

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

SEPTEMBER 16, 2014

CLOSED SESSION MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
5:11 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor (5:22 P.M.)
SAL TINAJERO, Mayor Pro Tem
ANGELICA AMEZCUA
P. DAVID BENAVIDES
MICHELE MARTINEZ
ROMAN A. REYNA
VINCENT F. SARMIENTO (5:15 P.M.)

COUNCILMEMBERS Absent:
None

STAFF Present:
DAVID CAVAZOS, 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 5:11 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. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
 - 1) **JOINT ITEM** – City of Santa Ana, Successor Agency and Housing Authority: Peebler vs. State of California Superior Court Case No. 34-2012-80001172; Court of Appeal Case No. C073698

- 2) **JOINT ITEM** – City of Santa Ana, Successor Agency and Housing Authority: Cuenca vs. State
- 3) **JOINT ITEM** – City of Santa Ana, Successor Agency and Housing Authority: City of Santa Ana vs. Ana Matosantos (DOF) Case No. 34-2013-80001477
- 4) Carlos Ibarra v. City of Santa Ana, Orange County Superior Court Case No. 30-2013-00663031, Claim No. 2012-099.
- 5) Michael Buelna v. City of Santa Ana, Workers' Compensation Appeals Board Case Nos. #Unassigned; #ADJ8310211
- 6) Galen Diaz v. City of Santa Ana, Workers' Compensation Appeals Board Case No. ADJ8945258
- 7) Emily Tran v. City of Santa Ana, Workers' Compensation Appeals Board Case No. ADJ8335303
- 8) Adriana Ortega v. City of Santa Ana, Workers' Compensation Appeals Board Case No. ADJ8914342
- 9) The Old Orchard Conservancy v. City of Santa Ana; Orange County Superior Court Case No. 30-2014-00714225
*Councilmember Sarmiento declared that out of an abundance of caution and a potential conflict of interest he would abstain from said matter and left the room during deliberation of matter.

2. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL INITIATION OF LITIGATION Significant exposure to litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: - One Civil Case.
3. LIABILITY CLAIMS pursuant to section 54956.95 of the Government Code: - Claim No. 2014-012 Mercedes Ortiz.

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

ADJOURNED THE CLOSED SESSION MEETING AT 6:31 P.M. AND CONVENEED TO THE REGULAR OPEN MEETING.

REGULAR OPEN MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:32 P.M.

ATTENDANCE

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

COUNCILMEMBERS Absent:
NONE

STAFF Present:
DAVID CAVAZOS, City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PLEDGE OF ALLEGIANCE

JUAN CARREON, PIO PICO ELEMENTARY
SCHOOL

INVOCATION

ERIC WAKELING, POLICE CHAPLAIN

PRESENTATIONS

- 1) **PROCLAMATION AND CERTIFICATES OF RECOGNITION** presented by **MAYOR PULIDO** to the Communication Linkage Forum Committee in honor of its 25th anniversary.
- 2) **CERTIFICATES OF RECOGNITION** presented by **MAYOR PRO TEM TINAJERO** to three Valley Little League teams for winning their respective City championships.

Machine Pitch Team: **Manager** Jose Roldan; **Players**: Israel Camarena, Jacob Carlon, Aaron Cervantes, Emiliano Dominguez, Diego Guillen, Calvin Manalo, Angel Mora, Martin Muñoz, Antonio Najera, Sebastian Orozco, Leonardo Ramirez, Damian Roldan, Dominic Roldan

COUNCILMEMBER AMEZCUA, A Team: **Manager** David Saucedo, **Coach** Cesar Delgado; **Players**: Josh Delgado, Alex Gomez, Kevin Hernandez, Ricky Hernandez, Elias Lopez, Carlos Mora, Andre Naranjo, Angel Naranjo, Jacob Noriega, Andy Peredo, David Saucedo

Majors Team: **Manager**: Oscar Diaz, **Coaches**: Jimmy Contreras and Harvey Contreras; **Players**: Ivan Bailon, Harvey Contreras, Sabastian Diaz, Tyler Lopez, Martin Najera, Danny Navarro, Anthony Noriega Gabriel Ochoa Isaac Pinedo Arthur Prado, Aaron Rodriguez, Eduardo Rodriguez, Vincent Tinajero, Javier Vega,

- 3) **CERTIFICATE OF RECOGNITION** presented by **COUNCILMEMBER AMEZCUA** to Iglesia de Dios Pentecostal in recognition of their summer school character building program.
- 4) **PROCLAMATION** presented by **COUNCILMEMBER MARTINEZ** in recognition of Hispanic Heritage Month.
- 5) **PROCLAMATION** presented by **COUNCILMEMBER REYNA** to Orange County Fire Authority in recognition of Fire Prevention Week.

CLOSED SESSION REPORT - See Agenda Item 19A for Closed Session Report.

PUBLIC COMMENT

- Andrea Harris McGee, opined that there was a misunderstanding in the art community regarding the utility user box art project; student was recently arrested that misunderstood process; student should not be prosecuted and requested Council assistance in dropping charges.
 - Mayor Pulido requested that the City Attorney's Office provide the Council background information regarding the individual who was arrested for painting a City utility box.
- George Estrada, spoke on City's Measure on Utility User's Tax; opposed to spending funds as recommended in Agenda Item 20A; also, opined that double standard if release investigative report by City Attorney regarding Mayor Pulido.
- Kandice Hawes, principal officer of the Political Committee in support of Measure CC; spoke in opposition to allocating funds as proposed in Agenda Item 20A.
- Olivia Arzate, spoke in support of bringing back deported resident, Samuel Sixtos.
- Silvia Silva, urged leaders not to break families apart (by deporting).
- Miriam Grajales, spoke in opposition to deportation law.

- Martha Sixtos, mother of deported resident, Samuel Sixtos, requested support of his release.
- Alexis Teodoro, RAIZ Deportation Coordinator, TRUST Act violated when arrestee was turned over to ICE by the Sherriff's Department; submitted a proposed resolution in support of Immigration Reform.
- Ramos Campos, spoke in support of City approving resolution to assist Samuel Sixtos.
- Silvia Hernandez, representing USWW of Santa Fe Building, urged City Council to contract with unionized companies.
- Carlos Perea, RAIZ, supports resolution in support of Samuel Sixtos; request Council agendize on next Agenda.
- Karen Palerin, spoke on West Nile virus, believe that the City should make decision on spraying instead of Orange County Vector Control; urged all to stop spraying; opined that homeless population would be most affected.
 - Mayor Pulido reported that no spraying will be conducted by Orange County Vector Control.
- Clara Avila, member of RAIZ, spoke on deportation issue and requested Council support.
- Evie Cortez, opposed to spraying by Orange County Vector Control; circulated petition signed by residents to stop spraying.
- Abraham Medina, member of Santa Ana Men and Boys of Color, raised issues on restorative justice; submitted letter for the record from Congresswoman Sanchez to ICE in support of deportee Samuel Sixtos.
- Bonnie Masey, spoke in opposition to homeless shelter; stop criminalization of minor offenses; check-in centers for homeless necessary; supports shelter center, but not at proposed site.
- Pierre Espino, asked that residents be notified of any future spraying.
- Connie Hamilton, invited all to attend the Candidate Forum sponsored by Comlink at Rancho Santiago Community College District Board Room on Thursday, September 18, 2014.
- Rick Niedermayer, spoke in support of Agenda Item 65A; maintain fields; celebrating AYSO anniversary and indicated that VIP program for children with disabilities.

CONSENT CALENDAR ITEMS

MOTION: Approve Consent Calendar Items 10A through 39A as recommended by staff, with the following modifications:

- Addition of 19A. Closed Session Actions;
- Mayor Pro Tem Tinajero pulled items 31A and 31B for separate discussion;
- Councilmember Amezcua pulled item 25C for separate discussion; and

- Councilmember Martinez pulled Items 19C, 19D, 20A, 23A, 25A, 25B, 25C, 25D, 31B and 31C for separate discussion.

MOTION: Amezcua **SECOND:** Benavides

VOTE: AYES: Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

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 REGULAR MEETING OF SEPTEMBER 16, 2014
{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. SECOND READING ORDINANCE: AMENDMENT APPLICATION NO. 2014-03 TO AMEND THE ZONING FROM LIGHT INDUSTRIAL (M1) TO TWO-FAMILY RESIDENTIAL (R2) AT 1728 AND 1732 WEST SECOND STREET – MIDOROS, LLC, APPLICANT {Strategic Plan No. 5, 1} - Planning and Building Agency

Placed on first reading at the September 2, 2014 City Council meeting and approved by a vote of 6--0 (Amezcua absent)

Published in the Orange County Reporter on September 5, 2014.

MOTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2870 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REZONING THE PROPERTY LOCATED AT 1728 AND 1732 WEST SECOND STREET FROM LIGHT INDUSTRIAL (M1) TO TWO-FAMILY RESIDENTIAL (R2) (COUNCILMEMBER AMEZCUA, NO. 2014-03)

BOARDS / COMMISSIONS / COMMITTEES

13A. MINUTES FROM THE JUNE 30, 2014 DEVELOPMENT AND TRANSPORTATION COUNCIL COMMITTEE {Strategic Plan No. 5, 1} - Planning and Building Agency

MOTION: Receive and file Minutes.

MISCELLANEOUS ADMINISTRATION

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

MOTION: Approve settlement agreements as follows:

- CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:

Michael Buelna v. City of Santa Ana, Workers’ Compensation Appeals Board Case Nos. #Unassigned; #ADJ8310211 - Stipulated Award valued at \$89,987.50, plus lifetime future medical.

Galen Diaz v. City of Santa Ana, Workers’ Compensation Appeals Board Case No. ADJ8945258 - Stipulated Award valued at \$28,692.50, plus lifetime future medical.

Emily Tran v. City of Santa Ana, Workers’ Compensation Appeals Board Case No. ADJ8335303 - Stipulated Award valued at \$53,570.28, plus lifetime future medical.

Adriana Ortega v. City of Santa Ana, Workers’ Compensation Appeals Board Case No. ADJ8914342 - Compromise and Release in the amount of \$20,000.00.

- LIABILITY CLAIMS pursuant to section 54956.95 of the Government Code: -

Claim No. 2014-012 Mercedes Ortiz. - Settlement in the amount of \$42,000.00.

19B. EXCUSED ABSENCES – NONE

19C. REQUEST FOR QUALIFICATIONS FOR THE PREPARATION OF A COMMUNITY ENGAGEMENT PLAN {Strategic Plan No. 5, 1A} - Planning and Building Agency

Councilmember Martinez, thanked staff for bringing matter forward and part of the Strategic Plan.

Councilmember Reyna, key to communicate with residents; suggest that entity selected be familiar with our community.

MOTION: Authorize the Planning and Building Agency to send a Request for Qualifications to qualified consulting firms to provide technical services to support the City in the preparation of a Community Engagement Plan.

MOTION: Martinez **SECOND:** Sarmiento

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

19D. REQUEST FOR QUALIFICATIONS FOR THE THIRD AND BROADWAY DEVELOPMENT PROJECT {Strategic Plan No. 3, 5A} - Planning and Building Agency

MOTION: Authorize the Planning and Building Agency to release a Request for Qualifications for the Third and Broadway Development Project.

MOTION: Martinez **SECOND:** Reyna

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

- 19E. REQUEST FOR PROPOSALS FOR PROVIDING PARK LANDSCAPE MAINTENANCE SERVICES FOR DISTRICTS 1, 4 AND 5 {Strategic Plan No. 6, 1B} - Parks, Recreation & Community Services Agency

MOTION: Authorize the Parks, Recreation and Community Services Agency to issue a Request for Proposals (RFP) to qualified companies to provide landscape maintenance services at City parks bike trails, and various City properties in districts 1, 4 and 5.

- 19F. CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT {Strategic Plan No. 4, 1} - Community Development Agency

MOTION: Recommend that the City Council authorize submittal of the Consolidated Annual Performance and Evaluation Report to the U. S. Department of Housing and Urban Development.

- 19G. STRATEGIC PLAN MONTHLY REPORT – JULY 2014 {Strategic Plan No. 5, 1} - City Manager's Office

MOTION: Receive and file the July 2014 Monthly Report.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

- 20A. **APPROPRIATION ADJUSTMENT - MEDICAL MARIJUANA ENFORCEMENT PLAN** {Strategic Plan No. 1, 1F} - Police Department

APPROPRIATION ADJUSTMENT NO. 2015-037 - To reallocate \$500,000 in 2014-15 General Fund reserve appropriations to various departmental expenditure accounts to fund medical marijuana enforcement plan efforts.

Continued from the August 5, 2014 City Council Meeting by a vote of 4-3 (Reyna, Sarmiento, and Tinajero absent)

Continued from the September 2, 2014 City Council meeting by a vote of 7-0.

Councilmember Martinez, need to stop continuing and take action; supports matter.

Councilmember Amezcua, task force that raided businesses close to schools; don't want to wait and want to continue working with resources.

Councilmember Sarmiento, staff not provided with clear direction or notice to the court when voluminous charges filed; need time to review matter and do more responsibly; if measure approved will use revenue for enforcement purposes.

Councilmember Benavides, dispensaries raided; what level of enforcement is needed and resources.

City Manager Cavazos, noted used existing resources; court did not receive case load well and behoove to provide better information; 7 weeks from election and depending on outcome will make recommendations; staff to return with Plan.

MOTION: Table item until after 2014 Election results determined.

MOTION: Amezcua **SECOND:** Tinajero

VOTE: AYES: Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

22A. SPEC. NO. 14-051 – SECURITY CAMERAS AT THE SANTA ANA PUBLIC LIBRARY {Strategic Plan No. 1, 1} - Finance & Management Services

MOTION: Award a contract to Siemens Industry, Inc. in an amount not to exceed \$49,000, subject to non-substantive changes approved by the City Manager and City Attorney.

22B. SPEC. NO. 14-057 - OFFICE FURNITURE {Strategic Plan No. 7, 1 and 5} - Finance & Management Services, Personnel Services, and Parks, Recreation and Community Services

MOTION: Award a contract to Culver-Newlin, using the Hawthorne School District's contract with Culver-Newlin for the purchase of office furniture in an amount not to exceed \$90,000, subject to non-substantive changes approved by the City Manager and City Attorney.

22C. SPEC. NO. 14-046 - WEST RESERVOIR COATING SERVICES {Strategic Plan No. 6, 1, 1C} - Finance & Management Services and Public Works Agency

MOTION: Award a contract to Olympos Painting Inc. for west reservoir coating services in an amount not to exceed \$144,900, subject to non-substantive changes approved by the City Manager and City Attorney.

PROJECTS/CHANGE ORDERS

23A. CONTRACT AWARD TO ALL AMERICAN ASPHALT FOR CONSTRUCTION OF A CLASS II BIKEWAY AND ALLEY/STREET IMPROVEMENTS (PROJECT NUMBERS 136796, 146813, & 146803) {Strategic Plan No. 6, 1B} - Public Works Agency

Councilmember Martinez, thanked staff for bringing matter forward.

Councilmember Reyna, requested a report on how much of the contingency is used after the project is completed.

MOTION:

- 1) Award a contract to All American Asphalt, the lowest responsible bidder, in accordance with the Base Bid, in an amount of \$631,573, for construction of the Chestnut Avenue Class II Bikeway from Standard Avenue to Grand Avenue; Alley Improvements FY 2013-14; and Chestnut Avenue Rehabilitation from Broadway to Main Street.
- 2) Approve the Cost Analysis for a total estimated project delivery cost of \$757,888.
- 3) Authorize the City Manager to execute change orders in an amount not to exceed the total authorized contingency of \$63,157.

MOTION: Martinez **SECOND:** Pulido

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

AGREEMENTS

25A. AGMT NO. 2014-218 - CITYWIDE ENVIRONMENTAL, HEALTH, AND SAFETY PROGRAM MANAGEMENT SERVICES {Strategic Plan No. 7, 6} - Personnel Services Agency and Publics Works Agency

Personnel Services Agency Executive Director, Ed Raya, reported that consultant to address safety related issues and address OSHA compliance.

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with Bureau Veritas North America, Incorporated (BVNA), subject to non-substantive changes approved by the City Manager and City Attorney, for a two-year period, in an amount not to exceed \$360,000. The agreement includes a provision for a one-year renewal option exercisable by the City Manager and City Attorney, in an amount not to exceed \$180,000, a total of \$540,000 for the three-year period.

25B. AGMT NO. 2014-219 – PROVIDE GENERAL MAINTENANCE SERVICES IN THE DOWNTOWN SANTA ANA AREA {Strategic Plan No. 3, 4A} - Community Development Agency

Councilmember Martinez, City going beyond the contractual obligations of now defunct CMD/PBID by approving contract; prioritize the fixing of sidewalks.

MOTION: Authorize the City Manager and Clerk of the Council to execute a three-year agreement, ending June 30, 2017, with Orange County Contractor Services Councilmember Benavides, a Orange County on for an amount not to exceed \$25,000 per year, subject to non-substantive changes approved by the City Manager and City Attorney. Execution of this agreement includes the option to extend for up to three additional twelve month periods.

MOTION: Martinez **SECOND:** Tinajero

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

25C. APPROVAL OF EXCLUSIVE NEGOTIATING AGREEMENT FOR RENOVATION AND REUSE OF THE YMCA PROPERTY, REIMBURSEMENT, AND COMPLETE SECURITY ENHANCEMENTS AND PHYSICAL IMPROVEMENTS TO THE EXTERIOR OF THE FORMER YMCA BUILDING {Strategic Plan No. 3, 5A} - Community Development Agency

Councilmember Amezcua, request report of asbestos at the YMCA.

City Manager Cavazos indicated that no threat to the public unless they go inside.

Councilmember Martinez, thanked Taller San Jose for Exclusive Agreement and look forward to working with them.

Councilmember Sarmiento, thanked staff; improving condition of the building; what happens if contractor does not follow through with obligations.

City Manager Cavazos, indicated that City may re-bid but it would come back to Council with options for consideration.

MOTION:

- 1) **AGMT NO. 2014-220 - Authorize the City Manager and City Attorney to approve an Exclusive Negotiation Agreement on behalf of the City of Santa Ana with St. Joseph Health and Taller San Jose for the reuse of the YMCA building.**
- 2) **AGMT NO. 2014-221 - Authorize the City Manager and City Attorney to execute a Reimbursement Agreement in the amount of \$40,000 with the parties subject to non-substantive changes approved by the City Manager and City Attorney.**
- 3) **AGMT NO. 2014-222 - Authorize the City Manager and Clerk of the Council to prepare and execute an agreement with Orange County Contractors Services Councilmember Benavides, a Orange County Mailboxes and Construction to complete security enhancements and physical improvements to the exterior of the former YMCA building for an amount not to exceed \$44,000, subject to non-substantive changes by the City Manager and City Attorney.**

MOTION: Martinez **SECOND:** Amezcua

VOTE: AYES: Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

25D. AGMT NO. 2014-223 - LANDSCAPE ARCHITECTURE CONSULTING SERVICES FOR THE PACIFIC ELECTRIC PARK PROJECT {Strategic Plan No. 6, 1G} - Public Works Agency, Community Development Agency and Parks, Recreation and Community Services

Councilmember Martinez, asked for progress of proposed park.

Parks, Recreation and Community Services Agency Executive Director, Gerardo Mouet, noted that City approving design plan; working with community on concept and architects; next steps include bidding and address gap in funding requirement.

Councilmember Martinez, excited that new parking coming.

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with RJM Design Group, subject to non-substantive changes approved by the City Manager and City Attorney, for a one-year period expiring September 15, 2015, in an amount not to exceed \$215,500.

MOTION: Martinez **SECOND:** Reyna

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

25E. COMPLETION OF WALNUT PUMP STATION PROJECT PLANS AND ENVIRONMENTAL DOCUMENTS (PROJECT NO. 11-6412) {Strategic Plan No. 6, 1C} - Public Works Agency

MOTION:

1) AGMT NO. 2014-224 - Authorize the City Manager and Clerk of the Council to execute an agreement with Psomas, Inc., subject to nonsubstantive changes approved by the City Manager and City Attorney, to provide engineering design, bid support, and construction support services for the completion of the Walnut Pump Station

project, for a three-year period expiring September 1, 2017, in an amount not to exceed \$175,000.

- 2) **AGMT NO. 2014-225 - Authorize the City Manager and Clerk of the Council to execute an agreement with T&B Planning, Inc., subject to nonsubstantive changes approved by the City Manager and City Attorney, to provide environmental review services for the completion of the Walnut Pump Station project, for a one-year period expiring September 1, 2015, in an amount not to exceed \$17,000.**

- 25F. AGMT NO. 2014-226 – COST-SHARING AGREEMENT FOR THE WATER RESERVOIR PERIMETER WALL IMPROVEMENTS AT THE SOUTH STATION WATER RESERVOIR SITE (PROJECT NO. 14-6444) {Strategic Plan No. 6, 1B} - Public Works Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with the Orange County Water District, subject to non-substantive changes approved by the City Manager and City Attorney, designating the Orange County Water District as project lead; and assigning a 36-percent share of the project costs to the City of Santa Ana, initially estimated at \$126,000.

- 25G. AGMT NO. 2014-227 - COST REVIEW SERVICES ANALYZING INVOICES, SUPPLIER CONTRACTS, AND OTHER INFORMATION RELATED TO TELECOMMUNICATIONS, UTILITIES, TREASURY SERVICES, AND DOCUMENT MANAGEMENT {Strategic Plan No. 4, 3} - Finance & Management Services

MOTION: Authorize the City Manager and Clerk of the Council to execute a three year agreement with Procure America in an amount not exceed \$50,000 subject to non-substantive changes approved by the City Manager and City Attorney.

- 25H. AGMT NOS. 2014-228, 2014-229, AND 2014-230 - EMERGENCY ON-CALL SEWER AND WATER SYSTEM REPAIR SERVICES {Strategic Plan No. 6,. 1} - Public Works Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute agreements with W.A. Rasic Construction Company, Inc.; Paulus Engineering, Inc.; and T.E. Roberts, Inc.; subject to non-substantive changes approved by the City Manager and City Attorney, for a three-year period expiring September 15, 2017, with provisions for a two-year-period renewal option exercisable by the City Manager and City Attorney, in an aggregate amount not to exceed \$400,000 annually.

- 25I. AGMT NO. 2014-231 - AMEND MASTER FUNDING AGREEMENT (C-1-2783) FOR MEASURE M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAMS {Strategic Plan No. 3, 2C and 6,1G} - Public Works Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute Amendment No. 2 to the Master Funding Agreement with the Orange County Transportation Authority for the M2 Comprehensive Transportation Funding Programs, subject to non-substantive changes approved by the City Manager and City Attorney.

- 25J. AGMT NO. 2014-232 - BOND COMPLIANCE CONTINUING DISCLOSURE SERVICES {Strategic Plan No. 4, 2D} - Finance & Management Services

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with Urban Futures, Inc., for a three-year period in an annual amount of \$5,500, subject to non-substantive changes approved by the City Manager and City Attorney

- 25K. AGMT NO. 2014-233 - SOFTWARE MANAGEMENT FOR WORKERS' COMPENSATION AND LIABILITY CLAIMS {Strategic Plan No. 7, 5 and 6} - Personnel Services Agency

MOTION: Continue consideration of matter, at the request of staff.

- 25L. AGMT NO. 2014-234 - MAINTENANCE AND SUPPORT OF POLICE TRACKING SOFTWARE {Strategic Plan No. 1, 3, 3A} - Police Department

MOTION: Authorize the City Manager and Clerk of the Council to execute a three-year agreement with CI Technologies, terminating August 31, 2017, in an amount not to exceed \$18,500, subject to non-substantive changes approved by the City Manager and City Attorney.

LAND USE MATTERS

CONDITIONAL USE PERMIT/VARIANCES

- 31A. CONDITIONAL USE PERMIT NO. 2014-30 TO ALLOW INDOOR RECREATION AND CONDITIONAL USE PERMIT NO. 2014-31 TO ALLOW A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR ROUND 1 ENTERTAINMENT TO BE LOCATED AT 2800 NORTH MAIN STREET, UNIT

1100 - GREGG BERWIN, APPLICANT {Strategic Plan No. 3, 2} - Planning and Building Agency

Planning Commission approved recommended action on August 25, 2014, by a vote of 7-0.

Mayor Pro Tem Tinajero, asked if open during construction.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2014-30 as conditioned and Conditional Use Permit No. 2014-31.

MOTION: Tinajero **SECOND:** Sarmiento

VOTE: AYES: Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

31B. CONDITIONAL USE PERMIT NO. 2013-32 TO ALLOW A TYPE 47 ALCOHOL BEVERAGE CONTROL LICENSE, CONDITIONAL USE PERMIT NO. 2013-33 TO ALLOW AFTER-HOURS OPERATION, AND CONDITIONAL USE PERMIT NO. 2013-34 TO ALLOW A BANQUET USE AT THE FOURTH STREET MARKET LOCATED AT 201 EAST FOURTH STREET {Strategic Plan No. 3, 2} - ROBERT QUINN, APPLICANT - Planning and Building Agency

Planning Commission approved recommended action on August 25, 2014, by a vote of 7-0.

Interim Executive Director of Planning and Building, Karen Haluza, noted that food tenants in open floor plan; one ABC license for all and open till 2 a.m.

Councilmember Martinez, excited about concept and having culinary schools in Santa Ana.

Councilmember Sarmiento, concept successful in other areas; like idea; one 47 license that will monopolize all the tenants; include provision that business open only until 2 a.m.; keep business type balance - day time business and service businesses.

Interim Director Haluza, concept have demonstration stations; sell fresh food as well as cooked food.

Councilmember Benavides, downtown becoming a destination and food revolution in Downtown; a hub; market should drive the type of businesses coming to City.

Mayor Pulido, owners have received a lot of interest calls; additional amenities that will be further benefitted by Streetcar project.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2013-32, Conditional Use Permit No. 2013-33 as conditioned, and Conditional Use Permit No. 2013-34 as conditioned.

MOTION: Tinajero **SECOND:** Martinez

VOTE: AYES: Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

31C. VARIANCE NO. 2014-05 TO ALLOW A REDUCTION IN PARKING FOR 24 HOUR FITNESS AT 2800 NORTH MAIN STREET, UNIT 3100 - GREGG BERWIN, APPLICANT {Strategic Plan No. 3, 2} - Planning and Building Agency

Planning Commission approved recommended action on August 25, 2014, by a vote of 7-0.

Councilmember Martinez, 24-Fitness opening at Main Place Mall; moving forward with parking reduction; business friendly City.

MOTION: Receive and file the staff report approving Variance No. 2014-05 as conditioned.

MOTION: Martinez **SECOND:** Sarmiento

VOTE: AYES: Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

MISCELLANEOUS – LAND USE

39A. ASSIGNMENT OF DEVELOPMENT RIGHTS FOR THE LYON COMMUNITIES RESIDENTIAL DEVELOPMENT PROJECT TO BE LOCATED AT 1901 EAST FIRST {Strategic Plan No. 5, 3} - Planning and Building Agency

MOTION: Direct the City Manager to authorize the assignment of development rights for the Lyon Communities residential development project to 1901 First Street Owner, LLC, with such non-substantive changes as may be approved by the City Manager and City Attorney.

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

BUSINESS CALENDAR ITEMS

RESOLUTIONS

55A. APPROPRIATION ADJUSTMENT TO RECOGNIZE ADDITIONAL PLANNING AND BUILDING AGENCY REVENUE AND RESOLUTION TO ADD BUILDING SAFETY AND PLANNING POSITIONS TO THE FY14-15 BUDGET {Strategic Plan No. 3, 3; 5, 3; and 4,2} - Planning and Building Agency

Councilmember Martinez, thanked staff for adding positions.

MOTION:

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

APPROPRIATION ADJUSTMENT NO. 2015-059 - Recognizing \$772,000 in additional Planning and Building Agency Revenue.

2) Adopt a resolution.

RESOLUTION NO. 2014-054 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO AMEND THE CURRENT ANNUAL BUDGET TO DELETE ONE FULL TIME POSITION AND ADD SEVEN FULL TIME POSITIONS IN THE PLANNING AND BUILDING AGENCY

MOTION: Martinez

SECOND: Benavides

VOTE: AYES:

Amezcuca, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES:

None (0)

ABSTAIN: None (0)

ABSENT: None (0)

- 55B. RESOLUTION TO PROPOSE AMENDMENT TO CLASSIFICATION AND COMPENSATION PLAN AND ANNUAL BUDGET TO ADJUST THE SALARY FOR THREE FULL TIME MIDDLE MANAGEMENT CLASSIFICATION TITLES IN THE CITY'S BASIC CLASSIFICATION AND COMPENSATION PLAN {Strategic Plan No. 4, 1 and 7,4} - Personnel Services Agency

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-055 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO AMEND RESOLUTION NO. 91-066 TO ADJUST THE SALARY FOR THREE FULL TIME MIDDLE MANAGEMENT CLASSIFICATION TITLES IN THE CITY'S BASIC CLASSIFICATION AND COMPENSATION PLAN

MOTION: Benavides **SECOND:** Sarmiento

VOTE: **AYES:** Amezcuca, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

- 55C. RESOLUTION DECLARING A WATER CONSERVATION LEVEL 1 WATER SHORTAGE {Strategic Plan No. 5, 2, 6F} - Public Works Agency

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-056 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING A LEVEL 1 WATER SHORTAGE

MOTION: Sarmiento **SECOND:** Amezcuca

VOTE: **AYES:** Amezcuca, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

- 55D. RESOLUTION APPROVING RELOCATION PLAN FOR BRISTOL STREET PHASE IIIB IMPROVEMENTS BETWEEN WASHINGTON AVENUE AND SEVENTEENTH STREET (PROJECT NO. 116740 NON GENERAL FUND) {Strategic Plan No. 3, 2C and 6,1G} - Public Works Agency

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-057 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE RELOCATION PLAN FOR PHASE IIIB IMPROVEMENTS OF THE BRISTOL STREET WIDENING PROJECT BETWEEN WASHINGTON AND SEVENTEENTH STREET

MOTION: Martinez **SECOND:** Tinajero

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

- 55E. RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR PROPOSITION 84 STORM WATER GRANT PROGRAM FUNDING {Strategic Plan No. 4, 3 and 6, 1} - Public Works Agency

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-058 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA FOR PROPOSITION 84 STORM WATER GRANT PROGRAM (SWGP) FUNDING

MOTION: Sarmiento **SECOND:** Tinajero

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

55F. RESOLUTION - BIENNIAL REVIEW OF CITY CLASSIFICATIONS REQUIRED TO FILE A STATEMENT OF ECONOMIC INTERESTS FORM {Strategic Plan No. 5, 1} - Clerk of the Council Office

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-059 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE CONFLICT OF INTEREST CODES OF CERTAIN CITY AGENCIES AND DEPARTMENTS

MOTION: Martinez **SECOND:** Tinajero

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

REPORTS

65A. YOUTH SPORTS SCHOLARSHIP PROGRAM {Strategic Plan No. 2, 2} - Parks, Recreation & Community Services Agency

City Manager Cavazos, noted that Plan is scheduled for City Council consideration at the October 7, 2014 meeting.

MOTION: Receive and file the Parks, Recreation, Education and Youth Council Committee's recommended direction on the development and implementation of the Youth Sports Scholarship Program.

MOTION Sarmiento **SECOND:** Tinajero

VOTE: **AYES:** Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

PUBLIC HEARINGS

*Councilmember Sarmiento, declared that out of an abundance of caution and a potential conflict of interest he would abstain from Agenda Item 75A and left the dais during deliberation of matter.

75A. PUBLIC HEARING – CONSIDERATION OF FINAL ENVIRONMENTAL IMPACT REPORT NO. 2011-01 (SCH# 2008041172), FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT MITIGATION MONITORING PROGRAM; VARIANCE NOS. 2012-04(A) AND 2012-04(B) AS CONDITIONED; AND, VESTING TENTATIVE TRACT MAP NO. 2012-02 TO ALLOW A 23-UNIT SINGLE FAMILY DEVELOPMENT AT 1584 EAST SANTA CLARA AVENUE (SEXLINGER FARMHOUSE AND ORCHARD) – CONCORDIA UNIVERSITY AND LUTHERAN HIGH SCHOOL OF ORANGE COUNTY, APPLICANTS {Strategic Plan No. 3, 2; 5, 3} - Planning and Building Agency

Legal Notice published in the Orange County Reporter and notices mailed on August 22, 2014.

Public hearing held and motion to reconsider vote approved by a vote of 5-0 (Amezcuca and Tinajero absent) at the September 2, 2014 City Council meeting.

Notice of Continued Public Hearing posted on September 3, 2014 pursuant to § 54955.1.

Mayor Pulido, opened the public hearing. The following speakers addressed the City Council on the matters.

- Jeff Melching, representing applicant, noted that proceedings are administrative correction that draw Findings into alignment with the Environment Impact Report (EIR) with nothing new to add.
- Michael Gibbons, representing Orange Lutheran High School and Concordia University, supports recommendation; project before the City for past 6 ½ years with thorough process in place.
- Nick Spain, opined that Public Hearing has no legal framework; legal defects in Council decision as it relates to CEQA Findings.
- Mathew Holbrook, opined that Findings not previously circulated in Council approval of March, 2014; proper notice for findings or Continued Public Hearing not provided; no process to amend the Findings; remedy if insufficient findings Council may reconsider and properly approve; no new evidence since March, 2014 to support approval of Findings.
- Jeannie Gillett, improper for Council to vote on current condition of the trees and whether or not the Conservancy has the funds to purchase land;

maintains that requirements not met or change historic value or significance; noted that remaining trees have not been watered; concerned that perceived conflict existed in March, 2014 for Councilmember Sarmiento.

- Steve Ray, believes that inadequate analysis in EIR considered in making decision; Old Orchard Conservancy in litigation on this matter; no remedy to alleviate administrative error only vacate approval and reconsider entire project.

The Mayor closed the Public Hearing.

Council discussion ensued.

City Attorney Carvalho, noted for the record that City has prepared a response letter that addresses issues raised; lead agencies are free to take actions even after lawsuit is filed unless injunction is filed.

Councilmember Amezcua, noted that she wished the Old Orchard Conservancy had lined up the money to purchase the land; fair to move forward; City has approved the EIR and Findings City; reaffirming original findings.

Councilmember Martinez, reconsider vote from the previous City Council meeting to approve staff recommendation.

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-060 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT NO. 2011-01 (SCH# 2008041172); ADOPTING THE MITIGATION MONITORING PROGRAM; APPROVING VARIANCE NOS. 2012-04(A) AND 2012-04(B) AS CONDITIONED; AND, APPROVING VESTING TENTATIVE TRACT MAP NO. 2012-02 (COUNTY MAP NO. 17231) AS CONDITIONED FOR THE PROPERTY LOCATED AT 1584 EAST SANTA CLARA AVENUE

MOTION: Tinajero

SECOND: Amezcua

VOTE: AYES:

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

NOES:

None (0)

ABSTAIN:

Sarmiento (1)

ABSENT:

None (0)

75B. PUBLIC HEARING - ENVIRONMENTAL IMPACT REPORT NO. 2014-01, GENERAL PLAN AMENDMENT NO. 2014-02, ZONING ORDINANCE AMENDMENT NO. 2014-01 AND AMENDMENT APPLICATION NO. 2014-02 FOR THE HARBOR MIXED USE TRANSIT CORRIDOR SPECIFIC PLAN {Strategic Plan No. 3, 2; 5, 3 and 4} - Planning and Building Agency

Planning Commission approved MOTION on August 25, 2014 by a vote of 7-0.

Legal Notice published in the Orange County Reporter on September 5, 2014; the Nguoi Viet on September 10, 2014; and the La Opinion on September 11, 2014. Notices were mailed out September 5, 2014.

Interim Director of Planning and Building Agency, Karen Haluza presented the staff report.

Project Introduction

- 2-miles of Harbor Boulevard
- Westminster/17th Street to just north of Edinger Avenue
- Many people use the corridor by car, bus, bike, and on foot

Context

- Neighborhoods
- Riverview West Santa Anita
- School District
- Garden Grove Unified
- Access
- 22 Freeway
- Santa Ana River
- Public Facilities
- Local parks and schools
- 2 regional parks

Harbor Corridor

- 50-60,000 vehicles per day, but more than just a road for cars and trucks
- Homes, shops, businesses, schools, churches, and parks
- Bikes and pedestrians, individuals and families
- Regional and local transit improvements

Corridor History

- 1994 creation of North Harbor Specific Plan
- 87% of land developed
- Less than 1% agricultural
- About equal parts residential, open space, and non-residential
- Five focus areas

Why Examine Harbor Blvd Now?

- Planning for Southern California region
- City and State
Housing Goals
- Enhanced Bus Service
- Complement Santa Ana Transit Vision

TODAY: A place for cars. VISION: A place for People.

Community Engagement

- 4 years
- 20+ meetings/workshops/community events
- 3,000+ mailing list
- Multi-lingual approach

What we heard from the community

- 4 years: open house/fair, workshops, neigh. mtgs.
- Residents, community orgs., property/business owners, developers
- Safety
- Crime issues
- Pedestrians: lighting, crossing, sidewalk
- Bikes: sidewalk or path
- Uses
- Nice restaurants, cafés
- More open space; community gardens/rooftop
- Day care
- Mix of housing (intensity/affordability)
- Museums/hotels
- Aesthetics
- Trees along sidewalks; more landscaping
- Improve business frontages
- More walkable
- Transportation
- Improve bus service
- Major roadway for cars
- Intensity
- Okay with urban style development
- Transitions to surrounding homes
- Transit-oriented preferred

What we heard | EIR comment letters

- 3 Cities
- Fountain Valley

- Garden Grove
- Costa Mesa
- 6 Agencies
- Caltrans
- OC Sanitation District
- Santa Ana Unified School District
- OC Public Works
- Southern California Edison
- State OPR
- 2 Organizations
- The Kennedy Commission
- Native American Heritage
- Questions on traffic modeling
- Requests for wastewater modeling
- Support for transit-oriented housing options

Specific Plan

- Vision and Summary
- Context
- Land Use Plan & Development Standards
- Mobility Plan
- Infrastructure
- Design Guidelines
- Admin & Implementation

Vision: A Place for People

GUIDING PRINCIPLES

1. Expanded development opportunities that respond to transit investments
2. A variety of safe and efficient travel choices
3. Economic vitality and new opportunities for businesses and residents
4. A sense of place
5. Community health and wellness

Land Use Plan

- Transit Node
- 125 acres
- Corridor
- 108 acres
- Neighborhood Transitional
- 15 acres
- Open Space
- 4 acres

- Expand with new development

Development Standards

- Building Type & Form
 - House
 - 2/3/4-plex
- Building Type & Form
 - Bungalow Court
 - Live-Work
- Building Type & Form
 - Rowhouse
 - Tuck-Under
- Building Type & Form
 - Courtyard Housing
- Building Type & Form
 - Flex Block
- Building Type & Form
 - Stacked Dwellings
- Building Type & Form
 - Lined Block
- Frontage Types & Floor Heights
 - Frontyard/Porch
 - Stoop
 - Forecourt
 - Shop Front
 - Gallery
 - Arcade
 - 1st Floor Height
 - 10' NT
 - 12' C
 - 15' TN
- Parking

Table 3-7. Off-Street Parking Standards

USE	TN	C	NT
MINIMUM NUMBER OF SPACES			
Residential - occupant ¹	1.0 / unit	1.5 / unit	2.0 / unit
Residential - guest	0.50 / unit	0.25 / unit	0.25 / unit
Live-Work/Shopkeeper - occupant	1.0 / unit	1.0 / unit	2.0 / unit
Live-Work/Shopkeeper - guest	0.50 / unit	0.50 / unit	0.25 / unit
Nonresidential	1 / 400 sq ft		

Open Space

On-site open space | Common 15% of lot

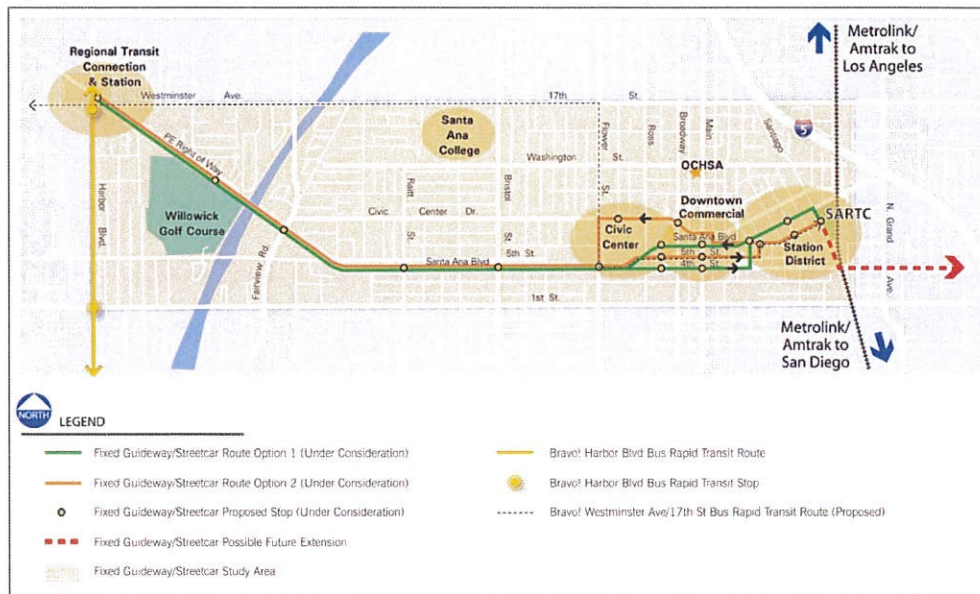
Private: 50 – 90 SF 1,200 SF for a House

Open Space

- Right-of-way
- Critical piece of the public realm
- Most visible part of corridor
- Safe, attractive, functional

Mobility | Transportation Context

Figure 4-6. Fixed Guideway Project Route Options



Local Transportation Investments

- New roadway designs and bicycle facilities
- Intersection safety
- Reduced speed
- Connections north/south and east/west

VISION: A place for People.

- Buffered Bike Lanes
- Protected Bike Lanes
- Cycle Track
- One-way Bike Path w/inline stop
- One-way Bike Path with pullout

EIR Results

- EIR Released on April 18, 2014 for 45-day review period

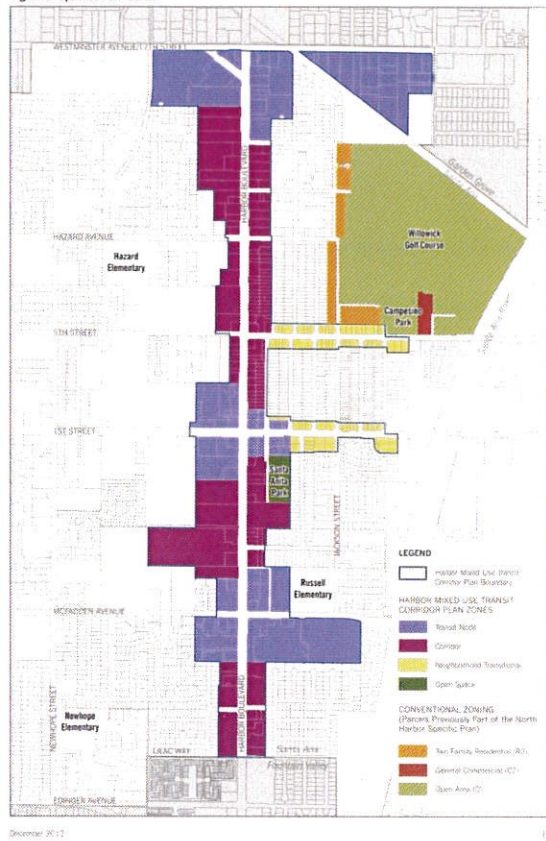
- Planning Commission public hearing held on May 12, 2014 to take comments
- City received 11 comment letters
- Impacts mitigated to less than significant levels
 - Cultural Resources
 - Hazards and Hazardous Materials
 - Hydrology and Water Quality
 - Noise
 - Traffic
- Significant and unavoidable impacts
 - Air Quality
 - Short-term construction
 - Location within SCAQMD non-attainment area

Retention of Existing Zoning

Figure XX: North Harbor Specific Plan Districts



Figure 3: Specific Plan Zones



Recommended for approval by the Planning Commission August 25, 2014.

- Certify the Final EIR 2014-01 and approve:
 - Mitigation Monitoring and Reporting Program
 - Findings of Fact
 - Statement of Overriding Considerations
 - Approve General Plan Amendment No. 2014-01
 - Adopt Zoning Ordinance Amendment No. 2014-01
 - Adopt Amendment Application No. 2014-01

Council discussion ensued.

- Councilmember Benavides, asked series of questions regarding improvements.
- Councilmember Martinez, asked about mixed use and acreage of housing available; clarified TOD (Transit Oriented Development); offer retail component; add hotel or other entertainment and what kind of uses could be added; also, asked if Council could approve higher height building.
- Interim Director Haluza, noted that individual request coming to council.

Mayor Pulido opened and closed the Public Hearing. The following speakers address the City Council on the matter:

- Susan Emery, representing the City of Garden Grove, request City Council retain their ability to have discussion on theme park at site in the future.
- Doug Brown, interested in having the Rocco Salvage property included to improve the area.
- Gil Sanchez, resident of Santa Anita neighborhood, concerned that map does not have street names included to know what neighborhood impacted; if property raised what kind of compensation; notice if any take-aways.
- Richard Kelter, representing Riverview West Shopping Center, support plan to revise Harbor Blvd.

Mayor Pulido closed the Public Hearing.

Interim Director Haluza, would not acquire any property or street widening project, just a rezoning project.

Council discussion ensued.

Mayor Pulido, concerned that flexibility allowed; too much flexibility may have unintended consequences.

Interim Director Haluza, noticed that walkable life is goal; mixed use; estimated housing could be several thousand housing units.

Mayor Pulido, supports taller units and retail; how to approve Plan with cap to protect opportunity for other development including hotel and street car along Harbor; also requested that staff follow up with the individual whose mother lives in the area to provide further details and answer questions.

Councilmember Amezcua, need safeguards to limit housing.

Interim Director Haluza, cannot strip; strategic is to have Economic Development component and create a framework.

Mayor Pro Tem Tinajero, do we have authority to deny (discretionary or vested right); concern that developers not looking at best interest of the City.

Interim Director Haluza, require a CUP for multi-residential units to require then to go to PC and Council.

Councilmember Sarmiento, Willowick carved out and for record reflect that no down zoning and remain status quo; opined that staff has inverted zones permitting housing from earlier discussion with City Council; need to increase sales tax and need to develop area.

Mayor Pro Tem Tinajero, agree with Councilmember Sarmiento; SCAG need decision by end of October; motion to continue to next meeting and seconded by Councilmember Amezcua.

Councilmember Reyna, thank staff for community outreach; believe that CUP will allow for flexibility.

Interim Director Haluza, affordable housing at 15% of units required and extensive community outreach conducted.

Councilmember Benavides, thanked staff for community involvement; potential is great with walkability; area underutilized; promising plan with opportunity for variety of uses; what can council do to address some of the concerns raised that will allow intensity and take action and not delay and pending projects; what is the process for amending Plan; supports bike buffers; requested a written response be provided to the City of Garden Grove confirming the statements made by staff regarding the Willowick Golf Course property.

Interim Director Haluza, addition of CUP and include goal and emphasize on what type of use could be /permitted; could happen for next meeting; plan could be open at any time; noted that Doug Brown request would actually restrict area rather than maintain commercial designation.

Councilmember Martinez, create policy statement that will not accept EIR Report on nodes; impetus to consider Economic Development Plan and tie to the Plan; sustainable communities incorporated; friendly amendment proposed to remove on-street parking (request tabled).

Councilmember Benavides, include provision of CUP requirement; concerned that eliminating on-street parking would increase traffic.

Interim Director Haluza, clarified where the 6-8 level building allowed.

MOTION: Continue consideration of matter for two weeks, to the October 7, 2014 City Council Meeting,

MOTION: Tinajero

SECOND: Amezcua

VOTE: AYES:

Amezcua, Benavides, Martinez, Pulido, Reyna, Sarmiento, Tinajero (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

COMMENTS

90A. CITY MANAGER'S COMMENTS

- Reported that City has hired an Active Transportation Coordinator; and
- City will host Downtown Complete Streets Meeting on September 25 and 26th.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Martinez:

- Concerned with spraying; important to communication with City Council prior to resident notices going out;
- Concerned with reduction of crossing guards; City Council needs to be apprised before changes made;
- Asked staff to provide options and evaluate possible moratorium on City's SB2 Ordinance;
- Requested a copy of the existing Code of Conduct and asked that the Ethics Council Committee develop recommendations for revisions to be approved by the full Council;
- Attended the League of California Cities Conference, September 3-5, 2014 where they considered water conservation in Northern California and medical marijuana issues; and
- Attended Pro Walk, Pro Bike Conference in Pittsburg, September 8-11, 2014, where they consider all modes of transportation.

Councilmember Sarmiento:

- Spoke on homeless shelter; County Board of Supervisor considered earlier today; requested staff to assist the County and the Board of Supervisors locate an alternative site for the homeless shelter currently being proposed on Normandy;
- Requested a review of the Code of Conduct and additional ways to approach meeting decorum;
- Attended Legislative Advocacy meeting in Washington DC in August; and
- Congratulated all on Mexican Independence Day.

Mayor Pro Tem Tinajero:

- Asked all to respect police officers; extend apology for not following decorum; and

- Reported that Planning Commission recently had vote to re-affirm that all follow the disclosure rules; matter scheduled for consideration by the Code of Conduct and Ethics Committee.

Councilmember Amezcua:

- Wished all happy Mexican Independence Day;
- Thanked staff for another successful Fiestas Patrias; and
- Children back to school and wished all a happy school year.

Councilmember Reyna:

- Asked all to conserve water;
- Participated in parade and walk; thanked all participants;
- Attended football game with Godinez losing, but it was a fun event;
- Important for staff to improve communication with elected officials;
- Requested a comparison of the City's business license fees with other cities; and
- Urged all to shop in Santa Ana.

Councilmember Benavides:

- Fiestas Patrias held over the weekend; success event and thanked staff and attendees;
- Echoed comments by colleagues on decorum issues at prior council meeting; how to handle in the future and need clear instructions on how to handle;
- Attended Legislative Advocacy meeting in Washington DC last month;
- Asked for clarification on disclosure requirement of Planning Commissioners, verbal disclosures provided by appointee;
 - City Attorney Carvalho, indicated that disclosure is separate from sunshine ordinance and requires them to disclose communication; Code of Ethics Council Committee to consider the matter and bring back to City Council for approval.
- Request City Council consider resolution in support of on Samuel Sixtos at the next City Council meeting – agendize as an 85A at next City Council meeting;
- Spoke on proposed homeless shelter site; comprehensive solution needed; and
- Challenge accepted to visit Compton initiative; 9/21 several churches serving eastside neighborhood – La Santa Ana Initiative; murals and drought resistant items and house painting taking place.

Mayor Pulido:

- Met with Executive Director of Vector Control and reported that spraying postponed indefinitely; have come up with alternative solutions and methods including neutering and adding fish pools to combat

Councilmember Martinez:

- Request presentation by Orange County Vector Control on West Nile is provided at next City Council meeting.

*Mayor Pro Tem left the meeting at 10:37 p.m. and did not return.

*Councilmember Amezcua left the meeting at 10:42 p.m. and did not return.

ADJOURNED - 10:59 p.m. - The next meeting of the City Council is scheduled for Tuesday, October 7, 2014 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.

Maria D. Huizar,
Clerk of the Council

FUTURE AGENDA ITEMS

- Solar Permit Fee Waiver
- Proactive Rental Enforcement Program Renewal