

ACTION REPORT

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

TUESDAY, NOVEMBER 5, 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 – potential litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b) for one potential case.

The City Council and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Closed Session at the conclusion of public comments.

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

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

Richard Kryslar, Chief Negotiator, spoke on the pending proposals regarding the funding of the Costa Mesa City Employee Association (CMCEA) benefits; the October 28th meeting with the CMCEA and the written proposal dated Oct. 28, 2013; and the advised increases in rates from CALPERS.

CONSENT CALENDAR ITEM NOS. 1 THROUGH 14

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 14 except for Items 4, 8, 10, 11, 12 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.

2. **READING FOLDER**

- a. Claims received by the City Clerk: Shirley Gates; Sacha Dhillon; John Fithian; Rita Castenada; and Donna Contino.

ACTION: Receive and file

3. **WARRANT RESOLUTION 2495: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-20 "A" AND 13-21 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-20 "A" for \$1,549.76, Payroll No. 13-21 for \$2,008,951.69 and City operating expenses for \$1,118,800.92.**

ACTION: Approved Warrant Resolution No. 2495, to be read by title only and further reading waived.

4. **WARRANT RESOLUTION 2496: 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 \$2,386,501.74.**

ACTION REPORT: For Informational Purposes Only

MOTION/SECOND: Council Member Genis/ Council Member Monahan

Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION: Approved Warrant Resolution No. 2496, to be read by title only and further reading waived.

5. **WARRANT RESOLUTION 2497: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-21 "A" AND 13-22 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-21 "A" for \$111.96, Payroll No. 13-22 for \$2,005,788.24 and City operating expenses for \$1,538,700.29.**

ACTION: Approved Warrant Resolution No. 2497, to be read by title only and further reading waived.

6. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS11-00170 FOR STREET IMPROVEMENTS FOR PARCEL MAP 2007-231 LOCATED AT 3128 RED HILL AVENUE, COSTA MESA, CALIFORNIA**

ACTION:

1. City Council released the Faithful Performance Bond (Certificate No. 786227S) in the amount of \$26,326; and
2. Released the Labor and Material Bond (Certificate No. 786227S) in the amount of \$13,163 for street improvements; and
3. Released the Monumentation Bond (Certificate No. 786228S) in the amount of \$500 for setting corner monuments to BKM 3128 Red Hill Associates, LLC (Developer), 3090 Pullman Street, Costa Mesa, California 92626.

7. **FINAL MAP FOR TRACT NO. 17457 LOCATED AT 1856 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA**

ACTION: City Council approved the Final Map for Tract No. 17457 and authorized signing of the Map by the City Clerk and the City Engineer.

ACTION REPORT: For Informational Purposes Only

8. FINAL MAP FOR TRACT NO. 17606 LOCATED AT 678 WEST 19TH STREET COSTA MESA, CALIFORNIA

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION:

1. City Council waived the Drainage Fee requirements for Tract No. 17606; and
2. Approved the Final Map for Tract No. 17606 and authorized signing of the Map by the City Clerk and the City Engineer.

9. STREET AND HIGHWAY DEDICATION AT 2803 ROYAL PALM DRIVE – ADAMS AVENUE

ACTION: City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, dedicating a portion of City property at 2803 Royal Palm Drive, (next to Fire Station No. 1), for street and highway purposes.

10. PARKS AND RECREATION COMMISSION GOALS UPDATE

Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION: City Council received and filed.

11. HARBOR BOULEVARD AND ADAMS AVENUE INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-09

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

Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION REPORT: For Informational Purposes Only

ACTION:

1. City Council adopted plans, specifications, and working details for the Harbor Boulevard and Adams Avenue Intersection Improvements, City Project No. 13-09; and
2. Awarded a construction contract to All American Asphalt, in the amount of \$2,737,737; and
3. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

12. RETIREMENT OF POLICE SERVICE DOG TORNADO AND THE SALE OF POLICE SERVICE DOG TORNADO TO OFFICER CHARLES OLIVER

MOTION/SECOND: Council Member Genis/Mayor Pro Tem Mensinger

Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION:

1. City Council approved the retirement of Police Service Dog Tornado and commended him for six and a half years of outstanding service to the community; and
2. Approved the sale of Police Service Dog Tornado to Officer Charles Oliver and authorized the Chief of Police to enter into such agreement.

13. AMENDMENT TO REFUND POLICY

ACTION: City Council approved the amended Refund Policy increasing the dollar amount threshold for administrative approval of refunds to \$15,000.

ITEM PULLED FROM THE AGENDA

14. ~~MOBILE DATA COMPUTER (MDC) REPLACEMENT~~

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

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

1. 2013 EDITION OF THE MODEL CALIFORNIA CONSTRUCTION CODES

MOTION/SECOND: Council Member Genis/Mayor Pro Tem Mensinger

The motion carried unanimously:

ACTION REPORT: For Informational Purposes Only

ACTION:

1. City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading setting forth findings with respect to local climatic and geographic conditions within the City of Costa Mesa to allow certain modifications and changes to the California Building Code, California Residential Code, and California Fire Code as amended by the State of California; and
2. Introduced Ordinance No. 13-xx, for first reading, to be read by title only, and waived further reading and set for second reading at the City Council's November 19, 2013 meeting. (This procedure is in accordance with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 13-03.)

2. RESOLUTION OF INTENT TO COMMENCE ANNEXATION PROCEEDINGS REGARDING THE SANTA ANA/COLLEEN COUNTY ISLAND IN EASTSIDE COSTA MESA

MOTION: Council Member Monahan motioned to delay the process for one month to allow a meeting with the residents, LAFCO, and the developer during that time.

MOTION/SECOND: Council Member Monahan/Council Member Leece

AMENDED MOTION: Amended motion by Council Member Monahan to vote on the issue but to not submit the application letter for 30 days.

AMENDED MOTION/SECOND: Council Member Monahan/Council Member Leece
The amended motion passed unanimously:

ACTION: City Council adopted Resolution No. 13-xx, to be read by title only, and waived further reading, that requests the Local Agency Formation Commission of Orange County ("OC LAFCO") to initiate proceedings for the annexation of the unincorporated County of Orange ("County") island known as the Santa Ana/Colleen Island ("Island") to the City of Costa Mesa ("City") and to submit the application letter in 30 days.

3. ORDINANCE TO AMEND TITLE 13, CHAPTER 1, ARTICLE 2, OF THE COSTA MESA MUNICIPAL CODE RELATING TO THE DEFINITION OF "SINGLE HOUSEKEEPING UNIT"

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION REPORT: For Informational Purposes Only

ACTION: City Council introduced Ordinance No. 13-xx, for first reading, 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”.

4. CODE AMENDMENT CO-12-07: CONSIDERATION OF TWO PROPOSED ORDINANCES REGARDING HOOKAH PARLORS

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

Motion carried by the following roll call vote:

Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Monahan

Noes: None

Absent: Council Member Leece

Motion carried: 4-0-1:

ACTION: City Council adopted Ordinance No. 13-xx, an Urgency Ordinance, to be read by title only and waived further reading regarding Hookah Parlors with an amendment to Section 1 Paragraph 2, “Establishment shall mean, as of commencement of any such business as a new business; the conversion of an existing business to a hookah parlor; the relocation of any such business”.

OLD BUSINESS - NONE

NEW BUSINESS

1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-06) FOR A 14-UNIT LIVE/WORK DEVELOPMENT LOCATED AT 2075 PLACENTIA AVENUE

ACTION: City Council provided feedback on the proposed 14-unit three-story live/work project within the Mesa West Bluffs Urban Plan Area

2. AMENDMENT OF CHAPTER IX OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATING TO APPEAL, REHEARING, AND REVIEW PROCEDURES

MOTION/SECOND: Mayor Righeimer/Council Member Monahan

Motion carried by the following roll call vote:

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

Noes: Council Member Genis

Absent: Council Member Leece

Motion carried: 3-1-1:

ACTION: City Council introduced Ordinance No. 13-xx, for first reading, to be read by title only and waived further reading, and scheduled the second reading for the December 3, 2013 meeting.

ACTION REPORT: For Informational Purposes Only

3. INTRODUCTION OF PROPOSED EXCESSIVE USE OF RESOURCES ORDINANCE

ACTION: City Council and public provided input on a proposed ordinance to recover costs from motels that generate higher than usual calls for service for criminal activity, thereby using excessive city resources.

REPORT – CITY ATTORNEY

ADJOURNMENT – To Regular Study Session, November 12, 2013, 4:30 p.m.