

9. Minutes from the Regular Meeting of April 2, 2024

Department(s):

Recommended Action:

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



April 2, 2024

CLOSED SESSION MEETING – 4:00 P.M.

REGULAR OPEN MEETING – 5:30 P.M.

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701

CLOSED SESSION

CALL TO ORDER

MINUTES: Mayor Amezcua called the Closed Session meeting to order at 4:13 P.M.

ATTENDANCE	Council Members	Phil Bacerra
		Johnathan Ryan Hernandez
		Jessie Lopez
		David Penaloza
		Benjamin Vazquez
	Mayor Pro Tem	Thai Viet Phan
	Mayor	Valerie Amezcua
	Acting City Manager	Alvaro Nunez
	City Attorney	Sonia R. Carvalho
	City Clerk	Jennifer L. Hall

ROLL CALL

MINUTES: City Clerk Jennifer L. Hall conducted roll call.

Councilmembers Lopez, Penaloza, and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present. Councilmembers Bacerra and Hernandez arrived during Closed Session.

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: None.

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

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

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

MINUTES: Mayor Amezcua recessed to consider the Closed Session items at 4:14 P.M.

CLOSED SESSION ITEMS – The Brown Act permits legislative bodies to discuss certain matters without members of the public present. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following matters will prejudice the position of the City in existing and anticipated litigation:

1. **CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION** pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code.
A. Allen Cates v. City of Santa Ana, et al., United States District Court (Central District of California), Case No. 8:23-cv-00786-HDV-DFM
2. **CONFERENCE WITH LABOR NEGOTIATOR** pursuant to Government Code Section 54957.6(a):
Agency Negotiator: Daniel Durham, Principal Relations Analyst
Employee Organization:
 - Santa Ana Police Officers Association (POA)
3. **PUBLIC EMPLOYEE APPOINTMENT** pursuant to Section 54957(b)(1) of the Government Code:
Title: City Manager

CLOSED SESSION REPORT – The City Attorney will report on any action(s) from Closed Session.

RECONVENE – City Council will reconvene to continue regular City business.

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

MINUTES: Mayor Amezcua reconvened the City Council Meeting to order at 5:59 P.M.

ATTENDANCE	Councilmembers	Phil Bacerra Johnathan Ryan Hernandez Jessie Lopez David Penaloza Benjamin Vazquez Thai Viet Phan Valerie Amezcua
	Mayor Pro Tem Mayor	
	Acting City Manager City Attorney City Clerk	Alvaro Nunez Sonia R. Carvalho Jennifer L. Hall

ROLL CALL

MINUTES: City Clerk Jennifer L. Hall conducted roll call.

Councilmembers Bacerra, Hernandez, Lopez, Penaloza, and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present.

PLEDGE OF ALLEGIANCE **Public Works Director Nabil Saba**

WORDS OF INSPIRATION **Reverend Walter Contreras, Clue Justice**

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: None.

STAFF PRESENTATIONS

1. Parks, Recreation, and Community Services Agency Awards Presentation

MINUTES: Parks, Recreation, and Community Services Director Hawk Scott presented the Agency Awards presentation.

CLOSED SESSION REPORT – The City Attorney will report on any action(s) from Closed Session.

MINUTES: City Attorney Sonia Carvalho stated there was no reportable action.

Mayor Amezcua announced public comments would be limited to two minutes per speaker for two hours.

PUBLIC COMMENTS – Public comments will be held during the beginning of the meeting for ALL comments on agenda and non-agenda items.

MINUTES: *The following speakers addressed City Council in person:*

- 1. Pedro Magallon expressed concern regarding rules, regulations, and increased prices related to sports.*
- 2. Melissa Aburto expressed concern regarding rules, regulations, and increased prices related to sports.*
- 3. Jorge Rodriguez (translation: Spanish) expressed concern regarding rules, regulations, and increased prices related to sports.*
- 4. Bryan Leos expressed concern regarding rules, regulations, and increased prices related to sports.*
- 5. Salvador Tuscano expressed concern regarding construction tax fraud.*
- 6. Pedro Arzate expressed concern regarding rules, regulations, and increased prices related to sports.*
- 7. Johnny A. Mejia expressed concern regarding rules, regulations, and increased prices related to sports and submitted business cards.*
- 8. Uriel Chavez (translation: Spanish) expressed concern regarding rules, regulations, and increased prices related to sports.*
- 9. Alvin Alaman spoke regarding Juneteenth.*
- 10. Mattie D. White spoke regarding Juneteenth.*
- 11. Connie J. Jones spoke regarding Juneteenth.*
- 12. Wellington Bennett spoke regarding Juneteenth.*
- 13. Pearla Wallace spoke regarding Juneteenth.*
- 14. Sheri Menke spoke in opposition to Agenda Item No. 21.*
- 15. Tai Pham expressed concern regarding the redevelopment of the Metro Town Square area.*
- 16. Ricki Older echoed previous comments regarding Metro Town Square.*
- 17. Rev. Wesley Menke spoke in opposition to Agenda Item No. 21.*

18. *Richard Austin spoke in opposition to Agenda Item No. 21.*
19. *Susan Tillou spoke in opposition to Agenda Item No. 21.*
20. *Francisco B. spoke in opposition to Agenda Item No. 21.*
21. *Samuel Vance spoke in support of Agenda Item No. 21.*
22. *Lizbeth Salazar (translation: Spanish) spoke in support of Agenda Item No. 21.*
23. *Ana Gomez spoke in opposition to Agenda Item No. 21.*
24. *Jonah Breslau spoke in support of Agenda Item No. 21.*
25. *Liliana Mendoza (translation: Spanish) spoke in support of Agenda Item No. 21.*
26. *Oscar Gomero (translation: Spanish) spoke in support of Agenda Item No. 21.*
27. *Dr. Patricia Adelekan spoke regarding Juneteenth.*
28. *Liza Rodriguez spoke in support of Agenda Item No. 21.*
29. *Teresa Garcia (translation: Spanish) spoke in support of Agenda Item No. 21.*
30. *Hector Lopez (translation: Spanish) spoke in support of Agenda Item No. 21.*
31. *Telma Gomez (translation: Spanish) spoke in support of Agenda Item No. 21.*
32. *Cenorino Gomez (translation: Spanish) spoke in support of Agenda Item No. 21.*
33. *Elvia Espinosa spoke in support of Agenda Item No. 21.*
34. *Jimena Baculima (translation: Spanish) spoke in support of Agenda Item No. 21.*
35. *Pam Pence spoke in opposition to Agenda Item No. 21.*
36. *Colin Gawronski spoke in support of Agenda Item No. 21.*
37. *Karen O. spoke in opposition to Agenda Item No. 21.*
38. *Angie Weeks spoke in opposition to Agenda Item No. 21.*
39. *Angela C. spoke in opposition to Agenda Item No. 21.*
40. *Rich Ortega spoke in opposition to Agenda Item No. 21.*

41. *Douglas Macleith spoke in opposition to Agenda Item No. 21.*
42. *Meg D'Amico spoke in support of Agenda Item No. 21.*
43. *Mario Alvarado spoke regarding the GROW Conference and the Needle Exchange Program.*
44. *T. Leon Berry spoke regarding Juneteenth.*
45. *Raina Kaur spoke in opposition to Agenda Item No. 21.*
46. *Melanie Grant spoke regarding Juneteenth.*
47. *L. Unity Cole spoke regarding Juneteenth.*
48. *Gabriel Stroebel spoke regarding Juneteenth and spoke in opposition to Agenda Item No. 21.*
49. *Priscilla Mosqueda spoke in opposition to Agenda Item No. 21.*
50. *Amy Pham spoke in opposition to Agenda Item No. 21.*
- The following speakers addressed City Council via teleconference:*
51. *Marvin spoke in opposition to Agenda Item No. 21.*
52. *Vu Hoang spoke in opposition to Agenda Item No. 21.*
53. *Fernando Deveras spoke regarding Juneteenth and expressed concern regarding a settlement case related to former City Manager Kristine Ridge.*
54. *Kathryn Levassiur spoke in opposition to Agenda Item No. 21.*
55. *Joan Durnell-Powell spoke regarding Juneteenth.*
56. *Becca Ayala spoke in support of Agenda Item No. 21.*
57. *Minh Trung Tran spoke in opposition to Agenda Item No. 21.*
58. *Mazen Shaalan spoke in opposition to Agenda Item No. 21.*
- City Clerk Jennifer L. Hall reported out the summary of email comments received: (58) Agenda Item No. 19, (29) Agenda Item No. 21, and two (2) non-agenda comments.*

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 5 through 18 and waive reading of all resolutions and ordinances

MINUTES: At 8:09 P.M., the Consent Calendar was considered.

Councilmember Phan recused herself from Agenda Item No. 12 as the listed entity, City of Anaheim is a client of her employer, Rutan and Tucker.

Mayor Amezcua provided a brief comment regarding Agenda Item 16.

MOTION: Councilmember Penalosa moved to approve Consent Calendar Item Nos. 5 through 18, seconded by Councilmember Bacerra.

The motion carried, 7-0, by the following roll call vote:

AYES:	COUNCILMEMBER BACERRA,	COUNCILMEMBER
	HERNANDEZ,	LOPEZ,
	COUNCILMEMBER PENALOZA,	COUNCILMEMBER
	VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA	
NOES:	NONE	
ABSTAIN:	NONE	
ABSENT:	NONE	
Status:	7 – 0 – Pass	

5. Excused Absences

Department(s): City Clerk's Office

Recommended Action: Excuse the absent members.

6. Minutes from the Regular Meeting of March 19, 2024

Department(s): City Clerk's Office

Recommended Action: Approve minutes.

7. Appoint Luis Mier Nominated by Mayor Amezcua as the Tenant Representative to the Rental Housing Board for a Full-Term Expiring in 2027

Department(s): City Clerk's Office

Recommended Action: Appoint Luis Mier to the Rental Housing Board as a Tenant Representative and administer the Oath of Office.

MINUTES: City Clerk Jennifer L. Hall administered the Oath of Office to Luis Mier.

8. **Approve Submittal of Request for Time Extension of the Measure M2 Comprehensive Transportation Funding Program for Bristol Street Improvements Phase IV, Warner Avenue to Saint Andrew Place, Bristol Street and Memory Lane Intersection Improvements, and Warner Avenue Improvements, Oak Street to Grand Avenue (Project Nos. 11-6741, 17-6833, and 18-6901) (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action: Authorize the Public Works Agency to request a two-year time extension of Measure M2 Comprehensive Transportation Funding Program funding for Bristol Street Improvements Phase IV (Warner Avenue to Saint Andrew Place) (23-SNTA-ACE-4043), Bristol Street and Memory Lane Intersection Improvements (23-SNTA-ICE-4041), and Warner Avenue Improvements (Oak Street to Grand Avenue) (23-SNTA-ACE-4044).

9. **Appropriation Adjustment for the Walnut Street Urban Greening Project**

Department(s): Public Works Agency

Recommended Action: Approve an appropriation adjustment to recognize \$2,199,000 in Clean California Local Grant Program funding from the California Department of Transportation for the Walnut Street Urban Greening project into the Parks Capital Grant-PWA, State Grant-Direct revenue account and appropriate the same amount into the Parks Capital Grant-PWA, Improvements Other Than Buildings expenditure account. *(Requires five affirmative votes)*

10. **Amend the Blanket Purchase Order Contracts with Horizons Construction Co., Pro-Craft Construction, Inc., and Verne's Plumbing (Specification No. 20-118) (General and Non-General Fund)**

Department(s): Public Works Agency

Recommended Action: Authorize an amendment to the blanket purchase order contracts with Horizons Construction Co., Pro-Craft Construction, Inc., and Verne's Plumbing for plumbing services to increase the contract amount by \$790,620, for a revised aggregate amount not to exceed \$2,335,620 for the remainder of the current term expiring September 30, 2024 and the last renewal period expiring September 30, 2025.

11. **Agreement for the Sale of Land from the City and Approve an Appropriation Adjustment, Generating \$4,800 in Revenue for FY 2023-24 Right-of-Way Management Project (Non-General Fund)**

Department(s): Public Works Agency

Recommended Action:

1. Authorize the City Manager to execute a purchase and sale agreement with Guadalupe Castaneda for the sale of City-owned property located at APN No. 410-071-44, behind 3025 Ramona Drive, in the amount of \$4,800 (**Agreement No. A-2024-037**).
2. Approve an appropriation adjustment recognizing revenue in the amount of \$4,800 in the Public Works General Fund, Sale of Land revenue account (No. 01117002- 57071) for Fiscal Year 2023-24 and appropriating the same to the Public Works Right-of-Way expenditure account, Improvements Other Than Building (No. 01117622- 66220) Project 24-6900 for FY 2023-24 Right of Way Management. (*Requires five affirmative votes*)

12. Cooperative Agreement with the City of La Habra and Partnering Cities for the Euclid Street Corridor Traffic Signal Synchronization Project (Project 23-6721) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a cooperative agreement with the Cities of La Habra, Fullerton, Anaheim, Garden Grove, and Fountain Valley, identifying each city's roles and responsibilities, including Santa Ana's match requirement of \$113,827, for the implementation of the Euclid Street Corridor Traffic Signal Synchronization Project, for a term beginning upon full approval of the agreement by all parties and ending December 31, 2028, with an option for extension upon written agreement by all parties (**Agreement No. A-2024-038**).

MINUTES: Councilmember Phan recused herself from Agenda Item No. 12 as the listed entity, City of Anaheim, is a client of her employer, Rutan and Tucker.

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 12 as part of the Consent Calendar, seconded by Councilmember Bacerra.

The motion carried, 6-0-1, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER HERNANDEZ, COUNCILMEMBER LOPEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER VAZQUEZ, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: MAYOR PRO TEM PHAN (recusal)
ABSENT: NONE
Status: 6 – 0 – 1 – **Pass**

13. Agreement with Houston & Harris, PCS, Inc. to Provide Closed Circuit Television Inspection Services of the Sanitary Sewer System (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Houston & Harris, PCS, Inc. to provide closed circuit television inspection services of the sanitary sewer system for a three-year term beginning April 2, 2024 and expiring April 1, 2027, with a provision for a two-year extension, in a total amount not to exceed \$4,000,000 (**Agreement No. A-2024-039**).

14. Legal Services Agreement with Best Best & Krieger LLP for Bond Counsel for Potential Water Enterprise Revenue Bond Issuance (non-General Fund)

Department(s): Finance and Management Services

Recommended Action: Authorize the City Manager to execute an agreement with Best Best & Krieger LLP for bond counsel and disclosure counsel services related to a potential water enterprise revenue bond issuance for a not-to-exceed amount of \$88,000 for a term expiring September 30, 2025 (**Agreement No. A-2024-040**).

15. Agreement with Hera Property Registry, LLC for Foreclosure, Abandoned Vacant Lots, and Structure Registration Program Services for Administering the City's Property Registration Program

Department(s): Planning and Building Agency

Recommended Action: Authorize the City Manager to execute an agreement with Hera Property Registry, LLC to provide foreclosure, abandoned vacant lots, and structure registration program services for a three-year term expiring April 1, 2027, with an option for two one-year extensions (**Agreement No. A-2024-041**).

16. Agreement with Healthcare and Emergency Animal Rescue Team to Provide Spay and Neutering Services for Qualifying Low-Income Residents

Department(s): Planning and Building Agency

Recommended Action: Authorize the City Manager to execute an agreement with Healthcare and Emergency Animal Rescue Team (HEART) to provide veterinarian medical services for a spay and neutering program to low-income Santa Ana residents for a three-year term commencing April 3, 2024 and expiring March 18, 2027, with provisions for two one-year extensions, in an amount not to exceed \$75,000 (**Agreement No. A-2024-042**).

17. Lease Agreements with Rick Kagasoff for Two Warehouse Locations for the Santa Ana Police Department Evidence Section in the Amount of \$877,200

Department(s): Police Department

Recommended Action: Authorize the City Manager to execute three-year lease agreements with Rick Kagasoff for two separate warehouse locations for the period of May 1, 2024 through April 30, 2027, with an option for one 1-year extension, in an aggregate amount not to exceed \$877,200 (**Core Agreement No. A-2024-043**):

- Warehouse 1 – 6,500 sq. ft. industrial building in an amount not to exceed \$438,600
- Warehouse 2 – 6,500 sq. ft. industrial building in an amount not to exceed \$438,600

18. Resolution to Authorize Grant Funds from the State Coastal Conservancy Grant for Santiago Park Main Street Construction Project

Department(s): Public Works Agency

Recommended Action: Adopt a resolution accepting grant funds from the State Coastal Conservancy Grant for Santiago Park Main Street Construction, Main Street Entrance in an amount of \$2,807,000.

RESOLUTION NO. 2024-009 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING THE GRANT OF FUNDS FROM THE STATE COASTAL CONSERVANCY FOR THE SANTIAGO PARK MAIN STREET CONSTRUCTION

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

<u>BUSINESS CALENDAR</u>

MINUTES: At 8:14 P.M., the Business Calendar was considered.

19. Early Direction for the Fiscal Year 2024-25 Budget (continued from the meeting of March 19, 2024, Item No. 26)

Department(s): Finance and Management Services

Recommended Action: Provide direction for preparation of the proposed FY 2024-25 budget.

MINUTES: Finance and Management Services Director Kathryn Downs provided a presentation regarding the Early Direction for the Fiscal Year 2024-25 Budget.

Councilmember Hernandez spoke in support of Measure X Committee's recommendation for a feasibility study of a park in vacant land at Washington Square, Police funded ambulance transports, parking validations for City Council meetings, hours shifted in parking enforcement, funds for Angel's Park, and re-pavement of Civic Center Drive.

Councilmember Bacerra requested a comparison with other cities regarding miscellaneous fees, spoke in support of parking validations for City Council meetings, and questioned why there are two contracts related to parking enforcement and services and delinquency increased costs. He asked for clarification regarding the parking study rates and free parking in structures and paid parking meters, requested a reasonable increased rate regarding the Zoo, expressed concern regarding the expiration of leased vehicles agreement, spoke in support of a feasibility study related to opioids, and requested adding five items to exhibit 1 – filling sworn Police Department vacancies, investing in the water tower observation deck, dedicated left turn signals enhancements at the intersections of Raitt and Segerstrom, Flower and MacArthur, and Dyer and Segerstrom, and a formalized agreement for Griset Park.

Director Downs spoke regarding the two contractors related to citations and services and provided clarification regarding the status quo vs. regular rates.

Acting Police Chief Robert Rodriguez spoke regarding increased cost for delinquency processing.

Councilmember Penaloza spoke in support of parking validation for City Council meetings, clarification of City-owned parking structures, requested information regarding City-owned parking structures in the Civic Center area and a comparison matrix of City of Santa Ana, Orange County and surrounding cities related to fees, asked for clarification regarding ARPA funded positions, and spoke regarding free parking in the downtown.

Community Development Director Mike Garcia spoke regarding City owned parking structures and free parking hours.

Director Downs spoke regarding ARPA funded positions and the annual cost of positions.

Mayor Amezcua spoke in support of new development, Measure X Committee's recommendation for a feasibility study of park in vacant land at Washington Square and setting aside Measure X monies, free parking in the downtown, vehicle incentive program, replacement of leased vehicles as purchased vehicles, adding positions – senior office/records personnel for longer hours at Police Department counter, and requested the MySantaAna App be translated to Spanish and Vietnamese.

Councilmember Vazquez spoke in support of Measure X Committee's recommendation for a feasibility study of park in vacant land at Washington Square and monies set aside for future use, spoke regarding the long-term plan for the loss of Measure X monies, Parks and Recreation's fee comparison to surrounding cities, spoke in support of ambulance transports, parking validation for City Council meetings, parking enforcement, two hour free parking in downtown, not to extend the vehicle rebate program, general fund money to keep ARPA positions, left turn signal on Flower and MacArthur, bringing back crossing guards, dual use with Santa Ana Unified School District (SAUSD) related to parks, and additional parks and parking, and requested staff look into pedestrian safety measures.

Councilmember Lopez encouraged residents to read the staff report to be better informed about the budget for the next five-years, spoke regarding the decrease in the budget, reduction in services, spoke in support of employee pension costs and parking validation for residents, and requested staff build a relationship with the County related to the parking structure.

Mayor Pro Tem Phan stated there is not enough money to cover all projects, requested data regarding park facility/maintenance bond, and requested new demand for monies from State and Federal governments.

Councilmember Hernandez spoke in support of the MySantaAna App being translated into Spanish and Vietnamese, requested Parks and Recreation's fees be reassessed and keeping immigration defense fund in the City, spoke in support of stop signs, speed humps, and alley repairs, spoke regarding the Juneteenth Festival and Chicano Heritage Festival, street repairs, Santa Anita Mural restoration, and monies for Eddie West Field stadium.

Councilmember Bacerra spoke regarding the addition of items to exhibit 1 - repair of signs, fencing along flood control channels on Flower and Sunflower, and a feasibility study for a park at Washington Square, and questioned how the City could subdivide land and maintain R1 Zone.

Councilmember Vazquez spoke in support of the MySantaAna App being translated into Spanish and Vietnamese, bonds for parks, increased number of crosswalks and speed bumps, and better pay for the Quality of Life Team.

Councilmember Lopez requested the parking enforcement program be brought in-house, expressed concern regarding Parks and Recreation fees, requested information regarding opioids in comparison to surrounding cities, requested staff positions dependent on ARPA funds be rolled into the General Fund, using Police Department funds of sworn officers for non-sworn officers, and alley improvements.

Mayor Pro Tem Phan spoke in support of a six-month extension from General Fund monies to cover ARPA positions, spoke regarding economic development, spoke in opposition to new events, street improvements, or alley improvement, and spoke regarding SAUSD concerns related to joint-use.

Mayor Amezcua spoke in support of a six-month extension from General Fund monies to cover ARPA positions, safety of parks, requested bike trails be lit with blue emergency lights or cameras, and stated the Fire Department is not a fan of speed bumps but rather roundabouts.

Councilmember Hernandez requested speed bumps near Santa Ana High School, spoke regarding the cannabis fund and allocation of monies, and questioned whether there were illegally operating cannabis shops.

Acting City Manager Alvaro Nunez provided clarification regarding illegally operating cannabis shops.

Acting Police Chief Rodriguez spoke regarding the body worn cameras program and allocation of funds.

Councilmember Lopez spoke regarding upgrades for parks and security at parks, street improvements, and alleys.

Councilmember Vazquez spoke regarding economic development investment, requested Police Department's sworn officer monies be used to fund non-sworn positions, and spoke regarding dual use of parks, programming to be added at parks, and teen centers at PAAL programs/facilities.

20. Ordinance Amending Chapter 2 of the City of Santa Ana Municipal Code (Administration), Article IV (Officers, Departments, Boards and Commissions), Division 15 Relating to Emergency Services Section 2-643 – Definitions

Department(s): Finance and Management Services

Recommended Action: Approve the introduction and first reading of an ordinance to expand the definition of an emergency in the Santa Ana Municipal Code.

ORDINANCE NO. NS-3062 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AMENDING CHAPTER 2 OF THE SANTA ANA MUNICIPAL CODE (ADMINISTRATION), ARTICLE IV (OFFICERS, DEPARTMENTS, BOARDS AND COMMISSIONS), DIVISION 15 RELATING TO EMERGENCY SERVICES, SECTION 2-643 - DEFINITIONS

MINUTES: *Finance and Management Services Director Kathryn Downs provided a presentation regarding an Ordinance to Amend Local Emergency Definition.*

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 20, seconded by Councilmember Hernandez.

The motion carried, 7-0, by the following roll call vote:

AYES:	COUNCILMEMBER BACERRA,	COUNCILMEMBER
	HERNANDEZ,	COUNCILMEMBER LOPEZ,
	COUNCILMEMBER PENALOZA,	COUNCILMEMBER
	VAZQUEZ, MAYOR PRO TEM PHAN,	MAYOR AMEZCUA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Status: 7 – 0 – **Pass**

21. Approve Urgency Ordinance No. NS-XXXX of the City Council of the City of Santa Ana, adding Article XXI to Chapter 8 of the Santa Ana Municipal Code (SAMC) Prohibiting Short-Term Rentals (STRs) and for First Reading of an Ordinance Amending the SAMC Adding Article XXI to Chapter 8 of the SAMC Prohibiting Short- Term Rentals

Department(s): Planning and Building Agency

Recommended Action:

1. Adopt an urgency ordinance by two-thirds (2/3 vote) amending the Santa Ana Municipal Code (SAMC) to add Article XXI to Chapter 8 of the SAMC prohibiting Short-Term Rentals.

ORDINANCE NO. NS-3060 entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA PURSUANT TO CHARTER SECTIONS 415 AND 417 ADDING ARTICLE XXI TO CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE PROHIBITING SHORT-TERM RENTALS

2. Approve first reading of an ordinance amending the Santa Ana Municipal Code (SAMC) to add Article XXI to Chapter 8 of the SAMC prohibiting Short-Term Rentals.

ORDINANCE NO. NS-3061 entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADDING ARTICLE XXI TO CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE TO PROHIBIT SHORT-TERM RENTALS

3. Find that, in accordance with the California Environmental Quality Act (CEQA), the proposed action is not subject to the requirements of the California Environmental Quality Act, pursuant to (Guidelines) Section 15060©(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060©(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly and so is not a project.

MINUTES: *Planning and Building Director Minh Thai provided a presentation regarding Short-Term Rental Ordinance.*

Mayor Amezcua asked whether there is a fee charged, noise complaint fees, or regulations related to short-term rentals (STR), and spoke regarding potential regulations and fines, and requested information be brought back.

Director Thai confirmed there is no fee charged and spoke regarding the enforcement process and the proposed ordinance.

Councilmember Penalosa spoke in support of the item and spoke regarding the negative impacts to the community.

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 21, seconded by Councilmember Vazquez.

MINUTES: Councilmember Bacerra spoke in support of the item.

SUBSTITUTE MOTION: Councilmember Bacerra moved to adopt the urgency ordinance, and direct staff to return with an amended Ordinance with limited zones and properties, TOT Agreements, a cap on registered properties, separation requirements, strong enforcement procedures, and a rental registry fee for short-term rentals by the July 16, 2024 City Council meeting, seconded by Mayor Amezcua.

MINUTES: Councilmember Vazquez spoke in support of the item and spoke regarding the negative impacts to the community.

Councilmember Hernandez spoke in support of the item and spoke regarding the negative impacts to the community.

Mayor Pro Tem Phan spoke in support of the item and requested additional information related to limited short-term rentals by the second meeting of July.

Councilmember Lopez spoke regarding regulation of short-term rentals and requested a potential informal AdHoc.

Discussion ensued regarding the status quo of STRs and clarification of the proposed ordinance.

SUBSTITUTE MOTION: Councilmember Bacerra moved to adopt the urgency ordinance, and direct staff to return with an amended Ordinance with limited zones and properties, TOT Agreements, a cap on registered properties, separation requirements, strong enforcement procedures, and a rental registry fee for short-term rentals by the July 16, 2024 City Council meeting, seconded by Mayor Amezcua.

The motion failed, 4-3, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
PENALOZA, MAYOR PRO TEM PHAN, MAYOR AMEZCUA
NOES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER
LOPEZ, COUNCILMEMBER VAZQUEZ
ABSTAIN: NONE
ABSENT: NONE
Status: 4 – 3 – **Fail** (required two-thirds approval)

AMENDED MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 21, as amended to come back to Council within six-months with standards related to short-term rentals, limited zones, transient occupancy tax, cap on property locations, separation requirements, strong enforcement practices and procedures, and rental registry fee for short-term rentals.

Councilmember Vazquez did not second the amended motion.

MOTION: Councilmember Penaloza moved to approve the recommended action for Item No. 21, as amended to come back to Council within six-months with standards related to short-term rentals, limited zones, transient occupancy tax, cap on property locations, separation requirements, strong enforcement practices and procedures, and rental registry fee for short-term rentals, seconded by Mayor Amezcua.

***MINUTES:** Mayor Pro Tem Phan asked for clarification regarding the amended motion related to Rosenberg's Rules related to the motions.*

City Attorney Sonia Carvalho explained Rosenberg's Rules.

SUBSTITUTE MOTION: Councilmember Hernandez moved to approve the recommended action for Item No. 21, seconded by Councilmember Vazquez.

The substitute motion carried 4-3, for recommended action Nos. 2 and 3, by the following roll call vote:

AYES: COUNCILMEMBER HERNANDEZ, COUNCILMEMBER LOPEZ, COUNCILMEMBER PENALOZA, COUNCILMEMBER VAZQUEZ
NOES: COUNCILMEMBER BACERRA, MAYOR PRO TEM PHAN, MAYOR AMEZCUA
ABSTAIN: NONE
ABSENT: NONE
Status: 4 – 3 – **Pass**

***MINUTES:** City Clerk Jennifer L. Hall clarified that the urgency ordinance in recommended action No. 1 did not pass due to lack of a super majority two-thirds (2/3) vote.*

MOTION: Mayor Pro Tem Phan moved to approve recommended action no. 1 for Item No. 21, seconded by Councilmember Vazquez.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER LOPEZ,
COUNCILMEMBER PENALOZA, COUNCILMEMBER
VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
Status: 7 – 0 – **Pass**

22. Youth Commission Informational Report (continued from the meeting of March 19, 2024, Item No. 25)

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

Recommended Action: Accept informational report and provide direction to staff.

MOTION: Mayor Amezcua moved to approve the recommended action for Item No. 22, seconded by Mayor Pro Tem Phan.

MINUTES: *Mayor Amezcua asked whether the Youth Commission has met.*

Parks, Recreation, and Community Services Director Hawk Scott confirmed the Commission has not met and spoke regarding staff recommendations.

Councilmember Lopez proposed the current youth commissioners be removed and new members be appointed, and stated that if the same issue continues, then the Commission should be disbanded.

Councilmember Hernandez echoed previous comments and stated he would like to give the Commission the opportunity to meet.

Councilmember Vazquez spoke in support of a staff-run Youth Advisory Committee.

Mayor Pro Tem Phan proposed the Commission meet four times a year and spoke in support of keeping the Commission as-is.

Councilmember Bacerra asked how many vacancies there are, and requested staff look into different mechanisms for attendance, and have the Council appoint members.

Director Scott spoke regarding the vacancies.

Councilmember Penaloza echoed Councilmember Lopez's comments.

Mayor Amezcua suggested the Commission decide the date and time of their meetings.

Discussion ensued regarding the lack of meetings and report of attendance.

City Clerk Jennifer L. Hall provided clarification regarding the attendance report.

MOTION: Mayor Pro Tem Phan moved to approve the recommended action for Item No. 22 and continue the Youth Commission as-is, seconded by Mayor Amezcua.

The motion carried, 7-0, by the following roll call vote:

AYES: COUNCILMEMBER BACERRA, COUNCILMEMBER
HERNANDEZ, COUNCILMEMBER LOPEZ,
COUNCILMEMBER PENALOZA, COUNCILMEMBER
VAZQUEZ, MAYOR PRO TEM PHAN, MAYOR AMEZCUA
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE
Status: 7 - 0 – Pass

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

PUBLIC HEARINGS

23. Amendment Application (Zone Change) No. 2024-01 to Amend the Zoning Map District Designation for the Properties Located at 2101 and 2109 E. Santa Clara Avenue

Legal Notice published in the OC Reporter on March 20, 2024.

Department(s): Planning and Building Agency

Recommended Action:

1. Approve the introduction and first reading of an ordinance approving Amendment Application (Zone Change) No. 2024-01.

ORDINANCE NO. NS-XXXX entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AMENDMENT APPLICATION NO. 2024-01 AMENDING THE ZONING FOR THE PROPERTIES LOCATED AT 2101 AND 2109 E. SANTA CLARA AVENUE (APN: 396-261-26 AND 396-261-38) FROM GENERAL AGRICULTURAL (A1) TO ARTERIAL COMMERCIAL (C5)

2. Approve and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (SCH No. 2024010298), Environmental Review No. 2023-16, prepared for the project, in accordance with the California Environmental Quality Act (CEQA).

MINUTES: Councilmember Lopez stated a Conflict Pursuant to Government Code Section 84308 and left the dais at 10:38 P.M.

Planning and Building Director Minh Thai gave a presentation regarding Amendment Application No. 2024-01 and provided clarification regarding the process.

Mayor Amezcua opened the Public Hearing at 10:45 P.M.

The following speakers addressed City Council in-person:

1. *Nick Kreuter, Applicant, spoke in support of the item and provided information about the project.*
2. *Troy Stephenson, Applicant, spoke in support of the item.*
3. *Jonathan T. spoke in opposition to the item.*
4. *Mary Lou Branch spoke in opposition to the item.*
5. *Fran Needham spoke in opposition to the item.*
6. *Winston R. Covington spoke in opposition to the item.*
7. *Barbara George spoke in opposition to the item.*
8. *Roger Shortall spoke in opposition to the item.*
9. *Paige Gosney, Legal Counsel for the Applicant, stated he would like to formally withdraw the application.*

City Attorney Sonia Carvalho announced the public hearing is no longer required as the applicant has withdrawn their application and clarified that the contingency for the conditional use permit will not take effect.

Mayor Amezcua asked for clarification regarding the development of the McDonalds.

Director Thai clarified there would not be a development of a McDonalds at the location at this time.

With the applicants withdrawal, Mayor Amezcua closed the Public Hearing at 11:07 P.M.

****END OF PUBLIC HEARINGS****

Councilmember Lopez returned to the dais at 11:07 P.M.

RECESS

MINUTES: *Mayor Amezcua recessed the City Council meeting to consider the Housing Authority Agenda at 11:07 P.M.*

RECONVENE

MINUTES: *Mayor Amezcua reconvened the City Council meeting at 11:10 P.M.*

CITY MANAGER COMMENTS

MINUTES: *None.*

COUNCIL COMMENTS

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

MINUTES: *Councilmember Hernandez thanked Acting City Manager Alvaro Nunez, spoke in support of Juneteenth, and adjourned the meeting in memory of Otoniel Tarin and Vicky Sarmiento. He left the meeting at 11:17 P.M.*

Councilmember Vazquez thanked the Parks, Recreation, and Community Services Department for their hard work at community events this weekend and spoke regarding SAUSD's new recognition.

Councilmember Lopez thanked everyone for their public comments, announced the Fisher Park – Budget Meeting and park clean-up, congratulated Corazon Coffee Bar's one-year anniversary, adjourned the meeting in honor of Vicky Sarmiento, and extended her condolences to the Sarmiento family.

Councilmember Penaloza closed in memory of Paula Faccou.

Councilmember Bacerra congratulating Acting City Manager Alvaro Nunez, spoke regarding Agenda Item No. 11 and the needle exchange program, and closed in memory of Glen Stoud.

Mayor Pro Tem Phan announced the City won the best tasting water competition and invited all to attend the Community Resources and Health Fair on April 13, 2024 at 9:00 A.M. – 1:00 P.M. at Centennial Park.

Mayor Amezcua thanked Southwest Carpenters for their volunteering services, requested an update on the needle exchange program, thanked the Parks, Recreation, and Community Services Department for their hard work and efforts, and expressed condolences to the Alvarado family and District Security Officer Anthony Garcia.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: Mayor Amezcua adjourned the City Council Meeting in memory of Otoniel Tarin, Vicky Sarmiento, Paula Faccou, Glen Stroud, and Anthony Garcia at 11:32 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk