



**DRAFT MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
SANTA ANA, CALIFORNIA**

November 17, 2020

CLOSED SESSION MEETING

CLOSED SESSION MEETING OF THE CITY COUNCIL - NOVEMBER 17, 2020 -5:00 P.M.

CALL TO ORDER -Mayor PULIDO

COUNCILMEMBERS Present:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas
Mayor Pulido

COUNCILMEMBERS Absent:

None

Mayor Pulido called the Closed Session meeting to order at 5:02 p.m. Councilmember Bacerra joined the meeting at 5:20 p.m. Councilmember Mendoza joined the meeting at 5:14 p.m.

PUBLIC COMMENTS

None.

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:
 - 1A. Ross Berrera, et al. v. City of Santa Ana, Orange County Superior Court Case No.: 30-2015-00771129-CU-WM-CJC
 - 1B. City of Santa Ana v. County of Orange, et al, United States District Court Case No. SA CV 20-0069-DOC (DFMx)

- 1C. Orange County Catholic Worker, et al. v. Orange County, et al., U.S. District Court (Central District of California), Case No. SA CV 18-0155-DOC (KESx)
- 1D. City of Santa Ana v. County of Orange, et al., (Cross-Complaint), U.S. District Court (Central District of California), Case No. SA CV 18-0155-DOC (KESx)

CLOSED SESSION REPORT - The City Attorney will report on any action(s) to be taken at the Regular Meeting which will begin immediately following the Closed Session Meeting.

ADJOURN CLOSED SESSION AND CONVENE TO THE REGULAR OPEN SESSION.

Mayor Pulido adjourned Closed Session meeting at 6:08 p.m. and convened to the Regular Open Session at 6:11 p.m.

REGULAR OPEN MEETING - 5:45 p.m. (Immediately following the Closed Session Meeting)

CALL TO ORDER - MAYOR PULIDO

Mayor Pulido called the Regular Session meeting to order at 6:14 p.m.

COUNCILMEMBERS Present:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido

COUNCILMEMBERS Absent:

None

PLEDGE OF ALLEGIANCE - MAYOR PULIDO

INVOCATION - JACK ABEELEN, POLICE CHAPLAIN

CEREMONIAL PRESENTATIONS

1. PROCLAMATIONS presented by MAYOR PRO TEM VILLEGAS and COUNCILMEMBER MENDOZA naming November 11th as Veterans Day.
2. PROCLAMATION presented by COUNCILMEMBER PENALOZA recognizing Felix Rivera for his Outstanding Contributions to the Community.
3. OATH OF OFFICE (video) administered to Nancy Lewis, Santa Ana 2018 Measure X Citizens' Oversight Committee as the Ward 4 representative - Councilmember Bacerra.

CLOSED SESSION REPORT - The City Attorney will report items to be added to Consent Calendar Item 19A from the Closed Session meeting.

City Attorney Sonia Carvalho announced that Council provided direction to staff and there was no reportable action.

PUBLIC COMMENTS

Clerk of the Council Daisy Gomez provided a report of eComments received.

Victor Mendez expressed some common areas of financial concern as it relates to Items 20B, 22B, 25E, and 25H during the current COVID-19 pandemic state.

Evan Grant spoke regarding existing litigation.

Christopher Forden, Project Director of Santa Ana Streets, spoke regarding Item 60B to express his opposition to punitive measures, and encouraged council to vote no.

Dale Helvig thanked Mayor Pro Tem Villegas and Councilmember Mendoza for the Veteran's Day acknowledgement, and spoke regarding concerns on Item 25E, Item 25H, and Item 85A.

Paul Nagel, Project Director for The Bicycle Tree, spoke regarding Item 60B to express concerns with punitive measures and various topics.

Carla Juarez spoke regarding the ward maps, civic engagement, concerns with developer as it relates to Item 75A, and accessibility to General Plan updates from past meetings.

Lorena Palacios spoke regarding opposition to Item 75A.

Clerk of the Council, Daisy Gomez, reported out on a additional correspondence received for Item 85A.

CONSENT CALENDAR

Motion to approve the Consent Calendar Items with the following modifications.

Approve staff recommendations on the following Consent Calendar Items 10A through 55D with the exception of items: 12A, 20A, 20D, 22B, 25B, 55A, and 55C.

Councilmember Sarmiento abstained from Item 25C, subsection 8, due to a conflict of interest in real property. moved by Mayor Pro Tem Villegas seconded by Councilmember Sarmiento.

Mayor Pro Tem Villegas motioned to approve the consent calendar items with the following modifications, seconded by Councilmember Sarmiento.

MOTION: Mayor Pro Tem Villegas **SECOND:** Councilmember Sarmiento

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

ADMINISTRATIVE MATTERS

MINUTES

10A. MINUTES FROM THE REGULAR MEETING OF OCTOBER 6, 2020 – Clerk of the Council Office

MOTION: Approve Minutes.

10B. MINUTES FROM THE SPECIAL MEETING OF OCTOBER 16, 2020 – Clerk of the Council Office

MOTION: Approve Minutes.

10C. MINUTES FROM THE REGULAR MEETING OF OCTOBER 20, 2020 - Clerk of the Council Office

MOTION: Approve Minutes.

NOTICE OF PUBLIC HEARINGS

12A. ADOPT RESOLUTION OF INTENT TO LEVY 2021 ASSESSMENT FOR DOWNTOWN SANTA ANA BUSINESS IMPROVEMENT DISTRICT – Community Development Agency

1. Approve the 2021 Assessment Report for the Downtown Santa Ana Business Improvement District (BID), which is administered by two organizations, the Santa Ana Business Council and Downtown Incorporated.
2. Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA LEVYING AN ASSESSMENT FOR THE DOWNTOWN SANTA ANA BUSINESS IMPROVEMENT DISTRICT FOR CALENDAR YEAR 2021
3. Set a public hearing for December 15, 2020.

This consent item- Resolution No. 2020-081 was approved.

BOARDS / COMMISSIONS / COMMITTEES

13A. APPOINT MIGUEL CALDERON NOMINATED BY COUNCILMEMBER PENALOZA TO THE PLANNING COMMISSION AS THE WARD 2 REPRESENTATIVE FOR A PARTIAL-TERM EXPIRING DECEMBER 13, 2022 - Clerk of the Council Office

MOTION: Nominate Miguel Calderon for an appointment to the Planning Commission as the Ward 2 representative.

MISCELLANEOUS ADMINISTRATION

19A. CONFIRMATION OF CLOSED SESSION ACTION(S) - City Attorney's Office

City Attorney Sonia Carvalho announced that Council provided direction to staff and there was no reportable action.

19B. EXCUSED ABSENCES – Clerk of the Council Office

19C. RECEIVE AND FILE QUARTERLY REPORT OF INVESTMENTS AS OF SEPTEMBER 30, 2020 – Finance and Management Services Agency

MOTION: Receive and file.

19D. RECEIVE AND FILE QUARTERLY REPORT OF CONTRACTS COVID-19 AND NON-COVID-19-RELATED UP TO \$50,000 FOR NON-PUBLIC WORKS AND UP TO \$250,000 FOR PUBLIC WORKS AUTHORIZED BY THE CITY MANAGER AS PERMITTED BY CHARTER SECTION 421 – Finance and Management Services Agency

MOTION: Receive and file Quarterly Report of Contracts (COVID-19 and NON COVID-19) entered into between July 1, 2020 to September 30, 2020, valued at up to \$50,000 for non-public works contracts and agreements, and up to \$250,000 for public works contracts and agreements.

19E. RECEIVE AND FILE FISCAL YEAR 2020-2021 - FIRST QUARTER UPDATE - Finance and Management Services Agency

MOTION: Receive and file Fiscal Year 2020-2021 First Quarter Update.

19F. RECEIVE AND FILE THE SEWER SYSTEM MANAGEMENT PLAN 2020 UPDATE – Public Works Agency

MOTION: Receive and file the Sewer System Management Plan 2020 update.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A. APPROVE AN APPROPRIATION ADJUSTMENT AND AMEND AGREEMENT WITH MAGELLAN ADVISORS LLC TO INCREASE THE CONTRACT AMOUNT BY \$36,685 FOR THE REMAINING TERM OF THE AGREEMENT FOR CITYWIDE FIBER-OPTIC AND WIRELESS BROADBAND NETWORK CONSULTING SERVICES (PROJECT NO. 18-6065) (NON-GENERAL FUND) - Public Works Agency

1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-047 - Recognizing the remaining balance of the loan proceeds with the trustee in the amount of \$1,475,047 into the Capital Outlay, Miscellaneous Revenue, Prior Year Carry Forward revenue account, and appropriating the same amount into the Capital Outlay, Streetlights, Improvements Other Than Building expenditure account.
2. Authorize the City Manager to execute an amendment to the agreement with Magellan Advisors LLC to increase the contract amount by \$36,685, which includes a \$33,350 project fee and a 10% contingency of \$3,335 for a total contract amount not to exceed \$261,685, for the remaining term of the agreement from November 17, 2020 to April 2, 2021, with two one-year extensions exercisable by the City Manager and the City Attorney, to provide citywide fiber-optic and wireless broadband network consulting services subject to non-substantive changes approved by the City Manager and the City Attorney (Agreement No. A-2020-XXX).

Motion to Approve 1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-047 - Recognizing the remaining balance of the loan proceeds with the trustee in the amount of \$1,475,047 into the Capital Outlay, Miscellaneous Revenue, Prior Year Carry Forward revenue account, and appropriating the same amount into the Capital Outlay, Streetlights, Improvements Other Than Building expenditure account.

2. Authorize the City Manager to execute an amendment to the agreement with Magellan Advisors LLC to increase the contract amount by \$36,685, which includes a \$33,350 project fee and a 10% contingency of \$3,335 for a total contract amount not to exceed \$261,685, for the remaining term of the agreement from November 17, 2020 to April 2, 2021, with two one-year extensions exercisable by the City Manager and the City Attorney, to provide citywide fiber-optic and wireless broadband network consulting services subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. A-2020-210**). moved by Councilmember Bacerra seconded by Councilmember Penaloza.

Councilmember Bacerra motioned to approve, seconded by Councilmember Penaloza.

MOTION: Councilmember Bacerra **SECOND:** Councilmember Penaloza
VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: None (0)

20B. APPROVE AN APPROPRIATION ADJUSTMENT AND AWARD A CONSTRUCTION CONTRACT TO ALL CITIES ENGINEERING, INC. IN THE AMOUNT OF \$2,563,351 FOR THE SAINT GERTRUDE AND GRAND AVENUE WATER MAIN REPLACEMENT PROJECT WITH AN ESTIMATED PROJECT DELIVERY COST OF \$3,332,355 (PROJECT NO. 15-6446) (NON-GENERAL FUND) - Public Works Agency

1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-048 – Recognizing \$1,832,355 in the Water Fund, Public Works Water Revenue, Prior Year Carry Forward account, and appropriating the same amount into the Acquisition & Construction, Water Utility Capital Projects, Water Capital Project expenditure account.
2. Approve an amendment to the Fiscal Year 2020-21 Capital Improvement Program to include \$937,355 in construction funds for the St. Gertrude and Grand Avenue Water Main Replacement Project.
3. Award a construction contract to All Cities Engineering, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$2,563,351, for construction of Saint Gertrude and Grand Avenue Water Main Replacement Project, for the term beginning November 17, 2020 and ending upon project completion, and authorize the City Manager to execute the contract 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 \$3,332,355, which includes \$2,563,351 for the construction contract, \$384,504 for contract administration, inspection, and testing; and a \$384,500 project contingency for unanticipated or unforeseen work.

20C. APPROVE APPROPRIATION ADJUSTMENT ACCEPTING BUREAU OF RECLAMATION WATERSMART GRANT FUNDS FOR THE ADVANCED METER

INFRASTRUCTURE PROJECT IN THE AMOUNT OF \$1,200,000 AND TO APPROPRIATE PRIOR YEAR GRANT FUNDS OF \$1,050,000 (NON-GENERAL FUND) - Public Works Agency

MOTION: Approve an appropriation adjustment. (Requires five affirmative votes).

1. APPROPRIATION ADJUSTMENT NO. 2021-046 - Accepting Bureau of Reclamation WaterSMART grant funds in the amount of \$1,200,000 into the Public Works Water Quality & Control Fund, Miscellaneous Revenue, Federal Grant-Direct revenue account and appropriating the same amount into Reserve Appropriation expenditure accounts for future year expenditures.
2. APPROPRIATION ADJUSTMENT NO. 2021-046 - Recognizing prior year appropriation of \$1,050,000 in Bureau of Reclamation WaterSMART grant funds into the Public Works Water Quality & Control Fund, Prior Year Carry Forward revenue account and appropriating the same amount into the Public Works Water Quality & Control, WaterSMART-Watershed Management Program, Reserve Appropriation expenditure account for future year expenditures.

20D. APPROVE AN APPROPRIATION ADJUSTMENT, AUTHORIZE A BUDGET REALLOCATION, APPROVE BASIC TERMS, AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) FOR THE MASTER PLAN OF ARTERIAL HIGHWAY AMENDMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY, THE CITY OF TUSTIN, AND THE CITY OF FOUNTAIN VALLEY (NON-GENERAL FUND) - Public Works Agency

1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-049 – Recognizing prior year fund balance of \$157,961 in New Transportation Systems Improvements Area F funds and appropriating the same amount to the New Transportation Systems Improvements Area F, Improvements Other Than Building expenditure account to partially fund the transit study required in the MOU.
2. Authorize reallocation of \$92,039 in unspent Measure M2 Local Fair Share funds as follows; \$80,000 from the Bike Lane Project Development (Project No. 21-6904), and \$12,039 from the Traffic Safety Project Development (Project No. 21-6905) to the Transit Study Project (No. 21-6981).
3. Approve terms and conditions upon which the MOU will be based on, and authorize the City Manager to negotiate and execute a final memorandum of understanding for the Master Plan of Arterial Highway (MPAH) Amendment with the Orange County Transportation Authority (OCTA), the City of Tustin, and the City of Fountain Valley (Agreement No. A-2020-XXX).

Motion to Approve 1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-049 – Recognizing prior year fund balance of \$157,961 in New Transportation Systems Improvements Area F funds and appropriating the same amount to the New Transportation Systems Improvements Area F, Improvements Other Than Building expenditure account to partially fund the transit study required in the MOU.

2. Authorize reallocation of \$92,039 in unspent Measure M2 Local Fair Share funds as follows; \$80,000 from the Bike Lane Project Development (Project No. 21-6904), and \$12,039 from the Traffic Safety Project Development (Project No. 21-6905) to the Transit Study Project (No. 21-6981).

3. Approve terms and conditions upon which the MOU will be based on, and authorize the City Manager to negotiate and execute a final memorandum of understanding for the Master Plan of Arterial Highway (MPAH) Amendment with the Orange County Transportation Authority (OCTA), the City of Tustin, and the City of Fountain Valley **(Agreement No. A-2020-211)**. moved by Councilmember Bacerra seconded by Mayor Pulido.

Councilmember Bacerra motioned to approve, seconded by Mayor Pulido.

MOTION: Councilmember Bacerra **SECOND:** Mayor Pulido

VOTE: **AYES:** Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

22A. AWARD PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$181,634 TO NATIONAL AUTO FLEET GROUP FOR ONE FORD SUPER DUTY F550 PRESSURE WASHER VACUUM TRUCK (SPECIFICATION NO. 20-127) (NON-GENERAL FUND) - Finance and Management Services Agency and Public Works Agency

MOTION: Authorize a one-time purchase and payment of purchase order to National Auto Fleet Group for the purchase of one Ford Super Duty F550 Pressure Washer System Vacuum truck, in the amount of \$171,634 plus a

contingency of \$10,000, for a total amount not to exceed \$181,634, subject to non-substantive changes approved by the City Manager and City Attorney.

22B. AWARD PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$157,972 TO FAIRWAY FORD SALES INC. FOR FIVE FORD SUPER DUTY F250 HD TRUCKS (SPECIFICATION NO. 20-114) (NON-GENERAL FUND) - Finance and Management Services Agency and Public Works Agency

MOTION: Authorize a one-time purchase and payment of purchase order to Fairway Ford Sales Inc., for five Ford Super Duty F250 HD trucks in the amount of \$152,972, plus a contingency of \$5,000 for a total amount not to exceed \$157,972, subject to non-substantive changes approved by the City Manager and City Attorney.

Councilmember Bacerra requested staff to perform a local educational outreach through economic development efforts. In addition, request staff to share any actions council needs to consider based on findings from outreach.

Councilmember Solorio provided direction to staff to have a quarterly or monthly educational workshop outreach for local businesses.

Motion to Approve Authorize a one-time purchase and payment of purchase order to Fairway Ford Sales Inc., for five Ford Super Duty F250 HD trucks in the amount of \$152,972, plus a contingency of \$5,000 for a total amount not to exceed \$157,972, subject to non-substantive changes approved by the City Manager and City Attorney. moved by Councilmember Bacerra seconded by Councilmember Penaloza.

Councilmember Bacerra motioned to approve, seconded by Councilmember Penaloza.

MOTION:	Councilmember Bacerra	SECOND:	Councilmember Penaloza
VOTE:	AYES:		Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)
	NOES:		None (0)
	ABSTAIN:		None (0)
	ABSENT:		None (0)

22C. APPROVE AN INCREASE IN THE PURCHASE ORDER AMOUNT WITH SELECT TRENCHLESS PIPELINES, INC. FOR SANITARY SEWER LATERAL LINING SERVICES IN THE AMOUNT OF \$200,000, FOR A REVISED ANNUAL AMOUNT NOT TO EXCEED \$250,000 FOR THE REMAINING TERM OF THE AGREEMENT (SPECIFICATION NO. 15-087) (NON-GENERAL FUND) - Finance and Management Services Agency and Public Works Agency

MOTION: Authorize the City Manager to approve an increase to the blanket order contract with Select Trenchless Pipelines, Inc., for sanitary sewer lateral lining services by \$200,000, for a revised annual amount not to exceed \$250,000 for the remainder of the contract term.

AGREEMENTS

25A. APPROVE A LEASE AGREEMENT WITH VERIZON WIRELESS FOR AN EXISTING CELLULAR ANTENNA TOWER AT THE SANTA ANA STADIUM FOR \$28,800 PER YEAR WITH A 3% ANNUAL INCREASE FOR THE PERIOD NOVEMBER 1, 2020 TO OCTOBER 31, 2030 WITH THREE, FIVE-YEAR RENEWAL OPTIONS (NON-GENERAL FUND) – Parks, Recreation, and Community Services Agency

MOTION: Authorize the City Manager to execute a lease agreement with Verizon Wireless for an existing cellular antenna tower at the Santa Ana Stadium for \$28,800 per year with a 3% annual increase for the period November 1, 2020 to October 31, 2030 with three, five-year renewal options, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-212 was approved.

25B. APPROVE A SECOND AMENDMENT TO EXTEND THE TERM AND INCREASE THE OUTDOOR DINING SPACE FOR THE LICENSE AGREEMENT WITH EAST END REALTY PARTNERSHIP, LP AND WURSTHAUS, INC. ALLOWING TEMPORARY OUTDOOR DINING ACTIVITIES TO OCCUR WITHIN PLAZA CALLE CUATRO FOR THE PERIOD DECEMBER 1, 2020 THROUGH NOVEMBER 30, 2021 FOR AN AMOUNT NOT TO EXCEED \$2,028 (GENERAL FUND) – Planning and Building Agency; Parks, Recreation and Community Services Agency and Community Development Agency

MOTION: Authorize the City Manager to execute a second amendment to extend the term and increase the outdoor dining space for the License Agreement with East End Realty Partnership, LP and Wursthau Inc., allowing temporary outdoor dining activities to occur within Plaza Calle Cuatro for the period of December 1, 2020 through November 30, 2021, in an amount not to exceed \$2,028, subject to non-substantive changes approved by the City Manager and the City Attorney (Agreement No. A-2020-XXX).

Councilmember Penalosa implores staff to collaborate with downtown businesses to implement a uniform outdoor seating standard.

Councilmember Bacerra concurs with Councilmember Penalosa, and asks staff to consider street closures on a permanent level.

Motion to Approve: Authorize the City Manager to execute a second amendment to extend the term and increase the outdoor dining space for the License Agreement with East End Realty Partnership, LP and Wursthaus Inc., allowing temporary outdoor dining activities to occur within Plaza Calle Cuatro for the period of December 1, 2020 through November 30, 2021, in an amount not to exceed \$2,028, subject to non-substantive changes approved by the City Manager and the City Attorney (**Agreement No. A-2020-213**). moved by Councilmember Penalosa seconded by Councilmember Bacerra.

Councilmember Penalosa motioned to adopt, seconded by Councilmember Bacerra.

MOTION:	Councilmember Penalosa	SECOND:	Councilmember Bacerra
VOTE:	AYES:		Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalosa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)
	NOES:		None (0)
	ABSTAIN:		None (0)
	ABSENT:		None (0)

25C. APPROVAL OF A HISTORIC PROPERTY PRESERVATION AGREEMENTS – Planning and Building Agency

MOTION: Authorize the City Manager or designee to execute the attached Mills Act agreement with the below-referenced property owners for the identified structure(s), subject to non-substantive changes approved by the City Manager and City Attorney. Property Owner(s), Historic Property Preservation Agreement No., Address/House, Vote by HRC, Agreement No.

Property Owner(s), Historic Property Preservation Agreement No., Address/House, Vote by HRC, Agreement No.

1. Jeffrey Blied, 2020-01, 1330 S. Broadway, 7:0:1 (Rivera Absent), A-2020-XXX

2. Paul E. Sanford and Jeffrey J. Lemay, 2020-02, 936 W. River Lane, 7:0:1 (Rivera Absent), A-2020-XXX
3. Kevin A. and Lauren L. Marshall, 2020-03, 2352 N. Riverside Drive, 7:0:1 (Rivera Absent), A-2020-XXX
4. Jeffrey M. and Joni L. Black, 2020-04, 2526 N. Santiago Street, 7:0:1 (Rivera Absent), A-2020-XXX
5. Matthew D. and Leigh A. Mohler, 2020-06, 2320 N. Heliotrope Drive, 7:0:1 (Rivera Absent), A-2020-XXX
6. Sara Camm-Turrietta and Tracie Turrietta, 2020-07, 2447 N. Heliotrope Drive, 8:0, A-2020-XXX
7. Camron E. and Phyllis A. Bussard, 2020-08, 1015 W. River Lane, 8:0, A-2020-XXX
8. Valerie J. Boulter, 2020-12, 920 N. Louise Street, 7:0:1 (Rivera Absent), A-2020-XXX
9. Timothy J. and Jeanice S. Barker, 2020-13, 1805 N. Louise Street, 8:0, A-2020-XXX
10. Elliot and Carol Y. Cossaboom, 2020-14, 2606 N. Flower Street, 7:0:1 (Rivera Absent), A-2020-XXX
11. Richard S. Frankenstein, 2020-15, 2109 N. Rosewood Avenue, 7:0:1 (Rivera Absent), A-2020-XXX
12. Ryan and Amy Bruce, 2020-16, 2214 N. Heliotrope Drive, 7:0:1 (Rivera Absent), A-2020-XXX
13. 888 Tower Apartments, LLC, 2020-17, 888 N. Main Street, 7:0:1 (Rivera Absent), A-2020-XXX

This consent item approved

- 1. Jeffrey Blied, 2020-01, 1330 S. Broadway, 7:0:1 (Rivera Absent), A-2020-214**
- 2. Paul E. Sanford and Jeffrey J. Lemay, 2020-02, 936 W. River Lane, 7:0:1 (Rivera Absent), A-2020-215**
- 3. Kevin A. and Lauren L. Marshall, 2020-03, 2352 N. Riverside Drive, 7:0:1 (Rivera Absent), A-2020-216**
- 4. Jeffrey M. and Joni L. Black, 2020-04, 2526 N. Santiago Street, 7:0:1 (Rivera Absent), A-2020-217**
- 5. Matthew D. and Leigh A. Mohler, 2020-06, 2320 N. Heliotrope Drive, 7:0:1 (Rivera Absent), A-2020-218**

6. Sara Camm-Turrietta and Tracie Turrietta, 2020-07, 2447 N. Heliotrope Drive, 8:0, A-2020-219
7. Camron E. and Phyllis A. Bussard, 2020-08, 1015 W. River Lane, 8:0, A-2020-220
8. Valerie J. Boulter, 2020-12, 920 N. Louise Street, 7:0:1 (Rivera Absent), A-2020-221
9. Timothy J. and Jeanice S. Barker, 2020-13, 1805 N. Louise Street, 8:0, A-2020-222
10. Elliot and Carol Y. Cossaboom, 2020-14, 2606 N. Flower Street, 7:0:1 (Rivera Absent), A-2020-223
11. Richard S. Frankenstein, 2020-15, 2109 N. Rosewood Avenue, 7:0:1 (Rivera Absent), A-2020-224
12. Ryan and Amy Bruce, 2020-16, 2214 N. Heliotrope Drive, 7:0:1 (Rivera Absent), A-2020-225
13. 888 Tower Apartments, LLC, 2020-17, 888 N. Main Street, 7:0:1 (Rivera Absent), A-2020-226

Councilmember Sarmiento abstained from Item 25C, subsection 8, due to a conflict of interest in real property.

25D. APPROVE AGREEMENT WITH ENLIGHTENED PICTURES FOR THE DEVELOPMENT OF PLANNING INFORMATIONAL VIDEOS FOR A TOTAL NOT TO EXCEED \$82,250 (NON-GENERAL FUND) - Planning and Building Agency

MOTION: Authorize the City Manager to execute an agreement with Enlightened Pictures, Inc. for one year, ending November 16, 2021, in the amount not to exceed \$82,250 for the development of planning informational videos, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-227 was approved.

25E. AWARD A CONTRACT TO WEST COAST ARBORIST, INC., FOR TREE MAINTENANCE SERVICES FOR AN EIGHTEEN MONTH TERM IN THE AMOUNT OF \$3,028,650 WITH SIX ONE YEAR EXTENSIONS IN AN ANNUAL AMOUNT OF \$2,019,100 FOR A TOTAL AMOUNT NOT TO EXCEED \$15,143,250, FOR UP TO A SEVEN-AND-A- HALF-YEAR TERM (GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute an agreement with West Coast Arborist, Inc. for tree maintenance services for an initial 18-month term beginning July 1, 2021, and expiring December 31, 2022, in an amount of \$3,028,650, with provisions for six one-year extensions in an annual amount of \$2,019,100, exercisable by the City Manager, for a total amount not to exceed \$15,143,250 for the seven-and-a-half-year maximum term, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-228 was approved.

25F. APPROVE AN AMENDMENT TO THE AGREEMENT WITH SWAYZER CORPORATION FOR LANDSCAPE SERVICES AT THE SANTA ANA REGIONAL TRANSPORTATION CENTER IN THE AMOUNT OF \$103,000, FOR A TOTAL AGREEMENT AMOUNT NOT TO EXCEED \$228,000 FOR THE REMAINING TERM OF THE AGREEMENT (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute an amendment to the agreement with Swayzer Corporation to include landscape renovation services at the Santa Ana Regional Transportation Center in the amount of \$103,000, which includes \$88,950 for services, plus a contingency of \$14,050, with a total agreement amount not to exceed \$228,000 for the remaining term of the agreement, which began August 20, 2019 and expires August 19, 2022, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. 2020-229 was approved.

25G. APPROVE AGREEMENTS WITH ON-CALL CONSULTANTS TO PROVIDE SPACE PLANNING AND ARCHITECTURAL SERVICES ON AN AS-NEEDED BASIS IN A SHARED ANNUAL AMOUNT NOT TO EXCEED \$300,000 FOR UP TO A FIVE YEAR TERM (GENERAL FUND AND NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute agreements with the IDS Group, Westgroup Designs, Inc., Gensler, Corgan, Inc., SVA Architects Inc., Black, O'Dowd and Associates Inc., Gruen Associates, Gillis & Panichapan Architects Inc., CAP Architecture, Inc., and Ware Malcomb to provide on-call space planning and architectural services for the three-year period beginning November 17, 2020, and ending on November 16, 2023, with a provision for two one-year extensions, in a total shared amount not to exceed \$300,000 annually, subject to non-substantive changes as approved by the City Manager and City Attorney (Agreement Nos. A-2020-XXX, A-2020-XXX, A-2020-XXX, A-2020-XXX, A-2020-XXX, A-2020-XXX, A-2020-XXX, A-2020-XXX, A-2020-XXX and A-2020-XXX).

This consent item - Core Agreement No. 2020-230 was approved.

25H. AWARD AGREEMENT TO AQUA-METRIC SALES COMPANY IN THE AMOUNT OF \$29,683,230 FOR THE IMPLEMENTATION OF THE AUTOMATED METERING INFRASTRUCTURE PROJECT; APPROVE SOFTWARE AS A SERVICE AND SPECTRUM LEASE AGREEMENT WITH SENSUS USA, INC.; AWARD A HOSTING SERVICES AGREEMENT IN THE AMOUNT OF \$12,720 AND A SOFTWARE LICENSE AND SERVICES AGREEMENT IN THE AMOUNT OF \$153,588 TO SMARTWORKS FOR A METER DATA MANAGEMENT SYSTEM; AND AWARD AN ANNUAL SUPPORT SERVICES AGREEMENT TO AQUA-METRIC SALES COMPANY IN AN AMOUNT NOT TO EXCEED \$84,996 ANNUALLY (NON-GENERAL FUND) - Public Works Agency

1. Authorize the City Manager to execute an agreement with Aqua-Metric Sales Company for the installation and management of the Automated Metering Infrastructure project, for a total aggregate amount not to exceed \$29,683,230 including contingency, for a term beginning upon execution of the agreement and ending upon project completion, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).
2. Authorize the City Manager to execute a Software as a Service and Spectrum Lease Agreement with Sensus USA, Inc. for usage rights to transmit meter-related data on Sensus' spectrum, for a five-year term beginning upon the execution of the agreement, with the option to renew for an additional five-year term, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).
3. Authorize the City Manager to execute a Hosting Services Agreement with SmartWorks for data hosting related to a Meter Data Management System for a one-year term beginning on November 17, 2020 and ending on November 16, 2021 with annual renewal options, in the amount of \$12,720 for the initial term, increasing by approximately 4% each year thereafter, for an annual amount not to exceed \$14,881, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).
4. Authorize the City Manager to execute a Software License and Services Agreement with SmartWorks for a Meter Data Management System for a one-year term beginning on November 17, 2020 and ending on November 16, 2021 with annual renewal options, in the amount of \$153,588, which includes a one-time license fee of \$122,870 and an annual maintenance and support fee of \$30,718, with the maintenance and support fee increasing by approximately 4% at each renewal, in an annual amount not to exceed \$35,936, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).
5. Authorize the City Manager to execute the Annual Support Services Agreement for hosting services, maintenance and extended warranties with Aqua-Metric Sales Company for a one-year term beginning November 17, 2020 and ending on November 16, 2021 with annual renewal options, in an amount not to exceed \$77,853 annually for the initial term and first renewal, increasing by approximately 3% each year thereafter, for an annual amount not to exceed \$84,996, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).
6. Direct staff to pursue financing options for project costs.

This consent Item - Agreement No. 2020-231, 2020-232, 2020-233, 2020-234, 2020-235 was approved.

25I. APPROVE AGREEMENT WITH DISCOVERY SCIENCE CENTER OF ORANGE COUNTY FOR PUBLIC EDUCATION SERVICES IN AN AMOUNT NOT TO EXCEED \$675,000 FOR A MAXIMUM TERM OF FIVE YEARS (NON-GENERAL FUND) - Public Works Agency

MOTION: Authorize the City Manager to execute an agreement with Discovery Science Center of Orange County for public education services for a three-year period beginning January 1, 2021, and expiring December 31, 2023, in an annual amount not to exceed \$135,000 for three years, with the option to renew for up to two 1-year periods, for a total agreement amount not to exceed \$675,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. 2020-236 was approved.

RESOLUTIONS - Consent

55A. RESOLUTION RESCINDING CITY COUNCIL RESOLUTION NO. 2019-099, UPHOLDING PLANNING COMMISSION'S ADOPTION OF RESOLUTION NOS. 2019-35, 2019-36, 2019-37; RESCINDING THE CITY'S CALIFORNIA ENVIRONMENTAL QUALITY ACT-RELATED FINDINGS; AND DECLARING NULL AND VOID PLANNING COMMISSION RESOLUTION NOS. 2019-35, 2019-36, AND 2019-37 PERTAINING TO THE PROPERTY LOCATED AT 301 AND 325 N. TUSTIN AVENUE - City Attorney's Office Continued from the September 15, October 6 and October 20, 2020 City Council Meetings.

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA RESCINDING CITY COUNCIL RESOLUTION NO. 2019-099, UPHOLDING PLANNING COMMISSION'S ADOPTION OF RESOLUTION NOS. 2019-35, 2019-36, 2019-37; RESCINDING THE CITY'S CALIFORNIA ENVIRONMENTAL QUALITY ACT-RELATED FINDINGS; AND DECLARING NULL AND VOID PLANNING COMMISSION'S RESOLUTION NOS. 2019-35, 2019-36, AND 2019-37 PERTAINING TO THE PROPERTY LOCATED AT 301 AND 325 N. TUSTIN AVENUE

Motion to Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA RESCINDING CITY COUNCIL RESOLUTION NO. 2019-099, UPHOLDING PLANNING COMMISSION'S ADOPTION OF RESOLUTION NOS. 2019-35, 2019-36, 2019-37; RESCINDING THE CITY'S CALIFORNIA ENVIRONMENTAL QUALITY ACT-RELATED FINDINGS; AND DECLARING NULL AND VOID PLANNING COMMISSION'S RESOLUTION NOS. 2019-35, 2019-36, AND 2019-37 PERTAINING TO THE PROPERTY LOCATED AT 301 AND 325 N. TUSTIN AVENUE moved by Mayor Pro Tem Villegas seconded by Mayor Pulido.

Motion to continued Substitute motion to a future meeting/date uncertain. moved by Councilmember Penaloza seconded by Councilmember Bacerra.

Councilmember Penaloza motioned to continued, seconded by Councilmember Bacerra.

MOTION:	Councilmember Penaloza	SECOND:	Councilmember Bacerra
VOTE:	AYES:		Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio (5)
	NOES:		Mayor Pro Tem Villegas, Mayor Pulido (2)
	ABSTAIN:		None (0)
	ABSENT:		None (0)

55B. ADOPT A RESOLUTION AMENDING THE CLASSIFICATION AND COMPENSATION PLAN FOR EXECUTIVE MANAGEMENT – Human Resources Department

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA TO AMEND RESOLUTION NO. 2015-026 AMENDING, REESTABLISHING AND DELINEATING THE BASIC CLASSIFICATION AND COMPENSATION PLAN FOR CLASSIFICATIONS OF EMPLOYMENT DESIGNATED AS UNREPRESENTED EXECUTIVE MANAGEMENT (EM)

This consent Item- Resolution No. 2020-082 was approved.

55C. ADOPT A RESOLUTION APPROVING THE COST RECOVERY POLICY FOR THE PARKS, RECREATION AND COMMUNITY SERVICES AGENCY - Parks, Recreation and Community Services Agency

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A COST RECOVERY POLICY FOR THE PARKS, RECREATION AND COMMUNITY SERVICES AGENCY

Motion to Adopt a resolution. Resolution No. 2020-083 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A COST RECOVERY POLICY FOR THE PARKS, RECREATION AND COMMUNITY SERVICES AGENCY moved by Councilmember Sarmiento seconded by Councilmember Bacerra.

Councilmember Sarmiento motioned to adopt, seconded by Councilmember Bacerra.

MOTION: Councilmember Sarmiento
SECOND: Councilmember Bacerra
VOTE:
AYES: Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)
NOES: None (0)
ABSTAIN: None (0)
ABSENT: None (0)

55D. ADOPT RESOLUTIONS AUTHORIZING GRANT FUNDING REQUESTS UNDER THE FISCAL YEAR 2021-2022 MEASURE M2 COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM IN THE AMOUNT OF \$18,691,700 - Public Works Agency

1. Adopt resolutions.
 - a. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM (Arterial Capacity Enhancement)
 - b. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION PROGRAM (Intersection Capacity Enhancement)
 - c. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM

CONSENT CALENDAR

MOTION: Approve staff recommendations on the following Consent Calendar items: Items 10A through 55D.

2. Direct staff to incorporate the new Comprehensive Transportation Funding Program projects into the Seven-Year Capital Improvement Program for Fiscal Year 2021-22.

This consent item Resolution No. 2020-084, 2020-085, 2020-086 was approved

END OF CONSENT CALENDAR

BUSINESS CALENDAR

ADMINISTRATIVE MATTERS - BUSINESS

60A. ADOPT RESOLUTION DENOUNCING THE ATTACKS ON ARTSAKH BY AZERBAIJAN, DEMANDING A CESSATION OF ALL AZERI HOSTILE ACTION, AFFIRMING THE RIGHTS OF ALL CITIZENS IN ARTSAKH, SUPPORTING THE RIGHT TO SELF-DETERMINATION AND INDEPENDENCE OF ARTASKH, AND URGING THE PRESIDENT AND CONGRESS TO DO THE SAME – Council Item

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENOUNCING THE ATTACKS ON ARTSAKH BY AZERBAIJAN

Motion to Adopt Resolution No. 2020-087 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DENOUNCING THE ATTACKS ON ARTSAKH BY AZERBAIJAN moved by Councilmember Penaloza seconded by Councilmember Bacerra.

Councilmember Penaloza motioned to adopt, seconded by Councilmember Bacerra.

MOTION: Councilmember Penaloza

SECOND: Councilmember Bacerra

VOTE:

AYES:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

60B. ORDINANCE FIRST READING: ADOPT ORDINANCE RELATING TO THE PROHIBITION ON REPAIRS AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY – City Manager’s Office and City Attorney’s Office

MOTION: Place ordinance on first reading and authorize publication of title. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XIII TO CHAPTER 10 OF THE SANTA ANA MUNICIPAL CODE (CRIMES AND MISCELLANEOUS LAW ENFORCEMENT PROVISIONS) PROHIBITING REPAIR AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY

Management Assistant Daniel Soto provided a brief presentation.

Motion to Approve as Amended Subject to modification of clarification in Section 10-802.B. of the ordinance. Place ordinance on first reading and authorize publication of title. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XIII TO CHAPTER 10 OF THE SANTA ANA MUNICIPAL CODE (CRIMES AND MISCELLANEOUS LAW ENFORCEMENT PROVISIONS) PROHIBITING REPAIR AND SALES OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY moved by Councilmember Bacerra seconded by Councilmember Penalzoa.

Councilmember Sarmiento directed City staff to address his concern with the broad language in resolution.

Councilmember Bacerra motioned to approve as amended, seconded by Councilmember Penalzoa.

MOTION: Councilmember Bacerra

SECOND: Councilmember Penalzoa

VOTE:

AYES:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Penalzoa, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

PUBLIC HEARINGS

75A. PUBLIC HEARING – ENVIRONMENTAL REVIEW NO. 2019-85 FOR DENSITY BONUS AGREEMENT APPLICATION NO. 2020-01, SITE PLAN REVIEW NO. 2020-01, SITE PLAN REVIEW NO. 2020-02, AND DISPOSITION AND DEVELOPMENT AGREEMENT WITH CARIBOU INDUSTRIES FOR THE 3rd AND BROADWAY DEVELOPMENT AT 201 WEST 3rd STREET (PROPERTY OWNER: CITY OF SANTA ANA AND APPLICANT: CARIBOU INDUSTRIES, INC.) – Community Development Agency and Planning and Building Agency Legal Notice published in the Orange County Register on October 6 and October 13, 2020 and notices were mailed on October 9, 2020. Continued from the October 20, 200 City Council meeting by a vote of 6-0 (Sarmiento recused).

MOTION: Adopt resolutions.

1. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AND ADOPTING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) FOR SITE PLAN REVIEW NO. 2020-01, SITE PLAN REVIEW NO. 2020-02, DENSITY BONUS AGREEMENT NO. 2020-01 AND DISPOSITION AND DEVELOPMENT AGREEMENT AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE THIRD AND BROADWAY MIXED-USE PROJECT LOCATED AT 201 WEST THIRD STREET
2. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING DENSITY BONUS AGREEMENT NO. 2020-01, SITE PLAN REVIEW NO. 2020-01, AND SITE PLAN REVIEW NO. 2020-02 AS CONDITIONED FOR A NEW MIXED-USE AND HOTEL DEVELOPMENT LOCATED AT 201 WEST THIRD STREET
3. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA ANA AND CARIBOU INDUSTRIES, INC. FOR THE PROPERTY GENERALLY LOCATED AT 201 WEST 3RD STREET, SANTA ANA, CALIFORNIA (APN 398-264-13)

Councilmember Sarmiento abstained due to an economic conflict (real property).

Acting Assistant City Manager Steven Mendoza and Executive Director of Planning and Building Agency Minh Thai provided a brief presentation.

Lorena Palacios expressed opposition to Item 75A prior to Consent Calendar consideration.

Executive Director of Planning and Building Agency Minh Thai provided a brief presentation.

Mayor Pulido opened the public hearing at 8:28 p.m.

Clerk of the Council, Daisy Gomez, reported out on correspondence received for Item 75A.

Austin Lynch, Organizing Director with Local 11, urged council to hold onto City's public land.

Speaker expressed concern with the project.

Theo Moreno expressed concern with lack of parking.

Vic Mendez expressed concern with development regarding investment, lack of affordable housing, density, traffic, and impact on community.

Ernesto Medrano with Council Representative for the Los Angeles/Orange Counties Building Trades Council spoke in support of Item 75A and noted the many benefits the project will provide.

Luis Andres Perez, representative for UA Local 582 Plumbers and Steamfitters, spoke regarding support of Item 75A.

Hilda Ortiz, on behalf of Latino Health Access, spoke regarding opposition to Item 75A and urged council to oppose item.

John Hanna with the Southwest Regional Council of Carpenters, spoke regarding support of Item 75A and the public benefit the project will provide, and urges Council to support it.

Speaker, with Helmets to Hardhats, spoke regarding support of Item 75A.

Alfonso Ruiz, member of the Local 5 Insulators Union, spoke regarding support of Item 75A, and thanked Veterans for their service and sacrifice.

Ray Baca, Executive Director with Engineering Contractors Association, spoke in support of the 3rd and Broadway project.

Bill Teramena spoke regarding support of Item 75A and noted the project is a magnet that will bring many jobs, improve the area and attract investors.

Roy Garcia spoke in support of Item 75A.

Diane Fradkin spoke in support of development however, expressed concern regarding height and architecture of the structure, lack of consideration of historic value of downtown Santa Ana, lack of open space, would like to see more adaptive reuse and convert office space into affordable housing and various topics.

Brian G. with the Sheet Metal Workers Local 105 spoke regarding support of Item 75A and urges council to support the project.

Katarina Burch with Unite Here Local 11 Hospitality Workers Union spoke regarding opposition to the sale of public land and urged council to vote no on Item 75A.

Jonah Breslau with Los Angeles Alliance for a New Economy (LAANE) spoke regarding public land, urges council to advocate for all benefits that can be gain and vote no on Item 75A.

Paul Moreno with Iron Workers Local 433 and in partnership with Santa Ana College Welding Department spoke in support of Item 75A and the careers that avail students.

Jordan Sisson, a CEQA Land Use Attorney, speaking on behalf of Local 11 spoke regarding concerns of improper density calculations, noted inconsistency based on the City's General Plan regarding mixed used projects, lack of affordable units and urges council to continue the matter.

Lorena Palacios, 17 year resident and hotel worker, spoke in opposition to Item 75A, expressed concern with the housing crisis and urges council to vote no.

Ada Tamayo Jones with Unite Here Local 11 urges council to vote no on Item 75A and spoke regarding the lack of community benefit.

Carla Juarez spoke in opposition to Item 75A, affordable housing, and public benefit.

Maria Rodriguez spoke regarding housing crisis, public land and in opposition of public land used for hotel chains.

Reyna Gonzalez spoke regarding housing crises, sale of public land, use of open space and community benefit.

Mayor Pulido closed the public hearing at 9:27 p.m.

Motion to Adopt resolutions.

1. Resolution No. 2020-088 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AND ADOPTING AN ADDENDUM TO THE

ENVIRONMENTAL IMPACT REPORT FOR THE TRANSIT ZONING CODE PROJECT (SCH NO. 2006071100) FOR SITE PLAN REVIEW NO. 2020-01, SITE PLAN REVIEW NO. 2020-02, DENSITY BONUS AGREEMENT NO. 2020-01 AND DISPOSITION AND DEVELOPMENT AGREEMENT AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE THIRD AND BROADWAY MIXED-USE PROJECT LOCATED AT 201 WEST THIRD STREET

2. Resolution No. 2020-089 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING DENSITY BONUS AGREEMENT NO. 2020-01, SITE PLAN REVIEW NO. 2020-01, AND SITE PLAN REVIEW NO. 2020-02 AS CONDITIONED FOR A NEW MIXED-USE AND HOTEL DEVELOPMENT LOCATED AT 201 WEST THIRD STREET

3. Resolution No. 2020-090 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SANTA ANA AND CARIBOU INDUSTRIES, INC. FOR THE PROPERTY GENERALLY LOCATED AT 201 WEST 3RD STREET, SANTA ANA, CALIFORNIA (APN 398-264-13) moved by Mayor Pulido seconded by Mayor Pro Tem Villegas.

Mayor Pulido motioned to adopt, seconded by Mayor Pro Tem Villegas.

MOTION: Mayor Pulido

SECOND: Mayor Pro Tem Villegas

VOTE:

AYES:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (5)

NOES:

Councilmember Penaloza (1)

ABSTAIN:

Councilmember Sarmiento (1)

ABSENT:

None (0)

75B. PUBLIC HEARING - REGARDING THE PROPOSED FORMATION OF THE SANTA ANA TOURISM MARKETING DISTRICT - Community Development Agency Legal Notice published in the Orange County Reporter on September 25, October 2 and October 9, 2020 and notices were mailed on September 19, 2020.

1. Conduct a public hearing to consider all protests regarding the intention to levy an assessment regarding the proposed formation of the Santa Ana Tourism Marketing District.

2. Review any written protests filed prior to the close of the public hearing and determine whether they constitute a majority protest.
3. If the City Council determines that no valid majority protest was lodged, adopt a resolution confirming the establishment of the Santa Ana Tourism Marketing District. Adopt resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND ESTABLISHING THE SANTA ANA TOURISM MARKETING DISTRICT ("SATMD")

Mayor Pulido opened the public hearing at 9:37 p.m.

Clerk of the Council, Daisy Gomez, reported out on protest received for Item 75B.

City Manager Kristine Ridge provided a brief presentation.

Jonathan Mayor represents Main Place Mall, Chamber of Commerce Board of Directors and Co-Chair of the Economic Development Council for Santa Ana, spoke in support of Item 75B.

Dave Elliot, president of Chamber of Commerce, spoke in support of Item 75B.

Mayor Pulido closed the public hearing at 9:42 p.m.

Motion to Adopt 1. Conduct a public hearing to consider all protests regarding the intention to levy an assessment regarding the proposed formation of the Santa Ana Tourism Marketing District.

2. Review any written protests filed prior to the close of the public hearing and determine whether they constitute a majority protest.

3. If the City Council determines that no valid majority protest was lodged, adopt a resolution confirming the establishment of the Santa Ana Tourism Marketing District. Adopt resolution. Resolution No. 2020-091- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND ESTABLISHING THE SANTA ANA TOURISM MARKETING DISTRICT ("SATMD") moved by Councilmember Bacerra seconded by Mayor Pro Tem Villegas.

Councilmember Bacerra motioned to adopt, seconded by Mayor Pro Tem Villegas.

MOTION: Councilmember Bacerra **SECOND:** Mayor Pro Tem Villegas

VOTE: **AYES:** Councilmember Bacerra, Councilmember
Mendoza, Councilmember Penaloza,
Councilmember Sarmiento, Councilmember
Solorio, Mayor Pro Tem Villegas, Mayor
Pulido (7)

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

RECESSED THE COUNCIL MEETING AND CONVENED TO THE HOUSING
AUTHORITY MEETING AT 9:44 P.M.

JOINT SESSION OF THE CITY COUNCIL AND THE HOUSING AUTHORITY

80A. JOINT SESSION HOUSING AUTHORITY - APPROVE A CONDITIONAL GRANT
AGREEMENT, 99-YEAR GROUND LEASES, AND AFFORDABILITY AND
MAINTENANCE RESTRICTIONS WITH HABITAT FOR HUMANITY OF ORANGE
COUNTY FOR THE DEVELOPMENT OF THE LACY STREET PROJECT (NON-
GENERAL FUND) – Community Development Agency

CITY COUNCIL ACTION

MOTION: Authorize the City Manager to execute a Conditional Grant Agreement
(instead of a loan agreement as originally approved) with Habitat for Humanity of
Orange County for \$231,494 in Inclusionary Housing Funds for the development
of the Lacy Street affordable housing project located at 826 N Lacy Street (APN
398-041-22) and 416 Vance Street (APN 398-041-22), subject to non-substantive
changes approved by the City Manager and City Attorney (Agreement No. A-
2020-XXX).

HOUSING AUTHORITY ACTION

1. Authorize the Executive Director of the Housing Authority to execute two
Affordability and Maintenance Restrictions Agreements for the development of
the Lacy Street affordable housing project located at 826 N Lacy Street (APN
398-041-22) and 416 Vance Street (APN 398-041-22), only differentiated by the
address, subject to non-substantive changes approved by the Executive Director
of the Housing Authority and Authority General Counsel.

2. Authorize the Executive Director of the Housing Authority to execute two 99-year Ground Leases for the development of the Lacy Street affordable housing project located at 826 N Lacy Street (APN 398-041-22) and 416 Vance Street (APN 398-041-22), only differentiated by the address, subject to non-substantive changes approved by the Executive Director of the Housing Authority and Authority General Counsel.

Motion to Approve:

CITY COUNCIL ACTION:

Authorize the City Manager to execute a Conditional Grant Agreement (instead of a loan agreement as originally approved) with Habitat for Humanity of Orange County for \$231,494 in Inclusionary Housing Funds for the development of the Lacy Street affordable housing project located at 826 N Lacy Street (APN 398-041-22) and 416 Vance Street (APN 398-041-22), subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2020-264**).

HOUSING AUTHORITY ACTION:

1. Authorize the Executive Director of the Housing Authority to execute two Affordability and Maintenance Restrictions Agreements for the development of the Lacy Street affordable housing project located at 826 N Lacy Street (APN 398-041-22) and 416 Vance Street (APN 398-041-22), only differentiated by the address, subject to non-substantive changes approved by the Executive Director of the Housing Authority and Authority General Counsel.
2. Authorize the Executive Director of the Housing Authority to execute two 99-year Ground Leases for the development of the Lacy Street affordable housing project located at 826 N Lacy Street (APN 398-041-22) and 416 Vance Street (APN 398-041-22), only differentiated by the address, subject to non-substantive changes approved by the Executive Director of the Housing Authority and Authority General Counsel. moved by Councilmember Sarmiento seconded by Mayor Pro Tem Villegas.

Councilmember Sarmiento motioned to adopt, seconded by Mayor Pro Tem Villegas.

MOTION: Councilmember Sarmiento

SECOND: Mayor Pro Tem Villegas

VOTE:

AYES:

Councilmember Bacerra, Councilmember Mendoza, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Mayor Pro Tem Villegas, Mayor Pulido (7)

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT: None (0)

COUNCIL AGENDA ITEMS - Pursuant to Santa Ana Charter Section 411, any member of the City Council may place items on the City Council Agenda to be considered by the City Council. Only action available to City Council is to provide direction to City Manager.

RECESSED THE HOUSING AUTHORITY MEETING AND RECONVENED TO THE REGULAR OPEN MEETING AT 9:46 P.M.

85A. DISCUSS AND CONSIDER DIRECTING CITY MANAGER TO DIRECT STAFF TO EXPLORE OPTIONS FOR TRANSITIONING FROM CONTRACT CITY ATTORNEY POSITION TO DIRECT HIRE CITY ATTORNEY POSITION – Councilmember Mendoza

Clerk of the Council, Daisy Gomez, reported out on correspondence received for Item 85A.

Councilmember Mendoza made a brief statement and withdraw item from council consideration.

COMMENTS

90A. CITY MANAGER'S COMMENTS

City Manager Kristine Ridge provided COVID-19 and CARES updates, encouraged residents to visit the state's website, [COVID19.ca.gov](https://www.covid19.ca.gov), to obtain current modifications in place, practice preventative measures, and noted that there is a travel advisory to encourage all to stay at home.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Bacerra, thanked city staff for COVID updates, requested COVID and panhandling enforcement, thanked Veterans for their service, wished all a Happy Thanksgiving, and encouraged all to practice safe measures and celebrate responsibly to reduce the spread of COVID.

Councilmember Mendoza updated Council on a past Orange County Sanitation District (OCSD) meeting and projects: Headwork Rehabilitation Project at Plant No. 1, Food Waste Facility Project, and new OCSD building. Noted OCSD provides virtual tours that serve the Orange County Community at www.OCSD.Com/tours. Gave thanks to all veterans for their service and thanked staff for their hard work.

Councilmember Penaloza wished all a Happy Thanksgiving, encouraged all to practice safe measures, encouraged all to purchase Thanksgiving dinner locally to support our small businesses, and thanked staff.

Councilmember Sarmiento spoke regarding COVID updates and encouraged all to practice a safe Thanksgiving. Noted more than 50% of our residents voted in the democratic process and thanked the Registrar of Voters office and all who made it a safe process. Provided a water district update regarding contaminated wells that have been closed down for treatment. Requested Council meeting be adjourned in memory of Fabio Peña and Vernon Napier.

Councilmember Solorio congratulated Mayor-Elect Sarmiento, spoke regarding CARES Funding and continued advertisement of Rental Assistance and Utility Assistance programs, wished all a Happy Thanksgiving.

Mayor Pro Tem Villegas thanked all for participating in tonight's Council meeting, clarified vote and his position on Item 55A.

Mayor Pulido spoke regarding Item 55A, congratulated Mayor-Elect Sarmiento, COVID updates, Item 75A, and announced adjournment in Memory of Fabio Peña and Vernon Napier.

ADJOURNMENT - The next meeting of the City Council is scheduled for Tuesday, December 1, 2020 at 5:00 p.m. for the Closed Session Meeting immediately followed by the Regular Open Business Meeting at 5:45 p.m. in the Council Chamber, 22 Civic Center Plaza, Santa Ana, California.

Mayor Pulido adjourned the Council meeting at 10:19 p.m.

Adjourned in Memory of Fabio Peña and Vernon Napier.