

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



August 01, 2023

CLOSED SESSION MEETING – 4:30 P.M.

REGULAR OPEN MEETING – 5:30 P.M.

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701

CLOSED SESSION

CALL TO ORDER

MINUTES: *Mayor Amezcua called the Closed Session Meeting to order at 4:39 P.M.*

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

ROLL CALL

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

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

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: *City Attorney Sonia Carvalho asked that an item be added to Closed Session Agenda as correspondence was received after the posting of the agenda on August 1, 2023: Consideration of case Albert Castillo vs. the City Council, the City of Santa Ana. She stated the case is a verified petition for Writ of Mandate and complaint for injunctive relief and to date there is no case number and the City of Santa Ana has not yet been served.*

City Attorney Carvalho recommended that Mayor Pro Tem Lopez not participate in the vote to add the item to the agenda nor to participate in the closed session matter.

Mayor Pro Tem Lopez recused herself based on the advice of City Attorney Carvalho and left the dais at 4:43 P.M.

MOTION: **Councilmember Hernandez moved to add the closed session item to the Agenda,** seconded by Councilmember Vazquez.

The motion failed, 2-3-1-1, by the following roll call vote:

AYES:	COUNCILMEMBER HERNANDEZ, COUNCILMEMBER VAZQUEZ
NOES:	COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA, MAYOR AMEZCUA
ABSTAIN:	MAYOR PRO TEM LOPEZ (recusal)
ABSENT:	COUNCILMEMBER PHAN
STATUS:	2-3-1-1- FAIL

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 would recess to Closed Session for the purpose of conducting regular City business.

MINUTES: *Mayor Pro Tem Lopez returned to the dais and Mayor Amezcua recessed to consider the Closed Session items at 4:44 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 would prejudice the position of the City in existing and anticipated litigation:

1. CONFERENCE WITH LEGAL COUNSEL –INITIATION OF LITIGATION pursuant to paragraph (4) of subdivision (d) of Section 54956.9 of the Government Code: One (1) case Consideration of Amicus Support of Petition for Writ of Certiorari by the City of Costa Mesa to the United States Supreme Court for review of the Ninth Circuit Court of Appeals decision in SoCal Recovery, LLC et al. v. City of Costa Mesa, 56 F.4th 802 (9th Cir. 2023)
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957(b)(1)
TITLES: City Manager, City Attorney, City Clerk

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

RECONVENE – City Council would 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 7:07 P.M.

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

ROLL CALL

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

Councilmembers Bacerra, Penaloza, Phan, and Vazquez, and Mayor Amezcua were present. Councilmember Hernandez joined the meeting at 7:09 P.M. and Mayor Pro Tem Lopez joined the meeting at 7:10 P.M.

PLEDGE OF ALLEGIANCE

John Ramirez

WORDS OF INSPIRATION

Reverend Frank Wilder, Our Lady of the Pillar Church

ADDITIONS\DELETIONS TO AGENDA

MINUTES: None

CEREMONIAL PRESENTATIONS

1. Certificate of Recognition presented by Mayor Amezcua to Everado Navarro for Outstanding Contributions to Public Safety.

MINUTES: Mayor Amezcua presented a certificate of recognition to Everado Navarro and thanked him for his outstanding contribution to public safety related to an incident that occurred on May 19, 2023.

2. Certificate of Recognition presented by Mayor Pro Tem Lopez to Mia Verdin for Outstanding Contributions to the Community.

MINUTES: Mayor Pro Tem Lopez presented a certificate of recognition to Mia Verdin for outstanding contributions to the community.

3. Certificate of Recognition presented by Councilmember Bacerra to Carol Chapman Cox for Outstanding Contributions to the Community.

MINUTES: Councilmember Bacerra presented a certificate of recognition to Carol Chapman Cox for her outstanding contributions to the community and establishing the James and Dorothy Chapman Fund.

4. Proclamation declaring August 2023 as Chicano Heritage Month presented by Councilmember Hernandez to Sarinana's Tamale Factory.

MINUTES: Councilmember Hernandez proclaimed August 2023 as Chicano Heritage Month and presented a proclamation to Teresa Nieves with Sarinana's Tamale Factory, the oldest Mexican restaurant in Orange County.

5. Certificate of Recognition presented by Councilmember Vazquez to Jimmy Rumsey for Outstanding Contributions to the Community.

MINUTES: Councilmember Vazquez presented a certificate of recognition to Jimmy Rumsey for his outstanding contributions to the community.

CLOSED SESSION REPORT

MINUTES: City Attorney Sonia Carvalho reported Council supported to file an Amicus Brief for

Closed Session Agenda Item No. 1.

Mayor Amezcua reported she has appointed an Ad Hoc Committee comprised of herself and Councilmembers Bacerra and Vazquez to review two Ethics Code complaints filed against Councilmember Hernandez and a Personnel Board member. She explained the Ad Hoc Committee would review and work with the City Attorney to make recommendations to the City Council.

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

The following speakers addressed Council via teleconference:

- 1. Felicity Figueroa commented regarding the proposed intoxication detention and service offering policy.*
- 2. Victor Payan thanked the City of Santa Ana for Gerry Serrano's investigation, urged residents to oppose the recall election, and spoke in support of Councilmember Hernandez's call to revisit fees for community spaces and centers.*

MOTION: Councilmember Hernandez moved to bring Councilmember comments before the end of the meeting. Motion died due to lack of a second.

MINUTES: Councilmember Hernandez spoke regarding a potential violation of the Brown Act. He formally requested special outside legal counsel be appointed to him due to references made about his role as a councilmember related to citywide special events and stated he would like to move forward with an ethics complaint against Mayor Amezcua for a Brown Act violation on April 18, 2023, as he had provided written disclosure to City Attorney Carvalho on April 19, 2023. Councilmember Hernandez expressed concern regarding the lack of response from the District Attorney's office.

- 3. Sandra Peña Sarmiento, co-leader of the Pacific Park Neighborhood Association, spoke in support of Agenda Item No. 25.*
- 4. Victor Mendez spoke regarding Agenda Item No. 18. He recommended restructuring for risk management liabilities, and commented on public intoxication and the recall certification petition.*
- 5. Pat Davis thanked the City Council for the option to provide public comment via Zoom. She expressed concern on increased jail activity due to public intoxication, and spoke regarding Agenda Item No. 24 and in support of Mayor Pro Tem Lopez.*
- 6. Eve Garrow spoke in opposition to the public intoxication and service offering policy.*
- 7. Kimberly Adams expressed concern for the public intoxication and service offering policy.*

The following speakers addressed Council in-person:

- 8. Mary Lara, Director of TKO Boxing Club, spoke regarding the struggle to have their boxing shows due to the associated fees for community spaces and centers.*
- 9. David Duran expressed concern and spoke in opposition to the proposed intoxication detention and service offering policy.*
- 10. John Raya, Founder of the TKO Youth Boxing Club, spoke in support of restructuring the fee schedule for the use of community spaces and centers.*
- 11. Lupe Lopez expressed gratitude for the Proclamation of Chicano Heritage Month and expressed concern regarding being told her Native American regalia is a costume by a commissioner.*
- 12. Rebecca Kovacs-Stein spoke in opposition to the proposed intoxication detention and service offering policy and offered alternatives.*
- 13. Juliana Mushayev spoke in opposition to the proposed intoxication detention and service offering policy.*
- 14. Alan Woo spoke in support of the reconsideration of fees for community spaces and centers.*
- 15. Dan Bastian spoke regarding the Park Plan for 10th and Flower St. and parking in the area for residents being very limited.*
- 16. Karina Bastian shared frustration over police response times in the Willard District.*
- 17. Koroush Karimi expressed concern regarding the proposed intoxication detention and service offering policy.*
- 18. Claudia Morales (translation: Spanish) spoke in opposition and stated that jail time is not the answer to the proposed intoxication detention policy.*
- 19. Maura Mikulec expressed concern regarding the proposed intoxication detention and service offering policy.*
- 20. Lou Noble commented that criminalizing would not help alleviate the homeless problem.*
- 21. Daniel Riley stated the intoxication detention is not a solution.*
- 22. Wei Yu spoke in opposition to the intoxication detention and service offering program.*
- 23. Irma Juaregui thanked Mayor Amezcua and Councilmember Penaloza for their support at Wilshire Square and spoke in support on proposed intoxication detention.*

24. Maria Rosa Lopez spoke in opposition to the recall of Mayor Pro Tem Lopez.
25. Jannah spoke in opposition to the intoxication detention.
26. Araceli Robles (translation: Spanish) spoke in opposition to detaining individuals for intoxication.
27. Frida Ramirez spoke regarding the growing homeless population and creating a better solution.
28. Ivan Enriquez spoke in opposition to the recall of Mayor Pro Tem Lopez.
29. Alejandro Gonzalez (translation: Spanish) requested Organization 32 from Mexico be represented in the parade.
30. Javier Reynoso (translation: Spanish) echoed previous comments regarding the parade.
31. Tonatzin Reyes spoke regarding the fees for community spaces and centers.
32. Veronica Gomez commented on reconsidering the fees for community spaces and centers.
33. Jose Luis Ramirez (translation: Spanish) spoke regarding issues related to the procedures for the parade.
34. Jaime Edwards requested to meet with the coordinator of the parade.
- City Clerk Jennifer L. Hall reported out the summary of email comments received: sixteen (16) non-agenda comments and three (3) comments regarding Agenda Item No. 25.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 6 through 22, and waive reading of all resolutions and ordinances.

MINUTES: At 9:35 P.M. the Consent Calendar was considered.

Councilmember Hernandez requested to comment on Agenda Item No. 10.

Councilmember Vazquez pulled Agenda Item No. 21 for separate discussion and consideration.

MOTION: Councilmember Bacerra moved to approve Consent Calendar Item Nos. 6 through 22, with the exception of Item No. 21, seconded by Councilmember Penaloza.

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

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

6. Excused Absences

Department(s): City Clerk's Office

Recommended Action: Excuse the absent members.

7. Appoint Frida Ramirez Nominated by Councilmember Penaloza as the Ward 6 Representative to the Santa Ana 2018 Measure X Citizen Oversight Committee for a Full-Term Expiring December 8, 2026

Department(s): City Clerk's Office

Recommended Action: Appoint Frida Ramirez to the Santa Ana 2018 Measure X Citizen Oversight Committee as the Ward 6 representative and administer the Oath of Office.

MINUTES: *City Clerk Jennifer L. Hall administered the Oath of Office to Frida Ramirez.*

8. Receive and File Boards and Commissions Biannual Attendance Report for January through June 2023

Department(s): City Clerk's Office

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

9. Quarterly Report for Housing Division Projects and Activities for the period of April 1, 2023 to June 30, 2023

Department(s): Community Development Agency

Recommended Action: Receive and file the Quarterly Report for Housing Division Projects and Activities for the period of April 1, 2023 to June 30, 2023

10. Update on Historic Street Sign Toppers - Informational Quick Reference (QR) Code Signs.

Department(s): Planning and Building Agency

Recommended Action: Receive and file an update on Historic Street Sign Toppers and informational Quick Reference (QR) code signs.

MINUTES: Councilmember Hernandez thanked staff for their hard work and efforts.

11. Amend Purchase Order Contract with All American Asphalt to Increase the Annual Amount by \$200,000 for Asphalt Pothole Repair (Specification No. 18-092) (General Fund)

Department(s): Public Works Agency

Recommended Action: Approve an amendment to the Purchase Order Contract with All American Asphalt, for asphalt pothole repair, to increase the compensation amount by \$200,000, for a total annual amount not to exceed \$1,400,000 for both the current two-year term that ends on November 30, 2023, and the two-year renewal term ending on November 30, 2025, subject to non-substantive changes approved by the City Manager and City Attorney.

12. Approve an Appropriation Adjustment and Capital Improvement Project Amendment for the Bristol-Tolliver Street Greening Project (Project No. 24-6600) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment to recognize \$3,502,500 in Urban Greening Grant Program funding from the California Natural Resources Agency into the Public Works Agency Enterprise Capital Grants, State Grant-Direct Revenue Account and appropriate the same amount into the Public Works-Water Quality and Control, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*

2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$3,502,500 of funding from the California Natural Resources Agency Urban Greening Grant Program for the Bristol-Tolliver Street Urban Greening Project.

13. Approve Agreement with WSP USA Environment & Infrastructure Inc. for Industrial/Commercial Inspection and National Pollutant Discharge Elimination System (NPDES) Program Support Services (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with WSP USA Environment & Infrastructure Inc. to provide stormwater related inspections of

industrial/commercial establishments and National Pollutant Discharge Elimination System Program Support Services for a three-year term beginning August 1, 2023 and expiring on July 31, 2026, with provisions for one two-year extension exercisable by the City Manager and City Attorney, for a total amount not to exceed \$1,750,000 over the lifetime of the agreement, including the optional two-year extension period, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-134**).

14. Approve Agreement with Stearns, Conrad & Schmidt, Consulting Engineers, Inc. to Conduct a Cost of Service Study for the Sanitation Services User Charge, in an Amount Not to Exceed \$82,875 (Specification No. 23-029) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a consultant agreement with Stearns, Conrad & Schmidt, Consulting Engineers, Inc. to conduct a cost of service study in an amount not to exceed \$82,875, including a contingency of \$16,575, for a three-year term beginning on August 1, 2023 and expiring July 31, 2026, with provision for one, two-year extension, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-135**).

15. Approve an Agreement with LOC Architects for Professional Architectural Services for the Santa Ana Zoo Educational Hub and an Amendment to the Fiscal Year 2023-2024 Capital Improvement Project 23-2601 (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Authorize the City Manager to execute an agreement with LOC Architects for professional architectural services for the Santa Ana Zoo Educational Hub Building project in the amount of \$350,120 with a contingency amount of \$35,000, for a total amount not to exceed \$385,120, for a three-year term beginning August 1, 2023 and expiring July 31, 2026, with an option for one two-year extension, subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. A-2023-136**).
2. Approve an amendment to the Fiscal Year 2023-2024 Capital Improvement Program to include \$385,120 of funding for the Santa Ana Zoo Educational Hub project (Project No. 23-2601).

16. Approve Amendment to Agreement with Governmentjobs.com dba NEOGOV to continue Recruitment and Onboarding Services (General Fund)

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute a First Amendment to the Agreement with NEOGOV to continue the services of Insight platform, Candidate Text Messaging, and eSkill Integration for a period of July 1, 2023 through June 30, 2024 with

the option of one, one (1)-year renewal, for an additional amount of \$50,000 over the two years (approximately \$25,000 each year), subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-137**).

17. Authorize the City to Retain Life, Accidental Death & Dismemberment (AD&D), and Long-term Disability (LTD) Insurance with The Standard Insurance Company, and approve Agreement with REACH Employee Assistance, Inc. for Employee Assistance Program Services Effective January 1, 2024 through December 31, 2026

Department(s): Human Resources

Recommended Action: 1. Authorize the City to retain life, AD&D, and LTD disability group and voluntary life and AD&D insurances through The Standard Insurance Company, subject to annual competitive rate evaluation seeking the best service for the best price and non-substantive changes approved by the City Manager and City Attorney.

2. Authorize the City Manager to execute an Agreement with REACH Employee Assistance, Inc. ("REACH") to continue employee assistance program ("EAP") services effective January 1, 2024 through December 31, 2026, subject to annual competitive rate evaluation seeking the best service for the best price and non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-138**).

18. Approve Renewal of Joint Powers Authority Agreement between the City of Santa Ana and Independent Cities Risk Management Authority (ICRMA), and Agreement between the City of Santa Ana and Arthur J. Gallagher and Approve Appropriation, Associated Insurance Premiums, Costs, Programs, and Regulatory Fees for an Amount Not to Exceed \$11,625,000 (Non-General Fund)

Department(s): Human Resources

Recommended Action:

1. Authorize the City Manager to approve the Agreement between the City of Santa Ana ("City") and Arthur J. Gallagher, broker of record, from July 1, 2023 to June 30, 2024, for insurance brokerage services, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-140**).

2. Authorize the City Manager to approve payment of insurance premiums and associated programs to ICRMA in an amount not to exceed \$7,500,000 protection of City assets, from July 1, 2023 to June 30, 2024 including but not limited to:

- a. Excess Liability Program
- b. Excess Workers' Compensation Program
- c. Auto Physical Damage Program
- d. Property and Equipment Program
- e. Crime Program
- f. Cyber Program
- g. Associated Programs

3. Authorize the City Manager to approve payment of insurance premiums to Arthur Gallagher, Broker, in an amount not to exceed \$3,325,000 for ancillary coverages of City's assets, from July 1, 2023 to June 30, 2024 including but not limited to:
 - a. General Liability Buffer Program
 - b. Workers' Compensation Buffer Program
 - c. Earth Movement & Flood and Difference in Coverage Program
 - d. Terrorism Insurance Program
 - e. Underground Storage Tank and Environmental Program
4. Authorize the City Manager to approve funding to cover FY 2023/24 City Special Events Insurance for events including but not limited to Fourth of July fireworks show, winter events, and other City-sponsored events as created and held, in an amount not to exceed \$300,000.
5. Authorize the City Manager to approve the City's obligation to pay the State of California DIR estimated assessment in the amount not to exceed \$500,000.
6. Approval of the Appropriation Adjustment would recognize \$1,300,000 in Liability and Property Insurance Revenue, Prior Year Carryforward revenue account (No. 08009002-50001) and appropriate the same amount into the Liability & Property insurance account (No. 08009051-64010). *(Requires five affirmative votes)*

19. Appropriation Adjustment and Memorandum of Understanding Accepting Fiscal Year (FY) 2022 Improving Criminal Justice Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program Funds

Department(s): Police Department

Recommended Action:

1. Approve an appropriation adjustment recognizing \$210,000 in grant revenue from the U.S. Department of Justice Grants and appropriate same to the Office on Violence Against Women Improving Criminal Justice Response expenditure account. *(Requires five affirmative votes)*
2. Authorize the City Manager to execute a Memorandum of Understanding with Human Options, Inc. accepting the FY 2022 Improving Criminal Justice Response to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant in the amount of \$210,000, for the period of October 1, 2022 through September 30, 2025, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-141**).

20. Adopt Resolution Appointing the Executive Director of Finance as Plan Administrator for Employee Savings Plans

Department(s): Finance and Management Services

Recommended Action: Adopt a resolution appointing the Executive Director of Finance as plan administrator of the 457(b) Deferred Compensation Plan, the 401(a) Retirement Savings Plan, and the 401(h) Retirement Health Savings Plan.

RESOLUTION NO. 2023-049 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING RESOLUTIONS 2011-024 AND 2016-053 AND APPOINTING THE EXECUTIVE DIRECTOR OF THE FINANCE AND MANAGEMENT SERVICES AGENCY AS THE PLAN ADMINISTRATOR FOR THE CITY'S 457(B), 401(A) AND 401(H) PLANS

21. Adopt a Resolution for the Automated License Plate Reader Policy.

Department(s): Public Works Agency

Recommended Action: Adopt a Resolution for the Automated License Plate Reader Policy.

RESOLUTION NO. 2023-050 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING THE CITY OF SANTA ANA AUTOMATED LICENSE PLATE READER (ALPR) POLICY FOR CONDUCTING PARKING STUDIES

MINUTES: *Councilmember Vazquez asked for clarification regarding the vehicle information being stored and saved.*

City Manager Kristine Ridge confirmed the application utilized for automated license plate reader would solely be used for statistics and no vehicle information would be kept.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 21, seconded by Councilmember Penaloza.

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

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

22. Adoption of 2023 Local Guidelines for Implementing the California Environmental Quality Act (“CEQA”)

Department(s): Planning and Building Agency

Recommended Action: Adopt a resolution adopting the 2023 Local Guidelines for Implementing the California Environmental Quality Act for the City of Santa Ana.

RESOLUTION NO. 2023-051 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING LOCAL CEQA GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PUBLIC RESOURCES CODE SECTIONS 21000 ET SEQ.)

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

BUSINESS CALENDAR

MINUTES: *At 9:42 P.M. the Business Calendar was considered.*

23. Adopt a Resolution and Approve an Agreement Authorizing Police Corporal Joshua Gripentrog to Purchase a Retired Santa Ana Police Department K-9, and Accepting the Donation of a Police K-9 from Johanna Scillieri for the Santa Ana Police Department K-9 Program

Department(s): Police Department

Recommended Action:

1. Adopt a resolution authorizing the purchase agreement between Santa Ana Police Corporal Joshua Gripentrog and the City of Santa Ana for the sale of a retired Santa Ana Police Department K-9, and accepting the donation of a Police K-9, equipment, and supplies from Johanna Scillieri for the Santa Ana Police Department's K-9 Program.

RESOLUTION NO. 2023-052 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE AGREEMENT BETWEEN POLICE OFFICER GRIPENTROG AND THE CITY OF SANTA ANA RELATING TO THE PURCHASE OF A POLICE K-9 AND ACCEPTING THE DONATION OF A POLICE K-9, EQUIPMENT AND SUPPLIES FROM JOHANNA SCILLIERI FOR THE SANTA ANA POLICE DEPARTMENT K-9 PROGRAM

2. Authorize the City Manager to execute a purchase agreement with Santa Ana Police Corporal Joshua Gripentrog for the sale of a retired Police Department K-9 in the amount of \$1, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-142**).

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 23, seconded by Mayor Amezcua.

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

AYES:	COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA
NOES:	NONE

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

24. Accept the Certificate of Sufficiency for Petition to Recall Councilmember Jessie Lopez, City Council, Ward 3, and Either Adopt Resolutions Calling a Special Election and Adopting a Regulation for Officer's Statement or Direct Staff to Prepare Resolutions Calling a Special Election and Adopting a Regulation for Officer's Statement for Consideration at the August 15, 2023 City Council Meeting

Department(s): City Clerk's Office

Recommended Action:

1. Approve resolution accepting the certification of the Orange County Registrar of Voters as to the verification of signatures and the City Clerk's Certificate of Sufficiency for petition seeking to recall Councilmember Jessie Lopez, City Council, Ward 3;

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ACCEPTING THE CERTIFICATE AS TO VERIFICATION OF SIGNATURES ON PETITION AND CERTIFICATE OF SUFFICIENCY FOR PETITION TO RECALL COUNCILMEMBER JESSIE LOPEZ

Following acceptance of the certification, take one of the following actions:

2. Approve two resolutions:
 - 1) Calling and giving notice of a Special Municipal Election for the submission of the question of the recall of Councilmember Jessie Lopez to a vote by the electorate of Ward 3 of the City of Santa Ana and requesting specified services from the County of Orange to conduct said election;

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN COUNCIL WARD 3 ON TUESDAY, ____, 2023 FOR SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS AND REQUESTING SPECIFIED SERVICES FROM THE COUNTY OF ORANGE TO CONDUCT SAID ELECTION; and

- 2) Adopting a regulation for officer's statement and establishing a system for payment of the cost of inclusion of the statement in the voter information guide.

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A REGULATION FOR AN OFFICER WHOSE RECALL IS BEING SOUGHT PERTAINING TO A STATEMENT SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION ON TUESDAY ____, 2023 AND ESTABLISHING A SYSTEM FOR PAYMENT OF THE COST OF

INCLUSION OF THE OFFICER'S STATEMENT IN VOTER INFORMATION
GUIDE/PAMPHLET AND/OR ELECTRONIC COPY

OR

3. Direct staff to prepare a resolution for approval at the August 15, 2023 Council meeting, submitting the question of the recall of Councilmember Jessie Lopez to a vote by the electorate of Ward 3 of the City of Santa Ana at a special election, and a resolution adopting a regulation for officer's statement.

MINUTES: *Mayor Pro Tem Lopez recused herself from the item and left the dais at 9:49 P.M.*

City Clerk Jennifer L. Hall presented the staff report.

Councilmember Vazquez stated he rejected the recall petition certificate based on the petitioners deceiving the citizens of Ward 3.

