

**ACTION REPORT: For Informational Purposes Only**

**ACTION REPORT**

**CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY\***

**TUESDAY, DECEMBER 3, 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 Organization: Costa Mesa City Employee Association (CMCEA), pursuant to California Government Code Section 54957.6.

**REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR  
AGENCY TO THE REDEVELOPMENT AGENCY – 6 P.M.**

**CITY ATTORNEY CLOSED SESSION REPORT - NONE**

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

**CONSENT CALENDAR**

**MOTION:** Approved recommended actions for Consent Calendar Items No. Item Nos. 1 through 14 except for Items 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, and 14.

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

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.

## **ACTION REPORT: For Informational Purposes Only**

### **2. READING FOLDER**

- a. Claims received by the City Clerk: Paul Bass; and Roy Rodgers.
- b. Requests for Alcohol Beverage Control licenses:
  - For MP Enterprises Inc., dba Mama Hong's, at 3013 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
  - For Serenity Beach Investments Inc., dba Globe European Delicatessen, at 1928 Harbor Boulevard, an Original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).

**ACTION:** Received and filed

### **7. BRENTWOOD PARK IMPROVEMENTS, CITY PROJECT NO. 13-14**

**ACTION:** City Council approved to reject all bids and directed staff to re-advertise the project.

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

#### **1. AMENDMENT TO 2005 RESIDENTIAL DESIGN GUIDELINES: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, APPROVING AN AMENDMENT TO THE CITY'S 2005 RESIDENTIAL DESIGN GUIDELINES".**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

**ACTION:** City Council adopted Resolution No. 13-57, to be read by title only, and waived further reading, amending the Residential Design Guidelines, with a change to Section 5, adding "or over 2,700 square feet in area with up to 50 percent lot coverage" for second story construction.

## **ACTION REPORT: For Informational Purposes Only**

- 2. CODE AMENDMENT CO-12-07: CONSIDERATION OF A MORATORIUM EXTENSION REGARDING HOOKAH PARLORS: “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, FOR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW HOOKAH PARLORS FOR A PERIOD NOT TO EXCEED 10 MONTHS AND 15 DAYS PENDING A STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH AND SAFETY RELATING TO HOOKAH PARLORS”.**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:** City Council adopted Urgency Ordinance No. 13-09, to be read by title only, and waived further reading, an extension of the hookah parlor moratorium considered under Code Amendment CO-12-07 for a period not to exceed 10 months, 15 days.

### **OLD BUSINESS**

- 1. SECOND READING OF ORDINANCE 13-05 FOR CODE AMENDMENT C0-12-02: AN AMENDMENT TO TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF “SINGLE HOUSEKEEPING UNIT”: “AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-12-02 RELATED TO ZONING CODE REGULATIONS FOR RESIDENTIAL FACILITIES. THE AMENDMENT IS PROPOSED TO THE FOLLOWING CODE SECTION IN TITLE 13 OF THE COSTA MESA MUNICIPAL CODE: CHAPTER 1, ARTICLE 2, SECTION 13-6, DEFINITIONS, AS IT PERTAINS TO THE DEFINITION OF SINGLE HOUSEKEEPING UNIT”.**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:** City Council gave second reading to Ordinance No. 13-05, to be read by title only and waived further reading, amending the following section of Title 13 of the Costa Mesa Municipal Code:

- Chapter 1, Article 2, Section 13-6, Definitions, as it pertains to the definition of “single housekeeping unit”.

## **ACTION REPORT: For Informational Purposes Only**

- 2. AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, AMENDING CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURE".**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion was carried by the following roll call vote:

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

Nays: Council Member Genis, Council Member Leece

Absent: None

Motion carried: 3-2

**ACTION:** City Council considered for second reading Ordinance No. 13-08, to be read by title only and waived further reading, which amends Chapter IX of Title 2 of the Costa Mesa Municipal Code relating to Appeal, Rehearing, and Review Procedures.

### **NEW BUSINESS**

- 1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-07) FOR A 37-UNIT DETACHED TOWNHOUSE CONDOMINIUM DEVELOPMENT LOCATED AT 573-591 VICTORIA STREET**

**ACTION:** City Council provided feedback on the proposed 37-unit detached townhouse condominium development within the Mesa West Residential Ownership Urban Plan Area.

- 2. UPGRADES TO AUDIO/VISUAL EQUIPMENT AND BROADCAST SYSTEM AND RELATED CONSTRUCTION FOR COUNCIL CHAMBERS**

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Monahan

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

#### **ACTION:**

1. City Council approved designating \$1.6 million of the \$7.1 million FY 2012-13 surplus to upgrade the City's audio/visual equipment and broadcast system used to facilitate and broadcast public meetings in the Council Chambers and broadcast city news and information on CMTV, the City's television channel. The funding will also be used for related construction in the Council Chambers; and

## **ACTION REPORT: For Informational Purposes Only**

2. Directed the City staff to issue a Request for Proposals (RFP) for the purchase and installation of the new audio/visual equipment and broadcast system; and
3. Directed staff to obtain bids for related construction work needed in the Council Chambers.
3. **FIRST READING OF THE EXCESSIVE USE OF RESOURCES ORDINANCE: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADDING CHAPTER VI (COST RECOVERY FOR EXCESSIVE USE OF RESOURCES DUE TO NUISANCE ACTIVITIES AT LODGING ESTABLISHMENTS) OF TITLE 14 (POLICE AND LAW ENFORCEMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING COST RECOVERY FOR EXCESSIVE USE OF POLICE SERVICES”.**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:** City Council introduced for first reading, Ordinance 13-xx, to be read by title only, and waived further reading.

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

3. **WARRANT RESOLUTION 2500: 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 \$659,620.74.**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved Warrant Resolution No. 2500, to be read by title only and waived further reading.

## **ACTION REPORT: For Informational Purposes Only**

4. **WARRANT RESOLUTION 2501: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-23 "A" AND 13-24 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-23 "A" for \$-574.99, Payroll No. 13-24 for \$1,992,347.15 and City operating expenses for \$333,999.81.**

**MOTION/SECOND:** Council Member Monahan/Mayor Pro Tem Mensinger

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**ACTION:** Approved Warrant Resolution No. 2501, to be read by title only and waived further reading.

5. **DOWNTOWN COSTA MESA GATEWAY LANDSCAPE IMPROVEMENTS, FEDERAL PROJECT NO. STPE-P055 (055), CITY PROJECT NO. 13-06**

**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, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council adopted plans, specifications, and working details for the Downtown Costa Mesa Gateway Landscape Improvements on SR-55 Freeway, City Project No. 13-06; and
2. Awarded a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$554,460.00; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

6. **EAST 17<sup>TH</sup> STREET LANDSCAPE ENHANCEMENT, FEDERAL PROJECT NO. RPSTPLNE-5312(091), CITY PROJECT NO. 13-12**

**MOTION/SECOND:** Mayor Pro Tem Mensinger/Council Member Monahan

## **ACTION REPORT: For Informational Purposes Only**

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council adopted plans, specifications, and working details for the East 17<sup>th</sup> Street Landscape Enhancement, City Project No. 13-12; and
2. Awarded a construction contract to Horizons Construction Co. Int'l, Inc., 1173 N. Patt Street, Anaheim, CA 92801 in the amount of \$776,995.00; and
3. Approved Budget Adjustment No. 14-018, in the amount of \$30,000.00 towards the project; and
4. Authorized the Mayor and the City Clerk to execute the Public Works Agreement and the Budget Adjustment.

### **8. HARBOR BOULEVARD BEAUTIFICATION PROJECT, FEDERAL PROJECT NO. RPSTPLE-5312 (083), CITY PROJECT NO. 13-05**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council adopted plans, specifications, and working details for the Harbor Boulevard Beautification Project, City Project No. 13-05; and
2. Awarded a construction contract to Jeff Tracy, Inc. DBA Land Form Construction, in the amount of \$572,809.95 (base bid plus additive bid item No. AD-1); and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

### **9. PROFESSIONAL ENGINEERING SERVICES TO PROVIDE STAFF SUPPORT FOR VARIOUS PARKS PROJECTS**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

## **ACTION REPORT: For Informational Purposes Only**

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council awarded a contract to Civil Source, Inc., 9890 Irvine Center Drive, Irvine, California 92618, in an amount not to exceed \$200,000 to provide Project Management and/or Construction Management staff support as needed for various Capital Improvement Program (CIP) projects; and
2. Authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
3. Approved Budget Adjustment No. 14-010 in the amount of \$200,000 to fund the above mentioned contract.

### **10. MEASURE M2 EXPENDITURE REPORT: "A RESOLUTION OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING THE MEASURE M2 EXPENDITURE REPORT FOR FISCAL YEAR 2012-2013".**

**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, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

City Council adopted Resolution No. 13-55, to be read by title only, and waived further reading, approving the Renewed Measure M2 Expenditure Report.

### **11. PUBLIC SAFETY APPLICATION SUPPORT CONTRACT**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None



## **ACTION REPORT: For Informational Purposes Only**

Motion carried: 5-0

### **ACTION:**

City Council authorized the City CEO or his designee to sign the Maintenance and Support Agreement and Purchase Requisition for support services in the amount of \$58,301 for the City's CAD-RMS system with Motorola Inc., 1303 East Algonquin Road, Schaumburg, IL 60196.

### **12. RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2013 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

### **ACTION:**

1. City Council approved staff's recommendation to allocate 2013 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. Approved Budget Adjustment No. 14-015 to increase revenue and appropriations in the JAG fund, and allocate funds as follows:
  - Technology Improvement – South Coast Plaza Streaming Live Video to Responding Police Vehicles: \$17,896

### **13. APPROVE THE PURCHASE AND OUTFITTING OF TEN REPLACEMENT 2014 FORD POLICE INTERCEPTOR UTILITY VEHICLES**

**MOTION/SECOND:** Council Member Monahan/Mayor Righeimer

The motion was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

# **ACTION REPORT: For Informational Purposes Only**

## **ACTION:**

1. City Council approved and authorized the CEO to sign the purchase agreement in the amount of \$318,406.70 for ten replacement Ford Police Interceptor Utility vehicles from National Auto Fleet Group, 490 Auto Center Drive, Watsonville, CA 95076, under the National Joint Powers Alliance (NJPA) master vehicle contract #102811, and under existing City of Costa Mesa Purchase Order 0000008608; and
  2. Approved and authorized the CEO to sign the purchase agreement in the amount of \$125,162.77 for outfitting ten new Ford Police Interceptor Utility vehicles from Hi Standard Automotive, LLC, 1110 West Barkley Avenue, Orange, CA, 92868, under existing City of Costa Mesa Purchase Order 0000008786; and
  3. Approved Budget Adjustment No. 14-019 to appropriate undesignated fund balance in the General Fund in the amount of \$443,569.47 for the total purchase of ten vehicles with the required outfitted emergency safety equipment.
14. **MODIFICATON TO PUBLIC COMMENTS AND CONSENT CALENDAR ON THE CITY COUNCIL AGENDA: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CHANGING THE ORDER OF BUSINESS FOR CITY COUNCIL MEETINGS"**

**MOTION:** Continue the meeting past midnight

**MOTION/SECOND:** Council Member Monahan/Council Member Leece

The motion to continue past midnight was carried by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece, Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

**MOTION/SECOND:** Mayor Righeimer/Council Member Monahan

To adopt Resolution No. 13-56, changing the order of business.

**SUBSTITUTE MOTION:** To receive and file

**MOTION/SECOND:** Council Member Leece/Council Member Genis

The motion failed by the following roll call vote:

Ayes: Council Member Genis, Council Member Leece

Nays: Council Member Monahan, Council Member Mensinger, and Mayor Righeimer

Absent: None

Motion fails 2-3

## **ACTION REPORT: For Informational Purposes Only**

**ORIGINAL MOTION:** Mayor Righeimer/Council Member Monahan

The motion was carried by the following roll call vote:

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

Nays: Council Member Genis, Council Member Leece

Absent: None

Motion carried: 3-2

### **ACTION:**

City Council considered Resolution No. 13-56, to be read by title only, and waived further reading, adding an "Additional Public Comments" section to the agenda, changing the order when "Items removed from the Consent calendar" will be addressed, and adding "Additional Council Comments" after "Additional Public Comments".

### **ADDITIONAL PUBLIC COMMENTS**

#### **REPORT – CITY ATTORNEY**

**ADJOURNMENT – To Regular Meeting, January 7, 2014, 5:00 p.m.**