

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

FEBRUARY 1, 2010

CLOSED SESSION MEETING

CALLED TO ORDER

CITY HALL
20 CIVIC CENTER PLAZA, 8TH FLOOR
SANTA ANA, CA
5:20 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL PULIDO, Mayor
CLAUDIA ALVAREZ, Mayor Pro Tem (5:36
P.M.)
P. DAVID BENAVIDES
CARLOS BUSTAMANTE
MICHELE MARTINEZ
VINCENT F. SARMIENTO
SAL TINAJERO (5:27 P.M.)

STAFF Present:
DAVID N. REAM, City Manager
JOSEPH FLETCHER, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PUBLIC COMMENTS – None

CLOSED SESSION ITEMS

1A CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code
Section 54956.8.

Agency Negotiators: Personnel Services Executive Director, Kathie
Gonzalez

Employee Organizations: Santa Ana Service Employees International Union
(SEIU)
Santa Ana Management Association
Santa Ana Firemen's Benevolent Association
Santa Ana Police Officer's Association
Santa Ana Police Management Association
Santa Ana Fire Management Association

ADJOURNED

6:14 P.M.

REGULAR CITY COUNCIL MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:15 P.M.

ATTENDANCE

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

STAFF Present:
DAVID N. REAM, City Manager
JOSEPH FLETCHER, City Attorney
MARIA D. HUIZAR, Clerk of the Council

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

INVOCATION

Gary Tucker, Police Chaplain

PRESENTATIONS

EMPLOYEE SERVICE AWARDS presented by MAYOR PULIDO to:

- 20 YEARS OF SERVICE
- Jeffrey H. Renck, Maintenance Worker II, Public Works
 - Carlos E. Rojas, Police Captain, Police Department
 - Kitty Baker, Senior Office Assistant, Planning & Building
- 25 YEARS OF SERVICE
- James L. Donnelly, Police Officer, Police Department
 - Terry M. Zlateff, Police Sergeant, Police Department
- 30 YEARS OF SERVICE
- Roger A. Jones, Senior Librarian, Parks, Recreation & Community Service

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to 5th Battalion, 14th Marines, 4th Marine Division, Staff Sergeants Oscar I. Camarena and Mario Perez for collecting and distributing over 100,000 toys for the Toys for Tots program.

PROCLAMATION presented by COUNCILMEMBER BENAVIDES to Dr. DeVera Heard in recognition of Black History Month.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER TINAJERO to Margarita Rosette, Principal of Cesar E. Chavez High School, for being selected as a Golden Bell Award recipient.

CLOSED SESSION REPORT – None.

PUBLIC COMMENT ON AGENDA ITEMS

- Mike Tardiff spoke in opposition to the recommended action on Item 13C; and
- Alex Vega recounted a personal matter which occurred in the City over 17 years ago.

CONSENT CALENDAR ITEMS

MOTION: Approve staff recommendations on Consent Calendar Items 10A through 31A with the following modifications:

- Mayor Pro Tem Alvarez voted “no” on Item 19C and pulled Items 23A and 23B for separate discussion.

MOTION: Martinez

SECOND: Sarmiento

VOTE: **AYES:** Alvarez, Benavides, Bustamante, Martinez,
Sarmiento, Tinajero, Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

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 OF THE REGULAR MEETING OF JANUARY 19, 2010 - Clerk of the Council Office

MOTION: Approve Minutes.

BOARDS / COMMISSIONS / COMMITTEES

- 13A APPOINTMENT - HISTORIC RESOURCES COMMISSION - Clerk of the Council Office

MOTION: Appoint Laurence Hitterdale (Ward 1 resident) to the Historic Resources Commission nominated by Councilmember Sarmiento as the Ward 1 representative for a term expiring December 4, 2012. (replacing P. Schaefer).

- 13B REAPPOINT SANTA ANA WORKFORCE INVESTMENT BOARD MEMBERS - Community Development Agency

MOTION: Reappoint Benjamin Blank, Patricia Carter, John Didion, Eduardo Figueroa, Bob Fischer, Tefere Gebre, Ana Jimenez-Hami, Gregory Lewis, and Daniel Solkamans.

- 13C REMOVAL OF WARD 2 COMMISSION MEMBER FROM THE HISTORIC RESOURCES COMMISSION - Clerk of the Council Office

Pursuant to Santa Ana Charter Section 901, a board or commission member may be removed by the City Council by the affirmative votes of a majority of the Council.

Continued from the January 19, 2010 City Council meeting by a vote of 6-0 (Benavides absent).

MOTION: Remove the Ward 2 representative from the Historic Resources Commission.

MISCELLANEOUS ADMINISTRATION

- 19A CLOSED SESSION REPORT - None.

- 19B EXCUSED ABSENCES - None.

19C DESTRUCTION OF OBSOLETE CITY RECORDS (City Manager's Office and Finance and Management Services) - Clerk of the Council 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 recorded a "no" vote on Item 19C

19D QUARTERLY REPORT OF CONTRACTS ENTERED INTO BY THE CITY MANAGER - Finance & Management Services

MOTION: Receive and file the Quarterly Report of Contracts entered into between October 1 2009 and December 31, 2009 valued at \$25,000 and less.

19E QUARTERLY REPORT OF INVESTMENTS AS OF DECEMBER 31, 2009 - Finance & Management Services

MOTION: Receive and file.

BUDGETARY MATTERS

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

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

22A SPEC. NO. 06-190 - ROCK, SAND AND AGGREGATE BASE MATERIALS - Renew the contract with West Coast Sand & Gravel for a one-year period in an annual amount not to exceed \$50,000 (Public Works Agency) - Finance & Management Services

22B SPEC. NO. 09-059 - WATERWORKS FITTINGS AND SUPPLIES - Award contracts for a one-year period, with provision for four, one-year renewals in the annual amounts as follows:

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
H.D. Supply Waterworks	Santa Ana	\$35,000
S&J Supply Co., Inc	Santa Fe Springs	\$30,000

22C SPEC. NO. 09-065 - LITERACY STATION LAPTOPS - Award a contract to Advanced Workstations in Education, Inc. (AWE) in an amount of \$34,001.25 (Parks, Recreation., and Community Services Agency) - Finance & Management Services

22D SPEC. NO. 08-059 - INSTALLATION OF VIDEO SECURITY SYSTEM - Amend the contract with LDM Engineering Inc. in an amount not to exceed \$70,000 (Police Department) - Finance & Management Services

PROJECTS/CHANGE ORDERS

23A CONTRACT AWARD FOR MID CITY NEIGHBORHOOD IMPROVEMENTS AND EDINGER AVENUE IMPROVEMENTS (PROJECT NOS.10-7554 AND 07-7577) - (Community Development Agency) - Public Works Agency

MOTION:

- 1. Award a contract to All American Asphalt, the lowest responsible bidder, in accordance with unit bid lump sum prices for the base bid plus add-on alternate one in the estimated amount of \$1,310,298 for construction of Mid City Neighborhood Improvements and Edinger Avenue Improvements.**
- 2. Approve a Funding Analysis with a total estimated construction cost of \$1,764,768.**

MOTION: Alvarez

SECOND: Tinajero

VOTE:

AYES:

Alvarez, Benavides, Bustamante, Martinez, Sarmiento, Tinajero, Pulido (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

23B CONTRACT AWARD FOR RESIDENTIAL STREET REPAIR - PHASE 12 (PROJECT NO. 10-6718) - Public Works Agency

MOTION:

1. Award a contract to All American Asphalt, the lowest responsible bidder, in accordance with unit bid prices for the base bid plus add-on alternate one in the estimated amount of \$2,929,195 for construction of Residential Street Repair – Phase 12.
2. Approve a Funding Analysis with a total estimated construction cost of \$3,515,000.
3. Approve an appropriation adjustment. *(Requires five affirmative votes)*

APPROPRIATION ADJUSTMENT NO. 10-077 - Recognizing unanticipated revenues and reimbursements from tenants at the Santa Ana Regional Transportation Center in the amount of \$76,950 in various revenue accounts and appropriating \$76,950 to pay for parking lot surface repairs.

MOTION: Alvarez

SECOND: Tinajero

VOTE:

AYES:

Alvarez, Benavides, Bustamante, Martinez, Sarmiento, Tinajero, Pulido (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

SPECIAL PRESENTATION - Congresswoman Loretta Sanchez updated the Council on Congressional accomplishments related to the City of Santa Ana over the past year and reviewed funding of various projects which impacted the community.

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. (Item 25A through 25F)

25A

AGMTS - ON-CALL ENGINEERING SERVICES FOR WATER AND SEWER PROJECTS - Execute a second amendment with the following companies in an amount of \$200,000 for each firm - Public Works Agency

- AGMT NO. 2010-010 - Tetra Tech, Inc.
- AGMT NO. 2010-011 - Psomas Engineering

- 25B AGMT NO. 2010-012 - WATER SYSTEM PROGRAMMING AND ENGINEERING - With CPC Powertec, Inc. in an amount not-to-exceed \$55,000 - Public Works Agency
- 25C AGMT NO. 2010-013 - SEWER SYSTEM FATS, OILS AND GREASE CONTROL PROGRAM SUPPORT - Execute an amendment with Environmental Engineering and Contracting, Inc. for a six-month term in an amount of \$90,000 - Public Works Agency
- 25D AGMT NO. 2010-014 - EQUIPMENT, SOFTWARE, & TRAINING SERVICES – Execute an amendment with Geospatial Technologies, Inc. for \$30,539, and a total contract amount not to exceed \$355,045 - Police Department
- 25E AGMT NO. 2010-015 - INMATE FOOD SERVICES - Execute an amendment with Aramark Correctional Services, Inc. in an amount not to exceed \$1,433,835 for a one-year term - Police Department
- 25F AGMT NO. 2010-016 - UTILITY BILLING SOFTWARE MAINTENANCE - Execute an amendment with Systems and Software, Inc. in an amount not to exceed \$129,000 with provision for two, one year renewals with an annual increase not to exceed 4% - Finance & Management Services
- 25G AGMT NO. 2010-017 - VENDING TRUCK SERVICES AT THE DAN YOUNG SOCCER COMPLEX - With Gisela's Mexican Food - Parks, Recreation & Community Services Agency

MOTION:

- 1. Execute an agreement with Gisela's Mexican Food.**
- 2. Approve an appropriation adjustment. (*Requires five affirmative votes*)**

APPROPRIATION ADJUSTMENT NO. 10-081 - Recognizing projected revenue in the amount of \$4,500 in the Recreation Special Fees and Donations revenue account and appropriate the same to the Recreation Special Fees and Donation expenditure account.

LAND USE MATTERS

CONDITIONAL USE PERMIT / VARIANCES

31A CONDITIONAL USE PERMIT NO. 2009-23 TO ALLOW A RETAIL MARKET TO OPERATE BETWEEN 12:00 MIDNIGHT AND 5:00 A.M. AT THE QWIK CORNER LIQUOR & CONVENIENCE STORE - 3960 S. MAIN STREET, UNIT D - Planning and Building Agency

Recommended Action approved by the Planning Commission on January 11, 2010 by a 6-0 vote.

Applicant: Nadir Shounia

MOTION: Receive and file the staff report approving Conditional Use Permit No 2009-23 as conditioned.

****END OF CONSENT CALENDAR****

BUSINESS CALENDAR ITEMS

RESOLUTIONS

55A ENTERPRISE ZONE EXPANSION APPLICATION - Community Development Agency

MOTION: Adopt a resolution.

