

9. Minutes from the Regular Meeting of April 16, 2024 and the Special Meeting of April 20, 2024

Department(s):

Recommended Action: Approve minutes.

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



April 16, 2024

CLOSED SESSION MEETING – 4:30 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 4:39 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 Nuñez
	City Attorney	Sonia R. Carvalho
	City Clerk	Jennifer L. Hall

ROLL CALL

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

Councilmembers Hernandez and Vazquez, Mayor Pro Tem Phan, and Mayor Amezcua were present. Councilmembers Bacerra, Lopez, and Penaloza 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 4:40 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. **LIABILITY CLAIM pursuant to Government Code Section 54956.95:**
Claimant: Alan Berg [Workers' Compensation Claim]
2. **CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION pursuant to Paragraph (1) of subdivision (d) of Section 54956.9 of the Government Code:**
Heather Heider v. City of Santa Ana, Orange County Superior Court Case No. 30-2019-01055281-CU-OE-CJC
3. **PUBLIC EMPLOYEE EVALUATION pursuant to Section 54957(b)(1) of the Government Code:**
Title: City Clerk
4. **CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.63(a):**
Agency Designated Representative: Lori Schnaider, Acting Executive Director of Human Resources
Unrepresented Employee: City Clerk

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 6:04 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

Councilmember Penaloza

WORDS OF INSPIRATION

Police Chaplain Bob Barnett

ADDITIONS\DELETIONS TO THE AGENDA

MINUTES: City Clerk Jennifer L. Hall announced revisions to the agenda on Ceremonial Presentation Item No. 2 and the withdrawal of Agenda Item No. 7.

CEREMONIAL PRESENTATIONS

- 1. Certificate of Recognition presented by Mayor Amezcua to Ivy Nguyen for Outstanding Acts of Heroism**

MINUTES: Mayor Amezcua presented a certificate of recognition to Ivy Nguyen for outstanding acts of heroism.

Dr. Vikki Shepp, Girl Scouts CEO of Orange County, presented Ivy Nguyen with the Medal of Honor for her first aid training in saving a life.

2. Proclamation presented by Mayor Pro Tem Phan declaring April 30 as Black April

MINUTES: Mayor Pro Tem Phan presented a proclamation to Tram Le declaring April 30 as Black April.

3. Proclamation presented by Councilmember Bacerra to the Orange County Fire Authority declaring May 4, 2024 as International Firefighters' Day

MINUTES: Councilmember Bacerra presented a proclamation to the Orange County Fire Authority declaring May 4, 2024 as International Firefighters' Day.

4. Proclamation presented by Councilmember Hernandez to Southern California Coalition for Occupational Safety & Health declaring April 28, 2024 as Workers' Memorial Day

MINUTES: Councilmember Hernandez presented a proclamation to the Southern California Coalition for Occupation Safety & Health declaring April 28, 2024 as Workers' Memorial Day.

5. Proclamation presented by Councilmember Lopez to OC Habitats declaring April 22, 2024 as Earth Day

MINUTES: Councilmember Lopez presented a proclamation to OC Habitats declaring April 22, 2024 as Earth Day.

6. Proclamation presented by Councilmember Vazquez to Latino Health Access declaring April 2024 as National Child Abuse Prevention Month

MINUTES: Councilmember Vazquez presented a proclamation to Latino Health Access declaring April 2024 as National Child Abuse Prevention Month.

STAFF PRESENTATIONS

7. ACC-OC Presentation

MINUTES: Agenda Item No. 7 withdrawn. No presentation made.

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

MINUTES: Chief Assistant City Attorney Laura Rossini announced reportable action on Closed Session Agenda Item No. 1: 6-0 vote (Councilmember Lopez absent) to approve settlement in the amount of \$153,017.12.

City Clerk Jennifer L. Hall announced that 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. Uriel Chavez (translation: Spanish) expressed concern regarding rules and regulations related to sport programs.*
- 2. Tomas Fernandez expressed concern regarding rules and regulations related to sport programs and submitted documents.*
- 3. Jorge Rodriguez (translation: Spanish) expressed concern regarding rules and regulations related to sport programs.*
- 4. Wellington Bennett spoke regarding Agenda Item No. 29.*
- 5. Lawna Munholland expressed concern regarding the timeframe of approval of the redevelopment of Metro Town Center due to the Related Bristol Project and submitted documents*
- 6. Janet Brown spoke in support of Agenda Item No. 27 and submitted documents.*
- 7. Joe Andrade spoke regarding Agenda Item No. 28.*
- 8. Jeffrey J. Jensen spoke regarding parking meters in downtown Santa Ana.*
- 9. Larry Marshburn spoke regarding the Related Bristol Project.*
- 10. Lisa Magana expressed concern regarding semi-trucks at Logan and Stafford.*
- 11. Yadira Carreon (translation: Spanish) spoke in support of Agenda Item No. 25.*
- 12. Cenorino Gomez (translation: Spanish) spoke in support of Agenda Item No. 25.*
- 13. Maria Gamez (translation: Spanish) spoke in support of Agenda Item No. 25.*
- 14. Oscar Gamero (translation: Spanish) spoke in support of Agenda Item No. 25.*
- 15. Elizabeth Galindo (translation: Spanish) spoke in support of Agenda Item No. 25.*
- 16. Rev. Wesley Menke (translation: Spanish) spoke in opposition to Agenda Item No. 25.*
- 17. Ana Gomez spoke in opposition to Agenda Item No. 25.*

18. *Mario Alvarado (translation: Spanish) spoke in support of Agenda Item No. 27.*
19. *Richard Austin spoke regarding Agenda Item No. 25.*
20. *Ruben Hernandez spoke in support of Agenda Item No. 27.*
21. *Jonah Breslau spoke in support of Agenda Item No. 25.*
22. *Michael Andrade spoke regarding Agenda Item No. 28.*
23. *Hung Huynh spoke in opposition to Agenda Item No. 25.*
24. *Miguel Bautista spoke in support of Agenda Item No. 25.*
25. *Susana Cruz (translation: Spanish) spoke in support of Agenda Item No. 27.*
26. *Elliot Lewis spoke regarding collecting cannabis tax.*
27. *John Ramirez spoke in support of Agenda Item No. 27.*
28. *Shedrick Collins spoke regarding Agenda Item No. 29.*
29. *Elvia Espinoza spoke in support of Agenda Item No. 25.*
30. *Ruby Rivera spoke in support of Agenda Item No. 27.*
31. *Renee Hernandez spoke in support of Agenda Item No. 27.*
32. *Lizette Arechiga spoke in support of Agenda Item No. 27.*
33. *Danny Vega spoke in support of Agenda Item No. 27 and submitted documents.*
34. *John Kachirisky spoke in support of Agenda Item No. 27.*
35. *Chuck Elms spoke in support of Agenda Item No. 27.*
36. *Monica Suter spoke in support of Agenda Item No. 27.*
37. *Dale Helvig spoke in support of Agenda Item No. 27.*
- The following speakers addressed City Council via teleconference:*
38. *Caller 136 (translation: Spanish) spoke in opposition to Agenda Item No. 27.*
39. *Natalie Dempster spoke in support of Agenda Item No. 27.*
40. *David Carbajal spoke in opposition to Agenda Item No. 27.*

City Clerk Jennifer L. Hall reported out the summary of email comments received: one (1) Agenda Item No. 23, four (4) Agenda Item No. 25, 26 Agenda Item No. 27, 29 Agenda Item No. 29, and 12 non-agenda comments.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 8 through 26 and waive reading of all resolutions and ordinances.

MINUTES: At 8:35 P.M., the Consent Calendar was considered.

Councilmember Lopez pulled Agenda Item No. 12 for separate discussion and consideration.

Councilmember Hernandez stated he would like to comment on Agenda Item Nos 20 and 24.

Councilmember Bacerra pulled Agenda Item Nos. 21 and 23 for separate discussion and consideration.

Councilmember Phan recused herself from Agenda Item No. 21 as the listed entity, City of Irvine is a client of her employer, Rutan and Tucker.

Mayor Amezcua pulled Agenda Item Nos. 21 and 22 for separate discussion and consideration and reported a no vote on Agenda Item No. 25.

MOTION: Councilmember Penaloza moved to approve Consent Calendar Item Nos. 8 through 26 with the exception of Agenda Item Nos. 12, 21, 22, and 23 pulled for separate discussion and consideration, 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	

8. Excused Absences

Department(s): City Clerk's Office

Recommended Action: Excuse the absent members.

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

Department(s): City Clerk's Office

Recommended Action: Approve minutes.

10. Appoint Esperanza Martinez Nominated by Councilmember Lopez as a Mobilehome Tenant Representative to the Rental Housing Board for a Full Term Expiring in 2027

Department(s): City Clerk's Office

Recommended Action: Appoint Esperanza Martinez to the Rental Housing Board as a Mobilehome Tenant Representative and administer the Oath of Office. *(Pursuant to SAMC Sec. 2-326(a), requires five affirmative votes)*

MINUTES: *City Clerk Jennifer L. Hall administered the Oath of Office to Esperanza Martinez.*

11. Appoint Ignacio Rincon Nominated by Mayor Pro Tem Phan as the Ward 1 Representative to the Historic Resources Commission for a Partial-Term Expiring in December 10, 2024

Department(s): City Clerk's Office

Recommended Action: Appoint Ignacio Rincon to the Historic Resources Commission as the Ward 1 representative and administer the Oath of Office. *(Pursuant to SAMC Sec. 2-326(a), requires five affirmative votes)*

MINUTES: *City Clerk Jennifer L. Hall administered the Oath of Office to Ignacio Rincon.*

AGENDA ITEM NO. 12 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

12. Appropriation Adjustment and Capital Improvement Project Amendment for Memory Lane and Flower Street Bikeway and Traffic Calming (Project No. 23-6029)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment to recognize Traffic System Management Grant funds in the amount of \$450,000 in the State Grant-Direct revenue account, and appropriate the same amount to the Active

Transportation Program, Improvements Other than Buildings expenditure account. *(Requires five affirmative votes)*

2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Project to include \$450,000 of funding to the Memory Lane and Flower Street Bikeway and Traffic Calming (Project No. 23-6029) ATPL-5063(217).

MINUTES: Councilmember Lopez thanked City staff and residents for their hard work, input, and patience and expressed excitement for the project.

Mayor Amezcua thanked City staff for their hard work and expressed excitement for the project.

MOTION: Councilmember Lopez moved to approve the recommended action for Item No. 12, 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	

13. Appropriation Adjustment and Capital Improvement Project Amendment for the Bus Stop Improvement Project (Project No. 24-6985) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment recognizing \$398,000 in Clean California Local Grant Program grant funds in the Select Street Construction, State Grant-Direct revenue account, and appropriate the same amount into the Select Street Construction, Improvements Other than Buildings expenditure account. *(Requires five affirmative votes)*

2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Project to include \$398,000 of funding to the Bus Stop Improvement Project (Project No. 24-6985).

14. Appropriation Adjustments and Capital Improvement Project Amendments for the Santa Ana Zoo Stormwater Capture and Diversion Project (Project No. 24-6604) and the New Washington Well Project (Project No. 19-6423) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment to recognize \$2,603,525 in Proposition 1 Integrated Regional Water Management (IRWM) grant funds from the California Department of Water Resources into the Miscellaneous Revenue, State Grants-Indirect Revenue Account and appropriate the same amount into the Proposition 1 Integrated Regional Water Management Program, Improvements Other than Buildings expenditure account. *(Requires five affirmative votes)*

2. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$2,603,525 of funding from the Department of Water Resources Proposition 1 Integrated Regional Water Management Grant Program for the Santa Ana Zoo Stormwater Capture and Diversion Project.

3. Approve an appropriation adjustment to recognize \$3,394,743 in Prop 1 IRWM Grant Funds from the California Department of Water Resources into the Miscellaneous Revenue, State Grants-Indirect Revenue Account and appropriate the same amount into the Proposition 1 Integrated Regional Water Management Program, Improvements Other than Buildings expenditure account. *(Requires five affirmative votes)*

4. Approve an amendment to the Fiscal Year 2023-24 Capital Improvement Program to include \$3,394,743 of funding from the Department of Water Resources Proposition 1 Integrated Regional Water Management Grant Program for the New Washington Well Project.

15. Blanket Order Contract to US Gain, a Division of US Venture Inc., for Compressed Natural Gas Fueling Services (Spec No. 24-049) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award Blanket Order Contract to US Gain, a Division of US Venture Inc., for compressed natural gas fueling services, in amount not to exceed \$240,000, on an as-needed basis, for an initial one-year term beginning April 16, 2024 and expiring April 15, 2025, with provisions for one, one-year renewal option.

16. Aggregate Blanket Order Contracts to Famcon Pipe & Supply, Inc. and Core & Main for Manhole Covers, Water Valves, and Covers in an Aggregate Amount Not to Exceed \$1,235,000 (Specification No. 24-019) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Award aggregate blanket order contracts to Famcon Pipe & Supply, Inc. and Core & Main for the purchase of manhole covers, water valves, and covers on an as-needed basis in an aggregate amount not to exceed \$1,235,000, for a two-year term beginning April 16, 2024 and expiring April 15, 2026, with provisions for three, one-year renewal options.

17. Purchase Order to Southern Bleacher Company, Inc. for the Purchase and Installation of Bleacher Seating in an Amount Not to Exceed \$549,214 (Specification No. 24-045) (General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize a one-time purchase and payment of a purchase order to Southern Bleacher Company, Inc. for bleacher seating and corresponding installation services for the Santa Ana Stadium in the amount of \$499,285, plus a contingency amount of \$49,929, for a total amount not to exceed \$549,214.

18. Amendment to Agreement with Mark Thomas & Company for Grant Writing Services (Project No. 22-6899 & 24-6899) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute the first amendment to the agreement with Mark Thomas & Company, Inc. for grant writing services for the Santa Ana Boulevard Grade Separation in the amount of \$69,654, with a contingency amount of \$10,346, for a new total agreement amount of \$330,000 (**Agreement No. A-2024-044**).

19. Site License Agreement with Pacific Coast Shuttles, LLC, dba Futura Bus Net, Inc., to allow for Sublicense Agreement with Ohana Shuttles, LLC for Bus Passenger Services at the Santa Ana Regional Transportation Center

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to amend the site license agreement with Pacific Coast Shuttles, LLC, dba Futura Bus Net, Inc., to allow for a sub-license agreement with Ohana Shuttles, LLC to compensate the City \$1,500 per month for the rental of one bus bay for bus passenger services at the Santa Ana Regional Transportation Center, for a one-year term beginning May 1, 2024 and ending April 30, 2025, with the option for three, one-year renewal periods (**Agreement No. 2024-045**).

20. Amend Agreement with LOC Architects to Increase the Design Services for the Santa Ana Zoo Educational Hub Building Project (Project No. 23-2601)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a first amendment to the consultant agreement with LOC Architects for design services for the Santa Ana Zoo Educational Hub Project (Project No. 23-2601) to increase the amount by \$123,400, for a total amount not to exceed \$508,520 (**Agreement No. A-2024-046**).

MINUTES: Councilmember Hernandez highlighted the tremendous work for the Santa Ana Zoo and thanked City staff and colleagues.

AGENDA ITEM NO. 21 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

21. Memorandum of Understanding for the Master Plan of Arterial Highways with the Orange County Transportation Authority and the City of Irvine

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute a Memorandum of Understanding for the Master Plan of Arterial Highways Amendment with the Orange County Transportation Authority and the City of Irvine (**Agreement No. A-2024-XXX**).

MINUTES: Councilmember Phan recused herself from Agenda Item No. 21 as the listed entity, City of Irvine, is a client of her employer, Rutan and Tucker and left the dais at 8:45 P.M.

Mayor Amezcua asked for clarification regarding the amount the City of Irvine will be paying.

Public Works Director Nabil Saba stated the City of Irvine would pay an estimate of \$37,000 for the intersection of Flower and Segerstrom and \$45,000 for the intersection of Flower and MacArthur and spoke regarding the total cost.

Councilmember Bacerra spoke regarding the mitigation of the intersections and expressed concern regarding the impacts to the community.

MOTION: Councilmember Bacerra moved to table Agenda Item No. 21 and direct staff to work with OCTA and the City of Irvine related to amending the mitigation measures, seconded by Councilmember Penaloza.

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**

AGENDA ITEM NO. 22 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

22. Award a Construction Contract to Fleming Environmental, Inc. for the Fire Station 75 Fuel System Replacement (Project No. 22-6020) (General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Award a construction contract to Fleming Environmental, Inc. in accordance with the base bid in the amount of \$584,667, subject to change orders (not to exceed 25% of the base bid amount) in accordance with the Greenbook: Standard Specifications for Public Works Construction, for fuel system replacement at Fire Station 75 for the term beginning upon execution of the contract and ending upon project completion, and authorize the City Manager to execute the contract.

2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$818,534, which includes \$584,667 for the construction contract, \$87,700 for contract administration, inspection, and testing, and a \$146,167 project contingency for unanticipated or unforeseen work.

3. Approve an amendment to the FY 2023-24 Capital Improvement Program to include \$818,534 in construction funding approved in FY 2021-22 and 2022-23 proposed budget for the Fire Station.

4. Determine that, pursuant to the California Environmental Quality Act, the recommended actions are exempt from further review. Categorical Exemption Environmental Review No. ER-2024-14 was filed for project 22-6020.

MINUTES: *Mayor Pro Tem Phan returned to the dais at 8:50 P.M.*

Mayor Amezcua asked for clarification regarding the reduction of diesel and the benefits to the community.

Public Works Director Nabil Saba spoke regarding the scope of work and the request by Orange County Fire Authority.

Orange County Fire Authority Division Chief James Henery spoke regarding the scope of work.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 22, seconded by Councilmember Hernandez.

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

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

AGENDA ITEM NO. 23 WAS PULLED FOR SEPARATE DISCUSSION AND CONSIDERATION

23. Amendment to the Agreement with Protection America Inc. to Provide Security Services at Transportation Drop-Off and Pick-Up Locations Used for Santa Ana Navigation Center Guests

Department(s): Community Development Agency

Recommended Action: Authorize the City Manager to execute a first amendment to the agreement with Protection America Inc. to provide security services at the drop-off and pick-up locations used by the Santa Ana Navigation Center to extend the term until June 30, 2025 and to add an additional \$117,308, for a total amount not to exceed \$167,308 (**Agreement No. A-2024-047**).

MINUTES: Councilmember Bacerra asked for clarification regarding the shuttle servicing locations and spoke regarding the security at the train station.

Community Development Director Michael Garcia spoke regarding the locations the shuttle would service and stated the amendment does not cover the security.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 23, 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

24. First Amendment with Patrol Solutions, LLC for Event Security Services at City Events to Update the Rates and Amend Compensation Terms from Annual Amounts to Total Not to Exceed Amount of \$450,000 for the Entirety of the Agreement

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

Recommended Action: Authorize the City Manager to execute a first amendment to the agreement with Patrol Solutions, LLC for event security services at City Events to update the rates and amend the compensation terms from annual amounts to total not to exceed amount of \$450,000 for the entirety of the agreement (**Agreement No. A-2024-048**).

MINUTES: *Councilmember Hernandez spoke in support of the item.*

Mayor Amezcua spoke in support of the item and regarding the need for police presence.

Councilmember Bacerra stated he does not want to handcuff the Police Department.

Councilmember Lopez stated she would like the company to be more involved.

25. Ordinance Amending the Santa Ana Municipal Code (SAMC) to add Article XXI to Chapter 8 of the SAMC prohibiting Short-Term Rentals (Second Reading)

Legal notice was published in the OC Reporter on April 10, 2024.

Department(s): Planning and Building Agency

Recommended Action: Conduct a second reading of and adopt 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, CALIFORNIA, ADDING ARTICLE XXI TO CHAPTER 8 OF THE SANTA ANA MUNICIPAL CODE PROHIBITING SHORT-TERM RENTALS

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 25 as part of the Consent Calendar, seconded by Councilmember Hernandez.

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

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

26. Adopt an Ordinance of the City Council of The City of Santa Ana 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 (Second Reading)

Legal notice was published in the OC Reporter on April 10, 2024.

Department(s): Finance and Management Services

Recommended Action: Conduct a second reading and adopt 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

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

BUSINESS CALENDAR

MINUTES: At 8:59 P.M., the Business Calendar was considered.

27. Resolution of the City Council of the City of Santa Ana Announcing Its Strenuous Opposition to the Establishment of a Needle Exchange Program in the City

Department(s): City Manager's Office

Recommended Action: Adopt a Resolution opposing the establishment of a needle exchange program in the City of Santa Ana as proposed by the Harm Reduction Institute's application to the California Department of Public Health.

RESOLUTION NO. 2024-010 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ANNOUNCING ITS STRENUOUS OPPOSITION TO THE ESTABLISHMENT OF A NEEDLE EXCHANGE PROGRAM IN THE CITY

MINUTES: Homeless Liaison Kenneth Gominsky provided a presentation regarding the resolution opposing the establishment of a Needle Exchange Program in the City.

Mayor Amezcua stated there were Neighborhood Association meetings discussing the opposition of the Needle Exchange Program and various letters in opposition of the program. She thanked City staff for their presentation and spoke in support of the item.

Councilmember Vazquez spoke in support of the item.

Councilmember Bacerra spoke regarding the proposed Needle Exchange Program and spoke in support of the item.

Councilmember Hernandez spoke in support of item.

Councilmember Lopez expressed concern regarding the Needle Exchange Program and spoke in support of the item.

Councilmember Penaloza thanked all those who spoke in support of the item, expressed concern regarding the Needle Exchange Program, and spoke in support of the item.

Mayor Pro Tem Phan expressed concern regarding the Needle Exchange Program and spoke in support of the item.

Discussion ensued regarding meaningful consultation, template letters, and resident involvement.

MOTION: Mayor Amezcua moved to approve the recommended action for Item No. 27, seconded by Councilmember Penaloza.

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**

28. Urgency Interim Ordinance Pursuant to Section 65858(a) of the California Government Code Adopting a 45-day Moratorium on the Approval, Commencement, Establishment, Relocation or Expansion of Industrial Uses within Specific Development No. 84

(A copy of the full text of the proposed urgency ordinance is available for review in the City Clerk's Office)

Department(s): Planning and Building Agency

Recommended Action: 1. Adopt an urgency ordinance by four-fifths (4/5) vote, pursuant to California Government Code Section 65858(a), adopting a 45-day moratorium on the approval, commencement, establishment, relocation or expansion of industrial uses within Specific Development No. 84 zoning district.

ORDINANCE NO. NS-3063 entitled AN URGENCY INTERIM ORDINANCE OF THE CITY OF SANTA ANA PURSUANT TO GOVERNMENT CODE SECTION 65858 ADOPTING A 45-DAY MORATORIUM ON THE APPROVAL, COMMENCEMENT, ESTABLISHMENT, RELOCATION OR EXPANSION OF INDUSTRIAL USES WITHIN SPECIFIC DEVELOPMENT NO. 84 ZONING DISTRICT

2. 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(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and 15060(c)(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 Manager Ali P Pezeshkpour provided a presentation regarding the Transit Zoning Code 45-Day Moratorium.*

Councilmember Bacerra spoke in support of the item.

Councilmember Penaloza spoke in support of the item.

Councilmember Hernandez spoke in support of the item.

Councilmember Lopez thanked staff for the presentation and spoke in support of the item.

Mayor Amezcua spoke in support of the item.

MOTION: Councilmember Bacerra moved to approve the recommended action for Item No. 28, seconded by Councilmember Penaloza.

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****

COUNCILMEMBER REQUESTED ITEMS

29. Discuss and Consider Providing Direction to the City Manager Regarding the Santa Ana, Juneteenth Festival Being Led by the Orange County Heritage Council (OCHC) – Councilmember Hernandez

MINUTES: Councilmember Hernandez spoke regarding the history of Juneteenth and requested a report on the Juneteenth event with an option for it to be a City sponsored event.

Mayor Amezcua asked for clarification regarding the Request for Proposal (RFP) process regarding the Juneteenth event.

Acting City Manager Alvaro Nuñez stated there was an RFP process and a contractual agreement with an organization related to this year's Juneteenth event.

Mayor Pro Tem Phan asked for clarification regarding Councilmember Hernandez's request and organizations contacted regarding the RFP. She spoke regarding transparency and treating everyone fairly.

Councilmember Hernandez clarified the request is not for this year's Juneteenth event and requested a report on the Juneteenth event committing the City to have OCHC be the lead sole/partner with an option for it to be a City-sponsored event for the future.

Acting City Manager Nuñez spoke regarding the RFP process and stated OCHC did not submit an application for this year's Juneteenth event.

Discussion ensued regarding the RFP process and the future report related to Juneteenth event.

CITY MANAGER COMMENTS

MINUTES: Acting City Manager Álvaro Nuñez thanked the Mayor and City Council for their actions on Agenda Item Nos. 27 and 28.

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 Vazquez spoke regarding various City events for the month of April, and thanked Mayor Pro Tem Phan and Supervisor Sarmiento for the Resource Fair and beautification of the flood control channel.*

Councilmember Lopez announced her office hours at Park Santiago on April 20, 2024 and wished everyone Happy Cinco de Mayo.

Councilmember Penaloza congratulated the Community Development Division on the Affordable Housing Award.

Councilmember Hernandez thanked City staff for their hard work and efforts, residents for sharing their concerns, and Councilmembers Vazquez and Lopez and Supervisor Sarmiento for the unveiling of Casa Bonita Neighborhood Park.

Councilmember Bacerra thanked his colleagues for the united front related to the needle exchange program and staff for the ground breaking ceremony at George Upton Park, announced his monthly community office hours on Saturday, May 4, 2024 at 10:00 A.M. via zoom, and closed in memory of Santa Ana College Baseball Coach Don Sneddon.

Mayor Pro Tem Phan spoke regarding Youth Forum at Los Amigos High School and the Resource Fair, thanked those who assisted residents at the event, and announced April 24, 2024 as Denim Day and May 1, 2024 at Santa Ana College from 5:00 to 8:00 P.M. the Ward 1 team and Santa Ana College will hold a law panel for high schoolers and college students interested in becoming attorneys.

Mayor Amezcua announced a Special City Council meeting on April 20, 2024, requested street medicine from OC Supervisor Sarmiento, briefly spoke regarding the Needle Exchange Program, requested staff promote the first-time home buyers program, spoke regarding a Coffee with the Mayor event, and requested a traffic fatality reduction study.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: *Mayor Amezcua adjourned the City Council Meeting in memory of Don Sneddon at 10:49 P.M.*

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk

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



April 20, 2024

CLOSED SESSION MEETING – 8:00 A.M.

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 8:03 A.M.*

ATTENDANCE

Council Members

Phil Bacerra

Johnathan Ryan Hernandez

Jessie Lopez

David Penalosa

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 Bacerra, Penalosa, and Vazquez, and Mayor Amezcua were present. Mayor Pro Tem Phan and Councilmember Lopez joined the meeting during Closed Session.

Councilmember Hernandez was absent.

PLEDGE OF ALLEGIANCE

Patrick Strader

ADDITIONS\DELETIONS TO CLOSED SESSION

MINUTES: None.

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

MINUTES: None.

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 8:06 A.M. Following a brief recess, consideration of Closed Session items commenced at 8:25 A.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. PUBLIC EMPLOYEE EMPLOYMENT/APPOINTMENT pursuant to Government Section 54957(b)(1)**
Title: City Manager
- 2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to California Government Code Section 54957.6(a)**
Agency Designated Representative: City Attorney
Unrepresented Employee: City Manager

CLOSED SESSION REPORT – Reportable action is not anticipated so there will not be a report out of Closed Session.

MINUTES: None.

ADJOURNMENT – Adjourn the City Council meeting.

MINUTES: City Clerk Jennifer L. Hall adjourned the City Council Meeting at 4:32 P.M.

Respectfully submitted:

Jennifer L. Hall, CMC
City Clerk