



ANAHEIM CITY COUNCIL

ACTION AGENDA

OCTOBER 9, 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. 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.

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

Call to order the Anaheim City Council. **3:05 P.M.**

MEMBERS PRESENT: Mayor Tait and Council Members Moreno, Barnes, Kring, and Faessel.
Council Members Murray and Vanderbilt joined during closed session.

ADDITIONS/DELETIONS TO CLOSED SESSION: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS: None

City Attorney Robert Fabela announced Closed Session Item No. 1 related to a claim stemming from a probationary dismissal.

Recess to closed session. **3:05 P.M.**

3:00 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of the California Government Code Section 54956.9: One potential case.
2. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**
(Subdivision (d)(1) of Section 54956.9 of the California Government Code)
Name of Case: Jarret Young v. City of Anaheim, et al., Orange County Superior Court Case No. 30-2018-00966666-CU-OE-CXC
3. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of California Government Code Section 54956.9: Two potential cases.
4. **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)
5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
(Section 54957 (b) (1) of the California Government Code)
Title: City Clerk

Reconvene the Anaheim City Council. **5:08 P.M.**

5:00 P.M. **5:08 P.M.**

Invocation: Niki Mazlomi, Local Spiritual Assembly of Bahá'í Faith

Flag Salute: Council Member Kris Murray

Presentations: Recognizing Heather Fuller, Public Works Administrative Assistant, for her act of kindness

Orange County Family Justice Center Update by CEO Tracy Theodore

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

Proclaiming October 21-27, 2018, as National Friends of the Library Week

Proclaiming October 2018, as Domestic Violence Awareness Month

ADDITIONS/DELETIONS TO THE AGENDA: None

PUBLIC COMMENTS (all agenda items, except public hearing): 43 speakers

COUNCIL COMMUNICATIONS/AGENDA REQUESTS:

Mayor Tait reported the city was working to get 200 emergency beds in place, followed by an additional 200 or more beds, and the documentation of the settlement would be completed soon. He requested an agenda item at the next meeting to publically discuss the potential sale of property to Anaheim Arena Management, including making appraisals public as soon as possible. He reported on the event today recognizing Holocaust survivor, Mel Mermelstein, and thanked the Mermelstein family, the Kott family, and Cornelia Connelly High School.

Council Member Vanderbilt shared his memories of Mr. Mermelstein and responded to certain public comments related to William Fitzgerald and youth and senior programs. He also requested staff look into comments concerning Bridges at Kraemer regarding permanent housing solutions.

Council Member Faessel recognized the 161st birthday of Anaheim, congratulated and welcomed John Guastaferro as the new executive director of the Anaheim Community Foundation, acknowledged Anaheim High School student Israel Rodriguez for designing a special Vans shoe to benefit the Next Up Foundation, and requested the meeting be adjourned in memory of 38-year, Anaheim employee Joseph Bruce.

Council Member Barnes requested the City Manager expedite construction of a dog park at Maxwell Park.

Mayor Pro Tem Moreno addressed the proposed dog park as part of the strategic plan for parks and thanked staff for responding to a situation at La Palma Park and a local school. He expressed his position on negative social media postings against Chief Bruegman and highlighted the Chief's accomplishments, thanked him for his service, and announced his retirement celebration on December 15.

Council Member Kring acknowledged the service of Chief Bruegman; reported her attendance at the League of California Cities meeting September 12-14, 2018; and, as president of the Mosquito and Vector Control Board, encouraged residents to take actions to prevent West Nile Virus and other diseases through wearing long clothing, using insect spray with DEET, and removing standing water.

CITY MANAGER'S UPDATE:

City Manager Chris Zapata reported all departments have been working on homelessness and continue to work with the Salvation Army towards temporary and permanent beds as well as with Bill Taormina on his shelter proposal. He stated CityNet and the Police Department continue to coordinate outreach and will continue to cite criminal activity. He shared the city was securing \$3.6 million of State funding

earmarked for homelessness and the Council recently approved \$400,000 of general fund dollars directly to homelessness.

5:00 P.M. - CITY COUNCIL

8:01 P.M.

Items pulled for discussion:

Council Member Murray	Item No. 05
Mayor Pro Tem Moreno:	Item No. 10
Council Member Kring:	Item No. 11 and 15
Council Member Vanderbilt	Item No. 12

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

CONSENT CALENDAR:

1. Receive and file minutes of the Public Utilities Board meeting of August 22, 2018.
2. Approve proclamations recognizing Extra Mile Day (November 1, 2018), Childhood Lead Poisoning Prevention Week (October 21 - 27, 2018), and Mike Scioscia for 19 seasons as Manager of the Angels baseball team.
3. Authorize an appropriation adjustment to increase the Police Department's revenue and expenditure appropriations by \$415,000 in fiscal year 2018/19 under the FY 2017 Urban Area Security Initiative Grant for use in supporting the Orange County Intelligence Assessment Center.
4. Accept the bid from Alhambra Foundry Co., Ltd., in the amount of \$82,885 plus applicable tax and a 15% contingency, for the purchase of manhole covers and frames for a one year period with four one-year optional renewals and authorize the Purchasing Agent to exercise the optional renewals, in accordance with Bid #9182.
5. Approve a Canine Transfer Release and Agreement to Indemnify, Defend and Hold Harmless with Officer Dale Miller authorizing the transfer of ownership of retired Police Service Dog "Krieger".
Item No. 05 Discussion. MOTION: KM/LK APPROVED VOTE: 7-0
6. Approve Master Agreements, in substantial form, with 19 contractors, in an amount not to exceed \$300,000 per work order package or request with no more than three open packages or requests at any one time, for facility maintenance, repair, replacement and immediate response services for a two year period with two additional two-year optional renewals, authorize the Director of Public Works to administer, execute and take the necessary actions to implement the agreements and authorize minimal changes that do not substantially change the term and conditions of the agreements, as long as such changes are determined to be minimal by the City Attorney (Academy Electric, Inc., Baker Electric, Inc., CI Services, Inc., Corner Keystone Construction Corp., FM Thomas Air Conditioning, Kourtis Industries dba Energy Management Solutions, M. Brey Electric, Inc., Mako Overhead Door, Montgomery Hardware Co., Kent Dahlberg dba New Dimension General Construction, Next Stage Engineering, Performance Abatement Services,

Inc., Right Angle Solutions., Inc., Seacore Industrial, Inc., South Coast Industrial Door, and Sunbelt Controls, Inc., Tamang Electric, Inc., United Riggers & Erectors, Inc., and Thomas International Company).

7. Approve two separate agreements with MGT of America Consulting, LLC, in the total amount of \$117,030, for the development of a citywide cost allocation plan and Senate Bill 90 claiming services for fiscal years ending June 30, 2018, 2019 and 2020; and authorize the Finance Director to take the necessary actions to implement and administer the agreements.
8. Approve a Software Services Agreement with Power Market Consulting, Inc., in an amount not to exceed \$77,000 per year, with a 3% annual subscription fee escalation and a 2% annual hourly service rate escalation, for high voltage transmission database, software analytics and related services for one year with four one-year optional extensions; and authorize the Public Utilities General Manager, or designees, to execute the Agreement, and deliver any other related documents and take all actions as are necessary or advisable to implement and administer the Agreement.
9. Approve the First Amendment to Software License and Services Agreement and Order Form with TIBCO Software Inc., in the amount of \$2,710,330, that includes the first year of maintenance in the amount of \$524,580, and authorize annual maintenance renewals with a 3% escalator, for utility system interoperability software and resolution of software license entitlement discrepancies; and authorize the Public Utilities General Manager to execute the First Amendment and Order Form and take necessary or required actions to implement and administer the Software Licensing and Services Agreement dated May 18, 2010, as amended, and the Order Form.
10. Approve the Second Amendment to Lease Agreement with Growth Opportunities Through Athletics, Learning and Service (GOALS) extending the term to fifteen years with two five-year optional renewals for access to city properties for enrichment opportunities including but not limited to recreational, educational and community services to the youth within the Anaheim community and associated with the operation of the GOALS Academy.
Item No. 10 Discussion. MOTION: JM/DB To continue to the October 23, 2018 Council meeting. APPROVED VOTE: 7-0
11. Approve a License Agreement with Next Up Foundation to provide afterschool education and youth skateboarding programs on a month-to-month basis at the Downtown Anaheim Recreation facility and skate park located at 305 and 311 E. Broadway.
Item No. 11 Discussion. MOTION: TT/JM APPROVED VOTE: 5-2 (AYES: Mayor Tait and Council Members Moreno, Vanderbilt, Barnes, and Faessel; NOES: Council Members Murray and Kring). Motion carried.
12. Approve an agreement with the Orange County Flood Control District (District), adopting a strategy to process encroachment permits allowing the City to design, construct and maintain bikeways and trails on District maintenance roads throughout the City as funding becomes available for an initial term of 10 years with automatic annual renewals thereafter for a maximum of 40 additional years; authorize the Director of Community Services to execute the agreement and any related documents, and take the necessary actions to implement and administer the agreement; and determine that the agreement is not subject to CEQA pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(B)(3) of Title 14 of the California Code of Regulations

because there is no possibility that these actions may have a significant effect on the environment and because these actions do not constitute a "project" as defined in Section 15378 of Title 14 of the California Code of Regulations.

Item No. 12 Mayor Tait declared a conflict and left the dais at 8:59 P.M.

Discussion. MOTION: JV/LK APPROVED VOTE: 6-0-1 (AYES: Mayor Pro Tem Moreno and Council Members Murray, Vanderbilt, Barnes, Kring, and Faessel; ABSTAIN: Mayor Tait).

Mayor Tait returned to the dais at 9:02 P.M.

13. Authorize the Director of the Community Services Department, or designee, to act as the Certifying Official authorized to accept the Fiscal Year 2018 Japanese American Confinement Site Grant, execute all documents related to the administration and management of the grant from the United States Department of Interior National Park Service, in the amount of \$38,833, for the Library Division; and increase the fiscal year 2018/19 revenue and expenditure appropriations in the Community Services Department by \$38,833.
14. RESOLUTION NO. 2018-128 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM ratifying the submission of grant applications and the acceptance of grants on behalf of the City of Anaheim for the Selective Traffic Enforcement Program (STEP) grant, Pedestrian and Bicycle Safety Program grant and Child Passenger Safety Program grant, and authorizing the Chief of Police to execute all required grant documents and amending the budget accordingly (\$649,000 in grant funds).
15. RESOLUTION NO. 2018-129 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM accepting certain deed conveying to the City of Anaheim certain real properties or interests therein (City Deed No. 12233;ACQ2018-01037;1351 Disneyland Drive).

Approve an Encroachment Agreement with Walt Disney Parks and Resorts U.S., Inc. for a pedestrian bridge over Magic Way adjacent to 1351 Disneyland Drive.

Item No. 15 Discussion. MOTION: LK/JM APPROVED VOTE: 7-0

16. Approve minutes of City Council meetings of May 15, 2018 and June 1, 2018.

END OF CONSENT CALENDAR

9:15 P.M.

17. Receive and file report on Measure L, the Anaheim minimum wage initiative, including: (1) who it would apply to, if passed; (2) what impacts it would have on city staff to manage the initiative; and (3) where Anaheim would fall in comparison to other California cities that have an increase above the state minimum wage.
- Item No. 17 Discussion.**

Mayor Tait recessed the Council meeting at 10:39 P.M. and reconvened at 10:46 P.M

MOTION: LK/KM APPROVED VOTE: 7-0

18. Receive and file presentation outlining opportunities along the Santa Ana River.
Item No. 18 Discussion. MOTION: LK/KM APPROVED VOTE: 7-0
19. RESOLUTION NO. 2018-130 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM amending City Council Policy 1.5 relating to special event financial support.
Item No. 19 Discussion. MOTION: JM/TT APPROVED VOTE: 7-0
20. Receive and file report containing crime data including year-to-date, year over year, five and ten-year analyses along with comparison information.
Item No. 20 Discussion. MOTION: LK/KM APPROVED VOTE: 7-0

Mayor Tait considered the agenda out of order, taking Item No. 22 prior to Item No. 21.

21. District 4 appointment of unscheduled vacancy on the Community Services Board for a term ending December 31, 2020.

Community Services Board

District 4 appointment: Paula Schuerger (December 31, 2020)
(unscheduled vacancy, Lori Farrow)

5:30 P.M. PUBLIC HEARING: 11:51 P.M.

22. This is a public hearing to consider the extension of Urgency Ordinance No. 6445 adopting an interim measure imposing a moratorium on the establishment of needle exchange programs within the City of Anaheim.

ORDINANCE NO. 6446 AN URGENCY ORDINANCE OF THE CITY OF ANAHEIM extending of Ordinance No. 6445, an interim measure of the City of Anaheim imposing a moratorium on the establishment of needle exchange programs within the City of Anaheim, for a period of 10 months and 15 days (A copy of the full text of the proposed urgency ordinance is available for review in the Office of the City Clerk).

Determine that the urgency ordinance extending the 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. 22 Mayor Tait opened the public hearing.

Public comment by 4 speakers.

Mayor Tait closed the public hearing.

MOTION: LK/KM APPROVED VOTE: 7-0

Report on Closed Session Actions:

City Attorney Robert Fabela announced for Closed Session Item No. 03 Council approved the initiation of litigation to enforce breach of contract and lawful detainer. APPROVED VOTE: 6-0 (AYES: Mayor Tait and Council Members Moreno, Murray, Barnes, Kring, and Faessel; ABSENT: Council Member Vanderbilt).

Council Communications/Agenda Requests:

Council Member Murray requested the City Attorney return to the next meeting to address and include the Gardenwalk and its businesses in his Measure L analysis as well as address the impact to businesses if a court ruled that the bonds covered the entire Anaheim Resort district. She also requested parameters related to needle exchange be developed to allow for city control to be presented before the end of the year. Further, she requested information about hotel revenue at the next meeting and the effects of hotels, both built and cancelled, based on the city's five-year forecast and estimated net revenue.

Council Member Kring thanked the OC Auto Show for the event and for offering free admission to Anaheim residents.

Mayor Pro Tem Moreno stated he attended several events over the last month and thanked staff for attending and answering residents' questions. He announced a District 3 Community Meeting on Tuesday, October 16 at the Native American Methodist Church and the December 15 retirement celebration honoring Fire & Rescue Chief Randy Bruegman.

Council Member Barnes reported her attendance at a tour of Hope Center of the Arts and commended them for their efforts and services. She thanked staff for their work at Maxwell Park and requested the County provide more support for additional clinicians. She requested a Code Enforcement review of campaign signs, to address their size, placement, removal requirements, and potential fines.

Council Member Vanderbilt stated he spoke with the Anaheim Small Business Association, including about home occupancy permits. He requested Item No. 11 return to Council at the next meeting to accommodate Council Member Kring's schedule; announced he met with the Anaheim Elementary School District superintendent and Principal Moreno of Ponderosa School regarding parking and circulation issues; he represented the city at the 12th Annual Health Fair; attended a traditional clothing display of the Emanuel Romanian Church, and went to the Open Mosque Day hosted by the West Coast Islamic Society.

Council Member Faessel reported his attendance at the Hope Center of the Arts and suggested working together to help them find a new home. He reported his participation at the Anaheim Community Foundation fundraiser at Dad Miller Golf Course, District 6 Coffee with a Cop, and Anaheim Manufacturing Day at Reborn Cabinets. He announced Walk/Bike to School Day on October 10, Congressman Correa's Hispanic Heritage Month event on October 13 at the Downtown Community Center, a free concert to benefit the Leukemia and Lymphoma Society at Calvary Baptist Church on October 10, the dedication of the Fassel Fitness Center at Anaheim High School on October 19, and Oktoberfest at the Phoenix Club through the end of the month.

Mayor Tait, in relation to Council Member Murray's request, asked the budget analysis include assumptions that visitors continued to visit Anaheim without hotels built. He reported his attendance at the U.S. Conference of Mayors leadership meeting in Columbia, SC, on September 27-29, 2018.

Adjournment: 12:32 A.M. on Wednesday, October 10, 2018 in memory of Joseph Bruce.

Next regular City Council meeting is scheduled for October 23, 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 October 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.