

ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND
SUCCESSOR AGENCY TO THE REDEVELOPMENT
AGENCY* MEETING

*NOTE: ALL AGENCY AND AUTHORITY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

TUESDAY, MAY 3, 2016
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 – 5:00 P.M.

ROLL CALL

Present: Council Member Foley, Council Member Genis (arrived at 5:04 p.m.), Council Member Monahan, Mayor Pro Tem Righeimer (arrived at 5:10 p.m.) and Mayor Mensinger

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

1. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation pursuant to California Government Code Section 54956.9(d)(2) for 1 potential case – Correspondence received regarding Voting Rights Act.
2. 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.
3. Conference with legal counsel regarding existing litigation: Phillip A. Luchesi and Karen S. Luchesi vs. City of Costa Mesa, et al, Superior Court of California, County of Orange, Case No. 30-2015-00824266-CU-WM-CXC, pursuant to California Government Code Section 54956.9(d)(1).
4. Conference with legal counsel regarding existing litigation: The Kennedy Commission, et al vs. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2016-00832585-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).

REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY – 5:45 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE Council Member Genis

MOMENT OF SOLEMN EXPRESSION

[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]

Pastor Dr. Jim Turrell, Center for Spiritual Living Newport-Mesa, Costa Mesa

ROLL CALL

Present: Council Member Foley, Council Member Genis, Mayor Pro Tem Righeimer, and Mayor Mensinger

Absent: Council Member Monahan

CITY ATTORNEY CLOSED SESSION REPORT - NONE

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

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Council Member Foley stated she had a conversation with the Fire Association to inquire if they had submitted an offer.

City Attorney Thomas Duarte reported that with respect to Closed Session Item #1, Voting Rights Act, on a vote of 5-0, the parties agreed to settle the claim between Eloisa Rangel & Southwest Voter Registration Education Project and the City. The City agreed to place the measure on the November ballot regarding district elections. The City also agreed to pay the claim of 55,000 to settle the claim and once signed it will be posted on the website. City Attorney Duarte also reported that with respect to item 3, Luchesi v City of Costa Mesa, on a vote of 5-0, the parties agreed to settle the case and the plaintiffs agreed to dismiss the City for no monies and the settlement agreement will be posted on the website.

CONSENT CALENDAR:

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 7 except for 1, 4 and 6.

MOVED/SECOND: Council Member Monahan/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motions carried: 5-0

2. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

ACTION:

City Council approved the minutes of April 19, 2016.

3. APPARATUS ROOM EXTENSION AND RESCUE VEHICLE STORAGE BUILDING, FIRE STATION NO. 4, CITY PROJECT #15-10

ACTION:

1. City Council accepted the work performed by St. George Construction, Inc. and authorized the City Clerk to file the Notice of Completion; and
2. City Council authorized the release of the Labor and Materials Bond one (1) year after the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies 35 days after the Notice of Completion filing date.

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5. FINAL MAP FOR TRACT NO. 17869 LOCATED AT 1672 PLACENTIA AVENUE, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the Final Map for Tract No. 17869 and authorized signing of the Map by the City Clerk and the City Engineer.

7. ESTABLISHMENT OF THE NEW CLASSIFICATION OF EMERGENCY SERVICES ADMINISTRATOR

ACTION:

City Council adopted Resolution No. 16-21, which amends Resolution 15-34 establishing the new Emergency Services Administrator job classification; and corresponding salary range of \$7,682 - \$10,296 (Tier 1) and \$6,969 - \$9,338 (Tier 2) per month.

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

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

1. PUBLIC HEARING FOR FISCAL YEAR 2016-2017 FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)

SUBSTITUTE MOTION: To approve recommendations 1, 2, 3, and 4 with the change of allocating to Elwyn California \$4,000.00, and \$500.00 less to every other group except the Fair Housing Foundation.

SUBSTITUTE MOTION/SECOND:

Council Member Foley/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Genis and Mayor Pro Tem Righeimer.

Nays: Council Member Monahan and Mayor Mensinger

Absent: None

Motion carried: 3-2-0

ACTION:

1. City Council held a Public Hearing regarding the 2016-2017 Annual Action Plan; and
2. City Council approved recommended allocation of \$990,347 for the Fiscal Year 2016-2017 Community Development Block Grant (CDBG) Application; and

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3. City Council approved recommended allocation of \$338,895 for the Fiscal Year 2016-2017 HOME Investment Partnership Grant including an allocation of \$4,000 to Elwyn California; and
4. City Council approved Resolution No. 16-22 to authorize the following:
 - a. City's Chief Executive Officer (CEO) to act as the official representative of the City in order to submit the 2016-2017 Annual Action Plan and all certifications and assurances contained therein; and
 - b. CEO to act in connection with submission of the Annual Action Plan; and
 - c. CEO to approve minor changes and provide additional information as may be required.

OLD BUSINESS: NONE

NEW BUSINESS:

1. **CITY COUNCIL RESOLUTION OF INTENTION RELATING TO A PROPOSED BALLOT MEASURE TO AUTHORIZE ACQUISITION, CONSTRUCTION, OR COMPLETION OF A CITY PLAN OF MUNICIPAL IMPROVEMENTS FOR AFFORDABLE RENTAL HOUSING PURPOSES IN THE CITY, EXCLUDING THE R-1 SINGLE-FAMILY ZONES, AND THEIR FINANCING THROUGH THE ISSUANCE OF A GENERAL OBLIGATION BOND**

RECOMMENDATION:

1. City Council adopt Resolution No. 16-xx determining the public interest and necessity demands the acquisition, construction or completion of certain municipal improvements for affordable rental housing purposes and their financing through the issuance of a general obligation bond, and directing the presentation to the Planning Commission of the city plan of municipal improvements; and
2. City Council direct the CEO and his staff, and the City Attorney, special counsel and financial advisor to proceed with the ballot measure for the general obligation bond for affordable housing.

MOTION: To approve as recommended.

MOVED/SECOND: Mayor Pro Tem Righeimer/Council Member Monahan

The motion carried by the following roll call vote:

Ayes: Council Member Monahan and Mayor Pro Tem Righeimer

Nays: Council Member Foley, Council Member Genis, and Mayor Mensinger

Absent: None

Motion failed: 2-3-0

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2. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION OF INTENTION, AND REVIEW OF ANNUAL REPORT

MOVED/SECOND: Mayor Pro Tem Righeimer/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

ACTION:

1. City Council received and filed the Business Improvement Area (BIA) annual report for Fiscal Year 2015-16; and
2. City Council received and filed audited financial report for Fiscal Year 2014-15; and
3. City Council approved Resolution No. 16-23: A resolution of the City Council of the City of Costa Mesa, California, declaring its intention to levy an annual assessment for fiscal year 2016-2017 for a Business Improvement Area covering certain Costa Mesa hotels and motels and setting the time and place for a public hearing for June 7, 2016 at 7:00 p.m.

ITEMS REMOVED FROM THE CONSENT CALENDAR

1. **WARRANT RESOLUTION NO. 2556 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 16-08 "A" FOR \$1,191.12; and 16-09 FOR \$2,089,197.86; AND CITY OPERATING EXPENSES FOR \$824,635.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Council Member Monahan/Mayor Pro Tem Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motions carried: 4-0-1

ACTION:

City Council approved Warrant Resolution No. 2556.

4. EMERGENCY REMOVAL OF UNDERGROUND FUEL STORAGE TANK

MOVED/SECOND: Mayor Pro Tem Righeimer/Mayor Mensinger

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

ACTION:

City Council received and filed.

6. TEMPORARY WEB MASTER CONSULTANT SERVICES FOR THE DESIGN AND DEVELOPMENT OF THE CITY'S INTERNAL WEB PLATFORM AND APPLICATIONS

MOTION: To continue item to the next meeting.

MOVED/SECOND: Council Member Foley/Council Member Monahan

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:

Item was continued to the next meeting.

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor and City Council adjourned the meeting at 10:39 p.m.