

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



March 01, 2022

**CLOSED SESSION MEETING – CANCELED
REGULAR OPEN MEETING – 5:45 pm**

CITY COUNCIL CHAMBER
22 Civic Center Plaza Santa Ana, CA 92701

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: Mayor Sarmiento called the Closed Session meeting to order at 5:57 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE **Mayor Sarmiento**

MINUTES: Mayor Sarmiento asked for moment of silence for all those who are suffering in Ukraine following the insurgence by Russian troops and for all the lives that have been lost. Also noted that the City's water tower is lit up in blue and yellow showing the city stands in solidarity with Ukraine.

Councilmember Penaloza led the pledge of allegiance.

WORDS OF INSPIRATION

**Dr. Bernice B. Rumala – Co-Founder, Health Equity,
Diversity, Inclusion, Anti-Racism Taskforce (HEART) for Orange County**

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Sarmiento to Ron Ono in Recognition of 52 years of Service and Outstanding Contributions to the Community.

2. Proclamation presented by Mayor Pro Tem Bacerra and Councilmember Mendoza to Orange County Soccer Club in Recognition of their Outstanding Contributions to Athletics.

STAFF PRESENTATIONS

3. Homeless Update

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

Council discussion ensued and provided input to city staff.

4. Update from the Orange County Housing Finance Trust

MINUTES: *Manager of the Orange County Housing Finance Trust Adam Eliason provided a brief presentation.*

Council discussion ensued and provided input to Manager Adam Eliason.

Item 6 and item 7 taken out of order prior to Public Comment; and oath of office administered to Amina Sen-Matthews and Jannelle Welker.

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

MINUTES: *Water Services Quality Inspector Nadiya Balukh spoke on the situation that is happening in her home country of Ukraine. Also provided information on how to support Ukraine's efforts.*

Mary E. Oberschlake spoke in support of item 21 and requested additional support to the businesses in the downtown area.

Delilah Snell spoke on item 21 and expressed concern with public safety in the downtown area.

Alexa Wohrman with the American Heart Association spoke on item 27 and urged council to pass option 1A.

Senior Community Impact Director at American Heart Association Marklom Valdovinos spoke on item 27 and urged council to pass option 1A.

Alham Banyamin spoke in opposition of item 27.

Thomas Moua with Partners4Wellness spoke on item 27 and asked council to protect Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) youth.

Julie Wong spoke in opposition of item 27.

Tim Gibbs with Campaign for Tobacco Free Kids spoke on item 27 and urged council to pass option 1A.

Guadalupe Olmos urged council to oppose item 27.

Valentin Martinez spoke on item 21. Requested additional assistance for downtown businesses.

Cecy Rivera with America On Track spoke on item 27 and asked council to vote for option 1A.

Lenyss Bahena spoke on item 27 and urged council to vote for option 1A.

Cecilia Mora with America On Track spoke on item 27 and urged council to vote for option 1A.

Daniella Hernandez with America On Track spoke on item 27 and urged council to adopt option 1A.

Hugo Cota with America On Track spoke on item 27 and urged council to adopt option 1A.

Jennifer Grajeda with America On Track spoke on item 27 and urged council to vote on option 1A.

Ryan Crowds spoke on item 27 and urged council to adopt option 1A.

Maribel Gomez spoke in support of item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Maricela Prado spoke in support of item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Jesse Gomez spoke in support of item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Logan Crow founder and executive director of Frida Cinema spoke in support of item 21 and requested that Orange County Transportation Authority (OCTA) match funds. Asked council to leverage relationships with OCTA and demand they take responsibility and immediately participate in the fiscal relief effort.

Bill Trette spoke in support of the downtown businesses and expressed concern with public safety in the downtown area.

Claire Braeburn executive director and co-founder of America On Track spoke in support of item 27, option 1A. Provided for the record 812 signed petitions.

Jennifer Noria with America On Track spoke on item 27 and urged council to vote on option 1A.

Juliet Castro spoke on item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Salvador spoke on item 21. Expressed the need for economic relief, signage, and security.

Rocio Guzman with America On Track spoke in support of item 21 and asked council to vote for option 1A.

Catalina Iniestra with America On Track spoke in support of item 21 and asked council to vote for option 1A.

Jasmin Torres spoke in support of item 21 and asked council to vote for option 1A.

Eder Lopez with America On Track spoke in support of item 21 and asked council to vote for option 1A.

Anna Nalle spoke in support of item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Maggie Acuna with American Cancer Society Cancer Action Network (ACS CAN) spoke in support of item 21 and asked council to vote for option 1A.

Juan Romo spoke on item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Ana Laura Padilla spoke on item 21 and expressed concern with public safety in the downtown area.

Ximena Silva spoke on item 21 and expressed concern with public safety in the downtown area.

Minerva Alvarez spoke on item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Maria Perez spoke on item 21 and asked council for an economic assistance for all businesses struggling in the downtown.

Lucie Jadow with the LGBTQ Center of Orange County spoke in support of item 27.

Guadalupe Barragan spoke on item 21 and asked council for assistance for all businesses struggling in the downtown.

Erkia Robles with United Across Borders spoke in support of item 17.

Juan Plascencia with LGBTQ spoke in support of item 27.

Maria Del Sol spoke on item 21 and asked council for financial assistance for all businesses struggling in the downtown.

Moises Vazquez spoke on item 27 and urged council to adopt option 1A.

Riely Williams spoke in support of item 27.

Victor Mendez spoke on rent assistance program and in support of item 21.

Ana Marson with LGBTQ Center OC spoke in support of item 27.

Bryan Leon spoke on item 21 and expressed concern with public safety in the downtown area.

Alfonso Calderon spoke on item 21 and asked council for additional assistance for all businesses struggling in the downtown.

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

Dale Helvig expressed his well wishes to Ron Ono. Spoke in support of item 20, commented on redistricting and wished Ukrainian people all the best.

Nathaniel Greensides spoke on trash receptacles, expressed support for items 12, 13 and

20. Expressed concern for items 18, 20 and 26. Provided comment on item 27.

Lynda Barbour with American Cancer Society spoke on item 27 and urged council to adopt option 1A.

Lindsey Freitas with Campaign for Tobacco Free Kids spoke on item 27 and urged council to adopt option 1A.

Oscar Gonzalez spoke on item 21 and asked council for additional assistance for all businesses struggling in the downtown.

Alix Winston with Parents Against Vaping e-cigarettes spoke on item 27 and urged council to adopt option 1A.

Mehra M. spoke on item 27 and urged council to adopt option 1A.

Rima S. Khoury founding member of the National Hookah Community Association spoke in support of item 27, 2B.

Niamh spoke on item 27 and asked council to save hookah.

Nicole Turkson with African American Tobacco Control Leadership Council spoke on item 27 and urged council to adopt option 1A.

Fred Baskharoon spoke in opposition of item 27.

Claudia Martinez spoke in support of item 27, option 4.

Darrin spoke on item 27 and tobacco regulation.

George Jonson member of the National Hookah Community Association spoke on item 27 and expressed support for responsible retailers.

Omeed spoke on item 27 and the unintended consequences resulting from a ban.

Item 27 was taken out of order and considered after public comments were heard.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 5 through 22.

5. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

6. Appoint Amina Sen-Matthews nominated by Councilmember Phan as the Ward 1 representative to the Parks, Recreation and Community Services Commission for a partial-term expiring December

10, 2024

Department(s): Clerk of the Council Office

Recommended Action: Appoint Amina Sen-Matthews to the Parks, Recreation and Community Services Commission representing Ward 1 and administer Oath of Office.

Moved by Councilmember Penaloza, seconded by Councilmember Mendoza to Appoint.

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

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

***MINUTES:** Item 6 and item 7 taken out of order prior to Public Comment; and oath of office administered to Amina Sen-Matthews and Jannelle Welker.*

7. Appoint Jannelle Welker nominated by Councilmember Phan as the Ward 1 representative to the Environmental and Transportation Advisory Commission for a partial-term expiring December 10, 2024

Department(s): Clerk of the Council Office

Recommended Action: Appoint Jannelle Welker to the Environmental and Transportation Advisory Commission representing Ward 1 and administer Oath of Office.

Moved by Councilmember Penaloza, seconded by Councilmember Mendoza to Appoint.

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

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

***MINUTES:** Item 6 and item 7 taken out of order prior to Public Comment; and oath of office administered to Amina Sen-Matthews and Jannelle Welker.*

8. Receive and File Boards and Commissions Biannual Attendance Report for July through December 2021

Department(s): Clerk of the Council Office

Recommended Action: Receive and file Boards and Commissions Biannual Attendance Report.

9. Approve Destruction of Obsolete City Records

Department(s): Finance and Management Services

Recommended Action: Approve the request for the destruction of obsolete records from the Finance & Management Services in accordance with the retention schedule outlined in City Council Resolution 2013-014.

10. Receive and file Quarterly Report of Contracts up to \$50,000 for Non-Public Works and up to \$250,000 for Public Works authorized by the City Manager as Permitted by Charter Section 421

Department(s): Finance and Management Services

Recommended Action: Receive and file Quarterly Report of Contracts entered into between October 1, 2021 to December 31, 2021, valued at up to \$50,000 for non-public works contracts and agreements and up to \$250,000 for public works contracts and agreements.

11. Award a Purchase Order Contract for the Purchase of 411 Combination Waste-Recycle Receptacles for Various City parks to Outdoor Creations, Inc. in an Amount not to exceed \$898,035 (Non-General Fund) (Proj. 22-2757)

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

Recommended Action: Authorize a one-time purchase and payment of purchase order contract for 411 combination waste-recycle receptacles for various City parks to Outdoor Creations, Inc. in the amount of \$898,035, subject to non-substantive changes approved by the City Manager and City Attorney.

12. Award a Construction Contract to Elecnor Belco Electric, Inc. in the Amount of \$307,613 for the Main Street at Walnut Street New Traffic Signal Installation Project and Crosswalk Upgrade Projects at Occidental Street, Saint Gertrude Place, Saint Andrew Place, Anahurst Place and Rousselle Street, with an Estimated Project Delivery Cost of \$385,000 and Amend the Fiscal Year 2021-22 Capital Improvement Program (Project No. 22-7534) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Award a Construction Contract to Elecnor Belco Electric, Inc., the lowest responsible bidder, in accordance with the Base Bid in the amount of \$307,613, for construction of the Main Street at Walnut Street New Traffic Signal Installation and Crosswalk Upgrades Project, for the term beginning March 1, 2022 and ending upon project completion, subject to non-substantive changes approved by the City Manager and City Attorney.

2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$385,000, which includes \$307,613 for the construction contract, \$46,079 for contract administration, inspection and testing, and a \$31,308 project contingency for unanticipated or unforeseen work to be funded from Community Development Block Grant (CDBG) funds.

3. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to include \$300,000 and an additional \$85,000 in construction funds for the Main Street at Walnut Street New Traffic Signal Installation and Crosswalk Upgrades Project for a total of \$385,000 to be funded from CDBG funds.

13. Approve Appropriation Adjustments, Reallocation of Funds, and Award a Construction Contract to Elecnor Belco Electric, Inc., in the Amount of \$413,942 for the Main Street at 15th Street Traffic Signal Installation Project with an Estimated Project Delivery Cost of \$523,636 (Project No. 18-6918) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment recognizing \$335,793 in Fiscal Year 2017-18 Highway Safety Improvement Program grant funds into the Federal Aid Safety Program, Federal Grant-Indirect revenue account, and appropriate the same amount into the Public Services Street Safety Projects, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*

2. Approve an appropriation adjustment recognizing \$104,347 in Fiscal Year 2021-22 Highway Safety Improvement Program grant funds into the Federal Aid Safety Program, Federal Grant-Indirect revenue account, and appropriate the same amount into the Public Services Street Safety Projects, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*

3. Approve an appropriation adjustment to transfer \$33,549 from the Special Gas Tax Interfund Transfer account to the Select Street Construction Interfund Transfer account and appropriate the same amount into the Select Street Construction Fund, Improvements Other Than Building expenditure account. *(Requires five affirmative votes)*

4. Authorize the reallocation of \$53,435 in unspent Measure M2 Local Fairshare funds from Citywide Speed Limit Study Project and \$30,061 from Bike Lane Project Development, for a total of \$83,496 to the Main Street at 15th Street New Traffic Signal Installation Project to complete the project's funding requirement.

5. Award a construction contract to Elecnor Belco Electric, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$413,942, for construction of the Main Street at 15th Street Traffic Signal Installation Project, for the term beginning March 1, 2022, and ending upon project completion, subject to non-substantive changes approved by the City Manager and City Attorney.

6. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$523,636, which includes \$413,942 for the construction contract; \$68,300 for contract administration, inspection and testing; and a \$41,394 project contingency for unanticipated or unforeseen work to be funded from Highway Safety Improvement Program grant funds.

14. Approve a Three-year Agreement with California Forensic Phlebotomy in the Amount of \$163,767 for Blood Technician Services (General Fund)

Department(s): Police Department

Recommended Action: Authorize the City Manager to execute a three-year agreement with California Forensic Phlebotomy, Inc., for the period of March 5, 2022 through March 4, 2025, to perform blood technician services, in an annual amount not to exceed \$49,589, for a total amount not to exceed \$163,767 (including a \$15,000 contingency), subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *This consent item - Agreement No. 2022-030 was approved.*

15. Agreement Amendment with MIG to Amend the Scope of Work and Increase the Compensation for a Parks, Facilities, Trails, and Open Space Master Plan (General Fund)

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

Recommended Action: Authorize the City Manager to execute an amendment to the agreement with MIG to amend the scope of work to prepare a Parks, Facilities, Trails, and Open Space Master Plan and increase the compensation by \$44,970 for a total amount not to exceed \$205,570, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *Councilmember Phan abstained from item 15.*

This consent item - Agreement No. 2022-031 was approved.

16. Approve a First Amendment to Agreement with Pitney Bowes Presort Services, LLC for mail

processing services for an amount not to exceed \$40,000 and exercise an optional renewal extension from April 1, 2022 through February 1, 2024 (Non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute a First Amendment to Agreement with Pitney Bowes Presort Services, LLC for mail processing services and exercise a renewal option for a term commencing April 1, 2022 through January 31, 2024 for a total amount not to exceed \$40,000, subject to non-substantive changes and approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *This consent item - Agreement No. 2022-032 was approved.*

17. Approve Agreements with Delhi Center, Elks Building Association of Santa Ana, United Across Borders Foundation, Latino Health Access, and OneOC for Food Distribution/Supply Programs for a One-Year Term in an Aggregate Amount Not to Exceed \$900,000 (**Revive Santa Ana Program**)

Department(s): City Manager Office

Recommended Action: Authorize the City Manager to execute agreements with Delhi Center, Elks Building Association of Santa Ana, United Across Borders Foundation, Latino Health Access, and OneOC to operate food distribution and food supply programs for a one-year term beginning March 1, 2022 and expiring February 28, 2023, in a total shared aggregate amount not to exceed \$900,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *Councilmember Phan abstained from item 17.*

This consent item - Core Agreement No. 2022-033 was approved.

18. Resolution in Support of Assembly Bill 485 Requiring All Law Enforcement Agencies to Report Hate Crime Data on Their Own Website

Department(s): City Manager Office

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution in support of Assembly Bill 485 requiring all law enforcement agencies to report hate crime data on their own website.

MINUTES: *This consent item - Resolution No. 2022-016 was approved.*

19. Resolution Authorizing Execution of Notification of Intent to Comply with California Senate Bill 1383 Organic Waste Recycling Regulations

Department(s): Public Works Agency

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution authorizing the City of Santa Ana to submit to CalRecycle a Notification of Intent to Comply with California Senate Bill 1383 Organic Waste Recycling Regulations.

MINUTES: *This consent item - Resolution No. 2022-017 was approved.*

20. Memorandum of Understanding between City of Santa Ana and Discovery Cube to Pursue Grant Applications and Study the Feasibility of a Future Outdoor Science Park on Adjacent City-Owned Property (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute a Memorandum of Understanding with Discovery Cube for a period of March 1, 2022 to March 1, 2024, to pursue grant applications and study the feasibility of a future Outdoor Science Park on adjacent City-owned property, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *This consent item - Agreement No. 2022-034 was approved.*

21. Approve the Santa Ana Business Interruption Fund program to provide financial relief to businesses impacted by the OC Streetcar Construction in the Amount of \$1,500,000 (General Fund)

Department(s): Community Development Agency

Recommended Action: Approve the Santa Ana Business Interruption Fund program in the amount of \$1,500,000 to provide financial relief to businesses impacted by the OC Streetcar construction.

MINUTES: *Council discussion ensued and direction provided to staff.*

Mayor Pro Tem Bacerra requested to have OCTA return with deliverables.

Councilmember Lopez requested OCTA representatives return and provide updates at council meetings.

Economic Development Manager Marc Morley addressed council regarding outreach.

Councilmember Penaloza requested staff to address maintenance of downtown parking structures.

Councilmember Phan moved to approve recommended action with clarification to include street vendors and sidewalk vendors; and to bring it back for further appropriation depending on the budget. Seconded by Mayor Pro Tem Bacerra.

Substitute motion introduced and passed.

Moved by Councilmember Phan, seconded by Mayor Pro Tem Bacerra to Approve recommended action with clarification to include street vendors and sidewalk vendors; and to bring it back for further appropriation depending on the budget.

YES: 0 –

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 0 – 0 – 0 – 0 –

Moved by Councilmember Hernandez, seconded by Councilmember Mendoza to Approve an amended substitute motion to approve \$1,500,000 tonight, have staff identify an additional \$1,500,000 to be placed as appropriation request at the April 5, 2022 City Council meeting and include eligibility for street and sidewalk vendors.

YES: 5 – Hernandez, Mendoza, Penaloza, Bacerra, Sarmiento

NO: 2 – Lopez, – Phan

ABSTAIN: 0

ABSENT: 0

Status: 5 – 2 – 0 – 0 – **Pass**

22. Approve Agreement with Townsend Public Affairs for State Legislative Advocacy Services (General and Non-General Fund)

Department(s): City Manager Office

Recommended Action: Authorize the City Manager to execute an agreement with Townsend Public Affairs for State legislative advocacy services for a three-year term, from March 1, 2022 through February 28, 2025, with an option to extend the term for an additional one-year period, for a four-year not-to-exceed amount of \$252,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2022-XXX).

MINUTES: *This consent item - Agreement No. 2022-035 was approved.*

Moved by Councilmember Penaloza, seconded by Mayor Pro Tem Bacerra to Approve Consent Calendar items 7-23 with the exception of 6, 7 and 21. Items 6 and 7 were considered earlier and passed. Councilmember Phan abstained from items 15 and 17 due to a conflict of interest regarding 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****

BUSINESS CALENDAR

23. Discuss and Provide Input Regarding the Structure of the School Collaboration City Council Subcommittee

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

Recommended Action: Discuss and provide input regarding the structure of the School Collaboration City Council Subcommittee that will add an element for joint meetings with Santa Ana Unified School District Governing Board.

MINUTES: *Council discussion ensued and direction provided to city staff.*

24. Ordinance Amending City Manager's Contracting Authority for Non-Public Works and Public Works Contracts Under Chapter 2, Article VII and Public Works Construction Rules and Regulations Under Chapter 33, Article VIII of the Santa Ana Municipal Code

Department(s): Finance and Management Services

Recommended Action: Approve first reading of an ordinance amending City Manager's contracting authority for non-public works and public works contracts under Chapter 2, Article VII, Sections 2-748, 2-800 to 2-808 and public works construction rules and regulations under Chapter 33, Article VIII, Sections 33-200 to 33-203 of the Santa Ana Municipal Code as follows:

i) Amending Section 2-748 of Chapter 2, Article VII concerning the City Manager's contract authority:

- (1) non-public works contracts to increase from \$50,000 to \$250,000;
- (2) emergency public works construction to increase from \$100,000 to \$750,000;
- (3) non-public works and public works contracts change orders authority increase from 10 percent or \$25,000, whichever is greater, to 15 percent or \$50,000, whichever is greater; and
- (4) add language codifying contract limits will be applied on a fiscal year basis by departments.

ii) Amending Section 2-800 to 2-808 of Chapter 2, Articles VII.II concerning the Purchasing Rules and Regulations:

- (1) clarifying language administrative in nature;
- (2) extending local vendor preference to increase from procurement involving \$5,000 and one \$100,000 to procurement involving \$10,000 and \$100,000;
- (3) for reporting requirements to increase from \$500 to \$1,000;
- (4) for administrative contracts to increase from \$5,000 to ten \$10,000;
- (5) for informal contracts to increase from \$5,000 and \$25,000 to \$10,000 and \$50,000);
- (6) for formal contracts to increase from \$25,000 to \$50,000;
- (7) add language to coincide with current practices for awarding services contracts; and
- (8) for non-bid purchases add City-owned software upgrades, maintenance, or additional licenses.

iii) Amending Sections 33-200 to 33-203 of Chapter 33, Article VIII concerning the Public Works Construction Rules and Regulations:

- (1) housekeeping language administrative in nature; and
- (2) for non-emergency public works construction incorporate informal procurement process:
 - a) administrative contracts up to \$50,000
 - b) informal construction bid for contracts between \$50,000 and \$250,000
 - c) formal for bid for contracts in excess of \$250,000

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

Council discussion ensued and direction provided to staff to bring back item.

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

YES: 3 – Penaloza, Phan, Bacerra

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

ABSTAIN: 0

ABSENT: 0

Status: 3 – 4 – 0 – 0 – **Fail**

25. Fiscal Year 2021-2022 Mid-Year Budget Update

Department(s): Finance and Management Services

Recommended Action: 1. Receive and file the Fiscal Year 2021-22 Mid-Year Budget Update, including revised revenue estimates (Exhibit 1).

2. Approve recommended Mid-Year Appropriation Adjustments described below and in Exhibit 2. *(Requires five affirmative votes)*

3. Approve recommended Appropriation Adjustments described in Exhibit 3 to reallocate Pension Debt and Unfunded Liability expenditures for Fiscal Year 2021-2022 to align with results of the pension debt refinancing. There is no net fiscal impact to the overall budget, but there are adjustments between departments and funds. *(Requires five affirmative votes)*

4. Resolution No. 2022-XXX – Adopt a resolution amending the current Fiscal Year 2021-2022 Annual Budget to add 14 full-time positions in the Public Works Agency, Clerk of the Council, City Attorney's Office, Parks, Recreation & Community Service Agency, and Library, and to delete 6 full-time positions in the Parks, Recreation & Community Services Agency and Library. There is no net fiscal impact to the overall budget (Exhibit 4).

5. Resolution No. 2022-XXX – Adopt a resolution adding classification titles to the Classification and Compensation Plan (Exhibit 5).

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

Councilmember Lopez requested staff provide a list of the positions that are part of the hiring freeze.

Councilmember Mendoza inquired about a partnership with the Rancho Santiago Community College District regarding Centennial Park.

This Business Item - Resolution Nos. 2022-018 and 2022-019 were approved.

Moved by Councilmember Phan, 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**

26. Ordinance Concerning City Council Voting, Recusal for Conflicts, and Prohibiting Abstentions

Department(s): City Manager Office

Recommended Action: Consider one of the following options:

1. Approve the first reading of an ordinance concerning City Council voting, recusal for conflicts, and prohibiting abstentions.

2. Provide direction to staff.

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

Council discussion ensued and provided input to amend ordinance language.

After consideration of item 26, City Manager and Council comments were considered.

Moved by Councilmember Lopez, seconded by Councilmember Mendoza to Approve with amendments in Section 2-105, subsection b to read as follows:

2) The councilmember is awaiting advice from the Fair Political Practices Commission or the results of a pending investigation by the Fair Political Practices Commission; or
3) The councilmember states from the dais the possibility of a conflict arising from a source identified at the meeting, and, based on advice from the City Attorney, recuses themselves out of an abundance of caution.

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

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

27. Ordinance Options Prohibiting the Sale of Flavored Tobacco Products

Department(s): City Manager Office

Recommended Action: Consider one of the following options:

Option 1

A. Ordinance No. NS-XXXX – Adopt an urgency ordinance prohibiting the sale of flavored tobacco products, including hookah. (Requires five affirmative votes)

B. Ordinance No. NS-XXXX – Adopt an urgency ordinance prohibiting the sale of flavored tobacco products, excluding hookah. (Requires five affirmative votes)

Option 2

A. Approve the first reading of an ordinance prohibiting the sale of flavored tobacco products, including hookah.

B. Approve the first reading of an ordinance prohibiting the sale of flavored tobacco products, excluding hookah.

Option 3

Consider whether to direct staff to prepare an ordinance regarding enforcement and/or security measures for tobacco retailers; or

Option 4

Take no action at this time and wait to see whether senate bill 793 goes into effect following a statewide referendum vote in November 2022.

MINUTES: *Item 27 taken out of order and considered after the public comments were heard.*

City Manager Kristine Ridge provided a brief presentation.

Council discussion ensued and input provided to city staff.

Councilmember Mendoza moved to adopt option 1A and use the definition provided by the American Lung Association. Seconded by Mayor Pro Tem Bacerra.

Substitute motioned introduced and passed.

After deliberation on item 27, council considered the consent calendar items.

Moved by Councilmember Phan, seconded by Councilmember Hernandez to approve substitute motion to approve option 2A with the definition provided by state law under Senate Bill 793.

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****

CITY MANAGER COMMENTS

MINUTES: *City Manager Kristine Ridge provided comments regarding the upcoming Boca de Oro event on Saturday, March 5, 2022 at 12:00 p.m. Announced that the Public Works is kicking off another neighborhood “Block Transformation” contest and information is available on the city’s website.*

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 everyone who provided comments and wished all a good week.*

Councilmember Lopez congratulated Ron Ono on his retirement and acknowledged today as the first day of Women’s History Month. Also encouraged all those who are able to please donate blood, as the American Red Cross has all time low donation numbers.

Councilmember Mendoza provided comments regarding Women’s History Month and women’s contributions to the foundation of America.

Councilmember Penaloza thanked his fellow female colleagues for all their hard work, wished all a happy lent and reminded all of the upcoming daylight saving time change.

Councilmember Phan spoke on Women’s History Month, an event she attended hosted by residents in celebration of the passing of rent control ordinance and wished all a wonderful March.

Mayor Pro Tem Bacerra spoke on Women’s History Month and noted that his three colleagues have done a magnificent job in leading. Announced his monthly community office hours to be held on Saturday March 5th at Thornton Park. Wished all a happy Lenten season.

City Attorney Sonia Carvalho announced partnership with Association of California Water agencies who have created Arthur L. Littleworth Best Best & Krieger Diversity Scholarship.

Mayor Sarmiento noted that all City Council appointed employees are women and thanked them for all their hard work. Thanked his female council colleagues for their voices. Thanked Executive Director Nabil Saba for bringing in employee Nadiya Balukh to talk about what is happening in Ukraine. Wants to ensure the website and links are sent out.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Sarmiento adjourned the City Council meeting on Wednesday, March 2, 2022 at 12:04 a.m.