

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



August 20, 2024

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 4:36 P.M.

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

ROLL CALL

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

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

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: *Mayor Pro Tem Phan recused herself from Closed Session Agenda Item No. 1B as the listed entity, Orange County Water District, is a client of her employer, Rutan and Tucker.*

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

MINUTES: *City Clerk Jennifer L. Hall stated one public comment was received regarding Closed Session Agenda Item No. 2.*

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 4:37 P.M.*

CLOSED SESSION ITEMS – The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION** pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
A. Valdez Gonzalez, Irinea v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2023-01303178-CU-PA-WJC
B. 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: *Mayor Pro Tem Phan left the conference room at 4:51 P.M., did not participate on Item 1B, and returned at 5:14 P.M.*

2. **CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION** pursuant to Paragraph (4) of subdivision (d) of Government Code Section 54956.9:
 - One (1) case – Union Pacific
3. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Government Code Section 54957(b)(1)
Title: Independent Oversight Director to the Santa Ana Police Oversight Commission

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 6:08 P.M.

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

ROLL CALL

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

Councilmembers Bacerra, Hernandez, Lopez (arrived at 6:25 P.M.), Penaloza, and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present.

PLEDGE OF ALLEGIANCE **Frida Ramirez**

WORDS OF INSPIRATION **Rabbi Sharon Sobel, Temple Beth Shalom**

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: City Clerk Jennifer L. Hall announced a revised exhibit 1 to Agenda Item No. 32.

CEREMONIAL PRESENTATIONS

- 1. Certificate of Recognition presented by Mayor Amezcua to the 2024 Back to School Community Resource Fair Planning Committee for Outstanding Contributions to the Community**

MINUTES: Mayor Amezcua presented a certificate of recognition to the 2024 Back to School Community Resource Fair Planning Committee for Outstanding Contributions to the Community.

2. Certificates of Recognition presented by Mayor Pro Tem Phan to the Asian American Senior Citizens Service Center YEAH Youth Program Committee and Panelists for Outstanding Contributions to the Community

MINUTES: Mayor Pro Tem Phan presented certificates of recognition to the Asian American Senior Citizens Service Center YEAH Youth Program Committee and Panelists for outstanding contributions to the community.

3. City Tile presented by Councilmember Bacerra to Winston Covington for Outstanding Contributions to the Community

MINUTES: Councilmember Bacerra presented a city tile to Winston Covington for outstanding contributions to the community.

4. Proclamation presented by Councilmember Hernandez to the Funk Freaks and Psycho Realm declaring August 2024 as Chicano Heritage Month

MINUTES: Councilmember Hernandez presented a proclamation to the Funk Freaks and Psycho Realm declaring August 2024 as Chicano Heritage Month.

5. Certificate of Recognition presented by Councilmember Lopez to Khalil Bey for Outstanding Contributions to Public Safety

MINUTES: Councilmember Lopez presented a certificate of recognition to Khalil Bey for outstanding contributions to public safety.

6. Proclamation presented by Councilmember Vazquez to Dorothy Mulkey for Outstanding Contributions to the Community

MINUTES: Councilmember Vazquez presented a proclamation to Dorothy Mulkey for outstanding contributions to the community.

STAFF PRESENTATION

7. SoCal Gas Presentation of Climate Adaption Grant

MINUTES: Juan Gonzalez and Geoff Danker, SoCal Gas, presented a Climate Adaption Grant of \$50,000 to the City of Santa Ana.

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

MINUTES: Chief Assistant City Attorney Laura Rossini 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: City Clerk Jennifer L. Hall reported out the summary of email comments received: three (3) non-agenda comments.

The following speakers addressed City Council in-person:

1. Carl Benninger spoke regarding a new Neighborhood Association, the Zoo District, and requested a Citizen Oversight Committee be formed to oversee the Related Bristol Project.
2. Brian Mendoza spoke regarding his life experiences and submitted records.
3. Mario Alvarado congratulated the Parks, Recreation, and Community Services Agency for the Chicano Heritage Festival Event, spoke regarding the new Neighborhood Association, the Zoo District, and requested Council support for teachers.
4. Julie M. Feenstra spoke regarding affordable housing and ongoing issues at 2222 East First St. and requested the City Council assist regarding the matter.
5. Randall Jones spoke regarding affordable housing and ongoing issues at 2222 East First St.
6. Magdalena Menchaga spoke regarding elder abuse and homeless at 2222 East First St.
7. Victor Mendez spoke regarding affordable housing and ongoing issues at 2222 East First St. and requested the City Council assist regarding the matter.
8. Diane Simmons spoke regarding ongoing issues at 2222 East First St. and requested the City Council assist regarding the matter.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 8 through 37 and waive reading of all resolutions and ordinances.

MINUTES: At 7:36 P.M., the Consent Calendar was considered.

Councilmember Hernandez requested to comment on Agenda Item Nos. 21, 26, 34, and 35.

Councilmember Bacerra pulled Agenda Item Nos. 29 and 31 for separate discussion and consideration.

Councilmember Vazquez requested to comment on Agenda Item Nos. 18 and 32.

Councilmember Penalzoza pulled Agenda Item No. 25 for separate discussion and consideration.

Mayor Pro Tem Phan recused herself from Agenda Item No. 24 as the listed entity, City of Anaheim, is a client of her employer, Rutan and Tucker.

City Clerk Jennifer L. Hall announced that pursuant to Government Code Section 54953(c)(3) an oral summary of salary and benefits shall be made prior to final action of the Council on any local executive and stated Agenda Item No. 32 is the approval of an employment agreement with Alvaro Nuñez as the City Manager with the following provisions of an annual salary of \$315,000 with an option for bilingual pay, city paid maximum contribution to deferred compensation 457 plan, 12-month severance if terminated at-will, city owned vehicle or \$500 monthly auto allowance, health insurance benefits, term life insurance, and wellness stipend, and other benefits as provided to the unrepresented executive management group.

MOTION: Councilmember Penalzoza moved to approve Consent Calendar Item Nos. 8 through 37 with the exception of Agenda Item Nos. 25, 29 and 31 pulled for separate discussion and consideration, seconded by Councilmember Bacerra.

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

8. Excused Absences

Department(s): City Clerk’s Office

Recommended Action: Excuse the absent members.

9. Minutes from the Regular Meeting of August 6, 2024

Department(s): City Clerk’s Office

Recommended Action: Approve minutes.

10.2024 Local Agency Biennial Notice RE: Conflict of Interest Code Review

Department(s): City Clerk’s Office

Recommended Action: Receive and file the Fair Political Practices Commission 2024 Local Agency Biennial Notice advising that the City’s Conflict of Interest Code is currently under review.

11. Receive and File the 2023-2024 Orange County Grand Jury Report: *Talking Trash: Recyclables and Organic Waste*

Department(s): Public Works Agency

Recommended Action: Receive and file the report.

12. Citywide Purchase Order Contract to Amazon Capital Services, Inc. for the Online Marketplace Purchase of Goods (Specification No. 24-091) (General Fund and Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Award a citywide purchase order contract to Amazon Capital Services, Inc. for online marketplace purchases of goods for a three and-a-half year term beginning August 1, 2024 and expiring January 18, 2028, for an annual amount not to exceed \$650,000.

13. Aggregate Purchase Order Contracts with Promotethis!, Impact PromoSource, LLC (previously Graphic Printsource, Inc.), and Superior Promos for Promotional Items (Specification No. 23-024) (General Fund and Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an amendment to increase the annual aggregate not-to-exceed amount of the citywide purchase order contracts with vendors listed below by \$355,000 for promotional items, for a new annual aggregate amount not to exceed amount of \$550,000.

<u>Vendor</u>	<u>Location</u>
Impact PromoSource, LLC	Corona, CA
Promotethis!	Huntington Beach, CA
Superior Promos	Brooklyn, NY

14. Purchase Order to AirGap Labs, LLC for Firewall Hardware and Services (Specification No. 24-096) (Non-General Fund)

Department(s): Information Technology

Recommended Action: Authorize a one-time purchase and payment of purchase order to AirGap Labs, LLC for firewall hardware, including installation services and five-year subscription, in an amount not to exceed \$96,054.

15. Aggregate Purchase Order Contracts to Bizon Group, Inc. and Southwest Mobile Storage, Inc. for Storage Container Purchase, Rental, Disposal, Transport, and Repair Services (Specification No. 24-053) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award aggregate purchase order contracts to Bizon Group, Inc. and Southwest Mobile Storage, Inc. for as-needed storage container purchase, rental, disposal, transport, and repair services, in an annual aggregate amount of \$110,000, for a total aggregate amount not to exceed \$550,000, for an initial one-year term beginning August 21, 2024 and expiring August 20, 2025, with provisions for four 1-year renewal options.

16. Purchase Order Contracts to Daniels Tire Service and Parkhouse Tire, Inc. for Vehicle Tires (Specification No. 24-088) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award aggregate purchase order contracts to Daniels Tire Service and Parkhouse Tire, Inc. for vehicle tires for a three-year period beginning August 20, 2024 and expiring August 19, 2027, with provisions for two, one-year renewal options, in an annual aggregate amount not to exceed \$200,000.

17. Legal Services Agreement with Hanson Bridgett, LLP (General Fund)

Department(s): City Attorney's Office

Recommended Action: Approve a legal services agreement with Hanson Bridgett, LLP to provide legal and investigative services with a term through June 30, 2025 with an optional one-year extension, and compensation not to exceed \$200,000 (**Agreement No. A-2024-123**).

18. Agreement with BrightLife Designs, LLC for Holiday Decorations, Installation, Removal, and Storage (Revive Santa Ana)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute an agreement with BrightLife Designs, LLC to install, remove, and store holiday decorations in Downtown Santa Ana for a three-year term beginning September 1, 2024 and ending February 1, 2027, in the amount not to exceed \$144,400 (**Agreement No. A-2024-124**).

MINUTES: *Councilmember Vazquez spoke in support of the item and expressed concern regarding parking in front of the Yost.*

19. Agreement with Cherry Bekaert Advisory LLC for Indirect Cost Allocation Plan and Internal Service Fund Cost Allocation Methodology Services

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an agreement with Cherry Bekaert Advisory LLC for Indirect Cost Allocation Plan and Internal Service Fund Cost Allocation Methodology Services for a total aggregate amount not to exceed \$150,000 for a three-year term beginning August 20, 2024 and expiring August 19, 2027, with a provision for a two-year extension (**Agreement No. A-2024-125**).

20. Agreement with Siemens Industry, Inc. for the Main Library and Outdoor Library at Jerome Park Projects (General Fund)

Department(s): Library

Recommended Action: Authorize the City Manager to execute an agreement with Siemens Industry, Inc. for equipment, licenses, construction oversight of security camera installation, and integration into the City network for the Main Library Renovation and Outdoor Library at Jerome Park projects, in the amount of \$64,200, with a 10% contingency, for a total not to exceed amount of \$70,620, for a term expiring December 31, 2026, with a provision for a one-year extension (**Agreement No. A-2024-126**).

21. Amendment to Agreement with Group 4 Architecture, Research + Planning, Inc. for the Main Library Renovation Project (22-1380) (Revive Santa Ana)

Department(s): Library

Recommended Action: Approve a first amendment to an agreement with Group 4 Architecture, Research + Planning, Inc. for additional design and engineering services, increasing the compensation amount by \$499,383, for a total not-to-exceed amount of \$2,657,948 (**Agreement No. A-2024-127**).

MINUTES: *Councilmember Hernandez spoke in support of the item.*

22. Agreement with Pennell Consulting, Inc. for Jail Security Control System Upgrade Consulting Services (General Fund)

Department(s): Police Department

Recommended Action: Authorize the City Manager to execute an agreement with Pennell Consulting, Inc. to provide consulting, system design, and project management services to the City of Santa Ana Police Department Jail for a three-year term beginning August 20, 2024 and ending August 19, 2027, with two one-year extension options, in an amount not to exceed \$193,184 (**Agreement No. A-2024-128**).

23. Agreement with PowerDMS for Field Training Management Software and Community Engagement Software (General Fund)

Department(s): Police Department

Recommended Action: Authorize the City Manager to execute an agreement with PowerDMS (**Agreement No. A-2024-129**) for software subscriptions as follows:

- One-year subscription to PowerReady for field training software in an amount not to exceed \$8,074 for the period of March 28, 2025 through March 27, 2026
- Two-year subscription to PowerEngage for citizen engagement software in an amount not to exceed \$59,375 for the period of September 1, 2024 through August 31, 2026

24. Memorandum of Understanding, First Amendment, and Appropriation Adjustment Accepting the FY 2023 Enhanced Collaborative Model Task Force to Combat Human Trafficking Grant (Non-General Fund)

Department(s): Police Department

Recommended Action:

1. Authorize the City Manager and the Chief of Police to execute a Memorandum of Understanding and the First Amendment with the City of Anaheim Police Department accepting FY 2023 Enhanced Collaborative Model Task Force to Combat Human Trafficking Grant funds in the amount of \$75,000 for the period of October 1, 2023 through September 30, 2026 (**Agreement No. A-2024-130**).
2. Approve an appropriation adjustment recognizing \$75,000 in the Department of Justice Grants revenue account and appropriate same to the Office for Victims of Crime Human Trafficking expenditure accounts. (*Requires five affirmative votes*)

MINUTES: Mayor Pro Tem Phan recused herself from Agenda Item No. 24 as the listed entity, City of Anaheim, is a client of her employer, Rutan and Tucker.

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 24, as part of the Consent Calendar, seconded by Councilmember Bacerra.

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

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

AGENDA ITEM NO. 25 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

25. Award a Construction Contract to All American Asphalt for the Grand Avenue Rehabilitation from McFadden Avenue to First Street Project (Project No. 23-6702) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Approve an appropriation adjustment recognizing \$972,882 in Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) grant from Select Street Construction, State Grant-Direct revenue account and appropriate the same amount into the Select Street Construction, Improvements Other Than Buildings, expenditure account. *(Requires five affirmative votes)*
2. Approve an appropriation adjustment recognizing \$676,000 of prior-year fund balance from Special Gas Tax, Prior Year Carry Forward and Select Street Construction, Transfer from Fund 029 revenue accounts and appropriate the same amount into the Gas Tax Interfund Transfer, Transfer to Fund 059 and HUTA 2103 Gas Tax, Improvements Other Than Buildings, expenditure account. *(Requires five affirmative votes)*
3. Approve an appropriation adjustment to transfer \$30,907 from Roadway Maintenance, Improvements Other Than Buildings, Transfer from Fund 029 revenue accounts and appropriate the same amount into the Gas Tax Interfund Transfer, Transfer to Fund 059 and Select Street Construction, Improvements Other Than Buildings, Improvements Other Than Buildings, Improvements Other Than Buildings, expenditure account. *(Requires five affirmative votes)*
4. Authorize a budget reallocation of \$44,590 in unspent funds from the Santa

Clara Avenue Bike Lane from Lincoln Avenue to Tustin Avenue Project (No. 23-6997) and \$30,907 from Omnibus Concrete Program Support Project (No. 22-6970) to construction funds for the Grand Avenue Rehabilitation from McFadden Avenue to First Street Project (No. 23-6702).

5. Approve an amendment to the Fiscal Year 2024-25 Capital Improvement Program (CIP) to include \$972,882 from Select Street Construction funds, \$676,000 from HUTA 2103 Gas Tax funds, and \$75,497 in unspent funds from projects 22-6970 and 23-6997, for the Grand Avenue Rehabilitation from McFadden Avenue to First Street Project.
6. Approve the Project Cost analysis for a total estimated construction delivery cost of \$2,242,499, which includes \$1,793,999, for the construction contract; \$269,100 for contract administration, inspection, and testing; and a \$179,400 project contingency for unanticipated or unforeseen work.
7. Award a construction contract to All American Asphalt, the lowest responsible bidder, in accordance with the base bid in the amount of \$1,793,999, subject to change orders in accordance with the Greenbook: Standard Specifications for Public Works Construction, for term beginning August 20, 2024, and ending upon project completion, and authorize the City Manager to execute the contract.
8. Determine that, pursuant to the California Environmental Quality Act, the recommended actions are exempt from further review. Categorical Exemption Environmental Review No. ER-2023-29 was filed for Project 23-6702.

MINUTES: *Councilmember Penalzoza thanked staff for bringing this item forward and asked when the Greenbook Standards for Specifications for Public Works would be available to the public.*

City Manager Alvaro Nuñez stated that moving forward staff would provide a link to the actual Greenbook or the section on staff reports.

Councilmember Penalzoza asked for a break-down regarding the \$270,000 contingency.

City Engineer Rudy Rosas explained that the \$270,000 is for construction management and inspections.

MOTION: **Councilmember Penalzoza moved to approve the recommended action for Item No. 25,** 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

26. Construction Contract with Legion Contractors, Inc. for the Outdoor Library at Jerome Park Project (Project No. 22-1381 & 25-7523) (General Fund and Non-General Fund) (Revive Santa Ana)

Department(s): Public Works Agency

Recommended Action:

1. Approve an amendment to the Fiscal Year 2024-25 Capital Improvement Program to include \$3,270,040 of various funding sources listed below for the Outdoor Library at Jerome Park.
2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$3,720,040, which includes \$3,336,400 for the construction contract, \$50,000 for contract administration, inspection, and testing, and a \$333,640 project contingency for unanticipated or unforeseen work.
3. Award a construction contract to Legion Contractors, Inc. the lowest responsible bidder, in accordance with the base bid and alternate bid in the amount of \$3,336,400, subject to change orders in accordance with the Greenbook: Standard Specifications for Public Works Construction, for construction of the Outdoor Library at Jerome Park Project, for a term beginning August 20, 2024, and ending upon project completion, and authorize the City Manager to execute the contract.
4. Determine that, pursuant to the California Environmental Quality Act, the recommended actions are exempt from further review. Categorical Exemption Environmental Review No. ER-2024-34 was filed for Project 22-1381.

MINUTES: Councilmember Hernandez spoke in support of the item.

27. Award a Construction Contract to CJ Concrete Construction for the Legacy Square Transportation Improvements Project (Project No. 22-9001(20-AHSC-14700)) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Award a construction contract to CJ Concrete Construction, the lowest responsible bidder, in accordance with the base bid in the amount of \$1,433,200, subject to change orders in accordance with the Greenbook: Standard

Specifications for Public Works Construction, for construction of the Legacy Square Transportation Improvements Project, for a term beginning August 20, 2024, and ending upon project completion, and authorize the City Manager to execute the contract.

2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,798,079, which includes \$1,433,200 for the construction contract; \$221,559 for contract administration, inspection, and testing; and a \$143,320 project contingency for unanticipated or unforeseen work.
3. Determine that, pursuant to the California Environmental Quality Act (CEQA), the recommended actions are exempt from further review pursuant to Section 15301(c) of the CEQA guidelines for projects consisting of highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities. The proposed project continues to meet these parameters of the CEQA guidelines, and Categorical Exemption Environmental Review No. ER-2023-92 was filed for Project 22-9001.

28. Agreement with Bernards Bros, Inc., for Construction Management at Risk Services for the State Building Demolition Project (Project No. 24-9002) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Bernards Bros, Inc. to perform Construction Management at Risk services for the State Building Demolition Project in the amount of \$765,481, with a contingency of \$84,519, for a total amount of \$850,000, for a two-year term beginning August 20, 2024 and expiring August 19, 2026, with an option for two, one-year extensions (**Agreement No. A-2024-131**).

AGENDA ITEM NO. 29 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

29. Agreement with Mariposa Landscape Inc. for Landscape Maintenance Services at Water Production Facilities and the Corporate Yard (Specification No. 24-018) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Mariposa Landscape Inc. for landscape maintenance services for a three-year term beginning August 20, 2024 and expiring August 19, 2027, with a provision for two, one-year renewal options, for an aggregate amount of \$695,760, including a contingency of \$160,560, for the term of the agreement, including renewal options exercisable by the City Manager (**Agreement No. A-2024-132**).

MINUTES: Councilmember Bacerra asked whether the description of work listed on exhibit 1 of the staff report included green landscaped walls at the city yard and the city water facilities, whether Mariposa is the same company doing the current landscaping, and why there was a 23% contingency instead of a 10% contingency.

Public Works Director Nabil Saba confirmed the description of the landscaped walls and stated Marisposa Landscape, Inc. is not the current landscaping company being used by the City. He spoke regarding the requested 23% contingency.

City Manager Alvaro Nuñez spoke regarding contingencies and stated that staff will request a 10% contingency moving forward.

Councilmember Penaloza asked for clarification regarding the areas the agreement would cover and expressed concern with the 23% contingency.

Director Saba stated the landscape maintenance services are for the Water Production Facilities and the Corporate Yard.

City Manager Nuñez spoke regarding enhancing staff report language to better illustrate the funding source.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 29, as amended to reduce the contingency amount to 10%, seconded by Mayor Amezcua.

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

30. Agreement with E Source Companies, LLC for Automated Metering Infrastructure Implementation Support Services (Project 16-6460) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with E Source Companies, LLC to provide Automated Metering Infrastructure implementation support services, for a total amount not to exceed \$450,000, for a three-year term beginning August 20, 2024 and expiring December 31, 2027, with

a provision for one two-year extension (**Agreement No. 2024-133**).

AGENDA ITEM NO. 31 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

31. License Agreement with K&C Logistics, LLC for their use of City-Owned East and West Alton Avenue/SR-55 Freeway Parcel

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a license agreement with K&C Logistics, LLC for use of real property owned by the City at the western terminus of Alton Avenue between Standard Avenue and the SR-55 Freeway and at the eastern terminus of Alton Avenue between Daimler Street and the SR-55 Freeway, for a three-year term beginning August 20, 2024 and expiring August 19, 2027, automatically entering into a month-to-month renewal thereafter for an additional two years, for a total revenue amount of \$1,590,640 (**Agreement No. A-2024-134**).

***MINUTES:** Councilmember Bacerra requested modifications to Section 3H of the agreement to include for the licensee to keep the area and perimeter free of weeds and vegetation. Additionally, he proposed to add a provision to the section to post signs in accordance with Santa Ana Municipal Code Section 10-96 and CCP Section 602.*

Councilmember Penalosa raised concerns regarding neglect, citing the Bristol and Warner lots as examples. He asked whether the seven-day notice period could be eliminated and if the contract could instead include a provision for termination if the licensee fails to comply.

City Manager Alvaro Nuñez stated that the key component was to receive some level of funding, and assured that City staff would do their due diligence to ensure proper property maintenance. He proposed providing the licensee with a 48-hour notice period if the property fails to meet compliance standards.

Discussion ensued regarding the timeframe for providing notice related to the property maintenance.

City Manager Nuñez suggested a 72-hour period.

Councilmember Penalosa agreed to the 72-hour timeframe.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 31, as amended to change section 3H to require maintaining the licensed and perimeter area within 72-hours and to add to section three with a requirement to post signage, seconded by Councilmember Penalosa.

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**

32. Affirm Approval of City Manager Employment Agreement

Department(s): City Council

Recommended Action: Direct and authorize the Mayor to execute the City Manager Employment Agreement with Alvaro Nuñez (**Agreement No. A-2024-135**).

***MINUTES:** Councilmember Vazquez congratulated City Manager Alvaro Nuñez.*

Councilmember Hernandez congratulated City Manager Nuñez.

Mayor Amezcua congratulated City Manager Nuñez.

33. Agreement with Franklin Covey Client Sales, Inc. for Training Resources for Citywide Staff Development (General Fund)

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute a sole source agreement with Franklin Covey Client Sales, Inc. to provide staff development resources for City of Santa Ana employees, for a term beginning July 15, 2024 and expiring July 14, 2027, for an aggregate amount not to exceed \$90,960 (**Agreement No. A-2024-136**).

34. Adoption of an Extension and First Amendment to the Memorandum of Understanding (“MOU”) by the Service Employees International Union Local 721 Part-Time Civil Service Employees Unit (“SEIU-PTCS”)

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute an extension and first amendment to the existing Memorandum of Understanding with SEIU-PTCS regarding wages, hours, and other terms and conditions of employment effective through June 30, 2025, and authorize non-substantive changes, which may be

necessary to implement the agreement (**Agreement No. A-2024-137**).

MINUTES: Councilmember Hernandez spoke in support of the item.

Mayor Amezcua spoke regarding layoffs in 2008 and requested an update on the number and status of part-time employees.

35. Resolution to Effect Certain Changes to the City’s Basic Classification and Compensation Plan for Service Employee International Union (SEIU) Represented Employees

Department(s): Human Resources

Recommended Action: Adopt a Resolution to effect certain changes to the City’s basic classification and compensation plan for Service Employee International Union (SEIU) Represented Employees.

RESOLUTION NO. 2024-048 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

MINUTES: Councilmember Hernandez spoke in support of the item.

36. Resolution, Agreement, and Appropriation Adjustment Accepting the FY 2023 Emergency Management Performance Grant (Non-General Fund)

Department(s): Police Department

Recommended Action:

1. Adopt a resolution authorizing the City Manager to act on behalf of the City of Santa Ana for obtaining federal funds related to homeland security, emergency management, and/or disaster recovery provided by the U.S. Department of Homeland Security and sub-granted through the State of California and the County of Orange.

RESOLUTION NO. 2024-049 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY MANAGER OR THE CITY MANAGER’S DESIGNEE(S) TO OBTAIN 2023 EMERGENCY MANAGEMENT PERFORMANCE GRANT FUNDS THROUGH THE COUNTY OF ORANGE

2. Authorize the City Manager to execute a two-year agreement with the County of Orange for the period of July 1, 2023 through June 30, 2025, for the FY 2023 Emergency Management Performance Grant in an amount not to exceed \$46,342 (**Agreement No. 2024-138**).
3. Approve an appropriation adjustment recognizing \$46,342 in Law Enforcement Grants revenue account and appropriating same to the Emergency Management Performance Grant expenditure account. (*Requires five*

affirmative votes)

37. Zoning Ordinance Amendment No. 2024-01 for South Coast Technology Center at 3100, 3110, 3120, 3130, and 3400 West Lake Center Drive (collectively referred to as 3100 W. Lake Center Drive) (Second Reading)

First reading August 6, 2024 City Council meeting and approved by a 7-0 vote.

Department(s): Planning and Building Agency

Recommended Action:

1. Conduct a second reading and adopt an ordinance approving Zoning Ordinance Amendment (ZOA) No. 2024-01.

ORDINANCE NO. NS-3068 entitled ZONING ORDINANCE AMENDMENT NO. 2024- 01 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SPECIFIC DEVELOPMENT NO. 58 (SD-58) TO ESTABLISH PERMITTED AND CONDITIONALLY PERMITTED LIGHT INDUSTRIAL LAND USES, ESTABLISH DEVELOPMENT STANDARDS FOR THE NEW PROPOSED USES, AND TO INCLUDE ADDITIONAL COMPREHENSIVE/ZONING TEXT EDITS AND UPDATES, TO FACILITATE THE CONSTRUCTION OF A NEW INDUSTRIAL PARK DEVELOPMENT NAMED THE SOUTH COAST TECHNOLOGY CENTER LOCATED AT 3100, 3110, 3120, 3130, AND 3400 WEST LAKE CENTER DRIVE (APNS: 414-272-09, 414-272-10, AND 414-261-01)

2. Determine that, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from CEQA pursuant to Section 15183 of the CEQA Guidelines (Projects Consistent with a Community Plan or Zoning). Environmental Review No. 2023-109 will be re-filed for this project.

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

BUSINESS CALENDAR

MINUTES: *At 8:30 P.M., the Business Calendar was considered.*

38. Designate a Voting Delegate and up to Two Alternates for League of California Cities (Cal Cities) 2024 Annual Conference General Assembly

Department(s): City Clerk's Office

Recommended Action: Designate a voting delegate and up to two alternates for the Cal Cities Annual Conference General Assembly on Friday, October 18, 2024.

MINUTES: *City Clerk Jennifer L. Hall gave a presentation regarding the designation of a voting delegate and two alternates for the League of California*

Cities General Assembly.

Mayor Amezcua nominated Councilmember Penalzoa as the voting delegate. Councilmember Penalzoa declined the nomination.

Councilmember Penalzoa nominated Councilmember Bacerra as the voting delegate and Councilmember Vazquez and himself as the alternates.

MOTION: Councilmember Penalzoa moved to approve the nomination for Councilmember Bacerra as the delegate and Councilmembers Vazquez and Penalzoa as the two alternates for League of California Cities 2024 Annual Conference General Assembly, seconded by Councilmember Bacerra.

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

39. Ordinance Amending Article VI Stadium Sec. 2-743 Liquor of the Santa Ana Municipal Code to Allow for the Sale and Consumption of Beer, Wine, and Distilled Spirits at Eddie West Field-Santa Ana Stadium

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

Recommended Action:

1. Approve first reading of an ordinance amending Article VI (Stadium), Section 2-743 (Liquor) of the Santa Ana Municipal Code (SAMC) (Exhibit 1) to allow for the sale and consumption of beer, wine, and distilled spirits at Eddie West Field-Santa Ana Stadium with the expressed written consent of the City Manager or designee.

ORDINANCE NO. NS-3069 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE (ADMINISTRATION), ARTICLE VI (STADIUM), SECTION 2-743 – LIQUOR

2. Determine that, in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the project is categorically exempt from further review per Section 15301 (Class 1 – Existing Facilities).
- 3.

MINUTES: *Assistant City Manager Steven Mendoza presented the staff report and stated the purpose of the item is to enhance the venue's marketability and*

competitiveness.

Mayor Amezcua requested clarification on the number of vendors and security for such events.

Councilmember Bacerra spoke in support of the item and requested to strike out language of “adult event.”

Mayor Pro Tem Phan spoke in support of striking out language of “adult event.”

Councilmember Hernandez spoke in support of the item and striking out “adult” language and requested to increase visibility of language that encourages safe, responsible drinking and to promote local downtown businesses.

Councilmember Penalosa spoke in support of the item and recommended amendments to the ordinance language.

Councilmember Bacerra asked whether the City has an ABC license for the stadium.

City Manager Alvaro Nuñez stated the City currently does not have an ABC license, spoke regarding the process of obtaining the license in the future, and stated vendors would have the ABC license.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 39, as amended to strike the language pertaining to “adult events” and determine that the action is exempt from CEQA pursuant to Section 15301 Class One Existing Facilities, seconded by Councilmember Penalosa.

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

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

NOES: NONE

ABSTAIN: NONE

ABSENT: COUNCILMEMBER LOPEZ

Status: 6 – 0 - 1 – Pass

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

CITY MANAGER COMMENTS

MINUTES: City Manager Alvaro Nuñez thanked the City Council for their trust and vote.

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 wished Councilmember Hernandez a happy belated birthday, stated he would like to bring the press policy for council discussion and that he would like for the Townsend Task Force to come back together, spoke regarding homelessness and evictions and increasing Quality of Life Team, and gave best wishes to his mom.*

Councilmember Lopez announced the Santiago Park clean up with OC Habitat on August 28 and the Public Library educational event on August 29, and spoke about a free art exhibit and her end of month office hours.

Councilmember Hernandez thanked members of the public for their comments, announced the approval of the first OC outdoor library at Jerome Park, and spoke regarding the Chicano Heritage Month Event and the Chicano Heritage education celebration event at the library on August 29, 2024.

Councilmember Penaloza spoke regarding the decrease in students in the Santa Ana school district and requested to adjourn the meeting in memory of Linus, a member of the Santa Ana Police Department Mounted Unit.

Mayor Pro Tem Phan thanked staff for the Chicano Heritage Festival, and spoke regarding “Parents Day” Buddhist celebration, her attendance at ZOOfare, and Fiestas Patrias in September.

Mayor Amezcua spoke regarding Coffee with the Mayor at Riverview Golf Course, thanked Councilmember Bacerra for the resource fair, announced her attendance at Alfred Escalante’s 99th birthday, and spoke regarding the Santa Ana Unified School District’s lack of attention regarding student transportation. She announced the fifth anniversary of the passing of Victoria Barrios on August 30 and spoke regarding the Chicano Heritage Month event.

Councilmember Bacerra announced his monthly office hours at Lily King Park, spoke regarding homelessness, recognized the contributions of the American Labor Union, wished everyone a happy and safe Labor Day, and adjourned the meeting in memory of Billy Bean.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: *Mayor Amezcua adjourned the City Council Meeting in memory of Billy Bean and Linus at 9:17 P.M.*

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk