

City of Santa Ana Council Meeting Agenda

March 16, 2009

CLOSED SESSION
Police Chief's Conference Room
60 Civic Center Plaza, 4th Floor
5:00 P.M.

REGULAR MEETING
Police Community Room
60 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 16, 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

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 and 10B)

- 10A Special and Regular Closed Meeting Minutes of March 2, 2009
- 10B Regular Meeting of March 2, 2009

ORDINANCES/SECOND READING

In the event a Councilmember recorded an "abstention" before consideration of the following ordinance(s) on first reading, such abstention will also be reflected in the minutes for second reading

11A PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2008-01 AND ORDINANCE AMENDMENT 2008-02 TO REGULATE MASSAGE ESTABLISHMENTS

Placed on first reading at the March 2, 2009 City Council meeting and approved by a vote of 7-0

Published in the O.C. Reporter on March 6, 2009

Recommended Action:

Place ordinance on second reading and adopt.

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

MISCELLANEOUS ADMINISTRATION

- 19A CLOSED SESSION REPORT
- 19B EXCUSED ABSENCES

BUDGETARY MATTERS

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

- 23A CONTRACT AWARD FOR LOCAL STREET REHABILITATION – PROJECT RESTORE, PHASE V (PROJECT NO. 09-1748-C)

Recommended Action:

1. Award a contract to Alliance Street Works, Inc., the lowest responsible bidder, in accordance with unit bid prices and add-on alternate one in the estimated amount of \$2,986,700 for construction of Local Street Rehabilitation – Project Restore Phase V.
2. Approve a Funding Analysis with a total estimated construction cost of \$3,583,100

AGREEMENTS

25A **Recommended Action:**

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

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

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

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

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).

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

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.

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

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

WORK STUDY SESSION

WSA UPDATE ON RESIDENTIAL STREET RECONSTRUCTION – PUBLIC WORKS AGENCY

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