

**ACTION REPORT: For Informational Purposes Only**

**ACTION REPORT**  
**CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR**  
**AGENCY TO THE REDEVELOPMENT AGENCY**  
**TUESDAY, SEPTEMBER 2, 2014**

**JAMES M. RIGHEIMER**  
Mayor

**STEPHEN MENSINGER**  
Mayor Pro Tem

**SANDRA GENIS**  
Council Member

**GARY MONAHAN**  
Council Member

**WENDY LEECE**  
Council Member

City Attorney  
**Thomas Duarte**

Chief Executive Officer  
**Thomas R. Hatch**

**REGULAR MEETING OF THE CITY COUNCIL, AND SUCCESSOR**  
**AGENCY TO THE REDEVELOPMENT AGENCY – 6 P.M.**

**CITY ATTORNEY CLOSED SESSION REPORT –**

City Attorney Duarte reported on Closed Session item number 5:

(5-0 vote) – City Council agreed to pay plaintiffs \$349,000 and in return plaintiffs agreed to release all claims.

Chief Negotiator Richard Kreisler reported on Closed Session item number 2:

Mr. Kreisler stated, “Pursuant to Government Code Section 54956.9d2 the City Council heard the matter where there was significant exposure to litigation in the pending matter of Dan Joyce, the City Council voted unanimously to accept a settlement offer by Daniel Joyce to resolve pending administrative and civil litigation between Mr. Joyce and the City in the amount of \$170,225 in exchange for a release of all claims.”

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) – None

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## **CONSENT CALENDAR:**

**MOTION:** Approved recommended actions for Consent Calendar Item Nos. 1 through 8 except for item nos. 3, 7, and 8.

**MOVED/SECOND:** Council Member Leece/Council Member Genis

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

1. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

### **ACTION:**

City Council waived reading in full of Ordinances and Resolutions and approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Holly Eck; Ivin Mood; Mohammad Tavassol; Kathy O'Neill; Elvia Jimenez; Kendra Sturgeon; and Igor Pereira.

**ACTION:** Received and filed.

4. **EAST SIDE STREET IMPROVEMENT PROJECT, CITY PROJECT NO. 12-05**

### **ACTION:**

1. City Council accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and
2. Released the Labor and Material Bond seven (7) months after the filing date; released the Faithful Performance Bond one (1) year after the filing date; and released the retention monies 35 days after the Notice of Completion filing date.

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### **5. RENEW PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF**

#### **ACTION:**

City Council authorized the City's Chief Executive Officer (CEO) to enter into a one year Professional Services Agreement with Mike Linares, Inc., in an amount not to exceed \$85,000 per fiscal year, with the option to renew for up to four one year periods.

### **6. MINUTES**

#### **ACTION:**

City Council approved the minutes of the Regular Meeting of the City Council and Successor Agency of March 18, 2014 and June 3, 2014.

### **PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55)**

#### **1. TEFRA HEARING FOR WHITTIER COLLEGE PROJECT**

**MOVED/SECOND:** Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

1. City Council conducted a Public Hearing, as required by the Tax and Equity Fiscal Responsibility Act (TEFRA) and the Internal Revenue Code, for the financing by the California Municipal Finance Authority (CMFA) of various improvements and capital projects on the Whittier College campus located at 3333 Harbor Blvd in the City; and
2. Adopted Resolution No. 14-52, to be read by title only and waived further reading, to become a member of the CMFA and approve the issuance of a loan by the CMFA for the benefit of Whittier College to provide for the financing of the Project; and
3. Authorized the CEO to execute the Joint Powers Agreement of the CMFA.

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### **2. SECOND READING FOR THE PRE-ZONING AND PROPERTY TAX EXCHANGE AGREEMENT FOR THE SANTA ANA/COLLEEN ISLAND ANNEXATION**

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

1. City Council conducted the Public Hearing; and
2. Adopted Resolution No. 14-53, to be read by title only and waived further reading, for the Property Tax Exchange Agreement between the City of Costa Mesa and the County of Orange; and

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: Council Member Genis, Council Member Leece

Absent: None

Motion carried: 3-2

3. City Council gave first reading to Ordinance No. 14-07, to be read by title only and waived further reading, to rezone the Santa Ana/Colleen Annexation Area to R1 – 6,000 square foot minimum size.

### **3. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2013-2016 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA)**

#### **ACTION:**

1. City Council conducted the first Public Hearing as required by COIN; and
2. Scheduled the second and final Public Hearing as required by COIN for September 16<sup>th</sup>, 2014.

### **OLD BUSINESS - NONE**

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## **NEW BUSINESS**

### **1. ARCHITECTUAL AND CONCEPTUAL DESIGN SERVICES FOR THE EVENTUAL REPLACEMENT OF FIRE STATION 1 AND FIRE STATION 2**

**MOVED/SECOND:** Council Member Genis/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

City Council directed staff to proceed with the hiring of an architectural firm to provide conceptual development for the replacement of fire station 1 and fire station 2.

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

### **3. WARRANT RESOLUTION 2521: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-15 "A", 14-16, 14-16 "A", AND 14-17, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-15 "A" for \$592.92, Payroll No.14-16 for \$2,122,411.38, Payroll No. 14-16 "A" for \$-10.96, and Payroll No.14-17 for \$2,153,995.47 and City operating expenses for \$4,700,208.19**

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved Warrant Resolution No. 2521, to be read by title only and further reading waived.

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### **7. POLICE RESERVE OFFICER – SALARY ADJUSTMENT**

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

City Council adopted Resolution No. 14-54, to be read by title only and waived further reading, which amends Resolution No. 12-49 by revising the salary range for the Police Reserve Officer classification, and approving a new hourly rate of \$38.00.

### **8. PROFESSIONAL SERVICES CONTRACT EXTENSION FOR LILLEY PLANNING CONSULTANTS**

**MOVED/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Mayor Pro Tem Mensinger, and Mayor Righeimer.

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

1. City Council authorized the extension to the existing Professional Services Agreement extension with the Lilley Group, for interim staffing assistance, in an amount not to exceed \$225,000; and
2. Authorized the City Chief Executive Officer to sign the amended Professional Services Agreement with the Lilley Planning Group.

**REPORT – CITY ATTORNEY - NONE**

**ADJOURNMENT** – The Mayor and the City Council adjourned the meeting at 11:08 p.m.