

City Council Meeting Agenda

October 19, 2021

SPECIAL CLOSED SESSION MEETING – 4:00 PM

REGULAR OPEN MEETING – 5:45 PM

(Immediately following the Closed Session Meeting)

CITY COUNCIL CHAMBER

22 Civic Center Plaza Santa Ana, CA 92701



Vicente Sarmiento
Mayor

Thai Viet Phan
Councilmember – Ward 1

David Penaloza
Mayor Pro Tem - Ward 2

Jessie Lopez
Councilmember - Ward 3

Phil Bacerra
Councilmember - Ward 4

Johnathan Ryan Hernandez
Councilmember - Ward 5

Nelida Mendoza
Councilmember - Ward 6

Mayor and Council telephone: 714-647-6900
Agenda item inquiries: 714-647-6520

Sonia R. Carvalho
City Attorney

Kristine Ridge
City Manager

Daisy Gomez
Clerk of the Council



In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate in this Meeting, contact Michael Ortiz, City ADA Program Coordinator, at (714) 647-5624. Notification 48 hours prior to the Meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City Council agenda and supporting documentation can be found on the City's website – www.santa-ana.org/city-meetings.

CITY VISION AND CODE OF ETHICS

The City of Santa Ana is committed to achieving a shared vision for the organization and its community. The Vision, Mission and Guiding Principles (Values) are the result of a thoughtful and inclusive process designed to set the City and organization on a course that meets the challenges of today and tomorrow, as follows:

Vision - The dynamic center of Orange County which is acclaimed for our: Investment in youth • Safe and healthy community • Neighborhood pride • Thriving economic climate • Enriched and diverse culture • Quality government services

Mission - To deliver efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents.

Guiding Principles - Collaboration • Efficiency • Equity • Excellence • Fiscal Responsibility • Innovation • Transparency

Code of Ethics and Conduct - At the Special Municipal Election held on February 5, 2008, voters approved an amendment to the City Charter which established the Code of Ethics and Conduct for elected officials and members of appointed boards, commissions, and committees to assure public confidence. The following are the core values expressed: • *Integrity • Honesty • Responsibility • Fairness • Accountability • Respect • Efficiency*

Members of the public may attend the City Council meeting in-person or join via Zoom. The City Council meeting will occur live via teleconference Zoom webinar. You may view the meeting from your computer, tablet or smart phone via YouTube LiveStream at www.youtube.com/user/SantaAnaLibrary or on CTV3, available on Spectrum channel 3 and AT&T U-verse channel 99.

PUBLIC COMMENTS – Members of the public who wish to address the City Council on closed session items, items on the regular agenda or on matters which are not on the agenda, but are within the subject matter jurisdiction of the City Council may do so by one of the following ways:

- **MAILING OPTION** written communications – Public comments may be mailed to: Office of the Clerk of the Council, 20 Civic Center Plaza M-30, Santa Ana, CA 92701. All written communications received via mail by 3:00 p.m. on the day of the meeting will be distributed to the City Council and imaged into the City’s document archive system which is available for public review.
- **SENDING E-MAIL OPTION** – Public comments may be sent via email to the City Clerk’s office at eComment@santa-ana.org. Please note the agenda item you are commenting on in the subject line of the email. All emails received before 3:00 p.m. on the day of the meeting will be distributed to the City Council and imaged into the City’s document archive system which is available for public review.
- **LIVE VIRTUAL OPTION** – Members of the public may provide live comments during the meeting by Zoom or Conference Call. To join by Zoom click on or type the following address into your web browser <https://us02web.zoom.us/j/315965149>. To join the Conference Call: Dial (669) 900-9128 and enter MEETING ID: 315 965 149#. You will be prompted by the City Clerk when it is time for a: i) closed session item, ii) general agenda item, iii) public hearing item, iv) special agenda item, or v) for Housing Authority item. You may request to speak by dialing *9 from your phone or you may virtually raise your hand from Zoom. After the Clerk confirms the last three digits of the caller’s phone number or Zoom ID and unmutes them, the caller must press *6 or microphone icon to speak. Callers are encouraged, but not required, to identify themselves by name. Each caller will be provided three (3) minutes to speak, unless due to the number of speakers wanting to speak a decision is made to provide a different amount of time to speak.
- **IN-PERSON OPTION** - Members of the public can provide in-person comments at the podium in the Council Chamber. The Council Chamber will have seating available for members of the public to attend the meeting in-person. Face coverings are optional for members of the public who enter City buildings who have been vaccinated against COVID-19. Public comments are limited to three (3) minutes per speaker, unless a different time is announced by the presiding chair. Speakers who wish to address the Council **must do so by submitting a “Request to Speak” card as early as 3:45 p.m.** for Special Closed Session items and **before 6:00 p.m.** for all other ***designated public comment periods*** as listed below.

The following designated public comment periods are:



1. LIVE PUBLIC COMMENTS ON SPECIAL CLOSED SESSION ITEMS – You can provide live comments on closed session items by joining Zoom or the Conference Call as described in the **LIVE or IN-PERSON PUBLIC COMMENTS OPTION** above. Speaker queue will open at 3:30 p.m. PLEASE JOIN ZOOM OR THE CONFERENCE CALL BY 4:00 p.m.

2. LIVE PUBLIC COMMENTS ON REGULAR AGENDA ITEMS AND NON-AGENDA ITEMS (GENERAL PUBLIC COMMENT) – You can provide comments by joining Zoom or the Conference Call as described in the **LIVE or IN-PERSON PUBLIC COMMENTS OPTION** above. Speaker queue will open at 4:30 p.m. PLEASE JOIN ZOOM OR THE CONFERENCE CALL PRIOR TO **6:00 p.m.**

3. LIVE PUBLIC COMMENTS ON PUBLIC HEARING ITEMS – You can provide comments by joining Zoom or the Conference Call as described in the **LIVE or IN-PERSON PUBLIC COMMENTS OPTION** above.

NOTE: Redistricting Public Hearing Item #22 will be heard at 7:00 p.m.

About the Agenda

To download or view the attachments (staff report and other supporting documentation) for each agenda item, you must select the agenda item to see the attachments to either open in a new link (the eyeball ) or download a pdf (the cloud symbol with the down arrow )

SPECIAL CLOSED SESSION

CALL TO ORDER

ATTENDANCE

Council Members

Phil Bacerra

Johnathan Ryan Hernandez

Jessie Lopez

Nelida Mendoza

Thai Viet Phan

Mayor Pro Tem

David Penaloza

Mayor

Vicente Sarmiento

City Manager

Kristine Ridge

City Attorney

Sonia R. Carvalho

Clerk of the Council

Daisy Gomez

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 PERFORMANCE EVALUATION Pursuant to Government Code Section 54957

Title: Clerk of the Council, City Attorney and City Manager

2. CONFERENCE WITH LABOR NEGOTIATORS Pursuant to Government Code Section 54957.6

Agency designated representative: Human Resources Director

Unrepresented employee: Clerk of the Council, City Attorney and City Manager

3. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8:

Address of Property: 1405 French Street, APN: 398-151-01 (Portion of)

Negotiator: Kristine Ridge, City Manager

Negotiating with: Santa Ana Unified School District

Terms: Price and terms related to the possible acquisition of real property.

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

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

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

CITY COUNCIL REGULAR OPEN SESSION

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE Mayor Sarmiento

INVOCATION Maria Khani

CEREMONIAL PRESENTATIONS

1. Proclamation presented by Mayor Pro Tem Penaloza to Shamrock Rescue Foundation declaring October as Adopt-A-Shelter Dog Month.
2. Proclamation presented by Councilmember Bacerra to Minh Thai, Executive Director and the Planning & Building Agency declaring October as National Community Planning Month.
3. Certificate of Recognition presented by Councilmember Mendoza to Cecilia Aguinaga for Outstanding Contributions to the Community.
4. Certificate of Recognition presented by Councilmember Phan to Godinez Fundamental High School and Educators for Outstanding Contributions to the Educational System: Jimmy Bravo; Elizabeth Castro; Dr. Veronica Chavez; Mathew Hall; Michelle Holguin; Alba Valenzuela.

STAFF PRESENTATIONS

5. COVID-19 Update in the Community.

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

PUBLIC COMMENT – Public comments will be held during the beginning of the meeting for ALL comments on agenda and non-agenda items, with the exception of public hearings. Comments for public hearings will take place after the hearing is opened.

NOTE: Redistricting Public Hearing Item #22 will be heard at 7:00 p.m.

<u>CONSENT CALENDAR</u>

RECOMMENDED ACTION: Approve staff recommendations on the following Consent Calendar Items: 6 through 19.

6. Excused Absences

Department(s): Clerk of the Council Office

Recommended Action: Excuse the absent members.

7. Adopt Ordinance No. NS-XXXX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA PROHIBITING RESIDENTIAL REAL PROPERTY AND MOBILEHOME SPACE RENTAL RATE INCREASES THAT EXCEED THREE PERCENT (3%) ANNUALLY, OR EIGHTY PERCENT (80%) OF THE CHANGE IN CONSUMER PRICE INDEX, WHICHEVER IS LESS, WITHIN THE CITY

and

Adopt Ordinance No. NS-XXXX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA ANA REQUIRING JUST CAUSE EVICTIONS

First reading at the October 5, 2021 City Council meeting and approved by a vote of 4-3 (Bacerra, Mendoza and Penaloza abstained).

Published in the Orange County Reporter on October 8, 2021.

Department(s): Community Development Agency

Recommended Action: Place ordinances on second reading and adopt.

8. Appoint Dahlia Sarmiento Nominated by Councilmember Hernandez as the Ward 5 Representative to the Youth Commission for a Partial-Term Expiring December 10, 2024

Department(s): Clerk of the Council Office

Recommended Action: Appoint Dahlia Sarmiento to the Youth Commission representing Ward 5 and administer Oath of Office.

9. Appoint Gail Araujo to represent the Social Services Agency and Dr. Marilyn Flores to Represent Title II Adult Education to the Workforce Development Board

Department(s): Community Development Agency

Recommended Action: Appoint Gail Araujo for a partial term expiring May 31, 2023 (replacing Snapper) to represent Social Services Agency and Dr. Marilyn Flores representing Title II Adult Education to the Workforce Development Board.

10. Homeless Navigation Center Update

Department(s): Community Development Agency

Recommended Action: Receive and file the Homeless Navigation Center update.

11. Receive and File of the Urban Forest Management Plan as Part of the City Forest Renewal Project in Collaboration with West Coast Arborists, Inc. and California Urban Forests Council

Department(s): Public Works Agency

Recommended Action: Receive and file of the Urban Forest Management Plan.

12. Approve a Sole Source Purchase Order to AWE Acquisition, Inc. for the Purchase of Early Literacy Station Tablets (**Revive Santa Ana Program**)

Department(s): Library

Recommended Action: Approve a sole source purchase order to AWE Acquisition, Inc. for the purchase of 15 Early Literacy Station tablets and a two-year warranty for a total amount of \$59,806.25, subject to non-substantive changes approved by the City Manager and City Attorney.

13. Approve Historic Property Preservation Agreements

Department(s): Planning and Building Agency

Recommended Action: Authorize the City Manager or designee to execute the attached Mills Act agreement with the below-referenced property owners for the identified structure(s), subject to non-substantive changes approved by the City Manager and City Attorney.

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

1. Corey Flynn Van Houten, 2021-13, 2417 N. North Park Boulevard, 7:0:0:2(Carpenter and Pena-Sarmiento Absent) (Agreement No. 2021-XXX)
 2. Allan Tea, 2021-14, 2120 N. Heliotrope Drive, 6:0:1:2 (Murashie Abstained, Carpenter and Pena-Sarmiento Absent) (Agreement No. 2021-XXX)
 3. Trevor Smith and Bridget Furey, 2021-15, 2307 N. Riverside Drive, 8:0:0:1 (Carpenter Absent) (Agreement No. 2021-XXX)
 4. Gerald and Mary O'Connell, 2021-16, 2420 N. North Park Boulevard, 8:0:0:1 (Carpenter Absent) (Agreement No. 2021-XXX)
 5. 217 North Main Investments, LLC, 2021-19, 217 N. Main Street, 7:0:0:2 (Carpenter and Pena-Sarmiento Absent) (Agreement No. 2021-XXX)
14. Approve a Third Amendment to Extend the Term for the License Agreement with East End Realty Partnership, LP and Wursthau, Inc. to Allow Temporary Outdoor Dining Activities to Occur within Plaza Calle Cuatro

Department(s): Parks, Recreation, and Community Services, Planning and Building Agency

Recommended Action: Authorize the City Manager to execute a third amendment to extend the term for the License Agreement with East End Realty Partnership, LP and the Wursthau Inc. to allow temporary outdoor dining activities to occur within Plaza Calle Cuatro for the period December 1, 2021 through November 30, 2022, for an amount not to exceed \$2,028, subject to non-substantive changes approved by the City Manager and the City Attorney (Agreement No. 2021-XXX).

15. Approve a Facilities Use Agreement with Rancho Santiago Community College

District to Offer a Variety of Adult Education Classes and Enrichment Programs at Corbin Community Center, Santa Ana Senior Center, and Southwest Senior Center

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

Recommended Action: Authorize the City Manager to execute a facilities use agreement with Rancho Santiago Community College District to offer adult education classes and enrichment programs at Corbin Community Center, Santa Ana Senior Center, and Southwest Senior Center for a term through September 1, 2022, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

16. Approve Appropriation Adjustment to Recognize Grant Revenue, Approve an Agreement with the State of California Office of Traffic Safety to Secure a Bicycle Safety Grant in an Amount Not to Exceed \$100,000, and Approve an Agreement with Charitable Ventures of Orange County to Provide Bicycle Safety Education in an Amount Not to Exceed \$100,000 (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: 1. Approve an appropriation adjustment (2022-043) to recognize Office of Traffic Safety (OTS) Pedestrian and Bicycle Safety grant funds in the amount of \$100,000 in the OTS-PWA Traffic Safety Grants, Federal Grants-Indirect revenue account and appropriate the same amount to the OTS-Bicycle Safety PWA, Contract Services-Professional expenditure account. *(Requires five affirmative votes)*

2. Authorize the City Manager to execute a one-year grant agreement (PS22025) with the State of California Office of Traffic Safety for Pedestrian and Bicycle Safety Program funds in an amount not to exceed \$100,000 for a one-year period beginning October 1, 2021 and ending September 30, 2022, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

3. Authorize the City Manager to execute an agreement with Charitable Ventures of Orange County, Inc. to provide bicycle safety education services for a one-year period beginning October 19, 2021 and ending October 31, 2022, in an amount not to exceed \$100,000, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

17. Approve an Agreement with AGA Engineering, Inc. for up to a Three-year Term in an Aggregate Amount Not to Exceed \$70,000 to Provide an Engineering and Traffic Survey for Speed Limits Update (Project #22-6992) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with AGA Engineering, Inc. (AGA) to provide an Engineering and Traffic Survey for Speed Limits Update for a two-year term expiring October 18, 2023, with a provision for a one-year extension exercisable by the City Manager and the City Attorney, in a total

amount not to exceed \$70,000 which includes a contingency of \$14,980, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

18. Approve an Agreement with Bucknam Infrastructure Group, Inc. in an Amount Not to Exceed \$91,000, for a Pavement Management Program Update (Project 21-6898) (Non-General Fund)

Department(s): Public Works Agency

Recommended Action: Authorize the City Manager to execute an agreement with Bucknam Infrastructure Group, Inc. for the Pavement Management Program Update in an amount not to exceed \$91,000, which includes the base amount of \$79,038 plus optional task and contingency of \$11,962, for a two-year term beginning October 19, 2021 and expiring October 18, 2023, with a provision for two, one-year extensions, subject to non-substantive changes approved by the City Manager and City Attorney (Agreement No. 2021-XXX).

19. Adopt a Resolution Accepting the 2021 National Fitness Campaign Grant, Approve an Appropriation Adjustment to recognize and appropriate \$60,000 in Grant Funds, Approve a Sole Source Purchase Order to the National Fitness Campaign, LLC for the Purchase of a Fitness Court at Centennial and Portola Parks, and Amend the Fiscal Year 2021-2022 Capital Improvement Program (Non-General Fund)

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

Recommended Action: 1. Resolution No. 2021-XXX – Adopt a resolution accepting the 2021 National Fitness Campaign Grant of \$30,000 per site (Centennial Park and Portola Park) and agreeing to endeavor to provide \$116,657.52 per site to fund the remaining purchase price of the Fitness Courts.

2. Approve an appropriation adjustment (2022-042) to recognize and appropriate \$60,000 in grant funds from the National Fitness Campaign, LLC. (*Requires five affirmative votes*)

3. Approve a sole source purchase order to the National Fitness Campaign, LLC for a Fitness Court at Centennial and Portola Parks for an amount not to exceed \$233,315.04 (\$293,315.04 less grant of \$60,000) to be funded by the Cannabis Public Benefit Fund, subject to non-substantive changes approved by the City Manager and City Attorney.

4. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to include the Centennial Park Fitness Court and the Portola Park Fitness Court projects.

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

BUSINESS CALENDAR

20. Award a Construction Contract to iBuild Spectrum, Inc. in the Amount of \$1,408,575, for the Campesino Park, Memorial Park, and Madison Park Restrooms Fiscal Year 2021-22 Projects, with an Estimated Project Delivery Cost of \$1,640,000, and Amend the Fiscal Year 2021-22 Capital Improvement Program (Project Nos. 21-7533, 21-7534, 21-7535) (Non-General Fund) (**Revive Santa Ana Program**)

Continued from the September 21, 2021 and October 5, 2021 City Council Meetings.

Department(s): Public Works Agency and Parks, Recreation, and Community Services

Recommended Action: 1. Award a construction contract to iBuild Spectrum, Inc., the lowest responsible bidder, in accordance with the base bid in the amount of \$1,408,575, for construction of the Campesino Park, Memorial Park, and Madison Park Restroom Projects, for the term beginning September 21, 2021, and ending upon project completion, and authorize the City Manager to execute the contract subject to non-substantive changes approved by the City Manager and the City Attorney.

2. Approve the Project Cost Analysis for a total estimated construction delivery cost of \$1,640,000, which includes \$1,408,575 for the construction contract, \$91,072 for contract administration, inspection and testing, and a \$140,353 project contingency for unanticipated or unforeseen work.

3. Approve an amendment to the Fiscal Year 2021-22 Capital Improvement Program to add the Campesino Park, Memorial Park, and Madison Park Restroom Projects, for the total amount of \$1,731,072, which includes \$1,640,000 in construction funds and an additional \$91,072 for preliminary design engineering.

21. Resolution Denouncing COVID-19 Misinformation and its Detrimental Effects on Public Health

Department(s): City Manager Office

Recommended Action: Resolution No. 2021-XXX – Adopt a resolution denouncing COVID-19 misinformation and declaring the detrimental effects that COVID-19 misinformation has on public health.

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

PUBLIC HEARINGS

PUBLIC COMMENTS – Members of the public may address the City Council on Public Hearing items.

22. Adopt Resolution of Intention Revising Public Hearing Dates and Times and Hold First Public Hearing Regarding Redistricting Ward Boundaries

Legal Notice published in the Orange County Register, La Opinion, Nguoi Viet, World Journal (Chinese Daily News) and The Korea Times by September 18, 2021.

Resolution of Intention No. 2021-053 published in the Orange County Register on September 24, 2021 and October 1, 2021.

First Public Hearing Adjourned from the October 5, 2021 City Council meeting.

Department(s): Clerk of the Council Office

Recommended Action: 1. Adopt a resolution declaring the City's intention to consider changes to boundary lines of Wards and revising the time and place of said hearings to be held on October 19 at 7:00 p.m., November 2 at 7:00 p.m., November 15 at 5:00 p.m., and December 6, 2021 at 5:00 p.m.

2. Open and close the first public hearing seeking input regarding possible changes to the wards boundaries before proposed ward map(s) are drawn.

CITY MANAGER COMMENTS

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.

ADJOURNMENT – Adjourn the City Council meeting.

Future Items

1. Housing Opportunity Ordinance
2. Mental Health Mobile Outreach Services
3. Sunshine Ordinance Amendments
4. Events Policy