

MINUTES - DRAFT

City of Orange

City Council

January 14, 2025

The City Council of the City of Orange, California convened on Tuesday, January 14, 2025, 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 5:03 p.m.

1.1 ROLL CALL

Present: Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, Gyllenhammer, and Slater
Absent: None

Councilmember Gutierrez joined Closed Session at 5:05 p.m. Mayor pro tem Bilodeau joined Closed Session at 5:06 p.m.

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:05 p.m. with all Members present, except Mayor pro tem Bilodeau who joined Closed Session at 5:06 p.m., to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a) & (d)(1) - Three cases

1) Name of Case: Susanne Elizabeth D'Arcy v. Thomas J. Rothenberger, et al.
Orange County Superior Court Case No. 30-2020-01150553

2) Name of Case: Californians for Homeownership v. City of Orange
Orange County Superior Court Case No. 30-2024-01382115

3) Name of Case: The Orange JCP Project Owner, LLC v. City of Orange
Orange County Superior Court Case No. 30-2024-01415352

b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property Location: 171 and 177 N. Cypress Street
Agency Negotiator: Aaron Schulze, Economic Development Manager
Negotiating Parties: Evan Clark
Under Negotiation: Price and terms of payment

Property Location: 307 E. Chapman Avenue
Agency Negotiator: Aaron Schulze, Economic Development Manager
Negotiating Parties: Hicham Semaan
Under Negotiation: Price and terms of payment

c. PUBLIC EMPLOYMENT

Pursuant to Government Code Section 54957(b)1
Title: City Manager

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:50 p.m.

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

Mayor Slater called the meeting to order at 6:06 p.m.

1.1 INVOCATION

Given by Pastor Ric Olsen from The Beacon Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Jon Dumitru.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Introduction of Miss Orange 2025 contestants.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTSPublic Speakers:

Reggie Mundekis spoke in support of maintaining staffing levels for Police Department, Fire Department, and non-safety employees.

Greg Arrowsmith described his rental properties in Palos Verdes.

Carole Walters inquired about the City's preparedness for a fire emergency.

Paul Sargeant spoke in opposition of the Orange Heights housing development.

Katie Montgomery commented about the importance of libraries in the community.

Shari Oalal spoke in opposition of the Orange Heights housing development.

Jordan Young commented about the importance of libraries in the community.

Matt Dyer expressed frustration with the recent public safety power outages.

Vicki Hernandez spoke in opposition of the Orange Heights housing development.

M. Morelock spoke in opposition of the Orange Heights housing development.

Joel Robinson spoke in opposition of the Orange Heights housing development.

John Hill spoke in opposition of the Orange Heights housing development.

RJ Weitzer spoke in opposition of the Orange Heights housing development.

Brandy Romero recognized the donation of Starlink devices donated to the Fire Department.

Rita Robinson spoke in opposition of the Orange Heights housing development.

Written Public Comment

Janice Brownfield submitted an email about the harmful effects of wildfire smoke.

Kimberly DeLehman submitted an eComment opposing the Orange Heights housing development.

RECESS: The City Council recessed at 6:46 p.m. and reconvened at 6:53 p.m. with all Members present.

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 accounts payable warrant registers dated December 5, 12, and 19, 2024 and payroll check warrants dated December 6, and 20, 2024.

ACTION: Ratified the accompanying registers.

3.3. Approval of minutes of the City of Orange City Council Regular Meeting held on December 10, 2024.

ACTION: Approved minutes as presented.

3.4. First Amendment to Attorney Services Agreement with Law Offices of Liebert Cassidy Whitmore to provide legal services relating to personnel matters.

ACTION: Approved the First Amendment to Attorney Services Agreement with the Law Offices of Liebert Cassidy Whitmore in the amount of \$70,000; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. Participate in a one-time Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program with the California Department of Health Care Services.

ACTION: Approved agreements with the California Department of Health Care Services in the amount of \$1,100,000, plus a \$110,000 assessment fee to the California Department of Health Care Services for managing the Public Provider Ground Emergency Medical Transportation program, payable in quarterly Intergovernmental Transfers; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.6. Approval of the submittal of a project funding application to Orange County Transportation Authority for competitive Measure M2 Regional Traffic Signal Synchronization Program. Resolution No. 11590.

Note: Councilmember Dumitru abstained due to a potential conflict of interest with a competing agency and a nearby property interest.

ACTION: Adopted Resolution No. 11590. A Resolution of the City Council of the City of Orange approving the submittal of improvement projects to the Orange County Transportation Authority for funding under the competitive Measure M2 Regional Traffic Signal Synchronization Program.

- 3.7. Authorization for the Director of Public Works to sign and file a financial assistance application for a financing agreement with the California State Water Resources Control Board for the City of Orange Wells 25 and 27 per- and polyfluoroalkyl substances Treatment Systems. Resolution No. 11591.**

ACTION: Adopted Resolution No. 11591. A Resolution of the City Council of the City of Orange authorizing a representative to sign and file a financial assistance application for a financing and grant agreement with the State Water Resources Control Board for City of Orange Wells 25 and 27 PFAS Treatment Plant.

- 3.8. Authorization for designated City personnel to execute documents for federal financial assistance for the Department of Homeland Security's Emergency Management Performance Grant program for Fiscal Years 2023, 2024, and 2025. Resolution No. 11592.**

ACTION: Adopted Resolution No.11592. A Resolution of the City Council of the City of Orange authorizing the execution of documents for federal financial assistance for the emergency management performance grant program for Fiscal Year 2023, Fiscal Year 2024, and Fiscal Year 2025.

- 3.9. Appointment of City Councilmembers to Regional Boards and Committees.**

Note: Although Form 806 was posted pursuant to FPPC Regulation 18702.5, Councilmember Dumitru abstained.

ACTION: Confirmed City Councilmember appointments to Regional Boards and Committees as follows:

Orange City/Schools Coordinating Committee - Gutierrez as representative with Tavoularis as alternate

Foothill Eastern TCA (Tollroad) - Bilodeau as representative with Tavoularis as alternate

North Net Fire Training (Joint Powers Authority) - Dumitru as representative with Tavoularis as alternate

Orange County Sanitation District - Dumitru as representative with Gyllenhammer as alternate

Orange County Mosquito and Vector Control - Dumitru as representative

Orange Elderly Services (Senior Center) - Tavoularis as representative with Gutierrez as alternate

Santa Ana Flood Protection Agency - Bilodeau as representative with Gutierrez as alternate

SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

- 3.10. Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2025, through June 30, 2026. Resolution No. SAORA-038.**

1) Adopted Resolution No. SAORA-038. A Resolution of the Governing Board of the Successor Agency to the Orange Redevelopment Agency approving a Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2025 through June 30, 2026, pursuant to Health and Safety Code Section 34177, and taking certain related actions.

2) Directed staff to transmit ROPS 25-26 and related administrative budgets to the Orange Countywide Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

Approval of the Consent Calendar

Councilmember Dumitru abstained from Items 3.6 and 3.9. All other items were approved as recommended.

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

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

Noes: None

Absent: None

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR SLATER

Mayor Slater invited Fire Chief deMetropolis to provide an update on the Los Angeles County wildfires.

Mayor Slater reported he attended a Zoom meeting with Southern California Edison regarding the public safety power outages.

5. REPORTS FROM COUNCILMEMBERS

Councilmember Gutierrez requested a presentation by the Emergency Operation Manager at a future meeting.

5.1. Citywide Audit (Gutierrez)

Councilmember Gutierrez requested staff return to a future Council meeting with options for an audit from an outside firm. Council discussed cost, type, and scope of audit.

Public Speakers:

John Nelson spoke in support of a forensic audit.

Sammy Rodriguez spoke in support of a forensic audit.

It was Council consensus to have staff return with a menu of options, types, and cost for an audit.

5.2. Annexation of County Islands (Gutierrez)

Councilmember Gutierrez requested data, cost, and information on whether the County would contribute to the annexation of County islands. Council discussed including all County islands and conducting a survey of those residents.

Public Speaker:

Sammy Rodriguez spoke in support of annexing the El Modena Barrio.

Staff was directed to engage with the County about annexing County islands and return with a report to Council at a future meeting.

5.3. Council Committee Reports (Gutierrez)

Councilmember Gutierrez requested that Council provide reports on any outside committees they serve on.

5.4. Highlight Local Business (Barrios & Gutierrez)

Councilmember Barrios highlighted the following local business: Chapman Crafted Beer & Coffee. Councilmember Gutierrez highlighted the following local business: America's Tire.

RECESS: The City Council recessed at 8:22 p.m. and reconvened at 8:32 p.m. with all Members present.

6. AB 1234 REPORTS

None

7. REPORTS FROM CITY MANAGER

None

8. PUBLIC HEARINGS

- 8.1. A Public Hearing to consider an amendment to the Orange General Plan including substantive updates to the Safety Element to comply with new State law, minor non-substantive text and graphic updates to additional Elements of the General Plan, and finding of CEQA exemption (General Plan Amendment No. 2024-0002). Resolution No. 11589.**

Mayor Slater opened the Public Hearing at 8:33 p.m.

Written Public Comment

Adrienne Gladson submitted an eComment.

There being no public speakers, Mayor Slater closed the Public Hearing at 8:33 p.m.

During a brief discussion, Council asked why the following sentence was removed from the Implementation Plan, Program I-31 on page 382, "Maintain and enhance the Preservation Resource Center within the Orange Public Library & Local History Center that provides access to information about historic preservation regulations and benefits, technical assistance materials, and information about research methods and collections;" and requested the statement remain. Staff confirmed it could be added back in.

A motion was made by Councilmember Gutierrez, seconded by Councilmember Barrios, to: 1) Adopt Resolution No. 11589 with the revision requested by Council to leave in the sentence in Program I-31, Orange Public Library Programs. A Resolution of the City Council of the City of Orange approving General Plan Amendment No.

2024-0002 amending the City of Orange General Plan Safety Element to comply with State law, and making non-substantive updates to City policies, text, and graphics to the remaining General Plan Elements and implementation plan to maintain document accuracy. 2) Find the proposal exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15061(b)(3), 15168(c), and 15162. The motion carried by the following vote:

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

Noes: None

Absent: None

9. ADMINISTRATIVE REPORTS

9.1. Agreement with the Orange International Street Fair, Inc. to produce the annual Orange Street Fair.

Councilmember Barrios recused herself from Item 9.1 due to her spouse serving on the Orange International Street Fair Board and left the dais at 8:39 p.m.

Adam Feliz provided a brief report on the 2024 Street Fair. During discussion, Mr. Feliz answered Council's questions regarding permits, increase to admission fee, barricades, and recycle bins. He also confirmed the street closures early Thursday morning are necessary.

A motion was made by Councilmember Gutierrez, seconded by Councilmember Gyllenhammer, to: 1) Receive and file report from the Orange International Street Fair, Inc. regarding the 2024 Orange Street Fair. 2) Approve the agreement with the Orange International Street Fair, Inc. to produce the annual Orange Street Fair; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

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

Noes: None

Absent: None

Recuse: Barrios

Councilmember Barrios returned to the dais at 9:00 p.m.

9.2. Employment Agreement with a retired annuitant for the vacant position of Interim Police Chief, pursuant to Government Code Sections 21221(h) and 7522.56(f). Resolution No. 11594.

During a brief discussion, City Manager Kisela indicated the recruitment timeline for hiring a new Police Chief was by April 2025.

A motion was made by Councilmember Barrios, seconded by Mayor pro tem Bilodeau, to adopt Resolution No. 11594. A Resolution of the City Council of the City of Orange approving the Employment Agreement of a retired annuitant for the position of Interim Police Chief, pursuant to Government Code Sections 21221(h) and 7522.56(f). The motion carried by the following vote:

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

Noes: None

Absent: None

10. LEGAL AFFAIRS

10.1. Introduction and First Reading of Ordinance No. 01-25 amending the Orange Municipal Code as it relates to safe and sane fireworks; and adoption of a resolution establishing a fee, application process, lottery process, and number of permits to sell safe and sane fireworks. Resolution No. 11593.

Mayor pro tem Bilodeau requested to revise Section 8.13.090(f) by changing "after 9:00 p.m. on July 4th" to "by 5:00 p.m. on July 5."

Council discussed adding the boundary map to the ordinance, adding signs throughout the City, increasing the number of permits being issued, and enforcement.

Public Speakers:

Curt Peterson spoke in opposition of approval and suggested enlarging the boundary where fireworks may not be sold or used.

Dru Whitefeather spoke in opposition of using Cannon as a border and would like to see permanent signs installed throughout the City.

Brandy Romero expressed concerns with allowing fireworks in Old Towne.

During further discussion, staff was directed to place signs with boundary maps at each sales booth, distribute flyers to each buyer with boundary information for at least two years, and provide Council with a report in August 2025 to consider increasing the number of permits.

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

1) Introduce and conduct First Reading of amended Ordinance No. 01-25 with the following revision to Section 8.13.090(f): "...transporting fireworks by 5:00 p.m. on July 5." An Ordinance of the City of Orange amending Chapter 8.13 of the Orange Municipal Code adopting rules and regulations regarding the sale, possession, and discharge of safe and sane fireworks and amending sections of Ordinance 07-22 of the Orange City Fire Code relating to safe and sane fireworks.

2) Adopt Resolution No. 11593. A Resolution of the City Council of the City of Orange, California, establishing a fee and adopting rules and regulations regarding the number of permits as well as the application and lottery process to sell "safe and sane" fireworks pursuant to Orange Municipal Code Chapter 8.13.

The motion carried by the following vote:

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

Noes: Barrios, and Gutierrez

Absent: None

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:42 p.m.

The next Regular City Council meeting will be held on Tuesday, January 28, 2025, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

PAMELA COLEMAN
CITY CLERK

DANIEL R. SLATER
MAYOR

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