

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



November 15, 2022

CLOSED SESSION MEETING – 5:00 P.M.

REGULAR OPEN MEETING – 5:45 P.M.

(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

**Acting Clerk of the
Council**

Norma Orozco

ROLL CALL

MINUTES: *Councilmember Penaloza called the meeting to order at 5:07 P.M.*

MINUTES: Acting Clerk of the Council Norma Orozco conducted Roll Call. Councilmembers Lopez and Penaloza were present in person. Councilmember Mendoza and Councilmember Phan attended via teleconference. Mayor Pro Tem Bacerra joined the meeting at 5:24 P.M. and Mayor Sarmiento joined the meeting at 5:41 P.M., both in person.

PUBLIC COMMENTS – Members of the public may address the City Council on Closed Session items.

MINUTES: No public comments were received regarding Closed Session items.

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

MINUTES: Councilmember Penaloza recessed to consider items on the Closed Session Agenda at 5:08 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 LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:
 - A. Lonerock, Inc. v. City of Santa Ana, Orange County Superior Court Case No. 30- 2021-01211998-CU-BC-CJC
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. 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.

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 6:10 P.M.

ROLL CALL

MINUTES: Acting Clerk of the Council Norma Orozco conducted Roll Call. Councilmembers Penaloza, Mayor Pro Tem Bacerra, Councilmember Phan (via teleconference) and Mayor Sarmiento were present. Councilmember Lopez joined the meeting at 6:13 P.M., Councilmember Hernandez joined the meeting at 6:20 P.M., and Councilmember Mendoza joined the meeting (via teleconference) at 6:24 P.M.

PLEDGE OF ALLEGIANCE

Councilmember Penaloza

WORDS OF INSPIRATION

Pastor Danny De Leon Sr.

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Sarmiento to the Guzman Family for their Outstanding Contributions related to Advancing Equity in the Public Education System in the U.S.

STAFF PRESENTATIONS

2. Homelessness Update

MINUTES: City Manager Kristine Ridge provided a brief presentation.

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: Blanca Arellanes spoke regarding the Downtown Santa Ana Improvement District.

Maureen Sorkin spoke in opposition of the Downtown Santa Ana Improvement District.

Bulmaro Vincente, Policy Director for Chispa, spoke on police oversight and in support of repealing the Anti-Cruising Ordinance.

Joaquin Martinez, the owner of Elite Fitness, spoke on changes they would like to see with the Downtown Santa Ana Business Improvement District.

Delilah Snell spoke on changes they would like to see to the Downtown Santa Ana Business Improvement District.

Lexi Hernandez Climate Equity Organizer with Climate Action Campaign, spoke on Item 12. She also spoke in support of Item 14 and Item 21 and commented on reducing emissions and creating climate-resilient communities.

Josue Pineda spoke on Item 5 and Item 27 and the difference between street racing, takeovers, and street cruising.

Nasario Bastida, President of Uniques Car Club, spoke on Item 27 and the positive impact that his lowrider car club has had in the community and having to travel to other counties and states in order to participate in cruising events.

Victor Longoria spoke in support of repealing the anti-cruising ordinance.

Junior Longoria spoke in support of repealing the anti-cruising ordinance.

Robert Ruiz spoke in support of repealing the anti-cruising ordinance and the multi-generational impact the lowrider community has had on his family.

Armando Nunez Aguilar spoke in support of repealing the anti-cruising ordinance and provided comments about his 25 years in a car club.

Jorge Mendoza, President of Slick Slide Car Club, spoke of the lowrider community.

Marcela Prado spoke regarding the devastating past years the Fourth Street merchants have had to endure as a result of the pandemic and the construction of the streetcar. She also spoke in opposition of the Santa Ana Business Improvement District.

Maria Perez, Fourth Street business owner, spoke in opposition of the Santa Ana Business Improvement District.

Shawn Makhani spoke on various topics and the Santa Ana Business Improvement District.

Maribel Gomez, Fourth Street business owner, spoke in opposition of the Santa Ana Business Improvement District.

Walter Ayala spoke in opposition of the Santa Ana Business Improvement District.

Lorraine Quinones, California Lowrider Alliance, spoke in support of repealing the anti-cruising ordinance.

Vince Quinones spoke on Item 27 in support of repealing the anti-cruising ordinance.

Victor Mendez spoke on changes they would like to see in the Police Oversight Commission and spoke on the use of Revive Funds for the Senior Citizens Committee.

Robert Rodriguez spoke on repealing the anti-cruising ordinance.

Saul Garcia spoke on Item 27 and the impact the automotive class has on the students at Valley High School.

Raul Yanez, Downtown business owner and President of the Santa Ana Business Council, spoke on keeping the Santa Ana Business Improvement District.

Tito Cano, President of Boulevard Knights, spoke on various topics and repealing the anti-cruising ordinance.

Mike Husain, business owner in downtown Santa Ana, spoke in favor of keeping the Santa Ana Business Improvement District.

JC spoke on his pride for cruising and in support of repealing the anti-cruising ordinance.

Jennifer Rojas, Policy Advocate and Organizer for the American Civil Liberties Union of Southern California, spoke in support of Item 5.

Juliet Castro, business owner in Downtown Santa Ana, spoke in opposition of the Santa Ana Business Improvement District.

George Rhineheart spoke on repealing the anti-cruising ordinance.

Ginette Sanchez spoke on canceling the Santa Ana Business Improvement District.

Ana Padilla, Fourth Street business owner, spoke on dissolving the Santa Ana Business Improvement District.

Acting Clerk of the Council Norma Orozco reported the summary of the email comments received: one (1) comment on Item 5, twelve (12) comments on Item 26, and three (3) comments on Item 27.

The following speakers addressed Council via teleconference:

Victor Payan spoke on dissolving the Santa Ana Business Improvement District.

Marisa Rosales, Vice President of the United Lowrider Coalition, spoke on the Santa Ana Police report regarding the May 6 cruise night in National City.

Betty Santos spoke on repealing the anti-cruising ordinance.

Christiana Romero spoke on repealing the anti-cruising ordinance.

Francine Mata, Chair President of the Sacramento Lowrider Commission, spoke on Item 27 and reasons she believes Council should repeal the anti-cruising ordinance.

Flavio Weezer, Chair of the California Lowrider Alliance, spoke on repealing the anti-cruising ordinance.

Jerry Thompson, Vice President of the Modesto Cruisers Council, spoke on various topics and on repealing the anti-cruising ordinance.

David Polanco, President of the United Lowrider Council of San Jose, spoke on Item 27 and in support of repealing the anti-cruising ordinance.

Benjamin Vazquez spoke in support of the Police Oversight Commission, in support of getting rid of the Downtown Santa Ana Business Improvement District, and in support of repealing the anti-cruising ordinance.

Dan Escamilla spoke on various topics and on Item 5.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 3 through 25.

MINUTES: At staff's request, Item No. 14 was continued to the December 6, 2022 meeting.

Mayor Pro Tem Bacerra pulled Item Nos. 6, 8, and 19 and Councilmember Lopez pulled Items 8, 12, and 17 for separate discussion and consideration.

Councilmember Phan recused herself from Item 17, as the listed party is a client of her employer, Rutan & Tucker.

Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Penaloza to approve Consent Calendar Items 3 through 25 with the exception of Item Nos. 6, 8, 12, 17, and 19.

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**

3. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

4. Minutes from the Regular Meeting of August 16, 2022

Department(s): Clerk of the Council Office

Recommended Action: Approve minutes.

5. Adopt **Ordinance No. NS-3029** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING DIVISION 16 TO ARTICLE IV OF CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE FOR THE ESTABLISHMENT OF A POLICE OVERSIGHT COMMISSION

First reading at the November 1, 2022 City Council meeting and approved by a vote of 7-0.

Published in the Orange County Reporter on November 4, 2022.

Department(s): City Manager's Office

Recommended Action: Place ordinance on second reading and adopt.

