

# **DRAFT Minutes of the Special Closed and Regular Meeting of the City Council City of Santa Ana, California**



September 19, 2023

**CLOSED SESSION MEETING – 5:00 pm**

**REGULAR OPEN MEETING – 5:30 pm**

*(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 5:09 P.M.*

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

#### **ROLL CALL**

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

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

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

**MINUTES:** *City Clerk Jennifer L. Hall stated there were no additions\deletion to Closed Session.*

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

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

**MINUTES:** *No public comments were received regarding Closed Session 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 5:10 P.M.*

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

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
  - A. Myles Ramsey v. City of Santa Ana. et al., United States District Court (Central District of California), Case No. 8:21-CV-00825-JLS-KES
  - B. Share Our Selves Corporation v City of Santa Ana. et al., United States District Court (Central District of California), Case No. 8:23-CV-00504-DOC-DFM

**MINUTES:** *Councilmember Phan recused herself from consideration of Item No. 1B and left the room at 5:29 P.M.*

**CLOSED SESSION REPORT** – The City Attorney will report on any action(s) to be taken at the Regular Open Session which will begin immediately following the 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 at 5:58 P.M.

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

Sunburst Youth Challenge Academy

### **WORDS OF INSPIRATION**

Cadet Helstern, Sunburst Youth Challenge Academy

### **CEREMONIAL PRESENTATIONS**

1. **Certificates of Recognition presented by Councilmember Phan to Sunburst Youth Challenge Academy Cadets for Academic Excellence/Accomplishments.**
2. **City Tile presented by Mayor Amezcua to the Sahuayo City Council for their Commitment to Fostering a Sister City relationship with the Santa Ana Community.**
3. **Certificates of Recognition presented by Mayor Pro Tern Lopez to the City's Housing Division Team for Outstanding Contributions to the Community.**

**MINUTES:** Ceremonial Presentation Item No. 2 was taken out-of-order and presented before Item No. 1.

*Mayor Amezcua presented a City Tile and flag to the Sahuayo City Council and expressed excitement for their partnership.*

*Councilmember Phan presented certificates of recognition to the Sunburst Youth Challenge Academy Cadets and spoke regarding the Academy.*

*Mayor Pro Tem Lopez presented certificates of recognition to the City's Housing Division Team and thanked staff for their hard work and efforts.*

### **STAFF PRESENTATIONS**

4. **Informational Briefing and Update on PFAS Cleanup by Orange County Water District.**

**MINUTES:** Deputy Public Works Director Cesar Barrera and Orange County Water District Director of Engineering Chris Olsen provided a presentation.

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

**MINUTES:** City Attorney Sonia Carvalho stated the City Council took action on Closed Session Agenda Item No. 1A Myles Ramsey v. City of Santa Ana. et al., United States District Court (Central District of California), Case No. 8:21-CV-00825-JLS-KES, and voted unanimously to approve the settlement of \$95,000.

Mayor Amezcua reported the public hearing would be moved out-of-order.

**PUBLIC HEARING AGENDA ITEM NO. 25 WAS CONSIDERED OUT-OF-ORDER AND HEARD PRIOR TO PUBLIC COMMENT.**

### **PUBLIC HEARINGS**

**25. Public Hearing: Consolidated Annual Performance and Evaluation Report for Fiscal Year 2022-23 (Community Development Block Grant, Emergency Solutions Grant, HOME Investment Partnership Program)**

Legal notice published in the Orange County Register, La Opinion, and Nguoi Viet on August 17, 2023.

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

**Recommended Action:** Authorize submission of the Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development.

**MINUTES:** Mayor Amezcua opened the Public Hearing at 6:53 P.M.

City Clerk Jennifer L. Hall stated there were no speakers.

There being no request to speak, Mayor Amezcua closed the Public Hearing at 6:53 P.M.

Councilmember Hernandez spoke regarding the Consolidated Annual Performance and Evaluation Report for Fiscal Year 2022-23.

