

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

July 10, 2012

The City Council of the City of Costa Mesa, California met in a special session on July 10, 2012 at 7 p.m. in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

ROLL CALL (00:00:18)

Council Members Present: Mayor Eric R. Bever
Mayor Pro Tem Jim Righeimer
Council Member Wendy Leece
Council Member Stephen Mensinger

Council Members Absent: Council Member Gary Monahan

Officials Present: City Attorney Thomas Duarte
Assistant Chief Executive Officer Rick Francis
Interim City Clerk Brenda Green

PUBLIC COMMENTS (00:00:30)

Perry Valentine, Costa Mesa, commented on leadership and the proposed infrastructure fund. (00:01:04)

Scott Williams, Costa Mesa, thanked Council for their efforts, commented on "home rule," and spoke in support of placing the charter on the November ballot. (00:04:20)

Dan Goldmann, Costa Mesa, commented on checks and balances, expressed concern about absolute power of select Council Members, and spoke in opposition of the charter. (00:07:11)

Joan Morrow, Costa Mesa, shared an old saying: "If something isn't broken, why fix it?" (00:10:20)

Janice Davidson, Costa Mesa, spoke in opposition of the charter. (00:10:57)

Joy Williams, Costa Mesa, spoke in opposition of the charter. (00:12:05)

Bob Small, Costa Mesa, spoke in opposition of the charter and expressed concern in the possibility of unlimited power through the charter. (00:13:30)

Mayor Pro Tem Righeimer clarified that elections, procedures, initiatives, and referendums would not be handled by the Council through the charter, but would

remain governed under general law provisions. (00:16:52)

Tamar Goldmann, Costa Mesa, explained her suggestions made for the proposed charter. (00:17:21)

Jamie McCloud, Costa Mesa, spoke in opposition of the charter. (00:20:27)

Harold Weitzberg, Costa Mesa, expressed support in placing the charter on the ballot for the purpose of defeating it, but opposed the charter itself. (00:20:47)

Sheila Pfafflin, Costa Mesa, spoke in opposition of the charter. (00:23:19)

Dolores, Costa Mesa, supported General Law, and spoke in opposition of the charter. (00:24:51)

Robin Leffler, Costa Mesa, thanked the Council for adding elections general law protection in the charter, and commented on language in various sections of the charter. (00:25:55)

Speaker, Costa Mesa, spoke in support of the charter and local control. (00:29:06)

John Stephens, Costa Mesa, expressed concern regarding favoritism, fraud and corruption related to the awarding of public contracts under the proposed charter. (00:31:11)

Greg Thunell, Costa Mesa, commented on the costs of the charter mailer, and spoke in opposition of the charter. (00:33:29)

Jay Humphrey, Costa Mesa, asked what kind of changes to the charter are allowed between this meeting and the time Council votes to place the charter on the ballot. (00:36:55)

Josh Joachim, Costa Mesa, spoke in support of the charter and spoke positively about the charter process. (00:37:42)

Mike Hermanos, Costa Mesa, commented on the awarding of public contracts under the proposed charter. (00:40:53)

Sandra Genis, Costa Mesa, commented on limitations of State power on local government as noted in the State constitution. (00:43:17)

Terry Houle, Costa Mesa, spoke about the lack of public trust in the Council and the charter process. (00:45:50)

Richard Frankie, Costa Mesa, spoke in support of the charter. (00:47:01)

Speaker spoke in support of the proposed charter. (00:49:05)

Pamela Frankl, Costa Mesa, spoke in opposition of the proposed

charter. (00:50:18)

Sue Lester, Costa Mesa, spoke in opposition to the charter and suggested the addition of a clause for third party contracts for financial audits. (00:50:41)

Sandy Johnson, Costa Mesa, opined that the charter process is rushed and commented on integrity. (00:52:20)

Lisa Reedy, Costa Mesa, asked how this charter would help reduce the high employee pensions. (00:55:44)

Katie Arthur, Costa Mesa, spoke in opposition to the charter and asked for clarification regarding how the charter affects the pension problem. (00:56:42)

PUBLIC HEARING (00:58:38)

1. Consider content of proposed charter and submission of proposed charter to voters.

Special Counsel Kimberly Hall Barlow presented the report and addressed concerns made by public speakers. Ms. Barlow indicated that changes to the charter document can be made up until the time Council makes a determination to place the charter on the ballot. She referred to comments regarding favoritism, fraud and corruption pertaining to the awarding of contracts, and clarified that provisions of the State Government Code and Political Reform Act will continue to govern the awarding of contracts. (00:58:45)

Ms. Barlow referred to public comments regarding pensions and clarified that the charter does not change the existing pension indebtedness the City currently has. However, the charter would preclude increases in pension benefits without a vote of the people. The charter would also change how employee unions would acquire funds for use for political activity. (01:08:15)

Mayor Pro Tem Righeimer indicated the charter would allow the City to receive bids from private contractors at potentially lower costs, which would enable the City to better negotiate pay and benefits with the employees and decrease pension costs to the City. (01:10:06)

Council Member Leece asked if the charter would override the current employee contract. Ms. Barlow clarified that the charter is not intended to override any existing employee contract; it gives the City rights to deal with issues in the future that may ultimately lower pensions or different agreements. (01:12:20)

In response to questions from Council Member Mensinger regarding pension increases, Ms. Barlow clarified that under the charter, changes to employee pensions would require a vote of the people. (01:14:38)

Mayor Bever referred to comments made about the charter being written by one person, and clarified that the language of the charter is comprised of previously vetted language from other cities. (01:17:46)

Ms. Barlow addressed concerns regarding checks and balances, absolute power, the City's Municipal Code and ordinances, limitations on changes to the charter, Council authority, the definition of the word "power," term limits of elected officials, and rule of conduct and proceedings. (01:19:41)

Mayor Bever stated that many suggestions to the charter made by members of the public are already addressed through the City's Municipal Code or a matter of General Law which cannot be changed. (01:37:01)

Mayor Bever referred to his proposal for an infrastructure fund as part of the charter, and indicated his willingness to withdraw the proposal. (01:38:10)

Mayor Pro Tem Righeimer spoke in support of the draft of charter as presented. (01:39:11)

Ms. Barlow indicated that she will provide a revised version of the charter at the July 31 special meeting. (01:40:14)

Ms. Barlow responded to questions regarding language for project labor agreements, and appointment and removal of the City Manager and City Attorney. (01:42:00)

COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS (01:44:27)

Mayor Pro Tem Righeimer thanked everyone who commented on the proposed charter; commented on the charter process; spoke about the longstanding process and power of the majority vote of the Council; and stated his trust in the public to make the right decision. (01:44:32)

Council Member Mensinger echoed the sentiments of Mayor Pro Tem Righeimer; stressed the importance of residents meeting with the Council Members; stated the charter is not about changing Council powers, but is about local control; spoke about the pension increase in 2008 and unfunded pension liabilities; and expressed support in the proposed charter. (01:50:12)

ADJOURNMENT

ATTEST:



Mayor of the City of Costa Mesa

Brenda Green

Interim City Clerk of the City of Costa Mesa