

ACTION REPORT: For Informational Purposes Only

ACTION REPORT
CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY*
TUESDAY, MARCH 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

SPECIAL CLOSED SESSION – 5:30 P.M.

Mayor Righeimer and Mayor Pro Tem Mensinger recused themselves from the Closed Session.

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organization: Costa Mesa Police Officers Association (CMPOA), pursuant to California Government Code Section 54957.6.

REGULAR MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY – 6 P.M.

City Clerk Brenda Green stated due to a lack of a quorum the Closed Session would be held at the end of the meeting.

CITY ATTORNEY CLOSED SESSION REPORT – None

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

CONSENT CALENDAR:

MOTION: Approved recommended actions for Consent Calendar Item Nos. 1 through 13 except for Items 3, and 6 through 12.

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

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- 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: Greg Nickel; and George Berg.

ACTION: Received and filed.

- 4. RED HILL AVENUE REHABILITATION PROJECT, CITY PROJECT NO. 13-02 CHANGE ORDER NO.1**

ACTION:

City Council approved Change Order No. 1 in the amount of \$206,460.00 and authorized the Chief Executive Officer to execute contract Change Order No. 1.

- 5. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT, CITY PROJECT NO. 12-18**

ACTION:

1. City Council accepted the work performed by C.J. Concrete Construction, Inc. and authorized the City Clerk to file the notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months 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.

- 13. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1854 FULLERTON AVENUE**

ACTION:

1. City Council set a public hearing on April 15, 2014 for the vacation of a portion of Fullerton Avenue Right-of-Way (ROW); and
2. Adopted Resolution No. 14-16, to be read by title only and waive further reading, of intent to vacate a portion of Fullerton Avenue Right-of-Way (ROW).

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

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

OLD BUSINESS

- 1. SMALL LOT ORDINANCE: AN ORDINANCE OF THE CITY COUNCIL OF COSTA MESA, CALIFORNIA, ADOPTING ZONING CODE AMENDMENT CO-13-04 AMENDING TITLE 13, CHAPTERS I, IV, AND V RELATED TO DEFINITIONS, LAND USE MATRIX AND NEW ARTICLE 13-42**

MOTION: To continue to the next meeting.

MOVED/SECOND: Council Member Genis/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

NEW BUSINESS

- 1. CHARTER COMMITTEE DRAFT CHARTER**

City Council received the draft Charter from the Charter Committee and set the first Public Hearing for April 22, 2014.

ITEMS REMOVED FROM THE CONSENT CALENDAR

- 3. WARRANT RESOLUTION 2511: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 14-04 "A" AND 14-05 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-04 "A" for \$650.14, Payroll No. 14-05 for \$1,975,829.39 and City operating expenses for \$1,891,020.21.**

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

Approved Warrant Resolution No. 2511, to be read by title only and further reading waived.

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6. 2013-2014 SLURRY SEAL PROJECT, CITY PROJECT NO. 13-15

MOTION/SECOND: Mayor Righeimer/Council Member Leece

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the 2013-2014 Slurry Seal Project, City Project No. 13-15; and
2. Awarded a construction contract to American Asphalt South, Inc., 14436 Santa Ana Avenue, Fontana, CA 92337 in the amount of \$374,138.10; and
3. Approved the Contract Change Order No.1 in the amount of \$74,830.00; and
4. Authorized the Chief Executive Officer to execute the Contract Change Order No.1; and
5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

7. 2013-2014 STREET REHABILITATION PROJECT, CITY PROJECT NO. 13-16

MOTION/SECOND: Mayor Righeimer/Council Member Leece

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the 2013-2014 Street Rehabilitation Project, City Project No. 13-16; and
2. Awarded a construction contract to R.J. Noble Company, 15505 E. Lincoln Avenue, Orange, CA 92865 in the amount of \$2,583,978.00; and
3. Approved Contract Change Order No.1 in the amount of \$516,800.00; and
4. Authorized the Chief Executive Officer to execute Contract Change Order No. 1; and
5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

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8. PARKWAY CONCRETE REPAIR AND NEW SIDEWALK CONSTRUCTION PROJECT (PROJECT "A") – CITY PROJECT NO. 13-17

MOTION/SECOND: Mayor Righeimer/Council Member Leece

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Parkway Concrete Repair and New Sidewalk Construction Project (Project "A"), City Project No. 13-17; and
2. Awarded a construction contract in the amount of \$497,603.00 to Horizons Construction Co. International, Inc., 432 W. Meats Avenue, Orange, CA 92865; and
3. Approved Contract Change Order No.1 in the amount of \$99,500.00; and
4. Authorized the Chief Executive Officer to execute Contract Change Order No.1; and
5. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

9. PARKWAY CONCRETE REPAIR PROJECT (PROJECT "B"), CITY PROJECT NO. 13-18

MOTION/SECOND: Mayor Righeimer/Council Member Leece

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Parkway Concrete Repair Project (Project "B"), City Project No. 13-18; and
2. Accepted the withdrawal of the bid submitted by Horizons Construction Company International, Inc., 432 W. Meats Avenue, Orange, CA 92865; and
3. Rejected the bid submitted by Harry H. Joh Construction, Inc., 7303 Somerset Boulevard, Paramount, CA 90723; and
4. Awarded a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670 in the amount of \$1,229,970.00; and
5. Approved Contract Change Order No. 1 in the amount of \$246,000.00; and
6. Authorized the Chief Executive Officer to execute Contract Change Order No. 1; and
7. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

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10. PARKWAY CONCRETE REPAIR PROJECT (PROJECT "C"), CITY PROJECT NO. 13-19

MOTION/SECOND: Mayor Righeimer/Council Member Leece

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted plans, specifications, and working details for the Parkway Concrete Repair Project (Project "C"), City Project No. 13-19; and
2. Rejected the bid submitted by Harry H. Joh Construction, Inc., 7303 Somerset Boulevard, Paramount, CA 90723; and
3. Awarded a construction contract to C.J. Concrete Construction, Inc., 10142 Shoemaker Avenue, Santa Fe Springs, CA 90670 in the amount of \$822,580.00; and
4. Approved Contract Change Order No. 1 in the amount of \$164,500.00; and
5. Authorized the Chief Executive Officer (CEO) to execute Contract Change Order No. 1; and
6. Authorized the Mayor and the City Clerk to execute the Public Works Agreement.

11. WILSON STREET AT HARBOR BOULEVARD INTERSECTION IMPROVEMENTS, CITY PROJECT NO. 13-07

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

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council accepted the work performed by GMC Engineering, Inc., and authorized the City Clerk to file the Notice of Completion; and
2. Authorized release of the Labor and Material Bond seven (7) months 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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12. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING THAT GOVERNMENT CODE 65402 SHALL NOT APPLY TO THE ABANDONMENT OF A MINOR PORTION OF THE RIGHT-OF-WAY THROUGH FILING OF A FINAL TRACT MAP FOR TRACT NO. 17508**

MOTION/SECOND: Council Member Genis/Council Member Leece

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

Nays: None

Absent: Council Member Monahan

Motion carried: 4-0-1

ACTION:

1. City Council adopted Resolution No. 14-15, to be read by title only and waived further reading, finding that Government Code Section 65402 shall not apply to the abandonment of a minor portion of the right-of-way through filing of a Final Tract Map for Tract No. 17508; and
2. Approved the Final Map for Tract No. 17508 and authorize signing of the Map by the City Clerk and the City Engineer.

REPORT – CITY ATTORNEY- None

CLOSED SESSION WAS NOT HELD DUE TO LACK OF A QUORUM

ADJOURNMENT – The Mayor and City Council adjourned the meeting in memory of David Stiller at 9:43 p.m. to regular meeting, April 1, 2014, 5:00 p.m.