



## **REGULAR MEETING OF THE CITY COUNCIL AND HOUSING AUTHORITY APRIL 16, 2024 – 6:00 P.M. - MINUTES**

**CALL TO ORDER** –The Regular City Council and Housing Authority meeting was called to order by Mayor Stephens at 6:04 p.m.

**NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE** – Led by the Chamber Choir of Christ Lutheran School.

**MOMENT OF SOLEMN EXPRESSION** – Led by Pastor Phil Eyskens, Lighthouse Church.

### **ROLL CALL**

Present: Council Member Chavez, Council Member Gameros, Council Member Harper (Excused at 11:26 p.m.), Council Member Marr (Excused at 11:17 p.m.), Council Member Reynolds, Mayor Pro Tem Harlan, and Mayor Stephens.

Absent: None.

### **PRESENTATIONS:**

Bonni Pomush, Chief Executive Officer and Chris Collie and Thomas Lotts, Public Affairs Committee Members from Working Wardrobes provided a presentation to the City Council.

Mr. Drapkin, Assistant Development Services Director, provided an update on Street Vending Enforcement.

### **PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA**

Speaker, spoke on safety concerns pertaining to the traffic improvements on W. 19th Street, spoke on enforcement on permit parking, and spoke on future development.

Speaker, spoke on visiting the Fire Department and praised first responders.

Lynn Redman, Costa Mesa, spoke on Fairview Park and issues associated with mustard plants and requested removal and mitigation.

Speakers, advocated for the fight against epilepsy, and spoke on the Epilepsy walk at Tewinkle Park.

Juana Trejo spoke on families being evicted, enforcement of laws, and requested to share materials in Spanish.

Speaker, Resilience Orange County, requested an update on the Tenant Protection Ordinance, spoke on families receiving eviction notices and if the City is tracking, spoke on a Sunshine Ordinance and releasing the agenda ten days in advance, spoke on Plumer Street conditions and improving the public right of way.

Speaker, Costa Mesa, spoke on issues associated with receiving assistance with the Tenant Protection Program and Rental Assistance Program, and on the City's permit process.

Ida Wolf, spoke in opposition of the housing project at the Senior Center.

## **COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Gameros requested individuals to reach out to him regarding tenant issues and spoke on attending the STEM event.

Council Member Harper spoke on the Working Wardrobes organization, spoke on a complaint hotline, and expressed appreciation on the enforcement of illegal street vendors.

Council Member Marr requested an update on the Rental Assistance Program and the Tenant Protection Program.

Council Member Reynolds requested an update on the Rental Assistance program and the Permit Parking program and enforcement, spoke on the Fairview Park Steering Committee meeting, the Mobile Home Park Advisory Committee meeting and a presentation by Southern California Edison, stated the Active Transportation Committee is reviewing the E-bike Ordinance, spoke on attending the STEM event, and thanked staff for the traffic calming measures by Whittier School.

Council Member Chavez spoke on the Strategic Planning Retreat on April 19<sup>th</sup>, requested an update on the Tenant Protection Ordinance, and thanked staff for the enforcement of illegal street vendors.

Mayor Pro Tem Harlan spoke on the Harper Park six-month pilot project and requested an update, and requested an update on the Parks and Open Space Master Plan.

Mayor Stephens spoke on attending the Radiant Healthcare Gala, spoke on the State of the City on April 24<sup>th</sup>, thanked Council Member Reynolds and Mr. Thomas for sharing education on E-Bikes, spoke on attending the Bark Bash at Tewinkle Park, and spoke on the OCTA Board approving the videotaping and livestreaming of their meetings and spoke on transparency.

**REPORT – CITY MANAGER** – Ms. Farrell Harrison thanked staff for addressing the illegal street vendors, spoke on the non-emergency line, spoke on bringing forth an update on the Tenant Protection Program and Parks and Open Space Master Plan.

**REPORT – CITY ATTORNEY – NONE.**

## CONSENT CALENDAR

**MOVED/SECOND:** Council Member Marr/Council Member Chavez

**MOTION:** Approve the Consent Calendar except for items 4, 5, and 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: None.

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 full 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: Jennifer Maniaci, Johnathan Pate, Loya Casualty Insurance Company (Smith, Brittany).

### 3. **ADOPTION OF WARRANT RESOLUTION**

ACTION:

City Council approved Warrant Resolution No. 2715.

## ITEMS PULLED FROM THE CONSENT CALENDAR

### 4. **MINUTES**

Council Member Reynolds requested a correction on Public Hearing Item 1, to include a two-year timeframe for strategies.

Public Comments: None.

**MOVED/SECOND:** Council Member Marr/Council Member Harper

**MOTION:** City Clerk to review the video of the April 2, 2024 meeting and bring back minutes for approval at a future meeting.

**SUBSTITUTE MOTION/SECOND:** Council Member Reynolds

**SUBSTITUTE MOTION:** Approve minutes as is.

Council Member Reynolds withdrew the substitute motion.

**ORIGINAL MOTION/SECOND:** Council Member Marr/Council Member Harper  
**MOTION:** City Clerk to review the video of the April 2, 2024 meeting and bring back minutes for approval at a future meeting.

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 Clerk to review the video of the April 2, 2024 meeting and bring back minutes for approval at a future meeting.

## **5. ANIMAL CARE SHELTER SERVICES - PRICELESS PETS RESCUE**

Council Member Gameros recused himself from the item, as his wife works for Priceless Pet Rescue, stepped down from the dais, and left the Council Chambers.

Public Comments:

Sue Lester spoke in opposition of the item.

Becca Walls spoke in favor of the item.

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

Nays: Council Member Harper.

Absent: None.

Abstain: Council Member Gameros.

Motion carried: 5-1-1

**ACTION:**

1. City Council approved and authorized the City Manager to execute the Professional Services Agreement with Priceless Pets Rescue (PPR) to provide full-service animal sheltering and animal adoption services. PPR will be responsible for the intake, coordination, and management of animals within the City of Costa Mesa for a five-year term, July 1, 2024 - June 30, 2029, for a not to exceed amount of \$480,000 annually.
2. Approved an annual Consumer Price Index (CPI) escalation and de-escalation not exceeding 5%.

3. Authorized the City Manager and City Clerk to execute the agreement and any future authorized amendments to the agreement.
4. Authorized the City Manager or designee to extend the PPR interim service agreement (Amendment #6) until June 30, 2024, for a not to exceed amount of \$33,000 monthly.

6. **SECOND READING OF ORDINANCES TO AMEND TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) AND TITLE 9 (LICENSES AND BUSINESS REGULATIONS) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S RETAIL CANNABIS PROVISIONS AND FIND THIS PROJECT TO BE CATEGORICALLY EXEMPT FROM CEQA**

Public Comments:

Speaker, spoke on new owners obtaining a Cannabis Business Permit if the business is sold.

Mike Hannegan, Secret Garden, requested allowing cannabis storefront signage.

Jim Fitzpatrick requested removing the requirement that any financial interest holder obtain a separate business license.

Joseph Zappala spoke in support of allowing signage and to include the word dispensary on signs, and spoke on being able to replace the tenant if the business is sold and allowing a new tenant.

Robert Taft requested removing the requirement of the financial interest holder to obtain a separate business license, spoke against a cap, and spoke against the ordinance.

Alexander Haberbush spoke on the cap of 35 storefronts and oversaturation and requested a buffer zone between cannabis stores.

**MOVED/SECOND:** Council Member Marr/Council Member Reynolds

**MOTION:** Approve the ordinances as proposed.

**SUBSTITUTE MOTION/SECOND:** Council Member Gameros/Council Member Chavez

**SUBSTITUTE MOTION:** Approve the ordinances with the following changes:

Follow State guidelines for the Cannabis Business Permits, and strike the language that each financial interest holder shall obtain a separate business license.

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 project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (“General Rule”).
2. Gave first reading to Ordinance No. 2024-03 amending Title 13 (Planning, Zoning and Development) and Ordinance No. 2024-04 amending Title 9 (Licenses and Business Regulations) of the Costa Mesa Municipal Code to modify the City’s retail cannabis provisions, with the following changes: follow State guidelines for the Cannabis Business Permits, and strike the language that each financial interest holder shall obtain a separate business license.

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

City Council recessed into a break at 8:32 p.m.

City Council reconvened at 8:46 p.m.

**PUBLIC HEARINGS:**

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

1. **REVIEW OF THE PLANNING COMMISSION'S DECISION TO APPROVE MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

Ex parte communications:

Council Members Reynolds and Chavez met with the applicant.

Mayor Pro Tem Harlan received a text from the applicant’s representative.

Council Member Harper spoke with the applicant’s representative.

Council Member Gameros met with surrounding businesses.

Presentation by Mr. Aldana, Assistant Planner.

**MOVED/SECOND:** Council Member Marr

**MOTION:** Limit public comments to 2 minutes.

Motion failed for lack of a second.

Public Comments:

Speaker, spoke in favor of the item.

Clay Knapp spoke in opposition of the item.

Speaker, spoke in favor of the item.

Speaker, spoke in favor of the item.

Gregg Kelly spoke in opposition of the item.

Trent Wright spoke in favor of the item.

Dan King spoke on the effects of the project and making it work for the community and spoke on addressing traffic concerns.

Speaker, spoke in opposition of the item.

Jay Goldsberry spoke on the potential of the area and in opposition of the project.

Paul Schwartz spoke on traffic concerns regarding the project.

Speaker, spoke on traffic concerns regarding the project.

Speaker, spoke on traffic concerns and safety.

Dartanian Pendleton spoke in favor of the item.

Steve Schwimmer spoke in opposition of the item.

Marc Vukceovich spoke in opposition of the item.

Speaker, spoke on traffic concerns.

**MOVED/SECOND:** Council Member Marr/Council Member Gameros

**MOTION:** Overturn the Planning Commission's decision and adopt a resolution to deny application ZA-22-11, PDVR-23-0003, and PMND-23-0003.

**SUBSTITUTE MOTION/SECOND:** Council Member Chavez/Mayor Stephens

**SUBSTITUTE MOTION:** Uphold the Planning Commission's decision and adopt a resolution to approve application ZA-22-11, PDVR-23-0003, and PMND-23-0003.

The motion carried by the following roll call vote:

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

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

Absent: None.

Abstain: None.

Motion carried: 4-3

**ACTION:**

City Council approved ZA-22-11, PDVR-23-0003, and PMND-23-0003.

**MOVED/SECOND:** Council Member Marr/Council Member Reynolds

**MOTION:** Continue Public Hearing Item No. 2 to the next City Council meeting on May 7, 2024.

The motion failed by the following roll call vote:

Ayes: Council Member Harper, Council Member Marr, and Council Member Reynolds.

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

Absent: None.

Abstain: None.

Motion failed: 3-4

**2. APPEAL OF PLANNING APPLICATION 22-37 TO ESTABLISH AN EVENT CENTER WITH OUTDOOR ACTIVITIES, INCLUDING A REQUEST TO OFFER VALET PARKING AND TO DEVIATE FROM PARKING REQUIREMENTS LOCATED AT 3150 BEAR STREET**

Ex parte communications: Council Member Gameros and Mayor Stephens spoke with the applicant.

Presentation by Ms. Curley, Assistant Planner.

Ms. Swanson, appellant, provided a presentation.

The applicant spoke on the project.

Public Comments:

Speaker, expressed concern on the hours of operation and parking in the neighborhood.

Speaker, expressed concern on the outside hours of operation.

**MOVED/SECOND:** Council Member Gameros/Council Member Chavez

**MOTION:** Uphold Planning Commission's decision and approve PA-22-37.

Council Member Reynolds requested to include a hotline number/direct contact to an onsite manager for residents to call in case of noise concerns.

Council Member Gameros (1<sup>st</sup>) and Council Member Chavez (2<sup>nd</sup>) agreed to the addition.



**MOVED/SECOND:** Council Member Gameros/Council Member Chavez

**MOTION:** Uphold Planning Commission's decision to approve PA-22-37 and include a hotline number/direct contact to an onsite manager for residents to call in case of noise concerns.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

**ACTION:**

1. City Council found that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities.
2. Adopted Resolution No. 2024-15 approving Planning Application 22-37, based on findings of fact and subject to conditions of approval.

**OLD BUSINESS: NONE.**

**MOVED/SECOND:** Council Member Chavez/Mayor Stephens

**MOTION:** Continue the meeting past midnight.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

**NEW BUSINESS:**

**1. FISCAL YEAR 2023-24 MID-YEAR BUDGET UPDATE AND ADJUSTMENTS**

Presentation by Ms. Molina, Finance Director.

Public Comments: None.

**MOVED/SECOND:** Council Member Chavez/Mayor Pro Tem Harlan

**MOTION:** Approve staff recommendation.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

**ACTION:**

City Council approved the following:

1. Amended the Table of Organization to add 3.27 new FTEs in the Economic and Development Services Department (2.0 FTEs); Parks and Community Services (0.75 FTE); and the Police Department (0.52 FTEs) to help achieve City Council goals and priorities related to housing, park and environmental resources management, and public safety.
2. Approved FY 2023-24 Staffing title changes and compensation adjustments to realign positions with current operational needs in multiple departments.
  - a. Approved Resolution No. 2024-13 approving new classification and salary/pay ranges for an Animal Services Coordinator, new title for Multimedia Specialist and new title and pay ranges for Finance Officer.
  - b. Approved Resolution No. 2024-11 approving compensation adjustments for Finance Officer (Confidential).
  - c. Approved Resolution No. 2024-12 creating new classification and salary/pay ranges for Graduate Intern and compensation adjustments for Intern classification, absorbed within the existing adopted budget, in order to create a more viable pipeline of applicants to recruit City employees.
3. Approved FY 2023-24 Budget Carryovers from the prior year in the General Fund and the various Capital Projects Funds for outstanding capital projects.

**2. APPOINTMENT TO THE PLANNING COMMISSION AND VARIOUS CITY COMMITTEES**

Presentation by Ms. Green, City Clerk.

Council Member Harper requested to make his appointments at the May 7, 2024 meeting.

Public Comments: None.

**ACTION:**

City Council made appointments as follows:

**MOVED/SECOND:** Council Member Reynolds/Council Member Chavez

**MOTION:** Appoint David Martinez to the Planning Commission.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

1. Council Member Reynolds appointed David Martinez to the Planning Commission with a term expiration of January 2027.

**MOVED/SECOND:** Mayor Stephens/Council Member Chavez

**MOTION:** Appoint Sean Healey, Cara Stewart, and Angela Minjares to the Animal Services Committee with a term expiration of April 2026.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

2. City Council made the following three (3) appointments to the Animal Services Committee with a term expiration of April 2026. Mayor Stephens appointed Sean Healey, Cara Stewart, and Angela Minjares.

**MOVED/SECOND:** Council Member Chavez/Council Member Reynolds

**MOTION:** Appoint Florence Martin, Michael Moses Nolf, Andrew Barnes, Alex Campoli, and Robert Morse to the Active Transportation Committee with a term expiration of April 2026.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

3. City Council made the following five (5) appointments to the Active Transportation Committee with a term expiration of April 2026. Mayor Stephens appointed Florence Martin, Mayor Pro Tem Harlan appointed Robert Morse, and Council Member Reynolds appointed Michael Moses Nolf, Andrew Barnes, and Alex Campoli.

**MOVED/SECOND:** Mayor Stephens/Council Member Gameros

**MOTION:** Appoint Quinn Callanan, Sean Healey, and James Andrews to the Finance and Pension Advisory Committee with a term expiration of April 2028.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

4. City Council made three (3) appointments to the Finance and Pension Advisory

Committee with a term expiration of April 2028. Mayor Stephens appointed Quinn Callanan, Sean Healey, and James Andrews.

**MOVED/SECOND:** Council Member Chavez/Council Member Gameros

**MOTION:** Appoint Richard Ramirez, Michael Tou, and Kathryn Grant to the Housing and Public Service Grants Committee with a term expiration of April 2026.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

5. City Council made three (3) appointments to the Housing and Public Service Grants Committee with a term expiration of April 2026. Mayor Stephens appointed Ricardo Ramirez, Mayor Pro Tem Harlan appointed Michael Tou, and Council Member Chavez appointed Kathryn Grant.

**MOVED/SECOND:** Mayor Stephens/Council Member Reynolds

**MOTION:** Appoint Gregory Harold, Leslie Chaney-Eames, and Vickie Talley to the Mobile Home Park Advisory Committee with a term expiration of April 2028.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

6. City Council made the following appointment to the Mobile Home Park Advisory Committee with a term expiration of April 2028: Mayor Stephens appointed Vickie Talley as the one (1) Park Owner or Representative, Council Member Reynolds appointed Gregory Harold and Leslie Chaney-Eames as the two (2) Mobile Home Park Resident appointments.

**MOVED/SECOND:** Council Member Chavez/Council Member Reynolds

**MOTION:** Approve staff recommendation to dissolve the Historical Preservation Committee and transfer funds.

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: None.

Absent: Council Member Harper and Council Member Marr.

Abstain: None.

Motion carried: 5-0

7. City Council approved the Historical Preservation Committee to formally dissolve and appropriated an estimated total of \$13,000 from uncommitted Costa Mesa Community Foundation Fund and authorized a transfer from the Costa Mesa Historical Preservation Committee to the Costa Mesa Historical Society.

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

Mayor Pro Tem Harlan spoke on the applications received for the Commission/Committee appointments.

Council Member Chavez inquired if other City Council Members were interested in considering drive-through businesses.

**ADJOURNMENT** – Mayor Stephens adjourned the meeting at 12:16 a.m., April 17, 2024.

DRAFT

**Minutes adopted on this 21<sup>st</sup> day of May, 2024.**

\_\_\_\_\_  
John Stephens, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Green, City Clerk

DRAFT