

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

APRIL 4, 2017

SPECIAL CLOSED SESSION

CALL TO ORDER

The Special Closed Session meeting was called to order by the Mayor Pro Tem at 5:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Mansoor, Council Member Righeimer (arrived at 5:10 p.m.), Council Member Stephens, and Mayor Pro Tem Genis.

Absent: Mayor Foley

PUBLIC COMMENTS ON SPECIAL CLOSED SESSION ITEMS - NONE

The City Council recessed to Conference Room 5A at 5:03 p.m. for Special Closed Session to consider the following items:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Superior Court of California, County of Orange, Case No. 30-2014-00757962-CU-CR-CJC.

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

The City Council reconvened at 6:07 p.m.

CALL TO ORDER (00:00:10)

The meeting was called to order by the Mayor Pro Tem at 6:07 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:37) Council Member Stephens

MOMENT OF SOLEMN EXPRESSION (00:00:52)

Pastor David Manne, Calvary Chapel, Costa Mesa

ROLL CALL (00:01:51)

Present: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley (arrived at 7:10 p.m.)

Absent: None

Officials Present: City Manager Tom Hatch, City Attorney Thomas Duarte, Assistant City Manager Richard Francis, Assistant City Manager Tamara Letourneau, Development Services Department Consultant Jay Trevino, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:02:06) – NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) - NONE

ANNOUNCEMENTS (00:02:15) "Costa Mesa Minute" was played featuring upcoming events and activities in the community.

The Mayor Pro Tem announced that Consent Calendar item No. 6 Final Map for Tract No. 17980 was withdrawn from the agenda and not considered. (00:05:07)

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:05:20)

Dan Goldmann, Costa Mesa, thanked the City Council for approving the new library project and for repairs at TeWinkle Park; and spoke on open space and parks. (00:05:45)

David Couch, Costa Mesa, spoke on needed parkway improvements on Adams Avenue. (00:09:07)

Dorothy McNiff, Costa Mesa, spoke on Beach Pit BBQ parking issues. (00:11:46)

Richard Mehren, Costa Mesa, Fairview Park Preservation Alliance President, spoke on the Fairview Park vandalism incident. (00:15:44)

Terry Koken, Costa Mesa, spoke on comments spoken by Council Member Righeimer. (00:17:38)

Reggie Mundekis, spoke on the Orange County Fair Board and Orange County Fairground Master Plan changes. (00:20:11)

Senior Commissioner Gary Parkin, Costa Mesa, spoke on the benefits of the Senior Meal program. (00:22:50)

Doug Morrow, Costa Mesa, spoke on homeless issues. (00:25:56)

Barrie Fisher, Costa Mesa, requested maintenance on the memorial Bricks at the Costa Mesa Veterans Memorial at the Harbor Lawn Cemetery. (00:27:01)

Al Melone, Costa Mesa, spoke on cleanliness issues at the dog park. (00:30:25)

Steve Ray, Executive Director of the Banning Ranch Conservancy, spoke on the California Supreme Court ruling regarding Banning Ranch. (00:34:05)

Speaker, spoke on public involvement and sober living issues. (00:37:15)

Speaker, spoke against the approved Library project. (00:40:35)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:43:40)

Council Member Stephens thanked staff for efforts on the Lions Park project; spoke on the sober living legislation; a visit to Haven for Hope in San Antonio, Texas; and Homelessness forum on April 6 at Newport Mesa Church. (00:43:45)

Council Member Righeimer spoke on the Lions Park project; sober living legislation; and Costa Mesa as a "Rule of Law City". (00:46:51)

Council Member Mansoor, spoke on the Homelessness forum; requested updates on the following: Adams Avenue parkway improvements; memorial bricks at Harbor Lawn Veterans Memorial; and proposed legislation regarding sanctuary cities. (00:52:19)

Mayor Pro Tem Genis spoke on the Fairview Park vandalism incident; no smoking at the parks; and the Lions Park project. (00:54:09)

Mayor Foley arrived at 7:10 p.m.

CONSENT CALENDAR (01:03:25)

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 7 except for 2, 4, 6 and 7.

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

Claims received by the City Clerk: Garry R. Jones, Will B. King, Robert Anthony Toscano, and Joe Winkelmann.

ACTION:

City Council received and filed.

3. MINUTES OF THE REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETING OF JANUARY 17, 2017

ACTION:

City Council approved the minutes of January 17, 2017.

5. EXTEND FINANCIAL REPORTING AND AUDITING SERVICES FOR ONE (1) YEAR

ACTION:

1. City Council amended the Professional Services Agreement (PSA) with White Nelson Diehl Evans LLP for financial reporting and auditing services to extend the PSA for the term July 1, 2017 through June 30, 2018, and provided a four percent (4%) increase in Consultant's compensation for a total annual amount of \$70,300; and

2. Authorized the City Manager to execute the Third Amendment to the Professional Services Agreement with White Nelson Diehl Evans LLP.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. **WARRANT RESOLUTION NO. 2574 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NO. 17-06 FOR \$2,152,946.35; AND CITY OPERATING EXPENSES FOR \$1,914,679.82; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (01:04:11)**

Public Comments:

Speaker, spoke on legal fees regarding the Yellowstone lawsuit. (01:04:16)

MOVED/SECOND: Council Member Stephens/Council Member Righeimer
The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2574.

4. **NOTICE OF INTENT TO VACATE A PORTION OF EAST 19TH STREET AT 152 EAST 19TH STREET (01:07:24)**

Public Comments:

Speaker, requested clarification on the item. (01:07:30)

Raja Sethuraman, Public Services Director, responded to the speaker's inquiry. (01:08:03)

MOVED/SECOND: Council Member Righeimer/Council Member Stephens
The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council scheduled the public hearing on May 2, 2017, to vacate a portion of East 19th Street right-of-way; and
2. Adopted Resolution 17-22, intent to vacate a portion of East 19th Street right-of- way.

THIS ITEM WAS WITHDRAWN FROM THE AGENDA AND NOT CONSIDERED.

6. **FINAL MAP FOR TRACT NO. 17980 LOCATED AT 929 BAKER STREET, COSTA MESA, CALIFORNIA**
7. **AWARD THE PURCHASE OF ONE NEW 2017 FORD TRANSIT VAN WITH PRISONER TRANSPORT UPFITTING (01:09:00)**

Public Comments:

Speaker, inquired on the purchase of the new van. (01:09:07)

Tom Hatch, City Manager, clarified it is the City's responsibility to purchase the van. (01:09:50)

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved and authorized the City Manager to execute a purchase order for the purchase of one new 2017 Ford T350 Transit Van with prisoner transport upfitting equipment through the National Joint Powers Alliance (NJPA) contract # 120716-NAF in conjunction with National Auto Fleet Group, 490 Auto Center Drive, Watsonville, California 95076 in the amount of \$61,591.61.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55) (01:10:15)

1. **CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE FIRST PUBLIC HEARING OF THE ADOPTION OF THE SALARY & BENEFIT RESOLUTION BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA), SALARY & BENEFIT ADJUSTMENTS FOR UNREPRESENTED EXECUTIVES, AND CONFIDENTIAL MANAGEMENT CLASSIFICATIONS (01:10:31)**

Tamara Letourneau, Assistant City Manager, presented the Staff Report, providing a detailed summary of the recommended compensation and benefits for the managers and executives. (01:10:56)

Public Hearing Opened:

Al Melone, Costa Mesa, spoke on competitive levels of compensation and individual merit. (01:14:36)

Public Hearing Closed.

Discussion ensued on the salary ranges and executive leave hours. (01:15:55)

MOVED/SECOND: Mayor Pro Tem Genis/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council held the first Public Hearing regarding the salary and benefit adjustments agreed upon between the City of Costa Mesa and the classifications represented by the CMDMA as required by the COIN Ordinance; and
2. Scheduled the second and final Public Hearing as required by COIN for April 18th, 2017.

2. RETROACTIVE EXTENSION OF TIME FOR PLANNING APPLICATION PA-11-03 – CONDITIONAL USE PERMIT FOR A PRIVATE HELISTOP FOR 3132 AIRWAY AVENUE (01:18:37)

Mel Lee, Senior Planner, presented the Staff Report. (01:19:09)

Applicant Kevin Coleman, spoke on the lengthy process approvals with various agencies. (01:29:15)

Public Hearing Opened:

Terry Koken, Costa Mesa, spoke in favor of the project. (01:30:18)

Speaker, requested ex-parte communications; and spoke against the project. (01:30:30)

Council Member Righeimer stated that he spoke with the applicant. (01:30:40)

Mr. Coleman spoke on the request for the helipad. (01:33:05)

Public Hearing Closed.

Mayor Pro Tem Genis spoke on the applicant's good faith effort. (01:38:18)

Council Member Righeimer requested staff to bring back options on time frames for project approvals. (01:38:55)

MOVED/SECOND: Council Member Stephens/Mayor Foley

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved a retroactive time extension by adoption of City Council Resolution No. 17-24, subject to conditions of approval, for the use as described below:

Conditional Use Permit PA-11-03 is a request to install a 40-foot (long) x 40-foot (wide) helistop on the roof of an existing industrial building. The helistop will be located on a 6-foot high platform on the roof of an existing 19-foot high building.

NEW BUSINESS (01:39:30)

1. PROFESSIONAL SERVICES AGREEMENT FOR FAIRVIEW PARK MAINTENANCE, MANAGEMENT, AND BIOLOGICAL SERVICES (01:39:35)

Bart Mejia, City Engineer, presented the Staff Report. (01:39:44)

Council Member Righeimer recused himself and stepped down from the dais and left the Council Chambers stating he lives in a house that backs up to the Fairview Park. (01:50:19)

Barry Nerhus, President of Endemic Environmental Services, spoke about the scope of work and adding the Monitoring Avian Productivity and Survivorship program (MAPS). (01:51:10)

Discussion ensued on the services, concerns with the MAPS program, Western Pond turtles, cultural resources, and attendance at Fairview Park Steering Committee meetings. (01:54:25)

Public Comments:

Terry Koken, Costa Mesa, spoke in support of the Endemic Environmental Services contract. (02:03:14)

Richard Mehren, Costa Mesa, spoke in support of the Endemic Environmental Services contract. (02:04:12)

Joshua Snyder, Costa Mesa, expressed concern about restricting access to the park; and spoke on the budget. (02:05:24)

Cindy Black, Costa Mesa, Fairview Park Preservation Alliance member, spoke against the MAPS program but supports the Endemic Environmental Services contract. (02:07:02)

Public Comments Closed.

Mayor Pro Tem Genis spoke in support of the motion. (02:08:35)

Council Member Mansoor clarified that his motion does not include the MAPS program. (02:10:04)

Mayor Foley spoke in support of the motion. (02:10:55)

MOVED/SECOND: Council Member Mansoor/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

ACTION:

1. City Council awarded a contract to Endemic Environmental Services, Inc., P.O. Box 2363, Huntington Beach, CA 92647, in an amount not to exceed \$397,640.00 for professional services for biological, maintenance, and management of Fairview Park; and
2. Authorized the City Manager and the City Clerk to execute the Professional Services Agreement.

Council Member Righeimer returned to the meeting. (02:11:30)

2. PLACENTIA AVENUE MEDIAN IMPROVEMENT PROJECT (02:11:33)

Raja Sethuraman, Public Services Director, presented the Staff Report. (02:11:42)

Tom Munoz of Nuvis Landscape, spoke on native plants, viewshed of Fairview Park, and height of the trees. (02:15:36)

Discussion ensued regarding public safety concerns. (02:19:21)

Public Comments:

Al Melone, Costa Mesa, spoke against the project. (02:28:16)

Robin Leffler, Costa Mesa, expressed concerns about the project. (02:30:27)

Ralph Taboada, Costa Mesa, spoke in favor of the project and inquired on the cost to the City. (02:33:31)

Cindy Brenneman, Costa Mesa, expressed concerns about the project and inquired on the cost to the City. (02:35:35)

Mr. Sethuraman stated that the City's contribution to fund the project is \$650,000. (02:37:03).

Cynthia McDonald, Costa Mesa, spoke in favor of the project. (02:37:27)

Rick Huffman, Costa Mesa, Bikeway and Walkability Committee member, spoke in favor of the project. (02:39:40)

Joshua Snyder, Costa Mesa, spoke against the project. (02:41:40)

Public Comments Closed.

Council Member Righeimer spoke in support of the project. (02:42:25)

MOTION/SECOND: Council Member Righeimer/Mayor Foley

MOTION: Approve the recommended action.

Mayor Pro Tem Genis made a substitute motion. (02:45:25)

Mayor Foley spoke in support of the substitute motion. (02:46:19)

Council Member Stephens spoke in support of the substitute motion. (02:47:57)

SUBSTITUTE MOTION/SECOND: Mayor Pro Tem Genis/Council Member Stephens

SUBSTITUTE MOTION: Approve the recommended action and include the following changes: reduce the number of trees by approximately 50 percent to allow views across Placentia Avenue within Fairview Park limits, and use local native plants, where feasible.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the proposed Placentia Avenue Median Improvement Project, authorized staff to advertise the project for construction and included the following changes: reduce the number of trees by approximately 50 percent to allow views across Placentia Avenue within Fairview Park limits, and use local native plants, where feasible.

3. APPOINTMENTS TO VARIOUS COMMITTEES AND THE SENIOR COMMISSION (02:49:35)

Brenda Green, City Clerk, presented the Staff Report. (02:49:46)

Mayor Pro Tem Genis clarified there should be eleven members plus one City Council Liaison for the Finance and Pension Advisory Committee. (02:52:11)

No public comments on the item.

City Council proceeded with the appointments as follows: (02:54:27)

1. BIKEWAY & WALKABILITY COMMITTEE (02:54:30)

City Council Liaison – Mayor Foley

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: Appoint Jim Erickson, Richard Huffman, James Kane, Florence Martin, Cynthia McDonald, John Merrill, and Ralph Taboada to a one year term; and Alan Engard, Michelle Fay, Robert Graham, Michael Habitz, Dan Leibson, Andrew Levins, Scott Porterfield, and Kari Nieblas Vozenilek to a two-year term.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council appointed and filled fifteen regular member vacancies on the Bikeway and Walkability Committee: Jim Erickson, Richard Huffman, James Kane, Florence Martin, Cynthia McDonald, John Merrill, and Ralph Taboada to a one-year term; and Alan Engard, Michelle Fay, Robert Graham, Michael Habitz, Dan Leibson, Andrew Levins, Scott Porterfield, and Kari Nieblas Vozenilek to a two-year term.

2. CULTURAL ARTS COMMITTEE (02:55:29)

City Council Liaison – Mayor Foley

Mayor Pro Tem Genis spoke in supporting the motion. (02:58:04)

Council Member Mansoor withdrew his substitute motion on keeping all the incumbents on the committee. (02:58:30)

MOVED/SECOND: Mayor Foley/Council Member Righeimer
MOTION: Appoint Kathleen Eric, Rocky Evans, Monica Morita-Hayden, Andrea Marr, Irma Ramirez, Tracy Taber as regular members and Frank Gutierrez as an alternate, all to a two-year term.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council appointed and filled six regular member and one alternate member vacancies on the Cultural Arts Committee: Kathleen Eric, Rocky Evans, Monica Morita-Hayden, Andrea Marr, Irma Ramirez, Tracy Taber as regular members and Frank Gutierrez as an alternate, all to a two-year term.

3. **HISTORICAL PRESERVATION COMMITTEE (02:59:26)**

City Council Liaison – Council Member Mansoor

MOVED/SECOND: Council Member Mansoor/Council Member Stephens

MOTION: Appoint Christopher Ganiere, David J. Gardner, Mary Ellen Goddard, Dave Goodman, and Karen McKenna-Juergens to a two-year term; Kristyn E. Kohut, John McQueen, Gary Parkin, and Kari Nieblas Vozenilek to a one-year term; and re-advertise for the 2 alternate member vacancies, both to a one-year term.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council appointed and filled 9 regular member vacancies on the Historical Preservation Committee: Christopher Ganiere, David J. Gardner, Mary Ellen Goddard, Dave Goodman, and Karen McKenna-Juergens to a two-year term; Kristyn E. Kohut, John McQueen, Gary Parkin, and Kari Nieblas Vozenilek to a one-year term; and re-advertise for the 2 alternate member vacancies, both to a one-year term.

4. **FINANCE AND PENSION ADVISORY COMMITTEE (03:00:08)**

City Council Liaison – Mayor Pro Tem Genis

ORIGINAL MOTION/SECOND: Mayor Pro Tem Genis/Council Member Righeimer

ORIGINAL MOTION: Appoint Robert Juneman, Wendy Leece, Richard Riva, Ralph Taboada, and Anna Vrska to a two-year term; and Jim Fisler, Lee “John” Hinson, Al Melone, Gary Parkin, Tom Pollitt, and Rebecca Trahan to a one-year term.

SUBSTITUTE MOTION #1/SECOND: Mayor Foley/Council Member Stephens

SUBSTITUTE MOTION #1: To keep the original motion with the exception of appointing Nick Peterson instead of Jim Fisler.

Mayor Pro Tem Genis spoke in support of appointing Jim Fisler. (03:01:00)

Council Member Stephens spoke in support of appointing Nick Peterson. (03:01:25)

Mayor Pro Tem Genis spoke on keeping the original motion and appointing Nick Peterson instead of Gary Parkin. (03:02:17)

SUBSTITUTE MOTION #2/SECOND: Mayor Pro Tem Genis/Council Member Stephens

SUBSTITUTE MOTION #2: Appoint Robert Juneman, Wendy Leece, Richard Riva, Ralph Taboada, and Anna Vrska to a two-year term; and Jim Fisler, Lee “John” Hinson, Al Melone, Nick Peterson, Tom Pollitt, and Rebecca Trahan to a one-year term.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, and Mayor Pro Tem Genis.

Nays: Mayor Foley

Absent: None

Motion carried: 4-1

ACTION:

City Council appointed and filled eleven regular member vacancies on the Finance and Pension Advisory Committee: Robert Juneman, Wendy Leece, Richard Riva, Ralph Taboada, and Anna Vrska to a two-year term; and Jim Fisler, Lee “John” Hinson, Al Melone, Nick Peterson, Tom Pollitt, and Rebecca Trahan to a one-year term.

5. **HOUSING AND PUBLIC SERVICE GRANTS COMMITTEE (03:03:15)**
City Council Liaison – Council Member Righeimer

MOVED/SECOND: Council Member Righeimer/Mayor Foley

MOTION: Appoint Eric Vu, Kari Nieblas Vozenilek, Rebecca Trahan, Tim Takeshita, and Yvonne Rowden to a two-year term; Dave Goodman and Todd Eckert to a one-year term; and re-advertise for the remaining two regular member and one alternate member vacancies, all to a one-year term.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council appointed and filled seven regular member vacancies on the Housing and Public Service Grants Committee: Eric Vu, Kari Nieblas Vozenilek, Rebecca Trahan, Tim Takeshita, and Yvonne Rowden to a two-year term; Dave Goodman and Todd Eckert to a one-year term; and re-advertise for the remaining two regular member and one alternate member vacancies, all to a one-year term.

6. **SENIOR COMMISSION (03:03:52)**

MOVED/SECOND: Mayor Foley/Council Member Righeimer

MOTION: Appoint Stephanie Love to a two-year term for the vacancy on the Senior Commission.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council appointed Stephanie Love to a two-year term for the vacancy on the Senior Commission.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (03:05:07)

Mayor Foley reported on her trip to Sacramento in support of AB 572, which proposes a pilot program for licensed care facilities.

REPORT – CITY MANAGER – NONE (03:08:54)

REPORT – CITY ATTORNEY – (03:09:00)

City Attorney Duarte reported on the case of Americare v. the City of Costa Mesa, the court granted the City's motion to dismiss the action. Americare filed a complaint against the City and eleven other Orange County cities alleging they violated Federal anti-trust laws. Americare claimed that the City created an unlawful monopoly with its ambulance service provider, and wanted to be placed on a rotation for an equal proportion share of ambulance services. The City argued that Americare did not plead specific facts that the City's action had a substantial effect on Interstate Commerce and the anti-trust act does not apply to the actions of the city. The court agreed with the City and granted the motion dismissing the federal claims with prejudice and dismissing the state claims without prejudice.

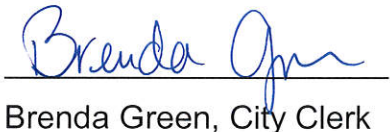
ADJOURNMENT – The Mayor adjourned the meeting at 9:17 p.m. in honor of Sherry Sheldon, a Costa Mesa High School teacher.

Minutes adopted on this 20th day of June, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk