

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



July 16, 2024

CLOSED SESSION MEETING – 3:00 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 Amezcua called the Closed Session meeting to order at 3:19 P.M.

ATTENDANCE	Council Members	Phil Bacerra
		Johnathan Ryan Hernandez
		Jessie Lopez
		David Penaloza
		Benjamin Vazquez
	Mayor Pro Tem	Thai Viet Phan
	Mayor	Valerie Amezcua
	Acting 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 Hernandez (arrived at 3:20 P.M.), Lopez, and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present. Councilmembers Bacerra and Penaloza arrived during Closed Session.

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: None.

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 3:20 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. Vicente Gonzalez v. City of Santa Ana, Orange County Superior Court, Case No. 30-2022-01240688-CU-PO-WJC
B. Rita Ramirez v. City of Santa Ana, Orange County Superior Court, Case No. 30-2022-01287702-CU-OE-NJC
C. Santa Ana Short Term Rental Alliance v. City of Santa Ana, Orange County Superior Court, Case No. 30-2024-014084861-CU-WM-WJC
D. In re: National Prescription Opiate Litigation, United States District Court (N.D. Ohio), Case No. 1:17-md-2804
2. **PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT** pursuant to Government Code Section 54957(b)(1):
Title: City Manager
3. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to California Government Code Section 54957.6(a):
Agency Designated Representative(s): Jacob Green, Greg Devereaux
Unrepresented Employee: 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 6:34 P.M.

ATTENDANCE

Councilmembers

Phil Bacerra

Johnathan Ryan Hernandez

Jessie Lopez

David Penaloza

Benjamin Vazquez

Thai Viet Phan

Valerie Amezcua

Mayor Pro Tem

Mayor

Acting 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 (arrived at 6:36 P.M.), and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present.

PLEDGE OF ALLEGIANCE

Mike Limon

WORDS OF INSPIRATION

Greg Marquez, Immaculate Heart of Mary Catholic Church

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: City Clerk Jennifer L. Hall announced Item No. 5 and Public Hearing Item No. 28 have been continued to the August 6, 2024 City Council meeting.

CEREMONIAL PRESENTATIONS

- 1. Certificate of Recognition presented by Mayor Amezcua to Arturo Alvarez distinguished military service and exemplary contributions to the nonprofit organization U.S. Vets, Patriotic Hall**

***MINUTES:** Mayor Amezcua presented a certificate of recognition to Arturo Alvarez for his distinguished military services and exemplary contributions to the nonprofit organization U.S. Vets, Patriotic Hall.*

- 2. Proclamation presented by Councilmember Bacerra to the Orange County Goodwill in Recognition of their 100th Anniversary**

MINUTES: Councilmember Bacerra presented a proclamation to the Orange County Goodwill in recognition of their 100th Anniversary.

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

MINUTES: City Attorney Sonia Carvalho announced Closed Session Item No. 1D was not discussed and 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. 12, two (2) Agenda Item No. 26, one (1) Agenda Item No. 27, and 14 non-agenda comments.

The following speakers addressed City Council in-person:

1. *Fernando Deveras spoke regarding Commissioner Vega’s personal social media pages.*
2. *Dale Helvig spoke regarding Agenda Item No. 26.*
3. *Pam Hopkrik spoke in opposition to fireworks.*
4. *Dinorah spoke regarding corruption in government.*

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 3 through 25 and waive reading of all resolutions and ordinances.

MINUTES: At 7:05 P.M., the Consent Calendar was considered.

Councilmember Hernandez requested to comment on Agenda Item No. 12.

Councilmember Bacerra pulled Agenda Item Nos. 20 and 24 for separate discussion and consideration.

MOTION: Councilmember Bacerra moved to approve Consent Calendar Item Nos. 3 through 25 with the exception of Agenda Item Nos. 20 and 24 pulled for separate discussion and consideration, seconded by Councilmember Penaloza.

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

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

3. Excused Absences

Department(s): City Clerk's Office

Recommended Action: Excuse the absent members.

4. Minutes from the Regular Meeting of June 18, 2024

Department(s): City Clerk's Office

Recommended Action: Approve minutes.

AGENDA ITEM NO. 5 – CONTINUED TO THE AUGUST 6, 2024 CITY COUNCIL MEETING

5. Appoint Joshua Jogwe Nominated by Mayor Pro Tem Phan as the Ward 1 Representative to the Parks and Recreation Commission for a Partial Term Expiring December 10, 2024

Department(s): City Clerk's Office

Recommended Action: Appoint Joshua Jogwe to the Parks and Recreation Commission as the Ward 1 representative and administer the Oath of Office. *(Pursuant to SAMC Sec. 2-326(a), requires five affirmative votes)*

6. Appoint Cat Pham Nominated by Mayor Pro Tem Phan as the Ward 1 Representative to the Youth Commission for a Partial Term Expiring December 10, 2024

Department(s): City Clerk's Office

Recommended Action: Appoint Cat Pham to the Youth Commission as the Ward 1 representative and administer Oath of Office.

MINUTES: *City Clerk Jennifer L. Hall administered the Oath of Office to Youth Commissioner Cat Pham and Neylen Adoni Muñoz.*

7. Approve Destruction of Obsolete City Records

Department(s): Police Department and Library

Recommended Action: Approve the request for the destruction of obsolete records from the Police Department, Jail Bureau and the Library in accordance with the retention schedule outlined in City Council Resolution 2013-014.

8. Amendment to Agreement with Inland Moving & Storage Co., Inc. dba Burgess Moving & Storage for the Main Library and Newhope Library Projects (General Fund)

Department(s): Library

Recommended Action: Authorize the City Manager to execute an amendment to an agreement with Inland Moving & Storage, Co., Inc. dba Burgess Moving & Storage for additional moving and storage services for Main and Newhope Libraries, increasing compensation by \$121,389, for a total amount not to exceed \$345,313, and extending the term to December 31, 2026, with a provision for a one-year extension (**Agreement No. A-2024-091**).

9. Amendments to an Agreement with Java Connections, LLC dba LaptopsAnytime for the Purchase and Installation of a New Laptop Dispenser Kiosk at the Future Delhi Library Branch, along with Hardware Support and Software Licensing for the Delhi Kiosk and Existing Newhope Library Kiosk (General Fund)

Department(s): Library

Recommended Action: Authorize the City Manager to execute two amendments to an agreement with Java Connections, LLC, dba LaptopsAnytime for the purchase and installation of a laptop dispenser kiosk at the future Delhi Branch Library, hardware support, and software licensing through September 30, 2026 for the Delhi and Newhope kiosks, increasing compensation by \$48,924.39, for a total not-to-exceed amount of \$76,548.25 (**Agreement No. A-2024-092 and A-2024-093**).

10. Aggregate Agreements for Court Reporting and Transcription Services with Kennedy Court Reporters, Inc. and Regal Court Reporting, Inc. in an Aggregate Amount Not to Exceed \$250,000 (Specification No. 24-034) (General Fund)

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute aggregate agreements with Kennedy Court Reporters, Inc. and Regal Court Reporting, Inc. to provide court reporting and transcription services for a three-year term beginning July 16, 2024 and ending July 15, 2027, with provisions for two, one-year extensions, in an amount not to exceed \$250,000 (**Core Agreement No. A-2024-094**).

11. Agreement with MDG Associates, Inc. for the Preparation of the Fiscal Year 2025-29 Regional Assessment of Fair Housing and Memorandum of Understanding with Surrounding Jurisdictions

Department(s): Community Development Agency

Recommended Action:

1. Authorize the City Manager to execute an Agreement with MDG Associates, Inc. to prepare the Fiscal Year 2025-29 Regional Assessment of Fair Housing (AFH), whereby the City will act as the lead for the Regional AFH, in an amount not to exceed \$159,882 for a one-year term beginning August 1, 2024 and expiring July 30, 2025 (**Agreement No. A-2024-095**).
2. Authorize the City Manager to execute a Memorandum of Understanding and Payment Agreement with all of the surrounding jurisdictions in Orange County to jointly engage MDG Associates, Inc. to provide a Regional AFH, and authorize the City Attorney to reasonably revise or amend the Memorandum of Understanding as needed in order to collect payment, substantially in the form attached hereto, with all of the surrounding jurisdictions participating in the Regional AFH (**Agreement No. A-2024-096**).

12. Conditional Grant Agreement for \$2,200,000 and a Density Bonus Agreement with Habitat for Humanity of Orange County for the Development of Six Affordable Ownership Units Located at 1921 W Washington Avenue, Santa Ana, CA 92706 (Non-General Fund)

Department(s): Community Development Agency

Recommended Action:

1. Authorize the City Manager to execute a Conditional Grant Agreement with Habitat for Humanity of Orange County for \$2,200,000 in Inclusionary Housing Funds for the development of six affordable ownership units located at 1921 W Washington Avenue, Santa Ana, CA 92706 (APN 405-101-37) (**Agreement No. A-2024-097**).
2. Approve an appropriation adjustment recognizing \$2,200,000 in prior-year fund balance in the Inclusionary Housing Fund and appropriate the same into the Loans and Grants expenditure account (no. 41718820-69152). (*Requires five affirmative votes*)
3. Authorize the City Manager to execute a Density Bonus Agreement with Habitat for Humanity of Orange County for a 45-year term for the development of six affordable ownership units located at 1921 W Washington Avenue, Santa Ana, CA 92706 (APN 405-101-37) (**Agreement No. A-2024-098**).

4. Adopt a resolution approving Density Bonus Agreement No. 2024-01 as conditioned.

RESOLUTION NO. 2024-036 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING DENSITY BONUS AGREEMENT APPLICATION NO. 2024-01 AS CONDITIONED FOR A NEW FOR-SALE RESIDENTIAL DEVELOPMENT WITH SIX UNITS FOR THE PROPERTY LOCATED AT 1921 W WASHINGTON AVENUE (APN: 405-101-37) [includes determination that the recommended action is exempt from further review in accordance with the California Environmental Quality Act under Section 15195 (Residential Infill Exemption), as this project meets all the threshold criteria set forth in Section 15192 (Threshold Requirements for Exemption)]

MINUTES: Councilmember Hernandez spoke in support of the item.

13. **Receive and File the Notification by the City Engineer of the Final Tract Map No. 2017-04, County Tract Map No. 17976 at 3025 West Edinger Avenue (Applicant: Haphan Group, Inc., a California Corporation)**

Department(s): Public Works Agency

Recommended Action: Receive and file the notification.

14. **Construction Contract to Loengreen, Inc. for the Council Chambers ADA Restroom and Translation Booth Remodel Project (Project No. 22-0504) (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action:

1. Approve an appropriation adjustment recognizing \$554,472 of prior-year fund balance in the CATV Fund, Prior Year Carry Forward revenue account and appropriate the same amount to the CATV Fund, Buildings & Building Improvements expenditure account. *(Requires five affirmative votes)*
2. Approve an appropriation adjustment recognizing \$554,472 of prior-year fund balance in the Liability and Property Insurance Fund, Prior Year Carry Forward revenue account and appropriate the same amount to the Risk Management Projects, Buildings & Building Improvements expenditure account. *(Requires five affirmative votes)*
3. Award construction contract to Loengreen, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$821,440 for construction of the Council Chambers ADA Restroom and Translation Booth Remodel Project, for the term beginning July 16, 2024 and ending upon project completion, and authorize the City Manager to execute the contract.

4. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,108,994 which includes \$821,440 for the construction contract, \$123,216 for contract administration, inspection, and testing, and a \$164,288 project contingency for unanticipated or unforeseen work.
5. Approve an amendment to the Fiscal Year 2024-25 Capital Improvement Program to include \$1,108,944 in construction funding from the CATV Fund and Liability Property Insurance Fund.

15. Agreements with Willdan Engineering Inc., TKE Engineering, Inc., Charles Abbott Associates, Inc., Harris & Associates, Inc., and Cannon Corporation for On-Call Engineering Plan Check Services

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with the firms listed below to provide on-call engineering plan check services for a three-year period beginning July 16, 2024, and expiring June 30, 2027, with a provision for one, two-year renewal option for a total aggregate amount not to exceed \$1,500,000 for the term of the agreement and for the total annual compensation not to exceed \$300,000, including renewal options, exercisable by the City Manager (**Core Agreement No. A-2024-099**).

Firms	Location
Willdan Engineering, Inc.	Anaheim, CA
TKE Engineering, Inc.	Riverside, CA
Charles Abbott Associates, Inc.	Mission Viejo, CA
Harris & Associates, Inc.	Irvine, CA
Cannon Corporation	Irvine, CA

16. Appropriation Adjustment and Amendment to the Agreement with Aqua-Metric Sales Company to Add Funds to the Automated Metering Infrastructure Project (Project No. 16-6460) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Approve an appropriation adjustment to recognize \$15,000,000 of prior-year fund balance in the Public Works Water Revenue, Prior Year Carryforward and Water Utility Capital, Transfer from Fund 060 revenue accounts, and appropriate to the Water – Interfund Transfer, Transfer to Fund 066 and Water Utility Capital Projects, Water Capital Project expenditure accounts (*Requires five affirmative votes*).
2. Authorize the City Manager to execute a first amendment with Thirkettle Corporation, dba Aqua-Metric Sales Company, to increase the not-to-exceed

amount by \$6,000,000, including a contingency of \$1,500,000, for a new not-to-exceed amount of \$35,683,230 (**Agreement No. A-2024-100**).

3. Approve an amendment to the Fiscal Year 2024-2025 Capital Improvement Program to include \$15,000,000 in construction funds for the Automated Metering Infrastructure Project (Project No. 16-6460).

17. Additional Contingency Funds in the Amount of \$625,000 for an Existing Construction Contract with EverLevel Holdings, LLC for the First Street Slope Stabilization Project (Project No. 22-1341) (Revive Santa Ana Program)

Department(s): Public Works Agency

Recommended Action:

1. Approve an amendment to the Project Cost Analysis in the amount of \$625,000 in additional contingency funds for a new total estimated construction delivery cost of \$6,725,000.
2. Approve an amendment to the Fiscal Year 2024-25 Capital Improvement Program to include \$625,000 of American Rescue Plan Act (ARPA) funds for the First Street Slope Stabilization Project (22-1341).

18. Purchase Order to Mike Prlich and Sons, Inc. for Concrete Collar Replacement for Water and Sewer Appurtenances (Bid No. 24-021) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award a blanket order contract to Mike Prlich and Sons, Inc. for concrete collar replacement for water and sewer appurtenances for an annual amount not to exceed \$600,000, for a three-year term beginning July 1, 2024 and expiring June 30, 2027, with provisions for two 1-year renewal options.

19. Approve a Lease Agreement with PGH Wong Engineering, Inc. for Office Space at the Santa Ana Regional Transportation Center

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a lease agreement with PGH Wong Engineering, Inc. to compensate the City \$8,621 per month, with any partial month prorated at \$287 per day, for the lease of approximately 3,284 square feet of office space located at the Santa Ana Regional Transportation Center for a twelve-month term beginning on July 17, 2024, and ending July 16, 2025, with the option of 12 one-month extensions, for a total of \$207,456 in lease revenue for the entire term of the agreement, including optional extensions (**Agreement No. A-2024-101**).

AGENDA ITEM NO. 20 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

20. Approve a Lease Agreement with Walsh Construction Company II, LLC for Office Space at the Santa Ana Regional Transportation Center

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a lease agreement with Walsh Construction Company II, LLC to compensate the City \$11,627 per month, with any partial month prorated at \$388 per day, for the lease of approximately 4,429 square feet of office space located at the Santa Ana Regional Transportation Center for a 12-month term beginning on July 16, 2024 and ending July 15, 2025, with the option of 12 one-month extensions, for a total of \$279,850 in lease revenue for the entire term of the agreement, including optional extensions (**Agreement No. A-2024-102**).

MINUTES: Councilmember Bacerra asked for clarification regarding the intended tenant uses for the office space.

Public Works Director Nabil Saba indicated staff is exploring options to optimize the use of space.

Acting City Manager Alvaro Nuñez clarified that Economic Development will collaborate with Public Works to recruit businesses for the train station.

Mayor Amezcua expressed concern regarding safety and stated this area should be a priority area.

Councilmember Lopez echoed support for space optimization to benefit micro businesses owned by city residents.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 20, 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
VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Status: 7 – 0 – Pass

21. Construction Contract to AJ Fistes Corporation in the Amount of \$719,100 for the Painting and Wrought Iron Restoration (Project No. 24-6060 & 24-6061) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action:

1. Award a construction contract to AJ Fistes Corporation, the lowest responsible bidder, in accordance with the base bid in the amount of \$719,100, subject to change orders for Painting and Wrought Iron Restoration for the term beginning upon execution of the contract and ending upon project completion, and authorize the City Manager to execute the contract.
2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,197,000, which includes \$719,100 for the construction contract, \$107,865 for contract administration, inspection, and testing, and a \$370,035 project contingency for unanticipated or unforeseen work.
3. Approve an amendment to the FY 2024-25 Capital Improvement Program to include \$1,197,000 in construction funding approved in FY 2023-24 from the Clean California Local Grants Program through the California Department of Transportation.
4. Determine that, pursuant to the California Environmental Quality Act, the recommended actions are exempt from further review. Categorical Exemption Environmental Review No. ER-2024-43 was filed for projects 24-6060 and 24-6061.

22. Agreement with Blue Technologies Smart Solutions for Access and Support Services for iManage Data Management Systems

Department(s): City Attorney's Office

Recommended Action: Authorize the City Manager to execute a three-year agreement with Blue Technologies Smart Solutions ("BlueTech") for continued access and support services for the iManage Data Management Systems ("iManage") for the period of August 1, 2024 through July 31, 2027 in the amount of \$128,529, which includes the annual billing amount of \$36,843 for the iManage System and a contingency amount of \$18,000 to pay for additional support/maintenance and training services as directed by the City (**Agreement No. A-2024-103**).

23. Agreement for Tax Revenue Auditing, Analysis, Forecasting, and Reporting Services RFP (24-010)

Department(s): Finance and Management Services

Recommended Action:

1. Authorize the City Manager to execute agreements with Hinderliter, de Llamas and Associates (“HdL”) and HdL Coren & Cone (“HdLCC”) for various tax revenue services for an initial three-year term beginning July 1, 2024, with a provision for two one-year extensions exercisable by the City Manager and the City Attorney, in a total amount not to exceed \$1,346,714, which includes a 20% general contingency (**Agreement Nos. A-2024-104 and A-2024-105**).
2. Adopt a resolution authorizing the release of information to HdL from the California Department of Tax & Fee Administration in connection with the auditing of Sales and Use Tax making certain determinations relating thereto and authorizing certain actions in connection therewith.

RESOLUTION NO. 2024-037 entitled A RESOLUTION OF THE CITY OF SANTA ANA AUTHORIZING EXAMINATION OF SALES AND USE TAX RECORDS AND TRANSACTIONS AND USE TAX RECORDS

AGENDA ITEM NO. 24 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

24. Resolution to Effect Certain Changes to the City’s Basic Classification and Compensation Plan

Department(s): Human Resources

Recommended Action: Adopt a resolution to effect certain changes to the City’s basic classification and compensation plan.

RESOLUTION NO. 2024-038 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO EFFECT CERTAIN CHANGES TO THE CITY’S CLASSIFICATION AND COMPENSATION PLAN

MINUTES: Councilmember Bacerra requested to move the item for all units except SEIU, and to bring back the SEIU unit for separate discussion.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 24, as amended, seconded by Councilmember Hernandez.

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

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

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Status: 7 – 0 – Pass

25. Adopt Resolution to Summarily Vacate a Portion of Bristol Street - Abandonment 23-02 and Adopt Resolution Declaring Property as Exempt Surplus

Department(s): Public Works Agency

Recommended Action:

1. Adopt a resolution to summarily vacate excess Bristol Street right-of-way formerly portions of 1601 and 1607 North Bristol Street; Abandonment 23-02.

RESOLUTION NO. 2024-039 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SUMMARILY VACATING A PORTION OF A PUBLIC RIGHT-OF-WAY ADJACENT TO 1601 AND 1607 NORTH BRISTOL STREET (ABANDONMENT NO. 2023-02) [includes determination that the vacation of the Vacation Area is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to section 15378 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that it will have a significant impact of the environment.]

2. Adopt a resolution declaring City-owned property as exempt surplus land and directing the City Manager or designee to comply with the requirements of Government Code §54220 et seq. for the sale and transfer of ownership accordingly.

RESOLUTION NO. 2024-040 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING PROPERTY NEAR 1601 AND 1607 NORTH BRISTOL AS EXEMPT SURPLUS LAND AND DIRECTING THE CITY MANAGER TO FOLLOW THE PROCEDURES SET FORTH IN THE SURPLUS LAND ACT, CALIFORNIA GOVERNMENT CODE SECTION 54220, ET SEQ., AS AMENDED, FOR THEIR DISPOSITION [includes determination that the sale of the property as surplus is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15312 (Surplus Government Property Sales)].

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

BUSINESS CALENDAR

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

26. Consider Whether to Adopt Resolutions Authorizing Arguments, Rebuttal Arguments, and Impartial Analysis of Four Ballot Measures on the Ballot for the November 5, 2024 General Municipal Election

Department(s): City Clerk's Office

Recommended Action:

1. Consider whether to approve **RESOLUTION NO. 2024-041** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING WRITTEN ARGUMENTS FOR THE BALLOT MEASURE SUBMITTED FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION REGARDING A PROPOSED CHARTER AMENDMENT TO AMEND CHARTER SECTIONS 401.5, 611, 702, 703, 1002 AND 1003 TO DELETE REFERENCES TO OBSOLETE JOB TITLES AND OBSOLETE BONDING REQUIREMENTS, SPECIFY THAT ALL DEPARTMENT HEADS ARE AT-WILL EMPLOYEES, ADDRESS DEFINITIONS OF FUNDS AND LEVIES FOR COMPLIANCE WITH STATE LAW, AUTHORIZE LIMITED PURCHASING AUTHORITY FOR THE CITY CLERK AND CITY ATTORNEY AND REQUIRE THE CITY COUNCIL TO ADOPT AN ORDINANCE TO ENFORCE THE ETHICS CODE;
2. Consider whether to approve **RESOLUTION NO. 2024-042** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING WRITTEN ARGUMENTS FOR THE BALLOT MEASURE SUBMITTED FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION REGARDING A PROPOSED CHARTER AMENDMENT TO AMEND CHARTER SECTION 402 TO INDEX COUNCIL COMPENSATION AT A SALARY OF THIRTY-THREE (33%) PERCENT OF THAT OF AN ORANGE COUNTY SUPERIOR COURT JUDGE;
3. Consider whether to approve **RESOLUTION NO. 2024-043** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING WRITTEN ARGUMENTS FOR THE BALLOT MEASURE SUBMITTED FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION REGARDING A PROPOSED CHARTER AMENDMENT TO AMEND CHARTER SECTION 1203 TO PERMIT NONCITIZEN VOTING IN ALL CITY MUNICIPAL ELECTIONS; and
4. Consider whether to approve **RESOLUTION NO. 2024-044** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING WRITTEN ARGUMENTS FOR THE BALLOT MEASURE SUBMITTED FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION REGARDING WHETHER TO ADOPT A RENT STABILIZATION AND JUST CAUSE EVICTION ORDINANCE.

MINUTES: *City Clerk Jennifer L. Hall gave a presentation regarding the four measures.*

Discussion ensued regarding the order and number of authors that could be listed per measure.

City Attorney Sonia Carvalho clarified the order of priority for authors per the

Elections Code.

MOTION: Mayor Amezcua moved to approve the recommended action no. 1 for Item No. 26, and authorize Mayor Pro Tem Phan and Councilmember Bacerra to author the Argument in Favor of the Measure, seconded by Mayor Pro Tem Phan.

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

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

MOTION: Mayor Pro Tem Phan moved to approve the recommended action no. 2 for Item No. 26, and authorize Mayor Pro Tem Phan and Councilmember Bacerra to author the Argument in Favor of the Measure, seconded by Councilmember Bacerra.

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

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

MOTION: Councilmember Vazquez moved to approve the recommended action no. 3 for Item No. 26, and authorize Mayor Pro Tem Phan and Councilmembers Hernandez and Vazquez to author the Argument in Favor of the Measure, seconded by Councilmember Hernandez.

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

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

Status: 6 – 1 – Pass

MOTION: Councilmember Vazquez moved to approve the recommended action no. 4 for Item No. 26, and authorize Mayor Pro Tem Phan and Councilmembers Hernandez and Vazquez to author the Argument in Favor of the Measure, seconded by Councilmember Hernandez.

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

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

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

<u>PUBLIC HEARINGS</u>

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

MINUTES: *At 7:40 P.M., the Public Hearing was considered.*

27. Public Hearing – Approve an Amended and Restated Regulatory Agreement for the Rehabilitation of Garden Court Apartments Located at 300 East Santa Ana Boulevard, Santa Ana, CA 92701, Adopt a Resolution Approving the Issuance of Revenue Bonds, and Conduct a Tax Equity Fiscal Responsibility Act (TEFRA) Hearing

Legal notice published in the OC Reporter on July 9, 2024.

Department(s): Community Development Agency

Recommended Action:

1. Authorize the City Manager to execute an amended and restated agreement containing Affordable Housing Covenants with Orange Housing Development Corporation for the rehabilitation of Garden Court Apartments located at 300 East Santa Ana Boulevard, Santa Ana, CA 92701 (APN 398-323-08) (Contingent upon approval of Housing Authority Item # 3) (**Agreement No. A-2024-106**).

2. Approve the Relocation Plan and authorize the City Manager to approve amendments to the Relocation Plan prior to commencement of the rehabilitation of Garden Court Apartments, substantially in the draft form attached hereto, subject to changes consistent with the project approved by the City Manager and City Attorney.
3. Conduct a Tax Equity and Financial Responsibility Act Hearing in consideration of the issuance of tax-exempt bond financing by the California Municipal Finance Authority for C&C Development Co., LLC, to finance the acquisition, rehabilitation, improvement, and equipping of Garden Court Apartments located at 300 East Santa Ana Boulevard, Santa Ana, CA 92701 (APN 398-323-08).
4. Adopt a resolution approving the issuance of revenue bonds by the California Municipal Finance Authority in an amount not to exceed \$55,000,000 for financing the rehabilitation of Garden Court Apartments.

RESOLUTION NO. 2024-045 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 THE GARDEN COURT APARTMENTS

5. Determine that the approvals and authorizations provided for herein do not constitute a "project" within the meaning of California Public Resources Code § 21065 and authorize filing a notice of exemption based on the "common sense" exemption of 14 C.C.R. § 15061(b)(3) to the extent any activity would be considered a "project" because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the California Environmental Quality Act (CEQA).

MINUTES: *Mayor Amezcua opened the Public Hearing at 7:40 P.M.*

City Clerk Jennifer L. Hall reported out the summary of email comments received: one (1) Agenda Item No. 27.

There being no speakers, Mayor Amezcua closed the Public Hearing at 7:41 P.M.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 27, seconded by Mayor Amezcua.

MINUTES: *Councilmember Lopez thanked staff for providing clarification regarding the item.*

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

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

***PUBLIC HEARING AGENDA ITEM NO. 28 – CONTINUED TO THE AUGUST 6, 2024
CITY COUNCIL MEETING***

**28. Public Hearing – Recovery of Uncollected Costs Incurred by the City Related
to the Abatement of Dangerous and Abandoned Buildings**

Legal notice published in the OC Reporter on July 3, 2024 and property owner
notification letters mailed on same date.

Department(s): Planning and Building Agency

Recommended Action:

1. Adopt a resolution affirming the Fiscal Year 2023-2024 Dangerous and
Abandoned Building Program Report and authorize the transmittal of
uncollected charges incurred by the City related to the abatement of
dangerous and abandoned buildings to the office of Auditor-Controller, County
of Orange.

RESOLUTION NO. 2024-XXX entitled A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF SANTA ANA CONFIRMING THE COSTS OF
SECURING AND/OR DEMOLITION OF VARIOUS STRUCTURES
DECLARED TO BE PUBLIC NUISANCES; MAKING, CONFIRMING AND
LEVYING ASSESSMENTS FOR SUCH COSTS; AND ORDERING SUCH
COSTS TO BE RECORDED WITH THE ORANGE COUNTY RECORDER'S
OFFICE

2. Determine that the proposed action does not constitute a "project" under the
California Environmental Quality Act (CEQA) in accordance with section
15378(a) and (b)(5) as the adoption of this resolution authorizes an
administrative action and will not result in a direct or reasonable foreseeable
indirect physical change in the environment and there is no possibility it will
have a significant effect on the environment. Accordingly, it is exempt from
further CEQA review pursuant to section 15061(b)(3) and (b)(5) of the CEQA
guidelines as amended.

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

RECESS

MINUTES: Mayor Amezcua recessed the City Council meeting to consider the Housing Authority Agenda at 7:42 P.M.

RECONVENE

MINUTES: Mayor Amezcua reconvened the City Council meeting at 7:43 P.M.

CITY MANAGER COMMENTS

MINUTES: Acting City Manager Alvaro Nuñez gave a brief update regarding the Needle Exchange Program.

Acting Police Chief Robert Rodriguez spoke regarding the 4th of July Deployment and statistics, related challenges, and enforcement regarding fireworks.

Councilmember Bacerra expressed concern regarding the number of citations given.

Mayor Amezcua asked for clarification regarding the challenges in giving the administrative citations.

Acting Police Chief Rodriguez spoke regarding the challenges of administrative citations.

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. June 17-20, 2024 Mayor Amezcua – NALEO 41st Annual Conference, Las Vegas, NV
2. June 18-20, 2024 Councilmember Penaloza – NALEO 41st Annual Conference, Las Vegas, NV
3. June 18-20, 2024 Councilmember Vazquez – NALEO 41st Annual Conference, Las Vegas, NV
4. June 19-20, 2024 Councilmember Hernandez – NALEO 41st Annual Conference, Las Vegas, NV
5. June 19-21, 2024 Mayor Pro Tem Phan – 1st Annual AAPI Lead Summit, Las Vegas, NV
6. June 19-21, 2024 Councilmember Bacerra – 1st Annual AAPI Lead Summit, Las Vegas, NV

MINUTES: Councilmember Vazquez thanked the City for his paid attendance to NALEO, spoke in regards to the Supreme Court ruling regarding citing the homeless,

requested an increase in the Quality of Life Team and asked for support to sue the OC sheriff for releasing inmates in Santa Ana.

Councilmember Lopez reminded staff of her scheduled office hours at Riverview Park, invited the public to upcoming concerts and movies at the park, encouraged public to attend Parks, Recreation, and Community Services Agency's Shakespeare in the Park on July 31, 2024, spoke about her attendance at the OCFA awards ceremony, congratulated Fire Chief Henery for his recognitions, and wished everyone a happy summer.

Councilmember Penaloza thanked city staff for their hard work and efforts, asked about efforts underway to fill vacant storefronts with stores generating good tax revenue, thanked staff for the attention to the Edinger and Flower St. business corridor, requested the ongoing enforcement of public intoxication and homeless encampments, notified City staff about bringing forward for consideration a potential ordinance or ban concerning the sale of single beer cans within the city at the next City Council meeting, and wished his baby girl a happy six months and his wife a happy birthday.

Councilmember Hernandez spoke in regards to his June travel and lodging at the NALEO conference, thanked staff for their hard work and efforts for streamlining City Council meetings, thanked his colleagues and the public for their participation and efforts, and announced and spoke about August being Chicano Heritage Month and the activities taking place to honor it.

Councilmember Bacerra announced a Thursday concert at Carl Thornton Park, a Saturday workshop on zoning code updates at MIT, and a homeownership fair at Santa Ana College, and announced his upcoming office hours on August 3rd at Bomo Koral Park, spoke and thanked the city regarding his travel to the AAPI conference, discussed the Supreme Court ruling regarding issues of homelessness and criminality, requested an update at the next City Council meeting regarding the fencing along the Flower St. bike trail, and requested staff investigate for the market at Van Ness and Bishop and the 7-11 at Edinger and Flower regarding CUP and ABC Licenses.

Mayor Pro Tem Phan spoke regarding her attendance at the AAIP conference, and announced Friday movies at the park and National Night Out at Cabrillo Park on August 6th.

Mayor Amezcua spoke regarding her attendance at the NALEO conference and regarding the State of the City on June 27, noted that Summer Night Lights ends August 2nd, spoke regarding the Fourth of July, requested an update on the Police Commission for the next City Council meeting, notified the public about the resource fair at the Elks Lodge on July 28th, addressed the issue of homelessness, and expressed gratitude to the Santa Ana Police Department and the Orange County Fire Authority.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Amezcua adjourned the City Council Meeting in memory of former

Fire Chief Corey Comperatore at 8:25 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk