

ACTION REPORT: For Informational Purposes Only

ACTION REPORT
CITY OF COSTA MESA CITY COUNCIL, AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, AUGUST 5, 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

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

Mayor Righeimer read a statement on the Closed Session Report:

“On the City’s website is the 2013-2016 proposed Costa Mesa City Employees Association Memorandum of Understanding (MOU) which was ratified by the Costa Mesa City Employees Association, the proposed MOU is considered of no force or effect unless approved by the City Council, in accordance with the COIN Ordinance the website posting shall include clean and redlined copies of the proposed MOU, the fiscal analysis of the document, and a summary of the contents of the document. The website posting shall also indicate that before the City Council renders its final determination regarding the adoption of the proposed MOU there shall be a minimum of two City Council meetings where the public has the opportunity to review and comment on the matter, the first such City Council meeting shall be September 2, 2014, the second City Council meeting shall be September 16, 2014.

CONSENT CALENDAR:

MOTION: Approved recommended actions for Consent Calendar Items Nos. 1-12 except Item Nos. 3, 4, 5, 8, 9, 10, and 11.

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

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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: Mark A. Kaufman/Mercury Insurance; Amy Widmer; and Ida Elison.

ACTION: Received and filed.

- 6. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA POLICE MANAGEMENT ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE**

ACTION:

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Police Management Association (CMPMA); and
2. Authorized staff to have the independent fiscal analysis of the current CMPMA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

- 7. APPOINTMENT OF CITY NEGOTIATORS FOR THE COSTA MESA FIRE MANAGEMENT ASSOCIATION NEGOTIATIONS AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE MOU PER THE COIN ORDINANCE**

ACTION:

1. City Council designated Tamara Letourneau, Assistant Chief Executive Officer; Richard M. Kreisler, Partner, Liebert Cassidy Whitmore; and, Laura Kalty, Partner, Liebert Cassidy Whitmore as the City's representatives in negotiations with the Costa Mesa Fire Management Association (CMFMA); and
2. Authorized staff to have the independent fiscal analysis of the current CMFMA Memorandum of Understanding (MOU) completed per the requirements of the COIN Ordinance.

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12. MINUTES

ACTION: City Council approved the minutes of the Regular Meeting of the City Council and Successor Agency of June 17, 2014.

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

OLD BUSINESS

1. SECOND READING OF ORDINANCE NO. 14-11 FOR CODE AMENDMENT CO-13-03 TO TITLE 13, CHAPTER IX, ARTICLE 8 GOVERNING MOTELS

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council gave second reading and adopted Ordinance No. 14-11, to be read by title only and waived further reading, approving Code Amendment CO-13-03 with regard to the proposed ordinance adopting modifications to Title 13, Chapter IX, Article 8 of the Costa Mesa Municipal Code with regard to motels (“Motel Ordinance”).

2. SECOND READING OF ORDINANCE NO. 14-10 FOR REZONE R-14-01 FOR 320 E. 18TH STREET

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:

City Council gave second reading and adopted Ordinance No. 14-10, to be read by title only and waived further reading, rezoning a 1,009-square foot portion of land at 320 E. 18th Street to Multiple-Family Residential – Medium Density (R2-Md).

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NEW BUSINESS

1. I-405 IMPROVEMENT PROJECT UPDATE, ADOPTION OF RESOLUTION OF CITY POSITION AND CONSIDERATION OF ADOPTION OF RESOLUTIONS TO PUT ADVISORY VOTE MEASURE ON BALLOT

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:

City Council adopted the following resolution:

A. Resolution No. 14-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, OPPOSING IMPLEMENTATION OF TOLL LANES ON I-405 AND ALL OTHER ORANGE COUNTY FREEWAYS WITHOUT A VOTE OF THE ENTIRE ORANGE COUNTY ELECTORATE; and

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:

City Council adopted the following resolution:

B. Resolution No. 14-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUBMISSION TO THE VOTERS OF THE CITY OF COSTA MESA, CALIFORNIA AN ADVISORY VOTE MEASURE RELATING TO THE ESTABLISHMENT OF TOLL LANES ON THE I-405 FREEWAY IN ORANGE COUNTY, AS CALLED BY RESOLUTION NO. 14-26.; and

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

The motion carried by the following roll call vote:

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

Nays: Council Member Genis and Council Member Leece

Absent: None

Motion carried: 3-2

ACTION:

City Council adopted the following resolution:

C. Resolution No. 14-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING AN ADVISORY VOTE MEASURE RELATING TO THE ESTABLISHMENT OF TOLL LANES ON THE I-405 FREEWAY IN ORANGE COUNTY; AND, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS FOR THE SAME CITY MEASURE; and

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: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted the following resolution:

D. Resolution No. 14 - 58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

2. MEASURE TO ESTABLISH REGULATION OF MEDICAL MARIJUANA DISPENSARIES AND REGULATION OF MEDICAL MARIJUANA CULTIVATION (“MEASURE”)

MOTION: Approve Resolution No. 14-52

MOVED: Council Member Monahan

Motion died for lack of a second.

