



## CITY OF COSTA MESA

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

#### Agenda

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Tuesday, February 20, 2024

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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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.

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As a courtesy, and technology permitting, members of the public may also attend online. Technical difficulties may occur from time to time and unless required by the Brown Act, the meeting will continue despite the technical difficulties for participants using the online option.

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

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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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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](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>.

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 REAL PROPERTY NEGOTIATOR  
Pursuant to California Government Code Section 54956.8  
APN:139-031-62,139-651-14  
Property:1683 Sunflower Avenue, Costa Mesa, CA 92626  
Agency Negotiator: Lori Ann Farrell Harrison, City Manager  
Negotiating Parties: Brent Stoll, Rose Equities
2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE  
Pursuant to California Government Code Section 54956.9 (d)(1)  
City of Grants Pass, Petitioner v. Johnson, et al., Respondents,  
9th Cir. Ct. of Appeals Nos. 20-35752 & 20-35881 (Johnson v. Grants Pass),  
United States Supreme Court Case # 23-175.
3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE  
Pursuant to California Government Code Section 54956.9 (d)(1)  
Moyer v. City of Costa Mesa, Orange County Supreme Court Case No.  
30-2022-01248290.
4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATION OF LITIGATION - ONE CASE  
Pursuant to California Government Code Section 54956.9 (d)(2), Anticipated Litigation.

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

**FEBRUARY 20, 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. [Proclamation: 2024 Black History Month](#) [24-047](#)  
**Attachments:** [Proclamation: 2024 Black History Month](#)

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2. [Proclamation: 211 OC Month](#)

[24-063](#)

Attachments: [Proclamation: 211 OC Month](#)

**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 Harper
2. Council Member Marr
3. Council Member Reynolds
4. Council Member Chavez
5. Council Member Gameros
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 24-032 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](#)** **[24-033](#)**

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Joseph Arriola, Timothy Campagna, Khosrow Jahanbin, Debbie Kaste, William Laidlaw, Walter MacDonald, Kamran Moghaddam, Tomsit Ungrangsee.

3. **[ADOPTION OF WARRANT RESOLUTION](#)** **[24-034](#)**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2711.

**Attachments:** [Summary Check Register 12-28-2023](#)  
[Summary Check Register 1-08-2024](#)  
[Summary Check Register 1-11-2024](#)  
[Summary Check Register 1-18-2024](#)

4. **[MINUTES](#)** **[24-035](#)**

RECOMMENDATION:

City Council approve the minutes of the regular meeting of January 16, 2024.

**Attachments:** [01-16-2024 Draft Minutes](#)

5. **[AMENDMENT NUMBER FOUR TO PROFESSIONAL SERVICES AGREEMENT \(PSA\) WITH KEYSER MARSTON ASSOCIATES \(KMA\) FOR AFFORDABLE HOUSING CONSULTING SERVICES](#)** **[24-027](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and authorize the City Manager and City Clerk to execute Amendment No. 4 to the Professional Services Agreement (PSA) with Keyser Marston Associates, Inc. (KMA) to increase the not-to-exceed amount by \$55,300 for a total of \$155,300, in substantially the same form as attached and in such final form as approved by the City Attorney.
2. Authorize the City Manager or designee and City Clerk to execute future amendments to the agreement, so long as such amendments are within the existing City budget.

**Attachments:** [1. PSA Amend. No. 4](#)

6. [SPENDING AUTHORIZATION APPROVAL FOR ON-CALL 24-046 ENVIRONMENTAL, TECHNICAL AND STAFFING SERVICES LIST](#)

RECOMMENDATION:

Staff recommends the Council:

1. Approve and authorize the City Manager and City Clerk to authorize spending authority with each consulting firm listed below through June 30, 2025, in such final form as approved by the City Attorney for on-call environmental, technical, and staffing services:
  - Dudek
  - ECORP Consulting, Inc.
  - Environmental Science Associates
  - FCS International, Inc.
  - Galvin Preservation Associates, Inc.
  - LSA Associates, Inc.
  - Michael Baker International
  - PlaceWorks, Inc.
  - PSOMAS
  - Sagecrest Planning and Environmental
  - Stantec Consulting Services
  - The Natelson Dale Group, Inc.
2. Authorize the City Manager and City Clerk to execute future amendments and spending authority with the above-listed firms including any potential increases in compensation as long as the amendments are pass-through costs from entitlement application deposit accounts or within the City's annual budget.

**Attachments:** [1. PSA Environmental List](#)



7. [ADAMS AVENUE AND PINECREEK DRIVE INTERSECTION 24-026 PROJECT, FEDERAL PROJECT NO. CML-5312\(104\), CITY PROJECT NO. 23-11](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Adopt plans, specifications, and working details for the Adams Avenue and Pinecreek Drive Intersection Project, Federal Project No. CML-5312(104), City Project No. 23-11, and find the project categorically exempt from CEQA.
2. Approve a Public Works Agreement (PWA) in the amount of \$2,877,242, and a ten percent (10%) contingency in the amount of \$287,724 to Gentry General Engineering, Inc., 320 West Tropica Rancho Road, Colton, California 92324.
3. Approve a Professional Services Agreement (PSA) in the amount of \$209,762 and a ten percent (10%) contingency in the amount of \$20,976, to Interwest Consulting Group, Inc., 444 North Cleveland Avenue, Loveland, Colorado 80537, for construction management services for the Adams Avenue and Pinecreek Drive Intersection Project.
4. Approve a budget transfer, authorizing the use of the Measure "M2" Fairshare Fund from the Citywide Street Improvements project budget (400015) in the amount of \$705,500, and appropriation of \$750,000 from the Traffic Impact Fee Fund balance, to the Adams Avenue and Pinecreek Drive Intersection Project.
5. Authorize the City Manager and the City Clerk to execute the PWA and the PSA and any future amendments to the agreement within Council authorized limits.

**ENVIRONMENTAL DETERMINATION:**

The proposed project is exempt from the California Environmental Quality Act (CEQA). The project involves an organizational or administrative activity of government that will not result in direct or indirect physical change in the environment. The proposed project is categorically exempt under Section 15301 relating to the operation, repair, maintenance, permitting, and/or minor alteration of existing public facilities. A Notice of Exemption was prepared by City Staff and was filed and posted at the Orange County Clerk-Recorder Department on March 4, 2022. The Notice of Exemption was subsequently posted to the Office of Planning and Research on March 22, 2022.

The proposed project is categorically excluded from the National Environmental Policy Act (NEPA). Per the Code of Federal Regulations 23 CFR 771.117(c)(3),

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the construction of bicycle and pedestrian lanes, paths, and facilities are considered actions that meet the criteria for categorical exclusions from NEPA and are deemed to not have any significant environmental impacts. A Preliminary Environmental Study classifying the project as categorically excluded was submitted to the California Department of Transportation (Caltrans) on December 20, 2021. On December 21, 2021, Caltrans provided concurrence with the NEPA determination of Categorical Exclusion.

**Attachments:** [1. Bid Abstract](#)  
[2. Interwest Proposal](#)

8. **[AWARD MAINTENANCE SERVICES AGREEMENTS FOR AS 24-048  
NEEDED FIRE EQUIPMENT MAINTENANCE, ANNUAL INSPECTION  
AND TESTING SERVICES](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Award Maintenance Services Agreements (MSAs) to Bit Pros, Incorporated, and Performance Truck Repair, Incorporated, for as needed fire equipment maintenance, annual inspection and testing services for a five-year period, for an annual amount of \$200,000.
2. Authorize a ten percent (10%) contingency of \$20,000 annually for unforeseen costs and approval for Consumer Price Index (CPI) escalation and de-escalation.
3. Authorize the City Manager and City Clerk to execute the agreements and future amendments to the agreements within Council authorized limits.

**Attachments:** [1. MSA - Performance Truck Repair](#)  
[2. MSA - Bit Pros Inc](#)

9. [APPROVE INCREASES IN PURCHASING AUTHORITY TO 24-049 AGREEMENTS FOR VEHICLE PARTS AND SERVICES](#)

RECOMMENDATION:

Staff recommends the City Council:

Approve and authorize the City Manager to execute change orders that would authorize an increase in purchase authority of up to \$175,000 to each of the following purchase orders for services and vehicle parts for the remainder of the current fiscal year and annually thereafter:

- Ford Motor Company
- NAPA Auto Parts
- South Coast Emergency Vehicle Services
- Southern California Fleet Services

10. [RESIDENTIAL PERMIT PARKING PROGRAM - JOANN STREET AND 24-050 FEDERAL AVENUE](#)

RECOMMENDATION:

Staff recommends the City Council:

Adopt the proposed Resolution No. 2024-xx, approving the implementation of a Resident Permit Parking (RPP) only restriction on Joann Street between Placentia Avenue and Federal Avenue and on Federal Avenue between Joann Street and Darrell Street, and authorizing the Transportation Services Manager to extend the restriction within a 1,000-foot radius as needed, based on a qualifying petition from affected residents and Council-adopted guidelines.

**Attachments:** [1. Joann and Federal Permit Parking Resolution](#)  
[2. Revised Guidelines and Policies July 2022](#)  
[3. Joann and Federal Map](#)

11. DESIGNATION OF CITY NEGOTIATORS FOR THE COSTA MESA 24-052 CITY FIRE MANAGEMENT ASSOCIATION (CMFMA) MEET AND CONFER AND AUTHORIZATION TO PROCEED WITH THE FINANCIAL ANALYSIS OF THE CURRENT MOU PER THE TRANSPARENCY IN LABOR NEGOTIATIONS COUNCIL POLICY

RECOMMENDATION:

Staff recommends the City Council:

1. Designate City Manager Lori Ann Farrell Harrison as the City's Principal Negotiator, Deputy City Manager Alma Reyes, Human Resources Manager Kasama Lee, Human Resources Administrator Fanni Acosta and Finance Director Carol Molina as the City's representatives in negotiations with the CMFMA.
2. Authorize staff to have the independent fiscal analysis of the current CMFMA 2017-2024 Memorandum of Understanding (MOU) completed per the requirements of the Transparency in Labor Negotiations Council Policy.

**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. [REVIEW OF THE PLANNING COMMISSION'S DECISION TO DENY 24-031 PLANNING APPLICATION 22-22 FOR A CONDITIONAL USE PERMIT TO OPERATE A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 1858 NEWPORT BOULEVARD \("EVOLV HERBAL"\)](#)

**RECOMMENDATION:**

Staff recommends the City Council review the Planning Commission's decision to deny Planning Application 22-22.

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

1. [Resolution for Approval](#)
2. [Resolution for Denial](#)
3. [Filed Review Application](#)
4. [Applicant supplemental letter](#)
5. [Planning Commission approved minutes](#)
6. [Planning Commission Resolution](#)
7. [Planning Commission Public Comments](#)

**OLD BUSINESS: NONE.**

**NEW BUSINESS:**

1. [CITY OF COSTA MESA, COSTA MESA FINANCING AUTHORITY, 24-045 AND COSTA MESA HOUSING AUTHORITY FINANCIAL STATEMENTS, AND HOUSING SUCCESSOR ANNUAL REPORT FOR THE PERIOD ENDING JUNE 30, 2023.](#)

RECOMMENDATION:

1. Staff recommends the City Council receive and file the following reports for the fiscal year ended June 30, 2023:
  - a. Annual Comprehensive Financial Report (ACFR) (Attachment 1).
  - b. Air Quality Improvement Fund Compliance Report (Attachment 2).
  - c. Audit Communication Letter (Attachment 3).
  - d. Independent Accountant's Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets (Attachment 4).
2. Staff recommends the City Council and Costa Mesa Financing Authority receive and file the Costa Mesa Financing Authority audited financial statements for the fiscal year ended June 30, 2023 (Attachment 5).
3. Staff recommends the City Council and Housing Authority receive and file the following reports for the fiscal year ended June 30, 2023:
  - a. Independent Financial Audit of the Costa Mesa Housing Authority, including the Low and Moderate Income Housing Asset Fund (Attachment 6); and
  - b. The Fiscal Year 2022-23 Housing Successor Annual Report prepared under the California Health and Safety Code Section 34176.1 as the housing successor and Section 34328 as a housing authority (Attachment 7).

- Attachments:** [1. FY 2022-23 Annual Comprehensive Financial Report](#)  
[2. FY 2022-23 Air Quality Improvement Fund Compliance Report](#)  
[3. FY 2022-23 Audit Communication Letter](#)  
[4. FY 2022-23 Report on Agreed-Upon Procedures Applied to Appropriation Limit Worksheets](#)  
[5. FY 2022-23 Costa Mesa Financing Authority Financial Statements](#)  
[6. FY 2022-23 Costa Mesa Housing Authority Financial Statements](#)

2. [URBAN MASTER PLAN SCREENING REQUEST \(UMP-21-007\) FOR A 24-038 MIXED-USE DEVELOPMENT AT THE CITY'S SENIOR CENTER TO CONSTRUCT AND OPERATE A 60-UNIT AFFORDABLE SENIOR HOUSING PROJECT LOCATED AT 695 WEST 19TH STREET](#)

RECOMMENDATION:

Staff recommends the City Council review and provide feedback on the proposed 60-unit mixed-use development at 695 West 19th Street located in the 19 West Urban Plan area.

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

1. [Urban Plan Summary](#)
2. [Applicant Letter](#)
3. [Conceptual Plans](#)
4. [Parking Analysis](#)

3. ["THE 12" GYM NOISE STUDY](#) [24-037](#)

RECOMMENDATION:

Staff recommends the City Council receive and file the noise study report prepared by Sound Media Fusion related to resident concerns regarding potential noise ordinance violations from business operations at "The 12" gym, located at 140 East 17th Street, Suite B, in Costa Mesa.

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

1. [Letter to Wendy Simao](#)
2. [Noise Study](#)
3. [PA-92-46 and RA-92-07 Report](#)
4. [ZA-02-29 Report](#)
5. [ZA-18-59 Report](#)

4. [ADOPTION OF THE MEMORANDUM OF UNDERSTANDING 24-053 BETWEEN THE CITY OF COSTA MESA \(CITY\) AND THE COSTA MESA FIREFIGHTERS ASSOCIATION \(CMFA\) AND THE ADOPTION OF ACCOMPANYING SALARY RESOLUTION FOR CMFA](#)

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and Adopt the Memorandum of Understanding between the City of Costa Mesa and CMFA.
2. Approve and Adopt Resolution Number 2024-XX revising the pay ranges for CMFA.
3. Authorize the City Manager and members of the City's Negotiation Team to execute the Memorandum of Understanding documents.

**Attachments:** [1. CMFA Resolution](#)  
[2. CMFA 2024 MOU](#)



5. [ADOPT RESOLUTION APPROVING FY 2024-25 RECOGNIZED 24-002 OBLIGATION PAYMENT SCHEDULE \(ROPS\) FOR THE COSTA MESA SUCCESSOR AGENCY AND THEN APPROVE DISSOLUTION OF THE SUCCESSOR AGENCY TO THE COSTA MESA REDEVELOPMENT AGENCY](#)

RECOMMENDATION:

Staff recommends the City Council/Successor Agency Board:

1. Approve a Resolution of the City Council/Successor Agency Board of the City of Costa Mesa, California, approving the Recognized Obligation Payment Schedule (ROPS) in the amount of \$0 for the Fiscal Year 2024 -25 (Attachment 1 and Exhibit A).
2. Approve a Resolution of the City Council/Successor Agency Board of the City of Costa Mesa, California, requesting the Oversight Board, Orange County Auditor-Controller and California Department of Finance approve of the dissolution of the Successor Agency to the Costa Mesa Redevelopment Agency (Attachment 2).
3. Direct the submission of the Resolutions to the Orange County Auditor-Controller and the California State Department of Finance.

**Attachments:** [1. Resolution ROPS FY 2023-24](#)  
[2. Resolution to Dissolve the Successor Agency](#)  
[3. Exhibit A -ROPS Payment Schedule 24-25](#)

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

**ADJOURNMENT**