

**AMENDED AGENDA\***  
**CITY OF COSTA MESA**  
**REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND**  
**SUCCESSOR AGENCY TO THE REDEVELOPMENT**  
**AGENCY\* MEETING**

**\*NEW BUSINESS ITEM # 1 – CIVIC OPENNESS IN NEGOTIATIONS  
(COIN) HAS BEEN REMOVED FROM THE AGENDA.**

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

**TUESDAY, FEBRUARY 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.** 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.

## **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 Special Closed Session agenda. Each member of the public will be given three minutes to speak.

1. 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).
2. Conference with legal counsel regarding anticipated litigation, initiation of litigation, pursuant to California Government Code Section 54956.9(d)(4) for 1 potential case.
3. Conference with legal counsel regarding existing litigation: City of Costa Mesa v. David William Palmblade and Judith Darlene Palmblade, Orange County Superior Court Case No. 30-2016-00841782-CU-BC-CJC, pursuant to California Government Code Section 54956.9(d)(1).
4. Conference with Thomas R. Hatch, City Manager, and Labor Negotiator, Agency Negotiator regarding Costa Mesa Division Managers Association (CMDMA), pursuant to California Government Code Section 54957.6.
5. Conference with Thomas R. Hatch, City Manager, regarding Unrepresented Executive employees, pursuant to California Government Code Section 54957.6.

**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, FEBRUARY 7, 2017 – 6:00 P.M.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**      Council Member Righeimer

**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 Tim McCalmont, Presbyterian Church of the Covenant, 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**

*(Each council member is limited to four minutes. Additional comments will be heard at the end of the meeting)*

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

### **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: Oswaldo Cruz, Ho Jeong Lim, Carlos Moreno, and Esteban Recinos.

RECOMMENDATION:

City Council receive and file.

2. **WARRANT RESOLUTION NO. 2570 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 16-27 "A" FOR \$4,103.97 AND 17-01 FOR \$2,264,869.48; AND CITY OPERATING EXPENSES FOR \$1,566,578.75; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID** - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2570.

3. **2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) PROGRAM ALLOCATION** - Police Department/Support Services Division

RECOMMENDATION:

1. City Council authorize the City Manager or his designee to execute the Agreement to Transfer Funds for the 2016 Emergency Management Performance Grant (EMPG) Program; and
2. Adopt Resolution No. 17-xx, which authorizes the application for and acceptance of funds under the Emergency Management Performance Grant (EMPG) Program, and authorizes the City Manager or his designee to accept the EMPG Program funds.

4. **DEL MAR AVENUE MEDIAN IMPROVEMENTS (FROM NB NEWPORT BOULEVARD TO 300 FEET EAST), CITY PROJECT NO. 15-12**

Public Services Department/Engineering Division

RECOMMENDATION:

1. City Council accept the work performed by HYM Engineering, Inc. and authorize the City Clerk to file the Notice of Completion; and
2. Authorize the release of the Labor and Materials Bond seven (7) months after the filing date; release of the Faithful Performance Bond twelve (12) months after the filing date and release of the retention monies 35 days after the Notice of Completion filing date.

5. **AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT PROVIDING ENVIRONMENTAL CONSULTING SERVICES FOR AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (PLANNING APPLICATION PA-17-03 FOR MASTER PLAN OF A 23.4 ACRE PROPERTY AT 1375 SUNFLOWER AVENUE)** – Development Services Department/Planning Division

RECOMMENDATION:

1. City Council approve Amendment 2 to the Professional Services Agreement in the amount of \$21,000 with a new contract total amount not to exceed \$62,530.00 for Psomas with a current contract; and
2. Authorize the City Manager and City Clerk to accept and execute future amendments to the agreement.

6. [A RESOLUTION AUTHORIZING THE CITY TO ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR LICENSING PURPOSES AND FEDERAL LEVEL CRIMINAL HISTORY INFORMATION-](#)  
City Manager's Office/City Attorney's Office

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution 17-xx in order to be able to access both local summary criminal history information and federal level criminal history information as required to process applications for Medical Marijuana Business Permits pursuant to Measure X.

7. [DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS \(SCAG\) 2017 REGIONAL CONFERENCE & GENERAL ASSEMBLY](#) - City Manager's Office/Administration

RECOMMENDATION:

City Council designate Mayor Pro Tem Genis as the delegate for the upcoming Annual SCAG Regional Conference & General Assembly.

