



ANAHEIM CITY COUNCIL

ACTION AGENDA

DECEMBER 3, 2018

SPECIAL MEETING

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 audifonos 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
SPECIAL MEETING – DECEMBER 3, 2018
4:00 P.M.

Call to order the special meeting of the Anaheim City Council. **4:12 P.M.**

MEMBERS PRESENT: Mayor Tait and Council Members Moreno, Murray, Barnes, Kring, and Faessel.

MEMBERS ABSENT: Council Member Vanderbilt

Mayor Tait held a moment of silence in lieu of an invocation.

FLAG SALUTE: Mayor Pro Tem Jose Moreno

ADDITIONS/DELETIONS TO THE AGENDA: None

PUBLIC COMMENTS: None

4:00 P.M. - CITY COUNCIL – SPECIAL MEETING **4:13 P.M.**

1. Approve the Agreement for Sale of Property and Joint Escrow Instructions, in substantial form and conditional upon the parties agreed upon terms, in the amount of \$3,950,000, by and between Cheshire Moon Properties, LLC and the City of Anaheim for the property located at 3035 East La Mesa Street, Anaheim, California (Property), for purposes of constructing a temporary homeless shelter of up to 125 beds, and authorize the Director of Community and Economic Development (Director), or designee, to execute and administer the agreement, and other documents as may be necessary to consummate the transaction; the agreement shall not take effect unless and until various terms are met and it is executed by the Director following approval by the City Attorney;

Determine that the best interests of the City of Anaheim are served by authorizing and approving the transactions contemplated herein, which include among other things, the waiver of the requirements of City Charter 1211(Contracts on Public Works) and the requirements of Anaheim Municipal Code Chapter 10.06 (Design-Build Contracting for Public Works Projects) pursuant to Resolution No. 2018-118, declaring a shelter crisis, among other actions, direct and authorize the Public Works Director, or designees, to execute and deliver either a Design-Build Agreement or a Design-Bid-Build Agreements with a selected licensed contractor for the design and/or construction of the Project, in an amount not to exceed \$2,000,000, and the waiver of irregularities, if any, in any of the proposal documents, authorize and direct the City Manager to execute all other related documents and to take such actions as are necessary to implement and administer either the Design-Build Agreement or the Design-Bid-Build Agreements; and authorize and direct the Finance Director to execute the Escrow Agreement pertaining to contract retentions in accordance with Public Contract Code section 22300;

Waive Council Policy 4.1 and approve and authorize the City Manager to enter into an agreement, in substantial form, that shall be reviewed and any revisions approved by the City Attorney, with Illumination Foundation, for start-up costs, in the approximate amount of \$200,000 and site design and operation of the temporary homeless shelter for one year with two one-year renewal options, in an amount not to exceed \$2,515,625 per year; the agreement shall not take

effect unless and until various preconditions are met and it is executed by the City Manager following approval by the City Attorney;

Determine this action to establish and operate a temporary homeless shelter during a shelter crisis is categorically exempt from CEQA pursuant to California Environmental Quality Act (CEQA) Guidelines Sections 15301 (categorical exemption for existing facilities), 15303 (categorical exemption for new construction or conversion of small structures), 15304 (categorical exemption for minor alterations to land), and 15332 (categorical exemption for in-fill development projects). Additionally, none of the exceptions to the categorical exemptions identified in CEQA Guidelines Section 15300.2 apply; and

Increase the Public Works FY 2018/19 budget by \$2,000,000, Community Development Department's FY 2018/19 budget by \$3,950,000, and City Administration FY 2018/19 budget by \$1,457,812.50. The remaining cost for services will be budgeted in future fiscal years, accordingly.

Item No. 01 Discussion.

MOTION: LK/KM to approve Item Nos. 1, 3, 4, and 5. ROLL CALL VOTE: 5-1 (AYES: Mayor Tait and Council Members Moreno, Murray, Barnes, and Kring; NOES: Council Member Faessel; ABSENT: Council Member Vanderbilt). Motion carried.

MOTION: LK/SF to approve Item No. 2. APPROVED VOTE: 6-0 (AYES: Mayor Tait and Council Members Moreno, Murray, Barnes, Kring, and Faessel; ABSENT: Council Member Vanderbilt). Motion carried.

Council Communications/Agenda Requests: None

Adjournment: 5:23 P.M.

Next City Council meeting is scheduled for December 4, 2018 at 3:00 P.M.

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 November 30, 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.