resolution Nos. 16-70 and 16-71 to approve the proposed amendment.

**2. FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT DA-00-01 (DA-16-03) FOR HOME RANCH (01:50:50)**

Ex-Parte Communications Report: (01:51:10)

Mayor Mensinger spoke to Justin McCusker, applicant. (01:51:45)

Mayor Pro Tem Righeimer spoke to Justin McCusker, applicant. (01:51:45)

Council Member Genis had a communication by email with Justin McCusker, applicant. (01:51:50)

Mino Ashabi, Principal Planner, presented Staff Report. (01:52:10)

Council Member Foley inquired on the \$500,000 dollar commitment towards construction site improvements of a fire station. (2:00:15)

Justin McCusker, applicant representing C.J. Segerstrom and Sons, spoke on prepayment of fees including the construction costs for a fire station. (02:01:55)

Discussion ensued on no timeline to build a fire station. (02:03:15)

Discussion ensued on the historical home site. (02:04:40)

Council Member Foley requested staff prepare a summary for each amendment made to the agreement. (02:09:35)

No public comments on this item.

**MOVED/SECOND:** Council Member Monahan/Mayor Mensinger (02:10:05)

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. 16-08, approving the Fourth Amendment to the Home Ranch Development Agreement.

**REPORT – CITY ATTORNEY – NONE**

**ADJOURNMENT** - The Mayor adjourned the meeting at 8:01 p.m.

Minutes adopted on this 20<sup>th</sup> day of September, 2016.

  
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Stephen M. Mensinger, Mayor

ATTEST:

  
\_\_\_\_\_  
Brenda Green, City Clerk