

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF SANTA ANA
SANTA ANA, CALIFORNIA**

SEPTEMBER 4, 2007

CALLED TO ORDER

COUNCIL CHAMBERS
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
6:07 P.M.

ATTENDANCE:

COUNCILMEMBERS Present:
MIGUEL PULIDO, Mayor
CLAUDIA ALVAREZ, Mayor Pro Tem
P. DAVID BENAVIDES
MICHELE MARTINEZ
VINCENT F. SARMIENTO
SAL TINAJERO

ABSENT: CARLOS BUSTAMANTE

STAFF Present:
DAVID N. REAM, City Manager
CATHY STANDIFORD, Assistant City
Manager
JOSEPH W. FLETCHER, City Attorney
PATRICIA E. HEALY, Clerk of the Council

PLEDGE OF ALLEGIANCE

Mayor Pulido

INVOCATION

Robert Barnett, Police Chaplain

EMPLOYEE SERVICE AWARDS

MAYOR PULIDO

20 YEARS OF SERVICE

Marianne E. Murray
Loretta M. Tafoya

Forensic Specialist I, Police Department
Senior Office Assistant, Police Department

25 YEARS OF SERVICE

Teresa J. Rose

Senior Office Assistant, Planning & Building
Agency

PRESENTATIONS

CERTIFICATE OF RECOGNITION presented by MAYOR PULIDO to Prince Hall Masonic Lodge, Santa Ana, CA on the occasion of their 50th Anniversary.

CERTIFICATE OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Comité Fiestas Patrias de Orange County in recognition of the 2007 Fiestas Patrias de Orange County - El Grito Ceremony and Parade.

PROCLAMATION presented by COUNCILMEMBER MARTINEZ to Ronny Rios, recognizing him for being a 2008 U.S. Olympic Boxing Team hopeful.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER MARTINEZ to Belen Clara recognizing her as an Emerging Youth of Santa Ana.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER TINAJERO recognizing Ramon Martin, Yolanda Linan and Ron Foster for their volunteer work with the Southwest Little League.

CONSENT CALENDAR

Mayor Pulido announced the following modifications to the Consent Calendar:

- Item 23E was pulled due to a speaker's request
- Councilmember Alvarez pulled Item 25 E for separate discussion
- Excuse the absence of Councilmember Bustamante from all meetings for September 4, 2007

Motion:

Approve staff recommendations on the following Consent Calendar items.

MOTION: Alvarez

SECOND: Sarmiento

VOTE: **AYES:** Alvarez, Benavides, Martinez, Pulido, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Bustamante (1)

CONSENT CALENDAR

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

Motion:

Approve minutes. (Item 10.A. - 10.B.)

- 10.A. REGULAR MEETING MINUTES OF AUGUST 20, 2007
10.B. ADJOURNED REGULAR MEETING MINUTES OF AUGUST 20, 2007

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.

- 11.A. CONTINUATION OF THE PROACTIVE RENTAL ENFORCEMENT PROGRAM (PREP)

Placed on first reading at the August 20, 2007 City Council meeting and approved by a vote of 6-0 (Pulido absent)

Published in the Orange County Reporter on August 24, 2007

Motion:

Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2757 - An ordinance of the City Council of the City of Santa Ana amending Section 21-120r.I (a) of the Santa Ana Municipal Code to extend the fee charged to finance the City's Proactive Rental Enforcement Program.

BOARDS/COMMISSIONS/COMMITTEES

- 13.A. VACANCY REPORT – AUGUST 29, 2007

The Vacancy Report reflects only appointments made by the Council.

Motion:

CONSENT CALENDAR

Receive and file.

| <u>BOARD/COMMISSION</u> | <u>VACANCIES</u> | <u>WARD</u> |
|--|-------------------------|--------------------|
| Community Redevelopment Housing Commission | 1 | Tenant |
| Youth Commission - Alternate | 2 | 3 & 5 |
| Youth Commission Associate | 6 | 1,3,4,5,6 & Mayor |
| Youth Commission - Regular | 1 | 1 |
| Personnel Board | <u>1</u> | 5 |
| TOTAL | 11 | |

| <u>BOARD/COMMISSION</u> | <u>EXPIRED TERMS</u> | <u>WARD</u> |
|--------------------------------|-----------------------------|--------------------|
| Historic Resources Commission | 1 | 6 |
| Human Relations Commission | 1 | At Large |
| Library Board | 1 | Mayor |
| Personnel Board | 2 | 6 & Mayor |
| Youth Commission – Alternate | <u>1</u> | 4 |
| TOTAL | 6 | |

MISCELLANEOUS ADMINISTRATION

19.A. CLOSED SESSION REPORT

None.

19.B. EXCUSED ABSENCES

Motion:

Excuse Councilmember Bustamante from the September 4, 2007 City Council Meeting.

APPROPRIATION ADJUSTMENTS

20.A. APPROPRIATION ADJUSTMENT ACCEPTING SAFE ROUTES TO SCHOOL AND HIGHWAY SAFETY IMPROVEMENT PROGRAM GRANTS FOR VARIOUS LOCATIONS

Motion:

CONSENT CALENDAR

1. Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 08-019 - Accepting \$1,988,749 into the Traffic System Management Grant fund revenue account and appropriate the funds to expenditure account for the purpose of implementing five Safe Routes to School Grants.

2. Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 08-018 - Accepting \$596,700 into the Federal Aid Safety Program fund revenue account) and appropriate the funds to expenditure account for the purpose of implementing two Highway Safety Improvement Program Grants.

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

Motion:

Award in accordance with Requests for Council Action. (22.A. – 22.D.)

22.A. SPEC. NO. 06-092 - OVERHEAD DOOR MAINTENANCE – FIRE DEPARTMENT - Amend the contract with Vortex Industries, Inc., by \$10,000 for an annual amount not to exceed \$48,428 – Finance & Management Services Agency

22.B. SPEC. NO. 07-069 - CHEMICALS – SOIL, PLANT, AND WATER TREATMENT - Award contracts for chemicals for a one-year period, with provision for three, one-year renewals in the annual amounts as follows:

| <u>Vendor:</u> | <u>Location:</u> | <u>Amount:</u> |
|------------------------------|------------------|----------------|
| Western Farm Service | Santa Ana | \$60,000 |
| Waterline Technologies, Inc. | Santa Ana | \$60,000 |
| Target Specialty Products | Santa Fe Springs | \$30,000 |

22.C. SPEC. NO. 07-067 - MOTOR CONTROL CENTER UPGRADE AT WELLS 28 AND 38 - PUBLIC WORKS AGENCY - Award a contract to Leed Electric, Inc., in the amount of \$317,076 - Finance & Management Services Agency

22.D. SPEC. NO. 03-061 - LANDSCAPE MAINTENANCE - Renew the contract with Valley Crest Landscape Maintenance, Inc., for a one-year period in the amount not to exceed \$85,350 - Finance & Management Services Agency

**PROJECTS – MAINTENANCE, REHABILITATION, IMPROVEMENT,
CONSTRUCTION OR CHANGE ORDERS FOR PUBLIC FACILITIES**

23.A. AMEND THE CONTRACT FOR BROADWAY REHABILITATION AND WATER MAIN IMPROVEMENTS (PROJECTS 05-1705 AND 06-3199)

Art Pedroza addressed the Council and expressed concerns that the cost of the project has increased by such a large amount.

Motion:

Amend the contract with All American Asphalt for the Broadway Rehabilitation and Water Main Improvements Project to increase the amount by \$185,000 for a total estimated amount of \$1,834,443.

MOTION: Alvarez

SECOND: Tinajero

VOTE: AYES: Alvarez, Benavides, Martinez, Pulido, Sarmiento, Tinajero (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Bustamante (1)

23.B. CONTRACT AWARD FOR 2007/2008 OMNIBUS CONCRETE REPLACEMENT (PROJECT NO. 08-1729)

Motion:

1. Award a contract to Portsmouth Construction, Inc., the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$488,407.64 for construction of 2007-2008 Omnibus Concrete Replacement Project.

2. Approve a funding Analysis with a total estimated construction cost of \$610,500

BUDGETARY MATTERS

AGREEMENTS

Motion:

Direct the City Attorney to prepare and authorize the City Manager and Clerk of the Council to execute agreements. (Items 25.A. through 25.E.)

25.A. AGMT NO. 2007-212 - TOWEL LAUNDRY SERVICE – Execute an amendment with Aramark Correctional Services, LLC in an annual amount not to exceed \$19,760, for a total aggregate amount not to exceed \$1,109,760 – Police Department

25.B. AGMTS - BUILDING PLAN CHECK SERVICES AND APPROPRIATION ADJUSTMENTS – PLANNING & BUILDING AGENCY

1. Direct the City Attorney to prepare and authorize the City Manager and Clerk of the Council to execute agreements.

AGMT NOS. 2007-213, 2007-214, 2007-215 - With Scott Fazekas and Associates, Inc.; Tmad, Taylor & Gaines; and NYA Consulting Structural Engineers in an aggregate total amount not to exceed \$300,000.

2. Approve appropriation adjustments. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENTS - Recognizing aggregate total amounts not to exceed \$300,000 in the 2007-2008 FY revenue account for building plan check and appropriating various amounts not to exceed \$300,000 to the Planning and Building Agency 2007-2008 FY budget allocation in the account for contractual services for payments to the consultants contracted to complete building plan checks of various projects.

25.C. AGMT NO. 2007-216 – PURCHASE AGREEMENT FOR BRISTOL STREET CORRIDOR (PROJECT 06-1500) – With Mai & Ninh Nguyen for the purchase of the vacant property located at 401 S. Bristol in the amount of \$347,000- Public Works Agency

25.D. AGMT NO. 2007-217 - ACQUISITION OF REAL PROPERTY AND ESCROW INSTRUCTIONS FOR 1901 W. WALNUT – Execute an agreement for the acquisition of real property located at 1901 W. Walnut Avenue from the Orange County Rescue Mission, Inc. for the amount of \$1,600,000 plus normal escrow closing costs – Community Development Agency

PUBLIC HEARINGS

75.A. PUBLIC HEARING – RESOLUTION REVISING THE METERED WATER RATE AND SEWER SERVICE CHARGE OF THE CITY

Legal Notice published in the Orange County Reporter on August 24, 2007.

The Mayor announced that this is the time and place fixed for the public hearing required by Article XIII-D of the California Constitution (Proposition 218). The Mayor further announced that if property owners or utility customers wish to formally protest, they must do so by filling out a form available from the Clerk of the Council, and it must be completed before the close of the hearing. Only written protests by property owners and those with water or sewer utility accounts with the City will be counted.

Staff presentation by Jim Ross, Executive Director of Public Works Agency.

No written correspondence.

Art Pedroza, Cirila Casteneda, and Frank Scotty spoke in opposition to the water rate increases. Mr. Pedroza submitted a written protest to the rate changes.

Public Hearing was closed by the Mayor. The Clerk reported that a total of ten written protests were received: nine through the mail and one at the meeting. The protest therefore fails.

Council discussion ensued.

Motion:

- 1. Adopt a resolution as amended To reflect water consumption charges based on units for multi-family dwelling and single family residence be equal;**
- 2. Create an incentive program for water conservation for City residents;**
- 3. Create program for low-income and senior residents.**

RESOLUTION NO. 2007-066 – A resolution of the City Council of the City of Santa Ana revising the metered water rate and sewer service charge.

JOINT SESSION CRA / CITY COUNCIL

COUNCIL RECESSED TO THE COMMUNITY REDEVELOPMENT AGENCY AT 7:31 P.M. FOLLOWED BY THE HOUSING AUTHORITY MEETING.

COUNCIL RECONVENED AT 7:33 PM WITH ALL MEMBERS PRESENT.

COMMENTS

90.A. PUBLIC COMMENTS

Lisann Martinez offered condolences to a family who lost a two year old son; Clark Casler, David Martin, and Gloria Dittmer asked the Council to approve a resolution calling for the impeachment of the U.S. President and Vice President; Gisele Salas suggested the City adopt a youth initiative, Alex Vega asked for unity in the City; Stanley Fiala asked that several city commissioners be removed, and Thomas Gordon spoke in opposition to item 23A on the agenda.

90.B. CITY COUNCIL COMMENTS

Mayor Pulido

- Explained that, as a member of OCTA, he voted against an item related to partial funding of Quiet Zones because he felt that the OCTA should bear the full burden of the costs of the quiet zones and not the cities. He noted that Measure M funds were designated for this purpose.

Mayor Pulido left the Council Meeting at 8:05 p.m. Mayor Pro Tem Alvarez assumed the Chair.

Councilmember Sarmiento

- Invited residents to the 2nd annual Delhi Center Gala on Saturday, September 8, 2007
- Noted that Labor Day was a great way to wind up summer and celebrate the nation's workers

Councilmember Martinez

- Reminded residents that the Fiestas Patrias 2007 event would be held on September 15th and 16th
- Noted that on a recent visit to Guadalajara, Mexico, she was impressed with the cultural events taking place in the City; she further noted that an entire street was closed off to celebrate Recreation Day
- Thanked TKO Boxing for giving Santa Ana a true champ in Ronny Rios

Mayor Pro Tem Alvarez

- Noted that for many school age children this was the first day of school and urged residents to be careful when driving

COMMENTS

- Noted that we are experiencing a heat wave and encouraged all to drink plenty of fluids
- Again reminded speakers addressing Council to show respect and professional decorum

Councilmember Benavides

- Noted that there are many after school programs offered this school year, including the tutoring program offered by the Santa Ana Library

Councilmember Tinajero

- Stated that he was interested in including a boxing show at the annual Cesar Chavez event and that the discussions should begin now

Mayor Pro Tem Alvarez requested that the meeting be adjourned in memory of Daniel Herron who died in an accident while on vacation in Alaska, and also Filiberto Pichardo, a long time Santa Ana resident and Father-in-law of Councilmember Carlos Bustamante.

ADJOURNMENT - 8:15 p.m.

In Memory of Daniel Herron and Filiberto Pichardo


Patricia E. Healy
Clerk of the Council