

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

**June 3, 2014**

**CALL TO ORDER**

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

**ROLL CALL**

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

Council Members Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS – NONE**

**CLOSED SESSION - NONE**

**CALL TO ORDER (00:00:14)**

**PLEDGE OF ALLEGIANCE (00:00:34) – Council Member Genis**

**MOMENT OF SOLEMN EXPRESSION (00:00:52)**

Pastor Andrew Richard, Rock Harbor

**ROLL CALL (00:02:39)**

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

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Assistant Chief Executive Officer/Administrative Services Director Tamara Letourneau, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

**CITY ATTORNEY CLOSED SESSION REPORT – NONE**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - None

**ANNOUNCEMENTS (00:03:03)**

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

**PRESENTATION – NONE**

## **PUBLIC COMMENTS (00:06:09)**

Chris McEvoy, Costa Mesa, spoke regarding traffic and development. (00:06:22)

Robin Leffler, Costa Mesa, spoke regarding the Metro Pointe development; street improvements; and the Charter committee. (00:09:31)

Al Melone, Costa Mesa, spoke regarding the dog park. (00:12:37)

Greg Tunnell, Costa Mesa, spoke regarding integrity and developers. (00:15:29)

Sheila Pfafflin, Costa Mesa, spoke regarding high density housing. (00:18:31)

Chuck Perry, Costa Mesa, requested a crosswalk light by the new Senior Apartments; spoke on the Veteran's building; Anchor Trailer Park development; and the Banning Ranch development. (00:20:32)

Barrie Fisher, Costa Mesa, spoke on the Veteran's Memorial Brick program at Harbor Lawn Cemetery. (00:22:49)

Cindy Brenneman, Costa Mesa, spoke on the Veterans Memorial Brick Program; and Fire Department ambulances. (00:24:05)

Harold Weitzberg, Costa Mesa, spoke on public noticing regarding a Planning Commission hearing. (00:25:29)

Sue Lester, Costa Mesa, spoke regarding the 60<sup>th</sup> Anniversary event; and the ethics policy. (00:27:41)

Tamar Goldmann, Costa Mesa, spoke regarding Sandpiper Inn; and health and safety. (00:31:16)

Jay Humphrey, Costa Mesa, spoke regarding affordable housing at the Motor Inn Motel and spoke on Policy 500-5. (00:34:13)

Beth Refakes, Costa Mesa, spoke regarding the Marines care package collection; terminus date of the 55 freeway construction; and the community center. (00:36:05)

## **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:38:09)**

Council Member Genis – thanked volunteers who put together the Memorial Day Ceremony and thanked the Lion's Club for the Fish Fry event; spoke regarding Banning Ranch in Newport Beach; high density projects; and calls for service. (00:38:13)

Council Member Leece – inquired on upgrades to a dog park; spoke on the Veteran's Brick Program; 60<sup>th</sup> Anniversary Volunteer Group payments; the OC Marathon; after schools programs; the Senior Center transition; the Relay for Life Event on June 14<sup>th</sup> and 15<sup>th</sup>; and Sober Living Homes. (00:42:39)

Council Member Monahan – None. (00:48:24)

Mayor Righeimer – spoke on developments; housing; motels; costs for service; Proposition 13 and property taxes; small lot developments and property taxes; Preserve Our Neighborhoods Task Force; Group Homes; a study for use of park impacts; and the Memorial Day ceremony. (00:48:26)

Mayor Pro Tem Mensinger – None (00:57:17)

### **REPORT- CHIEF EXECUTIVE OFFICER (CEO) (00:57:20)**

CEO Thomas Hatch spoke on the 60<sup>th</sup> Anniversary volunteer group payments; policy of stipends to groups; Caltrans construction on the 55 Freeway; announced an Excessive Use of Resources Ordinance meeting on June 11<sup>th</sup> and a City Council Study Session on June 10<sup>th</sup>; spoke on the parking structure for Orange Coast College and the Orange County Fair; spoke on increased security at Orange Coast College; 4<sup>th</sup> of July Block Party applications; and the Fire Department reorganization and paramedic vehicles.

Police Chief Gazsi - spoke on the new heart defibrillators. (01:06:27)

### **CONSENT CALENDAR (01:12:35)**

**MOTION:** Approve recommended actions for Consent Calendar Items Nos. 1-6, except for items 3 and 4.

**MOVED/SECOND:** Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

#### **ACTION:**

City Council waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Daniel Grove; and Linda Amoroso.

**ACTION:** Received and filed.

**5. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION**

**ACTION:**

1. City Council approved the 2014 contract for traffic management services between the Costa Mesa Police Department and the 32<sup>nd</sup> District Agricultural Association for all designated Interim Events of the Orange County Fair and Exposition Center; and
2. Authorized the Chief Executive Officer, or his designee, to sign the contract. The term of the agreement is April 1, 2014 through March 31, 2015 and the maximum amount shall not exceed \$70,000.

**6. PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR THE FIRE STATION #4 (PLACENTIA) RENNOVATION/ADDITION PROJECT**

**ACTION:**

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Fire Association (CMFA); and
2. Authorized staff to have the independent fiscal analysis of the current CMFA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) – (01:13:21)**

**1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL ASSESSMENT (01:13:29)**

Staff report by Daniel Baker, Management Analyst (01:14:00)

Council Member Leece spoke on community promotion through the Business Improvement Area (BIA). (01:17:10)

Public Comments:

Perry Valentine, Costa Mesa, spoke in support of the program. (01:19:34)

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

1. City Council conducted a public hearing regarding the Business Improvement Area (BIA) reauthorization and approved Resolution No. 14-30, to be read by title only and waived further reading, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2014-2015 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS"; and
2. Reviewed and authorized the City CEO to sign a reimbursement agreement between the City and the Conference and Visitor Bureau authorizing an annual expenditure of \$164,000 for additional community marketing and support.

**2. SECOND PUBLIC HEARING ON DRAFT CHARTER (01:25:18)**

Staff report by Kimberly Hall Barlow, Special Counsel. (01:25:19)

Discussion ensued regarding public comments received by the Charter Committee. (01:27:00)

Council Member Leece spoke on the previous Charter vote. (01:40:39)

Discussion ensued regarding the Vista decision and Senate Bill 7. (01:44:39)

The City Council opened the second public hearing on the proposed Charter.

Public Comments:

Margaret Mooney, Costa Mesa, spoke in opposition to the Charter. (01:46:58)

Cynthia McDonald, Costa Mesa, spoke in opposition to the Charter. (01:47:49)

Sheila Pfafflin, Costa Mesa, spoke in opposition to the Charter. (01:49:37)

Jim Fitzpatrick, Costa Mesa, spoke in support of the Charter. (01:51:00)

Greg Tunnell, Costa Mesa, spoke in opposition to the Charter. (01:53:48)

Mary Ann O'Connell, Costa Mesa, Charter Committee Member, spoke in opposition to the Charter and spoke on issues addressed by the Charter Committee. (01:56:45)

Perry Valantine, Costa Mesa, spoke in opposition to the Charter. (01:59:52)

Speaker, spoke in opposition to the Charter; spoke on Section 806 of the Charter; and prevailing wage. (02:03:02)

Sam Merlino, Roseville, spoke representing California Field Iron Workers Labor Management Cooperative Trust, spoke in support of prevailing wages; and is opposed to the Charter. (02:06:17)

Harold Weitzberg, Costa Mesa, Charter Committee Member; spoke in opposition to the Charter and suggested no editorials. (02:08:50)

Gene Hutchins, Costa Mesa, Charter Committee Member, spoke in support of the Charter and spoke on pensions and unfunded liabilities. (02:10:55)

Laural Keane, Costa Mesa, spoke in opposition to the Charter. (02:14:04)

James H. Bridges, Costa Mesa, spoke in opposition to the Charter. (02:16:45)

Flo Martin, Costa Mesa, spoke in opposition to the Charter. (02:19:08)

T. Koken, Costa Mesa, spoke in opposition to the Charter. (02:22:40)

Charles Mooney, Costa Mesa, spoke in opposition to the Charter. (02:24:48)

Chris McEvoy, Costa Mesa, spoke in opposition to the Charter. (02:25:46)

Cindy Brenneman, Costa Mesa, spoke in opposition to the Charter. (02:28:35)

Mrs. Drain, Costa Mesa, spoke in opposition to the Charter. (02:29:49)

Jay Humphrey, Costa Mesa, spoke in opposition to the Charter; and indicated that City information should remain neutral. (02:31:40)

Katie Arthur, Costa Mesa, spoke in opposition to the Charter. (02:34:08)

Bill Fancher, Costa Mesa, Charter Committee Member, spoke in support of the Charter; and stated that the Committee voted to create a Charter. (02:34:42)

Ron Amburgey, Costa Mesa, Charter Committee Member, spoke in support of the Charter and stated that the Charter is for the citizens. (02:36:40)

Robin Leffler, Costa Mesa, spoke in opposition to the Charter. (02:39:15)

Tamar Goldmann, Costa Mesa, spoke in opposition to the Charter. (02:42:20)

Chuck Perry, Costa Mesa, spoke in support of the Charter. (02:45:46)

Sue Lester, Costa Mesa, spoke regarding Council compensation language in the Charter. (02:46:35)

Public Hearing was closed. (02:48:55)

Discussion ensued regarding office terms; and provisions on incompatible offices. (02:49:35)

Councilmember Genis requested to include a code of ethics; and is opposed to Section 104 and 806. (02:57:00)

Councilmember Leece spoke regarding pensions; and Section 600 and Section 602. (02:59:50)

Discussion ensued on Section 602 and including it into the Municipal Code. (03:02:00)

Council Member Monahan left the dais at 9:07 p.m. (03:07:00)

Mayor Pro Tem Mensinger spoke in support of the Charter. (03:08:00)

Mayor Righeimer spoke on Section 104; financial savings; and pensions. (03:11:00)

Council Member Monahan returned to the dais at 9:15 p.m. (03:15:00)

Mayor Righeimer requested a change to Section 700-Public Contracting- to "may" utilize the informal bidding procedures; Section 304a, change to "shall be continued;" and requested to include qualifications for office to follow general law; and to include the adoption of an Ordinance to be the same as General Law, 3 votes. (03:21:25)

Council Member Genis spoke to outsourcing; and requested to add to Section 601 as submitted by the Pension Committee; and Section 104 to be changed to, "except as enumerated in this Charter the general laws of the State of California shall apply". (03:29:30)

Council Member Leece spoke on Civic Openness in Negotiations (COIN); and expressed concerns with a Charter. (03:33:00)

Council Member Monahan left the dais at 9:33 p.m. (03:33:52)

Mayor Pro Tem Mensinger requested 4 mailers. (03:36:43)

Discussion ensued regarding mailers. (03:37:00)

Special Counsel Barlow indicated that options will be included in the July 1<sup>st</sup> agenda report. (03:39:00)

**OLD BUSINESS – None**

**NEW BUSINESS – None**

**ITEMS REMOVED FROM THE CONSENT CALENDAR – (03:40:11)**

**4. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION (03:40:19)**

Discussion ensued regarding staffing for the OC Fair. (03:40:00)

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Mayor Pro Tem Mensinger, and Mayor Rigeheimer.

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

**ACTION:**

1. City Council approved the 2014 contract for traffic management services between the Costa Mesa Police Department and the 32<sup>nd</sup> District Agricultural Association for the Orange County Fair; and
  2. Authorized the Chief Executive Officer or his designee, to sign the contract. The term of the agreement is July 11, 2014 through August 10, 2014 and the maximum amount is \$400,000.
- 3. WARRANT RESOLUTION 2516: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-10 "A", 14-11, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-10 "A" for \$3,481.27, Payroll No. 14-11 for \$2,142,574.89, and City operating expenses for \$3,218,181.86. (03:49:23)**

Public Comments:

Cindy Brenneman, Costa Mesa, spoke regarding money paid to volunteer groups for the 60<sup>th</sup> Anniversary event. (03:50:00)

Sue Lester, Costa Mesa, inquired on money paid to volunteer groups for the 60<sup>th</sup> Anniversary event. (03:51:50)



Teresa Drain, Costa Mesa, spoke on the 60<sup>th</sup> Anniversary payment to volunteers and requested a forensic audit. (03:53:30)

Robin Leffler, Costa Mesa, spoke regarding payment to volunteers for the 60<sup>th</sup> Anniversary event. (03:56:25)

Discussion ensued on involving all community groups; and groups selected. (03:58:00)

**MOTION/SECOND:** Council Member Genis/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

**ACTION:** Approved Warrant Resolution No. 2516, to be read by title only and further reading waived.

**CONTINUED PUBLIC COMMENTS (04:02:15)**

T. Koken, Costa Mesa, sang a song. (04:02:50)

**COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE**

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT-** The Mayor and the City Council adjourned the meeting at 10:06 p.m. to Special Joint City Council and Planning Commission Study Session, June 10, 2014, at 4:30 p.m. and Special City Council meeting, June 10, 2014, at 6:00 p.m. (04:06:08)

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MAYOR

*Brenda Green*  
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CITY CLERK