

ACTION REPORT: For Informational Purposes Only

ACTION REPORT

**CITY OF COSTA MESA CITY COUNCIL, SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* AND SPECIAL AGENDA
FOR THE COSTA MESA HOUSING AUTHORITY*
TUESDAY, FEBRUARY 18, 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: John Doe v. City of Costa Mesa, District Court for the Central District of California, Case No. SACV12-1665-AG(RNBx), pursuant to California Government Code Section 54956.9(a).
3. Conference with legal counsel regarding existing litigation: Acosta v. City of Costa Mesa, et al, Case No. SACV06-233 DOC (MLGx), 9th Cir. Case # 10-56854, pursuant to California Government Code Section 54956.9(a).
4. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al v. Michael Cohen, et al, Sacramento County Superior Court, Case No. 34-2013-80001675, 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 Item 9.

MOVED/SECOND: Mayor Pro Tem Mensinger/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

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: Jim Eckis; Bryan Meisner; and Adelaide Garulle.

ACTION: Received and filed.

3. **WARRANT RESOLUTION 2509: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-02 "A" AND 14-03 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 14-02 "A" for \$-113.10, Payroll No. 14-03 for \$1,995,329.60 and City operating expenses for \$1,289,244.38.**

ACTION: Approved Warrant Resolution No. 2509, to be read by title only and further reading waived.

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4. **PROJECT SPECIFIC PROGRAM SUPPLEMENTS TO THE MASTER AGREEMENT NO. 00144S – STATE FUNDED PROJECTS: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF PUBLIC SERVICES TO SIGN PROGRAM SUPPLEMENT AGREEMENTS TO THE ADMINISTERING AGENCY-STATE AGREEMENT NO. 00144S FOR STATE FUNDED PROJECTS”.**

ACTION:

City Council adopted Resolution No. 14-07, to be read by title only and further reading waived, authorizing the Public Services Director to execute all Project Specific Program Supplements to the Administering Agency – State Agreement No. 00144S for State Funded Projects.

5. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS**

ACTION:

1. City Council awarded a contract to Onward Engineering, Corp., 300 S. Harbor Blvd., Suite 814, Anaheim, California 92805, in an amount not to exceed \$200,000 to provide Project/Construction Management and Public Works Inspection staff support as-needed for various Capital Improvement Program (CIP) projects, and authorized the Mayor and the City Clerk to execute the Professional Services Agreement; and
2. 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/Construction Management and Public Works Inspection staff support as-needed for various Capital Improvement Program (CIP) projects, and authorized the Mayor and the City Clerk to execute the Professional Services Agreement.

6. **AMENDMENT THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH KEYSER-MARSTON ASSOCIATES CONSULTING**

ACTION:

1. City Council, Successor Agency to the Redevelopment Agency and Housing Authority approved Amendment Three, revising existing cap of \$140,000 not to exceed \$200,000 to the Professional Services Agreement with Keyser Marston Associates (KMA) Consulting; and
2. Authorized the City Chief Executive Officer to sign Amendment Three to the Professional Services Agreement with KMA Consulting.

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7. RECOGNIZE AND ALLOCATE HOME PROGRAM INCOME

ACTION:

1. City Council, Successor Agency to the Redevelopment Agency and Housing Authority recognized \$247,050 in HOME program income funds and allocated these funds for HOME Administration and the HOME Single Family Rehabilitation Program; and
2. Authorized the City Chief Executive Officer to appropriate any additional HOME program income for FY 2013-2014; and
3. Approved Budget Adjustment No. 14-025 in the amount of \$247,050 to increase revenue and appropriate HOME program income fund to Housing and Community Development's operating budget.

8. RIMINI STREET ORACLE/PEOPLESOFT SUPPORT SERVICES CONTRACT

ACTION:

City Council authorized the City CEO or his designee to sign the Master Services Agreement and Purchase Requisition for \$110,338 with Rimini Street Incorporated to replace Oracle Corporation in providing support for the City's Oracle/PeopleSoft products.

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

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PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) - NONE

OLD BUSINESS - NONE

NEW BUSINESS

- 1. CITY COUNCIL AND SUCCESSOR AGENCY APPROVAL OF: “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING AN AGREEMENT TO RE-ESTABLISH LOAN PURSUANT TO SECTION 34191.4 BY AND BETWEEN THE CITY OF COSTA MESA AND THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY” AND “A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING AN AGREEMENT TO RE-ESTABLISH LOAN PURSUANT TO SECTION 34191.4 BETWEEN THE CITY OF COSTA MESA AND THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY; DIRECTING SUBMITTAL OF SUCH LOAN AGREEMENT TO THE OVERSIGHT BOARD TO CONSIDER THAT THE LOAN AGREEMENT WAS FOR LEGITIMATE REDEVELOPMENT PURPOSES; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH”.**

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 14-08, to be read by title only and waived further reading, approving an Agreement to Re-Establish Loan between the City of Costa Mesa and the Successor Agency to the Costa Mesa Redevelopment Agency following the obtaining of a Finding of Completion Pursuant to Section 34191.4 of the Dissolution Laws.

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

2. Successor Agency adopted Resolution No. 14-09, to be read by title only and waived further reading, approving Agreement to Re-Establish Loan between the City of Costa Mesa and the Successor Agency to the Costa Mesa Redevelopment Agency following the obtaining of a Finding of Completion Pursuant to Section 34191.4 of the Dissolution Laws; Directing Submittal of such Loan Agreement to the Oversight Board to Consider and Find that the City/Agency Loan was for legitimate Redevelopment Purposes; and making other findings in connection therewith.

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2. **REVIEW AND APPROVAL OF THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING THE SUCCESSOR AGENCY'S ADMINISTRATIVE BUDGET FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014 PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(j)".**

MOVED/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, Mayor Pro Tem Mensinger, and Mayor Righeimer

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

Successor Agency adopted Resolution No. 14-10, to be read by title only and waived further reading, approving the Successor Agency's Administrative Budget for the 14-15A six-month fiscal period of July 1, 2014 to December 31, 2014 pursuant to Health and Safety Code Section 34177(j) of the Dissolution Laws.

3. **REVIEW AND APPROVAL OF RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE 14-15A SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014: "A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE 14-15A FOR THE SIX-MONTH FISCAL PERIOD OF JULY 1, 2014 TO DECEMBER 31, 2014, SUBJECT TO SUBMITTAL TO, AND REVIEW BY THE OVERSIGHT BOARD AND THE DOF PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE, DIVISION 24, PART 1.85, AS AMENDED BY ASSEMBLY BILL 1484; AUTHORIZE POSTING AND TRANSMITTAL THEREOF".**

MOVED/SECOND: Council Member Leece/Council Member Monahan

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

Successor Agency adopted Resolution No. 14-11, to be read by title only and waive further reading, approving the Recognized Obligation Payment Schedule for the 14-15A six-month fiscal period of July 1, 2014 to December 31, 2014 ("ROPS 14-15A"), subject to submittal to and review by the Oversight Board and then by the State Department of Finance ("DOF"). Further, the Assistant Finance Director, in consultation with legal counsel, shall be authorized to request and complete meet and confer session(s) with the DOF and authorized to make augmentations, modifications, additions or revisions as may be necessary or directed by DOF.

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4. PROFESSIONAL SERVICES AGREEMENT FOR PURCHASE AND INSTALLATION OF EMERGENCY VEHICLE PREEMPTION (EVP) SYSTEM

MOVED/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council awarded a Professional Services Agreement for the purchase and installation of Emergency Vehicle Preemption (EVP) devices utilizing Global Traffic Technologies (GTT) Global Positioning System (GPS) technology at 25 intersection locations, in 20 fire department emergency vehicles and integrating the equipment in a central system located at the Traffic Management Center (TMC) through DDL Traffic, Inc. in the amount of \$234,236.60 (inclusive of sales tax); and
2. Authorized the Mayor to execute the Professional Services Agreement.

5. SUMMER YOUTH PROGRAM: ESTABLISH CITY PARTICIPATION WITH EXISTING YOUTH SUMMER RECREATION PROGRAM IN PARTNERSHIP WITH NEWPORT-MESA UNIFIED SCHOOL DISTRICT

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the summer youth program and directed staff to establish participation with an existing youth summer recreation program in partnership with the Newport-Mesa Unified School District and authorized funding to be included in the FY 2014-2015 budget.

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6. FIRST READING OF THE ORDINANCE PROVIDING FOR REWARDS FOR INFORMATION LEADING TO THE APPREHENSION OF VANDALS

MOVED/SECOND: Council Member Genis/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved for first reading, Ordinance No. 14-02, to be read by title only and waived further reading, regarding rewards for information leading to the apprehension of individuals who vandalize public property.

7. REPEAL OF COSTA MESA MUNICIPAL CODE CHAPTER XIII SEX OFFENDER PARK EXCLUSION ORDINANCE

MOVED/SECOND: Council Member Monahan/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved for first reading, Ordinance No. 14-03, to be read by title only and waived further reading.

ITEMS REMOVED FROM THE CONSENT CALENDAR

9. FISCAL YEAR 2013-14 MID-YEAR BUDGET REPORT

MOVED/SECOND: Council Member Monahan/Council Member Genis

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 5-0

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ACTION:

1. City Council approved the recommended uses of the remainder of the FY 2012-13 surplus as follows:
 - a. Increased the Information Technology budget by \$758,770 for the remainder of the infrastructure backbone project (general fund portion) and approved this as a budgeted expense rather than a non-interest bearing loan as originally planned; and
 - b. Increased the General Fund transfer to the Capital Improvement Program Fund by \$300,000; and
 - c. Saved the remaining \$1,568,000 in General Fund balance; and
2. Approved the recommended increase of the FY 2013-14 General Fund revenue budget by \$1,900,000 and increased the FY 2013-14 General Fund appropriations by \$1,568,000; and
3. Approved the allocation of appropriations from the General Fund contingency account to the General Fund departments/projects including the final \$18,717.03 transfer to the Costa Mesa Community Foundation; and
4. Adjusted the budgets of certain non-General Funds as follows:
 - a. Adjusted the Capital Improvement Projects Fund for the Council Chambers audio/visual equipment upgrade; and
 - b. Adjusted the Narcotic Asset Forfeiture Fund; and
 - c. Adjusted the budgets of the Measure M2 Funds 415 and 416; and
 - d. Established the new Nuisance Abatement Relocation Assistance Fund as directed by the City's Public Nuisance Abatement Ordinance Section 20-32(b).

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – at 8:07 p.m.

To Regular Meeting, March 4, 2014, 5:00 p.m.