



**CITY OF SANTA ANA**  
**2014 STATE AND FEDERAL LEGISLATIVE PLATFORM**  
**REPORT CARD**  
**October 15, 2014**

The Legislative Platform is a tool to protect and promote the City's interests on priority issues and legislative/regulatory matters that may impact the City. The Guiding Principles and Policy Statements below allow City staff and legislative advocates to address 2014 legislative and regulatory issues in a timely and directed manner, without precluding the consideration of additional legislative and budget issues that arise during the year. This Platform supplements other City Council established policies reflected in other plans and policy documents and is consistent with the goals of the City's Strategic Plan.

**GUIDING PRINCIPLES**

**I. PRESERVE LOCAL CONTROL**

Preserve and protect the City's charter powers, duties and prerogatives to enact legislation and policy direction concerning local affairs, and oppose legislation that preempts local authority. Local agencies should preserve and enhance authority and accountability for revenues raised and services provided.

**II. PROMOTE FISCAL STABILITY**

Support measures that promote fiscal stability, predictability, and financial independence. Support measures that preserve the City's revenue base and local control over local government budgeting. Oppose measures that make cities more dependent on the County, State or Federal Governments for financial stability, such as mandated costs with no guarantee of local reimbursement or offsetting benefits. Oppose measures that shift local funds to the County, State or Federal Governments, without offsetting benefits.

**III. SUPPORT FUNDING OPPORTUNITIES**

Support opportunities that allow the City to compete for its fair share of regional, state and federal funding, and that maintain funding streams. Opportunities may include competitive grant and funding programs. Opportunities could also include dedicated funding streams at the regional, state and federal levels that allow the City to maximize local revenues, offset and leverage capital expenditures, and maintain City goals and standards.

**IV. REGIONAL COLLABORATION AND COOPERATION**

Leverage the City's ability to preserve local control, promote fiscal stability, and support funding opportunities through collaboration with municipalities, local government agencies, special districts, regional government agencies/organizations and local, state and federal elected representatives. Share the City's legislative platform and municipal projects/programs with regional government agencies and local, state, and federal elected representatives to seek their support.

## GOAL 1: COMMUNITY SAFETY

- Increase assistance from federal agencies and encourage the enforcement of federal law concerning marijuana as Congress intended when it enacted the Controlled Substance Act. Without proactive assistance from federal agencies it limits local law enforcement's ability to shut down marijuana dispensaries that are in clear violation of federal laws. The police department is limited to reliance on local ordinance or civil proceedings which do not immediately stop the illegal activity. Santa Ana has had limited assistance from the Drug Enforcement Administration and the U.S. Attorney's Office.

The Police Department has continued dialogue with local representatives from the Drug Enforcement Administration related to the enforcement of the Controlled Substance Act. While the dialogue is ongoing local and state initiatives might frame the future enforcement posture of federal agencies.

- Maintain local funding for programs that support community oriented policing, gang suppression, and crime prevention, such as Byrne/Justice Assistance Grants (JAG) and Community Oriented Policing Services (COPS) programs. Support for funding that does not require a local cost share or match is of particular importance.

**FY 14 COPS Hiring Grant. HK assisted the City in successfully obtaining \$1.25 million in COPS funding to hire/rehire 10 officers.**

- Support maximum funding for the Urban Area Security Initiative (UASI) and advocate for flexibility in the use of funds for personnel, training and target hardening. UASI funding is critical in sustaining long term homeland security efforts at the local and regional level.

**Urban Area Security Initiative (UASI): For FY 14, Santa Ana's UASI allocation increased to \$5.5 million – an increase from \$2.5 million.**

- Increase funding and revenue opportunities for Santa Ana Jail operations, particularly through contract negotiations with ICE and the US Customs.

**Immigration and Customs Enforcement (ICE)/U.S. Marshals: Working closely with the HK team, Santa Ana successfully obtained an increase in the per diem to \$105/per day from U.S. Marshals. Negotiations are ongoing with ICE.**

## GOAL 2: YOUTH, EDUCATION, RECREATION

- Advocate funding to address and support 1) bridging the digital divide 2) art and culture exhibits at public libraries to engage community to read and learn and appreciate art and culture 3) advancing literacy 4) career guidance for youth and 4) library programming for teens.

