

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

**SEPTEMBER 1, 2015**

**CLOSED SESSION MEETING**

**CALLED TO ORDER**

COUNCIL CHAMBER  
22 CIVIC CENTER PLAZA  
5:06 P.M.

**ATTENDANCE**

COUNCILMEMBERS Present:  
MIGUEL A. PULIDO, Mayor (5:25 pm.)  
VINCENT F. SARMIENTO, Mayor Pro Tem (5:12  
p.m.)  
ANGELICA AMEZCUA  
P. DAVID BENAVIDES  
MICHELE MARTINEZ  
ROMAN A. REYNA  
SAL TINAJERO

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 5:06 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:

Peter Bollinger v. City of Santa Ana  
Workers' Compensation Appeals Board case #ADJ6814911; ADJ7205471

Jeanne Mundongo-Manunga v. City of Santa Ana, et al.  
United States District Court Case Number CV14-09093-AG (RZx)

Ignacio Leon v. City of Santa Ana, et al.  
United States District Court Case Number CV14-00387 JLS(DFMx)

2. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8:

Address of Property: YMCA Property  
205 West Civic Center Drive  
Santa Ana, CA 92701  
Negotiators: City Manager, David Cavazos  
Terms: Price and Terms of Property Disposition

3. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: Personnel Services Executive Director, Ed Raya  
Employee Organizations: Santa Ana Police Officers Association (POA)  
Service Employees' International Union (SEIU) Full-Time Employees  
Agency Negotiator: City Manager, David Cavazos  
Employee Organizations: Executive Management (EM)

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

**ADJOURNED THE CLOSED SESSION MEETING AT 5:55 P.M. AND CONVENED TO THE REGULAR OPEN MEETING.**

## REGULAR OPEN MEETING

### CALLED TO ORDER

COUNCIL CHAMBER  
22 CIVIC CENTER PLAZA  
SANTA ANA, CA  
5:59 P.M.

### ATTENDANCE

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

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

ROGER ARAGON, POLICE CHAPLAIN

### PRESENTATIONS

**EMPLOYEE SERVICE AWARDS** presented by MAYOR PULIDO to:

20 YEARS OF SERVICE

Sergio Z. Enriquez, Police Corporal

**EXCEPTIONAL SERVICE AWARD** presented by **MAYOR PULIDO** to Paul Riorden for his outstanding achievements and accomplishments with the Achievement Institute of Scientific Studies.

**CERTIFICATES OF RECOGNITION** presented by **MAYOR PULIDO** to Scott Baugh and the Orange County Marathon Board for their outstanding work in organizing the OC Marathon in Santa Ana.

**CERTIFICATE OF RECOGNITION** presented by **MAYOR PRO TEM SARMIENTO** to Richard Turner in recognition of his artistic replica of a celery stalk sculpture recognizing Japanese farmers.

**CERTIFICATES OF RECOGNITION** presented by **COUNCILMEMBER AMEZCUA** to the following students who participated in the Chicano Latino Youth Leadership Conference: Chelsey Martinez; Bryan Perez; Erika Garcia; Rosa Vasquez and Gabriel Piñon.

**CERTIFICATE OF RECOGNITION** presented by **COUNCILMEMBER TINAJERO** to Susan Tuchler for her excellent service as a commissioner and leadership roles within the City of Santa Ana.

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

**AGENDA ITEM PULLED OUT OF ORDER - COUNCIL AGENDA ITEM**

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.

85A. DISCUSS MORATORIUM, POSSIBLE ACTIONS AND OPTIONS AVAILABLE TO ADDRESS SHORT TERM RENTALS – Councilmember Martinez

- Bruce Proctor, urged City Council to consider moratorium on vacation rentals in residential areas.
- Mika (Meeka) Denny, representing West Floral Park Neighborhood Association, spoke of negative impacts of short term rental, serve same as hotels but in residential areas; concerned with noise, litter among other issues.
- Bruce Bauer, strongly opposed to short term vacation rentals; burden on residents.
- Barbara Bastrop, commented on neighborhood issues and impacts of rental homes.
- Lorenzo Knapp, noted that commercial enterprise taking place in an R-1 zones, urged City Council to ban short term vacation rentals.
- Diego Matkin, spoke of recent disturbances, sense of insecurity and diminished property values with short term rentals in residential areas.

Council discussion ensued.

Executive Director of Planning and Building, Hassan Haghani, noted that moratorium can be drafted for City Council consideration; identified loop holes.

Councilmember Martinez, motion to direct staff to prepare moratorium for consideration.

Councilmember Amezcua, noted that appeal hearing held last Thursday and waiting for hearing officer report.

City Attorney Carvalho, indicated that moratorium would apply to other properties, but not home in question; action requires public notice for public hearing or an emergency moratorium with final ordinance adoption 90 days after.

Mayor Pro Tem Sarmiento, clarified that proposed ordinance will affect future vacation home rentals; urgency ordinance will include analysis with regulated uses for City Council to consider; need to give as much relief as possible to West Floral Park Neighborhood.

Councilmember Martinez, noted that matter may be referred to the Planning Commission for review.

Councilmember Tinajero, asked that matter be studied by neighborhood.

Executive Director of Planning and Building, Haghani, adoption of urgency ordinance would allow staff to study all options including definition of short term vacation rental which is currently 30 days.

Mayor Pulido, indicated that room rental is different than renting entire house and would not be included; important to protect neighborhood and find relief for residents.

City Attorney Carvalho, noted that San Diego has precedent to cite up to \$25,000 for such violations.

City Manager Cavazos, will contact homeowner of house in question.

**MOTION: Direct staff to prepare urgency ordinance.**

**MOTION:** Martinez                      **SECOND:** Sarmiento

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

**NOES:**                      None (0)

**ABSTAIN:**                      None (0)

**ABSENT:**                      None (0)

## CONSENT CALENDAR ITEMS

**MOTION:** Approve staff recommendations on Consent Calendar Items 10A through 31B, with the following modifications:

- Mayor Pulido, pulled Agenda Item 11B for separate action;
- Councilmember Martinez, voted No on Agenda Item 11A;
- Councilmember Martinez, pulled Agenda Items 20A, 25E, 25N/K and 25L for separate action; and
- Councilmember Reyna, pulled Agenda Item 23B for separate action.

**MOTION:** Sarmiento                      **SECOND:** Reyna

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

**NOES:**                      None (0)

**ABSTAIN:**                      None (0)

**ABSENT:**                      None (0)

## ADMINISTRATIVE MATTERS

### MINUTES

10A.            MINUTES FROM THE REGULAR MEETINGS OF AUGUST 4 AND 18, 2015 {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office

**MOTION:** Approve Minutes.

### ORDINANCES/SECOND READING

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

11A.            ORDINANCE SECOND READING: AMEND CHAPTER 36, ARTICLE VIII OF THE SANTA ANA MUNICIPAL CODE RELATING TO PARKING METERS AND ARTICLE IV RELATING TO PARKING REGULATIONS {STRATEGIC PLAN NO. 5, 1}

Placed on first reading at the August 4, 2015 City Council meeting and approved by a vote of 5-1 (Martinez dissented and Pulido absent).

Published in The Notice (LASOC) on August 21, 2015.

**MOTION: Place ordinance on second reading and adopt.**

ORDINANCE NO. NS-2880 - AN ORDINANCE OF THE CITY OF SANTA ANA AMENDING CHAPTER 36, ARTICLE VIII OF THE SANTA ANA MUNICIPAL CODE RELATING TO PARKING METERS AND ARTICLE IV RELATING TO PARKING REGULATIONS

**MOTION:** Tinajero

**SECOND:** Sarmiento

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

**NOES:** Martinez (1)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

11B ORDINANCE SECOND READING: AMEND ARTICLE XVIII.I OF THE SANTA ANA MUNICIPAL CODE REGARDING THE HOUSING OPPORTUNITY ORDINANCE AND AMEND THE ADAPTIVE REUSE ORDINANCE TO EXEMPT SUCH PROJECTS FROM THE APPLICATION OF THE HOUSING OPPORTUNITY ORDINANCE {STRATEGIC PLAN NO. 5, 1}

Placed on first reading at the August 4, 2015 City Council meeting and approved by a vote of 5-0 (Martinez and Pulido absent).

Published in The Notice (LASOC) on August 21, 2015.

The following spoke on the matter:

- Larry Brose, representing the Orange County Business Council, spoke in support of reasonable measures to improve economy.
- Mike Balsamo, Executive Director of Building Industry Association (BIA), provided regional information on housing affordability - inclusionary zoning not included; need to increase housing stock throughout the County; suggested in-lieu fees be applicable for developments of up to 50 units.
- Ryan Aeh, representing City Ventures, participated in stakeholder meetings and supported staff recommendations as proposed on August 4<sup>th</sup>; concerned with amended ordinance including increased in-lieu fees.
- Cesar Covarrubias, Executive Director of Kennedy Commission, applauded efforts by City to have affordable housing ordinance; supports

in-lieu fee and options available to meet requirements and housing goals.

- Marilyn Montano, reflected on shortage of rental property and need for affordable housing.
- Julie Casterdo, supports amended ordinance and increased in-lieu fee; proposed income levels be matched with realistic data.
- John Leehay, representing Panielian Associates, supports development of housing, but not increase in-lieu fees; opined that cost will be shifted to future homeowner.

Council discussion ensued.

Councilmember Martinez, thanked speakers; need balance approach between development and dignified housing; amended ordinance is reasonable; supports ordinance as prepared by staff.

Councilmember Tinajero, recounted story of inequality in Orange County and need to break cycle of poverty.

Councilmember Benavides, requested clarification on in-lieu fees for projects with less than 20 units and pipeline projects.

Executive Director of Planning and Building Haghani, indicated that original ordinance required developers to include affordable housing on-site and in-lieu fees would only be an option for projects with more than 20 units; proposed amended ordinance gives the developer the option of including units on-site or paying in-lieu fees; also spoke of option to allow pipeline projects the option to pay weighted distribution fee (mean amount of \$9.35) and could be considered for approval.

Mayor Pulido, asked if proposed in-lieu fee would double development fees; asked for clarification of fee as it applies to development projects under 20 units; suggested increasing the trigger point to entice development; small infill projects.

Executive Director of Planning and Building Haghani, indicated that yes indeed the total development fee would be \$13 plus \$15 per square foot and noted that trigger point was moved from 20 to 50 units.

Mayor Pro Tem Sarmiento, recounted salary and housing statistics; reflected on overcrowded conditions and need to improve housing; noted reason for amendments to ordinance – accomplish predictability; several developments have materialized since 2011 approval of affordable housing; proposed ordinance will allow 15% affordable units; City approved Housing Element requires City to produce affordable housing; asked for staff opinion of raising fee in-lieu fees from \$5 to \$15 per square foot for developments over 21 units.



Executive Director of Planning and Building Haghani, opined that it was not unreasonable to approve fee at \$15 per foot.

Mayor Pro Tem Sarmiento, motion to approve in-lieu fee as proposed with clarification as intended at the previous meeting which is to go from \$5 to \$15 per square foot for developments over 21 units.

Executive Director of Planning and Building Haghani, corrected motion: in-lieu fee payment option of \$5/square foot for project of 20 or fewer units and in-lieu fee option of \$15/square foot for projects over 21 units and if developer opts to pay the in-lieu fee they will no longer be beneficiary of height and density and set-back adjustments as previously recommended only provided if built on-site; also may adjust pipeline projects may opt to pay \$9.35 per square foot in-lieu fee (which is the weighted mean of the in-lieu fees imposed so far by Council) or the number they have already negotiated with Council. This would be the most fair and even handed way to address pipeline projects. If maintain amendment may opt to rent units instead of selling to those that do not qualify.

Mayor Pro Tem Sarmiento, approved as summarized by Executive Director.

City Attorney Carvalho, noted that due to substantive amendments City Council may either approve ordinance as prepared by staff and included in packet, return to the next City Council with revised 2<sup>nd</sup> reading of ordinance, or approve ordinance as prepared and bring back new ordinance with new amendments included.

Councilmember Benavides, recommend address fee modifications tonight and bring back new items at next meeting.

Executive Director of Planning and Building Haghani, indicated that pipeline project issue would be one of the items included in subsequent ordinance.

Executive Director of BIA Balsamo, noted that \$15 in-lieu fee is not the highest in the County; concerned with doing away with building incentives.

Kennedy Commission Executive Director, Covarrubias, commented on need for low and very low income housing in the community – wait time average 5-7 years.

Councilmember Benavides, thanked all for dialogue; opined that ordinance allows for flexibility; noted that mixed used development may be impacted.

***FRIENDLY AMENDED MOTION:***

- 1. Place ordinance on second reading and adopt; and**

ORDINANCE NO. NS-2881 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE XVIII.I OF THE SANTA ANA MUNICIPAL CODE REGARDING THE HOUSING OPPORTUNITY ORDINANCE AND AMENDING THE ADAPTIVE REUSE ORDINANCE TO EXEMPT SUCH PROJECTS FROM THE APPLICATION OF THE HOUSING OPPORTUNITY ORDINANCE

2. **Direct staff to prepared ordinance to include three issues raised and bring back for City Council consideration at subsequent meeting.**

**MOTION:** Benavides

**SECOND:** Martinez

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

**NOES:** Pulido (1)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

- 11C. ORDINANCE SECOND READING: AMEND SECTION 1-8 OF THE SANTA ANA MUNICIPAL CODE RELATING TO MUNICIPAL CODE VIOLATIONS AND GENERAL PENALTIES {STRATEGIC PLAN NO. 5, 1}

Placed on first reading at the August 4, 2015 City Council meeting and approved by a vote of 4-0 (Martinez, Pulido and Tinajero absent).

Published in The Notice (LASOC) on August 21, 2015.

**MOTION: Place ordinance on second reading and adopt.**

ORDINANCE NO. NS-2882 - AN ORDINANCE OF THE CITY OF SANTA ANA AMENDING CHAPTER 1, SECTION 1-8 OF THE SANTA ANA MUNICIPAL CODE RELATING TO VIOLATIONS AND GENERAL PENALTIES

- 11D. ORDINANCE SECOND READING: AMEND CHAPTERS 8 AND 14 OF THE SANTA ANA MUNICIPAL CODE REGARDING THE DEFINITION OF A HIGH-RISE STRUCTURE/BUILDING {STRATEGIC PLAN NO. 5, 1}

Placed on first reading at the August 4, 2015 City Council meeting and approved by a vote of 4-0 (Martinez, Pulido and Tinajero absent).

Published in The Notice (LASOC) on August 21, 2015.

**MOTION: Place ordinance on second reading and adopt.**

ORDINANCE NO. NS-2883 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTERS 8 AND 14 OF THE SANTA ANA MUNICIPAL CODE REGARDING THE DEFINITION OF A HIGH-RISE STRUCTURE/BUILDING

**BOARDS / COMMISSIONS / COMMITTEES**

- 13A. COUNCIL COMMITTEES – AGENDA MINUTES {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office

**MOTION: Receive and file.**

<u>Committee Name</u>	<u>Meeting Date</u>
Public Safety and Neighborhood Improvement	August 11, 2015
Parks, Recreation, Education and Youth (PREY)	August 17, 2015
SAUSD/City Council Joint Policy Committee	August 24, 2015

- 13B. NOMINATED BY COUNCILMEMBER AMEZCUA AS THE WARD 3 REPRESENTATIVE (ALTERNATE) TO THE YOUTH COMMISSION FOR TERM EXPIRING DECEMBER 13, 2016 {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office

**MOTION: Appoint Marlen Buitron, Ward 5 resident, (replacing J. Madrid).**

- 13C. NOMINATED BY COUNCILMEMBER AMEZCUA AS THE WARD 3 REPRESENTATIVE TO THE COMMUNITY REDEVELOPMENT AND HOUSING COMMISSION FOR TERM EXPIRING DECEMBER 13, 2016 {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office

**MOTION: Appoint Diego Gomez, Ward 6 resident (replacing A. Sandoval).**

**FINAL PARCEL MAP**

- 17A. CERTIFICATION AND APPROVAL BY CITY ENGINEER – FINAL PARCEL MAP NO. 2014-179 (1540 EAST WARNER AVENUE) {STRATEGIC PLAN NO. 3, 2} – Public Works Agency

**MOTION: Receive and file.**

## MISCELLANEOUS ADMINISTRATION

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

**MOTION: Approve, as follow:**

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

- Peter Bollinger v. City of Santa Ana; Workers’ Compensation Appeals Board case #ADJ6814911; ADJ7205471; settlement in the amount of right under \$41,000
- Jeanne Mundongo-Manunga v. City of Santa Ana, et al.; United States District Court Case Number CV14-09093-AG (RZx); no reportable action
- Ignacio Leon v. City of Santa Ana, et al.; United States District Court Case Number CV14-00387 JLS(DFMx); settlement rejected 6-0-1 vote with Mayor Pro Tem Sarmiento abstained out of an abundance of caution since a family member represents plaintiff.

19B. EXCUSED ABSENCES – None

19C. QUARTERLY REPORT OF CONTRACTS VALUED AT \$25,000 OR LESS ENTERED INTO BY THE CITY MANAGER AS PERMITTED BY CHARTER SECTION 421 {STRATEGIC PLAN NO. 4, 1} – Finance and Management Services Agency

**MOTION: Receive and file.**

19D. STRATEGIC PLAN MONTHLY REPORT FOR JULY 2015 {STRATEGIC PLAN NO. 5, 1} – City Manager’s Office

**MOTION: Receive and file.**

19E. AUTHORIZATION TO RELEASE A REQUEST FOR PROPOSALS FOR GRAFFITI STREET CLEANING SERVICES {STRATEGIC PLAN NO. 6, 1B} – Public Works Agency

**MOTION: Authorize the Public Works Agency to release a Request for Proposals for Graffiti Street Cleaning Services for proactive graffiti removal from the public right-of-way.**

## BUDGETARY MATTERS

### APPROPRIATION ADJUSTMENT

20A. AWARD SITE LICENSE AGREEMENT TO A WHITE AND YELLOW CAB INC. FOR TAXI SERVICES AT THE SANTA ANA REGIONAL TRANSPORTATION CENTER {STRATEGIC PLAN NO. 3, 2C} - Public Works Agency

**MOTION:**

1. **AGMT NO. 2015-185 - Authorize the City Manager and Clerk of the Council to execute a one-year site license agreement with A White**

and Yellow Cab Inc., to compensate the City \$3,025 per month for use of the license area, subject to non-substantive changes approved by the City Manager and City Attorney, for taxi services at the Santa Ana Regional Transportation Center, with three one-year extension options exercisable by the City Manager.

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

APPROPRIATION ADJUSTMENT NO. 2016-28 - Recognizing lease income in the amount of \$36,300 into the SARTC Concession-Taxi Stand Revenue Account and appropriating the same amount to the SARTC Contractual Services expenditure account.

**MOTION:** Martinez

**SECOND:** Amezcua

**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. 15-066 - CONTRACT AWARD FOR TASER ELECTRONIC CONTROL DEVICES & ACCESSORIES {STRATEGIC PLAN NO.1, 5} – Finance and Management Services Agency

**MOTION:** Award a contract to Taser International, Inc. for the purchase of Taser electronic control devices and accessories for a two-year period expiring August 31, 2017, in an amount not to exceed \$163,300, with provision for three, one-year renewals exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney.

- 22B. SPEC. NO. 15-075 - CONTRACT AWARD FOR WEED ABATEMENT AND DEBRIS REMOVAL SERVICES {STRATEGIC PLAN NO. 5, 4E} – Finance and Management Services Agency

**MOTION:** Award a contract to Naranjo Landscape, Inc. for weed abatement and debris removal services for a one-year period expiring August 31, 2016, with provisions for three one-year renewals exercisable by the City Manager, in an annual amount not to exceed

\$212,000, subject to non-substantive changes approved by the City Manager and the City Attorney.

**PROJECTS/CHANGE ORDERS**

23A. AWARD CONTRACT FOR CITYWIDE CONCRETE IMPROVEMENTS (PROJECT 166849) {STRATEGIC PLAN NOS. 6, 1B, 1C & 1G} – Public Works Agency

***MOTION:***

1. Reject the sole bid received on July 8, 2015, from Excel Paving Company (EPC) in the amount of \$900,000 for the construction of the Citywide Concrete Improvements.
2. Authorize the City Manager and the Clerk of the Council to execute a construction contract to Ruiz Concrete & Paving Inc., the lowest responsible bidder, in accordance with the Base Bid, totaling \$607,095, for the construction of the Citywide Concrete Improvements, subject to non-substantive changes approved by the City Manager and the City Attorney.
3. Approve the Project Cost Analysis for a total estimated project delivery cost of \$789,155.

23B. AWARD CONTRACT TO CHRISP COMPANY FOR INSTALLATION OF CLASS II BIKE LANES ON NEWHOPE, CIVIC CENTER DRIVE, AND GRAND (PROJECT 166851) {STRATEGIC PLAN NO. 6, 1B & 1G} – Public Works Agency

***MOTION:***

1. Authorize the City Manager and the Clerk of the Council to execute a construction contract to Crisp Company, the lowest responsible bidder, in accordance with the unit bid prices, totaling \$166,741.60, for construction of the Newhope, Civic Center, and Grand Bike Lanes, subject to non-substantive changes approved by the City Manager and the City Attorney.
2. Approve the Cost Analysis for a total estimated project delivery cost of \$222,715.42.

**MOTION:** Reyna

**SECOND:** Martinez

**VOTE: AYES:**

Amezcuca, Benavides, Martinez, Pulido, Reyna,  
(5)

**NOES:** None (0)  
**ABSTAIN:** None (0)  
**ABSENT:** Sarmiento, Tinajero (2)

## **AGREEMENTS**

25A. AGMT NO. 2015-186 - RENTAL AND INSTALLATION OF TRAFFIC CONTROL EQUIPMENT FOR VARIOUS CITY EVENTS {STRATEGIC PLAN NO. 5, 5C} – Parks, Recreation and Community Services Agency

***MOTION:*** Authorize the City Manager and Clerk of the Council to execute an agreement with California Barricades in the amount not to exceed \$67,000, for a term through June 30, 2016, subject to non-substantive changes approved by the City Manager and City Attorney.

25B. AGMT NO. 2015-187 - RENTAL AND INSTALLATION OF EQUIPMENT FOR FIESTAS PATRIAS EVENT {STRATEGIC PLAN NO. 5, 5C} – Parks, Recreation and Community Services Agency

***MOTION:*** Authorize the City Manager and Clerk of the Council to execute an agreement with A1 Party in the amount of \$64,192.60, which includes a 15% contingency, for a term to end on September 30, 2015, subject to non-substantive changes approved by the City Manager and City Attorney.

25C. AGMT NO. 2015-188 - AMENDMENT WITH FIESTA DE CARNIVAL FOR A FUN ZONE AREA FOR FIESTAS PATRIAS {STRATEGIC PLAN NO. 5, 5C} – Parks, Recreation and Community Services Agency

***MOTION:*** Authorize the City Manager and Clerk of the Council to execute an amendment to the agreement with Fiesta de Carnival in exchange for \$4,200 to be provided to the City, subject to non-substantive changes approved by the City Manager and City Attorney.

25D.

**HISTORIC PROPERTY PRESERVATION AGREEMENTS {STRATEGIC PLAN NOS. 5, 2; 5, 3} – Planning and Building Agency**

**MOTION:** Authorize the City Manager and Clerk of the Council to execute the Mills Act agreements with the below-referenced property owners for the identified structures, subject to non-substantive changes approved by the City Manager and City Attorney.

<b>Property Owner(s)</b>	<b>Hist. Prop. Pres. Agmt.</b>	<b>Address / House</b>	<b>HRC Approval Date / Vote</b>
AGMT NO. 2015-189 David C. & Gloria J. Crockett	2015-05	2118 North Greenleaf Street (Pritchard House)	7/23/15 8:0
AGMT NO. 2015-190 Phil Calhoun & Ron Stock on behalf of Beta Holdings, LLC	2015-06	322 West Third Street (Minter House)	7/23/15 8:0
AGMT NO. 2015-191 Mostafa & Bahar Klahori Matin	2015-08	1006 North French Street (Morris House)	7/23/15 8:0
AGMT NO. 2015-192 Christopher & Kelly Reinberger	2015-09	2043 North Victoria Drive (Arens House)	7/23/15 8:0
AGMT NO. 2015-193 Gregory & Nicole Amweg	2015-10	326 West Nineteenth Street (Rosenmeyer House)	7/23/15 8:0
AGMT NO. 2015-194 Ricardo Rivas	2015-11	1112 North French Street (Alexander House)	7/23/15 8:0
AGMT NO. 2015-195 Adam C. & Sandra E. Loughlin, Trustees for Loughlin Family Trust	2015-12	2332 North Heliotrope Drive (Honer House)	7/23/15 8:0
AGMT NO. 2015-196 Judi Bailey, Trustee for Judi Bailey Trust	2015-13	2126 North Heliotrope Drive (Bolton House)	7/23/15 7:0:1 (Murashie abstained)



**25E. EMPLOYEE GROUP INSURANCE RENEWALS {STRATEGIC PLAN NOS. 7, 6} – Personnel Services Agency**

**MOTION:** Continue consideration of matter to the September 15, 2015 City Council meeting.

**MOTION:** Martinez                      **SECOND:** Sarmiento

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

**NOES:**                                  None (0)

**ABSTAIN:**                              None (0)

**ABSENT:**                                None (0)

**25F. TEMPORARY CONSULTING SERVICES FOR INFORMATION TECHNOLOGY {STRATEGIC PLAN NO. 7, 2D} – Finance and Management Services Agency**

**AMENDED MOTION:** Approve and authorize the City Manager and Clerk of the Council to execute agreements in the total aggregate amount of \$1,700,000 for a six month period or until the funds are expended with the following vendors:

- AGMT NO. 2015-197 - The Comdyn Group, Inc.
- AGMT NO. 2015-198 - SoftMaster, Inc.

**MOTION:** Martinez                      **SECOND:** Sarmiento

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

**NOES:**                                  None (0)

**ABSTAIN:**                              None (0)

**ABSENT:**                                None (0)

- 25G. AGMT NO. 2015-199 - SECOND AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA ANA POLICE DEPARTMENT HOMELESS EVALUATION ASSESSMENT RESPONSE TEAM (HEART) AND THE CITY OF SANTA ANA {STRATEGIC PLAN NO. 1, 6 and 5, 6} – Community Development Agency

**MOTION:** Authorize the City Manager and Clerk of the Council to execute a second amendment to the Emergency Solutions Grant Memorandum of Understanding with the City of Santa Ana Police Department to extend the term of the grant until June 1, 2016, to allow additional time to spend the Emergency Solutions Grant Homeless Evaluation Assessment Response Team award, subject to non-substantive changes approved by the City Manager and City Attorney.

- 25H. AGMT NO. 2015-200 - AMENDMENT TO AGREEMENT FOR INTERNET INFRASTRUCTURE AND ACCESS SERVICES {STRATEGIC PLAN NO. 7, 2D} - Finance and Management Services Agency

**MOTION:** Authorize the City Manager and Clerk of the Council to execute an amendment with Cogent Communications, Inc., to exercise an option for the third extension to the existing agreement for a term of three years in an amount not to exceed \$35,000 annually, subject to non-substantive changes approved by the City Manager and City Attorney.

- 25I. AGMT NO. 2015-201 - CENTRAL SANTA ANA COMPLETE STREETS PLAN {STRATEGIC PLAN NO. 5, 6B} – Public Works Agency

**MOITON:** Authorize the City Manager and the Clerk of the Council to execute an agreement with KTU+A, subject to non-substantive changes approved by the City Manager and City Attorney, for a two-year period expiring August 31, 2017, with provision for a one-year extension exercisable by the City Manager, in a total amount not to exceed \$297,000 for the entire agreement term.

- 25J. AGMT NO. 2015-202 - AUTHORIZE PAYMENT TO SOUTHERN CALIFORNIA EDISON FOR DESIGN OF UNDERGROUND UTILITIES ON BRISTOL STREET (PROJECT NOS. 116741, 081700, & 136792) (NON GENERAL FUND) {STRATEGIC PLAN NO. 6, 1G } – Public Works Agency

**MOTION:** Authorize a one-time payment to Southern California Edison in an amount not to exceed \$36,600 for the design of underground utilities on Bristol Street from Third Street to West Civic Center Drive, West Civic Center Drive to West Washington Avenue, and West Warner Avenue to West St. Andrew Place.

25K. AGMT NO. 2015-203 - COMMERCIAL/INDUSTRIAL INSPECTION & DATABASE MANAGEMENT {STRATEGIC PLAN NO. 6, 1} – Public Works Agency

**MOITON:** Authorize the City Manager and the Clerk of the Council to execute an agreement with Amec Foster Wheeler Environment & Infrastructure, Inc., subject to non-substantive changes by the City Manager and City Attorney, for a three-year term expiring August 31, 2018, with provision for two 1-year extensions exercisable by the City Manager and the City Attorney, in an amount not to exceed \$300,000 per year, for a total amount not to exceed \$900,000 over the entire life of the agreement, including any renewal period(s).

25L. AGMT NO. 2015-204 - DESIGN OF MEMORY LANE / SANTA ANA RIVER PARK (PROJECT 15-2647) {STRATEGIC PLAN NO. 6, 1G} – Public Works Agency

**MOTION:** Authorize the City Manager and Clerk of the Council to execute an agreement with David Evans & Associates, Inc., subject to non-substantive changes approved by the City Manager and City Attorney, for a two-year period expiring August 31, 2017, with provision for a one-year extension exercisable by the City Manager, in a total amount not to exceed \$103,540 for the entire agreement term.

**MOTION:** Martinez                      **SECOND:** Tinajero

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

**NOES:**                              None (0)

**ABSTAIN:**                        None (0)

**ABSENT:**                         None (0)

25M. AGMT NO. 2015-205 - NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) AND ENVIRONMENTAL PROGRAM FEE STUDY {STRATEGIC PLAN NO. 5, 2} – Public Works Agency

**MOITON:** Authorize the City Manager and the Clerk of the Council to execute an agreement with Larry Walker Associates, subject to non-substantive changes by the City Manager and City Attorney, for a one-year term expiring on August 31, 2016, with provisions for one 1-year extension exercisable by the City Manager and City Attorney, in a total amount not to exceed \$100,000 for the entire agreement term.

## LAND USE MATTERS

### CONDITIONAL USE PERMITS

- 31A.           CONDITIONAL USE PERMIT NO. 2013-27 TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE AT THE TACOS Y MARISCOS EL PICANTE RESTAURANT LOCATED AT 2223 WEST FIFTH STREET, UNITS F,G &H - CARLOS GUAMAN, APPLICANT {STRATEGIC PLAN NO. 3, 2} – Planning and Building Agency

Planning Commission approved on August 10, 2015 by a vote of 7-0

***MOTION:*** Receive and file the staff report approving Conditional Use Permit No. 2013-27.

- 31B.           CONDITIONAL USE PERMIT NO. 2015-13 TO ALLOW A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR EL NUEVO ENSENADA RESTAURANT LOCATED AT 3622 WEST FIFTH STREET – VICTOR BURROLA, APPLICANT {STRATEGIC PLAN NO. 3, 2} - Planning and Building Agency

Planning Commission approved on August 10, 2015 by a vote of 7-0

***MOTION:*** Receive and file the staff report approving Conditional Use Permit No. 2015-13.

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

### BUSINESS CALENDAR ITEMS

### RESOLUTIONS

- 55A.           EXTENSION OF CONDITIONAL USE PERMIT NO. 2013-26 AND VARIANCE NO. 2013-09 TO ALLOW THE CONSTRUCTION OF THE BAT NHA BUDDHIST TEMPLE AT 803 SOUTH SULLIVAN STREET {STRATEGIC PLAN NO. 3, 2} – Planning and Building Agency

***MOTION:*** Adopt a resolution.

RESOLUTION NO. 2015-050 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA FOR THE EXTENSION OF CONDITIONAL USE PERMIT NO. 2013-26 AND VARIANCE NO. 2013-09 FOR ONE YEAR FOR THE PROPERTY LOCATED AT 803 SOUTH SULLIVAN STREET

**MOTION:** Martinez                      **SECOND:** Pulido

**VOTE:**    **AYES:**                      Amezcua, Benavides, Martinez, Pulido, Reyna, (5)

**NOES:**                              None (0)

**ABSTAIN:**                            None (0)

**ABSENT:**                            Sarmiento, Tinajero (2)

**PUBLIC HEARINGS**

75A.            ORDINANCE    ADOPTING    EXPEDITED    SOLAR    PERMITTING  
 PROCEDURES FOR SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS  
 {STRATEGIC PLAN NO. 3, 3; 5, 2} - Planning & Building Agency

Continued from the August 4, 2015 City Council by 4-0 vote (Martinez, Pulido and Tinajero absent)

Legal notice published in The Notice (LASOC) on July 24, 2015.

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

***MOTION:*** Place ordinance on first reading and authorize publication of title.

ORDINANCE NO. NS-2884 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE REGARDING EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL SOLAR ENERGY SYSTEMS

**MOTION:** Martinez                      **SECOND:** Amezcua

**VOTE:**    **AYES:**                      Amezcua, Benavides, Martinez, Pulido, Reyna, (5)

**NOES:**                              None (0)

**ABSTAIN:**                            None (0)

**ABSENT:**                            Sarmiento, Tinajero (2)

Councilmember Benavides left the meeting and did not return.

75B. WARNER AVENUE IMPROVEMENTS AND WIDENING PROJECT FROM MAIN STREET TO GRAND AVENUE - RESOLUTION TO ADOPT FINAL ENVIRONMENTAL IMPACT REPORT {STRATEGIC PLAN NO. 6, 1B & 1G} – Public Works Agency

Legal Notice published in The Notice (LASOC) on August 21, 2015, and notices mailed on August 20, 2015 in English and Spanish.

Mayor Pulido opened the Hearing: The following spoke on the matter:

- Mike Fernandez, concerned with relocation of parents.
- Tina Flores, noted that many residents displaced for only a mile of improvements and at a cost of upwards of \$50 million.
- Madeleine Spencer, concerned with uprooting of many residents that have been here for over 60 years; request consideration of matter as proposed by the Santa Ana Active Coalition.
- Kristopher Fortin, co-policy director of Santa Ana Active Coalition, working to diversify community and transportation; submitted proposal for the record.

The Hearing closed. Council discussion ensued.

Councilmember Martinez, thanked speakers; opposed to taking 30 homes to improve a one mile stretch on Warner Avenue.

Mayor Pro Tem Sarmiento, requested clarification on two proposals received, need for improvements, and outreach and relocation efforts.

Executive Director of Public Works, Fred Mousavipour, noted that Wells Fargo Bank will likely remain at location pending design; alternatives were considered and comments provided; extensive outreach efforts in the area; also, improvements align existing road and high traffic incidents triggered the need for improvements.

Mayor Pulido, asked that enhancements be considered in design of left hand turn on Warner Ave. and Halliday; also, continue to monitor increasing traffic with the construction of Tustin Legacy project.

Councilmember Amezcua, asked if taking of north-side vs. south-side homes were considered.

**MOTION:**

1. **Adopt a resolution.**

RESOLUTION NO. 2015-051 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CERTIFYING FINAL ENVIRONMENTAL IMPACT REPORT (SCH # 2012101004), PERTAINING TO THE WARNER AVENUE IMPROVEMENT AND WIDENING PROJECT BETWEEN MAIN STREET AND GRAND AVENUE

2. **Adopt the Findings and Statement of Overriding Considerations for the Warner Avenue Improvements and Widening Project from Main Street to Grand Avenue.**
3. **Adopt the Mitigation Monitoring and Reporting Program for the Warner Avenue Improvements and Widening Project from Main Street to Grand Avenue.**
4. **Approve the Warner Avenue Improvements and Widening Project from Main Street to Grand Avenue.**

**MOTION:** Pulido

**SECOND:** Tinajero

**VOTE: AYES:**

Amezcuca, Pulido, Reyna, Sarmiento, Tinajero  
(5)

**NOES:**

Martinez (1)

**ABSTAIN:**

None (0)

**ABSENT:**

Benavides (1)

Councilmember Martinez left the meeting at 9:07 pm. and did not return.  
Mayor Pro Tem Sarmiento left the meeting at 9:17 p.m. and did not return.

**PUBLIC COMMENT**

- Belen Carrillo, member of the Youth Civic Engagement - Library has voter registration and engagement initiative.
- Javier Morales, spoke of priority to engage the youth, noted voter registration patterns.
- Ilya Tseglin, request assistance with conservatory issue.
- Robert Tseglin, expressed concern with conservatory of brother by state agency.
- David De Leon, coach of Little Pony League, encouraged joint use agreements with the Santa Ana Unified School District.
- Connie Hamilton, invited all to upcoming Community Police Forum on September 16 at 6:45 p.m.
- Michelle Montero, spoke of personal issues.
- Salvador Sanchez, spoke in opposition to flying the Lesbian, Gay, Bi-Sexual and Transgender flag; opined that matter should be considered by voters.

**CITY COUNCIL RECESSED AT 9:30 P.M. TO THE HOUSING AUTHORITY MEETING AND RECONVENED AT 9:31 P.M. WITH SAME MEMBERS PRESENT.**

**COMMENTS**

**90A. CITY MANAGER'S COMMENTS**

- Announced and welcomed new Battalion Fire Chief Dave Anderson.

**90B. CITY COUNCILMEMBER COMMENTS**

**Councilmember Amezcua:**

- Thanked service of retiring Orange County Battalion Fire Chief Leonard;
- Thanked Parks, Public Works and Police Departments for efforts with 5K run; and
- Wished all a great school year.

**Councilmember Reyna:**

- Urged all to be water wise; noted that Santa Ana has met and exceed reduction rates set by the State;
- Applaud service by Orange County Battalion Fire Chief Leonard and wished him well upon his retirement;
- Spoke of success of 2<sup>nd</sup> Annual 5K Run held August 29, 2015;
- Welcomed students back to school; wished teacher and staff a great year;
- Advocated for expansion of joint use agreements;
- Appealed for all to shop Santa Ana; and
- Requested a meeting with Terry McCaul regarding the CERT program for youth participation.

**Councilmember Tinajero:**

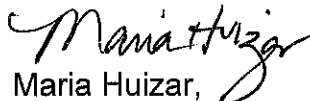
- Thanked all who participated in having a good meeting tonight;
- Asked that staff assess resources and maximize joint use agreements;
- Requested meeting with Parks Director to discuss Pony League and Little League field allocation formula;
- Congratulated the Santa Ana Unified School District for completion of complex; attended at Valley High School;
- Wished all a good school year;
- Reflected on many successes in the City; and
- Requested an 85A on the next City Council meeting to consider options pertaining to the Lesbian, Gay, Bi-Sexual and Transgender flag at City Hall.



Mayor Pulido:

- Would like staff to look into creating a Santa Ana Section of the OC Marathon (requested during Presentations);
- Attended meeting in Sacramento representing the City regarding \$40 million in transportation funds to augment \$55 million from Orange County Transportation Authority plus \$144 million from Federal Transportation Administration for the Streetcar Project; project will improve area and economy.

**ADJOURNED** - 9:42 p.m. – The next meeting of the City Council is scheduled for Tuesday, September 15, 2015 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 Huizar,  
Clerk of the Council

**FUTURE AGENDA ITEMS**

- Mater Dei High School Parking Structure and School Expansion Project
- Community Engagement Plan