

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

SEPTEMBER 16, 2013

CLOSED SESSION MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
5:17 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
SAL TINAJERO, Mayor Pro Tem
P. DAVID BENAVIDES
MICHELE MARTINEZ
ROMAN A. REYNA
VINCENT F. SARMIENTO

COUNCILMEMBERS Absent:
ANGELICA AMEZCUA
MIGUEL A. PULIDO, Mayor

STAFF Present:
KEVIN O'ROURKE, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PUBLIC COMMENTS –None

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 CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION pursuant to Government Code Section 54956.9(a)

Barry Davies v. City of Santa Ana; Workers' Compensation Appeals Board case #ADJ8410116

2 LIABILITY CLAIMS pursuant to Government Code Section 54956.95

Claimants: Hignacio Hernandez Claim

3. PUBLIC EMPLOYEE – APPOINTMENT AND PERFORMANCE EVALUATION pursuant to Government Code Section 54957(b)(1)

Title: Interim City Manager

CLOSED SESSION REPORT – See Item 19A. for Report.

ADJOURNED THE CLOSED SESSION MEETING AT 5:54 P.M. AND CONVENED TO THE REGULAR OPEN MEETING

REGULAR OPEN SESSION

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:00 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor (6:04 p.m.)
SAL TINAJERO, Mayor Pro Tem
P. DAVID BENAVIDES
MICHELE MARTINEZ
ROMAN A. REYNA
VINCENT F. SARMIENTO

COUNCILMEMBERS Absent:
ANGELICA AMEZCUA

STAFF Present:
KEVIN O'ROURKE, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

INVOCATION

TOM JONES, POLICE CHAPLAIN

PRESENTATIONS

PROCLAMATION presented by **CITY COUNCIL** to Interim City Manager, Kevin O'Rourke.

CERTIFICATE OF RECOGNITIONS presented by **MAYOR PULIDO** to Southern California Edison and Jim Hodge, Project Manager with Southern California Edison for contributing to the success in educating residents and businesses on energy efficiency, delivering energy saving programs, and reducing energy use.

PROCLAMATION presented by **MAYOR PRO TEM TINAJERO** to Orange County Fire Authority in recognition of Fire Prevention Week, October 6-12, 2013.

CERTIFICATE OF RECOGNITION presented by **COUNCILMEMBER SARMIENTO** to Silvia Edwards, Hispanic Chamber of Commerce representative, for her many years of service on the Environmental and Transportation Advisory Committee (ETAC).

CLOSED SESSION REPORT – City Attorney Carvalho reported that by a vote of 5-0 (Amezcuca and Pulido absent) items listed under Consent Calendar, Agenda Item 19A were approved.

PUBLIC COMMENT

- George Estrada, opined that rules and regulations on public comment card may restrict first amendment rights when criticizing elected officials, attended town hall meeting hosted by Congresswoman Loretta Sanchez on amnesty programs.
- Veronica Alexander, presented University of Irvine's School of Law's program to support Santa Ana Unified School District students called the Saturday School of Law.
- Barbara Lemere, concerned that land use discussion on Centennial Park are in Closed Session for Rancho Santiago Board and City Council; opposed to Santa Ana College parcel at Centennial Park not used for recreational purposes; proposed Citizens Advisory Committee to review park use.
- Rene Guzman, opined that Fourth of July celebration should be as grand as Fiestas Patrias.
- Connie Hamilton, thanked Interim City Manager Kevin O'Rourke for efforts; invited all to attend the "Winds of Change" forum on September 18th at 6:30 p.m.
- Jason Wildman, spoke on miscellaneous homeless issues.
- Alex Vega, supports Fourth of July celebration.
- Julio Perez, representing the Orange County Labor Federation, spoke on recent amnesty forum; also spoke in support of community meetings on Five-Year Strategic Plan - offered resources and commitment from various non-profit organizations to assist with outreach forums (Agenda Item 65A).
- Nyexi Trejo, spoke in support of community meetings by Ward (Agenda Item 65A).
- Sarai Arpero, proposed additional forums and at various times on the City's Strategic Plan (Agenda Item 65A).
- Zabdi & Paula Alvarez, presented petitions from various community organizations regarding Strategic Plan.
- Irma Macias, thanked Kevin O'Rourke for his leadership and opportunity to engage community.
- Anthony Balabuena, opined that gang injunction efforts should be refocused on other community programs such as recreational opportunities.

CONSENT CALENDAR ITEMS

MOTION: Approve Consent Calendar Items 10A through 31C as recommended by staff with the following modifications:

- Councilmember Reyna corrected Minutes of the September 3, 2013 City Council meeting to record an abstention on item 11B due to a campaign contribution;
- Excuse the absence of Councilmember Amezcua from the City Council, Housing Authority and Successor Agency meetings;
- Councilmember Martinez pulled Agenda Items 25B and 25E;
- Councilmember Sarmiento pulled Agenda Item 31B and abstained on Agenda Item 31C due to a campaign contribution;
- Councilmember Benavides pulled Agenda Item 20A for a 30-day continuance and abstained on Agenda Item 31C due to campaign contribution; and
- Councilmember Reyna pulled Agenda Item 22C for separate discussion.

MOTION: Martinez **SECOND:** Sarmiento

VOTE: **AYES:** Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

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 OF THE REGULAR MEETING OF SEPTEMBER 3, 2013 - Clerk of the Council Office

MOTION: Approve Minutes.

*Councilmember Reyna corrected his vote on Agenda Item 11B.

BOARDS / COMMISSIONS / COMMITTEES

13A COUNCIL COMMITTEE REPORTS – Planning & Building Agency

MOTION: Receive and file the Minutes of the Development and Transportation Council Committee of June 4, 2013.

13B COUNCIL COMMITTEE REPORTS – City Manager’s Office

MOTION: Receive and file the Minutes of the Legislative Council Committee meeting held September 9, 2013.

MISCELLANEOUS ADMINISTRATION

19A CONFIRMATION OF CLOSED SESSION ACTION(S) – City Attorney’s Office

MOTION: Approve settlement agreement.

Barry Davies v. City of Santa Ana; Workers’ Compensation Appeals Board case #ADJ8410116 – Settlement in the amount of \$49,135.40.

Claimant: Hignacio Hernandez, Claim No. 2012-134; Settlement in the amount of \$275,000 (AGMT NO. A-2013-146)

19B EXCUSED ABSENCES – Clerk of the Council Office

MOTION: Excuse the absence of Councilmember Amezcua from the City Council, Housing Authority and Successor Agency meetings.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A AGREEMENT AND APPROPRIATION ADJUSTMENT ACCEPTING OFFICE OF TRAFFIC SAFETY, SOBRIETY CHECKPOINT GRANT FUNDS – Police Department

Councilmember Benavides noted that matter would be discussed at upcoming Public Safety Council Committee meeting and would defer action until after discussion.

MOTION: Continue consideration of matter for 30 days.

MOTION: Benavides **SECOND:** Martinez

VOTE: AYES: Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

20B APPROPRIATION ADJUSTMENT ACCEPTING REAL ESTATE FRAUD TRUST FUNDING – Police Department

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

APPROPRIATION ADJUSTMENT NO. 2014-034 - Approve an appropriation adjustment recognizing Orange County Real Estate Fraud Trust funds of \$50,000 in the Police Special Revenue account and appropriate same to the Police Special Revenue expenditure account to support the Police Department's efforts in investigating real estate fraud.

GRANTS / APPLICATIONS

21A SANTA ANA DELHI CHANNEL DIVERSION PROJECT GRANT EXTENSION REQUEST – Public Works Agency

MOTION: Authorize the Public Works Agency to request a one-time, two-year extension of Measure M2 Environmental Cleanup Program (ECP) funding for construction of the Santa Ana Delhi Channel Diversion Project from Orange County Transportation Authority (OCTA).

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

MOTION: Award in accordance with Request for Council Action. (Items 22A and 22B and 22D through 22G)

22A SPEC NO. 11-012 - MAINTENANCE AND SERVICE OF CHILLERS, COMPRESSORS AND HVACS - Renew the contracts for a one-year period in an annual aggregate amount not to exceed \$130,000, with the following vendors: - Finance & Management Services

Vendor:
ACCO Engineered Systems
Johnson Controls

Location:
Costa Mesa
Whittier

22B SPEC NO. 11-020 - WATERWORKS FITTINGS AND SUPPLIES - Renew the contracts for a one-year period in an aggregate amount of \$225,000, with the following vendors: Finance & Management Services

Vendor:

Ferguson Enterprises, Inc.
H.D. Supply Waterworks Ltd.
S & J Supply Company, Inc.
Wells Supply Co.

Location:

Santa Ana
Santa Ana
Santa Fe Springs
Santa Ana

22C SPEC NO. 11-051 - DIESEL AND UNLEADED FUEL

Councilmember Reyna requested clarification on fuel use and users. Finance and Management Services Executive Director Francisco Gutierrez indicated that all city vehicles serviced at the Corporate Yard through this contract.

MOTION: Award in accordance with Request for Council Action.

Renew the contract with SC Fuels for a one-year period in an amount not to exceed \$1,325,000 - Finance & Management Services

MOTION: Reyna

SECOND: Martinez

VOTE: AYES: Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

22D SPEC. NO. 12-054 - ON-GOING HOMELAND SECURITY PROJECTS - Renew the contract with Mallory Safety & Supply Company for one-year in an amount not to exceed \$750,000 (UASI Grant Funds) – (Police Department) Finance & Management Services Agency

22E SPEC NO. 13-025 – LIBRARY CATALOGING AND PURCHASE OF BOOKS AND MATERIALS - Award a contract to Brodart Company for a two year period with provision for three, one-year renewals in an annual amount not to exceed \$285,000 – (Library) Finance & Management Services

22F SPEC NO. 11-042 - ON-CALL SEWER REPAIR SERVICES - Renew the contract with Dominguez General Engineering, Inc. for a one-year period in an amount not to exceed \$500,000 – (Public Works Agency) Finance & Management Services

22G SPEC. NO. 12-073 – TREATMENT OF SANITARY SEWER MANHOLES - Renew the contract to Golden Bell Products, Inc. in an amount not to exceed \$50,000 - (Public Works Agency) Finance & Management Services

AGREEMENTS

25A AGMT NO. 2013-147 – POLICY MANUAL MAINTENANCE AND SUPPORT – Police Department

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with Lexipol, LLC, for a three-year period in an amount not to exceed \$84,350, subject to non-substantive changes approved by the City Manager and City Attorney and/or actions as noted on the Request for Council Action report.

25B AGMT NO. 2013-148 – PROJECT MANAGEMENT AND ADVOCACY ON THE STREETCAR PROJECT – Public Works Agency

Councilmember Martinez requested details of contract and funding requirements. Interim Public Works Director William Galvez indicated that no additional funds required. Councilmember Sarmiento noted Council’s commitment; Project to have regional impact and provide for economic development. Contractor committed to delivering project on-time.

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with Evan Brooks Associates, to provide project management and advocacy services for the Santa Ana-Garden Grove Fixed Guideway (Streetcar) project in an amount not to exceed \$75,000, subject to non-substantive changes approved by the City Manager and City Attorney and/or actions as noted on the Request for Council Action report.

MOTION: Martinez

SECOND: Sarmiento

VOTE: AYES:

Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)
ABSTAIN: None (0)
ABSENT: Amezcua (1)

MOTION: Authorize the City Manager and Clerk of the Council to execute the following agreements, subject to non-substantive changes approved by the City Manager and City Attorney and/or actions as noted on the Request for Council Action report. (Items 25C, 25D, and 25F through 25H)

25C AGMT NO. 2013-149 – AMENDMENT - ENERGY CONSULTING SERVICES - With Edward K. Aghjayan in an amount not to exceed \$75,000 – Public Works Agency

25D AGMT NOS. A-2013-150 **AND** A-2013-151 - 2013 BID ASSESSMENT FUNDS PROGRAMMING - Operating Agreements with Downtown Inc. **and** the Santa Ana Business Council Inc., respectively for the programming and distribution of the Downtown Santa Ana Business Improvement District (BID) assessment funds for 2013 – Community Development Agency

25E AGMT NO. 2013-152 - REIMBURSEMENT AGREEMENT TO RENOVATE MONTE VISTA ELEMENTARY SCHOOL BASKETBALL COURTS ADJACENT TO JEROME PARK – Parks, Recreation, and Community Services Agency

Councilmember Martinez requested staff report. Parks and Recreation Executive Director Mouet provided status of project, funding source, and joint use and collaborative efforts with school district.

MOTION: Authorize the City Manager and Clerk of the Council to execute a reimbursement agreement, not to exceed \$70,000, with Santa Ana Unified School District (SAUSD), subject to non-substantive changes approved by the City Manager and City Attorney and/or actions as noted on the Request for Council Action report.

MOTION: Martinez **SECOND:** Benavides

VOTE: AYES: Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

- 25F AGMT NO. A-2013-153 - U.S. GEOLOGICAL SURVEY WESTERN ECOLOGICAL RESOURCE CENTER AT THE SANTA ANA ZOO - Execute a five year agreement with the U.S. Geological Survey Western Ecological Resource Center (USGS) – Parks, Recreation & Community Services Agency
- 25G AGMT NO. 2013-154 - STATE MANDATED COST REIMBURSEMENT CLAIM SERVICES FOR FISCAL YEARS 2013, 2014 AND 2015 - With MGT of America Inc, for aggregate amount not to exceed \$34,300 for the three-year period – Finance & Management Services Agency
- 25H AGMT NO. 2013-155 - POLICE FACILITY FIRE SYSTEM MAINTENANCE AND CITY-WIDE HVAC SYSTEM REPAIRS - With Siemens Industry, Inc. for a one-year period in an amount not to exceed \$61,660 – Police Department

LAND USE MATTERS

CONDITIONAL USE PERMITS

- 31A CONDITIONAL USE PERMIT NO. 2013-24 TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR A BOUDIN RESTAURANT LOCATED AT 2800 NORTH MAIN STREET, SUITE 1038 - JARED TAYLOR, APPLICANT – Planning & Building Agency

Recommended action approved by the Planning Commission on August 26, 2013 by a vote of 7-0.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2013-24 as conditioned.

- 31B CONDITIONAL USE PERMIT NO. 2013-15 TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE, CONDITIONAL USE PERMIT NO. 2013-16 TO ALLOW AFTER-HOURS OPERATION, AND CONDITIONAL USE PERMIT NO. 2013-17 TO ALLOW A BANQUET USE FOR THE NATIVE SON ALEHOUSE AT 305 EAST FOURTH

STREET, UNIT 200 – JON SANCHEZ, APPLICANT – Planning & Building Agency – Planning & Building Agency

Executive Director of Planning and Building Jay Trevino noted that applicant seeking permit for use on 2nd floor. Councilmember Sarmiento thanked applicant and staff for creative and mixed use opportunity.

Recommended action approved by the Planning Commission on August 26, 2013 by a vote of 7-0.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2013-15 as conditioned, Conditional Use Permit No. 2013-16 as conditioned, and Conditional Use Permit No. 2013-17 as conditioned.

MOTION: Sarmiento

SECOND: Martinez

VOTE: AYES: Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

31C

CONDITIONAL USE PERMIT NO. 2013-26 AND VARIANCE NO. 2013-09 TO ALLOW THE BAT NHA BUDDHIST MEDITATION CENTER AT 803 SOUTH SULLIVAN STREET - STEVEN LETRAN, APPLICANT -- Planning & Building Agency

Recommended action approved by the Planning Commission on August 26, 2013 by a vote of 7-0.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2012-16 as conditioned and Variance No. 2012-05 as conditioned.

