

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

DECEMBER 2, 2002

CALL TO ORDER

CITY COUNCIL CHAMBERS
22 CIVIC CENTER PLAZA
SANTA ANA, CALIFORNIA
6:10 P.M.

COUNCILMEMBERS present:
MIGUEL PULIDO, Mayor
BRETT E. FRANKLIN, Mayor Pro Tem
CLAUDIA ALVAREZ
LISA BIST
ALBERTA CHRISTY
MIKE GARCIA
JOSE SOLORIO

STAFF Present:
DAVID N. REAM, City Manager
JOSEPH W. FLETCHER, City Attorney
PATRICIA E. HEALY, Clerk of the Council

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

INVOCATION

Rita Gutierrez, Police Chaplain

EMPLOYEE SERVICE AWARDS

MAYOR PULIDO

20 Years of Service

Steve Alegre, Police Sergeant*
Monte Floyd, Maintenance Worker II

25 Years of Service

David Hermance, Community Preservation
Inspector II

30 Years of Service

John Jason, Fire Captain
Michael Pingree, Fire Engineer
Earl Sisk, Fire Captain
Wayne Smith, Fire Engineer

PRESENTATIONS

PRESENTATIONS

Plaque presented by Mike Gonzalez representing the United States Department of the Navy to MAYOR PULIDO for the City's Active Duty Program

Certificate of Recognition presented by MAYOR PULIDO presented to Starbucks Coffee in recognition of their generosity in hosting the "Celebrate the City Mixer" held on October 25, 2002*

Certificate of Recognition presented by MAYOR PULIDO presented to Apache Trailer, Manufacture in recognition of their generous donation of a trailer for the Police Department D.A.R.E. Program

Proclamation presented by COUNCILMEMBER BIST presented to Brown Colonial Mortuary in recognition of their 75th Anniversary

Certificate of Recognition presented by COUNCILMEMBER CHRISTY presented to Luisa Ruiz for her grass-roots reading program at Villa del Sol Apartment Complex

Proclamation presented by COUNCILMEMBER ALVAREZ presented to Dr. Al Mijares - Santa Ana Unified School District Superintendent in recognition of his recent accomplishments

Certificate of Recognition presented by COUNCILMEMBER ALVAREZ presented to Bob St. Paul for saving City employee Laura Johnson's life

***Not Present**

SPECIAL PRESENTATIONS

"Recruitment Efforts for the 2003 Grand Jury" by Allen St. Jacques

Santa Ana Work Center - Presented by Patti Nunn, Economic Development Coordinator, Community Development Agency

***Not Present**

CONSENT CALENDAR

Mayor Pulido announced the following modifications to the Consent Calendar:

- Councilmember Christy requested that item 25 I. be pulled for separate discussion
- Councilmember Garcia requested to be recorded as "abstained" on items 10.A. through 10.C, 11.A., 11.B., and 25.H.

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

MOTION: Alvarez

SECOND: Christy

VOTE:

AYES: Alvarez, Bist, Christy Franklin, Garcia, Pulido Solorio (7)

NOES: None (0)

ABSENT:

None

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. (Items 10.A. through 10.C.)

- 10.A. ADJOURNED REGULAR MEETING OF NOVEMBER 18, 2002
- 10.B. REGULAR MEETING OF NOVEMBER 18, 2002
- 10.C. ADJOURNED REGULAR MEETING OF NOVEMBER 26, 2002

*** Councilmember Garcia abstained on items 10.A through 10.C.**

ORDINANCE SECOND READING

- 11.A. CONDITIONAL USE PERMIT NO. 2002-19 AND VARIANCE NO. 2002-11 FOR A REDUCTION IN OFF-STREET PARKING AND LANDSCAPING REQUIREMENTS FOR A HEALTH CLUB AT 1501-1551 NORTH TUSTIN AVENUE

Placed on first reading at the November 18, 2002 Council Meeting and approved by a 6-0 vote (Pulido abstain)

Published in the Orange County Reporter on November 22, 2002

Motion: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2518 - An ordinance of the City Council of the City of Santa Ana approving the amendment to the development agreement between the City of Santa Ana and Mullrock Mortgage, LLC

11.B. ORDINANCE CREATING THE FEDERAL CLEAN WATER PROTECTION ENTERPRISE

Placed on first reading at the November 18, 2002 Council Meeting and approved by a 6-1 vote (Christy opposed)

Published in the Orange County Reporter on November 22, 2002

Motion: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2519 - An ordinance of the City Council of the City of Santa Ana adding Article XVIII to Chapter 13 and Sections 18-162.1 to 18-165.4 to the city's code, establishing a Federal Clean Water Protection Enterprise Fund and Federal Clean Water Protection Enterprise Program

*** Councilmember Garcia abstained on second reading ordinances - items 11.A. and 11.B.**

BOARDS/COMMISSIONS/COMMITTEES

13.A. VACANCY REPORT – NOVEMBER 27, 2002

The Vacancy Report reflects only appointments made by the Council.

Motion: Instruct Clerk to enter report into the Minutes.

<u>Board/Commission</u>	<u>Vacancies</u>	<u>Ward</u>
Cable Television Advisory Board	1	Ward 5
Community Redevelopment / Housing Commission	1	Sr. Tenant
Workforce Investment Board	3	
Youth Commission – Alternate	<u>3</u>	Ward 2, 6 and Mayor
TOTAL	8	

13.B. APPOINTMENT - SANTA ANA WORKFORCE INVESTMENT BOARD

Motion: Appoint Steve Eaton to the Workforce Investment Board for a term expiring March 31, 2006 - Community Development Agency

CLERK OF THE COUNCIL POSTING REPORT

The following notices were posted pursuant to the Brown Act and the Maddy Act. Council Agendas and Board and Commission resignations are posted on the door of the Council Chambers at 22 Civic Center Plaza and Committee Agendas on the door of City Hall at 20 Civic Center Plaza.

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

<u>Council Meeting Agendas</u>		<u>Meeting Date</u>	<u>Posted</u>	<u>Time</u>
15.A.	Notice of Adjournment	11/18/02	11/22/02	3:00 p.m.
15.B.	City Council Meeting Agenda	11/18/02	11/14/02	3:00 p.m.
15.C.	Adjourned Regular Meeting - Closed Session Agenda	11/18/02	11/15/02	3:00 p.m.
15.D.	City Council Meeting Agenda	11/26/02	11/22/02	3:00 p.m.
<u>Council Committee Agendas</u>		<u>Meeting Date</u>	<u>Posted</u>	<u>Time</u>
15.E.	Education and Youth Programs (cancellation)	12/05/02	11/22/02	3:00 p.m.
15.F.	Park Development (cancellation)	11/26/02 and 12/24/02	11/22/02	3:00 p.m.
15.G.	Neighborhood Improvement (cancellation)	11/26/02 and 12/24/02	11/22/02	3:00 p.m.
15.H.	Arts and Culture (cancellation)	11/25/02	11/22/02	3:00 p.m.
15.I.	South Main Street Improvement	11/20/02	11/15/02	3:00 p.m.
15.J.	Public Safety (cancellation)	11/18/02	11/14/02	3:00 p.m.
15.K.	Park Development	11/21/02	11/14/02	3:00 p.m.

MAYORAL PROCLAMATIONS / CERTIFICATES

Motion: Declare and instruct Clerk to enter certificates into the Minutes.

	<u>Honoree</u>	<u>Date</u>
16.A.	Father Marc Miller; Ms. Sandra K. Lynela, Mr. Kurt Mareks; Mrs. Patrice Mareks for the Village Keepers Awards Gala	11/21/02
16.B.	Santa Ana Junior Basketball Opening Ceremonies	11/24/02
16.C.	Habitat for Humanity, 1414, 1416, 1424, and 1428 Bush St.	11/24/02
16.D.	Mayor Pro Tem Patricia McGuigan Commendation for Service from 1981-1992 & 1993-2002	11/26/02

MISCELLANEOUS ADMINISTRATION

- 19.A. CLOSED SESSION REPORT - None
19.B. EXCUSED ABSENCES - None

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

- 20.A. ACCEPTING LIBRARY SERVICES AND TECHNOLOGY ACT PUBLIC LIBRARY STAFF EDUCATION FUNDS

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

APPROPRIATION ADJUSTMENT NO. 03-113 - Accepting federal Library Services and Technology Act funds for the Public Library Staff Education Program of \$9,127.00 in revenue and appropriate the funds to expenditure accounts to provide reimbursement for library staff - Library Services

GRANTS / APPLICATIONS

- 21.A. COMBINED TRANSPORTATION FUNDING PROGRAMS - GRANT APPLICATION

Motion: 1. Adopt resolution.

RESOLUTION NO. 2002-102 - 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 Combined Transportation Funding Program

2. Direct staff to amend the seven-year Capital Improvement Program to incorporate the Combined Transportation Funding programs project list.

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

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

22.A. SPEC. NO. 94-037 - DATABASE SUBSCRIPTION SERVICE - LIBRARY SERVICES - Renew the contract with The Gale Group for database subscriptions service for a one-year period in the amount of \$27,360.00 - Finance and Management Services

22.B. SPEC. NO. 99-089 - AMMUNITION - POLICE DEPARTMENT - Renew the contracts for ammunition for a period of one year in an annual amount not-to-exceed as follows:

<u>Vendor</u>	<u>Amount:</u>
Adamson Industries	\$40,000.00
Dooley Enterprises, Inc.	18,000.00
San Diego Police Equipment Co., Inc.	23,000.00

22.C. SPEC. NO. 02-093 - ELECTRICAL AND PHONE CONDUITS - PUBLIC WORKS AGENCY - Amend the contract with Sawco Inc. d/b/a California

Boring for directional boring of electrical and phone conduits by \$28,960.00 for a total amount not to exceed \$57,172.96 - Finance and Management Services

22.D. SPEC. NO. 02-135 - HAZARDOUS WASTE DISPOSAL SERVICES - CENTRAL STORES - Award a contract to Environmental Recovery Services, Inc. for hazardous waste disposal services for a two-year period, with provision for two one-year renewals, in an annual amount not to exceed \$30,000.00 - Finance and Management Services

22.E. SPEC. NO. 02-140 - MOBILE CAR WASH SERVICES - POLICE DEPARTMENT - Award a contract with City Fleet Services for mobile car wash services for a three-year period with provision for two one-year renewals in an annual amount not to exceed \$19,305.00 -Finance and Management Services

22.F. SPEC. NO. 02-141 - PARAMEDIC SUPPLIES - POLICE AND FIRE DEPARTMENTS

1. Reject the bid from Emergency Medical Products as non-responsive.
2. Award a contract to Bound Tree Medical for the purchase of paramedic supplies for a three-year period with provision for two one-year renewals in an annual amount not to exceed \$183,564.00 - Finance and Management Services

- 22.G. SPEC. NO. 02-145 - WATER TREATMENT SALT - PUBLIC WORKS AGENCY - Amend the contract with California Salt Company to increase the aggregate limit by \$15,000.00 for the purchase of water treatment salt, for an annual amount not to exceed \$25,000.00 -Finance and Management Services
- 22.H. SPEC NO. 02-146 - DIESEL FUEL - FLEET SERVICES - Award a contract to General Petroleum, under the County of Orange Cooperative Agreement, for the purchase of diesel gasoline fuel for a one-year period with provisions for three one-year renewals, in an amount not to exceed \$180,000.00 - Finance and Management Services

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.H.)

- 25.A. AGMT NO. 2002-218 - SIGNAL INTERCONNECT / PRE-EMPTION - Execute an agreement with the Union Pacific Railroad Company to provide signal interconnect / pre-emption between the railroad controller and the new traffic signal being constructed at Alton Avenue and Greenville Street - Public Works Agency
- 25.B. AGMT NOS. 2002-219 & 220 - TEMPORARY ENGINEERING AND TECHNICAL SUPPORT SERVICES - Execute consulting agreements for temporary engineering and technical support services with Project Partners and PDS Technical Services in an amount not to exceed \$150,000.00 each - Public Works Agency
- 25.C. AGMT NO. 2002-221 - POLICE DEPARTMENT ANNUAL AWARDS BANQUET - Execute an agreement with Santa Ana Performing Arts and Event Center to provide food service and beverages for the Annual Police Awards Banquet in an amount not to exceed \$16,000.00 - Police Department
- 25.D. AGMT NO. 2002-222 - ARBITRATION / MEDIATION SERVICES - Execute an amended agreement with Atkinson Arbitration / Mediation Services to include administrative hearing services for the Police Department's Animal Services Division administrative citation hearings in an amount not to exceed \$10,000.00 - Police Department

- 25.E. AGMT NO. 2002-223 - AUTOMATED MUG / PHOTO SYSTEM - Execute an amendment to the service agreement with Imageware Software, Inc. for the automated mug / photo system in an amount not to exceed \$37,000.00 - Police Department
- 25.F. AGMT NO. 2002-224 - SEXUAL ASSAULT EVIDENCE COLLECTION - Renew the agreement for acute sexual assault exams and evidence collection with Anaheim Memorial Medical Hospital in the amount of \$650.00 per victim exams, \$100.00 per victim follow-up examination and \$150.00 per suspect examination - Police Department
- 25.G. AGMT NO. 2002-225 - CONSULTING SERVICES - Execute an agreement with Tom Brohard & Associates for traffic and transportation engineering consulting services in the amount of \$40,000.00 - Public Works Agency
- 25.H. WORKFORCE INVESTMENT ACT YOUTH SUBCONTRACTORS
1. AGMT NO. 2002-226 - Execute an amendment to increase the amount of the agreement with the Santa Ana Unified School District for the In-School Youth Program under the Workforce Investment Act Youth grant in an amount not to exceed \$298,784.00
 2. AGMT NO. 2002-227 - Execute an amendment to increase the amount of the agreement with the Employment Development Division of the State of California for an In-School and Out-of-School Youth Program under the Workforce Investment Act Youth grant in an amount not to exceed \$269,293.00
 3. AGMT NO. 2002-228 - Execute an amendment to increase the amount of the agreement with the California Hispanic Commission on Alcohol and Drug Abuse to provide services to Out-of-School Youth under the Workforce Investment Act Youth grant in an amount not to exceed \$225,600.00
 4. AGMT NO. 2002-229 - Execute an amendment to increase the amount of the agreement with the Boys & Girls Club of Santa Ana to provide services to In-School Youth under the Workforce Investment Act Youth grant in an amount not to exceed \$174,866.00
 5. AGMT NO. 2002-230 - Execute an amendment to increase the amount of the agreement with the Orange County Conservation Corps to provide services to Out-of-School Youth under the Workforce Investment Act Youth grant in an amount not to exceed \$286,553.00 - Community Development Agency

*** Councilmember Garcia abstained on item 25H**

25.1. AGMT NO. 2002-231 AUTOMATED PHOTO ENFORCEMENT SYSTEM

Motion: Direct the City Attorney to prepare and authorize the City Manager and Clerk of the Council to execute agreement.

Execute an agreement with RedFlex Traffic Systems, for the installation, maintenance and support of an Automated Photo Enforcement System - Police Department

MOTION: Christy

SECOND: Alvarez

VOTE: AYES: Alvarez, Bist, Christy Franklin, Garcia, Pulido Solorio (7)

NOES: None (0)

ABSENT: None

LAND USE MATTERS

CONDITIONAL USE PERMITS / VARIANCES

30.A. CONDITIONAL USE PERMIT NO. 2002-12 AND VARIANCE NO. 2002-08: 1727 EAST DYER ROAD

Conditional Use Permit No. 2002-12 for a gas station/mini-market and to operate between midnight and 5:00 a.m.; Variance No. 2002-08 for a driveway within 150 feet of a corner radius

Motion approved by the Planning Commission on September 23, 2002 by a 6-0 vote (Richardson absent)

Motion: Continue consideration of matter to the December 16, 2002 Council meeting at the request of applicant.

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

BUSINESS CALENDAR

RESOLUTIONS

- 55.A. AGMT NO. 2002-232 - AUTHORIZING THE PARTICIPATION IN JOINT POWERS AUTHORITY FOR INTEGRATED LAW AND JUSTICE

Motion: Adopt resolution.

RESOLUTION NO. 2002-103 - A resolution of the City Council of the City of Santa Ana authorizing the City of Santa Ana's membership in a Joint Powers Authority to be known as the Integrated Law and Justice Agency for Orange County

MOTION: Bist

SECOND: Christy

VOTE:

AYES: Alvarez, Bist, Christy Franklin, Garcia, Pulido Solorio (7)

NOES: None (0)

ABSENT:

None

- 55.B. ADOPT A RESOLUTION AUTHORIZING AMENDMENT TO THE SAN JOAQUIN HILLS AND FOOTHILL/EASTERN TRANSPORTATION CORRIDOR AGENCIES JOINT POWERS AGREEMENT

Motion: Adopt resolution.

RESOLUTION NO. 2002-104 - A resolution of the City Council of the City of Santa Ana approving second amended and restated joint exercise of powers agreements for the San Joaquin Hills Transportation Corridor Agency and the Foothill/Eastern Transportation Corridor Agency

MOTION: Christy

SECOND: Franklin

VOTE:

AYES: Alvarez, Bist, Christy, Franklin, Garcia, Pulido Solorio (7)

NOES: None (0)

ABSENT:

None

PUBLIC HEARING

75.A. APPEAL NO. 2002-03: CONDITIONAL USE PERMIT NO. 2002-13 TO ALLOW A TYPE 20 ABC LICENSE AT AN AM/PM MINI-MARKET AT 1727 EAST DYER ROAD

Legal Notice published in the Orange County Register and mailed on November 22, 2002

Motion approved by the Planning Commission on October 28, 2002 by a 6-0 vote (Doughty absent)

Motion: Continue consideration of matter to the December 16, 2002 Council meeting at the request of applicant.

MOTION: Alvarez **SECOND:** Christy

VOTE: **AYES:** Alvarez, Bist, Christy, Franklin, Garcia, Pulido Solorio (7)

NOES: None (0)

ABSENT: None

Applicant: B.P. West Coast Products, LLC

COUNCIL RECESSED TO THE COMMUNITY REDEVELOPMENT AGENCY MEETING AT 7:17 P.M. FOLLOWED BY THE HOUSING AUTHORITY MEETING

COUNCIL RECONVENED AT 7:21 P.M. WITH SAME MEMBERS PRESENT

COMMENTS

90.A. PUBLIC COMMENTS

Alex Vega addressed Council about the importance of the City working together

Kim Payne, Stella Bonilla, Maria Guadalupe Sanchez, Maria Gutierrez-Garcia, Principal at Davis Elementary and Angie Davis-Friday addressed the Council relative to concerns about the traffic barriers in French Park and the impact these barriers may have on child safety at Davis Elementary School

Jose Sanchez addressed the Council relative to his concern about the City's handling of a matter involving a pet rooster

90.B. CITY COUNCIL COMMENTS

Councilmember Garcia

- Thanked all those in the audience for coming and thanked his family and friends for their support throughout the election process

Councilmember Solorio

- Welcomed Mike Garcia to the Council and congratulated Brett Franklin on his election as the Mayor Pro Tem
- Asked the City Manager to report to the Council relative to the status of safety issues at Davis Elementary School; he noted that school safety was a City priority and that over \$500,000 in Safe Routes to School funds has been awarded to Santa Ana to improve school safety
- Asked the City Attorney to look at the issue of human advertising (individuals holding large signs at major intersections)

Councilmember Christy

- Thanked everyone who voted at the November 5, 2002 election and welcomed Mile Garcia to the Council; she further congratulated the Mayor and Councilmember Bist on their re-election to the Council
- Asked Rip Ribble, Executive Director, Parks, Recreation and Community Services Agency to provide an update on the Children's Christmas Party; Mr. Ribble noted that the party would be held on Saturday, December 14, 2002 at Santa Ana Stadium starting at 10 a.m.
- Noted that the lighting of the Christmas tree at Sasser Park was a successful event
- Thanked the Police and Fire Departments for coordinating the successful public safety fair
- Congratulated Russ Davis and staff at the Santa Ana Jail for receiving an outstanding report from the Environmental Health Agency
- Wished everyone happy holidays

Councilmember Bist

- Welcomed Mike Garcia to the Council and congratulated Brett Franklin on his election as the Mayor Pro Tem
- Announced that there was a dedication ceremony for the four homes built by Habitat for Humanity; and currently there is a blitz build project in Ward 4
- Announced that the Wilshire Square Neighborhood Association was sponsoring a Christmas Parade with the Santa Ana Winds and Santa at 6 p.m.
- Wished everyone happy holidays

Councilmember Alvarez

- Announced that on December 7, 2002, there would be a food drive sponsored by the City and the District Attorney's Office at the Santa Ana Zoo
- Asked the City Manager to schedule a presentation by the Transportation Corridor Agencies
- Noted that she was celebrating her 2nd anniversary on the City Council and thanked the Council, City Commissioners, volunteers and staff for their support and assistance in the City's accomplishments; she further thanked the City's representatives, including Assemblyman Lou Correa, Senator Joe Dunn, and Representative Loretta Sanchez
- She thanked Pat McGuigan for her wisdom and guidance as a member of the City Council

Mayor Pro Tem Franklin

- Noted that former Councilmember Pat McGuigan meant so much to the City and that she continues to grow young
- Welcomed Mike Garcia to the City Council
- Announced that Park Santiago was having a holiday home tour on December 8, 2002 and noted that this is an opportunity to socialize and to see some great homes
- Reminded residents to shop in Santa Ana this holiday season; he urged residents to patronize small local businesses as well as the Main Place Mall
- Asked the Fire Chief to compile a list of the programs available for residents to learn CPR
- Asked that the public service announcement by Councilmembers Bist and Alvarez on technology air more often on Channel 3 and asked that the listing of technology services available in Santa Ana be provided to the School District

ADJOURNMENT - 8:00 p.m. - To December 16, 2002 at 5:30 p.m. in the Police Chief's Conference Room, 4th Floor, 60 Civic Center Plaza, Santa Ana, California



Patricia E. Healy,
Clerk of the Council