

ACTION REPORT

CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* AND SPECIAL AGENDA FOR THE COSTA MESA HOUSING AUTHORITY* TUESDAY, NOVEMBER 19, 2013

JAMES M. RIGHEIMER
Mayor

STEPHEN MENSINGER
Mayor Pro Tem

SANDRA GENIS
Council Member

GARY MONAHAN
Council Member

WENDY LEECE
Council Member

City Attorney
Thomas Duarte

Chief Executive Officer
Thomas R. Hatch

SPECIAL CLOSED SESSION – 4:30 P.M.

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employees Association (CMCEA), Costa Mesa Division Managers Association, and Costa Mesa Fire Fighters Management Association, pursuant to California Government Code Section 54957.6.
2. Conference with legal counsel regarding existing litigation: Costa Mesa City Employees Association 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).
3. Conference with legal counsel regarding existing litigation: Agnieszka Szczerbinska Baltusis and Victor Baltusis v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2012 00607875, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding exposure to litigation: Claimant – Costa Mesa Police Association, pursuant to California Government Code Section 54956.9 (d)(2)(e)(3).
5. Conference with legal counsel regarding anticipated litigation: Significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(4) for one potential case.

**ACTION REPORT: For Informational Purposes Only
REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY – 6 P.M.**

CITY ATTORNEY CLOSED SESSION REPORT

City Attorney Duarte reported on Closed Session Items 4 and 5:

3 – 0 – 2 (Righeimer and Mensinger Abstaining) – Deny the claim filed by the Costa Mesa Police Association.

5. 4 – 1 (Monahan – No) Initiate litigation against Civic Center Barrio Housing Corporation and other interested parties.

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

CONSENT CALENDAR ITEM NOS. 1 THROUGH 14

MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 14 except for items 2a, 5, 6, 9, 10, 13, and 14.

MOTION/SECOND: Council Member Monahan/Mayor Righeimer
The motion carried unanimously.

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 approval and adoption of same by reading title only.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Costa Mesa Police Association; Stacey Lynn Roberts De Michele; Loren Michael Pfautz; Devon Holbert; and Iosana Sipa.

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, and Council Member Monahan

Nays: None

Recused: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried: 3-0-2

ACTION: Received and Filed

- b. Requests for Alcohol Beverage Control licenses:

ACTION REPORT: For Informational Purposes Only

- For Jorge Vivar, dba Tacos Gil, at 528 W 19th Street, an Original State Alcoholic Beverage Control (ABC) License Type “41” (On-Sale Beer and Wine, Eating Place).
- For Circle K Stores Inc., dba Circle K 9421, at 3470 Fairview Road, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 9456, at 3006 Harbor Blvd, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3078, at 1654 Santa Ana Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-Sale Beer and Wine).
- For Circle K Stores Inc., dba Circle K 3037, at 111 Del Mar Avenue, a Stock Transfer of a State Alcoholic Beverage Control (ABC) License Type “20” (Off-Sale Beer and Wine).

ACTION: Received and filed

3. **WARRANT RESOLUTION 2498: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for \$567,781,57.**

ACTION: Approved Warrant Resolution No. 2498, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2499: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-22 “A” AND 13-23 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-22 “A” for \$0.00, Payroll No. 13-23 for \$2,017,466.42 and City operating expenses for \$635,525.04.**

ACTION: Approved Warrant Resolution No. 2499, to be read by title only and further reading waived.

5. **FINAL MAP FOR TRACT NO. 17435 LOCATED AT 2070 MAPLE AVENUE, COSTA MESA, CALIFORNIA**

MOTION/SECOND: Council Member Monahan/Council Member Mensinger
The motion was carried unanimously.

ACTION: City Council approved the Final Map for Tract No. 17435 and authorized signing of the Map by the City Clerk and the City Engineer.

6. **BICYCLE CORRIDOR IMPROVEMENT PROGRAM APPLICATION: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDS UNDER THE MOVING AHEAD FOR PROGRESS IN THE 21st CENTURY FEDERAL TRANSPORTATION ACT FOR THE WEST 19th STREET BICYCLE TRAIL PROJECT”.**

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MOTION/SECOND: Council Member Monahan/Council Member Mensinger

The motion was carried unanimously.

ACTION: City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, approving the submittal of the West 19th Street Bicycle Trail Project for potential grant funding under the Orange County Transportation Authority's (OCTA) Bicycle Corridor Improvement (BCI) Program for Fiscal Year 2014-15.

7. **RESOLUTION FOR COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM APPLICATIONS: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM, REGIONAL CAPACITY PROGRAM PROJECT O, AND REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM, PROJECT P".**

ACTION: City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, approving the submittal of transportation improvement projects under the Orange County Transportation Authority's (OCTA) Comprehensive Transportation Funding Program (CTFP) for Fiscal Years 2014-15 through 2017-18.

