



# ANAHEIM CITY COUNCIL

## ACTION AGENDA

### AUGUST 28, 2018

Tom Tait  
Mayor

Dr. Jose F. Moreno  
Mayor Pro Tem  
District 3

Kris Murray  
Council Member  
At Large

James Vanderbilt  
Council Member  
At Large

Denise Barnes  
Council Member  
District 1

Lucille Kring  
Council Member  
District 4

Stephen Faessel  
Council Member  
District 5

- **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](http://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., 2<sup>nd</sup> 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.

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**ANAHEIM CITY COUNCIL**  
**ANAHEIM, CALIFORNIA**  
**AUGUST 28, 2018**  
**4:00 P.M.**

Call to order the Anaheim City Council. **4:05 P.M.**

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

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

Recess to closed session. **4:05 P.M.**

**4:00 P.M. - CLOSED SESSION** **4:05 P.M.**

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**  
**(Subdivision (d)(1) of Section 54956.9 of the California Government Code)**  
**Name of Case:** Orange County Catholic Worker, et al., v. Orange County, et al., USDC Court  
Case No. 18 CV-00155-DOC (KESx)

Reconvene the Anaheim City Council. **5:20 P.M.**

**5:00 P.M.** **5:20 P.M.**

**Invocation:** Pastor Angelo Boncore, Saddleback Church

**Flag Salute:** Council Member Lucille Kring

**Presentations:** Recognizing AcaciaWood College Preparatory Academy students who participated in  
National History Day – California 2018

Recognizing Anaheim's VolunTEENS for their volunteer service

**Acceptance of Other Recognitions (To be presented at a later date):**

Proclaiming September 8, 2018, as International Literacy Day

Proclaiming September 2018, as Childhood Cancer Awareness Month

Recognizing the National Association of State Approving Agencies

**ADDITIONS/DELETIONS TO THE AGENDA:** **None**

**PUBLIC COMMENTS (all agenda items, except public hearing):** **49 speakers**

**COUNCIL COMMUNICATIONS/AGENDA REQUESTS:**

Council Member Faessel thanked the Water Division and Assistant General Manager for a recent tour of Anaheim water system for the management and board members of the Olivenhain Municipal Water District from San Diego County.

Council Member Vanderbilt acknowledged staff for their efforts regarding the beginning of school for the Magnolia School District and Maxwell School, specifically with safety issues, and indicated the school district was pleased.

Council Member Barnes thanked staff for working so hard knowing schools started this week, as well as Council Member Vanderbilt for his presence.

Mayor Pro Tem Moreno requested to adjourn the meeting in honor of Hannah Laffler, celebrating her 98<sup>th</sup> birthday. He asked staff to provide a report regarding the Dearden's property at La Palma and Euclid, to include what the property owners were contemplating, what the future might hold, and what the city might do to support economic development at that corner.

Council Member Kring requested to adjourn the meeting in memory of Senator John McCain and sent prayers and thoughts to his family and friends. She thanked and recognized Police Officers Fleet and Thomas, who were called to a residence a few weeks ago and the resident sent an email praising the efforts of the officers as professional and caring. She thanked all for their efforts in cleaning up Maxwell Park and surrounding areas.

Council Member Murray reported she was in Sacramento last week, representing the City and ACC-OC, where she testified before the Local Government Committee in support of AB-448 OC Housing Finance Trust. She was pleased to report it passed out of committee, the Assembly, and the Senate and was awaiting the Governor's signature and expressed hope that it would be signed due to its bi-partisan support and collaboration to provide 2,700 permanent supportive housing units, capture additional state and federal resources and private contributions, to provide a sustainable solution to homelessness. She thanked and acknowledged the Police Department, City Manager's Office, and Community Services Department for their work regarding the return to schools and reported receiving a letter from the Maxwell Elementary School principal who commended the city. She also noted receiving resident compliments regarding the Beach Blvd. Specific Plan. She echoed Council Member Kring's request to adjourn in memory of Sen. John McCain, expressed her gratitude to the City Manager and staff for lowering flags over the weekend in honor of him, read a passage of his final letter to the country, and submitted a full-text copy for inclusion in the minutes.

Mayor Tait spoke of Senator McCain's POW experience and agreed to adjourn the meeting in his honor, as an American hero. He thanked Council Member Murray for her testimony in Sacramento for a bill that will help create more affordable housing and congratulated all on the progress of that bill. He reported holding a meeting with all school district superintendents where they agreed to implement a 21-day kindness challenge through Lady Gaga's Born This Way Foundation to start a habit of kindness across all 90,000 students in Anaheim. He informed all that it would run from September 1 through September 21, City Manager Chris Zapata had committed City Hall to also participate, thanked the Born This Way Foundation for leading the effort, and looked forward to reporting on September 21<sup>st</sup> how it went.

#### **CITY MANAGER'S UPDATE:**

City Manager Chris Zapata stated he was still familiarizing himself with the city and had recently attended a mural unveiling at a church near Anaheim High School and Chief Cisneros's swearing-in ceremony. For the Kindness Challenge, he reported City Hall will participate, some items may become permanent programs, some programs will launch through social media, and there will be rewards for young people who exhibit acts of kindness. Regarding homelessness, he was informed that it was the top priority and he was pleased to work with the City Attorney and former Interim City Manager Linda Andal to hopefully do things in the near future to make community feel a lot better about where Anaheim is in this challenge.

## **5:00 P.M. - CITY COUNCIL**

**8:23 P.M.**

Items pulled for discussion:

Mayor Pro Tem Moreno: Item No. 04

Council Member Vanderbilt: Item No. 09

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

### **CONSENT CALENDAR:**

1. Receive and file minutes of the Library Board meeting of July 9, 2018.
2. Approve recognitions recognizing National Preparedness Month (September 2018); Anaheim students who participated in the Girls State and Boys State event; Flag Day Essay Contest Winners; Donald Yvaska, in memoriam, for his significant contributions to the City of Anaheim; and Welcoming Week (September 14 - 23, 2018).
3. Approve the Investment Portfolio Report for July 2018.
4. Approve the response to the Orange County Grand Jury report titled, "Where There's Will, There's A Way; Housing Orange County's Chronically Homeless" and direct the City Manager to execute a letter and forward the response to the Presiding Judge of the Orange County Court and the Orange County Grand Jury.  
**Item No. 4 Discussion. MOTION: JM to continue. Motion failed for lack of a second.**

**MOTION: LK/KM to approve the response as amended. ROLL CALL VOTE: 6-0-1 (AYES: Mayor Tait and Council Members Murray, Vanderbilt, Barnes, Kring, and Faessel; ABSTAIN: Mayor Pro Tem Moreno). Motion carried.**

5. Approve and adopt the 2018 City of Anaheim Public Utilities Wildfire Mitigation Plan and authorize the Public Utilities General Manager, or designee(s), to take the necessary or advisable actions to implement the Wildfire Mitigation Plan and prepare, execute, certify, deliver, upload, and update any and all documents, information, data, metrics, declarations or affidavits, certifications, notices, consents, disclosures, plans, reports, filings, and compliance submittals as needed.
6. Authorize the Purchasing Agent to issue a purchase order agreement, in an amount not to exceed \$348,000, for restroom renovations utilizing a cooperative purchasing agreement; authorize the Purchasing Agent to issue purchase order agreements to the lowest responsive bidders, in amounts not to exceed \$200,000 each, for the mobile stage and aquatic vegetation removal; and amend the Community Services Department's Fiscal Year 2018/19 budget by \$585,000 for athletic field turf renovations, the removal of aquatic vegetation at Wetlands Park, and the purchase of a new mobile stage.

7. Accept the bid from Great Scott Tree Service, Inc., in an amount not to exceed \$347,179 plus a 20% contingency, to provide as needed tree maintenance services for the western portion of the Anaheim Resort Maintenance District and the Anaheim Convention Center 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 #9167.
8. Waive the sealed bidding requirement of Council Policy 4.0 and authorize the Purchasing Agent to issue a master agreement purchase order to Source Graphics, in the amount of \$491.96 plus applicable tax per month, for a 60-month lease and service agreement of a Hewlett Packard XL 4000 wide format multi-function printer for the Public Works Department.
9. Accept the recommendation to utilize a model for ambulance services that involves purchasing unit hours of ambulance service to provide transport from a private contractor, and contract billing to a separate vendor; implement Phase II of the agreement with AP Triton, LLC, in an amount not to exceed \$105,000, to assist in the preparation of Requests for Proposals for EMS medical transport services and EMS billing services; approve the Third Amendment to Agreement with CARE Ambulance Services, Inc. extending the existing medical transport agreement to April 30, 2019; and authorize the Fire Chief, or designee, to take the necessary actions to implement the amendment.

**Item No. 9 Discussion. MOTION: JV/LK APPROVED VOTE: 7-0**

10. ORDINANCE NO. 6444 (INTRODUCTION) AN ORDINANCE OF THE CITY OF ANAHEIM adding Section 4.04.401 to Chapter 4.04 (Outdoor Advertising Signs and Structures – General) of Title 4 (Business Regulation) of the Anaheim Municipal Code establishing the arena/stadium special sign district and determining that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment because there is no possibility that it may have a significant effect on the environment and because it is not a project as defined in Section 15378 of the CEQA guidelines [preserve the city's right to construct signage on portions of Honda Center and Angel Stadium of Anaheim properties, and two parcels located at the east side of Interstate 5 south of Katella Avenue pursuant to Senate Bill 31 (Padilla)].
11. Approve minutes of Council meeting of March 27, 2018.

**END OF CONSENT CALENDAR 8:52 P.M.**

**Mayor Tait considered the agenda out of order, addressing Item No. 20 prior to the remainder of the agenda.**

12. Consider and adopt a new city flag.  
**Item No. 12 Discussion. MOTION: TT/DB to adopt Flag No. 2 as the new city flag. ROLL CALL VOTE: 5-0-2 (AYES: Mayor Tait and Council Members Moreno, Vanderbilt, Barnes, and Faessel; ABSTAIN: Council Members Murray and Kring). Motion carried.**

13. Consider sending a letter to the California Legislature in support of efforts to reform California Environmental Quality Act specifically for the purposes of promoting and streamlining the development of housing (continued from Council meeting of August 14, 2018, Item No. 34).  
**Item No. 13 Discussion. MOTION: KM/LK APPROVED VOTE: 7-0**
  
14. RESOLUTION NO. 2018-121 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM amending City Council Policy 1.10 regarding the city's policy on recognitions and city proclamations (continued from Council meeting of July 17, 2018, Item No. 28 and August 14, 2018, Item No. 35).  
**Item No. 14 Discussion. MOTION: KM/LK APPROVED VOTE: 7-0**
  
15. Update on matters related to homelessness and the City of Anaheim's most recent efforts (continued from Council meeting of August 14, 2018, Item No. 37).  
**Item No. 15 Discussion. No action taken.**
  
16. Consider (re)appointments to the Youth Commission to serve a 10-month term, ending June 30, 2019 (continued from Council meeting of August 14, 2018, Item No. 38).

**Youth Commission:**

At large (re) appointments:

(three (3) appointments) \_\_\_\_\_ (18-21 age bracket)

\_\_\_\_\_ (22-26 age bracket)

\_\_\_\_\_ (22-26 age bracket)

**Item No. 16 Discussion. MOTION: TT/DB to continue to September 11, 2018.  
APPROVED VOTE: 7-0**

17. Receive and file report on the California Department of Health's purpose for authorizing the OC Needle Exchange Program in Anaheim.  
**Item No. 17 Discussion. MOTION: TT/KM APPROVED VOTE: 7-0**
  
18. ORDINANCE NO. 6445 (ADOPTION) AN URGENCY ORDINANCE OF THE CITY OF ANAHEIM adopting an interim measure imposing a moratorium on the establishment of needle exchange programs within the City of Anaheim (a copy of the full text of the proposed ordinance is available for review in the Office of the City Clerk).

Determine that this urgency ordinance imposing a moratorium on the establishment of needle exchange programs is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility it will have a significant effect on the environment, and it is not a "project", as defined in Section 15378 of the State CEQA Guidelines.

**Item No. 18 Discussion. MOTION: KM/SF APPROVED VOTE: 7-0. Ordinance adopted.**

19. ORDINANCE NO. \_\_\_\_\_ (INTRODUCTION) AN ORDINANCE OF THE CITY OF ANAHEIM amending Chapter 6.40 (Fireworks) of Title 6 (Public Health And Safety) of the Anaheim Municipal Code to prohibit the sale, possession and use of safe and sane fireworks and finding that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, because there is no possibility that it may have a significant effect on the environment and because it is not a "project", as defined in Section 15378 of the State CEQA Guidelines.

Direct staff to initiate the process for making amendments to the Zoning Code to make it consistent with the amendments to Chapter 6.40.

**Item No. 19 Discussion. MOTION: JM/TT to continue to an indefinite date. ROLL CALL VOTE: 4-3 (AYES: Mayor Tait and Council Members Moreno, Vanderbilt, and Barnes; NOES: Council Members Murray, Kring, and Faessel). Motion carried; item continued.**

20. Approve the termination of Operating Covenant Agreement and Agreement concerning Entertainment Tax Reimbursement with Walt Disney Parks and Resorts U.S., Inc.  
**Item No. 20 Discussion. MOTION: JM/LK APPROVED VOTE: 7-0**

**5:30 P.M. PUBLIC HEARING: 11:53 P.M.**

21. This is a public hearing to consider a resolution for the vacation of excess street right-of-way adjacent to southbound Anaheim Boulevard and 1601 South Anaheim Boulevard.

RESOLUTION NO. 2018-122 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM vacating a portion of excess street right of way adjacent to 1601 South Anaheim Boulevard (Abandonment No. ABA 2018-00371).

**Item No. 21 Mayor Tait opened the public hearing.**

**Public comment by 1 speaker.**

**Mayor Tait closed the public hearing.**

**MOTION: LK/SF APPROVED VOTE: 7-0**

**Report on Closed Session Actions: None**

#### **Council Communications/Agenda Requests:**

Council Member Murray requested a report in October on the initiative to include who it would specifically apply to, a listing for public review of the impartial analysis, the impacts on the City Manager's office, City Attorney's office, and other staff to manage it should it pass, and where Anaheim would fall in comparison to all California cities who have an increase above the state minimum wage. She requested two additional proclamations for World Holocaust Remembrance Day and Jewish American Heritage Month.

Council Member Kring clarified her statements regarding Muslim Heritage Month, reported her attendance at Chief Cisneros's swearing-in ceremony, welcomed the Chief, and wished everyone Happy Labor Day, noting she would be celebrating her 30<sup>th</sup> wedding anniversary.

Mayor Pro Tem Moreno thanked Victoria Michaels for hosting a North Colony meeting as well as Chief Cisneros and Anaheim Elementary School District superintendent Christopher Downing for attending and answering residents' questions. He reported his attendance at the swearing-in ceremony for Chief Cisneros, the OC Needle Exchange Program meeting at the downtown community center, and the City Church unveiling of the We Are Anaheim mural, thanking the church and Anaheim High School staff. He congratulated small business owners, Jerry Espinoza and Salvador Barajas, for their grand opening of Mr. Taco Nice on Katella Avenue, serving authentic Mexican pizza. He thanked residents of Harbor Lofts, David Belmer, John Woodhead, and Kevin Clausen, for a meeting sharing concerns with a recent Planning Commission decision regarding the BARN project, and thanked LAB staff/designer Chris for listening to the concerns of the residents concerned with parking and other project impacts. Regarding recognitions, he asked to include Hispanic Heritage Month, Cesar Chavez Day, Asian American Heritage Month, and expressed concerns with a lack of recognitions for veterans. In regards to fireworks, he clarified that he voted against the item when it was before the voters but thought there was sufficient time to study the issue and find better ways of enforcement.

Council Member Barnes stated she attended Chief Cisneros's swearing-in ceremony and appreciated all the attendees. She also reported she took Chief Cisneros on a tour of District 1. She acknowledged the efforts of Mayor Tait, as highlighted by the *Orange County Register*, in rescuing a young man from the surf in Laguna Beach.

Council Member Vanderbilt requested to adjourn the meeting in memory of two young Anaheim residents, Brian Blumburg and Alex Santiago. For agenda items, she asked to recognize October as Domestic Violence month and invite Tracy Theodore from the Family Justice Center to highlight some of their accomplishments and efforts.

Council Member Faessel recognized his wife, Susan, noting they recently celebrated their 46<sup>th</sup> wedding anniversary.

Mayor Tait wished a happy anniversary to Council Members Faessel and Kring; thanked the Council for their efforts, passion, and perspectives and hoped to get all moving in the same direction; recognized the new flag; and thanked Disney for their announcement and gracious actions with the City.

**Adjournment: 12:16 A.M. on August 29, 2018 in celebration of Hannah Laffer's 98<sup>th</sup> birthday and in memory of Senator John McCain and residents Brian Blumburg and Alex Santiago.**

Next regular City Council meeting is scheduled for September 11, 2018.

All agenda items and back-up materials are available for review at the Anaheim City Clerk's Office, [www.anaheim.net](http://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., 2<sup>nd</sup> 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 August 24, 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](http://www.anaheim.net).