

**DRAFT Minutes of the Regular Meeting  
of the City Council  
City of Santa Ana,  
California**



May 21, 2024

**CLOSED SESSION MEETING – 4:00 P.M.**

**REGULAR OPEN MEETING – 5:30 P.M.**

*(Immediately following the Closed Session Meeting)*

**CITY COUNCIL CHAMBER**

22 Civic Center Plaza Santa Ana, CA 92701

**CLOSED SESSION**

**CALL TO ORDER**

**MINUTES:** Mayor Amezcua called the Closed Session meeting to order at 4:10 P.M.

ATTENDANCE	<b>Council Members</b>	<b>Phil Bacerra</b>
		<b>Johnathan Ryan Hernandez</b>
		<b>Jessie Lopez</b>
		<b>David Penaloza</b>
		<b>Benjamin Vazquez</b>
	<b>Mayor Pro Tem</b>	<b>Thai Viet Phan</b>
	<b>Mayor</b>	<b>Valerie Amezcua</b>
	<b>Acting City Manager</b>	<b>Alvaro Nuñez</b>
	<b>City Attorney</b>	<b>Sonia R. Carvalho</b>
	<b>City Clerk</b>	<b>Jennifer L. Hall</b>

**ROLL CALL**

**MINUTES:** City Clerk Jennifer L. Hall conducted roll call.

*Councilmembers Lopez, Penaloza, and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present. Councilmembers Bacerra and Hernandez arrived during Closed Session.*

## **ADDITIONS\DELETIONS TO CLOSED SESSION**

**MINUTES:** *City Clerk Jennifer L. Hall stated the City's designated representative for Closed Session Item No. 2 will be Acting Human Resources Director Lori Schnaider and on May 17, 2024 a revised agenda was posted adding Closed Session Item Nos. 3 and 4 related to the Employment/Appointment and Labor Negotiations for the City Manager.*

**PUBLIC COMMENTS** – Members of the public may address the City Council on Closed Session items.

**MINUTES:** *No public comments were received regarding Closed Session Agenda items.*

**RECESS** – City Council will recess to Closed Session for the purpose of conducting regular City business.

**MINUTES:** *Mayor Amezcua recessed to consider the Closed Session items at 4:11 P.M.*

**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:

1. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION** pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
  - A. Santa Ana Police Officers Association and Gerry Serrano v. City of Santa Ana, et al. Orange County Superior Court Case No. 30-2021-01230129
  - B. Santa Ana Police Officers Association and Doe Officers v. City of Santa Ana, et al. California Court of Appeal, Fourth District, Division Three, Case No. G063075
  - C. Gerry Serrano v. City of Santa Ana, et al. Orange County Superior Court Case No. 30-2023-01330782
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6(a):  
Agency Designated Representative: Daniel Durham, Acting Employee Relations Manager  
Employee Organization:
  - Santa Ana Police Officers Association (POA)
3. **PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT** pursuant to Government Code Section 54957(b)(1):  
Title: City Manager

- 4. CONFERENCE WITH LABOR NEGOTIATOR** pursuant to California Government Code Section 54957.6(a):  
**Agency Designated Representative(s): Jacob Green, Greg Devereaux**  
**Unrepresented Employee: City Manager**

**CLOSED SESSION REPORT** – The City Attorney will report on any action(s) from Closed Session.

**RECONVENE** – City Council will reconvene to continue regular City business.

## **CITY COUNCIL REGULAR OPEN SESSION**

### **CALL TO ORDER**

**MINUTES:** Mayor Amezcua reconvened the City Council Meeting to order at 5:59 P.M.

#### **ATTENDANCE**

##### **Councilmembers**

**Phil Bacerra**

**Johnathan Ryan Hernandez**

**Jessie Lopez**

**David Penaloza**

**Benjamin Vazquez**

**Thai Viet Phan**

**Valerie Amezcua**

**Mayor Pro Tem**

**Mayor**

**Acting City Manager**

**City Attorney**

**City Clerk**

**Alvaro Nunez**

**Sonia R. Carvalho**

**Jennifer L. Hall**

### **ROLL CALL**

**MINUTES:** City Clerk Jennifer L. Hall conducted roll call.

*Councilmembers Bacerra, Hernandez, Lopez, Penaloza, and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present.*

### **PLEDGE OF ALLEGIANCE**

**City Engineer Rudy Rosas**

### **WORDS OF INSPIRATION**

**Rev. Johnny Dunning Jr., Starlight Baptist Church**

### **ADDITIONS\DELETIONS TO THE AGENDA**

**MINUTES:** City Clerk Jennifer L. Hall announced amendments to Agenda Item No. 17 On-Call Cabling Services Agreements Amendments, removing the third-listed contractor, Pratt Communications, Inc., from the item and recommended action.

### **CEREMONIAL PRESENTATIONS**

- 1. Proclamation presented by Councilmember Lopez to the Santa Ana Public Works Agency declaring May 15-21, 2024 as National Public Works Week and May 2024 as National Bike Month**

**MINUTES:** Councilmember Lopez presented a proclamation to the Santa Ana Public Works Agency declaring May 15-21, 2024 as National Public Works Week and May 2024 as National Bike Month.

2. **Certificate of Recognition presented by Mayor Amezcua to Martin Gutierrez, a Santa Ana Civic Center Patrol Officer, for his victory in the United Combat Association Central Battle of the Badges**

*MINUTES: Mayor Amezcua presented a certificate of recognition to Martin Gutierrez, a Santa Ana Civic Center Patrol Officer, for his victory in the United Combat Association Central Battle of the Badges.*

3. **Certificate of Recognition presented by Mayor Pro Tem Phan to Luis Avila for being awarded the Mark of Excellence Award for Regional Political Reporting**

*MINUTES: Mayor Pro Tem Phan presented a certificate of recognition to Luis Avila for being awarded the Mark of Excellence Award for Regional Political Reporting.*

4. **Certificate of Recognition presented by Councilmember Bacerra to Jade Morales for Exceptional Athletic Performance**

*MINUTES: Councilmember Bacerra presented a certificate of recognition to Jade Morales for Exceptional Athletic Performance.*

5. **Certificates of Recognition presented by Councilmember Hernandez to all the artists, volunteers and contributors involved in the restoration of the Santa Anita Neighborhood Mural**

*MINUTES: Councilmember Hernandez presented a certificate of recognition to all artists, volunteers, and contributors involved in the restoration of the Santa Anita Neighborhood Mural.*

*Councilmember Penaloza requested the City Council be emailed a copy of the recognition policy.*

**CLOSED SESSION REPORT** – The City Attorney will report on any action(s) from Closed Session.

*MINUTES: City Attorney Sonia Carvalho announced there was no reportable action.*

*Mayor Amezcua thanked Congressman Lou Correa, Acting City Manager Alvaro Nuñez, and city staff for all their hard work and efforts regarding acquiring funding for City projects.*

**PUBLIC COMMENTS** – Public comments will be held during the beginning of the meeting for ALL comments on agenda and non-agenda items.

*City Clerk Jennifer L. Hall reported out the summary of email comments received: one (1) Agenda Item No. 19, one (1) Agenda Item No. 26, one (1) Agenda Item No. 27, and two (2) non-agenda comments.*

**MINUTES:** *The following speakers addressed City Council in-person:*

1. *Sue Palik asked why Councilmember Hernandez does not stand for the pledge of allegiance and requested he be sanctioned.*
2. *Paul Sanford spoke regarding his commitment to the City of Santa Ana and the related Bristol Project.*
3. *Melissa Aburto expressed concern regarding the increased fees related to the fields.*
4. *Ken Batiste spoke regarding homelessness in the City and the Juneteenth event.*
5. *Mark Lopez expressed concern regarding illegal fireworks in the City.*
6. *Aaron Leal spoke regarding Alzheimer's Orange County and submitted documents.*

<b><u>CONSENT CALENDAR</u></b>
--------------------------------

**RECOMMENDED ACTION:** Approve staff recommendations on the following Consent Calendar Items: 6 through 26 and waive reading of all resolutions and ordinances.

**MINUTES:** *At 7:15 P.M., the Consent Calendar was considered.*

*Councilmember Bacerra pulled Agenda Item No. 14 for separate discussion and consideration.*

*Councilmember Penaloza pulled Agenda Item Nos. 14, 20, and 23 for separate discussion and consideration.*

*Mayor Pro Tem Phan recused herself from Agenda Item No. 15 as the listed entities, City of Anaheim and City of Irvine, are clients of her employer, Rutan and Tucker.*

**MOTION:** Councilmember Hernandez moved to approve Consent Calendar Item Nos. 6 through 26 with the exception of Agenda Item Nos. 14, 20, and 23 pulled for separate discussion and consideration, seconded by Councilmember Lopez.

The motion carried, 7-0, by the following roll call vote:

<b>AYES:</b>	COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER LOPEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA
<b>NOES:</b>	NONE
<b>ABSTAIN:</b>	NONE
<b>ABSENT:</b>	NONE
<b>Status:</b>	7 – 0 – Pass

**6. Excused Absences**

**Department(s):** City Clerk's Office

**Recommended Action:** Excuse the absent members.

**7. Minutes from the Regular Meeting of May 7, 2024**

**Department(s):** City Clerk's Office

**Recommended Action:** Approve minutes.

**8. Reappoint Members to the Workforce Development Board for a Four-Year Term**

**Department(s):** Community Development Agency

**Recommended Action:**

1. Reappoint Dave Elliott, Marjorie Knitter, Patrick Korthuis, Maria Rosa Lopez, and Natasha Milatovich, to the Santa Ana Workforce Development Board for a four-year term expiring May 31, 2028.
2. Appoint Cory Sams (replacing Lee McMurtray) for a full four-year term expiring May 31, 2028.
3. Appoint Dr. Vaniethia Hubbard (replacing Dr. Annebelle Nery) for a partial four-year term expiring May 31, 2027.

**9. Receive and File Quarterly Report of Investments as of March 31, 2024**

**Department(s):** Finance and Management Services

**Recommended Action:** Receive and file.

**10. Approve Additional Funds in the Amount of \$270,000 for the SA-5 Vault Modifications Project with an Estimated Project Delivery Cost of \$2,257,050 for the SA-5 Vault Modifications Project (Project No. 11-6413) (Non-general Fund)**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Approve an amendment to the Project Cost Analysis in the amount of \$270,000 for \$240,000 in additional contingency funds and \$30,000 in additional contract administration, inspection, and testing for a new estimated total construction delivery cost of \$2,257,050.
2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$270,000 of Acquisition & Construction funds for the First SA-5 Vault Modifications Project (11-6413).

**11. Approve Additional Funds in the Amount of \$1,700,000 for an Existing Construction Contract with Lonerock, Inc. for the Warner Avenue Street Improvements Project with an Estimated Project Delivery Cost of \$14,755,867 (Project Nos. 14-6802, 18-6424, 20-6618) (General Fund and Non-General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Approve an amendment to the Project Cost Analysis in the amount of \$1,700,000 in additional contingency funds for a new estimated total construction delivery cost of \$14,755,867, which includes \$9,486,525 for the construction contract; \$1,614,197 for contract administration, inspection, and testing; and a \$3,655,145 project contingency for unanticipated or unforeseen work.
2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$1,700,000 in construction funds for Warner Avenue Street Improvements Project (Project Nos. 14-6802, 18-6424, 20-6618).
3. Authorize budget reallocation of \$500,000 in over-allocated, unspent Water Fund from the Saint Gertrude and Grand Water Main Project (No. 15-6446) to construction funds for the Warner Avenue Water Main Project (No. 18-6424).
4. Authorize budget reallocation of \$1,200,000 in over-allocated, unspent General Fund from the Westminster Avenue Rehabilitation Project (No. 22-6989) to construction funds for the Warner Avenue Phase 1 from Main Street to Oak Street Improvements Project (No. 14-6802).

**12. Approve an Appropriation Adjustment and Award a Purchase Order to Selman Chevrolet for Eight Chevrolet Equinox LT Electric Vehicles (Bid No. 24-048) (General and Non-General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Approve an appropriation adjustment recognizing \$208,508, in prior-year fund balance in the Equipment Replacement Fund, Prior Year Carry Forward revenue account and appropriate the same amount into the Equipment Replacement Fund, Machinery and Equipment expenditure account this item. *(Requires five affirmative votes)*
2. Authorize a one-time purchase and payment of a Purchase Order to Selman Chevrolet for a total of eight 2024 new or unused Chevrolet Equinox LT Electric vehicles in an amount of \$377,016 plus a contingency amount of \$40,000, for a total amount not to exceed \$417,016.



**13. Approve an Appropriation Adjustment and Award a Purchase Order to National Auto Fleet Group for 14 Ford Interceptor Utility Vehicles in an Amount Not to Exceed \$919,506 (Spec No. 24-056) (Non-General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Approve an appropriation adjustment recognizing \$919,506 in prior-year fund balance in the Equipment Replacement Fund, Prior Year Carry Forward revenue account and appropriate the same amount into the Equipment Replacement Fund, Machinery and Equipment expenditure account for this item. *(Requires five affirmative votes)*
2. Authorize a one-time purchase and payment of a purchase order to National Auto Fleet Group for 14 new 2025 Ford Interceptor Utility vehicles in an amount of \$849,506, plus a contingency amount of \$70,000, for a total amount not to exceed \$919,506.

**AGENDA ITEM NO. 14 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION**

**14. Award an Agreement with Outdoor Dimensions, LLC for Digital Marquees (Non-General Fund) (Revive Santa Ana)**

**Department(s):** City Manager's Office

**Recommended Action:**

1. Authorize the City Manager to execute an agreement with Outdoor Dimensions, LLC to build and install digital marquees at six properties across the city for a one-year term in a total aggregate amount not to exceed \$1,859,909 subject to change orders (not to exceed 25% of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction. (Agreement No. A-2024-XXX)
2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$1,859,909 of funding from the American Rescue Plan Act for Digital Marquees Project (No. 22-1306).

**MINUTES:** Councilmember Bacerra expressed concern regarding the location of the digital marquee in his district, requested input for design from residents, and spoke in support of the agreement.

**MOTION:** Councilmember Bacerra moved to approve the recommended action for Item No. 14, as amended to include meeting for community input, seconded by Mayor Amezcua.

**MINUTES:** Mayor Amezcua spoke in support of the agreement and requested community engagement regarding the digital marquees.

*Councilmember Penaloza asked for clarification regarding the proposed locations and the deadline to use the Revive funds, and requested community outreach.*

*Public Affairs Information Officer Paul Eakins spoke regarding the process for selecting the proposed locations.*

*Finance Management and Services Executive Director Kathryn Downs spoke regarding the Revive funds deadline.*

*Acting City Manager Alvaro Nuñez confirmed the deadline.*

*Discussion ensued regarding the proposed location, design, community outreach, and Revive funds.*

*Acting City Manager Nuñez pulled the item from consideration to be brought back in 30-45 days.*

**15. Memorandum of Understanding (MOU) between the County of Orange, Acting as the Eligible Applicant for the County of Orange and the Orange County Continuum of Care (CoC,) the City of Anaheim, the City of Irvine, and the City of Santa Ana for the Homeless Housing, Assistance and Prevention (HHAP) Program Regional Coordination**

**Department(s):** Community Development Agency

**Recommended Action:** Authorize the City Manager to execute the Memorandum of Understanding with the County of Orange, the City of Anaheim, and the City of Irvine to support regional coordination to address homelessness challenges, for a term beginning June 1, 2024 through June 30, 2028 (**Agreement No. A-2024-063**).

**MINUTES:** Mayor Pro Tem Phan recused herself from Agenda Item No. 15 as the listed entities, City of Anaheim and City of Irvine, are clients of her employer, Rutan and Tucker.

**MOTION:** Councilmember Hernandez moved to approve the recommended action for Item No. 15 as part of the Consent Calendar, seconded by Councilmember Lopez.

The motion carried, 6-0-1, by the following roll call vote:

<b>AYES:</b>	COUNCILMEMBER BACERRA,	COUNCILMEMBER
	HERNANDEZ,	LOPEZ,
	COUNCILMEMBER PENALOZA,	COUNCILMEMBER
	VAZQUEZ, MAYOR AMEZCUA	

**NOES:** NONE  
**ABSTAIN:** MAYOR PRO TEM PHAN (recusal)  
**ABSENT:** NONE  
**Status:** 6 – 0 - 1 – **Pass**

**16. Agreements with Working Wardrobes For a New Start and Orange County Conservation Corps to Provide Workforce Readiness Workshops, Employment, and Educational Programs to Santa Ana Youth**

**Department(s):** Community Development Agency

**Recommended Action:**

1. Authorize the City Manager to execute an agreement with Working Wardrobes in an amount not to exceed \$120,000, for a period from May 21, 2024 to September 30, 2024 (**Agreement No. A-2024-064**).
2. Authorize the City Manager to execute an agreement with Orange County Conservation Corps in an amount not to exceed \$250,000, for a period from May 21, 2024 to September 30, 2024 (**Agreement No. A-2024-065**).

**17. Amend Agreements for On-Call Network Cabling Services (Specification No. 22-032) (Non-General Fund)**

**Department(s):** Information Technology

**Recommended Action:** Amend agreements with American Integrated Security Group Inc., Pacific Coast Cabling Inc., and Pratt Communications Inc. to increase the aggregate agreement amount by \$900,000, for a revised aggregate amount not to exceed \$1,500,000 for the remainder of the current three-year period and the remaining optional one-year renewals (**Core Agreement No. A-2024-066**).

**18. Agreement with Ultimate Entertainment, LLC dba Mega Outdoor Movies for Outdoor Movie Services (General Fund)**

**Department(s):** Parks, Recreation, and Community Services

**Recommended Action:** Authorize the City Manager to execute an agreement with Ultimate Entertainment, LLC to provide outdoor movie services at the “Movies in the Park” series for a term from June 1, 2024 through May 31, 2026, with three, one-year renewal options, for a total amount not to exceed \$200,000 (**Agreement No. A-2024-067**).

**19. Construction Contract to All American Asphalt in the Amount of \$2,558,098 for the Local Street Preventative Maintenance FY 2023-24 Project with an Estimated Project Delivery Cost of \$3,198,098 (Project No. 24-6907) (Non-General & General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Authorize a budget allocation of unspent Measure M2 and General Fund funding from Local Street Preventative Maintenance FY 2021-22 and 2022-23 for a total of \$379,252 to the Local Street Preventative Maintenance FY 2023-24 Project, completing the project's funding requirement.
2. Award a construction contract to All American Asphalt, the lowest responsible bidder, in accordance with the base bid in the amount of \$2,558,098, subject to change orders (not to exceed 25% of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction, for a term beginning May 21, 2024 and ending upon project completion, and authorize the City Manager to execute the contract.
3. Approve the Project Cost analysis for a total estimated construction delivery cost of \$3,198,098, which includes \$2,558,098, for the construction contract, \$384,000 for contract administration, inspection, and testing, and a \$256,000 project contingency for unanticipated or unforeseen work.
4. Approve an appropriation adjustment recognizing \$40,846 in Measure M-Street Construction, Prior Year Carry Forward revenue account (03217002-50001) and appropriate to the Measure M2 Local Fairshare St, Improvements Other Than Buildings expenditure account (03217662-66220). *(Requires five affirmative votes)*
5. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$40,846 in construction funds for the Local Street Preventative Maintenance FY 2023-24 Project.
6. Determine that the project is exempt from further review pursuant to the California Environmental Quality Act, as Categorical Exemption Environmental Review No. ER-2024-8 was filed for Project 24-6907.

**AGENDA ITEM NO. 20 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION**

**20. Construction Contract to Elecnor Belco Electric, Inc. in the Amount of \$823,888 for the ARPA Neighborhood Streetlights – Phase II Project with an Estimated Project Delivery Cost of \$1,071,054 (Project No. 22-1388) (Non-General Fund) (Revive Santa Ana)**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Award a construction contract to Elecnor Belco Electric, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$823,888, subject to change orders (not to exceed 25% of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction, for construction of the ARPA Neighborhood Streetlights – Phase II Project, for a term beginning May 21, 2024 and ending upon project completion, and authorize the City Manager to execute the contract.
2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,071,054, which includes \$823,888 for the construction contract, \$123,583 for contract administration, inspection, and testing, and a \$123,583 project contingency for unanticipated or unforeseen work.
3. Determine that, pursuant to the California Environmental Quality Act, the recommended actions are exempt from further review. Categorical Exemption Environmental Review No. ER-2024-28 was filed for Project 22-1388.

**MINUTES:** Councilmember Penalosa asked for clarification regarding the lighting design along Washington Avenue, requested decorative lights be used in the area, and asked whether there is a replacement fund.

Public Works Director Nabil Saba spoke regarding the proposed lighting, associated costs, decorative lights, and the replacement fund.

Mayor Amezcua spoke regarding a French Park Neighborhood meeting and asked for clarification regarding the type of lighting being used.

City Engineer Rudy Rosas spoke regarding the proposed lighting and potential change order to use decorative lights.

Councilmember Bacerra asked whether Historic French Park has a lighting assessment district and requested information regarding lighting at French Park.

City Engineer Rosas stated the City does not have a light assessment district.

**MOTION:** Councilmember Penalosa moved to approve the recommended action for Item No. 12, seconded by Mayor Amezcua.

The motion carried, 6-0-0-1, by the following roll call vote:

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER  
HERNANDEZ, COUNCILMEMBER LOPEZ,  
COUNCILMEMBER PENALOZA, COUNCILMEMBER  
VAZQUEZ, MAYOR AMEZCUA  
**NOES:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** MAYOR PRO TEM PHAN  
**Status:** 6 – 0 – 0 – 1 – **Pass**

**21. Agreement with Green Halo Systems for Waste Recovery and Recycling Tracking Software (Specification No. 24-062) (Non-General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:** Authorize the City Manager to execute an agreement with Green Halo Systems to provide waste recovery and recycling tracking software in the amount of \$79,872, plus a contingency amount of \$20,000, for a total amount not to exceed \$99,872, for a six-year term beginning June 1, 2024 and expiring May 31, 2030 (**Agreement No. A-2024-068**).

**22. Agreements with Mike Prlich & Sons, Inc., J&L Constructors, Inc., and PALP, Inc. dba Excel Paving Company for On-Call Emergency Asphalt Concrete, Concrete, and Storm Drain Repair Services (General Fund and Non-General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:** Authorize the City Manager to execute agreements with Mike Prlich & Sons, Inc., J&L Constructors, Inc., and PALP, Inc. dba Excel Paving Company to provide on-call emergency asphalt concrete, concrete, and storm drain repair services for a shared aggregate amount not to exceed \$3,000,000 for a three-year term beginning May 21, 2024 and expiring on May 20, 2027, with the provision for one two-year extension (**Core Agreement No. A-2024-069**).

**AGENDA ITEM NO. 23 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION**

**23. Agreements with Project Partners, Interwest Consulting Group Inc., EC & AM Associates Inc. dba GK & Associates Inc., Richard Fisher Associates, and Ladayu Consulting Group for On-Call Engineering, Technical, and Administrative Staff Support Services**

**Department(s):** Public Works Agency

**Recommended Action:** Authorize the City Manager to execute five agreements with the firms listed below to provide engineering, technical, and administrative staff support services, for a three-year period commencing July 15, 2024 and expiring July 14, 2027, with a provision for one, two-year renewal option exercisable by the City Manager and City Attorney, for a total aggregate amount not to exceed \$2,500,000 for the term of the contract, including the optional renewal (Core Agreement No. A-2024-XXX).

<b>Firms</b>
Project Partners
Interwest Consulting Group, Inc.
GK & Associates
Richard Fisher Associates
Ladayu Consulting Group

**MINUTES:** Councilmember Penaloza spoke in opposition to the item.

Public Works Director Nabil Saba spoke regarding the proposed contracts and various accounts listed.

Councilmember Bacerra spoke in opposition to the item.

**MOTION:** Councilmember Penaloza moved to continue Item No. 23 to the July 16, 2024 City Council meeting, seconded by Councilmember Hernandez.

The motion carried, 7-0, by the following roll call vote:

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER  
HERNANDEZ, COUNCILMEMBER LOPEZ,  
COUNCILMEMBER PENALOZA, COUNCILMEMBER  
VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA

**NOES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

**Status:** 7 – 0 – Pass; Item Continued to July 16, 2024

#### **24. Amendments to Agreements with Quality Fence Co., Inc. and United Site Services of California, Inc. (General Fund and Non-General Fund)**

**Department(s):** Public Works Agency

**Recommended Action:** Authorize an amendment to agreements with Quality Fence Co., Inc. and United Site Services of California, Inc. for on-call chain link fencing services to increase the amount by \$894,500, for a revised aggregate amount not to exceed \$1,194,500 for the remainder of the current term expiring May 16, 2025, including two one-year extensions (**Agreement No. A-2024-070**).

**25. Adopt Two Resolutions Approving Applications for Tier 1 and Tier 2 Grant Funds from the Orange County Transportation Authority's Environmental Cleanup Program**

**Department(s):** Public Works Agency

**Recommended Action:**

1. Adopt a Resolution approving the application for grant funds from the Orange County Transportation Authority's Tier 1 Environmental Cleanup Program for the 10th & Flower Stormwater Capture Project

**RESOLUTION NO. 2024-016** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE 10TH & FLOWER STORMWATER CAPTURE PROJECT

2. Adopt a Resolution approving the application for grant funds from the Orange County Transportation Authority's Tier 2 Environmental Cleanup Program for the Santa Ana Zoo Stormwater Capture and Diversion Project.

**RESOLUTION NO. 2024-017** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING AN APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 2 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE SANTA ANA ZOO STORMWATER CAPTURE AND DIVERSION PROJECT

**26. Adoption of the City of Santa Ana Emergency Operations Plan**

**Department(s):** Police Department

**Recommended Action:**

1. Adopt a resolution approving the 2024 City of Santa Ana Emergency Operations Plan.

**RESOLUTION NO. 2024-018** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO APPROVE AND ADOPT THE CITY OF SANTA ANA EMERGENCY OPERATIONS PLAN

2. Determine that, pursuant to the California Environmental Quality Act (CEQA), the approval of this resolution is exempt from review pursuant to section 15061(b)(3) as approval of the plan will have no possible significant effect on the environment and, pursuant to CEQA Guidelines Sections 15262 and 15269, the resolution and plan are a planning study that does not tacitly approve projects that would otherwise require independent environmental review under CEQA.



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

**BUSINESS CALENDAR**

**MINUTES:** *At 7:51 P.M., the Business Calendar was considered.*

**27. Introduction and First Reading of an Ordinance Amending the City of Santa Ana Municipal Code Article II (Solid Waste Collection Regulations) of Chapter 16 (Garbage, Trash and Weeds), Article XII (Sanitation Services Users Charge) of Chapter 18 (Health and Sanitation), and Article II (Water) of Chapter 39 (Water and Sewers) to Comply with the Water Shutoff Protection Act**

**Department(s):** Finance and Management Services

**Recommended Action:** Introduce and approve a first reading of an ordinance to amend Chapter 16 Article II (Solid Waste Collection Regulations), Chapter 18 Article XII (Sanitation Servicer User Charge), and Chapter 39 Article II (Water and Sewers) of the Santa Ana Municipal Code.

**ORDINANCE NO. NS-3065** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE II OF CHAPTER 16, ARTICLE XII OF CHAPTER 18, AND ARTICLE II OF CHAPTER 39 OF THE SANTA ANA MUNICIPAL CODE TO COMPLY WITH THE WATER SHUTOFF PROTECTION ACT

**MINUTES:** *Treasury and Customer Service Manager Alejandra Gutierrez provided a presentation regarding amending the Municipal Code to comply with the California Water Shut-Off Protection Act.*

*Councilmember Lopez spoke in support of the item and asked whether communications are going to be made related to delinquent accounts and requested advertisement on social media.*

*Finance Management and Services Executive Director Kathryn Downs provided clarification.*

*Councilmember Hernandez spoke in support of the item.*

**MOTION:** Councilmember Penaloza moved to approve the recommended action for Item No. 27, seconded by Councilmember Hernandez.

The motion carried, 7-0, by the following roll call vote:

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER  
HERNANDEZ, COUNCILMEMBER LOPEZ,  
COUNCILMEMBER PENALOZA, COUNCILMEMBER  
VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA

NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE  
Status: 7 – 0 – Pass

**\*\*END OF BUSINESS CALENDAR\*\***

**PUBLIC HEARINGS**

**PUBLIC COMMENTS** – Members of the public may address the City Council on each of the Public Hearing items.

***MINUTES:*** At 7:57 P.M., the Public Hearing was considered.

**28. Public Hearing – Extension of Moratorium on the Approval, Commencement, Establishment, Relocation, or Expansion of Industrial Uses within Specific Development No. 84 (“SD-84”), Also Known as the Transit Zoning Code (“TZC”) for Ten (10) Months and Fifteen (15) Days Pursuant to Government Code Section 65858(a)**

Legal notice published in the Orange County Reporter on May 6, 2024.

**Department(s):** Planning and Building Agency

**Recommended Action:**

1. Adopt an urgency ordinance extending a moratorium on the approval, commencement, establishment, relocation, or expansion of industrial uses within SD-84, by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), for an additional 10 months and 15 days.

**UNCODIFIED URGENCY ORDINANCE NO. NS-3064** entitled AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA EXTENDING A MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT FOR AN ADDITIONAL TEN (10) MONTHS AND FIFTEEN (15) DAYS PURSUANT TO GOVERNMENT CODE SECTION 65858

2. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code

of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.

**MINUTES:** *Principal Community Planner Margarita Macedonio provided a presentation regarding the Transit Zoning Code Moratorium Extension.*

*Mayor Amezcua opened the Public Hearing at 7:57 P.M.*

*There being no speakers, Mayor Amezcua closed the Public Hearing at 7:57 P.M.*

*Mayor Amezcua asked for clarification regarding the extension and whether issues in the Logan neighborhood would continue to be addressed. She spoke in support of the item but not the ten months.*

*Planning and Building Director Minh Thai provided clarification and spoke regarding the City's goal.*

*Councilmember Bacerra requested additional modifications to development standards on existing land uses and prohibitions related to land use.*

*Director Thai confirmed.*

*Councilmember Vazquez spoke in support of the item.*

*Councilmember Penaloza spoke in support of the item and echoed Councilmember Bacerra's comments.*

*Councilmember Hernandez echoed previous comments.*

*Mayor Amezcua spoke in support of the item.*

**MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 28, seconded by Councilmember Bacerra.**

The motion carried, 7-0, by the following roll call vote:

<b>AYES:</b>	COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER LOPEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA
<b>NOES:</b>	NONE
<b>ABSTAIN:</b>	NONE
<b>ABSENT:</b>	NONE
<b>Status:</b>	7-0 – Pass

**\*\*END OF PUBLIC HEARINGS\*\***

## **RECESS**

***MINUTES:*** Mayor Amezcua recessed the City Council meeting to consider the Housing Authority Agenda at 8:14 P.M.

## **RECONVENE**

***MINUTES:*** Mayor Amezcua reconvened the City Council meeting at 8:15 P.M.

## **CITY MANAGER COMMENTS**

***MINUTES:*** None.

## **COUNCIL COMMENTS**

AB1234 DISCLOSURE – If the City paid for travel or other expenses this is the time for members of the Council to provide a brief oral report on attendance of any regional board or commission meeting or any conference, meeting or event attended.

***MINUTES:*** Councilmember Vazquez spoke regarding ethnic studies.

*Councilmember Lopez invited all to attend the Pride Flag raising ceremony on May 22, 2024 at 4:00 P.M., announced office hours at 10:00 A.M. at Mabury Park and Orange County Soccer Club event on Saturday, May 25, 2024, and congratulated her Council Aide Valerie Magdaleno on graduating.*

*Councilmember Hernandez invited all to attend the Pride Flag raising ceremony, and spoke regarding the 64<sup>th</sup> Annual Public Works Week and Economic Development in Downtown Santa Ana.*

*Councilmember Bacerra announced office hours on Saturday, June 1, 2024, requested to adjourn the meeting in memory of former Police Officer Don Blankenship, and honored all those who died in the armed forces.*

*Councilmember Penaloza invited all to attend the Memorial Day Event at Memorial Park on Saturday, May 25, 2024 at 2:00 P.M.*

*Mayor Pro Tem Phan thanked the Public Works Department, Library Services Department, and Work Center for all their hard work and efforts, announced Free Legal Clinic Event on June 8, 2024 from 10:00 P.M. – 1:00 P.M., and wished Lizbeth Rosales a Happy Birthday.*

*Mayor Amezcua spoke regarding Santa Ana Police Officer's schedule, recruitment and hiring additional personal to assist and requested a presentation at the July 16, 2024 City Council meeting. She announced the Neighborhood Association meeting on May 28, 2024, requested Veteran Tom Chires name be replaced on his mural by the artist, and thanked all those who have served the Country.*

**ADJOURNMENT** – Adjourn the City Council meeting.

***MINUTES:*** Mayor Amezcua adjourned the City Council Meeting at 8:37 P.M. in memory of Don Blankenship.

Respectfully submitted:

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Jennifer L. Hall, CMC  
City Clerk