

REVISED 05/01/2009

City of Santa Ana Council Meeting Agenda

May 4, 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**

MAY 4, 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

Gary Tucker, Police Chaplain

PRESENTATIONS

PROCLAMATION presented by MAYOR PULIDO to American Heart Association in recognition of National Start Walking Day on April 8, 2009.

CERTIFICATE OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Santa Ana Historical Preservation Society in recognition of their 35th Anniversary.

CERTIFICATE OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to Mothers Against Drunk Driving (MADD) for their efforts in deterring drunk driving.

CERTIFICATES OF RECOGNITION presented by MAYOR PRO TEM ALVAREZ to winners of the City sponsored Anti-Litter Art Contest.

PROCLAMATION presented by COUNCILMEMBER BUSTAMANTE to Raul Oseguera in recognition of his 35 years of service to the County of Orange.

PROCLAMATION presented by COUNCILMEMBER MARTINEZ to Santa Ana Police Athletics and Activities League (SAPAAL) in recognition of National Fitness Month.

CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER MARTINEZ to Gerardo Camacho for being selected 2008 Youth of the Year by the Boys and Girls Club 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)

10A Closed Session and Regular Meeting of **April 20, 2009**

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)

19D QUARTERLY REPORT OF INVESTMENTS AS OF MARCH 31, 2009 – FINANCE & MANAGEMENT SERVICES AGENCY

Recommended Action:

Receive and file report.

19E HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM

Recommended Action:

Approve a Substantial Amendment to the Consolidated Plan 2008-2009 Action Plan and authorize its submittal to the U.S. Department of Housing and Urban Development.

19F DOWNTOWN SANTA ANA BUSINESS IMPROVEMENT DISTRICT 2009 ANNUAL REPORT AND AGREEMENT WITH DOWNTOWN INC.

Recommended Action:

1. Approve the 2009 annual report.
2. Authorize the City Manager and Clerk of the Council to execute the attached amended agreement with Downtown Inc., a non-profit corporation, in the amount of \$205,000, subject to non-substantive changes approved by the City Manager and City Attorney.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A APPROPRIATION ADJUSTMENT ACCEPTING ICMA PUBLIC LIBRARY INNOVATION GRANTS FUNDS

Recommended Action:

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

APPROPRIATION ADJUSTMENT NO. 09-082 - Accepting ICMA Public Library Innovation Grant funds of \$59,846 in revenue account and appropriate same to expenditure accounts for the Connect!: Connecting Yourself with Your Future program.

20B APPROPRIATION ADJUSTMENT FOR AMERICAN RECOVERY AND REINVESTMENT ACT YOUTH FUNDS

Recommended Action:

Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 09-085 – Recognizing \$2,078,030 awarded to the City of Santa Ana WORK Center

20C APPROPRIATION ADJUSTMENT FY 2008/09 CAL-GRIP GRANT FUNDING PROGRAM

Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 09-087 – Recognizing FY 2008/09 California Gang Reduction (CAL GRIP), Intervention and Prevention Program Fund in the amount of \$400,000 into the revenue account and appropriate the same into the expenditure accounts.

20D APPROPRIATION ADJUSTMENT FOR WORKFORCE INVESTMENT ACT ADDITIONAL FUNDS – CAPACITY BUILDING

Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 09-086 – Recognizing additional revenues of \$41,000 from the State of California to provide capacity building for the Integrated Service Delivery Learning Labs.

SPECIFICATIONS – PURCHASE OF EQUIPMENT AND SERVICES

Recommended Action:

Award in accordance with Request for Council Action. (Items 22A and 22B)

22A SPEC. NO. 09-022 - PRINTING AND MAILING ANNUAL WATER QUALITY REPORT - Award a contract to Mundorff Graphics d/b/a Dakota Press in an amount not to exceed \$28,250 – Finance and Management Services

22B CONTRACT – WZ9435 XRT CHEMICAL/BIOLOGICAL LEVEL 3 CERTIFIED PROTECTIVE SUITS – With Blauer Manufacturing in an amount not to exceed \$2,021,608.13 – Police Department

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

23A CONTRACT AWARD FOR TRAFFIC SIGNAL CAPITAL IMPROVEMENT – PEDESTRIAN EQUIPMENT UPGRADE (PROJECT NO. 08-2505-M)

Recommended Action:

1. Award a contract to Econolite Traffic Engineering & Maintenance, the lowest responsible bidder, in accordance with unit bid prices in the amount not to exceed \$70,000 for construction of Traffic Signal Capital Improvement – Pedestrian Equipment Upgrade project.
2. Approve a Funding Analysis with a total estimated construction cost of \$85,000.

23B CONTRACT AWARD FOR SUSAN STREET REHABILITATION (PROJECT NO.09-1750-C)

Recommended Action:

1. Award a contract to R. J. Noble Company, the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$593,867.90 for construction of Susan Street Rehabilitation from Sunflower Avenue to MacArthur Boulevard.
2. Approve a Funding Analysis with a total estimated construction cost of \$831,380.

23C CONTRACT AWARD FOR BRISTOL STREET WIDENING FROM MCFADDEN AVENUE TO PINE STREET (PROJECT NOS. 06-1500, 07-3206, AND 09-3521)

Recommended Action:

1. Award a contract to All American Asphalt, the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$8,315,754 for construction of Bristol Street Widening from McFadden Avenue to Pine Street.
2. Approve a Funding Analysis with a total estimated construction cost of \$11,226,000.

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 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FISCAL YEAR 2009-2010

Public hearing closed on April 6, 2009 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.

Continued from the April 6, 2009 City Council meeting by a vote of 7-0

Continued from the April 20, 2009 City Council meeting by a vote of 7-0

Recommended Action:

- 1. Approve the proposed fiscal year 2009-2010 Community Development Block Grant Program as amended.**
- 2. Authorize the City Manager to submit the approved program to the United States Department of Housing and Urban Development (HUD) 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.**

25B AGMT - BUS SHELTER AND BUS BENCH SERVICES - Execute an amendment with Clear Channel Outdoor Inc. – Public Works Agency

25C AGMT - COUNTY OF ORANGE PROPOSITION 42 – CITY AID PROGRAM AGREEMENT - FISCAL YEAR 09/10 - With the County of Orange - Public Works Agency

25D AGMT - MAINTENANCE AND UPGRADE TO POLICE DIGITAL IMAGING MANAGEMENT SYSTEM – Execute amendment with Linear Systems in an amount not to exceed \$55,542.90 – Police Department

25E AGMT - WASTE DISPOSAL SERVICES - With the County of Orange effective July 1, 2010 – Public Works Agency

25F AGMT - PREVENTIVE MAINTENANCE AND REPAIRS OF MECHANICAL AND HVAC SYSTEMS - Execute an amendment with ACCO Engineered Systems in an annual amount not to exceed \$165,000 – Finance & Management Services Agency

- 25G AGMT - INTERNET ACCESS SERVICES - With Cogent Communications, Inc. for a two-year period with options to renew for three additional one-year terms, in an amount not to exceed \$40,000 per year – Finance & Management Services Agency
- 25H AGMT - MAINFRAME MAINTENANCE, EQUIPMENT, AND TECHNICAL SERVICES - With Symco Group, Inc., on a month-to-month basis for a period of up to one year in an amount not to exceed \$84,000 - Finance & Management Services Agency

MISCELLANEOUS

29A CONSOLIDATED PLAN ANNUAL UPDATE

Recommended action approved by the Community Redevelopment and Housing Commission on April 21, 2009 by a vote of 5-0.

Recommended Action:

- 1. Approve the Consolidated Plan Annual Update and authorize its submittal to the U.S. Department of Housing and Urban Development (HUD).**
- 2. Authorize the City Manager to make any necessary modifications to the 2009-2010 action plan to reflect the actual grant amounts once released by HUD.**

LAND USE MATTERS

30A QUITCLAIM OF SANITARY SEWER EASEMENT AT 301 MAIN PLACE DRIVE

Recommended Action:

Authorize the City Manager and the Clerk of the Council to execute a quitclaim deed relinquishing the City's reservation of easement for sanitary sewer purposes at 301 Main Place Drive to the Community Redevelopment Agency.

39A CONDITIONAL USE PERMIT NO. 2009-06 FOR AN ALCOHOL BEVERAGE CONTROL LICENSE LOCATED AT 3600 WEST MCFADDEN AVENUE

Recommended Action:

Receive and file.

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

BUSINESS CALENDAR

RESOLUTIONS

55A RESOLUTION OF INTENTION TO MODIFY DOWNTOWN MANAGEMENT DISTRICT PLAN

Recommended Action:

Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana stating its intention to modify the Management District Plan for the Downtown Santa Ana Community Management District and setting a time and place for public hearing thereon

PUBLIC HEARINGS

75A PUBLIC HEARING – AMEND DEVELOPMENT AGREEMENT NO. 2005-02 AND CONDITIONAL USE PERMIT NOS. 2005-10 AND 2005-15 TO ALLOW THE RENTAL OF UNITS AT THE SKYLINE TOWERS AND MONTAGE PROJECTS LOCATED AT MACARTHUR PLACE SOUTH - NDC SKYLINE ASSOCIATES, LLC AND INTEGRAL COMMUNITIES, APPLICANTS

On March 23, 2009, the Planning Commission recommended that the City Council: 1. Adopt an ordinance approving the second amendment to Development Agreement No. 2005-02 with respect to Nexus/NDC Skyline Towers. 2. Adopt a resolution approving the amendment to Conditional Use Permit No. 2005-10 as conditioned, by a vote of 7-0, and 1. Deny application of Integral Communities, I, Inc. to amend Development Agreement No. 2005-02. 2. Adopt a resolution denying the amendment to Conditional Use Permit No. 2005-15, By a vote of 4-3 (Gartner, Mill, Turner opposed).

Legal notice published in the O.C. Reporter on April 24, 2009 and notices mailed

Recommended Action:

1. Place ordinance on first reading and authorize publication.

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 NDC Skyline Associates, LLC

2. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana approving the amendment to Conditional Use Permit No. 2005-10 as conditioned for the properties located at 9 and 15 MacArthur Place.

3. Deny the application of Integral Communities I, Inc. to amend Development Agreement No. 2005-02.

4. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana denying the amendment to Conditional Use Permit No. 2005-15 for the properties located at 100-130 E. MacArthur Blvd.

75B

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT NO. 2009-04, AMENDMENT TO DEVELOPMENT AGREEMENT NO. 2005-02, CONDITIONAL USE PERMIT NO. 2009-08 AND VARIANCE NO. 2009-02 TO ALLOW THE CONSTRUCTION OF A COURTYARD BY MARRIOTT HOTEL AT 6 EAST MACARTHUR PLACE – NEXUS DEVELOPMENT CORPORATION, APPLICANT

The vote of the Planning Commission on the April 13, 2009 meeting was 3-3 (Mill, Leo, and Yrarrazaval opposed; Gartner absent)

Legal notice published in the O.C. Reporter on April 24, 2009 and notices mailed

Recommended Action:

Staff recommended that the Planning Commission:

1. Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana approving the addendum to the Final Environmental Impact Report No. 2004-002 and approve the Mitigation Monitoring Program; approve Conditional Use Permit No. 2009-08 as conditioned for a hotel and approving Variance No. 2009-02 as conditioned to allow a reduction in the required parking for the property located at 6 East MacArthur Place

2. Place ordinance on first reading and authorize publication.

ORDINANCE – An ordinance of the City Council of the city of Santa Ana amending the MacArthur Place South Mixed Use Specific Development District (SD-76) (ZOA No. 2009-04)

3. Place ordinance on first reading and authorize publication.

ORDINANCE – An ordinance of the City Council of the City of Santa Ana Approving an Amendment between the City of Santa Ana and Grand Plan 2, LLC

**JOINT SESSION BETWEEN CITY COUNCIL AND
THE COMMUNITY REDEVELOPMENT AGENCY**

80A PAYMENT TO EDUCATIONAL REVENUE AUGMENTATION FUND

Recommended Action:

Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 09-083 - Transferring loan funds from the Low and Moderate Income Housing Fund to the Merged Redevelopment Project Area Fund to make the necessary payment to the County Educational Revenue Augmentation Fund as required by legislation implementing the California State Budget for FY 2008-2009.

COUNCIL AGENDA ITEMS

Pursuant to Santa Ana Charter Section 411, any member of the City Council may place items on the City Council Agenda to be considered by the City Council.

85A SUPPORT FOR THE FEDERAL EMPLOYEE FREE CHOICE ACT
(Alvarez, Sarmiento, Tinajero)

Recommended Action:

Direct staff to promulgate a resolution supporting the Federal Employee Free Choice Act in accordance with the recommendations contained in the draft resolution (Exhibit A)

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