

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

November 15, 2011

The City Council of the City of Costa Mesa, California met in a regular session on Tuesday, November 15, 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 Pro Tem Righeimer.

PLEDGE OF ALLEGIANCE

Council Member Stephen Mensinger

**MOMENT OF SOLEMN
EXPRESSION**

Dr. Mike Decker, Palm Harvest Church

ROLL CALL

Council Members Present:

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

Council Members Absent:

Mayor Gary Monahan

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 (00:03:37)

Mayor Pro Tem Righeimer announced and a video was presented regarding upcoming events in the City including a free Landlord Rights Workshop on November 16, 2011 from 3:00 p.m. to 5:00 p.m. at the Neighborhood Community Center, the Annual Run and Christmas Company Boutique at the Orange County Fair and Event Center from November 17th to the 20th, a presentation by the Costa Mesa Historical Society presentation entitled, "Pearl Harbor Remembered" on Sunday, November 20, 2011 at 2:30 p.m., upcoming plays at the South Coast Repertory Theater, the Crossroads of the West Gun Show at the OC Fair and Events Center on November 26th and 27th and the Ikea Soft Toy Campaign, collecting toys through December 24th.

PRESENTATIONS (00:06:15)

Business Recognition - Newport Rib Company

Mayor Pro Tem Righeimer recognized the Newport Rib Company for their business success and community involvement.

Woodbridge-Estancia-Costa Mesa Cross Country Classic

Mayor Pro Tem Righeimer invited George Varvas, Molly Babcock, and Robert Murtha representing the Woodbridge-Estancia-Costa Mesa Cross Country Classic to the podium for a presentation.

George Varvas expressed appreciation for the opportunity to conduct the event and provided a short history, including participants, coaches and the facilities. He addressed the funds raised in support of the program and congratulated the teams and participants.

Ms. Babcock commented positively on the meet and expressed appreciation for the opportunity and experience.

Mr. Murtha addressed preparations for the program and commented positively on the event and thanked the City and staff for its support and efforts in making the event a success.

Speaker - commented on the opportunity and thanked the City to allow the program to continue.

Mayor Pro Tem Righeimer presented them with certificates in appreciation for their success and accomplishments. He thanked all of the volunteers for the efforts as well.

Estancia Youth Ambassadors to Wyndham, Australia

Mayor Pro Tem Righeimer invited the Estancia Youth Ambassadors to Wyndham, Australia for a presentation. He addressed a Sister City agreement between the City of Wyndham, Australia and the City of Costa Mesa including the goals of the partnership and continued yearly exchanges.

Sue Smith, Founder of the Program, thanked the City and Council for its continued support of the program. She addressed the newest sponsors of the program and reported on a recent visit to the City of Wyndham.

Estancia students, presented brief reports of their individual experiences in the City of Wyndham and the life-changing benefits of the program. They expressed appreciation to the City for its support of the program.

Mayor Pro Tem Righeimer presented them with certificates of recognition for their participation and commented on the opportunities offered by the program.

PUBLIC COMMENTS (00:41:07)

Mayor Pro Tem Righeimer invited those interested in addressing Council on non-agenda items to do so at this time.

Perry Valentine thanked the City for its efforts on transparency, commented on the City's detail of legal expenses on the website and warrant reports. He wondered regarding the timing of the legal expenses reported and noted inconsistencies with those listed on the website and in the warrant report.

Beth Refakis commended Council Member Leece for the recent Town Hall meeting and commented positively on the event as well as the Police Department's presentation and having an interpreter available. She stressed the importance of the CEO's report.

John Feeney commented on the excellent services provided by the City's emergency services. He addressed the importance of those services for the citizens of the City and noted that providing these is a legitimate function of government.

Jean Watson commented on behalf of the Orange County Grand Jury and invited residents to apply for participation in the program noting that it is an opportunity to promote justice in Orange County.

Jay Humphrey thanked Tom Banks, Senior Engineer and commended him for his works and efforts. He expressed concerns regarding consideration of the charter city process and presented examples of similar processes and potential related pitfalls.

Ernie Feeney addressed issues related to charging residents for emergency services by Care Ambulance. She suggested the need to audit the organization and revisiting the entire system.

Stella Atkins spoke on behalf of the Costa Mesa Senior Center and the Senior Advisory Committee. She invited Council to attend the Center's Thanksgiving luncheon on Wednesday, November 23rd at 11:30 a.m. and presented invitations to Members.

Colin McCarthy addressed the Battle of the Bell Game and commented positively on the event. He addressed the importance of youth athletics in bringing the community together.

Tamar Goldmann commented on past elections, the City's unfunded liabilities and outsourcing of City workers. She asked that Council demonstrate belt tightening at the top and stop wasteful spending and only then ask City employees to do their part.

Greg Thunnell addressed the issue of pensions and spoke in support of City

employees. He commented on related unfunded liabilities and asked that Council take care of the City's business in a more responsible way. He addressed possible legal consequences resulting from Council actions and noted its priority to serve the citizens of Costa Mesa.

Robin Leffler referenced the budget surplus by the City of Fountain Valley and related actions by the City to save money. She stressed the importance of everyone pulling together versus the current polarization within the City.

Eleanor Egan reported receiving documents confirming her initial impressions regarding the City's contract with GrowthPort Partners. She expressed concerns that the promised product was never delivered within the original contract terms and that a subsequent contract called for a larger amount for the exact same work and that the contract calls for payment in advance of the work being done and that the contractor has not been required to account for hours worked.

Cindy Brenneman agreed with the previous speaker's comments and addressed inherent problems with outsourcing. She commented on the issue of volunteerism and encouraged residents to volunteer.

Tom Pollock commented on the City's increasing legal fees, the charter city issue, growing pension costs and the need to increase revenues. He commended Council for developing solutions to stop the problem of out-of-control expenses.

James Proctor commented on a visit from the Secret Service who searched him without warrant and asked for the arrest of President Obama. He added that there should be a gate on the Bristol Bridge on the south side of the 405 Freeway.

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

RECESS/RECONVENE

Mayor Pro Tem Righeimer called for a recess at 7:24 p.m. The assembly reconvened at 7:34 p.m. with all Members present except for Mayor Gary Monahan.

REPORT – CHIEF EXECUTIVE OFFICER (CEO) (01:25:53)

Mayor Pro Tem Righeimer requested that CEO Hatch address the issue of copayments for emergency services and the contract with GrowthPort.

Mr. Hatch affirmed that he will return to Council with the requested items as well as clarification of legal fees shown on the City's website. He noted that there are a number of different legal firms helping the City with a variety of different issues, not just outsourcing. He noted that there are many times when Council needs specific expertise on matters.

Council Member Bever noted there are many firms that work for the Redevelopment Agency and specialize in housing issues.

Mr. Hatch addressed the issue of unfunded liabilities and the creation of a five-year plan to address unfunded liabilities and capital project needs. The projection will be presented during an upcoming study session or regular meeting.

He addressed the issue of GrowthPort Partners, and indicated that the contract with them is concluding and that the funding has been exhausted.

Mr. Hatch reported that Dorothy Goldman, a very active resident of Costa Mesa, turns 100 years old, Thursday, November 17, 2011. On behalf of the City, he congratulated her and wished her well.

He noted that the agenda included item regarding the Homeless Task Force update, commented on the importance of the work but noted the need for additional time to review the issues with the team and therefore, the item was withdrawn.

Mr. Hatch addressed the City's contingency fund, noted its importance and presented a breakdown of related costs stating that approximately \$125,000 of those funds have been spent thus far.

Mr. Hatch reported that per Council direction, staff has been working on an RFP for an update to the City's General Plan. He added that the RFP should be completed by early-to-mid December and will be administratively released to seek proposals.

Mr. Hatch presented an update on the Newport Banning Ranch Development adding that public comments and responses to those comments in relation to the item are posted on the City's website as well as the City's responses to the related draft EIR.

Mr. Hatch reported the production of the City of Costa Mesa Bicycle Map and Safety Guide noting that they are available in City Hall.

Staff continues to work on the Worker's Compensation report and will be scheduled for an upcoming study session.

Mr. Hatch welcomed new Interim Fire Chief Tom Arnold to the City.

Mr. Hatch addressed Closed Session items, reported that consideration of placing Closed Session items at the beginning of the agenda will be brought before Council at a future meeting and the rationale for doing so. He presented an update on the status of the Costa Mesa Fire Association negotiation discussions and details of the latest proposal from the City.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 15 (01:47:40)

Items No. 3, 6, 10, 11, 12, 13, 14 and 15 were removed from the Consent Calendar for separate discussion and consideration.

Written Communications

1. Reading Folder.

Recommendation: Receive and process

- (a) Claims received by the City Clerk: Craig Pendolino on behalf of Enterprise Rent a Car, James R. Traut on behalf of Mila McVay.
- (b) Requests for Alcohol Beverage Control licenses: Circle K Store, 3006 Harbor Boulevard; Circle K Store, 3470 Fairview Road; Culinary Architects, 1570 Corporate Drive, Suite A; Waiiha Japanese Dining, 3321 Hyland Avenue, Suite D; Ramen Yamadaya, 1175 Baker Street, Suite E25; and Mitsuwa Corporation, 665 Paularino Avenue.

Minutes

2. Regular adjourned/Study Session meeting minutes of September 14, 2010, and Special Meeting minutes of September 14, 2010.

Recommendation: Approve

Warrants

3. WARRANT RESOLUTION 2394: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-22 AND PAYROLL REGISTER NO. 11-21A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-22 for \$2,034,384.27 and Payroll No. 11-21A for \$368.77, and City operating expenses for \$1,361,753.02, including payroll deductions.

Recommendation: Approve

This item was removed from the Consent Calendar for separate discussion and consideration.

4. WARRANT RESOLUTION 2395: 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 \$558,931.19.

Recommendation: Approve

Administrative Actions

5. Sole source purchase agreement with Vulcan Materials Company, 1401 East Warner Avenue, Santa Ana, for the purchase of plant mix asphalt for a term of one (1) year in an amount not to exceed \$90,000.

Recommendation: Approve

6. Memorandum of Agreement with Orange Coast River Park, Inc., Post Office Box 12932, Newport Beach, for native habitat restoration at Fairview Park.

Recommendation: Approve; authorize the Mayor and City Clerk to sign

This item was removed from the Consent Calendar for separate discussion and consideration.

7. Completion of 2010-2011 Community Development Block Grant (CDBG) Reforestation Project, City Project No. 11-04, by STL Landscape, Inc., 8122 Compton Avenue, Los Angeles.

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond twelve (12) months thereafter

8. Completion of Safe Route 2 School (SR2S) Gisler Avenue In-Pavement Flashing Crosswalk Project.

(a) Accept electrical work performed by Republic ITS, 1266 North La Loma Circle, Anaheim.

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion

(b) Accept civil work performed by M.J. Jurado Equipment Rental, Inc., 726 South Sherrill Street, Anaheim.

Recommendation: Accept work; authorize City Clerk to file a Notice of Completion

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND.

Recommendation: Adopt resolution

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P.

Recommendation: Adopt resolution

This item was removed from the Consent Calendar for separate discussion and consideration.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM."

Recommendation: Adopt resolution

- (a) Budget Adjustment No. 12-004 for \$225,856.

Recommendation: Approve; authorize the Mayor to sign

This item was removed from the Consent Calendar for separate discussion and consideration.

12. Amendment to Professional Services Agreement with the City of Huntington Beach to extend the contract for air support (helicopter) services from January 1, 2012 through June 30, 2012 in an amount not to exceed \$150,000.

Recommendation: Approve; authorize the Chief Executive Officer and City Clerk to sign

- (a) Budget Adjustment No. 12-008 for \$150,000.

Recommendation: Approve; authorize the Mayor to sign

This item was removed from the Consent Calendar for separate discussion and consideration.

13. Request for Proposal (RFP) for Tree Maintenance.

Recommendation: Authorize staff to release the RFP

This item was removed from the Consent Calendar for separate discussion and consideration.

14. Request for Proposal (RFP) for Park and Landscape.

Recommendation: Authorize staff to release the RFP

This item was removed from the Consent Calendar for separate discussion and consideration.

15. Request for Proposal (RFP) for Fire Services.

Recommendation: Authorize staff to release the RFP

This item was removed from the Consent Calendar for separate discussion and consideration.

MOTION: To approve the Items under the Consent Calendar except for items removed for separate discussion and consideration (Items No. 3, 6, 10, 11, 12, 13, 14 and 15), moved by Mayor Pro Tem Righeimer, seconded by Council Member Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None

Absent: Mayor Gary Monahan

ITEMS REMOVED FROM THE CONSENT CALENDAR

Warrants

3. WARRANT RESOLUTION 2394: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 11-22 AND PAYROLL REGISTER NO. 11-21A AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 11-22 for \$2,034,384.27 and Payroll No. 11-21A for \$368.77, and City operating expenses for \$1,361,753.02, including payroll deductions.

Recommendation: Approve

Council Member Leece questioned Jones Day warrant items for the months of July and August. She addressed an item for Hanson Bridgett for June, July and August and

questioned how the City is budgeting and planning ahead for future expenses.

Mr. Hatch reported that staff increased the Legal budget this year as part of the budget process. He noted difficulties in predicting legal costs and addressed the establishment of the Contingency fund.

Interested parties were invited to address Council on this item. There was no response and Mayor Pro Tem Righeimer closed public comments.

MOTION: To approve the Items No. 3 under the Consent Calendar, moved by Mayor Pro Tem Righeimer, seconded by Council Member Leece.

The motion carried by the following roll call vote:

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

Administrative Actions

6. Memorandum of Agreement with Orange Coast River Park, Inc., Post Office Box 12932, Newport Beach, for native habitat restoration at Fairview Park.

Recommendation: Approve; authorize the Mayor and City Clerk to sign

Council Member Mensinger reported speaking with residents who expressed concerns over matter and making Fairview Park more pedestrian accessible.

Mayor Pro Tem Righeimer addressed pros and cons of the matter and agreed with the need for staff to address increasing pedestrian accessibility.

Interested parties were invited to address Council on this matter.

Tom Egan commented on his involvement in considering the Master Plan for the park and addressed the likely benefits to the City of Costa Mesa.

In response to an inquiry from Council Member Mensinger, Mr. Egan reported on his knowledge of the formation of Orange Coast River Park and noted the need to form a corporation to ensure that necessary things happened.

In reply to an inquiry from Council Member Bever, Interim Public Services Director Ernesto Muñoz reported that staff is in the process of remediating an additional twenty acres of wildlife restoration in the area.

Council Member Mensinger questioned if there is a plan to make the area accessible to the public. Mr. Muñoz reported that Phase 3 of the project addresses the construction of the portions where interpretive areas, trails and paths will be installed. He reported that the present Phase 2 is fully funded and that staff has applied for funding for Phase 3. Limited access will be provided to the wetlands in order for the public to enjoy them up close.

CEO Hatch noted that the project corresponds with the approved Fairview Park Master Plan and that staff is working from that document and looking for grants and other funding sources. He addressed possible opportunities to provide raised walkways to facilitate public accessibility and suggested the possibility of discussing the item at a future study session to review details of the plan.

Gary Gorman, President of Orange Coast River Park, Incorporated, noted that the current Phase 2 plan has extensive public access trails built in. The mitigation project will be approximately 1 to 1½ acres and is on property already targeted for restoration.

Council Member Leece spoke on protected species in the area, vernal pools and the government agency responsible for governing the protection of species.

Mr. Muñoz stated that the project will not preclude public access but mitigate the work being done through planning.

Council Member Mensinger inquired regarding protection of the vernal pools. Mr. Muñoz reported that the plan precludes access to the vernal pools but not the planted areas.

Robin Leffler commented on the project going forward whether or not the mitigation money is approved. She noted that this is a work in progress and wondered regarding the rationale for continuing the item and holding up the project.

Public Services Contract Administrator Robert Staples reiterated the current work being done and addressed the portion of the project that is already being funded.

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

Council Member Bever commented on the importance of preserving natural habitat.

MOTION: To continue the item to a future study session for detailed discussion and consideration of the Master Plan, moved by Mayor Pro Tem Righeimer, seconded by Council Member Mensinger.

SUBSTITUTE MOTION: To approve staff recommendations as presented, moved by Council Member Bever, seconded by Council Member Leece.

The substitute motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger
Noes: Mayor Pro Tem Jim Righeimer
Absent: Mayor Gary Monahan

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P.

Recommendation: Adopt resolution

Eleanor Egan spoke regarding the 17th Street widening from Pomona to the City limits noting that she does not believe the area is congested and questioned if the project is intended to accommodate the future Banning Ranch project.

Interim Public Services Director Ernesto Muñoz reported that the item deals with an application for funding to consider the widening of 17th Street from Pomona to the City limits and that it is a project that has been identified within the General Plan's Circulation Element. He explained details of the application.

Council Member Leece asked whether the item has anything to do with the Banning Ranch project and Mr. Muñoz indicated that it would depend on whether the Banning Ranch project moves forward. It is intended to provide additional capacity in the area and addressed the priority relative to applying for the grant and availability of funding.

Ms. Egan felt that if it is to accommodate the Banning Ranch project, the developer should pay for related expenses.

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

Mr. Muñoz clarified that the City is requesting a grant application for \$600,000 and addressed the matching portion and where they would be applied.

MOTION: To adopt RESOLUTION 11-46 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P, moved by Council Member

Bever, seconded by Mayor Pro Tem Righeimer.

The motion carried by the following roll call vote:

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

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM."

Recommendation: Adopt resolution

(a) Budget Adjustment No. 12-004 for \$225,856.

Recommendation: Approve; authorize the Mayor to sign

Council Member Leece described previous consideration of the matter and direction by Council for staff to return with additional information. She addressed the City's ranking in America's Top DUI Cities. She wondered if the amount of the grant is enough in light of the recent Police Department restructuring.

Police Chief Tom Gazsi reported the number of DUI arrests during last year's grant period by various officers and methods. He noted the benefits of checkpoints as well as related challenges. He noted a request for an increase of saturation patrols and the related effectiveness compared with other endeavors of DUI enforcement.

Interested parties were invited to address Council on this item.

Mary Beth Griffin, representing Mothers Against Drunk Driving, requested that Council approve the resolution encouraging important DUI activities without impacting the City's budget.

Jay Photogloe inquired on the number of alcohol-related arrests in connection with the number of DUI checkpoints. He addressed the number of unlicensed drivers and the impounding of cars.

Tamar Goldmann commented on alcohol-related tragedies and spoke in support of Council approving the item.

Sue Lester spoke in support of Council approval of the item. She wondered about announcing the location of DUI checkpoints.

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

Council Member Mensinger reported that the announcement of locations of DUI checkpoints has stopped.

MOTION: To adopt a RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, A GRANT AWARD FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM" and approve and authorize the Mayor to sign Budget Adjustment No. 12-004 for \$225,856, moved by Council Member Mensinger, seconded by Mayor Pro Tem Righeimer.

In response to Council Member Leece's inquiry, Police Chief Gazsi addressed the process for handling unlicensed drivers and impounding of cars.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

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

12. Amendment to Professional Services Agreement with the City of Huntington Beach to extend the contract for air support (helicopter) services from January 1, 2012 through June 30, 2012 in an amount not to exceed \$150,000.

Recommendation: Approve; authorize the Chief Executive Officer and City Clerk to sign

- (a) Budget Adjustment No. 12-008 for \$150,000.

Recommendation: Approve; authorize the Mayor to sign

Council Member Leece commented on safety issues relative to ABLE and the use of the Huntington Beach helicopter and the process when the helicopter is not accessible.

Police Captain Les Gogerty referenced a previous presentation to Council, addressed the transition from the previous to the current service provider, including differences and stated that staff is satisfied with the current level of service and response times.

In response to Council Member Leece's inquiry, Captain Gogerty reported that the City of Huntington Beach monitors the City of Costa Mesa's radio calls where ABLE would

be deployed in addition to related requests from Costa Mesa. City officials review the process monthly to ensure that deployments are made appropriately.

Council Member Mensinger inquired regarding the differences in the two programs and Captain Gogerty addressed those differences including the hours of operation, schedules for each, response times and rate differences.

In response to an inquiry from Council Member Mensinger, Budget and Research Officer Bobby Young reported that the costs for the ABLE program in 2010 totaled approximately \$1.5 million and the costs for the current program with the City of Huntington Beach are approximately \$300,000. He addressed the amount of Reserve Funds used towards costs for helicopter replacement and cost savings in maintenance and operations. He commented on the balances available in the various related funds.

Council Member Leece expressed support for the matter and addressed future opportunities to work with other agencies.

Council Member Mensinger inquired on the number of calls and responses in relation with the new program. Police Chief Gazsi explained that he can offer that information at another time but indicated that the helicopter is being used for serious crimes. He reported that crime statistics are currently lower than in previous years and commented positively on the viability of the solution offered by the City of Huntington Beach.

Interested parties were invited to address Council on this item.

Perry Valentine commented on the possibility of coordinating with other agencies and wondered if consideration is being given to the matter. He questioned about the current effectiveness of the program related to the amount of time spent by air support services in the City and the effects of changes in response times.

Jeff Collins felt that City money should not be spent for air support services on a daily basis, noting the existing fiscal problems in the City. He felt that the money would be better spent on increasing the number of Officers to patrol the City. He expressed concerns with the related noise and suggested using services on a specific emergency basis.

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

Council Member Mensinger reported that the City considered the possibility of coordinating with other agencies, through a JPA and indicated that there was no interest in forming one. He complimented Mr. Hatch for developing the program, noting that the number of use hours can always be adjusted as needed.

Council Member Bever noted that as a result of the coordination efforts there are more Officers on the ground to address the City's crime issues.

MOTION: To approve an amendment to Professional Services Agreement with the City of Huntington Beach to extend the contract for air support (helicopter) services from January 1, 2012 through June 30, 2012 in an amount not to exceed \$150,000, authorize the Chief Executive Officer and City Clerk to sign the amendment and approve and authorize the Mayor to sign Budget Adjustment No. 12-008 for \$150,000, moved by Council Member Bever, seconded by Mayor Pro Tem Righeimer.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None

Absent: Mayor Gary Monahan

13. Request for Proposal (RFP) for Tree Maintenance.

Recommendation: Authorize staff to release the RFP

Council Member Leece expressed concerns with the RFP and requested comparisons with other cities that have outsourced tree maintenance services.

Mr. Young reported that staff made several inquiries and that the stated cities were the only two that chose to respond for tree and park maintenance. He stated that given the limited time available, staff chose to present the item at this time.

Discussion followed regarding other cities outsourcing these services. Mr. Young reported that the majority of the work is outsourced for these services and addressed the issue of irrigation and the availability of a trained arborist on staff.

Staff reported that recruitment is currently being conducted for a City arborist.

Council Member Mensinger addressed the current outsourcing services for tree trimming.

Discussion followed regarding the total cost for tree trimming spent in the last fiscal year, outsourcing other services, updating the current contract to include all of the services including emergency responses and help with the current backlog.

Council Member Mensinger stated this is already being outsourced at 95%.

Council Member Bever suggested that the issue is about outsourcing 5% of the workload rather than 5% of the costs for a consolidation of the workload.

Interested parties were invited to address Council on this item on this and the following two items.

Jay Humphrey expressed concerns regarding making sure that all of the outsourcing is being effectively managed and overseen.

Tamar Goldmann noted that no matter what is outsourced, someone in the City must oversee and manage the activities.

Robin Leffler addressed staff's ability to multitask, felt that the matter should be considered holistically and noted that staff is simply following Council's broad direction. She felt the efforts should be made more efficiently.

Speaker, addressed outsourcing of Fire Services and felt that it would be a mistake to outsource those services. He addressed the issue of double-dipping of pensions and the need to reduce pension liabilities.

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

Council Member Bever noted that 5% is not for management but rather for odds-and-ends jobs that the arborist would be doing. He agreed with keeping the City's experienced management to run crews as they have been doing. In addition, he addressed the amount of unfunded pension liabilities.

Council Member Mensinger addressed comments from previous speakers and stated that the process is necessary as an education process in order to figure out how best to perform the City's functions.

Council Member Leece commented on the Fire Department RFP and the prior agreement with the Costa Mesa Fire Association that they would pay for the OCFA proposal and if a cost analysis has been performed.

Mr. Hatch reported that when the OCFA proposal was presented alternatives were detailed for the City to restructure the Department and create a new deployment model. He noted that staff could look at an alternative deployment schedule as part of the process.

Mayor Pro Tem Righeimer noted that the Fire Department RFP is not being considered at this time but that some residents wanted to speak on the issue, in general.

Discussion followed regarding changing the formula as presented by staff and the ability to bid on pieces of the RFP.

MOTION: To authorize staff to release the RFP for Tree Maintenance changing

the evaluation criteria to the 25%-25%-25% formula presented in the staff report, moved by Council Member Leece, seconded by Council Member Mensinger.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

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

14. Request for Proposal (RFP) for Park and Landscape.

Recommendation: Authorize staff to release the RFP

Council Member Mensinger addressed current annual expenses for this item and the various programs involved at the current service level.

Discussion followed regarding the intent of the RFP to increase the service levels desired by Council and staff, the criteria for comparing the various bids depending on service levels, frequencies and the different maintenance requirements for the various City parks and facilities.

Council Member Mensinger presented pictures of existing conditions at various City facilities but felt that there is no basis for comparison of the bids received.

City Arborist Hartley noted that issues are handled in response to resident concerns and that staff works hard to get things done with the resources available.

Mr. Hatch noted related challenges regarding comparisons of proposals and noted that staff will do everything possible to ensure the comparison of "apples-to-apples" including the proposed level of service compared to what it would cost the City to provide for those services.

Council Member Mensinger felt that past costs should have been included in the RFP to facilitate basic comparisons. He requested that staff look into maintaining the shrubs at Estancia Park.

Council Member Bever commented on levels of service and the possibility of looking at the 2008 budget.

Council Member Leece commented on the number of subcontractors used by the City of Orange. In response to her inquiry, Mr. Hartley noted that staff incorporated all of the tasks currently performed as well as current contracted services into one document. Discussion followed regarding inclusion of sites to be used for staging landscape

services.

Council Member Mensinger requested that related language be included in the RFP as an available option to potential bidders.

Council Member Bever suggested that the issue of a drug-free workplace be addressed appropriately within the RFPs to include the participation of the DARE process.

MOTION: To authorize staff to release the RFP for Park and Landscaping changing the evaluation criteria to the 25%-25%-25% formula presented in the staff report, moved by Council Member Leece, seconded by Mayor Pro Tem Righeimer.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

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

Mayor Pro Tem Righeimer reported that as the RFPs go out, staff will have a chance to talk with prospective contractors to address the various issues.

15. Request for Proposal (RFP) for Fire Services.

Recommendation: Authorize staff to release the RFP

Council Member Leece addressed Alternative 5 and asked whether Council could choose it tonight rather than authorize release of the RFP.

Mr. Hatch addressed Council policy on contracting services and referenced a response by the Chief of the Fire Department as an option that should be considered. He noted that the RFP was developed based on Council direction, to evaluate alternatives and bring the item back for Council consideration. He noted constraints related to the existing contract with the Costa Mesa Fire Fighters' Association limiting the City's ability to reduce or restructure a change in the number of vehicles. Mr. Hatch reported that the RFP includes evaluation criteria as 25%-25%-25%-25% and that relative to item number two should have been presented as changing the criteria to the 10% level and that item number 3 should have been at the 50% level and item number 4 at a 15% level.

Mayor Pro Tem Righeimer indicated that the changes proposed by Mr. Hatch would not be necessary.

Discussion followed regarding opportunities for Fire Fighters providing input regarding changing the efficiencies within the Department.

Mr. Hatch reported that any employee has the opportunity to create more efficiency and feels comfortable that they could propose changes to structures. The City is limited in its ability to make changes without the approval of the OCFA.

Council Member Bever commented on the Association's preference for County proposal number 3. The model has been endorsed by the Costa Mesa Fire Fighters' Association and includes proposals for reductions in staffing levels.

Interested parties were invited to address Council. There was no response and Mayor Pro Tem Righeimer closed public comments for this item.

Mayor Pro Tem Righeimer commented on the number of rescue calls versus fire calls.

Discussion followed regarding response times and Mayor Pro Tem Righeimer requested inclusion of the Costa Mesa Fire Department response time statistics be included in the RFP as well as the goals.

MOTION: To authorize staff to release the RFP for Fire Services with the changes discussed above, moved by Mayor Pro Tem Righeimer, seconded by Council Member Leece.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS - 7:00 p.m. (Resolution No. 05-55) (04:13:47)

1. PUBLIC HEARING: City-initiated General Plan and Specific Plan Amendments (GP-11-02 and SP-11-01) for a 33-Acre property at 14850 Sunflower Avenue in the Urban Center Commercial Designation and Planned Development Commercial (PDC) Zone.

(a) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-11-02 AND NORTH COSTA MESA SPECIFIC PLAN AMENDMENT SP-11-01 FOR SAKIOKA LOT 2 AT 14850 SUNFLOWER AVENUE.

Recommendation: Adopt resolution

City Clerk Folcik read title to the aforementioned item as well as title to the resolution.

Principal Planner Flynn presented background and details of the report addressed consideration and recommendations by the Planning Commission. She addressed site location, zoning, development limits set by the General and Specific Plans related to FAR, maximum square footage and maximum trip budget. Ms. Flynn presented details of the proposal and amendments, density limits, establishment of caps, questions raised during Planning Commission consideration regarding the context of the FARs, number of dwelling units per acre and justifications for the proposed amendments for the General Plan and the Specific Plan. She reported receiving a "no comment" letter from the City of Santa Ana and that no other communications were received regarding the project in writing or by phone.

Ms. Flynn presented compatibility with other projects in the area and recommendations.

Council Member Bever questioned adding to the unit count without adding to trip counts.

Ms. Flynn noted that it would be similar to a sliding-scale approach and explained that the trip budget would be the limiting factor and the need for flexibility in some areas of the site.

Interested parties were invited to address Council on this matter.

Jay Humphrey spoke in support of the proposed change and commented positively on the increased transparency of the process.

George Sakioka, Property Owner, commended staff for their work on the project and indicated support of the Planning Commission recommendations.

There being no others interested in addressing Council, Mayor Pro Tem Righeimer closed public comments for this item.

MOTION: To adopt RESOLUTION No. 11-48 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT GP-11-02 AND NORTH COSTA MESA SPECIFIC PLAN AMENDMENT SP-11-01 FOR SAKIOKA LOT 2 AT 14850 SUNFLOWER AVENUE, moved by Council Member Bever, seconded by Council Member Mensinger.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None
Absent: Mayor Gary Monahan

OLD BUSINESS (04:27:01)

1. From the meeting of November 1, 2011, Ordinance No. 11-12: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING CHAPTER V OF TITLE 8 AND SECTION 12-20 OF TITLE 12 OF THE COSTA MESA MUNICIPAL CODE RELATING TO SMOKING IN CITY PARKS, SPORTS FACILITIES AND COMMUNITY GARDENS.

Recommendation: Adopt Ordinance No. 11-12, to be read by title only, and waive further reading

City Clerk Folcik read title to the aforementioned item.

Interested parties were invited to address Council on this item.

Iris Gonzalez addressed Council on behalf of the American Lung Association of California, Orange County office, thanked Council for considering adopting the subject ordinance to help protect the health of Costa Mesa residents, workers and visitors.

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

Council Member Leece commented on this matter as well as on the issue of chewing tobacco. She agreed with the need for the ordinance.

MOTION: To adopt Ordinance No. 11-12, to be read by title only, and waive further reading, moved by Council Member Bever, seconded by Council Member Mensinger.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None

Absent: Mayor Gary Monahan

NEW BUSINESS (04:31:38)

1. Homeless Task Force update

Recommendation: Withdrawn

2. Appointments to the TeWinkle Park Athletic Complex Task Force

Recommendation: Appoint member(s)

Interim Public Services Director Muñoz presented background and details of the report addressing consideration by the Parks and Recreation Commission and subsequent direction to staff. He presented recommendations to Council by the Commission and previous consideration and direction by Council. He addressed promotion of the solicitation and compilation of a list of interested groups and individuals as presented in the report.

Discussion followed regarding the possibility of expanding the list to allow for additional members. Mr. Muñoz reported that if Council so desires, he recommends extending the time in order to receive additional applications from those interested in participating. He suggested bringing the item back to Council at its first meeting in January.

Council Member Mensinger addressed open alternate slots and proposed the addition of Clark Chapman, a Mesa del Mar resident, Shawn Patterson, associated with the Newport Mesa Girls' Softball organization and Matt Palmer.

Council Member Leece commented on the appropriateness of adding members when they have not applied.

City Attorney Duarte indicated that Council has the prerogative of adding members to the task force without going through the application process.

Council Member Leece indicated that she would not be opposed to adding a particular group from other Costa Mesa groups that are not represented but stated opposition to assigning members arbitrarily, who are not attached to a group. She stressed the need for fairness.

Council Member Mensinger reported that the people he suggested have expressed interest in participating and are associated with specific groups and involved in youth sports.

Mayor Pro Tem Righeimer suggested opening up the submission of applications for another week and reconsidering the item subsequently.

Council Member Leece reiterated the need to provide a fair process, especially to the people that have already met the application deadlines and qualifications.

Council Member Mensinger reported that those he suggested have expressed interest in participating in the Task Force.

Council Member Leece felt that exceptions should not be made for those who did not

comply with the guidelines and deadlines of the application process.

Interested parties were invited to address Council on this item.

Elaine Muller referenced a previous Council meeting where Council Member Mensinger was adamant about following proper procedures and deadlines.

Eleanor Egan addressed restrictions allowing specific use of the subject land for park uses. She opined that the proposed use is commercial in nature and not as a public park use and is in violation of the deed restrictions which puts the City at risk of forfeiting the entire park and expressed concerns regarding possible litigation.

Beth Refakis expressed concerns with the committee appointment process and agreed with the need to reopen the application process to allow additional interested parties to apply.

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

Mayor Pro Tem Righeimer asked City Attorney Duarte to return with advice on the issue of deed restrictions for Council consideration when additional applicants for the task force are reviewed by Council. He requested to add to the scope of responsibilities looking at impacts to the community and mitigation measures to fix those issues and return to Council with recommendations.

Discussion followed regarding allowing applicants for members-at-large.

MOTION: To extend the application deadline for one week and direct staff to return with a revised list including additional applicants to the next Council meeting, moved by Mayor Pro Tem Righeimer, seconded by Council Member Mensinger.

Mayor Pro Tem Righeimer called for the question.

The motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Jim Righeimer, Council Member Eric R. Bever, Council Member Stephen Mensinger
Noes: Council Member Wendy Leece
Absent: Mayor Gary Monahan

3. Telecommunications facilities in the public right-of-way.

Recommendation: Provide direction

Mayor Pro Tem Righeimer reported that AT&T is a tenant in one of his buildings,

recused himself from hearing the item and departed the chambers.

City Clerk Folcik read title to the aforementioned item.

Principal Planner Flynn presented details of the report noting it is a request to authorize more than four hours of staff time to consider whether or not there are necessary changes to the current regulations in processing applications for telecommunication facilities in the public right-of-way. She addressed current regulations setting forth regulations for administrative issuance of permits.

Interested parties were invited to address Council. There being was no response and Council Member Bever closed public comments for this item.

Discussion followed regarding the current policies, existing conditions on the east side in the middle of a right-of-way and absence of noticing requirements.

Council Member Mensinger indicated that he would support the motion but requested a six-month moratorium on new cell towers until the process is completed.

City Attorney Duarte indicated that the issue of the moratorium must be agendized for discussion at a future meeting.

MOTION: To approve staff recommendations directing staff to agendize discussion of implementation of a six-month moratorium on new cell towers until the process is completed, moved by Council Member Mensinger, seconded by Council Member Bever.

Council Member Bever called for the question.

The motion carried by the following roll call vote:

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

Mayor Pro Tem Righeimer returned to the chambers and took his place on the dais.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (05:00:43)

Council Member Wendy Leece thanked Mr. Hatch for his report and updates and public speakers for their comments. In response to her inquiry, Mr. Hatch reported that the members of the Costa Mesa Fire Fighters' Association contribute a 5% of their compensation towards retirement benefits but that the contributions recently ended.

She reported meeting with Dan Baker regarding several projects, reported that the 1-5 Marines are now back from Afghanistan and suggested the pursuit of starting a Veterans' Affairs Committee where volunteers could work on projects, share information and coordinate programs in order to make Costa Mesa a friendlier place for Veterans and Servicemen and Servicewomen. She asked Mr. Hatch to return with a plan to form such a committee, the need to research the issue of copayments for emergency services and obtaining backup information regarding GrowthPort Partners.

Council Member Stephen Mensinger expressed appreciation to Police Chief Gazsi's comments and noted the continued safety of the City's residents. He requested that staff look into raising the bar on retirements for Police Officers including the implementation of annual events in recognition of retiring Officers and the possibility of giving them their on-duty firearm upon their retirement. He reported attending Council Member Leece's town hall meeting, commented positively on the event. He asked that Mr. Hatch research the Care Ambulance issue addressed by a previous speaker including a report regarding their pre-positioning locations. He commented positively on the Battle of the Bell event.

Mayor Pro Tem Jim Righimer commented positively on the issue of outsourcing, addressed the issue of the Fire Fighters' Association contract, their current percentage contribution for pensions and consideration of restructuring the Department. He commented on the issue of charter cities throughout the State of California and briefly described the concept.

Council Member Eric Bever commented on charges for emergency services and felt that the City should coordinate with those providers to encourage refunding those charges as they are in contradiction to City policy. He suggested that staff look into the possibility of auditing the firm. He encouraged Council Member Leece to make a proposal with suggestions with what the recommended Veterans' Affairs Committee would be tasked with doing and bring it before Council for discussion. He addressed the recent town hall meeting and a related comment received regarding a few inaccuracies by the translator. He encouraged residents access a blog on the internet on the City of Costa Mesa at republicofcostamesa.com.

Council Member Leece responded to comments regarding her recent town hall meeting noting the intent to be all inclusive and not single out any culture within the City. She addressed the issue of working with the Fire Fighters' Association and City employees. She indicated that she will work along with staff to develop a program for the City's Veterans.

Council Member Bever clarified that he did not mean to suggest using staff time and resources to develop a program for the City's Veterans and responded to comments from Council Member Leece regarding the issue of outsourcing.

REPORT – City Attorney

City Attorney Duarte

City Clerk Folcik read title to the Closed Session items.

The assembly recessed to Closed Session at 11:32 p.m.

CLOSED SESSION

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).

CLOSED SESSION REPORT


ADJOURNMENT

There being no further business to come before Council, Mayor Pro Tem Righeimer adjourned the meeting at 11:55 p.m. to the next regular City Council meeting of December 6, 2011.



Mayor of the City of Costa Mesa

ATTEST:



City Clerk of the City of Costa Mesa