

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, SEPTEMBER 6, 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, Council Member Monahan (arrived at 5:10 p.m.), Mayor Pro Tem Righeimer and Mayor Mensinger

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

1. 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).
2. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al., v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC, pursuant to California Government Code Section 54956.9(d)(4).
3. Threat to Public Services or Facilities
Security Briefing by Rob Sharpnack, Chief of Police
Pursuant to California Government Code Section 54957(a).

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 Monahan

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 David Manne, Calvary Chapel, Costa Mesa

ROLL CALL

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

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT -

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

City Attorney Duarte reported on Closed Session item number 1, The Kennedy Commission, et al vs. City of Costa Mesa, on which the City Council directed staff to appeal the court's order granting petitioners preliminary injunction, on a vote of 3-2, with Council Member Foley and Council Member Genis voting no.

FOR INFORMATIONAL PURPOSES ONLY

City Attorney Duarte reported that in regards to Jeffrey Horn vs. City of Costa Mesa, on June 14, 2016, by a vote of 5-0, the City Council approved a settlement agreement wherein the City of Costa Mesa agreed to pay the plaintiff \$200,000 and in exchange the plaintiff agreed to dismiss the City.

CONSENT CALENDAR:

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 12 except for 5 and 7.

MOVED/SECOND: Council Member Monahan/Mayor Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

- a. Claims received by the City Clerk: Steven C. Chan, Katherine Crawford, Maria Santos De Lucas, Rex Hardesty, Maria Guadalupe Ramos, and Roya Tabarзад.

ACTION:

City Council received and filed.

2. WARRANT RESOLUTION NO. 2562 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-15 "A" FOR \$606.54, 16-16 FOR \$2,239,878.28, 16-16 "A" FOR \$1,814.10, and 16-17 FOR \$2,284,356.61; AND CITY OPERATING EXPENSES FOR \$4,073,317.03; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

ACTION:

City Council approved Warrant Resolution No. 2562.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF AUGUST 2, 2016

ACTION:

City Council approved the minutes of August 2, 2016.

FOR INFORMATIONAL PURPOSES ONLY

4. 2013-2014 STREET REHABILITATION PROJECT, CITY PROJECT NO.13-16

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. Authorized the release of the Labor and Material Bond seven (7) months after 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.

6. FINAL MAP FOR TRACT NO. 17791 LOCATED AT 2661 ORANGE AVENUE, COSTA MESA, CALIFORNIA

ACTION:

City Council approved the Final Map for Tract No.17791 and authorized signing of the Map by the City Clerk and City Engineer.

8. EXTENSION OF EXISTING PROFESSIONAL SERVICES AGREEMENT WITH MANAGEMENT PARTNERS FOR DEVELOPMENT-RELATED CONSULTING SERVICES AND INTERIM MANAGEMENT ASSISTANCE

ACTION:

1. City Council approved Amendment One to the existing Professional Services Agreement with Management Partners Inc. to perform consulting services and interim management assistance on an hourly basis in an additional amount not to exceed \$200,000 and extend the term of the agreement through December 30, 2017; and
2. Authorized the Chief Executive Officer and City Clerk to execute the amendment; and
3. Authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

9. PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP FOR BUILDING OFFICIAL SERVICES

ACTION:

1. City Council approved the Professional Services Agreement with Interwest Consulting Group to perform Building Official services in an amount not to exceed \$150,000;
2. Authorized the Chief Executive Officer and City Clerk to execute the agreement; and
3. Authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

FOR INFORMATIONAL PURPOSES ONLY

10. BIENNIAL REVIEW OF CITY’S CONFLICT OF INTEREST CODE

ACTION:

City Council approved Resolution No. 16-69, to be read by title only and waived further reading, entitled, “A Resolution of the City Council of the City of Costa Mesa, California, revising the list of designated positions for the City’s Conflict of Interest Code.”

11. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR REZONE R-15-01 AND PLANNING APPLICATION PA-15-30 FOR A SELF-STORAGE FACILITY AND RETAIL BUILDING AT 375 BRISTOL STREET

ACTION:

1. City Council approved Amendment One to the Professional Services Agreement in the amount of \$4,480 with a new contract total amount not to exceed \$54,470 for Environmental Sciences Associates (ESA) with a term expiring on October 31, 2017; and
2. Authorized the Chief Executive Officer and City Clerk to accept and execute future amendments to the agreement.

12. ANNUAL REVIEW OF THE CURRENT HOUSING ELEMENT AND FINAL REVIEW OF THE PREVIOUS GENERAL PLAN PURSUANT TO STATE LAW

ACTION:

City Council approved 2015 Annual Report of the 2002 adopted Costa Mesa General Plan.

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

NEW BUSINESS:

1. DESIGNATION OF VOTING DELEGATE AND VOTING DELEGATE ALTERNATE(S) FOR 2016 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

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

Motion carried: 5-0

FOR INFORMATIONAL PURPOSES ONLY

ACTION:

City Council designated Mayor Mensinger as Costa Mesa's voting delegate and Mayor Pro Tem Righeimer and Council Member Genis as voting delegate alternates for the 2016 League of California Cities Annual Conference.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

5. APPROVE A RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FROM THE YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM FOR THE JACK HAMMETT SPORTS COMPLEX TURF REPLACEMENT PROJECT

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Abstain: Council Member Foley

Motion carried: 4-0-0-1

ACTION:

1. City Council adopted Resolution No. 16-68, for the submittal of a grant application to the California Department of Parks and Recreation, Youth Soccer and Recreation Development Program, for the Jack Hammett Sports Complex Turf Replacement Project; and

2. Authorized the Public Services Director as the City's authorized representative.

7. AMENDMENTS TO THE EXISTING FIELD USE AND ALLOCATION POLICY

MOVED/SECOND: Council Member Monahan/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

Motion carried: 5-0

ACTION:

City Council approved the amendments to the existing Athletic Field Use and Allocation Policy (FUAP), which include the addition of a code of conduct and other minor language changes.

FOR INFORMATIONAL PURPOSES ONLY

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

1. NORTH COSTA MESA SPECIFIC PLAN AMENDMENT (SP-16-01) RELATED TO HOME RANCH SITE, 3350 AVENUE OF THE ARTS AND SAKIOKA LOT 2

MOVED/SECOND: Council Member Monahan/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

Motion carried: 5-0

ACTION:

City Council adopted Resolution Nos. 16-70 and 16-71 to approve the proposed amendment.

2. FOURTH AMENDMENT TO DEVELOPMENT AGREEMENT DA-00-01 (DA-16-03) FOR HOME RANCH

MOVED/SECOND: Council Member Monahan/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

Motion carried: 5-0

ACTION:

City Council gave first reading to Ordinance No. 16-08, approving Fourth Amendment to Home Ranch Development Agreement.

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor and City Council adjourned the meeting at 8:01 p.m.