

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, DECEMBER 5, 2017
CITY COUNCIL CHAMBERS, 77 FAIR DRIVE
CLOSED SESSION – 4:00 P.M.
REGULAR MEETING – 6:00 P.M.

SANDRA L. GENIS
Mayor

ALLAN R. MANSOOR
Mayor Pro Tem

KATRINA FOLEY
Council Member

JOHN B. STEPHENS
Council Member

JAMES M. RIGHEIMER
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 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.

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 - PENDING LITIGATION INITIATION OF LITIGATION – 2 POTENTIAL CASES

Pursuant to Subdivision (d)(4) of Section 54956.9, California Government Code

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, DECEMBER 5, 2017 – 6:00 P.M.

CALL TO ORDER

NATIONAL ANTHEM The Madrigal Choir, Costa Mesa High School

PLEDGE OF ALLEGIANCE Mayor Genis

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 Mike Gibson, Christ Lutheran Church & School

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. Human Exploitation and Trafficking program – Tony Rackauckas, Orange County District Attorney

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

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. [WARRANT RESOLUTION NO. 2588 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-22 "A" FOR \\$5,565.11; AND 17-23 FOR \\$2,320,433.49; AND CITY OPERATING EXPENSES FOR \\$2,132,910.24; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2588.

2. [REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS14-00149 FOR STREET IMPROVEMENTS AT 1259 VICTORIA STREET, COSTA MESA, CALIFORNIA](#)

Public Services Department/Engineering Division

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS14-00149 in the amount of \$15,322.40 to Pinnacle Residential, 2 Venture, Suite 350, Irvine CA 92618.

3. **REFUND OF CASH DEPOSIT IN CONNECTION WITH ENCROACHMENT PERMIT NO. PS15-01016 FOR STREET IMPROVEMENTS AT 2880 MESA VERDE DRIVE EAST, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council refund cash deposit in connection with Encroachment Permit No. PS15-01016 in the amount of \$17,707.04 to Pinnacle Residential, 2 Venture, Suite 350, Irvine CA 92618.

4. **FINAL MAP FOR TRACT NO. 18109 LOCATED AT 2850 MESA VERDE DRIVE EAST, COSTA MESA, CALIFORNIA**

Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve the Final Map for Tract No. 18109 and authorize signing of the Map by the City Clerk and the City Engineer.

5. **AWARD THE PURCHASE OF THREE (3) NEW 2017/18 BMW R1200-RT-P POLICE MOTORCYCLES** - Public Services/Maintenance Services Division

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a purchase order for three (3) new 2017/18 BMW R1200-RT-P Police motorcycles from Irv Seaver Motorcycles, 607 W Katella Avenue, Orange, CA 92867, in the amount of \$81,620.

6. **SECOND AMENDMENT TO THE AGREEMENT WITH CLEANSTREET FOR STREET SWEEPING SERVICES**

Public Services Department/Maintenance Services Division

RECOMMENDATION:

1. City Council approve the Second Amendment to the Maintenance Agreement with CleanStreet, 1937 W. 169th Street, Gardena, CA 90247, to increase the annual amount of the contract by \$18,190.00 for residential, collector and arterial street sweeping citywide, to adjust for Consumer Price Index (CPI) growth of 2.6 percent; and
2. Authorize the City Manager to execute the Amendment.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. [AN ORDINANCE AMENDING ARTICLE 1 \(SOLID WASTE COLLECTION\) OF CHAPTER IV \(GARBAGE, RUBBISH AND WEEDS\) OF TITLE 8 \(HEALTH AND SANITATION\) OF THE COSTA MESA MUNICIPAL CODE, AND RESOLUTION ESTABLISHING FEES RELATING TO THE SAME TO MEET NEW STATE MONITORING AND REPORTING REGULATIONS](#)
Public Services Department/Administration Division

RECOMMENDATION:

1. City Council introduce and give first reading to Ordinance No. 17-xx, to be read by title only, and further reading waived, amending Article 1 (Solid Waste Collection) of Chapter IV (Garbage, Rubbish and Weeds) of Title 8 (Health and Sanitation) of the Costa Mesa Municipal Code; and
 2. Adopt Resolution No. 17-xx, establishing fees in connection with waste hauling.
2. [REVIEW OF PLANNING APPLICATION PA-17-36 TO ALLOW AN ANIMAL SHELTER FOR DOGS AND CATS TO BE OPERATED BY THE ORANGE COUNTY HUMANE SOCIETY \(OCHS\) AT 642 BAKER STREET](#)
Development Services Department/Planning Division

RECOMMENDATION:

The City Council may either uphold, uphold with revisions, or reverse the Planning Commission's decision to approve Planning Application PA-17-36 for the following:

1. Conditional Use Permit to allow an animal shelter for dogs and cats that will be operated by the Orange County Humane Society (OCHS). The shelter will be open to the public and receive and hold stray animals to be put up for adoption (no animals will be destroyed at this location). Outdoor walking and exercising of leashed animals is also proposed within the confines of the site, along with veterinary services for the animals brought to the facility (no veterinary services will be provided to the public). Hours of operation will be 10 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 5 p.m. Saturday and Sunday; and
2. Minor Conditional Use Permit to allow a reduction in the number of required on-site parking spaces based on unique operating characteristics (11 spaces required; 10 spaces proposed).

The project was approved by the Planning Commission on October 23, 2017, on a 5-0 vote. Two requests to review the action of the Planning Commission were filed on October 26, 2017 and October 27, 2017.

OLD BUSINESS:

1. [HARBOR BOULEVARD MEDIAN ENHANCEMENT PROJECT](#)
Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council approve the conceptual layout of the proposed Harbor Boulevard Median Improvement Project and authorize staff to complete the design and proceed to advertise the project for construction.

NEW BUSINESS:

1. [ANIMAL SHELTER SERVICES](#) – Police Department

RECOMMENDATION:

Staff is requesting that City Council:

1. Approve Amendment Number One to the Professional Services Agreement with the City's animal shelter services provider, Orange County Humane Society (OCHS), extending the Agreement for a period of six (6) months from the conclusion of the current term on January 21, 2018, through July 20, 2018, and providing the option to extend the Agreement for two (2) additional six (6) month periods; and
2. Authorize the City Manager to execute the Amendment; and
3. Authorize the City Manager to accept and execute future amendments to extend the term of the Agreement for up to (2) two additional six (6) month periods following a memorandum from the Police Department to the Animal Services Committee and City Council providing a status update on animal shelter operations; and
4. Authorize the City Manager to execute a short-term contract with another animal shelter services provider, as needed; and
5. Approve budgeting of one (1) new full-time Management Aide position under the Police Department to provide administrative support to the Police Department Animal Control Unit staff, OCHS staff, and the Animal Services Committee; and
6. Approve budgeting for four (4) part-time General Aide II positions to work in a Kennel Assistant capacity to assist Animal Control Unit and OCHS staff with care and accounting of Costa Mesa animals.

2. **RELEASE OF CONFIDENTIAL MEMORANDUM** – Office of the City Council

RECOMMENDATION:

City Council decide whether or not to waive the attorney-client privilege regarding a memorandum from the City Attorney's Office to the City Council, or, in the alternative, without waiving the privilege, to disclose the memorandum to specific officers of the City Council only.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Tuesday, December 5, 2017 – **21st Annual Christmas Fantasia**, 8 p.m., Segerstrom Center for the Arts, 600 Town Center. Enjoy favorite carols and breathtaking masterpieces performed by Vanguard University's 200-member choirs and orchestra. For more information, please visit: www.scfta.org.

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 Foundations and Heroes Hall. For more information visit: 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 51 years. Enjoy scenes populated by "Peanuts" characters, nightly visits from Santa Claus, live performances, and freshly blown snow on select days.

Saturday, December 16, 2017 – **Snow Land 2017**, 9 a.m.- noon. Balearic Community Center, 1975 Balearic Drive. Torelli Realty presents a snow play area, cookie decorating, hay wagon rides, bounce house, Santa Claus and more. For more information, please contact: 714- 540-7355.

Monday, December 18 through Thursday, December 21, 2017 – **Share Our Selves Annual Adopt a Family Program**, 8 a.m.- 4 p.m., OC Fair and Event Center, 88 Fair Drive. Share Our Selves links generous community members with families in need of extra support. For more information, please email: aaf@shareourselves.org.

Tuesday, December 26 through Sunday, January 7, 2017 – **Winter Fest OC**, OC Fair and Event Center, 88 Fair Drive. 150 –foot ice tubing slide, snow play, ice skating, rides, fireworks and more. For more information, visit: www.ocfair.com