



CITY OF COSTA MESA

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

Agenda

Tuesday, February 21, 2023

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 virtually via Zoom Webinar. Pursuant to the State of California Assembly Bill 361 (Gov. Code §54953(b)(3)) the City Council Members and staff may choose to participate in person or by video conference.

You may participate via the following options:

1. Attending in person: Attendees are encouraged to wear masks at their discretion. If you are feeling ill, or if you've been exposed to someone with COVID-19, you may still participate in the meeting via Zoom.

2. Members of the public can view the City Council meetings live on COSTA MESA TV (SPECTRUM CHANNEL 3 AND AT&T U-VERSE CHANNEL 99) or http://costamesa.granicus.com/player/camera/2?publish_id=10&redirect=true and online at [youtube.com/costamesatv](https://www.youtube.com/costamesatv).

Note: If you have installed a zoom update, please restart your computer before participating in the meeting, to prevent audio issues.

3. Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/98376390419?pwd=dnpFelc5TnU4a3BKWVlyRVZMallZZz09>

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

Enter Webinar ID: 983 7639 0419/ Password: 905283

- If Zoom is not already installed on your computer, click “Download & Run Zoom” on the launch page and press “Run” when prompted by your browser. If Zoom has previously been installed on your computer, please allow a few moments for the application to launch automatically.
- 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.

4. 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.

5. 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.

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]. Language translation services are available for this meeting by calling (714) 754-5225 at least 48 hours in advance.

En conformidad con la Ley de Estadounidenses con Discapacidades (ADA), aparatos de asistencia están disponibles y podrán ser prestados notificando a la Secretaria Municipal. Si necesita asistencia especial para participar en esta junta, comuníquese con la oficina de la Secretaria Municipal al (714) 754-5225. Se pide dar notificación a la Ciudad por lo mínimo 48 horas de anticipación para garantizar accesibilidad razonable a la junta. [28 CFR 35.102.35.104 ADA Title II]. Servicios de traducción de idioma están disponibles para esta junta llamando al (714) 754-5225 por lo mínimo 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 a total of three minutes to speak on all items on the Closed Session agenda.

CLOSED SESSION ITEMS:

1. PUBLIC EMPLOYMENT, WORKERS' COMPENSATION CLAIM
Pursuant to California Government Code section 54956.9 (b)(1); WCAB NO.
ADJ12715668
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Lorna Lyttle vs. City of Costa Mesa Orange County Superior Courts
Case No. 30-2022-01268630-CU-OE-WJC
3. THREAT TO SECURITY
Pursuant to California Government Code Section 54957(a)
Consultation with: Costa Mesa Director of Emergency Services, City Manager, Police
Chief, Fire Chief.
4. CONFERENCE WITH REAL PROPERTY NEGOTIATOR
Pursuant to California Government Code Section 54956.8
APN: 420-012-16
Agency Negotiators: Lori Ann Farrell Harrison, City Manager
Negotiating Parties: State of California
5. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - TWO
CASES
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

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

February 21, 2023 – 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: Teen Dating Violence Awareness Month](#) [23-1088](#)
Attachments: [1. Proclamation: Teen Dating Violence Awareness Month](#)
2. [Presentation: Theodore Robins Ford 100-Year Anniversary](#) [23-1089](#)

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to 3 minutes, or as otherwise directed.

Comments on Consent Calendar items may also be heard at this time.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Each council member is limited to 4 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 (Items 1-10)

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 ALI23-1082 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](#) [23-1083](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Southern California Edison (Leslie Murtaugh), Wendy and Steven Fink, Brenda Carol Kittle, Juan Jose Rodriguez.

3. **[ADOPTION OF WARRANT RESOLUTION](#)** **[23-1085](#)**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2694.

Attachments: [1. Summary Check Register week of January 23](#)
[2. Summary Check Register week of January 30](#)
[3. Summary Check Register week of February 6](#)

4. **[MINUTES](#)** **[23-1084](#)**

RECOMMENDATION:

City Council approve the Minutes of the Regular meeting of February 7, 2023.

Attachments: [02-07-2023 Draft Minutes](#)

5. **[EXTENSION OF CURRENT STREET SWEEPING SERVICES CONTRACT WITH SWEEPING CORP OF AMERICA](#)** **[23-1065](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve Amendment No. 5 (Attachment No. 1) to the Professional Services Agreement (PSA) with Sweeping Corp of America (SCA), formerly known as CleanStreet, for Citywide street sweeping services.
2. Approve extension of time to June 30, 2023 and an increase of \$248,815.48 to the compensation, totaling an annual not-to-exceed amount of \$1,007,358.26.
3. Authorize the City Manager and City Clerk to execute the PSA and future amendments to the agreement within Council authorized limits with SCA.

Attachments: [1. Amendment No. 5 to PSA with CleanStreet](#)
[2. CleanStreet Extension Proposal](#)

6. **[THIRD AMENDMENT TO THE AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Third Amendment (Attachment 1) to the Maintenance Services Agreement (MSA) with West Coast Arborists, Inc. (WCA), to provide maintenance of the City's urban forest, increasing the annual compensation by \$150,000 for an annual not to exceed amount of \$778,679.04.
2. Authorize the City Manager and City Clerk to execute the proposed amendment and future amendments to the MSA.

Attachments: [1. Proposed Amendment No. 3](#)

[2. WCA Agreement](#)

[3. WCA Amendment No. 1](#)

[4. WCA Amendment No. 2](#)

7. **[SECOND READING OF AN ORDINANCE TO REPEAL CHAPTER 23-1070 \(BICYCLES AND MOTORIZED BICYCLE LICENSING\) TO TITLE 4 \(BICYCLES\) OF THE COSTA MESA MUNICIPAL CODE](#)**

RECOMMENDATION:

Staff recommends that the City Council give a second reading to and adopt:

Ordinance No. 2023-02 to repeal Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to comply with current California law.

Attachments: [1. Ordinance to Repeal Title 4, Chapter I \(Bicycle and Motorized Bicycle Licensing\)](#)

8. [ACCEPTANCE OF TRAINING FUNDS FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS \(BSCC\) IN ACCORDANCE WITH THE STANDARD AND TRAINING FOR CORRECTIONS \(STC\), FOR CUSTODY OFFICER PERSONNEL TRAINING.](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and authorize the Costa Mesa Police Department to reinstate membership with the California Board of State and Community Corrections (BSCC) and to adhere with policies and practices governed by their division known as Standard and Training for Corrections (STC).
2. Adopt Resolution 2023-xx in support of an application to BSCC to receive funds for training under the STC program for our custody officers.

Attachments: [1. BSCC Resolution](#)

9. [SECOND READING AND ADOPTION OF ORDINANCE NO. 2023-0323-1076 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(ZONING CODE\) TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW \(CODE AMENDMENT CO 2022-01\)](#)

RECOMMENDATION:

Staff recommends the City Council give second reading to and adopt Ordinance No. 2023-03 approving Code Amendment CO-2022-01, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) to clarify existing accessory dwelling unit provisions and to modify standards to conform to recent revisions to State law.

Attachments: [1. Ordinance](#)
[2. Exhibit A to the Ordinance](#)
[3. Planning Commission Resolution PC-2022-29 \(re CO-2022-XX\)](#)

10. [AUTHORIZE THE CITY MANAGER TO ISSUE REFUNDS FOR RETAIL CANNABIS APPLICATION FEES](#)

RECOMMENDATION:

Staff recommends City Council give the City Manager, or her designee, the authority to issue refunds for retail cannabis application fees.

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. [APPEAL OF PLANNING APPLICATION 22-21 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 2001 HARBOR BOULEVARD, SUITES 101-103 \(SOUTH COAST SAFE ACCESS\)](#)

RECOMMENDATION:

Staff recommends the City Council:

- Uphold the Planning Commission’s decision and adopt a Resolution to deny Planning Application 22-21; or
- Overturn the Planning Commission’s decision and adopt a Resolution to approve Planning Application 22-21, subject to conditions of approval; or
- Remand Planning Application 22-21 back to the Planning Commission to reconsider the matter.

- Attachments:** [1. Resolution for Denial](#)
[2. Resolution for Approval](#)
[3. Filed Appeal Application & Applicant Supplemental Info](#)
[4. Planning Commission Resolution PC-2022-33](#)
[5. Planning Commission Minutes](#)
[6. Site Photos](#)
[7. Project Plans](#)
[8. Public Comments](#)

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

ADJOURNMENT