

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, APRIL 18, 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

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 LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Fire Management Association (CMFMA).

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: David William Palmblade and Judith Darlene Palmblade v. City of Costa Mesa, Orange County Superior Court Case No. 30-2016-00841782-CU-BC-CJC.

4. 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, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC.

The City Council, Housing Authority, 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, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
TUESDAY, APRIL 18, 2017 – 6:00 P.M.**

CALL TO ORDER

NATIONAL ANTHEM

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 Jim Turrell, The Center for Spiritual Living Newport 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:

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. The three minute per speaker time limit may be extended for good cause by the Mayor or by a majority vote of the City Council. Questions and comments made by public speakers may be addressed by the City Council during Council Comments or by the City Manager during the City Manager's Report.

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 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: Tim Macy, Kirk Owens, and Rae Payne.

RECOMMENDATION:

City Council receive and file.

2. [WARRANT RESOLUTION NO. 2575 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-06 "A" FOR \\$0.00 AND 17-07 FOR \\$2,263,423.58; AND CITY OPERATING EXPENSES FOR \\$1,374,215.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID](#) - Finance Department

RECOMMENDATION:

City Council approve Warrant Resolution No. 2575.

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

RECOMMENDATION:

City Council approve the minutes of January 24, 2017, January 31, 2017 and February 7, 2017.

4. **APPROVE RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TIER 1 WATER QUALITY BMP INSTALLATION PROJECT**

Public Services Department

RECOMMENDATION:

1. City Council approve Resolution No. 17-xx for the submittal of a grant application to the Orange County Transportation Authority (OCTA) for the City's Tier 1 Water Quality BMP Installation Project; and
2. Authorize the Public Services Director as the City's representative.

5. **REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER, WINE AND LIQUOR BEVERAGES AT SENIOR CENTER, 695 W. 19th STREET, COSTA MESA** – Parks and Community Services Department

RECOMMENDATION:

Staff recommends that the City Council approve the request for the sale, service, and consumption of beer, wine and liquor beverages at the Costa Mesa Senior Center for the duration of time in which the Neighborhood Community Center (NCC) is closed during the Lions Park Projects.

6. **PURCHASE EMERGENCY GENERATOR UNITS FOR THE FOLLOWING FACILITIES: POLICE DEPARTMENT, FIRE STATION NO. 4 AND CORPORATION YARD** - Public Services Department/Engineering Division

RECOMMENDATION:

City Council approve purchase request in the amount of \$501,868.09 for the purchase of three (3) emergency generators to be installed at the Police Department facility, Fire Station No. 4 and the Corporation Yard from Quinn Powers Systems, 801 Del Norte Boulevard, Oxnard, CA, 93030.

7. **RECORDS RETENTION POLICY AND SCHEDULE**

City Manager's Office/City Clerk Division

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 17-xx, approving the updated records retention schedule.

8. **REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JULY 4, 2017**– City Manager’s Office

RECOMMENDATION:

It is recommended that the City Council approve the cancellation of the regularly scheduled meeting to be held on July 4, 2017.

9. **FIRE STATION ALERTING SYSTEM REPLACEMENT**

Information and Technology Department/Costa Mesa Fire & Rescue Department

RECOMMENDATION:

City Council approve and authorize the City Manager to execute the Purchase Request for the replacement of the current, non-functioning, Fire Department Alerting System with WESTNET First-In Alerting Systems, 15542 Chemical Lane, Huntington Beach CA, 92649. The total net purchase cost, including taxes shall be \$369,497.78.

10. **FIRST AMENDMENT TO LEASE AGREEMENT WITH STC ONE LLC**

City Manager’s Office

Staff recommends that the City Council approve the First Amendment to the Lease Agreement with STC ONE LLC, a Delaware limited liability company, registered in California as TOWER COMPANY ONE LLC, for the cell tower located at the Costa Mesa Golf Course.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR:

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

1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE ADOPTION OF THE SALARY & BENEFIT RESOLUTION BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA), SALARY & BENEFIT RESOLUTION FOR UNREPRESENTED EXECUTIVES, AND SALARY & BENEFIT RESOLUTION FOR CONFIDENTIAL EXECUTIVE EMPLOYEES AND ADOPT THE EMPLOYER PAID MEMBER CONTRIBUTION (EPMC) SAFETY EXECUTIVE RESOLUTION

City Manager's Office/Human Resources Division

RECOMMENDATION:

Staff recommends that the City Council:

1. Hold the second public hearing as required by COIN; and
2. Adopt Resolution No. 17-25, which implements salary range increases for Unrepresented Executive employees; and
3. Adopt Resolution No. 17-26, which implements salary range increases for CMDMA represented Executive employees; and
4. Adopt Resolution No. 17-27, which implements salary range increases for Confidential Executive employees; and
5. Adopt Resolution No. 17-28, for reporting the value (0%) of Employer Paid Member Contribution (EPMC) relating to Safety Executive employees.

AGENDA CONTINUED ON THE NEXT PAGE

2. [CODE AMENDMENT CO-17-02 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(PLANNING, ZONING AND DEVELOPMENT\), RELATING TO GROUP HOMES, RESIDENTIAL CARE FACILITIES, AND REASONABLE ACCOMMODATION; AND](#)

[CODE AMENDMENT CO-17-02 TO AMEND VARIOUS SECTION OF TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING OPERATOR'S PERMITS FOR GROUP HOMES OF SEVEN OR MORE LOCATED IN THE CITY'S MULTI-FAMILY ZONES](#) - Development Services Department

RECOMMENDATION:

1. City Council combine the public hearings for these two code amendments into a single hearing; and
2. Introduce for first reading Ordinance No. 17-05, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation, as presented to the Planning Commission; **OR**
3. Introduce for first reading Ordinance No. 17-05, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation, as recommended by the Planning Commission; and
4. Introduce for first reading Ordinance No. 17-06, adopting Code Amendment CO-17-02 to amend various sections of Title 9 of the Costa Mesa Municipal Code regarding operator's permits for group homes of seven or more located in the MFR Zones.

3. [FEES TO PROCESS APPLICATIONS FOR MEDICAL MARIJUANA BUSINESSES ALLOWED PURSUANT TO MEASURE X](#) – City Manager's Office

RECOMMENDATION:

City Council adopt Resolution No. 17-30, setting fees for the following applications required to allow medical marijuana businesses pursuant to Measure X:

- a. Medical Marijuana Business Permit
- b. Conditional Use Permit
- c. Appeal regarding Conditional Use Permit
- d. Medical Marijuana Business Background Check

OLD BUSINESS: NONE

NEW BUSINESS:

1. [ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL \(“PEG”\) CHANNEL FACILITIES WITHIN THE CITY](#) – City Manager’s Office

RECOMMENDATION:

1. City Council waive full reading and adopt, by four-fifths vote, Urgency Ordinance No. 17-07, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City; and
2. Give first reading to Ordinance No. 17-08, to be read by title only, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.

2. [AMBULANCE TRANSPORTATION FOR THE CITY OF COSTA MESA](#)
Fire Department

RECOMMENDATION:

The Fire Chief and City Manager recommend that the City Council approve the following recommendations as it pertains to a policy decision involving Emergency Medical Services (EMS) ambulance transportation within the City of Costa Mesa.

1. Review and approve the recommended and updated option of the public/private partnership ambulance transportation model (e.g., 2017 consultant report supplement - option #3); and
2. Approve and authorize the City Manager to allocate an amount not to exceed \$100,000 for the comprehensive administration and facilitation of the Request For Proposals (RFP) processes for both ambulance and billing services, respectively; and
3. Approve and authorize the City to annually utilize the billing rate structure that is consistent with and replicates the most current maximum emergency ground ambulance rates that are identified through Orange County Health Care Agency (OCHCA) EMS Policy and Procedures (e.g., #700.00 Section; 714.00 - #715.00) and approved through formal resolution by the Orange County Board of Supervisors.

3. **CONSIDERATION FOR CREATING A COMMUNITY FOURTH OF JULY EVENT TO PROMOTE PUBLIC SAFETY AND PROMOTION OF AN INCREASE FOR ILLEGAL FIREWORK DISCHARGE FINE**

City Manager's Office/Administration

RECOMMENDATION:

It is recommended that the City Council provide direction to staff whether to:

1. Move forward with the coordination of a centrally located City-sponsored Fourth of July celebration to promote public safety in partnership with the HERO's Hall foundation and Spectra Entertainment Inc. on location at the Orange County Fair and Event Center; and
2. Allocate \$50,000 in new revenue and expenditures for FY2016-2017 to cover event costs; and
3. Consider launching a proactive campaign to inform citizens that the City will be vigorously enforcing its prohibition against the discharge of illegal fireworks and seeking the maximum penalty for such violations; and
4. Due to the extent to which the non-profit community (especially youth sports) relies on the revenue generated from legal (safe and sane) fireworks, no changes to the current sale or discharge ordinances are proposed at this time.

4. **REMANDING DECISIONS ON CERTAIN APPLICATIONS AFFECTED BY CODE AMENDMENT CO-17-02 BACK TO THE PLANNING COMMISSION AND DIRECTOR OF DEVELOPMENT SERVICES** - Development Services Department

RECOMMENDATION:

City Council adopt Resolution 17-29, remanding appeals of Planning Commission decisions regarding certain conditional use permit and special use permit back to the Planning Commission; and remanding all past decisions regarding requests for reasonable accommodations filed in conjunction with group home applications back to the Director of Development Services for further consider.

5. **REQUEST FOR A LETTER OF OPPOSITION TO SENATE BILL SB 54 (DE LEON) LAW ENFORCEMENT: SHARING DATA** – City Manager’s Office

RECOMMENDATION:

Per Council Policy 000-8, it is recommended that the City Council provide direction on whether to:

Authorize the City to send a letter opposing Senate Bill 54 (De Leon), as submitted in the Draft Letter of Opposition to SB 54, or revise as appropriate.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

REPORT – CITY MANAGER

REPORT – CITY ATTORNEY

ADJOURNMENT

UPCOMING COMMUNITY EVENTS AND ACTIVITIES

Wednesday, April 19, 2017– **Green Coast Day**, 10 a.m.- 2 p.m., Orange Coast College, 2701 Fairview Rd. Dr. Help Your Harbor, OCC Recycling Center, Two Wheels One Planet, Caltrans District 12, Horticulture Club, BikeWays and Food Riders, CMPD Bicycle Registration booth, Costa Mesa Bikeability & Walkability Committee, and more. For more information, email: hpro@occ.cccd.edu.

Wednesday, April 19, 2017 – **Tap the Magic Tree Story Walk**, 3-4:30 p.m., Mesa Verde Library, 2969 Mesa Verde Dr. Journey along the Mesa Verde Library’s grounds while reading the interactive story, Tap the Magic Tree. After reading the story, have fun with a special craft. For more information, please call (714) 546-5274.

Thursday, April 20, 2017 – **90 Minute Breakfast Boost**, 7-8:45 a.m. Costa Mesa Country Club, 1701 Golf Course Dr. Enjoy breakfast and a presentation on driving new business with social media in 2017. RSVP at www.costamesachamber.com.

Thursday, April 20, 2017 – **Business Preparedness Academy 1-Day Training**, 9 a.m.- 4 p.m. National University, 3390 Harbor Blvd. Pre-registration is required. Up to six members of your office may attend together during the 1- day session. Regarding dress attire, please wear long pants, comfortable, closed-toe shoes, hat and/or sunglasses and bring a light jacket or sweater. Locate a registration form on the City of Costa Mesa website, and send to: alliance@southcoastmetro.com

Friday, April 21 through Sunday, April 23, 2017– **OC Fair Imaginology**, OC Fair and Event Center, 88 Fair Dr. The OC Fair & Event Center invites students and their families to go “Full S.T.E.A.M. Ahead” for three days of competitions, exhibits and activities all designed to explore the fun of S.T.E.A.M. (Science, Technology, Engineering, Arts and Math). For more information including all activities, please visit: www.ocfair.com

Saturday, April 22, 2017 – **10th Annual Costa Mesa Community Run**, 7 a.m.-11 a.m., Estancia High School, 2323 Placentia Ave. Offering a 5k, 10k and fun family run, enjoy this fun cross country style course through beautiful Fairview Park. For more information including show times, please visit: www.costamesaca.gov

Monday, April 24, 2017 – **SOCO After Dark**, 6-8 p.m., SOCO Collection. 3303 Hyland Ave. Enjoy live music Mondays, every last Monday of the month. For more information, please visit: www.socoandtheocmix.com/events.

Thursday, April 27, 2017 - **Trauma Intervention Programs of Orange County-Volunteer Training**, Orange County Fire Authority, 1 Fire Authority, Irvine. Trauma Intervention Programs of Orange County is looking for caring people in Orange County to volunteer and become part of a team, providing immediate emotional and practical support to survivors of traumatic events. For more information, including all training dates, please call: (714) 314-0744.

Thursday, April 27 through Sunday, April 30, 2017 – **Spring Garden Show**, South Coast Plaza, 3333 Bear St. Enjoy the 28th Annual Southern California Spring Garden Show, featuring “At Home In The Garden”. Enjoy over 10 displays, 50 unique garden vendors, over 60 seminars and children’s activities. For more information, please visit: www.southcoastplaza.com

Saturday, April 29, 2017 – **Action Arts in the Park**, 12-4 p.m., TeWinkle Park. Enjoy live music, live art demonstrations, kids activities, good trucks, art for sale and more. For more information, please visit: www.costamesaca.gov/artsinthepark.