

# **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 15, 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 CALL TO ORDER**

The meeting was called to order by the Mayor at 5:02 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 5:30 p.m.), and Council Member Monahan.

Council Members Absent: None

## FOR INFORMATIONAL PURPOSES ONLY

1. Conference with Legal Counsel regarding existing litigation: Solid Landings Behavioral Health, Inc.; and Sure Haven, Inc. in its own name and dba Rock Solid Recovery; FPS, LLC: Stephen Fennelly; and Elizabeth Perry v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01838-JVS-JCG, pursuant to California Government Code Section 54956.9(d)(2).
2. Conference with Legal Counsel regarding existing litigation: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc., v. City of Costa Mesa, District Court for the Central District of California, Case No. 8:14-cv-01852, pursuant to California Government Code Section 54956.9(d)(2).

### **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.**

#### **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**

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

Council Member Foley stated that she met earlier in the day with Mr. Gagne, a firefighter and CEO Hatch to discuss concerns with equipment, staffing and other issues.

#### **CONSENT CALENDAR:**

**Items 8, 10 and 12 were pulled for separate consideration.**

#### **Items 1, 2, 3, 4, 5, 6, 7, 9, and 11**

**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

- 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: Dean Corbin

**ACTION:**

City Council received and filed.

- 3. WARRANT RESOLUTION NO. 2542 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 15-17 "A" FOR (\$-11.50) AND 15-18 FOR \$2,179,953.31; AND CITY OPERATING EXPENSES FOR \$1,604,342.92; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

**ACTION:**

City Council approved Warrant Resolution No. 2542, to be read by the title only, and waived further reading.

- 4. 2012 – 2013 STREET REHABILITATION PROJECT – CITY PROJECT NO. 13-01**

**ACTION:**

1. City Council accepted the work performed by R.J. Noble Company and authorized the City Clerk to file the Notice of Completion; and
2. City Council released the Faithful Performance bond (1) year after the filing date; and released the retention monies 35 days after the Notice of Completion filing date.

- 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 September 1, 2015.

## FOR INFORMATIONAL PURPOSES ONLY

**6. REVIEW AND APPROVAL OF THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE 15-16B SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2016 TO JUNE 30, 2016**

**ACTION:**

Successor Agency adopted the Successor Agency Resolution No. 15-49, to be read by the title only, and waived further reading, approving the Successor Agency's Administrative Budget for the 15-16B Six-Month Fiscal period subject to submittal and approval by the Oversight Board pursuant to the Dissolution Law.

**7. REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 15-16B SIX-MONTH FISCAL PERIOD OF JANUARY 1, 2016 TO JUNE 30, 2016**

**ACTION:**

Successor Agency adopted the Successor Agency Resolution No. 15-50, to be read by the title only, and waived further reading, approving the recognized Obligation Payment Schedule for the 15-16B Six-Month Fiscal Period of January 1, 2016 to June 30, 2016 ("ROPS 15-16B"), subject to submittal to and review by the Oversight Board and then DOF. Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by D

**9. SOLE SOURCE PURCHASE FOR THE REPLACEMENT OF POLICE RADIOS FOR THE ORANGE COUNTY 800 MHZ COUNTYWIDE COORDINATED COMMUNICATIONS SYSTEM UPGRADE**

**ACTION:**

City Council approved the Chief Executive Officer to sign the Sole Source purchase request for ninety-six (96) police patrol car and motorcycle radios identified as eligible for the "Hot Red" radio promotion offered by Motorola in an amount not to exceed \$705,000.00.

**11. AUTHORIZE AND DIRECT THE CITY OF COSTA MESA'S CONVEYANCES AND ASSIGNMENTS TO THE COSTA MESA HOUSING AUTHORITY OF ALL INTERESTS IN CERTAIN PROPERTIES AND AFFORDABLE HOUSING PROJECTS LOCATED AT 745 W. 18<sup>TH</sup> STREET AND 734, 740 AND 744 JAMES STREET ACQUIRED THROUGH FORECLOSURE PROCEEDINGS**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Genis

Motions carried: 4-0-0-1

## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

City Council and Housing Authority adopted a Joint Resolution No. 15-52, to be read by title only, and waived further reading, authorizing and directing:

1. The City's
  - (a) conveyances and transfers of fee title by Quitclaim Deeds to the Costa Mesa Housing Authority; and
  - (b) Assignments of Regulatory Agreements and bills of sale to all personal property to the Housing Authority; and
2. The Housing Authority's acceptance of such conveyances by Quitclaim Deed and the Assignments of Regulatory Agreements and bills of sale, all relating to certain real properties located at 745 W. 18<sup>th</sup> Street (APN: 424-052-01) and 734, 740 and 744 James Street (APNs 424-052-18, 424-052-19 and 424-052-20) in the City of Costa Mesa, State of California; and
3. The CEO and his authorized representative(s) on behalf of the City, and the Executive Director and his authorized representative(s) on behalf of the Housing Authority, to execute, and the City Clerk/Secretary to attest, the Quitclaim Deeds and the Assignment and Bill of Sale Agreements for such affordable housing properties.

