

# SUPPLEMENTAL MEMO

**CITY OF COSTA MESA**  
**DEPARTMENT OF PUBLIC WORKS**  
**SUPPLEMENTAL MEMORANDUM**

**TO: THE HONORABLE CITY COUNCIL**

**FROM: RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**



**DATE: JUNE 17, 2024**

**SUBJECT: AGENDA ITEM NO. CC-6: AGREEMENT FOR FUEL PROCUREMENT AND DELIVERY SERVICES WITH MERRIMAC PETROLEUM, INC.**

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Council Member Harper had the following questions (in italics) on CC-6, Agreement for Fuel Procurement and Delivery Service with Merrimac Petroleum, Inc. Staff responses are provided under each question.

A few questions on the Agreement:

- *No OPIS rack is defined so it seems unclear what Costa Mesa's pricing would be. Maybe this pricing is noted in Contract #PW22-1064 072022?*

The OPIS rate is published daily by United Communication Group. Date, time, and OPIS rate is documented on the packing slip at the time of delivery. In Agreement PW22-1064, the average price for Renewable Diesel No. 2 was \$3.3427 per gallon.

- *As of January 1st, 2024, the new Dyed Diesel spec is RD99 (renewable diesel) so this appears to be the wrong fuel.*

Costa Mesa no longer uses or orders Dyed Diesel. Also known as "Red Dye" Diesel, this fuel is used in off-road equipment and is exempt from road tax. Costa Mesa does not utilize enough off-road equipment for this to be feasible. Costa Mesa currently only purchases clear renewable diesel under this agreement.

- *The only pricing I see is for bulk diesel to Ventura @ \$0.079 for deliveries over 5k gallons. What is the pricing for deliveries of less than 5K?*

When scheduling fuel deliveries, staff ensures each delivery is over the 5k gallon amount to get the best price.

- *I do not see any set aside for W.O.B., and that is typically the arena Merrimac plays in.*

After discussing this question with the owner, they are a Woman Owned Business (W.O.B.), small business, and at this time due to revenues and net worth, there are no set asides for W.O.B. The owner also mentioned it has been difficult for any set asides related to the W.O.B status.

- *I am guessing the full pricing structure would be contained in Contract # PW22-1064?*

At this time, Costa Mesa only purchases renewable diesel No. 2 under this agreement.

- *For the clear diesel, why is the city not buying renewable diesel to help meet sustainability goals?*

In the quote for clear diesel, it is referred to as renewable in item #7 "Renewable Diesel No. 2".

If you have any further questions, please contact me or Patrick Bauer, Deputy Public Works Director.

C      Lori Ann Farrell Harrison, City Manager  
Patrick Bauer, Deputy Public Works Director  
Brenda Green, City Clerk

# PRESENTATIONS



# ORDINANCES TO AMEND TITLE 4 AND TITLE 10 OF THE MUNICIPAL CODE (BICYCLE RELATED ORDINANCES)

Public Works Department &  
Police Department

City Council  
June 18, 2024

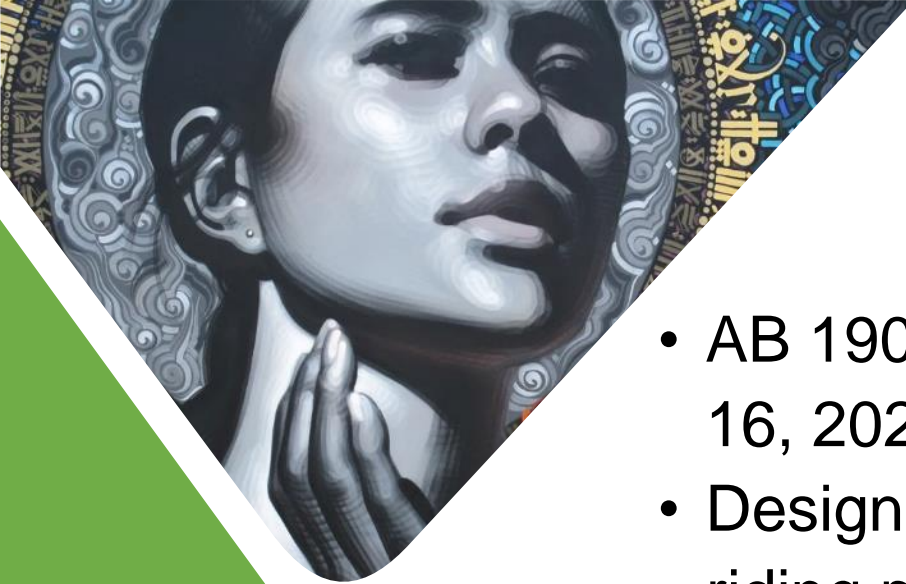




# CMMC Amendment

- Introduce for first reading, Ordinance Nos. 2024-xx and 2024-xx to amend Chapters 2 and 3 of Title 4 (Bicycles) and Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic) of the Costa Mesa Municipal Code (CMMC).
- Amendment needed to be in compliance with California Vehicle Code (CVC) and current practices and procedures.





# Background

- AB 1909, Bicycle Omnibus Bill, signed into law on September 16, 2022.
- Designed to bring the CVC into congruence with current bicycle riding practices within the state, as well as to increase the safety of individuals bicycling.
- Upon approval of AB 1909, the CMMC was no longer in compliance with the CVC, prompting the need for a revision to the Municipal Code.



# Background

- On February 21, 2023, City Council adopted Ord No. 2023-02 to repeal Chapter 1 (Bicycles and Motorized Bicycle Licensing) to Title 4 (Bicycles) of the CMMC.
- Additional amendments to Title 4 and 10 are needed to bring the CMMC into compliance with the CVC and current bicycle and transportation practices within the community.





# Analysis

- City Attorney's Office, Police Department, and Public Works identified statutes recommended for revisions or removal to bring the CMMC into compliance with current CVC, technology and culture.
- Additional provisions are recommended to enhance bicycle safety on roadways and sidewalks based on the recent proliferation of e-bike usage.





# ATC Review and Recommendation

- Staff presented updates on proposed amendments to the Active Transportation Committee (ATC) on March 6th, April 17th, and May 1st.
- Modifications were made to address comments from ATC members and community members as appropriate.
- ATC voted unanimously to recommend the proposed amendments to City Council on May 1.





# Proposed updates:

**§ 4-22:** bicycle definitions were updated to include electric bicycles as defined in CVC 312.5.

**§ 4-23:** bikeway definitions were updated to be congruent with the Caltrans Highway Design Manual Chapter 1000.

**§ 4-26:** rules of the road were updated to be congruent with AB1909 and the subsequent revisions to CVC 21209, 21208, 21202, 21200, and 21204.

**§ 4-26(g):** is an added ordinance prohibiting riding a bicycle in an unsafe manner or speed on the sidewalk or roadway.

**§ 4-26(h):** is an added ordinance requiring bicyclists to yield the right of way to pedestrians on the sidewalk.

**§ 4-26(j):** is an added ordinance requiring bicyclists to yield the right of way when entering a roadway or sidewalk.

**§ 4-32 and § 4-36:** were updated to ensure proper parking of bikes in the public ROW.

**§ 10-156:** overtaking and passing of a person riding a bicycle was added to be congruent with AB1909 and the subsequent revision to CVC 21760.

**§ 10-168:** when pedestrians must use crosswalk was updated to be congruent with AB2147 and the subsequent revision to CVC 21955(a)(b).

**§ 10-184(a):** was updated to account for “crosswalk daylighting” and be congruent with AB413 and the subsequent revision to CVC 22500(n)(1)(A).



\*Additional minor edits were made to ordinances within Title 4 & 10 to update language and relevancy



# Recommendation

## **Staff recommends the City Council:**

Introduce for first reading, Ordinance Nos. 2024-xx and 2024-xx to amend Chapters 2 and 3 of Title 4 (Bicycles) and Chapters 1 through 21 of Title 10 (Motor Vehicle Traffic), respectively, of the Costa Mesa Municipal Code to be in compliance with current California laws related to bicycles and current practices and procedures.





# Questions?



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**Urban Plan Screening for 38 Live/Work Units**  
**960 West 16<sup>th</sup> Street**

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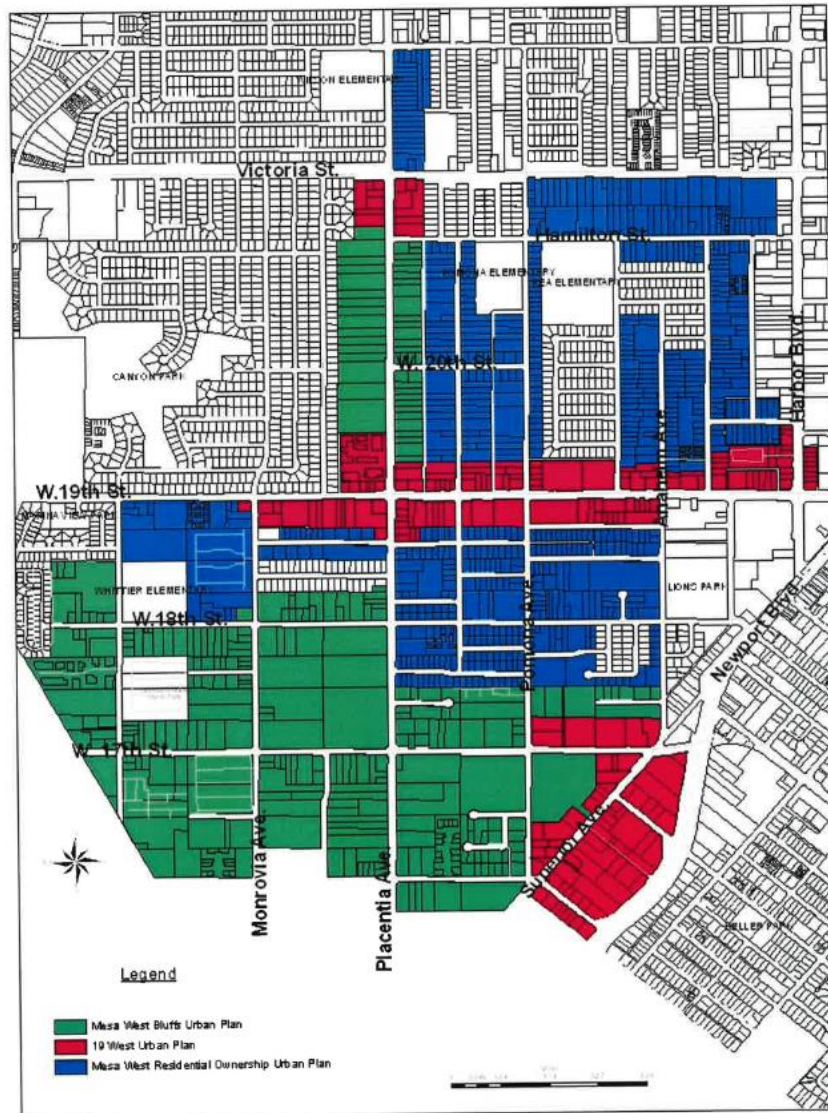
**June 18, 2024**  
**City Council**



# Mesa West Bluffs Urban Plan

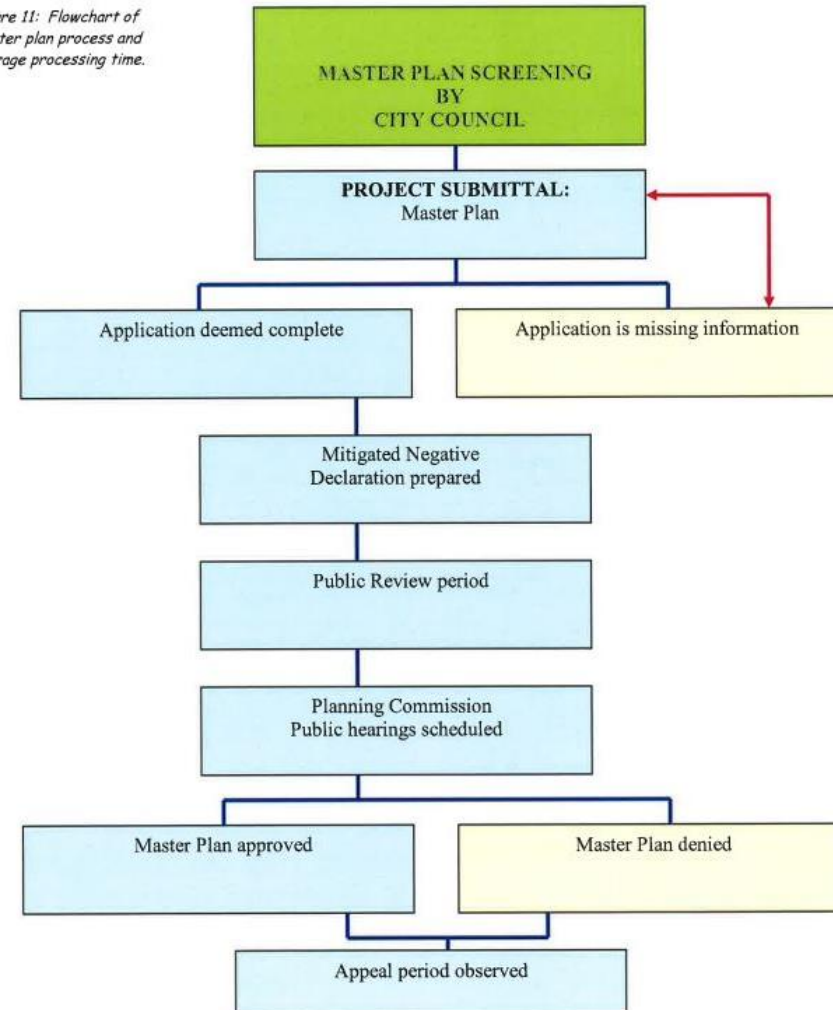


## WESTSIDE URBAN PLAN AREAS

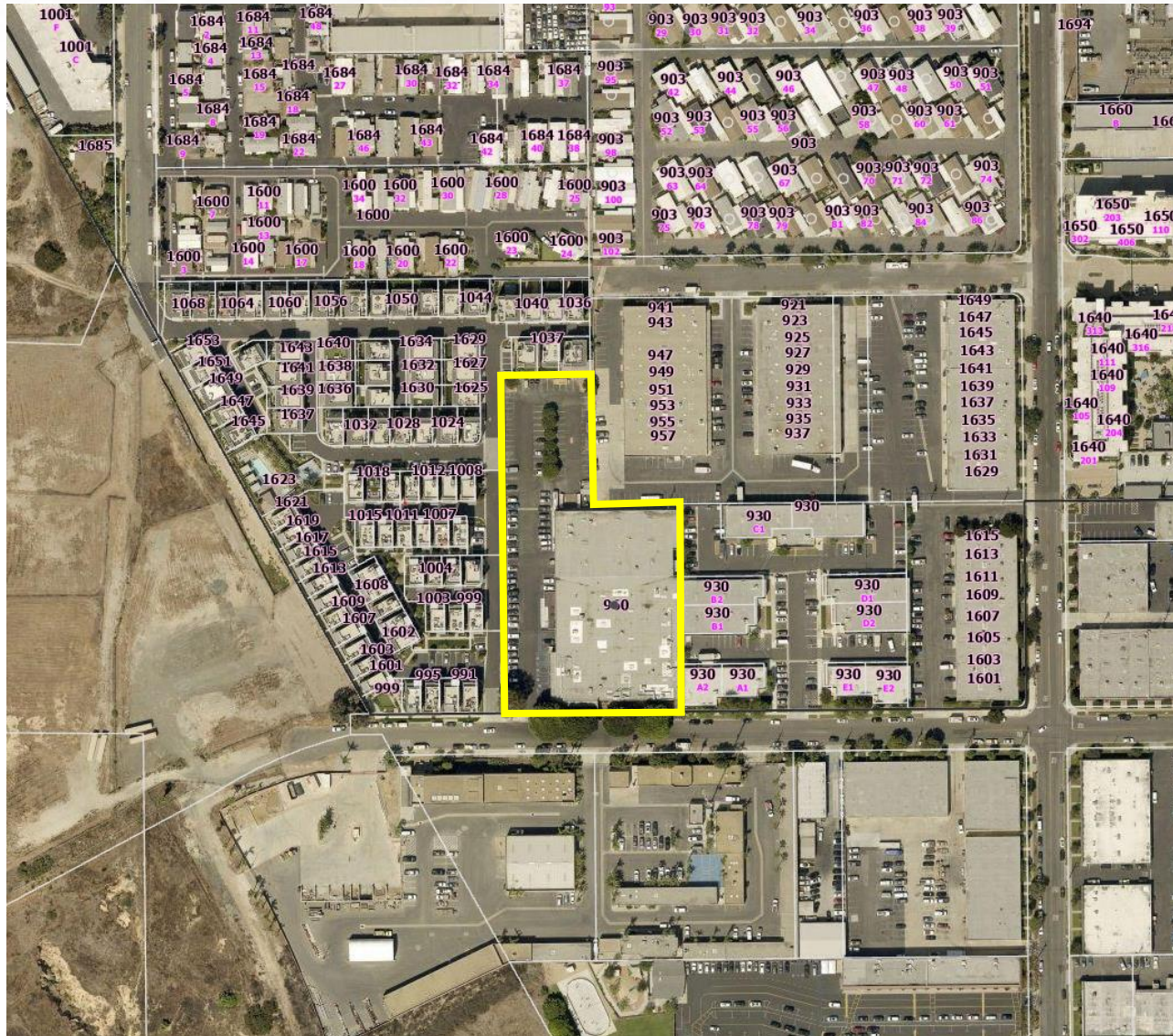


## Master Plan for Mixed-Use Overlay Project

Figure 11: Flowchart of master plan process and average processing time.



# Project Site Description



- 2.3 Acre Site
- Light Industrial Land Use
- General Industrial Zoning
- Adjacent to existing Lighthouse Live/Work Development





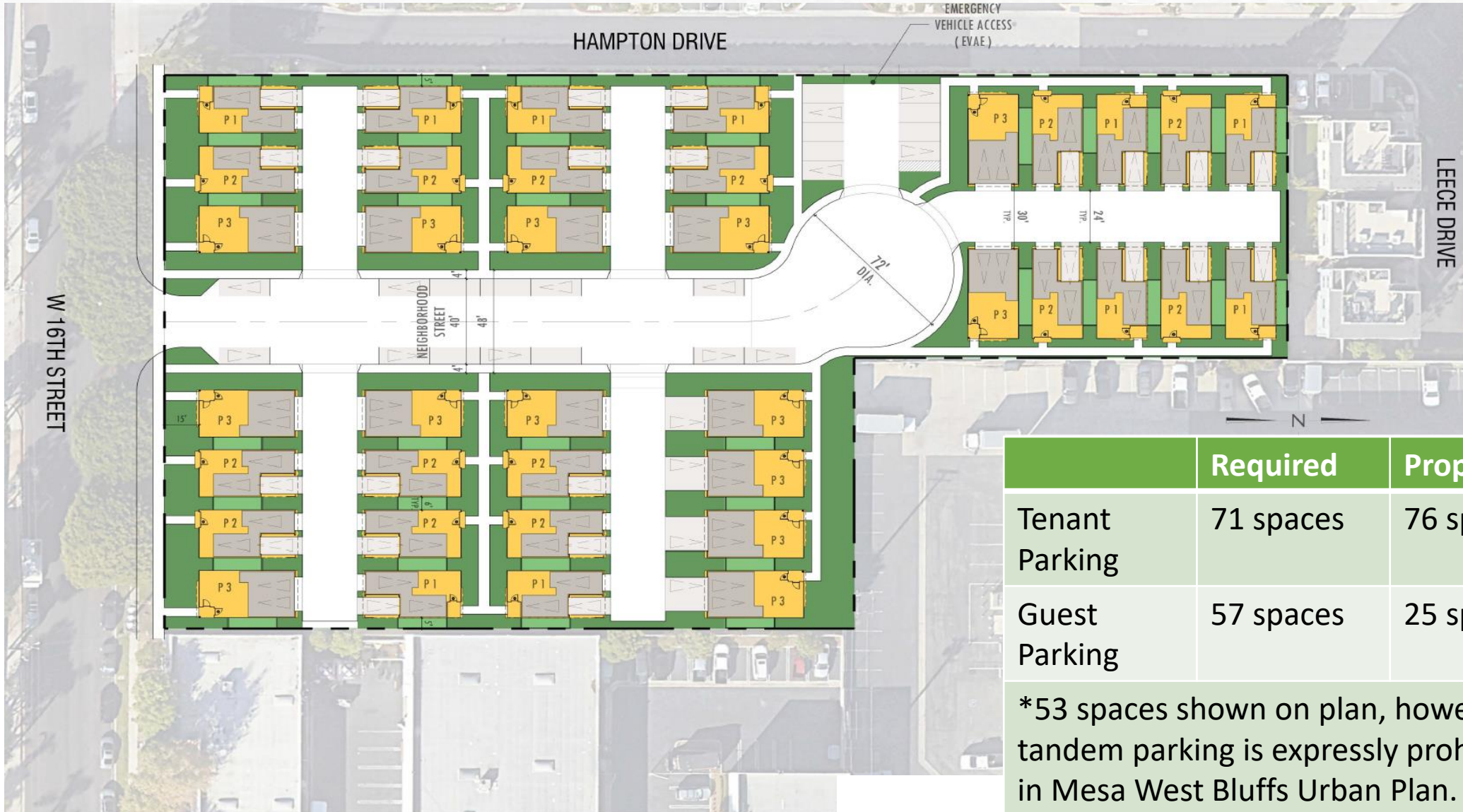
# Surrounding Development



# Surrounding Development



# Proposed Project



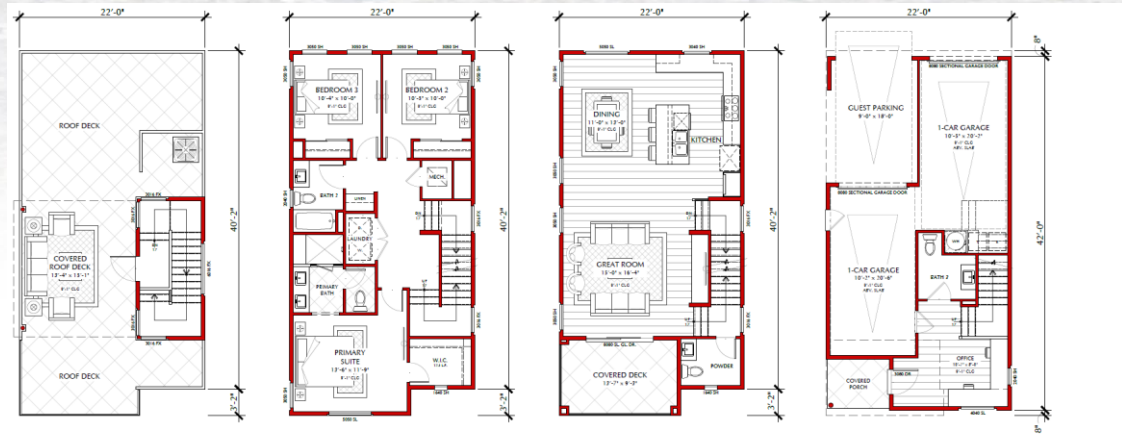
	Required	Proposed
Tenant Parking	71 spaces	76 spaces
Guest Parking	57 spaces	25 spaces*

\*53 spaces shown on plan, however, tandem parking is expressly prohibited in Mesa West Bluffs Urban Plan.



# Floor Plans

Plan 1B



Plan 2A



Plan 3B



# Design



# Requested Deviations

	Minimum Requirements	Proposed
Guest Parking	57 parking spaces	25 parking spaces
Distance Between Buildings	10 FT	6 FT
Minimum Size Workspaces	250 SF	120 SF to 180 SF

Pursuant to the Urban Plan, in exchange for a deviation approval, the project must provide quality environments and substantial amenities which may include on or off-site amenities.

# Proposed Project Design

- Project meets objectives of the Urban Plan.
- Project location is appropriate for the proposed land use and will result in more ownership housing production in the community.
- Proposed development is neighborhood compatible.



PLAN 3B

PLAN 2A

PLAN 1B

# General Plan Land Use Element Policy 1.3

## *Policy:*

*“Strongly encourage the development of residential uses and owner-occupied housing (single-family detached residences, condominiums, townhouses) where feasible to improve the balance between rental and ownership housing opportunities“.*



## Next Steps

- City Council to discuss project and provide feedback concerning:
  - overall design
  - potential deviations
  - other comments/concerns
- Applicant will work with staff to submit for Master Plan review
- Master Plan to be reviewed and approved by Planning Commission

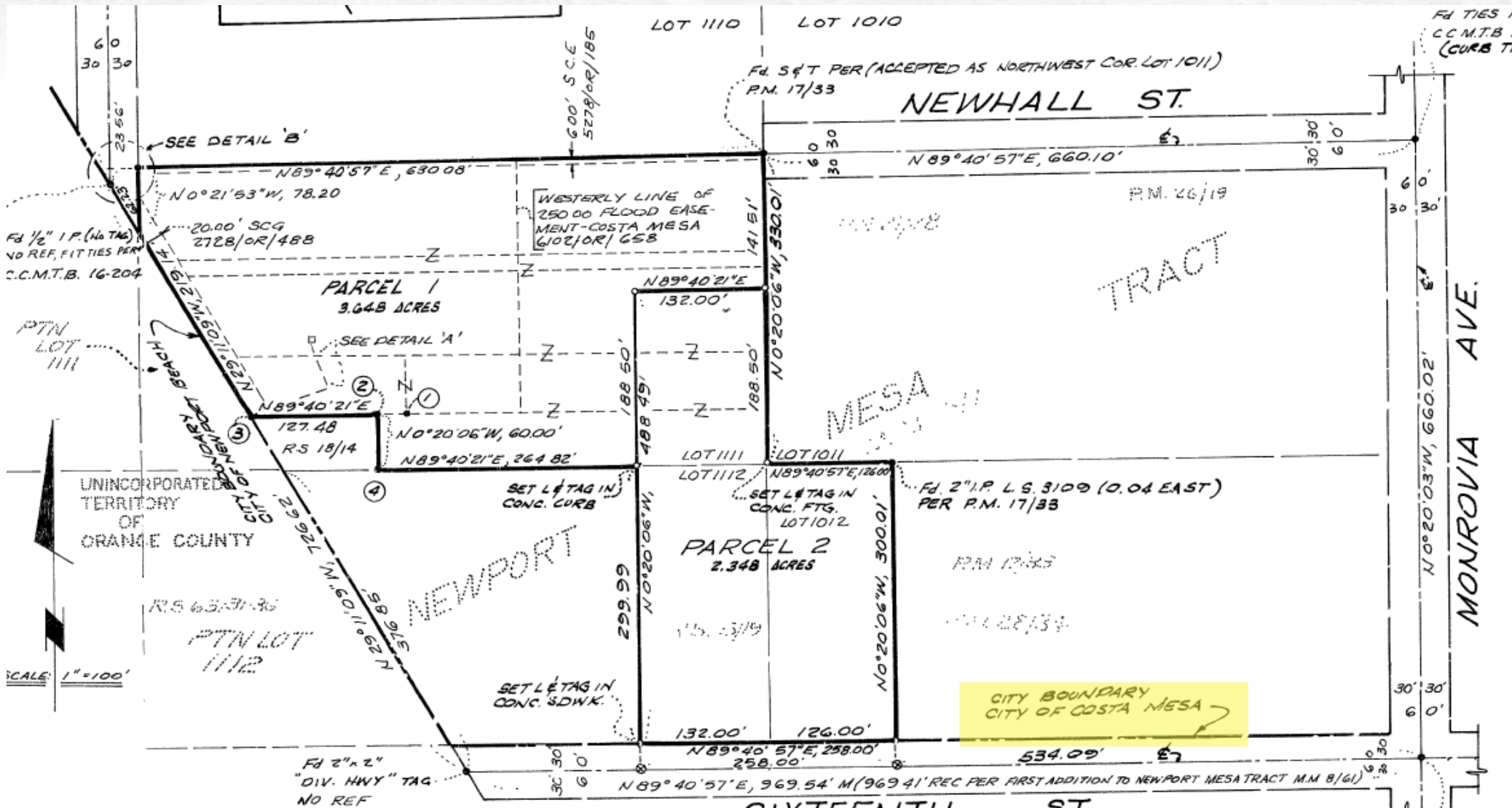
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**Urban Plan Screening for 38 Live/Work Units**  
**960 West 16<sup>th</sup> Street**

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**June 18, 2024**  
**City Council**





- ① FD 1/2" I.P. L.S. 3109 (0.21' N/O LINE) (NO REF)
- ② FD 2" I.P. L.S. 3109 (0.30' WEST) (NO REF)



# Potential Issues

- Lack of amenities
- Internal Circulation includes large amounts of paving meant for vehicular travel
- Fire requirements to be met for final circulation layout



# 960 W 16<sup>th</sup> St – Costa Mesa

City of Costa Mesa – City Council

June 18<sup>th</sup> 2024

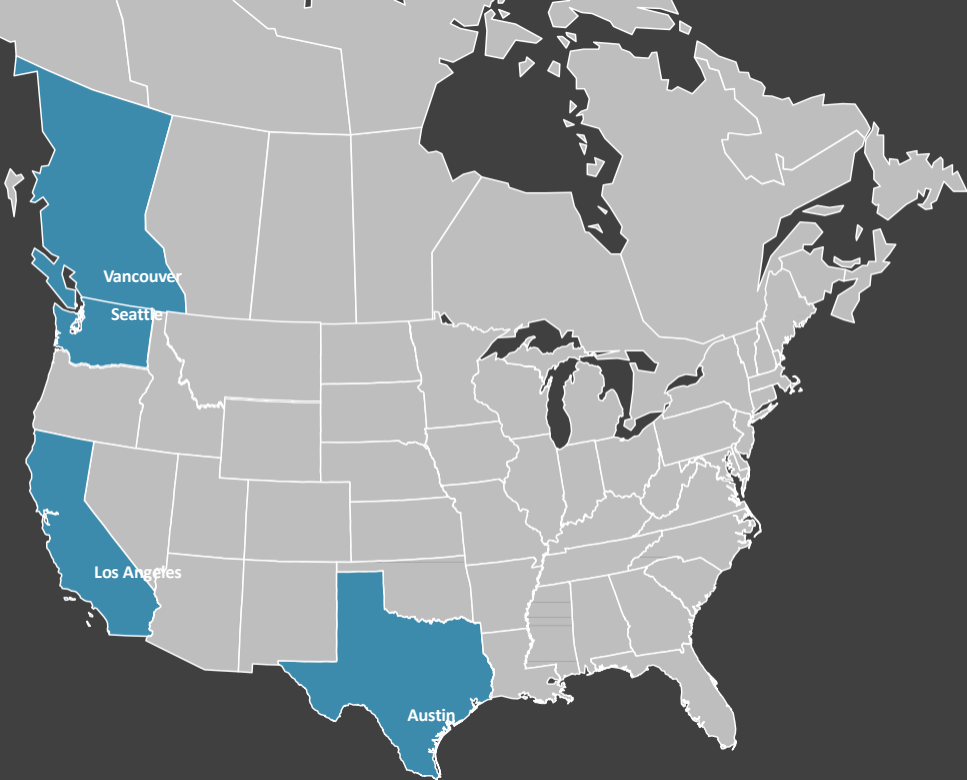


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LUX | IRVINE, CA



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THE PLACE | COSTA MESA, CA



# DEVELOPMENT PIPELINE

## OUR ACTIVE PROJECTS

34

projects under construction or in pre-development

4

active markets across the US and Canada

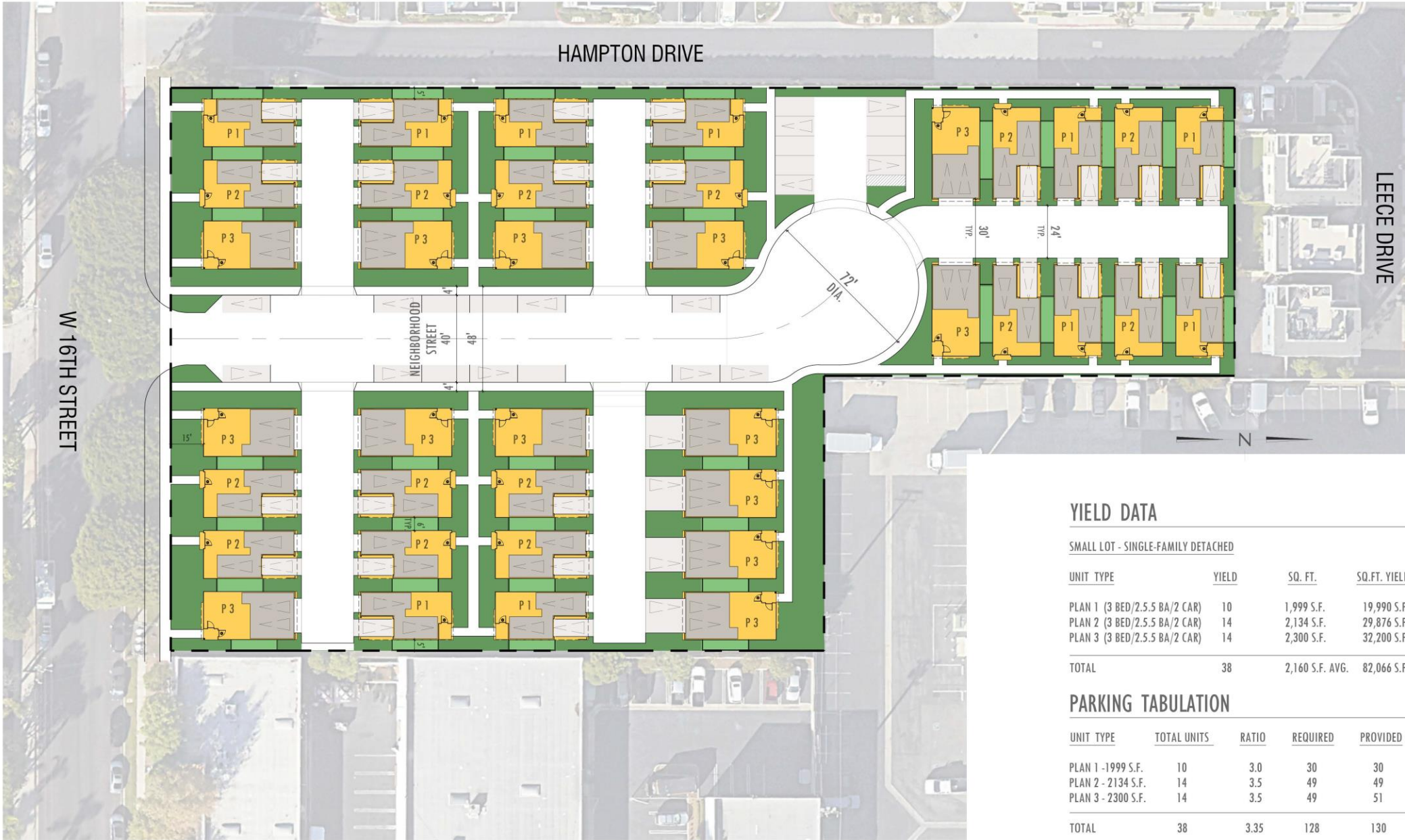
\$6B

value of projects in the pipeline (CAD)

7,900+

residential homes under construction or in pre-development

# Site Plan



## YIELD DATA

### SMALL LOT - SINGLE-FAMILY DETACHED

UNIT TYPE	YIELD	SQ. FT.	SQ.FT. YIELD
PLAN 1 (3 BED/2.5.5 BA/2 CAR)	10	1,999 S.F.	19,990 S.F.
PLAN 2 (3 BED/2.5.5 BA/2 CAR)	14	2,134 S.F.	29,876 S.F.
PLAN 3 (3 BED/2.5.5 BA/2 CAR)	14	2,300 S.F.	32,200 S.F.
<b>TOTAL</b>	<b>38</b>	<b>2,160 S.F. AVG.</b>	<b>82,066 S.F.</b>

## PARKING TABULATION

UNIT TYPE	TOTAL UNITS	RATIO	REQUIRED	PROVIDED
PLAN 1 - 1999 S.F.	10	3.0	30	30
PLAN 2 - 2134 S.F.	14	3.5	49	49
PLAN 3 - 2300 S.F.	14	3.5	49	51
<b>TOTAL</b>	<b>38</b>	<b>3.35</b>	<b>128</b>	<b>130</b>

PRIVATE GARAGE	76 SPACES
COVERED CARPORT	24 SPACES
OPEN PARKING / DRIVEWAYS	30 SPACES

# Building Elevations



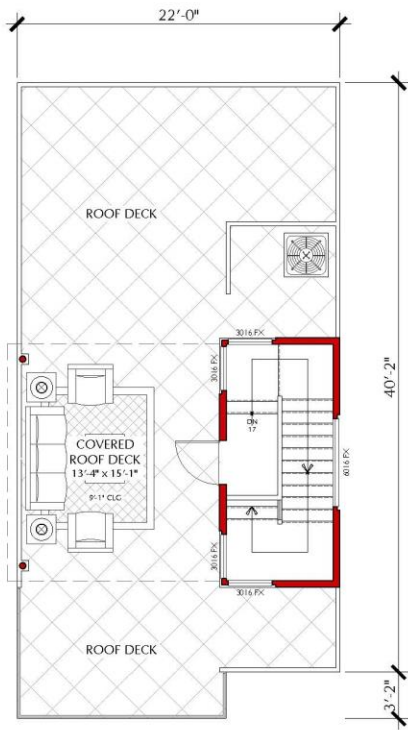
PLAN 1B

PLAN 2A

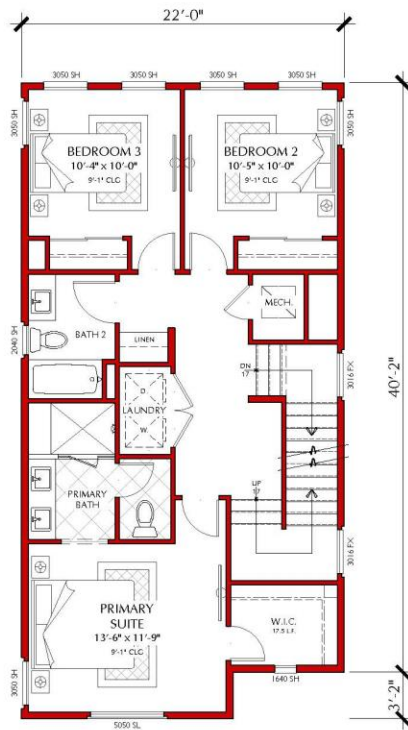
PLAN 3B



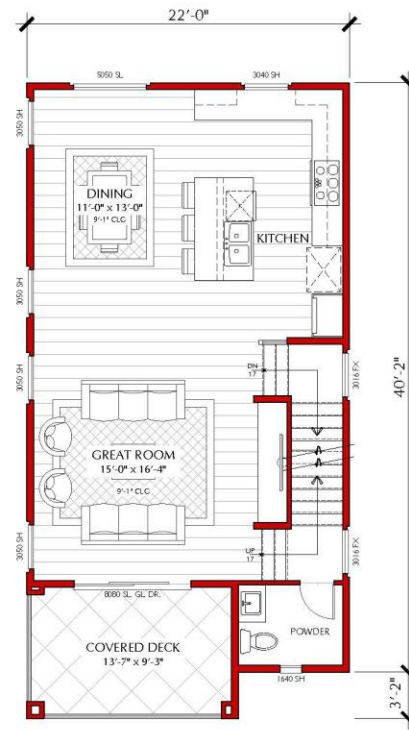
# Plan 1



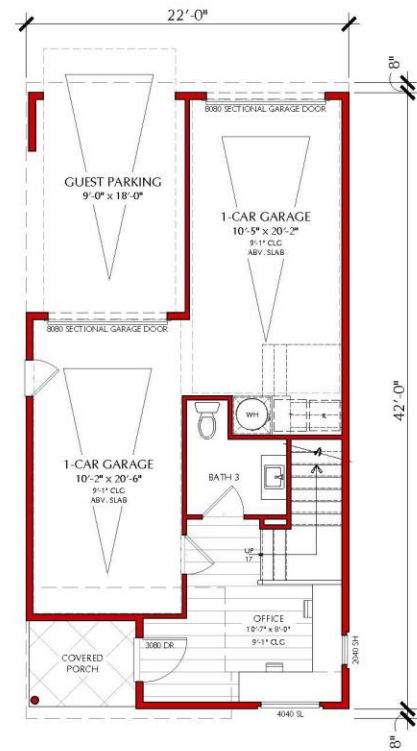
FOURTH FLOOR



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

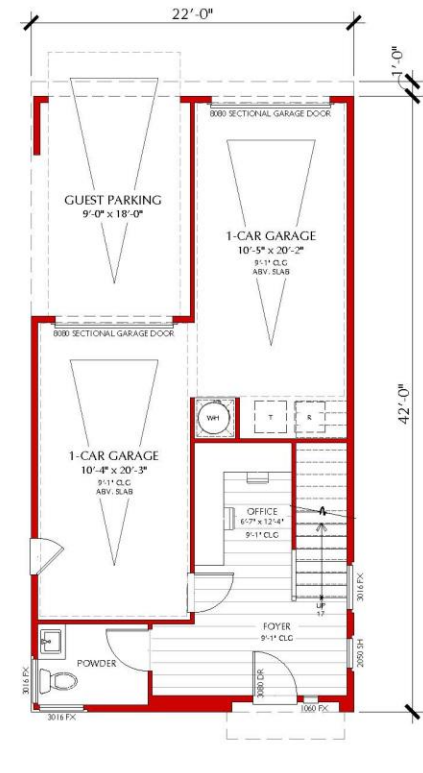
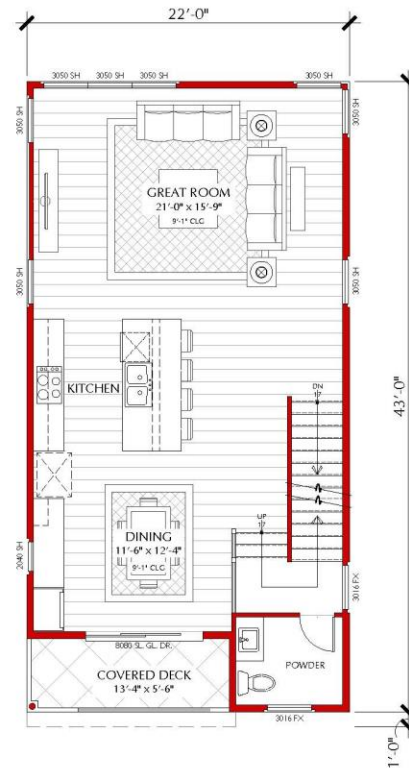
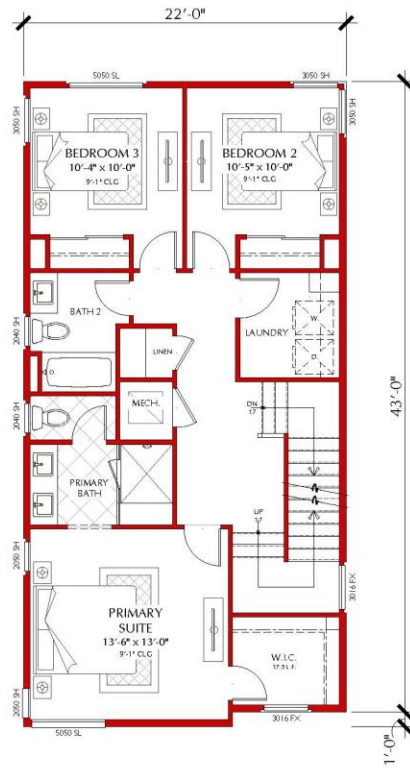
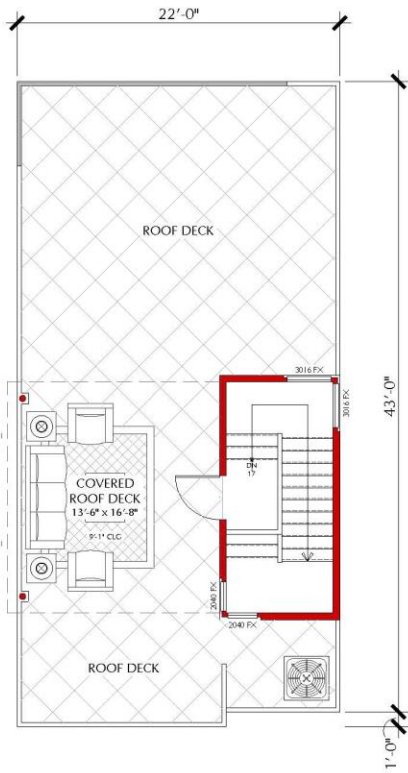
## PLAN 1B - 1,999 S.F.

3 BEDROOMS, OFFICE, ROOF DECK  
2.5.5 BATHROOMS  
2 CAR GARAGE

FIRST FLOOR	242 S.F.
SECOND FLOOR	803 S.F.
THIRD FLOOR	929 S.F.
FOURTH FLOOR	25 S.F.
TOTAL	1,999 S.F.

GARAGE	475 S.F.
COVERED PORCH	43 S.F.
COVERED DECK	124 S.F.
ROOF TOP DECK	244 S.F.

# Plan 2



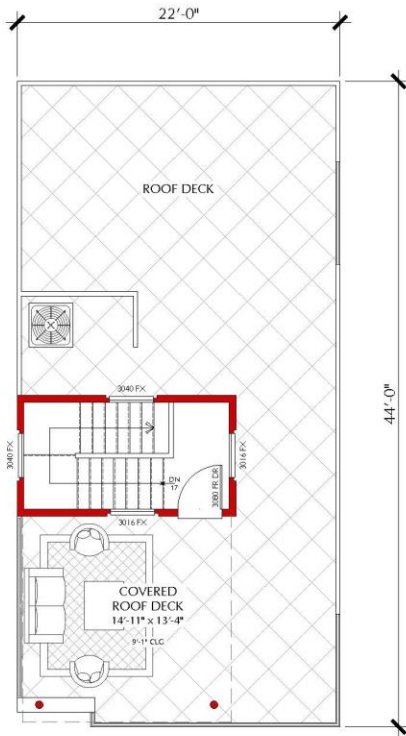
## PLAN 2A - 2,134 S.F.

3 BEDROOMS, OFFICE, ROOF DECK  
2.5.5 BATHROOMS  
2 CAR GARAGE

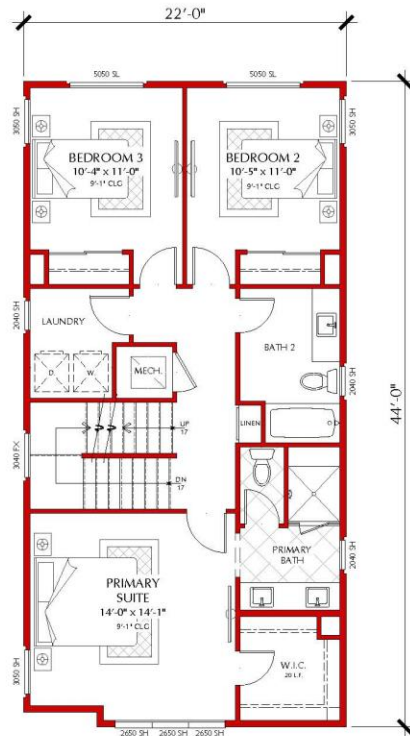
FIRST FLOOR	276 S.F.
SECOND FLOOR	877 S.F.
THIRD FLOOR	960 S.F.
FOURTH FLOOR	21 S.F.
<b>TOTAL</b>	<b>2,134 S.F.</b>

GARAGE	485 S.F.
COVERED PORCH	S.F.
COVERED DECK	69 S.F.
ROOF TOP DECK	237 S.F.

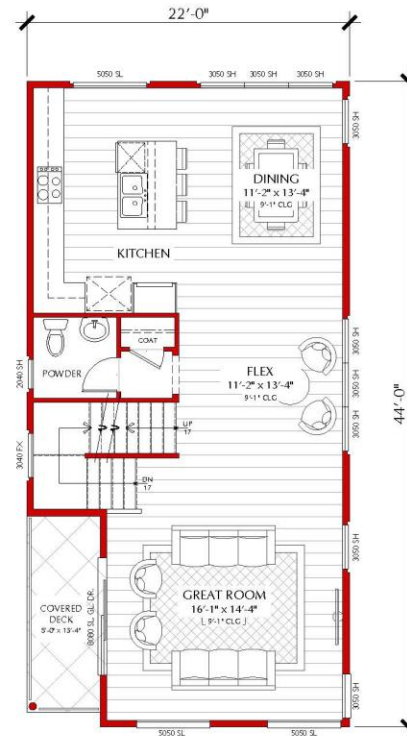
# Plan 3



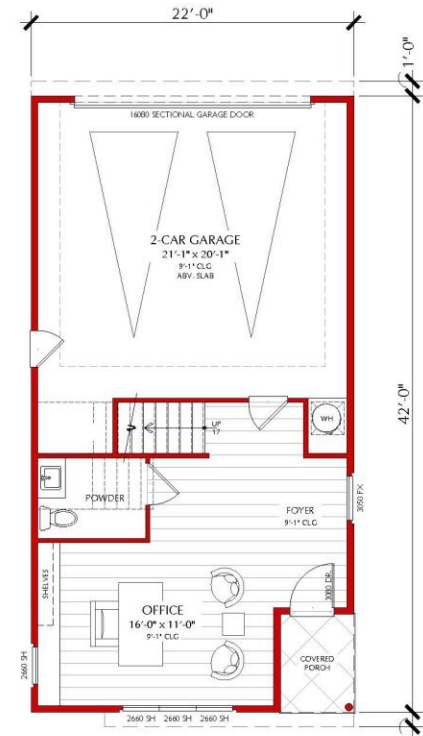
FOURTH FLOOR



THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

PLAN 3B - 2,300 S.F.

- 3 BEDROOMS, OFFICE, ROOF DECK
- 2.5 BATHROOMS
- 2 CAR GARAGE

FIRST FLOOR	404 S.F.
SECOND FLOOR	895 S.F.
THIRD FLOOR	963 S.F.
FOURTH FLOOR	38 S.F.
<b>TOTAL</b>	<b>2,300 S.F.</b>

GARAGE	486 S.F.
COVERED PORCH	33 S.F.
COVERED DECK	68 S.F.
ROOF TOP DECK	200 S.F.
LIVE WORK	254 S.F.



LIVE WORK OPTION (269 S.F.)

# ↓ Landscape Conceptual Plan

1 Courtyard Patios



2 Turning Circle



3 Street Trees / Palms



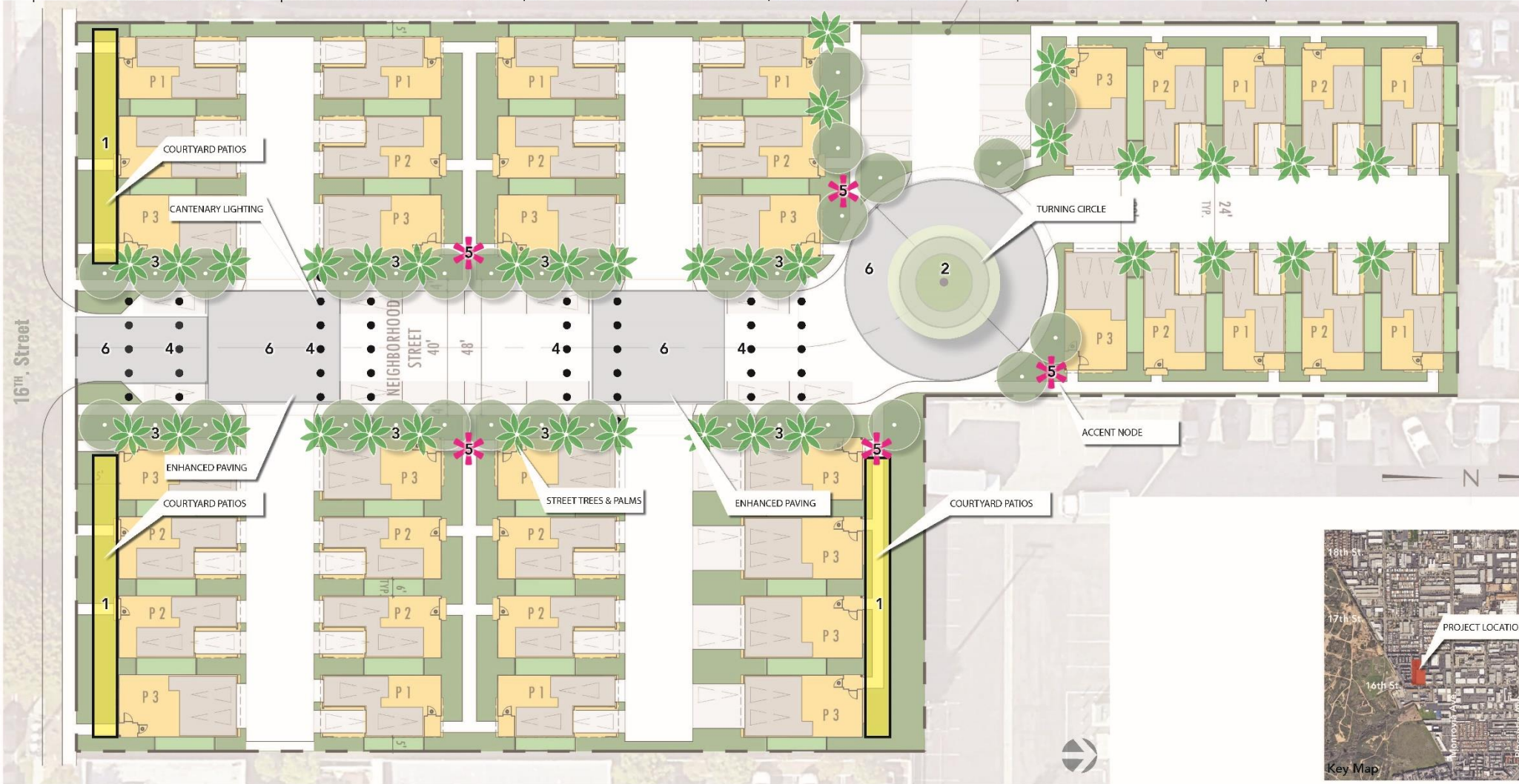
4 Cantenary Lights



5 Accent Node



6 Enhanced Paving

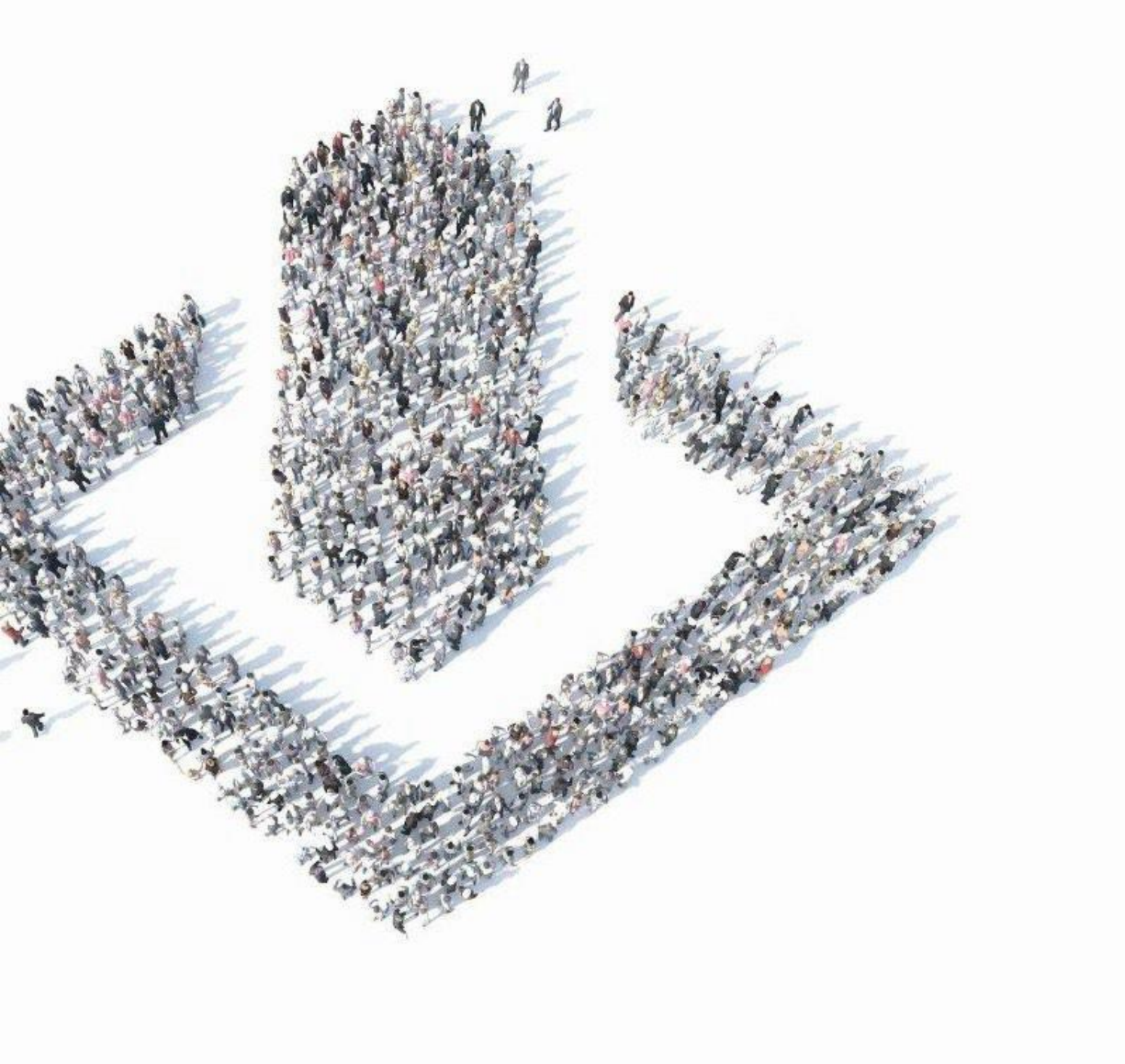


↙ Aerial View (North)



↓ Aerial View (South)





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## APPENDIX



↙ 960 W 16<sup>th</sup> St – Aerial View (Lighthouse at left side)



↙ South Views – Lighthouse



↙ The Place – 17 West



↙ The Place – 17 West



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## Affordable Housing In-Lieu Fee

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June 18, 2024  
City Council



# Affordable Housing In-Lieu Fee

- The proposed Affordable Housing Ordinance requires a percentage of affordable housing, or an in-lieu fee to be provided with rental housing projects that exceed 50 units (Gov Code, Sec 65850, 65850.01, & 65583(a)).
- The fee is calculated to support future affordable housing production.
- The City completed an Affordability Gap analysis to ensure the fee is commensurate with producing the affordable units required by the Ordinance.
- Section 65583(a) requires the City to analyze potential and actual constraints being placed on the development of housing to ensure the requirements do not create a constraint to housing development.
- The recommended fee is based on Costa Mesa specific data only.
- Based on this extensive analysis, the City's consultant, Keyser Marston Associates, has recommended an In-Lieu Fee that is meant to meet the City's goal.



# Background

- **January 16, 2024** – City Council considered Affordable Housing Ordinance and directed staff to return with an In-Lieu Fee.
- **February 27, 2024** – In-Lieu Fee Study Session, comments included:
  - Ensure Costa Mesa is competitive with nearby cities.
  - Fee does not result in an impediment to the production of housing.
- **April 2, 2024** – City Council considered the In-Lieu fee and requested it be brought back at a later date.
  - Affordable Housing Ordinance applies to developments with 50 units or more.
  - Only applies to rental housing development, not ownership.

# Proposed In-Lieu Fee

## Proposed Affordable Housing In-Lieu Fee Amounts

In-Lieu Fee Payment Schedule Per Square Foot of Total Leasable Area in an Apartment Development	
Developments greater than 60 units per acre	Developments less than 60 units per acre
\$19.50 PSF	\$13.80 PSF

This fee is based on a housing development affordability gap and is divided into two categories, including housing projects that are greater than 60 units per acre, and housing projects that are less than 60 units per acre.





# Comparison of Nearby Cities In-Lieu Fees

CITY	REQUIREMENT
Santa Ana	<ul style="list-style-type: none"> <li>• 5-19 Units: \$6-\$12 per SF</li> <li>• <b>20+ Units: \$15 per SF</b></li> <li>• Only applies to changes in land use and zoning designations</li> <li>• Set Aside: <b>5-15% Rental</b>, &amp; 5% Ownership</li> <li>• Affordability Requirement: 15% low, or 10% very low, or 5% extremely low, or 5% very low + 5% low + 5% moderate</li> </ul>
Long Beach	<ul style="list-style-type: none"> <li>• Rental: <b>\$38 per SF</b></li> <li>• Ownership: \$29.10 per SF</li> <li>• Affordability Requirement: 11% very low (rental), 10% Moderate (ownership)</li> </ul>
Huntington Beach	<ul style="list-style-type: none"> <li>• 3-30 Units: \$3.58-\$35.80 per SF</li> <li>• <b>30-100 Units: \$35.80 per SF</b></li> <li>• 100+ Units: Must build on-site</li> </ul>
Mission Viejo	<ul style="list-style-type: none"> <li>• Threshold: 10+ Units</li> <li>• <b>Rental: \$41.90 per SF</b></li> <li>• Ownership: \$58.20 per SF</li> <li>• For rental projects, the in-lieu fee can only be paid for projects between 10 and 20 units. For projects exceeding 20 units, production is required to be on-site. Ownership, any project with 10 or more units can pay the in-lieu fee.</li> </ul>



# Comparison of Nearby Cities In-Lieu Fees

CITY	REQUIREMENT
Encinitas	<ul style="list-style-type: none"> <li>• 1-6 Units: sliding scale</li> <li>• <b>7+ Units: \$23.79 per SF</b></li> <li>• Affordability Requirement: 10% Very Low or 15% Low</li> </ul>
Oceanside	<p>Fee: <b>\$20 per SF</b></p> <p>Affordability Requirement: 10% Low (rental), 10% Moderate (ownership)</p>
San Diego	<ul style="list-style-type: none"> <li>• <b>\$25 per SF</b></li> <li>• Affordability Requirement: 10% Very Low or Low (Rental), 10%-15% Moderate (Ownership)</li> </ul>
Irvine	<ul style="list-style-type: none"> <li>• Formula: based on the cost of land and affordability gap for each project</li> <li>• Affordability Requirement: 5% Very Low + 5% Low + 5% Moderate</li> </ul>
Santa Monica	<ul style="list-style-type: none"> <li>• <b>Rental: \$35.70 per SF</b></li> <li>• Ownership: \$41.70 per SF</li> <li>• Affordability Requirement: 5% to 30% Very Low, Low and Moderate</li> </ul>

# Comparison of Nearby Cities

City	General Fund Budget (FY 24-25)	Population	Property Tax	Property Tax (% of GF)	Property Tax (per Capita)	Median Home Price	ZHVI
<b>Costa Mesa</b>	<b>\$189,894,159</b>	<b>111,918</b>	<b>\$60,473,546</b>	<b>32%</b>	<b>\$540.34</b>	<b>\$959,800</b>	<b>\$1,375,865</b>
Santa Ana	\$400,217,738	310,227	\$93,894,320	23%	\$302.66	\$624,000	\$818,774
Newport Beach	\$311,251,957	85,239	\$149,296,403	48%	\$1,751.50	\$2,000,001	\$3,343,231
<b>Huntington Beach</b>	<b>\$299,995,281</b>	<b>198,711</b>	<b>\$108,152,472</b>	<b>36%</b>	<b>\$544.27</b>	<b>\$976,800</b>	<b>\$1,396,820</b>
Mission Viejo	\$74,127,778	93,653	\$43,967,772	59%	\$469.48	\$883,600	\$1,245,826
Encinitas	\$100,052,992	62,007	\$67,050,000	67%	\$1,081.33	\$1,354,600	\$2,038,064
Irvine	\$263,133,648	307,670	\$97,919,816	37%	\$318.26	\$1,025,700	\$1,789,381
Long Beach	\$720,087,012	466,742	\$161,710,432	22%	\$346.47	\$709,700	\$914,989
Oceanside	\$218,696,890	174,068	\$89,742,690	41%	\$515.56	\$644,600	\$909,041
Santa Monica	\$458,615,156	93,076	\$83,895,666	18%	\$901.37	\$1,654,800	\$2,491,267
San Diego	\$2,147,600,000	1,386,932	\$817,400,000	38%	\$589.36	\$783,300	\$1,164,577

## Next Steps

- Continue Rezoning efforts.
- Develop policies and procedures manual.
- Develop Inclusionary Housing agreement templates.



# Recommendation

Staff recommends the City Council:

1. Find that the project is categorically exempt from the California Environmental Quality Act (CEQA), Section 15061(b)(3) (“General Rule”).
2. Adopt a fee resolution establishing the affordable housing in-lieu fee.

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## Affordable Housing In-Lieu Fee

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June 18, 2024  
City Council



# In-Lieu Fee Analysis

Estimated Base In-Lieu Fee Payment Amounts Per Square Foot of Total Leasable Area in an Apartment Development	
Low Income Units	\$23.80
OR	
Very Low Income Units	\$19.50

Under the Ordinance terms Developers can choose between the low and very low income Inclusionary Housing requirements. As such, it is appropriate to set the in-lieu fee payment at the lower of the two amounts derived from the Affordability Gap analyses. The resulting recommended in-lieu fee payment amount is \$19.50 per square foot of total leasable area in an apartment development.



# Staff Previous Proposed Fee Schedule

Recommended In-Lieu Fee Payment Schedule Per Square Foot of Total Leasable or Saleable Area in a Residential Development			
Total Units	Apartment Development		Ownership Housing Development
	Density: 60+ Units Per Acre	Density: <60 Units Per Acre	
15	\$3.73	\$1.97	\$2.53
16	\$7.46	\$3.94	\$5.06
17	\$11.19	\$5.91	\$7.59
18	\$14.91	\$7.89	\$10.11
19	\$18.64	\$9.86	\$12.64
20	\$22.37	\$11.83	\$15.17
21+	\$26.10	\$13.80	\$17.70



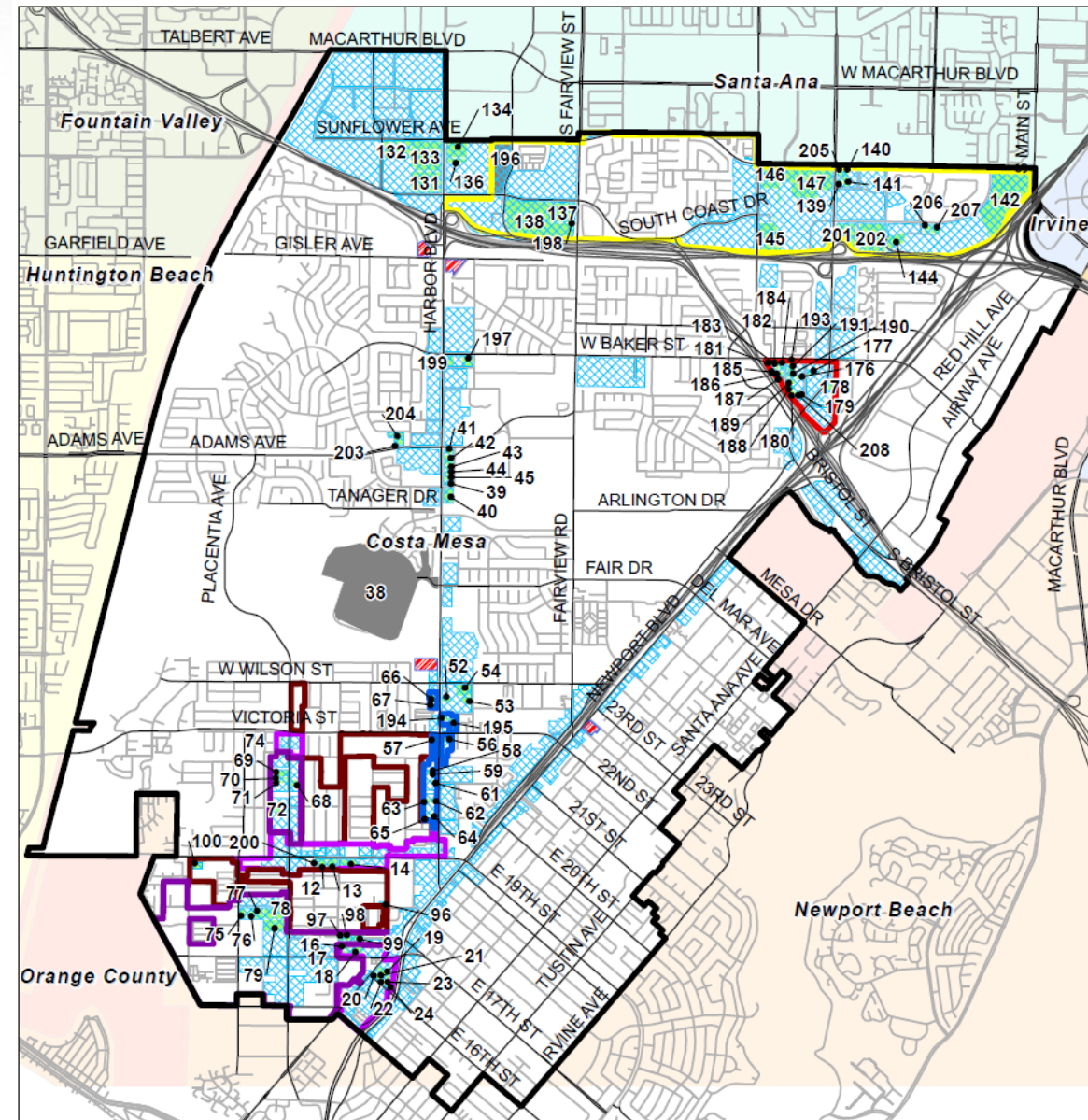


## Developer Feedback on In-Lieu Fee Amounts

- **Higher in-lieu fee** amounts would **encourage onsite** production, which is preferred and is best practice.
- Generally, **preferred to pay the in-lieu fee** at a flat rate versus a sliding scale based on project size.

# Affordable Housing Ordinance Applicability

- City has 97 housing opportunity sites identified in our Housing Element.
- All sites are located in Measure K Overlay.
- 47 of the 97 sites are anticipated to have 50+ units.



# Mission Viejo Requirements – Approved 6/11/24



- The threshold project size is 10 units.
- For rental projects, the in-lieu fee can only be paid for projects with between 10 and 20 units.
- For ownership projects any project with 10 or more units can pay the in-lieu fee.

## Income and Affordability Standards Proposed Inclusionary Housing Program

Income Category	Apartment Development	Ownership Housing Development
Very Low	7.5%	
Low	7.5%	5%
Moderate		10%

## In-Lieu Fee Payment Amounts Affordability Gap Analyses

Apartment Development	
Per “Inclusionary Unit”	\$323,200
Per Square Foot of Total Leasable Area in the Development	\$41.90
Ownership Housing Development	
Per Inclusionary Unit	\$642,200
Per Square Foot of Total Saleable Area in the Development	\$58.20

# Potential Alternative

- Incremental increase of In-Lieu Fee.
- Initially set a fee at a lower amount and increase it over time.  
Example: Evaluate a fee of \$12 in Year 1, with increases over a 3-year period ( or longer) to an eventual amount of \$19.50.
- Thereafter, consider an annual adjustment based on an industry index such as changes in new home value.



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# APPOINTMENT TO THE PARKS AND COMMUNITY SERVICES COMMISSION

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City Council Meeting

June 18, 2024



# BACKGROUND

- On Thursday, May 9, 2024, Cassius Rutherford informed the City that he was stepping down as Parks and Community Services Commissioner. His last Commission meeting was May 9, 2024.
- The City posted the vacancy notice on May 14, 2024, and began the recruitment. The recruitment period ran from May 14, 2024 to June 3, 2024.

# Parks and Community Services Commission

- Make one (1) member appointment to fill the vacancy with a remaining term expiration of January 2025. Appointment by Council Member Gameros.
  1. Nancy Whitlock – District 1
  2. Yessenia Delgado – District 1
  3. Syed Zia Hussain – District 2
  4. Erik William Roberts – District 2
  5. Brandice Lea Leger – District 3
  6. Julia C. Hoigaard – District 4
  7. Kenneth E. Smith – District 5
  8. Marla Ogelvie – District 5