

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



December 06, 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 Penalosa

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

ROLL CALL

MINUTES: Mayor Sarmiento called the Closed Session Meeting to order at 5:12 P.M.

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

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: *Mayor Sarmiento recessed to consider the Closed Session items at 5:14 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)
- Service Employees' International Union (SEIU) Full-Time Employees
- Confidential Association of Santa Ana (CASA)
- Santa Ana Management Association (SAMA)

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:

A. Santa Ana Police Officers Association and Gerry Serrano v. City of Santa Ana, Santa Ana Police Department, David Valentin, Kristin (sic) Ridge, Sonia Carvalho, Jason Motsick, and Does I-X, Orange County Superior Court, Case No. 30-2021- 01230129

B. Santa Ana Police Officers Association and Doe Officers v. David Valentin, Sonia Carvalho, Kristine Ridge, City of Santa Ana, Santa Ana Police Department, Santa Ana City Attorney's Office, and Does I-X, Orange County Superior Court, Case No. 30-2021-01230134

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 6:03 P.M.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Bacerra

WORDS OF INSPIRATION

Pastor Segal Simon

CEREMONIAL PRESENTATIONS

1. Certificates of Recognition presented by Mayor Pro Tem Bacerra to the Segerstrom High School Girls Tennis Team for winning the CIF Championship.
2. Proclamation presented by Councilmember Hernandez and Mayor Sarmiento to the Assistance League of Santa Ana for Outstanding Contributions to the Community.
3. Certificate of Recognition presented by Councilmember Lopez to Concern America for Outstanding Contributions to the Community.

MINUTES: Mayor Sarmiento presented Certificates of Recognition to the following outgoing commissioners: Gabriela Hernandez, Joese Gloria Hernandez, Manny Escamilla, and Tim Johnson. He also expressed his gratitude to the commissioners who were not able to attend: Emily Tucker, Ginelle Hardy, Andres Ramirez, Richard Santana, and Eric Alderete.

STAFF PRESENTATIONS

MINUTES: No presentations.

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: John Raya spoke of the positive impact TKO Boxing Club has had in his life and in the community.

Robbie Munoz stated that he would not be the person he is today without the support of the members of the TKO Boxing Club and requested that Council work collaboratively with the club to ensure a continued legacy.

Ray Diaz thanked Mayor Sarmiento for all of his hard work and dedication while serving the residents of Santa Ana as a councilmember and as mayor.

Tim Johnson announced that the County of Orange and PATH will be hosting an informational session regarding the Yale Navigation Center via Zoom on December 7, 2023, at 4:00 P.M.

Curtis Shipp spoke in support of Item 26 and in honor of his late mother, Helen Shipp.

Dwayne Shipp, President of the Orange County Heritage Council, spoke in support of Item 26 and of his excitement to see Santa Ana continue to grow and diversify.

Francisco Salazar spoke of the positive impact being a member of the TKO Boxing Club made in his life.

Joese Hernandez thanked Mayor Sarmiento for his service to the residents of Santa Ana, specifically his work regarding the rent control and just cause evictions ordinances and the Police Oversight Committee.

Victor Mendez thanked Mayor Sarmiento for his service, voiced concern for the safety of the residents of senior affordable housing communities, and commented on Item 28.

Linda Stinnett spoke of her family's history in the City of Santa Ana and the thanked the Council for their continued help toward senior citizens.

Acting Clerk of the Council Norma Orozco reported out the summary of email comments received: Two (2) comments regarding Item 5, One (1) comment in support of Item 12, and One (1) comment in support of Item 21.

CONSENT CALENDAR

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 4 through 24.

MINUTES: Councilmember Penaloza pulled Item No. 12 and Mayor Pro Tem Bacerra pulled Items Nos. 6 and 17 for separate discussion and consideration. Councilmember Lopez provided comments on Item 20 and recorded a No vote on the item.

MOTION: Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Penaloza to approve Consent Calendar Item Nos. 4 through 24 with the exception of Items 6, 12, and 17.

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

4. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

5. Receive and File the Certification of Approval by City Engineer of the Final Parcel Map 2021-144 (1513 West Civic Center Drive) (Applicant: Saul Delgado representing 1513 Civic Center, LLC)

Department(s): Public Works Agency

Recommended Action: Receive and file the certification of approval by City Engineer of the final Parcel Map 2021-144.

6. 2022-2023 Historic Resources Commission Historic Preservation Work Program

Department(s): Planning and Building Agency

Recommended Action: Receive and file the Historic Preservation Work Program for 2022-2023 as recommended by the Historic Resources Commission.

MINUTES: Mayor Pro Tem Bacerra directed staff to research funding sources for future

historic resource surveys.

No further action taken.

7. Award a Blanket Order Contract to CDW-G for Adobe Software and Subscriptions, in an annual amount not to exceed \$75,000 (Specification No. 22-149) (General and Non-General Fund)

Department(s): Information Technology

Recommended Action: Award a contract for the purchase of Adobe Software and Subscriptions, for an eleven-month period expiring October 30, 2023, with provision for one optional one-year renewal exercisable by the City Manager, in an annual amount not to exceed \$75,000, subject to non-substantive changes approved by the City Manager and City Attorney.

8. Amend the Blanket Order Contract with Horizons Construction Co., Pro-Craft Construction, Inc., and Verne's Plumbing for Plumbing Services by Increasing it to an Annual Aggregate Amount Not to Exceed \$370,000 for the Remainder of the Contract Term (Specification No. 20-118) (General and Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize an amendment to the blanket purchase order contracts with Horizons Construction Co., Pro-Craft Construction, Inc., and Verne's Plumbing for plumbing services to increase the annual amount by \$165,000, for a revised annual aggregate amount not to exceed \$370,000, for the remainder of the current one-year term expiring September 30, 2023, and two one-year renewal periods, subject to non-substantive changes approved by the City Manager and City Attorney.

9. Award Blanket Order Contracts to Daniels Tire Service and Parkhouse Tire, Inc. for Vehicle Tires in the Annual Aggregate Amount of \$200,000, for a One-Year Term with Four, One-Year Renewal Options (Specification No. 22-157) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award blanket order contracts to Daniels Tire Service and Parkhouse Tire, Inc. for vehicle tires for a one-year period beginning December 6, 2022 and expiring December 5, 2023, with provisions for four, one-year renewals, in an annual aggregate amount not to exceed \$200,000, subject to non-substantive changes approved by the City Manager and City Attorney.

10. 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 the revenue account

and appropriating the same amount to the expenditure account to administer 38 new vouchers. Also, recognize an additional \$28,500 in Special Administrative Fees in the revenue account to expend the same amount on expenditure account. *(Requires five affirmative votes)*

2. Approve an appropriation adjustment recognizing additional Foster Youth to Independence Housing Assistance Payments funds in the amount of \$376,512 in revenue account and appropriating the same amount to expenditure account 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 the revenue account and appropriating the same amount to the expenditure account to administer 231 existing Mainstream Program Vouchers. *(Requires five affirmative votes)*

11. Approve an Agreement and Appropriation Adjustment Recognizing Grant Revenue in an amount not to exceed \$9,928 for the California State Library for the Zip Books Program

Department(s): Library

Recommended Action: 1. Authorize the Library Services Director to execute a Grant Agreement via DocuSign, accepting grant funds in the amount of \$9,928 for the Zip Books Program, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-230**).

2. Approve an appropriation adjustment to recognize \$9,928 in grant revenue from the California State Library and appropriate \$9,928 into the corresponding expenditure account to implement the program. *(Requires five affirmative votes)*

12. Agreement with the Delhi Center to Lease Space for a New Library Branch (General Fund)

Department(s): Library

Recommended Action: Authorize the City Manager to execute a lease agreement with the Delhi Center for 2,465 square feet of leased space and adjacent exterior space for a new Library Branch, for a ten-year term beginning March 1, 2023, with an option for two five-year renewals, monthly rent rate of \$3,550.00 with an annual 3% increase, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-239**).

MINUTES: Councilmember Penaloza expressed excitement for the new library space and requested a correction to the staff report that the last number of the first paragraph in the Discussion Section of the staff report should read “2023” not “2024.”

MOTION: Moved by Councilmember Penaloza, seconded by Mayor Sarmiento to Approve Item No. 12.

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. Agreement Amendment with Community SeniorServ, Inc. dba Meals On Wheels Orange County for Senior Meal Programs to Increase the Total Agreement Amount by \$50,000 for a New Agreement Total Not to Exceed \$100,000 and Extend the Agreement Term by Six Months through June 30, 2023 (General Fund)

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

Recommended Action: Authorize the City Manager to execute an agreement amendment with Community SeniorServ, Inc. dba Meals On Wheels Orange County for Senior Meal Programs to increase the total agreement amount by \$50,000, for a new agreement total not to exceed \$100,000, and extend the agreement term by six months through June 30, 2023 to be funded by the General Fund, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-231**).

14. Approve Agreement with SDI Presence, LLP for Enterprise Resource Planning (ERP) System Selection Professional Services in an annual amount not to exceed \$128,344 (Non-General Fund)

Department(s): Information Technology

Recommended Action: Authorize the City Manager to execute an agreement for Enterprise Resource Planning (ERP) System Selection Professional Services with SDI Presence, LLP (SDI), for a term beginning January 1, 2023, and expiring June 30, 2024, for a total amount not to exceed \$128,344, which includes a contingency in the amount of \$25,669 subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-232**).

15. Approve a Renewal Agreement with TSYS Merchant Solutions, LLC, DBA Global Payments, for Debit and Credit Card Merchant Payment Processing Services, including Europay, MasterCard, and Visa (“EMV”) CHIP & Pin and e-Commerce Gateway Transaction Integration and Support and Maintenance in the Amount not to Exceed \$1,898,400, which includes a General Contingency of \$242,400

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute a renewal agreement with TSYS Merchant Solutions, LLC, DBA Global Payments, for debit and credit card payment processing services, including Europay, MasterCard, and Visa (“EMV”) CHIP & Pin and e-Commerce gateway transaction integration and support and maintenance in an amount not to exceed \$1,898,400, which includes a general contingency of \$242,400 over the

maximum seven-year life of the agreement. The renewal agreement includes a base term commencing from December 6, 2022 and expiring December 31, 2025, with a provision for two renewal options of three years and one year, respectively, ending December 31, 2029, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-233**).

16. Approve Purchase Agreement with Property Owner Garnsey Corp, for the Full Property Acquisition for the Real Property Located at 841 N Garnsey Street (APN 005-142-03) (**Revive Santa Ana Program**)

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute a purchase agreement with property owner Garnsey Corp, for the full property acquisition for the real property located at 841 N Garnsey Street also identified as APN 005-142-03 (Property) in the amount of \$765,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-234**).

17. Approve an Agreement with City Net to Provide Street Outreach and Engagement Services for Quality-of-Life Services, in an Amount not to Exceed \$2,801,700.10 beginning January 1, 2023 through December 31, 2023 (Non-General Fund and **Revive Santa Ana Program**)

Department(s): Community Development Agency

Recommended Action: 1. Authorize the City Manager to execute an agreement with City Net in an amount not to exceed \$2,801,700.10 for the Santa Ana Multidisciplinary Street Outreach and Engagement (SMART) Program that responds to reports for quality-of-life services from January 1, 2023 through December 31, 2023, with provision for three (3) optional one-year extensions as authorized by the City Manager, subject to non-substantive changes approved by the City Manager and City Attorney (**Core Agreement No. 2022-240**).

2. Authorize the City Manager to execute agreements required by state or federal agencies for the use of HHAP and ARPA funding.

MINUTES: *Mayor Pro Tem Bacerra requested staff present a progress report at the October 17, 2023 meeting, prior to the approval of any extensions with the vendor.*

MOTION: Moved by Mayor Pro Tem Bacerra, seconded by Councilmember Phan to approve as amended to include a progress report before enacting any renewals to the agreement.

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

18. Approve Agreement with MIG, Inc., for Design Services for the City of Santa Ana's First Dog Park Project in an Amount Not to Exceed \$800,000 for a Three-Year Term (Project No. 22-2755) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with MIG, Inc. to provide engineering plans for the City of Santa Ana Dog Park project in the amount of \$703,851, with a contingency of \$96,149, for a total amount of \$800,000, for a three-year term beginning December 6, 2022, and expiring December 5, 2025, with an option for two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-235**).

19. Approve Agreement with Little Diversified Architectural Consulting, Inc. for Architectural Design Services for Santa Anita Community Center in an Amount Not to Exceed \$425,000 for a Three-Year Term (Project No. 22-1378) (Non-General Fund) (**Revive Santa Ana Program**)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Little Diversified Architectural Consulting to provide architectural design and contract documents for a new community center in the Santa Anita Park Project in the amount of \$350,237, with a contingency of \$74,763, for a total amount of \$425,000, for a three-year term beginning December 6, 2022, and expiring December 5, 2025, with an option for two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-236**).

20. Purchase Agreement in the Amount of \$725,000 for Full Real Property Acquisition for Warner Avenue Improvements Phase 2 (Property Owner: Virginia G. Ambriz) (Project No. 18-6901) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a purchase agreement with Virginia G. Ambriz, for the full acquisition and goodwill (if any), of the property located at 2246 S Cedar Street (APN 016-214-12) in the amount of \$725,000, subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. 2022-237**).

MINUTES: Councilmember Lopez recorded a "No" vote on Item 20.

YES: 7 – Councilmember Hernandez, – Councilmember Mendoza, – Councilmember

Penaloza, – Councilmember Phan, – Mayor Pro Tem Bacerra, – Mayor Sarmiento

NO: 1 – Councilmember Lopez

ABSTAIN: 0

ABSENT: 0

Status: 6 – 1 – 0 – 0 – **Pass**

21. Density Bonus Agreement No. 2022-03 to Facilitate the Construction of a For-Sale Residential Townhouse Development, Consisting of 51 Townhouse Units with Eight Units Proposed as Affordable to Low-Income Households

Department(s): Planning and Building Agency

Recommended Action: 1. **Resolution No. 2022-091** – Adopt a resolution approving Density Bonus Agreement No. 2022-03 as conditioned.

2. Authorize the City Manager to execute a Density Bonus Agreement with Warmington Residential, Inc., for a 55-year term, for a for-sale residential townhouse development, consisting of 51 townhouse units with eight units proposed as affordable to low-income households at 717 S. Lyon Street, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-238**).

22. First One-year Extension of Variance No. 2017-05 and Variance No. 2017-06 for the Madison Mixed-Use Development Project Located at 200 North Cabrillo Park Drive

Department(s): Planning and Building Agency

Recommended Action: **Resolution No. 2022-092** – Adopt a resolution approving a one-year extension of Variance No. 2017-05 and Variance No. 2017-06.

23. First One-year Extension of Site Plan Review No. 2020-03 and Variance No. 2020-06 for the 4th and Mortimer Mixed-Use Development Project Located at 409 and 509 East Fourth Street

Department(s): Planning and Building Agency

Recommended Action: **Resolution No. 2022-093** – Adopt a resolution approving a one-year extension of Site Plan Review No. 2020-03 and Variance No. 2020-06 to December 15, 2023.

24. 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. 2022-094** – 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>

25. Facility Use Agreement Amendment with TKO Youth Foundation (TKO) to Reflect a Rate of \$20.00 Per Hour for the Use of the Fitness Room in the Jerome Community Center with Anticipated Payments from TKO to the City to Reflect the Period from September 1, 2022 Until September 21, 2023 (General Fund)

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

Recommended Action: It is recommended that the City Council consider approving one of the two following options:

1. No change to the existing agreement and TKO will maintain responsibility for the Fiscal Year 2022-23 Miscellaneous Fee of \$116.00 per hour for use of the Fitness Room in the Jerome Community Center with anticipated payments from TKO to the City to reflect the period from September 1, 2022 until September 21, 2023.
2. Authorize the City Manager to execute an amendment to the facility use agreement with TKO Youth Foundation (TKO) to reflect a rate of \$20.00 per hour for the use of the Fitness Room in the Jerome Community Center with anticipated payments from TKO to the City to reflect the period from September 1, 2022 until September 21, 2023, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. 2022-241**).

MINUTES: MOTION: *Councilmember Hernandez moved to waive all fees for TKO Boxing Club seconded by Councilmember Mendoza.*

Councilmember Lopez provided comments and recorded her agreement with the amended motion presented by Councilmember Hernandez and as well as staff's recommended action.

SUBSTITUTE MOTION: *Councilmember Penaloza moved to approve Recommended Action Option 2, seconded by Mayor Pro Tem Bacerra.*

Councilmember Phan provided comments and stated her agreement with the substitute motion by Councilmember Penaloza.

Mayor Sarmiento provided comments and noted his agreement with the original motion presented by Councilmember Hernandez.

SUBSTITUTE MOTION: **Moved by Councilmember Penaloza, seconded by Mayor Pro Tem Bacerra to approve Recommended Action, Option 2.**

YES: 3 – Councilmember Penaloza, - Councilmember Phan, – Mayor Pro Tem Bacerra

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

ABSTAIN: 0

ABSENT: 0

Status: 3 – 4 – 0 – 0 – **Fail**

MOTION: Moved by Councilmember Hernandez, seconded by Councilmember Mendoza to approve the agreement and waive all fees.

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

NO: 0

ABSTAIN: 0

ABSENT: 0

Status: 7 – 0 – 0 – 0 – **Pass**

26. Adopt a Resolution Authorizing Ceremonial Street Naming (General Fund)

Department(s): Public Works Agency

Recommended Action: 1. **Resolution No. 2022-095** – Adopt a resolution authorizing the ceremonial street naming of Helen M. Shipp Way, along Willits Street from Fairview Street to Bristol Street, and the ceremonial naming of the intersection of Willits Street and Raitt Street to Black History Square.

2. Direct staff to install a certain number of ceremonial signs to be approved for the stretch along Willits Street from Fairview Street to Bristol Street.

MINUTES: *Director of Public Works Nabil Saba provided a brief presentation.*

Councilmember Hernandez provided comments on the life of Helen M. Shipp and Black History in Santa Ana and moved to approve Item No. 26 with Option 3 as presented in the staff report.

Councilmember Phan inquired about creating an informational page on the City's website regarding historical figures in Santa Ana.

MOTION: Moved by Councilmember Hernandez, seconded by Councilmember Phan to approve the recommended action with option 3 of the presentation.

YES: 6 – Councilmember Hernandez, – Councilmember Lopez, – Councilmember Penalosa, – Councilmember Phan, – Mayor Pro Tem Bacerra, – Mayor Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 1 – Councilmember Mendoza

Status: 6 – 0 – 0 – 1 – **Pass**

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

PUBLIC HEARINGS

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

27. Public Hearing - A Resolution and an Ordinance Adopting the Updated California and International Building and Fire Codes with Local Conditions Amendments and Requisite Findings

Public Notice published in the Orange County Reporter on November 25, 2022.

Department(s): Planning and Building Agency, Orange County Fire Authority

Recommended Action: 1. Find that the proposed Ordinance is exempt under the provision of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

2. **Resolution No. 2022-097**– Adopt a resolution of the City Council setting forth findings for required amendments, modifications and changes with respect to the local climatic, geographical and topographical conditions within the City of Santa Ana to the California Building, Residential, Green Standards, Energy, Electrical, Mechanical, Plumbing, and Fire Codes as amended by the State of California.

3. Approve first reading of an ordinance amending Chapters 8 and 14 of the Santa Ana Municipal Code adopting the State Building Regulations, including the 2021 International Property Maintenance Code, and certain modifications and changes with respect to local climatic, geographical and topographical conditions with the City of Santa Ana to the California Building, Existing Building, Residential, Green Standards, Electrical, Mechanical, Plumbing, Energy, Historical Building, and Fire Codes as amended by the State of California.

MINUTES: Mayor Sarmiento opened the Public Hearing at 8:02 P.M. and, seeing no questions or comments, closed the Public Hearing at 8:03 P.M.

MOTION: Moved by Councilmember Penaloza, seconded by Councilmember Phan to Approve Public Hearing Item No. 27.

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

NO: 0

ABSTAIN: 0

ABSENT: 2 – Councilmember Hernandez, – Mayor Pro Tem Bacerra

Status: 5 – 0 – 0 – 2 – **Pass**

28. Zoning Ordinance Amendment No. 2022-06 – An Urgency Ordinance of the City Council of the City of Santa Ana amending Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code Relating to Accessory Dwelling Units (ADUs) in Compliance with Changes to State ADU Law Enacted Under Assembly Bill 2221 and Senate Bill 897 That Will Take Effect on January 1, 2023

Public Notice published in the Orange County Reporter on November 25, 2022.

Department(s): Planning and Building Agency

Recommended Action: Ordinance No. NS-3030 – Approve Zoning Ordinance Amendment No. 2022-06 and adopt the Urgency Ordinance by two-thirds (2/3) vote to amend Article II (Use Districts) of Chapter 41 (Zoning) of the Santa Ana Municipal Code related to accessory dwelling units. *(Requires five affirmative votes)*

MINUTES: *Director of Planning and Building Minh Thai provided a brief presentation.*

Mayor Sarmiento opened the Public Hearing at 8:12 P.M. and, seeing no questions or comments, closed the Public Hearing at 8:13 P.M.

Mayor Pro Tem Bacerra spoke in favor of the item and thanked all of the Planning and Building staff for their efforts.

Councilmember Phan spoke in favor of the item and wished to remind the public that the proposed amendment is state mandated.

MOTION: Moved by Councilmember Phan, seconded by Councilmember Hernandez to adopt the ordinance.

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**

29. Public Hearing - Zoning Ordinance Amendments (ZOAs) Nos. 2022-04 and 2022-05 Amending Chapter 41 of the Santa Ana Municipal Code to Establish Permit Requirements and Standards for the Development of Outdoor Dining Areas and the Operation of Mobile Food Trucks on Private Properties

Public Notice published in the Orange County Reporter on November 25, 2022.

Department(s): Planning and Building Agency

Recommended Action: 1. Find and determine that the adoption of these ordinances are exempt from further review under the California Environmental Quality Act (CEQA) pursuant

to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, as amended from time to time; and

2. Approve first reading of an ordinance approving Zoning Ordinance Amendment No. 2022-04 establishing permit requirements and development and operational standards for outdoor dining areas on private properties; and

3. Approve first reading of an ordinance approving Zoning Ordinance Amendment No. 2022-05 establishing permit requirements and operational standards for the operation of mobile food trucks on private properties.

MINUTES: *Director of Planning and Building Minh Thai provided a brief presentation.*

Mayor Sarmiento opened the Public Hearing at 8:26 P.M.

Roberto Guzman (translation: Spanish), member of the Orange County Business Association, spoke in support of Item 30 and thanked Minh Thai and Alvaro Nunez from the Planning and Building Department for their assistance.

Mayor Sarmiento closed the Public Hearing at 8:29 P.M.

Mayor Pro Tem Bacerra requested that Ordinance Sec. 21-2304: “all specific development and specific plan areas that have similar zones” be further clarified.

MOTION: Moved by Councilmember Phan, seconded by Councilmember Penalosa to approve the recommended actions of Public Hearing Item No. 29.

YES: 6 – Councilmember Hernandez, – Councilmember Mendoza, – Councilmember Penalosa, – Councilmember Phan, – Mayor Pro Tem Bacerra, – Mayor Sarmiento

NO: 0

ABSTAIN: 0

ABSENT: 1 – Councilmember Lopez

Status: 6 – 0 – 0 – 1 – **Pass**

CITY MANAGER COMMENTS

City Manager Kristine Ridge provided the following community announcements:

The main library has expanded its hours of operation by eight (8) additional hours: Monday through Thursday 10:00 A.M. to 8:00 P.M., and Friday and Saturday 10:00 A.M. to 6:00 P.M. with additional hours also added at Newhope Library.

The City will be hosting the 2nd Annual Winter Village from December 8, 2022, through January 8, 2023.

The citywide transition for security services to Lyons Security has been completed and includes greater integration with the MySantaAna app.

COUNCILMEMBER REQUESTED ITEMS

30. Discuss and Consider Directing the City Manager to Direct Staff to Evaluate the Current Vacant Property Registration Requirements and Return with Recommendations to Enhance its Effectiveness and/or Other Options to Address Both Vacant Structures and Land – Councilmember Lopez

MINUTES: *Item 30 was heard out of order after the City Manager comments.*

Councilmember Lopez provided a brief summary of the item.

Councilmember Hernandez spoke in support of the item.

Mayor Pro Tem Bacerra spoke on the current foreclosure, abandoned, and vacant property registry and requested staff research which portions of the registry have been successful and what improvements can be made.

Councilmember Phan spoke in support of the item and requested staff adhere to the councilmember requested item policy and include a one-page informational report.

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 the attendance of any regional board or commission meeting or any conference, meeting or event attended.

Councilmember Hernandez thanked Mayor Sarmiento for his service and leadership. He also announced that he would be partnering with the local non-profit 1901 Project's upcoming toy drive on Saturday, December 10, 2022, and provided comments on various other community events.

Councilmember Lopez announced that on December 10, 2022 John Muir Elementary would be hosting a family movie night. She provided closing comments and thanked Mayor Sarmiento for his service to the City of Santa Ana.

Councilmember Mendoza congratulated Mayor Sarmiento for his new position as County Supervisor Elect and thanked staff for all of their hard work and dedication.

Councilmember Penaloza – AB1234 Disclosure The City of Santa Ana paid for his travel expenses to visit Sacramento for the swearing-in ceremonies of Congressman Thomas Umberg and Assemblymen Avelino Valencia.

Councilmember Phan provided various community announcements and requested Council adjourn the meeting in honor of Nguyễn Thị Hương.

Mayor Pro Tem Bacerra announced that his monthly community office hours will be on December 10, 2022 at Thornton Park.

Mayor Sarmiento thanked staff and the Council for all their hard work and working alongside him in serving the residents of the City of Santa Ana.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Sarmiento adjourned the Regular City Council meeting at 9:06 P.M. in memory of Nguyễn Thị Hương.

Respectfully Submitted,

Jennifer L. Hall, CMC
City Clerk