

CITY OF SANTA ANA
CITY COUNCIL
CLOSED SESSION MEETING

AGENDA

5:30 P.M.
NOVEMBER 16, 2009

Police Chief's Conference Room,
60 Civic Center Plaza, 4th Floor
Santa Ana, California 92702

CALL TO ORDER

Mayor PULIDO

Councilmembers ALVAREZ, BENAVIDES,
BUSTAMANTE, MARTINEZ, SARMIENTO,
TINAJERO

City Manager, City Attorney, Clerk of the
Council

PUBLIC COMMENTS

Members of the public may address the City Council on items on the Closed Session Agenda.

CLOSED SESSION ITEMS

The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

CLOSED SESSION CALENDAR

1A CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6

Agency Negotiators: Personnel Services Executive Director,
Kathie Gonzalez

Employee Organization: Santa Ana Service Employees
International Union (SEIU), Santa Ana
Police Officers Association, Santa Ana

Firemen's Benevolent Association,
Santa Ana Management Association
(SAMA)

CLOSED SESSION REPORT

The City Attorney will report on any action(s) to be taken at the Regular Meeting which will begin immediately following the Closed Session Meeting.

ADJOURNMENT

City Council Meeting Agenda

November 16, 2009

**CLOSED SESSION MEETING
POLICE CHIEF'S CONFERENCE ROOM,
60 Civic Center Plaza, 4th Floor
5:30 P.M.**

**REGULAR MEETING
POLICE COMMUNITY ROOM,
60 Civic Center Plaza, 4th Floor)
(Immediately following the Closed Session Meeting)**



Miguel A. Pulido
Mayor

Claudia Alvarez
Mayor Pro Tem – Ward 5

Michele Martinez
Councilmember - Ward 2

P. David Benavides
Councilmember - Ward 4

Vincent F. Sarmiento
Councilmember - Ward 1

Carlos Bustamante
Councilmember - Ward 3

Sal Tinajero
Councilmember - Ward 6



Joseph W. Fletcher
City Attorney

David N. Ream
City Manager

Maria D. Huizar
Clerk of the Council



NOTE: If you need special assistance to participate in this Council meeting, please contact Ellen Smiley, City ADA Program Coordinator, at (714) 647-5340. Please call prior to the meeting date, to allow the City enough time to make reasonable arrangements for accessibility to this meeting. [Americans with Disabilities Act, Title II, 28 CFR 35.102]

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 Information - 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.*

Public Comments/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 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; members of the public shall also be provided an opportunity 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.

Senate Bill 343 - As required by Senate Bill 343, any non-confidential writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection in the Clerk of the Council Office during normal business hours.

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

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.

**CITY OF SANTA ANA
CITY COUNCIL REGULAR MEETING**

NOVEMBER 16, 2009

REGULAR MEETING

(Immediately following the Closed Session Meeting at 5:30 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 Consent Calendar Item 19A 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 matters contained on the Council agenda or the agendas of any of the City's related agencies (if any). 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 all Agency agendas for tonight's meeting.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar items: Items 10A through 31A.

ADMINISTRATIVE MATTERS

MINUTES

10A MINUTES OF THE CLOSED SESSION AND REGULAR MEETING OF
NOVEMBER 2, 2009 - Clerk of the Council Office

RECOMMENDED ACTION: Approve Minutes.

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 ORDINANCE – ZONING ORDINANCE AMENDMENT NO. 2009-05 TO
AMEND ALLOWED USES WITHIN THE BROADWAY CORRIDOR
DISTRICT OF THE MIDTOWN SPECIFIC PLAN (SP-3) - Planning and
Building Agency

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

Published in the Orange County Reporter on November 6, 2009.

RECOMMENDED ACTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2797 – An ordinance of the City Council of the City of Santa Ana amending the Midtown Specific Plan to amend the allowed uses in the Broadway Corridor District

11B ORDINANCE – ZONING ORDINANCE AMENDMENT NO. 2009-06 TO
EXPAND EXISTING STANDARDS FOR GRAFFITI ABATEMENT AND
TO AMEND THE CITYWIDE DESIGN GUIDELINES - Planning and
Building Agency

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

Published in the Orange County Reporter on November 6, 2009.

RECOMMENDED ACTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2798 – An ordinance of the City Council of the City of Santa Ana amending the Santa Ana Municipal Code to the update the City's regulation of graffiti

11C ORDINANCE – AMENDMENT APPLICATION NO. 2009-02 TO ALLOW A MIXED USE OFFICE AND THREE-UNIT RESIDENTIAL PROJECT WITH SURFACE PARKING LOT - 1331 WEST FIRST STREET - Planning and Building Agency

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

Published in the Orange County Reporter on November 6, 2009.

RECOMMENDED ACTION: Place ordinance on second reading and adopt.

ORDINANCE NO. NS-2799 – An ordinance of the City Council of the City of Santa Ana Rezoning the property located at 107 North Hesperian Street from Two-Family Residence (R2) to Two-Family Residence with “B” suffix (RB-B) (AA No. 2009-02)

BOARDS/COMMISSIONS/COUNCIL COMMITTEES

13A BOARDS AND COMMISSIONS BIANNUAL ATTENDANCE REPORT – APRIL 2009 THROUGH SEPTEMBER 2009 - Clerk of the Council Office

RECOMMENDED ACTION: Receive and file Boards and Commission Biannual Attendance Report for the period of April 2009 through September 2009.

13B APPOINTMENTS

RECOMMENDED ACTION: Appoint Councilmember Vincent Sarmiento as the City’s representative and Councilmember Carlos Bustamante as Alternate to the Transportation Corridor Agency Board effective December 31, 2009.

MISCELLANEOUS ADMINISTRATION

19A CLOSED SESSION REPORT - City Attorney's Office

19B EXCUSED ABSENCES - Clerk of the Council Office

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A APPROPRIATION ADJUSTMENT FOR WORKFORCE INVESTMENT ACT CALIFORNIA NEW START GRANT - Community Development Agency

RECOMMENDED ACTION: Approve an appropriation adjustment. (Requires five affirmative votes)

APPROPRIATION ADJUSTMENT NO. 10-044 – Recognizing \$62,742 in Workforce Investment Act funds awarded to the Santa Ana WORK Center by the State of California Employment Department for a Prison-to-Employment Program.

PROJECTS/CHANGE ORDERS

23A CONTRACT AWARD FOR LOCAL STREET SLURRY SEAL (PROJECT NO.106703) - Public Works Agency

RECOMMENDED ACTIONS:

1. Award a contract to American Asphalt South, Inc., the lowest responsible bidder, in accordance with unit bid prices in the estimated amount of \$130,150 for construction of slurry sealing of local streets.
2. Approve a Funding Analysis with a total estimated construction cost of \$161,900.

23B CONTRACT AWARD FOR MEMORIAL PARK POOL RENOVATION (PROJECT NO.08-6016) - Public Works Agency

RECOMMENDED ACTIONS:

1. Award a contract to South Coast Pool Plastering, Inc., the lowest responsible bidder, in accordance with unit bid prices for the base bid plus add-on alternate B in the estimated amount of \$255,152.20 for construction of Memorial Park Pool Renovation.
2. Approve a Funding Analysis with a total estimated construction cost of \$318,900.

AGREEMENTS

RECOMMENDED ACTION: 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.

- 25A AGMT - MAINTENANCE OF THE STADIUM AND CIVIC CENTER – Execute an amendment with Merchants Landscape Services in an amount not to exceed \$273,976 for a total agreement amount of \$858,239 - Parks, Recreation & Community Services Agency

CONDITIONAL USE PERMIT / VARIANCES

- 31A VARIANCE NOS. 2009-03, 2009-05, 2009-06, 2009-07 AND 2009-09 AND CONDITIONAL USE PERMIT NO. 2009-15 TO ALLOW A CHECK CASHING BUSINESS - 1647 EAST FIRST STREET, SUITE A - Planning and Building Agency

Recommended action approved by the Planning Commission on October 12, 2009, by a vote of 5-0 (Yrarrazaval absent).

Applicant: Maria Guerrero

RECOMMENDED ACTION: Receive and file the staff report denying Variance Nos. 2009-03, 2009-05, 2009-06, 2009-07, 2009-09 and Conditional Use Permit No. 2009-15.

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

BUSINESS CALENDAR

RESOLUTIONS

- 55A PROPOSED AMENDMENT TO CLASSIFICATION AND COMPENSATION PLAN FOR MANAGEMENT EMPLOYEES (RISK MANAGER) - Personnel Services Agency

RECOMMENDED ACTION: Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana to amend resolution No. 91-066 to adjust the salary for the Middle Management classification of Risk Manager (MM)

PUBLIC HEARINGS

75A PUBLIC HEARING - APPEAL NO. 2009-05 FOR TENTATIVE PARCEL MAP NO. 2009-01 TO SUBDIVIDE A RESIDENTIAL PROPERTY INTO TWO SEPARATE PARCELS AT 1013 SOUTH ELLIOTT PLACE – Planning and Building Agency

Recommended Action approved by the Planning Commission on October 12, 2009 by a 5-0 vote (Yrarrazaval absent)

Set for public hearing at the November 2, 2009 City Council Meeting by a vote of 7-0.

Legal Notice published in the O.C. Reporter on November 6, 2009, and notices mailed.

Applicant: Peter Pham

RECOMMENDED ACTION: Adopt a resolution.

RESOLUTION – A resolution of the City Council of the City of Santa Ana denying Tentative Parcel Map No. 2009-01 to subdivide an existing parcel into two parcels in order to construct two new Single Family Residences at 1013 South Elliott Place (Appeal No. 2009-05)

WORK STUDY SESSIONS

WSA PRESENTATIONS: BRISTOL STREET WIDENING PROJECT BY PUBLIC WORKS AGENCY, AND CENTRAL CORRIDOR STUDY BY ORANGE COUNTY TRANSPORTATION AUTHORITY

COMMENTS

PUBLIC COMMENTS ON ISSUES OF PUBLIC INTEREST

(At the discretion of the Chair, this item may be considered at an earlier time and combined with public comments on agenda items)

Members of the public shall be provided the opportunity 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.

90A CITY MANAGER'S COMMENTS

90B CITY COUNCILMEMBER COMMENTS

ADJOURNMENT - The next meeting of the City Council is scheduled for Monday, December 7, 2009 at 5:30 p.m. for the Closed Session Meeting immediately followed by the Regular Business Meeting in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.