

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



August 16, 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

Mayor Pro Tem

Phil Bacerra

Mayor

Vicente Sarmiento

City Manager

Kristine Ridge

City Attorney

Sonia R. Carvalho

Clerk of the Council

MINUTES: Mayor Sarmiento called the Closed Session meeting to order at 5:04 p.m.

ROLL CALL

MINUTES: Information Services Representative, Melanie Torres conducted roll call. All councilmembers were present. Mayor Pro Tem Bacerra joined at 5:06 p.m.

CLOSED SESSION ITEMS – The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. CONFERENCE WITH 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 Non-Civil Service Employees
- Confidential Association of Santa Ana (CASA)
- Santa Ana Management Association (SAMA)

2. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT pursuant to Government Code 54957

Title: Clerk of the Council, Acting Clerk of the Council, or Interim Clerk of the Council

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 this portion of the meeting to consider Closed Session item(s) at 5:05 p.m.

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

MINUTES: Mayor Sarmiento adjourned the Closed Session meeting at 6:20 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 6:23 p.m.

ROLL CALL

MINUTES: Information Services Representative, Melanie Torres conducted roll call. All councilmembers were present. Councilmember Phan joined at 6:27 p.m.

PLEDGE OF ALLEGIANCE **Mayor Sarmiento**

MINUTES: Councilmember Mendoza led the Pledge of Allegiance.

WORDS OF INSPIRATION **Sean C. Tu**

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Sarmiento declaring August 2022 as American Muslim Appreciation and Awareness Month.
2. Certificates of Recognition presented by Mayor Pro Tem Bacerra to members of the Santa Ana College 1962 Football Team to celebrate the 60th anniversary of their 1962 National Championship.
3. Certificate of Recognition presented by Councilmember Lopez to Gustavo Hernandez for Outstanding Contributions to Creative Writing.
4. Certificate of Recognition presented by Councilmember Mendoza to Leonel Flores for Outstanding Contributions to Arts & Culture.

STAFF PRESENTATIONS

5. Homelessness Update

MINUTES: Homeless Services Coordinator Ken Gominsky provided a brief presentation.

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

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

MINUTES: Information Services Representative Melanie Torres, reported out on the correspondence received.

Jaime Ramirez spoke in support of the Santa Ana PAAL program.

Tony Carrillo spoke in support of SEIU members.

Karen Marx spoke in support of rehabilitating the Cypress Fire Station into a new PAAL center and other community services.

Irma Jauregui spoke in support of having the Cypress Fire Station building as a multipurpose center.

Glafira Jauregui spoke in support of turning the Cypress Fire Station into a senior center.

Alvaro Garcia spoke in support of the PAAL program and the benefits of police presence in the community.

Juan Rendon spoke in support of the PAAL program.

Ana Nidia Cruz spoke in support of the PAAL program.

Maribel Rendon spoke in support of the PAAL program.

Linda Isabella Rendon spoke in support of the PAAL program.

Veronica Renteria spoke in support of the PAAL program and her family's positive experience.

Vanessa Badillo spoke in support of the PAAL program and the social skills the program helped her develop.

Ricky Renteria spoke in support of the PAAL program

Maria Diaz spoke in support of the PAAL program and how much the program helped her children.

Rafael Diaz described how the PAAL program has benefited him and his sister.

Mark Lopez spoke regarding the PAAL program in various other parts of the city and provided various other comments.

Selica Diaz spoke in support of adding a senior center and PAAL program at the Cypress Fire Station.

Ray Diaz urged the council to approve a historical marker in honor of Francisco Torres and provided various other comments.

Sandra Pocha Pena urged the council to make a choice that benefits all ages and cultures, regarding the Cypress Fire Station.

Victor Payan spoke in favor of tabling the Cypress Fire Station item until staff can explore other options in conjunction with the SAUSD or SAC.

Loretta Canett Boules spoke in support of adding a PAAL program and community center in the Cypress Fire Station location.

Susana Sandoval spoke in support of establishing the PAAL program in the Cypress Fire Station location.

Victor Mendez spoke regarding a 10 percent rent increase at the senior citizen affordable apartment complex located at 2222 East 1st St.

Maribel Gomez urged the council to provide assistance to the downtown businesses that have been affected by the OC Street Car construction.

Nathaniel Greensides provided various comments regarding items 13, 19, 20, 22, and 24.

John Ramirez spoke in support of rehabilitating the Cypress Fire Station into a new PAAL center.

<u>CONSENT CALENDAR</u>

**RECOMMENDED ACTION: Approve staff recommendations on the following
Consent Calendar Items: 6 through 21.**

6. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

7. Receive and File Quarterly Report of Investments as of June 30, 2022.

Department(s): Finance and Management Services

Recommended Action: Receive and file.

8. 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 April 1, 2022 to June 30, 2022, valued at up to \$50,000 for non-public works contracts and agreements up to \$250,000 for public works contracts and agreements.

9. Approve Agreements for On-Call Network Cabling Services in an Aggregate Annual Amount not to Exceed \$100,000 (Specification No. 22-032) (Non-General Fund)

Department(s): Information Technology

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute agreements with American Integrated Security Group Inc., Pacific Coast Cabling Inc., and Pratt Communications Inc. to provide on-call network cabling services for a three-year period beginning August 16, 2022 and expiring August 16, 2025, with a provision for three optional one-year extensions, exercisable by the City Manager, in an aggregate annual amount not to exceed \$100,000, for a total aggregate amount not to exceed \$600,000 if all optional extensions are executed, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: This consent Item - Core Agreement No. 2022-153 was approved.

10. Amend Purchase Order Contract with All American Asphalt to Increase the Annual Amount by \$202,200 for Asphalt Pothole Repair (Specification No. 18-092) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an amendment to the Purchase Order Contract with All American Asphalt, for asphalt pothole repair, to increase the annual amount by \$202,200, for a total annual amount not to exceed \$900,000 prorated for the remainder of the current term ending November 30, 2022, including the one-year renewal, exercisable by the City Manager and City Attorney, subject to non-substantive changes approved by the City Manager and City Attorney.

11. Approve an Agreement with NetFile Inc. for Online Subscription Services for FPPC Filing in an Amount not to Exceed \$95,000 for up to a Three-Year Term and a Two-Year Extension (Non-General Fund)

Department(s): Clerk of the Council Office

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute an agreement with NetFile Inc. for online subscription services for FPPC filing, in an amount not to exceed \$95,000, for a term beginning August 1, 2022 through July 31, 2025, with one 2-year extension, subject to non-substantive changes approved by City Manager and City Attorney.

MINUTES: This consent Item - Agreement No. 2022-154 was approved.

12. Amend Agreement with Redistricting Partners, LLC to Increase Contract Amount by \$10,500 for Redistricting and Mapping of Demographics (General Fund)

Department(s): Clerk of the Council Office

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute an amendment to the agreement with Redistricting Partners, LLC to increase compensation amount by \$10,500 for redistricting and mapping of demographics in compliance with Federal and California Voting Rights Act Requirements, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: This consent item - Agreement No. 2022-155 was approved.

13. Approve License Agreement with East End Realty Partners, LP to Construct New Downtown Skate Park

Department(s): Community Development Agency

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute the first amendment to the license agreement with East End Realty Partners, LP to construct and maintain a new skate park in Downtown Santa Ana for a five-year term of August 16, 2022 to August 16, 2027, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: This consent item - Agreement No. 2022-156 was approved.

14. Approve Agreements with Crosstown Electrical & Data, Inc. and California Professional Engineering, Inc. for On-call Construction Services for up to a Three-year Term in an Aggregate Amount Not to Exceed \$2,500,000 (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute agreements with Crosstown Electrical & Data, Inc., and California Professional Engineering, Inc., to provide on-call construction services for traffic signals, street lights, and concrete wheelchair ramps for a three-year period beginning August 16, 2022 and ending on June 30, 2025, with provisions for two, one-year extensions, in a total shared aggregate amount not to exceed \$2,500,000, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: This consent item - Core Agreement No. 2022-157 was approved.

15. Approve Agreements with Tetra Tech, Inc., Ardurra Group, Inc., Psomas, Kimley-Horn & Associates, Inc., Huitt-Zollars, Inc., and Tait & Associates, Inc. for On-Call Engineering Services in an Aggregate Amount Not to Exceed \$2,000,000 for up to a Five-Year Term (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute agreements with Tetra Tech, Inc., Ardurra Group, Inc., Psomas, Kimley-Horn &

Associates, Inc., Huitt-Zollars, Inc., and Tait & Associates, Inc. to provide on-call engineering services, for a shared aggregate amount not to exceed \$2,000,000, for a three-year term beginning August 16, 2022 and expiring August 15, 2025, with provisions for two, one-year extensions, subject non-substantive changes approved by the City Manager and City Attorney.

MINUTES: *Out of an abundance of caution Councilmembers Phan and Penlaoza have recused themselves from this item.*

This consent Item - Core Agreement No. 2022-158 was approved.

16. Amend Agreement with Landscape West Management Services, Inc. to Increase the Annual Contract Amount by \$1,112,000 for Fiscal Year 2022-23 for Right-of-Way and Median Landscape Maintenance Services (General and Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Agreement No. 2022-XXX – Authorize the City Manager to execute an amendment to the agreement with Landscape West Management Services, Inc., for Right-of-Way and Median Landscape Maintenance Services, to increase the contract amount by \$1,112,000 for FY 2022-23 only, for a total agreement amount not to exceed \$5,922,000 for the remaining term of the agreement, ending on June 30, 2023, with an option for a two-year extension exercisable by the City Manager and the City Attorney, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: This consent Item - Agreement No. 2022-159 was approved.

17. Approve Appropriation Adjustments, Reallocation of Funds, and Award a Construction Contract to International Line Builders, Inc. in the Amount of \$734,930 for a Traffic Signal Modification Project with an Estimated Project Delivery Cost of \$929,687 (Project No. 18-6919) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment reappropriating \$596,328 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 \$119,400 in Fiscal Year 2022-23 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 amendment to the Fiscal Year 2022-23 Capital Improvement Program to include \$213,959 in General Fund monies from Public Works Traffic /Transportation

- Service Enhancements funding and an additional \$119,400 in Highway Safety Improvement Program grant funds into the project's construction funds for the Traffic Signal Modifications Project for a total of \$333,359.

4. Award a construction contract to International Line Builders, Inc., the second lowest responsible bidder, in accordance with the base bid in the amount of \$734,930, for construction of the 1st Street at Jackson Street and 5th Street at Euclid Street Traffic Signal Modification Project, for the term beginning August 16, 2022, and ending upon project completion, subject to non-substantive changes approved by the City Manager and City Attorney.

5. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$929,687, which includes \$734,930 for the construction contract; \$121,264 for contract administration, inspection and testing; and a \$73,493 project contingency for unanticipated or unforeseen work to be funded from Highway Safety Improvement Program grant funds.

18. Adopt a Resolution, Approve an Agreement and Appropriation Adjustment Accepting the FY 2021 Emergency Management Performance Grant (Non-General Fund)

Department(s): Police Department

Recommended Action: 1. Resolution No. 2022-XXX – Adopt a resolution authorizing the City Manager to act on behalf of the City of Santa Ana for obtaining federal funds related to homeland security, emergency management and/or disaster recovery, provided by the U.S. Department of Homeland Security and sub-granted through the State of California and the County of Orange.

2. Agreement No. 2022-XXX – Authorize the City Manager to execute a two-year agreement with the County of Orange, for the period of July 1, 2021 through June 30, 2023, for the FY 2021 Emergency Management Performance Grant in an amount not to exceed \$51,210, subject to non-substantive changes approved by the City Manager and City Attorney.

3. Approve an appropriation adjustment recognizing \$51,210 in Law Enforcement Grants Revenue account, and appropriating same to the Emergency Management Performance Grant expenditure account. *(Requires five affirmative votes)*

MINUTES: This consent Item - Agreement No. 2022-160 and Resolution No. 2022-068 were approved.

19. Density Bonus Agreement No. 2022-02 to Facilitate Construction of Cabrillo Crossing, a 35-Unit Mixed-Use Residential and Live/Work Community with Four Onsite Affordable Units

Department(s): Planning and Building Agency

Recommended Action: 1. Resolution No. 2022-XXX – Adopt a resolution approving Density Bonus Agreement No. 2022-02 as conditioned.

2. Agreement No. 2022-XXX – Authorize the City Manager to execute a Density Bonus Agreement with Brandywine Acquisition Group, LLC for a project known as Cabrillo Crossing for a 55-year term, for the development of a mixed-use residential and live/work development with 35 townhome units , including four onsite for-sale affordable units, at 1814 and 1818 East First Street, subject to non-substantive changes approved by the City Manager and City Attorney.

MINUTES: *Out of an abundance of caution Councilmember Phan has recused herself from this item.*

This consent item - Agreement No. 2022-161 and Resolution No. 2022-069 were approved.

20. 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 a resolution to consider continuing the use of teleconferencing for City Council, board, committee, and commission meetings pursuant to the provisions of Assembly Bill 361 for the next 30 days.

MINUTES: *This consent item - Resolution No. 2022-070 was approved.*

21. Resolution Urging the Citizens Stamp Advisory Committee of the United States Postal Service to Issue a Muhammad Ali Postage Stamp

Department(s): City Manager Office

Recommended Action: Consider one of the following options:

1. Resolution No. 2022-XXX – Adopt a resolution concerning issuance of Muhammad Ali postage stamp.
2. Provide further direction to staff.

MINUTES: *This consent item - Resolution No. 2022-071 was approved.*

Moved by Councilmember Hernandez, seconded by Mayor Pro Tem Bacerra to Approve Consent Calendar items 6 through 21. Out of an abundance of caution Councilmember Phan recused herself from items 15 and 19. Councilmember Penaloza recused himself from item 15.

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>

22. Provide Direction Regarding the Future Use of the Vacant Cypress Fire Station at 625 S Cypress Avenue

Department(s): City Manager Office

Recommended Action: It is recommended that the City Council direct the City Manager to do one of the following:

1. Rehabilitate the vacant Cypress Fire Station at 625 S Cypress Avenue into a new Police Athletic and Activities League (PAAL) Center.
2. Seek proposals from local nonprofit organizations as tenants through a competitive Request for Proposals (RFP) process.

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

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

PUBLIC HEARINGS

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

23. Public Hearing - Adopt a Resolution Vacating a Portion of Alley North of Second Street between Broadway and Sycamore Street, Abandonment 21-01

Legal notice published in the Orange County Reporter on August 5, 2022.

Department(s): Public Works Agency

Recommended Action: Resolution No. 2022-XXX – Adopt a resolution vacating a portion of alley north of Second Street between Broadway and Sycamore Street.

MINUTES: Mayor Sarmiento opened the Public Hearing at 9:59 p.m.

Nathaniel Greensides spoke in support of item 23.

Mayor Sarmiento closed the public hearing at 10:00 p.m.

This Business calendar item Resolution No. 2022-072 was approved.

Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Hernandez 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

24. Discuss and Consider Directing Staff to Implement a Process that Will Allow the City Council to More Efficiently and Effectively Present Councilmember Requested Items on the Agenda – Councilmember Phan

MINUTES:

Councilmember Phan indicated that a short brief shall be written by the councilmember who would like to have an item considered. The City Manager and City Attorney will review the brief but will not have to approve it.

CITY MANAGER COMMENTS

MINUTES: *City Manager Kristine Ridge provided comments regarding upcoming events.*

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.

- 1 August 4-6, 2022 Councilmember Lopez – Local Progress National Convening 2022 Conference, Denver, CO

MINUTES: *Councilmember Hernandez provided comments regarding the upcoming Chicano Heritage event.*

Councilmember Lopez reminded residents of Mabury Park of the upcoming movies in the park event and provided various other comments.

Councilmember Mendoza reminded residents of the upcoming concert in the park and encouraged everyone to participate in the Waste Water 101 program.

Councilmember Phan announced her participation in the Association of California Water Agencies and what was discussed regarding water conservation.

Mayor Pro Tem Bacerra announced his community office hours will be hosted at Thorton Park on September 10th.

Mayor Sarmiento provided comments regarding the recent vandalism that occurred in the

downtown area and stated that OCTA is working to remedy the situation.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Sarmiento adjourned the Regular City Council meeting at 10:14 p.m.