

DRAFT Minutes of the Special Closed Session and Regular Meeting of the City Council City of Santa Ana, California



November 01, 2022

SPECIAL CLOSED SESSION MEETING – 4:00 PM

REGULAR OPEN MEETING – 5:45 PM

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza, Santa Ana, CA 92701

SPECIAL 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

Acting Clerk of the

Norma Orozco

Council

MINUTES: Mayor Sarmiento called the Special Closed Session Meeting to order at 4:11 P.M.

ROLL CALL

MINUTES: Acting Clerk of the Council Norma Orozco conducted Roll Call. Councilmembers Lopez, Mendoza, Penaloza, Phan, Mayor Pro Tem Bacerra, and Mayor Sarmiento were present in person. Councilmember Hernandez attended via teleconference.

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. 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

2. 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)

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

A. Address of Property: 4404 W. First Street, Santa Ana, CA, 92703, APN: 188-021-08

Negotiators: Nabil Saba, Executive Director Public Works

Negotiating Parties: Frank Bryan John Turner, Authorized Signer, RIF 40, LLC.

Under Negotiation: Price and terms related to the possible disposition/acquisition of real property interest.

B. Address of Property: 843 & 841 N. Garnsey Street, Santa Ana, CA 92701, APNs: 005-142-02 and 005-142-03

Negotiators: City Manager Kristine Ridge

Negotiating Party: Garnsey Corp - Sheila Alvarez

Terms: Potential Acquisition

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 to consider items on the Special Closed Session Agenda at 4:13 P.M.

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

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: Mayor Sarmiento reconvened the City Council at 6:58 P.M.

ROLL CALL

MINUTES: Acting Clerk of the Council Norma Orozco conducted Roll Call. Councilmembers Hernandez, Lopez, Mendoza, Penaloza, Phan, Mayor Pro Tem Bacerra, and Mayor Sarmiento were present in person.

PLEDGE OF ALLEGIANCE Mayor Sarmiento

MINUTES: Councilmember Penaloza led the Pledge of Allegiance.

WORDS OF INSPIRATION Father Karekin Bedourian

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Sarmiento to the Honorable Lynne Riddle for Outstanding Contributions to the Community.
2. Certificate of Recognition presented by Councilmember Lopez to Mitzi Abasto for Outstanding Contributions to the Community.
3. Certificate of Recognition presented by Councilmember Mendoza to Selica Diaz for Outstanding Contributions to the Community.

4. Certificate of Recognition presented by Councilmember Penaloza to La Chiquita Restaurant in Honor of their 30-Year Anniversary.

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

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

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: Frank Mitchell III spoke regarding Section 41-94.3 of the Municipal Code and additional dueling units.

Bulmaro Vicente spoke regarding Item 15 and in favor of the amendments proposed by Chispa and the American Civil Liberties Union (ACLU).

Adam Overton spoke in support of Item 15 and urged Council to approve the resolution with the inclusion of the amendments proposed by Chispa and ACLU.

Hairo Cortes spoke in support of Item 15 and spoke regarding clarifying the powers the Police Oversight Commission would have.

Caro Mendez spoke in support of Item 15 and requested the Council adopt the resolution with the inclusion of the amendments proposed by Chispa and the ACLU, She also urged the Council to consider the following: language that promotes investigative authority, membership disqualification for any active police officers, removal of records checks, and the participation of the Chief of Police be at the sole discretion of the commission.

Ronaldo Villeda spoke regarding Item 15 and requested that the Police Oversight Commission should be comprised of one (1) formerly incarcerated individual, one (1) person who has been directly impacted by police brutality, and one (1) family member.

Kelly Kraus-Lee spoke in support of Items 14 and Item 15. She spoke regarding the unhoused population in Orange County and urged Council to note which Orange County representatives' views align with Santa Ana's needs regarding the unhoused population and which do not.

Victor Mendez provided comments regarding rent control, home invasion attempts in the

City, and the composition of the Police Oversight Commission.

Bertha Ramirez thanked Council for their assistance and participation in helping obtain rental assistance for seniors residing in the Metro East Senior Park.

Mary Jane De La Riva thanked Mayor Sarmiento for his assistance and participation in helping obtain rental assistance for seniors residing in the Metro East Senior Park.

Acting Clerk of the Council Norma Orozco reported the summary of email comments received: two (2) non agenda comments, one (1) comment regarding Item 13, and nine (9) comments regarding Item 15.

The following speakers addressed Council via teleconference:

Silvia Hernandez spoke regarding Item 15 and urged Council to approve the resolution with the inclusion of the amendments proposed by Chispa and the ACLU.

Benjamin Vazquez spoke regarding Item 15 and requested the Police Oversight Commission have investigative authority, subpoena powers, and the removal of records checks.

Tania Navarro spoke in support of Item 15 and urged Council to approve the resolution with the inclusion of the amendments proposed by Chispa and the ACLU.

Shawn spoke regarding Item 15 and urged Council to approve the resolution with the inclusion of the amendments proposed by Chispa and the ACLU.

Amnena Quazi spoke in support of the amendments proposed by Chispa and the ACLU for Item 15.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following
Consent Calendar Items: 5 through 14.

MINUTES: Item 13 was pulled by Mayor Pro Tem Bacerra for separate discussion
and consideration.

**Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Hernandez to
Approve Consent Calendar Items 5 through 14, with the exception of Item 13.**

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

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

5. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

6. Award Purchase Orders to Western Truck Exchange in the Amount of \$115,639 for
One Ford F-550 Stake Bed Truck; and to National Auto Fleet Group for Two Ford F-

250 Trucks in the Amount of \$120,000 (Specification No. 22-145) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Authorize a one-time purchase and payment of purchase
order to Western Truck Exchange for the purchase of a Ford F-550 Stake Bed Truck, in
the amount of \$105,639, plus a contingency of \$10,000, for a total amount not to
exceed \$115,639, subject to non-substantive changes approved by the City Manager
and City Attorney.

2. Authorize a one-time purchase and payment of purchase order to National Auto
Fleet Group for the purchase of two Ford F-250 Trucks, in the amount of \$110,000, plus
a contingency of \$10,000, for a total amount not to exceed \$120,000 subject to non-
substantive changes approved by the City Manager and City Attorney.

7. Purchase and Sale Agreement of Real Property at 4404 West First Street for Future
Water Resources and Park Facilities (Non-General Fund and **Revive Santa Ana
Program**)

Department(s): Public Works Agency

Recommended Action: 1. Authorize the City Manager to execute a purchase and sale agreement with RIF40, LLC, a California limited liability company, for the purchase of real property located at 4404 West First Street (APN 188-021-08), in the amount of \$10,500,000, plus normal closing costs and escrow fees, for a total amount not to exceed \$10,750,000, subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. 2022-215**).

2. Approve an amendment to the Fiscal Year 2022-23 Capital Improvement Program to include \$10,750,000 in construction funds for the West Station Well Project (No. 23-6477).

8. Approve an Agreement with Centaman, Inc. to Provide a Ticketing System Software for the Santa Ana Zoo for a Three-Year Period, with an Optional Extension Period of Five Additional Years (General Fund)

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

Recommended Action: Authorize the City Manager to execute a three-year agreement with Centaman, Inc. from November 1, 2022 through October 31, 2025 to provide a ticketing system software for the Santa Ana Zoo, for an amount not to exceed \$243,738, which includes a 10% contingency, with the option to extend the agreement for five years through October 31, 2030, for an amount not to exceed \$266,761.60, which includes a 10% contingency and a 4.5% CPI increase each year during the five-year term, for an aggregate total not to exceed \$510,499.60, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-216**).

9. Approve the First Amendment to the Agreement for Scanning, Digitizing, and Indexing Services with ARC Document Solutions, Inc. in an Amount Not to exceed \$80,000 (General Fund and Non-General Fund)

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute the First Amendment to increase the aggregate contract authority by \$80,000 with ARC Document Solutions, Inc. for digitization of City employee personnel files, from November 1, 2022 through October 19, 2024, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-217**).

10. Informational Report Relating to the Creation of 501(c)(3) Nonprofit City of Santa Ana Foundation

Department(s): City Manager Office

Recommended Action: Accept informational report.

11. Adopt a i) Resolution reflecting the positive City Manager performance evaluation conducted on October 4, 2022, and approving an amended annual salary for the City Manager, and ii) Resolution approving the City's Master Salary Schedule in

conformance with Title 2 of the California Code of Regulations Section 570.5 and the California Public Employees' Retirement System (CalPERS)

Department(s): Human Resources

Recommended Action: 1. **Resolution No. 2022-082** – Adopt a Resolution affirming the City Manager's positive performance evaluation results and approving an adjusted annual salary for the City Manager, and

2. **Resolution No. 2022-083** – Adopt a Resolution approving the City's Master Salary Schedule in conformance with Title 2 of the California Code of Regulations Section 570.5 and the California Public Employees' Retirement System (CalPERS).

12. Resolutions Authorizing Requests for Escalation Adjustments by the Orange County Transportation Authority to the Measure M2 Allocations for the Bristol Street and Warner Avenue Street Improvement Projects

Department(s): Public Works Agency

Recommended Action: Resolution Nos. 2022-084 and 2022-085 – Adopt resolutions of the City Council authorizing Requests for Escalation Adjustments by the Orange County Transportation Authority to the Measure M2 Allocations for the Bristol Street and Warner Avenue Street Improvement Projects.

13. 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. 2022-087 – 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: Mayor Pro Tem Bacerra pulled the item for separate discussion and consideration.

Mayor Pro Tem Bacerra moved to approve the Item with the following amendments;

- Section Three (3) shall include the following: Shall continue to allow City Councilmembers and all other City Legislative bodies to meet virtually in accordance with Government Code Section 54953(e).
- The addition of a new section entitled Section Four (4) to include the following language: City Councilmembers and members of all Legislative bodies shall publicly disclose at the meeting before any action is taken, whether any other individuals are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals. City Councilmembers and all other members of Legislative bodies shall participate through both audio and visual technology.

The motion was seconded by Councilmember Mendoza; no vote was taken.

Councilmember Phan inquired with City Attorney Sonia Carvalho regarding the differences between the Brown Act and AB361 with regards to teleconferencing.

City Attorney Sonia Carvalho recommended the Council enact a citywide teleconferencing policy rather than making amendments to the resolution.

Mayor Pro Tem Bacerra moved to not approve Item 13. Motion died for the lack of a second.

Councilmember Phan moved to approve the item with staff recommendations, seconded by Councilmember Lopez.

Substitute motion by Councilmember Phan, seconded by Councilmember Lopez to approve Item 13 with staff recommendations.

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

NO: 1 – Mayor Pro Tem Bacerra

ABSTAIN: 0

ABSENT: 0

Status: 6 – 1 – 0 – 0 – **Pass**

14. Resolution Urging the County of Orange to Operate a Cold Weather Shelter Outside of Santa Ana for a Future Countywide Approach and Encouraging South Orange County Cities to More Equitably Participate in Efforts to Combat the Homelessness Crisis

Department(s): City Manager Office

Recommended Action: Resolution No. 2022-086 – Adopt a resolution urging the County of Orange to operate a cold weather shelter outside of Santa Ana for a future countywide approach and encouraging South Orange County cities to more equitably participate in efforts to combat the homelessness crisis.

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

BUSINESS CALENDAR

15. Adopt an Ordinance Establishing a Police Review Commission

Department(s): City Manager Office

Recommended Action: Introduce Ordinance for first reading establishing a Police Oversight Commission.

MINUTES:

City Attorney Sonia Carvalho reported out the following amendments requested by the Council.

- *Include the language “Acting through” in section 5.*
- *Will not add the language to exclude sworn officers.*
- *Exclude language regarding background checks and the issue will be addressed at a later date.*
- *Addition of language stating that the City Manager’s Office staff will staff the commission meetings and the Police Chief or his designee shall attend as requested by the Commission.*
- *Addition of a subsection (M) to ensure that any future policy amendments do not conflict with the Ordinance.*
- *Director of the Commission may administer oaths of office and compel the production of evidence.*
- *Change language regarding the commission reporting time from 30 days to 60 days, and add “unless extended by the Commission.”*
- *Expand the mandated reports.*
- *Addition of language requiring the posting of the Commission’s Report to the City website.*
- *Addition of language stating that the Director of the Commission shall be an At-will position which can be hired via a contract or appointed as an employee, however, they can be removed by a majority vote by the Council.*
- *Addition of language stating that ride-a-longs are not mandatory for the Commission members.*
- *No retroactive review of complaints.*
- *Reports shall be given orally and in writing.*

She also stated her office would work on future provisions for the removal of commissioner members to avoid retaliation and will address records checks. She requested direction regarding the changes to the recitals brought forth by Mayor Pro Tem Bacerra.

Moved by Councilmember Penaloza, seconded by Councilmember Lopez to approve as amended.

YES: 7 – Councilmember Hernandez, – Councilmember Lopez, – Councilmember Mendoza, – Councilmember Penaloza, – Councilmember Phan, – Mayor Pro Tem Bacerra, – Mayor 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 announced that the City’s Finance and Management Services Agency was awarded the “Distinguished Budget Presentation” by the Government Finance Officers Association. She also announced that the Orange County Business Council has nominated the City for awards in the following categories: Building and Land Reuse, Sustainable and Green Development, and Leadership in Public Service.*

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 public, staff, and the Council for their hard work and dedication regarding the Police Oversight Commission.*

Councilmember Lopez wished her brother a happy birthday, announced that the Children’s of Hospital Orange County (CHOC) is currently at capacity, and urged everyone to get the flu shot.

Councilmember Mendoza announced that the Orange County Mosquito and Vector Control District gifted the City several copies of the book entitled, Mother Mosquito in an effort to help raise awareness of the dangers mosquitos and vectors pose to the public. She also thanked them for awarding the City two plaques commemorating the City’s support and participation in vector control campaigns.

Councilmember Penaloza reminded the public that Sunday, November 6, 2022, is Daylight Savings Time and Tuesday, November 8, 2022 is Election Day.

Councilmember Phan highlighted the Parks and Recreation magazine, Cultura, announced her participation at the Metropolitan Water District State Water Project Tour, thanked all those who have served in the United States Armed Forces, and wished everyone a happy Veteran's Day weekend.

Councilmember Bacerra announced his monthly community office hours would be Saturday, November 5, at North Upton Park at 10:00 AM and reminded the public to vote on November 8, 2022.

Mayor Sarmiento thanked staff for all their hard work regarding the Police Oversight Commission ordinance. He also thanked the residents from Metro East Senior Park for their attendance and reminded the public to vote on November 8, 2022.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Sarmiento adjourned the meeting at 10:19 P.M.

Respectfully Submitted,

Jennifer L. Hall, CMC
City Clerk