

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

February 15, 2011

The City Council Meeting of the City of Costa Mesa, California met in regular session February 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 Eric Bever

MOMENT OF SOLEMN EXPRESSION - Father Tashgian, St. Mary Armenian Church

ROLL CALL

Council Members Present: Mayor Gary Monahan
Mayor Pro Tem James Righeimer
Council Member Eric R. Bever
Council Member Wendy Leece
Council Member Stephen Mensigner

Council Members Absent: None

Officials Present: City Manager Allan Roeder
Assistant City Manager Thomas Hatch
Assistant City Attorney Harold Potter
Development Services Director Kimberly Brandt
Public Services Director Peter Naghavi
Administrative Services Director Steve Mandoki
ABLE Commander Tim Starn
Interim Recreation Manager Lisa McPherson
City Clerk Julie Folcik

ANNOUNCEMENTS

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

- February 16, 2011 at 6 p.m. - Costa Mesa Green Task Force Presents: Citizens for a Greener and Healthier Costa Mesa - Neighborhood Community Center (Hamilton Room), 1845 Park Avenue
- February 17, 2011 at 7 a.m. - Costa Mesa Chamber of Commerce Breakfast with guest speaker Allan Roeder
- February 17, 2011 at 7 p.m. - Costa Mesa American Legion Auxiliary Kick-Off meeting - Neighborhood Community Center, 1845 Park Avenue
- February 25, 2011 at 6 p.m. - Costa Mesa Historical Society 2011 Annual Installation Dinner, featuring Bill Burke, the oldest American to climb Mt. Everest

- Orange Coast College Captain's Table Restaurant, 2701 Fairview Road
- March 1, 2011 at 5 p.m. - Farewell reception for City Manager Allan Roeder and City Attorney Kimberly Hall Barlow - City Hall, 77 Fair Drive

PRESENTATIONS

The Mayor announced that the City received a Certificate of Recognition from the Orange County Business Council in recognition of the City's efforts to implement policies that provide a greater supply and range of housing for the county's work force.

I PUBLIC COMMENTS

Howard Hull, Costa Mesa, referred to the costs associated with the Telecommunications Bureau and suggested the use of volunteers in the bureau to reduce costs.

Larry Lykins, Orange County Employees Association (OCEA) representative for the Costa Mesa City Employees Association (CMCEA), presented a letter from OCEA and expressed concern regarding the contracting of employees.

Jason Chamness, President of the Costa Mesa Police Association (CMPA), expressed concern in the high-quality level of officers lost as a result of the proposed dissolution of the ABLE program and the elimination of two officer positions.

Martin H. Millard, Costa Mesa, supported e-Verify, inquired as to the expected use of a vacant 10-acre lot on Monrovia, felt the city should be more aggressive in business outreach, hiring locally, and improving the Westside.

The following students from Newport Harbor High School's Surf and Environmental class spoke about the harmful effects of Styrofoam on the environment and living creatures, and encouraged the ban on its use: Toni Longabardi, Cierra Haas, Antonio Rossie, Christian Haberlein, Pili Hookano, Sara Condon and McKenna Foley, and Maddie Collins.

Judi Berry, Costa Mesa, announced an upcoming fundraiser at Ruby's to support the Senior Center, and commented on unfunded pension liabilities.

Tom Pollitt, Costa Mesa, expressed support in Council's recommendations to balance the budget.

Bert De Santo, Costa Mesa, supported the Council's efforts to balance the budget.

Phillip Marx, Costa Mesa, spoke about the toxicity of garden hoses, termites and incandescent light, and code enforcement.

Greg Ridge, Costa Mesa, referred to the sale of the Fairgrounds and reported

Orange County Fairgrounds Preservation Society's efforts to save the Fair.

Sue Lester, Costa Mesa, encouraged Council to spend equal amounts of time on new ideas and areas where revenue could be generated, suggested an increase in business licensing fees, and cautioned the contracting of employees.

Jane Chauxner, Burbank, spoke of her experiences with human trafficking and human trafficking victims' rights.

Christopher Otis, Costa Mesa, noted that homeless in Costa Mesa are not just comprised of drug addicts, but also consist of those economically disadvantaged.

II CONSENT CALENDAR ITEM NOS. 1 THROUGH 10.

MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 10.

Moved by Council Member Stephen Mensigner, 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 Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensigner

Noes: None.

Absent: None.

1. Reading Folder.

The following Claims were received by the City Clerk for processing: Exterior Products, Corp.; Tran Bernadette on behalf of Yukimasa Natsukawa; Dean Shoffeitt on behalf of Segerstrom Center for the Arts.

The following Request for Alcoholic Beverage Control License was received by the City:

For The Golden Truffle, located at 1767 Newport Boulevard, Costa Mesa, for an original type 47 (on-sale general for a bona fide eating place).

2. Regular meeting of October 19, 2010, and February 1, 2011.

ACTION: Approved.

3. Warrant Resolution 2355, funding City operating expenses for \$570,242.90.

ACTION: Adopted resolution.

4. Warrant Resolution 2356, funding Payroll No. 11-03 for \$2,125,622.78, and Payroll No. 11-02 "A" for \$524.11 and City operating expenses for \$587,973.85, including payroll deductions.

ACTION: Adopted resolution.

5. Agreement with the Orange County Fire Authority for participation in the Fire F.R.I.E.N.D.S. (Firesetter Regional Intervention, Education, Network and Delivery System) program.

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

6. Agreement with Republic ITS, 1266 North La Loma Circle, Anaheim, for traffic signal maintenance for a term of one (1)-year, with the option to renew annually for up to a maximum of three (3) additional years.

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

7. Harbor Boulevard Traffic Signal Synchronization Project and the Bristol Street/State College Boulevard Traffic Signal Synchronization Project

(a) Memorandum of Understanding No. C-9-0824 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA), the Cities of Anaheim, Fountain Valley, Fullerton, Garden Grove, and Santa Ana, and the State of California Department of Transportation for the Harbor Boulevard Traffic Signal Synchronization Project.

(b) Memorandum of Understanding No. C-9-0826 between the City of Costa Mesa and the Orange County Transportation Authority (OCTA), the Cities of Anaheim, Brea, Fullerton, Orange, and Santa Ana, and the State of California Department of Transportation for the Bristol Street/State College Boulevard Traffic Signal Synchronization Project.

ACTION: Approved; and authorized the Mayor to sign.

8. Agreement No. C-1-2394 with the Orange County Transportation Authority (OCTA) for the use of Measure M (M2) Environmental Mitigation Program (EMP) Grant funding in the amount of \$2,000,000 for the Fairview Park Wetlands and Riparian Habitat Project.

(a) Budget Adjustment No. 11-012 for \$2,000,000.

ACTION: Approved; authorized the Mayor and City Clerk to sign; and approved Budget Adjustment 11-012 and authorize the Mayor to sign,

9. Final Map for Tract No. 17380, located at 341 East 21st Street, Costa Mesa, consisting of one (1) lot subdivision for a detached two (2)-story, five (5)-unit common interest development (condominiums).

ACTION: Approved; and authorized the City Engineer and City Clerk to

sign.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENT TO TRANSFER OR PURCHASE EQUIPMENT OR SERVICES FOR THE FY 2010 URBAN AREAS SECURITY INITIATIVE GRANT (UASI).

(a) Budget Adjustment No. 11-013 for \$49,287.

ACTION: Adopt Resolution No. 11-6; authorize the Police Department to accept UASI reimbursement funds in an amount not to exceed \$49,287; approve Budget Adjustment No. 11-013, and authorize the Mayor to sign.

It was unanimously agreed to take Old Business out of order of the agenda as it was not yet time to address the Public Hearings pursuant to Resolution No. 05-55.

IV OLD BUSINESS

1. From the meeting of January 18, 2011, 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) AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, to implement Government Code Section 20516 "Cost Sharing" for Local Safety and Local Miscellaneous employees.

(b) Ordinance No. 11-1: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM; to implement Government Code Section 20516 "Cost Sharing" for Local Safety and Local Miscellaneous employees.

Risk Administrator Debra Yasui presented the staff report and responded to questions from the Council noting the length of time each of the associations would be participating in the "cost sharing" in the proposed amendment.

MOTION: Adopted Urgency Ordinance No. 11-2: AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF

ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
Moved by Council Member Wendy Leece, seconded by Mayor Pro Tem James Righeimer.

Mayor Pro Tem Righeimer commented on the terms of the "cost sharing" as it relates to the current Memorandums of Understanding and stated that he would be supporting the motion so the City could realize the savings as negotiated.

Council Member Leece was supportive of the motion, remarked on the city's ability to be moderately competitive in recruiting the best employees, and commented she felt that any reform should start from the State or County levels, not at the local level.

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: Council Member Eric R. Bever

Absent: None.

MOTION: Adopt Ordinance No. 11-1: to be read by title only and to waive further reading: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF COSTA MESA AND BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.
Moved by Council Member Wendy Leece, 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 Wendy Leece, Council Member Stephen Mensinger

Noes: Council Member Eric R. Bever

Absent: None.

The Mayor recessed the meeting at 6:58 p.m.
The Mayor reconvened the meeting at 7:06 p.m.

III PUBLIC HEARINGS

1. PUBLIC HEARING: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING INCREASED FEES AND NEW FEE CATEGORIES FOR THE RENTAL OF UTILITY FIELDS AND BALL FIELDS; to establish and increase athletic field user fees.

Recreation Supervisor Lisa McPherson presented the staff report and responded to questions from Council regarding the calculations of the field rental rates, the "resting" of the fields, the differences in hourly and

productive hourly rates, proof of status for non-profits and group user status. Public Services Director Peter Naghavi also responded to a question regarding the status of the Southern California Edison (SCE) easement near the I-405 freeway noting that the City was currently working with SCE and would work with the Orange County Flood Control District regarding the license agreement. He anticipated that the fields would be completed in approximately a year or a year and a half.

MOTION: Approve Resolution No. 11-7: A RESOLUTION OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING INCREASED FEES AND NEW FEE CATEGORIES FOR THE RENTAL OF UTILITY FIELDS AND BALL FIELDS.

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

Noes: None.

Absent: None.

IV OLD BUSINESS:

2. Agreement with Thomas R. Hatch, in his appointment as City Manager for the City of Costa Mesa, effective March 5, 2011.

City Manager Allan Roeder presented the report, indicated that the City did not currently have a contract with the position of City Manager, and supported the employment agreement with Thomas R. Hatch.

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

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 James Righeimer, Council Member Eric R. Bever, Council Member Wendy Leece, Council Member Stephen Mensinger

Noes: None.

Absent: None.

3. Reports from City Council working groups

(a) Economic Development and Development

Council Member Mensinger and Mayor Pro Tem Righeimer reported that the committee had met with the South Coast Metro Alliance regarding initiatives, suggested the City hire an economic development expert, and

recommended participation in the International Council of Shopping Centers (ICSC) as an opportunity to welcome businesses to the City.

(b) Sports and Recreation

(c) Policies, Procedures, and General Plan/Circulation

Mayor Monahan and Council Member Bever announced that an initial meeting took place with staff, and that the City Manager had offered to review the Municipal Code for any potential updates.

(d) Budget and Capital Improvements

Mayor Monahan and Mayor Pro Tem Rigeimer reported that they have met with staff several times a week, and that they were taking a hard look at the budget so that the next fiscal year will be a balanced budget.

(e) Motel Issues

Council Member Bever indicated the committee had recently received information from Development Services and was waiting on information from the Police Department regarding the motel issues in order to establish short and long term solutions.

V NEW BUSINESS

1. Athletic Field Use and Allocation policy information and recommendations.

Interim Recreation Manager Lisa McPherson presented the staff report.

Council Member Bever asked if the City had jurisdiction to allow the storage of equipment on-site. Ms. McPherson noted that the users must remove all belongings to be stored off-site, unless there is an agreement with the school district for on-campus storage.

Council Member Leece asked how the fields that needed rest on Sundays were determined. Ms. McPherson indicated that fields and turf were evaluated and scored, and the booster clubs for Costa Mesa and Estancia High Schools indicated the desire to allow a rest day because the fields were being used seven days a week.

MOTION: Approved the revised Athletic Field Use and Allocation policy. Moved by Council Member Stephen Mensigner, seconded by Council Member Eric R. Bever.

Council Member Bever asked if the maker of the motion could add "per NMUSD direction" to the language; it was agreed.

The motion restated:

MOTION: Approved the revised Athletic Field Use and Allocation policy, as amended to include language that would require the user groups to remove all items after use except if they have a Site Modification agreement for storage on the premises with the Newport-Mesa Unified School District.

Moved by Council Member Stephen Mensigner, seconded by Council Member Eric R. Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. Budget Authorization for Consultant Services for City-wide Organizational Review.

(a) Budget Adjustment #11-014 for \$200,000.

Assistant City Manager Tom Hatch presented the staff report and provided the following breakdown of how the \$200,000 would be allocated:

\$24,000 for an organizational review of the Police Department, and an additional \$10,000 for specialized expertise or consultant assistance,
\$15,000 for additional support for the Finance Department,
\$50,000 for additional consulting services for other areas in the City,
\$30,000 for an economic development plan to be completed in the next three to four months,
\$20,000 for additional communication efforts, and
\$50,000 for website design and development.

Mr. Hatch responded to Council Member Bever's inquiry relative to Costa Mesa Conference and Visitors Bureau's offer of \$25,000 approximately three years ago for the upgrade of the website, noting that the funds were not used because the redesign efforts were made with existing City staff.

Mr. Hatch also responded Council Member Leece's question regarding the consultant's ability to analyze and quantify service levels. He noted that reductions in budget were having a direct impact to reductions in service levels but further explained the process would involve the entire staff, that the consultants would be provided a scope of work and recommendations are expected from the consultant on methods of achieving a quality service level more effectively and at a lower cost.

Mayor Monahan was hopeful that the results would be in place by

the beginning of the upcoming fiscal year.

Sue Lester, Costa Mesa, suggested a website design contest and expressed caution regarding hiring consultants.

Greg Ridge, Costa Mesa, expressed opposition to the proposed expenditure in the hiring consultants.

Milo (no last name provided) spoke of his experience with website development in which major companies used college and high school students for website coding, and suggested that City follow the same model to save on design costs.

Jeff Cullen, Costa Mesa, supported staff and expressed opposition in the allocation of money for the use of consultants.

Sandra Genis, Costa Mesa, agreed that the website needed work but stated that it was not a priority, expressed concern that the City may have cut too far, and encouraged focus on economic development.

Beth Refakes, Costa Mesa, spoke in opposition of spending money on consultants and suggested using staff to make decisions, and opined that the website needs improvement, but that it was not a priority.

Council Member Leece expressing her opposition to the proposed allocations, did not feel it was necessary to hire a consultant to analyze the Orange County Fire Authority's proposal, and was concerned of looking at too many issues at once.

Mayor Pro Tem Righeimer supported the recommendations, noted the importance of quantifying levels of service, supported enhancement of the website for efficiency, emphasized the necessity of having a consultant review OCFA's proposal, and the need to look at the budget strategies as a five year projection.

Council Member Mensinger and Council Member Bever each expressed their support of the recommendations.

Council Member Leece requested clarification regarding the selection process for the consultant. Mr. Hatch noted that it is best to go through a Request for Proposal (RFP) process for most of the recommended consulting services.

MOTION: Approve Budget Adjustment #11-014 for \$200,000, and authorize the Mayor to sign.

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 Eric R. Bever, Council Member Stephen Mensigner
Noes: Council Member Wendy Leece
Absent: None.

3. Dissolution of the Airborne Law Enforcement Program (ABLE).

(a) Consider support for the creation of a regional air support program

Assistant City Manager Tom Hatch and ABLE Commander Tim Starn presented the report and responded to questions from the Council regarding the number of helicopters providing the same service to cities in the county, grant funding, partnering versus contractual cities that the city provides ABLE services to, the lease on the hanger where the helicopter is stored, how many hours a day the helicopter is patrolling; the possibility of working with more cities to support the program; details in dissolving of the Joint Powers Agreement; how personnel would be assigned or layed-off; the possibility to delay a decision; and the ability to "resurrect" the program later.

