

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

**April 19, 2011**

The City Council Meeting of the City of Costa Mesa, California met in regular session April 19, 2011, at 6:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**PLEDGE OF ALLEGIANCE - Mayor Pro Tem Jim Righeimer**

**MOMENT OF SOLEMN EXPRESSION - Phil Eyskens, Church of the Nazarene - Light House of Costa Mesa**

**ROLL CALL**

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

Council Members Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch  
City Attorney Thomas Duarte  
Development Services Director Kimberly Brandt  
Public Services Director Peter Naghavi  
City Clerk Julie Folcik

**ANNOUNCEMENTS**

The Mayor announced various upcoming events taking place in the city:  
- April 23, 2011 at 8 a.m. - 4th Annual Costa Mesa Community Run; kick-off event on April 22 - Estancia High School  
- April 23, 2011 from 9 a.m-12 p.m. - Arbor Day Tree-Planting - Estancia Park  
- April 29-30, 2011 - Nutrilite Health and Fitness Expo - Orange County Fair and Event Center  
- May 1, 2011 - Orange County Marathon, Half Marathon, and Wahoo's 5K - Full and half marathons begin at Fashion Island and end at the Orange County Fair and Event Center; Wahoo's 5K begins and ends at the Orange County Fair and Event Center

**PRESENTATIONS**

The Mayor presented the Mayor's Award to Estancia High School football coach Mike Bargas in recognition of his recent accomplishments and continued

involvement with the Estancia High School football team.

Christine Anderson, Sonora Elementary School Principal, and Talena Mara, Vice-President of Education at the Segerstrom Center of the Arts, provided an overview of the Sonora Elementary School and Segerstrom Center of the Arts partnership program, and the students presented their projects to members of staff and the Council.

The City CEO announced the upcoming Special Study Session and budget briefing, spoke about the 4th quarter sales tax report, provided details of the draft budget calendar, advised that additional special meetings would be held in May and in June relative to budget and its processes, and stated that the Police Chief recruitment was to close at the end of the week.

## **PUBLIC COMMENTS**

Colin McCarthy, Costa Mesa, presented results of the Costa Mesa Taxpayers Association telephone poll results regarding the City's budget.

Marshall Krupp, Costa Mesa, President and CEO of World Solar Tech, offered his company's free consulting services to the City for a solar program.

Jay Photoglou spoke about his experience with the Police Department regarding his claim and public records requests.

Colin Laus, Costa Mesa, spoke about outsourcing and transparency and requested that Council rescind the notices.

Jay Humphrey, Costa Mesa, questioned a prior action of the City Council in declining the transfer of Redevelopment Agency (RDA) funds and spoke in support of city employees.

Perry Valentine, Costa Mesa, commented on the Feet to the Fire forum, staff reductions and overtime, and the EMS paramedic request.

Greg Thunell, Costa Mesa, expressed opposition in the outsourcing of employees.

James Proctor, Costa Mesa, suggested ideas for generating revenue such as parades, donation cans, and benefit concerts.

Mike Brumbaugh, Costa Mesa, announced an upcoming picnic and open house sponsored by the Halecrest Swimming and Tennis Club.

Diane Russell, Costa Mesa, spoke in opposition of outsourcing, questioned the facts relative to the financial situation of the city and asked Council to rescind the notices.

Sandra Genis, Costa Mesa, spoke about government transparency and

recommended that the Council working groups be opened to the public.

Karl Ahlf, Costa Mesa, expressed opposition in the outsourcing of police officers.

Paula Restis, Costa Mesa, spoke in opposition of outsourcing.

Martie O'Meara, Costa Mesa, commented on the apparent negative media by the labor unions and expressed support of the efforts of the City Council.

Karin W. Ahlf, Costa Mesa, spoke about the Costa Mesa Taxpayers' Association poll and expressed concern regarding the outsourcing of employees.

Eleanor Egan, Costa Mesa, shared a story of a business owner whose business failed due to his focus only on cuts and not on revenue generating ideas.

Reggie Mendekis, Costa Mesa, expressed concern regarding the surge in consultants and the "climate of fear" that was being created.

Helen Nenadal, President of the Costa Mesa Employees' Association, spoke about the morale of the employees.

#### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 10.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 10, and to continue the minutes of April 5, 2011.  
Moved by Mayor Gary Monahan, seconded by Mayor Pro Tem James Righeimer.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Reading Folder.

The following claims received by the City Clerk for processing: Jeffrey D. Clark; Jerry Ibarra; Joseph Panarisi; Yepremyan Law Firm on behalf of Luz Evelia Guerrero Rosas; Richard J. Murphey on behalf of Norma K. Sperl; Michael West.

The City received the following Request for Alcoholic Beverage Control Licenses for processing:

For David M. McKiernan dba BBQ 220, located at 1560 Superior Avenue, Suite A1, Costa Mesa, for an original type 41 (on-sale beer and wine for a bona fide eating place).

For Dusadee Bushyakanist dba Georges Thai Bistro II, located at 1450 Baker Street, Suite C, Costa Mesa, for an original type 41 (on-sale beer and wine for a bona fide eating place).

For Asahi Systems, Inc. dba Sushi Teri, located at 1450 Baker Street, Suite E, Costa Mesa, for an original type 41 (on-sale beer and wine for a bona fide eating place).

The City Clerk received the following Letters of Notification:

Southern California Edison Company's Application for Approval of Demand Response Programs, Activities, and Budgets for 2012-2014, A.11-03-003

Southern California Edison Company Rate Application A. 11-04-001

2. Regular meeting of April 5, 2011.

ACTION: Continued.

3. Warrant Resolution 2364, funding Payroll No. 11-07 for \$2,188,053.61, and Payroll No. 11-06A for \$839.71, and City operating expenses for \$1,007,659.50, including payroll deductions.

ACTION: Adopted Resolution.

4. Warrant Resolution 2365, funding City operating expenses for \$352,521.41.

ACTION: Adopted Resolution.

5. Completion of Placentia Avenue/17th Street Traffic Signal Modification Project, Federal Project No. HSIPL-5312 (073), City Project No. 09-26, by Christopher R. Morales, Inc., 155 North Eucla Avenue, San Dimas.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated seven (7) months thereafter.

6. Completion of Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 10-05, by D.P. Mangan, Inc. dba Pave West, 551 South Harbor Boulevard, La Habra.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated

seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

7. Completion of American Recovery and Reinvestment Act (ARRA), Rehabilitation of Wilson Street (from Fairview Road to Newport Boulevard), Federal Project No. ESPL-5312 (079), City Project No. 10-08, by All American Asphalt, Post Office Box 2229, Corona

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated seven (7) months thereafter .

8. Completion of Rehabilitation of Alley No. 47 (between Cleveland Avenue and Coolidge Avenue and from Baker Street to Paularino Avenue), City Project No. 10-12, by Black Rock Construction, 282 North Saint Crispin Avenue, Brea.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

9. Final Map for Tract No. 17401 located at 2079 and 2083 Thurin Street, Costa Mesa, for the subdivision of one (1) lot to facilitate a 10-unit common interest development (condominiums).

ACTION: Approved; and authorized City Engineer and City Clerk to sign.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF SAINT CLAIR STREET AT 766 SAINT CLAIR STREET, setting a Public Hearing on May 17, 2011.

ACTION: Adopted Resolution No. 11-14, and set the date of hearing for May 17, 2011, at 7:00 p.m.

## **PUBLIC HEARINGS**

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING SCHEDULES OF RATES, FEES, AND CHARGES FOR SERVICES PROVIDED BY THE CITY OF COSTA MESA POLICE DEPARTMENT FOR SPECIAL/COMMUNITY EVENTS.

**MOTION: Continue the public hearing to May 17, 2011, at 7:00 p.m.  
Moved by Mayor Pro Tem James Righeimer, seconded by Council**

**Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**OLD BUSINESS**

1. From the meeting of April 5, 2011, Ordinance No. 11-5: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING COSTA MESA MUNICIPAL CODE SECTION 2-101, relating to the Assistant City Manager.

**MOTION: Approve Adopt Ordinance No. 11-5, to be read by title only and waive further reading.**

**Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Stephen Mensinger.**

The motion carried by the following roll call vote:

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

Noes: Council Member Wendy Leece

Absent: None.

2. Reports from City Council working groups

(a) Economic Development and Development

(b) Sports and Recreation

(c) Policies, Procedures, and General Plan/Circulation

(d) Budget and Capital Improvements

Mayor Pro Tem Righeimer responded to comments from the public regarding the Council action regarding the Redevelopment Agency funds, commented about outsourcing and the Request for Proposal (RFP) process, thanked those who attended the Feet to the Fire forum, and commented on differences between public and private sector employee benefits.

(e) Motel Issues

**NEW BUSINESS**

1. Appointments to various Council-appointed committees.

- a. Cultural Arts Committee
- b. Historical Preservation Committee
- c. Investment Oversight Committee
- d. Redevelopment and Residential Rehabilitation (3R) Committee

**MOTION: Reappoint Kathleen Eric, Frank Gutierrez, Monica Morita, and to appoint Justin Fox as regular members to the Cultural Arts Committee.**

**Moved by Council Member Eric R. Bever, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**MOTION: Approve Reappoint Christopher R. Ganiere, and to appoint Luisa T. Arnold, and Pamela Crenshaw as regular members, and to appoint Terry Shaw as alternate member to the Historical Preservation Committee.**

**Moved by Council Member Eric R. Bever, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**MOTION: Continue Access, Building, Fire and Housing Board of Appeal and the Redevelopment and Residential Rehabilitation (3R) committee appointments to May 3, 2011.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

## **COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Eric Bever inquired about a proposed remodeling project for City Hall. City CEO Thomas Hatch responded that the projects were part of a long-term capital improvement program, but advised that there was not any funding available at this time for those projects.

Council Member Wendy Leece suggested updating of the City's General Plan, commented on the Police Department's online reporting system, announced a care-package drive request for donations for the 1st Battalion 5th Marines (1/5), noted topics of interest at a recent Association of California Cities meeting.

Council Member Stephen Mensinger commended the Mayors' Award recipient and the Estancia High School football program, commented on leadership at the Senior Center, requested that the legal invoices and warrant resolutions be placed on the City's website, and commented on infrastructure improvements, and the recently held Feet to the Fire forum.

Mayor Gary Monahan announced the month of April was Autism Awareness Month.

Mayor Pro Tem Jim Righeimer requested that staff bring forward to the next meeting a discussion on the potential for the sale of fireworks to begin on the Thursday or Friday before the 4th of July, and for the ability to allow residents to expend fireworks during the preceeding weekend.

## **REPORTS**

The City CEO advised that a status list relative to the RFP's would be posted on the City's website.

## **CLOSED SESSION**

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director 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) pursuant to Government Code Section 54957.6.

Mayor recessed the meeting to Conference Room 1B at 8:19 p.m. for the closed session.

## **CLOSED SESSION REPORT**

No action was taken.



**ADJOURNMENT - The meeting was adjourned at 8:35 p.m. Next Regular City Council Meeting: May 3, 2011.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa