

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

January 18, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session January 18, 2011 at 6:05 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 - Mayor Gary Monahan

MOMENT OF SOLEMN EXPRESSION - Elder Richard Stringham, The Church of Jesus Christ of Latter-day Saints

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem Jim Rigeimer
Council Member Eric Bever
Council Member Wendy Leece
Council Member Stephen Mensinger

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
Budget and Research Officer Bobby Young
Human Resource Manager Debra Yasui
City Clerk Julie Folcik

ANNOUNCEMENTS

The Mayor announced various upcoming events taking place in the city:

- Registration open for 2011 OC Marathon to be held May 1, 2011.
- Costa Mesa Historical Society hosting "The Cymerian Chapter" on January 23, 2011.
- Costa Mesa Chamber of Commerce After Hours Business Mixer on January 26, 2011.
- Grand Opening of Fresh & Easy on February 9, 2011.
- Events at Segerstrom Center for the Arts
- Advised that an official notice from the California Department of Food and Agriculture was issued regarding the areas to be treated due to the detection of the Asian citrus psyllids in the City of Santa Ana.

PRESENTATIONS

The Mayor presented proclamations to visiting delegation of students and teachers from Wyndham, Australia who are participants in the Wyndham Sister City Education Exchange Program.

The Mayor awarded the Mayor's Cup to AYSO Region 120 congratulating the team on its win of the championship.

PUBLIC COMMENTS

Sue Lester, Costa Mesa, commented on her experience at the Mesa Verde Golf Classic, and announced the Western Division 24th Annual Diabetes Family Retreat.

Tom Pollack, Costa Mesa, expressed concern regarding the budget and encouraged a business-friendly city.

Valerie Boston, Costa Mesa, readdressed her inability to obtain from the city an assistance dog license.

Tim Lewis, Costa Mesa, commented on a donation he made to the Police Department in the past.

Sandra Genis, Costa Mesa, expressed concern of the inaccurate comments she allegedly made regarding campaign spending in the last election.

Robin Leffler, Costa Mesa, supporting the previous speaker's comments regarding her alleged comments regarding campaign spending, read a transcript of the conversation from the last meeting.

Tamar Goldman, Costa Mesa, congratulated Council Member Mensinger in his appointment, and suggested that Council refute the "Rule of Law" city proclamation.

Martin Millard, Costa Mesa, encouraged Council to focus on fixing the Westside.

Mayor Pro Tem Righeimer apologized if he had misquoted Ms. Genis' comments regarding campaign spending.

CONSENT CALENDAR

MOTION: recommended actions for Consent Calendar Item Nos. 1 through 9, except for Consent Calendar Items Nos. 5, 6, and 7, and to continue the minutes of October 5, 2010.

Moved by Mayor Gary Monahan, seconded by Council Member Stephen Mensinger.

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member

Eric Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

1. Reading Folder.

ACTION: The City Clerk received the following Claims for Damages for processing: St. Mary Trust on behalf of Joseph Gabrill; Nemesio Mendez; Lana Reeve.

The following request for Alcoholic Beverage Control License was received: For Blessed Black Wings LCC, located at 2930 Bristol Street, Suite A101, Costa Mesa, for a person-to-person and premise-to-premise transfer of a type 48 (on-sale general – public premises).

2. Regular meeting of October 5, 2010.

ACTION: Continued.

3. Warrant Resolution 2351, funding Payroll No. 10-26 for \$2,247,377.95, and City operating expenses for \$1,009,333.60, including payroll deductions.

ACTION: Adopted resolution.

4. Warrant Resolution 2352, funding Payroll No. 11-01 for \$1,115.77 and Payroll No. 10-26A for \$2,143,673.18, and City operating expenses for \$437,257.98.

ACTION: Adopted resolution.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APROVING THE SUBMITTAL OF TEN (10) IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM.

ACTION: Adopted Resolution No. 11-4: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APROVING THE SUBMITTAL OF TEN (10) IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM.

9. Approval of Mayor's appointments to the boards of The Costa Mesa Conference and Visitor Bureau and the Transportation Corridor Agency.

ACTION: Approved.

ITEMS REMOVED FROM CONSENT CALENDAR

5. Oracle/PeopleSoft Support Agreement with Oracle Corporation, 1001 Sunset Boulevard, Rocklin, for the renewal of support agreement, effective March 19, 2011 through March 18, 2012, and the renewal of the E-Pay modules effective June 3, 2011 through June 2, 2012, in the annual amount of \$192,922 plus applicable tax.

**MOTION: Approve; and authorize the City Manager to sign.
Moved by Mayor Pro Tem Jim Righeimer, seconded by Council Member Stephen Mensinger.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

6. Lease agreement with T-Mobile West Corporation, a Delaware Corporation, 2008 McGaw, Irvine, for a cell tower at Costa Mesa TeWinkle Park, for a term of five (5) years with five (5)-year options, in the amount of \$24,000 per year with a three percent (3%) annual increase.

Mayor Pro Tem Righeimer recused himself from the discussion and vote due to a potential conflict of interest, noting that the applicant was a former tenant. The Mayor Pro Tem left the Council Chambers at 6:55 p.m.

Terry Shaw, Costa Mesa, encouraged Council to include the Parks and Recreation Commission in the process for cell towers in parks.

**MOTION: Approve; and authorize the City Manager to sign.
Moved by Council Member Wendy Leece, seconded by Mayor Gary Monahan.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Council Member Eric Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Abstain: Mayor Pro Tem Jim Righeimer

Absent: None.

Mayor Pro Tem Righeimer returned to the Dais at 6:00 p.m.

7. Completion of Newport Boulevard Improvement Project, Federal Project No. RPSTPLE - 5312 (070), City Project No. 08-08, by All American Asphalt, Post Office Box 2229, Corona.

MOTION: Accept work; authorize City Clerk to file a Notice of Completion; release retention monies 35 days thereafter; exonerate the Labor and Material Bond seven (7) months thereafter; and exonerate the Faithful Performance Bond seven (7) months thereafter.

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

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

The Mayor recessed the City Council meeting at 7:02 p.m. to convene the Special Meeting of the Redevelopment Agency. The Vice-Chair of the Redevelopment Agency called the meeting to order.

ROLL CALL

Agency Members Present: Vice Chair Wendy Leece
Agency Member Gary Monahan
Agency Member Jim Righeimer
Agency Member Eric Bever
Agency Member Stephen Mensinger

Agency Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
Agency Attorney Kimberly Hall Barlow
Executive Director Kimberly Brandt
City Clerk Julie Folcik

CLERK'S STATEMENT - The Redevelopment Agency Special Meeting Agenda and Notice and Call were posted at the City Council Chambers, Postal Office, Headquarters Police Department, the Neighborhood Community Center and Mesa Verde Public Library on Thursday, January 13, 2011.

MINUTES

1. Regular Redevelopment Agency meeting minutes of the Special Joint Meeting of August 10, 2010 and Joint Meetings of October 12, 2010 and November 9, 2010.

MOTION: Approve

Moved by Agency Member Monahan, seconded by Agency Member Jim Righeimer.

The motion carried by the following roll call vote:

Ayes: Vice Chair Wendy Leece, Agency Member Gary Monahan, Agency Member Jim Righeimer, Agency Member Eric Bever, Agency Member Stephen Mensinger

Noes: None

Absent: None

PUBLIC COMMENT

There was no public comment.

AGENCY MEMBERS' COMMENTS AND SUGGESTIONS

Agency Member Monahan reported that projects have been approved for Triangle Square and informed that the the City is keeping track of what is happening with the Governor's budget and how it will effect the Redevelopment Agency funding.

WARRANT RESOLUTION

1. Ratify Warrant Resolutions CMRA-398, CMRA-399, CMRA-400 and CMRA-401; approve Warrant Resolution CMRA-402.

MOTION: Approve and ratify.

Moved by Agency Member Righeimer, seconded by Agency Member Eric R. Bever.

The motion carried by the following roll call vote:

Ayes: Vice Chair Wendy Leece, Agency Member Gary Monahan, Agency Member Jim Righeimer, Agency Member Eric Bever, Agency Member Stephen Mensinger

Noes: None

Absent: None

NEW BUSINESS

1. Annual Meeting - Elect a Chairperson and Vice-Chairperson to serve for the next two years.

MOTION: Appoint Agency Member Jim Righeimer as Chairperson of the Redevelopment.

Moved by Agency Member Gary Monahan, seconded by Agency Member Stephen Mensinger.

The motion carried by the following roll call vote:

Ayes: Vice Chair Wendy Leece, Agency Member Gary Monahan, Agency Member James Righeimer, Agency Member Eric Bever, Agency Member Stephen Mensinger.

Noes: None
Absent: None

**MOTION: Appoint Agency Member Stephen Mensinger as Vice Chair of the Redevelopment Agency.
Moved by Agency Member Eric R. Bever, seconded by Agency Member Gary Monahan.**

The motion carried by the following roll call vote:
Ayes: Vice Chair Wendy Leece, Agency Member Gary Monahan, Agency Member James Righeimer, Agency Member Eric Bever, Agency Member Stephen Mensinger.
Noes: None
Absent: None

REPORTS

The Agency Attorney noted that reports will be made regularly regarding the State's budget and how it will affect the Redevelopment Agency.

ADJOURN

Chairperson James Righeimer adjourned the meeting at 7:09 p.m. and the Mayor reconvened the regular meeting of the City Council.

PUBLIC HEARINGS

No Public Hearings were scheduled.

OLD BUSINESS

No Old Business items were scheduled.

NEW BUSINESS

1. Amendment to the Contract between CalPERS and the City of Costa Mesa to include provisions pursuant to Government Code Section 20516 "Cost Sharing" (Local Safety and Miscellaneous Plans).

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF COSTA MESA.

(b). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE AMENDMENT TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM CONTRACT; to implement Government Code Section 20516 "Cost Sharing" for Local Safety and Local Miscellaneous employees.

Risk Administrator Debra Yasui presented the staff report and along with the Budget and Research Officer Bobby Young responded to questions from the City Council regarding the cost savings.

City Attorney Kimberly Hall Barlow responded to a questions from the Council regarding Council's option to not approve the contract amendment noting that it would not only be a breach of the agreement with the employee associations, the City would not realize a cost savings and affirmed that the "cost sharing" was for a specified number of pay periods.

Jeff Jones, Costa Mesa, asked for clarification relative to the expected cost savings.

Council Member Bever noted that he did not the support the contract initially and therefore would not support the amendment to the contract.

MOTION: Adopt Resolution No. 11-5.

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

The motion carried by the following roll call vote:

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

Noes: Council Member Eric Bever

Absent: None.

MOTION: Introduce Ordinance No. 11-1 for first reading, read by title only, and waive further reading; and authorize the City Clerk to execute required CalPERS certifications and documents for Local Safety and Miscellaneous groups.

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 Jim Righeimer, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: Council Member Eric Bever

Absent: None.

2. Memorandum of Understanding with the County of Orange for use of AlertOC, a County of Orange Countywide Public Mass Notification System.

Telecommunications Manager Anna Tellez and Terry LeBlanc of the County of Orange provided a brief overview of the system and its capabilities. Ms. LeBlanc responded to questions from the Council regarding the decision making authority in its activation, future funding for the system and clarification of its use.

Martin Millard, Costa Mesa, opined that the City's Rapid Notify system was sufficient for emergency purposes and did not support the approval of the MOU.

**MOTION: Approve; authorize the City Manager to sign
Moved by Mayor Pro Tem Jim Righeimer, seconded by Council
Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: Council Member Eric Bever

Absent: None.

3. Creation of a task force to study homelessness.

Assistant City Manager Tom Hatch presented the staff report and responded to questions from the City Council regarding term and structure of the task force.

Tim Brown, Lake Elsinore, noted his personal experience with homelessness, commended Costa Mesa on its compassion in addressing the situation and encouraged the efforts of the task force.

Jane Chauxner, Burbank, spoke in support of the task force.

Becks Heyhoe, Costa Mesa, spoke on behalf of several churches who offer various programs to address the issue of homelessness, was encouraged by the opportunity for collaborative work with the city, and expressed support of the task force.

Christopher Otis, Costa Mesa, spoke in support of the task force and suggested the use of the Armory as temporary shelter for the homeless.

Erica Archer, Fullerton, spoke in support of the task force.

Omar Molina, Costa Mesa, shared about his life setbacks and offered his assistance to the task force.

Martin Millard, Costa Mesa, noted an over concentration of charities in the Westside at Lions Park, suggested reducing the time for the task to three months, and that efforts to address the problem be made in collaboration with other communities.

Dr. Julie Ralls, Costa Mesa, asked how Hoag Hospital was involved with the homeless issue.

Larry Haynes, Costa Mesa, Executive Director of Mercy House, spoke about his qualifications and accomplishments regarding homeless issues, and clarified that the work of the task force was to address chronic homelessness.

Beth Refakes, Costa Mesa, spoke in support of the task force and opined that the work of the task force needs to be comprehensive for the solutions to be long-term.

Robin Leffler, Costa Mesa, spoke in support of the task force.

Dave Reese, Costa Mesa, spoke in support of the task force and the collaborative opportunities with the outreach programs.

Mayor Pro Tem Righeimer recommended a smaller task force and suggested that ideas be presented as soon as possible rather than wait the six to nine months.

Mayor Monahan supported reducing the size of the task force.

**MOTION: Approve the creation of Homeless Task Force; and authorize staff to solicit applications.
Moved by Council Member Wendy Leece, seconded by Mayor Pro Tem Jim Righeimer.**

The motion carried by the following roll call vote:

Ayes: Mayor Gary Monahan, Mayor Pro Tem Jim Righeimer, Council Member Eric Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

4. Creation of City Council Working Groups.

Assistant City Manager Tom Hatch presented the report.

Council Member Bever indicated that he would like to address motel issues separately from homeless issues.

Christopher Otis, Costa Mesa, inquired as to the expenditure of grant monies on rapid rehousing and homeless prevention. The Assistant City

Manager responded.

Beth Refakes, Costa Mesa, supported the working groups, suggested that the homeless issue be removed as it might be in conflict with the approaches of the newly approved task force and encouraged transparency.

Robin Leffler, Costa Mesa, expressed concern regarding transparency and recommended that as solutions are developed in the working groups that it presented in a study session format.

Sue Lester, Costa Mesa, expressed support in working groups.

MOTION: Approve the creation of five subcommittee working groups and remove the homeless issue; appoint Mayor Pro Tem Righeimer and Council Member Mensinger to Economic Development; appoint to Council Member Leece and Council Member Mensinger to Sports and Recreation; appoint Council Member Bever and Mayor Monahan to Policies, Procedures, and General Plan; appoint Mayor Monahan and Mayor Pro Tem Righeimer to Budget and Capital; and appoint Council Member Bever and Council Member Leece to Motel Issues.

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

SUBSTITUTE MOTION: Approve the creation of five subcommittee working groups and remove the homeless issue; appoint Mayor Pro Tem Righeimer and Council Member Mensinger to Economic Development; appoint to Council Member Leece and Council Member Mensinger to Sports and Recreation; appoint Council Member Bever and Mayor Monahan to Policies, Procedures, and General Plan; appoint Mayor Monahan and Mayor Pro Tem Righeimer to Budget and Capital; and appoint Council Member Bever and Mayor Pro Tem Righeimer to Motel Issues.

Moved by Council Member Eric Bever, seconded by Council Member Stephen Mensinger.

The substitute motion carried by the following roll call vote:

Ayes: Mayor Pro Tem Jim Righeimer, Council Member Eric Bever,
Council Member Stephen Mensinger

Noes: Mayor Gary Monahan, Council Member Wendy Leece

Absent: None.

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Jim Righeimer commented on the budget, suggested hiring a consultant to evaluate and "right-size" the city organization, capital improvements and pensions, and requested the City Manager inform the Council of sources where \$1.6 Million can be found to balance the remainder of the fiscal year.

Council Member Eric Bever concurred, and suggested taking corrective action, mid-year, to address the budget issues and necessary capital improvements.

Council Member Wendy Leece commented on the challenges ahead in tackling the budget shortfall; thanked former Mayor Jack Hammett for his leadership and involvement with the Freedom Committee luncheons; thanked Council Member Mensinger for his involvement with the Mesa Verde Golf Classic; and announced the renaming of the Orange County Performing Arts Center to the Segerstrom Center for the Arts.

Council Member Stephen Mensinger echoed the concerns regarding the budget; reported on the success of the Mesa Verde Golf Classic in fundraising an estimated \$110,000 for youth sports programs; and suggested that title of "City Manager" be changed to "City CEO."

Mayor Gary Monahan suggested zero-based budgeting when planning for the next budget cycle.

REPORTS

The City Attorney noted her attendance at the Mesa Verde Golf Classic and noted its success.

The Assistant City Manager thanked the Council for the opportunity to serve as the next City Manager, and recognized the enormity of the task of addressing the budget in the next few months, as well as noted the dedication of staff and staff time in that effort.

CLOSED SESSION

No Closed Sessions were scheduled.

CLOSED SESSION REPORT

ADJOURNMENT - The Mayor declared the meeting adjourned at 8:57 p.m. Next Regular City Council Meeting: February 1, 2011.



Mayor of the City of Costa Mesa

ATTEST:



Acting City Clerk of the City of Costa Mesa