

MINUTES - DRAFT

City of Orange

City Council

April 09, 2024

The City Council of the City of Orange, California convened on Tuesday, April 9, 2024, 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 pro tem Barrios called Closed Session to order at 5:03 p.m.

1.1 ROLL CALL

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

Absent: Gyllenhammer, and Slater

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:04 p.m. with all Members present, except Mayor Slater and Councilmember Gyllenhammer who were absent, to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Orange County Water District et. al. vs. 3M et. al.

United States District Court for the District of South Carolina

Case No. 2:22-cv-01798-RMG

b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9. (One potential case)

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:45 p.m.

6:00 PM REGULAR SESSION

1. OPENING/CALL TO ORDER

Mayor pro tem Barrios called the meeting to order at 6:02 p.m.

1.1 INVOCATION

Given by Reverend Father Neil Edlin from St. Mary Magdalene Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Denis Bilodeau.

1.3 ROLL CALL

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

Absent: Gyllenhammer, and Slater

1.4 PRESENTATIONS/ANNOUNCEMENTS

El Modena High School Student Liaison Emma Hoffman provided Council with a brief update on school happenings.

Proclamation recognizing Gerrit Cole for being selected as one of Orange County's 2023 most influential people.

Proclamation recognizing April 14-20, 2024 as National Public Safety Telecommunicators Week.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTS

Public Speakers:

Brenda Lebsack spoke about a petition she is circulating for the November 2024 ballot.

The following expressed concerns with a family shelter opening in their neighborhood: Harry Mear, Brianna Tomasin, Alejandro Hernandez, and Jeffrey Beavers .

Written Public Comment

Janice Brownfield submitted an email regarding the importance of Earth Day.

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 March 7, 14, 21, and 28, 2024.

ACTION: Approved as presented.

3.3. Agreement with Paymentus Corporation for an online platform for Utility Billing services, including processing credit card and e-check payments.

ACTION: Approved the agreement with Paymentus Corporation in the amount not to exceed \$175,000 for one year; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.4. Three-year agreement with Insight Enterprises, Inc. for Microsoft Enterprise software licenses for all City computers and servers.

ACTION: Approved the three-year agreement with Insight Enterprises, Inc. for a total amount of \$1,328,378 (\$442,793 annually) for Microsoft software licensing; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. Second Amendment to Agreement with the County of Orange for a Lead Forensic Specialist during Fiscal Year 2024-2025.

ACTION: Approved the Second Amendment to Agreement No. 6447.4 with the County of Orange for a Lead Forensic Specialist in the amount of \$200,026; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.6. License Agreement with Lestonnac Free Clinic, a California nonprofit corporation, for the right to use the southwest quadrant of a City-owned lot located at 164 S. Water Street for parking service vehicles.

ACTION: Approved the license agreement with Lestonnac Free Clinic, for the use of the southwest quadrant of the City-owned lot located at 164 S. Water Street for parking service vehicles; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. Appropriation of \$55,000 in unreserved General Fund balance to address and treat mold growth at the Sports Center at Grijalva Park.

ACTION: Authorized the appropriation of \$55,000 of unreserved General Funds to:

100.7022.51401	Repairs to Buildings & Fixed Equipment	\$47,000
100.7014.51780	Other Contractual Services	\$8,000

3.8. Approval of plans and specifications for Annual Sewer Replacement and Maintenance, Fiscal Year 2023-2024; authorization to advertise for bids; and finding of CEQA exemption.

ACTION: 1) Approved the plans and specifications and authorized advertising for Bid No. 23-24.35, Annual Sewer Replacement and Maintenance, FY 2023-24 (S-250); and 2) Found that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1(c) - Existing Facilities).

3.9. First Amendment to the Contract with Ultimate Maintenance Services, Inc. for custodial services at various city facilities.

ACTION: Approved the First Amendment with a two-year extension to the contract with Ultimate Maintenance Services, Inc. in the amount of \$1,054,680 for custodial services at various city facilities; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.10. First Amendment to the Contract with West Coast Arborists, Inc. for citywide tree maintenance services.

ACTION: Approved the First Amendment with West Coast Arborist, Inc. in the amount of \$330,000 for the next four fiscal years for tree and vegetation maintenance along a portion of Santiago Creek; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.11. Award of Sourcewell Contract to Horizons Construction Company International, Inc. for facility repairs, maintenance, and abatement; and finding of CEQA exemption.

ACTION: 1) Approved the contract with Horizons Construction Company International, Inc. for \$91,443, representing an original amount of \$79,516 plus a 15% contingency of \$11,927 for facility repairs, maintenance, and abatement; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Found that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) provisions per State CEQA Guidelines Section 15301 (Existing Facilities).

3.12. Award of Contract to Hardy & Harper, Inc. for Annual Pavement Maintenance at Various Locations, Fiscal Year 2023-2024; Bid No. 23-24.28 (SP-4261).

ACTION: Approved contract with Hardy & Harper, Inc. in the total amount of \$4,042,500, representing an original bid amount of \$3,850,000, plus a 5% contingency of \$192,500 for Annual Pavement Maintenance at Various Locations, Fiscal Year 2023-2024; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.13. Notice of Completion and Acceptance for Park Facility Roof Replacement.

ACTION: 1) Accepted Park Facility Roof Replacement as complete (Bid No. 22-23.30); and 2) Authorized the City Clerk to file Notice of Completion with the Orange County Clerk-Recorder's Office.

3.14. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending various Sections in Titles 1 and 2 of the Orange Municipal Code to delete outdated language, update references to conform with current law and code provisions and achieve internal consistency. Ordinance No. 06-24.

ACTION: Adopted Ordinance No. 06-24.

3.15. Authorize purchase of sewer equipment parts and inspection camera from CUES, Inc. as the single source vendor.

ACTION: Approved the purchase of parts and inspection camera for \$77,432 from CUES, Inc. the single source vendor for city sewer equipment.

3.16. Authorize purchase of nine Dell R760 servers from Sidepath, Inc.

ACTION: 1) Approved the purchase of nine Dell R760 servers from Sidepath, Inc. for a total amount of \$327,663.35.

2) Authorized the appropriation of \$62,485.36 from Computer Replacement (790) unreserved fund balance to:

790.1601.56033.20278 Server Refreshes

3.17. Authorize purchase of nine vehicles from the National Auto Fleet Group for the Orange Police, Public Works, and Community Services Departments using a Cooperative Purchasing Agreement.Written Public Comment

Suzanne Tani submitted an eComment encouraging the City to evaluate the use of EV vehicles.

ACTION: 1) Approved the purchase of nine vehicles from National Auto Fleet Group in the amount of \$616,829; and 2) Authorized the purchase and installation of safety equipment from a single source vendor, Hi-Standard Automotive, LLC, for the five Ford Pursuit Explorers in the amount of \$93,233.

3.18. Authorize Pivotal Strategies to use the City of Orange name, official seal, logos, or any abbreviation of them for all public education and outreach materials/content.

ACTION: Authorized Pivotal Strategies to use the City of Orange name, official seal, logo, or any abbreviation of them for all public education and outreach materials/content pursuant to Orange Municipal Code Chapter 1.12.

3.19. Designation of April 26, 2024, as Arbor Day. Resolution No. 11535.

ACTION: Adopted Resolution No. 11535. A Resolution of the City Council of the City of Orange designating April 26, 2024, as Arbor Day.

3.20. Resolution establishing criteria and meeting information for the Audit Advisory Committee and Investment Advisory Committee. Resolution No. 11536.

ACTION: 1) Adopted Resolution No. 11536. A Resolution of the City Council of the City of Orange rescinding Resolution No. 11505 and re-establishing the number of members, qualifications for membership, purpose, compensation, and meeting information for specified city boards, committees, and commissions.

2) Directed the City Clerk to post a Notice of Vacancy for the newly created positions pursuant to the Maddy Act, Government Code Section 54974.

Approval of the Consent Calendar

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

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

Noes: None

Absent: Gyllenhammer, and Slater

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR PRO TEM BARRIOS

Mayor pro tem Barrios announced she presented the Friendly Center with a proclamation recognizing their 100th anniversary celebration and proclaiming April 8, 2024, as Friendly Center Day.

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Barrios & Gutierrez)

Councilmember Gutierrez highlighted the following local business: Town and Country Hand Car Wash. Mayor pro tem Barrios highlighted the following local business: Soul & Land Paint Studio and Creative Space.

6. AB 1234 REPORTS

None

7. ADMINISTRATIVE REPORTS

7.1. Consideration of a City Council resolution memorializing the Orange City Council's desire to reform Proposition 47.

A motion was made by Councilmember Dumitru, seconded by Councilmember Tavoularis, to adopt Resolution No. 11537. A Resolution of the City Council of the City of Orange, California, supporting Proposition 47 reform. The motion carried by the following vote:

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

Noes: None

Absent: Gyllenhammer, and Slater

7.2. Introduction and First Reading of Ordinance Nos. 08-24 and 09-24 amending Chapter 2.10 of Title 2 of the Orange Municipal Code relating to campaign contribution limits and contributions from committees.

Mayor pro tem Barrios requested to continue the item until there was a full Council present.

Written Public Comment

Shirley Grindle submitted a letter in opposition of adopting Ordinance Nos. 08-24 and 09-24.

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to continue Item 7.2 to the April 23, 2024, Regular City Council meeting. The motion carried by the following vote:

Ayes: Barrios, Tavoularis, Gutierrez, and Bilodeau

Noes: Dumitru

Absent: Gyllenhammer, and Slater

8. REPORTS FROM CITY MANAGER

None

9. PUBLIC HEARINGS

- 9.1. **Public Hearing to consider introduction and First Reading of Ordinance No. 05-24 amending Chapter 17.15 of the Orange Municipal Code relating to Density Bonus Law to establish consistency with state density bonus law; and finding of CEQA exemption.**

Mayor pro tem Barrios opened the Public Hearing at 6:48 p.m.; there being no speakers, Mayor pro tem Barrios closed the Public Hearing at 6:48 p.m.

Written Public Comment

The Kennedy Commission submitted a letter encouraging the City to take additional steps to evaluate how proposed changes will incentivize low and very low income housing opportunities.

Paul Kim submitted an eComment in support of approving the Ordinance for First Reading.

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to:

1) Introduce and conduct First Reading of Ordinance 05-24. An Ordinance of the City Council of the City of Orange amending Chapter 17.08 and 17.15 of the Orange Municipal Code relating to Density Bonus Law.

2) Find the project is exempt from the California Environmental Quality Act (CEQA) under Section 15378 (Common Sense Exemption) of the CEQA Guidelines.

The motion carried by the following vote:

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

Noes: None

Absent: Gyllenhammer, and Slater

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:51 p.m.

The next Regular City Council meeting will be held on Tuesday, April 23, 2024, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

PAMELA COLEMAN
CITY CLERK

ARIANNA BARRIOS
MAYOR PRO TEM