

# **AGENDA**

## **CITY OF COSTA MESA**

### **REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY\* MEETING**

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

**TUESDAY, MAY 2, 2017**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**SPECIAL CLOSED SESSION – 4:30 P.M.**  
**REGULAR MEETING – 6:00 P.M.**

**KATRINA FOLEY**  
Mayor

**SANDRA L. GENIS**  
Mayor Pro Tem

**JOHN B. STEPHENS**  
Council Member

**JAMES M. RIGHEIMER**  
Council Member

**ALLAN R. MANSOOR**  
Council Member

City Attorney  
**Thomas Duarte**

City Manager  
**Thomas R. Hatch**

**Note regarding agenda-related documents provided to a majority of the City Council after distribution of the City Council agenda packet (GC §54957.5):**

[Any related documents provided to a majority of the City Council after distribution of the City Council Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such documents may be posted—whenever possible on the city’s website at \[www.costamesaca.gov\]\(http://www.costamesaca.gov\).](#)

**Please note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.**

Your attendance at this public meeting is valued and appreciated. If you have questions regarding the agenda, public comments or wish to obtain copies of documents please contact the City Clerk office at (714) 754-5225 or e-mail [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov)

## WELCOME TO THE CITY COUNCIL MEETING

### **PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes.

### **PUBLIC COMMENTS – CONSENT CALENDAR:**

Members of the public desiring to speak on a consent calendar item shall submit such a request on a speaker card prior to the start of the Consent Calendar period. Each speaker is limited to three minutes.

### **PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other material for copying and distribution to the City Council that is 10 pages or less, must be submitted to the City Clerk **NO LATER THAN 3:00 P.M.** If the public wishes to submit written communication, photos, or other material for distribution to the City Council at the meeting **AFTER 3:00 p.m.**, 10 copies will need to be provided for distribution. Please note that **NO** copies of written communication will be made **AFTER 3:00 p.m.** All materials, pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. Kindly submit to the City Clerk **AS EARLY AS POSSIBLE, BUT NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.** Materials may also be e-mailed to [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov).
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa City Council meetings and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al (714) 754-5225 por lo menos con 48 horas de anticipación.

## **SPECIAL CLOSED SESSION – 4:30 P.M.**

### **CALL TO ORDER**

### **ROLL CALL**

**PUBLIC COMMENTS** - Members of the public are welcome to address the City Council only on those items on the Special Closed Session agenda. Each member of the public will be given three minutes to speak.

#### **1. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Subdivision (a) of Section 54957.6, California Government Code  
Agency Designated Representative: Tamara Letourneau, Assistant City Manager  
Name of Employee Organization: Costa Mesa Fire Management Association (CMFMA).

#### **2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2014-00757962-CU-CR-CJC.

#### **3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG.

#### **4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: City of Costa Mesa, et al., v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC.

#### **5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code  
Name of Case: Gosson v. City of Costa Mesa, et al., Orange County Superior Court of California, Case No. 30-2015-00816221-CU-PO-CJC.

**The City Council, Housing Authority, and Successor Agency to the Redevelopment Agency will recess to Conference Room 5A for Special Closed Session at the conclusion of public comments.**

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,  
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
TUESDAY, MAY 2, 2017 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM**      Mariachi Herencia Michoacana Group

**PLEDGE OF ALLEGIANCE**      Council Member Mansoor

**MOMENT OF SOLEMN EXPRESSION**

*[Per Council Policy 000-12, these presentations are made by community volunteers stating their own views. The City Council disclaims any intent to endorse or sponsor the views of any speaker.]*

Pastor Josh Harrison, Rock Harbor Church, Costa Mesa

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

- COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b)

**ANNOUNCEMENTS:** There's always something happening in Costa Mesa!

The Mayor will play a video clip of the "Costa Mesa Minute," featuring upcoming events and activities in the community.

**PRESENTATIONS:**

1. City Manager's Leadership Award – Giovanni La Placa, Firefighter/Paramedic
2. Boys and Girls Club Annual Report – City Manager's Office
3. Access Building, Fire and Housing Board of Appeal Committee Annual Report – Development Services Department/Building Division

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

Members of the public desiring to speak during the Public Comments period on a matter not on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Members of the public shall only address the City Council one time at any given meeting for non-agenda items. Each speaker is limited to three minutes. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of the City Council. Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the City Manager during the City Manager's Report.

## **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

*(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)*

1. Council Member Mansoor
2. Mayor Foley
3. Mayor Pro Tem Genis
4. Council Member Stephens
5. Council Member Righeimer

### **CONSENT CALENDAR:**

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the City Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion.

#### **1. READING FOLDER**

Claims received by the City Clerk: County of Orange and Ya Math.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2576 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-07 "A" FOR \\$-9.35 AND 17-08 FOR \\$2,214,592.81; AND CITY OPERATING EXPENSES FOR \\$1,441,322.49; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2576.

3. [MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF FEBRUARY 21, 2017](#) - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of February 21, 2017.

4. **AMENDMENT NO. 2 TO LEHR CONTRACT FOR THE EMERGENCY LIGHTING FOR POLICE MANAGEMENT VEHICLES**

Police Department

RECOMMENDATION:

City Council approve and authorize the City Manager and the City Clerk to execute Amendment No. 2 for the emergency vehicle lighting and equipment installation services of nine vehicles with Stommel Inc. dba LEHR, effective July 6, 2016 through July 5, 2019, in the amount of \$44,488.78 as a one-time purchase under this City contract.

5. **RESOLUTION OF THE COSTA MESA CITY COUNCIL APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING GRANT PROGRAM**

Public Services Department

RECOMMENDATION:

1. City Council approve the Resolutions for the submittal of grant applications with the Urban Greening Grant Program for the Fairview Park and Lions Park Projects; and
2. Authorize the Public Services Director as the City's representative.

6. **RENEW PROFESSIONAL SERVICES AGREEMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT/HOME CONTRACT STAFF**

Development Services Department/Housing & Community Development Division

RECOMMENDATION:

City Council approve Amendment Three to exercise the third extension of four renewal options of the existing Professional Services Agreement with Mike Linares, Inc., for one year in an amount not to exceed \$87,500 for FY 2017-2018.

7. **FINAL MAP FOR TRACT NO. 17980 LOCATED AT 929 BAKER STREET, COSTA MESA, CALIFORNIA**- Public Services Department/Engineering Division

RECOMMENDATION:

City Council adopt Resolution No. 17-23, approving the Final Map for Tract No. 17980 located at 929 Baker Street, and the abandonment of a storm drain easement pursuant to the Subdivision Map Act.

8. **TOWING SERVICES CONTRACTS WITH METROPRO ROAD SERVICES AND G&W TOWING** – Police Department

RECOMMENDATION:

1. City Council approve and authorize the City Manager and the City Clerk to execute a five (5) year professional service agreement for towing services with MetroPro Road Services, 2550 S. Garnsey Street, Santa Ana, CA 92707 and G&W Towing, 965 West 18<sup>th</sup> Street, Costa Mesa, CA 92627, effective date July 1, 2017 through June 30, 2022; and
2. Authorize the City Manager and the City Clerk to renew the agreement for two (2) additional one-year terms, upon mutual agreement of both parties.

9. **AMENDMENT NUMBER TWO TO PROFESSIONAL SERVICES AGREEMENT WITH STRADLING YOCCA CARLSON & RAUTH, PC** – Finance Department

RECOMMENDATION:

1. City Council approve Amendment Number Two to professional services agreement with Stradling Yocca Carlson & Rauth, PC in the cumulative amount of \$83,500 to provide bond counsel and related services in connection to the debt financing of the Lions Park projects; and
2. Authorize the City Manager and the City Clerk to execute Amendment Number Two.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

**AGENDA CONTINUED ON THE NEXT PAGE**

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

**1. PUBLIC HEARING FOR FISCAL YEAR 2017-2018 FUNDING PRIORITIES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME)**

Development Services Department/Housing & Community Development Division

**RECOMMENDATION:**

1. City Council hold a Public Hearing regarding the 2017-2018 Annual Action Plan; and
2. Approve recommended allocation of \$1,000,000 for the Fiscal Year 2017-2018 estimated Community Development Block Grant; and
3. Approve recommended allocation of \$340,000 for the Fiscal Year 2017-2018 HOME Investment Partnerships Grant; and
4. Approve Resolution No. 17-xx, to authorize the following:
  - City Manager to act as the official representative of the City in order to submit the 2017-2018 Annual Action Plan and all certifications and assurances contained therein;
  - City Manager to act in connection with the submission of the Annual Action Plan;
  - City Manager to approve changes and provide additional information as may be required.

**AGENDA CONTINUED ON THE NEXT PAGE**



2. [PUBLIC HEARING FOR CODE AMENDMENT CO-17-03 AMENDING ARTICLE 4 OF CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AS ADOPTED BY SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATING TO THE OPEN SPACE AND PUBLIC PARK IMPACT FEES, AND AMENDING THE UNCODIFIED PORTION OF SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATED TO THE CREATION, COMPOSITION AND NAME OF THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE](#) - Development Services Department and City Attorney's Office

RECOMMENDATION:

1. City Council introduce for first reading Ordinance No. 17-xx, to be read by title only, and further reading waived, adopting Code Amendment CO-17-03 to amend Article 4 of Chapter XII of Title 13 of the Costa Mesa Municipal Code as adopted by Section 5 of Measure Z, Ordinance No. 2016-07, relating to the open space and public park impact fees, and amending the uncodified portion of Section 5 of Measure Z, Ordinance No. 2016-07, related to the creation, composition and name of the Open Space and Recreation Advisory Committee, as presented to the Planning Commission; **OR**
2. Introduce for first reading Ordinance No. 17-xx, to be read by title only, and further reading waived, adopting Code Amendment CO-17-03 to amend Article 4 of Chapter XII of Title 13 of the Costa Mesa Municipal Code as adopted by Section 5 of Measure Z, Ordinance No. 2016-07, relating to the open space and public park impact fees, and delete the uncodified portion of Section 5 of Measure Z, Ordinance No. 2016-07, in its entirety to remove the Open Space and Recreation Advisory Committee, as recommended by the Planning Commission (Attachment 3) (not recommended by staff); **OR**
3. Transfer the duties of the Open Space and Recreation Advisory Committee to an existing City committee or commission.

3. [PUBLIC HEARING TO ADOPT RESOLUTION TO VACATE A PORTION OF EAST 19<sup>TH</sup> STREET](#) - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt Resolution No. 17-xx, ordering the vacation of a portion of East 19<sup>th</sup> Street right-of-way at 152 East 19<sup>th</sup> Street; and
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

**OLD BUSINESS:**

1. **SECOND READING AND ADOPTION OF AN ORDINANCE REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY**  
City Manager’s Office

**RECOMMENDATION:**

City Council give second reading and adopt Ordinance No. 17-08, to be read by title only, and further reading waived, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.

2. **SECOND READING OF ORDINANCE 17-05 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TABLE 13-30 OF SECTION 13-30 OF CHAPTER IV (CITYWIDE LAND USE MATRIX), SECTION 13-200.62 OF ARTICLE 15 (REASONABLE ACCOMMODATION) OF CHAPTER IX (SPECIAL LAND USE REGULATIONS) AND CHAPTER XV (GROUP HOMES), CHAPTER XVI (GROUP HOMES AND RESIDENTIAL CARE FACILITIES IN THE R2, R3, PDRLD, PDRMD, AND PRDHE ZONES) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE; AND**

**SECOND READING OF ORDINANCE 17-06 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING SECTION 9-374 OF ARTICLE 23 (GROUP HOMES) OF CHAPTER II (REGULATION OF CERTAIN BUSINESSES) OF TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE** - Development Services Department

**RECOMMENDATION:**

1. City Council give second reading to Ordinance No. 17-05, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation; and
2. Give second reading to Ordinance No. 17-06, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 9 of the Costa Mesa Municipal Code regarding operator’s permits for group homes of seven or more located in the MFR Zones.

## **NEW BUSINESS:**

1. **BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION OF INTENTION, REVIEW OF ANNUAL REPORT AND INTRODUCTION OF AN ORDINANCE** - City Manager's Office/Administration

### RECOMMENDATION:

It is recommended that the City Council:

1. Receive and file the Business Improvement Area (BIA) annual report for Fiscal Year 2016-17; and
2. Receive and file audited financial report for Fiscal Year 2015-16; and
3. Adopt Resolution No. 17-xx, declaring the City's intention to levy an annual assessment for Fiscal Year 2017-2018 for a business improvement area covering certain Costa Mesa hotels and motels and setting the time and place for a public hearing on the proposal; and
4. Give first reading to Ordinance No. 17-xx, to be read by title only, and further reading waived, amending Ordinance No. 95-9, relating to the establishment of a business improvement area for Costa Mesa hotels and motels.

## **ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

### **REPORT – CITY MANAGER**

### **REPORT – CITY ATTORNEY**

### **ADJOURNMENT**

## **UPCOMING COMMUNITY EVENTS AND ACTIVITIES**

Thursday, May 4, 2017 – **YES Spring Job Fair**, YES Offices, 114 E. 19<sup>th</sup> St, Costa Mesa. Requirements to attend: Complete Employment Skills and Mock Interviews. For more information visit: [www.yesworks.org](http://www.yesworks.org).

Friday, May 5 through Sunday, May 7, 2017 – **The OC Marathon Running Festival**, OC Fair and Event Center, 88 Fair Dr. Friday features a health and fitness expo, Saturday run kicks off at 8 a.m., and Sunday full and half marathon. For more information, please visit: [www.ocmarathon.com](http://www.ocmarathon.com)

Friday, May 5, 2017 – Millennial Choirs and Orchestras, 5 p.m. and 8 p.m., Segerstrom Center for the Arts, 600 Town Center Dr. Celebrate the 10th anniversary of Millennial Choirs & Orchestras, featuring both new compositions and the most beloved MCO songs from the last decade. For more information, please visit: [www.scfta.org](http://www.scfta.org).

Saturday, May 6, 2017 – **SOCO Farmers Market**, 9-2 p.m. SOCO Collection, 3315 Hyland Ave. Featuring over 30 vendors, live music and balloon animals for kids. For more information visit: [www.socoandtheocmix.com](http://www.socoandtheocmix.com)

Thursday, May 11, 2016–**Celebrate Mom**, 6-9 p.m., SOCO Collection, Hyland Ave. fun and complimentary pre-Mother’s Day event will kick off with a champagne toast courtesy of Greenleaf Gourmet Chopshop, and festivities for mom to enjoy throughout the evening. Guests will enjoy live entertainment, floral presentations and more. For more information visit: [www.socoandtheocmix.com](http://www.socoandtheocmix.com)

Friday, May 12, 2016 – **Art it Up**, 4-6 p.m., Downtown Recreation Center Gym, 1860 Anaheim Ave. Free event for 7 through 12 grades, guests will enjoy a fun filled art experience. No experience needed. For more information, please call: (714) 327-7562.

Saturday, May 13, 2017 – Mother’s Day Brunch, 10 a.m.-12 p.m., Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. Enjoy good food, fun, entertainment and celebrating our mothers. Register a guest 18+, cancellations must be in by May 5. For more information, please call: (714) 327-7550.

Saturday, May 13, 2017 – **2<sup>nd</sup> Annual MESA Jazz Festival**, 5 p.m., Costa Mesa High School Performing Arts Center, 2850 Fairview Rd.

Saturday, May 15, 2017– **Story Time at Chuck Jones Center for Creativity**, 1-2 p.m., SOCO Collection, 3303 Hyland Ave. Enjoy a free event featuring cartoon colorings, music, story time and fun! For more information visit: [www.socoandtheocmix.com](http://www.socoandtheocmix.com)

Thursday, May 18, 2017 – **A Year Unplugged**, 7 p.m. Mesa Verde Country Club, 3000 Clubhouse Rd. Author Sharael Kolberg shares her story and family’s incredible true life story. For more information, please contact: (714) 545-9613.