

REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

DECEMBER 15, 2020

TITLE:

**APPROVE AN APPROPRIATION
ADJUSTMENT AND THIRD
AMENDMENT TO AGREEMENT WITH
DOWNTOWN INC. IN THE AMOUNT OF
\$400,000 TO PROVIDE CLEAN AND
SAFE PROGRAM FOR DOWNTOWN
SANTA ANA**

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1st Reading
- ☐ Ordinance on 2nd Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For _____

CONTINUED TO _____

/s/ Kristine Ridge

CITY MANAGER

FILE NUMBER _____

RECOMMENDED ACTION

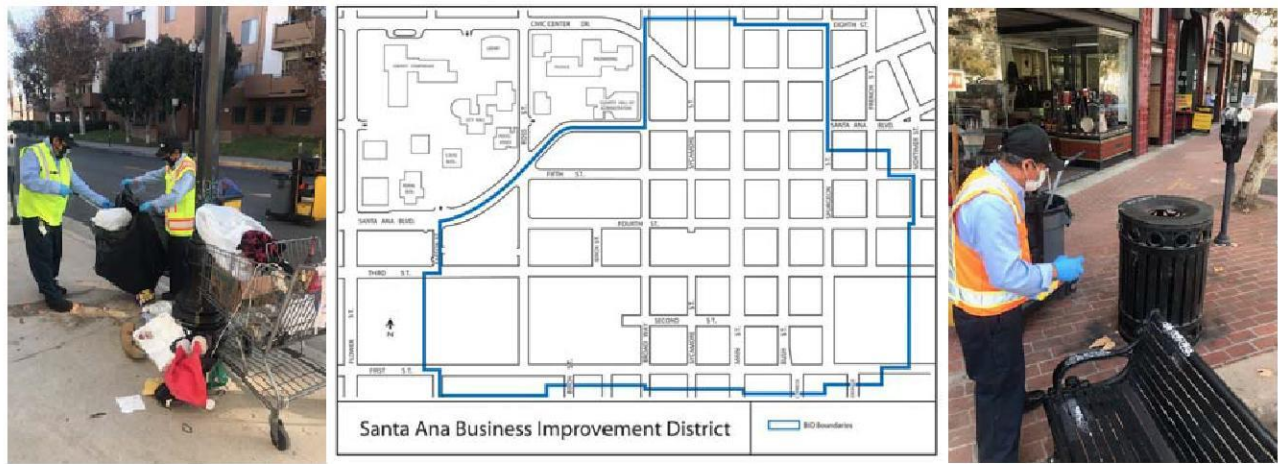
1. Approve an appropriation adjustment recognizing \$500,000 from the sale of the YMCA property at 203-205 W. Civic Center Drive in the General Fund Miscellaneous Revenue, Sale of Land account (No. 01102002-57071) and transferring \$400,000 of this revenue to the Parking Enterprise Downtown Enhancements, Contract Services expenditure account (No. 02718133-62300) for the agreement with Downtown Inc.
2. Authorize City Manager to execute a Third Amendment to the Downtown Clean and Safe Program Services Agreement with Downtown Inc. for cleaning services of the Downtown Santa Ana area and a reduction of security guard services in the agreement amount of \$400,000 for the period of January 1, 2021 through December 31, 2021, subject to non-substantive changes approved by the City Manager and City Attorney.

DISCUSSION

On January 31, 2013, the City executed a Settlement and Release Agreement with Downtown Inc. to fund Downtown Santa Ana ("DTSA")'s Clean and Safe program for three years in an amount of \$400,000 per year. The terms of the agreement automatically renewed each year. On January 10, 2018, the City terminated the Settlement and Release Agreement and executed a new agreement for Clean and Safe Program Services with Downtown Inc. in the amount of \$500,000 per year. Due to the significant losses in Downtown parking revenue from the COVID-19 pandemic, staff is recommending a decrease in the overall contract by \$100,000 for a new total of \$400,000.

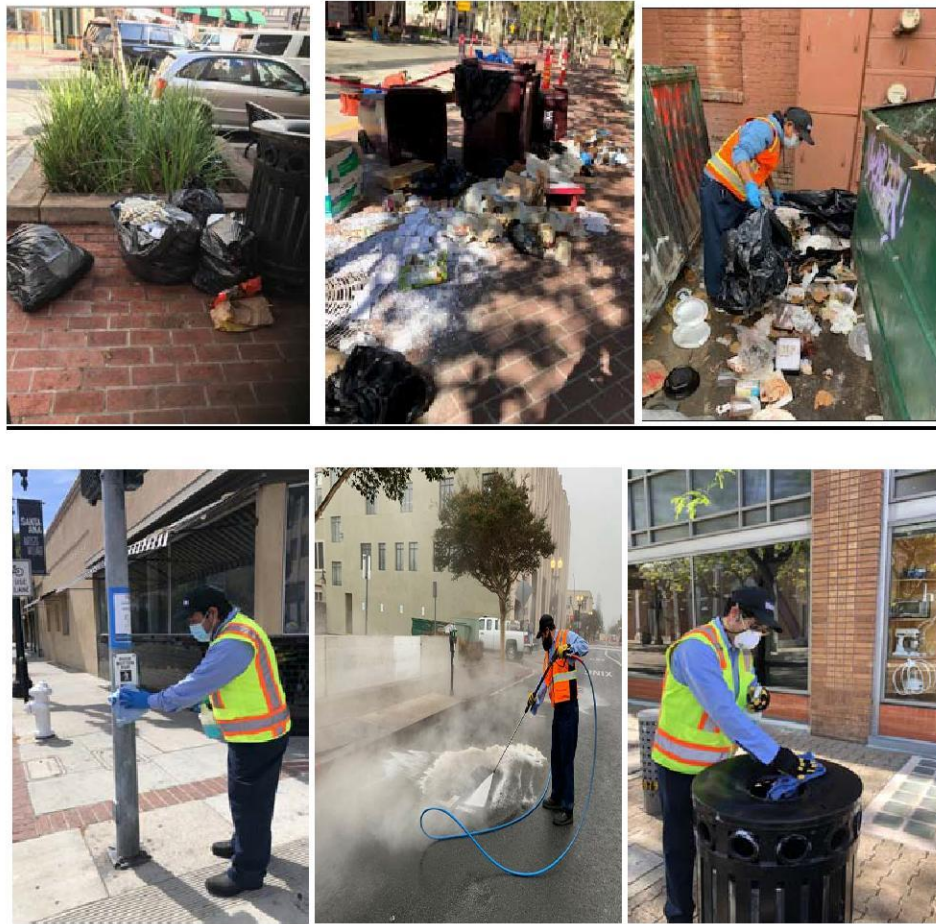
The Clean and Safe team is available 7 days per week, from early morning to late evening, in order to provide a safe and clean area for all daytime and nighttime activities. The Clean and Safe team provides daily litter maintenance, empties trash containers multiple times per day to avoid overflow, power washes sidewalks and alleyways, and oversees security services to DTSA.

The Clean and Safe team also acts as a positive steward for DTSA to provide direction and information to visitors, mitigate issues promptly, provide a safe presence and deterrence of unsafe occurrences, and regularly communicates with police and City staff on matters that require immediate attention. These crucial maintenance services beautify the Downtown district and enhance the image of the commercial core as described in the amended agreement (Exhibit 1). These activities are designed to enhance customer experiences, increase commerce, and help to attract and retain new businesses within the district.



The Clean & Safe Team has made a tremendous impact and is vital to the cleanliness and appeal of DTSA. Below are some of the program services:

- Ten (10) dedicated cleaning staff
- Hours: 14 hours per day, seven days a week, 363 days per year (only two days off)
- Constant cleaning of human excrement, food waste, trash, and debris
- Sanitize City-owned fixtures such as call buttons, light posts, meter heads, and benches
- 90 trash containers emptied three times per day, equating to 95,000 bags of trash annually
- 24-Hour or less response time to cleaning requests
- Pressure washing services 7 days per week, beginning at 4 a.m., in high-traffic corridors
- Pressure wash alleyways weekly due of the volume of grime caused by illicit activity
- Pressure wash the entirety of DTSA at least twice per month
- Graffiti removal from City-owned fixtures (not private property) such as benches, bollards, meters, light poles, and fixtures
- Pick up litter and waste, including food remains, sewage, excrement, grease, dust, dirt, leaves, stickers, decals, and other substances
- Interaction with 8,000-10,000 visitors in DTSA (pre-COVID-19 pandemic)
- Serve as ambassadors and provided directional assistance to thousands of visitors
- Report vandalism, burglary, hazardous situations (broken trees or substances), or other illegal activities to Santa Ana Police Department or respective City department



COVID-19 AND CURRENT EFFORTS

The Clean and Safe Program automatically increased service levels at the onset of COVID-19 with additional cleaning and sanitizing of high contact areas such as the traffic signal call buttons, meters, and other City-property within DTSA. To ensure the safety of Downtown patrons, the City has also invested \$600,000 of CARES Act funding to sanitize Downtown, which only included four parking structures and limited areas of the Downtown. In contrast, the Clean and Safe program has historically provided annual services at a cost of \$500,000, which accounts for 14 hours per day, 7 days a week, 363 days per year.

Funds for these services are made available through revenue from patrons that park in the Downtown (parking structures and meters). Unfortunately, due to the pandemic and the OC Streetcar construction in DTSA, there has been a significant decrease in the amount of visitors and revenue generated. Currently, the expenditures for all parking structure and meter-related activities have exceeded the revenues that the City typically would receive from visitors. Therefore, staff recommends funding the Clean and Safe Program with the proceeds from the sale of the YMCA property until additional reduction measures and cuts can be achieved in the upcoming fiscal year.

Staff recommends that the City Council approve a third amendment (Exhibit 1) to the DTSA Clean and Safe Program Agreement with Downtown Inc. in order to maintain a clean and safe

downtown area for residents, businesses, and visitors. The Clean and Safe Program has the ability to address maintenance issues, mitigate homelessness impacts, and provide a welcoming downtown area for the City.

FISCAL IMPACT

On August 18, 2020, City Council approved the sale of the City-owned YMCA property to Caribou Industries. Escrow is anticipated to close by December 10, 2020 and the City will receive the \$500,000 from the sale at that time.

Funds will be available for the agreement with Downtown Inc. if City Council approves the appropriation adjustment to recognize the revenues in the General Fund Miscellaneous Revenue, Sale of Land account (No. 01102002-57071) and transfer of \$400,000 of this revenue to the Parking Enterprise Downtown Enhancements, Contract Services expenditure account (No. 02718133-62300). The anticipated expenditure is as follows:

Fiscal Year	Accounting Unit-Account	Fund Description	Accounting Unit, Account Description	Amount
FY 20-21 (Jan. – June)	02718133-62300	Parking Enterprise	Downtown Enhancements, Contract Services	\$ 200,000
FY 21-22 (July – Dec.)	02718133-62300	Parking Enterprise	Downtown Enhancements, Contract Services	\$ 200,000
Total Expenditure				\$ 400,000

Fiscal Impact Verified By: Kathryn Downs, CPA, Executive Director – Finance and Management Services Agency

Submitted By: Steven A. Mendoza, Executive Director – Community Development Agency

Exhibits: 1. Third Amendment Agreement
2. Clean and Safe Annual Report November 2019

**THIRD AMENDMENT TO
THE DOWNTOWN CLEAN AND SAFE PROGRAM
SERVICES AGREEMENT**

THIS THIRD AMENDMENT TO THE DOWNTOWN CLEAN AND SAFE PROGRAM SERVICES AGREEMENT is entered into this 15th day of December, 2020, by and between the **City of Santa Ana**, a charter city and municipal corporation duly organized and existing under the Constitution and laws of the State of California ("City"), and **Downtown Incorporated, Inc.**, a California non-profit corporation ("DTI").

RECITALS

- A. On January 10, 2018, the City entered into the Downtown Clean and Safe Program Services Agreement #A-2017-325 with DTI to fund the downtown's Clean and Safe Program, which includes a security team, a litter team, and a power washing team ("said Agreement"). The intent of said Agreement is for DTI to receive a set amount of funding for downtown Clean and Safe Program services each calendar year that such funding is approved by City Council.
- B. On December 18, 2018, the City entered into a First Amendment to said Agreement with DTI in order to extend the term and add funding for 2019.
- C. On December 3, 2019, the City entered into a Second Amendment to said Agreement with DTI in order to extend the term and add funding for 2020.
- D. The City hereby approves an additional \$400,000 for downtown Clean and Safe Program services for use by DTI in 2021 pursuant to the terms and conditions of said Agreement.
- E. In accordance with the terms and conditions of said Agreement, the parties desire to amend said Agreement to extend the term of said Agreement, amend the Scope of Services, and add an additional \$400,000 for downtown Clean and Safe Program services for the extended term of said Agreement.

NOW THEREFORE, in consideration of the mutual and respective promises, and subject to the terms and conditions of said Agreement, except as herein modified, the parties agree as follows:

- 1. Pursuant to the terms of said Agreement, the City Council approved an additional \$400,000 for downtown Clean and Safe Program services for the 2021 calendar year to be utilized by DTI pursuant to the terms of said Agreement.
- 2. **Section 1.03, Term of Services Agreement**, shall be amended to read as follows:

"This Services Agreement shall commence on the date first written above and terminate on December 31, 2021, unless terminated earlier in accordance with sections 4.02 or 4.05 below."

EXHIBIT 1

3. **Section 2.01, Clean and Safe Program Services**, shall be amended to replace the existing Scope of Services with the revised Scope of Services attached hereto as Exhibit 1 and incorporated herein by reference.
4. Except as hereinabove modified, the terms and conditions of said Agreement remain unchanged and in full force and effect.

{Signatures on following page}

EXHIBIT 1

IN WITNESS WHEREOF, the parties hereto have executed this Approval and Amendment to said Agreement the date and year first above written.

ATTEST:

CITY OF SANTA ANA


DAISY GOMEZ
Clerk of the Council

KRISTINE RIDGE
City Manager


APPROVED AS TO FORM:

DOWNTOWN INCORPORATED, INC.:

Sonia R. Carvalho
City Attorney



Ryan O. Hodge
Assistant City Attorney



Ryan Chase
President
Tax ID# 26-4051161

RECOMMENDED FOR APPROVAL:

STEVEN A. MENDOZA
Executive Director
Community Development Agency

Scope of Services

**Downtown Clean & Safe Program 2021
January 1, 2021 - December 31, 2021**

I. BUDGET

Proposed Clean and Safe Budget	
Activity	Cost
Litter Maintenance	\$ 283,204
Power Washing	\$ 116,796
Total	\$ 400,000

II. SCOPE OF SERVICE - LITTER MAINTENANCE**A. PICK UP LITTER AND WASTE**

“Litter” is defined as, but is not limited to, boxes, cans, papers, containers marked “trash” (or are obviously trash), unwanted or useless materials, or rejected matter. “Waste” includes, but is not limited to, gum, food remains, sewage, excrement, grease, dust, dirt, decals, liquid or dried matter, oily or sticky substances, and graffiti, etc.

Remove litter from all outside surfaces including, but not limited to, sidewalks, , curbs, planters, tree grates, and store entries. All litter from such surfaces shall be removed from the area and emptied into a designated trash dumpster or receptacle in such a manner as to prevent the adjacent area from becoming littered by such trash.

Waste shall be removed from all outside surfaces including, but not limited to, sidewalks, , curbs, planters, tree grates, store entries, and trash receptacles. All waste from such surfaces shall be removed from the area and emptied into a designated trash dumpster or receptacle in such a manner as to prevent the adjacent area from becoming soiled by such waste. Waste removal shall be accomplished by the complete and thorough removal of said substances from the area—not by moving it from one surface to another or covering said substances with sand or similar materials.

B. CLEAN AND EMPTY TRASH CANS

All trash containers within the BID shall be emptied and cleaned. Trash including, but not limited to, boxes, cans, papers, and other containers marked “trash” (or are obviously trash) shall be removed, along with the liner. All trash from such trash receptacles shall be removed from the BID and emptied into a designated trash dumpster or receptacle in such a manner as to prevent the adjacent area from becoming littered by such trash.

EXHIBIT 1

All trash containers shall be emptied three times per day on a routing basis (morning, early afternoon and evening). Additionally, any trash containers that may become filled prior to the scheduled routing cleaning, particularly between the hours of 11:00 a.m. and 4:00 p.m. daily, shall be emptied as needed. Trash containers should never have accumulated trash or waste above the level of the container. Whether full or not, container shall be emptied and cleaned if it is emitting a foul, rancid, or putrid odor or showing signs of insect or rodent infestation.

Insert new liners into trash containers, securing said liners in such a manner as to present a neat uniform appearance and replacing container lids in their correct position.

Using a clean cloth or rag, and germicide detergent solution, remove all waste including, but not limited to, gum, food remains, sewage, excrement, grease, dust, dirt, decals, liquids, dried matter, oily or sticky substances, and graffiti, etc. from the surface of trash containers. Cleaning shall be accomplished by the complete and thorough removal of said substances from the area—not by moving it from one surface to another or covering said substances with sand or similar materials. This includes, but is not limited to, the cleaning of the immediate area surrounding the trash containers.

C. CLEAN OUTDOOR BENCHES, BOLLARDS AND LIGHT POLES

All benches, bollards and light poles within the area shall be cleaned on a regular basis using clean cloths and a detergent solution. Remove all waste including, but not limited to, gum, food remains, excrement, grease, dust, dirt, litter, liquids, dried matter, decals, sticky substances, graffiti, etc. leaving object in “like new” condition. The immediate area surrounding the object shall be cleaned in the same manner.

D. CLEAN ALLEYS

Alleys shall be clear of trash, waste, shopping carts, pallets, leaves, and excrement. Shopping carts shall be picked up and taken to shopping center parking lot. Boxes shall be flattened and placed securely in trash container in such a manner as to not protrude excessively. Excrement shall be picked up and disposed of properly, and area washed down with proper germicidal solution.

The following are alley locations within the Downtown:

- 100 East Fourth Street (south alley)
- 200 East Fourth Street (south alley)
- 300 East Fourth Street (north and south alley)
- 100 West Fourth Street (south alley)
- 200 West Fourth Street (south alley)
- 300 West Fourth Street (south alley)
- 400 West Fourth Street (south alley)

E. CLEAN BUS STOPS

Bus stop areas are cleaned by the City of Santa Ana's contractor, however, the Clean & Safe Team will complement the cleaning of the bus stops by cleaning all debris, bum, dirt, grime, oil, stains and other fluids. Clean & Safe Team will not be responsible for emptying the locked trash container at the bus stops.

The following are bus stop locations within the Downtown:

- 400 North Main west side of street
- 400 North Main east side of street
- 200 West 5th street south side of street
- 200 East 5th street south side of street
- 100 West Santa Ana Boulevard north side of street
- 200 East Santa Ana Boulevard north side of street

III. POWER WASH

A. POWER WASH PROCESS

"Power wash" is defined as the simultaneous mechanical removal of materials or pollutants from the surface for the pavement, through application of water under pressure with elevated temperatures used in the cleaning process and collection of waste and water.

Process used shall leave the area clean and free from stains and of all loose, embedded materials including chewing gum. The cleaning process must not damage the concrete surfaces or the brick paver surface. All gum must be removed from the paver, concrete and other sidewalk surfaces.

B. POWER WASH SIDEWALKS

All gum, dirt, grime, oil, stains and other fluids shall be removed from the sidewalls by using power washing equipment.

C. POWER WASH BUS STOPS

Bus stop areas are cleaned by the City of Santa Ana's contractor, however, the Clean & Safe Team will compliment the cleaning of the bus stops by cleaning all debris, bum, dirt, grime, oil, stains and other fluids. Clean & Safe Team will not be responsible for emptying the locked trash container at the bus stops.

The following are bus stop locations within the Downtown:

- 400 North Main west side of street
- 300 North Main east side of street
- 200 West 5th street south side of street
- 200 East 5th street south side of street

- 100 West Santa Ana Boulevard north side of street
- 200 East Santa Ana Boulevard north side of street

D. POWER WASH ALLEYS

Alleys are to be cleaned of a debris, bum, dirt, grime, oil, stains and other fluids.

The following are alley locations within the Downtown:

- 100 East Fourth Street (south alley)
- 200 East Fourth Street (south alley)
- 300 East Fourth Street (north and south alley)
- 100 West Fourth Street (south alley)
- 200 West Fourth Street (south alley)
- 300 West Fourth Street (south alley)
- 400 West Fourth Street (south alley)

IV. STAFFING

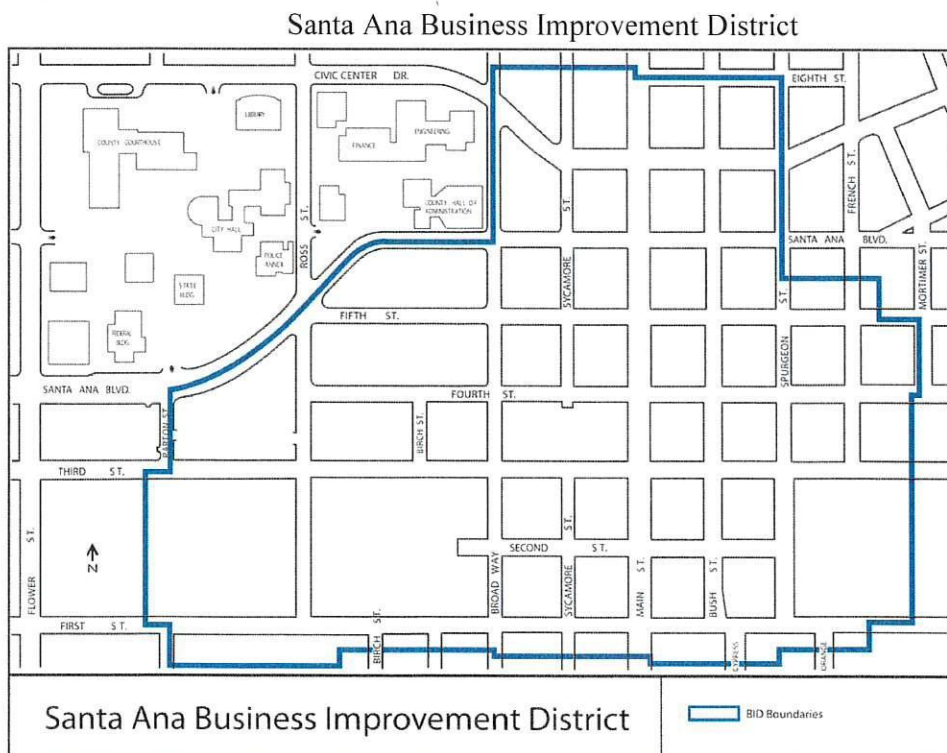
A. Litter Team of 7 Workers:

Monday - Sunday 7:00 AM to 9:00 PM

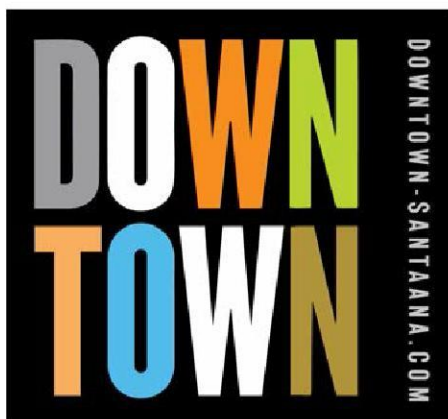
B. Power Washing Team of 3 Workers:

Monday - Sunday 4:00 AM to 10:00 AM

V. AREA OF SERVICE



Downtown Santa Ana Clean and Safe Program



Presented By:
Downtown Incorporated

November 2019
Santa Ana, CA

Downtown Santa Ana

Downtown Santa Ana is the urban center, county seat and heart of Orange County. With its rich culture and history, it's the perfect setting for shopping, great food and multitude of unique and diverse programming and entertainment. Our mission at Downtown Incorporated is to facilitate the enhancement of Downtown Santa Ana as a vibrant shopping, entertainment, business and cultural destination for all. A huge and integral part of delivering a desirable environment to guests and local businesses is by ensuring our downtown area stays clean and safe for all to enjoy. This would be impossible without the Downtown Santa Ana Clean and Safe Program.



What is the Downtown Santa Ana Clean & Safe Program?

Mission Statement: To provide a clean and safe environment with efficient, prompt, and professional service for the enjoyment of Downtown Santa Ana's residents, employees, customers and visitors.

The Downtown Santa Ana Clean and Safe Program is a team of hardworking individuals dedicated to the cleanliness, upkeep, and security of our downtown area. Their daily operations of litter maintenance, power washing, and security are a critical factor in the success of keeping our eighty-two blocks clean and safe and making sure visitors are welcomed into a clean and safe environment. The Clean and Safe Program team members also act as ambassadors of Downtown Santa Ana providing constant guidance and help to all who ask creating a positive experience, which is key for customer and visitor retention. The Clean and Safe Program positively affects all businesses and residents in the downtown area by preserving and maintaining all public areas. Heavy foot traffic of the downtown area results in large amount of trash and grim, magnified by the current homeless issues, it is not an easy task to keep the area clean. The Clean and Safe program meets quarterly (includes representatives from City, SAPD, Downtown Inc and Santa Ana Business Council) to discuss, optimize, coordinate ongoing operations and address any issues facing Downtown. The Clean and Safe Program works tirelessly to preserve the beauty and pride of Downtown Santa Ana for all to enjoy.



Program Funding

Funding for the Clean and Safe program is provided by the Downtown Santa Ana parking revenue. Downtown Santa Ana benefits by having four full time police officers assigned to patrol the area. The four police officers are paid from the parking revenue. Additionally, some Downtown enhancements are also paid from the Downtown Santa Ana parking revenue. We appreciate the partnership with the City of Santa Ana and working together to benefit the community, Downtown and the City.



Impact of the Program

The impact of the Clean and Safe program in Downtown Santa Ana cannot be overstated. This is what the Clean and Safe team has accomplished this year:

82 blocks of Downtown Santa Ana are cleaned daily.

47,150 bags of trash pulled.

5,840 sidewalks power washed.

12,080 stickers removed.

12,500 graffiti removals from benches, bollards, parking meters, light poles and fixtures.

1,900 visitors and residents given directional assistance.

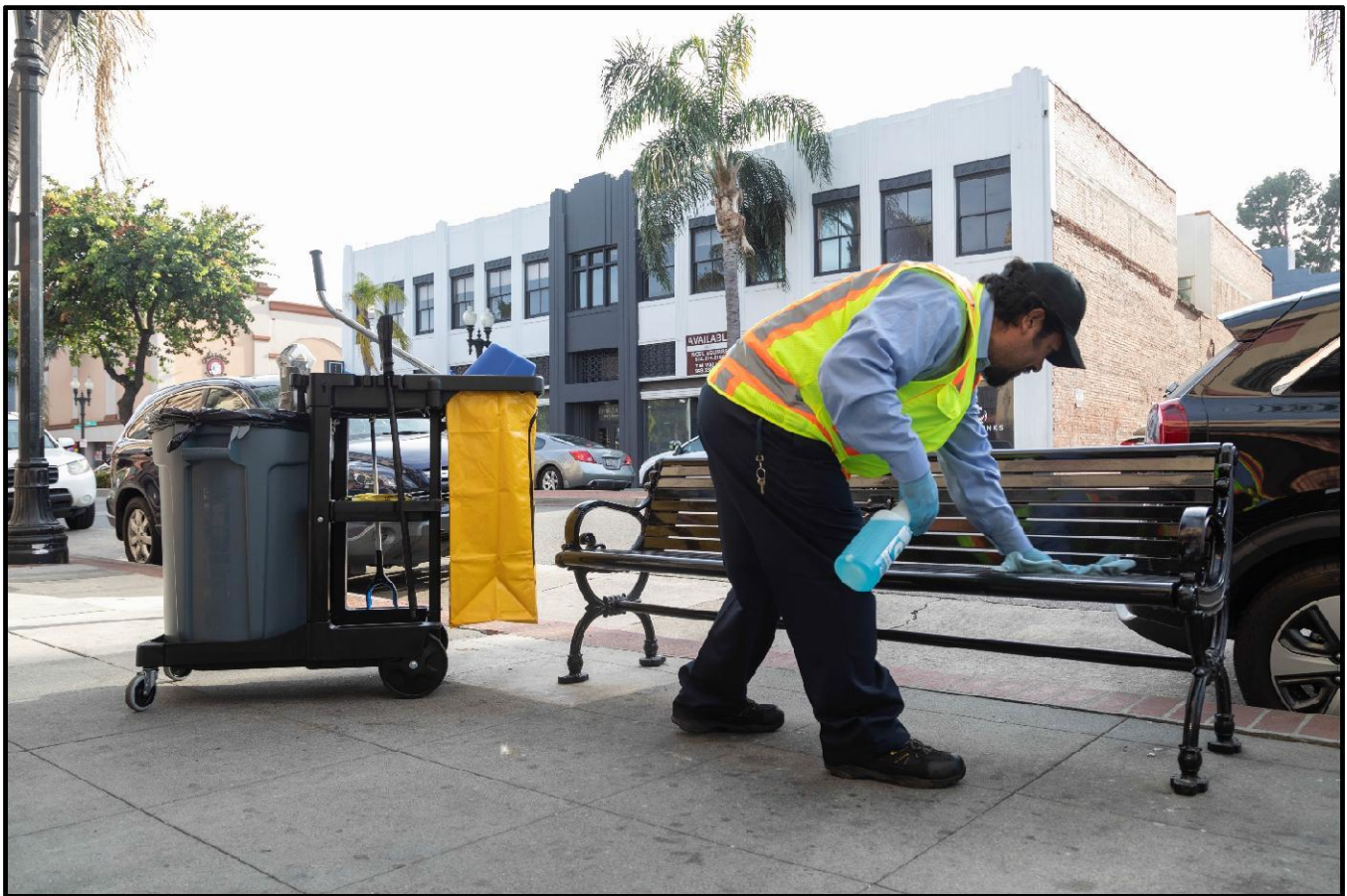
2,350 service calls responded.



Our Team in Action

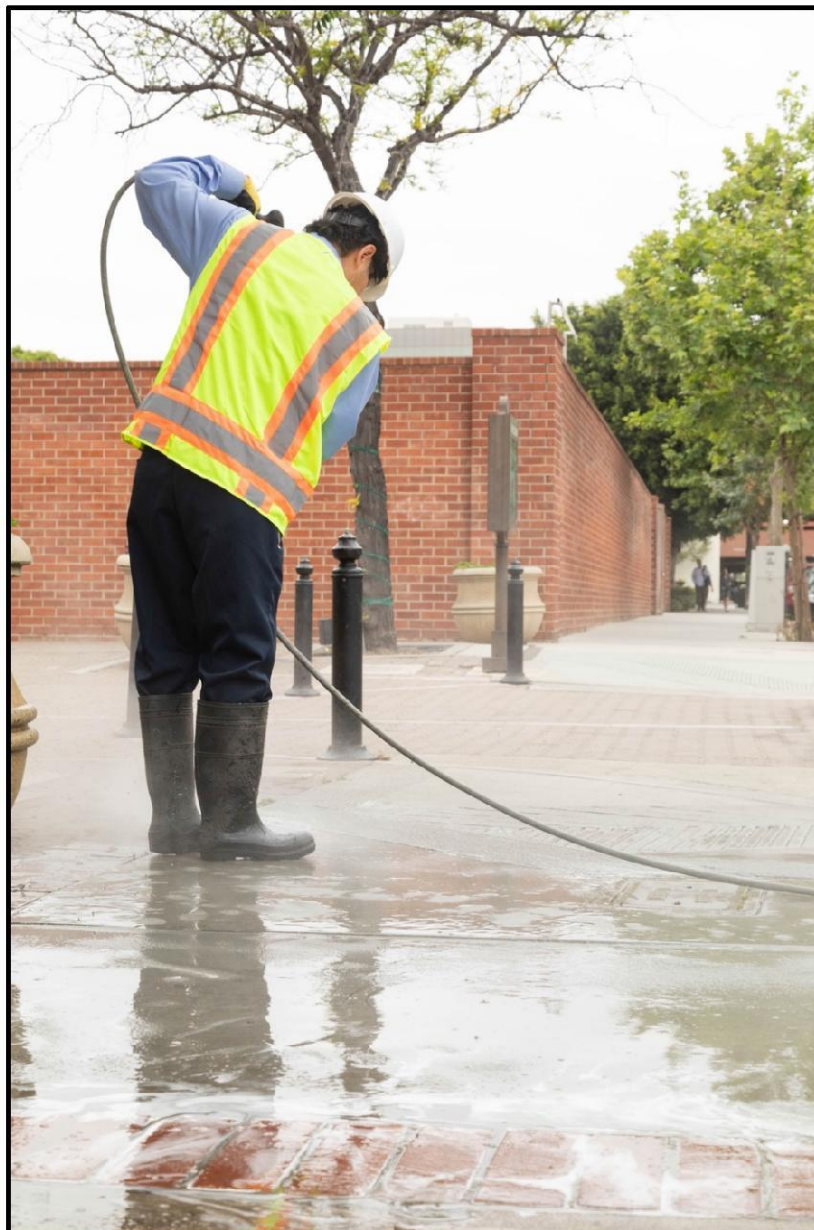
Trash and Waste Removal

The Clean and Safe team provides daily trash and waste removal. This includes removing litter from all public areas including sidewalks and alleys. All litter and waste are disposed of into designated dumpsters. All ninety trash cans are frequently emptied, cleaned, and lined with trash bags. All benches are wiped and cleaned of dirt and grime. The growing homeless population in Downtown Santa Ana creates additional challenges for the Clean and Safe team.



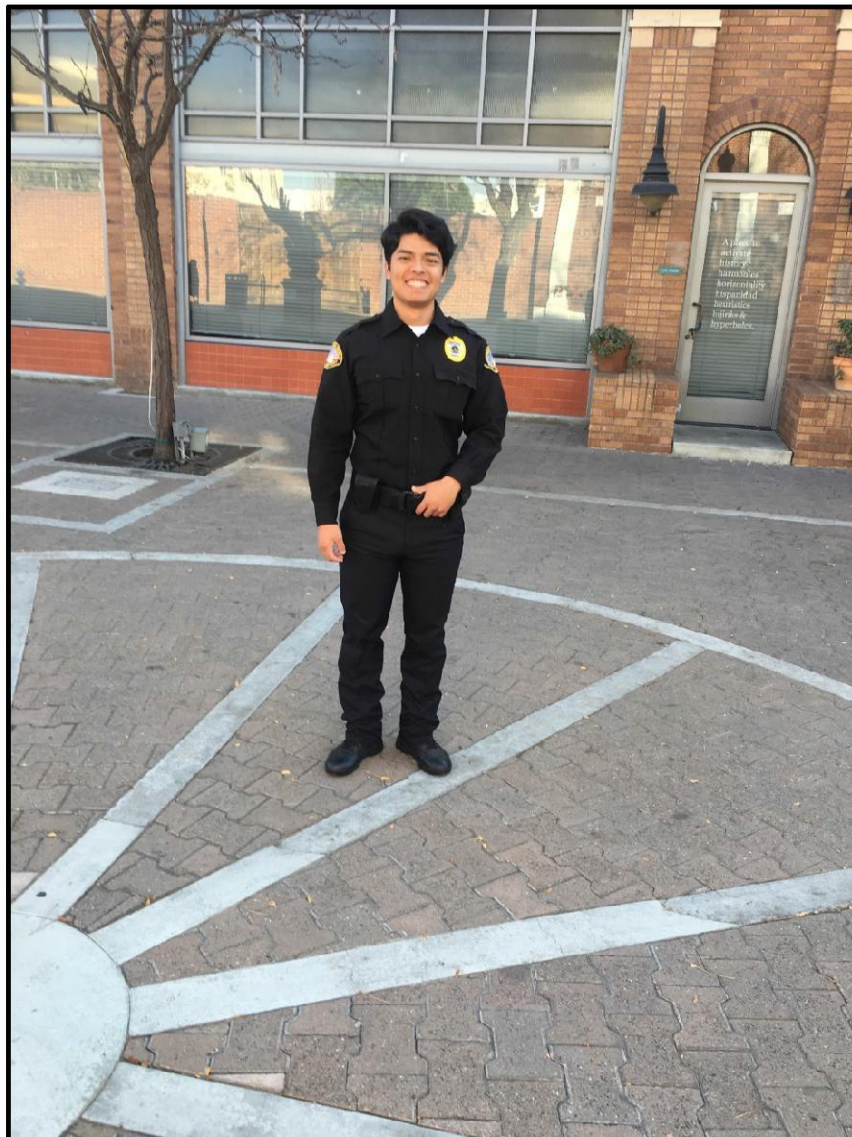
Power Washing

The Clean and Safe team power washes all public areas including sidewalks and alleys. Power washing removes unsightly surface grime, mold, waste and foul odors. Downtown Santa Ana has been impacted by the growing homeless population which has had a huge impact on Downtown businesses, residents and visitors. Power washing helps keep the area clean and odor free.



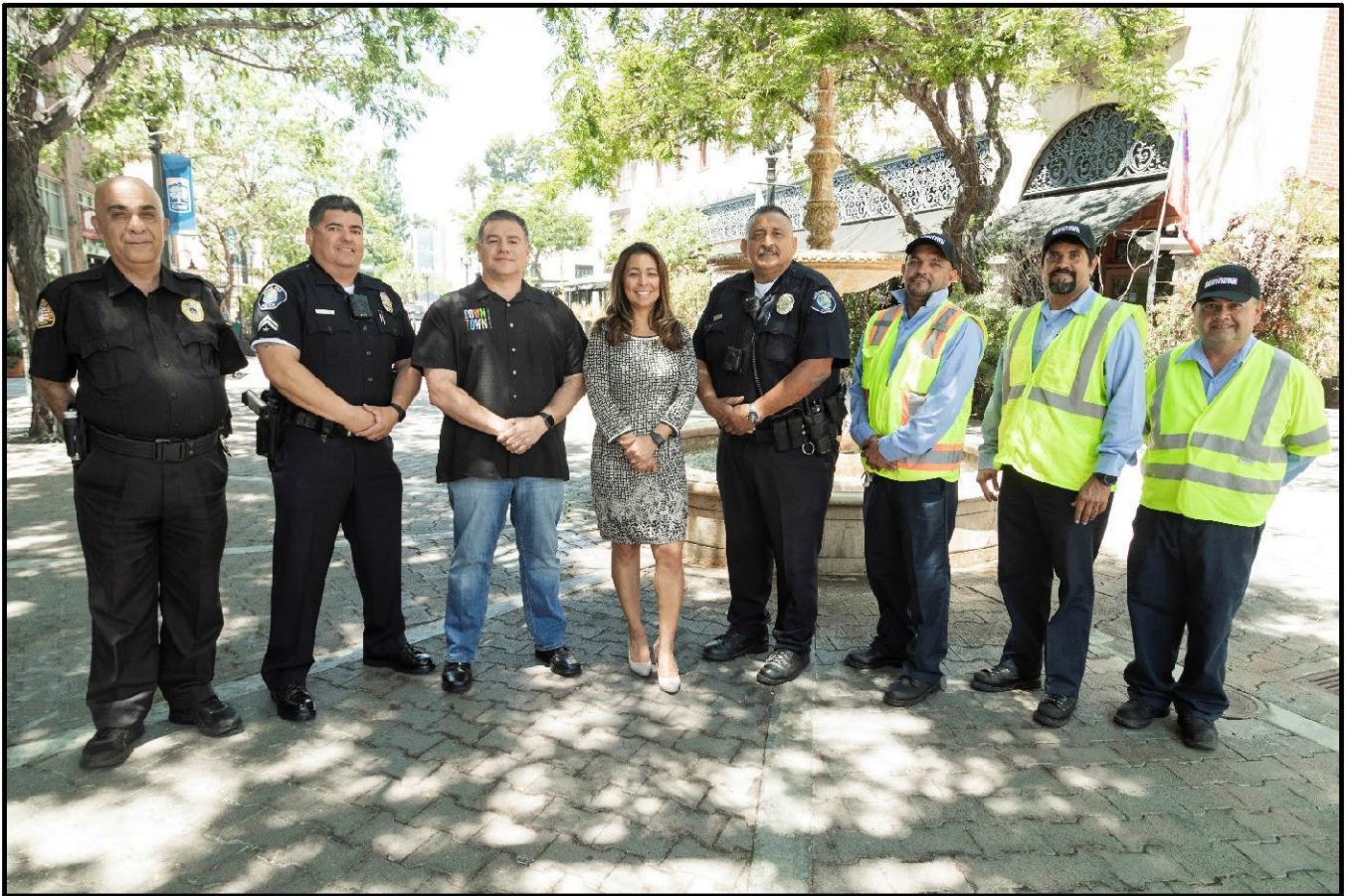
Security Guards

Providing security guards is an important part of the efforts of the Clean and Safe Program to create a safe and welcoming environment. The Santa Ana Police Department remains responsible for law enforcement, yet our security officers complement their efforts and further establish a comprehensive network of security in Downtown Santa Ana. The Downtown Santa Ana security guards patrol, handle calls for service, check for any hazards or safety issues and either mitigate the issue or report it to the proper authority. They also act as first responders to any emergency situation.



The Clean and Safe program is designed to promote greater hospitality and safety in the Downtown Santa Ana community. From 1st Street to Santa Ana Blvd and from Ross to Mortimer, you will find team members making your world:

- **Cleaner** - by controlling litter, power washing, removing stickers and cleaning graffiti from fixtures.
- **Safer** - with uniformed visibility.
- **Friendlier** - by providing directions and assistance.



Area of Service

Santa Ana Business Improvement District.

