

**ACTION REPORT
CITY OF COSTA MESA
REGULAR CITY COUNCIL AND SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY* MEETING**

*NOTE: ALL AGENCY MEMBERSHIPS ARE REFLECTED IN THE TITLE "COUNCIL MEMBER."

**TUESDAY, NOVEMBER 13, 2018
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. (ROOM 102)
REGULAR MEETING – 6:00 P.M. (GRAND HALL 1)**

SANDRA L. GENIS
Mayor

ALLAN R. MANSOOR
Mayor Pro Tem

KATRINA FOLEY
Council Member

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
Council Member

City Attorney
Thomas Duarte

City Manager
Thomas R. Hatch

CALL TO ORDER

The Closed Session was called to order by Mayor Genis at 4:03 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

ROLL CALL

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

FOR INFORMATIONAL PURPOSES ONLY

The City Council recessed to Room 102 at 4:08 p.m. for Closed Session to consider the following items:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Subdivision (b)(1) of Section 54957, California Government Code
Title: City Manager

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

3. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Police Association (CMPA)

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Yellowstone Women's First Step House, Inc., and Sober Living Network, Inc. v. City of Costa Mesa, United States District Court, Central District of California, Case No. SACV14-01852 JVS.

6. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

The City Council reconvened at 6:00 p.m.

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:00 p.m. in Grand Hall 1 of the Costa Mesa Senior Center, 695 W. 19th Street, Costa Mesa, California.

FOR INFORMATIONAL PURPOSES ONLY

ROLL CALL

Present: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Absent: None

CITY ATTORNEY CLOSED SESSION REPORT – Yolanda Summerhill, Deputy City Attorney, reported on Closed Session number 1 in which a motion was made by Council Member Righeimer and seconded by Mayor Pro Tem Mansoor to terminate the City Manager contract. The motion passed 3-2 with Council Members Foley and Stephens voting against. A second motion was made by Council Member Righeimer and seconded by Mayor Pro Tem Mansoor to pay the amount obligated under the contract by December 15, 2018 unless otherwise agreed to by the City Manager. The motion passed 3-2 with Council Members Foley and Stephens voting against.

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

CONSENT CALENDAR:

MOVED/SECOND: Council Member Righeimer/Mayor Genis

MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 12 except for 3 and 9.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

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 and Agency Board waived reading of Ordinances and Resolutions.

- 2. READING FOLDER** - Claims received by the City Clerk: Mark Howard Henderson, Robert Isaacson, Majd Kabbani, Hala Katieh and Victor Moreno.

ACTION:

City Council received and filed.

FOR INFORMATIONAL PURPOSES ONLY

4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF OCTOBER 2, 2018

ACTION:

City Council approved the minutes of October 2, 2018.

5. STORAGE AREA NETWORK SOLUTION FOR THE POLICE DEPARTMENT

ACTION:

1. City Council approved the purchase of a new storage area network (SAN) device from CDW-G for the Police Department; and
2. Authorized the City Manager to execute the purchase order in the amount of \$88,862.83; and
3. Authorized the City Manager to approve any changes or amendments to the purchase order.

6. ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENTS FOR SPECIFIED YOUTH PROGRAMS

ACTION:

1. City Council accepted one (1) monetary donations for youth programs; and
2. Authorized a budget adjustment recognizing \$1,750.00 in donations and appropriating \$1,750.00 to the Parks and Community Services Department budget for the specified purposes.

7. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS16-00425 FOR STREET IMPROVEMENTS LOCATED AT 1100 BRISTOL STREET, COSTA MESA, CALIFORNIA

ACTION:

City Council authorized the release of the Performance and Labor and Materials Bonds (Certificate No. 106593511) in the amounts of \$511,107.00 each for street improvements to Oltmans Construction Co. (Contractor), 10005 Mission Mill Road, Whittier, CA 90601.

FOR INFORMATIONAL PURPOSES ONLY

8. APPROVE THE THIRD AMENDMENT TO THE MAINTENANCE SERVICES AGREEMENT WITH BRIGHTVIEW LANDSCAPE SERVICES, INC. FOR CITYWIDE PARK AND LANDSCAPE MAINTENANCE SERVICES

ACTION:

1. City Council approved the Third Amendment to the Maintenance Services Agreement (MSA) for Citywide park and landscape maintenance services with BrightView Landscape Services, Inc. to amend the scope of work to include newly constructed sites and increase the annual compensation by \$132,330; and
2. Authorized an increase in the ten (10) percent contingency, from \$209,957 to \$223,190 resulting in a total not-to-exceed contract amount of \$2,455,087; and
3. Authorized the City Manager to execute the proposed Amendment and all future amendments.

10. FUNDING FOR HOUSING CONSULTING SERVICES WITH CIVICSTONE

ACTION:

City Council authorized additional funding in the amount of \$50,000 to continue to allow CivicStone to provide required housing services for various projects and proposals.

11. LIONS PARK LIBRARY AUDIO VISUAL PROJECT, CITY PROJECT NO. 18-14

ACTION:

1. City Council adopted the plans, specifications, and working details for the Lions Park Library Audio Visual Project, City Project No. 18-14; and
2. Awarded a construction contract to Western Audio Visual, 1592 North Batavia Street, Suite # 2, Orange, CA 92867 in the amount of \$207,727.60; and
3. Authorized an additional ten percent (10%) contingency totaling \$20,772.00 as needed for unforeseen costs; and
4. Authorized the City Manager and the City Clerk to execute the Public Works Agreement, and authorized the City Manager to execute future contract amendments.

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12. HARBOR BOULEVARD AND GISLER AVENUE INTERSECTION IMPROVEMENT PROJECT, CITY PROJECT NO. 16-02

ACTION:

1. City Council accepted the work performed by Vido Samarzich, Inc. 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 the filing date; release of the Faithful Performance Bond one (1) year after the filing date; and release of the retention monies after the Notice of Completion is filed.

ITEMS PULLED FROM THE CONSENT CALENDAR

3. WARRANT RESOLUTION NO. 2608 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-20 "A" FOR \$2,335.85; 18-21 FOR \$2,559,596.21; 18-21 "A" FOR \$649.04; 18-22 FOR \$2,501,711.71; AND CITY OPERATING EXPENSES FOR \$5,347,114.93; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID

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

MOTION: To approve the recommended action.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2608.

9. CITYWIDE PARKWAY MAINTENANCE PROJECT (ZONES 2 AND 5) – CITY PROJECT NO. 18-12

MOVED/SECOND: Council Member Foley/Council Member Righeimer

MOTION: To approve the recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

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ACTION:

1. City Council adopted the plans, specifications, and working details for the Citywide Parkway Maintenance Project (Zones 2 and 5), City Project No. 18-12; and
2. Rejected the bid submitted by Minako America Corporation, dba Minco Construction as non-responsive; and
3. Waived minor irregularities in the bid submitted by the apparent low bidder, S&H Civilworks, and award a construction contract to S&H Civilworks, 1801 Hilltop Drive, Colton, CA 92324 in the amount of \$2,942,220.00; and
4. Authorized an additional ten percent (10%) contingency totaling \$294,222.00 as needed for unforeseen costs; and
5. Authorized the City Manager and the City Clerk to execute the Public Works Agreement, and authorized the City Manager to execute future contract amendments.

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

City Council recessed into a break at 6:50 p.m.

City Council reconvened at 7:00 p.m.

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

1. PUBLIC HEARING FOR THE VACATION OF A PORTION OF EXCESS RIGHT-OF-WAY AT 292 EAST 19TH STREET

MOVED/SECOND: Council Member Righeimer/Council Member Foley

MOTION: To approve the recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 18-74, ordering the vacation of excess right-of-way at 292 East 19th Street; and
2. Authorized execution of the Quitclaim Deed by the Mayor and the City Clerk.

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2. PUBLIC HEARING FOR THE VACATION OF A PORTION OF FORD ROAD RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENTS AT 390 FORD ROAD AND 1957 NEWPORT BOULEVARD

MOVED/SECOND: Council Member Foley/Council Member Righeimer

MOTION: To approve the recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council adopted Resolution No. 18-75 for the vacation of a portion of a Ford Road Right-of-Way, Resolution Nos. 18-76 and 18-77 for the two (2) City Public Utility easements and Resolution No. 18-78 for the one (1) City sidewalk easement at 390 Ford Road and 1957 Newport Boulevard; and
2. Authorized execution of the Quitclaim Deeds by the Mayor and the City Clerk.

3. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM

MOVED/SECOND: Council Member Stephens/Mayor Genis

MOTION: To approve the recommended actions except increase the current traffic impact fee from \$181 to \$235 per Average Daily Trip (ADT).

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens, and Mayor Genis.

Nays: Council Member Righeimer and Mayor Pro Tem Mansoor.

Absent: None

Motion carried: 3-2

ACTION:

City Council adopted Resolution No. 18-79, continuing the Citywide traffic impact fee for new development in the City of Costa Mesa and conducting the related annual review of the Citywide traffic impact fee program and capital improvement plan for transportation improvements. The resolution incorporated the recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which included:

1. Increase the current traffic impact fee of \$181 to \$235 per Average Daily Trip (ADT); and
2. Terminate the incentive program for new developments, which assessed traffic impact fees on an incremental basis for the first 100 trips; and

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3. Approve allocation of up to 10% of traffic impact fees towards traffic signal synchronization projects and up to 5% of traffic impact fees towards Active Transportation projects; and
 4. Approve the annual accounting of the Citywide Traffic Impact Fee Program.
4. **GENERAL PLAN AMENDMENT 18-03 TO AMEND THE CITY'S GENERAL PLAN LAND USE ELEMENT TO MODIFY THE RESIDENTIAL OVERLAY LAND USE AREAS AND CODE AMENDMENT 18-04 AMENDING THE ZONING CODE TO REVISE THE DEVELOPMENT STANDARDS FOR THE RESIDENTIAL INCENTIVE OVERLAYS INCLUDED IN TITLE 13, CHAPTER V, ARTICLE 12, OF THE COSTA MESA MUNICIPAL CODE**

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

MOTION: To approve the recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Mansoor and Mayor Genis.

Nays: Council Member Foley

Absent: None

Motion carried: 4-1

ACTION:

1. Following the City Council's action on October 16, 2018, City Council adopted Resolution No. 18-80 to approve General Plan Amendment 18-03 - An amendment to the City's 2015-2035 General Plan Land Use Element to update the following:
 - a) Update the Citywide Land Use Plan to reduce the Overlay Nodes to four areas.
 - b) Table LU-6 – Modify the Residential Incentive Overlay and related density (Page LU-27) from 40 du/acre to 30 du/acre (except 2277 Harbor Boulevard).
 - c) Revise the narrative on Page LU-30 to refer to the latest project approval for 2277 Harbor Boulevard.
 - d) Figure LU-9 – Revise Residential Incentive Overlay Nodes to four nodes (Page LU-58).
 - e) Table LU-15 – Revise allowable density to maximum 30 du/acre density (Page LU- 59).
 - f) Table LU-16 – Revise allowable maximum density from 40 to 30 du/acre (Page LU-60).

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g) Figures LU-10 and LU-11 – Revise exhibits to show four nodes; three on Harbor Boulevard and one on Newport Boulevard (Pages LU-61 and LU-62).

h) Table LU-19 – Remove references to the Residential Incentive Overlay from the Medium Density and High Density land use categories.

2. To be consistent with the General Plan Amendment, City Council gave first reading to Ordinance No. 18-12 for Code Amendment 18-04 amending the Zoning Code by revising Article 12 of Chapter V of Title 13 of the Costa Mesa Municipal Code, related to maximum allowable density, height requirements, and reduced height abutting residential properties on Newport Boulevard as directed by City Council.

5. REVIEW OF PLANNING APPLICATION PA-17-11, A MASTER PLAN FOR THE FUTURE EXPANSION OF VANGUARD UNIVERSITY AT 55 FAIR DRIVE

SUBSTITUTE MOTION/SECOND: Council Member Foley/Council Member Stephens

SUBSTITUTE MOTION: To continue the Public Hearing item to the January 15, 2019 City Council meeting.

The motion carried by the following roll call vote:

Ayes: Council Member Foley, Council Member Stephens, and Mayor Pro Tem Mansoor.

Nays: Council Member Righeimer and Mayor Genis.

Absent: None

Motion carried: 3-2

ACTION:

City Council continued the Public Hearing item to the January 15, 2019 City Council meeting.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

REPORT – CITY MANAGER - NONE

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – Mayor Genis adjourned the meeting at 11:19 p.m. in memory of Captain Mike Kreza.