

MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL, COSTA MESA HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

MAY 21, 2013

CALL TO ORDER

The meeting was called to order by Council Member Leece at 5:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Leece, Council Member Genis and Council Member Monahan
Absent: Mayor Righeimer, Mayor Pro Tem Mensinger

PUBLIC COMMENTS ON CLOSED SESSION ITEMS None

CLOSED SESSION

The City Council recessed into closed session at 5:32 p.m. to consider the following items:

1. Conference with Legal Counsel - Existing Litigation (Paragraph (1) of subdivision (d) of Section 54956.9) Name of case: Commission on State Mandates Test Claim # 09-TC-03
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator 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), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6

The City Council reconvened at 6:05 p.m.

PLEDGE OF ALLEGIANCE (00:00:47) - Council Member Genis

MOMENT OF SOLEMN EXPRESSION (00:01:08)

Pastor Dave Manne, Calvary Chapel

ROLL CALL (00:02:54)

Present: Council Member Leece, Council Member Genis and Council Member Monahan
Excused: Mayor Righeimer and Mayor Pro Tem Mensinger

Officials Present: Assistant Chief Executive Officer Rick Francis, City Attorney Thomas Duarte, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT None**ANNOUNCEMENTS (00:03:40)**

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS - NONE**PUBLIC COMMENTS (00:06:10)**

Robin Lefflar, Costa Mesa, expressed concerns regarding the approval of the development on Tustin Avenue. (00:06:30)

Maryann Denna, Costa Mesa, invited and encouraged the public to the Annual Relay for Life event on June 8th and June 9th, and thanked Council and staff for team Costa Mesa. (00:08:30)

Joy Williams, Costa Mesa, thanked city staff for resolving the flooding problem on State Avenue and spoke regarding a notice sent to her in error by a contractor. (00:10:15)

James Bridges, Costa Mesa, expressed concerns on a charter. (00:12:30)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Sandra Genis reported on her attendance at the Scholarship breakfast sponsored by the Chamber of Commerce; announced the first meeting for the Fairview Park Advisory Committee Meeting on June 6th; announced the deadline of May 28th to submit applications for the Charter Committee; announced the 60th Anniversary celebration and asked for bands to adhere to noise limits; and mentioned the animal shelter contract coming up for renewal. (00:14:40)

Council Member Wendy Leece asked for remembrance for the people in Oklahoma; reported her attendance at the Arts in the Park on May 11th at Estancia Park; praised the Micah program for their work and the volunteers for their efforts in making the neighborhoods safer; announced the 59th Annual Memorial Day Service at 11:00 a.m. at Harbor Lawn on May 27th; encouraged the submittal of applications for the Charter committee; reported her attendance at the Historical Preservation Committee meeting; indicated that volunteers for the 60th Anniversary event would need a life screen fingerprint; announced the Teen Academy Program by CMPD; encouraged the public to sign up for the Relay for Life event; announced the Costa Mesa Community Run on Sunday, June 2nd; asked to agendaize the 405 Toll Lanes item; and indicated that she attended the Senior Center Board Meeting. (00:17:20)

Council Member Gary Monahan - None (00:26:50)

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (00:27:07)

Assistant CEO Rick Francis announced the City has entered into a conditional offer of employment for the position of Community Development Director with Gary Armstrong; and announced the Budget Study Session to be held on May 28th at 4:30 p.m. in the Council Chambers.

CONSENT CALENDAR (00:28:45)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 11 except for Item 9.

MOVED/SECOND: Council Member Monahan/Council Member Leece
The motion carried unanimously.

1. READING FOLDER

- a. Claims received by the City Clerk: Charles J. Oliver; Tiara Torres; and Enterprise Rent-A-Car/George Escanuelas.
- b. Requests for Alcohol Beverage Control licenses:
 - For Smart & Final Stores, LLC, dba Smart & Final, at 707 W. 19th Street, a multiple LLC membership change of a State Alcoholic Beverage Control (ABC) License Type “21” (Off-Sale General).
 - For West Coast Hospitality Associates LLC, dba Café International & West Coast Bar & Service, at 3198 Airport Loop Drive, Suite H2A, a stock transfer of a State Alcoholic Beverage Control (ABC) License Type “47” (On-Sale General, Eating Place) and Type “58” (Caterer’s Permit).
 - For Albertsons LLC, dba Albertsons, at 2300 Harbor Boulevard Suite C, a person-to person and stock transfer of a State Alcoholic Beverage Control (ABC) Licenses Type “21” (Off-Sale General), and Type “86” (Instructional Tasting).
 - For Moriaki Miyahira, dba Takaya Yakitori, at 891 Baker Street, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type “41” (On-Sale Beer and Wine, Eating Place).
 - For Thomas Nguyen, dba Pizza Land, at 103 E. 17th Street, Suite 5, a person-to person transfer of a State Alcoholic Beverage Control (ABC) License Type “41” (On-Sale Beer and Wine, Eating Place).

ACTION: Received and Processed.

2. **WARRANT RESOLUTION 2472: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \$2,969,079.29.**

ACTION: Approved.

3. **WARRANT RESOLUTION 2473: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-09 "A" AND 13-10 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-09 "A" for \$-1,666.97, Payroll No. 13-10 for \$2,057,634.63 and City operating expenses for \$840,708.33.**

ACTION: Approved.

4. **SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

ACTION: City Council, Successor Agency to the Redevelopment Agency, and Housing Authority Members approved the Second Amendment to the Professional Services Agreement (PSA) with Keyser Marston Associates (KMA) Consulting, increasing the compensation limit from \$130,000 to \$140,000 through an allocation of \$10,000 in HOME Administration Funds; and authorized the CEO to sign the amendment PSA with KMA Consulting in the amount of \$140,000; and approved Budget Adjustment No. 13-028 in the amount of \$10,000.

5. **REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER AND WINE BEVERAGES AT FAIRVIEW PARK FOR 2013 SUMMER CONCERTS IN THE PARK SERIES**

ACTION: City Council approved the request by the Costa Mesa Community Foundation for the sale, service, and consumption of beer and wine beverages at Fairview Park during the 2013 Summer Concerts in the Park series in a confined area and with appropriate training for servers.

6. **FAIRVIEW PARK WETLANDS AND RIPARIAN HABITAT PROJECT, CITY PROJECT NO. 11-06**

ACTION: Approved. City Council accepted the work performed by Jeff Tracy, Inc. DBA Land Forms Construction, authorized the City Clerk to file the Notice of Completion; release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

7. BROADWAY SAFE ROUTE TO SCHOOL PROGRAM FROM FULLERTON AVENUE TO IRVINE AVENUE – HARDSCAPE AND LANDSCAPE IMPROVEMENTS – CITY PROJECT NO. 12-10

ACTION: Approved. City Council accepted the work performed by Nobest, Inc., authorized the City Clerk to file the Notice of Completion; release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies thirty-five (35) days after the Notice of Completion filing date.

8. FILLMORE WAY ALLEYS (ALLEY NO. 48 AND ALLEY NO. 49) AND GARFIELD AVENUE ALLEY (ALLEY NO. 50) IMPROVEMENT PROJECT – CITY PROJECT NO. 12-17

ACTION: Approved. City Council accepted the work performed by Bannaoun Engineers Constructors Corporation, authorized the City Clerk to file the Notice of Completion; release the Labor and Material Bond seven (7) months after the filing date; release the Faithful performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

10. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE RECORDS BUREAU OF THE POLICE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: City Council adopted a resolution authorizing records destruction for the Records Bureau of the Police Department of the City of Costa Mesa, pursuant to Ordinance No. 75-60.

11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING RECORDS DESTRUCTION FOR THE FINANCE DEPARTMENT OF THE CITY OF COSTA MESA, PURSUANT TO ORDINANCE NO. 75-60.

ACTION: City Council adopted a resolution authorizing records destruction for the Finance Department of the City of Costa Mesa, pursuant to Ordinance No. 75-60.

ITEMS REMOVED FROM THE CONSENT CALENDAR (00:30:00)

9. APPROVE THE PURCHASE OF TWO NEW 2013 FORD 'TRANSIT CONNECT' AND ONE NEW 2013 FORD 'FUSION'

Robin Leffler, Costa Mesa, inquired on the use of the new vehicles. (00:30:24)

Ernesto Muñoz, Public Services Director, indicated that the new vehicles will be used for the CSI program and the Detective Program.

MOTION/SECOND: Council Member Monahan/Council Member Leece
The motion carried unanimously.

City Council approved the purchase of two 2013 Ford 'Transit Connect' vehicles and one 2013 Ford 'Fusion' from Theodore Robins Ford, 2060 Harbor Blvd., Costa Mesa, California, 92626, CA for a total purchase price of \$65,204.94.

----- **END OF CONSENT CALENDAR** -----

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55)- NONE

OLD BUSINESS - NONE

NEW BUSINESS (00:32:15)

1. COMMUNITY HOUSING DEVELOPMENT ORGANIZATION PREDEVELOPMENT LOAN AND COMMITMENT OF HOME PROGRAM FUNDS AGREEMENT

Staff report provided by Rick Francis, Assistant Chief Executive Officer, Celeste Brady, Special Counsel, and Kathe Head, Housing Consultant. (00:32:20)

Ms. Brady recommended the exclusion of a clause on page 5 under "Eligible Predevelopment Expenses: "unless expressly authorized and approved in writing by the Chief Executive Officer, which approval shall be in his sole discretion". (00:36:50)

James Bridges, Costa Mesa, inquired about the eligibility criteria and when it will be released. (00:39:58)

Jay Humphrey, Costa Mesa, supports the agreement. (00:40:55)

Beth Refakes, Costa Mesa, supports the program; inquired about area targets and Approach #2 identified in the report; and asked for clarification on the underutilized lot in the City of Costa Mesa.(00:42:38)

Becks Heyhoe, Costa Mesa, expressed support for the agreement. (00:44:12)

Linda Wilson, Mercy House Representative, indicated that they are in the early phase of the project and have not identified all of the funding sources to determine the eligibility criteria. (00:44:45)

Discussion followed regarding the eligibility criteria, one and two area targets, and supportive housing for the homeless population. (00:45:40)

Wakeland Representative spoke regarding other projects they have worked on. (00:49:30)

Special Counsel Brady reviewed the timeline process for the project. (00:51:10)

MOTION/SECOND: Council Member Leece/ Council Member Genis
Motion carried unanimously.

City Council and the Housing Authority approved the Community Housing Development Organization Predevelopment Loan and Commitment of HOME Program Funds Agreement (“Agreement”) by and among the City of Costa Mesa (“City”) and the Costa Mesa Housing Authority (“Housing Authority”) and Mercy House CHDO, Inc. (“Mercy House”) and Wakeland Housing and Development Corporation (“Wakeland”), excluding the clause on page 5 under “Eligible Predevelopment Expenses: “unless expressly authorized and approved in writing by the Chief Executive Officer, which approval shall be in his sole discretion”.

REPORT – CITY ATTORNEY None

Council Member Leece adjourned the meeting at 7:00 p.m.

MAYOR

CITY CLERK