

# **AGENDA**

## **CITY OF COSTA MESA**

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

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

**TUESDAY, OCTOBER 17, 2017**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**CLOSED SESSION – 4:00 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.

## **CLOSED SESSION – 4:00 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 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

#### **3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

#### **4. 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.

#### **5. 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.

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

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

**TUESDAY, OCTOBER 17, 2017 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM**

**PLEDGE OF ALLEGIANCE** Council Member Stephens

**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.]*

Mr. Doug Jacks, Palm Harvest Church

**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. Australian Sister City Education Exchange
2. Bikeway and Walkability Committee Annual Report – Chair Jim Erickson and Vice-Chair Cynthia McDonald.

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

**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: Michael Cherney

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2585 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-19 "A" FOR \\$892.43; AND 17-20 FOR \\$2,282,442.21; AND CITY OPERATING EXPENSES FOR \\$2,874,644.67; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2585.

3. [MINUTES OF THE REGULAR CITY COUNCIL, COSTA MESA FINANCING AUTHORITY BOARD, COSTA MESA PUBLIC FINANCING AUTHORITY BOARD, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF SEPTEMBER 19, 2017](#)- City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of September 19, 2017.

4. **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 adopt Ordinance No. 17-14 amending the City of Costa Mesa Municipal Code Section 9-190 entitled “Prohibitions; state permit required” regulating the use of fireworks.

5. **AWARD THE PURCHASE OF TWO (2) NEW 2018 FORD TRANSIT VANS TO BE USED AS POLICE CRIME SCENE INVESTIGATION VEHICLES**

Public Services Department/Maintenance Services Division

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a purchase order with the National Auto Fleet Group (NAFG), 490 Auto Center Drive, Watsonville, CA 95076 in the amount of \$57,971.82, for two (2) 2018 Ford Transit Vans (E1Y) T-150, 130” Low Roof 8600 GVWR, with Sliding RH Door through the National Joint Powers Alliance (NJPA) Contract #120716-NAF.

6. **AMENDMENT TO THE FY 2017-2018 CIP PROGRAM TO INCLUDE THE COSTA MESA CONNECTOR PIPE SCREEN INSTALLATION PROJECT TO RECEIVE OCTA MEASURE M2 ENVIRONMENTAL CLEANUP PROGRAM GRANT FUNDS** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve an amendment to the Fiscal Year 2017-18 Capital Improvement Program to include the Costa Mesa Connector Pipe Screen Installation project; and
2. Approve Budget Adjustment No. 18-011.

7. **NOTICE OF INTENT FOR THE VACATION OF SIDEWALK AND LANDSCAPE EASEMENT AT 585 AND 595 ANTON BOULEVARD**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council set a public hearing on November 21, 2017, for the vacation of a portion of Sidewalk and Landscape Easement at 585 and 595 Anton Boulevard; and
2. Adopt a Resolution of intent to vacate Sidewalk and Landscape Easement.

8. **REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON FEDERAL AVENUE BETWEEN W. 19TH STREET AND W. 20TH STREET**

Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council adopt Resolution No. 17-xx, approving the implementation of a “Resident Only” parking restriction on Federal Avenue between W. 19th Street and W. 20th Street; and
2. Authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed.

9. **REQUEST FOR A “RESIDENT ONLY” PARKING RESTRICTION ON GOVERNOR STREET BETWEEN PLACENTIA AVENUE AND NATIONAL AVENUE** - Public Services Department/Transportation Services Division

RECOMMENDATION:

1. City Council adopt the Resolution No. 17-xx, approving the implementation of a “Resident Only” parking restriction on Governor Street between Placentia Avenue and National Avenue; and
2. Authorize the Transportation Services Manager to extend the “resident only” parking restriction for a maximum of 1,000 feet as needed.

10. **MESA VERDE LIBRARY LEASE AGREEMENT BETWEEN THE CITY OF COSTA MESA AND COUNTY OF ORANGE FOR THE OPERATION OF THE MESA VERDE LIBRARY** – City Manager’s Office

RECOMMENDATION:

City Council approve the 10-year lease between the City of Costa Mesa and the County of Orange for the lease of the Mesa Verde Branch Library site and authorize the Mayor to sign the agreement.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

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

1. **APPEAL OF CONDITIONAL USE PERMIT PA-17-16 FOR A MICROBREWERY WITH A TASTING ROOM AND OFF-SITE PARKING AT 2930 BRISTOL STREET AND 700 & 710 RANDOLPH AVENUE AND A MINOR CONDITIONAL USE PERMIT TO INCLUDE AN OUTDOOR DINING PATIO AND OFF-SITE ACCESS ACROSS 2930 BRISTOL STREET**

Development Services Department/Planning Division

**RECOMMENDATION:**

The City Council should either uphold, uphold with revisions or reverse the Planning Commission's decision to approve a Conditional Use Permit (CUP) for a microbrewery with a tasting room (Bootlegger's Brewery) and outdoor patio area. The microbrewery proposes to occupy a 2,703-square-foot lease area at 696 Randolph Avenue. The proposed business involves:

- Alcohol sales for onsite and offsite consumption - the microbrewery will not be selling food.
- The proposed hours of operation are:
  - Sunday – Wednesday: 10:00 AM – 12:00 (Midnight)
  - Thursday – Saturday: 10:00 AM – 1:00 AM
- Pedestrian access only from Randolph Avenue and pedestrian and vehicular access across the adjacent LAB parking lot at 2930 Bristol Street.
- Unencumbered parking at 700 & 710 Randolph Avenue will be used for this use to meet its parking requirement.

The project was approved by the Planning Commission on August 14, 2017, on a 3-0 vote with Commissioners Andranian and Harlan absent. Two appeals to the action of the Planning Commission were filed on August 17, 2017. The appeals to the action of the Planning Commission were submitted by Robert Burnand and SoBECA Parking and Access Reform Kickstart (SPARK).

**AGENDA CONTINUED ON THE NEXT PAGE.**



2. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING AND ADOPTION OF THE 2017-2021 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA FIREFIGHTERS ASSOCIATION (CMFA). THE ADOPTION OF THE ACCOMPANYING SALARY RESOLUTION AND ADOPTION OF THE CALPERS EMPLOYER PAID MEMBER CONTRIBUTION RESOLUTION**

City Manager's Office/Human Resources Division

**RECOMMENDATION:**

1. City Council hold the second Public Hearing as required by COIN; and
2. Approve and adopt the 2017-2021 Memorandum of Understanding between the City of Costa Mesa and the CMFA; and
3. Adopt Resolution No. 17-64, which provides for a 3%, 3%, 3%, and 3%, salary increases for CMFA represented employees inclusive of the pay periods of the adoption of the MOU, January 1st, 2018, July 1st, 2018 and January 1st, 2019; and
4. Adopt Resolution No. 17-65, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Firefighters Association. The effective date of this Resolution is October 29, 2017; and
5. Adopt Resolution No. 17-66, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Firefighters Association. The effective date of this Resolution is December 24, 2017; and
6. Adopt Resolution No. 17-67, for paying and reporting the value of the Employer Paid Member Contribution (EPMC) related to the Costa Mesa Firefighters Association. The effective date of this Resolution is June 24, 2018.

**OLD BUSINESS: NONE**

## NEW BUSINESS:

1. [GENERAL PLAN SCREENING GPS-17-01 FOR PROPOSED CLOSURE OF FORD ROAD AT NEWPORT BOULEVARD AND CONSTRUCTION OF A 27-UNIT THREE LEVEL DEVELOPMENT ON A 1.36-ACRE SITE](#)  
Development Services Department/Planning Division

### RECOMMENDATION:

City Council direct staff whether or not to process a General Plan Amendment request to allow development of two parcels located north and south of Ford Road at Newport Boulevard. The project would include development of a 27-unit residential project and closure of Ford Road at this intersection.

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

### REPORT – CITY MANAGER

### REPORT – CITY ATTORNEY

### ADJOURNMENT

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, October 18, 2017- **State of the District**, 6 p.m., 290 Paularino Avenue, the Costa Mesa Sanitary District hosts their State of the District. Learn about new programs, accomplishments and enjoy an open house and tour of the new facility. Please visit: [www.cmsdca.gov](http://www.cmsdca.gov)

Friday, October 20, 2017 - **Battle for the Bell, Estancia vs. Costa Mesa High School football game**, 7 p.m., Mustang Field, Costa Mesa High School.

Saturday, October 21, 2017 - **Trick for Treats**, 11 a.m.- 3 p.m., Costa Mesa Bark Park, 890 Arlington Drive. Pet adoptions, pet vendor fair, drawings, silent auction and k9 costume contest.

Saturday, October 21, 2017 - **Fall in Love with the Westside**, 9 a.m.- 2 p.m., Estancia High School parking lot, 2323 Placentia Ave. Enjoy local artisans market, pottery workshop, community art collaboration, pumpkin patch, food, kids activities, free admission and more. Please contact: [estanciahighschoolptsa@gmail.com](mailto:estanciahighschoolptsa@gmail.com)

Wednesday, October 25, **Mayor Foley & Mayor Pro Tem Genis Listening Tour**, 6:30 – 8 p.m., Kaiser Elementary School. The Mayor & Mayor Pro Tem will discuss relevant issues related to the Eastside and surrounding neighborhoods.

Thursday, October 26, 2017 – **A Business Perspective on Homelessness**, 8-10 a.m. Halecrest Park's Social Room, 3107 Killybrooke Ln. A seminar for business owners and staff on dealing with people experiencing homelessness. Please RSVP to: [jkrochman@jlkcpa.com](mailto:jkrochman@jlkcpa.com)

Saturday, October 28, 2017 - **Julianne and George Argyros Plaza and Center for Dance and Innovation Grand Opening**, 11 a.m. Enjoy a full day of free activities and performances. For more information, please visit: <http://www.scfta.org>

Tuesday, October 31, 2017 - **Senior's Halloween Bash**, 11:30 a.m.- 1 p.m. Costa Mesa Senior Center. 695 W. 19th Street. Tricks and treats, lunch, costume contests and more. Registration and cancellation deadline is October 24. For more information, please contact: (714) 327-7550.

Thursday, November 2, 2017 – **Olympic Swimmer and Author Shirley Babashoff**, 7 p.m., Mesa Verde Country Club. Friends of the Costa Mesa Library presents Olympic swimmer/author Shirley Babashoff with author Chris Epting as they present Ms. Babashoff's story and their book, Making Waves. For more information, please call Bob Ooten at (714) 545-9613.

Saturday, November 11, 2017 – **Veterans Day Event**, 10 a.m.-2 p.m., OC Fair and Event Center, 88 Fair Dr. Free Veterans Day event featuring live music, entertainment, veterans resource fair, free hot dogs, kids activities and more. Visit OC Fair and Event Center website for more information.

Friday, November 10, 2017 through Saturday, November 11, 2017- **ARTventure**, SOCO and the OC Mix. 3<sup>rd</sup> Annual ARTventure is a juried show displaying artwork of local artist paired with free live entertainment. For more information please visit: [www.costamesaca.gov](http://www.costamesaca.gov).

Thursday, December 7, 2017 – **4<sup>th</sup> Annual Costa Mesa Home Tour**, 3-7 p.m. Reception takes place at the Pottery Barn, South Coast Plaza. Event proceeds benefit the Costa Mesa High School Foundations. For more information visit: [www.costamesahometour.com](http://www.costamesahometour.com).