

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

JANUARY 16, 2007

CALLED TO ORDER

COUNCIL CHAMBERS
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
6:02 P.M.

ATTENDANCE:

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

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

Gary Tucker, Police Chaplain

SPECIAL PRESENTATION

Orange County Human Relations Commission Update – Judy Iannaccone, Director,
Communications Rancho Santiago Community College District

PRESENTATIONS

Certificates of Recognition presented by MAYOR PRO TEM BUSTAMANTE to the
Ward 1 candidates for their interest in serving on the Santa Ana City Council.

Certificate of Recognition presented by COUNCILMEMBER ALVAREZ to Brett
Franklin for his contributions in enhancing Santa Ana's urban forest.

CONSENT CALENDAR

Mayor Pulido announced the following modifications to the Consent Calendar:

- Items 13.B. and Item 25.G. pulled to allow members of the public to speak on these items
- Mayor Pulido abstained on Item 19.C. due to the proximity of the Santa Ana downtown business district to his business
- Councilmember Sarmiento abstained on Items 10.A, 10.B. and 19.C.

Motion: Approve staff recommendations on the following Consent Calendar items.

MOTION: Tinajero

SECOND: Alvarez

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

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

- 10.A. REGULAR MEETING MINUTES OF JANUARY 2, 2007
10.B. ADJOURNED REGULAR MEETING OF JANUARY 2, 2007

Councilmember Sarmiento abstained on Items 10.A. and 10.B. because he did not participate in the meeting of January 2, 2007

BOARDS/COMMISSIONS/COMMITTEES

- 13.A. VACANCY REPORT – JANUARY 10, 2007

Motion: The Vacancy Report reflects only appointments made by the Council.

CONSENT CALENDAR

<u>BOARD/COMMISSION</u>	<u>VACANCIES</u>	<u>WARD</u>
Community Redevelopment / Housing Commission	1	Tenant
Environmental & Transportation Committee	1	5
Youth Commission - Regular	1	5
Youth Commission - Alternate	1	3
Library	1	5
Planning Commission	<u>1</u>	1
TOTAL	6	

<u>BOARD/COMMISSION</u>	<u>EXPIRED TERMS</u>	<u>WARD</u>
Community Redevelopment/Housing Commission	4	2,4, 6 & Mayor
Environmental & Transportation Committee	4	2,4, 6 & Mayor
Historic Resources Commission	4	2,4, 6 & Mayor
Human Relations Commission	5	2,4, 6 & Mayor & At Large
Library Board	4	2,4, 6 & Mayor
Parks & Recreation Board	4	2,4, 6 & Mayor
Personnel Board	4	2,4, 6 & Mayor
Planning Commission	4	2,4, 6 & Mayor
Youth Commission – Regular	4	2,4, 6 & Mayor
Youth Commission – Alternate	<u>4</u>	2,4, 6 & Mayor
TOTAL	41	

13.B. APPOINTMENTS

Debbie McEwen spoke on this matter and expressed concern about one of the nominees and his ability to be fair

Motion: Appoint the following individuals to the various boards and commissions:

WARD 2

Art Pedroza to the Community Redevelopment and Housing Commission, nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring on December 14, 2010. (Replacing I. Jauregui)

CONSENT CALENDAR

Brian A. Bist (Resident, Ward 2) to the Environmental & Transportation Advisory Committee nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring on December 14, 2010. (Replacing R. Older)

Jeffrey L. Dickman (Resident, Ward 2) to the Historic Resources Commission, nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring on December 14, 2010. (Replacing P. Cook-Giles)

Patricia M. Lenahan (Resident, Ward 2) to the Library Board, nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring December 14, 2010. (Replacing O. Garza)

Maria-Isabel Rivera to the Personnel Board, nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring on December 14, 2010. (Replacing R. Kirwan)

Mike R. Munoz to the Planning Commission, nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring on December 14, 2010. (Replacing D. Cribb)

Tish Leon (Resident, Ward 2) to the Recreation and Parks Board, nominated by Councilmember Martinez as the Ward 2 representative for a full-term expiring on December 14, 2010. (Replacing R. Christenson)

Mario Guerrero, Jr. (Resident, Ward 2) to the Youth Commission, nominated by Councilmember Martinez as the Ward 2 (Regular) representative for a full-term (Replacing E. Martinez)

Diana S. Lara (Resident, Ward 2) to the Youth Commission, nominated by Councilmember Martinez as the Ward 2 (Alternate) representative for a full-term. (Replacing E. Martinez)

WARD 4

Myriam Tinajero (Resident, Ward 4) to the Human Relations Commission, nominated by Councilmember Benavides as the Ward 4 representative for a full-term expiring on December 14, 2010. (Replacing S. Barrows)

WARD 5

Jose J. Rea to the Library Board, nominated by Councilmember Alvarez as the Ward 5 representative for a term expiring on December 9, 2008. (Replacing L. Ruiz)

CONSENT CALENDAR

Motion: Instruct Clerk to enter postings into the Minutes. (Items 15.A. through 15.H.)

	<u>Council Meeting Agendas</u>	<u>Meeting Date</u>	<u>Posted</u>	<u>Time</u>
15.A.	City Council Agenda	01/02/07	12/28/06	5:20 p.m.
15.B.	Revised City Council Agenda	01/02/07	12/29/06	5:50 p.m.
15.C.	Closed Session City Council Agenda	01/02/07	12/29/06	5:10 p.m.
	<u>Council Committee Agendas</u>	<u>Meeting Date</u>	<u>Posted</u>	<u>Time</u>
15.D.	Cancellation Notice-Main Street Development	01/04/07	12/29/06	5:10 p.m.
15.E.	Cancellation Notice-Public Safety Committee	01/08/07	01/03/07	4:55 p.m.
15.F.	Cancellation Notice-Park Development, Recreation Programs and Education Partnerships	01/09/07	01/04/07	6:10 p.m.
15.G.	Cancellation Notice-Technology	01/10/07	01/05/07	4:40 p.m.
	<u>Boards/Commission Resignations</u>	<u>Effective</u>	<u>Posted</u>	<u>Time</u>
15.H.	Vincent F. Sarmiento, Community Redevelopment/Housing Commission	01/02/07	01/03/07	5:00 p.m.

MISCELLANEOUS ADMINISTRATION

19.A. CLOSED SESSION REPORT

Motion: Approve settlement.

Bradley Barnette, WCAB# RIV42401, etc., Compromise and release, \$85,000

19.B. EXCUSED ABSENCES - None

19.C. DOWNTOWN SANTA ANA BUSINESS IMPROVEMENT DISTRICT 2006 ANNUAL REPORT AND 2007 BUDGET

Motion: 1. Approve the 2006 Annual Report and the 2007 Budget for the Downtown Santa Ana Business Improvement District.

2. Adopt a resolution.

RESOLUTION NO. 2007-010 - A resolution of the City Council of the City of Santa Ana declaring its intention to levy an assessment for the Downtown Santa Ana Business Improvement Area for the year 2007

CONSENT CALENDAR

Mayor Pulido abstained on Item 19.C. due to the proximity of his business to the Downtown Santa Ana Business Improvement District, and Councilmember Sarmiento abstained on Item 19.C. because this matter was considered by the Community Redevelopment and Housing Commission while he was a member.

APPROPRIATION ADJUSTMENTS

20.A. APPROPRIATION ADJUSTMENT ACCEPTING BUREAU OF JUSTICE ASSISTANCE PROGRAM GRANT AWARD FUNDS

- Motion:**
- 1. Direct the City Attorney to prepare and authorize the City Manager and Clerk of the Council to approve a Memorandum of Agreement between the City of Santa Ana Police Department, the City of Westminster, and the Community Services Program (CSP) for the purpose of impacting Human Trafficking. (AGMT NO. 2007-017)**
 - 2. Approve an Appropriation Adjustment. (Requires five affirmative votes)**

APPROPRIATION ADJUSTMENT NO. 07-068 – Accepting United States Department of Justice, Bureau of Justice Assistance, 2006 Human Trafficking Task Force Program Grant funds of \$26,000 in revenue account and appropriate the same to expenditure account.

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

Motion: Award in accordance with Requests for Council Action. (Items 22.A. through 22.B.)

22.A. SPEC. NO. 04-097 – PREVENTATIVE MAINTENANCE FOR DIESEL EXHAUST REMOVAL SYSTEMS – FIRE DEPARTMENT - Renew the contract with Air Cleaning Systems, Inc. for a one-year period in the amount not to exceed \$26,450 – Finance & Management Services Agency

22.B. SPEC. NO. 06-197 - FOR SCREEN-PRINTED CLOTHING – Award contracts for a two-year period with provision for three one-year renewals in the annual amount not to exceed \$70,000 with the following vendors:

Vendor:
Image Printing Solutions
McVicker & Associates
Pacifica T-Shirts
Scott's Screenprinting
Seaside Embroidery

Location:
Irvine
Laguna Hills
Santa Ana
Orange
San Clemente

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.L.)

- 25.A. AGMT NO. 2007-005 - STREET SWEEPING SERVICES AT THE DEPOT AT SANTA ANA – With TSCM for a twelve-month period with two 12-month renewals in an annual amount of \$10,000 - Community Development Agency
- 25.B. AGMT NO. 2007-006 - LANDSCAPING SERVICES - With Specialty Environments Co., Inc. for a two-year period with provision for two-one year renewals, in the annual amount not to exceed \$26,300 - Community Development Agency
- 25.C. AGMT NO. 2007-007 - CUSTODIAL MAINTENANCE SERVICES – Execute an amendment with Pacific Care to increase the contract by \$7,000 for an amount not to exceed \$124,280 - Community Development Agency
- 25.D. AGMT NO. 2007-008 - HEARING OFFICER SERVICES - With Coastal Mediation Services in an amount not to exceed \$30,000 – Planning and Building Agency
- 25.E. AGMT NO. 2007-009 - AGREEMENT FOR LEASED COPIER, MAINTENANCE AND SUPPLIES (SPEC NO. 06-173) - With Danka Office Imaging Company in an annual amount of \$7,000 covering a three-year period, not to exceed \$21,000 - Finance & Management Services Agency
- 25.F. AGMT NO. 2007-010 - PURCHASE AGREEMENTS FOR BRISTOL STREET CORRIDOR (PROJECT 06-1500) – With Leovardo and Maricela Lopez for the purchase of the commercial property located at 522 S. Bristol in the amount of \$533,000 – Public Works Agency
- 25.G. COOPERATIVE AGREEMENT AND APPROPRIATION ADJUSTMENT FOR TRAFFIC SIGNAL MODIFICATION ON EDINGER AVENUE AND MOHAWK DRIVE

Speakers: Tom Lamere, Barbara Lamere, and Steve McGuigan expressed concern that all the neighborhood issues have not been addressed and asked the Council to consider postponing this item so that staff can continue to work with the affected neighborhoods.

Motion: Continue the matter to the February 20, 2007 City Council Meeting

MISCELLANEOUS ADMINISTRATION

LAND USE MATTERS

CONDITIONAL USE PERMIT / VARIANCES

31.A. VARIANCE NOS. 2006-16 THROUGH VARIANCE 2006-24 - 1201-1233 EAST WILSHIRE AVENUE/1401 AND 1439 SOUTH MINNIE STREET

Filed by Orange Housing Development Corporation to obtain a parking variance and allow a reduction in required off-street parking spaces in conjunction with the rehabilitation of existing apartment units in the Light Industrial (M1) zoning district located at 1201-1233 East Wilshire Avenue/1401 and 1439 South Minnie Street.

Recommended Action approved by the Planning commission at its January 8, 2007 meeting by a vote of 4-0 (Cribb, Gartner, absent)

Motion: Receive and file the staff report approving Variance No. 2006-16, Variance No. 2006-17, Variance No. 2006-18, Variance No. 2006-19, Variance No. 2006-20, Variance No. 2006-21, Variance No. 2006-22, Variance No. 2006-23 and Variance No. 2006-24 as conditioned.

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

BUSINESS CALENDAR

50.A. ORDINANCE AMENDING CHAPTER 33 OF THE MUNICIPAL CODE REGULATING NEWSBOXES

Motion: Place ordinance on first reading and authorize publication of title.

ORDINANCE – An ordinance of the City of Santa Ana amending Chapter 33 of the Santa Ana Municipal Code regulating newsboxes in the public right of way

MOTION: Alvarez

SECOND: Tinajero

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

BUSINESS CALENDAR

50.B. PROPOSED EARLY PREVENTION AND INTERVENTION COMMISSION (EPIC)

Motion: Place ordinance on first reading and authorize publication of title.

ORDINANCE – An ordinance of the City Council of the City of Santa Ana establishing the Santa Ana Early Prevention and Intervention Commission

MOTION: Martinez **SECOND:** Alvarez

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

ADMINISTRATIVE MATTERS – BUSINESS CALENDAR

60.A. APPOINTMENTS

Motion: Nominate Mayor Pro Tem Bustamante as the City’s representative to the Orange County Water District Board (Pulido-Benavides)

Motion: Nominate Councilmember Alvarez as the City’s representative to the Orange County Water District Board

The Mayor announced that the nomination of Councilmember Alvarez would be considered first

MOTION: Tinajero **SECOND:** Sarmiento

VOTE: **AYES:** Alvarez, Martinez, Sarmiento, Tinajero (4)

NOES: Benavides, Bustamante, Pulido (3)

ABSTAIN: None (0)

ABSENT: None (0)

Councilmember Alvarez was appointed as the City’s representative to the Orange County Water District Board. No action was taken on motion to nominate Mayor Pro Tem Bustamante.

BUSINESS CALENDAR

Motion: Nominate and appoint Mayor Pro tem Bustamante as the City's representative to the Transportation Corridor Agency

MOTION: Martinez **SECOND:** Benavides

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

Motion: Nominate and appoint Councilmember Sarmiento as the City's alternate representative to the Transportation Corridor Agency

MOTION: Martinez **SECOND:** Benavides

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

Motion: Nominate and appoint Councilmember Tinajero as the City's representative to the Orange County Sanitation District

MOTION: Pulido **SECOND:** Bustamante

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

BUSINESS CALENDAR

Motion: Nominate and appoint Councilmember Benavides as the City's alternate representative to the Orange County Sanitation District

MOTION: Pulido

SECOND: Martinez

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

PUBLIC HEARINGS

75.A. **AMENDMENT APPLICATION NO. 2006-05 TO REZONE A PARCEL FROM PROFESSIONAL (P) TO SINGLE-FAMILY RESIDENCE (R1) AT 1051 WEST THIRD STREET – PMR INC., APPLICANT**

Councilmember Benavides abstained and left the room on Item 75.A. due to recent receipt of campaign contributions from the applicant.

Filed by Chris Miller, to change zoning from Professional (P) to Single Family Residence (R1) and allow construction of a single-family residence at 1051 West Third Street.

Recommended action approved by the Planning Commission at its November 27, 2006 meeting by a vote of 5-0 (Benavides and Betancourt absent)

Legal Notice published in the Orange County Reporter on January 5, 2007 and notices mailed

Staff presentation by Jay Trevino, Planning & Building Agency Executive Director

No written correspondence

Speakers: Scott Hudgins, representing the applicant, spoke in support of this project; public hearing closed.

Motion: Place ordinance on first reading and authorize publication.

COMMENTS

Dave Hoen spoke in opposition to the proposed ordinance regulating superstore retail uses; Laura Morfin expressed concern that final decisions relative to the Flood Control improvement project in the Laurelhurst neighborhood would be made without input from the neighborhood; Steve McGuigan invited the Council and the public to attend the kick off rally for the Relay for Life of Santa Ana event to be held on January 26, 2007 at the Santa Ana Senior Center at 6:00 p.m.; Lisann Martinez expressed concern about the Council action taken related to the Honda dealership

90.B. CITY COUNCIL COMMENTS

Councilmember Sarmiento

- Reported that the legislative meeting presented by the League of California Cities in Sacramento for new councilmembers was very informative
- Asked staff to look at term limit provisions in other jurisdictions in the state and report back to the City Council

Councilmember Martinez

- Announced that the Rubber Boot Race would be held next Saturday at Santiago Park; she announced that she would sponsor five youths in this event and encouraged individuals to call her
- Thanked her colleagues for supporting her in the establishment of the Early Prevention and Intervention Commission (EPIC) and thanked Chief Walters for his efforts in organizing a town hall meeting with the Eastside neighborhood
- Asked staff to follow up on looking at the graffiti removal program which involves the kids responsible for the graffiti
- Noted that the legislative sessions for new councilmembers in Sacramento was very informative
- Asked staff to review the Youth Commission membership requirement that restricts membership to individuals eighteen and under and asked that this provision be changed to age 21

Mayor Pro Tem Bustamante

- Thanked Councilmember Martinez for her leadership in the establishment of the EPIC Commission
- Asked staff to consider around the clock graffiti removal including establishing swing shifts for staff

Councilmember Alvarez

- Encouraged residents interested in being appointed to the EPIC commission to submit applications to the Clerk of the Council
- Encouraged residents to participate in the Rubber Boot Race on Saturday, January 20, 2007

COMMENTS

- Reminded residents that candidate signs can not be placed in public right of ways and asked staff to enforce the ordinance related to the placement of signs

Councilmember Benavides

- Noted that while attending the conference in Sacramento for new Councilmembers, he was able to lobby Assembly member Solorio and Senator Correa on behalf of the City of Santa Ana
- Asked the City Manager to set up a meeting with Ms. Morfin relative to her concerns about the County Flood Control project

Councilmember Tinajero

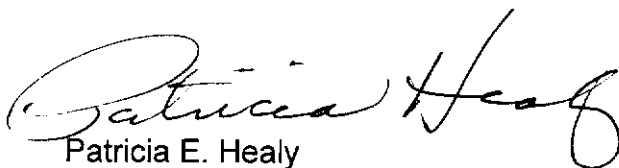
- Congratulated Councilmember Sarmiento for his first meeting as a city councilmember
- Congratulated the newly appointed commission members
- Congratulated Ms. Jane Russo on her appointment as the new Superintendent of the Santa Ana Unified School District

Mayor Pulido

- Asked the Council to adjourn in memory of John Crean, an Orange County philanthropist who made many generous donations to the City of Santa Ana, and also to adjourn in memory of Lee O. Jeffrey
- Reminded residents to vote in the Special election on February 6, 2007

ADJOURNMENT - 7:55 p.m. - To February 5, 2007 - 5:30 p.m. City Hall, Room 831, 20 Civic Center Plaza, Santa Ana, California

In Memory of John Crean and Lee O. Jeffrey



Patricia E. Healy
Clerk of the Council