

**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND
SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

DECEMBER 4, 2018

CALL TO ORDER (00:00:02)

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.

NATIONAL ANTHEM (00:00:11) Mariachi Herencia Michoacana Group

PLEDGE OF ALLEGIANCE (00:02:06) Council Member Stephens

MOMENT OF SOLEMN EXPRESSION (00:02:31)

Reverend Doctor Sarah Halverson-Cano, Fairview Community Church

ROLL CALL (00:08:05)

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

Absent: None

Officials Present: Acting City Manager Tamara Letourneau, Special Counsel Kimberly Hall Barlow, Economic and Development Services Director Barry Curtis, Public Services Director Raja Sethuraman and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT - NONE

ANNOUNCEMENTS: NONE

PRESENTATIONS: NONE

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:08:27)

Robert Graham, Costa Mesa, spoke on bluffs at Fairview Park. (00:09:13)

Flo Martin, Costa Mesa, spoke on cars speeding and requested an electronic speed signal. (00:10:17)

Becks Heyhoe, Costa Mesa, spoke on homeless issues. (00:11:19)

Chuck Perry, Costa Mesa, thanked Council Member Righeimer for his service. (00:13:50)

Teresa Drain, Costa Mesa, spoke on Council Member Righeimer's tenure. (00:14:23)

Karl Ahlf, Costa Mesa, spoke on tagging at bus benches. (00:16:44)

Summer Harding, Costa Mesa, expressed concern on the new cell tower being proposed on Susan Street. (00:17:58)

Bella Mendoza, Costa Mesa, representing City Net, spoke on homeless issues and organizations. (00:18:40)

Robin Leffler, Costa Mesa, thanked Council Member Righeimer for his service; and spoke on enforcement at Fairview Park. (00:21:35)

Tom Pollitt, Costa Mesa, congratulated newly electeds and thanked Council Member Righeimer for his service. (00:23:23)

Jim Kerins, Costa Mesa, thanked Council Member Righeimer for his service. (00:25:11)

Speaker, thanked all for serving; and spoke on the Keller/Anderle contract and costs. (00:27:04)

Speaker, spoke in support of Keller/Anderle law firm. (00:30:19)

Speaker, thanked all who served; and being a kind community. (00:32:32)

Terry Koken, Costa Mesa, congratulated newly electeds; and spoke on Council Member Righeimer's tenure. (00:34:33)

Morgan Righeimer, Costa Mesa, thanked her dad for his service. (00:36:02)

Dave Martin, Costa Mesa, spoke on code enforcement issues at his residence, issued citations and filing an appeal. (00:36:54)

Speaker, spoke on freedom and elections; thanked Council Member Righeimer for his service; and spoke in support of the new library. (00:40:04)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:42:02)

Council Member Stephens spoke in memory of former President George H.W. Bush; and thanked Council Member Righeimer for his service. (00:42:17)

Mayor Pro Tem Mansoor requested an update on the cell tower issue on Susan Street; and thanked Council Member Righeimer for his service. (00:45:09)

Council Member Foley thanked Council Member Righeimer for his service. (00:47:02)

Mayor Genis spoke on Grand Jury recruitment; congratulated newly electeds; spoke on adjourning the meeting in memory of former President George H.W. Bush; working together for the good of all residents; and thanked Council Member Righeimer for his service. (00:47:32)

REPORT – CITY MANAGER (00:50:50) - NONE

RECOGNITION OF COUNCIL MEMBER RIGHEIMER (00:50:57)

City Council recognized Council Member Righeimer for his years of service and presented him a key to the City. (00:51:05)

Lana Righeimer thanked Council Member Righeimer for his service. (00:53:42)

Council Member Righeimer spoke on his service and accomplishments. (00:54:49)

1. CERTIFICATION OF GENERAL MUNICIPAL ELECTION AND CITY COUNCIL REORGANIZATION (01:02:36)

Brenda Green, City Clerk, presented the staff report. (01:02:50)

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 (01:05:58)

Honorable Karen Robinson, Orange County Superior Court Judge and former Mayor of Costa Mesa, administered the Oath of Office to 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 (01:12:15)

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.

COMMENTS BY THE NEW MAYOR AND CITY COUNCIL MEMBERS (01:13:26)

Council Member Marr thanked Brett Eckles and the volunteers; and spoke on serving. (01:13:47)

Council Member Chavez spoke on serving. (01:18:47)

Council Member Reynolds spoke on serving. (01:21:46)

Council Member Mansoor congratulated newly electeds. (01:25:09)

Council Member Genis congratulated newly electeds. (01:25:25)

Mayor Pro Tem Stephens spoke on serving. (01:26:38)

Mayor Foley thanked families and volunteers; spoke on campaigns; serving; and presented a video. (01:31:05)

Liz McNabb, District Coordinator representing Assemblywoman Cottie Petrie-Norris, congratulated newly electeds and presented them with Certificates of Recognition. (01:47:51)

CONSENT CALENDAR (01:52:43)

Kimberly Hall Barlow, Special Counsel, spoke on a revised recommendation for Consent Calendar Item No. 15. (01:53:03)

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.

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.

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.

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 (01:54:18)**

Public Comments:

Speaker, spoke on Keller/Anderle law firm; and Yellowstone lawsuit. (01:54:41)

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 (01:56:31)**

No public comments on this item.

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.

15. TEMPORARY TRANSITION ASSISTANCE TO CITY COUNCIL AND CITY MANAGEMENT (01:56:57)

Public Comments:

Speaker, spoke in favor of Dave Kiff. (01:57:09)

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

MOTION: To approve the revised recommendation of authorizing 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 (01:57:54)

1. MAYOR AND CITY COUNCIL CONSTITUENT STAFFING PLAN (01:58:03)

Mayor Foley presented the staff report. (01:58:27)

Council Member Genis inquired on the structure and intent of changing the functions of a Mayor; personnel code; and spoke on the tax auditing specialist position. (02:01:40)

Council Member Reynolds inquired on the legal analysis; and spoke on the City of Irvine's model. (02:07:30)

Council Member Chavez inquired on the duties of the staff. (02:09:53)

Discussion ensued on the elimination of the tax auditing specialist position. (02:10:38)

Council Member Mansoor spoke to not supporting the item. (02:13:25)

Mayor Pro Tem Stephens inquired on the reporting structure of Chief of Staff. (02:21:38)

Mayor Foley addressed the questions by the Council Members. (02:22:26)

Kimberly Hall Barlow, Special Counsel, spoke on complying with the code. (02:27:39)

Council Member Genis inquired on the Chief of Staff reporting to the Mayor; any other cities with the chain of command reporting to the Mayor; Mayoral functions; and Council office space. (02:28:55)

Council Member Marr requested changing the recommendation to reflect the Chief of Staff reporting to the City Manager instead of the Mayor. (02:31:48)

Public Comments:

Speaker, Costa Mesa, spoke against the item. (02:32:56)

Eleanor Egan, Costa Mesa, urged City Council to not take action on the item and hold more than one meeting for public discussion. (02:35:02)

Michelle Figueredo-Wilson, Costa Mesa, spoke against the item. (02:36:16)

Anna Vrska, Costa Mesa, spoke against the item. (02:39:23)

Jay Humphrey, Costa Mesa, spoke against the item. (02:42:27)

Bill McCarty, Costa Mesa, spoke in support of the item. (02:45:25)

Joann Perler, Costa Mesa, spoke against the item. (02:47:24)

Robin Leffler, Costa Mesa, spoke against the item. (02:50:31)

Aaron McCall, Costa Mesa, spoke in support of the item. (02:53:39)

Wendy Leece, Costa Mesa, suggested City Council to not take action on the item until further analysis. (02:55:00)

Tim Geddes, Huntington Beach, spoke in support of the item. (02:57:21)

Speaker, Costa Mesa, spoke on the item. (03:00:19)

Speaker, spoke in support of the item. (03:02:22)

Speaker spoke against the item. (03:05:00)

Cynthia McDonald, Costa Mesa, spoke in support of the item. (03:07:52)

Public Comments closed.

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. (03:09:28)

Discussion ensued on the transition team. (03:10:09)

Council Member Reynolds spoke in support of the motion. (03:13:00)

Mayor Pro Tem Stephens spoke on his motion. (03:15:50)

Council Member Chavez spoke in support of the motion. (03:21:50)

Council Member Marr spoke in support of the motion. (03:24:21)

Council Member Mansoor spoke against the motion. (03:25:43)

SUBSTITUTE MOTION/SECOND: Council Member Mansoor/Council Member Genis (03:29:20)

SUBSTITUTE MOTION: Receive and file the report.

The motion failed by the following roll call vote:

Ayes: Council Member Genis and Council Member Mansoor.

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

Absent: None

Motion failed: 2-5

Mayor Foley spoke in support of the original motion. (03:30:38)

Council Member Genis spoke against the original motion. (03:34:58)

MOVED/SECOND: Mayor Pro Tem Stephens/Mayor Foley

ORIGINAL 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 the 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
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 the additional staff members at a cost of approximately \$20,000.

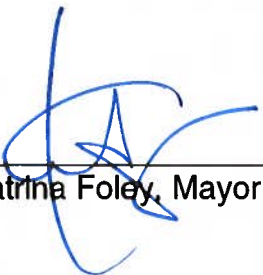
ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (03:42:13)

Council Member Genis spoke on the transition team. (03:42:13)

REPORT – CITY ATTORNEY (03:42:41) - NONE

ADJOURNMENT (03:42:48) – Mayor Foley adjourned the meeting at 9:53 p.m. in honor and recognition of former President George H.W. Bush.

Minutes adopted on this 8th day of January, 2019.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk