

**MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL,
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING, AND
SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY**

September 16, 2014

CALL TO ORDER

The meeting was called to order by the Mayor at 5:00 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, and Council Member Monahan (arrived at 5:05 p.m.)

Council Members Absent: Council Member Genis

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

CLOSED SESSION

The City Council recessed into Closed Session at 5:02 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.

The City Council reconvened at 6:00 p.m.

CALL TO ORDER (00:00:29)

PLEDGE OF ALLEGIANCE (00:00:40) – Led by Council Member Leece

MOMENT OF SOLEMN EXPRESSION (00:01:11)

Pastor Rod Randall, Harbor Trinity Baptist Church

ROLL CALL (00:02:32)

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

Absent: Council Member Genis

Officials Present: Chief Executive Officer Thomas R. Hatch, Deputy City Attorney Richard Adams, 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 Muñoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:02:45) - NONE

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

ANNOUNCEMENTS (00:02:50)

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

PRESENTATIONS (00:04:52)

Bill Burke, Mt. Everest Climber recognition

PUBLIC COMMENTS (00:24:08)

Ann Parker, Costa Mesa, spoke regarding the group homes ordinance. (00:25:12)

Chuck Perry, Costa Mesa, spoke regarding the golf course signage; the veteran's hall; and 17th Street improvements. (00:28:18)

Sue Lester, Costa Mesa, spoke regarding the 60th Anniversary investigation and medical marijuana issue. (00:30:02)

Jeffrey Wayne Hull, Costa Mesa, spoke regarding project independence walk. (00:33:49)

Beth Refakes, Costa Mesa, spoke regarding the Military 1/5 gown give away; the I-405 toll roads; and medians on Placentia Avenue meeting. (00:34:42)

Robin Leffler, Costa Mesa, spoke regarding Mayor Righeimer's campaign emails. (00:37:18)

Cindy Brenneman, Costa Mesa, spoke regarding the 60th Anniversary investigation; and medians on Placentia Avenue. (00:40:44)

Mrs. Drain, Costa Mesa, requested a 60th Anniversary forensic audit regarding the 60th Anniversary event. (00:42:40)

Greg Tunnell, Costa Mesa, spoke regarding public sentiment and rhetoric. (00:46:00)

Martin H. Millard, Costa Mesa, thanked Council for implementing the West Side plans and improvements. (00:46:04)

Karl Ahlf, Costa Mesa, spoke regarding fireworks. (00:52:09)

COUNCIL MEMBER'S REPORTS, COMMENTS, AND SUGGESTIONS (00:54:32)

Council Member Leece spoke regarding fireworks; announced the September 17th meeting regarding medians on Placentia Avenue; requested a summary on how many youth served at summer camp; reported attending a meeting with Costa Mesa Sanitary District regarding new trash cans and recyclables; spoke on water conservation; and on the Special Closed Session meeting regarding the Police Officer Association meeting. (00:54:35)

Council Member Monahan spoke regarding campaign season and dissemination of inaccurate information. (01:00:55)

Mayor Righeimer spoke regarding the 60th Anniversary event, audit and investigation; spoke on balanced budgets; alley improvements; group homes; and the I-405 toll lanes. (01:01:28)

Police Chief Gazsi spoke on the 60th Anniversary event investigation. (01:02:20)

Mayor Pro Tem Mensinger congratulated staff for the median improvements; spoke regarding fireworks; the Veteran's hall; project independence; and camp Costa Mesa. (01:14:29)

REPORT- CHIEF EXECUTIVE OFFICER (CEO) (01:19:00)

CEO Hatch spoke regarding a city award for the CERT program; and the Arthur J. Gallagher insurance payments.

Public Services Director Ernesto Muñoz spoke on the Westside Water Quality Storm Drain improvements. (01:21:30)

CONSENT CALENDAR (01:31:25)

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 16 except for item nos. 3, 4, 5, and 11.

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Abstain: Council Member Monahan (on Consent Calendar Item No. 9)

Motion carried: 4-0-1 (items 1-16, excluding item nos. 3, 4, 5, 11 and 9)

Motion carried: 3-0-1 (on Consent Calendar Item No. 9)

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: Juan Abundis; Jesi Jaimes Pearce; Joshua Spinks; Cynthia M. Smith; Barbara Keesling; and Jonathan Champeau.

ACTION: Received and filed.

6. **SENIOR MOBILITY PROGRAM DRIVER SERVICES AWARD OF CONTRACT**

ACTION:

City Council approved a Professional Services Agreement with Western Transit Systems, Inc. to provide driver services for the Costa Mesa Senior Mobility Program for a one two-year (2) extension, and authorized the Mayor to sign on behalf of the City.

7. **SUCCESSOR AGENCY ADMINISTRATIVE BUDGET FOR SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2015 TO JUNE 30, 2015**

ACTION:

Successor Agency to the Costa Mesa Redevelopment Agency adopted Successor Agency Resolution No. 14-59, to be read by title only and waived further reading, approving the Successor Agency's Administrative Budget for the 14-15B Six-Month Fiscal Period of January 1, 2015 to June 30, 2015 Pursuant to Health and Safety Code Section 34177(j) of the Dissolution Law.

8. REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 14-15B SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2015 TO JUNE 30, 2015 (“ROPS 14-15B”)

ACTION:

Successor Agency to the Costa Mesa Redevelopment Agency adopted Successor Agency Resolution No. 14-60, to be read by title only and waived further reading, Approving the Recognized Obligation Payment Schedule for the 14-15B six-month fiscal period of January 1, 2015 to June 30, 2015 (“ROPS 14-15B”), subject to submittal to and review by the Oversight Board and then by the State Department of Finance (“DOF”). Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

9. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE “SELECTIVE TRAFFIC ENFORCEMENT PROGRAM”

ACTION:

1. City Council adopted Resolution No. 14-61, to be read by title only and waived further reading, authorizing the CEO or his designee to accept the grant awards from the California Office of Traffic Safety for: the “Selective Traffic Enforcement Program” (STEP); and
2. Approved Budget Adjustment #15-007 for the total amount of \$169,690 to increase revenue and appropriation for overtime, professional development and equipment costs associated with the 2015 OTS STEP grant.

10. AWARD CONTRACT FOR JANITORIAL SERVICES TO MERCHANTS BUILDING MAINTENANCE

ACTION:

1. City Council awarded a five-year contract, with three optional one-year extensions, for janitorial services for City buildings and park restrooms to Merchant Building Maintenance in the amount of \$394,871 for the first year of the contract and \$436,064.06 for the second year of the contract; and
2. Authorized the Chief Executive Officer (CEO) and the City Clerk to execute the Professional Services Agreement and to approve future contract extensions per the contract.

12. AMENDMENTS TO THE GOVERNANCE DOCUMENT OF THE ILJAOJ JOINT POWERS AUTHORITY

ACTION:

1. City Council approved the addition of the California State University of Fullerton on behalf of their Police Department, as a new Member of the Integrated Law & Justice Agency; and
2. Approved the recommended amendments to the Governance Document of the ILJAOJ Joint Powers Authority; and
3. Directed the City Clerk to provide a minute order to the ILJAOJ Recording Secretary confirming the Council's action.

13. EXTENSION OF EXISTING PROFESSIONAL SERVICES AGREEMENT WITH RANDSTAD TECHNOLOGIES FOR GIS CONSULTANT

ACTION:

1. City Council approved Amendment One to the existing Professional Services Agreement (PSA) with Randstad Technologies, LP (Consultant), increasing the compensation limit of \$49,995 by \$98,800; and
2. Authorized the City CEO to sign the amended PSA with Randstad in the contract amount of \$148,795; and
3. Authorized the City CEO to sign the Purchase Requisition for the amended PSA.

14. MINUTES

ACTION:

City Council approved the minutes of the Regular Meeting of the City Council and Successor Agency of May 15, 2012; October 16, 2012; Regular Meeting of the City Council and Successor Agency/Special Joint Housing Authority meeting of July 1, 2014; and Regular Meeting of the City Council and Successor Agency of August 5, 2014.

15. BIENNIAL REVIEW OF CITY CONFLICT OF INTEREST CODE

ACTION:

City Council approved Resolution No. 14-62, to be read by title only and waived further reading, Entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO ITS CONFLICT OF INTEREST CODE."

16. AMENDMENT FOR HOUSING AUTHORITY BUDGET

ACTION:

City Council and Housing Authority approved Budget Adjustment No. 15-008 for FY 14-15 to appropriate the Housing Authority's program income as follows:

1. \$16,000 to fund the remaining balance of a Management Analyst position once HCD funds are exhausted; and
2. \$80,000 to fund Community Outreach Workers and part-time Management Analysts for time they allocate to homeless housing placement; and
3. \$70,000 for special counsel legal services relating to the four Civic Center Barrio Housing Corporation projects, pending litigation regarding those projects, and the potential restructure of those four affordable housing projects; and
4. \$36,313 for special counsel legal services relating to a potential Supportive Housing project.

PUBLIC HEARINGS – (01:32:16)

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE 2013-2016 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA), THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CONFIDENTIAL SALARY RESOLUTION (01:32:25)**

Staff report provided by Richard Kreisler, Special Counsel. (01:33:10)

Public Comments:

Jay Humphrey, Costa Mesa, spoke on utilizing the COIN Ordinance for all contract negotiations. (01:39:50)

Greg Tunnell, Costa Mesa, spoke on the COIN ordinance and transparency. (01:41:04)

Robin Leffler, Costa Mesa, thanked Richard Kreisler; the employees; and spoke to the impacts on employees. (01:44:15)

John Hill, Costa Mesa, spoke regarding employee negotiations; and supports the COIN Ordinance. (01:46:50)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION:

1. City Council held the second Public Hearing as required by COIN; and
2. Approved and adopted the 2013-2016 Memorandum of Understanding between the City of Costa Mesa and the CMCEA through the pay period inclusive of June 30, 2016; and
3. Adopted Resolution Number 14-63, to be read by title only and waived further reading, which implements second tier salary ranges for new CMCEA represented employees. This new tier establishes two (2) lower entry salary steps for all job classifications represented by the CMCEA. The resolution also reflects the additional cost sharing stipulated in the CMCEA MOU; and
4. Adopted Resolution Number 14-64, to be read by title only and waived further reading, which implements second tier salary ranges for new Confidential employees. The Confidential resolution also reflects the additional cost sharing as stipulated in the CMCEA MOU.

OLD BUSINESS – (02:00:00)

1. SECOND READING FOR THE PRE-ZONING OF THE SANTA ANA/COLLEEN ISLAND ANNEXATION (02:00:05)

Staff report by Assistant Chief Executive Officer, Rick Francis. (02:00:35)

Public Comments:

Ernie Gallardo, Newport Beach, supports the annexation. (02:03:10)

Jay Humphrey, Costa Mesa, spoke regarding lot sizes and zoning; supports the 7200 square ft. lot size. (02:04:15)

Tim Huth, Newport Beach, supports completion of the annexation. (02:06:10)

Hugh Vujnovich, Costa Mesa, spoke in opposition to the rezoning and reduction of the lot sizes and parking. (02:06:40)

Jonathan Fletcher, Costa Mesa, spoke in opposition to the rezoning and reduction of the lot sizes. (02:09:00)

Robin Leffler, Costa Mesa, spoke in support of the 7,200 square ft. lot size. (02:13:20)

Mary Spadoni, Costa Mesa, opposed to the rezoning of the 7,200 square ft. lots. (02:16:26)

Mayor Righeimer spoke regarding the Newport Beach annexation; zoning; spoke on setbacks; and a meeting with property owners. (02:18:40)

Council Member Leece spoke regarding the developers and supports the 7,200 square ft. lot size. (02:25:50)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: Council Member Genis

Motion carried: 3-1-1

ACTION:

City Council gave second reading and adopted Ordinance No. 14-07, to be read by title only and waived further reading, regarding pre-zoning of the Santa Ana/Colleen Annexation Area TO R-1 - 6,000 square feet.

NEW BUSINESS - NONE

ITEMS REMOVED FROM THE CONSENT CALENDAR (02:28:47)

3. **WARRANT RESOLUTION 2522: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-17 "A", 14-18, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-17 "A" for \$1,668.21, Payroll No. 14-18 for \$2,149,453.41 and City operating expenses for \$1,872,228.72 (02:28:55)**

Public Comments:

Greg Tunnell spoke regarding the Jones and Mayer legal expenses. (02:29:27)

Robin Leffler, Costa Mesa, spoke regarding credit card purchases. (02:32:00)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION: City Council approved Warrant Resolution No. 2522, to be read by title only and further reading waived.

4. **PALMER STREET ALLEYS (ALLEY NO. 67 AND ALLEY NO. 69), 17th PLACE ALLEYS (ALLEY NO. 99 AND ALLEY NO. 101), SANTA ANA AVENUE ALLEY (ALLEY NO. 100), FAIRWAY PLACE ALLEY (ALLEY NO. 117), AND LILLIAN PLACE ALLEY (ALLEY NO. 118) IMPROVEMENT PROJECT – CITY PROJECT NO. 14-10 (02:33:05)**

Public Comment on item 4 and 5:

Jay Humphrey, Costa Mesa, spoke on the use of gas tax and CDBG monies. (02:33:28)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Palmer Street Alley (Alley No. 67 and Alley No. 69), 17th Place Alleys (Alley No. 99 and Alley No. 101), Santa Ana Avenue Alley (Alley No. 100), Fairway Place Alley (Alley No. 117), and Lillian Place Alley (Alley No. 118) Improvement Project – City Project No. 14-10; and
2. Awarded a construction contract to Patriot Contracting & Engineering, Inc., 22601 La Palma Avenue, Suite 100, Yorba Linda, CA 92887 in the amount of \$598,650.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

5. 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: HARBOR BOULEVARD ALLEY (ALLEY NO. 16) AND BERNARD STREET ALLEY (ALLEY NO. 17 EAST) IMPROVEMENT – CITY PROJECT NO. 14-09 (02:33:05)

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Harbor Boulevard Alley (Alley No. 16) and Bernard Street Alley (Alley No. 17 East) 2013-2014 CDBG Project, City Project No. 14-09; and
2. Awarded a construction contract to Kalban, Inc., 9075 Glenoaks Boulevard, Sun Valley, CA 91352, in the amount of \$110,329.65; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

11. AMENDMENT TO EXTEND TERM OF CARE AMBULANCE SERVICES AGREEMENT (02:37:00)

Mayor Righeimer recused himself and left the dais at 8:37 p.m. (02:37:15)

Council Member Leece spoke on resident concerns on extending care ambulance services. (02:37:30)

Fire Chief Dan Stefano spoke on delivery of services and the reorganization plan. (02:38:40)

Public Comments:

Beth Refakes, Costa Mesa, spoke on moving forward for taxpayer savings. (02:49:30)

Greg Tunnell, Costa Mesa, spoke regarding care ambulance costs; the new paramedic units; and priorities. (02:51:20)

Jay Humphrey, Costa Mesa, spoke regarding the contract renewal. (02:53:53)

Cindy B., Costa Mesa, spoke on using the new paramedic units. (02:55:44)

Ronald Wortman, Costa Mesa, spoke on the contract extension; and department staffing. (02:57:25)

Robin Leffler, Costa Mesa, spoke regarding costs; and number of calls. (03:00:20)

MOVED/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Recused: Mayor Righeimer

Absent: Council Member Genis

Motion carried: 3-1-1

ACTION:

City Council approved Amendment Number Three extending the term of the Ambulance Services Agreement with Care Ambulance Service, Inc., for the continuation of emergency ambulance and patient billing services to September 1, 2015.

Mayor Righeimer returned to the meeting at 9:05 p.m. (03:05:00)

CONTINUED PUBLIC COMMENTS (03:05:23)

Speaker, stated disappointment in three Council Members. (03:05:50)

COUNCIL MEMBER COMMENTS ON CONTINUED PUBLIC COMMENTS - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT The Mayor and the City Council adjourned the meeting at 9:08 p.m.

MAYOR

CITY CLERK