

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



August 15, 2023

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 Amezcua called the Closed Session Meeting to order at 4:08 P.M.

ATTENDANCE

Council Members

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

Mayor Pro Tem
Mayor

City Manager
City Attorney
City Clerk

Kristine Ridge
Sonia R. Carvalho
Jennifer L. Hall

ROLL CALL

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

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

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: City Attorney Sonia Carvalho asked that an item be added to the Closed Session Agenda regarding a syringe program, noting that the City had received notice after the agenda was posted and there was an immediate need to take action.

MOTION: Mayor Amezcua moved to add a closed session item related to the syringe program to the agenda, seconded by Councilmember Bacerra.

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

- AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA, COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ, MAYOR AMEZCUA
- NOES:** NONE
- ABSTAIN:** NONE
- ABSENT:** COUNCILMEMBER HERNANDEZ, MAYOR PRO TEM LOPEZ
- Status:** 5-0-0-2- **PASS**

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 4:10 P.M.

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

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of the Government Code:
 - A. Albert Castillo v. City Council of the City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2023-01339759-CU-WM-CJC

MINUTES: Mayor Pro Tem Lopez recused herself from the discussion of Closed Session Item No. 1A, left the room at 4:31 P.M., and returned to the room at 4:39 P.M. upon conclusion of the item's consideration.

B. Micah's Way v. City of Santa Ana, et al., United States District Court, Case No. 8:23-CV-00183-DOC-KES

2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION pursuant to Government Code Section 54957(b)(1)
TITLES: City Manager, City Attorney, City Clerk
3. CONFERENCE WITH LABOR NEGOTIATOR pursuant to California Government Code Section 54957.6(a)
Agency Designated Representative: Jason Motsick, Human Resources Executive Director
Unrepresented Employees: City Manager, City Attorney, City Clerk
4. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION pursuant to paragraph (4) of subdivision (d) of section 54956.9 of the Government Code: One (1) case.

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

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE **Volunteer Audience Member**

WORDS OF INSPIRATION **Rupert Vega, Police Chaplain**

ADDITIONS/DELETIONS TO AGENDA

MINUTES: City Clerk Jennifer L. Hall stated that Public Hearing Item No. 29 was cancelled and would be re-noticed and heard at a later date.

CEREMONIAL PRESENTATIONS

- 1. **Certificate of Recognition presented by Mayor Amezcua to Alexis Rodriguez Mejia for Academic Excellence/Accomplishments.**

MINUTES: Mayor Amezcua presented a certificate of recognition to Alexis Rodriguez Mejia for his Academic Excellence and Accomplishments.

- 2. **Certificate of Recognition presented by Councilmember Hernandez to the late B-Boy Abu for Outstanding Contributions to the Community.**

MINUTES: Councilmember Hernandez presented a certificate of recognition for outstanding contributions to the community to Aaron Mostel on behalf of the late Alex Ponce, aka B-Boy Abu.

- 3. **Proclamation presented by Councilmember Vazquez declaring August 28 – September 1, 2023 as National Community Health Workers Awareness Week.**

MINUTES: Councilmember Vazquez proclaimed August 28 to September 1, 2023 as National Community Health Workers Awareness Week and presented a proclamation to Josefina Jimenez, Maria Melan, and Ana Lydia.

STAFF PRESENTATIONS

- 4. **Permit Parking Program Update**

MINUTES: Public Works Director Nabil Saba gave a presentation regarding the Permit Parking Program Update.

CLOSED SESSION REPORT

MINUTES: City Attorney Sonia Carvalho announced that an item was added to the closed session involving the California Department of Public Health's approval for a syringe/needle exchange delivery program, and reported that City Council authorized a challenge to the approval.

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

MINUTES: The following speakers addressed Council via teleconference:

1. Daisy Ramirez spoke in opposition to Agenda Item No. 14.
2. Kara Sandoval expressed concern and spoke in opposition to Agenda Item No. 14.
3. Sonia Hernandez spoke in support of Agenda Item No. 14.
4. Eve Garrow urged rejection for Agenda Item No. 14.
5. Pat Davis expressed concern regarding Agenda Item No. 14.
6. Lou Noble spoke regarding Agenda Item No. 14.
7. Martha Molina thanked Mayor Amezcua regarding the needle exchange program, and spoke in support of Agenda Item No. 14.
8. Victor Payan invited the public to attend their Free Smart Walk South Main Arts Retail and Technology Resource Fair, spoke in support of revisiting fees for community centers, and spoke in opposition to Agenda Item No. 27.

The following speakers addressed Council in-person:

9. Angela Capoccia spoke in support of permit parking.
10. Alan Cottle expressed concern regarding permit parking and the risk for children when parking cars on a street.
11. Adam Zylstra spoke in support of permit parking and asked for support from Code Enforcement.
12. Brad Day spoke in opposition to permit parking and stated it is unsafe.
13. Janella Simpson spoke regarding Agenda Item No. 13.
14. Josey Tenorio commented on violence and murders against women and spoke in opposition to Agenda Item No. 14.

15. *James Rocha questioned why the art show at the Chicano Heritage Festival was cancelled.*
16. *Abram Moya Jr. echoed previous comments.*
17. *Tonatzin Reyes spoke in opposition to the cancellation of the art show.*
18. *Dale Helvig spoke in support of Agenda Item No. 14, spoke in opposition to the needle exchange program, and asked for support for the residents of Maui.*
19. *Uma Upasani spoke in opposition to Agenda Item No. 14.*
20. *David Ball asked for the cancelled art show to resume and expressed support for Agenda Item No. 14.*
21. *Kimberly Adams expressed concern regarding Agenda Item No. 14.*
22. *Danny Vega commented on the homelessness issue and affordable housing.*
23. *Maura Mikulec commented on Agenda Item No. 14 and the limited options for homeless individuals.*
24. *David Duran spoke in opposition to Agenda Item No. 14.*
25. *Brian Mendoza commented on the benefits of housing and spoke in opposition to Agenda Item No. 14.*
26. *Adam Overton spoke in opposition to Agenda Item No. 14.*
27. *Irma Juaregui expressed support for Agenda Item No. 14.*
28. *John Ramirez echoed previous comments and disagreed with the syringe distribution program.*
29. *Daniel Riley spoke in opposition to Agenda Item No. 14.*
30. *Frida Ramirez spoke in support of Agenda Item No. 14.*
31. *Claudio Bornancini echoed previous comments.*
32. *Bertha Carrillo asked for solutions on homelessness.*
33. *Victor Mendez commented on Agenda Item No. 14.*
34. *Juliana Musheyev spoke in opposition to Agenda Item No. 14.*

35. *Nellie Le Gaspé expressed concern regarding a resident of Garden Grove slandering her at City Council meetings.*

36. *Iveen Roubedeaux expressed concern regarding the resident of Garden Grove slandering Nellie.*

City Clerk Jennifer L. Hall reported out the summary of email comments received: four (4) comments regarding Agenda Item No. 4, two (2) comments on Agenda Item No. 12, 134 comments related to Agenda Item No. 14, one (1) comment on Agenda Item No. 15, two (2) comments on Agenda Item No. 27, 24 comments on Agenda Item No. 29, and ten (10) non-agenda comments.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 5 through 26 and waive reading of all resolutions and ordinances.

MINUTES: *At 9:04 P.M., the Consent Calendar was considered.*

Councilmember Hernandez moved the calendar and pulled Agenda Item No. 14 for separate discussion and consideration.

Councilmember Bacerra pulled Agenda Item Nos. 12 and 14 for separate discussion and consideration.

Councilmember Phan recused herself from Agenda Items Nos. 9 and 22 as the listed entities are clients of her employer, Rutan & Tucker.

Councilmember Vazquez pulled Agenda Item No. 14 for separate discussion and consideration.

Councilmember Penaloza pulled Agenda Item Nos. 9, 16, and 26 for separate discussion and consideration.

Mayor Pro Tem Lopez pulled Agenda Item No. 9 for separate discussion and consideration.

Mayor Amezcua requested to comment on Agenda Item No. 15.

MOTION: Councilmember Hernandez moved to approve the Consent Calendar with the exceptions of Agenda Items No. 9, 12, 14, 16, and 26, seconded by Councilmember Bacerra.

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

5. Excused Absences

Department(s): City Clerk’s Office

Recommended Action: Excuse the absent members.

6. Appoint Maria Baeza Nominated by Mayor Pro Tem Lopez as the Ward 3 Representative to the Environmental and Transportation Advisory Commission for a Partial-Term Expiring December 10, 2024

Department(s): City Clerk’s Office

Recommended Action: Appoint Maria Baeza to the Environmental and Transportation Advisory Commission as the Ward 3 representative and administer the Oath of Office.

***MINUTES:** City Clerk Jennifer L. Hall administered the Oath of Office to Maria Baeza.*

7. (Re)appoint Members to the Workforce Development Board for a Four-Year Term

Department(s): Community Development Agency

Recommended Action: 1. Reappoint Ignacio Alegre, Gail Araujo, Annebelle Nery, Enrique Perez, Johanna Rivera, Bob Tucker, and Dennis Varnum to the Santa Ana Workforce Development Board for a four-year term expiring May 31, 2027.

2. Appoint Veronica Hernandez (replacing Magdalena Fernandez) for a partial four-year term expiring May 31, 2026.

3. Appoint Rhonda Miller (replacing Stacey Sanchez) for a partial four-year term expiring May 31, 2026.

8. Authorize Staff to Provide a Letter of Interest to CalOptima Health to Have the City of Santa Ana be Considered as a Future Expansion City for its Street Medicine Program

Department(s): Community Development Agency

Recommended Action: Authorize staff to provide a Letter of Interest to CalOptima Health to launch a Street Medicine Program in the City of Santa Ana that will provide health and social care developed specifically to address the complex needs and circumstances of unhoused, unsheltered individuals in the City of Santa Ana.

9. Approve a Modification to the Fiscal Year 2023-24 Annual Action Plan and Budget for the Emergency Solutions Grant Program

Department(s): Community Development Agency

Recommended Action: 1. Approve a modification to the Fiscal Year 2023-24 Annual Action Plan and Budget for the Emergency Solutions Grant Program.

2. Direct the City Attorney to finalize and authorize the City Manager to execute a subrecipient agreement with Illumination Foundation, in the amount of \$100,000, for a term beginning August 15, 2023 – June 30, 2024, for rapid rehousing and homeless prevention activities, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-145**).

MINUTES: *Councilmember Phan recused herself from Agenda Item No. 9 as the listed entity is a client of her employer, Rutan & Tucker, and left the dais at 9:08 P.M.*

Councilmember Penalosa expressed support of the item and asked City Manager Ridge and City Attorney Sonia Carvalho to revise the language to include various forms of public transit to be included in the use of funds.

Councilmember Hernandez expressed support for the item.

Mayor Pro Tem Lopez asked City Manager Ridge for clarification on the language within the agreement regarding legal services.

Community Development Executive Director Mike Garcia called upon Jordan from Illumination Foundation for further explanation.

Jordan Hoiberg, Illumination Foundation, provided clarification regarding legal services.

Mayor Pro Tem Lopez thanked Jordan for the clarification and requested a quarterly report be compiled to include information as to how many people are assisted and the associated cost.

Mayor Amezcua added and asked to arrange that no children are sheltered, and that they be relocated to motels or forever homes.

City Manager Kristine Ridge assured Mayor Amezcua that her request would be accommodated.

MOTION: **Councilmember Penalosa moved to approve the recommended action for Item No. 9, as amended to include public transit and quarterly reports, seconded by Councilmember Hernandez.**

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**

MINUTES: Councilmember Phan returned to the dais at 9:17 P.M.

10. Approve Appropriation Adjustment to Program Year 2023-24 Budget for the National Dislocated Worker Grant and Workforce Innovation and Opportunity Act Programs

Department(s): Community Development Agency

Recommended Action:

1. Approve an appropriation adjustment recognizing additional National Dislocated Worker Grant, Employment Recovery funds from the State of California, Employment Development Department to provide re-employment and training services to individuals impacted by COVID-19 in the amount of \$360,000 in revenue account (no. 12318002-52009) and appropriating same to expenditure account (no. 12318762-6xxxx) *(Requires five affirmative votes)*.
2. Approve an appropriation adjustment recognizing \$2,884 in additional Dislocated Worker Title Workforce Innovation and Opportunity Act funds from Program Year 2022-23 in revenue account (no. 12318002-52001) and appropriating same to expenditure accounts (no. 12318752-61000 and 12318754-69138) for Program Year 2023-24 *(Requires five affirmative votes)*.

11. Agreement with the State of California Workforce Development Board for the Prison to Employment (P2E) 2.0 Grant

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager or designee to execute an agreement with the State of California Workforce Development Board (M90462- 7120) for the Prison to Employment 2.0 Grant, for a term from August 16, 2023 through December 31, 2025, in an amount not to exceed \$927,341.16, subject to non- substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-146**).

12. Authorize a Purchase and Sale Agreement in the Amount of \$3,826,000 for Full Real Property Acquisition for 28 Civic Center Plaza (Property Owner: State of California) (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute the Purchase and Sale Agreement and all required documents for the acquisition of real property located at 28 Civic Center Plaza (APN: 008-067-36), in the amount of \$3,826,000 plus closing costs and escrow fees, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-147**).

MINUTES: Councilmember Penaloza expressed support for the item and stated, for the record, that the future Civic Center will include State and Federal Government offices alongside the City and County buildings.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 12, 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
NOES:	AMEZCUA
ABSTAIN:	NONE
ABSENT:	NONE
Status:	7-0 – Pass

13. Receive and File the Orange County Grand Jury’s Investigative Report, Findings, and Recommendations Regarding Group Homes and the Orange County Animal Care Shelter and Authorize the City Manager to Deliver the City’s Response to the Findings and Recommendations to the Presiding Judge of the Superior Court

Department(s): Planning and Building Agency

Recommended Action: Receive and File the Orange County Grand Jury’s Investigative Report, Findings, and Recommendations Regarding Group Homes and the Orange County Animal Care Shelter and Authorize the City Manager to Deliver the City’s Response to the Findings and Recommendations to the Presiding Judge of the Superior Court.

14. Public Intoxication and Substance Abuse Enforcement Informational Report

Department(s): Police Department

Recommended Action: Receive and file.

MINUTES: City Manager Kristine Ridge explained that the Public Intoxication and Substance Abuse Enforcement received majority vote for implementation two (2) City Council meetings prior, and this item was solely a receive and file.

Councilmember Vazquez stated the City of Santa Ana should not be the bearer to solve the issue and called for a creation of an Unhoused Committee.

Councilmember Hernandez spoke in opposition to police involvement with homelessness.

Councilmember Phan spoke in support of the item.

Mayor Pro Tem Lopez expressed support for Chief Valentin and stated the plan was implemented as a result of resident pleas.

Councilmember Penaloza clarified that the Public Intoxication and Substance Abuse Enforcement is not to target homeless and spoke in support of the item.

Councilmember Bacerra asked when residents should see the policy in effect.

Police Chief David Valentin stated the policy is in full effect and quarterly reports would be provided.

Councilmember Penaloza thanked Chief Valentin and his team for being proactive at the Santa Ana hot spots.

Councilmember Vazquez thanked Chief Valentin and requested the list of priorities for the Police Department to review where the Public Intoxication and Substance Abuse Enforcement would be on that list.

Discussion ensued regarding medical care within jail facilities.

Mayor Amezcua requested monthly reports.

No formal action taken.

15. Street Naming No. 2023-01 to Change the Name of a Segment of North Mabury Street and South Elk Lane between East Fourth Street and East Chestnut Avenue, Adjacent to the Santa Ana Zoo, to South Zoo Lane

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

Recommended Action: Affirm the Planning Commission's adoption of a resolution approving Street Naming No. 2023-01 to change the name of segments of North Mabury Street and South Elk Lane between East Fourth Street and East Chestnut Avenue, adjacent to the Santa Ana Zoo, to South Zoo Lane.

MINUTES: Mayor Amezcua called upon Director of Parks and Recreation Scott.

Director of Parks and Recreation Hawk Scott provided a brief history, and presented the new street sign of Zoo Lane.

16. Receive and File Informational Report Regarding Partnership Agreements with the Office of Congressman Lou Correa and the Office of Supervisor Vicente Sarmiento for Chicano Heritage Festival 2023

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

Recommended Action:

1. Receive and File Informational Report Regarding Partnership Agreements with the Office of Congressman Lou Correa and the Office of Supervisor Vicente Sarmiento for Chicano Heritage Festival 2023.
2. Approve an appropriation adjustment to recognize a total financial donation in the amount of \$5,000 from the Office of Congressman Lou Correa. *(Requires five affirmative votes)*
3. Approve an appropriation adjustment to recognize a total financial donation in the amount of \$10,000 from the Office of Supervisor Vicente Sarmiento. *(Requires five affirmative votes)*

MINUTES: *Councilmember Penaloza spoke in opposition to the item, due to an elected official's involvement.*

Councilmembers Hernandez and Vazquez expressed their support for the item and extended their gratitude to the elected officials for their donations to the Chicano Heritage Festival.

Councilmember Phan expressed her support for those willing to work with the City of Santa Ana to donate to the Chicano Heritage Festival.

Councilmembers Vazquez and Hernandez spoke regarding the political aspect of the event.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 16, seconded by Councilmember Vazquez.

SUBSTITUTE MOTION: Councilmember Phan moved to approve the recommended action for Item No. 16, with the direction to staff to review the policy related to elected officials and candidates as potential sponsors, seconded by Councilmember Hernandez.

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

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

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 16, seconded by Councilmember Vazquez.

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

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

(See page No. 22 for the reconsideration of Agenda Item No. 16.)

17. Approve an Appropriation Adjustment to Receive Sponsorship Funds from, and Enter into Sponsorship Agreement with, Laborers’ International Union Local #652 for the Chicano Heritage Festival 2023

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

Recommended Action:

1. Approve an appropriation adjustment to recognize a total amount of \$7,000 in Sponsorship Funds from Laborers’ International Union Local #652. *(Requires five affirmative votes)*
2. Authorize the City Manager to execute a Sponsorship Agreement with Laborers’ International Union Local #652, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-148**).

18. Receive and file Quarterly Report of Contracts authorized by the City Manager as permitted by Charter Section 421.

Department(s): Finance and Management Services

Recommended Action: Receive and file Quarterly Report of Contracts entered into between April 1, 2023 to June 30, 2023.

19. Amend Aggregate Blanket Order Contracts for Office Furniture, Installation, and Related Services with GM Business Interiors, People Space, Inc., Pivot Interiors, Inc., Quality Office Furnishing, Inc., Culver-Newlin, Inc., and Yamada Enterprises, and include National Business Furniture to the list of approved vendors on contract, for a new not-to-Exceed Aggregate Amount of \$10,507,548. (Specification No. 19-114, 23- 080, 23-081, 23-082, 23-092) (General and Non-General Fund)

Department(s): Finance and Management Services

Recommended Action:

1. Authorize the City Manager to execute an amendment to increase the aggregate contract authority by \$4,480,000 for various citywide furniture projects, for a new aggregate not to exceed amount of \$10,507,548.
2. Authorize the City Manager to include National Business Furniture in the list of approved vendors on the aggregate contracts listed below, with a term expiring on May 31, 2026, with provisions for one additional renewal option, subject to non- substantive changes approved by the City Manager and City Attorney.

<u>Vendor</u>	<u>Location</u>
Culver-Newlin	Corona, CA
GM Business Interiors	Riverside, CA
National Business Furniture	Milwaukee, WI
People Space	Irvine, CA
Pivot Interiors	Costa Mesa, CA
Quality Office Furnishings, Inc.	Yorba Linda, CA
Yamada Enterprises	Huntington Beach, CA

20. Historic Property Preservation Agreement

Department(s): Planning and Building Agency

Recommended Action: Authorize the City Manager or designee to execute the Mills Act agreement with the below-referenced property owners for the identified structure(s), subject to non-substantive changes approved by the City Manager and City Attorney.

<i>Property Owner(s)</i>	<i>Historic Property Preservation</i>	<i>Address/House</i>	<i>Vote by HRC</i>
Daniel and Diana Vogel (Agreement No. No. A-2023-149)	2023-06	621 North Spurgeon Street	5:0:0:3 (Jauregui, Shipp, and Cornelius Absent)

21. Approve an Appropriation Adjustment for the Santiago Park Trail and Habitat Restoration Project (Project No. 24-6601) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Approve an appropriation adjustment to recognize the State Coastal Conservancy grant revenue of \$400,000 into the Public Works Agency (PWA) Parks Capital Grants, State Grant-Direct Revenue Account and appropriate the same amount into the SA River Conservancy Program, Improvements Other Than Buildings. *(Requires five affirmative votes)*

22. Award Aggregate Blanket Order Contracts to ADT, LLC, Siemens Industry, Inc., and VFS Fire & Security Services for Fire Alarm and Sprinkler Systems Inspection, Repair, and Maintenance Services in a Not-to-Exceed Aggregate Amount of \$2,000,000 (Specification No. 23-063) (General and Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award aggregate blanket order contracts to ADT, LLC, Siemens Industry, Inc., and VFS Fire & Security Services for fire alarm and sprinkler systems inspection, repair, and maintenance services on an as needed basis, in an annual amount not to exceed \$400,000, with a total aggregate amount not to exceed \$2,000,000 for an initial one-year term beginning September 1, 2023 and expiring August 31, 2024, with provisions for four, one-year renewal options, subject to non-substantive changes approved by the City Manager and City Attorney.

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 22 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 VAZQUEZ, MAYOR PRO TEM LOPEZ, MAYOR AMEZCUA
NOES:	NONE
ABSTAIN:	COUNCILMEMBER PHAN (recusal)
ABSENT:	NONE
Status:	6-0-1– PASS

23. Approve an Agreement with ELS Architecture and Urban Design for Architectural Design Services of the Memorial Park and Aquatics Facility Renovation (Project No. 22-1415) (Non-General Fund) (Revive Santa Ana)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a consultant agreement with ELS Architecture and Urban Design to provide master planning, contract documents, and construction support for the Memorial Park and Aquatics Facility Renovation in the amount of \$1,547,104, with a contingency of \$232,066, for a total amount not to exceed \$1,779,170, for a three-year term beginning August 15, 2023 and expiring August 14, 2026, with an option for two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-150**).

24. Approve Agreement Amendments with On-Call Stormwater Project Design Consultants

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a first amendment to the agreements with Tetra Tech, Inc., CWE, and Stantec Consulting Services, Inc. to increase the total expenditure amount for the remaining term of the agreement ending October 19, 2023, and for the optional two-year extension period through October 19, 2025, by an aggregate amount of \$2,000,000, for a total amount not-to-exceed \$4,000,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Core Agreement No. A-2023-151**).

25. Approve an Amendment to the Agreement with T.R. Holliman and Associates, Inc. for the Preparation of Recycled Water Master Plan to Extend the Agreement Term (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to approve the second amendment to agreement with T.R. Holliman and Associates, Inc. for the Preparation of Recycled Water Master Plan to extend the agreement term by one year, for a term beginning August 19, 2023 and ending on August 18, 2024, with no supplementary expenses to the executed amount of \$442,418, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-152**).

26. City Manager Evaluation and Adopt a Resolution to Reflect Positive Performance Evaluation Conducted on August 1, 2023 and Approving an Amended Annual Salary for the City Manager, and Take Formal Action by Majority Vote of the City Council to Not Extend the City Manager's Employment Agreement for One Additional Year

Department(s): Human Resources

Recommended Action:

1. Adopt a resolution affirming positive evaluation results and approving an adjusted annual salary for the City Manager, and

RESOLUTION NO. 2023-053 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A SALARY ADJUSTMENT FOR THE CITY MANAGER BASED ON EMPLOYEE PERFORMANCE

2. Take formal action by majority vote of the City Council to not extend the City Manager's Employment Agreement for one additional year.

MINUTES: Councilmember Penalosa thanked City Manager Ridge for her five years of service to the City of Santa Ana.

MOTION: Councilmember Penalzoza moved to approve the recommended action for Item No. 26 and amend the salary increase to 5 percent (5%), seconded by Councilmember Vazquez.

MINUTES: Councilmember Vazquez thanked City Manager Ridge for her hard work and dedication and spoke in support of Councilmember Penalzoza's motion.

Councilmember Phan thanked City Manager Ridge for her service and leadership.

AMENDED MOTION: Councilmember Penalzoza moved to approve the recommended action for Item No. 26, as amended to include a five percent (5%) increase retroactively to July 1, 2022 and not extend the City Manager's contract by one additional year, seconded by Councilmember Vazquez.

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

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

(See page no. 23 for the reconsideration of Agenda Item No. 26.)

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

<u>BUSINESS CALENDAR</u>

MINUTES: At 10:34 P.M., the Business Calendar was considered.

27. **Accept the Certificate of Sufficiency for Petition to Recall Councilmember Jessie Lopez, City Council, Ward 3, and Adopt Resolutions Calling a Special Election and Adopting a Regulation for Officer's Statement**

Department(s): City Clerk's Office

Recommended Action:

1. Approve resolution accepting the certification of the Orange County Registrar of Voters as to the verification of signatures and the City Clerk's Certificate of Sufficiency for petition seeking to recall Councilmember Jessie Lopez, City Council, Ward 3; and

RESOLUTION NO. 2023-054 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ACCEPTING THE CERTIFICATE AS TO VERIFICATION OF SIGNATURES ON PETITION AND CERTIFICATE OF SUFFICIENCY FOR PETITION TO RECALL COUNCILMEMBER JESSIE LOPEZ

2. Approve two resolutions:

1.) Calling and giving notice of a Special Municipal Election for the submission of the question of the recall of Councilmember Jessie Lopez to a vote by the electorate of Ward 3 of the City of Santa Ana and requesting specified services from the County of Orange to conduct said election, and

RESOLUTION NO. 2023-055 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN COUNCILWARD 3 ON TUESDAY, NOVEMBER 14, 2023 FOR SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS AND REQUESTING SPECIFIED SERVICES FROM THE COUNTY OF ORANGE TO CONDUCT SAID ELECTION

2.) Adopting a regulation for officer's statement and establishing a system for payment of the cost of inclusion of the statement in the voter information guide.

RESOLUTION NO. 2023-056 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A REGULATION FOR AN OFFICER WHOSE RECALL IS BEING SOUGHT PERTAINING TO A STATEMENT SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION ON TUESDAY NOVEMBER 14, 2023 AND ESTABLISHING A SYSTEM FOR PAYMENT OF THE COST OF INCLUSION OF THE OFFICER'S STATEMENT IN VOTER INFORMATION GUIDE/PAMPHLET AND/OR ELECTRONIC COPY

MINUTES: *Mayor Pro Tem Lopez recused herself from Agenda Item No. 27 and left the dais.*

City Clerk Jennifer L. Hall presented the staff report.

Councilmember Vazquez spoke in opposition to the Special Municipal Election Recall and provided various comments regarding misinformation being provided to the public.

MOTION: Councilmember Vazquez moved to approve the recommended action for Item No. 27 and set the Special Municipal Recall Election date of Tuesday November 14, 2023, seconded by Councilmember Hernandez.

Councilmember Hernandez provided various comments and spoke in opposition to the Special Municipal Recall Election.

Councilmember Phan spoke regarding the funds expended on the special election and stated that the funds would be better-utilized providing services to residents.

Councilmember Bacerra spoke on the narrative used to describe the Police Department and spoke in support of setting an election date.

Mayor Amezcua spoke regarding her previous candidate endorsements and spoke in support of the proposed Tuesday November 14, 2023 election date.

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

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

28. Public Hearing: Adopt a Resolution Rescinding Water Supply Shortage Level Two Declaration

Legal notice published in the OC Reporter on August 4, 2023.

Department(s): Public Works Agency

Recommended Action: Adopt a resolution rescinding the current Water Supply Shortage Level Two declaration.

RESOLUTION NO. 2023-057 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA LOWERING THE CITY'S DROUGHT WATER CONSERVATION STANDARD FROM A WATER SHORTAGE LEVEL 2 TO A WATER SHORTAGE LEVEL 0.

MINUTES: Mayor Amezcua open the Public Hearing at 10:50 P.M.

There being no speakers, Mayor Amezcua closed the Public Hearing at 10:51 P.M.

Mayor Pro Tem Lopez returned to the dais at 10:52 P.M.

MOTION: Councilmember Hernandez moved to approve the recommended action for Public Hearing Item No. 28, seconded by Mayor Amezcua.

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

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

29. CANCELLED – Public Hearing – Adopt a Resolution Vacating the Portion of Public Right-of-Way Adjacent to 2383 North Flower Street, Abandonment 23-01.

Legal Notice published in the Orange County Reporter on August 2 and 9, 2023. Notice of Cancellation posted on August 8, 2023 and published in Orange County Reporter on August 11, 2023.

Department(s): Public Works Agency

Recommended Action: This public hearing will be re-noticed and heard at a later date. No public testimony will be heard on August 15, 2023.

MINUTES: *City Clerk Jennifer L. Hall stated that Public Hearing Item No. 29 was cancelled and would be re-noticed and heard at a later date.*

CITY MANAGER COMMENTS

MINUTES: *City Manager Kristine Ridge announced that volunteers are needed for the annual coastal clean-up event, the Public Works Agency was awarded \$7,000,000 for the Santa Ana Boulevard restoration project, and applications are being accepted for the Environmental Justice Committee, and commented on the upcoming Chicano Heritage Festival and Zoofari Fundraiser.*

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 Vazquez spoke regarding the first day of the new school year, the lack of crossing guards, and safe street crossing.*

Councilmember Hernandez thanked the community for their participation and requested the Chicano Art Show be brought back to the Chicano Heritage Festival. He spoke regarding a potential Brown Act violation, provided a brief comment on a personal matter, and requested privacy for himself and his family.

Councilmember Phan announced various upcoming community events: the Housing Authority Forum on August 19, 2023, the Village Santa Ana Sunshine meeting on August 23, 2023, and the Com-link meeting on August 31, 2023.

Councilmember Penaloza thanked the residents who spoke in support of Agenda Item No. 14.

At 11:02 P.M. Mayor Pro Tem Lopez requested Agenda Item Nos. 16 and 26 be reconsidered.

Mayor Amezcua permitted the re-discussion and consideration of Agenda Item 16.

AGENDA ITEM NOS. 16 & 26 WERE RECONSIDERED

16. Receive and File Informational Report Regarding Partnership Agreements with the Office of Congressman Lou Correa and the Office of Supervisor Vicente Sarmiento for Chicano Heritage Festival 2023

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

Recommended Action:

1. Receive and File Informational Report Regarding Partnership Agreements with the Office of Congressman Lou Correa and the Office of Supervisor Vicente Sarmiento for Chicano Heritage Festival 2023.
2. Approve an appropriation adjustment to recognize a total financial donation in the amount of \$5,000 from the Office of Congressman Lou Correa. *(Requires five affirmative votes)*
3. Approve an appropriation adjustment to recognize a total financial donation in the amount of \$10,000 from the Office of Supervisor Vicente Sarmiento. *(Requires five affirmative votes)*

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 16, seconded by Mayor Pro Tem Lopez.

SUBSTITUTE MOTION: Councilmember Phan moved to approve, as amended, to approve staff recommendations and direct staff to bring the policy back for future discussion regarding elected officials or candidate endorsements, seconded by Mayor Amezcua.

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

AYES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN
COUNCILMEMBER VAZQUEZ
NOES: COUNCILMEMBER BACERRA, COUNCILMEMBER,
COUNCILMEMBER PENALOZA, MAYOR PRO TEM LOPEZ,
MAYOR AMEZCUA
ABSTAIN: NONE
ABSENT: NONE
Status: 3-4– **FAIL** (requires five affirmative votes)

MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 16, seconded by Mayor Pro Tem Lopez.

The motion failed, 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 – **Fail** (requires five affirmative votes)

26. City Manager Evaluation and Adopt a Resolution to Reflect Positive Performance Evaluation Conducted on August 1, 2023 and Approving an Amended Annual Salary for the City Manager, and Take Formal Action by Majority Vote of the City Council to Not Extend the City Manager’s Employment Agreement for One Additional Year

Department(s): Human Resources

Recommended Action: 1. Adopt a resolution affirming positive evaluation results and approving an adjusted annual salary for the City Manager, and

RESOLUTION NO. 2023-053 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A SALARY ADJUSTMENT FOR THE CITY MANAGER BASED ON EMPLOYEE PERFORMANCE

2. Take formal action by majority vote of the City Council to not extend the City Manager’s Employment Agreement for one additional year.

MINUTES: *At 11:04 P.M., Agenda Item No.26 was reconsidered.*

MOTION: Councilmember Phan moved to reconsider Agenda Item No. 26, seconded by Councilmember Hernandez.

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**

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 26 as amended to include a five percent (5%) increase retroactively to July 1, 2022 and not extend the City Manager’s contract by one additional year, seconded by Councilmember Vazquez.

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**

COUNCILMEMBER COMMENTS CONTINUED:

***MINUTES:** Mayor Pro Tem Lopez expressed disappointment regarding Agenda Item No.16 and wished staff luck in securing additional funding for the Chicano Heritage Festival. She spoke regarding falsehoods being told to the public regarding her proposed recall election.*

Councilmember Bacerra thanked the community for their participation and spoke in opposition to the State’s decision to allow needle distribution in the City.

Mayor Amezcua commented on affordable housing in the City and requested additional information regarding the Chicano Art Show.

City Manager Kristine Ridge provided brief clarification regarding the Art Show.

Mayor Amezcua announced a Housing Informational meeting at El Salvador Park on August 24, 2023, at 6:00 P.M. and Coffee with the Mayor at French Park on August 26, 2023. She spoke regarding various issues she has had to address while in office. She noted that an ad hoc committee had been created to address an alleged Code of Ethics violation by a member of the City Council, as required by the Charter. She further noted that a separate complaint submitted by Councilmember Hernandez against herself and three other councilmembers had been referred to the District Attorney’s Office for investigation.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Amezcua adjourned the City Council meeting at 11:26 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk