

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



**December 5, 2023**

**CLOSED SESSION MEETING – 5:00 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 5:01 P.M.

ATTENDANCE	<b>Council Members</b>	<b>Phil Bacerra</b>
		<b>Johnathan Ryan Hernandez</b>
		<b>David Penaloza</b>
		<b>Thai Viet Phan</b>
		<b>Benjamin Vazquez</b>
	<b>Mayor Pro Tem</b>	<b>Jessie Lopez</b>
	<b>Mayor</b>	<b>Valerie Amezcua</b>
	<b>Interim City Manager</b>	<b>Tom Hatch</b>
	<b>City Attorney</b>	<b>Sonia R. Carvalho</b>
	<b>City Clerk</b>	<b>Jennifer L. Hall</b>

## **ROLL CALL**

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

*Councilmembers Bacerra, Penaloza, Phan, and Vazquez, Mayor Pro Tem Lopez, and Mayor Amezcua were all present. Councilmember Hernandez 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 5:02 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:
  - Anthony Gonzalez, et al. v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2022-01284596
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6(a):

**Agency Negotiator:** Ramon Figueroa, Acting Human Resources Executive Director

**Employee Organization:**

- Santa Ana Police Officers Association (POA)

**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 5:36 P.M.

ATTENDANCE	<b>Councilmembers</b>	<b>Phil Bacerra Johnathan Ryan Hernandez David Penaloza Thai Viet Phan Benjamin Vazquez Jessie Lopez Valerie Amezcua</b>
	<b>Mayor Pro Tem Mayor</b>	
	<b>Interim City Manager City Attorney City Clerk</b>	<b>Tom Hatch Sonia R. Carvalho Jennifer L. Hall</b>

### **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**                      Jeffrey Katz

**WORDS OF INSPIRATION**                      Police Chaplain Barnett

### **ADDITIONS\DELETIONS TO CLOSED SESSION**

**MINUTES:** City Clerk Jennifer L. Hall stated that the Mater Dei High School Varsity Cheerleading Team was unable to attend the City Council Meeting tonight and staff would find another date to recognize their accomplishments.

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

**MINUTES:** City Attorney Sonia Carvalho stated a potential settlement was discussed and approved by the City Council, and the numbers can be disclosed when the agreement has been finalized.

## **CEREMONIAL PRESENTATIONS**

### **1. Certificates of Recognition presented by Mayor Amezcua to The Mater Dei High School Varsity Cheerleading Team for Exceptional Athletic Accomplishments**

**MINUTES:** *Item not presented.*

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

**MINUTES:** *Mayor Amezcua stated public comments for Agenda Item No. 19 would be heard when the item is discussed.*

*City Clerk Jennifer L. Hall stated there were no speakers and reported out the summary of email comments received: One (1) comment regarding Agenda Item No. 8 and Three (3) non-agenda comments.*

<b><u>CONSENT CALENDAR</u></b>
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**RECOMMENDED ACTION:** Approve staff recommendations on the following Consent Calendar Items: 2 through 17 and waive reading of all resolutions and ordinances

**MINUTES:** *At 5:41 P.M. the Consent Calendar was considered.*

*Councilmember Bacerra pulled Agenda Item Nos. 8 and 14 for separate discussion and consideration.*

*Councilmember Hernandez requested to comment on Agenda Item No. 15.*

**MOTION:** Councilmember Bacerra moved to approve Consent Calendar Item Nos. 2 through 17 with the exception of Item Nos. 8 and 14, seconded by Councilmember Hernandez.

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

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

### **2. Excused Absences**

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

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

**3. Minutes from the Regular Meeting of May 2, 2023, the Special Meeting of May 11, 2023, and the Special Closed Session and Regular Meeting of May 16, 2023**

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

**Recommended Action:** Approve minutes.

**4. Authorization to Prepare Documents for Proposed Sanitation Fee Adjustment in Compliance with Proposition 218 Requirements (Non-General Fund)**

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

**Recommended Action:** Authorize and direct staff to initiate the process for adjusting the Sanitation Fee, as per the Proposition 218 requirements, including, but not limited to, all of the following:

- a. Prepare and mail proposed rate adjustment notices to all Santa Ana property owners in compliance with Proposition 218 requirements at a cost not to exceed \$100,000;
- b. Schedule a public hearing at a future City Council meeting on or after February 6, 2024; and
- c. Prepare all other documents to proceed with proposed sanitation fee adjustment.

**5. Approve Additional Contingency Funds in the Amount of \$3,520,000 for an Existing Construction Contract with Byrom-Davey, Inc. for the Santa Anita Park Improvements Including New Synthetic Soccer Field and Community Center Renovations with an Estimated Project Delivery Cost of \$18,033,011 (Project No. 19-7527) (Non-General Fund) (Revive Santa Ana Program)**

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

**Recommended Action:**

1. Approve an amendment to the Project Cost Analysis in the amount of \$3,520,000 in additional contingency funds for a total estimated construction delivery cost of \$18,033,011, which includes \$7,317,701 for the construction contract; \$731,770 for contract administration, inspection, and testing; and a \$9,983,540 project contingency for unanticipated or unforeseen work, subject to non-substantive changes approved by the City Manager and City Attorney.
2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$3,520,000 in construction funds for Santa Anita Park Improvements and New Synthetic Soccer Field (Project No. 19-7527).
3. Determine that, in accordance with the California Environmental Quality Act (CEQA), the recommended action is exempt from further review. Categorical Exemption Environmental Review No. ER-2021-77 was filed for the project.

**6. Amend the Agreement with Amtech Elevator Services by Increasing the Total Contract Amount Not to Exceed to \$1,674,168 for the Remainder of the Contract Term (Specification No. 20-068) (General Fund and Non-General Fund)**

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

**Recommended Action:** Amend the agreement with Amtech Elevator Services to provide elevator maintenance and repair services at various City facilities and increase the total not to exceed amount available under the Agreement by an additional \$717,168, for a total not to exceed amount of \$1,674,168 over the remaining term of the Agreement, including all extension periods, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-220**).

**7. Amendment to the Fiscal Year 2023-24 CIP, and Amendment to the Agreement with ELS Architecture and Urban Design to Increase the Contract Amount for the Memorial Park and Aquatics Facility Renovation. (Project No. 22-1415) (Non-General Fund) (Revive Santa Ana Program)**

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

**Recommended Action:**

1. Approve an appropriation adjustment to recognize \$8,398,266 in revenue received in the current year and from prior years into the Residential Development District 3, Park Acquisition & Development Fees revenue account and appropriate the same amount into the Residential Development District 3, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*
2. Approve an appropriation adjustment to recognize \$41,829 in revenue received from prior years, the Residential Development District 3, Park Acquisition & Development Fees revenue account and appropriate the same amount into the Residential Development District 3-In Lieu, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*
3. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$11,298,265 for the Memorial Park and Aquatic Facility Renovation (Project No. 22-1415) (Non- General Fund)
4. Authorize the City Manager to execute the first amendment to the agreement with ELS Architecture and Urban Design to increase the Contract Amount by \$1,079,000 for a total amount not to exceed \$2,858,170 for the architectural design services for a new Memorial Park and Aquatics Facility Renovation for the remaining term of the agreement, beginning December 5, 2023 through August 14, 2026, including up to two one-year periods upon a writing executed by the City Manager and City Attorney (**Agreement No. A-2023-221**).

**AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION**

**8. Approve an Agreement with City Net to Provide Street Outreach and Engagement Services for Quality-of-Life Services, in an Amount Not to Exceed \$3,841,845.51, Beginning January 1, 2024 Through December 31, 2024 (Non-General Fund)**

**Department(s):** Community Development Agency

**Recommended Action:**

1. Authorize the City Manager to execute an agreement with Kingdom Causes, Inc. DBA City Net in an amount not to exceed \$3,841,845.51 for the Santa Ana Multidisciplinary Street Outreach and Engagement (SMART) Program that responds to reports for quality-of-life services from January 1, 2024 through December 31, 2024, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-222**).
2. Authorize the City Manager to execute agreements required by state or federal agencies for the use of Homeless Housing, Assistance and Prevention (HHAP) funding, or for any additional funding that may become available.

**MINUTES:** Councilmember Bacerra asked for clarification regarding jail release positive exits and services prior to release, and spoke regarding the agreement deliverables. He stated he would not support the contract as is, suggested bringing the service in house and providing a six-month bridge contract with CityNet as a phase out.

**MOTION:** Councilmember Bacerra moved to approve a six-month contract and bring services in-house.

*Motion died due to lack of a second.*

*Homeless Services Division Manager Kenneth Gominsky provided clarification.*

*Councilmember Vazquez spoke in support of Councilmember Bacerra's proposal but suggested a one-year contract and expressed concern regarding the decrease in services.*

*Homeless Services Division Manager Gominsky spoke regarding the short fall of services.*

*Councilmember Hernandez expressed support for in house services.*

**MOTION:** Councilmember Hernandez move to approve the one-year contract with CityNet but create a multi-prong approach with multiple agencies.

*Motion died due to lack of a second.*

*Councilmember Phan spoke regarding the proposed agreement, expressed support for Councilmember Bacerra's proposal and requested the City Council approve the proposed contract while staff simultaneously conducts a feasibility study of bringing the services in house.*

*Homeless Services Division Manager Gominsky spoke regarding best practices, costs of services to CityNet, and a six-month to a year timeframe to conduct an analysis.*

*Councilmember Bacerra spoke regarding the one year contract and cost savings, and requested the item be brought back to Council in two weeks for the December 19, 2023 City Council meeting and have staff work with CityNet.*

*Interim City Manager Tom Hatch spoke regarding the proposed contract and stated he would have discussions with CityNet regarding Council's direction.*

*Mayor Pro Tem Lopez spoke in support of Councilmember Phan's motion and asked for clarification regarding deliverables.*

*Homeless Services Division Manager Gominsky provided clarification.*

**MOTION: Councilmember Phan moved to approve the recommended action for Item No.8, as amended to have staff conduct a feasibility study on bringing the services in house, seconded by Mayor Pro Tem Lopez.**

Mayor Amezcua spoke regarding funding, associated costs, CityNet contract, and feasibility of bringing the services in house. She stated the City did not receive funding from Cal Optima for street medicine.

**SUBSTITUTE MOTION: Councilmember Bacerra moved to continue Agenda Item No. 8 to the December 19, 2023 City Council meeting and have staff conduct outreach with CityNet, seconded by Councilmember Vazquez.**

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

**AYES:** COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA,  
COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ,  
MAYOR AMEZCUA

**NOES:** COUNCILMEMBER HERNANDEZ, MAYOR PRO TEM LOPEZ

**ABSTAIN:** NONE

**ABSENT:** NONE

**Status: 5 – 2 – Pass; Item No. 8 continued to the December 19, 2023 meeting**

9. **Approve an Agreement with Iron Mountain Information Management, LLC for Document Storage for the Housing Authority, Community Development Agency and Finance & Management Services Agency**

**Department(s):** Community Development Agency

**Recommended Action:** Authorize the Interim City Manager to execute an agreement with Iron Mountain Information Management, LLC to provide offsite document storage of Community Development Agency and Finance & Management Services records in an amount not to exceed \$142,700, for a three-year term beginning January 1, 2024 and expiring December 31, 2026 with an option of two one-year extensions, subject to



non-substantive changes approved by the City Manager and City Attorney (Contingent upon approval of Housing Authority Item # 3) (**Agreement No. A-2023-223**).

**10. Approve a First Amendment to the Memorandum of Understanding between the City of Santa Ana and the Confidential Association of Santa Ana**

**Department(s):** Human Resources

**Recommended Action:** Authorize the Interim City Manager to execute a First Amendment to the Memorandum of Understanding (MOU) between the City of Santa Ana and the Confidential Association of Santa Ana (CASA) for the period of July 1, 2022 through June 30, 2025, modifying and delineating specific articles of the MOU subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2023-224**).

**11. A Resolution Authorizing Application to the California State Department of Housing and Community Development for the Prohousing Designation Program**

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

**Recommended Action:** Adopt a Resolution authorizing the application to the California State Department of Housing and Community Development Prohousing Designation Program.

**RESOLUTION NO. 2023-087** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE APPLICATION TO AND PARTICIPATION IN THE PROHOUSING DESIGNATION PROGRAM

**12. Second One-Year Extension of Site Plan Review No. 2020-03 and Variance No. 2020-06 for the 4th and Mortimer Mixed-Use Development Project Located at 409 and 509 East Fourth Street**

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

**Recommended Action:**

1. Adopt a resolution approving a one-year extension of Site Plan Review No. 2020-03 and Variance No. 2020-06 to December 15, 2024.

**RESOLUTION NO. 2023-088** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A SECOND ONE-YEAR EXTENSION OF SITE PLAN REVIEW 2020-03 AND VARIANCE NO. 2020-06 FOR THE 4TH AND MORTIMER MIXED-USE DEVELOPMENT TO BE LOCATED AT 409 AND 509 EAST FOURTH STREET

2. Determine that in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the extension for this project is exempt pursuant to Section 15061(b) (3). This determination has been made as it has been determined that the proposed action to extend the existing, approved entitlement does not have the potential to cause a significant effect on the environment, as the existing, approved entitlement has already been evaluated pursuant to CEQA.

**13. Resolution Authorizing a Grant Application Submission for the Bureau of Reclamation WaterSMART Drought Response Program for the Pressure Reducing Station No. 2 Relocation and Emergency Booster Pump Station Project (Non-General Fund)**

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

**Recommended Action:** Adopt a Resolution authorizing the Executive Director of the Public Works Agency to submit a grant application to the U.S. Department of the Interior, Bureau of Reclamation's Sustain and Manage America's Resources for Tomorrow Drought Response Program Grant for the Pressure Reducing Station No. 2 Relocation and Emergency Booster Pump Station Project, in an amount not to exceed \$1,801,250.

**RESOLUTION NO. 2023-089** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING AN APPLICATION FOR GRANT FUNDING BY THE BUREAU OF RECLAMATION'S WATERSMART DROUGHT RESPONSE PROGRAM GRANT PROGRAM FOR THE PRESSURE REDUCING STATION NO. 2 RELOCATION AND EMERGENCY BOOSTER STATION PROJECT

***AGENDA ITEM PULLED FROM CONSENT CALENDAR FOR SEPARATE DISCUSSION***

**14. Resolutions Authorizing the Executive Director of the Public Works Agency to Execute Grant Agreements with the California Department of Transportation for the Santa Ana Regional Transportation Center Beautification Projects**

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

**Recommended Action:**

1. Adopt a resolution authorizing the Executive Director of the Public Works Agency to execute a grant agreement with the California Department of Transportation for the Santa Ana Regional Transportation Center Painting and Wrought Iron Fencing Project (**Agreement No. A-2023-225**).

**RESOLUTION NO. 2023-090** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE EXECUTIVE DIRECTOR OF THE PUBLIC WORKS AGENCY TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE SANTA ANA REGIONAL TRANSPORTATION CENTER PAINTING AND WROUGHT IRON FENCING PROJECT

2. Adopt a resolution authorizing the Executive Director of the Public Works Agency to execute a grant agreement with the California Department of Transportation for the Santa Ana Regional Transportation Center Outdoor Water Fountain Renovation Project. (**Agreement No. A-2023-226**)

**RESOLUTION NO. 2023-091** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE EXECUTIVE DIRECTOR OF THE PUBLIC WORKS AGENCY TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE SANTA ANA REGIONAL TRANSPORTATION CENTER OUTDOOR WATER FOUNTAIN RENOVATION

## PROJECT

**MINUTES:** Councilmember Hernandez left the dais at 6:15 P.M.

*Councilmember Bacerra congratulated the Public Works Department for the grant received and spoke regarding enhancements and homeless being dropped at the train stations.*

*Mayor Amezcua requested the City Manager get back to Council regarding the homeless at the train stations.*

*Mayor Pro Tem Lopez congratulated staff for the grant received and all their hard work and efforts, and spoke in support of the item.*

**MOTION: Councilmember Bacerra moved to approve the recommended action for Agenda Item No. 14,** seconded by Mayor Pro Tem Lopez.

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

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

### **15. Resolution Declaring the Results of the November 14, 2023 Special Municipal Recall Election**

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

**Recommended Action:** Adopt a Resolution declaring the results of the Special Recall Election held in Ward 3 of the City of Santa Ana on November 14, 2023.

**RESOLUTION NO. 2023-092** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA RECITING THE FACT OF THE SPECIAL MUNICIPAL RECALL ELECTION HELD ON TUESDAY, NOVEMBER 14, 2023, DECLARING THE RESULT, AND SUCH OTHER MATTERS AS MAY BE PROVIDED BY LAW

### **16. Second Reading of Ordinance Amending Section 2-325 of the Santa Ana Municipal Code to Provide That Compensation for City Boards and Commissions Shall be Set by Resolution of the City Council; Resolution Amending Resolution No. 2019-034 and Setting Compensation for all City Boards and Commissions**

First reading at the November 21, 2023 City Council meeting and approved by a unanimous vote.

Published in the Orange County Reporter on November 27, 2023.

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

**Recommended Action:**

1. Adopt an ordinance amending Section 2-325 of the Santa Ana Municipal Code to provide that compensation for City boards and commissions shall be set by resolution of the City Council.

**ORDINANCE NO. NS-3053** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING SECTION 2-325 OF THE SANTA ANA MUNICIPAL CODE TO PROVIDE THAT COMPENSATION FOR CITY BOARDS AND COMMISSIONS SHALL BE SET BY RESOLUTION OF THE CITY COUNCIL

2. Adopt a resolution amending Resolution No. 2019-034 and setting the compensation for all City boards and commissions.

**RESOLUTION NO. 2023-093** entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING RESOLUTION NO. 2019-034 AND SETTING COMPENSATION FOR ALL CITY BOARDS AND COMMISSIONS

**17. Second Reading of Ordinance Approving Amendment Application No. 2023-01 to Change the Zoning District Designation of the Public Park Located at 1117 S. Standard Avenue from Multiple-Family Residence (R-3) to Open Space Land (O) for Consistency with the General Plan Land Use Designation of Open Space**

First reading at the November 21, 2023 City Council meeting and approved by a unanimous vote.

Published in the Orange County Reporter on November 27, 2023.

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

**Recommended Action:**

1. Conduct a second reading and adopt an ordinance approving Amendment Application No. 2023-01 for Standard and McFadden Public Park located at 1117 S. Standard Avenue;

**ORDINANCE NO. NS-3054** entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2023-01 REZONING THE PROPERTIES LOCATED 1113, 1117, 1121, AND 1125 SOUTH STANDARD AVENUE AND RECOGNIZED AS ASSESSOR PARCEL NUMBERS 011-251-17, 011-251-18, 011-251-19, 011-251-20, 011-251-38 AND 011-251-39 (from Multi-Family Residence (R-3) to Open Space Land (O)); read by title only and waive further reading.

2. Determine that in accordance with the California Environmental Quality Act (CEQA) and Section 15162 of the CEQA Guidelines, the project is within the scope of the 2022 Santa Ana General Plan Environmental Impact Report (EIR) (SCH No. 2020029087). Furthermore, these actions are categorically exempt from further review per Section 15304 (Class 4 – Minor Alterations of Land) of the CEQA Guidelines. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. As such, a Notice of Determination, Environmental Review No. 2020-78, will be filed for this project.

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

**BUSINESS CALENDAR**

**MINUTES:** At 6:19 P.M., Councilmember Hernandez returned to the dais and the Business Calendar was considered.

**18. Fee Deferral Agreement for the Central Pointe Mixed-Use Development Located at 1801 E. Fourth Street**

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

**Recommended Action:** Based on the discussion in this staff report, it is recommended that the City Council take one of the following two actions:

1. Deny a request by the applicant to execute a fee deferral agreement for the Central Pointe mixed-use development located at 1801 E. Fourth Street,

OR

2. Authorize the City Manager to execute a fee deferral agreement for the Central Pointe mixed-use development located at 1801 E. Fourth Street (Agreement No. 2023-XXX).

**MINUTES:** Planning and Building Director Minh Thai gave a presentation regarding the Central Pointe Fee Deferral Agreement.

*The following speakers addressed the City Council in-person:*

1. John Santry spoke regarding the Central Pointe Mixed-Use Development fee deferral, and suggested an option where the developer would pay the first phase of the project and defer the second phase several months.
2. Jason Silver requested additional time for the deferral.

*Mayor Amezcua stated she did not agree to any agreement for the deferral.*

*Executive Director Thai provided clarification.*

**MOTION:** Councilmember Hernandez moved to approve the recommended action option no. 1 for Agenda Item No. 18, seconded by Mayor Amezcua.

**MINUTES:** Mayor Pro Tem Lopez spoke regarding the split fee suggested by the developer and requested additional options suggested by the applicant.

*Mayor Amezcua expressed concern regarding the split fee.*

*Interim City Manager Tom Hatch spoke regarding staff's recommendation.*

*Councilmember Vazquez asked for clarification regarding split fees.*

*Executive Director Thai provided clarification and expressed concern regarding the proposed timeline for split payments by the applicant.*

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

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

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

***MINUTES:*** Mayor Amezcua recessed the City Council Meeting to consider the Housing Authority Meeting at 6:34 P.M. and reconvened the City Council Meeting to order at 6:36 P.M.

***COUNCIL COMMENTS WERE CONSIDERED OUT OF ORDER AND HEARD PRIOR TO COUNCIL REQUESTED ITEMS***

**COUNCIL COMMENTS**

AB1234 DISCLOSURE – If the City paid for travel or other expenses this is the time for members of the Council to provide a brief oral report on attendance of any regional board or commission meeting or any conference, meeting or event attended.

***MINUTES:*** Councilmember Bacerra thanked Interim City Manager Tom Hatch for attending his monthly community office hours and all the residents, businesses, and members of the City Council who attended the Board of Supervisors meeting on Tuesday to speak against the extension of the contract with MHA, announced the opening of the Winter Village, and requested all to shop in Santa Ana.

*Councilmember Bacerra left the meeting at 6:39 P.M.*

## **COUNCILMEMBER REQUESTED ITEMS**

### **19. Discuss and Consider Directing the Interim City Manager to Prepare a Resolution for City Council's Consideration to Call in Support of a Ceasefire in Gaza – Councilmembers Vazquez and Hernandez**

**MINUTES:** *Mayor Amezcua stated public comments would be limited to two minutes per speakers for a two hour period for Agenda Item No. 19.*

*The following speakers addressed the City Council in-person:*

- 1. Rima Nashashihi spoke in support of the item.*
- 2. Rabbi Shoron Sobel spoke in opposition to the item.*
- 3. Dorian Romero spoke in support of the item.*
- 4. Rehan Siddiqui spoke in support of the item.*
- 5. Dr. Samar Aziz spoke in support of the item.*
- 6. Jenna Alba spoke in support of the item.*
- 7. Ari Gutierrez spoke in support of the item.*
- 8. Danielle Jagiello spoke in support of the item.*
- 9. Natassia Newton spoke in support of the item.*
- 10. Magda Newton spoke in support of the item.*
- 11. Nadeah spoke in support of the item.*
- 12. Henny Abraham expressed concern regarding the resolution and requested the City Council not divide the community.*
- 13. Yesenia Martinez spoke in support of the item.*
- 14. Haz Al spoke in support of the item.*
- 15. Mona Yashruti Schnall spoke in support of the item.*
- 16. Mona Bennani spoke in support of the item.*
- 17. Dr. Samar Azani spoke in support of the item.*
- 18. Sandra DeAnda spoke in support of the item.*
- 19. Fernando Deveras spoke in support of the item.*

*20. Mimi Jublan spoke regarding her personal story in her home country.*

*21. Dr. Maha Afra spoke in support of the item.*

*22. Maria Sandoval spoke in support of the item.*

*23. Baker T spoke in support of the item.*

*24. Omar Zegar spoke in support of the item.*

*25. Michella Harb spoke in support of the item.*

*26. Joey D. spoke in support of the item.*

*27. Jessica G. spoke in support of the item.*

*28. Sahar Aziz spoke in support of the item.*

*29. Zayn S. spoke in support of the item.*

*30. Ayah David spoke in support of the item.*

*31. Lulu Hammad spoke in support of the item.*

*32. Indigo Vu spoke in support of the item.*

*33. Sofia spoke in support of the item.*

*34. Mohammad spoke in support of the item.*

*35. Basha Jamil spoke in support of the item.*

*36. Mohammad spoke in support of the item.*

*37. Ella Murphy spoke in opposition to the item.*

*Mayor Amezcua recessed the City Council Meeting at 7:50 P.M. and reconvened the City Council meeting at 8:00 P.M.*

*38. Teri Saydak spoke in support of the item.*

*39. Omar Kurdi spoke in support of the item.*

*40. Mohamad Abdelfattah spoke in support of the item.*

*41. Rabbi Gersh Zylberman spoke in opposition to the item.*

*42. Jean Paul Escobar spoke in support of the item.*



*43. Perla Dionick spoke regarding violence and spoke in support of the item.*

*44. Gabriela Villa Fuerte spoke in support of the item.*

*45. Tammy Gannon spoke in opposition to the item.*

*46. Nathan Tafi spoke in opposition to the item.*

*47. Mali spoke in opposition to the item.*

*48. Margaret Villa spoke in support of the item.*

*49. Fattah Judeh spoke in support of the item.*

*50. Jenny Lynn spoke in support of the item.*

*51. Nadal spoke in support of the item.*

*52. Jeffrey Katz spoke in opposition to the item.*

*53. Mark Rothenberg spoke in opposition to the item.*

*54. Mark Thompson expressed concern regarding the proposed resolution.*

*55. Amal Alkalla spoke in support of the item.*

*56. Mansour Mansour spoke in support of the item.*

*57. Yaser Yusef spoke in support of the item.*

*58. Vincent Nakhoul spoke in support of the item.*

*59. Sulaiman Arain spoke in support of the item.*

*Mayor Amezcua closed the public comment period at 8:53 P.M.*

*City Clerk Jennifer L. Hall reported out the summary of email comments received: Seven hundred sixty three (763) comments regarding Agenda Item No. 19.*

***MINUTES:*** *Councilmember Hernandez thanked all those who came out to participate, spoke in solidarity with the Palestinian people and any group of people being subjected to war and violence, and spoke regarding the resolution and requested the resolution be brought to the City Council to vote on.*

*Councilmember Vazquez spoke regarding the war and in support of the resolution.*

*Councilmember Phan thanked all those who participated and spoke regarding the war and the proposed resolution.*

*Mayor Amezcua spoke regarding her role as the Mayor and the ongoing war, and stated the City Council does not have power over international matters and expressed she is not in support of the proposed resolution.*

*Mayor Pro Tem Lopez spoke regarding grief, loss, and violence related to the war.*

*Councilmember Phan read a proposed resolution drafted by herself and Mayor Pro Tem Lopez.*

**MOTION: Councilmember Phan moved to add the proposed resolution as an Urgency Item to the agenda,** seconded by Mayor Pro Tem Lopez.

*Councilmember Vazquez spoke regarding the draft resolution proposed by Councilmember Phan and Mayor Pro Tem Lopez and requested cease fire language be added to the resolution as a whereas.*

*Councilmember Phan stated she would not support any other resolution than the one she and Mayor Pro Tem Lopez drafted.*

*City Attorney Sonia Carvalho stated that a unanimous vote was needed to add the urgency item to the agenda per the Brown Act.*

The motion failed, 4-1-0-2, by the following roll call vote:

<b>AYES:</b>	COUNCILMEMBER HERNANDEZ, COUNCILMEMBER PHAN, COUNCILMEMBER VAZQUEZ, MAYOR PRO TEM LOPEZ
<b>NOES:</b>	MAYOR AMEZCUA NONE
<b>ABSTAIN:</b>	NONE
<b>ABSENT:</b>	COUNCILMEMBER BACERRA, COUNCILMEMBER PENALOZA
<b>Status:</b>	4 – 1 – 0 - 2 – <b>FAIL</b>

*Councilmember Vazquez requested a resolution be brought back to the City Council on December 19, 2023 with the proposed resolution draft by Councilmember Phan and Mayor Pro Tem Lopez and added language of ceasefire.*

*Councilmember Phan stated she does not want staff drafting the resolution and requested the proposed resolution read into the record be brought back to the City Council for a vote at the next City Council meeting.*

*Mayor Pro Tem Lopez echoed Councilmember Phan's comments.*

### **CITY MANAGER COMMENTS**

**MINUTES:** None.

**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:*** *None.*

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

***MINUTES:*** *Mayor Amezcua adjourned the City Council Meeting at 9:29 P.M.*

Respectfully submitted:

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Jennifer L. Hall, CMC  
City Clerk