

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

**April 2, 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/Agency Chair James M. Righeimer, Mayor Pro Tem/Agency Vice Chair Stephen Mensinger, Council/Agency Member Sandra Genis (entered at 5:10 p.m.), Council/Agency Member Wendy Leece, and Council/Agency Member Gary Monahan

Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE**

**CLOSED SESSION**

The City Council and the Successor Agency to the Redevelopment Agency recessed into closed session at 5:05 p.m. to consider the following item:

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 Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6

The City Council and the Successor Agency to the Redevelopment Agency reconvened at 6:05 p.m.

**CALL TO ORDER (00:00:04)**

**PLEDGE OF ALLEGIANCE (00:00:20)** – Mayor Pro Tem Mensinger

**MOMENT OF SOLEMN EXPRESSION (00:00:44)**

Father Tashgian, St. Mary Armenian Church

Mayor Righeimer referred to two hikers missing asked the community to keep them in their thoughts and prayers. (00:02:38)

## **ROLL CALL (00:03:30)**

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Genis, Council Member Leece, 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, Finance and IT Director Bobby Young, Police Chief Tom Gazsi, Interim Fire Chief Tom Arnold, Public Affairs Manager Dan Joyce, Public Affairs Manager Bill Lobdell, Housing and Community Development Manager Muriel Ullman, Special Counsel Celeste Brady, Assistant Recreation Supervisor/Acting City Clerk Christine Cordon.

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

## **ANNOUNCEMENTS (00:03:41)**

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

## **PRESENTATIONS (00:06:45)**

Mayor Righeimer presented the Mayor's Award to Wally Gayner for his role in developing the Mesa Verde Community and Mesa Verde Country Club. (00:06:51)

Mayor Righeimer and Fire Captain Chris Coates recognized the staff of 24 Hour Fitness at The Triangle and fire department personnel for their heroic efforts to save a man who had suffered cardiac arrest. (00:15:52)

## **PUBLIC COMMENTS (00:30:18)**

Eloise Ott, Costa Mesa, spoke about National Day of Prayer, litter on the freeway, illegally tinted front windows on vehicles, and the City's bike map and guide. (00:30:44)

Antonio Rossi, Newport Beach, encouraged the ban on Styrofoam. (00:33:09)

Maria McCarty, Costa Mesa, spoke about the poor conditions and lack of professionalism involving the closure at Anchor Trailer Park. (00:34:14)

Sarah Condon, Costa Mesa, supported the ban on Styrofoam. (00:37:53)

Cornell Iliescu, Costa Mesa, encouraged community support of local veterans and preserving military history. (00:40:10)

Stephanie Barger, Corona del Mar, on behalf of Earth Resource Foundation, spoke in support of Styrofoam ban. (00:44:47)

Sue Lester, Costa Mesa, emphasized the importance of knowing CPR; announced sidewalk CPR training to be incorporated with the 60<sup>th</sup> anniversary and community events; asked if there is a policy regarding the contracting of services to vendors in the city; and noted that residents receive news when employees retire, but not when they are newly hired. (00:46:12)

Al Melone, Costa Mesa, spoke about dog park signage and rules; expressed concern regarding unattended children at the Bark Park, and large dogs in the small dog area; and suggested the current signs be changed. (00:48:49)

Flo Martin, Costa Mesa, shared her experience regarding her son who had suffered cardiac arrest, and encouraged support of public safety personnel. (00:52:20)

Martin H. Millard, Costa Mesa, praised the new developments in the Westside, but noted obsolete buildings still exist and should be removed; and suggested working with the police department to identify clusters in the Westside where crime is predominant. (00:54:15)

Debra Ashby, South Coast Air Quality Management District, announced the nomination period for the 25<sup>th</sup> Annual Clean Air Awards is open, as well as the lawnmower exchange program. (00:56:30)

Mayor Righeimer stated there is opposition in the community for removing the fire pits at the beach. (00:58:15)

Beth Refakes, Costa Mesa, thanked the City for clean-up at Lions Park; encouraged use of substation for Veterans' Hall; and stated businesses should be allowed to decide on Styrofoam use. (00:58:48)

James Bridges, Costa Mesa, encouraged residents to attend the Meet the Mayor events; stated he would like to see updates regarding upgrades to City Hall, the charter, and pension; and encouraged more support of youth music programs, and not just sports. (01:00:55)

Sue Ann Nelson, Costa Mesa, suggested alternative glassware instead of Styrofoam in public settings; and spoke on the Anchor Trailer Park closure. (01:03:27)

## **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (1:16:34)**

Mayor Pro Tem Mensinger spoke about his goal to walk every street in Costa Mesa; the power of social media; location for a veterans' hall; and the 24 Hour Fitness recognition. (01:06:40)

Council Member Genis reminded everyone of the April 10<sup>th</sup> deadline to pay property taxes and to review the bills and assessments; commented on the Fire Side Fund; bike routes; a Veterans' hall; and suggested that Styrofoam not be used during the 60<sup>th</sup> Anniversary event. (01:11:08)

Council Member Leece spoke about the sustainability subcommittee involved with the 60<sup>th</sup> Anniversary event; tinted windows; the bike route and Bark Park issues; Anchor Trailer Park; veteran concerns; the use of vendors outside of the city; AQMD awards; the Association of California City's Orange County innovation awards contest; the Costa Mesa Historical Society's next monthly event; and massage establishments. (01:16:48)

Council Member Monahan complimented Public Services Director Ernesto Munoz for excellent work on the Eastside. (01:23:05)

Mayor Righeimer spoke about the increase in pension costs; indicated many cities will go into bankruptcy in the next few years because of the unsustainable pension costs; and thanked the employees and employee associations for reaching out to him after his father passed away recently. (01:23:16)

## **REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:26:10)**

CEO Hatch spoke about the annual review of the Community Development Block Grants (CDBG), and labor negotiations; the Civic Openness in Negotiations (COIN) Ordinance; a city charter; Redevelopment Agency funds; the Economic and Development Services Director recruitment; committee appointments; and vendors. (01:26:12)

"Costa Mesa Works" was played, which highlighted the proposed monument sign and revitalization plan for the Westside, and the property and evidence division of the police department. (01:41:53)

**CONSENT CALENDAR (01:46:52)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 4 except for Item 4.

**MOVED/SECOND:** Mayor Pro Tem Mensinger/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

**1. READING FOLDER**

a. Claims received by the City Clerk: Roy D. Center; and Stephen R. Day, Sr.

**ACTION:** Received and filed

- 2. WARRANT RESOLUTION 2465: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-05A AND 13-06 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-05A for \$-499.22, Payroll No. 13-06 for \$2,078,677.69 and City operating expenses for \$982,367.60, including payroll deductions.**

**ACTION:** Approved

- 3. WARRANT RESOLUTION 2466: 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 \$707,613.49.**

**ACTION:** Approved

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:47:00)**

- 4. 60<sup>th</sup> ANNIVERSARY CELEBRATION UPDATE WITH REQUESTS FOR STREET CLOSURES, SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES, AND DISCHARGE OF FIREWORKS AT THE KICK-OFF EVENT (01:47:00)**

Staff report provided by Dan Joyce, Public Affairs Manager. (01:48:00)

Discussion ensued regarding volunteers and the application process; street closures; and live entertainment and the booking process. (01:54:51)

## **PUBLIC COMMENTS (02:04:20)**

Leigh Lo, Costa Mesa, stated that the Costa Mesa Community Foundation will be accepting donations to support this activity. (02:04:42)

Cornell Iliescu, Costa Mesa, offered to provide a World War II segment for the event. (02:05:05)

Howard Hull, Costa Mesa, complimented Staff and encouraged the Council Members to review the work the staff has put together for the event. (02:05:45)

Sue Lester, Costa Mesa, complimented the 60<sup>th</sup> Anniversary staff on an outstanding job and for all their support with this event. (02:06:37)

Council Member Leece announced that events honoring the Military at the 60<sup>th</sup> Anniversary celebration are planned. (02:07:28)

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

- 1) City Council received and filed the updates to the conceptual plan, including new details about the kick-off event, for the 60<sup>th</sup> anniversary celebration; and
- 2) Approved Resolution No. 13-09: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE STREET CLOSURES FOR THE CITY'S 60TH ANNIVERSARY CELEBRATION KICK-OFF EVENT; and
- 3) Approved the sale and consumption of alcoholic beverages on public property during the kick-off event in a confined area and with appropriate training for servers; and
- 4) Approved the fireworks show and direct staff to obtain the necessary permits through the Orange County Fair and Event Center.

**OLD BUSINESS (02:08:24)**

- 1. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING SECTION 1-21.1 OF CHAPTER I (GENERAL) OF TITLE 1 (GENERAL PROVISIONS), REPEALING SECTION 12-7 OF CHAPTER I (IN GENERAL) OF TITLE 12 (PARKS AND RECREATION), AND ADDING CHAPTER XIV (CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS) OF TITLE 11 (OFFENSES – MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE RELATING TO STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS AND UNLAWFUL CAMPING**

Council Member Genis expressed concern regarding interim storage. (02:09:13)

Rick Francis, Assistant Chief Executive Officer, stated that discussions have taken place with the Police Department; and storage capacity. (02:09:56)

**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:**

City Council gave second reading to and adopted Ordinance 13-02, ADDING SECTION 1-21.1 OF CHAPTER I (GENERAL) OF TITLE 1 (GENERAL PROVISIONS), REPEALING SECTION 12-7 OF CHAPTER I (IN GENERAL) OF TITLE 12 (PARKS AND RECREATION), AND ADDING CHAPTER XIV (CAMPING AND STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS) OF TITLE 11 (OFFENSES – MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE RELATING TO STORAGE OF PERSONAL PROPERTY IN PUBLIC AREAS AND UNLAWFUL CAMPING, to be read by title only, and waive further reading.

