Date: October 10, 2012

To: City of Santa Ana, Planning and Building Agency

From: Jeremy Hollins, URS Corporation

Subject: Sexlinger Farmhouse and Orchard Residential Development Project – Hybrid Development Alternative Cultural Resources Technical Memorandum

Attachments: Project Area Maps
               Project Plans
               Site Photos
               City Council of the City of Santa Ana Minutes, June 4, 2012

This technical memorandum was prepared by URS Corporation (URS) at the request of the City of Santa Ana (City), to evaluate impacts to the Sexlinger Orchard at 1584 East Santa Clara Avenue, Santa Ana, California, from the Sexlinger Farmhouse and Orchard Residential Development Project, Hybrid Development Alternative. The Hybrid Development Alternative is an additional alternative being considered and analyzed for the Revised Draft Environmental Impact Report (DEIR), as part of the Sexlinger Farmhouse and Orchard Residential Development Project (project). The City Council adopted a resolution that listed the Sexlinger Farmhouse and Orchard on the Santa Ana Register of Historical Places (SARHP) on June 4, 2012. The action designated the site as “Key” because it met the SARHP Condition 6 for its status as a building or structure that was associated with the citrus orchard business, which was once common but is now rare due to the conversion of most of the City’s established orange orchards to residential and commercial use by the mid- to late twentieth century (Attachment – City Council of the City of Santa Ana Minutes; City of Santa Ana 2012a and 2012b). The SARHP-listed property is therefore considered a historical resource for purposes of the California Environmental Quality Act (CEQA). URS has concluded that the Hybrid Development Alternative will not meet the Secretary of the Interior Standards for the Treatment of Historic Properties, thereby causing a significant adverse change to the SARHP-listed resource, which is considered a historical resource for purposes of CEQA. Therefore, per CEQA Guidelines Section 15064.5(b)(3), the Hybrid Development Alternative will cause a significant impact to a historical resource that cannot be mitigated to a level of less than a significant impact. As a result, implementation of the Hybrid Development Alternative will require a Statement of Overriding Consideration.

This technical memorandum has been prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), California CEQA Guidelines (California Code of...
Regulations, Title 14, Section 15000 et seq.) and the applicable rules, procedures, and regulations for implementing CEQA, as adopted by the City.

Background

In 2007, a Memorandum for the Record was prepared by Sapphos Environmental Inc. (Heumann and Howell-Ardila 2007) for the project. The memo assessed the eligibility of the residence and orange grove in the project, based on a site inspection and historic research. The memo concluded that the property appeared to be eligible for listing in the CRHR and the SARHP as one of the last remaining examples of Santa Ana’s history as an important orange-growing region (CRHR under Criterion 1 - “associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States” and the SARHP under Criterion 6 - “buildings or structures that were connected with a business or use that was once common but is now rare”). The Initial Study (May 2011) for the proposed project incorporated these findings. However, in 2008, Discovery Works, Inc. and Foothill Resources, Ltd. prepared the Cultural Study Report, Empire Homes Project, (Tentative Tract Map 17231), 1584 E. Santa Clara Avenue, Santa Ana, Orange County, California (Padon and Marvin 2008). Padon and Marvin evaluated the property as not eligible for listing in the CRHR or SARHP, concluding that while the property was associated with the development of the citrus industry in the early decades of the twentieth century, small citrus operations did not play a significant role in the development of Santa Ana, either physically or culturally.

In July 2011, the City circulated for public comment the DEIR for the proposed TAVA Development Company Project, as it was known at the time (Applicant). The DEIR concluded that the historic-age residence and associated orchard in the project was not eligible for listing in the CRHR or SARHP, and consequently as a historical resource for purposes of CEQA. The DEIR was available for public comments from July 27 to October 10, 2011. During the public comment period, the City received comments from the public requesting that the historic-age residence and orange grove within the project be re-evaluated as eligible for listing in the CRHR and SARHP, and consequently as a historical resource for purposes of CEQA. An extension to the public comment period was made to allow for additional time for the City to review the Cultural Resources technical appendix. Subsequently, the City concluded that a technical memorandum should be completed to re-evaluate the property for eligibility for listing in the CRHR and the SARHP, and to re-analyze the project’s impacts, for purposes of CEQA should the property be determined a historical resource for purposes of CEQA.

In December 2011, URS completed a supplementary technical memorandum reporting the results of the following: a review of previous studies and evaluations of the property at 1584 East Santa Clara Avenue, Santa Ana, California; additional historic research; and a re-evaluation of the property for eligibility for listing in the California Register of Historical Resources (CRHR), the Santa Ana Register of Historical Properties (SARHP), and as a historical resource for purposes of CEQA. URS concluded that the property did not appear to be eligible under any of the CRHR criteria and therefore was not recommended as eligible for listing the CRHR. However, the property appeared to be eligible for listing in the SARHP under Condition 6 for its status as a building or structure that was associated with the citrus orchard business, which was once common but is now rare, due to the conversion of most of the City’s established orange orchards to residential and commercial use by the mid- to late twentieth
century. In December 2011, the City of Santa Ana recirculated the Cultural Resources Section of the DEIR with the revised eligibility recommendations for the Sexlinger Orchard.

On April 5, 2012, the Santa Ana Historical Resources Commission considered placing the Sexlinger Orchard on the SARHP but denied the listing; however, on appeal, the Santa Ana City Council voted on June 4, 2012 to overturn the Commission’s decision and list the Sexlinger Orchard in the SARHP, overriding the Commission’s decision (City of Santa Ana 2012a and b; Attachment – City Council of the City of Santa Ana Minutes). The action designated the site as “Key” because it met the SARHP Condition 6 for its status as a building or structure that was associated with the citrus orchard business, which was once common but is now rare due to the conversion of most of the City’s established orange orchards to residential and commercial use by the mid- to late twentieth century (City of Santa Ana 2012). Therefore, as a locally-listed property, the Sexlinger Orchard is considered a historical resource for purposes of CEQA.

As a result of the City Council’s decision to list the property and public testimony, the Hybrid Development Alternative was proposed as an alternative for the retention of portions of the historical resource. The Hybrid Development Alternative consists of the development and construction of 21 single-family residences on approximately 4.5 acres, and the relocation of the historical resource’s existing residence and garage and retention of approximately 24 to 30 orange trees on approximately 0.5 acres on the northeast corner (see attached Project Area Map). The residence will be relocated from the property’s northwest corner, a distance of approximately 450-feet. No trees will be relocated or moved; rather, 24 to 30 orange trees will remain in their present place, near the relocated buildings. The alternative is located within the Single Family Residential (R-1) zoning district with a General Plan designation of Low Density Residential (LR-7). Furthermore, the alternative proposes a vesting tentative tract map to subdivide the site into 21 parcels for single-family residences with living areas ranging from 2,340 to 2,777 square feet. The northeastern corner will be accessible and connect to Portola Park located directly to the east. A decorative 6 foot minimum block wall will separate the homes from the relocated buildings and existing trees, as indicated in the site plan (see attached Site Plan). The project proposes two variances for reduced street frontages for Lot 7 from 50 feet to 38 feet, and for Lot 8 from 50 feet to 45 feet. The project site is located at 1584 East Santa Clara Avenue, in the northeastern portion of the City of Santa Ana, County of Orange. The property is bounded roughly by East Santa Clara Avenue to the north, Portola Park on the east, East Avalon Avenue on the south, and Concord Street on the west. Photographs, plans, and maps depicting the project are attached.

**Description of the Historical Resource**

Based on field observations and primary and secondary source data collected in 2011 and 2012, the following is a description of the property’s major components.

The 5-acre property at 1584 East Santa Clara Avenue in the City of Santa Ana is an historic-age orchard landscape of which the major features include the remnants of a Valencia orange orchard, a residence, and a garage (McClelland et al. 1989, Revised 1999:15-18; Dolan 2009:180). The land has been historically used as an orange orchard since c. 1913, when it was likely planted by Perry Grout, and as the Sexlinger family’s residence and orchard from 1914 to 2006. The boundary of the landscape is demarcated by the boundaries of the 5-acre parcel
occupied by the Sexlinger family for 90 years. The landscape’s spatial organization has only two clusters of land uses: residential (the residence and garage) at the northwest corner of the parcel adjacent to a main thoroughfare, Santa Clara Avenue, and the orchard that fills the remaining northeast portion of the parcel.

The principal vegetation type is approximately 250 Valencia orange trees grafted to lemon rootstock; this was typical for orange groves of the region and time, due to the lemon rootstock demonstrating greater resistance to insects and disease. The trees appear to be low-headed with short trunks and pruned in the open bowl style, the common orchard tree form in the United States between 1881 and 1945 (Dolan 2009). Exact measurements were not taken as a part of the investigation; however, it appears based on a review of photographs of the trees in relation to the height of the residence and fence, that the trees are no more than 20 feet tall. The orange trees are arranged in a rectangular grid 20 rows wide (east to west) and 25 rows long (north to south). The paths between the trees, which represent the only circulation network in the landscape, are approximately 20 feet wide and 400 feet (east to west) and 350 feet (north to south) long. Between 1952 and 1980 approximately half of the trees were removed, leaving the approximately 250 trees currently present (Historicaerials.com 1952, 1972). The orchard has not been occupied since 2006. Some of the trees still bear fruit based on a review of recent photographs of the property.

The residence was built in 1914 (per Heumann and Howell-Ardila 2007 and Padon and Marvin 2008) and is a Craftsman-style single-family residence. It occupies the northwest corner of the lot and has a north-facing orientation. It is one story with a rectangular plan. The building features a low-pitch cross-gabled and hipped roof, covered with non-historic fiberglass shingles (added in 1992 per City of Santa Ana Building Permit Counter) and a brick chimney. Two gables face northward: one offset to the west and detailed with king post truss; the other centered over a squared, projecting central bay and containing a double vent flanked by knee braces. The roof terminates in overhanging eaves with exposed rafter tails and triangular knee braces. The exterior walls are clad with redwood horizontal board siding. Louvers in the gable ends have horizontal laths, which are arranged in pairs on the north elevation and in pairs flanking a six-light window on the east elevation. The building has wood-frame windows, with large tripartite windows on the primary façade and double-hung sash windows on the side and rear elevations. The windows are arranged asymmetrically. Most of the windows have been covered with sheets of plywood, leaving wood frames partially visible. A cutaway porch is located on the west half of the primary façade and is supported by a rectangular column of manufactured, concrete brick. The elevated main entry, which is located under the porch and reached via two concrete steps, is filled with the original single oak door with vertical lights and recessed panels and is covered with a modern metal security door. A rear entry on the south elevation is elevated up concrete steps and is covered by a single door with lights and recessed panels, covered with a metal security door. To the south of the residence is a detached garage. The garage is single story with a rectangular plan. It features an intersecting-gable roof covered with composition shingles. The walls are clad with horizontal board siding and there is a double-hung sash window on the south elevation. The entrance is located on the north elevation and is covered with the original sliding sawbuck door with diagonal bracing, on a metal track.
The land use, orientation of the clusters, construction materials, and design of the buildings and orchard are a response to the natural, flat topography of the area, the temperate climate that was conducive to citrus growing, and the cultural traditions of early twentieth century building in southern California. The flat topography permitted the orchard of Valencia trees, a popular and readily available crop in the area, to be planted in orderly and regularly spaced rows to the very edges of the parcel. The residence is a typical Craftsman Bungalow style home of the period, found in both rural and urban environments in southern California. Its placement beside the road, which would have been the most convenient location for a residence that was on the far outskirts of early City of Santa Ana, allowed for the most efficient use of the rest of the parcel for an orchard.

There is no evidence of landscape related archaeological resources such as road traces, ruins, or complex irrigation systems. The landscape’s constructed water features that utilize water for aesthetic or utilitarian functions in the orchard are limited to a remaining concrete standpipe and gate valve, located approximately 50 feet south of the garage. There are no water features such as a diversion dam, diversion channel, irrigation ditches, head gates, check dams, irrigation pipes, sprinklers, water storage tanks, ponds, reservoirs, berms, and water pumps remaining. The landscape does not retain any small-scale elements such as foot bridges, paths, road markers, gravestones, isolated vegetation, fence posts, curbstones, trail ruts, culverts, foundations, minor ruins, windmills, fruit barrels or boxes, tree ladders, tree stakes, fences, and equipment or machinery for planting, mowing, tilling, pruning, spraying, fertilizing, fruit harvesting, packing, or fruit storage. The property is now surrounded by a non-historic chainlink fence approximately five to six feet tall. Notable views and vistas include a view into the orchard.

**Significance of the Historical Resource**

On June 5, 2012, the property was listed on the SARHP under Condition 6 as a building or structure that is connected with a business or use, which was once common, but is now rare. The Sexlinger residence and orange grove are associated with the development of the citrus industry in Orange County and Santa Ana in the early decades of the twentieth century. As a Valencia orange (grafted to lemon stock) farm orchard set in a rectangular grid with an associated residence and concrete standpipe and gate valve, the property is a common and simple example of the property type in southern California, but it is nonetheless a property type that is rare now within the City of Santa Ana due to the conversion of most of the established orange orchards to residential and commercial use by the mid- to late twentieth century (URS Corp 2011). Therefore, the property is listed in the SARHP under Condition (6), and is considered a historical resource for purposes of CEQA.

**Impacts**

The impacts of the Hybrid Development Alternative on the historical resource, as detailed by The National Park Service (NPS) National Register Bulletin 30: Guidelines for Evaluating and Documenting Rural Historic Landscapes (McClelland et al. 1999:15-17), are discussed below.) The bulletin notes 11 characteristics of the rural historic landscape, which was then developed by the NPS into a list of 13 landscape characteristics that specifically apply to orchards as historical resources (Dolan 2009:178). These include: Natural Systems and Features; Spatial Organization; Land Use; Cultural Traditions; Circulation; Topography; Vegetation; Buildings and
Structures; Cluster Arrangement; Small Scale Features; Constructed Water Features; Views and Vistas; and Archaeology Sites.

The Hybrid Development Alternative would retain the following landscape characteristics:

- Natural Systems and Features;
- Topography; and
- Buildings and Structures (but not location or orientation).

While the Natural Systems and Features of the land itself would not be lost, nor would the topography, under the Hybrid Development Alternative, neither would likely be recognizable as what exists currently. The Buildings and Structures –specifically, the residence- will remain on-site; however, its location and orientation will be significantly different.

Further, under the Hybrid Development Alternative, the extant landscape would undergo significant change: the original residence and garage would be moved nearly 450 feet (from one end of the parcel to another) and reoriented 90 degrees; the vast majority of the orange trees will be destroyed; and, a six-foot block wall will be constructed immediately adjacent to the house and remnant trees. In John Obed Curtis’ *Moving Historic Buildings*, he notes that “when a [historic] property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.”

Overall, the Hybrid Development Alternative does prevent demolition of the residence and garage, but the residence and ancillary building’s original orientation, immediate setting, and general environment will not convey its historic significance. Additionally, also lost would be the:

- Spatial Organization;
- Land Use;
- Cultural Traditions;
- Circulation;
- Vegetation; and
- Views and Vistas.

As most of the trees would be demolished, and the house moved across the parcel and rotated, the Spatial Organization would be lost. The Land Use would transition from a historic single-family residence with agricultural improvements to a suburban development of 21 single family homes, with very few of the extant orange trees to remain. The cultural traditions of the orchard would be completely lost, overall, save any fruit production that may be retained with the few remaining orange trees. Also changed would be the circulation of the lot, which once the trees are felled, will undergo the construction of new roadways, sidewalks, and residential buildings. The vegetation that currently exists would be lost, save for the small section of trees to be maintained adjacent to the new location of the historic residence. Lastly, the views and vistas would transition from that of a pastoral and historic small orange grove to that of new residential buildings and roadways.

As Dolan writes in *Fruitful Legacy*, “The historic integrity of an orchard, group of fruit trees, or a single tree is a measure of physical authenticity, conveyed by extant characteristics of features that were present during the period of significance...The property must have the essential physical features that enable it to convey its historic context or historical information” (Dolan 2009:178, 190). Essentially, to remain historic by this definition, the orchard (and correlated improvements of the built environment) must maintain both its significance and its integrity.
Under the Hybrid Development Alternative, the vast majority of orange trees will be removed, and the relationship of the residence to the orchard will be substantially altered. Under the parameters set forth in Dolan's *Fruitful Legacy*, the Hybrid Development Alternative would impact the physical features associated with the property’s historic context and historical information.

Under CEQA Section 15064.5, a project would potentially have significant impacts if it would cause substantial adverse change in the significance of one of the following:

(a) A historical resource (i.e., a cultural resource eligible for the CRHR);
(b) An archaeological resource (defined as a unique archaeological resource which does not meet CRHR criteria);
(c) A unique paleontological resource or unique geologic feature (i.e., where the project would directly or indirectly destroy a site or resources); or
(d) Human remains (i.e., where the project would disturb or destroy burials).

CEQA Section 5020.1 defines “substantial adverse change” as the “demolition, destruction, relocation, or alteration activities that would impair the significance of the historic resource.” It further refers to the *Secretary of the Interior’s Standards for Rehabilitation (Standards)*, that "provide a standard guide to recommended (and not recommended) treatments to historic properties."

*The Secretary of the Interior’s Standards for Rehabilitation* under Setting specifically notes the following actions are not recommended:

- removing or radically changing those features of the setting which are important in defining the historic character;
- destroying the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials or constructing inappropriately located new streets or parking; and
- removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.

Also, under *The Secretary of the Interior’s Standards for Rehabilitation* under Site are listed the following activities, which are also not recommended:

- removing or radically changing buildings and their features or site features which are important in defining the overall historic character of the property so that, as a result, the character is diminished;
- removing or relocating buildings or landscape features, thus destroying the historic relationship between the buildings and the landscape;
- Removing or relocating historic buildings on a site or in a complex of related historic structures -such as a mill complex or farm- thus diminishing the historic character of the site or complex.
As noted above, the setting and location of a historical resource is very important to the historical significance of the property, and moving a property (or portions of a property) affect the relationship between the resource and its surroundings. Moving a property can diminish the significance of historic associations and leads to losses of historic features, spaces, and relationships, particularly if a property is moved after its period of significance. Relocating a property, even within its parcel, and changing its orientation can create a false sense of historic development.

URS has concluded that the Hybrid Development Alternative will not meet the Secretary of the Interior Standards for the Treatment of Historic Properties, thereby causing a significant adverse change to the SARHP-listed resource, which is considered a historical resource for purposes of CEQA. Therefore, per CEQA Guidelines Section 15064.5(b)(3), the Hybrid Development Alternative will cause a significant impact to a historical resource that cannot be mitigated to a level of less than a significant impact. As a result, implementation of the Hybrid Development Alternative will require a Statement of Overriding Consideration.

Bibliography


Padon, Beth and Judith Marvin. 2008. Cultural Study Report, Empire Homes Project, (Tentative Tract Map 17231), 1584 E. Santa Clara Avenue, Santa Ana, Orange County, California.
Discovery Works, Inc. and Foothill Resources, Ltd. Prepared for the City of Santa Ana. On file at the SCCIC, OR-3529.

State of California - Governor’s Office of Planning and Research, CEQA & Historical Resources. Sacramento, CA.

URS Corp. 2011. *Supplemental Technical Memorandum – Cultural Resources: Eligibility Assessment of 1584 East Santa Clara Avenue, Santa Ana, California; TAVA Development Project*. Submitted to the City of Santa Ana, Planning and Building Agency.
Attachments
PROJECT LOCATION
SEXLINGER ORCHARD PROJECT
1584 EAST SANTA CLARA AVE
CITY OF SANTA ANA

SOURCES: Street Map (ArcGIS Online 2010).

CHECKED BY: CM DATE: 10/2/2012 FIG. NO:
PM: ML PROJ. NO: 29870658.10002
Approximate location of 24-30 retained trees

Residence and garage rotated 90 degrees and moved to this northeast corner from the northwest corner

New wall to separate Sexlinger Farmhouse and Orchard from new development
MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA

JUNE 4, 2012

CLOSED SESSION MEETING

CALLED TO ORDER
COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
5:15 P.M.

ATTENDANCE
COUNCILMEMBERS Present:
MIGUEL PULIDO, Mayor
CLAUDIA C. ALVAREZ, Mayor Pro Tem
P. DAVID BENAVIDES
CARLOS BUSTAMANTE
VINCENT F. SARMIENTO

COUNCILMEMBERS Absent:
MICHELE MARTINEZ
SAL TINAJERO

STAFF Present:
PAUL M. WALTERS, Interim 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 5:15 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:

1A CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION pursuant to Government Code Section 54956.9(a)

Harry Trattner vs City of Santa Ana, ADJ6418235, et al.

Jeffrey Talmage vs City of Santa Ana, 10-0249, et al.
Interinsurance Exchange of the Automobile Club v. City of Santa Ana, Orange County Superior Court Case No. 30-2011-00507700

Friend of the Court Brief in Pack v. Superior Court (City of Long Beach)

1B

CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Agency Negotiators: Personnel Services Executive Director, Ed Raya

Employee Organizations: Santa Ana Police Management Association (PMA)


ADJOURNED THE CLOSED SESSION MEETING AT 5:58 P.M. AND CONVENEDED TO THE REGULAR OPEN MEETING
REGULAR OPEN SESSION

CALLED TO ORDER
COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:00 P.M.

ATTENDANCE
COUNCILMEMBERS Present:
MIGUEL PULIDO, Mayor
CLAUDIA C. ALVAREZ, Mayor Pro Tem
P. DAVID BENAVIDES
CARLOS BUSTAMANTE
VINCENT F. SARMIENTO

COUNCILMEMBERS Absent:
MICHELE MARTINEZ
SAL TINAJERO

STAFF Present:
PAUL M. WALTERS, Interim City Manager
SONIA R. CARVALHO, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PLEDGE OF ALLEGIANCE
MAYOR PULIDO

INVOCATION
Eric Wakeling, Police Chaplain

PRESENTATIONS

EMPLOYEE SERVICE AWARDS presented by MAYOR PULIDO to:

20 YEARS OF SERVICE
Lorenzo Carrillo, Lieutenant, Santa Ana Police Department

25 YEARS OF SERVICE
Thomas L. Dix, Water Services Quality Coordinator, Public Works Agency

30 YEARS OF SERVICE
Yolanda Pena, Police Investigative Specialist, Santa Ana Police Department

CERTIFICATE OF RECOGNITION presented by MAYOR MIGUEL PULIDO to Eagle Scout Hayden Hall for having been awarded the Adams National Eagle Scout Service Project of the Year for his Santa Ana Zoo project.
CERTIFICATE OF RECOGNITION presented by MAYOR MIGUEL PULIDO to John Spiak, Director/Chief Curator of the Grand Central Art Center in recognition of Cal State Fullerton's long standing partnership with the City and promotion of the arts in the Downtown.

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM CLAUDIA ALVAREZ to the Santa Ana Police Running Teams that participated in the 28th Annual Challenge Cup Baker to Vegas Relay – Mixed Invitational Team: Captain Johanna Perez and Co-Captain Cassandra Hawkins and 1000 Division Team: Captain James Armstrong and Co-Captain Sandy Kim.

AGENDA ITEM TAKEN OUT OF ORDER

50A PROPOSED ORDINANCE AND RESOLUTION TO APPOINT CITY MANAGER AND POLICE COMMISSIONER - Personnel Services Agency

Members of the City Council congratulated Paul Walters on his appointment. Walters introduced family and thanked the City Council for support.

MOTION:

1. Appoint Paul M. Walters as City Manager and approve employment agreement.

    AGMT NO. 2012-101 – Execute an employment agreement, subject to non-substantive changes, with Paul M. Walters for City Manager service

2. Adopt a resolution.

    RESOLUTION NO. 2012-017 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPOINTING CITY MANAGER PAUL M. WALTERS AS POLICE COMMISSIONER

3. Place ordinance on first reading and authorize publication of title

    ORDINANCE NO. NS-2834 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CREATING THE CLASSIFICATION TITLE OF POLICE COMMISSIONER AND DESIGNATING THE CLASSIFICATION AS THAT OF A PEACE OFFICER PURSUANT TO PENAL CODE SECTION 830.6(a)(2)

MOTION: Alvarez    SECOND: Benavides
VOTE: AYES: Alvarez, Benavides, Bustamante, Pulido, Sarmiento (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Martinez, Tinajero (2)

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM CLAUDIA ALVAREZ to the Segerstrom High School Girls Dance Team - Brenda Alvarado, Lauralee Antiporta, Katrina Arzola, Stephanie Avila, Leslie Blanco, Catherine Carino, Sirenia Chavez, Karina Contreras, Stephanie Cruz, Natali Cruz, Marleen Gomez, Mika Healey, Kimberly Herrera, Clarissa Martin, Amber Morales, Cheyenne Tafoya, Jennifer Urena, Raquel Valencia, Calah Vargas, Reyna Ventura, Coach Jeff Harvey and Dance Director Corrine Duran for winning the Song/Pom Novice Division at the USA Nationals.

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM CLAUDIA ALVAREZ to Lynne Waterson, Manager of the The Olde Ship British Pub & Restaurant; Joey Mendes, Owner of Proof Bar; Diego Velasco and Dan Bradley, Owners of Memphis at Santora; Davin & Marta Gumm, Owners of the Copper Door and Owner Emily Meyer and Manager Michele Matthias of the Gypsy Den, for their commitment to serving alcohol responsibly.


CERTIFICATES OF RECOGNITION presented by COUNCILMEMBER DAVID BENAVIDES to the graduating high school students who were actively involved with TeenSpace - Elias Aguilar, Jose Arcos, Catherine Garcia, Jose Gonzalez, Jonathan Guerrero, Jose Iniquez, Escarlet Mar, Alex Mendez, Marilynn Montano, Pablo Montoya, Stacy Montoya, Javier Morales, Julio Quijas, Theresa Rodriguez and Brandon Sandoval and to the Youth Commission high school graduating students Jonathan Espinoza, Elizabeth Castenanos, and Caleb Torres.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBERS VINCENT SARMIENTO to the Orange County Gay and Lesbian Community Services Center in honor of “Harvey Milk Day”
CLOSED SESSION REPORT – City Attorney Carvalho announced reportable actions by the City Council and is included under Agenda Item 19A.

PUBLIC COMMENTS
- Lilia Ramos, resident of Riverview Association and member of SOS Historic Willcock,; requested status on proposed Chivas USA negotiations to move to the City.
  - Mayor Pulido indicated that Memorandum of Understanding with Chivas USA has expired thus no longer in discussions with Chivas USA.
- Massimo Marini, spoke on Denver's Occupy Solidarity Agreement; opined that homeless and social organizations should be involved in resolving homeless issue instead of the police department.
- Mathew Southgate, thanked City Attorney Carvalho for facilitating meeting of the Santora Ad Hoc Committee and presenting historic and architectural requirements; concerned with sale of building to Newsong Church that could change relationship with artists in the area.
- Joel Reyes, Eastside residents, concerned with realignment project on McFadden Avenue and proposed park development in the area.
  - Mayor Pulido asked resident to address concerns to Executive Director of Parks and Recreation since he was not aware of proposed park.
- Mark Harrison, member of the Friends of the Santa Ana Zoo, thanked the City Manager and Executive Director of Parks and Recreation Gerardo Mouet for support of the Zoo; noted that Association handles membership and improvements; Association willing to continue helping City with Zoo activities.
- Zeke Hernandez, congratulated City Manager Walters on appointment; addressed the City Council on concerns with widening of Grand Avenue and property takeaways.
- Fina Chavez, congratulated City Manager Walters on appointment; welcomed City Attorney Carvalho; noted that she has met with some members of the City Council on PBID matter; would like to have disestablishment item brought back for consideration.
- Alicia Acuna, submitted pictures of various parks throughout the City that are in need of improvements.
- Jeff Dickman, member of Friends of Lacy Street, concerned with rehabilitation project of some historic homes that appear different than in plans submitted; requested status report on rehabilitation project.
- Helen Cannon, thanked the City Council and members of the Public Safety Committee for supporting chicken ordinance.
- Ralph Allen, spoke in opposition to PBID, opined that East-end businesses in Downtown consuming most of assessment fees.
- Julie Stroud, member of the Orange County Historic Commission, submitted letter of support to preserve the Sexlinger property (Agenda Item 75A).
- Janet Cook, member of Fairview Development Center spoke in opposition to Zoo entrance fee increase and requested consideration to waive fee for people with disabilities.
• City Manager Walters indicated that staff would look into matter.
• Grant Adelars, spoke on miscellaneous personal issues.
• Bobi Keenan, spoke in support of Save the Orchard Coalition (Agenda Item 75A); requested status of Willowick project and opined that it should remain open space; and update on 22 freeway extension.
• Tom Jackson, congratulated City Manager Walters on appointment; spoke in opposition to PBID; requested copy of Downtown Inc. audit report; would like disestablishment item be brought back for City Council consideration.
• Herb Rose, congratulated City Manager and City Attorney on appointments; spoke in support of disestablishment of PBID; opined that assessment and benefit disproportionate. Also acknowledged the Public Works Agency and City for assisting him with sewer problem at his business.
• Mayor Pro Tem Alvarez noted that PBID matter and budget would be brought back to the City Council for consideration at the June 18, 2012 City Council Meeting.
• Cristina Damian, spoke in support of proposed chicken ordinance.
• Raul Yanez, commented that he moved his business to Broadway Ave. and doing well, although not benefitting from PBID assessment.
• Thomas Gordon, concerned with City’s graffiti abatement contract, and signage and shopping cart pollution; also reported that web application to report graffiti not working.

CONSENT CALENDAR ITEMS

MOTION: Approve Consent Calendar Items 10A through 25L with the following modifications:

• Mayor Pro Tem Alvarez voted “No” on Agenda Item 19C.;
• Mayor Pro Tem Alvarez requested that the Minutes of May 21, 2012 be corrected to reflect the following: page 4, Item 10A on sex offender ordinance should indicate that the City adopted an ordinance in 2006 - first in the County, and now proposing amendment to the 2006 ordinance; also on page 21 under Council Comments by Mayor Pro Tem include that she is supportive of the artist, want them to stay, and encouraged them to look at all alternatives available to them given that the City has no leverage (on the proposed sale of Santora Building to Newsong Church).
• Mayor Pro Tem Alvarez pulled Agenda Item 11A for separate discussion; and
• Councilmember Sarmiento abstained on Agenda Item 10A; and
• Excused the absence of Councilmembers Martinez and Tinajero.

MOTION: Alvarez       SECOND: Sarmiento

VOTE: AYES: Alvarez, Benavides, Bustamante, Pulido, Sarmiento, Tinajero (5)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: Martinez, Tinajero (2)

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 MAY 21, 2012

MOTION: Approve Minutes as corrected.

MOTION: Alvarez SECOND: Benavides

VOTE: AYES: Alvarez, Benavides, Bustamante, Pulido (4)

NOES: None (0)

ABSTAIN: Sarmiento (1)

ABSENT: Martinez, Tinajero (2)

ORDINANCES/SECOND READING

In the event a Councilmember recorded an “abstention” before consideration of the following ordinance(s) on first reading, such abstention will also be reflected in the minutes for second reading.

11A SECOND READING ORDINANCE AMENDING SANTA ANA MUNICIPAL CODE CHAPTER 10, ARTICLE XII, PERTAINING TO PROXIMITY RESTRICTIONS FOR REGISTERED SEX OFFENDERS TO CHILDREN'S FACILITIES - Police Department

Placed on first reading at the May 21, 2012 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on May 25, 2012.

Mayor Pro Tem Alvarez commented that item is second reading of ordinance; item considered at the last City Council meeting with District Attorney Tony Rackauckas in attendance; amendments to ordinance prepared in collaboration with Orange County District Attorney’s Office
and City Attorney's Office; thanked the City Council and Public Safety Committee for supporting the ordinance.

**MOTION:** Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2832- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 10, ARTICLE XII OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN'S FACILITIES

**MOTION:** Alvarez  
**SECOND:** Benavides

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

**NOES:** None (0)

**ABSTAIN:** None (0)

**ABSENT:** Martinez, Tinajero (2)

SECOND READING ORDINANCE AMENDING CHAPTER 5 OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO THE KEEPING OF FOWL - Police Department

Placed on first reading at the May 21, 2012 City Council meeting and approved by a vote of 5-0 (Pulido, Sarmiento absent)

Published in the Orange County Reporter on May 25, 2012.

**MOTION:** Place ordinance on second reading and adopt.

ORDINANCE NO. 2833 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 5 OF THE SANTA ANA MUNICIPAL CODE RELATING TO THE KEEPING OF FOWL

**BOARDS / COMMISSIONS / COMMITTEES**

**13A**  
COUNCIL COMMITTEE REPORTS - PARKS, RECREATION, EDUCATION AND YOUTH (PREY) MINUTES - PARKS, RECREATION & COMMUNITY SERVICES AGENCY

**MOTION:** Receive and file Parks, Recreation, Education and Youth (PREY) Minutes of November 28, 2011 and April 2, 2012.
MISCELLANEOUS ADMINISTRATION

19A CLOSED SESSION REPORT – City Attorney’s Office

Items approved by unanimous consent in Closed Session.

Interinsurance Exchange of the Automobile Club v. City of Santa Ana,
Orange County Superior Court Case No. 30-2011-00507700

Friend of the Court Brief in Pack v. Superior Court (City of Long Beach)

19B EXCUSED ABSENCES – Clerk of the Council

MOTION: Excuse the absence of Councilmembers Martinez and Tinajero.

19C DESTRUCTION OF OBSOLETE CITY RECORDS (CITY MANAGER’S OFFICE)

MOTION: Approve the requests for the destruction of obsolete records from various City departments in accordance with the retention schedule outlined in City Council Resolution 2006-045.

*Mayor Pro Tem Alvarez voted “No” on Item 19C.

19D QUARTERLY REPORT FOR HOUSING DIVISION PROJECTS AND ACTIVITIES JANUARY 2012 – MARCH 2012 - Community Development Agency

MOTION: Receive and file report.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A APPROPRIATION ADJUSTMENT - WORKFORCE INVESTMENT ACT ADDITIONAL FUNDS - Community Development Agency

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

APPROPRIATION ADJUSTMENT NO. 2012-178 - Recognizing additional revenues of $25,764 in Workforce Investment Act Title I Adult and
SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

MOTION:  Award in accordance with Request for Council Action. (Items 22A through 22E)

22A SPEC. NO. 07-103 - EXAM GLOVES – (Police Department) - Finance & Management Services

1. Amend the current contract with Bound Tree Medical in the amount of $17,300 for a total annual amount not to exceed $234,500;

2. Renew the contract with Bound Tree Medical for gloves for the Police Department for a one-year period in an annual amount not to exceed $70,000

22B SPEC. NO. 10-052 - OFFICE SUPPLIES - Renew the contract with Office Depot in an annual amount not to exceed $215,000. - Finance & Management Services

22C SPEC. NO. 11-009 - VEHICLE TIRES - Renew contracts for a one-year period, in an annual aggregate amount not to exceed $140,000 with the following vendors: (Finance & Management Services)

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parkhouse Tire Inc.</td>
<td>Santa Ana</td>
</tr>
<tr>
<td>Scher Tire Inc.</td>
<td>Santa Ana</td>
</tr>
<tr>
<td>Tarulli Tire Inc.</td>
<td>Santa Ana</td>
</tr>
</tbody>
</table>

22D SPEC. NO. 12-035 - SAFETY SHOES - Award contracts for a one-year period, with provision for two one-year renewals, in an annual aggregate amount not to exceed $35,000 with the following vendors: - (Finance & Management Services)

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Shoe Company</td>
<td>Santa Ana</td>
</tr>
<tr>
<td>Dee's Shoes, Inc. dba Red Wing Shoes</td>
<td>Santa Ana</td>
</tr>
</tbody>
</table>

22E SPEC. NO. 12-038 - EQUIPMENT RENTAL AND CONCRETE - Award contracts for a one-year period, with provision for three one-year
renewals, in an annual aggregate amount not to exceed $40,000 with the following vendors: (Finance & Management Services)

<table>
<thead>
<tr>
<th>Vendor</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hertz Equipment Rental Corporation</td>
<td>Foothill Ranch</td>
</tr>
<tr>
<td>Sunstate Equipment Co, LLC.</td>
<td>Anaheim</td>
</tr>
<tr>
<td>United Rentals (North America), Inc.</td>
<td>Santa Ana</td>
</tr>
</tbody>
</table>

**PROJECTS/CHANGE ORDERS**

23A CONTRACT AWARD TO PATSHECK CONSTRUCTION COMPANY FOR THE SANTIAGO PARK VERNAL POOL (PROJECT NO. 036367, NONGENERAL FUND) – Public Works Agency and Parks, Recreation and Community Services

1. Award a contract to Patscheck Construction Company, the lowest responsible bidder, in an amount of $37,820 for construction of the Santiago Park Vernal Pool Project;

2. Approve the Funding Analysis for a total estimated construction cost of $52,900.

**AGREEMENTS**

*MOTION:* Authorize the City Manager and Clerk of the Council to execute the following agreements, subject to non-substantive changes approved by the City Manager and City Attorney and/or actions as noted on the Request for Council Action report. (Item 25A through 25L)

25A AGMT NO. 2012-102 - ANIMAL CARE SHELTER SERVICES - With the County of Orange in an amount not to exceed $1,017,904 - Police Department

25B AGMT NO. 2012-103 - LAW ENFORCEMENT HELICOPTER SERVICES - With the Orange County Sheriff's Department in an annual amount not to exceed $351,842 - Police Department

25C AGMT NO. 2012-104 - WEB-SITE MAINTENANCE AND COMMUNICATION SERVICES FOR EMERGENCY PREPAREDNESS, URBAN AREAS SECURITY INITIATIVE (UASI FUNDED) - With Westbound Communications for the continuation of the Ready OC
Emergency Preparedness Campaign in an amount not to exceed $550,000 - (Police Department)

25D STORM DRAIN FACILITY CLEANING AND SPILL RESPONSE - Public Works Agency

- AGMT NO. 2012-105 - With United Storm Water, Inc. in an amount not to exceed $250,000;

- AGMT NO. 2012-106 - With Ocean Blue Environmental Services, Inc. in an amount not to exceed $250,000.


25F AGMT NO. 2012-108 – AMENDMENT - SEWER VIDEO INSPECTION SERVICES - With Houston Harris PCS Inc., in an amount not to exceed $300,000 - Public Works Agency

25G AGMT NO. 2012-109 - GRAND AVENUE WIDENING FOR PROPERTY LOCATED AT 1221 EAST FIRST STREET (PROJECT NO. 081732 NON-GENERAL FUND) - With the Neal Family Revocable Trust and the Bevington Family Trust for the purchase of the property located at 1221 East First Street (APN 398-454-12 & 398-454-13) in the amount of $3,174,000 - Public Works Agency

25H AGMT NO. 2012-110 - ACQUISITION SETTLEMENT FOR BRISTOL STREET CORRIDOR, 410 NORTH BRISTOL UNIT A, (PROJECT NO. 081700) (NON-GENERAL FUND) - With Mr. Chris Yoh, Luv-N-Donuts in an amount of $26,000 - Public Works Agency

25I AMENDMENTS - PARK LANDSCAPE MAINTENANCE SERVICES – Parks, Recreation & Community Services Agency

- AGMT NO. 2012-111 - With Master Landscape & Maintenance, Inc. for a 19-month amendment to provide park landscape maintenance services in District 1 in an amount not to exceed $401,957 and approve a 10% contingency for unanticipated work for a total amount not to exceed $442,153;
• AGMT NO. 2012-112 - With DMS Facility Services, LLC for a 19-month amendment, to provide park landscape maintenance services in District 2, in an amount not to exceed $576,332, and approve a 10% contingency for unanticipated work for a total amount not to exceed $633,965;

• AGMT NO. 2012-113 - With Vista Del Verde to execute one-year agreement to provide park landscape maintenance services in District 3, in an annual amount not to exceed $508,164 and approve a 10% contingency for unanticipated work for a total annual amount not to exceed $558,980;

• AGMT NO. 2012-114 - With Midori Landscape, Inc. to execute a one-year amendment to provide park landscape maintenance services in District 4 and District A, in an annual amount not to exceed $931,608 and approve a 14% contingency for unanticipated work for a total annual amount not to exceed $1,062,544

25J MEMORANDUMS OF UNDERSTANDING WITH WORKFORCE INVESTMENT ACT MANDATED PARTNERS - Community Development Agency

- AGMT NO. 2012-115 - Asian American Senior Citizens Service Center;
- AGMT NO. 2012-116 - Community Action Partnership of Orange County;
- AGMT NO. 2012-117 - Employment Development Department;
- AGMT NO. 2012-118 - Goodwill Industries of Orange County;
- AGMT NO. 2012-119 - Rancho Santiago Community College District;
- AGMT NO. 2012-120 - Santa Ana Housing Authority;
- AGMT NO. 2012-121 - Santa Ana WORK Center/City of Santa Ana;
- AGMT NO. 2012-122 - Santa Ana Unified School District;
- AGMT NO. 2012-123 - Southern California Indian Center;
- AGMT NO. 2012-124 - State Department of Rehabilitation

25K YOUTH PROGRAM OPERATOR AGREEMENTS PROGRAM YEAR 2012-13 – Community Development Agency

1. Authorize the City Manager and Clerk of the Council With the following Youth Program Operators Program Year 2012-13 for a total of $991,795 for the period of July 1, 2012 through June 30, 2013:

- AGMT NO. 2012-125 – With Orange County Children’s Therapeutic Arts Center to provide tutoring, work experience, occupational skills training, job preparation, supportive services, mentoring, and
counseling for twenty five Out-of-School Youth in the amount of $175,000;

- AGMT NO. 2012-126 – With Santa Ana Public Library to provide post-secondary occupational skills training in the areas of digital technology, paid work experience, leadership development, and supportive services for twelve In-School Youth and eight Out-of-School Youth in the amount of $160,000;

- AGMT NO. 2012-127 – With Taller San Jose to provide occupational skills training in the fields of healthcare, professional business services or construction, internship opportunities, supportive services, counseling, job preparation, and placement to twenty Out-of-School Youth in the amount of $126,795;

- AGMT NO. 2012-128 – With Orange County Conservation Corps to provide paid work experience, alternative secondary education, post-secondary educational resources, and supportive services for twenty-five Out-of-School Youth in the amount of $250,000;

- AGMT NO. 2012-129 – With Santa Ana WORK Center STEM Youth Program to provide paid work experience at worksites related to science, technology, engineering, and math (STEM), workforce preparation, post-secondary education resources, occupational training in customer service and supportive services to fifteen In-School Youth and five Out-of-School Youth in the amount of $160,000;

- AGMT NO. 2012-130 - With NAPSAC to provide paid work experience with local businesses, workforce preparation, case management, and supportive services to twelve In-School and three Out-of-School in the amount of $120,000.

2. AGMT NO. 2012-131 - Authorize the City Manager and Clerk of the Council to execute a Memorandum of Understanding term extension with Santa Ana WORK Center for the Youth Services Provider Navigator to June 30, 2013 and allocate funding program year 2012-2013 funds in the amount of $321,358

AGMT NO. 2012-132 – AMENDMENT - PORTABLE WIRELESS MESH NETWORK (UASI FUNDED) – With Pacific Services, Inc. increasing agreement amount from $63,000 to a total amount not to exceed $80,000-Police Department

**END OF CONSENT CALENDAR**
BUSINESS CALENDAR ITEMS

ORDINANCES/FIRST READING

50A ITEM TAKEN OUT OF ORDER

RESOLUTIONS

55A STATE-LOCAL PARTNERSHIP PROGRAM AND MEASURE M2 ENVIRONMENTAL CLEAN-UP PROGRAM – OCTA GRANT APPLICATIONS – Public Works Agency

MOTION: Adopt resolutions.


- RESOLUTION NO. 2012-019 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE SUBMITTAL OF PROJECTS TO ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE MEASURE M2 ENVIRONMENTAL CLEANUP PROGRAM

MOTION: Alvarez
SECOND: Benavides

VOTE: AYES: Alvarez, Benavides, Bustamante, Pulido, Sarmiento (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Martinez, Tinajero (2)
PUBLIC HEARINGS

75A \(\text{PUBLIC HEARING – APPEAL NO. 2012-01 (HISTORIC RESOURCES COMMISSION APPLICATION NO. 2012-01 AND HISTORIC REGISTER CATEGORIZATION NO. 2012-01) FOR THE SEXLINGER PROPERTY LOCATED AT 1584 EAST SANTA CLARA AVENUE – Planning & Building Agency}

Motion approved by the Planning Commission on April 5, 2012 by a 5-2 vote (Christy and Yrarrazaval opposed, O’Callaghan absent).


Continued from the May 7, 2012 City Council meeting by a vote of 7-0.

Staff report presented by Planning and Building Executive Director, Jay Trevino.

Mayor Pulido opened the Public Hearing. The following speakers commented on the matter:

- Nick Spain, submitted letter from the State Historical Commission in support of preserving Sexlinger property.
- Deborah Strunk, resident of Portola Neighborhood Association, spoke on history of Valencia crop in the area and need to preserve property.
- Dwight Schroeder, commented on Agenda Item 75A and noted the following: now it should also be pointed out that with or without this designation it is still available for purchase by interested parties who wish to develop and preserve this property and whether it’s called historical or not does not preclude that option. I urge that you deny this designation as historical and adopt the resolution that you have before you.
- Jeff Dickman, former member of the Historic Resources Commission, opined that lot is one of last with value to the community.
- Ryan Bensley, former next door neighbor to property, supports preservation of property
- Jeannie Gillett, member of Save our Orchard Coalition, supports historic preservation designation; would like to be given opportunity to file for designation at the State level; noted that property meets two requisites for State designation.
- Moises Munoz Plascencia, propose to grow organic crops at the five acre property; project would support SB375 the Sustainable Communities initiative.
- Elaine Cali, opined that history destroyed if not preserved; encouraged open space.
- Ellen Diamond, opined that preservation would place Santa Ana on the map.
• Diane Askbaugh, encouraged the City Council to place property on Historic Registry.
• Lara Montagne, noted City's efforts to preserve history in Downtown area and said property should also be preserved.
• Steve Ray, supports historic designation, community garden; noted that Coalition's goal is to pay fair market value for property.
• Diana Hardy, spoke on benefit of preserving property that would benefit future communities.
• Tonya Fannin, reported that Coalition has received more than 1,500 signatures on petition to save Orchard.
• Kevin Tilden, property owner representing Concordia University, spoke by opposition to appeal.
• Ron Van Blarcon, General Counsel for Concordia University, requested clarification of Request for Council Action and verbal report that were inconsistent; noted that property owner has right to request designation and in this case does not desire.
• Jamie Sue Abrahams, archival assistant at Heritage Museum, noted that Heritage Museum once slated for destruction, but saved by the Santa Ana Unified School District; supports designation.
• John Hiber, urged the City Council to preserve Orchard.

Mayor Pulido closed the Public Hearing. Council discussion ensued. Executive Director of Planning and Building Jay Trevino noted that property meets minimum qualifications for designation and staff recommends designation.

Mayor Pulido noted that support of designation is short term, but opportunity for Coalition to raise funds and purchase property.

Councilmember Sarmiento moved motion to approve appeal. Motion seconded by Mayor Pro Tem Alvarez.

Councilmember Bustamante supports property owner rights and would not support motion because owners have not requested designation.

Mayor Pro Tem Alvarez indicated that action is discretionary and intent of donation to Concordia by Sexlinger family not clear; Coalition has eight months to raise money to preserve property; thanked the Historic Resources Commission for considering matter; also noted that final development project will require City Council approval.

Councilmember Benavides noted that intent of donation by Sexlinger to Concordia not clear, but value in preserving property; property owner may proceed with development after 8 months have lapsed and Coalition has not purchased property.
Executive Director Trevino indicated that both State and National Historic Designations are done at the request of property owners; City has different requirements for designation.

Councilmember Sarmiento supports motion; approval allows for window of opportunity for preservation.

Mayor Pro Tem Alvarez requested a point of clarification from City Attorney – does the City Council need to approve the findings given that the staff report does not delineate such finding. City Attorney Carvalho indicated that staff did make that point and is now part of comments; clarification helpful.

Mayor Pulido indicated that amended motion to include findings was before the City Council for consideration. Maker of motion agreed to amended motion.

Mayor Pulido noted that balance needed in development projects; approval of item will allow appellant an opportunity to purchase property.

**AMENDED MOTION:**


2. Adopt amended resolution.


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

**VOTE:**  
**AYES:** Alvarez, Benavides, Pulido, Sarmiento (4)

**NOES:** Bustamante (1)

**ABSTAIN:** None (0)

**ABSENT:** Martinez, Tinajero (2)
Mayor Pulido opened the Public Hearing. There were no speakers and the Hearing closed.

Council discussion ensued. Councilmember Benavides requested report on Fiscal Policy. Executive Director of Finance and Management Francisco Gutierrez provided a summary of Policy included in staff report.

Councilmember Bustamante thanked staff for efforts to bring balanced budget and Fiscal Policy.

Councilmember Sarmiento echoed comments made earlier. Proposed Policy is departure from the past, now more transparent process in managing City’s finances and checks and balances; may help improve City’s bond rating; reserve policy will be range 5-15%, good element to balance employee concessions and maintain service levels.

Mayor Pro Tem Alvarez requested an amendment to her original motion to approve. Add following language to the Fiscal Policy: no language shall be adopted that requires the City to maintain a minimum or required level of staffing and overtime; important language to protect reserves when negotiating labor contracts.

**AMENDED MOTION:**

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

   ORDINANCE NO. NS-2835 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROPRIATING MONIES TO THE SEVERAL OFFICES, AGENCIES AND DEPARTMENTS OF THE CITY FOR THE FISCAL YEAR COMMENCING JULY 1, 2012


3. Approve an Appropriation Adjustment. *(Requires five affirmative votes)*

   APPROPRIATION ADJUSTMENT NO. 2012-179 - To shift Risk Management funds and enhance General Fund reserve levels.

4. Adopt resolutions.
RESOLUTION NO. 2012-021 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO AMEND RESOLUTION NOS. 82-110, 91-066 AND 96-095 TO EFFECT CERTAIN CHANGES TO THE CITY'S BASIC CLASSIFICATION AND COMPENSATION PLANS.

RESOLUTION NO. 2012-022 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING A UNIFORM SCHEDULE OF MISCELLANEOUS FEES FOR FISCAL YEAR 2012-2013 AND REPEALING IN PART RESOLUTION NO. 2011-031

MOTION: Alvarez 
SECOND: Benavides

VOTE: AYES: Alvarez, Benavides, Bustamante, Pulido, Sarmiento (5)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Martinez, Tinajero (2)

THE CITY COUNCIL MEETING RECESSSED AT 10:35 P.M. TO THE HOUSING AUTHORITY MEETING AND RECONVENED AT 10:36 P.M. WITH SAME MEMBERS PRESENT.

COMMENTS

90A CITY MANAGER'S COMMENTS

- City Manager Walters thanked the City Council for support and confidence in appointment.

90B CITY COUNCILMEMBER COMMENTS

Councilmember Sarmiento:
- Noted that the Orange County Registrar Voter's Office predicted a 30% reduction in voter turn-out for the June 5, 2012 Primary Election compared to the previous election;
- Invited all to attend the upcoming Sunset Zoo Concert Series to be held on June 10th, June 24th, and July 15th; and
- Urged all to vote on Tuesday, June 5, 2012.
Councilmember Bustamante:
- Welcomed newly appointed City Manager Walters; and
- 2nd Annual July 4th celebration on Sunday, July 1st at Centennial Park.

Councilmember Benavides:
- Noted that July 1st event will begin at 2 p.m.;
- Welcomed City Manager Walters;
- Appointment of Police Chief in the near future;
- Wished all a Happy Father’s Day; and
- Encouraged all to shop in Santa Ana.

Mayor Pro Tem Alvarez:
- Welcomed Paul Walters as permanent City Manager and wished him well; and
- Wished all a Happy Father's Day.

Mayor Pulido:
- Welcomed newly appointed City Manager and City Attorney to respective positions;
- Noted that if Council members Martinez and Tinajero were present at tonight's meeting, would have had 7-0 vote to appoint City Manager.

ADJOURNED: 10:40 P.M. The next meeting of the City Council is scheduled for Monday, June 18, 2012 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Open Business Meeting at 6:00 p.m. in the Police Community Room, 60 Civic Center Plaza, Santa Ana, California.

Maria D. Huizar,
Clerk of the Council