

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

MAY 7, 2007

CALLED TO ORDER

COUNCIL CHAMBERS
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
6:16 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 W. FLETCHER, City Attorney
PATRICIA E. HEALY, Clerk of the Council

INVOCATION

Gary Tucker, Police Chaplain

EMPLOYEE SERVICE AWARDS

MAYOR PULIDO

Pablo A. Sarabia

20 YEARS OF SERVICE
Police Officer, Police Department

Craig J. Daskalakis

30 YEARS OF SERVICE
Water Systems Operator II, Public Works
Agency

PRESENTATIONS

CERTIFICATES OF RECOGNITION presented by COUNCILMEMBERS MARTINEZ and TINAJERO to Santa Ana Unified School District students recognizing their "A Better Chance" Scholarship Awards.

PROCLAMATION and CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Santa Ana Police Department's Gold Relay Team recognizing their participation in the "2007 Baker-to-Vegas Relay"

PRESENTATIONS

CERTIFICATES OF RECOGNITION presented by COUNCILMEMBERS BENAVIDES and BUSTAMANTE to Mater Dei High School recognizing their: Boys' Basketball State Champions; Girls' Soccer CIF Champions; Girls' Golf CIF Champions; Individual CIF Champion Wrestler; National Champions-Varsity Cheer, National Champions-Varsity Song teams, and Merit Finalists

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER BENAVIDES to Jim Sleeper recognizing his historical contributions and publications on Orange County

PROCLAMATION presented by COUNCILMEMBER BUSTAMANTE to the YMCA of Orange County welcoming them to their new location in Santa Ana

PROCLAMATION presented by COUNCILMEMBER MARTINEZ to Park Santiago Neighborhood Association recognizing May 18, 2007 as Arbor Day in Santa Ana

PROCLAMATION presented by COUNCILMEMBER MARTINEZ proclaiming May 2007 as National Physical Fitness and Sports Month in Santa Ana

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER MARTINEZ to Vico Melgoza recognizing his academic education and acceptance to University of California at Los Angeles

CONSENT CALENDAR

Mayor Pulido announced the following modifications to the Consent Calendar:

- Mayor Pro Tem Alvarez pulled Item 31.A. for separate discussion
- Mayor Pro Tem Alvarez recorded a no vote on Items 22.A and 31.B

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

MOTION: Alvarez

SECOND: Tinajero

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 APRIL 16, 2007
- 10.B. ADJOURNED REGULAR MEETING MINUTES OF APRIL 16, 2007

ORDINANCES/SECOND READING

- 11.A. ORDINANCE AMENDING CHAPTER 2 OF THE MUNICIPAL CODE ARTICLE VII RELATING TO CONTRACTS AND PURCHASING

Placed on first reading at the April 16, 2007 City Council meeting and approved by a vote of 7-0

Published in the Orange County Reporter on April 20, 2007

Motion: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2742 - An ordinance of the City of Santa Ana amending Chapter 2 of the Santa Ana Municipal Code relating to contracts and purchasing

- 11.B. AMEND THE CITY'S CONTRACT WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR CREDIT FOR UNUSED SICK LEAVE

Placed on first reading at the April 16, 2007 City Council meeting and approved by a vote of 7-0

Published in the Orange County Reporter on April 20, 2007

Motion: 1. Receive and file staff report.

2. Continue consideration of ordinance to May 21, 2007.

ORDINANCE - An ordinance of the City Council of the City of Santa Ana authorizing an amendment to the contract between the City of Santa Ana and the Board of Administration of the Public Employees' Retirement System

NOTICE OF PUBLIC HEARING

12.A. ABANDONMENT NO. 06-06: TO VACATE A PORTION OF SYCAMORE STREET BETWEEN 10TH STREET AND WASHINGTON AVENUE

Motion: Adopt a resolution.

RESOLUTION NO. 2007-038 - A resolution of the City Council of the City of Santa Ana declaring its intention to vacate a portion of Sycamore Street between Washington Avenue and 10th Street with or without conditions, setting a public hearing thereon, and directing notice thereof to be posted and published (Abandonment No. 06-06)

2. Set a public hearing for June 4, 2007.

BOARDS/COMMISSIONS/COMMITTEES

13.A. VACANCY REPORT – MAY 2, 2007

The Vacancy Report reflects only appointments made by the Council.

Motion: Receive and file.

<u>BOARD/COMMISSION</u>	<u>VACANCIES</u>	<u>WARD</u>
Community Redevelopment	1	Tenant
Housing Commission		
Youth Commission - Alternate	2	3 & 5
Youth Commission - Regular	1	1
Youth Commission - Associate	6	1,3,4,5,6 & Mayor
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 - Regular	1	4
Youth Commission - Alternate	<u>1</u>	4
TOTAL	7	

CONSENT CALENDAR

- 13.B. BOARDS AND COMMISSIONS ATTENDANCE REPORTS – APRIL 2006 THROUGH SEPTEMBER, 2006 AND OCTOBER, 2006 THROUGH MARCH, 2007

Motion: Receive and File Boards and Commissions Biannual Attendance Reports for the periods of April, 2006 - September, 2006, and, October, 2006 – March, 2007

- 13.C. APPOINTMENTS

Motion: Reappoint.

Reappoint Sandra Palos to the Youth Commission (Regular), nominated by Councilmember Benavides as the Ward 4 representative for a full-term expiring December 14, 2010

FINAL MAP NOTIFICATIONS

Pursuant to Section 34-183 of the Santa Ana Municipal Code, the City Engineer has received this Final Map and is in the process of reviewing the map for final approval. The City Engineer shall approve or disapprove this map within 10 days of the City Council Meeting.

- 17.A. FINAL PARCEL MAP NO. 2004-288 - 1939 SOUTH SUSAN

Motion: Receive and file.

MISCELLANEOUS ADMINISTRATION

- 19.A. CLOSED SESSION REPORT – None

- 19.B. EXCUSED ABSENCES - None

- 19.C. CONSOLIDATED PLAN ANNUAL UPDATE AND AMENDMENT TO THE CITIZEN PARTICIPATION PLAN

Motion: Approve the Consolidated Plan Annual Update and Amendment to the Citizen Participation Plan and authorize the submittal to the U.S. Department of Housing and Urban Development.

- 19.D. QUARTERLY REPORT OF INVESTMENTS AS OF MARCH 31, 2007 – FINANCE & MANAGEMENT SERVICES AGENCY

Motion: Receive and file report.

BUDGETARY MATTERS

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

Motion: Award in accordance with Requests for Council Action. (22.A. – 22.F.)

22.A. SPEC. NO. 04-038 - JANITORIAL SERVICE – PARKS, RECREATION & COMMUNITY SERVICES AGENCY - Renew the contract with DMS Janitorial for a one-year period in the amount not to exceed \$348,544 – Finance & Management Services Agency

Mayor Pro Tem Alvarez voted no on Item 22.A.

22.B. SPEC. NO. 04-063 - CHAIN LINK FENCE RENTALS – PUBLIC WORKS AGENCY - Renew the contract with S&S Rent-A-Fence for a one-year period in an annual amount not to exceed \$70,000 - Finance & Management Services Agency

22.C. SPEC. NO. 05-007 - HEATING, VENTILATION, & AIR CONDITIONING FILTERS - Renew the contract with P. L. Hawn Co., Inc., in an annual amount not to exceed \$40,631 - Finance & Management Services Agency

22.D. SPEC. NO. 06-064 - ELECTRICAL SERVICES - Amend the contract with Williams & Maher, Inc., by \$90,000 for a total amount not to exceed \$290,000 annually - Finance & Management Services Agency

22.E. SPEC. NO. 07-030 - WASTE OIL SYSTEM UPGRADE - Award a contract to California Hazardous Services, Inc., in the amount not to exceed \$58,863 - Finance & Management Services Agency

22.F. SPEC. NO. 07-027 - MOLD REMEDIATION – FIRE DEPARTMENT

Motion: 1. Reject the bid from Wolverine Environmental, Inc., as nonresponsive to the specification.

2. Award a contract to Castlerock Environmental, Inc., for mold remediation at six Fire Stations in the amount not to exceed \$117,062.

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

23.A. CONTRACT AWARD FOR EAST AND WEST RESERVOIR UPGRADES (PROJECT NO. 05-3192)

CONSENT CALENDAR

- Motion:**
1. Award a contract to Paso Robles Tank, Inc., the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$1,151,350 for the East and West Reservoir upgrades.
 2. Approve a Funding Analysis with a total estimated construction cost of \$1,459,100.

23.B. CONTRACT AWARD FOR THE ZOO AT PRENTICE PARK PICNIC AREA AND LIGHTING, DELHI PARK LANDSCAPING, AND CENTENNIAL PARK PICNIC SHELTERS (PROJECT NOS. 06-6378, 06-7905, 06-6376, AND 07-6000)

- Motion:**
1. Award a contract to Fleming Environmental, Inc., the lowest responsible bidder for the base bid plus add-on alternate two in the estimated amount of \$673,870 for construction of the Zoo at Prentice Park Picnic Area and Lighting, Delhi Park Landscaping, and Centennial Park Picnic Shelters.

2. Approve a Funding Analysis with a total estimated construction cost of \$842,300.

3. Approve an Appropriation Adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 07-110 - Recognizing \$156,000 in the Residential Development District 3 revenue account and appropriating this amount the residential Development District 3 expenditure account and recognizing \$74,000 in the Residential Development District 4 revenue account and appropriating this amount to the Residential Development District 4 expenditure account

23.C. REJECTION OF BIDS FOR CITYWIDE SLURRY SEAL (PROJECT NO. 07-1027)

Motion: Reject all bids for the Citywide Slurry Seal project.

23.D. CONTRACT AWARD FOR FAIRVIEW/MACARTHUR INTERSECTION WIDENING AND EDINGER/MOHAWK TRAFFIC SIGNAL MODIFICATION (PROJECT NOS. 05-1707 AND 07-1026)

1. Award a contract to Alliance Streetworks, Inc., the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$668,966 for construction of Fairview/MacArthur intersection widening and Edinger/Mohawk traffic signal modification.

- 2. Approve a Funding Analysis with a total estimated construction cost of \$836,400.**

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. F.)

- 25.A. AGMT NO. 2007-088 - CONSULTING SERVICES - With Sapphos Environmental, Inc., - in an amount not to exceed \$90,000 - Planning & Building Agency
- 25.B. AGMTS - PURCHASE AGREEMENT FOR BRISTOL STREET CORRIDOR (PROJECT 06-1500) - PUBLIC WORKS AGENCY
- AGMT NO. 2007-099 – With Luis Tamalatzki & Monica Cervantes for the purchase of the residential property located at 1242 W. Highland in the amount of \$585,000;
 - AGMT NO. 2007-108– With Myrtis Maddox for the purchase of the residential property located at 1301 Raymar in the amount of \$680,000;
 - AGMT NO. 2007-109– With Raul and Rosa E. Cibrian for the purchase of the residential property located at 717 S. Bristol in the amount of \$690,000;
 - AGMT NO. 2007-110 - With Vision 123 Property Management for the purchase of the commercial property at 1003 S. Bristol in the amount of \$750,000.
- 25.C. AGMT NO. 2007-111- HARDSCAPE CLEANING – With Hydroblast Exterior Cleaning Co. for a two-year agreement, with three one-year renewal options, in an annual amount not to exceed \$208,230 – Parks, Recreation & Community Services Agency
- 25.D. AGMT NO. 2007-112 - DEVELOPMENT USER FEE STUDY, AND FULL COST ALLOCATION PLAN – With Public Resources Management Group in an amount not to exceed \$116,000 – Planning & Building Agency
- 25.E. AGMT NO. 2007-113 - SOFTWARE MAINTENANCE - Execute an amendment with Northrop Grumman Public Safety, Inc., in an amount not to exceed \$46,011 for a one-year term – Police Department

CONSENT CALENDAR

- 25.F. AGMT NO. 2007-114 – HELICOPTER SERVICES – With Airborne Law Enforcement Services Joint Powers Authority in an annual amount not to exceed \$245,000 – Police Department

LAND USE MATTERS

- 31.A. VARIANCE NO. 2007-01 TO REDUCE PARKING STANDARDS FOR A HOME IMPROVEMENT WAREHOUSE AT 1044 EAST FOURTH STREET

Filed by HD Supply to reduce parking standards for a home improvement warehouse in the Heavy Industrial (M-2) zoning district at 1044 East Fourth Street

Recommended action approved by the Planning Commission on March 26, 2007 by a vote of 7-0

Applicant: HD Supply

Continued from the April 16, 2007 City Council Meeting by a vote of 7-0

Mark Tardiff and Lisann Martinez expressed concern that the reduction in parking could present issues related to safety; John Heffernan spoke in support of the project and Geoff Willis, representing the applicant, spoke in support of the project and answered questions related to the project.

Motion: Receive and file the staff report approving Variance No. 2007-01 as conditioned.

MOTION: Bustamante **SECOND:** Martinez

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

NOES: Alvarez (1)

ABSTAIN: None (0)

ABSENT: None (0)

- 31.B. CONDITIONAL USE PERMIT NO. 2007-04 TO ALLOW A BAIL BOND USE AT 801 NORTH ROSS STREET, SUITE A.

Filed by Hossein Malakooti on behalf of Aladdin Bail Bonds to allow a bail bond use in the Professional (P) zoning district at 801 North Ross Street, Suite A

CONSENT CALENDAR

Recommended action approved by the Planning Commission on April 9, 2007 by a vote of 6-0

Applicant: Hossein Malakooti on behalf of Aladdin Bail Bonds

Motion: Receive and file the staff report approving Conditional Use Permit No. 2007-04 as conditioned.

Mayor Pro Tem Alvarez voted no on Item 31.B

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

AGENDA ITEM TAKEN OUT OF ORDER

COMMENTS

90.A. PUBLIC COMMENTS

Stanley Fiala, Cpl. Madrigal, Roy Alvarado, Tish Leon, Alex Vega, and Gary Boatwright addressed the Council related to matters of general concern within the jurisdiction of the City Council.

BUSINESS CALENDAR

RESOLUTIONS

55.A. RESOLUTION PERTAINING TO UNAFFILIATED CONFIDENTIAL AND UNREPRESENTED EXECUTIVE MANAGEMENT EMPLOYEES

Motion: 1. Adopt resolutions as amended to approve only those provisions related to the changes to the contract with the California Public Employees' Retirement System including the employee contribution toward the cost of the new retirement plan beginning July 1, 2007 through July 1, 2009. (2% effective 7/1/07; 2% effective 7/1/08; and, 2.3% effective 7/1/09).

MOTION: Alvarez

SECOND: Martinez

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

BUSINESS CALENDAR

2. **Continue consideration of the remaining provisions in the resolutions including salary and benefits increases until June 4, 2007.**

RESOLUTION NO. 2007-040 - A resolution of the City Council of the City of Santa Ana to amend Resolution No. 82-110 to amend the basic compensation plan for classifications of employment designated as unaffiliated confidential

RESOLUTION NO. 2007-041 - A resolution of the City Council of the City of Santa Ana to amend Resolution No. 91-066 to amend the basic compensation plan for classifications of employment designated as unrepresented executive management

MOTION: Alvarez

SECOND: Martinez

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

COUNCIL RECESSED TO A JOINT SESSION BETWEEN CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY AT 8:25 P.M.

- 80.A. PUBLIC HEARING - SALE OF AGENCY-OWNED PROPERTY LOCATED AT 612, 614, 622, AND 714 E. SANTA ANA BLVD., AND 217, 219 S. BIRCH STREET

Legal notice published in the Orange County Register on April 23 and 30, 2007

No written communication

Staff report presented by Steve Harding, Deputy City Manager for Development Services

No speakers; public hearing closed

- Motion:** 1. **Approve an appropriation adjustment. (Requires five affirmative votes)**

BUSINESS CALENDAR

APPROPRIATION ADJUSTMENT NO. 07-109 - Repaying a loan from the General Fund and transferring the same to the Capital Outlay Fund, and recognizing the proceeds from the sale of properties and appropriating the same into the Merged Housing Set Aside Fund

2. Adopt a resolution.

RESOLUTION NO. 2007-039 - A resolution of the City Council of the City of Santa Ana approving the sale of agency-owned property located at 612, 14, 622, 714 E. Santa Ana Boulevard and 217-219 E. Birch Street to the City of Santa Ana; authorizing the City Manager to execute documents as necessary; and making certain findings with respect thereto, on behalf of the City

MOTION: Alvarez

SECOND: Tinajero

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

COUNCIL CONVENED TO THE COMMUNITY REDEVELOPMENT AGENCY MEETING FOLLOWED BY THE HOUSING AUTHORITY MEETING AT 8:26 P.M.

COUNCIL RECONVENED WITH ALL MEMBERS PRESENT AT 8:28 P.M.

COMMENTS

90.A. ADDITIONAL PUBLIC COMMENTS

Lisann Martinez expressed concerns relative to the Police Department

90.B. CITY COUNCIL COMMENTS

Councilmember Sarmiento

- Noted that he had gone on a ride-along with two Santa Ana Police Officers last weekend, and that he and the officers identified three geographic areas that need additional attention
- Noted that the May 1st immigration march in Santa Ana was smaller than last year's event, however it was very peaceful and he thanked both the Police Department and the marchers
- Wished his wife a happy anniversary

COMMENTS

Councilmember Martinez

- Wished Councilmembers Sarmiento and Bustamante "Happy Birthday" since both members will be celebrating birthdays in the next few days
- Announced that the Nutrition and Fitness Fair will be held on May 19th and that several of the Councilmembers and the Mayor will be participating in a basketball exhibition
- Thanked everyone who participated in the march in the City on May 1st and thanked the Mayor and her colleagues for participating in the event
- Announced that the Relay for Life would be held on May 19, 2007
- Noted that many individuals in the community were participating in vigils held on Sundays to support the families of victims of gang violence
- Wished all moms a Happy Mother's Day

Councilmember Bustamante

- Thanked all the residents who walked on May 1st and thanked the Police for their professional behavior
- Noted that he and Councilmember Benavides were invited to the White House for a Cinco de Mayo event in the Rose Garden
- Wished all moms a Happy Mother's Day

Mayor Pro Tem Alvarez

- Announced that the Mother's Day Celebration will be held on May 12, 2007 at the Santa Ana Stadium from 5:00 p.m. to 9:00 p.m. and will feature Little Joe y La Familia; she further invited all residents to attend
- Wished all moms a Happy Mother's Day
- Stressed that it was important for the Council to listen to the community and expressed disappointment in the Council's approval of Item 31A.

Councilmember Benavides

- Congratulated Councilmembers Bustamante and Sarmiento on their upcoming birthdays
- Noted that the Public Safety Council Committee was in the process of identifying the hot spots in the City
- Noted that while in Washington D. C., he had several opportunities to network with leaders across the country and that he obtained a lot of information on youth programs throughout the nation
- Noted that he attended the Orange County Housing Summit hosted by entities interested in inclusionary housing and further noted that the City has too much sub-standard housing
- Announced that "Celebrate Santa Ana" would be held at City Hall on May 10, 2007 at 5:30 p.m.

COMMENTS

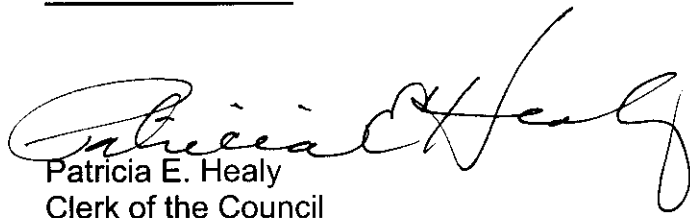
Councilmember Tinajero

- Thanked the Police Department and the participants in the May 1st rally and noted that it was a great opportunity for individuals to come together
- Encouraged residents to participate in the community vigils to support the families of victims of gang violence
- Congratulated all the students that were recognized for receiving scholarships through the "A Better Chance" program
- Wished all moms a Happy Mother's Day

Mayor Pulido

- Congratulated all the recipients of Certificates of Recognition or Proclamations
- Thanked the Executive Director of the Parks, Recreation, and Community Services Agency for assisting with getting more tennis activities in the City
- Noted that the City has received an unsolicited proposal for fishing activities at Centennial Park
- Congratulated Floral Park on an extremely successful Home and Garden Tour

ADJOURNMENT - 8:48 P.M.



Patricia E. Healy
Clerk of the Council