

# **ACTION REPORT AGENDA**

## **CITY OF COSTA MESA REGULAR CITY COUNCIL, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY\* MEETING AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY**

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

**TUESDAY, JUNE 2, 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: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(a).
2. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.
3. 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 AND SPECIAL JOINT MEETING WITH THE COSTA MESA HOUSING AUTHORITY – 5:45 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Mayor Pro Tem Righeimer

**CITY ATTORNEY CLOSED SESSION REPORT**

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

City Attorney Tom Duarte reported on Closed Session Item #3, stated the case was settled on a vote 3-1-1 (Council Member Genis, Mayor Pro Tem Righeimer and Mayor Mensinger voting Yes; Council Member Monahan voting No; and Council Member Foley Absent); and authorized the CEO to sign the settlement agreement.

**CONSENT CALENDAR:**

**Items 6, 7, and 9 were pulled for separate consideration.**

**Items 1, 2, 3, 4, 5, 8, 10, and 11**

**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

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 adopt and approve Ordinances and Resolutions by reading title only, and further reading waived.

- 2. READING FOLDER**

a. Claims received by the City Clerk: Theresa Hollowell

**ACTION:**

City Council received and filed.

## FOR INFORMATIONAL PURPOSES ONLY

3. **WARRANT RESOLUTION NO. 2536 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-09 "A" FOR \$637.91 15-10 FOR \$2,029,891.66, 15-10 "A" FOR (\$-4,245.93) AND 15-11 FOR \$2,035,154.99; AND CITY OPERATING EXPENSES FOR \$2,932,493.92; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

Approved Warrant Resolution No. 2536, to be read by the title only, and waived further reading.

4. **DESTRUCTION OF FILES FOR THE FINANCE DEPARTMENT BY ADOPTION OF RESOLUTION**

**ACTION:**

City Council adopted Resolution No. 15-23, to be read by title only, and waived further reading, authorizing destruction of various Finance Department records dated 1980 to 2008, that are obsolete, of no legal effect, without historical value, and past the legal retention period pursuant to State Law.

5. **MINUTES**

**ACTION:**

City Council approved the minutes of the Regular City Council and Successor Agency Meeting of May 5, 2015; minutes of the Special Closed Session Meeting of May 5, 2015; and minutes of the City Council Study Session of May 12, 2015

8. **HOUSING AUTHORITY BUDGET FOR FY15-16**

**ACTION:**

1. City Council approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY15-16; and
2. Housing Authority approved the Housing Authority Budget for Housing and Community Development (HCD) expenses for FY15-16.

10. **VEHICLE RENTAL FROM ENTERPRISE RENT-A-CAR HOLDINGS THROUGH COOPERATIVE PRICING AGREEMENT**

**ACTION:**

1. City Council approved the service agreement for vehicle rentals through the Western States Contracting Alliance (WSCA) Master Price Agreement No. 9950 with Enterprise Rent-A-Car Holdings, 28112 Camino Capistrano, Laguna Niguel, CA 92677 in the amount not to exceed \$83,000 annually; and
2. City Council authorized the Mayor and the City Clerk to execute the Participating Agency Addendum for the pricing contract; and

## FOR INFORMATIONAL PURPOSES ONLY

3. City Council authorized the Chief Executive Officer to sign for any justified rate increase to the contract within his signing authority and to extend the contract for four (4) additional one-year terms.

### 11. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING AN AMENDMENT TO THE 2009 WASTE DISPOSAL AGREEMENT WITH THE COUNTY OF ORANGE

#### **ACTION:**

1. City Council adopted Resolution No. 15-15, to be read by title only, and waived further reading, amending the Waste Disposal Agreement (WDA) between the County of Orange and the City of Costa Mesa to allow for the continued importation of waste at the County's three (3) landfills and to extend the terms of the WDA through June 30, 2025; and
2. City Council authorized the Mayor and the City Clerk to sign and execute the agreement.

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

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

### 1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION TO LEVY ANNUAL 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) reauthorization and approved Resolution No. 15-19, to be read by title only, and waived further reading, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, LEVYING AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2015-2016 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS; and
2. City Council received and filed audited financial report for Fiscal Year 2013-14; and
3. City Council authorized the annual Fiscal Year 2015-16 expenditure of \$164,000 for additional community marketing and support budget.

**2. PUBLIC HEARING FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 155 FLOWER STREET**

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

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 vacation of a portion of Fullerton Avenue at 155 Flower Street; and
2. City Council adopted Resolution No. 15-25, to be read by title only, and waived further reading, ordering the vacation of a portion of Fullerton Avenue Right-Of-Way at 155 Flower Street; and
3. City Council authorized execution of the Quitclaim Deed by the Mayor and the City Clerk.

**OLD BUSINESS:**

**1. SECOND READING OF ORDINANCE NO. 15-04 FOR REZONE R-14-03**

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

The motion carried by the following roll call vote:

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

Nays: Council Member Foley and Council Member Genis

Absent: None

Motion carried: 3-2

**ACTION:**

City Council gave the second reading, to be read by title only, and waived further reading, and adopted Ordinance No. 15-04, approving Rezone R-14-03 for a rezone (or change) of the zoning classification of the site from Administrative and Professional (AP) District to Multiple-Family Residential District, High Density (R2-HD) District (up to 14.5 dwelling units per acre) at 1239 Victoria Street.

**NEW BUSINESS:**

**1. APPOINTMENTS TO THE TRAFFIC IMPACT FEE AD HOC COMMITTEE, BIKEWAY AND WALKABILITY COMMITTEE AND PENSION OVERSIGHT COMMITTEE**

**TRAFFIC IMPACT FEE AD HOC COMMITTEE**

**MOTION:** Appoint Bret Rosol

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

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

**ACTION:**

1. City Council appointed Bret Rosol to fill the at-large representative on the Traffic Impact Fee Ad Hoc Committee.

**BIKEWAY AND WALKABILITY COMMITTEE**

**MOTION:** Increase number of committee seats from 15 (fifteen) to 17 (seventeen) to include permanent representation from the Newport Mesa Unified School District and the Chamber of Commerce

Motion/Second: Council Member Foley/Council Member Monahan

The motion carried 5-0:

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

Noes: None

Absent: None

**MOTION:** Appoint Brian Valles

Motion/Second: Council Member Foley/Mayor Mensinger

The motion carried 5-0:

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

Noes: None

Absent: None

**MOTION:** Appoint Cynthia McDonald

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

The motion carried 5-0:

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

Noes: None

Absent: None

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### **ACTION:**

2. City Council approved the increased number of committee seats to 17 (seventeen) to include permanent representation from the Newport Mesa Unified School District and the Chamber of Commerce; and appointed Brian Valles and Cynthia McDonald to the Bikeway and Walkability Committee.

### **PENSION OVERSIGHT COMMITTEE**

**MOTION:** Appoint Richard Riva

Motion/Second: Mayor Mensinger/Council Member Foley

The motion carried 5-0:

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

Noes: None

Absent: None

### **ACTION:**

3. City Council appointed Richard Riva on the Pension Oversight Committee.

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

#### **6. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION**

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

1. City Council approved the 2015 contract for traffic management services between the Costa Mesa Police Department and the 32<sup>nd</sup> District Agricultural Association for the Orange County Fair; and
2. City Council authorized the Chief Executive Officer or his designee, to sign the contract. The term of the agreement is July 17, 2015 through August 16, 2015 and the maximum amount is \$365,000.

**7. TRAFFIC MANAGEMENT SERVICES AGREEMENT WITH THE 32<sup>ND</sup> DISTRICT AGRICULTURAL ASSOCIATION**

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: None

Motion carried: 4-1

**ACTION:**

1. City Council approved the 2015 contract for traffic management services between the Costa Mesa Police Department and the 32<sup>nd</sup> District Agricultural Association for all designated Interim Events of the Orange County Fair and Exposition Center; and
2. City Council authorized the Chief Executive Officer or his designee, to sign the contract. The term of the agreement is April 1, 2015 through March 31, 2016 and the maximum amount shall not to exceed \$70,000.

**9. PROFESSIONAL SERVICES AGREEMENT WITH JAMZCLAN CONSULTING, LLC FOR INTERIM SUPPORT SERVICES MANAGEMENT**

**MOVED/SECOND:** Council Member Foley/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 authorized the City CEO to process final payment to JAMZCLAN Consulting, LLC totaling \$3,787.50 for services rendered beyond the original professional services agreement of \$50,000.

**REPORT – CITY ATTORNEY**

City Attorney Tom Duarte reported on Closed Session Item #3, stated the case was settled on a vote 3-1-1 (Council Member Genis, Mayor Pro Tem Righeimer and Mayor Mensinger voting Yes; Council Member Monahan voting No; and Council Member Foley Absent); and authorized the CEO to sign the settlement agreement.

**ADJOURNMENT** – The Mayor and City Council adjourned at 9:46 p.m.