

MINUTES - FINAL

City of Orange

City Council

July 23, 2024

The City Council of the City of Orange, California convened on Tuesday, July 23, 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 Slater called Closed Session to order at 5:01 p.m.

1.1 ROLL CALL

Mayor pro tem Barrios joined Closed Session at 5:05 p.m.

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

Absent: Gutierrez, and 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 Mayor pro tem Barrios who joined Closed Session at 5:05 p.m. and Councilmembers Bilodeau and Gutierrez 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
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

None

5. ADJOURNMENT

Closed Session was adjourned at 5:35 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 Pastor Craig Hill from Taft Avenue Community Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Mayor Dan Slater.

1.3 ROLL CALL

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

Absent: Gutierrez, and Bilodeau

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. Council recognized the following members: Design Review Committee Member Carol Fox for 12 years of service and Design Review Committee Member Robert Imboden for 12 years of service. The following members were not present but a certificate of appreciation was mailed to them: Planning Commissioner Dave Simpson for 9 years of service, Traffic Commissioner Larry Dick for 8 years of service, and Investment and Audit Committee Member Mike Ludin for 1 year of service.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTSPublic Speaker:

Leslie Manderscheid requested a new EIR study for the Orange Heights housing development.

Written Public Comment

Janice Brownfield emailed about the Orange County Grand Jury's report regarding organic waste.

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 June 6, 13, 20, 27, and 28, 2024.

ACTION: Approved as presented.

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

ACTION: Approved minutes as presented.

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

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

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.

ACTION: 1) Approved 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 authorized the City Manager to execute on behalf of the City.

2) Adopted 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) Accepted 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

4) Authorized 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

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

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

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

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

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

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

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.”

Written Public Comment

Alexander DeGood, Cox Castle, submitted a letter in support of approval.

ACTION: Approved the extension of the Tolling Agreements with Milan REI X, LLC, for six months; and authorized the City Manager to execute the agreements on behalf of the City.

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.

Note: Councilmember Dumitru abstained due to a potential conflict with employment.

ACTION: 1) Adopted 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) Accepted 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) Authorized the appropriation of \$159,990.75 to Reimbursable Capital Projects (550):

550.0000.51670.30248 LHMP

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.

ACTION: 1) Accepted 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) Authorized 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

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.

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

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

ACTION: 1) Accepted the Purchase and Installation of Mixers for Reservoirs 5, 8 and 10 as complete; and 2) Authorized City Clerk to file Notice of Completion with the Orange County Clerk-Recorder's Office.

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.

ACTION: 1) Approved 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 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 provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 - Existing Facilities).

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.

ACTION: Adopted 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.

ACTION: Adopted 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.

ACTION: Adopted Ordinance No. 19-24 as amended.

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.

ACTION: Adopted 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.

ACTION: Approved grant of a utility easement on City property in favor of Southern California Edison; and authorized the Mayor to execute the easement deed from the City to Southern California Edison.

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

ACTION: Approved closure of the Orange Public Library & History Center to the public as follows:

Friday, August 30, 2024, at 2:00 p.m. and all day on Saturday, August 31, 2024 for the Orange International Street Fair; Wednesday, November 27, 2024, at 6:00 p.m.; and Saturday, May 3, 2025, for the Orange May Parade.

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

ACTION: Authorized 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).

Approval of the Consent Calendar

Councilmember Dumitru abstained from Item 3.10. All other items were approved as recommended.

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

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

Noes: None

Absent: Gutierrez, and Bilodeau

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR SLATER

Mayor Slater thanked City staff for a successful 3rd of July event.

5. REPORTS FROM COUNCILMEMBERS

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

Councilmember Gyllenhammer acknowledged the Mills Act program is an important tool for preservation, but would like to see significant policy changes. Council discussed financial impact, length of current contracts, compliance, and limiting contracts to 10 years.

Public Speaker:

Reggie Mundekis spoke in support of the Mills Act program.

After further discussion, Council directed staff, time permitting, to initiate discussions with OTPA and return with information outlining financial implications of the program, a break down of the 445 contracts, and a method of enforcing compliance.

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

Councilmember Gyllenhammer reported he added this item to the agenda to discuss implementing a policy for accepting donations for community events. Council discussed transitioning city run events to community run events and working with a non-profit to accept donations on the City's behalf.

Public Speakers:

Reggie Mundekis spoke in support of a non-profit accepting donations on behalf of the City and expressed concerns with transitioning to community run events rather than city run.

James Kushon requested that the City divert dog park project funds to pay for community events.

After further discussion, Council directed staff to approach the Community Foundation about accepting donations on the City's behalf for community events.

6. AB 1234 REPORTS

None

7. REPORTS FROM CITY MANAGER

None

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)

Mayor Slater opened the Public Hearing at 7:28 p.m.; there being no speakers, Mayor Slater closed the Public Hearing at 7:28 p.m.

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

1) 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.

2) 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.

The motion carried by the following vote:

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

Noes: None

Absent: Gutierrez, and Bilodeau

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)

Mayor Slater opened the Public Hearing at 7:31 p.m.; there being no speakers, Mayor Slater closed the Public Hearing at 7:31 p.m.

During discussion staff was directed to return with a General Plan amendment and zone change to resolve the remaining parks with zoning issues.

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

1) 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.

2) 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.

The motion carried by the following vote:

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

Noes: None

Absent: Gutierrez, and Bilodeau

9. ADMINISTRATIVE REPORTS

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

City Council received and filed the presentation.

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

Staff requested to remove Item 9.2 from the agenda except for consideration of Resolution No. 11562 which requires immediate Council action.

Public Speaker:

Reggie Mundekis inquired about items that could be funded or reinstated if the sales tax measure is approved by the voters.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Dumitru, to 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.

The motion carried by the following vote:

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

Noes: None

Absent: Gutierrez, and Bilodeau

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").**

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gyllenhammer, to:

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.

The motion carried by the following vote:

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

Noes: None

Absent: Gutierrez, and Bilodeau

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.

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

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

Noes: None

Absent: Gutierrez, and Bilodeau

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:59 p.m.

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.

/s/ Pamela Coleman
PAMELA COLEMAN
CITY CLERK

/s/ Daniel R. Slater
DANIEL R. SLATER
MAYOR