

DRAFT Minutes of the Regular Meeting of the City Council and Special Successor Agency City of Santa Ana, California



January 18, 2022

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 5:04 p.m.

ROLL CALL

Clerk of the Council Daisy Gomez conducted roll call. All councilmembers were present. Councilmember Lopez joined the meeting at 5:09 p.m. and Mayor Pro Tem Bacerra joined the meeting at 5:18 p.m.

Councilmember Phan recused herself from closed session Item 2, due to a conflict of interest.

PUBLIC COMMENTS – 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:

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
 - A. Saul Miranda v. City of Santa Ana, et al., United States District Court, Case No. 8:21-CV-00007-JVS-DFM
 - B. Victor Hernandez v. City of Santa Ana, Orange County Superior Court, Case No. 30-2020-01141768
 - C. Mark Waldo v City of Santa Ana, Orange County Superior Court, Case No. 30-2019-01120806

2. POTENTIAL INITIATION OF LITIGATION pursuant to section 54956.9(c): One case (Dyer 18 LLC)

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8:

Property: Willowick Golf Course 3017 W. 5th St. Santa Ana California

Agency Negotiator: Santa Ana City Manager Kristine Ridge

Negotiating Parties: Property owner

Under Negotiation: To obtain direction regarding price and terms of payment for the acquisition/sale/lease/ of the property.

Address of Properties and Parcel numbers

	Assessor Parcel No.	Address
1.	198-233-11	n/a

2.	198-286-01	3102 Willowick Drive
3.	198-282-02	3109 W. 5 th Street
4.	198-291-03	3101 W. 5 th Street
5.	198-291-04	3017 W. 5 th Street
6.	198-291-05	3001 W. 5 th Street
7.	198-291-06	3017 W. 5 th Street
8.	198-291-08	3017 W. 5 th Street

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.

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 items at 5:06 p.m.

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

MINUTES: Mayor Sarmiento adjourned Closed Session meeting at 6:35 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 6:40 p.m.

ROLL CALL

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

Mayor Sarmiento announced that Redistricting Public Hearing Item #31 will be heard at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Sarmiento

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

WORDS OF INSPIRATION

Pastor Matt Doan

CEREMONIAL PRESENTATIONS

1. Certificate of Recognition presented by Councilmember Hernandez to OC Youth Poet Laureate Tina Mai and OC Poet Laureate Natalie J. Graham for their Outstanding Contributions to Literary Arts and Poetry.

MINUTES: Mayor Sarmiento presented certificate of recognition on behalf of Councilmember Hernandez to Tina Mai and Dr. Natalie J. Graham.

2. Proclamation presented by Councilmember Lopez to Gerardo Mouet for his Years of Outstanding Service and Contributions to the Community.

MINUTES: Spouse Jenny Doh accepted proclamation on behalf of her husband, Gerardo Mouet.

3. Certificate of Recognition presented by Councilmember Phan to Santa Anita Neighborhood Association Volunteers for their Outstanding Contributions to the Community: Martha Calderon, Lydia Castillo, Victor Castillo, Aileen Cayetano, Miranda Cayetano, Suzette Cayetano, Lucia Cleto, Grace Moreno, Gustavo Ortega, Alan Velez and Angel Velez.

MINUTES: Councilmember Penaloza presented certificate of recognition on behalf of Councilmember Hernandez and Councilmember Phan to the various recipients.

After the last recognition, council considered redistricting item 31, item 32 and 8.

STAFF PRESENTATIONS

4. COVID-19 Update in the Community.

MINUTES: City Manager Kristine Ridge provided a brief presentation.

Mayor Sarmiento directed staff to provide COVID numbers by ward at the February 15, 2022 council meeting.

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

MINUTES: City Attorney Sonia Carvalho reported out on approvals of three settlements by a unanimous vote:

1A) In the Saul Miranda v. City of Santa Ana, et al., United States District Court, Case No. 8:21-CV-00007-JVS-DFM, \$200,000 settlement was approved.

1B) In the Victor Hernandez v. City of Santa Ana, Orange County Superior Court, Case No. 30-2020-01141768, \$126,900 settlement was approved.

1C) In the Mark Waldo v City of Santa Ana, Orange County Superior Court, Case No. 30-2019-01120806, \$87,693.84 was approved.

2) In addition, the City Council authorized by a unanimous vote the initiation of litigation in relation to a lease that the city has with Dyer 18 LLC.

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.

NOTE: Redistricting Public Hearing Item #31 will be heard at 7:00 p.m.

MINUTES: Roger Lewis Bratcher representing First Serve Santa Ana spoke on a pickleball event occurring this Saturday, January 22, 2022 at 8:00 a.m. to 4:00 p.m. at Flower/Walnut.

Victor Mendez spoke on items 27, 9 and 30.

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

Project Director Kristopher Fortin with Santa Ana Active Streets spoke in opposition to item 24.

Daisy Cruz representing the Kennedy Commission spoke in support of item 8.

John Hanna representing the Southwest Regional of Carpenters spoke on item 8 regarding the use of a skilled and trained workforce. Expressed support of the ordinance and their commitment to work with staff, community, council and members of the construction industry.

Adam Wood representing Building Industry Association of Orange County (BIAOC) spoke in support of sending item 8 back to the Planning Commission.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 5 through 28.

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 December 21, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes.

7. Appoint Robert Harvey to the Community Development Commission for a Full-Term Expiring January 17, 2024 as the Senior Tenant Representative

Department(s): Community Development Agency

Recommended Action: Nominate Robert Harvey for an appointment to the Community Development Commission for the vacant Senior Tenant Commissioner seat; nominated by the Community Development Agency.

8. 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, Penaloza 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.

MINUTES: Councilmember Phan requested item to be continued due to pending

Fair Political Practices Commission (FPPC) advice letter and complaint that was submitted to FPPC.

Moved by Councilmember Phan, seconded by Councilmember Lopez to Continue item to the February 15, 2022 council meeting.

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penaloza, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

9. Receive and File – Fiscal Year 2020-21 Annual Comprehensive Financial Report, Related Audit Reports, and Measure X Agreed-Upon-Procedures Report

Department(s): Finance and Management Services

Recommended Action: Receive and file the following audited and separately issued reports for the Fiscal Year Ended June 30, 2021:

1. The Auditor's unmodified "clean" opinion letter for the fiscal year 2020-21 Audited Financial Statements included in the Annual Comprehensive Financial Report (ACFR)
2. Government Auditing Standards (GAS) Letter
3. Governance Letter
4. Air Quality Management District (AQMD) Audited Financial Statements
5. The Auditor's report on the Appropriations Limit (GANN Limit)
6. The Auditor's report on compliance with the Statement of Investment Policy
7. Measure X Agreed-Upon-Procedures Report

10. Approve an Appropriation Adjustment and CIP Amendment for the Downtown Flood Reduction and Stormwater Infiltration Project (Project No. 22-6622) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment (2022-102) to recognize \$3.8 million in Proposition 68 Urban Flood Protection grant funding from the California Natural Resources Agency into the PWA Enterprise Capital Grants, State Grant-Direct revenue account and appropriate the same amount into the CNRA Urban Flood Protection, Improvements Other Than Building expenditure account.
(Requires five affirmative votes)

2. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to include \$3.8 million in funding from the Proposition 68 Urban Flood Protection Grant Program for the Downtown Flood Reduction and Stormwater Infiltration Project.

11. Approve an Appropriation Adjustment and Additional Contingency Funds in the Amount of \$368,825 for an Existing Construction Contract with Lucas Builders, Inc. for the Citywide Sewer Main Improvements Phase II Project with an Estimated Project Delivery Cost of \$2,117,835 (Project No. 19-6426) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment (2022-099) to recognize \$338,825 from prior-year fund balance in the Sanitary Sewer Capital Fund, Prior Year Carryforward revenue account, and appropriate the same amount to the Capital Recovery Charges, Improvements Other Than Buildings expenditure account. *(Requires five affirmative votes)*

2. Authorize the reallocation of \$30,000 in unspent Measure M2 Local Fairshare funds, \$30,000 from Flower Street Safety Enhancements (Project 17-6897) to Citywide Sewer Main Improvements Phase II (Project No. 19-6426) to complete the funding needed for project delivery.

3. Approve an amendment to the Project Cost Analysis in the amount of \$368,825 in additional contingency funds, for a total estimated construction delivery cost of \$2,117,835, which includes \$1,399,208 for the construction contract, \$209,802 for contract administration, inspection and testing, and a \$508,825 project contingency for unanticipated or unforeseen work, subject to non-substantive changes approved by the City Manager and City Attorney.

4. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to include \$368,825 in construction funds for Citywide Sewer Main Improvements Phase II (Project No. 19-6426).

12. Approve Appropriation Adjustment, Lease and License Agreement with Greyhound Lines, Inc., to Extend the term One Year, from February 1, 2022, through January 31, 2023, for a total amount of \$87,966

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment (2022-103) to recognize Fiscal Year 2021-22 lease income in the amount of \$28,340 in the Public Works-SARTC Operations, Rental-Greyhound Lines, Inc., revenue account and appropriate the same amount in the Public Works-SARTC Operations, Contract Services-Professional expenditure account. *(Requires five affirmative votes)*

2. Authorize the City Manager to execute a second amendment to the site license agreement with Greyhound Lines, Inc., for the rental of two bus bays, and extend the term for a one-year period from February 1, 2022, to January 31, 2023, at a monthly rate of \$3,000 for the first six months and at a monthly rate of \$5,498 from August 1, 2022 to January 31, 2023, for a total amount of \$50,988, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

3. Authorize the City Manager to execute an amendment to the site lease agreement with Greyhound Lines, Inc. for rental of interior office space and extend for a one-year

period from February 1, 2022, to January 31, 2023, at a monthly rate of \$2,668 for the first six months and at a monthly rate of \$3,495 from August 1, 2022, to January 31, 2023, for a total amount of \$36,978, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: This consent Item - Agreement Nos. 2022-001 and 2022-002 were approved.

13. Approve Appropriation Adjustment Recognizing Additional National Dislocated Worker Grant – Employment Recovery Funds to Provide Employment Training and Support Services to Individuals Impacted by the Pandemic (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: Approve an appropriation adjustment (2022-100) recognizing additional National Dislocated Worker Grant, Employment Recovery funds from the State of California, Employment Development Department to provide re-employment and training services to individuals impacted by COVID-19 in the amount of \$160,000 in revenue account (no. 12318002-52009) and appropriating same to expenditure account (nos. 12318762-various). *(Requires five affirmative votes)*

MINUTES: Assistant City Manager / Executive Director of Community Development Agency Steven Mendoza provided a brief presentation.

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

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penalosa, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

14. Amend a Blanket Order Contract with Professional Access CCTV & Electrical in an Amount not to Exceed \$700,000 Annually for Implementation of Additional Security Measures on an As-Needed Basis (Specification No. 21-084) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Amend a blanket order contract for implementation of additional security measures and maintenance repair services with Professional Access CCTV & Electrical in the amount of \$675,000 plus a contingency of \$25,000, for a total amount not to exceed \$700,000 annually, for a one-year period beginning

September 1, 2021, and expiring August 31, 2022, with provisions for two, one-year renewal options exercisable by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney.

15. Approve a Blanket Order Contract for an annual amount of \$53,000 with Cintas Corporation for Uniform Rental & Cleaning Services (Specification No. 22-006) (General and Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Approve a Blanket Order Contract with Cintas Corporation for an annual amount not to exceed \$53,000 for the period of April 1, 2022 through March 31, 2023, with an option for additional four one-year renewals, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: Councilmember Phan recused herself from items 15 due to a conflict of interest and out an abundance of caution

16. Award a Purchase Order to Wondries Fleet Group for Three Ford Police Interceptor K-9 Utility Vehicles in the Amount of \$126,616 (Specification No. 21-094) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize a one-time purchase and payment of purchase order to Wondries Fleet Group for the purchase of three Ford Police Interceptor K-9 Utility vehicles for the Santa Ana Police Department, for a total amount not to exceed \$126,616, subject to non-substantive changes approved by the City Manager and City Attorney.

17. Approve a Three-Year Agreement with Advanced Technology Information Management Systems in the Amount of \$268,223 for Jail Management System Maintenance (General Fund)

Department(s): Police Department

Recommended Action: Authorize the City Manager to execute an agreement with Advanced Technology Information Systems for software maintenance and customer support, for the period of January 18, 2022 through December 18, 2024, in an amount not to exceed \$268,223 (including a \$238,223 base agreement amount and a \$30,000 contingency), subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: This consent Item - Agreement No. 2022-003 was approved.

18. Amendment Agreement with Blueray Management, LLC for Management and Operation Services of the Aquatics Programs at City Pools (General and Non-General Fund)

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

Recommended Action: Authorize the City Manager to execute an amendment to the agreement with Blueray Management, LLC for the operation services of the aquatics program at City pools to include maintenance of the pools and increase the compensation by \$263,060, for an annual amount not to exceed \$432,527, which includes a 10% contingency, for the final term of their agreement from February 1, 2022 through January 31, 2023 and a total agreement amount not to exceed \$771,461 over the total term of the agreement from February 1, 2020 through January 31, 2023, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: This consent item - Agreement No. 2022-004 was approved.

19. Approve a Second Amendment to Agreement with E Source Companies, LLC (formerly known as UtiliWorks Consulting, LLC) for Utility Billing Software Upgrade Program Management for an Amount not to exceed \$45,936, Which Includes a General Contingency of \$4,176 (Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute a second amendment to an agreement with E Source Companies, LLC (formerly known as UtiliWorks Consulting, LLC) for project management related to the City's utility customer service and billing system upgrade in a base amount of \$41,760 and a general contingency amount of \$4,176, for a total amount not to exceed \$45,936 subject to non-substantive changes approved by City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: This consent item - Agreement No. 2022-005 was approved.

20. Approve a Third Amendment to Illumination Foundation Agreement to Operate a Temporary Shelter at the Fullerton Recuperative Care Center for up to One Additional Month (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: 1. Authorize the City Manager to execute a third amendment to the agreement with Illumination Foundation to extend the term to operate a temporary shelter at the Fullerton Recuperative Care Center for up to an additional month through February 28, 2022, at the per diem rate of \$135 per guest for an additional amount not to exceed \$378,000 and a total aggregate amount not to exceed \$2,178,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

2. Authorize the City Manager to execute a third amendment to the funding agreement with Illumination Foundation to pay \$135 per diem for up to 100 guests, at an amount

not to exceed \$378,000, and a total aggregate amount not to exceed \$2,178,000, of additional ESG-CV funds to extend the operation of the shelter at the Fullerton Recuperative Care Center, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: Councilmember Phan recused herself from items 15 due to a conflict of interest and out an abundance of caution

This consent Item - Core Agreement No. 2022-006 was approved.

21. Approve a Second Amendment to Salvation Army Agreement to Extend the Operation of a Temporary Shelter at the Hospitality House for One Month (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute:

1. A second amendment to the agreement with Salvation Army for the operation of a temporary shelter at the Hospitality House, extending the term for an additional month at the amount of \$130,000 per month, for a total aggregate amount not to exceed \$1,040,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).
2. A second amendment to the funding agreement with Salvation Army to use \$130,000 per month of additional ESG-CV funds to operate the shelter at the Hospitality House, for a total aggregate amount not to exceed \$1,040,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: This consent Item - Core Agreement No. 2022-007 was approved.

22. Approve Agreements with Vicon Enterprises, Inc. and Superior Hot Tapping Services, Inc. for On-Call Welding Services, for a Total Amount not to Exceed \$500,000, for up to a Five-Year Term (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with Vicon Enterprises, Inc. and Superior Hot Tapping Services, Inc. to provide on-call welding services, for a three-year term beginning January 18, 2022 and expiring January 17, 2025, with provisions for one, two-year renewal period exercisable by the City Manager and City Attorney, with a shared aggregate amount not to exceed of \$500,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: This consent Item - Core Agreement No. 2022-008 was approved.

23. Approve Agreements with KDC Systems, Trimax, and Instrument Control Services for Water Resources Control Panel Building Services for a Total Amount not to Exceed \$750,000 for up to a Five-Year Term (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with KDC Systems, Trimax, and Instrument Control Services to provide control panel building services, for a three-year term beginning January 18, 2022, and expiring January 17, 2025, with provisions for one, two-year renewal period exercisable by the City Manager and City Attorney, with a shared aggregate amount not to exceed of \$750,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *This consent Item - Core Agreement No. 2022-009 was approved.*

24. Approve an Agreement with Focus Media Group Focus Media Group, Inc. to Install, Repair, and Maintain Bus Stops/Shelters and Kiosks throughout the City, for a Ten-Year Term

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Focus Media Group, Inc. to install, repair, and maintain bus stops/shelters and kiosks throughout the City, and to share advertising revenue from bus stops/shelters and kiosks, for a ten-year period beginning no later than February 17, 2022, and ending February 16, 2032, with an option to extend for a period of five years, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

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

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penaloza, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

MINUTES: *Council provided input to city staff.*

Councilmember Hernandez supports providing a directory for resources for COVID, rental assistance, etc. at bus stops/shelters. Requested to get an e-mail listing the

advertisements that are not allowed at bus stops.

This consent Item - Agreement No. 2022-010 was approved.

25. Resolution Authorizing Proposals for Funding from the Department of Water Resources for the Rousselle Street Flood Protection Project and the Warner Avenue Flood Protection Project

Department(s): Public Works Agency

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution authorizing proposals for funding from the Department of Water Resources Proposition 68 Floodplain Management, Protection, and Risk Awareness Grant Program for the Rousselle Street Flood Protection Project and the Warner Avenue Flood Protection Project.

MINUTES: This consent Item - Resolution No. 2022-001 was approved.

26. Resolution Accepting the Donation of a Police K-9 Animal from Johanna Scillieri for the Santa Ana Police Department K-9 Program

Department(s): Police Department

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution accepting the donation of a Police K-9 animal from Johanna Scillieri for the Santa Ana Police Department's K-9 Program.

MINUTES: This consent Item - Resolution No. 2022-002 was approved.

27. Resolution Condemning the Recent Rise in Antisemitic Violence and Harassment Targeting Jewish People, and Standing in Solidarity with those Affected by Antisemitism

Department(s): City Manager Office

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution condemning the recent rise in antisemitic violence and harassment targeting Jewish people, and standing in solidarity with those affected by antisemitism.

MINUTES: This consent Item - Resolution No. 2022-003 was approved.

28. 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. 2022-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. 2022-004 was approved.*

Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Mendoza to Approve Consent Calendar items 5-28 with the exception of 13, and 24. Councilmember Phan recused herself from items 15 and 20 due to a conflict of interest and out an abundance of caution.

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penaloza, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

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

BUSINESS CALENDAR

29. Review the City Council Standing Subcommittees Interest List and Appoint Members

Department(s): Clerk of the Council Office

Recommended Action: Review the City Council Standing Subcommittees interest list and appoint members to serve as representatives to the Public Safety and Homelessness Standing Subcommittee and the Legislative Standing Subcommittee through December 2022 per Resolution No. 2021-089.

Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Penaloza to Appoint Mayor Pro Tem Bacerra, Councilmember Hernandez and Councilmember Mendoza to the Public Safety and Homelessness Standing Subcommittee; and appoint Mayor Sarmiento, Councilmember Lopez, and Councilmember Penaloza to the Legislative Standing Subcommittee.

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

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – Pass

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

Continued from the December 21, 2021 City Council Meeting.

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 (Exhibit 1).

2. Amend the fiscal year 2021-2022 budget to add one position funded by the Water enterprise within the Finance and Management Services Agency (Exhibit 2) 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 \$26,205,000 described in detail below and in Exhibit 4 for fiscal year 2021-2022. *(Requires five affirmative votes)*

4. Approve recurring General Fund Appropriation Adjustments totaling \$3,216,900 described in detail below and in Exhibit 4 for fiscal year 2021-2022, which includes funding for three positions in the Community Development Agency (Exhibit 2), City Clerk's Office, and City Attorney's Office. *(Requires five affirmative votes)*

5. Resolution No. 2022-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 (Exhibit 2).

MINUTES: *City Manager Kristine Ridge provided a brief presentation.*

Council discussion ensued and direction provided to staff.

Councilmember Phan accepted Councilmember Hernandez' friendly amendment to approve recommended action as is. Asked staff to have co-sponsored events or at least events where the city has sponsorships to help address the costs.

This consent Item - Resolution No. 2022-005 was approved.

Moved by Councilmember Penalosa, seconded by Mayor Pro Tem Bacerra to approve a Substitute Motion to amend recommended action to remove contracted administrative support for city council for the remaining fiscal year

in the amount of \$210,000 along with the future recurring cost.

YES: 3 – Mendoza, Penaloza, Bacerra

NO: 4 – Hernandez, – Lopez, – Phan, – Sarmiento

ABSTAIN: 0

ABSENT: 0

Status: 3 – 4 – 0 – 0 – **Fail**

**Moved by Councilmember Phan, seconded by Councilmember Hernandez to
Approved recommended action.**

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

NO: 1 – Bacerra

ABSTAIN: 0

ABSENT: 0

Status: 6 – 1 – 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.

31. Hold Fifth Public Hearing Regarding Redistricting Ward Boundaries

Resolution of Intention No. 2021-060 published in the Orange County Register on October 23 and 30, 2021

Department(s): Clerk of the Council

Recommended Action: Open and Close the fifth public hearing seeking input regarding the content of the draft map(s).

MINUTES: *Mayor Sarmiento opened the public hearing at 7:10 p.m.*

Redistricting Partners consultant Paul Mitchell provided a brief presentation.

The following in-person speakers provided comment:

Victor Mendez provided input regarding voting data.

Oscar Reyes urged council to select Santa Ana Goals map #86566 also known as Santa Ana Goals for the various reasons mentioned.

Clerk of the Council Daisy Gomez reported out on correspondence received:

Dale Helvig provided information to help aid in selecting a map.

Carl Benninger supported map #86566.

Araceli provided information for community of interest for her area First Street/Chestnut Avenue/Main.

Alejandro Luciano provided information for community of interest for the area around First Street/McFadden/Flower/Broadway.

George Collins in support of draft map #86566

Rosa Ramirez provided community of interest for the area around McFadden/First Street/Main Street/Bristol Street

Martin Zambrano supported draft map #86566.

Alexander Garcia supported draft map #86566.

The following Zoom participants provided comment:

Dale Helvig provided input for the process of selecting a map that is fair for the next 10 years.

Patricia DeSantos described her community of interest for the South Coast Metro area. In favor of using a horizontal map to keep a cohesive community. Supports draft map #86566.

Karen Alvarado representing Orange County Congregation Community Organization (OCCCO) spear heading coalition regarding maps. The coalition urged council to select maps submitted by the Santa Ana Redistricting Coalition, which have not been made public, and asked council to extend the map adoption beyond the February 1, 2022 deadline.

Maria Valencia representing OCCCO described her community of interest First/Grand and asked council to extend the map submitted by the coalition and extend the map adoption beyond the February 1, 2022 deadline.

Biff Baker member of OCCCO described his community of interest in historic downtown Santa Ana. Supports maps submitted by the Santa Ana Redistricting Coalition and extend the map adoption beyond the February 1, 2022 deadline.

Blanca Ruelas, member of OCCCO, described community of interest, around Flower Street. Requested council to consider the two maps submitted by the Santa Ana Redistricting Coalition. Asked council to consider extending the deadline for map adoption.

Nathaniel Greensides thanked City Clerk and her staff for making this available to the public. Expressed concern with Santa Ana Goals 2021 also known as Plan E.

Nancy Murphy spoke in support of draft map # 86566. Thanked the staff of Santa Ana for hearing their opinion.

Ana Charco with the Santa Ana Redistricting Coalition spoke regarding communities of interest in Vietnamese residents, mobile home parks in the western area of Santa Ana, environmental concerns in the east area of Santa Ana and mid-city of Santa Ana and asked council to extend the map adoption deadline.

Irene Bautista member of OCCCO described her communities of interest, Latino immigrants, low income and mixed status families and asked council to extend the map adoption deadline to allow for additional input.

Kayla Asanta member of Santa Ana Redistricting Coalition described her community of interest as it pertains to the district map needs to be vertical past Dyer, Cedar Street/Madison Park communities need to be kept together. Also, spoke regarding support for the Vietnamese community/mobile home park being kept together located in the western part of the city.

Council discussion ensued and direction provided.

Mayor Pro Tem Bacerra provided input for consultant drawn maps. Thanked all those in the community who submitted maps and expressed importance of community drawn maps. Expressed that map # 86566, which is closest to the desires of councilmembers and community members, be considered. Thanked the clerk and her staff for their work.

Councilmember Hernandez expressed support of maps A and A2.

Councilmember Mendoza expressed concern over the continued use of prison population data. Thanked those that submitted maps including the consultant and community maps. Provided input on requirements as it pertains to various maps for the record. Noted that map 86566 Santa Ana Goals 2021 meets requirements she had mentioned.

Councilmember Lopez inquired if the maps are legally compliant. Thanked clerk's office and Redistricting Partners for all the work that has gone into the redistricting process. In support of more time to the process. Supports Plan A and Plan A2 and will consider additional maps submitted by residents.

Redistricting Partners consultant Paul Mitchell responded regarding legal compliance and criteria. As to legal requirements for incumbency and contiguity he wanted legal counsel to weigh in. Noted that maps with a letter assigned are legal maps.

Sonia Carvalho noted consultant hired to prepare these maps. Noted if there are maps that want to be proposed and after consultant has reviewed, then legal will review and render a legal opinion. If the consultant has elevated maps to a review level, the consultant has reviewed for legality as well.

Councilmember Penaloza thanked the community for their participation. Wants to see some community submitted drafts elevated to a proper draft number, which would be 86656. Not supportive of maps cutting through neighborhoods, as in one of the Viet Rise maps. Should run along major corridors to keep neighborhoods intact. Provided input regarding data. Noted the various neighborhoods that should be kept intact.

Councilmember Phan thanked the community and Redistricting Partners for the participation. Is in support of removing all maps (consultant and non-consultant maps) that do not have an Asian plurality district. Councilmember Phan motioned, not seconded after discussion.

Mayor Sarmiento inquired if a majority council could not agree to a map by a 2/3 votes what would be the next step.

Redistricting Partners consultant Paul Mitchell noted that the Fair Maps Act does not require a vote threshold requirement. If a decision could not be made on April 17, 2022, then on April 18, 2022 any member of public could ask a court to take redistricting from the city council at which time it is unknown what steps will be taken by the court.

Clerk of the Council Daisy Gomez noted that the city charter requires a 2/3 votes.

Sonia Carvalho wants to know for certain the current maps meet a threshold requirement. State law does not preempt the charter. Charter can make requirements that are stricter than state law and this is what the voters have done.

Mayor Sarmiento is supportive of draft map A and A2 and provided input for areas to consider such as neighborhoods that have a historic element.

Councilmember Mendoza clarified for the record that constituents requested for the following to stay together: asian plurality, south, north, Sullivan neighborhood, Delhi neighborhood. And have one member per ward. Also, provided input for map A and A2 regarding Asian plurality.

Mayor Pro Tem Bacerra inquired about the deadline.

Clerk of the Council Daisy Gomez described the process for approving maps.

Redistricting Partners consultant Paul Mitchell noted April 17, 2022 is the state deadline, not the county registrar deadline. They will allow time after that deadline for the files to get to them.

Councilmember Penaloza expressed concern with draft map A2. Requested to keep downtown district together. Asked consultant to keep together the business districts, and keep in mind that new apartment units that will change the population in those areas. Asked consultant to consider the Transit Zoning Code and keep in mind the entire area east of Main Street.

Redistricting Partners consultant Paul Mitchell explained his staff was balancing data in each map as an option, and the chosen trade-offs, such as asking for a map to be redrafted with certain amendments. Noted in map A2, the downtown area is not split, it might be disconnected from other neighborhoods that also consider themselves part of the greater downtown neighborhood.

Councilmember Phan expressed the following maps be elevated: 77539, 77567, 87613, 86566, and two maps recently submitted by coalition that have Asian plurality district along with draft map A2, which also has an Asian plurality district. In addition, inquired about, the prison population.

Redistricting Partners consultant Paul Mitchell clarified the use of the Citizen Voting Age Population (CVAP) and the prison population adjustment data (PPA). Noted that it is required by law that the top data set, known as point data or moment in time for the decennial census that is used to determine how big each of your wards are, is always going to be the prison adjusted data set. The top data set will always be the PPA data. It has to be by law based on the Fair Maps Act.

Councilmember Phan requested to include an overlay showing the communities, such as the Sullivan community and South Coast Metro Community, to be included on the maps requested above.

Redistricting Partners consultant Paul Mitchell clarified that all maps need to be kept for the next ten years, however, as requested will elevate maps that meet the Asian plurality. Thus, noted to retain A2, D, E, and three additional maps mentioned by Councilmember Phan to be elevated if they meet the criteria and give them lettered designations for the next hearing. Councilmember Phan also requested to review the Santa Ana Coalition maps to be elevated if they meet the criteria.

Mayor Pro Tem Becerra asked that data for 86566 be clarified.

The redistricting matter will be placed on subsequent agendas to be discussed at 7 p.m. at upcoming council meetings.

Mayor Sarmiento closed the public hearing at 9:13 p.m.

After item 31, council took items 32 and 8 out of order followed by item 4.

32. 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.*

MINUTES: City Attorney Carvalho provided council a status update on Fair Political Practices Commission (FPPC) advice letter and on a formal complaint submitted to FPPC.

Moved by Councilmember Phan, seconded by Councilmember Lopez to Continue item to February 15, 2022.

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penaloza, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

33. 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.

MINUTES: Mayor Sarmiento opened the public hearing at 10:47 p.m.

Council discussion ensued and direction provided to staff.

Executive Director of Parks, Recreation, and Community Agency Lisa Rudloff and Recreation and Community Services Manager Timothy Pagano addressed council regarding the fee schedule.

Councilmember Hernandez recommended to add language to the policy as part of the motion.

Executive Director of Parks, Recreation, and Community Agency Lisa Rudloff said that Councilmember Hernandez' language can be added to the policy. Permit fee will be waived for the neighborhood association.

Seeing there were no speakers, Mayor Sarmiento closed the public hearing at 10:58 p.m.

This Business Item - Resolution Nos. 2022-006 and 2022-007 were approved.

Recessed the Council meeting and convened to the Successor Agency meeting at 10:59 p.m.

Moved by Councilmember Hernandez, seconded by Mayor Pro Tem Bacerra to Adopt as amended to add to Page 2 section 2.0 of the policy the following language: to have the city staff liaison work with the city recognized neighborhood associations to accommodate facilities for monthly meetings and special events, city recognized neighborhood associations should not be charged fees to utilize city owned facilities for meetings and/or city owned and/or controlled property for special events. Other fees may apply for special events depending upon other special factors, such as attendance utilize private security or Santa Ana Police Department traffic controlled concessions/alcohol service, etc., and would like to see neighborhood associations prioritized and accommodate them.

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penaloza, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – Pass

COUNCILMEMBER REQUESTED ITEMS

34. Discuss and Consider Directing City Manager to Direct Staff to Explore a Policy Relating to Commemorative or Honorary Street Names – Councilmember Hernandez

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

CITY MANAGER COMMENTS

MINUTES: Wished all a happy first meeting of the 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 the residents who attended this meeting.

Expressed excitement that his colleagues unanimously supported the honorary street name.

Expressed that he is happy that Juneteenth now has a home and a celebration that the City of Santa Ana is behind. Thanked his colleagues for their support and wants to remind everyone to please wear masks and please get vaccinated. Offered condolences and echo demands for justice for Valentina Orellana-Peralta.

Council Member Lopez thanked Pastor Doan for today's words of inspiration. Spoke on the purpose of the upcoming International Holocaust Memorial Day, January 27. Announced her upcoming office hours. Expressed her condolences to the Segerstrom family in the memory of Ruth Ann Segerstrom.

Council Member Mendoza wished everyone a happy new year.

Council Member Phan thanked staff for their work with the sunshine ordinance changes. She echoed Council Member Lopez' sentiments on anti-Semitic violence. Spoke on the rise in violence and hate crime during the pandemic towards the Asian and Jewish communities. Wished all a Happy Martin Luther King day. Noted it is a day of reflection for her and thinking about his work.

Council Member Penaloza invites everyone to a historic community meeting Saturday, January 22, 2022, 9:00 a.m. at Centennial Park. There will be a community meeting to start brainstorming the future of the first dog park of the City of Santa Ana.

Mayor Pro Tem Bacerra thanked council for adjourning tonight's meeting in the memory of two long-term Santa Ana residents that passed away recently, Antoinette Louise Christenson and Ruth Ann Segerstrom Moriarty. Thanked Johanna Scillieri for her donation of a police K-9 police dog. Thanked the Public Works Director Nabil Saba for his help after hours. Thanked Public Works Agency Management Aide Yasmin Vazquez for her work on the winter village. Announced his monthly community hours. Wished everyone a happy new year and looks forward to great things on the council this year.

Mayor Sarmiento thanked the community members that came to the meeting tonight, thanked the staff for their hard work. Spoke regarding the school sub-committee. Adjourned in memory of Ruth Ann Segerstrom Moriarty and Antonette Louise (Bottari) Christensen.

ADJOURNMENT – Adjourn the City Council meeting and convene to the Special Successor Agency meeting.

MINUTES: Mayor Sarmiento adjourned the City Council meeting at 11:16 p.m.

**Adjourn in memory of Ruth Ann Segerstrom Moriarty
and
Antonette Louise (Bottari) Christensen**

SPECIAL SUCCESSOR AGENCY

CALL TO ORDER

ATTENDANCE

Council Members

Johnathan Ryan Hernandez

Jessie Lopez

Nelida Mendoza

David Penaloza

Thai Viet Phan

Mayor Pro Tem

Phil Bacerra

Mayor

Vicente Sarmiento

City Manager

Kristine Ridge

City Attorney

Sonia R. Carvalho

Clerk of the Council

Daisy Gomez

MINUTES: Mayor Sarmiento called the Special Successor Agency meeting to order at 10:59 p.m.

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

MINUTES: No public comments on Successor Agency items.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 1 through 3.

1. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

2. Minutes from the Special Successor Agency Meeting of January 19, 2021

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes.

3. Recognized Obligation Payment Schedule for the Period of July 1, 2022 through June 30, 2023

Department(s): Community Development Agency

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution approving the Recognized Obligation Payment Schedule for the period of July 1, 2022 through June 30, 2023 pursuant to Part 1.85 of Division 24 of the California Health & Safety Code.

MINUTES: *This consent Item - Resolution No. 2022-001 was approved.*

Moved by Councilmember Mendoza, seconded by Mayor Sarmiento to Approve.

YES: 7 – Hernandez, Councilmember, – Lopez, Councilmember, – Mendoza, Councilmember, – Penaloza, Councilmember, – Phan, Councilmember, – Bacerra, Mayor Pro Tem, – Sarmiento, Mayor

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – Pass

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

SUCCESSOR AGENCY COMMENTS

MINUTES: *None.*

ADJOURNMENT – Adjourn the Successor Agency meeting.

MINUTES: *Mayor Sarmiento adjourned the Special Successor Agency meeting and reconvened to the Open Regular Meeting at 11:00 p.m. to consider Councilmember requested items, City Manager comments, and Councilmember comments.*