

DRAFT Minutes of the Regular and Special Housing Authority Meeting of the City Council City of Santa Ana, California



December 21, 2021

CLOSED SESSION MEETING – 5:00 pm

REGULAR OPEN MEETING – 5:45 pm

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701

CLOSED SESSION

CALL TO ORDER

ATTENDANCE

Council Members

Johnathan Ryan Hernandez

Jessie Lopez

Nelida Mendoza

David Penaloza

Thai Viet Phan

Phil Bacerra

Vicente Sarmiento

Mayor Pro Tem

Mayor

City Manager

City Attorney

Clerk of the Council

Kristine Ridge

Sonia R. Carvalho

Daisy Gomez

MINUTES: Mayor Sarmiento called the Closed Session meeting to order at 5:09 p.m.

ROLL CALL

Clerk of the Council Daisy Gomez conducted roll call. All councilmembers were present.

PUBLIC COMMENTS – Members of the public who wish to address the City Council on closed session items.

No public comments on Closed Session items.

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:

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

- 1 CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: Human Resources Executive Director, Jason Motsick

Employee Organizations:

- Santa Ana Police Officers Association (POA)
- Santa Ana Police Management Association (PMA)
- Service Employees' International Union (SEIU) Full-Time Employees
- Service Employees' International Union (SEIU) Part-Time Civil Service Employees
- Service Employees' International Union (SEIU) Part-Time Non-Civil Service Employees
- Confidential Association of Santa Ana (CASA)
- Santa Ana Management Association (SAMA)

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

MINUTES: Mayor Sarmiento recessed the portion of the meeting to consider the Closed Session item at 5:10 p.m.

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

MINUTES: Mayor Sarmiento adjourned Closed Session meeting at 6:15 p.m. and convened to the Regular Open Session.

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: Mayor Sarmiento called the Regular Open Session meeting to order at 6:18 p.m.

ROLL CALL

MINUTES: Clerk of the Council conducted roll call. All councilmembers were present.

PLEDGE OF ALLEGIANCE

Mayor Sarmiento

MINUTES: Mayor Pro Tem Bacerra led the pledge of allegiance.

INVOCATION

Bob Keller, Police Chaplain

CEREMONIAL PRESENTATIONS

1. Supportive City Award for Mosquito Campaign presented by Orange County Mosquito and Vector Control District.

MINUTES: District Manager Rick Howard and Santa Ana Orange County Mosquito and Vector Control District Trustee Cecilia Aguinaga presented an award to the city.

2. Certificate of Recognition presented by Mayor Sarmiento and Councilmember Lopez to the Santa Ana Pony Storm 12U Baseball Team for Exceptional Athletic Contributions to the Community.
3. Certificate of Recognition presented by Councilmember Hernandez to Santa Anita Neighborhood Association Volunteers: Martha Calderon, Lydia Castillo, Victor Castillo, Lucia Cleto, Aileen Cayetano, Miranda Cayetano, Grace Moreno, Gustavo Ortega and Angel Velez in Appreciation of their Outstanding Contributions to the Community.

MINUTES: Ceremonial presentation item 3 continued to the January 18, 2022 council meeting.

STAFF PRESENTATIONS

4. Homeless Update.

MINUTES: City Manager Kristine Ridge provided a brief presentation.

Council discussion ensued and direction provided to city staff.

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

MINUTES: City Attorney Sonia Carvalho stated there was no reportable action.

Item 16 taken out of order and considered after the Closed Session Report out.

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

MINUTES: Chad Kroeger spoke regarding equilibrium at Catalina Island.

JT Parr spoke regarding equilibrium at Catalina Island.

Tom Shook spoke about assisting refugees resettle.

TNT Fireworks Vice President John Kelly spoke in opposition to item 43.

Fred Baskharoon spoke in opposition to item 39.

Guadalupe spoke in opposition to item 39.

Pastor Oona Casanova spoke in opposition to item 43.

Irma Jauregui spoke in support of item 43.

Dale Helvig spoke in support of item 43.

Jose Rea spoke in support of item 43.

Adolfo Sierra spoke in support of item 43.

Pastor Drew Smith of Orange County First Assembly of God Church spoke in opposition to item 43.

Catalina Iniesta spoke in support of item 39.

Sonia Hernandez, America on Track volunteer, spoke in support of item 39.

Jasmin Torres representing America on Track spoke in support of item 39

Lourdes Juarez spoke in support of item 39.

Veronica Garcia spoke in support of item 39.

Alejandra Cook spoke in support of item 39.

Yojana Hernandez spoke in support of item 39.

Cecilia Mora spoke in support of item 39.

Eder Lopez spoke in support of item 39.

Daniella Hernandez representing America on Track spoke in support of 39.

Alexis Bravo representing America on Track spoke in support of 39.

Jennifer Grajeda spoke in support of item 39.

Lenyss Bahena spoke in support of item 39.

Victor Mendez spoke regarding items 39, 31, 32, and requested council defer action on item 38 until they consider options.

John Hanna representing Southwest Regional Council of Carpenters thanked council for being a great partner with Santa Ana College. Spoke regarding the positive communication and transparency regarding item 17.

Clerk of the Council, Daisy Gomez, reported out on correspondence received.

Tim Gibbs with the Campaign for Tobacco Free Kids spoke in support of item 39.

Adam Wood representing Building Industry Association-Orange County (BIA/OC) spoke in opposition to item 17 and urges that the item go back to the Planning Commission due to procedural concerns.

Lynsey Feitas with the Campaign for Tobacco Free Kids spoke in support of item 39.

Alexa Wohrman with the American Heart Association of Orange County spoke in support of item 39.

Manny Escamilla spoke on item 38: to have a cost benefit analysis as it relates to online

sales, expressed concern with Santa Ana Regional Transportation Center (SARTC) funding, and asked to bring back the McFadden Library for Ward 2 residents. Indicated item 40 requires more work regarding the Senate Bill No. 9 (SB9) language. Supports voters deciding on the fireworks ban.

Daisy Cruz with the Kennedy Commission, spoke in support of item 17.

Nathaniel Greensides spoke regarding item 35 and the need for public education. On item 36 asked the city to find ways to incentivize drought resistant landscaping. Lastly, spoke in support of item 37 and applauded Clerk of the Council Daisy Gomez and her staff for ensuring that residents participate in their civic life as well as increasing transparency and trust between local government and residents in the city.

California Grassroots Manager Lori Bremner for Parents Against Vaping E-cigarettes (PAVE) spoke in support of item 39.

Founding member of the National Hookah Community Association George Johnson spoke in opposition to item 39.

Rima S. Khoury, legal counsel for hookah tobacco manufacturer and a founding member of the National Hookah Community Association, spoke in opposition to item 39.

Nolan Spence spoke in opposition to item 39 and implores council to consider the cultural exemption.

Nece Donahue spoke in opposition to item 39 and asks council to mirror Senate Bill SB793.

Nicole Turkson representing the African American Tobacco Control Leadership Council spoke in support item 39.

Jaime Rojas, Jr. spoke in opposition to item 39 and lack of outreach to consider alternatives.

Claire Braeburn with America on Track representing Santa Ana Fights Flavors Coalition spoke in support of item 39. Also, read the various organizations in support of item.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following
Consent Calendar Items: 5 through 37.

5. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

6. Minutes from the Regular and Special Housing Authority Meetings of August 17, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
7. Minutes from the Regular and Housing Authority Meetings of September 7, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
8. Minutes from the Special Closed Session and Regular Meetings of September 21, 2021.
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
9. Minutes from the Special Open Session, Special Closed Session, Regular and Housing Authority Meetings of October 5, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
10. Minutes from the Special Closed Session and Regular Meetings of October 19, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
11. Minutes from the Special Closed Session, Regular Closed Session, Regular and Housing Authority Meetings of November 2, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
12. Minutes from the Special Meeting of November 15, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
13. Minutes from the Regular and Special Housing Authority Meetings of November 16, 2021
Department(s): Clerk of the Council Office
Recommended Action: Approve minutes.
14. Minutes from the Special Meeting of December 6, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes.

15. Minutes from the Regular and Housing Authority Meetings of December 7, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes.

16. Appoint Brandon Nguyen Nominated by Councilmember Phan as the Ward 1 Representative to the Youth Commission for a Partial-Term Expiring December 10, 2024

Department(s): Clerk of the Council Office

Recommended Action: Appoint Brandon Nguyen to the Youth Commission representing Ward 1 and administer Oath of Office.

Moved by Councilmember Penalosa, seconded by Mayor Pro Tem Bacerra to Appoint.

YES: 7 – Hernandez, Lopez, Mendoza, Penalosa, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

MINUTES: Item 16 taken out of order after the Closed Session report out.

Clerk of the Council, Daisy Gomez administered the Oath of Office to Brandon Nguyen, Youth Commissioner.

After the oath was administered council considered public comments on agenda and non-agenda items.

17. Adopt Ordinance No. NS-XXXX – ZONING ORDINANCE AMENDMENT NO. 2021-03 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REPEALING AND REENACTING IN ITS ENTIRETY ARTICLE XVIII.I. OF CHAPTER 41 OF THE SANTA ANA MUNICIPAL CODE REGARDING THE HOUSING OPPORTUNITY ORDINANCE

First reading at the November 16, 2021 City Council meeting and approved by a vote of 4-2 (Mendoza, Penalosa dissented and Bacerra abstained).

Published in the Orange County Reporter on November 26, 2021.

Continued from the December 7, 2021 and December 21, 2021 City Council

meetings.

Department(s): Planning and Building Agency

Recommended Action: Place Ordinance on second reading and adopt.

Moved by Councilmember Phan, seconded by Councilmember Hernandez to continue item.

YES: 6 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Sarmiento

NO: 1 – Bacerra

ABSTAIN: 0

ABSENT: 0

Status: 6 – 1 – 0 – 0 – **Pass**

18. Budget Calendar for Fiscal Year 2022-23

Department(s): Finance and Management Services

Recommended Action: Approve the Budget Calendar for Fiscal Year 2022-23.

Moved by Councilmember Lopez, seconded by Councilmember Hernandez to adopt as amended to have a standalone budget workshop somewhere in the April and May timetable and the community meetings that take place in March and April are to be held in multiple different formats.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

19. Approve a Sole Source Purchase Order to Califa Group to Provide Online Subscriptions to ABCmouse, Mango Languages, Ancestry, Newspaper Archive Multi-State Collection, and Newsbank for One Year (General and Non-General Fund)

Department(s): Library

Recommended Action: Approve a sole source purchase order to Califa Group to provide online subscriptions to ABCmouse, Mango Languages, Ancestry, Newspaper Archive Multi-State Collection, and Newsbank for one year from the date of registration to online services in the amount not to exceed \$55,556.12, subject to non-substantive changes approved by the City Manager and City Attorney.

20. Award a Blanket Order Contract to Powers Brothers Machine, Inc. for Preventative Maintenance Services and As-Needed Rebuilds or Repairs for the City's Existing Sewage Grinder Units in An Amount Not to Exceed \$575,000 Over a Three-Year Period (Specification No. 21-080) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award a blanket order contract to Powers Brothers Machine, Inc., for preventative maintenance services and as-needed rebuilds or repairs for the city's existing sewage grinder units, including replacement units and parts, in an amount not to exceed \$575,000 for a three-year period expiring November 1, 2024, with provisions for one, two-year renewal period exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney.

21. Award a Blanket Order Contract to Duke's Root Control, Inc. in an Annual Amount Not to Exceed \$60,000 for Sanitary Sewer Chemical Root Foaming Services (Specification 21-124) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award a blanket order contract for sanitary sewer chemical root foaming services to Duke's Root Control, Inc., in an annual amount not to exceed \$60,000, for a total contract amount not to exceed \$300,000, for a one-year term beginning December 21, 2021, and expiring December 20, 2022, with provisions for four one-year renewal periods exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney.

22. Award a Purchase Order to P.T.I. Sand & Gravel, Inc., in an Amount Not to Exceed \$487,500 for up to a Five-Year Term for the Purchase of Rock, Sand, and Gravel (Specification No. 21-134) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award a blanket purchase order contract to PTI Sand & Gravel, Inc., for the purchase of rock, sand, and gravel, in an annual amount of \$97,500, for a total amount not to exceed \$487,500, a for a one-year period beginning January 1, 2022, and expiring December 31, 2022, with provision for four one-year renewal periods exercisable by the City Manager and City Attorney.

23. Award Purchase Order to Bentley Systems, Inc. for Engineering Software Maintenance and Technical Support Services for a One-year Subscription Period from January 17, 2022, through January 16, 2023, in an Annual Amount Not to Exceed \$80,000 (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award a one-time Purchase Order to Bentley Systems, Inc., for software maintenance and technical support for the specialized engineering software used in the Public Works Agency for a one-year subscription period beginning January 17, 2022, and ending January 16, 2023, with the option to extend for up to four additional one-year terms, exercisable by the City Manager, in an annual amount not to exceed \$80,000 per year, for a total amount not to exceed \$400,000, subject to non-substantive changes approved by the City Manager and City Attorney.

24. Approve Appropriation Adjustment in the amount of \$7,250,000 and Award a Construction Contract to James W. Fowler Co., in the Amount of \$5,922,025, for the SR-55/Ritchey Street Water Improvements Project, with an Estimated Project Delivery Cost of \$7,250,000 (Project Nos. 19-6438, 19-6439, 19-6440) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment to recognize \$7,250,000 in reimbursement obligation funds from OCTA, as stipulated in the three Utility Reimbursement Agreements for the State Route 55 Improvement Project, into the Acquisition & Construction, Water Utility Capital Projects, Expense Reimbursement-OCTA revenue account and appropriate the same amount into the Acquisition & Construction, Water Utility Capital Projects, Water Capital Project expenditure account. *(Requires five affirmative votes)*

2. Award a construction contract to James W. Fowler Co., the lowest responsible bidder, in accordance with the base bid in the amount of \$5,922,025, for construction of the SR-55/Ritchey Street Water Improvements Project, for the term beginning September 21, 2021, and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.

3. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$7,250,000, which includes \$5,922,025 for the construction contract; \$180,000 for contract administration, inspection and testing; \$150,000 for water engineering; and a \$997,975 project contingency for unanticipated or unforeseen work.

4. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to include \$1,650,000 in construction funds for the SR-55/Ritchey Street Water Improvements Project.

25. Approve Appropriation Adjustment and Purchase and Sale Agreements per RFP 20-159 Generating \$1,850,000 in Revenue for Bristol Street Corridor Improvement Projects (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Authorize the City Manager to execute a purchase and sale agreement with Southwest Group Properties, LLC, for the sale of City-owned property located at 1601 N Bristol Street (APN's 405-252-21 and 405-252-22) in the amount of \$950,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

2. Authorize the City Manager to execute a purchase and sale agreement with Santana Green Development, LLC, for the sale of City-owned property located at 2235 S Bristol Street (APN 015-194-40) and 1211 W Warner Street (APN 015-194-37) in the amount of \$900,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

3. Approve an appropriation adjustment recognizing revenue in the amount of

\$1,189,750 in the Select Street Construction Fund, Sale of Land revenue account for Fiscal Year 2021-22 from the sale of City-owned property located at various locations and appropriating the same to the OCTA Bristol Street Corridor Improvements, Improvements Other Than Building expenditure account. Receipt of Measure M Street Construction proceeds in the amount of \$660,250 will be disbursed to the Orange County Transportation Authority (OCTA). *(Requires five affirmative votes)*

MINUTES: This consent Item - Agreement Nos. 2021-247 and 2021-248 were approved.

26. Authorize Budget Reallocation and Approve Purchase and Sale Agreement with Life Cycle Management for 1725 N Bristol Street (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Authorize the City Manager to execute a purchase and sale agreement with Life Cycle Management, LLC, for the purchase of real property located at 1725 N Bristol Street (APN 399-085-22), in the amount of \$127,700, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

2. Approve the reallocation of unspent OCTA Bristol Street Corridor Improvements funds in the amount of \$40,864 from Bristol St Corridor Improvements Project (No. 11-6741) to Bristol Street Corridor General ROW Project (No. 17-6887) to complete the funding for the purchase of real property located at APN 399-085-22.

MINUTES: This consent Item - Agreement No. 2021-249 was approved.

27. Authorize a Budget Reallocation of \$125,000 and Approve an Agreement with Mark Thomas for Grant Writing Services in an Amount Not to Exceed \$250,000 for a Three-Year Term (Project No. 22-6899) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Authorize the reallocation of \$125,000 in unspent Measure M2 Local Fairshare funds, \$61,230 from Project Development FY 19/20 (Project No. 20-6899), \$13,594 from Project Development FY 20/21 (Project No. 21-6899), and \$50,176 from the Right Of Way Management Project (Project No. 22-6900) to Project Development FY 21/22 (Project No. 22-6899) to complete the funding needed for the grant writing services agreement.

2. Authorize the City Manager to execute an agreement with Mark Thomas & Company, Inc. to provide grant writing services for the Santa Ana Grade Separation project in the amount of \$186,648, with a contingency of \$63,314, for a total amount of \$250,000, for a three-year term beginning December 21, 2021, and expiring December 20, 2024, with an option for two, one-year extensions, subject non-substantive changes approved by the City Manager and City Attorney (Agreement No.

2021-XXX).

MINUTES: This consent Item - Agreement No. 2021-250 was approved.

28. Amend Agreement with MGT of America Consulting, LLC to Increase Compensation by \$200,000 for Cost Allocation Plan Preparation (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an amendment to the agreement with MGT of America Consulting, LLC for preparation of Code of Federal Regulations Part 200 compliant Cost Allocation Plans necessary for state and federal grant reimbursement, increasing the compensation by \$200,000, which includes a \$50,000 contingency, for a total agreement amount of \$250,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

MINUTES: This consent Item - Agreement No. 2021-251 was approved.

29. Approve Master Agreements for Legal Counsel Services with the Following Firms: Atkinson, Andelson, Loya, Ruud, & Romo ("AALRR"); Liebert Cassidy Whitmore ("LCW"); Barboza & Associates; Oppenheimer Investigations Group; Four Star Investigations; Steve Filarsky; and Burke, Williams, & Sorenson ("BWS") (General Fund)

Department(s): Human Resources

Recommended Action: 1. Authorize the City Manager to execute a Second Amendment to the Agreement with AALRR to provide limited legal services not to exceed \$300,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney, and (Agreement No. 2021-XXX)

2. Authorize the City Manager to execute a First Amendment to the Agreement with LCW to provide special legal counsel services not to exceed \$300,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney, and (Agreement No. 2021-XXX)

3. Authorize the City Manager to execute a First Amendment to the Agreement with Barboza & Associates to provide limited legal services not to exceed \$150,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney, and (Agreement No. 2021-XXX)

4. Authorize the City Manager to execute a First Amendment to the Agreement with Oppenheimer Investigations Group to provide limited legal services not to exceed

\$300,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney, and (Agreement No. 2021-XXX)

5. Authorize the City Manager to execute a First Amendment to the Agreement with Four Star Investigations to provide limited legal services not to exceed \$150,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney, and (Agreement No. 2021-XXX)

6. Authorize the City Manager to execute a First Amendment to the Agreement with Steve Filarsky to provide special legal counsel services not to exceed \$150,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney, and (Agreement No. 2021-XXX)

7. Authorize the City Manager to execute a First Amendment to the Agreement with BWS to provide special legal counsel services not to exceed \$350,000 for the duration of the term of the agreement expiring on June 30, 2024, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

MINUTES: Councilmember Phan recused herself from item 29 recommended action item 1 due to a conflict of interest related to her employer.

This consent Item - Agreement Nos. 2021-255, 2021-258, 2021-268, 2021-274, 2021-275, 2021-276, and 2021-277 were approved.

30. Approve an Agreement with PlanetBids, Inc. in an Amount not to Exceed \$225,000 for eProcurement Suite of Modules (General Fund)

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an agreement with PlanetBids, Inc. for a two-year period effective December 21, 2021, with an option to extend for up to three one-year renewal exercisable by the City Manager and City Attorney, not to exceed \$225,000 over the entirety of the five-year period, which includes a \$5,000 contingency for training and additional user licenses, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

MINUTES: Council discussion ensued and input provided to staff.

This consent Item - Agreement No. 2021-252 was approved.

Moved by Councilmember Lopez, seconded by Councilmember Penaloza to Approve.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

31. Award a Contract to Grant Thornton Public Sector LLC for American Rescue Plan Act (ARPA) Compliance Consulting Services, in an Aggregate Amount not to Exceed \$181,300, for a Six-Month Term **(Revive Santa Ana Program)**

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an agreement with Grant Thornton Public Sector LLC for ARPA Consulting Services for a six-month term with the option for one six-month renewal, for a total aggregate amount not to exceed \$181,300, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

MINUTES: This consent Item - Agreement No. 2021-253 was approved.

32. Resolution Designating J.P. Morgan Chase Bank, N.A. as the Continuing Official Depository for the City of Santa Ana and First Amendment to Agreement with J.P. Morgan Chase Bank, N.A., for Banking-Related Services in the Amount not to exceed \$562,500, which Includes a General Contingency of \$187,500 (Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: 1. Resolution No. 2021-XXX – Adopt a resolution designating J.P. Morgan Chase Bank, N.A. the official depository for the City of Santa Ana for five years, commencing January 1, 2022 through December 31, 2026.

2. Authorize the City Manager to execute a First Amendment to Agreement with J.P. Morgan Chase Bank, N.A. for banking-related services for an amount not to \$562,500, which includes a general contingency of \$187,500. The First Amendment to Agreement shall commence January 1, 2022, and expire December 31, 2026, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

MINUTES: This consent Item - Resolution No. 2021-080 was approved.

This consent Item - Agreement No. 2021-285 was approved.

33. Resolution Supporting Federal PFAS Legislation that Protects Ratepayers and

Water/Wastewater Agencies

Department(s): City Manager Office

Recommended Action: Resolution No. 2021-XXX – Adopt a resolution supporting federal PFAS legislation that protects ratepayers and water/wastewater agencies.

MINUTES: This Consent Item - Resolution No. 2021-081 was approved.

34. Public Hearing – Proposed City of Santa Ana Events Permit Policy and Amendments to the Fiscal Year 2021-2022 Miscellaneous Fees Resolution specific to Film Permits and Park Facility Permits

Legal Notice published in the Orange County Reporter on January 7, 2022 and January 14, 2022.

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

Recommended Action: 1. Resolution No. 2022-XXX – Adopt a resolution approving the proposed Events Permit Policy, including park facility permits, film permits, land use certificate, and special event permits.

2. Resolution No. 2022-XXX – Adopt a resolution amending fees in the Uniform Schedule of Miscellaneous Fees for Fiscal Year (FY) 2021-22 specific to film permits and park facility permits.

35. Resolution and Authorization to Carry Over Grant Funds to the 2023 Federal Transportation Improvement Program as Required by Funding Agency

Department(s): Public Works Agency

Recommended Action: 1. Authorize the City Manager to submit selected projects to the Orange County Transportation Authority for inclusion into the 2023 Federal Transportation Improvement Program.

2. Resolution No. 2021-XXX – Adopt a Resolution certifying that the City has the resources to fund the projects submitted for inclusion into the 2023-2028 Federal Transportation Improvement Program, and confirm the City's commitment to implement all projects submitted to the program.

MINUTES: This Consent Item - Resolution No. 2021-082 was approved.

36. Resolutions Authorizing Grant Application Submissions for California Department of Water Resources 2021 Urban and Multibenefit Drought Relief Grant Program (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Adopt resolutions authorizing the Executive Director of the

Public Works Agency to submit grant applications to the California Department of Water Resources 2021 Urban and Multibenefit Drought Relief Grant Program for various water resources projects in an amount up to \$27,031,617L

1. Resolution No. 2021-XXX – Flower Street Well Project
2. Resolution No. 2021-XXX – Washington Well Project
3. Resolution No. 2021-XXX – Well 29 Rehabilitation Project
4. Resolution No. 2021-XXX – Well 32 Rehabilitation Project
5. Resolution No. 2021-XXX – Well 38 Water Treatment Project

MINUTES: This Consent Item - Resolution Nos. 2021-083, 2021-084, 2021-085, 2021-086, and 2021-087 were approved.

37. Consider Approving the Continued Use of Teleconferencing for Meetings of City Council and all Boards, Committees, and Commissions Pursuant to the Provisions of Assembly Bill 361

Department(s): Clerk of the Council Office

Recommended Action: Resolution No. 2021-XXX – Adopt resolution to consider continuing the use of teleconferencing for the meetings of City Council and all boards, committees, and Commissions pursuant to the provisions of Assembly Bill 361 for the next 30 days.

MINUTES: This Consent Item - Resolution No. 2021-088 was approved.

Moved by Councilmember Hernandez, seconded by Councilmember Penaloza to approve Consent Calendar items 5-37 with the exception of 17, 18 and 30. Councilmember Phan recused herself from item 29 recommended action item 1, due to a conflict of interest related to her employer.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – Pass

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

<u>BUSINESS CALENDAR</u>

38. Fiscal Year 2021-2022 General Fund - First Quarter Budget Update

Department(s): Finance and Management Services

Recommended Action: 1. Receive and file the fiscal year 2021-2022 General Fund - First Quarter Budget Update, including the increased sales tax and property tax estimates.

2. Amend the fiscal year 2021-2022 budget to add one position funded by the Water enterprise within the Finance and Management Services Agency and approve a \$42,720 Appropriation Adjustment to fund the position for the remainder of FY21-22. *(Requires five affirmative votes)*

3. Approve one-time General Fund Appropriation Adjustments totaling \$24,655,000 described in detail below for fiscal year 2021-2022. *(Requires five affirmative votes)*

4. Approve recurring General Fund Appropriation Adjustments totaling \$3,066,900 described in detail below for fiscal year 2021-2022, which includes amending the FY21-22 budget to add one position to the Community Development Agency and funding for two positions in the City Clerk's Office and the City Attorney's Office. *(Requires five affirmative votes)*

5. Resolution No. 2021-XXX – Adopt a resolution amending the current Fiscal Year 2021-2022 Annual Budget to add one Full Time Position in the Finance and Management Services Agency and one Full Time Position in the Community Development Agency.

MINUTES: *Executive Director of Finance and Management Services Agency Kathryn Downs provided a brief presentation.*

Councilmember discussion ensued and direction provided to staff.

Councilmember Hernandez would like to divert funds from the graffiti removal program and introduce the Graffiti Arts Program (GAP) for alternatives to unsafe behavior. Requested to increase funds towards the Juneteenth Celebration.

Councilmember Phan concurs with Councilmember Hernandez. Encourages murals and arts in all our parks and on walls to help prevent graffiti. Requesting staff to explore the cost and seek input from the Arts Commission. Requests council support funding for the next three years to fix all sidewalk areas in the city that are hazards in addition to the recurring maintenance cost. Also, requests to expand funding to provide education to small businesses.

Mayor Pro Tem Bacerra supports funds for improvements for transportation hub maintenance to make the train station area more attractive. Supports rehabbing Cypress fire station for Santa Ana PAL. Supports sidewalk improvement. Does not support reducing funds for graffiti removal. Supports pilot program for an art program to cover walls to prevent graffiti. Supports staff bring back recommendations for prioritizing the available funds at a subsequent meeting.

Councilmember Mendoza supports purchasing irregular parcels to create “pocket parks” as well as concert in parks. Supports home town veteran recognition program to erect statues, naming streets and parks after veterans, and placement of banners. Would like to see a cultural event center/cultural education center with an inside space for cultural events. Supports funds directed toward bringing more senior citizens into the downtown area. Supports beautifying the trolley route on 4th street into downtown so that the area looks nice for visitors. Supports better maintenance in parking structures, would like graffiti prevention and security guard stationed. Supports having the asphalt repaired in the alley way behind businesses in downtown and would like to see the alley way be utilized more often for events and make it more inviting.

Councilmember Lopez supports funding for lighting, especially in ward 3. Bring back McFadden Public Library. Supports Juneteenth reoccurring event, sidewalk improvements, would like more information on the graffiti program mentioned by Councilmember Hernandez. Supports building housing at the train station with funds already allocated to revitalize the area. Supports fiscal sustainability and paying off the current debt.

Councilmember Penaloza supports facelift of Cypress Fire Station, sidewalk maintenance, and replenishment of a tree program fund. Not supportive of reducing graffiti fund, supports art areas in the city where murals can be painted. Supports investing in SMART water meters to reverse residents’ water rate increases. Supports adding an additional mini-street sweeper equipment for bike lanes in addition to what is in the budget. Supportive of ongoing funding for Juneteenth celebration.

Mayor Sarmiento would like to obtain community input. Consider infrastructure along with social justice. Not prepared to make a decision tonight.

Mayor Pro Tem Bacerra moved staff recommendation with \$16 million, seconded by Councilmember Mendoza.

Moved by Mayor Sarmiento, seconded by Councilmember Lopez to approve substitute motion to continue item to the January 18, 2022 Council meeting with council’s recommendations.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

Department(s): City Manager Office

Recommended Action: Consider one of the following recommendations:

1. Approve the first reading of an ordinance prohibiting the sale of flavored tobacco products.
2. Ordinance No. NS-XXXX – Adopt an urgency ordinance prohibiting the sale of flavored tobacco products. *(Requires five affirmative votes)*

MINUTES: *Management Assistant Daniel Soto provided a brief presentation.*

Council discussion ensued and direction provided to staff.

Mayor Pro Tem Bacerra moved the urgency ordinance, but died due to a lack of second.

Councilmember Mendoza requested to consider changes regarding the specifications as to the definition of flavored tobacco and the Hookah issue. Wants to look at the American Cancer Society definition which is more specific because it includes any device, i.e. inhaler, aerosol, and would like ordinance to include any device whether it includes nicotine or not.

Councilmember Lopez requested staff to provide information at the state level to compare it with the ordinance that is being considered.

Councilmember Phan expressed support of the continuance. Proposed that if an outright ban is not in place, then impose requirements like the stringent safety measures that are in place for cannabis on those who want to sell flavored tobacco products.

Councilmember Hernandez supportive of Councilmember Phan's alternative to impose requirements.

Councilmember Penaloza would like to see what types of enforcement requirements could be implemented in known areas.

Moved by Councilmember Mendoza, seconded by Mayor Sarmiento to continue item to the January 18, 2022 council meeting with recommended council comments.

YES: 6 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Sarmiento

NO: 1 – Bacerra

ABSTAIN: 0

ABSENT: 0

Status: 6 – 1 – 0 – 0 – **Pass**

40. Disbanding and Establishing Certain City Council Ad Hoc Committees; Resolution Establishing Certain City Council Standing Subcommittees

Department(s): City Manager Office

Recommended Action: 1. Disband the Homeless, Housing, and Legislative City Council Ad Hoc Committees, and establishing a Charter Review City Council Ad Hoc Committee.

2. Resolution No. 2021-XXX – Adopt a resolution establishing the Public Safety and Homelessness, and Legislative City Council Standing Subcommittees.

MINUTES: *Management Assistant Daniel Soto provided a brief presentation.*

Council discussion ensued and direction provided to staff.

Councilmember Penaloza expressed interest to serve on the Charter Review City Council Ad Hoc Committee.

Mayor Pro Tem Bacerra expressed interest to serve on the Public Safety and Homelessness Standing Subcommittee.

This Business Item - Resolution No. 2021-089 was approved.

Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Phan to Approve.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – Pass

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

PUBLIC HEARINGS

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

41. Public Hearing - Final Recirculated Program Environmental Impact Report No. 2020-03 and General Plan Amendment No. 2020-06 for Santa Ana General Plan Update

Legal Notice published in the Orange County Reporter on November 26, 2021 and notices mailed on November 19, 2021.

Continued from the December 7, 2021 and December 21, 2021 City Council meetings.

Department(s): Planning and Building Agency

Recommended Action: 1. Resolution No. 2022-XXX – Adopt a resolution certifying Final Recirculated Program Environmental Impact Report No. 2020-03 (SCH No. 2020029087), including adoption of environmental findings of fact pursuant to the California Environmental Quality Act, adoption of a Statement of Overriding Considerations, and adoption of a Mitigation Monitoring and Reporting Program.

2. Resolution No. 2022-XXX – Adopt a resolution approving General Plan Amendment No. 2020-06.

3. Resolution No. 2022-XXX – Adopt a resolution of findings to overrule the John Wayne Airport Orange County Airport Land Use Commission's determination that the Proposed General Plan Update is inconsistent with the Airport Environs Land Use Plan. *This action requires a minimum of five affirmative votes.*

Moved by Councilmember Phan, seconded by Councilmember Lopez to continue to the January 18, 2022 council meeting.

YES: 6 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Sarmiento

NO: 1 – Bacerra

ABSTAIN: 0

ABSENT: 0

Status: 6 – 1 – 0 – 0 – **Pass**

MINUTES: *Councilmember Phan requested item 41 to be continued until receipt of the FPPC advice letter.*

42. Ordinance No. NS-XXXX – Adoption of an Urgency Ordinance Adding Division 2 and 3 to Article XX of Chapter 41 of the Santa Ana Municipal Code Establishing Interim Regulations to Regulate Urban Lot Splits and Two-Unit Projects Under Senate Bill 9

Department(s): Planning and Building Agency

Recommended Action: Adopt the Urgency Ordinance by 2/3 vote to add Division 2 and 3 to Article XX of Chapter 41 of the Santa Ana Municipal Code establishing interim regulations to regulate urban lot splits and two-unit projects under Senate Bill 9.

MINUTES: *Mayor Sarmiento opened the public hearing at 10:56 p.m.*

Planning Manager Fabiola Zelaya Melicher provided a brief presentation.

Manny Escamilla spoke in opposition to the language.

Mayor Sarmiento closed the public hearing at 11:00 p.m.

Council discussion ensued and provided direction to city staff.

This Business Item – Urgency Ordinance No. NS-3013 was approved.

Mayor Sarmiento recessed the City Council meeting and convened to the Special Housing Authority meeting at 11:06 p.m.

Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Penaloza to Adopt.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

COUNCILMEMBER REQUESTED ITEMS

43. Discuss and Consider Directing City Manager to Direct Staff to Introduce an Ordinance for a Ban on the Use, Possession and Sale of All Fireworks – Councilmembers Phan, Mendoza and Mayor Pro Tem Bacerra

MINUTES: *Mayor Sarmiento recessed the Special Housing Authority meeting and reconvened to the Council meeting at 11:09 p.m.*

Councilmember Phan requested information regarding the cost of firework related enforcement, street sweeping, waste removal and if available the air quality impact. As well as the research of alternative ways to subsidize the funds nonprofits would lose as a result of the ban of firework sales.

Mayor Pro Tem Bacerra request staff research alternative ways to help Santa Ana based nonprofits recover potential lost funds due to the ban of firework sales.

Council discussion ensued and direction provided to staff to pursue through the Charter Ad Hoc committee and let the voters decide.

44. Discuss and Consider Directing City Manager to Direct Staff to add "Adopt Order of Business" to the City Council Agenda and Revise on the Agenda the Title "Invocation" to "Words of Inspiration" – Councilmember Phan

MINUTES: Majority of council supports and provided direction to City Staff.

CITY MANAGER COMMENTS

MINUTES: Wished everyone a happy holiday and happy new year.

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 Hernandez thanked all who participated at tonight's council meeting and announced that he will be hosting a toy give away on December 23rd from 4 to 6 p.m. at the "Placita Cinco".

Councilmember Lopez wished all a safe and happy holiday.

Councilmember Mendoza announced that she hosted a toy drive on December 19, 2021 with great turn out. Wished all a happy and prosperous new year.

Councilmember Phan encouraged community to obtain rapid test and take safety measures. Thanked staff for their assistance and working with residents.

Councilmember Penaloza wished everyone happy holidays and happy new year.

Mayor Pro Tem Bacerra announced his community office hours on Saturday, January 8, 2022 at 10:00 a.m. in Thornton Park and wished all a Merry Christmas and happy holidays.

Mayor Sarmiento wished all a happy holiday and thanked staff for their assistance.

ADJOURNMENT – Adjourn the City Council meeting and convene to the Housing Authority meeting.

Mayor Sarmiento adjourned the City Council meeting at 11:50 p.m.

MINUTES: Mayor Sarmiento adjourned the City Council meeting at 11:50 p.m.

SPECIAL HOUSING AUTHORITY

CALL TO ORDER

ATTENDANCE

Authority Members

Johnathan Ryan Hernandez

Jessie Lopez

Nelida Mendoza

David Penaloza

Thai Viet Phan

Phil Bacerra

Vicente Sarmiento

Vice Chair

Chair

City Manager

Kristine Ridge

City Attorney

Sonia R. Carvalho

Clerk of the Council

Daisy Gomez

MINUTES: Chair Sarmiento called the Housing Authority meeting to order at 11:06 p.m.

Clerk of the Council conducted roll call. All Authority Members were present.

PUBLIC COMMENTS – Members of the public may address Housing Authority on items on the Special Housing Authority agenda.

MINUTES: No public comments on any Housing Authority items.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 1 through 7.

1. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

2. Minutes from the Special Housing Authority Meeting of August 17, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes. (Please refer to agenda Item #6 in the City

Council meeting agenda)

3. Minutes from the Housing Authority Meeting of September 7, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes. (Please refer to agenda Item #7 in the City Council meeting agenda)

4. Minutes from the Housing Authority Meeting of October 5, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes. (Please refer to agenda Item #9 in the City Council meeting agenda)

5. Minutes from the Housing Authority Meeting of November 2, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes. (Please refer to agenda Item #11 in the City Council meeting agenda)

6. Minutes from the Special Housing Authority Meeting of November 16, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes. (Please refer to agenda #13 in the City Council meeting agenda)

7. Minutes from the Housing Authority Meeting of December 7, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes. (Please refer to agenda Item #15 in the City Council meeting agenda)

Moved by Councilmember Hernandez, seconded by Mayor Pro Tem Bacerra to Approve Consent Calendar items.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

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

BUSINESS CALENDAR

JOINT SESSION OF THE CITY COUNCIL AND HOUSING AUTHORITY

8. Housing Successor Annual Report for FY 2020-21 – Low and Moderate Income Housing Asset Fund

Department(s): Community Development Agency

Recommended Action: Receive and file.

Moved by Councilmember Mendoza, seconded by Councilmember Penaloza to receive and file.

YES: 7 – Hernandez, Lopez, Mendoza, Penaloza, Phan, Bacerra, Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

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

HOUSING AUTHORITY MEMBER COMMENTS

MINUTES: None.

ADJOURNMENT – Adjourn the Special Housing Authority meeting.

MINUTES: Chair Sarmiento adjourned the Housing Authority meeting and reconvened to the Regular Meeting at 11:09 p.m. to consider Councilmember Requested items, City Manager Comments and Council Comments.