



CITY OF COSTA MESA

REGULAR CITY COUNCIL AND HOUSING AUTHORITY*

Agenda

Tuesday, September 2, 2025

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 technical difficulties or experiencing any other critical issues, and unless required by the Brown Act, the meeting will continue in person.

TRANSLATION SERVICES AVAILABLE / SERVICIOS DE TRADUCCIÓN DISPONIBLE
Please contact the City Clerk at (714) 754-5225 to request language interpreting services for City meetings. Notification at least 48 hours prior to the meeting will enable the City to make arrangements.

Favor de comunicarse con la Secretaria Municipal al (714) 754-5225 para solicitar servicios de interpretación de idioma para las juntas de la Ciudad. Se pide notificación por lo mínimo 48 horas de anticipación, esto permite que la Ciudad haga los arreglos necesarios.

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/c/costamesatv).

Closed Captioning is available via the Zoom option in English and Spanish.

Members of the public are welcome to speak during the meeting when the Mayor opens the floor for public comment. There is no need to register in advance or complete a comment card. When it's time to comment, line up at one of the two podiums in the room and wait for your turn. Each speaker will have up to 3 minutes (or as directed) to address the City Council.

To maintain a respectful and orderly atmosphere during the meeting, attendees shall refrain from using horns or amplified speakers. Signs and props may be brought into the Chamber, provided they do not hinder the visibility of other attendees. The possession of poles, sticks, or stakes is strictly prohibited.

All attendees must remain seated while in the chamber until instructed by the Presiding Officer to approach and line up for public comment. To ensure safety and maintain order during the proceedings, standing or congregating in the aisles or foyer is strictly prohibited.

Further information regarding the City's regulations on addressing the City Council and expected conduct during meetings are available at the following links.

Title 2: Administration

§ 2-61: Conduct while addressing the council.

<https://ecode360.com/42609578>

Title 2: Administration

§ 2-64: Disorderliness by members of the audience.

<https://ecode360.com/42609598>

As a courtesy, the public may participate via the Zoom option.

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/89982812676?pwd=oX6BGzSScr92QUVyg1m0SN8HSTnoqj.1>

Or sign into Zoom.com and "Join a Meeting"

Enter Webinar ID: 899 8281 2676/ Password: 772583

- 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: 899 8281 2676/ Password: 772583
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.

Any written communications, photos, or other materials for copying and distribution to the City Council that are 10 pages or less, can be e-mailed to cityclerk@costamesaca.gov, submitted to the City Clerk's Office on a flash drive, or mailed to the City Clerk's Office. Kindly submit materials to the City Clerk AS EARLY AS POSSIBLE, BUT NO LATER THAN 12:00 p.m. on the day of the meeting.

Comments received by 12:00 p.m. on the day 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. This includes items submitted for the overhead screen during the meeting. Items submitted for the overhead screen should be 1 page and provided to the City Clerk prior to the start of the meeting. 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>. Las agendas y los informes se pueden ver en español en el sitio web de la Ciudad en <https://www.costamesaca.gov/trending/current-agendas/spanish-city-council-agendas>.

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 - TWO CASES
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.
2. CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(4), Potential Litigation.
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: RDK Group Holdings, LLC v. City of Costa Mesa,
Orange County Superior Court Case No. 30 2025 0149581 CU WM WJC
4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Farrell Harrison v. City of Costa Mesa, et al.,
Orange County Superior Court Case No. 30-2025-01495293-CU-WM-CJC
5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Insight Psychology and Addiction, Inc. v. City of Costa Mesa,
U.S. District Court, Central District of California, Case No. 8:20 cv 00504 JVS JDE
6. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Perdomo, et al. v. Noem, et al.,
United States District Court for the Central District of California Case No.
2:25-cv-05605-MEMF-SP
7. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: DBO Investments CM, LLC v. Costa Mesa
Orange County Superior Court Case No. 30-2023-01360125-CU-CR-NJC.

REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY

SEPTEMBER 2, 2025 – 6:00 P.M.

JOHN STEPHENS
Mayor

MANUEL CHAVEZ
Mayor Pro Tem - District 4

ANDREA MARR
Council Member - District 3

ARLIS REYNOLDS
Council Member - District 5

LOREN GAMEROS
Council Member - District 2

JEFF PETTIS
Council Member - District 6

MIKE BULEY
Council Member - District 1

KIMBERLY HALL BARLOW
City Attorney

CECILIA GALLARDO-DALY
Interim 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: 2025 Hunger Action Month

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments on Presentations and 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 Pettis
2. Council Member Buley
3. Council Member Gameros
4. Council Member Marr
5. Council Member Reynolds
6. Mayor Pro Tem Chavez
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 25-422 ORDINANCES AND RESOLUTIONS**](#)

RECOMMENDATION:

City Council and Housing Authority approve the reading by title only and waive further reading of Ordinances and Resolutions.

2. [**READING FOLDER**](#) [**25-423**](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk and authorize staff to reject any and all Claims: Warren Franklin, Carolyn Hanson, Craig Marshall, Daisy Martinez.

3. **ADOPTION OF WARRANT RESOLUTION** **25-404**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2739.

Attachments: [1. Summary Check Registration 7-25-2025](#)
[2. Summary Check Registration 7-31-2025](#)
[3. Summary Check Registration 8-7-2025](#)
[4. Summary Check Registration 8-14-2025](#)

4. **MINUTES** **25-424**

RECOMMENDATION:

City Council approve the minutes of the Special Closed Session meetings of July 1, 2025 and July 8, 2025.

Attachments: [1. 07-01-2025 Draft Minutes](#)
[2. 07-08-2025 Draft Minutes](#)

5. **AGREEMENT FOR A SCHOOL RESOURCE OFFICER PROGRAM 25-386**
BETWEEN THE CITY OF COSTA MESA AND NEWPORT-MESA
UNIFIED SCHOOL DISTRICT FOR FISCAL YEAR 2025-2026

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the agreement for a School Resource Officer (SRO) Program between the City of Costa Mesa and Newport-Mesa Unified School District (NMUSD) for Fiscal Year 2025-26.
2. Authorize the Interim City Manager to execute the agreement.

Attachments: [1. Costa Mesa SRO Agreement FY25-26](#)
[2. 2025-26 SRO Projection](#)

6. [MAINTENANCE SERVICES AGREEMENTS FOR ON-CALL HVAC 25-416
MAINTENANCE AND REPAIRS](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and authorize the Interim City Manager and the City Clerk to execute a two-year Maintenance Services Agreement (MSA) to provide on-call Heating, Ventilation and Air-Conditioning (HVAC) mechanical automation system repairs and maintenance services, with three (3) one-year renewal periods, in an aggregate amount not to exceed \$200,000 annually in a form as approved by the City Attorney to:
 - FM Thomas
 - Harbor Pointe
 - Southland Industries
2. Authorize the Interim City Manager and the City Clerk to execute the agreements and any authorized amendments to the agreements.

Attachments: [1. On-Call HVAC Maintenance Services Agreements](#)

**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. [INTRODUCTION OF AN ORDINANCE ADDING CHAPTER XVI 25-379 \(PROHIBITION ON SALE OR DISTRIBUTION OF NITROUS OXIDE\) TO TITLE 11 \(OFFENSES-MISCELLANEOUS\) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH REGULATIONS PROHIBITING THE UNLAWFUL SALE OR DISTRIBUTION OF NITROUS OXIDE IN THE CITY](#)

RECOMMENDATION:

Staff recommends the City Council introduce for first reading, by title only, Ordinance No. 2025-xx, adding Chapter XVI (Prohibition on Sale or Distribution of Nitrous Oxide) to Title 11 (Offenses-Miscellaneous) of the Costa Mesa Municipal Code to establish regulations prohibiting the unlawful sale or distribution of nitrous oxide in the City.

Attachments: [1. Draft Ordinance](#)

2. [FINAL ENVIRONMENTAL IMPACT REPORT \(SCH NO. 2024060115\), 25-421 GENERAL PLAN AMENDMENT, REZONE, SPECIFIC PLAN AMENDMENT, MASTER PLAN, VESTING TENTATIVE PARCEL MAP, DENSITY BONUS, AND DEVELOPMENT AGREEMENT FOR HIVE LIVE, A THREE-PHASED, 1,050-UNIT, RESIDENTIAL DEVELOPMENT WITH 3,692-SQUARE-FOOT RETAIL COMPONENT AT 3333 SUSAN STREET](#)

RECOMMENDATION:

Staff recommends the City Council continue the open public hearing to the October 7, 2025, City Council meeting.

Attachments: [1. Continuation Request](#)

3. **APPEAL OF THE DIRECTOR OF DEVELOPMENT SERVICES' 25-394 DETERMINATION THAT CANNABIS BUSINESS PERMIT MQ-21-15 FOR A CANNABIS STOREFRONT LOCATED AT 2301 NEWPORT BOULEVARD (CULTURE CANNABIS CLUB) IS NON-OPERATIONAL AND ABANDONED**

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the appeal is not subject to the California Environmental Quality Act per California Public Resources Code Section 15268.
2. Uphold the Director of Development Services' determination that Cannabis Business Permit MQ-21-15 is nonoperational and abandoned pursuant to Costa Mesa Municipal Code Section 9-495(h)(16) and find that the Permit is invalid and of no further force and effect.

Attachments: [Agenda Report](#)

[1. Resolution](#)

[2. Appeal Application](#)

[3. Notice of Abandonment and Eviction](#)

OLD BUSINESS:

1. **SECOND READING AND ADOPTION OF AN ORDINANCE TO 25-403 REZONE THE PROJECT SITE FROM ADMINISTRATIVE AND PROFESSIONAL (AP) TO MULTIPLE FAMILY RESIDENTIAL (R3) FOR THE 142 UNIT RESIDENTIAL OWNERSHIP PROJECT LOCATED AT 3150 BEAR STREET (MERITAGE HOMES)**

RECOMMENDATION:

Staff recommends that the City Council give second reading to and adopt Ordinance No. 2025-05 to approve the rezone for subject property from Administrative & Professional (AP) to Multiple Family Residential (R3).

Attachments: [Agenda Report](#)

[1. Ordinance No. 2025-05](#)

2. [AWARD OF THE TEWINKLE PARK LAKES REPAIR AND 25-390
REHABILITATION PROJECT, CITY PROJECT NO. 24-12, AND
FINDING OF CALIFORNIA ENVIRONMENTAL QUALITY ACT \(CEQA\)
CATEGORICAL EXEMPTION](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines section 15301.
2. Adopt plans, specifications, and working details for the TeWinkle Park Lakes Repair and Rehabilitation Project, City Project No. 24-12.
3. Award a Public Works Agreement (PWA) for construction to Houalla Enterprises, Ltd. (dba Metro Builders & Engineers Group, Ltd.) 2610 Avon Street, Newport Beach, California 92663 in the amount of \$2,459,777, and authorize a ten percent (10%) contingency in the amount of \$245,978 for unforeseen costs related to this project.
4. Authorize the Interim City Manager and the City Clerk to execute the PWA for Houalla Enterprises, Ltd. (dba Metro Builders & Engineers Group, Ltd.) and future amendments to the agreement within Council authorized limits.

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 Reduction Summary](#)
[2. PWA](#)

3. [AWARD OF A PROFESSIONAL SERVICES AGREEMENT FOR 25-388
CATEGORY 6A \(CAT6A\) STRUCTURED CABLING AND VERKADA
CAMERA INSTALLATION WITH BCS CONSULTANTS](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the Interim City Manager and City Clerk to execute a Professional Services Agreement (PSA) for network cable and camera installation to BCS Consultants, 9910 Irvine Center Drive, Irvine, CA 92618 in the amount of \$740,684 for a two-year term, with the option for a one (1) one-year renewal.
2. Authorize a five percent (5%) contingency in the amount of \$37,034 for unforeseen costs.
3. Authorize the Interim City Manager or designee to execute future authorized amendments to the agreement.

Attachments: [1. RFP 25-05](#)
[2. BCS PSA](#)
[3. BCS Proposal](#)
[4. BCS Revised Proposal](#)

4. [REQUEST FOR CITY COUNCIL DIRECTION REGARDING THE 25-417 RESULTS OF THE ORANGE COUNTY POWER AUTHORITY \(OCPA\) FEASIBILITY STUDY](#)

RECOMMENDATION:

Staff is requesting that the City Council:

1. Receive and file the feasibility study conducted by the Orange County Power Authority (OCPA) and the corresponding presentation led by OCPA;
2. Provide direction on the substantial staff research required to evaluate joining OCPA; and
3. Direct staff to identify available funding for any costs associated with Costa Mesa's potential membership in OCPA.

Attachments: [1. OCPA Feasibility Study](#)
[2. OCPA Rates Commercial Customers 3-24-25](#)
[3. OCPA Rates Residential Customers 3-24-25](#)
[4. OCPA- 2025-26 Fiscal Year Operating Budget](#)

NEW BUSINESS:

1. [AWARD OF THE FAIRVIEW ROAD ACTIVE TRANSPORTATION AND 25-389 REHABILITATION PROJECT, CITY PROJECT NO. 25-10, STATE PROJECT NO. CRASL-5312\(106\), AND FINDING OF CALIFORNIA ENVIRONMENTAL QUALITY ACT \(CEQA\) CATEGORICAL EXEMPTION](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Make a finding of California Environmental Quality Act (CEQA) categorical exemption pursuant to CEQA Guidelines section 15301.
2. Adopt plans, specifications, and working details for the Fairview Road Active Transportation and Rehabilitation Project, City Project No. 25-10, State Project No. CRASL-5312(106).
3. Award a Public Works Agreement (PWA) for construction to Hardy & Harper, Inc., 32 Rancho Circle, Lake Forest, California 92630, in the amount of \$2,860,000, and authorize a ten percent (10%) contingency in the amount of \$286,000 for unforeseen costs related to this project.
4. Authorize the Interim City Manager and the City Clerk to execute the PWA for Hardy & Harper, Inc., and future amendments to the agreement within Council authorized limits.

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. PWA](#)

2. **UPDATE ON SUPPORT SERVICES AND ASSISTANCE FOR 25-418
RESIDENTS AND TRACKING OF AT-FAULT EVICTIONS**

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file staff's update on the donation of \$100,000 to two local non-profit organizations, Enough for All Fund (\$50,000) and Someone Cares Soup Kitchen (\$50,000) to provide assistance to impacted residents.
2. Request direction on tracking at- fault evictions.

3. **UPDATE ON OPTIONS FOR LEGAL ASSISTANCE FOR RESIDENTS 25-436
AND POTENTIAL PARTICIPATION IN LAWSUIT CHALLENGING
ROAMING IMMIGRATION ENFORCEMENT PATROLS**

RECOMMENDATION:

Staff recommends the City Council:

1. Receive and file this update on options to provide legal defense funding to assist residents in connection with federal immigration enforcement and direct staff accordingly.
2. Consider whether and how to participate in Perdomo, et al. v. Noem, et al., United States District Court for the Central District of California, Case No. 2:25-cv-05605-MEMF-SP.

Attachments: [1. Order granting TRO - Perdomo](#)
[2. Court of Appeal Order Upholding TRO - Perdomo](#)
[3. Los Angeles, et al. Amicus Brief](#)

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

ADJOURNMENT