MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA

OCTOBER 3, 2017

CLOSED SESSION MEETING

CALLED TO ORDER
COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
5:08 P.M.

ATTENDANCE
COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
MICHELE MARTINEZ, Mayor Pro Tem
P. DAVID BENAVIDES
VICENTE SARMIENTO
JOSE SOLORIO (5:10 P.M.)
SAL TINAJERO (5:15 P.M.)
JUAN VILLEGAS

COUNCILMEMBERS Absent:
None

STAFF Present:
CYNTHIA J. KURTZ, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PUBLIC COMMENTS - None

COUNCIL RECESSED to Room 147 for Closed Session discussion at 5:08 p.m.

CLOSED SESSION ITEMS - The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. PUBLIC EMPLOYEE - APPOINTMENT pursuant to Government Code Section 54957(b)(1).

Title: City Manager
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: Personnel Services Executive Director, Ed Raya;

Employee Organizations: Service Employees' International Union (SEIU) Full-Time Employees

CLOSED SESSION REPORT - See Item 19A for any reportable actions.

ADJOURNED THE CLOSED SESSION MEETING AT 6:15 P.M. AND CONVENED TO THE REGULAR OPEN MEETING.
REGULAR OPEN MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:16 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
MICHELE MARTINEZ, Mayor Pro Tem
P. DAVID BENAVIDES
VICENTE SARMIENTO
JOSE SOLORIO
SAL TINAJERO (7:57 P.M.)
JUAN VILLEGAS

COUNCILMEMBERS Absent:
None

STAFF Present:
CYNTHIA J. KURTZ, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

INVOCATION

BOB BARNETT, POLICE CHAPLAIN

PRESENTATIONS

INTRUDUCTION by Acting Police Chief Valentin of HEART Program Lead, Police Officer Cassandra Hawkins.

SPECIAL PRESENTATION AND UPDATE by the Environmental & Transportation Advisory Committee (ETAC).

SPECIAL PRESENTATION by Chief Randy Black, Orange County Fire Authority and PROCLAMATION presented by COUNCILMEMBER VILLEGAS in recognition of National Preparedness Month and Fire Prevention Week.

PROCLAMATION presented by MAYOR PRO TEM MARTINEZ in recognition of National Cyber Security Awareness Month.

PROCLAMATION presented by MAYOR PRO TEM MARTINEZ and COUNCILMEMBER VILLEGAS in recognition of Domestic Violence Awareness Month.
PROCLAMATION presented by COUNCILMEMBER SARMIENTO to Mexican Consulate in solidarity with the people affected by the earthquake on September 7th and 19th, 2017 in Mexico and CERTIFICATE OF RECOGNITION to Northgate Market for their relief efforts.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER SARMIENTO to The Wooden Floor for their comprehensive campaign and campus expansion plans and outstanding contributions to the community.

CERTIFICATES OF RECOGNITION presented by COUNCILMEMBER SOLORIO to the Orange County Auto Dealers Association Board of Directors for their economic development value and charitable giving provided to the Santa Ana Community: Ben Bonfoey; Miles Brandon; Jared Hardin; K.C Heidler; Frank Murphy; Brad Mugg; John Oh; John Sackrison; David Simpson, and Scott Wade.

CLOSED SESSION REPORT – There was no reportable action.

PUBLIC COMMENTS (Agendized Items) - None

CONSENT CALENDAR ITEMS

MOTION: Approve staff recommendations on the following Consent Calendar items: Items 10A through 29A, with the following modifications:

- Mayor Pro Tem Martinez pulled Agenda Items 20B, 25A, 25B, 25D, and 25F for separate discussion and dissenting on Agenda Item 25G; and
- Mayor Pulido abstained on Agenda Item 11A due to a potential conflict of interest.

MOTION: Solorio SECOND: Villegas

VOTE: AYES: Benavides, Martinez, Pulido, Solorio, Villegas (5)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: Sarmiento, Tinajero (2)

Items removed for separate action or modified are highlighted. Separate actions show the actual vote. Items without votes are adopted as part of the consent motion.
ADMINISTRATIVE MATTERS

MINUTES

10A. MINUTES FROM THE ADJOURNED CLOSED SESSION MEETING OF SEPTEMBER 18, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

MOTION: Approve Minutes.

10B. MINUTES FROM THE REGULAR MEETING OF SEPTEMBER 19, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

MOTION: Approve Minutes.

ORDINANCES/SECOND READING
In the event a Councilmember recorded an “abstention” before consideration of the following ordinance(s) on first reading, such abstention will also be reflected in the minutes for second reading.

11A. ORDINANCE SECOND READING: ADOPT ORDINANCE AMENDMENT NO. 2017-02 TO AMEND CERTAIN SECTIONS OF CHAPTER 18 OF THE SANTA ANA MUNICIPAL CODE (MEDICAL MARIJUANA COLLECTIVES/ COOPERATIVES) – CITY OF SANTA ANA, APPLICANT {STRATEGIC PLAN NOS. 5, 1} (Planning and Building Agency) – Clerk of the Council

Placed on first reading at the September 19, 2017 City Council meeting and approved by a vote of 5-0 (Mayor Pulido abstained; and Councilmember Tinajero absent).

Published in the Orange County Reporter on September 22, 2017.

MOTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2925 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CERTAIN SECTIONS OF CHAPTER 18 OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO MEDICAL MARIJUANA COLLECTIVES (SECTION 18-613 AND SECTION 18-617.1 OF ARTICLE XIII OF CHAPTER 18)
*Mayor Pulido abstained due to a potential conflict of interest.

BOARDS / COMMISSIONS / COMMITTEES

13A. RECEIVE AND FILE COUNCIL COMMITTEES – AGENDA AND MINUTES {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office
MOTION: Receive and file.

NAME
Economic Development Infrastructure, Budget and Technology Committee
Legislative Affairs, Ethics and Transparency Committee
Public Safety, Code Enforcement and Neighborhood Committee

MEETING DATE
9/11/2017 and 9/18/2017
9/20/2017
9/12/2017

FINAL TRACT MAP NOTIFICATIONS
Pursuant to Section 34-183 of the Santa Ana Municipal Code, the City Engineer has received this Final Map and is in the process of reviewing the map for final approval. The City Engineer shall approve or disapprove this map within 10 days of the City Council Meeting.

17A. RECEIVE AND FILE CERTIFICATION AND APPROVAL OF FINAL PARCEL MAP NO. 2015-187 BY CITY ENGINEER (2000 WEST ALTON AVENUE) {STRATEGIC PLAN NO. 3, 2} - Public Works Agency

MOTION: Receive and file.

MISCELLANEOUS ADMINISTRATION

19A. CONFIRMATION OF CLOSED SESSION ACTION(S) – None

19B. EXCUSED ABSENCES – None

19C. RECEIVE AND FILE PUBLIC WORKS AGENCY STATUS OF PROJECTS - MONTHLY CAPITAL IMPROVEMENT PROGRAM EXECUTIVE REPORT FOR SEPTEMBER 2017 {STRATEGIC PLAN NO. 5, 1} - City Manager's Office

The CIP Executive Summary Schedule is available on the City's website at http://santa-ana/pwa/documents/ExecutiveMonthlyCIPUpdateSeptember2017.pdf

MOTION: Receive and file.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A. AUTHORIZE COOPERATIVE COST REIMBURSEMENT AGREEMENT, APPROVE APPROPRIATION ADJUSTMENT, AND AWARD CONTRACT FOR CONSTRUCTION OF FAIRVIEW STREET PAVEMENT MAINTENANCE
MOTION:

1. Authorize the City Manager and Clerk of the Council to execute a Cooperative Cost Reimbursement Agreement with the City of Garden Grove for improvements within Garden Grove jurisdiction from Edna Drive to State Route 22 off-ramp, subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-259).

2. Approve an appropriation adjustment. *(Requires five affirmative votes)*

   APPROPRIATION ADJUSTMENT NO. 2018-026 - Recognizing $63,700 in cost reimbursement from the City of Garden Grove into the Select Street Construction revenue account, and appropriating the same amount to the Select Street Construction expenditure account for the Fairview Street Pavement Maintenance Project.

3. Award a contract and authorize the City Manager and the Clerk of the Council to execute a construction contract with All American Asphalt, the lowest responsible bidder, in accordance with the base bid plus Additive Alternate Bid 1 in the amount of $1,389,297, for the term beginning upon execution of the contract and ending upon project completion, for construction of the Fairview Street Pavement Maintenance project, subject to non-substantive changes approved by the City Manager and the City Attorney.

4. Approve the Project Cost Analysis for a total estimated construction delivery cost of $1,813,700, which includes the contract bid amount, administration, inspection and testing, and an authorized contingency of $216,009.

*Mayor Pulido abstained on Agenda Item 20B due to a campaign contribution from Senator Palanco that is affiliated to the project and pose a potential conflict of interest; Mayor left the dais and did not participate in the deliberation of said item. Mayor Pro Tem Martinez assumed the Chair.*

20B. AWARD SITE LICENSE AND LEASE AGREEMENTS AND APPROPRIATION ADJUSTMENT FOR BUS PASSENGER SERVICES AT THE SANTA ANA REGIONAL TRANSPORTATION CENTER {STRATEGIC PLAN NO. 3, 2C} - Public Works Agency,

Mayor Pro Tem Martinez, requested clarification on licensing issues in the past, moving forward need to monitor.

Executive Director of Public Works, Fred Mousavipour, indicated that contractor is fully licensed and meets all minimum requirements.
MOTION:

1. Authorize the City Manager and Clerk of the Council to execute a site license agreement with International Bus Lines, Inc, to compensate the City $3,000 per month for use of the license area, for bus passenger services at the Santa Ana Regional Transportation Center, for the term of one-year with four one-year extension options exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-260).

2. Authorize the City Manager and Clerk of the Council to execute a site lease agreement with International Bus Lines, Inc, to compensate the City $3,178 per month for use of lease area, for ticket counter office space for bus passenger services at the Santa Ana Regional Transportation Center, for the term of one-year with four one-year extension options exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-261).

3. Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 2018-027 - Approve an appropriation adjustment recognizing Fiscal Year 2017-18 lease income in the amount of $38,890 into the SARTC Operations Rental – International Bus Lines, Inc. Revenue Account and appropriating the same amount to the SARTC Operations Contractual Services expenditure account.

MOTION: Martinez       SECOND: Benavides

VOTE: AYES: Benavides, Martinez, Sarmiento, Solorio, Villegas (5)

NOES: None (0)

ABSTAIN: Pulido (1)

ABSENT: Sarmiento, Tinajero (2)

20C. APPROVE AGREEMENT FOR THE GRANT-FUNDED FAIRVIEW STREET BRIDGE (PROJECT NO. 15-6827) AND APPROVE APPROPRIATION ADJUSTMENT TO AMEND THE FISCAL YEAR 2014/2015 CAPITAL IMPROVEMENT PROGRAM (CIP) (NON-GENERAL FUND) {STRATEGIC PLAN NO. 6, 1G} - Public Works Agency

MOTION:
1. Authorize the City Manager and Clerk of the Council to execute an agreement with WKE, Inc., to provide design engineering consulting for the Fairview Street and Bridge Replacement project, for a three-year term beginning October 3, 2017, and expiring on October 2, 2020, with the option for one additional two year renewal, for a total compensation not to exceed $1,566,569, which includes a ten percent design contingency in the amount of $142,415, subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-262).

2. Approve an appropriation adjustment. *(Requires five affirmative votes)*

APPROPRIATION ADJUSTMENT NO. 2018-029 - Amend the Fiscal Year 2014/2015 Capital Improvement Program by approving an appropriation adjustment rescinding a portion of the National Highway Performance Program funding appropriation in the amount of $476,323.20 for the Fairview Street Bridge project.

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

22A. SPEC. NO. 17-104 - APPROVE A CONTRACT AMENDMENT FOR HVAC RELATED ELECTRONIC SYSTEM COMPONENT AT THE POLICE DEPARTMENT ADMINISTRATION AND JAIL FACILITIES {STRATEGIC PLAN NO. 6, 2A} (Police Department) - Finance and Management Services

*MOTION:* Amend the contract with Klug Automation by $25,000 for an increased contract amount not to exceed $50,000, subject to non-substantive changes approved by the City Manager and City Attorney.

22B. SPEC. NO. 17-095 - APPROVE A BLANKET PURCHASE ORDER CONTRACT AWARD FOR PORTABLE RESTROOM AND HAND WASH STATION RENTALS IN THE CIVIC CENTER AREA {STRATEGIC PLAN NO. 5, 4} (Parks, Recreation and Community Services Agency) - Finance and Management Services

*MOTION:* Award a blanket purchase order contract to 3 Stars Site Services, LLC for a two-year period expiring September 30, 2019, with provisions for a one-year renewal in an annual amount of $27,000 plus a contingency of $3,000 for a total amount not to exceed $30,000, subject to non-substantive changes approved by the City Manager and City Attorney.

PROJECTS/CHANGE ORDERS

23A. AWARD CONTRACT FOR CONSTRUCTION OF EDINGER AVENUE AND WILLITS/SULLIVAN LANDSCAPE IMPROVEMENTS {PROJECT NOS. 16-7521, 16-7522} {STRATEGIC PLAN NO. 6, 1G} - Public Works Agency
MOTION:

1. Reject all bids received on June 7, 2017, for construction of the Edinger Avenue and Willits/Sullivan Landscape Improvements project due to required Federal Funding documents that were not included in the submitted bid packages.

2. Award a contract to Aramexx Construction, the lowest responsible bidder of the bids received on August 7, 2017, in accordance with the base bid in the amount of $64,950, for the term beginning upon execution of the contract and ending upon project completion, for the Edinger Avenue and Willits/Sullivan Landscape Improvements project, and authorize the City Manager and Clerk of the Council to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.

3. Approve the Project Cost Analysis for a total estimated construction delivery cost of $109,178, which includes the contract bid amount, administration, inspection and testing, and an authorized contingency of $34,485.

AGREEMENTS

25A. APPROVE AN AGREEMENT FOR A COMPREHENSIVE PROPOSITION 218 FEES AND CHARGES COMPLIANCE ASSESSMENT (STRATEGIC PLAN NO. 4, 1) - City Manager's Office and Public Works Agency

Mayor Pro Tem Martinez, asked that assessment period be condensed, if possible.

Interim City Manager Kurtz, indicated that six months needed since additional elements added and included in staff report; recommendations, if needed, will be brought to City Council for consideration as various components are reviewed.

