

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



May 6, 2025

CLOSED SESSION MEETING – 4:00 P.M.

REGULAR OPEN MEETING – 5:30 P.M.

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701

CLOSED SESSION

CALL TO ORDER

MINUTES: Mayor Pro Tem Vazquez called the Closed Session meeting to order at 4:16 P.M.

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

ROLL CALL

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

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

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: *City Attorney Sonia Carvalho announced additional information was received for Closed Session Item No. 1, pertaining to Anchor Stone Christian Church, and the item has been withdrawn from consideration tonight.*

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

MINUTES: *None.*

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

MINUTES: *Mayor Pro Tem Vazquez recessed to consider the Closed Session items at 4:17 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. Anchor Stone Christian Church v. City of Santa Ana, et al., United States District Court Case No. 8:25-cv-00215-JWH-DFM
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6(a):
Agency Negotiator: Lori Schnaider, Executive Director of Human Resources
Employee Organization: Confidential Association of Santa Ana (CASA)
3. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6(a):
Agency Negotiator: Lori Schnaider, Executive Director of Human Resources
Employee Organization: Santa Ana Middle Management / Administrative Management Association (SAMA)
4. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6(a):
Agency Negotiator: Lori Schnaider, Executive Director of Human Resources
Employee Organization: Santa Ana Police Management Association (PMA)

5. PUBLIC EMPLOYEE - PERFORMANCE EVALUATION pursuant to Government Code Section 54957(b)(1):

TITLE: City Attorney, City Clerk, and City Manager

6. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Designated Representative: Lori Schnaider, Executive Director of Human Resources

Unrepresented Employee: City Attorney, City Clerk, and City Manager

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

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

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: Mayor Amezcua reconvened the City Council Meeting to order at 6:19 P.M.

ATTENDANCE

Councilmembers

Phil Bacerra

Johnathan Ryan Hernandez

Jessie Lopez

David Penaloza

Thai Viet Phan

Benjamin Vazquez

Valerie Amezcua

Mayor Pro Tem

Mayor

City Manager

City Attorney

City Clerk

Alvaro Nuñez

Sonia R. Carvalho

Jennifer L. Hall

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE

Victor Perez

WORDS OF INSPIRATION

Community Development Director Michael Garcia

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: *City Manager Alvaro Nuñez requested Public Hearing Agenda Item No. 21 be postponed to the June 3, 2025 City Council meeting.*

Mayor Amezcua asked the City Attorney whether the council has the ability to postpone Item No. 21.

City Attorney Sonia Carvalho stated council has the ability to postpone Item No. 21 by either opening the public hearing to continue it or choose not to open the public hearing which would require republishing the item.

Mayor Amezcua asked City Attorney Carvalho to confirm whether there was a response from the Fair Political Practices Commission (FPPC) regarding Councilmember Penaloza and Councilmember Lopez.

City Attorney Carvalho confirmed correspondence was received from the Fair Political Practices Commission (FPPC) for both Councilmember Penaloza and Councilmember Lopez, stated Councilmember Lopez will continue efforts to resolve the conflict, and recommended council open the public hearing and continue it to the meeting of June 3, 2025.

Mayor Amezcua stated the importance of the item and would like all council members who are able to participate to have the opportunity to provide input.

Councilmember Phan recused herself as her employer Rutan and Tucker represents some property owners in the area and left the dais at 6:24 P.M.

Councilmember Lopez recused herself per the Levine Act.

Councilmember Penaloza requested the name of the donors in conflict for transparency purposes.

Discussion ensued regarding campaign contribution transparency, the Levine Act, and the review process by FPPC.

Councilmember Lopez left the dais at 6:30 P.M.

City Attorney Carvalho clarified the requirement to publicly state the conflict at the dais once a decision is made based on the determination of the FPPC and provided additional clarification on the Levine Act.

Councilmember Penaloza stated his request for conflict review has been cleared by the FPPC.

AGENDA ITEM NO. 21 MOVED OUT OF ORDER

MOTION: Councilmember Bacerra moved to continue Public Hearing Item No. 21 to the June 3, 2025 City Council meeting, seconded by Councilmember Hernandez.

The motion carried, 5-0-2, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PENALOZA, MAYOR PRO TEM VAZQUEZ, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: COUNCILMEMBER LOPEZ (recusal), COUNCILMEMBER PHAN (recusal)
ABSENT: NONE
Status: 5 – 0 – 2 – **Pass**

MINUTES: Councilmembers Lopez and Phan returned to the dais at 6:36 P.M.

CEREMONIAL PRESENTATIONS

1. **Certificate of Recognition presented by Mayor Amezcua recognizing Reimagine for 75-years of Outstanding Contributions to the Community**

MINUTES: Mayor Amezcua presented a certificate of recognition to Reimagine for 75-years of outstanding contributions to the community.

2. **Proclamation presented by Councilmember Hernandez to Mark and James Vahradian in Honor of the Late Jack Vahradian**

MINUTES: Councilmember Hernandez presented a proclamation to Mark and James Vahradian in honor of the late Jack Vahradian.

3. **Certificate of Recognition presented by Councilmember Lopez recognizing The Center for Teacher Education on their 25-Year Anniversary**

MINUTES: Councilmember Lopez presented a certificate of recognition to The Center for Teacher Education on their 25-Year Anniversary.

4. **Proclamation presented by Councilmember Phan to Santa Ana's Parks, Recreation, and Community Services Aquatics Team declaring May 2025 as Water Safety Drowning Prevention Month**

MINUTES: Councilmember Phan presented a proclamation to Santa Ana's Parks, Recreation, and Community Services Aquatics Team declaring May 2025 as Water Safety Drowning Prevention Month.

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.*

PUBLIC COMMENTS – Public comments will be held during the beginning of the meeting for ALL comments on agenda and non-agenda items.

MINUTES: *City Clerk Jennifer L. Hall reported out the summary of email comments received: one (1) Agenda Item No. 17, two (2) Agenda Item No. 20, two (2) Agenda No. 23, two (2) Agenda Item No. 24, four (4) Agenda Item No. 25, and (15) non-agenda comments.*

The following speakers addressed City Council in-person:

- 1. Cherie Kerr spoke regarding the parking situation at the Orange County School of the Arts and her organization, the Orange County Crazies. She expressed concern regarding public safety and possible code violations.*
- 2. Dan Robinson expressed concern regarding public safety in the City related to Alejandro Acosta Oliveros.*
- 3. Sandra DeAnda expressed concern regarding information being withheld by the City and the Police Department related to ICE activity in the community and spoke regarding ICE activity within the City.*
- 4. Casey Conway spoke regarding data released from a public records request related to ICE activity within the community.*
- 5. Oscar Torres expressed concern regarding short-term rentals and Airbnbs and addressed gaps in the ordinance related to short-term rentals.*
- 6. Victor Mendez spoke regarding Agenda Item No. 23, expressing concern regarding communication efforts related to the East First Rehab Project.*

The following speaker addressed City Council via teleconference:

- 7. Patricia DeSantos spoke regarding community oversight for monies related to the Bristol Related Project.*

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 5 through 19 and waive reading of all resolutions and ordinances.

MINUTES: *At 7:28 P.M., the Consent Calendar was considered.*

Councilmember Hernandez announced a “No” vote on Agenda Item No. 14.

Councilmember Bacerra pulled Agenda Item Nos. 7 and 8 for separate discussion and consideration.

Councilmember Phan recused herself from Agenda Item Nos. 10 and 19 as the listed entities, Falck Mobile Health Corporation and City Ventures Homebuilding, LLC, are clients of her employer, Rutan and Tucker.

Councilmember Penaloza recused himself from Agenda Item No. 8 as the listed entity, Guaranty Chevrolet Motors, Inc., has made contributions to his campaign within the past 12 months.

Councilmember Lopez pulled Agenda Item No. 15 for separate discussion and consideration.

Mayor Pro Tem Vazquez pulled Agenda Item No. 15 for separate discussion and consideration.

MOTION: Councilmember Hernandez moved to approve Consent Calendar Item Nos. 5 through 19 with the exception of Agenda Item Nos. 7, 8, and 15 pulled for separate discussion and consideration, seconded by Councilmember Bacerra.

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

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

5. Excused Absences

Department(s): City Clerk’s Office

Recommended Action: Excuse the absent members.

6. Minutes from the Regular Meeting of April 15, 2025

Department(s): City Clerk’s Office

Recommended Action: Approve minutes.

AGENDA ITEM NO. 7 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

7. City of Santa Ana 2024 General Plan Annual Progress Report

Department(s): Planning and Building Agency

Recommended Action:

1. Receive and file the City of Santa Ana 2024 General Plan Annual Progress Report; and
2. Authorize staff to submit the City of Santa Ana 2024 General Plan Annual Progress Report to the State of California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR).

MINUTES: Councilmember Bacerra thanked staff and highlighted the launch of same-day express permit services (PBX) for certain residential and commercial projects, completion of the first round of stakeholder engagement for the comprehensive zoning code update, formation of the Environmental Justice Action Committee, the opening of Gerardo Mouet Park, and housing production allocations included in the General Plan update, and spoke in support of the item.

MOTION: Mayor Pro Tem Vazquez moved to approve the recommended action for Item No. 7, seconded by Mayor Amezcua.

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

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

NOES: NONE

ABSTAIN: NONE

ABSENT: COUNCILMEMBER LOPEZ

Status: 6 – 0 – 0 – 1 – **Pass**

AGENDA ITEM NO. 8 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

8. Purchase Order Contracts to Guaranty Chevrolet Motors, Inc. for Nine (9) Chevrolet Vehicles and Selmán Chevrolet Company for Seven (7) Chevrolet Vehicles (Spec No. 25-017) (General Fund & Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Authorize a purchase order to Guaranty Chevrolet Motors, Inc. for nine new 2025 Chevrolet Colorado Trucks, in an amount of \$360,093, plus a contingency amount of \$45,000, for a total amount not to exceed \$405,093.
2. Authorize a purchase order to Selman Chevrolet Company for six new 2025 Chevrolet Equinox EVs, and one new or unused 2025 Chevrolet Traverse, in an amount of \$299,229, plus a contingency amount of \$35,000, for a total amount not to exceed \$334,229.

MINUTES: Councilmember Penaloza recused himself from Agenda Item No. 8 as the listed entity, Guaranty Chevrolet Motors, Inc., has made a campaign contribution within the past 12 months, and left the dais at 7:35 P.M.

Councilmember Bacerra expressed concern regarding the proposed 12% contingency listed and expressed support for the item without the contingency amount.

Public Works Director Nabil Saba explained the 12% contingency.

City Manager Alvaro Nuñez addressed Council's concerns regarding the 12% contingency and explained the reasoning behind the contingency process.

Mayor Amezcua expressed concern regarding the proposed 12% contingency and spoke in opposition to the item with the 12% contingency.

Councilmember Phan inquired regarding the frequency a contingency amount has been expended and spoke in support of the item.

Director Saba confirmed the contingencies are rarely used.

Councilmember Hernandez spoke in support of the item.

Mayor Amezcua asked how many times contingency amounts have been used.

Director Saba explained he needs to check with his staff to confirm exact number.

Mayor Pro Tem Vazquez requested a report of the number of the times a contingency amount has been spent and how much was spent.

MOTION: Councilmember Phan moved to approve the recommended action for Item No. 8, seconded by Councilmember Hernandez.

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

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

MINUTES: *Councilmember Penaloza returned to the dais at 7:53 P.M.*

9. Agreement with Hinderliter, de Llamas and Associates (“HdL”) for Business License Tax and Fee Software Services (Specification No. 23-165) (General Fund & Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an agreement with Hinderliter, de Llamas and Associates (“HdL”) to provide business license tax and fee software services in an amount not to exceed \$1,557,525, for a five-year term beginning April 15, 2025 and expiring April 14, 2030, with provisions for one 2-year extension, followed by two 1-year extensions (**Agreement No. A-2025-053**).

10. First Amendment to Agreement with Falck Mobile Health Corporation dba CARE Ambulance Service to Provide Expanded Ground Non-Emergency Medical Transportation Services for the Santa Ana Police Department and Provision of Ambulance Compliance Data to Orange County Emergency Medical Services

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an Amendment to the Agreement with Falck Mobile Health Corporation dba CARE to add on the contract’s Scope of Work for Santa Ana Police Department ground non-emergency medical transportation services and monthly provision of Ambulance Compliance Data to Orange County Emergency Medical Services (**Agreement No. A-2025-054**).

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 10 as part of the Consent Calendar, seconded by Councilmember Bacerra.

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

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

11. First Amendment to the Memorandum of Understanding between the City of Santa Ana and the Santa Ana Police Management Association

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute a First Amendment to the Memorandum of Understanding (MOU) between the City of Santa Ana and the Santa Ana Police Management Association (PMA) for the period of January 1, 2022 through June 30, 2025, modifying and delineating specific articles of the MOU (**Agreement No. A-2025-055**).

12. Third Amendment to City Clerk Employment Agreement

Department(s): Human Resources

Recommended Action: Approve a third amendment to the City Clerk Employment Agreement reflecting the positive City Clerk performance evaluation conducted on April 15, 2025 and approving an increase to the City Clerk in the amount of deferred compensation provided by the City (**Agreement No. A-2025-056**).

***MINUTES:** City Clerk Jennifer L. Hall announced that Item No. 12 included an increase to the City provided deferred compensation for the City Clerk, effective April 15, 2025.*

13. Agreement with Contemporary Services Corporation for Security Services for City Special Events (Specification No. 24-138) (General Fund)

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

Recommended Action: Authorize the City Manager to execute an agreement with Contemporary Services Corporation to provide security services for City special events in an amount not to exceed \$500,000, for a three-year term beginning May 6, 2025 and expiring May 5, 2028, with provisions for two, one-year extensions (**Agreement No. A-2025-057**).

14. Agreement with SenseMakers, LLC to Provide Training Exercise Services for the Urban Area Security Initiative Grant Program FY2023 - FY2027 (Specification No. 25-024A) (Non-General Fund)

Department(s): Police Department

Recommended Action: Authorize the City Manager to execute a three-year agreement, with two, one-year renewal options, with SenseMakers, LLC to provide on-going training deliverables to the Anaheim/Santa Ana Urban Area on an as-needed basis, for the period of May 6, 2025 through May 5, 2028 in an aggregate amount not to exceed \$433,619 (**Agreement No. A-2025-058**).

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 14 as part of the Consent Calendar, seconded by Councilmember Bacerra.

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

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

AGENDA ITEM NO. 15 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

15. Agreements with Flock Group, Inc. and Motorola Solutions, Inc. for Automated License Plate Recognition Camera Installation and Maintenance Services (Specification No. 25-034) (Non-General Fund)

Department(s): Police Department

Recommended Action:

1. Authorize the City Manager to execute a three-year agreement with Flock Group, Inc. to provide automated license plate recognition camera installation and maintenance services, for the estimated period of May 6, 2025 through May 5, 2028, with provision for one, two-year extension, for an amount of \$196,560 plus a contingency amount of \$15,000, for a total amount not to exceed \$211,560. (**Agreement No. A-2025-059**).
2. Authorize the City Manager to execute a five-year agreement with Motorola Solutions, Inc. to provide automated license plate recognition camera installation and maintenance services, for the estimated period of May 6, 2025 through May 5, 2030, for an amount of \$454,099 plus a contingency amount of \$40,000, for a total amount not to exceed \$494,099. (**Agreement No. A-2025-060**).

MINUTES: Councilmember Lopez expressed concern with the third-party vendor data sharing, records retention, and personal identifying information collected by the Automated License Plate Reader (ALPR) system.

Mayor Pro Tem Vazquez expressed concern regarding third-party data sharing and spoke regarding the importance of having safeguards in place related to data sharing.

Mayor Amezcua spoke regarding the positive impacts of the automated license plate recognition system to the community and spoke in support of the item.

Deputy Police Chief Julian Rodriguez spoke regarding the ALPR system.

Councilmember Hernandez spoke regarding privacy versus policing, ALPR systems' history, and misuse of the system, echoed Councilmember Lopez's concerns, inquired about potential public records request and data retention, and spoke in opposition to the item.

Councilmember Phan asked who within the Police Department would have access to ALPR system data, spoke regarding auditing data retrieval logs, asked for clarification regarding the records retention, and recommended adopting a policy for a one-year retention.

Deputy Chief Rodriguez addressed concerns regarding the system's data accessibility, records retention, and facial recognition.

Mayor Amezcua spoke in support of the item and suggested a policy in the event of willful misuse of the ALPR system.

MOTION: Councilmember Hernandez moved to reject the recommended action for Item No. 15, seconded by Mayor Pro Tem Vazquez.

MINUTES: Councilmember Bacerra spoke regarding the importance of collaborating with surrounding Orange County agencies and spoke in support of the item.

Councilmember Penaloza spoke regarding the system's beneficial impacts to the community and spoke in support of the item.

Mayor Amezcua supported the item.

Councilmember Lopez stated her opposition to the item and reiterated her concern regarding the data sharing stipulated in the proposed contract.

Police Chief Robert Rodriguez clarified specifications of the contract related to data sharing.

SUBSTITUTE MOTION: Councilmember Phan moved to approve the recommended action for Item No. 15, as amended with a one year update from staff, 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 LOPEZ, MAYOR PRO TEM VAZQUEZ
ABSTAIN: NONE
ABSENT: NONE
Status: 4 – 3 – **Pass**

16. Service Agreement with Siemens Industry, Inc. for HVAC and Lighting Control Systems Maintenance (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Siemens Industry, Inc., for HVAC and Lighting Control System maintenance services in the amount of \$705,649, plus a contingency amount of \$70,565, for a total amount not to exceed \$776,214 for a term beginning July 1, 2025 and expiring June 30, 2026, with provisions for four, one-year extensions (**Agreement No. A-2025-061**).

17. Agreements with Transportation Studies, Inc. and National Data & Surveying Services for Traffic Counting Services (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with Transportation Studies, Inc. and National Data & Surveying Services for traffic counting services, in an aggregate amount not to exceed \$500,000, for a term beginning May 6, 2025 and ending on May 5, 2028, with the option for two, one-year extensions (**Agreement Nos. A-2025-062 and A-2025-063**).

18. First Amendment with California Barricade Rentals, Inc. dba California Barricade and Statewide Traffic Safety and Signs dba AWP Safety for On-Call Traffic Control Services

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute the first amendment to the standard agreements with California Barricade Rentals, Inc. and Statewide Traffic Safety and Signs to provide On-Call Traffic Control Services and update rates based on Consumer Price Index and/or Prevailing Wages as set by the California Department of Industrial Relations, for the remaining term of the agreement, and increase the contract amount by \$510,000, for a total amount not to exceed \$1,010,000 (**Agreement Nos. A-2025-064 and A-2025-065**).

19. Resolution and Density Bonus Agreement No. 2024-02 Property Located at 510 and 520 N Harbor Boulevard in Specific Plan No. 2

Department(s): Planning and Building Agency

Recommended Action:

1. Adopt a resolution approving Density Bonus No. 2024-02 as conditioned;

RESOLUTION NO. 2025-013 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING DENSITY BONUS AGREEMENT NO. 2024-02 FOR A FORTY-FIVE UNIT SINGLE-FAMILY ATTACHED TOWNHOME DEVELOPMENT LOCATED AT 510 AND 520 NORTH HARBOR BOULEVARD (APN: 100-631-05 & 100-631-04)

2. Determine that, pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the recommended action is exempt from further review under Section 15195 (Residential Infill Exemption), as this project meets all the threshold criteria set forth in Section 15192 (Threshold Requirements for Exemption); and
3. Authorize the City Manager to execute a Density Bonus Agreement with Alminlo Properties, LLC, for a 55-year term, for a for-sale residential development consisting of forty-five (45) attached for-sale townhomes, which includes five (5) units designated as affordable to moderate-income households at 510 and 520 N. Harbor Boulevard (**Agreement No. A-2025-066**).

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

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

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

NOES: NONE

ABSTAIN: COUNCILMEMBER PHAN (recusal)

ABSENT: NONE

Status: 6 – 0 – 1 – **Pass**

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

BUSINESS CALENDAR

MINUTES: *At 8:05 P.M., the Business Calendar was considered.*

20. Ordinance Adding Article XIV to Chapter 10 (Crimes and Miscellaneous Law Enforcement Provisions) of the Santa Ana Municipal Code Prohibiting the Sale or Distribution of Nitrous Oxide

Department(s): Police Department

Recommended Action: Conduct a first reading and adopt an ordinance adding Article XIV to Chapter 10 (Crimes and Miscellaneous Law Enforcement Provisions) of the Santa Ana Municipal Code prohibiting the sale or distribution of nitrous oxide:

ORDINANCE NO. NS-3079 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XIV TO CHAPTER 10 OF THE SANTA ANA MUNICIPAL CODE (CRIMES AND MISCELLANEOUS LAW ENFORCEMENT PROVISIONS) PROHIBITING THE SALE OR DISTRIBUTION OF NITROUS OXIDE

MINUTES: *Mayor Amezcua thanked Orange County Board of Supervisor Katrina Foley and spoke in support of the item.*

Councilmember Hernandez thanked Orange County Board of Supervisors Vicente Sarmiento and Katrina Foley and spoke in support of the item.

Mayor Pro Tem Vazquez requested a public health campaign to educate the youth, proposed a restorative justice program, require demographic reporting on citations, and requested a change to the age provision to 21.

Mayor Amezcua requested the age limit be 18.

Councilmember Lopez thanked Orange County Board of Supervisors Vicente Sarmiento and Katrina Foley and spoke in support of the item.

Councilmember Penaloza thanked Orange County Board of Supervisor Katrina Foley and city staff and spoke in support of the item.

Councilmember Phan spoke in support of age provision being 18.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 20, as amended to include a public health campaign, demographic reporting on citations, and limiting sales to those over the age of 18, seconded by Mayor Amezcua.

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

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

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

PUBLIC HEARINGS

PUBLIC COMMENTS – Members of the public may address the City Council on each of the Public Hearing items.

AGENDA ITEM NO. 21 WAS CONTINUED TO THE JUNE 3, 2025 CITY COUNCIL MEETING (see page 4-5)

21. Resolution to Make Findings and Adopt Addendum to the Transit Zoning Code Environmental Impact Report (State Clearinghouse Number No. 2006071100), Zoning Ordinance Amendment (ZOA) No. 2024-02 and Amendment Application (AA) No. 2024-03 Amending Certain Sections of Article XIX (The Transit Zoning Code, Specific Development No. 84) of Chapter 41 (Zoning) of the Santa Ana Municipal Code (SAMC) Addressing Industrial Land Uses, Nonconformities, and Operating Standards, and Amending the City of Santa Ana Zoning Map to Remove the Light Industrial (M1) and Heavy Industrial (M2) Suffixes from Certain Properties Within the SD-84 District Boundary

Public Hearing continued from April 1, 2025 City Council meeting and notice was posted on April 2, 2025.

Department(s): Planning and Building Agency

Recommended Action:

1. Adopt a resolution to make findings pursuant to Public Resources Code and to adopt the Addendum to the Transit Zoning Code Environmental Impact Report (State Clearinghouse Number No. 2006071100). Pursuant to the California Environment Quality Act (CEQA), and based on independent review and analysis, and the administrative record as a whole, that, in exercising its independent judgement, amend TZC SD-84 Final EIR with an addendum that the City Council find that pursuant to CEQA Guidelines Section 15162, no subsequent Environmental Impact Report (EIR) is required for the adoption of the proposed Ordinances; and pursuant to CEQA Guidelines Section 15164, an addendum to the Transit Zoning Code EIR was accordingly prepared.

RESOLUTION NO. 2025-XXX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO MAKE FINDINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 21166 AND TO ADOPT THE ADDENDUM TO THE TRANSIT ZONING CODE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER NO. 2006071100)

2. Adopt an ordinance to approve Zoning Ordinance Amendment (ZOA) No. 2024-02 amending certain sections of Article XIX (The Transit Zoning Code, Specific Development No. 84 (SD-84)) of Chapter 41 (Zoning) of the Santa Ana Municipal Code including amendments to the regulations, overlay districts and maps in the zoning district; modifying the authorized land uses and permit types; establishing revised non-conforming use regulations, including the addition of an amortization/termination of use process and adding operational standards for certain permitted and non-conforming uses.

ORDINANCE NO. NS-XXXX entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING ZONING ORDINANCE AMENDMENT NO. 2024-02, AMENDING CERTAIN SECTIONS OF CHAPTER 41 (ZONING) OF ARTICLE XIX OF THE SANTA ANA MUNICIPAL CODE RELATED TO THE REGULATIONS, OVERLAY DISTRICTS AND MAPS IN THE TRANSIT ZONING CODE/SPECIFIC DEVELOPMENT (SD) NO. 84 ZONING DISTRICT; MODIFYING THE AUTHORIZED LAND USES AND PERMIT TYPES; ESTABLISHING REVISED NONCONFORMING USE REGULATIONS, INCLUDING THE ADDITION OF AN AMORTIZATION/TERMINATION OF USE PROCESS AND ADDING OPERATIONAL STANDARDS FOR CERTAIN PERMITTED AND NONCONFORMING USES

3. Adopt an ordinance to approve Amendment Application (AA) No. 2024-03 amending the zoning by removing the M1(Light Industrial) and M2 (Heavy Industrial) suffixes from certain properties within the SD-84 zoning district boundary as designated on the City of Santa Ana Zoning Map.

ORDINANCE NO. NS-XXXX entitled AMENDMENT APPLICATION (AA) NO. 2024-03 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA ANA BY REMOVING THE M1 (LIGHT INDUSTRIAL) AND M2 (HEAVY INDUSTRIAL) SUFFIXES FROM CERTAIN PROPERTIES WITHIN THE SD-84 ZONING DISTRICT BOUNDARY

22. Approve the Tax Equity Fiscal Responsibility Act (TEFRA) Resolution Hearing for North Harbor Housing Partners LP (the “Borrower”) a Partnership of which Jamboree Housing Corporation (the “Developer”), Consisting at Least the Developer or a Related Person to the Developer and One or More Limited Partners

Legal Notice published in the OC Reporter on April 25, 2025.

Department(s): Community Development Agency

Recommended Action:

1. Conduct a Tax Equity and Financial Responsibility Act (TEFRA) Hearing in consideration of the issuance of tax exempt bond financing by the California Municipal Finance Authority (the "CMFA") on behalf of North Harbor Housing Partners LP (or the "Borrower"), for the benefit of Estrella Springs Apartment, FKA North Harbor Village Apartments (the "Project") to finance or refinance the acquisition, construction, improvement and equipping of Estrella Springs, a multifamily rental housing project located at 1108 North Harbor Boulevard, Santa Ana (the "Project").
2. Adopt a resolution approving the issuance of revenue bonds by the CMFA in an amount not to exceed \$30,000,000 to finance or refinance the acquisition, construction, improvement and equipping of a multifamily rental housing project located at 1108 North Harbor Boulevard, Santa Ana, California (the "Project").

RESOLUTION NO. 2025-014 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE ISSUANCE BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OF EXEMPT FACILITY BONDS FOR ESTRELLA SPRINGS

3. Preauthorize the City Manager to execute a future Subordination Agreement with JP Morgan Chase Bank, N.A. for the City's Community Development Block Grant loan agreement with North Harbor Housing Partners LP.

MINUTES: Councilmember Phan announced her recusal as the listed entity is a client of her employer, Rutan and Tucker, and left the dais at 9:04 P.M.

Mayor Amezcua opened the Public Hearing at 9:05 P.M.

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

Mayor Amezcua closed the Public Hearing at 9:05 P.M.

MOTION: Councilmember Hernandez moved to approve the recommended action for Public Hearing Item No. 22, seconded by Mayor Amezcua.

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

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

MINUTES: Councilmember Phan returned to the dais at 9:06 P.M.

****END OF PUBLIC HEARINGS****

COUNCILMEMBER REQUESTED ITEMS

- 23. Discuss and Consider Directing the City Manager to Direct City Staff to Draft and Bring Back an Ordinance for Council Consideration That Would Require Monthly City Inspections of Permanent Supportive Housing Communities Within the City of Santa Ana and the Posting of the Results of Those Inspections on the City of Santa Ana's Website – Councilmember Bacerra**

MINUTES: Councilmember Bacerra gave a brief report regarding an ordinance that would require monthly City inspections of permanent supportive housing communities and posting of the results on the city website. He requested the item come forward at the August 5, 2025 City Council meeting.

Mayor Amezcua spoke in support of the item and requested when the item comes back that it does not put the City in violation of the government code or HUD services.

City Attorney Sonia Carvalho stated she will work with staff and carefully review any potential legal issues.

Councilmember Phan requested additional information regarding potential litigation risks and associated fees related to process and data from the Police Department before requesting staff draft an ordinance.

Councilmembers Penaloza and Lopez echoed previous comments.

Mayor Pro Tem Vazquez spoke in support of additional information and addressing the issue.

- 24. Discuss and Consider Directing the City Manager and City Attorney to Direct Staff to Prepare an Ordinance Amending the Sign Code to Allow the Use of an A-Frame in Designated Commercial Areas– Councilmember Lopez**

MINUTES: Councilmember Lopez gave a brief report regarding drafting an ordinance amending the sign code to allow the use of A-Frames for small business owners in designated commercial areas.

Councilmember Hernandez spoke in support of the item and the beneficial impacts to the community.

Councilmember Bacerra spoke regarding ADA concerns, designated commercial areas, and parkways.

Mayor Amezcua spoke regarding ADA concerns and compliance.

Mayor Pro Tem Vazquez spoke in support of the item, however expressed ADA concerns.

Councilmember Phan requested design guidelines.

Councilmember Penaloza requested looking into the entire sign ordinance

City Manager Alvaro Nuñez stated he would bring back the item in August.

<u>WORK STUDY SESSION</u>

AGENDA ITEM NO. 25 WAS CONTINUED TO THE MAY 15, 2025 SPECIAL CITY COUNCIL MEETING

25. Fiscal Year 2025-26 Budget Work Study Session

Department(s): Finance and Management Services

Recommended Action: Discuss and provide direction to staff.

MINUTES: Mayor Pro Tem Vazquez requested the budget survey be extended.

CITY MANAGER COMMENTS

MINUTES: City Manager Alvaro Nuñez announced Public Service Recognition Week, expressed gratitude to staff, spoke regarding National Business Week, and encouraged all to support local businesses. He announced Asian-American and Pacific Islander Month, Brew at the Zoo fundraiser at the Santa Ana Zoo on Saturday, May 10, 2025, and Santa Ana Fun Run on Saturday, May 17, 2025, and stated the budget survey deadline will be extended to Thursday, May 15, 2025. He recognized the Planning and Building Agency for assisting the City of Santa Ana in winning the Sustainability Award from the Southern California Association of Governments.

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. April 23, 2025 Mayor Amezcua – California Assembly Installation, Sacramento, CA
2. April 26 – 29, 2025 Mayor Amezcua – 2025 Mayors and Police Chiefs Public Safety Meeting in Chicago, IL
3. May 4 – 5, 2025 Mayor Amezcua – California Peace Officers’ Memorial Ceremonies in Sacramento, CA
4. April 23 – 25, 2025 Councilmember Bacerra – 2025 City Leader Summit Hosted by the League of California Cities in Sacramento, CA
5. April 30 – May 2, 2025 Councilmember Bacerra – 2025 SCAG Regional Conference & General Assembly in Palm Desert, CA
6. May 4 – 6, 2025 Councilmember Bacerra – California Peace Officers’ Memorial Ceremonies in Sacramento, CA
7. April 23 – 25, 2025 Councilmember Penaloza – 2025 City Leaders Summit Hosted by the League of California Cities in Sacramento, CA
8. May 4 – 5, 2025 Councilmember Penaloza – California Peace Officers’ Memorial Ceremonies in Sacramento, CA

MINUTES: Councilmember Lopez thanked staff for all their hard work and efforts, announced a park clean-up on Saturday, May 10, 2025, with Orange County Habitat Restoration, dumpster day at Cabrillo Park, and Wednesday, May 14, 2025 for creek clean-up, and wished everyone a Happy Mother’s Day.

Councilmember Hernandez thanked staff and the public for their participation. He recognized the City Manager for completing bathroom modifications at El Salvador Park, spoke regarding data shared by Ben Camacho via public records request–DHS/ICE communications mandating automatic information release, expressed concern over community impact, and requested a City Council agenda item for May 20, 2025, to propose a policy ensuring automatic disclosure of DHS/ICE presence.

Councilmember Phan thanked Public Works staff for their efforts on Arbor Day and Earth Day, and emphasized the importance of protecting all community members in light of recent information related to immigration.

Councilmember Bacerra addressed community concerns regarding funding for the Related Bristol project in Ward 4 neighborhoods and discussion to be had at the May 15, 2025, City Council Meeting. He reported travel to Sacramento April 23 - 25, 2025, for the Cal Cities Conference, SCAG Regional Conference and General Assembly in Palm Desert, April 30 - May 2, 2025, and the Peace Officers Memorial. He noted his attendance at Senior Day for Segerstrom High School baseball. He extended well wishes to nurses in celebration of Nurses Week.

Councilmember Penaloza reported travel to Sacramento, April 23 - 25, 2025, for the City Leaders Summit by the League of California Cities and attended the California Peace Officers' Memorial Ceremonies on May 5, 2025, and expressed gratitude to the Santa Ana Police Department for their service. He wished the community a Feliz Día de las Madres and Mother's Day, invited all to attend Brew at the Zoo on Saturday, May 10, 2025, and thanked city staff for all the coordinated events.

Mayor Pro Tem Vazquez thanked staff for their efforts, recognized Valley High School softball team for their league win and counselor Mida Vazquez for helping 32 students earn AA degrees, spoke regarding attending neighborhood meetings in Pacific Park and Heninger Park to support watch programs, thanked Commissioner Joese Hernández for displaying student art at Grand Central, urged residents to speak on park funding, and wished all a Happy Mother's Day.

Mayor Amezcua acknowledged teachers for Teacher Appreciation Week, reported travel to Sacramento on April, 23 2025 for the California Assembly Installtion and to Chicago April 26-29, 2025 for the 2025 Mayors and Police Chiefs Public Safety Meeting, and California Peace Officers' Memorial Ceremonies in Sacramento, May 4-5, 2025. She recognized SEVA Collective's 5th anniversary. She spoke in support of extending the budget survey, thanked Aker Reyes, Girl Scout Troops 3132 and 4289, and the community for contributions to Arbor Day, welcomed Santa Ana Youth Soccer Team to City Hall, and invited residents to Coffee with the Mayor on May 10, 2025 at Salgado Recreation Center. She wished mothers a Happy Mother's Day, thanked meeting participants, and urged the community to seek out resources regarding those affected by immigration.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Amezcua adjourned the City Council Meeting at 10:23 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk