



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

October 20, 2020

CLOSED SESSION MEETING

CLOSED SESSION - MEETING OF THE CITY COUNCIL - OCTOBER 20, 2020 5:00 P.M.

CALL TO ORDER Mayor PULIDO

Mayor Pulido called the Closed Session meeting to order at 5:02 p.m. Councilmember Sarmiento joined the meeting at 5:08 p.m. Councilmember Mendoza and Councilmember Solorio were on the call.

Mayor Pulido, Mayor Pro Tem Villegas and Councilmembers Bacerra, Mendoza, Penaloza, Sarmiento, and Solorio present.

COUNCILMEMBERS Absent: None

PUBLIC COMMENTS -

Speaker (Grant) spoke regarding Item 1C.

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. Santa Ana Citizens for Responsible Development v. City of Santa Ana, et al., Orange County Superior Court Case No. 30-2019-01119794-CU-WM-CXC
 - 1B. AC2525 Main, LLC, et al v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2020-01137879-CU-WM-CXC
 - 1C. Santa Ana Needs Equity, et al v. City of Santa Ana, et al., Orange County Superior Court, Case No. 30-2019-01113224-CU-WM-CXC
2. **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** pursuant to Government Code Section 54956.8:

Address of Property: APN # 398-264-13; 201 W. 3rd Street; 62,243 sq. ft. (1.43 acres)

Negotiators: City Manager Kristine Ridge, Manager Steven Mendoza

Negotiating with: Caribou Industries

Terms: Conditions of the potential development and sale of City owned property

3. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6(a):

Agency Negotiators: City Manager, Kristine Ridge

Employee Organizations: Santa Ana Police Officers Association (POA)

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 and convened to the Regular Open Session at 6:14 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 a 6:14 p.m.

Mayor Pulido, Mayor Pro Tem Villegas and Councilmembers Bacerra, Mendoza, Penaloza, Sarmiento, and Solorio present.

COUNCILMEMBERS Absent: None

PLEDGE OF ALLEGIANCE - MAYOR PULIDO

CEREMONIAL PRESENTATIONS

1. PROCLAMATION presented by MAYOR PULIDO naming November 8 through November 14 as National Nurse Practitioner Week
2. PROCLAMATION presented by MAYOR PRO TEM VILLEGAS naming October as Domestic Violence Awareness Month.
3. CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER BACERRA to Santa Ana College's el Don Newspaper staff for their outstanding contributions to the community.
4. CERTIFICATE OF RECOGNITION presented by COUNCILMEMBER MENDOZA to Luis Gonzalez and Guillermo Velazquez for their outstanding contributions to the community
5. PROCLAMATION presented by COUNCILMEMBER SARMIENTO naming October 25 through October 31, 2020 as Childhood Lead Poisoning Prevention Week.

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 stated there is no reportable action.

PUBLIC COMMENTS

Clerk of the Council Daisy Gomez reported out on eComments received on Items 75A, 55A, and 85C.

Jose Trinidad Castaneda from the Climate Action Campaign spoke regarding Community Choice Energy and urges council to consider the item on a future agenda.

Tom Morrissey, Ward 6 Planning Commissioner, spoke regarding Item 75A, and noted that Caribou Industries has provided great opportunities for the community, but expressed concern with a lack of clear scale guidelines for Historic Districts.

Erin Naderi of Palmieri, Hennessey and Leifer, LLP, spoke on behalf of the Coalition Against Santa Ana Irresponsible Development, noted that an objection letter and supporting documents submitted for inclusion in the public hearing item 75A.

Ernesto Medrano representative for the Los Angeles and Orange Counties Building and Construction Trades Council spoke in support of Item 75A.

John Hannah representing the Southwest Regional Council of Carpenters spoke in support of Item 75A.

Evan Grant on behalf of Kara Grant Law spoke regarding item 55A and respective lawsuit.

Luis Andres Perez with UA Local 582 Plumbers and Steamfitters spoke in support of Item 75A.

Helena spoke in opposition of Item 75A and expressed concern with gentrification.

Diane Fradkin spoke regarding Item 75A, expressed concern with the architecture of the building and height, asked for a review to ensure good standards for redevelopment in downtown are provided, and cautioned in moving forward with projects that are too dense or not in the parameters of the historic value for the city.

Tim Rush spoke in support of item 75A and provided history on the need of a parking structure to assist in increasing revenue.

CONSENT CALENDAR

MOTION: Motion to Approve the Consent Calendar Items with the following modifications Approve staff recommendations on the following Consent Calendar items: Items 10A through 55B with the exception of items 19C, 19D, 25D and 25G. Item 55A moved to the next meeting at the request of staff.

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

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

BOARDS / COMMISSIONS / COMMITTEES

- 13A. APPOINT ALESSANDRA HUIZAR NOMINATED BY COUNCILMEMBER BACERRA TO THE YOUTH COMMISSION AS THE WARD 4 REPRESENTATIVE FOR A FULL TERM EXPIRING DECEMBER 13, 2022 - Clerk of the Council Office

MOTION: Nominate Alessandra Huizar for an appointment to the Youth Commission as the Ward 4 representative.

MISCELLANEOUS ADMINISTRATION

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

City Attorney Sonia Carvalho stated there was no reportable action.

- 19B. EXCUSED ABSENCES – Clerk of the Council Office

- 19C. RECEIVE AND FILE DOG PARK AT CENTENNIAL PARK INFORMATIONAL UPDATE - Parks, Recreation, and Community Services Agency

MOTION: Receive and file Dog Park at Centennial Park informational update.

City Manager Kristine Ridge provided a brief summary update regarding a feasible location for a dog park.

Motion to adopt to receive and file Dog Park at Centennial Park informational update.

Councilmember Penaloza motioned to adopt, seconded by Councilmember Solorio.

MOTION: Councilmember Penaloza

SECOND: Councilmember Solorio

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

19D. RECEIVE AND FILE A STATUS REPORT REGARDING THE COMPREHENSIVE UPDATE TO THE GENERAL PLAN - Planning and Building Agency

MOTION: Receive and file status of report regarding the comprehensive update to the General Plan

Executive Director of Planning and Building Agency Minh Thai provided a brief update on the progress of the General Plan.

Councilmember Penaloza requested the need for additional outreach as it relates to the environmental justice component.

Additional comment provided by Councilmember Sarmiento after Item 25D, commended staff for engaging the public under a compressed time period and during the current conditions.

Councilmember Sarmiento provided a brief comment to commend staff for engaging the public under a compressed time period and during the current conditions. However, expressed the importance of listening and receiving public input and asked staff to consider whether it is prudent to expedite the matter.

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

20A. APPROPRIATION ADJUSTMENT AND AGREEMENT ACCEPTING \$52,049 IN CALIFORNIA DEPARTMENT OF JUSTICE SEXUAL ASSAULT EVIDENCE SUBMISSION GRANT FUNDS (NON-GENERAL FUND) - Police Department

1. Approve an appropriation adjustment. (Requires five affirmative votes).
APPROPRIATION ADJUSTMENT NO. 2021-037 - Accepting \$52,049 total revenue over a two-year period in the Law Enforcement Grants revenue account and appropriate \$28,627 for FY 20-21 in the Sexual Assault Evidence Grant account.
2. Authorize the City Manager and the Chief of Police to sign the California Department of Justice agreement, for the period of October 20, 2020 through June 30, 2022, in an amount not to exceed \$52,049, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-199 was approved.

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

- 22A. APPROVE A CONTRACT AMENDMENT TO INCREASE THE AGGREGATE AMOUNT BY \$400,000 (\$200,000 ALLOCATED TO THE LIBRARY AND \$200,000 ALLOCATED TO THE CORPORATE YARD) FOR OFFICE FURNITURE, INSTALLATION, AND RELATED SERVICES WITH THE ESTABLISHED CITY VENDORS TO BE FUNDED BY THE CANNABIS PUBLIC BENEFIT FUND AND ENTERPRISE FUNDS (SPECIFICATION NO. 19-114) (NON-GENERAL FUND) -Finance and Management Services Agency, Public Works Agency, and Library Services Department

MOTION: Authorize the City Manager to execute a contract amendment to increase the aggregate amount by \$400,000 (\$200,000 allocated to the Library and \$200,000 allocated to the Corporate Yard) for office furniture, installation, and related services with the established City vendors to be funded by the Cannabis Public Benefit Fund and Enterprise Funds, subject to non-substantive changes approved by the City Manager and City Attorney.

- 22B. AWARD BLANKET PURCHASE ORDER CONTRACTS TO VERNE'S PLUMBING, HORIZONS CONSTRUCTION CO., AND PRO-CRAFT CONSTRUCTION, INC. FOR PLUMBING CONTRACTOR SERVICES FOR UP TO A FIVE-YEAR TERM IN AN ANNUAL AGGREGATE AMOUNT NOT TO EXCEED \$230,000 THE FIRST YEAR AND \$205,000 ANNUALLY THEREAFTER (SPECIFICATION NO. 20-118 (GENERAL FUND AND NON-GENERAL FUND)- Finance and Management Services Agency, and Public Works Agency

MOTION: Award blanket purchase order contracts for Citywide plumbing contractor services to Horizons Construction Co., Pro-Craft Construction, Inc. and Verne's Plumbing for a two-year period beginning October 1, 2020, and expiring September 30, 2022, with provisions for three one-year renewal options exercisable by the City Manager, in an annual aggregate amount of \$230,000 for the first year and \$205,000 annually for the remainder of the term, subject to non-substantive changes approved by the City Manager and City Attorney.

- 22C. AWARD BLANKET PURCHASE ORDER CONTRACTS FOR ELECTRICAL CONTRACTOR SERVICES TO ES-ELECTRIC, INTER-PACIFIC, INC., M. BREY ELECTRIC, INC., AND WILLIAMS & MAHER, INC. IN AN ANNUAL AGGREGATE AMOUNT NOT TO EXCEED \$205,000 FOR UP TO A FIVE-YEAR TERM (SPECIFICATION NO. 20-117) (GENERAL FUND AND NON-GENERAL FUND) - Finance and Management Services Agency, and Public Works Agency

MOTION: Award blanket purchase order contracts for citywide electrical contractor services to ES-Electric, Inter-Pacific, Inc., M. Brey Electric, Inc., and Williams & Maher, Inc. for a two-year period beginning October 1, 2020, and

expiring September 30, 2022, with provisions for three one-year renewal options exercisable by the City Manager, in an annual aggregate amount of \$205,000, subject to non-substantive changes approved by the City Manager and City Attorney.

AGREEMENTS

- 25A. APPROVE AGREEMENT WITH IGOE ADMINISTRATIVE SERVICES FOR SECTION 125 PLAN ADMINISTRATION AND FLEXIBLE SPENDING ACCOUNT SERVICES (NON-GENERAL FUND) – Human Resources Department

MOTION: Authorize the City Manager to execute an agreement with IGOE Administrative Services to provide Section 125 Plan Administration and Flexible Spending Account Services to employees effective January 1, 2021 with a yearly automatic renewal and a three year rate guarantee, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent item - Agreement No. 2020-200 was approved.

- 25B. AGREEMENT WITH UNITED STATES MARSHALS SERVICE TO PROVIDE HOUSING FOR FEDERAL INMATES IN THE SANTA ANA JAIL (GENERAL FUND) - Police Department

MOTION: Authorize the City Manager to execute an agreement (12-94-0006) with the United States Marshals Service for jail housing services at the per diem rate of \$115 per inmate and a transportation hourly rate of \$50 per hour, plus mileage reimbursed at the General Services Administration (GSA) Travel Regulation Mileage Rate, subject to non-substantive changes approved by the City Manager and City Attorney. (Agreement No. A-2020-XXX).

This consent item - Agreement No. 2020-201 was approved.

- 25C. APPROVE A MASTER SERVICES AGREEMENT WITH SIEMENS, INC. FOR CITY-WIDE SECURITY SYSTEM MAINTENANCE AND ENHANCEMENTS IN THE AMOUNT OF \$2,182,870 (GENERAL FUND AND NON-GENERAL FUND) – Police Department and Public Works Agency

MOTION: Approve a three-year agreement with Siemens, Inc. for video security system maintenance and system enhancements for the period of November 1, 2020 through October 31, 2023, with two one-year options for renewal, in an amount not to exceed \$2,182,870, which includes a 10 percent contingency (\$198,443), subject to non-substantive changes approved by the City Manager and City Attorney. (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-202 was approved.

- 25D. APPROVAL OF AGREEMENTS WITH ARC DOCUMENT SOLUTIONS INC, URM TECHNOLOGIES, AND VIATRON SYSTEMS, INC. FOR SCANNING, DIGITIZING AND INDEXING SERVICES FOR A TOTAL NOT TO EXCEED \$500,000 (GENERAL FUND) – Planning and Building Agency

MOTION: Authorize the City Manager to execute agreements with ARC Document Solutions Inc., URM Technologies, and ViaTRON Systems, Inc., to provide scanning, digitizing, and indexing services for the Planning and Building Agency, Building Safety Division for a period of four years, from October 20, 2020 through October 19, 2024, with the option to renew for an additional two-year period, for a not-to-exceed amount of \$500,000, subject to non-substantive changes approved by the City Manager and City Attorney. (Agreement Nos. A-2020-XXX, A-2020-XXX and A-2020-XXX)

Motion to Approve to authorize the City Manager to execute agreements with ARC Document Solutions Inc., URM Technologies, and ViaTRON Systems, Inc., to provide scanning, digitizing, and indexing services for the Planning and Building Agency, Building Safety Division for a period of four years, from October 20, 2020 through October 19, 2024, with the option to renew for an additional two-year period, for a not-to-exceed amount of \$500,000, subject to non-substantive changes approved by the City Manager and City Attorney. (Agreement No. A-2020-203-01, A-2020-203-02 and A-2020-201-03).

Councilmember Penaloza motioned to approve, seconded by Councilmember Bacerra.

MOTION: Councilmember Penaloza

SECOND: Councilmember Bacerra

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

- 25E. APPROVE THREE-YEAR AGREEMENT WITH ARAMARK CORRECTIONAL SERVICES, LLC. FOR INMATE FOOD SERVICES AND COMMISSARY IN THE AMOUNT OF \$3,514,950 (GENERAL FUND) – Police Department

MOTION: Authorize the City Manager to execute a three-year agreement with Aramark Correctional Services, LLC for inmate food services and commissary, for the period of October 20, 2020, through June 30, 2023, in the amount not to exceed \$3,514,950, including a 7 percent contingency (\$229,950), subject to non-substantive changes approved by the City Manager and City Attorney. (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-204 was approved.

25F. APPROVE AGREEMENTS WITH TETRA TECH, INC., CWE, AND STANTEC CONSULTING SERVICES, INC. FOR ON-CALL STORMWATER PROJECT DESIGN SERVICES FOR UP TO A FIVE-YEAR TERM IN AN AGGREGATE AMOUNT NOT TO EXCEED \$2,000,000 FOR THE TERM OF THE AGREEMENT (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute agreements with Tetra Tech, Inc., CWE, and Stantec Consulting Services, Inc., to provide on-call stormwater project design services for a three-year term beginning October 20, 2020 and expiring October 19, 2023, with a two-year extension exercisable by the City Manager and City Attorney, for a total aggregate amount not to exceed \$2,000,000 for the term of the agreement, subject to non-substantive changes approved by the City Manager and City Attorney. (Agreement Nos. A-2020-XXX, A-2020-XXX and A-2020-XXX).

This consent Item - Agreement No. 2020-205-01, 2020-205-02 and 2020-205-03 were approved.

25G. APPROVE AN AGREEMENT WITH SUNSERI'S TO PROVIDE ALCOHOL BEVERAGE CONCESSION SERVICES AT THE SANTA ANA ZOO (GENERAL FUND) – Parks, Recreation, and Community Services Agency

MOTION: Authorize the City Manager to execute an agreement with Sunseri's to provide beer, wine, and spirits concession services at the Santa Ana Zoo, with the City to receive a 20 percent commission based on total sales before sales tax to be deposited into the General Fund, for a period from October 20, 2020 to December 31, 2025, with two, three-year renewal options, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

Motion to Approve to authorize the City Manager to execute an agreement with Sunseri's to provide beer, wine, and spirits concession services at the Santa Ana Zoo, with the City to receive a 20 percent commission based on total sales before sales tax to be deposited into the General Fund, for a period from October 20, 2020 to December 31, 2025, with two, three-year renewal options, subject to

non-substantive changes approved by the City Manager and City Attorney
(Agreement No. A-2020-206).

Councilmember Penalosa motioned to approve, seconded by Councilmember Sarmiento.

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

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 and October 6, 2020 City Council Meetings.

MOTION: Adopt 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

Clerk of the Council Daisy Gomez announced that Item 55A is moved to the next Council meeting at the request of staff.

- 55B. ADOPT A RESOLUTION AMENDING AND RESTATING THE CITY'S MASTER PAY SCHEDULE IN CONFORMANCE WITH TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS SECTION 570.5 AND THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) – Human Resources Department

MOTION: Adopt resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING AND RESTATING THE CITY'S MASTER SALARY SCHEDULE IN CONFORMANCE WITH TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS, SECTION 570.5 AND THE CALIFORNIA EMPLOYEES' RETIREMENT SYSTEM (CALPERS)

This consent item- Resolution No. 2020-079 was approved.

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

BUSINESS CALENDAR

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: MICHAEL HARRAH, CARIBOU INDUSTRIES, INC.) - Planning and Building Agency and Community Development Agency

Legal Notice published in the Orange County Reporter on October 9, 2020 and mailers sent out on said date.

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)

OR ALTERNATIVELY

4. Authorize the City Manager to execute a second amendment to the second Exclusive Negotiation Agreement (ENA) with Caribou Industries to extend the term for a 60-day period from November 6, 2020 to January 5, 2021 for the 3rd and Broadway development, subject to non-substantive changes approved by the City Manager and City Attorney

Mayor Pulido opened the public hearing at 7:40 PM

Councilmember Sarmiento out of an abundance of caution abstained due to a potential conflict of interest.

City Manager Kristine Ridge stated based on the applicant's request, that staff is requesting that council delay considering project approvals and continue those to November 17, 2020 City Council meeting. Staff is recommending that council consider option number four to execute a second amendment.

Clerk of the Council Daisy Gomez, during the Public Comments section before Consent Calendar consideration, reported out on eComments received including on Item 75A. In addition, the following speakers provided public comment on Item 75A:

Tom Morrissey, Ward 6 Planning Commissioner, spoke regarding Item 75A, and noted that Caribou Industries has provided great opportunities for the community, but expressed concern with a lack of clear scale guidelines for Historic Districts.

Erin Naderi of Palmieri, Hennessey and Leifer, LLP, spoke on behalf of the Coalition Against Santa Ana Irresponsible Development, noted that an objection letter and supporting documents was submitted for inclusion in the public hearing item 75A.

Ernesto Medrano representative for the Los Angeles and Orange Counties Building and Construction Trades Council spoke in support of Item 75A.

John Hannah representing the Southwest Regional Council of Carpenters spoke in support of Item 75A.

Luis Andres Perez with UA Local 582 Plumbers and Steamfitters spoke in support of Item 75A.

Helena spoke in opposition of Item 75A and expressed concern with gentrification.

Diane Fradkin spoke regarding Item 75A, expressed concern with the architecture of the building and height, asked for a review to ensure good standards for redevelopment in downtown are provided, and cautioned in moving forward with projects that are too dense or not in the parameters of the historic value for the city.

Tim Rush spoke in support of Item 75A and provided history on the need of a parking structure to assist in increasing revenue.

Danielle Wilson spoke and advised staff she will hold her public comments for the November 17, 2020 Council meeting.

Motion to Approve as Amended

- 1. Approve Recommended Action - 4, authorize the City Manager to execute a second amendment to the second Exclusive Negotiation Agreement (ENA) with Caribou Industries to extend the term for a 60-day period from November 6, 2020 to January 5, 2021 for the 3rd and Broadway development, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No 2020-207)**
- 2. Continue Public Hearing item to the November 17, 2020 Council Meeting.**

Councilmember Penalosa motioned to approve as amended, seconded by Mayor Pro Tem Villegas.

MOTION: Councilmember Penalosa

SECOND: Mayor Pro Tem Villegas

VOTE:

AYES:

Mayor Pulido, Mayor Pro Tem Villegas, Councilmember Penalosa, Councilmember Solorio, Councilmember Mendoza, Councilmember Bacerra (6)

NOES:

None (0)

ABSTAIN:

Councilmember Sarmiento (1)

ABSENT:

None (0)

- 75B. PUBLIC HEARING - ADOPT A RESOLUTION AUTHORIZING THE CITY TO JOIN STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM (SCIP) - Community Development Agency
Legal Notice published in the Orange County Reporter on October 9, 2020.

MOTION: Adopt resolution. Resolution No. 2020-XXX- A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM FOR COMMUNITY FACILITIES DISTRICTS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS AND TO FORM COMMUNITY FACILITIES DISTRICTS WITHIN THE TERRITORY OF THE CITY OF SANTA ANA; EMBODYING A JOINT COMMUNITY FACILITIES AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF COMMUNITY FACILITIES DISTRICT FINANCINGS; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS

Mayor Pulido opened the public hearing and seeing no speakers, closed the public hearing at 7:45 pm

City Manager Kristine Ridge made a brief presentation.

Motion to Adopt Resolution No. 2020-080 Entitled - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING THE CITY TO JOIN THE STATEWIDE COMMUNITY INFRASTRUCTURE PROGRAM FOR COMMUNITY FACILITIES DISTRICTS; AUTHORIZING THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT SPECIAL ASSESSMENT PROCEEDINGS AND LEVY ASSESSMENTS AND TO FORM COMMUNITY FACILITIES DISTRICTS WITHIN THE TERRITORY OF THE CITY OF SANTA ANA; EMBODYING A JOINT COMMUNITY FACILITIES AGREEMENT SETTING FORTH THE TERMS AND CONDITIONS OF COMMUNITY FACILITIES DISTRICT FINANCINGS; APPROVING FORM OF ACQUISITION AGREEMENT FOR USE WHEN APPLICABLE; AND AUTHORIZING RELATED ACTIONS.

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

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

VOTE: **AYES:** Mayor Pulido, Councilmember Sarmiento,

Mayor Pro Tem Villegas, Councilmember Penaloza, Councilmember Solorio,

Councilmember Mendoza, Councilmember
Bacerra (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.

85A. DISCUSS AND CONSIDER DIRECTING THE CITY MANAGER TO DIRECT STAFF TO PROVIDE AN UPDATE ON THE GANG HOMICIDE REWARD PROGRAM AND ANY OPEN CASES – Councilmember Solorio

Councilmember Solorio requested City Manager in collaboration with the Police Department to provide to council an overall summary report of rewards offered within the last 5-10 years and the results to shed some light as to whether they need to grow the program.

Clerk of the Council Daisy Gomez read out a statement provided by Eva Barrios.

Councilmember Sarmiento thanked Chief Valentin and Deputy Chief Gominsky for the resources used and their help to solve the senseless act that took the life of Victoria Barrios.

85B. DISCUSS AND CONSIDER DIRECTING THE CITY MANAGER TO DIRECT STAFF TO PREPARE AN ORDINANCE PROHIBITING THE SALE AND REPAIR OF BICYCLES AND BICYCLE PARTS ON PUBLIC PROPERTY - Councilmember Bacerra

Council supported with no objections and provided direction to City staff to move forward and bring back to council in 30 days an ordinance if possible.

Councilmember Penaloza inquired about the City's past bike program and asked staff to provide history of the program to understand why it was stopped.

Councilmember Solorio is supportive of item and noted that moving forward staff include enforcement and outreach plan in ordinances.

Mayor Pro Tem Villegas asked staff to reach out to railroad representatives and work together to assist with enforcement.

85C. DISCUSS AND CONSIDER DIRECTING THE CITY MANAGER TO BRING BACK A RESOLUTION DENOUNCING THE ATTACKS BY AZERBAIJAN AND TAKE A STAND ALONGSIDE THE ARMENIAN-AMERICAN COMMUNITY
- Councilmember Penaloza

Council supports with no objections and provided direction to City staff to prepare a proclamation type resolution and also bring back a formal resolution to the November 17, 2020 Council meeting.

COMMENTS

90A. CITY MANAGER'S COMMENTS

City Manager Kristine Ridge provided a Police Oversight feedback update. Anticipates staff will return to council within 90 days with the additional research and survey findings. Secondly, provided an update on the Quality of Life Time that is targeting hotspots that involve organized narcotic activity and violent crimes against persons and homeless individuals across our city.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Bacerra encouraged all to vote.

Councilmember Mendoza encouraged public to visit COVID testing locations, wear masks, commended Chief Valentine's staff for the success in curbing street car racing, and suggested the naming of public places after some of our veterans.

Councilmember Penaloza provided a Census 2020 response update, thanked staff for their assistance, encouraged community to use every precaution necessary to protect against COVID, and encouraged all to vote.

Councilmember Sarmiento commended staff for all their work to encourage all to participate in the Census 2020, requested educational outreach showing how to properly fill out a ballot, wished all a Happy Halloween and Feliz Día de Los Muertos, and encouraged all to vote.

Councilmember Solorio thanked Councilmember Penaloza and staff for their work on Census 2020 and encouraged all to vote and visit Governor Newsom's website showing safe alternatives for a Happy Halloween.

Mayor Pro Tem Villegas thanked volunteers for their hard work and dedication who assisted with the Willard beautification.

Mayor Pulido thanked City Manager and staff for COVID-19 outreach and provided an update.

ADJOURNMENT - The next regular meeting scheduled for November 3, 2020 has been canceled. The next meeting of the City Council will be held on Tuesday, November 17, 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 City Council meeting at 8:31 p.m.

DRAFT