

AGENDA

CITY OF COSTA MESA

SPECIAL CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY* MEETING

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

**COUNCIL MEMBER STEPHENS WILL BE ATTENDING THE MEETING VIA
TELECONFERENCE FROM:**

Cortina Inn & Resort
Business Center
103 US Route 4
Killington, Vermont 05701

Phone Number:
802-772-7118
Closed Session will commence
at 7:00 p.m. Vermont time

**TUESDAY, OCTOBER 3, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
SPECIAL CLOSED SESSION – 4:00 P.M.
SPECIAL 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

WELCOME TO THE SPECIAL 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.
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 – 4:00 P.M.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS

Members of the public (including members at the teleconference location) 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 Firefighters Association (CMFA).

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: The Kennedy Commission, et al. v. City of Costa Mesa, Orange County Superior Court of California, Case No. 30-2016-00832585-CU-WM-CJC.

4. 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, U.S. District Court, Central District of California, Case No. SACV14-01852 JVS.

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

**SPECIAL MEETING OF THE CITY COUNCIL AND SUCCESSOR
AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, OCTOBER 3, 2017 – 6:00 P.M.**

**COUNCIL MEMBER STEPHENS WILL BE ATTENDING THE MEETING VIA
TELECONFERENCE FROM:**

**Cortina Inn & Resort
Business Center
103 US Route 4
Killington, Vermont 05701**

**Phone Number:
802-772-7118
Special meeting will commence
at 9:00 p.m. Vermont time**

CALL TO ORDER

NATIONAL ANTHEM

PLEDGE OF ALLEGIANCE Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION - Pastor Mike Decker, Palm Harvest Church
[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.]

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 – Christine Tsao, Accounting Supervisor

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:

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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 Stephens - via teleconference
2. Council Member Righeimer
3. Council Member Mansoor
4. Mayor Foley
5. Mayor Pro Tem Genis

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: Cuauhtemoc Colin, Nancy Cox, Cheryl Giacomino, Shakrzad Kayvan, and Michael Schaffer.

RECOMMENDATION:

City Council receive and file.

2. **WARRANT RESOLUTION NO. 2584 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-17 "A" FOR \$546.74; 17-18 FOR \$2,268,534.34; 17-18 "A" FOR \$-1,239.69; AND 17-19 FOR \$2,301,688.25; AND CITY OPERATING EXPENSES FOR \$2,879,433.35; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID -**
Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2584.

3. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 5, 2017-](#)
City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of September 5, 2017.

4. [AWARD CONTRACT FOR INTERSECTION SAFETY LIGHTING PROJECT – CITY PROJECT NO. 17-15](#) - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt plans, specifications, and working details for the Intersection Safety Lighting Project, City Project No. 17-15; and
2. Approve Budget Adjustment No. 18-010; and
3. Award a construction contract to Express Energy Services, 10610 Humbolt Street, Los Alamitos, CA 90720, in the amount of \$308,095.49; and
4. Authorize the City Manager to execute the Public Works Agreement.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. [CODE AMENDMENT CO-16-04A – AMENDMENT TO ARTICLE 1 \(RESIDENTIAL DISTRICTS\) OF CHAPTER 5 \(DEVELOPMENT STANDARDS\) OF TITLE 13 \(PLANNING, ZONING AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE REGARDING ACCESSORY STRUCTURES](#)
Development Services Department/Planning Division

RECOMMENDATION:

City Council give first reading to Ordinance No. 17-xx, to be read by title only, and further reading waived, adopting Zoning Code Amendment CO-16-04A to amend Article 1 (Residential Districts) of Chapter V (Development Standards) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code.

2. **CODE AMENDMENT CO-16-04B – AMENDMENT TO ARTICLE 3 (SIGN REGULATIONS) OF CHAPTER VIII (SIGNS) OF TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE REGARDING NON-COMMERCIAL BANNERS**

Development Services Department/Planning Division

RECOMMENDATION:

City Council give first reading to Ordinance No. 17-xx, to be read by title only, and further reading waived, adopting Zoning Code Amendment CO-16-04B to amend Articles 2 (General Provisions) and 3 (Sign Regulations) of Chapter VIII (Signs) of Title 13 (Planning, Zoning and Development) of the Costa Mesa Municipal Code.

3. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA)**

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council hold the first public hearing regarding the proposed 2017-2021 Memorandum of Understanding between the City of Costa Mesa and the Costa Mesa Firefighters Association. Staff further recommends that the City Council schedule the second public hearing on October 17th 2017 as required by COIN.

4. **CONDITIONAL USE PERMITS PA-16-41 AND PA-16-44 TO OPERATE A SOBER LIVING FACILITY SERVING 28 WOMEN, INCLUDING AN APPEAL OF DENIAL OF REASONABLE ACCOMMODATION FOR A LAND USE REQUIREMENT, AT 269 AND 271 16TH PLACE**

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council hold a single public hearing for these two applications since the sites are contiguous and operated as a single facility; and
2. Adopt a resolution upholding the Director's denial of the request for reasonable accommodation and denying Conditional Use Permit PA-16-41; and
3. Adopt a resolution approving Conditional Use Permit PA-16-44; **OR**
4. Alternatively, make a finding that approval of both of these applications will not result in an over-concentration of similar uses, and approve Conditional Use Permits PA-16-41 and PA-16-44.

OLD BUSINESS:

1. **[SECOND READING OF ORDINANCE NO. 17-14 OF THE CITY OF COSTA MESA AMENDING SECTION 9-190 OF THE MUNICIPAL CODE GOVERNING ILLEGAL FIREWORKS](#)** – Police Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 17-14, to be read by title only, and further reading waived, amending the City of Costa Mesa Municipal Code Section 9-190 entitled “Prohibitions; state permit required” regulating the use of fireworks.

NEW BUSINESS: NONE

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Used Book Sale, October 6 – 8, hosted by the Friends of the Costa Mesa Libraries, Donald Dungan Library, 1855 Park Avenue, www.friendscmlibraries.org.

9th Annual Armenian Food Festival, October 7 & 8, St. Mary Armenian Church, 148 E. 22nd Street.

Recreation in the Park – French class, Friday, October 13, from 5:30 – 6:30 p.m., TeWinkle Park Theatre, pre-register online to guarantee your spot, www.costamesaca.gov.

Halloween Spooktacular, Parks and Community Services Department Teen Program event, Friday, October 13, from 5 – 8 p.m., Downtown Recreation Center, 1860 Anaheim Avenue.

Recreation in the Park – Fairview Park Experience, Saturday, October 14, from 9 - 11 a.m., Fairview Park Theatre, pre-register online to guarantee your spot, www.costamesaca.gov.

OC Japan Fair, October 13 – 15, OC Fair & Event Center, www.oc-japanfair.com

Costa Mesa Fire & Rescue Annual Open House, Saturday, October 14, from 10 a.m. – 2 p.m., Fire Station #4, 2300 Placentia Avenue.

Brian Wilson Presents Pet Sounds: The Final Performance, Saturday, October 14, at 8 p.m., OCFEC – Pacific Amphitheatre, www.ocfair.com.

NMUSD College and Career Night, Wednesday, October 18 from 6:30-9:30 p.m., OCFEC – Costa Mesa Building and Santa Ana Pavilion, nmusd-ca.schoolloop.com/collegecareernight

State of the District, Costa Mesa Sanitary District, Wednesday, October 18 at 6 p.m., 290 Paularino Avenue, www.cmsdca.gov

Recreation in the Park – Cooking, Thursday, October 19 from 3:30 – 4:30 p.m., Shiffer Park Theatre, pre-register online to guarantee your spot, www.costamesaca.gov

Voices – Veterans Storytelling Project, Friday, October 20 at 6 p.m., Heroes Hall - OC Fair & Event Center.

The Red Barn Fire & Ash Wine Dinner, a farm-to-fork experience at Centennial Farm, Saturday, November 4 at 6:30 p.m. OC Fair & Event Center, www.ocfair.com