



Tom Kisela  
City Manager

Mike Vigliotta  
City Attorney

Pamela Coleman  
City Clerk

# AGENDA

## City Council November 28, 2023

**5:00 PM Closed Session**  
**6:00 PM Regular Session**

City Council Chamber  
300 E. Chapman Avenue  
Orange, CA 92866

DAN SLATER  
Mayor

ARIANNA BARRIOS  
Mayor pro tem, District 1

JON DUMITRU  
Councilmember, District 2

KATHY TAVOULARIS  
Councilmember, District 3

DENIS BILODEAU  
Councilmember, District 4

ANA GUTIERREZ  
Councilmember, District 5

JOHN GYLLENHAMMER  
Councilmember, District 6

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The City of Orange City Council welcomes you to this meeting and encourages your participation. Regular City Council meetings are held on the second and fourth Tuesday of each month at 6:00 p.m.

### Agenda Information

The agenda contains a brief general description of each item to be considered. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda. The agenda and supporting documentation is available after 4:00 p.m. on the Thursday prior to the Council meeting on the City's website at [www.cityoforange.org](http://www.cityoforange.org), at the City Clerk's Office located at 300 E. Chapman Avenue, and at the Main Public Library located at 407 E. Chapman Avenue. Written materials relating to an item on the agenda that are provided to the City Council after agenda packet distribution and within 72 hours before Council is to consider the item will be made available for public inspection in the City Clerk's Office during normal business hours; at the City Council meeting; and made available on the City's website.

### Public Participation

Regular meetings are televised live on Spectrum Cable Channel 3 and AT&T U-verse Channel 99, and streamed live and on-demand on the City's website at [www.cityoforange.org](http://www.cityoforange.org).

Pursuant to Government Code Section 54954.3, members of the public may address the City Council on any agenda item before or during Council's consideration of the item, and on any other matters within the City Council's jurisdiction by using any of the following methods:

#### 1) In-Person

To speak on an item on the agenda, complete a speaker card indicating your name, address, and identify the agenda item number or subject matter you wish to address. The card should be given to the City Clerk prior to the start of the meeting. General comments are received during the "Public Comments" section at the beginning of the Regular Session. No action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker unless a different time limit is announced. It is requested that you state your name for the record, then proceed to address the City Council. All speakers shall observe civility, decorum, and good behavior.

*(Continued on page 2)*

**2) Written Public Comments via eComment**

Members of the public can submit their written comments electronically for City Council consideration by using the eComment feature on the Agenda page of the City's website at [www.cityoforange.org](http://www.cityoforange.org). To ensure distribution to the City Council prior to consideration of the agenda, we encourage the public to submit written comments by 3:00 p.m. the day of the meeting. All written comments will be provided to the Council for consideration and posted on the City's website after the meeting.

**3) Public Comments via recorded voicemail message**

Finally, the public can record their comments by calling (714) 744-2234 no later than 5:00 p.m. the day of the meeting. Recorded messages will not be played at the meeting, but will be provided to the Council.

In accordance with Ordinance No. 10-01, any person making personal, impertinent, slanderous or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council further during that meeting, unless permission to continue is granted by a majority vote of the Council.

Please contact the City Clerk's Office at (714) 744-5500 with any questions.

ADA Requirements: In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, please contact the City Clerk's office at (714) 744-5500. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

***REMINDER: Please silence all electronic devices while City Council is in session.***

**5:00 PM CLOSED SESSION****1. CALL TO ORDER****1.1 ROLL CALL****2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

At this time, members of the public may address the Council on Closed Session items only. Public Comments are limited to three (3) minutes per speaker.

**3. RECESS TO CLOSED SESSION****a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a) & (d)(1) – One case  
In re Aqueous Film-Forming Foams Products Liability Litigation  
United States District Court Case No. 2:18-mn-02873

**b. 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

**4. CLOSED SESSION REPORT****5. ADJOURNMENT**

The City Council will adjourn to the 6:00 p.m. Regular Session in the Council Chamber.

**6:00 PM REGULAR SESSION****1. OPENING/CALL TO ORDER****1.1 INVOCATION**

Kylee Simonton, HUB Resource Center

**1.2 PLEDGE OF ALLEGIANCE**

Councilmember Jon Dumitru

**1.3 ROLL CALL****1.4 PRESENTATIONS/ANNOUNCEMENTS**

Children's Hospital of Orange County Mental Health Presentation

**1.5 REPORT ON CLOSED SESSION ACTIONS****2. PUBLIC COMMENTS**

At this time, members of the public may address the Council on matters not listed on the agenda within the subject matter jurisdiction of the City Council, provided that NO action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker.

**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.****Recommended Action:**

Approve.

**Attachments:**     [Staff Report](#)

**3.2. Agreement with Smithson Electric, Inc. for On-Call Traffic Signal Services Loop Detector Installation and Replacement.****Recommended Action:**

Approve agreement with Smithson Electric, Inc. for an initial term of two years in the amount of \$60,000 for On-Call Maintenance and Repair Services for Loop Detectors; and authorize the Mayor and City Clerk to execute on behalf of the City.

**Attachments:**     [Staff Report](#)  
                              [Agreement with Smithson Electric, Inc.](#)

**3.3. Agreement with the County of Orange for Fiscal Year 2022-2023 Edward Byrne Memorial Justice Assistance Grant.**

**Recommended Action:**

1. Approve the agreement with the County of Orange in the amount of \$12,884 for Fiscal Year 2022-2023 Edward Byrne Memorial Justice Assistance Grant Program; and authorize the City Manager to execute on behalf of the City.
2. Accept into the City's revenue budget \$12,884 in grant funds from the County of Orange, into revenue account number 353.4011.45150.30234, Federal Grants-2023 JAG.
3. Authorize the appropriation of \$12,884 into expenditure account number 353.4011.55131.30234, Equipment - 2023 JAG.

**Attachments:**     [Staff Report](#)  
                              [JAG MOU 15PBJA-23-GG-03185-JAGX](#)

**3.4. First Amendment to Agreement with AECOM Technical Services, Inc. for environmental, hydraulics, geotechnical and survey services for the Santiago Bike Trail Phase IV Project.**

**Recommended Action:**

1. Approve the First Amendment to Agreement with AECOM for environmental, hydraulics, geotechnical and survey services for the Santiago Bike Trail Phase IV Project; and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the transfer of \$43,000 from expenditure account number 500.5011.56330.13120 Pavement Management Program to expenditure account number 500.5011.56330.20325 Santiago Bike Trail Phase IV.

**Attachments:**     [Staff Report](#)  
                              [First Amendment to Agreement with AECOM Technical Services, Inc](#)

**3.5. Approval of plans and specifications for Community Development Block Grant Fiscal Year 2023-2024 Grand Street Neighborhood Street Rehabilitation, authorization to advertise for bids, and finding of CEQA exemption.**

**Recommended Action:**

Approve plans and specifications; authorize advertising for Bid No. 23-24.17 (SP-4264); and find that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 "Existing Facilities" Class 1.

**Attachments:**     [Staff Report](#)  
                              [Location Map](#)

- 3.6. Approval of plans and specifications for Landscape Renovation at White Oak Ridge between Newport Blvd. and Trails End Ln.; authorization to advertise for bids; and finding of CEQA exemption.**

**Recommended Action:**

Approve plans and specifications; and authorize advertising for Bid No. 23-24.20.

**Attachments:**     [Staff Report](#)

- 3.7. Award of Contract to LCR Earthwork & Engineering, Corp. for Annual Concrete Replacement at Various Locations, Fiscal Year 2023-2024; Bid No. 23-24.11.**

**Recommended Action:**

Approve contract with LCR Earthwork & Engineering, Corp. in the amount of \$1,454,640, representing an original amount of \$1,322,400 plus a 10% contingency of \$132,240 for Annual Concrete Replacement at Various Locations, Fiscal Year 2023-2024; and authorize the Mayor and City Clerk to execute on behalf of the City.

**Attachments:**     [Staff Report](#)  
                              [Contract with LCR Earthwork & Engineering, Corp.](#)  
                              [Location Maps](#)  
                              [Bid Abstract](#)

- 3.8. Third Amendment to Contract with Diversified Thermal Services, Inc. for preventive maintenance of heating, ventilation, and air conditioning equipment at various City facilities.**

**Recommended Action:**

Approve the Third Amendment with Diversified Thermal Services, Inc. in the amount of \$159,000 for preventive maintenance for heating, ventilation, and air conditioning equipment at various city facilities; and authorize the Mayor and City Clerk to execute on behalf of the City.

**Attachments:**     [Staff Report](#)  
                              [Third Amendment](#)

- 3.9. Adoption of Resolution No. 11501 authorizing the City Manager and City Attorney to perform claims procedures and functions under the California Government Claims Act and amending Resolution No. 8966 to increase settlement authority amounts for designated employees.**

**Recommended Action:**

Adopt Resolution No. 11501. A Resolution of the City Council of the City of Orange adopted pursuant to Government Code Section 935.4 of the California Government Claims Act ("Act") authorizing the City Manager and City Attorney to perform administrative functions under the Act and amending Resolution No. 8966 to increase the settlement authority amounts for designated employees for settlement of civil liability claims against the City.

**Attachments:**     [Staff Report](#)  
                              [Resolution No. 11501](#)

- 3.10. Adoption of Resolution 11502 delegating certain authority to the City Manager related to the approval and administration of contracts, agreements, instruments and conveyances.**

**Recommended Action:**

Adopt Resolution No. 11502. A Resolution of the City Council of the City of Orange adopted pursuant to Section 3.08.095 of the Orange Municipal Code ("OMC") and delegating certain authority to the City Manager related to the approval and administration of contracts, agreements, instruments and conveyances not otherwise covered by Chapter 3.08 or the OMC.

**Attachments:**     [Staff Report](#)  
                              [Resolution No. 11502](#)

- 3.11. Classification, compensation, and terms of employment of Part-Time and Limited Duration employees for the period of January 1, 2024, through December 31, 2024. Resolution No. 11503.**

**Recommended Action:**

Adopt Resolution No. 11503. A Resolution of the City Council of the City of Orange relating to the classification, compensation, and terms of employment for Part-time and Limited Duration employees of the City of Orange effective January 1, 2024, through and including December 31, 2024, and repealing Resolution No. 11423 and amendments thereto.

**Attachments:**     [Staff Report](#)  
                              [Resolution No. 11503](#)

- 3.12. Adoption of Resolution No. 11505 specifying the date, time, and place for the Santiago Creek Commission, Community Development Block Grant Program Committee, and the Investment and Audit Committee regular meetings.**

**Recommended Action:**

Adopt Resolution No. 11505. A Resolution of the City Council of the City of Orange Rescinding Resolution No. 11499 and re-establishing the number of members, qualifications for membership, purpose, compensation and meeting information for specified City Boards, Committees and Commissions by specifying meeting date, time, and place for the Santiago Creek Commission, Community Development Block Grant Program Committee, and the Investment and Audit Committee.

**Attachments:**     [Staff Report](#)  
                              [Resolution No. 11505](#)

**END OF CONSENT CALENDAR**

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**4. REPORTS FROM MAYOR SLATER****4.1. Leasing of former Fire Headquarters property****5. REPORTS FROM COUNCILMEMBERS**

An opportunity for Councilmembers to make a brief announcement, report, or request. No action(s) will be taken pursuant to Government Code Section 54954.2(a)(3).

**5.1. Highlight Local Business (Gutierrez)****5.2. Community Needs Assessment Survey (Barrios)****6. AB 1234 REPORTS**

This is the time for all AB 1234 reports required pursuant to Government Code Section 53232.3(d) on meetings and conferences attended at the City's expense.

**7. ADMINISTRATIVE REPORTS****7.1. Agreement with Kosmont & Associates, Inc. for economic development services.****Recommended Action:**

Approve the agreement with Kosmont & Associates, Inc. in the amount of \$31,000 for economic development services; and authorize the Mayor and City Clerk to execute on behalf of the City.

**Attachments:**     [Staff Report](#)  
                              [Professional Services Agreement with Kosmont & Associates, Inc.](#)

**7.2. Agreement with Kelly Associates Management Group LLC to facilitate and update the City's Strategic Plan.****Recommended Action:**

Approve the agreement with Kelly Associates Management Group LLC in the amount of \$20,000 to update the City's Strategic Plan; and authorize the Mayor and City Clerk to execute on behalf of the City.

**Attachments:**     [Staff Report](#)  
                              [Professional Services Agreement with Kelly Associates Management Group](#)  
                              [OCLAFCO Strategic Plan](#)  
                              [City of Lake Forest Strategic Plan](#)  
                              [Summary of Services](#)

**8. REPORTS FROM CITY MANAGER****8.1. Fiscal Year 2023-24 General Fund First Quarter Budget Report.**



**Recommended Action:**

Receive and file.

**Attachments:**     [Staff Report](#)

**9.     LEGAL AFFAIRS****9.1.   Introduction and First Reading of Ordinance No. 14-23 adding Chapter 2.13 to Title 2 of the Orange Municipal Code Related to Lobbyist Registration and Reporting.****Recommended Action:**

Introduce and conduct First Reading of Ordinance No. 14-23. An Ordinance of the City Council of the City of Orange adding Chapter 2.13 to Title 2 of the Orange Municipal Code Related to Lobbyist Registration and Reporting.

**Attachments:**     [Staff Report](#)  
                              [Ordinance No. 14-23](#)  
                              [Ordinance No. 14-23 - Redlined](#)

**10.    PUBLIC HEARINGS****10.1.   Public Hearing to consider conduit tax-exempt bond financing for “The Orion” Senior Affordable Housing Project, Tax Equity and Fiscal Responsibility Act (TEFRA) Hearing and finding of CEQA exemption.****Recommended Action:**

1. Conduct and close Public Hearing.
2. Find that this action is not a project as defined by the California Environmental Quality Act (CEQA).
3. Adopt Resolution No. 11504. A Resolution of the City Council of the City of Orange approving a plan of finance including the issuance of revenue bonds by the California Municipal Finance Authority in an aggregate principal amount not to exceed \$45,000,000 to finance and refinance a qualified rental project for the benefit of Orange 702, L.P., a California Limited Partnership, and certain other matters relating thereto, located at 1800 E. La Veta Avenue.

**Attachments:**     [Staff Report](#)  
                              [Attachment 1 - Resolution No. 11504](#)  
                              [Attachment 2 - March 7, 2022 Planning Commission Staff Report \(without attachments\)](#)  
                              [Attachment 3 - Planning Commission Resolution No. PC 02-22](#)

**11.    ADJOURNMENT**

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

I, Jennifer Connally, CMC, Deputy City Clerk for the City of Orange, do hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Orange Main Public Library at 407 E. Chapman Avenue, Police facility at 1107 N. Batavia Street, and uploaded to the City's website [www.cityoforange.org](http://www.cityoforange.org).

Date posted: November 22, 2023