RESOLUTION NO. 2010-003 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE EXPANSION OF THE ENTERPRISE ZONE

MOTION: Alvarez **SECOND:** Martinez

VOTE: **AYES:** Alvarez, Benavides, Bustamante, Martinez, Sarmiento, Tinajero, Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

PUBLIC HEARINGS

75A ORDINANCE AMENDMENT NO. 2009-02 TO AMEND CHAPTER 30 OF THE SANTA ANA MUNICIPAL CODE TO ESTABLISH A NEW APPLICATION FEE FOR THE PRIVATE PARTY NOMINATION OF PROPERTIES OF THE SANTA ANA REGISTER OF HISTORICAL PROPERTIES - Planning and Building Agency

Legal Notice published in the O.C. Reporter on October 23, 2009 and October 28, 2009.

Continued from the November 2, 2009 City Council meeting by a vote of 7-0. Continued from the January 4, 2010 City Council meeting by a vote of 7-0.

Staff presentation given by Jay Trevino, Executive Director of the Planning and Building Agency.

The Mayor opened the Public Hearing; there was no written communication received.

Public speakers Phil Chinn and Cynthia Ward spoke in opposition of the ordinance related to an application fee to register historical properties.

The Mayor closed the Hearing.

MOTION:

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

ORDINANCE NO. NS-2802 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 30 OF THE SANTA ANA MUNICIPAL CODE TO AUTHORIZE AN APPLICATION AND APPEAL FEE TO BE CHARGED TO APPLICANTS SEEKING TO ADD A PROPERTY TO THE CITY'S REGISTER OF HISTORIC PLACES

2. Adopt a resolution.

RESOLUTION NO. 2010-004 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING AN APPLICATION FEE FOR PROCESSING OF APPLICATIONS SEEKING TO ADD A PROPERTY TO THE CITY'S REGISTER OF HISTORIC PLACES

MOTION: Alvarez

SECOND: Martinez

VOTE:

AYES:

Alvarez, Bustamante, Martinez, Sarmiento, Tinajero, Pulido (6)

NOES: Benavides (1)

ABSTAIN: None (0)

ABSENT: None (0)

75B MODIFICATIONS TO VARIANCE NO. 2004-09 FOR THE PROOF BAR -
215 NORTH BROADWAY - JUSTIN REUTER AND JOEY MENDES,
APPLICANTS - Planning and Building Agency

At the January 4, 2010 City Council meeting this matter was set for Public Hearing by a vote of 7-0.

Legal Notice published in the O.C. Reporter on January 22, 2010 and notices mailed.

Staff presentation given by Jay Trevino, Executive Director of the Planning and Building Agency.

The Mayor opened the Public Hearing; there was no written communication received.

Public speakers Dirk Pitchell, Thomas Gordon, Sean Collidge, Joey Mendes, Justin Renter and Aldofo Lopez spoke in support of the resolution related to granting of modifications for the property at 215 North Broadway.

The Mayor closed the Hearing.

MOTION: Adopt resolution with the following amended conditions:

8. An alcohol-pouring device used to control portions must be attached to any champagne or distilled spirits when sold by the bottle. *Additionally, only qualified employees may pour drinks from this bottle and the bottle may not remain at the patron's table.*
29. The conditional use permit *and variance* shall be reviewed at 90 days, six months, at one year and then annually thereafter by the Police Department ~~for any modifications to the conditions of approval to determine compliance with all conditions of approval and other requirements. Violations will result in the scheduling of revocation proceedings for the conditional use permit and variance.~~
36. *To ensure enforcement prohibiting underage drinking, the applicant shall scan the ID of each patron into an ID scanner system prior to the*

patron being granted entry into the premises, The ID scanner system must be reviewed and approved by the Police Chief.

37. *The rear doors into the alley shall be for emergency egress only and shall be alarm equipped. This requirement shall be suspended for an initial period of six (6) months to permit unrestricted access to the alley by business patrons. This period of suspension may be extended in six (6) months increments by the Police Chief and Executive Director of Planning and Building if they find no adverse impacts of such use.*

RESOLUTION NO. 2010-005 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA GRANTING MODIFICATIONS TO VARIANCE NO. 2004-09 FOR A TYPE 48 "PUBLIC PREMISES" ALCOHOLIC BEVERAGE CONTROL LICENSE FOR THE PROPERTY LOCATED AT 215 NORTH BROADWAY

MOTION: Martinez

SECOND: Sarmiento

VOTE:

AYES:

Alvarez, Benavides, Bustamante, Martinez, Sarmiento, Tinajero, Pulido (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

COUNCIL RECESSED TO THE COMMUNITY REDEVELOPMENT AGENCY AT 9:04 P.M. FOLLOWED BY THE HOUSING AUTHORITY MEETING AT 9:06 P.M.

COUNCIL RECONVENED WITH ALL MEMBERS PRESENT

COMMENTS

90A CITY MANAGER'S COMMENTS

City Manager, David Ream, commented on the upcoming 30th anniversary of the City's purchase of the Santora Building

90B CITY COUNCILMEMBER COMMENTS

Councilmember Tinajero

- Thanked staff for their efforts during the recent rain storms;

- Congratulated the Police Department on the drop in the City crime rate and thanked the leadership of the agency for their effort;
- Reminded all of the current baseball registration taking place throughout the City at local parks.

Councilmember Benavides

- Invite the community to three events taking place in the community. His monthly community hours at Jerome Park in the Senior Center Saturday, February 6, 2010 from 9:00 a.m. to 2:00 p.m.; Black History month celebration takes place Saturday, February 6, 2010 from 9:00 a.m. to 4:00 p.m. in the parking lot located at Civic Center and Flower Street; "Memories of the 16th President" takes place at 211 Civic Center from 10:00 a.m. to 4:00 p.m., and there will be an Open House for Kids Day;
- Commended the Police Department and other agencies for their efforts to keep neighborhoods safe.

Mayor Pro Tem Alvarez

- Wished all a Happy Valentine's Day and invited the community to celebrate in downtown Santa Ana.

Councilmember Sarmiento

- Thanked the Executive Director of Community Development and staff for their efforts to obtain \$10 million in funds for the City's housing programs;
- Asked staff to research the impact of the early-release of prisoners program on the City of Santa Ana as well as level of offenders released and drop-off points.

Councilmember Martinez

- Requested that we adjourned in memory of Jonathan Green, a Public Works Agency employee, who passed away on January 27, 2010;
- Thanked the Executive Director of Community Development and staff for their efforts in the economic redevelopment of the City and the outreach done;
- Invited the community to the Black History Month celebration and commented on a recent visit to the Brown Temple celebration of being established in the City since 1974;
- Commented on the Public Safety Committee's efforts to combat graffiti. Requested more GIS data to target areas impacted by graffiti;
- Invited the public to apply for the Redistricting Commission before the February 12, 2010 deadline at www.wedrawthelines.ca.gov

Councilmember Bustamante

- Commented on the large amount of graffiti along the Bristol Street Corridor and stated the area needs more attention especially for the newly constructed block walls;

- Thanked staff for their efforts during the recent rain storms.

Mayor Pulido

- Congratulated Councilmember Bustamante on the his recent promotion as the Director of Orange County Facilities and Administration for the County of Orange, overseeing all Orange County facilities and over 500 employees;
- Stated the next Council Meeting will be a Work Study Session to be held in the Council Chamber on Tuesday, February 16, 2010;
- Adjourned in memory of Jonathan Green, a Public Works Agency employee, who passed away on January 27, 2010.

ADJOURNMENT – 9:23 p.m. to the next meeting of the City Council is scheduled for Tuesday, February 16, 2010 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Business Meeting in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

In Memory of Jonathan Green

Maria D. Huizar
Maria D. Huizar,
Clerk of the Council