

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, JULY 7, 2015
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 5:30 P.M. (SPECIAL TIME)
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 – 5:30 P.M.

1. Conference with legal counsel regarding existing litigation: Timothy Dadey, an individual; Richard Pessler, Jr., an individual; Raleigh Christopher, an individual; and Costa Mesa Motel Resident Association, an unincorporated association v. City of Costa Mesa, Superior Court for the County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, consolidated with Case No. 30-2014-00758104, pursuant to California Government Code Section 54956.9(d)(2).

FOR INFORMATIONAL PURPOSES ONLY

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

ROLL CALL

CITY ATTORNEY CLOSED SESSION REPORT

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

CONSENT CALENDAR:

Items 6, 8, and 12 were pulled for separate consideration.

Items 1, 2, 3, 4, 5, 7, 9, 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 adopted and approved Ordinances and Resolutions by reading title only, and further reading waived.

- 2. READING FOLDER**

- a. Claims received by the City Clerk: Shaun and Annemarie Stellman and Yong Qiang Zhong

ACTION:

City Council received and filed.

FOR INFORMATIONAL PURPOSES ONLY

3. **WARRANT RESOLUTION NO. 2538 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 15-13 FOR \$2,012,245.18; AND CITY OPERATING EXPENSES FOR \$3,292,375.77; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2538, to be read by the title only, and waived further reading.

4. **COUNCIL AUTHORIZATION FOR FURNITURE PROCUREMENT FOR THE REPURPOSING OF THE WESTSIDE SUBSTATION INTO A COMMUNITY RESOURCE CENTER**

ACTION:

City Council authorized the City CEO to enter into a contract with Culver-Newland for the purchase of office workstations and furniture in the amount of \$77,463 to complete the repurposing of the existing Westside Police substation into a Community Resource Center.

5. **MINUTES**

ACTION:

City Council approved the minutes of the Regular City Council and Successor Agency Meeting and Special Joint Meeting with the Costa Mesa Housing Authority of July 16, 2015; minutes of the Special City Council Closed Session Meeting of June 23, 2015; and minutes of the Special Meeting and Special Joint Meeting with the Costa Mesa Housing Authority of June 23, 2015.

7. **2014 – 2015 SLURRY SEAL PROJECT, CITY PROJECT NO. 15-06**

ACTION:

1. City Council adopted plans, specifications, and working details for the 2014-2015 Slurry Seal Project, City Project No. 15-06; and
2. City Council awarded a construction contract to American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, California 92337, in the amount of \$309,809.70; and
3. City Council authorized the Mayor and the City Clerk to execute the Public Works Agreement.

9. **RESOLUTION AUTHORIZING STREET CLOSURES FOR THE 2015 ORANGE COUNTY FAIR CATTLE DRIVE**

ACTION:

City Council adopted Resolution No. 15-36, to be read by title only, and waived further reading, designating event routes for the 2015 Orange County Fair Cattle Drive and approve the temporary street closures for August 8, 2015, as requested for the 2015 Orange County Cattle Drive.

FOR INFORMATIONAL PURPOSES ONLY

- 10. ADOPTION OF RESOLUTION 15-37 TO REPEAL COUNCIL POLICY 300-4 (GENERAL LEAVE) TO BE REPLACED BY ADMINISTRATIVE REGULATION 2.xx (GENERAL LEAVE) PURSUANT TO REQUIREMENTS OF “HEALTHY WORKPLACE, HEALTHY FAMILIES ACT OF 2014.”**

ACTION:

City Council adopt by Resolution 15-37, to be read by title only, and further reading waived, which repeals Council Policy 300-4 regarding Part-Time Employee General Leave and authorize the City CEO to implement Administrative Regulation 2.xx in compliance with “Healthy Workplace, Healthy Families Act.”

- 11. PUBLIC SAFETY SOFTWARE LICENSE AND SERVICES AGREEMENT –**

ACTION:

City Council authorized the City CEO to sign the Purchase Requisition in the amount of \$112,077 for the renewal of the Software License and Services Agreement with SunGard Public Sector Inc.

----- **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 AGREEMENT TO THE 2013-2016 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA CITY EMPLOYEES ASSOCIATION (CMCEA), THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CONFIDENTIAL SALARY RESOLUTION**

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, Mayor Pro Tem Righeimer, and Mayor Mensinger

Nays: Council Member Monahan

Absent: None

Motion carried: 4-1

ACTION:

1. City Council held the second Public Hearing as required by COIN; and
2. City Council approved the Side Letter Agreement to the 2013-2016 Memorandum of Understanding between the City of Costa Mesa and CMCEA effective June 28th, 2015; and
3. City Council adopted Resolution No. 15-34, to be read by title only, and waived further reading, which implements a four percent (4%) cost of living adjustment for all CMCEA represented classifications; and
4. City Council adopted Resolution No. 15-35, to be read by title only, and waived further reading, which implements a four percent (4%) cost of living adjustment for all unrepresented Confidential classifications.

OLD BUSINESS:

- 1. SECOND READING OF ORDINANCE NO. 15-05: AN ORDINANCE OF THE CITY OF COSTA, CALIFORNIA, ADDING CHAPTER X OF TITLE 5 OF THE COSTA MESA MUNICIPAL CODE RELATING TO PERMITTING PROCEDURES SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS, PER AB 2188**

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, and Mayor Pro Tem Righeimer

Nays: None

Absent: Mayor Mensinger

Motion carried: 4-0-1

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ACTION:

City Council gave the second reading and adopted Ordinance No. 15-05, to be read by title only, and waived further reading, to codify the streamlined permitting procedures for small residential rooftop solar systems to be in compliance with AB 2188.

- 2. SECOND READING OF ORDINANCE NO. 15-06: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TABLE 13-30 (LAND USE MATRIX) OF CHAPTER IV (CITYWIDE LAND USE MATRIX) TITLE 13 (ZONING CODE OF THE COSTA MESA MUNICIPAL CODE) TO REFLECT CHANGES MADE BY CODE AMENDMENT CO-14-03, AS PREVIOUSLY ADOPTED BY ORDINANCE NO. 14-13 (GROUP HOMES) ON OCTOBER 21, 2014**

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:

City Council gave the second reading and adopted Ordinance No. 15-06, to be read by title only, and waived further reading.

NEW BUSINESS:

- 1. RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 AND 21224, FOR THE REHIRE OF RETIRED SENIOR PROGRAMMER ANALYST WILLIAM VERDERBER**

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 Resolution 15-24, to be read by title only, and further reading waived, the exception to the 180-Day Wait Period pursuant to Government Code Sections 7522.56 and 21224 to retain the services of retired Senior Programmer Analyst William Verderber.

FOR INFORMATIONAL PURPOSES ONLY

2. REQUEST TO CLOSE OFF WALL OPENINGS ALONG VICTORIA STREET TO PREVENT PEDESTRIAN ACCESS TO THE SIDE STREETS

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:

City Council approved the residents' request to close off the wall openings to pedestrian access along Victoria Street at the following locations:

1. Puente Avenue (north side of Victoria Street)
2. Raleigh Avenue (north side of Victoria Street)
3. Sterling Avenue (south side of Victoria Street)

3. PROPOSAL FOR NEW FIELD USE AND ALLOCATION POLICY (FUAP) AND REQUEST FOR SPECIAL STATUS OF SPECIFIC YOUTH SPORTS ORGANIZATIONS

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

Nays: None

Absent: None

Motion carried: 5-0

1. City Council approved that the following youth sports groups: AYSO 97, Newport Harbor Baseball Association and Newport Mesa Girls Softball be granted permanent Group 1 status.

MOVED/SECOND: Mayor Pro Tem Righeimer/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

2. City Council approved that local residents be defined as players that live within the Newport Mesa School District boundaries or attend a public or private school within the Newport Mesa School District boundaries.

FOR INFORMATIONAL PURPOSES ONLY

MOVED/SECOND: Mayor Pro Tem Righeimer/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

3. City Council approved the removal of the term Costa Mesa resident to be replaced with local resident.

MOVED/SECOND: Mayor Pro Tem Righeimer/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

4. City Council approved the amendment for Group 3 Users to change the percentage from 50% or greater Costa Mesa residents to 90% or greater local residents in both subsections 1 and 2.

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

5. City Council approved the amendment for Group 3 Users to remove the wording in subset 3, "Shall be classified as "for pay" group status."

MOVED/SECOND: Mayor Pro Tem Righeimer/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

6. City Council approved the amendment for Group 6 Users to read, "Adult Programs, organizations or events with a minimum of 25% local residents or are employed in Costa Mesa."

FOR INFORMATIONAL PURPOSES ONLY

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

7. City Council approved the amendment for Group 4 Users to read, "Adult Programs, organizations or events with at least of 75% local residents or are employed in Costa Mesa."

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

8. City Council approved the deletion of the first sentence in the section "Field Allocations at Jack Hammett Sports Complex."

MOVED/SECOND: Mayor Pro Tem Righeimer/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

9. City Council approved that all leagues keep on file proof of residency or proof of school for justification as a local resident.

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

10. City Council requested the allocation of the Matt Leinart Flag Football Organization payment of \$25,000 for a future meeting.

FOR INFORMATIONAL PURPOSES ONLY

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

11. City Council approved the balance of the recommended changes and approved the new Field Use and Allocation Policy (FUAP).

ITEMS REMOVED FROM THE CONSENT CALENDAR

6. FINAL MAP FOR TRACT NO. 17747 LOCATED AT 1620 THROUGH 1644 WHITTIER AVENUE, COSTA MESA, CALIFORNIA

MOVED/SECOND: Council Member Monahan/Council Member Genis

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: 5-0

ACTION:

City Council approved the Final Map for Tract No. 17747 and authorized the signing of the Map by the City Clerk and City Engineer.

8. APPROVE STORM DRAIN EASEMENT – FAIRVIEW PARK

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: 5-0

ACTION:

City Council approved the Drainage Easement Agreement within Fairview Park.

12. MATCH FUNDING FOR MERCY HOUSE EMERGENCY SOLUTIONS GRANT

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

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: 5-0

ACTION:

City Council and Housing Authority approved the allocation of \$40,000 for the match requirement for Mercy House's 2014 Emergency Solutions Grant (ESG) of federal funds administered by the State Housing and Community Development Department (HCD) for Rapid Rehousing Services for Costa Mesa homeless residents.

REPORT – CITY ATTORNEY

ADJOURNMENT – The Mayor and City Council adjourned at 10:22 p.m.