

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

May 1, 2012

The City Council and City of Costa Mesa City Council Acting as Successor Agency to the Redevelopment Agency of the City of Costa Mesa, California met in a Closed Session on Tuesday, May 1, 2012 at 5:00 p.m. and at 6:00 p.m. in a Regular Session at Council Chambers, City Hall, 77, Fair Drive, Costa Mesa.

The Mayor called the meeting to order at 5:00 p.m.

ROLL CALL

Council Members Present:	Mayor Eric Bever Council Member Wendy Leece Council Member Stephen M. Mensinger Council Member Gary Monahan
Council Members Absent:	Mayor Pro Tem James M. Righeimer
Officials Present:	City Chief Executive Officer Thomas R. Hatch City Attorney Thomas Duarte Acting Deputy City Clerk Christine Cordon

PUBLIC COMMENTS - None

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), Costa Mesa Fire Fighters Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6
2. Conference with legal counsel regarding existing litigation: Julie Folcik, vs. Orange County Registrar of Voters and Neal Kelley, Registrar of Voters, Orange County Superior Court Case No. 30-2012 00553905 pursuant to Government Code Section 54956.9(a).

RECONVENE REGULAR MEETING

Greg Thunell, Costa Mesa, referenced an editorial in the "The Current" relative to legal fees by the Costa Mesa City Council and offered suggestions to negotiate new legal fees. He expressed concerns with many of the existing legal contracts in the City and urged cooperation from Council to avoid future litigation. (00:48:09)

Mike Harmanos, Costa Mesa, stated that he supports CM4RG and spoke of the importance of verifiable facts. (00:51:34)

Cindy Brenneman, Costa Mesa, stated that she was part of the Community Run Committee and thanked those who participated, including volunteers. (00:53:09)

Carl Alf, Costa Mesa, announced the upcoming Orange County Marathon at the Fairgrounds. (00:55:20)

John Rittenhouse commented on a proposal to privatize the baseball facilities at TeWinkle Park. He expressed concerns with impacts to adjacent residents and addressed issues that still need to be resolved and asked that the taskforce process be continued as it is in the best interest of the public. 00:56:19)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:59:48))

Council Member Wendy Leece thanked those who made the Costa Mesa Community Run a success. She welcomed Chick-Fil-A to the City of Costa Mesa and recognized the Cultural Arts Committee for their work on the recent Artist Showcase Fair. She addressed a kick-off meeting with Planning Commissioner Jim Fitzpatrick on the Military Affairs Team. She requested an update from City Attorney Duarte on Urban Elements. She asked that Mr. Duarte look into the City of Lake Forest's definition regarding the conduct at public meetings to consider incorporating some of their policies in the Costa Mesa Municipal Code. Regarding the issue of CM4RG's request to have a booth at the recent Community Run, she asked Mr. Duarte to help her understand what First Amendment issues were involved in denying their request. She reported receiving a memorandum from the City Attorney's office stating that the matter is confidential, involving Attorney-Client privileges. She hoped that in the future, opinions may be released to avoid division within the community.

Council Member Leece asked that Mr. Hatch provide a report on the schedule of events regarding outsourcing and hoped that everyone will have access to the documentation at the same time. She commented on pension reform and that the City can continue to be reasonable and fair as it works with employees to reach resolutions.

Council Member Leece expressed disappointment that she was removed from committees and listed the number of committee memberships held by the remaining members of council and encouraged working together to make Costa Mesa a better place.

Council Member Mensinger indicated that he would support releasing the City Attorney memorandum regarding CM4RG. He stated agreement with Mr. Kincaid's comments and the need to work together. He felt that a political organization has no place in the Community Run and that the Foundation did the right thing in limiting their involvement. He announced the upcoming Orange County Marathon and related events.

Council Member Mensinger commented on the Neighborhood Improvement Task Force and addressed motels, calls to the Police Department for each and related resources.

Assistant CEO Rick Francis addressed the process involved in obtaining the information regarding twelve specific problematic motels. He addressed Code Enforcement activities at the Regency Inn and presented images of violations and findings.

Council Member Mensinger noted that part of the issue relates to long-term versus short-term stays and requested that staff return with immediate options for implementing civil penalties for the operators of problem motels.

Mayor Bever concurred with Council Member Mensinger's request and commented on actions by the City of Buena Park to address the matter.

CEO Hatch reported that staff has been researching how other cities have dealt with these types of issues. He noted that the first step is identifying the extent of the problem and that staff will continue to address the issue.

Council Member Mensinger added that staff could look at the Party Ordinance in Newport Beach to develop a similar ordinance in Costa Mesa.

Council Member Mensinger addressed issues at Wallace Street noting that one resident had his house flooded nine times since 1998. He presented images of the specific flooding and asked staff to address the matter.

Public Services Director Ernesto Muñoz noted that Wallace Street is unique and he addressed the problems with Wallace Street, noting that it is flat and properties on Wallace were constructed many years ago at grades below the curbs. He reported that staff is aware of the problem and he reported that staff is working on improvements to resolve the matter and addressed the availability of funding.

Council Member Mensinger requested that CEO Hatch work with staff to find contingency funds to rectify the situation before the next rainy season. He addressed another drainage issue behind houses on Iowa Street and asked that the issue be made a priority.

Mr. Muñoz noted that part of the property belongs to the County and through meetings with residents and the County; the latter has put an improvement plan in place to address the matter. Brief discussion followed regarding making this issue a priority by working with City Engineers and County staff.

Council Member Gary Monahan thanked Mayor Bever for honoring his request to be placed on the School District Liaison Committee.

Mayor Bever offered to place Council Member Leece as Council liaison for the Cultural Arts and Historical Preservation Committees as well as the 3R Committee. Council Member Leece agreed and Mr. Hatch was directed to realign those assignments.

Mayor Bever addressed the TeWinkle Task Force and asked Mr. Hatch to send letters of thanks to those involved in the task force.

Mayor Bever commented that he hoped everyone could work together to solve the issues faced by the City and avoid confrontations.

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:46:25)

CEO Hatch commented on the recent Community Run noting that it is not a City sponsored event, and addressed Dan Joyce's role on the Community Run Committee. He added that the Committee voted to create a political-free zone for the event. He addressed challenges moving forward to not engage in a political environment.

Mr. Hatch commented on the "Employee of the Month" program and encouraged nominations.

He announced an upcoming Community Forum sponsored by the Community Services Department regarding the east-side street improvement projects on Wednesday, May 9, 2012 at 6:00 p.m. at Kaiser Elementary School.

He noted that on Tuesday, May 8, 2012, there would be a council study session where the focus will be on OCTA's 405 widening project as well as an introduction of the budget.

Mr. Hatch reported that the Costa Mesa Fire Department would present a new deployment concept on May 17, 2012. Regarding scheduled events for outsourcing, he noted that there will be five different related items to be discussed at the May 15, 2012 Council meeting.

RECESS/RECONVENE

Mayor Bever called for a 10 minute recess at 7:54 p.m.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 9 (01:54:45)

Items No. 2, 6, 8 and 9 were removed from the Consent Calendar for separate discussion and consideration.

1. Reading Folder.

- (a) Claim received by Acting Deputy City Clerk Cordon: Cathlene Hill.
- (b) Requests for Alcohol Beverage Control licenses: Black Knight, 436 East 17th Street; Umami Burger, 2981 Bristol Street, Suite B2.
- (c) Letter of Notification: Southern California Edison Company's Application for Authority to Establish its Authorized Cost for Capital of Utility Operations in 2013 and to Reset the Current Annual Cost of Capital Adjustment Mechanism, A. 12-04-015

Received.

2. Continued from the meeting of April 17, 2012: Special Meeting of March 27, 2012 and Regular Meeting of April 3, 2012; Special Meeting of July 13, 2010; Special Meeting of September 27, 2010; Special Study Session of February 28, 2012; Regular Adjourned Meeting/Study Session of April 10, 2012.

This item was pulled for separate discussion and consideration.

3. WARRANT RESOLUTION 2417: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-08 AND PAYROLL REGISTER NO. 12-07A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-08 for \$2,058,180.63 and Payroll No. 12-07A for \$1,075.78, and City operating expenses for \$417,545, including payroll deductions.

Approved.

4. WARRANT RESOLUTION 2418: 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 \$412,199.24.

Approved.

5. Adopt plans and specifications, and working details for Harbor Boulevard Rehabilitation Project (from Baker Street to South Coast Drive), City Project No. 12-01, and award a construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$837,124.48.

Approved; authorized the Mayor and Acting Deputy City Clerk to sign.

6. Adopt plans and specifications, and working details for 2011-2012 Community Development Block Grant (CDBG) Alley No. 122 Improvement Project, City Project No. 12-02, and award a construction contract to Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs, in the amount of \$201,810 (base bid).

This item was pulled for separate discussion and consideration.

7. Fairview Traffic Signal Synchronization Project.
 - (a) Cooperative Agreement with the City of Santa Ana for the implementation of the Traffic Signal Synchronization Project on the Fairview Corridor.

Approved; authorized the City Chief Executive Officer and Acting Deputy City Clerk to sign.

- (b) Professional Services Agreement with Advantec Consulting Engineers, 19200 Von Karman Avenue, Suite 600, Irvine, for the design and implementation of the Fairview Traffic Signal Synchronization Project in the amount of \$658,440.

Approved; authorized the Mayor and Acting Deputy City Clerk to sign.

- (c) Budget Adjustment No. 12-018 for \$658,440.

Approved.

8. Completion of CCTV Phase IV Improvement Project, City Project No. 11-05, by Crosstown Electrical & Data, Inc., 5463 Diaz Street, Irwindale.

This item was pulled for separate discussion and consideration.

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

This item was pulled for separate discussion and consideration.

MOTION: To approve the Items under the Consent Calendar except for items removed for separate discussion and consideration (Items No. 2, 6, 8 and 9), moved by Council Member Monahan, seconded by Mayor Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member

Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

ITEMS REMOVED FROM THE CONSENT CALENDAR

Minutes (01:55:48)

- Continued from the meeting of April 17, 2012; Special Meeting of March 27, 2012 and Regular Meeting of April 3, 2012; Special Meeting of July 13, 2010; Special Meeting of September 27, 2010; Special Study Session of February 28, 2012; Regular Adjourned Meeting/Study Session of April 10, 2012.

Mayor Bever commented on the number of minutes to be considered and asked that the item be continued to a future meeting for further discussion.

MOTION: To continue item, moved by Mayor Bever, seconded by Council Member Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

Administrative Actions (01:56:25)

- Adopt plans and specifications, and working details for 2011-2012 Community Development Block Grant (CDBG) Alley No. 122 Improvement Project, City Project No. 12-02, and award a construction contract to Sequel Contractors, Inc., 13546 Imperial Highway, Santa Fe Springs, in the amount of \$201,810 (base bid).

Council Member Leece requested clarification regarding the Master Drain Improvement Priority list report from April 6, 2012.

Public Services Director Ernesto Muñoz addressed the yearly allocation of CDBG funds towards infrastructure improvements in the City. He reported that the subject alley is in need of improvement and is on the list for such. He added that the alley number does not represent a priority value and noted flexibility in establishing priorities as needed.

Council Member Leece stated that it would be helpful for staff to provide an updated list of projects completed and pending. She referenced an email she sent regarding the alley on Baker Street and asked regarding the possibility of adding lights in alleys for increased public safety.

PUBLIC COMMENTS: None Received.

Mayor Bever referenced adoption of a policy to use concrete in the alleys but expressed concerns doing so behind obsolete apartment buildings. He wondered if it were more prudent to use an asphalt product in those instances.

Mr. Muñoz reported that the issue is monetary and noted that the concrete option is less expensive than the asphalt option because of construction activities required to install an asphalt alley.

Approved; authorized the Mayor and Acting Deputy City Clerk to sign.

MOTION: To approve the item as recommended by staff, moved by Council Member Monahan, seconded by Mayor Bever.

The motion carried by the following roll call vote:

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

Noes: None

Absent: Mayor Pro Tem James M. Righeimer

8. Completion of CCTV Phase IV Improvement Project, City Project No. 11-05, by Crosstown Electrical & Data, Inc., 5463 Diaz Street, Irwindale. (02:04:11)

Council Member Mensinger requested additional clarification regarding the item.

Mr. Muñoz reported that the item involves a fairly sophisticated system and he presented information on the specific contract to monitor traffic on various arterials in the City in order to respond quickly to increased traffic volumes, accidents and other traffic-related issues.

PUBLIC COMMENTS: None Received.

Recommendation: Accept work; authorize Acting Deputy City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

MOTION: To approve the item as recommended by staff, moved by Council Member Mensinger, seconded by Council Member Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60. (02:06:47)

Recommendation: Adopt resolution

Council Member Leece requested that, in the future staff provide a disk or memory stick with the information rather than printing the large volume of documents presented. She encouraged the City to think "green".

PUBLIC COMMENTS: (02:07:58)

Jay Photoglou requested that the item be continued to another meeting because there are documents slated for destruction where doing so, will cause irreparable harm to pending legal cases with the Police Department. Related case numbers include 06004294, 06004297, 06004305, 06004316 as well as others and include parts of a CPRA that have not been addressed by the City.

Mayor Bever asked that he provide the City Attorney with a list of all case numbers involved in his situation.

Mr. Duarte reported the process is in response to an Ordinance previously adopted by Council regarding records retention and statute of limitations issue.

Discussion followed regarding possible options for the item and whether electronic records will be kept when the documents are destroyed.

Mr. Hatch noted that the list includes cases from 2006 and that cases referenced by the speaker are from 2009.

MOTION: To continue the item for two weeks, moved by Council Member Monahan, seconded by Mayor Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

**CITY OF COSTA MESA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO
THE REDEVELOPMENT AGENCY**

No items scheduled.

PUBLIC HEARINGS – 7 p.m. (Resolution No. 05-55) (02:13:28)

1. PUBLIC HEARING: General Plan Amendment GP-11-03, Planning Application PA-11-27, and Tentative Parcel Map TPM-12-104 for Bryan Coggins of The Preface Group, for the development of four, four-story single-family residences (inclusive of a roof deck) at 20.5 du/acre density (20 du/acre maximum density allowed by General Plan); design review, including an administrative adjustment to allow 12-foot rear yard setback (20 feet required) and tandem parking for one of the units; and a tentative parcel map to facilitate subdivision of the property into four fee simple lots in the Mesa West Residential Ownership Urban Plan area. Environmental Determination: Exempt.
 - (a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-11-03, PLANNING APPLICATION PA-11-27, AND TENTATIVE PARCEL MAP 12-104 FOR DEVELOPMENT OF A FOUR UNIT, SMALL-LOT RESIDENTIAL DEVELOPMENT LOCATED AT 743 WEST 20TH STREET.

Senior Planner Mino Ashabi introduced the item and addressed location, zoning, site plan and proposal to divide the site into four parcels. She presented the site plan, proposed lot sizes, typical floor plan, landscape plan, corner parcel, project components, density, proposed master plan and specific deviations from development standards. Ms. Ashabi presented the proposed Tentative Parcel Map, building design, parking and use of a side-yard easement through an easement agreement. She addressed consideration of the project by the Planning Commission and presented their recommendations to Council.

Mayor Bever commented on Homeowners' Associations (HOA) being preferable to a maintenance agreement and requested staff's input. Ms. Ashabi reported that this is a new type of proposal and addressed challenges with smaller subdivisions and HOAs and alternate options available. She added that there are no standards regarding maintenance agreements and that staff would have to rely on the City Attorney's Office and the applicant's attorney to develop the best language for this type of proposal.

Council Member Leece inquired regarding the design of the corner unit roof deck that would have visibility to adjacent residences. Ms. Ashabi reported that because of the building heights, all four units would have visibility to adjacent properties.

Discussion followed regarding adjacent properties and resolution of drainage issues.

Ms. Ashabi responded that drainage issues pertained to the subject property and that they would have to be addressed within the maintenance agreement. Mr. Muñoz reported that development of any lot needs to preclude cross-lot drainage and that issues relate to the zero lot lines.

PUBLIC COMMENTS: (02:25:36)

Eleanor Egan, Costa Mesa, addressed the multiple deviations from the development standards and felt that the proposed development violates many of the City's standards and was opposed to the development.

Robin Leffler, Costa Mesa, addressed development standards set for the west side but noted that every application that she has seen so far are similar to the proposed and request variances. She felt that this specific plan requests multiple variances and will not result in improvements to the west side. She commented about many complaints regarding flooding and the possibility of increased drainage problems.

Council Member Mensinger inquired regarding developer fees assessed.

Mr. Muñoz reported assessments by the City for drainage fees based on Floor Area Ratios and how they contribute proportionally to the storm drain. He added that the developer will be paying storm drainage fees.

Bryan Coggins, Applicant, addressed screening of the project and commended staff for their work and efforts. He reported receiving helpful public feedback and addressed the importance of providing alternative styles of housing, especially serving young people. He addressed the zoning, noting that it is an urban plan zoned high-density and he commented on the Planning Commission's consideration of the item. He reviewed the list of requested deviations, and the issue of an HOA versus a maintenance agreement.

Council Member Leece inquired regarding the roof decks.

Mr. Coggins reported that a roof deck is not a story, but that these are three-story homes with a deck. He opined that the units will be priced from the high \$400K to low \$500K. He addressed the variances requested and the adequacy of parking.

Council Member Mensinger congratulated the developer on the project, noted that it is a generational issue and addressed the demographics and some of the challenges in the west side regarding transitioning from larger lots to smaller lots. He commented positively on the location.

MOTION: To adopt A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT GP-11-03, PLANNING APPLICATION PA-11-27, AND TENTATIVE PARCEL MAP 12-104 FOR DEVELOPMENT OF A FOUR UNIT, SMALL-LOT RESIDENTIAL DEVELOPMENT LOCATED AT 743 WEST 20TH STREET, moved by Mayor Bever, seconded by Council Member Mensinger.

Council Member Leece felt that there are too many deviations that will set precedence within the City, if it passes.

Council Member Monahan commented positively on the development and indicated that he will support the motion.

The motion carried by the following roll call vote:

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

2. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-05, AMENDING TITLE 13, CHAPTER VI, ARTICLE 2, SECTION 13-89, TABLE 13-89, NONRESIDENTIAL PARKING STANDARDS, OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD AND BEVERAGES ARE SERVED. (02:46:27)

Principal Planner Claire Flynn introduced the item including consideration by the Planning Commission. She presented background and addressed public feedback regarding the City's conservative code required parking. She reported that the City has contracted with Linscott, Law and Greenspan (LLG) to look at the City's Code requirements and see if there are opportunities to revise parking rates to be more in line with surrounding cities and industry standards. She highlighted findings by LLG that the City Code requirement for small restaurants is adequate. She addressed findings for tiered rates for larger restaurants, results of a survey of surrounding cities and key changes proposed within the Ordinance including the addition of a footnote to the parking table to allow the final review authority to provide/allow a maximum credit of one parking space for multi-tenant centers that provide bicycle racks.

Council Member Mensinger noted the need for revising the Ordinance. He thanked staff for its work and indicated support for the item.

PUBLIC COMMENTS: None Received.

Council Member Leece inquired regarding applicability of the Ordinance on pending applications. Ms. Flynn reported that once approved, the Ordinance would apply to applications going forward. However, staff will look at existing restaurants to determine how the changes will impact them.

Trinsa Allen, Senior Transportation Engineer, Linscott, Law and Greenspan, addressed applying the Ordinance to various size restaurants, using a Code ratio and the process for a shared parking environment.

Council Member Leece inquired regarding efforts to resolve parking issues in other locations. Ms. Flynn reported that staff is working with several restaurant owners to develop solutions for parking issues.

Council Member Mensinger agreed with the need to resolve parking issues in other existing centers within the City.

MOTION: To introduce for first reading, to be read by title only, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-05, AMENDING TITLE 13, CHAPTER VI, ARTICLE 2, SECTION 13-89, TABLE 13-89, NONRESIDENTIAL PARKING STANDARDS, OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD AND BEVERAGES ARE SERVED, moved by Council Member Mensinger, seconded by Council Member Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

OLD BUSINESS (03:01:47)

1. From the meeting of April 17, 2012, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER XIII (SEX OFFENDERS PROHIBITED FROM ENTERING PARKS AND SPORTS FACILITIES) OF TITLE 11 (OFFENSES – MISCELLANEOUS) OF THE COSTA MESA MUNICIPAL CODE RELATING TO SEX OFFENDERS.

Lieutenant Manley reported that the City Attorney's office is still studying whether the item applies to the Costa Mesa Golf Course but that if it does get included as a public park, it will become part of the Ordinance as well as JoAnne Street Bike Trail.

PUBLIC COMMENTS: (03:03:13)

Carl Alf, Costa Mesa spoke in support of the Ordinance and referenced related laws and noted the importance of protecting children.

A speaker thanked Council for considering the issue and asked about a smoking ban in City facilities.

Mayor Bever noted that a smoking ban has already been adopted by the City and staff reported that signs have been installed prohibiting smoking in parks.

Robin Leffler, Costa Mesa, spoke in support of the Ordinance but wondered how it will be enforced and how it will keep sex offenders out of parks.

Council Member Leece addressed the need for sex offenders to register with the Police Department and deferred to Lieutenant Manley to explain tactics that would be taken by the Costa Mesa Police Department including providing notices which must be signed, so that sex offenders understand they are prohibited from City parks.

Council Member Mensinger commented on a past incident and noted that the Ordinance provides a tool to facilitate Law Enforcement.

MOTION: To adopt Ordinance No. 12-3, to be read by title only, and waive further reading, moved by Council Member Monahan, seconded by Council Member Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

NEW BUSINESS (03:09:39)

1. Urban Master Plan UMP-12-02 screening request for 40 attached live/work units at 1527 Newport Boulevard.

Recommendation: Provide direction

Principal Planner Claire Flynn introduced the item and addressed location, surrounding properties, details of the proposal including the conversion of the existing mobile home park to a work/live development. She added that the units would be targeted to small, home-based businesses that would not generate additional traffic and addressed the several of types of businesses included. She addressed current land use on adjacent properties; parking, daily trips generated, zoning and the potential full build out under

the zoning designation. She presented findings, merits of the proposal, interface with neighbors and review by the Planning Commission as the final approval authority. She added that it involve a closure of the existing mobile home park noting that the City has no jurisdiction in terms of regulating mobile home parks. Ms. Flynn addressed previous mobile home park closures and explained actions required at this time.

Mayor Bever inquired regarding opportunities for roof-top decks and suggestions for them under this proposal. Ms. Flynn indicated there were no roof-decks proposed for the project. Discussion followed location of ingress and egress to the site.

Council Member Mensinger inquired regarding the timing of the development. Mr. Lawner explained the process for the closure of the park and noted it will take approximately one year before closure of the park and the beginning of construction.

PUBLIC COMMENTS: (03:19:39)

Robin Leffler, Costa Mesa, expressed concerns regarding the lack of pervious ground and wondered regarding the proposed drainage system. She asked that Council consider asking the developer to facilitate moving the current residents of the mobile home park including counseling.

Council Member Leece asked for clarification regarding the process for moving residents out of the area.

Vicky Tally of Tally and Associates explained that her firm is familiar with the process and will be working with the developers including preparation of a closure impact report which will outline specific mitigation measures addressing the impact on the tenants and address relocation and related costs.

Council Member Mensinger requested clarification regarding urban runoff. Mr. Muñoz explained that some developers provide the opportunity to retain some of the runoff on site and explained factors that come into play. He suggested possible direction to the developer to look into the opportunity of implementing pervious paving and other measures. He added that there are no current standards but that developers are encouraged to retain some of the water on site for drainage into the water table, but opportunities are limited. He reported on other options and opportunities implemented in the City and he addressed low-impact developments in terms of the load placed on utilities, storm drains and green technology to reduce impacts.

Council Member Leece complemented the developer and asked them to incorporate as much "green" technology as possible.

Council Member Mensinger noted Planning Commissioner Fitzpatrick's experience on the matter and encouraged the developer to continue working with staff to retain more water on site.

City Council provided direction.

2. Review of Ordinance No. 11-6, Title 9 of the Costa Mesa Municipal Code, regarding fireworks sales and discharge. (03:28:49)

Public Affairs Manager Dan Joyce presented background on the item including previous direction by Council on the issue and amendment and approval of the Ordinance by Council. He presented an update of the July 4, 2011 activities and recommended no changes to the Ordinance. He addressed comments from other agencies in support of the Ordinance and findings.

PUBLIC COMMENTS: None Received.

Council Member Mensinger expressed his support of the Ordinance and asked that the CEO work with the Police and Fire Chiefs on a plan to address the problem of illegal fireworks.

Council Member Leece commented on the process and wondered if people were cited for illegal fireworks last year. It was noted that one of the fireworks vendors offered to help clean up during last year's event and has offered to do so again this year. Council Member Leece agreed with needing to be more aggressive in addressing the use of illegal fireworks.

Mr. Joyce noted working closely with the Police Department last year and sending alerts to residents of the most impacted areas regarding penalties for violations. This will be done again this year to increase public outreach.

Council Member Monahan noted there is an allowance of 40 non-profits per year for selling safe and sane fireworks.

Discussion followed regarding implications related to the recent actions by Huntington Beach and a new State law that would allow sales of fireworks during New Year's Eve and allowed dates for the sale of fireworks within Costa Mesa.

Council Member Monahan commented on the lack of public comments on this item and commended staff and the Police and Fire Departments for their efforts.

Council Member Leece reported receiving two letters from a member of the Senior Center and Helen Evers regarding the matter.

MOTION: To receive and file the report, moved by Council Member Monahan, seconded by Council Member Mensinger.

The motion carried by the following roll call vote:

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

3. Proposal by the Costa Mesa-Newport Harbor Lions Club to use a portion of Fairview Park for its annual Fish Fry and request to waive the special event permit fee and park use fees. (03:41:48)

Mr. Joyce introduced the item and presented details of the report including staff recommendations. He addressed the amount of fees to be waived and the goals of the Costa Mesa-Newport Harbor Lions Club and Staff assistance with marketing for the event.

PUBLIC COMMENTS: (03:43:30)

Robert Ooten, Costa Mesa, thanked the City for its help and support and addressed expansion of the event.

A speaker commented positively on the event and commended the City and the Lions Club.

Council Member Monahan reiterated Council Member Mensinger's comments and commented positively on the event. He commended Mr. Ooten and Mr. Joyce for their efforts and work.

MOTION: To approve a proposal by the Costa Mesa-Newport Harbor Lions Club to use a portion of Fairview Park for its annual Fish Fry and request to waive the special event permit fee and park use fees, moved by Council Member Monahan, seconded by Council Member Mensinger.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

4. Costa Mesa-Newport Harbor Lions Club request to sell wine and beer at the 2012 Fish Fry. (03:48:01)

Mr. Joyce presented details of the report noting a similar request by the Concerts-in-the-Park program. He reported that the Lions Club has contacted the Alcoholic Beverage Control and have submitted an application to provide beer and wine at the special

event. They will adhere to all of the guidelines and stipulations to provide a beer and wine garden as listed in the report.

Mayor Bever addressed the rules and the possibility of limiting the amount of drinks that a particular individual can purchase. Mr. Joyce noted that it can be done, according to Council's direction.

Council Member Monahan expressed concerns regarding enforcement and discussion followed regarding monitoring and enforcement.

Council Member Mensinger noted the need to take for training for anyone selling alcohol. Mr. Joyce stated that staff can work with volunteers and others to provide proper training.

Discussion followed regarding the process used at past Concerts-in-the-Park events in terms of limiting the number of drinks sold.

Mr. Joyce indicated that the recommendation is that individuals can buy two drinks at a time and no limit as to the amount they can purchase. Bartenders will be able to recognize those intoxicated and will be able to refuse sale as they see fit.

Discussion followed regarding security measures and details to be worked out by staff and the Police Department.

PUBLIC COMMENTS: (03:56:45)

A speaker inquired about the availability of vouchers for taxis.

Mr. Joyce stated that staff is open to working with organizations that provide transportation options for intoxicated people for increased safety if needed.

MOTION: To approve a Costa Mesa-Newport Harbor Lions Club request to sell wine and beer at the 2012 Fish Fry with the conditions in the staff report and the addition of providing training to servers and volunteers, moved by Council Member Monahan, seconded by Council Member Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

5. Demolition of picnic shelter at Lions Park. (03:58:26)

Mr. Muñoz introduced the item and presented details of the report including the location of Lions Park, surrounding areas, provision of passive and active activities for the

community, increase in criminal activity associated with a high transient population, Police Department calls involving drug use and sales and other criminal activities. He addressed Council actions in forming the Homeless Task Force and the successful implementation of a number of their recommendations. He listed the goals of the Task Force one of which is the removal of a picnic shelter at the facility. In addition, he addressed previous approval by Council of measures for improvement of the facility. Because of the dissolution of the Redevelopment Agency and lack of funding, staff proposes to make the recommended improvements, in phases, as funding becomes available. He presented details of the demolition of the shelter including benefits in moving forward with the project with funding allocation from the City's contingency fund.

Mayor Bever addressed consideration by the Parks and Recreation Commission and suggested reconsidering the idea of building a skate park in that location.

Council Member Leece reported that there were a lot of residents opposed to the building of a skate park and did not agree with installing a skate park.

It was noted that Lions Park qualifies for Community Development Block Grant (CDBG) funds. Mr. Muñoz addressed the specification of the picnic shelters and their intent and he added that the plan was dated and could use revision.

Council Member Monahan commented on installing a skate park and did not agree that it would be the best area. Discussion took place on the need for a Veterans Hall and other uses.

PUBLIC COMMENTS: (04:08:48)

Terry koken, Costa Mesa commented on his family's use of the park but felt that shade was needed for parents or grandparents while watching children play.

Perry Valantine, Costa Mesa expressed concerns because of the funding source being proposed to pay for the demolition of the picnic shelter. He felt that contingency is for something that is not anticipated and that must be accomplished on an emergency basis. He referenced previous consideration of the item and approval of the Homeless Task Force recommendations.

Beth Refakis, Costa Mesa, expressed concerns about the matter noting use of the area by many families. She suggested replacing the picnic shelter with another amenity and commented negatively on the installation of a skate park at the location.

A speaker recommended replacing the picnic shelter with trees and lights and commented on the importance of maintaining space for soccer play and access for park ranger trucks.

Robin Leffler, Costa Mesa, reported that families use the existing picnic structure and that it would be a shame to demolish it because of an inappropriate use by individuals. She suggested requiring reservations for picnic areas and developing an ordinance

against sleeping in the park. She felt that the problem is not the picnic structure, but rather managing the use of the park so that it works better for the citizens. She supported enforcement against vagrants living in the park.

Rebecca Heyhoe, Executive Director, Churches Consortium appreciated the ideas for the regeneration of Lions Park and churches to collaborate with the City to implement some of the creative ideas being discussed. She suggested conducting a forum to discuss possible alternatives with volunteer and local church members in order to reclaim the park for families and the community.

Council Member Mensinger agreed with the need for regeneration of the park and noted that the specific shelter is in a dilapidated shape. He addressed the process and indicated that he will support the item.

Council Member Monahan agreed with Council Member Mensinger's statements and felt it was a huge step forward in securing the park for neighbors and families that want to use it.

Council Member Leece inquired whether there are other funds that can be used for this project. Mr. Hatch reported that staff has looked at various funding options and noted that the contingency fund was set up to quickly address issues throughout the year that were not budgeted. Council has the prerogative to delay the project to allow staff to investigate use of other possible funds or ask that it be budgeted next year. However, staff recommends addressing the issue with General and Contingency Funds as soon as possible. He felt that the use of CDBG funds would be better used in building park amenities.

Discussion followed regarding transients moving to other locations after demolition of the shelter and the possibility of adding the removal of bike rack by the library.

Mr. Hatch noted that staff is working to remove the railing near the library and replace it with a system of bollards. He noted that staff has also been working with the Historical Society to design and construct a fence system around the building and the project would be included as part of the discussions on Capital Projects in upcoming meetings. He added that staff has been looking at various funding options and grant availability for the City's parks.

Council Member Leece indicated that she will support the matter. She commended the local churches for their work in conjunction with the Light House.

Discussion followed regarding needing to be vigilant in other City parks as well.

MOTION: To approve the demolition of picnic shelter at Lions Park, moved by Council Member Mensinger, seconded by Council Member Monahan.

The motion carried by the following roll call vote:

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

Noes: None

Absent: Mayor Pro Tem James M. Righeimer

6. Participation by select Council Members at Economic Development Conference. (04:30:27)

Mr. Hatch presented details of the report and the City's Economic Development efforts. He addressed economic resources and related challenges in relying upon those sources of revenue. He announced an opportunity through an upcoming conference for networking and increased education scheduled for May 20 through 21, 2012 in Las Vegas, Nevada and that City staff will be attending and will have a booth at the Pavilion. He listed goals in attending the conference to entice businesses to come to Costa Mesa. He addressed other cities participating in the conference and reported that Council Members Mensinger and Mayor Pro Tem Righeimer plan to drive to the conference. He presented the recommendation that Council approve the out-of-state travel and conference attendance. He noted inclusion of an agenda and educational program schedule attached to the staff report.

Council Member Leece inquired regarding related costs for attending the conference. Mr. Hatch reported that the Conference and Visitors Bureau will be paying for one-half of the costs related to the Council Members' attendance and the other half will be paid for through General Funds.

Discussion followed regarding collecting business cards and having a plan for follow up. Council Member Leece felt there should be accountability since tax dollars are being spent.

Mayor Bever noted that this is a goodwill mission and noted the value of the trip.

Council Member Mensinger felt that a concise report would be sufficient. He noted the importance of attracting businesses into the City and the benefits of attending the conference.

Discussion followed regarding a state policy regarding focusing on elected officials providing a report upon their return. Council Member Mensinger felt it was a good idea to require the same of attending staff. He asked that staff return with possible recommendations regarding the matter.

PUBLIC COMMENTS: (04:43:30)

Terry Koken, Costa Mesa, provided comments on a chaperone.

Perry Valentine, Costa Mesa, commented on funding sources and budget adjustments and suggested these items be anticipated and budgeted for. He felt it was a good idea to send staff but wondered about sending two Council Members and agreed for the need of a report in terms of value to the City. He referenced a previous Economic Development trip to China and declared having heard no reports with results from that trip. He stressed the importance of ensuring that the money being spent is going for a good purpose.

Council Member Mensinger declared that Mayor Pro Tem Righeimer's trip to China was paid for by Mayor Pro Tem Righeimer and not by City funds. Mr. Hatch reported that Mr. Joyce's trip was paid for by the Conference and Visitors Bureau.

Beth Refakis, Costa Mesa, felt it was a great idea to promote the City of Costa Mesa and take advantage of opportunities to bring businesses to the City. She wondered what other staff will be going in addition to Mr. Naghavi and noted visitors to the booth can leave their cards, which will provide helpful information.

Amy Fox asked regarding the fiscal review and wondered if the cost for the booth is included in the calculation of costs.

Mr. Hatch responded that City staff believes this is an important event to allow the City to compete and network and that participating with a booth and related costs does not require approval by Council. Staff made the decision to participate with a booth, administratively to further promote the City. He added that if Council were not going, City staff would still participate and stated that the booth cost was approximately \$1,000. He noted that the City has membership association.

Robin Leffler, Costa Mesa, inquired about a plan to direct traffic to the booth, booking appointments with perspective clients, having a system to document contacts and plans for follow up.

A speaker referenced the ICAC website and wondered if the City will be pre-promoting its participation.

Mr. Hatch reported Dan Joyce will attend and one or two additional staff members to manage the booth. He reported one appointment has been scheduled and additional appointments will be set.

Council Member Monahan felt the City should have participated long before and expressed excitement regarding Mayor Pro Tem Righeimer and Council Member Mensinger attending, especially because of their expertise in subject. He noted that the only reason the item is being considered by Council is because the conference is out of the State of California.

MOTION: To approve the participation by Mayor Pro Tem Righeimer and Council Member Mensinger at the Economic Development Conference, moved by Mayor Bever, seconded by Council Member Monahan.

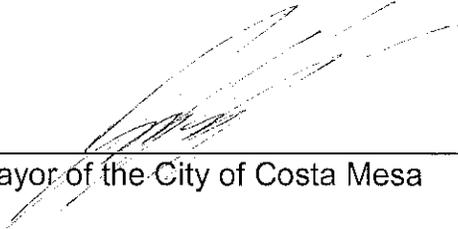
The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger, Council Member Gary Monahan
Noes: None
Absent: Mayor Pro Tem James M. Righeimer

REPORT – City Attorney Duarte indicated nothing to report.

ADJOURNMENT

There being no further business to come before Council, Mayor Bever adjourned the meeting at 11:03 p.m. to the next Regular Adjourned Meeting/Study Session of May 8, 2012 at 4:30 p.m. and the next Regular City Council Meeting of May 15, 2012.



Mayor of the City of Costa Mesa

ATTEST:



Interim City Clerk of the City of Costa Mesa

