

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

September 06, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session September 06, 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 - Council Member Stephen Mensinger (00:00:30)

MOMENT OF SOLEMN EXPRESSION - Reverend Augustine Puchner, Saint John the Baptist Catholic Church (00:00:55)

ROLL CALL (00:17:29)

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

Officials Present:	Chief Executive Officer Thomas R. Hatch City Attorney Thomas Duarte Interim Development Services Director Khanh Nguyen Public Services Director Peter Naghavi Police Chief Tom Gazsi Finance Director Bobby Young Neighborhood Improvement Manager Muriel Ullman City Clerk Julie Folcik
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(Mayor Monahan entered at 7:15 p.m.)

ANNOUNCEMENTS (00:03:20)

The Mayor announced various upcoming events taking place in the city:

- SR-55 Improvement Study Open House – Wednesday, September 14, 2011 from 5:30-7:30 p.m. – Neighborhood Community Center
- "Costa Mesa Remembers" memorial event to mark the 10th anniversary of the September 11, 2011 terrorist attacks – Sunday, September 11, 2011 from 9-11 a.m. – Army Reserve Base, 2651 Newport Boulevard
- Woodbridge Invitational high school cross-country runner regional championship – Friday, September 16, 2011 at 5 p.m. and Saturday, September 17, 2011 at 4 p.m.– Estancia High School
- Costa Mesa Senior Center Spaghetti Dinner fundraiser – Friday, September 9,

2011 from 5:30-7 p.m. - Costa Mesa Senior Center, 659 W. 19th Street

PRESENTATIONS (00:05:40)

The Mayor Pro Tem recognized James Zillman for his accomplishments as a youth tennis player and congratulated him for his victory in the Costa Mesa Summer Junior Tennis Classic Boys' 16 Singles tournament. (00:05:40)

The Mayor Pro Tem recognized the Costa Mesa Cobras girls soccer team for their accomplishments and victories. (00:10:01)

PUBLIC COMMENTS (00:17:41)

Sue Lester, Costa Mesa (00:18:20)

Beth Refakes, Costa Mesa (00:23:35)

Mary Jane Sherman, Costa Mesa (00:25:30)

Jay Humphrey, Costa Mesa (00:28:00)

Tamar Goldmann, Costa Mesa (00:31:33)

Perry Valantine, Costa Mesa (00:35:58)

James Proctor, Costa Mesa (00:39:42)

Arlene Jones, Costa Mesa (00:41:35)

Robin Leffler, Costa Mesa (00:42:25)

Sandra Genis, Costa Mesa (00:45:37)

Eleanor Egan, Costa Mesa (00:48:02)

Jeff Cullen, Costa Mesa (00:49:52)

Terry Koken, Costa Mesa (00:53:44)

Martin H. Millard, Costa Mesa (00:55:56)

Dave Schaefer, Costa Mesa (00:57:46)

Cindy Brennaman, Costa Mesa (00:59:35)

Katie Arthur, Costa Mesa (01:01:25)

Lois McClune, Costa Mesa (01:02:23)

Councilwoman Leece, raising a question of privilege, per Robert's Rules of Order, suggested council members put cell phones away when residents were

speaking during public comments. The Council Members commented and clarified the purpose of the text and the reading of notes kept electronically, while at the dais. (01:04:18)

CONSENT CALENDAR ITEM NOS. 1 THROUGH 13 (01:06:29)

The Mayor entered at 7:15 p.m.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11, except for Consent Calendar Item Nos. 3, 12 and 13. Moved by Mayor Pro Tem James Righeimer, 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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

1. Reading Folder.

(a) Claims received by the City Clerk: Darryl J. Paul on behalf of Dennis D'Alessio and D'Alessio Investments, LLC; Nancy DeAinza; Jaime Dexter; Edward M. Murphy, II on behalf of Mark D. Olson; Edward M. Murphy, II on behalf of Karen E. Sullivan-Olson.

(b) Requests for Alcohol Beverage Control licenses: Hamamori Restaurant & Sushi Bar, Shark Club, Vons, Romans Market & Mexican Food, and Iron Press Incorporated.

