

**ACTION REPORT  
AGENDA  
CITY OF COSTA MESA  
REGULAR CITY COUNCIL, AND SUCCESSOR AGENCY  
TO THE REDEVELOPMENT AGENCY\* MEETING**

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

**TUESDAY, MARCH 17, 2015  
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE  
CLOSED SESSION – 5:00 P.M.  
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**

**CLOSED SESSION – 5:00 P.M.**

1. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association (CMCEA) v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to California Government Code Section 54956.9(a).

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 5:45 P.M.**

**CITY ATTORNEY CLOSED SESSION REPORT – NONE**

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

**CONSENT CALENDAR:**

**Items 5 and 11 were pulled for separate consideration.**

**Items 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13 and 14**

**MOVED/SECOND:** Mayor Pro Tem Righheimer/Council Member Foley

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motions carried: 4-0-1

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: Dino Bonadonna and John Halbakken.

**ACTION:**

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2532 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-04 "A" FOR (-\$4,547.74) AND 15-05 FOR \$2,028,376.04; AND CITY OPERATING EXPENSES FOR \$1,550,339.86; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

Approved Warrant Resolution No. 2532, to be read by the title only, and waived further reading.

## FOR INFORMATIONAL PURPOSES ONLY

4. **APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,500 IN REGARDS TO A DONATION MADE BY THE COSTA MESA COMMUNITY RUN TO THE CITY'S "HAPPY FEET RUNNING CLUB" YOUTH SPORTS PROGRAM**

**ACTION:**

City Council authorized a budget adjustment (budget adjustment #15-012) in the amount of \$1,500 to accept a donation from the Costa Mesa Community Run for the youth sports program, "Happy Feet Running Club."

6. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS10-00187 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17176 LOCATED AT 351 W. BAY STREET, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 4371998) in the amounts of \$18,266.00 each for street improvements and (Certificate No. 4371999) for setting corner monuments in the amount of \$2,750.00 to Bayside West, LLC (Developer), 190 Newport Center Drive, Suite 220, Newport Beach, California 92660.

7. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00147 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 16990 LOCATED AT 372/378/382 VICTORIA STREET, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 0176156) in the amounts of \$32,753.00 each for street improvements and (Certificate No. 0176155) for setting corner monuments in the amount of \$1,500.00 to Taylor Morrison of California, LLC (Developer), 8105 Irvine Center Drive, Suite 1450, Irvine, California 92618.

8. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00230 FOR PARKWAY IMPROVEMENTS AT 421 BERNARD STREET, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council authorized a refund cash deposit in connection with the Encroachment Permit No. PS13-00230 in the amount of \$88,185.25 to Behringer Harvard Pacifica, 5510 Morehouse Dr. Suite 200, San Diego CA 92121.

## FOR INFORMATIONAL PURPOSES ONLY

### 9. FINAL MAP FOR TRACT NO. 17708 LOCATED AT 2075 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA

#### **ACTION:**

City Council approved the Final Map for Tract No. 17708 and authorized the signing of the Map by the City Clerk and the City Engineer.

### 10. BLOOD WITHDRAWAL TESTING SERVICES AGREEMENT

#### **ACTION:**

1. City Council awarded a 2<sup>nd</sup> Amendment to the Professional Services Agreement with California Forensic Phlebotomy, Inc., 27762 Antonio Parkway, Suite L1-647, Ladera Ranch, CA, for blood withdrawal testing services for a one-year period for an amount not to exceed \$91,000 per year for the term to 1/25/2016; and
2. City Council authorized the Mayor to execute the 2<sup>nd</sup> Amendment to the Professional Services Agreement; and
3. City Council authorized the Chief Executive Officer to renew the contract for up to three (3) term periods of one-year each with final expiration 1/25/2019 for any rate increases or any amount above \$91,000 as long as the increase fall within his signing authority.

### 12. ENERGY PARTNERSHIP CONTRACT EXTENSIONS BETWEEN SOUTHERN CALIFORNIA EDISON AND SOUTHERN CALIFORNIA GAS AND THE CITY OF COSTA MESA FOR 2015 – 2016 – Office of the Chief Executive Officer

#### **ACTION:**

1. City Council approved and authorized the Mayor and City CEO to execute the “Second Amendment” to the Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program with Southern California Edison Company; and
2. City Council approved and authorized the Mayor and City CEO to execute the “Second Amendment” to the Agreement to Jointly Deliver the 2010-2012 Orange County Energy Leader Partnership Program with Southern California Gas Company and adjacent Orange County cities; and
3. City Council authorized the City CEO to execute any subsequent documents approved as to form by the City Attorney necessary to advance, manage or complete Energy Leader Partnership activities.

**13. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA CITY EMPLOYEES ASSOCIATION MEET AND CONFER SALARY REOPENER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE**

**ACTION:**

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer and Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa City Employees Association (CMCEA) as to the salary reopener; and
2. City Council authorized Staff to have the independent fiscal analysis of the current CMCEA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

**14. AMENDMENT TO JOINT AGREEMENT FOR THE OPERATION, MAINTENANCE AND FINANCIAL MANAGEMENT OF THE ORANGE COUNTY 800 MEGAHERTZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM**

**ACTION:**

City Council approved the terms of the Amendment to the Joint Agreement for the Operation, Maintenance, and Financial Maintenance of the 800 Megahertz Countywide Coordinated Communications System.

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

## FOR INFORMATIONAL PURPOSES ONLY

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

#### 1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE APPROVAL AND ADOPTION OF THE SIDE LETTER OF AGREEMENT BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA)**

**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

#### **ACTION:**

1. City Council held the second Public Hearing as required by COIN; and
2. City Council approved and adopted the CMPMA Side Letter of Agreement between the City of Costa Mesa and the CMPMA for 26 consecutive pay periods through and inclusive of February 20<sup>th</sup>, 2016.

#### 2. **APPEAL OF PLANNING APPLICATION PA-14-40 FOR THE GANAHL LUMBER HARDWARE STORE AND OUTDOOR STORAGE YARD AT 1100 BRISTOL STREET**

**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 Righeimer and Mayor Mensinger

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

#### **ACTION:**

City Council upheld the Planning Commission's decision and approved PA-14-40 by adopting Resolution 15-xx, to be read by title only and further reading waived, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF PLANNING APPLICATION PA-14-40 FOR THE RELOCATION AND EXPANSION OF GANAHL LUMBER LOCATED AT 1100 BRISTOL STREET.

**OLD BUSINESS: None**

**NEW BUSINESS:**

**1. PROFESSIONAL SERVICES AGREEMENT FOR THE UPDATE OF THE OPEN SPACE MASTER PLAN OF PARKS AND RECREATION**

**MOVED/SECOND:** Council Member Foley/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:**

1. City Council awarded a contract to RJM Design Group, 31591 Camino Capistrano, San Juan Capistrano, CA 92675 in the amount of \$161,270.00 for professional services for the update of the Open Space Master Plan of Parks and Recreation; and
2. City Council authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. City Council directed Staff to hold a Fairview Park Committee to present data for informational purposes only.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

**5. MINUTES**

**(A) MOVED/SECOND:** Mayor Pro Tem Righeimer/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Abstain: Council Member Foley (Not a Council Member at those meetings)

Motion carried: 3-0-1-1

**ACTION:**

City Council approved the minutes of the Special Closed Session Meetings of the City Council for July 25, 2012, July 31, 2012, October 7, 2013 and November 26, 2013.

- (B) 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  
Abstain: None  
Motion carried: 4-0-1

**ACTION:**

City Council approved the minutes of the regular City Council and Successor Agency Meeting of March 3, 2015.

**11. BRENTWOOD PARK, PHASE II, CITY PROJECT NO. 14-17**

- 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  
Abstain: None  
Motion carried: 4-0-1

**ACTION:**

City Council rejected all bids and did not authorize re-advertisement of the project.

**REPORT – CITY ATTORNEY – None**

**ADJOURNMENT – The Mayor and City Council adjourned at 9:31 p.m.**