

# City of Santa Ana Council Meeting Agenda

**May 18, 2009**

**CLOSED SESSION**  
**Police Chief's Conference Room**  
**60 Civic Center Plaza, 4<sup>th</sup> 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**

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](http://www.santa-ana.org)

**CITY OF SANTA ANA  
CITY COUNCIL MEETING**

**MAY 18, 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 public will be given the opportunity to speak on any and all items on the agenda. 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 agenda.**

**CONSENT CALENDAR**

**Recommended Action:**

**Approve staff recommendations on the following Consent Calendar items.**

**ADMINISTRATIVE MATTERS**

## **MINUTES**

### **Recommended Action:**

**Approve minutes. (Item 10A)**

10A Regular and Closed Session Meeting Minutes of May 4, 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 AMENDMENT TO DEVELOPMENT AGREEMENT TO ALLOW THE RENTAL OF UNITS AT THE MONTAGE PROJECT LOCATED AT MACARTHUR PLACE SOUTH - INTEGRAL COMMUNITIES, APPLICANT

Placed on first reading at the May 4, 2009 City Council meeting and approved by a vote of 5-0 (Sarmiento abstained, Tinajero absent)

Published in the Orange County Reporter on May 8, 2009

### **Recommended Action:**

**Place ordinance on second reading and adopt.**

ORDINANCE NS-2782 – 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 Integral Communities I, Inc.

11B AMENDMENT TO DEVELOPMENT AGREEMENT TO ALLOW THE RENTAL OF UNITS AT THE SKYLINE TOWERS AT MACARTHUR PLACE SOUTH - NDC SKYLINE ASSOCIATES, LLC, APPLICANT

Placed on first reading at the May 4, 2009 City Council meeting and approved by a vote of 6-0 (Tinajero absent)

Published in the Orange County Reporter on May 8, 2009

### **Recommended Action:**

**Place ordinance on second reading and adopt.**

ORDINANCE NS-2783 – 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

## **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. (Police Department)**

**BUDGETARY MATTERS**

**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 25C)**

- 25A AGMT – GO LOCAL PROGRAM STEP 2 PROGRAM MANAGEMENT (PROJECT 09-2505-C) – Execute an agreement with Cindy Krebs Consulting, Inc., in the amount of \$288,000 - Public Works Agency
- 25B AGMT - LEGAL SERVICES – Approve an amendment to contract with the law firm of Liebert Cassidy Whitmore – City Attorney’s Office

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

**PUBLIC HEARINGS**

- 75A PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. 2007-03 AND ZONING ORDINANCE AMENDMENT NO. 2009-02 – 3417 WEST FIFTH STREET

Filed by Vinh Tran to modify the General plan and the North Harbor Specific Plan (SP2) land use designation from Open Space to General Commercial to allow a medical office building

Approved on April 13, 2009, by the Planning Commission by a vote of 5-0 (Alderete abstained, Gartner absent).

Legal notice published in the O.C. Reporter on May 8, 2009 and notices mailed

**Recommended Action:**

- 1. Approve and adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan, Environmental Review No. 2006-142**
- 2. Adopt a resolution.**

RESOLUTION – A resolution of the City Council of the City of Santa Ana approving and adopting the mitigated negative declaration and mitigation monitoring program (Environmental Review No. 2006-142) and amending the general plan of the City of Santa Ana to modify the land use element (GPA NO. 2007-03)

- 3. Place ordinance on first reading and authorize publication.**

ORDINANCE – An ordinance of the City Council of the City of Santa Ana amending the North Harbor Specific Plan (SP2) zoning district to rezone the property located at 3417 West Fifth Street from open space to general commercial (ZOA No. 2009-02)

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 (Alderete, Betancourt, Turner opposed; Gartner absent)

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

Continued from the May 4, 2009 City Council meeting by a vote of 5-0 (Benavides and Tinajero, absent).

**Motion:**

**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

**PUBLIC HEARING – AMENDMENT OF DOWNTOWN MANAGEMENT DISTRICT PLAN, MANAGEMENT AGREEMENT WITH DOWNTOWN INC., AND LOAN AGREEMENT**

Legal notice published in the O.C. Reporter on May 8 and 15, 2009.

CITY COUNCIL

**Recommended Action:**

**1. Adopt a resolution.**

RESOLUTION – A resolution of the City Council of the City of Santa Ana Amending the Management District Plan for the Downtown Santa Ana Community Management District pursuant to Article XX, Chapter 13 of the Santa Ana Municipal Code

**2. Authorize the City Manager and Clerk of the Council to execute the attached management agreement with Downtown Inc. for the management and implementation of Community Management District funds for a five-year period ending December 31, 2014, subject to non-substantive changes approved by the City Manager and City Attorney;**

**3. Authorize the City Manager and Clerk of the Council to execute the attached loan agreement with Downtown Inc. and the City of Santa Ana, subject to non-substantive changes approved by the City Manager and City Attorney.**

COMMUNITY REDEVELOPMENT AGENCY

**Recommended Action:**

**Authorize the Executive Director and Agency Secretary to execute the attached loan agreement with Downtown Inc. and the Community Redevelopment Agency, subject to non-substantive changes approved by the Executive Director and Agency General Counsel.**

**WORK STUDY SESSION**

WSA FISCAL YEAR 2009-2010 CITY BUDGET OVERVIEW – FINANCE AND MANAGEMENT SERVICES AGENCY

25C AGMTS – PARK LANDSCAPE MAINTENANCE SERVICES – Parks, Recreation, and Community Services

AGMT - Execute a one-year agreement with four one-year renewal options, with DMS Landscape Services to provide park landscape maintenance services in District 1 in an annual amount not to exceed \$261,120 and approve a 5% contingency for unanticipated work for a total annual amount not to exceed \$274,176

AGMT - Execute a one-year agreement with four one-year renewal options, with Merchants Landscape Services to provide park landscape maintenance services in District 2 in an annual amount not to exceed \$682,770, and approve a 15% contingency for unanticipated work for a total annual amount not to exceed \$787,045

AGMT - Execute a one-year agreement with four one-year renewal options, with Mariposa Landscapes to provide park landscape maintenance services in District 3, in an annual amount not to exceed \$424,156, and approve a 5% contingency for unanticipated work for a total annual amount not to exceed \$445,364

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.

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

**Motion:**

**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 three positions in the Parks, Recreation and Community Services 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**