

**MINUTES - DRAFT**

**City of Orange**

**City Council**

September 26, 2023

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The City Council of the City of Orange, California convened on Tuesday, September 26, 2023, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

**5:00 PM CLOSED SESSION**

**1. CALL TO ORDER**

Mayor Slater called Closed Session to order at 5:00 p.m.

**1.1 ROLL CALL**

**Present:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater

**Absent:** Gyllenhammer

Councilmember Gutierrez joined Closed Session at 5:05 p.m.

**2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

None

**3. RECESS TO CLOSED SESSION**

The City Council recessed to Closed Session at 5:02 p.m. with all Members present, except Councilmember Gutierrez who joined the meeting at 5:05 p.m. and Councilmember Gyllenhammer who was absent, to discuss the following:

**a. CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code Section 54957.6

City Negotiator: Tom Kisela, City Manager

Employee Organizations: Orange Maintenance and Crafts Employees' Association, Orange Management Association, Orange Municipal Employees' Association, and Water Division Employees' Association

**b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a) & (d)(1) - Two cases

Name of Case: Mary's Kitchen, et al. v. City of Orange.

United States District Court Case No. 8:21-cv-01483

Name of Case: Mary's Kitchen, et al. v. City of Orange

Orange County Superior Court Case No. 30-2021-01224070

**4. CLOSED SESSION REPORT**

None

**5. ADJOURNMENT**

Closed Session was adjourned at 6:01 p.m.

**6:00 PM REGULAR SESSION****1. OPENING/CALL TO ORDER**

Mayor Slater called the meeting to order at 6:08 p.m.

**1.1 INVOCATION**

Given by Pastor Rob Curington from Orange Villa Bible Church.

**1.2 PLEDGE OF ALLEGIANCE**

Led by Councilmember Kathy Tavoularis.

**1.3 ROLL CALL**

**Present:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater

**Absent:** Gyllenhammer

**1.4 PRESENTATIONS/ANNOUNCEMENTS**

Proclamation recognizing September 15 - October 15 as National Hispanic Heritage Month.

**1.5 REPORT ON CLOSED SESSION ACTIONS**

None

**2. PUBLIC COMMENTS**Public Speakers:

Elia expressed concerns with traffic safety issues in her neighborhood and spoke in support of reinstating the Jamboree Road extension to Weir Canyon Road.

Dima Khedraki spoke in support of reinstating the Jamboree Road extension to Weir Canyon Road.

Carole Walters spoke about protecting the Plaza fountain.

Written Public Comment

Janice Brownfield emailed about the implementation of SB 1383, organic waste recycling regulations.

### 3. CONSENT CALENDAR

All items on the Consent Calendar are considered routine and are enacted by one motion approving the recommended action listed on the Agenda. Any member of the City Council, staff, or the public may request an item be removed from the Consent Calendar for discussion or separate action. Unless otherwise specified in the request to remove an item from the Consent Calendar, all items removed shall be considered immediately following action on the remaining items on the Consent Calendar.

#### 3.1. Waive reading in full of all ordinances on the Agenda.

ACTION: Approved.

#### 3.2. Agreement with RLA Conservation, LLC for Plaza Park Fountain Conservation Treatment.

Entered into the record: Memo from staff requesting to remove Item 3.2 from the agenda.

ACTION: Item 3.2 was removed from the agenda.

#### 3.3. Agreement with the State of California Office of Traffic Safety for the Selective Traffic Enforcement Program for Federal Fiscal Year 2023-2024.

ACTION: 1) Approved grant agreement no. PT24138 with the State of California Office of Traffic Safety in the amount of \$330,000 for the Selective Traffic Enforcement Program grant and authorized the City Manager to execute on behalf of the City; 2) Accepted into the City's revenue budget a \$330,000 grant from the California Office of Traffic Safety into revenue account number 100.4041.45290.30231, General Fund - OTS STEP Grant FY24; and 3) Authorized the appropriation of \$330,000 into the following Traffic Program expenditure accounts: \$271,173 into account number 100.4041.50221.30231, Overtime - Safety OTS Grant 23-24; \$24,382 into account number 100.4041.50222.30231, Overtime - Miscellaneous OTS Grant 23-24; \$2,897 into account number 100.4041.51840.30231, Local Training OTS Grant 23-24; and \$31,548 into account number 100.4041.55131.30231, Equipment OTS Grant 23-24.

#### 3.4. Appropriation of \$15,927 in designated grant and disbursement funding received from the National Science Foundation, Dish Wireless, and Santiago Library System.

ACTION: 1) Accepted into the City's revenue budget \$15,927 in grant and disbursement funds from National Science Foundation, Dish Wireless, and Santiago Library System into the following revenue account numbers in the General Fund: \$1,000 into account number 100.2001.45150.30232, Blue Whales Project Grant; \$7,500 into account number 100.2001.48390.00000, Donations; and \$7,427 into account number 100.2001.48390.19988, Santiago Library System.

2) Authorized the appropriation of \$15,927 in grant and disbursement funds into the following expenditure account numbers in the General Fund: \$1,000 into account number 100.2017.53340.30232, Craft Supplies - Blue Whales Project Grant; \$7,500 into account number 100.2001.53001.19986, Materials & Supplies - Donations, and \$7,427 into account number 100.2001.53301.19988, Books - Santiago Library System.

**3.5. Appropriation of \$28,241 in designated grant funding received from California Library Literacy Services.**

ACTION: 1) Accepted into the City's revenue budget a \$28,241 grant from California Library Literacy Services, into revenue account number 100.2001.45290.30225, General Fund - California Library Literacy Services Grant.

2) Authorized the appropriation of \$28,241 to California Library Literacy Services Grant into the following expenditure account numbers:

\$22,000 100.2001.50312.30225 Part-time Misc. Salaries  
6,241 100.2001.53001.30225 Materials and Supplies

**3.6. Appropriation of \$180,000 from the Fire Facility Fee Districts Fund (560) into various Capital Improvement Project (CIP) accounts.**

ACTION: 1) Authorized the total appropriation of \$180,000 from the Fire Facility Fees Fund (560) unreserved fund balance into the following CIP expenditure accounts:

- a. \$90,000 for Turnout Equipment and Replacement (20124)
- b. \$50,000 for Fire Station Maintenance (20334)
- c. \$19,000 for Emergency Medical Services (EMS) Electronic Patient Care Report (ePCR) Replacement Program (20171)
- d. \$16,000 for Wellness Equipment Replacement (30032)
- e. \$5,000 for Self-Contained Breathing Apparatus (SCBA) Retrofit and Replacement (20104)

**3.7. Approval of plans and specifications for Bid No. 23-24.11; SP-4268; Annual Concrete Replacement at Various Locations Fiscal Year 2023-2024, authorization to advertise for bids, and finding of CEQA exemption.**

ACTION: 1) Approved the plans and specifications and authorize advertising for bids for Annual Concrete Replacement at Various Locations Fiscal Year 2023-2024; and 2) Authorized the appropriation of \$200,000 from Unreserved Fund 287 Citywide TSIP to expenditure account number 287.5011.56330.13120 Pavement Management Program.

**3.8. Award of Contract to Sequel Contractors, Inc. for Lomita Neighborhood Street Improvement Project; Bid No. 23-24.04.**

ACTION: Approved the contract with Sequel Contractors, Inc. in the total amount of \$777,271, representing an original amount of \$706,610 plus a 10% contingency of \$70,661 for the Lomita Neighborhood Street Improvement Project (SP-4220); and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.9. Award of Contract to Interior Demolition, Inc. for Bid No. 23-24.08; SP-4262; Demolition of Building at 2829 N. Glassell Street.**

Note: Councilmember Gutierrez registered a no vote.

Written Comment

Jordan Prell submitted an eComment in support.

ACTION: 1) Waived minor public works bidding irregularity in the bid proposal received by Interior Demolition, Inc.; 2) Authorized the appropriation of \$140,000 from the Capital Projects (500) unreserved fund balance to 500.7021.56012.20533 (2829 N. Glassell Street); and 3) Awarded contract to Interior Demolition, Inc. in the total amount

of \$136,620, representing an original bid amount of \$124,200, plus a 10% contingency of \$12,420, for the Demolition of Building at 2829 N. Glassell Street; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.10. First Amendment to Contract with Sequel Contractors, Inc.; and Final Acceptance of Bid No. 22-23.17; SP-4237; Community Development Block Grant, Fiscal Year 2022-2023, Sycamore and Palmyra Neighborhood Street Rehabilitation and Americans with Disabilities Act Wheelchair Access Ramp Replacement at Various Locations and authorization to file Notice of Completion.**

ACTION: 1) Approved the First Amendment to Contract in the amount of \$92,345.85 to Sequel Contractors, Inc. for the additional work; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Accepted Community Development Block Grant, Fiscal Year 2022-2023, Sycamore and Palmyra Neighborhood Street Rehabilitation and Americans with Disabilities Act Wheelchair Access Ramp Replacement at Various Locations as complete and authorized staff to file Notice of Completion with the County Recorder.

**3.11. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Sections 3.08.080 and 3.08.410 of the Orange Municipal Code. Ordinance No. 12-23**

ACTION: Adopted Ordinance No. 12-23.

### **Approval of the Consent Calendar**

Item 3.2 was removed from the Agenda. Councilmember Gutierrez registered a no vote on Item 3.9. All other items were approved as recommended.

A motion was made by Councilmember Bilodeau, seconded by Councilmember Dumitru, to approve the Consent Calendar as recommended. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater  
**Noes:** None  
**Absent:** Gyllenhammer

### **END OF CONSENT CALENDAR**

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#### **4. REPORTS FROM MAYOR SLATER**

None

#### **5. REPORTS FROM COUNCILMEMBERS**

##### **5.1. Sweet Orange Program (Barrios/Tavoularis)**

Mayor pro tem Barrios provided an update on the Council Sweet Orange Committee.

##### **5.2. Love Orange Day (Barrios)**

Mayor pro tem Barrios announced Love Orange Day, a City-wide volunteer day, is on Saturday, October 7.

### 5.3. Other Councilmember Reports

Councilmember Tavoularis reported on two proposed bills. ACA (Assembly Constitutional Amendment) 1 was signed by the Governor and filed with the Secretary of State; the measure must be approved by California voters. If approved, ACA 1 would reduce the voter threshold from a 2/3 majority to a 55% majority to approve local bonds and certain special taxes. ACA 13 would amend the constitution such that any ballot measure that changes voter threshold needs to pass by the same margin.

Councilmember Gutierrez reported on the El Modena Outreach day held on September 16, 2023.

## 6. AB 1234 REPORTS

Councilmember Dumitru reported he attended the League of California Cities Annual Conference in Sacramento.

## 7. ADMINISTRATIVE REPORTS

### 7.1. Consideration of a two-year professional services agreement with Townsend Public Affairs, Inc. for grant writing and legislative advocacy services.

Sean McReynolds, Senior Associate with Townsend, provided Council with a presentation.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Dumitru, to approve a two-year agreement with Townsend Public Affairs, Inc. in the amount of \$216,000 for legislative advocacy and grant writing services expended from account number 100.0201.51780.00000, and authorize the Mayor and City Clerk to execute the two-year agreement on behalf of the City. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater

**Noes:** None

**Absent:** Gyllenhammer

### 7.2. Consideration of a 50-Year Lease Agreement with Orange County Flood Control District for West Orange Park.

Entered into the record: A modified lease agreement incorporating two minor changes. Under Section 16 of the agreement, strikeout "control trespassing consistent with the County's current park management plan." Under Section 22, the reference name was updated from Riverview Park to West Orange Park.

A motion was made by Councilmember Dumitru, seconded by Mayor pro tem Barrios, to approve amended 50-Year Lease Agreement between Orange County Flood Control District and the City of Orange, allowing the City to develop and operate a passive park on approximately 2.38 acres of land owned by Orange County Flood Control District. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater

**Noes:** None

**Absent:** Gyllenhammer

- 7.3. Implementation of permit parking on both sides of Palm Avenue from Wayfield Street to Park Lane; both sides of Wayfield Circle south of Palm Avenue; both sides of Park Lane from Dana Place to Palm Avenue; and both sides of Wayfield Street between Palm and Walnut Avenues. Resolution No. 11495.**

Public Speakers:

The following spoke in support of approving the permit parking: Cindy Pace, Rose Cunningham, and John Bivens.

Dawn Topete expressed concerns with her street being removed from the original proposal.

A motion was made by Councilmember Gutierrez, seconded by Councilmember Dumitru, to 1) Approve permit parking on both sides of Palm Avenue from Wayfield Street to Park Lane; both sides of Wayfield Circle south of Palm Avenue; both sides of Park Lane from Dana Place to Palm Avenue; and both sides of Wayfield Street between Palm and Walnut Avenues; and 2) Adopt Resolution No. 11495. A Resolution of the City Council of the City of Orange adopting a revised master resolution of designated permit parking areas within the City of Orange. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater

**Noes:** None

**Absent:** Gyllenhammer

## **8. LEGAL AFFAIRS**

- 8.1. Introduction and First Reading of an ordinance adding Chapter 2.62 to Title 2 of the Orange Municipal Code, and establishing the Santiago Creek Commission; and finding of CEQA exemption. Ordinance No. 13-23.**

Public Speaker:

Neil Monnison commented that the proposed commission should not have authority over Chapman Yorba property.

During discussion, City Attorney Vigliotta confirmed the newly established commission would only be advisory and would not have any authority over any projects.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to introduce and conduct First Reading of Ordinance No. 13-23. An Ordinance of the City Council of the City of Orange adding Chapter 2.62 to Title 2 of the Orange Municipal Code (Administration and Personnel) establishing a new advisory commission regarding Santiago Creek. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater

**Noes:** None

**Absent:** Gyllenhammer

## **9. REPORTS FROM CITY MANAGER**

- 9.1. Skatepark Project Update**

Assistant Community Services Director Emily Bustamante provided Council with an update on the skatepark project.

**10. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:19 p.m. to a meeting on Tuesday, October 3, 2023 at 6:00 p.m. in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

The next Regular City Council meeting will be held on Tuesday, October 10, 2023, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

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PAMELA COLEMAN  
CITY CLERK

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DANIEL R. SLATER  
MAYOR

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