



# CITY OF COSTA MESA

## REGULAR CITY COUNCIL AND HOUSING AUTHORITY\*

### Agenda

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Tuesday, May 7, 2024

6:00 PM

City Council Chambers  
77 Fair Drive

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**\*Note: All agency memberships are reflected in the title "Council Member"**  
**5:00 P.M. Closed Session**

The City Council meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having technical difficulties or experiencing any other critical issues, and unless required by the Brown Act, the meeting will continue in person.

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- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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Call: 1 669 900 6833 Enter Webinar ID: 818 7957 9049/ Password: 608584

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Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov). Comments received by 12:00 p.m. on the date of the meeting will be provided to the City Council, made available to the public, and will be part of the meeting record.

Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

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. All pictures, PowerPoints, and videos submitted for display at a public meeting must be previously reviewed by staff to verify appropriateness for general audiences. No links to YouTube videos or other streaming services will be accepted, a direct video file will need to be emailed to staff prior to each meeting in order to minimize complications and to play the video without delay. The video must be one of the following formats, .mp4, .mov or .wmv. Only one file may be included per speaker for public comments, for both videos and pictures. Please e-mail to the City Clerk at [cityclerk@costamesaca.gov](mailto:cityclerk@costamesaca.gov) NO LATER THAN 12:00 Noon on the date of the meeting. If you do not receive confirmation from the city prior to the meeting, please call the City Clerks office at 714-754-5225.

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. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

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.

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As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing. Agendas and reports can be viewed on the City website at <https://costamesa.legistar.com/Calendar.aspx>.

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**CLOSED SESSION - 5:00 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.

**CLOSED SESSION ITEMS:**

1. **CONFERENCE WITH LABOR NEGOTIATORS**  
Pursuant to California Government Code Section 54957.6 (a)  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager; Alma Reyes, Deputy City Manager; Kasama Lee, Human Resources Manager; Fanni Acosta, Human Resources Administrator; Carol Molina, Finance Director  
Name of Employee Organization: Costa Mesa Firefighters Management Association (CMFMA).
2. **CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION**  
Pursuant to California Government Code Section 54956.9 (d)(1)  
Name of Case: Insight Psychology and Addiction, Inc. v. City of Costa Mesa,  
U.S. District Court, Central District of California, Case No. 8:20 cv 00504 JVS JDE

**REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY**

**MAY 7, 2024 – 6:00 P.M.**

**JOHN STEPHENS**  
Mayor

**JEFFREY HARLAN**  
Mayor Pro Tem - District 6

**ANDREA MARR**  
Council Member - District 3

**MANUEL CHAVEZ**  
Council Member - District 4

**LOREN GAMEROS**  
Council Member - District 2

**ARLIS REYNOLDS**  
Council Member - District 5

**DON HARPER**  
Council Member - District 1

**KIMBERLY HALL BARLOW**  
City Attorney

**LORI ANN FARRELL HARRISON**  
City Manager

**CALL TO ORDER**

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE**

**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.]

**ROLL CALL**

**CITY ATTORNEY CLOSED SESSION REPORT**

**PRESENTATIONS:**

1. [Proclamation: 2024 Public Service Recognition Week](#) [24-194](#)

**Attachments:** [Proclamation: 2024 Public Service Recognition Week](#)

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Comments on Consent Calendar items may also be heard at this time.  
Comments are limited to 3 minutes, or as otherwise directed.

**COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Each council member is limited to 3 minutes. Additional comments will be heard at the end of the meeting.

1. Council Member Harper
2. Council Member Marr
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Gameros
6. Mayor Pro Tem Harlan
7. Mayor Stephens

**REPORT – CITY MANAGER**

**REPORT – CITY ATTORNEY**

**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: WAIVE THE FULL READING OF ALL 24-189 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

City Council and Housing Authority approve the reading by title only and waive full reading of Ordinances and Resolutions.

2. [READING FOLDER](#) [24-190](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk and authorize staff to reject any and all Claims: Ayman Ahmed Abdulmagid, James Daniel Alexander, Sergio Alvarez, Randal Allen Baker, Kaiyun Park.

3. [ADOPTION OF WARRANT RESOLUTION](#) [24-187](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2716.

- Attachments:** [1. Summary Check Registry 04-04-2024](#)  
[2. Summary Check Registry 04-11-2024](#)  
[3. Summary Check Registry 04-22-2024](#)  
[4. Summary Check Registry 04-25-2024](#)

4. [BUSINESS IMPROVEMENT AREA \(BIA\) REAUTHORIZATION, 24-191  
RESOLUTION OF INTENT, AND REVIEW OF ANNUAL REPORT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the 2023-2024 Annual Report for the Business Improvement Area (BIA) (Attachment 1).
2. Receive and file the audited financial report for Fiscal Years Ended June 30, 2023 and June 30, 2022 (Attachment 2).
3. Adopt the Resolution declaring the City's intention to levy an annual assessment for Fiscal Year 2024-25 for the Business Improvement Area covering certain Costa Mesa hotels and motels and setting the time and place for a Public Hearing on the proposal (Attachment 3).

- Attachments:** [1. TCM Annual Report 2023-24](#)  
[2. Financial Audit for FY Ending June 2023](#)  
[3. Resolution No. 2024-XX Intent Business Improvement Area](#)

5. [DESIGNATION OF CITY NEGOTIATORS FOR THE COSTA MESA 24-134 DIVISION MANAGERS' ASSOCIATION \(CMDMA\) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT RESOLUTION PER THE TRANSPARENCY IN LABOR NEGOTIATIONS COUNCIL POLICY](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Designate City Manager Lori Ann Farrell Harrison as the City's Principal Negotiator, Deputy City Manager Alma Reyes, Human Resources Manager Kasama Lee, Human Resources Administrator Fanni Acosta and Finance Director Carol Molina as the City's representatives in negotiations with the CMDMA.
2. Authorize staff to have the independent fiscal analysis of the current CMDMA Resolution completed per the requirements of the Transparency in Labor Negotiations Council Policy.

6. [AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT 24-135 WITH GLENN LUKOS ASSOCIATES FOR THE VERNAL POOL 5, 6, AND 7 RESTORATION PROJECT AT FAIRVIEW PARK](#)

RECOMMENDATION:

Staff recommends the City Council authorize the City Manager and City Clerk to execute Amendment No. 2 to the Professional Services Agreement with Glenn Lukos Associates, Inc. increasing the total compensation by \$94,290 for vernal pools restoration and biological monitoring services for the Vernal Pools 5, 6, and 7 Restoration Project at Fairview Park.

- Attachments:** [1. Resolution 17-52](#)  
[2. HCF Grant Award Letter](#)  
[3. Vernal Pools Restoration Plan, 6-8-2018](#)  
[4. Vernal Pools 5, 6, 7 Map](#)  
[5. HCF Grant Acceptance, Excerpt of 4-16-19 Minutes](#)

7. **[ACCEPTANCE OF THE CITY HALL ELEVATORS MODERNIZATION, 24-137 CITY PROJECT NO. 20-03](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work performed by GMS Elevator Services, Inc., 401 Borrego Court, San Dimas, CA 91773, for the City Hall Elevators Modernization, City Project No. 20-03, and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to release the Labor and Material Bond seven (7) months after the filing date and release the Faithful Performance Bond at the conclusion of the one-year warranty period. Retention monies have been released pursuant to Public Contract Code 7107(c).

**Attachments:** [1. Final Costs](#)

8. **[ACCEPTANCE OF THE CITYWIDE TRAFFIC SIGNAL AND HAWK 24-138 SIGNAL INSTALLATION PROJECT, CITY PROJECT NO. 22-07](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work performed by Elecnor Belco Electric, Inc., 14320 Albers Way, Chino, CA 91710 for the Citywide Traffic Signal and HAWK Signal Installation Project, City Project No. 22-07, and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to release the retention monies thirty-five (35) days after the Notice of Completion filing date; release the Labor and Material Bond seven (7) months after the filing date; and release the Faithful Performance Bond one (1) year after the filing date.

**Attachments:** [1. Final Costs](#)

9. [2023 ANNUAL REVIEW OF THE COSTA MESA 2015-2035 GENERAL 24-142 PLAN](#)

RECOMMENDATION:

The Planning Commission recommends the City Council approve the 2023 Annual Progress Report (APR) of the 2015-2035 Costa Mesa General Plan for submittal to the State Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD).

**Attachments:** [Agenda Report](#)

1. [7th Edition General Plan Annual Progress Report 2023](#)
2. [Planning Commission Agenda Report 040824](#)

10. [SECOND READING AND ADOPTION OF ORDINANCES TO AMEND 24-188 TITLE 13 \(PLANNING, ZONING AND DEVELOPMENT\) AND TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) ("General Rule").
2. Give second reading to and adopt Ordinance No. 2024-03 amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-04 amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to modify the City's retail cannabis provisions.

**Attachments:** [Agenda Report](#)

1. [Draft Ordinance Title 13](#)
2. [Draft Ordinance Title 9](#)
3. [Exhibit A Title 13](#)
4. [Exhibit A Title 9](#)
5. [Track Changes Title 13](#)
6. [Track Changes Title 9](#)

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

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

**PUBLIC HEARINGS:**

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

1. [DE NOVO PUBLIC HEARING REGARDING PLANNING APPLICATION 24-141 22-08 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2490 NEWPORT BOULEVARD \(“NEWPORT WELLNESS”\)](#)

RECOMMENDATION:

Staff recommends the City Council conduct a de novo hearing regarding Planning Application 22-08 and make findings regarding the final disposition of the application.

**Attachments:** [Agenda Report](#)

1. [Resolution for Approval](#)
2. [Filed Review Applications](#)
3. [Applicant Supplemental Information](#)
4. [Unofficial Planning Commission minutes](#)
5. [Planning Commission Resolution](#)
6. [Planning Commission Public Comments](#)
7. [Planning Commission Agenda Report 032524](#)

2. [GENERAL PLAN AMENDMENT PGPA-23-0001 TO AMEND THE 24-139 2015-2035 GENERAL PLAN CIRCULATION ELEMENT BY ADDING A REFERENCE TO THE COSTA MESA PEDESTRIAN MASTER PLAN AND REVISING POLICIES UNDER GOALS C-1 TO C-12; AND APPROVAL OF THE DRAFT COSTA MESA PEDESTRIAN MASTER PLAN AND FIND THE PROJECT EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT \(CEQA\) PURSUANT TO CEQA GUIDELINES SECTION 15262 AND 15061\(B\)\(3\)](#)

RECOMMENDATION:

The Planning Commission recommends the City Council:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 (Feasibility and Planning Studies), 15276 (Transportation Improvement Programs), and 15061 (b)(3) (Common Sense Exemption);
2. Approve the Draft Pedestrian Master Plan (PMP) as recommended by the City's Planning Commission by adoption of a resolution; and
3. Approve General Plan Amendment PGPA-23-0001, amending the Circulation Element to revise and include new policies outlined in the PMP by adoption of a resolution.

**ENVIRONMENTAL DETERMINATION**

On March 11, 2024, the Planning Commission found that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15262 (Feasibility and Planning Studies), Section 15276 (Transportation Improvement and Congestion Management Program) and Section 15061(b)(3) (Common Sense Exemption).

The project is specifically excluded from CEQA pursuant to statutory exemptions defined under Sections 15262 and 15276. Section 15262 excludes a project from CEQA if it involves only feasibility or planning studies for possible future actions which the City has not approved, adopted, or funded and does not require the preparation of an environmental impact report or negative declaration, but does require consideration of environmental factors. Section 15276 states that CEQA does not apply to the development or adoption of a regional transportation improvement program.

The draft PMP complements the City's 2018 Active Transportation Plan (ATP) by providing pedestrian programs, pedestrian infrastructure toolbox, and policy recommendations to improve the pedestrian experience in the City. The proposed project will update the Circulation Element to incorporate the PMP by reference and will include policies to ensure that future projects will consider and include street design elements to enhance pedestrian mobility. Therefore, the

project is statutorily exempt from CEQA pursuant to Sections 15262 and 15276.

Furthermore, the proposed project is exempt from CEQA pursuant to Section 15061 (b)(3), which states that “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The PMP provides guidance on improving the environment where pedestrian activities occur and does not implement any specific project, action, or funding. Therefore, there is no possibility that the project (adoption of the PMP and General Plan Amendment) will have a significant effect on the environment.

- Attachments:** [1. Proposed Council Resolutions](#)  
[2. Draft Pedestrian Master Plan](#)  
[3. Draft Pedestrian Master Plan Appendices](#)  
[4. Excerpt of Revised Circulation Element](#)  
[5. Signed Planning Commission Resolutions](#)  
[6. Planning Commission March 11, 2024 Minutes](#)

**OLD BUSINESS:**

1. [\*\*CANNABIS EMPLOYEE BADGE FEE REDUCTION AND 24-127 BACKGROUND CHECK PROCESS\*\*](#)

RECOMMENDATION:

Staff recommends that the City Council receive the staff presentation, hear public comment, and provide direction on reducing the badging fee and certain administrative aspects of the cannabis employee badge process.

- Attachments:** [Agenda Report](#)  
[1. Resolution](#)  
[2. Exhibit A](#)

**NEW BUSINESS:**

1. [ONE YEAR USE AGREEMENT FOR JACK HAMMETT SPORTS 24-193 COMPLEX WITH RAIDERS FOOTBALL CLUB, LLC, FOR 2024 PRE SEASON TRAINING CAMP](#)

RECOMMENDATION:

Staff recommends the City Council approve and authorize the City Manager to execute a Use Agreement for the City's Jack Hammett Sports Complex for a portion of the Raiders Football Club's 2024 Summer Training Camp and related community benefits.

**Attachments:** [1. Draft Raiders Use Agreement](#)  
[2. Field Rate Breakdown](#)

2. [UPDATE REGARDING THE CITY'S TENANT PROTECTION 24-133 ORDINANCE](#)

RECOMMENDATION:

Staff recommends the City Council receive and file this update regarding the City's Tenant Protection Ordinance.

**Attachments:** [Agenda Report](#)  
[1. Table of Eviction Inquiries and Notices Received](#)  
[2. TPO Fact Sheet](#)  
[3. TPO Resources](#)

3. [APPOINTMENT TO VARIOUS CITY COMMITTEES BY COUNCIL 24-140 MEMBER HARPER](#)

RECOMMENDATION:

Staff recommends Council Member Harper make appointments as follows:

1. Animal Services Committee - Make one (1) member appointment with a term expiration of April 2026. Council Member Harper may defer his nomination to the Council Liaison (Mayor Stephens).
2. Active Transportation Committee - Make one (1) member appointment with a term expiration of April 2026. Council Member Harper may defer his nomination to the Council Liaison (Council Member Reynolds).
3. Finance and Pension Advisory Committee - Make one (1) member appointment with a term expiration of April 2028. Council Member Harper may defer his nomination to the Council Liaison (Mayor Stephens, Alternate Council Member Marr).
4. Housing and Public Service Grants Committee - Make one (1) member appointment with a term expiration of April 2026. Council Member Harper may defer his nomination to the Council Liaison (Council Member Chavez).
5. Mobile Home Park Advisory Committee - Make one (1) Independent Citizen At-large appointment with a term expiration of April 2028. Council Member Harper may defer his nomination to the Council Liaison (Council Member Reynolds, Alternate Council Member Chavez).

**Attachments:** [1. Animal Services Committee Applications](#)  
[2. Active Transportation Committee Applications](#)  
[3. Finance and Pension Advisory Committee Applications](#)  
[4. Housing & Public Service Grants Committee Applications](#)  
[5. Mobile Home Park Advisory Committee Applications](#)

**ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

**ADJOURNMENT**