

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

AUGUST 2, 2010

CLOSED SESSION MEETING

CALLED TO ORDER

CITY HALL
20 CIVIC CENTER PLAZA, 8TH FLOOR
SANTA ANA, CA
5:14 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL A. PULIDO, Mayor
CLAUDIA ALVAREZ, Mayor Pro Tem (5:35
p.m.)
P. DAVID BENAVIDES (5:20 p.m.)
CARLOS BUSTAMANTE
MICHELE MARTINEZ
VINCENT F. SARMIENTO
SAL TINAJERO (5:31 p.m.)

ABSENT:
NONE

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 LIABILITY CLAIMS pursuant to Government Code Section 54956.95

Claimants: Claim No. 2010-101: Rose Ann Trujillo

1B. PUBLIC EMPLOYEE APPOINTMENT pursuant to Government Code
Section 54957

Fire Chief

1C CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Agency Negotiators: Personnel Services Executive Director, Kathie Gonzalez

Employee Organizations: 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
Confidential Association of Santa Ana

ADJOURNED

5:59 P.M.

REGULAR CITY COUNCIL MEETING

CALLED TO ORDER

COUNCIL CHAMBER
22 CIVIC CENTER PLAZA
SANTA ANA, CA
6:05 P.M.

ATTENDANCE

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

ABSENT:
NONE

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

PLEDGE OF ALLEGIANCE

Mayor Pulido

INVOCATION

Bob Barnett, Police Chaplain

PRESENTATIONS

CERTIFICATE OF RECOGNITION presented by MAYOR PULIDO to Aura Carrillo for winning the Gates Millennium Scholarship.

CITY TILE presented by MAYOR PULIDO to Mike Hood for his service on the Workforce Investment Board (WIB).

CERTIFICATE OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Huver Mirando for his generous donation of \$5000 to Kidsingers.

PROCLAMATION presented by MAYOR PRO TEM ALVAREZ to Santa Ana Police Officer Kenny Aguilar for going above and beyond for his friend and fellow Officer the late Amadu Kabia.

ABSTAIN: None (0)

ABSENT: None (0)

*Council requested that speakers refrain from offensive language, personal attacks, and only make factual comments.

- Connie Hamilton, commented on American Independence Day Committee recognition and requested council remain united.
- Anne Menaldo, member of the American Independence Day Celebration Committee, commented on events at the Celebration and offered assistance with next year's celebration.
- Sebastian XZavier and Anna Valencia Verdin, reported traffic issues on 19th Street that caused dog to be run over and nearly hurt grandfather; proposed speed bumps. Mayor directed issue to Public Works Agency.

CONSENT CALENDAR

MOTION: Approve staff recommendations with the following modifications on the Consent Calendar Items 10A through 25F:

- City Attorney Fletcher stated that item 11A (Second Reading of Ordinance) has typo on version attached to the Agenda Packet regarding prevailing wage and job opportunities. Section 5.8.1a omitted "qualified Santa Ana and surrounding community residents".
- Councilmembers Benavides, Bustamante, and Martinez abstained on item 11A.
- Councilmember Martinez recorded an abstention on Item 25D for perception reasons since she held fundraisers at location.
- Mayor Pulido recorded an abstention on Item 25D for receiving political contribution from applicant.
- Councilmember Benavides requested language on Minutes of July 19, 2010 be revised as follows: Councilmember Benavides excused himself from proceedings of Agenda Item 75A due to a conflict of interest (**applicant has indicated that the bank, which is Benavides' employer, will be participating in the financing of this project** ~~employer has a loan with developer~~). He did not participate in consideration of this item and left the dais at 7:15 p.m.
- Mayor Pro Tem Alvarez requested a continuance on Item 23A for 2 weeks.
- Mayor Pro Tem Alvarez recorded a "no" on Item 19C.
- Mayor Pro Tem Alvarez pulled Item 10A for separate discussion.

ORDINANCE NO. 2806 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA ANA AND ONE BROADWAY PLAZA, LLC, 1200 N. MAIN, LLC, AND 845 BROADWAY, LLC

BOARDS / COMMISSIONS / COMMITTEES

13A APPOINTMENT TO THE SANTA ANA WORKFORCE INVESTMENT BOARD - Community Development Agency

MOTION: Appoint Ms. Niko Everett, President of Career College of California, as a private sector member on the Santa Ana Workforce Investment Board.

MISCELLANEOUS ADMINISTRATION

19A CLOSED SESSION REPORT - City Attorney's Office

MOTION: Approve settlement in the amount of \$6,850.92 for Liability Claim No. 2010-101: Rose Ann Trujillo.