(c) Letters of Notification: Southern California Edison Company (U-338-E)'s Application for Approval of its Forecast 2012 Energy Resource Recovery Account (ERRA) Proceeding Revenue Requirement (Application No. 11-04-002); Southern California Edison Company's Application for Approval of 2009 Energy Efficiency Incentive and Funding Requests, A.11-06-027; Southern California Gas Company Notice of Proposed Change in Gas Rates, Pipeline Safety Rulemaking Implementation Plans, Rulemaking No. R.11-02-019.

ACTION: Received and processed.

2. Regular Adjourned/Study Session meetings of May 11, 2010 and February 8, 2011, and regular meeting of November 16, 2010.

ACTION: Approved.

4. WARRANT RESOLUTION 2382: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-16 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME

ARE TO BE PAID, funding Payroll No. 11-16 for \$2,253,683.68, and City operating expenses for \$435,007.48, including payroll deductions.

ACTION: Adopted resolution.

5. WARRANT RESOLUTION 2383: 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 \$647,680.64.

ACTION: Adopted resolution.

6. WARRANT RESOLUTION 2384: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-17 AND PAYROLL REGISTER NO. 11-16A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-17 for \$2,150,310.99, and Payroll No. 11-16A for \$1,075.15, and City operating expenses for \$528,328.49, including payroll deductions.

ACTION: Adopted resolution.

7. WARRANT RESOLUTION 2385: 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 \$320,122.41.

ACTION: Adopted resolution.

8. Professional Services Agreement with All City Management Services (ACMS), 10440 Pioneer Boulevard, Suite #5, Santa Fe Springs, for crossing guard services at an hourly compensation rate of \$13.49, for a one (1)-year term beginning September 6, 2011 through September 6, 2012, with the option of four (4) additional one (1)-year extensions.

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

Adelaide Garulle, Costa Mesa. (03:03:10)

9. Adopt plans and specifications, and working details for Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 11-08, and award a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, in the amount of \$338,145.

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

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA

MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS).

(a) Budget Adjustment No. 12-003 for \$255,556.

ACTION: Adopted Resolution No. 11-34; approved Budget Adjustment 12-003 and authorized the Mayor and the Clerk to sign.

11. Amendment of Substantial Amendment for Community Development Block Grant (CDBG-R) Program.

(a) Amendment to the 2008-2009 Annual Action Plan Substantial Amendment for the reprogramming of \$20,300 in CDBG-R funds for the Large Item Disposal Program.

ACTION: Approved.

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

3. WARRANT RESOLUTION 2381: 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 \$711,670.34. (01:07:01)

Tamar Goldmann, Costa Mesa, expressed concerns regarding the payment to Talon Executive Services. (01:07:40)

MOTION: Approve

Moved by Mayor Pro Tem James Righeimer, 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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

12. Engagement Letter with Jones Day for legal services in connection with Costa Mesa Employees Association v. City of Costa Mesa (Case No. 30-201100475281). (01:10:12)

The following public speakers spoke in opposition to approving the agreement: Tamar Goldmann, Costa Mesa (01:11:15); Perry Valentine, Costa Mesa(01:13:07); Jay Humphrey, Costa Mesa (01:14:49); Sandra Genis, Costa Mesa(01:17:10); Lois McClune, Costa Mesa (01:18:56); Robin Leffler, Costa Mesa(01:19:46); Eleanor Egan, Costa Mesa (01:22:51); Katie Arthur, Costa Mesa(01:24:18); Greg Ridge, Costa

Mesa. (01:25:54)

Council Member Leece expressed concern regarding the lack of a spending limit for the contract and suggested that the item be continued. (01:27:00)

Mayor Pro Tem Righeimer spoke in support of the agreement. (01:32:04)

MOTION: Approve; authorize the City Attorney and City Clerk to sign.

Moved by Mayor Pro Tem James Righeimer, 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 Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: Council Member Eric R. Bever

13. Engagement Letter with HansonBridgett for legal services in connection with the outsourcing of certain municipal services. (01:36:10)

The following public speakers spoke in opposition to approving the agreement: Robin Leffler, Costa Mesa (01:36:27); Perry Valantine, Costa Mesa (01:38:26); Eleanor Egan, Costa Mesa (01:40:29); Sandra Genis, Costa Mesa (01:40:48); Tamar Goldmann, Costa Mesa (01:42:33); Jeff Cullen, Costa Mesa (01:45:13); Terry Koken, Costa Mesa (01:47:23); Tom Egan, Costa Mesa. (01:48:19)

Council Member Leece expressed concerns regarding liability of the City and additional costs that may be incurred. (01:50:40)

MOTION: Approve; authorize the City Attorney and City Clerk to sign.

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 Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: Council Member Eric R. Bever

PUBLIC HEARINGS (01:55:58)

1. PUBLIC HEARING: Planning Application PA-11-03, for Kevin Coleman, for a conditional use permit to install a 40-foot long by 40-foot wide helipad/helistop on the roof of an existing industrial building located at 3132 Airway Avenue. Environmental determination: Exempt. (01:56:02)

**MOTION: Continue public hearing to the meeting of November 1, 2011, at 7:00 p.m.
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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

City CEO Thomas Hatch requested that New Business Item No. 3 be addressed out of order. (01:57:25)

MOTION: To take New Business Item No. 3 out of order. Motion by Council Member Stephen Mensinger, 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 Wendy Leece, Council Member Stephen Mensinger.

Noes: None.

Absent: Council Member Eric Bever.

NEW BUSINESS (01:58:51)

3. Public Employees Retirement System (PERS) update presentation (01:58:51)

Finance Director Bobby Young introduced CalPERS representative John Bartell who provided the update and clarification of such items as unfunded liability, the actuaries and value of benefits and responded to questions from the Council. The item will be discussed more fully at the October Study Session.

PUBLIC HEARINGS (cont.) (02:36:41)

2. PUBLIC HEARING: General Plan Amendment GP-11-01/Rezone R-11-01/Planning Application PA-11-06/Tentative Tract Map No. 17423 for a 33-Unit Residential Common Interest Development at 2626 Harbor Boulevard. (02:36:55)

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT GP-11-01 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 2626 HARBOR BLVD.

(b) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 3.7-ACRE PARCEL FROM C1 (LOCAL BUSINESS DISTRICT) AND P (PARKING) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT 2626 HARBOR BOULEVARD.

(c) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP 17423 FOR THE 33-UNIT RESIDENTIAL PROJECT LOCATED AT 2626 HARBOR BOULEVARD.

Senior Planner Minoo Ashabi made a presentation and responded to questions from the Council. (02:38:45)

Applicant Garrett Calacci of Waterpointe Homes LLC addressed concerns regarding density, parking, landscape, and a pedestrian-friendly sidewalk. (02:45:39)

The following public speaker commented on the item: Robin Leffler, Costa Mesa. (02:47:42)

Council Member Mensinger requested that an analysis be completed to explore the fiscal impact created by converting commercial property into residential property, and suggested that staff look into preparing a master plan for Harbor Boulevard. (02:52:53)

Mayor Pro Tem Righeimer spoke in support of the development. (02:56:24)

Council Member Mensinger spoke in support of the proposed development. (02:59:00)

MOTION: Adopt Resolution No. 11-35: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVING GENERAL PLAN AMENDMENT GP-11-01 TO CHANGE THE LAND USE DESIGNATION FROM GENERAL COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL FOR THE PROPERTY LOCATED AT 2626 HARBOR BLVD.

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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

MOTION: Introduce Ordinance No. 11-08: AN ORDINANCE OF THE

CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO REZONE A 3.7-ACRE PARCEL FROM C1 (LOCAL BUSINESS DISTRICT) AND P (PARKING) TO R2-MD (MULTIPLE FAMILY RESIDENTIAL) FOR PROPERTY LOCATED AT 2626 HARBOR BOULEVARD for first reading, to be read by title only and waive further reading

Moved by Mayor Pro Tem James Righeimer, 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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

MOTION: Adopt Resolution No. 11-36: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-11-06 AND TENTATIVE TRACT MAP 17423 FOR THE 33-UNIT RESIDENTIAL PROJECT LOCATED AT 2626 HARBOR BOULEVARD.

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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

3. PUBLIC HEARING: Recommended allocation of funds for the 2011-2012 Citizens' Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF). (03:01:09)

Lieutenant Bryan Glass presented the report. (03:01:48)

MOTION: Approve

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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

The Mayor recessed the meeting at 9:08 p.m.

