

DRAFT Minutes of the Closed Session and Regular Meeting of the City Council City of Santa Ana, California



October 17, 2023

CLOSED SESSION MEETING – 4:30 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 4:35 P.M.*

ATTENDANCE

Council Members

Phil Bacerra

Johnathan Ryan Hernandez

David Penaloza

Thai Viet Phan

Benjamin Vazquez

Mayor Pro Tem

Jessie Lopez

Mayor

Valerie Amezcua

Acting City Manager

Steven A. Mendoza

City Attorney

Sonia R. Carvalho

City Clerk

Jennifer L. Hall

ROLL CALL

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

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

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: *City Clerk Jennifer L. Hall stated there were no revisions to the Closed Session Agenda.*

Councilmember Phan reported a recusal for Closed Session Agenda Item No. 1 as the listed entities are clients of her employer.

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 4:36 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:

- **In re Aqueous Film-Forming Foams Prods. Liability Litigation, United States District Court for the District of South Carolina, Charleston Division, Case No. MDL 2:18-mn-2873-RMG**

MINUTES: *Councilmember Phan recused herself from Closed Session Item No. 1 and left the room at 4:48 P.M., returning at 4:59 P.M. following consideration of the item.*

2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiator: Ramon Figueroa, Acting Human Resources Executive Director
Employee Organization:

- **Santa Ana Police Officers Association (POA)**

3. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT pursuant to Government Code §54957

- **Title: Acting City Manager/Interim City Manager/Permanent 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 Regular City Council meeting at 6:28 P.M.

ATTENDANCE	Council Members	Phil Bacerra Johnathan Ryan Hernandez David Penaloza Thai Viet Phan Benjamin Vazquez
	Mayor Pro Tem Mayor	Jessie Lopez Valerie Amezcua
	Acting City Manager City Attorney City Clerk	Steven A. Mendoza Sonia R. Carvalho Jennifer L. Hall

ROLL CALL

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

PLEDGE OF ALLEGIANCE Police Chaplain Heather Riley

WORDS OF INSPIRATION Father Greg Marquez, Immaculate Heart of Mary Catholic Church

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: City Clerk Jennifer L. Hall stated there were revisions to Agenda Item No. 22 to remove the reallocation of a position in the Community Development Agency.

AT 6:32 P.M. AGENDA ITEM NO. 8 WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO CEREMONIAL PRESENTATIONS

8. Appoint Members to the Parks, Recreation and Community Service Commission for a Two-Year Term to Represent Residents 55 and Older

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

Recommended Action:

1. Appoint Silvia Reyes, Southwest Senior Center, to the Parks, Recreation and Community Service Commission for a two-year term expiring October 31, 2025.

2. Appoint David Dang, Santa Ana Senior Center, to the Parks, Recreation and Community Service Commission for a two-year term expiring October 31, 2025.

MOTION: Mayor Amezcua moved to approve the recommended action for Consent Calendar Agenda Item No. 8, seconded by Councilmember Hernandez.

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 – 0 – 0 – Pass

MINUTES: City Clerk Jennifer L. Hall administered the Oaths of Offices to Silvia Reyes and David Dang.

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Amezcua to the City's Code Enforcement Team declaring October 9-13, 2023, as Code Enforcement Officer Appreciation Week.
2. Proclamation presented by Mayor Pro Tem Lopez to Radiant Futures declaring October 2023 as Domestic Violence Awareness Month.
3. Proclamation presented by Councilmember Bacerra declaring October 2023 as Filipino American History Month.

MINUTES: Mayor Amezcua proclaimed October 9-13, 2023 as Code Enforcement Appreciation week and presented the proclamation to the Code Enforcement Team. She thanked the Code Enforcement Team for all their hard work and efforts.

Planning and Building Development Director Minh Thai thanked the Mayor for the proclamation and the team for their hard work and efforts.

Mayor Pro Tem Lopez proclaimed October 2023 as Domestic Violence Awareness Month and presented the proclamation to Radiant Futures.

Councilmember Bacerra proclaimed October 2023 as Filipino American History Month and presented the proclamation to the Philippine Consulate General Los Angeles.

CLOSED SESSION REPORT WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO STAFF PRESENTATIONS

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

MINUTES: *City Attorney Sonia Carvalho reported action on Closed Session Agenda Item No. 3. She announced Steven Mendoza will be Acting City Manager and a nationwide search will be conducted for a new City Manager.*

PUBLIC COMMENTS WERE CONSIDERED OUT OF ORDER AND WERE HEARD PRIOR TO STAFF PRESENTATIONS

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

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

- 1. David Mackler spoke in opposition to Agenda Item No. 19.*
- 2. Irma Jauregui (translation: Spanish) spoke regarding non-citizen voting and in opposition to Agenda Item No. 27.*
- 3. Phuong Vu (translation: Vietnamese) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
- 4. Vincent Tran spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
- 5. Lisa Nguyen spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
- 6. Maria Pina (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
- 7. Wendy Haase spoke regarding hotel visitor tax.*
- 8. Julia Gomez spoke regarding non-citizen voting in the City of San Francisco and in support of Agenda Item No. 27.*
- 9. Frank Atayde spoke regarding hotel visitor tax and expressed concern regarding criminal activity and homeless encampments around the Holiday Inn.*
- 10. Celeste Rivero spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
- 11. Alan Vandevort spoke regarding rent stabilization and in opposition to Agenda Item No. 27.*
- 12. Debra Russell spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
- 13. Melissa Mier expressed concern regarding the Orange County Transportation Authority Street Car project and the negative impacts to NOVA Academy. She requested the City Council address this concern.*

14. *Cecilia Andrade (translation: Spanish) expressed concern regarding the negative impacts of the OC Street Car project to NOVA Academy's campus and students.*
15. *Maribel Aguilar (translation: Spanish) expressed concern regarding the negative impacts of the OC Street Car project to NOVA Academy's campus and students.*
16. *Edaena Hernandez (translation: Spanish) expressed concern regarding the negative impacts of the OC Street Car project to NOVA Academy's campus and students.*
17. *Maring Calderon (translation: Spanish) expressed concern regarding the negative impacts of the OC Street Car project to NOVA Academy's campus and students.*
18. *Flor Flores (translation: Spanish) expressed concern regarding the negative impacts of the OC Street Car project to NOVA Academy's campus and students.*
19. *Anabel Pineda Medina (translation: Spanish) expressed concern regarding the negative impacts of the OC Street Car project to NOVA Academy's campus and students.*
20. *Tim Rush spoke in opposition to Agenda Item No. 27 and requested the Council address City issues.*
21. *Trinh Grant expressed concern regarding the rental registry information.*
22. *Teodoro Mendez (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
23. *Claudia Morales (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
24. *Victor Mendez spoke in support of the rent stabilization being placed on the ballot and expressed concern regarding the definition of non-citizen voting.*
25. *Jenna Narahara spoke regarding non-citizen voting in the City of San Francisco and spoke in support of Agenda Item No. 27.*
26. *Carlos Perea (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
27. *Tin Nguyen spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
28. *Angel Sanchez (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
29. *Adelina Bailon (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*

30. *Laura Panton (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
31. *Silvia Avendano (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
32. *Ana Charco spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
33. *Gema Suarez (translation: Spanish) spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
34. *Jannah spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
35. *Naja Christmas spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
36. *Katelyn Brazer Aceves spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
37. *Joese Hernandez thanked the City Council for approval of art funds, spoke in support of Agenda Item No. 27 and expressed concern regarding the resignation of the previous City Manager.*

The following speakers addressed Council via teleconference:

38. *Sue Loftin spoke regarding rent stabilization and in opposition to Agenda Item No. 27.*
39. *Kaycee Nguyen spoke regarding non-citizen voting and in support of Agenda Item No. 27.*
40. *Michelle Gonzales spoke regarding rent stabilization and spoke in opposition of Agenda Item Nos. 26 and 27.*
41. *Aaron Saliba spoke regarding Doubletree Hotel renovations and increased security and expressed concern regarding homeless surrounding the hotel.*
42. *Mextli Lopez spoke in support of Agenda Item No. 27 and spoke regarding the legalities of the rental registry.*

City Clerk Jennifer L. Hall reported out the summary of email comments received: One (1) comment regarding Agenda Item No. 23, Two (2) comments regarding Agenda Item No. 26, Eight (8) comments regarding Agenda Item No. 27, and ten (10) non-agenda comments.

STAFF PRESENTATIONS

4. Update from League of California Cities

MINUTES: Acting City Manager Steven Mendoza stated the Update from League of California Cities presentation will be postponed for a future meeting.

5. Rental Registry Program Update

MINUTES: Housing Division Manager Judson Brown gave a presentation regarding the Rental Registry Program Update.

Mayor Amezcua spoke regarding residents' concerns relating to the rental registry and asked for clarification regarding the information being sent out to residents.

Community Development Director Mike Garcia spoke regarding information, circulation of misinformation, and required documentation related to the rental registry.

Discussion ensued regarding the ordinance requirements, associated fees, implementation, enforcement and education of the program, revenue and funding, and circulation of misinformation.

Mayor Amezcua requested the presentation be agenized for the next Council meeting.

CLOSED SESSION REPORT WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO STAFF PRESENTATIONS [SEE PAGE NO. 5]

PUBLIC COMMENTS WERE CONSIDERED OUT OF ORDER AND WERE HEARD PRIOR TO STAFF PRESENTATIONS [SEE PAGE NO. 5]

<u>CONSENT CALENDAR</u>

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

MINUTES: At 9:19 P.M., Councilmember Bacerra pulled Agenda Item No. 9, Councilmember Penaloza pulled Agenda Item No. 26, and Mayor Pro Tem Lopez pulled Agenda Item No. 16 for separate discussion and consideration.

Councilmember Hernandez announced a No vote on Agenda Item No. 25.

MOTION: Councilmember Hernandez move to approve Consent Calendar Item Nos. 6 through 26 with the exception of Agenda Item Nos. 9, 16, and 26, and Agenda Item No. 8 considered earlier in the meeting, 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 VASQUEZ,
 MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Status: 7 – 0 – 0 – 0 – **Pass**

6. Excused Absences

Department(s): City Clerk's Office

Recommended Action: Excuse the absent members.

7. Minutes from the Special Closed Session and Regular Meeting of January 17, 2023

Department(s): City Clerk's Office

Recommended Action: Approve minutes.

9. Santa Ana Multidisciplinary Response Team (SMART) Program 2023 Progress Report

Department(s): Community Development Agency

Recommended Action: Receive and file SMART Program 2023 Progress Report.

MINUTES: Councilmember Bacerra requested CityNet be present to accept services for individuals being released from the jail.

Homeless Services Division Manager Kenneth Gominsky spoke regarding the release of inmates and stated placing a CityNet individual outside the jail would be difficult, and spoke regarding his audit experience with CityNet services and a potential operation partnership with Project Kinship.

Mayor Pro Tem Lopez asked for clarification related to the numbers for permanent housing and detox and mental health beds.

Homeless Services Division Manager Gominsky spoke regarding permanent housing and availability of beds.

Mayor Amezcua asked for clarification regarding the number of social workers.

Homeless Services Division Manager Gominsky spoke regarding the number of social workers and hours of services, and new laws and impacts related to mental health.

Discussion ensued regarding increased service hours from CityNet, collected data for calls for service, and associated costs and fees.

MOTION: Councilmember Hernandez moved to approve the recommended action for Consent Calendar Agenda Item No. 9, seconded by Councilmember Bacerra.

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 – 0 – 0 – Pass

10. Authorize Issuance of the Fiscal Year 2023-24 Request for Proposals for Affordable Homeownership Opportunities; Approve an Update to the Down Payment Assistance Program Guidelines; Allocate Additional Funds to Down Payment Assistance

Department(s): Community Development Agency

Recommended Action:

1. Authorize the City Manager to issue a Fiscal Year 2023-24 Request for Proposals for Affordable Homeownership Opportunities to solicit proposals for affordable ownership project(s) in the City of Santa Ana with funding from the HOME Investment Partnerships (HOME) Program.
2. Authorize the City Manager to update the City's Down Payment Assistance Program to include City's high school loan forgiveness incentive and increase the maximum debt-to-income ratios.
3. Approve an Appropriation Adjustment to recognize \$762,979.40 in CalHome Program Re-use Funds and \$1,527,020.60 in Inclusionary Housing Funds and appropriate these additional funds to the Down Payment Assistance Program. *(Requires five affirmative votes)*

11. Award a Blanket Order Contract to Brodart Company for Library Cataloging and Purchase of Collections and Materials for the Santa Ana Public Library in an Annual Amount not to Exceed \$590,000 (General Fund)

Department(s): Library

Recommended Action: Award a blanket order contract to Brodart Company for cataloging and purchase of collections and materials for the Santa Ana Public Library, in an annual amount not to exceed \$590,000, for a three-year term beginning November 1, 2023 through October 31, 2026, with options for two one-year renewals, subject to non-substantive changes approved by the City Manager and City Attorney.

12. Approve an agreement with Overdrive, Inc. for digital content hosting and distribution in an amount not to exceed \$405,000 and an appropriation adjustment in the amount of \$16,639 (General Fund)

Department(s): Library

Recommended Action:

1. Authorize the City Manager to execute an agreement with Overdrive, Inc. to provide hosting services and digital content in an amount not to exceed \$405,000 for a term beginning November 1, 2023 and expiring June 30, 2026, with provision for two, 1-year renewal options, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-173**).
2. Approve an appropriation adjustment to recognize \$16,639 in California State Library California Library Services Act funds in the miscellaneous income revenue account and appropriate the same amount into the Library Tech & Support Services, Computer Software Subscriptions expenditure account. *(Requires five affirmative votes)*

13. Approve an Agreement with The Library Corporation (TLC) for a Library Automation System and Hosting Services in an Amount not to Exceed \$179,439 (General Fund)

Department(s): Library

Recommended Action: Authorize the City Manager to execute an agreement with The Library Corporation to provide a library automation system and hosting services in an amount not to exceed \$179,439 for a term beginning November 1, 2023 and expiring June 30, 2026, with provision for two, 1-year renewal options, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-174**).

14. Approve an agreement with United States Geological Survey at the Santa Ana Zoo

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

Recommended Action: Authorize the City Manager to execute an agreement with the United States Geological Survey Western Ecological Resource Center, to provide conservation programs for a five-year period, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-175**).

15. Award Purchase Order for Jones Forest Products, LLC for Two Holiday Trees for the Winter Village and Downtown Santa Ana (Specification No.23-163) (General Fund)

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

Recommended Action: Authorize a one-time purchase and payment of Purchase Order to Jones Forest Products, LLC for the procurement, installation, decoration, and removal of two holiday trees for Winter Village and Downtown Santa Ana in the amount of \$59,500, plus a contingency of \$5,950, for a total amount not to exceed \$65,450, subject to non-substantive changes approved by the City Manager and City Attorney.

16. Agreement with Moore, Iacofano, Goltsman, Inc. (MIG) for the Comprehensive Zoning Code Update in an Amount not to Exceed \$1,574,515 (Specification No. 23-010) (General Fund and Non-General Fund)

Department(s): Planning and Building Agency

Recommended Action: Authorize the City Manager to make all conforming edits and execute a Professional Service Agreement with Moore, Iacofano, Goltsman, Inc. (MIG) for the Comprehensive Zoning Code Update in an amount not to exceed \$1,574,515, which includes a contingency amount of \$50,000 and optional tasks totaling \$95,700, for a two-year term beginning on October 17, 2023, and expiring on October 31, 2025, with provisions for one two-year extension, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-176**).

MINUTES: Mayor Pro Tem Lopez requested additional bullets be added to the agreement reflecting a prohibition of new gas stations.

Acting City Manager Steven Mendoza spoke regarding the extensive outreach component to the agreement.

MOTION: Councilmember Bacerra moved to approve the recommended action for Consent Calendar Item No. 16, 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 – 0 – 0 – Pass

17. Approve a Cooperative Agreement with Orange County Transportation Authority for the Countywide Signal Synchronization Baseline Project, for a Term Effective Until December 31, 2028 (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a Cooperative Agreement with Orange County Transportation Authority identifying the City's role and responsibilities to implement the countywide signal synchronization baseline project, effective upon full approval of the agreement by all parties through December 31, 2028, with the option to be extended, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-177**).

18. Approve Appropriation Adjustments and Award a Construction Contract to C.S. Legacy Construction, Inc. in the Amount of \$1,598,202 for the King Street Urban Greening Project with an Estimated Construction Delivery Cost of \$1,918,240 (Project No. 23-6625) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Approve an appropriation adjustment to recognize \$275,000 of prior year fund balance in the Federal Clean Water Protection fund, Prior-Year Carryforward revenue account (No. 05717002-50001) and appropriate the same amount into the Federal Clean Water Protection Enterprise, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*
2. Approve an appropriation adjustment to recognize \$300,000 of prior-year fund balance in the Residential Development District 1, Park Acquisition & Development Fees, Prior Year Carryforward revenue account (No. 31113002-50001) and appropriate the same amount into the Residential Development District 1, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*
3. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to add \$275,000 of Federal Clean Water Protection Enterprise funding and \$300,000 of Residential Development District 1, Park Acquisition & Development funding for the King Street Urban Greening Project (23-6625).
4. Award a construction contract to C.S. Legacy Construction, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$1,598,202, subject to change orders (not to exceed 25 percent of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction, for construction of the King Street Urban Greening Project, for the term beginning October 17, 2023 and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.
5. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,918,240, which includes \$1,598,202 for the construction contract, \$159,820 for contract administration, inspection, and testing, and a \$160,218 project contingency for unanticipated or unforeseen work.
6. Determine that the recommended actions are exempt from further review in accordance with the California Environmental Quality Act ("CEQA") as Categorical Exemption Environmental Review No. ER-2023-73 was filed for this project.

19. Award a Construction Contract to All American Asphalt in the Amount of \$1,899,983 for the 17th Street Rehabilitation, with an Estimated Project Delivery Cost of \$2,374,980 (Project No. 21-6979 & 21-6980) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Authorize budget reallocation of \$671,980 in unspent Roadway Maintenance and Rehabilitation Account (SB-1) funds from the Fairview Rehabilitation from South City Limits to Segerstrom Avenue Improvement (No. 21-6978) Project to complete the project funding requirement as follows: \$335,990 to be allocated to 17th Street Rehabilitation, Bristol to Flower (No.21-6979) Project and \$335,990 to be allocated to 17th Street Rehabilitation, Fairview to Bristol (No. 21-6980) Project.
2. Award a construction contract to All American Asphalt, the lowest responsible bidder, in accordance with the base bid in the amount of \$1,899,983, subject to change orders (not to exceed 25 percent of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction, for construction of the 17th Street Rehabilitation Project, for a term beginning October 17, 2023, and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.
3. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$2,374,980, which includes \$1,899,676 for the construction contract, \$284,998 for contract administration, inspection, and testing, and a \$189,999 project contingency for unanticipated or unforeseen work.
4. Approve an amendment to the FY 2023-24 Capital Improvement Program to include \$671,980 in construction funds for the 17th Street Rehabilitation Project (Project No. 21-6979, 21-6980).
5. Determine that the recommended actions are exempt from further review in accordance with the California Environmental Quality Act ("CEQA") as Categorical Exemption Environmental Review No. ER-2021-48 was filed for this project.

20. Amend the Agreement with Service First Fountains to Increase the Contract Amount Annually by \$50,000 and Extend the Term by Two Years for Fountain Maintenance and Repair Services (General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a first amendment to the agreement with Service First Fountains to provide scheduled fountain maintenance and repair services, increasing the annual amount by \$50,000 for a new annual amount not to exceed \$167,000 and extend the term by two years until December 31, 2025, subject to non-substantive changes approved by the City Manager and the City Attorney **(Agreement No. 2023-178).**

21. Approve an Appropriation Adjustment and Award Site License and Lease Agreements to Pacific Coast Shuttles, LLC, DBA Futura Bus Net, Inc., for Bus Passenger Services at the Santa Ana Regional Transportation Center

Department(s): Public Works Agency

Recommended Action:

1. Authorize the City Manager to execute a site license agreement with Pacific Coast Shuttles, LLC, DBA Futura Bus Net, Inc. to compensate the City \$2,500 per month for the rental of one bus bay for bus passenger services at the Santa Ana Regional Transportation Center, for a six-month term beginning November 1, 2023, and ending April 30, 2024, with the option of four consecutive, one-year renewal periods exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-179**).
2. Authorize the City Manager to execute a site lease agreement with Pacific Coast Shuttles, LLC, DBA Futura Bus Net, Inc. to compensate the City \$1,500 per month for ticket counter office space for bus passenger services at the Santa Ana Regional Transportation Center, for a six-month term beginning November 1, 2023, and ending April 30, 2024, with the option of four consecutive, one-year renewal periods exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-180**).
3. Approve an appropriation adjustment recognizing Fiscal Year 2023-24 lease income in the amount of \$24,000 into the Public Works Agency – Santa Ana Regional Transportation Center Operations, Rental Pacific Coast Shuttle revenue account and appropriating the same amount to the Public Works Agency- Santa Ana Regional Transportation Center Operations, Contract Services-Professional expenditure account. *(Requires five affirmative votes)*

22. Adopt a Resolution to Add Positions in the City Attorney's Office and the Public Works Agency. (Revised 10/16/2023)

Department(s): Finance and Management Services

Recommended Action: Adopt a resolution that amends the Fiscal Year 2023-24 Annual Budget to add one (1) position in the City Attorney's Office and two (2) positions in the Public Works Agency, which increases the total authorized headcount from 1,395 to 1,398.

RESOLUTION NO. 2023-067 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO AMEND THE CURRENT FISCAL YEAR 2023-2024 ANNUAL BUDGET TO ADD FULL-TIME POSITIONS IN THE CITY ATTORNEY'S OFFICE AND PUBLIC WORKS AGENCY

23. Density Bonus Agreement No. 2023-01 to facilitate the construction of a rental residential development consisting of fifteen apartment units, with one unit proposed as affordable to very low-income households.

Department(s): Planning and Building Agency

Recommended Action:

1. Adopt a resolution approving Density Bonus Agreement No. 2023-01 as conditioned.

RESOLUTION NO. 2023-068 entitled A RESOLUTION OF THE CITY COUNCIL OF SANTA ANA APPROVING THE DENSITY BONUS AGREEMENT NO. 2023-01 AS CONDITIONED FOR A NEW RENTAL RESIDENTIAL DEVELOPMENT WITH FIFTEEN UNITS FOR THE PROPERTY LOCATED AT 1212 E. FOURTH STREET (APN: 398-385-02)

2. Authorize the City Manager to execute a Density Bonus Agreement with Unison Real Estate Group, LLC, for a 55-year term, for a rental residential development consisting of fifteen apartment units, with one unit proposed as affordable to very low-income households, at 1212 E. Fourth Street, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-181**).

24. Adopt a Resolution and Approve Appropriation Adjustment and Agreement Accepting Fiscal Year 2022 Urban Areas Security Initiative Grant Program Funds (Non-General Fund)

Department(s): Police Department

Recommended Action:

1. Adopt a resolution authorizing the City Manager and the Chief of Police, or their designee(s), to enter into an agreement with the City of Anaheim for the FY 2022 Urban Areas Security Initiative Grant Program.

RESOLUTION NO. 2023-069 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY MANAGER AND THE CHIEF OF POLICE OR THEIR DESIGNEE(S) TO ENTER INTO AN AGREEMENT WITH THE CITY OF ANAHEIM FOR THE FY2022 URBAN AREA SECURITY INITIATIVE FUNDING PROGRAM

2. Approve an Appropriation Adjustment recognizing \$1,822,800 in grant revenue from the FY 2022 Urban Area Security Initiative funding program revenue account and appropriate same to the FY 2022 Urban Area Security Initiative Program Grant expenditures accounts. (Requires five affirmative votes)
3. Authorize the City Manager and the Chief of Police to execute an agreement with the City of Anaheim accepting the FY 2022 Urban Areas Security Initiative Grant Program in the amount of \$1,822,800 for the period of August 9, 2023 through March 31, 2025, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-132**).

25. Second Reading of Ordinance Adding Article XV, Sections 36-706 through 36-710, Entitled "Street Racing and Reckless Driving Exhibitions Prohibited" to the Santa Ana Municipal Code

First reading at the October 3, 2023 City Council meeting and approved by a vote of 6-1 (Hernandez dissenting).

Published in the Orange County Reporter on October 9, 2023.

Department(s): City Attorney Office

Recommended Action: Conduct a second reading and adopt ordinance adding Article XV, Sections 36-706 through 36-710, Entitled "Street Racing and Reckless Driving Exhibitions Prohibited" 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: Councilmember Hernandez announced a No vote on Agenda Item No. 25.

MOTION: Councilmember Hernandez move to approve the recommended action for Item No. 25 as part of the Consent Calendar, seconded by Mayor Amezcua.

The 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

26. Second Reading of Ordinance Amending Article XIX of Chapter 8 of the Santa Ana Municipal Code to Require Two-Thirds Approval by all Members of the City Council for Certain Future Amendments

First reading at the October 3, 2023 City Council meeting and approved by a vote of 4-3 (Bacerra, Penaloza, and Amezcua dissenting).

Published in the Orange County Reporter on October 9, 2023.

Department(s): City Attorney Office

Recommended Action: Conduct a second reading and adopt ordinance amending Article XIX of Chapter 8 of the Santa Ana Municipal Code to Require Two-Thirds Approval by all 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) read by title only and waive further reading.

MINUTES: Councilmember Penaloza spoke in opposition to the item.

MOTION: Councilmember Phan moved to approve the recommended action for Consent Calendar Item No. 26, seconded by Councilmember Hernandez.

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 CONSENT CALENDAR****

<u>BUSINESS CALENDAR</u>

MINUTES: At 9:38 P.M., the Business Calendar was considered.

27. Consider Whether to Adopt Resolutions Calling a General Municipal Election for November 5, 2024, Requesting Consolidation with the Statewide General Election, and Placing Ballot Measures Before the Voters Asking Whether to 1) Adopt a Rent Stabilization and Just Cause Eviction Ordinance and 2) Whether to Permit Noncitizen Voting in Municipal Elections

Department(s): City Attorney Office

Recommended Action: Consider the following options:

1. Take no action;

OR

2. Adopt a resolution calling and 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 proposing a Rent Stabilization and Just Cause Eviction Ordinance and requesting the Orange County Board of Supervisors to consolidate this election with the Statewide General Election.

RESOLUTION NO. 2023-070 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CALLING AND 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 PROPOSING A RENT STABILIZATION AN JUST CAUSE EVICTION ORDINANCE AND REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION (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 result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a “project,” as defined in section 15378 of the State CEQA Guidelines. Furthermore, the Resolution falls within the “common sense” CEQA exemption set forth in CEQA Guidelines section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”);

AND/OR

3. Adopt a resolution calling and 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 asking if the City of Santa Ana should permit noncitizen voting in City municipal elections at which municipal officers are elected and requesting the Orange County Board of Supervisors to consolidate this election with the Statewide General Election.

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CALLING AND 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 ASKING IF THE CITY OF SANTA ANA SHOULD PERMIT NONCITIZEN VOTING IN CITY MUNICIPAL ELECTIONS AT WHICH MUNICIPAL OFFICERS ARE ELECTED AND REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO CONSOLIDATE THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION (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 result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a “project,” as defined in Section 15378 of the State CEQA Guidelines. Furthermore, the Resolution falls within the “common sense” CEQA exemption set forth in CEQA Guidelines

Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”)

MINUTES: *City Attorney Sonia Carvalho presented the staff report.*

Councilmember Penaloza expressed concern regarding the proposed resolution regarding rent stabilization (option 2) and the unanswered questions.

Councilmember Phan spoke in support of option 2.

Councilmember Vazquez spoke in support of option 2.

Councilmember Hernandez spoke regarding rent stabilization and in support of option 2.

Councilmember Bacerra expressed concern regarding political grandstanding and spoke in opposition of rent stabilization (option 2).

Mayor Pro Tem Lopez spoke regarding voter opportunities and in support of option 2.

Mayor Amezcua expressed concern regarding who will run the election if the ordinance passes and political grandstanding, and spoke in opposition of option 2.

Discussion ensued regarding the next steps after the approval of the resolution.

MOTION: **Councilmember Phan moved to approve recommended action no. 2,** seconded by Councilmember Hernandez.

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

MINUTES: *Councilmember Phan spoke in support of Option 3, requested revisions to the ballot measure to incorporate residency requirements, recitals, and charter amendment language, and have the item be brought back at the first meeting in November.*

Councilmember Hernandez spoke regarding non-citizen voting and clarified what can be voted on, and in support of the requested revisions.

Councilmember Vazquez requested additional language “shall be allowed to vote,” and in support of the requested revisions.

Councilmember Bacerra expressed concern regarding the unknowns and impacts surrounding the ballot measure related to non-citizen voting and in opposition to the item.

Discussion ensued regarding the proposed revised language, non-citizen voting and implementation by 2028.

Mayor Pro Tem Lopez spoke in support of the item and the proposed revisions.

Councilmember Penaloza suggested this item be further discussed, expressed concern regarding unknown answers and impacts related to non-citizen voting, and spoke in opposition to the item.

Mayor Pro Tem Lopez asked for clarification regarding an advisory question.

City Attorney Carvalho explained the purpose of an advisory question and a change in the charter.

Mayor Amezcua expressed concern regarding the unknowns of allowing non-citizen voting, spoke regarding having community outreach, and in opposition to this item.

MOTION: Councilmember Phan moved to return the resolution at the November 7, 2023 City Council meeting with a ballot measure that incorporates the additional recitals into the resolution as to who, why, revise the ballot measure and incorporate the fact that a charter amendment would be necessary to permit the non-citizen voters to participate in the election, specific the residency requirement of 30 days language, and incorporate the measure applies to all municipal elections by the 2028 election, seconded by Councilmember Hernandez.

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

28. Public Hearing to Adopt a Resolution to Amend the Miscellaneous Fees Schedule for the Fiscal Year 2023-2024 to Reduce the Planning and Building Agency Review Fee for Accessory Dwelling Unit Applications and to Create a New Review Fee for Accessory Dwelling Unit Applications Utilizing Pre-Approved Plans

Legal notice published in the Orange County Reporter on October 4 and October 11, 2023.

Department(s): Planning and Building Agency

Recommended Action: Adopt a resolution amending the Fiscal Year 2023-2024 Miscellaneous Fees Schedule to reduce the Planning and Building Agency accessory dwelling unit review fee from \$2,609 to \$1,701 and to establish a new review fee of \$460 for accessory dwelling unit applications utilizing pre-approved plans.

RESOLUTION NO. 2023-071 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REDUCING THE FEE FOR ACCESSORY DWELLING UNIT APPLICATION REVIEW FROM TWO THOUSAND SIX HUNDRED NINE DOLLARS (\$2,609) TO ONE THOUSAND SEVEN HUNDRED ONE DOLLARS(\$1,701) AND ESTABLISHING THE FEE FOR PRE-APPROVED ACCESSORY DWELLING UNIT APPLICATION REVIEW AT FOUR HUNDRED SIXTY DOLLARS (\$460)

MINUTES: Mayor Amezcua opened the Public Hearing at 10:41 P.M.

There being no speakers, Mayor Amezcua closed the Public Hearing at 10:42 P.M.

Mayor Amezcua spoke in support of the item.

Councilmember Hernandez spoke in support of the item.

Councilmember Bacerra spoke in support of the item.

Councilmember Vazquez spoke in support of the item.

MOTION: Councilmember Hernandez moved to approve Item No. 28 to adopt a resolution amending the Fiscal Year 2023-2024 Miscellaneous Fees Schedule to reduce the Planning and Building Agency accessory dwelling unit review fee from \$2,609 to \$1,701 and to establish a new review fee of \$460 for accessory dwelling unit applications utilizing pre-approved plans, seconded by Councilmember Bacerra.

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

CITY MANAGER COMMENTS

MINUTES: Assistant City Manager Steven Mendoza announced event at Memorial Pool on Saturday, October 21, 2023 from 12:00 P.M. – 3:00 P.M.

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 Taste of Santa Ana, thanked staff for their hard work and efforts, and spoke regarding the grand opening of Ed Caruthers Park.

Councilmember Hernandez thanked staff and his colleagues for their hard work and efforts, and spoke regarding the grand opening of Ed Caruthers Park and AB 436.

Councilmember Phan thanked the Parks, Recreation, and Community Services Department for their hard work on the Mid-Autumn Festival at Centennial Park and the sponsors, thanked Santa Ana College for their partnership with the Ward 1 Team related to an event for becoming a lawyer, announced her attendance and her experience at OC Water Summit event, and thanked Acting City Manager Steven Mendoza for stepping up.

Councilmember Bacerra thanked all residents and the community for coming out, spoke regarding the grand opening of Ed Caruthers Park, announced Coffee with the Mayor on October 28, 2023 in Ward 4 and community office hours on November 4, 2023, spoke regarding the Police Officers Association, and thanked Acting City Manager Steven Mendoza for stepping up.

Councilmember Penaloza thanked Acting City Manager Steven Mendoza for stepping up, announced community event on October 21, 2023 at Memorial Park and on October 18, 2023 community workshop meeting at Washington Elementary at 6:00 P.M. to go over plans for Memorial Park, and stated the mural will be preserved at Memorial Pool.

Mayor Amezcua spoke regarding Memorial Pool and Taste of Santa Ana, announced the Girls Inc. Conference at Santa Ana College on November 4, 2023 at 8:00 A.M. – 2:00 P.M. and Interfaith Meeting on October 11, 2023, spoke regarding the grand opening of Ed Caruthers Park, the clock tower on Flower St. having the wrong time, addressing issues at NOVA Academy and hotels, and wished everyone a safe Halloween.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Amezcua adjourned the City Council meeting at 11:08 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk