

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

October 18, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session October 18, 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 Eric Bever (00:00:11)

MOMENT OF SOLEMN EXPRESSION - Reverend Doctor Sarah Halverson, Fairview Community Church (00:00:35)

ROLL CALL (00:02:33)

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 Interim Development Services Director Khanh Nguyen Interim Public Services Director Ernesto Munoz Finance and IT Director Bobby Young Police Captain Les Gogerty Maintenance Supervisor Bruce Lindemann City Clerk Julie Folcik
--------------------	--

ANNOUNCEMENTS (00:02:48)

- Newport Mesa Community Coffee with Assemblyman Allan Mansoor – October 22, 2011 from 9:30 to 11 a.m. – Costa Mesa Neighborhood Community Center - For more information and to RSVP, please call Clinton Soffer at (714) 668-2100 or e-mail clinton.soffer@asm.ca.gov
- Costa Mesa High School Foundation inaugural gala, "An Evening Under the Stars" – October 22, 2011 at 6 p.m. – Event features dining, entertainment, and a silent auction. – Noguchi Gardens, 633 Anton Boulevard - For more information, please visit www.cmhs.nmusd.us/cmhsfoundation
- Prerelease showing of the "Patrol Base Jaker" documentary, hosted by the 1st Battalion, 5th Marine Support Group – October 28, 2011 at 7 p.m. – Documentary follows the deployment of the 1st Battalion 5th Marines (1/5) during its tour of duty in Afghanistan. Tickets for the movie are \$25 with a popcorn and soda included, or \$20 for the film only. Proceeds benefit "Socks for Heroes" and the 1/5 Support Group. – Triangle Square Cinemas - For more information, please visit www.costamesaca.gov/patrolBaseJaker.htm

- Halecrest Park's Fall Festival – October 29, 2011 at 11 a.m. to 5 p.m. – Food, game booths, crafts, and chili contest hosted by Costa Mesa High School and Estancia High School. Bring your children in Halloween costumes to trick-or-treat. – 3124 College Avenue – For more information, call (714) 557-7234 - "Pumpkins and Pancakes" – October 30, 2011 Hosted by South Coast Plaza to benefit Orange County's children's charities. Event will feature characters, holiday crafts, a petting zoo and more. – To RSVP and for more information, please visit www.southcoastplaza.com/pumpkins - American Red Cross Blood Drive – November 2, 2011 from 9 a.m. to 3 p.m. – Police Department Emergency Operations (EOC) – To schedule an appointment or for more information, call (714) 754-5156 or sign-up online at www.redcrossblood.org and use sponsor code: cmpolice
- 2 Million Dogs Puppy Up! Walk – November 6, 2011 at 8:30 a.m. – Event to support canine cancer research and will feature presentations, games, a bazaar, and on-site veterinarian. – Fairview Park – Register online at www.2milliondogs.org

PRESENTATIONS

Eddie Marquez, Regional Manager for Southern California Edison (SCE) Public Affairs, presented a plaque in recognition of the City's efforts in energy efficiency, and an additional plaque to commemorate the 125-year partnership between the City and SCE. (00:06:15)

The Mayor presented a proclamation to Dr. Helene Calvot of the Orange County Health Care Agency Environmental Health Division in recognition of 2011 Childhood Lead Poisoning Prevention Week.

PUBLIC COMMENTS (00:12:48)

Tamar Goldmann, Costa Mesa, inquired about employee pensions and unfunded liabilities. (00:13:35)

Chris McEvoy, Costa Mesa, commented on Banning Ranch. (00:16:30)

Elena Mueller, Costa Mesa, commented on the potential impacts with the TeWinkle Park Sports Complex. (00:18:41)

Tom Egan, Costa Mesa, suggested capping off the 55 Freeway. (00:21:51)

Art Fohl, Costa Mesa, expressed concerns regarding litter. (00:25:17)

George Collins, Santa Ana, inquired about the Video Production Request for Proposal. (00:28:12)

James Proctor, Costa Mesa, suggested a telethon to raise city funds. (00:31:36)

Jason Piazza, Costa Mesa, commented on comparisons of the City to a corporation. (00:33:45)

Billy Folsom, Costa Mesa, encouraged cancelling the layoffs. (00:37:02)

Lori Eckman, 2 Million Dogs, announced the canine cancer awareness walk. (00:39:37)

Cindy Brenneman, Costa Mesa, announced the MIKA C3 Basketball Tournament and noted council meeting decorum. (00:41:29)

Greg Thunell, Costa Mesa, spoke about Article 1 of the State Constitution, city employees and the recession. (00:44:23)

Sandra Genis, Costa Meas, spoke about dog licensing fees, additional fee recovery and animal control. (00:47:53)

Ron Franklewizz, Costa Mesa, spoke about the Banning Ranch project and the potential of a 19th Street bridge. (00:50:49)

CEO REPORT

City CEO Thomas Hatch, addressed questions from the public speakers, noting the presentation by John Bartell of Bartell and Associates at a recent Study Session regarding the CALPers retirement formulas, and unfunded liability, and that suggestions for council to review would be provided by the midyear budget; confirmed that all vendors known to the city for the TeWinkle Park Requests for Qualifications we invited to submit; confirmed that the RFP for Video Production had required a "mandatory walk-through,"; addressed comments the City's right to send out Requests of Proposals; and provided an update on the RFP's that have been released and those yet to be scheduled.

He announced the Special Joint Study Session to be held October 20, 2011, regarding the Newport Banning Ranch project, at 4:30 p.m. in EOC, that the special meeting to be held October 25, 2011, regarding worker's compensation was to be rescheduled for a later date, and that applications for the TeWinkle Park Task Force were due on Friday.

Police Chief Tom Gazsi announced the new hours for the front desk as 8:00 a.m. to 7:00 p.m.

Interim Public Services Director Ernesto Munoz informed the city was being awarded \$1.6 million dollars from the Safe Route to Schools Grant, provided a report on the Blue Gum Eucalyptus trees, and noted that an unhealthy tree near Senior Center was to be removed.

PUBLIC HEARINGS (01:08:37)

1. Annual review of the Citywide Traffic Impact Fee Program (01:08:37)

(a) A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS, approving the recommendations by staff and the Traffic Impact Fee Ad Hoc Committee to continue the

current traffic impact fee of \$181 per Average Daily Trip (ADT), continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips, and approve the annual accounting of the Citywide Traffic Impact Fee Program.

Interim Public Services Director Ernesto Munoz presented the staff report.
(01:09:39)

Sandra Genis, Costa Mesa, recommended that the fee pays more of the actual cost and suggested that grants be used to fix existing problems.
(01:12:23)

**MOTION: Adopt Resolution No. 11-42.
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.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 12. (01:13:45)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8, except for Consent Calendar Item Nos. 4, 9, 10, 11, and 12, and continue the meeting minutes of October 4, 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.

(a) Claim received by the City Clerk: Jose Gonzalez.

(b) Requests for Alcohol Beverage Control licenses: Albertsons Store 6532, 2300 Harbor Boulevard, Suite C, and Fresh & Easy Neighborhood Market, 1835 Newport Boulevard, Suite C140.

ACTION: Received for processing.

2. Regular meeting of September 6, 2011 and October 4, 2011.

ACTION: Approved the meeting minutes September 6, 2011, and continued the meeting minutes of October 4, 2011.

3. WARRANT RESOLUTION 2390: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-20 AND PAYROLL REGISTER NO. 11-19A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-20 for \$2,114,889.64 and Payroll No. 11-19A for \$442.43, and City operating expenses for \$690,012.11, including payroll deductions. Recommendation: Approve

ACTION: Adopted resolution.

5. Professional Services Agreement with CNC Engineering, 1 Corporate Park, Suite 101, Irvine, for engineering services for the design of the Harbor Boulevard Rehabilitation Project between 240' south of Baker Street and 100' north of South Coast Drive (Project A), and preparation of street base maps only for Canyon Drive between Wilson Street and Victoria Street (Project B), in the amount of \$81,910.

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

6. Professional Services Agreement with Case Land Surveying, Inc., 641 N. Eckhoff Street, Orange, for topographic survey services for the 2011-2012 citywide street maintenance and parkway maintenance programs, in an amount not to exceed \$278,500.

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

7. Professional Services Agreement with Paragon Partners Ltd., 5762 Bolsa Avenue, Suite 201, Huntington Beach, for right-of-way appraisal and acquisition services for Harbor Boulevard Widening Project (Project A) and Harbor Boulevard and Adams Avenue Intersection Improvement Project (Project B), in an amount not to exceed \$100,364.

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

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE APPLICATION FOR THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COSTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84), for the Fairview Park Wetlands and Riparian Habitat Project Phase III, Outdoor Interpretive Center Project and designating the Interim Public Services Director as the City's representative.

ACTION: Adopted Resolution No. 11-43.

ITEMS REMOVED FROM CONSENT CALENDAR (01:15:20)

4. WARRANT RESOLUTION 2391: 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 \$1,001,565.37. (01:15:24)

Council Member Leece opposed the payment to Hanson Bridgett, LLP. because the agreement with the law firm did not have a spending cap. (01:15:25)

MOTION: Adopt resolution.

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 Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

9. 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. (01:19:35)

Council Member Bever noted a typographical error in the body of the resolution. (01:19:39)

MOTION: Adopt Resolution No. 11-44: 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.

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.

10. Request for Proposal (RFP) for Signs and Marking Services. (01:20:24)

Sandra Genis, Costa Mesa, commented on the next three items regarding

the RFP authorizations encouraged due diligence. (01:20:36)

Tamar Goldmann, Costa Mesa, opposed to the RFP authorizations, cautioned of potential cost overrides. (01:22:40)

Maintenance Supervisor Bruce Lindemann responded to questions from the Council regarding the current contract for striping services, operations and staffing, and the RFP documents, evaluation criteria, sign production, and estimated cost comparisons, and contracting alternatives. (01:27:14)

Council Member Leece expressed opposition of the motion due to the 50 percent weight on the monetary value of the bid. (01:39:50)

**MOTION: Authorize staff to release the RFP.
Moved by Mayor Gary Monahan, 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.

11. Request for Proposal (RFP) for Street Sweeping Services. (01:48:58)

Public Services Maintenance Supervisor Bruce Lindemann and Finance and IT Director Bobby Young responded to questions from the Council regarding the use of city facilities and equipment by the contractor, the proposal may include best industry practices such as parking enforcement and citation issuance, and the structuring of staff, level of service, and maintaining of the contract. (01:49:13)

**MOTION: Authorize staff to release the RFP.
Moved by Mayor Gary Monahan, 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.

12. Request for Proposal (RFP) for Emergency Services Equipment. (02:03:17)

Council Member Leece expressed concern on the managing of the contract and questioned the release of the request due to diversity of the scope of the proposals and the lack of responsive vendors. (02:03:31)

Finance and IT Director Bobby Young responded to questions from the Council regarding level of staffing, service levels and the dividing of the proposals. (02:11:10)

Mayor Pro Tem Righeimer suggested that language be added to the RFP to permit vendors to bid on a portion of the proposal, and to amend the evaluation grading criteria of the RFP to 25 percent for each of the four criteria. (02:12:16)

MOTION: Authorize staff to release the RFP, amend the RFP language to permit the vendors to submit a proposal for all or a portion of the request for consideration, and amend the grading formula to 25 percent for each criteria noted.

Moved by Mayor Pro Tem James Righeimer. Motion died for lack of second.

MOTION: Authorize staff to release the RFP, and amend the RFP language to permit the vendors to submit a proposal for all or a portion of the request for consideration.

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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

MOTION: Reconsider Consent Calendar Item No. 10 regarding the Release of the RFP for Signs and Marking Services.

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.

MOTION: Authorize staff to release the RFP for Signs and Marking Services, and amend the RFP language to permit the vendors to submit a proposal for all or a portion of the request for consideration.

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 Wendy Leece, Council

Member Stephen Mensinger

Noes: None.

Absent: None.

