



CITY OF COSTA MESA

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

Agenda

Tuesday, January 16, 2024

6:00 PM

City Council Chambers
77 Fair Drive

***Note: All agency memberships are reflected in the title "Council Member"
4:00 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 system outages or experiencing other critical issues, the meeting will continue in person.

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Or sign into Zoom.com and “Join a Meeting”

Enter Webinar ID: 983 7639 0419/ Password: 905283

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- Select “Join Audio via Computer.”
- The virtual conference room will open. If you receive a message reading, “Please wait for the host to start this meeting,” simply remain in the room until the meeting begins.
- 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.

Participate via telephone: (For both 4:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 983 7639 0419/ Password: 905283

During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

Note, if you have installed a zoom update, please restart your computer before participating in the meeting.

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. 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 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 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.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

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>.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available 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].

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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 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 and Alma Reyes, Deputy City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa; People of State of Cal. v. D'Alessio Investments LLC, et al.
440 Fair Dr. and 1779 Newport Blvd.
Orange County Superior Court Case No. 30-2020-01170520
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: D'Alessio Investments LLC v. City of Costa Mesa
Orange County Superior Court Case No. 30-2020-01132646
4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa v. D'Alessio; 1936 Wallace Ave.
Orange County Superior Court Case No. 30-2020-01133479

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

JANUARY 16, 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. Recognition of Police Service Dog Bodi's Retirement
2. Employee Recognition

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 Gameros
2. Council Member Harper
3. Council Member Marr
4. Council Member Reynolds
5. Council Member Chavez
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 24-021 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

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

2. **READING FOLDER** **24-022**

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: George Abrina, Forrest Ascarrunz, Teresa Beck, Noreen Becker, Bryan Bennani, Automobile Club as Subrogee of Bryan Bennani, Andrea Grigsby, Amelia Salehpour, Antonio Urresti.

3. **ADOPTION OF WARRANT RESOLUTION** **24-020**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2710.

Attachments: [1. Summary Check Register 11-30-2023](#)
[2. Summary Check Register 12-07-2023](#)
[3. Summary Check Register 12-21-2023](#)
[4. Summary Check Register 12-28-2023](#)

4. **MINUTES** **24-023**

RECOMMENDATION:

City Council approve the minutes of the regular meeting of December 5, 2023 and the Study Session meeting of December 12, 2023.

Attachments: [1. 12-05-2023 Draft Minutes](#)
[2. 12-12-2023 Draft Minutes](#)

5. **REVIEW AND APPROVE RECOMMENDED CITY COUNCIL MEETING 24-008 CALENDAR FOR 2024**

RECOMMENDATION:

Review and approve recommended City Council Meeting Calendar for 2024 and cancel the Tuesday, November 5, 2024, City Council Meeting due to Election Day.

6. **APPROVAL OF MAYOR'S APPOINTMENTS TO THE 24-024 TRANSPORTATION CORRIDOR AGENCIES**

RECOMMENDATION:

Staff recommends the City Council approve the following Mayor's appointments:

1. Transportation Corridor Agencies (TCA): Appointee - Mayor John Stephens and Alternate - Councilmember Arlis Reynolds.

7. [SECOND READING AND ADOPTION OF ORDINANCE NO. 2024-01 24-003 AMENDING TITLE 13 \(PLANNING, ZONING, AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS \(CODE AMENDMENT PCTY-23-0002\)](#)

RECOMMENDATION:

Staff recommends the Council give second reading to and adopt Ordinance No. 2024-01 approving Code Amendment PCTY-23-0002, amending Title 13 (Planning, Zoning, and Development) of the Costa Mesa Municipal Code to modify the City's Outdoor Dining provisions.

Attachments: [Agenda Report](#)

1. [Draft Ordinance](#)
2. [Exhibit A to the Ordinance](#)

8. [AUTHORIZATION FOR THE RETIREMENT OF POLICE SERVICE 24-009 DOG BODI AND THE SALE OF POLICE SERVICE DOG BODI TO OFFICER GEORGE MARIDAKIS](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the retirement of Police Service Dog Bodi after five years of outstanding service to the community.
2. Authorize the City Manager or designee to execute the purchase agreement for the sale of Police Service Dog Bodi to Officer George Maridakis.

Attachments: [1. Bodi Retirement Purchase Agreement](#)

9. **[AUTHORIZATION FOR THE PROCUREMENT OF DATA ANALYTICS 24-010 SOFTWARE WITH PEREGRINE](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the purchase of data analytics software based on pricing provided through a cooperative agreement with the City of Fremont, No.21-0113.
2. Authorize the purchase of data analytics software under the awarded Organized Retail Theft Prevention Grant (ORT) with Peregrine Technologies in the amount of \$315,000.
3. Authorize the City Manager and City Clerk to execute an agreement with Peregrine Technologies in a form approved by the City Attorney.

Attachments: [1. Peregrine Order Form Terms and Conditions](#)

10. **[PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES 23-1487 FOR THE SHALIMAR PARK EXPANSION PROJECT](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to Community Works Design Group, Inc., 7111 Indiana Avenue, Suite 300, Riverside, California in an amount not to exceed \$158,970 for the design of improvements and expansion of Shalimar Park.
2. Authorize an additional ten percent (10%) contingency in the amount of \$15,897 as needed for any unforeseen costs related to this project.
3. Authorize the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement within Council authorized limits.

Attachments: [1. Conceptual Renderings](#)
[2. PSA](#)

11. [PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES 23-1488 FOR THE KETCHUM-LIBOLT PARK EXPANSION PROJECT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to Architerra Design Group, Inc., 10221-A Trademark Street, Rancho Cucamonga, California in an amount not to exceed \$193,098 for the design of improvements and expansion of Ketchum-Libolt Park located at 2150 Maple Street, Costa Mesa.
2. Authorize an additional ten percent (10%) contingency in the amount of \$19,310 as needed for any unforeseen costs related to this project.
3. Authorize the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement within Council authorized limits.

Attachments: [1. Conceptual Renderings](#)
[2. PSA](#)

12. [AWARD OF THE LED LIGHTING INSTALLATION AT CITY PARKS 24-005 AND ATHLETIC FACILITIES PROJECT, CITY PROJECT NO. 23-09](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the LED Lighting Installation at City Parks and Athletic Facilities Project, City Project No. 23-09.
2. Authorize the City Manager and City Clerk to execute a Public Works Agreement (PWA) in the amount of \$759,700, and future contract amendments within City Council authorized limits to RMF Contracting, Inc., 1523 North Harmony Circle, Anaheim, California 92807.
3. Authorize a ten percent (10%) contingency in the amount of \$75,970 for unforeseen construction and miscellaneous costs related to the project.

ENVIRONMENTAL DETERMINATION:

The proposed action is exempt from the California Environmental Quality Act (CEQA). The action involves an organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment. In addition, the proposed action is exempt under Section 15301 relating to the operation, repair, maintenance, permitting, and/or minor alteration of existing public facilities.

Attachments: [1. Bid Abstract](#)
[2. Public Works Agreement \(PWA\)](#)

13. [ACCEPTANCE OF THE JACK HAMMETT SPORTS COMPLEX 24-007 EXPANSION PROJECT, CITY PROJECT NO. 21-05](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Accept the work performed by Horizons Construction Company International, Inc., 432 West Meats Avenue, Orange, California 92865, for the Jack Hammett Sports Complex Expansion Project, City Project No. 21-05, 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](#)

14. [CLEAN MOBILITY OPTIONS PILOT PROGRAM AND OCTA PROJECT 24-013 V GRANT FOR COMMUNITY BASED TRANSIT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt the proposed Resolution No. 2024-xx, approving participation in the Clean Mobility Options Voucher Pilot Program.
2. Adopt the proposed Resolution No. 2024-xx, approving the submittal of a grant application for the Community-Based Transit/Circulators Program (Project V) under the Orange County Transportation Authority's (OCTA's) Comprehensive Transportation Funding Program (CTFP).

Attachments: [1. CMO Voucher Resolution](#)
[2. OCTA Resolution](#)

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. [REVIEW OF THE PLANNING COMMISSION'S DECISION TO DENY 24-001 PLANNING APPLICATION 22-45 FOR A NEW PUBLIC CHARTER HIGH SCHOOL \("VISTA MERIDIAN GLOBAL ACADEMY"\) AND A MINOR CONDITIONAL USE PERMIT FOR SMALL CAR PARKING LOCATED AT 1620 SUNFLOWER AVENUE](#)

RECOMMENDATION:

Staff recommends that the City Council review the Planning Commission's decision to deny Planning Application 22-45.

Attachments: [Agenda Report](#)

1. [Resolution for Approval](#)
2. [Resolution for Denial](#)
3. [Filed Review Application](#)
4. [Planning Commission Resolution](#)
5. [Planning Commission approved minutes](#)
6. [Planning Commission Public Comments](#)
7. [Applicant Communications](#)

2. [AN ORDINANCE AMENDING TITLE 13 \(PLANNING, ZONING AND 24-011 DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH AFFORDABLE HOUSING REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT PROJECTS](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the adoption of Ordinance No. 2024-XX is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3), General Rule in that the affordable housing ordinance will not have a significant impact on the environment.
2. Give first reading to Ordinance No. 2024-XX (PCTY-23-0001) modifying Title 13 (Planning, Zoning, and Development) of the Costa Mesa Municipal Code (CMMC) to establish affordable housing requirements for new residential developments.

Attachments: [Agenda Report](#)

1. [Draft Ordinance](#)
2. [Strikethrough Exhibit A](#)
3. [OC Comparison Table](#)
4. [Affordable Housing Requirements](#)
5. [Corridor Areas Map](#)

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

ADJOURNMENT