



CITY OF COSTA MESA

REGULAR CITY COUNCIL AND HOUSING AUTHORITY*

Agenda

Tuesday, April 2, 2024

6:00 PM

City Council Chambers
77 Fair Drive

***Note: All agency memberships are reflected in the title "Council Member"**
5:00 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 only in person.

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

Zoom Webinar: (For both 5:00 p.m. and 6:00 p.m. meetings)

Please click the link below to join the webinar:

[https://us06web.zoom.us/j/81879579049?](https://us06web.zoom.us/j/81879579049?pwd=_XoNBT2uciL7zrDsfj4A9Q9srLgExg.bQEU-le6VvXjPDeL)

[pwd=_XoNBT2uciL7zrDsfj4A9Q9srLgExg.bQEU-le6VvXjPDeL](https://us06web.zoom.us/j/81879579049?pwd=_XoNBT2uciL7zrDsfj4A9Q9srLgExg.bQEU-le6VvXjPDeL)

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

Enter Webinar ID: 818 7957 9049/ Password: 608584

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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 5:00 p.m. and 6:00 p.m. meetings)

Call: 1 669 900 6833 Enter Webinar ID: 818 7957 9049/ Password: 608584

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 - 5:00 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 - INITIATION OF LITIGATION - ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(4), Potential Litigation.
2. 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
Under Negotiation: Price and Terms of Payment

REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY

APRIL 2, 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. Presentation: Active Transportation Committee Update

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 ALL 24-105 ORDINANCES AND RESOLUTIONS](#)

RECOMMENDATION:

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

2. [READING FOLDER](#) [24-106](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk and authorize staff to reject any and all Claims: Morgan & Morgan (Heidi Kearns), Eli Navarette, Gary Reynolds.

3. [ADOPTION OF WARRANT RESOLUTION](#) [24-104](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2714.

Attachments: [Summary Check Register 03-14-2024](#)
[Summary Check Register 03-21-2024](#)

4. [MINUTES](#) [24-107](#)

RECOMMENDATION:

City Council approve the minutes of the regular meeting of March 19, 2024.

Attachments: [03-19-2024 Draft Minutes](#)

5. [DESIGNATION OF VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS \(SCAG\) 2024 REGIONAL CONFERENCE AND GENERAL ASSEMBLY](#) [24-112](#)

RECOMMENDATION:

Staff recommends the City Council designate Council Member Arlis Reynolds as the delegate for the upcoming 2024 Annual Southern California Association of Governments (SCAG) Regional Conference and General Assembly.

6. [AMENDMENT TO THE CITYWIDE TRAFFIC SIGNAL MAINTENANCE CONTRACT](#) [24-103](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the First Amendment (Attachment 1) to the Maintenance Services Agreement (MSA) with Yunex LLC to provide maintenance of the City's traffic signals, increasing the annual compensation for current and future years of the MSA by \$100,000, for an annual amount not to exceed \$500,000.
2. Authorize the City Manager and the City Clerk to execute the agreement and future amendments to the agreement.

Attachments: [1. Amendment No. 1 to MSA](#)
[2. MSA for signal maintenance with Yunex](#)

7. [REJECT ALL BIDS - WILSON, WAKEHAM, AND TEWINKLE PARKS 24-114 BRIDGES REPLACEMENT PROJECT, CITY PROJECT NO. 23-12](#)

RECOMMENDATION:

Staff recommends the City Council reject all bids for the Wilson, Wakeham, and TeWinkle Parks Bridges Replacement Project, City Project No. 23-12.

Attachments: [1. Bid Abstract](#)

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. [SECOND READING OF ORDINANCE NO. 2024-02 AMENDING TITLE 24-102 13 \(PLANNING, ZONING AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH AFFORDABLE HOUSING REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT PROJECTS AND FEE RESOLUTION TO ESTABLISH THE AFFORDABLE HOUSING IN-LIEU FEE SCHEDULE](#)

RECOMMENDATION:

Staff recommends the Council:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (“General Rule”).
2. Give second reading to and adopt Ordinance No. 2024-02 approving the Affordable Housing Ordinance and amending Title 13 to establish the affordable housing requirements for new residential development projects.
3. Adopt a fee resolution establishing the affordable housing in-lieu fee schedule.

Attachments: [Agenda Report](#)

1. [Draft Ordinance](#)
2. [In-Lieu Fee Resolution](#)
3. [City Council AHO Changes](#)
4. [Housing Plan Programs](#)
5. [HCD Compliance Info](#)
6. [Information Bulletin 532](#)

OLD BUSINESS:

1. [CITY COUNCIL FIRST READING OF ORDINANCES TO AMEND TITLE 24-113 13 \(PLANNING, ZONING AND DEVELOPMENT\) AND TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) ("General Rule").
2. Introduce for first reading, by title only, Ordinance No. 2024-03 amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-04 amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to modify the City's retail cannabis provisions.

Attachments: [Agenda Report](#)

1. [Draft Ordinance Title 13](#)
2. [Draft Ordinance Title 9](#)
3. [Exhibit A Title 13](#)
4. [Exhibit A Title 9](#)
5. [Track changes Title 13](#)
6. [Track changes Title 9](#)

NEW BUSINESS: (Next Page)

1. **AWARD OF FIRE STATION NO. 4 TRAINING TOWER AND SITE 24-098 IMPROVEMENTS PROJECT, CITY PROJECT NO. 23-04, AND FINDING OF A CATEGORICAL EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

RECOMMENDATION:

Staff recommends the City Council:

1. Find that the Fire Station No. 4 Training Tower and Site Improvements Project, City Project No. 23-04, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Section 15301.
2. Adopt plans, specifications, and working details for the Fire Station No. 4 Training Tower and Site Improvements Project, City Project No. 23-04.
3. Authorize the City Manager and City Clerk to execute a Public Works Agreement (PWA) in a not to exceed amount of \$3.5 million and future contract amendments as approved by the City Attorney within City Council authorized limits to Caliba, Inc., 8031 Main Street, Stanton, California 90680.
4. Authorize the City Manager and City Clerk to execute a Professional Services Agreement (PSA) in the amount of \$347,241 and future contract amendments as approved by the City Attorney and within City Council authorized limits to STV Construction, Inc., 1055 West 7th Street, Suite 2900, Los Angeles, California 90017.
5. Authorize the City Manager to negotiate change orders, as needed, to split the project into phases based on available funding, and explore financing options, including bond financing, with final bond documents to be brought to the City Council for final adoption, to fund the remaining unfunded portion of the project's construction costs currently totaling \$1.5 million for the second phase of 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 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. Kazoni's Bid Protest](#)
[3. Caliba's Response](#)
[4. STV's Proposal](#)

2. [FISCAL YEAR 2023-24 MID-YEAR BUDGET UPDATE AND 24-051 ADJUSTMENTS](#)

RECOMMENDATION:

The Finance Department is undergoing the mid-year budget review for Fiscal Year 2023-24 that began on July 1, 2023. Certain staffing changes are recommended to assist in achieving City Council goals and priorities as soon as possible. In addition, Funds in the Capital Improvement Program (CIP) that need to be carried over into Fiscal Year 2023-24 require City Council approval.

1. Amend the Table of Organization to add 3.27 new FTEs in the Economic and Development Services Department (2.0 FTEs); Parks and Community Services (0.75 FTE); and the Police Department (0.52 FTEs) to help achieve City Council goals and priorities related to housing, park and environmental resources management, and public safety.
2. Approve FY 2023-24 Staffing title changes and compensation adjustments to realign positions with current operational needs in multiple departments (Attachment 2).
 - a. Approve Resolution No. 2024-XX, approving new classification and salary/pay ranges for an Animal Services Coordinator, new title for Multimedia Specialist and new title and pay ranges for Finance Officer.
 - b. Approve Resolution No. 2024-XX approving compensation adjustments for Finance Officer (Confidential).
 - c. Approve Resolution No. 2024-XX creating new classification and salary/pay ranges for Graduate Intern and compensation adjustments for Intern classification, absorbed within the existing adopted budget, in order to create a more viable pipeline of applicants to recruit City employees.
3. Approve FY 2023-24 Budget Carryovers from the prior year in the General Fund and the various Capital Projects Funds (Attachment 1) for outstanding capital projects.

- Attachments:** [1. Mid year CIP](#)
[2. Confidential Resolution](#)
[3. Part Time Resolution](#)
[4. CMCEA Resolution](#)
[5. 4.2.24 Org chart](#)

3. [APPOINTMENTS TO VARIOUS CITY COMMITTEES](#)

[24-086](#)

RECOMMENDATION:

Staff recommends the City Council make appointments as follows:

1. Animal Services Committee - Make four (4) member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer his nomination to the Council Liaison (Mayor Stephens, Council Member Harper).
2. Active Transportation Committee - Make six (6) member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan and, two at large appointments, the two at-large members should ensure broad representation of different mobility options and experiences (e.g., walk, bike, bus, and age ability). A Council Member may defer his nomination to the Council Liaison (Council Member Reynolds).
3. Finance and Pension Advisory Committee - Make four (4) member appointments with a term expiration of April 2028. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer his nomination to the Council Liaison (Mayor Stephens, Alternate Council Member Marr, and Council Member Harper).
4. Housing and Public Service Grants Committee - Make four (4) regular member appointments with a term expiration of April 2026. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer his nomination to the Council Liaison (Council Member Chavez, Alternate Council Member Harper).
5. Mobile Home Park Advisory Committee - Make one (1) Park Owner or Representative appointment, two (2) Mobile Home Park Resident appointments, and one (1) Independent Citizen At-large appointment, all with a term expiration of April 2028. One nomination by Mayor Stephens, Council Member Harper, Council Member Gameros, and Mayor Pro Tem Harlan. A Council Member may defer his nomination to the Council Liaison (Council Member Reynolds, Alternate Council Member Chavez).
6. Approve the recommendation from the Historical Preservation Committee to formally dissolve in lieu of merging with the Costa Mesa Historical Society and transferring the Committee's funds to the Costa Mesa Historical Society.

- Attachments:** [1. Animal Services Committee Applications](#)
[2. Active Transportation Committee Applications](#)
[3. Finance and Pension Advisory Committee Applications](#)
[4. Housing and Public Service Grants Committee](#)
[5. Mobile Home Park Advisory Committee](#)

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

ADJOURNMENT