

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

September 18, 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 Pro Tem Righeimer, Council Member Leece, Council Member Mensinger, and Council Member Monahan
Council Members Absent: Mayor Bever

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - None

CLOSED SESSION

The City Council recessed into closed session at 5:03 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: Acosta v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV06-233DOC(MLGx), pursuant to Government Code Section 54956.9(a).

The City Council reconvened at 6:06 p.m.

CALL TO ORDER (00:00:12)

PLEDGE OF ALLEGIANCE (00:00:25) – Mayor Pro Tem Righeimer

MOMENT OF SOLEMN EXPRESSION – None

ROLL CALL (00:00:45)

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, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Peter Naghavi, Interim City Engineer Fariba Fazeli, and Interim City Clerk Brenda Green.

CLOSED SESSION REPORT (00:00:57)

The City Attorney stated that there was no reportable action.

ANNOUNCEMENTS (00:01:00)

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

PRESENTATIONS – None

PUBLIC COMMENTS (00:03:10)

Anna Reagan, Costa Mesa, spoke regarding "Thank-a-Cop Day." (00:03:35)

Joy Williams, Costa Mesa, spoke about police officers and the hiring of more officers. (00:04:08)

Terry Shaw, Costa Mesa, announced an upcoming Costa Mesa Historical Society event. (00:06:12)

Eleanor Egan, Costa Mesa, spoke regarding comments made by Council Member Mensinger at the City Council Meeting on September 4, 2012. (00:08:00)

Robert Graham, Costa Mesa, commented on an article in the Daily Pilot; and spoke about the 19th Street extension. (00:11:03)

Jay Humphrey, Costa Mesa, expressed support of recognition and awards for scholastic achievements; spoke on political signs, banners, and enforcement of policy. (00:14:47)

Wendy Crandell, Costa Mesa, expressed concern of the 7-11 opening on Adams Avenue. (00:18:57)

Robin Leffler, Costa Mesa, spoke about theft of political signs. (00:22:30)

Tamar Goldmann, Costa Mesa, requested information regarding promoted employees, and spoke about political sign rules, and speech. (00:24:47)

Jim Hurzeler, Costa Mesa, expressed opposition to the 7-11 on Adams Avenue. (00:28:36)

Greg Thunell Costa Mesa, spoke regarding free speech, city staffing levels, Council strategies, contract costs, and attorney costs. (00:32:08)

John Feeney, Costa Mesa, thanked Council and staff for efforts against the I-405 Toll Roads and commented on a statement made in the Daily Pilot. (00:35:30)

Sandra Genis, Costa Mesa, spoke on disaster preparedness; and inquired about the Emergency Response Function in the RFP. (00:37:06)

Harold Weitzberg, Costa Mesa, spoke regarding out-of-town lobbyists being allowed additional time to speak. (00:39:29)

Martin H. Millard, Costa Mesa, spoke about meeting decorum; and spoke in support of Council actions for improvements in the City. (00:41:25)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Rigeimer provided an update on the OCTA Toll Roads; thanked Mayor Bever and staff for their efforts; spoke about the 50th Anniversary of The Adobe at Blair Park; thanked the Segerstrom family for their support of the community; responded to public comments; spoke on the actions of the current Council, actions of previous Councils, the hiring of new police employees, and the actions of the Costa Mesa Police Association. (00:43:35)

Council Member Leece acknowledged the Costa Mesa Historical Society for their efforts regarding the 50th Anniversary Celebration of The Adobe and the entrepreneurs and businesses at The Camp and The Lab; requested CEO Hatch to address the election rules, provide an update on the SRO Program, provide an update on the Disaster Plan, and the status of the Moment of Solemn Expression; requested an update to the City's website; spoke on disaster preparedness; and thanked staff for their OCTA efforts. (00:53:09)

Council Member Mensinger requested a meeting with residents regarding the proposed 7-11 store on Adams; commended the Segerstrom family for the success of the Adobe event; spoke on the Woodbridge Invitational Track Meet; thanked staff for their assistance at the event and for the Olympian recognition event; and spoke about theft of political campaign signs. (00:59:13)

Council Member Monahan – None (01:03:54)

Mayor Bever spoke on OCTA recommendations and Costa Mesa's support of Alternative 2; comments made regarding the ABLE program; and the First Friday Road Show. (01:04:58)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:08:13)

CEO Hatch spoke about the Charter mailer; provided an update on the I-405 project; spoke regarding the theft of political campaign signs; informed that an Elections Team was created to resolve election issues; thanked the Recreation Division for their efforts regarding sponsorship programs for recreational activities; announced an upcoming Successor Agency to the Redevelopment Agency Meeting; spoke about an update on the SRO Program and the disaster plan; commented on the Moment of Solemn Expression; and presented Council Member Wendy Leece with her 5-year service pin.

CONSENT CALENDAR (01:18:45)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 8 except for items 1, 3, 5, and 7

MOVED/SECOND: Mayor Bever/Mayor Pro Tem Righeimer

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

2. **MINUTES:** Regular Adjourned Meeting/Study Session of June 14, 2011.

ACTION: Approved

4. **WARRANT RESOLUTION 2438: 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 \$677,898.19.**

ACTION: Approved

6. **FINAL MAP FOR TRACT NO. 17192 LOCATED AT 2460 NEWPORT BOULEVARD FOR ONE LOT SUBDIVISION FOR A 14-UNIT TWO-STORY COMMON INTEREST DEVELOPMENT (CONDOMINIUMS).**

ACTION:

1. City Council approved the Final Map for Tract No. 17192; and

2. Authorized signing of the Map by the City Clerk and the City Engineer.

8. AUTHORIZATION FOR PRINCIPAL PLANNER POSITION

(a) BUDGET ADJUSTMENT NO. 13-007.

ACTION:

1. City Council authorized new Principal Planner position; and
2. Approved Budget Adjustment 13-007.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:19:12)

1. READING FOLDER (01:19:15)

- a. **CLAIMS RECEIVED BY THE CITY CLERK:** Sarajian Law Group on behalf of Jerome Espina; David P. Crandall on behalf of Ethel Petroske.
- b. **REQUESTS FOR ALCOHOL BEVERAGE CONTROL LICENSES:** 7-Eleven, Inc. dba 7-Eleven, 1548 Adams Avenue, Suite A; Shuck, LLC dba Shuck, 3313 Hyland Avenue, Suite A1; G1001 Inc. dba G Burgers, 615 West 19th Street.

Discussion ensued regarding liquor licenses.

Eleanor Egan, Costa Mesa, recommended that the Council communicate with the ABC regarding liquor licenses issued. (01:27:40)

Robert Graham, Costa Mesa, inquired if the City could deal with this issue better if it were a Charter City. (01:28:13)

Perry Valantine, Costa Mesa, spoke regarding the process of issuing and transferring liquor licenses. (01:28:34)

Wendy Crandall, Costa Mesa, spoke on the number of liquor stores in the City, the types of liquor licenses, and protesting to the ABC. (01:30:31)

Jim Hurzeler, Costa Mesa, spoke on the types of liquor licenses and in opposition to the proposed store and its hours. (01:32:40)

Discussion ensued regarding transfer of liquor licenses, the hours of liquor sale, and the power of the City Council over liquor licenses.

MOTION/SECOND: Council Member Monahan/Mayor Bever
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

3. **WARRANT RESOLUTION 2437: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-18 AND PAYROLL REGISTER NO. 12-17A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, FUNDING PAYROLL NO. 12-18 FOR \$2,098,411.65 AND PAYROLL NO. 12-17A FOR -\$504.55, AND CITY OPERATING EXPENSES FOR \$828,051.73, INCLUDING PAYROLL DEDUCTIONS. (01:37:40)**

Tamar Goldmann, Costa Mesa, spoke about payment to Jones and Mayer Law Firm. (01:38:00)

MOTION/SECOND: Mayor Bever/Mayor Pro Tem Righeimer

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.

Noes: None

Absent: None

The motion carried: 5-0

ACTION: Approved

5. **ROADWAY MARKINGS AND TRAFFIC SIGN MAINTENANCE, CITY PROJECT NO. 12-09. (01:40:08)**

Eleanor Egan, Costa Mesa, spoke about public noticing of the item. (01:41:35)

MOTION/SECOND: Council Member Monahan/Mayor Bever

The motion carried unanimously.

ACTION:

1. City Council rejected the bid received for Roadway Markings and Traffic Sign Maintenance from BC Traffic Specialist; and
2. Directed staff to re-advertise the Notice Inviting Bids for Roadway Markings and Traffic Sign Maintenance.

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE LIST OF DESIGNATED POSITIONS FOR THE CITY'S CONFLICT OF INTEREST CODE. (01:42:56)

Perry Valentine, Costa Mesa, inquired about the location of specific officers on the list. (01:43:45)

Ms. Green explained that the positions inquired are designated positions that the State requires to file. (01:44:25)

MOTION/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

ACTION:

City Council approved Resolution No. 12-XX Entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING AMENDMENTS TO ITS CONFLICT OF INTEREST CODE."

PUBLIC HEARINGS – None

OLD BUSINESS – None

NEW BUSINESS (01:46:12)

1. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 6, 2012. (01:46:25)

MOTION/SECOND: Council Member Mensinger/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

ACTION:

City Council approved cancellation of the regular scheduled City Council Meeting of November 6, 2012.

REPORT – CITY ATTORNEY – None (01:48:13)

The Mayor adjourned the meeting at 7:55 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