

**MINUTES - FINAL**

**City of Orange**

**City Council**

September 14, 2021

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The City Council of the City of Orange, California convened on Tuesday, September 14, 2021, 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. ROLL CALL**

**Present:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Absent:** None

**2. PUBLIC COMMENTS**

Public Speakers

Chad Kroeger

JT Parr

**ITEM(S) TO BE ADDED TO CLOSED SESSION AGENDA**

In accordance with Government Code Section 54954.2(b)(2), City Attorney Sheatz proposed two urgency items be added on the Closed Session agenda as there is a need to take immediate action and the need for action came to the attention of the City subsequent to the agenda being posted.

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

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

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

The City was alerted to this filing on Friday, September 10, after the agenda was posted, by an outside news agency. The City Attorney's office confirmed on September 13 that it was in fact filed and appeared on the federal court docket. While the case has not yet been served on the City, the contents of the complaint should be discussed under the attorney-client privilege prior to the upcoming September 18, 2021, vacate date and weeks before the item can be placed in advance on the Closed Session agenda.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to add an urgency item to Closed Session, Conference with Legal Counsel - Existing Litigation. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** None

**Absent:** None

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**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2)-(4). (One case)

This item is potential litigation arising from the September 10, 2021, letter from ACLU alleging a Brown Act violation. This came to the City's attention after the agenda was posted. The need for immediate discussion determines how the City moves forward based on the allegations and the fact that provisions under the Government Code to cure any potential violation must occur within 30 days of notification, leaving no time to agendaize the matter in advance of the City Council's next Regular meeting.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Gutierrez, to add an urgency item to Closed Session, Conference with Legal Counsel - Anticipated Litigation. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** None

**Absent:** None

**3. RECESS TO CLOSED SESSION**

The City Council recessed to Closed Session at 5:10 p.m. with all Members present to discuss the following including the two urgency items added earlier:

**a. PUBLIC EMPLOYEE APPOINTMENT**

Pursuant to Government Code Section 54957(b).

Title: City Manager

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

Pursuant to Government Code Section 54956.9(d)(2)-(4). (Two cases)

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

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

Name of Case: Paula Acken, et al. v. City of Orange

Orange County Superior Court Case No. 30-2021-01207319

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

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

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

**4. CLOSED SESSION REPORT**

None

**5. ADJOURNMENT**

At 6:15 p.m., the City Council adjourned the Closed Session to its Regular Meeting in the Council Chamber.

**6:00 PM REGULAR SESSION****1. OPENING**

Mayor Murphy called the meeting to order at 6:20 p.m.

**1.1 INVOCATION**

Given by Pastor Craig Hill from Taft Avenue Church.

**1.2 PLEDGE OF ALLEGIANCE**

Led by Councilmember Ana Gutierrez.

**1.3 ROLL CALL**

**Present:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Absent:** None

**1.4 PRESENTATIONS/ ANNOUNCEMENTS**

Proclamation recognizing Michael Alvarez. Mr. Alvarez was not able to attend the meeting; Council will place the Proclamation on a future agenda.

Friends of the Orange Public Library Presentation to the Orange Public Library.

Proclamation recognizing September as Hunger Action Month.

Recognition of outgoing Board, Commission, and Committee Members. Council recognized Library Board of Trustees member Patti van Voorst for her 12 years of service; and Investment Advisory Committee member Robert Foley for his 13 years of service.

Proclamation recognizing City Manager Rick Otto.

**2. PUBLIC COMMENTS**Public Speakers

Marc Conner provided Council with an update on the fundraising efforts for the proposed skate park at Grijalva.

Carole Walters spoke regarding the speeding issue throughout the City.

David Gillanders (and son Maxwell) spoke in support of the proposed skate park at Grijalva.

Lori Nadeau raised concerns with the increased noise level in her neighborhood since the Paseo opened.

Adam Overton spoke in support of Hunger Action Month.

Wendy Seiden spoke regarding the ramifications of domestic violence and homelessness.

Edward Saxelby expressed gratitude for the Orange Police Department HEART team.

R. Joshua Collins discussed the need for more resources for the homeless.

Written Public Comments

Gabriel Ortiz emailed regarding statements made by a Councilmember.

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Janice Brownfield emailed encouraging the City's efforts to reduce the effects of climate change.

Jordan Prell emailed expressing gratitude for his appointment to the Audit Committee.

Alan Kinkaid submitted an eComment opposing the proposed Kornerstone Cemetery project.

