



CITY OF COSTA MESA

REGULAR CITY COUNCIL AND HOUSING AUTHORITY*

Agenda

Tuesday, March 19, 2024

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/costamesatv).

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/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

- 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: 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].

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 LABOR NEGOTIATORS
Pursuant to California Government Code Section 54957.6 (a)
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager; Alma Reyes, Deputy City Manager; Kasama Lee, Human Resources Manager; Fanni Acosta, Human Resources Administrator; Carol Molina, Finance Director
Name of Employee Organization: Costa Mesa Firefighters Management Association (CMFMA).
2. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION—ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: City of Costa Mesa v. D'Alessio; 1963 Wallace Ave.
Orange County Superior Court Case No. 30 2020 01133479
3. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION—ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Garten v. City of Costa Mesa
Orange County Superior Court Case No. 30-2021-01235189-CU-PA-CJC
4. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION—ONE CASE
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Noble v. City of Costa Mesa
Orange County Superior Court Case No. 30-2023-01336982-CU-FR-CXC
5. Public Employment, Workers' Compensation Claim
Pursuant to California Government Code Section 54956.9 (b)(1)
WCAB NO. ADJ12812911, ADJ12812910, ADJ18260334
6. Public Employment, Workers' Compensation Claim
Pursuant to California Government Code Section 54956.9 (b)(1)
WCAB NO. ADJ15545669
7. Public Employment, Workers' Compensation Claim
Pursuant to California Government Code Section 54956.9 (b)(1)
WCAB NO. ADJ11380560

8. Public Employment, Workers' Compensation Claim
Pursuant to California Government Code Section 54956.9 (b)(1)
WCAB NO. ADJ13462798

REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY

MARCH 19, 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

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 ALL 24-092 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](#) [24-093](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk and authorize staff to reject any and all Claims: Enrique Aceves, Noreen Becker, Loya Casualty Insurance Company (Brittany Smith), Kathia Powers.

3. **[ADOPTION OF WARRANT RESOLUTION](#)** **[24-099](#)**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2713.

Attachments: [03-19-24 Summary Check Register](#)

4. **[MINUTES](#)** **[24-074](#)**

RECOMMENDATION:

City Council approve the minutes of the regular meetings of February 20, 2024 and March 5, 2024, the Special Study Session meeting of February 27, 2024, and the regular Study Session meeting of March 12, 2024.

Attachments: [1. 02-20-2024 Draft Minutes](#)
[2. 02-27-2024 Draft Minutes](#)
[3. 03-05-2024 Draft Minutes](#)
[4. 03-12-2024 Draft Minutes](#)

5. [AWARD OF THE ADAMS AVENUE IMPROVEMENT PROJECT, CITY 24-078 PROJECT NO. 23-07, 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 Adams Avenue Improvement Project, City Project No. 23-07.
3. Award a Public Works Agreement (PWA) for construction to All American Asphalt, 400 East Sixth Street, Corona, California 92879 in the amount of \$2,327,723.20.
4. Authorize the City Manager and City Clerk to execute the PWA for All American Asphalt and future amendments to the agreements within Council authorized limits.
5. Authorize a ten percent (10%) contingency in the amount of \$232,772 for construction and unforeseen costs related to this 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 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 Results](#)
[2. Public Works Agreement](#)

6. **[AUTOMATED LICENSE PLATE READER \(ALPR\) CAMERA SYSTEM 24-068
LEASE AND MAINTENANCE AGREEMENT](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Authorize the lease of 31 existing Flock Safety Inc. automated license plate reader (ALPR) camera systems from the Omnia Partners Cooperative Agreement No. 23-6692-03 with Insight Public Sector in an amount not to exceed \$306,900 utilizing general funds from the department's budget for a term of three years.
2. Authorize the lease of 15 new Flock Safety Inc. automatic license plate reader (ALPR) camera systems from the Omnia Partner Cooperative Agreement No. 23-6692-03 with Insight Public Sector in an amount not to exceed \$153,750 utilizing funds from the awarded Organized Retail Theft (ORT) grant for a term of three years.
3. Authorize the City Manager or designee to execute two separate agreements for maintenance of the automated license plate reader (ALPR) camera systems with Flock Safety Inc., in a form approved by the City Attorney.

Attachments: [1. Quotation #0227058913 - City Of Costa Mesa](#)
[2. Year 2 - 4 Quotation #0227114304 - City Of Costa Mesa](#)
[3. FLOCK User Agreement](#)

7. **[AMENDMENT NUMBER ONE TO PROFESSIONAL SERVICES 24-100
AGREEMENT \(PSA\) WITH CABCO YELLOW, INC. FOR SENIOR
TRANSPORTATION PROGRAMS](#)**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve and authorize the City Manager and the City Clerk to execute Amendment No. 1 to the Professional Services Agreement (PSA) with CabCo Yellow, Inc, DBA California Yellow Cab, for the Senior Transportation Programs and NHS Transportation Program to increase the not-to-exceed amount by \$130,000 for a total of \$300,000 annually with a 10% contingency.
2. Authorize the City Manager and City Clerk to execute future amendments to the agreement within Council authorized limits.

Attachments: [PSA - Amend 1 - Cabco Yellow](#)

**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. [**CITY COUNCIL FIRST READING OF ORDINANCES TO AMEND TITLE 24-058
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-XX amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-XX 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](#)
7. [Other Text Modifications](#)
8. [City Council Report 090523](#)
9. [Planning Commission Report 012224](#)
10. [Planning Commission Resolution Title 13](#)
11. [Planning Commission Resolution Title 9](#)
12. [Planning Commission approved minutes](#)

OLD BUSINESS: NONE.

NEW BUSINESS: NONE.

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

ADJOURNMENT