Michael Oviatt, Costa Mesa, opposed the elimination of ABLE before a replacement regional program is in place, and reminding the Council of it importance at the 4th of July.

Julie Allione, Costa Mesa, spoke in support of the ABLE program and urged Council to work harder to find funds such as grants or increasing fees to keep the program.

Marc Greeley, Costa Mesa, spoke in support of the continuation of the ABLE program, calling it an "asset to the city".

Tom Pollitt, Costa Mesa, supported the elimination of the ABLE program.

Sue Lester, Costa Mesa, encouraged Council to delay a decision and suggested that the City discuss the program with the City of Santa Ana and the Orange County Sheriff's Department.

Linda Burnett, Telecommunications Dispatcher, spoke in support of maintaining the ABLE program, describing it as valuable, that it "saves lives" and expressed concern that once the program was eliminated that it would not be brought back.

Paul Hill, Costa Mesa, expressed support in the ABLE program, shared his positive experiences with ABLE and encouraged the Council to consider other reasonable alternatives.

Tammy Sacks, Telecommunications Supervisor, spoke in support of the ABLE program, commenting that the benefits of the program could not be measured in dollars, and asked Council to reconsider the dissolution.

Terry Shaw, Costa Mesa, spoke in favor of keeping the ABLE program.

Jeff Jones, Costa Mesa, supported the ABLE program, but felt that the City could not sustain the program at this with the budget crisis.

Steve Deck, Costa Mesa, spoke in support of dissolving the program, and suggested private security at problem locations.

Jeff Cullen, Costa Mesa, supported the dissolving of ABLE and supported a regional program.

Jane Chauxner, Burbank, supported the program and commented on the importance of having sky surveillance.

Gordon West, Costa Mesa, suggested doing a study as to the impact on the crime rate as a result of the termination of the program and noted his support of the program.

Jay Photoglou, Huntington Beach, suggested looking into grants and contracting helicopter services to neighboring cities in order to keep the program.

Sandra Genis, Costa Mesa, urged Council to act cautiously, expressed concern regarding lack of surveillance for large area spaces, and suggested that Council wait until after July 4th to dissolve the program.

Commander Tim Starn responded to questions from the Council regarding clarification of Alternative Option 4 where there could be a return of revenue from the equipment replacement fund to each member agency that could be used to offset the budget; explained the distribution of program costs to the partnering cities, explained the personnel distribution within the program, and shared details of the options presented to maintain the program.

The Assistant City Attorney Harold Potter responded to a question by Council Member Leece relative to the deadline date of March 1st informing that there was a term date to provide 120 days noticing in the termination of the program with the City of Santa Ana, that it was contractual and explained that the contract ran with the fiscal year.

MOTION: To dissolve the ABLE program.

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

Mayor Pro Tem Righeimer commented that that while all the cities are having financial issues "we need to start sharing resources", such as a regional program, and noted he was supportive of not to selling the equipment until after the first of the year.

Council Member Mensinger requested language to be added to the motion to give direction to staff to begin discussion to encourage the start of a regional program.

Council Member Bever suggested that the City retain assets to maintain the ability to turn back if possible, and because of the current lease for the hanger where the equipment is maintained. Mayor Pro Tem Righeimer was supportive of the recommendation and requested staff to inform the Council before any equipment was sold.

Mayor Monahan commented that he was supportive of the regional ABLE program noting that all cities would then be helping to support it, but the motion to dissolve the current program, at this time, was due to budget constraints since the city was the primary supporter of this worthwhile program.

Council Member Leece informed that she would not support the motion as she felt there were still facts unknown, that feasible alternate options were provided for consideration that could save the program, and that it was a valuable program. She suggested that the determination be delayed to allow staff time to devise a better alternative.

The motion restated:

MOTION: dissolve the ABLE program; direct staff to to participate in discussions regarding a regional air support program and to maintain the current assets at this time.

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

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

4. Elimination of two vacant police officer positions in the Police Department

Administrative Services Director Steve Mandoki presented the staff report and he along with Assistant City Manager Thomas Hatch responded to questions regarding the vacant positions, the total number of vacant positions in the Police Department due to reductions and "bumping rights" of employees.

Sandra Genis, Costa Mesa, expressed concern that the bulk of the reduction of the deficit would be coming from the Police Department where she felt that additional cuts would create negative

impacts for the community.

MOTION: Approve the elimination of the two positions at the Police Department and direct staff to look into the possibility of maintaining the Reserve Police Officers.

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

The motion carried by the following roll call vote:

Ayes: Council Member Eric R. Bever, Mayor Pro Tem James Righeimer, Mayor Gary Monahan, Council Member Stephen Mensinger

Noes: Council Member Wendy Leece

Absent: None.

5. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROCLAIMING THE CITY OF COSTA MESA ENCOURAGES LOCAL BUSINESSES TO HIRE COSTA MESA YOUTH.

Council member Mensinger presented the staff report encouraging youth employment during the summer.

Kathy Duverney, Executive Director of Youth Employment Service, encouraged the adoption of the resolution that would encourage local businesses to employing local youth.

Edgar Gomez, Costa Mesa, shared his personal story as a young adult that was a part of the YES program and of the success he had gained.

Jeff Byrne, also shared his personal success story as a young adult involved with YES, and therefore encouraged the adoption of the resolution.

MOTION: Adopt Resolution No. 11-8.

Moved by Council Member Stephen Mensinger, seconded by Mayor Pro Tem James Righeimer.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

6. Amendment to Council Policy 300-2 regarding Severance for Executive Personnel.

Assistant City Attorney Harold Potter presented the staff report.

**MOTION: Approve the amendment to Council Policy 300-2.
Moved by Mayor Gary Monahan, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

7. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING COSTA MESA MUNICIPAL CODE SECTION 2-97; identifying the City Manager as the Chief Executive Officer of the City.

Assistant City Attorney Harold Potter presented the report. Council Member Mensinger explained that he saw the Council as the Board of Directors and the City Manager is the Chief Executive Officer and felt the ordinance amendment would clarify the distinction.

Sandra Genis, Costa Mesa, expressed disdain in the costs associated with drafting of the ordinance that she felt was not necessary.

Beth Refakes, Costa Mesa, spoke in opposition to the ordinance due to cost and the labor it would necessitate with reference changes in the rest of the municipal code.

Jeff Byrne, Costa Mesa, was supportive of the ordinance as he felt that "what you call people is everything."

Assistant City Manager Thomas Hatch requested that the Assistant City Manager also be known as the Assistant CEO.

MOTION: Approve Introduce Ordinance No. 11-3, to be read by title only; and waive further reading; and direct staff to bring back an amendment to the Municipal Code to revise the reference to the Assistant City Manager to that of Assistant CEO.

Moved by Mayor Pro Tem James Righeimer, seconded by Council Member Eric R. Bever.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VI COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

1. Council Member Wendy Leece requested information on the Poseidon Project proposed in Huntington Beach; inquired about the shopping cart program and inquired as to when a Business License fee increase could be placed before the voters.
2. Council Member Stephen Mensinger applauded the ABLE program but opined that the budget could no longer support the program.

VII REPORTS

VIII CLOSED SESSION

1. Conference with Legal Counsel - Potential Litigation: Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9 (one case).
2. Conference with Legal Counsel - Anticipated Litigation: Initiation of litigation pursuant to subdivision (c) of Section 54956.9 (one case). IX

The Mayor recessed the meeting at 10.49 p.m. to Conference Room 1B for the Closed Sessions.

IX CLOSED SESSION REPORT

No action was taken on the Closed Sessions.

X ADJOURNMENT - The meeting was adjourned at 11:35 p.m. Next Regular City Council Meeting: March 1, 2011.



Mayor of the City of Costa Mesa

ATTEST:



City Clerk of the City of Costa Mesa