The Mayor reconvened the meeting at 9:22 p.m.

OLD BUSINESS

No Old Business scheduled.

NEW BUSINESS (03:07:04)

1. Urban Master Plan UMP-11-02 screening request for six (6) detached single-family residences at 2070 Maple Avenue. (03:07:10)

Associate Planner Wendy Shih presented the staff report and responded to questions from the Council. (03:07:27)

Brian Coggins, applicant, provided an overview of the project. (03:15:19)

The following public speaker commented on the item: Robin Leffler, Costa Mesa. (03:21:02)

Council Member Leece expressed concern regarding privacy and the view from the roof top patios.

Council made comments relative to the project but no action was taken.

2. Participation in Voluntary Alternative Redevelopment Program. (03:26:47)

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ELECTING TO SERVE AS A SUCCESSOR AGENCY UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN THE EVENT THE AGENCY IS REQUIRED TO BE DISSOLVED; AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH.

(b) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, DECLARING ITS INTENTION TO ENACT AN ORDINANCE WHEREBY THE CITY ELECTS TO PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM SET FORTH IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

(c) AN ORDINANCE OF THE CITY OF COSTA MESA, ELECTING TO COMPLY WITH AND PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM CONTAINED IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH & SAFETY CODE.

Finance Director Bobby Young presented the staff report and, along with Redevelopment Agency Special Counsel Celeste Brady, responded to questions of the City Council. (03:38:06)

The following public speaker commented on the item: Sandra Genis,

Costa Mesa. (03:35:15)

Council Member Mensinger exited at 9:55 p.m.

MOTION: Adopt Resolution No. 11-37: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ELECTING TO SERVE AS A SUCCESSOR AGENCY UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN THE EVENT THE AGENCY IS REQUIRED TO BE DISSOLVED; AND TAKING CERTAIN ACTIONS IN CONNECTION THEREWITH.

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

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Wendy Leece

Noes: None.

Absent: Council Member Eric R. Bever, Council Member Stephen Mensinger

MOTION: Adopt Resolution No. 11-38: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, DECLARING ITS INTENTION TO ENACT AN ORDINANCE WHEREBY THE CITY ELECTS TO PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM SET FORTH IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

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

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Wendy Leece

Noes: None.

Absent: Council Member Eric R. Bever, Council Member Stephen Mensinger

MOTION: Introduce Ordinance No. 11-09: AN ORDINANCE OF THE CITY OF COSTA MESA, ELECTING TO COMPLY WITH AND PARTICIPATE IN THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM CONTAINED IN DIVISION 24, PART 1.9 OF THE CALIFORNIA HEALTH & SAFETY CODE, for first reading, to be read by title only, and waive further reading.

Moved by Mayor Gary Monahan, seconded by Mayor Pro Tem James Righeimer.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Wendy Leece

Noes: None.

Absent: Council Member Eric R. Bever, Council Member Stephen Mensinger

Council Member Mensinger re-entered the Council Chambers at 9:57 p.m.

4. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, ADDING CHAPTER XII OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO EX PARTE COMMUNICATION DISCLOSURES AND TRANSPARENCY. (03:38:52)

Council Member Leece made the presentation. (03:39:11)

The City Attorney clarified the definition of an ex parte communication and the proposed penalty for non-compliance. (03:49:05)

Council Member Mensinger expressed opposition in requiring Council to disclose ex parte communication from residents as with code enforcement issues, and suggested that the requirement only be applied to Council members, staff, employee association representatives and for "big ticket items." (03:53:30)

Mayor Pro Tem Righeimer suggested that the disclosure be applied only among Council members and the bargaining units, and remove the misdemeanor charge. (03:56:48)

The following public speakers spoke in support of the ordinance: Perry Valentine, Costa Mesa (04:04:41); Tamar Goldmann, Costa Mesa (04:07:49); Jay Humphrey, Costa Mesa (04:10:38); Greg Ridge, Costa Mesa (04:12:21); Beth Refakes, Costa Mesa (04:15:11); Sandra Genis, Costa Mesa (04:17:56); Robin Leffler, Costa Mesa. (04:19:21)

MOTION: To refer ordinance back the City Attorney to amend it to provide language that the written document would only apply to City Council Members with communication of the bargaining groups, and that any for other development type of items that the Mayor verbally request that ex-parte communication be divulged at the time the item is discussed at the Council meeting.

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

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem James Righeimer, Council Member Stephen Mensinger

Noes: Mayor Gary Monahan, Council Member Wendy Leece

Absent: Council Member Eric R. Bever

5. Homeless Task Force Update.

Jeff Matthews, chairman of the Homeless Task Force, presented an update and along with Neighborhood Improvement Manager Muriel Ullman, and Police Chief Thomas Gazsi responded to questions from the Council. (04:40:00)

Becks Heyhoe provided a brief update of the church consortium regarding their efforts. (04:44:55)

Lt. Rob Sharpnack provided an update of the Police Department's efforts and progress. (04:47:15)

Pastor Phil Eyskens, Lighthouse Church of the Nazarene, provided an update of the church's outreach efforts. (04:48:20)

The following public speakers commented on the item: Art Goddard, Costa Mesa (04:51:32); Chris Otis, Costa Mesa (05:02:54); Jane Chauxner. (05:06:04)

No action was taken on the item.

6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DIRECTING THE CITY CEO TO PLACE SIGNS AT CERTAIN CITY-OWNED PROPERTIES WARNING AGAINST THE ENVIRONMENTAL DANGERS OF AMALGAM DENTAL FILLINGS.

Mayor Monahan presented the report.

The following public speakers spoke in support of the resolution: Dori Rota, Los Angeles (05:16:59); Dr. James Rota, Los Angeles (05:17:40); Kristy Mills, Newport Beach (05:23:04); Kelly Gallagher, Venice (05:26:41); Douglas Bader, Costa Mesa(05:28:55); Dr. Jeff Jones, Orange (05:31:40); Anita Vazquez Tiban, Costa Mesa (05:35:28); Marisa Russo, Newport Beach (05:38:05); Mary Froemke, Costa Mesa (05:40:31); Terry Koken, Costa Mesa (05:42:51); John Black. (05:46:06)

The following public speakers spoke in opposition of the resolution: David Guichet, Orange (05:13:00); Robin Leffer, Costa Mesa (05:41:99); Beth Refakes, Costa Mesa (05:44:00); Sandra Genis, Costa Mesa (05:46:49).

The Mayor spoke in support of the ordinance, and referred to it as a public service announcement. (05:48:46)

MOTION: Adopt Resolution No. 11-39: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DIRECTING THE CITY CEO TO PLACE SIGNS AT CERTAIN CITY-OWNED PROPERTIES WARNING AGAINST THE ENVIRONMENTAL DANGERS OF AMALGAM DENTAL FILLINGS.

Moved by Mayor Gary Monahan. Motion died for lack of second.

The City Clerk advised that a vote was required to extend the meeting past 12:00

a.m. (05:50:57)

MOTION: To extend the meeting. Motion by Mayor Monahan, seconded by Council Member Mensinger.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Wendy Leece, Council Member Stephen Mensinger.

Noes: None.

Absent: Council Member Eric Bever.

7. Request from KOCI Radio for \$5,655 to purchase and install an Emergency Alert System. (05:51:17)

Interim Communications Director Bill Lobdell presented the staff report, and introduced KOCI Director and General Manager Brent Kahlen who responded to questions from the Council. (05:51:30)

The following public speakers spoke in support of the request: Milo of KOCI (06:01:19); Robin Leffler, Costa Mesa (06:03:06); Ed Fawcett, CEO Costa Mesa Chamber of Commerce. (06:04:35)

Mr. Kahlen informed the Council that the City of Newport Beach had agreed to split the cost of the bill, and therefore, the request would only be for \$2,828. (06:06:16)

MOTION: Approve the request for \$2,828 from KOCI for the purchase and installation of an Emergency Alert System.

Moved by Mayor Gary Monahan, seconded by Council Member Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Eric R. Bever

8. Approval of Request for Proposal (RFP) Evaluation Process with regards to outsourcing. (06:07:59)

Finance Director Bobby Young presented the report and responded to questions from the Council. (06:08:10)

In reviewing the procedure, Mayor Pro Tem Righeimer recommended that employees be allowed to bid and to submit their bids when the bids were originally due, and felt that it was not necessary for the City CEO to meet with the associations before making the final recommendations to the City

Council. (06:12:14)

MOTION: Recommendation: Approve

Action: Approved the Request for Proposal Evaluation Process with the following changes:

1. Moved “At any time during the RFP process, the affected employee association(s) may submit an alternative plan for Reorganization, or cost reduction to the City CEO to be considered by Council” to be included in the second paragraph that indicates that “employees, or groups of employees, who wish to submit a proposal in response to the RFP, will be permitted to do so...” and

2. Deleted “Before presenting a final recommendation to City Council, the City CEO will meet with each employee association potentially affected by the final recommendation.

Moved by Mayor Pro Tem James Righeimer, 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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

9. Status Update on Contracting Committees. (06:17:03)

Finance Director Bobby Young presented the staff report and responded to questions from the Council. (06:17:32)

Mayor Pro Tem Righeimer suggested that a "Best Practices" clause be included in the RFPs.

10. Departmental Reorganization (06:25:05)

1. Information Technology Division become a division within the Finance Department;

2. Recreation Division become a division within the Public Services Department;

3. Human Resources/Risk Management Division become of a division within the CEO Department;

4. A new Communications and Marketing Division be created within

the CEO Department;

5. The Central Services Section become a section within the Communications, Marketing and Community Affairs Division of the CEO Department;
6. The Housing and Community Development Division become a Division of the Development Services Department;
7. Eliminate the current vacant positions of Administrative Services Director, Human Resources Administrator - Risk Management, and Budget and Research Officer;
8. Reclassify the following existing positions:
 - a. Finance Director to Finance and Information Technology Director
 - b. Human Resources Administrator in Human Resources to Human Resources Manager
 - c. Human Resources Analyst IN Risk Management to Principal Human Resources Analyst in Risk Management; and
9. Create and fund the following new positions:
 - a. Public Affairs Manager - Communications and Marketing in the CEO Department
 - b. Public Affairs Manager - Community Affairs and Special Events in the CEO Department
 - c. Budget Analyst in the Finance Department
 - d. Executive Secretary (Confidential) - City Council Office to support workload and communications of five City Council members
 - e. Executive Secretary (Confidential) - the CEO Department to support the workload of the Assistant CEO, Communication & Marketing staff, Community Affairs and Special Events staff, Management Analyst and support for City Attorney's Office.

City CEO Tom Hatch presented the staff report and responded to questions from the City Council. (06:25:13)

The following public speakers spoke in opposition to various positions: Tamar Goldmann, Costa Mesa (06:29:34); Jay Humphrey, Costa Mesa

(06:31:53); Beth Refakes, Costa Mesa (06:34:38); Sandra Genis, Costa Mesa. (06:38:32)

Council Member Mensinger spoke in support of the two Public Affairs Manager positions. (06:43:12)

Council Member Leece suggested the Public Affairs Manager positions remain contract positions and/or combined into one position, and suggested that the two Executive Secretary positions should be reduced to one. (06:47:40)

Mayor Pro Tem Righeimer spoke in support of the recommendations, but recommended that the pay and compensation be reduced. (06:52:44)

MOTION: Approve the recommended changes to the organizational structure.

Moved by Mayor Pro Tem James Righeimer, 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 Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: Council Member Eric R. Bever

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

No reports were provided.

REPORTS

No reports were provided.

The Mayor recessed the meeting at 1:20 a.m. to Conference Room 1B for the Closed Sessions.

CLOSED SESSION (06:58:41)

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).
3. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
4. Pursuant to California Government Code Section 54957, Public Employment: Senior Engineer; Request for Special Leave of Absence.
5. Pursuant to California Government Code Section 54957, Public Employment: Firefighter; Request for Special Leave of Absence.

CLOSED SESSION REPORT

The meeting was reconvened at 1:48 a.m. and it was announced that the following action was taken:

Closed Session No. 5: Motion: Approve the request for Special Leave of Absence.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Eric R. Bever

Closed Session No. 6: Motion: Approve the request for Special Leave of Absence.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Eric R. Bever

ADJOURNMENT - The Mayor adjourned the meeting at 1:50 a.m. Next Regular City Council Meeting: October 4, 2011.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa