

RAFT Minutes of the Special Closed Session and Regular Meeting of the City Council

City of Santa Ana, California



May 16, 2023

SPECIAL CLOSED SESSION MEETING – 4:30 P.M.

REGULAR OPEN MEETING – 5:45 P.M.

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701

SPECIAL CLOSED SESSION

CALL TO ORDER

MINUTES: Mayor Amezcua called the Special Closed Session Meeting to order at 4:46 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 and Mayor Pro Tem Lopez joined the meeting during Closed Session.

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

MINUTES: *No public comments were received regarding Closed Session agenda items.*

RECESS – City Council will recess to Closed Session for the purpose of conducting regular City business.

MINUTES: *Mayor Amezcua recessed to consider the Closed Session items at 4:41 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. City of Santa Ana v. United California Bank Realty Corporation, Orange County Superior Court Case No. 30-2021-01184614
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: Jason Motsick, Human Resources Executive Director

Employee Organizations:

 - Santa Ana Police Officers Association (POA) Service Employees' International
 - Union (SEIU) Confidential Association of Santa Ana (CASA) Santa Ana
 - Management Association (SAMA)

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

MINUTES: *Mayor Amezcua reconvened the Special Closed Session meeting at 6:51 P.M.*

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

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

ADJOURNMENT – Adjourn the Special Closed Session meeting.

MINUTES: Mayor Amezcua adjourned the Special Closed Session meeting at 6:52 P.M.

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: Mayor Amezcua called the Regular City Council meeting to order at 6:52 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 Hall

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE **Community Development Director Mike Garcia**

WORDS OF INSPIRATION **Pastor Danny De Leon Jr., Templo Calvario**

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: City Clerk Jennifer L. Hall stated there were no revisions to the agenda.

City Attorney Sonia Carvalho requested that Agenda Item No. 28 be pulled and continued due to new correspondence arising after the posting of the agenda.

Mayor Amezcua stated Agenda Item No. 28 would be rescheduled to a later date.

Councilmember Bacerra requested Agenda Item No. 28 be brought back to Council at the June 6, 2023 City Council meeting.

MOTION: Councilmember Bacerra moved to continue Agenda Item No. 28 to the June 6, 2023 City Council meeting, seconded by Councilmember Penaloza.

SUBSTITUTE MOTION: Mayor Amezcua moved to continue Agenda Item No. 28 to the June 20, 2023 City Council meeting, seconded by Councilmember Vazquez.

The substitute motion carried, 5-2, by the following roll call vote:

AYES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN,
COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ,
MAYOR AMEZCUA
NOES: COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA
ABSTAIN: NONE
ABSENT: NONE
Status: 5 – 2 – Pass; Agenda Item No. 28 Continued

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Pro Tem Lopez and Councilmember Phan to Santa Ana's Public Works Agency declaring May 21-27, 2023, as National Public Works Week.
2. City Tile presented by Councilmember Bacerra to Mark McLoughlin for Outstanding Contributions to the Community.
3. Proclamation presented by Councilmember Penaloza declaring May 14-20, 2023, as National Police Week.
4. Proclamation presented by Councilmember Vazquez to Santa Ana Active Streets declaring May 2023, as National Bike Month.

MINUTES:

Mayor Pro Tem Lopez and Councilmember Phan presented a Proclamation declaring May 21-27, 2023, as National Public Works Week to Santa Ana's Public Works Agency. Mayor Pro Tem Lopez and Councilmember Phan spoke regarding the Public Works Agency.

Councilmember Bacerra presented a City Tile to Mark McLoughlin and thanked him for his years of service to the community.

Ceremonial Presentation No. 4 was considered prior to Ceremonial Presentation No. 3.

Councilmember Vazquez presented a Proclamation declaring May 2023 as National Bike Month to Santa Ana Active Streets.

Councilmember Penaloza presented a Proclamation declaring May 14-20, 2023 as
City Council

National Police Week to the Santa Ana Police Department.

STAFF PRESENTATIONS

5. Homelessness Update

MINUTES: *City Manager Kristine Ridge stated the Homelessness Update presentation would be continued to a June City Council meeting.*

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: *City Clerk Jennifer L. Hall announced public comment time is limited to two minutes per speaker.*

The following speakers addressed Council via teleconference:

- 1. Carl Benninger requested a CERT program be added to the budget, announced a COM Link meeting, and invited all to attend the June 22, 2023 Annual Awards Night.*
- 2. Henny Abraham requested Council pass a Resolution condemning the Republic of Iran.*

The following speakers addressed Council in-person:

- 3. Nico Armenta spoke regarding preserving the Tianguis Farmers Market.*
- 4. Evelyn Armenta spoke regarding preserving the Tianguis Farmers Market.*
- 5. Norma Morales spoke regarding preserving the Tianguis Farmers Market.*
- 6. Melissa Ramirez spoke regarding preserving the Tianguis Farmers Market.*
- 7. Eric Hernandez spoke regarding preserving the Tianguis Farmers Market.*
- 8. Trisha Hernandez spoke regarding preserving the Tianguis Farmers Market.*
- 9. Maria Martinez (Spanish translation) spoke regarding preserving the Tianguis Farmers Market.*
- 10. Gesselle Villamil spoke regarding preserving the Tianguis Farmers Market.*
- 11. Farhad Mafie requested Council pass a Resolution condemning the Republic*

of Iran.

12. Lupe Lopez spoke regarding indigenous women rising and expressed concern regarding commissioner allegations towards her.

13. Mona Sedaghat requested Council pass a Resolution condemning the Republic of Iran.

14. Fernando Delgado spoke regarding the recall of Mayor Pro Tem Lopez.

15. Tannaz requested Council pass a Resolution condemning the Republic of Iran.

16. Yousef Badiei spoke regarding condemning the Republic of Iran.

17. Mitra Mosallaie requested Council pass a Resolution condemning the Republic of Iran.

18. Elizabeth Hansburg spoke in opposition to Agenda Item No. 28.

19. Maryam Mosallaie requested Council pass a Resolution condemning the Republic of Iran.

20. Soheyla Torabi requested Council pass a Resolution condemning the Republic of Iran.

21. Alfredo Hernandez (Spanish translation) spoke regarding access to free dental care.

22. Nellie LeGasse spoke regarding Indigenous Peoples Day.

23. Danny Vega thanked the Mayor for the Mayor's Prayer Breakfast and spoke regarding the budget.

24. Ralph Salazar spoke regarding Native Americans.

25. Nanabah expressed concern regarding Commissioner Le Gasse's violation of the City's code of ethics.

City Clerk Jennifer L. Hall reported out the summary of email comments received: One (1) comment regarding Agenda Item No. 9, One (1) comment regarding Agenda Item No. 27, Seven (7) comments regarding Agenda Item No. 28, One (1) comment regarding Item No. 32, and Twenty-three (23) non-agenda comments.

CONSENT CALENDAR AGENDA ITEM NO. 7 WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO THE CONSENT CALENDAR

7. Appoint Keith Carpenter Nominated by Councilmember Phan as the Ward 1

Representative to the Police Oversight Commission for a Full-Term Expiring on December 10, 2024

Department(s): City Clerk's Office

Recommended Action: Appoint Keith Carpenter to the Police Oversight Commission as the Ward 1 representative and administer the Oath of Office.

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 7, seconded by Councilmember Bacerra.

SUBSTITUTE MOTION: Councilmember Hernandez moved to continue Item No. 7 to the next City Council meeting.

The substitute motion died due to lack of a second.

The original 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

MINUTES: City Clerk Jennifer L. Hall administered the Oath of Office to Keith Carpenter.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 6 through 28 and waive reading of all resolutions and ordinances

MINUTES: At 8:31 P.M., Councilmember Bacerra pulled Agenda Item Nos. 9, 16, and 25 for separate discussion and consideration.

Councilmember Phan recused herself from Agenda Item No. 12 and 27 as the listed entities are clients of her employer, Rutan and Tucker.

MOTION: Councilmember Bacerra moved to approve staff recommendations on the following Consent Calendar Items: 6 through 28 with the exception of Agenda Item Nos. 7, 9, 16 and 25, seconded by Mayor Amezcua.

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. AGENDA ITEM NO. 7 WAS CONSIDERED OUT OF ORDER AND HEARD PRIOR TO THE CONSENT CALENDAR.

8. Minutes from the Special Closed Session and Regular Meetings of October 4, 2022 and October 18, 2022.

Department(s): City Clerk's Office

Recommended Action: Approve minutes.

9. Receive and File the Rental Registry Fee Study

Department(s): Community Development Agency

Recommended Action: Receive and file the Rental Registry Fee Study identifying the appropriate Rental Registry Fee to recover all costs associated with the Rent Stabilization and Just Cause Eviction Ordinance.

MINUTES: Councilmember Bacerra spoke regarding the Rental Registry Fee study and spoke in opposition to the Item.

MOTION: Councilmember Bacerra moved to not approve Item No. 9, seconded by Councilmember Penaloza.

SUBSTITUTE MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 9, as presented, seconded by Mayor Pro Tem Lopez.

MINUTES: Mayor Amezcua spoke regarding the process time and comparisons for business licenses and the rental registry.

Housing Division Manager Judson Brown spoke regarding the process time and automation for the rental registry.

Mayor Pro Tem Lopez spoke in support of the item.

Councilmember Penaloza spoke regarding renter and landlord costs and spoke in opposition to the item.

Discussion ensued regarding costs and fees, capital improvement petitions analysis, and compliance.

Mayor Amezcua spoke in opposition to the item.

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

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

10. Periodic Quarterly Report of Investments as of March 31, 2023

Department(s): Finance and Management Services

Recommended Action: Receive and file.

11. Fiscal Year 2022-2023: Third Quarter Budget Update and Appropriation Requests

Department(s): Finance and Management Services

Recommended Action:

1. Receive and file the fiscal year 2022-2023: Third Quarter Budget Update.
2. Approve the recommended appropriation adjustments with a net General Fund impact of \$1,784,000 (\$1,500,000 for Business Interruption Grant, \$3,900,000 for Main Library Transformation and Newhope Library Tenant Improvement, and reduction of \$3,616,000 transfer from General Fund to the Cannabis Public Benefit Fund) *(requires five affirmative votes)*.

12. Receive and File the Certification of Approval by City Engineer of the Final Tract Map 2022-1, County Tract Map No. 19142 (830 South Harbor Blvd.) (Applicant: City Ventures and MAS Investments LP)

Department(s): Public Works Agency

Recommended Action: Receive and file the certification of approval by City Engineer of the Final Tract Map 2022-1.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 12 as part of the Consent Calendar, seconded by Mayor Amezcua.

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

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

- 13. Award a Purchase Order to Galls, LLC for Body Armor Protective Vests for the Santa Ana Police Department in the Amount of \$135,474 (Specification No. 23-086) (Non- General Fund)**

Department(s): Police Department

Recommended Action: Authorize a one-time award and payment to Galls, LLC for the procurement of 35 body armor protective vests in the amount of \$135,474, subject to non-substantive changes approved by the City Manager and City Attorney.

- 14. Award a Blanket Order Contract to BorderLAN, Inc. for Computer Endpoint Protection Software, in an amount not to exceed \$200,000 (Specification No. 22-060) (Non- General Fund)**

Department(s): Information Technology

Recommended Action: Award Blanket Order Contract to BorderLAN, Inc. for Endpoint Protection Software Subscription Services for a three-year period expiring May 31, 2026, in an amount not to exceed \$200,000, subject to non-substantive changes approved by the City Manager and City Attorney.

- 15. Approve and Amend an Agreement with Infor (US) LLC For Lawson Financial System Maintenance, Services, and Software Licenses in an Amount not to Exceed \$1,216,709.87 (Non-General Fund)**

Department(s): Information Technology

Recommended Action: Authorize the City Manager to amend an agreement with Infor (US) LLC for Lawson financial system maintenance, services, and software licenses in an amount not to exceed \$1,216,709.87 over a two-year period beginning June 1, 2023 through June 30, 2025, with a one-year optional renewal, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-085**).

- 16. Approve a First Amendment to Agreements with Keyser Marston Associates, Inc., David Paul Rosen & Associates, and RSG, Inc. for On-Call Affordable Housing Financial, Analytical, and Advisory Services on an As-Needed Basis in a Shared Amount not to exceed \$500,000 (related to Housing Authority Agenda Item No. 2)**

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute a First Amendment to three joint on-call consultant agreements for affordable housing financial, analytical, and advisory services with Keyser Marston Associates, Inc., David Paul Rosen & Associates, and RSG, Inc. to add an additional \$250,000 and to extend the term for two years until November 1, 2026, for a total shared amount not to exceed \$500,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement Nos. 2023-086**).

MINUTES: Councilmember Bacerra expressed concern regarding Keyser Marston Associates, Inc.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 16, except consultant agreement with Keyser Marston Associates, Inc., seconded by Mayor Amezcua.

The motion carried, 5-2, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER PENALOZA,
COUNCILMEMBER PHAN, MAYOR AMEZCUA
NOES: COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ
ABSTAIN: NONE
ABSENT: NONE
Status: 5 - 2 - Pass

MINUTES: Councilmember Hernandez noted for the record a “Yes” vote for Item No. 16.

See page 20 for subsequent reconsideration of Item No. 16.

17. **Amend Agreement with Mekong Printing dba MK Printing, Inc. to Increase the Agreement by \$60,000 for a New Total Agreement Amount not to Exceed \$675,000 and to Extend the Term to June 30, 2024 (General Fund)**

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute a second amendment to the agreement with Mekong Printing dba MK Printing Inc. to provide citywide offset printing services, increasing the agreement amount by \$60,000 (\$30,000 annually for the remaining term) for a new total agreement amount of \$675,000 and extending the term from June 3, 2024 to June 30, 2024, subject to non- substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-087**).

18. **Approve an Amendment to the FY 2022-23 Capital Improvement Program for \$483,584 and Award a Construction Contract to California Professional Engineering, Inc. in the Amount of \$358,210 for the Riverview Neighborhood Street**

Lighting Project, with an Estimated Project Delivery Cost of \$483,584 (Project No. 23-6030) (General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Approve an amendment to the FY 2022-23 Capital Improvement Program to include \$483,584 in construction funds for the Riverview Neighborhood Street Lighting Project (Project No. 23-6030).
2. Award a construction contract to California Professional Engineering, Inc, the lowest responsible bidder in accordance with the base bid in the amount of \$358,210, for the construction of the Riverview Neighborhood Street Lighting Project for a term beginning May 16, 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 \$483,584, which includes \$258,210 for the construction contract, \$53,732 for contract administration, inspection and testing, and a \$71,642 contingency for unanticipated or unforeseen work.
4. Determine these actions are exempt from further review pursuant to the California Environmental Quality Act as Categorical Exemption Environmental Review No. ER-2023-181475 was filed for the project.

19. Approve an Appropriation Adjustment and Award a Construction Contract to Onyx Paving Company, Inc. in the Amount of \$2,954,000 for the Local Street Preventative Maintenance FY 22-23 Project with an Estimated Project Delivery Cost of \$3,840,200 (Project No. 23-6907) (Non-General & General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Approve an appropriation adjustment recognizing prior- year fund balance of \$248,391 in the Public Works-Storm Drain Construction Area III, Prior Year Carry Forward revenue account, and appropriating the same amount into the Public Works-Storm Drain Construction, Improvements Other Than Buildings expenditure account (*requires five affirmative votes*).
2. Authorize the reallocation of unspent Drainage Area Fee funds from various projects: \$38,609 from D-03 Channel Repair at Alton Avenue, \$248,391 from Local Drainage Area III, \$171,343 from Local Street Preventative Maintenance FY 19-20, \$98,516 from Local Street Preventative Maintenance FY 20-21, and \$505,341 from Local Street Preventative Maintenance FY 21-22 for a total of \$1,062,200 to the Local Street Preventative Maintenance FY 22-23 Project, completing the project's funding requirement.
3. Award a construction contract to Onyx Paving Company, Inc., the lowest responsible

bidder, in accordance with the base bid and add alternate in the amount of \$2,954,000 for construction of the Local Street Preventative Maintenance FY 22-23 Project, for a term beginning May 16, 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 \$3,840,200, which includes \$2,954,000 for the construction contract; \$443,100 for contract administration, inspection, and testing; and a \$443,100 project contingency for unanticipated or unforeseen work.
5. Determine these actions are exempt from further review pursuant to the California Environmental Quality Act as Categorical Exemption Environmental Review No. ER-2023-03 was filed for project 23-6907.

20. Approve Agreements with Kimley-Horn, Tetra Tech, Huitt-Zollars, Inc., RICK Engineering Company, Mark Thomas & Company, Inc., Psomas, Ardurra Group, Inc., CWE, Willdan Engineering, X Engineering & Consulting, Inc., Kleinfelder, Inc., IDS Group, Inc., TAIT & Associates, Inc., Alta Planning + Design, Inc., and KPFF Consulting Engineers for On-Call Engineering Services in an Aggregate Amount Not to Exceed \$5,000,000, 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 Kimley-Horn, Tetra Tech, Huitt-Zollars, Inc., RICK Engineering Company, Mark Thomas & Company, Inc., Psomas, Ardurra Group, Inc., CWE, Willdan Engineering, X Engineering & Consulting, Inc., Kleinfelder, Inc., IDS Group, Inc., TAIT & Associates, Inc., Alta Planning + Design, Inc., and KPFF Consulting Engineers to provide on-call engineering services for a shared aggregate amount not to exceed \$5,000,000, for a three-year term beginning May 16, 2023 and expiring on May 16, 2026, with the provision for one, two-year extension, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement Nos. 2023-088**).

21. Approve Agreements with David Evans and Associates, Inc., David Volz Design, Kimley-Horn and Associates, Inc., MIG, Inc., NUVIS, PlaceWorks, RJM Design Group, Inc., RRM Design Group, Studio One Eleven, and Verde Design, Inc. for On-Call Landscape Architectural Services in an Aggregate Amount Not to Exceed \$5,000,000 for up to a Five-Year Term (General Fund and Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with David Evans and Associates, Inc., David Volz Design, Kimley-Horn and Associates, Inc., MIG, Inc., NUVIS, PlaceWorks, RJM Design Group, Inc., RRM Design Group, Studio One Eleven, and Verde Design, Inc. to provide on-call landscape architectural services, for a shared aggregate amount not to exceed \$5,000,000, for a three-year term beginning May 16, 2023 and expiring May 15, 2026, with provisions for two, one- year extensions, subject to non-substantive changes approved by the City Manager and City Attorney

(Agreement Nos. 2023-089).

22. Approve License Agreement with Greyhound Lines, Inc.

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a site license agreement with Greyhound Lines, Inc. for the rental of one bus bay, for a one-year period beginning June 1, 2023 and expiring May 31, 2024, with four, one-year optional renewals, at a monthly rate of \$4,500, for a total amount of \$54,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-090**).

23. Approve an Amendment to the Agreement with EcoNomics, Inc. to Modify the Scope of Work for Solid Waste Consultant Services, Increase the Agreement Capacity in an Amount Not to Exceed \$634,345, and Exercise the One-Year Extension (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute the fourth amendment to the agreement with EcoNomics Inc. to expand the solid waste consulting services scope of work, increase the total compensation by \$574,345, with a contingency of \$60,000, for a total additional amount not to exceed \$634,345, and exercise the one-year extension expiring June 30, 2024, with option to extend the term for one additional year, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-091**).

24. Approve an Amendment to the Agreement with HF&H Consultants, LLC to Expand the Solid Waste Consultant Services Scope of Work, Increase the Agreement Amount by \$234,000, and Exercise the One-Year Term Extension (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute the fourth amendment to the agreement with HF&H Consultants, LLC to expand the solid waste consulting services scope of work, increase the total compensation by \$195,000, plus a contingency of \$39,000, for a total additional amount not to exceed \$234,000, and exercise the one-year term extension expiring June 30, 2024, with an option to extend the term for one additional year, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-092**).

25. Approve an Appropriation Adjustment and Approve an Agreement with Butier Engineering, Inc. for a Total Amount Not to Exceed \$500,000 for Construction Engineering Services for San Lorenzo Sewage Lift Station (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Approve an appropriation adjustment recognizing prior- year fund balance of \$500,000 in the Sewer Connection Fee Fund, Sewer Connection Projects, Prior Year Carry Forward revenue account, and appropriating the same amount into the Sewer Connection Projects, Improvements Other Than Building expenditure account. *(requires five affirmative votes)*
2. Authorize the City Manager to execute an agreement with Butier Engineering, Inc. for construction engineering services, for a total agreement amount of \$500,000 subject to non-substantive changes approved by the City Manager and the City Attorney **(Agreement No. 2023-093)**.
3. Approve an amendment to the Fiscal Year 2022-23 Capital Improvement Program for \$500,000 in construction funds for the San Lorenzo Sewer Lift Station Project (06-3510).

MINUTES: *Councilmember Bacerra inquired when the project would be completed and if additional appropriation of monies would be necessary.*

Public Works Director Nabil Saba stated additional appropriations would not be necessary, spoke regarding the status of the project, and stated the entire project should be complete by the end of July 2024.

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

MINUTES: *Councilmember Hernandez noted for the record a “Yes” vote for Item No. 25.*

26. **Approve Appropriation Adjustment Accepting Drinking Water State Revolving Fund Loan Funds for the Automated Metering Infrastructure Project in the Amount of \$10,117,365 (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action: Approve an appropriation adjustment accepting California State Water Resources Control Board’s Drinking Water State Revolving Fund loan funds in the

amount of \$10,117,365 into the Acquisition & Construction, Water Utility Water Division Capital Expense, Financing Proceeds/Reserve Appropriation revenue accounts and appropriate the same amount to the Acquisition & Construction, Water Utility Capital Projects, Water Capital Project/Reserve Appropriation expenditure accounts for current and future year expenditures. *(requires five affirmative votes)*

27. Adopt a Resolution Approving the Water Supply Assessment for the Cabrillo Town Center Project Located at 1901 East Fourth Street

Department(s): Public Works Agency

Recommended Action: Adopt a resolution approving the Water Supply Assessment for the Cabrillo Town Center project located at 1901 East Fourth Street.

RESOLUTION NO. 2023-024 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE WATER SUPPLY ASSESSMENT FOR THE PROPOSED CABRILLO TOWN CENTER PROJECT

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 27 as part of the Consent Calendar, seconded by Mayor Amezcua.

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

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

28. Resolutions of the City of Santa Ana City Council Exempting all Eligible Properties in the City of Santa Ana from the Requirements of Assembly Bill 2011 and Senate Bill 6 Pursuant to California Government Code Sections 65912.114, 65912.124, and 65852.24

Department(s): Planning and Building Agency

Recommended Action:

1. Adopt a resolution exempting all eligible properties in the City of Santa Ana from the requirements of Assembly Bill 2011 and Senate Bill 6 pursuant to California Government Code sections 65912.114 and 65912.124.

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY OF SANTA ANA EXERCISING ITS RETENTION OF LOCAL LAND USE CONTROL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 65912.114(i) and 65912.124(i) AND EXEMPTING CERTAIN PARCELS FROM CALIFORNIA GOVERNMENT CODE SECTIONS 65912.114 AND 65912.124 BASED UPON WRITTEN FINDINGS

(includes determination that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment).

2. Adopt a resolution exempting all eligible properties in the City of Santa Ana from the requirements of Assembly Bill 2011 and Senate Bill 6 pursuant to California Government Code Section 65852.24.

RESOLUTION NO. 2023-XXX entitled A RESOLUTION OF THE CITY OF SANTA ANA EXERCISING ITS RETENTION OF LOCAL LAND USE CONTROL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65852.24(e) AND EXEMPTING CERTAIN PARCELS FROM CALIFORNIA GOVERNMENT CODE SECTION 65852.24 BASED UPON WRITTEN FINDINGS (includes determination that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment).

MINUTES: *Item No. 28 continued to the June 20, 2023 City Council meeting.*

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

<u>BUSINESS CALENDAR</u>

MINUTES: *At 9:18 P.M., the Business Calendar was considered.*

29. **Approve Agreement with All City Management Services, Inc. for the School Crossing Guard Program in an Amount not to Exceed \$7,706,655 for up to a Five-Year Term (General Fund)**

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with All City Management Services, Inc. to provide a School Crossing Guard Program, in the total amount not to exceed \$7,706,655 for a three-year term beginning July 1, 2023 and expiring June 30, 2026, with an option for up to two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney **(Agreement No. 2023-093)**.

MINUTES: *Public Works Director Nabil Saba gave a presentation regarding the Crossing Guard Program.*

Mayor Amezcua spoke regarding the importance of crossing guards and Santa Ana

Unified School District's priorities and spoke in opposition to the Item.

Councilmember Penaloza spoke in opposition to the item and stated crossing guard expenses should be shared with the Santa Ana Unified School District.

MOTION: Mayor Amezcua moved to not approve Item No. 29, seconded by Councilmember Penaloza.

MINUTES: *Councilmember Bacerra spoke in opposition of the Item.*

Councilmember Hernandez spoke regarding the duties of the City Council and spoke in support of the item.

SUBSTITUTE MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 29, as presented, seconded by Councilmember Vazquez.

MINUTES: *Mayor Pro Tem Lopez and Councilmember Vazquez spoke in support to the item.*

Councilmember Phan inquired regarding partnerships with the Santa Ana Unified School District and joint-use agreements.

City Manager Kristine Ridge answered questions and provided clarification.

SECOND SUBSTITUTE MOTION: Councilmember Phan moved to continue Item No. 29 to the June 20, 2023 City Council meeting and have staff return with options for offsetting costs, seconded by Councilmember Penaloza.

MINUTES: *Discussion followed regarding fiscal responsibility, partnerships, and safety.*

The second substitute motion carried, 5-2, by the following roll call vote:

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

NOES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER VAZQUEZ

ABSTAIN: NONE

ABSENT: NONE

Status: 5 – 2 – Pass; Item No. 29 continued to June 20, 2023

30. Ordinance Amendment No. 2023-01 Amending Article II.II of Chapter 2 (Sunshine Ordinance) of the Santa Ana Municipal Code Related to Noticing, Meeting Format, and Transparency Measures for Community Meetings for Certain Development Projects

Department(s): Planning and Building Agency

Recommended Action: Conduct a first reading and adopt Ordinance Amendment No. 2023-01 amending Section 2-153 in Article II.II of Chapter 2 of the Santa Ana Municipal Code.

ORDINANCE NO. NS-3040 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, AMENDING ARTICLES II.II OF CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE (includes determination that this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to section 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment).

MINUTES: *Planning and Building Director Minh Thai gave a presentation regarding the Sunshine Ordinance Amendment.*

Councilmember Bacerra inquired regarding section 2-153(c)(3) development project website and requested three revisions to the ordinance amendments - section 2-153(c)(3) to reflect city's project web page instead of development project website, add to the end of the last sentence of section 2-153(b) 'and the information per subsection f is provided to the City', and remove the words 'at minimum' from the sentence in section 2-153(g)(1).

Planning and Building Director Minh Thai clarified the development project website is the city website.

Councilmember Phan inquired regarding the applicability of the 2000 ft. radius and the 25 units and spoke regarding translation of materials.

Mayor Pro Tem Lopez inquired regarding required number of forums.

Director Thai answered questions and provided clarification.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 30 as amended, seconded by Councilmember Phan.

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

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

MINUTES: *Councilmember Phan requested Consent Calendar Agenda Item No. 16 be reconsidered to approve the agreement but not allow Keyser Marston Associates, Inc. to provide analysis to policies.*

MOTION: Councilmember Phan moved to reconsider Consent Calendar Item No. 16, seconded by Mayor Pro Tem Lopez.

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

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

CONSENT CALENDAR AGENDA ITEM NO. 16 WAS RECONSIDERED AND MOVED OUT OF ORDER

- 16. Approve a First Amendment to Agreements with Keyser Marston Associates, Inc., David Paul Rosen & Associates, and RSG, Inc. for On-Call Affordable Housing Financial, Analytical, and Advisory Services on an As-Needed Basis in a Shared Amount not to exceed \$500,000 (related to Housing Authority Agenda Item No. 2)**

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute a First Amendment to three joint on-call consultant agreements for affordable housing financial, analytical, and advisory services with Keyser Marston Associates, Inc., David Paul Rosen & Associates, and RSG, Inc. to add an additional \$250,000 and to extend the term for two years until November 1, 2026, for a total shared amount not to exceed \$500,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2023-086**).

MINUTES: *Councilmember Phan spoke in support of Keyser Marston Agreement but to not allow Keyser Marston Associates, Inc. to provide analysis to policies.*

MOTION: Councilmember Phan moved to approve the recommended action for Item No. 16, amending the scope of services for consultant agreement with Keyser Marston Associates, Inc., seconded by Mayor Pro Tem Lopez.

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

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

31. Ordinance Amending City Manager's Contracting Authority for Public Works and Non- Public Works Contracts Under Chapter 2, Article VII and Article VII.II and Public Works Construction Rules and Regulations Under Chapter 33, Article VIII of the Santa Ana Municipal Code

Department(s): Public Works Agency

Recommended Action: Approve the first reading of an ordinance amending Articles VII and VII.II of Chapter 2 regarding the City Manager's contracting authority and City purchasing rules and regulations, and Article VIII of Chapter 33 regarding Public Works construction rules and regulations of the Santa Ana Municipal Code as follows: Amend Section 2-748 of Chapter 2, Article VII concerning the City Manager's Contracting Authority: (1) Public Works contracts to increase from \$250,000 to \$750,000; (2) emergency public works construction contracts to increase from \$100,000 to \$750,000; and (3) Non-Public Works and Public Works contract change orders authority increase from 10 percent or \$25,000, whichever is greater, to 20 percent. Amend Section 2-803 to 2-807 of Chapter 2, Articles VII.II concerning Purchasing Rules and Regulations: (1) Clarifying language administrative in nature; (2) Extending local vendor preference to increase from procurement between \$5,000 and \$100,000 to procurement between \$15,000 and \$100,000; (3) For administrative contracts to increase from \$5,000 to \$15,000; (4) For informal contracts to increase from \$5,000 and \$25,000 to \$15,000 and \$50,000; (5) For formal contracts to increase from \$25,000 to \$50,000; (6) For no-bid purchases to increase from \$25,000 to \$50,000; and (7) Add language to coincide with current practices for awarding service contracts. Amend Section 33-203 of Chapter 33, Article VIII concerning the Public Works Construction Rules and Regulations: (1) Housekeeping language administrative in nature.

ORDINANCE NO. NS-3041 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLES VII AND VII.II OF CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE REGARDING CITY MANAGER'S CONTRACTING AUTHORITY AND CITY PURCHASING RULES AND REGULATIONS, AND ARTICLE VII OF CHAPTER 33 OF THE SANTA ANA MUNICIPAL CODE REGARDING PUBLIC WORKS CONSTRUCTION RULES AND REGULATIONS (includes determination that this ordinance is not subject to the California Environmental Quality Act (CEQA) as it is exempt from CEQA review pursuant to sections 15061(b)(3) and 15061(b)(5) of the CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment).

MINUTES: Public Works Director Nabil Saba gave a presentation regarding the Ordinance Amending Contract Authority.

Discussion ensued regarding accessibility of all City contracts, threshold for City Manager contract authority, and transparency.

MOTION: Councilmember Phan moved to approve the recommended action for Item No. 31, as presented, seconded by Councilmember Hernandez.

SUBSTITUTE MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 31, as amended to decrease Public Works contracts to \$500,000 and add section 2-748(c) to require all contracts signed by the City Manager be posted on the City website with searching capabilities, 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 HERNADEZ, COUNCILMEMBER VAZQUEZ
MAYOR PRO TEM LOPEZ
ABSTAIN: NONE
ABSENT: NONE
Status: 4 – 3 - Pass

32. Ordinance Amending Article XI of Chapter 33 of the Santa Ana Municipal Code (Streets Sidewalks and Public Works) Related to Ceremonial Street Naming (continued from City Council meeting of March 7, 2023, Item No. 17)

Department(s): Public Works Agency

Recommended Action: Approve first reading of an ordinance amending Article XI of Chapter 33 of the Municipal Code relating to ceremonial street naming.

ORDINANCE NO. NS-3042 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING ARTICLE XI OF CHAPTER 33 OF THE SANTA ANA MUNICIPAL CODE (STREETS, SIDEWALKS AND PUBLIC WORKS) RELATING TO CEREMONIAL STREET NAMING (includes determination that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change to the environment, as there is no possibility it will have a significant effect on the environment and it is not a "project," as defined in Section 15378 of the CEQA Guidelines).

MINUTES: Public Works Director Nabil Saba gave a presentation regarding Ceremonial Street Naming.

Councilmember Hernandez spoke in support of the item.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 32, as presented, seconded by Councilmember Bacerra.

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

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

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

COUNCILMEMBER REQUESTED ITEMS

- 33. Discuss and Consider Directing the City Manager to Develop and Implement an Employee Anniversary Pin and Recognition Policy – Mayor Amezcua and Councilmember Phan**

MINUTES: Councilmember Phan spoke regarding developing and implementing an Employee Anniversary Pin and Recognition Policy.

Councilmembers Hernandez, Bacerra, Penaloza, and Vazquez spoke in support of the item.

RECESS

MINUTES Mayor Amezcua recessed the City Council meeting to address the Housing Authority agenda at 10:46 P.M.

RECONVENE

MINUTES Mayor Amezcua reconvened the City Council meeting at 10:48 P.M.

CITY MANAGER COMMENTS

MINUTES: City Manager Kristine Ridge announced the Public Works Family Festival Event on Saturday, May 20, 2023 at 11:00 A.M. – 3:00 P.M. at the Walnut Water Station.

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 Hernandez thanked all those who participated in the meeting.

Councilmember Vazquez congratulated all graduates for 2023 and spoke regarding Little Saigon toppers.

Councilmember Phan wished everyone a Happy Mothers Day and congratulated her sister-in-law and all 2023 graduates.

Councilmember Bacerra announced his monthly community office hours on June 10, 2023 at 10:00 A.M. at George Upton Park, spoke regarding attendance at the California Peace Officer's Memorial Ceremony, and wished everyone a Happy Memorial Day.

Mayor Amezcua congratulated all 2023 graduates.

Mayor Pro Tem Lopez announced a Bike Rally by OCTA on Thursday, May 18, 2023 at the Metrolink Station in Orange and invited all to attend, wished everyone a Happy Memorial Day Weekend, and announced an opening on ETAC.

Mayor Amezcua thanked all sponsors for the Prayer Breakfast and the Chamber of Commerce, spoke regarding trash complaints and requested complaints be addressed, provided an update on hiring of Police Officers, announced her attendance at Ceremony for a Collaborative Hub – Girls Inc. Families First, Big Brothers and Big Sisters and Orange County Human Relations, and spoke regarding safety and addressing areas of concern.

ADJOURNMENT – Adjourn the City Council meeting and convene to the Special Housing Authority meeting.

MINUTES: Mayor Amezcua adjourned the City Council meeting at 11:01 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk