



**DRAFT MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA**

**December 1, 2020
5:00 P.M.**

CLOSED SESSION MEETING

CALL TO ORDER - Mayor PULIDO

COUNCILMEMBERS Present:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas

COUNCILMEMBERS Absent:

None.

Mayor Pulido called the Closed Session meeting to order at 5:05 p.m.

PUBLIC COMMENTS

Evan Grant spoke regarding existing litigation, Item 1C.

COUNCIL RECESSED to room 147 for Closed Session discussion at 5:10 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 Section 54956.9 of the Government Code:
 - A. Martha Zapien, et al. v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2017-00952971
 - B. Awans Enterprises, Inc. v. City of Santa Ana, Orange County Superior Court Case No. 30-2019-01072509
 - C. Santa Ana Needs Equity, et al v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2019-01113224-CU-WM-CXC

CLOSED SESSION REPORT - The City Attorney will report on any action(s) to be taken at the Regular Meeting which will begin immediately following the Closed Session Meeting.

ADJOURNED CLOSED SESSION AND CONVENED TO THE REGULAR OPEN SESSION.

Mayor Pulido adjourned Closed Session meeting at 6:12 p.m. and convened to the Regular Open Session.

DRAFT

REGULAR OPEN MEETING - 5:45 p.m.
(Immediately following the Closed Session Meeting)

CALL TO ORDER - MAYOR PULIDO

Mayor Pulido adjourned the Closed Session at 6:12 p.m. and called the Regular Open Session to order at 6:24 p.m.

COUNCILMEMBERS Present:

Mayor Pulido, Mayor Pro Tem Villegas and Councilmembers Bacerra, Mendoza, Penaloza, Sarmiento, and Solorio present.

COUNCILMEMBERS Absent:

None.

PLEDGE OF ALLEGIANCE - MAYOR PULIDO

INVOCATION - BOB KELLER, POLICE CHAPLAIN

Closed Session considered before Ceremonial Presentation.

CLOSED SESSION REPORT - The City Attorney will report items to be added to Consent Calendar Item 19A from the Closed Session meeting.

City Attorney Sonia Carvalho reported out Item 1C, by a vote of 4-2 (Bacerra and Penaloza dissented; Sarmiento abstained).

CEREMONIAL PRESENTATIONS

1. CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER MENDOZA to WingStop for their outstanding contributions to the community.

PUBLIC COMMENTS

Clerk of the Council Daisy Gomez reported out on eComments received on Items 19G, 25K, along with a non-agenda item regarding the General Plan.

Lisa Solomon, 20-year resident and elementary principal, thanked Council and the Planning Commission for listening to the community as it relates to the general plan. Spoke in support of 19E, requested bookmobiles with Wi-Fi hotspots, citywide Wi-Fi accessibility, improved Wi-Fi mesh network to remove dead zones, and spoke on various other topics.

Carl Benninger thanked Mayor and outgoing council for their years of services and spoke regarding the City Attorney position.

Victor Mendez thanked outgoing council for their service and spoke on small business engagement opportunities, bid system on the city's website, small contracting opportunities, bike registration, expressed concerns with the 3rd and Broadway project and various other topics.

Oscar Gonzalez thanked Mayor Pulido, Mayor Pro Tem Villegas and Councilmembers and spoke in support of Item 75C.

John Hanna, Southwest Regional Council of Carpenters, commended council for allowing additional input for Item 19G and thanked outgoing council for their service.

Evan Grant spoke regarding litigation for Item 55A.

Irma Jauregui, on behalf of Wilshire Square Neighborhood, thanked outgoing council for their service and looks forward to working with the new council.

Susana Sandoval representing the Madison Park Neighborhood Green Program thanked Mayor Pulido and outgoing council for their years of service and dedication, and looks forward to continued collaboration with the city regarding the General Plan.

CONSENT CALENDAR

Motion to approve staff recommendations on the following Consent Calendar Items 11A through 55A with the exception of 11A, 19E and 55A. Councilmember Sarmiento abstained from Item 55A due to a potential conflict of interest. Mayor Pulido abstained from item 19E out of an abundance of caution.

Mayor Pro Tem Villegas motioned to approve the consent calendar items, seconded by Councilmember Bacerra.

MOTION: Mayor Pro Tem Villegas

SECOND: Councilmember Bacerra

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

ADMINISTRATIVE MATTERS

ORDINANCES/SECOND READING - In the event a Councilmember recorded an "abstention" before consideration of the following ordinance(s) on first reading, such abstention will also be reflected in the minutes for second reading.

11A. **ADOPT ORDINANCE NO. NS-XXXX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XIII TO CHAPTER 10 OF THE SANTA ANA MUNICIPAL CODE (CRIMES AND MISCELLANEOUS LAW ENFORCEMENT PROVISIONS) PROHIBITING REPAIR AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY – City Manager’s Office and City Attorney’s Office - Placed on first reading at the November 17, 2020 City Council meeting and approved by a vote of 7-0. Published in the Orange County Reporter on November 20, 2020.**

MOTION: Place ordinance on second reading and adopt.

Motion to Adopt to place ordinance on second reading and adopt **ORDINANCE NO. NS-2998** Entitled - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XIII TO CHAPTER 10 OF THE SANTA ANA MUNICIPAL CODE (CRIMES AND MISCELLANEOUS LAW ENFORCEMENT PROVISIONS) PROHIBITING REPAIR AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY.

Councilmember Sarmiento motioned to adopt, seconded by Councilmember Bacerra.

MOTION:	Councilmember Sarmiento	SECOND:	Councilmember Bacerra
VOTE:	AYES:		Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)
	NOES:		None (0)
	ABSTAIN:		None (0)
	ABSENT:		None (0)

MISCELLANEOUS ADMINISTRATION

19A. CONFIRMATION OF CLOSED SESSION ACTION(S) – City Attorney’s Office

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:

C. Santa Ana Needs Equity, et al v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2019-01113224-CU-WM-CXC

City Attorney Sonia Carvalho reported out motion on Item 1C, by a vote of 4-2 (Bacerra and Penaloza dissented; Sarmiento abstained). City Council approved a first amendment to a settlement agreement contingent on deleting section four of the original agreement, and the City Council will be asked to consider in Open Session a resolution, which will be first further advised when considered.

19B. EXCUSED ABSENCES – Clerk of the Council Office

19C. APPROVE DESTRUCTION OF OBSOLETE CITY RECORDS – City Manager’s Office, Clerk of the Council Office, Community Development Agency, Finance and Management Services Agency and Police Department

MOTION: Approve the requests for the destruction of obsolete records from City Manager’s Office, Clerk of the Council Office, Community Development Agency, Finance and Management Services, and Santa Ana Police Department in accordance with the retention schedule outlined in City Council Resolution 2013-014.

19D. RECEIVE AND FILE QUARTERLY REPORT FOR HOUSING DIVISION PROJECTS AND ACTIVITIES FOR THE PERIOD OF JULY 2020-SEPTEMBER 2020 – Community Development Agency

MOTION: Receive and file the Quarterly Report for Housing Division Projects and Activities for the period of July 2020 through September 2020.

19E. RECEIVE AND FILE CANNABIS PUBLIC BENEFIT FUND FOR YOUTH SERVICES INFORMATIONAL UPDATE – Parks, Recreation and Community Services Agency, Library Department and Community Development Agency

MOTION: Receive and file Cannabis Public Benefit Fund for Youth Services informational update.

Mayor Pulido abstained out of an abundance of caution.

Motion to Adopt to receive and file Cannabis Public Benefit Fund for Youth Services informational update.

Councilmember Penaloza motioned to adopt, seconded by Councilmember Solorio.

MOTION: Councilmember Penalzoza **SECOND:** Councilmember Solorio

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalzoza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (6)

NOES: None (0)

ABSTAIN: Pulido (1)

ABSENT: None (0)

- 19F. RECEIVE AND FILE PUSH CARTS IN PARKS PILOT PROGRAM INFORMATIONAL UPDATE – Parks, Recreation and Community Services Agency

MOTION: Receive and file Push Carts in Parks Pilot Program informational update.

- 19G. REQUEST FOR PROPOSALS FOR PLANNING AND ENVIRONMENTAL SERVICES FOR SANTA ANA GENERAL PLAN HOUSING ELEMENT UPDATE – Planning and Building Agency

MOTION: Authorize the Planning and Building Agency to send a Request for Proposals to qualified consulting firms to provide planning and environmental services for the update of the Santa Ana General Plan Housing Element.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

- 20A. APPROPRIATION ADJUSTMENT AND AGREEMENTS FOR URBAN AREA SECURITY INITIATIVE (UASI) TRAINING AND EXERCISE SERVICES FOR THE ANAHEIM/SANTA ANA URBAN AREA IN AN AGGREGATE AMOUNT NOT TO EXCEED \$3,147,600 (SPECIFICATION NO. 20-062) (NON-GENERAL FUND) - Police Department

MOTION:

1. Approve an appropriation adjustment. (Requires five affirmative votes).
APPROPRIATION ADJUSTMENT NO. 2021-087 - Recognizing \$713,431 in Fiscal Year 18 UASI grant revenue in the Fiscal Year 18 UASI Grant Program

prior year balance account and appropriate same in the Fiscal Year 18 UASI Grant Program expenditure accounts.

2. Authorize the City Manager to execute three-year agreements, with two one year renewal options, with the following seven qualified vendors to provide on-going training and exercise deliverables to the Anaheim/Santa Ana Urban Area on an as-needed basis, for the period of December 1, 2020 through November 30, 2023 in an amount not to exceed \$3,147,600, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX):
 1. Constant and Associates, Inc.
 2. Elite Command Training
 3. Nusura, Inc.
 4. Security Solutions International, Inc. (SSI)
 5. Sensemakers, LLC
 6. The Cadmus Group, LLC
 7. The Olson Group, Ltd.

This consent item core Agreement Number A-2020-238 was approved.

- 20B. APPROVE AN APPROPRIATION ADJUSTMENT AND AN INCREASE IN THE PURCHASE ORDER AMOUNT WITH BIG BEN ENGINEERING INC., KANA SUBSURFACE ENGINEERING, AND T.E. ROBERTS, INC., FOR WATER METER VAULT REPLACEMENTS IN THE SHARED AMOUNT OF \$1,575,000, FOR A REVISED TOTAL ANNUAL AGGREGATE AMOUNT NOT TO EXCEED \$2,000,000, AND EXTEND THE TERM BY SIX MONTHS (SPECIFICATION NO. 16-104) (NON-GENERAL FUND) - Public Works Agency

MOTION:

1. Approve an appropriation adjustment. (Requires five affirmative votes).
APPROPRIATION ADJUSTMENT NO. 2021-090 – Recognizing \$575,000 of prior year fund balance in the Water Fund, Public Works Water Revenue account and appropriate same into the Water Meter Services, Contract Services-Professional expenditure account.
 2. Authorize the City Manager to approve an increase to the blanket order contract with Big Ben Engineering Inc., Kana Subsurface Engineering and T.E. Roberts, Inc., for water meter vault replacement services in the shared amount of \$1,575,000, for a revised annual aggregate amount not to exceed \$2,000,000, and extend the contract term by six months, from October 31, 2021 to April 30, 2022.
- 20C. APPROVE AN APPROPRIATION ADJUSTMENT ACCEPTING BUREAU OF RECLAMATION WATERSMART GRANT FUNDS FOR THE SA-1

HYDROPOWER AND WATER CONSERVATION PROJECT IN THE AMOUNT OF \$300,000 (NON-GENERAL FUND) – Public Works Agency

MOTION: Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-089 - Accepting Bureau of Reclamation WaterSMART grant funds in the amount of \$300,000 into the Public Works Water Quality & Control Fund, Miscellaneous Revenue, Federal Grant-Direct revenue account and appropriating the same amount into Public Works Water Quality & Control Fund, Water-SMART-Watershed Management Program, Reserve Appropriation expenditure account for future year expenditures.

- 20D. APPROVE AN APPROPRIATION ADJUSTMENT ACCEPTING BUREAU OF RECLAMATION WATERSMART GRANT FUNDS FOR THE WASHINGTON AVENUE WELL CONSTRUCTION PROJECT IN THE AMOUNT OF \$750,000 (NON-GENERAL FUND) - Public Works Agency

MOTION:

1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-088 – Accepting Bureau of Reclamation WaterSMART grant funds in the amount of \$750,000 into the Public Works Water Quality & Control Fund, Miscellaneous Revenue, Federal Grant-Direct revenue account and appropriating same into the Public Works Water Quality & Control Fund, Water-SMART-Watershed Management Program, Reserve Appropriation expenditure account for future year expenditures.
2. Approve an amendment to the Fiscal Year 2020-21 Capital Improvement Program to add \$750,000 in grant funds for construction of the Washington Avenue Well Site Improvements Project.

AGREEMENTS

- 25A. AGREEMENT WITH VERIZON WIRELESS FOR WIRELESS DATA, VOICE, AND ACCESSORIES IN AN ANNUAL AGGREGATE AMOUNT NOT TO EXCEED \$700,000 THROUGH AUGUST 11, 2024 (NON-GENERAL FUND) - Information Technology Department

MOTION: Authorize the City Manager to execute an agreement with Cellco Partnership, DBA Verizon Wireless, for wireless data, voice, and accessories for a period beginning December 1, 2020, and expiring August 11, 2024, in an annual aggregate amount of \$700,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. A-2020-239 was approved.

- 25B. APPROVE AN AGREEMENT WITH MIG TO PREPARE A PARKS, FACILITIES, TRAILS AND OPEN SPACE MASTER PLAN FOR \$160,600, WHICH INCLUDES A 20% CONTINGENCY, FOR THE PERIOD DECEMBER 1, 2020 THROUGH DECEMBER 31, 2021, WITH AN OPTION TO EXTEND AN ADDITIONAL SIX MONTHS, IF NEEDED (GENERAL FUND) – Parks, Recreation and Community Services Agency

MOTION: Authorize the City Manager to execute an agreement with MIG to prepare a Parks, Facilities, Trails, and Open Space Master Plan for \$160,600, which includes a \$26,766 contingency, for the period December 1, 2020 through December 31, 2021, with an option to extend an additional six months, to be funded by the General Fund, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. A-2020-240 was approved.

- 25C. APPROVE QUALIFIED CONSULTANTS TO PROVIDE ON-CALL ENVIRONMENTAL AND PLANNING SERVICES FOR PLANNING PROJECTS AND SUPPLEMENTAL STAFF SERVICES FOR A TOTAL NOT TO EXCEED \$2,650,000 (GENERAL FUND AND NON-GENERAL FUND) – Planning and Building Agency

MOTION: Authorize the City Manager to execute agreements to engage each of the 48 environmental and planning services firms listed below, as-needed, for a period of three years beginning December 1, 2020 through November 30, 2023, to provide on-call environmental, technical, and planning services for the Planning and Building Agency at the fees set forth in their responses to Request for Qualifications (No. 20-100) for a total allocation for requested services not to exceed \$2,650,000, subject to non-substantive changes by the City Manager and City Attorney (Agreement No. A-2020-XXX).

1. Architectural Resources Group, Inc.
2. Ascent Environmental
3. Aspen Environmental Group
4. AZTEC Engineering Group
5. Chambers Group Inc.
6. Circlepoint
7. Civic Solutions Inc.
8. Converse Consultants
9. CSG Consultants, Inc.
10. De Novo Planning Group
11. Dudek
12. ECORP Consulting, Inc.
13. EcoTierra Consulting
14. Environmental Science Associates (ESA)
15. Environmental Planning Development Solutions, Inc. (EPD Solutions, Inc.)

16. Evan Brooks Associates
17. Ericsson-Grant Inc.
18. FCS International, Inc. (FirstCarbon Solutions)
19. Fehr & Peers
20. GPA Consulting
21. Ninyo & Moore Geotechnical & Environmental Sciences Consultants
22. Helix Environmental Planning, Inc.
23. ICF Jones & Stokes, Inc. (ICF)
24. Infrastructure Engineers
25. Infrastructure Engineering Corporation (IEC)
26. Interwest Consulting Group
27. Kimley Horn and Associates, Inc.
28. LSA Associates, Inc.
29. Michael Baker International
30. Moore, Iacofano, Goltsman, Inc. (MIG)
31. Page & Turnbull
32. Phil Martin & Associates, Inc.
33. PlaceWorks, Inc.
34. Psomas
35. Renee Escario DBA RE Consulting
36. Rincon Consultants, Inc.
37. RK Engineering Group
38. Romo Planning Group
39. Sagecrest Planning & Environmental, LLC
40. T & B Planning, Inc.
41. Tetra Tech
42. Translutions, Inc
43. UltraSystems Environmental Inc.
44. Urban Crossroads, Inc.
45. VCA Code
46. VCS Environmental
47. Willdan
48. Yorke Engineering, Inc

This consent item - Core Agreement No. A-2020-241 was approved.

- 25D. APPROVE AMENDMENT TO AGREEMENT WITH GRISWOLD INDUSTRIES FOR FLOW CONTROL VALVE MAINTENANCE, REHABILITATION, AND REPLACEMENT SERVICES TO INCREASE THE AGREEMENT AMOUNT BY \$400,000 FOR THE REMAINDER OF THE TERM, FOR A TOTAL AMOUNT NOT TO EXCEED \$900,000 (RFP NO. 18-052) (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute an amendment to the agreement with Griswold Industries to increase the agreement amount by \$400,000, for a total amount not to exceed \$900,000, for the remaining term of the agreement, which began on July 2, 2019 and expires July 1, 2022, including a provision for one two-year extension exercisable by the City Manager and the City Attorney, to provide flow control valve maintenance, rehabilitation and replacement services, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. A-2020-242 was approved.

- 25E. APPROVE SECOND AMENDMENTS TO THE AGREEMENTS WITH MIKE PRlich AND SONS, INC., PAULUS ENGINEERING, INC., AND TE ROBERTS, INC. FOR EMERGENCY ON-CALL SEWER AND WATER SYSTEM REPAIR SERVICES TO INCREASE THE SHARED ANNUAL AGREEMENT AMOUNT BY \$450,000, FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$4,800,000 FOR THE REMAINING TERM OF THE AGREEMENT (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute second amendments to the agreements with Mike Prlich and Sons, Inc., Paulus Engineering, Inc., and TE Roberts, Inc. to increase the annual shared agreement amount by \$450,000, with an updated annual amount of \$1,200,000, for a total aggregate agreement amount not to exceed \$4,800,000, for the remaining term of the agreement which began August 20, 2019 and expires August 19, 2022, with a provision for one two-year extension exercisable by the City Manager and City Attorney, to provide on-call emergency sewer and water system repair services, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Core Agreement No. A-2020-243 was approved.

- 25F. APPROVE A LICENSE AGREEMENT WITH K&C LOGISTICS, LLC FOR THEIR USE OF THE CITY-OWNED WEST ALTON AVENUE / SR-55 FREEWAY PARCEL IN THE AMOUNT OF \$264,000 FOR A MAXIMUM TERM OF FIVE YEARS (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute a license agreement with K&C Logistics LLC for use of real property owned by the City at the terminus of Alton

Avenue between Daimler Street and the SR-55 Freeway, for a two-year term beginning on December 1, 2020, and expiring November 30, 2022, which will automatically renew month-to-month thereafter for an additional three years, for a monthly license fee of \$4,400, and total revenue amount of \$264,000, subject to non-substantive changes approved by the City Manager and City Attorney. The revenue will be deposited into the Select Street Construction, Rental of Property revenue account (Agreement No. A-2020-XXX).

This consent item - Agreement No. A-2020-244 was approved.

25G. APPROVE AGREEMENTS WITH TE ROBERTS, PAULUS, BIG BEN ENGINEERING AND PALP DBA EXCEL PAVING, FOR EMERGENCY ON-CALL REPAIRS TO ASPHALT PAVEMENT, CONCRETE PAVEMENT, AND STORM DRAINS, IN AN AGGREGATE AMOUNT NOT TO EXCEED \$900,000 FOR A MAXIMUM FIVE-YEAR TERM (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute agreements with T.E. Roberts, Inc., Paulus Engineering, Inc., Big Ben Engineering, and Palp, Inc. dba Excel Paving Company to provide on-call asphalt pavement, concrete pavement, and storm drain repairs for the three-year period beginning December 1, 2020 and ending on November 30, 2023, with a provision for one two-year extension, in a total aggregate amount not to exceed \$900,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Core Agreement No. A-2020-245 was approved.

25H. APPROVE AMENDMENTS TO THE SITE LICENSE AND LEASE AGREEMENTS WITH GREYHOUND LINES, INC. FOR BUS PASSENGER SERVICES AT THE SANTA ANA REGIONAL TRANSPORTATION CENTER TO TEMPORARILY REDUCE RENTAL FEES IN THE COMBINED AMOUNT OF \$19,950 FOR A SIX-MONTH PERIOD FROM DECEMBER 1, 2020 TO MAY 31, 2021, AND EXERCISE A ONE-YEAR EXTENSION TO THE LEASE TERM (NON-GENERAL FUND) - Public Works Agency

MOTION:

1. Authorize the City Manager to execute an amendment to the site license agreement with Greyhound Lines, Inc. to reduce the fee for the rental of two bus bays from \$5,498 to \$3,000 per month for a six-month period beginning December 1, 2020 and ending May 31, 2021, for a total fee reduction in the amount of \$14,988, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).
2. Authorize the City Manager to execute an amendment to the site lease agreement with Greyhound Lines, Inc. to exercise the option for a final

extension of the term for an additional one-year period beginning December 1, 2020 and expiring November 30, 2021, and reduce the fee for the rental of interior office space from \$3,495 to \$2,668 per month for a six-month period beginning December 1, 2020 and ending May 31, 2021, for a total fee reduction in the amount of \$4,962, subject to non-substantive changes approved by the City Manager and City Attorney(Agreement No. A-2020-XXX).

This consent item - Agreement No. A-2020-246 and A-2020- 247 were approved.

- 25I. APPROVE AMENDMENT TO AGREEMENT WITH LANDSCAPE WEST MANAGEMENT SERVICES, INC. TO INCREASE THE AGREEMENT AMOUNT BY \$250,000 ANNUALLY FOR THE REMAINING TERM OF THE AGREEMENT, FOR AN AGGREGATE AMOUNT OF \$5,100,000, FOR RIGHT-OF-WAY AND MEDIAN LANDSCAPE MAINTENANCE SERVICES (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute an amendment to the agreement with Landscape West Management Services, Inc. for right-of-way and median landscape maintenance services, to increase the agreement amount by \$250,000, for an updated annual amount not to exceed \$1,020,000 and a total agreement amount not to exceed \$5,100,000 for the maximum term of the agreement, which began on July 2, 2019 and expires June 30, 2021, including provisions for two two-year extensions exercisable by the City Manager and the City Attorney, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. A-2020-248 was approved.

- 25J. APPROVE THE SOLE SOURCE PURCHASE ORDER FOR THE PURCHASE AND INSTALLATION OF TWO LAPTOP DISPENSER KIOSKS AT THE MAIN AND NEWHOPE BRANCH LIBRARIES FOR \$35,943.25, A THREE-YEAR SERVICE/SUPPORT PLAN AGREEMENT FOR \$13,716.34, AND A THREE-YEAR LICENSE AGREEMENT FOR \$6,555 FOR A TOTAL AMOUNT OF \$56,214.59 WITH JAVA CONNECTIONS, LLC, DBA LAPTOPSANYTIME (NON-GENERAL FUND) – Library Department

MOTION: Authorize the City Manager to execute a sole source purchase order for the purchase and installation of two laptop dispenser kiosks at the Main and Newhope Branch Libraries for \$35,943.25, a three-year service/support plan agreement for \$13,716.34, and a three-year license agreement for \$6,555 for a total amount of \$56,214.59 with Java Connections, LLC, dba LaptopsAnytime, to be funded by the Cannabis Public Benefit Fund, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. A-2020-249 was approved.

- 25K. APPROVE AMENDMENT TO AGREEMENT WITH KING & SPALDING LLP FOR SPECIALIZED LEGAL SERVICES IN AN AMOUNT NOT TO EXCEED \$850,000 (GENERAL FUND) – City Attorney’s Office

MOTION: Authorize the City Manager to execute an amendment to the agreement with the law firm of King & Spalding LLP for specialized legal services related to the matter entitled City of Santa Ana v. County of Orange et al., United States District Court Case No. 8:20-cv-00069-DOC (KESx), to increase the amount to be expended under the agreement from \$350,000 to \$850,000, subject to non-substantive changes approved by the City Manager and the City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. A-2020-250 was approved.

RESOLUTIONS - Consent

- 55A. RESOLUTION RESCINDING CITY COUNCIL RESOLUTION NO. 2019-099, UPHOLDING PLANNING COMMISSION’S ADOPTION OF RESOLUTION NOS. 2019-35, 2019-36, 2019-37; RESCINDING THE CITY’S CALIFORNIA ENVIRONMENTAL QUALITY ACT-RELATED FINDINGS; AND DECLARING NULL AND VOID PLANNING COMMISSION RESOLUTION NOS. 2019-35, 2019-36, AND 2019-37 PERTAINING TO THE PROPERTY LOCATED AT 301 AND 325 N. TUSTIN AVENUE – City Attorney’s Office Continued from the September 15, October 6, October 20 and November 17, 2020 City Council Meetings.

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA RESCINDING CITY COUNCIL RESOLUTION NO. 2019-099, UPHOLDING PLANNING COMMISSION’S ADOPTION OF RESOLUTION NOS. 2019-35, 2019-36, 2019-37; RESCINDING THE CITY’S CALIFORNIA ENVIRONMENTAL QUALITY ACT-RELATED FINDINGS; AND DECLARING NULL AND VOID PLANNING COMMISSION’S RESOLUTION NOS. 2019-35, 2019-36, AND 2019-37 PERTAINING TO THE PROPERTY LOCATED AT 301 AND 325 N. TUSTIN AVENUE

Councilmember Sarmiento abstained due to a potential conflict of interest.

City Attorney Sonia Carvalho articulated the motion and noted the amended changes for the item before the council, which is a request from the applicant to rescind the 2019 approvals for a development project. In Closed Session this evening City Council approved a first amendment to a previous settlement agreement contingent upon deleting section four of the original agreement, which pertains to a defense and an indemnity obligation of the applicant. Staff asked Council to consider the adoption of this resolution and asked council to revise two sections found on page 2: 1) include a new sub-section “c” to section 2, to read,

“notwithstanding anything set forth here into the contrary or anything set forth in any documents or agreements adopted and executed before the action taken by adoption of this resolution the obligation of the 2019 approvals requiring the applicant to defend and indemnify the city shall remain in effect as if the 2019 approvals were not rescinded”, but key to this action is dependent on 2) amendments to section 4, which reads, “the resolution shall only take effect if the first amendment to the settlement agreement is fully executed by both the city and the applicant.”

Motion to Adopt amended resolution as articulated above by the City Attorney, moved by Mayor Pro Tem Villegas seconded by Councilmember Mendoza

Substitute Motion to Deny rescission.

Councilmember Penalzoa motioned to deny, seconded by Councilmember Bacerra.

MOTION:	Councilmember Penalzoa	SECOND:	Councilmember Bacerra
VOTE:	AYES:	Councilmember Bacerra,	Councilmember Penalzoa (2)
	NOES:	Councilmember Mendoza,	Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (4)
	ABSTAIN:	Councilmember Sarmiento (1)	
	ABSENT:	None (0)	

Substitute motion failed.

City Manager Kristine Ridge addressed council and noted that the item before council along with their changes holds developer responsible for indemnification and recommends the recession.

Motion to Adopt amended resolution as articulated above by the City Attorney:

Resolution No. 2020-092- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA RESCINDING CITY COUNCIL RESOLUTION NO. 2019-099, UPHOLDING PLANNING COMMISSION’S ADOPTION OF RESOLUTION NOS. 2019-35, 2019-36, 2019-37; RESCINDING THE CITY’S CALIFORNIA ENVIRONMENTAL QUALITY ACT-RELATED FINDINGS; AND DECLARING NULL AND VOID PLANNING COMMISSION’S RESOLUTION NOS. 2019-35, 2019-36, AND 2019-37 PERTAINING TO THE PROPERTY LOCATED AT 301 AND 325 N. TUSTIN AVENUE

Mayor Pro Tem Villegas motioned to adopt, seconded by Councilmember Mendoza.

MOTION: Mayor Pro Tem Villegas **SECOND:** Councilmember Mendoza

VOTE: **AYES:** Councilmember Mendoza, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (4)

NOES: Councilmember Bacerra, Councilmember Penaloza (2)

ABSTAIN: Councilmember Sarmiento (1)

ABSENT: None (0)

END OF CONSENT CALENDAR

BUSINESS CALENDAR

PUBLIC HEARINGS

75A. PUBLIC HEARING – AUTHORIZE THE SUBMISSION OF THE FISCAL YEAR 2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – Community Development Agency Legal Notice published in the Orange County Register, La Opinion and Nguoi Viet on November 17, 2020.

MOTION: Authorize the submission of the Fiscal Year 2019 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development

City Manager Kristine Ridge provided a brief presentation.

Mayor Pulido opened the public hearing at 7:15 p.m. and seeing no speakers closed the public hearing at 7:17 p.m.

Clerk of the Council, Daisy Gomez, reported out on an eComment received from the Kennedy Commission urging priorities on affordable housing.

Motion to Approve to authorize the submission of the Fiscal Year 2019 Consolidated Annual Performance and Evaluation Report to the U.S. Department of Housing and Urban Development moved by Mayor Pro Tem Villegas .

Mayor Pro Tem Villegas motioned to adopt, seconded by Councilmember Mendoza.

MOTION: Mayor Pro Tem Villegas **SECOND:** Councilmember Mendoza

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

75B. PUBLIC HEARING - ADOPT A SECOND AMENDMENT TO THE COVID-19 RESPONSE FUNDING PLAN; AUTHORIZE APPROVAL OF AGREEMENTS TO IMPLEMENT THE PLAN; APPROVE A SECOND COVID-19 SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN; APPROVE AN APPROPRIATION ADJUSTMENT RECOGNIZING \$3,520,819 OF COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS FUNDS (NON-GENERAL FUND) - Community Development Agency Legal Notice published in the Orange County Register, La Opinion and Nguoi Viet on November 20, 2020.

1. Adopt a Second Amendment to the COVID-19 Response Funding Plan for the allocation, administration and implementation of federal funding to respond to the Coronavirus (COVID-19) pandemic to add \$3,520,819 in Community Development Block Grant Coronavirus Funds, subject to adjustment by the City Manager as needed in response to shifting needs and priorities not to exceed the amount of funds available.
2. Direct the City Attorney to finalize and authorize the City Manager to enter into negotiations, execute agreements, and approve any other required actions necessary with various service providers, contractors, and sub-recipients, who will implement the Second Amendment to the COVID-19 Response Funding Plan, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2020-XXX).
3. Approve a second COVID-19 Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan in order to allocate and program \$3,520,819 in Community Development Block Grant Coronavirus Funds (identified in

second Amendment to the COVID-19 Response Funding Plan above) and \$11,598,442 in Emergency Solutions Grant Coronavirus Funds that were added as the First Amendment to the COVID-19 Response Funding Plan on August 18, 2020.

4. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-086 - Recognizing an allocation to the City of Community Development Block Grant Coronavirus third round funds from the U.S. Department of Housing and Urban Development in the amount of \$3,520,819 (CDBG-CV3) in revenue account and appropriating same to expenditure account.

City Manager Kristine Ridge provided a brief presentation.

Mayor Pulido opened the public hearing at 7:20 p.m. and seeing no speakers closed the public hearing at 7:22 p.m.

Clerk of the Council, Daisy Gomez, reported out on an eComment received from the Kennedy Commission urging priorities for affordable housing.

Motion to Approve:

1. Adopt a Second Amendment to the COVID-19 Response Funding Plan for the allocation, administration and implementation of federal funding to respond to the Coronavirus (COVID-19) pandemic to add \$3,520,819 in Community Development Block Grant Coronavirus Funds, subject to adjustment by the City Manager as needed in response to shifting needs and priorities not to exceed the amount of funds available.
2. Direct the City Attorney to finalize and authorize the City Manager to enter into negotiations, execute agreements, and approve any other required actions necessary with various service providers, contractors, and sub-recipients, who will implement the Second Amendment to the COVID-19 Response Funding Plan, subject to non-substantive changes approved by the City Manager and City Attorney **(Agreement No. 2020-251)**.
3. Approve a second COVID-19 Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan in order to allocate and program \$3,520,819 in Community Development Block Grant Coronavirus Funds (identified in second Amendment to the COVID-19 Response Funding Plan above) and \$11,598,442 in Emergency Solutions Grant Coronavirus Funds that were added as the First Amendment to the COVID-19 Response Funding Plan on August 18, 2020.
4. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-086 - Recognizing an allocation to the City of Community Development Block Grant Coronavirus third round funds from the U.S. Department of Housing and Urban Development in the

amount of \$3,520,819 (CDBG-CV3) in revenue account and appropriating same to expenditure account.

Councilmember Sarmiento motioned to approve, seconded by Mayor Pro Tem Villegas.

MOTION: Councilmember Sarmiento **SECOND:** Mayor Pro Tem Villegas
VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalosa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: None (0)

Mayor Pulido abstained from 75C and 75D due to potential conflicts due to campaign contributions, and Councilmember Sarmiento abstained from 75C due to proximity of real property.

75C. PUBLIC HEARING - APPEAL APPLICATION NO. 2020-02, APPEALING THE DECISION OF THE PLANNING COMMISSION TO APPROVE AN ADDENDUM TO THE TRANSIT ZONING CODE ENVIRONMENTAL IMPACT REPORT FOR THE 4TH AND MORTIMER MIXED-USE PROJECT, AND TO CONSIDER ENVIRONMENTAL REVIEW NO. 2018-13 AND AMENDMENT APPLICATION NO. 2020-04 TO ALLOW CONSTRUCTION OF THE 4TH AND MORTIMER MIXED-USE PROJECT LOCATED AT 409 AND 509 EAST FOURTH STREET (PROPERTY OWNER: NORTHGATE GONZALEZ RE, LLC AND APPLICANT: RED OAK INVESTMENTS, LLC, PROJECT REPRESENTATIVE: ANDREW NELSON) - Planning and Building Agency Planning Commission approved recommended action on October 12, 2020 by a vote of 7-0. Legal Notice published in the Orange County Reporter on November 20, 2020 and notices mailed on said date.

1. Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENYING APPEAL APPLICATION NO. 2020-02 AND UPHOLDING THE DETERMINATION OF THE PLANNING COMMISSION TO APPROVE AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR SITE PLAN REVIEW NO. 2020-03 AND VARIANCE NO. 2020-06 FOR A NEW MIXED-USE

RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR THE PROPERTIES LOCATED AT 409 EAST FOURTH STREET (SITE A) AND 509 EAST FOURTH STREET (SITE B)

2. Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AND ADOPTING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) FOR AMENDMENT APPLICATION NO. 2020-04 AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 4TH AND MORTIMER MIXED-USE DEVELOPMENT PROJECT LOCATED AT 409 AND 509 EAST FOURTH STREET
3. Place ordinance on first reading and authorize publication of title. AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT APPLICATION NO. 2020-04 MODIFYING THE SUB-ZONING DESIGNATION OF THE PROPERTIES LOCATED AT 501, 507, 509, 515, AND 519 EAST FOURTH STREET AND THOSE AT 502, 506, 510, 514, 520 EAST FIFTH STREET FROM SPECIFIC DEVELOPMENT NO. 84, URBAN NEIGHBORHOOD 2 (UN-2) SUB-ZONE, TO THE URBAN CENTER (UC) SUB-ZONE

Mayor Pro Tem Villegas opened the public hearing at 7:57 p.m.

Clerk of the Council Daisy Gomez reported out on eComments received.

Dave Elliot with the Santa Ana Chamber of Commerce spoke in support of Item 75C.

Teresa Saldiva, owner of Teresa's Jewlers, spoke in support of Item 75C.

Andre Robertson, Executive Director with Power One Foundation, spoke in support of Item 75C.

Ryan Chase spoke in support of Item 75C.

Michael McCann with Toll Brothers spoke in support of Item 75C.

Sammy Carmona spoke in support of item 75C.

Carla Juarez spoke in opposition to Item 75C.

Cesar Covarrubias, Executive Director with The Kennedy Commission, spoke in opposition to Item 75C.

Isuri spoke in opposition to Item 75C.

Eileen spoke in opposition of item 75C.

Alexis Teodoro spoke in opposition to Item 75C and urged council not to vote today.

An unidentified speaker spoke regarding past community meetings in 2018 and 2019 in which strong opposition to the project was expressed.

Oscar Gonzalez, applicant, provided history of vacant lot purchased by his family and spoke regarding further investment to the community.

Brian Flynn, on behalf of the Supporters Alliance for Environmental Responsibility, spoke in opposition of the Item 75C and noted concerns with the project. Requested council to grant the appeal.

Maria spoke opposition to Item 75C.

Mayor Pro Tem Villegas closed the public hearing at 8:08 p.m.

Executive Director of Planning and Building Agency Minh Thai provided a brief presentation.

Motion to Approve:

1. **Adopt a Resolution No. 2020-093** - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENYING APPEAL APPLICATION NO. 2020-02 AND UPHOLDING THE DETERMINATION OF THE PLANNING COMMISSION TO APPROVE AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR SITE PLAN REVIEW NO. 2020-03 AND VARIANCE NO. 2020-06 FOR A NEW MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT FOR THE PROPERTIES LOCATED AT 409 EAST FOURTH STREET (SITE A) AND 509 EAST FOURTH STREET (SITE B)
2. **Adopt Resolution No. 2020-094** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AND ADOPTING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) FOR AMENDMENT APPLICATION NO. 2020-04 AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE 4TH AND MORTIMER MIXED-USE DEVELOPMENT PROJECT LOCATED AT 409 AND 509 EAST FOURTH STREET
3. **Place ordinance on first reading and authorize publication of title.** AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT

APPLICATION NO. 2020-04 MODIFYING THE SUB-ZONING DESIGNATION OF THE PROPERTIES LOCATED AT 501, 507, 509, 515, AND 519 EAST FOURTH STREET AND THOSE AT 502, 506, 510, 514, 520 EAST FIFTH STREET FROM SPECIFIC DEVELOPMENT NO. 84, URBAN NEIGHBORHOOD 2 (UN-2) SUB-ZONE, TO THE URBAN CENTER (UC) SUB-ZONE.

Councilmember Bacerra motioned to adopt, seconded by Councilmember Penalzoa.

MOTION: Councilmember Bacerra **SECOND:** Councilmember Penalzoa
VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalzoa, Councilmember Solorio, Mayor Pro Tem Villegas (5)
NOES: None (0)
ABSTAIN: Councilmember Sarmiento, Mayor Pulido (2)
ABSENT: None (0)

Mayor Pulido announced his abstention to Item 75D due to potential conflicts due to campaign contributions

75D. PUBLIC HEARING - ENVIRONMENTAL REVIEW NO. 2018-83, GENERAL PLAN AMENDMENT NO. 2020-04, AND AMENDMENT APPLICATION NO. 2020-02 TO FACILITATE CONSTRUCTION OF AN 8-UNIT CONDOMINIUM DEVELOPMENT AT 301 AND 305 NORTH MOUNTAIN VIEW STREET (PROPERTY OWNER: MOUNTAIN VIEW REAL ESTATE INVESTMENT, LLC, APPLICANT: OLYMPIA CAPITAL CORPORATION, PROJECT REPRESENTATIVE: STEVE JONES) - Planning and Building Agency Planning Commission approved recommended action on October 26, 2020 by a vote of 4-0 (Garcia, Nguyen and Rivera absent). Legal Notice published in the Orange County Reporter on November 20, 2020 and notices mailed on said date.

1. Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ENVIRONMENTAL REVIEW NO. 2018-83, RELATIVE TO GENERAL PLAN AMENDMENT NO. 2020-04 AND AMENDMENT APPLICATION NO. 2020-02 FOR THE PROJECT LOCATED AT 301 AND 305 NORTH MOUNTAIN VIEW STREET
2. Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING GENERAL

PLAN amendment nO. 2020-04 to change the general plan land use designations for the properties located at 4310, 4314, 4318, 4322, 4326 and 4330 West Fifth Street, 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301, 305, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 409 and 411 north mountain view street, and 4311, 4315, 4317, 4319, 4321, 4323, 4325, 4327, 4329, 4331, 4333, 4335, 4337, and 4339 West first Street

3. Place ordinance on first reading and authorize publication of title. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2020-02 REZONING THE PROPERTIES LOCATED AT 4310, 4314, 4318, 4322, 4326 AND 4330 WEST FIFTH STREET; 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301 AND 305 NORTH MOUNTAIN VIEW STREET; AND 4311 WEST FIRST STREET

Mayor Pro Tem Villegas opened the public hearing and seeing no speakers closed the public hearing at 8:25 p.m.

Executive Director of Planning and Building Agency Minh Thai provided a brief presentation.

Motion to Approve

- 1. Adopt Resolution No. 2020-095** - A RESOLUTION OF CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, ENVIRONMENTAL REVIEW NO. 2018-83, RELATIVE TO GENERAL PLAN AMENDMENT NO. 2020-04 AND AMENDMENT APPLICATION NO. 2020-02 FOR THE PROJECT LOCATED AT 301 AND 305 NORTH MOUNTAIN VIEW STREET
- 2. Adopt Resolution No. 2020-096** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING GENERAL PLAN amendment nO. 2020-04 to change the general plan land use designations for the properties located at 4310, 4314, 4318, 4322, 4326 and 4330 West Fifth Street, 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301, 305, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 409 and 411 north mountain view street, and 4311, 4315, 4317, 4319, 4321, 4323, 4325, 4327, 4329, 4331, 4333, 4335, 4337, and 4339 West first Street
- 3. Place ordinance on first reading and authorize publication of title.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2020-02 REZONING THE PROPERTIES LOCATED AT 4310, 4314, 4318, 4322, 4326 AND 4330 WEST

FIFTH STREET; 113, 117, 121, 201, 203, 207, 211, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 301 AND 305 NORTH MOUNTAIN VIEW STREET; AND 4311 WEST FIRST STREET.

Councilmember Bacerra motioned to adopt, seconded by Councilmember Sarmiento.

MOTION: Councilmember Bacerra **SECOND:** Councilmember Sarmiento
VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas (6)
NOES: None (0)
ABSTAIN: Mayor Pulido (1)
ABSENT: None (0)

75E. PUBLIC HEARING - REGARDING THE ADOPTION OF A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR WELL 29 IMPROVEMENTS - Public Works Agency Legal Notice published in the Orange County Reporter on November 20, 2020.

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WELL NO. 29 IMPROVEMENTS PROJECT

Mayor Pulido opened the public hearing at 8:31 p.m.

City Manager Kristine Ridge provided a brief presentation.

Mayor Pulido, seeing no public speakers, closed the public hearing at 8:32 p.m.

Motion to Approve to Resolution No. 2020-097 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WELL NO. 29 IMPROVEMENTS PROJECT.

Mayor Pro Tem Villegas motioned to adopt, seconded by Councilmember Sarmiento.

MOTION: Mayor Pro Tem Villegas **SECOND:** Councilmember Sarmiento

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

75F. PUBLIC HEARING – ADOPT A RESOLUTION DETERMINING PUBLIC INTEREST AND NECESSITY FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 2301 SOUTH MAIN STREET (PROPERTY OWNER: UNITED CALIFORNIA BANK REALTY CORPORATION) (PROJECT NO. 146802) (NON-GENERAL FUND) – Public Works Agency Notice of Hearing letter regarding acquisition of real property by eminent domain mailed to property owners on November 10, 2020.

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF SANTA ANA AT 100 AND 120 EAST WARNER AVENUE / 2301 SOUTH MAIN STREET (APNs 016-031-38 AND 016-031-54) FOR THE WARNER AVENUE IMPROVEMENTS PROJECT

Mayor Pulido opened the public hearing at 8:33 p.m.

City Manager Kristine Ridge provided a brief presentation.

Clerk of the Council, Daisy Gomez, reported out on correspondence received from property owner Wells Fargo expressing opposition to Item 75F, and announced that there are no speakers for said item.

Mayor Pulido closed the public hearing at 8:34 p.m.

Motion to Approve to adopt Resolution No. 2020-098 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF

SANTA ANA AT 100 AND 120 EAST WARNER AVENUE / 2301 SOUTH MAIN STREET (APNs 016-031-38 AND 016-031-54) FOR THE WARNER AVENUE IMPROVEMENTS PROJECT moved by Councilmember Penalosa seconded by Councilmember Mendoza.

Councilmember Penalosa motioned to adopt, seconded by Councilmember Mendoza.

MOTION: Councilmember Penalosa **SECOND:** Councilmember Mendoza

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalosa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pulido (6)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: Mayor Pro Tem Villegas (1)

75G. PUBLIC HEARING – ADOPT A RESOLUTION DETERMINING PUBLIC INTEREST AND NECESSITY FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 215 EAST WARNER AVENUE (PROPERTY OWNER: JPACIFIC INTERNATIONAL) (PROJECT NO. 146802) (NON-GENERAL FUND) – Public Works Agency Notice of Hearing letter regarding acquisition of real property by eminent domain mailed to property owners on November 10, 2020.

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF SANTA ANA AT 215 EAST WARNER AVENUE (APN 403-142-15) FOR THE WARNER AVENUE IMPROVEMENTS PROJECT

Mayor Pulido opened the public hearing at 8:36 p.m.

City Manager Kristine Ridge provided a brief presentation.

Clerk of the Council, Daisy Gomez, reported out on correspondence received from the property owner J Pacific International, indicating a feasible alternative proposal, and announced that there are no speakers for said item.

Mayor Pulido closed the public hearing at 8:38 p.m.

Motion to Approve to adopt Resolution No. 2020-099 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA FINDING AND DETERMINING THAT THE PUBLIC INTEREST, CONVENIENCE, AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF SANTA ANA AT 215 EAST WARNER AVENUE (APN 403-142-15) FOR THE WARNER AVENUE IMPROVEMENTS PROJECT.

Councilmember Penalosa motioned to adopt, seconded by Councilmember Mendoza.

MOTION: Councilmember Penalosa **SECOND:** Councilmember Mendoza

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalosa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

RECESSED THE COUNCIL MEETING AND CONVENE TO THE HOUSING AUTHORITY MEETING AT 8:37 P.M.

ADJOURNED THE HOUSING AUTHORITY MEETING AND CONVENE TO THE SUCCESSOR AGENCY MEETING AT 8:39 P.M.

COUNCIL AGENDA ITEMS - Pursuant to Santa Ana Charter Section 411, any member of the City Council may place items on the City Council Agenda to be considered by the City Council. Only action available to City Council is to provide direction to City Manager.

85A. DISCUSS AND CONSIDER DIRECTING CITY MANAGER TO DIRECT STAFF TO EXPLORE OPTIONS TO RENAME KIWANIS BARRIER FREE PLAYGROUND (LOCATED WITHIN THE CARL THORTON PARK) TO GEORGE UPTON ALL ACCESS PARK – Councilmembers Bacerra and Mendoza

With no objection, Council spoke in support of the item and provided direction staff.

COMMENTS

90A. CITY MANAGER'S COMMENTS

City Manager Kristine Ridge provided CARES updates, encouraged all to follow state health rules and wear masks to reduce the positivity rate, and provided COVID Compliance Center number, 714-647-4747, to report possible violations. In addition, announced the closure of Bristol Street at Santa Ana Blvd. for the OC Streetcar construction, beginning December 4, 2020 for approximately one week. Noted that Orange County Transportation Authority (OCTA) and contractor prepared for the closure by placing advanced warning signs advising motorists of the work, and OCTA will coordinate announcing the closure and detours on social media along with all other means.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Bacerra thanked staff for all their hard work, specifically praised Executive Director Public Works Nabil Saba and his staff. Spoke regarding the collaboration with Santa Ana Unified School District (SAUSD) and Library Department allowing students to check out library books via student IDs, and encouraged staff to collaborate with other surrounding school districts.

Councilmember Mendoza wished all a belated Happy Thanksgiving, and encouraged all to continue to be safe and wear masks.

Councilmember Penalzoza thanked City Manager Kristine Ridge for the street closure update, expressed concern with the quality of street construction, thanked the CARES Team for their work and pointed out the need for additional staff to reduce the long lines and waiting times for testing.

Councilmember Mendoza provided Orange County Sanitation District updates.

Councilmember Sarmiento noted the increased COVID rates and requested council to consider an executive order by the City Manager to implement a mandatory mask order. Thanked outgoing Mayor and council for their service and respective families for their sacrifice.

Councilmember Solorio, congratulated Mayor-Elect Sarmiento for his kind words, noted COVID is priority number one and thanked staff for the neighborhood outreach.

Mayor Pro Tem Villegas expressed his distinct honor and pleasure to have served the residents of Santa Ana, thanked current board members and commissioners, recognized city staff for their hard work and assistance, and noted the many accomplishments during service.

Mayor Pulido requested council to consider an emergency resolution to make masks mandatory in the city to protect the community.

Motion to Adopt to add an emergency item on the agenda under the Brown Act.

Councilmember Sarmiento motioned to adopt, seconded by Councilmember Mendoza.

MOTION: Councilmember Sarmiento **SECOND:** Councilmember Mendoza

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalzoa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

Councilmember Penalzoa requested staff extensively advertise to the community that masks are mandatory.

Motion to Approve to allow City Manager Kristine Ridge under her powers to take an executive action and make masks mandatory in the City.

Mayor Pulido motioned to adopt, seconded by Councilmember Bacerra.

MOTION: Mayor Pulido **SECOND:** Councilmember Bacerra

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalzoa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

Mayor Pulido noted his appreciation of council, city staff, and the many folks he has had the privilege of collaborating with during his 34 years of service.

ADJOURNMENT - The next meeting of the City Council is scheduled for Tuesday, December 8, 2020 at 6:00 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

Mayor Pulido adjourned the council meeting at 9:34 p.m.

DRAFT