

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



February 20, 2024

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

**REGULAR OPEN MEETING – 5:30 P.M.**

*(Immediately following the Closed Session Meeting)*

**CITY COUNCIL CHAMBER**

22 Civic Center Plaza Santa Ana, CA 92701

**CLOSED SESSION**

**CALL TO ORDER**

***MINUTES:*** Mayor Amezcua called the Closed Session meeting to order at 4:20 P.M.

**ATTENDANCE**

**Council Members**

**Phil Bacerra**

**Johnathan Ryan Hernandez**

**Jessie Lopez**

**David Penaloza**

**Benjamin Vazquez**

**Mayor Pro Tem**

**Thai Viet Phan**

**Mayor**

**Valerie Amezcua**

**Interim City Manager**

**Tom Hatch**

**City Attorney**

**Sonia R. Carvalho**

**City Clerk**

**Jennifer L. Hall**

## **ROLL CALL**

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

*Councilmembers Lopez, Penaloza (arrived at 4:21 P.M.), and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present. Councilmembers Bacerra and Hernandez arrived during Closed Session.*

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

**MINUTES:** *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 4:21 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 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)
2. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:**
  - A. Mayra Mendoza and Giovanni v City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2020-0114729-CU-PA-CJC
  - B. City of Santa Ana v Kenneth A. Steele and Ana Steele, et al., Orange County Superior Court, Case No. 30-2023-01313726-CU-EI-CXC
  - C. Kingsley Management Corp., et al v. City of Santa Ana, U.S. District Court (Central District), Case No. 8:22-cv-00076-CJC-JDE
  - D. Kingsley Management Corp., et al v. City of Santa Ana, U.S. District Court (Central District), Case No. 8:23-cv-00102-CJC-JDE

3. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Section 54957 (b)(1) of the Government Code:  
Title: Independent Oversight Director to Santa Ana Police Oversight Commission
4. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Section 54957(b)(1) of the Government Code:  
Title: City Manager
5. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION** pursuant to Government Code Section 54957(b)(1)  
Title: Interim City Manager

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

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

## **CITY COUNCIL REGULAR OPEN SESSION**

### **CALL TO ORDER**

**MINUTES:** *Mayor Amezcua reconvened the City Council Meeting to order at 6:33 P.M.*

#### **ATTENDANCE**

##### **Councilmembers**

**Phil Bacerra**

**Johnathan Ryan Hernandez**

**Jessie Lopez**

**David Penaloza**

**Benjamin Vazquez**

**Mayor Pro Tem**

**Thai Viet Phan**

**Mayor**

**Valerie Amezcua**

**Interim City Manager**

**Tom Hatch**

**City Attorney**

**Sonia R. Carvalho**

**City Clerk**

**Jennifer L. Hall**

### **ROLL CALL**

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

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

### **PLEDGE OF ALLEGIANCE**

**Sergeant Shyla Jesmer, Marine Corps**

### **WORDS OF INSPIRATION**

**Natalie J. Graham, California State University of Fullerton**

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

**MINUTES:** *City Clerk Jennifer L. Hall stated Alejandra Rodriguez was not available to attend the City Council Meeting (Ceremonial Presentation No. 1), and Agenda Item No. 35 had been removed from the Consent Calendar.*

### **CEREMONIAL PRESENTATIONS**

- 1. Certificate of Recognition Presented by Mayor Amezcua to Alejandra Rodriguez for Outstanding Contributions to the Community (Good Neighbor Award)**

**MINUTES:** *Ceremonial Presentation No. 1 was not made.*

- 2. Certificates of Recognition presented by Mayor Amezcua to the Willard Intermediate School Jazz Band for Outstanding Musical Performance**

**MINUTES:** Mayor Amezcua presented the Certificates of Recognition to the Willard Intermediate School Jazz Band for Outstanding Musical Performance.

**3. Proclamation Presented by Mayor Pro Tem Phan to Nguyen's Kitchen declaring February 10, 2024 as Tet/Lunar New Year**

**MINUTES:** Mayor Pro Tem Phan presented the Proclamation declaring February 10, 2024 as Tet/Lunar New Year to Nguyen's Kitchen.

**4. Certificates of Recognition Presented by Councilmember Bacerra to Rosa Carbajal and Mijail Bacila for Outstanding Acts of Heroism**

**MINUTES:** Councilmember Bacerra presented the Certificates of Recognition to Rosa Carbajal and Mijail Bacila for Outstanding Acts of Heroism.

**5. Proclamation Presented by Councilmember Hernandez to Gweni's Doll House Beauty Salon declaring February 2024 as Black History Month**

**MINUTES:** Councilmember Hernandez presented the Proclamation to Gweni's Doll House Beauty Salon declaring February 2024 as Black History Month.

**6. Certificate of Recognition Presented by Councilmember Lopez to Mauricio Yahir Trejo Najera for Outstanding Contributions to the Community**

**MINUTES:** Councilmember Lopez presented the Certificate of Recognition to Mauricio Yahir Trejo Najera for Outstanding Contributions to the Community.

**STAFF PRESENTATIONS**

**7. New Health Benefits for Non-Citizens- Cal Optima**

**MINUTES:** Cal Optima Chief Executive Officer Michael Hunn and County of Orange Social Services Agency Director An Tran gave a presentation regarding the overview of Medi-Cal renewal and expansion.

Mayor Pro Tem Phan spoke regarding an upcoming Health Fair and commended the organizations.

Councilmember Hernandez thanked the representatives for their time and information.

Councilmember Lopez echoed previous comments.

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

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

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

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

- 1. Dale Helvig spoke in support of Agenda Item No. 31.*
- 2. Christine Contreras spoke regarding Eagleman Housing and Native America homelessness in the City.*
- 3. Aiya Kanawati spoke regarding the genocide in Palestine and requested a cease-fire resolution.*
- 4. Fernando Deveras spoke regarding the genocide in Palestine, an ethics complaint submitted against Mayor Amezcua, and expressed concern regarding Mayor Amezcua's aide contract extension (Agenda Item No. 35).*
- 5. Nina Jirik spoke regarding the need for parks and green space in her neighborhood and requested a feasibility study.*
- 6. Pat Lenahan requested a feasibility study for a park in the Washington Square Neighborhood and spoke regarding neighborhood events.*
- 7. Lupe Lopez spoke regarding the Eagleman Housing Project.*

*The following speakers addressed the City Council via teleconference:*

- 8. Vic D Mendez spoke regarding the mid-year budget report (Agenda Item No. 43).*
- 9. Tim Johnson spoke regarding housing and requested resident training to assist the homeless (Agenda Item No. 11), spoke regarding the mid-year budget (Agenda Item No. 43), and requested a reordering of the agenda related to public comments.*

*City Clerk Jennifer L. Hall reported out the summary of email comments received: Two (2) comments regarding Agenda Item No. 28 and 18 non-agenda comments.*

## CONSENT CALENDAR

**RECOMMENDED ACTION:** Approve staff recommendations on the following Consent Calendar Items: 8 through 41 and waive reading of all resolutions and ordinances

**MINUTES:** At 7:57 P.M. the Consent Calendar was considered.

*Councilmember Bacerra pulled Agenda Item Nos. 10, 11, 15, and 28 for separate discussion and consideration.*

*Councilmember Hernandez requested to comment on Agenda Item No. 21.*

*Councilmember Lopez pulled Agenda Item No. 28 for separate discussion and consideration.*

*Councilmember Penaloza pulled Agenda Item Nos. 34 and 38 for separate discussion and consideration.*

*Mayor Amezcua pulled Agenda Item Nos. 27 and 28 for separate discussion and consideration.*

**MOTION:** Councilmember Bacerra moved to approve Consent Calendar Item Nos. 8 through 41 with the exception of Item Nos. 10, 11, 15, 27, 28, 34, and 38 pulled for separate discussion and consideration and Item No. 35 removed from consideration, seconded by Councilmember Penaloza.

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

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

**NOES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

**Status:** 7 – 0 – Pass

### **8. Excused Absences**

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

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

9. Minutes from the Regular Meeting of August 1, 2023, August 15, 2023, September 19, 2023, October 3, 2023, and October 17, 2023, and the Special Meetings of August 29, 2023, October 9, 2023, and October 30, 2023

Department(s): City Clerk's Office

Recommended Action: Approve minutes.

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

10. Quarterly Report for Housing Division Projects and Activities for the Period of October 1, 2023 to December 31, 2023

Department(s): Community Development Agency

**Recommended Action:** Receive and file the Quarterly Report for Housing Division Projects and Activities for the period of October 1, 2023 to December 31, 2023.

**MINUTES:** Councilmember Bacerra spoke regarding the in-lieu fees generated and asked for clarification regarding the inclusionary housing in-lieu fees received for FY 23/24.

*Community Development Executive Director Mike Garcia stated The Met paid the in-lieu fees based upon their development agreement in advance.*

*Planning and Building Director Minh Thai spoke regarding the development agreement with The Met.*

**MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 10, seconded by Mayor Amezcua.**

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

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



**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**11.Homeless Services Quarterly Report for the Period of October 1, 2023 through December 31, 2023**

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

**Recommended Action:** Receive and file the Quarterly Report for Homeless Services Projects and Activities for the period of October 1, 2023 through December 31, 2023.

**MINUTES:** Councilmember Bacerra spoke regarding CityNet services and cases, asked whether tracking of services has been done, and stated the City does not have a homeless problem but rather a crime problem.

Homeless Services Manager Kenneth Gominsky spoke regarding offered programs and services provided.

Councilmember Lopez stated the City does have a homeless problem.

Mayor Amezcua asked for clarification regarding the street exits housing placement.

Manager Gominsky spoke regarding street outreach.

**MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 11,** seconded by Councilmember Hernandez.

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

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

**12. Appropriations Adjustment Recognizing Grant Revenue in the Amount of \$1,086,754 for the California State Library Building Forward Library Facilities Improvement Program for the Newhope Library Renovation Project and Use of Previously Appropriated Funds in the Amount of \$271,688 for the Local Match Requirement**

**Department(s):** Library

**Recommended Action:**

1. Approve an appropriation adjustment to recognize \$1,086,754 in grant revenue from the California State Library and appropriate \$1,086,754 into the appropriate expenditure accounts to implement the program. *(Requires five affirmative votes)*
2. Approve the use of previously appropriated Cannabis Public Benefit funds for the local match requirement in the amount of \$271,688.

**13. Approve Appropriation Adjustment in the Amount of \$1,150,000 and Additional Contingency Funds in the Amount of \$1,100,000 for an Existing Construction Contract with James W. Fowler Co., and Additional Contract Administration, Inspection, and Testing in the Amount of \$50,000 with an Estimated Project Delivery Cost of \$8,400,000 for the SR-55/Ritchey Street Water Improvements Projects (Project Nos. 19-6438, 19-6439, 19-6440) (Non-General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment to recognize \$1,150,000 in reimbursement obligation funds from Orange County Transportation Authority (OCTA), as stipulated in the three Utility Reimbursement Agreements for the State Route 55 Improvement Project, into the Acquisition & Construction, Water Utility Capital Projects, Expense Reimbursement-OCTA revenue account and appropriate the same amount into the Acquisition & Construction, Water Utility Capital Projects, Water Capital Project expenditure account. *(Requires five affirmative votes)*
2. Approve an amendment to the Project Cost Analysis in the amount of \$1,150,000 for \$1,100,000 in additional contingency funds and \$50,000 in additional contract administration, inspection, and testing for a new estimated total construction delivery cost of \$8,400,000.

**14. Approve an Appropriation Adjustment for the Santa Ana Regional Transportation Center Transit Beautification Projects**

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

**Recommended Action:** Approve an appropriation adjustment to recognize \$1,975,000 in Clean California Local Grant Program funding from the California Department of Transportation for the Santa Ana Regional Transportation Center Painting and Wrought Iron Fencing project, and the Santa Ana Regional Transportation Center Outdoor Water Fountain Renovation project. (Requires five affirmative votes)

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**15. Approve an Appropriation Adjustment and Award a Purchase Order to Santa Ana Guaranty Chevrolet Motors, Inc. for Eight EV Blazer SUVs, in an Amount Not-to- Exceed \$563,304 (Bid No. 23-184A) (Non-General and General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment recognizing \$214,364 in prior-year fund balance in the Air Quality Improvement (AB 2766) Fund, Prior Year Carry Forward revenue account and appropriate the same amount into the Fleet Services-Air Quality Improvement expenditure account. *(Requires five affirmative votes)*
2. Authorize a one-time purchase and payment of purchase order to Santa Ana Guaranty Chevrolet Motors, Inc. for eight Chevrolet EV Blazer SUVs, in an amount not-to-exceed \$518,304, with a \$45,000 contingency.

**MINUTES:** *Councilmember Bacerra spoke regarding community outreach and thanked Public Works Director Nabil Saba and staff for their hard work and efforts.*

*Councilmember Hernandez thanked the Public Works Agency for keeping the purchase local.*

*Mayor Pro Tem Phan asked whether all future purchases will be EV and regarding federal funding opportunities for EV purchases.*

*Public Works Director Nabil Saba spoke regarding future purchases, state requirements, and federal funding opportunities.*

**MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 15, seconded by Councilmember Hernandez.**

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

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

**16. Award a Purchase Order to Econolite Control Products, Inc. in an Amount of \$94,720 (Bid No. 23-176) (Non-General Fund)**

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

**Recommended Action:** Authorize a one-time purchase and payment of purchase order to Econolite Control Products, Inc. for ten assembled traffic signal controller cabinets in an amount of \$94,720 plus a contingency of \$5,000, for a total amount not to exceed \$99,720.

**17. Award Aggregate Inventory Blanket Order Contracts for Water Meter Boxes and Lids to Core & Main and Ferguson Enterprises LLC, dba Ferguson Water Works, in a Total Aggregate Amount Not to Exceed of \$3,000,000 for a three-year term beginning February 6, 2024 and Expiring February 5, 2027, With Provisions for up to Three Additional One-Year Renewal Periods (Specification No. 23-102) (Non-General Fund)**

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

**Recommended Action:** Award Blanket Order Contracts to Core & Main and Ferguson Enterprises LLC, dba Ferguson Water Works, to provide water meter boxes and lids for a shared aggregate amount not to exceed \$3,000,000, for a three- year term beginning February 6, 2024 and expiring February 5, 2027, with provisions for three, one-year renewal periods, in accordance with each vendor's respective contract terms and conditions.

**18. Approve an Appropriation Adjustment and a Lease Agreement with RailWorks Track Services, Inc. for Office Space at the Santa Ana Regional Transportation Center for a Five-Month Term with 12 One-Month Extensions, for a Total Amount of \$73,031 (Non- General Fund)**

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

**Recommended Action:**

1. Authorize the City Manager to execute a site lease agreement with Railworks Track Services, Inc. to compensate the City \$4,356 per month, with any partial month prorated at \$145 per day, for the lease of 1,452 square feet of office space located at the Santa Ana Regional Transportation Center, for a five-month term beginning February 6, 2024 and ending June 30, 2024, with the option of 12 one-month extensions, for a total of \$73,031 in lease revenue for the entire term of the agreement, including the optional extensions **(Agreement No. A-2024-019)**.
2. Approve an appropriation adjustment recognizing Fiscal Year 2023-24 lease income in the amount of \$20,759 into the SARTC Operations, Rental-RailWorks revenue account and appropriate the same amount to the SARTC Operations, Contractual Services-Professional expenditure account. *(Requires five affirmative votes)*

**19. Approve an Appropriation Adjustment and Approve an Eighth Amendment with Landscape West Management Service, Inc. to Increase the Contract Amount by \$277,500 for Landscape Services (Project No. 24-6602) (Non-General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment accepting \$75,000 in the PWA Enterprise Capital Grants, Miscellaneous Revenue account and appropriate the same amount to the WaterSMART-Watershed Mgmt Prog expenditure account. *(Requires five affirmative votes)*
2. Authorize the City Manager to execute an eighth amendment to the agreement with Landscape West Management Services, Inc. to increase the contract amount by \$277,500, for a total agreement amount not to exceed \$8,499,500 **(Agreement A-2024-020)**.

**20. Approve Third Agreement Amendments for Emergency On-Call Water and Sewer Repair Services with Mike Prlich & Sons, Inc., Paulus Engineering, Inc., and TE Roberts, Inc.**

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

**Recommended Action:** Authorize the City Manager to execute the third amendment to agreements with Mike Prlich & Sons, Inc., Paulus Engineering, Inc., and TE Roberts, Inc. for on-call emergency sewer and water system repair services to increase the annual shared agreement amount by \$850,000, for an updated annual amount of \$2,050,000, for the remaining term of the agreement expiring August 19, 2024 **(Core Agreement A-2024-021)**.

**21. Approve an Agreement with Working Wardrobes to Provide Workforce Development Services to Unemployed People with Barriers to Employment**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with Working Wardrobes for workforce development services, including workforce readiness workshops, job development, career planning, and job training in an amount not to exceed \$742,000, for a term commencing February 6, 2024 and expiring December 31, 2025 (**Agreement No. A-2024-022**).

**MINUTES:** Councilmember Hernandez and Mayor Amezcua spoke in support of the agreement.

**22. Agreement with Torti Gallas + Partners, Inc. (TGP) to Assist the City with the Development and Adoption of a Public Realm Plan for Each of the Five General Plan Focus Areas in an Amount Not to Exceed \$799,282 (Specification No. 23-011) (General Fund and Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with Neal I. Payton Architectural Corporation dba Torti Gallas + Partners, Inc. (TGP) to assist the City with the development and adoption of a Public Realm Plan for each of the five General Plan Focus Areas, in an amount not to exceed \$799,282 for a two- year term beginning on February 6, 2024 and expiring on January 31, 2026, with provisions for a one two-year extension (**Agreement No. A-2024-023**).

**23. Adopt a Resolution Amending the Classification and Compensation Plan for Classifications of Employment Designated as Unrepresented Executive Management**

**Department(s):** Human Resources

**Recommended Action:** Adopt a Resolution that amends the City's Classification and Compensation Plan for classifications of employment designated as unrepresented Executive Management (EM) to adjust the salary schedule of the Library Services Director.

**RESOLUTION NO. 2024-001** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO EFFECT CERTAIN CHANGES TO THE CITY'S CLASSIFICATIONS OF EMPLOYMENT DESIGNATED AS UNREPRESENTED EXECUTIVE MANAGEMENT (EM)

**24. Amendment Application No. 2023-04 and Zoning Ordinance Amendment No. 2023- 03 for the Expansion of Vista Heritage Charter School Located at 601 North Fairview Street (Second Reading)**

**Legal notice published in the OC Reporter on January 19, 2024.**

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

**Recommended Action:**

1. Conduct a second reading and adopt an ordinance approving Amendment Application (Zone Change) No. 2023-04.

**ORDINANCE NO. NS-3055** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2023-04 AMENDING THE ZONING FOR THE PROPERTY LOCATED AT 601 NORTH FAIRVIEW STREET (APN: 405-241-04) FROM LIGHT INDUSTRIAL (M1) TO SPECIFIC DEVELOPMENT NO. 82 (SD-82)

2. Conduct a second reading and adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2023-03 as conditioned.

**ORDINANCE NO. NS-3056** entitled ZONING ORDINANCE AMENDMENT NO. 2023- 03 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 82 (SD-82) TO EXPAND THE BOUNDARIES OF THE SD-82 AND TO AMEND VARIOUS SECTIONS OF THE SD- 82 TO ALLOW FOR THE CREATION OF THREE (3) LAND USE ZONES, NEW PERMITTED USES AND ANCILLARY USES, AND ADMINISTRATIVE REQUIREMENTS FOR PROPERTY MAINTENANCE, COVENANTS, CONDITIONS AND RESTRICTIONS (CC&RS) AND RECIPROCAL PARKING AND ACCESS AGREEMENTS

3. Determine that adoption of these ordinances is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to sections 15301 and 15183 of the CEQA guidelines.

**25. Ordinance Amendment No. 2023-04 amending Article II.II of Chapter 2 (Sunshine Ordinance) of the Santa Ana Municipal Code (SAMC) Addressing Applicability of Ordinance to Specific Development Amendments (Second Reading); Ordinance Amendment No. 2023-05 to Update Chapter 14 (Fire Protection and Prevention and Emergency Services) of the SAMC Addressing Eligibility for Permits for the Sale of Safe and Sane Fireworks (Second Reading); and Zoning Ordinance Amendment No. 2023-04 to Update Chapter 41 (Zoning) of the SAMC Addressing Billboards and General Restrictions (Second Reading)**

**Legal notice published in the OC Reporter on January 19, 2024.**

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

Recommended Action:

1. Find and determine that the adoption of these ordinances is exempt from further review under the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, as amended from time to time.
2. Conduct a second reading and adopt an ordinance approving Ordinance Amendment No. 2023-04 amending Article II.II of Chapter 2 (Sunshine Ordinance) of the SAMC addressing applicability of the ordinance to specific development amendments.

**ORDINANCE NO. NS-3057** entitled ORDINANCE AMENDMENT NO. 2023-04 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 2 (ADMINISTRATION) OF THE SANTA ANA MUNICIPAL CODE RELATING TO PUBLIC INPUT THROUGH COMMUNITY MEETINGS

3. Conduct a second reading and adopt an ordinance approving Ordinance Amendment No. 2023-05 amending Chapter 14 (Fire Protection and Prevention and Emergency Services) addressing eligibility for permits for the sale of safe and sane fireworks.

**ORDINANCE NO. NS-3058** entitled ORDINANCE AMENDMENT NO. 2023-05 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING PORTIONS OF CHAPTER 14 (FIRE PROTECTION AND PREVENTION AND EMERGENCY SERVICES) OF THE SANTA ANA MUNICIPAL CODE RELATING TO SAFE AND SANE FIREWORKS

4. Conduct second reading and adopt an ordinance approving Zoning Ordinance Amendment No. 2023-04 amending Chapter 41 (Zoning) of the SAMC addressing billboards and general restrictions.



**ORDINANCE NO. NS-3059** entitled ZONING ORDINANCE AMENDMENT NO. 2023- 04 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING PORTIONS OF CHAPTER 41 (ZONING) OF THE SANTA ANA MUNICIPAL CODE RELATING TO GENERAL RESTRICTIONS AND BILLBOARDS

**26. Appoint Nathaniel Greensides Nominated by Councilmember Hernandez as the Ward 5 Representative to the Personnel Board for a Partial –Term Expiring December 10, 2024**

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

**Recommended Action:** Appoint Nathaniel Greensides to the Personnel Board as the Ward 5 representative and administer the Oath of Office.

**MINUTES:** *City Clerk Jennifer L. Hall administered the Oath of Office to Nathaniel Greensides.*

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**27. Receive and File Boards and Commissions Biannual Attendance Report for June through December 2023**

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

**Recommended Action:** Receive and file Boards and Commissions Biannual Attendance Report.

**MINUTES:** *Mayor Amezcua requested vacancies be filled on boards and commissions and directed staff to look at disbanding boards that have never met. She expressed concern regarding lack of quorum on boards and commissions.*

*Councilmember Bacerra asked how many times the Youth Commission has met and requested staff work on convening the Youth Commission meeting.*

*Parks, Recreation, and Community Services Director Hawk Scott stated the Youth Commission has only met once over the last year and spoke regarding the lack of quorum.*

*Mayor Amezcua suggested changing the location of the meeting and/or facilitating transportation needs.*

*Councilmember Penaloza questioned the Youth Commission stipend and whether the Commission meets in person or via Zoom.*

*City Clerk Jennifer L. Hall stated all stipends have increased for all boards and commissions and spoke regarding Brown Act rules related to meeting location and teleconferencing.*

*City Attorney Sonia Carvalho explained legislative body Brown Act rules related to the Youth Commission.*

*Councilmember Penaloza spoke regarding advertising on social media.*

*Councilmember Vazquez suggested picking up and dropping off youth commissioners for their meetings.*

**MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 27 and direct staff to return with options for the Youth Commission, seconded by Councilmember Vazquez.**

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

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

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**28. Approve an Addendum to the Fiscal Year 2023-24 Request for Proposals for Affordable Homeownership Opportunities**

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

**Recommended Action:** Authorize the City Manager to issue an Addendum to the Fiscal Year 2023-24 Request for Proposals for Affordable Homeownership Opportunities to expand the types of eligible proposals for affordable rental projects with a development site preference for specific areas in the City and revise the name to Request for Proposals for Affordable Housing Development.

**MINUTES:** Councilmember Bacerra asked for clarification regarding the means of contact to affordable housing membership associations, developers, and non-profit organizations, questioned the targeted five areas, and requested staff do proactive research and come back with a status update within six-months.

*Community Development Executive Director Mike Garcia stated staff conducted phone calls, emails, and letters as a form of awareness and notification to affordable housing membership associations, developers, and non-profit organizations, spoke regarding the process of the RFP and the proposed addendum, and focused areas for single lot development. He suggested an open-until-filled process with an initial review of RFP responses by April 1, 2024 and a six-month deadline.*

*Councilmember Lopez spoke in support of the item and requested staff be cautious with larger corporations renting out the affordable housing units and an expansion of the hotel conversion area.*

*Councilmember Hernandez spoke in support of the item.*

**MOTION:** Councilmember Lopez moved to approve the recommended action for Item No. 28, as amended to staff being cautious with larger corporations renting out affordable housing units and an expansion of the hotel conversion area, seconded by Councilmember Hernandez.

**MINUTES:** Councilmember Bacerra asked for clarification regarding the expansion of the targeted five areas and the amount of tax revenue generated related to affordable housing. He stated affordable housing is not an economic opportunity.

*Director Garcia clarified that is no tax revenue is generated related to affordable housing.*

*Mayor Amezcua thanked staff for their hard work and efforts and spoke regarding the importance of affordable homeownership.*

**SUBSTITUTE MOTION:** Councilmember Bacerra moved to approve the recommended action for Item No. 28, as amended with the removal of the rental component and to keep the response deadline open with status updates by staff, seconded by Mayor Amezcua.

**MINUTES:** Councilmember Vazquez spoke regarding the need for rental properties and spoke in support of the item.

*Mayor Pro Tem Phan asked for clarification regarding additional outreach and whether there was a deadline for Project Homekey.*

*Director Garcia spoke regarding affordable homeownership and rental, and Project Homekey funding.*

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

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

**29. Approve an Appropriation Adjustment to Recognize Additional Measure M2 Regional Capacity Program Funds and Amend the FY 2023-24 Capital Improvement Program for Bristol Street Improvements Phase 3A & 4 (Projects 13-6792, 11-6741) (Non- General Fund)**

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

**Recommended Action:**

1. Approve appropriation adjustments to recognize additional approved Measure M2 Competitive funds by the Orange County Transportation Authority due to increased construction costs in the amounts of \$205,949 and \$317,276 for Bristol Street Improvements Phase 3A & 4 (Project No. 13-6792, 11-6741). *(Requires five affirmative votes)*
2. Approve amendments to the Fiscal Year 2023-24 Capital Improvement Program to add the additional Measure M2 Competitive funds to Bristol Street Improvements Phase 3A & 4 (Project No. 13-6792, 11-6741).

**30. Approve an Appropriation Adjustment and Award a Purchase Order to National Auto Fleet Group for Two Ford F-150 Lightning EV Trucks in an Amount Not to Exceed \$168,287 (Bid No. 24-007) (Non-General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment recognizing \$168,287 in prior-year fund balance in the Air Quality Improvement (AB 2766) Fund, Prior Year Carry Forward revenue account and appropriate the same amount into the Fleet Services-Air Quality Improvement expenditure account. *(Requires five affirmative votes)*
2. Authorize a one-time purchase and payment of a Purchase Order to National Auto Fleet Group for two, new 2024 Ford F-150 Lightning EV trucks in the amount of \$148,287 plus a contingency amount of \$20,000, for a total amount not to exceed \$168,287.

**31. Authorize an Appropriation Adjustment and Award a Purchase Order Contract to Musco Sports Lighting, LLC for LED Sports Lighting with Related Supplies and Services in an Amount Not to Exceed \$732,955 (Specification No. 24-020) (Non- General Fund)**

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

**Recommended Action:**

1. Authorize a one-time purchase and payment of a Purchase Order to Musco Sports Lighting, LLC for the purchase of LED sports lighting, control and monitoring system, and installation services for the Santiago Sports Complex in an amount not-to-exceed \$732,955, including a contingency of \$63,736.
2. Authorize an Appropriation Adjustment for \$732,955 from District 2 Acquisition and Development Fees Account (Acct. No. 31213002-53300) to District 2 Improvements Other than Buildings Account (Acct. No. 31213260-66220). *(Requires five affirmative votes)*

**32. Award a Purchase Order in the Amount of \$71,532 to AirGaps, LLC for Firewall Hardware and Services (Specification No. 24-015) (Non-General Fund)**

**Department(s):** Information Technology

**Recommended Action:** Authorize a one-time purchase and payment of Purchase Order to AirGaps, LLC for firewall hardware and services in an amount not to exceed \$71,532.

**33. Amend Blanket Order Contract with Smart & Final Stores LLC for Sundry Food and Paper Goods, for a Revised Annual Amount Not-to-Exceed \$80,000 (Specification No. 19-046) (General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute an amendment to increase Blanket Order Contract authority with Smart & Final Stores LLC for the purchase of sundry food and paper goods by \$35,000, for a revised annual amount not to exceed \$80,000 for the current contract term expiring June 1, 2024, and allow automatic renewal of each annual contract term until terminated.

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**34. Award Aggregate Blanket Order Contracts to Curley Wholesale Electric and Walters Wholesale Electric Co. for Street Lighting Poles and Materials in an Aggregate Amount Not to Exceed \$2,500,000 (Specification No. 23-175) (General Fund and Non-General Fund)**

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

**Recommended Action:** Award aggregate Blanket Order Contracts to vendors listed below for street lighting poles and materials on an as-needed basis in an annual not-to-exceed aggregate amount of \$500,000, and a total not-to-exceed aggregate amount of \$2,500,000, for an initial one-year period beginning February 21, 2024 and expiring February 20, 2025, with provisions for four one-year renewal options.

<u>Vendor</u>	<u>Location</u>
Curley Wholesale Electric	Santa Ana, CA
Walters Wholesale Electric Co.	Brea, CA

**MINUTES:** Councilmember Penaloza thanked staff for selecting local vendors and asked for clarification regarding recovery costs and costs of light posts.

Public Works Director Nabil Saba stated he would work with Risk Management to provide a report on recovery costs for damages and spoke regarding the cost of light posts.

**MOTION:** Councilmember Penaloza moved to approve the recommended action for Item No. 34, seconded by Councilmember Bacerra.

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

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

**AGENDA ITEM NO. 35 WAS REMOVED FROM CONSIDERATION**

**35. Approve Second Amendments to Agreements with Claudia Perez, Andrew Linares, and Valerie Magdaleno for City Council Aide Consultancy Services (General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute amendments to the agreements with Claudia Perez, Andrew Linares, and Valerie Magdaleno for City Council aide consultancy services to increase the not-to-exceed amount of each agreement by \$10,000, for a total amount not to exceed \$60,000 per each agreement, and to extend the term of the agreements to June 30, 2024. (Agreement Nos. A-2024-XXX, A-2024-XXX, A-2024-XXX)

**36. Approve an Amendment to the Agreement with MDG Associates, Inc. to Continue Providing Administrative and Technical Support for CDBG, HOME, ESG, and WIOA Programs**

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

**Recommended Action:** Authorize the City Manager to execute an amendment to the agreement with MDG Associate, Inc. to continue providing administrative and technical support for the Community Development Block Grant (CDBG), HOME Investment Partnership Program (HOME), Emergency Solutions Grant (ESG), and Workforce Innovation and Opportunity Act (WIOA) federal grant programs, expanding the scope of work to include the five-year Consolidated Plan and FY 2025 Annual Action Plan, increasing the not-to-exceed amount by \$44,500, and extending the term for one year, for a total agreement amount of \$259,616 (**Agreement No. A-2024-024**).

**37. Agreement with The Critter Care Center, Inc. for Veterinary Services for the Santa Ana Zoo**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with The Critter Care Center, Inc. to provide veterinary services for the Santa Ana Zoo in an annual amount not to exceed \$180,999.80, which includes a \$20,000 contingency, for a term from March 1, 2024 through February 28, 2027, with two, one-year renewal options, for a total amount not to exceed \$904,999. (General Fund) (**Agreement No. A-2024-025**)

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**38. Approve an Agreement with Bean Sprouts at the Santa Ana Zoo**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with Bean Sprouts, LLC dba Bean Sprouts to provide food and beverage concession services at the Santa Ana Zoo with a 6% revenue share to the City on the first \$300,000, 8% revenue share between \$300,001 - \$500,000, and 10% revenue share above \$500,000 in cumulative café net sales for a given contract year, March 18 to March 17 of the following year, for an initial term of three years, effective March 18, 2024, with two 2-year renewal options (**Agreement No. A-2024-026**).

**MINUTES:** Councilmember Penaloza spoke in support of the item and asked for clarification regarding the requirements for local brewers/vendors as part of the agreement and designated areas for alcohol consumption.

*Parks, Recreation, and Community Services Director Hawk Scott spoke regarding Alcohol Beverage Control requirements and stated he would look into incorporating local businesses.*

*Councilmember Hernandez spoke in support of capitalizing on expansion of alcohol consumption areas and incorporating local business.*

**MOTION:** Councilmember Penaloza moved to approve the recommended action for Item No. 38, as amended to pursue Santa Ana vendors, seconded by Mayor Amezcua.

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

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

**39. Approve a Three-Year Agreement with the Orange County School of the Arts for School Resource Officer Services in the Amount of \$806,127**

**Department(s):** Police Department

**Recommended Action:** Authorize the City Manager to execute a three-year service agreement with the Orange County School of the Arts (OCSA), which provides for the



Santa Ana Police Department to staff one full-time School Resource Officer (SRO) to the school, for the period of April 1, 2024 through March 31, 2027 in an amount not to exceed \$806,127 (**Agreement No. A-2024-027**).

**40. Approve an Appropriation Adjustment and Lease Agreement with Aldridge Electric, Inc. for Office Space at the Santa Ana Regional Transportation Center for a One-Year Term with Twelve One-Month Extensions for a Total Revenue Amount of \$283,944 (Non-General Fund)**

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

**Recommended Action:**

1. Authorize the City Manager to execute a site lease agreement with Aldridge Electric, Inc. for the lease of 2,041 square feet of office space located at the Santa Ana Regional Transportation Center for a one-year term beginning on February 20, 2024 through February 19, 2025, for a total of \$283,944 in lease revenue for the entire term of the agreement, including optional extensions (**Agreement No. A-2024-028**).
2. Approve an appropriation adjustment recognizing Fiscal Year 2023-24 lease income in the amount of \$44,558 into the SARTC Operations, Rental-Aldridge Electric revenue account and appropriating the same amount into the SARTC Operations, Contractual Services expenditure account. (*Requires five affirmative votes*)

**41. Approve Agreements for Automotive, Motorcycle, Truck, and Heavy Equipment Repair Services in an Aggregate Amount Not to Exceed \$2,500,000 (Specification No. 23-098) (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute agreements with the vendors listed below to provide automotive, motorcycle, truck, and heavy equipment repair services in an annual aggregate amount not to exceed \$500,000, and total aggregate amount not to exceed \$2,500,000 for an initial three-year term beginning February 20, 2024 and expiring February 19, 2027, with provisions for two, 1-year extensions (**Core Agreement No. A-2024-029**).

**Vendor Name**

Santa Ana Guaranty Chevrolet Motors, Inc.  
Joe MacPherson Ford dba AutoNation Ford Tustin  
Bragg Investment Company, Inc. dba Coastline Equipment  
Elite Automotive Services, LLC  
Fleetworks, Inc.  
Seavco dba Irv Seaver Motorcycles  
Los Angeles Truck Centers, LLC dba Velocity Truck Centers

**Location**

Santa Ana, CA  
Tustin, CA  
Long Beach, CA  
Lake Forest, CA  
Santa Fe Springs, CA  
Orange, CA  
Whittier, CA

Cerritos Ford, Inc. dba Norm Reeves Ford Superstore  
Plumbers Depot Inc.  
R. C. A. Investments, Inc. dba Long Beach BMW Motorcycles  
Cerritos Ford, Inc. dba Tuttle-Click Ford Lincoln

Cerritos, CA  
Hawthorne, CA  
Long Beach, CA  
Irvine, CA

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

<b><u>BUSINESS CALENDAR</u></b>
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**MINUTES:** *At 9:07 P.M., the Business Calendar was considered.*

**42. Nominate and Appoint an Alternate Representative to the Southern California Association of Governments General Assembly Business Meeting**

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

**Recommended Action:** Nominate and appoint an alternate for purposes of the Southern California Association of Governments General Assembly Business Meeting.

**MINUTES:** *City Clerk Jennifer L. Hall gave a brief report.*

**MOTION:** Councilmember Penaloza moved to appoint Councilmember Bacerra as the alternate representative to the Southern California Association of Governments General Assembly Business Meeting, seconded by Councilmember Hernandez.

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

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

#### **43. Fiscal Year 2023-24 Mid-Year Budget Update, Appropriation Requests, and Workforce Changes**

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

**Recommended Action:**

1. Receive and file the FY 2023-24 Mid-Year budget update.
2. Approve the recommended Appropriation Adjustments. (Requires five affirmative votes)
3. Adopt **Resolution No. 2024-002** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO EFFECT CERTAIN CHANGES TO THE CITY'S CLASSIFICATION AND COMPENSATION PLAN
4. Adopt **Resolution No. 2024-003** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO AMEND THE CURRENT FISCAL YEAR 2023-2024 ANNUAL BUDGET TO ADJUST FULL-TIME POSITIONS IN THE CITY CLERK'S OFFICE, COMMUNITY DEVELOPMENT AGENCY, LIBRARY SERVICES, PARKS, RECREATION & COMMUNITY SERVICES AGENCY, AND PUBLIC WORKS AGENCY, INCLUDING ADDITIONS AND/OR REALLOCATIONS

**MINUTES:** *Finance Management Services Director Kathryn Downs gave a presentation regarding the Mid-year budget update, appropriation requests, and workforce changes.*

*Mayor Amezcua asked for the closing date of the community survey and the number of completed surveys.*

*Director Downs stated the closing date of the survey is May 9, 2024, stated all budget material has been translated in multiple languages, and approximately 500 surveys had been submitted.*

*Councilmember Hernandez asked for clarification regarding the preparation for the Measure X sunset.*

*Director Downs spoke regarding the primary preparation of sales tax measure sunset.*

*Mayor Pro Tem Phan asked what services can be cut with the sales tax measure sunset.*

*Director Downs spoke regarding the least prioritized services by residents.*

*Councilmember Bacerra spoke regarding the reductions of revenue, asked for clarification regarding the Police Department's vacancy rate, and spoke regarding the need to generate additional revenue.*

*Acting Police Chief Robert Rodriguez spoke regarding the Police Department's vacancy rate.*

*Mayor Amezcua asked for clarification regarding the vacancies in the City Attorney's Office, and spoke regarding the Police Department's and Public Works Agency's vacancies. She spoke regarding community issues, preparing for the sunseting of Measure X, and heavily pushing out the budget survey.*

*Chief Assistant City Attorney Laura Rossini spoke regarding the vacancies in the City Attorney's Office.*

*Councilmember Lopez spoke regarding the sunseting of Measure X, and asked for clarification regarding the \$4.7 million listed on page 11 and the over budgeting of departments.*

*Councilmember Hernandez asked for clarification regarding the vacancies in the City Manager's Office and spoke regarding recovering costs after the sunseting of Measure X.*

*Interim City Manager Tom Hatch spoke regarding the two vacancies in the City Manager's Office.*

*Councilmember Vazquez spoke regarding creating a revenue generating committee.*

*Director Downs spoke regarding the \$4.7 project cancelled and re-bidding of the project and clarified the over budgeting description listed for departments.*

*Councilmember Penaloza stated he would volunteer for distributing the budget survey to his ward, spoke regarding costs associated with the OC Street Car, and requested staff aggressively pursue state and federal funding.*

*Director Downs stated the OC Street Car would become operational in November 2025 and provided an estimate of costs.*

*Mayor Amezcua spoke regarding aggressively pursuing state and federal funding.*

*Interim City Manager Hatch suggested hiring grant writing workers.*

*Mayor Pro Tem Phan spoke regarding state and federal grant funding, property and sales tax, split roles for Measure X, and state and federal lobbyists.*

*Councilmember Penaloza spoke regarding generating revenue avenues.*

**MOTION: Mayor Amezcua moved to approve the recommended action for Item No. 43, seconded by Councilmember Penaloza.**

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

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

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

### **PUBLIC HEARINGS**

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

***MINUTES:*** *At 10:04 P.M., the Public Hearing was considered.*

#### **44. Public Hearing – Adopt a Resolution Adjusting Sanitation Services Users Charge (Non-General Fund)**

**Published in the Orange County Reporter on February 5 and February 9, 2024.**

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

**Recommended Action:** Hold a public hearing and adopt a resolution adjusting the City Sanitation Services User Charge effective July 1, 2024, July 1, 2025, July 1, 2026, July 1, 2027, and July 1, 2028.

**Resolution No. 2024-004** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADJUSTING THE RATE OF THE SANITATION SERVICES USER CHARGE FOR ROADWAY CLEANING AND ENVIRONMENTAL SANITATION SERVICES PROVIDED BY THE CITY OF SANTA ANA (includes determination that adoption falls within a statutory exemption from environmental review pursuant to section 15273 and 15060(c)(2) of the State Guidelines for implementation of the California Environmental Quality Act)

***MINUTES:*** *Public Works Director Nabil Saba gave a presentation regarding the Sanitation Services User Charge.*

*Councilmember Hernandez spoke regarding residents' concerns in his ward.*

*Councilmember Bacerra asked for clarification regarding trash fee increases and illegal dumping.*

*Director Saba spoke regarding enhancing current services and compliance with Proposition 218.*

*Mayor Amezcua asked for clarification for the drastic increase in cost and change of sanitation companies, requested the water bill be renamed to utility bill, and spoke in opposition to the item.*

*Director Saba spoke regarding the re-bidding of the contract and services provided, and stated the increased costs were mainly due to prevailing wages.*

*Councilmember Lopez asked what would happen if the sanitation services user charge is not approved and whether there are surrounding cities going through this.*

*Director Saba spoke regarding the reduction of services and impacts to the community and employees.*

*Interim City Manager Tom Hatch spoke regarding surrounding cities' addressing the costs and services related to trash and street sweeping and the impacts of not approving the proposed increased rates.*

*Mayor Amezcua asked for clarification regarding community outreach related to re-bidding of the contract.*

*Director Saba spoke regarding community outreach and the re-bidding of the contract.*

*Mayor Pro Tem Phan spoke regarding prevailing wages and rebidding of the contract, and asked for clarification regarding the impacts to the general fund in order to maintain services without the increased fees, whether the increased costs would be less if minimal increments were done throughout the years, and enforcement of illegal dumping.*

*Director Saba spoke regarding the impacts to the general fund, proposed contract fees, and enforcement and clean-up regarding illegal dumping*

*Mayor Amezcua opened the Public Hearing at 10:28 P.M.*

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

- 1. Dale Helvig spoke regarding the negative impacts to the City and spoke in opposition to the increased fees.*

2. *Ben Stripe spoke in opposition to the increased fees.*

*City Clerk Jennifer L. Hall reported out the summary of 104 email comments received. She stated Public Works mailed out 48,302 notices to residents regarding the public hearing and did not receive sufficient majority protests.*

*There being no additional speakers, Mayor Amezcua closed the Public Hearing at 10:36 P.M.*

*Mayor Pro Tem Phan asked for clarification regarding increased street sweeping and whether quality of life would increase if the fees increased, investing in commercial properties related to illegal dumping, requested a breakdown of services, asked for clarification regarding how many bills a duplex would receive, the percentage of private versus public streets that do not use street sweeping services, and spoke in support of the item.*

*Director Saba spoke regarding the increased street sweeping in commercial and industrial areas improving the quality of life, clarified a duplex is two units which would be two bills, and stated there is a low percentage of private streets in the City.*

*Councilmember Bacerra requested staff come back to the City Council with options – platinum, gold and silver packages related to the fees and an amendment to the Municipal Code to increase penalties for illegal dumping.*

*Director Saba spoke regarding Prop. 218 requirements and timing of implementation and execution.*

*City Attorney Sonia Carvalho spoke regarding the approval of Prop. 218 and stated the public hearing could be continued to a later date.*

**MOTION:** Councilmember Bacerra moved to continue the public hearing to the March 19, 2024 and direct staff to come back with options of varying degrees of fee increases and amendments to the Municipal Code to increase penalties for illegal dumping, seconded by Councilmember Hernandez.

**MINUTES:** Councilmember Hernandez requested options be provided to the City Council and spoke in support of continuing the item.

*Councilmember Vazquez asked for what percentage of the increase is per prevailing living wage versus the new services.*

*Director Saba stated he would work with Athens on obtaining the information.*

*Mayor Amezcua spoke in opposition to the item.*

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

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

### **END OF PUBLIC HEARINGS**

### **RECESS**

**MINUTES:** Mayor Amezcua recessed the City Council meeting to consider the Housing Authority Agenda at 10:56 P.M.

### **RECONVENE**

**MINUTES:** Mayor Amezcua reconvened the City Council meeting at 10:57 P.M.

### **CITY MANAGER COMMENTS**

**MINUTES:** Interim City Manager Tom Hatch gave an update on the proposed Orange County Needle Exchange Program.

Mayor Amezcua spoke regarding the importance of the issue and requested an update on this item at the beginning of the meeting.

Mayor Pro Tem Phan requested staff reach out to Assemblymember Tri Ta regarding this matter.

Councilmember Penaloza spoke regarding the history of this item.

Councilmember Hernandez left the meeting at 11:03 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 thanked staff and the City Council for all their assistance, guidance, hard work, and encouragement.

Councilmember Lopez spoke regarding two incidents related to ticketing and requested an update from staff regarding this matter.



*Councilmember Penaloza spoke regarding City Council aides, and thanked the Finance Department for the budget presentation and Interim City Manager Tom Hatch for his hard work and efforts.*

*Councilmember Bacerra announced his monthly community meeting on Saturday March 2, 2024 at 10:00 A.M. at George Upton All Access Park, thanked Parks, Recreation and Community Services Director Hawk Scott for lights at the basketball court and parking lot, and spoke regarding Lily King in honor of Black History Month, and the adjournment of the meeting in memory of Alice Alvarez, Allen Baldwin, and Carl Overmeyer.*

*Mayor Pro Tem Phan thanked staff for the Tet Festival and spoke regarding the event, and announced the Magnolia Science Academy Health Fair on Saturday, February 24, 2024.*

*Mayor Amezcua requested two AdHoc committees be created for the written ethics complaint and potential ballot measures.*

*Mayor Pro Tem Phan appointed herself, and Councilmembers Bacerra and Vazquez to the AdHoc Committee addressing the written ethics complaints against the Mayor.*

*Councilmember Penaloza asked for the status of previous investigations.*

*City Attorney Sonia Carvalho gave an update of prior investigations.*

*Mayor Amezcua appointed herself, Mayor Pro Tem Phan, and Councilmember Bacerra to the AdHoc Committee addressing potential ballot measures.*

*Mayor Amezcua spoke in memory of Alice Alvarez, Allen Baldwin, Ray Rangel, announced Coffee with the Mayor on Saturday, February 24, 2024 at the McDonalds on Bristol/17<sup>th</sup> Street, spoke regarding the Tet Festival, provided an OCTA update, and wished a Happy Birthday to Teddy Gallardo.*

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

***MINUTES:*** *Mayor Amezcua adjourned the City Council Meeting in memory of Alice Alvarez, Allen Baldwin, Carl Overmeyer, and Ray Rangel at 11:39 P.M.*

Respectfully submitted:

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Jennifer L. Hall, CMC  
City Clerk