



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 26-134

Meeting Date: 2/17/2026

TITLE:

ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, REQUIRING STAFFING AT SELF-SERVICE CHECKOUT STATIONS

DEPARTMENT: CITY MANAGER'S OFFICE

PRESENTED BY: JAY BARKMAN, GOVERNMENT AFFAIRS MANAGER

CONTACT INFORMATION: JAY BARKMAN, GOVERNMENT AFFAIRS MANAGER
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RECOMMENDATION:

Staff recommends the City Council Adopt Ordinance No. 2026-XX Adding Article 7 of Chapter II of Title 9 to the Costa Mesa Municipal Code relating to Grocery and Drug Store Staffing Standards for Self-Service Checkout Stations, and direct staff to return to City Council with a report on implementation and outcomes in one year.

BACKGROUND:

At the November 4, 2025, City Council meeting, the City Council directed staff to return with a draft ordinance replicating the City of Long Beach's ordinance.

At the January 20, 2026, City Council meeting, the City Council received public comments and directed staff to revise the draft ordinance. The revisions included removing the alternative compliance language, addressing food retail stores over 85,000 square feet, and including local store management in the notice of violation requirements. Staff was further directed to return to Council in one year for a review.

At the February 4, 2026, City Council meeting, Councilmember Reynolds proposed amendments to the proposed ordinance extending the cure period from seven (7) to fifteen (15) days, delaying the effective period of ordinance from 30 days to 60 days, adjusting the language on the 15 item limit to require only signage that self-checkout is limited to about 15 items, and revising the in store notification language for customers to eliminate reference to enforcement options. The motion passed 6-0 and staff has revised the proposed Ordinance to reflect the amendments (Attachment 1).

ANALYSIS:

The proposed ordinance (Attachment 2) requires food and drug retail establishments to have dedicated staffing of one employee per three self-checkout stations and to post signage that self-checkout is limited to about 15 items or less. The ordinance also prohibits secure or locked items from going through self-checkout. Enforcement of the ordinance is allowed by civil action from employees or customers provided stores are notified of the violation and the 15-day right to cure

period has passed.

The City Council received staff's presentation at the January 20, 2026, City Council meeting and discussed questions on staff's proposed revisions to the City of Long Beach ordinance that address Costa Mesa's landscape. Specifically, discussion occurred on the notice of violation requirements to stores providing 7 days to cure and the reliability of data to forecast consumer behavior. Council also questioned the proposed alternative compliance language and expressed concerns that it did not address staffing or workload concerns and did not treat all grocery stores equally.

During the February 4, 2026, City Council meeting Councilmember Reynolds provided information comparing self-checkout policies in proposed state legislation, collective bargaining agreements, the Long Beach Ordinance, and the draft Costa Mesa ordinance. Agenda details are found in the following link:

February 3, 2026 City Council Meeting

<https://costamesa.legistar.com/LegislationDetail.aspx?ID=7861094&GUID=697DFDB8-C90B-4CCC-91A8-00F8DE7F0124>

Supplemental Materials and Presentation:

<https://costamesa.legistar.com/View.ashx?M=E2&ID=1355429&GUID=B4644AF2-4662-4783-808C-9C9399306020>

Councilmember Reynolds presented four amendments for discussion:

1. Extending the period for stores to cure a violation from seven (7) to fifteen (15) days to reduce risk management reactions and avoid punitive measures for minor violations.
2. Delaying the effective period from 30 to 60 days after adoption of ordinance.
3. Amending the 15 items or less limit to only require signage that self-checkout is limited to about 15 items.
4. Revise the in-store notification requirements for customers to eliminate reference to enforcement options.

The revised ordinance continues to require a staffing ratio of one employee per three self-checkout stations and prohibits items with theft deterrent measures or in locked cabinets from the use of self-checkout.

Lastly, enforcement of the revised ordinance may proceed through a private right of action once stores are notified, including local store managers, and the 15-day cure period is passed.

ALTERNATIVES:

The City Council may adopt the Ordinance as proposed, modify the Ordinance, or not adopt the Ordinance.

If the City Council chooses to make substantive modifications to the Ordinance after introduction, the modified Ordinance would need to be brought back at a future meeting for adoption.

FISCAL REVIEW:

The direct impacts to the City's General Fund (Fund 101) cannot be quantified at this time.

LEGAL REVIEW:

The City Attorney reviewed this agenda report and the ordinance and approves them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the following City Council Goal:

- Strengthen the public's safety and improve the quality of life.

CONCLUSION:

Staff recommends the City Council Adopt Ordinance No. 2026-XX Adding Article 7 of Chapter II of Title 9 to the Costa Mesa Municipal Code relating to Grocery and Drug Store Staffing Standards for Self-Service Checkout Stations, and direct staff to return to the City Council with a report on implementation and outcomes in one year.