



ANAHEIM CITY COUNCIL

ACTION AGENDA

JANUARY 9, 2018

CITY COUNCIL HOUSING AUTHORITY

Tom Tait
Mayor

James Vanderbilt
Mayor Pro Tem
At Large

Kris Murray
Council Member
At Large

Denise Barnes
Council Member
District 1

Dr. Jose F. Moreno
Council Member
District 3

Lucille Kring
Council Member
District 4

Stephen Faessel
Council Member
District 5

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- **ORDER OF BUSINESS:** Public sessions of all regular meetings of the City Council/Successor Agency to the Redevelopment Agency/Housing Authority/Public Financing Authority/Housing and Public Improvements Authority begin at 5:00 P.M. Public hearings begin at 5:30 P.M. unless otherwise noted. Closed sessions begin at 3:00 P.M. or such other time as noted. Closed sessions may be preceded by one or more public workshops. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. Not all of the above agencies may be meeting on any given date. The agenda will specify which agencies are meeting. All meetings are in the Anaheim City Hall, Council Chambers 200 S. Anaheim Blvd., Anaheim, CA 92805 or such other location as noted.
- **REPORTS:** All agenda items and reports are available for review in the City Clerk's Office, the Central Library and www.anaheim.net. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk, located at 200 S. Anaheim Blvd., 2nd Floor, Anaheim, CA 92805, during regular business hours.
- **PUBLIC COMMENTS:** Prior to the business portion of the agenda, the City Council and all other related agencies meeting on such date will convene in joint session to receive public comments regarding any agenda items or matters within the jurisdiction of any such governing bodies. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or chairperson will separately call for testimony at the time of each public hearing. The City uses speaker cards that should be submitted to the City Clerk (Please note, speaker cards are not required; everyone will have an opportunity to address the Council). The time limit established for public comments is three minutes per speaker unless a different time limit is announced. Testimony during public hearings is subject to the following time limits: Project applicant or issue initiator: twenty minutes for initial presentation and ten minutes for rebuttal; Residents within the noticed area of the subject property: ten minutes; All other members of the public: three minutes. Public hearings regarding legislative matters: five minutes. The Mayor or chairperson may limit the length of comments during public hearings due to the number of persons wishing to speak or if comments become repetitious or irrelevant. Pursuant to Government Code Section 54954.2(a)(2), no action or discussion by the City Council shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.
- **ADDITIONS/DELETIONS:** Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City or Agency subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council or Agency.
- **CONSENT CALENDAR:** Consent Calendar items will be acted on by one roll call vote unless members, staff or the public request the item be discussed and/or removed from the Consent Calendar for separate action.
- **SERVICIOS DE TRADUCCION: (TRANSLATION SERVICES: SEE LAST PAGE OF AGENDA FOR DESCRIPTION IN ENGLISH)** La ciudad provee servicios de interpretación al español en las juntas del Consejo. La interpretación simultánea al español se ofrece por medio del uso de audífonos y la interpretación consecutiva (español a inglés) también está disponible para cualquiera que desee dirigirse al Ayuntamiento, declarando su petición en el podio. No tiene que usar los servicios de interpretación de la Ciudad; las personas pueden proveer su propio intérprete, si lo desean. Debido a que existen muchos dialectos y regionalismos, la Ciudad no puede garantizar que los intérpretes puedan traducir a un dialecto o regionalismo en particular y rehúsa cualquier responsabilidad que surja de tales servicios. Para servicios de interpretación en otros idiomas, comuníquese con la oficina de la Ciudad (City Clerk), cuando menos 48 horas antes de la junta programada.

ANAHEIM CITY COUNCIL
ANAHEIM, CALIFORNIA
JANUARY 9, 2018
3:00 P.M.

Call to order the Anaheim City Council. **3:10 P.M.**

ADDITIONS\DELETIONS TO CLOSED SESSION: **None**

PUBLIC COMMENTS ON CLOSED SESSION ITEMS: **None**

Recess to closed session. **3:11 P.M.**

3:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Subdivision (d)(1) of Section 54956.9 of the California Government Code)
Name of Case: Pech v. City of Anaheim, Orange County Superior Court Case No. 30-2014-00739259

2. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Section 54956.8 of the Government Code)
Property: Assessor Parcel Numbers: 253-473-01 - 1200 S. Phoenix Club Drive, Anaheim, CA 92806; 253-631-32 - 1200 S. Phoenix Club Drive, Anaheim, CA 92806; 253-631-39 - 1200 S. Phoenix Club Drive, Anaheim, CA 92806
Agency Negotiator: Greg Garcia, Acting Assistant City Manager
Negotiating Parties: Orange County Water District and City of Anaheim
Under Negotiation: Price and Terms of Payment

3. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Section 54956.8 of the Government Code)
Property: Assessor Parcel Number: 232-072-06 - 2626 E Katella Ave, Anaheim, CA 92806, Anaheim, CA 92806
Agency Negotiator: Linda Andal, Interim City Manager and Tom Morton, Executive Director of Convention, Sports and Entertainment
Negotiating Parties: Anaheim Arena Management and City of Anaheim
Under Negotiation: Price and Terms of Payment

4. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Subdivision (b)(1) of Section 54957 of the California Government Code)
Title: Interim City Manager

5. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Subdivision (d)(1) of Section 54956.9 of the California Government Code)
Name of Case: Daniel Cahill v. City of Anaheim, et al., Orange County Superior Court Case No. 30-2017-00956143-CU-WT-CJC

Reconvene the Anaheim City Council. **5:21 P.M.**

5:00 P.M.

5:21 P.M.

Invocation:

Reverend Dr. Jim Schibsted, First Congregational Church of Anaheim

Flag Salute:

Council Member Kris Murray

Call to order the Anaheim Housing Authority (in joint session with the City Council).

5:24 P.M.

ADDITIONS/DELETIONS TO THE AGENDAS:

Acting City Clerk Theresa Bass announced staff requested removal of Item No. 23 to be brought back to Council at a later date and Council Member Faessel requested the continuance of Item No. 24.

PUBLIC COMMENTS (all agenda items):

29 speakers

COUNCIL COMMUNICATIONS/AGENDA REQUESTS:

Mayor Tait, in response to a public speaker, stated neither he nor his office had ordered the Police Department to stand down on enforcement, which was confirmed by Acting Police Chief Julian Harvey.

Council Member Kring showcased a video of the Police Department's "Target Shop with a Cop" event to provide toys to local children.

CITY MANAGER'S UPDATE:

Interim City Manager Linda Andal announced several items: 1) park cameras were operational in three city parks (Maxwell, Twila Reid, and Brookhurst) with posted signs in English and Spanish and staff would continue to look for opportunities and funding to expand the camera project to other parks in the city, including Ponderosa Park; 2) Planning staff was finalizing the program/ordinance related to permit parking, oversized vehicles, and car sales and reviewing the consultant's policy manual, which would be posted on the website for public review, with anticipated presentation to Council in February; 3) Public Works was reviewing current policies and practices regarding traffic calming, with a focused priority on schools and parks; and 4) Sandra Sagert was temporarily appointed as the city's homeless representative and single point of contact, in addition to continuing to serve as the Community Preservation Manager, and would be working to continue existing strategies and practices throughout the city as well as in preparation for the County's announced clearing efforts along the riverbed trail and development of an over-arching program framework over the next several months.

Recess the Anaheim City Council. **7:00 P.M.**

5:00 P.M. - HOUSING AUTHORITY

7:00 P.M.

MOTION: LK/KM to adopt the consent calendar. **APPROVED VOTE: 7-0.**

CONSENT CALENDAR:

1. Approve and authorize the Housing Authority Executive Director to execute and administer the Cooperation Agreement (Anaheim West Tower Second Floor Remodel) with the City of Anaheim transferring Housing Authority funds to the City from the Housing Choice Voucher Administrative Fee Reserve, in an amount not to exceed \$500,000 and funds from the General Housing Authority Reserve, in an amount not to exceed \$950,000, to cover costs associated with the remodel of the second floor at Anaheim West Tower to consolidate and improve public services

offered by the Housing Choice Voucher Program and AnaheimJobs (continued from Council meeting of December 5, 2017, Item No. 01; related to Council Item No. 06).

2. Approve minutes of Housing Authority meeting of December 19, 2017.

Adjourn the Anaheim Housing Authority. **7:01 P.M.**

Reconvene the Anaheim City Council. **7:01 P.M.**

5:00 P.M. - CITY COUNCIL **7:01 P.M.**

Item pulled for discussion:

Mayor Tait: Item No. 13

MOTION: LK/KM Waive reading in full of all ordinances and resolutions and adopt the consent calendar. **APPROVED VOTE: 7-0**

CONSENT CALENDAR:

3. Receive and file minutes of Library Board meeting of November 13, 2017 and Public Utilities Board meeting of November 15, 2017.
4. Approve recognitions recognizing the Anaheim Public Library Bookmobile on its 60th Anniversary, Servite High School on its 60th Anniversary, and Josh Vietti and Scott Nelson who helped apprehend an attempted arsonist in Anaheim Hills.
5. Accept the lowest responsive bid from R&S Soil Products, in the amount of \$44,400 plus sales tax, to provide mulch products for Public Works for a one year period with up to four one-year optional renewals and authorize the Purchasing Agent to exercise the renewal options in accordance with Bid #9041.
6. Accept the bid from New Dimension General Construction, in the amount of \$664,700, for the remodeling of the Anaheim West Tower (AWT) second floor interior spaces to support the relocation of certain Community & Economic Development Department operations and authorize the Purchasing Agent to issue a Purchase Order in accordance with Bid #9054; waive the sealed bidding requirement of Council Policy 4.0 and authorize the Purchasing Agent to issue a purchase order to Corporate Spaces, Inc. dba CSI Fullmer, in an amount not to exceed \$325,000 plus applicable taxes, for the purchase and installation of furniture for use throughout the AWT second floor spaces, based on best available pricing from the California Multiple Award Schedule and other recognized Cooperative Purchasing agreements as necessary; waive the sealed bidding requirement of Council Policy 4.0 and authorize the Purchasing Agent to issue a purchase order to Corporate Spaces, Inc. dba CSI Fullmer, in an amount not to exceed \$93,000 plus applicable taxes, for the purchase of finish materials for use on the furniture throughout the AWT second floor spaces; and approve and authorize the Director of Community & Economic Development to execute and administer the Cooperation Agreement (Anaheim West Tower Second Floor Remodel) with Anaheim Housing Authority transferring Housing Authority funds to the City from the Housing Choice Voucher Administrative Fee Reserve, in an amount not to exceed \$500,000 and funds from the General Housing Authority Reserve, in an amount not to exceed \$950,000, to cover costs associated with the remodel (continued from Council meeting of December 5, 2017, Item No. 14; related to Housing Item No. 01).

7. Award the contract to the lowest responsible bidder, Spectra Company, in the amount of \$364,625, for the re-bid of Founders Park Phase 2, Mother Colony House Maintenance Restoration Project; determine the project is categorically exempt from the California Environmental Quality Act pursuant to Sections 15301 (d) and (e) of Title 14 of the California Code of Regulations and authorize the Finance Director to execute the escrow agreement pertaining to contract retentions.
8. Approve an agreement with PENCO Engineering, Inc., in an amount not to exceed \$363,475, for the design of the the Modjeska Park Underground Stormwater Detention and Infiltration System Project.
9. Approve the ARP-Loyalton Biomass Project Power Sales Agreement, in substantial form, with Southern California Public Power Authority, in the annual approximate amount of \$638,000, to procure electricity fueled by high fire hazard zones over five years to comply with Senate Bill 859; authorize the Public Utilities General Manager, or his designees, to execute the Biomass Agreement and other agreements, including, collateral assignment or power scheduling agreements, and prepare, certify, attest, execute, and deliver any other related documents and take the necessary actions to implement and administer the Biomass Agreement.
10. Approve the Biomethane Purchase and Sale Agreement with SoCal Biomethane, LLC, in an amount starting at \$2,700,000 annually for 20 years with an average escalation rate of 1.4%, for renewable gas fuel, which will be produced at a plant located outside of Anaheim and will be used to generate renewable electricity; authorize the Public Utilities General Manager, or his designee, to execute the Renewable Gas Agreement and any related documents, and take the necessary actions to implement and administer the Renewable Gas Agreement.
11. Approve an agreement with the Orange County Sanitation District, in an amount not to exceed \$802,000, for the design and construction of city facilities in conjunction with the State College Boulevard Sanitary Sewer Project from Orangewood Avenue to the SR-91 Freeway.
12. Approve a Cooperative Agreement with the City of Orange, in the estimated amount of \$9,813,000, for funding, design, and construction for the Orangewood Avenue Bridge Widening over the Santa Ana River and a water main for the City of Orange from State College Boulevard to Eckhoff Street and increase the Public Works Department Fiscal Year 2017/18 revenue and expenditure budget by \$2,782,187 to reflect the funding contribution from the City of Orange.
13. Waive Council Policy 4.1 and approve an agreement with AP Triton, LLC, in an amount not to exceed \$140,000, for the development of an ambulance subcontracting feasibility study and to implement an ambulance subcontract request for proposals, and authorize the Fire Chief to execute the agreement and take the necessary actions to implement the agreement (continued from Council meeting of December 19, 2017, Item No 19).
Item No. 13 Discussion. MOTION: TT/DB Approved Vote: 7-0.
14. RESOLUTION NO. 2018-001 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM adopting the Central Anaheim Master Plan of Sanitary Sewers December, 2017.

15. RESOLUTION NO. 2018-002 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM accepting certain deeds conveying to the City of Anaheim certain real properties or interests therein (City Deed Nos. 12174 and 12176; public right-of-way purposes).
16. RESOLUTION NO. 2018-003 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM vacating public utility easement pursuant to California Streets and Highway Code Section 8330, et seq. - Summary Vacation (ABA2017-00366; 1800 East Gene Autry Way).
17. RESOLUTION NO. 2018-004 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM authorizing the Chief of Police or his designee to submit a grant application on behalf of the City of Anaheim to the California Office of Emergency Services, for the 2018 Urban Areas Security Initiative (UASI) Grant Program and amending the Police Department budget for Fiscal Year 2018/19 accordingly.

Approve and authorize the City Manager to execute the Memorandum of Understanding between the Cities of Anaheim and Santa Ana for the 2018 Urban Areas Security Initiative Grant Program.

18. ORDINANCE NO. 6427 (ADOPTION) AN ORDINANCE OF THE CITY OF ANAHEIM amending the zoning map referred to in Title 18 of the Anaheim Municipal Code relating to zoning (Reclassification No. 2016-00293; DEV2016-0042; 312-400 South Euclid Street and 1678 West Broadway) (Introduced at Council meeting of December 19, 2017, Public Hearing Item No. 45).

Determine that Reclassification No. 2016-00293 was analyzed pursuant to the requirements of the California Environmental Quality Act and is covered by the Mitigated Negative Declaration approved in conjunction of the project.

END OF CONSENT CALENDAR 7:17 P.M.

19. RESOLUTION NO. 2018-005 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM adding Policy 1.9 to City Council Policy Manual relating to the manner in which members of the City Council select and appoint a Mayor Pro Tempore (prohibition on consecutive terms).

Item No. 19 Discussion. MOTION: TT/JM Approved Vote: 7-0.

20. Discuss and provide staff direction regarding a potential policy regarding the use of the Mayor Pro Tem title.

Item No. 20 Discussion. Council Member Kring suggested the Mayor Pro Tem title not be allowed in election materials, Council Member Murray suggested Council Members eligible for a current election not be eligible to serve as Mayor Pro Tem during that election year, and Council Member Moreno suggested review of the use of any commissioner titles. Mayor Tait directed staff to provide a memo to Council or return with a future agenda item with 1-3 options. No additional action taken.

21. Nominate and appoint one Council Member to serve as Mayor Pro Tem for the 2018 calendar year (Continued from Council meetings of December 5, 2017, Item No. 24 and December 19, 2017, Item No 42).

Item No. 21 Discussion

MOTION: JV/DB to appoint Council Member Moreno. VOTE: 4-1-2 (AYES: Mayor Tait and Council Members Vanderbilt, Barnes, and Moreno; NOES: Council Member Kring; ABSTAIN: Council Members Murray and Faessel). Motion carried. Council Member Moreno appointed as Mayor Pro Tem.

MOTION: LK/KM to appoint Council Member Faessel. VOTE: 3-1-3 (AYES: Council Members Murray, Kring, and Faessel; NOES: Council Member Barnes; ABSTAIN: Mayor Tait and Council Members Vanderbilt and Moreno). Motion failed.

22. Review and discuss Council Policy 1.8 regarding the use of electronic communication devices during City Council meetings and consider amendments related to the use of only city issued devices.

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM amending Policy 1.8 of the City Council Policy Manual relating to the use of electronic communication devices during City Council meetings and rescinding Resolution No. 2015-263.

Item No. 22 Discussion. MOTION: DB/TT VOTE: 3-4 (AYES: Mayor Tait and Council Members Barnes and Moreno; NOES: Council Members Murray, Vanderbilt, Kring, and Faessel). Motion failed.

23. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM for exception to the 180-day wait period in compliance with Government Codes 7522.56 and 21224 (Capital Projects Manager).

Item No. 23 removed from agenda at the request of staff. No action taken.

24. District 5 appointment of unscheduled vacancy on the Community Services Board for a term ending December 31, 2020.

Community Services Board

District 5 appointment: _____ (December 31, 2020)
(unscheduled vacancy, Laurie Leonard)

Item No. 24 continued at the request of Council Member Faessel. No action taken.

Report on Closed Session Actions: None

Council Communications/Agenda Requests:

Council Member Faessel addressed the County's plan to clear the riverbed on January 22nd and stated staff would work and plan collaboratively to address possible impacts to the city, announced Janis Heckel's retirement and highlighted her achievements during her nine years at the city, thanked Public Utilities for the LED light installation at La Palma and Whittier, thanked District 5 residents for donating over 250 pounds of pasta and sauce to Bruno Serato's pasta-thon, reported his attendance at the

Ponderosa Family Resource Center ribbon-cutting and Orange County Family Justice Center graduation, and wished everyone a Happy New Year.

Council Member Vanderbilt announced the Love Anaheim and Anaheim Union High School District Service Day on January 15th, Martin Luther King Jr. Day, and cited the need for additional volunteers.

Council Member Barnes encouraged all to attend the homelessness meetings at the Downtown Public Library, congratulated Council Member Murray on the success of the triage day and requested a reporting of the numbers assisted and associated costs of the event, and requested the County and surrounding cities continue to work on solutions and additional shelters.

Mayor Pro Tem Moreno thanked Tim Houchen for organizing the local National Homelessness Memorial ceremony; thanked Planning Director David Belmer and staff for organizing an affordable housing roundtable discussion with developers, other organizations, himself, and Council Members Barnes and Kring; announced the Black History Parade on February 3rd, the MLK, Jr. service day on January 15th, and Coffee with a Cop at Starbucks near Vons on January 24th; and requested an agenda item for January 30th by the City Attorney addressing possible legal recourses regarding costs and liabilities pertaining to the County efforts to remove the homeless from the riverbed and potentially into the city limits.

Acting City Attorney Kristin Pelletier noted such information may be protected under attorney-client privilege.

Council Member Kring requested a proclamation honoring the opening of La Sirena, a new Mexican restaurant at Katella and Walnut; reported the 5-0 vote by the Anaheim Elementary School District (AESD) to approve Century Charter School as the operator of Palm Lane Elementary; requested a proclamation honoring Anaheim Global Hospital for celebrating their 25 years as an OB center and birthing over 25,000 babies; announced the ribbon-cutting of the Ponderosa Family Resource Center, the services provided there, and its open house scheduled for January 27th; wished former Assistant Manager Kristine Ridge well on her move to Laguna Niguel; announced the Black History Parade on February 3rd; and wished all a Happy New Year.

Council Member Murray congratulated the Palm Lane parents and thanked the AESD board for approval of the school's charter; requested a memo citing the results of the triage day be posted on the Operation HOME SAFE website, announced 885 contacts were made, over 640 services were provided, and 55 individuals were helped into transitional housing, and thanked staff, colleagues, providers, the County, and Orange Police Department for their assistance on that day; thanked staff and residents for their prepared storm response and asked to close the meeting in memory of those killed by mudslides in Montecito; requested a discussion item on January 30th regarding marketing existing SB-2 zones for transitional housing, designating more SB-2 zones, and potential costs to waive permit fees for service providers; congratulated Mayor Pro Tem Moreno on his appointment; thanked staff and Kristine Ridge for their service over the past year; and wished everyone a safe and Happy New Year.

Mayor Pro Tem Moreno suggested the discussion regarding SB-2 zones be incorporated into the planned agenda item for the Homeless Policy Working Group's recommendations.

Mayor Tait thanked Interim City Manager Linda Andal for the report regarding the homeless and the work to be well-prepared for the County's riverbed efforts; reported he would attend the U.S. Conference of Mayors in Washington, DC and asked staff to schedule meetings with relevant parties regarding homelessness and potentially un-tapped funding sources; and expressed his pride in staff for their responses to the original fires and the recent storm.

Council Member Murray requested the city continue to work collaboratively with the County regarding homelessness.

Adjournment: 9:11 P.M. in memory of those who lost their lives in the Montecito mudslides.

Next regular City Council meeting is scheduled for January 30, 2018.

All agenda items and back-up materials are available for review at the Anaheim City Clerk's Office, www.anaheim.net and the Central Library. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk, located at 200 S. Anaheim Blvd., 2nd Floor, Anaheim, CA 92805, during regular business hours.

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk's Office either in person at 200 South Anaheim Boulevard, Anaheim, California, or by telephone at (714) 765-5166, no later than 10:00 AM on the day preceding the scheduled meeting.

TRANSLATION SERVICES: Spanish interpreting services are provided at City Council meetings. Simultaneous Spanish interpretation is provided through the use of headsets and consecutive interpretation (Spanish-to-English) is also available to anyone addressing the Council by stating your request at the podium. The use of city provided interpreters is not required and persons are welcome to use their own interpreter. Because many dialects and regionalisms exist the City cannot guarantee that interpreters will be able to interpret into a particular dialect or regionalism, and disclaims any liability alleged to arise from such services. For translation services in other languages, contact the City Clerk's office no later than 48 hours prior to the scheduled meeting.

POSTING STATEMENT: On January 5, 2018, a true and correct copy of this agenda was posted on the kiosk outside City Hall, 200 S. Anaheim Blvd. Internet Access to City Council/Successor Agency to the Redevelopment Agency/Housing Authority agendas and related material is available prior to City Council Meetings at www.anaheim.net.