

MINUTES

City of Orange

City Council

August 22, 2023

The City Council of the City of Orange, California convened on Tuesday, August 22, 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 5:01 p.m.

1.1 ROLL CALL

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

Absent: None

Councilmember Tavoularis joined Closed Session at 5:02 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 to discuss the following:

a. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City Negotiator: Tom Kisela, City Manager

Employee Organization: Orange Maintenance and Crafts Employees' Association

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
(One potential case)

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:50 p.m.

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

Mayor Slater called the meeting to order at 6:03 p.m.

1.1 INVOCATION

Given by Rev. Dr. Robb Ring from Immanuel Lutheran Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Mayor pro tem Arianna Barrios.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Memorial Adjournment in honor of Christine Grace Reyes.

Recognition of 2022-2023 high school student liaisons Ruby Hewitt, El Modena High School, and Diego Paz, Orange High School.

Proclamation honoring the Orange Elks Lodge No. 1475 in celebration of its 100th Anniversary.

Santiago Canyon College Update presented by Santiago Canyon College President Dr. Jeannie Kim.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTS

Public Speaker:

Brandy Romero spoke about the City parkway tree program.

Written Public Comments

Stephen Tyler emailed in support of keeping Santiago Creek a wetland.

Janice Brownfield emailed in support of using solar-reflective coatings on streets and roofs.

Alex Brown submitted an eComment expressing concerns with OC Animal Care operations.

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. Approval of minutes of the City of Orange City Council Regular Meeting held on August 8, 2023.

ACTION: Approved minutes as presented.

3.3. Agreement with the State of California, Department of Alcoholic Beverage Control for the Alcohol Policing Partnership Grant for Fiscal Year 2023-2024. Resolution 11490.

ACTION: 1) Approved agreement with the State of California, Department of Alcoholic Beverage Control in the amount of \$90,000 for the Alcohol Policing Partnership Grant; and authorized the Chief of Police or City Manager to execute on behalf of the City.

2) Adopted Resolution No. 11490. A Resolution of the City Council of the City of Orange accepting funds in the amount of \$90,000 from the State of California Department of Alcoholic Beverage Control for the Alcoholic Policing Partnership Grant, and authorizing the Chief of Police or City Manager to execute the grant program agreement and related documents.

3) Accepted into the City's revenue budget \$90,000 in grant funds from the State of California, Department of Alcoholic Beverage Control into revenue account number 100.4033.45495.30230 Alcoholic Beverage Control Grant FY24.

4) Authorized the appropriation of \$90,000 into the following expenditure accounts:

\$84,468 100.4033.50221.30230 Overtime Safety - ABC Grant FY24

\$2,500 100.4033.51830.30230 Overnight Training - ABC Grant FY24

\$532 100.4033.53060.30230 Misc. Materials & Supplies - ABC Grant FY24

\$2,500 100.4033.55131.30230 Equipment Additions - ABC Grant FY24

3.4. Agreement with Michael Baker International for Community Development Block Grant, HOME Investment Partnerships Program, general grant, and housing management consulting services.

A speaker card was submitted for Item 3.4; therefore, the item was removed from the Consent Calendar for separate consideration.

Public Speaker:

Sam Rodriguez spoke in opposition.

ACTION: A motion was made by Councilmember Tavoularis, seconded by Councilmember Dumitru, to: 1) Authorize the appropriation of \$15,000 from the Low and Moderate Income Housing Asset Fund (921) unreserved fund balance to

expenditure account number 100.6001.51670.00000 - Other Professional and Consulting Services; and 2) Approve the agreement with Michael Baker International for Community Development Block Grant, HOME Investment Partnerships Program, housing management, and general federal grant support in the amount of \$140,000; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

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

Noes: None

Absent: None

3.5. Agreement with Orange County Transportation Authority for Countywide Signal Synchronization Baseline Project.

Note: Mayor pro tem Barrios abstained due to a potential conflict with employment.

ACTION: Approved the agreement with Orange County Transportation Authority for the Countywide Signal Synchronization Baseline Project; and authorized the City Manager and City Clerk to execute on behalf of the City.

3.6. Agreement with Paul Kott Realtors, Inc. for real estate broker services.

ACTION: Approved the agreement with Paul Kott Realtors, Inc. for real estate broker services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. First Amendment to Attorney Services Agreement with Richards, Watson & Gershon to provide legal services.

ACTION: Approved a First Amendment to Attorney Services Agreement with Richards, Watson & Gershon in an amount not to exceed \$20,000; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.8. Second Amendment to the Agreement with California Waters Development, Inc. for maintenance of City fountains.

ACTION: Approved the Second Amendment with California Waters Development, Inc. in the amount of \$67,336.50 for maintenance of City fountains; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.9. Sewer Service Installation and Payment Agreement with Tustin Development LLC to provide sewer service to a new tract development known as Cowan Ranch Estates in the unincorporated area of Orange County.

Note: Councilmember Gyllenhammer abstained due to nearby property interest.

ACTION: Approved the agreement between the City of Orange and Tustin Development LLC for connection to the Orange Sewer System, and one-time lump sum payment for sewer connection fees; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.10. Appropriation of \$10,000 in revenue from Community Partnership donations.

ACTION: 1) Accepted into the City's Fiscal Year 2023-2024 budget \$10,000 in community partnership donations into revenue account 100.7015.48390.20530, Donations - Special Events 2024 Season; and 2) Authorized the appropriation of \$10,000 in the following Fiscal Year 2023-2024 expenditure account number 100.7015.51355.20530, General Fund - Special Events 2024 Season.

3.11. Appropriation of \$89,609.26 in State of California Office of Emergency Services funding received.

ACTION: 1) Accepted into the City's revenue budget \$89,609.26 in strike team reimbursement funds from the California Office of Emergency Services, into the revenue account numbers for Cal-OES reimbursements as follows:

Cal-OES reimbursements (revenue account 100.3024.48212.xxxxx):

\$ 14,176.99	.40323 - OES Pre-Position #230009
12,682.58	.40329 - OES Pre-Position #230030
12,456.71	.40334 - OES Pre-Position #230053
24,183.20	.40334 - OES Pre-Position #230054
26,109.78	.40338 - OES Pre-Position #230062

2) Authorized the appropriation of \$84,991.05 into the expenditure account numbers for Overtime-Safety as follows:

Overtime-Safety (expenditure account 100.3024.50221.xxxxx):

\$ 13,443.40	.40323 - OES Pre-Position #230009
12,682.58	.40329 - OES Pre-Position #230030
11,621.86	.40334 - OES Pre-Position #230053
22,587.79	.40334 - OES Pre-Position #230054
24,655.42	.40338 - OES Pre-Position #230062

3) Authorized the appropriation of \$3,830.21 into the expenditure account numbers for Strike Team Expenditures as follows:

Strike Team (expenditure account 100.3024.53860.xxxxx):

\$ 733.59	.40323 - OES Pre-Position #230009
46.85	.40334 - OES Pre-Position #230054
1,595.41	.40334 - OES Pre-Position #230054
1,454.36	.40338 - OES Pre-Position #230062

4) Authorized the appropriation of \$788.00 into the expenditure account numbers for Motor Vehicle Replacement as follows:

Motor Vehicle Replacement (expenditure account 720.5023.55212.xxxxx)

\$ 788.00	.40333 - OES Pre-Position #230053
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3.12. Final Acceptance of Bid No. 21-22.34; SP-4144, Katella Avenue Street Improvement Project; and authorization to file Notice of Completion.

ACTION: Accepted Katella Avenue Street Improvement Project as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.13. Final Acceptance of Bid No. 22-23.05; SP-4086; Cannon Street at Serrano Avenue Intersection Improvement Project; and authorization to file Notice of Completion.

ACTION: Accepted Cannon Street at Serrano Avenue Intersection Improvement Project as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.14. Authorize the purchase of one fire apparatus for the Orange Fire Department and two vehicles for the Orange Police Department through a Cooperative Purchasing Agreement.

Item 3.14 was removed from the Consent Calendar for separate consideration by Councilmember Dumitru.

Councilmember Dumitru expressed his appreciation for donating the replaced equipment to the Fire Department in Queretaro, Mexico.

ACTION: A motion was made by Councilmember Dumitru, seconded by Mayor pro tem Barrios, to: 1) Approve the purchase of one Pierce Enforcer Fire Apparatus from South Coast Fire Equipment for \$1,215,907; 2) Authorize the purchase of safety equipment and supplies needed to equip the Fire Apparatus from single source vendors in the amount of \$84,093; 3) Authorize the purchase of two 2023 Chevrolet Bolts from National Auto Fleet Group in the amount of \$62,537; and 4) Authorize the replaced Fire Seagrave Pumper and Tiller Truck donation to Queretaro, Mexico. The motion carried by the following vote:

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

Noes: None

Absent: None

3.15. Adoption of a resolution regarding the 2023, 2024, and 2025 Winter Holiday Closure. Resolution No. 11489.

ACTION: Adopted Resolution No. 11489. A Resolution of the City Council of the City of Orange regarding the 2023, 2024, and 2025 Winter Holiday Closure.

Approval of the Consent Calendar

Mayor pro tem Barrios abstained from Item 3.5. Councilmember Gyllenhammer abstained from Item 3.9. Item 3.14 was removed from the Consent Calendar and heard separately. All other items were approved as recommended.

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

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

Noes: None

Absent: None

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR SLATER

Mayor Slater reported that he met with several Assembly Members in Sacramento regarding a proposed bond measure that would benefit the Santa Ana River and its tributaries including Santiago Creek.

Mayor pro tem left the dais at 6:56 p.m. and returned at 6:57 p.m.

5. REPORTS FROM COUNCILMEMBERS

5.1. La Veta Monterey Condominiums Update (Dumitru)

Councilmember Dumitru provided an update on the La Veta Monterey Condo gas line issues.

Public Speakers:

Betty Talbert spoke about the continuing gas line issues.

Teresa San Diego spoke about the continuing gas line issues.

5.2. Other Councilmember Reports

Councilmember Dumitru reported that a mosquito found near Lincoln & Glassell tested positive for West Nile Virus. OC Mosquito and Vector Control District encourages residents to eliminate any standing water.

Councilmember Tavoularis reported there are no updates for the Orange Mall area (Village at Orange).

6. ADMINISTRATIVE REPORTS**6.1. Consideration of an appeal of the City Traffic Commission's decision to deny removal of on-street parking on the south side of Katella Avenue between Sacramento and Handy Streets, Appeal No. CTC 0001-23.**

City Traffic Engineer Larry Tay presented the staff report and answered Council's questions.

Public Speakers:

Regina Mundekis spoke in support of upholding the appeal and removing the parking.

The following spoke in support of denying the appeal and in opposition of removing the parking: Heather McCance, Xanthia Quesada, Velma Trevino, Gil Lazar, Ruben Hernandez, Brad Jackson, Frank Miller, Patrick Gallagher, Mikeline Skibsted, Julian Giacobbe, Stuart Atkins, Pam Atkins, and Sam Briones.

Written Public Comments

Don Dawson submitted an eComment in support of denying the appeal and in opposition of removing the parking.

During deliberations, Council discussed Katella as a major arterial and ways to address the safety concerns with the front facing homes on Katella if the parking is removed.

Mayor pro tem Barrios made a motion to continue this item to allow staff to return with a discussion item report in two months outlining the options and alternatives for this area. Motion seconded by Councilmember Gutierrez.

Councilmember Gutierrez requested to amend the motion to include a neighborhood meeting to solicit feedback from the residents. Mayor pro tem accepted the amendment.

Councilmember Dumitru requested to amend the motion to include a study to close off the eastbound side of southbound Sacramento St. and restrict northbound Sacramento St. as a right turn only. Mayor pro tem accepted the amendment.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to continue this item to allow staff time to host a neighborhood meeting and return with a report in two months outlining the options and alternatives for this area, and direct staff to study appropriate turning restrictions at the Sacramento Street intersection, including, but not limited to, eastbound right turns, northbound left turns, and an inbound closure. The motion carried by the following vote:

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

Noes: None

Absent: None

RECESS: The City Council recessed at 9:00 p.m. and reconvened at 9:18 p.m. with all Members present.

(Item 8.1 re-ordered to be heard before Item 6.2.)

8. PUBLIC HEARINGS

- 8.1. Public Hearing to consider adoption of a resolution approving the demolition of an existing 40,000 square foot (SF) manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building located at 534 W. Struck Avenue; certifying Environmental Impact Report No. 1870-20; and adopting all findings and a Mitigation Monitoring and Reporting Program. (Applicant: Prologis, L.P.)**

Mayor pro tem Barrios disclosed she had a briefing with the applicant.

Mayor Slater opened the Public Hearing at 9:20 p.m.

Public Speakers:

The following spoke in support of the project: Maggie Xu, applicant; Alex Zamora; and Jayson Baiz.

Written Public Comment

John Underwood submitted an eComment opposing the project.

Mayor Slater closed the Public Hearing at 9:27 p.m.

Mayor Slater re-opened the Public Hearing at 9:31 p.m. so the applicant could respond to Council's questions regarding traffic and noise concerns, trees, and a heat island effect. Mayor Slater closed the Public Hearing at 10:03 p.m.

During further discussion, Councilmember Gutierrez continued to express concerns with possible noise disturbances and a heat island effect.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Bilodeau, to adopt Resolution No. 11487. A Resolution of the City Council of the City of Orange certifying Environmental Impact Report No. 1870-20, adopting a Mitigation Monitoring

and Reporting Program and approving Conditional Use Permit No. 3137-21, Major Site Plan Review No. 1039-21, Design Review No. 5028-21 to demolish an existing 40,000 SF manufacturing facility and site redevelopment with a 57,900 SF truck terminal that includes 52,900 SF of warehouse space, 5,000 SF of office space, and an accessory 5,400 SF maintenance building, located at 534 W. Struck Avenue. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Bilodeau, Gyllenhammer, and Slater

Noes: Gutierrez

Absent: None

6. ADMINISTRATIVE REPORTS

6.2. Adoption of an Expense and Reimbursement Policy for City Councilmembers for actual and necessary expenses incurred in the performance of their official duties. Resolution No. 11485.

Written Public Comments

The following submitted eComments in support of adopting Resolution No. 11485: Don Dawson and Reggie Mundekis.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Gutierrez, to adopt Resolution No. 11485. A Resolution of the City Council of the City of Orange Adopting an Expense and Reimbursement Policy for City Council Members for Actual and Necessary Expenses Incurred in the Performance of their Official Duties. The motion carried by the following vote:

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

Noes: None

Absent: None

(Item 7.1 re-ordered to be heard before Item 6.3.)

7. REPORTS FROM CITY MANAGER

7.1. City of Orange Fiscal Health Report. (Continued from August 8, 2023)

Finance Director Trang Nguyen provided Council with an overview of the City's fiscal health based on the California State Auditor's Office local government fiscal analysis report.

Councilmember Bilodeau left the dais at 10:19 p.m.

During discussion Council requested a fiscal health ranking of full service cities.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Dumitru, to receive and file the report. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Gyllenhammer, and Slater

Noes: None

Absent: Bilodeau

6. ADMINISTRATIVE REPORTS

6.3. Proposal to analyze a possible increase in the Uniform Transient Occupancy Tax rate.

Economic Development Manager Aaron Shulze presented a brief staff report.

Councilmember Bilodeau returned to the dais at 10:27 p.m.

Council discussed evaluating a utility user tax at the same time and analyzing the impact of a TOT increase between a range of 10-15%.

Public Speaker:

Steve Ratkevich spoke in opposition of increasing TOT to 15%.

A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, to authorize staff to analyze a possible increase in the Uniform Transient Occupancy Tax rate and possibly introducing a Utility User Tax. The motion carried by the following vote:

Ayes: Barrios, Dumitru, Tavoularis, Gutierrez, Gyllenhammer, and Slater

Noes: Bilodeau

Absent: None

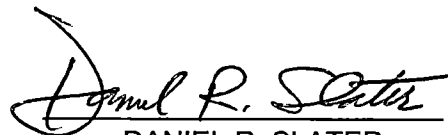
9. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:40 p.m. in Memory of Christine Grace Reyes.

The next Regular City Council meeting will be held on Tuesday, September 12, 2023, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.



PAMELA COLEMAN
CITY CLERK



DANIEL R. SLATER
MAYOR