

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL  
February 5, 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 Monahan,  
Council Member Genis, and Council Member Leece  
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 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.
2. Conference with legal counsel regarding existing litigation: Costa Mesa City 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).

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

**CALL TO ORDER (00:00:08)**

**CITY ATTORNEY CLOSED SESSION REPORT - NONE**

Mayor Righeimer announced the City Council will return to closed session after the regular meeting. (00:00:20)

**PLEDGE OF ALLEGIANCE (00:00:35)** – Led by Council Member Leece

**MOMENT OF SOLEMN EXPRESSION (00:00:58)**

Minister Begin, Costa Mesa Church of Christ

**ROLL CALL (00:02:15)**

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant City Attorney Kimberly Hall Barlow, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Peter Naghavi, Assistant Development Services Director Claire Flynn, Public Services Director Ernesto Munoz, Finance and IT Director Bobby Young, Public Affairs Manager Bill Lobdell, Transportation Services Manager Raja Sethuraman, and City Clerk Brenda Green

**ANNOUNCEMENTS (00:02:32)**

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

**PRESENTATIONS (00:05:13)**

Wyndham, Australia, Sister City Students Program student exchange recognition. (00:05:18)

Mayor's Award to Shaheen Sadeghi, Owner/Operator of The Lab and The Camp. (00:18:55)

**PUBLIC COMMENTS (00:28:07)**

James Bridges, Costa Mesa, spoke on homeless issues. (00:28:26)

Marisa David, Costa Mesa, spoke on homeless issues. (00:30:11)

John Hawley, Costa Mesa, spoke on urban coyotes. (00:32:32)

Gabriel Carona, Commander of American Legion Costa Mesa Post 455, spoke about the veteran community and meetings and activities. (00:36:33)

Beverly Wolter, Costa Mesa, spoke on the Anchor Trailer Port Mobilehome Park. (00:38:27)

Reggie Mundekis, invited the community to an open house at the Fairgrounds. (00:41:42)

Brenda McGee, Costa Mesa, spoke on the Anchor Trailer Port Mobilehome Park. (00:43:52)

Eleanor Egan, Costa Mesa, spoke on the solar panels at the OC Registrar's Office. (00:47:05)

Maria McCarty, Costa Mesa, encouraged adopting an ordinance regarding mobile home park closures. (00:48:16)

Joy Williams, Costa Mesa, requested development of more recreational and entertainment activities. (00:51:45)

James Proctor, Costa Mesa, spoke about President Obama and a Secret Service meeting. (00:53:12)

Beth Refakes, Costa Mesa, spoke about a Veterans Hall; homeless in Lions Park; and bike lanes on Broadway. (00:56:15)

Greg Thunell, Costa Mesa, spoke on city elections; politics; graffiti; and newspaper articles. (00:58:59)

Chris McEvoy, Costa Mesa, spoke on the recall effort. (01:02:40)

Frank Gutierrez, Costa Mesa, Chairperson of the Cultural Arts Committee, requested support of the arts in the city. (01:03:50)

**COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:06:20)**

Council Member Genis spoke on coyote fencing; solar panels; Fairgrounds open house; acoustics at the Pacific Amphitheatre; and traffic at the Fairgrounds. (01:06:54)

Council Member Leece spoke on challenges and safety at Lions Park; bike safety on Broadway; Anchor Trailer Port issues; Aviation Committee meeting; Costa Mesa Historical Society; and the American Legion Post. (01:10:19)

Council Member Monahan spoke about homeless issues; coyote activity; and requested an update on the Early College program. (01:17:57)

Mayor Righeimer requested a Veterans Hall update; spoke about coyotes; and a meeting with students from St. Joachim. (01:19:55)

Mayor Pro Tem Mensinger spoke on the Mesa Verde Classic; coyote issues; homeless issues; park resources; Pop Warner 50<sup>th</sup> Anniversary; and a Veterans Memorial. (01:22:13)

**REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:29:17)**

CEO Hatch spoke on solar panels; coyotes; Veterans Hall; Fairview Park Wetlands and Habitat grand opening; Neighborhood Improvement Task Force; Lions Park safety and homeless issues; mid-year budget review; pension study session; Anchor Trailer Port; and an introduction of the Costa Mesa Works video. (01:29:20)

**CONSENT CALENDAR (01:42:50)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 8.

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**1. READING FOLDER**

(a) Claims received by the City Clerk: Jacques Vanderson; Marie Szecsei; Anabelle Vo; Dennis Yocum.

