



**REGULAR CITY COUNCIL AND SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY
OCTOBER 17, 2023 – MINUTES**

CALL TO ORDER –The Closed Session meeting was called to order by Mayor Stephens at 4:00 p.m.

ROLL CALL

Present: Council Member Chavez, Council Member Harper, Council Member Marr (Arrived 4:24 p.m.) Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: Council Member Gameros.

PUBLIC COMMENTS – NONE.

CLOSED SESSION ITEMS:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION – ONE CASE

Pursuant to California Government Code Section 54956.9 (d)(1)

Name of Case: Schaefer v. Costa Mesa

Orange County Superior Court Case No. 30-2022-01286737-CU-PO-CJC

2. 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.

3. CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

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

4. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - ONE CASE

Pursuant to California Government Code Section 54956.9 (d)(2)

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

Closed Session adjourned at 5:24 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 6:00 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 Monica Corsaro, Fairview Community 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:

Mayor Stephens presented a proclamation in honor of 2023 Domestic Violence Awareness Month.

Mayor Stephens presented a proclamation in honor of 2023 National Crime Prevention Month.

Presentation by Orange County Supervisor Katrina Foley on CalOptima Health and Medi-Cal Renewals.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Wendy Simoa spoke on sound problems at The 12 gym.

Keith Scheinberg spoke against a Cannabis moratorium for businesses in the application process.

Juana Trejo thanked the City Council for services provided, and thanked the Police Department.

Jay Humphrey, Costa Mesa, spoke on reducing carbon standards, and spoke on negative impacts for lowering parking requirements,

Speaker, thanked the City Council for services provided, requested a police presence in District 2, and thanked staff for working in the communities.

Speaker, spoke on the war in Israel and spoke on providing assistance to those in need.

Speaker, thanked staff for the Scarecrow Festival, spoke on providing services to children, and thanked Sergio Escobar and Ivis Torres.

Speaker, Resilience Orange County, thanked the Council for talking to the community, and spoke on inclusivity.

Speaker, thanked the Council for their services, and requested more resource fairs in Spanish.

Speaker, thanked Council Member Chavez for his representation, and spoke on the need for services for undocumented people.

Kim Hendricks spoke on the vernal pools at Fairview Park.

Speaker, spoke against the street improvements on West 19th St., spoke against the new permit parking program, and spoke on RHNA numbers and Measure Y.

Speaker, spoke on State mandates, new laws, RHNA numbers, local control and housing, and requested updates on Assembly Bill 434 and Assembly Bill 1484.

Marc Vukceovich requested update on legislation, and reported on attending the Strong Towns event.

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Marr spoke on providing services and inclusivity, and on the Sustainability Decathlon.

Council Member Reynolds spoke on the Sustainability Decathlon, reported on the Active Transportation Committee, spoke on the Outdoor Dining Ordinance, spoke on participating in a week without driving, spoke on the need for amenities at bus stops, spoke on the report from Resilience Orange County, and requested resources for youth.

Council Member Chavez spoke on walking Center St. with residents, requested a 3 way stop sign at Monrovia St. and Center St., and spoke on taking a tour of students to Randall Preserve formally known as Banning Ranch.

Council Member Gameros reflected on living in a safe environment.

Council Member Harper requested an update on The 12 gym, spoke on efficiency at meetings, requested to receive the agendas two weeks before the meeting, and spoke on retail cannabis and the economy.

Mayor Pro Tem Harlan spoke on the Hamas attack on Israel and proudly stands with Israel.

Mayor Stephens spoke on attending Back to Soy Night, spoke on attending the State of the Schools, spoke on pursuing the Street Medicine CalOptima Grant Program, spoke on taking a bus ride with Council Member Reynolds and bus benches needing improvements, spoke on standing with Israel, and spoke on adjourning the meeting in memory of Richard Koehler.

REPORT – CITY MANAGER – Ms. Farrell Harrison spoke on applying for the Street Medicine CalOptima Grant Program and spoke on hiring a noise consultant for The 12 gym noise complaint.

REPORT – CITY ATTORNEY – Ms. Hall Barlow spoke on new legislation being analyzed that pertains to housing.

CONSENT CALENDAR

MOVED/SECOND: Council Member Chavez/Mayor Stephens

MOTION: Approve the Consent Calendar.

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: Council Member Gameros recused himself on item 3 the Warrant Resolution due to his wife's employment at Priceless Pets.

Motion carried: 7-0

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: Alexandra Lee Atalla, Luca Farren Atalla, Theresa Atalla, Jeremiah Duran, Violeta Vushcan.

3. ADOPTION OF WARRANT RESOLUTION

Council Member Gameros recused himself on this item due to his wife's employment at Priceless Pets.

ACTION:

City Council approved Warrant Resolution No. 2707.

4. MINUTES

ACTION:

City Council approved the minutes of the regular meeting of October 3, 2023.

5. REQUEST TO CANCEL THE REGULAR MEETING OF TUESDAY, NOVEMBER 21, 2023 DUE TO THANKSGIVING RECESS CALENDARS

ACTION:

City Council cancelled the regular meeting of Tuesday, November 21, 2023 due to Thanksgiving Holiday and academic recess calendars.

6. ACCEPTANCE AND ALLOCATION OF THE 2023-24 OFFICE OF TRAFFIC SAFETY GRANT FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM

ACTION:

1. City Council approved Resolution No. 2023-51, which ratifies the application for a grant award from the State of California - Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) and authorized the City Manager or designee to execute all grant documents, including the Grant Agreement, and accept and administer the grant.
2. Approved revenue and expense appropriations in the amount of \$285,000, respectively, for the 2023-24 OTS STEP Grant.

7. ACCEPTANCE OF THE ORGANIZED RETAIL THEFT PREVENTION GRANT FOR THE COSTA MESA POLICE DEPARTMENT OF \$3.5 MILLION

ACTION:

1. City Council approved Resolution No. 2023-50 authorizing participation in the Organized Retail Theft (ORT) Prevention Grant Program and the City Manager, or designee, to execute the ORT Standard Agreement.
2. Approved revenue and expense appropriations in the amount of \$3,518,133, respectively, for the Organized Retail Theft (ORT) Prevention Grant.

8. RESPONSE TO THE GRAND JURY REPORT TITLED "WELCOME TO THE NEIGHBORHOOD- ARE CITIES RESPONSIBLY MANAGING THE INTEGRATION OF GROUP HOMES?"

ACTION:

1. City Council approved the response to the 2022-23 Orange County Grand Jury Report, "Welcome to the Neighborhood- Are cities responsibly managing the integration of group homes?"
2. Authorized the Mayor to submit the response to the Presiding Judge of the Superior Court pursuant to Penal Code Section 933.05 (a) and (b).

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

PUBLIC HEARINGS:

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

1. APPEAL OF PLANNING APPLICATION 22-05 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 1505 MESA VERDE DRIVE EAST (“C21+”)

Presentation by Ms. Halligan, Contract Planner.

Mr. Les, Appellant, provided a presentation to City Council.

Ms. Belladore, Applicant, provided a presentation to City Council.

Public Comments:

Alexander Haberbush spoke on denying the application.

Randy Nguyen spoke on denying the application.

Speaker, spoke on denying the application.

Mike Vargas spoke on denying the application.

Matthew Priest spoke in favor of the application.

Chuck Perry spoke on denying the application.

Betsy Densmore spoke on denying the application.

Nicole Lloyd spoke on denying the application.

Tammy Matthews spoke in favor of the application.

Speaker, spoke in favor of the application.

Tao Nguyen spoke in favor of the application.

Speaker, spoke in favor of the application.

Shelly spoke on denying the application.

Jason Les spoke on denying the application.

Greg Les spoke on denying the application.

Ashton Slaw spoke in favor of the application.

Dr. Mary Pham spoke on denying the application.

Michael McDaniels spoke on denying the application.

Dan Ha spoke in favor of the application.

Speaker, spoke on denying the application.

Allie Christenson spoke on denying the application.

Speaker, spoke on denying the application.

MOVED/SECOND: Council Member Marr/Council Member Harper

MOTION: Overturn the Planning Commission's decision and deny Planning Application 22-05.

SUBSTITUTE MOTION/SECOND: Mayor Stephens/Mayor Pro Tem Harlan

SUBSTITUTE MOTION: Uphold the Planning Commission's decision and approve Planning Application 22-05.

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 Harper and Council Member Marr.

Absent: None.

Abstain: None.

Motion carried: 5-2

ACTION:

City Council upheld the Planning Commission's decision and adopted Resolution No. 2023-49 to approve Planning Application 22-05.

OLD BUSINESS: NONE.

City Council recessed into a break at 8:35 p.m.

City Council reconvened at 8:51 p.m.

NEW BUSINESS:

1. APPOINTMENTS TO VARIOUS CITY COMMITTEES

Presentation by Ms. Green, City Clerk.

Public Comments: None.

ACTION:

City Council made appointments as follows:

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Appoint Becca Walls, Calvin Alvarez, and Diana Lorraine Gardiner to the Animal Services Committee.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

1. City Council made the following three (3) appointments to the Animal Services Committee with a term expiration of April 2025. Council Member Marr appointed Becca Walls, Council Member Chavez appointed Calvin Alvarez, and Council Member Reynolds appointed Diana Lorraine Gardiner.

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Appoint Michaela Teissere, Trace Yulie, and Jose Gomez to the Active Transportation Committee.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

2. City Council made the following three (3) appointments to the Active Transportation Committee with a term expiration of April 2025. Council Member Marr appointed Michaela Teissere, Council Member Chavez appointed Jose Gomez, and Council Member Reynolds appointed Trace Yulie. Two of the appointments are at-large to ensure broad representation of different mobility options and experiences (e.g. walk, bike, bus, and age ability).

MOVED/SECOND: Council Member Reynolds/Council Member Marr

MOTION: Accept the late application for Kohl Creselius and appoint Kohl Creselius, Daniel Baume, and Jennifer Thomas to the Fairview Park Steering Committee.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

3. City Council accepted the late application for Kohl Crecelius and made the following three (3) appointments to the Fairview Park Steering Committee with a term expiration of April 2027. Council Member Marr appointed Kohl Crecelius, Council Member Chavez appointed Daniel Baume, and Council Member Reynolds appointed Jennifer Thomas.

MOVED/SECOND: Council Member Marr/Council Member Reynolds

MOTION: Appoint Ralph Taboada, Tom Arnold, and Lisa Buchanan to the Finance and Pension Advisory Committee.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

4. City Council made the following three (3) appointments to the Finance and Pension Advisory Committee with a term expiration of April 2027. Council Member Marr appointed Ralph Taboada, Council Member Chavez appointed Tom Arnold, and Council Member Reynolds appointed Lisa Buchanan.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Appoint Becks Heyhoe, Andrea Schmidt, and Aaron McCall Craddolph to the Housing and Public Service Grants Committee.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

5. City Council made the following three (3) appointments to the Housing and Public Service Grants Committee with a term expiration of April 2025. Council Member Marr appointed Becks Heyhoe, Council Member Chavez appointed Andrea Schmidt, and Council Member Reynolds appointed Aaron McCall Craddolph.

MOVED/SECOND: Council Member Chavez/Council Member Marr

MOTION: Appoint Eileen Cirillo as a Park Own Representative, Syed Zia Hussain as an At Large Representative, Colette McCall Craddolph as a Mobile Home Park Resident Representative, Joy Young ad a Mobile Home Park Resident Representative, and Maria Horton as a Park Owner Representative, and correct the Arts Commission terms to coincide with the concurrent terms of the respective appointing Council Member.

The motion carried by the following roll call vote:

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

Nays: None.

Absent: Council Member Harper.

Abstain: None.

Motion carried: 6-0

6. City Council appointed Eileen Cirillo and Maria Horton as the two (2) Park Owner or Representative appointments, Colette McCall Craddolph and Joy Young as the two (2) Mobile Home Park Resident appointments, and Syed Zia Hussain as the one (1) Independent Citizen At-large appointment to the Mobile Home Park Advisory Committee, all with a term expiration of April 2027. And Corrected the term expiration dates for the Arts Commissioners. Terms ending in 2024 to 2025 and terms ending in 2026 to 2027.

2. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE BY ADDING CHAPTER II (REGULATION OF CERTAIN BUSINESSES, ARTICLE 24 (JUST CAUSE RESIDENTIAL TENANT PROTECTIONS)

Presentation by Mr. Robbins, Neighborhood Improvement Manager.

Public Comments:

Jeff Bucher, Costa Mesa, spoke on the California legislation on rent control not applying to owner-occupied single-family homes, spoke on 12-month leases, no fault just cause evictions, statistics, and Assembly Bill 12.

Daniel Morgan spoke on the City Council touring apartment buildings, spoke on asbestos, encouraged staff to speak with property owners, spoke on unintended consequences, spoke on Assembly Bill 1482, spoke on buildings needing remodeled, and requested more staff for planning and building inspections.

Speaker, agrees with previous speakers, spoke in opposition of the proposal, spoke on being in compliance with new laws.

Victor Cao, Senior Vice President of the California Apartment Association, spoke in opposition to the ordinance for specific reasons, spoke on non-renewal of a lease, month to month tenancies and relocation, the payment of two months for relocation, credit scores, and spoke on negative unintended consequences.

Speaker, spoke in support of the ordinance.

Speaker, spoke on the intent of the ordinance to protect renters from bad landlords, unintended consequences, spoke in opposition to the ordinance, spoke on more education on new state laws, spoke on enforcement to address bad landlords, and spoke on working with the good landlords for solutions.

Speaker, spoke on unjust evictions and families needing assistance.

Speaker, Resilience Orange County, spoke on assisting tenants, a rental registry, the need for enforcement, and spoke on gathering more data.

Juana Trejo spoke on tenants' rights, rents being raised, evictions, and spoke in support of the ordinance.

Greg Les, Costa Mesa, cautioned against the ordinance, spoke on new costs for the landlords and higher rents, spoke on an exemption, and spoke in opposition of the ordinance.

Speaker, Resilience Orange County, spoke on the ordinance, the need for relocation assistance, immigrant protections, the cost for tenants, spoke on data regarding evictions, an implementation plan, and spoke on tracking data.

Speaker, spoke on the repairs being made by the owners, and requested assistance for undocumented individuals.

Ashley Anderson spoke on the impacts of evictions, owners not making the repairs, and spoke in support of the ordinance.

Speaker, Resilience Orange County, spoke in support of the ordinance, and that landlords should be making improvements.

MOVED/SECOND: Council Member Reynolds/Council Member Chavez

MOTION: Continue the meeting past midnight.

The motion carried by the following roll call vote:

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

Nays: Council Member Gameros, Council Member Harper, and Council Member Marr.

Absent: None.

Abstain: None.

Motion carried: 4-3

Speaker, spoke on owning a duplex, providing quality housing, and spoke against the ordinance.

Robert Morse, Costa Mesa, spoke in support of the ordinance.

Speaker, spoke on evictions and public input.

MOVED/SECOND: Council Member Marr/Mayor Pro Tem Harlan

MOTION: Continue the item to the next meeting on November 7, 2023.

The motion carried by the following roll call vote:

Ayes: Council Member Chavez, Council Member Gameros, Council Member Harper, Council Member Reynolds, Council Member Marr, 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 November 7, 2023 City Council meeting.

3. STATUS UPDATE REGARDING THE CALIFORNIA OFFICE OF EMERGENCY SERVICES' (CAL OES) SOUTHERN CALIFORNIA REGIONAL EMERGENCY OPERATIONS CENTER (EOC) PROJECT AT THE FAIRVIEW DEVELOPMENTAL CENTER SITE

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

Public Comments:

Speaker, spoke in opposition to the Emergency Operation Center at the site and spoke on communication with the residents.

Cynthia McDonald, spoke in opposition to the Emergency Operation Center, inquired on One Metro West in the Environmental Impact Report, and requested additional outreach and visioning.

Speaker, spoke in opposition to the Emergency Operation Center, spoke on the need for cooperation with other County and State representatives.

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 Harper, Council Member Reynolds, Council Member Marr, Mayor Pro Tem Harlan, and Mayor Stephens.

Nays: None.

Absent: None.

Abstain: None.

Motion carried: 7-0

ACTION:

City Council authorized the City Manager or designee to finalize the draft letter incorporating feedback from the City Council and submit it to the State.

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

Council Member Chavez, spoke on the need for meeting to be more efficient.

ADJOURNMENT – Mayor Stephens adjourned the meeting at 12:40 a.m. in honor of Richard Culler.

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

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk