

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

January 15, 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 Monahan, and Council Member Genis (arrived at 5:10)

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

No public comments received.

CLOSED SESSION

The City Council recessed into closed session at 5:05 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), Costa Mesa Police Association (CMPA), Costa Mesa Police Management Association (CMPMA), 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).

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

CALL TO ORDER (00:00:17)

PLEDGE OF ALLEGIANCE (00:00:25) – Mayor Pro Tem Mensinger

MOMENT OF SOLEMN EXPRESSION (00:00:45)

Ms. Eleanor Egan

ROLL CALL (00:02:11)

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 Peter Naghavi, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:00:15)

The City Attorney stated that there was no reportable action.

ANNOUNCEMENTS (00:02:25)

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

PRESENTATIONS (00:04:35)

The Mayor recognized and presented Ms. Kori Johnson, Costa Mesa High School Cheer Coach, with the Cheer Coach of the Year Award. (00:04:40)

The Mayor recognized and presented the Mayor's Award to Estancia High School Drama Cast for receiving a California Educational Theatre Association (CETA) award. (00:07:37)

Diane Pritchett, Executive Director for South Coast Metro Alliance, and Ed Fawcett, CEO/President of the Chamber of Commerce, spoke on the Mayor's Celebration scheduled for April 25, 2013. (00:19:12)

PUBLIC COMMENTS (00:24:00)

Robert Graham, Costa Mesa, spoke regarding a petition for the installation of stairs at Canary Drive. (00:24:05)

Jeff Arthur, Costa Mesa, provided a presentation regarding Pension Liabilities and informed of the February 26, 2013 City Council Study Session on Public Employees Pensions. (00:26:59)

Chris McEvoy, Costa Mesa, spoke on a recall petition against James Righeimer and expressed opposition to the Banning Ranch Development. (00:33:20)

Martin H. Millard, Costa Mesa, expressed support of funding to purchase multi-unit homes in the Mesa North area. (00:35:05)

Maria McCarty, Costa Mesa, spoke regarding the relocation of the residents of Anchor Mobile Home Park. (00:37:44)

Speaker, Costa Mesa, spoke on a Resolution of the City of Carson. (00:41:24)

Sue Anna, Costa Mesa, spoke on the closure of Anchor Mobile Home Park. (00:43:45)

Angela Boyle, Costa Mesa, spoke on the relocation of the residents of Anchor Trailer Park. (00:45:32)

Angela Boyle, representing Andrea Burns, Costa Mesa, spoke on the relocation of the residents of Anchor Trailer Park. (00:48:04)

Beverly Walter, Costa Mesa, spoke on the relocation of the residents of Anchor Trailer Park. (00:50:15)

Sue Lester, Costa Mesa, spoke on the \$2.5 million surplus; expressed opposition of tearing down buildings; and expressed support of funding for services for the homeless population. (00:52:02)

Jay Humphrey, Costa Mesa, expressed support of the awards presented to the educational groups; spoke on mobile home parks, the Anchor Mobile Home Park residents relocation; and a new zoning process. (00:54:28)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Mensinger spoke on the Mesa Verde Classic on Monday, January 21, 2013; requested to form a Budget and Pension Oversight Committee. (00:58:57)

Council Member Genis spoke about the formal public opening of Fairview Park, air quality, and the no-burn period declared by the AQMD. (01:00:03)

Council Member Leece announced three upcoming Cultural Arts Committee events: the Arts Walk on Tuesday, January 29, 2013, the Juried Art Exhibit on Saturday, March 16, 2013, and the Arts in the Park on Saturday May 11, 2013; spoke on the Accomplishments of the Cultural Arts Committee and the Historical Preservation Committee; informed of Vanguard's Open House at the Veterans' Resource Center on Thursday, January 24, 2013; announced that the Orange County Library Technology branch will be relocating and the Dungan Library will be closed for repairs; spoke on homeless issues, the Anchor Mobile Home Park, and the City working with the Newport Mesa School District on safety. (01:01:52)

Council Member Gary Monahan – None (01:09:20)

Mayor James M. Righeimer spoke regarding the Anchor Mobile Home Park and requested for staff to follow-up with the buyer; and spoke on homeless issues and the actions the City is taking to help the homeless population. (01:09:25)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (00:14:58)

CEO Thomas Hatch spoke on homeless shelters; announced that the Comprehensive Annual Financial Report (CAFR) is on the City's website and will be discussed at the February 12, 2013 City Council Study Session; and spoke on the improvements of the libraries in the City and the SRO programs at the school sites.

CONSENT CALENDAR (01:19:27)

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

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

1. READING FOLDER

(a) Claims received by the City Clerk: Max Weisenberger; James Heumann.

ACTION: Received and filed

2. MINUTES: REGULAR MEETING AUGUST 2, 2011 AND REGULAR MEETING NOVEMBER 15, 2011

ACTION: Approved

3. WARRANT RESOLUTION 2455: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 12-26A AND 13-01 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 12-26A for \$8,682.79, Payroll No. 13-01 for \$2,401,095.79 and City operating expenses for \$482,422.73, including payroll deductions.

ACTION: Approved

4. SECOND AMENDMENT TO PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS

ACTION:

1. City Council approved Second Amendment to the Professional Services Contract between the City of Costa Mesa and the Lilley Planning Group for comprehensive planning services to the Planning Division from the existing approved amount of \$50,000 for a total amount of \$92,000; and
2. Approved Budget Adjustment (BA #13-013) to transfer appropriations from salaries and benefits accounts to Consulting account in the amount of \$92,000.

5. 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: 20th STREET STORM DRAIN IMPROVEMENTS (FROM PLACENTIA AVENUE TO WALLACE AVENUE) PROJECT –CITY PROJECT NO. 12-12

ACTION:

1. City Council adopted the plans, specifications, and working details for the 2012-2013 CDBG Project: 20th Street Storm Drain Improvements (from Placentia Avenue to Wallace Avenue), City Project No. 12-12; and
2. Approved Budget Adjustment No. 13-010 in the amount of \$170,000.00 as detailed under the Fiscal Review section of this report; and
3. Awarded a construction contract to Palp, Inc. dba Excel Paving Company, Lemon Avenue, Long Beach, CA 90806, in the amount of \$275,639.00; and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

6. 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: GISLER AVENUE ALLEY IMPROVEMENT PROJECT (ALLEY NO. 31), FROM CORIANDER DRIVE TO CINNAMON AVENUE – CITY PROJECT NO. 12-13

ACTION:

1. City Council adopted the plans, specifications, and working details for the 2012-2013 CDBG Project: Gisler Avenue Alley Improvement Project (Alley No. 31), from Coriander Drive to Cinnamon Avenue, City Project No. 12-13; and
2. Rejected the bid submitted by Black Rock Construction Company, 282 North St. Crispen, Brea, CA 92821; and
3. Awarded a construction contract to Nobest, Inc. 7600 Acacia Avenue, Garden Grove, CA 92841, in the amount of \$246,000.00; and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

8. CORPORATION YARD FIRE DAMAGE RESTORATION AT 2310 PLACENTIA AVENUE, COSTA MESA-CITY PROJECT NO. 12-11

ACTION:

1. City Council accepted the work performed by St. George Construction, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

9. HICKORY DRIVE ALLEY (ALLEY NO. 28) FROM PONDEROSA STREET TO ALLEY NO. 29; PEPPER TREE LANE ALLEY (ALLEY NO. 29) FROM ROYAL PALM DRIVE TO ALLEY NO. 30; AND HARBOR BOULEVARD ALLEY (ALLEY NO. 30) FROM BAKER STREET TO PONDEROSA STREET IMPROVEMENT PROJECT – CITY PROJECT NO. 12-03

ACTION:

1. City Council accepted the work performed by Black Rock Construction Company and authorize the City Clerk to file the Notice of Completion; and
2. Will release the Labor and Material Bond seven (7) months after the filing date; will release the Faithful Performance Bond one (1) year after the filing date; and will release the retention monies 35 days after the Notice of Completion filing date.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:20:02)

1. READING FOLDER (01:20:07)

(b) Requests for Alcohol Beverage Control licenses:

- Storyteller Engraving LLC, dba Storyteller Engraving, at 139 E. 16th Street, an original State Alcoholic Beverage Control (ABC) License Type “85” (Limited Off-Sale Wine).
- London Gastropub Inc., dba London Pub, at 512 W. 19th Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “47” (On-Sale General, Eating Place) and Type “58” (Caterer Permit).
- Anna Scandalos, dba Inka Grill, at 260 Bristol Street, an original State Alcoholic Beverage Control (ABC) License Type “47” (On-Sale General, Eating Place).
- Akdok Inc., dba Bristol 76 Gas Station, at 3067 Bristol Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-Sale Beer and Wine).

Council Member Leece spoke on Storyteller Engraving, Assembly Bill 623 that went into effect in January 2012, and Type 85 licenses.

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

ACTION: Received and filed

7. FILLMORE WAY ALLEYS (ALLEY NO. 48 AND ALLEY NO. 49) AND GARFIELD AVENUE ALLEY (ALLEY NO. 50) IMPROVEMENT PROJECT-CITY PROJECT NO. 12-17 (01:22:54)

Martin H. Millard expressed opposition to the project and expressed support of funding to purchase buildings to get rid of "slum" areas. (01:23:00)

Ernesto Munoz, Public Services Director, spoke on the poor condition of the alleys. (01:25:30)

Discussion ensued regarding efforts being undertaken to improve the City, the timeline of the construction, security measures including: lighting and fencing, and the involvement of the Neighborhood Improvement Task Force. (01:27:18)

MOTION/SECOND: Council Member Monahan/Council Member Leece
The motion carried unanimously.

ACTION:

1. City Council adopted plans, specifications, and working details for the Fillmore Way Alleys (Alley No. 48 from Paularino Avenue to Albany Street and Alley No. 49 from Albany Street to southerly end), and Garfield Avenue Alley (Alley No. 50 from Paularino Avenue to southerly end) Improvement Project – City Project No. 12-17; and
2. Awarded a construction contract to Bannaoun Engineers Constructors Corporation, 9614 Cozycroft Avenue, Chatsworth, CA 91311, in the amount of \$226,076.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

PUBLIC HEARINGS – None

OLD BUSINESS – None

NEW BUSINESS (01:39:47)

1. APPOINTMENTS TO THE PLANNING COMMISSION AND THE PARKS AND RECREATION COMMISSION (01:39:50)

Discussion ensued regarding public noticing for the Commission vacancies. (01:41:20)

Public Comments:

Harold Weitzberg, Costa Mesa, requested to re-open the application process for the Parks and Recreation Commission. (01:41:36)

MOTION/SECOND: Council Member Genis/Council Member Leece

MOTION: Continue the Parks and Recreation Commission appointments to the February 5, 2013 City Council Meeting.

The motion carried unanimously.

ACTION:

City Council continued the Parks and Recreation Committee appointments to the February 5, 2013 City Council Meeting.

Discussion ensued regarding Council Policy and the appointment of more than two Planning Commissioners. (01:43:41)

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

MOTION: Waive the Council Policy and appoint a third member to the Planning Commission.

The motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor pro Tem Mensinger, Council Member Monahan, Council Member Genis

Noes: Council Member Leece

Motion carried 4-1.

ACTION:

City Council waived the Council Policy and approved proceeding with the appointment of a third member to the Planning Commission.

Public Comments:

Robin Leffler, Costa Mesa, spoke on collaborative governing of the City and expressed support of the nominations of the female Council Members. (01:47:47)

Martin H. Millard spoke on Council appointments; and the expectations of the Planning Commissioners. (01:51:38)

Council Member Leece spoke about the various applicants and expressed support of moving forward with the appointments. (01:53:27)

The following individuals submitted applications:

1. Byron DeArakal
2. Samuel J. Clark
3. Eleanor Egan
4. Jim Fitzpatrick
5. Daniel Hoffman
6. Marshall Krupp
7. Sue Lester
8. Devin R. Lucas
9. Colin McCarthy
10. Timothy W. Sesler
11. Steve Smith
12. Harold Weitzberg
13. Jonathan Zich

Motion/Second: Council Member Genis

Motion: Appoint Eleanor Egan to the Committee
Motion failed due to lack of second.

Motion/Second: Council Member Leece/Council Member Genis
Motion: Appoint Sam Clark to the Committee
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.

Motion/Second: Mayor Righeimer/Council Member Monahan
Motion: Appoint Jim Fitzpatrick to the Committee.

Council Member Genis spoke on reasons for not supporting the motion. (01:59:19)

Council Member Monahan spoke on reasons for supporting the motion. (02:00:08)

Council Member Leece spoke on reasons for not supporting the motion. (02:01:10)

Motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Monahan
Noes: Council Member Leece, Council Member Genis
Motion carried 3-2.

Motion/Second: Mayor Pro Tem Mensinger/Council Member Monahan
Motion: Appoint Timothy Sesler to the Committee

Council Member Leece spoke on reasons for not supporting the motion. (02:03:25)

Motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Monahan
Noes: Council Member Leece, Council Member Genis
Motion carried 3-2.

Motion/Second: Council Member Monahan/Mayor Pro Tem Mensinger
Motion: Appoint Colin McCarthy to the Committee
The motion carried unanimously.

ACTION:

The following three individuals were appointed to the Commission: Jim Fitzpatrick, Timothy Sesler, and Colin McCarthy.

2. RENAMING OF INVESTMENT OVERSIGHT COMMITTEE TO FINANCE ADVISORY COMMITTEE (02:06:00)

Staff report provided by Bobby Young, Finance and IT Director. (02:06:15)

Discussion ensued regarding a Budget and Pension Oversight Committee vs. a Finance Advisory Committee, the scope and purpose of the Committees, staff-time devoted to the Finance Advisory Committee; and the duties of the Committees in comparison to other agencies. (02:10:10)

Public Comments:

Perry Valentine, Costa Mesa, expressed concern regarding the purpose of the Committee. (02:33:05)

Robin Leffler, Costa Mesa, expressed support of the original name of the Committee: Investment Oversight Committee. (02:33:50)

Beth Refakes, Costa Mesa, expressed support for a separate Budget and Pension Oversight Committee and spoke on the scope and purpose of the Finance Advisory Committee. (02:37:17)

David Kincaid, Costa Mesa, expressed support for the Committee. (02:39:46)

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

MOTION: To rename the Investment Oversight Committee to the Finance Advisory Committee and expand the current purpose of the committee, but excluding authority to review and make recommendations regarding City support or opposition to proposed state or federal legislature which impacts the City's finances.

Discussion ensued regarding the duties of the Committee and the qualifications of the applicants. (02:41:40)

The motion carried unanimously.

ACTION:

City Council renamed the Investment Oversight Committee to the Finance Advisory Committee and expanded the current purpose of the committee, but excluding authority to review and make recommendations regarding City support or opposition to proposed state or federal legislature which impacts the City's finances.

3. PURCHASE OF BUSINESS LICENSE SOFTWARE (02:48:31)

Staff report provided by Bobby Young, Finance and IT Director. (02:48:40)

Council Member Monahan expressed support of combining all permits into one file. (02:54:20)

Discussion ensued regarding a business license performance audit review, compliance, functionality, the implementation process, financial incentives related to multi-module packages, and fees. (02:58:48)

Perry Valentine, Costa Mesa, expressed support for providing better tools for employees and spoke on the business license tax software. (03:15:13)

Beth Refakes, Costa Mesa, expressed support of the item; inquired about the amount of data conversion; and spoke regarding changes to the online form. (03:17:09)

Council Member Monahan spoke regarding changes to the form. (03:18:54)

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

ACTION:

1. City Council approved the purchase of a Business license Software system from HdI Software, LLC; and
2. Authorized the City Chief Executive Officer to sign a professional services agreement with HdL Software, LLC in an amount not to exceed \$55,000.

4. **APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE COSTA MESA CONFERENCE AND VISITOR BUREAU, TRANSPORTATION CORRIDOR AGENCY AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT (03:20:10)**

Staff report provided by Tom Hatch, Chief Executive Officer. (03:20:21)

Council Member Leece requested that the Mayor reconsider allowing her to continue her term on the Orange County Vector Control District Board. (03:22:30)

Discussion regarding the Mayor's selections. (03:25:50)

Public Comments:

Robin Leffler, Costa Mesa, requested to view the appointments to the other Committees and inquired about which Committees are compensated. (03:28:34)

Discussion ensued regarding the compensation for various Committees. (03:29:37)

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

ACTION:

City Council approved the Mayor's appointments to the following Boards:

1. Costa Mesa Conference and Visitor Bureau (CMCVB) - Council Member Monahan, and Mayor Pro Tem Mensinger as alternate; and
2. Transportation Corridor Agency (TCA) – Council Member Monahan, and Mayor Righeimer as alternate; and
3. Orange County Vector Control District (OCVCD) – Mayor Pro Tem Mensinger, and Council Member Leece as alternate.

REPORT – CITY ATTORNEY – None (03:34:52)

The Mayor adjourned the meeting at 9:36 p.m.



James M. Righeimer, Mayor



Brenda Green, City Clerk