

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

October 4, 2011

CALL TO ORDER

The meeting was called to order by the Mayor at 6:00 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Monahan, Mayor Pro Tem Righeimer, Council Member

Leece, and Council Member Mensinger

Council Members Absent: Council Member Bever

CALL TO ORDER (00:00:15)

PLEDGE OF ALLEGIANCE (00:00:27) – Led by Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:50)

Pastor Dave Manne, Calvary Chapel

ROLL CALL (00:02:40)

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

Absent: Council Member Bever

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Interim Development Services Director Khanh Nguyen, Interim Public Services Director Ernesto Munoz, Interim Public Affairs Manager Dan Joyce, and City Clerk Julie Folcik.

ANNOUNCEMENTS (00:02:54)

Mayor Monahan presented Costa Mesa Community Announcements, and the "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:08:15)

Dan Joyce, Costa Mesa Community Run presentation

PUBLIC COMMENTS (00:14:06)

Perry Valantine, Costa Mesa, spoke about responses to public comments posted on the City's website; business tax; Pop Warner website; and contracting and subcontracting of legal services. (00:14:31)

Belle Solis, Tustin, Program Coordinator for the Orange County Chapter of Mother's Against Drunk Driving (MADD), spoke about drunk driving education, funding, and enforcement. (00:17:19)

Mary Beth Griffin, Tustin, spoke on behalf of the Orange County DUI Task Force requesting the Council vote in support of the STEP Grant; spoke on sobriety check points; and STEP Grant funds. (00:20:43)

Andrew Gabell, Orange, spoke on his company, Skitfink Productions. (00:23:39)

Lisa Knowles, Costa Mesa, spoke on the Wild West Casino Night hosted by the Harbor Mesa Lions Club. (00:26:58)

Jason Piazza, Costa Mesa, stated the need for a soccer league; and expressed opposition in outsourcing City services. (00:28:23)

James Proctor, Costa Mesa, commented on student volunteers; homeless issues; movie nights at The Lab; water sustainability; economic growth in adjacent cities; and unions. (00:31:23)

Robin Leffler, Costa Mesa, spoke on the ex-parte communication ordinance that was not approved. (00:33:34)

Beth Refakes, Costa Mesa, spoke on equipment upgrade; and 19th Street Bridge concerns. (00:36:27)

Sandra Genis, Costa Mesa, spoke about responses to public comments; staff attendance at OC Fair Board and other public meetings; Pacific Amphitheatre renovations; the 19th Street Bridge; and the Coastal Commission meeting. (00:38:59)

Tamar Goldmann, Costa Mesa, commented on budget measures. (00:42:07)

Tom Pollitt, Costa Mesa, commented on balancing the budget; workers' compensation; Costa Mesa unions; and unfunded pension liability. (00:45:24)

Jeff Cullen, Costa Mesa, spoke about balancing the budget; costs associated with the association and police helicopter lease; and the drastic measures to cut jobs and pensions. (00:48:31)

Mayor Pro Tem Righeimer clarified the helicopter costs have been reduced. (00:50:59)

Sue Lester, Costa Mesa, expressed on Council Member Bever's attendance at City Council meetings; and litigation. (00:52:15)

Cindy Brenneman, Costa Mesa, spoke on Breast Cancer Awareness Month. (00:55:29)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (00:58:15)

CEO Hatch spoke on moving the CEO Report up on the agenda; police helicopter; budget; payroll audit; study sessions; 19th Street Bridge; efficiency measures at City Hall; budget policies; audit response; conflict of interest concerning a council member; outside attorneys; and staff attendance at OC Fair Board meetings. (00:58:17)

REPORT – CITY ATTORNEY – NONE (01:12:08)

CONSENT CALENDAR (01:12:10)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for Items 1, 2, 3, 8, 9, 10, 11, and 12.

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

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

4. **WARRANT RESOLUTION 2389: 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 \$364,136.72.**

ACTION: Approved.

5. **PROFESSIONAL SERVICES AGREEMENT WITH KABBARA ENGINEERING, 121 NORTH HARWOOD STREET, ORANGE, FOR DESIGN SERVICES FOR ALLEY NO. 122 (PROJECT "A") AND ALLEYS NOS. 28, 29, 30, 31 (PROJECT "B") REHABILITATION PROJECT, IN THE AMOUNT OF \$61,413.**

ACTION: Approved; authorized the Mayor and the City Clerk to sign.

6. **COMPLETION OF 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ALLEY IMPROVEMENT PROJECT – BAY STREET ALLEY NO. 40 (PROJECT “A”) AND FORD ROAD ALLEY NO. 41 (PROJECT “B”), CITY PROJECT NO. 11-02, BY GOLDEN STATE CONSTRUCTORS, INC., 6162 GALIPEAN DRIVE, HUNTINGTON BEACH.**

ACTION: Accepted work; authorized City Clerk to file a Notice of Completion and to release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter.

7. **WITHDRAWN FROM AGENDA**

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:13:07)

1. **READING FOLDER**

- a. Claims received by the City Clerk: David Haragan on behalf of EAN Holdings, LLC; Raymond Gregory.
- b. Requests for Alcohol Beverage Control licenses: Tastebuds, 130 E. 17th Street, Suite M-P and Z Café, 3333 Bear Street, Suite 316.

Robin Leffler, Costa Mesa, expressed concern over the number of liquor licenses issued. (01:13:18)

Mayor Monahan clarified that State ABC has authority over these issues; and placement of items on the Council agenda is informational. (01:13:55)

Eleanor Egan, Costa Mesa, in reference to Tastebuds, opined that area does not need another bar; and stated ABC should know the City's concerns. (01:14:20)

Sandra Genis, Costa Mesa, spoke about a finding of public convenience. (01:14:44)

MOTION/SECOND: Mayor Monahan/Council Member Leece

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION: Received and filed.

2. REGULAR MEETING OF SEPTEMBER 6, 2011. (01:15:21)

Discussion ensued regarding changes to the format of the minutes. (01:15:23)

Sandra Genis, Costa Mesa, spoke on the availability of the minutes to the public. (01:17:40)

Robin Leffler, Costa Mesa, spoke in support of a public hearing regarding the format of the minutes. (01:19:00)

MOVED/SECOND: Mayor Monahan/Council Member Leece

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION: Continue to the next meeting.

3. WARRANT RESOLUTION 2388: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-19 AND PAYROLL REGISTER NO. 11-18A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, FUNDING PAYROLL NO. 11-19 FOR \$2,128,843.60 AND PAYROLL NO. 11-18A FOR \$1,313.79, AND CITY OPERATING EXPENSES FOR \$671,691.16, INCLUDING PAYROLL DEDUCTIONS. (01:20:10)

Discussion ensued regarding payments to Management Partners and reassessment of the contract; and a payment to Newport-Mesa Unified School District for bus transportation. (01:20:12)

MOTION/SECOND: Mayor Monahan/Council Member Leece

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION: Approved

8. PARTICIPATION IN THE ORANGE COUNTY CHAPTER TRAUMA INTERVENTION PROGRAM (TIP). (01:26:01)

Rick Kapok, Costa Mesa, spoke in support of TIP. (01:26:20)

Cindy Brenneman, Costa Mesa, spoke in support of TIP. (01:28:33)

MOTION/SECOND: Mayor Monahan/Mayor Pro Tem Righeimer

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION:

1. Approved and authorized the Chief Executive Officer or his designee to sign; and
2. Approved and authorized the Mayor to sign Budget Adjustment No. 12-005 for \$10,000.

9. REQUEST FOR PROPOSAL (RFP) FOR ANIMAL CONTROL SERVICES. (01:31:17)

Robin Leffler, Costa Mesa, spoke about the placement of RFPs on the agenda, and the cost of writing and analyzing the RFPs. (01:31:32)

Sandra Genis, Costa Mesa, spoke on Animal Control personnel, animal license fee increase, and special event policing. (01:34:13)

Jay Humphrey, Costa Mesa, spoke on providers at a lower cost. (01:36:49)

MOTION: Authorize staff to release the RFP

MOTION/SECOND: Mayor Monahan/Mayor Pro Tem Righeimer

Council Member Leece spoke on contracting with the County of Orange; proposal submission; evaluation criteria; budget process; and stated she would not be supporting the motion. (01:39:30)

Mayor Pro Tem Righeimer spoke on savings; outsourcing; employees; budget; and stated he will be supporting this, and all the following, motions. (01:45:57)

The motion was carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: Council Member Bever

Motion carried: 3-1-1

10. REQUEST FOR PROPOSAL (RFP) FOR STREET AND STORM DRAIN MAINTENANCE SERVICES. (01:51:10)

Robin Leffler, Costa Mesa, spoke on the cost of services. (01:51:26)

Sandra Genis, Costa Mesa, spoke on level of service, and combination of items in the RFP. (01:54:27)

Tamar Goldmann, Costa Mesa, spoke on the budget, and outsourcing. (01:56:15)

Jeff Cullen, Costa Mesa, spoke on outsourcing. (02:00:35)

MOTION: Authorize staff to release the RFP

MOVED/SECOND: Mayor Monahan/Mayor Pro Tem Righeimer

Council Member Leece stated she would not be supporting the motion; and spoke on pension, unfunded liability, and outsourcing. (02:03:36)

Mayor Monahan commented on unfunded liability; RFPs; employee negotiations; and spoke in support of the motion. (02:06:12)

The motion was carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: Council Member Bever

Motion carried: 3-1-1

11. REQUEST FOR PROPOSAL (RFP) FOR GRAFFITI ABATEMENT SERVICES. (02:08:19)

Robin Leffler, Costa Mesa, spoke on employee pensions. (02:08:31)

Sandra Genis, Costa Mesa, spoke on graffiti removal. (02:10:54)

Tamar Goldmann, Costa Mesa, spoke on outsourcing, pensions, and employee negotiations. (02:12:23)

MOTION/SECOND: Mayor Monahan/Mayor Pro Tem Righeimer

Council Member Leece commented on the speed of the graffiti abatement team, clean-up time in the RFP, and unfunded liability; and expressed opposition to the item. (02:14:34)

The motion was carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: Council Member Bever

Motion carried: 3-1-1

12. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS OF THE CITY COUNCIL MEETINGS, TO MOVE THE CEO REPORT TO OCCUR AFTER PUBLIC COMMENTS. (02:19:43)

Sandra Genis, Costa Mesa, stated she supports the motion; and accepting public comments during the CEO report. (02:19:59)

Robin Leffler, Costa Mesa, complemented CEO Hatch on tonight's report; and stated public comments should not be moved to the end of the evening. (02:21:35)

MOTION/SECOND: Mayor Monahan/Council Member Mensinger

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION: Adopted resolution

City Council recessed for a break at 8:27 p.m.

City Council reconvened the meeting at 8:43 p.m.

PUBLIC HEARINGS – NONE (02:25:27)

OLD BUSINESS (02:25:30)

1. **FROM THE MEETING OF SEPTEMBER 20, 2011, ORDINANCE NO. 11-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-10-06, AMENDING TITLE 13, ARTICLE 2 DEFINITIONS, AND CHAPTERS III, IV, V, VI, AND XII OF THE COSTA MESA MUNICIPAL CODE RELATING TO RESIDENTIAL SECOND UNITS, GRANNY UNITS, AND ACCESSORY APARTMENTS. (02:25:35)**

MOTION/SECOND: Mayor Monahan/Mayor Pro Tem Righeimer

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION: Adopted Ordinance No. 11-10, to be read by title only, and waived further reading

2. **FROM THE MEETING OF SEPTEMBER 20, 2011, ORDINANCE NO. 11-11: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO AMEND TITLE 13, CHAPTER VII, ARTICLE 2, GENERAL PROVISIONS AND ARTICLE 3, SIGN REGULATIONS, OF THE COSTA MESA MUNICIPAL CODE RELATED TO SIGN REGULATIONS. (02:26:27)**

MOTION/SECOND: Mayor Monahan/Council Member Mensinger

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

ACTION: Adopted Ordinance No. 11-11, to be read by title only, and waived further reading

NEW BUSINESS (02:27:09)

1. STATEMENTS OF QUALIFICATIONS FOR THE POSSIBLE SELECTION OF A QUALIFIED FIRM FOR THE UPGRADE, OPERATION AND MAINTENANCE OF THE TEWINKLE PARK ATHLETIC COMPLEX. (02:27:12)

Staff report by Ernesto Munoz, Interim Public Services Director (02:27:34)

Discussion ensued regarding the task force, TeWinkle Park user groups, minimum requirement letter of qualification, and the TeWinkle Master Plan report. (02:30:29)

Dave Johnson, President and Founder of Major League Softball Inc., spoke about his company and responded to questions from the Council. (02:38:05)

Bill Berghoff, President of Sportsplex USA, spoke about his company and responded to questions from the Council. (03:06:43)

Richard Odekirk, Director of Development of Big League Dreams, spoke about the company and responded to questions from the Council. (03:35:00)

Public Comments:

Jeff Wilcox, Costa Mesa, President of the Mesa Del Mar Community Association, spoke in opposition of the proposal. (04:16:54)

Perry Valentine, Costa Mesa, noted all three firms are based outside of Costa Mesa, and commented on individual Council requests. (04:19:47)

Jay Humphrey, Costa Mesa, spoke on the process and the task force. (04:22:57)

Eleanor Egan, Costa Mesa, spoke on a property deed restriction. (04:26:20)

Beth Refakes, Costa Mesa, spoke on the process, and community disturbance. (04:29:59)

Tamar Goldmann, Costa Mesa, spoke on the neighborhood around TeWinkle Park, and the property restriction. (04:33:15)

Marty Morales, Costa Mesa, spoke in opposition to the proposal. (04:35:26)

Scott Stirton, Costa Mesa, expressed opposition to the proposal. (04:37:49)

Doug Smity, Costa Mesa, spoke in opposition to the proposal. (04:39:20)

Sandra Genis, Costa Mesa, expressed concern over the presenter's not providing financial information to the City; and spoke on community park needs. (04:42:30)

Robin Leffler, Costa Mesa, requested ex-parte information from the Council; and spoke on the sports park. (04:45:20)

Lisa Reedy, Costa Mesa, spoke on the TeWinkle Park Master Plan, and the sports park. (04:48:32)

John Rittenhouse, Costa Mesa, spoke on presenter's lack of information; and TeWinkle Park Master Plan. (04:51:48)

Discussion ensued regarding specific needs, community dialogue, acknowledgement of residents' concerns, Master Plan reports, task force formation, legal and financial issues, parking, field use, process of building sports fields; underuse of TeWinkle Park fields; and community improvement. (04:55:22)

MOTION: Approve the formation of a TeWinkle Park Athletic Complex Task Force as revised to include two members of the homeowners' association north of the property, and remove one member from the school district.

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

SUBSTITUTE MOTION: Approve the formation of a TeWinkle Park Athletic Complex Task Force as revised to include four members of the homeowners' association.

MOVED/SECOND: Council Member Leece

Motion died for lack of a second.

The original motion was carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: Council Member Bever

Motion carried: 3-1-1

MOTION: Direct Big League Dreams to work with the City and Task Force on TeWinkle Park Athletic Complex proposal.

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Monahan

SUBSTITUTE MOTION: Receive and file.

MOVED/SECOND: Council Member Leece

Motion died for lack of a second.

The original motion was carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: Council Member Bever

Motion carried: 3-1-1

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (05:30:55)

Council Member Leece requested that a discussion of the minutes be placed on the agenda regarding public comments; asked for an explanation regarding the meet and confer process; and spoke about a Town Hall in the Westside. (05:31:50)

Council Member Mensinger spoke on pensions; a hiring freeze; Mesa Verde and College Park improvements; the Costa Mesa Minute and CEO Briefing; the amount of public information available; outsourcing; and Estancia High School football. (05:34:22)

MOTION: Continue the meeting past midnight

MOVED/SECOND: Mayor Monahan/Mayor Pro Tem Righeimer

The motion was carried by the following roll call vote:

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

Nays: None

Absent: Council Member Bever

Motion carried: 4-0-1

CLOSED SESSION: (05:45:00)

- 1. CONFERENCE WITH THOMAS R. HATCH, CHIEF EXECUTIVE OFFICER, AND LABOR NEGOTIATOR, AGENCY NEGOTIATOR REGARDING EMPLOYEE ORGANIZATIONS: COSTA MESA CITY EMPLOYEE ASSOCIATION (CMCEA), COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA), COSTA MESA POLICE OFFICERS ASSOCIATION (CMPOA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA), COSTA MESA FIRE FIGHTERS MANAGEMENT ASSOCIATION, AND COSTA MESA DIVISION MANAGERS ASSOCIATION PURSUANT TO GOVERNMENT CODE SECTION 54957.6**
- 2. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION: 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).**

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

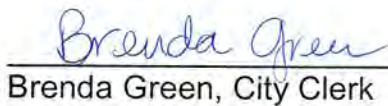
CEO Hatch provided an overview of what would be discussed in closed session; spoke on the letters sent to the associations regarding the Memorandums of Understanding; and spoke about the negotiations process and existing agreements. (05:46:11)

The Mayor adjourned the meeting at 12:06 a.m. into closed session.



A handwritten signature in black ink, appearing to read "Stephen M. Mensinger", written over a horizontal line.

Stephen M. Mensinger, Mayor



A handwritten signature in blue ink, appearing to read "Brenda Green", written over a horizontal line.

Brenda Green, City Clerk