

**ACTION REPORT: For Informational Purposes Only**

**ACTION REPORT**

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

**TUESDAY, JANUARY 21, 2014**

**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**

**CLOSED SESSION – 5:00 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.
2. Conference with legal counsel regarding existing litigation: Costa Mesa 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).

**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) - None

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## **CONSENT CALENDAR**

**MOTION:** Approved recommended actions for Consent Calendar Item Nos. 1 through 9 except for Items 4 and 5.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Leece

Motion carried: 4-0-1

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**

### RECOMMENDATION:

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: David B. Thompson

- b. Requests for Alcohol Beverage Control Licenses:

- For Fresh & Easy, at 1835 Newport Blvd., Suite C140, a fiduciary transfer of a State Alcoholic Beverage Control (ABC) License Type "20" (Off-Sale Beer and Wine) and "86" (Instructional Tasting).
- For Al Forno Cafe, at 1525 Mesa Verde Drive East, Suites 124 and 125, an original State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Aloha Grill, at 1749 Newport Blvd., a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "47" (On-Sale General, Eating Place).
- For Kitakata Ramen Ban Nai, at 891 Baker Street, Suite B21, a person-to-person transfer of a State Alcoholic Beverage Control (ABC) License Type "41" (On-Sale Beer and Wine, Eating Place).
- For Pub 33, at 1562 Newport Blvd., #C&D, an original State Alcoholic Beverage Control (ABC) License Type "48" (On-Sale General, Public Premise).

**ACTION:** Received and filed.

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3. **WARRANT RESOLUTION 2507: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-01 AND 13-26 "A" AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-01 for \$2,209,017.52, Payroll No. 13-26 "A" for -11.68 and City operating expenses for \$1,054,820.89.**

**ACTION:** Approved Warrant Resolution No. 2507, to be read by title only and further reading waived.

6. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS12-00415 FOR STREET IMPROVEMENTS AT 449 HAMILTON ST, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS12-00415, in the amount of \$18,925.00 to Do Construction And Design Inc., (Contractor), 10495 Bolsa Avenue, Westminster, California 92683.

7. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00123 FOR STREET IMPROVEMENTS AT 2269 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA**

**ACTION:**

City Council approved the refund of cash deposit in connection with Encroachment Permit No. PS13-00123 in the amount of \$17,824.80 to Dennis Gimian, 3 Rana, Irvine, CA 92612.

8. **COOPERATIVE AGREEMENTS FOR THE NEWPORT BOULEVARD AND ADAMS AVENUE TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS**

**ACTION:**

1. City Council approved the Cooperative Agreements between the City of Costa Mesa and the Orange County Transportation Authority (OCTA) for the Newport Boulevard and Adams Avenue Traffic Signal Synchronization (TSS) Projects; and
2. Authorized the Mayor and City Clerk to execute the above agreements.

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9. **“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE CHIEF EXECUTIVE OFFICER OR HIS DESIGNEES TO EXECUTE A SUB-RECIPIENT AGREEMENT WITH THE CITY OF SANTA ANA ENTITLED: AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS FOR THE FY 2013 URBAN AREAS SECURITY INITIATIVE (UASI)”.**

### **ACTION:**

1. City Council adopted Resolution No. 14-02, to be read by title only and waived further reading, that authorizes the Chief Executive Officer or his designee to execute the attached Sub-Recipient Agreement with the City of Santa Ana to receive a grant under the FY 2013 Urban Areas Security Initiative (UASI) Grant Program; and
2. Authorized the Police Department to accept FY 2013 UASI reimbursement funds allocated to the City of Costa Mesa in an amount not to exceed \$5,121. This amount will reimburse training costs included but not limited to tuition, overtime, and backfill for pre-approved Office of Domestic Preparedness-approved training for police, fire, and city personnel; and
3. Approved Budget Adjustment No. 14-022 in the amount of \$5,121 to increase revenue and appropriate the grant funds to the Police Department’s operating budget.

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

1. **GENERAL PLAN AMENDMENT GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT UPDATE TO THE 2000 GENERAL PLAN: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ADOPTING ADDENDUM TO FINAL ENVIRONMENTAL IMPACT REPORT AND GENERAL PLAN GP-13-03 FOR THE PROPOSED 2013-2021 HOUSING ELEMENT”.**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Leece

Motion carried: 4-0-1

### **ACTION:**

City Council adopted Addendum to Final Program EIR and approved General Plan Amendment GP-13-03 for the proposed 2013-2021 Housing Element, by adoption of Resolution No. 14-03, to be read by title only, and waived further reading.

### **OLD BUSINESS - NONE**

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## **NEW BUSINESS**

### **1. URBAN MASTER PLAN SCREENING REQUEST (UMP-13-08) FOR AN 89-UNIT RESIDENTIAL AND LIVE/WORK DEVELOPMENT LOCATED AT 1620 THROUGH 1644 WHITTIER AVENUE**

City Council provided feedback on the proposed project as described below:

- Urban Master Plan screening for an 89-unit detached residential development, consisting of 3 stories and a roof deck. 40 of the units are live/work, 27 units are residential lofts, and 22 units are traditional residential. The site has a General Plan land use designation of Light Industry and a zoning classification of MG (General Industrial). The site is also located within the Mesa West Bluffs Urban Plan.

### **2. EXCESSIVE USE OF RESOURCES COST RECOVERY AMOUNT RESOLUTION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING THE INVOICE PERIOD AND COST RECOVERY AMOUNT FOR EXCESSIVE USE OF POLICE SERVICES UNDER CHAPTER VI OF TITLE 14 OF THE COSTA MESA MUNICIPAL CODE".**

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis

Absent: Leece

Motion carried: 3-1-1

#### **ACTION:**

City Council adopted Resolution No. 14-04, to be read by title only and waived further reading, regarding the cost recovery amount for excessive use of resources by lodging establishments.

### **3. CITY STAFF REORGANIZATION: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-58 BY ESTABLISHING NEW CLASSIFICATIONS REPRESENTED BY THE COSTA MESA CITY EMPLOYEES ASSOCIATION" AND "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING RESOLUTION NO. 08-59 BY AMENDING THE FIRE ADMINISTRATIVE ASSIGNMENT PAY".**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Leece

Motion carried: 4-0-1

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## **ACTION:**

City Council:

1. Authorized the following 12 positions:
  - a. Senior Maintenance Worker (2 positions)
  - b. Public Right of Way Coordinator
  - c. Assistant Chief Executive Officer/Administrative Services Director
  - d. Deputy City Clerk
  - e. Human Resources Analyst
  - f. Buyer
  - g. Battalion Chief – Administration
  - h. Police Officers (4 positions); and
2. Created a Parks and Community Services Department (no staffing changes); and
3. Approved Resolution Nos. 14-05 and 14-06, to be read by title only and waived further reading; and
4. Appropriated \$600,000 from the General Fund fund balance to fund these positions for the remainder of FY 2013-14.

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

### **4. BAKER STREET AND BEAR STREET INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 11-10**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Leece

Motion carried: 4-0-1

## **ACTION:**

1. City Council accepted the work performed by C.T. & F., Inc. and authorized the City Clerk to file the Notice of Completion; and
2. Authorized to Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

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

### **5. 19<sup>th</sup> STREET REHABILITATION FROM NEWPORT BOULEVARD TO PARK AVENUE – CITY PROJECT NO. 12-20**

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Leece

Motion carried: 4-0-1

#### **ACTION:**

1. City Council accepted the work performed by All American Asphalt and authorized the City Clerk to file the Notice of Completion; and
2. Authorized to Release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

**REPORT – CITY ATTORNEY - None**

**ADJOURNMENT – To Special Joint Study Session with the Planning Commission,  
January 28, 2014, 4:30 p.m.**