

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

OCTOBER 1, 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 Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan (arrived at 5:30 p.m.)

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - None

CLOSED SESSION

The City Council recessed into closed session at 5:00 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), 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).

The City Council reconvened at 6:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE – Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:00:01)

Pastor Christian Parra, Harbor Christian Fellowship

ROLL CALL (00:01:16)

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan.

Absent: None

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

CITY ATTORNEY CLOSED SESSION REPORT - None

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – None.

ANNOUNCEMENTS (00:01:43)

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

PRESENTATIONS (00:03:42)

- Presentation by Project Cuddle (Debbe Magnusen) – Video presentation and a Certificate of Recognition by Mayor Righeimer and Council Member Leece. (00:04:06)

PUBLIC COMMENTS (00:14:42)

Cindy Brennaman, Costa Mesa, spoke on the First Friday Road Show; Breast Cancer Awareness Month; Fire Prevention Week; and 60th Anniversary records release. (00:16:49)

James Proctor, Costa Mesa, spoke on his accident at the beach; and renaming Civic Center Drive to Alan Roeder Way. (00:19:34)

James Bridges, Costa Mesa, spoke on motels. (00:20:43)

Laura Wells, Costa Mesa, spoke on Stage 4 Metastatic Breast Cancer. (00:21:29)

Perry Valantine, Costa Mesa, spoke on the Mayor and Mayor Pro Tem's lawsuit with the CMPOA. (00:24:30)

Douglas Morrow, Costa Mesa, spoke against the Mayor and Mayor Pro Tem's lawsuit with the CMPOA; pay cuts, and police staffing. (00:26:41)

Jeff Arthur, Costa Mesa, provided a Pension Oversight Committee update. (00:29:20)

Beth Refakes, Costa Mesa, spoke on a public eyesore created at the old Klein School property, as well as a safety hazard; technical difficulties with Costa Mesa TV, and broadcasts being unavailable to residents. (00:31:09)

Terry Koken, Costa Mesa, spoke against the Mayor and Mayor Pro Tem's lawsuit against the CMPOA. (00:33:33)

Tamar Goldmann, Costa Mesa, spoke on Police Officer staffing; and no interference policy for City Council, and employee contracts. (00:35:20)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS (00:38:33)

Council Member Genis spoke on the Scarecrow Contest and Festival; and the Federal shutdown. (00:38:40)

Council Member Leece spoke regarding the CMTV problems; COIN Ordinance transparency effects; Warrant #2491, \$50,000 to the Newport condominium association for property damage; requested an update regarding OCTA and the 405 Freeway; requested reports from the Pension Committee; supports paying monies to PERS to pay down the unfunded pension liability, the fire side fund being a priority; churches consortium to solve homeless problem; and Consent Calendar #12 IT Director salary. (00:39:21)

Council Member Monahan requested a report on the catch and release program regarding coyotes; and stated he will pull Consent Calendar #12 as he thinks it should be contracted out. (00:46:00)

Mayor Righeimer stated he will be speaking at Stanford University, with the Hoover Commission, to discuss pension problems; spoke on helping the homeless with a Costa Mesa connection; 405 Freeway and Caltrans OCTA toll lanes, and requested a closed session to address legal action on this issue; police officer recruitment efforts; and employee negotiations. (00:46:45)

Mayor Pro Tem Mensinger spoke on Newport Mesa Unified School District improvements and Costa Mesa High School reallocation monies for sidewalks and trees; and Woodbridge invitational running event. (00:57:54)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:00:18)

CEO Thomas Hatch explained the federal shutdown will have an insignificant impact; spoke on the CMTV upgrade and estimated costs; requested Ernesto Munoz, Public Services Director, explain the \$50,000 payment to Newport condominium in regards to a lawsuit settlement due to flooding; spoke on scheduling a closed session in regards to the 405 Freeway; committee updates and employee workloads; IT Director position and salary; SCAG Membership and receiving a grant of \$170,000; release of last minute documents; introduced Keith Clarke who provided a presentation on the Community Improvement Division and their efforts; provided an update on Police Officer recruitment and staffing; police reorganization report, and releasing a statement on the recruitment process. (01:00:23)

CONSENT CALENDAR (01:42:42)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 1, 3, 4, 5, 11, 12, 13

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

2. READING FOLDER

- a. Claims received by the City Clerk: Lee Ramos; and Mercury Insurance/Colton Jackson.

ACTION: Received and filed

6. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE "SELECTIVE TRAFFIC ENFORCEMENT PROGRAM" AND "SOBRIETY CHECKPOINT GRANT PROGRAM"

ACTION:

1. City Council adopted Resolution which authorizes the CEO or his designee to accept the grant awards from the California Office of Traffic Safety for: the "Selective Traffic Enforcement Program" (STEP); and the "Sobriety Checkpoint Grant Program"; and
2. Approved Budget Adjustment No. 14-007 for the total amount of \$168,923 to increase revenue and appropriation for overtime, professional development and equipment costs associated with the 2013 OTS STEP grant (\$74,523) and OTS Sobriety Checkpoint Grant Program (\$94,400).

7. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00458 FOR STREET IMPROVEMENTS AT 274 BROADWAY, COSTA MESA, CALIFORNIA

ACTION: City Council refunded cash deposit in connection with Encroachment Permit No. PS11-00458 in the amount of \$5,000 to SCEL Properties LLC, 620 Newport Drive, Newport Beach, California, 92660.

8. REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00172 FOR STREET IMPROVEMENTS AT 164 FLOWER STREET, COSTA MESA, CALIFORNIA

ACTION: City Council refunded cash deposit in connection with Encroachment Permit No. PS13-00172 in the amount of \$13,338.32 to Sam-Costa Mesa LLC, 20201 SW Birch Street, Suite 100, Newport Beach, California, 92660.

9. ESTABLISHMENT OF THE NEW CLASSIFICATION OF COMMUNITY OUTREACH WORKER

ACTION: City Council adopted Resolution No. 13-xx, which establishes the new Community Outreach Worker job classification; and corresponding salary range (\$24.41 to \$32.71 per hour).

10. SECOND READING OF ORDINANCE TO REPEAL MUNICIPAL CODE SECTION 10-354

ACTION: City Council gave second reading and adopted Ordinance 13-03 entitled, "An Ordinance of the City Council of the City of Costa Mesa Repealing Section 10-354 of Chapter XIX of Title 10 of the Costa Mesa Municipal Code, relating to solicitation of employment, business or contributions to and from moving vehicles".

14. AMENDMENT TO THE EXISTING AGREEMENT WITH THE COUNTY OF ORANGE FOR REPROGRAPHIC SERVICES

ACTION: City Council approved the amendment to the reprographic services contract with Orange County Publishing Services (County of Orange) for offset printing, reprographics and bindery services in an amount not to exceed \$100,000 for each contract year. The original agreement was for a three (3) year term with two (2) one-year renewals.

OLD BUSINESS (01:45:08)

1. PUBLIC NUISANCE ABATEMENT ORDINANCE (01:45:13)

Rick Francis, Assistant Chief Executive Officer, explained the process for a citation, smoking issues; and clarification of large trash bins. (01:46:04)

Grant McNiff, Costa Mesa, Director of a non-profit; Manager/General Partner of Costa Mesa Village for affordable housing; thanked Mr. Francis for all his good work; and spoke on the sober living coalition and working with the City to iron out differences. (01:54:28)

Thomas Allen, Costa Mesa, CEO of the Pavmor foundation, spoke in support of the ordinance; and spoke on working together with the City of Costa Mesa. (02:03:30)

Speaker, Costa Mesa, believes in the good neighbor policy, and supports recovery homes. (02:06:50)

Madison Clark, Costa Mesa, spoke in support of the ordinance; and stated that recovery and treatment saved her life. (02:08:17)

Mark Shaeffer, Costa Mesa, stated he is apprehensive of the ordinance due to neighborhood fears of sober living houses. (02:09:58)

Honey James, Costa Mesa, stated opposition to the ordinance. (02:12:04)

Amanda Knitter, American Lung Association representative, supports the ordinance; and spoke on second hand smoke. (02:15:28)

Patricia Bintliff, Costa Mesa, Secretary of the Sober Living Network and Community Outreach Coordinator, stated opposition to the ordinance; spoke on determining legitimate; and the enforcement process. (02:16:21)

Jeff Christensen, Marina Del Rey, Executive Director of the Sober Living Network, stated opposition to the ordinance, and provided recommendations. (02:19:31)

Steven Polin, Attorney for the Newport Beach case, spoke regarding the 9th circuit Newport Beach case and opposition to the ordinance. (02:22:09)

Discussion ensued regarding a copy of the sober living coalition rules and procedures, and concerns about arbitrary complaints not based on facts. (02:28:44)

Mayor Righeimer spoke regarding the 17 homes in the coalition; homes that are not good neighbors; community impacts and the need for the the ordinance, and not discriminating. (02:31:41)

Council Member Leece stated concern that the ordinance is overly broad in its application; and the logging of complaints. (02:35:50)

Mr. Francis spoke on the variables that police and code enforcement officers encounter; the ordinance depicting general issues being faced; and current processes already in place for years. (02:36:53)

Council Member Genis stated that in June the ordinance had cast a broad net; believes that now it has been narrowed down, and the process going to the City Council; assured there is no discrimination; targeting true nuisances, hoarding situations; and will support the ordinance. (02:38:51)

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

Mayor Pro Tem Mensinger stated elected officials go out and meet and talk with the community; spoke on dealing with problem issues; everybody wants a nice neighborhood; ordinance has been in place for 10 years and is not arbitrary; community meeting addressing issues in a friendly manor; trusting staff, and appeals going to City Council. (02:43:35)

Council Member Leece requested from staff an outline or chart that would give the recipient clear direction to follow; spoke on good neighbors vs. not good neighbors; and concerns of senior residents. (02:47:53)

Council Member Genis stated this is a Nuisance Ordinance, and if you have an elderly neighbor an offer to help would be a nice first step. (02:51:24)

The motion carried unanimously:

ACTION: City Council gave second reading and adopted Ordinance 13-04 entitled, "An Ordinance of the City Council of the City of Costa Mesa Repealing Chapter I (In General) and Replacing it with Chapters I (In General), II (Property Maintenance Standards) and III (Public Nuisance Abatement) of Title 20 (Property Maintenance) of the Costa Mesa Municipal Code Relating to the Abatement of Public Nuisances.

NEW BUSINESS (02:52:48)

1. PUBLIC NUISANCE ABATEMENT FINE RESOLUTION (02:52:51)

Mr. Francis spoke regarding the Council adopting the violation fines; fines being relative to an issue, timetable between fines, and current fine structure. (02:52:59)

Mayor Pro Tem Mensinger spoke on City code enforcement, voluntary compliance, fix-it process, code enforcement discretion, and fine structure. (02:57:19)

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

SUBSTITUTE MOTION by Council Member Genis: The first fine violation \$100.00, the second \$250.00, the third \$500.00, and all others \$1,000.00. (03:00:55)

The substitute motion died for lack of a second.

The original motion was carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: Council Member Genis

Motion carried 4-1:

ACTION: City Council adopted Resolution No. 13-xx, regarding public nuisance violation fines.

ITEMS REMOVED FROM THE CONSENT CALENDAR (03:30:37)

1. PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED (03:30:39)

Terry Koken, Costa Mesa, stated he is not in favor of reading by title only. (03:03:48)

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

The motion carried unanimously:

ACTION: City Council waived reading of Ordinances and Resolutions.

3. **WARRANT RESOLUTION 2491: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-18 "A" AND 13-19 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-18 "A" for \$6,545.91, Payroll No. 13-19 for \$1,983,661.39 and City operating expenses for \$889,429.65. (03:09:28)**

Cindy Brennaman, Costa Mesa, spoke regarding the bills for West Coast Arborists. (03:09:39)

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

ACTION: Approved

4. **WARRANT RESOLUTION 2492: 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 \$907,996.60. (03:09:28)**

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

ACTION: Approved

5. **WEST 19th STREET CORRIDOR PEDESTRIAN IMPROVEMENT PROJECT, FEDERAL PROJECT NO. HSIPL-5312 (086), CITY PROJECT NO. 13-10 (03:10:40)**

Rich Reiser, Costa Mesa, spoke regarding the pedestrian project and regarding the suggestions he had submitted to the Council. (03:10:57)

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

Discussion ensued regarding LED lights, and width of the crosswalk lines. (03:14:42)

Council Member Leece requested staff write a letter in response to Mr. Reiser's suggestion.

Council Member Genis spoke regarding drive aprons and segways being banned from sidewalks. (03:18:06)

The motion carried unanimously:

ACTION:

1. City Council adopted plans, specifications, and working details for the West 19th Street Corridor Pedestrian Improvement Project, City Project No. 13-10; and
2. Approved Budget Adjustment No. 14-008, in the amount of \$87,972; and

3. Awarded a construction contract to Traffic Development Services, Inc., 4215 Tierra Rejada Road, Moorpark, CA 93021, in the amount of \$456,972.00 (base bid only); and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

12. INFORMATION TECHNOLOGY: ESTABLISHMENT OF AN INFORMATION TECHNOLOGY DEPARTMENT AND INFORMATION TECHNOLOGY DIRECTOR POSITION (03:20:00)

Beth Refakes, Costa Mesa, requested information regarding the salary range, and what it is based on; and recommended an in-house person who reports to the CEO. (03:20:22)

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

CEO Hatch spoke regarding the salary range and total impact of salary, benefits and pension costs to that range. (03:22:29)

The motion was carried by the following roll call vote:

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

Noes: Council Member Monahan

ACTION:

1. City Council directed staff to establish an Information Technology Department including the establishment of a full-time Information Technology Director job classification; and
2. Adopted Resolution No. 13-xx, which amends Resolution No. 08-59 by establishing the new Information Technology Director job classification with a salary range of \$10,444 to \$13,995 per month.

13. SERVER INFRASTRUCTURE UPGRADE (03:23:57)

Beth Refakes, Costa Mesa, requested clarification on the servers. (03:24:01)

Mr. Francis stated all 70 servers are out of warranty, and fewer servers need to be purchased as they have higher capacity; and spoke on guarantees and compatibility. (03:25:24)

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

The motion carried unanimously:

ACTION:

1. City Council approved and authorized the CEO to sign the Purchasing Agreement in the amount of \$205,203.24 for the upgrade of the City's server infrastructure with Abtech Technologies, Inc., 2042 Corte Del Nogal #D, Carlsbad, CA 92011; and

2. Approved Budget Adjustment No. 14-009 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$133,741.54), Proposition 172 Fund (\$11,629.70) and General Fund IT Budget (\$59,832.00) in the total amount of \$205,203.24 for this purchase.

REPORT – CITY ATTORNEY - None

ADJOURNMENT – To Regular Meeting, October 15, 2013.

The Mayor adjourned the meeting at 9:35 p.m.

MAYOR

Brenda Green

CITY CLERK