

**REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA**

**May 03, 2011**

The City Council Meeting of the City of Costa Mesa, California met in regular session May 03, 2011, at 6:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**PLEDGE OF ALLEGIANCE - Council Member Eric Bever**

**MOMENT OF SOLEMN EXPRESSION**

**ROLL CALL**

Council Members Present: Mayor Gary Monahan  
Mayor Pro Tem James Righeimer  
Council Member Eric R. Bever  
Council Member Wendy Leece  
Council Member Stephen Mensinger

Council Members Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch  
City Attorney Thomas Duarte  
Development Services Director Kimberly Brandt  
Public Services Director Peter Naghavi  
City Clerk Julie Folcik  
Senior Planner Minoo Ashabi

**ANNOUNCEMENTS**

The Mayor announced various upcoming events taking place in the city:

- May 14, 2011 at 9 a.m. - OC Health and Fitness Expo - Westin South Coast Plaza
- May 15, 2011 at 2:30 p.m. - Costa Mesa Historical Society presentation featuring Fred Bockmiller, President of the Mesa Consolidated Water District Board of Directors - For more information, call (949) 631-5918 or visit [www.costamesahistory.org](http://www.costamesahistory.org)

The Mayor announced that the Costa Mesa Community Run and Fun Night, and the OC Marathon were successes, and thanked everyone involved.

**PRESENTATIONS**

Evy Young, OC Fair and RANCH After-School Program supervisor, provided an

overview of the program, and Council Member Leece presented certificates of recognition to the winners of the Educational Poster Contest.

## **REPORTS**

City Chief Executive Officer Thomas Hatch announced that the Orange County Marathon was a success and thanked staff involved in the planning process, as well as the local Police Explorers involved on the event day.

He announced budget meetings are scheduled to be held every Tuesday through June and informed the public of the focus of that the May 10, 2011 Budget Study Session:

- 1) A presentation from Nyhart Actuaries regarding unfunded liability costs;
- 2) A review of the new strategic alliance with the Costa Mesa Conference and Visitors' Bureau;
- 3) An update on marketing and communication initiatives; and
- 4) An update related to the hiring of consultants.

CEO Thomas Hatch thanked Development Services Director Kimberly Brandt for her 23 years of service to the City.

## **PUBLIC COMMENTS**

Campbell Davidson, Costa Mesa, reported parking problems and street sweeping issues on Meyer Street and Arnold Avenue.

Patricia Santry, Irvine, Second Harvest Food Bank, announced the upcoming USPS food drive, "Stamp Out Hunger."

Janice Davidson, Costa Mesa, spoke about the employee suicide and Council's recent actions.

Sue Lester, Costa Mesa, commented on a recent lawsuit filed by the City that was against her business.

Greg Thunell, Costa Mesa, referencing recent actions by the Council spoke in support of maintaining City employees.

James Proctor, Costa Mesa, recommended drilling oil in the City.

Helen Evers, Costa Mesa, spoke in opposition of Council's recent actions and of outsourcing.

Mike Tucker, City employee, spoke about his accomplishments, the PERS retirement formula, and impacts of outsourcing.

McKenna Foley, Aaron Cervantes, Ellen Haas, and Sara Condon, students from the Newport-Mesa School District, reiterated the need for the banning of

Styrofoam in the city.

Stephanie Barger, Costa Mesa, noted local efforts to ban Styrofoam and encouraged the Council to adopt an ordinance to ban it in the city.

Eloise Ott, Costa Mesa, spoke about her experience with downsizing, announced the upcoming Day of Prayer, and presented a contribution toward reward monies.

Sandra Genis, Costa Mesa, commented on government transparency and filing requirements for contractors.

Karin Ahlf, Costa Mesa, inquired about the independent audit funded by the Costa Mesa City Employees' Association of when it was scheduled to be completed and the results and expressed concern regarding the layoffs.

Dan Goldmann, Costa Mesa, expressed concern regarding the outsourcing of City services and Council's methods in resolving the budget deficit.

Tamar Goldmann, Costa Mesa, encouraged Council to listen to the residents.

Stefan Sion, Costa Mesa, spoke in opposition of outsourcing services.

Paula Restis Parsley, Costa Mesa, suggested ideas for generating revenue, expressed concern regarding poor fiscal management and supported an independent audit.

Amy Leece Fox spoke in opposition to recent Council actions relative to the budget, the hiring of contractors and of outsourcing.

Speaker (Declined to state), Los Angeles, spoke about his experience with the City of Bell, and noted his understanding of the PERS retirement projections.

Cindy Brenneman, Costa Mesa, shared her positive interactions with Police and Fire personnel and asked Council to rescind the outsourcing notices.

Chris McEvoy, Costa Mesa, encouraged Council to negotiate with the employee associations.

Katie Arthur, Costa Mesa, urged Council to rescind the outsourcing notices.

Ernie Feeney, Costa Mesa, inquired of the notification requirements for layoffs and outsourcing.

#### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 4.**

**MOTION: Approve recommended action for Consent Calendar Items 1 through 4.**

**Moved by Council Member Wendy Leece, seconded by Council Member**

**Stephen Mensigner.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following Claims were received by the City Clerk for processing: James O. Eiler on behalf of Arnel Management Company; Gregory G. Rizio on behalf of Dean Joseph Miller.

The following Notices were recieved:

Notice of Public Meeting: California Public Utilities Commission meeting regarding proposed new safety and rehabilitation regulations (rulemaking) for natural gas transmission and distribution pipelines.

Southern California Edison Company (U 338-E)'s Seismic Application No. 11-04-006.

2. Regular meetings of April 5, 2011 and April 19, 2011.

ACTION: Approved.

3. Warrant Resolution 2366, funding Payroll No. 11-08 for \$2,210,788.71, and Payroll No. 11-07A for \$2,138.48, and City operating expenses for \$1,027,823.68, including payroll deductions.

ACTION: Adopted resolution.

4. Warrant Resolution 2367, funding City operating expenses for \$373,227.66.

ACTION: Adopted resolution.

**PUBLIC HEARINGS**

1. PUBLIC HEARING: Request for Review by Mayor Gary Monahan of the Planning Commission's determination for Planning Application PA-10-38, for Alison Nguyen, authorized agent for Kathy Nguyen, for a minor design review to construct a detached two (2)-story, two (2)-unit residential common interest development (condominiums) including deviation from the following residential design guidelines with respect to second to first floor ratio (80 percent recommended; 98 percent proposed including second floor balcony and areas "open to below" and second floor side

setbacks (10-foot average recommended; five feet proposed).  
Environmental Determination: Exempt.

Associate Planner Wendy Shih presented a brief report and responded to questions from the City Council.

Alison Nguyen, Applicant, explained the reasons for requesting removal of the design modification relative to Condition of Approval No. 3, and responded to questions from the City Council.

Robin Leffler, Costa Mesa, spoke in support of the Planning Commission's determination.

Kerry Weisbrook, Costa Mesa, expressed concerns regarding proposed design as it relates to noise bouncing off two-story "sheer" walls.

**MOTION: Adopt Resolution No. 11-15 to uphold Planning Commission's decision, as amended removing Condition of Approval No. 3.**

**Moved by Mayor Gary Monahan, seconded by Council Member Stephen Mensigner.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece,  
Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council  
Member Stephen Mensigner

Noes: None.

Absent: None.

2. PUBLIC HEARING: Fiscal Year 2011-2012 Funding Priorities for Community Development Block Grant (CDGB) and Home Investment Partnership Program (HOME)

(a) Recommended allocation for the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) Application

(b) Recommended allocation for the Fiscal Year 2011-2012 HOME Investment Partnership Grant

(c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FISCAL YEAR 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT ENTITLEMENT FUNDS APPLICATION SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, authorizing the City Chief Executive Officer to act as the official representative of the City in order to submit the Annual Action Plan, and all certificates and assurances contained therein, and directing and authorizing the City Chief Executive Officer to act in connection with the submission of the Annual Action Plan,

and to provide such additional information as may be required.

**MOTION: Continue public hearing to June 7, 2011, at 7:00 p.m.  
Moved by Mayor Gary Monahan, seconded by Council Member  
Stephen Mensinger.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece,  
Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council  
Member Stephen Mensinger

Noes: None.

Absent: None.

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF  
COSTA MESA, CALIFORNIA, AMENDING TITLE 9 OF THE COSTA  
MESA MUNICIPAL CODE REGARDING FIREWORKS SALES.

Interim Public Affairs Manager Dan Joyce presented the report.

City Attorney Thomas Duarte confirmed that Council Member Stephen Mensinger did not have a Conflict of Interest with the issue.

Helen Evers, Costa Mesa, spoke in opposition of fireworks.

Chris Cox, Costa Mesa, spoke in support of extending the sale of fireworks in support of youth sport organizations.

Kevin Orton, Costa Mesa, supported the extension of the days in which fireworks can be sold.

Mike Bargas, Costa Mesa, spoke in support of extending the dates for fireworks sales in support of youth sports.

Art Perry, Costa Mesa, spoke on behalf of Estancia High School in support of allowing additional days for fireworks sales.

Karin Ahlf, Costa Mesa, spoke in opposition of discharging fireworks for more than one night.

Sandra Genis, Costa Mesa, spoke in opposition of the proposed ordinance.

Terry Shaw, Costa Mesa, opposed the discharging of fireworks over the 4th of July weekend and the use of spinners.

Karen Weigand, Costa Mesa, spoke in opposition of the discharging of fireworks on days other than the 4th of July.

Mark Harris, Costa Mesa, expressed concerns regarding the costs absorbed by the City associated with the discharge of fireworks and

opposed extending the days to discharge fireworks.

John Feeney, Costa Mesa, supported fireworks, but only on the 4th of July.

Tamar Goldman, Costa Mesa, expressed concerns regarding the costs to the City associated with fireworks.

Brian Sandlin, Costa Mesa, spoke in support of the proposed ordinance.

Cindy Brenneman, Costa Mesa, expressed support in the sale of fireworks, but opposed the additional days to discharge fireworks.

Sean Patterson, Costa Mesa, supported the use of fireworks.

Amy Leece Fox, Costa Mesa, opined that there are alternatives to raising money and expressed concerns regarding safety and costs associated with the additional days of enforcement, and clean-up of the fireworks.

Beth Refakes, Costa Mesa, opposed extending the days to discharge fireworks and expressed concerns regarding costs.

John Kelly, on behalf of TNT Fireworks, spoke in support of the proposed ordinance and expressed the willingness of wholesalers to assist with the clean-up.

Katie Arthur, Costa Mesa, supported extending the days for fireworks sales, but opposed the discharge of fireworks on days other than the 4th of July.

Herb Natal, Costa Mesa, spoke in support of extending the days for fireworks sales, but opposed extending the days for the discharging of fireworks.

Julie Elione, Costa Mesa, supported the extension of fireworks sales, but not the extension of days to discharge fireworks.

Sue Lester, Costa Mesa, expressed support in extending the days for the sale of fireworks, but opposed discharging fireworks on days other than the 4th of July.

Micaih, Costa Mesa, supported the extension of fireworks sales and the safe use of fireworks.

MOTION: Extend the sale dates of fireworks, permit the sale of spinners, and leave the discharging of fireworks to the 4th of July.  
Moved by Council Member Eric R. Bever. Motion died for lack of second.

**MOTION: Approve Introduce Ordinance No. 11-6, read by title only and waived further reading; approve amendment to Council Policy 400-2.**

**Moved by Mayor Pro Tem James Righeimer, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Stephen Mensinger

Noes: Council Member Eric R. Bever, Council Member Wendy Leece

Absent: None.

The Mayor recessed the meeting at 8:53 p.m.

The Mayor reconvened the meeting at 9:02 p.m.

## **OLD BUSINESS**

1. From the meeting of April 19, 2011, Appointments to various Council-appointed committees

(a) Access, Building, Fire and Housing Board of Appeals

(b) Redevelopment and Residential Rehabilitation (3R) Committee

**MOTION: Continue and direct staff to readvertise for committee appointments.**

**Moved by Mayor Gary Monahan, seconded by Mayor Pro Tem James Righeimer.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

2. Reports from City Council working groups

(a) Economic Development and Development

Mayor Pro Tem Righeimer noted the new development on Harbor Blvd.

(b) Sports and Recreation

(c) Policies, Procedures, and General Plan/Circulation

(d) Budget and Capital Improvements

Mayor Pro Tem Righeimer reflected on the recent budget study session and spoke about unfunded liability, pension costs, and negotiations.

(e) Motel Issues

## **NEW BUSINESS**

1. Potential revisions to the Sign Code

Senior Planner Mel Lee presented the report and responded to questions from the Council.

Flo Martin, Costa Mesa, spoke in opposition of LED signs.

Sandra Genis, Costa Mesa, expressed concerns regarding painted wall signs and opposed electronic, changeable signs.

Katie Arthur, Costa Mesa, spoke about the Scenic Symposium and suggested the item be tabled so that research could be conducted regarding the signs.

Syndy Neyland, Costa Mesa, opposed LED signs.

Beth Refakes, Costa Mesa, expressed concerns regarding the size of monument signs and opposed painted wall signs and LED signs.

Jackie Albright, Costa Mesa, spoke in opposition of LED signs.

Robin Leffler, Costa Mesa, supported the Planning Commission's recommendations to reduce the size and frequency of the signs.

Herb Natal, Costa Mesa, spoke in opposition of LED signs.

Kerry Weisbrook, Costa Mesa, spoke in opposition of LED signs.

John Feeney, Costa Mesa, spoke about on-premise signs and expressed concern regarding illegal non-conforming signs.

**MOTION: Approve Direct staff to prepare an amendment to the sign ordinance for consideration by the Planning Commission and the City Council regarding amending the calculations for building signage (proposed Action "A").**

**Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Stephen Mensigner.**

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem James Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: Mayor Gary Monahan

Absent: None.

**MOTION: Approve Direct staff to prepare an amendment to the sign ordinance for consideration by the Planning Commission and the City Council to revise the freestanding sign standards (proposed Action "B"), suggesting a height limitation of 10-12 feet for monument signs.**

**Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Stephen Mensigner.**

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem James Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: Mayor Gary Monahan

Absent: None.

**MOTION: Direct staff to prepare an amendment to the sign ordinance for consideration by the Planning Commission and the City Council regarding revising the free standing sign standards (proposed Action "C").**

**Moved by Mayor Pro Tem James Righeimer, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: None.

Absent: None.

Righeimer would like to find out what happened regarding the super graphic. on Triangle Square. - find a way to eliminate that.

Brandt - noted that the non conforming signs - poll signs

**MOTION: Approve Direct staff to prepare an amendment to the sign ordinance for consideration by the Planning Commission and the City Council regarding size limitation for painted wall signs (proposed Action "D").**

**Moved by Mayor Pro Tem James Righeimer, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece, Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Stephen Mensigner

Noes: None.

Absent: None.

**MOTION: To maintain current standards regarding LED signage.  
Moved by Mayor Pro Tem James Righeimer, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece,  
Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council  
Member Stephen Mensigner

Noes: None.

Absent: None.

2. Planning Commission priorities for technological efficiencies for consideration in preparation of the upcoming budget

Development Services Director Kimberly Brandt presented the report.

Sandra Genis, Costa Mesa, expressed concern regarding the costs to the City.

**MOTION: Directed Staff to move forward with including technology-related infrastructure items in the Fiscal Year 2011-2012 Budget:**

1. Upgrade the Development Services website.
2. Electronic Plan Checks.

**Mobile Field Units .**

**Moved by Mayor Gary Monahan, seconded by Mayor Pro Tem James Righeimer.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece,  
Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council  
Member Stephen Mensigner

Noes: None.

Absent: None.

3. General Plan Screening Request GPS-11-01 for commercial property at the former site of the Lincoln Mercury dealership located at 2626 Harbor Boulevard, Costa Mesa, to amend designation from General Commercial to Medium Density Residential.

Senior Planner Minoo Ashabi presented the staff report.

Sandra Genis, Costa Mesa, expressed concern regarding the redesignation of the property.

**MOTION: Approve GPS-11-01 for processing.**

**Moved by Mayor Gary Monahan, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

4. Authorization for staff time to research Sex Offender Ordinance.

City Chief Executive Officer Thomas Hatch presented the report.

**MOTION: Authorize the time for staff to research and prepare a draft ordinance.**

**Moved by Council Member Wendy Leece, seconded by Council Member Stephen Mensinger.**

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece, Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Stephen Mensinger

Noes: None.

Absent: None.

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

Council Member Wendy Leece requested a follow-up regarding Statements of Economic Interests for the consultants, announced her attendance at the Bristol Park Medical Group anniversary event and a tour with the Metropolitan Water District.

Council Member Stephen Mensinger thanked Development Services Director Kimberly Brandt for her years of service to the City, and asked for a follow-up regarding unfunded retiree medical liabilities.

Mayor Pro Tem Jim Righeimer announced that the OC Marathon was a success and suggested that more Costa Mesa residential areas be incorporated into the course, and directed staff to look into a policy regarding rewards and threats made to staff and elected officials.

Council Member Eric Bever requested that the emergency funds be made distinct on the monthly treasurer's report, asked for an update regarding the payroll and transition audits, directed staff to follow-up with a public speaker's concerns regarding parking and street sweeping, and addressed comments regarding negotiations.

## **CLOSED SESSION**

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) pursuant to Government Code Section 54957.6

2. Conference with legal counsel, regarding existing litigation: Newport Mesa Patients' Association and Tri-County Patients' Association v. City of Costa Mesa; Newport Mesa Patients' Association v. Colleen O'Donoghue, Real Party in Interest City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00370142 [consolidated cases] pursuant to subdivision (a) of Government Code Section 54956.9.
3. Conference with legal counsel, regarding existing litigation: Orange County Directors' Association, et al. v. City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00364374, pursuant to subdivision (a) of Government Code Section 54956.9.
4. Conference with legal counsel, regarding existing litigation: James, et al. v. City of Costa Mesa and City of Lake Forest, United State District Court Case No. 8:10-cv-00402, Ninth Circuit Court of Appeal Case No. 10-55769, pursuant to subdivision (a) of Government Code Section 54956.9.
5. Conference with legal counsel, regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - (one case).

Sandra Genis, Costa Mesa, suggested that the City reach out to the labor associations, and suggested that the City try to reach some kind of accomodation regarding the legitimate marijuana dispensaries.

The Mayor recessed the meeting 11:02 p.m. to Conference Room 1B for the Closed Sessions.

The meeting was reconvened at 11:36 p.m.

### **CLOSED SESSION REPORT**

There was no action taken.

**ADJOURNMENT - The meeting was adjourned at 11:37 p.m. to May 10, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: May 17, 2011.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa