

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

July 2, 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 Genis (arrived at 5:15 p.m.), Council Member Leece, and Council Member Monahan

Council Members Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

CLOSED SESSION

The City Council recessed into closed session at 5:04 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 Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6
2. Conference with legal counsel regarding existing litigation: Costa Mesa Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding anticipated litigation: Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Two cases.

The City Council reconvened at 6:46 p.m.

CALL TO ORDER (00:00:04)

PLEDGE OF ALLEGIANCE (00:00:15) – Led by Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:00:47)

Doug Berry, Rock Harbor Church

ROLL CALL (00:02:36)

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, Acting Economic and Development Services Director Claire Flynn, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT (00:02:49)

City Attorney Duarte reported action was taken on Closed Session Item #3 by a vote of 5-0 to approve the initiation of litigation against the State of California Department of Finance and County of Orange regarding the determination made by the Department of Finance.

ANNOUNCEMENTS (00:03:35)

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

Special recognition to Brad Long, Dane Bora, Dan Krikorian, and Bill Lobdell for their work on the "Costa Mesa My Sweet Home" song and music video.

PRESENTATIONS – NONE (00:03:35)

PUBLIC COMMENTS (00:11:38)

Harold Weitzberg, Costa Mesa, spoke about the 60th Anniversary celebration. (00:11:38)

Dee Storme, Costa Mesa, spoke about the Poseidon Project. (00:12:11)

Doug Smith, Costa Mesa, expressed concern regarding liability at Volcom Skate Park, and spoke on parking violations and enforcement on Presidio Drive. (00:12:58)

John Feeney, Costa Mesa, spoke on behalf of Aviva Goelman, Director of the Costa Mesa Senior Center, regarding the 60th Anniversary event; and expressed opposition to the Orange County Transportation Authority (OCTA) 405 Freeway toll lanes. (00:16:53)

Sharon Brown, Costa Mesa, spoke against profiling the homeless, and expressed concern regarding sex offenders. (00:18:40)

Jay Humphrey, Costa Mesa, expressed opposition of the OCTA toll plan; and spoke about the 4th of July, additional signs on Coral Avenue, and the upcoming General Plan vision meeting. (00:21:40)

Jay Photoglou spoke on his grievance against the Costa Mesa Police Department. (00:24:18)

Robin Leffler, Costa Mesa, expressed concern on the City's spending; spoke on rebuilding the reserves; stated opposition to installing lights at Fairview Park; and requested an increase in business license fees be presented to the voters. (0:31:10)

Sheila Pfafflin, Costa Mesa, spoke about the Banning Ranch Project. (00:34:42)

Beth Refakes, Costa Mesa, spoke on the 60th Anniversary event; and expressed concern on the OCTA 405 toll plan. (00:36:44)

Linda Fernandez requested that Broadway Street be blocked off for the July 4th holiday and weekend. (00:39:37)

Peter Boyd, Costa Mesa, praised Rick Francis for helping in their neighborhood on quality of life issues. (00:43:13)

Steve Ray, Executive Director of Banning Ranch Conservancy, officially invited City Council to join the litigation, thanked Council for not approving the traffic mitigation agreement, and encouraged partnership with the Conservancy. (00:45:23)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Genis suggested a public study session presentation on the Emergency Operation Plan; thanked everyone who worked on the 60th Anniversary; informed of a meeting regarding the Poseidon Plan; and wished the public a safe Happy 4th of July. (00:48:11)

Council Member Leece requested staff provide an update on the Poseidon Plan; spoke on enforcing the law at Volcom Skate Park and parking regulations on Presidio Drive; requested a plan of action concerning the OCTA toll lane issue; encouraged citizen participation with the General Plan; spoke on business licensing and Triangle Square parking and taxis; expressed her condolences for the families of the Prescott, Arizona firefighters; requested an update on the CMCEA lawsuit; and announced two awards given to the Council Members by Association of California Cities, Orange County. (00:51:48)

Council Member Monahan announced he would be pulling #5 from the consent calendar. (01:02:17)

Mayor Righeimer spoke on city spending, infrastructure, safety, new computer data dispatch system, realignment of the fire department, budget, and the 60th Anniversary event. (01:02:24)

Mayor Pro Tem Mensinger thanked the volunteers for the 60th Anniversary event; and gave brief history of Independence Day. (01:12:25)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (01:14:26)

CEO Hatch spoke on the enforcement at Volcom Skate Park; complimented Assistant CEO Rick Francis for neighborhood assistance; spoke on enforcing the law and prohibiting illegal fireworks; complimented and thanked the 60th Anniversary staff; and acknowledged awards from ACC-OC.

CONSENT CALENDAR (01:18:57)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Items 5, 8, 10, 11

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

- a. Claims received by the City Clerk: Enterprise Rent-A-Car; Sandra Huber; and Angela Hamel.

ACTION: Received and filed

2. MINUTES: Regular Meeting/Study Session of April 12, 2011.

ACTION: Approved

3. WARRANT RESOLUTION 2478: 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 \$1,933,867.16.

ACTION: Approved

4. **WARRANT RESOLUTION 2479: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-12 "A" AND 13-13 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-12 "A" for \$4,317.47, Payroll No. 13-13 for \$2,053,868.00 and City operating expenses for \$883,176.12.**

ACTION: Approved

6. **PARK AVENUE ALLEY (ALLEY NO. 10), BAKER STREET ALLEY (ALLEY NO. 44), AND FULLERTON AVENUE ALLEY (ALLEY NO. 104) IMPROVEMENT PROJECT – CITY PROJECT NO. 13-03**

ACTION:

1. City Council adopted plans, specifications, and working details for the Park Avenue Alley (located between Newport Boulevard, Park Drive, Anaheim Avenue, and W. 18th Street), Baker Street Alley (located between Baker Street and Logan Avenue, just east of College Avenue), and Fullerton Avenue Alley (located between Fullerton Avenue, Orange Avenue, 20th Street, and Walnut Street) Improvement Project – City Project No. 13-03; and
 2. Awarded a construction contract to Grigolla & Son Construction Company, Inc., P.O. BOX 949, Azusa, CA 91702, in the amount of \$490,045.00; and
 3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.
7. **ANAHEIM AVENUE PARKING RESTRICTIONS**

ACTION:

City Council adopted a resolution authorizing the Transportation Services Manager to implement a "Modified Resident Only" parking restriction for on-street parking spaces on Anaheim Avenue adjacent to the Neighborhood Community Center complex.

9. PURCHASE OF LEADER EMERGENCY VEHICLES AND ANCILLARY EQUIPMENT

ACTION:

1. City Council authorized the purchase of six (6) Leader Industries Emergency Vehicles, from Halcore Group Inc., dba Leader Industries, 10941 Weaver Avenue, South El Monte, CA 91733. The total net purchase cost, including state/local taxes and manufacturer-discount, shall be \$1,334,314.70; and
2. Authorized the purchase of six (6) gurneys Stryker Power – PRO XT (6506), from BoundTree Medical, 5000 Turtle Crossing Boulevard, Dublin, OH 43016. The total net purchase cost, including state/local taxes, shall be \$91,138.86; and
3. Approved budget adjustment (BA# 14-003) to reduce budgeted salaries and benefits and transfer funds to the Equipment Replacement Fund for the purchase of ambulance vehicles and equipment.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:19:58)

5. THIRD PARTY LIABILITY CLAIMS ADMINISTRATION (01:19:58)

Presentation by Lance Nakamoto, Human Resources Manager; and Jim Madaffer, Consultant from Keenan & Associates. (01:20:28)

Mike Reed, President of Carl Warren and Company, spoke on the Request for Proposals, flat fees, and the working relationship with the staff. (01:30:41)

Caryn Siebert, CEO of Carl Warren, made a presentation about the company. (01:37:04)

MOTION: Authorize the CEO to execute a contract for Third Party Liability Claims Administration with Carl Warren and Company.

MOVED/SECOND: Council Member Leece/Council Member Genis.

SUBSTITUTE MOTION: Authorize the CEO to execute a contract for Third Party Liability Claims Administration with Keenan and Associates.

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

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Mensinger, and Council Member Monahan

Nays: Mayor Righeimer, Council Member Genis, and Council Member Leece

Motion failed: 2-3

The original motion carried by the following roll call vote:

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

Nays: Council Member Monahan

Motion carried: 4-1

ACTION: City Council authorized the CEO to execute a contract for Third Party Liability Claims Administration with Carl Warren and Company; however, the City Council may choose either of the top two firms.

8. CITY OF COSTA MESA EMERGENCY OPERATIONS PLAN (01:47:48)

Steve Ray, KOCI Radio, suggested a radio show to present the Emergency Operations Plan, and invited city staff and council members to be on the program. (01:48:07)

MOTION/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION: City Council approved the City of Costa Mesa's revised Emergency Operations Plan and adopted by resolution.

10. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF AUGUST 20, 2013 (01:51:33)

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis, and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION: City Council cancelled the August 20, 2013 Council meeting.

11. COMPUTER AIDED DISPATCH (CAD)/RECORDS MANAGEMENT SYSTEM (RMS) REPLACEMENT (02:00:24)

Jay Photoglou spoke about sales taxes, warranties, and replacing the system. (02:00:33)

Mike James, Costa Mesa Police Commander, clarified that the sales tax is on the software agreement, not on the services; and stated retention of records will convert to the new system. (02:04:13)

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

The motion carried by the following roll call vote:

Ayes: Mayor Righimer, Mayor Pro Tem Mensinger, Council Member Genis, Council Member Leece, and Council Member Monahan.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved and authorized the CEO to sign the Software Licenses and Services Agreement in the amount of \$1,485,558 for the replacement of the current Computer Aided Dispatch (CAD) and Records Management System (RMS) with SunGard Public Sector Inc., 1000 Lake Mary, FL 32746; and
2. Approved and authorized the CEO to sign the Software Maintenance Agreement with SunGard Public Sector Inc., 1000 Lake Mary, FL 32746; and
3. Approved Budget Adjustment (BA #14-002) to appropriate available fund balance in the Narcotics Asset Forfeiture Fund and Proposition 172 Fund in the amount of \$1,485,558 for the replacement of the current CAD/RMS system.

PUBLIC HEARINGS – NONE

OLD BUSINESS – NONE

NEW BUSINESS – NONE

REPORT – CITY ATTORNEY – NONE

The Mayor adjourned the meeting at 8:51 p.m.

A handwritten signature in black ink, appearing to read "Stephen M. Mensinger", written over a horizontal line.

Stephen M. Mensinger, Mayor

A handwritten signature in blue ink, appearing to read "Brenda Green", written over a horizontal line.

Brenda Green, City Clerk