

**MINUTES - FINAL**

**City of Orange**

**City Council**

April 23, 2024

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

**1.1 ROLL CALL**

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

**Absent:** Gyllenhammer

**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 Gyllenhammer who was absent, to discuss the following:

**a. THREAT TO PUBLIC SERVICES OR FACILITIES**

Pursuant to Government Code Section 54957(a)

Consultation with Orange Police Department Chief Dan Adams

**b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(a) & (d)(1) - One case

Name of Case: Californians for Homeownership v. City of Orange

Orange County Superior Court Case No. 30-2024-01382115

**c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Government Code Section 54956.9. (One potential case)

**4. CLOSED SESSION REPORT**

The City Council voted unanimously to appeal the trial court decision to deny the City's motion to quash in the case Californians for Homeownership v. City of Orange, Orange County Superior Court Case No. 30-2024-01382115.

## 5. ADJOURNMENT

Closed Session was adjourned at 5:40 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 Eric Turbedsky from Sovereign Grace Church of Orange.

### 1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Ana Gutierrez.

### 1.3 ROLL CALL

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

**Absent:** Gyllenhammer

### 1.4 PRESENTATIONS/ANNOUNCEMENTS

Chapman University Environmental Science and Policy students, Ava Cison and Citlali Nadrigal, provided Council with an update on their senior capstone project, the City of Orange's Sustainability Plan.

### 1.5 REPORT ON CLOSED SESSION ACTIONS

City Attorney Vigliotta reported the City Council voted unanimously to appeal the trial court decision to deny the City's motion to quash in the case Californians for Homeownership v. City of Orange, Orange County Superior Court Case No. 30-2024-01382115.

## 2. PUBLIC COMMENTS

### Public Speakers:

Tim Smith commended the City's CERT program for offering CPR, First Aid, and AED training.

The following expressed concerns with a proposed family shelter opening in their neighborhood: Myron Martin, Helen Smith, Eddie Albright, and Harry Mear.

Jake Comer spoke in support of Chapman's University students' sustainability plan project.

### Written Public Comment

Janice Brownfield submitted an email in support of Chapman's University students' sustainability plan project.

### 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. Approval of minutes of the City of Orange City Council Special Meeting held on March 21, 2024; and Regular Meetings held on March 26 and April 9, 2024.

ACTION: Approved minutes as presented.

#### 3.3. Agreement with Bibliotheca, LLC for technical support and maintenance of Library hardware and software.

ACTION: Approved the agreement with Bibliotheca, LLC in the amount of \$219,938.31 for library hardware and software support and maintenance; and authorized the Mayor and City Clerk to execute the agreement on behalf of the City.

#### 3.4. Agreement with MODassic Group, LLC for economic development services.

Item 3.4 was removed from the Consent Calendar for separate consideration by Councilmember Gutierrez.

Staff confirmed CivicBrand will meet with property owners, stakeholders, and staff as part of the agreement.

ACTION: A motion was made by Councilmember Gutierrez, seconded by Councilmember Tavoularis, to:

1) Approve the agreement with MODassic Group, LLC in the amount of \$70,000 for economic development services; and authorize the Mayor and City Clerk to execute on behalf of the City.

2) Authorize the following budget transfer in the NW & SW Merged 2003 Taxable Bonds Fund (952):

From: 952.9810.56020.20247	SAORA Capital	\$70,000
To: 952.9810.51670.20541	West Katella District	\$70,000

The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

#### 3.5. Agreement with Avidex Industries, LLC for the installation of audiovisual equipment in the El Modena Branch Library community room.

ACTION: Approved the agreement with Avidex Industries, LLC in the amount of \$38,681.51 for installation of audiovisual equipment in the El Modena Branch Library community room; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.6. First Amendment to Attorney Services Agreement with McCune & Harber, LLP to provide legal services relating to litigation defense in the matter of Terrence Velasquez v. City of Orange.**

ACTION: Approved a First Amendment to Attorney Services Agreement with McCune & Harber, LLP in the amount of \$30,000; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.7. Award of Contract to Monet Construction, Inc. for Corporation Yard Renovation Project - Police Storage Facility (Phase 1A); Bid No.23-24.23.**

ACTION: 1) Authorized the appropriation of \$500,000 from the unreserved fund 553 balance to: 553.5028.56015.12982, City Trf. Tax Exempt Bonds, City Facility Improvements; and 2) Approved the contract with Monet Construction, Inc. in the amount of \$1,794,529 for the City of Orange Corporation Yard Renovation Project-Police Storage Facility (Phase 1A); and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.8. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Chapter 17.08 and 17.15 of the Orange Municipal Code relating to Density Bonus Law. Ordinance No. 05-24.**

ACTION: Adopted Ordinance No. 05-24.

**3.9. General Plan Annual Progress Report to the State of California.**

ACTION: Received and filed the 2023 General Plan Annual Progress Report for submittal to the State.

**3.10. Approval of the Landscape Maintenance Districts 86-2 (Santiago Hills) and 15-1 (Santiago Hills Overlay) Preliminary Engineer's Report for Fiscal Year 2024-2025. Resolution No. 11540.**

Item 3.10 was removed from the Consent Calendar for separate consideration by Councilmember Gutierrez.

Staff clarified Rancho Santiago Canyon College is not located in the 86-2 or 15-1 Landscape Maintenance Assessment Districts.

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

1) Adopt Resolution No. 11540. A Resolution of the City Council of the City of Orange regarding Landscape Maintenance Assessment Districts 86-2 (Santiago Hills), and 15-1 (Santiago Hills Overlay) declaring its intention to provide for an annual levy and collection of assessments for Fiscal Year 2024-2025; set a time and place for a public hearing to receive public testimony on the foregoing matters; and give preliminary approval of the certified Engineer's Report for Landscape Maintenance Assessment Districts 86-2 (Santiago Hills) and 15-1 (Santiago Hills Overlay).

2) Declare the intent to levy an annual assessment, and establish May 28, 2024, at 6:00 p.m. at City Hall Council Chamber, 300 E Chapman Avenue, Orange, CA 92866, as the time and place for the Public Hearing on the assessments.

The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater  
**Noes:** None  
**Absent:** Gyllenhammer

**3.11. Approval of the Landscape Maintenance Assessment District 94-1 (Sycamore Crossing) Preliminary Engineer’s Report for Fiscal Year 2024-2025. Resolution No. 11541.**

ACTION: 1) Adopted Resolution No. 11541. A Resolution of the City Council of the City of Orange regarding Landscape Maintenance Assessment District 94-1 (Sycamore Crossing) declaring its intention to provide for an annual levy and collection of assessments for Fiscal Year 2024-2025; set a time and place for a public hearing to receive public testimony on the foregoing matters and give preliminary approval to the certified Engineer’s Report for Landscape Maintenance Assessment District 94-1 (Sycamore Crossing). 2) Declared the intent to levy an annual assessment, and establish May 28, 2024, at 6:00 p.m. at City Hall Council Chamber, 300 E Chapman Avenue, Orange, CA 92866, as the time and place for the Public Hearing on the assessment.

**Approval of the Consent Calendar**

Items 3.4 and 3.10 were removed from the Consent Calendar and heard separately. All other items were approved as recommended.

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

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater  
**Noes:** None  
**Absent:** Gyllenhammer

**END OF CONSENT CALENDAR**

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**4. REPORTS FROM MAYOR SLATER**

None

**5. REPORTS FROM COUNCILMEMBERS**

**5.1. Rapids Express Car Wash Sign on W. Katella Ave. and Main St.**

- Discuss permitting Rapids Express Car Wash to use the City of Orange logo.
- Discuss possibly amending the sign code to permit certain digital signs.

City Manager Kisela announced Item 5.1 was being removed from the agenda. Staff will work with the business owner on a non-digital sign.

Public Speaker:

Reggie Mundekis asked if the use of the City seal was still being considered.

Staff confirmed the item will return to Council for consideration and approval if there is a request to use the City seal.

This item was withdrawn with no further action.

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**5.2. Other Councilmember Reports**

Councilmember Gutierrez thanked Orange Homegrown for taking care of the orange orchard and harvesting the oranges in Hart Park; and acknowledged Orange Police Department for partnering with Orange High School and offering their Hispanic Outreach Program classes.

**6. AB 1234 REPORTS**

None

**7. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS****7.1. Annual presentation of Local Appointments List of all City Boards, Commissions, and Committees.**

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to: 1) Reappoint the following eligible existing positions: CDBG Program Committee Member Jonathan St. Clair for a two-year term expiring June 30, 2026; and Orange Public Library Board of Trustee Members Peggy Calvert and Kathleen Stevens for three-year terms respectively expiring June 30, 2027; 2) Approve the Local Appointments List and direct the City Clerk to post a copy in compliance with the Maddy Act; and 3) Direct the City Clerk to post a Notice of Scheduled Vacancy for the following positions: Design Review Committee for a term beginning July 1, 2024-June 30, 2028, and Traffic Commission for a term beginning July 1, 2024-June 30, 2028. The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

**8. ADMINISTRATIVE REPORTS****8.1. Monthly Treasurer's Reports for January, February, and March 2024.**

City Treasurer Richard Rohm and Finance Director Trang Nguyen provided the staff report and answered Council's questions. Council discussed conducting a forensic audit. Staff is currently assessing various finance standard operating procedures, and will make revisions or updates where necessary.

The report was received and filed.

**8.2. Declare the approximate 3,156 square feet unimproved right-of-way parcel bounded by Walnut Avenue on the north, Milford Road on the west, adjacent to two residential properties located at 455 and 461 North Milford Road, as surplus to the City's needs; and authorize the disposal of the property. Resolution No. 11538.**

Council discussed continuing the item to a date uncertain.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Dumitru, to continue Item 8.2 to a date uncertain. The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

**8.3. Approval of permit parking on both sides of Wayfield Street from Chapman Avenue to the first cul-de-sac north. Resolution 11539.**

Public Speaker

Donald Telford, Holiday Skate Center, spoke in opposition to approval as it will impact his business.

Written Public Comment

Steven Kiser, Kiser Law, submitted an email in opposition to approval and requested a continuance.

During discussion, staff was directed to explore accommodating the businesses in the area.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to: 1) Modify Permit Parking Opportunity Area 3 to include Wayfield Street from Chapman Avenue to the first cul-de-sac north; 2) Approve permit parking on the same segment of Wayfield Street; and 3) Adopt Resolution No. 11539. A Resolution of the City Council of the City of Orange adopting a revised master resolution of designated permit parking areas within the City of Orange. The motion carried by the following vote:

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

**Noes:** Bilodeau

**Absent:** Gyllenhammer

**8.4. Introduction and First Reading of Ordinance Nos. 08-24 and 09-24 amending Chapter 2.10 of Title 2 of the Orange Municipal Code relating to campaign contribution limits and contributions from committees. (Continued from April 9, 2024)**

Written Public Comment

Shirley Grindle submitted correspondence in opposition of amending Section 2.10.090.

A motion was made by Councilmember Bilodeau, seconded by Councilmember Dumitru, to continue Item 8.4 to the May 14, 2024, Regular City Council meeting. The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

**9. REPORTS FROM CITY MANAGER**

None

**10. LEGAL AFFAIRS****10.1. Introduction and First Reading of Ordinance No. 07-24 containing administrative updates to various sections of Titles 3 and 5 of the Orange Municipal Code.**

A motion was made by Councilmember Gutierrez, seconded by Councilmember Dumitru, to introduce and conduct First Reading of Ordinance No. 07-24. An Ordinance of the City Council of the City of Orange amending various sections in Titles 3 and 5 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, Gutierrez, Bilodeau, and Slater

**Noes:** None

**Absent:** Gyllenhammer

**11. ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:24 p.m.

The next Regular City Council meeting will be held on Tuesday, May 14, 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