

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

March 15, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session March 15, 2011, at 6:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

PLEDGE OF ALLEGIANCE - Council Member Stephen Mensinger

MOMENT OF SOLEMN EXPRESSION - Pastor Tim McCalmont, Presbyterian Church of Covenant

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem James Righeimer
Council Member Wendy Leece
Council Member Stephen Mensinger

Council Members Absent: Council Member Eric R. Bever

Officials Present: Chief Executive Officer Thomas R. Hatch
City Attorney Thomas Duarte
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
City Clerk Julie Folcik

ANNOUNCEMENTS

The Mayor announced various upcoming events taking place in the city:
- March 19, 2011 at 11 a.m. - Free Composting Workshop sponsored by the Costa Mesa Sanitary District - Fairview Park next to Estancia High School
- March 23, 2011 from 12-8 p.m. - CERT 4 Fiesta Fundraiser - Acapulco Restaurant, 1565 Adams, Avenue
- April 2, 2011 from 9 a.m.-4 p.m. - E-Waste Collection Event sponsored by Universal Waste Systems, Inc. - 2051 Placentia Avenue

PRESENTATIONS

The Mayor proclaimed the week of March 14-20, 2011 as Multiple Sclerosis Awareness Week in the city, and presented a proclamation to Doris Brothers of the Pacific Coast Chapter of the National Multiple Sclerosis Society's Government Relations Committee.

Bill Turpit, President of the Costa Mesa Community Foundation, presented a

\$500 grant to the Costa Mesa Police Explorer Program. Police Explorer Eric Molina spoke on behalf of the explorers and thanked the Community Foundation for the donation, shared recent accomplishments of the program, and thanked the Costa Mesa Police Department for its support.

PUBLIC COMMENTS

Perry Valentine, Costa Mesa, referenced comments made at the previous meeting regarding an implied mandate by the voters, and encouraged Council to reevaluate the "mandate" and "get facts" before taking action.

Ernie Feeney, Costa Mesa, referred to a recent power outage that affected the Costa Mesa Senior Center, commended city staff for responding to a senior trapped in the elevator, expressed concern for the lack of upper level management staff at the Senior Center, and recommended that the city write a letter to the Senior Center Board regarding upper level management staff presence on the premises.

Chris Otis, Costa Mesa, asked for prayers for the homeless and the Homeless Task Force.

Rich Reiser, Costa Mesa, supported the retention of all city employees.

Tim Lewis, Costa Mesa, recommended that the city keep the Fire Department, outsource the Police Department, suggested that the Human Relations Committee be reinstated, and that the Fire Chief be an elected position.

Frances Wood, Costa Mesa, spoke in opposition of a Code Enforcement citation she received for "violations" relative to construction, removal of a tree, sewer issues and overgrown vegetation on her property.

Terry Shaw, Costa Mesa, speaking on behalf of the Costa Mesa Historical Society, informed of the reopening of the Adobe Sepulveda, and announced the upcoming event on March 20, 2011 featuring author Chris Eptein and his new book, "Orange County: Then and Now."

Tom Pollitt, Costa Mesa, thanked Council for tackling the budget problems, and criticized the unions for standing firm and not backing off on their demands.

Bill (last name inaudible), Costa Mesa, shared his knowledge about pensions, opined that this was a political issue and not a financial issue, noted mixed feelings about outsourcing, and encouraged Council to look at all benefits and areas of compensation and what can be done about current employees, not just future employees.

Sandra Genis, Costa Mesa, referred to comments made by a Council Member at a previous meeting, clarified that she did not speak about the Transient Occupancy Tax, and advised that she could not change the Economic Development Policy during her tenure on the Council because the policy had not

yet been adopted.

Chris McEvoy, Costa Mesa, commented on the mowing of the wildflowers on Placentia, urged Council to remove the coyote traps in Fairview Park as they were vital to controlling the rabbit population, and encouraged Council to find alternative strategies in balancing the budget.

Robin Leffler, Costa Mesa, speaking against outsourcing shared a recent observation of a city employee who went beyond the call of duty in removing a phone book that was in the middle of the street.

Beth Refakes, Costa Mesa, commended city staff in their restoration of the Adobe Sepulveda; expressed concern in the recruitment of the police chief if the intent was to outsource the Police Department, and opined that the pension issue should have been resolved years ago and noting that it was not created by deception by the employees.

Sue Lester, Costa Mesa, asked how the sale of the Orange County Fairgrounds would affect the facility's designation as an evacuation site for San Onofre in the event of a nuclear incident.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 9.

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 9, except for Consent Calendar Item No. 5. Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: Council Member Eric R. Bever

1. Reading Folder.

ACTION: The following Claims were received by the City Clerk for processing: Clayton Houser; Dane Miller Klein; Doug McCune.

2. Regular meeting of February 15, 2011 and March 1, 2011.

ACTION: Approved.

3. Warrant Resolution 2359, funding City operating expenses for \$606,337.78.

ACTION: Adopted resolution.

4. Warrant Resolution 2360, funding Payroll No. 11-05 for \$2,166,978.49, and Payroll No. 11-04A for \$392.23, and City operating expenses for

\$1,726,283.73, including payroll deductions.

ACTION: Adopted resolution.

6. Professional Services Agreement with MWH Engineering, 19900 MacArthur Boulevard, Suite 250, Irvine, for preliminary engineering services, in an amount not to exceed \$71,000.

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

(a) Budget Adjustment No. 11-015 for \$71,000.

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

7. Amendments to Professional Services Agreement with Scott Fazekas and Associates, 9 Corporate Park, #200, Irvine; Bureau Veritas, 1565 MacArthur Boulevard, Costa Mesa; and CSG Consultants Inc., 801 Park Center Drive #230, Santa Ana, for contract fire system plan check and inspection services in addition to contract building plan check and inspection services, in an amount not to exceed \$205,000 in the aggregate.

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

(a) Budget Adjustment No. 11-016 for \$30,000.

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

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF THE FAIRVIEW ROAD SIGNAL SYNCHRONIZATION PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM.

ACTION: Adopted Resolution No. 11-9

9. Status - Pilot Residential Neighborhood Enhancement Program.

ACTION: Received and filed.

ITEM REMOVED FROM CONSENT CALENDAR

5. Sole Source Purchase of lighting equipment for Davis Field at Lions Park from Musco Sports Lighting, 4 Jenner, Suite 100, Irvine, in the amount of \$150,075.

Tamar Goldman, Costa Mesa, opined that lights for a playing field is nonessential in light of the budget deficit and pending layoffs, and

suggested that Council reevaluate priorities.

Development Services Director Kimberly Brandt responded to a question from Council regarding the use of Redevelopment Agency funds, and clarified that the use of RDA funds is restricted to capital improvement projects such as the lighting and could not be used to solve the general fund deficit.

MOTION: Approve.

Moved by Mayor Gary Monahan, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: None.

Absent: Council Member Eric R. Bever

PUBLIC HEARINGS

No Public Hearings are scheduled.

OLD BUSINESS

1. From the meeting of March 1, 2011, Ordinance No. 11-4: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING MUNICIPAL CODE AMENDMENT CO-11-01, AMENDING SECTIONS 5-1.1 AND 5-1.3 OF TITLE 5 OF THE COSTA MESA MUNICIPAL CODE RELATED TO BUILDING PERMIT FOR MASONRY WALLS.

Robin Leffler, Costa Mesa, expressed concern that requiring a permit as the cost may prevent residents from improving their properties.

Chris Otis, Costa Mesa, asked if requiring a permit would a raise the taxes.

MOTION: Adopt Ordinance No. 11-4, to be read by title only and waive further reading.

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

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Stephen Mensigner

Noes: Council Member Wendy Leece

Absent: Council Member Eric R. Bever

2. Request for rehearing by Council Member Leece of a determination from the March 1, 2011 City Council meeting regarding the Feasibility and

requirements to evaluate increasing capacity to Costa Mesa Emergency Medical Services - Paramedic System.

Council Member Leece explained her reasons for requesting the hearing, stating the item was placed late on the agenda, and that the public did not have ample time to understand the proposal. She questioned the intent and necessity of changing the current model of the paramedic system, and referred to a letter from CARE Ambulance which stated opposition to the proposal.

Perry Valentine, Costa Mesa, supported the request for rehearing, commenting that the appropriate staff should have been consulted before the item was placed on the agenda.

Sandra Genis, Costa Mesa, expressed her support for the request for rehearing, as she felt that the letter from CARE Ambulance was relevant and would provide new information for discussion, and indicated that no data had been provided to show the need for additional paramedic services.

Robin Leffler, Costa Mesa, encouraged the Council to approve the rehearing request.

The City Attorney responded to concerns made by Council Member Leece regarding the lack of financial information in the report and of employee contracts, noting that the legal team was comfortable with the language and the sending of the letter.

MOTION: Approve the rehearing.

Moved by Council Member Wendy Leece. Motion died for lack of second.

City CEO Hatch responded to a questions from Council Member Leece informing that a letter had already been sent out on the morning of March 2, 2011, that the medical director had acknowledged receipt of the letter, and staff was awaiting a response from the medical director regarding the question of whether or not the proposal could be explored further.

MOTION: Receive and file.

Moved by Mayor Gary Monahan, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: None.

Absent: Council Member Eric R. Bever

3. Request for rehearing by Council Member Leece of a determination from the March 1, 2011 City Council meeting regarding the outsourcing of City

services.

Council Member Leece had requested a rehearing, and in noting her reasons for the request stated that there had not been adequate time to review a confidential memo provided prior to the meeting, and expressed concerns regarding possible litigation.

Perry Valantine, Costa Mesa, supported the request for rehearing, pointing out that no financial analysis had been made to verify cost savings.

Sandra Genis, Costa Mesa, speaking in support of a rehearing stated that the review of appropriate return provided by PERS constituted new information, suggested that the Redevelopment Agency pay down its debt to the City, and recommended a review of Council Policy 100-6 regarding the outsourcing.

Mrs. Drain, Costa Mesa, spoke in opposition of outsourcing and expressed concern regarding emergency services coverage.

Ellen Goodman, Costa Mesa, spoke in opposition of outsourcing police, fire, and animal control services.

Robin Leffler, Costa Mesa, supported the request for rehearing.

Mayor Pro Tem Righeimer clarified that the Police Department was not on the list to be outsourced, but only animal control services and special events were identified.

Will Michael King, Costa Mesa, speaking in opposition to the outsourcing opined that analyzing the financial and accountability factors was necessary but suggested that if categorizing intended outsourcing of services to not to include the police and fire departments.

Royellen Duffield, Costa Mesa, expressed opposition in outsourcing the Fire Department and recommended the rehearing request be granted.

Sue Lester, Costa Mesa, supported the request for rehearing, and stated that the initial decision was made without any detail to potential savings.

Council Member Leece in reiterating her reasons for the rehearing, further indicated that there was not a cost savings analysis conducted prior to the decision being made, nor a study of the alternatives and commented on the importance of institutional knowledge, employee loyalty, and felt that it was putting the city structure and the community at risk.

The Mayor clarified that the six-month noticing was not a layoff notice, that it would allow the city to obtain RFPs, that it would provide time for a review of outsourcing specific services and advised that a financial

analysis would be conducted and presented at a future meeting.

The City Attorney in responding to questions from Council Member Leece, indicated that there was clear statutory authority for the city to outsource services, and that it could be based upon finding a more efficient method of providing the service; not solely on cost-savings.

**MOTION: Approve Receive and file.
Moved by Mayor Gary Monahan, seconded by Council Member Stephen Mensigner.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Stephen Mensigner

Noes: Council Member Wendy Leece

Absent: Council Member Eric R. Bever

4. Reports from City Council working groups
 - (a) Economic Development and Development
 - (b) Sports and Recreation
 - (c) Policies, Procedures, and General Plan/Circulation
 - (d) Budget and Capital Improvements
 - (e) Motel Issues

NEW BUSINESS

1. Proposal to use a portion of Fairview Park for a Civil War reenactment on April 15 through 17, 2011 by the American Civil War Society (ACWS) and a request for a waiving of the special event permit and park use fees.

Public Services Director Naghavi presented the report.

Terry Shaw, Costa Mesa, expressed support for the fee waiver.

MOTION: Approve the use of Fairview Park and waive the special event and park use fees.

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

The motion carried by the following roll call vote:

Ayes: Council Member Wendy Leece, Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Stephen Mensigner

Noes: None.

Absent: Council Member Eric R. Bever

2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE EVENT ROUTE FOR THE 2011 ORANGE COUNTY MARATHON.

Public Services Director Peter Naghavi presented the report.

Mr. Naghavi responded to a questions from the Council regarding the possibility of increasing the use of residential streets for the marathon route, noting that the route was designed to go through areas that would not creating a significant inconvenience to residents and other commuters.

Gary Kutscher, Race Director of the OC Marathon, provided an overview and update of the event and thanked staff for their help in planning the course route. He responded to questions from the City Council regarding parking and a shuttle service that will be provided between Orange County Fairgrounds and Fashion Island, and regarding hospitality and participation indicating that hotel bookings were up 100 percent in Costa Mesa, and there would be over 16,000 total participants.

MOTION: Approve Resolution No. 11-10: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING THE EVENT ROUTE FOR THE 2011 ORANGE COUNTY MARATHON.

Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem James Righeimer, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: None.

Absent: Council Member Eric R. Bever

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Gary Monahan, referring to a report from the Probation Department which listed 40 licensed recovery facilities in the city, requested staff to provide information as to the number and locations of the known unlicensed facilities in the city as well as a copy of a Newport Beach ordinance regarding the same subject matter.

Council Member Wendy Leece requested staff to follow-up with a public speaker's concerns regarding the Senior Center, and announced the upcoming Homeless Task Force meeting.

Council Member Stephen Mensinger asked staff to provide an update regarding the efforts to find a consultant to review pensions.

REPORTS

Chief Executive Officer Hatch provided an update regarding the noticing of employees, the efforts of the recently hired consultants, indicated that additional support in the areas of communications and human resources were still needed, and also acknowledged the accomplishments and hard work of the Public Services Department in the Estancia Adobe renovation.

CLOSED SESSION

No Closed Sessions were scheduled.

CLOSED SESSION REPORT

ADJOURNMENT - The Mayor adjourned the meeting at 8:22 p.m. in memory of David Freeland, husband of Maintenance Services employee Deborah Freeland. Next Regular City Council Meeting: April 5, 2011.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa