

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, JANUARY 2, 2018
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. 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.

2. 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.

3. 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 Closed Session at the conclusion of public comments.

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

TUESDAY, JANUARY 2, 2018 – 6:00 P.M.

CALL TO ORDER

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.]

Pastor Jordan Hansen, Newport Mesa 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. Public Services Street Improvement Projects – Raja Sethuraman, Public Services Director

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
2. Council Member Righeimer
3. Mayor Pro Tem Mansoor
4. Council Member Foley
5. Mayor 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: William Tyler Davis and GEICO as Subrogee for Noelle Swanger.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2589 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-24 FOR \\$2,330,457.47; AND CITY OPERATING EXPENSES FOR \\$1,955,926.38; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#)

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2589.

3. [MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF NOVEMBER 7, 2017 AND NOVEMBER 21, 2017](#) - City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of November 7, 2017 and November 21, 2017.

4. **ADOPTION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA REVERSING THE DECISION OF THE PLANNING COMMISSION AND DENYING CONDITIONAL USE PERMIT 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:

City Council adopt Resolution No. 18-01 reversing the Planning Commission's approval of Planning Application PA-17-36.

5. **APPROVE A SOLE SOURCE JUSTIFICATION REQUEST FOR AIR EXCHANGE INC. FOR THE PURCHASE AND INSTALLATION OF PLYMOVENT EXHAUST SYSTEMS AT FIRE STATIONS 2, 3, 4, 5 AND 6**
Fire & Rescue Department/Public Services Department

RECOMMENDATION:

1. City Council approve a Sole Source Justification with Air Exchange, Inc., 1494-B East Francis Street, Ontario, CA 91761 for the purchase and installation of Plymovent Vehicle Exhaust System at Fire Stations 2,3,4,5 and 6; and
2. Approve and authorize the City Manager and the City Clerk to execute a Professional Services Agreement with Air Exchange, Inc. for the purchase and installation of the Plymovent Vehicle Exhaust System for an amount not to exceed \$249,000, effective January 2, 2018 through complete installation and final acceptance by the City.

6. **CITYWIDE SCHOOL ZONE TRAFFIC CALMING PROJECT, FEDERAL PROJECT NO. SRTSL-5312 (090), CITY PROJECT NO. 15-04**
Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Contract Change Order No. 2 in the amount of \$12,972.00; and
2. Accept the work performed by Asplundh Construction Group and authorize the City Clerk to file the Notice of Completion; and
3. Release the Labor and Materials Bond seven (7) months after the filing date; release the Faithful Performance Bond six (6) months after the filing date; and release the retention monies after the Notice of Completion is filed.

7. **PROFESSIONAL ENGINEERING SERVICES TO PROVIDE AS-NEEDED STAFF SUPPORT FOR VARIOUS CAPITAL IMPROVEMENT PROGRAM PROJECTS** - Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council approve Amendment No. 2 to the Professional Services Agreement with CivilSource, Inc., 9890 Irvine Center Drive, Irvine, California 92618, increasing the maximum compensation by \$355,000.00, to secure additional services, on an as-needed basis, for Project/Construction Management and Public Works Inspection for various Council-approved Capital Improvement Program (CIP) projects; and
2. Approve Amendment No. 3 to the Professional Services Agreement with Interwest Consulting Group, Inc., 15140 Transistor Lane, Huntington Beach, California 92649, increasing the maximum compensation by \$500,000.00, to secure additional services, on an as-needed basis, for Project/Construction Management and Public Works Inspection for various Council-approved CIP projects and extend the term of the Agreement through June 30, 2018; and
3. Authorize the City Manager to execute the Amendments.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. **CODE AMENDMENT CO-16-04B – AMENDMENT TO ARTICLES 2 AND 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. 18-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.

2. **AN ORDINANCE TO ADOPT CODE AMENDMENT CO-17-01 AMENDING TITLE 13, ARTICLE 2 CHAPTER I, IV, V, VI OF THE COSTA MESA MUNICIPAL CODE RELATED TO ACCESSORY DWELLING UNITS**

Planning Division/Development Services Department

RECOMMENDATION:

1. City Council find that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that “the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code” relating to “granny” housing and “second unit ordinances” are exempt from the requirements of CEQA; and
2. Introduce for first reading Ordinance No. 18-xx, to be read by title only, and further reading waived, adopting Code Amendment CO-17-01 for the following amendments to Title 13 (Zoning Code):
 - Chapter I, Article 2, Section 13-6: Replace Second Unit definition with Accessory Dwelling Units (ADU) definition;
 - Chapter IV, Section 13-30: Create a consistent reference to ADU as a land use category for R-1 and R2-MD zones;
 - Chapter V, Article 1, Section 13-35: Revise certain development standards of Second Units (parking, owner occupancy, maximum size, etc.); and
 - Chapter VI, Section 13.85: Amend residential parking requirements to include a minimum of one parking space per bedroom or a maximum of one parking for detached ADU with certain exceptions to allow for carpool, transit use, etc.

3. **REVIEW OF PLANNING COMMISSION MODIFICATION OF ZONING APPLICATION ZA-16-37 TO PERMIT TWO SHIPPING CONTAINERS FOR STORAGE AT THE REAR OF THE PROPERTY AT 777 AND 779 WEST 19TH STREET** – Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold, reverse, or modify the Planning Commission’s decision related to approval of a Minor Conditional Use Permit (MCUP) to allow two shipping containers for storage at the rear of the property.

The project was approved by the Planning Commission on October 23, 2017, on a 3-2 vote, Chair Andranian and Commissioner Navarro Woods voting no. The request to review the action of the Planning Commission was filed on October 27, 2017.

4. [PLANNING APPLICATION PA-17-04 FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR SALE OF ALCOHOLIC BEVERAGES AFTER 11:00 PM NOT WITHIN 200 FEET OF RESIDENTIAL USES AND DEVIATION FROM PARKING REQUIREMENTS WITH OFF-SITE SHARED PARKING WITH 705, 722, 729, AND 1626 OHMS WAY FOR A PROPOSED PROJECT AT 1618 OHMS WAY](#) – 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 for the renovation of an existing one-story, 6,461-square-foot industrial building at 1618 Ohms Way to an event venue (The Harper). The request includes the following:

1. Conditional use permit for:
 - a) operation of an event center/ banquet facility
 - b) valet parking at 705, 722, 729, 1626 and 1618 Ohms Way
2. Minor conditional use permit for:
 - a) sale of alcoholic beverages after 11:00 PM, not within 200 feet of residential uses
 - b) shared parking at 705,722, 729 and 1626 Ohms Way

The project was approved by the Planning Commission on November 13, 2017, on a 4-0 vote with Commissioner Navarro Woods absent. A request to review the action of the Planning Commission was filed November 20, 2017.

OLD BUSINESS:

1. [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 2.6 percent (\$18,190.00) for residential, collector, and arterial street sweeping City-wide, based on the Consumer Price Index; and
2. Authorize the City Manager to execute the Amendment.

2. [SECOND READING AND ADOPTION OF 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 TO MEET NEW STATE MONITORING AND REPORTING REGULATIONS](#)—Public Services Department/Administration Division

RECOMMENDATION:

City Council give second reading to and adopt Ordinance No. 18-01, 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.

NEW BUSINESS:

1. [PROVIDE DIRECTION TO STAFF REGARDING THE PREPARATION OF A DETAILED STAFF REPORT REGARDING THE POSITION OF THE CITY ATTORNEY](#) – Office of the City Council

RECOMMENDATION:

Council Member John Stephens requested that an item be placed on the agenda to discuss the position of the City Attorney and explore options for filling that position. Staff recommends that the City Council provide direction to staff on the preparation of a detailed staff report regarding the City Attorney position.

2. [NAMING THE COMMUNITY CENTER AFTER NORMA HERTZOG](#)
Office of the City Council

RECOMMENDATION:

Council Member Katrina Foley requested that an item be placed on the agenda to discuss naming the community center at Lions Park after former Mayor, Norma Hertzog. Staff recommends that the City Council provide direction to staff regarding naming this City facility after Norma Hertzog.

3. [CONSIDER ADOPTION OF A RESOLUTION SUPPORTING LOCAL AUTHORITY TO CERTIFY AND REGULATE RESIDENTIAL RECOVERY FACILITIES \(SOBER LIVING HOMES\)](#) – City Manager/Administration

RECOMMENDATION:

Council Member Katrina Foley requests formal City Council consideration to adopt the resolution that supports local authority to certify and regulate residential recovery facilities (Sober Living Homes).

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Saturday, January 6, 2018 – **SOCO Farmers Market**, 9 a.m.- 2 p.m., SOCO and The OC Mix, 3315 Hyland Avenue. Over 30 vendors showcase the best that California farmers and local food artisans have to offer. Live music, knife sharpening and free balloon animals for the kids. A free pet sitting service is also offered on the last Saturday of each month. For more information, please visit: www.farmermark.com.

Tuesday, January 9, 2018 – **Chamber 101**, 9-9:45 a.m., Costa Mesa Chamber office, 1700 Adams Ave., #101. Learn about the Chamber's "What's up Costa Mesa" app, membership benefits and how to maximize your brand. For more information, please visit: www.costamesachamber.com

Thursday, January 11, 2018 through Saturday, January 13, 2018 – **Beethoven's Violin Concerto**, Segerstrom Center for the Arts, 600 Town Center Drive. Beethoven's only violin concerto remains one of the most widely played and popular works for the instrument. For more information, please visit: www.scfta.org.

Monday, January 15, 2018 – **Mesa Verde Classic**, 8:30 a.m. to 5 p.m., Mesa Verde Country Club, 3000 Club House Drive. The 2018 Mesa Verde Classic Charity Golf Tournament presented by Costa Mesa United is the largest single day fundraiser in Costa Mesa. For more information, please visit: www.cmunited.org

Wednesday, January 17, 2018 – **Wednesday Matinees and Discussions: Begin the Conversation**, 1-4 p.m., Alzheimer's Orange County, 2515 McCabe Way, Irvine. Join in for a movie and discussion about how dementia impacts families. Showing the Notebook. For more information, please visit: www.costamesachamber.com

Thursday, January 18, 2018 – **Public Safety Personnel Recognition Dinner**, 6-9 p.m., Fete the Venue, 3101 Red Hill. Recognizing officers and employees of the Costa Mesa Police Department, Fire Department and Communications Center. For more information, please visit: www.costamesachamber.com

Friday, January 26, 2018 – **I-405 Improvement Project Groundbreaking Ceremony**, IKEA, 1475 South Coast Drive. Groundbreaking ceremony for the largest transportation project in Orange County's history.

Friday, January 26, 2018 – **Registration/cancellation deadline for Fantasy Springs Casino**, Costa Mesa Senior Center, 695 W. 19th St. Trip is planned for Tuesday, February 27, 2018, 8 a.m. to 6 p.m. Register with the front desk of the Senior Center. For more information, please call: 714-327-7550.