## **PUBLIC HEARINGS (02:11:19)**

### **1. AN APPEAL OF PLANNING APPLICATION PA-12-24 / TENTATIVE TRACT MAP TT-17508 FOR A DESIGN REVIEW AND SUBDIVISION MAP FOR A 17-UNIT SMALL LOT COMMON INTEREST DEVELOPMENT WITH SPECIFIED VARIANCES AND DEVIATIONS AT 1259 VICTORIA STREET**

Mayor Righeimer inquired if any Council Members had outside communication with the property owners or the neighbors. (02:11:48)

Council Member Genis stated she had met with the applicants, and had a phone conversation with Mr. Barrett. (02:11:59)

Council Member Leece stated she had she had met with Mr. Barrett twice; and met with Pete Zehnder, the developer, as well as a phone conversation with him. (02:12:19)

Mayor Pro Tem Mensinger stated he has had several conversations with the applicant and Mr. Zehnder, as well as residents on Aviemore Terrace, and has been to Mr. Zehnder's office. (02:12:43)

Council Member Monahan stated he had a short brief conversation with Mr. Zehnder. (02:12:58)

Mayor Righeimer stated he had a phone conversation with Mr. Zehnder, and an e-mail with Mr. Barrett. (02:13:01)

Staff report provided by Senior Planner Mel Lee. (02:13:14)

Discussion ensued concerning the site plan; massing definition; zoning codes and variances; existing topography; future landscaping; density; lot grazing; crib walls; windows; setback; view obstruction from Vista Park; building separation requirement; staging areas; and water quality management. (02:28:29)

Pete Zehnder, applicant, made a presentation about the project; addressed variance concerns; and responded to questions from the City Council. (03:19:35)

## **PUBLIC COMMENTS (04:26:24)**

Kris Stewart, Costa Mesa, spoke about land purchase, earthquakes, traffic, peak hour turn regulations, and balcony issues. (04:26:27)

Tom Steinfield, Costa Mesa, expressed concern over the number of variances and deviation of development standards for parking. (04:29:04)

Bernie Kretchmar, Costa Mesa, spoke about design variance. (04:33:38)



Paul Barrett, Costa Mesa, spoke on loss of property value, view, and privacy to his property. (04:34:37)

Paula Litten, Costa Mesa, expressed concern over the number of variances and structure height. (04:38:43)

Lance Wanta, Costa Mesa, spoke about the property sign. (04:41:49)

Robin Leffler, Costa Mesa, expressed concern regarding zoning and variances. (04:43:30)

Discussion ensued regarding parking, windows, number of variances, CEQA, signage, dirt removal, architectural style, development value, site deviations, small lot subdivisions, earthquake safety, and traffic. (04:48:48)

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

The motion carried by the following roll call vote:

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

Noes: Council Member Genis, and Council Member Leece

Absent: None

Motion carried: 3-2

**ACTION:** Upheld the Planning Commission's decision to approve Planning Application PA-12-24 and Tentative Tract Map TT-17508; and revised the last sentence of Item No. 25 of the Conditions of Approval (Exhibit B) to read, "The CC&R's shall contain restriction prohibiting parking in front of garage doors where no driveways are provided."

## **NEW BUSINESS (05:16:48)**

### **1. SELECTION OF SUPPORTIVE HOUSING TEAM**

Mayor Righeimer disclosed he was a Board Member of Mercy House and recused himself. (05:17:00)

Staff report provided by CEO Hatch. (05:17:51)

#### **PUBLIC COMMENTS (05:20:33)**

Flo Martin, Costa Mesa, spoke in support of the housing team. (05:20:48)

Becks Heyhoe, Costa Mesa, spoke in support of the housing team. (05:23:12)

Larry Haynes, Costa Mesa, spoke in support of the staff recommendation. (05:25:28)

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

The motion carried by the following roll call vote:

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

Noes: None

Abstain: Mayor Righeimer

Motion carried: 4-0-1

**ACTION:**

- 1) City Council selected the development team comprised of Wakeland Housing and Mercy House Living Centers (Mercy House) to assist the City of Costa Mesa (City) and the Costa Mesa Housing Authority (Housing Authority) in providing permanent supportive housing to the Costa Mesa homeless population; and
- 2) Authorized the City staff to commence negotiations with the selected development team, with the initial objective to negotiate the terms of a Pre-Development Loan and Commitment of Funds Agreement for consideration and action by the City Council then submittal to the federal Department of Housing and Urban Development (HUD); and
- 3) Authorized staff and Mercy House to develop and implement a site selection process that will include review by the community and members of the former Homeless Task Force.

**REPORT – CITY ATTORNEY - NONE**

The Mayor Pro Tem adjourned the meeting at 11:33 p.m.



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Stephen M. Mensinger, Mayor



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Brenda Green, City Clerk