### **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. Confirmation of warrant registers dated August 3, 5, 13, 19, and 27, 2021.**

ACTION: Approved.

#### **3.3. Approval of meeting minutes of the City Council of the City of Orange for the August 7, 2021, Adjourned Regular Meeting; August 10, 2021, Regular Meeting; August 20, 2021, Adjourned Regular Meeting; August 21, 2021, Adjourned Regular Meeting; and September 7, 2021, Adjourned Regular Meeting.**

ACTION: Approved minutes as presented.

#### **3.4. Agreement with Iteris, Inc. for Traffic Engineering Services for Tustin Avenue/Rose Drive Corridor Regional Traffic Signal Synchronization Program Project, and associated Cooperative Agreement between the City of Orange and the cities of Anaheim, Placentia, Santa Ana, Tustin, and Yorba Linda.**

ACTION: 1) Approved the agreement with Iteris, Inc. in the amount of \$1,076,341 for Traffic Engineering Services for Tustin Avenue/Rose Drive Corridor Project Implementation and authorized the Mayor and City Clerk to execute on behalf of the City; 2) Authorized \$107,634.10 (10%) of the contract amount for contingency purposes; 3) Approved the associated Cooperative Agreement between the City of Orange and the cities of Anaheim, Placentia, Santa Ana, Tustin, and Yorba Linda and authorized the City Manager to execute on behalf of the City; and 4) Authorized the appropriation of \$454,070 into expenditure account number 550.5031.56510.20425.

#### **3.5. Agreement with Lyons Security Services, Inc. for Orange Public Library security services.**

ACTION: Approved the four-year agreement with Lyons Security Services, Inc. in an amount not to exceed \$42,000 annually for Orange Public Library & History Center security services; and authorized the Mayor and the City Clerk to execute on behalf of the City.

**3.6. Agreement with the State of California Office of Traffic Safety for the Selective Traffic Enforcement Program for Federal Fiscal Year 2021-2022.**

ACTION: 1) Approved grant agreement no. PT22049 with the State of California Office of Traffic Safety in the amount of \$291,000 for the Selective Traffic Enforcement Program grant and authorized the City Manager to execute the agreement on behalf of the City; 2) Accepted into the City's revenue budget a \$291,000 grant from the California Office of Traffic Safety into revenue account number 100.4041.45290.30184, General Fund - OTS STEP Grant FY22; and 3) Authorized the appropriation of \$291,000 into the following Traffic Program expenditure accounts:

100.4041.50221.30184	Overtime - Safety OTS Grant 21-22	\$240,224
100.4041.50222.30184	Overtime - Miscellaneous OTS Grant 21-2	21,054
100.4041.51840.30184	Local Training OTS Grant 21-22	1,509
100.4041.55131.30184	Equipment OTS Grant 21-22	28,213

**3.7. Agreement with the County of Orange for the Implementation and Operation of the Orange County 800 MHz Countywide Coordinated Communications System.**

ACTION: Approved the agreement with the County of Orange for the Implementation and Operation of the Orange County 800 MHz Countywide Coordinated Communications System and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.8. First Amendment to Agreement with Michael Baker International, Inc. for Community Development Block Grant and HOME Investments and Partnerships Program consulting services.**

ACTION: Approved the amendment to agreement with Michael Baker International, Inc. for Community Development Block Grant and HOME Investments and Partnerships program consulting services; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.9. First Amendment to the Contract with KASA Construction, Inc. for the Handy Park Maintenance Renovation project.**

ACTION: 1) Approved Amendment with KASA Construction, Inc. in an amount not to exceed \$59,223.71 for the Handy Park Maintenance Renovation project; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$59,223.71 from the Park Acquisition (Infill) (510) unreserved fund balance to expenditure account 510.7021.56015.20370, Park Acquisition (Infill) - Handy Park Maintenance Renovation.

**3.10. First Amendment to the Agreement with AppleOne Employment Services for temporary staffing services.**

ACTION: Approved the First Amendment with AppleOne Employment Services in a total amount not-to-exceed \$95,000 for temporary staffing services and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.11. Fifth Amendment to Agreement with Granicus LLC, a Minnesota Limited Liability Company, for Boards and Commissions Management system.**

Written Public Comment

Jordan Prell submitted an eComment in support of approving the Fifth Amendment.

ACTION: Approved the Fifth Amendment to Master Subscription Agreement No. 6858 with Granicus LLC for the purchase of the Boards and Commissions Management system; and authorized the City Manager to execute on behalf of the City.

**3.12. First Amendment to Professional Services Agreement with Litili, LLC, to provide expert witness services related to litigation defense in several state and federal cases.**

ACTION: 1) Approved a First Amendment to Professional Services Agreement with Litili, LLC, in the amount of \$50,000; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$50,000 from the Self Insurance - Liability Fund unreserved fund balance to expenditure account number 740.0301.51600.00000, Self Insurance - Liability Fund - Legal Services.

**3.13. Professional Services Agreement with Keyser Marston Associates, Inc. to evaluate the fiscal impact of Chapman University.**

Item 3.13 was removed from the Consent Calendar for separate consideration by Councilmember Dumitru and Councilmember Gutierrez.

In response to Council's questions, staff explained that if Chapman paid for the fiscal impact analysis, the data could potentially be skewed. Staff confirmed that the City has paid for economic studies for other projects in the past.

ACTION: A motion was made by Councilmember Dumitru, seconded by Mayor pro tem Nichols, to approve the agreement with Keyser Marston Associates, Inc. in the amount of \$65,000 to prepare a fiscal impact analysis and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** None

**Absent:** None

**3.14. Appropriation of \$6,000 in designated donation funding received from the Friends of the Orange Public Library.**

ACTION: 1) Accepted into the City's revenue budget a \$6,000 donation from Friends of the Orange Public Library into revenue account number 100.2001.48390.19990, General Fund - Friends of the Library; and

2) Authorized the appropriation of \$6,000 to the following expenditure account numbers for Friends of the Orange Public Library (19990):

\$ 2,000 100.2001.53011.19990 Employee Recognition Program

2,000 100.2001.53340.19990 Craft Supplies

2,000 100.2016.53340.19990 Craft Supplies

**3.15. Appropriation of \$15,000 in Fire Prevention and Preparedness funding received from the California Fire Foundation (CFF) Grant 2021.**

ACTION: 1) Accepted into the City's revenue budget a \$15,000 grant from the California Fire Foundation, into revenue account number 100.3012.45495.30178, General Fund - CFF Grant 2021; and 2) Authorized the appropriation of \$15,000 into expenditure account number 100.3021.50221.30178, General Fund - CFF Grant 2021.

**3.16. Appropriation of \$41,888.24 in State of California Office of Emergency Services funding received.**

ACTION: 1) Accepted into the City's revenue budget \$41,888.24 in strike team reimbursement funds from the California Office of Emergency Services (Cal-OES), into the following revenue account numbers for Cal-OES reimbursements:

\$ 14,951.34 100.3024.48212.40266 - OES Pre-Position #210024  
\$ 26,936.90 100.3024.48212.40267 - OES Pre-Position #210025  
\$ 41,888.24

2) Authorized the appropriation of \$40,167.99 into the following expenditure account numbers for Overtime-Safety:

\$ 14,353.38 100.3024.50221.40266 - OES Pre-Position #210024  
\$ 25,814.61 100.3024.50221.40267 - OES Pre-Position #210025  
\$ 40,167.99

3) Authorized the appropriation of \$1,720.25 into the following expenditure account numbers for Strike Team Expenditures:

\$ 597.96 100.3024.53860.40266 - OES Pre-Position #210024  
\$ 1,122.29 100.3024.53860.40267 - OES Pre-Position #210025  
\$ 1,720.25

**3.17. Final Acceptance of Bid No. 190-60, Electrical Panel Replacement for McPherson Athletic Facility and Killefer Park; and authorization to file Notice of Completion.**

ACTION: Accepted Electrical Panel Replacement for McPherson Athletic Facility and Killefer Park as complete; and authorized staff to file Notice of Completion with the County Recorder.

**3.18. Final Acceptance of Bid No. 20-21.23, Roof Coating at Taft Branch Library; and authorization to file Notice of Completion.**

ACTION: Accepted Roof Coating at Taft Branch Library Project as complete (Bid No. 20-21.23, SP-4145); and authorized staff to file Notice of Completion with the County Recorder.

**3.19. Final Acceptance of Bid No. 20-21.32, Community Development Block Grant - Americans with Disabilities Act Bathroom Door Access at Main Library Project; and authorization to file Notice of Completion.**

ACTION: Accepted Community Development Block Grant Americans with Disabilities Act - Bathroom Door Access at Main Library Project as complete (Bid No. 20-21.32, SP-4147), and authorized staff to file Notice of Completion with the County Recorder.

**3.20. Final Acceptance of Bid No. 20-21.41, Calsense Installation at McPherson Athletic Facility; and authorization to file Notice of Completion with the County Recorder.**

ACTION: Accepted Calsense Installation at McPherson Athletic Facility as complete; and authorized staff to file Notice of Completion with the County Recorder.

**3.21. Approval of plans and specifications for the Annual Pipeline Renewal Project and authorization to advertise Bid No. 21-22.08.**

ACTION: Approved the plans and specifications, and authorized advertising for bids.

**3.22. Approval of plans and specifications and authorization to advertise for bids for Community Development Block Grant Americans with Disabilities Act Wheelchair Access Ramps at Various Locations Project Fiscal Year 2021-2022; Bid No. 21-22.07.**

ACTION: Approved plans and specifications and authorized advertising for bids for Community Development Block Grant Americans with Disabilities Act Wheelchair Access Ramps at Various Locations, Fiscal Year 2021-2022; SP-4177.

**3.23. Claims for Damages.**

ACTION: Denied the following claims and referred to City Attorney and Claims Adjuster:

1. Frontal EW Town & Country, LLC
2. Laurie Rhode
3. Donabel Chacon
4. Everest Re Group, Ltd. a/s/o Sunrise of Orange Propco, LLC
5. Mercury Insurance a/s/o Leah Aguirre
6. Allen Makorow

**3.24. Award of Contract to Gentry General Engineering, Inc. for Chapman Avenue Alley Improvement; Bid No. 21-22.03.**

ACTION: 1) Authorized a transfer in the amount of \$14,133 from 953.5011.56020.20403 (Building Old Towne East Parking Structure) to 953.5011.56020.20486 (Chapman Avenue Alley Improvements); 2) Authorized a transfer in the amount of \$135,867 from 954.5011.50615.30165 (Grand Avenue Parking Lot Improvements) to 954.5011.56020.20486 (Chapman Avenue Alley Improvements); and 3) Approved the contract with Gentry General Engineering, Inc. in the total amount of \$121,100, representing an original amount of \$111,000 plus a 10% contingency of \$11,100, for Chapman Avenue Alley Improvement, and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

**3.25. Award of contract to Accurate Corrosion Control, Inc. for Reservoir 4 Exterior Cathodic Protection System Installation Project; Bid No. 21-22.01.**

ACTION: 1) Awarded contract to Accurate Corrosion Control, Inc. in the amount of \$119,375 for Reservoir 4 Exterior Cathodic Protection System Installation Project; and authorized the Mayor and City Clerk to execute on behalf of the City; 2) Authorized 11,937.50 (10%) of the contract amount for contingency purposes; and 3) Authorized the appropriation of \$27,900 from the Water Fund unreserved fund balance to expenditure account number 600.8041.56440.18301, Water Fund - Exterior Cathodic Protection Systems.

**3.26. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending various sections in Title 2 of the Orange Municipal Code related to the administration and personnel of the City. Ordinance No. 14-21.**

ACTION: Adopted Ordinance No. 14-21.

- 3.27. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code (Zoning Code) to add definitions, update code references, and amend Chapter 17.34 relating to off-street parking and loading. Ordinance No. 12-21.**

Public Comment

A recorded message was received by Adrienne Gladson opposing portions of Ordinance No. 12-21.

ACTION: Adopted Ordinance No. 12-21.

- 3.28. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Title 8 of the Orange Municipal Code (Health and Safety) to delete Chapters 8.28 and 8.29 and add new Chapters 8.28, 8.29, 8.30, and 8.31 relating to solid, organic, and construction and demolition debris waste disposal reduction. Ordinance No. 13-21.**

ACTION: Adopted Ordinance No. 13-21.

- 3.29. Authorize purchase of Faro Focus S150 crime and accident scene reconstruction laser scanner, training, and warranty from Znet Tech, LLC for the Police Department.**

ACTION: 1) Approved the purchase of Faro Focus S150 crime and accident scene reconstruction laser scanner, training, and warranty from Znet Tech, LLC in an amount not to exceed \$53,290; and 2) Authorized the appropriation of \$53,290 from Traffic Safety (350) unreserved fund balance to expenditure account number 350.4041.55131.00000, Traffic Safety - Equipment Additions.

- 3.30. Update to the Transportation System Improvement Program fee nexus study.**

ACTION: Approved the updated nexus study.

- 3.31. Investment Oversight Committee report for the period ending August 31, 2021.**

ACTION: Received and filed.

- 3.32. Declaring the property located at 171 North Cypress Street as surplus to the City's needs and finding that the property located at 177 N. Cypress is exempt surplus to the City's needs, and authorizing the disposal of both properties. Resolution No. 11352.**

Item 3.32 was removed from the Consent Calendar for separate consideration by Councilmember Monaco and Councilmember Gutierrez.

During discussion, staff was directed to provide Council with an inventory of city owned properties and a report outlining the surplus property process.

Written Public Comment

Jordan Prell submitted an eComment in support of adopting the proposed Resolution.

ACTION: A motion was made by Councilmember Monaco, seconded by Councilmember Gutierrez, to continue Item 3.32 to a date uncertain.

The motion carried by the following vote:

- Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy
- Noes:** None
- Absent:** None

**3.33. Amend the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5. Resolution No. 11353.**

Note: Councilmember Barrios and Councilmember Gutierrez abstained on this item to remain consistent with their vote on Item 7.8 at the August 10, 2021, Council meeting.

ACTION: Adopted Resolution No. 11353. A Resolution of the City Council of the City of Orange amending the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5.

**3.34. Establishing the day and time for Park Planning and Community Events Commission meetings. Resolution No. 11355.**

ACTION: Adopted Resolution No. 11355. A Resolution of the City Council of the City of Orange fixing the day and time for meetings of the Park Planning and Community Events Commission.

**3.35. Revision of qualifications for appointment to City Council created committees. Resolution No. 11356.**

ACTION: Adopted Resolution No. 11356. A Resolution of the City Council of the City of Orange repealing Resolution Nos. 9625, 10112, and 11064 and revising qualifications for appointment to City Council created committees.

**Approval of the Consent Calendar**

Items 3.13 and 3.32 were removed from the Consent Calendar and heard separately. Councilmember Barrios and Councilmember Gutierrez abstained on Item 3.33. All other Items were approved as recommended.

A motion was made by Councilmember Monaco, seconded by Mayor pro tem Nichols, to approve the Consent Calendar. The motion carried by the following vote:

- Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy
- Noes:** None
- Absent:** None

**END OF CONSENT CALENDAR**

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**4. REPORTS FROM MAYOR MURPHY**

None

**5. REPORTS FROM COUNCILMEMBERS**

(Item 5.1 was re-ordered to be heard after Item 5.2)

**5.1. Highlight Local Business (Gutierrez)**

Councilmember Gutierrez highlighted the following local business: East Chapman Veterinary Center.

(Item 5.2 was re-ordered to be heard before Item 5.1)

**5.2. Non-profit opportunities at Concerts in the Park (Monaco)**

Councilmember Monaco would like Council to consider opportunities, such as a beer garden, for non-profits to fundraise at Concerts in the Park. With Council consensus, staff was directed to provide Council with a report on non-profit opportunities at Concerts in the Park.

**5.3. Proclamation recognizing Hispanic Heritage Month (Gutierrez)**

Councilmember Gutierrez announced Hispanic Heritage Month is September 15 to October 15. A Proclamation was drafted recognizing Hispanic Heritage Month and signed by the entire Council.

**5.4. National Day of Prayer 20 Year Anniversary (Gutierrez)**

Councilmember Gutierrez remarked on the 20th Anniversary of National Day of Prayer.

**6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS**

None

RECESS: The City Council recessed at 7:58 p.m. and reconvened at 8:12 p.m. with all Members present.

(Item 8.1 was re-ordered to be heard after Item 6)

**8.1. Mary's Kitchen Update**

Assistant City Manager/Community Services Director Bonnie Hagan provided an update utilizing a PowerPoint Presentation.

Public Speakers

The following spoke in support of Mary's Kitchen: Joshua Collins, Christopher Campbell, Starla Acosta, Barry Gearin, Imelda Aguilera, Carla Chun, Kristen Pankratz, Susan Strozewski, Sean Drexler, Jeffrey Pedersen, Nancy VanValkenburgh, Jacqueline Diana Perez-Lopez, Steve McNally, Michelle Musacchio, James Guillinan, Edward Saxelby, Sydney Do, and Jonathan Walls.

Catherine Moore spoke in opposition of Mary's Kitchen staying open.

Written Public Comments

The following submitted emails in support of Mary's Kitchen: Andree O'Brien, Jane Bivona, Santa Ana Councilmember Jessie Lopez, Annette Bethune, Jennifer Jayne Bell, Felicity Figueroa, Sarah Kahn, Santa Ana Mayor Vicente Sarmiento, Wendy Seiden, and Jackie Barnett.

In addition, a recorded message was received from Will Balfour in support of Mary's Kitchen.

After public comments, Council remarked on the current situation at Mary's Kitchen. The report was received and filed.

RECESS: The City Council recessed at 9:38 p.m. and reconvened at 9:50 p.m. with all Members present.

## 7. ADMINISTRATIVE REPORTS

(Item 7.1 was re-ordered to be heard after Item 8.1)

### 7.1. Membership of the Planning Commission. (Continued from August 10, 2021)

Councilmember Barrios requested Council consider expanding the Planning Commission from five to seven members. During discussion, Councilmember Dumitru suggested tabling the item until after the 2022 Election as all districts will have elected representatives at that time.

#### Written Public Comments

Jordan Prell submitted an eComment in support of expanding the Planning Commission to seven members.

A motion was made by Councilmember Dumitru, seconded by Councilmember Monaco, to table the item until January 2023. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** Barrios

**Absent:** None

### 7.2. Master Encroachment Agreement with Verizon Wireless for the installation of small cell facilities in the public right-of-way.

A revised Master Encroachment Agreement was distributed to Council in the Hotfile as the version included in the agenda packet did not reflect the final changes that were negotiated with Verizon.

#### Written Public Comment

Jordan Prell submitted an eComment in support of approving the agreement.

A motion was made by Councilmember Dumitru, seconded by Councilmember Monaco, to approve the revised Master Encroachment Agreement by and between the City of Orange and Los Angeles SMSA Limited Partnership, DBA Verizon Wireless, for the construction, installation, maintenance, and operation of telecommunications network facilities within the public right-of-way, and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** None

**Absent:** None

### 7.3. Adoption of a policy regulating small wireless telecommunications facilities and related structures in the public rights-of-way. Resolution No. 11348.

Senior Assistant to City Manager Aaron Schulze provided a brief staff report. Staff answered Council's questions about notifying the public where small cells are located within the City. City Attorney Sheatz informed Council that some cities provide a link on their website to a map with small cell locations. Staff was directed to explore a similar option.

A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to adopt Resolution No. 11348. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** None

**Absent:** None

Resolution No. 11348. A Resolution of the City Council of the City of Orange adopting a policy regulating small wireless telecommunications facilities and related structures in the public rights-of-way.

## **8. REPORTS FROM CITY MANAGER**

### **8.1. Mary's Kitchen Update**

Item 8.1 was re-ordered to be heard after Item 6.

### **8.2. Short Term Rental Update**

Assistant Finance Director Katrin Bandhauer provided Council with an update on short term rentals. She reported that the short term rental registration and application process would be open September 15 through September 24. There is a link to the registration page on the City's website. The Hotline is in place but will not be advertised until the registration process is complete. The report was received and filed.

## **9. LEGAL AFFAIRS**

None

## **10. PUBLIC HEARINGS**

### **10.1. Public Hearing to consider an ordinance amending Titles 16 and 17 of the Orange Municipal Code to establish development standards and streamlined subdivision and entitlement procedures for small lot subdivisions in multi-family residential and neighborhood mixed use zones.**

Staff requested a continuance in order to prepare supplemental materials to provide a graphic depiction of applicable uses in the City.

#### Written Public Comments

Charisse Okamoto emailed in support of approving the Ordinance.

Rick and Rocio Ledesma emailed in support of approving the Ordinance.

Hugh Siler emailed in support of approving the Ordinance.

A motion was made by Councilmember Dumitru, seconded by Councilmember Monaco, to continue Item 10.1 to the November 9, 2021, City Council meeting. The motion carried by the following vote:

**Ayes:** Nichols, Monaco, Barrios, Dumitru, Tavoularis, Gutierrez, and Murphy

**Noes:** None

**Absent:** None

**11. ADJOURNMENT**

The October 12, 2021, Regular City Council meeting was cancelled.

There being no further business, the meeting was adjourned at 10:27 p.m. to an Adjourned Regular Meeting on Wednesday, October 13, 2021, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 4:15 p.m., if necessary. There will be an Employee Recognition at 4:00 p.m.

          s/Pamela Coleman            
PAMELA COLEMAN  
CITY CLERK

          s/Mark A. Murphy            
MARK A. MURPHY  
MAYOR