

REVISED 02/27/09

City of Santa Ana Council Meeting Agenda

March 2, 2009

**CLOSED SESSION
CITY HALL
20 Civic Center Plaza, 8th Floor**

**REGULAR MEETING
CITY COUNCIL CHAMBERS
22 Civic Center Plaza
6:00 P.M.**



Miguel A. Pulido
Mayor

Claudia Alvarez
Mayor Pro Tem – Ward 5

Michele Martinez
Councilmember - Ward 2

P. David Benavides
Councilmember - Ward 4

Joseph W. Fletcher
City Attorney

David N. Ream
City Manager

Vincent F. Sarmiento
Councilmember - Ward 1

Carlos Bustamante
Councilmember - Ward 3

Sal Tinajero
Councilmember - Ward 6

Patricia E. Healy
Clerk of the Council

NOTE: If you need special assistance to participate in this Council meeting, contact, Mary Kelley, City ADA Program Coordinator, at (714) 647-5340. Please call prior to the meeting to allow the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102) American Disabilities Act Title II)

BASIC CITY COUNCIL MEETING INFORMATION

CODE OF ETHICS AND CONDUCT

The people of the City of Santa Ana, at an election held on February 5, 2008, approved an amendment to the City Charter of the City of Santa Ana which established the Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence. A copy of the City's Code can be found on the Clerk of the Council's webpage. The following are the core values expressed:

Integrity · Honesty · Responsibility · Fairness · Accountability · Respect · Efficiency

AGENDA DESCRIPTIONS

The agenda descriptions provide the public with a general summary of the items of business to be considered by the Council. The Council is not limited in any way by the **Recommended Action** and may take any action which the council deems to be appropriate on an agenda item. Except as otherwise provided by law, no action shall be taken on any item not listed on the agenda. Late materials received following the posting of the agenda will be available for viewing in the Council meeting location during the session.

PUBLIC INPUT

AGENDA ITEMS – Members of the public shall be given three (3) minutes to address the City Council on any and all matters contained on the City Council agenda as well as the agendas of any of the City's related agencies scheduled at the same time; Members of the public shall also be given three (3) minutes to address the City Council for each duly noticed hearing, unless the matter is continued prior to taking public testimony; Following the conclusion of all agenda matters, members of the public shall be provided three (3) minutes to address the Council on issues of public interest within the subject matter jurisdiction of the City Council. All requests to speak shall be submitted in writing by submitting a speaker card to the Clerk of the Council. No requests to speak shall be accepted after the public comment session begins without permission of the presiding officer.

CONSENT CALENDAR

All matters listed under the consent calendar are considered to be routine by the City Council and will be enacted by one motion without discussion unless a member of the Council "pulls" an item(s) from the consent calendar for a separate vote.

TELEVISED MEETING SCHEDULE

All regular Council meetings will be televised and available for viewing on the City's web page live or taped delayed. Meetings held in the Council Chamber or other designated locations which are televised live on CTV3 **Time Warner Cable** will be cablecast Mondays at 6:00 p.m., Tuesdays immediately following the Council meeting at 9:00 a.m., Wednesdays at 6:00 p.m., and Sundays at 1:00 p.m. Meetings held in locations that do not have a live cable feed will be videotaped and shown on CTV3 and the City's website one day following the Council meeting.

DVD copies of the Council meetings for loan will be available for public circulation at the Santa Ana Main Library the day after the Council meeting.

AGENDA & MINUTES

Staff reports and documents relating to each agenda item are on file in the Office of the Clerk of the Council and are available for public inspection during regular business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday. The Clerk's office is located in City Hall, 20 Civic Center Plaza, Room 809, Santa Ana, California, (714) 647-6520. Council meeting agendas, staff reports, and minutes are available the Friday before a Council meeting at the following website address: www.santa-ana.org

**CITY OF SANTA ANA
CITY COUNCIL MEETING**

MARCH 2, 2009

CALL TO ORDER

5:00 P.M.

CLOSED SESSION

(See Separate Agenda for Closed Session Items)

REGULAR MEETING

6:00 P.M.

CALL TO ORDER

MAYOR PULIDO

COUNCILMEMBERS ALVAREZ, BENAVIDES,
BUSTAMANTE, MARTINEZ, TINAJERO,
SARMIENTO

PLEDGE OF ALLEGIANCE

MAYOR PULIDO

INVOCATION

Robert Barnett, Police Chaplain

EMPLOYEE SERVICE AWARDS

MAYOR PULIDO

20 YEARS OF SERVICE

Kent M. Yamaguchi

Zoo Curator of Education, Parks, Recreation, and
Community Services

25 YEARS OF SERVICE

Kurt A. Wiemann

Construction Inspector II, Public Works Agency

PRESENTATIONS

PROCLAMATION presented by MAYOR PULIDO to Allan Fainbarg in recognition of Allan Fainbarg Day.

PROCLAMATION presented by MAYOR PULIDO and COUNCILMEMBER MARTINEZ to IMPCO Technologies in recognition of their 50th Anniversary.

CERTIFICATE OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ and COUNCILMEMBER SARMIENTO to the Union of Vietnamese Student Associations in recognition of the UVSA Tet Festival 2009, "Year of the Ox".

CERTIFICATE OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Julian Braun for assisting the Santa Ana Police Department in pursuit of a burglary suspect.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER MARTINEZ to Chipotle Mexican Grill, Inc. in recognition of their Grand Opening on February 6, 2009.

CLOSED SESSION REPORT

(The City Attorney will report items to be added to the Consent Calendar from the Closed Session meeting).

PUBLIC COMMENT ON AGENDA ITEMS

Prior to consideration of the consent and business calendars on the agenda, the City Council and all other related City Agencies meeting on this date will convene in joint session to receive public comments regarding any agenda items on the City Council agenda and any agenda or non-agenda items on the respective agencies agendas. All requests to speak shall be submitted in writing to the Clerk of the Council. Speaker forms will be available at the meeting.

REQUESTS TO SPEAK SHALL NOT BE ACCEPTED AFTER THE PUBLIC COMMENT SESSION BEGINS WITHOUT PERMISSION OF THE PRESIDING OFFICER. Members of the public shall be given a total of three (3) minutes to address the City Council on any and all matters contained on the City Council and related Agencies agendas.

CONSENT CALENDAR

Recommended Action:

Approve staff recommendations on the following Consent Calendar items.

ADMINISTRATIVE MATTERS

MINUTES

Recommended Action:

Approve minutes. (Item 10A, 10B and 10C)

- 10A Closed Session Meeting of February 17, 2009
- 10B Regular Meeting of February 17, 2009
- 10C Special Meeting Minutes of February 24, 2009

APPOINTMENTS

13A APPOINTMENT

Recommended Action:

Appoint Desi Reyes to the Community Redevelopment/Housing Commission, nominated by Councilmember Sarmiento as the Ward 1 representative for a full term expiring December 11, 2012. (Replacing D. Vasquez)

MISCELLANEOUS ADMINISTRATION

- 19A CLOSED SESSION REPORT
- 19B EXCUSED ABSENCES
- 19C DESTRUCTION OF OBSOLETE CITY RECORDS

Recommended Action:

Approve the requests for the destruction of obsolete records from various City departments in accordance with the retention schedule outlined in City Council Resolution 2006-045. (City Manager's Office Community Development Agency and Parks, Recreation and Community Services Agency)

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

- 20A APPROPRIATION ADJUSTMENT ACCEPTING THE PROJECT SAFE NEIGHBORHOODS GRANT FUNDING

Recommended Action:

1. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana authorizing the City Manager and Chief of Police to execute a grant award agreement with the California Office of Emergency Services for the Project Safe Neighborhoods Grant Program

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

APPROPRIATION ADJUSTMENT NO. 09-67 - Recognizing the California Emergency Management Agency Grant funds in the amount of \$30,000 into the OES-2009 Project Safe Neighborhoods Grant revenue account and appropriate same into the OES-2009 Project Safe Neighborhoods expenditure account

20B

APPROPRIATION ADJUSTMENT ACCEPTING FY 2008 HOMELAND SECURITY GRANT PROGRAM AND RELATED AGREEMENTS

Recommended Action:

1. **Authorize the City Manager and the Chief of Police to prepare a subgrantee agreement.**

AGMT – EQUIPMENT, SERVICES, AND TRAINING - With the City of Anaheim in an amount not to exceed \$4,000,000

2. **Direct the City Attorney to prepare and authorize the Chief of Police and the Clerk of the Council to enter into reimbursement agreements.**

AGMTS - EQUIPMENT, SERVICES, OR TRAINING - With the County of Orange or any of the cities located in the designated Anaheim/Santa Ana Urban Area in an aggregate amount not to exceed \$4,000,000 – Police Department

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

APPROPRIATION ADJUSTMENT NO. 09-66 - Recognizing the FY 2008 Urban Areas Security Initiative in the amount of \$4,000,000 in revenue account and appropriate same in the FY 2008 Urban Areas Security Initiative Program Grant expenditure accounts

20C

APPROPRIATION ADJUSTMENT RECOGNIZING RECREATION SPECIAL FEES AND DONATIONS

Recommended Action:

- Approve an Appropriation Adjustment. (Requires five affirmative votes)**

APPROPRIATION ADJUSTMENT NO. 09-070 - Recognizing \$328,460 in Recreation Special Fees and Donations revenue accounts and appropriate same to the Recreation Special Fees and Donations expenditure accounts

20D

APPROPRIATION ADJUSTMENT ACCEPTING FUNDS FOR THE TRAFFIC SIGNAL AT HARBOR BOULEVARD AND KENT AVENUE (PROJECT NO. 08-5022-C)

Recommended Action:

- Approve an Appropriation Adjustment. (Requires five affirmative votes)**

APPROPRIATION ADJUSTMENT NO. 09-068 - Accepting funds from California Palm in the amount of \$39,300 into the select street construction fund and appropriating the funds into the select street construction fund for the traffic signal installation at Harbor Boulevard and Kent Avenue

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

Recommended Action:

Award in accordance with Request for Council Action. (Items 22A through 22E)

22A SPEC. NO 09-011 – FIREFIGHTER TURNOUT COATS & PANTS – FIRE DEPARTMENT – Award a contract to Fisher Scientific, under the Cooperative Purchase Provision of the City of Sacramento, in the amount of \$268,000 – Finance & Management Services Agency

22B SPEC. NO 09-001 – POSITIVE DISPLACEMENT COLD WATER METERS – PUBLIC WORKS AGENCY – Award a contract to Badger Meter, Inc. for a one-year period, with provision for four, one-year renewals in an annual amount not to exceed \$95,000 – Finance & Management Services Agency

22C SPEC. NO 07-087 and 09-009 – AUTOMOTIVE PARTS AND REPAIRS – Finance & Management Services Agency

Recommended Action:

1. Renew the contracts for Original Equipment Manufacturer vehicle parts and repairs for a one-year period in the annual aggregate amount not to exceed \$160,000 with: Power Chevrolet Irvine, Showcase Chevrolet, McCoy Motor Co. Inc. d/b/a Mills Ford, Power Ford Tustin, and Villa Ford.
2. Award a contract to Orange County Auto Parts Inc. for miscellaneous automotive parts for a one-year period, with provision for two one-year renewals in the annual amount not to exceed \$50,000.

22D SPEC. NO 06-013 – WATER WELL REHABILITATION – PUBLIC WORKS AGENCY – Renew the contracts for a one-year period in an annual aggregate amount not to exceed \$250,000 to:

<u>Vendor</u>	<u>Location</u>
Orange County Pump Co.	Santa Ana
So Cal Pump & Well Drilling, Inc.	Riverside
Bakersfield Well & Pump Co.	Bakersfield
Layne Christensen Co.	Fontana

22E SPEC. NO 08-077 – HEATING, VENTILATION, AND AIR CONDITIONING MAINTENANCE AND REPAIRS – Award a contract to Adelphia, Inc. d/b/a

Chandler's Air Conditioning and Refrigeration for two one-year renewals in an amount not to exceed \$60,000 annually – Finance & Management Services Agency

PROJECTS

23A **CONTRACT AWARD FOR LOCAL STREET REHABILITATION – PROJECT RESTORE, PHASE IV (PROJECT NO. 09-1747-C)**

Recommended Action:

- 1. Award a contract to All American Asphalt , the lowest responsible bidder, in accordance with unit bid prices plus add-on alternate one in the estimated amount of \$3,864,426 for construction of Local Street Rehabilitation-Project Restore, Phase IV.**
- 2. Approve a Funding Analysis with a total estimated construction cost of \$4,637,300**

AGREEMENTS

Recommended Action:

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. (Items 25A through 25F)

25A **AGMT – WIRELESS COMMUNICATION CONSULTING SERVICES –**
Execute an amended and restated agreement with ATS Communications for a two-year term on a commission basis – City Manager's Office

25B **AGMTS – ON-CALL LANDSCAPE ARCHITECTURAL SERVICES –**
Execute agreements with Tatsumi and Partners, RJM Design Group, Inc, and Lynn Capouya not to exceed an amount of \$300,000 for each firm – Public Works Agency

25C **AGMTS – BRISTOL STREET CORRIDOR (PROJECT NOS. 06-1500-C AND 08-1700-C) –** Public Works Agency

- AGMT – With Shlomo Yafckli and Judith Yafckli for the purchase of a portion of the property located at 1245 W. Highland in the amount of \$38,385
- AGMT – With George Dunlop McIntyre and Alice Ilene McIntyre, Trustee in Trust of The McIntyre Family Trust, for the purchase of the property located at 908 N. Bristol in the amount of \$1,081,000

25D **AGMT – EDUCATIONAL SERVICES TO SANTA ANA SCHOOLS ON WATER-RELATED ISSUES –** Execute an amendment with the Municipal Water District of Orange County for a one year term, with the option to

extend for a second one year term in an amount not to exceed \$52,000 for the first year and \$30,000 for the second year – Public Works Agency

25E AGMT – WEB-SITE AND PROMOTIONAL COMMUNICATIONS SERVICES FOR READY OC – Execute an amendment with Westbound Communications for an amount not to exceed \$220,000 for the Emergency Preparedness Campaign and for the primary benefit of the Anaheim/Santa Ana Urban Area – Police Department

25F AGMT – CABRILLO PARK TENNIS COURT – Public Works Agency and Parks, Recreation, and Community Services Agency

1. **Authorize the City Manager and Clerk of the Council to execute an agreement subject to non-substantive changes approved by the City Manager and City Attorney.**

AGMT – With the County of Orange for the construction of a tennis court at Cabrillo Park

2. **Approve an Appropriation Adjustment. (Requires five affirmative votes)**

APPROPRIATION ADJUSTMENT NO. 09-069 - Accepting funds from the County of Orange in the amount of \$170,000 into the Parks Capital Projects fund and appropriating the funds to the same fund

LAND USE MATTERS

31A **CONDITIONAL USE PERMIT / VARIANCES**

CONDITIONAL USE PERMIT NO. 2008-37 – 2130 NORTH GRAND AVENUE

Filed by HMC Architects to allow a private school, child care facility and new gymnasium as part of an expansion at the Alliance Church of Orange at 2130 North Grand Avenue located in the Single Family Residence (R1) zoning district.

Recommended action approved by the Planning Commission on January 26, 2009 by a vote of 7-0.

Applicant: HMC Architects

Recommended Action:

Receive and file the staff report approving Conditional Use Permit No. 2008-37 as conditioned.

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

BUSINESS CALENDAR

RESOLUTIONS

55A **AMENDMENT TO CLASSIFICATION AND COMPENSATION PLAN AND ANNUAL BUDGET**

Continued from the February 2, 2009 City Council meeting by a vote of 7-0.

Continued from the February 17, 2009 City Council meeting by a vote of 6-1 (Tinajero absent).

Recommended Action:

Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana to amend Resolution No. 82-110 to add two new full time classification titles to the City's Basic Classification and Compensation Plan, and to amend the current annual budget to reallocate four positions in the Parks, Recreation and Community Services Agency

REPORTS

65A **RESTRUCTURE CITY BOARDS, COMMISSIONS, AND COMMITTEES (APPOINTIVE BOARDS)**

Continued from the February 2, 2009 City Council meeting by a vote of 7-0.

Recommended Action:

Direct the City Attorney to draft the documents necessary to modify the structure of the City's boards, commissions and committees (appointive boards) as per Council direction.

PUBLIC HEARINGS

75A **PUBLIC HEARING - CONSTRUCTION OF THE CITY PLACE SKY LOFTS RESIDENTIAL TOWER DEVELOPMENT LOCATED AT 301 EAST JEANETTE LANE**

Filed by the Transaction Financial Corporation, to allow the construction of a 31-story high rise residential condominium tower within the City Place development located at 301 East Jeanette Lane in the Specific Development No. 59 (SD-59) zoning district.

Recommended action approved by the Planning Commission on January 12, 2009 by a vote of 5-1 (Yrarrazaval opposed, Turner abstained)
Legal Notice published in the Orange County Reporter on January 23, 2009 and notices mailed.

Applicant: Transaction Financial Corporation

Continued from the February 2, 2009 City Council Meeting by a vote of 7-0.

Continued from the February 17, 2009 City Council Meeting by a vote of 6-1 (Tinajero absent).

Recommended Action:

1. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana certifying the Environmental Impact Report for the Sky Lofts project, approving a mitigation monitoring program, and adopting certain facts, findings and a statement of overriding considerations

2. Place ordinances on first reading and authorize publication.

ORDINANCE – An ordinance of the City Council of the City of Santa Ana amending Specific Development District (SD-59)

ORDINANCE – An ordinance of the City Council of the City of Santa Ana approving an amendment to the development agreement between the City of Santa Ana and Main Street Concourse, LLC

3. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana approving Conditional Use Permit No. 2008-34 as conditioned, vesting Tentative Tract Map No. 2008-04 as conditioned and Site Plan Review No. 2008-05 for the property located at 301 East Jeanette Lane (County Map NO. 17242)

75B PUBLIC HEARING – ORDINANCE CREATING NEW APPLICATION PROCESSING FEE FOR MODIFICATION OF HISTORIC STRUCTURES AND RESOLUTION ESTABLISHING AND UPDATING VARIOUS DEVELOPMENT PROCESSING FEE AMOUNTS

Legal Notice published in the Orange County Reporter on February 20 and 25, 2009.

Recommended Action:

1. Place ordinance on first reading and authorize publication.

ORDINANCE – An ordinance of the City Council of the City of Santa Ana amending sections 30-6 and 30-8 of the Santa Ana Municipal Code authorizing imposition of fees for an applicant seeking approval for a major exterior modification to a historic structure

2. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana modifying fees for processing of applications for development approval and repealing in part Resolution No. 2008-041

75C

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2008-01 AND ORDINANCE AMENDMENT 2008-02 TO REGULATE MASSAGE ESTABLISHMENTS

Recommended action approved by the Planning Commission on January 12, 2009 by a vote of 7-0.

Legal Notice published in the Orange County Reporter on February 20, 2009.

Recommended Action:

- 1. Approve and adopt the Negative Declaration, Environmental Review No. 2008-98.**
- 2. Place ordinance on first reading and authorize publication.**

ORDINANCE – An ordinance of the City Council of the City of Santa Ana amending chapters 22 and 41 of the Santa Ana Municipal Code to update the City’s regulation of massage establishments and massage technicians

COMMUNITY REDEVELOPMENT AGENCY MEETING (Green Agenda)

HOUSING AUTHORITY MEETING (Blue Agenda)

PUBLIC COMMENTS ON ISSUES OF PUBLIC INTEREST

Members of the public shall be provided three (3) minutes to address the City Council on issues of public interest within the subject matter jurisdiction of the City Council. When speaking, all persons addressing the City Council shall follow the rules of decorum as detailed on the back of the speaker form. The presiding officer shall have the power and responsibility to enforce decorum and order of the meeting as set forth in Section 2-104(c) of the Santa Ana Municipal Code.

DEADLINE TO SUBMIT REQUEST TO SPEAK - NO REQUESTS TO SPEAK SHALL BE ACCEPTED AFTER THE PUBLIC COMMENT SESSION BEGINS WITHOUT PERMISSION OF THE PRESIDING OFFICER.

CITY MANAGER AND COUNCIL COMMENTS

90A CITY MANAGER'S COMMENTS

90B CITY COUNCILMEMBER COMMENTS

ADJOURNMENT