

MINUTES - FINAL

City of Orange

City Council

October 24, 2023

The City Council of the City of Orange, California convened on Tuesday, October 24, 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 5:00 p.m.

1.1 ROLL CALL

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

Absent: None

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 to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)
(Two potential cases)

b. 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

c. 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

RECESS TO REGULAR MEETING: At 6:10 p.m., the City Council recessed from Closed Session to a Regular Meeting in the Council Chamber.

The Council reconvened in Closed Session at 9:20 p.m. with all Members present.

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 10:07 p.m.

6:00 PM REGULAR SESSION

1. OPENING/CALL TO ORDER

Mayor Slater called the meeting to order at 6:12 p.m.

1.1 INVOCATION

Given by Pastor Thomas Cople from Spirit & Truth Worship Center.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Denis Bilodeau.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Memorial Adjournment in honor of Wayne King.

ADDED PRESENTATIONS

Proclamation recognizing retirement of The Hobbit owners Mike and Debra Phillippi.

Assemblymember Avelino Valencia presented the City with a Proclamation recognizing National Hispanic Heritage Month.

ANNOUNCEMENTS

Mayor Slater announced the Treats in the Streets Autumn Festival event on October 26 from 4:00 to 7:00 p.m. in Old Towne Orange Plaza, and the Veterans Day Tribute on November 11 at 11:00 a.m. at Veterans Memorial Depot Park.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTS

Public Speakers:

John Nelson expressed concerns with the disbursement of street sweeping enterprise funds.

Sam Rodriguez expressed his disappointment with the CDBG funding process and use of Prop 218 funds.

Manuel Pineda spoke about issues with the County's Sheriff's Department.

Carole Walters inquired about a freeway off ramp near The Village shopping center.

Written Public Comment

Janice Brownfield emailed about the importance of recycling 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. Approval of minutes of the City of Orange City Council Regular Meeting held on September 26, 2023; Adjourned Regular Meeting held on October 3, 2023; and Regular Meeting held on October 10, 2023.

ACTION: Approved minutes as presented.

3.3. Agreement with Grindline Skateparks, Inc. for design services for the Capital Improvement Project Skate Park at Grijalva Park.

Item 3.3 was removed from the Consent Calendar for separate consideration by Mayor Slater.

Mayor Slater commented on the community's support for adding a BMX feature to the skatepark.

Public Speaker:

Jim Gray encouraged Council to involve the skating community during the design stages of the skatepark.

ACTION: A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, to approve agreement with Grindline Skateparks, Inc. in the amount of \$267,690.50 for design services for the Skate Park at Grijalva Park project (20519); 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, Bilodeau, Gyllenhammer, and Slater

Noes: None

Absent: None

3.4. Agreement with Moore Iacofano Goltsman, Incorporated, dba MIG, Inc. for design services for the Capital Improvement Project New Park in West Orange.

ACTION: 1) Approved agreement with MIG, Inc. in the amount of \$245,963.30 for design services for New Park in West Orange (20513); and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$20,963.30 in unreserved Park Acquisition (Infill) (510) fund balance to expenditure account 510.7021.56020.20513 - CIP New Park in West Orange.

3.5. Agreement with RLA Conservation, LLC for Plaza Park Fountain Conservation Treatment.

ACTION: 1) Approved the agreement with RLA Conservation, LLC in the amount of \$104,005 for conservation treatment of the Plaza Park fountain; and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$75,000 from the Park Acquisition (Infill) fund (510) unreserved fund balance to expenditure account 510.7021.56020.20531 - CIP-Bldg & Improv-Plaza Fountain Repair.

3.6. Agreement with Davis Farr, LLP for accounting services.

ACTION: Approved the agreement with Davis Farr, LLP in the amount of \$80,000 for accounting services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. Third Amendment to License Agreement with the County of Orange for use of office space at Fire Station No. 7/Orange Police Substation.

ACTION: Approved the Third Amendment to License Agreement with the County of Orange for use of office space at the Station; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.8. Approve the appropriation of funds for Police Headquarters (HQ) Lobby Roof and Heating, Ventilation, and Air Conditioning (HVAC) Rehabilitation project.

ACTION: Authorized the appropriation of \$170,000 from Fund 553, Capital Bond Proceeds unreserved fund balance to expenditure account number 553.5028.56020.20444, Police HQ Atrium Rehabilitation.

3.9. Claims for Damages.

ACTION: Denied the following claims and referred to City Attorney and Claims Adjuster:

1. Martha Navarro
2. Luis Pizano
3. Elaine Boschetti
4. Ann Boggs
5. Rodrigo Soares Dearaujo

3.10. Authorize purchase of cartridge filters and O-rings for PFAS treatment systems from various vendors.

ACTION: Approved purchase orders for PFAS cartridge filters and O-rings in the amount of \$300,000 with PDDA Filtration System, \$100,000 with Towner Filtration, and \$100,000 with Pure Process Filtration for a total amount of \$500,000.

3.11. Authorize the purchase of six vehicles for various Departments through a Cooperative Purchasing Agreement.

ACTION: Approved the purchase of four Ford F-150s and two Dodge Durangos from Nation Auto Fleet Group in the amount of \$252,763.

3.12. Adoption of a Resolution approving the submittal of project funding applications to the Orange County Transportation Authority for competitive Measure M2 Regional Traffic Signal Synchronization Program. Resolution No. 11496.

ACTION: Adopted Resolution No. 11496. 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.

3.13. Adoption of a Resolution certifying that the City of Orange has the resources to fund the projects in the Federal Fiscal Years 2024/25-2029/30 transportation improvement program and affirms its commitment to implement all projects in the program. Resolution No. 11497.

ACTION: Adopted Resolution No. 11497. A Resolution of the City Council of the City of Orange which certifies that the City of Orange has the resources to fund the projects in the FFY 2024/25-2029/30 Transportation Improvement Program and affirms its commitment to implement all projects in the program.

Approval of the Consent Calendar

Item 3.3 was removed from the Consent Calendar and heard separately. All other items were approved as recommended.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Gyllenhammer, 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 announced that Councilmember Gutierrez has requested Mayor pro tem Barrios replace her on the City Council Lobbyist Ad Hoc Committee.

5. REPORTS FROM COUNCILMEMBERS

5.1. Park and Park Amenity Naming Policy (Gyllenhammer)

Councilmember Gyllenhammer requested a report on developing a Park and Park Amenity Naming policy.

Public Speaker:

James Kushon, Orange Dog Park Association, spoke in support of developing a policy.

5.2. Other Councilmember Reports

Mayor pro tem Barrios reported on the success of Love Orange Day, and requested a Proclamation in their honor. Mayor pro tem Barrios also congratulated the winners of OTPA's 2023 Halloween decorating contest.

Councilmember Gutierrez shared a news segment regarding the Halloween decorations in the Old Towne area.

In response to a non-agenda public comment made earlier in the evening, Councilmember Dumitru announced the City Council has not taken any action regarding a freeway off ramp at the 55 freeway and Meats Avenue.

6. AB 1234 REPORTS

None

7. ADMINISTRATIVE REPORTS**7.1. Presentation of Economic Development Strategy.**

Economic Development Manager Aaron Schulze presented the proposed strategy utilizing a PowerPoint presentation.

Public Speakers:

Elizabeth Holloman, Chamber of Commerce Executive Director, spoke in support of the plan.

Laura Thomas spoke in support of the plan.

Alisa Driscoll spoke in support of the plan.

Enrique Perez spoke in support of the plan.

Report was received and filed.

7.2. Agreement with Dixon Resources Unlimited for Professional Services related to the Old Towne Smart Parking Program Development and Implementation Project.Public Speakers:

Elizabeth Holloman, Downtown Merchants Association, indicated that parking is the number one concern in Old Towne.

AJ Ricci spoke in support of approval.

Al Ricci spoke in support of approval.

Wil Dee spoke in support of approval.

During discussion, Councilmember Dumitru indicated he did not support paid parking.

A motion was made by Councilmember Gyllenhammer, seconded by Mayor pro tem Barrios, to: 1) Approve the agreement with Dixon Resources Unlimited in the amount of \$54,040 for consulting services related to the Old Towne Smart Parking Program Development and Implementation Project; and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Authorize \$8,100 (15%) of the agreement amount for contingency purposes. The motion carried by the following vote:

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

7.3. Agreement with Siemens Industry, Inc. as a single source for maintenance of surveillance cameras, hardware infrastructure, and licensing supporting the City's existing Genetec Security platform.

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to approve the three-year agreement with Siemens Industry, Inc. in the total amount of \$921,859.49 for maintenance of surveillance cameras, hardware infrastructure, and the Genetec security platform license; 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, Bilodeau, Gyllenhammer, and Slater
Noes: None
Absent: None

7.4. Approval of plans and specifications for the City of Orange Corporation Yard Renovations Project, Phase I; authorization to advertise for bids; and finding of CEQA exemption.

In response to Council's questions, staff explained the project has been scaled back from the original plans.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to approve plans and specifications and authorize advertising for Bid No. 23-24.14. The motion carried by the following vote:

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

7.5. Agreement with Fairbank, Maslin, Maullin, Metz & Associates for a citywide survey and analysis.

Mayor pro tem Barrios recused herself from Item 7.5 due to a potential conflict with employment and left the dais at 8:04 p.m.

During discussion, Dr. Richard Bernard, Fairbank, Maslin, Maulin, Metz & Associates, answered Council's questions about how respondents would be identified and the types of questions that would be posed in the city-wide survey.

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to: 1) Approve the agreement with Fairbank, Maslin, Maullin, Metz & Associates in the amount of \$65,750 to develop and administer a statistically valid community survey in the City of Orange and present the results with all necessary analyses/interpretations; and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Authorize the appropriation of \$65,750 from the General Fund unreserved fund balance to expenditure account number 100.0201.51670.00000, General Fund - Other Professional & Consulting Services. The motion carried by the following vote:

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

RECESS: The City Council recessed at 8:51 p.m. and reconvened at 9:06 p.m. with all Members present.

8. REPORTS FROM CITY MANAGER

None

9. PUBLIC HEARINGS

- 9.1. **Public hearing to consider Introduction and First Reading of Ordinance No. 15-23 amending Titles 16 and 17 of the Orange Municipal Code to enact definitions and development standards applicable to lot splits and second dwelling units in single-family residential zones as a result of Senate Bill 9 and finding of CEQA exemption.**

Mayor Slater opened the Public Hearing at 9:07 p.m.

Public Speaker:

Paul Kim spoke in opposition of adopting ordinance.

Mayor Slater closed the Public Hearing at 9:10 p.m.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to Introduce and conduct First Reading of Ordinance No. 15-23. An Ordinance of the City Council of the City of Orange amending Title 16 (Subdivisions) and Title 17 (Zoning) of the Orange Municipal Code by enacting ministerial standards applicable to lot splits in single-family residential zones allowed as a result of SB 9, enacting ministerial standards applicable to the location, access, size and setback of second dwelling units in single-family residential zones allowed as a result of SB 9, and adding and revising definitions to clarify said development standards. The motion carried by the following vote:

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

Noes: None

Absent: None

- 9.2. **Public Hearing to consider Introduction and First Reading of an ordinance adding Chapter 8.38 of Title 8 ("Health and Safety") to the Orange Municipal Code relating to the registration and monitoring of vacant properties and adoption of a resolution setting the amount of fees for registration, monitoring and appeals.**

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to continue Item 9.2 to a date uncertain. The motion carried by the following vote:

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

Noes: None

Absent: None

Council recessed at 9:18 p.m. and reconvened in Closed Session at 9:20 p.m. with all Members present.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:07 p.m. in Memory of Wayne King to a meeting on Monday, October 30, 2023, at 5:30 p.m. in the Council Chamber.

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