

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

FEBRUARY 22, 2011

CLOSED SESSION MEETING

CALLED TO ORDER

POLICE CHIEF'S CONFERENCE ROOM
60 CIVIC CENTER PLAZA, 4TH FLOOR
SANTA ANA, CA
5:23 P.M.

ATTENDANCE

COUNCILMEMBERS Present:
MIGUEL PULIDO, Mayor
CLAUDIA ALVAREZ, Mayor Pro Tem (5:32
p.m.)
P. DAVID BENAVIDES (5:25 p.m.)
CARLOS BUSTAMANTE
MICHELE MARTINEZ
VINCENT F. SARMIENTO
SAL TINAJERO (5:25 p.m.)

COUNCILMEMBERS Absent:
None

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

PUBLIC COMMENTS

- Chris Prevatt commented on the accessibility and transparency of Closed Session Meetings.

CLOSED SESSION ITEMS

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

Bruce Guy vs. City of Santa Ana
WCAB Case Number(s) AHM0140685, et al.

Debra Cook v. City of Santa Ana
Orange County Superior Court Case No. 30-2010 00364325

Yasmin Escobar v. City of Santa Ana
United States District Court Case No. CV10-6519

State Farm Fire and Casualty v. City of Santa Ana
Orange County Superior Court Case No. 30-2009-00124791

1B CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
pursuant to Government Code Section 54956.9(c) - 1 matter

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

Agency Negotiators: Personnel Services Executive Director,
Kathie Gonzalez

Employee Organizations: Santa Ana Police Officer's Association
Santa Ana Service Employees International
Union (SEIU) Part-time Civil Service

1D PUBLIC EMPLOYEE EMPLOYMENT AND APPOINTMENT pursuant to
Government Code Section 54957(b)(1)

Title: City Attorney

1E PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to
Government Code Section 54957

Title: City Manager

CLOSED SESSION REPORT

The City Attorney will report on any action(s) to be taken at the Regular Meeting which will begin immediately following the Closed Session Meeting.

**ADJOURNED THE CLOSED SESSION MEETING AT 6:31 P.M. AND CONVENED TO
THE REGULAR OPEN MEETING**

REGULAR OPEN SESSION

CALLED TO ORDER

POLICE COMMUNITY ROOM
60 CIVIC CENTER PLAZA
SANTA ANA, CA
6:37 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

COUNCILMEMBERS Absent:
None

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

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

CLOSED SESSION REPORT

See item 19A for Report.

PUBLIC COMMENTS

Brad Torgan, representing Silverstein Law Firm, stated he was available to answer questions on item 55A.

ITEM TAKEN OUT OF ORDER

55A. RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT REPORT FOR
SAN LORENZO SEWER LIFT STATION AND APPROVAL OF PROJECT
- Public Works Agency

Continued from the February 7, 2011 City Council meeting by a vote of
7-0.

MOTION: Continue consideration of matter for 45 days (date specific
- April 4, 2011 City Council meeting) as requested by staff.

MOTION: Sarmiento

SECOND: Bustamante

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

PUBLIC COMMENTS – (Continued)

- Bob Stewart, President of Downtown Inc., spoke on behalf of PBID tax supporters, reiterated previous City Council comments regarding Downtown Inc.; expressed Downtown Inc.'s continued support of the enhancement of the Downtown District;
- Herb Rose stated that a petition had been filed to disestablish PBID tax and referenced number of signatures, tax amounts, names and percentage relative the petition; urged City Council to make a decision on matter
- Ralph Allen commented on an increase on his last tax bill; not supportive of the PBID tax; suggested that City consult with the Appeals Court regarding matter;
- Fina Chaves remarked on City ordinance NS-2771, State law authority relative to PBID, and recent PBID correspondence submitted to Council;
- Vicky Baxter, Downtown Inc. Manager, reported on the usage, route and schedule of the Downtown Trolley bus; provided a Downtown Trolley bus brochure
- Jorge Doffo, President of South Main Merchant's Association, acknowledged funding, and Mr. & Mrs. Peebler's involvement with frontage improvement project in the South Main Corridor; expressed Association's continued interest in participating in future programs;
- Nina Jun commented on the merchants, property owners, benefits, funds, and marketing issues relative to the PBID tax matter and urged City Council to disestablish the PBID tax
- Connie Hamilton invited residents and Councilmembers to attend the ComLink meeting on March 3, 2011 at Southwest Senior Center, with Councilmember Benavides serving as a panel participant

CONSENT CALENDAR

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

- Addition of Closed Session Report (Item 19A)
- Councilmember Sarmiento requested a continuance of Item 11A.