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

**PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): NONE**

### **OLD BUSINESS:**

1. **SECOND READING OF ORDINANCE NO. 15-10: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FOR A MUNICIPAL CODE AMENDMENT CO-15-02, AMENDING TITLE 8, CHAPTER V RELATED TO VAPING IN PUBLIC FACILITIES AND TITLE 13 RELATED TO REGULATIONS FOR SMOKING AND VAPING USES**

**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:**

City Council gave second reading and adopted Ordinance No. 15-10, to be read by title only, and waived further reading.

## FOR INFORMATIONAL PURPOSES ONLY

- 2. SECOND READING OF ORDINANCE NO. 15-07: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING A CAPITAL ASSET NEEDS ORDINANCE ADDING ARTICLE 8 TO TITLE 2 CHAPTER V OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH THE REQUIREMENTS FOR A MINIMUM ALLOCATION OF 5% OF ANNUAL GENERAL FUND REVENUE TO THE CAPITAL EXPENDITURES ACCOUNT AND A MINIMUM ALLOCATION OF 1.5% TO A CAPITAL FACILITIES ACCOUNT ANNUALLY**

**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 second reading and adopted Ordinance No. 15-07, to be read by title only, and waived further reading.

### **NEW BUSINESS:**

- 1. URBAN MASTER PLAN SCREENING REQUEST (UMP-15-02) FOR A 6-UNIT DETACHED SMALL LOT RESIDENTIAL DEVELOPMENT WITHIN THE MESA WEST RESIDENTIAL OWNERSHIP URBAN PLAN LOCATED AT 592 HAMILTON STREET**

**ACTION:**

City Council provided feedback on the proposed Urban Master Plan for a 6-unit, two-story, detached small lot residential development project within the Mesa West Residential Ownership Urban Plan.

- 2. FAIRVIEW PARK NORTH BLUFF TRAIL REALIGNMENT – COUNCIL MEMBER GENIS’ REQUEST TO REVIEW PARKS AND RECREATION COMMISSION’S ACTION**

**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

## FOR INFORMATIONAL PURPOSES ONLY

### **ACTION:**

City Council upheld the Parks and Recreation Commission's determination that the proposed Fairview Park North Bluff Trail Realignment is consistent with the Fairview Park Master Plan.

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

#### **8. AMENDMENT TWO TO PROFESSIONAL SERVICES AGREEMENT FOR GENERAL PLAN UPDATE**

**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 approved Amendment Two, additional scope of work and additional fees of \$39,400 to the Professional Services Agreement with Moore Iacofano Goltsman, Inc. (MIG), formerly known as Hogle-Ireland; and
2. City Council extended the contract period by one (1) year from October 1, 2015 to October 1, 2016; and
3. City Council authorized the City Chief Executive Officer to sign Amendment Two to the Professional Services Agreement with MIG.

#### **10. NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 752 WEST 19<sup>TH</sup> STREET**

**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:**

1. City Council set a public hearing on October 20, 2015 for the vacation of excess Right-Of-Way (ROW) at 752 West 19<sup>th</sup> Street; and
2. City Council adopted Resolution 15-51, to be read by title only, and waived further reading, of Intent to vacate excess Right-Of-Way (ROW) at 752 West 19<sup>th</sup> Street.

**12. PROFESSIONAL SERVICES AGREEMENT WITH SCIENTIA CONSULTING GROUP, INC.**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:**

1. City Council approved the Professional Services Agreement (PSA) with Scientia Consulting Group, Inc. (Scientia) in an amount not exceeding \$175,440; and
2. City Council authorized the Chief Executive Officer (City CEO) to sign the PSA with Scientia Consulting Group, Inc. in the amount not to exceed \$175,440 annually; and
3. City Council authorized the CEO to sign for any justified rate increase to the contract within his signing authority and to extend the PSA for four (4) additional one-year terms.

**REPORT – CITY ATTORNEY**

**ADJOURNMENT** – The Mayor and City Council adjourned the meeting in honor and memory of Frank Forbath, Claire N. Honsaker, Steve E. Stinson, and Christopher Burke at 10:17 p.m.