

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

July 07, 2009

The City Council meeting of the City of Costa Mesa, California met in regular session July 07, 2009, at 5:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. ROLL CALL

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Eric R. Bever
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Administrative Services Director Stephen Mandoki
Human Resources Administrator Lance Nakamoto
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no public speakers.

III. CLOSED SESSION:

1. Pursuant to Government Code Section 54957.6., conference with Allan L. Roeder, City Manager and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, 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).

Mayor Mansoor recessed the meeting at 5:03 p.m., to the closed session in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:00 p.m.

PLEDGE OF ALLEGIANCE - Jack Ray Hammett, U.S. Navy (Retired), World War II and Korean War Veteran, and Pearl Harbor Survivor.

MOMENT OF SOLEMN EXPRESSION - Pastor Nathan Abbate, Calvary Chapel

ROLL CALL

Council Members Present: Mayor Allan R. Mansoor
Mayor Pro Tem Wendy Leece
Council Member Eric R. Bever
Council Member Katrina Foley
Council Member Gary Monahan

Council Members Absent: None

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
Acting Development Services Director Kimberly Brandt
City Engineer Ernesto Munoz
Chief of Police Christopher Shawkey
Community Service Specialist Jeanette Chervony
City Clerk Julie Folcik

CLOSED SESSION REPORT

City Attorney Kimberly Hall Barlow reported no action was taken on the closed session item.

PRESENTATIONS

Mayor Mansoor congratulated Assistant Engineer Susan Santoro in being selected as Employee of the Month of July 2009. She was recognized for her expertise and dedication in the remodeling of the Police Facility which resulted in the facility being completed on time and within the allocated budget of \$27.1 million. She exhibited many leadership qualities that contributed to the project's success and was also commended for her constant attention to a multi-phased project of this magnitude.

The Mayor announced a request for continuance was received for New Business Item No. 3 and it was unanimously agreed to address the item out of order of the agenda.

IX. NEW BUSINESS

3. Solicitation of Employment, Business, Contributions from Streets.

MOTION: Continue the item to the next regular meeting.
Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

Discussion ensued among the Council relating to a continuation date and it was

agreed to continue for 45 days. The Mayor restated his motion:

MOTION: Continue the item to the meeting of August 18, 2009.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

Martin Millard, Costa Mesa, was curious as to the reason of the continuance. The Mayor responded that it was a request by one of the Council to provide time for further review.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

IV. PUBLIC COMMENTS

1. John Hawley, Costa Mesa, referenced the Westside Bluffs Master Plan and expressed concern of the Planning Commissioners determination regarding minimum sizes of live/work areas and the concern of high-density residential. He encouraged the Council to build the vision that had been approved for the Westside.
2. Martin Millard, Costa Mesa, commented on the two view-points of the role of government noting that it should do everything or only that which is necessary. He stated that the City need to practice frugality in regards to city services.
3. Bill Turpit, Costa Mesa, announced the recent passing of resident, Ralph Leon, a former neighbor and the longest-term Costa Mesa resident who came to the city in 1920. He shared Mr. Leon's history as a resident and noted that he served in World War II and received a Purple Heart for his service.
4. Cindy Brenneman, Costa Mesa, expressed support of a Transient Occupancy Tax (T.O.T) increase.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Wendy Leece thanked residents, organizers of fireworks stands, and Public Safety for their efforts in making the community safer on the fourth of July; expressed interest in a fourth of July parade or fireworks display for next year; announced a Disaster Preparedness Conference to be held on July 11, 2009, at the Calvary Chapel, Costa Mesa; announced that the historic site markers dedication to be held on July 22, 2009, at 3:30 p.m., at Triangle Square; advised she attended the Mayor's Cup Game; advised she attended the Costa Mesa Youth Sports Council Meeting.

Mayor Allan Mansoor reminded the Council of the expectation and application of rules regarding decorum and propriety of conduct at a meeting pursuant to Council Policy 2-60.

Council Member Katrina Foley announced the opening of the Orange County Fair; noted the Maloof Money Cup skateboarding event that was held at the fairgrounds; recognized the efforts of the Youth Sports Council Members concerning solutions for field use; spoke about the Costa Mesa United in providing \$30,000 to TeWinkle School for field improvements.

Council Member Eric Bever clarified his reason for requesting a continuance of New Business Item No. VIII-3 concerning solicitation of Employment, Business, and Contributions from streets stating that he would like an opportunity to discuss details with the City Attorney. He recognized Sharon Day, Costa Mesa resident, who qualified to compete in track and field at the World Championships to be held in Berlin, Germany.

VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 15.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 14, except for Consent Calendar Item No. 15.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The following Claims were received and processed by the City Clerk: James Kenney; Brinda McCoy; Marlana N. Taylor.

The following requests for Alcoholic Beverage Control Licenses were received and processed:

Cabo Grill, Inc., for Cabo Grill located at 2590 Newport Boulevard, Unit D, for a stock transfer of an existing type 41 (on-sale beer and wine for a

bona fide eating place).

Baja Fish Tacos located at 171 East 17th Street, for a person-to-person transfer of an existing type 41 (on-sale beer and wine for a bona fide eating place).

Pedro Hermosillo for Piccatas Italian Restaurant located at 1969 Harbor Boulevard, for an original type 41 (on-sale beer and wine for a bona fide eating place).

Garfield Beach CVS LLC, for CVS Pharmacy located at 2701 Harbor Boulevard, Suite F, for a person-to-person transfer of an existing type 21 (off-sale general).

Jim Beam Brands Co., located at 1901 Newport Boulevard, Suite 271, for a person-to-person transfer of an existing type 5 (distilled spirits manufacturer's agent), type 10 (beer and wine importer's general), and type 12 (distilled spirits importer).

The following notification letters were received and processed: Costa Mesa Sanitary District – Notice of a public hearing to consider any protests to the proposed increase of the sewer collection rates to be held on July 30, 2009, at 6:00 p.m.

Southern California Gas Company – Notice of filing of the Gas Cost Incentive Mechanism Application No. A.09-06-014.

2. Regular Meeting Minutes June 2, 2009, and June 16, 2009.

ACTION: Approved Regular Meeting minutes of June 2, 2009; continued Regular Meeting minutes of June 16, 2009.

3. Warrant Resolution 2271, funding Payroll No. 912 for \$2,533,909.32 and Payroll No. 911A for negative \$1194 and City operating expenses for \$863,681.60 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2272, funding City operating expenses for \$447,864.59.

ACTION: Resolution adopted.

5. Warrant Resolution 2273, funding Payroll No. 913 for \$2,488,924.52 and Payroll No. 912A for \$3,517.15 and City operating expenses for \$1,695,321.46 including payroll deductions.

ACTION: Resolution adopted.

6. Professional Services Agreement with A.C.T. GIS, Inc., 19000 Grovewood Drive, Corona, for support services for the City's Geographic Information System (G.I.S.), from July 1, 2009 through June 30, 2010, in the amount of \$100,704.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

7. Professional Services Agreement with consultant Michelle Rudaitis, to provide hazardous materials disclosure services, with the option of renewing for two (2) additional one (1)-year terms, in an amount not to exceed \$80,000.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

8. Agreement with the County of Orange for the delivery of solid waste from the City to the County landfill disposal system, from July 1, 2010 through June 30, 2020.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

9. Adopt plans, specifications, and working details for 2008-2009 Community Development Block Grant (CDBG) Street Improvements Project, City Project No. 09-07, and award construction contract to ICE Engineering, Inc., 2574 Pepperdale Drive, Rowland Heights, in the amount of \$407,473.50.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

10. Adopt plans, specifications, and working details for Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 09-10, and award construction contract to C.J. Concrete Construction Inc., 10142 Shoemaker Avenue, Santa Fe Springs, in the amount of \$771,020.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

11. Adopt plans, specifications, and working details for Rehabilitation of South Coast Drive from Fairview Road to Carmel Drive and from San Leandro Lane to Bear Street, City Project No. 09-11, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$1,938,661.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

12. Completion of Harbor Boulevard/I-405 Improvement Project, City Project No. 07-22, by Beador Construction Company, Inc., 26320 Lester Circle, Corona.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated

seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated six (6) months thereafter.

13. Completion of Irvine Avenue Pedestrian Signal Project, Federal Project No. SRTSF-5312 (069), City Project No. 08-09, by Lincoln Pacific Builders, Inc., 4501 Littlejohn Street, Baldwin Park.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated seven (7) months thereafter.

14. Completion of Baker/Mendoza Traffic Signal Modification, Federal Project No. SRTSF-5312 (068), City Project No. 08-10, by PTM General Engineering Services, Inc., 5942 Acorn Street, Riverside.

ACTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated seven (7) months thereafter.

ITEM REMOVED FROM THE CONSENT CALENDAR

15. **Completion of 2258 Orange Avenue Nuisance Abatement, City Project No. 09-08, by Meissner Construction, Inc., 1989 Continental Avenue, Costa Mesa.**

At the request of Mayor Pro Tem Leece, City Engineer Ernesto Munoz advised of the satisfactory conclusion of a contract that resulted in the abatement of the property.

MOTION: Work was accepted; City Clerk was authorized to file a Notice of Completion; authorization was given to release of retention monies 35 days thereafter; the Labor and Material Bond was ordered exonerated seven (7) months thereafter; and the Faithful Performance Bond was ordered exonerated twelve (12) months thereafter.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

As it was not yet the time set for Public Hearings, it was unanimously agreed to proceed

to New Business Item No. 1.

IX. NEW BUSINESS

1. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, IMPOSING A 45-DAY CITY-WIDE MORATORIUM ON THE APPROVAL OF ANY BUSINESS LICENSE, USE PERMIT, OR ANY APPLICABLE APPLICATION RELATED TO MASSAGE ESTABLISHMENTS AND/OR MASSAGE PRACTITIONERS.

Chief of Police Christopher Shawkey introduced the staff report noting Senate Bill 731 concerning voluntary certification of massage therapy profession was recently passed and would take effect September 2009. He expressed concern on how the new legislation would impact operation; therefore, requested the moratorium. He explained that existing establishments would not be impacted; however, the moratorium would focus on new massage practitioner permits and establishments noting that there were 19 applications that were currently in process. Community Service Specialist Jeanette Chervony responded to questions relating to the status of the current applications.

The Mayor expressed support of the moratorium and questioned the advertising methods of massage practitioners and establishments.

Discussion ensued among the Council and City staff relating to reasons for denial of permits, the various types of establishments, impact to legitimate day-spas, and noticing requirements.

In response to questions from the City Council, the Community Service Specialist explained the status of the applications noting that she is scheduled to meet with six potential applicants and 19 applications have paid licensing fees and other related fees. Council Member Foley expressed concern on the impact to legitimate businesses.

Carol Warren, owner of a massage establishment in Costa Mesa, encouraged the council not to adopt the moratorium noting the economic environment and the impact to massage establishments. She reported that in some of the cities a Conditional Use Permit (CUP) is required for the businesses.

Georgia Fox, Costa Mesa, advised she lives within 50 feet of two massage parlors and expressed concern of the impact to property values, large advertisement banners, and operation hours noting that it was a blight in the community.

Council Member Foley expressed reservation in creating obstacles for the industry and questioned the types of therapists that would be affected.

MOTION: Introduced and adopted interim urgency Ordinance No. 09-

**7, read by title only, and waived further reading.
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Mayor Allan R. Mansoor, Council Member Gary Monahan, Council Member Eric R. Bever, Mayor Pro Tem Wendy Leece

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS

1. PUBLIC HEARING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING TITLE 15, CHAPTER 1, ARTICLE I OF THE COSTA MESA MUNICIPAL REGARDING SHOPPING CART CONTAINMENT REQUIREMENTS, requiring the installation of a shopping cart containment system at retail stores which provide shopping carts for customers.

City Attorney Kimberly Hall Barlow made a presentation regarding the proposed ordinance that would require businesses that provides ten (10) or more shopping carts to the customers to establish a containment system. She responded to questions from the City Council regarding the minimum number of carts per the ordinance, and a shared shopping cart containment system for businesses on one property.

Council Member Monahan felt that a business with fifteen (15) carts would be a more reasonable minimum when requiring a containment system.

MOTION: Approve Introduce Ordinance No. 09-8, for first reading, as amended, by amending the required participation of retail establishments to that with fifteen (15) or more shopping carts; read by title only, and waived further reading.

Moved by Council Member Gary Monahan, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Mayor Allan R. Mansoor, Council Member Gary Monahan, Council Member Eric R. Bever, Mayor Pro Tem Wendy Leece

Noes: None.

Absent: None.

VIII. OLD BUSINESS

1. Request of Mayor Pro Tem Leece and Council Member Foley for City Council consideration of the following programs for inclusion in the FY 2009-10 municipal budget:

- a. Neighbors for Neighbors
- b. Sister City Program
- c. Grad night contributions
- d. Mobile Recreation Program
- e. Teen Programs-TeWinkle School/Downtown Recreation Center
- f. Youth Sports Programs
- g. Concerts in the Park

Mayor Pro Tem Leece noted the reasons that she and Council Member Foley had brought back the topics for reconsideration. She noted that the motions relative to the programs were not disclosed until after the close of public comment, that there was no prior knowledge of the proposed program cuts and felt that the public did not have an opportunity to provide input.

Council Member Foley acknowledged the work of staff to present a balanced budget; announced the donations by the Costa Mesa Police Association and the Costa Mesa Fire Fighters Association of \$2,500 each for the Concerts in the Park series as well as the fund for series from the Costa Mesa Community Foundation of approximately \$4,300. She further noted that the money from the federal government for the Community Development Block Grant (CDBG) program of Neighbors for Neighbors must be used for the program and that the Costa Mesa Community Foundation also provided the necessary funding for the program; she felt that the Mobile Recreation Program and the Teen Program at the Downtown Recreation Center (DRC) and the TeWinkle School as well as the other youth programs were invaluable programs and suggested that a nominal fee could be charged to help with the cost.

Council Member Monahan pointed out that despite the efforts to reduce ten percent from the departments and coupled with the need to use the unrestricted fund balance for last couple of years, expressed the concern that the continued use of the fund balance for the next fiscal year would not leave enough to help cover expenses for the following fiscal year.

Council Member Foley opined that the nominal cost of the programs would provide bigger savings relative to enforcement.

Armando Medina, Huntington Beach, felt that it was imperative to provide programs to "help children to become better citizens of tomorrow"; that recreation programs provide more than just recreation and commented that the dollars spent on the youth programs reap much larger rewards for the community in the long run.

Barbara Steck, Vice President for the Costa Mesa Library Foundation, noted that the foundation had been working with the Mobile Recreation Program by adding an educational element to the program. She noted that they provided a cart for distribution of books and received book contributions from the Friends of Library and the Newport-Mesa Unified School District, and collaborated with the Orange County Animal Shelter that introduced a popular new program called "reading to dogs." She encouraged the Council to reinstate the program.

Karen Ursini, President of the Costa Mesa Community Foundation, reported that the foundation is prepared to assist with providing money in order to maintain those programs that promote community pride. She announced that the foundation would make a contribute from the fund specifically established for Concerts in the Park of \$4,300; and that money from the fund for the Neighbors for Neighbors program would also be provided for that program. She suggested that other businesses or individuals may be willing to donate to support to maintain such programs.

Mary Godwin, Costa Mesa, commented on the density of the Westside noting that there wasn't really a place for children to go, and felt that the city had a responsibility to find ways to provide such services. She opined that the money is an investment in the children, and without it, the city/community in the long-run could be expending it in law enforcement.

Eleanor Egan, Costa Mesa, noted that the elimination of youth programs came as a surprise to the community and that the community should have had an opportunity to be heard on the matter. In quoting a journalist she noted that the "minor savings" from discontinuing the youth programs would be "throwing away our City's future."

Tom Egan, Costa Mesa, encouraged the council to not only restore funding for the youth programs but to double it; he shared his experience of having served on the Board of Directors for the Newport Mesa Unified School District and explained the necessity of keeping the children engaged in such activity prevents future problems.

Dorothy Caruso, Costa Mesa, advised that there were published studies that concluded "when kids go to planned and organized activities that there is less crime."

John Vera, Costa Mesa, shared his experience with each of the programs, noted their value to the participants and encouraged the

Council to reconsider terminating the programs as they promoted "community pride".

Chris McEvoy, Costa Mesa, noted that as a teacher his experience has been that the benefits of the youth programs were far reaching. To realize a cost saving, suggested turning on the street lights 15 minutes later and to turn-off the lights one hour earlier.

Kirk Bauermeister, Principal of the TeWinkle Middle School, thanked the Council for not cutting the program entirely; noted the success of the Teen Center, Homework Club, and the positive affects on those considered "at risk"; and expressed continued support of the program.

Terry Shaw, Costa Mesa, encouraged the Council to retain the programs stating that the program was preventative in nature.

Shiloh Godshell, Costa Mesa, expressed disappointment in the determination and opined that the youth were being deprived opportunities for positive growth, noticed an improvement in the neighborhood after the programs were established and encouraged the Council to reconsider the cutting of the youth programs.

Nadine Morris, Costa Mesa, noted the value of the programs for children and their positive development, encouraged the council to reconsider cutting the program.

Cindy Brenneman, Costa Mesa, encouraged using the money from the Community Foundation, supported the youth and community programs as they were important and improved the lives of children; pointed out the need to consider raising revenues and suggested charging a nominal charge for the Concerts in the Park.

Humberto Caspa, Costa Mesa, expressed concern for the kids and the community; gave an example of a child who benefitted from being involved in the program and currently attending California State University, Berkeley. He requested the Council to reverse their determination.

Mike Furina, Costa Mesa, expressed support for the programs and reinstating the funding for them.

Mayor Mansoor noted the city's budget crisis, the financial difficulties that are being faced and informed that the State was considering seizing additional local funds creating a larger financial challenge for the city. He reiterated his position of fiscal responsibility.

Mayor Pro Tem Leece expressed support of the youth programs and indicated her interest in restoring those programs while the process of the

ten-point plan be implemented by staff. Council Member Foley agreed with Mayor Pro Tem Leece and pointed out that \$82,000 was spent last year for the Mobile Recreation vehicle and felt it was a nominal cost to operate and was prudent to use the vehicle as it was intended. She encouraged reinstatement of the programs where funding has been provided and that the other programs be reinstated with the caveat of alternative funding being obtained.

Discussion ensued among the Council and City staff relating to the operation of the Concerts in the Park and whether it could be operated by the City or an organization at a lower cost.

MOTION: Restore the Concerts in the Park program allowing for three concerts in the series; accepting a direct contribution from the Costa Mesa Community Foundation in the amount of \$4,487.73, and accepting the contributions of Costa Mesa Police Association and the Costa Mesa Fire Association for the amount of \$2,500 each directly contributed for the concert series program.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

City Manager Allan Roeder and Recreation Manager Jana Ransom responded to questions from the Mayor relating to costs and scheduling of staff. The Mayor expressed support of the motion, but was concerned with the long-term cost to the City. Council Member Foley inquired of the possibility of operating a fourth concert and stated she would contribute \$500. The Mayor Pro Tem restated her motion and the seconder agreed.

MOTION: Restore the Concerts in the Park program allowing for three concerts in the series with a possibility of a fourth concert, if covered through contributions; and accepting a direct contribution from the Costa Mesa Community Foundation in the amount of \$4,487.73, and accepting the contributions of Costa Mesa Police Association and the Costa Mesa Fire Association for the amount of \$2,500 each directly contributed for the concert series program.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

MOTION: Restore the Neighbors for Neighbors program.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

Discussion ensued among the Council and City staff relating to costs of the program and the contributed amount of \$24,517 by the Costa Mesa Community Foundation. The motion was restated and agreed by Mayor Pro Tem Leece and Council Member Foley.

MOTION: Restore the Neighbor for Neighbors program; accept the direct contribution of \$24,517 from the Costa Mesa Community Foundation for the program.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Noes: Council Member Gary Monahan

Absent: None.

MOTION: Restore the Mobile Recreation Program.

Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

Council Member Foley identified revenue from the recent approval of a contract with a basketball league for rental of the Downtown Recreation Center (DRC) as possible funding to cover the cost of the program. Council Member Bever noted that the rental fee would only cover providing the league use of the facility.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Noes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan

Absent: None.

Further discussion ensued among the Council on the budget shortfall and the importance of the youth programs.

MOTION: Reinstate the Teen Programs at the TeWinkle and Downtown Recreation Center at the allocated amount.

Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Noes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan

Absent: None.

MOTION: Reinstate the Youth Sports Program at the cost of \$10 per

participant per activity.

Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

The motion failed by the following roll call vote:

Ayes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Noes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan

Absent: None.

MOTION: Receive and file the remainder of the report.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Eric R. Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece

Absent: None.

IX. NEW BUSINESS

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS AND REDEVELOPMENT FUNDS.

MOTION: Adopt Resolution No. 09-49.

Moved by Mayor Allan R. Mansoor, seconded by Council Member Gary Monahan.

The motion carried by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: None.

X. REPORTS

City Attorney Kimberly Hall Barlow advised she will be on vacation and noted that Assistant City Attorney Harold Potter would be attending the next City Council meeting.

City Manager Allan Roeder reported that the enforcement for the fourth of July was very effective as well as cost effective. He noted the savings over

the previous year and acknowledged the efforts of the Police Department and the Fire Department. He also reminded the Council of the Joint Study Session with the Planning Commission that would be held the following Tuesday.

- XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 8:48 p.m., to the Special Joint Study Session with the Planning Commission to be held on July 14, 2009. The next Regular City Council Meeting will be held on July 21, 2009.**

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa