

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY,
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

May 15, 2012

CALL TO ORDER

The Mayor called the meeting to order at 5:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Dr., Costa Mesa, California.

ROLL CALL

Present: Mayor Bever, Council Member Leece, Council Member Mensinger, and Council Member Monahan

Absent: Mayor Pro Tem Righeimer

Officials Present: City Chief Executive Officer Thomas R. Hatch, Assistant CEO Rick Francis, Director of Economic Develop/Deputy CEO Peter Naghavi, City Attorney Thomas Duarte, Public Services Director Ernesto Muñoz, Finance and IT Director Bobby Young, Interim Develop Svcs Director Khanh Nguyen, and Acting Deputy City Clerk Christine Cordon

PUBLIC COMMENTS - None

CLOSED SESSION (00:01:07)

1. Conference with legal counsel regarding existing litigation: Orange County Directors Association, Herban Elements, Inc., Susan Lester, Medmar Patient Care Collective, Afshin Sharifi v. Julie Folcik, Kimberly Hall Barlow, City of Costa Mesa, Orange County Superior Court Case Number 30-201000364374, pursuant to Government Code Section 54956.9(a).
2. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. D'Alessio Investments, LLC, a Nevada Corporation; et al.: Orange County Superior Court Case No. 30-2011-00468876, Government Code Section 54956.9(a).

RECONVENE REGULAR MEETING – 6:00 p.m.

PLEDGE OF ALLEGIANCE (00:03:38) – Council Member Stephen M. Mensinger

MOMENT OF SOLEMN EXPRESSION (00:04:00)

Pastor Phil Eyskens, the Lighthouse Church of the Nazarene in Costa Mesa

ROLL CALL (00:06:46)

Present: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece, Council Member Mensinger, Council Member Gary Monahan

Absent: None

Officials Present: City Chief Executive Officer Thomas R. Hatch, Assistant CEO Rick Francis, Director of Economic Develop/Deputy CEO Peter Naghavi, City Attorney Thomas Duarte, and Public Services Director Ernesto Muñoz, Finance and IT Director Bobby Young, Interim Develop Svcs Director Khanh Nguyen, and Acting Deputy City Clerk Christine Cordon

CLOSED SESSION REPORT - None

ANNOUNCEMENTS (07:09)

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

PRESENTATIONS (13:00)

Certificate of Achievement was presented to Jake Knapp, Senior at Estancia High School

PUBLIC COMMENTS (15:22)

Ethan Temianka, Parks and Recreation Commissioner, spoke about the upcoming election and commented positively on City employees. (19:12)

Susan Shaw, Costa Mesa, spoke about the Homeless Task Force and a recent news feature on the efforts of the City of Costa Mesa. (22:02)

Joy Williams, Costa Mesa, spoke about City flooding due to the natural topography of the areas; thanked Engineering staff for their help; and addressed locations of catch basins and suggested additional catch basin drains to solve the problem. (22:56)

Jay Humphrey, Costa Mesa, spoke about the City's efforts to increase bicycle safety; commented on the increased number of skateboarders; and addressed the upcoming conference in Las Vegas and the need to report back. (26:28)

Drew Koontz, Costa Mesa High School student, spoke about Styrofoam products and the environment. (28:16)

Robert Paozola, President of the Costa Mesa Historical Society, addressed the opening of the Santa Ana Air Base and the Memorial Gardens Building. (30:01)

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Holden Curran, Newport Harbor High School student, spoke in support of an ordinance to ban Styrofoam in the City. (31:10)

Martin H. Millard, Costa Mesa, spoke about the upcoming conference in Vegas; the street slurry and large vending trucks; the human-powered push carts; the trash scavengers; and the status of the 19th West sign. (32:23)

Perry Valentine, Costa Mesa, expressed concerns regarding how Council conducts its business and how it prioritizes issues in the City. (34:53)

Beth Refakes, Costa Mesa, spoke on the comments made to City staff at a budget study session and civility; spoke about the use of drones by local Police agencies; and illegal fireworks. (37:38)

Reggie Mundekis, Orange, spoke regarding a public records request she made regarding an unconsolidated election. (40:16)

John Feeney, Costa Mesa, thanked Council for the study sessions on the I-405 improvements. (41:58)

Emmanuel Petrascu, Laguna Beach, President of the Orange County Young Republicans, thanked Council for its leadership and addressed the need for pension reform, infrastructure and parks. (45:22)

James Bridges, Costa Mesa, spoke positively about City staff; and referenced a discussion regarding Council Members foregoing some of their compensation. (47:09)

Ron Frankiewitz, Costa Mesa, addressed the recent decision by the OCTA regarding the 19th Street Bridge; thanked Council and staff for supporting the bridge removal; and asked that Council support taking it off the Map of Arterial Highways. (48:59)

Steve Ray, Executive Director of the Banning Ranch Conservancy, spoke about the agreement relative to road improvements in Costa Mesa: the 19th Street Bridge, Caltrans, and the Coastal Commission. (52:04)

Stephanie Barner, Executive Director of the Earth Resources Foundation, requested that Council act on an ordinance banning the use of Styrofoam in the City. (54:27)

Tamar Goldmann, Costa Mesa, expressed her admiration, respect and appreciation to the Police Department. (56:28)

Greg Ridge, Costa Mesa, spoke on the issue of street sweeping. (59:22)

Jay Photoglou spoke about an item on the agenda related to destruction of records. (01:02:14)

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Marshall Krupp, Costa Mesa, spoke about the importance of Police and Fire; the Susan Street issues; and trust issues in the community leaders. (01:04:59)

Harold Weitzberg, Costa Mesa, spoke about a free CD from Skyline Tradeshow Exhibits; and City Services. (01:08:07)

Robin Leffler, Costa Mesa, spoke regarding partisan politics in the City; and the need to address pensions and benefits. (01:10:45)

Sue Lester, Costa Mesa, thanked the Costa Mesa Police Department for their help with a crime issue; spoke about the 2012 Golden Guardian Exercise; and political parties. (01:13:23)

Phil Morello, Costa Mesa, thanked the City Council on its fiscally conservative efforts and addressed the 19th Street Bridge. (01:16:22)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (01:16:05)

Council Member Mensinger requested clarification regarding flooding; an update from CEO Hatch regarding vending trucks and push carts in the City; spoke on illegal fireworks; and thanked the Young Republicans for attending. (01:19:39)

Council Member Monahan spoke about the Kaiser School and St. Joachim's Carnivals. (01:24:07)

Mayor Bever spoke about the 19th West Side sign; a balanced budget; styrofoam environmental issues; political parties; and illegal fireworks. (01:24:41)

Mayor Pro Tem Righheimer spoke about outsourcing; economic conditions in the State of California; commended staff for the budget; and spoke about Capital Improvement Projects. (01:30:18)

Mayor Bever requested that CEO Hatch review the requirements for street sweeping; spoke about a past study session; and announced future special study sessions (01:40:26)

Council Member Leece offered to meet with the Young Republicans; spoke about the upcoming study sessions; pension reform; requested CEO Hatch to follow up on the Providence gated community issues, trucks in the Coolidge area, and the City's homeless situation; thanked the Historical Preservation Committee for their help with the City's 60th Birthday event; and spoke about the Charter (01:41:23)

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:53:30)

CEO Hatch spoke about the revised budget; Capital Improvements Projects; Charter timelines; records to be destroyed; policing throughout the town; push carts and food

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trucks; scavenging issues; illegal fireworks; homeless issues; and the Golden Guardian Exercise. (01:53:31)

Mayor Bever called for a recess at 8:01 p.m. The meeting was reconvened at 8:11 p.m. with all Members, present.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 9 (01:58:29)

Item Nos. 4, 5, 8 and 9 were pulled from the Consent Calendar for separate discussion and consideration.

Motion: Approve recommended actions for remaining Consent Calendar items.

MOTION/SECOND: Council Member Monahan/Council Member Leece.
The motion carried unanimously:

Written Communications

1. Reading Folder.

Action: Received and processed

- (a) Claims received by the City Clerk: Brian Steel; Kyle Taylor
- (b) Requests for Alcohol Beverage Control licenses: Rance's Chicago Pizza, 1420 Baker Street, Suite B; Vitaly, 2937 Bristol Street, Suite B100B.
- (c) Letter of Notification: Southern California Gas Company's Notice of Proposed Rate Decreases Cost of Capital Proceeding, Application No. A.12-04-017.

Minutes

- 2. Continued from the meeting of May 1, 2012: Special Meeting of March 27, 2012; Special Meeting of July 13, 2010; Special Meeting of September 27, 2010; Special Study Session of February 28, 2012; and Regular Adjourned Meeting/Study Session of April 10, 2012; and Regular Meeting of March 6, 2012.**

Action: Approved

Warrants

3. **WARRANT RESOLUTION 2419: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-09 AND PAYROLL REGISTER NO. 12-08A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-09 for \$2,038,026.58 and Payroll No. 12-08A for \$0, and City operating expenses for \$586,167.87, including payroll deductions.**

ACTION: Approved

Administrative Actions

6. **Renewal of the Memorandum of Understanding (MOU) with the State of California, Department of Developmental Services, Fairview Developmental Center, Office of Protective Services, for mutual aid policing beginning March 20, 2012 and for a term not to exceed five years.**

ACTION: Approved; authorized the Police Chief to sign

7. **Completion of Lions Park (Davis Field) Sports Lighting Project at 570 West 18th Street, Costa Mesa, City Project No. 11-09, by RMF Contracting, Inc., dba R&M Electrical Contracting, 26301 Dimension Drive, Lake Forest, California.**

ACTION: Accepted work; authorized Acting Deputy City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerated the Labor and Material Bond seven months thereafter; and exonerated the Faithful Performance Bond 12 months thereafter

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:04:20)

Warrants

4. **WARRANT RESOLUTION 2420: 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 \$674,022.91. (02:04:21)**

Discussion ensued regarding the Jones Day payment. (02:04:23)

Robin Leffler, Costa Mesa, spoke about Jones Day Payment (02:07:06)

MOTION/SECOND: Council Member Monahan/Council Member Leece.
The motion carried unanimously.

ACTION: Approved

Administrative Actions

5. **Professional Services Agreement with Mayer Hoffman McCann, 2301 DuPont Drive, Suite 200, Irvine, California, for annual independent financial audit services for fiscal years 2012, 2013 and 2014 in the amount of \$135,128 with an option to extend the contract in one-year periods for a minimum of two fiscal years. (02:09:08)**

Council Member Monahan recused himself and left the dias. (02:09:18)

Council Member Leece requested information from staff concerning Mayor Hoffman McCann being used for the audit services. (02:09:25)

Bobby Young, Finance and IT Director, spoke about the RFP process; evaluation results regarding Mayor Hoffman McCann; and alternative options for another firm. (02:13:32)

Mayor Bever and Mr. Young discussed the scope of the City's Audit. (02:13:32)

Ken Al-Iman and Mayor Hoffman McCann spoke about the firm's experience in auditing local governments; the dissolution of Redevelopment Agencies; the scope of the audit; internal controls, sampling and reviewing documentation; audit standards; and data management software. (02:15:22)

MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Council, Member Leece, Council Member Mensinger, and Council Member Monahan
Noes: None
Absent: None
Abstain: Mayor Pro Tem Monahan

The motion carried 4-0-1

ACTION: Approved; Mayor and Acting Deputy City Clerk are authorized to sign the contract.

8. **Continued from the meeting of May 1, 2012: 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, and PURSUANT TO ORDINANCE NO. 75-60. (02:19:07)**

Mr. Photoglou, Costa Mesa, spoke on documentation marked CC8; and a public records request. (02:19:20)

City Attorney Duarte stated that Council may go forward with this resolution and that he will confirm documents that are responsive to Mr. Photoglou's request be removed.

MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece, and Council Member Mensinger
Noes: Council Member Monahan
Absent: None

The motion carried: 4-1

ACTION: Adopted Resolution

9. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM UNDER THE 2005 SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT, TRANSPORTATION ACT-LEGACY FOR USERS OR SUBSEQUENT FEDERAL TRANSPORTATION ACT FOR BICYCLE PROJECTS IN COSTA MESA. (02:24:10)**

Council Member Leece and Public Services Director Muñoz discussed the components of the program. (02:24:12)

MOTION/SECOND: Council Member Leece/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece, and Council Member Mensinger, and Council Member Monahan
Noes: None
Absent: None

The motion carried: 5-0

PUBLIC HEARINGS – 7 p.m. (Resolution No. 05-55) (02:28:03)

1. **PUBLIC HEARING: Appeal and review of Planning Commission's determination regarding Zoning Application ZA-12-10, for Burnham USA, for a minor conditional use permit to modify a former credit union building with a drive-thru lane to allow a multi-tenant building with a drive-thru coffee shop and other food use, located at 450 East 17th Street in a C1 (Local Business District) zone. Environmental Determination: Exempt. (02:28:05)**

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Mayor Pro Tem Righeimer recused himself due to a possible conflict of interest, stating the coffee shop may be a Starbucks which is one of his clients. (02:28:07)

Council Member Leece stated that she had appealed the Planning Commission's decision (02:29:05)

Senior Planner Mel Lee presented an overview of the project including: location, existing conditions, surrounding properties, zoning, original project layout, drive-thru configuration, conditional use permit, elevations, removal of trees, project review and approval dates, noise, traffic, and air quality impacts. (02:29:41)

Discussion followed regarding the back wall, tree removal, alleyway, easement agreement, property access, and de novo hearing. (02:41:16)

Council Member Leece spoke about the site history, property rights issues, impacts to adjoining residents, and pedestrian safety. (02:48:33)

Discussion followed regarding the types of businesses that may be developed, zoning code restrictions, and drive-thru pharmacies. (02:57:05)

The appellant, Mr. Walker, presented a brief history of the property, spoke on the applicant's proposal, intensity of use, and negative impact. (02:58:27)

Land Use Litigator, Nick Shantar, of Allen Matkins Law Firm, representing Mr. Walker, spoke about CEQA, the City environmental review, Class (1) exemption, traffic analysis, the City's parking code, and impacts on neighboring uses. (03: 04:07)

Roger Godeki of RKA Engineering Group, spoke about the traffic analysis performed by the applicant's representative, trip generation calculation, parking, drive-thru issues, and diagonal parking spaces. (03:098:44)

Discussion followed regarding the City's parking requirements, project review for CEQA, and daily trips. (03:20:15)

Mr. Walker spoke on the mutual easement, and discussion followed regarding parking spaces and size of building. (03:21:15)

Discussion followed regarding the existing easement agreement. (03:21:51)

Bryon Ward, Partner with Burnham Ward USA and Burnham Ward Properties, spoke about the parking spaces, working with the community, accepting conditions set by staff, landscape material, noise impacts, drive-thru management, traffic issues, and community impact. (03:37:35)

Paul Wilkinson, Principal with Linscott, Law and Greenspan, spoke on the parking analysis, traffic analysis, reconfiguration of the existing easement, ingress and egress volumes, restoration of signage, and presented the approved site plan. (03:37:35)

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Discussion followed regarding deliveries, emergency vehicles, location of the ordering speaker, adjacent landscaped island, pedestrian access, parking spaces, and trash enclosure. (04:03:53)

Discussion followed regarding current use of the parking spaces, factoring in parking, service radius, customer alternatives, maintaining the existing 8-foot wall, and other use considerations. (04:12:25)

John Hanley, Costa Mesa, spoke on the number of parking spaces, noise, traffic congestion, and stated the plan needs more study. (04:18:12)

Discussion followed regarding the change in the number of parking spaces and the proposed extension of the drive-thru aisle. (04:20:53)

Bob Small, Costa Mesa, spoke in opposition to the project. (04:21:42)

Allan Carmichael, Costa Mesa, spoke on the environmental impacts. (04:24:10)

Mary Moore, Costa Mesa, spoke in support of the project. (04:26:31)

Lynn Gurvin, Costa Mesa, spoke in opposition to the drive-thru and traffic impacts to Cabrillo St. (04:27:14)

Council Member Mensinger spoke on cut-through streets, and discussion followed regarding cut-through traffic on Cabrillo St., and actions to avert the issue. (04:30:20)

Jay Humphrey, Costa Mesa, spoke about the challenges of the drive-thru. (04:22:48)

Chris Elliott, Costa Mesa, spoke in support of the project. (04:37:05)

Phil Vordes, Costa Mesa, spoke in support of the project. (04:39:07)

David Harris, Costa Mesa, spoke in opposition to the drive-thru feature. (04:40:18)

Brandon Ghiossi, Costa Mesa, spoke in support of the project. (04:43:04)

Ruth Kobeoshi, Costa Mesa, spoke in support of the project. (04:44:03)

Kevin Hill, Costa Mesa, spoke in support of the project, including the drive-thru. (04:46:18)

Ryan Sullivan, Costa Mesa, spoke in support of the project. (04:29:24)

Sandra Genis, Costa Mesa commented on the staff report, shared-parking formula, Starbucks business model, traffic impacts, and hedges as a sound buffer. (04:50:52)

George Cote, Costa Mesa, spoke in opposition of the drive-thru feature. (04:53:59)

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Robin Leffler spoke on resident impacts, opposed the project and impacts to property values. (04:56:25)

Katie Arthur, Costa Mesa, presented two hundred letters opposing the project. (04:59:25)

Cindy Nalen, Costa Mesa, spoke in opposition to the drive-thru. (05:02:50)

Beth Refakas, Costa Mesa, expressed concerns with backup traffic on 17th St. (05:04:56)

Mayor Bever stated there is an initiative in process to address the issue of cut-through traffic. (05:07:53)

Speaker, Costa Mesa, spoke on the amount of traffic on Tustin Ave. (05:08:12)

Discussion followed regarding the circulation design, the addition of one dedicated exit lane with a "right-turn only" sign. (05:09:29)

Speaker expressed concern regarding the integration of new traffic with the existing traffic. (05:13:41)

Council Member Leece spoke regarding the conditions of approval, approving the project without the drive-thru, expressed concerns that there may be a risk regarding the CEQA exemption, and felt the proposed project was not environmentally friendly. (05:14:43)

Mayor Bever spoke on the project at Target; commented on statements by Council Member Leece; and addressed traffic increases. (05:21:19)

Council Member Mensinger spoke about development expectations, increased cut-through traffic on the east side, and suggested ways to lessen the impacts. (05:24:25)

Discussion followed regarding open period stacking study, zoning approval, sound buffer, the queuing line back-up, a drive aisle, and landscape screening. (05:37:27)

Council Member Leece expressed concerns with enforcing and micro-managing the conditions. (05:41:46)

Council Member Mensinger spoke about 17th St. struggling with success, mitigation of cut-through traffic, impacts, and property rights. (05:42:13)

MOTION/SECOND: Council Member Monahan/Council Member Mensinger, to continue the meeting beyond midnight, moved by Council Member Monahan, seconded by Council Member Mensinger.

SUBSTITUTE MOTION: Council Member Leece moved to finish consideration of this item before continuing the meeting. The substitute motion died for lack of a second.

The original motion carried by the following roll call vote:

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Ayes: Mayor Bever, Council Member Mensinger, and Council Member Monahan
Noes: Council Member Leece
Absent: None
Abstain: Mayor Pro Tem Jim Righeimer

The motion carried: 4-0-1

ACTION: to continue the meeting beyond midnight.

MOTION/SECOND: Council Member Monahan/Council Member Mensinger, to adopt a Resolution modifying the Planning Commission's decision and approving the project with conditions (05:47:32)

Discussion ensued regarding the process for Starbucks obtaining a liquor license. (05:48:00)

Council Member Leece stated that she would not support the motion due to the concerns with the trip and traffic calculations, parking, and drive-thru concerns. (05:48:32)

Council Member Mensinger thanked those who participated; spoke regarding 17th St. backing up to neighborhoods, and effects on property owners due to plan changes. (05:52:05)

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Council Member Mensinger, and Council Member Monahan
Noes: Council Member Leece
Absent: None
Abstain: Mayor Pro Tem Righeimer

The motion carried: 3-1-1

ACTION: City Council Adopted the Resolution approving the project with conditions

Mayor Bever called for a recess at 11:54 p.m. The assembly reconvened at 12:08 a.m. with all Members, present.

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF ALLEY NO. 54A RIGHT-OF-WAY. (06-00:02)

Public Services Director Ernesto Muñoz presented details of the location, boundaries, size of the alley, existing conditions, abandonment area, mall improvements, park improvements, unusable lots, and recommended moving forward with the abandonment. (06:02:49)

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Discussion followed regarding improvements for park use, deed restriction, and unimproved park location (06:02:49)

Celeste Aims, Costa Mesa, spoke in opposition to the item, effects to neighboring property owners, traffic, negative impacts to the area, and property values (06:01:40)

Jacquelyn Murray, Costa Mesa, submitted written statements, and expressed opposition to the project. (06:08:03)

Robin Leffler, Costa Mesa, spoke in opposition to the project. (06:11:22)

Speaker, spoke in opposition to the project. (06:13:17)

Discussion followed regarding the property abandonment, park appraised value, property use by the public, and park improvements. (06:14:33)

Council Member Leece indicated that she would not support the item due to resident concerns. (06:18:23)

Discussion followed regarding the number of parking spaces and fence proposal. (06:18:23)

MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan to adopt resolution ordering the vacation of a portion of Alley No. 54A right-of-way and authorize the Mayor and Acting Deputy City Clerk to sign the Quitclaim Deed; and authorize Acting Deputy City Clerk to record the Quitclaim Deed.

Mayor Pro Tem Righeimer spoke on the project benefits to the community. (06:21:36)

Discussion followed regarding signage of public parking. (06:23:11)

AMENDED MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan to approve resolution ordering the vacation and authorize the Mayor and Acting Deputy City Clerk to sign the Quitclaim Deed; authorize Acting Deputy City Clerk to record the Quitclaim Deed; and include a provision that signage be posted indicating that the parking is available to the public.

Discussion followed regarding an existing lattice gazebo that needed to be refurbished and maintained, the fence height, and access gates. (06:24:28)

The amended motion carried by the following roll call vote:

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Mensinger,
and Council Member Monahan
Noes: Council Member Leece
Absent: None
Abstain: None

The motion carried 4-1

ACTION: City Council adopted Resolution No. 12-34, ordering the vacation and authorized the Mayor and Acting Deputy City Clerk to sign the Quitclaim Deed; authorized Acting Deputy City Clerk to record the Quitclaim Deed; and included a provision that signage be posted indicating that the parking is available to the public.

MOTION/SECOND: Mayor Bever/Council Member Leece to consider Old Business Item No. 1 and New Business Items No. 1 and 2 and continue the remaining items on the agenda to a date certain.

Council Member Monahan indicated he will not support the motion other than continuing Item No. 3 of New Business as the RFP items need to be addressed as soon as possible. (06:26:38)

AMENDED MOTION: Mayor Bever amended the motion to continue New Business Item No. 3 – Appointments to Committees to the June 5, 2012, Council meeting, seconded by Council Member Monahan. (06:27:01)

Council Member Leece stated that she will not support the amended motion because the decisions to be made are too important to proceed at the late hour. (06:27:17)

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Mensinger,
Council Member Monahan
Noes: Council Member Wendy Leece
Absent: None
Abstain: None

ACTION: New Business Item No. 3 to be Continued to the June 5, 2012 Council Meeting.

OLD BUSINESS (06:28:46)

1. From the meeting of May 1, 2012, 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, OFF-STREET PARKING STANDARDS, ARTICLE 2, NONRESIDENTIAL DISTRICTS, SECTION 13-89, TABLE 13-89, NONRESIDENTIAL PARKING STANDARDS, OF THE COSTA MESA MUNICIPAL CODE REGARDING OFF-STREET PARKING REQUIREMENTS FOR ESTABLISHMENTS WHERE FOOD OR BEVERAGES ARE SERVED.

MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Mensinger to adopt Ordinance No. 12-4, to be read by title only, and waive further reading.

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Mensinger,
Council Member Monahan
Noes: Council Member Leece
Absent: None
Abstain: None

The motion carried: 4-1

ACTION: Adopted Ordinance No. 12-4, to be read by title only, and waived further reading.

NEW BUSINESS

1. Business Improvement Area (BIA) Reauthorization (06:29:44)

Presenting: Public Affairs Manager Dan Joyce. (06:30:21)

- (a) Annual report for the Business Improvement Area (BIA) for Fiscal Year 2012-2013.

MOTION/SECOND: Mayor Pro Tem Righeimer/Mayor Bever.
The motion carried unanimously.

ACTION: Approved

- (b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2012-2013 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

MOTION/SECOND: Mayor Pro Tem Righeimer/Mayor Bever.
The motion carried unanimously.

ACTION: Adopted resolution to reauthorize the BIA assessment district boundaries, approve the BIA budget, and set the public hearing date and time for June 5, 2012 at 7 p.m.

2. Costa Mesa Foundation request to use a portion of Fairview Park and to sell beer and wine at the 2012 Concerts in the Park series. (06:34:39)

Public Affairs Manager, Dan Joyce presented details regarding approval of last year's request, ABC restrictions, providing ABC additional training, and park usage fees. (06:34:50)

MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Leece to approve a request by the Costa Mesa Foundation to use a portion of Fairview Park and to sell beer and wine at the 2012 Concerts in the Park series, moved by.

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece,
Council Member Mensinger, Council Member Monahan
Noes: None
Absent: None
Abstain: None

The motion carried unanimously.

ACTION: Approved

3. Appointments to various Council-appointed committees

This item was continued to the City Council meeting of June 5, 2012.

4. Jail services Request for Proposal. (06:36:29)

- (a) Professional Services Agreement with G4S Secure Solutions (USA), Inc., 2300 East Katella Avenue, Suite 150, Anaheim, California, for the management and administration of jail services in the amount of \$743,329.60 annually, fixed for 18 months and then subject to Consumer Price Index (CPI) increases for the remainder of the term and any extensions, for a term of three years with two one-year extensions.

Report by CEO Hatch (06:37:16)

Discussion followed regarding the fiscal analysis, current jail staffing, G4S, and Custody Officers' PERS rate. (06:50:44)

Chief Gazsi spoke regarding the attrition model in the staff report and jail function in regards to quality of service. (07:05:52)

Discussion followed regarding fully-trained staff, G4S key innovations, and technology system implementation. (07:07:25)

Robin Leffler, Costa Mesa, spoke on proposed salaries and turnover issues. (07:10:28)

MOTION/SECOND: Mayor Pro Tem Righeimer/Council Member Mensinger to approve a Professional Services Agreement with G4S Secure Solutions (USA), Inc., 2300 East Katella Avenue, Suite 150, Anaheim, California, for the management and administration of jail services in the amount of \$743,329.60 annually, fixed for 18 months and then subject to Consumer Price Index (CPI) increases for the remainder of the term and any extensions, for a term of three

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years with two one-year extensions and authorize the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints, adding that Senior Management be kept for six months with subsequent evaluation to assess need.

Mayor Pro Tem Righeimer spoke on the addition to the proposal regarding the Senior Management to be kept for 6-months with subsequent evaluation to assess needs. (07:13:33)

Council Member Mensinger thanked CEO Hatch and Chief Gazsi for an excellent proposal; and will support the proposal. (07:16:12)

Council Member Leece expressed appreciation for the research, and indicated she will not support the proposal.

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Mensinger,
Council Member Monahan
Noes: Council Member Leece
Absent: None
Abstain: None

The motion carried 4-1.

ACTION: Approved; authorized the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints.

5. Street Sweeping services Request for Proposal.(07.18:12)

(a) Professional Services Agreement with Arakelian Enterprises, Inc. dba Athens Services, 14048 Valley Boulevard, Post Office Box 60009, City of Industry, California, for street sweeping services in the amount of \$478,800 annually for the first two years and then subject to Consumer Price Index (CPI) increases for the remainder of the term and any extensions, for a term of five years with the option to renew for three one-year terms.

Mr. Muñoz spoke on the alternate street sweeping study, advertisement of the RFP, evaluation of proposals, information on Athens Services, projected costs for the city, fiscal review, equipment replacement fund, and alternatives. (07:18:56)

Kimberly Hall Barlow, Special Council, spoke on extending the proposal with Mr. Clifford by 6-months. (07:29:48)

Discussion followed regarding fulltime employees; outsourcing; and sweeper replacement costs. (07:30:44)

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Discussion followed regarding the sweeper camera system; contract costs, savings, cost-of-living contract increases, and additional streets added to the contract. (07:35:55)

Council Member Monahan requested that staff analyze the current pilot program; spoke on parking enforcement, innovation, and modernization, and the possibility of rescinding lay-off notices. (07:43:37)

Mr. Young spoke on staffing for maintenance of equipment and allocation of funds. (07:48:39)

Speaker, Costa Mesa spoke on outsourcing street sweeping, revenues received from parking violation fees, and the proposed vender. (07:50:56)

Perry Valantine, Costa Mesa, spoke on vendor response time, proposed savings, value of city employees, and ex-parte communications. (07:54:37)

Jay Humphrey, Costa Mesa, spoke on outsourcing street sweeping, agreed with rescinding layoff notices, and a General Law City. (07:57:52)

Beth Refakes, Costa Mesa, spoke on supervisor offset costs, street sweeping equipment longevity, on-board cameras, and opposed the street sweeping parking restrictions. (08:00:14)

Robin Leffler, Costa Mesa, requested clarification of management cost savings, and spoke about the current litigation. (08:03:35)

MOTION/SECOND: Council Member Monahan/Council Member Mensinger to approve a Professional Services Agreement with Arakelian Enterprises, Inc. dba Athens Services, 14048 Valley Boulevard, Post Office Box 60009, City of Industry, California, for street sweeping services in the amount of \$478,800 annually for the first two years and then subject to Consumer Price Index (CPI) increases for the remainder of the term and any extensions, for a term of five years with the option to renew for three one-year terms and authorize the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints.

Council Member Leece indicated that she will not support the motion because the savings do not justify the outsourcing. (08:06:26)

Mayor Pro Tem Righeimer spoke about the present litigation and the street sweeping contract. (08:07:19)

The motion carried by the following roll call vote:

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Mensinger,
Council Member Monahan
Noes: Council Member Leece
Absent: None
Abstain: None

The motion carried 4-1.

ACTION: Approved; authorized the City CEO to sign and administratively implement a transition plan for impacted employees upon resolution of the city's outsourcing constraints.

6. Building Inspection services Request for Proposal. (08:12:04)

Interim Development Services Director Khanh Nguyen commended the RFP facilitators; presented details of the report including background, number of proposals received, evaluation of the proposals, interviews, and selection of the vendors; presented details of changes within the department, reorganization and revised recommendations based on the savings realized after reorganization of the department, and implementation of the "hybrid model;" and presented recommendations as listed in the staff report. (08:12:55)

Discussion followed regarding the previous budget; the current savings realized from the hybrid model; fee-driven services; and the flexibility to call additional staff as needed. (08:18:34)

Perry Valentine, Costa Mesa, spoke about disaster services and availability of a City plan when services are outsourced; and the depletion of City workers. (08:20:37)

Mayor Bever spoke positively on the City's CERT program and CERT volunteers in helping with disaster preparedness and services. (08:22:34)

MOTION/SECOND: Council Member Monahan/Mayor Bever to receive and file; reject all bids for building inspection services; direct staff to implement a "hybrid model" for building inspection services and eliminate two vacant inspector positions; authorize staff to rescind layoff notices for Building Inspection and Code Enforcement personnel.

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece,
Council Member Mensinger, Council Member Monahan
Noes: None
Absent: None
Abstain: None

The motion carried unanimously.

ACTION: Received and filed; rejected all bids for building inspection services; directed staff to implement a “hybrid model” for building inspection services and eliminated two vacant inspector positions; authorized staff to rescind layoff notices for Building Inspection and Code Enforcement personnel

7. Animal Control services Request for Proposal. (08:23:56)

Sergeant Phil Meyers, Supervisor of the Animal Control unit, spoke regarding the RFP report, evaluation of the proposal, analysis of benefits and disadvantages; and recommended that the RFP be filed, bid for animal control services be rejected, and process and rescind lay-off notices for animal control staff. (08:24:18)

Brief discussion followed regarding the number of animal control vehicles owned by the City.

Interested parties were invited to address the item. There was no response and Mayor Bever closed public comments for this item.

MOTION/SECOND: Council Member Monahan/Council Member Leece To receive and file; reject bid for animal control services; direct staff to explore measures to increase dog licensing compliance rates either through the County of Orange or a non-profit organization; authorize staff to rescind layoff notices.

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

Noes: None

Absent: None

Abstain: None

The motion carried unanimously.

ACTION: Received and filed; rejected bid for animal control services; directed staff to explore measures to increase dog licensing compliance rates either through the County of Orange or a non-profit organization; authorized staff to rescind layoff notices

8. Video Production Services Request for Proposal. (08:26:42)

Public Affairs Manager Bill Lobdell spoke regarding the video service proposals, Monarch Media Design background and development, addressed concerns with the vendor, the possibility of decreases in savings, and related issues, and keeping the video service in-house. (08:26:48)

Discussion followed regarding the current benefits of flexibility and direction, and the benefits of maintaining the services in-house. (08:29:48)

Victor Cao, Creative Director of Monarch Media Design, spoke about the letter submission addressing some of staff's concerns, felt that through a continuance of

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the item they would be able to appropriately resolve the issues of concerns; presented a company overview, and noted that the company participates in many community functions; conducting government-related work; and spoke on the merits of their proposal, including potential cost savings. (08:30:42)

Council Member Monahan requested that Mr. Lobdell maintain in communication with Monarch for the possibility of hiring them for special projects. (08:35:25)

MOTION/SECOND: Council Member Monahan/Council Member Leece to receive and file; reject all bids for video production services; authorize staff to rescind layoff notices.

Mayor Pro Tem Righeimer spoke about the possibilities for expansion working with students to have a twenty-four hour Costa Mesa exclusive channel for City information and events. (08:35:58)

The motion carried unanimously.

Ayes: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece,
Council Member Mensinger, Council Member Monahan
Noes: None
Absent: None
Abstain: None

ACTION: Received and filed; rejected all bids for video production services; authorized staff to rescind layoff notices

REPORT – None

ADJOURNMENT

There being no further business to come before Council, Mayor Bever adjourned the meeting at 2:38 a.m. to the next Regular City Council Meeting: June 5, 2012.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa

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

October 16, 2012

CALL TO ORDER

The meeting was called to order by the Mayor at 5:05 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece,
Council Member Mensinger, and Council Member Monahan
Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

No public comments received.

CLOSED SESSION

The City Council recessed into closed session at 5:06 p.m. to consider the following items:

1. Conference with legal counsel regarding existing litigation: Costa Mesa Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to Government Code Section 54956.9(a).

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

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:22) – Council Member Mensinger

MOMENT OF SOLEMN EXPRESSION – None

ROLL CALL (00:00:45)

Present: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece, Council Member Mensinger, and Council Member Monahan
Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, Deputy City Attorney Christian Bettenhausen, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Peter Naghavi, Public Services Director Ernesto Munoz, and Interim City Clerk Brenda Green.

CLOSED SESSION REPORT (00:00:55)

Deputy City Attorney Bettenhausen reported that the following action was taken regarding Closed Session item number 1:

MOTION: To file a petition to review the Appellate Court decision in the case.

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Noes: Council Member Leece

Motion carried 4-1.

ANNOUNCEMENTS (00:01:40)

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

PRESENTATIONS (00:04:10)

Mayor Bever congratulated and presented the Mayor's Cup to the 2012 Costa Mesa National Little League All-Star Team.

PUBLIC COMMENTS (00:09:07)

Laura Wells, Costa Mesa, spoke about Metastatic Breast Cancer and promoted Breast Cancer Awareness Month. (00:09:23)

James Bridges, Costa Mesa, wished all candidates luck on the upcoming election and expressed opposition to Measure V. (00:12:12)

Bob Ooten, President of the Costa Mesa Sanitary District, announced a free Household Hazardous Waste Collection event on Saturday, November 17, 2012. (00:14:50)

Flo Martin, Costa Mesa, spoke regarding the removal of campaign signs by a city employee. (00:16:53)

Perry Valantine, Costa Mesa, spoke about the layoff notices, litigation with the Employee's Association, and a City Charter. (00:21:00)

David Meyer, Costa Mesa, expressed complaints on a Costa Mesa Police employee. (00:24:14)

Sue Lester, Costa Mesa, spoke regarding campaign signs and informed of the massage parlors and banners at the 440 Building. (00:25:20)

Rich Reiser, Costa Mesa, requested City approval for a Marine Corps flag at the Senior Center; expressed support of assistance for homeless people; requested increased police enforcement for the protection of wheelchairs on the sidewalks; and expressed opposition to the City Charter. (00:28:40)

Jay Humphrey, Costa Mesa, spoke regarding comments made by Mr. Reiser about wheelchairs on the sidewalks. (00:32:20)

Chris McEvoy, Costa Mesa, spoke on a political flyer he received in the mail and informed of a Notice of Intent to Circulate a Recall Petition. (00:34:34)

Jim Fitzpatrick, Costa Mesa, President of the Costa Mesa Tax Payers' Association, spoke about vandalism of campaign signs. (00:39:41)

Greg Tunnell, Costa Mesa, spoke about residing in Costa Mesa and the national economy; and expressed opposition to Measure V. (00:42:42)

Robin Leffler, Costa Mesa, spoke about Costa Mesans for Responsible Government, Banning Ranch, campaign signs being removed on Mesa Verde Drive, and crime in the City. (00:45:57)

Terry Koken, Costa Mesa, spoke on the number of ballots cast in previous elections. (00:49:35)

Sandy Johnson, Costa Mesa, spoke in opposition to Council actions and speech. (00:52:12)

John Feeney, Costa Mesa, expressed opposition to the TCA and spoke about a flyer distributed by Coastline Community College and the 405 Toll Roads. (00:54:45)

Tamar Goldmann, Costa Mesa, read an article from the Daily Pilot regarding Council actions; and expressed support for police officers in the City. (00:57:36)

Ernie Feeney, Costa Mesa, spoke regarding an article from the Daily Pilot regarding Assessment Districts. (01:00:52)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Mensinger spoke about the issue of the theft and vandalism of campaign signs and free speech; spoke against disparaging remarks; and expressed best wishes to all candidates in the upcoming election. (01:03:48)

Council Member Monahan spoke about the issue of the theft and vandalism of campaign signs and informed of a reward offer for the missing banners; spoke regarding campaigns in 1988 and 1992, attorney fees, and a previous lawsuit against the City; and recognized Boy Scouts Troops 344 and 106. (01:11:43)

Mayor Bever provided an update on the I-405 issues; spoke on campaign mail he received regarding Measure V; requested for CEO Hatch to explain the Senior Center being an independently run organization; spoke on the Banning Ranch Traffic Mitigation and issues with the Soup Kitchen. (01:15:25)

Mayor Pro Tem Righeimer spoke regarding the Feet to the Fire Charter Debate on October 15, 2012; praised the police and fire employees; spoke on pensions, campaign mail pieces; spoke on police and fire recruitments and spoke on campaign contributions. (01:23:28)

Discussion ensued regarding a letter signed by Council Member Leece. Mayor Pro Tem Righeimer read the letter out loud. (01:33:45)

Council Member Leece spoke highly on the life of Bobbie Hedrick, who had recently passed away, and expressed condolences to the family; commended Ms. Wells for the courage to speak about Metastatic Breast Cancer; thanked the Chamber of Commerce for the BBQ in honor of the Public Safety employees; thanked the Halecrest Community for the success of the Chili Cook-Off; announced the Shake Out Event on Thursday, October 18, 2012; spoke on issues regarding coyotes and the Town Hall Meeting to be held on October 29, 2012; commended the Historical Preservation Committee for their efforts towards Costa Mesa's 60th Anniversary; requested for CEO Hatch to follow-up on Mr. Reiser's request regarding the Marine Corps flag; spoke on the wheelchair safety issue, an Assessment District, the Soup Kitchen; the Orange County Fire Authority and the Brown Act. (01:43:50)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:59:40)

CEO Thomas Hatch informed that Council will be provided with an update on the Banning Ranch Agreement at a later time; spoke on the Senior Center and the Marine Corps flag, the temporary closure of the I-73, the service in honor of Bobbie Hedrick, and the earthquake preparedness drill.

CONSENT CALENDAR (02:04:50)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Items 3, 4, and 5.

MOVED/SECOND: Council Member Monahan/Mayor Bever
The motion carried unanimously.

1. READING FOLDER

(a) CLAIMS RECEIVED BY THE CITY CLERK: LAW OFFICES OF W. DOUGLAS EASTON ON BEHALF OF MYRA BAILEY; PAM BLAKESLEE; AND COBY N. KELLER, ESQ. ON BEHALF OF RICHARD DIAMOND.

ACTION: Received and filed.

2. NO MINUTES

6. ACCEPTANCE AND ALLOCATION OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS FOR FISCAL YEAR 2012-2013.

(a) BUDGET ADJUSTMENT NO. 13-009 IN THE AMOUNT OF \$20,801.

ACTION:

1. City Council approved staff's recommendation to allocate 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. Approved the budget adjustment (BA #13-009) to increase revenue and appropriations in the Jag fund and allocate specified funds.

7. AUTHORIZE REFUND OF CASH DEPOSIT IN THE AMOUNT OF \$5,280 TO DIVERSE HOLDING COMPANY IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS06-00630 FOR CORNER MONUMENTATION AT 1011 EL CAMINO DRIVE.

ACTION:

City Council approved refund cash deposit in connection with Encroachment Permit No. PS06-00630 in the amount of \$5,280 to Diverse Holding Company, 186 E. 16th Street, Costa Mesa, California 92627.

8. AUTHORIZE REFUND OF CASH DEPOSIT IN THE AMOUNT OF \$13,474 TO MELIA HOMES INC. IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00494 FOR STREET IMPROVEMENTS AT 178 EAST 19TH STREET.

ACTION:

City Council approved refund cash deposit in connection with Encroachment Permit No. PS11-00494 in the amount of \$13,474 to Melia Homes Inc., 8951 Research Drive, Suite 100, Irvine, California 92618.

9. AUTHORIZE REFUND OF CASH DEPOSIT IN THE AMOUNT OF \$17,171 TO SCEL PROPERTIES LLC IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00107 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION AT 2201 SANTA ANA AVENUE.

ACTION:

City Council approved refund cash deposit in connection with Encroachment Permit Nos. PS12-00107, PS12-00119, and PS12-00286 in the amount of \$17,171 to SCEL Properties LLC, 620 Newport Center Drive, 12th Floor, Newport Beach, California 92660.

10. **AUTHORIZE REFUND OF CASH DEPOSIT IN THE AMOUNT OF \$8,483.65 TO SCEL PROPERTIES LLC IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00190 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION AT 1928 SANTA ANA AVENUE.**

ACTION:

City Council approved refund cash deposit in connection with Encroachment Permit No. PS12-00190 in the amount of \$8,483.65 to SCEL Properties LLC, 620 Newport Center Drive, 12th Floor, Newport Beach, California 92660.

11. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AN AMENDMENT TO RESOLUTION NO. 10-73 MAINTAINING THE CITY'S CURRENT FLEXIBLE CONTRIBUTION FOR EMPLOYEES REPRESENTED BY THE COSTA MESA DIVISION MANAGERS' ASSOCIATION (CMDMA).**

ACTION:

City Council adopted a Resolution of the City Council of the City of Costa Mesa, California, adopting an amendment to Resolution No. 10-73 maintaining the City's current flexible contribution for employees represented by the Costa Mesa Division Managers' Association (CMDMA).

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:05:10)

3. **WARRANT RESOLUTION 2441: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-20 AND PAYROLL REGISTER NO. 12-19A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, FUNDING PAYROLL NO. 12-20 FOR \$2,090,007.87 AND PAYROLL NO. 12-19A FOR - \$356.82, AND CITY OPERATING EXPENSES FOR \$734,574.74, INCLUDING PAYROLL DEDUCTIONS. (02:05:21)**

Perry Valentine, Costa Mesa, requested clarification on payments.

MOTION/SECOND: Council Member Monahan/Mayor Bever
The motion carried unanimously.

ACTION: Approved.

4. WARRANT RESOLUTION 2442: 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 OPERATIONS EXPENSE FOR \$632,238.54. (02:08:23)

Tamar Goldmann, Costa Mesa, commented on amount paid to Jones and Mayer Law Firm for legal services.

MOTION/SECOND: Council Member Monahan/Mayor Bever
The motion carried unanimously.

ACTION: Approved.

5. AUTHORIZATION FOR TWO CODE ENFORCEMENT OFFICER POSITIONS. (02:10:55)

(a) BUDGET ADJUSTMENT NO. 13-008 IN THE AMOUNT OF \$106,623

Council Member Leece requested an overview of the duties of the Code Enforcement officers.

Discussion ensued regarding the amount of full-time and part-time Code Enforcement officers and the duties of the officers. (02:11:50)

Beth Refakes, Costa Mesa, expressed support of hiring more Police Officers, rather than Code Enforcement officers. (02:16:30)

Discussion ensued regarding the Budget Adjustments; pension for the two new Code Enforcement Officers, plans to hire more Police staff, and tracking of calls regarding code enforcement. (02:17:58)

MOTION/SECOND: Council Member Mensinger/Mayor Bever
The motion carried unanimously.

ACTION:

1. City Council authorized two new Code Enforcement Officer positions in the Development Services Department; and

2. Approved Budget Adjustment (BA #13-008).

PUBLIC HEARINGS – (02:31:11)

1. **CONTINUED FROM THE MEETING OF OCTOBER 2, 2012, 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.**

Staff report provided by Ernesto Munoz, Public Services Director. (02:31:30)

Steve Pier, Newport Beach, expressed opposition to the item. (02:34:13)

Deputy City Attorney Bettenhausen informed that the noticing and findings for the vacation are appropriate according to state law. (02:38:45)

Discussion ensued regarding the abandonment of the easement, the development planned for the property, and the noticing requirements. (02:39:25)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer
The motion carried unanimously.

ACTION:

1. City Council adopted the resolution ordering the street vacation; and
2. Authorized the Mayor and Interim City Clerk to sign the Quitclaim Deed; and
3. Authorized Interim City Clerk to record the Quitclaim Deed

OLD BUSINESS – None

NEW BUSINESS (02:44:00)

1. **AMENDMENT TO THE CONTRACT BETWEEN CALPERS AND THE CITY OF COSTA MESA TO INCLUDE PROVISIONS PURSUANT TO GOVERNMENT CODE SECTION 20475 IN ORDER TO IMPLEMENT 2%@50 RETIREMENT FORMULA (FIRE SAFETY GROUP).** (02:44:05)

Staff report provided by Lance Nakamoto, HR Manager, and Ryan Thomas, Principal HR Analyst. (02:44:25)

- (a) **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF COSTA MESA.**

MOTION/SECOND: Council Member Monahan/Council Member Leece
The motion carried unanimously.

ACTION:

City Council adopted a Resolution of Intention to approve an Amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City Council of the City of Costa Mesa in order to implement the lower-level retirement formula of 2%@50 for Fire Safety employees.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

MOTION/SECOND: Council Member Monahan/Council Member Mensinger
The motion carried unanimously.

ACTION:

1. City Council introduced, gave first reading by title only, and waived further reading of Ordinance No. 12-XX which authorizes the amendment to the CalPERS contract to implement the 2%@50 retirement formula for Fire Safety employees; and
2. Authorized the City Clerk to execute required CalPERS certifications:
 - a. Certification of Governing Body's Action- PERS-CON-12.
 - b. Certification of Compliance with Government Code Section 7507 PERS-CON-12A.
 - c. Certification of Compliance with Government Code Section 20475- PERS-CON-30.

REPORT – CITY ATTORNEY – None (02:48:05)

The Mayor adjourned the meeting at 8:51 p.m.

MAYOR

CITY CLERK

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

July 1, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 3:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS – None

CLOSED SESSION

The City Council recessed into closed session at 3:36 p.m. to consider the following items.

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employees Association (CMCEA), pursuant to California Government Code Section 54957.6.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Fire Fighters Association (CMFA), and Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.
3. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court, Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: Larry and Pamela Olsen v. City of Costa Mesa, a municipal corporation, et al., United States District Court—Southern District of California, San Diego, (Federal Court), Case No. 08-CV-2035-JAH-BLM, pursuant to California Government Code Section 54956.9(a).
5. Conference with legal counsel regarding existing litigation: Agnieszka Szczerbinska Baltusis and Victor Baltusis v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2012 00607875, pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 6:01 p.m.

CALL TO ORDER (00:00:14)

PLEDGE OF ALLEGIANCE (00:00:46) – Council Member Monahan

MOMENT OF SOLEMN EXPRESSION (00:01:23)

Pastor Dave Manne, Calvary Chapel

ROLL CALL

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT – None

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - None

ANNOUNCEMENTS (00:02:49)

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

PRESENTATION - NONE

PUBLIC COMMENTS (00:05:58)

Royellen Duffield, Costa Mesa, spoke regarding animal control officers and urban coyotes. (00:06:43)

Gay Royer, Costa Mesa, spoke in opposition to discharging fireworks on the 4th of July; spoke on code enforcement and a neighbor. (00:08:34)

Al Melone, Costa Mesa, spoke regarding the small dog park. (00:11:19)

Beth Refakes, Costa Mesa, congratulated Dane Bora and Brad Long for the awards they received; spoke regarding fireworks; and the construction work on the 55 freeway. (00:14:45)

John Guesno, Costa Mesa, spoke regarding developments on Whittier Avenue and expressed traffic concerns due to the Banning Ranch development. (00:16:59)

Greg Tunnell, Costa Mesa, spoke regarding government leaders and serving the community. (00:20:04)

Ginger Roberts, Costa Mesa, quoted the Declaration of Independence; and spoke on not changing the zoning for Rolling Homes Mobile Park. (00:23:09)

Dominick Giambona, Costa Mesa, spoke regarding developments; density; and traffic concerns. (00:25:02)

Mrs. Drain, Costa Mesa, requested a forensic audit on the 60th Anniversary event and on an employee's working hours at the event. (00:27:52)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:30:54)

Council Member Monahan - wished everyone a happy safe and sane 4th of July; and spoke regarding urban coyotes. (00:31:06)

Mayor Righeimer - spoke on Noreen Baume's passing; and wished everyone a happy 4th of July. (00:32:33)

Council Member Mensinger - wished everyone a happy 4th of July; spoke on his support for fireworks fundraising; and spoke on urban coyotes. (00:33:11)

Council Member Genis - wished everyone a happy 4th of July; spoke regarding Consent Calendar item number 8; the dog park; and the 50th Anniversary of the Civil Rights Act. (00:35:01)

Council Member Leece - spoke regarding future development; announced the Great Reach Community Forum event on July 16th; spoke on the Golden Hub Innovation Award received by the City; the Kaboom Project at Shalimar Park; fireworks; the Senior Center lunch event; Consent Calendar Number 7 and 13; attorney fees; having a Study Session for a Medical Marijuana Ordinance; Medical Marijuana initiatives; and an Ordinance for sober living homes for the City of Costa Mesa. (00:39:02)

Council Member Monahan spoke on sober living homes; and two Medical Marijuana petitions being circulated. (00:49:30)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:53:03)

CEO Thomas Hatch spoke regarding conceptual designs for the print shop; engineering support services from Civil Source, Inc.; spoke on issues related to fireworks and urban coyotes; the Golden Hub Award and the Star Awards and provided an Orange County Fair update.

CONSENT CALENDAR (01:07:48)

MOTION: Approved recommended actions for Consent Calendar Items Nos. 1-14.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Mayor Pro Tem Mensinger and Mayor Righeimer (on Consent Calendar Item No. 4)

Motion carried: 5-0 (items 1-14, excluding No. 4)

Motion carried: 3-0-2 (on Consent Calendar Item No. 4)

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Cecilia DeCrona; Jesus Garcia; Henry Lloyd/Mid-Century Insurance Company; and Roberto Garcia.

ACTION: City Council received and filed.

3. **WARRANT RESOLUTION 2518: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-12 "A", 14-13 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-12 "A" for \$368.77, Payroll No. 14-13 for \$2,028,981.98, and City operating expenses for \$2,245,293.12.**

ACTION: City Council approved Warrant Resolution No. 2518, to be read by title only and further reading waived.

4. **SALARY RESOLUTIONS FOR CLASSIFICATION REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA)**

ACTION:

1. City Council adopted Resolution No. 14-43, to be read by title only and waived further reading, which implements salary range adjustments for job classifications represented by the CMPA; and
2. Adopted Resolution No. 14-44, to be read by title only and waived further reading, which implements salary range adjustments for job classifications represented by the CMPMA.

5. **PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES AGREEMENT**

ACTION:

City Council authorized the City CEO to sign the Purchase Requisition in the amount of \$127,334 for the renewal of software maintenance and services agreement with SunGard Public Sector Inc., 1000 Business Center Drive, Lake Mary, FL 32725-5585.

6. **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**

ACTION:

City Council adopted Resolution No. 14-45, to be read by title only and waived further reading.

7. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS**

ACTION:

1. City Council approved Contract Change Order No. 1 to the Professional Services Agreement with Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in the amount of \$600,000.00 to secure additional services on an as-needed basis, for Project/Construction Management and Public Works Inspection for various Council-approved Capital Improvement Program (CIP) projects; and

2. Authorized the Chief Executive Officer to execute the Contract Change Order.

8. **PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF ARLINGTON DRIVE BIOSWALE AND DRY WEATHER DIVERSION PROJECT**

ACTION:

City Council awarded a contract to KABBARA Engineering, 121 North Harwood Street, Orange, CA 92866, in an amount not to exceed \$208,863.00 for design services, and authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

9. **SUNFLOWER AVENUE AT ANTON BOULEVARD TRAFFIC SIGNAL MODIFICATION, FEDERAL PROJECT No. HSIPL-5312 (085), CITY PROJECT NO. 13-13**

ACTION:

1. City Council adopted plans, specifications, and working details for the Sunflower Avenue at Anton Boulevard Traffic Signal Modification, Federal Project No. HSIPL-5312 (085), City Project No. 13-13; and

2. Awarded a construction contract to PTM General Engineering Services, Inc., 5942 Acorn Street, Riverside, CA 92504, in the amount of \$238,823.00; and

3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

10. MAINTENANCE AGREEMENTS FOR SR-55 GATEWAY IMPROVEMENT PROJECT

ACTION:

1. City Council approved the Agreement for Maintenance of the proposed Gateway Monument Sign and a Landscape Maintenance Agreement between the City of Costa Mesa and the State of California Department of Transportation (Caltrans) for the SR-55 Gateway Improvement Project; and
2. Authorized the Public Services Director to work with Caltrans to make minor adjustments to the agreements; and
3. Authorized the Mayor and the City Clerk to execute the final agreements.

11. HARBOR BOULEVARD/ADAMS AVENUE IMPROVEMENT PROJECT – CONTRACT CHANGE ORDER

ACTION:

1. City Council approved Contract Change Order (CCO) in the amount of \$478,000 for the Harbor Boulevard/Adams Avenue Improvement Project, City Project No. 13-09; and
2. Approved Budget Adjustment – BA No. 14-030 in the amount of \$100,000; and
3. Authorized the Chief Executive Officer to execute the CCO.

12. MINUTES

ACTION:

City Council approved the minutes of the Regular Meeting of the City Council and Successor Agency of February 4, 2014; Regular Meeting of the City Council and Successor Agency/Special Housing Authority Meeting of February 18, 2014; Regular Meeting of the City Council and Successor Agency of March 4, 2014; Regular Study Session of May 13, 2014; and Regular Meeting of the City Council and Successor Agency/Special Joint Housing Authority Meeting of May 20, 2014.

13. ONE-YEAR EXTENSION OF ARCHITECTURAL SERVICES CONTRACT FOR COUNCIL CHAMBERS CONSTRUCTION RELATED TO AUDIO/VISUAL EQUIPMENT AND BROADCAST SYSTEM UPGRADES

ACTION:

1. City Council approved the professional services agreement that replaces the expired Dougherty + Dougherty contract for architectural services related to the upgrades in the City's audio/visual and broadcasting equipment in the Council Chambers; and
2. Authorized the CEO to increase the scope of the professional services agreement to include design work associated with the conversion of the print shop to a community meeting room and approved a contingency amount of \$20,000 for potential unforeseen expenditures.

14. COOPERATION AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY FOR AN ADVANCE AND LOAN OF FUNDS BY THE CITY TO THE AUTHORITY RELATING TO CIVIC CENTER BARRIO HOUSING CORPORATION PROJECTS LOCATED AT 707, 711 W. 18TH ST., 745 W. 18TH ST., 717, 721 JAMES ST. AND 734, 740, 744 JAMES ST.; AUTHORIZE APPROPRIATION FROM THE CITY'S GENERAL FUND FOR SUCH LOAN

City Council adopted Joint City Council/Authority Resolution No. 14-46, to be read by title only and waived further reading, approving a Cooperative Agreement, with attached Loan Agreement, between the City and the Authority and Authorizing the City's Appropriation of Funds to Pay the First Lien Balances from the General Fund Relating to Civic Center Barrio Housing Corporation Projects located at 707, 711 W. 18th St., 745 W. 18th St., 717, 721 James St. and 734, 740, 744 James Street.

----- **END OF CONSENT CALENDAR** -----

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) – None

OLD BUSINESS – None

NEW BUSINESS (01:07:48)

1. RENEWAL OF THE USER AGREEMENT WITH THE HARBOR SOARING SOCIETY (01:07:52)

Staff report provided by Ernesto Muñoz, Public Services Director. (01:08:00)

Council Member Genis spoke on sound problems; permits; and non-licensed flyers. (01:10:00)

Discussion ensued regarding addressing non-licensed flyers and enforcement; the process of obtaining a permit; long term improvement projects at Fairview Park; permit fees for residents and non-residents; the hours of operations; drones; membership in the Harbor Soaring Society and enforcement. (01:12:45)

Public Comments:

Terry Koken, Costa Mesa, spoke in favor of approving the extension of the agreement. (01:22:10)

Henry Smith, Harbor Soaring Society, Vice President, spoke regarding noisy aircrafts and enforcement; the two different groups that fly; maintaining the field; shade shelters; and thanked the City. (01:22:46)

Karl Ahlf, Costa Mesa, supports the agreement. (01:25:45)

Discussion continued regarding noise concerns; and hours of operation. (01:27:00)

Mr. Smith indicated that hours can be changed by a revision to the agreement and through park rules. (01:33:16)

Council Member Leece spoke regarding kiosk maintenance. (01:34:28)

Council Member Genis spoke regarding rule violators. (01:35:15)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the User Agreement with the Harbor Soaring Society, and extension of the agreement for the use of a portion of Fairview Park for a five (5) year term, including changing the starting hour to 7:00 a.m. and directing staff to bring back revised rules and procedures within twelve months including new fees for residents and non-residents.

2. ATHLETIC FIELD USE AND ALLOCATION POLICY INFORMATION AND RECOMMENDATIONS (01:37:48)

Staff report provided by Lisa McPherson, Parks and Recreation Supervisor. (01:37:54)

Discussion ensued regarding the Banner Policy; the approval process of portable lights; AYSO light donation; and allocation of lights. (01:41:35)

Mayor Pro Tem Mensinger spoke on banner complaints and suggested the Parks and Recreation Department issue a sticker for approved banners indicating a date of removal. (01:45:10)

Discussion ensued regarding residency status; groups that pay Executive and/or Administrative staff; a letter from Matt Leinert Flag Football requesting Provisional Group 3 status for one year; and field reservations for Group 1 users. (01:47:15)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the amended Athletic Field Use and Allocation Policy, including Matt Leinart Flag Football receiving special status for one year; and directed the CEO to analyze the allocation process within one year, and including Administrative staff in addition to Executive staff for groups that compensate staff.

The City Council recessed into a break at 8:08 p.m. (02:06:28)

The City Council reconvened at 8:18 p.m. (02:16:30)

3. COUNCIL AUTHORIZATION FOR THE IMPLEMENTATION OF SECURITY CAMERA SYSTEMS AT VARIOUS LOCATIONS INCLUDING THE CITY CORPORATION YARD FACILITY, KEY ACCESS POINTS ALONG THE JOANNE BIKE TRAIL, THE EXTERIOR AREA SURROUNDING THE SENIOR CENTER, THE VOLCOM SKATE PARK, AND VARIOUS LOCATIONS IN FAIRVIEW PARK STREET (02:16:38)

Staff report provided by Dan Baker, Management Analyst. (02:17:00)

Discussion ensued regarding access to video feed; location of cameras at Fairview Park; and coordination with the Police Department. (02:21:15)

CEO Hatch spoke on exploring the sites for cameras; monitoring of cameras; and creating a policy. (02:24:00)

Council Member Leece expressed support to include the model engineer's facility and train locations. (02:28:06)

Discussion continued on coordination with the Police Department on prioritizing locations where cameras need to be placed; and preventing vandalism to cameras. (02:29:22)

Public Comments:

Nacy Perlin, Costa Mesa, spoke on illegal activity at the Joann Street Bike Trail. (02:32:36)

Tim Lewis, Costa Mesa, spoke on the availability of tapes through Public Records Requests; and indicated support if cameras are monitored appropriately. (02:34:26)

Greg Tunnell, Costa Mesa, stated that the Police Department is understaffed and that is where the focus should be. (02:35:32)

Robin Leffler, Costa Mesa, stated opposition to utilizing cameras during the day; and supports monitoring by the Police Department. (02:38:36)

Taoward Lee, Costa Mesa, supports the idea of having cameras. (02:40:17)

Beth Refakes, Costa Mesa, supports cameras at the corporation yard but is opposed to cameras on Joanne Street Bike Trail and Fairview Park due to privacy concerns; and spoke on monitoring and retention of tapes. (02:42:22)

Mary S., Costa Mesa, spoke regarding non-operational cameras; and spoke on the availability and monitoring of the recordings. (02:45:27)

Greg Ridge, Costa Mesa, stated opposition to cameras in public areas; but is in support of cameras at the corporation yard. (02:47:26)

Karl Ahlf, Costa Mesa, spoke in support of cameras. (02:49:58)

Mayor Righeimer spoke on policies and protocols for cameras; and would like to look at best practices in other cities. (02:51:22)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (02:53:00)

Council Member Leece spoke on not supporting the item due to the issue not being fully analyzed by the Police Department; supports security officers at the Senior Center; and an alarm at the corporation yard. (02:53:08)

Discussion ensued on having the item be brought back to the City Council; including policies and procedures; incorporating input from the Police Department; and addressing activities on the Joann Street Bike Trail. (02:55:53)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

1. City Council authorized staff to proceed with the bid process for security camera systems for the following facilities/areas:
 1. City Corporation yard facility at 2300 Placentia; and
 2. Locations along the Joanne Bike trail to provide enhanced security for pedestrian users and monitoring of graffiti activity; and
 3. Costa Mesa Senior Center to provide enhanced security for users of the facility. Cameras will be installed on the exterior only; and
 4. Volcom skate park to provide enhanced security; and
 5. Strategic locations in and around Fairview Park; and
2. Directed staff to bring back for Council consideration policies and procedures documents.
4. **FIRST READING OF ORDINANCE REPEALING AND REPLACING COSTA MESA MUNICIPAL CODE SECTION 11-15 RELATING TO REWARDS FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF PERSONS VANDALIZING PROPERTY (03:01:01)**

Public Comments:

Tim Lewis, Costa Mesa, spoke in opposition to giving rewards for doing the right thing. (03:02:45)

Cindy Black, Costa Mesa, inquired if this Ordinance would also apply to public officials. (03:04:49)

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council introduced for first reading, Ordinance No. 14-08, to be read by title only and waived further reading, regarding rewards for information leading to the apprehension of individuals who vandalize property.

5. FIRST READING OF THE ORDINANCE AMENDING SECTION 2-61 RELATING TO CONDUCT WHILE ADDRESSING THE CITY COUNCIL AND ADDING SECTION 2-87 (SEVERABILITY) (03:05:59)

Staff report provided by Elena Gerli, Deputy City Attorney. (03:07:33)

Discussion ensued on removing b(3), b(8) from Section 2-61; Section 2-61 b(2); the review from ACLU; and having general guidelines.

Council Member Genis spoke on Section 2-61 b(7) and b(8); and freedom of speech. (03:30:00)

Public Comments:

Perry Valantine, Costa Mesa, supports removing b(3) and b(8) from Section 2-61; and expressed concern with Section 2-61 b(7). (03:35:58)

John Stephens, Costa Mesa, recommended changing the word "disorderly" to "disruptive behavior"; and expressed concern with Section 2-61 b(1) through b(11). (03:37:39)

Flo Martin, Costa Mesa, recommended removing Section b. (03:40:45)

Beth Refakes, Costa Mesa, recommended changing "disorderly" to "disruptive"; and expressed concern with Section 2-61 b(8). (03:43:38)

Greg Tunnell, Costa Mesa, opposed to the Ordinance. (03:46:44)

Laurene Keane, Costa Mesa, spoke on encouraging public speaking. (03:49:36)

Chris McEvoy, Costa Mesa, spoke on speaker cards; and freedom of speech. (03:52:42)

Gay Royer, Costa Mesa, spoke regarding freedom of speech and is opposed to the Ordinance. (03:54:49)

Terry Koken, Costa Mesa, expressed opposition to the Ordinance; and spoke on Section 2-61 b(8). (03:57:52)

Harold Weitzberg, Costa Mesa, spoke on public participation and engagement at Council meetings; suggested removing all items except for Section 2-61 b(1), b(10) and b(11). (03:59:11)

Sheila Pfafflin, Costa Mesa, expressed opposition to Section 2-61 b(8) and b(7); and suggested the examples should be removed from Section 2-61 b. (04:01:54)

Bonnie Copeland, Costa Mesa, expressed concerns with the Ordinance in regards to constitutionality and ADA rights. (04:03:24)

Charles Mooney, Costa Mesa, inquired as to what constitutes disruption. (04:06:29)

Jay Humphrey, Costa Mesa, spoke on the lack of definition of the word "disruption"; recommended removing all of Section b; and spoke on violation of constitutional rights. (04:08:05)

Taoward Lee, Costa Mesa, spoke on the Acosta law suit; and preventing lawsuits. (04:10:05)

Greg Ridge, Costa Mesa, spoke regarding being insolent; and public comments at meetings. (04:12:43)

Karl Ahlf, Costa Mesa, spoke regarding free speech rights. (04:15:25)

Chuck Perry, Costa Mesa, spoke on understanding rules and regulations; and people making disparaging remarks to the Council. (04:17:49)

Mary S., Costa Mesa, expressed support for first amendment rights; and spoke on Assembly Bill 194. (04:19:14)

Robin Leffler, Costa Mesa, expressed opposition and spoke on Section 2-61 b(5), b(8), b(9), b(3); and Section 2-61 c(1). (04:21:41)

Tamar Goldmann, Costa Mesa, spoke in opposition to Section 2-61 b(5), b(8), and b(10). (04:24:32)

Mike Bargas, Costa Mesa, expressed support for the Council; and indicated that being respectful is important. (04:27:38)

Discussion ensued on the distinction between using the word "disorderly" or "disruptive"; removing Section 2-61 b(3) and b(8). (04:30:05)

Council Member Genis indicated that she would like to keep Section 2-61 b(1), b(4), b(10); and spoke on AB 194. (04:35:54)

Discussion ensued on Section 2-61 b(11) and b(10). (04:41:40)

Council Member Leece indicated that she does not support words used in the Ordinance; and spoke on the use of enforcement. (04:43:55)

Deputy City Attorney Gerli spoke on the language based on the 9th Circuit case and the reasoning for including enforcement guidelines. (04:49:26)

Council Member Genis recommended removing item Section 2-61 b(2); and expressed concern with Section 2-61 b(7). (05:03:05)

Mayor Righeimer indicated that he supports Section 2-61 b(7). (05:03:53)

MOVED/SECOND: Mayor Pro Tem Mensinger/Mayor Righeimer (05:09:00)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council introduced for first reading, Ordinance No. 14-09, to be read by title only and waived further reading, regarding conduct while addressing the City Council; and adding a severability clause, and removing from the proposed Ordinance Section 2-61 b(2), b(3), b(8) and combining Sections 2-61 b(10) and b(11).

The City Council recessed into a break at 11:11 p.m. (05:10:00)

The City Council reconvened at 11:24 p.m. (05:22:50)

6. CITY COUNCIL CONSIDER PROPOSED CHARTER FOR PLACEMENT ON THE BALLOT FOR THE NOVEMBER 4, 2014 STATEWIDE GENERAL ELECTION (05:22:23)

Staff report provided by Yolanda Summerhill, Deputy City Attorney. (05:24:30)

Public Comments:

Harold Weitzberg, Costa Mesa, spoke in opposition to the Charter; indicated that mailings should not have editorial; spoke on having two opposing opinions on the frequently asked questions; and the opportunity to submit questions on the Charter. (05:31:03)

Ron Amburgey, Costa Mesa, spoke in support of the Charter. (05:34:51)

Gene Hutchins, Costa Mesa, spoke in support of the Charter; and spoke on pension increases. (05:36:38)

Tom Pollitt, Costa Mesa, spoke in support of the Charter. (05:39:04)

Ron Simpson, Costa Mesa, spoke in opposition to Charter. (05:42:32)

Richard Mehren, Costa Mesa, spoke in support of the Charter. (05:44:17)

Sheila Pfafflin, Costa Mesa, spoke in opposition to the Charter. (05:45:26)

John Hill, Costa Mesa, spoke in support of the Charter. (05:47:53)

Charles Mooney, Costa Mesa, spoke on prevailing wages; and unfunded pension liabilities. (05:51:29)

Rita Simpson, Costa Mesa, spoke in support of the Charter. (05:53:43)

Tamar Goldmann, Costa Mesa, spoke in opposition to the Charter. (05:55:43)

Jay Humphrey, Costa Mesa, spoke on the ballot description, and public hearings for the Charter. (05:58:51)

Greg Thunnell, Costa Mesa, spoke in opposition to the Charter. (06:02:05)

Robin Leffler, Costa Mesa, spoke in opposition to the Charter. (06:05:18)

MOTION: Continue the meeting past midnight (06:08:38)

MOVED/SECOND: Council Member Leece/Mayor Pro Tem Mensinger

The motion to continue the meeting past midnight carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

Terry Koken, Costa Mesa, spoke in opposition to the Charter and sang a song. (06:08:48)

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger (06:11:05)

Mayor Righeimer thanked the Charter Committee; and spoke on the Charter process. (06:13:00)

Council Member Genis stated she will not be supporting the motion. (06:16:27)

Council Member Leece stated she will not be supporting the motion. (06:19:38)

Mayor Pro Tem Mensinger thanked the Charter Committee for their work; and spoke in support of the Charter. (06:20:28)

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote: (06:23:20)

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

1. City Council adopted Resolution No. 14-40, including the following proposed changes to the Charter document and including the changes to the ballot description and summary:
 - A. Section 700 – Public Contracting (include the word “shall”);
 - B. Section 304 - Compensation;
 - C. Section 306 - Include commissioners and committee members as well as council members;
 - D. Add Provision regarding Elected Officer Qualifications to follow general law;
 - E. Add Procedure for adopting Ordinances to follow general law:

- A. Resolution No. 14 – 40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA PROPOSING A MEASURE FOR SUBMISSION TO THE VOTERS OF THE QUESTION WHETHER THE CITY OF COSTA MESA SHALL ESTABLISH HOME RULE BY ADOPTING THE PROPOSED CHARTER AS APPROVED BY THE CITY COUNCIL, ADDING THE MEASURE TO THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 AS CALLED BY RESOLUTION NO. 14-26, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE ESTABLISHED IN SECTION 10403 OF THE ELECTIONS CODE

MOVED/SECOND: Mayor Righeimer/Council Member Monahan (06:23:40)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

City Council adopted Resolution No. 14-41:

- B. Resolution No. 14 – 41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE CONCERNING THE ADOPTION OF A PROPOSED CITY CHARTER AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

MOVED/SECOND: Mayor Righeimer/Council Member Monahan (06:24:10)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

City Council adopted Resolution No. 14-42:

C. Resolution No. 14 – 42, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURE CONCERNING THE ADOPTION OF A PROPOSED CITY CHARTER SUBMITTED AT THE GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014

City Council provided direction to distribute four mailers. (06:24:30)

ITEMS REMOVED FROM THE CONSENT CALENDAR – None

CONTINUED PUBLIC COMMENTS (06:25:23)

Cindy Black, Costa Mesa, spoke regarding campaign donations. (06:25:55)

Jay Humphrey, Costa Mesa, wished everyone a Happy 4th of July. (06:29:12)

Robin Leffler, Costa Mesa, spoke regarding the selection of Charter Committee Members; and on the unfunded pension liability. (06:29:42)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - None

REPORT – CITY ATTORNEY - None

ADJOURNMENT- The Mayor and the City Council adjourned the meeting in Memory of Noreen Baume at 12:34 a.m. to the Regular Meeting July 15st, 2014 at 5:00 p.m.

MAYOR

CITY CLERK

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

AUGUST 5, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 4:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

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

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

CLOSED SESSION

The City Council recessed into Closed Session at 4:32 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Fire Fighters Association (CMFA), pursuant to California Government Code Section 54957.6.
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
3. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2) for one potential case.
4. Conference with legal counsel – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(4) for one potential case.

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

CALL TO ORDER (00:00:27)

PLEDGE OF ALLEGIANCE (00:00:42) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:01:05) –

Senior Pastor Tim McCalmont, Presbyterian Church of the Covenant

ROLL CALL (00:04:05)

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, Deputy City Attorney Richard Adams, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT - None

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – None

Mayor Righeimer read a statement regarding the Closed Session Report:

"On the City's website is the 2013-2016 proposed Costa Mesa City Employees Association Memorandum of Understanding (MOU) which was ratified by the Costa Mesa City Employees Association. The proposed MOU is considered of no force or effect unless approved by the City Council, in accordance with the COIN Ordinance. The website posting shall include clean and redlined copies of the proposed MOU, the fiscal analysis of the document, and a summary of the contents of the document. The website posting shall also indicate that before the City Council renders its final determination regarding the adoption of the proposed MOU there shall be a minimum of two City Council meetings where the public has the opportunity to review and comment on the matter. The first City Council meeting shall be September 2, 2014, the second City Council meeting shall be September 16, 2014."

ANNOUNCEMENTS (00:05:33)

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

PRESENTATIONS (00:07:48)

Presentation by Team Leader and Costa Mesa resident Kailualani Tagalooa, 2014 CHOC Walk Ambassador, CHOC Walk in the Park 2014 in October 2014

PUBLIC COMMENTS (00:18:04)

Doug Smith, Costa Mesa, thanked the City for managing and controlling the parking during the Orange County Fair. (00:18:57)

UNOFFICIAL UNTIL APPROVED

Chuck Perry, Costa Mesa, spoke regarding the CHOC Walk; 17th Street improvements; and development in the City. (00:19:29)

Timothy M. Kowal, representing the Orange County Human Relations Commission, presented their annual report. (00:22:01)

Beth Collins, Costa Mesa, spoke regarding the CHOC walk; and regarding city improvements. (00:24:59)

Tamar Goldmann, Costa Mesa, spoke regarding water conservation and the drought. (00:26:46)

Sue Lester, Costa Mesa, spoke regarding the 60th Anniversary event; and on a medical marijuana issue. (00:29:47)

Greg Tunnell, Costa Mesa, spoke regarding CHOC and donating blood; taxes; and budget savings. (00:32:54)

Speaker, Costa Mesa, spoke regarding development in the City; and a CM4RG General Plan info fair on August 14, 2014 at 6:30 p.m. (00:35:44)

Mariann Chappell, Costa Mesa, spoke regarding street improvements and repairs; solicitation and littering; garage sale signs; and parking problems. (00:37:37)

Al Melone, Costa Mesa, spoke regarding the dog park; and lawsuits. (00:40:36)

James H. Bridges, Costa Mesa, spoke regarding Committee appointments. (00:44:04)

Beth Refakes, Costa Mesa, spoke regarding a commercial truck parked in a residential area; and construction of medians on 17th Street. (00:46:54)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:49:18)

Mayor Pro Tem Mensinger – thanked volunteers who worked at Estancia High School; spoke on water conservation; the Marine's 1/5 Community Dinner; military boot camp; and fire station improvements. (00:49:24)

Council Member Genis – spoke regarding water conservation. (00:54:52)

Council Member Leece – spoke regarding water conservation and enforcement; jail costs; speaker concerns regarding littering, garage sales, and parking; firework complaints; OCC facilities Master Plan; Aviation Committee and airport concerns; Senior Center Corporation; and Police contract negotiations. (00:56:13)

Council Member Monahan – requested a status on the recruitment for police reserves. (01:03:31)

Mayor Righeimer – addressed a comment regarding a Planning Commissioner speaking at an event; spoke on jail outsourcing; Orange Coast College development; fire station improvements; a Pension Oversight Committee appointment; Neighborhood Improvement Task Force; the Connect Costa Mesa application; and code enforcement. (01:03:50)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:12:50)

CEO Thomas Hatch – spoke regarding 17th Street improvements; Endemic Professional services; the new “Space Available” program for economic development in the City; Orange Coast College development; the Scientia Professional Services Agreement; and drought issues and enforcement.

CONSENT CALENDAR (01:21:44)

MOTION: Approved recommended actions for Consent Calendar Items Nos. 1-12 except Item Nos. 3, 4, 5, 8, 9, 10, and 11.

MOVED/SECOND: Council Member Leece/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

ACTION:

City Council waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Mark A. Kaufman/Mercury Insurance; Amy Widmer; and Ida Elison.

ACTION: Received and filed.

6. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA POLICE MANAGEMENT ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE

ACTION:

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Police Management Association (CMPMA); and
2. Authorized staff to have the independent fiscal analysis of the current CMPMA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

7. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA FIRE MANAGEMENT ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE

ACTION:

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Fire Management Association (CMFMA); and
2. Authorized staff to have the independent fiscal analysis of the current CMFMA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

12. MINUTES

ACTION: City Council approved the minutes of the Regular Meeting of the City Council and Successor Agency of June 17, 2014.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) - NONE

OLD BUSINESS – (01:22:30)

1. SECOND READING OF ORDINANCE NO. 14-11 FOR CODE AMENDMENT CO-13-03 TO TITLE 13, CHAPTER IX, ARTICLE 8 GOVERNING MOTELS (01:22:32)

Public Comments:

Lili Graham, Public Law Center, spoke in opposition to the Ordinance. (01:23:15)

Robin Leffler, Costa Mesa, spoke in opposition to the Ordinance. (01:25:16)

Tamar Goldmann, Costa Mesa, spoke in opposition to the Ordinance. (01:27:06)

Jay Humphrey, Costa Mesa, spoke in opposition to the Ordinance. (01:29:36)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (01:31:30)

Council Member Leece spoke regarding her opposition to the Ordinance. (01:31:33)

Council Member Genis spoke regarding her opposition to the Ordinance. (01:33:20)

Mayor Righeimer spoke regarding his support for the Ordinance. (01:35:46)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried by the following roll call vote: (01:38:31)

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council gave second reading and adopted Ordinance No. 14-11, to be read by title only and waived further reading, approving Code Amendment CO-13-03 with regard to the proposed ordinance adopting modifications to Title 13, Chapter IX, Article 8 of the Costa Mesa Municipal Code with regard to motels ("Motel Ordinance").

2. **SECOND READING OF ORDINANCE NO. 14-10 FOR REZONE R-14-01 FOR 320 E. 18TH STREET (01:38:47)**

MOVED/SECOND: Council Member Monahan/Council Member Genis (01:39:15)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council gave second reading and adopted Ordinance No. 14-10, to be read by title only and waived further reading, rezoning a 1,009-square foot portion of land at 320 E. 18th Street to Multiple-Family Residential – Medium Density (R2-Md).

NEW BUSINESS (01:39:24)

1. **I-405 IMPROVEMENT PROJECT UPDATE, ADOPTION OF RESOLUTION OF CITY POSITION AND CONSIDERATION OF ADOPTION OF RESOLUTIONS TO PUT ADVISORY VOTE MEASURE ON BALLOT (01:39:24)**

Staff report provided by Raja Sethuraman, Transportation Services Manager. (01:41:02)

Discussion ensued regarding plans from the California Department of Transportation (Caltrans). (01:47:53)

Mayor Righeimer spoke on opposition to Caltrans plans. (01:50:45)

Council Member Genis spoke regarding original Measure M plan not including toll roads. (01:54:51)

Mayor Pro Tem Mensinger spoke in opposition to toll lanes. (01:56:53)

CEO Hatch spoke on the costs for ballot measures and mailers. (01:58:55)

Discussion ensued regarding members signing the ballot arguments. (01:59:18)

Public Comments:

Sue Lester, Costa Mesa, supports the signing of direct arguments by the City Council. (02:04:19)

Harold Weitzberg, Costa Mesa, expressed support for the corridor city members signing the ballot argument. (02:05:44)

Jay Humphrey, Costa Mesa, supports the ballot measure and other corridor cities also voting on the issue. (02:07:00)

Terry Koken, Costa Mesa, spoke regarding the issue. (02:08:35)

Beth Refakes, spoke in opposition to the toll lanes; and supports other corridor cities also vote on the issue. (02:08:52)

Tamar Goldmann, Costa Mesa, supports the signing of direct arguments by the City Council. (02:11:20)

Robin Leffler, Costa Mesa, supports the measure and the signing of direct arguments by the City Council. (02:11:45)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (02:12:55)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted the following resolution:

A. Resolution No. 14-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING IMPLEMENTATION OF TOLL LANES ON I-405 AND ALL OTHER ORANGE COUNTY FREEWAYS WITHOUT A VOTE OF THE ENTIRE ORANGE COUNTY ELECTORATE.

MOVED/SECOND: Council Member Monahan/Council Member Genis (02:14:26)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted the following resolution:

B. Resolution No. 14-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUBMISSION TO THE VOTERS OF THE CITY OF COSTA MESA, CALIFORNIA AN ADVISORY VOTE MEASURE RELATING TO THE ESTABLISHMENT OF TOLL LANES ON THE I-405 FREEWAY IN ORANGE COUNTY, AS CALLED BY RESOLUTION NO. 14-26.

Discussion ensued regarding Council Members signing the direct arguments.
(02:14:43)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
(02:14:39)

The motion carried by the following roll call vote:

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council adopted the following resolution:

C. Resolution No. 14-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING AN ADVISORY VOTE MEASURE RELATING TO THE ESTABLISHMENT OF TOLL LANES ON THE I-405 FREEWAY IN ORANGE COUNTY; AND, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR THE SAME CITY MEASURE.

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
(02:21:15)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted the following resolution:

D. Resolution No. 14 - 58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

Discussion ensued regarding mailers. (02:21:45)

Consensus: three mailers. (02:23:45)

City Council recessed into a break at 8:26 p.m. (02:24:55)

City Council resumed at 8:42 p.m. (02:40:52)

Council Member Genis requested no names or images of people on the mailers. (02:40:55)

2. MEASURE TO ESTABLISH REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND REGULATION OF MEDICAL MARIJUANA CULTIVATION ("MEASURE") (02:41:29)

Presentation by Council Member Monahan. (02:42:51)

Discussion ensued on limiting establishments near youth centers; a new department in the City; and involving the Police Department. (03:01:19)

Council Member Genis spoke in support of having an Ordinance; and inquired on which measure would prevail if several voter initiatives pass. (03:04:07)

Discussion ensued regarding security guards not possessing firearms; no smoke zones; labeling; guidelines for cultivation; liability amount; allowing the Police Department more time to review; and the review of medical records. (03:10:00)

Public Comments:

David Dragotto, Costa Mesa, supports the measure. (03:36:33)

Marla James, supports the measure. (03:40:43)

David James, supports the measure. (03:43:58)

Mary Spadoni, Costa Mesa, opposed to the measure. (03:45:34)

Greg Barnett, Costa Mesa, supports the measure. (03:48:42)

Dan Riffle, Newport Beach, supports the measure. (03:50:34)

Steve Downing, supports the measure. (03:53:56)

Dr. Tom Minahan, Corona, supports the measure. (03:57:33)

Robert Taft Jr., Costa Mesa, supports the measure. (04:00:35)

Jeffrey Benson, supports the measure. (04:05:12)

Matthew Pappas, supports the measure. (04:08:53)

Sean Donahoe, Sacramento, supports the measure. (04:10:36)

Vern Nelson, Huntington Beach, supports the measure and sang a song.
(04:14:19)

T. Koken, Costa Mesa, supports the measure and sang a song. (04:14:19)

Paul Cassidy, Costa Mesa, supports the measure. (04:17:00)

Randall Longwith, Yorba Linda, supports the measure. (04:18:00)

Robin Leffler, Costa Mesa, supports the regulation by Council Ordinance.
(04:21:31)

Lisa Cargile, Mission Viejo, supports the measure. (04:24:38)

Gay Royer, Costa Mesa, supports the measure. (04:25:56)

David Mason, Garden Grove, supports the measure. (04:27:56)

Jay Humphrey, Costa Mesa, supports the regulation by Council Ordinance.
(04:29:28)

Sue Lester, Costa Mesa, supports medical marijuana; and supports the adoption by Council Ordinance. (04:32:40)

Discussion ensued regarding a sunset clause; Ordinances in other cities; enforcement; scheduling a Study Session; police staffing and establishment of a new office. (04:36:10)

Chief Gazsi spoke on the issue and that he has had only a limited amount of time to assess the impacts to the community; and spoke on SB 1262. (04:47:28)

Discussion continued regarding prior dispensaries in the City; staffing; physicians writing prescriptions; SB 1262; and the reasoning for adding a measure on the ballot. (04:51:14)

Council Member Leece spoke regarding a law from the State of New York on managing marijuana; and spoke on taxation. (05:02:00)

MOTION: Approve Resolution No. 14-52

MOVED: Council Member Monahan (05:07:13)

Motion died for lack of second.

Council Member Genis spoke on having a Study Session. (05:07:37)

Mayor Righeimer spoke regarding SB 1262. (05:08:28)

ITEMS REMOVED FROM THE CONSENT CALENDAR (05:09:50)

3. **WARRANT RESOLUTION 2520: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-14 "A" AND 14-15 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-14 "A" for \$3,520.59, Payroll No.14-15 for \$2,088,368.12, and City operating expenses for \$2,953,072.22 (05:10:10)**

Council Member Monahan and Council Member Genis left the dais at 11:12 p.m. (05:11:00)

Public Comments:

Speaker, spoke regarding contracts and hiring of new employees. (05:10:51)

MOVED/SECOND: Mayor Righeimer/Council Member Leece (05:13:14)

The motion carried by the following roll call vote:

Ayes: Council Member Leece, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: Council Member Genis and Council Member Monahan

Motion carried: 3-0-2

ACTION: Approved Warrant Resolution No. 2520, to be read by title only and further reading waived.

4. FINAL MAP TRACT NO. 17639 LOCATED AT 643, 651 W. 17TH STREET AND 1695 SUPERIOR AVENUE, COSTA MESA, CALIFORNIA (05:13:18)

Council Member Monahan returned to the dais at 11:15 p.m. (05:13:50)

Public Comments:

Speaker, spoke regarding final tract maps and variances. (05:13:25)

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger (05:14:46)

The motion carried by the following roll call vote:

Ayes: Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION:

City Council approved the Final Map for Tract No. 17639 and authorized signing of the Map by the City Clerk and the City Engineer.

5. FINAL MAP FOR TRACT NO. 17649 LOCATED AT 687 VICTORIA STREET, COSTA MESA, CALIFORNIA (05:15:00)

Public Comments:

Speaker, spoke regarding the tract map and variances. (05:15:01)

Council Member Genis returned to the dais at 11:16 p.m. (05:16:45)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
(05:18:05)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the Final Map for Tract No. 17649 and authorized signing of the Map by the City Clerk and the City Engineer.

8. **CITY COUNCIL RESOLUTION NO. 14-51 AMENDING THE COSTA MESA 2000 GENERAL PLAN FOR THE SECOND CYCLE OF 2014: GP-13-02 FOR 125 EAST BAKER STREET; AND GP-14-01 FOR 320 EAST 18TH STREET (05:18:13)**

Public Comments:

Cynthia McDonald, Costa Mesa, spoke in opposition to the amendment of the General Plan. (05:18:31)

Speaker, spoke in opposition to the amendment of the General Plan. (05:22:08)

Robin Leffler, Costa Mesa, spoke in opposition to the amendment of the General Plan. (05:23:05)

MOVED/SECOND: Council Member Monahan/Mayor Righeimer (05:25:02)

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

Council Member Leece spoke on why she would not be supporting the item. (05:25:14)

ACTION:

City Council adopted Resolution No. 14-51, to be read by title only and waived further reading, amending the Costa Mesa 2000 General Plan for the second cycle of 2014, in accordance with the Council's actions taken on General Plan Amendments Nos. GP-13-02 and GP-14-01.

9. **EXTENSION OF FTOG, INC. PROFESSIONAL SERVICE AGREEMENT FOR INTERIM BUYER SUPPORT (05:25:36)**

Public Comments:

Speaker, inquired on why the City is using multiple companies. (05:25:36)

MOVED/SECOND: Council Member Monahan/Mayor Righeimer (05:27:58)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved an Amendment to Professional Services Agreement (PSA) with FTOG, Inc. to provide Interim Buyer services for six (months) with an increase to the PSA in the amount of \$48,600, while the City completes the hiring process for the full-time permanent Buyer position.

10. **AMENDMENT THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCIENTIA CONSULTING GROUP, INC. (05:27:05)**

Public Comments:

Speaker, inquired as to why the City is using multiple companies. (05:27:15)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:28:00)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Amendment Three to the Professional Services Agreement (PSA) with Scientia Consulting Group, Inc. (Scientia) increasing the compensation limit from \$103,000 to \$281,880; and
2. Authorized the City's Chief Executive Officer (City CEO) to sign the amended PSA with Scientia Consulting Group, Inc. in the amount of \$281,880; and
3. Authorized the City CEO to sign the purchase requisition for the amendment PSA; and
4. Approved Budget Adjustment No. 15-006 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund in the amount of \$169,936 to fund 95% of the total cost of the amended compensation limit. The remaining 5% (\$8,944) will come from the approved consulting funds in the Fiscal Year 2014-15 budget of the I.T. Department.

11. AMENDMENT ONE TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE CITY OF MISSION VIEJO (05:28:04)

Public Comments:

Speaker, inquired as to why using multiple companies. (05:28:10)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger (05:28:37)

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved Amendment One to the Professional Services Agreement (PSA) with the City of Mission Viejo (Consultant) increasing the compensation limit from \$49,999 to \$99,999; and
2. Authorized the City's Chief Executive Officer (City CEO) to sign the amended PSA with the Consultant increasing the compensation by \$50,000; and
3. Authorized the City CEO to sign the purchase requisition for the amended PSA.

CONTINUED PUBLIC COMMENTS (05:28:42)

Cindy Brenneman, Costa Mesa, spoke on the 60th Anniversary event and investigation.
(05:29:06)

Robin Leffler, Costa Mesa, spoke regarding the Police Association negotiations.
(05:29:51)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS (05:31:29)

Mayor Righeimer requested the policy for pulling items from Consent Calendar.
(05:31:36)

Council Member Genis indicated that the public has been able to pull items for years.
(05:32:26)

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT (05:33:11) The Mayor and the City Council adjourned the meeting at 11:34 p.m.

MAYOR

CITY CLERK