



## CITY OF COSTA MESA

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

#### Agenda

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Tuesday, November 7, 2023

6:00 PM

City Council Chambers  
77 Fair Drive

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**\*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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- 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)

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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](mailto: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](mailto: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](mailto: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>.

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**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 - EXISTING LITIGATION – ONE CASE  
Pursuant to California Government Code Section 54956.9 (d)(1)  
Name of Case: 1921 Harbor Blvd. LLC dba High Seas  
Orange County Superior Court Case No. Pending
3. 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
4. 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**

**NOVEMBER 7, 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: Native American Heritage Month, 2023](#) [23-1447](#)  
**Attachments:** [11-07-2023 Native American Heritage Month](#)

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2. [Proclamation: Movember, 2023](#) [23-1449](#)

Attachments: [11-07-2023 Movember](#)

**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 Reynolds
2. Council Member Chavez
3. Council Member Gameros
4. Council Member Harper
5. Council Member Marr
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 ALI23-1444 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](#) [23-1446](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Malik Anthony Atalla, Kendra Boost, Christopher Matlick, Jeff Schoneman, High Seas.

3. [ADOPTION OF WARRANT RESOLUTION](#) [23-1442](#)

RECOMMENDATION:

City Council approve Warrant Resolution No. 2708.

**Attachments:** [1. Summary Check Register 10-12-23](#)  
[2. Summary Check Register 10-19-23](#)  
[3. Summary Check Register 10-26-23](#)

4. [MINUTES](#) [23-1445](#)

RECOMMENDATION:

City Council approve the minutes of the regular meeting of October 17, 2023.

**Attachments:** [1. 10-17-2023 Draft Minutes](#)

5. [PURCHASE OF THE FOSTER & FREEMAN DCS®5 DIGITAL CAPTURE SYSTEM FOR THE POLICE DEPARTMENT CRIME SCENE UNIT](#) [23-1429](#)

RECOMMENDATION:

Staff recommends City Council:

1. Approve and authorize the purchase of a DCS®5 Digital Capture System from Foster & Freeman for the Crime Scene Unit (CSU) in the amount of \$112,106.
2. Authorize the City Manager to execute a Purchase Order, and any other documents required in connection with the purchase of the DCS®5 Digital Capture System.

**Attachments:** [1. Quote - Foster and Freeman DCS5 PRO](#)

6. **[ACCEPTANCE OF THE 2023-2024 CALIFORNIA DEPARTMENT OF 023-1430  
ALCOHOLIC BEVERAGE CONTROL \(ABC\) GRANT](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt the proposed Resolution No. 2023-XX authorizing the acceptance of grant funds in the amount of \$40,000 from the California Department of Alcoholic Beverage Control in connection with its Alcohol Policing Partnership Program.
2. Approve budget appropriation of \$40,000 from the Alcoholic Beverage Control Grant.

**Attachments:** [1. ABC OTS exhibits](#)  
[2. 24-OTS102 STD 213 w SCO block](#)  
[3. Draft Resolution No. 2023-xx Authorizing ABC Grant  
Acceptance](#)

7. **[SUB RECIPIENT AGREEMENT FOR THE 2022 URBAN AREA 23-1431  
SECURITY INITIATIVE GRANT](#)**

RECOMMENDATION:

Staff recommends the City Council:

Authorize the City Manager, or designee, to execute the attached Sub-Recipient Agreement with the City of Anaheim for the FY 2022 Urban Areas Security Initiative (UASI) Grant Program.

**Attachments:** [1. UASI 2022 Agreement](#)



8. [\*\*PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES 23-1439 FOR THE COSTA MESA SKATE PARK EXPANSION\*\*](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to David Volz Design Landscape Architects, Inc., 151 Kalmus Drive, Suite M8, Costa Mesa, California in the amount of \$287,476 for the design of the Costa Mesa Skate Park located at 900 Arlington Drive, Costa Mesa, and authorize the City Manager and the City Clerk to execute the PSA.
2. Authorize a ten percent (10%) contingency in the amount of \$28,748 in order to cover additional work or unforeseen circumstances.
3. Authorize the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement within Council authorized limits.

**Attachments:** [1. PSA with David Volz Design Landscape Architects, Inc.](#)

9. [\*\*2025 FEDERAL TRANSPORTATION IMPROVEMENT PROGRAM 23-1440\*\*](#)

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2023-xx, approving projects for inclusion in the Orange County Transportation Authority's (OCTA) Federal Transportation Improvement Program (FTIP) for Fiscal Years 2024/25 through 2029/30 (Attachment 1).

**Attachments:** [1. Proposed 2025 FTIP Resolution](#)

**10. BICYCLE SAFETY EDUCATION PROGRAM FOR SCHOOLS 23-1441**

RECOMMENDATION:

Staff recommends the City Council:

1. Award a Professional Services Agreement (PSA) to Walk 'n Rollers, 8800 Venice Boulevard, Suite 301, Los Angeles, CA 90034 for the development of a Bicycle Safety Education Program for Schools in the amount of \$149,967 (Attachment 1).
2. Authorize a ten percent (10%) contingency in the amount of \$14,996 for unforeseen costs.
3. Authorize the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement.

**Attachments:** [1. Proposed PSA with Walk N. Rollers, Inc.](#)

**11. REJECT ALL BIDS - ADAMS AVENUE AND PINECREEK DRIVE23-1428  
INTERSECTION PROJECT, FEDERAL PROJECT NO. CML-5312(104),  
CITY PROJECT NO. 23-01**

RECOMMENDATION:

Staff recommends the City Council reject all bids for the Adams Avenue and Pinecreek Drive Intersection Project, Federal Project No. CML-5312(104), City Project No. 23-01, and direct staff to re-advertise the project.

**Attachments:** [1. Bid Analysis](#)

**AT THIS TIME COUNCIL WILL ADDRESS ANY ITEMS PULLED FROM THE CONSENT CALENDAR**

-----**END OF CONSENT CALENDAR**-----

**PUBLIC HEARINGS: NONE.**

(Pursuant to Resolution No. 05-55, Public Hearings begin at 7:00 p.m.)

**OLD BUSINESS: (Next Page)**

1. [AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 9 \(LICENSES AND BUSINESS REGULATIONS\) OF THE COSTA MESA MUNICIPAL CODE BY ADDING CHAPTER II \(REGULATION OF CERTAIN BUSINESSES, ARTICLE 24 \(JUST CAUSE RESIDENTIAL TENANT PROTECTIONS\)](#)

RECOMMENDATION:

1. Introduce and give first reading, waiving further reading, to Ordinance No. 2023-XX Amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code by Adding Chapter II (Regulation of Certain Businesses), Article 24 (Just Cause Residential Tenant Protections) and/or adopt Ordinance No. 2023-XX, an Urgency Ordinance Amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code by Adding Chapter II (Regulation of Certain Businesses), Article 24 (Just Cause Residential Tenant Protections).
2. Appropriate a total of \$300,000 from uncommitted American Rescue Plan Funds (ARPA) to provide supplemental rental assistance to households facing no-fault just cause eviction, and authorize the City Manager, City Attorney, and City Clerk to approve and execute new or amended agreements with existing program providers.
3. Allocate \$250,000 from uncommitted ARPA funds to the Law Offices of Jones Mayer, increasing the scope of the contract to include eviction and rental-related legal services, including but not limited to court filings, to enforce the eviction protection provisions of the Costa Mesa Municipal Code regarding unlawful acts in connection with no-fault just cause evictions.
4. Approve the addition of three (3) Full Time Equivalent (FTE) staff positions to implement, monitor, and enforce the subject Ordinance, with an additional FTE at the discretion of the City Manager. The staff positions include one Community Outreach Worker in the Neighborhood Improvement Division, one (1) Senior Planner, and one (1) Code Enforcement Officer II in the Economic and Development Services Department. Appropriation authority is requested at an estimated \$300,000 for the remainder of the fiscal year from uncommitted ARPA (American Rescue Plan Act) Funds to cover the fiscal impact of the additional positions.

**Attachments:** [Agenda Report](#)

[1. Draft Eviction Ordinance](#)

[2. Draft Eviction Urgency Ordinance.](#)

[3. Costa Mesa Notice of Termination of Tenancy](#)

**NEW BUSINESS:**

1. [FISCAL YEAR 2022-23 PRELIMINARY UNAUDITED YEAR-END 23-1443 FINANCIAL REPORT](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the City Manager, or her designee, to concur with FiPAC recommendations on the allocation and appropriation of Fiscal Year 2022-23, if available, year-end savings estimated between \$4.0 million to \$6.0 million in order of priority as follows:
  - a) Transfer \$1.1 million to Fund 401 for the Lions Park Café;
  - b) Transfer \$1.5 million to Fund 401 for Fire Station #4 Training Tower;
  - c) Deposit \$500,000 (up to \$1.0 Million, if available for surplus funds of \$6.0 million) to the Workers' Compensation Fund Balance designation;
  - d) Transfer \$900,000 to Housing Fund 222 for Housing Element and Visioning;
  - e) Transfer \$300,000 to Equipment Fund 602 to pay the balance of one Fire Engine Apparatus; and
  - f) Transfer \$1.2 million to Fund 401 for improvements to the City's Golf Course and Tennis Center.

2. [LIONS PARK CAFÉ PROJECT](#) [23-1383](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the City Manager and City Clerk to execute Amendment Number Five to the Professional Services Agreement (PSA) with Johnson Favaro, 5898 Blackwelder Street, Culver City, CA 90232, in the amount of \$130,250 with a three-year contract extension, and any future amendments.
2. Authorize the City Manager and City Clerk to execute Amendment Number Two to the PSA with STV Construction, Inc., 1055 West Seventh Street, Suite 2900, Los Angeles, CA 90017, in the amount of \$226,960 with a three-year contract extension, and any future amendments.
3. Authorize the City Manager to execute Change Order No. 2 to the Purchase Order with Tovey/Shultz Construction, Inc., 18261 Collier Avenue, Unit A, Lake Elsinore, CA 92530, in the amount of \$1,929,805, and any future amendments.
4. Create and/or amend the City's budget appropriations and allocations in the amounts and funds as needed to effectuate the changes identified above.

**Attachments:** [1. Lions Park Cafe Building Rendering and Layout](#)  
[2. Johnson Favaro Amendment Request](#)  
[3. STV Amendment Request](#)  
[4. Tovey/Shultz Change Order Request](#)

3. [REQUEST FOR CITY COUNCIL DIRECTION REGARDING THE  
POTENTIAL PREPARATION OF A MORATORIUM AND/OR OTHER  
ALTERNATIVE PROCEDURE TO DISCONTINUE OR SUSPEND  
ACCEPTANCE AND PROCESSING OF CANNABIS RETAIL  
APPLICATIONS](#) [23-1426](#)

RECOMMENDATION:

Staff recommends the City Council provide direction regarding the potential preparation of a moratorium and/or other alternative procedure to discontinue or suspend acceptance and processing of cannabis retail applications.

**Attachments:** [Agenda Report](#)

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

**ADJOURNMENT**