

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

**March 5, 2013**

**CALL TO ORDER**

The meeting was called to order by the Mayor at 5:04 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 5:08 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 anticipated litigation, significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one potential case.

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

**CALL TO ORDER (00:00:40)**

**PLEDGE OF ALLEGIANCE (00:00:45)** – Led by Council Member Monahan

**MOMENT OF SOLEMN EXPRESSION – NONE**

## **ROLL CALL (00:01:13)**

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.

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

## **ANNOUNCEMENTS (00:01:26)**

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

## **PRESENTATIONS (00:03:55)**

Bill Hossfeld, Arbor Day presentation

Mayor's Award recognition to Ed Lee, Mingo Lee, and Wing Lam of Wahoo's Fish Tacos

## **PUBLIC COMMENTS (00:17:10)**

James Bridges, Costa Mesa, spoke about sports fields, performing arts, upgrading police equipment, and pensions. (00:17:24)

Jim McQueen, Board of Directors President of OC Human Relations, presented the OC Human Relations' Annual Report. (00:20:50)

Danielle Gardner, Costa Mesa, expressed support of funds to keep the Downtown Recreation Center Pool open year-round. (00:23:52)

Brian McQuay, Costa Mesa, spoke about starting a medical marijuana dispensary. (00:25:02)

Perry Valentine, Costa Mesa, spoke about PERS unfunded pension liability and expressed concern with spending money on various projects. (00:28:11)

Al Melone, Costa Mesa, spoke about the Bark Park and action taken by former New York Mayor Fiorello La Guardia. (00:31:23)

Connor Newcomb, student at Newport Harbor High School, spoke in support of the Styrofoam ban. (00:34:51)

Seville Gentry, student at Newport Harbor High School, spoke about The Green Festival fundraiser at the OC Marketplace. (00:36:33)

Bob Dugan, Costa Mesa, spoke on pensions for Council. (00:37:25)

Harold Weitzberg, Costa Mesa, spoke on a large initiative for Science, Technology, Engineering, and Math subjects (STEM) programs in schools. (00:38:44)

Robin Leffler, Costa Mesa, spoke on the budget surplus and priorities for funding. (00:40:52)

Tamar Goldmann, Costa Mesa, spoke regarding the PERS unfunded pension liability presentation. (00:44:07)

Ed Baum, Costa Mesa, expressed support for the improvement of the track and field at Costa Mesa High School. (00:46:16)

Greg Thunell, Costa Mesa, spoke on history, politicians, monies spent, and deficits. (00:48:20)

Martin H. Mallard, Costa Mesa, spoke on signage at West 19<sup>th</sup> Street and negative effects of thrift stores. (00:51:21)

Ann Perry, Costa Mesa, read letter regarding Anchor Trailer Port Mobilehome Park closure. (00:54:16)

Chuck Perry, Costa Mesa, spoke about the Anchor Trailer Port Mobilehome Park closure; and expressed support in improving the Costa Mesa High School field. (00:57:13)

Cindy Brenneman, Costa Mesa, expressed support of thrift shops and the philanthropic organizations they support. (00:59:18)

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (01:01:10)**

Mayor Righeimer clarified statements he made at the February 26, 2013 study session; spoke about CalPERS and pension; and announced the upcoming Meet the Mayor event. (01:01:20)

Mayor Pro Tem Mensinger spoke about the ban on Styrofoam; the STEM program; improving public schools; pension obligations; Arbor Day and trees; and the Downtown Recreation Center pool. (01:11:59)

Council Member Genis spoke on Wahoo's Fish Tacos' success; ban on Styrofoam; Estancia High School's "Guys and Dolls" production; Assembly Bill AB 32; monies for planting of trees; grass at the small dog park; and the City's budget. (01:17:25)

Council Member Leece expressed support in inviting a CalPERS representative to speak on unfunded pension liabilities; spoke on rebuilding reserves; the reorganization of the Fire Department; Vickie Talley's involvement with the Anchor Trailer Port Mobilehome Park sale; the Churches Consortium and homeless issues; DUI enforcement; and commented on a statement made in a news article regarding actions of the prior City Council. (01:22:50)

#### **REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:35:55)**

CEO Hatch spoke about applying for committees; an upcoming closed session regarding labor negotiations; the appeal of the 1259 Victoria Street project; and the Fire Department deployment reorganization.

Public Services Director Munoz announced the City acquired \$2.8 million from OCTA to complete drainage improvements on Anaheim Ave. to reduce flooding. (01:38:20)

CEO Hatch spoke about regular staff attendance at Local Agency Formation Commission (LAFCO) meetings; QR barcode reader and going paperless; announced that it was his two-year anniversary as the City's CEO; and presented a video on the Wetlands Project at Fairview Park. (01:40:10)

#### **CONSENT CALENDAR (01:47:00)**

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 11

**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: Southern California Edison; Juan Kmitruk

**ACTION:** Received and filed

#### **2. MINUTES: Regular City Council Meeting May 1, 2012**

**ACTION:** Approved

3. **WARRANT RESOLUTION 2461: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-03A AND 13-04 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-03A for \$399.72, Payroll No. 13-04 for \$2,001,364.01 and City operating expenses for \$345,230.66, including payroll deductions.**

**ACTION:** Approved

4. **WARRANT RESOLUTION 2462: 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 \$339,164.81.**

**ACTION:** Approved

5. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00261 FOR STREET IMPROVEMENTS AT 2258 AND 2260 ORANGE AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council approved the refund of a cash deposit in connection with Encroachment Permit No. PS12-00261 in the amount of \$5,000 to West Coast Concrete, P.O. Box 310311, Fontana, CA 92331.

6. **RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2013 ORANGE COUNTY MARATHON**

**ACTION:**

City Council adopted a resolution designating the event route for the 2013 Orange County (OC) Marathon and approved the temporary street closures for May 5, 2013, as requested for the 2013 OC Marathon.

**7. PURCHASE OF FIVE 2013 FORD POLICE INTERCEPTOR UTILITY VEHICLES AND FIVE 2013 FORD POLICE INTERCEPTOR SEDAN VEHICLES**

**ACTION:**

City Council purchased five 2013 Ford Police Interceptor Utility vehicles and five 2013 Ford Police Interceptor Sedans from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, for a total of \$293,323.70, as a cooperative under the National Joint Powers Alliance (NJPA) master vehicle contact #102811, which was effective February 15, 2012. The NJPA is authorized by the Joint Exercise of Powers Act, with the National Auto Fleet Group being the awarded vendor.

**8. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT – CITY PROJECT NO. 12-18**

**ACTION:**

- 1) City Council adopted plans, specifications, and working details for the Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 12-18; and
- 2) Awarded a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670, in the amount of \$770,480.00; and
- 3) Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

**9. PURCHASE OF SIX (6) HONDA POLICE MOTORCYCLES**

**ACTION:**

City Council approved and authorized the CEO to sign the purchase agreement in the amount of \$163,897.32 for six 2012 Honda motorcycles from Huntington Beach Honda, 17555 Beach Blvd., Huntington Beach, CA 92647.

**10. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY – AMENDMENT OF PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

**ACTION:**

- 1) City Council, Housing Authority, and Successor Agency approved the amendment to the Professional Services Agreement (PSA) with Keyser-Marston Associates (KMA) Consulting, 500 South Grand Avenue, Suite 700, Los Angeles, CA 90071, to increase from \$100,000 to \$130,000; and
- 2) Authorized the City Chief Executive Officer to sign the amended Professional Services Agreement with KMA Consulting in the amount of \$130,000.

**11. A RESOLUTION OF THE COSTA MESA CITY COUNCIL AUTHORIZING THE CHIEF EXECUTIVE OFFICER OR HIS DESIGNEE TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF ANAHEIM TO RECEIVE A GRANT UNDER THE FY 2012 URBAN AREAS SECURITY INITIATIVE (UASI)**

**ACTION:**

- 1) City Council adopted a resolution that authorizes the Chief Executive Officer or his designee to execute the attached Sub-Recipient Agreement with the City of Anaheim to receive a grant under the FY 2012 Urban Areas Security Initiative (UASI) Grant Program; and
- 2) Authorized the Police Department to accept FY 2012 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$50,251. This amount will reimburse training costs included but not limited to tuition, overtime, and backfill for pre-approved Office of Domestic Preparedness-approved training for police, fire and city personnel; and
- 3) Approved Budget Adjustment No. 12-019 in the amount of \$50,251 to increase revenue and appropriate the grant funds to the Police Department's operating budget.

