

REVISED 04/03/09

City of Santa Ana Council Meeting Agenda

April 6, 2009

**CLOSED SESSION
CITY HALL
20 Civic Center Plaza, 8th Floor
5:00 PM**

**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**

APRIL 6, 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

Dale Temple, Police Chaplain

EMPLOYEE SERVICE AWARDS

MAYOR PULIDO

25 YEARS OF SERVICE

Israel G. Garcia

Police Officer, Police Department

PRESENTATIONS

CERTIFICATES OF RECOGNITION presented by MAYOR PULIDO to State Senator Lou Correa and Assemblyman Jose Solorio for their support in assisting the City of Santa Ana obtain a \$400,000 CalGRIP Grant.

PROCLAMATION presented by MAYOR PULIDO to David Hollon and Lynn Sosa in recognition of DMV/ Donate Life California month.

PROCLAMATION presented by MAYOR PULIDO to United States Census Bureau in recognition of Census 2010.

CERTIFICATE OF RECOGNITION presented by MAYOR PULIDO to Richard Kelter in recognition of his community outreach.

PROCLAMATION presented by MAYOR PRO TEM ALVAREZ to St. Joseph Health System in recognition of its Healthy For Life campaign.

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Consul Carlos Rodriguez Y Quezada and Dr. Rosalva Garcia for their donation to Washington Elementary School.

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ and COUNCILMEMBER MARTINEZ to former Council Members Patricia McGuigan, Lisa Bist, Alberta Christy and Lisa Mills in honor of Women's History month.

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

CERTIFICATES OF RECOGNITION presented by COUNCILMEMBER SARMIENTO to Rick Griffey and Robert Flournoy from Steel Solutions for their donation to the Santa Ana YMCA.

CERTIFICATES OF RECOGNITION presented by COUNCILMEMBER SARMIENTO to Pedro Magallon, SAYSA and Leonel Perez, United Latin Soccer League in recognition of their efforts in bringing Chivas USA Soccer Clinic to the City of Santa Ana.

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 Closed Session Meeting of March 16, 2009
- 10B Regular Meeting of March 16, 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 NEW APPLICATION PROCESSING FEE FOR MODIFICATION OF HISTORIC STRUCTURES

Placed on first reading at the March 16, 2009 City Council meeting and approved by a vote of 6-0 (Benavides absent)

Published in the O.C. Reporter on March 20, 2009

Recommended Action:

Place ordinance on second reading and adopt.

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

ADMINISTRATIVE MATTERS

APPOINTMENTS

13A APPOINTMENT OF MEMBER TO THE SANTA ANA WORKFORCE INVESTMENT BOARD

Recommended Action:

Appoint Ms. Sabrina Van Artsdalen, Workforce Specialist IV, as the Workforce Investment Act Title I Programs representative on the Santa Ana Workforce Investment Board.

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, Finance and Management Services Agency and Police Department)

19D SEWER SYSTEM MANAGEMENT PLAN

Recommended Action:

Adopt the Sewer System Management Plan.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A APPROPRIATION ADJUSTMENT ACCEPTING OFFICE OF EMERGENCY SERVICES PROGRAM GRANT AWARD FUNDS

Recommended Action:

Approve an Appropriation Adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 09-77 – Accepting State of California Office of Emergency Services Anti-Drug Abuse Program Grant funds of \$63,000 to revenue account and appropriate the same to expenditure account

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

Recommended Action:

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

22A SPEC. NO. 06-182 – POLICE MOTORCYCLE PARTS AND REPAIR – Renew the contract with Seavco d/b/a Irv Seaver Motorcycles for a one-year period in an amount not to exceed \$175,000 – Finance and Management Services Agency

22B SPEC. NO. 08-076 – SAFETY GLOVES – Award a contract to Fisher Safety for a one-year period with provision for three one-year renewals in an annual amount not to exceed \$35,000 – Finance and Management Services Agency

22C SPEC. NO. 09-007 – STREET SWEEPER BROOM REWRAP – Award a contract to West Coast Equipment, Inc. for a one-year period, with provision

for two one-year renewals in an amount not to exceed \$60,570 – Finance and Management Services Agency

22D SPEC. NO. 09-008 – REPROGRAPHICS PAPERS AND ENVELOPES – POLICE DEPARTMENT – Finance and Management Services Agency

Recommended Action:

1. **Reject the bid from D.D. Office Products, Inc. d/b/a Liberty Paper as nonresponsive to the specifications.**
2. **Award a contract to Unisource Worldwide Inc. for a one-year period, with provision for two year renewals in the annual amount not to exceed \$110,000.**

22E SPEC. NO. 09-012 – TONER CARTRIDGES AND SUPPLIES – Finance and Management Services Agency – Award contracts for a one-year period, with provision for two one-year renewals in an annual amount not to exceed \$125,000 with the following vendors:

<u>Vendor</u>	<u>Location</u>
CVR Computer Supplies	Cherry Hill, NJ
Corporate Express Imaging	Poway
Office Depot	Signal Hill

22F SPEC. NO. 06-157 – MOTOROLA PORTABLE RADIOS – POLICE DEPARTMENT – Amend the contract with Motorola in an amount not to exceed \$600,000 – Finance and Management Services Agency

22G SPEC. NO. 09-010 – ON-CALL SANITARY SEWER LINING SERVICES – PUBLIC WORKS AGENCY – Award a contract to RePipe-California, Inc. with provision for three one-year renewals in an annual amount not to exceed \$500,000 – Finance and Management Services Agency

22H SPEC. NO. 07-057 – BRASS WATER SERVICE FITTINGS – PUBLIC WORKS AGENCY – Amend the contract with Wells Supply Company by \$23,000 for a total annual amount not to exceed \$98,000 – Finance and Management Services Agency

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

23A REJECTION OF BIDS FOR MEMORIAL PARK POOL RENOVATION (PROJECT NO. 08-6016-C)

Recommended Action:

Reject all bids for the Memorial Park Pool Renovation.

23B

CONTRACT AWARD FOR FIFTH STREET AND MCFADDEN AVENUE BRIDGES REHABILITATION CROSSING OVER THE SANTA ANA RIVER (PROJECT NOS. 1777 AND 1778)

Recommended Action:

1. Award a contract to Beador Construction Company Inc., the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$2,414,300 for construction of Fifth Street and McFadden Avenue Bridge Rehabilitation over the Santa Ana River.
2. Approve a Funding Analysis with a total estimated construction cost of \$3,071,800.

23C

CONTRACT AWARD FOR CIVIC CENTER DRAINAGE AND PAVEMENT IMPROVEMENTS (PROJECT NOS. 09-9103-M, 09-9104-M AND 09-9105-C)

Recommended Action:

1. Award a contract to Beldaire West Landscape, Inc., the lowest responsible bidder, in accordance with unit bid lump sum prices for the base bid plus add-on alternate one in the estimated amount of \$218,525 for construction of Civic Center Drainage and Pavement Improvements.
2. Approve an Appropriation Adjustment. (*Requires five affirmative votes*).

APPROPRIATION ADJUSTMENT NO. 09-074 – Recognizing \$310,000 in the Civic Center Maintenance fund revenue account and appropriate same to the Civic Center Maintenance fund expenditure account.

3. Approve a Funding Analysis with a total estimated construction cost of \$273,100.

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 25H)

25A

AGMT – CELLULAR ANTENNA AT THORNTON PARK – Parks, Recreation and Community Services Agency

Recommended Action:

1. AGMT – With Omnipoint Communications Inc. (T-Mobile)

2. Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 09-078 – Recognizing \$23,040 in the Capital Outlay Fund revenue account and appropriate same to the Capital Outlay Fund expenditure account.

3. Receive and file Categorical Exemption for Environmental Review Nos. 2009-13 (Thornton Park).

25B AGMT – USE OF FLOOD CONTROL CHANNEL TO CONSTRUCT THE FLOWER STREET BIKE TRAIL – Execute agreement with the Orange County Flood Control District – Parks, Recreation and Community Services Agency

25C AGMT – IMPROVEMENTS AT CABRILLO TENNIS CENTER – Execute reimbursement agreement with the Southwest Property Investment, Inc. totaling \$153,867.40 – Parks, Recreation and Community Services Agency

25D AGMTS – STATE ROUTE 55/ALTON AVENUE OVERCROSSING (PROJECT 08-1730) – PUBLIC WORKS AGENCY

AGMT – With the California Department of Transportation (CALTRANS)

AGMT– PROVIDE DESIGN ENGINEERING SERVICES – With Huitt-Zollars, Inc. in the amount not to exceed \$1,720,000 including a 15% contingency

25E AGMTS – IMPLEMENTATION OF NEIGHBORHOOD STABILIZATION PROGRAMS – COMMUNITY DEVELOPMENT AGENCY

AGMT – Execute agreement with ANR Homes, Inc. for implementation of the single family, condominium and historic components of the Neighborhood Stabilization Program in an amount not to exceed \$2,715,636

AGMT – Execute agreement with Orange Housing Development Corporation and C&C Development for implementation of the rental housing component of the Neighborhood Stabilization Program in an amount not to exceed \$1,800,000

25F AGMTS – BILL PRINT AND PAYMENT SERVICES – Finance Management Services Agency

AGMT – Amend agreement with InfoSend, Inc. for municipal utility services bill printing and mailing, and electronic bill presentment and payment services from \$150,000 to a total not to exceed \$206,000, during the final one-year term of the agreement.

AGMT – Amend agreement with TransFirst, LLC for the processing of credit card payments in an aggregate limit not to exceed \$60,000, during the one-year extension of the agreement.

- 25G AGMT – COMPUTERIZED CASHIERING SYSTEM HARDWARE AND MAINTENANCE – Amend agreement with System Innovators, a division of Harris Computer Corporation, in an annual aggregate limit not to exceed \$45,000 – Finance Management Services Agency

LAND USE MATTERS

CONDITIONAL USE PERMIT/VARIANCES

31A **CONDITIONAL USE PERMIT NO. 2009-01 - 2929 SOUTH HALLADAY STREET**

Filed by Trillium Consulting to allow construction of a 60-foot high cellular antenna for T-Mobile at 2929 South Halladay Street located in the Light Industrial (M1) zoning district.

Recommended action approved by the Planning Commission on March 9, 2009 by a vote of 7-0.

Applicant – Trillium Consulting

Recommended Action:

Receive and file the staff report approving Conditional Use Permit No. 2009-01 as conditioned.

31B **CONDITIONAL USE PERMIT NO. 2009-03 AND 2009-04 AND VARIANCE NO. 2009-01 – 3531 SOUTH FAIRVIEW STREET**

Filed by Coast to Coast Commercial, LLC to allow conditional use permits for after-hours and a drive-through window service and a variance for a reduction in landscaping requirements for the Sonic Restaurant at 3531 South Fairview Street located in the Arterial Commercial (C-5) zoning district.

Recommended action approved by the Planning Commission on March 9, 2009 by a vote of 7-0.

Applicant – Coast to Coast Commercial, LLC

Recommended Action:

Receive and file the staff report approving Conditional Use Permit No. 2009-03 as conditioned, Conditional Use Permit No. 2009-04 as conditioned and Variance No. 2009-01 as conditioned.

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

BUSINESS CALENDAR

ORDINANCES

50A AMENDING CHAPTER 39 OF THE MUNICIPAL CODE –CONSERVATION OF PUBLIC WATER SUPPLY

Recommended Action:

Place ordinance on first reading and authorize publication.

ORDINANCE – An ordinance of the City of Santa Ana amending Chapter 39 of the Santa Ana Municipal Code relating to the conservation of the public water supply.

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).

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

Recommended Action:

Approve staff's request to continue the matter to May 18, 2009.

55B ADOPTION OF CITY TICKET AND PASS POLICY TO CONFORM TO FAIR POLITICAL PRACTICES COMMISSION REGULATION SECTION 18944.1

Recommended Action:

Adopt a resolution.

RESOLUTION – Resolution of the City Council of the City of Santa Ana establishing standards for distribution of tickets and/or passes to certain events in furtherance of the City's reasonably defined public purposes.

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 6-0 (Tinajero absent).

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

Continued from the March 16, 2009 City Council Meeting by a vote of 6-0 (Benavides absent).

Recommended Action:

Table the matter per staff's and applicant's request.

75B PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 2009-2010

Public hearing regarding the proposed Community Development Block Grant (CDBG) Program and Budget for Fiscal Year 2009-2010

Legal Notice published in the Orange County Register, La Opinion and Nguoi Viet News on March 20, 2009.

Recommended Action:

- 1. Approve the proposed fiscal year 2009-2010 Community Development Block Grant Program.**

2. Authorize the City Manager to submit the approved program to the United States Department of Housing and Urban Development for the City's fiscal year 2009-2010 allocation of Community Development Block Grant funds and execute the grant agreement with the United States Department of Housing and Urban Development.
3. Direct the City Attorney to prepare and authorize the City Manager and the Clerk of the Council to execute agreements with nonprofit agencies and/or sub-recipients awarded funds as part of the approved program.

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