

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, SEPTEMBER 1, 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 CALL TO ORDER

The meeting was called to order by the Mayor at 5:30 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Council Members Present: Mayor Mensinger, Mayor Pro Tem Righeimer, Council Member Foley, Council Member Genis (arrived 5:35 p.m.), and Council Member Monahan (arrived 5:35 p.m.).

Council Members Absent: None

FOR INFORMATIONAL PURPOSES ONLY

1. Conference with legal counsel regarding existing litigation: Myra Bailey v. City of Costa Mesa, a municipal corporation, et al, Orange County Superior Court Case No. 30-2013-00676207, pursuant to California Government Code Section 54956.9(a).
2. Conference with legal counsel regarding existing litigation: *City of Costa Mesa, et al., v. Civic Center Barrio Housing Corporation*, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, 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.

ROLL CALL

Present: Council Member Foley, Council Member Genis, Council Member Monahan, Mayor Pro Tem Righeimer, Mayor Mensinger
Absent: None

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney, Tom Duarte, reported on Closed Session item #1, Myra Bailey v. City of Costa Mesa, that City Council on a vote of vote 4-1, with Council Member Monahan voting No, agreed to pay the Plaintiff \$150,000, in exchange Plaintiff agreed to dismiss all claims against the City.

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

MOTION: Continue New Business #1 – General Plan Screening GPS-14-04 for proposed 28-unit residential project a 440 Fair Drive to the Council Meeting of September 15, 2015.

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

Motions carried: 5-0

FOR INFORMATIONAL PURPOSES ONLY

CONSENT CALENDAR:

Items 9 and 11 were pulled for separate consideration.

Items 1, 2, 3, 4, 5, 6, 7, 8, 10, and 12

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: Arthur Lopez and Christopher Thompson.

ACTION:

City Council received and filed.

3. **WARRANT RESOLUTION NO. 2541 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-15 "A" FOR \$147.00, 15-16 FOR \$2,148,593.52, 15-16 "A" FOR \$1,532.51, AND 15-17 FOR \$2,167,454.92; AND CITY OPERATING EXPENSES FOR \$3,611,956.29; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

ACTION:

Approved Warrant Resolution No. 2541, to be read by the title only, and waived further reading.

4. **SOLE SOURCE PURCHASING OF ZOLL CARDIAC MONITORS**

ACTION:

City Council approved and authorized the Chief Executive Officer to sign the sole source purchase request for specialized cardiac monitors and associated accessories from Zoll Medical Corporation in an amount not to exceed \$419,000.

FOR INFORMATIONAL PURPOSES ONLY

5. MINUTES

ACTION:

City Council approved the minutes of the Regular City Council and Successor Agency Meeting of August 4, 2015.

6. **RELEASE BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00082 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17519 LOCATED AT 2157 AND 2159 TUSTIN AVENUE, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 784497S) in the amounts of \$15,000.00 each for street improvements and (Certificate No. 784907S) for setting corner monuments in the amount of \$500.00 to White-Warmington Tustin Avenue Associates, L.P. (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

7. **CONTRACT FOR PARKING TICKET CITATION PROCESSING SERVICES**

ACTION:

City Council approved and authorized the Chief Executive Officer to execute the service agreement for parking ticket citation processing services through the City of Sausalito Performance Agreement with Data Ticket, Inc., effective September 1, 2015 through August 31, 2016, in an amount not to exceed \$125,000 annually, with the option to renew for four (4) additional one year terms, upon mutual agreement of both parties.

8. **AUTHORIZE CONTRACT, APPROVE VEHICLE PURCHASES AND BUDGET ADJUSTMENT FOR POLICE DEPARTMENT VEHICLES**

ACTION:

1. City Council authorized the lease contract with Enterprise Fleet Management, Inc.; and
2. City Council approved the purchase of eight additional unbudgeted vehicles for a total of 17 vehicles in FY 2015-16; and
3. City Council approved the budget adjustment to fund vehicle purchases.

10. DOCUMENT CONVERSION AND IMAGING SERVICES

ACTION:

City Council authorized the Chief Executive Officer to execute the manual purchase order for conversion, scanning, imaging, and indexing services through the County of Orange Regional Cooperative Agreement No. MA-017-12011896 with Matrix Imaging Products, Inc., effective September 1, 2015 through August 31, 2016, in an amount not to exceed \$110,000 annually, with the option to renew four (4) additional one year terms, upon mutual agreement of both parties.

12. APPOINTMENT OF CITY NEGOTIATORS FOR THE CITY OF COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS 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 Costa Mesa Division Managers Association CMDMA as the salary reopener; and
2. City Council authorized Staff to have the independent fiscal analysis completed per the requirements of the COIN Ordinance.

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

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

1. CODE AMENDMENT CO-15-02: AN AMENDMENT TO TITLE 8 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO VAPING IN PUBLIC FACILITIES AND THE REGULATION OF SMOKING LOUNGE USES

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

ACTION:

City Council conducted the Public Hearing and introduced for first reading, Ordinance No. 15-10, read by title only, and waived further reading, related to vaping in public facilities and the regulation of smoking lounge uses.

FOR INFORMATIONAL PURPOSES ONLY

2. FIRST READING OF THE CAPITAL ASSET NEEDS ORDINANCE

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 conducted the Public Hearing and introduced for first reading, Ordinance No. 15-07, read by title only, and waived further reading, regarding the Capital Asset Needs Ordinance.

3. PUBLIC HEARING FOR THE VACATION OF RIGHT-OF-WAY AT 970 WEST 16TH STREET

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 the Public Hearing and adopted Resolution 15-39, read by title only, and waived further reading, ordering the vacation of excess Right-Of-Way (ROW) at 970 West 16th Street; and

2. City Council authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

4. PUBLIC HEARING FOR THE VACATION OF A FLOWAGE EASEMENT 970 WEST 16TH 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

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

1. City Council conducted the Public Hearing and adopted Resolution 15-40, read by title only, and waived further reading, ordering the vacation of a flowage easement at 970 West 16th Street; and
2. City Council authorized the execution of the Quitclaim Deed by the Mayor and the City Clerk.

OLD BUSINESS:

1. **SECOND READING OF ORDINANCE NO. 15-09: AN ORDINANCE OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING CODE AMENDMENT CO-15-04, AMENDING TITLE 13, CHAPTER XI, ARTICLE 5 AND CHAPTER XII RELATING TO PARK IMPACT FEES FOR MULTI-FAMILY RESIDENTIAL RENTER DEVELOPMENT (APARTMENTS) IN COSTA MESA**

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 gave the second reading and adopted Ordinance No. 15-09, read by title only, and waived further reading, adopting park impact fees for multi-family residential renter development (apartments) in Costa Mesa.

NEW BUSINESS:

2. **COUNCIL DIRECTION FOR ALLOCATION OF FIELD USE FEES**

City Council took no action and the funds will remain in the General Fund.

3. **DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE FOR 2015 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE**

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, Mayor Pro Tem Righeimer and Mayor Mensinger

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

City Council designated Mayor Mensinger as Costa Mesa's voting delegate and Council Member Genis as the voting delegate alternate for the 2015 League of California Cities Annual Conference.

4. REQUEST FOR REFUND OF APPEAL FEE FOR ZA-15-01 AND PA-14-41

MOTION: Refund half of the appeal fees to the appellants.

MOVED/SECOND: Council Member Foley/Council Member Genis

Tie vote – no action, by the following roll call vote:

Ayes: Council Member Foley and Council Member Genis

Nays: Mayor Pro Tem Righeimer and Mayor Mensinger

Absent: Council Member Monahan

Motion carried: 2-2-1

City Council requested Staff to review the current appeal fees and survey other cities.

ITEMS REMOVED FROM THE CONSENT CALENDAR

9. DEL MAR AVENUE MEDIAN IMPROVEMENTS (FROM NORTHBOUND NEWPORT BOULEVARD TO 300 FEET EAST), CITY PROJECT NO. 15-12

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: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Del Mar Avenue Median Improvements (from NB Newport Boulevard to 300 feet east), City Project No. 15-12; and
2. City Council approved Budget Adjustment No. 16-003 in the amount of \$158,000; and
3. City Council awarded a construction contract to HYM Engineering, Inc., 6380 Roland Street, Buena Park, CA 90621, in the amount of \$299,422; and
4. City Council authorized the Mayor and City Clerk to execute the Public Works Agreement.

11. MEMORANDUM OF UNDERSTANDING FOR SCHOOL RESOURCE OFFICERS

MOVED/SECOND: Council Member Foley/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:

City Council approved the Memorandum of Understanding between the City of Costa Mesa and the Newport-Mesa Unified District pertaining to the School Resource Officer Program for academic year 2015-2016.

REPORT – CITY ATTORNEY

ADJOURNMENT – The Mayor and City Council adjourned in memory of Russell Hiroyuki Yamaga at 9:28 p.m.