

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

August 2, 2011

The City Council of the City of Costa Mesa, California met in a regular session on Tuesday, August 2, 2011 at 6:00 p.m. in Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

PLEDGE OF ALLEGIANCE

Council Member Wendy Leece

**MOMENT OF SOLEMN
EXPRESSION**

Pastor Mike Gibson, Christ Lutheran Church of
Costa Mesa

ROLL CALL

Council Members Present:

Mayor Gary Monahan
Mayor Pro Tem Jim Righeimer
Council Member Eric R. Bever
Council Member Wendy Leece
Council Member Stephen Mensinger

Council Members Absent:

None

Officials Present:

Chief Executive Officer Thomas R. Hatch
City Attorney Thomas Duarte
Interim Development Services Director Khanh
Nguyen
Public Services Director Peter Naghavi
City Clerk Julie Folcik

ANNOUNCEMENTS (00:02:44)

Mayor Monahan announced the 2011 Orange County Fair events, the Orange County Fun Run on Sunday, August 7, 2011 at 8:00 a.m., Costa Mesa Restaurant Week from August 19th through 26th and the BARK for Life of Orange County fundraising event on Sunday, August 28, 2011.

PRESENTATIONS (00:04:24)

Mayor's Award – Jack R. Hammett

Mayor Monahan recognized former Costa Mesa Mayor Jack R. Hammett as the recipient of this month's Mayor's Award and presented him with a proclamation for his many years of service to the Country and the City.

Assemblyman Alan Mansoor commented on Mr. Hammett's accomplishments and noted the difference he has made in everyone's life. He presented him with a resolution on behalf of the State of California and thanked him for his efforts.

Mayor Pro Tem Righeimer commented positively on Mr. Hammett's accomplishments and reported that at the next meeting of the Parks Commission, the Commission will consider naming a City park in his honor.

Recognition to Meah Collins – 2011 Quiksilver USA Surf Champion

Mayor Monahan acknowledged Meah Collins, the 2011 Quiksilver USA Surf Champion, and presented her with a certificate in recognition of her accomplishments.

Mayor's Cup - Costa Mesa American and National Little League All Star Teams

Mayor Monahan invited members of the Costa Mesa American and National Little League All Star Teams to the podium. He reported on their accomplishments and congratulated them for winning the Mayor's Cup.

PUBLIC COMMENTS (00:18:55)

Mayor Monahan invited public comments on non-agenda items at this time and reported that New Business Items 3, 4 and 7 have been withdrawn; therefore members of the public may comment on those items at this time.

Eloise Ott thanked the Council for their efforts, indicated surprise by Council Member Bever's comments regarding deletion of some of the comments from the notes, stated that many residents provide good ideas and encouraged Council to provide a summary of ideas as part of future minutes. In addition, she asked that the City not spray the streets with weed killers to ensure the safety of animals. Ms. Ott thanked Council for their efforts regarding the County Fair and noted she received first place in hibiscus. She presented a bag of business cards left at her home and noted the money that would have been generated, had they all had business licenses.

Doug Bryant expressed concerns regarding the Police helicopter noise and noted the attendance of neighbors with the same concerns. He reported speaking with the Huntington Beach Police Department without success or resolution.

Ernie Feeney introduced Cheryl Ward from the Costa Mesa Senior Center Senior Advisory Committee and read a letter thanking Council for pursuing their request to have a fire drill at the Center. She commented positively on the efforts of the Fire and Police Department as well as Senior Center staff. She distributed a copy of the letter to Council.

Ms. Feeney addressed the withdrawal of New Business Item No. 7, referenced a newspaper article regarding a police perk for uniforms and expressed concerns that the union contracts are not made accessible to taxpayers. She felt that the public should be able to sit in on negotiations before Council votes on the issue.

Mayor Monahan reported that the information is available on the City's website.

Perry Valentine commented regarding RFPs and the Business Tax Update Study and encouraged Council to keep track of the issue. He addressed the interest of the Sanitary District to perform street-sweeping services for the City and expressed concerns that they may contract with a private entity to provide those services.

James Proctor thanked Sue Lester in presenting last year's Person of the Year Award and addressed the current drought and encouraged residents to attend the last Concerts in the Park event that evening. Mr. Proctor acknowledged John Moorlach and asked Council to ask Mr. Moorlach for assistance.

Peter Becker distributed information regarding a company which he represents that manufactures, Canine Eyescan, a non-invasive canine identification technology. He offered the City \$10 per scan sold.

Beth Refakis commented positively on the success of the Fair. She felt that public comments are being stifled and suggested the City develop a better system to facilitate the public being able to provide input to Council.

Scott Nestel reported receiving a ticket in his driveway for blocking the sidewalk. He stated that his driveway is ten-feet in length and wondered if there is a process for dealing with the issue since the houses were built prior to the development of the Code.

Mayor Monahan stated that someone from the City will contact him regarding the issue.

Jay Humphrey commented on the RFPs and encouraged careful consideration of the issue by the public and Council. In addition, he expressed concerns regarding freedom of speech and encouraged Council to do what it takes to facilitate public comments from residents. He spoke in support of a speaker at a previous meeting who sang his comments and thoughts.

Tamar Goldmann reiterated Mr. Humphrey's concerns regarding allowing residents the opportunity to provide public comments. She commented negatively on the proceedings of the previous Council meeting and addressed delays in hearing items on the agenda. She encouraged Council to stop, think, analyze and understand the residents and do what is right for the City.

Paula Oversteen commented on beepers on forklifts at Home Depot. She referenced a letter to Mayor Monahan and reported speaking with a Home Depot representative who indicated that the matter would be resolved. She indicated that the issue has worsened and complained about the constant, high-pitched beeping. She suggested that they be fined in order to enforce compliance. She presented a video as an example of what the residents have to endure.

Mayor Pro Tem Righeimer requested a copy of the conditions for the Home Depot.

Eleanor Egan addressed a recent Council approval of an extension to the contract with GrowthPort and expressed concerns with a lack of a memorandum with findings and recommendations. She noted that the original contract had not been fulfilled and that paying for work that had not been done is an illegal gift of public funds. She stressed that the citizens of Costa Mesa deserve to receive all that the contract requires, on time and within budget. Ms. Egan asked for a status update.

Mayor Monahan reported that staff will look into the matter and return to Council with a response.

Sandy Genis commented on what occurred at a previous Council meeting relative to the City Manager versus a CEO. She distinguished between the two and stated that public service is honorable and deserves credit.

Terry Koken quoted the Declaration of Independence and addressed the guarantee of the people to voice their opinions. He expressed concerns regarding suppression of his ability to comment at a previous meeting and addressed the issuance of layoff notices, which he opined, resulted in the suicide of a City employee. He commented negatively on recent Council actions, specifically Mayor Monahan's.

Tom Pollitt commented on personal attacks on Council in its efforts to control spending. He thanked Council for its service to the City.

Greg Thunnel addressed Council's efforts to diminish protection and service for Costa Mesa. He expressed concerns with growing litigation liabilities, addressed recent actions by the City of Huntington Beach regarding partnering with the City of Costa Mesa noting that Council Members from other cities are reluctant to sign contracts with the City of Costa Mesa.

Martin H. Millard commented on the power struggle occurring in the City, addressed Council's responsibility to the citizens of the City and applauded its efforts to get the City's expenses in line. He requested that Council begin focusing on improving the west side.

Cindy Brenneman expressed disappointment at Council's efforts to trample on the public's freedom of speech and addressed the contract for the City's website and the related 40% contingency as well as Council's motion to cancel the meeting in August. She announced the evening's National Night Out and the Concert in the Park events.

Robin Leffler reported attending the Huntington Beach Council meeting to discuss sharing services with the City of Costa Mesa and their related comments. She expressed concerns with the degradation of the City and the perception of the City by surrounding cities. Ms. Leffler addressed a contribution made by Stephen Mensinger of \$1,000 to Jim Righeimer's campaign and later contribution for \$2,500. She wondered why he did not excuse himself from hearing the issue regarding assignment of Mr. Mensinger as a new Council Member.

Tom Egan indicated that he is motivated to buy American and addressed the poor quality of manufactured goods from China. He noted that the City should not seek to buy cheap and that there is more to the City than just dollars and cents.

Cathy Hertzog reported attending the recent Huntington Beach Council meeting and reported that two prominent women who often speak during Costa Mesa Council meetings commented on why Huntington Beach should not partner with Costa Mesa. She stated that many Council Members expressed concerns for the issues being faced by the City of Costa Mesa. Ms. Hertzog expressed her appreciation for Council's work and efforts.

There being no others wishing to address Council, Mayor Monahan closed the Public Comments portion of the meeting.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 5. (01:13:58)

Council Member Leece addressed a different format regarding the minutes of July 19, 2011 from prior formats. She wondered if changing the format of the minutes should have been agendized.

City Attorney Thomas Duarte stated that the item did not need to be agendized but rather was a direction to staff under Council policy.

Council Member Leece expressed concerns regarding the lack of details relative to public comments.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Orange County Transportation Authority, Sergio Salazar, and Kevin Saldivar.

Minutes

2. Regular meeting of July 19, 2011.

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2379: 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 \$1,520,407.89.

Recommendation: Approve

Administrative Actions

5. Authorize refund of cash deposit in the amount of \$7,049 to Kerry Smith A Living Trust, 120 Monte Vista, Costa Mesa, in connection with Encroachment Permit No. PS10-00606 for street improvements and corner monumentation at 2568 Orange Avenue.

Recommendation: Approve

MOTION: To approve the Items under the Consent Calendar except for items removed for separate discussion and consideration (Item No. 4), moved by Mayor Monahan, seconded by Mayor Pro Tem Jim Righeimer.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger
Noes: None.
Absent: None

ITEMS REMOVED FROM THE CONSENT CALENDAR

4. WARRANT RESOLUTION 2380: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-15 AND PAYROLL REGISTER NO. 11-14A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-15 for \$2,129,630.95, and Payroll No. 11-14A for negative \$1193.05, and City operating expenses for \$1,450,442.32, including payroll deductions.

Recommendation: Approve

Sandra Genis questioned an item to be paid for Lexis/Nexis noting that it was her understanding that the contract for City Attorney services was supposed to be global.

There being no others wishing to comment on this item, Mayor Monahan closed public comments.

MOTION: To approve the Item No. 4 under the Consent Calendar, moved by Mayor Monahan, seconded by Council Member Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Stephen Mensinger
Noes: Council Member Wendy Leece
Absent: None

PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55)

None Scheduled.

OLD BUSINESS

None Scheduled.

NEW BUSINESS (01:18:34)

1. Request from Costa Mesa Pop Warner to include the use of Newport Mesa Unified School District Jim Scott Stadium as part of the Joint Use Agreement.
 - (a) Amendment of the Joint Use Agreement with the Newport-Mesa Unified School District for the inclusive use of the Jim Scott Stadium.

Recommendation: Direct staff to discuss with the Newport-Mesa Unified School District

- (b) City payment of up to one-half (1/2) of the annual rental of Jim Scott Stadium to a maximum of \$10,000 beginning with the 2010 season.

Recommendation: Authorize

Recreation Supervisor Lisa McPherson presented details of the report addressing a description the organization, its mission statement and goals. She addressed stadium fees and noted that should Council approve the recommended funding, it would be appropriated through the City's General Fund Contingency Account. She presented recommendations as stated in the report.

In reply to an inquiry from Council Member Leece, Ms. McPherson addressed a history of the organization, previous agreements with the District and previous requests by the organization to include Jim Scott Stadium in the Joint Use Agreement with the School District. Ms. McPherson addressed next steps depending on Council action at this time.

Discussion followed regarding Costa Mesa Pop Warner unpaid balances.

In response to an inquiry from Council Member Mensinger, Chief Executive Officer Thomas R. Hatch reported that additional information has been provided in addition to the staff report regarding the matter. He reported that there have been numerous

discussions with the School District regarding Jim Scott Stadium being part of the Use Agreement. He noted that the School District wanted additional time to understand the maintenance constraints and challenges related to an artificial turf field and wanted to retain full control of the stadium for a period of time. In addition, he indicated there have been various discussions regarding Pop Warner moving to various other locations and that staff encouraged support of Pop Warner's move to the Parsons School complex, but improvements were needed to accommodate that change. In terms of the first item and depending on Council's action, staff would proceed with formal discussions with the School District about including Jim Scott Stadium in the JUA and how the City and the community could work to reduce costs related to the stadium to ensure that it is maintained in good working order including the use of volunteers.

In terms of the second item, Mr. Hatch addressed the amount paid to the School District on a yearly basis related to the impacts of community use of School District facilities. Staff felt that it would be fair to pay for half of the costs so that community groups could have the benefit of using a community stadium but still have responsibility to pay for related costs.

Council Member Leece felt that what was being asked is to use contingency funds to pay an existing debt and expressed concerns with some of the Pop Warner expenses listed in their Profit and Loss statement and that a precedent would be set.

Council Member Mensinger stated that Jim Scott Stadium is billed in arrears but indicated he did not see the relevance of the expenses as related to this proposal. He addressed the various locations used by Pop Warner over the years and challenges with field space and lighting. He presented background and history of the matter and noted the limited funding available to Pop Warner. He spoke in support of the item.

In response to an inquiry from Mayor Pro Tem Righeimer, Ms. McPherson reported that invoices are issued after completion of the season.

Mayor Pro Tem Righeimer questioned the amount of hours being charged and felt that through the negotiation process, the number of hours for the events need to be locked in.

Council Member Mensinger noted that the JUA and use of the stadium are for Group 1 users and wondered why Group 1 users are charged the same fees as out-of-town groups. He requested differentiation between what Costa Mesa users pay and what out-of-town users pay for using the stadium.

Interested parties were invited to address Council on this item.

Tamar Goldmann noted that youth activities, including sports, are worthwhile and commended Council Member Mensinger for his passion on this issue. She stated that financial support for these activities come after important and necessary City services. She voiced opposition to the item until the City can provide City-supervised, reliable services.

Jim Fitzpatrick spoke in support of staff recommendations and addressed the golf course and wondered why Group 1 users would pay the same fees as out-of-town users. He asked Council to reconsider who the City has as a liaison to the School District opining that the liaison should be prepared to lead the discussion and not try to become educated.

Helen Nenadal, President, Costa Mesa Employees Association, indicated that she has been a supporter of Pop Warner, acknowledged the expenses of the program and commented on the City's lack of funds which has resulted in layoffs and elimination of positions. She indicated that when the City has money, it should consider the matter but, that now is not the time.

Chris Cox, President of Costa Mesa Pop Warner, spoke in support of the matter and noted that those who participate in the organization are not disingenuous. He reported that he was told that Jim Scott Stadium was part of the JUA. He noted the benefits of the program to the youth of the community, presented background and addressed the escalating costs and fees of the program. He addressed expenses for items that generate revenue for the program as well as required certifications including CPR training.

Tom Pollack noted that the City does not have the money and commented that 80% of the City's expenses are for salaries and pensions. He spoke in support of the item and encouraged that the City get its expenses in line with the rest of the country.

Robin Leffler agreed with Ms. Goldmann's comments and questioned why the City is considering spending on something that would be a priority luxury in better times while necessary services are being cut. She reported that Council Member Mensinger was the immediate past president of the Executive Board of Pop Warner and wondered whether his position would not be better served if he were participating as a member of the public in his lobbying for the project and should recuse himself from voting on the issue.

Ernie Feeney commented on the negativity expressed by the public regarding the current Council, specifically regarding Council Member Mensinger. She noted actions taken by the current Council in support of the City's youth.

Sandra Genis indicated support for including the stadium in the JUA if the School District is amenable. She expressed concerns with the lack of a paper trail or contract and wondered about possible commitments made and by whom.

Perry Valentine felt that there is at least an appearance of a conflict of interest by Council Member Mensinger on this issue. He indicated that he has problems, not with what is being done, but how it is being done.

City Attorney Duarte noted that neither Council Member Mensinger nor Mayor Pro Tem

Righeimer have legal conflicts on this issue. Mr. Valentine addressed the issue of transparency and wondered regarding connections between Council Members and those appearing before Council who attempt to influence them.

Mark Arblaster, President of the Costa Mesa Soccer Club, spoke on the benefits of youth sports programs. He stated that he is bothered by the rates charged by the School District and hoped it could be renegotiated to something more reasonable. He noted that the City is already supplementing other groups and spoke in support of the proposal.

Kevin Orten commented on his family's experience with Pop Warner, the benefits of youth sports programs and spoke in support of the proposal.

Martin H. Millard spoke in support of staff recommendations, commented on previous statements regarding possible conflicts of interest and stated the importance of having a Council that is involved in the life of the City.

Jay Humphrey commented on the lack of information on this item and suggested revisiting the issue to allow for the opportunity to obtain clarity on some of the issues raised and develop solutions.

There being no others wishing to address Council, Mayor Monahan closed public comments for this item.

MOTION: To approve staff recommendations, moved by Mayor Monahan, seconded by Council Member Mensinger.

Council Member Leece felt that there are a lot of loose ends on this issue and that the JUA should have been negotiated previously. She stated that she took offense to Mr. Fitzpatrick's comments regarding her advocacy for obtaining additional information, noting that she is fiscally responsible for public funds and takes that obligation very seriously. She added that every penny counts and felt that Pop Warner should negotiate payment of their debt with the School District. Council Member Leece noted that she has been involved with youth sports for many years and has indicated her support on many related issues.

In response to Council Member Leece's request, Mr. Hatch explained the structure of the City's contingency fund as part of appropriations available for items that have not been formally budgeted during the budget process. He addressed the balance of the fund and presented options available to Council.

Mayor Pro Tem Righeimer commented on the amount of time spent on a \$10,000 item. He felt that the issue relates to how the City's money is spent and addressed the importance of the program for the community. He indicated that the City has enough money to run the City but cannot afford the high costs of employee salaries and benefits. He commented on labor unions, the various issues in the City and spoke in

support of Council and the importance of youth programs.

In response to Council Member Bever's inquiry, Mr. Hatch addressed the costs for the use of the farm fields, as well as for other fields for youth programs. He expressed concern that the group was encouraged by the City's administration to change fields at no cost but then was subsequently charged. He addressed the amount being considered and indicated that he would support the matter but agreed with the need for additional information.

Mayor Monahan noted his family's participation in youth sports programs.

Council Member Mensinger addressed City priorities, the need for resident involvement and the importance of youth sports programs for the community. He commented on the entitlement mentality in the community and stated that the program has scholarships available for families that cannot afford participating.

Council Member Leece addressed some of the comments made by Mayor Pro Tem Righeimer regarding monies received. She addressed the issue of principles, the quality of life in the City, the need for pension reform and the importance of the work done by public employees and following the rule of the law. She commented positively on the Pop Warner program but expressed concerns regarding the way it is being handled. She stated that she will not support the motion, but supports continuing to discuss the issue with the District in order to straighten out the issues.

Council Member Mensinger reported that the District never made a commitment that the stadium would be included in the JUA but rather that the cost of the field would not be externally associated with Pop Warner.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Stephen Mensinger
Noes: Council Member Wendy Leece
Absent: None

2. General Plan Screen GPS-11-02/Urban Plan Screening UMP-11-01 for Proposed 4-Unit Residential Project at 743 W. 20th Street.

Recommendation: Provide direction

RECESS/RECONVENE

Mayor Monahan called for a recess at 8:45 p.m. The assembly reconvened at 8:48 p.m. with all Members, present.

Interim Development Services Director Khanh Nguyen presented details of the report

and requested input from Council regarding what it likes or dislikes about the project and consider a General Plan amendment to allow four dwelling units at the location. He noted that Council's approval will not finalize the project as the applicant must fulfill certain requirements and staff will need to return with a formal amendment to the General Plan for Council action. He deferred to staff for a report.

Staff addressed the project site, existing conditions, details of the proposal, access to the units, proposed density as allowed by the General Plan and calculation of density.

Discussion followed regarding the lot size and shortages to qualify for a fourth unit, other four-unit properties in the area, development of the property prior to the development of the overlay zone, maximum height in the allowed in the zoning, parking requirements, density allowances regarding rounding up, noticing requirements and future public hearing for the item.

Mayor Monahan invited the applicant to address Council.

Brian Coggins, Principal of the Preference Group, thanked Council and staff for their help and presented details of the proposed project. He addressed existing conditions, description and amenities of the project, existing General Plan guidelines, and benefits for the City and wondered regarding impact fee deferrals.

In reply to an inquiry from Council Member Mensinger, Mr. Coggins addressed impact fees related to development of the project and requirements for and costs of fire sprinklers for the units. He addressed the building heights including the roof-top decks.

Discussion followed regarding placing traffic impact fees on the tail end of projects and the ability to place other impact fees at the end of projects.

Council Member Bever requested placing the issue on a future agenda.

Interested parties were invited to address Council on this item.

Phil Morello spoke in support of the project, expressed concerns with the issue of flooding and wondered if there are efforts to mitigate flooding on that street when there are heavy rains.

Sandra Genis requested clarification that the amendment for the round-up rule would apply only to this property. She expressed concerns regarding a City policy regarding shadow impacts related to the height of the structures.

Martin H. Millard spoke in support of the project and hoped that the development could set a trend.

There being no others wishing to address Council, Mayor Monahan closed public comments for this item.

MOTION: To accept the General Plan amendment and move forward on this project, moved by Council Member Mensinger, seconded by Council Member Leece.

Mayor Pro Tem Righeimer commented positively on this matter and stated that he would like to proceed with the round-up of the density to .65 for other projects in the urban zones.

Council Member Mensinger accepted the amendment to the motion. Council Member Bever seconded the amendment.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Leece, Council Member Stephen Mensinger
Noes: None
Absent: None

3. Request for Proposal (RFP) Evaluation Process for the outsourcing of services.

This item was withdrawn from the agenda.

Recommendation: Approve

4. Proposed outsourcing of Costa Mesa Police Department's Jail Operations.

This item was withdrawn from the agenda.

- (a) G4S Custody Services Solution's proposal for jail services.

Recommendation: Direct staff to enter into discussions/negotiations regarding submitted proposal to explore the potential for contracting of jail services

- (b) City of Newport Beach's Proposal for jail services.

Recommendation: Direct staff to enter into discussions/negotiations regarding submitted proposal to explore various conceptual models for jail services

- (c) Alternatives for city operations of jail services.

Recommendation: Direct staff to review results of discussions, as mentioned above, with impacted City staff to explore alternatives for reducing operational costs

5. Request by Mayor Gary Monahan for authorization of staff time to research E-

verify employment system and policies.

Recommendation: Authorize staff time to research and to develop policies

Mayor Monahan noted previous discussions on this item and reiterated his request and noted various options available.

Interested parties were invited to address Council on this item.

Phil Morello provided his opinion regarding E-verify and noted other systems including validation procedures. He expressed concerns that E-verify does not provide validation procedures.

Perry Valentine agreed with the previous speaker and suggested that after the system is verified, that it be used for employees and contracts. He expressed concerns regarding using the system for requiring businesses to go through the system in their pursuit of business licenses. He addressed Council's eligibility to vote.

Martin H. Millard spoke in support of requiring all recommended items to go through the process.

There being no others wishing to address Council, Mayor Monahan closed public comments for this item.

MOTION: To direct staff to proceed with research E-verify and other options as requested, moved by Council Member Mensinger, seconded by Mayor Monahan seconded the motion.

Council Member Bever commented on requiring contractors to have a right to work.

Council Member Leece commented on the need to find out what other cities are using and properly evaluate the systems.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Rigeimer, Council Member Eric R. Bever, Council Member Leece, Council Member Stephen Mensinger

Noes: None

Absent: None

6. Review of City Council compensation and benefits.

Recommendation: Provide direction

Council Member Leece commented on the opportunity to set an example in reviewing the matter and taking actions. She felt that it would be a symbolic gesture for Council to take a reduction in its salaries and benefits. She addressed the importance of everyone "tightening their belts".

Interested parties were invited to address Council on this item.

Perry Valentine addressed possible savings and noted that the issue is not about the dollars but rather principles, setting examples, leadership and doing the right thing. He commented on the high value of health and pension benefits and commended Council for considering the matter.

Ernie Feeney addressed Council's base pay versus the time Council works per week for the benefit of the City, pensions and health benefits and felt that Council is already underpaid and should not take a cut.

Tamar Goldmann expressed agreement with Mr. Valentine's comments, addressed the leadership issue, health benefits received by Council compared with employee benefits and the need for Council to set examples.

Beth Refakis expressed concerns regarding the issue of benefits and stressed the importance of perception. She felt that the matter needs to be considered and noted that the salaries and benefits of Costa Mesa are higher than other municipalities. She stated that Council should consider taking some reductions given the economic condition of the City.

Robin Leffler addressed Council health benefits and felt that Council is already undercompensated. She expressed appreciation of the gesture but felt that Council should not take cuts.

Phil Morello believed that Council works very hard and deserves every penny it gets.

Sandra Genis addressed previous actions related to Council salaries, noted comparisons with other cities and suggested that Council look at Planning Commission salaries and consider per diem compensation rather than per month. She took offense to other speakers' opinions regarding her personal finances and benefits.

Jay Humphrey felt that this should not be an issue because of Council's hard work and efforts. He felt that the effected amount is inconsequential and felt that Council should not take any cuts.

There being no others wishing to address Council, Mayor Monahan closed public comments for this item.

MOTION: To receive and file the item, moved by Mayor Monahan, seconded by

Council Member Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Leece, Council Member Stephen Mensinger
Noes: None
Absent: None

7. Request by Council Member Leece for authorization of staff time to research the viability of a Costa Mesa Transparency and Accountability Reform Act.

This item was withdrawn from the agenda.

Recommendation: Withdrawn

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (03:36:14)

Council Member Leece wanted to ensure follow-up regarding public comments regarding the helicopter noise in the College Park area, the issue of parking in the homeowner's driveway and the issue of forklift beepers caused by Home Depot operations. She also requested that staff clarify the GrowthPort contract agreements. She was unsure regarding the age of the JUA and noted that negotiating with the City and the School District has always taken time. She reported attending the Senior Center Senior Advisory Committee meeting and commented positively on the programs and activities. She addressed transportation challenges experienced by some of the City's seniors and requested that staff work to provide information regarding available options. She reported on a presentation from other cities to help in understanding how they are dealing with their homeless issues and noted that progress is being made. She reported attending the 20th anniversary of summer at the center and spoke positively on the event.

Council Member Mensinger noted that the current JUA was negotiated three years ago. He addressed the \$10,000 appropriation to Pop Warner and felt that the item was trivialized unnecessarily and commented on similar issues being faced by the City of Modesto. He commented on the City's changing priorities and the need to manage differently. He presented testimony from a resident who complained that a private investigator with a gun interrogated her son regarding stealing campaign signs. He opined regarding the recent actions and expenses of public employees. He announced the beginning of the Pop Warner program and commented positively on the organization and its participants and volunteers.

Mayor Pro Tem Righeimer commented on extensive street work occurring in the City and commended the Public Services Department on their efforts and fast work. He thanked residents for their patience throughout the process.

Council Member Bever requested that staff look at policies from other cities in terms of the process for placing items on agendas.

CEO REPORT (03:56:50)

Chief Executive Officer Hatch reported all of the City's litigation settlements are now posted on the City's website for public review. He added that a report by John Bartell will be presented at a future Council meeting and reported the receipt of two grants by the City for the Fairview Park Phase 2 Development and for the Brentwood Park Master Plan process.

The assembly recessed to Closed Session at 9:58 p.m.

CLOSED SESSION (03:58:38)

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 Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Fighters Management Association, 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 subdivision (b) of Government Code Section 54956.9 (one case).

CLOSED SESSION REPORT

None

ADJOURNMENT

There being no further business to come before Council, the Mayor adjourned the meeting at 10:30 p.m. to a study session on August 9, 2011 at 4:30 p.m. The next regular City Council meeting will be on September 6, 2011.

Mayor of the City of Costa Mesa

ATTEST:

Brenda Green

City Clerk of the City of Costa Mesa