

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



October 3, 2023

**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 4:07 P.M.

**ATTENDANCE**

**Councilmembers**

**Phil Bacerra**

**Johnathan Ryan Hernandez**

**David Penaloza**

**Thai Viet Phan**

**Benjamin Vazquez**

**Mayor Pro Tem**

**Jessie Lopez**

**Mayor**

**Valerie Amezcua**

**City Manager**

**Kristine Ridge**

**City Attorney**

**Sonia R. Carvalho**

**City Clerk**

**Jennifer L. Hall**

## **ROLL CALL**

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

Councilmembers Penaloza, Phan, and Vazquez, and Mayor Amezcua were present. Councilmembers Bacerra and Hernandez, and Mayor Pro Tem Lopez joined the meeting during Closed Session.

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

**MINUTES:** None.

**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 4:10 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:
  - Santa Ana Police Officers Association v. City of Santa Ana, Public Employment Relations Board Case No. LA-CE-1658-M
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):  
Agency Negotiator: Jason Motsick, Human Resources Executive Director  
Employee Organization:
  - Santa Ana Police Officers Association (POA)
3. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
  - Margarita Jimenez v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2021-01222252-CU-PA-NJC
4. CONFERENCE WITH LEGAL COUNSEL – SIGNIFICANT EXPOSURE TO LITIGATION pursuant to Government Code Section 54956.9(d)(2):
  - One (1) matter [personnel claim]

**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 Regular City Council meeting at 6:18 P.M.

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

**ROLL CALL**

***MINUTES:*** City Clerk Jennifer L. Hall conducted roll call. All members of the City Council were present.

**PLEDGE OF ALLEGIANCE**                      **Andrew Linares**

**WORDS OF INSPIRATION**                      **Pastor Tommy Cota, Hope Alive Church**

**ADDITIONS\DELETIONS TO THE AGENDA**

***MINUTES:*** City Clerk Jennifer L. Hall stated there were no revisions.

**CEREMONIAL PRESENTATIONS**

- 1. Certificates of Recognition presented by Mayor Amezcua to Abound Food Care for Outstanding Contributions to the Community.**
- 2. Certificate presented by Mayor Pro Tem Lopez to Sofia Wolff for Exceptional Athletic Performance and for qualifying to represent the United States at the Figures World Cup in 2023.**
- 3. Proclamation presented by Councilmember Bacerra to Orange County Fire Authority declaring October 8-14, 2023 as Fire Prevention Week.**
- 4. Proclamation presented by Councilmember Phan to Ben Chu declaring September 29, 2023 as Mid-Autumn Festival Day.**

**MINUTES:** Ceremonial Presentations Item were taken out-of-order and presented.

Councilmember Phan proclaimed September 29, 2023 as Mid-Autumn Festival Day and presented the proclamation to Ben Chu.

Councilmember Bacerra proclaimed October 8-14, 2023 as Fire Prevention Week and presented the proclamation to Orange County Fire Authority Battalion Chief Sultzer.

Mayor Pro Tem Lopez presented a certificate to Sofia Wolff and acknowledged and congratulated her on her accomplishments.

Mayor Amezcua presented Certificates of Recognition to Abound Food Care and expressed her gratitude for the outstanding contributions.

## **STAFF PRESENTATIONS**

### **4. Homelessness Update**

**MINUTES:** Homeless Services Manager Kenneth Gominsky gave a Homelessness Update presentation.

Councilmember Vazquez requested month-by-month data regarding homeless numbers, servicing, and comparisons with other cities.

Councilmember Phan thanked staff for the presentation and their hard work and spoke regarding partnership with the County of Orange.

Mayor Amezcua spoke regarding the mysantaana app, Union Pacific Railroad challenges, and thanked staff for their hard work and efforts.

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

**MINUTES:** City Attorney Sonia Carvalho stated that City Council took action on Closed Session Agenda Item No. 3, Margarita Jimenez v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2021-01222252-CU-PA-NJC, and voted unanimously to approve the settlement of \$150,000.

**PUBLIC COMMENT** – Public comments will be held during the beginning of the meeting for ALL comments on agenda and non-agenda items, except for public hearings. Comments for public hearings will take place after the hearing is opened.

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

1. Arsenio Lopez spoke regarding an incident at his family business, Arsenio's Mexican Food, on Harbor and McFadden.
2. Dr. Gabriela Mafi, Garden Grove Unified School District Superintendent, spoke in support of Agenda Item No. 12 and spoke regarding the need for a full-time School Resource Officer.

3. *Beth Thomas spoke regarding the Washington Square neighborhood, expressed concern regarding the sale of land in the neighborhood, and requested Council purchase the land to build a park.*
4. *Irma Jauregui expressed concern regarding Agenda Item No. 28 (voting) at the previous city council meeting, spoke in support of Agenda Item No.15 and requested a no vote on Agenda Item No. 17.*

*City Clerk Jennifer L. Hall reported out the summary of email comments received: Two (2) comments regarding Agenda Item No. 12, Six (6) comments regarding Agenda Item No. 16, and Seven (7) non-agenda comments.*

**CONSENT CALENDAR**

**RECOMMENDED ACTION:** Approve staff recommendations on the following Consent Calendar Items: 6 through 14 and waive reading of all resolutions and ordinances

**MINUTES:** *At 7:07 P.M., the Consent Calendar was considered.*

*Councilmember Hernandez and Councilmember Bacerra pulled Agenda Item No. 7 for separate discussion and consideration.*

**MOTION:** Councilmember Bacerra moved to approve staff recommendations on the following Consent Calendar Items: 6 through 14 with the exception of Agenda Item No. 7, seconded by Mayor Amezcua.

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

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

**NOES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

**Status:** 7 – 0 - Pass

**6. Excused Absences**

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

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

**7. Public Intoxication and Substance Abuse Enforcement - Monthly Report**

**Department(s):** Police Department

**Recommended Action:** Receive and file.

**MINUTES:** Assistant Police Chief Robert Rodriguez gave a presentation regarding Public Intoxication and Substance Abuse Enforcement.

Various questions and discussion ensued regarding policy implementation, arrestees release location, shelter services, operation hours and costs, transportation services, and bus passes.

Assistant Police Chief Rodriguez spoke regarding the enforcement policy, services provided, hours of operation, and costs associated.

Councilmember Hernandez requested strengthening relationships with local community organizations and having a proactive approach for transportation services.

Councilmember Bacerra spoke regarding the purpose of the policy.

**MOTION: Mayor Amezcua moved to approve the recommended action for Item No. 7, seconded by Councilmember Bacerra.**

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

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

**8. Award Purchase Orders to Guaranty Chevrolet Motors, Inc. and Penske Chevrolet of Cerritos for Two Chevrolet Trucks in an Aggregate Amount Not to Exceed \$212,899 (Specification No. 23-146) (General Fund and Non-General Fund)**

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

**Recommended Action:**

1. Authorize a one-time purchase and payment of purchase order to Guaranty Chevrolet Motors, Inc. for one Chevrolet 2500HD Truck in the amount of \$92,377, plus a contingency amount of \$10,000, for a total amount not to exceed \$102,377, subject to non-substantive changes approved by the City Manager and City Attorney.
2. Authorize a one-time purchase and payment of purchase order to Penske Chevrolet of Cerritos for one Chevrolet 2500HD Utility Service Body Truck in the amount of \$100,522, plus a contingency amount of \$10,000, for a total amount

not to exceed \$110,522, subject to non-substantive changes approved by the City Manager and City Attorney.

- 9. Approve Second Amendment with Bucknam Infrastructure Group, Inc. to Extend the Agreement Term and Increase the Total Agreement Amount by \$100,000 for Pavement Management Program and Geographic Information System Professional Services (Non-General Fund) (Project 24-6898)**

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

**Recommended Action:** Authorize the City Manager to execute a second amendment to the agreement with Bucknam Infrastructure Group, Inc. to extend the agreement term to expire October 18, 2024, and increase the total compensation by \$100,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-167**).

- 10. Approve Agreements with AKM Consulting Engineers, Anser Advisory Management, LLC., Ardurra Group, Inc., Cannon, and Willdan Engineering for On-Call Construction Management and Inspection Services in an Aggregate Amount Not to Exceed \$3,000,000, for up to a Five-Year Term**

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

**Recommended Action:** Authorize the City Manager to execute agreements with AKM Consulting Engineers, Anser Advisory Management, LLC., Ardurra Group, Inc., Cannon, and Willdan Engineering to provide on-call construction management and inspection services for a shared aggregate amount not to exceed \$3,000,000, for a three-year term beginning October 3, 2023 and expiring on October 2, 2026, with the provision for one two-year extension, subject to non-substantive changes approved by the City Manager and City Attorney (**Core Agreement No. 2023-168**).

- 11. Amend Agreement with iWater, Inc. for Water System Computer Modeling and Engineering Services by an Additional Amount Not to Exceed \$240,000 for the Remainder of the Agreement Term including Final Extension Option from April 1, 2024 through March 31, 2025 (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute the first amendment to the agreement with iWater, Inc. for water system mapping and support services, to increase amount by \$120,000 annually for the remainder of the term, and exercise the final extension option from April 1, 2024 through March 31, 2025 for \$120,000, for a total amount not to exceed \$240,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-169**).

**12. Approve a Three-Year Agreement with the Garden Grove Unified School District for School Resource Officer Services in the Amount of \$630,657 Payable to the City**

**Department(s):** Police Department

**Recommended Action:** Authorize the City Manager to execute a three-year service agreement with the Garden Grove Unified School District (GGUSD), which provides for the Santa Ana Police Department to staff one full time School Resource Officer (SRO) to the school district, for the period of October 3, 2023 through October 2, 2026, in an amount not to exceed \$630,657 payable to the City, subject to non- substantive changes approved by the City Manager and the City Attorney (**Agreement No. 2023-170**).

