

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

**April 06, 2010**

The City Council meeting of the City of Costa Mesa, California met in a special meeting on April 06, 2010, at 4:10 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 Gary Monahan

Council Members Absent: Council Member Eric R. Bever  
Council Member Katrina Foley

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Kimberly Brandt  
Administrative Services Director Steve Mandoki  
Human Resources Administrator Debra Yasui  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

1. Sandra Genis, Costa Mesa, encouraged the Council to read an editorial in the Los Angeles Times regarding the sale and lease back of various state office buildings pursuant to Assembly Bill AB4X22, and also reported that millions of dollars had been distributed by the State to fairgrounds around the state, except to the Orange County Fair and Event Center, and questioned how and if that distribution would continue when the State is threatening to sell the fair grounds.

**III. CLOSED SESSION:**

1. Request for Special Leave of Absence - Public Employment: Police Officer, pursuant to California Government Code Section 54957.
2. 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).

3. Conference with Real Property Negotiators - Property: 88 Fair Drive. Agency Negotiator: Allan Roeder, City Manager. Negotiating parties: State of California, Under negotiation: price, terms of payment. Pursuant to Government Code Section 54956.8.
4. Conference with Legal Counsel - Existing Litigation: Asociacion De Jornaleros De Costa Mesa and the Colectivo Tonantzin v. City of Costa Mesa; United States District Court, Central District, Court Case Number SACV10-00128 CJC (RNBx), pursuant to Government Code Section 54956.9 (a).

The Mayor recessed the meeting at 4:15 p.m. to the Closed Sessions to be held in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:24 p.m..

## **PLEDGE OF ALLEGIANCE**

## **MOMENT OF SOLEMN EXPRESSION - Pastor Dave Manne, Calvary Chapel of Costa Mesa**

## **ROLL CALL**

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

Council Members Absent: Council Member Eric R. Bever  
Council Member Katrina Foley

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Kimberly Brandt  
Administrative Services Director Steve Mandoki  
Human Resources Administrator Debra Yasui  
City Clerk Julie Folcik

## **CLOSED SESSION REPORT**

The City Attorney reported that the following actions were taken on the Closed Session items.

Closed Session Item No. 1:

**MOTION: Approve the Special Leave of Absence request.**

The motion carried by the following roll call vote:

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

Noes: None.

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

Closed Session Item No. 3:

The City Attorney reported that a subcommittee consisting of Council Member Monahan and Council Member Foley was formed.

No action was taken on Closed Session Item Nos. 2 and 4.

## **PRESENTATIONS**

The Mayor congratulated Jim Liu, Senior Programmer Analyst, on being selected Employee of the Month for April. He was recognized for creating the Jail Management System computer program.

## **PUBLIC COMMENT**

Heather Stanfield, Costa Mesa, requested that bounce house generators be placed no less than 100 feet from the fence at Heller Park complaining of the continuous noise disturbance, and of the noise of leaf-blowers at the park in the early morning hours.

Marshall Krupp, Costa Mesa, urged Council to hold a public hearing to discuss the truck traffic issue on Susan Street; he reported the noise and vibrations caused by the truck traffic along the street.

Derek Davis, Costa Mesa, expressed appreciation to the Council for listening to his concerns regarding trash enclosures in his neighborhood.

Eloise Ott, Costa Mesa, thanked the Council for the installation of the "In God We Trust" sign; commented on tree trimming on Adams Ave.; recommended the use of American veterans for landscaping projects; opined that darkened windows on vehicles should not be allowed, and that business license requests from those who drive in the community should be made in person.

Terry Shaw, Costa Mesa, announced the upcoming events of the Costa Mesa Historical Society, noting that on April 18, 2010, Professor Denny Haythorn would make a presentation on the history of Whittier College and that on May 23, 2010, a presentation by Michael Berry regarding the "Final Resting Places: Orange County's Dead and Famous" would be made in conjunction with the Historical Society's open house.

Sandy Genis, Costa Mesa, expressed concern in the reported formation of the subcommittee of two Council Members in the real property negotiations of the

fairgrounds, and suggested that the Council take formal action in open session.

City Attorney Kimberly Hall Barlow clarified that no formal action was needed in the formation of the subcommittee which was formed to assist the City Manager and to give advice to the Council in closed session during the negotiations of the fairgrounds. She noted that the two members chosen would not be negotiating terms on behalf of the Council.

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

Mayor Pro Tem Wendy Leece requested staff to investigate the noise complaint of the leaf-blower and the location and timing of the bounce houses at Heller Park, suggesting the placement of signage if necessary; asked for clarification from the City Attorney regarding the purpose of the subcommittee of council members during the negotiations of the fairgrounds; noted the installation of the first donated K-9 Clean-up bag holders located in Canyon Park; announced her participation as a judge in a joint afterschool program with the fairgrounds; and noted her attendance at the Costa Mesa National Little League opening ceremony.

Mayor Allan Mansoor expressed his disappointment, stating that he was "loosing confidence in the fairgrounds process," due to information that was released to the public prior final approval.

Council Member Katrina Foley responded to the Mayor's comment, noting her advisement of appropriate information that could be released when participating in a KOCE interview; requested further clarification by the City Attorney as to the purpose and definition of the subcommittee of Council Members regarding the fairgrounds negotiations; invited the public to attend or participate in the Costa Mesa Community Fun Run on April 23-24, 2010; and asked staff to follow-up with the bounce house complaint at Heller Park.

## **VI CONSENT CALENDAR ITEM NOS. 1 THROUGH 9.**

**MOTION: Approve the recommendations for Consent Calendar Item Nos. 1 through 5, except for Consent Calendar Item No. 2, continuing the meeting minutes for Regular Meeting March 16, 2010.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

1. Reading Folder.

ACTION:

The following claims were received by the City Clerk for processing: William H. Donovan; Law Offices of Christian W. Wilbert on behalf of Katelyn Obbards

The following request for Alcoholic Beverage Control Licenses were received by the City Clerk for processing:

For Baja Fresh, located at 3030 Harbor Blvd., J1, Costa Mesa, for a person-to-person transfer under existing type 41 (on-sale beer and wine for a bona fide eating place).

For Chaya Japanese Grill, located at 3030 Bristol St., Costa Mesa, for a person-to-person transfer under existing type 41 (on-sale beer and wine for a bona fide eating place).

For Jimmy's Burger Joint, located at 488 E. 17<sup>th</sup> St., Costa Mesa, for a person-to-person transfer under existing type 41 (on-sale beer and wine for a bona fide eating place).

For RJM Vallejo Mini Market, Inc., located at 2602 Newport Blvd., Costa Mesa, for a person-to-person transfer under existing type 41 (on-sale beer and wine for a bona fide eating place).

2. Regular Meeting of February 16, 2010, Special Joint Study Session of March 9, 2010, and Regular Meeting of March 16, 2010.

ACTION: Approved Special Meeting Joint Study Session Minutes for March 9, 2010, and the Regular Meeting of February 16, 2010, continued the Regular Meeting of March 16, 2010.

3. Warrant Resolution 2310, funding City operating expenses for \$797,302.68.

ACTION: Approve Resolution.

4. Warrant Resolution 2311, funding Payroll No. 10-06 for \$2,341,004.08 and Payroll No. 10-05A for \$511.84 and City operating expenses for \$625,758.38 including payroll deductions.

ACTION: Approve Resolution.

5. Warrant Resolution 2312, funding City operating expenses for \$365,336.38.

ACTION: Approve Resolution.

#### **ITEMS REMOVED FROM CONSENT CALENDAR**

6. Completion of Rehabilitation of Orange Avenue (from Del Mar Avenue to Mesa Drive), City Project No. 09-13, by R.J. Noble Company, 15505 East

Lincoln Avenue, Orange.

Mayor Pro Tem Leece pointed out the areas have been rehabilitated and assured the public that the City is still working to improve the streets.

**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 twelve (12) months thereafter**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

7. Completion of Rehabilitation of Vehicle Parking District No. 1, City Project No. 09-20, by Terra Pave, Inc., 11925 Los Nietos Road, Santa Fe Springs.

**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 twelve (12) months thereafter**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

8. Completion of Rehabilitation of Vanguard Way (from Fair Drive to Newport Boulevard), City Project No. 09-21, 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 twelve (12) months thereafter**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

9. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING SUPPORT FOR AN ENERGY PARTNERSHIP BETWEEN THE SOUTHERN CALIFORNIA GAS COMPANY AND THE CITY OF COSTA MESA.

(a) Agreement with Southern California Gas Company for 2010-2012 Orange County Cities Energy Efficiency Partnership Program.

Mayor Pro Tem Leece referencing goals and objectives, suggested that this item be discussed at a future Study Session for clarification on such items as cost, and expressed her concern regarding the reference to "assessment."

Assistant City Manager Tom Hatch explained that the purpose of the partnership which was for agencies to partner and collaborate on creating efficient ways to communicate and market energy-efficient programs to the public and noted that that AB811 would enable the city to loan funds to the public. He along with the City Attorney responded to questions of the Council and advised that the partnership was not to authorize or initiate the process of an assessment district.

Mayor Mansoor expressed his concern regarding some of the language and agreed with continuing the item.

**MOTION: Continue to meeting of April 20, 2010.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

## **VII PUBLIC HEARINGS**

There was no Public Hearing scheduled.

## **VIII OLD BUSINESS**

There was no Old Business scheduled.

**IX. NEW BUSINESS**

1. Proposal to use a portion of Fairview Park for a Civil War Reenactment on May 14 through 16, 2010, by the American Civil War Society (ACWS).

Public Services Director Peter Naghavi presented the report. He responded to questions from the Council regarding the use of horses at the event.

Terry Shaw, Costa Mesa, noted his attendance at last year's event and indicated it was educational event for the public, encouraged the Council to approve the event, and thanked the city for allowing the event to take place at Fairview Park.

**MOTION: Approve.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

2. Amendment to the Contract between CalPERS and the City of Costa Mesa regarding 3% @ 50 Formula for Safety-Fire Group:

(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 AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

Human Resources Administrator Debra Yasui presented the staff report, and responded to questions from the council regarding the lengthy process.

City Manager Allan Roeder stated that the city estimated a savings of \$1.9 million annually if positions were left vacant.

**MOTION: Adopt Resolution No. 10-24: 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.**

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

The motion carried by the following roll call vote:

Ayes: Council Member Katrina Foley, Council Member Gary Monahan

Noes: Mayor Allan R. Mansoor

Absent: Council Member Eric R. Bever

**MOTION: Introduce Ordinance No. 10-4 for first reading, to be read by title only, and waive further reading; and authorized the City Clerk to execute required CalPERS certifications and documents (for Safety-Fire Group).**

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

The motion carried by the following roll call vote:

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

Noes: Mayor Allan R. Mansoor

Absent: Council Member Eric R. Bever

3. Appointments to various Council-appointed committees.

a. Child Care and Youth Services Committee

b. Cultural Arts Committee

c. Historical Preservation Committee

d. Investment Oversight Committee

e. Redevelopment and Residential Rehabilitation (3R) Committee

Assistant City Manager Tom Hatch presented the report, noting the corrections in Attachment 1 of the staff report, that the Cultural Arts Committee had three alternate members and that Garrett Peterson was an Alternate Member of the Historical Preservation Committee.

Sandra Genis, Costa Mesa, requested that Council take emergency action and include the creation and appointment of the subcommittee with regards to the fairgrounds to this agenda item.

Kathy Hofstetter, Costa Mesa, urged Council to consider the perceived conflict of interest in making committee appointments.

**MOTION: Continue the Child Care and Youth Services Committee recruitment for one month and if no applications are received then to**

**disband the committee.**

**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, Council Member Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

**MOTION: Appoint to the Cultural Arts Committee Jessica Brunner and reappoint Irene Engard and Ryan Baron as regular members and appoint Debora Wondercheck as an alternate member.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Eric R. Bever

**MOTION: Appoint to the Historical Preservation Committee Melinda Lowery, Garrett Peterson and Leonard Filmer, reappoint Mary Ellen Goddard and Margaret Johnston as regular members ,and appoint Scott Moore as an alternate member.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Council Member Eric R. Bever

**MOTION: Reppoint to the Investment Oversight Committee Thomas Lightvoet and Peter Peterson as regular members.**

**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 Katrina Foley, Council Member Gary Monahan

Noes: None.

Absent: Council Member Eric R. Bever

**MOTION: Continue the recruitment for the Redevelopment and Residential Rehabilitation (3R) Committee for one month and to contact Leonard Filmer to ask of his interest in serving on multiple**

**committees.**

**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: None.

Absent: Council Member Eric R. Bever

Mayor Pro Tem Leece referencing the caution of Sandi Genis's comments requested the City Attorney if a vote on the subcommittee could be voted on at this time.

The City Attorney suggested that the Council could reconvene to closed session relative to the matter on the fairgrounds.

MOTION: Readjourn to Closed Session.

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

The motion failed by the following roll call vote:

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

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

Absent: Council Member Eric R. Bever

Council Member Foley requested a recess.

The Mayor recessed the meeting at 7:40 p.m.

The Mayor recovered the meeting at 7:49 p.m.

4. Request of Council Member Bever for adoption of a resolution in support of denying driving privileges for convicted graffiti offenders.

This item was withdrawn.

5. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE I (GENERAL PROVISIONS) OF THE COSTA MESA MUNICIPAL CODE REGARDING ADMINISTRATIVE CITATIONS.

This item was withdrawn.

## **X. REPORTS**

The City Attorney reported the sudden passing of longtime local City Attorney Tom Allen.

The City Manager thanked the Council and members of the public for recognizing and understanding the efforts in the fairgrounds process.

- XI. ADJOURNMENT - The Mayor adjourned the meeting at 7:51 p.m. to April 13, 2010, at 4:30 p.m. for a Study Session. Next Regular City Council Meeting April 20, 2010.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa