



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY
FEBRUARY 21, 2023 - MINUTES**

CALL TO ORDER –The Closed Session meeting was called to order by Mayor Stephens at 4:01 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: Council Member Harper.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. **PUBLIC EMPLOYMENT, WORKERS' COMPENSATION CLAIM**
Pursuant to California Government Code section 54956.9 (b)(1); WCAB NO. ADJ12715668
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
Pursuant to California Government Code Section 54956.9 (d)(1)
Name of Case: Lorna Lyttle vs. City of Costa Mesa Orange County Superior Courts
Case No. 30-2022-01268630-CU-OE-WJC
3. **THREAT TO SECURITY**
Pursuant to California Government Code Section 54957(a)
Consultation with: Costa Mesa Director of Emergency Services, City Manager, Police Chief, Fire Chief.
4. **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
5. **CONFERENCE WITH LEGAL COUNSEL - INITIATION OF LITIGATION - TWO CASES**
Pursuant to California Government Code Section 54956.9 (d)(2), Potential Litigation.

City Council recessed at 4:03 p.m. for Closed Session.

Closed Session adjourned at 5:35 p.m.

CALL TO ORDER –The Regular City Council and Successor Agency to the Redevelopment Agency, and Housing Authority meeting was called to order by Mayor Stephens at 6:01 P.M.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE

A video was played of the National Anthem and Mayor Stephens led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION

Led by Pastor Dave Manne.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: Council Member Harper.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

Mayor Stephens presented a proclamation to Arezoo Shahbazi, Prevention and Community Education Director of Human Options, in recognition of Teen Dating Violence Awareness Month.

Mayor Stephens presented a commendation to Jim and Dave Robins in recognition of Theodore Robins Ford 100-Year Anniversary.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Ida Wolf spoke on the Senior Center and requested the following: fixing the ice maker and coke machine, new felt on the pool table, and requested a microwave.

Chris McEvoy spoke on permit parking and requested it to be reinstated.

Elisabeth Naismith Freeman spoke on urban coyotes.

Juana Trejo spoke in support of rent control.

Speaker, spoke on the traffic stop incident.

Speaker, spoke in support of rent control.

Speaker spoke on the traffic stop incident and City Council responding, and spoke on Measure K and rent control.

Speaker spoke in support of rent control.

Wendy Leece, Costa Mesa, spoke against cannabis businesses doing outreach or events in public parks, requested street sweeping on 18th Street between Monrovia and Placentia Ave.

Lucia Mejia spoke in support of rent control.

Maryann Orr, Costa Mesa, spoke in support of Consent Calendar item number 10 – Authorizing the City Manager to issue refunds for retail cannabis application fees and on Measure Q protections.

Speaker, spoke against the number of cannabis business applications and requested to set limits on the number of applications, and that additional regulations are needed.

Betsy Mosher spoke against the number of cannabis business applications.

Claudia Tebbs spoke against the number of cannabis businesses and to stop accepting applications, and to change the zoning requirements.

Shelly Walsh spoke against the number of cannabis businesses and requested additional regulations and to change the zoning.

Cristian Garcia Arcos, Parks and Community Services Commissioner, spoke on crime in the Shalimar neighborhood, and requested additional programs for the youth.

Speaker, spoke on housing affordability, and the next steps since the passage of Measure K.

Matt Garcia, Costa Mesa, spoke in support of Career Technical Occupations, spoke in support of the flying field at Fairview Park, and requested the status of when the item will come before the Council.

Hank Castignetti spoke on the model trains railroad at Fairview Park and their activities, and Costa Mesa's 70th anniversary.

Kevin Cook, spoke in support of the flying field at Fairview Park.

Liz Dorn Parker, Costa Mesa, spoke in support of CC-10 authorizing the City Manager to issue refunds for retail cannabis application fees.

Ralph Taboada, Costa Mesa, spoke on the prioritization of business applications, spoke in support of the City Council revisiting the cannabis ordinance, and spoke on housing as a priority.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Gamos spoke on visiting high schools and the Career Technical Education programs, and livable wages.

Council Member Marr spoke on the parking permit program, spoke on rental assistance programs, and requested an update on the flying field.

Council Member Reynolds requested an update on the flying field, requested the senior center requests be fulfilled, spoke on tracking rents and eviction rates and the resources available for renters, spoke on street sweeping and ticketing practices, automating permitting processes and spoke in support of the Young Tree Care Program.

Council Member Chavez spoke in support of the senior center requests, spoke on the parking permit program, spoke on rent stabilization and housing options, requested lights to be replaced in the Shalimar neighborhood and requested brighter LED lights, spoke on safety concerns at Shalimar and Wallace and James Street and Wallace, requested a crosswalk at 18th Street and Wallace, and encouraged public comments.

Mayor Pro Tem Harlan spoke on livable wages and developing technical skills in students, and spoke on committee recruitments.

Mayor Stephens spoke on the senior center requests, the career technical education programs at the high schools, Costa Mesa's 70th Anniversary to be celebrated at the July 3rd event, programs to assist renters, and spoke on the Police Department video.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on addressing homelessness in the City, the residential permit parking program, spoke on the flying field update, and on rental assistance programs and outreach.

REPORT – CITY ATTORNEY – NONE.

MOVED/SECOND: Mayor Stephens/Mayor Pro Tem Harlan

MOTION: Reorder the agenda and move Consent Calendar item number 10 in the agenda to be heard as New Business item number 1.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: Council Member Marr.

Absent: Council Member Harper.

Abstain: None.

Motion carried: 5-1-1

CONSENT CALENDAR (Items 1-10)

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Approve recommended actions for consent calendar items 1-10 except for items 7, 9, and 10.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received and Council Member Gameros recused himself on item 3 the Warrant Resolution due to his wife working at Priceless Pets.

Motion carried: 6-0

1. PROCEDURAL WAIVER: WAIVE THE FULL READING OF ALL ORDINANCES AND RESOLUTIONS

ACTION:

City Council, Agency Board, and Housing Authority approved the reading by title only and waived full reading of Ordinances and Resolutions.

2. READING FOLDER

ACTION:

City Council received and filed Claims received by the City Clerk: Southern California Edison (Leslie Murtaugh), Wendy and Steven Fink, Brenda Carol Kittle, Juan Jose Rodriguez.

3. ADOPTION OF WARRANT RESOLUTION

Council Member Gamos recused himself on this item due to his wife working for Priceless Pets and Mayor Stephens recused himself on this item due to campaign contributions received.

ACTION:

City Council approved Warrant Resolution No. 2694.

4. MINUTES

ACTION:

City Council approved the Minutes of the Regular meeting of February 7, 2023.

5. EXTENSION OF CURRENT STREET SWEEPING SERVICES CONTRACT WITH SWEEPING CORP OF AMERICA

ACTION:

1. City Council approved Amendment No. 5 to the Professional Services Agreement (PSA) with Sweeping Corp of America (SCA), formerly known as CleanStreet, for Citywide street sweeping services.
2. Approved extension of time to June 30, 2023 and an increase of \$248,815.48 to the compensation, totaling an annual not-to-exceed amount of \$1,007,358.26.
3. Authorized the City Manager and City Clerk to execute the PSA and future amendments to the agreement within Council authorized limits with SCA.

6. THIRD AMENDMENT TO THE AGREEMENT WITH WEST COAST ARBORISTS, INC. FOR TREE MAINTENANCE SERVICES

ACTION:

1. City Council approved the Third Amendment to the Maintenance Services Agreement (MSA) with West Coast Arborists, Inc. (WCA), to provide maintenance of the City's urban forest, increasing the annual compensation by \$150,000 for an annual not to exceed amount of \$778,679.04.
2. Authorized the City Manager and City Clerk to execute the proposed amendment and future amendments to the MSA.

8. ACCEPTANCE OF TRAINING FUNDS FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) IN ACCORDANCE WITH THE STANDARD AND TRAINING FOR CORRECTIONS (STC), FOR CUSTODY OFFICER PERSONNEL TRAINING.

ACTION:

1. City Council approved and authorized the Costa Mesa Police Department to reinstate membership with the California Board of State and Community Corrections (BSCC) and to adhere with policies and practices governed by their division known as Standard and Training for Corrections (STC).
2. Adopted Resolution 2023-02 in support of an application to BSCC to receive funds for training under the STC program for our custody officers.

ITEMS PULLED FROM THE CONSENT CALENDAR

7. SECOND READING OF AN ORDINANCE TO REPEAL CHAPTER I (BICYCLES AND MOTORIZED BICYCLE LICENSING) TO TITLE 4 (BICYCLES) OF THE COSTA MESA MUNICIPAL CODE

Public Comments:

Speaker, spoke on the fruition of changing the ordinance and is in support of the item.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: None

Motion carried: 6-0

ACTION:

City Council gave second reading to and adopted Ordinance No. 2023-02 to repeal Chapter I (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the Costa Mesa Municipal Code to comply with current California law.

9. SECOND READING AND ADOPTION OF ORDINANCE NO. 2023-03 AMENDING TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (ZONING CODE) TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW (CODE AMENDMENT CO 2022-01)

Public Comments:

Speaker, spoke on Accessory Dwelling Units and on Senate Bill 9.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: None

Motion carried: 6-0

ACTION:

City Council gave second reading to and adopted Ordinance No. 2023-03 approving Code Amendment CO-2022-01, amending Title 13 of the Costa Mesa Municipal Code (Zoning Code) to clarify existing accessory dwelling unit provisions and to modify standards to conform to recent revisions to State law.

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

City Council recessed into a break at 7:50 p.m.

City Council reconvened at 8:08 p.m.

PUBLIC HEARINGS:

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

1. APPEAL OF PLANNING APPLICATION 22-21 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 2001 HARBOR BOULEVARD, SUITES 101-103 (SOUTH COAST SAFE ACCESS)

Presentation by Ms. Halligan, Contract Planner.

Ex Parte communications:

Mayor Stephens stated he had a meeting and phone calls with the applicant's attorney. Council Member Gameros stated he had communications with both the applicants.

Discussion ensued on the back-gate and hours of operation, crime, loitering, odor control requirements, security 24 hours a day, the use of cannabis in public spaces is illegal, the counseling business is vacating April 30, 2023, and clarification of site plan and setbacks.

Mr. Munoz, Applicant Attorney, stated they are agreeable to the conditions in Exhibit B of Attachment 2, spoke on Yellowstone and the counseling center above the applicant location, provided information that the lease term will expire April 30, 2023, spoke on the owners of Safe Access are owners of another business in Santa Ana, they are involved in community events, will be improving the property's interior and exterior, spoke on the applicant being a good quality operator and wants to be responsive to Council's concerns, no calls for service from public safety at the Santa Ana location, spoke on tax revenues, and spoke on the number of employees and will unionize.

Discussion ensued on options regarding the back gate access.

Public Comments:

Speaker, spoke on behalf of an aunt who lives at Silverado Memory Care, spoke in opposition of displacing businesses.

Christian Martinez, labor group representative, spoke in support of the partnership between the Labor and Cannabis Industry, and spoke in support of South Coast Safe Access.

Claudia Tebbs spoke in support of denying the permit.

Linda Rink spoke in support of denying the permit.

Shelly Walsh spoke in support of the Planning Commission's decision to deny the permit and spoke on displacement of businesses.

Speaker, spoke in support of denying the permit.

Speaker, spoke on the cannabis industry, Measure Q, rules and regulations, that businesses relied on what was previously approved, spoke on resources to improve the community, rights of businesses, positive influences, and spoke in support of the project.

Elizabeth Mosher spoke on denying the permit, and spoke on setting a limit on the number of cannabis business applications.

Grant McNiff, Costa Mesa, spoke in opposition of the permit.

Vince Vacher, representing the Vacher Family Trust, clarified the Yellowstone eviction notice, spoke on South Coast Safe Access and their business model, and in support of them moving into the building.

Speaker, spoke on denying the permit.

Wendy Leece spoke on denying the permit and upholding the Planning Commission decision, spoke on the ordinance did not consider sensitive uses, and on the lack of clarity in the ordinance.

Alexis Villa Torres spoke on students and visible signage, and in support of denying the permit.

Mr. Munoz, Applicant Attorney, responded to public comments, addressed Yellowstone, 420 Central is across the street, Harbor Blvd. is the best location for retail cannabis locations, people are opposed in concept and not this retail location particularly, and complying with the rule of law.

MOVED/SECOND: Mayor Stephens/Council Member Gamos

MOTION: Approve recommended action number 2 to overturn the Planning Commission's decision and adopt a resolution approving Planning Application 22-21.

Council Member Chavez requested the addition to install a vehicle gate entry system at the Charle Street ingress/egress.

Mayor Stephens (1st) and Council Member Gamos (2nd) agreed to the addition.

Council Member Reynolds requested the condition that while a cannabis use is permitted to operate at the site, the property owner shall not lease, allow a sub-lease, or otherwise allow any addiction/recovery use to operate on the site.

Mayor Stephens (1st) and Council Member Gamos (2nd) agreed to the addition.

Council Member Harlan spoke on the legal findings to support the motion.

Council Member Marr spoke on not supporting motion and on supporting the Planning Commission decision, as there is still a counseling center in proximity.

MOVED/SECOND: Mayor Stephens/Council Member Gamos

MOTION: Approve recommended action number 2 to overturn the Planning Commission's decision and adopt a resolution approving Planning Application 22-21, with the following additions:

1. The applicant shall install a vehicle gate entry system that is deemed appropriate by the Director of Economic and Development Services, for the west side of the property (at the Charle Street ingress/egress). The gate may be operated by, but is not limited to, a telephone entry device, sign listing the appropriate phone number to call to have the gate opened, and/or replacing the manual gate with a secured,

electric gate. Any new gate proposed shall not interfere with circulation and shall not result in excessive vehicular queuing on Charle Street.

2. While a cannabis use is permitted to operate at the site, the property owner shall not lease, allow a sub-lease, or otherwise allow any addiction/recovery use to operate on the site. Such addiction/recovery use may operate at this site after the applicant has submitted, and the Director of Economic and Development Services has approved, a request to withdraw approval of the permitted cannabis retail storefront.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: Council Member Marr

Absent: Council Member Harper

Abstain: None

Motion carried: 5-1-1

ACTION:

City Council overturned the Planning Commission's decision and adopted Resolution No. 2023-03 to approve Planning Application 22-21, subject to the following additions:

1. The applicant shall install a vehicle gate entry system that is deemed appropriate by the Director of Economic and Development Services, for the west side of the property (at the Charle Street ingress/egress). The gate may be operated by, but is not limited to, a telephone entry device, sign listing the appropriate phone number to call to have the gate opened, and/or replacing the manual gate with a secured, electric gate. Any new gate proposed shall not interfere with circulation and shall not result in excessive vehicular queuing on Charle Street.
2. While a cannabis use is permitted to operate at the site, the property owner shall not lease, allow a sub-lease, or otherwise allow any addiction/recovery use to operate on the site. Such addiction/recovery use may operate at this site after the applicant has submitted, and the Director of Economic and Development Services has approved, a request to withdraw approval of the permitted cannabis retail storefront.

OLD BUSINESS: NONE.

NEW BUSINESS:

10. AUTHORIZE THE CITY MANAGER TO ISSUE REFUNDS FOR RETAIL CANNABIS APPLICATION FEES

Presentation by Ms. Le, Director of Economic and Development Services

Public Comments:

Speaker, spoke in support of the item as the city has too many applications.

Speaker, spoke in support of continuing the item to March 7th City Council meeting, would like to discuss policy in its entirety, spoke on fixing the process, spoke on social equity programs, policies considered together, and not to piecemeal the discussion.

Jimmy Vivar, Costa Mesa, agreed with the previous speaker, addressing policies, the item allows applicants to withdraw their application, and spoke on other items the Planning Commission needs to address.

Linda Rink spoke in support of the item.

Elizabeth Mosher spoke in support of the item.

Speaker, spoke in support of the item.

Speaker, spoke in support of the item.

MOVED/SECOND: Council Member Chavez/Mayor Stephens

MOTION: Approve recommended actions.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Marr, Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None

Absent: Council Member Harper

Abstain: None

Motion carried: 6-0

ACTION:

City Council gave the City Manager, or her designee, the authority to issue refunds for retail cannabis application fees.

ADDITIONAL COUNCIL/BOARD MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS – NONE.

ADJOURNMENT –The Mayor adjourned the meeting at 9:54 p.m.

Minutes adopted on this 7th day of March, 2023.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT