

ACTION REPORT AGENDA

CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* AND SPECIAL AGENDA FOR THE COSTA MESA HOUSING AUTHORITY *

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, JANUARY 20, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:00 P.M. - NONE
REGULAR MEETING – 5:45 P.M.**

STEPHEN M. MENSINGER
Mayor

JAMES M. RIGHEIMER
Mayor Pro Tem

GARY MONAHAN
Council Member

SANDRA GENIS
Council Member

KATRINA FOLEY
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

CALL TO ORDER: 5:45 p.m.

CITY ATTORNEY CLOSED SESSION REPORT

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

2. APPEAL OF THE REVOCATION OF PLANNING APPLICATION PA-87-154: CONDITIONAL USE PERMIT FOR A NEIGHBORHOOD RECYCLING FACILITY (REPLANET, FORMERLY EARTHWISE RECYCLING) 2180 NEWPORT BOULEVARD

MOVED/SECOND: Council Member Genis/Council Member Foley

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Mayor Pro Tem Rigeimer, and Mayor Mensinger.

Nays: None

Abstain: Council Member Monahan

Absent: None

Motion carried: 4-0-1

ACTION:

City Council Moved Public Hearing Item #2 to the End of the Meeting.

CONSENT CALENDAR:

Items 7 and 8 were pulled.

Items 1, 2, 3, 4, 5, 6, 9

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Rigeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Rigeimer, and Mayor Mensinger.

Nays: None

Absent: None

Motions 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 Approved and Adopted of Same by Reading Title Only.

2. READING FOLDER

a. Claims Received by the City Clerk: Christian Flores, Jannet Flores, Jazmine Flores, Tiffany Mullin, Kailee Olsen, Justino Perez and Vicki Renea Sakioka.

ACTION:

City Council Received and Filed.

FOR INFORMATIONAL PURPOSES ONLY

- 3. WARRANT RESOLUTION NO. 2528 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-25 "A" FOR \$1,913.03, 14-26 FOR \$2,395,410.80, 14-26 "A" FOR \$5,697.78, 15-01 \$2,138,006.93; AND CITY OPERATING EXPENSES FOR \$1,337,703.81 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2528, to be Read by the Title Only, and Waived Further Reading.

- 4. PARKING LOTS REHABILITATION PROJECT: FIRE STATION NO. 5 (PROJECT "A") AND CANYON PARK (PROJECT "B") – CITY PROJECT NO. 14-02**

ACTION:

1. City Council Accepted the Work Performed by Superior Paving, Inc. DBA United Paving Company and Authorized the City Clerk to File the Notice of Completion; and
2. City Council Authorized the Release of 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.

- 5. MINUTES**

ACTION:

City Council Approved the Minutes of the Regular Meeting of the City Council, and Successor Agency of: December 6, 2011, January 8, 2013, February 19, 2013 and December 2, 2014; the Adjourned Meeting/Special Study Session of: February 26, 2013 and May 28, 2013; the Special Joint City Council and Parks and Recreation Commission of May 14, 2013; the Special Joint Study Session of the City Council and Housing Authority of June 11, 2013; and the Special Joint Meeting of the City Council and the Housing Authority of June 11, 2013.

- 6. 2013 – 2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: BAKER STREET ALLEY (ALLEY NO. 120) AND LA SALLE AVENUE ALLEY (ALLEY NO. 121) IMPROVEMENT PROJECT – CITY PROJECT NO. 14-05**

ACTION:

1. City Council Accepted the Work Performed by Patriot Paving, Inc., and Authorized the City Clerk to File the Notice of Completion; and
2. City Council Authorized the Release of 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.

FOR INFORMATIONAL PURPOSES ONLY

9. FISCAL YEAR 2013 – 2014 INDEPENDENT FINANCIAL AUDIT OF THE COSTA MESA HOUSING AUTHORITY, AS HOUSING SUCCESSOR; AND, HOUSING SUCCESSOR ANNUAL REPORT OF THE LOW AND MODERATE INCOME HOUSING ASSET FUND PURSUANT TO SECTION 34176.1 OF THE DISSOLUTION LAW

ACTION:

City Council and Housing Authority Received and Authorized the Filing of the Fiscal Year 2013 – 2014 Independent Financial Audit of the Low and Moderate Income Housing Asset Fund and the Fiscal Year 2013 – 2014 Housing Successor Annual Report.

ITEMS REMOVED FROM THE CONSENT CALENDAR

7. DEDICATION OF STORM DRAIN EASEMENT – CANYON PARK

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council Adopted the Resolution to be Read by Title Only and Waived Further Reading, to Dedicate a Storm Drain Easement within Canyon Park.

8. ANIMAL SHELTER SERVICES

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council Awarded the Animal Shelter and Related Services Contract to the Orange County Humane Society (OCHS), 21632 Newland St., Huntington Beach, California, in the Amount of \$75,000 with Automatic Annual Adjustments as Specified in the Professional Services Agreement; and
2. City Council Authorized the Mayor and the City Clerk to Execute the Professional Services Agreement for the Contract.

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

FOR INFORMATIONAL PURPOSES ONLY

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

1. MODIFICATION TO THE BUSINESS IMPROVEMENT AREA (BIA) TO ADD “BLVD HOTEL” THAT WILL BE SUBJECT TO THE BIA ASSESSMENT

MOVED/SECOND: Council Member Monahan/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council Conducted a Public Hearing Regarding the Business Improvement Area (BIA) Modification to include an Additional Hotel into the Business BIA and Accepted Public Comments Regarding Such Proposed Modification; and
2. City Council Conducted the Second Reading and Approved Ordinance No. 15-01 to be Read by Title Only and Waived Further Reading, Modifying the BIA to Add a New Hotel that Will be Subject to the BIA Assessment and Consider Adoption of the Same.

OLD BUSINESS: None

NEW BUSINESS:

1. AWARD A PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL SERVICES FOR THE DONALD DUNGAN LIBRARY AND NEIGHBORHOOD COMMUNITY CENTER PRELIMINARY DESIGN PHASE

MOVED/SECOND: Council Member Foley/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council Authorized the CEO to Sign the Professional Services Agreement for an Amount not to Exceed \$125,125 to Johnson Favaro, 5898 Blackwelder Street, Culver City, CA 90232, for the Preliminary Design Phase of the Donald Dungan Library and Neighborhood Community Center (NCC) Projects, Including the Outdoor Space Surrounding these Sites.

2. **APPOINTMENTS TO THE PLANNING COMMISSION, PARKS AND RECREATION COMMISSION, AND SENIOR COMMISSION**

PLANNING COMMISSION

MOTION: Appoint Andrea Marr

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Foley, Council Member Genis

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

Absent: None

MOTION: Appoint Robert L. Dickson, Jr.

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried: 4-1:

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

Noes: Council Member Foley

Absent: None

MOTION: Appoint Byron de Arakal

Motion/Second: Council Member Foley/

Motion failed for the lack of a second.

MOTION: Appoint Jeff R. Matthews

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried: 3-2:

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

Noes: Council Member Genis and Council Member Foley

Absent: None

MOTION: Appoint Stephan H. Andranian

Motion/Second: Mayor Mensinger/Mayor Pro Tem Righeimer

The motion carried: 3-2:

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

Noes: Council Member Genis and Council Member Foley

Absent: None

ACTION:

1. City Council Appointed and Filled the Three Vacancies on the Planning Commission: Stephan H. Andranian, Robert L. Dickson, Jr. and Jeff R. Matthews, all to a 4 Year Term.

PARKS AND RECREATION COMMISSION

MOTION: Appoint Jose De La Jara
Motion/Second: Council Member Foley/
Motion failed for the lack of a second.

MOTION: Appoint Brett Eckles
Motion/Second: Council Member Monahan/Mayor Pro Tem Righeimer
The motion carried 3-2:
Ayes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor
Mensingher
Noes: Council Member Genis and Council Member Foley
Absent: None

MOTION: Appoint Lynn L. Redman
Motion/Second: Council Member Genis/Council Member Foley
The motion failed 2-3:
Ayes: Council Member Genis and Council Member Foley
Noes: Council Member Monahan, Mayor Pro Tem Righeimer, and Mayor
Mensingher
Absent: None

MOTION: Appoint Robert Graham
Motion/Second: Mayor Pro Tem Righeimer/Council Member Genis
The motion carried 5-0:
Ayes: Council Member Genis, Council Member Foley, Council Member
Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: None
Absent: None

MOTION: Appoint Byron de Arakal
Motion/Second: Mayor Mensinger/Council Member Monahan
The motion carried 5-0:
Ayes: Council Member Genis, Council Member Foley, Council Member
Monahan, Mayor Pro Tem Righeimer, and Mayor Mensinger
Noes: None
Absent: None

ACTION:

2. City Council Appointed and Filled the Three Vacancies on the Parks and Recreation Commission: Byron de Arakal, Brett Eckles and Robert Graham, all to a 4 Year Term.

SENIOR COMMISSION

MOTION: Appoint Charlene M. Ashendorf – 4 Year Term

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Genis and Council Member Foley

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

Absent: None

MOTION: Appoint Stella Adkins – 4 Year Term

Motion/Second: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried 4-1:

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

Noes: Council Member Foley

Absent: None

MOTION: Appoint Janet Lee Krochman – 4 Year Term

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried 3-2:

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

Noes: Council Member Genis and Council Member Foley

Absent: None

MOTION: Appoint Martha Hernandez – 4 Year Term

Motion/Second: Council Member Foley/Council Member Genis

The motion failed 2-3:

Ayes: Council Member Genis and Council Member Foley

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

Absent: None

MOTION: Appoint Kirk Bauermeister – 4 Year Term

Motion/Second: Mayor Mensinger/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint Wendy Leece – 2 Year Term

Motion/Second: Council Member Genis/Council Member Foley

The motion failed 2-3:

Ayes: Council Member Genis and Council Member Foley

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

Absent: None

MOTION: Appoint Ernie Feeney – 2 Year Term

Motion/Second: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

MOTION: Appoint John S. McGlinn – 2 Year Term

Motion/Second: Council Member Monahan/Mayor Mensinger

The motion carried 4-1:

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

Noes: Council Member Genis

Absent: None

ACTION:

3. City Council Appointed and Filled the Five Vacancies on the Senior Commission: Kirk Bauermeister, Stella S. Adkins and Janet Lee Krochman to a 4 Year Term and Ernie Feeney and John S. McGlinn to a 2 Year Term.

3. APPROVAL OF MAYOR'S APPOINTMENTS TO THE BOARDS OF THE COSTA MESA CONFERENCE AND VISITOR BUREAU, TRANSPORTATION CORRIDOR AGENCY AND THE ORANGE COUNTY VECTOR CONTROL DISTRICT AND REVIEW OF POTENTIAL NEW COMMITTEES

MOVED/SECOND: Council Member Genis/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council Approved the Mayor's Appointments to the Boards of the:

1. Costa Mesa Conference and Visitor Bureau (CMCVD) – Appointee Mayor Mensinger and Alternate Council Member Monahan.
2. Transportation Corridor Agency (TCA) – Appointee Council Member Monahan and Alternate Mayor Pro Tem Righeimer.
3. Orange County Vector Control District (OCVCD) – Appointee Council Member Monahan and Alternate Council Member Genis.

FOR INFORMATIONAL PURPOSES ONLY

MOVED/SECOND: Council Member Foley/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

4. City Council Directed Staff to Begin the Process of Forming a Bikeway and Walkability Committee.

PUBLIC HEARINGS (CONTINUED)

MOTION: To continue the meeting past midnight.

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

2. APPEAL OF THE REVOCATION OF PLANNING APPLICATION PA-87-154: CONDITIONAL USE PERMIT FOR A NEIGHBORHOOD RECYCLING FACILITY (REPLANET, FORMERLY EARTHWISE RECYCLING) 2180 NEWPORT BOULEVARD

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

City Council Upheld the Planning Commission's Revocation of PA-87-154 by Adopting a Resolution Consistent with its Findings as Follows:

- Made Findings that RePlanet Recycling Facility has been Operated in Violation of the Conditions of Approval in Conditional Use Permit PA-87-154 and/or as a Public Nuisance, Such that the Planning Commission's Revocation of the CUP was Justified; and Upheld the Planning Commission's Revocation.

REPORT – CITY ATTORNEY: None

ADJOURNMENT – The Mayor and City Council adjourned at 12:16 a.m.