

October 13, 2021
City Council Meeting
Public Comments

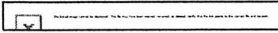
Closed Session Item

3.a.

Conference with
Legal Counsel –
Existing Litigation

Pamela Coleman

From: noreply@granicusideas.com
Sent: Tuesday, October 12, 2021 3:03 PM
To: Pamela Coleman; Jennifer Connally
Subject: New eComment for City Council



New eComment for City Council

Adam Overton submitted a new eComment.

Meeting: City Council

Item: a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

eComment: Dear Mayor and City Councilors, I must add my voice with those who are upset about the decision from the City of Orange to shut down Mary's Kitchen without an alternate plan to take care of our vulnerable citizens. I must point out, the lack of direction from the Mayor of Orange, the Orange City Manager, and the Orange City Council Members on how to continue to provide lifesaving services for our vulnerable citizens is deeply concerning to me. If you actively choose to not help those who need help, how can I trust you to have my best interests when making decisions, or the interests of those who are my neighbors to do what is right for our community? Turning our backs on our vulnerable by shutting down Mary's Kitchen without an alternate plan sends a clear and loud message, you only have your own agenda in mind when making decisions. I ask for you to accept the generous offer of Mary's Kitchen so they may continue serving our community at no cost to taxpayers, as long as they get 18 months at the current property while they relocate. Thank you.

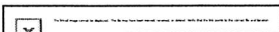
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Pamela Coleman

From: noreply@granicusideas.com
Sent: Tuesday, October 12, 2021 3:58 PM
To: Pamela Coleman; Jennifer Connally
Subject: New eComment for City Council



New eComment for City Council

Lisa Pedersen submitted a new eComment.

Meeting: City Council

Item: a. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

eComment: Please save Mary's Kitchen. I ask for you to accept the generous offer of Mary's Kitchen so they may continue serving our community at no cost to taxpayers, as long as they get 18 months at the current property while they relocate.

[View and Analyze eComments](#)

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City Council Public Comment

From: Robbi Nester
Sent: Tuesday, October 12, 2021 4:08 PM
To: City Council Public Comment
Subject: Save Mary's Kitchen

Sent from Mail for Windows

Dear Mayor and City Councilors,

I must add my voice with those who are upset about the decision from the City of Orange to shut down Mary's Kitchen without an alternate plan to take care of our vulnerable citizens.

I must point out, the lack of direction from the Mayor of Orange, the Orange City Manager, and the Orange City Council Members on how to continue to provide lifesaving services for our vulnerable citizens is deeply concerning to me. If you actively choose to not help those who need help, how can I trust you to have my best interests when making decisions, or the interests of those who are my neighbors to do what is right for our community?

Turning our backs on our vulnerable by shutting down Mary's Kitchen without an alternate plan sends a clear and loud message, you only have your own agenda in mind when making decisions.

I ask for you to accept the generous offer of Mary's Kitchen so they may continue serving our community at no cost to taxpayers, as long as they get 18 months at the current property while they relocate.

Thank you.

Robbi Nester

City Council Public Comment

From: Joel Robinson
Sent: Wednesday, October 13, 2021 2:44 PM
To: City Council Public Comment
Cc: jrobinson@naturalist-for-you.org
Subject: Agenda #3.8 Mary's Kitchen

Agenda #3.8 Mary's Kitchen Public Comments:

- If the City of Orange's reason for evicting Mary's Kitchen is due to increased crime in the area, then documented evidence must be provided by the City of Orange Police Department to demonstrate that the clients of Mary's Kitchen are in fact the reason for the increase in criminal activities.
- Have any formal surveys been conducted to measure the positive and/or negative impacts caused by Mary's Kitchen at its current location over the past 36 years? Of the 250 to 300 clients who relied on the services provided by Mary's Kitchen, how many have committed crimes in the area? Of the 250 to 300 clients who relied on the services provided by Mary's Kitchen, how many have improved their financial situation and become productive, law-abiding members of the community?
- If no data has been collected over the past 36 years to provide clear, measurable evidence of the percentage of Mary's Kitchen clients who committed crimes in the area, then a mechanism should be established to collect this data before any closure and/or eviction is considered. How many clients of Mary's Kitchen are committing crimes in the area? Who are these clients? How many clients are not committing crimes and are in the process of rehabilitating themselves by obtaining jobs, permanent shelters and drug-free lifestyles?

Please confirm with an email response that you have received my comments and included them in the public record. Thank you.

Joel Robinson

Orange, CA 92869

City Council Public Comment

From: Bonnie Robinson
Sent: Wednesday, October 13, 2021 2:41 PM
To: City Council Public Comment
Subject: Agenda #3.8 Mary's Kitchen

Dear Mayor Murphy and Council Members,

Mary's Kitchen provides much needed services to those without homes. If Mary's Kitchen is closed, the people currently using those services will not disappear. They still have the same needs, plus more without having Mary's Kitchen available. I ask that you allow Mary's Kitchen to remain in its existing location either permanently or until another location can be found and be ready to provide services. I have heard council members state that Mary's Kitchen enables people to remain homeless. On the contrary, besides providing meals, it provides a mailing address, showers and laundry facilities to many people, all necessary requirements for obtaining and retaining a regular job. I have also heard that they don't require people using their services to provide their names. I noted that navigation services were made available one day earlier this year. If these services were made available on a daily or weekly basis, I'm sure that some of their clients would take advantage of them. We also need to remember that we have a shortage of affordable housing and supportive services, so that even if names are provided, it is often a long process to get a person into housing with the services needed in order to maintain that housing.

Please work out a plan to allow Mary's Kitchen to continue providing its valuable services, possibly with a condition to also make regular navigation services available on its site.

Sincerely,
Bonnie Robinson

Orange, CA 92869



EL CENTRO CULTURAL DE MÉXICO

October 13, 2021

Dear Mayor and City Council Members,

El Centro Cultural de Mexico is a nonprofit, community space in Santa Ana, California.

We would like to show our support for Mary's Kitchen and our disagreement with the decision from the City of Orange to shut down Mary's Kitchen without an alternate plan to take care of our vulnerable citizens in the midst of a global pandemic. Despite being a small non-profit with no government funding, in a city without a single shelter bed for seniors (the primary population served at Mary's Kitchen and one of the required Housing Element categories), Mary's Kitchen diverted funds from serving its clients to meet every demand the City had.

Our city leaders in Orange County need to demonstrate leadership in addressing these increasingly difficult times for our most underserved. We hope that the Mayor of Orange, the Orange City Manager, and the Orange City Council Members can contribute to improving services and better options for our vulnerable citizens and supporting the work of important community spaces like Mary's Kitchen.

We hope that you accept the generous offer of Mary's Kitchen so they may continue serving our community at no cost to taxpayers, as long as they get 18 months at the current property while they relocate.

Thank you,

El Centro Cultural de Mexico

City Council Public Comment

From: Stephen Einstein
Sent: Wednesday, October 13, 2021 10:09 AM
To: City Council Public Comment
Subject: Fw: Mary's Kitchen

See below

Begin forwarded message:

On Wednesday, October 13, 2021, 1:05 PM, Stephen Einstein <rebgiraffe@aol.com> wrote:

Dear Mayor Murphy and City Council Members,

As the Senior Rabbi of Orange County, I have been following the unfolding of the situation with Mary's Kitchen. This organization is a real life-saver for many residents.

I, therefore, urgently request that you accept the generous offer of Mary's Kitchen so that they can continue their sorely-needed service.

Respectfully,
SJE

City Council Public Comment

From: Veronica Encinas <
Sent: Wednesday, October 13, 2021 9:25 AM
To: City Council Public Comment
Subject: Agenda #3.8 Mary's Kitchen

To whom it may concern:

I am writing to urge you to work with Mary's Kitchen to find another facility where they can operate, and give them enough time to do so. Mary's Kitchen has been assisting the homeless in the area for more than 35 years. And given the alarming increase in homelessness throughout California, it is unconscionable that they are being evicted in a way that jeopardizes the important work they do.

They need more time, and help to move to another location. Please don't add to the homeless problem -- help those who are actually making a difference!

--

Veronica Encinas
First Team Real Estate

City Council Public Comment

From: KC Marie Pandell
Sent: Wednesday, October 13, 2021 8:29 AM
To: City Council Public Comment
Subject: Public Comment: Agenda #3.8 Mary's Kitchen

To Whom It May Concern:

Mary's Kitchen has been an invaluable resource for the unhoused community in Orange for 36 years, providing much needed services, including food, showers, and medical care to those without a home. I am writing today to urge the city to come to a compromise with the team at Mary's Kitchen on the eviction timeline, as well as requesting the city help in facilitating the move to a new location.
The good work Kary's Kitchen does in our community is worth every ounce of effort.

Respectfully,
KC Marie Pandell
Resident

City Council Public Comment

From: Suzanne Model
Sent: Wednesday, October 13, 2021 8:24 AM
To: City Council Public Comment
Subject: Agenda #3.8 Mary's Kitchen

Dear Sirs/Madams:

I write in the hopes of persuading you not to move Mary's Kitchen, one of the few services for the homeless in the City of Orange. Currently, cities all over California are grappling with increasing homelessness and increasing crime. The solution is NOT to close services and disperse the homeless. These tactics exacerbate rather than alleviate the crisis. The solution is to create low cost housing and decent paying jobs.

In a democracy, the job of government is to protect all citizens not only the affluent. The 'down and out' of Orange are counting on your assistance; please don't let them down. Thank you.

Suzanne Model

Laguna Woods, California 92637

City Council Public Comment

From: Harold D. Baker
Sent: Tuesday, October 12, 2021 11:59 PM
To: mayor@markamurphy.com; Kim Nichols; councilmanmonaco@gmail.com; Arianna Barrios; Jon Dumitru; Kathy Tavoularis; Ana Gutierrez; City Council Public Comment
Subject: Public Comment: Save Mary's Kitchen - Closed Session, Item 3a.

Dear Mayor and City Councilors,

I must add my voice with those who are upset about the decision from the City of Orange to shut down Mary's Kitchen without an alternate plan to take care of our vulnerable citizens.

I must point out, the lack of direction from the Mayor of Orange, the Orange City Manager, and the Orange City Council Members on how to continue to provide lifesaving services for our vulnerable citizens is deeply concerning to me. If you actively choose to not help those who need help, how can I trust you to have my best interests when making decisions, or the interests of those who are my neighbors to do what is right for our community?

Turning our backs on our vulnerable by shutting down Mary's Kitchen without an alternate plan sends a clear and loud message, you only have your own agenda in mind when making decisions.

I ask for you to accept the generous offer of Mary's Kitchen so they may continue serving our community at no cost to taxpayers, as long as they get 18 months at the current property while they relocate.

Thank you.

Yours,
Biff Baker
Concerned Citizen

This e-mail (including any attachments) may contain information that is private, confidential, attorney-client privileged, or otherwise legally protected from disclosure. If you receive this e-mail in error, please delete it from your system without copying it and notify the sender by reply e-mail so that our records can be corrected.

City Council Public Comment

From: Felicity
Sent: Tuesday, October 12, 2021 8:53 PM
To:
Subject: Public Comment for City Council Meeting 10/13/21: Save Mary's Kitchen - Closed Session, Item 3a

Dear Mayor and City Council Members --

I am writing today to let you know how extremely disappointed I am with your decision to shut down Mary's Kitchen without an alternate plan to take care of our vulnerable citizens.

The lack of direction from the Mayor of Orange, the Orange City Manager, and the Orange City Council Members on how to continue to provide lifesaving services for our vulnerable citizens is deeply concerning. If you actively choose not to help those members of our community who desperately need assistance, what kind of decisions will you be making for the welfare of the rest of us? It appears that your agenda does not have the community's best interests at its core.

I strongly urge you to allow Mary's Kitchen to remain on their current property for 18 months so they can find a new location and make the necessary arrangements for their move. In that way, they can continue serving our community - at no cost to taxpayers - during this transition.

Thank you --

Felicity Figueroa

City Council Public Comment

From: K Achee <
Sent: Tuesday, October 12, 2021 6:05 PM
To:
Subject: Public Comment: Save Mary's Kitchen - Closed Session, Item 3a

Dear Mayor and City Councilors,

I must add my voice with those who are upset about the decision from the City of Orange to shut down Mary's Kitchen without an alternate plan to take care of our vulnerable citizens.

I must point out, the lack of direction from the Mayor of Orange, the Orange City Manager, and the Orange City Council Members on how to continue to provide lifesaving services for our vulnerable citizens is deeply concerning to me. If you actively choose to not help those who need help, how can I trust you to have my best interests when making decisions, or the interests of those who are my neighbors to do what is right for our community?

Turning our backs on our vulnerable by shutting down Mary's Kitchen without an alternate plan sends a clear and loud message, you only have your own agenda in mind when making decisions.

I ask for you to accept the generous offer of Mary's Kitchen so they may continue serving our community at no cost to taxpayers, as long as they get 18 months at the current property while they relocate.

Thank you,

Kelly Achee
Orange County Poor People's Campaign

City Council Public Comment

From: Cindy Ashley
Sent: Wednesday, October 13, 2021 11:38 AM
To: City Council Public Comment
Subject: Agenda item 3.8 Mary's Kitchen

As a proud Chapman University grad school alumni and OC resident, it is so dismaying to hear about the efforts to get rid of Mary's Kitchen. You would think efforts would be underway to strengthen and replicate such a valuable resource for the city.

It is hard to continually read about so many negative things happening in our beautiful county. Please stop the effort to close Mary's Kitchen. Let's help those in need rather than continually take away the meager resources they have.

Sincerely,
Cindy Ashley

City Council Public Comment

From: Susan Guilford
Sent: Wednesday, October 13, 2021 11:33 AM
To: City Council Public Comment
Subject: Mary's Kitchen

Dear City of Orange:

Please find a way to keep Mary's Kitchen, a unique and vital service for those experiencing homelessness in Orange and nearby areas. I do not buy the excuse that it must go because it serves more than residents of the City of Orange because here in Orange County we are one large community composed of many cities. We are not isolated islands. Services and facilities such as Mary's Kitchen will always serve residents of more than our specific city.

If we are happy to welcome residents from outside of the City of Orange to use our library, visit our parks, shop and dine in our restaurants, then we also need to provide services for the homeless who might not live in Orange. You can't have it both ways.

Thank you,

Susan Guilford

Orange CA 92869

City Council Public Comment

From: Susan Guilford
Sent: Wednesday, October 13, 2021 12:13 PM
To: City Council Public Comment
Subject: Mary's Kitchen

Dear City of Orange,

League of Women Voters of Central Orange County Area hopes that the City of Orange can find a way to keep Mary's Kitchen, a vital service for the homeless in and around the City of Orange. Perhaps you could help find a new location.

Remember, if you welcome others to come to Orange to shop, dine, use our parks and library, you must extend the same to those who are housing insecure. Orange is not an isolated island.

Thank you,

Susan Guilford, President
League of Women Voters of Central Orange Area

City Council Public Comment

From: Rona Henry <rona.henry@cityofhouston.com>
Sent: Wednesday, October 13, 2021 7:02 AM
To: City Council Public Comment
Subject: Public Comment: Agenda #3.8 Mary's Kitchen

Dear Councilmembers,

I write to urge you to reach a compromise with regard to the eviction date of Mary's Kitchen - and to help them relocate. Better yet - let them stay where they are. They provide much needed services to many vulnerable people. Please don't litigate - instead work together.

Thank you,

--

Rona Henry, MBA, MPH

City Council Public Comment

From: Ramesh Joshi <
Sent: Wednesday, October 13, 2021 11:26 AM
To: City Council Public Comment
Subject: Agenda #3.8 Mary's Kitchen

Dear Hon.Councilpersons and Hon. Mayor:

Many of us who grow old move away but still visit or pass by the areas where the homeless people and services seem to be seen as a problem rather than a responsibility that needs attention.

There is no doubt that the City needs to keep all areas safe and useable by everyone depending on the location and duse of course.

But it is also the duty of the City and its elected as well as the businesses and electors to not let our unfortunate unhoused go hungry or inconvenienced to a point that they find it hard to survive.

We are lucky not to be in the position of the unhoused or homeless. Let us not forget those unhoused are someone's daughters, brothers, sisters, mothers, or lonely human beings because of the lack of social safety net in our rich and wonderful city.

As the Court proceedings clearly state that:

- * Mary's Kitchen provides much-needed services to those without homes.
- * Hon. Judge Carter has urged the city to come to a compromise with Mary's Kitchen on when they are evicted.
- * The judge has also asked the city to help facilitate their move to another location.
- * The arguments and solutions suggested by the city lawyer are not convincing and just hiding the reality faced by the homeless and the service provided by Mary's Kitchen.

I urge you to kindly find a solution keeping in mind the unhoused, homeless or those who depend are our problem and we can not and must not try to look away from.

Kindly look into it as the city's responsibility and not the problem and please do as the Hon. Carter has suggested.

Submitted by

Ramesh C Joshi

Laguna Woods, CA-92637

City Council Public Comment

From: Rayna Hamre <
Sent: Wednesday, October 13, 2021 11:53 AM
To: City Council Public Comment
Subject: Agenda #3.8 Mary's Kitchen

As an Orange County resident and a minister who has been an advocate for those experiencing homelessness, I urge you to help provide a new location for Mary's Kitchen. They will also need assistance moving. This is a much-needed service in the Orange area. Many people are counting on you to do the right thing. Love thy neighbor, help thy neighbor.

Thank you,

Rev. Rayna Hamre

--

Rev. Rayna Hamre
she, her

Affiliated Community Minister
Tapestry Unitarian Universalist Congregation

Lake Forest, CA 92630-1769

City Council Public Comment

From: Christine Morinello <
Sent: Wednesday, October 13, 2021 12:37 PM
To: City Council Public Comment
Subject: [BULK] AGENDA ITEM # 3.8 MARY'S KITCHEN

Importance: Low

Dear City of Orange Officials:

As a long time volunteer doing my best to provide for the needs of our challenged and marginalized brothers and sisters, I urge you to please reach a compromise with Mary's Kitchen and help facilitate their relocation.

Mary's Kitchen provides services not easily available -- and many times not available at all anywhere else -- to those in need. In addition to serving free hot meals three times a day, six days a week (that's eighteen nutritious meals per person each week), Mary's Kitchen offers an address for receipt of mail (required for certain government benefits), showers, laundry, change of clothing, and a motel stay to assist in transitioning to a more stable housing situation. Mary's Kitchen offers these services all in one place throughout the week.

Some of these services can be found at some other locations, but on a "piece meal" basis. For example, one "soup kitchen" type program where I have volunteered is located in South Orange County, too far away to be of help to the persons served by Mary's Kitchen. This South O.C. program offers a meal, clean used clothing, (no laundry), mail pick-up, and a prepaid guest pass to the YWCA-YMCA to take a hot shower. BUT this program only operates one evening a week, because everything (including labor) is donated by members of various houses of worship. And the guests still need to arrange their own transportation to the YWCA-YMCA in order to avail themselves of the hot showers.

I have also volunteered at the Laundry Love program in Lake Forest, which offers free laundromat services once a month. BUT, unfortunately, Laundry Love operates on the same weeknight as the South O.C. program described above. I ask you, the officials of the City of Orange, how would you like to have to choose between washing and drying your laundry or waiting two weeks in between collecting your mail and taking a shower?

Traveling "here and there" to attempt to patch together a network of services is problematic for many homeless persons. Many homeless people do not own automobiles and even for those who do, the cost of gasoline can be prohibitive. The cost of public transit is also beyond the reach of many. Additionally, bus and rail lines do not always run to the places where people need to go to obtain such services.

Mary's Kitchen is a unique program of long-standing which fills these vital needs of our less fortunate brothers and sisters on-site. By and large, those of us who reside in Orange County are highly privileged and we have a moral obligation -- "noblesse oblige" if you will -- to do everything possible to care for all members of our community. Every man is our brother and every woman is our sister. Family should take care of family.

Thank you for allowing me to express my concerns.

Very truly yours,
Christine L. Morinello

City Council Public Comment

From: Gmail
Sent: Wednesday, October 13, 2021 2:29 PM
To: City Council Public Comment
Subject: Mary's kitchen

Thank you for taking an interest in this Issue regarding the closing of Mary's kitchen I have donated things and made several visits in the past couple years With drop offs it's a very important grass roots place for those in the most need to have a safe place to get food clothing and companionship It would be most unfortunate if Mary's kitchen couldn't continue Hopefully public outcry will help the officials in orange realize the importance of this institution

Sent from my iPhone

City Council Public Comment

From: Karen Stone
Sent: Wednesday, October 13, 2021 9:14 PM
To: City Council Public Comment
Subject: Mary's Kitchen Needed!

Dear Decision Makers,

I think there would be more crime and inappropriate activity if Mary's Kitchen was no longer able to serve the many who need help temporarily. The services provided are just what homeless and jobless people need in order to keep their lives together. It bridges a gap for them and removing it would require some other people to invent the same thing! You cannot get rid of a problem by taking away what is needed to keep a person moving forward. Remedial work is even harder than just addressing needs from the start.

Mary's Kitchen has proved itself over the years. I understand that there is an increase in crime in the area, but removing the support that so many people have in Mary's Kitchen, will only increase crime because more people will become hopeless and desperate. People need something that is structured and dependable as a support, especially when they are going through trying circumstances. Keep the one form of stability that is already there, so that more crime does not occur!

Thank you,

Karen Stone

Laguna Hills, CA 92653

General Public Comment

October 11, 2021

To: Orange City Council Members
From: Adrienne Gladson, ACIP *AG*
714-319-9377

RE: Fee refund update - Appeal denial from August 10, 2021

Council members, I have been asked about the status of this matter, therefore, I am providing an update of the fee refund.

Attached is Item 1 the City's letter to me dated September 13, 2021, along with the City's waiver of liability. I was rather taken aback by it as it required me not to make any further public statement, whether spoken, written, electronic posting on social media or otherwise regarding Nexx Burger and similarly to not encourage, support or aid in any manner any party in such activities. Those terms are clearly not what Council directed:

Councilmember Monaco:

"Mr. Mayor, I have no problem refunding the money." "I do believe because of the uniqueness of this situation I don't believe we should have charged the appellant."

"Because this is a unique situation, I would be supportive of refunding the money."

"This case warrants it."

Councilmember Barrios:

"I would just want to agree with my colleague {Monaco} on that." "I know it's difficult and it is an unusual situation."

Mayor pro tem Nichols:

"I agree with refunding her her money."

Mayor Murphy:

"I am fine to refund the funds as well." "Because it was a unique circumstance."

Councilmember Dumitru:

"Yeah, that's perfect."

While I cannot sign the City's inaccurate waiver, I did prepare a revised waiver (Item 2) dated October 4, 2021, that I can agree to and have signed and included it with this memorandum. Barring a member of the community from expressing their views publicly or aiding those in need shouldn't be silenced, suppressed, nor should it be an acceptable way of doing business.

While I am very disappointed that I was unable to sway Council to approve my appeal, I learned more and gained a clearer picture of the internal workings and the culture at City Hall. Importantly as well, I have first-hand experience of what it's like to go through this process and conduct business with the city. It was eye-opening.

I await receipt of the refund.



CITY OF ORANGE

CITY ATTORNEY

(714) 744-5580 • FAX (714) 538-7157

September 13, 2021

Item 1

Ms. Adrienne Gladson
3403 E. Lambeth Ct., Unit A
Orange, CA 92869

Re: NOTICE OF JUDICIAL REVIEW UNDER CCP 1094.6

Dear Ms. Gladson,

On August 10, 2021, at the conclusion of a public hearing, the City of Orange City Council took final action to deny your appeal No. 0556-21, appealing the Nexx Burger project (CUP No. 3103-19, Design Review No. 4991-19 and Minor Site Plan Review No. 0991-19).

This letter serves as the required notice that the 90-day timeframe within which you may seek judicial review of the City's final decision to deny your appeal is governed by the provisions of California Code of Civil Procedure section 1094.6.

We are also enclosing an Attestation of Facts and Release and Waiver of All Claims, as authorized by the City Council. Upon signing and returning this document to the City, the initial deposit of \$1,000 you paid to file the appeal will either be refunded to you, or applied to the balance of the charges owed on the appeal, at your discretion.

If you have questions or wish to discuss this issue, please contact me at the number listed above.

Sincerely,


Mary E. Binning
Senior Assistant City Attorney

cc: Gary A. Sheatz, City Attorney

CITY OF ORANGE
**ATTESTATION OF FACTS AND
RELEASE AND WAIVER OF ALL CLAIMS**

FOR GOOD AND VALUABLE CONSIDERATION, specifically refund of a One Thousand Dollar (\$1,000.00) initial deposit paid for filing Appeal No. 0556-21 appealing the Planning Commission approval of CUP No. 3103-19, Design Review No. 4991-19 and Minor Site Plan Review No. 0991-19 (collectively, the "Nexx Burger Project" or "Project"), I, for myself, my successors, heirs, assigns, executors, administrators, and next of kin attest and acknowledge each the following with respect to the City's denial of Appeal No. 0556-21 and approval of the Nexx Burger Project:

1. That the City did not apply an illegal parking standard in its approval of the Project.
2. That the City did not violate any Orange Municipal Code provision and committed no error in its approval of the Project.
3. That the City did not violate any City General Plan Goal or Policy.
4. That the Planning Commission did not take any action usurping the authority or powers of the City Council and that the City proceeded within its jurisdiction in approving the Project.
5. That the CEQA finding of a categorical exemption was supported by substantial evidence in the record, was appropriate, and no unmitigated environmental impacts of the Project exist.
6. That all of the Planning Commission findings in favor the Nexx Burger Project were valid and based on substantial evidence presented, namely that the Project approvals were granted upon sound principles of land use and in response to services required by the community; that the Project will not cause deterioration of bordering land uses or create special problems for the area in which it is located; that the Project was considered in relationship to its effect on the community in which it is located; and that the Project was made subject to those conditions necessary to preserve the general welfare and not the individual welfare of the applicant.
7. That the on-site and off-site circulation for the Project was studied and found to be acceptable.
8. That the driveways as presented on the Project plans are sufficient.
9. That the WQMP mandates for the Project are met and the landscaping is sufficient.
10. That the drive aisles for the Project are sufficient.
12. That there was a fair hearing on the project and on the appeal.
13. That there was no prejudicial abuse of discretion by the City in approving the Nexx Burger CUP.
11. That there are no remaining environmental or legal issues with the Project that would support an appeal.

BASED ON THE ABOVE ATTESTATIONS, I hereby:

1. Covenant to act in good faith.
2. Covenant not to sue or present any claim or file any petition for writ of administrative mandamus against the City of Orange, its officers, employees and agents regarding any issue connected with the Nexx Burger Project, and covenant not to encourage, support or aid in any manner any party to do so.
3. Covenant not to make any public statements contradicting any one or more of the acknowledgements stated above, whether spoken, written, electronic posting on social media or otherwise.
4. Agree that this Release and, in particular, my attestations stated herein, may be used by the City in any proceeding challenging or discussing the Nexx Burger Project.
5. Release, waive, discharge and hold harmless the City of Orange and its officers, employees and agents from any liability, loss damage, claim, demand or cause or action against them arising from or attributable to the Nexx Burger Project, whether same is claimed to arise by their negligence or otherwise.

If I breach any of the covenants stated above, I agree to repay the City the amount of One Thousand Dollars (\$1,000.00), representing the consideration paid to me in exchange for this Attestation and Release, and agree the City may engage in any and all legal means of seeking repayment of that amount.

I, ADRIENNE GLADSON, HAVE READ THIS DOCUMENT THOROUGHLY, HAD THE OPPORTUNITY TO CONSULT WITH LEGAL COUNSEL, UNDERSTAND THAT I AM GIVING UP SUBSTANTIAL RIGHTS, ASSUME ALL RISKS BY SIGNING IT, AND SIGN VOLUNTARILY. I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at _____, California on _____, 2021.
PLACE DATE

ADRIENNE GLADSON

SIGNATURE

October 4, 2021

ITEM 2

Ms. Mary Benning
Senior Assistant City Attorney City of Orange
300 E. Chapman
Orange, CA 92866

**Re: NOTICE OF JUDICIAL REVIEW UNDER CCP 1094.6 AND REFUND OF FEES
PAID AS ORDERED BY COUNCIL**

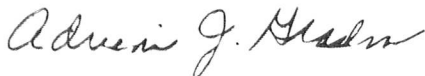
Dear Ms. Benning,

On August 10, 2021, at the conclusion of a public hearing, at approximately 11:30 pm, the City of Orange City Council took final action to deny my appeal No. 0556-21, for the Nexx Burger project (CUP No. 3103-19, Design Review No. 4991-19, and Minor Site Plan Review No. 0991-19).

This letter acknowledges the 90-day timeframe within which I may seek judicial review of the City's final decision to deny my appeal which is governed by the California Code of Civil Procedure section 1094.6 provisions.

I am also enclosing a revised (after watching the meeting video several times) Attestation of Facts acknowledging Council denial action and Release and Waiver of All Claims, as authorized by their 6-0-1 vote on August 10, 2021. Upon my returning this signed document to the you and the City, I request that all the appeal funds paid be refunded to me as soon as possible.

Thank you,



Adrienne J. Gladson, AICP

CITY OF ORANGE

ATTESTATION OF FACTS AND RELEASE AND WAIVER OF ALL CLAIMS

FOR GOOD AND VALUABLE CONSIDERATION, specifically refund of a One Thousand Dollar (\$1,000.00) initial deposit paid for filing Appeal No. 0556-21 and Seven Hundred Dollars (700.00) payment for additional fees provided to the City of Orange on August 7, 2021, appealing the Planning Commission approval of CUP No. 3103-19, Design Review No. 4991-19 and Minor Site Plan Review No. 0991-19 (collectively, the "Nexx Burger Project" or "Project"), I, for myself, my successors, heirs, assigns, executors, administrators, and next of kin attest and acknowledge each the following with respect to the City's denial of Appeal No. 0556-21 and approval of the Nexx Burger Project:

- 1) That City Council acknowledged an anomaly occurred with the Planning Commission action regarding use of an unapproved parking code which was rectified by including an additional condition of approval as part of the denial action. Said condition is:
 - a) No Certificate of Occupancy (COO) shall be issued prior to the final adoption of the parking ordinance codifying the parking standard applied to the approval of this project.
- 2) That City Council found the project did not apply an illegal parking standard in its approval of the Project.
- 3) That City Council found the project did not violate any Orange Municipal Code provision and committed no error in its approval of the Project.
- 4) That City Council found the project did not violate any City General Plan Goal or Policy.
- 5) That City Council found the Planning Commission did not take any action usurping the authority or powers of the City Council and that the City proceeded within its jurisdiction in approving the Project.
- 6) That City Council found that the CEQA finding of a categorical exemption was supported by substantial evidence in the record, was appropriate, and no unmitigated environmental impacts of the Project exist.
- 7) That City Council found that all of the Planning Commission findings in favor the Nexx Burger Project were valid and based on substantial evidence presented, namely that the Project approvals were granted upon sound principles of land use and in response to services required by the community; that the Project will not cause deterioration of bordering land uses or create special problems for the area in which it is located; that the Project was considered in relationship to its effect on the community in which it is

located; and that the Project was made subject to those conditions necessary to preserve the general welfare and not the individual welfare of the applicant.

- 8) That City Council found that on-site and off-site circulation for the Project was studied and found to be acceptable. City Council by their 6-0-1 vote further found:
- a) That the driveways as presented on the Project plans are sufficient.
 - b) That the WQMP mandates for the Project are met and the landscaping
 - c) is sufficient.
 - d) That the drive aisles for the Project are sufficient.
 - e) That there was a fair hearing on the project and on the appeal.
 - f) That there was no prejudicial abuse of discretion by the City in approving the Nexx Burger CUP. That there are no remaining environmental or legal issues with the Project that would support an appeal.

BASED ON THE ABOVE ATTESTATIONS, I hereby:

- 1. Covenant to act in good faith.
- 2. Covenant not to personally sue or present any claim or file any petition for writ of administrative mandamus against the City of Orange, its officers, employees, and agents connected with the Nexx Burger Project.
- 3. Release, waive, discharge, and hold harmless the City of Orange and its officers, employees and agents from any liability, loss damage, claim, demand or cause or action against them arising from or attributable to the Nexx Burger Project, whether same is claimed to arise by their negligence or otherwise.
- 4. If I breach any of the covenants stated above, I agree to repay the City the amount of One Thousand Seven Hundred Dollars (\$1,700.00), representing the consideration paid to me in exchange for this Attestation and Release, and agree the City may engage in all legal means of seeking repayment of that amount.

I, ADRIENNE GLADSON, HAVE READ THIS DOCUMENT THOROUGHLY, UNDERSTAND THAT I AM GIVING UP SUBSTANTIAL RIGHTS, ASSUME ALL RISKS BY SIGNING IT, AND SIGN VOLUNTARILY. I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signed at Orange, California on 10-4, 2021.
PLACE DATE

Adrienne Gladson
ADRIENNE GLADSON

Adrienne J. Gladson
SIGNATURE

City Council Public Comment

From: Janice Brownfield
Sent: Tuesday, October 12, 2021 5:37 PM
To: City Council Public Comment
Subject: Public Comment Non-Agenda Item

On July 1, 1950 — more than 70 years ago — The Saturday Evening Post was one of the first publishers to report on climate change in an article entitled “Is the World Getting Warmer?” The article has been reprinted in the magazine's current edition marking its 200th anniversary. “Decades before the warming of the planet became headline news — and a political hot button — this 1950 report was one of the first articles in the popular press to warn of rising sea levels, melting glaciers, and shifting agricultural zones.” A few decades later — in the 1970s — Exxon's own scientists and engineers privately disclosed to management that the cause of global warming is greenhouse gas emissions, primarily from fossil fuels. Those internal Exxon memos became public knowledge in 2015.

What can we do to help provide a sustainable future for the children in our community? The City has been reacting to State mandates to help reduce GHG emissions. As our elected leaders, you can provide more solar energy and create local transportation. As individuals we can help support local businesses trying to provide a more sustainable planet. One of those businesses is Eco Now, which every other Saturday is among the merchants at our Orange Home Grown Farmers & Artisans Market. Eco Now is Orange County's first zero waste shop and refill station with its first store in Costa Mesa and now also has locations in Anaheim and Riverside. Eco Now is scheduled to be at our Orange market on October 23 and November 6. Bringing our own containers to refill with soaps and lotions gives a new meaning to BYOB!

City Council Public Comment

From: Adrienne Gladson
Sent: Wednesday, October 13, 2021 11:01 AM
To: City Council Public Comment
Subject: Public Comment - Item 2 - 6 pm Regular Session tonight - Housing Element Updates
Attachments:

Council -

Sharing this letter from HCD with you. I believe it is pertinent to the challenge ahead for Orange in achieving a compliant Housing Element. Your staff and the housing consultant will advise you on the technical solutions needed to address the areas of concern in this 13 page letter, but we clearly have more work to do going forward.

I am also concerned about Orange not adopting the Element on time which shifts our planning period and element to 4 years not 8 (was the deadline extended?). Also, as I read comment 6 on page 7 and later in the letter, Orange will need to find an alternative plan for the loss of Mary's Kitchen. That will take time to determine.

Switching to the County level, I am also tracking the Orange County Housing Element effort too. Council should ask for a briefing on the sites the County has identified for housing as several are in the El Modena island, Olive island, and also includes county land home to the Orange County Mining Company identified as having the potential for over 500 residential units, if the restaurant were close/sell to a developer.

Lots to learn & fully understand as it brings a host of complex policy decisions lie ahead,

Adrienne J. Gladson, AICP
Gladson Consulting

City Clerk note: The letter and appendix referenced in this comment are available as public records through the Community Development Department.

Item: 3.10

Approval of plans and
specifications for
Prospect & Spring
Right Turn Lane
Modification Project

Jennifer Connally

From: noreply@granicusideas.com
Sent: Friday, October 8, 2021 11:09 AM
To: Pamela Coleman; Jennifer Connally
Subject: New eComment for City Council



New eComment for City Council

Jordan Prell submitted a new eComment.

Meeting: City Council

Item: 3.10. Approval of plans and specifications for Prospect & Spring Right Turn Lane Modification Project; authorization to advertise Bid No. 21-22.12, SP-4131; and appropriate funds from various expenditure accounts.

eComment: I think this is a fantastic project and will greatly improve the entrance/exit to Grijalva Park. Thank you to the City for working on this.

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Item: 7.1.

Financial status
update for Fiscal
Years 2020-21 and
2021-22

From: noreply@granicusideas.com
Sent: Friday, October 8, 2021 12:35 PM
To: Pamela Coleman; Jennifer Connally
Subject: New eComment for City Council



New eComment for City Council

Jordan Prell submitted a new eComment.

Meeting: City Council

Item: 7.1. Financial status update for Fiscal Years 2020-21 and 2021-22.

eComment: I support the unfreezing of 1 sergeant position as stated in the budget staff report. In addition, I would like the City to explain why the second frozen sergeant position is not being considered to be unfrozen. Given recent favorable financial results, a strong financial forecast for FY22, and the apparently clear need for greater police force supervision and mitigation of public safety risks, I think the City should strongly consider removing the freeze on the remaining (second unfilled) sergeant position. Regarding the part-time administrative specialist role. 2 days a week of passport services seems sufficient and does not seem to necessitate the need of hiring the 19-hour per week administrative specialist. There are other options for citizens to obtain passports, such as at the post office, during the 3 days out of the week that the city would not be able to provide such services (as described in the staff report). According to the City's website, passport renewals cannot be processed by the City, leaving only what I assume to be new passport applications being processed by the City. I would like the City to explain the usage and demand trends of the City's Passport Services as a way to evaluate a true need here.

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