MOTION: Authorize the City Manager and the Clerk of the Council to execute an agreement with NBS Government Finance Group, Inc., to conduct a comprehensive study of enterprise funds to identify full cost recovery of fees and charges and to complete a Proposition 218 fees and charges compliance assessment for an amount not to exceed $111,970 which is comprised of the sum of $92,560 and a contingency of up to $19,410 inclusive of a detailed analysis of funding sources specific to the Federal Clean Water Protection Enterprise evaluation, for a six-month period beginning October 3, 2017 through April 3, 2018, subject to non-substantive changes approved by the City Manager and City Attorney. (AGMT. No. 2017-263).
MOTION: Martinez  SECOND: Solorio  

VOTE: AYES: Benavides, Martinez, Pulido, Sarmiento, Solorio, Villegas (6) 

NOES: None (0) 

ABSTAIN: None (0) 

ABSENT: Tinajero (1) 

25B. APPROVE AN AGREEMENT TO LEASE OFFICE SPACE FOR A ONE STOP CENTER FOR EMPLOYMENT AND VOCATIONAL TRAINING SERVICES LOCATED AT 801 W. CIVIC CENTER DRIVE - WORK CENTER (STRATEGIC PLAN NO. 2, 4A) - Community Development Agency. 

Mayor Pro Tem Martinez, requested clarification contract and services to be provided at new site. 

Deputy City Manager Robert Cortez, noted that contract amount is for five year lease; various member agencies comprise the One-Stop Center. 

MOTION: Authorize the City Manager and Clerk of the Council to execute a lease agreement with CF Santa Ana, LLC for 19,321 square feet of office space located at 801 W. Civic Center Drive, for sixty (60) months commencing upon completion of tenant improvements on or around April 1, 2018 to March 31, 2023 for a total amount not to exceed $2,708,054.28, subject to any non-substantive modifications authorized by the City Manager and City Attorney (AGMT. No. 2017-264). 

MOTION: Martinez  SECOND: Solorio  

VOTE: AYES: Benavides, Martinez, Pulido, Sarmiento, Solorio, Villegas (6) 

NOES: None (0) 

ABSTAIN: None (0) 

ABSENT: Tinajero (1) 

25C. APPROVAL OF QUALIFIED CONSULTANTS TO PROVIDE ENVIRONMENTAL SERVICES ON AN AS-NEEDED BASIS TO BE FUNDED BY DEVELOPER (STRATEGIC PLAN NO. 3, 3) - Planning and Building Agency
MOTION: Authorize the City Manager and Clerk of the Council to execute agreements, as provided in the attached template, approved to form by the City Attorney's Office, with no substantive changes, to engage each of the 31 environmental firms listed below to provide on-call environmental services and related technical studies for the Planning & Building Agency at the fees set forth in their responses to Request for Qualifications No. 17-043. Any environmental firm not included as part of the list below will not be subject to approval by this specific authorization by the City Council. The pre-qualified list is valid for a period of three years, subject to non-substantive changes approved by the City Manager and City Attorney. (AGMT. No. 2017-265).

1. AECOM Technical Services, Inc.
2. Annealita Group
3. Architectural Resources Group, Inc.
4. CAA Planning, Inc.
5. Chamber Group Inc.
6. Circlepoint
7. CSG Consultants, Inc.
8. De Novo Planning Group
9. Dudek
10. ECORP Consulting, Inc.
11. Environmental Science Associates (ESA)
12. Environment Planning Development Solutions, Inc. (EPD Solutions, Inc.)
13. Evan Brooks Associates
14. FCS International, Inc. (FirstCarbon Solutions)
15. Greenwood and Associates
16. Helix Environmental Planning, Inc.
17. ICF Jones & Stokes, Inc. (ICF)
18. Infrastructure Engineering Corporation (IEC)
20. LSA Associates, Inc.
21. Michael Baker International
22. Moore, lacofano, Goltsman, Inc. (MIG)
24. PlaceWorks, Inc.
25. Renee Escario DBA RE Consulting
26. Rincon Consultants, Inc.
27. Sagecrest Planning and Environmental, LLC
28. T & B Planning, Inc.
29. UltraSystems Environmental Inc.
30. Urban Crossroads, Inc.

25D. APPROVE AN AGREEMENT TO PROVIDE ANNUAL SOFTWARE MAINTENANCE AND SUPPORT FOR CRIME MAP (STRATEGIC PLAN NO. 1/3A) - Police Department
Mayor Pro Tem Martinez, asked if live data would be produced with software.

Police Commander Ken Gominski, noted that data uploaded at midnight daily; no live data posted for officer safety purpose.

Councilmember Solorio, thanked the police department for efforts to provide updated data on the web.

**MOTION:** Authorize the City Manager and Clerk of the Council to execute a one-year agreement with GeoSpatial Technologies, Inc. for the period of August 3, 2017 through August 2, 2018, in an amount not to exceed $10,500, subject to non-substantive changes approved by the City Manager and City Attorney. (AGMT. No. 2017-266).

**MOTION:** Martinez  
**SECOND:** Solorio

**VOTE:**  
**AYES:** Martinez, Pulido, Solorio, Villegas (4)  
**NOES:** None (0)  
**ABSTAIN:** None (0)  
**ABSENT:** Benavides, Sarmiento, Tinajero (3)

25E.  
APPROVE AN AGREEMENT FOR ADVANCE PUBLIC SAFETY COURSES {STRATEGIC PLAN NO. 1, 11} - Police Department

**MOTION:** Authorize the City Manager and Clerk of the Council to execute the attached five-year agreement with Rancho Santiago Community College District, for the period of July 17, 2017 through July 16, 2022, subject to non-substantive changes approved by the City Manager and City Attorney. This agreement will result in registration costs of up to $10,000, and generate up to $54,000 in reimbursement revenue over the five-year term. (AGMT. No. 2017-267).

25F.  
APPROVE AGREEMENTS FOR GRANT-FUNDED BUS SHELTER PUBLIC EDUCATION CAMPAIGN (PROJECTS 16-6870, 16-6871, 16-6872 AND 16-6873) {STRATEGIC PLAN NO. 1, 3B} - Public Works Agency

Mayor Pro Tem Martinez, asked if SCAG's Go Human campaign is being utilized; also school district be informed and leverage all resources available; and asked how schools were selected; encouraged outreach efforts with school district officials.
Public Works Executive Director Mousavipour, noted that pedestrian and bicycle safety will be focus of education campaign' criteria met for grant application and that is how schools were selected.

MOTION: Authorize the City Manager and the Clerk of the Council to execute four agreements with Clear Channel Outdoor, Inc., subject to non-substantive changes approved by the City Manager and City Attorney, in the corresponding amounts and for the terms indicated below:

1. Heninger Elementary School (Project No. 16-6870) in an amount of $14,962.50 from October 3, 2017 to February 27, 2018 (AGMT. No. 2017-268);

2. King Elementary School (Project No. 16-6871) in an amount of $14,962.50 from October 3, 2017 to February 6, 2018 (AGMT. No. 2017-269);

3. Washington Elementary School (Project No. 16-6872) in an amount of $14,250.00 from October 3, 2017 to January 16, 2018 (AGMT. No. 2017-270); and


MOTION: Martinez SECOND: Villegas

VOTE: AYES: Martinez, Pulido, Solorio, Villegas (4)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Benavides, Sarmiento, Tinajero (3)

APPROVE PURCHASE AGREEMENT FOR REAL PROPERTY ACQUISITION LOCATED AT 2120-2130 SOUTH BRISOTL STREET (APN 408-471-17) FOR BRISTOL STREET IMPROVEMENTS PHASE 4 (PROJECT NO. 116741, NON-GENERAL FUND) {STRATEGIC PLAN NOS. 6, 1G & 3, 2C} - Public Works Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute a purchase agreement for the real property partial acquisition, temporary construction easement, and goodwill (if any) located at 2120-2130 South Bristol Street (APN 408-471-17) with property owner AU ZONE Santa Ana, LLC, in the amount of $98,999 subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-272).
MISCELLANEOUS - BUDGET

29A. APPROVE DONATION AGREEMENTS WITH ORGANIZATIONS TO SUPPORT COMMUNITY EVENTS AND PROGRAMS {STRATEGIC PLAN NO. 5, 4} - Council Item

MOTION: Authorize the City Manager and Clerk of the Council to execute agreements with various organizations in support of their community events and programs, subject to non-substantive changes approved by the City Manager and the City Attorney, as follows:

1. Charitable Venture of Orange County to support Memorial Park Neighborhood Associations’ Bike-Pedalor-Stroller & Model Car event, in the amount of $250 (Mayor Pro Tem Martinez);

2. Magnolia Educational & Research Foundation to support the Magnolia Science Academy fieldtrip to the Bowers Museum, in the amount of $1,000 (Councilmember Villegas).

**END OF CONSENT CALENDAR**

BUSINESS CALENDAR ITEMS

ORDINANCES

50A. EMERGENCY ORDINANCE: AMENDING AND ADDING NEW SECTIONS TO SANTA ANA MUNICIPAL CODE CHAPTER 10, ARTICLE 10 RELATED TO STORAGE OF PROPERTY, PROHIBITION OF ANIMALS, VEHICLE ACCESS AND SERVICES IN THE CIVIC CENTER AREA {STRATEGIC PLAN NO. 5, 3} – City Manager’s Office and City Attorney’s Office

The following spoke on the matter:

- Jeanine Robbins, encouraged the City to work with County of Orange and surrounding cities to support their efforts to end homelessness; concerned with proposed ordinance as drafted.
- Lou Noble, opined that ordinance is unconstitutional.
- Morgan Denges, member of the Orange County Catholic Workers, noted that proposed ordinance criminalizes homelessness.
- Dwight Smith, Executive Director of Catholic Workers, expressed strong opposition to ordinance.
• Jordan Holberg, noted that more humane methods exist to address conditions at the Civic Center area; unjustified concerns.
• Catherine Sweetser, attorney representing individuals living in the Plaza of the Flags, concerned with enclosed structure provision included in ordinance.
• Brooke Weitzmen, attorney for the Elder Law and Disability Rights Center, provide legal services to homeless, opined that ADA violations and concerned with emergency ordinance.
• Dave Oakley, opposed to proposed ordinance.
• Andrew Cowie, spoke in support of the ordinance; noted that service organizations available to assist homeless and provide employees to channel them to appropriate agency.
• Mohammed Aly, opined that 14th Amendment being violated; cruel treatment of homeless; threatened lawsuit if ordinance approved.
• James Bergthold, works at Isaiah House, concerned with criminalization element.
• Rebecca Edwards, concerned that ordinance is quick fix and not well thought through.
• Jestin Samson, homeless activist; need to hold the County Board of Supervisors accountable and urged all not to pass ordinance.
• Byron Lopez, concerned with inhumane practices and treatment of homeless.
• Debbie McEwen, commended Acting Police Chief Valentin in the positive change in the police department and expressed gratitude for his service.
• Dallas Augustine, concerned that Needles Exchange Program will be negatively impacted.
• Carol Newark, open to working with City and reducing number of needles to 200.
• Sabyl Landrum, attorney at the Legal Aid Society of OC, submitted letter for the record – housing concerns raised.
• David Yamasaki, Executive Officer at the Orange County Superior Court, reaffirmed concerns raised in a letter submitted to the City Council a couple of weeks ago.
• Margaret Sharpe, supports City’s effort in providing affordable housing, opposition to the proposed ordinance, and urged the City Council to expand emergency shelter services to the homeless population.
• Kimberly Sanduvac, requested outreach efforts to homeless; dignified services desired.
• Megan Doughtey, request solidarity in working with homeless.
• Mike Lopez, represent SEIU Local 721 members, support ordinance that will provide safety for employees and residents; balanced approach for all.
• Jackie Cordova, opposed to incarceration and instead provide social services.
• Perla Dionicio, asked that justice be provided and treat all fairly and with dignity.
Kenneth Batiste, request that society address the underlying issues that cause homeless.

Heather Saravia, member of OC Young Democrats, most cities are enforcing anti-camping ordinance causing sanitary concerns in Santa Ana; need to address root problem such as housing, needle exchange program and mental health services.

Ramon Campos, youth organizer, opposed to ordinance.

David Carbajal, against criminalization of homeless and those that provide social services; need to prioritize affordable housing.

City Attorney Carvalho, summarized staff report and purpose of emergency ordinance.

Council discussion ensued.

Councilmember Villegas, noted that over the years the population has increased; many homeless reject services; supports ordinance.

Mayor Pro Tem Martinez, highlighted past efforts by the City; lack of coordination has allowed number of homeless to be exacerbated; support balanced approach and coordinated efforts; asked if City has joint operational plan with the County; data analytics to be included when making policy recommendations.

Interim City Manager Kurtz, noted that Joint Authority allows for shared costs and joint services; City has own procedures on cleanliness.

Councilmember Sarmiento, supports collaborative efforts, concerned with some elements including umbrellas and shopping carts and connection to safety and welfare. Recommend that it be processed as a regular ordinance; unintended consequences; support litigation against county of orange – have vesting rights; staff to amend Sections 2, 13, 18, 19, and 20, in the proposed amended Section 10-551(a).

Councilmember Benavides, City to work with local service providers; City has provided extensive affordable housing programs.

Councilmember Solorio, supports ordinance either as emergency or regular ordinance; noted that City has housing first model; shared responsibility starts with housing and safety as prime concern; need to work with the County before deciding to sue.

Councilmember Tinajero, commented on complexity of mental health and trickle effect on homeless; quality of life for all residents need to be considered; supports ordinance although concerned with some sections; amendments at second reading will meet needs of homeless.

Mayor Pulido, proposed spayed and neutered animals.
City Attorney Carvalho, explained emergency and regular ordinance regulations.

Mayor Pulido, proposed 2 animals per person (Sec. 10-552); need to be flexible and modify in the future; regional issue and need to provide housing throughout the county.

Councilmember Solorio, furthermore, requested clarification on placement of items within 70 feet of any building in revised ordinance.

Mayor Pro Tem Martinez, requested updates on a quarterly basis.

Councilmember Sarmiento, requested data on HUD funds being expended on homeless services.

**MOTION:** Place amended ordinance on first reading and authorize publication of title with changes as proposed and direct staff to engage non-profits and service providers and address issues raised.

ORDINANCE NO. NS-2926 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTION 10-551 AND ADDING NEW SECTIONS 10-552, 10-553 AND 10-554 TO THE SANTA ANA MUNICIPAL CODE RELATED TO STORAGE OF PROPERTY, PROHIBITION OF ANIMALS, VEHICLE ACCESS AND VOLUNTEER SERVICES IN THE CIVIC CENTER AREA

**MOTION:** Villegas **SECOND:** Sarmiento

**VOTE:** **AYES:** Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)

**NOES:** None (0)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

**REPORTS**

65A. CONSIDER REQUEST FOR PROPOSALS (RFP) AND NEGOTIATION OPTIONS RELATED TO SOLID WASTE CONTRACT SERVICES {STRATEGIC PLAN NO. 4, 1} – Public Works Agency

The following spoke on the matter:

- Jeff Snow, represent Republic Services, offered propositions for City consideration that would provide value; encouraged an open and transparent request for proposal; short term extension of current contract to be limited to 12 month extension only; opined that 16 month process is sufficient.
George Urch, representing Ware Disposal, noted that contract has not been reviewed in 50 years; need to go out to bid.

Council discussion ensued.

Councilmember Benavides, requested clarification on options for consideration.

Executive Director of Public Works, Fred Mousavipour, noted that draft contract being reviewed and will be forthcoming.

Councilmember Tinajero, supports extension of current contract to allow proper vetting of request for proposals.

Councilmember Solorio, supports option 3; augment commercial services; identify ways to improve service and reduce costs to both residents and businesses.

Councilmember Sarmiento, concerned that largest contract has not been RFP in over 50 years; opposed to premature extension.

Joe Sloan, principal with Sloan Vazquez LLC, outlined timeline and deliberative process.

Mayor Pro Tem Martinez, concerned with extension, need to do proper vetting and avoid Proposition 218 violations; transparency and accountability needed.

MOTION: Approve option 3.

1. Direct staff to issue a Request for Proposals for solid waste services and negotiate and develop service alternatives dependent on the completion of the RFP process and selection of a permanent service provider (Option A).

2. Direct staff to complete negotiations with USA Waste of California, Inc. (dba Waste Management of Orange County) for a short-term contract extension for City Council consideration on October 17, 2017 (Option B).

3. Direct staff to proceed with options A and B concurrently.

MOTION:  SECOND:

VOTE:  AYES:  Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)

NOES:  None (0)

ABSTAIN:  None (0)
PUBLIC HEARINGS

75A. PUBLIC HEARING - ADOPT AN ORDINANCE FOR THE REGISTRATION OF ABANDONED AND DEFAULTED RESIDENTIAL/COMMERCIAL PROPERTY AND ADOPT A RESOLUTION TO ADD THE $412.96 PARTIAL FEE FOR SERVICES IN THE FISCAL YEAR 2017/18 MISCELLANEOUS FEE SCHEDULE {STRATEGIC PLAN NO. 5, 4} - Planning and Building Agency


Continued from the September 5, 2017 City Council meeting by a vote of 6-0 (Martinez absent) and continued from the September 19, 2017 City Council meeting by a vote of 6-0 (Councilmember Tinajero absent).

Mayor Pulido opened the Hearing. There were no speakers and the Hearing closed.

MOTION:

1. Place ordinance on first reading and authorize publication of title.

ORDINANCE NO. NS-2927 - AN ORDINANCE, ADDING DIVISION 3 TO ARTICLE 10, OF CHAPTER 8 OF THE CITY OF SANTA ANA MUNICIPAL CODE OF TO BE ENTITLED, "REGISTRATION AND MAINTENANCE OF ABANDONED AND DEFAULTED MORTGAGE PROPERTY"; PROVIDING FOR PURPOSE, INTENT AND APPLICABILITY OF THE ORDINANCE REQUIRING THE REGISTRATION AND MAINTENANCE OF CERTAIN REAL PROPERTY BY MORTGAGEES; PROVIDING FOR PENALTIES AND ENFORCEMENT, AS WELL AS THE REGULATION, LIMITATION AND REDUCTION OF REGISTRABLE REAL PROPERTY WITHIN THE CITY

2. Adopt a resolution.

RESOLUTION NO. 2017-064 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING THE FORECLOSED VACANT PROPERTY REGISTRATION FEE IN ACCORDANCE WITH ARTICLE 3 OF DIVISION 3 OF CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE

MOTION: Villegas

SECOND: Benavides

VOTE: AYES: Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)
PUBLIC HEARING - ADOPT ZONING ORDINANCE AMENDMENT NO. 2017-02 AND ADOPT RESOLUTION TO APPROVE TENTATIVE TRACT MAP NO. 2017-01 FOR THE ARTISAN AT SOUTH COAST A 42-UNIT SINGLE FAMILY RESIDENTIAL PROJECT AT 2001 WEST MACARTHUR BOULEVARD — SHEA HOMES, APPLICANT [STRATEGIC PLAN NOS. 3, 2, 5; 5, 3] - Planning and Building Agency

Legal Notice published in the Orange County Reporter September 22, 2017.

Mayor Pulido opened the Hearing. There were no speakers and the Hearing closed.

**MOTION:**

1. Place ordinance on first reading and authorize publication of title.

ORDINANCE NO. NS-2928 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT PLAN NO. 4, PERTAINING TO THE ARMSTRONG RANCH DEVELOPMENT, TO ALLOW TEMPORARY SALES OFFICES, MODIFY THE PARKING STANDARDS AND INCORPORATE DEVELOPMENT STANDARDS FOR A SMALL LOT SUBDIVISION (SD-4) (ZOA NO. 2017-02) FOR THE PROJECT AT 2001 W. MACARTHUR BOULEVARD

2. Adopt a resolution.

RESOLUTION NO. 2017-065 — A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING TENTATIVE TRACT MAP NO. 2017-01, AS CONDITIONED, TO ALLOW THE SUBDIVISION OF AN EXISTING PARCEL INTO 43 LOTS AT 2001 WEST MACARTHUR BOULEVARD

**MOTION:** Benavides **SECOND:** Solorio

**VOTE:** **AYES:** Benavides, Martinez, Pulido, Sarmiento, Solorio, Tinajero, Villegas (7)

**NOES:** None (0)

**ABSTAIN:** None (0)
COUNCIL AGENDA ITEMS
Pursuant to Santa Ana Charter Section 411, any member of the City Council may place items on the City Council Agenda to be considered by the City Council.


Mayor Pro Tem Martinez, discussed structure of the Joint Powers Authority (JPA), funding and operational procedures; proposed amending bylaws to include an elected official on the Civic Center Authority; seek reimbursement for City impacts and expenses; suggested use of solar belly (recycling containers); and asked what resources needed and what is patrol plan for Sheriff's at the riverbed; need citywide approach with adequate resources. Consider appointment of Councilmember Villegas as City representative.

Executive Director of Parks and Recreation, Gerardo Mouet, explained funding and composition of board.

Councilmember Solorio, noted that JPA old and does not include new reality; seek reimbursement for City enforcement services and OC Flood Control or Water District have role and responsibility as well.

Direct staff to amend the bylaws of the Civic Center Authority to include a City and County Board of Supervisor representative; review funding and reimbursement; identify resources needed and return to City Council with report on action items to implement changes.

RECESSSED CITY COUNCIL MEETING AT 10:05 P.M. TO THE HOUSING AUTHORITY MEETING AND RECONVENED WITH SAME MEMBERS PRESENT AT 10:06 P.M.

COMMENTS

PUBLIC COMMENTS (Non-Agendized Items)
• Michael Klubnikin, made general comments about county services.
• Carl Benninger, invited all to Connect-to-Council’s Ward 2 Resource Fair on October 11th.
• Santiago Espinoza, requested assistance with citation received on parking matter.
CITY MANAGER’S COMMENTS

CITY COUNCILMEMBER COMMENTS

Councilmember Sarmiento:
- Thanked attendees and commented on success of Madison Park Walk-A-Thon and Faire;
- Recognized Cow Girls Café as the Ward 1 featured restaurant;
- Appreciative of tickets he was able to offer seniors to attend the Taste of Santa Ana; and
- Relayed well wishes to Francine from the Senior Center.

Mayor Pro Tem Martinez:
- Attended Senior Event; thanked Tish Leon for volunteerism, fund raising efforts and organizing talent show;
- Addressed Code Enforcement resource needs; vending and food trucks study require additional staff; need to make top priority; and
- Reminded all that Walk to School International Day on October 4th; encouraged all to drive safely and look out for kids.

Councilmember Solorio:
- Thanked City and school staff for working with building trades for organizing Youth Job Fair at Century High School on October 17th;
- Lucille’s Restaurant recognized as Ward 3 featured restaurant;
- Support additional funding for code enforcement efforts;
- Suggest city use police service officers or cadets for Park Rangers rather than contract service out; and
- Thanked all for efforts to address homeless issue.

Councilmember Villegas:
- Commented on tragedy in Las Vegas; thoughts and prayers to all;
- Walk-a-Thon was great success – Councilmembers Sarmiento and Mayor Pro Tem Martinez also attended;
- Attended Taste of Santa Ana; and
- Recognized El Toro Carniceria as Ward 5 featured restaurant.

Councilmember Benavides:
- Commended staff on many successful City events including Love Santa Ana Initiative;
- Recognized Baja Fish as Ward 4 featured restaurant;
- Invited all to attend Farmer’s Market on Sunday’s; support local businesses; and
- Adjourn in memory of victims of Las Vegas shooting.

Mayor Pulido:
• Adjourned in memory of all the victims of recent tragedies including the hurricanes, earthquake in Mexico and shooting in Las Vegas; and
• Announced that meeting adjourned to Friday, October 6, 2017 at 4 p.m. for continued closed session discussion.

ADJOURNED - 10:25 P.M. - Adjourned meeting to Friday, October 6, 2017 at 4 p.m. for continued closed session discussion.

Maria D. Huizar,
Clerk of the Council

FUTURE AGENDA ITEMS
• Labor Contracts