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR:**

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

1. [EXTENSION OF AN URGENCY ORDINANCE NO. 17-01 TO ADOPT CODE AMENDMENT CO-16-06: AN AMENDMENT TO TITLE 13 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CULTIVATION OF MARIJUANA AND/OR MEDICAL MARIJUANA](#)  
City Attorney's Office/Development Services Department

RECOMMENDATION:

City Council introduce and adopt an extension of Urgency Ordinance No. 17-01 to adopt Code Amendment CO-16-06 amending Costa Mesa Municipal Code Title 13, Article 20 of Chapter IX, Special Land Use Regulations.

**OLD BUSINESS:**

1. **APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION, THE PLANNING COMMISSION AND THE SENIOR COMMISSION**

City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Proceed with making five appointments to the Parks and Recreation Commission, three seats that expire February 2019 and two seats that expire February 2021; and
2. Proceed with making five appointments to the Planning Commission, three seats that expire February 2019 and two seats that expire February 2021; and
3. Proceed with making seven appointments to the Senior Commission, four seats that expire February 2019 and three seats that expire February 2021.

2. **SECOND READING OF ORDINANCE NO. 17-03 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 5, CHAPTER 1, TABLE R301.2(1) OF THE COSTA MESA MUNICIPAL CODE BY ESTABLISHING THE ULTIMATE DESIGN WIND SPEED TO BE UTILIZED FOR THE DESIGN OF RESIDENTIAL STRUCTURES AS REQUIRED BY THE 2016 CALIFORNIA RESIDENTIAL CODE AND FURTHER ESTABLISHING THAT THE CITY OF COSTA MESA IS NOT WITHIN EITHER A SPECIAL WIND REGION OR A WIND BORNE DEBRIS ZONE**

Development Services Department/Building Division

RECOMMENDATION:

City Council give second reading and adopt Ordinance No. 17-03, to be read by title only, and further reading waived, for the 2016 California Residential Building Code Wind Speed Revision.



**NEW BUSINESS:**

1. ~~INTRODUCE FOR FIRST READING AN ORDINANCE TO REPEAL ARTICLE 2 OF CHAPTER VI OF TITLE 2 OF THE COSTA MESA MUNICIPAL CODE RELATED TO CIVIC OPENNESS IN NEGOTIATIONS AND PROVIDE DIRECTION TO STAFF REGARDING AN ADMINISTRATIVE POLICY THAT ENSURES TRANSPARENCY IN THE LABOR NEGOTIATION PROCESS --~~

City Manager's Office

2. PRELIMINARY STATUS UPDATE ON AMBULANCE TRANSPORTATION FOR THE CITY OF COSTA MESA TO PREPARE FOR A FUTURE AND UPDATED CITY COUNCIL RECOMMENDATION IN SPRING 2017

Fire Department

**RECOMMENDATION:**

The Fire Chief recommends that the City Council approve the following recommendations:

1. Receive the updated presentation on the status of Emergency Medical Services (EMS) ambulance transportation for the City of Costa Mesa; and
2. Authorize and approve a part-time Emergency Medical Services Coordinator to assist in the coordination of the Fire and Rescue department's EMS ambulance transportation program, including billing and cost recovery; and
3. Approve the scheduling of an April study session to discuss the reassessment of the city's EMS ambulance service transportation options; and
4. Approve the scheduling within a May City Council meeting to review updated recommendations on the city's EMS ambulance service transportation.

**AGENDA CONTINUED ON THE NEXT PAGE**

3. **COSTA MESA COMMITTEES AND BOARD** – City Manager’s Office

RECOMMENDATION:

After various requests from individual City Council Members, staff is requesting that City Council provide direction on the following recommendations:

1. Change the regular scheduled term expirations for all appointed Committee and Board Members to March 31, 2017 for every Committee and Board including those set to expire in 2018 and 2019, and those with no term expirations, and thereafter the terms will continue according to Council Policy 000-2; and
2. Direct the City Clerk to post the vacancy notices pursuant to GC §54973 and GC §54974, and to proceed with the recruitments for new Committee Members; and
3. Consider merging the Pension Oversight Committee into the Finance Advisory Committee; and
  - 3.1. Should the Council desire to continue the Pension Oversight Committee as a separate Committee:
    - a. Review and consider revising the scope and responsibilities of the Pension Oversight Committee (POC) based on one of three options:
      - i. List A: Current POC scope and responsibilities
      - ii. List B: POC recommended revised POC scope and responsibilities
      - iii. List C: Staff recommended revised POC scope and responsibilities
    - b. Consider changing the name of the Pension Oversight Committee to the Pension Advisory Committee.
4. Consider formalization of the Military Affairs Committee; and
5. Consider dissolution of the Fairview Park Citizen’s Advisory Committee; and
6. Consider creation of the Fairview Park Steering Committee; and
7. Consider creation of the Youth Sports Committee; and
8. Consider dissolving both the Charter Committee and the 60th Anniversary Committee.

## ADDITIONAL COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

### REPORT – CITY MANAGER

### REPORT – CITY ATTORNEY

### ADJOURNMENT

#### UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, February 8, 2017 – **Lego Wednesday**, 3:30-5:00 p.m. Costa Mesa Library Technology Branch, 2263 Fairview Rd. Every Wednesday enjoy some fun and create. For more information, please call: (949) 515-3970.

Wednesday, February 8, 2017 – **FAFSA Application Workshop**, 5:00-7:00 p.m. Youth Employment Service (YES) 114 E. 19<sup>th</sup> Street. Youth Employment Service and the Boys and Girls Club Central Orange Coast program have partnered together to offer 3 FAFSA Workshops. RSVP to [hannah@yesworks.org](mailto:hannah@yesworks.org).

Wednesday, February 8, 2017 – **Chamber of Commerce Networkers Luncheon**, 11:30 a.m.-1:00 p.m. Royal Tea and Treatery, 2959 Grace Lane. No reservations needed, cost of lunch, order from the menu. Enjoy lunch and networking opportunities. For more information, please visit: [www.costamesachamber.com](http://www.costamesachamber.com)

Wednesday, February 8, 2017 – **What You Should Know About Over the Counter Medication**, 12:00-1:00 p.m., Costa Mesa Senior Center, 695 W. 19<sup>th</sup> St. Topics covered will include how to be safer when choosing your OTC medications and how to improve safety when taking them. Register at the front desk.

Thursday, February 9, 2017 – **Tee it up with John**, 6 p.m., Council Chambers, 77 Fair Drive. Join Council Member John Stephens for a community discussion on fireworks. For more information, please call: (714) 754-5328.

Thursday, February 9, 2017 – **Mesa Water District Tour**, Departure time is 8:45 a.m., Senior Center, 695 W. 19<sup>th</sup> St. Enjoy a free tour of the Mesa Water District and learn about the treatment process and their water-wise garden. Space is limited, so register with the front desk ASAP. For more information, please call: (714) 327- 7547.

Friday, February 10, 2017 – **Hearty Party**, 3:30-6:30 p.m., Downtown Recreation Center, 1860 Anaheim Ave. For 7<sup>th</sup> through 12<sup>th</sup> grade students, enjoy a live band, face painting, a photo booth and much more. Permission slips can be found at all Teen Centers. For more information, please call: (714) 327-7562.

Tuesday, February 14, 2017 – **Senior's Valentines Disco Party**, 5:00-7:00 p.m., Senior Center, 695 W. 19<sup>th</sup> St. Celebrate Valentine's Day disco style. Enjoy dinner, dessert, and entertainment. Registration and cancellation deadline is February 7, 2017. For more information, please visit the front desk.

Wednesday, February 15, 2017 – **Hero’s Hall Grand Opening**, 11 a.m.-5:00 p.m., OC Fair and Event, 88 Fair Dr. Join for the Grand Opening Celebration as the doors are officially opened to the public. For more information, please visit: [www.ocfair.com](http://www.ocfair.com).

Thursday, February 16, 2017 – **Let’s Talk Infrastructure with Mayor Pro Tem Sandy Genis**, 6:30 p.m., Conference Room 1A, 77 Fair Drive. Join Mayor Pro Tem Sandy Genis for an open discussion about what the infrastructure needs for Costa Mesa are. For more information, please call: (714) 754-5328

Thursday, February 16, 2017 – **Chamber of Commerce Breakfast Boost**, 7:00-8:45 a.m., Costa Mesa Country Club, 1701 Golf Course Drive. Join Mesa Water’s Vice President Jim Atkinson for a discussion on “Why Mesa Water Matters: The State of Water in Our Community.”