**MOTION:** Mayor Amezcua 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 PENALOZA, COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ, MAYOR

AMEZCUA  
**NOES:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** NONE  
**Status:** 7 – 0 – **Pass**

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

***MINUTES:***

*The following speakers addressed Council via teleconference:*

1. *Aida Perez(translation: Spanish) spoke in support of Agenda Item No. 28.*

*City Clerk Jennifer L. Hall stated the time for public comment is two minutes per the Mayor's direction.*

2. *Maria Pina (translation: Spanish) spoke in support of Agenda Item No. 28.*
3. *Jane Doe congratulated and commended the Housing Division for all their hard work and efforts.*
4. *Boomer Vicente spoke in opposition to Agenda Item No. 20.*
5. *Jonnah spoke in support of Agenda Item No. 28.*
6. *Tanya Navarro spoke in opposition to Agenda Item No. 20.*
7. *Daniel Riley spoke in support of Agenda Item No. 28.*
8. *Victor Mendez spoke in support of Agenda Item No. 28.*
9. *Juliana Musheyev spoke in support of Agenda Item No. 28.*

*The following speakers addressed council in-person:*

1. *Ross Romero spoke in support of Agenda Item No. 28.*
2. *Bee Cleaver spoke in opposition to Agenda Item No. 28.*
3. *Monica spoke in opposition to Agenda Item No. 28.*
4. *Carlos Perea spoke in support of Agenda Item No. 28.*
5. *Phuong Vu (translation: Vietnamese) spoke in support of Agenda Item No. 28.*

6. *Martin Mendiola spoke in support of Agenda Item No. 28.*
7. *Vincent Tran spoke in support of Agenda Item No. 28.*
8. *Celeste Vasquez spoke in support of Agenda Item No. 28 and in opposition to Agenda Item No. 20.*
9. *Faby Jerome spoke in support of Agenda Item No. 28.*
10. *Tracy La spoke in support of Agenda Item Nos. 26 and 28 and in opposition to Agenda Item No. 20.*
11. *Duy Viet Le spoke in support of Agenda Item No. 28.*
12. *Julia Gomez spoke in support of Agenda Item No. 28.*
13. *Mai Do spoke in support of Agenda Item No. 28.*
14. *Indigo Vu spoke in support of Agenda Item No. 28 and in opposition to Agenda Item No. 20.*
15. *Claudia Morales (translation: Spanish) spoke in support of Agenda Item No. 28.*
16. *Marcela Rosas (translation: Spanish) spoke in support of Agenda Item No. 28.*
17. *Mike Tardif spoke in opposition to Agenda Item No. 28.*
18. *Salvador Sarmiento spoke in support of Agenda Item No. 28.*
19. *Gema Suarez spoke in support of Agenda Item No. 28.*
20. *Maria Torres (translation: Spanish) spoke in support of Agenda Item No. 28.*
21. *Iris Zuniga (translation: Spanish) spoke in support of Agenda Item No. 28.*
22. *Wendy Bahena (translation: Spanish) spoke in support of Agenda Item No. 28.*
23. *Danny Vega spoke in support of Agenda Item No. 27.*
24. *Arturo Robles (translation: Spanish) spoke in opposition to Agenda Item No. 28.*
25. *Silvia Avendano (translation: Spanish) spoke in support of Agenda Item No. 28.*
26. *Socorro Sarmiento (translation: Spanish) spoke in support of Agenda Item No. 28.*
27. *Apolinio Cortes (translation: Spanish) spoke in support of Agenda Item No. 28.*
28. *Larry Sims spoke in opposition to Agenda Item No. 28.*

29. Chavita Sarmiento spoke in support of Agenda Item No. 28.
30. Sarai Arpero (translation: Spanish) spoke in support of Agenda Item No. 28.
31. Jenna Narahara spoke in support of Agenda Item No. 28.
32. Leo Campos (translation: Spanish) spoke in support of Agenda Item No. 28.
33. Derek Yeghiazarian spoke in support of Agenda Item No. 28.
34. Alexis Teodoro spoke in support of Agenda Item No. 28.
35. Mike Bears spoke regarding homeless issues surrounding 210 S. Broadway and requested parking fines increase and the homeless issue be addressed.
36. Darwin Nguyen spoke regarding a burglary that occurred at his small business in Santa Ana.
37. Jesse S. spoke in opposition to Agenda Item No. 28.
38. Scott spoke in support of Agenda Item No. 28.
39. Ghia spoke in opposition to Agenda Item No. 28.
40. Andrea Perez spoke in support of Agenda Item No. 28.

City Clerk Jennifer L. Hall reported out the summary of email comments received: One (1) comments regarding Agenda Item No. 20, Two (2) comments regarding Agenda Item No. 26, Nine (9) comments regarding Agenda Item No. 28, and Twenty-five (25) non-agenda comments.

<b><u>CONSENT CALENDAR</u></b>
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**RECOMMENDED ACTION:** Approve staff recommendations on the following Consent Calendar Items: 3 through 28.

**MINUTES:** At 8:43 P.M., the Consent Calendar was considered. Councilmember Hernandez pulled Agenda Item No. 20, Councilmember Penaloza pulled Agenda Item No. 13, and Councilmember Bacerra pulled Agenda Item Nos. 23 and 24 for separate discussion and consideration.

Councilmember Phan reported a recusal for Agenda Item Nos. 18, 21, and 22 as the listed entities are clients of her employer.

**MOTION:** Councilmember Hernandez moved to approve staff recommendations on the following Consent Calendar Items: 3 through 28 with the exception of Agenda Item Nos 13, 20, 23, seconded by Council Member 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**

### 3. Excused Absences

**Department(s):** Clerk of the Council

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

### 4. **Appoint Gabriel Castillo Laughton Nominated by Mayor Pro Tem Lopez as the Ward 3 Representative to the Police Oversight Commission for a Full-Term Expiring December 10, 2024**

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

**Recommended Action:** Appoint Gabriel Castillo Laughton to the Police Oversight Commission as the Ward 3 representative and administer the Oath of Office.

***MINUTES:** City Clerk Jennifer L. Hall administered the Oath of Office to Gabriel Castillo.*

### 5. **Minutes from the Special Closed Session and Regular Meeting of December 20, 2022**

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

**Recommended Action:** Approve minutes.

### 6. **Approve Destruction of Obsolete City Records**

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

**Recommended Action:** Approve the request for the destruction of obsolete records from the Finance & Management Services in accordance with the retention schedule outlined in City Council Resolution 2013-014.

### 7. **Approve Appropriation Adjustment to Carry Over Unspent Amounts from Fiscal Year 2022-23 to Fiscal Year 2023-24**



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

**Recommended Action:**

1. Approve an Appropriation Adjustment to reduce the FY 2022-23 budget for unspent amounts to be carried over to FY 2023-24. (Required five affirmative votes)
2. Approve and Appropriation Adjustment to increase the FY 2023-24 budget for amounts carried forward from FY 2022-23. *(Requires five affirmative votes)*

**10. Approve an Appropriation Adjustment Accepting the Board of State and Community Corrections Officer Wellness and Mental Health Grant Program**

**Department(s):** Police Department

**Recommended Action:** Approve an appropriation adjustment recognizing \$246,431.01 in the Law Enforcement Grants revenue account and appropriate same to the Board of State and Community Corrections Police Grants expenditure accounts. *(Requires five affirmative votes)*

**11. Approve an Appropriation Adjustment to Recognize Measure M2 Grant Funding and Amend the Fiscal Year 2023-24 Capital Improvement Program for the Fairview Street Improvement Project (Project No. 23-6701)**

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

**Recommended Action:**

1. Approve and app appropriation adjustment recognizing Measure M2 grant funding in the amount of \$825,000 into the Public Works Measure M2 Competitive revenue account and appropriate the same amount into the Measure M2 Competitive Street, Improvements Other Than Building expenditure account for future year expenditures. *(Requires five affirmative votes)*
2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include Measure M2 grant funding in the amount of \$825,000 for the Fairview Street Improvements (17th Street to Trask Avenue) Project (Project No. 23- 6701).

**12. Approve an Appropriation Adjustment, Cooperative Cost Reimbursement Agreement with the City of Garden Grove, and Award a Construction Contract to R.J. Noble Company in the Amount of \$1,643,676 for the**

**Westminster Avenue Rehabilitation Project from Newhope Street to Harbor Boulevard with an Estimated Project Delivery Cost of \$2, 112,595 (Project No. 22-6989) (Non-General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment recognizing \$542,000 in cost reimbursements from the City of Garden Grove into the Selected Street Construction revenue account, and appropriating the same amount to the Selected Street Construction expenditure account for the Westminster Avenue Improvement Project. *(Requires five affirmative votes.)*
2. Authorize the City Manager to execute a Cooperative Cost Reimbursement Agreement with the City of Garden Grove for improvements on Westminster Avenue within the Garden Grove jurisdiction from Newhope Street to Harbor Boulevard, subject to non-substantive changes approved by the City Manager and the City Attorney **(Agreement No. 2023-159)**.
3. Authorize budget reallocation of \$185,405 in unspent Roadway Maintenance and Rehabilitation Account (SB-1) from the Fairview Rehabilitation from South City Limits to Segerstrom Avenue Improvement (No. 21-6978) Project and \$47,595 in unspent Roadway Maintenance and Rehabilitation Account (SB-1) from the Euclid Rehabilitation from First Street to Hazard Avenue Improvements (No. 20-6955) Project to construction funds for the Westminster Avenue Rehabilitation from Newhope Street to Harbor Boulevard Project (No. 22-6989) to complete the project funding requirement.
4. Award a construction contract to R.J . Noble Company, the lowest responsible bidder, in accordance with the base bid in the amount of \$1,643,676, subject to change orders (not to exceed 25% of the base bid amount) in accordance with the Greenbook : Standard Specifications for Public Works Construction, for construction of the Westminster Avenue Rehabilitation, for the term beginning September 19, 2023 and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.
5. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$2, 112,595, which includes \$1,643,676 for the construction contract; \$246,551 for contract administration, inspection, and testing; \$58,000 for design engineering; and a \$164,368 project contingency for unanticipated or unforeseen work.
6. Determine that the recommended actions are exempt from further review in accordance with the California Environmental Quality Act as Categorical Exemption Environmental Review No. ER-2023-77 was filed for the project.

