



AGENDA

City Council July 23, 2024

Tom Kisela
City Manager

Mike Vigliotta
City Attorney

Pamela Coleman
City Clerk

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

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, 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.

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. 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: National Prescription Opiate Litigation
United States District Court Case No. 1:17-md-2804

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a) & (d)(1) - One case
Name of Case: The Orange JCP Project Owner, LLC v. City of Orange
Orange County Superior Court Case No. 30-2024-01403309

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**

Pastor Craig Hill, Taft Avenue Community Church

1.2 PLEDGE OF ALLEGIANCE

Mayor Dan Slater

1.3 ROLL CALL**1.4 PRESENTATIONS/ANNOUNCEMENTS**

County of Orange Gun Buyback Event Certificate of Appreciation presentation to Orange Police Department (Continued from June 25, 2024)

Recognition of Outgoing Boards, Commissions, and Committees members

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 unless a different time limit is announced.

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. Confirmation of warrant registers dated June 6, 13, 20, 27, and 28, 2024.**Recommended Action:**

Approve as presented.

Attachments: [Staff Report](#)
[June 6, 2024 Warrant Writing Register](#)
[June 13, 2024 Warrant Writing Register](#)
[June 20, 2024 Warrant Writing Register](#)
[June 27, 2024 Warrant Writing Register](#)
[June 28, 2024 Warrant Writing Register](#)

3.3. Approval of minutes of the City of Orange City Council Special Meeting and Regular Meeting held on June 11, 2024.

Recommended Action:

Approve minutes as presented.

Attachments: [Staff Report](#)
[June 11, 2024, Special Meeting minutes](#)
[June 11, 2024, Regular Meeting minutes](#)

3.4. Agreement with Sidepath, Inc. for Security Operations Center as a Service using Arctic Wolf (cyber security monitoring and remediation).

Recommended Action:

Approve the three-year agreement with Sidepath, Inc. in the amount of \$409,381.02 for Security Operations Center as a Service using Arctic Wolf; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
[Agreement with Sidepath, Inc.](#)

3.5. Agreement with the State of California, Department of California Highway Patrol for the Cannabis Tax Fund Grant Program for Fiscal Year 2024-2025. Resolution No. 11570.

Recommended Action:

1. Approve agreement with the State of California, Department of California Highway Patrol in the amount of \$256,057.96 for the Cannabis Tax Fund Grant Program; and authorize the City Manager to execute on behalf of the City.
2. Adopt Resolution No. 11570. A Resolution of the City Council of the City of Orange accepting funds in the amount of \$256,057.96 from the State of California Highway Patrol for the Cannabis Tax Fund Grant Program, and authorizing the City Manager to execute the grant program Agreement and related documents.
3. Accept into the City's General Fund (100) revenue budget \$256,057.96 in grant funds from the State of California, Department of California Highway Patrol to:

100.4011.45495.30253	Grant Revenue-CTFGP FY 24-25	
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4. Authorize the appropriation of \$256,057.96 into General Fund (100):

100.4041.50001.30253	Regular Salaries-CTFGP	\$ 40,000.00
100.4041.50221.30253	Overtime Safety-CTFGP	\$197,857.96

100.4041.51830.30253 Overnight Training-CTFGP \$ 18,200.00

Attachments: [Staff Report](#)
 [Resolution No. 11570](#)
 [CTFGP Agreement No. 17907](#)

3.6. Agreement with The Jungle Nursery, Inc. for weed abatement services for Fiscal Year 2024-2025.

Recommended Action:

Approve the agreement with The Jungle Nursery, Inc. in the amount of \$96,250 for weed abatement services; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Attachment 1 FY25 The Jungle Weed Abatement Services Agreement](#)
 [Attachment 2 FY25 Weed Abatement Services Pricing](#)
 [Attachment 3 Weed Abatement City Parcel Maps](#)

3.7. Agreement with Sirsi Corporation for the automated library system.

Recommended Action:

Approve the agreement with Sirsi Corporation, in the amount of \$368,627.16 over five years, for annual software licensing, maintenance, and support of the automated library system; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Agreement with Sirsi Corporation](#)

3.8. First Amendment to Agreement with Onward Engineering, a California corporation, for on-call Construction Inspection Services.

Recommended Action:

Approve the amendment to agreement with Onward Engineering, a California corporation, for on-call Construction Inspection Services; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Fist Amendment To Professional Services Agreement](#)

3.9. Extension of Tolling Agreements between the City and Milan REI X, LLC to further evaluate non-residential uses for the “Brandman site” and the “Creekside Village site.”

Recommended Action:

Approve the extension of the Tolling Agreements with Milan REI X, LLC, for six months; and authorize the City Manager to execute the agreements on behalf of the

City.

Attachments: [Staff Report](#)
[Extension of Tolling Agreement with Milan REI X, LLC \(Brandman site\)](#)
[Extension of Tolling Agreement with Milan REI X, LLC \(Creekside Village site\)](#)

- 3.10. Appropriation of \$159,990.75 in approved funding from the Federal Emergency Management Agency's Hazard Mitigation Grant Program, administered by the California Office of Emergency Services and authorization for the City of Orange to pursue existing and future federal financial assistance grants through the California Office of Emergency Services. Resolution No. 11569.**

Recommended Action:

1. Adopt Resolution No. 11569. A Resolution of the City Council of the City of Orange authorizing the application for federal financial assistance grant funding with the California Governor's Office of Emergency Services for the purpose of obtaining federal financial assistance for any existing or future grant program.
2. Accept into the City's revenue budget \$159,990.75 in grant funding from the California Office of Emergency Services to Reimbursable Capital Projects (550):
550.0000.45150.30248 LHMP
3. Authorize the appropriation of \$159,990.75 to Reimbursable Capital Projects (550):
550.0000.51670.30248 LHMP

Attachments: [Staff Report](#)
[11569 - Grant Funds to HMGP and Authorize Future Grant Applications](#)
[Attachment 2 City of Orange Application Approval LHMP Update](#)

- 3.11. Appropriation of \$35,082 in designated grant funding received from the California Department of Resources Recycling and Recovery for the Beverage Container Recycling City Payment Program.**

Recommended Action:

1. Accept into the City's revenue budget a \$35,082 grant from the California Department of Resources Recycling and Recovery into Sewer Fund (220):
220.5022.45290.20537 Beverage Container Program 23-24.
2. Authorize the appropriation of \$35,082 into the Sewer Fund (220) Beverage Container Program 23-24:
220.5022.51001.20537 Contractual Services \$26,500
220.5022.53001.20537 Materials and Supplies \$7,082
220.5022.50002.20537 Regular Salaries - Misc \$1,500

Attachments: [Staff Report](#)

3.12. Notice of Completion and Acceptance for Replacement of Emergency Generator and Automatic Transfer Switch for Water Division Headquarters; Bid No. 21-22.41.

Recommended Action:

1. Accept the Replacement of Emergency Generator and Automatic Transfer Switch for Water Division Headquarters as complete.
2. Authorize City Clerk to file Notice of Completion with the Orange County Clerk-Recorder's Office.

Attachments: [Staff Report](#)
[Notice of Completion and Acceptance](#)

3.13. Notice of Completion and Acceptance for Purchase and Installation of Mixers for Reservoirs 5, 8 and 10.

Recommended Action:

1. Accept the Purchase and Installation of Mixers for Reservoirs 5, 8 and 10 as complete.
2. Authorize City Clerk to file Notice of Completion with the Orange County Clerk-Recorder's Office.

Attachments: [Staff Report](#)
[Notice of Completion and Acceptance](#)

3.14. Award of Contract to Excel Backflow Service, Inc. for Backflow Device Testing and Repair Services; and finding of CEQA exemption; Bid No. 23-24.40.

Recommended Action:

1. Approve the contract with Excel Backflow Service, Inc. in the amount of \$44,853 representing an original bid amount of \$40,775, plus a 10% contingency of \$4,078 for Backflow Device Testing and Repair Services; and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Find that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 - Existing Facilities).

Attachments: [Staff Report](#)
[Bid Abstract](#)
[Contract with Excel Backflow Service, Inc.](#)

3.15. Second Reading and adoption of an Ordinance of the City Council of the City of Orange approving a First Amendment to Development Agreement No. 7204 by and between the City of Orange and Chapman Orange Holdings, LLC, a California Limited Liability Company. Ordinance No. 16-24.

Recommended Action:

Adopt Ordinance No. 16-24.

Attachments: [Staff Report](#)
 [Ordinance No. 16-24](#)

- 3.16. **Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code to add provisions related to Director Interpretations, City exemption from the Zoning Ordinance, tie votes, and amending the Zoning Ordinance’s appeal and Time Extension Provisions. Ordinance No. 18-24.**

Recommended Action:

Adopt Ordinance No. 18-24.

Attachments: [Staff Report](#)
 [Ordinance No. 18-24](#)

- 3.17. **Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Chapter 17.44 of the Orange Municipal Code adding a new Section 17.44.210 to establish a mechanism for the transfer of development rights for purposes of creating opportunities for housing, open space, and trails. Ordinance No. 19-24.**

Recommended Action:

Adopt Ordinance No. 19-24 as amended.

Attachments: [Staff Report](#)
 [Amended Ordinance No. 19-24](#)
 [Amended Ordinance No.19-24 - Redline](#)

- 3.18. **Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code updating accessory dwelling unit provisions of the Orange Municipal Code in response to changes in state law and guidance from the Department of Housing and Community Development. Ordinance No. 20-24.**

Recommended Action:

Adopt Ordinance No. 20-24.

Attachments: [Staff Report](#)
 [Ordinance No. 20-24](#)

- 3.19. **Grant a utility easement to Southern California Edison on City of Orange property to facilitate the installation of a customer-installed transformer.**

Recommended Action:

Approve grant of a utility easement on City property in favor of Southern California Edison; and authorize the Mayor to execute the easement deed from the City to Southern California Edison.

Attachments: [Staff Report](#)
 [SCE Easement Deed](#)
 [SCE Plat Map](#)
 [SCE Work Location Map](#)

3.20. Request to close the Orange Public Library & History Center for various dates during Fiscal Year 2024-2025.

Recommended Action:

Approve closure of the Orange Public Library & History Center to the public as described in the staff report.

Attachments: [Staff Report](#)

3.21. Quitclaim of Storm Drain Easement at 1983 North Agate Street.

Recommended Action:

Authorize the Mayor to execute a Quitclaim Deed of the storm drain easement to The Moving On Family Trust dated 11-17-2022, Wayne Joseph Vandal and Mercedita C. Vandal as co-Trustees at 1983 North Agate Street (APN 372-333-01).

Attachments: [Staff Report](#)
 [Quitclaim Deed](#)

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR SLATER

5. REPORTS FROM COUNCILMEMBERS

An opportunity for Councilmembers to make a brief announcement, report, or request. Pursuant to Government Code Section 54954.2(a)(3), no action(s) or discussion(s) shall be undertaken on any item not appearing on the posted agenda.

5.1. Mills Act Historical Property Contract Program Discussion (Gyllenhammer)

- Number of properties
- Applicable laws related to Mills Act program

5.2. Policy discussion for accepting donations for community events (Gyllenhammer)

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. REPORTS FROM CITY MANAGER**8. PUBLIC HEARINGS**

- 8.1. Continued Public Hearing to consider rezoning of public-school properties to Public Institution to establish consistency with the Public Facilities and Institutions General Plan Land Use Designation; and introduction and First Reading of associated Ordinance No. 14-24 (Zone Change No. 1313-24). (Continued from June 11, 2024)

Recommended Action:

1. Conduct and close Public Hearing.
2. Introduce and conduct First Reading of Ordinance No. 14-24. An Ordinance of the City Council of the City of Orange approving Zone Change No. 1313-24 re-zoning Public School sites to the Public Institution Zoning Classification to establish consistency with the Public Facilities and Institutions General Plan Land Use Designation of the Public School Sites in accordance with State law.
3. Find that Zone Change No. 1313-24 is within the scope of the previously certified Final Program Environmental Impact Report (EIR) No. 1815-09 for the Comprehensive General Plan Update certified on March 9, 2010.

Attachments:

[Staff Report](#)

[Attachment 1 Ordinance No. 14-24](#)

[Attachment 2 Planning Commission Resolution No. PC 09-24](#)

[Attachment 3 Planning Commission Staff Report, April 1, 2024](#)

[Attachment 4 Planning Commission Minutes, April 1, 2024](#)

- 8.2. Continued Public Hearing to consider rezoning of public parks to Recreation-Open Space to establish consistency with the Open Space and Open Space-Park General Plan Land Use Designations; and introduction and First Reading of associated Ordinance No. 15-24 (Zone Change No. 1314-24). (Continued from June 11, 2024)

Recommended Action:

1. Conduct and close Public Hearing.
2. Introduce and conduct First Reading of Ordinance No. 15-24. An Ordinance of the City Council of the City of Orange approving Zone Change No. 1314-24 re-zoning public park sites to recreation open space to establish consistency with the Open Space and Open Space-Park General Plan Land Use designation of the park sites in accordance with State law.

3. Find that Zone Change No. 1314-24 is within the scope of the previously certified Final Program Environmental Impact Report (EIR) No. 1815-09 for the Comprehensive General Plan Update certified on March 9, 2010.

Attachments: [Staff Report](#)
[Attachment 1 Ordinance No. 15-24](#)
[Attachment 2 Planning Commission Resolution No. PC 12-24](#)
[Attachment 3 Planning Commission Staff Report, April 1, 2024](#)
[Attachment 4 Planning Commission Minutes, April 1, 2024](#)

9. ADMINISTRATIVE REPORTS

9.1. Presentation of the Economic Development Implementation Plan for Fiscal Year 2024-25.

Recommended Action:

Receive and file.

Attachments: [Staff Report](#)
[Fiscal Year 2024-25 Implementation Plan](#)

9.2. Fiscal Year 2024-25 Proposed Budget Amendment No. 1.

Recommended Action:

1. Approve the \$1.4 million in additional proposed budget reductions.
2. Approve the position changes and total Full-time Equivalents for Fiscal Year 2024-25.
3. Adopt Resolution No. 11562. A Resolution of the City Council of The City of Orange Rescinding Resolution No. 11533 and amending the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5.
4. Provide staff with direction on any additional reductions to the Fiscal Year 2024-25 budget.

Attachments: [Staff Report](#)
[Attachment A - FY25 Budget Reductions](#)
[Attachment B - FY25 Position Changes and FTEs](#)
[Attachment C - Resolution No. 11562](#)

10. LEGAL AFFAIRS

10.1. Introduction and First Reading of Ordinance No. 21-24 adopting the 2024 Edition of the "Standard Specifications for Public Works Construction" (popularly known as the "Greenbook").

Recommended Action:

1. Introduce and conduct First Reading of Ordinance No. 21-24. An Ordinance of the

City Council of the City of Orange amending Chapter 12.02 of the Orange Municipal Code to adopt the 2024 Edition of the "Standard Specifications for Public Works Construction."

2. Set August 13, 2024, at 6:00 p.m. as the time and place for the Public Hearing to consider the Second Reading and adoption of Ordinance No. 21-24; and direct the City Clerk to publish notice of the Public Hearing once a week for two successive weeks in accordance with California Government Code Section 50022.3.

Attachments: [Staff Report](#)
 [Ordinance No. 21-24](#)

10.2. Introduction and First Reading of Ordinance No. 23-24 containing administrative updates to various sections of Titles 6, 7, and 8 of the Orange Municipal Code.

Recommended Action:

Introduce and conduct First Reading of Ordinance No. 23-24. An Ordinance of the City Council of the City of Orange amending various sections in Titles 6, 7, and 8 of the Orange Municipal Code to delete outdated language, update references to conform with current law and code provisions, and achieve internal consistency.

Attachments: [Staff Report](#)
 [Ordinance No. 23-24 - CLEAN](#)
 [Ordinance No. 23-24 - REDLINED](#)

11. ADJOURNMENT

The next Regular City Council meeting will be held on Tuesday, August 13, 2024, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

I, Pamela Coleman, CMC, 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.

Date posted: July 18, 2024