

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

**NOVEMBER 7, 2017**

**CLOSED SESSION MEETING**

**CALLED TO ORDER**

COUNCIL CHAMBER  
22 CIVIC CENTER PLAZA  
5:13 P.M.

**ATTENDANCE**

COUNCILMEMBERS Present:  
MIGUEL A. PULIDO, Mayor (5:30 P.M.)  
MICHELE MARTINEZ, Mayor Pro Tem  
P. DAVID BENAVIDES (5:15 P.M.)  
VICENTE SARMIENTO  
JOSE SOLORIO  
SAL TINAJERO  
JUAN VILLEGAS

COUNCILMEMBERS Absent:  
None

STAFF Present:  
RAUL GODINEZ, II, 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 5:14 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:

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

Address of Property: APN # 398-264-13; 201 W. 3<sup>rd</sup> Street;  
62,243 sq. ft. (1.43 acres)

Negotiators: Interim Community Development Agency  
Director Robert Zur Schmiede, Consultant  
Elisa Stipkovich

Terms: Conditions on the potential development  
and sale of City-owned property.

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)
- Santa Ana Police Management Association (PMA)
- Service Employees' International Union (SEIU) Full-Time Employees
- Service Employees' International Union (SEIU) Part-time Civil Service Employees
- Service Employees' International Union, Part Time
- Confidential Association of Santa Ana (CASA)
- Santa Ana Management Association (SAMA)

Agency Negotiator: City Manager, Raul Godinez II

Employee Organizations: Executive Management (EM)

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

**ADJOURNED THE CLOSED SESSION MEETING AT 6:30 P.M. AND CONVENEED TO THE REGULAR OPEN MEETING.**

## REGULAR OPEN MEETING

### CALLED TO ORDER

COUNCIL CHAMBER  
22 CIVIC CENTER PLAZA  
SANTA ANA, CA  
6:38 P.M.

### ATTENDANCE

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

STAFF Present:  
RAUL GODINEZ, II, City Manager  
SONIA R. CARVALHO, City Attorney  
MARIA D. HUIZAR, Clerk of the Council

### PLEDGE OF ALLEGIANCE

MAYOR PULIDO

### INVOCATION

BOB BARNETT, POLICE CHAPLAIN

### CEREMONIAL PRESENTATIONS

**SPECIAL PRESENTATION** - Update from the Youth Commission presented by Chair, Marlen Buitron.

**PROCLAMATION** presented by **MAYOR PRO TEM MARTINEZ** recognizing World Kindness Day.

**CERTIFICATE OF RECOGNITION** presented by **COUNCILMEMBER BENAVIDES** to United States Veteran Thomas Baca in recognition of his service to the community.

**CERTIFICATE OF RECOGNITION** presented by **COUNCILMEMBER SARMIENTO** to United Way Orange County and Citi Development for their Free Tax Prep Campaign.

**CERTIFICATE OF RECOGNITION** presented by **COUNCILMEMBER SOLORIO** to Marc Payan of PayanX for his outstanding contributions to the community.

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

**PUBLIC COMMENTS** - None

**CONSENT CALENDAR ITEMS**

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

- Mayor Pro Tem Martinez, pulled Agenda Items 25B and 25D for separate discussion; and
- Councilmember Solorio, continue consideration of Agenda Item 29A.i. to a future meeting.

**MOTION:** Sarmiento      **SECOND:** Solorio

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

**NOES:**                  None (0)

**ABSTAIN:**              None (0)

**ABSENT:**                Tinajero (1)

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

**ADMINISTRATIVE MATTERS**

**MINUTES**

10A.            MINUTES FROM THE REGULAR MEETING OF OCTOBER 17, 2017 {STRATEGIC PLAN NO. 5, 1} – Clerk of the Council Office

***MOTION:*** Approve Minutes.

**BOARDS / COMMISSIONS / COMMITTEES**

- 13A. APPOINT ALECC BANDA TO THE YOUTH COMMISSION AS AN ALTERNATE MEMBER FOR A FULL TERM EXPIRING DECEMBER 11, 2018 AS THE MAYORAL REPRESENTATIVE {STRATEGIC PLAN NO. 5, 1} - Clerk of the Council Office

**MOTION:** Nominate Alecc Banda for an appointment to the Youth Commission as an Alternate Mayoral representative (replaces R. Rodriguez).

#### **MISCELLANEOUS ADMINISTRATION**

- 19A. CONFIRMATION OF CLOSED SESSION ACTION(S) – NONE
- 19B. EXCUSED ABSENCES – NONE
- 19C. RECEIVE AND FILE QUARTERLY REPORT OF INVESTMENTS AS OF SEPTEMBER 30, 2017 {STRATEGIC PLAN NO. 4, 1D} - Finance and Management Services

**MOTION:** Receive and file.

- 19D. QUARTERLY REPORT FOR HOUSING DIVISION PROJECTS AND ACTIVITIES JULY 2017 – SEPTEMBER 2017 {STRATEGIC PLAN NO. 5, 3} - Community Development Agency

Community Redevelopment and Housing Commission approved recommended action on October 25, 2017, by a vote of 4:0 (De Leon, Ramos and Santana absent).

**MOTION:** Receive and file.

- 19E. RECEIVE AND FILE UPDATE ON SANCTUARY POLICY ADVISORY GROUP {STRATEGIC PLAN NO. 3, 5A - City Manager's Office

**MOTION:** Receive and file.

#### **BUDGETARY MATTERS**

#### **APPROPRIATION ADJUSTMENTS**

- 20A. APPROVE AN APPROPRIATION ADJUSTMENT TO ACCEPT DONATION FOR THE POLICE DEPARTMENT BLOODHOUND PROGRAM {STRATEGIC PLAN GOAL NO. 1, 1C} - Police Department

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

APPROPRIATION ADJUSTMENT NO. 2018-035 - Recognizing a donation from Hoag Memorial Hospital in the amount of \$15,000 in the Police Special Revenue - Programs revenue account and appropriate same to expenditure account.

### GRANTS/APPLICATIONS

- 21A. APPROVE SUBSTANTIAL AMENDMENT TO 2017-2018 ANNUAL ACTION PLAN FOR ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS {STRATEGIC PLAN NO. 5} – Community Development Agency

**MOTION:** Approve a Substantial Amendment to the 2017-2018 Annual Action Plan for the allocation of Community Development Block Grant funds, and authorize its submission to the U.S. Department of Housing and Urban Development.

### SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

- 22A. SPEC. NO. 17-070 - APPROVE PURCHASE ORDER AMENDMENT FOR REPLACEMENT OF SPORTS LIGHTING AT VARIOUS PARKS {STRATEGIC PLAN NO. 6, 1B} (Parks, Recreation and Community Services Agency) - Finance and Management Services

**MOTION:** Authorize an amendment to the purchase order to ACM Lighting Services to increase the purchase order by \$14,267 for a total amount not to exceed of \$57,888, subject to non-substantive changes approved by the City Manager and City Attorney.

### AGREEMENTS

- 25A. APPROVAL OF VARIOUS HISTORIC PROPERTY PRESERVATION AGREEMENTS {STRATEGIC PLAN NOS. 5, 2, 3}

**MOTION:** Authorize the City Manager and Clerk of the Council to execute 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>Historic Property Preservation Agmt. No.</b>	<b>Address/House</b>	<b>Agmt. No.</b>
1. Minter Properties, LLC	2017-14	818-820 N. Minter St. (Davies Duplex)	AGMT. No. 2017-293
2. Marvelle J. Rostine Riekse	2017-22	515 W. Nineteenth St. (Finch House)	AGMT. No. 2017-294
3. Jeffrey J. Martinez & Martha F. Martinez	2017-23	2544 N. French St. (E. Lee & H. Smith House)	AGMT. No. 2017-295
4. Andrew L. Chalkley	2017-25	903 E. Stafford St. (Perry House)	AGMT. No. 2017-296
5. Jillian N. Andrews	2017-26	1121 S. Hickory St. (Eastin House)	AGMT. No. 2017-297
6. Alexander Niessen & Maria Nena Niessen	2017-27	2031 N. Ross St. (Tubbs-Schatz House)	AGMT. No. 2017-298
7. Loria Revocable Trust	2017-28	2424 N. Riverside Dr. (K. H. Sutherland House)	AGMT. No. 2017-299
8. Benjamin Ramirez & Nicolette Ramirez	2017-29	2401 N. Flower St. (Hull-Carlyle House)	AGMT. No. 2017-300

25B. APPROVE AN AGREEMENT FOR GRANT-FUNDED CITYWIDE SAFE ROUTES TO SCHOOL PLAN TO PROVIDE TRANSPORTATION/TRAFFIC PLANNING AND ENGINEERING SERVICES (PROJECT NO. 17-6730) {STRATEGIC PLAN NO. 5, 6B} - Public Works Agency

Mayor Pro Tem Martinez, request that outreach efforts continue with Santa Ana Unified School District officials on this and other matters of mutual interest.

**MOTION:** Authorize the City Manager and the Clerk of the Council to execute an agreement with Alta Planning & Design, , for the three-year term beginning November 7, 2017, and expiring November 6, 2020, in an amount not to exceed \$585,000, subject to non-



substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-301).

**MOTION:** Martinez                    **SECOND:** Benavides

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

**NOES:**                    None (0)

**ABSTAIN:**                None (0)

**ABSENT:**                None (0)

25C.                    APPROVE AGREEMENTS FOR ON-CALL WATER SYSTEMS CONTROL DESIGN, PROGRAMMING AND SUPPORT SERVICES {STRATEGIC PLAN NO. 6, 2} - Public Works Agency

**MOTION:** Authorize the City Manager and Clerk of the Council to execute agreements for the three-year period beginning November 7, 2017, and expiring November 30, 2020, with provisions for a two-year renewal option exercisable by the City Manager and City Attorney, in an annual amount not to exceed \$85,000, for a total not to exceed amount of \$255,000 subject to non-substantive changes approved by the City Manager and City Attorney, with the following vendors:

1. With KDC Systems - Los Alamitos (AGMT. No. 2017-302)
2. With Enterprise Automation - Irvine (AGMT. No. 2017-303)
3. With Industrial Control Systems Online, Inc. – Ripon (AGMT. No. 2017-304)

25D.                    APPROVE AN INCLUSIONARY HOUSING AGREEMENT FOR PROJECT AT 2001 WEST MACARTHUR BOULEVARD, SHEA HOMES LIMITED PARTNERSHIP {STRATEGIC PLAN NO. 5, 3B} –Community Development Agency

Mayor Pro Tem Martinez,

Councilmember Sarmiento,

Councilmember Solorio, request staff work with developer in providing amenities that will mitigate noise such as double paned windows etc.

**MOTION:** Authorize the City Manager and Clerk of the Council to execute an Inclusionary Housing Agreement with Shea Homes

**Limited Partnership, a California Limited Partnership, in an amount not to exceed \$1,727,055, subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-305).**

**MOTION:** Martinez

**SECOND:** Sarmiento

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

**NOES:** None (0)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

### **MISCELLANEOUS - BUDGET**

29A. APPROVE DONATION AGREEMENT WITH VARIOUS ORGANIZATIONS TO SUPPORT COMMUNITY EVENTS AND PROGRAMS {STRATEGIC PLAN NO. 5, 4} – City Council

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

- a. Charitable Ventures of Orange County in support of the Wilshire Square Neighborhood Association's Annual Holiday Parade, in a one-time donation amount of \$1,000 (Mayor Pulido);
- b. A.C. Green Youth Foundation in support of the Santa Ana Leadership Program/Basketball Camp for Boys and Girls in June 2018, in a one-time donation amount of \$1,000 (Mayor Pro Tem Martinez);
- c. Long Beach Cinematheque in support of the Frida Cinema's free film screening of the documentary "Dolores" based on civil rights activist Dolores Huerta, in a one-time donation amount of \$3,000 (Mayor Pro Tem Martinez);
- d. Makara Center of the Arts in support of the literacy program for youth, in a one-time donation amount of \$430 (Mayor Pro Tem Martinez);

- e. Delhi Center in support of the Teens Engaged in Learning and Leadership program, in a one-time donation amount of \$1,000 (Councilmember Sarmiento);
- f. Santa Ana Unidos Boxing Club in support of on-going services to help at-risk youth in Santa Ana, in a one-time donation amount of \$1,000 (Councilmember Sarmiento);
- g. Delhi Center in support of the Teens Engaged in Learning and Leadership program, in a one-time donation amount of \$500 (Councilmember Solorio);
- h. Santa Ana Kiwanis Club Foundation in support of the holiday event for needy children for the holiday season, in a one-time donation amount of \$500 (Councilmember Solorio);
- i. Item removed at the request of Councilmember Solorio.
- j. Te-Kenjutsu-Kan-Do Organization to support the 15th Annual Adlawan Cup Food Drive Karate Championships, in the amount of \$500 (Councilmember Solorio);
- k. Centro Cultural de Mexico of Orange County to support Noche de Altares event, in a one-time donation amount of \$800 (Councilmember Benavides);
- l. Charitable Ventures of Orange County in support of the Wilshire Square Neighborhood Association's Annual Holiday Parade, in a one-time donation amount of \$500 (Councilmember Villegas);
- m. Delhi Center in support of the Teens Engaged in Learning and Leadership program, in a one-time donation amount of \$500 (Councilmember Villegas);
- n. Makara Center of the Arts in support of the literacy program for youth, in a one-time donation amount of \$750 (Councilmember Villegas);
- o. Healthy Smiles for Kids of Orange County for on-going services to provide dental services to children in Santa Ana, in a one-time donation amount of \$1,000 (Councilmember Tinajero).

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

**ADMINISTERED OATH OF OFFICE TO ALECC BANDA, YOUTH COMMISSIONER.**

## BUSINESS CALENDAR ITEMS

### PUBLIC HEARINGS

Mayor Pulido abstained on Agenda Item 75A, out of an abundance of caution and previous business relation with EMI and left the Chamber for the duration on deliberation of said item. Mayor Pro Tem Martinez assumed the Chair.

75A. PUBLIC HEARING - ZONING ORDINANCE AMENDMENT NO. 2017-03 TO AMEND SPECIFIC DEVELOPMENT NO. 60 TO ALLOW A NEW 75-FOOT TALL DOUBLE FACE DIGITAL ILLUMINATED PYLON SIGN AT THE SANTA ANA AUTO MALL LOCATED AT 1505 SOUTH AUTO MALL DRIVE, APPROVE SALES TAX LOAN AGREEMENT BETWEEN CITY OF SANTA ANA AND SANTA ANA AUTO MALL AUTO DEALERS ASSOCIATION; APPROVE PAYMENT TO EMI INC. FOR THE PURCHASE OF AN LED SIGN {STRATEGIC PLAN NO. 3, 2} - Planning and Building Agency

Planning Commission approved recommended action on September 25, 2017, by a vote of 6:0 (Alderete absent).

Legal Notice published in the Orange County Reporter on October 6, 2017 and notices mailed on October 5, 2017.

Continued from the October 17, 2017 City Council meeting by a vote of 6-0 (Martinez absent).

Mayor Pro Tem Martinez opened the Hearing. The following spoke on the matter.

- Al Parajeckas, on behalf of the Penske Auto Group, shared their support in youth programs in the City and opined the auto mall sign is antiquated and in need of refurbishment.
- Rod Wilson, expressed gratitude for all the work performed on the proposed ordinance; opined that amendments would generate increased sales for the auto mall and sales tax for the City.

Mayor Pro Tem Martinez closed the Hearing.

Councilmember Benavides, supports matter as economic development opportunity; win for the community as well.

Councilmember Sarmiento, strategically located site that has allowed it to be one of the highest grossing auto malls in the country.

Councilmember Solorio, expressed strong support for item.

Mayor Pro Tem Martinez, concerned with loan source for project which utilized reserve funds.

**MOTION:**

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

ORDINANCE NO. NS-2930 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AN AMENDMENT TO PROVISIONS OF SPECIFIC DEVELOPMENT (SD) NO. 60, PERTAINING TO THE SANTA ANA AUTO MALL RELATING TO THE SIGNAGE REQUIREMENTS

**2. Authorize the City Manager and the Clerk of the Council to execute a Sales Tax Loan Agreement between the City of Santa Ana and the Santa Ana Auto Dealers Association LLC, subject to non-substantive changes approved by the City Manager and the City Attorney. (AGMT. No. 2017-306).**

**3. Approve the payment to EMI, Inc. for purchase and installation of an LED sign at the Santa Ana Auto Mall.**

**MOTION:** Benavides            **SECOND:** Sarmiento

**VOTE:    AYES:**            Benavides, Sarmiento, Solorio, Tinajero, Villegas (5)

**NOES:**                Martinez (1)

**ABSTAIN:**            Pulido (1)

**ABSENT:**             None (0)

Mayor Pulido rejoined the meeting.

75B.            PUBLIC HEARING - ZONING ORDINANCE AMENDMENT NO. 2017-01 TO AMEND CERTAIN SECTIONS OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO STREAMLINING TATTOO PARLORS, FARMERS MARKETS AND AFTER HOURS OPERATIONS IN THE COMMERCIAL-SOUTH MAIN ZONING DISTRICT – CITY OF SANTA ANA, APPLICANT - Planning and Building Agency

Planning Commission approved recommended action on October 9, 2017 by a vote of 6:0 (Alderete absent).

Legal Notice published in the Orange County Reporter on October 27, 2017.

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-2931 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTIONS 41-159, 41-159.5, 41-195.5, 41-199.3, 41-365.5, 41-365, 41-489.5 AND 41-522 OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE (SAMC), TABLE 3-2 OF THE HARBOR MIXED USE TRANSIT CORRIDOR SPECIFIC PLAN (SP2), TABLE 3 OF THE METRO EAST MIXED USE OVERLAY ZONE (MEMU), AND TABLE 2A OF THE TRANSIT ZONING CODE – SPECIFIC DEVELOPMENT NO. 84 (SD-84)

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

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

**NOES:**                                  None (0)

**ABSTAIN:**                              None (0)

**ABSENT:**                                Benavides (1)

75C.                      PUBLIC HEARING - AMEND SANTA ANA MUNICIPAL CODE SECTIONS 5-1 AND 5-7 TO ALLOW RESIDENTIAL BACKYARD BEEKEEPING {STRATEGIC PLAN NO. 5, 2} - Planning and Building Agency

Legal Notice published in the Orange County Reporter on October 27, 2017.

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-2932 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SANTA ANA MUNICIPAL

CODE SECTIONS 5-1 (DEFINITIONS) AND 5-7 (BEES PROHIBITED)  
TO ALLOW RESIDENTIAL BACKYARD BEEKEEPING

**MOTION:** Tinajero

**SECOND:** Solorio

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

**NOES:**               None (0)

**ABSTAIN:**           None (0)

**ABSENT:**           Pulido (1)

75D.           PUBLIC HEARING - ZONING ORDINANCE AMENDMENT NO. 2017-04  
TO AMEND PROVISIONS OF CHAPTER 41 OF THE SANTA ANA  
MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS  
(GRANNY FLATS) – CITY OF SANTA ANA, APPLICANT{STRATEGIC  
PLAN NO. 5, 3} - Planning and Building Agency

Planning Commission approved recommended action on October 23,  
2017 by a vote of 5:0 (Nguyen and Mendoza absent).

Legal Notice published in the Orange County Reporter on October 27,  
2017.

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

- Mathew Fertal, on behalf of his son Jeffrey and daughter in law Jamie, perspective homeowners of a property on Bush Street; consider rezoning of the property to allow a conversion of a detached three car garage to a modest living quarters.

There were no other speakers and the Mayor Pulido closed the hearing.

Mayor Pro Tem Martinez, suggested a 2 week continuance.

Councilmember Sarmiento, concerned with parking impacts.

Councilmember Solorio, noted that staff has met with neighborhoods; review police services and accidents; suggest single family homes be permitted to have accessory dwelling unit.

Councilmember Benavides motion to set for WorkStudy Session;  
seconded by Mayor Pro Tem Martinez.

**MOTION: Continue consideration and set for WorkStudy Session at the December 5, 2017 City Council Meeting.**

**MOTION:** Benavides            **SECOND:** Martinez

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

**NOES:** None (0)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

Mayor Pulido and Councilmember Sarmiento abstained on the Agenda Item 75E-1 and left the Chamber for the deliberation of said item. Mayor Pro Tem Martinez assumed the Chair.

75E-1. PUBLIC HEARING - ORDINANCE AMENDMENT NO. 2017-04 TO AMEND CERTAIN SECTIONS OF CHAPTERS 18 AND 21 OF THE SANTA ANA MUNICIPAL CODE (MEDICAL MARIJUANA COLLECTIVES/ COOPERATIVES) – CITY OF SANTA ANA, APPLICANT {STRATEGIC PLAN NOS. 3, 2, 3, 5} - Planning and Building Agency

Legal Notice published in the Orange County Reporter on October 27, 2017 and November 6, 2017.

Mayor Pro Tem Martinez opened the Hearing. The following spoke on the matter.

- Ben Ekenberg, attorney representing various cannabis businesses, opined that City is a leader in the State regarding commercial cannabis and looks forward to bringing business to the City.
- Claudio Gallegos, on behalf of Congressman Lou Correa, commended City Council for being proactive and bringing an ordinance to regulate cannabis in the city. Expressed support for the proposed ordinance.

Mayor Pro Tem Martinez closed the Hearing.

Councilmember Benavides, proposed adjourning the meeting to November 9<sup>th</sup> at 2 p.m. to continue deliberation of matter.

Councilmember Villegas, willing to meet as proposed.

Mayor Pro Tem Martinez, noted that matter is a major policy decision; very concerned and has a lot of questions; no options, no analysis or findings noted in the report as it pertains to CEQA; is it consistent with Water



Conservation, General Plan and Climate Action Plans; review education component and co-location; and review enforcement issues considered by the Public Safety Committee.

**MOTION: Continue consideration of matter to an Adjourned Regular Meeting on Thursday, November 9, 2017 at 1:30 p.m.**

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

**VOTE: AYES:** Benavides, Martinez, Solorio, Tinajero, Villegas (5)

**NOES:** None (0)

**ABSTAIN:** Pulido, Sarmiento (2)

**ABSENT:** None (0)

75E-2. ORDINANCE SECOND READING: ADOPT ORDINANCE AMENDMENT NO. 2017-03 TO CREATE CHAPTER 40 IN THE SANTA ANA MUNICIPAL CODE (COMMERCIAL CANNABIS) {STRATEGIC PLAN NO. 5, 1}

Placed on first reading at the October 17, 2017 City Council meeting and approved by a vote of 4-0 (Pulido and Sarmiento abstained; Martinez absent).

Published in the Orange County Reporter on October 27, 2017.

**MOTION: Continue consideration of matter to an Adjourned Regular Meeting on Thursday, November 9, 2017 at 1:30 p.m.**

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

**VOTE: AYES:** Benavides, Martinez, Solorio, Tinajero, Villegas (5)

**NOES:** None (0)

**ABSTAIN:** Pulido, Sarmiento (2)

**ABSENT:** None (0)

75E-3. APPROVE AN IN-LIEU FEE AGREEMENT TEMPLATE AND MERIT-BASED CRITERIA DRAFT FOR COMMERCIAL CANNABIS BUSINESSES PURSUANT TO CHAPTER 40 OF THE SANTA ANA MUNICIPAL CODE – CITY OF SANTA ANA, APPLICANT{STRATEGIC PLAN NOS. 3, 2, 3, 5} – Planning and Building Agency

**MOTION:** Continue consideration of matter to an Adjourned Regular Meeting on Thursday, November 9, 2017 at 1:30 p.m.

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

**VOTE:**    **AYES:**                      Benavides, Martinez, Solorio, Tinajero, Villegas (5)

**NOES:**                                  None (0)

**ABSTAIN:**                          Pulido, Sarmiento (2)

**ABSENT:**                              None (0)

75F. PUBLIC HEARING - ISSUANCE OF TAX EXEMPT BONDS FOR THE BENEFIT OF FIRST POINT APARTMENTS LOCATED AT 2114 EAST 1ST STREET, AND RESOLUTION APPROVING THE ISSUANCE OF BONDS, SANTA ANA PACIFIC ASSOCIATES, L.P. {STRATEGIC PLAN NO. 5, 3} – Community Development Agency

Legal Notice published in the Orange County Reporter on October 23, 2017

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

Councilmember Benavides, noted that staff report indicates that this item is being recommended at the request of the applicant.

Housing Division Manager, Judson Brown, noted that applicant submitted request.

City Manager Godinez, noted that matter agendized by former Interim City Manager Kurtz; initial review will not work if City does not contribute financially, thus City not in the position to recommend matter for approval, but agendized as a courtesy; entitlement have not been granted.

Mayor Pro Tem Martinez, suggested continuance to review financial analysis by Keyser Marsten and allow staff to review gap financing.

Councilmember Sarmiento, concerned that project does not have entitlements and not thoroughly vetted; 1,100 units proposed for senior housing units that may not be needed – multi-family housing shortages; supports continuance to review composition of units. Housing element and other questions; avoid liability.

Ben, representing California Municipal Financing Authority, indicating that this is a requirement of the Bond financing process; noted that Trump Administration through the Senate is considering removing 4% bond in January.

City Attorney Carvalho, clarified that Senate Bill is pending, but has not been approved or rejected; TEFRA rules are that Council is to decide if there is a public need for this project and any other body could have considered this Hearing.

Applicant, confirmed that resolution will determine maximum bond amount, but project details can be revised; project details would be vetted by Planning Commission and ultimately the City Council; deadline to submit application is next Tuesday.

Councilmember Tinajero, concerned with too many unknowns to approve resolution.

Councilmember Solorio, supports affordable housing efforts although reserve rights not to approve parking or project in the future.

**MOTION:** Table indefinitely.

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

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

**NOES:**                              Solorio, Villegas (2)

**ABSTAIN:**                        None (0)

**ABSENT:**                         None (0)

75G. PUBLIC HEARING - ISSUANCE OF TAX EXEMPT BONDS FOR THE BENEFIT OF FIRST POINT SENIOR APARTMENTS LOCATED AT 2110 EAST 1ST STREET, AND RESOLUTION APPROVING THE ISSUANCE OF BONDS, SANTA ANA PACIFIC ASSOCIATES II, L.P. {STRATEGIC PLAN NO. 5, 3} – Community Development Agency

Legal Notice published in the Orange County Reporter on October 23, 2017

**MOTION:** Table indefinitely.

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

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

**NOES:** Solorio, Villegas (2)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

75H. PUBLIC HEARING - ISSUANCE OF TAX EXEMPT BONDS FOR THE BENEFIT OF VILLA COURT SENIOR APARTMENTS LOCATED AT 2222 E. 1ST STREET, AND RESOLUTION APPROVING THE ISSUANCE OF BONDS, SANTA ANA SENIOR ASSOCIATES, L.P. {STRATEGIC PLAN NO. 5, 3} –Community Development Agency

Legal Notice published in the Orange County Reporter on October 23, 2017

**MOTION:** Table indefinitely.

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

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

**NOES:** Solorio, Villegas (2)

**ABSTAIN:** None (0)

**ABSENT:** None (0)

Councilmember Sarmiento abstained on Agenda Item 75I due to proximity to family property and left the Chamber for the duration of deliberation.

75I. PUBLIC HEARING: ADOPT A RESOLUTION TO AUTHORIZE NEGOTIATION FOR THE SALE OF PORTIONS OF CITY-OWNED REAL PROPERTY AT 827, 829, AND 907 NORTH BRISTOL STREET (NONGENERAL FUND) {STRATEGIC PLAN NOS. 6, 1G; 3, 2C} – Public Works Agency

Legal Notice published in the Orange County Reporter on October 27, 2017.

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

**MOTION: Adopt a resolution. (Requires five affirmative votes)**

RESOLUTION NO. 2017-066 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING DIRECT NEGOTIATIONS FOR THE SALE OF PORTIONS OF CITY-OWNED REAL PROPERTY AT 827 NORTH BRISTOL STREET, 829 NORTH BRISTOL STREET AND 907 NORTH BRISTOL STREET

**MOTION:** Martinez                      **SECOND:** Villegas

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

**NOES:** None (0)

**ABSTAIN:** Sarmiento (1)

**ABSENT:** None (0)

## CONVENED A JOINT SESSION OF THE CITY COUNCIL AND THE HOUSING AUTHORITY

80A. JOINT CITY COUNCIL AND HOUSING AUTHORITY: APPROVE SECOND AMENDMENT TO JOSEPH HOUSE LOAN AGREEMENT AND AFFORDABLE HOUSING COVENANTS {STRATEGIC PLAN NO. 5, 3} – Community Development Agency

Community Redevelopment and Housing Commission approved recommended action on October 25, 2017 by a vote of 6:0 (De Leon absent).

**MOTION:**

**1. Receive and file Joseph House Business Plan.**

2. Authorize the City Manager, Executive Director of the Housing Authority and the Clerk of the Council/Recording Secretary to execute a Second Amendment to the Joseph House Loan Agreement and Affordable Housing Covenants with Mercy House Living Centers, formerly known as Mercy House Transitional Living Centers, to allow for the remaining transitional housing unit to be turned into permanent affordable housing and dissolve transitional housing and transitional shelter at 210 E. 16<sup>th</sup> Street, subject to non-substantive changes approved by the City Manager and City Attorney (AGMT. No. 2017-307).

**MOTION:** Martinez

**SECOND:** Villegas

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

**NOES:** None (0)

**ABSTAIN:** Sarmiento (1)

**ABSENT:** None (0)

**RECESSED CITY COUNCIL MEETING AT 9:15 P.M. TO THE HOUSING AUTHORITY MEETING AND RECONVENED WITH SAME MEMBERS PRESENT AT 9:19 P.M**

### COMMENTS

#### PUBLIC COMMENTS (Non-Agendized Items)

- Donna Layne, resident of West Floral Park and president of West Floral Park Neighborhood Association, expressed concern as to the level of noise generated from Zaroo Car Wash and resulting pain and stress on the local residents; opined that there was lack of due diligence by the City of Santa Ana prior to grandfathering Zaroo Car Wash in.
- Patti Heimann, resident of West Floral Park, commented as to the level of noise from Zaroo Carwash reaching her residence three blocks away; requested assistance with noise mitigation.
- Laura Jagerman, expressed concern as to the loss of peacefulness due to the noise from Zaroo Car Wash and resulting desire to no longer live in the neighborhood.
- Chela Bañuelos, resident of West Floral Park and home business owner, concerned about noise level that causes her to keep her windows closed.

- Diana Espinoza, said that noise nuisance emanating from Zaroo Car wash and its effect and impact on the use of their home and children; believe that car wash operating with noise levels reaching 86 decibels in violation of current noise ordinance.
- Elias Cazales, resident of West Floral Park, reflected on noise levels and the loss of enjoyment of their home; requested the City Council to bring forth a resolution to resolve the noise nuisance.
- Peter A. Katz, President of the Com-Link board, urged noise mitigation; also, spoke in regards to Veterans Day, what it means to be a veteran and an American - OC Fairgrounds event being held in support of Veterans.
- Joseph Bañuelos, resident of West Floral Park, opined that City Council consider balancing interested of car wash business and the residents of Floral Park.

90A. CITY MANAGER'S COMMENTS

- Attended events held over the weekend including the Dia De Los Muertes, Dolores Huerta Documentary and skateboarding event in the downtown;
- OCTA hosting a Streetcar Open House on November 11 and 16<sup>th</sup>; and
- Invited all to attend Plaza Navideña on November 18<sup>th</sup>.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Sarmiento:

- Thanked all speakers who addressed the City Council on car wash noise; need to mitigate noise;
- Thanked and welcomed recently appointed City Manager Godinez;
- Noted that many well attended events held over the weekend; and
- Opined that Board of Supervisors should consider 100 acres at Great Park for homeless services.

Councilmember Tinajero:

- Welcomed Mr. Godinez who previously served as Public Works Director;
- Thanked Marc Morley, Jorge Garcia and Julie Castro for proposal to host college debate event in Santa Ana;
- Announced that Valley High is in the playoffs, Godinez High School finished 1<sup>st</sup> and Santa Ana High top 24 in Orange County; and
- Proud that City Council has covered many issues tonight; urged all to continue to be respectful.

Mayor Pro Tem Martinez:

- Thanked residents; technology available to assist with noise concerns; staff to cite if appropriate and need to mitigate;

- Acknowledged Veteran's Day and all servicemen;
- Noted that homeless population has many veterans; County of Orange to consider available acreage at Great Park for housing; and
- Thanked staff for effort on Wings of the City unveiling ceremony.

Councilmember Solorio:

- Congratulated Mr. Godinez;
- Thanked Police Department and City Manager staff for creating park ranger unit;
- Opposed to extension of Needle Exchange Program that is up for renewal in February – other cities should offer program not just in Santa Ana;
- Supports institutional services at Great Park for homeless such as housing; and
- Thanked colleagues for great dialogue tonight.

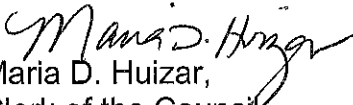
Councilmember Villegas:

- Thanked all speakers;
- Acknowledged Veteran's Day; and
- Requested status of Code of Ethics violation enforcement plan and policy.

Mayor Pulido:

- Adjourned in memory of Harold F. LaFlamme who was a former Personnel Board member

**ADJOURNED** - 10:03 P.M - The next meeting of the City Council is scheduled for Tuesday, November 21, 2017 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**

- Labor Contracts
- Jail Reuse