6. Receive and File the Certification of Approval by City Engineer of Final Parcel Map 2017-157 (200 E First American Way) (Applicant: Ki Ryu; Owner: Legado at The Met, LLC)

Department(s): Public Works Agency

Recommended Action: Receive and file the certification of approval by City Engineer of the final Parcel Map 2017-157.

MINUTES: *Mayor Pro Tem Bacerra inquired about the reason for the delay in the finalization of the parcel map since the original receipt of the tentative map. Staff confirmed the final map had just been submitted in May 2022.*

No further action taken.

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

Department(s): Finance and Management Services

Recommended Action: Receive and file.

8. Quarterly Report for Housing Division Projects and Activities for the period of July 1, 2022 to September 30, 2022

Department(s): Community Development Agency

Recommended Action: Receive and file the Quarterly Report for Housing Division Projects and Activities for the period of July 1, 2022 to September 30, 2022.

MINUTES: *Councilmember Lopez requested staff create an infographic detailing the legal eviction process and tenant rights and host workshops. She stated that she often receives communications from residents who are unaware of the rent control ordinance or what legal rights tenants have during an eviction process.*

Mayor Pro Tem Bacerra inquired about in-lieu fees to which staff responded that none were collected during this quarterly reporting period.

Councilmember Phan agreed with Councilmember Lopez's request for infographics and reminded residents that the city would be hosting a First Time Home Buyers Workshop in Vietnamese on Saturday, November 19, 2022, at the Salgado Center.

No further action taken.

9. Approve the Homeless Housing, Assistance, and Prevention (HHAP) Round 4 Application to Receive Funding from the State of California's Homeless Coordinating and Financing Council (HCFC) to Address Homelessness

Department(s): Community Development Agency

Recommended Action: Approve the submission of the Homeless Housing, Assistance and Prevention (HHAP) Program Round 4 Application to receive funding from the State of California's Homeless Coordinating and Financing Council (HCFC) to address homelessness.

10. Approve an Amendment to the Blanket Order Contracts for Equipment Rentals by \$198,000 Annually and Add Herc Rentals to the List of Approved Vendors on Contract (Specification No. 22-045) (General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize an amendment to the blanket order contracts for equipment rentals to increase the annual aggregate amount by \$198,000, for a revised amount of \$278,000 for the remainder of the current one-year term expiring April 19, 2023, with four one-year renewal periods, and add Herc Rentals to the list of approved vendors on contract for equipment rentals, subject to non-substantive changes approved by the City Manager and City Attorney.

11. Award a Blanket Order Contract to Pacific Star Corporation for Water Quality Testing Supplies, Materials, and Equipment in an Annual Amount of \$130,000 (Specification No. 22-118) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award a blanket order contract to Pacific Star Corporation for water quality testing supplies, materials, and equipment for an annual amount not to exceed \$130,000, for a one-year term beginning November 15, 2022 and expiring November 14, 2023, with four one-year renewal options, subject to non-substantive changes approved by the City Manager and City Attorney.

12. Approve Appropriation Adjustments Recognizing Measure M2 Local Fairshare and Senate Bill and Grant Funds and Award a Construction Contract to Hardy & Harper, Inc., in the amount of \$3,400,000 for the Santa Clara Avenue Bike Lane and Pedestrian Improvements From Lincoln Avenue to Pasadena Street Project with an Estimated Project Delivery Cost of \$4,250,000 (Project No. 23-6997) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment to recognize \$581,000 in prior year fund balance in the Measure M2 Local Fairshare, Prior Year Carry Forward revenue account, and appropriating the same amount to the Measure M2 Local Fairshare, Improvements Other Than Building expense account. *(Requires five affirmative votes)*

2. Approve an appropriation adjustment to recognize \$3,243,000 in Senate Bill 1, Solutions for Congested Corridors Program (SCCP) grant funds in the Select Street Construction, State Grants-Indirect revenue account, and appropriating the same amount to the Select Street Construction, Improvements Other Than Building expense account. *(Requires five affirmative votes)*

3. Authorize the City Manager to reject the bid submitted by Klassic Engineering & Construction as non-responsive and award a construction contract to Hardy & Harper, Inc., the lowest responsive bidder, in accordance with the base bid in the amount of \$3,400,000, for construction of the Santa Clara Avenue Bike Lane and Pedestrian Improvements, for the term beginning November 15, 2022 and ending upon project completion, subject to non-substantive changes approved by the City Manager and the City Attorney.

4. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$4,250,000, which includes \$3,400,000 for the construction contract, \$510,000 for contract administration, inspection and testing, and \$340,000 project contingency for unanticipated or unforeseen work.

5. Approve an amendment to the Fiscal Year 2022-23 Capital Improvement Program to include \$581,000 in construction funding from the Measure M2 Local Fairshare funds, and \$3,243,000 in construction funding from Senate Bill 1, SCCP grant funds for the Santa Clara Avenue Bike Lane and Pedestrian Improvements from Lincoln Avenue to Pasadena Street.

MINUTES: *Councilmember Lopez provided a brief summary of the improvement project information detailed in the staff report and in a report provided to her by Nabil Saba, director of the Public Works Agency. She also requested the protected bike lane buffer include landscaping and that Santa Clara residents be notified of any future construction projects.*

Moved by Councilmember Lopez, seconded by Councilmember Hernandez to approve.

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**

13. Fiscal Year 2022-23 First Quarter Budget Report and Proposed Appropriation Adjustments

Department(s): Finance and Management Services

Recommended Action: 1. Approve appropriation adjustments (*requires five affirmative votes*) to increase General Fund expenditures as follows:

- a. \$40,000 for a full-time Librarian to staff the second Knowledge Mobile for the remainder of FY 2022-23;
- b. \$35,000 for a full-time Receptionist to greet and direct visitors;
- c. \$36,600 to print and mail election information cards for the City's November 2022 ballot measures;
- d. \$514,764 for the purchase of bus benches, trash containers, and advertising kiosks; and
- e. \$1,000,000 to plan for development of new public facilities in the Civic Center complex;
- f. \$1,657,000 to move construction inspection costs from the Public Works Engineering & Project Management internal service fund to the General Fund, along with the associated fee/charge revenue of \$1,420,000 for a net impact of \$237,000.

2. **Resolution No. 2022-088** – Increase authorized full-time staff headcount from 1,342 to 1,359 to capture 11 limited-term positions funded by the Revive Santa Ana Program as approved by City Council on August 2, 2022, five additional Library positions to staff the second Knowledge Mobile and new Teen Time program, and one additional City Hall Reception position.

14. Approve Appropriation Adjustments recognizing Housing Assistance Payments and Administrative Funds to Administer New and Existing Vouchers (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: 1. Approve an appropriation adjustment recognizing additional Housing Assistance Payments funds in the amount of \$623,708 in revenue account (no. 14018002-52007) and appropriating the same amount to expenditure account (no. 14018760-62300) to administer 38 new vouchers. (*Requires five affirmative votes*)

2. Approve an appropriation adjustment recognizing additional Housing Assistance Payments funds in the amount of \$376,512 in revenue account (no. 14018002-52007) and appropriating the same amount to expenditure account (no. 14018760-62300) to administer 25 new Foster Youth to Independence vouchers. *(Requires five affirmative votes)*

3. Approve an appropriation adjustment recognizing additional Administrative funds in the amount of \$115,500 in revenue account (no. 13918780-52006) and appropriating the same amount to expenditure account (no. 13918780-62300) to administer 231 existing Mainstream Program Vouchers. *(Requires five affirmative votes)*

Item No. 14 continued to December 6, 2022 at the request of staff.

15. Purchase and Sale Agreement of Real Property at 1415 French Street for Santa Ana Water Resources Elevated Tank Site (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a purchase and sale agreement with Santa Ana Unified School District for the purchase of real property located at 1415 French Street (APN 398-151-01), in the amount of \$781,000, plus normal closing costs and escrow fees, for a total amount not to exceed \$860,000, subject to non-substantive changes approved by the City Manager and the City Attorney **(Core Agreement No. 2022-218)**.

16. Approve Agreements with Hunter Consulting, Inc. dba HCI Environmental & Engineering, Real Estate Consulting & Services, Inc., and SLS Property Solutions, Inc. for On-Call Right of Way Property Board-Up Services in an Aggregate Amount Not to Exceed \$300,000 for a Three-Year Term (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute agreements with Hunter Consulting, Inc. dba HCI Environmental & Engineering, Real Estate Consulting & Services, Inc., and SLS Property Solutions, Inc., for board-up services after City takes possession of vacant buildings to secure for Capital Improvement Projects (CIP) in a shared aggregate amount not to exceed \$300,000, for a three-year term beginning November 15, 2022 and expiring November 14, 2025, with an option for two, one-year extensions, subject non-substantive changes approved by the City Manager and City Attorney **(Core Agreement No. 2022-219)**.

17. Approve an Amendment to the Agreement with Ankura Consulting Group, LLC to Provide Construction Auditing Services for the Construction of the Carnegie Homeless Navigation Center (General Fund)

Department(s): City Attorney Office

Recommended Action: Authorize the City Manager to execute an amendment to the agreement with Ankura Consulting Group, LLC ("Ankura") to provide services for the review and analysis of billings for construction of the Carnegie Homeless Navigation Center by Dyer 18 LLC ("Dyer"), increasing the total not-to-exceed amount by an additional \$50,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-220**).

MINUTES: Councilmember Phan recused herself from Item 17, as the listed party is a client of her employer, Rutan & Tucker, and left the teleconference during the discussion.

Councilmember Lopez questioned the purpose and scope of this agreement, as well as the timeframe for completion.

Moved by Councilmember Lopez, seconded by Councilmember Hernandez to approve.

YES: 6 – Councilmember Hernandez, – Councilmember Lopez, – Councilmember Mendoza, – Councilmember Penaloza, – Mayor Pro Tem Bacerra, – Mayor Sarmiento

NO: 0

ABSTAIN: 1 – Councilmember Phan

ABSENT: 0

Status: 6 – 0 – 1 – 0 – **Pass**

Councilmember Phan returned to the meeting via teleconference.

18. Approve a Subcontractor Agreement with Working Wardrobes for Workforce Services in an Amount not to exceed \$250,000 Under the Californians for All Youth Workforce Program (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute an agreement with Working Wardrobes for workforce services in an amount not to exceed \$250,000, for a period from November 15, 2022 to May 1, 2024, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-221**).

19. Approve Amendment to the Agreement with BrightLife Designs, LLC for DTSA 2022 Holiday Décor 2022 in an Amount Not to Exceed \$370,000 (**Revive Santa Ana Program**)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute an amendment to the agreement with BrightLife Designs, LLC to increase the contract amount by \$370,000, for a total not-to-exceed amount of \$420,000 to provide holiday decorations in Downtown Santa Ana, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-222**).

MINUTES: *Mayor Pro Tem Bacerra moved to approve Item 19 minus the \$250,000 requested by the Public Works Agency. Motion died for lack of a second.*

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

YES: 5 – Councilmember Hernandez, – Councilmember Lopez, – Councilmember Penaloza, – Councilmember Phan, – Mayor Sarmiento

NO: 1 – Mayor Pro Tem Bacerra

ABSTAIN: 0

ABSENT: 1 – Councilmember Mendoza

Status: 5 – 1 – 0 – 1 – **Pass**

20. Approve an Amendment to the Fiscal Year 2022-2023 Emergency Solutions Grant (ESG) Memorandum of Understanding (MOU) Agreement with the Santa Ana Police Department HEART Program for Additional Street Outreach and ESG Subrecipient Agreement with 2-1-1 Orange County for HMIS Data Collection (Non-General Fund)

Department(s): Community Development Agency

Recommended Action: 1. Authorize the City Manager to execute an amendment to the Santa Ana Police Department HEART Program Memorandum of Understanding to increase the amount of the agreement by \$30,000 for program year July 1, 2022 - June 30, 2023 for additional street outreach activities, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-223**).

2. Authorize the City Manager to execute an amendment to the 2-1-1 Orange County Subrecipient Agreement to increase the amount of the agreement by \$22,340.92 for program year July 1, 2022 - June 30, 2023 for additional data collection, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-224**).

21. Approve a Pre-Commitment of \$2,200,000 in Inclusionary Housing Funds for the Development of Six Affordable Ownership Units Located at 1921 W Washington Avenue

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute a pre-commitment letter with Habitat of Humanity of Orange County for \$2,200,000 in Inclusionary Housing Funds for the development of six affordable ownership units at 1921 W Washington Avenue, Santa Ana, CA (APN 405-101-37), subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-225**).

22. Approve a Memorandum of Understanding Establishing the Terms and Conditions of Employment for Classifications Represented by Service Employees International Union (SEIU), Local 721, Part-Time Non-Civil Service Unit

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute a Memorandum of Understanding with Service Employees International Union Local 721, Part-Time Non-Civil Service Unit regarding wages, hours, and other terms and conditions of employment effective November 16, 2022 through November 15, 2024, and authorize non-substantive changes which may be necessary to implement the agreement (**Agreement No. 2022-226**).

23. Approve a Memorandum of Understanding Establishing the Terms and Conditions of Employment for Classifications Represented by the Santa Ana Police Management Association

Department(s): Human Resources

Recommended Action: Authorize the City Manager to execute a Memorandum of Understanding with the Santa Ana Police Management Association regarding wages, hours, and other terms and conditions of employment effective January 1, 2022 through June 30, 2025, and authorize non-substantive changes which may be necessary to implement the agreement (**Agreement No. 2022-227**).

24. Adopt a Resolution Approving the Construction Installment Sale Agreement with the California State Water Resources Control Board for Financing of the Well 32 Nitrate Treatment Project (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Resolution No. 2022-089 – Adopt a Resolution approving the Construction Installment Sale Agreement (D2202003) with the California State Water Resources Control Board for financing of the Well 32

Nitrate Treatment Project, in an amount up to \$6,249,105 (**Agreement No. 2022-228**).

25. 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. 2022-090 – 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.

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

<u>BUSINESS CALENDAR</u>

26. Discuss and Provide Direction Regarding the Recommendation of the Community Development Commission to Dissolve the Downtown Santa Ana Business Improvement District or Adopt the Resolution of Intention to Levy 2023 Assessment for Downtown Santa Ana Business Improvement District

Department(s): Community Development Agency

Recommended Action: Discuss the Downtown Santa Ana Business Improvement District and direct staff to either:

1. Approve the recommendation of the Community Development Commission (Commission) to dissolve the Downtown Santa Ana Business Improvement District (BID) and establish a time and place for a public hearing to be held by the City Council on December 20, 2022; or
2. Resolution No. 2022-XXX – Adopt the resolution of intention to levy an annual business license tax assessment for the 2023 calendar year and establish a time and place for a public hearing to be held by the City Council on December 6, 2022.

MINUTES: *Director of the Community Development Agency Mike Garcia provided a brief presentation on the Downtown Santa Ana Business Improvement District.*

Moved by Councilmember Lopez, seconded by Councilmember Hernandez to approve Option 1.

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**

27. Informational Report Relating to the City's Anti-Cruising Ordinance

Department(s): Police Department

Recommended Action: It is recommended that the City Council accept the informational report and consider one of the following options:

1. Direct staff to return to the City Council with additional information.
2. Leave the anti-cruising ordinance as is (i.e., make no changes to the Santa Ana Municipal Code relating to cruising).'
3. Direct staff to prepare an ordinance to repeal the anti-cruising ordinance.
4. Take no action.

MINUTES: *Chief of Police David Valentin provided a brief presentation on the Anti-Cruising Ordinance repeal impact.*

Councilmember Hernandez spoke of his family's history in Santa Ana and also spoke of the positive contributions car clubs have made to the city.

Councilmember Lopez thanked the Santa Ana Police Department for their hard work in policing and citing those participating in illegal street racing and street takeovers. She also stated that she believes that cruising and lowriders are mistakenly associated with violence, and spoke regarding the California Legislature unanimously passing a resolution commemorating the history of cruising in California.

Councilmember Mendoza stated that her experience with cruising has always been positive and that cruising should not be confused with or associated with street racing or street takeovers.

Mayor Pro Tem Bacerra spoke of the illegal activities that take place during cruising events and street racing. He stated his opposition to the approval of a repeal ordinance but believes the City of Santa Ana has the potential to craft a model ordinance that other cities can emulate. He requested staff draft an ordinance that has regulations in place to allow safe cruising.

Councilmember Penaloza spoke in agreement with Mayor Pro Tem Bacerra's request for an ordinance with regulations. He also requested staff draft an ordinance that allows for regulated and controlled cruising.

Councilmember Phan inquired about the lack of clarity in Municipal Code Chapter 36, Article XII and requested staff work with the Public Safety and Homelessness Subcommittee to establish a program or draft an ordinance that would allow a cruising pilot program.

Mayor Sarmiento expressed his concern for possible infringement of the people's right to assemble and the First Amendment. He stated that he does not associate cruising with danger but rather as a way to profile and target residents. He spoke in support of staff recommendation three (3) with conditions.

City Manager Ridge summarized the direction provided by the Council.

Mayor Sarmiento recessed the regular City Council meeting and convened the Special Housing Authority meeting at 11:37 P.M.

Mayor Sarmiento adjourned the Special Housing Authority meeting at 11:39 P.M. and reconvened the regular City Council meeting at 11:39 P.M.

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

COUNCILMEMBER REQUESTED ITEMS

28. Discuss and Consider Directing the City Manager to Direct Staff to Develop a Community Historical Marker Policy and to Install a Community Historical Marker on the Corner of Sycamore and Fourth Streets to Honor, Remember, and Memorialize the Story of Francisco Torres – Councilmember Hernandez

MINUTES: *Councilmember Hernandez spoke about Francisco Torres' life and the events leading to his death.*

Councilmember Penaloza inquired about the costs of purchasing and installing a historical marker and directed staff to research and draft a Community Historical Marker Policy.

Mayor Pro Tem Bacerra voiced his agreement with Councilmember Penaloza's suggestions.

Councilmember Lopez spoke in agreement with developing a Community Historical Marker Policy and in support of the installation of a marker in honor of Francisco Torres.

Councilmember Mendoza spoke in support of developing a Community Historical Marker Policy and requested that the policy include a history of the honoree, qualifications, and contributions to the community.

Councilmember Phan thanked Councilmember Hernandez for presenting the item and spoke in favor of developing a policy and inquired about referring the item to the Historical Resources Commission.

CITY MANAGER COMMENTS

MINUTES: No comments.

COUNCIL COMMENTS

AB1234 DISCLOSURE – If the City paid for travel or other expenses this is the time for members of the Council to provide a brief oral report on attendance of any regional board or commission meeting or any conference, meeting or event attended.

MINUTES: Councilmember Hernandez thanked all the members of the public who provided comments regarding the anti-cruising ordinance and thanked everyone who voted in the November 8, 2022 election.

Councilmember Lopez provided a list of various organizations within the City that aid the community during the holiday season and wished everyone a happy Thanksgiving.

Councilmember Mendoza wished everyone a happy holiday season.

Councilmember Penaloza wished everyone a happy Thanksgiving.

Councilmember Phan thanked all the residents who provided comments, wished everyone a happy Thanksgiving, and reminded all residents to get their COVID-19 and flu vaccines.

Mayor Pro Tem Bacerra announced his monthly office hours would be on December 10, 2022. He requested the Council's support in adjourning the meeting in memory of Peter Keller.

Mayor Sarmiento spoke in support of adjourning the meeting in memory of Peter Keller.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Sarmiento adjourned the Regular City Council meeting at 12:07 A.M. on November 16, 2022 in memory of Peter Keller.

Respectfully submitted,

Jennifer L. Hall, CMC
City Clerk