Councilmember Hernandez stated he rejected the recall petition certificate based on the strategy implemented by Gerry Serrano.

Councilmember Phan spoke regarding the Registrar of Voters' estimate for the election and multiple potential elections, and stated that the recall money could be used for other resources.

MOTION: Councilmember Hernandez moved to continue Agenda Item No. 24 to the August 15th City Council Meeting, seconded by Councilmember Phan.

The motion failed, 3-3-1, by the following roll call vote:

AYES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,
COUNCILMEMBER VAZQUEZ
NOES: COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,
MAYOR AMEZCUA
ABSTAIN: MAYOR PRO TEM LOPEZ (recusal)
ABSENT: NONE
Status: 3 – 3 – 1 - 0 – **FAIL**

MINUTES: *Councilmember Bacerra asked for clarification on the next steps due to the 3-3 vote and should action not be taken by August 15th deadline.*

City Attorney Sonia Carvalho provided clarification.

City Clerk Hall stated that if action is not taken by the City Council to call for an election by August 15, 2023 it would go to the County Register of Voters (ROV), Bob Page, who has five (5) days to set an election date.

MOTION: Councilmember Penalosa moved to approve Recommended Action Nos. 1 and 2 and set the recall election on November 7, 2023, seconded by Councilmember Bacerra.

MINUTES: Councilmember Penalosa asked why the City Council would want to postpone the item to a later date.

Councilmember Phan expressed why she would want to postpone the item.

Mayor Amezcua commented that if no agreement is made by August 15, 2023, the ROV would set the date.

Councilmember Phan asked for clarification regarding associated attorney fees.

City Attorney Carvalho confirmed the City had not been officially served, she could not provide an assessment on the case due to insufficient time to review, and spoke regarding attorney fees. She stated that if the City Council postponed the item, the City Attorney's Office would be able to provide a clear opinion and analysis.

Councilman Bacerra asked whether the plaintiff would still seek attorney fees if the City Council moved forward or postponed the decision.

City Attorney Carvalho confirmed attorney fees would be recovered by plaintiff.

Discussion ensued regarding postponing or moving forward with the item and City Attorney's analysis.

Councilmember Bacerra asked City Clerk Hall when she approved the petition signature gathering, when the proponents submitted the required signatures, and when the City Clerk's Office submitted to the ROV.

City Clerk Hall stated she approved the petition for signature gathering on April 7, 2023, accepted the required signatures by the proponents on June 12, 2023, and submitted the signatures to the ROV on June 13, 2023.

Discussion ensued regarding the continuance of the item to August 15, 2023.

MOTION: Councilmember Penalosa moved to approve Recommended Action Nos. 1 and 2 and set the recall election on November 7, 2023, seconded by Councilmember Bacerra.

The motion failed, 3-3-1, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,
MAYOR AMEZCUA
NOES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,
COUNCILMEMBER VAZQUEZ
ABSTAIN: MAYOR PRO TEM LOPEZ (recusal)
ABSENT: NONE
Status: 3 – 3 – 1 - 0 – **FAIL**

MINUTES: *City Clerk Hall stated she would ministerially return the item for consideration on August 15th.*

MOTION: Councilmember Bacerra moved to approve Recommended Action No. 1, seconded by Councilmember Penaloza.

SUBSTITUTE MOTION: Councilmember Hernandez moved to continue Agenda Item No. 24 to August 15, 2023, seconded by Councilmember Vazquez.

The substitute motion failed, 3-3-1, by the following roll call vote:

AYES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,
COUNCILMEMBER VAZQUEZ
NOES: COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,
MAYOR AMEZCUA
ABSTAIN: MAYOR PRO TEM LOPEZ (recusal)
ABSENT: NONE
Status: 3 – 3 – 1 - 0 – **FAIL**

MOTION: Councilmember Bacerra moved to approve Recommended Action No. 1, seconded by Councilmember Penaloza.

The motion failed, 3-3-1, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,
MAYOR AMEZCUA
NOES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,
COUNCILMEMBER VAZQUEZ
ABSTAIN: MAYOR PRO TEM LOPEZ (recusal)
ABSENT: NONE
Status: 3 – 3 – 1 - 0 – **FAIL**

MINUTES: *Councilmember Phan stated that the certificate of sufficiency is the issue raised in the lawsuit, which is why she voted no.*

Mayor Pro Tem Lopez returned to the dais at 10:25 P.M.

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

COUNCILMEMBER REQUESTED ITEMS

25. Discuss and Consider Directing the City Manager to Re-consider Fees for Registering Events and Reserving Facilities to Create a Community-Friendly Atmosphere – Councilmember Hernandez

MINUTES: Councilmember Hernandez thanked public speakers who participated in the public comments and proposed to decrease fees for Neighborhood Association events.

Councilmember Phan spoke in opposition to Councilmember Hernandez's proposition.

Councilmember Vazquez spoke in support of the item in question.

Mayor Pro Tem Lopez spoke in support of the item.

Councilmember Penaloza spoke in opposition to reconsidering fees for community facilities.

Councilmember Bacerra stated he would not be supporting the item.

Mayor Amezcua closed the discussion by recalling the City Manager's comment that there is no money in the budget and stated she would not be supporting the item due to insufficient funds.

City Manager Kristine Ridge stated there is no majority support for the item to be returned.

26. Discuss and Consider Directing the City Manager to Return for City Council's Consideration a Resolution in Support of AB1306 to Harmonize State Policy with Broadly-Supported, Existing Criminal-Justice Reforms – Councilmember Vazquez

MINUTES: Councilmember Vazquez spoke regarding AB1306 and requested Council's support.

Councilmember Hernandez and Councilmember Phan voiced support on the item.

Councilmember Penaloza asked Councilmember Vazquez for clarification and example(s) where the resolution would apply.

Councilmember Vazquez provided examples to justify the item.

Councilmember Penaloza stated he would not support the item.

Mayor Pro Tem Lopez expressed support of the item.

Councilmember Bacerra commented and voiced that he would not support the item.

Mayor Pro Tem Lopez provided comments to clarify the basis of the resolution.

Mayor Amezcua provided comment and asked City Manager Kristine Ridge for more information regarding AB1306 and the impact for the City.

Councilmember Vazquez provided clarification on the resolution to support AB1306.

City Attorney Sonia Carvalho stated that the requested items are intended for simple answers to be considered for future agendas and are not intended for a full debate.

Mayor Amezcua thanked City Attorney Carvalho for the clarification and requested the City Manager bring back the item for discussion with more information.

City Manager Kristine Ridge stated she had majority support to return with a resolution.

Mayor Amezcua expressed she was not in support of the item due to the lack of information.

MINUTES: *Mayor Amezcua recessed the City Council Meeting to consider the Housing Authority agenda at 11:12 P.M. and reconvened at 11:14 P.M.*

CITY MANAGER COMMENTS

MINUTES: *None*

COUNCIL COMMENTS

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

MINUTES: *Councilmember Bacerra provided a reminder regarding his monthly community office hours on Saturday August 5th at 10:00 A.M. at Carl Thornton Park.*

Councilmember Phan expressed excitement on actions regarding an electric trash truck, reported that National Night Out was a fantastic time, and urged responses to the parking survey.

Councilmember Vazquez announced a community clean up, highlighted that President Biden spoke regarding Santa Ana's Rental Protection Program, and thanked Councilmembers Phan, Hernandez, and Mayor Pro Tem Lopez for the program.

Mayor Pro Tem Lopez announced a creek clean up with OC Habitats on August 11th, stated her office hours at Jack Fisher Park the following day, and thanked the Housing Division staff and City Manager Kristine Ridge regarding rent control for recognition by the White House.

Councilmember Penaloza wished Wilshire Square a Happy 100th birthday and thanked Parks and Recreation staff for the Brew at the Zoo event.

Mayor Amezcua asked City Manager Kristine Ridge to use the billboard for public relations, spoke regarding the fundraiser event for Justice for Victoria at Chapter One, and announced that on July 18th the City Council approved a Sister City agreement with the City of Sahuayo Michoacan.

ADJOURNMENT

MINUTES: Mayor Amezcua adjourned the City Council meeting at 11:28 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk