

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

**June 16, 2009**

The City Council meeting of the City of Costa Mesa, California met in regular session June 16, 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  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Administrative Services Director Steve Mandoki  
Human Resources Administrator Lance Nakamoto  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public speakers.

Mayor Mansoor recessed the meeting at 5:04 p.m., to the closed session in Conference Room 1B.

**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).

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

**PLEDGE OF ALLEGIANCE - Council Member Eric Bever**

**MOMENT OF SOLEMN EXPRESSION - Associate Pastor Frank Custer, Lighthouse Coastal Community Church**

**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  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Acting Development Services Director Kimberly Brandt  
Public Services Director Peter Naghavi  
Chief of Police Christopher Shawkey  
Police Sergeant Robert Sharpnack  
Police Sergeant Bryan Glass  
Legislative & Public Affairs Manager Ann Shultz  
Recreation Manager Jana Ransom  
Budget & Research Officer Bobby Young  
Assistant Finance Director Colleen O'Donoghue  
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 announced the presentation of Certificates of Appreciation to Airborne Law Enforcement Services (ABLE) Pilots Bern Hupp, Bob Rivers, Paul McCarthy, and Rob Dimel who were selected as recipients of the 2009 Emergency Medical Services (EMS) Award. Costa Mesa Police Officer Vern Hupp and Newport Beach Police Officer Bob Rivers were recognized for exemplary actions in saving or attempting to save the life of another; Costa Mesa Police Officers Paul McCarthy and Rob Dimel were recognized for exceptional performance in implementing a multi-agency search and rescue operation.

The Mayor congratulated the Orange Coast College Men's Baseball Team for winning the 2009 California Community College Athletic Association (CCCAA) State Baseball Championship title. He noted that tragedy hit the team at the start

of the season and how they came together and dedicated their efforts for the remainder of the season in honor of their former team mate Jourdan Watanabe. The Mayor presented the Head Coach John Altobelli and the Baseball team with Certificates of Congratulations.

#### **IV. PUBLIC COMMENTS**

1. Ernie Feeney, Costa Mesa, commended Council Member Wendy Leece, City Staff, and Parks and Recreation Department for their efforts in providing accommodations for the seniors during the closure of the Costa Mesa Senior Center. She also thanked the Huntington Beach Senior Center for providing services for displaced seniors.
2. Natalie Brown, Costa Mesa, reported on how rocky her street is and complained of the accidents that have occurred when playing. She stated that the street on which she resides has never been paved and requested the Council consider it when prioritizing the streets for repaving.
3. Stella Atkins, Costa Mesa, stated she volunteers at the Costa Mesa Senior Center and noted the complaints about the Center. She spoke about the need for the Senior Center and the hard work and time of the Center's volunteers.
4. Kathleen Eric, Costa Mesa, thanked the City Council for supporting the businesses of Costa Mesa and reported on the success of the "Day of Art" event promoted by the Cultural Arts Committee.
5. Beth Refakes, Costa Mesa, thanked City Manager Allan Roeder and Budget & Research Officer Bobby Young for their presentation at the Budget Study Session noting that it was interesting and informative. She suggested a budget task force of residents to review City's direction and provide budget ideas.
6. Terry Shaw, Costa Mesa, recognized the City Manager and Budget & Research Officer for their presentation at the Budget Study Session; spoke on behalf of the Costa Mesa Historical Society and announced their next program on genealogy with guest speaker Chris Hansen to be held on June 28, 2009.

#### **V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Katrina Foley referred to a public hearing notice of the Costa Mesa Sanitary District regarding the increase of sewer rates and encouraged the residents to attend the hearing; announced the graduation events of Costa Mesa High School and Estancia High School and applauded the students that will be attending colleges throughout the nation; recognized the Save Our Youth (SOY) program for raising \$174,000 for student scholarships; advised she attended the Think Together luncheon and reported on success stories; announced she is the Chairperson of the Presidential Search Committee for

Orange Coast College; and expressed her deepest sympathy to Irvine City Council Member Beth Krom who lost her son in a tragic accident last week prior to his graduation from University of California, Santa Barbara.

Mayor Allan Mansoor echoed the sentiments of Council Member Foley and expressed condolences for the Council Member and her family.

Council Member Gary Monahan commented on the increase of sewer rates of the Costa Mesa Sanitary District and noted that the increase is an annual increase of .50 cents per month. He pointed out the proposed rates were the lowest in Orange County, advised of a program available to Costa Mesa residents to fix their sewer lateral, and encouraged the residents to attend the public hearing.

Mayor Pro Tem Wendy Leece thanked the Costa Mesa Historical Preservation Committee for their historical markers on Newport Boulevard and shared their next project of placement of interpretive signs at the Fairview Park; advised she attended the "Day of Art" event and was impressed of the art displays; announced that the Orange County Vector Control District will hold a public hearing on Benefit Assessment to be held on June 18, 2009, at 3:00 p.m., in Garden Grove; asked the City Manager for a report on the impact of graffiti to business owners on the Westside.

## **VI. CONSENT CALENDAR ITEM NOS. 1 THROUGH 15.**

**MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 13, except for Consent Calendar Item Nos. 2, 7, 14, and 15. 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.

### **1. Reading Folder.**

**ACTION:** The following claims were received and processed by the City Clerk: Margie Gibbs; Infinity Insurance on behalf of Denise Naranjo. The following requests for Alcoholic Beverage Control Licenses were received and processed:

For Lucsis LLC, for Valhalla Table located in The Camp at 2981 Bristol Street, Suite B2, for a type 41 (on-sale beer and wine for a bona fide eating place).

For Target Corporation, for Target located at 3030 Harbor Boulevard,

Suite A, for a person-to-person transfer of an existing type 21 (off-sale general).

For Petrolink Bristol Inc., for Circle K 76 located at 3067 Bristol Street, for a person-to-person transfer of an existing type 20 (off-sale beer and wine).

For Sankei Global Venture Inc., for Chinese Restaurant Kohryu located at 891 Baker Street, Suite B21, for stock transfer for an existing type 41 (on-sale beer and wine for a bona fide eating place).

The following notification letter was received and processed: Orange County Vector Control District – Notice of a public hearing concerning benefit assessment levies for Fiscal Year 2009-2010 to be held on June 18, 2009, at 3:00 p.m.

3. Warrant Resolution 2269, funding Payroll No. 910A for negative \$364.46 and Payroll No. 911 for \$2,533,094.99 and City operating expenses for \$1,214,044.73 including payroll deductions.

ACTION: Resolution adopted.

4. Warrant Resolution 2270, funding City operating expenses for \$739,526.78.

ACTION: Resolution adopted.

5. Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for all designated Interim Events of the Orange County Fair and Exposition Center, beginning April 1, 2009 through March 31, 2010, in the amount not to exceed \$50,000.

ACTION: Approved; authorized the Chief of Police to sign.

6. Agreement between the Costa Mesa Police Department and the 32nd District Agricultural Association, to provide traffic management services for the Orange County Fair, beginning July 10, 2009 through August 9, 2009, in an amount not to exceed \$380,000.

ACTION: Approved; authorized the Chief of Police to sign.

8. Authorize refund of cash deposit in the amount of \$11,234.12 to Stephen Samuelian, 11 South Vista De Catalina, Laguna Beach, in connection with Encroachment Permit No. PS07-00270 for setting corner monuments for Parcel Map 2004-255 located at 330 East 15th Street, Costa Mesa.

ACTION: Approved.

9. Adopt plans, specifications, and working details for the reconstruction of West 18th Street from Newport Boulevard to Anaheim Avenue (Project "A"), and East 18th Street from Newport Boulevard to Orange Avenue (Project "B"), City Project No. 09-04, and award construction contract to R.J. Noble Company, 15505 East Lincoln Avenue, Orange, in the amount of \$463,722.73 (Project "A + B" Bid).

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

10. Adopt plans, specifications, and working details for widening of Harbor Boulevard from South Coast Drive to Law Court, City Project No. 09-12, and award construction contract to Elite Bobcat Services, Inc., 1320 East 6th Street, Suite 100, Corona, in the amount of \$298,775.

(a). Budget Adjustment No. 09-030 for \$129,719.

ACTION: Approved and authorized the Mayor and City Clerk to sign; approved Budget Adjustment No. 09-030 and authorized the Mayor to sign.

11. Completion of Parkway Concrete Repair and New Sidewalk Construction Project, City Project No. 08-15, by C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs.

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 exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

12. Completion of Construction of Slump Stone Block Wall on Adams Avenue along the property located at 2051 Calvert Avenue, City Project No. 08-20, by Y & M Construction, Inc., 17800 South Main Street, Suite #206, Gardena.

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 exoneration seven (7) months thereafter; and the Faithful Performance Bond was ordered exoneration twelve (12) months thereafter.

13. Measure M Eligibility

(a). City's Maintenance of Effort (MOE) for Fiscal Year 2009-10.

(b). City's Seven-Year Capital Improvement Program for Fiscal Year 2009-2010 through Fiscal Year 2015-2016.

ACTION: Approved City's MOE; and approved City's Seven-Year Capital Improvement Program.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. **Regular Adjourned Meeting/Study Session Minutes of May 12, 2009; Special Joint Meeting Minutes of the Redevelopment Agency and City Council of May 12, 2009; Regular Meeting Minutes of May 19, 2009 and June 2, 2009.**

Council Member Bever indicated that he would like to make a correction to the Regular Meeting Minutes of May 19, 2009.

**MOTION: Approve the Regular Meeting Minutes of May 19, 2009, amending page nine, paragraph three, first sentence to read ...“objective process”; approved the Regular Adjourned Meeting/Study Session Minutes of May 12, 2009, and the Special Joint Meeting Minutes of the Redevelopment Agency and City Council of May 12, 2009; and continued Regular Meeting Minutes of June 2, 2009.**

**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.

7. **Amendment to Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, extending the term of service until June 30, 2010 for shopping cart retrieval services, in the amount of \$48,000.**

Acting Development Services Director Kimberly Brandt gave a brief overview of the staff report and advised that the City Attorney is working on the proposal for shopping cart containment which would be brought before the City Council in July. City Attorney Kimberly Hall Barlow responded to questions from the City Council relating to agreement clause, proposed ordinance and effective date, and the development and compliance of a shopping cart containment program.

Council Member Monahan indicated that he would like to trail the item with the budget discussion. Council Member Foley expressed support of the item noting the current need for the service. The Mayor stated that he was initially supportive of the item; however, would like to hear comments from Council Member Monahan.

**MOTION: Trail the item to be heard with the City Budget public hearing.**

**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.

**14. Energy Efficiency and Conservation Block Grant (EECBG) Program Funding Allocation**

(a). Budget Adjustment No. 09-031 for \$1,123,500.

At the request of Mayor Pro Tem Leece, Assistant City Manager Tom Hatch gave an overview of the staff report and responded to questions from the Council.

**MOTION: Approve EECBG Program Funding allocation and authorize the City Manager and City Clerk to sign; authorize the City Manager to sign all necessary documents related to energy efficiency upgrades and projects; approve Budget Adjustment No. 09-031 and authorize the Mayor to sign. Moved by Mayor Allan R. Mansoor, seconded by Mayor Pro Tem Wendy Leece.**

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.

**15. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND ACCEPTANCE OF, THE "GAP" GRANT AWARD FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL.**

The Mayor expressed his appreciation for the Police Department's Driving Under the Influence (DUI) enforcement and inquired on a general overview of the objectives of the grant. Chief of Police Christopher Shawkey and Police Sergeant Robert Sharpnack responded to questions from the Council regarding calls for service to "problematic locations" and of the purpose of the grant which was to better pinpoint those areas, and target establishments that have greater incidents of drunkenness and calls of service.

The City Attorney and the City Manager also responded to questions regarding the development of standards to include the number of violations and repeat calls of service, and the Conditional Use Permit process as a way of



enforcement.

**MOTION: Adopt Resolution No. 09-42.**

**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.

**MOTION: Address New Business Item No. 1 out of order.**

**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.

**IX. NEW BUSINESS**

1. Request by Mayor Allan Mansoor to consider adoption of a resolution entitled; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RECOGNIZING THE FLAG OF THE FORMER REPUBLIC OF VIETNAM AS THE OFFICIAL FLAG OF THE VIETNAMESE PEOPLE OVERSEAS.

The Mayor read the resolution recognizing the struggles against communism and sacrifices of the Vietnamese who migrated from the Republic of Vietnam and officially recognized the flag the Former Republic of Vietnam as the official flag of the Vietnamese people.

Peter Nguyen, Vice Chairman of Vietnam Veterans of the Southwest U.S.A., and U.S. Navy Veteran, encouraged the adoption of the resolution.

Ronnie Guyer, Chino Hills, representative from the Assemblyman Van Tran's Office, recipient of the Mayor's Award for saving a choking woman's life in a restaurant, informed that he had been a Freedom Fighter in the Vietnam War, expressed his sincere appreciation for the Council's consideration in adopting the resolution and in recognizing the preciousness of freedom.

Joan Kim Le, Westminster, field representative for Assemblyman Van Tran, encouraged the support of the resolution in recognizing the

Vietnamese freedom flag.

Dina Nguyen, Council Member for the City of Garden Grove, expressed thanks for advocating to not sell the Orange County Fair and Event Center, and encouraged the support of the resolution and in recognizing the flag of the Former Republic of Vietnam which she noted symbolizes the fight for democracy.

David Kinkade, Costa Mesa, informed that he was a Freedom Fighter in the Vietnam War and shared of his experience describing it as a "horrible time." He proudly supported the recognition of the flag of the Former Republic of Vietnam.

James Tsu, President of Vietnamese National Academy Association, advised that April 30, 2009, was the 34<sup>th</sup> Anniversary of "Black April" (April 30, 1975) when the old form of government fell. He noted that the flag represents freedom and commended the Council for adopting the resolution which also honors those that sacrificed their lives and livelihood for freedom.

Ve Tran, Costa Mesa, a Vietnam War Veteran and survivor, expressed sincere gratitude to the Mayor and City Council for considering the adoption of the resolution and in recognizing the flag which represents freedom.

Joseph Belvin, expressed appreciation to the Council, encouraged adoption of the resolution and noted the honor that he held for Vietnamese and Americans of the Vietnam War.

**MOTION: Adopt Resolution No. 09-43.**

**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.

RECESS: The Mayor declared the meeting recessed at 7:26 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 7:45 p.m.

## **VII. PUBLIC HEARINGS**

1. PUBLIC HEARING: Reauthorization of the Business Improvement Area (BIA) Assessment of two percent (2%) for certain Costa Mesa hotels and motels for Fiscal Year 2009-2010.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2009-2010 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS.

Legislative and Public Affairs Manager Ann Shultz presented the report. Diane Pritchett, Executive Director of the Costa Mesa Conference and Visitors Bureau, responded to questions from the Council regarding upcoming conventions, strategic distribution of the brochure to promote Costa Mesa, and the upcoming jazz concert.

**MOTION: Adopt Resolution No. 09-44.**

**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.

The Mayor announced that the following hearings were withdrawn at the request of the applicant.

2. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-12, for John Puente, authorized agent for June O'Connor, for a minor conditional use permit for IN-N-OUT Burger Restaurant open until 1 a.m. weekdays and 1:30 a.m. weekends with drive-through and outdoor seating within 10 feet of the drive-through lane; an administrative adjustment to allow a 12-foot landscape setback along Gisler Avenue (20 feet required); and a minor modification to allow a 16-foot setback along a portion of the Harbor Boulevard frontage (20 feet required), located at 3211 Harbor Boulevard, in a C1 zone (Local Business District). Environmental determination: exempt.

ACTION: Withdrawn.

3. PUBLIC HEARING: Appeal of the Planning Commission's determination regarding Zoning Application ZA-09-13, for John Puente, authorized agent for June O'Connor, for a Planned Signing Program for IN-N-OUT Burger Restaurant, located at 3211 Harbor Boulevard, in a C1 zone (Local Business District). Environmental determination: exempt.

ACTION: Withdrawn.

**MOTION: Address Old Business Item No. 1 (VIII-1) out of order.  
Moved by Council Member Katrina Foley, seconded by Mayor Allan R. Mansoor.**

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.

## **VIII. OLD BUSINESS**

1. From the meeting of June 2, 2009; Agreement with Mesa Verde Partners (MVP), 1701 Golf Course Drive, Costa Mesa, to extend the term to August 31, 2029, and additional amendments for the continued operation of the Costa Mesa Public Golf Course and Country Club.

Recreation Manager Jana Ransom presented the staff report and responded to questions from the Council regarding promotion of the golf course.

**MOTION: Approve; authorize the Mayor and City Clerk to sign.  
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.

It was unanimously agreed that Consent Calendar Item No. 7 (VI-7) regarding the contract renewal with Hernandez City Services and New Business No. 2 (IX-2) regarding a resolution declaring a hardship if additional property taxes was taken by the state, would be heard along with the Public Hearing Item No. 4 (VII-4) regarding the proposed budget for Fiscal Year 2009-2010.

### **4. PUBLIC HEARING: City Budget for Fiscal Year 2009-2010.**

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2009-

2010.

(c). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2009-2010, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.

(d). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2009-2010 STATEMENT OF INVESTMENT POLICY, AND AUTHORIZING THE CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2009-2010 STATEMENT OF INVESTMENT POLICY.

ACTION: Withdrawn.

CONSENT CALENDAR ITEM NO. VI-7: Amendment to Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, extending the term of service until June 30, 2010 for shopping cart retrieval services, in the amount of \$48,000.

NEW BUSINESS ITEM NO. IX-2: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA.

Budget and Research Officer Bobby Young presented the staff report for the purposed budget.

City Manager Allan Roeder commented on the budget preparation and noted the state requirement for budget adoption date was by July 1st, that eight of the ten-point plan, previously approved by Council, was still in need of action and implementation; and advised that it may be necessary with the coming budget year to come back on a monthly basis regarding this budget. They responded to questions from the City Council regarding anticipated grant money, the use of fund balance which was estimated to be upwards of \$6.6. Million dollars, sales tax, projected revenues, costs savings from the closure of the Downtown Recreation Center (DRC) pool, reductions in departmental operational costs, and the Public Employees Retirement System (PERS) early retirement incentive.

Mayor Pro Tem Leece inquired as to the cost savings in reducing the length of time for the proposed pool closure from 24 weeks to a suggested ten (10) weeks; commented that she would not like to see any of the playground sites closed and felt that it was important to also maintain the after-school programs.

Council Member Monahan suggested consolidation of the after-school programs of Davis School with that of the Ranch program and the Pomona School would

be consolidated with Rea School and the Save Our Youth (SOY) program. Discussion ensued amongst the Council and staff regarding the various programs, their differences and what they offer.

Mike Berry, Costa Mesa, felt that the money in operating reserves belong to the residents of the city. He commented that 90 percent was spent on compensation in the last month suggesting "either pay people less or to pay less people."

Judi Berry, Costa Mesa, pointed out that the last time City's revenues exceeded the expenses was in 2007. She commented about the budget shortfall and the impacts of not approving the proposed Fire Department fees, the State seizing local funding, and the implementation of salary and benefit reduction would create over a \$9 Million budget shortfall. She asked the Council to consider not spending more than the City's annual revenues.

Kirk Bauermeister, Principal, TeWinkle Middle School, expressed concern of cutting the budget for the after-school program, the Teen Center Program, noted that the program had over 60 participants a day in the program and was considered an incentive and a selling point for the school; and encouraged keeping the program. He responded to questions from the Council regarding the possibility of funding by the Newport Mesa School District.

Mayor Pro Tem Leece and Council Member Foley commented that they would not be supportive of eliminating funding for the program as children would be terribly effected; informed of the attributes of the program which includes a Zero Tolerance Club that provides an environment for participants to complete homework.

Terry Shaw, Costa Mesa, inquired as to the suggestion of the combining of the Planning Commission and the Parks and Recreation Commission.

Beth Refakes, Costa Mesa, felt that staff reduction should be done now, before the union negotiations as it would provide the city time to reorganize, that non-essentials should be eliminated or reduced and property taxes should cover the cost of necessary services. She suggested reducing City Hall hours, Concerts in the Park should be reduced as well as the Green Incentive Program and the Residential Rehabilitation Incentive Program (RRIP), to charge a fee for lighting of the playing fields, review the watering in the parks and to eliminate the council dinners.

**MOTION: Adopt Resolution No. 09-45: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-2010, IN ACCORDANCE WITH ARTICLE XIII-B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA, AS AMENDED BY PROPOSITION 111 AND SENATE BILL 88.**

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

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: Cancel the Neighbors for Neighbors Program for FY 2009-2010. Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

SUBSTITUTE MOTION: Approve the budget as presented; adopt Resolution No. 09-46.

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

Council Member Foley expressed support of the proposed budget noting that staff has created a balanced budget. She commented on the involvement of all departments and making the budget work, and did not agree with any adjustments as it would impact other budget items. The Mayor agreed with Council Member Monahan and opined that the situation requires addressing the current budget concerns and said that he would like to hear the budget items that would be suggested. Mayor Pro Tem Leece felt that the budget should not be piecemeal and supported the adjustments that would be made by staff.

The substitute 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.

At the request of Council Member Foley, the City Manager noted that the Neighbors for Neighbors program is funded by Community Development Block Grant (CDBG) funds and does not affect the City's general fund. Discussion ensued among the Council and staff regarding the ascertainment of CDBG funds and City savings.

The motion carried by the following roll call vote:

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

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

Absent: None.

**MOTION: Remove Conference, Training, Special Meetings, Professional Development allocation of \$10,000 from the City Council budget; with any request of attendance or travel for meetings be brought before the Council for authorization.**

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

**Mansoor.**

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: Cancel the City Council, Planning Commission, and Parks and Recreation Commission meals allocation of \$12,900.**

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

Council Member Foley suggested reducing the budget for meals and commented on the meeting's length of time and staff hours.

**SUBSTITUTE MOTION: Reduce the budget for City Council, Planning Commission, and Parks and Recreation Commission meals to \$6,000.**

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

The substitute 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.

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 Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

**MOTION: Reduce the number of Council Members to attend the Orange County Division League of California Cities meeting to one member per month.**

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

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: Remove the Sister City travel allocation of \$10,000.**

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



**Mansoor.**

Council Member Foley expressed concern on the continuation of the program and the future partnership and participation by the City in the program.

The motion carried by the following roll call vote:

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

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

Absent: None.

**MOTION: Suspend the graduation night contribution of \$3,000.**

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

The motion carried by the following roll call vote:

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

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

Absent: None.

MOTION: Reduce the Animal Control Officers from three to two.

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

The City Manager requested the maker of the motion to consider the process of early retirement incentives if proposing any staffing reductions. The seconder agreed and the motion restated:

MOTION: Reduce the Animal Control Officers from three to two with the condition of the City having completed the early retirement incentive process.

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

At the request of Council Member Foley, Chief of Police Christopher Shawkey commented that the third position was added due to the demand for service.

The motion failed by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Absent: None.

MOTION: Reduce the Code Enforcement Officers by two officers with the condition of the City having completed the early retirement incentive process.

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

Council Member Foley noted that there were eight Code Enforcement Officers

that serve the City and stated that she was not in support of the motion. The City Manager and Acting Developments Services Director responded to questions from the Council relating to upcoming retirements, code enforcement issues and complaints, and impacts of staff reductions.

The motion failed by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Absent: None.

MOTION: Suspend the Community Emergency Response Team (CERT) Program.

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

Council Member Leece opposed the motion noting that the program was in-line with Homeland Security to prepare community volunteers for national disasters and emergencies. Council Member Foley agreed and pointed out the efforts of the volunteers. In response to a question from Council Member Bever, Council Member Monahan clarified his motion.

MOTION: Suspend the training and materials for new members for the Community Emergency Response Team (CERT) Program.

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

The motion failed by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Absent: None.

MOTION: Eliminate the afterschool program at Pomona School and refer participants to Rea School and eliminate the Davis School after school drop-in program referring participants to the Ranch Program.

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

Council Member Leece opposed the motion stating the need for such programs on the Westside. Council Member Foley commented on the impact of eliminating the programs and explained the criteria of the programs.

The motion failed by the following roll call vote:

Ayes: Mayor Allan R. Mansoor, Council Member Gary Monahan

Noes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council Member Katrina Foley

Absent: None.

**MOTION: Suspend the Summer Concerts in the Park.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

SUBSTITUTE MOTION: To hold in abeyance the Summer Concerts in the Park series; cancelling if no sponsors are found for the series.  
Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

The substitute 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.

The motion carried by the following roll call vote:  
Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan  
Noes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley  
Absent: None.

**MOTION: Suspend the Mobile Recreation Program.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

Council Members Leece and Foley spoke about the benefit of the program to the at-risk neighborhoods. Mayor Mansoor expressed reservation on the program.

The motion carried by the following roll call vote:  
Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council Member Gary Monahan  
Noes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley  
Absent: None.

**MOTION: Eliminate the Youth Sports Basketball, Flag Football, and Cheerleading Programs.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

SUBSTITUTE MOTION: Charge a \$5.00 fee per participant, per season for the after-school Flag Football and Basketball program(s).  
Moved by Council Member Katrina Foley, seconded by Mayor Pro Tem Wendy Leece.

The substitute 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.

In response to a question from Council Member Foley, the Recreation Manager reported on the positions that would be eliminated and reported on the cost savings. Discussion ensued among the Council relating to the benefit of the programs, organizations and leagues that offer the same type of programs, programs participation costs, and the use of the Downtown Recreation Center (DRC) gymnasium.

**SUBSTITUTE MOTION: Direct that the Youth Sports Basketball and Flag Football programs become a paid for use program, with participants paying 50 percent of costs of providing the programs by charging a fee of \$58.00/per season for participants of the Flag Football and a fee of \$39.00/per season for participants of the Basketball program.  
Moved by Council Member Eric R. Bever, seconded by Mayor Pro Tem Wendy Leece.**

The substitute motion carried by the following roll call vote:  
Ayes: Mayor Pro Tem Wendy Leece, Council Member Eric R. Bever, Council  
Member Katrina Foley  
Noes: Mayor Allan R. Mansoor, Council Member Gary Monahan  
Absent: None.

**MOTION: Suspend the Downtown Recreation Center (DRC) Teen Drop-in Program and match up to 50 percent of the program funds for the TeWinkle School Teen Program.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

Recreation Manager Jana Ransom responded to questions from the Council regarding the program offerings; noting that it was a year-round program.

Council Member Monahan felt that with 10-20 participants who use the program that it was underutilized for the cost in providing the program. Mayor Pro Tem Leece and Council Member Foley felt it was an important program as they keep children active and out of gangs and/or from getting in trouble. Mayor Mansoor expressed concern on how it was otherwise going to be paid for considering the budget shortfall the City was facing. Council Member Foley suggested adopting the budget as proposed by staff as she felt that the program cuts that were being suggested would ultimately cost more. The Mayor disagreed as the proposed budget relied heavily on using fund balance in order to be balanced.

The motion carried by the following roll call vote:  
Ayes: Mayor Allan R. Mansoor, Council Member Eric R. Bever, Council  
Member Gary Monahan  
Noes: Mayor Pro Tem Wendy Leece, Council Member Katrina Foley

Absent: None.

**MOTION: Suspend the special recreation events (i.e. Circle of Service and the Fall Harvest) unless an event is 100 percent paid for by sponsorship. Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

In response to Council Member Foley's question, Recreation Manager Jana Ransom clarified the programs that were considered special events to include that of the Circle of Service, Snow Hill, the Fall Harvest, and also covered dedications.

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 Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

**MOTION: Deny the contract with Hernandez City Services. (Consent Calendar VI-7 – Hernandez Shopping Cart Retrieval Contract renewal). Moved by Council Member Gary Monahan. Motion died for lack of second.**

Mayor Mansoor indicated that he felt that the contract was necessary until the containment program was in place.

Council Member Bever inquired as to the possibility of charging the stores the full cost for the City to pick up the shopping carts, and as the information was not readily available he requested a continuance.

**MOTION: Continue the item.**

Moved by Council Member Eric R. Bever, seconded by Council Member Gary Monahan.

Council Member Monahan inquired as to term of the contract, was satisfied with the termination clause and therefore withdrew his second to the motion.

**MOTION: Approve; authorize the Mayor and the City Clerk to sign the Amendment to Professional Services Agreement with Hernandez City Services, Inc., 1808 Lincoln Boulevard, Venice, extending the term of service until June 30, 2010 for shopping cart retrieval services, in the amount of \$48,000. (Consent Calendar Item VI-7).**

**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  
Noes: Council Member Gary Monahan  
Absent: None.

MOTION: Direct staff to bring forward recommendation that consolidates the Planning Commission and the Parks and Recreation Commission into one commission and that meets once per month, or as needed.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.

The City Manager advised that it would require amendments to the ordinances and it would take some time for implementation.

Council Member Foley stated that she would not be supporting the motion as she felt that the scope of the two commissions are vastly different and that having the two commissions allows for greater participation. Mayor Pro Tem Leece agreed commenting that the commissions should remain intact for greater service to the community.

Council Member Monahan felt that with the decrease in workload for the commissions that consolidation would bring about a cost savings.

SUBSTITUTE MOTION: That the Planning Commission and the Parks and Recreation Commission meet one time for every other month.  
Moved by Mayor Pro Tem Wendy Leece, seconded by Council Member Katrina Foley.

Mayor Mansoor felt that waiting a month between each meeting for the Planning Commission was too long. Council Member Foley noted that there are statutory reasons for the Planning Commission to meet more regularly. The Mayor Pro Tem Leece agreed to amend her motion. Council Member Monahan with the amendment and withdrew his second to the original motion.

**MOTION: Direct that the Planning Commission meet once a month and that the Parks and Recreation Commission meet every other month.  
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: Request staff to solicit proposals for the operations of the Neighborhood Community Center (NCC) and the Downtown Recreation**

**Center (DRC) through private enterprises or private/public partnerships.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

Recreation Manager Jana Ransom responded to questions the Council regarding the staffing levels at the DRC and the NCC.

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 Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

**MOTION: Direct staff to bring forward for review the fee schedule relative to the recreation programs and the field use policies (user groups).  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

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 Gary Monahan

Noes: Council Member Katrina Foley

Absent: None.

**MOTION: Remove the funding for the Fiscal Year 2009-2010 the SR-55 Downgrade Feasibility Study  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

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: Direct staff to provide information for the development of a Residential Street Rehabilitation Program.  
Moved by Council Member Gary Monahan, seconded by Mayor Allan R. Mansoor.**

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: Direct staff to bring forward for review the Red Light Camera**

**Program.**

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

The motion carried by the following roll call vote:

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

Noes: Council Member Eric R. Bever, Council Member Katrina Foley

Absent: None.

**MOTION: Direct staff to bring forward for consideration a program for an alternating week street sweeping schedule in all R-1 zones.**

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

Council Member Foley noted that there are neighborhoods that would require the weekly street sweeping. She requested that the motion be amended to include a recommendation for a reduced street sweeping program for those areas that have a high impact of trash. Council Member Monahan felt that it could be a part of the alternatives that would be presented.

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: Maintain full staffing in the Patrol Division of the Police Department.**

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

Council Member Monahan noted that because of the recent crime statistics reported where there was an increase in crime within the city the following motion was made. Mayor Mansoor noted that the apparent rise in the rate was that there were a few crime categories where it had gone down but recently climbed back to its original level. Council Member Foley commented that she was against laying off of any of the public safety personnel.

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: Direct staff to notify ABLE, the City of Santa Ana and the City of Newport Beach of the consideration of reducing patrolling hours in the**



**ABLE program and for a report back to Council on the responses and cost savings.**

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

Council Member Monahan commented that he was a supporter of ABLE and when the economy turns around he would support increasing the patrol hours of the unit.

The motion carried by the following roll call vote:

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

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

Absent: None.

**MOTION: Approve the ten week closure of the community pool at the DRC (from mid-November to the end of January); and for staff to work with the lap swimmers and others to review all suggestions for increased facility use and revenue.**

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

Council Member Bever requested that the maker of the motion to add an increase of the use fee to \$5.00 per swim. It was agreed to amend the motion.

The motion restated:

**MOTION: Approve the ten week closure of the community pool at the DRC (from mid-November to the end of January); increase the use fee to \$5.00/per swim; and for staff to work with the lap swimmers and others to review all suggestions for increased facility use and revenue.**

**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: Remove cell phone services for the City Council from the budget.**

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

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: Adopt Resolution No. 09-46, as amended: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A BUDGET FOR THE FISCAL YEAR 2009-2010.**

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

The motion carried by the following roll call vote:

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

Noes: Council Member Eric R. Bever

Absent: None.

Council Member Bever explained his position noting that he felt the city had waited too long to take a position and take affirmative action to ensure financial position, and expressed his concern on the adoption of the budget that is balanced by the excessive use of fund balance.

**MOTION: Adopt Resolution No. 09-47: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2009-2010, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE; and direct staff to come back with suggestions on mechanisms for automatic annual adjustment for inflation.**

**Moved by Council Member Eric R. Bever, seconded by Mayor Pro Tem Wendy Leece.**

SUBSTITUTE MOTION: Adopt Resolution No. 09-47: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DETERMINING AND ADOPTING THE GENERAL FUND OPERATING RESERVE FOR FISCAL YEAR 2009-2010, IN ACCORDANCE WITH TITLE 2, CHAPTER V, ARTICLE 6, OF THE COSTA MESA MUNICIPAL CODE.

Moved by Mayor Allan R. Mansoor. Motion died for lack of second.

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: Adopt Resolution No. 09-48: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING A SEVERE FISCAL HARDSHIP WILL EXIST IF ADDITIONAL CITY PROPERTY TAX FUNDS ARE SEIZED AND ADDITIONAL UNFUNDED MANDATES ARE ADOPTED BY THE STATE OF CALIFORNIA.**

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

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**

There were no reports from the City Attorney and the City Manager.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 11:38 p.m. The next regular City Council Meeting will be held on July 7, 2009.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa