

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

August 07, 2012

The City Council of the City of Costa Mesa, California met in a regular session on August 07, 2012 at 5 p.m. in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

ROLL CALL

PUBLIC COMMENTS

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

CALL TO ORDER - Mayor Eric R. Bever

PLEDGE OF ALLEGIANCE - Council Member Stephen Mensinger (00:00:12)

MOMENT OF SOLEMN EXPRESSION - Senior Pastor Rod Randall, Harbor Trinity Baptist Church (00:00:35)

ROLL CALL (00:01:48)

Council Members
Present:

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

Council Members
Absent:
Officials Present:

None
Chief Executive Officer Thomas R. Hatch
City Attorney Thomas Duarte
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
Neighborhood Improvement Manager Muriel Ullman
Deputy City Attorney Elena Gerli
Lt. Rob Sharpnack
Management Analyst Dan Baker
Interim City Clerk Brenda Green
Acting Deputy City Clerk Christine Cordon

CLOSED SESSION REPORT (00:02:01)

No closed session report.

ANNOUNCEMENTS (00:02:06)

The mayor played a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

PRESENTATIONS

No presentations.

The mayor announced that Public Hearing Item No. 1 and Old Business Item No. 2 have been withdrawn. (00:04:33)

PUBLIC COMMENTS (00:04:52)

Lou Desandro, Costa Mesa, spoke about the upcoming Costa Mesa Pop Warner Football and Cheer opening day and 50th anniversary celebration. (00:04:55)

Janice Davidson, Costa Mesa, asked about the Council vote on the charter and commented about neighborhood mechanics. (00:08:47)

Terry Koken, Costa Mesa, opined on First Amendment Rights and sang a song. (00:10:48)

Greg Thunell, Costa Mesa, apologized for encouraging audience applause at a previous Council meeting, and commented on city finances. (00:13:53)

Campbell Davidson, Costa Mesa, expressed concern about the poor conditions of sidewalks and streets damaged by tree roots. (00:16:52)

Perry Valentine, Costa Mesa, commented on the proposed charter and the transfer of power resulting from the charter. (00:19:29)

Martin H. Millard, Costa Mesa, expressed concern in the lack of a sign on 19th Street related to the revitalization and rebranding of the Westside. (00:22:19)

Sheila Pfafflin, Costa Mesa, opined about the condition of the Westside and commented on the Banning Ranch traffic mitigation agreement. (00:24:40)

Joy Williams, Costa Mesa, suggested that language be included in the Banning Ranch traffic mitigation for the traffic, weight volume, and number of vehicles; and commented on funding for radio equipment. (00:27:19)

Beth Refakes, Costa Mesa, spoke about the migration of homeless individuals from Lions Park to other areas, and suggested a permanent memorial to honor veterans. (00:30:39)

Holly Valentino, Costa Mesa, commented on the Banning Ranch development and its effects on the wildlife and quality of life for residents. (00:33:47)

Shirley McDaniels, Costa Mesa, spoke in support of the review of the decision made to approve the Banning Ranch traffic mitigation agreement. (00:36:21)

Anthony Valentino, Costa Mesa, commented on the Banning Ranch traffic mitigation agreement and the costs associated with the agreement and development.

Tom Pollitt, Costa Mesa, thanked the Council for their efforts in cutting expenses and balancing the budget, and commented on employee pensions and taxes. (00:40:27)

Jeff Mathews, Costa Mesa, complimented the Council, and addressed concerns made by public speakers regarding the homeless situation near Lions Park. (00:43:35)

Becks Heyho, Costa Mesa, addressed concerns regarding the homeless population. (00:45:15)

Robin Leffler, Costa Mesa, expressed concern regarding local government and Council power in the proposed charter. (00:45:56)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:48:06)

Mayor Pro Tem Jim Rigeimer expressed concerns regarding the proposed Tewinkle Park sports complex with Big League Dreams, and requested staff to provide an update; reported a meeting took place with Newport Beach city officials to discuss various issues that affect Newport Beach and Costa Mesa; and announced the upcoming the Olympic Womens' Volleyball competition, which will feature two Costa Mesa residents. (00:48:11)

Council Member Wendy Leece thanked those who intended to speak about the withdrawn item related to the Banning Ranch traffic mitigation agreement, and explained her reason for withdrawing the item; referred to a public speaker's comments regarding a sign and Westside revitalization, and noted reduced staffing levels; requested staff to respond to a speaker's concerns regarding solar flares; congratulated the new director of THINK Together; and asked that

the minutes from the July 31, 2012 reflect her reasons for her dissenting vote against the proposed charter. (00:54:10)

Council Member Stephen Mensinger spoke about a youth resident's recovery with her 16th brain surgery; announced the upcoming Pop Warner opening day; directed staff to review the sidewalks and trees on Mars Avenue; addressed concerns about the homeless issues and outreach efforts; and commented on the recent canvassing by the Young Democrats in opposition of the charter. (01:01:31)

Council Member Gary Monahan commented on the flyer distributed by the Young Democrats against the proposed charter and noted the funding sources of the flyer. (01:08:47)

Mayor Eric R. Bever reported on the success of the inaugural First Fridays Road Show and announced the upcoming show; referred to an article in the newspaper regarding the 19th Street Bridge, reiterated the Council's unanimous decision to reaffirm the removal the 19th Street/Banning Avenue bridge from the Master Plan of Arterial Highways, and reasserted his opposition to the 19th Street Bridge. (01:09:06)

REPORT - CHIEF EXECUTIVE OFFICER (CEO) (01:15:32)

No CEO report provided.

CONSENT CALENDAR (01:15:37)

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 15, except for Consent Calendar Item Nos. 2, 4, and 8.
Moved by Council Member Wendy Leece, seconded by Council Member Gary Monahan.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

(a) Claim received by the City Clerk: Toufan Blinsly Hedjazi.

(b) Requests for Alcohol Beverage Control licenses: Surf as Orange County Inc. dba Surf as Culinary District, 3309 Hyland Avenue, Suite E; Mastros Restaurants LLC dba Mastros Steakhouse, 633 Anton Boulevard; Andre Boudin Bakeries Inc. dba Boudin Bakery, 901 South Coast Drive, Suite N-100; Ashford TRS CM LLC dba Costa Mesa Hilton, 3050 Bristol Street; Shandilya Enterprise Inc. dba Jons Liquor, 2790

Harbor Boulevard, Suite 101 and 102.

(c) Letter of Notification: Southern California Edison, Application for Approval of Energy Efficiency and Demand Response for Integrated Demand Side Management Programs and Budgets for 2013-2014, Application No. A.12-07-004.

ACTION: Received and processed

3. WARRANT RESOLUTION 2430: 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 \$2,203,354.83.

ACTION: Approved

5. WARRANT RESOLUTION 2432: 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 \$1,066,227.71.

ACTION: Approved

6. Professional Services Agreement with West Coast Arborists, Inc., 2200 East Via Burton Street Anaheim, California, for tree maintenance services for a term of five years in an amount not to exceed \$420,000 annually.

ACTION: Approved; authorized the Chief Executive Officer and Interim City Clerk to sign

7. Professional Services Agreement with Legacy Inmate Communications, 10833 Valley View Street, Suite 150, Cypress, California, for the inmate telephone system in the jail for a term of five years in an amount based on the commission rate of 55 percent.

ACTION: Approved

9. Authorize refund of cash deposit in the amount of \$7,000 to PMC Concrete Contractors, 1730 Pomona Avenue, #13, Costa Mesa, California, in connection with Encroachment Permit No. PS12-00059 for street improvements at 2945 Airway Avenue.

ACTION: Approved

10. Authorize refund of cash deposit in the amount of \$9,457 to J G Construction, 15362 East Prado Road, Chino, California, in connection with Encroachment Permit No. PS12-00206 for street improvements at 290 Bristol Street.

ACTION: Approved

11. Authorize refund of cash deposit in the amount of \$14,077 to PGMC Inc., Post Office Box 5183, Culver City, California, in connection with Encroachment Permit No. PS11-00506 for street improvements at 1512 Bristol Street.

ACTION: Approved

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE BRENTWOOD PARK PHASE III DEVELOPMENT PROJECT.

ACTION: Adopt Resolution No. 12-54: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE BRENTWOOD PARK PHASE III DEVELOPMENT PROJECT.

13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE SOUTH FAIRVIEW PARK IMPROVEMENT PROJECT.

ACTION: Adopt Resolution No. 12-55: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR LAND AND WATER CONSERVATION FUNDS FOR THE SOUTH FAIRVIEW PARK IMPROVEMENT PROJECT.

14. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ANAHEIM/SUPERIOR STORM WATER MITIGATION PROJECT.

ACTION: Resolution No. 12-56: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE ANAHEIM/SUPERIOR STORM WATER MITIGATION PROJECT.

15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK NORTH BLUFF HABITAT RESTORATION AND SLOPE STABILIZATION PROJECT.

ACTION: Adopt Resolution No. 12-57: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE HABITAT CONSERVATION FUND PROGRAM FOR THE FAIRVIEW PARK NORTH BLUFF HABITAT RESTORATION AND SLOPE STABILIZATION PROJECT.

ITEMS REMOVED FROM CONSENT CALENDAR (01:16:07)

2. Minutes of Special Joint Meeting of June 12, 2012; Regular Meeting of July 3, 2012; Regular Adjourned Meeting/Study Session of July 10, 2012; Special Meeting of July 25, 2012; Regular Meeting of July 17, 2012; and Special Meeting of July 31, 2012. (01:16:07)

Council Member Leece requested that the minutes of the July 17, 2012 meeting be continued for further review of the discussion regarding the Banning Ranch traffic mitigation agreement. (01:16:09)

MOTION: Continue the minutes of the Regular Meeting of July 17, 2012, and approve the minutes of the Special Joint Meeting of June 12, 2012; Regular Meeting of July 3, 2012; Regular Adjourned Meeting/Study Session of July 10, 2012; Special Meeting of July 25, 2012; and Special Meeting of July 31, 2012.

Moved by Council Member Gary Monahan, seconded by Council Member Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

4. WARRANT RESOLUTION 2431: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-15 AND PAYROLL REGISTER NO. 12-14A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-15 for \$2,122,630.56 and Payroll No. 12-14A for \$2,137.04, and City operating expenses for \$1,005,427.14, including payroll deductions. (01:16:48)

MOTION: Approve

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

8. Cooperative Agreement with the County of Orange, OC Community Resources, OC Public Libraries, 1501 East Saint Andrew Place, Santa Ana, California, for the funding of the Beam Replacement Project at Costa Mesa Donald Dungan Library, 1855 Park Avenue. (01:17:10)

In response to questions from Council Member Leece, Public Services Ernesto Munoz addressed the length of the project and repairs, library closure dates, notification measures taken to alert the residents of the project and closure, and language to include in notification measures to divert residents to other local branches. (01:17:10)

MOTION: Approve; authorize the Mayor and Interim City Clerk to sign

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

1. No items scheduled.

PUBLIC HEARINGS - 7 p.m. (Resolution No. 05-55) (01:19:38)

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 164 FLOWER STREET. (01:19:38)

ACTION: Withdrawn

OLD BUSINESS (01:19:50)

1. Continued from the meeting of July 17, 2012, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA,

ADDING CHAPTER III OF TITLE 4 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE BICYCLE PARKING REGULATIONS. (01:19:58)

Terry Koken, Costa Mesa, expressed concern in the lack of bicycle parking spaces in the city and on private property, and requested leeway regarding the time a bike can be parked against a public sign before impound. (01:20:37)

Mayor Bever indicated that the ordinance only applies to public property. Deputy City Attorney Elena Gerli confirmed that it does not apply to private property, and the City is adopting a policy to not enforce the new laws on public property until bicycle racks are installed. (01:21:58)

Perry Valentine, Costa Mesa, commented on the burden to implement the proposed ordinance, and suggested prohibition of parking bicycles in areas that obstruct pathways. (01:23:20)

Sheila Pfafflin, Costa Mesa, opined that the language in the proposed ordinance is too broad for its intended purpose, and expressed concern regarding the handling of impounded bicycles. (01:25:52)

Mayor Bever indicated there are state or federal laws governing how local government agencies handle personal property. Ms. Gerli elaborated that state law mandates the storage of impounded personal property for 90 days, as well as notice requirements. (01:27:14)

Council Member Monahan thanked the Homeless Task Force for moving forward with the ordinance and spoke in support of the ordinance. He addressed concerns made by a public speaker about the availability of bicycle racks on private properties, and indicated that most retailers he frequents have bicycle racks. (01:28:36)

Council Member Leece asked why the city did not mirror the approach adopted by the City of Irvine and asked if other cities are using a similar approach to the one proposed. (01:30:41)

Ms. Gerli stated that the city does not just have a problem with sidewalks and walkways being blocked, but there are areas in the city where there are accumulations of parked bikes that cause a visual blight in addition to the obstruction of pathways. She stated that the proposed policy mirrors that of the City of Huntington Beach. (01:31:14)

Discussion ensued regarding the methods for claiming impounded bicycles, fine and schedule of fees, and anticipated timeline to select and install bicycle racks and enforce the ordinance, and funding of the purchase and installation of bicycle racks. (01:32:30)

Mayor Pro Tem Righeimer spoke in support of more bicycle racks in the

city and in support of the proposed ordinance. (01:37:47)

Council Member Mensinger spoke in support of the ordinance and asked about the bicycle impound program. (01:40:00)

Neighborhood Improvement Manager Muriel Ullman explained that impounded bicycles are sent to the auction house for sale at the end of the month, and indicated that staff is exploring alternatives for the disposal and distribution of impounded operable bicycles. (01:40:00)

Mayor Bever expressed appreciation in the efforts, but stated his opposition to the ordinance and in solving homeless issues with solutions that impose limitations on the liberties of residents. (01:42:00)

**MOTION: Adopt Ordinance No. 12-5: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER III OF TITLE 4 OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE BICYCLE PARKING REGULATIONS, to be read by title only, and waive further reading
Moved by Council Member Gary Monahan, seconded by Council Member Stephen Mensinger.**

The motion carried by the following roll call vote:

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

Noes: Mayor Eric R. Bever

Absent: None.

2. Request for rehearing by Council Member Leece of the determination made at the meeting of July 17, 2012 regarding the Newport Beach Banning Ranch traffic mitigation agreement.

ACTION: Withdrawn

NEW BUSINESS (01:42:41)

1. Urban Master Plan UMP-12-03 screening request for five (5) detached single-family residences at 1856 Placentia Place and 791 Center Street. (01:42:51)

Senior Planner Minoo Ashabi presented the report.

Mark Rossine, RSI Development, responded to questions regarding the block and perimeter walls, other projects under development in the city, and the housing market. (01:45:22)

Council Member Mensinger complimented the builders and spoke in support of the development.

Council Member Monahan praised the development. (01:52:57)

2. Appointment for vacancy on the Planning Commission (01:53:37)

Economic and Development Services Peter Naghavi presented the report.

Mayor Pro Tem Righeimer spoke in support of Mr. Mathews.

Council Member Leece spoke in opposition of appointing Mr. Mathews due to potential conflict of interest.

**MOTION: Appoint Jeff Mathews to the Planning Commission
Moved by Mayor Pro Tem James Righeimer, seconded by Council
Member Stephen Mensinger.**

The motion carried by the following roll call vote:

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

Noes: Council Member Wendy Leece

Absent: None.

3. Military Banner Program

Management Analyst Dan Baker and Jeff Mathews presented the report.

Mayor Pro Tem Righeimer spoke in support of the program.

Council Member Monahan asked if both designs could be used and interchanged at every other pole, and suggested that honorees be allowed to choose from either design and whether they would like their picture featured.

Council Member Mensinger spoke in support of the program.

Council Member Leece encouraged residents to present new ideas to the Council and spoke in support of the program.

Mr. Mathews thanked Mr. Baker for his work and efforts in moving forward with the program.

REPORT - City Attorney

No City Attorney report provided.

ADJOURNMENT

The mayor adjourned the meeting at 8:16 p.m.

/s/ Eric R. Bever
Mayor of the City of Costa Mesa

ATTEST:

/s/ Brenda Green
Interim City Clerk of the City of Costa Mesa

/s/ Eric R. Bever
Mayor of the City of Costa Mesa
on behalf of Successor Agency

ATTEST:

/s/ Brenda Green
Interim City Clerk of the City of Costa Mesa
on behalf of Successor Agency