

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

July 05, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session July 05, 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 Gary Monahan

ANNOUNCEMENTS

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

- Concerts in the Park – Every Tuesday evening through August 2, 2011 at 5:30 p.m. with music beginning at 6:15 p.m. – Fairview Park
- July 7, 2011 at 11 a.m. - PBS SoCal groundbreaking for its new studio headquarters – 3080 Bristol Street
- July 8, 2011 from 4-8 p.m. and July 9, 2011 from 10 a.m.-2 p.m. - Dog licensing clinics, sponsored by the Costa Mesa Animal Control and Orange County Human Society - Greenbelt area between the Police Station (55 Fair Drive) and City Hall (77 Fair Drive)
- Free CEO eBriefing weekly e-mail newsletter every Friday - Residents are encouraged to sign-up via the city's website at <http://www.ci.costa-mesa.ca.us>

ROLL CALL

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

Council Members Absent: Mayor Pro Tem James Righeimer

Officials Present: Chief Executive Officer Thomas R. Hatch
City Attorney Thomas Duarte
Interim Development Services Director Khanh Nguyen
Public Services Director Peter Naghavi
Deputy City Attorney Elena Gerli
Police Lieutenant Mark Manley
Budget and Research Officer Bobby Young
IT Manager Rick Kirkbride
Interim Public Affairs Manager Dan Joyce
City Clerk Julie Folcik

It was unanimously agreed to take the following New Business items out of order.

ITEMS REMOVED FROM NEW BUSINESS

1. Request from Newport Mesa Girls Softball for a two (2)-year grace period from August 2011 through June 2013.

**MOTION: Approve Continue to the meeting of July 19, 2011.
Moved by Council Member Stephen Mensinger, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem James Righeimer

2. Request from Friday Night Lights Flag Football for Group 1 Field User status.

**MOTION: Continue to the meeting of July 19, 2011.
Moved by Council Member Stephen Mensinger, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem James Righeimer

PUBLIC COMMENTS

Perry Valantine, Costa Mesa, commented on the Equipment Replacement Fund, and referred to the preliminary injunction and encouraged Council to rescind the layoff notices.

Beth Refakes, Costa Mesa, commented on the preliminary injunction, Council benefits, and the CEO e-Briefing newsletter.

Sue Lester, Costa Mesa, thanked the Fire Department for their efforts in responding to a heart attack victim, commented on fireworks, and suggested providing an ability for the members of the public to provide public comments remotely during a meeting.

Eleanor Egan, Costa Mesa, commented on the Orange County Fire Authority (OCFA) proposal and analysis and urged the Council not to contract out the Fire Department for minimal savings.

James Proctor, Costa Mesa, suggested ideas for raising revenue.

Sandra Genis, Costa Mesa, commented on the reporting of the total compensation for Council Members, and referred to Section 2-106 of the City's

Municipal Code in regards to Interference by Council in Administrative Affairs.

Chuck Perry, Costa Mesa, complimented the city in the completion of the Joann Street Bike Trail, and was grateful for the extension of days for the sale and discharge of fireworks.

Eloise Ott, Costa Mesa, complimented the city staff in the opening of the Joann Street Bike Trail, made suggestions on trash pick-up and e-Verify, and complained of road maintenance in the Halecrest area.

Karl Ahlf, Costa Mesa, recommended the discharge of fireworks for only two days during 4th of July, and suggested the use of helicopter services to monitor fireworks use.

Milo, KOCI, spoke about health benefits for city councils.

Robin Leffler, Costa Mesa, spoke about the ABLE program, and the City's budget.

Martin H. Millard, Costa Mesa, thanked the Council for their efforts regarding the budget, urged Council to improve the West side, and expressed concerns regarding the produce trucks on the North side.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 11.

MOTION: Approve Recommended Actions for Consent Calendar Items 1 through 11, except for Consent Calendar Item Nos. 1, 2, 8, and 11. 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, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Mayor Pro Tem James Righeimer

3. Warrant Resolution 2375, funding City operating expenses for \$1,080,773.49.

ACTION: Adopted Resolution.

4. Warrant Resolution 2376, funding Payroll No. 11-13 for \$2,096,893.84, and Payroll No. 11-12A for \$102.78, and City operating expenses for \$605,971.71, including payroll deductions.

ACTION: Adopted Resolution.

5. Amendment to the lease agreement with the Newport-Mesa Unified School District for waiver of the lease agreement payment for Fiscal Year 2011-2012 for the use of the Balearic Community Center.

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

6. Amendment to the lease agreement with the County of Orange for the lease of the Mesa Verde Branch Library site.

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

7. Amendment to the Professional Services Agreement with Mike Balliet Consulting, 26351 Tarrasa Lane, Mission Viejo, for the administration of the City's source reduction and recycling element for the term beginning July 1, 2011 through September 30, 2011, in the amount not to exceed \$9,400 for Fiscal Year 2011-2012.

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

9. Adopt plans and specifications, and working details for Closed Circuit Television (CCTV) Phase IV Improvement Project, City Project No. 11-05, and award a construction contract to Crosstown Electrical & Data, Inc., 5463 Diaz Street, Irwindale, in the amount of \$191,500.

(a) Budget Adjustment No. 12-002 for \$22,306.

ACTION: Approved; authorized the Mayor and City Clerk to sign, and approved Budget Adjustment No. 12-002.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO EXECUTE THE NECESSARY AGREEMENTS TO RECEIVE FUNDS UNDER THE CALIFORNIA SAFE ROUTES TO SCHOOL PROGRAM.

ACTION: Adopted Resolution No. 11-28.

ITEMS REMOVED FROM CONSENT CALENDAR

1. Reading Folder.

The following Claim was received by the City Clerk for processing: Lynda A. Wilson

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

For Triangle Square Ventures LLC dba Sutra Nightclub, located at 1870 Harbor Boulevard, Suite A200, Costa Mesa, for a type 48 (on-sale general), a type 68 (portable bar), and type 77 (event permit).

The following letter of notification was received: Southern California Gas Company's Notice of Filing of the Gas Costa Incentive Mechanism (GCIM), Application No. A.11-06-017.

Council Member Leece referred to the ABC license application for Sutra Lounge and requested an update regarding noise issues and compliance with noise regulations.

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, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Mayor Pro Tem James Righeimer

2. Regular meeting minutes of June 7, 2011 and June 21, 2011.

MOTION: Continue .

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, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Mayor Pro Tem James Righeimer

8. Professional Services Agreement with A.C.T. GIS, 19000 Grovewood Drive, Corona, for Geographic Information System (G.I.S.) support services, for the term beginning July 1, 2011 through June 30, 2012, in the amount of \$110,475.

Helen Nenadal, President of the Costa Mesa City Employees Association (CMCEA), requested a meet and confer regarding the layoff of former IT employees.

Rick Kirkbride, IT Manager, responded to questions from the Council.

Sandra Genis, Costa Mesa, expressed concern regarding outsourcing and the cost of the agreement.

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

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, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger
Noes: None.
Absent: Mayor Pro Tem James Righeimer

11. Professional Services Agreement with Vision Internet, 1530 Wilshire Boulevard, 2nd Floor, Santa Monica, for the design services for the Costa Mesa website, in the in the amount of \$50,320.

Jay Humphrey, Costa Mesa, expressed concern in the cost of the agreement.

Sandra Genis, Costa Mesa, concurred with the comment of the previous public speaker.

Robin Leffler, Costa Mesa, commented on the City's website suggesting the upgrade be done in-house and made suggestions for the Consent Calendar titles on the agenda.

MOTION: Continue.

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

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece, Mayor Gary Monahan, Council Member Stephen Mensinger
Noes: None.
Absent: Mayor Pro Tem James Righeimer

The Mayor recessed the meeting at 6:52 p.m.

The Mayor reconvened the meeting at 7:00 p.m.

PUBLIC HEARINGS -

1. PUBLIC HEARING: Continued from the meeting of June 21, 2011, Amending the calculations of the Special/Community Event Rates for Sworn (Police and Fire) Personnel (Administrative Regulation 2.13).

Budget and Research Officer Bobby Young made the presentation, and City CEO Tom Hatch and Interim Public Affairs Manager Dan Joyce responded to questions from the Council.

Sandra Genis, Costa Mesa, expressed concern regarding revenues and cost recovery related to special events.

Milo, KOCI, shared information regarding the City of Newport Beach's Special Events Committee and judging criteria for special events and fee reductions.

Tom Egan, Costa Mesa, spoke in opposition of the proposal to reduce

fees.

Jay Humphrey, Costa Mesa, inquired about the distribution of revenues received related to the costs of special event.

Robin Leffler, Costa Mesa, spoke in opposition of reducing revenues.

Beth Refakes, Costa Mesa, expressed concern regarding the financial impact to residents and opposed the proposal to reduce revenues.

Perry Valantine, Costa Mesa, opposed the reduction in fees and expressed concerns regarding indirect costs

Greg Ridge, Costa Mesa, suggested a raising further of the Transient Occupancy Tax (TOT), and opposed reduction in fees and revenues.

MOTION: Approve amendment of the fee calculations in Administrative Regulation 2.13.

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

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Mayor Gary Monahan, Council Member Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: Mayor Pro Tem James Righeimer

2. PUBLIC HEARING: Continued from the meeting of June 21, 2011, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ESTABLISHING AND ADOPTING A POLICE DEPARTMENT CITATION SIGN-OFF FEE.

MOTION: Continue Public Hearing to July 19, 2011 at 7:00 p.m.

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, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Mayor Pro Tem James Righeimer

3. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REPEALING AND REPLACING ARTICLE 22 (MASSAGE ESTABLISHMENTS AND PRACTITIONERS) OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE, RELATING TO MASSAGE THERAPISTS AND PRACTITIONERS, AND MASSAGE ESTABLISHMENTS.

Lieutenant Mark Manley and Deputy City Attorney Elena Gerli made the presentation and responded to questions from the Council.

Susan Peterson, massage establishment owner, expressed support of the ordinance.

Perry Valantine, Costa Mesa, expressed concern regarding massage establishments adjacent to residential zones.

Sandra Genis, Costa Mesa, spoke about the applicability of the proposed closing time requirement to massage establishments located in shopping centers.

**MOTION: Introduce Ordinance No. 11-07 for first reading, to be read by title only, and waive further reading.
Moved by Mayor Gary Monahan, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Mayor Pro Tem James Righeimer

OLD BUSINESS

No Old Business was scheduled.

NEW BUSINESS

3. Presentation of Orange County Employees Association (OCEA) audit by Steve Foti.

Steve Foti of Harvey M. Rose Associates, LLC presented the findings of the independent budget audit and responded to questions from the Council.

Jay Humphrey, Costa Mesa, inquired about the definition of "total liability", pay at the time of employee separation from city and revenue bonds.

**MOTION: Receive and file.
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, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Mayor Pro Tem James Righeimer

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Eric Bever addressed a public comment made by the Executive Director of the Senior Center at a previous meeting regarding treatment during the Community Development Block Grant (CDBG) interviews.

Council Member Wendy Leece commented on the Joann Street Bike Trail ribbon cutting ceremony, provided an update on the Newport Beach Aviation Committee meeting, the Parks and Recreation Commission's decision to prohibit smoking at sports complexes and within a radius of City parks, and suggested updates on Council Policy Nos. 000-7 and 000-4 regarding City Council meetings, and postcards about an enhanced neighborhood project.

Council Member Stephen Mensinger made a request on behalf of Mayor Pro Tem Tem Righeimer to name a park after former mayor Jack Hammett, and spoke about fireworks during the 4th of July and the Joann Street Bike Trail ribbon cutting.

REPORTS

City CEO Tom Hatch reported on the fireworks use over the 4th of July holiday and announced a full report would be available on the City's website, announced that the report regarding fire service delivery options and Orange County Fire Authority proposal was available online, announced the receipt of two proposals for jail services and that RFPs for Animal Control and Video Production would be released, and noted the upcoming Study Session agenda would comprise of budget follow-up items.

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 anticipated litigation, significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 - (two cases).

The Mayor recessed the meeting at 8:59 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 9:59 p.m to July 12, 2011 at 4:30 p.m. for a Study Session. Next Regular City Council Meeting: July 19, 2011.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa