

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

**July 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**

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

Council Members Absent: Council Member Monahan (Arrived at 6:10 p.m.)

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

**CLOSED SESSION**

The City Council recessed into closed session at 5:04 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 California 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 California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No. 30-2011-00468876, pursuant to California Government Code Section 54956.9(a).

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

**CALL TO ORDER (00:00:12)**

**PLEDGE OF ALLEGIANCE (00:00:15)** – Led by Council Member Leece

**MOMENT OF SOLEMN EXPRESSION - NONE**

**ROLL CALL (00:00:48)**

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan (arrived at 6:10 p.m.).

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 Gary Armstrong, Interim City Engineer Fariba Fazeli, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT (00:01:00)**

The City Attorney stated that there was no reportable action.

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

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

**PRESENTATIONS - NONE**

**PUBLIC COMMENTS (00:04:17)**

Martin Millard, Costa Mesa, spoke about code enforcement, and a public records request he submitted. (00:04:36)

Sheila Pfafflin, Costa Mesa, expressed her opposition to the W. 18<sup>th</sup> Street development. (00:07:10)

Jay Humphrey, Costa Mesa, spoke on the Visioning Workshop, and fireworks. (00:09:55)

Beth Refakes, Costa Mesa, commented on fireworks, and attendance at the General Plan meetings. (00:12:20)

Speaker, Costa Mesa, expressed support of banning fireworks. (00:14:49)

Robin Leffler, Costa Mesa, played a video clip of the Mayor speaking about the Charter. (00:16:07)

## **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Leece spoke on fireworks and the formation of a subcommittee to study fireworks; liquor licenses and Alcohol Beverage Control training; General Plan workshops; upcoming meeting for the improvement of the 405 freeway; appeal of the temporary lights at Harper School; field use at Fairview Developmental Center; fields at Whittier School; costs for the field ambassador and the repair and maintenance of the lights; the 60<sup>th</sup> Anniversary Committee volunteers; and 2.5 Franchise Fee on Consent Calendar Item 6. (00:19:52)

Council Member Monahan spoke about Triangle Square; West 18<sup>th</sup> Street Development; firework safety and fireworks as an opportunity for youth groups to raise money; AYSO 97 and the lights at Harper School; field use by Costa Mesa and Newport Beach residents; code enforcement; multi-family complexes; and Eastside street improvements. (00:30:18)

Mayor Righeimer responded to public comments regarding a video clip of him speaking; spoke about the charter and process; the Fourth of July holiday and enforcement; Westside project; upgrades and improvements to the city; and public employee pensions. (00:39:02)

Mayor Pro Tem Mensinger expressed his support for the 18<sup>th</sup> Street Development; spoke on developments and traffic concerns that never came to fruition; improvements in the city; Fourth of July week; safe and sane fireworks; the 60<sup>th</sup> Anniversary event; thanked staff for their efforts to solve an issue; and expressed support for the lights at Harper School. (00:50:56)

Council Member Genis spoke on Quonset huts, the Metro Pointe development, and public noticing; expressed concerns regarding fireworks; thanked TNT for cleaning up the parks; spoke on Measure V from 1990 regarding conflict of interest and campaign contributions; and thanked for the installation of the bluebird boxes in the parks. (01:02:17)

Ex-Parte Communications:

Council Member Leece disclosed she had a conversation with Jennifer Muir of Orange County Employees' Association regarding pension reform. (01:10:10)

### **REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:11:05)**

CEO Hatch spoke about franchise fee and gross receipts related to Consent Calendar Item 6; the public records request process and code enforcement; discount coupons for admission to the Orange County Fair; the upcoming Target Symphony in the Cities event; the 60<sup>th</sup> Anniversary Committee; and noted a request to change the public hearing date from August 20, 2013 to September 3, 2013 for Consent Calendar Item 5.

## **CONSENT CALENDAR (01:17:23)**

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

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

Abstain: Mayor Righeimer (on Consent Calendar Item No. 8)

Motion carried: 5-0 (Items 1-8, excluding Item Nos. 3, 5, and 8)

Motion carried: 4-0-1 (on Consent Calendar Item No. 8)

### **1. READING FOLDER**

a. Claims received by the City Clerk: Robert G. Voll and Robert McKenzie

b. Requests for Alcohol Beverage Control Licenses:

1. For Filomena's, LLC, dba Filomena's Italian Kitchen, at 2400 Newport Boulevard #4, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
2. For 3 Men and a Dog, LLC, dba Jerry's Wood Fired Dogs, at 1510 Adams Avenue, Suite B, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
3. For Akenavin Corporation, dba Nimman Thai Cuisine, 1450 Baker Street, Suite C, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
4. For Costa Mesa 55 Tavern & Bowl, LLC, dba Costa Mesa Tavern & Bowl, 1875 Newport Boulevard, Suite L1-111, a person-to-person and premise-to-premise transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).

**ACTION:** Received and filed

**2. MINUTES:** Regular Meeting of May 21, 2013.

**ACTION:** Approved.

4. **WARRANT RESOLUTION 2481: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-13 "A" AND 13-14 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-13 "A" for \$-4,018.38, Payroll No. 13-14 for \$2,003,177.64 and City operating expenses for \$1,611,197.25.**

**ACTION:** Approved.

6. **PROFESSIONAL SERVICES AGREEMENT FOR REFUSE REMOVAL SERVICES AT CITY FACILITIES**

**ACTION:**

1. City Council approved the Professional Services Agreement with Ware Disposal Company, Inc., 1018 N. Lincoln Street, Santa Ana, CA 92701, for a two (2) year contract for Refuse Removal Services at City facilities for a not-to exceed cost of \$108,921 annually, if the parties subsequently agree in writing; and
2. Authorized the Public Services Director to extend the Professional Services Agreement each fiscal year, for up to a maximum of five (5) additional one-year terms, as applicable, only if the rate increase is equal to or less than the annual Consumer Price Index (CPI).

7. **PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF THE FAIRVIEW PARK WETLANDS BOARDWALK**

**ACTION:**

1. City Council awarded a contract to David Volz Design, 151 Kalmus Drive, Costa Mesa, CA 92626 in the amount of \$124,895 for professional services for the Design of the Fairview Park Wetlands Boardwalk Project; and
2. Approved Budget Adjustment No. 14-004 in the amount of \$124,895; and
3. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement and Budget Adjustment.

**8. FIRST AMENDMENT TO COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) PREDEVELOPMENT LOAN AND COMMITMENT OF HOME PROGRAM FUNDS AGREEMENT**

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

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

Noes: None

Abstain: Mayor Righeimer, due to a conflict of interest as he is a Board Member for Mercy House.

Motion carried: 4-0-1

**ACTION:** City Council and Housing Authority approved the First Amendment to Community Housing Development Organization (CHDO) Predevelopment Loan and Commitment of HOME Program Funds Agreement ("First Amendment") by and among the City of Costa Mesa ("City") and the Costa Mesa Housing Authority ("Housing Authority") and Mercy House CHDO, Inc. ("Mercy House") and Wakeland Housing and Development Corporation ("Wakeland"). The Mercy House and Wakeland team is collectively referred to as "Developer". The First Amendment increases the Predevelopment Loan by \$85,257, which results in a total commitment of up to \$585,257 in prior years' HOME funds for a permanent supportive housing project to serve the Costa Mesa homeless population.

**ITEMS REMOVED FROM THE CONSENT CALENDAR (01:18:09)**

**3. WARRANT RESOLUTION 2480: 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 \$1,117,692.37. (01:18:18)**

Mike Hermanos, Costa Mesa, spoke regarding the payment to Kim Barlow, Jones & Mayer. (01:18:29)

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

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. NOTICE OF INTENT FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1826 FULLERTON AVENUE (01:18:07)**

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

1. City Council set a public hearing on September 3, 2013 for the vacation of a portion of Fullerton Avenue Right-of-Way (ROW); and
2. Adopted Resolution of intent to vacate a portion of Fullerton Avenue Right-Of-Way (ROW).

**PUBLIC HEARINGS – (01:20:21)**

**1. APPROVE CERTIFICATION OF SPECIAL ASSESSMENTS FOR DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS (01:20:22)**

Staff report provided by Bobby Young, Finance and I.T. Director. (01:20:46)

Discussion ensued regarding compliance; researching case files; and availability of spreadsheets. (01:22:53)

Council Member Genis inquired if the lien at 2920 Royal Palm Drive should be on the list. (01:27:05)

Public Comments:

Robin Leffler, Costa Mesa, spoke on the interruption of speakers; and expressed support of reviewing the people on the list. (01:29:23)

Sheila Pfafflin, Costa Mesa, expressed concern about proceeding due to anomalies raised; and spoke regarding the process being consistent and accurate. (01:30:49)

Erik Jolliff, Costa Mesa, spoke about his property and his efforts to remedy the violation. (01:31:55)

**MOTION:** Adopt Resolution No. 13-XX entitled "A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations"; and direct staff to Remove #12 and #18 from the Special Assessment Liens List.

Willa Bouwens-Killeen, Acting Chief of Code Enforcement, indicated that #12 is still on the list. (01:39:39)

Council Member Monahan amended his motion to remove #18 only. (01:39:59)

**AMENDED MOTION:** Adopt Resolution No. 13-XX entitled "A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations"; and direct staff to Remove #18 from the Special Assessment Liens List.

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

Discussion ensued on the research of items on the agenda, the Special Assessment Liens process, code enforcement, policy change, and staff discretion regarding deadlines to pay fines. (01:40:15)

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

Discussion ensued regarding options available for #18 on the Special Assessments list. (01:52:30)

**MOTION:** Direct staff to omit #18 on the property tax roll and work with the property owner.

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

## **OLD BUSINESS - NONE**

## **NEW BUSINESS (01:56:38)**

Council Member Monahan indicated he must recuse himself from New Business Item #2, as he lives within 500' and he left the Council Chambers. (01:56:53)



Mayor Righeimer requested that New Business Item #2 be heard out of order. (01:57:10)

**2. GENERAL PLAN SCREENING GPS-13-02 - FOR PROPOSED 208-UNIT RESIDENTIAL APARTMENT PROJECT AT 1973 NEWPORT BOULEVARD (01:57:27)**

Staff report provided by Minoo Ashabi, Principal Planner. (01:57:50)

Discussion ensued regarding peak hour trips. (02:01:15)

Ex-Parte Communications:

Mayor Pro Tem Mensinger informed that he spoke with the developer. (02:02:38)

Mayor Righeimer informed that he spoke with the broker. (02:02:42)

Pat Helgeson, representative from Province Group, spoke about the project and addressed concerns. (02:02:57)

Discussion ensued regarding Province Group's other projects; affordable units and the Regional Housing Needs Assessment; and similarities and differences between the proposed project and the Fairfield project. (02:12:07)

Public Comments:

Ken Nyquist, Costa Mesa, expressed opposition to the General Plan Amendment. (02:18:08)

Mary Jo Baretich, President of the Golden State Manufactured-Home Owners League, expressed opposition to the General Plan Amendment. (02:22:40)

James Wiener, Costa Mesa, expressed opposition to the General Plan Amendment. (02:25:50)

Janet Nyquist, Costa Mesa, expressed opposition to the General Plan Amendment. (02:29:21)

Ginger Roberts, Costa Mesa, expressed opposition to the General Plan Amendment. (02:32:12)

Koreen Lieber, Costa Mesa, expressed opposition to the General Plan Amendment. (02:33:24)

Sandy Johnson, Costa Mesa, expressed opposition to the General Plan Amendment. (02:36:55)

Marlene Harrell, Costa Mesa, expressed opposition to the General Plan Amendment. (02:41:03)

Valarie Hartzell, Costa Mesa, expressed opposition to the General Plan Amendment. (02:44:00)

Robin Leffler, Costa Mesa, expressed opposition to the General Plan Amendment. (02:46:44)

Bud Petty, Costa Mesa, expressed opposition to the General Plan Amendment. (02:50:02)

Jay Humphrey, Costa Mesa, expressed opposition to the General Plan Amendment. (02:51:07)

Dominick Giambona, Costa Mesa, expressed opposition to the General Plan Amendment and requested to have more time spent on the development. (02:53:39)

John Curtis, Costa Mesa, expressed opposition to the General Plan Amendment and requested that the area be re-zoned as something other than a high-density project. (02:56:33)

Nora Lugo, Costa Mesa, expressed opposition to the General Plan Amendment. (02:58:34)

Larry Sutton, owner of Orange County Trailer Supply, informed that he owns land that is shown on the map as part of the project and stated he would not be selling his land. (02:00:02)

Rachael Ursulo, Costa Mesa, expressed opposition to the General Plan Amendment. (03:01:05)

Beth Refakes, Costa Mesa, expressed opposition to the General Plan Amendment. (03:02:01)

Thea Stanton, Costa Mesa, expressed opposition to the General Plan Amendment. (03:05:06)

Kathy Motley, Costa Mesa, spoke on Province Group's presentation and notification of the public; and expressed opposition to the General Plan Amendment. (03:05:57)

Sheila Pfafflin, Costa Mesa, expressed concerns regarding the lack of notification of the residents; expressed opposition to the General Plan Amendment; and

spoke on the absence of an analysis of senior citizen housing requirements in the staff report. (03:07:55)

Mark Garando, Costa Mesa, expressed opposition to the General Plan Amendment. (03:10:13)

Dominick Giambona, Costa Mesa, spoke on the mobile-home parking being a "gem" community. (03:13:00)

Frank Alvarez, Costa Mesa, expressed opposition to the General Plan Amendment. (03:13:04)

Joel French, Costa Mesa, expressed opposition to the General Plan Amendment. (03:17:50)

Discussion ensued regarding the properties in negotiation; parcels that have yet to be acquired; and the applicant's request. (03:18:58)

City Attorney Duarte advised that the item can be continued and tabled in order to request more information on the item. (03:22:36)

Mayor Righeimer spoke on the issue of the mobile home park owner's rights, the process of changing a zone, affordable housing, and zone changes involving motels; and expressed concern with moving forward with the project. (03:22:50)

Council Member Genis expressed concerns regarding the easement through Sandpiper, the high-density project, children at the bus stop, and the loss of affordable and senior housing; and expressed opposition to the General Plan Amendment. (03:27:33)

Council Member Leece expressed concern regarding the parking, traffic, fire study, and the taking away of affordable housing; informed of the minimal amount of green space; and expressed opposition to the General Plan Amendment. (03:29:27)

Mayor Pro Tem Mensinger indicated that the project had many unanswered questions, and requested staff to come back with the ultimate disposition of the property. (03:31:52)

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

Noes: None

Abstain: Council Member Monahan

Motion carried: 4-0-1

**ACTION:**

City Council denied General Plan Amendment request for processing to amend the land use designation from General Commercial (CG) to High Density Residential (HDR) related to development of a 208-unit apartment complex project.

**1. URBAN MASTER PLAN SCREENING (UMP-13-04) FOR A 29-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 643 AND 651 W. 17<sup>TH</sup> STREET AND 1677 SUPERIOR AVENUE (03:46:55)**

Ex-Parte Communications:

Council Member Leece disclosed that she met with Roger Vincent and Mr. Peter Lauener. (03:47:15)

Mayor Pro Tem Mensinger informed that he spoke on the phone with the developer. (03:47:24)

Staff report provided by Minoo Ashabi, Principal Planner. (03:47:30)

Peter Lauener, President of Intracorp Companies, spoke about the project. (03:51:35)

Discussion ensued regarding traffic and trip generation; reconfiguring the intersection; the fire access; zoning; density; the architecture and aesthetics of the project; and the General Plan update traffic studies. (03:59:18)

Public Comments:

Sheila Pfafflin, Costa Mesa, expressed concern with the high density and increase in traffic. (04:11:30)

Jay Humphrey, Costa Mesa, read comments on behalf of Eleanor Egan regarding the project. (04:14:17)

Jay Humphrey, Costa Mesa, expressed concern regarding traffic and housing in an industrial area. (04:15:48)

Mark Rondo, Costa Mesa, expressed concern regarding the floor plans, parking workspaces, the top deck, and the industrial complex next door. (04:16:07)

Beth Refakes, Costa Mesa, expressed concerns regarding the daily trip increase, the intersection, pedestrian safety, and congestion in the area. (04:19:23)

Robin Leffler, Costa Mesa, expressed concerns with guest parking; spoke on the possibility of the whole project turning into residential; a shade and shadow analysis; urged Council to wait for the General Plan review before making decision; and recommended having design standards. (04:22:37)

Council Member Genis expressed concern regarding the workspace being too small and the placement of the parking spaces. (04:25:51)

Mayor Pro Tem Mensinger spoke on the types of businesses that typically go into live/work and the configuration of the project. (04:27:10)

Discussion ensued regarding the buffer, a homeowners' association and HOA enforcement. (04:28:14)

**ACTION:**

City Council provided feedback on the proposed 29-unit live/work project within the 19 West Urban Plan Area.

**REPORT – CITY ATTORNEY - NONE**

The Mayor adjourned the meeting at 10:42 p.m.



Stephen M. Mensinger, Mayor



Brenda Green, City Clerk