MOTION: Reconsider Consent Calendar Item No. 11 regarding release of an RFP for Street Sweeping Services.

Moved by Mayor Gary Monahan, 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 Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

MOTION: Authorize staff to release the RFP for Street Sweeping Services, and amend the grading formula of the RFP to 25 percent for each grading criteria noted.

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.

The Mayor recessed the meeting at 8:26 p.m.

The Mayor reconvened the meeting at 8:40 p.m.

OLD BUSINESS (02:22:22)

1. From the meeting of September 6, 2011, Ordinance No. 11-8: 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. (02:22:27)

MOTION: Adopt Ordinance No. 11-8: 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, to be read by title only, and waive further reading

Moved by Mayor Gary Monahan, seconded by Council Member

Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

NEW BUSINESS (02:23:20)

1. Appointments to various Council-appointed committees. (02:23:29)
 - a. Cultural Arts Committee
 - b. Historical Preservation Committee
 - c. Investment Oversight Committee
 - d. Redevelopment and Residential Rehabilitation (3R) Committee
 - e. Costa Mesa Senior Center Board of Directors

City Clerk Julie Folcik presented the staff report and responded to questions from the City Council.

Sue Lester, Costa Mesa, spoke in support of Ernie Feeney for the Senior Center Board of Directors. (02:29:28)

Bill Ruggles, Costa Mesa, expressed his desire to serve on the Senior Center Board noting his involvement at the Center. (02:31:18)

Kathleen Eric, Costa Mesa, spoke in support of Ernie Feeney to serve on the Senior Center Board of Directors. (02:36:04)

Council Member Bever recommended changes to Council Policy No. 000-2 to amend the number of committee members, restrict the appointees to residents only, reject late applications, limit the appointment of members to once a year, and for the current recruitment to reappoint members who wish to be reappointed. (02:38:13)

Council Member Leece spoke in opposition of the motion and of automatic reappointments, and suggested that the amendments be discussed at a future meeting. (02:42:08)

MOTION: Amended Council Policy 000-2 with the following changes:

1. **That membership of the Cultural Arts Committee, Historical**

- Preservation Committee and the 3R Committee be reduced to 9 regular committee members and 2 alternate members.**
- 2. Limit appointees to only Costa Mesa residents.**
 - 3. To no longer consider late applications.**
 - 4. To reduce the recruitments to once a year in the spring (April).**
 - 5. That those applications received for reappointment be reappointed to fill the current vacancies.**
 - 6. Directed that all the applicants that submitted, and not appointed be considered at the Spring realignment and recruitment.**
 - 7. Directed that the numbers of the membership would be ultimately reduced with the spring recruitment.**

The following reappointments were made:

Anthony S. Manrique was reappointed to the Cultural Arts Committee as a regular member;

John McQueen, was reappointed to the Historical Preservation Committee as a regular member;

Terry Shaw was reappointed as a regular member and David Stiller was reappointed as an alternate member to the Investment Oversight Committee;

Robert Dickson, Philip Morello, Arlene Schafer, Cambria Briggs and Bob Wakeham were reappointed as regular members and Andrew Smith was reappointed as an alternate to the 3R 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 Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

MOTION: Appoint Ernie Feeney as a Council Appointed Board Member to fill the unexpired term until October 2012.

Moved by Council Member Eric R. Bever, 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.

2. City Council meeting action minutes. (02:51:56)

City Clerk Julie Folcik presented the report and responded to questions from Council regarding the municipal code definition and requirements for minutes, and the amount of time spent preparing summary and action minutes. (02:52:09)

Eleanor Egan, Costa Mesa, expressed support for detailed discussion in the minutes for litigation purposes, and recommended that meeting videos be adopted as part of the official record. (03:07:40)

Sandra Genis, Costa Mesa, supported the inclusion of the subject matter for the public comments. (03:10:30)

Beth Refakes, Costa Mesa, was supportive of including the comments of the public in the minutes. (03:12:53)

Tamar Goldmann, Costa Mesa, suggested that the minutes include "corrections of fact" and legal opinions.

Greg Ridge, Costa Mesa, noted the importance of the inclusion of the public comments. (03:17:37)

Council Member Bever recommended very brief statements for public comments in the minutes, and urged residents to express their concerns in writing.

Mayor Pro Tem Righeimer supported the addition of brief statements for public comments. (03:23:36)

MOTION: Direct that comments by public speakers be noted in the minutes, with a brief description of no more than five (5) words. Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Wendy Leece.

Council Member Mensinger suggested that staff explore the possibility of making a location within City Hall accessible for the public to review the meeting recordings and information.

Council Member Leece expressed support in including a brief statement to describe a public speaker's comments (03:26:31).

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.

3. Responses to financial review conducted by Harvey M. Rose Associates, LLC. (03:27:56)

Finance and IT Director Bobby Young presented the staff report and responded to questions from Council. (03:28:05)

In response to Council Member Mensinger the City Attorney responded that a limit could be imposed to limit the use of reserve funds by future councils by an ordinance considered through a vote of the people. (03:33:16)

Council Member Leece noted the importance of maintaining competitive salaries to retain quality employees. (03:37:18)

Mayor Pro Tem Righeimer spoke in support of a vote of the people to cap the use of reserve funds, and supported a city charter. (03:42:14)

Council Member Bever supported a limit to the use of reserve funds through an initiative. (03:51:00)

MOTION: Receive and file.

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

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.

4. Results of payroll audit conducted by Lance, Soll, Lunghard, LLP.

Withdrawn

5. Police helicopter program presentation. (03:52:55)

Captain Les Gogerty provided an overview of the past three months of helicopter services as provided by the City of Huntington Beach and responded to questions from the Council regarding the hours of availability, payment for additional time, and the cost of the defunct ABLE program.

6. Staff hiring procedures. (04:03:30)

CEO Tom Hatch presented the report outlining the process for consideration when and if to fill vacancies, responded to questions from the Council, and addressed concerns regarding the number of employees and vacancies, the second retirement tier, and the impact on public safety. (04:03:36)

MOTION: Receive and file.

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

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 (04:23:00)

Council Member Eric Bever directed staff to review the use of fields at elementary schools for adult soccer. (04:23:05)

Council Member Wendy Leece asked staff to provide a timeline regarding a plan for the regular payment for unfunded liability, announced the upcoming Cultural Arts Committee's artist showcase, noted she must recuse herself from voting on issues regarding Banning Ranch due to her residence being within 500' of Banning Ranch, referred to public comments regarding the dog licensing fees, and announced the upcoming MIKA C3 basketball tournament. (04:24:45)

Council Member Stephen Mensinger inquired about the funding of the MIKA C3 basketball tournament, referred to a public comment regarding unfunded liability, directed staff to provide a detailed analysis of medical liability and unlimited benefits, and announced that Battle of the Bell tickets were on sale.

Mayor Gary Monahan announced free city bumper stickers available in the City Clerk's Office. (04:36:23)

CLOSED SESSION

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 existing litigation: Newport Mesa Patients' Association and Tri-County Patients' Association v. City of Costa Mesa; Newport Mesa Patients' Association v. Colleen O'Donoghue, Real Party in Interest City of Costa Mesa: Orange County Superior Court Case No. 30-2010 00370142 [consolidated cases] pursuant to subdivision (a) of Government Code Section 54956.9.
4. Conference with legal counsel regarding existing litigation: Asociacion de Jornaleros de Costa Mesa, et al., v. City of Costa Mesa, United States District Court Case No.: SACV 10-00128-CJC (RNBx), pursuant to Government Code Section 54956.9(a).

CITY ATTORNEY REPORT (04:39:20)

City Attorney Tom Duarted provided an update of the contract negotiations and indicated that letters from the City were sent to each association and responses were received from two of the associations. (04:39:20)

The Mayor recessed the meeting at 10:58 p.m. to Conference Room 1B for the Closed Sessions.

CLOSED SESSION REPORT

No action was taken on the Closed Sessions.

ADJOURNMENT - The Mayor adjourned the meeting at 12:25p.m. Next Regular City Council Meeting: November 1, 2011.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa