

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

August 09, 2012

The City Council of the City of Costa Mesa, California met in a Special Meeting on August 9, 2012 at 3:30 p.m. in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

PLEDGE OF ALLEGIANCE (00:00:19)

ROLL CALL (00:00:39)

Council Members Present:	Mayor Eric R. Bever Mayor Pro Tem James Righeimer Council Member Wendy Leece Council Member Stephen Mensinger Council Member Gary Monahan
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Council Members Absent:	None
Officials Present:	City Chief Executive Officer Thomas R. Hatch City Attorney Thomas Duarte Public Services Director Ernesto Munoz Economic and Development Services Director Peter Naghavi Special Counsel Kimberly Hall Barlow Interim City Clerk Brenda Green Acting Deputy City Clerk Christine Cordon

Special Counsel Kimberly Hall Barlow explained the reason for conducting the special meeting, and provided an overview of the revisions to the charter and Ballot Designation and Summary. (00:01:17)

Council Member Leece asked how revisions can be submitted if the deadline has already passed. Ms. Barlow clarified that the deadline has not passed. (00:05:37)

PUBLIC COMMENT (00:08:46)

John Stephens, Costa Mesa, spoke about the Bell scandal and language in the charter. (00:08:52)

Perry Valantine, Costa Mesa, expressed concern in the revisions. (00:13:50)

Jay Humphrey, Costa Mesa, spoke about bias, transparency, and campaign contributions. (00:15:59)

Harold Weitzberg, Costa Mesa, expressed concern about the speed of the process to move forward with the charter. (00:20:02)

Robin Leffler, Costa Mesa, commented on contracting of services and prevailing wage. (00:21:47)

Terry Koken, Costa Mesa, spoke in opposition of the charter. (00:24:51)

Mrs. Drain thanked residents for staying involved. (00:25:36)

1. **Minor revisions to Exhibit A of Resolution No. 12-51, "Ballot Description, Summary, and Enumeration of Powers," adopted July 31, 2012.**

Ms. Barlow addressed concerns made by public speakers. She indicated that the changes made to the resolution were generated from the City Attorney's Office and not as a result of the ballot arguments. She explained that the special meeting may not have been necessary, but was called as a precaution. Ms. Barlow also explained that there is a 500-word limit, and therefore, it would be impossible to elaborate every potential ordinance the Council could pass as a result of the language change in the charter. She noted that Item No. 2 does address purchasing and contracting and the proposed charter will allow the city to engage in contracting and purchasing different from general law cities. (00:27:00)

Perry Valentine, Costa Mesa, asked if the description has already been submitted to the Registrar of Voters. Ms. Barlow clarified that a description has been submitted, but not the amended description being proposed. (00:29:51)

Council Member Leece asked if "no-bid" could be added to "contracting/purchasing." Ms. Barlow stated additional language could be added but reiterated the 500-word limit. (00:30:38)

Mayor Bever asked if the City already has provisions for no-bid contracts. Ms. Barlow indicated the City currently does. (00:31:38)

Mayor Pro Tem Righeimer asked what the difference is between a no-bid contract and other contracts, and why a contract under \$125,000 is called a no-bid contract. Public Services Director Ernesto Munoz clarified that the only items that do not require bids are purchasing items less than \$1,000. He stated that the term "no-bid" is a misnomer because essentially bids are received through a bidding and qualification process. (00:31:52)

Discussion ensued between Mayor Pro Tem Righeimer and Mr. Munoz regarding the bid process and protections for the City in the bid process. (00:33:47)

Katrina Foley expressed concern that Mayor Pro Tem Righeimer is referring to the ballot argument against the charter and asking staff for opinions and questions about it. (00:34:20)

In response to questions from Mayor Pro Tem Righeimer, Mr. Munoz stated that

the City Council is not involved in the bid process and informal bids.

Council Member Leece explained that the City Council could be involved in the process by word of mouth and telling potential contractors about the request for bid. (00:35:10)

Mayor Bever clarified that there is a bid process through the vendor list. Mr. Munoz affirmed. (00:35:23)

Mayor Pro Tem Righeimer asked if it would be possible to select an underqualified or overpriced contractor. Mr. Munoz explained that staff provides an unbiased response and recommendation based on price and qualifications. (00:35:50)

Ms. Foley asked if members of the public would have an opportunity to question staff in a public hearing regarding the ballot argument in favor of the charter. (00:37:13)

Council Member Leece spoke in opposition of the motion, the charter, and resubmitting the ballot statement; and encouraged members of the public to vote in opposition of the charter. (00:38:38)

Mayor Bever spoke in support of the motion, and supported the City Attorney's recommendations to revise the ballot statement. (00:41:00)

Council Member Monahan thanked the City Attorney and City Clerk for their efforts, and encouraged members of the public to vote in support of the charter. (00:42:47)

In response to a concern regarding Council Member Mensinger and a potential conflict of interest, Ms. Barlow indicated that he did not have a conflict of interest related to a contribution and referenced the city's municipal code. (00:43:11)

MOTION: Adopt Amended Resolution No. 12-51: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROPOSING A MEASURE FOR THE SUBMISSION TO THE VOTERS OF A QUESTION WHETHER THE CITY OF COSTA MESA SHALL ADOPT THE PROPOSED CHARTER, THE ADDITION OF SUCH A MEASURE TO THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012 AS CALLED BY RESOLUTION NO. 12-37, AND THE REQUESTING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE.

Moved by Council Member Gary Monahan, seconded by Mayor Pro Tem James Righeimer.

The motion carried by the following roll call vote:

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

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (00:44:51)

There were no council member reports.

ADJOURNMENT - The mayor adjourned the meeting at 4:16 p.m. (00:44:59)



Mayor of the City of Costa Mesa

ATTEST:



Interim City Clerk of the City of Costa Mesa