*Councilmembers Benavides and Sarmiento abstained on Agenda Item 31C due to a campaign contribution.

****END OF CONSENT CALENDAR****

BUSINESS CALENDAR ITEMS

RESOLUTIONS

55A RESOLUTION - CONSENTING TO THE INCLUSION OF SANTA ANA PROPERTIES IN THE CALIFORNIA HERO PROGRAM – Planning & Building Agency

MOTION:

1. Adopt a resolution.

RESOLUTION NO. 2013-045 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO THAT CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

2. AGMT NO. 2013-156 - Amendment to the related Western Riverside Council of Governments Joint Powers Agreement.

MOTION: Martinez

SECOND: Sarmiento

VOTE: AYES: Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

55B RESOLUTION - APPROVING GRANT AWARD CONTRACT FROM MOBILE SOURCE AIR POLLUTION REVIEW COMMITTEE (MSRC) FOR LOCAL GOVERNMENT MATCH PROGRAM FOR ALTERNATIVE ENERGY PROJECTS – Finance & Management Services

MOTION:

1. Adopt resolution.

RESOLUTION NO. 2013-046 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING GRANT AWARD CONTRACT NUMBER ML 12014 FROM MOBILE SOURCE AIR POLLUTION REVIEW COMMITTEE (MSRC) FOR ALTERNATIVE ENERGY PROJECTS

2. **AGMT NO. 2013-157 - Authorize City Manager and Clerk of the Council to execute an agreement with MSRC for the implementation of Clean Air Transportation Local Government Match Program Grant Award Contract Number ML 12014 which will reimburse City an amount not to exceed \$384,000, subject to non-substantive changes approved by the City Manager and City Attorney.**

MOTION: Martinez

SECOND: Sarmiento

VOTE: AYES: Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

REPORTS

65A FIVE-YEAR STRATEGIC PLAN COMMUNITY ENGAGEMENT PROCESS – City Manager’s Office

Councilmember Benavides, member of ad hoc committee on strategic plan along with Councilmember Martinez and Reyna, noted that community forum held, survey underway, motion to approve option 2 to offer additional feedback noticed at least a month in advance.

Councilmember Martinez seconded the motion.

Councilmember Reyna proposed Option 1 to allow all Wards of the City to contribute. Councilmember Martinez concerned with budget constraints; community has opportunity to comment on other components of the Strategic Plan such as the General Plan, Vision Plan; encouraged residents to participate in survey and remark on importance of community engagement component.

Councilmember Sarmiento mentioned strides taken to improve transparency and communication; concur with recommendation of Ad Hoc

Committee; Plan will include community opinion on priorities and process for updates.

Mayor Pro Tem Tinajero thanked all for community engagement; proposed amendment to option 2 as recommended to allow for two meetings on same day in the morning and afternoon, on a Saturday and 30 day advance notice; community organizations to assist with child care.

Interim City Manager O'Rourke clarified that cost to conduct meetings would double; direct and indirect cost to the City to options 1 and 2.

Maker of the motion, Councilmember Benavides, accepted the friendly amendment to the motion; further noted that ad hoc committee would discuss implementation; okay to allow for additional meeting and budget allocation.

Option 1: Conduct 5 additional Community Forums simultaneously.

ACTION REQUIRED: Authorize the City Attorney to prepare and the City Manager to execute a contract amendment with Management Partners in the amount of \$20,000 for the purpose of conducting five additional Community Forums and direct staff to provide the services necessary to support these meetings and authorize the Finance Director to reallocate the necessary funding from the Visioning Process Project account.

Option 2: Convene a Community Meeting after the survey is completed.

ACTION REQUIRED: Authorize the City Attorney to prepare and the City Manager to execute a contract amendment with Management Partners in the amount of \$6,500 for the purpose of conducting a Community Meeting on Survey Results and direct staff to provide the services necessary to support this meeting and authorize the Finance Director to reallocate the necessary funding from the Visioning Process Project account.

Option 3: Continue the current plan which includes a public Council Workshop, a public meeting with the City Manager, and the consideration of adoption of the plan at a regular Council meeting.

MOTION:

- 1. Convene a Community Meeting after the survey is completed.**
- 2. Authorize the City Attorney to prepare and the City Manager to execute a contract amendment with Management Partners in the amount of \$13,000 for the purpose of conducting a Community**

Meeting on Survey Results and direct staff to provide the services necessary to support this meeting and authorize the Finance Director to reallocate the necessary funding from the Visioning Process Project account. (AGMT NO. A-2013-159)

MOTION: Benavides

SECOND: Martinez

VOTE: AYES: Benavides, Martinez, Pulido, Sarmiento, Tinajero (5)

NOES: Reyna (1)

ABSTAIN: None (0)

ABSENT: Amezcua (1)

PUBLIC HEARINGS

75A PUBLIC HEARING - AMENDMENT TO DEVELOPMENT AGREEMENT NO. 2007-01, VESTING TENTATIVE TRACT MAP NO 2013-04 AND SITE PLAN REVIEW NO. 2013-03 FOR A NEW MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 1901 EAST FIRST STREET – LYON COMMUNITY DEVELOPMENT, APPLICANT – Planning & Building Agency

Recommended Action approved by the Planning Commission on August 26, 2013 by a 7-0 vote.

Legal Notice published in the Orange County Reporter and notices mailed on September 6, 2013.

Executive Director of Planning and Building, Jay Trevino, presented staff report.

Project Description

- New 254 unit multi-family development
- Three and five story buildings
- Mixture of flats and townhome units
- Extensive project amenities
 - ✓ Recreation facilities
 - ✓ Open space
 - ✓ Retail component

Site Description

- C-5 Zoning with MEMU Overlay
- GP Designation of DC

- Surrounded by office, retail and vacant parcels
Landscape and Pan and Project Rendering depicted

Amendment to Development Agreement

- Modify existing agreement to reflect new applicant
- Addition of public art requirement
- Extend length of agreement
- Other terms to remain

Vesting Tentative Tract Map

- Map for condominium purposes to allow the sale of units
- Project consistent with City and State provisions
- CC&R to address occupancy, outdoor storage and common area maintenance

Site Plan Review

- Required for all development projects with MEMU Overlay Zone
- Review ensures compatibility with design principles of MEMU document:
 - ✓ Parking
 - ✓ Setbacks
 - ✓ Architecture
 - ✓ Massing
 - ✓ Facades

Addendum to Certified EIR

- Reviewed impacts of new project
- Analysis determined that no new significant impacts result from new plan
- Fewer vehicle trips generated from reduced project

Project Analysis

- Project in compliance with provisions of the MEMU zone
- Amenity package consistent with similar projects citywide
- Project will serve as catalyst for investment in the MEMU Overlay Zone area

Planning Commission recommends for approval.

Councilmember Reyna asked if units would be initially rentals but as market allows sold at market rate.

Mayor Pulido opened the Public Hearing.

- Michael Keith Pratt, OHM Scuba, concerned with pedestrian accessibility, sidewalk improvements needed.
- Peter Zak, spoke on behalf of Lyon Community Development; provided highlight of recreational amenities.

Mayor Pulido closed the Public Hearing.

Councilmember Reyna spoke in support of project and applauded features of development. Councilmember Sarmiento noted ratio of open space and recreational amenities being proposed by developer; concerned with in-lieu fee (as it relates to affordable housing) - proposed re-negotiation of fee and;

City Attorney Carvalho recommended that staff be provided negotiation parameters of in-lieu fee.

Councilmember Sarmiento noted for the record that he had met with developer on the matter prior to meeting.

Mayor Pulido suggested that item be continued to approve whole package.

MOTION: Continue consideration of matter to the October 21, 2013 City Council meeting and convene Ad Hoc Committee (Sarmiento and Tinajero) to negotiate the term of the in-lieu fee and any other matters that may be pending.

MOTION: Sarmiento

SECOND: Pulido

VOTE: AYES:

Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

Amezcuca (1)

RECESSED THE CITY COUNCIL MEETING AT 8:13 P.M. AND CONVENED A JOINT MEETING OF THE CITY COUNCIL AND THE HOUSING AUTHORITY.

80A SUBSTANTIAL AMENDMENTS TO NEIGHBORHOOD STABILIZATION PROGRAMS 2 & 3 AND LOAN AGREEMENT WITH 815 N HARBOR, LP

The Community Redevelopment and Housing Commission at its regular meeting on September 3, 2013, by a vote of 5-0 (Aguinaga, Verino absent) conducted a public hearing and approved the recommended actions.

MOTION:

1. Approve a substantial amendment to the Neighborhood Stabilization Program 2 application to add redevelopment activity and allow incomes up to 60 percent Area Median Income, and authorize its submittal to the U.S. Department of Housing and Urban Development.
2. Approve a substantial amendment to the 2013-14 Annual Action Plan revising the Neighborhood Stabilization Program 3 to add redevelopment activity, and authorize its submittal to the U.S. Department of Housing and Urban Development.
3. AGMT NO. A-2013-158 - Authorize the City Manager and the Clerk of the Council to execute a loan agreement with 815 N Harbor, LP in the amount of \$2,000,000 subject to non-substantive changes approved by the Interim Executive Director and City Attorney.

MOTION: Martinez

SECOND: Benavides

VOTE: AYES:

Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (6)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

Amezcuca (1)

JOINT MEETING ADJOURNED AND CONVENED THE HOUSING AUTHORITY MEETING AT 8:14 P.M., CONVENED THE SUCCESSOR AGENCY MEETING AT 8:15 P.M. AND RECONVENED THE CITY COUNCIL MEETING AT 8:15 P.M. WITH SAME MEMBERS PRESENT.

COMMENTS

90A CITY MANAGER'S COMMENTS

Interim City Manager, O'Rourke thanked City staff for tremendous efforts and support in the past 7 months.

90B CITY COUNCILMEMBER COMMENTS:

Councilmember Martinez:

- Adjourn Meeting in Memory of Raul Amezcuca;
- Thanked outgoing Interim City Manager O'Rourke for hard work.

Councilmember Sarmiento:

- Condolences to Amezcua family on the loss of her brother;
- Commented on the success of the Fiestas Patrias festivities; and
- Happy Mexican Independence Day to all.

Mayor Pro Tem Tinajero:

- Condolences to Amezcua family;
- Congratulated and thanked Parks and Recreation Executive Director Gerardo Mouet and all of his staff for hard work; and
- Thanked Interim City Manager O'Rourke and leaving mark in the City.

Councilmember Reyna:

- Extend prayers to Amezcua family;
- Invited all to attend the Convoy of Hope event at Jerome Park on October 5th;
- October 16th Adult Leadership Forum;
- October 18-20 hosting Youth Leadership;
- Encouraged all to shop in Sana Ana;
- Continue to conserve water; and
- Thanked Templo Calvario for hosted General Counsel of Israel at prayer ceremony.

Councilmember Benavides:

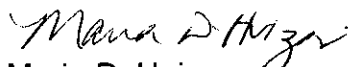
- Thanked Kevin O'Rourke;
- Thanked Parks staff for successful Fiestas Patrias event; and
- Shop in Santa Ana.

Mayor Pulido:

- Adjourned in Memory of Raul S. Amezcua.

ADJOURNED - 8:22 P.M. - October 7, 2013 City Council Meeting Cancelled. The next meeting of the City Council is scheduled for Monday, October 21, 2013 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Open Business Meeting at 5:45 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

**ADJOURN MEETING IN MEMORY OF
RAUL S. AMEZCUA**


Maria D. Huizar,
Clerk of the Council

FUTURE AGENDA ITEMS

- Street Car Project Locally Preferred Alignment
- Public Hearing on Sexlinger Property
- Adoption of Strategic Plan
- Harbor Blvd. Mixed-Use Plan