SUMMARY OF CHARTER COMMITTEE PROCESS

City Council Study Session – April 23, 2013
Recommendation:
Provide staff with direction on the following issues regarding the drafting of a city charter to be placed on the ballot:

1. Should the City pursue becoming a charter city?
2. If so, should the City use a charter committee or charter commission to draft the proposed charter?
3. Under state law, a charter commission is comprised of fifteen (15) members. However, if the City Council opts for a charter committee, how many committee members should be appointed and how should they be chosen?
4. Should the City appoint an independent facilitator to assist in drafting the proposed charter? If so, who should serve as the facilitator to the charter committee or charter commission?
5. Who should serve as legal counsel for the charter committee or charter commission?
6. What is the timeline for drafting a proposed charter?

Action: A majority of the City Council expressed support for a City Charter; guidance was provided from a majority of the City Council for the formation of a Charter Committee; and direction provided to bring back this item before the City Council on May 7, 2013.

City Council Meeting May 7, 2013
Recommendation:
1. Formation of a committee to draft a proposed charter for the City of Costa Mesa.
2. The size and selection process of the committee to consist of thirteen (13) members.
3. Authorize the CEO to select facilitators, subject to City Council approval.

Action: Motion carried on a 3-2 vote:
City Council approved the formation of a Committee to draft a Costa Mesa Charter, a Committee to include 13 members, 5 members selected by each Council Member, 5 through the normal nomination process, and the last three members selected by lottery; and authorize the CEO to find a facilitator/s to assist in drafting the Charter.

City Council Meeting June 4, 2013

Recommendation:
1. Appoint a 13-member Charter Committee.
2. Confirm CEO's recommendation for facilitators.
3. Confirm the meeting schedule.

Action: The motion carried unanimously:
City Council approved Dr. Bauermeister and Dr. Mike Decker as the facilitators for the charter committee; approved the Charter Committee meetings to be held on the second and fourth Wednesday of each month at 6:00 p.m.

Additionally, thirteen (13) members were appointed to the Charter Committee by the previously approved process.

MINUTES OF THE SPECIAL STUDY SESSION MEETING OF THE COSTA MESA CITY COUNCIL

APRIL 23, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 4:35 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, and Council Member Genis, Council Member Monahan (arrived at 4:50 p.m.)
Absent: None

STAFF REPORT

1. INFORMATION REGARDING PROPOSED CHARTER (00:03:00)

Staff report provided by Kimberly Hall Barlow, Special Counsel. Special Counsel Barlow provided an overview on the meaning of a charter; the previous charter effort; methods to draft a city charter should the City pursue becoming a charter city; the creation of a charter committee; and the process of placing the charter on the ballot.

Special Counsel Barlow provided information for appointments to the charter committee; reviewed the various methods to create a charter committee; the option of having an independent facilitator; public hearing requirements mandated by statute; and offered legal counsel services for the charter process.

Special Counsel Barlow introduced Yolanda M. Summerhill, Associate Attorney. Ms. Barlow indicated that Ms. Summerhill may serve as Assistant Counsel should the City retain their firm as counsel for the city charter. Ms. Barlow reviewed the election calendar process; costs for consolidating the election in June or November of 2014; and cost estimates for a facilitator.(00:14:00)

Council Member Leece inquired on other approved city charters in the State and the process used by the City of Escondido. (00:16:42)

Ms. Summerhill responded that with the exception of the City of Elk Grove all other city charters listed in the staff report have passed and would report back regarding the City of Escondido.

Special Counsel Barlow indicated that most charters have basic provisions and each charter can be tailored; indicated that it is a policy choice on whether to select a charter committee or commission; and explained the timing and costs for two separate elections.

Council Member Leece inquired about amendments to city charters. (00:24:00)

Special Counsel Barlow indicated that it is difficult to make charter amendments and recommended for the City to begin with a flexible document.

Council Member Genis spoke on the previous election ballot questions; and recommended a third question of "shall the City of Costa Mesa consider a charter?".

Special Counsel Barlow indicated that nothing prohibits adding an additional question to the ballot.

Council Member Genis asked for a cost estimate for staff time on the previous city charter effort and inquired on previous election and charter costs.

City Clerk Green reviewed the previous election costs.

Mayor Righeimer expressed support for a charter committee; and reviewed election dates.

Council Member Leece spoke on the previous charter campaign; and indicated that she has not heard a reason why the City needs a charter.

Council Member Genis asked for clarification on election legal costs from Cummings and White, LLP.

Council Member Genis spoke on the previous election results; and feels the people of Costa Mesa should elect a commission.

PUBLIC COMMENT (00:40:45)

Terry Koken, Costa Mesa, spoke on the previously proposed city charter and expressed support for an elected commission. (00:41:18)

Joy Williams, Costa Mesa, indicated that she supports a voter elected commission with residents and businesses with at least five years of residency. (00:43:20)

Charles Mooney, Costa Mesa, expressed concerns on a city charter; and indicated that he would like to see a comprehensive analysis. (00:45:10)

Mark Harris, Costa Mesa, commended the Mayor for his previous charter efforts; and indicated his support for the creation of a city charter and the selection of committee members. (00:46:40)

Jim Adams, Los Angeles/OC Building Trade Representative, indicated opposition to the previous charter due to the prevailing wage issue; indicated support for a charter that is flexible for changes; and asked the City to protect the prevailing wage. (00:48:50)

Bill Ward, Costa Mesa, expressed opposition to the previous charter effort; spoke on the charter process; and expressed concerns on charter amendments. (00:50:51)

Harold Weitzberg, Costa Mesa, expressed support to have an analysis done for a city charter. (00:53:43)

Perry Valantine, Costa Mesa, expressed concern on an appointed committee; and spoke on the previous election results and ballot questions for a city charter. (00:55:00)

Eleanor Egan, Costa Mesa, spoke on the charter process and suggested an alternative method for a charter committee. (00:57:30)

Jay Humphrey, Costa Mesa, spoke on the proposed charter; asked for clarification on the charter process; and indicated that he supports an elected commission. (00:58:55)

Tom Pollitt, Costa Mesa, expressed support for a city charter; and indicated support for an appointed committee. (01:02:15)

Speaker, Costa Mesa, expressed concerns on having an elected committee. (01:03:09)

Tamar Goldmann, Costa Mesa, expressed opposition to a city charter and indicated support for an elected commission. (01:04:58)

Gene Hutchins, Costa Mesa, spoke on the previous proposed charter; unfunded liabilities amount; and expressed support for a charter committee. (01:07:48)

Jeff Arthur, Costa Mesa, asked for clarification on the questions to be placed on the ballot; and expressed financial reasons for a city charter. (01:11:35)

Robin Leffler, Costa Mesa, expressed concerns on the process for a city charter; and spoke on the cost and campaign for the November election. (01:14:04)

Teresa Drain, Costa Mesa, spoke on the previous city charter; inquired about legal counsel and costs for an advisory individual. (01:17:30)

James Bridges, Costa Mesa, indicated that he supports an elected commission. (01:19:40)

John Hull, Costa Mesa, spoke on the prevailing wage issue; and expressed concerns on having a city charter. (01:22:20)

Council and staff discussed possible dates for the charter item to be placed on a future agenda, and reviewed the scope of work and cost estimates for independent facilitators. (01:25:40)

Council Member Genis expressed concerns on the charter and recommended an elected commission.

Mayor Pro Tem Mensinger spoke on the previous charter effort and indicated that he would like to move forward with the charter process, and expressed support for a charter committee.

Mayor Righeimer expressed support for a city charter; welcomed input from CM4RG; and expressed support for a committee of thirteen individuals.

Council Member Leece asked if and how the charter will solve the unfunded liabilities; and that she supports an elected commission.

Council Member Monahan expressed support for a city charter and recommended moving forward with the appointment of a committee and a facilitator on the May 7th meeting.

Council Member Genis expressed preference of an elected commission, and indicated that if there is a Committee she would like to see a larger one with a minimum of 15 individuals.

Mayor Pro Tem Mensinger indicated support for Jones and Mayer as legal counsel to the charter and having a facilitator.

CEO Hatch indicated that the City can begin recruitment on May 7th and make a recommendation when the process is complete.

Council Member Genis indicated support for Jones and Mayer as legal counsel and commented on Ms. Egan's idea for a committee.

The Mayor adjourned the meeting at 6:30 p.m.

MAYOR

ATTEST:

Brenda Green

CITY CLERK

MINUTES OF THE REGULAR MEETING OF THE COSTA MESA CITY COUNCIL, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

MAY 7, 2013

CALL TO ORDER

The meeting was called to order by the Mayor at 5:02 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan
Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS None

CLOSED SESSION

The City Council recessed into closed session at 5:07 p.m. to consider the following items:

1. Conference with Thomas R. Hatch, Chief Executive Officer, and Labor Negotiator, Agency Negotiator regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA), Costa Mesa Firefighters Association (CMFA), Costa Mesa Police Officers Association (CMPOA) and Costa Mesa Police Management Association (CMPMA), Costa Mesa Fire Management Association, and Costa Mesa Division Managers Association pursuant to Government Code Section 54957.6

2. Conference with legal counsel regarding existing litigation: Costa Mesa Employees Association v. City of Costa Mesa, a municipal corporation, et al., Orange County Superior Court Case No. 30-2011 00475281, pursuant to Government Code Section 54956.9(a).

3. Conference with Labor Negotiator:
   Pursuant to Government Code Section 54957.6
   Negotiator: City Attorney
   Unrepresented Employee: Thomas R. Hatch, Chief Executive Officer

4. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION
   Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One case

The City Council reconvened at 6:00 p.m.

CALL TO ORDER (00:00:10)

PLEDGE OF ALLEGIANCE (00:00:51) - Council Member Gary Monahan

MOMENT OF SOLEMN EXPRESSION (00:01:25)

Rabbi Eli Spitz

ROLL CALL (00:00:28)

Present: Mayor Righeimer, Mayor Pro Tem Mensinger, Council Member Leece, Council Member Genis and Council Member Monahan.

Absent: None

Officials Present: Chief Executive Officer Thomas R. Hatch, City Attorney Thomas Duarte, Assistant Chief Executive Officer Rick Francis, Economic and Development Services Director Peter Naghavi, Public Services Director Ernesto Munoz, and City Clerk Brenda Green.

CLOSED SESSION REPORT None

ANNOUNCEMENTS (00:02:10)

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PRESENTATIONS (00:04:20)

Darnell Wyrick, President of Mesa Verde Community Inc. recognized and presented the Public Services Department with a Service Excellence Award. The presentation included a Power Point demonstration of projects that positively affected the community of Costa Mesa. Ernesto Muñoz, Public Services Director thanked Mesa Verde Community Inc. for the recognition to the department and employees.

Mayor Righeimer presented John Sendrey with a certificate of recognition for assisting in rescuing a lost hiker in Trabuco Canyon. Mr. Sendrey thanked everyone that supported the rescue effort and thanked the City for the recognition.

PUBLIC COMMENTS (00:18:45)

Ernie Feeney, Costa Mesa, spoke on the Mesa Water District; including the annual amount the city pays in water; water board members salaries; and water district increases. (00:19:00)

Bob Dugan, Costa Mesa, requested handicapped parking at the Golf Course and banners for service members. (00:22:46)

Al Melone, Costa Mesa, spoke on the new Civic Center project in Newport Beach, and their dog park. (00:24:00)

John Feeney, Costa Mesa, spoke on the recruitment and fees for the Senior Center Board. (00:27:00)

Perry Valantine, Costa Mesa, requested the City Council to address Business License Fees. (00:29:28)

Martin H. Mallard, Costa Mesa, spoke regarding a recent crime and rental housing. (00:31:56)

Gary Kutcher, OC Marathon Director, thanked the Council and City for having the race, thanked the Police and Fire Department for their great coordination and reported on the success of the event. (00:35:00)

Cindy Brenneman, Costa Mesa, praised the Police Department on the OC Marathon and expressed gratitude for Mr. Nagavi's service. (00:37:42)

COUNCIL MEMBER' REPORTS, COMMENTS, AND SUGGESTIONS

Council Member Wendy Leece encouraged residents to apply for the Citizen Advisory Committee; spoke regarding the Cancer Society Relay for Life event to be held on June 8-9, 2013; reported on her attendance at the Financial Oversight Committee Meeting; asked to agendize the Business License Fee structure; spoke on the Senior Center Annual Fundraiser; announced two upcoming community events: Arts in the Park on May 11th at Estancia Park from 12 p.m. to 4 p.m., and a Community Workshop on the General Plan and Housing Element at the EOC on May 15th from 6 p.m. to 7:30 p.m.; and addressed Mr. Dugan's question on the Military Banners. (00:40:47)

Mayor James M. Righeimer announced that he will be out of town at the ICSC convention and asked Council Member Leece to assume the duties of the Mayor on May 22nd; spoke on the Senior Center Committee fees; and expressed support for a charter for local control and saving money. (00:48:34)

Mayor Pro Tem Steven Mensinger spoke on the success of the Orange County Marathon event; wished his youngest son a happy birthday; expressed gratitude for Mr. Nagavi's service and wished him the best; and spoke on his commitment to Mr. Weitzberg regarding the Relay for Life. (00:52:50)

Council Member Genis announced an opening Art Exhibit from OCCC students on Thursday, May 9th; reported on her attendance at a SCAG conference; spoke on rules of purchasing new equipment for street sweepers; spoke on the Banning Ranch Agreement; and thanked Mr. Nagavi for all his work. (00:55:42)

Mayor Righeimer requested the City Manager to agendize the Banning Ranch Agreement.

REPORT-CHIEF EXECUTIVE OFFICER (CEO) (00:59:15)

CEO Thomas Hatch announced various upcoming meetings; announced that an upcoming budget document will be available by hardcopy and online; congratulated the City on the Mayor's Celebration for it's great success; thanked Mr. Navagi for his work and provided a status on the recruitment for the new position of Economic and Development Services Director.

CONSENT CALENDAR (01:03:24)

MOTION: Approve recommended actions for Consent Calendar Item Nos. 1 through 13 except for Items 5,7,8,10 and 12.
MOVED/SECOND: Mayor Righeimer/Council Member Monahan
The motion carried unanimously.

1. **READING FOLDER**

   a. Claims received by the City Clerk: Allstate/Joneen Ohlaker; Efleda Concepcion; and Jenna Oestreicher

   ACTION: Received and processed.

2. **MINUTES:** Regular Study Session of April 9, 2013, Special Meeting of April 9, 2013, Regular City Council Meeting of April 16, 2013, and Special Joint Meeting of the City Council and Successor Agency of April 30, 2012.

   ACTION: Approved.

3. **WARRANT RESOLUTION 2469: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-07A AND 13-08 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-07A for $1,965.00, Payroll No. 13-08 for $2,061,628.33 and City operating expenses for $1,036,358.46, including payroll deductions.**

   ACTION: Approved.

4. **WARRANT RESOLUTION 2470: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding City operating expenses for $780,489.31.**

   ACTION: Approved.

6. **ENERGY PARTNERSHIP CONTRACT EXTENSION BETWEEN SOUTHERN CALIFORNIA GAS COMPANY AND THE CITY OF COSTA MESA FOR 2013-2014**

   ACTION: Approved. Authorized the CEO to execute an extension to the existing energy partnership agreement between the City of Costa Mesa and Southern California Gas Company for 2013-2014.

9. **2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT: GISLER AVENUE ALLEY IMPROVEMENT PROJECT (ALLEY NO. 31), FROM CORIANDER DRIVE TO CINNAMON AVENUE – CITY PROJECT NO. 12-13**

ACTION: Approved. City Council accepted the work performed by Nobest, Inc., authorized the City Clerk to file the Notice of Completion, release the Labor and Material Bond seven (7) months after the filing date; release the Faithful Performance Bond one (1) year after the filing date; and release the retention monies 35 days after the Notice of Completion filing date.

11. **PROFESSIONAL TRAFFIC ENGINEERING SERVICES CONTRACT**

ACTION: Approved Contract Change Order and Budget Adjustment for the extension of the Professional Services Agreement to Kabbara Engineering, 21 North Harwood Street, Orange, California, 92866, in the amount of $99,500, for traffic engineering services; and authorized the Chief Executive Officer to execute the Contract Change Order and the Budget Adjustment.

13. **FAIRVIEW PARK CITIZENS ADVISORY COMMITTEE VOTING MEMBERS**

ACTION: Approved. City Council appointed the two alternate members, Lee Ramos and Dennis Popp, as regular voting members on the Fairview Park Citizens Advisory Committee.

ITEMS REMOVED FROM THE CONSENT CALENDAR (01:04:15)

5. **WARRANT RESOLUTION 2471: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 13-08 "A" AND 13-09 AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID, funding Payroll No. 13-08A for $3,304.67, Payroll No. 13-09 for $2,009,820.19 and City operating expenses for $613,747.83, including payroll deductions. (01:04:15)**

Council Member Leece inquired on a payment to Chip Espinoza for conducting 28 listening groups for $14,000 dollars.

CEO Hatch explained that Mr. Espinosa has been meeting with employees and that a report will be forthcoming.

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Leece
Motion unanimously carried: Approved payment.

7. **AWARD THREE YEAR CONTRACT FOR MANAGED INVESTMENT SERVICES (01:07:00)**

Council Member Genis requested to continue the item.

Eleanor Egan, Costa Mesa, outlined problems in the contract and expressed support for the continuance of the item. (01:07:40)

Robin Leffler, Costa Mesa, expressed support for the continuance of the item. (01:11:25)

Michael King, Costa Mesa, expressed opposition to one asset management company for a 40 million dollar portfolio. (01:12:53)

CEO Hatch indicated that additional information will be provided on this item, and spoke on the RFP process and investment policy.

Council Member Leece indicated that she would like to receive an analysis on current investments and future recommendations.

MOTION/SECOND: Council Member Genis/Mayor Righeimer
The motion carried unanimously: Item Continued.

8. **ADOPT RESOLUTION AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE CITY OF COSTA MESA DEFERRED COMPENSATION PLAN FOR PUBLIC EMPLOYEES – SECTION 457 GOVERNMENTAL PLAN AND TRUST TO ENSURE COMPLIANCE WITH APPLICABLE LEGISLATIVE AND REGULATORY REQUIREMENTS AND THE ESTABLISHMENT OF A TRUST TO HOLD ASSETS FOR THE EXCLUSIVE BENEFIT OF PLAN PARTICIPANTS AND BENEFICIARIES (01:17:55)**

Bobby Young, Finance and IT Director indicated that this item brings the plan up to date with current law.

Council Member Genis indicated that she has money in the deferred compensation plan and will abstain from voting on this item.

Council Member Monahan indicated that he also has money in the deferred compensation plan and will abstain from voting on this item.

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Leece
The motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Leece
Noes: None
Abstain: Council Member Genis and Council Member Monahan
Motion carried 3-0-2:

1. City Council adopted a resolution amending and restating the City of Costa Mesa Deferred Compensation Plan and Trust in accordance with applicable legislative and regulatory requirements and establishing a trust to hold Plan Assets for the exclusive benefit of Plan participants and beneficiaries; and

2. Designated the Administrative Committee to serve as Trustee for the City's Deferred Compensation 457 Plan.

10. RENEWAL OF THE USE AGREEMENT WITH THE HARBOR SOARING SOCIETY (01:32:05)

Council discussed the agreement term and possible extension of the term. (01:32:15)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried unanimously:

City Council renewed the Use Agreement with the Harbor Soaring Society for one year for the use of a portion of Fairview Park.

12. PURCHASE OF DESKTOP COMPUTERS (01:20:10)

Staff report provided by Bobby Young, Finance Director.

Martin Mallard, Costa Mesa, spoke on the purchase of desktop computers; including quantity and life expectancy. (01:20:30)

Discussion ensued regarding purchase rotation for city computers, desktops to be replaced and purchase pricing. (01:25:30)

Beth Refakes, Costa Mesa, spoke on the replacement of desktops, recommended wireless mouses and expressed support in upgrading current infrastructure. (01:27:25)

Cindy Brenneman, expressed support for the purchase of desktop computers, and wireless key boards. (01:30:00)

Mr. Young indicated that old property will be handled through the surplus property process.

MOTION/SECOND: Mayor Pro Tem Mensinger/Council Member Monahan
The motion carried unanimously:

City Council approved and authorized the CEO to sign the purchase agreement in the amount of $358,110 for desktop computers citywide, with JPK Micro Supply, Inc., 15316 E. Valley Blvd., City of Industry, California 91746.

PUBLIC HEARING

1. REQUEST FOR REVIEW OF PLANNING APPLICATION PA-13-04/TENTATIVE TRACT MAP NO. 17519 FOR A 14-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2157 AND 2159 TUSTIN AVENUE (01:35:12)

Staff report provided by Minoo Ashabi, Principal Planner.

Discussion ensued regarding the meaning of a de novo hearing, zoning codes, variances, tract map and design review, setbacks, public noticing on common lot requirements, the management and homeowner association process, planning process, curb requirements, traffic impacts, open space and common lot requirements, maintenance association and on site parking. (01:51:20)

The City Council announced ex-parte communications: (02:06:55)
Mayor Pro Tem Mensinger met with the developer and four residents; Mayor Righeimer met with three members of the association and spoke with the developer; Council Member Genis met with Mr. White and Mr. Buchanan and a neighbor; Council Member Leece met with Mr. White, Mr. Buchanan, his wife and three of the neighbors; and Council Member Monahan spoke with Mr. White and a neighbor.

Presentation on the project by the applicant Matt White, Matt White Custom Homes, and Keith Palmer, Architect. (02:13:00)

Discussion ensued regarding floor plans, common lot requirements, the tract map, usable yard space, and trash pick up. (02:47:10)

Jonathan Atha, President of the Catalina Shores Homeowners Association, spoke on the project and requested scaling back the large second floor mass, increase back yard setbacks, and maintain the city's minimum side yard setback requirements. (02:56:20)

Lance Ryan, Costa Mesa, expressed concerns with privacy in back yards and property values. (03:02:00)

Mark Buchanan, Costa Mesa, expressed concerns on density and views from his yard. (03:02:30)

Kathryn Anderson, Costa Mesa, expressed support for the development. (03:06:10)

Jim Little, Newport Beach, expressed concerns with the variances, deviations, and the 3' side yards, and the Edison easement (submitted a letter). (03:09:10)

Jay Humphrey, Costa Mesa, expressed concerns with the parking lot size, trash pick up issues, homeowner's association dues, and traffic impacts. (03:12:30)

Jeanie Messing, Newport Beach, expressed concerns on density, traffic and safety issues. (03:15:45)

Todd Bousman, Costa Mesa, expressed support for the development and the pleasing aesthetics. (03:19:10)

Robin Leffler, Costa Mesa, expressed concerns with special variances. (03:20:20)

William Michael King, Costa Mesa, expressed opposition to the project. (03:23:50)

Wayne Rizzo, Costa Mesa, expressed support for the project and the builder. (03:25:50)

Owner, Rob's Remodeling, Santa Ana, submitted a letter expressing concerns with a 3' side yard.

City Council and staff reviewed the deviations, variances, easements, location of trash containers, setbacks and tract maps. (03:28:20)

Mayor Righeimer expressed support for a small lot subdivision Ordinance and supports the building of single family homes and this project.

Council Member Genis inquired on the status of an Ordinance on small lot subdivisions. (03:40:50)

Council Member Leece stated she would not support the project and expressed concerns with density, variances, lack of open space, and trash cans. (03:41:30)

Council Member Monahan expressed support for the project, and that it would be an improvement to the neighborhood. (03:43:00)

Council Member Genis expressed concerns with variances, zoning changes, the development of small lot subdivisions, and public noticing. (03:51:00)

Council Member Leece expressed concerns with the density although it is a quality project. (03:57:15)

MOTION/SECOND: Mayor Righeimer/Mayor Pro Tem Mensinger
The motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan
Nayes: Council Member Genis and Council Member Leece
Motion carried 3-2:

The City Council upheld the Planning Commission's Decision to approve the proposed project, described below:

- ***Planning Application PA-13-04***

  Design Review to construct a 14-unit, two-story detached single family residential development, including the following:

  a. Variance from open space requirement (40% required, 39% proposed);
  b. Variance from common lot requirement;
  c. Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 11 to 13 feet proposed);

d. Administrative Adjustment to reduce the distance between main buildings (10 feet required, 6 feet proposed);
e. Minor modifications to reduce front setback requirement for a perimeter wall along Tustin Avenue (10 feet required, 8 feet proposed);
f. Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 99% to 108% proposed).

- ***Tentative Parcel Map No. 17519***

  Tentative Tract Map to subdivide a 1.24-acre parcel for individual homeownership purposes.

10:00 p.m. - The City Council recessed for a break.
10:12 p.m. – The City Council reconvened the meeting.

NEW BUSINESS

1. BUSINESS IMPROVEMENT AREA (BIA) REAUTHORIZATION AND RESOLUTION OF INTENTION, AND REVIEW OF ANNUAL REPORT (04:09:00)

Staff report presented by Christine Cordon, Special Events Coordinator.

No public comments received.

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried unanimously:

1. City Council received and filed the audited financial report for Fiscal Year 2011-12;

2. Approved Resolution No. 13-xx: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT FOR FISCAL YEAR 2013-2014 FOR A BUSINESS IMPROVEMENT AREA COVERING CERTAIN COSTA MESA HOTELS AND MOTELS AND SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON PROPOSAL.

2. PROPOSED CHARTER (04:13:30)

Staff report presented by Kimberly Barlow, Special Counsel.

Council discussed the time line for members to serve on the board. (04:15:25)

Perry Valantine, Costa Mesa, expressed support for an elected Commission. (04:21:25)

Jay Humphrey, Costa Mesa, expressed concerns on the applicants already serving on other committee's and time commitment for members. (04:24:00)

Terry Koken, Costa Mesa, spoke on the November 2012 charter and indicated support for an elected commission. (04:27:50)

Robin Leffler, Costa Mesa, supports an elected commission, and indicated support for another study session. (04:31:20)

Harold Weitzberg, Costa Mesa, indicated preference for an elected commission and requested to be appointed to the Committee. (04:32:50)

Sue Lester, Costa Mesa, requested a committee membership that reflects all the people in Costa Mesa. (04:33:30)

Mary Ann O'Connell, Costa Mesa, supports an elected commission and requested a committee that represents the community. (04:36:30)

Tom Pollitt, Costa Mesa, expressed support for a charter. (04:38:10)

William Michael King, Costa Mesa, expressed support for a charter. (04:39:20)

Beth Refakes, Costa Mesa, spoke on the charter and expressed support for a 15 member Committee. (04:41:20)

Discussion continued on the selection method of members, the process for a charter committee, the previous charter effort, and the need for a facilitator. (04:43:50)

MOTION/SECOND: Mayor Righeimer/Council Member Monahan: Formation of a Charter Committee to include 13 members, 5 members selected by each Council Member, 5 through the normal nomination process, and last three members selected by lottery and authorize the CEO to find a facilitator/s to assist in drafting the charter.

Mayor Pro Tem Mensinger recommended having two facilitators. (05:01:50)

Discussion ensued regarding the charter process, public meetings for the charter, criteria for membership and the selection process. (05:02:10)

Attorney Barlow recommended an application period of 5/8/13 to 5/28/13. (05:06:00)

SUBSTITUTE MOTION/SECOND: Council Member Genis/Council Member Leece:
Charter committee of 15 members; one appointed by each Council Member; remaining ten by lot of qualified individuals.
Ayes: Council Member Genis and Council Member Leece
Noes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan
Motion failed 2-3

ORIGINAL MOTION/SECOND: Mayor Righeimer/Council Member Monahan:
Formation of a Charter Committee to include 13 members, 5 members selected by each Council Member, 5 through the normal nomination process, and last three members selected by lottery; and authorize the CEO to find a facilitator/s to assist in drafting the charter.
The motion carried by the following roll call vote:
Ayes: Mayor Righeimer, Mayor Pro Tem Mensinger, and Council Member Monahan
Noes: Council Member Genis and Council Member Leece
Motion carried 3-2

3. REORGANIZATION OF COSTA MESA FIRE DEPARTMENT (5:20:17)

Staff report provided by CEO Tom Hatch, Interim Fire Chief Tom Arnold, and Acting Deputy Chief Fred Seguin.

Council and staff discussed the new model, enhancing public safety, the closing of Metro Fire Station 6, automatic aid with agencies, purchasing of ambulances, projected savings from salary and benefits, ambulance options, staffing for vehicles, emergency response times, mutual aid with surrounding communities, and the firefighter reserve program. (05:23:20)

NOTE: SPECIAL ITEM:
MOTION/SECOND: Council Member Monahan/Council Member Genis
The motion carried unanimously:
ACTION: To continue the meeting past midnight.

David Kincaid, Costa Mesa, complemented Chief Arnold and CEO Hatch for their work and expressed support on the proposal. (06:12:00)

Perry Valantine, Costa Mesa, expressed support for the program. (06:15:45)

Beth Rafakes, Costa Mesa, expressed support for the program and inquired as to the savings to the residents for ambulance fees. (06:15:45)

Sue Lester, Costa Mesa, indicated support for the plan, inquired on the position of the new Fire Chief, EMS coordinator, training officer for staff; and community outreach. (06:19:00)

Cindy Brennaman, Costa Mesa, expressed concerns regarding three firefighters on a rig, EMS or medical related calls, the fire inspection program, and training for staff; and inquired on the process of hiring for a new Fire Chief and the costs for consultants. (06:22:40)

Staff responded to questions and inquiries from public speakers. (6:27:08)

Mayor Pro Tem Mensinger inquired about issues addressed by Mr. Sakioka, in the South Coast Metro area, spoke on maintaining facilities, and the signal pre-emption. (06:34:00)

Discussion continued regarding signal pre-emption and coordination with multiple agencies. (06:35:00)

Council Member Genis inquired if the motion includes the provisions in the memorandum presented by Claire Flynn, which prevents the City from double dipping if we close the Metro Point Station. (06:37:00)

Attorney Duarte indicated that it is part of record and is included in the development agreement.

CEO Hatch indicated that the memorandum will be included as part of the record. (06:38:00).
Memorandum included as follows:

To:	*City Council*
From:	*Claire Flynn, Assistant Development Services Director*
Date:	*May 3, 2013*
Subject:	*Development Agreements in North Costa Mesa*

The purpose of this memo is to respond to a question received from the public regarding existing development agreements in North Costa Mesa, as they relate to the Council's decision on the reorganization of the Fire Department.

There are Development Agreements in place which include previously-approved, unbuilt entitlements in North Costa Mesa. For example, these Development Agreements pertain to future new development at Metro Pointe, Home Ranch, Sakioka Lot 2, Segerstrom Town Center, Segerstrom Center for the Arts, and Pacific Arts Plaza.

Pursuant to the Development Agreement(s), the City and the Owner agree that:

1. The consideration to be received by the City and the rights secured to the Owner hereby constitute sufficient consideration to support the covenants and agreements of the City and the Owner.

2. Unless otherwise specified in the Development Agreement, the rules, regulations, and official policies governing permitted uses, density, design, improvement, and construction are those in effect when the agreement is executed.

3. Unless otherwise specified in the Development Agreement, the development exactions or development impact fees applicable to the unbuilt entitlements are those in effect when the agreement is executed.

In short, unless otherwise stated in the Development Agreement, the Development Agreement limits the power of the City to apply newly enacted ordinances or impact fees to previously-approved entitlements where buildout is anticipated to occur in the future.

Mayor Righeimer recognized Fire Chief Arnold and Acting Deputy Chief Seguin and staff for their negotiations and work. (06:40:00)

Council Member Genis expressed support for this item and indicated support in paying down the fire side fund, and possibly keeping a medic van during peek season. (06:41:00)

MOTION/SECOND: Council Member Monahan/Mayor Pro Tem Mensinger
The motion carried unanimously.

City Council approved the following:

1. Adopted the "Alternative Model" Restructuring Plan (attachment 1) as recommended by the Interim Fire Chief;

2. Adopted the two-phase approach to the implementation plan as recommended by the CEO and outlined in number 1 to 8 on page 3-4;

3. Directed staff to obtain the necessary information and conduct appropriate studies concerning ambulance transportation then agendize for City Council consideration in the future;

4. Adopted the recommendations numbers 1 through 17 of Table A as outlined in this staff report; and

5. Directed staff to modify the CEO's Proposed FY 2013-2014 Budget to include the financial impact as described in the outlined recommendations.

REPORT – CITY ATTORNEY None

The Mayor adjourned the meeting at 12:45 p.m.

MAYOR

Brenda Green

CITY CLERK