

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

August 6, 2013

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 Righheimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis, and Council Member Monahan
Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

No public comments.

CLOSED SESSION

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

1. Conference with Rick Francis, Assistant 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 Management Association, and Costa Mesa Division Managers Association pursuant to California 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 California Government Code Section 54956.9(a).
3. Conference with Legal Counsel – Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 6:30 p.m.

CALL TO ORDER (00:00:13)

PLEDGE OF ALLEGIANCE (00:00:17) – Council Member Monahan

MOMENT OF SOLEMN EXPRESSION – None (00:00:36)

ROLL CALL (00:00:42)

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

Officials Present: Assistant Chief Executive Officer Rick Francis, Assistant City Attorney Yolanda Summerhill, Economic and Development Services Director Gary Armstrong, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:00:55)

The Assistant City Attorney stated that there was no reportable action.

ANNOUNCEMENTS (00:01:10)

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

PRESENTATIONS (00:03:02)

The Mayor recognized and presented the "Mayors Award" to The Grant Boys. (00:03:10)

Charlene Ashendorf spoke on the Scarecrow Festival and Workshop on Saturday, October 12 and Sunday, October 13, 2013 and the history of the Scarecrow Festival. (00:12:00)

PUBLIC COMMENTS (00:15:41)

Sue Lester, Costa Mesa, spoke on the success of the 60th Anniversary Event; thanked everybody involved; expressed concern with the financials and City policies related to the 60th Anniversary event. (00:16:08)

Lea Lowe, Costa Mesa, representing the Costa Mesa Foundation, spoke about the success of the Concerts in the Park series; thanked all the businesses and citizens that supported the event; and informed of the grants that have been made due to the fundraising efforts. (00:19:12)

Jenelle Godges, new Region Manager from Southern California Edison, introduced herself and spoke on Time-of-Use rates. (00:21:54)

John LeVere, Costa Mesa, thanked the Park Rangers and Police Officers at Lions Park and spoke on safety issues at Lions Park that need to be addressed. (00:24:04)

Cindy Black, Costa Mesa, expressed opposition to sports fields at Fairview Park. (00:26:03)

Greg Thunnel, Costa Mesa, spoke on historical issues and a variety of other issues. (00:28:05)

Jay Humphrey, Costa Mesa, thanked staff for the good public participation at the General Plan meetings and requested people attend the next meeting regarding land use issues on August 21, 2013. (00:32:08)

Terry Koken, Costa Mesa, expressed support of the Model Railroad at Fairview Park and requested extension of the Franchise Agreement. (00:33:44)

Robin Leffler, Costa Mesa, spoke regarding the Business License Tax discussion at the Finance Advisory Committee meeting; spoke on charters; and expressed support of a vote on raising the Business License Tax. (00:34:59)

Jennifer Muir, Costa Mesa, representing the OCEA; informed of the new OCEA website: www.Costamesaworks.com; and expressed support for fruitful negotiations. (00:38:05)

James Bridges, Costa Mesa, spoke on a charter and the charter process. (00:39:19)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Monahan presented a special historical piece from Easy Pickings Antiques: the Costa Mesa Annual Report from 1965-1966. (00:41:33)

Mayor Righeimer spoke on the two Meet the Mayor meetings recently held, street improvements on the Eastside, the problems associated with group homes, and a nuisance ordinance to be considered at the September 3, 2013 City Council Meeting. (00:43:39)

Mayor Pro Tem Mensinger thanked the Costa Mesa Foundation for making a presentation; requested to have the Estancia Tewinkle Foundation and Costa Mesa High School make presentations and requested to receive a detailed explanation of the issues at Lions Park; spoke on the Business License Tax, the model trains at Fairview Park, and the Fairview Park Committee meetings scheduled. (00:52:12)

Council Member Genis thanked the Community Foundation for their efforts to organize the Concerts in the Park; spoke on the time conflict of the General Plan meeting and Fairview Park meeting; expressed concern with the public's altering of Fairview Park and items not going before the Fairview Park Committee. (00:57:42)

Council Member Leece requested that staff prepare a report on the 60th Anniversary finances; praised the Foundation for organizing the Concerts in the Park; expressed concern regarding the safety issues at Lions Park; requested to change the date of the Fairview Park Committee meeting; spoke about a ride along with a police officer, the Symphony at the Segerstrom Center, and a training at Crossing Church on August 14, 2013 regarding the homeless; requested up-to-date reports on the recruitment process for the new Finance Director. (01:01:00)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:09:40)

Assistant CEO Rick Francis spoke on National Night Out and the recruitment process for a new Fire Chief; provided an update on the Lions Park security issue; highlighted that Dr. Michael Beals is the new President at Vanguard University; informed of the City's Blood Drive in the Emergency Operations Center on August 20, 2013 and the General Plan Workshop on August 21, 2013 at 6:00 p.m.; announced Finance Director Bobby Young's departure on August 23, 2013 and that the recruitment process for a new Finance and IT Director has already begun.

CONSENT CALENDAR (01:14:53)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9 except for Items 6, 7, and 9.

MOVED/SECOND: Mayor Righeimer/Council Member Monahan
The motion carried unanimously.

1. READING FOLDER

- a. Claims received by the City Clerk: Doug Henke, Donald Hunt, Juan Carlos Falconi Garay, and Gissele Walseth

ACTION: Received and filed

2. MINUTES: Special Joint Meeting of the City Council and Planning Commission of May 13, 2013

ACTION: Approved

3. WARRANT RESOLUTION 2482: 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 \$837,648.87.

ACTION: Approved

4. WARRANT RESOLUTION 2483: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-14 "A" AND 13-15 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-14 "A" for \$3,222.90, Payroll No. 13-15 for \$2,024,410.04 and City operating expenses for \$887,894.95.

ACTION: Approved

5. WARRANT RESOLUTION 2484: 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 \$405,247.43.

ACTION: Approved

8. RETENTION OF ENTERPRISE COUNSEL GROUP FOR SPECIAL COUNSEL LEGAL SERVICES

ACTION:

City Council and Successor Agency authorized City CEO/Executive Director to execute a Retainer Agreement with the Enterprise Counsel Group (ECG) for special counsel legal services in connection with litigation (1) to challenge the State Department of Finance's (DOF) actions denying certain prior payments on, and the enforceability of, the loan between the former Costa Mesa Redevelopment Agency (now the Successor Agency) and City of Costa Mesa (City/Agency loan) under Section 34171(d) of the Dissolution Laws; and, (2) to implement reinstatement of the City/Agency loan pursuant to Section 34191.4(b) of the Dissolution Laws.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:15:33)

6. AUTHORIZATION OF REFUND OF APPEAL FEE FOR PLANNING APPLICATION PA-13-04 AT 2157-2159 TUSTIN AVENUE (01:15:35)

Council Member Monahan expressed opposition to the refund of the appeal fee. (01:15:40)

Council Member Genis expressed support of the refund of the appeal fee and spoke on the reason for the agenda item. (01:16:16)

Mayor Righeimer spoke on the reason for the refund of the appeal fee. (01:18:20)

Lance Ryan, representing the Catalina Shores Homeowners Association, expressed appreciation for bringing the item forward and complimented the developer for working with the HOA. (01:19:49)

MOTION/SECOND: Council Member Genis/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Genis, Council Member Leece

Noes: Council Member Monahan

Motion carried 4-1.

ACTION:

City Council authorized refund in the amount of \$1,220.00 to Jonathan Atha, President of Catalina Shores Homeowners Association.

7. PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF EAST 19TH STREET TRAFFIC CALMING IMPROVEMENTS (01:21:44)

Council Member Leece expressed concerns regarding the improvements on Broadway. (01:21:46)

Council Member Genis expressed concern on the empirical studies on the Broadway project and whether the work of the type done on Broadway would be permitted on 19th Street under the Master Plan on Arterial Highways. (01:22:24)

Staff report provided by Ernesto Munoz, Public Services Director. (01:24:03)

Mayor Pro Tem Mensinger spoke on the positive opinions he has received regarding the improvements on the Eastside and expressed support of the item. (01:28:31)

Barbara Beck, Costa Mesa, requested to postpone the item until after the Broadway project results have been studied and spoke on traffic safety issues. (01:29:38)

Cindy Neyland, Costa Mesa, praised City staff on the improvements on Broadway and expressed support of the improvements on East 19th Street. (01:32:59)

Beth Refakes, Costa Mesa, expressed opposition to the improvements made on Broadway and to the proposed improvements on East 19th Street. (01:34:07)

Jeff McConville, Costa Mesa, expressed support of the improvements made on Broadway and the project on East 19th Street. (01:36:53)

Robin Leffler, Costa Mesa, requested to change the design of the right-turn curbs. (01:39:12)

Discussion ensued regarding the design timeline, the grant, possible alterations to the project, and notification to the public. (01:41:45)

Mayor Pro Tem Mensinger requested staff to look at other streets to assist in the calming of the traffic. (01:47:30)

Assistant CEO Francis informed that staff will work on a study of the Broadway project that will include information that will be helpful for the East 19th Street project. (01:49:28)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried unanimously.

ACTION:

1. City Council awarded a Professional Services Agreement for the design of East 19th Street traffic calming improvements to CivilSource, Inc., 9930 Research Drive, Suite 200, Irvine, CA 92618, in the amount of \$93,995; and
2. Approved Budget Adjustment BA 14-005 in the amount of 48,995; and
3. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

9. PURCHASE OF DESKTOP COMPUTERS (01:50:17)

Council Member Monahan stated concerns regarding out-of-date technology; requested release of a new RFP; expressed support of purchasing the computers in phases; and stated opposition to the contract. (01:50:23)

Discussion ensued regarding touch-screen computers, phasing in of the computers, the option to rebid, the number of computers required, timeline of the roll-out process, and HP vs. Dell. (01:53:24)

Terry Koken expressed support of replacing all the computers at once, using Windows 7, and purchasing HP computers. (02:05:38)

Beth Refakes expressed support of upgrading all at once and using Windows 7. (02:09:07)

MOTION/SECOND: Council Member Leece/Council Member Genis

MOTION: Approve and authorize the CEO to sign the purchase agreement in the amount of \$402,473 for desktop computers, with Golden Star Technology Inc. 13043 166th Street, Cerritos CA 90703.

Mayor Pro Tem Mensinger informed that he will not be supporting the item due to the out-of-date technology and expressed support for using Windows 8. (02:12:40)

Mayor Righeimer spoke on Windows 7 vs. Windows 8; requested release of a new RFP with newer technology requirements including: touch screens and wireless; and informed that he will not be supporting the item. (02:13:37)

Discussion ensued regarding the different bids received, the bid chosen, the reasons for the specificity of the bids, the process that staff followed, and all-in-one computers. (02:16:10)

Assistant CEO Francis informed that the City did have a consultant and that staff was balancing cost vs. newer technology, and taking into consideration staff training on Windows 8. (02:21:44)

The motion failed by the following roll call vote:

Ayes: Council Member Leece, Council Member Genis

Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Monahan

Motion failed 2-3.

PUBLIC HEARINGS – None

OLD BUSINESS – None

NEW BUSINESS – None

REPORT – CITY ATTORNEY (02:25:15)

The Mayor adjourned the meeting at 9:00 p.m.



MAYOR

Brenda Green

CITY CLERK