

UNOFFICIAL UNTIL APPROVED CC-2
**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.

Council Member Leece expressed preference for an appointed commission; inquired on other approved city charters in the State and the process used by the City of Escondido.

Ms. Summerhill responded that with the exception of the City of Elk Grove all other city charters have passed.

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.

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 Valentine, 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 a charter 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:

CITY CLERK

**MINUTES OF THE SPECIAL CITY COUNCIL MEETING
CITY OF COSTA MESA**

April 23, 2013

The City Council of the City of Costa Mesa, California met in a Special Closed Session, on Tuesday, April 23, 2013 at 6:30 p.m. in Council Chambers, 77, Fair Drive, Costa Mesa.

The Mayor called the meeting to order.

ROLL CALL:

Council Members Present: Mayor James M. Righeimer
Mayor Pro Tem Stephen M. Mensinger
Council Member Sandra Genis
Council Member Wendy Leece
Council Member Gary Monahan

Officials Present: City CEO Thomas R. Hatch
City Attorney Thomas Duarte

PUBLIC COMMENT: None Received.

CLOSED SESSION

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: Thomas R. Hatch, Chief Executive Officer

2. CONFERENCE WITH LABOR NEGOTIATOR

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

The Mayor recessed the meeting to Conference Room 1B for the closed session.

CLOSED SESSION REPORT: The City Attorney stated there was no reportable action.

ADJOURNMENT

The Mayor adjourned the meeting at 7:15 p.m.

MAYOR

ATTEST:

CITY CLERK