

MINUTES - FINAL

City of Orange

City Council

November 28, 2023

The City Council of the City of Orange, California convened on Tuesday, November 28, 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 5:02 p.m.

1.1 ROLL CALL

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

Absent: Bilodeau

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:03 p.m. with all Members present, except Councilmember Bilodeau who was absent, to discuss the following:

Item 3(a) was not discussed.

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

None

5. ADJOURNMENT

Closed Session was adjourned at 5:20 p.m.

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

Mayor Slater called the meeting to order at 6:04 p.m.

1.1 INVOCATION

Given by Kylee Simonton from HUB Resource Center.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Jon Dumitru.

1.3 ROLL CALL

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

Absent: Bilodeau

1.4 PRESENTATIONS/ANNOUNCEMENTS

Children's Hospital of Orange County Mental Health Presentation by Dr. Heather Huszti, CHOC's Chief Psychologist, and Gabby Hernandez, Mental Health Supervisor.

Mayor Slater announced the City's annual Tree Lighting Ceremony and Candlelight Choir Procession will be on December 3, in the Old Towne Orange Plaza.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTSPublic Speakers:

Tim Smith commented on the Veterans Day events hosted by Orange Police Department.

Carole Walters spoke about parking issues in the Old Towne area.

Kathryn Jenkins spoke about the fatalities on Shattuck on Thanksgiving Day and raised concerns with the speeding traffic in the neighborhood.

John Lee spoke about the fatalities on Shattuck on Thanksgiving Day and raised concerns with the speeding traffic in the neighborhood.

Written Public Comment

Janice Brownfield emailed about the opening of Santa Ana's Santiago Park adjoining Hart Park in Orange.

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 Smithson Electric, Inc. for On-Call Traffic Signal Services Loop Detector Installation and Replacement.

ACTION: Approved 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 authorized the Mayor and City Clerk to execute on behalf of the City.

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

ACTION: 1) Approved 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 authorized the City Manager to execute on behalf of the City; 2) Accepted 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; and 3) Authorized the appropriation of \$12,884 into expenditure account number 353.4011.55131.30234, Equipment - 2023 JAG.

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.

ACTION: 1) Approved the First Amendment to Agreement with AECOM for environmental, hydraulics, geotechnical and survey services for the Santiago Bike Trail Phase IV Project; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized 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.

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.

ACTION: Approved plans and specifications; authorized advertising for Bid No. 23-24.17 (SP-4264); and found 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.

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.

Note: Councilmember Gyllenhammer abstained due to a potential conflict with a nearby property interest.

ACTION: Approved plans and specifications; and authorized advertising for Bid No. 23-24.20.

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.

ACTION: Approved 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 authorized the Mayor and City Clerk to execute on behalf of the City.

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.

ACTION: Approved 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 authorized the Mayor and City Clerk to execute on behalf of the City.

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.

ACTION: Adopted 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.

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.

Mayor Slater announced staff requested to remove Item 3.10 from the agenda. No action was taken on this item.

ACTION: This matter was withdrawn.

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.

ACTION: Adopted 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.

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.

ACTION: Adopted 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.

Approval of the Consent Calendar

Councilmember Gyllenhammer abstained from Item 3.6. Item 3.10 was removed from the agenda. All other items were approved as recommended.

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

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

Noes: None

Absent: Bilodeau

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR SLATER

4.1. Leasing of former Fire Headquarters property

Mayor Slater proposed leasing the former Fire Headquarters property to a local church and the Regimes Museum. He announced that Rabbi Eliezer Gurary had submitted a letter of support for the museum.

Council discussed safety concerns, liability, and current condition of building. After further discussion, staff was directed to evaluate the current condition of the building and feasibility of occupancy; and to explore lease opportunities for short term usage of the former Fire Headquarters property.

RECESS: The City Council recessed at 7:00 p.m. and reconvened at 7:06 p.m. with all Members present, except Councilmember Bilodeau who was absent.

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez)

Councilmember Gutierrez highlighted the following local business: El Molino do Oro.

5.2. Community Needs Assessment Survey (Barrios)

Mayor pro tem Barrios emphasized the importance of a needs assessment survey for the City.

6. AB 1234 REPORTS

None

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

A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, to 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. The motion carried by the following vote:

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

Noes: None

Absent: Bilodeau

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

During discussion, Bill Kelly, Kelly Associates Management Group, answered Council's questions regarding the strategic planning process and public input.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gyllenhammer, to 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. The motion carried by the following vote:

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

Noes: None

Absent: Bilodeau

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

Budget Manager Michelle Kresan and Assistant Finance Director Katrin Bandhauer provided an overview of the First Quarter revenues and expenditures.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, 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

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.

A motion was made by Councilmember Tavoularis, seconded by Mayor pro tem Barrios, to 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. The motion carried by the following vote:

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

Noes: None

Absent: Bilodeau

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.

Mayor Slater opened the Public Hearing at 7:45 p.m.; there being no speakers, Mayor Slater closed the Public Hearing at 7:45 p.m.

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

1) Find that this action is not a project as defined by the California Environmental Quality Act (CEQA).

2) 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.

The motion carried by the following vote:

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

Noes: None

Absent: Bilodeau

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 p.m.

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.

/s/ Pamela Coleman

PAMELA COLEMAN
CITY CLERK

/s/ Daniel R. Slater

DANIEL R. SLATER
MAYOR