**SA Public Library was awarded a \$495,000 federal grant from the National Institute for Museum and Library Services for the Memories of Migration Program. Memories of Migration is a 3-year community memory program that builds on the Library's unique Teen Historian program to jump start the development of cultural heritage collections around the shared stories of human migration in America.**

- Seek joint-use and other funding opportunities to establish a community e-Library. This “Biblio Tech” leverages technology tools to help the public access library resources.
- Support legislation that provides federal and state funding for urban parks and recreation programs.

**The City of Santa Ana has been awarded a \$1,030,800 grant to develop a half-acre park at Memory Lane and the Santa Ana River, adjacent to the Vista Del Rio Housing Project.**

- Identify and pursue funding sources to support improvements, expansion or addition of exhibits, and public education programming for the City of Santa Ana’s Zoo at Prentice Park.

### **GOAL 3: ECONOMIC DEVELOPMENT**

- Monitor AB 1080 - -The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities to address the effects of blight, as defined. Existing law dissolved redevelopment agencies and community development agencies, as of February 1, 2012, and provides for the designation of successor agencies. Existing law provides for various economic development programs that foster community sustainability and community and economic development initiatives throughout the state.

AB 1080 would authorize certain public entities of a community revitalization and investment area, as described, to form a community revitalization plan within a community revitalization and investment authority (authority) to carry out the Community Redevelopment Law in a specified manner. The bill would require the authority to adopt a community revitalization plan for a community revitalization and investment area and authorize the authority to include in that plan a provision for the receipt of tax increment funds. **(Dead).**

**State Budget Advocacy (promote fiscal stability/Goal 3: Economic Development) – TPA worked with City staff to keep them updated on the impacts of the FY 2014-15 State budget. TPA provided detailed information relating to the Governor’s ongoing proposal to modify the laws governing infrastructure financing districts, which eventually resulted in the passage of SB 628 (Beall).**

- Support legislation that reauthorizes or increases funding for the following community development programs:
  - Section 8 Housing Choice Vouchers, which provide rental subsidies for low and very low-income families
  - Community Development Block Grant (CDBG) **HK assisted City in supporting HR 3854, the Community Economic Opportunity Act of 2014. Letter sent to Representative Sanchez urging support for legislation. The bill has 41 bipartisan cosponsors but is still in committee. The Senate FY 15 Labor-HHS report includes approximately \$668 million for CSBG, while a Democratic bill for the House FY 15 Labor-HHS bill provides for \$703.5 million.**
  - Housing Opportunities for Persons with AIDS (HOPWA),
  - HOME Investment Partnerships Program (HOME)
  - Loan and grant programs that support:

- buying, and/or rehabilitating affordable housing for rent or homeownership, or providing direct rental assistance to low-income people.assist first time home buyers that promote homeownership and increase neighborhood stability
  - capital improvements to city streets that reduce blight and improve the residential neighborhoods
  - economic development that assist the establishment of small businesses and the expansion of existing businesses, which will retain and create more jobs
  - acquisition of land for new construction of single family units and multi-family units
  - provide housing and other assistances for persons and families with HIV/AIDS
  - allow for an increase of homeownership opportunities
- Support the reauthorization of the US Department of Labor Workforce Investment Act (WIA and remove sequestration to fund programs that provide services as follows:
    - employment and training services for adults and youth
    - work with businesses for contracting and hiring needs
    - develop customize training for businesses
  - Support legislation that promotes CEQA streamlining and removes barriers to infill development and reduces frivolous legal challenges.
  - Ensure that the City retains maximum flexibility in assessing development projects by maintaining local control over zoning and land use regulations.
  - Follow Senate and House legislation to re-instate the Empowerment Zone Hiring tax credit incentive. Push for passage in an upcoming tax bill.

**Empowerment Zone Employment Tax Credit. HK successfully worked to have the empowerment zone employment tax included as part of the Senate tax extenders package (EXPIRE Act), including leading a letter of support for the tax credits along with Los Angeles Mayor Garcetti and Fresno Mayor Swearingin. Final action on the bill by Congress may occur during the lame duck session.**

#### **GOAL 4: CITY FINANCIAL STABILITY**

- Maintain fiscal and local control over revenue sources and assets.

#### **Legislation requiring lobbyists monitoring and status reports:**

- SB 7 (Steinberg) prohibits a charter city from receiving or using state funding or financial assistance for a construction project for up to 2 calendar years if the city has, after January 1, 2014, awarded a public works contract without requiring the contractor to comply with prevailing wage provisions.

Governor Brown signed SB 7 in October, after the bill passed the Senate with a 22-13 majority with amendments. Subsequently, several California charter cities (El Centro, Carlsbad, El Cajon, Fresno, Oceanside, Vista) challenged the constitutionality of SB 7 on February 20, 2014 by filing for an injunction in San Diego County Superior Court, and have requested a writ of mandate to prohibit the state from enforcement.

The plaintiffs argue that the state constitution guarantees that charter cities can govern their own municipal affairs without state interference. They also argue that SB 7 would violate Article XIII, Section 24(b) of the State Constitution because it restricts local tax revenue by requiring expenditures on a state priority (prevailing wage). Since charter cities are created by the “reserved power” of the local electorate, the Legislature should not be able to interfere.

**(Signed into law)**

**Staff recommends City Council adoption of ordinance indicating the intent to comply with State prevailing wage determination.**

- Wireless Tax Fairness Act of 2013 (H.R. 2309) – Wireless industry effort to ban new state and local taxes on wireless communications for five years. Contains carve-out exemption for local voter approved 911-Emergency Access Telephone Taxes and Utility Users’ Taxes. Position: Watch
- The Permanent Internet Tax Freedom Act (ITFA) (H.R. 3086) - Telecommunications industry effort to make permanent the existing ITFA moratorium on internet taxes. As telecommunication services move to broadband this bill’s effect will be to erode Santa Ana’s telecommunications utility users’ tax base. Lacks any carve-out exemption for local voter approved tax measures such as a 911-Emergency Access Telephone Tax or Utility Users’ Tax. Position: Oppose

**An extension of the Internet Tax Freedom Act (ITFA) will also likely be considered. In July, a bipartisan group of Senators introduced S. 2609 – the Marketplace and Internet Tax Fairness Act (MITFA), which provides for a 10-year extension of the ITFA as well as enables state and local government entities to collect sales taxes from remote retailers. While it is unlikely that the bill will pass in the lame duck, it is expected to receive a further short-term extension.**

- Wireless Industry Effort to Remove Local Control & Zoning – Undermines local zoning ordinances and community standards, will create visual blight and lower property values. Position: Oppose (Critical Comment Period at FCC Hearing)
- The Digital Goods and Services Tax Fairness Act of 2013 (H.R. 3724) - Telecommunications industry effort to significantly reduce state and local revenues by preempting the taxation of purchases such as downloaded music, movies, and online services. Position: Oppose
- The Business Activity Tax Simplification Act of 2013 (H.R. 2992) - Mandates the use of a physical location standard for determining whether a state or locality can assess a tax on a company. As written would allow companies to avoid and evade taxation. Position: Oppose
- Marketplace Fairness Act - Allocates local government’s fair share of sales tax to the local delivery address for goods and services. Will preserve and increase Santa Ana sales tax revenue. Position: Support

**HK assisted City in supporting HR 3854, the Marketplace and Internet Tax Fairness Act (MITFA). Letter of support sent to Senators Boxer and Feinstein. Consideration of full bill**

**delayed until lame duck session; Internet Tax Freedom Act has been extended until December 11<sup>th</sup>.**

- Municipal Bond Exemption – Removes tax exemption from municipal bonds and makes municipal financing more costly with higher fees.  
Position: Oppose
- AB1717 - Telecommunications: Prepaid Mobile Telephony Service / Prepaid Telephony Services (MTS) Surcharge and Collections Act (AB 1717) - Joint effort by telecommunications industry, PUC, BOE, local agencies advisory task force, and the Governor's Office to provide an effective mechanism for collection of existing PUC surcharges and local agency Utility Users Tax (UUT) relating to prepaid wireless telecommunications services. Authorizes the BOE to collect state surcharges and local UUT on prepaid wireless telecommunication services at the local retail point-of-sale. Will preserve and increase Santa Ana UUT revenue.  
Position: Support

**TPA provided background and status update of the measure to City staff. TPA communicated the City's support for the measure, as adopted in the City's Legislative Platform, to the author of the City's representatives as well as drafted a request for signature letter to the Governor. Status: This measure was signed by the Governor on 9/30/2014.**

#### **GOAL 5: COMMUNITY HEALTH, LIVABILITY, ENGAGEMENT & SUSTAINABILITY**

**The Community Action Partnership of Orange County was awarded a grant of approximately \$4 million to help the Cities of Santa Ana, Anaheim and Garden Grove create healthier Orange County communities. The award is part of a U.S. Department of Health and Human Services initiative to support public health efforts to reduce chronic diseases, promote healthier lifestyles, reduce health disparities, and control health care spending.**

- Seek Federal Farm to School Grant Program funding to support the City's joint use community garden at Madison Park.
- Seek special grant monies for community engagement (PRCSA).
- Advocate for special grant monies for community outreach and education efforts to enhance the public awareness of preventing health issues such as obesity, diabetes, heart disease, and hypertension.
- Seek special grant monies for outreach and education efforts to enhance walking and biking safety in our town.
- Support legislation that increases funding and legal support for improved bicycle and pedestrian facilities.

#### **GOAL 6: COMMUNITY FACILITIES & INFRASTRUCTURE**

**The City of Santa Ana was approved for \$3.3 million in Active Transportation Program Cycle 1 funding for six projects by the California Transportation Commission. The approved projects aim**

**to reduce vehicle speeds, accommodate non-motorized transportation, and provide more aesthetically pleasing roadways.**

#### The Santa Ana/Garden Grove Fixed Guideway

- Seek funding to construct a modern streetcar operating from the Santa Ana Regional Transportation Center through Santa Ana's Downtown and Civic Center within mixed flow traffic in city streets and within the Pacific Electric right of way to Garden Grove. Currently, two street car alternatives and an enhanced bus system are being considered. The streetcar could potentially connect with a streetcar being planned by the City of Anaheim via Harbor Boulevard in Garden Grove. Both systems together would create a regional system benefitting mobility and goods movement as well as providing expanded regional and local economic development opportunities.

The Santa Ana/Garden Grove streetcar alternatives are approximately 4 miles long with about 12 station stops in each direction. The proposed fleet size is 6 to 7 cars with headway running 10 minutes in peak conditions and 15 minutes off peak. The ridership is expected to reach 6,000 daily boarding's during its initial operation, and would result in a reduction of 2,165 vehicle miles traveled per day. The streetcar ridership capacity could respond to increased use and could also expand and extend service. The project serves Santa Ana which is the 4<sup>th</sup> most densely populated city in the United States, and serves the Cities' densely populated communities, many of whom (17.8%) do not own cars and currently use public transportation.

The project is currently in the environmental analysis phase with the public review period of the Environmental Assessment/Draft Environmental Impact Report scheduled to begin May 2014. Adoption of the environmental document and selection of a locally preferred alternative is scheduled in Fall of 2014.

The estimated cost of the project ranges from \$238 million to \$257 million depending on the alignment chosen. Potential Federal funding requests could be from a combination of Congestion Management and Air Quality (CMAQ) programs or New Starts/Small Starts programs totaling \$125 million. If construction funding commitments are made by 2015, the SA/GG streetcar project could be operating by 2018.

#### Grade Separations

- Seek funding for Grade separation projects which allow incompatible mobility modes to intersect without impeding with one another. These types of projects work with existing transportation systems to greatly improve multimodal mobility and goods movement, and also result in reduced congestion, improved air quality, and reduced dependence on fossil fuels.

Three separate grade separation projects are in or have completed the conceptual engineering and environmental analysis phase. The three projects are located on (1) Santa Ana Boulevard, (2) Grand Avenue, and (3) 17<sup>th</sup> Street. The three currently intersect with railroad tracks carrying Amtrak and Metrolink commuter traffic, and Union Pacific RR freight cars.

Daily rail traffic is now 75 trains per day and is expected to increase to 110 per day by the year 2035. The grade separation projects are essential to allow for future and current commuter and goods movement, and maintain and improve train, pedestrian and bicycle mobility, and safety.

The City of Santa Ana is the lead for the (1) Santa Ana Boulevard project. This is a unique Grade Separation Plaza because it allows and encourages mass pedestrian and bicyclist traffic to safely cross rail tracks adjacent to the Santa Ana Regional Transit Center (Amtrak and Metrolink station). It would also allow for the extension of the streetcar across the rail tracks without any additional infrastructure but the streetcar line.

The Santa Ana Boulevard Grade Separation Plaza is estimated to cost \$60 million and the environmental clearance is scheduled for completion in February 2014. The environmental clearance will place this project on the state's priority list. The roadway carries over 20,000 vehicles per day within a very congested segment of roadway adjacent to an interchange with I-5 freeway. In addition, 54 school buses and 309 passenger buses cross the rail tracks. Staff seeks Federal funding support either through OCTA or independently for 25% to 50% of the project construction cost through Regional Surface Transportation Program, CMAQ, Demonstration, and Federal Section 130 funds.

OCTA has been the lead agency for the planning and environmental studies of the other two grade separations at (2) Grand Avenue and (3) 17<sup>th</sup> Street. It's anticipated that they will seek funding to implement those two projects.

#### Alton Parkway

- Seek funding for the design and environmental clearance of the Alton Parkway Grade Separation. Alton is part of the Master Plan of Arterial Highways, and the proposal is to cross over SR-55. The roadway would expand regional connectivity, benefitting mobility and goods movement as well as providing expanded regional and local economic development opportunities, and significant benefits to local Santa Ana businesses located in the fringes of this project. Coordination with neighboring Irvine has been completed.

This project's (Overcrossing) design/environmental phases were previously done but need to be updated per the latest state requirements. This will take an estimated 8-12 months to update. Construction & R/W funding in the amount of \$35,000,000 was estimated in 2009 but will need to be updated as well. Staff is planning on submitting this project for TIGER funds as this project presents regional benefits.

#### Bristol Street

- The City of Santa Ana has been in the process of improving 3.9 miles of Bristol Street between Warner Avenue and Memory Lane in conformance with the City's General Plan, and OCTA's Master Plan of Arterial Highways. The project adds one through lane in each direction, bike lanes, sidewalk, landscaping and medians, as well additional turn lanes and bus turnouts at major intersections. The completed or near completed portions of the project total over 2.5 miles.

OCTA has funded or indicated a high potential to fund construction of the remaining segments between Warner Avenue and 17<sup>th</sup> Street. However, no funding sources exist for the portion between 17<sup>th</sup> Street and Elm Street (the north-most half mile), which handles an average of 48,000 vehicles per day. The estimated cost for this segment is \$40 million. Depending on future federal funding programs, the City would anticipate a request of up to one half, or \$20 million of total project cost.



### Grand Avenue

The City has a project to widen Grand Avenue between 1<sup>st</sup> Street and 17<sup>th</sup> Street. The project, similar to Bristol, adds one through lane in each direction, bike lanes, sidewalk, landscaping and medians, as well additional turn lanes and bus turnouts at major intersections in conformance with OCTA and City plans. The initial 900-foot segment between 1<sup>st</sup> Street and 4<sup>th</sup> Street will begin construction in 2014. Except for design phase funding, no funding has been identified for the remaining 4,300 feet, estimated to cost \$48 million. A Federal \$24 million grant to match the anticipated future OCTA Measure M2 funding could cover construction and project delivery.

### Fairview Bridge

Fairview Street is planned for three lanes in each direction on the City's General Plan and OCTA's MPAH. However, because the Fairview Bridge over Santa Ana River is only about 50 feet wide, the roadway can accommodate only two lanes in each direction. Further, the bridge lacks separated sidewalks and the barrier rail does not meet current standards. For a similar project (First Street Bridge), the City received Federal funding to cover half the cost to replace and widen the bridge. For the Fairview Bridge, the cost is conceptually estimated at about \$6 million, about half of which could be requested through the Federal Highway Bridge Replacement and Rehabilitation program. To receive federal funding, the segment would need to be cleared under NEPA.

## **GOAL 7: TEAM SANTA ANA**

- The City will include a legislative agenda that is consistent with Team Santa Ana primary objectives.
- Support federal/state legislation which allows the City to promote innovation and efficiency through greater use of technology.
- Support federal/state legislation that allows the City to promote greater transparency and community engagement.