**13. Agreement with Seaside Ice, LLC, dba Ice-America, for a Seasonal Ice Rink and Related Services (General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with Seaside Ice, LLC, dba Ice- America, for a total amount not to exceed \$795,936, which includes the base amount of \$723,536 and a contingency amount of \$72,400, for a term beginning October 3, 2023 and ending January 31, 2024, subject to non- substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-171**).

**14. Adopt a Resolution Declaring City-Owned Properties as Surplus Land and Exempt Surplus Land and Directing the City Manager or their designee to Comply with the Requirement of Government Code §54220 et seq. for the Sale and Activation of Surplus Land**

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

**Recommended Action:** Adopt a resolution declaring City-owned property as surplus land and exempt surplus land and directing the City Manager or designee to comply with the requirements of Government Code §54220 *et seq.* for the sale and transfer of ownership accordingly.

Surplus Land:

APN	Address	Land Use	Remnant Area	Lot Configuration
011-134-06	901 E. Chestnut Ave.	R	5,977	Standard
099-224-39	5225 W. 1St St.	R1	5,738	Standard
099-224-38	5221 W. 1st St.	R1	5,744	Standard
008-225-23	217 S. Bristol St.	R2	3,447	Standard
008-225-24	219 S. Bristol St.	R2	5,616	Standard
008-231-25	223 S. Bristol St.	R2	4,556	Standard
004-121-12	1307 W. 10th St.	SP1	6,255	Standard
099-224-33	114 N. Euclid St.	C1	5,000	SubStandard

Exempt Surplus Land:

APN	Address	Land Use	Remnant Area	Lot Configuration
109-121-23	2201 W. La Verne Ave.	R	1,651	SubStandard
008-084-10	1102 W. 5th St.	R	2,711	SubStandard
405-121-06	801 N. English St.	R	3,976	SubStandard
109-092-61	1209 S Sullivan St.	R	3,226	SubStandard
002-131-57	2337 N. Riverside Dr.	R	2,150	SubStandard
403-121-30	1730 S. Grand Ave.	R	505	SubStandard
398-381-09	414 Santa Fe	R	1,731	SubStandard
013-053-33	1442 S. Baker St.	R	2,810	SubStandard
013-052-27	1441 S. Baker St.	R	336	SubStandard
013-052-28	1442 S. Rosewood Ave.	R	409	SubStandard
013-123-25	1434 S. Towner St.	R	1,411	SubStandard
013-124-23	1435 S. Towner St.	R	1,587	SubStandard
013-121-25	1435 S. Lowell St.	R	1,257	SubStandard
013-124-24	1434 S. Lowell St.	R	1,444	SubStandard
144-303-22	3706 W. Camille St.	SP2	597	Unknown
398-236-01	621 Spurgeon	R	1,369	Substandard

**RESOLUTION NO. 2023-065** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING VARIOUS PROPERTIES AS SURPLUS LAND AND EXEMPT SURPLUS LAND AND DIRECTING THE CITY MANAGER TO FOLLOW THE PROCEDURES SET FORTH IN THE SURPLUS LAND ACT, CALIFORNIA GOVERNMENT CODE SECTION 54220, ET SEQ., AS AMENDED, FOR THEIR DISPOSITION

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

**BUSINESS CALENDAR**

**MINUTES:** At 7:34 P.M., the business calendar was considered.

**15. Ordinance Adding Article XV, Sections 36-706 through 36-710, Entitled "Street Racing and Reckless Driving Exhibitions Prohibited" to the Santa Ana Municipal Code Prohibiting Spectators at Illegal Speed Contests and Reckless Driving Exhibitions**

**Department(s):** Police Department

**Recommended Action:** Approve first reading of an ordinance to prohibit spectators

who knowingly attend or assist with illegal speed contests and reckless driving exhibitions. If approved, Article XV, sections 36-706 through 36-710 entitled "Street Racing and Reckless Driving Exhibitions Prohibited" will be added to the Santa Ana Municipal Code.

**ORDINANCE NO. NS 3051** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING A NEW ARTICLE XV TO CHAPTER 36 OF THE SANTA ANA MUNICIPAL CODE TO PROHIBIT SPECTATORS AT A STREET RACE OR RECKLESS DRIVING EXHIBITION (includes determination that this ordinance is not subject to the California Environmental Quality Act under California Code of Regulations, Title 14, Section 15060, subdivision (c)(2), because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment nor under subdivision (c)(3) because the activity has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project)

**MINUTES:** *Assistant Police Chief Robert Rodriguez gave a brief presentation regarding the street racing and reckless driving exhibitions proposed ordinance.*

*City Attorney Sonia Carvalho disclosed and explained she added additional enforcement language to the original ordinance language from May 2021 (page 3, section 36707, deleted language that refers to an infraction or alternative violations through administrative citations, same change would be made on section 36708) and stated she has redline copies available for Council to review.*

*Councilmember Hernandez spoke regarding street takeovers, expressed concern regarding infractions related to spectators, and spoke in opposition to the item.*

*Mayor Pro Tem Lopez requested all future redline item changes be emailed to Council prior to the meeting.*

*Councilmember Phan spoke regarding spectators at a street race or reckless driving exhibition and police officer training and education regarding enforcement distinctions.*

*Councilmember Bacerra spoke regarding spectators at a street race or reckless driving exhibition, impacts to the community, and police officer training and education regarding enforcement distinctions and in support of the item.*

*Councilmember Penalzoza spoke regarding spectators at a street race or reckless driving exhibition, impacts to the community, police enforcement, and in support of the item. He requested City Attorney Carvalho explain the additional redline language added to the ordinance.*

**MOTION:** **Councilmember Bacerra moved to approve first reading of an ordinance to prohibit spectators who knowingly attend or assist with illegal speed contests and reckless driving exhibitions. If approved, Article XV, sections 36-706 through 36-710 entitled "Street Racing and Reckless Driving Exhibitions Prohibited" will be added to the Santa Ana Municipal Code, as presented in the May 2021 City Council meeting, seconded by Councilmember Penalzoza.**

*City Attorney Carvalho spoke regarding the additional enforcement language added to the ordinance.*

*Mayor Amezcua spoke regarding the impacts of enforcement towards minors as spectators at a street takeover and in support of the item.*

*Councilmember Vazquez expressed concern regarding the impacts of enforcement related to spectators that are minors at street takeovers and expressed the need to find a different solution.*

*Mayor Pro Tem Lopez spoke in support of the item and the original ordinance as presented.*

*Discussion ensued regarding police officer intervention and education, impacts to youth, quality of life, and determination/distinction of enforcement at street takeovers.*

**SUBSTITUTE MOTION: Mayor Pro Tem Lopez moved to approve the recommended action for Item No. 15, seconded by Councilmember Phan.**

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

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

***PUBLIC HEARING AGENDA ITEM NOS. 17 and 18 WERE CONSIDERED OUT-OF-ORDER AND HEARD PRIOR TO BUSINESS CALENDAR AGENDA ITEM NO. 16.***

### **PUBLIC HEARINGS**

***MINUTES:*** At 8:20 P.M. Councilmember Phan reported a recusal for Public Hearing Agenda Item Nos. 17 and 18 as the listed entities are clients of her employer. Mayor Pro Tem Lopez reported a recusal for Public Hearing Agenda Item Nos. 17 and 18 in an abundance of caution related to Government Code Section 84308.

**17. Appeal Application No. 2023-06 Appealing the Decision of the Planning Commission to Deny Modification to Conditional Use Permit (CUP) No. 2019-41 and CUP No. 2023-03 for a New Service Station at 2230 N. Tustin Avenue**

Legal Notice published in the Orange County Reporter on September 22, 2023 and said notice mailed on September 21, 2023.

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

**Recommended Action:** After conducting its public hearing on the item, the City Council may take one of the following three actions:

1. Adopt a resolution denying Appeal Application No. 2023-06 and upholding the determination of the Planning Commission to deny modification to Conditional Use Permit No. 2019-41 and Conditional Use Permit No. 2023-03.

**RESOLUTION NO. 2023-066** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENYING APPEAL NO. 2023-06 AND UPHOLDING THE DETERMINATION OF THE PLANNING COMMISSION TO DENY A MODIFICATION TO CONDITIONAL USE PERMIT NO. 2019-41 TO ALLOW THE CONSTRUCTION OF A SERVICE STATION, AND TO DENY CONDITIONAL USE PERMIT NO. 2023-03 FOR A LAND USE THAT REQUIRES A REGIONAL, STATE, OR FEDERAL PERMIT TO HANDLE, STORE, EMIT OR DISCHARGE REGULATED COMPOUNDS, MATERIALS, CHEMICALS, OR SUBSTANCES WITHIN 500 LINEAR FEET OF A PUBLIC PARK, SCHOOL (K-12), OR RESIDENTIAL ZONE IN THE ARTERIAL COMMERCIAL (C5) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 2230 NORTH TUSTIN AVENUE

OR

2. Adopt a resolution approving Appeal Application No. 2023-06 overturning the determination of the Planning Commission, thereby approving modification to Conditional Use Permit No. 2019-41 and Conditional Use Permit No. 2023-03 as conditioned.

**RESOLUTION NO. 2023-XXX** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING APPEAL NO. 2023-06, THEREBY OVERTURNING THE DETERMINATION OF THE PLANNING COMMISSION AND APPROVING A MODIFICATION TO CONDITIONAL USE PERMIT NO. 2019-41 TO ALLOW THE CONSTRUCTION OF A SERVICE STATION, AND APPROVING CONDITIONAL USE PERMIT NO. 2023-03 FOR A LAND USE THAT REQUIRES A REGIONAL, STATE, OR FEDERAL PERMIT TO HANDLE, STORE, EMIT OR DISCHARGE REGULATED COMPOUNDS, MATERIALS, CHEMICALS, OR SUBSTANCES WITHIN 500 LINEAR FEET OF A PUBLIC PARK, SCHOOL (K-12), OR RESIDENTIAL ZONE IN THE ARTERIAL COMMERCIAL (C5) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 2230 NORTH TUSTIN AVENUE (includes determination that this project is exempt from further review pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines (Class 3 – New Construction or Conversion of Small Structures) as Notice of Exemption, Environmental Review No. 2017-83, will be filed for this project)

OR

3. Adopt a resolution approving Appeal Application No. 2023-06 overturning the determination of the Planning Commission, thereby approving Conditional Use Permit No. 2019-41 and Conditional Use Permit No. 2023-03 with modified conditions of approval.

RESOLUTION NO. 2023-XXX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING APPEAL NO. 2023-06, THEREBY OVERTURNING THE DETERMINATION OF THE PLANNING COMMISSION AND APPROVING A MODIFICATION TO CONDITIONAL USE PERMIT NO. 2019-41 TO ALLOW THE CONSTRUCTION OF A SERVICE STATION, AND APPROVING CONDITIONAL USE PERMIT NO. 2023-03 FOR A LAND USE THAT REQUIRES A REGIONAL, STATE, OR FEDERAL PERMIT TO HANDLE, STORE, EMIT OR DISCHARGE REGULATED COMPOUNDS, MATERIALS, CHEMICALS, OR SUBSTANCES WITHIN 500 LINEAR FEET OF A PUBLIC PARK, SCHOOL (K-12), OR RESIDENTIAL ZONE IN THE ARTERIAL COMMERCIAL (C5) ZONING DISTRICT, FOR THE PROPERTY LOCATED AT 2230 NORTH TUSTIN AVENUE (includes determination that this project is exempt from further review pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines (Class 3 – New Construction or Conversion of Small Structures) as Notice of Exemption, Environmental Review No. 2017-83, will be filed for this project)

**MINUTES:** *City Attorney Sonia Carvalho explained the rules of due process related to the public hearing.*

*Mayor Amezcua opened the Public Hearing at 8:26 P.M.*

*The following speakers addressed Council in-person:*

1. *Michael Ayaz, appellant, spoke in opposition to the Planning Commission's decision and requested Council approve the appeal with the removal of condition no. 7.*

*City Clerk Jennifer L. Hall reported out the summary of email 47 e-comments received.*

*The following speakers addressed council via teleconference:*

2. *Nikki Tichy spoke in opposition to the item and spoke in support of option 1.*
3. *Mr. and Mrs. Mike DeCosra spoke in opposition to the item.*
4. *Kim Lacey spoke in opposition to the item and spoke in support of option 1.*

*The following speakers addressed Council in-person:*

5. *Steve Braum, landlord, spoke regarding the vacant lot and in support of the item.*

6. *Kim Cordoba spoke in opposition to the item and spoke in support of option 1.*
7. *Dale Helvig spoke in opposition to the item and spoke in support of option 1.*
8. *Winston Covington spoke in opposition to the item and spoke in support of option 1.*
9. *Danny Vega spoke in opposition to the item and spoke in support of option 1.*

*Planning and Building Director Minh Thai gave a presentation regarding the Planning Commissions decision to deny modification to conditional use permits for a new service station at 2230 N. Tustin Ave.*

**Rebuttal**

1. *Michael Ayaz, appellant, requested the Council approve the appeal and remove condition no. 7.*

*Mayor Amezcua closed the Public Hearing at 9:06 P.M.*

*Councilmember Bacerra spoke in support of denying the appeal and upload the planning commission’s decision.*

**MOTION: Councilmember Bacerra moved to approved recommended action no. 1 Item No. 17,** seconded by Councilmember Hernandez.

The motion carried, 5-0-2, by the following roll call vote:

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER  
HERNANDEZ, COUNCILMEMBER PENALOZA,  
COUNCILMEMBER VAZQUEZ, MAYOR AMEZCUA

**NOES:** NONE

**ABSTAIN:** COUNCILMEMBER PHAN, MAYOR PRO TEM LOPEZ

**ABSENT:** NONE

**Status: 5 – 0 – 2 - Pass**

**RECESS**

**MINUTES:** *Mayor Amezcua recessed the City Council meeting at 9:12 P.M.*

**RECONVENE**

**MINUTES:** *Mayor Amezcua reconvened the City Council meeting to order at 9:13 P.M.*

**18. Appeal Application Nos. 2023-02 and 2023-03, appealing the decision of the Planning Commission to approve Site Plan Review (SPR) No. 2023-01 and Tentative Tract Map (TTM) No. 2023-03 (County Map No. 19243) to facilitate the construction of a mixed-use development known as Cabrillo Town Center at 1901 and 1971 East Fourth Street and 515 and 525 North Cabrillo Park Drive (collectively 1901 East Fourth Street)**

Legal notice published in the Orange County Reporter on September 22, 2023 and said notice mailed on September 21, 2023.

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

**Recommended Action:** Adopt a resolution denying Appeal Application Nos. 2023- 02 and 2023-03 and upholding the Planning Commission’s approval of two resolutions to approve Site Plan Review (SPR) No. 2023-01 and Tentative Tract Map (TTM) No. 2023-03 (County Map No. 19243) to facilitate the construction of a mixed- use development known as Cabrillo Town Center at 1901 and 1971 East Fourth Street and 515 and 525 North Cabrillo Park Drive (collectively 1901 East Fourth Street).

RESOLUTION NO. 2023-XXX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENYING APPEAL APPLICATION NOS. 2023-02 AND 2023- 03 AND UPHOLDING THE DETERMINATION OF THE PLANNING COMMISSION TO APPROVE SITE PLAN REVIEW (SPR) NO. 2023-01 AND TENTATIVE TRACT MAP (TTM) NO. 2023-03 (COUNTY MAP NO. 19243) TO FACILITATE THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT KNOWN AS CABRILLO TOWN CENTER AT 1901 AND 1971 EAST FOURTH STREET AND 515 AND 525 NORTH CABRILLO PARK DRIVE, COLLECTIVELY 1901 EAST FOURTH STREET (APNS: 400-051-02; 400-051- 09; 400-051-14; AND 400-051-15) (includes determination that in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Project is within the scope of the 2007 Metro East Mixed-Use Overlay Zone Environmental Impact Report (EIR) and 2018 Subsequent EIR (SEIR (SCH No. 2006031041)).

**MINUTES:** *Planning and Building Director Minh Thai gave a presentation regarding the Planning Commission’s decision to approve a site plan review and tentative tract map at Cabrillo Town Center.*

*Mayor Amezcua opened the public hearing at 9:26 P.P.*

*The following speaker addressed council via teleconference:*

- 1. Marjan Abubo, appellant, spoke regarding the EIR and in opposition to the item.*

*The following speakers addressed Council in-person:*

- 2. Ed MCoy, applicant, spoke regarding the project’s compliance and in support of the item.*

3. *Dave Rand, applicant, spoke regarding CEQA, EIR, and in support of the item.*
4. *Talia Nimmer, appellant, spoke regarding violation of CEQA and in opposition to the item.*
5. *John Tafoga spoke in opposition to the item.*

*Rebuttal*

*The following speakers addressed council via in-person*

6. *Dave Rand, applicant, spoke regarding the EIR analysis and in support of the item.*
7. *Talia Nimmer, appellant, spoke regarding the EIR analysis and in opposition of the item.*

*The following speakers addressed council via teleconference:*

8. *Marjan Abubo, appelleant, spoke regarding the EIR analysis and in opposition of the item.*

*City Clerk Jennifer L. Hall reported out the summary of emails three (3) e-comments received.*

*Mayor Amezcua closed the public hearing at 9:50 P.M.*

*Councilmember Bacerra spoke regarding the hiring of local workers, objectives of the proposed development plan, and in opposition to the item.*

**MOTION: Councilmember Bacerra moved to approve Appeal Application Nos. 2023-02 and 2023-03 and deny Site Plan Review (SPR) No. 2023-01 and Tentative Tract Map (TTM) No. 2023-03 (County Map No. 19243), seconded by Councilmember Hernandez.**

The motion carried, 5-0-2, by the following roll call vote:

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ,  
COUNCILMEMBER PENALOZA, COUNCILMEMBER VAZQUEZ,  
MAYOR AMEZCUA

**NOES:** NONE

**ABSTAIN:** COUNCILMEMBER PHAN (recusal), MAYOR PRO TEM  
LOPEZ(recusal)

**ABSENT:** NONE

**Status: 5 – 0 – 2 - Pass**

**MINUTES:** *After the public hearing items were heard Councilmember Phan and Mayor Pro Tem Lopez returned to the dais at 9:53 P.M.*

**BUSINESS CALENDAR**

**16. Consider Options Presented Regarding Whether to Affirm the City Council’s Adoption of the Rent Stabilization and Just Cause Eviction Ordinance and/or Whether to Amend the Rent Stabilization and Just Cause Eviction Ordinance to Require Two- Thirds Approval of all of the Members of the Santa Ana City Council to Amend the Ordinance in the Future**

**Department(s):** City Attorney Office

**Recommended Action:** Consider the options described below and, at a minimum, act on Option Two by approving first reading of the ordinance to affirm prior Council adoption and consider approving first reading of an ordinance requiring two-thirds approval of all members of the Council to amend certain provisions of the ordinance in the future (Option Three); and also consider taking action to present a ballot measure to the voters to adopt a version of the current ordinance (Option Four) or an ordinance requiring two-thirds approval to amend certain provisions in the future (Option Five) with associated election details.

1. Take no action;

OR

2. Affirm prior Council action by approving the First Reading of an Ordinance Affirming the Santa Ana City Council’s Adoption of Ordinance No. NS-3027 Entitled An Ordinance of the City Council of the City of Santa Ana Amending Article X of Chapter 8 of the Santa Ana Municipal Code and Creating a New Article XIX in Chapter 8 of the Santa Ana Municipal Code Pertaining to the Rent Stabilization and Just Cause Eviction Ordinances

ORDINANCE NO. NS-XXXX entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AFFIRMING ADOPTION OF ORDINANCE NO. NS-3027 AMENDING ARTICLE X OF CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE AND CREATING A NEW ARTICLE XIX IN CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO THE RENT STABILIZATION AND JUST CAUSE EVICTION ORDINANCES (includes determination that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change in the environment as it is not a “project” as defined in section 15378 of the State CEQA Guidelines);

OR

3. Approve the First Reading of an Ordinance Amending Article X of Chapter 8 of the Santa Ana Municipal Code Pertaining to the Rent Stabilization and Just Cause Eviction Ordinances to Require Two-Thirds Approval by All of the Members of the City Council for Certain Future Amendments

**ORDINANCE NO. NS-3052** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE XIX OF CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE PERTAINING TO THE RENT STABILIZATION AND JUST CAUSE EVICTION ORDINANCES TO REQUIRE TWO-THIRDS APPROVAL BY ALL MEMBERS OF THE CITY COUNCIL FOR CERTAIN FUTURE AMENDMENTS (includes determination that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change in the environment as it is not a “project” as defined in section 15378 of the State CEQA Guidelines);

AND/OR

4. Approve a Resolution of the City Council of the City of Santa Ana Giving Notice of a General Municipal Election of November 5, 2024 for the Submission of a Ballot Measure to the Qualified Voters to Affirm the Santa Ana City Council’s Adoption of a Rent Stabilization and Just Cause Eviction Ordinance and Providing for the Filing of Argument and Rebuttal Statement (This is a ballot measure for voter approval of the Option 2 version of the ordinance)

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 5, 2024 FOR THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED VOTERS AFFIRMING THE SANTA ANA CITY COUNCIL’S ADOPTION OF A RENT STABILIZATION AND JUST CAUSE EVICTION ORDINANCE, REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION, AND PROVIDING FOR THE FILING OF ARGUMENT AND REBUTTAL STATEMENTS (includes determination that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change in the environment as it is not a “project” as defined in section 15378 of the State CEQA Guidelines);

AND/OR

5. Approve a Resolution of the City Council of the City of Santa Ana Giving Notice of a General Municipal Election of November 5, 2024 for the Submission of a Ballot Measure to the Qualified Voters to Amend the Rent Stabilization and Just Cause Eviction Ordinance to require Two-Thirds Approval by All the Members of the City Council for Certain Future Amendments and Providing for the Filing of Argument and Rebuttal Statements (This is a ballot measure for voter approval of the Option 3 version of the ordinance requiring two-thirds voter approval)

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 5, 2024

FOR THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED VOTERS AMENDING THE CITY'S RENT STABILIZATION AND JUST CAUSE EVICTION ORDINANCE TO REQUIRE TWO-THIRDS APPROVAL BY ALL OF THE MEMBERS OF THE CITY COUNCIL FOR AMENDMENT OF CERTAIN PROVISIONS OF THE ORDINANCE, REQUESTING CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION, AND PROVIDING FOR THE FILING OF ARGUMENT AND REBUTTAL STATEMENTS (includes determination that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not have a direct or reasonably foreseeable indirect physical change in the environment as it is not a "project" as defined in section 15378 of the State CEQA Guidelines)

**MINUTES:** *City Attorney Sonia Carvalho gave a brief presentation regarding the options regarding whether to affirm the City Council adoption of the rent stabilization and just cause eviction ordinance.*

*Councilmember Hernandez spoke in support of options 3 and 4.*

*Councilmember Vazquez spoke in support of options 3 and 4.*

*Councilmember Bacerra asked for clarification regarding the proposed options and requested Council take no action.*

*Councilmember Phan spoke in support of option 3 and requested staff bring back the ballot measure listed on option 4 at the next Council meeting.*

*Mayor Pro Tem Lopez spoke in support of option 3 and requested staff bring back the ballot measure listed on option 4 at the next Council meeting.*

*Councilmember Penaloza asked for clarification regarding proposed option 3.*

*City Attorney Carvalho spoke regarding the proposed ordinance in option 3.*

*Councilmember Penaloza asked for the cost of the ballot measure and funding required.*

*City Clerk Jennifer L. Hall stated that the cost of ballot measure is estimated to be \$8,500 per the Registrar of Voters Office (ROV) with additional allocation for translation and publication requiring a budget amendment.*

*Mayor Amezcua asked for clarification regarding the cost of a ballot measure.*

*City Clerk Hall spoke regarding the estimated costs for the General Election for November 2024.*

**MOTION: Councilmember Phan moved to approve recommended action no 3 for Item No. 16 and have staff bring back the ballot measure resolution, and election documents as listed on option 4 at the next Council meeting, seconded by Mayor Pro Tem Lopez.**

**MINUTES:** *Discussion ensued regarding all of the proposed options listed on the staff report.*

*Mayor Pro Tem Lopez stated she has not spoken to the City Manager or City Attorney regarding this agenda item.*

*Mayor Amezcua requested that City Clerk Hall provide costs associated with the election, and stated she spoke with the City Attorney to ask for clarification regarding an Ad-Hoc Committee to address ballot measures to be placed on the General Election ballot.*

**SUBSTITUTE MOTION: Councilmember Bacerra moved to approve recommended action No. 1 for Item No. 1, seconded by Mayor Amezcua.**

The substitute motion failed, 3-4, by the following roll call vote:

**AYES:** COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,  
COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ  
**NOES:** COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,  
MAYOR AMEZCUA  
**ABSTAIN:** NONE  
**ABSENT:** NONE  
**Status: 3 – 4 - Fail**

**MOTION: Councilmember Phan moved to approve recommended action no 3 for Item No. 16 and have staff bring back the ballot measure resolution, and election documents as listed on option 4 at the next Council meeting, seconded by Mayor Pro Tem Lopez.**

The motion carried, 4-3, by the following roll call vote:

**AYES:** COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,  
COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ  
**NOES:** COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,  
MAYOR AMEZCUA  
**ABSTAIN:** NONE  
**ABSENT:** NONE  
**Status: 4 – 3 - Pass**

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

## **PUBLIC HEARINGS**

**PUBLIC HEARING AGENDA ITEM NOS 17 and 18 WERE CONSIDERED OUT-OF-ORDER AND HEARD PRIOR TO BUSINESS CALENDAR AGENDA ITEM NO. 16.**

### **CITY MANAGER COMMENTS**

**MINUTES:** *City Manager Kristien Ridge announced the following events:*

- *National Walk to School Day – October 4, 2023*
- *Santa Ana Birch Park Movie Series – October 5, 2023 at 5:30 P.M.*
- *Police Oversight Commission meeting – October 6, 2023 at 3:00 P.M.*
- *Mid-Autumn Festival at Centennial Park – October 7, 2023 from 4:00 P.M. to 9:00 p.m.*
- *Public Works Agency Developing the first Street Lighting Master Plan*

### **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.

1. **September 20-22, 2023 Councilmember Phan – League of California Cities Annual Conference in Sacramento, CA.**
2. **September 20-22, 2023 Councilmember Bacerra – League of California Cities Annual Conference in Sacramento, CA.**
3. **September 21-22, 2023 Councilmember Penalzoza – League of California Cities Annual Conference in Sacramento, CA**

**MINUTES:** *Councilmember Vazquez spoke regarding multiple events he attended, expressed excitement for the Dia de Los Muertos Event, Noches de Altares Event, and Viva La Vida Event, and invited all to attend Valley High School's Dia de Los Muertos Event on November 2, 2023.*

*Mayor Pro Tem Lopez thanked Public Works Agency and Parks, Recreation and Community Services Agency staff for their hard work and efforts and spoke regarding the unveiling of Santiago Park and future projects. She announced office hours at Portola Park.*

*Councilmember Penalzoza - AB1234 Disclosure: The City of Santa Ana paid for his travel and expense to visit Sacramento for his swearing-in ceremony as the 2<sup>nd</sup> Vice President of the Orange County Division of the League of California Citites and spoke regarding his experience.*

*Councilmember Hernandez thanked residents for their participation and Parks, Recreation and Community Services Agency for the unveiling of Santiago Park and their hard work*

*and efforts, encouraged all to attend the Mid-Autumn Festival, spoke regarding future unveilings, and closed comments in memory of Felton Shipp.*

*Councilmember Bacerra- AB1234 Disclosure: The City of Santa Ana paid for his travel and expense to visit Sacramento for League of California Cities as voting delegate and spoke regarding his experience. He spoke regarding his attendance at several events and announced his monthly community office hours will be on Saturday, October 7, 2023 at 10:00 A.M. at George Upton All Access Park.*

*Councilmember Phan- AB1234 Disclosure: The City of Santa Ana paid for her travel and expense to visit Sacramento for League of California Cities and spoke regarding the ROVE groundbreaking event on September 28, 2023. She stated the Ward 1 team is collaborating with Santa Ana College on October 12, 2023 for an informational event regarding legal studies career path and wished her sister a Happy Birthday.*

*Mayor Amezcua spoke regarding the Habitat for Humanity ribbon cutting ceremony, Santiago Park Grand Opening and thanked staff for their hard work and efforts. She announced Coffee with the Mayor at October 7, 2023 from 10:00 A.M. – 12:00 P.M. at Davis Elementary and Girls Conference at Santa Ana College on November 4, 2023. She requested to add the rental registry presentation at the next City Council meeting.*

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

***MINUTES:*** Mayor Amezcua adjourned the City Council meeting at 10:47 P.M.

Respectfully submitted:

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Jennifer L. Hall, CMC  
City Clerk