**ACTION:** Received and filed

**2. MINUTES:** Special Meeting October 26, 2010

**ACTION:** Approved

**3. WARRANT RESOLUTION 2456: 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 \$909,484.03**

**ACTION:** Approved

4. **WARRANT RESOLUTION 2457: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-01A AND 13-02 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-01A for \$-352.70, Payroll No. 13-02 for \$2,105,439.20 and City operating expenses for \$1,158,969.77, including payroll deductions**

**ACTION:** Approved

5. **WARRANT RESOLUTION 2458: 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 \$3,130,577.45**

**ACTION:** Approved

6. **RESOLUTION ESTABLISHING RECEIPT AND DISTRIBUTION POLICY REGARDING TICKETS AND/OR PASSES IN CONFORMANCE WITH THE CALIFORNIA CODE OF REGULATIONS § 18944.1 AS RECENTLY AMENDED BY THE FAIR POLITICAL PRACTICES COMMISSION**

**ACTION:** City Council adopted the Resolution establishing a ticket distribution policy regarding tickets and/or passes in conformance with the California Code of Regulations §18944.1

7. **ADOPTION OF FPPC FORM 806 LISTING ALL COMPENSATED COUNCIL APPOINTMENTS**

**ACTION:** City Council adopted the Fair Political Practices Commission (FPPC) Form 806, listing all Council appointments for which compensation is received and directed the City Clerk to post Form 806 on the City's website.

8. **ENERGY PARTNERSHIP CONTRACT EXTENSION BETWEEN SOUTHERN CALIFORNIA EDISON AND THE CITY OF COSTA MESA FOR 2013-2014**

**ACTION:** City Council authorized the City CEO to execute an extension to the existing energy partnership agreement between the City of Costa Mesa and Southern California Edison for 2013-2014.

**PUBLIC HEARINGS - NONE**

**OLD BUSINESS - NONE**

## **NEW BUSINESS (01:43:28)**

### **1. 60TH ANNIVERSARY CELEBRATION CONCEPT AND PROPOSED BUDGET (01:43:30)**

Staff report by Dan Joyce, Public Affairs Manager; and Mike Scheafer, 60<sup>th</sup> Anniversary Committee Chairman. (01:44:06)

CEO Hatch clarified the recommended action would be to appropriate \$125,000 from the operating budget contingency funds for the 60<sup>th</sup> Anniversary event. (01:54:09)

Discussion ensued regarding a legacy arts program, and sponsorships. (01:55:17)

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council provided direction regarding the conceptual plan for the 60th Anniversary Celebration; and
2. Approved the expenditure of \$125,000 in appropriated general fund contingency dollars toward the 60th Anniversary Celebration.

### **2. CONSIDERATION OF COUNCIL MEMBER REQUEST FOR REHEARING REGARDING APPOINTMENTS OF PLANNING COMMISSIONERS (02:03:19)**

Council Member Genis stated she requested the rehearing due to procedural errors. (02:03:28)

City Attorney Duarte clarified if the rehearing is approved the Planning Commissioners would not be selected this night. (02:03:40)

CEO Hatch spoke on the vacancy process; indicated that the third vacancy required a 10-day posting period; and requested the entire appointment process be redone. (02:04:25)

Public Comments:

Daniel Hoffman, Costa Mesa, spoke in support of the rehearing for all three positions. (02:06:50)

Robin Leffler, Costa Mesa, spoke in support of the rehearing for all three positions. (02:09:16)

Tamar Goldmann, Costa Mesa, spoke in support of the rehearing for all three positions. (02:10:19)

Eleanor Egan, Costa Mesa, spoke in support of the rehearing; her application for the position; and her past experience supporting her application. (02:11:01)

Jay Humphrey, Costa Mesa, spoke in support of the rehearing request for all three positions. (02:14:03)

Council Member Leece spoke in support of the rehearing request. (02:14:40)

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

Council Member Monahan stated he would not support the rehearing; noting technicality, and indicated two members are ready to serve. (02:16:23)

Council Member Genis stated the dynamics had changed; and the process needs to be redone. (02:17:03)

Mayor Righeimer spoke in support of the rehearing. (02:17:40)

The motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Council Member Genis, and Council Member Leece

Noes: Mayor Pro Tem Mensinger, and Council Member Monahan

Absent: None

Motion carried: 3-2

**ACTION:** City Council approved the rehearing request by Council Member Genis

**3. APPOINTMENT OF PLANNING COMMISSIONER (02:18:40)**

Council Member Genis stated all three appointments should be made at one time. (02:19:24)

Council Member Leece stated all three appointments should be made at one time.. (02:20:01)

Council Member Monahan stated that the appointment of all three at one time had already been done, and he would not be supporting the motion. (02:21:01)

Public Comments:

Robin Leffler, Costa Mesa, spoke in support of considering all three at the same time. (02:21:48)

Daniel Hoffman, Costa Mesa, spoke in support of considering all three at the same time. (02:23:19)

Tamar Goldmann, Costa Mesa, spoke in support of considering all three at the same time; and spoke in support of Eleanor Egan for Planning Commission. (02:23:44)

Harold Weitzberg, Costa Mesa, commented on qualifications of a Planning Commissioner; and suggested Eleanor Egan for the Planning Commission. (02:26:32)

Brenda Green, City Clerk, announced there were 13 applicants for the Planning Commission, and read their names into the record for consideration. (02:27:05)

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

Mayor Pro Tem Mensinger stated he would support the motion but opined it will not change the outcome; and apologized to the applicants for continuing the item. (02:28:03)

The motion carried by the following roll call vote:

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

Noes: Council Member Monahan

Absent: None

Motion carried: 4-1

**ACTION:** Continued to the next City Council meeting.

**4. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION (02:29:43)**

Staff report by Brenda Green, City Clerk. (02:29:51)

Public Comments:

Harold Weitzberg, Costa Mesa, spoke on his candidacy and qualifications. (02:35:21)

Daniel DiBassio, III, Costa Mesa, spoke on his candidacy and qualifications. (02:36:16)



Tamar Goldmann, Costa Mesa, spoke on impartiality in the appointment process. (02:38:59)

Don Harper, Costa Mesa, spoke on his candidacy and qualifications. (02:40:24)

Teresa Drain, Costa Mesa, spoke on her candidacy and qualifications. (02:41:02)

Robert Graham, Costa Mesa, spoke on his candidacy and qualifications. (02:43:13)

Council Member Leece spoke in support of changing the selection process, and her screening process; and thanked the applicants. (02:45:30)

Mayor Pro Tem Mensinger spoke on his screening process; the importance of each Council Member to speak with the candidates; and future changes to the process. (02:48:50)

Council Member Genis spoke on past Council Member interviews, and doing interviews as a group. (02:51:55)

Mayor Righeimer stated he met with some of the candidates; and stated the four-year terms will be appointed first. (02:52:52)

**MOTION:** Appoint Kim Pederson for a four-year term

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Motion carried: 5-0

**MOTION:** Appoint Don Harper for a four-year term

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

The motion carried by the following roll call vote:

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

Noes: Council Member Leece

Absent: None

Motion carried: 4-1

**MOTION:** Appoint Daniel DiBassio for a two-year term

**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  
Absent: None  
Motion failed: 2-3

**MOTION:** Appoint Robert Graham for a two-year term

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

The motion carried by the following roll call vote:

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

Noes: Mayor Righeimer, and Mayor Pro Tem Mensinger,

Absent: None

Motion carried: 3-2

**MOTION:** Appoint Byron de Arakal for a two-year term

**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 Genis, Council Member Leece, and Council Member Monahan.

Noes: None

Absent: None

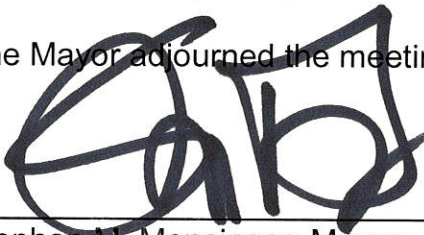
Motion carried: 5-0

Mayor Righeimer stated the City Council would not adjourn into the closed session.  
(03:01:19)

#### **REPORT – CITY ATTORNEY - NONE**

#### **ADJOURNMENT – TO REGULAR ADJOURNED MEETING/STUDY SESSION, FEBRUARY 12, 2013, 4:30 P.M.**

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



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Stephen M. Mensinger, Mayor



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Brenda Green, City Clerk