



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 26-116

Meeting Date: 2/3/2026

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

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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.

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 (Attachment 1). 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.

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 limit self-checkout to 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.

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.

Public comments were received from the United Food and Commercial Workers (UFCW) and store employees supporting an ordinance more closely modeling the City of Long Beach ordinance. Overall, employees expressed concerns that stores were placing too many machines in operation without proper supervision to support customers. Additionally, employees stated they were assigned duties, including oversight of locked items, that prevented assisting customers or monitoring for theft. The UFCW provided a letter opposing any revision to the Long Beach ordinance that provided alternative compliance, didn't include addressing food retail stores over 85,000 square feet, and the new notification of violation language.

Representatives of store owners and store managers spoke in opposition of any need for an ordinance. They stated that retail theft had been addressed via a package of state legislation passed in 2024 that considered and rejected restrictions on self-checkout as they did not represent a significant source of theft. Store representatives also felt that staffing concerns had been addressed with the UFCW in their 2025 Collective Bargaining Agreements (CBA). The provisions of the CBAs include required staffing of self-checkout banks and that one full-service checkout lane be open from the hours of 8:00 a.m. to 7:00 p.m. Lastly, concerns were expressed with enforcement through private right of action and store or employee liability, especially to the extent they could effectively enforce the 15 items or less limit and the restriction on secure or locked items from use of self-checkout.

The City Council on a motion by Councilmember Gameros and seconded by Councilmember Marr, introduced for first reading by title only and waiving further reading, an ordinance substantially based on the City of Long Beach that:

1. Maintains the proposed 7 day right to cure;
2. Eliminates the alternative compliance language;
3. Addresses food retail stores over 85,000 square feet; and
4. Requires notice to local store management in addition to any contact designated by a store.

Language from the Long Beach Ordinance has been restored for large food retail stores over 85,000 square feet with 10% of floor space dedicated to non-taxable goods, such as groceries and prepared foods. For example, the Target (Harbor Blvd. location) is already covered by the ordinance as a drug retail store and would also be categorized as a food retail store under this provision. Any future large warehouse stores would likely be subject to this provision.

Further, Council directed staff to include additional language requiring notification to the local store managers. This would help ensure proper notification to address reported violations.

Additionally, the City Council directed staff to return to Council in one year to provide a review of such ordinance.

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.