

**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, DECEMBER 4, 2018
COSTA MESA SENIOR CENTER
695 W. 19TH STREET, COSTA MESA, CALIFORNIA
CLOSED SESSION – 4:00 P.M. - NONE
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

Acting City Manager
Tamara S. Letourneau

CALL TO ORDER

The meeting was called to order by Mayor Genis at 6:05 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

CITY ATTORNEY CLOSED SESSION REPORT - NONE

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REPORT – CITY MANAGER

- Recognition of Council Member Righeimer

1. **CERTIFICATION OF GENERAL MUNICIPAL ELECTION AND CITY COUNCIL REORGANIZATION**

MOVED/SECOND: Council Member Stephens/Council Member Foley

MOTION: To adopt Resolution No. 18-81.

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 adopted Resolution No. 18-81, read by title only and further reading waived: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018; DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW.

OATH OF OFFICE

Honorable Karen Robinson, Orange County Superior Court Judge and former Mayor of Costa Mesa, administered the Oath of Office for the newly-elected Mayor: Katrina Foley; and City Council Members: Andrea Marr for District Three, Manuel Chavez for District Four and Arlis Reynolds for District Five.

City Council recessed into a break. (01:10:50)

City Council reconvened. (01:11:10)

SELECTION OF THE MAYOR PRO TEM

MOVED/SECOND: Mayor Foley/Council Member Reynolds

MOTION: To nominate John Stephens as the Mayor Pro Tem.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Marr, Council Member Reynolds, Council Member Stephens, and Mayor Foley.

Nays: None

Absent: Council Member Mansoor

Motion carried: 6-0-1

ACTION:

City Council approved John Stephens as the Mayor Pro Tem.

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CONSENT CALENDAR:

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

MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 15 except for 3, 5 and 15.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

- 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: Steve Bernede

ACTION:

City Council received and filed.

- 4. MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF OCTOBER 16, 2018 AND NOVEMBER 13, 2018**

ACTION:

City Council approved the minutes of October 16, 2018 and November 13, 2018.

- 6. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00416 FOR STREET IMPROVEMENTS LOCATED AT 125 E. BAKER STREET, COSTA MESA, CALIFORNIA**

ACTION:

1. City Council authorized the release of the Performance and Labor and Materials Bonds (Certificate No. 688231) in the amounts of \$604,700.00 each for street improvements to CVRO 125 Baker, LLC, a Delaware Limited Liability Company (Developer), 4199 Campus Drive, Suite 200, Irvine, CA; and
2. Authorized a budget adjustment recognizing a \$250,000.00 contribution from CVRO 125 Baker, LLC for public infrastructure improvements.

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- 7. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS13-00669 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACTS 17501 AND 17554 LOCATED AT 132, 134 AND 140 INDUSTRIAL WAY AND 1527 NEWPORT BOULEVARD, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. SU1117702) in the amounts of \$101,623.00 each for street improvements and (Certificate No. SU1117701) for setting corner monuments in the amount of \$3,648.00 to Taylor Morrison of California, LLC (Developer), Irvine, CA 92618.

- 8. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS16-00824 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 18006 LOCATED AT 326 22ND STREET AND 2212, 2216 AND 2220 SANTA ANA AVENUE, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. PB10163700465) in the amounts of \$60,096.30 each for street improvements to CM22M 2015, LLC, a California Limited Liability Company, (Developer), 8951 Research Drive, Suite 100, Irvine, CA 92618.

- 9. RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-00738 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17709 LOCATED AT 573-591 VICTORIA STREET, COSTA MESA, CALIFORNIA**

ACTION:

City Council authorized the release of the Performance and Labor and Material Bonds (Certificate No. 2180617) in the amounts of \$174,380.00 each for street improvements and (Certificate No. 2180618) for setting corner monuments in the amount of \$1,350.00 to Richmond American Homes of Maryland, Inc., (Developer), 5171 California Avenue, Suite 120, Irvine, California 92617.

- 10. BICYCLE CORRIDOR IMPROVEMENT PROGRAM APPLICATIONS**

ACTION:

City Council adopted Resolution No. 18-82, approving the submittal of grant funding applications for two (2) bicycle and pedestrian projects under the Orange County Transportation Authority's (OCTA) Bicycle Corridor Improvement Program (BCIP) for Fiscal Years 2019-2020 through 2023-2024.

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11. MEASURE M2 EXPENDITURE REPORT

ACTION:

City Council adopted Resolution No. 18-83, approving the Measure M2 Expenditure Report.

12. SECOND READING AND ADOPTION OF ORDINANCE NO. 18-12: AN ORDINANCE ADOPTING CODE AMENDMENT 18-04 AMENDING THE ZONING MAP AND ZONING CODE RELATED TO THE BOUNDARIES AND DEVELOPMENT STANDARDS OF THE RESIDENTIAL INCENTIVE OVERLAYS INCLUDED IN TITLE 13, CHAPTER V, ARTICLE 12, OF THE COSTA MESA MUNICIPAL CODE

ACTION:

City Council gave second reading and adopted Ordinance No. 18-12, read by title only, adopting Code Amendment 18-04 amending the Zoning Map and 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 the City Council.

13. PLACENTIA AVENUE MEDIAN IMPROVEMENTS, FEDERAL PROJECT NO. HSIPL-5312 (092) - CITY PROJECT NO. 16-04

ACTION:

1. City Council accepted the work performed by Beador Construction Company, 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 six (6) months after the filing date; and release of the retention monies after the Notice of Completion is filed.

14. REHABILITATION OF ALLEY NOS. 12, 14, 34, 35, 36, 39, 70, 77, 78, 79, 85, 86, AND 88 CITY PROJECT NO. 16-03

ACTION:

1. City Council accepted the work performed by BlackRock Construction Company 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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ITEMS PULLED FROM THE CONSENT CALENDAR:

3. **WARRANT RESOLUTION NO. 2609 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-22 "A" FOR \$934.38 AND 18-23 FOR \$2,567,622.70; AND CITY OPERATING EXPENSES FOR \$2,462,327.00; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

MOVED/SECOND: Mayor Pro Tem Stephens/Council Member Reynolds

MOTION: Approve the recommended action.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council approved Warrant Resolution No. 2609.

5. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMITS NO. PS17-00632 AND PS18-00242 FOR PARKWAY IMPROVEMENTS AT 353 E 18TH STREET, COSTA MESA, CALIFORNIA**

MOVED/SECOND: Council Member Mansoor/Council Member Marr

MOTION: Approve the recommended action.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council authorized the refund of cash deposit in connection with Encroachment Permits No. PS17-00632 and PS18-00242 in the amount of \$20,089 to 18th ST A3 LLC, 3394 Carmel Mountain Road, Suite 200, San Diego, CA 92121.

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15. TEMPORARY TRANSITION ASSISTANCE TO CITY COUNCIL AND CITY MANAGEMENT

MOVED/SECOND: Council Member Marr/Mayor Pro Tem Stephens

MOTION: Authorize execution of a contract with the Association of California Cities Orange County for consulting services at no charge in a form approved by the City Attorney.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Genis, Council Member Mansoor, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 7-0

ACTION:

City Council authorized execution of a contract with the Association of California Cities Orange County for consulting services at no charge in a form approved by the City Attorney.

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

OLD BUSINESS: NONE

NEW BUSINESS:

1. MAYOR AND CITY COUNCIL CONSTITUENT STAFFING PLAN

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley

MOTION: Approve the recommended actions with one change: The Senior Management Analyst (Confidential)/Chief of Staff to the Mayor & City Council will report to the City Manager.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Stephens, and Mayor Foley.

Nays: Council Member Genis and Council Member Mansoor.

Absent: None

Motion carried: 5-2

ACTION:

1. City Council authorized the elimination of the vacant Tax Auditing Specialist in the Finance Department and changed that position to the Senior Management Analyst (Confidential)/Chief of Staff to the Mayor & City Council and agreed that this position will report to the City Manager. The creation of the Senior Management Analyst/Chief of Staff to the Mayor & City Council is estimated to cost \$55,000 for the remainder of FY 2018-19. When coupled with the elimination of the tax auditing specialist, the net cost for the remainder of the year is \$5,000. The estimated annual cost for future fiscal years is \$110,000; and

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2. Authorized the addition of three part-time (non-PERS) Management Aide (Confidential) positions, one for every two city council members at a cost of \$56,000 for FY 2018-19 and \$112,000 annually thereafter; and
3. Authorized staff to reconfigure the City Manager's office space to accommodate these additional staff members at a cost of approximately \$20,000.

REPORT – CITY ATTORNEY - NONE

ADJOURNMENT – Mayor Foley adjourned the meeting at 9:53 p.m. in honor and recognition of former President George H.W. Bush.