

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

**January 8, 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 5:05 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 Police Association (CMPA), Costa Mesa Police Management Association (CMPMA), 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).
3. Conference with legal counsel, regarding existing litigation: John Doe v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV12-1665-AG(RNBx), pursuant to Government Code Section 54956.9(a).
4. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one potential case.

The Council ended Closed Session at 5:50 p.m..

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

**CALL TO ORDER (00:00:10)**

**COLOR GUARD PRESENTATION (00:00:33)**

**PLEDGE OF ALLEGIANCE - Mayor Righeimer (00:01:37)**

**MOMENT OF SOLEMN EXPRESSION (00:02:37)**

Pastor Dave Manne, Calvary Chapel

**ROLL CALL (00:04:45)**

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 CEO Rick Francis, Acting Economic and Development Services Director Claire Flynn, Public Services Director Ernesto Munoz, Transportation Services Manager Raja Sethuraman, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT - NONE**

**ANNOUNCEMENTS (00:05:02)**

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

**PRESENTATIONS (00:08:25)**

Officer Jon Smith, Army Reserve recognition (00:08:31)

Arturo Hernandez and Gerald Rodriguez, hero recognition (00:11:52)

Estancia High School football team, 2012 Battle of the Bell winner recognition (00:16:42)

**PUBLIC COMMENTS (00:31:34)**

Robert Graham, Costa Mesa, spoke about a trail and stairs at the end of Canary Drive (00:32:25)

Jim Jordan, Costa Mesa, spoke about Snoopy House. (00:36:24)

Anna Reagan, Costa Mesa, spoke on the renovation at Bethel Towers. (00:42:46)

John Feeney, Costa Mesa, spoke about the Charter Committee. (00:46:42)

Terry Shaw, Costa Mesa, announced upcoming Historical Society events. (00:48:09)

James Proctor, Costa Mesa, spoke on the Master Plan; voter fraud; and the Secret Service. (00:51:02)

Tanya Hendricks, Costa Mesa, spoke on the Fairview Park Master Plan. (00:53:13)

Jay Humphrey, Costa Mesa, commented on the Charter Committee. (00:57:07)

Jay Photoglou, Costa Mesa, spoke on his traffic stop. (00:58:04)

Chris McEvoy, Costa Mesa, spoke about a recall petition. (01:02:17)

Terry Koken, Costa Mesa, commented on meeting decorum and free speech. (01:03:23)

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:04:46)**

Mayor Rigeimer spoke on the Charter process; and the Mayor's Award. (01:04:55)

Mayor Pro Tem Mensinger spoke about Snoopy House; requested updates regarding Bethel Towers, Lions Park and homeless issues; directed staff to evaluate issues at Fairview Park, research cost of stairs at end of Canary Drive, present report to reestablish Fairview Park Citizens Advisory Committee, and requested ideas for the Costa Mesa Golf Course. (01:05:40)

Council Member Genis thanked staff for financial report copies; spoke on Fairview Park Advisory Committee; commissioner appointment process; and meeting decorum. (01:09:17)

Council Member Leece spoke on the Military Banner Project; small business seminar; West Nile Virus; public safety; pension; charter; business in Costa Mesa; and 60th Anniversary Celebration. (01:11:40)

Council Member Monahan expressed support of the Mayor's Award. (01:18:26)

### **REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:18:52)**

CEO Hatch spoke regarding School Resource Officer program; Fairview Park Grand Opening; warrant registers online; Special Events Committee; staff "Listening Process"; "Brown Bag" process; disaster preparedness plan; upcoming study sessions; and Sandy Hook tragedy. (01:18:54)

**CONSENT CALENDAR (01:31:56)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for Items 2, 3, 5 and 6.

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**1. READING FOLDER**

- (a) Claims received by the City Clerk: Olga Riga; Judy Ruth Mullin, Lawrence Arthur; Colin Vaught; Antonio Arzate.

**ACTION:** Received and filed

- 4. WARRANT RESOLUTION 2451: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-25 SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-25 for \$1,989,414.12, and City operating expenses for \$679,624.95, including payroll deductions.**

**ACTION:** Approved

- 7. WARRANT RESOLUTION 2454: 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 \$453,699.45.**

**ACTION:** Approved

- 8. REQUEST FOR "RESIDENT ONLY" PARKING RESTRICTION ON FORD ROAD BETWEEN PARSONS STREET AND THE ALLEY WEST OF NEWPORT BOULEVARD FRONTAGE ROAD**

**ACTION:**

1. City Council adopted the attached resolution (Attachment 1) approving the implementation of a "Resident Only" parking restriction on Ford Road, between Parsons Street and the alley west of Newport Boulevard Frontage Road; and

2. Authorized the Transportation Services Manager to extend the "resident only" parking restriction for a maximum 1000' radius from the above limits, as needed.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:34:08)**

2. **MINUTES: SPECIAL MEETING OCTOBER 6, 2009; SPECIAL MEETING OCTOBER 12, 2010. (01:34:14)**

Jay Photoglou, Costa Mesa, inquired on the minutes for the Ethics Training

**MOTION/SECOND:** Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved

3. **WARRANT RESOLUTION 2450: 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 \$737,420.65. (01:35:14)**

Council Member Leece spoke on the \$104,803.75 payment to Jones and Mayer. (01:35:16)

**MOTION/SECOND:** Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved

5. **WARRANT RESOLUTION 2452: 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 \$790,732.59. (01:36:29)**

Council Member Leece spoke on the payments to Jones Day. (01:36:35)

**MOTION/SECOND:** Council Member Leece/Council Member Monahan  
The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved

6. **WARRANT RESOLUTION 2453: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTERS NOS. 12-25A AND 12-26 SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-25A for \$-4,357.29, Payroll No. 12-26 for \$2,129,699.51 and City operating expenses for \$3,176,988.44, including payroll deductions. (01:38:06)**

Council Member Leece spoke on payments to Hogle Ireland, and requested information on the General Plan update. (01:38:08)

**MOTION/SECOND:** Council Member Monahan/Council Member Leece  
The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved

CEO Hatch announced a request to consider New Business Item No. 2 out of order. (01:42:16)

**NEW BUSINESS (01:42:45)**

**2. SR-55 (NEWPORT BOULEVARD) IMPROVEMENT STUDY (01:42:48)**

Staff report by provided by Raja Sethuraman, Transportation Services Manager; and Joe Alcock, Orange County Transportation Authority Project Manager. (01:43:44)

Discussion ensued regarding methods of acquiring data; and involving the business community. (01:55:04)

Public Comments:

Terry Koken, Costa Mesa, spoke on pedestrian traffic to The Triangle. (01:57:54)

Beth Refakes, Costa Mesa, expressed concerns regarding the data. (01:59:14)

Devin Lucas, Costa Mesa, spoke in support of Proposal #1. (02:00:19)

Jerry Palanjian spoke in support of Proposals #1 and #2. (02:01:26)

Discussion ensued regarding pedestrian bridges; technical documents to Caltrans; the Caltrans process; and business impacts. (02:03:43)

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Genis

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Received and filed report on the SR-55 (Newport Boulevard) Improvement Study.

City Council recessed for a break at 8:19 p.m.

City Council reconvened the meeting at 8:35 p.m.

## **PUBLIC HEARINGS (02:25:10)**

### **1. CLOSURE IMPACT REPORT FOR ANCHOR TRAILER PORT/MOBILEHOME PARK, 1527 NEWPORT BOULEVARD (02:25:18)**

Staff report by Management Analyst Hilda Veturis; and Special Counsel Celeste Brady from Stradling Yocca Carlson and Rauth. (02:25:28)

Ex Parte Communications (02:49:18):

Mayor Pro Tem Mensinger stated he met with the representatives from Intracorp Companies. (02:49:59)

Peter Lauener, President of Intracorp Companies, spoke on the relocation efforts. (02:50:23)

Discussion ensued regarding counseling and relocation services; salvage or sale value; appraisers; costs incurred by the resident; State noticing requirements; ministerial action; mailing of documents; and staff hours spent on the project. (02:53:38)

Public Comments:

Sue Ann Ellison, Costa Mesa, indicated she did not receive the report in adequate time. (03:10:21)

Speaker, Costa Mesa, expressed concern regarding non-eligible status. (03:14:46)

Brenda McGee, Costa Mesa, expressed concern regarding the Relocation Selection Agreement. (03:18:26)

Robin Leffler, Costa Mesa, suggested that the availability of Spanish translation be announced in Spanish. (03:21:39)

Linda Morphew, Costa Mesa, spoke about her e-mails to the City, and the Relocation Package Selection Agreement Form. (03:23:04)

Mary Jo Baretich, Golden State Manufactured-Home Owners League Zone Vice President for Los Angeles, Orange and San Bernardino Counties, spoke about the residents' issues; relocation impact; the Relocation Package Agreement; and future park closures. (03:25:11)

Christy Bell, Costa Mesa, spoke on lease agreements; eligible resident exclusion; and legitimacy and accuracy of documents presented. (03:28:58)



Sheila Pfafflin, Costa Mesa, commented on the relocation options and impacts to the residents. (03:32:57)

Michael Libby, Costa Mesa, spoke about the Loftin Firm and relocation concerns. (03:35:59)

Andrea Burns, Costa Mesa, spoke about her move-in experience, the waiver, and transport costs. (03:37:45)

Nancy Anderson, Costa Mesa, expressed concern regarding relocation of her Class 3 RV; and indicated she has not been contacted by a relocation counselor. (03:40:49)

Beverly Wolter, Costa Mesa, spoke about the costs to move a double-wide home; and shared her previous experience in moving her home. (03:43:15)

Speaker, Costa Mesa, shared her hardship in finding a comparable location; and spoke about historical value of the park. (03:46:49)

Brian Wild, Costa Mesa, expressed concern in finding a location with comparable rent as a single parent; and receiving money to move from the applicant. (03:48:14)

Speaker, Costa Mesa, spoke about the park community and circumstances of a neighbor. (03:50:05)

Maria McCarty, Costa Mesa, read a statement on behalf of her neighbor Jeanie who has Alzheimer's. (03:52:14)

Speaker, Costa Mesa, spoke about the park community, and financial hardships. (03:56:18)

Patricia Henderson, Costa Mesa, spoke about the potential sale; and limited choices due to a fixed income. (03:58:20)

Maria McCarty, Costa Mesa, spoke on the CIR; mobile home laws; and adverse impact. (04:00:08)

Discussion ensued regarding the appraiser selection process and qualifications; licensed and bonded movers; input from the residents; escrow; move-out date and payment; relocation counselor and counselor interviews with tenants; waivers; moving time for eligible and non-eligible residents; communication with park residents; and the ministerial act. (04:04:58)

Ms. Brady advised Council to include changes to the CIR in the adoption of the resolution. (04:28:57)

**MOTION:** Adopt the resolution as revised to include removal of the 1542 Waiver; change the date from June 1<sup>st</sup> to May 1<sup>st</sup> for non-resident; and allow the selection of an alternate qualified relocation counselor if the majority of the residents are unsatisfied with the current relocation counselor. (04:33:00)

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

Discussion ensued regarding the nine-month eligibility for park residents. (04:33:24)

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Adopted City Council Resolution No. 13-01, requiring the Proposed Owner to Implement the Closure Impact Report for the Anchor Trailer Port/Mobile Home Park; and revised to include the removal of the 1542 Waiver; changed the date from June 1<sup>st</sup> to May 1<sup>st</sup> for non-resident; and allowed the selection of an alternate qualified relocation counselor if the majority of the residents are unsatisfied with the current relocation counselor.

City Council recessed for a break at 10:53 p.m.

City Council reconvened the meeting at 11:07 p.m.

## **OLD BUSINESS – NONE**

## **NEW BUSINESS (04:56:24)**

### **1. FAIRVIEW PARK WETLANDS BOARDWALK PROJECT (04:56:25)**

Staff report by Ernesto Munoz, Public Services Director. (04:56:30)

Discussion ensued regarding project costs; grant funding; design and planning; mitigation costs; resource agencies; restored acreage; and the interpretive center. (05:00:22)

Public Comments:

David Kincaid, Costa Mesa, complimented staff. (05:07:52)

Robin Leffler, Costa Mesa, spoke on project funding and in support of the project. (05:09:49)

Greg Ridge, Costa Mesa, spoke about the trail and in support of a bike trail. (05:11:06)

Mayor Pro Tem Mensinger spoke about the water filtration system, and requested staff to contact the County of Orange regarding Talbert Parking. (05:13:50)

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Genis

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:** Provided direction to staff regarding the proposed Fairview Park Wetlands Boardwalk Project.

3. **COUNCIL AUTHORIZATION FOR THE IMPLEMENTATION OF SECURITY CAMERA SYSTEM UPGRADE AND EXPANSION FOR CITY HALL AND LION'S PARK (05:15:43)**

Staff report by Assistant CEO Rick Francis. (05:15:59)

Discussion ensued regarding Closed Circuit Camera signs in the lobby; staff wearing name tags; data retention on the network server; and balancing the need for security with being open to the community. (05:20:50)

Public Comments:

Robin Leffler, Costa Mesa, spoke in support of enhanced security, and agreed with posting signs. (05:24:43)

Beth Refakes, Costa Mesa, spoke in support of cameras, badges, and signs; and suggested a camera on the roof. (05:26:22)

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Monahan

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**ACTION:**

City Council authorized staff to proceed with the implementation of a security camera system upgrade and expansion to the following facilities/areas:

1. An upgrade and expansion of the existing city hall security camera system which will include the addition of a new digital recording system and the installation of new cameras on all floors and the employee and council parking lot area. The new cameras are designed to integrate with and augment the existing camera system and allow real time viewing and remote access to authorized users; and
2. Installation of a camera system in and around the perimeter of Lion's Park for the enhancement of park security efforts.

**REPORT – CITY ATTORNEY – NONE**

The Mayor adjourned the meeting at 11:43 p.m.

A handwritten signature in black ink, appearing to read "S. Mensinger", written over a horizontal line.

Stephen M. Mensinger, Mayor

A handwritten signature in blue ink, reading "Brenda Green", written over a horizontal line.

Brenda Green, City Clerk