



# CITY OF COSTA MESA

## REGULAR CITY COUNCIL AND HOUSING AUTHORITY\*

### Agenda

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Tuesday, September 3, 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 technical difficulties or experiencing any other critical issues, and unless required by the Brown Act, the meeting will continue in person.

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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.

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

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

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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 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](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. 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](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>. 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 - EXISTING LITIGATION  
Pursuant to California Government Code Section 54956.9 (d)(1)  
Name of Case: Murtaugh v. City of Costa Mesa  
Orange County Superior Court Case No. 30-2022-01295556-CU-PO-CJC
  
2. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to California Government Code Section 54957.6,(a)  
Agency Designated Representative: Lori Ann Farrell Harrison, City Manager  
Name of Employee Organization: Costa Mesa City Employees Association (CMCEA).

**REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY**

**SEPTEMBER 3, 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: NONE.**

**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 Marr
2. Council Member Reynolds
3. Council Member Chavez
4. Council Member Gameros
5. Council Member Harper
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 24-324 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](#) [24-327](#)

RECOMMENDATION:

City Council receive and file Claims received by the City Clerk: Carlos Agramonte Cesar, James Abeltin, Sydni Cain, Monticello Community Association, Jeffrey Moore.

3. **[ADOPTION OF WARRANT RESOLUTION](#)** **[24-314](#)**

RECOMMENDATION:

City Council approve Warrant Resolution No. 2722.

**Attachments:** [1. Summary Check Register 07-25-24](#)  
[2. Summary Check Register 08-01-24](#)  
[3. Summary Check Register 08-09-24](#)

4. **[MINUTES](#)** **[24-330](#)**

RECOMMENDATION:

City Council approve the minutes of the regular meeting of August 6, 2024.

**Attachments:** [1. 08-06-2024 Draft Minutes](#)

5. **[DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR THE 24-319  
2024 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE](#)**

RECOMMENDATION:

Staff recommends the City Council designate City Manager Lori Ann Farrell Harrison as Costa Mesa's voting delegate and both Assistant City Manager Cecilia Gallardo-Daly and Deputy City Manager Alma Reyes as the alternates for the 2024 League of California Cities Annual Conference.

6. **[BIENNIAL REVIEW OF CITY'S CONFLICT OF INTEREST CODE](#)** **[24-303](#)**

RECOMMENDATION:

Staff recommends the City Council approve Resolution No. 2024-xx revising the list of designated positions in the City's Conflict of Interest Code.

**Attachments:** [1. 2024 Conflict of Interest Positions](#)  
[2. Resolution No. 2024- XX](#)



7. **AWARD OF PROFESSIONAL ARCHITECTURAL AND ENGINEERING 24-317  
DESIGN SERVICES FOR COSTA MESA COMMUNICATIONS  
CENTER PROJECT**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve a Professional Services Agreement (PSA) for two years with two one-year renewals in the amount of \$178,304 to ITZEN Architects, Inc., 1800 N. Bristol St., Santa Ana, CA 92706 for architectural and engineering design services.
2. Authorize a ten percent (10%) contingency in the amount of \$17,800 for unforeseen costs related to the project.
3. Authorize the City Manager and City Clerk to execute the PSA and any future amendments to the agreement.

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

8. **AMENDMENT NO. 1 TO NON-EXCLUSIVE FRANCHISE 24-296  
AGREEMENT(S) FOR DISCARDED MATERIALS MANAGEMENT FOR  
MULTI-FAMILY AND COMMERCIAL GENERATORS AND FOR  
PROVIDING TEMPORARY SOLID WASTE HANDLING SERVICES**

RECOMMENDATION:

Staff recommends the City Council:

1. Approve the language of Amendment No. 1 to the Non-Exclusive Franchise Agreements for Discarded Materials Management for Multi-Family and Commercial Generators and for providing Temporary Solid Waste Handling Services allowing customers increased flexibility to opt out of hauler service agreements.
2. Authorize the Public Works Director to execute Amendment No. 1 to the Non-Exclusive Franchise Agreements with each of the seven waste haulers, in substantial form as set forth in Attachment No. 2.

**Attachments:** [1. Non-Exclusive Franchise Agreement with Signatures](#)  
[2. Amendment No. 1](#)

9. [RESPONSES TO ORANGE COUNTY GRAND JURY REPORT - 24-320 TALKING TRASH: RECYCLABLES AND ORGANIC WASTE](#)

RECOMMENDATION:

Staff recommends the City Council approve the draft responses to Findings 1-9 and Recommendations 1-7 in the Orange County (OC) Grand Jury Report titled "Talking Trash: Recyclables and Organic Waste."

- Attachments:** [1. Orange County Grand Jury Original Report](#)  
[2. CA Penal Code Sections 933 and 933.05](#)  
[3. 2024 Grand Jury Responses](#)

10. [RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY 24-322 REPORT "LAW ENFORCEMENT'S RESPONSE TO MENTAL HEALTH CALLS FOR SERVICE"](#)

RECOMMENDATION:

Staff recommends the City Council approve and file the response letter to the 2023-2024 Orange County Grand Jury (OCGJ) Report "Law Enforcement's Response to Mental Health Calls for Service".

- Attachments:** [1. Grand Jury Report - Law Enforcement's Response to Mental Health Calls for Service](#)  
[2. OCGJ Response letter](#)

**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:**

1. [SECOND READING OF AN ORDINANCE APPROVING THE FIRST 24-318 AMENDMENT \(DA-20-05\) TO DEVELOPMENT AGREEMENT \(DA-94-01\) BETWEEN THE CITY OF COSTA MESA AND THE INTERINSURANCE EXCHANGE OF THE AUTOMOBILE CLUB ALLOWING FOR A 20-YEAR TIME EXTENSION THAT WOULD EXPIRE OCTOBER 31, 2044; AMENDING PROVISIONS PERTAINING TO THE RATE AND METHODOLOGY FOR CALCULATING TRAFFIC IMPACT FEES; AND, AMENDING PROVISIONS RELATED TO THE SETBACK OF A FUTURE PARKING STRUCTURE; FOR A PROPERTY LOCATED AT 3333 FAIRVIEW ROAD](#)

**RECOMMENDATION:**

Staff recommends the City Council:

1. Find, pursuant to CEQA Guidelines Section 15162, that the project is within the scope of the June 20, 1994-certified Final Environmental Impact Report (EIR) #1045 (State Clearing House No. 94021036) for the Auto Club Expansion project. The effects of the project were examined in the 1994 FEIR, and all feasible mitigation measures and alternatives developed in the 1994 FEIR are incorporated into this project, and no new mitigation measures are required. Therefore, the 1994 FEIR for the Automobile Club Expansion project is determined to be adequate to serve as the environmental documentation for this project, that no further environmental review is required, and that all requirements of CEQA are satisfied.
2. Give second reading to and adopt, by title only, Ordinance 2024-XX approving the First Amendment (DA-20-05) to the Automobile Club of Southern California Development Agreement (DA-94-01) to allow for a 20-year time extension that would expire October 31, 2044; to amend provisions pertaining to the rate and methodology for calculating traffic impact fees; and to amend provisions related to the setback of a future parking structure.

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

[1. Ordinance](#)

[2. Development Agreement Track Changes](#)

[3. City Council August 6, 2024 Report](#)

**NEW BUSINESS:**

1. [\*\*GENERAL PLAN AMENDMENT \(PSCR-24-0004\) SCREENING FOR A 24-321 PROPOSED RESIDENTIAL DEVELOPMENT ON A 6.125 ACRE SITE LOCATED AT 3150 BEAR STREET\*\*](#)

RECOMMENDATION:

Provide direction regarding an applicant requested General Plan Amendment associated with the proposed development of 146 residential units at 3150 Bear Street. In addition to the General Plan Amendment, the application would also include a related change to the property's zoning designation to support residential development, and a density bonus in conjunction with providing eight very-low-income units. All of the units in the development are proposed for individual ownership.

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

[1. Applicant Letter](#)

[2. Plans](#)

2. [\*\*CITY COUNCIL FIRST READING OF ORDINANCE TO INCREASE 24-323 CITY COUNCIL COMPENSATION\*\*](#)

RECOMMENDATION:

Staff recommends the City Council introduce for first reading, by title only, Ordinance No. 2024-XX increasing the City Council compensation effective after the general election, with the new City Council in December 2024.

**Attachments:** [1. Council Salaries Ordinance](#)

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

**ADJOURNMENT**