

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



August 29, 2023

**REGULAR OPEN MEETING – 5:30 P.M.**

## **CITY COUNCIL CHAMBER**

22 Civic Center Plaza Santa Ana, CA 92701

## **CITY COUNCIL SPECIAL OPEN SESSION**

### **CALL TO ORDER**

***MINUTES:*** Mayor Pro Tem Lopez called the Special City Council Meeting to order at 5:37 P.M.

### **ATTENDANCE**

#### **Council Members**

Phil Bacerra  
Johnathan Ryan Hernandez  
David Penaloza  
Thai Viet Phan  
Benjamin Vazquez  
Jessie Lopez  
Valerie Amezcua

Mayor Pro Tem  
Mayor

City Manager  
City Attorney  
City Clerk

Kristine Ridge  
Sonia R. Carvalho  
Jennifer L. Hall

## **ROLL CALL**

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

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

## **PLEDGE OF ALLEGIANCE**

**Councilmember Penaloza**

## **WORDS OF INSPIRATION**

**Pastor Dion Thomas, Sonrise Community  
Christian Church**

## **ADDITIONS\DELETIONS TO THE AGENDA**

**MINUTES:** *City Clerk Jennifer L. Hall announced that the Ceremonial Presentation Certificate of Recognition presented to the City's Housing Division Team has been removed and postponed to a later date.*

## **CEREMONIAL PRESENTATIONS**

- 1. Proclamation presented by Mayor Amezcua and Councilmember Penaloza to the Orange County Hunger Alliance declaring September 2023 as Hunger Action Month.**
- 2. Certificates of Recognition presented by Mayor Pro Tem Lopez to the City's Housing Division Team for Outstanding Contributions to the Community.  
(Removed from agenda)**
- 3. Certificate of Recognition presented by Councilmember Vazquez to VietRISE for Outstanding Contributions to the Community.**

**MINUTES:** *Ceremonial Presentation Agenda Item No. 2 was not presented.*

*Councilmember Penaloza proclaimed September 2023 as Hunger Action Month and presented the proclamation to Orange County Hunger Alliance.*

*Councilmember Vazquez presented a certificate of recognition to VietRISE for outstanding contributions to the community.*

**PUBLIC COMMENT** – Public comments will be held during the beginning of the meeting for ALL comments on agenda items.

## **MINUTES:**

*The following speakers addressed Council via teleconference:*

- 1. Tanya Skarzynski spoke regarding Agenda Item No. 21 and expressed concern regarding releasing tenant's leasing information.**

2. *Gemma Suarez expressed support for Agenda Item No. 21.*
3. *Juliana Musheyev expressed support for Agenda Item No. 21.*
4. *Mextli Lopez expressed support for Agenda Item No. 21.*
5. *Sue Loflin spoke regarding Agenda Item No. 21.*
6. *Sarah Perez expressed support for Agenda Item No. 21.*

*The following speakers addressed Council in-person:*

7. *Clay Hague spoke in opposition to Agenda Item No. 21.*
8. *Tim Johnson spoke regarding Agenda Item No. 21.*
9. *Nathaniel Greensides spoke regarding Agenda Item No. 21.*
10. *Ana Charco expressed Latino Health Access's support for Agenda Item No. 21.*
11. *Daniel Marin expressed concern for Agenda Item Nos. 8, 9, and 10 and spoke regarding Agenda Item No. 21.*
12. *Silvia Avendaño (translation: Spanish) spoke in support of Agenda Item No. 21.*
13. *Tracy La spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
14. *Celine Nguyen spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
15. *Lisa Nguyen spoke in support of Agenda Item Nos. 18 and 21, and in opposition to Agenda Item No. 14.*
16. *Chloe Vo spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
17. *Eric Do expressed support for Agenda Item Nos. 18 and 21 and opposition to Agenda Item No. 14.*
18. *Celeste Vasquez spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
19. *Tu Hoang spoke in support of Home Act and Rent Stabilization and in opposition of Lexipol.*

20. *Indigo Vu spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
21. *Tuat Mai spoke in support of Agenda Item No. 21.*
22. *Vincent Tran spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
23. *Dao Tran spoke in support of Agenda Item No. 21.*
24. *Anabell Parra (translation: Spanish) expressed her support for Item No. 21.*
25. *Carlos Perea spoke regarding Agenda Item Nos. 14, 18, and 21.*
26. *Theadora Mendez spoke in support in support of Agenda Item No. 21.*
27. *Araceli Robles spoke in support of Agenda Item No. 21.*
28. *Alexis Nava Theodoro spoke regarding Agenda Item Nos. 18 and 21.*
29. *Naja Christmas spoke regarding Agenda Item No. 18.*
30. *Martha Garcia spoke in support of Agenda Item No. 21.*
31. *Tin Nguyen spoke in support of Agenda Item Nos. 18 and 21 and in opposition to Agenda Item No. 14.*
32. *Michael Mai spoke regarding Agenda Item No. 18.*
33. *Fernando Delgado spoke in opposition to Agenda Item No. 14 and in support of Agenda Item No. 21.*

<b><u>CONSENT CALENDAR</u></b>
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**RECOMMENDED ACTION:** Approve staff recommendations on the following Consent Calendar Items: 4 through 19 and waive reading of all resolutions and ordinances.

**MINUTES:** At 7:14 P.M., Councilmember Hernandez pulled Agenda Item No. 14 and Councilmember Penaloza pulled Agenda Item No. 11 for separate discussion and consideration.

Councilmembers Vazquez and Phan requested to comment on Agenda Item No. 18.

*Councilmember Phan recused herself from Agenda Item No. 19 as the property owner of the parcel in question is a client of her employer, Rutan and Tucker.*

**MOTION: Councilmember Hernandez moved to approve staff recommendations on the following Consent Calendar Items: 4 through 19 with the exception of Agenda Item Nos. 11 and 14, seconded by Councilmember Penaloza.**

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

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

**4. Excused Absences**

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

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

**5. Receive and File Quarterly Report of Investments as of June 30, 2023**

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

**Recommended Action:** Receive and file.

**6. City's Response to Grand Jury Report Regarding Human Sex Trafficking in Orange County**

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

**Recommended Action:** Approve City of Santa Ana's responses to the Grand Jury's Findings and Recommendations of the 2022-2023 Orange County Grand Jury Report- Human Sex Trafficking in OC pursuant to Penal Code sections 933 and 933.05.

**7. Approve an Appropriation Adjustment and Approve Change Order to Add Funds in the Amount of \$300,000 to an Existing Construction Contract with Onyx Paving Company, Inc. for a Revised Estimated Project Delivery Cost of \$4,140,200, for the Local Street Preventative Maintenance FY 22-23 Project (Project No. 23-6907) (Non-General Fund)**

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

**Recommended Action:**

1. Approve an appropriation adjustment recognizing prior year fund balance \$300,000 in the Residential Street Improvement fund, Prior Year Carry Forward revenue account and appropriating the same amount into the Residential Street improvement fund, Improvements Other Than Building expenditure account for FY 2022-2023 capital operating expenses. *(Requires five affirmative votes)*
  2. Approve change order to construction contract and an amendment to the Project Cost Analysis to reflect the new amount of \$743,100 for project contingency for unanticipated or unforeseen work, for a total Construction Delivery Cost of \$4,140,200, subject to non-substantive changes approved by the City Manager and City Attorney.
  3. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program for \$300,000 for construction contingency funds, for the Local Street Preventative Maintenance FY 2022-23 (Project No. 23-6907).
- 8. Award a Construction Contract to All American Asphalt in the Amount of \$1,564,835 for the Grand Avenue Rehabilitation from Warner Avenue to Edinger Avenue Project, with an Estimated Project Delivery Cost of \$2,113,000 (Project No. 22-6987) (Non-General Fund)**

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

**Recommended Action:** 1. Authorize the reallocation of SB1 funds from the Euclid Rehabilitation from McFadden Avenue to First Street Improvement Project for a total of \$570,870 to the Grand Avenue Rehabilitation from Warner Avenue to Edinger Avenue Project to complete the project funding requirement.

2. Award a construction contract to All American Asphalt, the lowest responsible bidder, in accordance with the base bid in the amount of \$1,564,835, 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 Grand Avenue Rehabilitation from Warner Avenue to Edinger Avenue Project, for a term beginning August 29, 2023 and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.

3. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$2,113,000, which includes \$1,564,835 for the construction contract; \$234,900 for contract administration, inspection, and testing; and a \$313,265 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-2022-6 was filed for the project.

**9. Award a Construction Contract to Hardy & Harper, Inc. in the Amount of \$1,400,000 for the Alton Avenue Rehabilitation from Main Street to Standard Avenue Project, with an Estimated Project Delivery Cost of \$1,750,000 (Project No. 21-6975) (Non-General Fund)**

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

**Recommended Action:** 1. Authorize the reallocation of SB1 funds from the Euclid Rehabilitation from First Street to Hazard Avenue Improvement Project for a total amount of \$1,037,000 to the Alton Avenue Rehabilitation from Main Street to Standard Avenue Project to complete the project funding requirement.

2. Award a construction contract to Hardy & Harper, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$1,400,000, 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 Alton Avenue Rehabilitation from Main Street to Standard Avenue Project for a term beginning August 29, 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 \$1,750,000, which includes \$1,400,000 for the construction contract; \$210,000 for contract administration, inspection, and testing; and a \$140,000 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-2021-43 was filed for the project.

**10. Award a Construction Contract to Kalban, Inc. in the Amount of \$3,037,800 for the Alley Improvements Program with an Estimated Project Delivery Cost of \$4,252,820 (Project No. 23-6910) (M2 Local Fairshare) (General Fund)**

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

**Recommended Action:** 1. Authorize the reallocation of unspent Measure M2 Local Fairshare funds from various projects: \$143,017 from Alley Improvement Program FY2018-19, \$818,083 from Alley Improvement Program FY2021-22 for a total of \$961,100 to the Alley Improvements Program Project to complete the project's funding requirement.

2. Award a construction contract to Kalban, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$3,037,800, subject to a change order (not-to-exceed 25 percent of the base bid) in accordance with the 2021 Greenbook: Standard Specifications for Public Works Construction for construction of the Alley Improvements Program Project, for the term beginning August 29, 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 \$4,252,820, which includes \$3,037,800 for the construction contract; \$455,670 for contract administration, inspection, and testing; and a \$759,350 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-2022-118 was filed for the project 23-6910.

**11. Approve Agreement with Arakelian Enterprises, Inc., DBA Athens Services to Provide Street Sweeping Services, for a Total Amount Not to Exceed \$64,572,750 for up to 15 Years (Specification No. 23-007) (General Fund and Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with Athens Services to provide street sweeping services at a base amount of \$3,913,500, with an annual contingency of \$391,350, for a total annual amount of \$4,304,850, plus allowance for an annual adjustment based on the Consumer Price Index, for a ten-year initial term totaling \$43,048,500, beginning on July 1, 2024 and expiring June 30, 2034, with an option for one, five-year extension totaling \$21,524,250, for an aggregate amount not to exceed \$64,572,750, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-154**).

**MINUTES:** Councilmember Penaloza asked for clarification regarding the expansion of industrial and commercial areas and requested that staff come up with a plan to post signage throughout the industrial areas.

*City Manager Kristine Ridge spoke regarding the increased services to streets.*

*Public Works Director Nabil Saba spoke regarding street sweeping in industrial and commercial areas and potential plans to implement signage.*

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

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

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



**12. Approve a License Agreement with The Legacy Fund for Use of 10th Street Right of Way (Non-General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute a license agreement with The Legacy Fund, a nonprofit public benefit organization, for use of public right-of-way on 10th Street between Main Street and Sycamore Street for improvements for the use and benefit of Orange County School of Arts students, staff, and faculty, for a 10-year term with two optional five-year extensions, with a \$3,000 annual license fee paid to the City, subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. A-2023-155**).

**13. Approve Agreement with Volcan Advertising & Entertainment for Music Entertainment at the Fiestas Patrias Event in the Amount of \$122,000 (General Fund)**

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

**Recommended Action:** Authorize the City Manager to execute an agreement with Volcan Advertising & Entertainment to provide musical entertainment at the Fiestas Patrias event, in the amount of \$122,000, beginning August 29, 2023 through September 30, 2023, subject to non-substantive change approved by the City Manager and City Attorney (**Agreement No. A- 2023-156**).

**14. Approve Master Service Agreement with Lexipol, LLC to Provide Policy Manual Maintenance and Support to the Police Department (General Fund and Non-General Fund)**

**Department(s):** Police Department

**Recommended 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. A-2023-157**).

**MINUTES:** Councilmember Hernandez spoke regarding Lexipol's policies and directed staff to explore options regarding allocating additional resources to the City Attorney's Office for an in-house police policy maintenance, policy feedback and engagement from and with the community, and to collaborate with the newly established Police Oversight Commission to oversee and monitor the Police Department's policies.

Councilmember Vazquez spoke regarding Lexipol and asked staff for alternatives to Lexipol.

**MOTION: Moved by Councilmember Hernandez to not approve the agreement and direct staff to explore options, seconded by Councilmember Vazquez.**

*Councilmember Phan requested clarification regarding the usage of Lexipol templates and the Master Service Agreement.*

*Councilmember Bacerra spoke regarding the process of evaluating the templates provided to the City.*

*Police Chief David Valentin spoke regarding Lexipol's policies.*

*Mayor Pro Tem Lopez requested clarification regarding policy and training approval.*

*Councilmember Hernandez expressed concern regarding Lexipol's policies and the impacts to the City.*

*Chief Valentin provided clarification regarding the policies that Lexipol did not have in place.*

*Councilmember Hernandez questioned the need for Lexipol due to the minimal implemented policies.*

*Mayor Pro Tem Lopez asked regarding the spotlight policy Lexipol provided in their manual.*

*Chief Valentin shared the implementation of policies and the services available.*

*City Manager Kristine Ridge clarified that the previous contract brought forward to Council was to add an additional jail module, and not the master agreement with Lexipol. She provided Council an update on the process of getting the Police Oversight Commission up and running for them to review all operating policies and procedures of the Police Department.*

*Councilmember Phan asked regarding the termination of contract.*

*Chief Assistant City Attorney John Funk clarified that the termination clause requires 60 day written notice.*

**SUBSTITUTE MOTION: Councilmember Phan moved to approve the recommended action for Item No. 14, and direct staff to work with the Police Oversight Commission and return in a year with options, seconded by Councilmember Bacerra.**

The substitute motion failed, 3 – 3 – 0 – 1 , by the following roll call vote:

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

**MOTION:** Moved by Councilmember Hernandez to not approve the agreement and direct staff to explore options, seconded by Councilmember Vazquez.

The motion failed, 3 – 3 – 0 – 1, by the following roll call vote:

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

*Item No. 14 continued to September 19, 2023.*

**15. Approve Agreement with Filler Security Strategies, Inc. in the Amount of \$56,750 to Provide a Revision to the Three-Year Countywide Homeland Security Grants Strategy (Non-General Fund)**

**Department(s):** Police Department

**Recommended Action:** Authorize the City Manager to execute an agreement with Filler Security Strategies, Inc., for the period of August 29, 2023 through March 31, 2024, to provide a revision to the Countywide Homeland Security Grants Strategy in an amount not to exceed \$56,750, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-158**).

**16. Amend Agreement with Benefit Financial Services Group, LLC (BFSG) for Plan and Investment Advisory Services Pertaining to the 457 Deferred Compensation Plan to Add Participant Planning and Consulting Services at No Additional Cost**

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

**Recommended Action:** Authorize the City Manager to execute the first amendment to the agreement with Benefit Financial Services Group, LLC to provide Participant Planning and Consulting Services at no additional cost, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-166**).

**17. City Attorney Evaluation and Resolution to Reflect Positive Performance**

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

**Recommended Action:** Adopt a resolution to reflect an Exceeds Expectations performance evaluation conducted on August 15, 2023 and acknowledge retainer adjustment of \$25,000 per the existing Legal Services Agreement with Best Best and Krieger LLP for City Attorney and Special Counsel Legal Services.

**RESOLUTION NO. 2023-058** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AFFIRMING A POSITIVE CITY ATTORNEY EVALUATION AND ACKNOWLEDGING A RETAINER INCREASE PURSUANT TO THE EXISTING RESTATED LEGAL SERVICES AGREEMENT FOR CITY ATTORNEY SERVICES

**18. Resolution Declaring Support of the HOME Act AB1306**

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

**Recommended Action:** Adopt a resolution declaring support of Assembly Bill 1306 (Carrillo) - State Government: Immigration Enforcement.

**RESOLUTION NO. 2023-059** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SUPPORTING ASSEMBLY BILL 1306 (The HOME Act)

**MINUTES:** Councilmember Vazquez spoke in support of the HOME Act and spoke regarding the criminal legal system.

*Councilmember Phan shared her experience as a refugee.*

**19. Authorize the Planning Division to Prepare and Provide Notice to the County of Orange Airport Land Use Commission (ALUC) in Accordance with Public Utilities Code Section 21676(b) for a Proposed Mixed-Use Development Project Located on the 41-Acre Site at 3600 South Bristol Street Currently Undergoing Public Review and Entitlements Processing with the City**

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

**Recommended Action:** Adopt a resolution authorizing the Planning Division to initiate the preparation and drafting of findings and determination overruling the County of Orange Airport Land Use Commission's Determination of Inconsistency associated with a proposed mixed-use development project on a 41-acre site located at 3600 South Bristol Street and to provide notice in accordance with Section 21676(b) of the Public Utilities Code to the County of Orange Airport Land Use Commission and the State of California Department of Transportation's Division of Aeronautics.

**RESOLUTION NO. 2023-060** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE PLANNING DIVISION TO INITIATE THE PREPARATION AND DRAFTING OF FINDINGS IN SUPPORT OF OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION OF INCONSISTENCY ASSOCIATED WITH A PROPOSED MIXED-USE DEVELOPMENT PROJECT ON A 41-ACRE SITE LOCATED AT 3600 SOUTH BRISTOL STREET AND TO PROVIDE NOTICE IN ACCORDANCE WITH SECTION 21676(B) OF THE PUBLIC UTILITIES CODE TO THE COUNTY OF ORANGE LAND USE COMMISSION AND THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION'S DIVISION OF AERONAUTICS AT LEAST 45 DAYS PRIOR TO THE FUTURE PUBLIC HEARING DATE FOR THE PROPOSED PROJECT AND PROPOSED OVERRULING ACTION BY THE CITY COUNCIL (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 will not have a significant effect on the environment).

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

**MINUTES:** Councilmember Phan recused herself from Agenda Item No. 19 as the property owner of the parcel in question is a client of her employer, Rutan and Tucker.

The motion carried, 5-0-1-1, by the following roll call vote:

<b>AYES:</b>	COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ
<b>NOES:</b>	NONE
<b>ABSTAIN:</b>	COUNCILMEMBER PHAN (recusal)
<b>ABSENT:</b>	MAYOR AMEZCUA
<b>Status:</b>	5 – 0 – 1 – 1 – Pass

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

<b><u>BUSINESS CALENDAR</u></b>
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**MINUTES:** At 8:37 PM, the Business Calendar was considered.

**20. 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)**

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

**Recommended Action:** Approve first reading of an 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:** *Public Works Director Nabil Saba provided a presentation on the Engineering and Traffic Speed Survey.*

*Councilmember Hernandez voiced his support for the item.*

*Councilmember Bacerra expressed concern regarding speed limits in school areas.*

*Traffic Engineer Zed Kukula explained the law for speed limits.*

*Mayor Pro Tem Lopez expressed her support for the item.*

**MOTION:** Councilmember Hernandez moved to approve the recommended action for Item No. 20, seconded by Mayor Pro Tem Lopez.

The motion carried, 5 – 1 – 0 – 1, by the following roll call vote:

**AYES:** COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ  
**NOES:** COUNCILMEMBER BACERRA  
**ABSTAIN:** NONE  
**ABSENT:** MAYOR AMEZCUA  
**Status:** 5 – 1 – 0 – 1 – Pass

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

**COUNCILMEMBER REQUESTED ITEMS**

**21. Stabilization and Just Cause Eviction Ordinance to require supermajority approval of the total number of Councilmembers for certain future amendments to the ordinance. – Councilmember Phan**

**MINUTES:** Councilmember Phan gave direction to staff to look at bringing back an ordinance to require a supermajority vote to either repeal the Just Cause Eviction Ordinance and Rent Stabilization Ordinance or require a supermajority vote to amend certain provisions on the Just Cause Eviction Ordinance and Rent Stabilization Ordinance and the provisions to include rent cap, rental registry and/or registry fee, rent board, amendments related to no fault just cause evictions, and amendments related to at fault just cause evictions.

Councilmember Vazquez shared his support for the proposal.

Councilmember Bacerra spoke in opposition to the item.

Councilmember Phan requested clarification regarding adopting an Ordinance requiring supermajority to amend provisions.

Chief Assistant City Attorney John Funk explained a supermajority vote to amend provisions and the previously amended ordinance.

Councilmember Hernandez stated he is fully supportive of this item.

Councilmember Penaloza spoke in opposition to the item.

City Manager Kristine Ridge stated staff would research and return to Council with options by October 3, 2023.

### **CITY MANAGER COMMENTS**

City Manager Kristine Ridge announced the upcoming events- National Grandparents Day September 7-9 at the Library and Fiestas Patrias September 16-17.

### **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 wished Margaret Lane a Happy 105<sup>th</sup> Birthday and thanked her for her years of services, provided a comment to the City Manager in regards to the intoxication detention policy with an emphasis on Bristol St. between First and McFadden, announced his monthly community office hours for the second Saturday in September at 10:00 A.M. at George Upton All Access Park, wished everyone a Happy Labor Day, and requested the meeting to be adjourned in the memory of 23 year old Veronica Amezola and 27 year old Kimberly Izquierdo.

Councilmember Hernandez thanked the community for their participation and spoke regarding Chicano Heritage Month and the Chicano Heritage Festival at El Salvador Park.

*Councilmember Phan gave an update about the Housing Authority Forum, congratulated the Parks and Recreation Department for the Zoofari Event and Chicano Heritage Festival, gave a shout out to local artist Marina Aguilera for her mural, and spoke regarding being elected as Division II representative for the League of California Cities.*

*Councilmember Vazquez thanked Parks and Recreation for the event put together on Sunday and announced that it is garage sale weekend.*

*Mayor Pro Tem Lopez announced the Grupo Autistimo 20<sup>th</sup> Annual Event taking place in Ward 3 on September 9, invited the community to come out on September 3 for Carnaval Muralense, announced the Ceremonial Grand Opening for small business, Hammer Burger, and spoke regarding her participation in the Climate Resiliency Forum.*

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

***MINUTES:*** Mayor Pro Tem Lopez adjourned the Special City Council Meeting at 9:21 P.M.

**Adjourn in memory of:**  
**Veronica Amezola**  
**Kimberly Izquierdo**

Respectfully submitted:

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Jennifer L. Hall, CMC  
City Clerk