

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, SEPTEMBER 4, 2018
CITY COUNCIL CHAMBERS
77 FAIR DRIVE, COSTA MESA, CALIFORNIA
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 or by clicking [here](#).

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.** Materials can be e-mailed to cityclerk@costamesaca.gov. 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.**
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 a total of three minutes to speak on all items on the Closed Session agenda.

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager

Name of Employee Organization: Costa Mesa Police Management Association (CMPMA)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.6, California Government Code

Agency Designated Representative: Tamara Letourneau, Assistant City Manager

Name of Employee Organization: Costa Mesa Police Association (CMPA)

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: Orange County Catholic Worker, an unincorporated association: Lisa Bell, Shawn Carroll, Melissa Fields, Larry Ford, Cameron Ralston, Kathy Schuler, Gloria Shoemake, as individuals v. Orange County, City of Anaheim, City of Costa Mesa, and City of Orange, United States District Court, Central District of California – Southern Division, Case No. 8:18-cv-00155.

4. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code

Name of Case: County of Orange, Orange County Flood Control District, City of Costa Mesa, City of Orange, and City of Anaheim v. California Department of Public Health; Karen L. Smith, in her official capacity as Director and State Public Health Officer, Orange County Needle Exchange Program, Superior Court of the State of California, County of San Diego, Hall of Justice Center Courthouse, Case No. 37-2018-00039176-CU-MC-CTL.

5. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION INITIATION OF LITIGATION – TWO 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, SEPTEMBER 4, 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 Phil Eyskens, The Lighthouse Church, Costa Mesa

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: NONE

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. **PROCEDURAL WAIVER: MOTION TO APPROVE THE READING BY TITLE ONLY OF ALL ORDINANCES AND RESOLUTIONS. SAID ORDINANCES AND RESOLUTIONS THAT APPEAR ON THE PUBLIC AGENDA SHALL BE READ BY TITLE ONLY AND FURTHER READING WAIVED**

RECOMMENDATION:

City Council/Agency Board/Authority Board waive reading of Ordinances and Resolutions.

2. **READING FOLDER**

Claims received by the City Clerk: Nicholas Patrick and Andrew Rutledge

RECOMMENDATION:

City Council receive and file.

3. **WARRANT RESOLUTION NO. 2604 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL NOS. 18-14 "A" FOR \$154.83; 18-15 FOR \$2,685,935.08; 18-15 "A" FOR \$5,522.80; AND 18-16 FOR \$2,651,956.85; AND CITY OPERATING EXPENSES FOR \$5,727,916.63; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID**

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2604.

4. **MINUTES OF THE REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS OF JULY 17, 2018 AND AUGUST 7, 2018 AND SPECIAL CLOSED SESSION OF AUGUST 3, 2018**

City Manager's Office/City Clerk Division

RECOMMENDATION:

City Council approve the minutes of July 17, 2018, August 3, 2018 and August 7, 2018.

5. **ACCEPTANCE AND APPROVAL OF MONETARY DONATIONS AND ACCOMPANYING BUDGET ADJUSTMENTS FOR YOUTH RUNNING CLUB AND SMART CAMP PROGRAMS** – Parks and Community Services Department

RECOMMENDATION:

1. City Council accept two (2) monetary donations for youth programs; and
2. Authorize a budget adjustment recognizing \$3,333.52 in donations and appropriating \$3,333.52 to the Parks and Community Services Department budget for the specified purposes.

6. **AMENDMENT NUMBER TWO TO PROFESSIONAL SERVICES AGREEMENT WITH SAGECREST PLANNING AND ENVIRONMENTAL, LLC**

Development Services Department

RECOMMENDATION:

1. City Council approve Amendment Number Two to the existing Professional Services Agreement (PSA) with Sagecrest Planning and Environmental, LLC authorizing an additional amount of \$30,000 for consultant staff services; and
2. Authorize the City Manager to execute the amendment and future amendments to this Agreement.

7. **REPLACEMENT OF PEDESTRIAN BRIDGES AT TEWINKLE PARK PROJECT - CITY PROJECT NO. 17-12**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by R.E. Shultz Construction, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize release of the Labor and Material Bond one (1) year 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.

8. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AUTHORIZING ACCEPTANCE OF GRANT AWARDS FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)**

Police Department/Field Operations Division Traffic Safety Bureau

RECOMMENDATION:

1. City Council adopt Resolution No. 18-xx, which authorizes the application for, and acceptance of, a grant award from the State of California – Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorizes the Police Chief to execute the Grant Agreement; and
2. Approve a budget adjustment in the total amount of \$225,000 to increase revenue and appropriation for overtime, professional development and equipment associated with the 2018 OTS STEP Grant.

9. **CDBG PROJECT: POMONA AVENUE PAVEMENT REHABILITATION FROM 18TH STREET TO 19TH STREET, CITY PROJECT NO. 18-02**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by All American Asphalt 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.

10. **APPROVAL OF THE LICENSE AGREEMENT WITH THE ORANGE COUNTY MODEL ENGINEERS FOR THE USE OF A PORTION OF FAIRVIEW PARK**

Parks and Community Services Department

RECOMMENDATION:

1. City Council approve the license agreement with the Orange County Model Engineers, Inc. (OCME) for the use of a portion of the eastside of Fairview Park to operate and maintain a model railroad facility for a period of twenty years, ending on September 9, 2038, with the option to extend the term for two (2) additional five-year periods; and
2. Authorize the City Manager to execute the license agreement and any future amendments to the agreement.

11. SPECTRUM ENTERPRISE SERVICE AGREEMENT

Information Technology Department

RECOMMENDATION:

1. City Council approve the five-year Spectrum Enterprise Service Agreement between the City of Costa Mesa and Charter Communications, Inc. (Spectrum), for the establishment of network connections between City Hall and all of the remote sites of the City commencing on October 23, 2018 through October 22, 2023; and
2. Approve the Customer Service Order in the current annual amount of \$189,792 (paid in monthly installments of \$15,816). The annual amount is subject to adjustment if the City decides to increase its bandwidth depending on its future needs; and
3. Authorize the City Manager and the City Clerk to execute the agreement; and
4. Authorize the City Manager and the City Clerk to accept and execute future amendments to the agreement; and
5. Authorize a budget adjustment appropriating \$94,896 in the Information Technology Department budget to be funded from fiscal year 2017-18 surpluses.

12. AUTHORIZE PURCHASE OF FURNITURE, FIXTURES AND EQUIPMENT (FFE) AND SITE FURNISHINGS TOTALING \$799,590.04 FOR PHASE 1 OF LIONS PARK PROJECTS - City Manager's Office

RECOMMENDATION:

City Council authorize the City Manager to execute contracts and purchase orders relating to the purchase and installation of furniture, fixtures and equipment and site furnishings in the amount of \$799,590.04 for Phase 1 of the Lions Park Projects.

AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR

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

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

1. **EXTENSION OF AN URGENCY ORDINANCE NO. 18-07 AS AN INTERIM MEASURE TO PROHIBIT THE ESTABLISHMENT OF NEEDLE EXCHANGE PROGRAMS WITHIN ALL ZONING DISTRICTS IN THE CITY OF COSTA MESA**
Development Services Department/Planning Division

RECOMMENDATION:

1. City Council issue the Report of the City Council: Extension of Urgency Ordinance 18-07, which describes the measures taken to alleviate the conditions which led to the adoption of the moratorium; and
2. Introduce and adopt Urgency Ordinance No. 18-08 to extend Urgency Ordinance No. 18-07 prohibiting the establishment and/or operation of hypodermic needle and syringe exchanges within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code section 65858, for a period of 10 months and 15 days.

2. **A RESOLUTION ADOPTING SMALL CELL TELECOMMUNICATION FACILITY DESIGN GUIDELINES AND APPROVING AN ORDINANCE (CODE AMENDMENT CO-18-03) AMENDING COSTA MESA MUNICIPAL CODE SECTION 19-15 TO REFERENCE THE PROPOSED DESIGN GUIDELINES**
Development Services Department/Planning Division

RECOMMENDATION:

1. City Council find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3)(General Rule exemption); and
2. Introduce for first reading Ordinance No. 18-xx adopting Code Amendment 18-03 to revise Title 19, Article 4, Section 19-15 of the Municipal Code with respect to wireless telecommunications services in the public right-of-way and approve design guidelines for Small Cell Telecommunications Facilities by resolution.

AGENDA CONTINUED ON THE NEXT PAGE.

3. **ORDINANCE 18-XX: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING ARTICLE 2.5, CHAPTER V, OF TITLE 13 (ZONING CODE), RELATING TO SMALL LOT SUBDIVISIONS**

Development Services Department/Planning Division

RECOMMENDATION:

1. City Council find that the ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
2. As recommended by the Planning Commission give first reading to Ordinance 18-xx approval of Code Amendment CO-18-02 for the following amendments to Title 13, Chapter V, Article 2.5 of the Costa Mesa Municipal Code, related to Small Lot Subdivisions.
 - a) Revise the 30 percent minimum open space requirement to 35 percent
 - b) Revise the minimum rear yard setback from 10 feet to 15 feet for both first and second floors
 - c) Revise the parking standards to require two garage spaces and one open parking for two bedroom units.
 - d) Revise the Small Lot Ordinance Standards to require a minimum 16-foot-wide driveway for flag lots, a minimum eight feet wide pedestrian access from a public street for an alley lot and prohibit units fully fronting on a public alley.
 - e) Revise the minimum distance between buildings to six feet.
 - f) Revise the Zoning Code to prohibit applying SLO standards in conjunction with the Urban Plan standards.
 - g) Add a new minimum lot size standard of 7,260 square feet for the development lot to the Small Lot Development Standards.

OLD BUSINESS:

1. [**SECOND READING AND ADOPTION OF ORDINANCE NO. 18-06 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(PLANNING, ZONING AND DEVELOPMENT\) RELATING TO NOTICING FOR PUBLIC HEARINGS**](#) - Development Services Department

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 18-06, to be read by title only, adopting Code Amendment CO-17-04 to expand the Public Notice provided for zoning matters per Section 13-29(d) of the Costa Mesa Municipal Code to include both owners and occupants of properties within 500 feet of a project site.

NEW BUSINESS:

1. [**AMENDMENT TO CITY ATTORNEY RETAINER AGREEMENT WITH JONES & MAYER**](#) – City Manager’s Office

RECOMMENDATION:

City Council receive and file independent auditor’s report regarding the proposed Amendment Number One to Amended Retainer Agreement for City Attorney Services between Jones & Mayer and the City of Costa Mesa.

2. [**SERVICES AGREEMENT FOR PUBLIC SAFETY HELICOPTER SUPPORT BETWEEN THE CITY OF HUNTINGTON BEACH AND THE CITY OF COSTA MESA**](#) – Police Department/Support Service Division

RECOMMENDATION:

City Council receive and file independent auditor’s report regarding the proposed public safety helicopter support services contract between the City of Huntington Beach and the City of Costa Mesa.

3. [**URBAN MASTER PLAN SCREENING REQUEST \(UMP-18-01\) FOR A MIXED-USE DEVELOPMENT IN THE 19 WEST URBAN PLAN OVERLAY AT 752 AND 756 W. 19TH STREET**](#) – Development Services Department/Planning Division

RECOMMENDATION:

City Council provide feedback on a proposed Urban Master Plan for a mixed use development within the 19 West Urban Plan Overlay.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, September 5, 2018 – **Tastemakers of Orange County**, 6-9 p.m., Segerstrom Center for the Arts, 600 Town Center Dr. A collaboration between the Segerstrom Center for the Arts and The Orange County Asian and Pacific Islander Community Alliance, this culinary event brings the Pacific Islander community, culture, heritage and cuisines to Costa Mesa. For more information, please call: 949-642-3745.

Thursday, September 6, 2018 – **iPhone Training**, 9-11 a.m. Costa Mesa Senior Center, 695 W 19th St. A free class that will teach how to operate basic functions of your iPhone. Registration is required. For more information, please call: 714-327-7550.

Friday, September 7, 2018 – **Citizens Environment Protection Academy Workshop**, 8 a.m. – noon, Costa Mesa Sanitary District - 290 Paularino Ave. Featuring presentations and demonstrations from the District's wastewater staff and Inside the Outdoors, as well as a tour of the Orange Coast College Recycling Center. A free shuttle will be provided.

Saturday, September 8, 2018 - **Grandparents Day**, 10 a.m.- noon, Senior Center, 695 W 19th St. Celebrate Grandparents Day with your loved ones. Enjoy COCO, a Disney Pixar film, donuts and arts and crafts. For more information, please call 714-327-7550.

Saturday, September 8, 2018 – **Walk for Independence**, 8 a.m.- noon, TeWinkle Park. Join in for the 9th annual walk that celebrates independent living for people with disabilities through Orange County. For more information, please visit: <https://www.proindependence.org/>

Saturday, September 8, 2018 – **SOCO Farmer's Market**, 9 a.m. – 2 p.m., SOCO Collection 3303 Hyland Ave. Enjoy seasonal fruits, nuts, sauces, breads and more. For more information, please visit: <http://socoandtheocmix.com/>.

Saturday, September 8, 2018 – **Costa Mesa Speedway-Sidecars/Juniors**, 6 p.m., OC Fair and Event Center, 88 Fair Dr. An exciting colorful and unpredictable live racing show. For more information, please visit: www.ocfair.com

Tuesday, September 11, 2018 – **Chamber 101**, 9 a.m. Chamber administration office, 1700 Adams Ave. Suite 101. Learn about chamber membership opportunities, networking events and the many resources the chamber can provide you. For more information, please visit: www.costamesachamber.com

Friday, September 21, 2018 – **Photo Contest Submission Deadline**. Share your creativity by participating in the first Parks and Community Services photo contest. For rules and submission information, please call 714-754-5300 or visit <http://www.costamesaca.gov/photocontest>.

Saturday, September 22, 2018 – **Cruisen For A Cure**, 6 a.m. – 4 p.m., OC Fair and Event Center, 88 Fair Dr. One-day charity car show with over 3,500 vehicles on display and over 200 vendors and exhibitors. For more information, please visit: www.ocfair.com

Sunday, September 23, 2018 – **Costa Mesa Community Run**, 6:30 a.m. – noon. Free parking at Estancia High School, 2323 Placentia Ave. Packet pick up begins at 6:30 a.m. and the 5K and 10K begins at 8:30 a.m. Enjoy a cross country and trail run event through Fairview Park.