

**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 4<sup>th</sup> 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 60<sup>th</sup> 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 4<sup>th</sup> of July; and spoke regarding urban coyotes. (00:31:06)

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

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

Council Member Genis - wished everyone a happy 4<sup>th</sup> of July; spoke regarding Consent Calendar item number 8; the dog park; and the 50<sup>th</sup> 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 16<sup>th</sup>; 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. 18<sup>TH</sup> ST., 745 W. 18<sup>TH</sup> 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. 18<sup>th</sup> St., 745 W. 18<sup>th</sup> 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 Righheimer 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 Valentine, 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 9<sup>th</sup> 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 4<sup>th</sup> 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 15<sup>th</sup>, 2014 at 5:00 p.m.

\_\_\_\_\_  
MAYOR

*Brenda Green*  
\_\_\_\_\_  
CITY CLERK