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ITEMS REMOVED FROM THE CONSENT CALENDAR

3. **WARRANT RESOLUTION 2520: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 14-14 "A" AND 14-15 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No.14-14 "A" for \$3,520.59, Payroll No.14-15 for \$2,088,368.12, and City operating expenses for \$2,953,072.22**

MOVED/SECOND: Mayor Righeimer/Council Member Leece

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis and Council Member Monahan

Motion carried: 3-0-2

ACTION: Approved Warrant Resolution No. 2520, to be read by title only and further reading waived.

4. **FINAL MAP TRACT NO. 17639 LOCATED AT 643, 651 W. 17TH STREET AND 1695 SUPERIOR AVENUE, COSTA MESA, CALIFORNIA**

MOVED/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger

The motion carried by the following roll call vote:

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

Nays: None

Absent: Council Member Genis

Motion carried: 4-0-1

ACTION:

City Council approved the Final Map for Tract No. 17639 and authorized signing of the Map by the City Clerk and the City Engineer.

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5. FINAL MAP FOR TRACT NO. 17649 LOCATED AT 687 VICTORIA STREET, COSTA MESA, CALIFORNIA

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:

City Council approved the Final Map for Tract No. 17649 and authorized signing of the Map by the City Clerk and the City Engineer.

8. CITY COUNCIL RESOLUTION NO. 14-51 AMENDING THE COSTA MESA 2000 GENERAL PLAN FOR THE SECOND CYCLE OF 2014: GP-13-02 FOR 125 EAST BAKER STREET; AND GP-14-01 FOR 320 EAST 18TH STREET

MOVED/SECOND: Council Member Monahan/Mayor Righeimer

The motion carried by the following roll call vote:

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

Nays: Council Member Leece

Absent: None

Motion carried: 4-1

ACTION:

City Council adopted Resolution No. 14-51, to be read by title only and waived further reading, amending the Costa Mesa 2000 General Plan for the second cycle of 2014, in accordance with the Council's actions taken on General Plan Amendments Nos. GP-13-02 and GP-14-01.

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9. EXTENSION OF FTOG, INC. PROFESSIONAL SERVICE AGREEMENT FOR INTERIM BUYER SUPPORT

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:

City Council approved an Amendment to Professional Services Agreement (PSA) with FTOG, Inc. to provide Interim Buyer services for six (months) with an increase to the PSA in the amount of \$48,600, while the City completes the hiring process for the full-time permanent Buyer position.

10. AMENDMENT THREE TO THE PROFESSIONAL SERVICES AGREEMENT WITH SCIENTIA CONSULTING GROUP, INC.

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:

1. City Council approved Amendment Three to the Professional Services Agreement (PSA) with Scientia Consulting Group, Inc. (Scientia) increasing the compensation limit from \$103,000 to \$281,880; and
2. Authorized the City's Chief Executive Officer (City CEO) to sign the amended PSA with Scientia Consulting Group, Inc. in the amount of \$281,880; and
3. Authorized the City CEO to sign the purchase requisition for the amendment PSA; and
4. Approved Budget Adjustment No. 15-006 to appropriate available fund balance in the Narcotics Asset Forfeiture Fund in the amount of \$169,936 to fund 95% of the total cost of the amended compensation limit. The remaining 5% (\$8,944) will come from the approved consulting funds in the Fiscal Year 2014-15 budget of the I.T. Department.

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11. AMENDMENT ONE TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE CITY OF MISSION VIEJO

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:

1. City Council approved Amendment One to the Professional Services Agreement (PSA) with the City of Mission Viejo (Consultant) increasing the compensation limit from \$49,999 to \$99,999; and
2. Authorized the City's Chief Executive Officer (City CEO) to sign the amended PSA with the Consultant increasing the compensation by \$50,000; and
3. Authorized the City CEO to sign the purchase requisition for the amended PSA.

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – The Mayor and the City Council adjourned the meeting at 11:34 p.m.