**13. Approve an Appropriation Adjustment and Award a Construction Contract to Legion Contractors, Inc. in the Amount of \$3,366,625 for the Standard – McFadden Park Project, with an Estimated Project Delivery Cost of \$4,208,281 (Project No. 20-2729) (Non-General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment to recognize \$669,060 in revenue received from prior years into the Residential Development District 3, Park Acquisition & Development Fees revenue account and appropriate the same amount into the Residential Development District 3, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*
2. Approve an amendment to the FY 2023-24 Capital Improvement Program to include \$669,060 in construction funds for the Standard - McFadden Park Project (Project No. 20-2729).
3. Award a construction contract to Legion Contractors, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$3,366,625, subject to change orders (not to exceed 25 percent of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction, for construction of the Standard - McFadden Park Project, for a term beginning September 19, 2023 and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.
4. Approve the project cost analysis for a total estimated construction delivery cost of \$4,208,281, which includes \$3,366,625 for the construction contract; \$504,994 for contract administration, inspection, and testing; and a \$336,662 project contingency for unanticipated or unforeseen work.
5. Determine the recommended actions are exempt from further review in accordance with the California Environmental Quality Act as Categorical Exemption Environmental Review No. ER-2021-97 was filed for the project.

**MINUTES:** *Councilmember Penaloza spoke regarding the positive impacts of the project to the community and thanked staff for their hard work and efforts. He requested a nice fence be installed instead of a chain link fence, a blue light pole be added to the Standard and McFadden Park, and the blue light pole be serviced at Madison Park.*

*Councilmember Hernandez spoke in support of the project.*

*Councilmember Vazquez spoke in support of the project with the upgrade fence request.*

*Mayor Pro Tem Lopez spoke in support of the project and commented on the proposed fencing.*

**MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 13, seconded by Mayor Amezcua.**

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

**YES:** 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**

- 14. Approve an Amendment to the Fiscal Year 2023-24 Capital Improvement Program for \$53,000 and Award a Construction Contract to Hardy & Harper, Inc. in the Amount of \$540,000 for the Traffic Calming Phase 1 in Five Separate Locations on Grovemont St., Civic Center Dr., Walnut St., Myrtle St., and Cypress Ave., with an Estimated Project Delivery Cost of \$648,000 (Project No. 23-6034) (General Fund)**

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

**Recommended Action:**

1. Approve an amendment to the FY 2023-24 Capital improvement Program to include \$53,000 in construction funds for the Traffic Calming Phase 1 (Project No. 23-6034).
2. Authorize the City Manager to reject the bid submitted by HZS Engineering and Construction as non-responsive and award a construction contract to Hardy & Harper, Inc. the lowest responsible bidder, in accordance with the base bid in the amount of \$540,000 for construction of the Traffic Calming Phase 1, for a term beginning September 19, 2023 and ending upon project completion , and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney .
3. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$648,000, which includes \$540,000 for the construction contract; \$54,000 for contract administration, inspection, and testing; and a \$54,000 project contingency for unanticipated or unforeseen work.
4. Determine that the recommended actions are exempt from further review

in accordance with the California Environmental Quality Act as Categorical Exemption Environmental Review No. ER-2023-35 was filed for the project.

15. **Approve Agreements with Interwest Consulting Group, Inc. and Epic Land Solutions, Inc. for On-Call Right-of-Way Coordination Services in an Aggregate Amount Not to Exceed \$250,000 for up to a Five-Year Term (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute agreements with Interwest Consulting Group, Inc. and Epic Land Solutions, Inc. to provide on-call right-of-way coordination services for a shared aggregate amount not to exceed \$250,000, for a three-year term beginning September 19, 2023 and expiring on September 18, 2026, with the provision for one, two-year extension, subject to non-substantive changes approved by the City Manager and City Attorney (**Core Agreement No. 2023-160**).

16. **Amend the Agreement with Elliott Auto Supply Co., Inc. dba Factory Motor Parts by Increasing the Existing Agreement by an Annual Amount Not to Exceed \$500,000 for the Remainder of the Contract Term (Specification No. 19-085) (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute the first amendment to the agreement with Elliott Auto Supply Co., Inc. dba Factory Motor Parts for consignment vehicle parts and accessories by increasing the annual amount by \$160,000, for a revised annual amount not to exceed \$500,000, for the remainder of the current one-year term expiring June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-161**).

17. **Approve Agreements with Enterprise Automation, Northern Digital, Inc., and SOFFA Electric, Inc. to Provide Functional Specifications and SCADA Source Control and Change Control Services in an Aggregate Amount Not to Exceed \$1,250,000 for up to a Five-Year Term (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute agreements with Partners in Control, Inc. dba Enterprise Automation, Northern Digital, Inc., and SOFFA Electric, Inc. to provide on-call engineering services to prepare functional specifications and to provide supervisory control and data acquisition, source control, and change control services, for a shared aggregate amount not to exceed \$1,250,000, for a three-year term beginning September 19, 2023 and expiring September 18, 2026, with provisions for one, two-year extension, subject to non-substantive changes approved by the City Manager and City

Attorney (**Core Agreement No. 2023-162**).

18. **Approve the First Amendment to the IPS Group, Inc. Agreement for Increased Monthly Smart Parking Meters Service Cost, Warranty Purchase, Repair, Modem Upgrades, and Contingency Cost in the Amount of \$540,000 (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute an amendment to the agreement with IPS Group, Inc. for increased monthly smart parking meters service cost, warranty purchase, repairs, and modem upgrades, to increase the compensation amount by \$540,000, for a total amount not to exceed \$840,000 for the existing term of February 15, 2022 to February 14, 2027, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-163**).

**MINUTES:** Councilmember Phan reported a recusal for Agenda Item No. 18 as the listed entities are clients of her employer.

**MOTION:** Councilmember Hernandez moved to the recommended action for Item No. 19 as part of the Consent Calendar, seconded by Council Member 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

19. **Approve an Agreement with Empower Annuity Insurance Company for Administrative, Recordkeeping, and Communication Services Pertaining to the 457 Deferred Compensation Plan**

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

**Recommended Action:** Authorize the City Manager to execute a Restated Master Services Agreement with Empower Annuity Insurance Company for the administrative, recordkeeping, and communication services ("services") pertaining to the 457 Deferred Compensation Plan for a three-year term beginning October 1, 2023 through September 30, 2026, with a provision for a single two-year extension, subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. 2023-164**).

20. **Approve Master Service Agreement with Lexipol, LLC to provide Policy Manual Maintenance and Support to the Police Department (General Fund and Non-General Fund) (continued from City Council meeting of August 29, 2023, Item No. 14)**

**Department(s):** Police Department

**Recommend Action:** Authorize the City Manager to execute an agreement with Lexipol, LLC for the period of October 1, 2023 through September 30, 2026, to provide policy manual maintenance, support, and training services to the Police Department in an amount not to exceed \$175,573.29, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-165**).

**MINUTES:** *Councilmember Hernandez spoke in opposition to the Lexipol, LLC agreement and the negative impacts Lexipol has in the community.*

*Councilmember Vazquez spoke in opposition to Lexipol, LLC.*

**MOTION:** Councilmember Hernandez to allocate additional resources to the City Manager's Office to address Policy Manual Maintenance and Support to the Police Department and collaborate with the Police Oversight Commission, seconded by Council Member Vazquez.

**MINUTES:** *Mayor Amezcua spoke in support of the Lexipol, LLC agreement and regarding the need for policies and procedures.*

*Councilmember Phan spoke regarding the Lexipol agreement and the need for the Police Oversight Commission to review the policies and procedures.*

*Mayor Pro Tem Lopez spoke regarding the burden of policy maintenance and support and stated the Police Oversight Commission should maintain and support Police policies and procedures.*

*Councilmember Penaloza explained that Lexipol is a resource, tool, and library for the Police Department and spoke in support of the agreement.*

**SUBSTITUTE MOTION:** Councilmember Penaloza moved to approve the recommended action for Item No. 20, seconded by Mayor Amezcua.

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

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA, COUNCILMEMBER PHAN, MAYOR AMEZCUA

**NOES:** COUNCILMEMBER HERNANDEZ, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ

**ABSTAIN:** NONE

**ABSENT:** NONE

**Status:** 4-3-PASS

21. **Second Extension of Site Plan Review No. 2020-04 for the Central Pointe Mixed-Use Project to be Located at 1801 East Fourth Street**

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

**Recommended Action:** Adopt a resolution approving a second one-year extension of Site Plan Review No. 2020-04 to November 9, 2024.

**RESOLUTION NO. 2023-061** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A ONE-YEAR EXTENSION OF SITE PLAN REVIEW NO. 2020-04 FOR THE CENTRAL POINTE MIXED-USE DEVELOPMENT TO BE LOCATED AT 1801 EAST FOURTH STREET,” (includes determination that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines as the proposed action to extend the existing, approved entitlement does not have the potential to cause a significant effect on the environment, as the existing, approved entitlement has already been evaluated pursuant to CEQA).

**MINUTES:** Councilmember Phan reported a recusal for Agenda Item No. 21 as the listed entities are clients of her employer.

**MOTION:** Councilmember Hernandez moved to the recommended action for Item No. 21 as part of the Consent Calendar, seconded by Council Member 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. Resolutions Supporting Orange County Water District's Submission of a Grant Application for Wells 27 and 28 PFAS Treatment System Project**

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

**Recommended Action:**

1. Adopt a resolution authorizing the Executive Director of the Public Works Agency to submit a financial assistance application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Wells 27 and 28 PFAS Treatment System Project.

**RESOLUTION NO. 2023-062** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING AN APPLICATION TO THE STATE WATER RESOURCES CONTROL BOARD FOR FINANCIAL ASSISTANCE FOR THE WELLS 27 AND 28 PFAS TREATMENT SYSTEM PROJECT."

2. Adopt a resolution declaring the Wells 27 and 28 PFAS Treatment System Project is categorically exempt from the California Environmental Quality Act pursuant to Section 1503 of California Environmental Quality Act Guidelines.

**RESOLUTION NO. 2023-063** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CONSIDERING CITY OF SANTA ANA WELLS 27 AND 28 PFAS TREATMENT SYSTEM PROJECT EXEMPT," (includes determination that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines as the proposed action consists of the construction and operation of small treatment plants and associated connection facilities at previously disturbed sites representing the development of limited numbers of new, small facilities or structures and it would not result in any significant impacts to the environment).

**MINUTES:** Councilmember Phan reported a recusal for Agenda Item No. 18 as the listed entities are clients of her employer.

**MOTION:** Councilmember Hernandez moved to the recommended action for Item No. 22 as part of the Consent Calendar, seconded by Council Member 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**

**23. Councilmember-Requested Item Policy.**

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

**Recommended Action:** Adopt a resolution approving the City Council Policy Regarding Councilmember-Requested Items.

**RESOLUTION NO. 2023-064** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE CITY COUNCIL POLICY REGARDING COUNCILMEMBER-REQUESTED ITEMS.

**MINUTES:** *Councilmember Bacerra requested a revision to Section 2 of the policy to state that a Councilmember shall consult with the City Manager and City Attorney regarding the requested item.*

**MOTION:** Councilmember Bacerra moved to approve the recommended action for Item No. 23, as amended in Section 2 of the policy, seconded by Mayor Amezcua.

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

**YES:** COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA, COUNCILMEMBER PHAN, COUNCIL MEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA  
**NOES:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** COUNCILMEMBER HERNANDEZ  
**Status:** 6-0-0-1- **PASS**

**24. Second Reading of Ordinance Amending Article VII, Prima Facie Speed Limits, of Chapter 36 of the Santa Ana Municipal Code Establishing Speed Limits on Certain Streets and Portions of Streets in the City (Project No. 22-2992) (Non-General Fund).**

First reading at the August 29, 2023 City Council meeting, approved by a vote of 5-1- 1 (Bacerra dissenting and Amezcua absent).

Published in the Orange County Reporter on September 8, 2023.

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

**Recommended Action:** Conduct a second reading of and adopt ordinance amending Article VII, Prima Facie Speed Limits, of Chapter 36 of the Santa Ana Municipal Code establishing speed limits on certain streets and portions of streets in the City.

**ORDINANCE NO. NS-3050** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REPEALING AND REENACTING IN ITS ENTIRETY ARTICLE VII OF CHAPTER 36 OF THE SANTA ANA MUNICIPAL CODE ESTABLISHING PRIMA FACIE SPEED LIMITS.

**MINUTES:** Councilmember Bacerra spoke in support of the item and requested additional signage in eight additional locations.

*Discussion ensued regarding state law, signage, and conducting a citywide assessment of signage and related costs and resources.*

**MOTION:** Councilmember Penaloza moved to approve the recommended action for Item No. 24, seconded by Mayor Pro Tem Lopez.

**SUBSTITUTE MOTION:** Councilmember Bacerra moved to approve the recommended action for Item No. 24, as amended with direction to staff regarding signs/lights as resources allow, seconded by Councilmember Vazquez.

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

**YES:** COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER PHAN, COUNCIL MEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA

**NOES:** NONE

**ABSTAIN:** NONE

**ABSENT:** NONE

**Status:** 7 - 0 - **PASS**

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

#### **PUBLIC HEARINGS**

**PUBLIC HEARING AGENDA ITEM NO. 25 WAS CONSIDERED OUT-OF-ORDER AND HEARD PRIOR TO PUBLIC COMMENT.**

#### **COUNCILMEMBER REQUESTED ITEMS**

**MINUTES:** City Attorney Sonia Carvalho spoke regarding the parameters of the brown act regarding councilmember requested items.

**26. Discuss and Consider Directing the City Attorney to Prepare a City Council-Initiated Ballot Measure for Voter Approval Affirming the City of Santa Ana's Rent Stabilization and Just Cause Eviction Ordinance for the November 2024 General Presidential Election – Councilmember Phan**

***MINUTES:** Councilmember Phan directed staff to prepare a resolution for City Council's consideration to place a ballot measure on the November 2024 General Election to affirm the City of Santa Ana's Rent Stabilization and Just Cause Eviction Ordinance with flexibility to provide future amendments by super majority vote. She requested the item be brought back to Council at the October 17, 2023 City Council meeting.*

*Councilmember Hernandez spoke in support of Councilmember Phan's request.*

*Mayor Pro Tem Lopez requested options be provided to Council regarding the Rent Stabilization and Just Cause Eviction Ordinance. She expressed support for Councilmember Phan's request.*

*Councilmember Vazquez spoke in support of the item.*

*Councilmember Bacerra spoke regarding an Ad-Hoc Charter Amendment Review Committee and expressed concern regarding the proposed charter amendment.*

*Councilmember Penaloza spoke regarding the anticipation of future ballot measures and requested Council create an Ad-Hoc Committee to address the numerous potential charter amendments. He spoke regarding the process of charter amendments and related costs.*

*Mayor Amezcua suggested Council create an Ad-Hoc Committee to address potential charter amendments.*

**27. Discuss and Consider Directing the City Manager to Bring Back at the Next Regularly Scheduled Meeting a Fully Enforceable Ordinance that would Prohibit Spectators at Illegal Speed Contests and Reckless Driving Exhibitions That Often Endanger People's Lives and Disrupt Residents' Quality of Life - Councilmember Penaloza**

***MINUTES:** Councilmember Penaloza spoke in support of the item and requested the ordinance be brought back at the October 17, 2023 City Council meeting.*

*Mayor Pro Tem Lopez spoke regarding her experiences related to illegal and reckless driving exhibitions and requested additional analysis.*

*Councilmember Hernandez spoke in opposition to the item and spoke regarding SB1472.*

*Councilmember Vazquez spoke in opposition to the item.*

*Councilmember Phan spoke in support of bringing the item back and requested additional information be brought back regarding whom the spectators are.*

*Councilmember Bacerra spoke in support of the item.*

*Councilmember Penaloza explained the ordinance was brought before the Council in 2021 and was not approved.*

*Mayor Amezcua spoke in support of the item.*

**28. Discuss and Consider Directing the City Manager and the City Attorney to Prepare for the City Council's Consideration Resolution Options to Place the Issue of Noncitizen Voting in City Council and Mayoral Elections on the November 2024 Ballot and Further Discuss and Consider Directing the City Manager to Prepare a Cost and Implementation Analysis of Establishing Noncitizen Voting - Councilmembers Hernandez and Vazquez**

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

*Councilmember Vazquez spoke in support of the item.*

*Councilmember Phan spoke in support of the item.*

*Mayor Pro Tem Lopez spoke in support of the item.*

*Councilmember Penaloza spoke in opposition to the item and requested an Ad-Hoc Committee be created to address the numerous ballot measures.*

*Mayor Amezcua agreed that an AdHoc Committee should be created.*

*Councilmember Bacerra spoke in opposition to the item.*

*Mayor Amezcua spoke in opposition to the item.*

*Discussion ensued regarding time, costs and deadlines for ballot measures and policy direction.*

*Councilmember Hernandez requested the item be brought back to Council at either the October 17, 2023 or the November 7, 2023 City Council meeting.*

*Councilmember Phan requested a resolution for a ballot initiative that authorizes and directs the City Council to research and implement non-citizen voting in the City.*

*Councilmember Bacerra asked for clarification regarding the placement of an advisory measure on the ballot.*

*City Attorney Sonia Carvalho spoke regarding her experience with advisory measures.*

*Councilmember Penaloza asked for clarification regarding direction of the item.*

*Councilmember Phan stated she would like a ballot measure on the November 2024 General Election which states, "The City Council of the City of Santa Ana shall research and implement non-citizen voting for local municipal elections within the City of Santa Ana." She explained if and when the ballot measures passes, the City Council would then come back and do the research and implementation to the extent of the law.*

*City Manager Kristine Ridge clarified that Mayor Pro Tem Lopez, Councilmember Vazquez, Councilmember Hernandez, and Councilmember Phan would like an advisory measure.*

### **CITY MANAGER COMMENTS**

*City Manager Kristine Ridge announced live streaming of Fiestas Patrias and that an International Older Adults Celebration would be held on Friday, September 29, 2023.*

### **COUNCIL COMMENTS**

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

1. September 7 - 8, 2023 Councilmember Phan - 2023 Asian American Pacific Islander Leadership Summit in Sacramento, CA.

*Councilmember Phan spoke regarding her experience at the Summit in Sacramento. She announced the 2<sup>nd</sup> Annual Mid-Autumn Festival at Centennial Park on October 2, 2023 and thanked staff for their hard work and efforts, and spoke regarding 'Tea with Thai' at Godinez Fundamental High School.*

2. September 7 - 9, 2023 Mayor Pro Tem Lopez - Local Progress 2023 National Convening in St. Louis, MO.

*Mayor Pro Tem Lopez – AB1234 Disclosure the City of Santa Ana paid for her travel and expenses to visit the Local Progress 2023 National Convening. She announced a park clean-up with Orange County Habitat and requested the community be involved with California Coastal Clean-up Month.*

*Councilmember Vazquez expressed his excitement in honoring the Sahuayo City Council and thanked City staff for their hard work and efforts, and announced the County of Orange is now accepting applications for Section 8 Housing until September 29, 2023.*

*Councilmember Hernandez thanked the community for their participation and engagement and the Parks and Recreation Division for their hard work and efforts on Fiesta Patrias. He expressed his excitement in forming a partnership with Sahuayo and thanked City staff for their hard work in hosting the Sahuayo City Council.*

*Councilmember Penaloza thanked the Parks and Recreation Division for their hard work and efforts in hosting City events, wished a Happy Birthday to all those in the month of September, and announced AB1234 Disclosure: The City of Santa Ana paid for his travel and expense to visit Sacramento for his swearing-in ceremony as the 2<sup>nd</sup> Vice President of the Orange County Division.*

*Councilmember Bacerra announced that his monthly community office hours will be on Saturday, October 7, 2023 at 10:00 AM at Thorton Park and spoke regarding partnership with Sahuayo.*

*Mayor Amezcua announced she will be having Coffee with the Mayor at the Senior Center on Saturday, September 23, 2023 from 10:00 A.M. – 12:00 P.M., and clarified multiple future City events have already been budgeted for the next year. She thanked the Santa Ana Police Department and the Orange County Fire Authority for their hard work and dedication, spoke regarding public safety, announced that October 3, 2023 will be the first meeting to present on Public Intoxication, and thanked the community and all City staff for the participation and hard work on Fiestas Patrias.*

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

***MINUTES:*** Mayor Amezcua adjourned the City Council at 11:04 P.M. in memory of Josefina Martinez Anguiano, Leonard Joseph Garcia, Jr., and Los Angeles Deputy Sheriff Ryan Clinkunbroomer.

Respectfully submitted:

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Jennifer L. Hall, CMC  
City Clerk