



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

September 15, 2020

**CLOSED SESSION MEETING
5:00 P.M.**

CALL TO ORDER - Mayor PULIDO

Mayor Pulido called the Closed Session meeting to order at 5:04 p.m. Councilmember Mendoza joined the meeting at 5:10 p.m.

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

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. 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
 - 1D. Ross Berrera, et al. v. City of Santa Ana, Orange County Superior Court Case No.: 30-2015-00771129-CU-WM-CJC
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, Acting Assistant City Manager Steven Mendoza

Negotiating with: Caribou Industries

Terms: Conditions of the potential development and sale of city-owned property

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 6:40 p.m. and convened to the Regular Open Session.

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

CALL TO ORDER - MAYOR PULIDO

Mayor Pulido called the Regular Open Session meeting to order at 6:44 p.m.

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

COUNCILMEMBERS Absent: None.

Clerk of the Council Daisy Gomez provided instructions on providing public comment.

PLEDGE OF ALLEGIANCE - MAYOR PULIDO

INVOCATION - DAVE MITCHELL, POLICE CHAPLAIN

Mayor Pulido announced that Item 60D is pulled and is continued for two weeks at the request of staff.

CEREMONIAL PRESENTATIONS

1. PROCLAMATION presented by COUNCILMEMBER PENALOZA naming September as Hispanic Heritage Month.

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

City Attorney reported out at the end of the Public Comment Section.

PUBLIC COMMENTS

Clerk of the Council Daisy Gomez reported out on eComments received.

Johnathan Mayer, Senior Manager with Main Place Mall, Santa Ana Chamber of Commerce Board Director, and co-chair of Santa Ana's Economic Council, spoke in support of Item 12A, noted the value of establishing the district for a citywide benefit, and allow a conduit to highlight all the reasons to visit Santa Ana.

Dave Elliot, President and Chief Executive Officer of Santa Ana Chamber of Commerce, spoke in support of Item 12A and echoed Johnathan Mayer's comments.

Evan Grant spoke regarding Closed Session Item 1A regarding indemnification and other topics.

Carl Benninger provided a reminder regarding the upcoming Candidate's forum.

Dale Helvig spoke regarding information presented for Item 60A, expressed concern with the airplane noise, and the deficiency in park plan and encouraged a requirement to have park space included in projects as designated in the general plan. Lastly, expressed support for Item 12A and lastly encourages all to vote.

John Hannah representing the Southwest Regional Council of Carpenters spoke regarding Item 60A, expressed support of the Bowery project, encouraged Council to approve the item, and noted this project would provide revenue to the city.

Cory Davis with the Harm Reduction Legal Project in Los Angeles spoke in opposition to Item 60B and asked council not to move forward with proposed ordinance that would ban syringe exchange programs in Santa Ana.

Desi Reyes spoke in support of Item 60B, expressed concern with syringes found in parks and urged council to vote in favor of the item.

Amy Beaverman spoke in opposition to Item 60B.

Rafik Wahbi spoke in opposition to Item 60B.

Jason Cure General Manager with Double Tree Hotel, spoke in support of Item 12A.

Juan Gonzalez spoke in opposition to Item 60C, Proposition 20 and expressed support of a civilian oversight commission.

Manual Escamilla spoke regarding Item 65B, approves of the direction the city is moving towards, and provided some observations to allow staff to address in more detail and possibly make some changes.

An unidentified speaker spoke regarding the public comments process, expressed concern with the priority of business over the well-being of the community, displacement of families, and various other topics.

City Attorney reported out at the end of the Public Comment Section.

Item 65B taken out of order prior to Consent Calendar.

CONSENT CALENDAR

MOTION: Approve staff recommendations on the following Consent Calendar items: Items 10A through 55C with the exception of 12A, 19C, 19D, and 20C.

Motion to approve the Consent Calendar Items with the following modifications
Approve staff recommendations on the following Consent Calendar Items 10A through 55C with the exception of 12A, 19C, 19D, and 20C.

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

ADMINISTRATIVE MATTERS

MINUTES

- 10A. MINUTES FROM THE SPECIAL MEETING OF AUGUST 4, 2020 – Clerk of the Council Office

MOTION: Approve Minutes.

NOTICE OF PUBLIC HEARINGS

- 12A. **ADOPT A RESOLUTION OF INTENTION TO ESTABLISH THE SANTA ANA TOURISM MARKETING DISTRICT - Community Development Agency**

1. Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING ITS

INTENTION TO ESTABLISH THE SANTA ANA TOURISM MARKETING DISTRICT (SATMD) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

2. Establish a time and place for a public meeting to be held by the City Council on October 6, 2020 to hear and consider all public testimonies.
3. Establish a time and place for a public hearing to be held by the City Council on November 17, 2020 regarding the proposed formation of the Santa Ana Tourism Marketing District.

Motion to approve

1. Adopt **RESOLUTION NO. 2020-076** ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA DECLARING ITS INTENTION TO ESTABLISH THE SANTA ANA TOURISM MARKETING DISTRICT (SATMD) AND FIXING THE TIME AND PLACE OF A PUBLIC MEETING AND A PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF

2. Establish a time and place for a public meeting to be held by the City Council on October 6, 2020 to hear and consider all public testimonies.

3. Establish a time and place for a public hearing to be held by the City Council on November 17, 2020 regarding the proposed formation of the Santa Ana Tourism Marketing District.

Councilmember Bacerra motioned to approve, seconded by Councilmember Penaloza.

MOTION: Councilmember Bacerra

SECOND: Councilmember Penaloza

VOTE:

AYES:

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

NOES:

None (0)

ABSTAIN:

None (0)

ABSENT:

None (0)

BOARDS / COMMISSIONS / COMMITTEES

13A. APPOINT DAVID ELLIOTT, MARJORIE KNITTER, PATRICK KORTHUIS, AND MARIA ROSA LOPEZ TO THE WORKFORCE DEVELOPMENT BOARD FOR A FOUR YEAR TERM EXPIRING MAY 31, 2024 - Community Development Agency

1. Reappoint David Elliott, Marjorie Knitter, and Patrick Korthuis to the Santa Ana Workforce Development Board representing the private sector and economic development for a four-year term expiring May 31, 2024.
2. Appoint Maria Rosa Lopez to the Santa Ana Workforce Development Board nominated by the Orange County Labor Federation to represent Labor (replacing Luviano) for a full four-year term expiring May 31, 2024.

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 UPDATE RELATING TO MILITARY RECOGNITION OPTIONS – City Manager’s Office

MOTION: Receive and file update relating to military recognition options.

Motion to approve Receive and file update relating to military recognition options.

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

MOTION: Councilmember Bacerra

SECOND: Mayor Pro Tem Villegas

VOTE:

AYES:

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

NOES: None (0)

ABSTAIN: None (0)

ABSENT: None (0)

19D. RECEIVE AND FILE CANNABIS PUBLIC BENEFIT FUND FOR YOUTH SERVICES INFORMATIONAL UPDATE - Parks, Recreation and Community Services Agency and Library Department

MOTION: Receive and file Cannabis Public Benefit Fund for Youth Services informational update.

City Manager Kristine Ridge requested the opportunity to re-access the appropriation of enforcement funds.

Mayor Pulido abstained out of an abundance of caution and asked that Mayor Pro Tem Villegas take over as Chair.

Motion to Adopt Receive and file Cannabis Public Benefit Fund for Youth Services informational update. moved by Councilmember Solorio seconded by Mayor Pro Tem Villegas.

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

MOTION:	Councilmember Solorio	SECOND:	Mayor Pro Tem Villegas
VOTE:	AYES:		Mayor Pro Tem Villegas, Councilmember Penaloza, Councilmember Sarmiento, Councilmember Solorio, Councilmember Bacerra, Councilmember Mendoza (6)
	NOES:		None (0)
	ABSTAIN:		Mayor Pulido (1)
	ABSENT:		None (0)

BUDGETARY MATTERS

APPROPRIATION ADJUSTMENTS

- 20A. APPROVE AN APPROPRIATION ADJUSTMENT TO RECOGNIZE FEDERAL CLEAN WATER PROTECTION ENTERPRISE FUNDS IN THE AMOUNT OF \$225,000 AND AN INCREASE IN CONTINGENCY FUNDS FOR AN EXISTING CONTRACT WITH LONEROCK, INC. IN THE AMOUNT OF \$500,000 TO PERFORM ADDITIONAL DEWATERING OPERATIONS FOR THE SANTA ANA DELHI CHANNEL DIVERSION PROJECT, FOR AN ESTIMATED TOTAL PROJECT DELIVERY COST OF \$6,886,775 (PROJECT 16-6467) (NON-GENERAL FUND) - Public Works Agency

1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-023 - Recognizing \$225,000 in Federal Clean Water Protection Enterprise, Prior Year Fund Balance and appropriating same into the Federal Clean Water Protection Enterprise, Improvements Other Than Building expenditure account.
 2. Approve an increase to existing contract contingencies in the amount of \$500,000 to perform additional dewatering operations for the Santa Ana Delhi Channel Diversion Project.
- 20B. APPROVE APPROPRIATION ADJUSTMENT AND AGREEMENT ACCEPTING \$99,445.50 IN 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS (NON-GENERAL FUND) - Police Department
1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-022 - Accepting \$99,445.50 in the Law Enforcement Grants Revenue account and appropriate same in the Byrne Justice Assistance account.
 2. Authorize the City Manager to execute an agreement (Award #2019-DJ-BX-0899) with the Orange County Sheriff's Department for the period of September 15, 2020 through September 30, 2022, accepting 2019 Edward Byrne Memorial Justice Assistance Grant program funds in the amount of \$99,445.50, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-183 was approved.

20C. APPROVE APPROPRIATION ADJUSTMENT AND AGREEMENT ACCEPTING \$1,250,000 IN 2020 COPS HIRING GRANT FUNDS- Police Department

1. Approve an appropriation adjustment. (Requires five affirmative votes). APPROPRIATION ADJUSTMENT NO. 2021-024 - Accepting \$1,250,000 total revenue over a two-year period in the Department of Justice Grants account and appropriate the FY20-21 portion of \$536,572 in the COPS Hiring Grant account, to provide funding for ten (10) new COPS Grant police officer positions.
2. Authorize the City Manager to sign the U.S. Department of Justice Office of Community Oriented Policing Services Award Document, for the period of July 1, 2020 through June 30, 2023, in an amount not to exceed \$1,250,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

Motion to Adopt

1. Approve an appropriation adjustment. (Requires five affirmative votes).
APPROPRIATION ADJUSTMENT NO. 2021-024 - Accepting \$1,250,000 total revenue over a two-year period in the Department of Justice Grants account and appropriate the FY20-21 portion of \$536,572 in the COPS Hiring Grant account, to provide funding for ten (10) new COPS Grant police officer positions.
2. Authorize the City Manager to sign the U.S. Department of Justice Office of Community Oriented Policing Services Award Document, for the period of July 1, 2020 through June 30, 2023, in an amount not to exceed \$1,250,000, subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2020-184**).

This consent item - Agreement No. 2020-184 was approved.

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

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

SPECIFICATIONS - PURCHASE OF EQUIPMENT AND SERVICES

- 22A. APPROVE AN INCREASE IN THE PURCHASE ORDER AMOUNT WITH QUALITY FENCE CO., INC. IN THE AMOUNT OF \$350,000, FOR A REVISED ANNUAL AMOUNT NOT TO EXCEED \$550,000 FOR CHAIN-LINK FENCE AND GATE INSTALLATION SERVICES (SPECIFICATION NO. 18-080) (NON-GENERAL FUND) - Finance and Management Services Agency and Public Works Agency
- 22B. APPROVE AN INCREASE OF THE PURCHASE ORDER AMOUNT WITH CORE & MAIN LP, FERGUSON ENTERPRISES, LLC AND S&J SUPPLY COMPANY, INC. IN THE AMOUNT OF \$275,000 FOR A TOTAL AGGREGATE AMOUNT NOT TO EXCEED \$660,000 FOR WATERWORKS FITTINGS AND SUPPLIES AND EXTEND THE TERM THROUGH APRIL 30, 2021

(SPECIFICATION NO. 15-034) (NON-GENERAL FUND) - Finance and Management Services Agency and Public Works Agency

MOTION: Authorize the City Manager to increase the blanket order contracts with Core & Main LP, Ferguson Enterprises, LLC and S&J Supply Company, Inc. for waterworks fittings and supplies by \$275,000 for a total aggregate amount not to exceed \$660,000 and extend the term for six months, from October 31, 2020 to April 30, 2021, subject to non-substantive changes approved by the City Manager and City Attorney.

AGREEMENTS

- 25A. APPROVE AMENDMENT TO AGREEMENT WITH HELPMATES STAFFING SERVICES TO ALLOCATE \$60,000 OF CURRENT AGREEMENT FROM FY 2020-21 TO FY 2019-20 (GENERAL FUND AND NON-GENERAL FUND) – Human Resources Department

MOTION: Authorize the City Manager to execute an amendment to an agreement with Helpmates Staffing Services to allocate \$60,000 of current agreement from FY 2020-21 to FY 2019-20 for temporary staffing services, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-185 was approved.

- 25B. APPROVE AN AGREEMENT WITH THE SOLIS GROUP FOR COMMUNITY WORKFORCE AGREEMENT ADMINISTRATION FOR A TERM OF UP TO FOUR YEARS IN AN AMOUNT NOT TO EXCEED \$1,200,000 (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute an agreement with The Solís Group to provide Community Workforce Agreement (CWA) administrative services for a two-year period beginning September 15, 2020, and ending September 14, 2022, with provisions for two one-year extensions, for a total aggregate amount not to exceed \$1,200,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-186 was approved.

- 25C. APPROVE AMENDMENT TO AGREEMENT WITH NAPHCARE, INC. TO PROVIDE INMATE MEDICAL SERVICES FOR THE SANTA ANA JAIL IN THE AMOUNT OF \$2,836,417.94 (GENERAL FUND) – Police Department

MOTION: Authorize the City Manager to execute a one-year agreement amendment with NaphCare, Inc. to provide basic and emergency inmate health care services for Santa Ana Jail for the period of October 1, 2020 through

September 30, 2021, in the amount of \$2,836,417.94, including a \$200,000 contingency, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

This consent Item - Agreement No. 2020-187 was approved.

- 25D. APPROVE AGREEMENTS WITH T2 UTILITY ENGINEERS, AZTEC ENGINEERING CALIFORNIA, INC. AND C BELOW SUBSURFACE IMAGING FOR SUBSURFACE UTILITY ENGINEERING SERVICES FOR A FIVE-YEAR TERM IN AN AGGREGATE AMOUNT NOT TO EXCEED \$750,000 (NON-GENERAL FUND) – Public Works Agency

MOTION: Authorize the City Manager to execute agreements with T2 UES, Inc., AZTEC Engineering California, Inc., and C Below, Inc. to provide subsurface utility engineering services for the three-year period beginning September 15, 2020, and ending on September 14, 2023, with a provision for one two-year extensions, for a total shared aggregate amount not to exceed \$750,000 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).

This consent Item - Agreement No. 2020-188 was approved.

Agreement No. 2020-188-01 - T2 UTILITY ENGINEERS

Agreement No. 2020-188-02 - AZTEC ENGINEERING CALIFORNIA, INC.

Agreement No. 2020-188-03 - BELOW SUBSURFACE IMAGING

LAND USE MATTERS

DEEDS - TRANSFER OF PROPERTY

- 30A. APPROVE QUITCLAIM OF ACCESS EASEMENT AT 1102 NORTH KING STREET, APN 405-214-04 (GENERAL FUND) - Public Works Agency

MOTION: Authorize the City Manager to execute a quitclaim deed relinquishing the City's interest in an access easement at 1102 North King Street to Ana Mesa Investment Group, LLC, a California Limited Liability Company.

RESOLUTIONS - Consent

- 55A. BIENNIAL REVIEW OF CONFLICT OF INTEREST CODE POLICY, LIST OF DESIGNATED CLASSIFICATIONS REQUIRED TO FILE ANNUAL DISCLOSURE FORM (STATEMENT OF ECONOMIC INTERESTS FORM) – Clerk of the Council Office

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE

CONFLICT OF INTEREST CODES OF CERTAIN CITY AGENCIES AND
DEPARTMENTS

This consent item- Resolution No. 2020-070 was approved.

- 55B. ADOPT A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS TO THE CALIFORNIA NATURAL RESOURCES AGENCY FOR THE YOUTH COMMUNITY ACCESS GRANT PROGRAM FOR THE SANTA ANA ZOO LITTLE FARMERS PROJECT IN THE AMOUNT OF \$300,000 – Parks, Recreation and Community Services Agency

MOTION: Adopt a resolution. Resolution No. 2020-XXX - RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF SANTA ANA APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE YOUTH COMMUNITY ACCESS GRANT PROGRAM

This consent item- Resolution No. 2020-071 was approved.

- 55C. ADOPT A RESOLUTION AND AUTHORIZE A GRANT APPLICATION SUBMISSION FOR THE BUREAU OF RECLAMATION'S WATERSMART WATER AND ENERGY EFFICIENCY GRANTS PROGRAM FOR THE LANDSCAPED ROADWAY IRRIGATION PROJECT – Public Works Agency

MOTION: Adopt a resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING AN APPLICATION FOR GRANT FUNDING FROM BUREAU OF RECLAMATION'S WATERSMART WATER AND ENERGY EFFICIENCY GRANTS FOR THE LANDSCAPED ROADWAY IRRIGATION PROJECT

This consent item- Resolution No. 2020-072 was approved.

END OF CONSENT CALENDAR

BUSINESS CALENDAR

ADMINISTRATIVE MATTERS - BUSINESS

- 60A. COUNCILMEMBER BACERRA'S REQUEST FOR RECONSIDERATION OF ADOPTION OF CITY COUNCIL RESOLUTION NO. 2020-067 OVERRULING THE ORANGE COUNTY AIRPORT LAND USE COMMISSION'S DETERMINATION OF INCONSISTENCY WITH THE AIRPORT ENVIRONS LAND USE PLAN INCLUDED WITH ITEM NO. 75C FROM THE AUGUST 18, 2020 CITY COUNCIL AGENDA, AND SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT APPLICATION NO. 2020-01 REZONING PROPERTY LOCATED AT 2300, 2310, AND 2320 SOUTH REDHILL AVENUE, AND APPROVE AN INDEMNIFICATION AGREEMENT WITH ARRIMUS CAPITAL FOR POTENTIAL AIRPORT LIABILITY – Clerk of the Council Office

MOTION: It is recommended that the City Council consider taking action as follows:

1. Discuss Councilmember Bacerra's request for reconsideration of Resolution No. 2020-067 overruling the Orange County Airport Land Use Commission's Determination of Inconsistency which was one of several approvals related to the proposed Warner Redhill Mixed Use Development Project associated with Agenda Item No. 75C on the August 18, 2020 City Council Meeting Agenda and vote on the requested Motion to Reconsider. If the Motion to Reconsider is not approved by the necessary majority vote, take action on item 4 below.
 2. If a Motion for Reconsideration is adopted, consider adoption of Resolution No. 2020-067 Overruling the Orange County Airport Land Use Commission's Determination of Inconsistency for the Warner Redhill Mixed Use Development Project with the Airport Environs Land Use Plan for John Wayne Airport and take action on item 4 below.
 3. If Resolution No. 2020-067 is not adopted by a 2/3 vote take no further action.
 4. If the Motion for Reconsideration is not approved or Resolution No. 2020-067 is adopted by the necessary -2/3 vote, conduct the second reading of and adopt Ordinance No. NS-XXXX and approve the proposed Indemnification Agreement with Arrimus Capital.
- 4A. AN ORDINANCE OF THE CITY COUNCIL APPROVING AMENDMENT APPLICATION NO. 2020-01 REZONING THE PROPERTY LOCATED AT 2300, 2310, AND 2320 SOUTH REDHILL AVENUE FROM LIGHT INDUSTRIAL (M-1) TO SPECIFIC DEVELOPMENT NO. 96 (SD-96) AND ADOPTING SD-96 FOR SAID PROPERTY

- 4B. Authorize the City Manager to execute an Indemnification Agreement with Arrimus Capital (Applicant) subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. A-2020-XXX).

Councilmember Bacerra rescinded his motion request for reconsideration.

Motion to approve recommendation and adopt

4A. **ORDINANCE NO. NS-2995** OF THE CITY COUNCIL APPROVING AMENDMENT APPLICATION NO. 2020-01 REZONING THE PROPERTY LOCATED AT 2300, 2310, AND 2320 SOUTH REDHILL AVENUE FROM LIGHT INDUSTRIAL (M-1) TO SPECIFIC DEVELOPMENT NO. 96 (SD-96) AND ADOPTING SD-96 FOR SAID PROPERTY

4B. Authorize the City Manager to execute an Indemnification Agreement with Arrimus Capital (Applicant) subject to non-substantive changes approved by the City Manager and City Attorney (**Agreement No. A-2020-189**).

Councilmember Penalosa motioned to approve recommendation and adopt, seconded by Councilmember Sarmiento.

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

- 60B. **ADOPT AN ORDINANCE ADDING ARTICLE XV (SYRINGE EXCHANGE PROGRAMS) TO CHAPTER 18 OF THE SANTA ANA MUNICIPAL CODE (HEALTH AND SANITATION) PROHIBITING SYRINGE EXCHANGE PROGRAMS IN THE CITY OF SANTA ANA – 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 XV (SYRINGE EXCHANGE PROGRAMS) TO CHAPTER 18 OF THE SANTA ANA MUNICIPAL CODE (HEALTH AND SANITATION) PROHIBITING**

SYRINGE EXCHANGE PROGRAMS FROM OPERATING IN THE CITY OF SANTA ANA

Councilmember Bacerra requested to add language to identify syringe distribution programs.

Councilmember Solorio requested staff to look into the city's authority to regulate the other needle medical services along with research.

Councilmember Bacerra requests staff immediately look at the inclusion of distribution programs and return back to council with additional information.

Motion to approve to place ordinance on first reading and authorize publication of title. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XV (SYRINGE EXCHANGE PROGRAMS) TO CHAPTER 18 OF THE SANTA ANA MUNICIPAL CODE (HEALTH AND SANITATION) PROHIBITING SYRINGE EXCHANGE PROGRAMS FROM OPERATING IN THE CITY OF SANTA ANA.

Councilmember Solorio motioned to approve, seconded by Councilmember Bacerra.

MOTION:	Councilmember Solorio	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)	

60C. RESOLUTION SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 (PROPOSITION 20) – City Manager's Office

MOTION: Adopt resolution. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SUPPORTING THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020

Motion to Adopt RESOLUTION NO. 2020-073 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SUPPORTING THE REDUCING

CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2020 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 Solorio, Mayor Pro Tem Villegas, Mayor Pulido (6)
	NOES:		Councilmember Sarmiento (1)
	ABSTAIN:		None (0)
	ABSENT:		None (0)

60D. 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

MOTION: Adopt resolution. 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

Item continued for two weeks.

REPORTS

65A. ACCEPT INFORMATIONAL REPORT RELATING TO POLICE OVERSIGHT AND PROVIDE DIRECTION TO STAFF – City Manager's Office

MOTION: Accept informational report relating to police oversight and provide direction to staff.

City Manager Kristine Ridge provided a brief presentation.

Council discussion ensued and provided direction to staff to return to council at a future meeting.

Councilmember Penaloza requested additional information to be brought back to council.

Councilmember Bacerra request staff obtains community outreach and return to council in 90 days.

Councilmember Mendoza supports community input and requests staff look into other cities who have similar programs whether successful or unsuccessful.

Mayor Pulido warns of unintended consequences experienced by other cities.

Mayor Pro Tem Villegas is supportive of a Chief's Advisory Board.

Councilmember Sarmiento expressed that this should not be considered as punitive and noted the importance of providing a safe environment for all.

Councilmember Solorio expressed the need for an oversight committee beginning with the Council.

Councilmember Mendoza noted that staff could look into the Sheriff's Advisory Council of which she is a member and expressed that she is not in support of another group having investigatory powers.

65B. APPROVE SERVICE AND FINANCIAL SUSTAINABILITY STUDY FINAL REPORT – Parks, Recreation and Community Services Agency

MOTION: Approve the plan titled "Parks, Recreation and Community Services Agency Service and Financial Sustainability Study."

Item 65B was taken out of order, heard prior to Consent Calendar.

Parks and Recreation Executive Director Lisa Rudloff provided a brief presentation.

Art Thatcher, with GreenPlay, LLC provided a brief presentation.

Parks and Recreation Executive Director Lisa Rudloff noted that staff we provide periodic updates to council.

Motion to approve the plan titled “Parks, Recreation and Community Services Agency Service and Financial Sustainability Study.”

Councilmember Solorio motioned to approve, seconded by Councilmember Penaloza.

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

After the deliberation of Item 65B, council deliberated on Consent Calendar.

PUBLIC HEARINGS

75A. PUBLIC HEARING –ADOPT A RESOLUTION TO AMEND THE FORECLOSURE, ABANDONED AND VACANT PROPERTY REGISTRATION FEE TO \$ 1,232.85 FOR SERVICES IN THE FISCAL YEAR 2020-21 MISCELLANEOUS FEE SCHEDULE REGARDING THE REGISTRATION AND MAINTENANCE OF THE ABANDONED AND VACANT PROPERTIES – Planning and Building Agency Legal Notice published in the Orange County Reporter on September 4, 2020 and September 11, 2020.

MOTION: Adopt resolution. Resolution No. 2020-XXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE FORECLOSURE, ABANDONED AND VACANT PROPERTY REGISTRATION FEE IN ACCORDANCE WITH CHAPTER 8, ARTICLE X OF THE SANTA ANA MUNICIPAL CODE

Mayor Pulido opened the public hearing at 9:35 p.m.

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

Mayor Pulido closed the public hearing at 9:36 p.m.

Motion to adopt RESOLUTION NO. 2020-074 ENTITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING THE FORECLOSURE, ABANDONED AND VACANT PROPERTY REGISTRATION FEE IN ACCORDANCE WITH CHAPTER 8, ARTICLE X OF THE SANTA ANA MUNICIPAL.

Councilmember Bacerra motioned to adopt, seconded by Councilmember Solorio.

MOTION: Councilmember Bacerra
SECOND: Councilmember Solorio
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)

COMMENTS

90A. CITY MANAGER'S COMMENTS

Report out on:

- The CARES Act outreach, dashboard, testing, and facemasks.
- Child assistance available this month.
- Assisting SAUSD regarding testing of athletes.
- Governor's COVID status.
- Type of testing used by contractor.

90B. CITY COUNCILMEMBER COMMENTS

Councilmember Bacerra expressed appreciation of his colleagues and adjournment of meeting in honor of Gerald Carr. Reminded everyone to complete their 2020 Census.

Councilmember Mendoza spoke regarding the rolling blackouts that have been affecting the county due to the extreme temperatures and wished City Manager Kristine Ridge a happy birthday.

Councilmember Penaloza spoke regarding his participation on a virtual meeting on public safety and economic development during and post COVID-19 along with his participation on the Transportation Corridor Agency (TCA). Shared that TCA

appointed Samuel Johnson as their new CEO, and that the agency has a new agreement that will allow use of cattle for grazing. Reminded the public of the importance of participating in the Census 2020 and provided an update on the Delhi Park Cares event.

Mayor Pulido thanked Councilmember Penaloza for his consistent participation regarding Census outreach.

Councilmember Sarmiento thanked the City Attorney and her staff for working together with resident evictions and spoke on extending the Residential Eviction Moratorium Executive Order. Also, thanked City Manager and staff for coordinating with Latino Health Access in taking resources and services to neighborhoods and ensuring efforts are not duplicated at the same time and encouraged staff to apply this model in other areas such as, ways to increase voter participation. Lastly, wished everyone a happy September 16th, Mexican Independence Day.

Mayor Pulido thanked Councilmember Sarmiento, Council, and staff for all of their efforts and work regarding COVID-19.

Councilmember Solorio wishes all a happy Mexican Independence Day on September 16th. Spoke on CARES mobile resource event he attended, childcare program, and encourage staff to look at the broadband citywide used in the City of Anaheim. Expressed concern on an increase of homeless activity at CALTRANS properties and request staff reach out to CALTRANS to offer services and shelter.

Mayor Pro Tem Villegas on behalf of the City send his thoughts and prayers to the families of Sheriff Deputies that were ambushed this past weekend.

Mayor Pulido provided status on pandemic.

ADJOURNMENT - The next meeting of the City Council is scheduled for Tuesday, October 6, 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 10:05 p.m.

Adjourn Meeting in Memory of Astronaut Gerald P. Carr.