

# **AGENDA**

## **CITY OF COSTA MESA**

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

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

**TUESDAY, JANUARY 3, 2017**  
**CITY COUNCIL CHAMBERS, 77 FAIR DRIVE**  
**SPECIAL CLOSED SESSION – 3:30 P.M.**  
**REGULAR MEETING – 5:45 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.** Any materials to be displayed on the overhead projector at the Council Meeting must be submitted to the City Clerk **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. In accordance with City Council Policy 000-11, and among other requirements, any video submitted for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. A copy of this policy is available at City Hall during normal office hours.
4. 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.

## **SPECIAL CLOSED SESSION – 3:30 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 Special Closed Session agenda. Each member of the public will be given three minutes to speak.

1. Conference with legal counsel regarding existing litigation: City of Costa Mesa, a municipal corporation, et al., v. Civic Center Barrio Housing, Orange County Superior Court Case No. 30-2014-00715552-CU-BC-CJC, pursuant to California Government Code Section 54956.9(d)(1).
2. Conference with legal counsel regarding existing litigation: Gosson v. City of Costa Mesa, et al., Orange County Superior Court Case No. 30-2015-00816221-CU-PO-CJC, pursuant to California Government Code Section 54956.9(d)(1).
3. Conference with legal counsel regarding existing litigation: AmeriCare MedServices, Inc. v. City of Costa Mesa and CARE Ambulance Service, Inc., United States District Court, Central District of California, Case No. 8:16-cv-01804-AG-SK, pursuant to California Government Code Section 54956.9(d)(1).
4. Conference with legal counsel regarding existing litigation: Ming Cheng Chen; Hsiang Chu Shih Chen v. City of Costa Mesa, United States District Court, Central District of California, Case No. 8:16-cv-01624-JCG, pursuant to California Government Code Section 54956.9(d)(2).
5. Conference with legal counsel regarding existing litigation: City of Costa Mesa, et al., v. New Harbor Inn, an unincorporated entity, et al., Orange County Superior Court of California, Case No. 30-2016-00848149-CU-OR-CJC, pursuant to California Government Code Section 54956.9(d)(1).
6. Conference with legal counsel regarding existing litigation: The Kennedy Commission, et al vs. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2016-00832585-CU-WM-CJC, pursuant to California Government Code Section 54956.9(d)(1).
7. Conference with legal counsel regarding existing litigation: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC, pursuant to California Government Code Section 54956.9(d)(1).

8. Conference with legal counsel regarding existing litigation: 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, pursuant to California Government Code Section 54956.9(d)(1).
9. Conference with legal counsel regarding anticipated litigation, significant exposure to litigation, pursuant to California Government Code Section 54956.9(d)(2) for 2 potential cases.
10. Conference with legal counsel regarding anticipated litigation, initiation of litigation, pursuant to California Government Code Section 54956.9(d)(4) for 1 potential case.

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

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,  
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY  
TUESDAY, JANUARY 3, 2017 - 5:45 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE** Mayor Pro Tem 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.]*

Deacon Tim Donovan, Saint Joachim Catholic 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.

**PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA:**

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**COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

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

## REPORT – CITY MANAGER

### 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: Juanita J. Alboney and Barbara D. Tracy.

RECOMMENDATION:

City Council receive and file.

**2. WARRANT RESOLUTION NO. 2568 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-24 "A" FOR \$2,402.26, 16-25 FOR \$2,144,079.66, 16-25 "A" FOR \$-0.25, AND 16-26 FOR 2,236,423.48; AND CITY OPERATING EXPENSES FOR \$2,920,492.00; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID -**

Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2568.

**3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF DECEMBER 6, 2016 -** City Manager's Office/City Clerk's Office

RECOMMENDATION:

City Council approve the minutes of December 6, 2016.

**4. PURCHASE FOR FABRICATION OF AN ARBOR AT PINKLEY PARK**  
Public Services Department/Maintenance Services Division

RECOMMENDATION:

City Council approve and authorize the City Manager to execute a purchase order with Coast Recreation Inc., 3151 Airway Avenue, #A-3, Costa Mesa, CA, for the fabrication of an arbor located at Pinkley Park, in the amount of \$64,982.00.

5. **RECOMMENDED ACCEPTANCE AND ALLOCATION OF THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FUNDS**

Police Department

RECOMMENDATION:

1. City Council approve staff's recommendation to allocate 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to the Police Department's operating budget; and
2. Approve the budget adjustment (BA #17-006) to increase revenue and appropriations in the JAG fund, and allocate funds as follows:
  - Electronic Citation (E-Citation) System Upgrade - \$20,004.53

6. **AWARD PROCUREMENT AND INSTALLATION OF WORKSTATIONS AND FURNITURE FOR 4<sup>TH</sup> FLOOR REMODEL**

Public Services Department/Administration Division

RECOMMENDATION:

City Council authorize the City Manager to execute a purchase order with Culver-Newlin for the procurement and installation of office workstations and furniture in the amount of \$153,099 to remodel a large portion of the 4<sup>th</sup> Floor of City Hall.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

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

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

1. **AN URGENCY ORDINANCE TO ADOPT CODE AMENDMENT CO-16-006: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CULTIVATION OF MARIJUANA AND/OR MEDICAL MARIJUANA** – City Attorney's Office and Development Services Department

RECOMMENDATION:

City Council introduce and adopt Urgency Ordinance 17-01, to be read by title only, and further reading waived, to adopt Code Amendment CO-16-006 amending Costa Mesa Municipal Code Title 13, Article 20 of Chapter IX, Special Land Use Regulations.

2. REVIEW OF PLANNING APPLICATION PA-16-55 FOR HOLIDAY (FORMERLY LION'S DEN AND MAISON)

Development Services Department/Planning Division

RECOMMENDATION:

City Council uphold, reverse, or modify the Planning Commission's decision to approve Conditional Use Permit PA-16-55 to allow live entertainment including, but not limited to, music, dancing, and open microphones, for an entertainment venue (Holiday, formerly Lion's Den and Maison) within 200 feet of residentially-zoned properties, and on-site valet parking. A current public entertainment permit allows disc jockey entertainment (DJ) and dancing. Proposed hours of operation are from 7:00 a.m. to 2:00 a.m., seven days a week; proposed hours for live entertainment are 11:00 a.m. to 2:00 a.m., seven days a week.

The Planning Commission's approval was called up for review by a Council Member.

3. ANNUAL REVIEW OF THE CITYWIDE TRAFFIC IMPACT FEE PROGRAM

Public Services Department/Transportation Services Division

RECOMMENDATION:

City Council adopt Resolution 17-xx to approve the recommendations by the Traffic Impact Fee Ad Hoc Committee and staff as follows:

1. Continue the current traffic impact fee of \$181 per Average Daily Trip (ADT); and
2. Continue the incentive program for new developments by assessing traffic impact fees on an incremental basis for the first 100 trips; and
3. Approve the annual accounting of the Citywide Traffic Impact Fee Program.

**OLD BUSINESS: NONE**



**NEW BUSINESS:**

1. [FIRST READING OF ORDINANCE 17-XX OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING THE COSTA MESA MUNICIPAL CODE SECTIONS 2-97 and 2-101 CHANGING THE TITLE OF CHIEF EXECUTIVE OFFICER TO CITY MANAGER AND ASSISTANT CHIEF EXECUTIVE OFFICER TO ASSISTANT CITY MANAGER](#)

City Manager's Office

**RECOMMENDATION:**

City Council give first reading to Ordinance 17-xx, to be read by title only, and further reading waived, amending sections 2-97 and 2-101 of the Costa Mesa Municipal Code to remove references to the Chief Executive Officer and Assistant Chief Executive Officer and change the titles to City Manager and Assistant City Manager respectively.

2. [MODIFICATIONS TO ORDER OF BUSINESS, PUBLIC COMMENTS AND CONSENT CALENDAR ON THE CITY COUNCIL AGENDA; AND SETTING THE COMMENCEMENT TIME FOR CLOSED SESSION AND CITY COUNCIL MEETINGS](#) - Office of the City Clerk

**RECOMMENDATION:**

City Council consider Resolution No. 17-01, setting the time of commencement at 6:00 p.m. for regular City Council meetings, setting the time of commencement at 4:00 p.m. for regular Closed Session meetings, and changing the order of business for City Council meetings.

**AGENDA CONTINUED ON THE NEXT PAGE**

**3. COMMISSIONERS RELEASE FROM APPOINTMENT ON THE PLANNING COMMISSION, SENIOR COMMISSION, AND PARKS AND RECREATION COMMISSION – City Manager’s Office**

**RECOMMENDATION:**

Mayor Foley is requesting that the City Council:

1. Consider releasing the appointment of commissioners whose terms expire in 2019 and 2021, effective January 4, 2017; and
2. Direct the City Clerk to post the special vacancy notices pursuant to GC §54974(a), and to proceed with a recruitment for new commissioners; and
3. Consider scheduling a Special Meeting on Tuesday, January 24, 2017 to interview the applicants; and
4. Consider scheduling a Special Meeting on Tuesday, January 31, 2017, to complete the interview of applicants and to make the appointments to the commissions.

**4. FIRE STATION #6 AND RELATED STAFFING – City Manager’s Office and Fire Department**

**RECOMMENDATION:**

Several members of the City Council have requested that this item be brought forward for consideration. As such, the Fire Chief and City Manager recommend that the City Council:

1. Formally authorize and approve the recommendation to keep Fire Station #6 open; and
2. Formally authorize and approve a total of six sworn positions for the Fire & Rescue Department which are currently being filled with overtime personnel, including:
  - a. Three Fire Captain positions
  - b. Three Firefighter positions

**REPORT – CITY ATTORNEY**

**ADJOURNMENT**

## UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Friday, January 6, 2017 through Sunday, January 8, 2017 – **Rent**, Segerstrom Center for the Arts, 600 Town Center Drive. This Pulitzer Prize and Tony Award winning show returns in a colorful 20<sup>th</sup> anniversary touring production. For ticket information, please visit: [www.scfta.org](http://www.scfta.org).

Friday, January 6, 2017 – **First Friday Roadshow**, 5:30-7:30 p.m. p.m., City Hall, 77 Fair Drive. Enjoy this community car show that features all your favorite classics, customs and exotics. Also enjoy live music and giveaways.

Wednesday, January 11, 2017 – **Networkers Luncheon**, 11:30 a.m.-1:00 p.m. Royal Tea and Treatery, 2959 Grace Lane. Networking lunch, fee is cost of lunch, order off the menu. For more information, please visit: [www.costamesachamber.com](http://www.costamesachamber.com).

Thursday, January 12, 2017 through Saturday, January 28, 2017 – **Off Center Festival**. Segerstrom Center for the Arts, 600 Town Center Drive. Returning to Costa Mesa for another year, this line up offers creative, contemporary and controversial artists and shows. For more information or to purchase tickets, please visit: [www.SCFTA.org](http://www.SCFTA.org).

Thursday, January 12, 2017 – **Cataracts, Causes, Symptoms and Treatment**, 1-2 p.m., Senior Center, 695 W. 19<sup>th</sup> Street. Learn causes, symptoms and treatment options. Register at the front desk.

Saturday, January 14, 2017 – **Senior's New Year's Gala**, 3-6 p.m., Costa Mesa Senior Center, 695 W. 19th Street. Celebrate the New Year in a roaring 20's style. Dress in your best and enjoy dinner, dessert and entertainment. Registration/cancellation deadline in Friday, January 6. Register at the front desk.

Saturday, January 14, 2017 – **Baby and Kids Experience**, 10 a.m.-5 p.m., OC Fair and Event Center, 88 Fair Drive. A one-day interactive, educational and consumer event for parents and kids. For more information, please [www.ocfair.com](http://www.ocfair.com).

Monday, January 16, 2017 – **The Mesa Verde Classic**, 8 a.m-5p.m., Mesa Verde Country Club, 3000 Club House Drive. The largest single day fundraiser in Costa Mesa, this year's theme will be "ANTE UP!" and the course will include music, food, and live entertainment For more information, please visit: <http://birdeasepro.com/MVCC2017>.

Thursday, January 19, 2017 – **90 Minute Breakfast Boost**, 7-8:45 a.m., Costa Mesa Country Club, 1701 Golf Course Dr. \$15 with prepayment reservations or \$20 at the door. For more information and to RSVP, please email: [www.costamesachamber.com](http://www.costamesachamber.com).