

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

**October 2, 2012**

**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 Bever, Mayor Pro Tem Righeimer, Council Member Leece, Council Member Mensinger and Council Member Monahan

Council Members Absent: None

**PUBLIC COMMENTS ON CLOSED SESSION ITEMS - None**

**CLOSED SESSION**

The City Council recessed into closed session at 5:05 p.m. to consider the following items:

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 Police Association (CMPA), Costa Mesa Police Management Association (CMPMA), 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 Government Code Section 54956.9(b) for one case.

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

**CALL TO ORDER (00:00:02)**

**PLEDGE OF ALLEGIANCE (00:00:15)** – Council Member Wendy Leece

**MOMENT OF SOLEMN EXPRESSION (00:00:00)** - None

## **ROLL CALL (00:00:41)**

Present: Mayor Bever, Mayor Pro Tem Righeimer, Council Member Leece, Council Member Mensinger and Council Member Monahan.  
Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Deputy City Attorney Chris Neumeyer, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Peter Naghavi, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

## **CLOSED SESSION REPORT (00:00:50) - None**

## **ANNOUNCEMENTS (00:00:55)**

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

## **PRESENTATIONS (00:03:55)**

The 2012 Sister City High School Ambassadors to Wyndam, Australia, spoke about their experiences. (00:04:00)

## **PUBLIC COMMENTS (00:12:00)**

Art Goddard, Costa Mesa, spoke about homeless issues. (00:12:15)

Jay Humphrey, Costa Mesa, thanked staff for their efforts on the I-405 improvement project; spoke on resident freeway impacts; and union control. (00:15:46)

Perry Valantine, Costa Mesa, spoke on the City Charter. (00:17:37)

Rich Reiser, Costa Mesa, expressed opposition to the Charter, and layoffs; and spoke on 19<sup>th</sup> Street graffiti. (00:20:24)

Teresa Drain, Costa Mesa, spoke on the North Costa Mesa Neighborhood Meeting. (00:21:41)

Beth Refakes, Costa Mesa, spoke on the reorganization of the Fire Department; and unattended belongings at Lion's Park. (00:22:59)

John Hill, Costa Mesa, thanked CEO Hatch and Christine Cordon for help with the polling place at Balearic Center; and spoke on the removal of political signs. (00:24:55)

Robin Leffler, Costa Mesa, spoke on the Charter; and the removal of political signs. (00:27:02)

Tamar Goldmann, Costa Mesa, spoke on received Sample Ballot; and campaign material. (00:30:29)

Martin H. Millard, Costa Mesa, spoke on campaign material; and Homeless Task Force. (00:32:40)

Terry Koken, Costa Mesa, spoke on the Charter. (00:35:08)

Kimberly Mims, Newport Beach, spoke on the Bully Warrior website; and thanked the City Council. (00:36:49)

Sue Lester, Costa Mesa, spoke on Alert Costa Mesa, and Alert Orange County. (00:41:31)

### **COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:43:55)**

Council Member Leece spoke on the Homeless Task Force; Fire Department restructuring; 19<sup>th</sup> Street safety; Orange County vector control; urban coyotes; campaign material; I-405 Improvement Project; Chuck Jones Creativity Center; and Town Hall Meetings. (00:43:59)

Council Member Monahan spoke on the removal of political signs and banners. (00:53:49)

Mayor Bever spoke on the Orange County Transit Authority meeting; and the car show. (00:54:51)

Mayor Pro Tem Righeimer spoke on political sign removal; and Outsourcing Summary Overview. (00:57:45)

### **REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:01:54)**

CEO Hatch spoke on the Homeless Task Force; Historical Society fence; Neighborhood Task Force; political sign removal; Fire Department plan; coyote issue; and campaign material. (01:01:57)

Mayor Bever spoke on nuisance businesses; business impacts on the community; political sign removal; Fire Department plan; and the coyote issue. (01:09:48)

### **CONSENT CALENDAR (01:16:25)**

Council Member Monahan stated he would abstain from Item No. 5 due to conflict of interest. (01:16:29)

**MOTION:** Approve recommended actions for Consent Calendar Item Nos. 1 through 5 except for Items 1B and 5.

**MOVED/SECOND:** Mayor Bever/Council Member Monahan

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

### Written Communications

#### 1. Reading Folder

**ACTION:** Received and filed

(a) Claims received by the City Clerk: Maria Peraza on behalf of minor child.

### Minutes

#### 2. Regular Adjourned Meeting/Study Session of July 12, 2011; Special Meeting of December 6, 2011; Regular Meeting of June 19, 2012; and Special Meeting of July 10, 2012.

**ACTION:** Approved

### Warrants

#### 3. WARRANT RESOLUTION 2439: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-19 AND PAYROLL REGISTER NO. 12-18A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-19 for \$2,026,037.68 and Payroll No. 12-18A for \$6,446.73, and City operating expenses for \$954,824.42, including payroll deductions.

**ACTION:** Approved

#### 4. WARRANT RESOLUTION 2440: 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 \$416,396.15.

**ACTION:** Approved

## ITEMS REMOVED FROM THE CONSENT CALENDAR (01:17:00)

### 1. Reading Folder

(b) Notification Letters: Metro PCS California, LLC for Site Reference No. MLAX04190A.

Discussion ensued between Council Member Leece and Mr. Munoz regarding the new guidelines of notification letters. (01:18:00)

Mayor Pro Tem Righeimer stated this letter dealt with an existing issue, not a new one. (01:19:10)

**MOTION/SECOND:** Council Member Monahan/Council Member Mensinger

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

**ACTION:** Received and filed

### Administrative Actions

#### 5. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM."** (01:20:00)

Discussion ensued regarding the grant fund and description; DUI statistics; cell phone violations; Saturation Patrols and checkpoints; motorcycle safety; and grant program training. (01:21:49)

Tamar Goldmann, Costa Mesa, thanked the Police Department for their hard work; and spoke in support of the grant. (01:37:55)

Sue Lester, Costa Mesa, spoke in support of the grant. (01:40:05)

Cindy Brenneman, Costa Mesa, spoke in support of the grant. (01:40:53)

Kim Nims, Newport Beach, thanked the Police Department; suggested this be expanded to the school system; and spoke in support of the grant. (01:42:43)

Discussion ensued regarding the ABC training available to establishments with liquor licenses. (01:45:52)

Council Member Mensinger spoke in support of the program. (01:47:12)

Discussion ensued regarding funding sources; opting out of a Federal Program; operational expenses; and spending from contingency funds. (01:48:06)

Mayor Pro Tem Righeimer spoke in support of the program and allocating \$160,000 toward overtime. (01:53:02)

Per Council request, Chief Gazsi provided feedback regarding the program. (01:54:16)

Discussion ensued regarding a local structure versus federal approach; equipment funding; and tax revenue funding versus borrowed money. (01:56:13)

Mayor Bever expressed concern regarding the use of loans and the Federal Program. (01:58:52)

Chief Gazsi suggested that funds be accepted for the current year, and estimate funding and revenues for the next fiscal year. (02:00:13)

**MOTION/SECOND:** Mayor Bever/Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Recuse: Council Member Monahan

The motion carried 4-0:

**ACTION:** Adopted resolution

a. Budget Adjustment No. 13-006 in the amount of \$160,000.

**ACTION:** Approved

**SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY**  
(02:04:00) - None

**PUBLIC HEARINGS (02:04:03)**

1. **PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 164 FLOWER STREET. (02:04:06)**

Mayor Bever requested to continue the public hearing. (02:04:08)

Public Services Director Munoz advised Council to open public comment and then continue the item to the next meeting. (02:14:18)

**MOTION/SECOND:** Mayor Bever/Council Member Mensinger

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

The motion carried: 5-0

**ACTION:** Public Comment was opened and item continued to the meeting of October 16, 2012.

**OLD BUSINESS (02:04:53) - None**

**NEW BUSINESS (02:04:54)**

1. **Street and Storm Drain Maintenance Services Request for Proposal. (02:04:55)**

Public Services Director Munoz presented the report. (02:05:04)

Mayor Bever stated a good effort was made to streamline the division; spoke on City clean-up and costs; and spoke in support of the reorganization and savings. (02:13:05)

Discussion ensued regarding maintenance capability. (02:14:41)

Robin Leffler, Costa Mesa, spoke about heightened solar activity; and cleaning storm drains. (02:17:28)

Jay Humphreys, Costa Mesa, complimented staff; spoke on bid return and layoff notices. (02:18:59)

Mayor Pro Tem Mensinger complimented staff on the Outsourcing Summary Report. (02:20:27)

**MOTION/SECOND:** Mayor Bever/ Council Member Leece

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

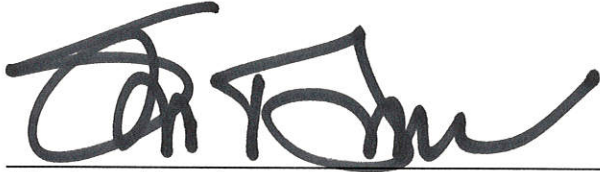
The motion carried: 5-0

**ACTION:** Received and filed; authorized staff to rescind layoff notices for five positions

**REPORT – CITY ATTORNEY – None**

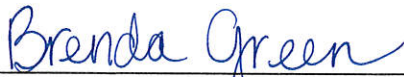
**ADJOURNMENT – To Regular Meeting, October 16, 2012, 6:00 p.m.**

The Mayor adjourned the meeting at 8:23 p.m.

A handwritten signature in black ink, appearing to read "Stephen Mensinger", written over a horizontal line.

Stephen Mensinger, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Brenda Green", written over a horizontal line.

Brenda Green, City Clerk