

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

May 18, 2010

The City Council meeting of the City of Costa Mesa, California met in regular session May 18, 2010, at 5:15 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I ROLL CALL

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Eric R. Bever

Council Members Absent: Council Member Katrina Foley
Council Member Gary Monahan

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
City Clerk Julie Folcik

II PUBLIC COMMENTS

There were no public comments.

III CLOSED SESSION

1. Pursuant to Government Code Section 54957.6, conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Stephen N. Mandoki, Administrative Services Director, regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA) and Unrepresented Employees (Executive and Confidential).
2. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

3. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: American Fairs and Festivals, Inc; Advanced Real Estate Services. Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.

**MOTION: To add to Closed Session Item No. 3 negotiating party Facilities Management West.
Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever

Noes: None.

Absent: Council Member Katrina Foley, Council Member Gary Monahan

The Mayor recessed the meeting at 5:18 p.m. to Conference Room 1B for the Closed Session.

The Mayor reconvened the regular meeting at 6:50 p.m.

PLEDGE OF ALLEGIANCE - Mayor Allan Mansoor

MOMENT OF SOLEMN EXPRESSION - Pastor Rod Randall, Harbor Trinity Baptist Church

ROLL CALL

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Eric R. Bever
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

Mayor Mansoor announced that New Business Item No. IX-4 was requested to be taken out of order and continue the item to a future meeting date. There being no objection the item was addressed.

IX NEW BUSINESS

4. **Request from Mayor Pro Tem Leece to adopt a resolution supporting the California Jobs Initiative to suspend implementation of the California Global Warming Solutions Act (AB 32).**

MOTION: Continue the item.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

CLOSED SESSION REPORT

The City Attorney reported that prior to Closed Session, the following urgency vote was made to amend Closed Session Item No. 3:

MOTION: To add to Closed Session item 3, negotiating party Facilities West Management . Motion by Mayor Mansoor, seconded by Council Member Eric Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever

Noes: None.

Absent: Council Member Katrina Foley, Council Member Gary Monahan

The City Attorney reported no action was taken on Closed Session Item Nos. 1 and 2, and reported that the following action was taken on Closed Session Item No. 3:

MOTION: To authorize the negotiators to negotiate and enter into an exclusive negotiating agreement with either American Fairs and Festivals, Inc or with Facilities Management West. Motion by Mayor Pro Tem Leece, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Katrina Foley, Mayor Pro Tem Wendy Leece, Council Member Gary Monahan

Noes: Council Member Eric R. Bever

Absent: None.

PRESENTATIONS

The Mayor presented the Mayor's Award to Karen Barloon for her volunteer efforts in the community, and especially for her dedication to the planning and implementation of the Costa Mesa Community Run and Family Expo.

IV PUBLIC COMMENTS:

Susan Lester, Costa Mesa, referencing the lawsuits regarding medical marijuana dispensaries encouraged the Council to meeting with operators.

Eloise Ott, Costa Mesa, thanked Council for their hard work on the Fairgrounds.

Reggie Mendikus, Costa Mesa, urged the Council to reconsider negotiations with Facilities Management West.

Kathy Hoffstetter, Costa Mesa, expressed her confusion and dissatisfaction regarding the adding of Facilities Management West to the closed session as a negotiating party for the fairgrounds.

Sandra Genis, Costa Mesa, expressed concern regarding the urgency vote for Closed Session to add Management West as a negotiating party for the fairgrounds..

Steve Dacca, Costa Mesa, supported the idea of contracting helicopter services with Huntington Beach for Police assistance.

Ryan (No last name given), Costa Mesa, compared the ban on marijuana to alcohol prohibition, and urged Council to stop raiding collectives in the City.

Beth Refakes, Costa Mesa, suggested the proposed entryway monument at the end of the 55 Freeway should say "Welcome to Downtown Costa Mesa"; suggested a tiered structure for employees' salaries and benefits, asked Council to focus on essential services, and did not support the parking reductions related to the Broadway Street Improvements.

Terry Shaw, Costa Mesa, announced the upcoming Costa Mesa Historical Society event featuring Michael Berry, author of "The Final Resting Places of Orange County's Dead and Famous."

Joy Williams, Costa Mesa, sang her comments of support of the Fairgrounds.

Fred Armendariz, American Fairs and Festivals, addressed the purchase of the Fairgrounds and stated that his company had not wavered from core principles, and looked forward to sharing additional visions for the property with the City.

The Mayor asked the City Manager to provide an update regarding the Fairgrounds.

The City Manager indicated that, based on the discussions and negotiations, the

City needed to expand the discussions beyond the top ranked proposer, and Council was subsequently asked to take an urgency vote to amend the Closed Session agenda item.

The City Attorney clarified that the need to add another vendor to the negotiations did not become apparent until the day of the meeting, and adding Facilities Management West would not change the objectives, but allowed the City to move forward with discussions.

V COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Wendy Leece congratulated the recent graduates of the Costa Mesa's Police Citizens' Academy; reported on the success of the Civil War Reenactment held at Fairview Park; announced the budget for the Costa Mesa libraries had been adopted which included cuts of part-time employees; and announced that she attended a showcase of Orange Coast College architecture students, which featured designs for the future Costa Mesa Central Library site.

Mayor Allan Mansoor expressed appreciation for the support from members of the community of the city's in acquiring for local control the Fairgrounds.

Council Member Katrina Foley proposed a Swing-a-Thon fundraiser to help support the R.O.C.K. program; requested staff to remove the double striping on El Camino to make it a single striping; expressed appreciation for who were involved in the success of the Civil War reenactment held at Fairview Park.

4. Council Member Gary Monahan explained that the urgency in the action taken at the closed session was due to a meeting set to take place at the Governor's Office on Thursday.
5. Council Member Eric Bever referred to a newspaper article and reported that violent crimes in the city were down 13 percent.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 7.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7.

Moved by Council Member Katrina Foley, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following Claim for Damages were received by the City Clerk for processing: Law Offices of Frederick Werve on behalf of County of Orange; Richard Davila; Eliseo Garcia; Lorena Segura; State Farm Mutual Insurance on behalf of Sonia and Agustin Sesmas.

The following Letter of Notification was received from Southern California Edison Company – Notification of Catastrophic Event Memorandum Account (CEMA) Application Filing Regarding Proposed Increase in Electric Rates, Application No. A.10-04-026.

2. Study Session of April 13, 2010, Special Meeting of April 14, 2010, and Regular Meeting of April 20, 2010.

ACTION: Approved.

3. Warrant Resolution 2317, funding Payroll No. 10-09 for \$2,323,350.31 and City operating expenses for \$594,169.98 including payroll deductions.

ACTION: Approved resolution.

4. Warrant Resolution 2318, funding City operating expenses for \$546,082.66.

ACTION: Approved resolution.

5. Sole Source Purchase of equipment for the lighting of Fields No. 5 and No. 6 at the Farm Sports Complex from Musco Lighting, 4 Jenner, Suite 100, Irvine, in the amount of \$87,000.

ACTION: Approved.

6. Agreement with Evercom Systems Inc., 14651 Dallas Parkway, Suite 600, Dallas, to continue the inmate pay telephone system in the jail, for a term of one (1) year.

ACTION: Approved; and authorized the Police Chief to sign.

7. Newport Boulevard Improvement Project, City Project No. 08-08

(a) Amendment No. 2 to Cooperative Agreement 12-457, with the State of California Department of Transportation (Caltrans), to extend the term to December 31, 2012.

(b) Contract Change Order with All American Asphalt, P.O. Box 2229, Corona, for the construction of Newport Boulevard Improvement Project, City Project No. 08-08, in the amount of \$700,000.

(c) Contract Change Order with Jacobs Civil, Inc., 5757 Plaza Drive, Suite 100, Cypress, for the construction management and inspection services for the Newport Boulevard Improvement Project, City Project No.

08-08, in the amount of \$70,000.

ACTION: Approved Amendment No. 2 to Cooperative Agreement 12-457 and authorized the Mayor and City Clerk to sign; approved Contract Change Order with All American Asphalt, and authorized the City Manager to sign; and approved Contract Change Order with Jacobs Civil, Inc. and authorized the City Manager to sign

VII PUBLIC HEARINGS

No Public Hearings scheduled.

The Mayor recessed the City Council meeting, and convened the Special Joint Meeting of the City Council and the Public Finance Authority at 7:42 p.m.

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND THE PUBLIC FINANCE AUTHORITY

1. P. F. A. meeting minutes of November 15, 2005 and December 5, 2006.

MOTION: Approve

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

2. Joint Powers Authority the Orange County Fairgrounds.

For the City Council:

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING FORMATION OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY WITH THE COSTA MESA PUBLIC FINANCING AUTHORITY.

(b) A RESOLUTION OF THE BOARD OF THE COSTA MESA PUBLIC FINANCING AUTHORITY AUTHORIZING FORMATION OF THE ORANGE COUNTY FAIRGROUNDS AUTHORITY WITH THE CITY OF COSTA MESA, CALIFORNIA

The City Attorney presented the report informing that initially the Authority would be made up of the City Council Members but could at a later time designate others to serve on the Board of the J.P.A. She pointed out that the importance of forming the J.P.A. would provide the ability to allow for a separate governance of the OCFEC as well as protect the City's

General Fund from exposure.

Sandra Genis, Costa Mesa, supported the Joint Powers Authority and encouraged the Council to add residents to the Joint Powers Authority if it is to expand in the future.

Jeff Chapman, Costa Mesa, asked Council to clarify if the Fairgrounds was to remain intact or sold in parcels when acquired.

Council Member Monahan responded informing the speaker that a ballot measure was being proposed to designate the permitted property uses of the fairgrounds.

Kathy Hoffstetter, Costa Mesa, encouraged Council to stay focused on the Fairgrounds, and applauded them for their hard work.

Beth Refakes, Costa Mesa, thanked the Council and staff for their hard work, and supported the addition of residents to the JPA for the Fairgrounds.

Greg Ridge, Costa Mesa, expressed his support for American Festivals and Fairs, Inc., and of the city's efforts to gain and maintain local control of the fairgrounds.

**MOTION: Adopt City Council Resolution No. 10-31; and authorize Mayor to execute Joint Powers Agreement and direct the City Manager and City Attorney to take necessary steps to implement Joint Powers Agreement.
Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Council Member Eric R. Bever

Absent: None.

MOTION: Adopt P.F.A. Resolution No. 10-1; and authorize Authority Chair to execute Joint Powers Agreement and direct the Executive Director and Authority Attorney to take necessary steps to implement Joint Powers Agreement.

Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Agency Chairman Katrina Foley, Agency Vice Chair Wendy Leece, Agency Member Eric R. Bever Agency Member Allan R. Mansoor, Agency Member Gary Monahan.

Noes: None.

Absent: None.

ADJOURNMENT OF THE SPECIAL JOINT MEETING OF PUBLIC FINANCE AUTHORITY AND THE CITY COUNCIL - The Mayor adjourned the Special Joint Meeting of the Public Finance Authority and the City Council at 7:56 p.m., and reconvened the City Council meeting.

(Council Member Foley exited at 7:58 p.m.)

VIII OLD BUSINESS

1. Continued from the meeting of April 6, 2010: Appointments to various Council-appointed committees.

- a. Child Care and Youth Services Committee

- b. Redevelopment and Residential Rehabilitation (3R) Committee

Assistant City Manager Tom Hatch presented the report, noted that there had been little interest from members of the community to serve on the committee.

MOTION: Disband the committee.

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

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever,
Council Member Gary Monahan

Noes: Mayor Allan R. Mansoor

Absent: Council Member Katrina Foley

MOTION: Appoint Diane McCardle as an alternate member to the 3R Committee.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

2. From the meeting of May 4, 2010: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, AMENDING TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING FIREWORKS.

MOTION: Adopt Ordinance No. 10-6, to be read by title only, and waive further reading; and approve changes to Council Policy 400-2.

Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece

Absent: Council Member Katrina Foley

IX NEW BUSINESS

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2010-2011 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND AUTHORIZING THE ASSISTANT FINANCE DIRECTOR TO ACT AS CITY TREASURER AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2010-2011 STATEMENT OF INVESTMENT POLICY.

Assistant Finance Director Colleen O'Donoghue presented the report and indicated the proposed policy reflected the increase of deposit limit from \$40 million to \$50 million.

MOTION: Adopted Resolution No. 10-32.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE EVENT ROUTE AND PARTIAL STREET CLOSURES FOR THE 2010 BARRETT-JACKSON ROAD RALLY.

Public Services Director Peter Naghavi presented the staff report.

Phil Neri, Vice-President of Sales and Marketing for Barrett-Jackson, thanked the Council for their support and for allowing the event to be held in the City, and invited everyone out to the Road Rally.

MOTION: Adopted Resolution No. 10-33; and approved the temporary "moving" intersection closures for the June 19, 2010 event

Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem

Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

3. Request from Mayor Mansoor to adopt a resolution declaring Costa Mesa as a "Rule of Law City" pertaining to immigration enforcement.

The Mayor presented the report, and expressed concern regarding cities calling themselves "Sanctuary Cities," and emphasized his support of legal immigration and his opposition to illegal immigration.

Keturah Kennedy, Costa Mesa, while supportive of immigration reform, encouraged the Council to vote against the resolution.

Silvia Hernandez, USWW SEIU Local 1877, expressed opposition to the resolution and supported immigration reform.

Jim Harriet, Costa Mesa, spoke in opposition to the resolution as he felt that it was flawed in its content and expressed the need for immigration reform.

Chris McEvoy, Costa Mesa, opposed the resolution, and asked how the city was considered a "Sanctuary City" when there was an Immigration and Customs Enforcement(ICE) agent working in the jail.

Susan Lester, Costa Mesa, expressed concern regarding racial profiling and indicated her opposition to adopt the resolution.

Mayor Pro Tem Leece expressing her support commented that she believed that the reduction in the violent crime rate had a direct correlation to having an ICE agent working the jail, noted the resolution supported the federal immigration law that the Council already supported, and felt that the resolution did not contain direction for racial profiling.

MOTION: Adopted Resolution No. 10-34, supporting and proclaiming the City of Costa Mesa as a "Rule of Law City" and not a "Sanctuary City" in regards to upholding the immigration laws.

Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Gary Monahan

Noes: None.

Absent: Council Member Katrina Foley

X REPORTS

There were no reports from City Attorney or the City Manager.

XI ADJOURN - The Mayor declared the meeting adjourned at 8:25 p.m. to the next Regular City Council Meeting to be held on June 1, 2010.

ATTEST:

Mayor of the City of Costa Mesa

City Clerk of the City of Costa Mesa