MOTION: Tinajero

SECOND: Sarmiento

VOTE:

AYES:

Alvarez, Benavides, Bustamante, Martinez, Pulido,

Sarmiento, Tinajero (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 REGULAR MEETING MINUTES OF FEBRUARY 7, 2011 - Clerk of the Council Office

MOTION: Approve Minutes.

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 ZONING ORDINANCE AMENDMENT NO. 2010-03 TO REQUEST AN AMENDMENT TO CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE (SAMC) IN ORDER TO ESTABLISH A PROCESS WHEREBY PERSONS WITH DISABILITIES MAY REQUEST DEVIATIONS FROM THE CITY'S DEVELOPMENT STANDARDS IN ORDER TO ENSURE THAT THEY MAY HAVE EQUAL OPPORTUNITY TO USE AND ENJOY A DWELLING. Planning and Building Agency

Placed on first reading at the February 7, 2011 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on February 11, 2011.

MOTION: Per City Council request, continue consideration of matter for 30 days. (March 21, 2011 City Council Meeting)

MOTION: Sarmiento **SECOND:** Alvarez

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

11B ORDINANCE TEMPORARILY DEFERRING COLLECTION OF DEVELOPMENT IMPACT FEES - Planning and Building Agency

Placed on first reading at the February 7, 2011 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on February 11, 2011.

MOTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2814 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO TEMPORARILY SUPERSEDE CERTAIN PROVISIONS OF THE SANTA ANA MUNICIPAL CODE AND TO PERMIT DEVELOPERS TO DEFER PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES

BOARDS / COMMISSIONS / COMMITTEES

13A NOMINATED BY COUNCILMEMBER TINAJERO AS THE WARD 6 REPRESENTATIVE FOR A FULL TERM EXPIRING DECEMBER 9, 2014 – Clerk of the Council

MOTION: Appoint.

<u>Name</u>	<u>Board/Commission</u>	<u>Residing Ward</u>
Maricela Vallejo *(Replaces Orea, D.)	Board of Recreation and Parks	6

MISCELLANEOUS ADMINISTRATION

19A CLOSED SESSION REPORT – City Attorney's Office

MOTION: Approve stipulation agreement, permanent disability in the amount of \$24,300, in the matter of Bruce Guy vs. City of Santa Ana; WCAB Case Number(s) AHM0140685, et al.

19B EXCUSED ABSENCES - None

19C REQUEST FOR PROPOSALS - PROVIDING PARK LANDSCAPE MAINTENANCE SERVICES - Parks, Recreation & Community Services Agency

MOTION: Authorize the Parks, Recreation and Community Services Agency to issue a Request for Proposals (RFP) to qualified companies to provide landscape maintenance services at City parks, bike trails, and various City properties.

19D REQUEST FOR PROPOSALS - ENVIRONMENTAL SERVICES FOR PRIVATE RESIDENTIAL DEVELOPMENT AT 200 EAST FIRST AMERICAN WAY – Planning Building Agency

MOTION: Authorize the Planning and Building Agency to send a Request for Proposals (RFP) to qualified consulting firms to provide environmental services for proposed private development at 200 East First American Way.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A FEDERAL NEIGHBORHOOD STABILIZATION PROGRAM (NSP 3) - Community Development Agency

Recommended action approved by the Community Redevelopment and Housing Commission on February 15, 2011, by a vote of 5-0 (Bist absent).

MOTION:

1. Approve a substantial amendment to the 2010-2011 Annual Action Plan and authorize its submittal to the U. S. Department of Housing and Urban Development.
2. Authorize the City Manager or his designee, to execute a Neighborhood Stabilization Program 3 application for grant funds in the amount of \$1,464,113, subsequent grant agreement and other necessary documents to the NSP 3 Strategy.
3. Approve an appropriation adjustment. *(Requires five affirmative votes)*

APPROPRIATION ADJUSTMENT NO. 2011-148 - Approve an Appropriation Adjustment recognizing \$1,464,113 in Neighborhood Stabilization Program 3 grant funds and appropriating the same.

4. **Authorize the issuance of a Request for Proposals for program developers.**

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

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

- 22A SPEC. NO. 06-066 - UNLEADED FUEL AND OIL PRODUCTS - Renew the contract with G.P. Resources, Inc. for a one-year period in an annual amount not to exceed \$990,000 - Finance & Management Services
- 22B SPEC. NO. 06-167 - LIBRARY CATALOGING AND PURCHASE OF BOOKS AND MATERIALS - Renew the contract with Brodart Company for a 17-month period in the amount not to exceed \$422,000 (Parks, Recreation & Community Services) - Finance & Management Services
- 22C SPEC. NOS. 08-073, 09-057, 09-058, 09-059 - FIRE HYDRANTS AND ACCESSORIES, WATER WORKS FITTINGS AND SUPPLIES - Renew the contracts for a six-month period to end of 2010-11 fiscal year in an amount not to exceed an aggregate of \$200,000 with various contractors (Public Works Agency) - Finance & Management Services

Vendor:
Cambridge Brass, Inc.
Ferguson Waterworks
H.D. Supply Waterworks
S & J Supply Company
Inland Water Works Supply
Wells Supply Co.

Location:
Ontario, Canada
Santa Ana
Santa Ana
Santa Fe Springs
San Bernardino
Santa Ana

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 25H)

- 25A AGMT NO. 2011-034 - PURCHASE AND SALE AGREEMENT FOR BRISTOL STREET CORRIDOR (PROJECT NO. 116744) - With the Clover Family Trust, HSMM 2006 Family Trust, and Reza Fassihi for a portion of property located at 1240 West Seventeenth Street in the amount of \$25,000 - Public Works Agency
- 25B AGMT NO. 2011-035 - RIGHT-OF-WAY PROJECT MANAGEMENT SERVICES FOR CIP PROJECTS - With California Property Specialists, Inc. for an amount not to exceed \$250,000 - Public Works Agency
- 25C AGMT NO. 2011-036 - OFFICE SPACE AT THE SANTA ANA REGIONAL TRANSPORTATION CENTER (SARTC) - Execute an amendment with the County of Orange - Public Works Agency
- 25D AGMT NO. 2011-037 - COOPERATIVE AGREEMENT FOR COUNTY'S PROPOSITION 1B ALLOCATION FOR CITY STREETS - With the County of Orange to receive a portion of the County's fourth allocation of Proposition 1B funds for the rehabilitation of Hazard Avenue from Harbor Boulevard to Euclid Street - Public Works Agency
- 25E AGMT NO. 2011-038 - MEMORANDUM OF UNDERSTANDING (MOU) - With Police Management Association (PMA) resulting in a three-year contract extension to the FY 2004-10 MOU, covering July 1, 2010 through June 30, 2013 - Personnel Services Agency
- 25F AGMT NO. 2011-039 - MEMORANDUM OF UNDERSTANDING (MOU) - With Police Officers Association (POA) resulting in a three-year contract extension to the FY 2004-10 MOU, covering July 1, 2010 through June 30, 2013 - Personnel Services Agency
- 25G AGMT NO. 2011-040 - POLICE DEPARTMENT ADULT CROSSING GUARD PROGRAM - Execute an amendment with All City Management Services Inc. (ACMS) in an amount not to exceed \$826,783 - Police Department
- 25H LANDSCAPE MAINTENANCE SERVICES AT CITY PARKS - Parks, Recreation & Community Services Agency
- AGMT NO. 2011-041 - Execute an amendment with DMS Facility Services, to provide landscape maintenance services at five park sites,

extending the term for up to four months in an amount not to exceed \$92,040.

- AGMT NO. 2011-042 - Execute an amendment with Master Landscape, to provide landscape maintenance services at eight additional park sites, extending the term for up to four months for an additional \$36,077 per month for a total agreement amount not to exceed \$868,500.
- AGMT NO. 2011-043 - Execute an amendment with Merchants Landscape, to provide landscape maintenance services at various parks and public facilities, extending the term for up to five months for an additional \$18,762 per month for a total agreement amount not to exceed \$913,194.

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

BUSINESS CALENDAR

RESOLUTIONS

55A ITEM TAKEN OUT OF ORDER

55B MEASURE M COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM – SUBMISSION OF GRANT APPLICATIONS IN THE AMOUNT OF \$20.73M - Public Works Agency

MOTION:

- 1. Adopt a resolution.**

RESOLUTION NO. 2011-005 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM

- 2. Direct staff to amend the seven-year Capital Improvement Program to incorporate the Comprehensive Transportation Funding Program projects list.**

MOTION: Alvarez **SECOND:** Bustamante

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

PUBLIC HEARINGS

75A PUBLIC HEARING - AMENDMENT APPLICATION NO. 2010-01 AND
CONDITIONAL USE PERMIT NO. 2010-15 TO ALLOW A CARE HOME
FOR THE ELDERLY - 1600 EAST FIRST STREET; FILED BY AZURE
PLAZA PARTNERS, LLC - Planning and Building Agency

Continued from the October 4, 2010 City Council meeting by a vote of 7-0;
continued from the December 6, 2010 City Council meeting by a vote of
5-0 (Martinez and Pulido absent) and continued from the February 7, 2011
by a vote of 7-0.

Recommended Action approved by the Planning Commission on
September 13, 2010, by a 7-0 vote.

Legal Notice published in the O.C. Reporter and notices mailed out on
September 24, 2010 and November 19, 2010.

The Mayor opened the Public Hearing at 7:03 p.m. There were no
speakers on the matter and the hearing closed at 7:04 p.m.

Councilmember Sarmiento thanked applicant for accepting proposed
additional Conditions of Approval.

MOTION:

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

ORDINANCE NO. NS-2815 - AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF SANTA ANA ZONING THE PROPERTY
LOCATED AT 1600 EAST FIRST STREET FROM SINGLE FAMILY
RESIDENCE (R1) AND MULTIPLE-FAMILY RESIDENCE (R3) TO
GENERAL COMMERCIAL (C-2) (AA NO. 2010-01)

2. Adopt a resolution as amended to include additional Conditions of Approval. (Amended resolution to be agendized and considered at the March 7, 2011 City Council Meeting);

MOTION: Sarmiento

SECOND: Bustamante

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

THE CITY COUNCIL RECESSED AT 7:05 P.M. TO THE COMMUNITY REDEVELOPMENT AGENCY MEETING, FOLLOWED BY THE HOUSING AUTHORITY MEETING, AND RECONVENED AT 7:07 P.M. WITH SAME MEMBERS PRESENT.

WORK STUDY SESSION

WSA SANTA ANA REGIONAL TRANSPORTATION CENTER PLAN (SARTC) -
Public Works Agency

Raul Godinez II, Executive Director of Public Works introduced project management staff and had David Chau present item.

- Aerial photo of location

Catalysts for Improvements at SARTC

- Introduction of Streetcar, BRT and increased Metrolink Service (circa 2015)
- Enhance pedestrian and bike linkages
- Santa Ana Blvd grade separation
- Transit Oriented Development (TOD)
- Reviewed existing conditions
- Future Streetcar service at SARTC
- Multi-Modal Grade Separation on Santa Ana Blvd.
- Existing Station as heart of future Station District
- Master Plan Components
- Proposed new Transit Station
- Transit Oriented Mixed Use Station
- Multi Modal Grade Separation
 - Pedestrian Plaza

- New Intermodal Facility

SARTC – Next Steps

- Schedule meeting to present SARTC MasterPlan concept to community
- Present SARTC Master Plan concept to County Board of Supervisors
- Present SARTC Master Plan concept to OCTA Board
- Develop media campaign to promote SARTC Master Plan

COMMENTS

90A CITY MANAGER'S COMMENTS – None

90B CITY COUNCILMEMBER COMMENTS

Councilmember Benavides:

- Invited all to upcoming events:
 - ComLink meeting on Thursday, February 24, 2011 at 7:00 p.m. at the Police Community Room;
 - March 3rd ComLink meeting hosted at the Southwest Senior Center to meet with Ward 4 Neighborhood Association members;
 - February 23rd at 7:00 p.m., dedication of a sculpture at Santiago Park;
 - February 25th, dedication of mural at Memorial Park.

Councilmember Bustamante:

- Thanked “Mothers of Floral Park” for hosting event in Downtown Santa Ana;
- Invited all to attend the monthly “Artist Village Art Walk” next Saturday, March 6th;
- Chapter 1 restaurant on 3rd and Broadway to be opening soon; and;
- Wished son, Max Bustamante, a “Happy 4th Birthday”.

Councilmember Martinez:

- Commented on her recent visit to San Antonio, Texas; indicated that Santa Ana by comparison is well maintained relative to graffiti and shopping carts; thanked City staff for efforts.

Councilmember Sarmiento:

- Thanked staff for tonight’s Work Study presentation;
- Commented on movie being filmed at Old Orange County Courthouse; City has historical buildings that have been captured in many movies;

- Remarked on recent graffiti issues targeting the Governor and U.S. President; media reports incidents in Santa Ana, while it is a County issue.

Mayor Pro Tem Alvarez:

- Commented on rapidity of graffiti abatement.

ADJOURNED - 7:52 P.M. - The next meeting of the City Council is scheduled for Monday, March 7, 2011 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Open Business Meeting in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

Maria D. Huizar,
Clerk of the Council