

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

JULY 15, 2014

SPECIAL CLOSED SESSION MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
4:42 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
SAL TINAJERO, Mayor Pro Tem (4:49 p.m.)
ANGELICA AMEZCUA
P. DAVID BENAVIDES
MICHELE MARTINEZ
ROMAN A. REYNA (4:49 p.m.)
VINCENT F. SARMIENTO (4:43 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 4:42 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:

- **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
- **JOINT ITEM** – City of Santa Ana, Successor Agency and Housing Authority: Cuenca vs. State
- **JOINT ITEM** – City of Santa Ana, Successor Agency and Housing Authority: City of Santa Ana vs. Ana Matosantos (DOF) Case No. 34-2013-80001477
- Gomez et al v City of Santa Ana (SAV06-245DOC(RNBX) - (Vending Trucks)
- Hao Tran v City of Santa Ana, WCAB Case Number ADJ6519716
- Gilbert Rodriguez v City of Santa Ana, WCAB Case Numbers ADJ7989514, 4580205 and 1843984

2. PUBLIC EMPLOYEE – ANNUAL EVALUATION OF PERFORMANCE pursuant to Section 54957(b)(1) of the Government Code:

Title: City Manager, City Attorney, and Clerk of the Council

CLOSED SESSION REPORT – See Agenda Item 19A. for reportable actions.

ADJOURNED THE CLOSED SESSION MEETING AT 6:11 P.M. AND CONVENED TO THE REGULAR OPEN MEETING

REGULAR OPEN MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:11 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

MAYOR PULIDO

INVOCATION

DAVID MITCHELL, POLICE CHAPLAIN

PRESENTATIONS

1. **PROCLAMATION** presented by MAYOR PULIDO to Mike Harrah for outstanding business development and investment in the Santa Ana community.
2. **SPECIAL INTRODUCTION** by COUNCILMEMBER MARTINEZ - Ivan Peña, Director of the California State University, Fullerton, Upward Bound Program.
3. **CERTIFICATES OF RECOGNITION** presented by COUNCILMEMBER MARTINEZ to Evangeline Gawronski and Dawn Gawronski for being active volunteers with the Santa Ana Police Department and Community Preservation.
4. **SPECIAL PRESENTATION** by Orange County Vector Control - Jared Dever, Director of Communications regarding West Nile Virus Prevention

CITY COUNCIL RECESSED AT 7:12 P.M. TO THE SUCCESSOR AGENCY MEETING FOLLOWED BY THE SANTA ANA FINANCING AUTHORITY MEETING AND RECONVENED AT 7:13 P. M. WITH SAME MEMBERS PRESENT.

AGENDA ITEM TAKEN OUT OF ORDER

65A. SUBMISSION TO THE VOTERS AT THE NOVEMBER 4, 2014 MUNICIPAL ELECTION: PROPOSED CHARTER AMENDMENTS REGARDING DEPARTMENT HEADS AND CIVIL SERVICE; CREATION OF ETHICS COMMISSION, CITY COUNCIL COMPENSATION; AND LEGAL DEFENSE FUND AND CAMPAIGN CONTRIBUTION LIMITATIONS **{STRATEGIC PLAN NO. 5, 1}**

Ad Hoc Council Committee approved recommendation.

The following members from the public spoke on the matter:

- Robin Cook, opined that Item 1A should be separated into 2 parts; concerned with denial of civil service protection for Police Chief.
- Mathew Southgate, commented on proposed measure to increase city council salary, opined that proposal is 5 separate issues.
- Thomas Gordon, opined that Ethics Committee already established (Measure D); opposed to relaxing the campaign contribution limits and salary increase for City Council.
- Douglas Lanphere, opposed to City Council adding another ballot initiative on the 2014 Election ballot, not fiscally responsible.

Council discussion ensued.

- Councilmember Martinez, clarified that civil service protection would be prospective and would not impact the current police chief; total cost to place all of the proposed initiatives on the 2014 Election ballot is estimated at \$225,000; proposals require voter approval; supports establishment of a full-time City Council; noted that City Council salary approved in 1952 and campaign contribution limits are inconsistent with State restrictions (other municipalities do not have limits); also, council benefits could be approved by ordinance and separate action.
- Councilmember Benavides, noted that the 2006 Charter Review Committee made recommendations that are part of items being considered; salary has not been adjusted since 1952; recommended amendments are in par with State requirements; Code of Conduct and Ethics Committee should be an Ethics Commission; campaign limits should be consistent with state amounts.
- Councilmember Sarmiento, opined that scope of Ethics Commission could be expanded; salary proposed is about \$8,000 a year difference;

existing campaign contribution limits are confusing and inconsistent with State limits.

- Mayor Pro Tem Tinajero, concerned with current campaign limit of \$1,000; opined that salary adjustment needed to attract council candidates with diverse experience; full-time city council members are career politicians; does not support recommendations proposed.
- Mayor Pulido, too many factors included in the item; not support recommendation.
- Councilmember Amezcua, thanked committee members for reviewing matter; would support matters as separate items.
- Councilmember Martinez stated that she would bring back the civil service portion of the proposed Charter amendment at the next meeting.

MOTION: Reject recommendations as proposed by Ad Hoc Committee on proposed Charter Amendments.

MOTION: Tinajero

SECOND: Pulido

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

NOES: Benavides (1)

ABSTAIN: None (0)

ABSENT: None (0)

AGENDA ITEM TAKEN OUT OF ORDER

85A DIRECT CITY ATTORNEY TO PREPARE BALLOT MEASURE TO BAN MEDICAL MARIJUANA COLLECTIVES AND DIRECT CITY MANAGER TO PREPARE ENFORCEMENT PLAN INCLUDING A TASK FORCE FOR ADOPTION WITHIN 30 DAYS **{STRATEGIC PLAN NO. 5, 1}** - (Councilmembers Amezcua, Martinez, and Benavides)

- Carl Benninger, supports agenda item; opined that medical marijuana should be dispensed at pharmacies; thanked City Council and committee for successful 4th of July event.
- Jacqueline Hernandez, spoke against proposed ban; City to legalize and regulate cannabis.

- Nick Morrow, retired deputy sheriff, supports patient rights and use of medical marijuana; opined that illegal dispensaries will bring cartels and negative element; opposed to ban.
- Kandice Hawes, principal officer of voter initiative that has qualified petition for the 2014 Election; noted that at previous City Council meeting proposal considered but not approved; opined that proposal would confuse voters; suggested the following: ban has not worked and would cost taxpayers money; regulation would bring revenue.
- Steve McGuigan, commented that City has store retail fronts and not medical facilities; concerned with facilities close to neighborhoods; by having 3 measures it would dilute the vote; policies for police enforcement is driven by the city council.
- Robin Cook, supports placing on the ballot; not enough code enforcement and police personnel to address issue.
- Philip Escobedo, concerned with number of dispensaries in the City; safety and mission of City not inline; medicinal use ok; strict regulations need to be implemented; opined that revenue would not be enough to address all of the negative effects in the community.
- John Grace, supports regulation of dispensaries; concerned with proposed ban; controversial item with no unanimity; safe access to those in need.
- Elisabeth Lopez, opposed to proposed ban; City resources not available to address current dispensaries.
- Guy Lopez, spoke in opposition to proposed ban; opined that City has failed to address current ban; access should be regulated.
- Rosa Maria Sanchez, noted that medical use is acceptable, but should be sold at pharmacies.
- Ernestina Lopez, concerned with number of dispensaries and ease of access to our youth.
- Monica Contreras, troubled with location and proximity of dispensaries to Kidworks and other facilities;
- Michael S. Smith, Sr., supports legalizing and regulating medical marijuana;
- Derick Wordon, member of the Committee to Support Medical Marijuana; proposed ban would confuse voters.
- Mark Wager, M.D., supports medical marijuana regulation; cannabis able to treat addictions and other ailments.
- Ernestine Latimer, consumer of medical marijuana; regulation should be approved; opposed to ban.
- Isabelle Lopez, opined that medical marijuana should have medical prescription.

- Jose Leal, resident of Lacy Neighborhood, concerned with access to children and exposure; safety forum next week where Police Chief will address the neighborhood.
 - Cecilia Iglesias, opposed to medical marijuana dispensaries and close to schools; school board collaboration between the Santa Ana Unified School District and the City; opposed to location.
 - Manuela Lopez, noted that youth in danger because of access; dispensaries should not be close to schools or youth facilities and decision should be favorable to the youth in our community.
 - Tixoc Ventura, noted that ban has not been enforced since Moratorium approved in 2007; troubled that current dispensaries in our neighborhoods; regulate and far away from schools.
 - Nancy Mejia, representing Latino Health Access, commented on safety and hours of operation, criminal activity; legalizing will send wrong message to community; concerned with dual morality of actions by the City Council including ABC licenses in downtown.
 - Aracely Robles, City should enforce ban; outside businesses moving to City.
 - Sarai Arpeo, supports regulation of medical marijuana; opportunities for our youth need to be made available; prevention services also required.
 - Apolonio Cortes, strict enforcement and regulation if medical marijuana approved; approval only for medical purposes.
 - Carlos Melendez, urged the City Council to make right decision.
 - Paul Bonyear, spoke in support of regulation of medical marijuana, regulation needed.
 - Thomas Gordon, spoke in opposition to medical marijuana, 58% of 2.4 first time users are under 18 years of age; opined that dispensaries does not sell medical marijuana; supports placing ban for voter consideration.
 - Julie Stroud, opposed to having dispensaries in the City; concerned with enforcement as it applies to graffiti, illegal dispensaries; regulation of legal dispensaries would be difficult.
- Mayor Pulido left the meeting at 8:29 p.m. and did not return.
- Ms. Gwen, noted that her business complex has many dispensaries next to her; in danger of businesses leaving the City; property owner's rights have not been considered; image of the City would be tarnished.
 - Sal Hernandez, dispensaries already in our neighborhoods; ban should be enforced.

- Angie Aparicio, member of Latino Health Access, empathizes with legitimate users, but opined that Santa Ana should not be haven for such businesses.
- Rosalia Pileon, commented that by allowing dispensaries would allow experimentation with drugs at a younger age; does not believe Santa Ana should be first city to regulate; city should be safe and secure and children are in safe environment.
- Douglas Lanphere, commented that City has not enforced ban; voter initiative has qualified; addition of proposed ban would place additional financial burden on the residents;
- Ramon Hernandez, concerned that marijuana is a gateway to other drugs; also, current dispensaries in close proximity to schools.
- Irma Macias, bring parks and education to our City; mobile vending trucks are selling guns and other illegal items.
- Steve Rocco, reflected on personal experience with illegal drugs and impact to family.
- David Mason, noted that matter already considered and was not approved; access to medical marijuana needed.
- Oscar Tenorio, stated that dispensaries close to neighborhood; regulation needed.

Council discussion ensued.

- Councilmember Amezcua, supports item; voters to consider matter.

MOTION: DIRECT CITY ATTORNEY TO PREPARE BALLOT MEASURE TO BAN MEDICAL MARIJUANA COLLECTIVES AND DIRECT CITY MANAGER TO PREPARE ENFORCEMENT PLAN INCLUDING A TASK FORCE FOR ADOPTION WITHIN 30 DAYS.

MOTION: Amezcua **SECOND:** Benavides

- Councilmember Benavides, noted that medical marijuana is not banned, could be grown at home or obtained at pharmacies.
- Councilmember Martinez, reflected on need to have enforcement in place for recreational user; supports task force and appropriation of funds to close illegal businesses; need \$500,000 to \$1 million to address matter.
- Councilmember Reyna, agreed that enforcement plan and financial assistance needed; would not support moving funds from any prevention programs.

- Councilmember Sarmiento, noted that ban has had enforcement issues; resources have been allocated but not enough, finite funds available in the general fund; committed effort to carve funds needs to take place; proposed regulation would restrict to industrial areas; noted that today County Board of Supervisors approved funds for first homeless shelter – balanced effort needed; regulation would bring revenues and move away from sensitive receptors; strong enforcement and funds needed if City bans.
- Mayor Pro Tem Tinajero, supports regulating dispensaries and moving away from schools; city proposition will remove from neighborhoods and bring revenues; ban may win and opined that problem would remain; as a school teacher is advocating to move away from our residents; if City proposal wins Huffington Post of April poll noted that 65% support marijuana; precedence could be set by allowing in industrial areas.
- Councilmember Martinez, City needs to make enforcement a priority and direct the City Manager and approve resources.
 - City Manager Cavazos, indicated that work-study session scheduled for August 5;
 - Police Chief Rojas, vice squad needed to address drug issues (8 officers); different levels of enforcement could be implemented.
 - Cavazos - \$1.5 million from US Marshalls met the efficiency savings; land use enforcement would require code enforcement officers and also attorneys.
- Councilmember Benavides, need to have enforcement plan now and not wait until November.
 - City Manager Cavazos, options would be provided on August 5th
 - Chief Rojas, regulation and enforcement issues, lack of resources in the Planning and Building, Police Department and City Attorney offices.
- Councilmember Amezcua, supports regulation and prioritize businesses close to school.
 - City Attorney Carvalho commented that businesses in close proximity of school are in violation of state law and are a higher priority.
- Councilmember Sarmiento, called for the question; thanked police chief, code enforcement and city attorney efforts; ban that is not funded not good policy.
- Councilmember Martinez, need task force with dedicating \$500,000 of overtime to develop a plan, identify and shut down; address all the dab bars.

SUBSTITUTE MOTION: Direct staff to create a task force using current resources; allocate \$500,000 for overtime pay, and identify and prioritize medical marijuana collectives operating illegally for shut down.

MOTION: Martinez

SECOND: Tinajero

VOTE: **AYES:** Amezcuca, Martinez, Reyna Sarmiento, Tinajero (5)

NOES: Benavides (1)

ABSTAIN: None (0)

ABSENT: Pulido (1)

CLOSED SESSION REPORT – See Agenda Item 19A for reportable action.

PUBLIC COMMENT

- Steve McGuigan, concerned that Santa Ana to be dumping ground; need to take care of Santa Ana vision; also invited all to attend the Santa Ana Summer concert series.
- Albert Castillo, commented on Agenda Item 20A; propose that it be used for community policing; opposed to gang injunction on Townsend.
- Sam Romero, spoke in opposition to streetcar being located on 4th Street.
- Gary Oberfell, Santa Ana Community Business Alliance, opposition to fixed car guideway; members are opposed to location; also, neighborhoods have not been notified.
- Raul Yanez, submitted 85 signatures from downtown area businesses in opposition to streetcar being located on 4th street.
- Claudia Arellanes, read letter of opposition on street car project that was signed by over 100 businesses in the downtown area.
- Cynthia Perez, spoke of Harbor Corridor Plan; include Santa Anita area in decision making; also, City to reach out to neighborhoods.
- Carolyn Torres, commented on lack of funding and prevention programs; concerned with 29 people named in Gang Injunction on Townsend and not able to attend closed hearing.
- Gaby Hernandez, noted that group organized to address gap in services and resources; ethical obligation to address gang injunction.

- Teresa DeRosas, concerned with enforcement plan and funds used to address gang injunction; opposed to Agenda Item 20A.
- Alfonso Alvarez, spoke in opposition to gang injunctions and drug sales; also, concerned with Agenda Item 20A.
- James Kendricks, provided complimentary copy of Trains Magazine; supports Street Car project, but not on 4th Street; bicyclist have caused problems; Bristol street landscaping not consistent; full cuts and underground of utilities needed.

*Councilmember Benavides left the meeting at 10 p.m. and did not return.

CONSENT CALENDAR ITEMS

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

- Addition of Closed Session action, Agenda Item 19A;
- Councilmember Martinez pulled Agenda Items 20A and 25A for separate discussion; and
- Councilmember Reyna pulled Agenda Item 32A for separate discussion.

MOTION: Sarmiento **SECOND:** Martinez

VOTE: **AYES:** Amezcua, Martinez, Reyna, Sarmiento, Tinajero (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Benavides, Pulido (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 REGULAR MEETING OF JULY 1, 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 ORDINANCES - AMENDMENTS TO EXECUTIVE MANAGEMENT CLASSIFICATIONS TO ADD, DELETE AND MODIFY SELECTED JOB TITLES {**STRATEGIC PLAN NO. 5, 1**} - Clerk of the Council Office

Placed on first reading at the July 1, 2014 City Council meeting and approved by a vote of 6-1 (Martinez dissented).

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

MOTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2869 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTIONS 2 -300 AND 2 - 300.5 OF THE SANTA ANA MUNICIPAL CODE ESTABLISHING THE TITLE OF SPECIAL ASSISTANT TO THE CITY MANAGER AND MAKING OTHER TECHNICAL MODIFICATIONS TO THE TITLES OF OFFICERS AND DEPARTMENT HEADS OF THE CITY

BOARDS / COMMISSIONS / COMMITTEES

- 13A. MINUTES FROM THE MARCH 6, 2014 AND APRIL 28, 2014 - DEVELOPMENT AND TRANSPORTATION COUNCIL COMMITTEE {**STRATEGIC PLAN NO. 5, 1**} - Planning and Building Agency

MOTION: Receive and file Minutes.

- 13B. MINUTES FROM THE JANUARY 28, 2014 AND MARCH 31, 2014 - PUBLIC SAFETY AND NEIGHBORHOOD IMPROVEMENT COUNCIL COMMITTEE {**STRATEGIC PLAN NO. 5, 1**} - Police Department

MOTION: Receive and file Minutes.

MISCELLANEOUS ADMINISTRATION

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

MOTION: Approve:

- Gilbert Rodriguez v City of Santa Ana, WCAB Case Numbers ADJ7989514, 4580205 and 1843984 - Compromise and Release in the amount of \$95,000.00 including permanent disability and the value of future exposure for lifetime medical care.
- Hao Tran v City of Santa Ana, WCAB Case Number ADJ6519716 - Stipulated Award with Future Medical Care in the amount of \$52,670.00.

19B. EXCUSED ABSENCES – None

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A. APPROPRIATION ADJUSTMENT ACCEPTING SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS {STRATEGIC PLAN NO. 1, 3B} - Police Department

Councilmember Martinez, asked if funds could be dedicated to Townsend area.

Police Chief Rojas noted that supplemental law enforcement funds used for community policing and gang suppression; helps with overtime in controlling cruisers; if rules allow would be open to setting funds aside.

Councilmember Sarmiento, asked that as funds become available earmark to Santa Anita and Townsend areas.

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

APPROPRIATION ADJUSTMENT NO. 2014-119.- Recognize \$455,029 in the Supplemental Law Enforcement Services Fund revenue account and appropriate same to the grant expenditure account for special enforcement and gang detail overtime.

MOTION: Martinez **SECOND:** Sarmiento

VOTE: AYES: Amezcua, Martinez, Reyna, Sarmiento, Tinajero (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Benavides, Pulido (2)

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

22A. SPEC. NO. 14-027 – UPGRADE FIRE ALARM PANEL, WARRANTY AND SUPPORT CONTRACT {**STRATEGIC PLAN NO. 6, 2**} (Police Department) - Finance & Management Services

MOTION: Award a contract to Red Hawk Fire & Security for the purchase of an Edwards EST-3 fire alarm system upgrade and post warranty support contract, in an amount not to exceed \$118,100, subject to non-substantive changes approved by the City Manager and City Attorney.

AGREEMENTS

25A. **EXPEDITED PLAN CHECK SERVICES {STRATEGIC PLAN NO. 3, 3}**
Planning and Building Agency

Councilmember Martinez highlighted action as means to being efficient and moving in the right direction.

MOTION: Authorize the City Manager and the Clerk of the Council to execute agreements in an aggregate amount not to exceed \$500,000 for a period of three years, subject to non-substantive changes approved by the City Manager and City Attorney.

- AGMT NO. 2014-167 - With Scott Fazekas & Associates, Inc.,
- AGMT NO. 2014-168 - With CSG Consultants, Inc.,
- AGMT NO. 2014-169 - With Century Structural Engineering Co., Inc.,
- AGMT NO. 2014-170 - With Melad and Associates and
- AGMT NO. 2014-171 - With J Lee Engineering Inc.

MOTION: Martinez **SECOND:** Amezcua

VOTE: AYES: Amezcua, Martinez, Reyna, Sarmiento,
Tinajero (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Benavides, Pulido (2)

- 25B. AGMT NO. 2014-172 - ENVIRONMENTAL SERVICES FOR THE HARBOR CORRIDOR SPECIFIC PLAN {STRATEGIC PLAN NOS. 3, 2; 5, 3} - Planning and Building Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute the attached amendment to the agreement with Place Works (formerly The Planning Center) to prepare an Environmental Impact Report (EIR) and related technical studies for the Harbor Corridor Specific Plan for a period no longer than six months for an additional amount of \$9,950 not to exceed a total contracted amount of \$162,134, subject to non-substantive changes approved by the City Manager and City Attorney.

- 25C. SEXUAL ASSAULT EVIDENCE COLLECTION {STRATEGIC PLAN NO. 1, 3A} – Police Department

Continued from the July 1, 2014 City Council meeting by a vote of 6-0 (Reyna absent).

MOTION: Continue consideration of matter, per staff's request.

- 25D. AGMT NO. 2014-173 - JANITORIAL MAINTENANCE SERVICES {STRATEGIC PLAN NO. 1, 3A} - Police Department

MOTION: Authorize the City Manager and the Clerk of the Council to execute a two-year agreement, ending September 30, 2016, with Santa Fe Building Maintenance Services, in an amount not to exceed \$795,592, subject to non-substantive changes approved by the City Manager and City Attorney.

- 25E. AGMT NO. 2014-174 - CLOSED CIRCUIT TELEVISION INSPECTION OF SANITARY SEWER SERVICES {STRATEGIC PLAN NO. 6, 1C} - Public Works Agency

MOTION: Authorize the City Manager and Clerk of the Council to execute an agreement with Houston & Harris PCS Inc., subject to non-substantive changes approved by the City Manager and City Attorney, for a one-year period expiring June 30, 2015, with provisions for two one-year renewal options exercisable by the City Manager and City Attorney, in an amount not to exceed \$400,000 for each term.

25F AGMT NO. 2014-175 - PURCHASE AGREEMENT OF THE PROPERTY LOCATED AT 1315 NORTH BRISTOL STREET (APN 405-272-13) FOR BRISTOL STREET WIDENING IMPROVEMENTS (PROJECT NO. 116740 NONGENERAL 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 with Martin P. Cazarez and Sylvia Y. Cazarez, husband and wife, as joint tenants in an amount of \$390,000, 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. 2014-13 TO ALLOW AN UPGRADE FROM A TYPE 41 TO A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE AT THE MARISCOS LOS CORALES RESTAURANT AT 2629 WESTMINSTER AVENUE - MARISCOS LOS CORALES, APPLICANT {STRATEGIC PLAN NO. 3, 2} - Planning and Building Agency

Planning Commission approved recommended action on June 23, 2014, by a vote of 7-0.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2014-13 as conditioned.

31B. CONDITIONAL USE PERMIT NO. 2014-15 TO ALLOW AN UPGRADE FROM A TYPE 41 TO A TYPE 47 ALCOHOL BEVERAGE CONTROL LICENSE AT LAS GUERITAS RESTAURANT LOCATED AT 230 WEST WARNER AVENUE, SUITE 107 - RAMON BAGUIO, APPLICANT {STRATEGIC PLAN NO. 3, 2} - Planning and Building Agency

Planning Commission approved recommended action on June 23, 2014, by a vote of 7-0.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2014-15 as conditioned.

31C. CONDITIONAL USE PERMIT NO. 2014-20 TO ALLOW A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR BUFFALO WILD WINGS RESTAURANT AT 3811 SOUTH BRISTOL STREET - MIKE

AYAZ, APPLICANT {STRATEGIC PLAN NO. 3, 2} - Planning and Building Agency

Planning Commission approved recommended action on June 23, 2014, by a vote of 7-0.

MOTION: Receive and file the staff report approving Conditional Use Permit No. 2014-20 as conditioned..

TENTATIVE PARCEL/TRACT MAPS

32A VARIANCE NOS 2013-06, 2013-07 AND 2014-02 TO ALLOW REDUCTIONS IN THE MINIMUM LOT SIZE, STREET FRONTAGE AND OFF-STREET PARKING REQUIREMENTS FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE LOCATED AT 317 NORTH JACKSON STREET - RUBEN GUTIERREZ, APPLICANT {STRATEGIC PLAN NO. 5, 4} - Planning and Building Agency

Planning Commission approved recommended action on June 23, 2014, by a vote of 7-0.

Reyna, asked for clarification on proposed variance. Interim Planning and Building Executive Director Haluza indicated that standard is 50 foot off street frontage; lot was divided in 1925 and proposed 30 foot set-back; lot is pre-existent and legally subdivided.

MOTION: Receive and file the staff report approving Variance No. 2013-06 as conditioned, Variance No. 2013-07 as conditioned, and Variance No. 2014-02 as conditioned.

MOTION: Reyna **SECOND:** Martinez

VOTE: AYES: Amezcua, Martinez, Reyna, Sarmiento, Tinajero (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Benavides, Pulido (2)

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

BUSINESS CALENDAR ITEMS

REPORTS

65A. AGENDA ITEM TAKEN OUT OF ORDER

JOINT SESSION OF THE CITY COUNCIL AND THE HOUSING AUTHORITY

80A. RESOLUTIONS EXECUTING AGREEMENTS AND FINANCING DOCUMENTS RELATED TO REFINANCING THE 2004 WATER SYSTEM BONDS {STRATEGIC PLAN NO. 4, 2D} - Finance & Management Services

MOTION: Adopt a resolution.

RESOLUTION NO. 2014-048 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A MASTER INSTALLMENT PURCHASE AGREEMENT, A FIRST SUPPLEMENT TO MASTER INSTALLMENT PURCHASE AGREEMENT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE AND A PURCHASE CONTRACT IN CONNECTION WITH THE ISSUANCE OF SANTA ANA FINANCING AUTHORITY WATER REVENUE REFUNDING BONDS, SERIES 2014 (PAYABLE SOLELY FROM INSTALLMENT PAYMENTS SECURED BY WATER SYSTEM NET REVENUES), APPROVING THE ISSUANCE OF SUCH BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$17,000,000 AUTHORIZING THE DISTRIBUTION OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE OFFERING AND SALE OF SUCH BONDS AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS AND CERTIFICATES AND RELATED ACTIONS

MOTION: Martinez **SECOND:** Sarmiento

VOTE: AYES: Amezcua, Martinez, Reyna, Sarmiento, Tinajero (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Benavides, Pulido (2)

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.

WORK STUDY SESSION

WS. BRIEFING ON THE CITY'S MOBILE VENDING POLICIES {**STRATEGIC PLAN NOS. 1; 5, 4**} – Planning Building Agency

Presentation by Interim Executive Director of Planning and Building, Karen Haluza

Types of Vending Vehicles

- Catering Vehicles
 - Sells hot and prepared foods.
 - Currently 105 catering vehicles with active business licenses.
- Produce Vehicles
 - Sells vegetables, fruit, candy, milk, etc.
 - Currently 120 produce vehicles with active business licenses.

Mobile Vending Positives

- Provides access to food and other convenience items in dense neighborhoods
- Easily accessible to those without transportation
- Sometimes extend credit for purchases
- Can act as “eyes on the street” due to their continual presence

Legislative History

- 1994 – City adopted ordinance to regulate mobile vending
- 1997 – Court injunction to cease enforcement of the regulations
- 2004/05 – City adopted new regulations
- 2006 – Ordinance challenged in both State and Federal Court
- Legislative History
- State Superior Court issued injunction to cease enforcement of:
 - Hours of operation
 - Requirement to move every 90 minutes
 - Revocation of City permits
- Federal District Court issued a Temporary Restraining Order prohibiting enforcement of all aspects of the ordinance.

Common Concerns: Neighborhood Quality of Life

- Concentration of vending vehicles on neighborhood streets
- Loud noise
- Damage to parkways
- Overnight parking in residential zones
 - Vehicles not returning to commissaries

- Vendors taking up limited parking spaces
- Late night operation

Common Concerns: Public Health

- Don't provide enough healthy food choices
- Sales of single cigarettes, fireworks, toy weapons
- Trash and litter accumulation
- Public urination
- Failure to comply with Orange County Health standards

Common Concerns: Public Safety

- Parking too close to intersections and driveways – blocks visibility at crosswalks and sidewalks
- Mid-block pedestrian crossings to reach trucks
- Tables and chairs blocking sidewalks or set up in the road
- Can become targets for graffiti and gang identification

Existing Enforcement Tools Can Address:

- Obstruction on parkways/sidewalks
- Illegal or unsafe parking
- Inoperable Vehicles
- Trash
- Public urination
- County health standards
- Business license
- Graffiti
- Noise

Council discussion ensued.

Councilmember Martinez asked what the priorities are for enforcement.

Councilmember Sarmiento thanked staff for status; direct staff to provide best practices and recommendations.

Staff to bring back plan in October.

Councilmember Amezcua, opined that matter needs to be prioritized.

COMMENTS

90A. CITY MANAGER'S COMMENTS

- Parking meters installed in Downtown; and
- Announced that free Wi-Fi available in Santa Ana.

CITY COUNCILMEMBER COMMENTS

Councilmember Martinez:

- Discussed various bicyclist issues, narrow streets in downtown; need to minimize contact with pedestrians and with other cyclist; promote bicycling and safety.

Councilmember Amezcua:

- Thanked colleagues and staff for discussing Agenda Item 85A;
- Noted that all want best for Santa Ana; and
- Encouraged all to wear long sleeves and check property for stale water – vigilant of West Nile Virus.

Councilmember Reyna:

- Encouraged all to conserve water;
- Commented on success of 4th of July event and thanked all for hard work;
- Remarked on William Spurgeon Award presented at tonight's meeting; and
- Hope all shop in Santa Ana.

Mayor Pro Tem Tinajero:

- Thanked all speakers for coming out to address the City Council; dialogue important;
- Noted that City continues to make great strides;
- Adjourned meeting in memory of Tracy Monique Linwood, Lina Borego, and Nancy Chalmers.

ADJOURNED - 10:39 P.M. - The next meeting of the City Council is scheduled for Monday, August 5, 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.

Adjourn in Memory of
Tracy Monique Linwood,
Lina Borego, and
Nancy Chalmers

Maria D. Huizar
Maria D. Huizar,
Clerk of the Council

FUTURE AGENDA ITEMS

- Santa Ana Street Car Project Locally Preferred Alignment
- Harbor Blvd. Mixed-Use Plan
- Solar Permit Fee Waiver
- Dangerous and Abandoned Buildings (2015)
- Proactive Rental Enforcement Program Renewal (2015)