

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

August 04, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session August 04, 2009, at 5:06 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor Pro Tem.

I. ROLL CALL

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

Council Members Absent: Council Member Eric R. Bever

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
Assistant City Attorney Harold W. Potter
City Clerk Julie Folcik

(The Mayor entered at 5:15 p.m.).

II. PUBLIC COMMENTS

There were no public speakers.

III. CLOSED SESSION:

1. CONFERENCE WITH LEGAL COUNSEL - Pending Litigation: Hudson v. City of Costa Mesa; Orange County Superior Court Case Number 30-2008 00114694, pursuant to Government Code Section 54956.9(a).

Mayor Pro Tem Leece recessed the meeting at 5:08 p.m., to the closed session in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:00 p.m.

PLEDGE OF ALLEGIANCE - Frank Orzio, U.S. Marine Corp Sergeant (Retired), Vietnam Veteran

MOMENT OF SOLEMN EXPRESSION - Chaplain/Pastor Frank Orzio, Freedom Committee of Orange County and Wounded Warrior Ministry

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
Assistant City Attorney Harold W. Potter
Acting Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
Finance Director Marc Puckett
Police Lieutenant Clay Epperson
Administrative Services Director Stephen Mandoki
Fire Captain Tim Vasin
Fire Captain Jeff Janzen
Human Resources Administrator Debra Yasui
Budget & Research Officer Bobby Young
Fire Chief Mike Morgan
City Clerk Julie Folcik

CLOSED SESSION REPORT

Assistant City Attorney Harold Potter reported that no action was taken on the closed session.

PRESENTATIONS

Mayor Mansoor congratulated George Nichols, Code Enforcement Officer, on being named Employee of the Month for August, 2009, in recognition of his assistance to the Orange County District Attorney Bureau of Investigation in apprehending the suspects responsible for the largest insurance fraud in California's history, which totaled over \$50 million. Mr. Nichols efforts contributed to the arrests of the suspects who each face 106 felony counts and \$10 million warrants. The Mayor expressed his appreciation to Mr. Nichols for a job well done.

IV. PUBLIC COMMENTS

1. Thomas Treen, Costa Mesa, expressed concern on the administrative hearing process of a parking citation and questioned the qualifications and legal guidelines of the process. He encouraged the Council review the process.
2. Judi Berry, Costa Mesa, spoke about the original 10-point budget plan noting her concern of State seizure of local funds, unapproved cost recovery fees, reduced federal stimulus funds, and budget adjustments.
3. Beth Refakes, Costa Mesa, commented on the dedication ceremony of the Newport Boulevard Beautification and reported on an area of weed patch at the terminus of the SR-55 Freeway and 19th Street; suggested installing a sign for *Downtown Costa Mesa*; and inquired of the impact of the State seizure of local funding.
4. Mike Berry, Costa Mesa, commented renting of the Downtown Recreation Center to a for-profit league and expressed opposition due to the impact to residents of Costa Mesa.
5. Martin Millard, Costa Mesa, informed that the league that was approved rental of the Downtown Recreation Center had not yet signed a rental contract but reported that the noticing to the other gym users indicated that the gym would not be otherwise available on Sundays beginning on date that had past.
6. Chris McEvoy, Costa Mesa, expressed support of Council's determination regarding the Mesa West Bluffs Urban Plan and the City's position of keeping the Orange County Fair and Event Center as a fairground.
7. Kevin Doane, Costa Mesa, inquired on a follow-up by the City regarding a citation he received.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Gary Monahan requested staff for an update on the Terminus of the SR-55 Freeway project and a status on an issuance of a facility use permit for the Downtown Recreation Center.

Mayor Pro Tem Wendy Leece thanked the Costa Mesa Historical Preservation Committee, City staff, and those involved for the improvement and dedication of Newport Boulevard; referred to a letter from former Planning Commissioner Eleanor Egan relating to development standards for live/work developments and asked the City Manager to distribute to all Council Members; commended the Concert in the Park event; announced she attended a press conference at the City of Stanton regarding the opposition on State's proposal to seize local funds; announced the Orange County Classic Jazz Festival will be held at the Costa Mesa Hilton Hotel beginning on August 6, 2009; thanked the City Manager and his staff for the Management Report on an overview on City improvements; and commended staff for the renovation of the pond in front of City Hall.

