

# **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, NOVEMBER 7, 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

#### **2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

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

#### **3. 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.

#### **4. 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, NOVEMBER 7, 2017 – 6:00 P.M.**

**CALL TO ORDER**

**NATIONAL ANTHEM** Mrs. McVeigh's First Grade Class, Sonora Elementary School

**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 Dave Gundlach, 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. Proclamation – National Nurse Practitioners Week
2. City Manager's Leadership Award – Yvette Aguilar, Senior Program Administrator

**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 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: Erica Camera, Ryan Earl, Maria Guadalupe Figueroa, and Jay Photoglou/Bright Vehicle Solutions.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2586 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-20 "A" FOR \\$0; AND 17-21 FOR \\$2,325,128.09; AND CITY OPERATING EXPENSES FOR \\$4,217,735.69; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2586.

3. [MINUTES OF THE SPECIAL JOINT STUDY SESSION MEETING OF SEPTEMBER 12, 2017 AND REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF OCTOBER 3, 2017 AND OCTOBER 17, 2017](#) - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of September 12, 2017, October 3, 2017 and October 17, 2017.

4. **SLURRY SEAL PROJECT, CITY PROJECT NO. 15-06**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by American Asphalt South, Inc., and authorize the City Clerk to file the Notice of Completion; and
2. Authorize 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.

5. **DOWNTOWN COSTA MESA GATEWAY LANDSCAPE IMPROVEMENTS, FEDERAL PROJECT NO. STPE-P055 (055), CITY PROJECT NO. 13-06**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept work performed by Horizons Construction Co. International, and authorize the City Clerk to file the Notice of Completion; and
2. Authorize release of the Labor and Materials 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 35 days after the Notice of Completion filing date.

6. **INSTALLATION OF EMERGENCY GENERATORS AT POLICE FACILITY, FIRE STATION NO. 4 AND CORPORATION YARD – CITY PROJECT NO. 17-11** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council adopt the plans, specifications, and working details for the Installation of Emergency Generators at the Police Facility, Fire Station No. 4 and Corporation Yard – City Project No. 17-11; and
2. Approve Budget Adjustment No. 18-013 in the amount of \$90,000 towards the project; and
3. Award a construction contract to Global Power Group, Inc., 3309 East Miraloma Avenue, Suite 104, Anaheim, California, 92040, in the amount of \$255,000.00; and
4. Authorize the Mayor and the City Clerk to execute the Public Works Agreement.

7. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS16-00268 FOR PARKWAY IMPROVEMENTS AT 1944 CHURCH STREET, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize refund of cash deposit in connection with Encroachment Permit No. PS16-00268 in the amount of \$33,898.25 to OC Infill Partners, 2201 SW Birch Street, Newport Beach, CA 92660.

8. **RELEASE OF BONDS IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS16-00722 FOR STREET IMPROVEMENTS AND CORNER MONUMENTATION FOR TRACT 17998 LOCATED AT 133-139 EAST 21<sup>ST</sup> STREET, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council authorize release of the Performance and Labor and Material Bonds (Certificate No. 705070S) in the amounts of \$494,853.00 each for street improvements and (Certificate No. 705071S) for setting corner monuments in the amount of \$2,000.00 to White-Warmington 21<sup>st</sup> Street Associates, L.P., a California Limited Partnership (Developer), 3090 Pullman Street, Costa Mesa, CA 92626.

9. **AWARD THE SOLE SOURCE PURCHASE OF ONE PIERCE ARROW XT FIRE ENGINE** - Public Services Department/Maintenance Services Division/Fire & Rescue Department

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a sole source purchase order for one Pierce Arrow-XT Fire Engine from South Coast Fire Equipment, Inc., 2020 South Baker, Ontario, CA 91761, for a total net purchase cost of \$703,736.66.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

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

**1. REVIEW OF PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT FOR A MICROBREWERY (BREWING RESERVE OF CALIFORNIA) WITH A TASTING ROOM AND RETAIL SALES AND A CONDITIONAL USE PERMIT FOR THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AFTER 11 PM WITHIN 200 FEET OF A RESIDENTIAL ZONE AT 2930 COLLEGE AVENUE, UNIT D**

Development Services Department/Planning Division

**RECOMMENDATION:**

The City Council should either uphold, uphold with revisions or reverse the Planning Commission's decision to approve Conditional Use Permits (CUP's) for a microbrewery (Brewing Reserve of California), with a tasting room. The business involves:

- Retail sales of beer produced on the premises and related products. The microbrewery will not sell food.
- The proposed hours of operation are:
  - Microbrewery: Monday through Sunday: 5 AM to 5 PM
  - Tasting room/retail sales:
    - Monday through Wednesday: 5 PM to 10 PM
    - Thursday and Friday: 5 PM to 12 AM
    - Saturday: 11 AM to 12 AM
    - Sunday: 11 AM to 10 PM
- Operating past 11 PM within 200 feet of a residential zone.

The project was approved by the Planning Commission on September 25, 2017, on a 3-1 vote, Commissioner Navarro Woods voting no and Commissioner Harlan absent. Two requests to review the action of the Planning Commission were filed on October 2, 2017.



2. [REVIEW OF PLANNING APPLICATION PA-17-23 FOR A CONDITIONAL USE PERMIT INCLUDING A MICROBREWERY \(SALTY BEAR BREWERY\) WITH A TASTING ROOM AND MINOR CONDITIONAL USE PERMITS FOR AN OUTDOOR DINING PATIO AND A DEVIATION FROM PARKING STANDARDS TO MEET PARKING REQUIREMENTS AT 2948 RANDOLPH AVENUE](#) - 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 and outdoor patio area (Salty Bear Brewery). The microbrewery proposes to occupy a 3,192-square-foot lease area at 2948 Randolph Avenue. The proposed business involves:

- Retail sales of beer produced for onsite and offsite consumption. The microbrewery will not be selling food.
- The proposed hours of operation are:
  - Production: 4:00 AM to 4:00 PM Sunday to Saturday
  - Tasting Room: 11:00 AM to 12:00 (Midnight) Sunday to Saturday
- Pedestrian access from 2937 Bristol Street (The Camp) and pedestrian and vehicular access from Randolph Avenue with a shared egress/ingress with 2944 Randolph Avenue.
- Maintaining unoccupied tenant spaces at 2948 and 2944 Randolph Avenue to meet the required number of parking spaces for the microbrewery.

The project was approved by the Planning Commission on September 25, 2017, on a 4-0 vote with Commissioner Harlan absent. A request to review the action of the Planning Commission was filed October 2, 2017.

**OLD BUSINESS: NONE**

## **NEW BUSINESS:**

### **1. FORMATION OF A NEW ANIMAL SERVICES COMMITTEE**

Police Department

#### **RECOMMENDATION:**

1. City Council provide direction on the formation of a new Animal Services Committee to evaluate animal services provided by the City of Costa Mesa; and
2. Approve budgeting of a new full-time Management Analyst position under the Police Department to provide administrative support to the Animal Services Committee, contract animal shelter, and Police Department staff.

### **2. CHAMBER OF COMMERCE MEMBERSHIP DRIVE ASSISTANCE**

City Manager's Office/Administration

#### **RECOMMENDATION:**

1. City Council authorize the City Manager to sign the Memorandum of Understanding that authorizes the Chamber of Commerce to utilize the City's existing business license application process (both hardcopy and online) to facilitate a yearlong chamber membership drive; and
2. Approve the insert that will be distributed in all new business license certificate letters (approximately 160 per month).

### **3. CITY COUNCIL REORGANIZATION**

Office of the City Council

#### **RECOMMENDATION:**

City Council reorganize the composition of the City Council by the appointment of Council Members to the offices of Mayor and Mayor Pro Tem to serve until the next municipal election in 2018.

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

### **REPORT – CITY MANAGER**

### **REPORT – CITY ATTORNEY**

### **ADJOURNMENT**

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

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 4, 2017 – **Injured Warrior Appreciation Ride**, 7:30 a.m., OC Fair and Event Center, 88 Fair Drive. The 6th annual motorcycle ride (all makes welcome) to benefit the Warrior Foundation Freedom Station Charity. For more information, please visit [www.ocfair.com](http://www.ocfair.com).

Saturday, November 4, 2017 – **Fall Festival**, 9 a.m. - 3 p.m, Christ Lutheran School, 760 Victoria Street. The annual Fall Festival features fun for the whole family with carnival rides and games, a crafters corner, book nook, live music, potluck, sweet shoppe and good old fashioned fun!

Saturday, November 4, 2017 – **Halecrest Park Chili Cookoff**, 1–5 p.m., Halecrest Park, 3107 Killybrooke Lane.

Saturday, November 4, 2017 – **Fire and Ash Wine Dinner**, 6:30 p.m., Centennial Farm at the OC Fair and Event Center, 88 Fair Drive. A unique dining experience featuring talented chefs, special guests and, best of all, a scrumptious multi-course farm-to-fork wine dinner. For more information, please visit [www.ocfair.com](http://www.ocfair.com).

Saturday, November 11, 2017 – **Veterans Day Event**, 10 a.m. - 2 p.m., OC Fair and Event Center, 88 Fair Drive. Free Veterans Day event featuring live music, entertainment, veterans resource fair, free hot dogs, kids activities and more. For more information, please visit [www.ocfair.com](http://www.ocfair.com).

Saturday, November 11, 2017 – **Veterans Day Event**, 11 a.m. - 2 p.m., Segerstrom Center for the Arts Julianne & George Argyros Plaza, 600 Town Center Drive. Free Veterans Day event featuring live music and family-friendly activities. For more information, please visit [www.scfta.org](http://www.scfta.org).

Friday, November 10 & Saturday, November 11, 2017- **ARTventure**, SOCO and the OC Mix. 3rd 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 – **4th 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 Foundation and Heroes Hall. For more information, please visit [www.costamesahometour.com](http://www.costamesahometour.com).

Thursday, December 14, 2017 through Saturday, December 23, 2017 – **Snoopy House Holiday Display**, 5:30-9 p.m., City Hall, 77 Fair Drive. Snoopy House celebrates 50 years. Enjoy scenes populated by "Peanuts" characters, nightly visits from Santa Claus, live performances, and freshly blown snow on select days.