

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL, AND
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

APRIL 16, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS None

CLOSED SESSION

The City Council recessed into closed session at 5:02 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPOA), Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: Costa Mesa Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to Government Code Section 54956.9(a).

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

PLEDGE OF ALLEGIANCE - Council Member Wendy Leece

MOMENT OF SOLEMN EXPRESSION

Elder Robert Van Sweden, Church of Christ of Latter-day Saints (00:06:11)

ROLL CALL (00:06:13)

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Peter Naghavi, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT None

ANNOUNCEMENTS (00:06:13)

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

PRESENTATIONS (00:06:15)

Mayor's Award – Art and Mary Ellen Goddard (Costa Mesa Historical Society)

Mayor Righeimer recognized Mr. and Mrs. Goddard for their service on the Costa Mesa Historical Society. Mr. Goddard provided a PowerPoint presentation on Costa Mesa's history.

Dave Kiff, Newport Beach City Manager provided an update on the status of negotiations on the flight regulations at John Wayne Airport.

PUBLIC COMMENTS (00:27:42)

Anna Reagan, Costa Mesa, spoke positively regarding Bethel Towers and thanked staff for moving the project forward. (00:27:46)

Jay Humphrey, Costa Mesa, spoke regarding a vacant house in his neighborhood and expressed his concern on potential public health issues. (00:29:11)

Al Melone, Costa Mesa, spoke in support of banning fireworks, and expressed concern on the maintenance at the small dog park, and grass clippings that are left behind. (00:31:24)

Beth Refakes, Costa Mesa, spoke in support of extending the curfew at the John Wayne airport, indicated that she is pleased with the rehabilitation of the sidewalks, and requested added security for the 60th Anniversary event due to the Boston marathon tragedy. (00:34:09)

Greg Thunnel, Costa Mesa, spoke regarding the ABLE Helicopter program. (00:36:00)

John Feeney, Costa Mesa, suggested the City to be cautious regarding the John Wayne Airport negotiations and expressed opposition to building more apartments in the City. (00:39:25)

James Bridges, Costa Mesa, spoke regarding traffic accidents in the South Coast Metro area and time sensitive commitments in the City of Costa Mesa. (00:41:29)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Sandra Genis inquired on the status of questions submitted to Joe Nation; and requested the City to recruit businesses that are unique for the City. (00:43:00)

Council Member Wendy Leece provided information on the Senior Center Daily Activities and programs; requested for servers to be trained on serving alcohol at events; requested the CDBG fund reports be available in the office on the 5th floor for review; was pleased to announce the Red Hill Avenue Rehabilitation project; and encouraged the public to read Kelly's Crime Corner. (00:45:25)

Mayor James M. Righeimer spoke on the ABLE helicopter program; spoke in support of the Red Hill Avenue Rehabilitation project and upcoming projects in the City; requested an ordinance to recuperate costs for police and fire calls at motels; and announced the first Mayors Dinner on April 25th to raise monies for the arts. (00:50:37)

Mayor Pro Tem Steven Mensinger spoke regarding the naming of a bridge, and asked to make it part of the 60th Anniversary celebration; requested the address of the home that has a mosquito problem to forward that information to the Vector Control Agency. (01:00:27)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:01:40)

CEO Thomas Hatch announced an upcoming Study Session meeting on April 23rd at 4:30 p.m. regarding the possibility of a City Charter; reported that he met with representatives from Congressman Rohrabacher's office on securing home funds; commended departments for their work on Bethel Towers; announced a Community Run on June 2, 2013; announced the Fire Deployment Model will be on the May 7, 2013 agenda; announced the Goal Setting Study Sessions with Council and the Commissions will be held on May 13, 2013 and May 14, 2013 at 4:30 p.m.; announced an upcoming General Plan Kick-Off Meeting to be held on May 15, 2013; invited the community to attend a Town Hall meeting on the 60th Anniversary event on May 16, 2013; responded to Council Member Leece's request that training will be conducted on alcohol issues.

City Clerk Brenda Green introduced new Deputy City Clerk Patricia Bravo-Valdez.

CONSENT CALENDAR (01:07:58)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 4 through 7, 11 and 14.

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Wendy Leece
The motion carried unanimously.

1. READING FOLDER

a. Requests for Alcohol Beverage Control licenses:

1. For Octopus Restaurant Costa Mesa, Inc., dba H2O Sushi & Izakya, at 1870 Harbor Boulevard, Suite A-100, a premise-to-premise-transfer and a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
2. For SWH Mimi's Café, LLC, dba Mimi's Cafe, at 1835 Newport Boulevard, Unit F, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place). Recommendation: Receive and file.
3. For Komkrich Suwannaseang, dba Thai 1, at 560 W. 19th Street, Unit C, a person-to-person State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).

ACTION: Received and processed.

- 2. WARRANT RESOLUTION 2467: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-06A AND 13-07 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-06A for \$560.28, Payroll No. 13-07 for \$2,015,563.28 and City operating expenses for \$1,046,661.23, including payroll deductions.**

ACTION: Approved.

- 3. WARRANT RESOLUTION 2468: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \$456,749.80.**

ACTION: Approved

- 8. 17TH STREET AND VICTORIA STREET TRAFFIC SIGNAL SYNCHRONIZATION PROJECT**

ACTION: Approved; authorized the Mayor and the City Clerk to sign.

- 9. AWARD TWO YEAR CONTRACT FOR ANNUAL INDEPENDENT FINANCIAL AUDIT SERVICES**

ACTION: Approved; authorized the Chief Executive Officer to sign.

- 10. ADOPT GUIDELINES ALLOWING RETIRING PEACE OFFICERS TO PURCHASE THEIR DEPARTMENT ISSUED SERVICE WEAPON**

ACTION: Approved.

12. **REQUEST FOR SALE, SERVICE AND CONSUMPTION OF ALCOHOL AT FAIRVIEW PARK FOR ANNUAL FISH FRY.**

ACTION: Approved.

13. **REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AT TEWINKLE PARK FOR ONE-DAY CHARITY EVENT.**

ACTION: Approved.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:08:56)

4. **PARKWAY CONCRETE REPAIR PROJECT (AREA 29), CITY PROJECT NO. 12-21.**

ACTION: Approved; authorized the Chief Executive Officer and City Clerk to sign.

5. **2012-2013 STREET REHABILITATION PROJECT (AREA 29), CITY PROJECT NO. 13-01.**

ACTION: Approved; authorized the Mayor and City Clerk to sign.

6. **RED HILL AVENUE REHABILITATION PROJECT (FROM BRISTOL STREET TO PAULARINO AVENUE), CITY PROJECT NO. 13-02.**

ACTION: Approved; authorized the Mayor and City Clerk to sign.

7. **BAKER STREET AND PLACENTIA AVENUE TRAFFIC SIGNAL SYNCHRONIZATION PROJECT.**

ACTION: Approved; authorized the Mayor and City Clerk to sign.

Martin H. Mallard, Costa Mesa, expressed concerns with monies being spent on redevelopment and street rehabilitation.

Public Services Director Ernesto Muñoz explained the funding sources for the rehabilitation of streets.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 4 through 7.

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

The motion carried unanimously.

11. RESOLUTION ADOPTING CITY COUNCIL TICKET POLICY GOVERNING THE RECEIPT AND DISTRIBUTION OF TICKETS IN CONFORMANCE WITH THE CALIFORNIA CODE OF REGULATIONS § 18944.1 (01:12:53)

Robin Leffler, Costa Mesa, expressed concerns on tickets purchased for charity events for Council Members. (01:13:00)

City Attorney Thomas Duarte explained the FPPC ticket policy requirement and indicated that reporting requirements can continue to be posted on the City's website.

MOTION: Approve.

MOVED/SECOND: Mayor Pro Tem Mensinger/Councilmember Leece
The motion carried unanimously.

14. PARTICIPATION IN ECONOMIC DEVELOPMENT CONFERENCE. (01:18:12)

Council Member Leece indicated that she did not receive feedback from contacts generated last year and requested feedback from this years' conference.

Discussion continued regarding attendance and costs for Council Members and City staff.

Beth Refakes, Costa Mesa, indicated that the City needs to attract businesses that are unique to Costa Mesa, and asked for information on tax revenue generated out of business trips. (01:26:19)

Robin Leffler, Costa Mesa, spoke on business license fees and indicated that she would like to see a report from last year and for this upcoming year. (01:28:34)

James Bridges, Costa Mesa, requested a budget report. (01:30:06)

Martin H. Mallard, Costa Mesa, commented on attracting businesses in the City and indicated that he supports low business license fees. (01:30:55)

John Feeney, Costa Mesa, opposes the current City Sign Ordinance. (01:33:20)

Mayor Righimer spoke regarding signage requirements on the 55 freeway; projects in the City due to attendance at ICSC; and spoke on parking standards for sit down restaurants. (01:34:00)

Mayor Pro Tem Mensinger spoke on fast food businesses in the City because of Orange Coast College.

MOTION: Approve.

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried unanimously.

PUBLIC HEARINGS

None

OLD BUSINESS

None

NEW BUSINESS

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-02) FOR 22 ATTACHED LIVE/WORK UNITS WITHIN THE 19TH WEST URBAN PLAN (01:39:41)

Staff report presented by Ms. Mino Ashabi, Principal Planner.

Discussion ensued between Council and Staff on parking garage requirements, access to parking lots, parking spaces, access roads, parkway improvements, live/work concerns and inspections.

Ken Benson, Intracorp, addressed the concerns on the work space units and parking requirements, and indicated that the conditions are in the CC&R's and regulated through the Homeowners Association. (01:51:00)

Harold Weitzberg, Costa Mesa, spoke in support of the project but expressed concern with parking for larger vehicles. (1:59:59)

Ms. Ashabi indicated the restrictions are in the CC&R's.

Jay Humphrey, Costa Mesa, expressed concerns with the work area. (02:01:41)

Martin H. Mallard, Costa Mesa, expressed concerns that in the future the units would become rental properties. (02:03:50)

Eleanor Egan, Costa Mesa, indicated that the live/work plans do not resemble the vision of previous Planning Commissions; and expressed concerns with families living in the units surrounded by an industrial area. (02:04:49)

Robin Leffler, Costa Mesa, expressed concerns on the property becoming rental units; on the size of the garages; and on density issues. (02:07:16)

Peter Lauener, Intracorp, addressed comments regarding density; spoke regarding highlights in the project; and clarified the den is not in the work area. (02:10:20)

Discussion ensued on the type of work that will be conducted in the units. Staff explained the process as it relates to this item.

ACTION: City Council provided feedback for the project.

**2. APPOINTMENTS TO VARIOUS COUNCIL-APPOINTED COMMITTEES AND BOARDS
(02:15:21)**

Staff report presented by Brenda Green, City Clerk.

Council Member Monahan asked if the three current members on the Costa Mesa Senior Center Board reapplied.

City Clerk Brenda Green indicated that the three did not reapply.

Ernie Feeney, Costa Mesa, spoke on the Senior Center Board applications; read into the record a letter from previous Mayor Gary Monahan stating that a \$500.00 donation is not a requirement; and recommended Barbara Echan to the Senior Committee. (02:18:10)

Discussion ensued regarding the \$500.00 donation not being a requirement to serve on the Senior Center Board.

Jeff Arthur, Costa Mesa, spoke regarding his application to the Pension Oversight Committee. (2:33:00)

Mayor Righeimer indicated that the Committee liaisons will make the nominations.

Committee/Board Rosters and Applications (02:24:27)

a. Cultural Arts Committee

Council Member Sandra Genis nominated the following individuals to the Cultural Arts Committee:

Kathleen Eric, Lisa Grant, Frank Gutierrez, Eduardo Iniestra, Monica Morita, Debora Wondercheck, and Alan Remington (Alternate)

MOTION: Approve.

MOVED/SECOND: Council Member Genis/Council Member Monahan
The motion carried unanimously.

b. Historical Preservation Committee (02:28:00)

Council Member Leece nominated the following individuals to the Historical Preservation Committee and requested to continue to advertise for two members:

Rich Cantillon, Pamela G. Crenshaw, Dave Gardner, and Gary Parkin

MOTION: Approve and advertise for one regular and two alternate members

MOVED/SECOND: Council Member Leece/Council Member Genis
The motion carried unanimously.

c. Housing and Public Service Grant Committee (02:30:00)

Mayor Pro Tem Mensinger nominated the following individuals to the Housing and Public Service Grant Committee:

Denise R. Dew-Bennett, Brett D. McDonell, Christian Eric, Eric Vu, Jeff Mathews, and Yvonne Rowden

MOTION: Approve.

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Leece
The motion carried unanimously.

d. Pension Oversight Committee (02:36:00)

Mayor Righeimer appointed himself as liaison to the Pension Oversight Committee. The City Council nominated the following individuals to the Pension Oversight Committee:

Council Member Leece nominated Teresa Drain

MOVED/SECOND: Council Member Leece/ Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Council Member Genis nominated Ralph Taboada

MOVED/SECOND: Council Member Genis/ Council Member Monahan

The motion carried unanimously.

Mayor Righeimer nominated Jeff Arthur

MOVED/SECOND: Mayor Righeimer/ Mayor Pro Tem Mensinger

The motion carried unanimously.

Mayor Pro Tem Mensinger nominated Gene Hutchins

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

The motion carried unanimously.

Council Member Monahan nominated Rick Kapko

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

The motion carried unanimously.

Council Member Leece nominated Charles Mooney

MOVED/SECOND: Council Member Leece/ Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Council Member Genis nominated James Bridges
MOVED/SECOND: Council Member Genis/ None
Motion died due to lack of a second

Mayor Righeimer nominated Kent Mora
MOVED/SECOND: Mayor Righeimer/Council Member Monahan
The motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan and Council Member Genis
Noes: Council Member Leece
Motion carried 4-1

Mayor Pro Tem Mensinger nominated Timothy Sesler
MOVED/SECOND: Mayor Pro Tem Mensinger/ Council Member Monahan
The motion carried unanimously.

Council Member Monahan nominated Shawn Dewane
MOVED/SECOND: Council Member Monahan/ Mayor Pro Tem Mensinger
The motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan
Noes: Council Member Genis/Councilmember Leece
Motion carried 3-2

Council Member Leece nominated John Stephens
MOVED/SECOND: Council Member Leece/Council Member Monahan
The motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Council Member Monahan, Council Member Leece, and Council Member Genis
Noes: Mayor Pro Tem Mensinger
Motion carried 4-1

Council Member Genis nominated Jay Humphrey
MOVED/SECOND: Council Member Genis/Council Member Leece
The motion failed by the following roll call vote:
Ayes: Council Member Genis and Council Member Leece
Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan
Motion failed 2-3

Mayor Righeimer nominated Gary Parkin
MOVED/SECOND: Mayor Righeimer/Councilmember Leece
The motion carried unanimously.

e. Fairview Park Citizens Advisory Committee (02:47:10)

Mayor Righeimer appointed Mayor Pro Tem Mensinger to serve as liaison and Council Member Genis to serve as alternate liaison to the Fairview Park Citizens Advisory Committee.

The City Council nominated the following individuals to the Fairview Park Citizens Advisory Committee:

Council Member Leece nominated William M. Burke

MOVED/SECOND: Council Member Leece/Councilmember Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Councilmember Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Council Member Genis nominated Dr. Richard J. Mehren

MOVED/SECOND: Council Member Genis/ Council Member Leece

The motion carried by the following roll call vote:

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

Noes: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried 3-2

Mayor Righeimer nominated Terry T. Cummings

MOVED/SECOND: Mayor Righeimer/Council Member Monahan

The motion carried unanimously.

Mayor Pro Tem Mensinger nominated Brett Eckles

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

The motion carried unanimously.

Council Member Monahan nominated Steve Smith

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

The motion carried unanimously.

Council Member Leece nominated Jay Litvak

MOVED/SECOND: Council Member Leece/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Council Member Genis nominated Judith M. Gielow

MOVED/SECOND: Council Member Genis/Council Member Leece

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Mayor Righeimer nominated Anna Vrska

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: Council Member Monahan

Motion carried 4-1

Mayor Pro Tem Mensinger nominated Ron Amburgey

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

The motion carried by the following roll call vote:

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

Noes: Council Member Genis

Motion carried 4-1

Council Member Monahan nominated David J. Stiller

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Noes: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried 3-2

Council Member Leece nominated Laura Rakunas to serve as an alternate member

MOVED/SECOND: Council Member Leece/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Council Member Genis nominated Stephanie Remington to serve as an alternate member

MOVED/SECOND: Council Member Genis/Council Member Leece

The motion failed by the following roll call vote:

Ayes: Council Member Leece and Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan

Motion failed 2-3

Mayor Righeimer nominated Lee Ramos to serve as an alternate member

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried unanimously.

Mayor Pro Tem Mensinger nominated Dennis Popp to serve as an alternate member

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

The motion carried unanimously.

f. Costa Mesa Senior Corporation Board of Directors (03:01:00)

Council Member Genis requested staff to re-advertise for Senior Center Board members due to the miscommunication regarding the annual donation.

MOVED/SECOND: Council Member Genis/Council Member Monahan
The motion carried unanimously.

Council Member Monahan requested letters be sent to the members and applicants clarifying that an annual donation of \$500 is not a requirement.

Mayor Righeimer appointed Council Member Leece to serve as liaison to the Senior Center Corporation Board of Directors.

g. Extend all remaining October 2013 term expirations to April 2014 to comply with Council Policy 000-2.

MOTION: Approve.

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger
The motion carried unanimously.

Council Member Leece requested the annual reports from the Commissions and Committees according to Council Policy 000-2.

CEO Hatch indicated that a note will be sent to Commissions and Committees.

REPORT – CITY ATTORNEY None

The Mayor adjourned the meeting at 9:15 p.m.

MAYOR

Brenda Green

CITY CLERK