ITEM REMOVED FROM THE AGENDA

8. ~~**ART IN PUBLIC PLACES PROGRAM**~~

9. **ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY FOR THE CITY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS CITY TREASURER TO INVEST AND REINVEST IDLE MONIES OF THE CITY OF COSTA MESA IN ACCORDANCE WITH THE 2013-2014 STATEMENT OF INVESTMENT POLICY".**

MOTION/SECOND: Council Member Monahan/Council Member Mensinger

The motion was carried unanimously.

ACTION: City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the City Treasurer.

10. **ADOPTION OF THE FY 2013-2014 STATEMENT OF INVESTMENT POLICY: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY, COSTA MESA, CALIFORNIA, ADOPTING THE 2013-2014 STATEMENT OF INVESTMENT POLICY, AND DESIGNATE THE FINANCE DIRECTOR TO ACT AS SUCCESSOR AGENCY TREASURER TO INVEST AND REINVEST IDLE MONEYS OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY IN ACCORDANCE WITH THE ADOPTED 2013-2014 STATEMENT OF INVESTMENT POLICY".**

MOTION/SECOND: Council Member Monahan/Council Member Mensinger

The motion was carried unanimously.

ACTION REPORT: For Informational Purposes Only

ACTION: Successor Agency to the Costa Mesa Redevelopment Agency adopted Resolution No. 13-xx, to be read by title only, and waived further reading, approving the Statement of Investment Policy for Fiscal Year 2013-2014 and delegating investment activities to the Successor Agency Treasurer.

11. **MINUTES:** Regular Meeting of October 1, 2013; and October 15, 2013.

ACTION: Approved

12. **PROFESSIONAL SERVICES CONTRACT FOR PLANNING CONSULTANTS**

ACTION: City Council approved contract with Lilley Planning Group in the amount of \$100,000 for planning services from citywide salary savings.

13. **MOBILE DATA COMPUTER (MDC) REPLACEMENT**

MOTION/SECOND: Council Member Monahan/Council Member Mensinger
The motion was carried unanimously.

ACTION:

1. City Council approved and authorized the CEO to sign the Purchasing Agreement in the amount of \$503,742.00 for the replacement of the current Police and Fire Departments' Mobile Data Computers (MDC) with Datalux Corporation, 155 Aviation Drive, Winchester, VA 22602; and
2. Approved Budget Adjustment No. 14-012 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund (\$388,300.80) and Proposition 172 Fund (\$115,441.20) in the total amount of \$503,742.00 for this purchase.

14. **SALARY RESOLUTIONS FOR CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) AND COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA): "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE ASSOCIATION (CMPA) PURSUANT TO THE 2007-2014 MOU" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REVISING THE PAY RANGES FOR JOB CLASSIFICATIONS REPRESENTED BY THE COSTA MESA POLICE MANAGEMENT ASSOCIATION (CMPMA) PURSUANT TO THE 2007-2014 MOU".**

MOTION/SECOND: Council Member Monahan/Council Member Leece

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, and Council Member Monahan

Nays: None

Recused: Mayor Righeimer and Mayor Pro Tem Mensinger

Motion carried: 3-0-2

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ACTION:

1. City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, which implements salary range adjustments for job classifications represented by the CMPA; and
2. Adopted Resolution No. 13-xx, to be read by title only, and waived further reading, which implements salary range adjustments for job classifications represented by the CMPMA; and
3. Approved Budget Adjustment No. 14-016, in the amount of \$911,450.00.

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

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

1. **ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CONTINUING THE CITYWIDE TRAFFIC IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF COSTA MESA AND THE RELATED ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM AND CAPITAL IMPROVEMENT PLAN FOR TRANSPORTATION IMPROVEMENTS”.**

MOTION/SECOND: Council Member Monahan/Council Member Mensinger.
The motion was carried unanimously.

ACTION:

City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, to approve to:

1. Continue the current traffic impact fee of \$181 per Average Daily Trip (ADT); and
2. Continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and
3. Approved the annual accounting of the Citywide Traffic Impact Fee Program.

OLD BUSINESS

1. **BUILDING AND FIRE CODE ADOPTION: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, AND 5-1.3 OF TITLE 5 AND SECTIONS 7-14, 7-15, AND 7-19 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2013 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO WITH THE EFFECTIVE DATE OF JANUARY 1, 2014”.**

MOTION/SECOND: Council Member Monahan/Council Member Mensinger.
The motion was carried unanimously

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ACTION:

City Council gave a second reading to Ordinance 13-06, to be read by title only, and waived further reading, which makes the most recent editions of the Construction and Fire Codes with the applicable amendments in effect within the City of Costa Mesa on January 1, 2014.

NEW BUSINESS - NONE

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Meeting, December 3, 2013