



REGULAR CITY COUNCIL AND HOUSING AUTHORITY TUESDAY, SEPTEMBER 3, 2024 - MINUTES

CALL TO ORDER –The Closed Session meeting was called to order by Mayor Stephens at 4:03 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Gameros, Council Member Marr (Arrived 4:04 p.m.), Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.
Absent: Council Member Harper.

PUBLIC COMMENTS – NONE.

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).

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

Closed Session adjourned at 5:00 p.m.

CALL TO ORDER - The Regular City Council and Housing Authority meeting was called to order by Mayor Stephens at 6:00 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: NONE.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Vicki Johnson spoke in opposition to Costa Mesa joining the Orange County Power Authority.

Roberto Herrera, Resilience Orange County, spoke on improvements needed to the alleyway on Plumer Street, spoke on organizing a trash day on Center Street, spoke on traffic safety improvements at Placentia Avenue and Center Street, requested Spanish YouTube, requested to publish agendas sooner, and requested funding for legal services for tenants facing evictions.

Jay Humphrey spoke on transparency on agenda items and providing the questions from the public.

Christian Lopez, Tenants Rights Organizer, Resilience Orange County, spoke on supporting tenants rights.

Speaker, spoke on enforcement for the permit parking program, spoke against a crosswalk at Center Street, and spoke against the adopted Cannabis Ordinance.

Juano Trejo, Health Promoter in Orange County, spoke in support of improvements to the alleyway on Plumer Street and the crosswalk on Placentia Avenue, thanked City Council for the community events, spoke in support of the GRIP program, and spoke in support of programs for children.

Speaker, spoke in support of repairing the alleyway on Plumer Street, requested a crosswalk at Center Street and Placentia Avenue, and requested more police patrols around Plumer Street.

Speaker, spoke in support of repairing the alleyway on Plumer Street and requested a crosswalk at Center Street and Placentia Avenue.

Marta Castro spoke in support of repairing the alleyway on Plumer Street and requested a crosswalk at Center Street and Placentia Avenue.

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Speaker, spoke in support of repairing the alleyway on Plumer Street, requested a crosswalk at Center Street and Placentia Avenue, and requested more signs to remind owners to pick up dog waste.

Lynn Redman, Costa Mesa, spoke on Fairview Park and the mustard grass.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr spoke on alleyway improvements and public rights of way being maintained.

Council Member Reynolds spoke on alleyway and sidewalk improvements, spoke in support of live Spanish translation on YouTube, spoke on receiving agendas earlier, spoke on providing support for tenants, spoke on the Placentia Avenue and Center Street intersection and supports traffic calming measures, spoke on the Fairview Park Master Plan workshop on September 4th at the Senior Center and requested to make the video and/or staff presentation available to the public, spoke on an energy programs event on September 21st on energy efficiency and financial assistance, spoke on a Hispanic Heritage Month Event and a Costa Mesa Historical Society bike ride event both on September 28th, and requested a list of community events be placed at the end of the agendas.

Council Member Chavez spoke on a meeting with the residents regarding the Plumer Street alleyway improvements, spoke in support of a crosswalk at Placentia Avenue and Center Street, and spoke on the positive working relationship between City employees and the community.

Council Member Gameros spoke on being available to meet with constituents, spoke on alleyway improvements on Plumer Street, and spoke on preventing heat exhaustion.

Council Member Harper spoke on donating his four years of City Council compensation to the following charities: Working Wardrobes, Orange Coast Christian Learning Centers, and the Slammers Soccer Organization, and stated he will donate \$50,000 to each and will match fellow council members donations up to \$15,000.

Mayor Pro Tem Harlan acknowledged city staff on Labor Day, spoke on attending a meeting hosted by the County of Orange regarding bike lane improvements near University Avenue, Mesa Drive, and Santa Ana Avenue, and spoke on the annual Kaiser Woodland Pickleball Social on September 7th.

Mayor Stephens spoke on the alleyway on Plumer Street and spoke on alleyway improvements throughout the City, spoke on attending a dump day in District 3 hosted by Love Costa Mesa and Labors of Love, spoke on partnering with non-profits, spoke in support of a Love Costa Mesa event in District 2 from 8:30 a.m. to 12:00 p.m. (noon) helping the elderly and to visit LoveCostamesa.org for more information, spoke on the GRIP program in schools, spoke on the kickoff of the Street Medicine Program, spoke on more signage regarding dog waste, and spoke on the Festival of Children event.

REPORT – CITY MANAGER – NONE.

REPORT – CITY ATTORNEY – NONE.

CONSENT CALENDAR

MOVED/SECOND: Council Member Marr/Council Member Chavez

MOTION: Approve the Consent Calendar except for item number 6.

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 items #3 and #8 due to campaign contributions received from Ware Disposal and Everett Dorey LLP and Council Member Gameros recused himself on item #3 the Warrant Resolution due to his wife being employed by Priceless Pet Rescue.

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: Carlos Agramonte Cesar, James Abeltin, Sydney Cain, Monticello Community Association, Jeffrey Moore.

3. ADOPTION OF WARRANT RESOLUTION

Mayor Stephens recused himself on this item due to campaign contributions received from Ware Disposal and Everett Dorey LLP and Council Member Gameros recused himself due to his wife being employed by Priceless Pet Rescue.

ACTION:

City Council approved Warrant Resolution No. 2722.

4. MINUTES

ACTION:

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

5. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR THE 2024 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

ACTION:

City Council designated 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.

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

ACTION:

1. City Council approved 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. Authorized a ten percent (10%) contingency in the amount of \$17,800 for unforeseen costs related to the project.
3. Authorized the City Manager and City Clerk to execute the PSA and any future amendments to the agreement.

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

Mayor Stephens recused himself on this item due to a campaign contribution received from Ware Disposal.

ACTION:

1. City Council approved 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. Authorized 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.

9. RESPONSES TO ORANGE COUNTY GRAND JURY REPORT - TALKING TRASH: RECYCLABLES AND ORGANIC WASTE

ACTION:

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

10. RESPONSE TO 2023-2024 ORANGE COUNTY GRAND JURY REPORT “LAW ENFORCEMENT’S RESPONSE TO MENTAL HEALTH CALLS FOR SERVICE”

ACTION:

City Council approved and filed the response letter to the 2023-2024 Orange County Grand Jury (OCGJ) Report “Law Enforcement’s Response to Mental Health Calls for Service”.

ITEMS PULLED FROM THE CONSENT CALENDAR

6. BIENNIAL REVIEW OF CITY’S CONFLICT OF INTEREST CODE

Public Comment:

Jay Humphrey, Costa Mesa, requested the City Council adopt an ethics policy.

MOVED/SECOND: Council Member Chavez/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:

City Council approved Resolution No. 2024-40 revising the list of designated positions in the City’s Conflict of Interest Code.

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

PUBLIC HEARINGS: NONE.

OLD BUSINESS:

- 1. SECOND READING OF AN ORDINANCE APPROVING THE FIRST 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**

Presentation by Mr. Aldana, Assistant Planner.

Public Comments: None.

MOVED/SECOND: Council Member Chavez/Council Member Harper

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, 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. Gave second reading to and adopted, by title only, Ordinance 2024-10 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; 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.

NEW BUSINESS:

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

Presentation by Mr. Yeager, Associate Planner.

Johanna Hanes, representing MLC Holdings Inc., spoke on the item and responded to questions from City Council.

Ex Parte Communications:

Mayor Stephens met with the applicant.

Council Members Gameros met with the applicant.

Public Comments:

Jay Humphrey, Costa Mesa, expressed concerns on parking by Shiffer Park, increase in traffic on Bear Street, pedestrian traffic, inquired on impact fees, and the location of the affordable housing units.

Speaker, spoke on impacts to the community, density, parking impacts, and spoke on pricing.

Angely Andrade Vallarta spoke in support of the project.

Discussion ensued on density, pricing, parking requirements, deed restricted properties, open space and parks, impact fees, density bonuses, a development agreement, the facades, the architecture of the stacked units, the distribution of very low income units, noise mitigations next to the freeway, the inclusion of sidewalks, a designated dog area, mixed use developments, tree coverage, pedestrian access, improvements to Shiffer Park, improving safe walkability, higher density, a left turn signalized intersection, and supporting home ownership.

ACTION:

City Council provided feedback regarding the applicants requested General Plan Amendment associated with the proposed development of 146 residential units at 3150 Bear Street.

2. CITY COUNCIL FIRST READING OF ORDINANCE TO INCREASE CITY COUNCIL COMPENSATION

Presentation by Ms. Lee, Human Resources Manager.

Public Comment:

Speaker, spoke in opposition of the item.

MOVED/SECOND: Council Member Gameros/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 Marr, Council Member Reynolds, and Mayor Stephens.

Nays: Council Member Harper and Mayor Pro Tem Harlan.

Absent: None.

Abstain: None.

Motion carried: 5-2

ACTION:

City Council introduced for first reading, by title only, Ordinance No. 2024-11 increasing the City Council compensation effective after the general election, with the new City Council in December 2024.

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

ADJOURNMENT – Mayor Stephens adjourned the meeting at 8:50 p.m.

Minutes adopted on this 17th day of September, 2024.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk

DRAFT