



ANAHEIM CITY COUNCIL AGENDA

March 22, 2011

CITY COUNCIL PUBLIC FINANCING AUTHORITY REDEVELOPMENT AGENCY HOUSING AUTHORITY

Tom Tait
Mayor

Harry S. Sidhu, P.E.
Mayor Pro Tem

Lorri Galloway
Council Member

Gail E. Eastman
Council Member

Kris Murray
Council Member

- **ORDER OF BUSINESS:** Public sessions of all regular meetings of the City Council/Redevelopment Agency/Housing Authority/Public Financing Authority/Public Improvement Corporation begin at 5:00 P.M. Public hearings begin at 5:30 P.M. unless otherwise noted. Closed sessions begin at 3:00 P.M. or such other time as noted. Closed sessions may be preceded by one or more public workshops. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. Not all of the above agencies may be meeting on any given date. The agenda will specify which agencies are meeting.
- **REPORTS:** All agenda items and reports are available for review in the City Clerk's Office, the Central Library and www.anaheim.net. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk, located at 200 S. Anaheim Blvd., 2nd Floor, Anaheim, CA 92805, during regular business hours.
- **PUBLIC COMMENTS:** Prior to the business portion of the agenda, the City Council and all other related agencies meeting on such date will convene in joint session to receive public comments regarding any agenda items or matters within the jurisdiction of any such governing bodies. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or chairperson will separately call for testimony at the time of each public hearing. If you wish to speak, please step to the podium at the appropriate time and state your name and address for the record. The time limit established for public comments is three minutes per speaker unless a different time limit is announced. Testimony during public hearings is not subject to the three minute time limit but speakers are encouraged to be brief. The Mayor or chairperson may limit the length of comments during public hearings due to the number of persons wishing to speak or if comments become repetitious or irrelevant. Pursuant to Government Code Section 54954.2(a)(2), no action or discussion by the City Council shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.
- **ADDITIONS/DELETIONS:** Items of business may be added to the agenda upon a motion adopted by a minimum 2/3 vote finding that there is a need to take immediate action and that the need for action came to the attention of the City or Agency subsequent to the agenda being posted. Items may be deleted from the agenda upon request of staff or upon action of the Council or Agency.
- **CONSENT CALENDAR:** Consent Calendar items will be acted on by one roll call vote unless members, staff or the public request the item be discussed and/or removed from the Consent Calendar for separate action.

**ANAHEIM CITY HALL
ANAHEIM, CALIFORNIA
MARCH 22, 2011
4:30 P.M.**

Call to order the Anaheim City Council.

ADDITIONS/DELETIONS TO CLOSED SESSION:

PUBLIC COMMENTS ON CLOSED SESSION ITEMS:

Recess to closed session.

4:30 P.M. - CLOSED SESSION

1. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Subdivision (a) of Section 54956.9 of the Government Code)
Name of Case:** Karla Rosales et al. v. City of Anaheim, Orange County Superior Court, Case No. 30-2009-00118299

Reconvene the Anaheim City Council.

5:00 P.M.

Invocation: Pastor Tony Birge, Victory Baptist Church

Flag Salute: Council Member Gail Eastman

Presentations: Recognizing Talia Ruiz on winning the Orange County Spelling Bee

Acceptance of Other Recognitions (To be presented at a later date):

Recognizing the 2011 Leuvano Foundation Honorees

Proclaiming April 10 - 16, 2011, as National Volunteer Week

Call to order the Anaheim Public Financing Authority, Anaheim Redevelopment Agency and Anaheim Housing Authority (in joint session with the City Council).

ADDITIONS/DELETIONS TO THE AGENDAS:

PUBLIC COMMENTS (all agenda items except public hearings):

Recess the Anaheim City Council, Anaheim Redevelopment Agency and Anaheim Housing Authority.

5:00 P.M. - PUBLIC FINANCING AUTHORITY

CONSENT CALENDAR:

1. Approve minutes of Public Financing Authority meeting of March 8, 2011.

Adjourn the Public Financing Authority.

Reconvene the Anaheim Redevelopment Agency.

5:00 P.M. - REDEVELOPMENT AGENCY

CONSENT CALENDAR:

2. Approve and authorize the Agency Executive Director to execute and administer an Exclusive Negotiation Agreement with Packing District, LLC, for Phase II of the Colony Marketplace development.
3. Approve and authorize the Agency Executive Director to execute and administer an Exclusive Negotiation Agreement, in substantial form, with Festival Development Corporation for the development of a retail project located at the northeast corner of Anaheim Boulevard and Ball Road.
4. Approve minutes of Redevelopment Agency meeting of March 8, 2011.

Reconvene the Anaheim City Council (in joint session with the Anaheim Redevelopment Agency).

5:00 P.M. JOINT PUBLIC HEARING (Redevelopment Agency and City Council)

5. This is a joint public hearing between the Anaheim Redevelopment Agency and the City to consider a sub-sublease agreement, in substantial form, by and between the Anaheim Redevelopment Agency and ACS-Anaheim, LLC, regarding real property located between South Anaheim Boulevard and Claudina Way.

Redevelopment Agency Action:

RESOLUTION NO. _____ A RESOLUTION OF THE GOVERNING BOARD OF THE ANAHEIM REDEVELOPMENT AGENCY approving and authorizing the execution of the sub-sublease agreement by and between ACS-Anaheim, LLC and the Anaheim Redevelopment Agency and making certain findings in connection therewith.

City Council Action:

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM consenting to the sub-sublease agreement by and between ACS-Anaheim, LLC and the Anaheim Redevelopment Agency and making certain findings in connection.

Adjourn the Anaheim Redevelopment Agency and recess the Anaheim City Council.

Reconvene the Anaheim Housing Authority.

5:00 P.M. - HOUSING AUTHORITY

CONSENT CALENDAR:

6. Approve the Anaheim Housing Authority's Annual Public Housing Agency Plan for fiscal year 2011-12 for submittal to the Department of Housing and Urban Development and authorize the Executive Director to execute the required certifications and related documents.
7. Approve a commitment for Project Based Voucher assistance and salient deal points for an Affordable Housing Agreement with VSV Associates, L.P. and authorize the Authority Executive Director to execute and administer the Agreement.
8. Approve minutes of Housing Authority meeting of March 8, 2011.

Adjourn the Anaheim Housing Authority.

Reconvene the Anaheim City Council.

5:00 P.M. - CITY COUNCIL

MOTION: _____ Waive reading in full of all ordinances and resolutions and adopt the consent calendar.

CONSENT CALENDAR:

9. Approve the Investment Portfolio Report for February 2011.
10. Accept the lowest responsive bid of Stout & Burg Electric, Inc., in the amount of \$537,872.25, for the purchase of a photovoltaic system for the Community Development Department's Anaheim Packing House project, in accordance with Bid # 7490.

11. Authorize the issuance of a change order to Air New Zealand Limited increasing the amount of the existing purchase order to \$1,749,150 for repairs to the combustion turbine generator engine for Public Utilities, in accordance with Bid #7479.
12. Approve a License and Services Agreement with Anaheim Family YMCA to utilize the Pearson Park Pool facility to conduct public swim lessons and related aquatic programs.
13. Approve the Agreement of Acquisition of Real Property with Benjamin and Susan Bernardino, in the acquisition payment amount of \$365,000 and relocation benefits of \$2,375, for property located at 2173 West Harle Avenue for the Brookhurst Street Widening project (R/W ACQ2009-00356).
14. Approve and authorize the City Attorney to execute an Attorney Services Agreement with Sedgwick, Detert, Moran, and Arnold, LLP, to provide legal services to the City.
15. Approve and authorize the Public Utilities General Manager to execute the Agreement for Replacement of Overhead with Underground Communication Facilities, its related documents and to take such actions as necessary to implement the agreement, with Pacific Bell Telephone Company, dba AT&T California, to facilitate joint trench construction and cost sharing for work within portions of Underground District Nos. 51 and 56 (Lincoln/Magnolia).
16. Approve and authorize the Public Utilities General Manager to execute, implement and administer the First Amendment to Agreement, and any other related documents, with Multimedia Integrated Technology, dba Integrated Technology, extending the term for an additional three years and increasing the annual compensation for years four to six, in an amount not to exceed \$110,126 per year, for interactive voice response system hardware and software maintenance.
17. Find and determine that the 2010 Annual Housing Element Progress Report is exempt from the California Environmental Quality Act in that the activity is not defined as a project and accept and direct staff to submit the report to the Governor's Office of Planning and Research and the California Department of Housing and Community Development.
18. Approve ICMA-RC as the Defined Contribution Plan Provider for the 457, 3121 and Retired Health Savings Plans and authorize the Human Resources Director to execute all required provider agreements.

19. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM approving a Letter of Understanding between the Anaheim Municipal Employees Association, General and Clerical Units and the City of Anaheim.

Approve and authorize the Human Resources Director to temporarily suspend applicable personnel rules and pay policies in order to reduce the base compensation of all unrepresented employees including all management, safety and non-safety, along with confidential employees.

20. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM authorizing the destruction of certain city records more than two years old (Planning Department).

21. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM accepting certain deeds conveying to the City of Anaheim certain real properties or interests therein (City Deed No. 11045).

22. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM expanding Permit-Eligible Parking District No. 11 (Keys-Velare-Clearbrook).

23. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM vacating two public utility easements located at 3811 East La Palma Avenue pursuant to California Streets and Highway Code Section 8330, et seq., Summary Vacation (Abandonment No. ABA2011-00220).

24. RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM approving the updated City of Anaheim Hazard Mitigation Plan and rescinding Resolution No. 2005-204.

Authorize the Emergency Manager to submit the plan to the California Emergency Management Agency and the Federal Emergency Management Agency.

25. ORDINANCE NO. 6205 (ADOPTION) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANAHEIM approving Power Sales Agreement between the Southern California Public Power Authority and the City for the La Paz Solar Tower project (Introduced at Council meeting of March 8, 2011, Item No. 24).

Certify the agreement complies with the California Energy Commission's (CEC) greenhouse gases Emission Performance Standard (EPS) as enumerated in Senate Bill 1368, and specifically authorizes the Public Utilities General Manager to execute such documents and take such further and additional actions as may be required to comply with proposed CEC regulations related to greenhouse gases EPS.

26. ORDINANCE NO. _____ (INTRODUCTION) AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANAHEIM amending Chapter 18.62 of Title 18 of the Anaheim Municipal Code pertaining to administrative reviews (Zoning Code Amendment No. 2011-00095).
27. Approve minutes of the Council meeting of March 8, 2011.

END OF CONSENT CALENDAR

28. Consider an appointment to fill an unscheduled vacancy on the Community Center Authority, term ending June 30, 2014.

APPOINTMENT: _____
(vacancy of Harold Rapoza)

PUBLIC HEARINGS:

29. Continue the duly noticed public hearing relating to the proposed financing of costs of certain improvements to the Honda Center to the City's next regular meeting.
30. This is a public hearing to consider a resolution determining the public interest and necessity for the acquisition of property located at 2180 West Crestwood Lane for the Brookhurst Street widening project from Ball Road to Katella Avenue.

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM determining the public interest and necessity for the acquisition of property located at 2180 West Crestwood Lane for the purposes of the Brookhurst Street widening from Ball Road to Katella Avenue project (R/W ACQ2009-00343).

31. This is a public hearing to consider a resolution determining the public interest and necessity for the acquisition of property located at 2180 West Forest Lane for the Brookhurst Street widening project from Ball Road to Katella Avenue.

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM determining the public interest and necessity for the acquisition of property located at 2180 West Forest Lane for the purposes of the Brookhurst Street widening from Ball Road to Katella Avenue project (R/W ACQ2009-00341).

32. This is a public hearing to consider a resolution determining the public interest and necessity for the acquisition of property located at 1606 South Brookhurst Street for the Brookhurst Street widening project from Ball Road to Katella Avenue.

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM determining the public interest and necessity for the acquisition of property located at 1606 South Brookhurst Street for the purposes of the Brookhurst Street widening from Ball Road to Katella Avenue project (R/W ACQ2009-00354).

33. This is a public hearing to consider a resolution determining the public interest and necessity for the acquisition of property located at 1644 South Brookhurst Street for the Brookhurst Street widening project from Ball Road to Katella Avenue.

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM determining the public interest and necessity for the acquisition of property located at 1644 South Brookhurst Street for the purposes of the Brookhurst Street widening from Ball Road to Katella Avenue project (R/W ACQ2009-00345).

34. CONTINUED PUBLIC RE-HEARING.

RECLASSIFICATION NO. 2010-00238
CONDITIONAL USE PERMIT NO. 2010-05515
VARIANCE NO. 2010-04815
TENTATIVE TRACT MAP NO. 17387
(DEV2010-00087)

OWNER: Donovan Anaheim, LLC, Chad Brown, Development Manager, 660 Newport Center Drive, Suite 1050, Newport Beach, CA 92660

APPLICANT: Melia Homes, Chad Brown, Development Manager, 660 Newport Center Drive, Suite 1050, Newport Beach, CA 92660

LOCATION: This 3.39 acre property is located at 851 & 905 South Western Avenue, approximately 165 feet south of the centerline of Teranimar Drive. The applicant proposes to: rezone this property from the Transition (T) zone to Single Family Residential (RS-4) zone designation; establish a 32-lot residential subdivision; permit 32 single-family residences with certain lots having rear yard setback areas measuring 13-feet, 5-inches in depth; and, to allow certain lots to maintain driveway lengths smaller than required by code.

Environmental Determination: A Negative Declaration has been determined to serve as the appropriate environmental impact determination for this request.

ACTION TAKEN BY THE PLANNING COMMISSION:

Approved Vote: 6-0 (Chairman Pro-Tem Agarwal and Commissioners Ament, Karaki, Persaud, Ramirez and Seymour voted yes. Chairman Faessel absent) with added conditions of approval pertaining to restricted vehicular access to and from Western Avenue and a prohibition of on-street parking of recreational vehicles (Planning Commission meeting of September 27, 2010; Appealed by David Stahovich)

ACTION TAKEN BY THE CITY COUNCIL:

Approved Vote: 4-1 (Mayor Pringle and Council Members Galloway, Hernandez and Sidhu voted yes; Council Member Kring voted no) (Council meeting of November 9, 2010)

(request for re-hearing submitted by David Stahovich and granted on December 14, 2010) (continued from Council meeting of February 15, 2011, Item No. 22)

MOTION: _____ Find and determine that a Negative Declaration is the appropriate environmental determination for this request.

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM finding and determining that the zoning map referred to in Title 18 of the Anaheim Municipal Code should be amended and that the boundaries of certain zones should be changed (Reclassification No. 2010-00238; DEV 2010-00087).

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM approving Conditional Use Permit No. 2010-05515 and Variance No. 2010-04815 (DEV 2010-00087).

RESOLUTION NO. _____ A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM approving Tentative Tract Map No. 17387 (DEV 2010-00087).

ORDINANCE NO. _____ (INTRODUCTION) AN ORDINANCE OF THE CITY OF ANAHEIM amending the zoning map referred to in Title 18 of the Anaheim Municipal Code relating to zoning (Reclassification No. 2010-00238; DEV 2010-00087).

Report on Closed Session Actions:

Council Communications:

Adjournment:

Next regular City Council meeting is scheduled for April 12, 2011.

All agenda items and back-up materials are available for review at the Anaheim City Clerk's Office, www.anaheim.net and the Central Library. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk, located at 200 S. Anaheim Blvd., 2nd Floor, Anaheim, CA 92805, during regular business hours.

If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk's Office either in person at 200 South Anaheim Boulevard, Anaheim, California, or by telephone at (714) 765-5166, no later than 10:00 AM on the day preceding the scheduled meeting.

POSTING STATEMENT: On March 18, 2011, a true and correct copy of this agenda was posted on the kiosk outside City Hall, 200 S. Anaheim Blvd. Internet Access to City Council/Redevelopment Agency/Housing Authority agendas and related material is available prior to City Council Meetings at www.anaheim.net.