



REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY TUESDAY, JUNE 18, 2024 - MINUTES

CALL TO ORDER –The Closed Session meeting was called to order by Mayor Stephens at 4:02 p.m.

ROLL CALL

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

Absent: None.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. 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

City Council recessed at 4:05 p.m. for Closed Session.

Closed Session adjourned at 4:55 p.m.

CALL TO ORDER –The Regular City Council and Housing Authority meeting was called to order by Mayor Stephens at 6:03 p.m.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE – A video was played of the National Anthem and the mayor led the Pledge of Allegiance.

MOMENT OF SOLEMN EXPRESSION – Led by Pastor Matthew Hambrick, Costa Mesa First United Methodist Church.

ROLL CALL

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

Absent: None.

CITY ATTORNEY CLOSED SESSION REPORT – No reportable action.

PRESENTATIONS:

City Council recognized Jonah Birza, graduate from Estancia High School who has enlisted in the U.S. Marine Corps.

Mayor Stephens provided a proclamation in recognition of 2024 Pride Month.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Liz Winger, spoke in support of a beekeeping ordinance.

Lynn Redman, spoke on mitigating the black mustard plants at Fairview Park.

Jenn Tanaka, Costa Mesa, provided information on a beekeeping ordinance that was considered by the Animal Services Committee.

Speaker, spoke on parking enforcement for street sweeping, spoke on traffic and parking impacts by development, and spoke against the traffic enhancements on West 19th Street.

Speaker, Resilience Orange County, spoke on a tenant rights workshop on June 26th, a residents meeting on Center Street on July 20th, and affordability covenants expiring in 2025 at 1840 Park Ave.

Priscilla Rocco, Costa Mesa, spoke in support of a beekeeping ordinance.

Speaker, spoke on Measure Y and against the One Metro West project.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Chavez thanked the community and the Costa Mesa Police Department, spoke on permit parking enforcement, spoke on lunch at the library held at the Donald Dungan Library, and requested to adjourn the meeting in memory of Don Maher.

Council Member Gameros spoke on a pet vaccination event held at City Hall, spoke on attending movies in the park, and spoke on the Police Department using the Bearcat to address criminal activity over the weekend.

Council Member Harper spoke in support of a beekeeping ordinance, spoke on following up on an issue brought up by a resident and being overcharged by the Costa Mesa Sanitary District, and spoke on a lack of transparency on the property tax bills.

Council Member Marr spoke on bringing forth a beekeeping ordinance.

Council Member Reynolds spoke in support of exploring a beekeeping ordinance, spoke on staff researching affordable housing covenants, spoke on reducing costs for small special events, spoke on the Fish Fry Festival put on by the Lions Club, and thanked residents for volunteering their time to Costa Mesa.

Mayor Pro Tem Harlan spoke on Harper Park and that the park rangers will not be at the park during the summer and spoke on a community meeting at Kaiser Elementary regarding a bike segment on Santa Ana Avenue between 21st Street and 22nd Street.

Mayor Stephens spoke in support of bringing forth a beekeeping ordinance, spoke on attending the CalOptima Resource Fair, spoke on the criminal activity over the weekend and commended the Police Department, spoke on the July 3rd event, and spoke on the Fish Fry and in support of the Lions Club.

REPORT – CITY MANAGER – Ms. Farrell Harrison thanked City Council for honoring Jonah Birza and for the tribute for those joining the military, spoke on the July 3rd event, thanked Michelle Richards, CEO of the OC Fair and staff for their partnership, spoke on preparing a beekeeping ordinance for City Council's consideration, and spoke on a joint study session with the Planning Commission regarding the Fairview Developmental Center.

REPORT – CITY ATTORNEY – Ms. Hall Barlow wished everyone a Happy Pride Month.

CONSENT CALENDAR

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve the Consent Calendar except for Item Nos. 5, 8, 9, 10, and 11.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: Mayor Stephens recused himself on item 3 the Warrant Resolution due to campaign contributions received.

Motion carried: 7-0

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

ACTION:

City Council and Housing Authority approved the reading by title only and waived further reading of Ordinances and Resolutions.

2. READING FOLDER

ACTION:

City Council received and filed Claims received by the City Clerk and authorized staff to reject any and all Claims: Allstate Insurance Company (Steven Larsen), Devon Bradley.

3. ADOPTION OF WARRANT RESOLUTION

Mayor recused himself on this item due to campaign contributions received.

ACTION:

City Council approved Warrant Resolution No. 2719.

4. MINUTES

ACTION:

City Council approved the minutes of the regular meeting of June 4, 2024.

6. AGREEMENT FOR FUEL PROCUREMENT AND DELIVERY SERVICES WITH MERRIMAC PETROLEUM, INC.

ACTION:

1. City Council approved the Agreement with Merrimac Petroleum, Inc., DBA Merrimac Energy Group, 1240 Wardlow Road, Long Beach, CA 90807, for the purchase and delivery of fuel in an annual amount not to exceed \$250,000.
2. Authorized the City Manager and City Clerk to execute the agreement and future authorized amendments to the agreement.

7. AWARD OF THE TRAFFIC SIGNAL MODIFICATION AT BAKER STREET AND BABB STREET, CITY PROJECT NO. 24-02, AND FINDING OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) CATEGORICAL EXEMPTION

ACTION:

1. City Council found the project to be categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and adopted plans, specifications, and working details for the Traffic Signal Modification at Baker Street and Babb Street, City Project No. 24-02.
2. Awarded a Public Works Agreement (PWA) for construction to Crosstown Electrical & Data, Inc., 5454 Diaz Street, Irwindale, CA 91706, in the amount of \$292,787 and authorized an additional ten percent (10%) contingency totaling \$29,279 as needed for unforeseen costs from Measure "M2" Fairshare (416) fund balance.
3. Authorized a budget adjustment to appropriate \$60,537 from Fund 416 Measure "M2" Fairshare available fund balance to the project.
4. Authorized the City Manager and City Clerk to execute the PWA, and authorized the City Manager to execute future contract amendments within Council authorized limits.

ITEMS PULLED FROM THE CONSENT CALENDAR

5. CLEAN MOBILITY OPTIONS VOUCHER PILOT PROGRAM AND GRANT FOR COMMUNITY BASED TRANSIT

Public Comments: None.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Approve staff recommendation, the program is available to the general public from the onset, and to share performance metrics with the Active Transportation Committee at the September meeting for input and discussion.

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: Council Member Harper.

Absent: None.

Abstain: None.

Motion carried: 6-1

ACTION:

1. City Council approved the contract with Circuit Transit, Inc. for the Clean Mobility Options (CMO) Voucher Pilot Program in an amount not to exceed \$500,000 annually, for a term of three (3) years after commencement of on-demand transit services.
2. Authorized the City Manager and City Clerk to execute the agreement and future amendments to the agreement within the budgeted amount.
3. Approved that the program is available to the general public from the onset, and to share performance metrics with the Active Transportation Committee at the September meeting for input and discussion.

8. PLANNING APPLICATION PDRC-23-0001 TO ADD THE "LEROY ANDERSON HOUSE" AT 208 MAGNOLIA STREET TO THE LOCAL HISTORIC REGISTER AND APPROVE A MILLS ACT CONTRACT FOR THE PROPERTY

Public Comment:

Speaker, spoke on the history of the location, the housing deed, and spoke on recognizing that the address was formerly under a racial covenant.

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve staff recommendation.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

1. City Council found that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) ("Common Sense") of the CEQA Guidelines.

2. Adopted City Council Resolution 2024-37 to place the "Leroy Anderson House" at 208 Magnolia Street on the Local Register of Historic Places.
3. Approved a Mills Act contract between the City and the property owner to facilitate preservation of the subject property as a historic resource.

9. ADOPTION OF ORDINANCES APPROVING DEVELOPMENT AGREEMENT (DA-20-02), REZONE (R-20-01), AND SPECIFIC PLAN (SP-20-01), AND ADOPTION OF RESOLUTION AMENDING CERTAIN CONDITIONS OF APPROVAL FOR THE ONE METRO WEST PROJECT LOCATED AT 1683 SUNFLOWER AVENUE

Public Comments:

Speaker, stated the item should not have been placed on the consent calendar, and spoke on Measure K and ballot curing.

Cynthia McDonald, Costa Mesa, spoke in support of the public voting on the project.

MOVED/SECOND: Mayor Stephens/Council Member Chavez

MOTION: Approve staff recommendation.

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: Council Member Harper.

Absent: None.

Abstain: None.

Motion carried: 6-1

ACTION:

1. City Council found that the amendments are in substantial conformance with the Final Environmental Impact Report (EIR) for the One Metro West project (State Clearing House No. 2019050014), including a mitigation monitoring program and statement of overriding considerations, which was certified by the City Council on May 4, 2021, and that no further environmental review under CEQA is required pursuant to CEQA Guidelines Section 15162.
2. Gave second reading to and adopted Ordinance No. 2024-05 approving Development Agreement 20-02, modifying payment of impact fees and community benefits funding from one year to five years and clarifying the Agreement's effective date.
3. Gave second reading to and adopted Ordinance No. 2024-06 approving Rezone 20-01.
4. Gave second reading to and adopted Ordinance No. 2024-07 approving Specific Plan 20-01.

10. **SECOND READING OF ORDINANCE NO. 2024-02 AMENDING TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH AFFORDABLE HOUSING REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT PROJECTS**

Public Comments:

Speaker, stated the item should not have been placed on the consent calendar.

Diane Russell spoke in favor of lowering the 50-unit project threshold and spoke on the need for affordable housing.

Adam Wood, Building Industry Association, spoke on a lack of production of housing, rezoning, and in-lieu fees.

Speaker, spoke on the unit threshold and density, Measure K locations, and in-lieu fees.

Cynthia McDonald, Costa Mesa, spoke in support of the Costa Mesa Affordable Housing Coalition letter, bringing affordable housing to the city, and the Housing Element requirements.

Kathy Esfahani, Costa Mesa Affordable Housing Coalition, spoke in opposition of the 50-unit project threshold, spoke on the need for affordable housing, and spoke on the inclusionary requirement.

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve staff recommendation with the change of reducing the project threshold from 50-units to 30-units.

SUBSTITUTE MOTION/SECOND: Mayor Stephens/Council Member Harper

SUBSTITUTE MOTION: Continue the item to the next meeting for further analysis and discussion.

The motion carried by the following roll call vote:

Ayes: Council Member Gameros, Council Member Harper, Council Member Marr, Council Member Reynolds, and Mayor Stephens.

Nays: Council Member Chavez and Mayor Pro Tem Harlan.

Absent: None.

Abstain: None.

Motion carried: 5-2

ACTION:

City Council continued the item to the next meeting for further analysis and discussion.

11. APPROVAL OF AMENDMENT TO MERCY HOUSE AGREEMENT FOR CITYWIDE RENTAL ASSISTANCE PROGRAM

Public Comment: None.

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Approve staff recommendation.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

1. City Council approved Amendment No. 5 to the Subrecipient Agreement with Mercy House Living Centers increasing the compensation by \$500,000 for a total not-to-exceed amount of \$2,050,000 for the administration of the City's Rental Assistance Program for very low-income households.
2. Authorized a budgetary increase of \$500,000 to be funded by recently granted FEMA reimbursements.
3. Authorized the City Manager and the City Attorney to make all contract amendments as needed, and execute the contract amendment(s).

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

City Council recessed into a break at 8:07 p.m.

City Council reconvened at 8:20 p.m.

PUBLIC HEARINGS:

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

1. **FIRST READING OF ORDINANCES TO AMEND CHAPTERS 2 AND 3 OF TITLE 4 (BICYCLES); AND CHAPTERS 1 THROUGH 21 OF TITLE 10 (MOTOR VEHICLE TRAFFIC) OF THE COSTA MESA MUNICIPAL CODE AND PURSUANT TO THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), FIND THE ORDINANCE IS NOT A "PROJECT" AND FURTHER, THAT IT IS EXEMPT FROM THE PROVISIONS OF CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

Staff presentation by Mr. Thomas, Active Transportation Coordinator.

Public Comments:

Speaker, spoke on receiving collision summary reports and changing the term “accident” to “collision”.

Robert Morse stated that he rides and e-bike and it allows him mobility, and is in support of the ordinances.

Speaker, thanked the Active Transportation Committee, Police Department, and City staff for their work on the ordinances, spoke on enforcement, and spoke in support of the ordinances.

Tom Arnold, spoke in support of the ordinances.

Speaker, spoke in support of changing the term “accident” to “collision”, changing “his/her” to gender neutral, removing “public nuisance” when referring to bikes, and spoke on discretion when it comes to enforcement.

Ralph Taboada, Costa Mesa, thanked staff for their work with the Active Transportation Committee on the ordinances, spoke on making streets and sidewalks safe for everyone, spoke on education on safety, and in support of the ordinances.

Speaker, spoke in support of the ordinances, expressed appreciation to staff for working toward making the city streets safer.

Wendy Leece thanked Council Member Reynolds for her work on the ordinances, expressed concerns regarding e-bikes at Canyon and Fairview parks, and spoke on posting rules and signs.

Hank Castagnetti spoke in opposition of electric bikes in Fairview Park.

MOVED/SECOND: Council Member Reynolds/Mayor Stephens

MOTION: Approve staff recommendation with the following changes or direction:

- Global review of Title 4 and Title 10 to update “accident” to “collision” or “crashes” whichever is appropriate.
- Global review of Title 4 and Title 10 to update “he” and “she” to “they”
- Global review of the term “nuisance” as it relates to bicycles to make consistent with other terms regarding the public right-of-way
- §4-26(e) and §4-26(h) incorporate “other cyclists”
- §4-32(a) adopt City attorney language with the change from “nuisance” to “unlawful”:
“It shall constitute a public nuisance and be unlawful to place, tether, or secure a bicycle on public property so as to cause an inconvenience or danger to persons using the public right of way.”
- §10-64 reintroduce the “on a highway” language
- Develop public education regarding §10-168 overtaking of cyclists
- Increase enforcement of section §10-155 obstructing intersections
- Develop public education to encourage parents to purchase Class I E-bikes for children under 18 in lieu of Class II and Class II E-bikes

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

City Council introduced for first reading, Ordinance Nos. 2024-08 and 2024-09, to amend Chapters 2 and 3 of Title 4 (Bicycles) and Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic), respectively, of the Costa Mesa Municipal Code to be in compliance with current California laws related to bicycles and current practices and procedures.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Re-order the agenda and consider New Business Item No. 1 prior to Public Hearing Item No. 2.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

NEW BUSINESS:

1. URBAN MASTER PLAN SCREENING REQUEST (PSCR-24-0003) FOR A PROPOSED 38 UNIT LIVE/WORK DEVELOPMENT ON A 2.3 ACRE SITE WITHIN THE MESA WEST BLUFFS URBAN PLAN LOCATED AT 960 WEST 16TH STREET

Staff presentation by Mr. Yeager, Associate Planner.

Public Comments:

Speaker, spoke on parking, spoke on the history of live-work units and density, and spoke on open space requirements.

Cynthia McDonald, Costa Mesa, spoke on the project and that it does not contain affordable housing, spoke on traffic calming measures, spoke on overhead lighting, spoke on facades, and that the balconies should not be considered open space.

ACTION:

City Council reviewed and provided feedback on the proposed 38-unit new live/work development in the Mesa West Bluffs Urban Plan area, and provided comments on the requested deviations.

PUBLIC HEARINGS:

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

2. FEE RESOLUTION TO ESTABLISH THE AFFORDABLE HOUSING IN-LIEU FEE SCHEDULE

Staff presentation by Amber Gregg, Contract Planner.

MOVED/SECOND: Council Member Marr/Council Member Gameros

MOTION: Continue the item to July 16th City Council meeting.

Discussion ensued on what date to continue the item to along with the second reading of the affordable housing ordinance.

Mayor Stephens requested to move the affordable housing ordinance to the July 16th City Council meeting along with this item.

Council Member Marr (1st) and Council Member Gameros (2nd) agreed to the change.

MOVED/SECOND: Council Member Marr/Council Member Gameros

MOTION: Continue the affordable housing ordinance and in-lieu fee resolution to July 16th City Council meeting as one public hearing item.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

City Council continued the item to the July 16, 2024 City Council meeting to be considered in one report with the Affordable Housing Ordinance.

OLD BUSINESS: NONE.

NEW BUSINESS:

2. APPOINTMENT TO THE PARKS AND COMMUNITY SERVICES COMMISSION

Staff presentation by Ms. Green, City Clerk.

Public Comment: None.

MOVED/SECOND: Council Member Gameros/Council Member Chavez

MOTION: Appoint Brandice Lea Leger to the Parks and Community Services Commission.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

Council Member Gameros appointed Brandice Lea Leger to the Parks and Community Services Commission with a term expiration of January 2025.

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

ADJOURNMENT – Mayor Stephens adjourned the meeting at 10:44 p.m. in honor and memory of Don Maher and Danny Suguitan.

Minutes adopted on this 16th day of July, 2024.



John Stephens, Mayor

ATTEST:



Brenda Green, City Clerk