Mayor Allan Mansoor referred to the citation administration hearing process and inquired as to appeal process; requested for a follow-up on a rental contract for a facility use permit for the Downtown Recreation Center and opined that gym use should be available for pick-up games if a contract had not yet been signed.

Council Member Katrina Foley commented on the Concerts in the Park and thanked those involved in the event; encouraged the public to make a contribution to the Costa Mesa Community Foundation to assist in funding of many community events; requested copies of State Assembly Bill, proposed bylaws, and articles concerning the sale of the Fairgrounds; expressed support of including language in the request for proposal to maintain/limit the use of the property to a fair ground; requested a Study Session presentation on the approved amended development standards relating to live/work units; announced the beginning of the Pop Warner Football season and encouraged those who are interested to get involved; and requested that she receive communication correspondences via electronically.

Council Member Monahan agreed with receiving correspondences via electronically.

The Mayor inquired of the Finance Director Marc Puckett clarification relative to the property of Mr. Doane and that a letter would be sent to confirm that there would be no further obligation to the City.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 9.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9, except for Consent Calendar Item Nos. 2 and 5. 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 Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

1. **Reading Folder.**

ACTION: The following Claim was received and processed by the City Clerk: Haide Bentong.

The following notification letter was received and processed: Southern California Gas Company – Notice of an application to expand the Honor Rancho Natural Gas Storage Facility and anticipated increase in gas rates, Application No. A.09-07-014.

3. **Warrant Resolution 2276, funding City operating expenses for \$2,834,840.87.**

ACTION: Resolution adopted.

4. **Warrant Resolution 2277, funding Payroll No. 915 for \$2,561,430.78 and City operating expenses for \$806,722.61 including payroll deductions.**

ACTION: Resolution adopted.

6. **Adopt plans, specifications, and working details for the storm drain repair at 755-785 West 17th Street, City Project No. 08-19, and award construction contract to RePipe-California, Inc., 5525 East Gibraltar Street, Ontario, in the amount of \$87,975.**

(a). Budget Adjustment No. 10-002 for \$87,975.

ACTION: Approved and authorized the Mayor and City Clerk to sign; approved Budget Adjustment No. 10-002 and authorized the Mayor to sign.

7. **Authorize refund of cash deposit in the amount of \$9,621 to Hanna Construction (contractor), 1203 West Shelley Court, Orange, in connection with Encroachment Permit No. PS09-00140 for street improvements located at 722 Baker Street.**

ACTION: Approved.

8. **Completion of Police Facility Expansion and Renovation Project, City Project No. 06-08, by USS Cal Builders, Inc., 8051 Main Street, Stanton.**

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

9. **Completion of Roadway Rehabilitation of Sunflower Avenue from Avenue of the Arts to Anton Boulevard, City Project No. 08-16, by All American**

Asphalt, Post Office Box 2229, Corona.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **Regular Adjourned Meeting/Study Session Minutes of June 9, 2009; Special Meeting Minutes of June 9, 2009, and July 28, 2009; and Regular Meeting Minutes of July 21, 2009.**

MOTION: Approve Regular Adjourned Meeting/Study Session Minutes of June 9, 2009 and Special Meeting Minutes of June 9, 2009; continued Special Meeting Minutes of July 28, 2009 and Regular Meeting Minutes of July 21, 2009.

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 Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

5. **Professional Services Agreement with Central Coast Surface Grinding, Inc., 8335 Del Rio Road, Atascadero, for concrete sidewalk and gutter grinding services per Formal Bid Item No. 1132, for the period of three (3) years with the option of renewing for three (3) additional one (1) year extensions, in the amount not to exceed \$49,500 per year.**

Mike Berry, Costa Mesa, asked the City to consider awarding contracts to companies that employ Costa Mesa residents.

MOTION: Approve; authorize the Mayor and City Clerk to sign; and authorize the City Manager to sign for any justified rate increase and to extend the contract upon recommendation from the Public Services Department.

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.

As it was not yet the time set for Public Hearings, it was unanimously agreed to proceed with the following items.

VIII. OLD BUSINESS

1. From the meeting of July 21, 2009, second reading and adoption of Ordinance 09-10: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-09-06 TO AMEND TITLE 9, CHAPTER V, FILMING ACTIVITIES, OF THE COSTA MESA MUNICIPAL CODE regarding film permit rules and regulations.

MOTION: Adopt Ordinance No. 09-10, read by title only, and waived further reading.

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.

It was unanimously agreed to hear the following items out of order.

IX. NEW BUSINESS

1. Report on City Staff action under the massage moratorium

The City Manager briefly summarized the staff report and Police Lieutenant Clay Epperson noted the two businesses that are requesting to be exempt from the moratorium.

Carol Warren, owner of Massage Envy in Costa Mesa, suggested that existing establishments with clean records be exempt from a conditional use permit requirement; urged Council to not consider a limitation on massage therapists licenses for establishments pointing out that every business operation is different; and requested that Massage Envy be exempt from the moratorium.

MOTION: Receive and file report; grant relief to Golden Lavender Spa and Therapy, and Tek Salon and Spa from the moratorium.

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

Assistant Development Services Director Kimberly Brandt responded to questions from the Council relative to the exemptions for the two

establishments explaining that they were nearing completion of their permitting process to operate and noted that Massage Envy was an existing establishment, therefore the exemption would not apply.

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. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2009-2010 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2009-2010 STATEMENT OF INVESTMENT POLICY.

Finance Director Marc Puckett summarized the staff report.

Council Member Bever questioned the economic losses in light of the Lehman Brothers bankruptcy and inquired of any changes to the policy where losses could be reflected in a timely manner. The Finance Director noted a previous change to the policy to increase the diversification of the folio and clarified the limits of investment. He pointed out that the Lehman Brothers securities will be reduced to fair value as of June 30, 2009, which will be reflected in the Financial Statement.

Mike Berry, Costa Mesa, expressed concern on the investment policy and the handling of City funds, noted the basic criteria questioned a particular investment that he reported did not meeting the basic criteria.

At the request of Council Member Foley, the Finance Director reported that he has knowledge of current cash investment balances and explained that Lehman Brothers investment were rated a very high credit quality (A2) and was in compliance with the City's investment policy which is more restrictive than what is required by state codes, that the rating was maintained until the day Lehman Brothers filed for bankruptcy; pointing out the unusual conditions and that it was the largest bankruptcy in case history. He further commented on the efforts of the Lehman Brothers working group, a nationwide working group that he formed, and noted their legislative and administrative efforts, including the authoring of two legislative bills and the filing of a claim for losses in the bankruptcy courts.

MOTION: Adopt Resolution No. 09-54.

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 Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTION OF DELINQUENT CIVIL CITATIONS FOR MUNICIPAL CODE VIOLATIONS.

The Finance Director gave a presentation on the staff report.

Terry Kurzen, Costa Mesa, reported she received a citation and contested the violation. She pointed out she received notification letters for a neighbor's violation.

In reference to questions from the Mayor, the Finance Director commented on records relating to citations issued to Terri Kurzen for property address 1970 Federal Avenue and provided noticing information on the violation. Council Member Foley expressed reservation on the citation issued to Ms. Kurzen and suggested delaying action on the matter. Discussion ensued among the Council and City staff relating to noticing, deadline on certification of special assessments, citation collection options, and of reduction or waiving of assessed fees.

MOTION: Adopt Resolution No. 09-55, as amended, on Attachment 1 to remove property address 1970 Federal Avenue and directed staff to bring forward information relative to that address for review by the Council at a future meeting.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.

Council Member Foley requested that the motion be amended to reduce the assessment fees for property located at the 1045 El Camino Drive, to \$175.00 noting that efforts of the property holders and that she would like to see the project proceed and felt the lien could impede that. Mayor Mansoor disagreed with the addition. Council Member Monahan stated he was not in support of the motion and believed that the City went beyond the average attempts to notice properties for violations.

SUBSTITUTE MOTION: Adopt Resolution No. 09-55, as presented.

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

Further discussion ensued among the Council on notices received by Terri Kurzen. Mayor Pro Tem Leece stated that she was not in support of

the substitute motion and expressed support for the reduction of the fine for the property located at 145 El Camino Drive. Council Member Monahan removed his substitute motion.

Council Member Foley reiterated her request to amend the original motion to exclude property address 1045 El Camino Drive, for further review. Mayor Mansoor disagreed to the amendment. The Finance Director and Assistant Development Services Director responded to questions relative to the subject property noting the history of the code violations, and the clean-up and demolition of the property, the issuance of civil citations and the implications of tax liens.

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: Council Member Katrina Foley

Absent: None.

VIII. OLD BUSINESS

2. Budget Management Strategy Implementation/Employee Salaries & Benefits

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING A MANDATORY UNPAID FURLOUGH AND BENEFIT SUSPENSION FOR FULL-TIME UNREPRESENTED CITY EMPLOYEES DURING AUGUST 2, 2009 - AUGUST 29, 2010.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE RESPECTIVE EMPLOYEE ASSOCIATION SIDE LETTER AGREEMENTS AND A MANDATORY UNPAID FURLOUGH FOR THE COSTA MESA POLICE ASSOCIATION (CMPA), COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) AND COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA) DURING AUGUST 2, 2009 - AUGUST 29, 2010.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING A MANDATORY SALARY REDUCTION FOR PART-TIME AT-WILL CITY EMPLOYEES.

(d). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT UNDER THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, for Miscellaneous members of the California Public Employees' Retirement System (CalPERS).

(e). Memorandum of Understanding (MOU) 2007 - 2013 with the Costa Mesa Firefighters Association (CMFA).

Administrative Services Director Steve Mandoki presented the staff report, relative to items covering mandatory furloughs for the CMCEA, CMPMA, and CMPOA, for unrepresented executives and confidential groups and an implementation of a 5 percent salary reduction for part-time job classifications. He noted that the effective date of the furloughs was from August 2, 2009 through August 28, 2010, covering one year (26 pay-periods).

Appreciation for the cooperation and hard work of the employee unions and staff was expressed by the Council Members.

Judi Berry, Costa Mesa, questioned a one year contract extension for CMCEA, and for the CMPOA and while she was supportive of the furloughs felt a straight 5 percent salary reduction would have been easier to implement.

MOTION: Adopt Resolution No. 09-56: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING A MANDATORY UNPAID FURLOUGH AND BENEFIT SUSPENSION FOR FULL-TIME UNREPRESENTED CITY EMPLOYEES DURING AUGUST 2, 2009 – AUGUST 29, 2010.

Resolution No. 09-57: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE RESPECTIVE EMPLOYEE ASSOCIATION SIDE LETTER AGREEMENTS AND A MANDATORY UNPAID FURLOUGH FOR THE COSTA MESA POLICE ASSOCIATION, COSTA MESA POLICE MANAGEMENT ASSOCIATION AND COSTA MESA CITY EMPLOYEES ASSOCIATION DURING AUGUST 2, 2009 - AUGUST 29, 2010.

Resolution No. 09-58: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REDUCING COMPENSATION FOR PART-TIME AT-WILL CITY EMPLOYEES.

Moved by Council Member Katrina Foley, seconded by Mayor Allan R. Mansoor.

Council Member Bever noted he would not support the motion as he felt that the furlough would not work and would be difficult to manage. He expressed his preference of a 5 percent reduction in employee salaries.

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.

Human Resources Administrator Debra Yasui presented the staff report relative to the item for the granting of another designated period of two years additional service credit to miscellaneous members of CalPers.

Mike Berry, Costa Mesa, inquired as to the savings that would be realized from

the incentive. Finance Director Marc Puckett and the City Manager responded that the amount is unknown until the opportunity is presented and it is known how many of the employees who wish to take the option. Mr. Berry felt that the item should be continued until there is a known value of the savings.

MOTION: Adopt Resolution No. 09-59: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, TO GRANT ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT UNDER THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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 Katrina Foley, Council Member Gary Monahan

Noes: Council Member Eric R. Bever

Absent: None.

MOTION: Approve Budget Adjustment No. 10-004 and authorized the Mayor to sign.

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.

Discussion ensued between the City Council and staff regarding the savings due to the incentive, and intention of keeping the positions open or in filling, if necessary.

Council Member Bever noted that the cost of having less personnel would effect the level of service to the public and the workplace.

Council Member Monahan reminded the Council of the approved 10-point plan which required a savings be realized either through the offering of the incentive option or through lay-offs.

Administrative Services Director Steve Mandoki presented the staff report relative to the Memorandum of Understanding (MOU) with the Costa Mesa Firefighters Association (CMFA), he noted that what was being presented for consideration was an amendment to the existing MOU, as the current agreement was not yet due to expire. He gave an overview of what was proposed by the union and noted that a key element in the proposal was manning requirements and issues relating to overtime. The City Manager highlighted the point that that element was what made the discussions different from those with the other labor

unions.

Fire Captain Tim Vasin, and Fire Captain Jeff Jansen, representing the CMFA, along with Budget Research Officer Bobby Young responded to questions from City Council relative to the various terms of the proposal, including the reduction in staff through attrition, the no-lay-off provision, reduction in minimum staffing requirement, 3 percent at 50 enhancement, as well as it's long-term costs, employee liability, recovery provisions of staffing levels, insurance ratings and service expectation and cost savings over the course of four years.

Mike Berry, Costa Mesa, inquired as to the savings, noted the ten-point plan was for savings in the current year and expressed reservations in approval of the plan.

Cindy Brenneman, Costa Mesa, expressed her opposition to a reduction in personnel for the Fire and the Police Departments but was supportive of the proposal that the CMFA presented which she felt would have a minimal impact on providing necessary services to the public. Fire Chief Mike Morgan addressed Ms. Brenneman's concern of the maintaining of paramedic engines and minimum staffing.

Judi Berry, Costa Mesa, inquired on the extension of the MOU for the four-year period and opined that the three percent at 50 retirement benefit would not help savings in the current year and would instead cost the City millions of dollars in the future.

In reference to a question from Council Member Foley regarding the three percent at 50 retirement, the City Manager confirmed that the surrounding cities and the Orange County Fire Authority have implemented a three percent at 50 retirement plan.

MOTION: Authorized staff to finalize the Costa Mesa Firefighters Association (CMFA) Memorandum of Understanding (MOU) 2007 – 2013 for ratification by City Council as proposed in the Staff Report of July 31, 2009, and with the proposed modifications as noted in the August 4, 2009 supplemental memo. Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece for discussion.

Mayor Pro Tem Leece commented on refining elements of the MOU and inquired on the definition of economic indicators and marketplace adjustments. The City Manager noted the need to refine languages of the MOU and looking at the the fiscal health of the City and the ability to recover and increase minimum staffing and filling vacancies that were created. He pointed out if specific language were established authorization would be required for a special meeting prior to the next regular meeting. Council Member Foley stated that she would include authorizing a special meeting in her motion. The motion restated:

MOTION: Authorize staff to finalize the Costa Mesa Firefighters Association (CMFA) Memorandum of Understanding (MOU) 2007 – 2013 for ratification

by City Council as proposed in the Staff Report of July 31, 2009, and with the proposed modifications as noted in the August 4, 2009 supplemental memo; and directed that a special meeting be held, if necessary, prior to the next regular meeting to work on specific language of the MOU.

Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

Council Member Monahan noted the projection in savings as stated in the staff report and expressed support of the MOU proposals.

Budget & Research Officer Bobby Young and the City Manager responded to questions from Council relating to waiving the 4.9 percent salary increase and minimum staffing requirements.

The Mayor supported the removal of language relating to no layoffs; expressed concern of converting certification pay to a percentage and additional pay for tiller certification; opined that language on minimum staffing standards should not be in the MOU; expressed concern on the length of the contract; and stated that he would not support the motion.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Allan R. Mansoor, Council Member Eric R. Bever

Absent: None.

IX. NEW BUSINESS

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RESETTING THE COMPENSATION POLICY FOR PLANNING COMMISSIONERS.

Mayor Pro Tem Leece presented the staff report and noted that due to the economy and the lack of items on the Planning Commission agenda to consider reducing the stipend for commissioners to \$75.00 per meeting.

Council Member Monahan stated that he was not in support of the recommendation pointing out the amount of time commissioners invest and felt that the current compensation was adequate.

Martin Millard, Costa Mesa, referred to the compensation of \$50.00 per meeting for Huntington Beach Commissioners pointing out the city size and already built out; supported a compensation of \$50.00 per meeting for Planning Commissioners.

Chris McEvoy, Costa Mesa, inquired if Council Members Bever and Monahan would violate a conflict of interest if they voted on the matter.

Beth Refakes, Costa Mesa, believed that the commissioners were being

overcompensated noting that it was a way of giving back to the community and supported reducing compensation due to the economy.

MOTION: Receive and file report.

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, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece

Absent: None.

X. REPORTS

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

XI. ADJOURNMENT – The Mayor declared the meeting adjourned at 9:28 p.m., to August 11, 2009, at 4:30 p.m., for a Study Session. The next Regular City Council Meeting will be held on August 18, 2009.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa