



CITY OF COSTA MESA

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

Agenda

Tuesday, December 5, 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 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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Zoom Webinar: (For both 4:00 p.m. and 6:00 p.m. meetings)

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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].

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].

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 LEGAL COUNSEL - ANTICIPATION OF LITIGATION - SIX CASES
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: DBO Investments CM, LLC, a California Liability Company v. City of Costa Mesa
Orange County Superior Court Case No. 30-2023-01360125-CU-CR-NJC.
3. 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).

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

DECEMBER 5, 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. Recognition of the Newport Mesa Pop Warner Patriots 12U
2. Recognition of South Coast Repertory's 60 Seasons

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 Chavez
2. Council Member Gameros
3. Council Member Harper
4. Council Member Marr
5. Council Member Reynolds
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 AL123-1467 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](#) [23-1469](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Jose Israel Gonzalez De La Cruz, Se7enLeaf LLC.

3. **[ADOPTION OF WARRANT RESOLUTION](#)** **[23-1470](#)**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2709.

Attachments: [1. Summary Check Register 11-02-2023](#)
[2. Summary Check Register 11-08-2023](#)
[3. Summary Check Register 11-16-2023](#)
[4. Summary Check Register 11-21-2023](#)

4. **[MINUTES](#)** **[23-1468](#)**

RECOMMENDATION:

City Council approve the minutes of the regular meeting of November 7, 2023.

Attachments: [1. 11-07-2023 Draft Minutes](#)

5. **[REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING ON JANUARY 2, 2024](#)** **[OR23-1459](#)**

RECOMMENDATION:

Staff recommends the City Council cancel the regular meeting of Tuesday, January 2, 2024.

6. **[APPROVAL FOR THE PURCHASE AND REPLACEMENT OF SECURITY VIDEO CAMERAS FOR THE POLICE DEPARTMENT](#)** **[OR23-1455](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the use of OMNIA Partners Cooperative Agreement No. R220804 with SHI International Corp. for the purchase of Verkada Camera System in the amount of \$259,114.24.
2. Authorize a 5% contingency of \$12,955.71 for unforeseen costs.
3. Authorize the City Manager or designee to execute the necessary documents to purchase Verkada Camera System.

Attachments: [1. SHI Quote](#)

7. [AMENDMENTS TO THE INTEGRATED LAW & JUSTICE AGENCY 23-1456 FOR ORANGE COUNTY \(ILJAO\) JOINT POWERS AGREEMENT](#)

RECOMMENDATION:

Staff recommends the City Council review and approve the proposed amendments to the Joint Powers Agreement for further review and approval by the Member Agencies.

Attachments: [1. JPA](#)

8. [ACCEPTANCE OF THE 2022, 2023 AND 2024 EMERGENCY 23-1457 MANAGEMENT PERFORMANCE GRANT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Agreement to Transfer Funds for the 2022 Emergency Management Performance Grant Program (EMPG) (the "Agreement") and authorize the City Manager to execute the agreement.
2. Adopt Resolution No. 2023-XX which authorizes the application for and acceptance of funds under the EMPG Program for Years 2022, 2023, and 2024 and authorizes the City Manager, or designee, to take all action necessary to obtain the funding.
3. Approve revenue and expense appropriations in the amount of \$16,366 respectively, for the 2022 EMPG Program.

Attachments: [1. 2022 Transfer Agreement Form](#)
[2. Resolution](#)

9. [MEASURE M2 EXPENDITURE REPORT](#) [23-1461](#)

RECOMMENDATION:

Staff recommends the City Council adopt the proposed Resolution No. 2023-xx, (Attachment 1) approving the Measure M2 Expenditure Report and authorizing staff to submit the report to the Orange County Transportation Authority (OCTA.)

Attachments: [1. Proposed Resolution 2023-XX](#)
[2. M2 Expenditure Report](#)

10. [AWARD OF THE CONNECTOR PIPE SCREEN INSTALLATION 23-1462 PROJECT, PHASE IV, CITY PROJECT NO. 23-08 AND DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM CEQA](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find the project categorically exempt from CEQA and adopt plans, specifications, and working details for the Connector Pipe Screen Installation Project, Phase IV, City Project No. 23-08.
2. Authorize the City Manager and City Clerk to execute a Public Works Agreement (PWA) in the amount of \$283,500, and future contract amendments within City Council authorized limits to United Storm Water, Inc., 1400 E. Valley Boulevard, Industry, California 91746.
3. Authorize a ten percent (10%) contingency in the amount of \$28,350 for unforeseen construction and miscellaneous costs related to the project.
4. Authorize a budget appropriation from available fund balances from drainage fund in the amount of \$55,967.

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 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](#)

11. [OPEN SPACE EASEMENT DEED AND AGREEMENT \(“RAIL TRAIL” 23-1391 WITH THE PRESS OWNER, LLC](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the Open Space Easement Deed and Easement Agreement (“Rail Trail”) between the City of Costa Mesa (City) and The Press Owner, LLC (Press LLC).
2. Authorize the City Manager or designee to execute the Open Space Easement Deed and Easement Agreement and any future authorized amendments to this agreement.

Attachments: [1. Trail Easement Agreement](#)
[2. Easement and Deed Agreement](#)

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. [**PUBLIC HEARING REGARDING THE DEVELOPMENT IMPACT FEES 2023-1460 ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023 AND THE TRAFFIC IMPACT FEE ANALYSIS**](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file the Development Impact Fees Annual Report (Attachment 1) for the Fiscal Year ended June 30, 2023.
2. Adopt resolution (Attachment 2) continuing the citywide traffic impact fee for new development that incorporates recommendations from the Traffic Impact Fee Ad Hoc Committee and staff, which include:
 - Continue a traffic impact fee of \$235 per Average Daily Trip (ADT) based on the Capital Improvement Projects in Attachment 4 and Active Transportation projects in the adopted Active Transportation Plan (ATP).
 - Approve allocation of up to ten percent (10%) of traffic impact fees towards traffic signal synchronization projects.
 - Approve a five percent (5%) reduction in automobile trips as a result of ATP implementation and an additional five percent (5%) reduction in automobile trips for developments proposing to implement active transportation improvements beyond typical development requirements.
 - Approve the annual accounting of the Citywide Traffic Impact Fee Program (Attachment 6).

- Attachments:** [1. 2022-23 DIF Report \(Consolidated\)](#)
[2. Traffic Impact Fee Resolution](#)
[3. Citywide Traffic Impact Fee Report](#)
[4. Revised TIF Calculation 2023](#)
[5. Chronology of City Council Actions](#)
[6. Resolution Exhibit A \(TIF update for FY22-23 Accounting\)](#)

2. [FIRST READING OF AN ORDINANCE TO AMEND TITLE 1323-1463 \(PLANNING, ZONING, AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS \(CODE AMENDMENT PCTY-23-0002\)](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3) ("General Rule"); and
2. Introduce for first reading, by title only, Ordinance No. 2023-XX amending Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) to modify the City's outdoor dining provisions.

Attachments: [Agenda Report](#)

- [1. Draft Ordinance](#)
- [2. Exhibit A to the Ordinance clean version](#)
- [3. Exhibit A to the Ordinance track changes](#)
- [4. Planning Commission Resolution](#)
- [5. Planning Commission approved minutes](#)
- [6. Planning Commission Public Comments](#)

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

ADJOURNMENT