**ITEMS REMOVED FROM THE CONSENT CALENDAR – None**

**PUBLIC HEARINGS – (01:47:30)**

1. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-06, AMENDING TITLE 13, CHAPTER 1 AND CHAPTER IV, OF THE COSTA MESA MUNICIPAL CODE RELATED TO ESTABLISHMENT OF EMERGENCY SHELTERS, TRANSITIONAL HOUSING, AND SUPPORTIVE HOUSING PURSUANT TO STATE LAW (01:47:37)**

Staff report provided by Mino Ashabi, Principal Planner. (01:48:02)

Discussion ensued regarding city comparisons of emergency shelters, who oversees the 120-day limit, the amount of parking spaces, parking standards, and the amount of beds. (01:53:24)

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

The motion carried by the following roll call vote:

Ayes: Mayor Righheimer, 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 introduced ordinance for first reading, read by title only, and waived further reading; and
- 2) Approved operational standards and guidelines for emergency shelters, with revised parking standards to state, "1 per 4 beds or one per employee"; and to round the number of parking spaces for 30 beds from 7.5 spaces to 8.

**OLD BUSINESS – NONE**

**NEW BUSINESS (02:00:30)**

1. **URBAN MASTER PLAN SCREENING REQUEST (UMP-13-01) FOR 10 ATTACHED RESIDENTIAL CONDOMINIUMS AT 522 AND 526 BERNARD STREET (02:00:35)**

Staff report provided by Mino Ashabi, Principal Planner. (02:00:55)

Discussion ensued regarding setbacks. (02:04:43)

Mark Majer, applicant representing MDM Investment Group, spoke about the company and the proposed project. (02:05:50)



Discussion ensued regarding market research; the number of bedrooms; interior and exterior design; entrances and exits; variances; setbacks; parking; the development being too modern; and the type of stone to be used. (02:06:55)

Public Comments:

Robin Leffler, Costa Mesa, spoke about compliance with standards; the design not blending in with the current neighborhood; and expressed support for adequate parking and setbacks. (02:16:44)

Discussion ensued regarding setbacks, front-door identity, layout of the units, and parking. (02:19:47)

Council Member Monahan commented on urban designs and setbacks; commended the company for doing a good job at providing the structure and setbacks; and spoke on the parking being sufficient. (02:22:57)

Council Member Genis expressed concern about the project not being consistent with the current neighborhood and the lack of setbacks. (02:24:24)

Mayor Righeimer commented that Charle Street is mostly commercial and spoke on the renovation of the Westside and the design of the project. (02:27:47)

**ACTION:** City Council provided feedback on the proposed 10-unit residential ownership project within the Mesa West Residential Ownership Urban Plan area.

## 2. FAIRVIEW PARK PROJECTS (02:31:48)

Staff report provided by Ernesto Munoz, Public Services Director. (02:32:12)

Discussion ensued regarding maintenance costs; the County's interest in the project; Talbert Nature Reserve; funding; Banning Ranch; costs; and liability. (02:40:03)

Public Comments:

Perry Valentine, Costa Mesa, spoke on acquiring property owned by another public agency, costs and liability related to the project, and expressed opposition to the project. (02:49:07)

Speaker, Costa Mesa, expressed support of the project. (02:51:00)

James Peterson, Costa Mesa, expressed opposition to the Canary Stairs and expressed concern regarding theft and vandalism. (02:52:25)

Robin Leffler, Costa Mesa, expressed support of building up reserves, expressed opposition to the project, and expressed concern regarding the Canary Stairs. (02:53:28)

Bill Burke, Costa Mesa, expressed opposition to the Canary Stairs; spoke on the petition regarding the Canary Stairs and recommended it be referred to the Fairview Park Advisory Committee. (02:55:45)

Cindy Brenneman, Costa Mesa, expressed opposition to the Canary Stairs and requested that Council table the item. (02:59:35)

Bob Isaacson, Costa Mesa, expressed opposition to the Canary Stairs. (03:01:37)

Robert Graham, Costa Mesa, spoke on the petition; expressed support of decent and safe access to the park; and provided photographs of the safety issues with the access through the muddy bluffs. (03:02:08)

Council Member Leece spoke on the Mesa Verde Homeowners' Association input, costs and benefits of the project, priority of public safety funding, and expressed support of the Fairview Park Advisory Committee reviewing this item. (03:06:00)

Council Member Genis expressed support of bringing back the Fairview Park Advisory Committee, referring this project to them, and the stairs at Fairview Park; and spoke on the Talbert Nature Reserve and meeting with Nature Reserve of Orange County. (03:08:52)

Council Member Monahan expressed concern with the Talbert Nature Reserve maintenance costs; expressed support of the stairs at Fairview Park and Canary Drive; inquired about the process of creating the Fairview Park Advisory Committee; and expressed support of the item. (03:11:22)

Mayor Pro Tem Mensinger expressed support of the stairs at Canary Drive and Fairview Park; spoke on Mr. Graham's petition; and expressed support of moving forward with the Talbert Nature Reserve. (03:14:07)

Mayor Righeimer expressed support of the Fairview Park Advisory Committee, the stairs at Fairview Park and Canary Drive, and spoke on public safety. (03:19:40)

**MOTION:** Form a Fairview Park Advisory Committee to include 7 members at-large, with a City Council Member Liaison, and a Parks and Recreation Commission Liaison.

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

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:** Approve the Canary Drive Stairs project with the staff recommendations on timing, and direct staff to look into restricted parking.

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

**SUBSTITUTE MOTION:** Refer the Canary Drive Stairs project to the Fairview Park Advisory Committee.

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

Council Member Leece spoke on the budget for public safety. (03:25:42)

Council Member Genis commented on concerns by the adjacent resident, and expressed opposition to the Canary Stairs. (03:26:40)

The substitute motion failed by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece

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

Motion failed: 2-3.

The original motion carried by the following roll call vote:

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

Noes: Council Member Genis, Council Member Leece

Motion carried: 3-2.

**MOTION:** Approve the Bluff Stairs project at south Fairview Park.

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

Discussion ensued regarding accessibility options at Fairview Park. (03:28:38)

The motion carried by the following roll call vote:

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

Noes: Council Member Leece

Motion carried: 4-1.

**MOTION:** Direct staff to evaluate the feasibility of acquiring Talbert Park Nature Reserve.

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

The motion carried by the following roll call vote:

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

Noes: Council Member Leece

Motion carried: 4-1.

Discussion ensued regarding accessibility at the parks. (03:33:28)

3. **APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF COSTA MESA AND NEWPORT-MESA UNIFIED SCHOOL DISTRICT FOR A DESIGN FEASIBILITY STUDY TO ANALYZE THE PLACEMENT AND DEVELOPMENT OF A JOINT USE ATHLETIC FACILITY AT COSTA MESA HIGH SCHOOL (03:36:35)**

Staff report provided by Tom Hatch, Chief Executive Officer. (03:36:58)

Discussion ensued regarding the school district's interest in the item. (03:42:39)

Council Member Leece spoke on a feasibility study for Tewinkle, and requested that the plans be provided to the school district's consultant. (03:46:02)

Mayor Pro Tem Mensinger spoke on funding, the feasibility study for Tewinkle, and the shortage of fields. (03:47:50)

Public Comments:

Greg Ridge, Costa Mesa, expressed support of funding and commented on high school budgets in the district. (03:52:19)

Cynthia Blackwell, Costa Mesa, expressed support of investing money in the high school. (03:54:30)

Frank Albers, Costa Mesa, expressed support of the item. (03:55:40)

Robin Leffler, Costa Mesa, expressed support of the item and spoke on funding. (03:57:04)

Perry Valentine, Costa Mesa, expressed support of the item. (03:58:40)

Mayor Pro Tem Mensinger spoke on joint facility usage needs and per student based fees; and informed that he met with the superintendent and Paul Reed who expressed support of the item. (04:00:00)

Council Member Genis spoke on the availability of the facility to the general public and not just the school, commented on the redevelopment process, and expressed support of the item. (04:03:35)

Council Member Leece expressed support of the item and encouraged the school district board and City Council to work together. (04:07:45)

Mayor Righeimer spoke on the previous \$3 million spent and working together with the school district, and expressed support of the item. (04:09:00)

**MOTION/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

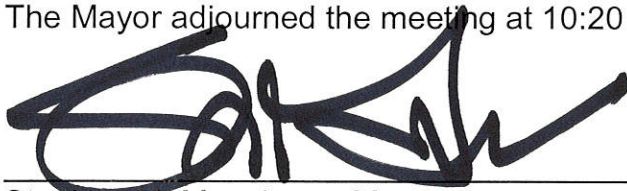
Motion carried: 5-0

**ACTION:**

- 1) Approved a Memorandum of Understanding (MOU) between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) to provide \$15,000 for a design feasibility study to analyze the placement and development of a joint use athletic facility at Costa Mesa High School.
- 2) Authorized the Mayor to sign the MOU.
- 3) Directed the Parks and Recreation Commission to review the completed results and details of the feasibility study and provide recommendations to the City Council.

**REPORT – CITY ATTORNEY – NONE**

The Mayor adjourned the meeting at 10:20 p.m.



Stephen M. Mensinger, Mayor



Brenda Green, City Clerk