19B EXCUSED ABSENCES – None

19C DESTRUCTION OF OBSOLETE CITY RECORDS (City Manager's Office, Finance & Management Services and Personnel Services Agency) - 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 INVESTMENTS AS OF JUNE 30, 2010 – Finance & Management Services

MOTION: Receive and file.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A APPROPRIATION ADJUSTMENT ACCEPTING THE OFFICE OF TRAFFIC SAFETY GRANT - Police Department

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

APPROPRIATION ADJUSTMENT NO. 2011-020 – Accepting the California Office of Traffic Safety, DUI Enforcement and Awareness Program Grant in the amount of \$291,500 into the revenue account and appropriate same into the California Office of Traffic Safety, DUI Enforcement and Awareness Program expenditure accounts

20B APPROPRIATION ADJUSTMENT ACCEPTING DONATION FROM WOMAN’S CLUB OF SANTA ANA - Police Department

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

APPROPRIATION ADJUSTMENT NO. 2011-019 - Accepting a donation from the Woman’s Club of Santa Ana funds of \$5,000 in revenue account to increase the Police Department’s Gifts and Donations

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

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

22A SPEC. NO. 09-036 -TRANSPORTATION SERVICES FOR THE SENIOR CENTERS - Renew the contract with JFK Transportation for a one-year period in an annual amount not to exceed \$40,000 (Parks, Recreation & Community Services Agency) - Finance & Management Services

22B SPEC. NO. 07-060 - BLOOD AND BREATH TECHNICIAN SERVICES - Renew the contract with California Forensic Phlebotomy, Inc., in an annual amount not to exceed \$120,000 (Police Department) - Finance & Management Services

22C SPEC NO. 08-60 – TRAFFIC LINE PAINTING AND TRAFFIC SIGN MAINTENANCE - Renew the contract with Orange County Striping Service, Inc., for a one-year period in an annual amount not to exceed \$440,275 (Public Works Agency) - Finance & Management Services

PROJECTS/CHANGE ORDERS

23A CONTRACT AWARD FOR SR55/MACARTHUR BOULEVARD RAMPS
WIDENING - Public Works Agency

MOTION: Continue consideration of matter for 2 weeks.

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. (Items 25A through 25F)

25A AGMT NO. 2010-137 - AUTOMATED BOOKING SYSTEM - Execute an amendment with Abbey Group, Inc. in an amount not to exceed \$57,492.47 - Police Department

25B AGMT NO. 2010-138- BOOKING SOFTWARE – Execute an amendment with KCC Knowledge Computing (formerly known as Visiphor Corporation) for an additional one-year period in an amount not to exceed \$57,500 - Police Department

25C ONE-STOP PARTNERS – (Community Development Agency) - Execute Memorandums of Understanding in substantial conformity with the following mandated One-Stop partners:

- AGMT NO. 2010-139- State of California Employment Development Department
- AGMT NO. 2010-140 - Orange County Social Services Agency
- AGMT NO. 2010-141 - Asian American Senior Citizens Service Center
- AGMT NO. 2010-142 - Goodwill Industries of Orange County
- AGMT NO. 2010-143- State Department of Rehabilitation
- AGMT NO. 2010-144 - Rancho Santiago Community College District/Santa Ana College
- AGMT NO. 2010-145 - Santa Ana Unified School District/Central County Regional Occupational Program
- AGMT NO. 2010-146 - Community Action Partnership of Orange County
- AGMT NO. 2010-147 - Santa Ana One-Stop Center
- AGMT NO. 2010-148 - Southern California Indian Center

25D AGMT NO. 2010-149 - CONCESSION SERVICES AT THE SANTA ANA STADIUM – With Karmina Restaurant and Grill - Parks, Recreation & Community Services Agency

*Councilmember Martinez and Mayor Pulido recorded an abstention on Item 25D.

25E BRISTOL STREET CORRIDOR (PROJECT NO. 08-1700) - Public Works Agency

- AGMT NO. 2010-150 – With Luna Family Trust for the purchase of the property located at 304-306 North Bristol in the amount of \$1,145,000.
- AGMT NO. 2010-151 – With Fa Chou Ung Trust, U.D.T., dated April 15, 2005, for the purchase of the property located at 510 North Bristol in the amount of \$1,700,000.
- AGMT NO. 2010-152 – With Rafael C. Ramos and Yolanda Ramos for the purchase of a portion of property located at 415 – 417 North Bristol, in the amount of \$150,000.
- AGMT NO. 2010-153 – With Tony's Lock and Safe for relocation settlement for the property located at 304-306 North Bristol in the amount of \$255,000.

25F AGMT NO. 2010-154 - FRIENDS OF THE SANTA ANA ZOO - Execute an amendment with the Friends of Santa Ana Zoo - Parks, Recreation & Community Services Agency

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

BUSINESS CALENDAR

RESOLUTIONS

55A RESOLUTION - A RESOLUTION OF INTENT TO ISSUE BONDS - DOWNTOWN PARKING FACILITIES - Community Development Agency

AMENDED MOTION: Adopt a resolution with amendment to include water and other infrastructure needs as it relates to improvements.

RESOLUTION NO. 2010-039 - RESOLUTION AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS IN CONNECTION WITH THE PROPOSED FINANCING OF PUBLIC PARKING FACILITY IMPROVEMENTS, EXPRESSING OFFICIAL INTENT REGARDING CERTAIN CAPITAL EXPENDITURES TO BE REIMBURSED WITH PROCEEDS OF OBLIGATIONS AND RETAINING A FINANCIAL ADVISOR, AN UNDERWRITER, BOND COUNSEL AND DISCLOSURE COUNSEL

MOTION: Tinajero

SECOND: Sarmiento

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

COUNCIL RECESSED TO THE COMMUNITY REDEVELOPMENT AGENCY AT 7:47 P.M., FOLLOWED BY THE HOUSING AUTHORITY MEETING AND RECONVENED AT 7:48 P.M. WITH SAME MEMBERS PRESENT

COMMENTS

90A CITY MANAGER'S COMMENTS – None

90B CITY COUNCILMEMBER COMMENTS

Councilmember Tinajero:

- Commented that Council is supportive of American Independence Day Celebration, but not recognition given to a member of the Committee for Minutemen affiliation.

Councilmember Benavides:

- Invited community to attend following events taking place on Saturday, August 7th: Monthly Community Office Hours at Southwest Senior Center at Jerome Park; Centro Cultural de Mexico on 5th and Broadway hosting Open House; and Artist Village hosting monthly Open House.
- Thanked all the speakers for comments made on American Independence Day Committee recognition; appreciates clarification and goals of the event; noted that Minuteman member had served on a commission in the past and was approved by the Council.

- Looking forward to City sponsored event next year where community will be united.

Mayor Pro Tem Alvarez:

- Clarified that recognition to the American Independence Day Celebration Committee members was done in disregard of council policy not to have presentations at 2nd meeting of the month and against council support; a member of the Committee was given opportunity by Council to serve on commission, but failed; noted that certificates to individual committee members were sent.

Councilmember Bustamante:

- Apologized for missing last council meeting was in Cambridge, Massachusetts for training.
- Thanked public speakers for comments and committed to chairing 2011 Independence Day celebration event; welcomed assistance; Holiday celebrates greatness and freedom of Country.

Councilmember Martinez:

- Excuse her absence from last meeting; first meeting missed in 4 years; attended conference in Washington D.C. with NALEO on immigration rights.
- Asked Council to work in unity, set differences aside, for the good of the City.

Councilmember Sarmiento:

- Noted that Minutes from previous meeting should be corrected to more accurately reflect Council's support of American Independence Day celebration event.
- Directed City Attorney to include in the Grand Jury Report response, both in the findings and recommendations, City's challenge and inquiry into the process used to formulate the report; due to a potential conflict of interest by a grand juror, the integrity of the report might have been compromised; other grand juries have been challenged on demography of jurors; the way the grand jury convened and the report was generated was likely flawed.
- Thanked all who attended event on Saturday at the temporary lot on Standard and McFadden.

Mayor Pulido:

- Respects civility and common ground shared by Council.
- Recommended Council/staff committee be established to organize next year's 4th of July Celebration.
- Invited all to attend Annual Concert at Morrison Park on August 21 from 6-10 p.m.

Councilmember Benavides:

- Supports recognition given to American Independence Day Celebration Committee for efforts in organizing event.
- Noted that Census 2010 preliminary report indicates that City response low and encouraged residents to work with interviewers, if contacted.


Mayor Pro Tem Alvarez:

- Invited Police Chief Walter to discuss "National Night Out" taking place August 3rd at Davis Elementary School from 4-7 p.m.

Councilmember Martinez:

- Thanked Chief Walters and staff for organizing event and for all their efforts.

ADJOURNED - 8:40 P.M. The next meeting of the City Council is scheduled for Monday, August 16, 2010 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Business Meeting.


Maria D. Huizar,
Clerk of the Council