

**MINUTES -
FINAL-REVISED
City of Orange**

City Council

November 12, 2024

The City Council of the City of Orange, California convened on Tuesday, November 12, 2024, at 5:00 p.m. in a joint Regular Meeting with the Industrial Development Authority of the City of Orange 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, 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

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

b. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6:

City Negotiator: Tom Kisela, City Manager

Employee Organization: Top Management, Part-Time and Limited Duration Employees

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:55 p.m.

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

Mayor Slater called the joint meeting of the City Council and Industrial Development Authority to order at 6:03 p.m.

(Note: Hereinafter the titles of Mayor, Mayor pro tem, Councilmember, City Attorney, and City Clerk shall be used to indicate Mayor/Chair, Mayor pro tem/Vice Chair, Councilmember/Authority Member/Governing Board Member, City/Authority/Governing Board Attorney, City Clerk/Authority Secretary/Governing Board Clerk.)

1.1 INVOCATION

Given by Father Martin Nguyen from La Purisima Catholic Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember John Gyllenhammer.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Proclamation honoring the 100th Anniversary of La Purisima Catholic Church.

Orange High School Student Liaison Nadia Flores provided Council with a brief update on school happenings.

El Modena High School Student Liaison Ximena Quijano Espinoza provided Council with a brief update on school happenings.

The following City of Orange employees were recognized: Assistant Community Services Director Emily Bustamante and IT Project Manager Thomas Tran.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTS

None

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 October 3, 10, 17, 24, and 31, 2024 and payroll check warrants dated October 11, and 25, 2024.

ACTION: Ratified the accompanying registers.

3.3. Approval of minutes of the City of Orange City Council Regular Meeting held on October 22, 2024.

ACTION: Approved minutes as presented.

3.4. Agreement with Tesco Controls, LLC for technical support services for the Water Utility's Supervisory Control and Data Acquisition system.

ACTION: Approved agreement with Tesco Controls, LLC in the amount of \$50,000 for the technical support services to the Supervisory Control and Data Acquisition system; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. Agreement with the City of Santa Ana for Fiscal Year 2022-2023 Urban Areas Security Initiative grant.

ACTION: Approved the agreement with the City of Santa Ana for Fiscal Year 2022-2023 Urban Areas Security Initiative grant; and authorized the City Manager and City Clerk to execute on behalf of the City.

3.6. Agreement with Kimley-Horn and Associates, Inc. for traffic engineering services for the School Crossing Guard Warrant Study.

Item 3.6 was removed from the Consent Calendar for separate consideration by Councilmember Tavoularis and Councilmember Gutierrez.

Staff responded to Council's questions about sharing the cost with the Orange Unified School District and about the criteria that will be used in the warrant study. During discussion, staff was directed to reach out to the school board about sharing the cost of the study.

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

1) Approve the agreement with Kimley-Horn and Associates, Inc. in the total amount of \$50,546.10, representing the cost of traffic engineering services of \$45,951.00, plus a 10% contingency of \$4,595.10; and authorize the Mayor and City Clerk to execute on behalf of the City.

2) Authorize the one-time appropriation of \$50,550 from the General Fund (100) unreserved fund balance to:

100.5031.51670.00000 Other Professional & Consulting Services

The motion carried by the following vote:

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

Noes: None

Absent: None

3.7. Traffic Signal Reimbursement Agreement with Chapman University for the design and construction of a new traffic signal at the intersection of Walnut Avenue and Orange Street, and future intersection modifications to the intersection of Walnut Avenue and Glassell Street.

ACTION: 1) Approved the agreement with Chapman University to reimburse the City for a new traffic signal and intersection modifications; and authorized the Mayor and City Clerk to execute on behalf of the City.

2) Accepted into the City's Reimbursable Capital Projects (550) revenue budget \$800,000 in reimbursement from Chapman University to:

550.5031.45570.30259 Walnut Avenue and Orange Street Traffic Signal Installation

3) Authorized the appropriation of \$800,000 in to Reimbursable Capital Projects (550):

550.5031.56100.30259 Walnut Avenue and Orange Street Traffic Signal Installation

3.8. Acceptance of \$112,159.88 in revenue received from the Recreation class program, 2024 Special Events donations, User Group field costs, and various other donations; and appropriation of \$89,812.52 of the revenue to support corresponding programs.

Item 3.8 was removed from the Consent Calendar for separate consideration by Councilmember Gutierrez.

Staff clarified the Kinder Morgan donation of \$7,600 could only be used at Grijalva Park. The funds will be used for the area lighting project at Grijalva Park.

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

1) Accept into the City's General Fund revenue budget \$112,159.88 in Recreation class program revenue, various donations, and User Group maintenance fees to:

100.7001.46540.00000	Recreation Classes	\$41,157.88
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100.7015.48390.20543	Donations - 2024 Special Event Season	\$10,000
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105.7015.48390.30254	Donations - Movies in the Park	\$11,000
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105.7015.48380.17552	Other Misc Revenue - Tree Lighting	\$19,610
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100.7001.48390.00000	Donations	\$7,600
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100.7022.42480.00000	User Group Maintenance Fees	\$20,794
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105.7022.42480.00000	User Group Maintenance Fees	\$1,998
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2) Authorize the appropriation of \$ 89,812.52 into the General Fund:

100.7011.51670.00000	Other Prof & Consulting Services	\$28,810.52
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105.7015.51670.30254	Other Prof & Consulting Services	Movies in the Park	\$11,000
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105.7015.51670.17552	Special Events	\$19,610
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100.7022.51401.00000	Repairs to Buildings and Fixed Equipment	\$7,600
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100.7022.51424.00000	User Group Maintenance	\$20,794
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100.7022.51424.00000	User Group Maintenance	\$1,998
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The motion carried by the following vote:

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

Noes: None

Absent: None

3.9. Appropriation of \$38,508 from the Old Towne West Metrolink Parking Structure parking revenue collected during the Orange International Street Fair to be used for maintenance costs.

ACTION: 1) Accepted into the City's revenue budget \$38,508 in Metrolink Parking Structure funds from the parking fees into revenue account 100.0000.48380.17006, General Fund - Street Fair Metrolink Parking; and 2) Authorized the appropriation of \$38,508 into expenditure account number 100.5028.51450.20421, General Fund - Other Maintenance Metrolink Parking Structure.

3.10. Appropriation of \$121,699 from the Orange County Board of Supervisors Chair Don Wagner and Supervisor Vicente Sarmiento.

ACTION: 1) Accepted into the City's General Fund revenue budget \$121,699 from the Orange County Board of Supervisors to:

100.4041.45460.00000 General Fund County Grant

2) Authorized the appropriation of \$121,699 into the General Fund:

100.4041.51670.00000 General Fund Professional/Consulting Services

3.11. Award of Contract to Ramona, Inc. for Annual Sewer Replacement/Maintenance Fiscal Year 2024-2025; Bid No. 24-25.04 (S-252).

ACTION: 1) Approved the contract with Ramona, Inc. in the total amount of \$1,941,720, representing an original bid amount of \$1,765,200, plus a 10% contingency of \$176,520, for Annual Sewer Replacement/Maintenance Fiscal Year 2024-2025; and authorized the Mayor and City Clerk to execute on behalf of the City.

2) Authorized the carryover of the Fiscal Year 2023-2024 account balance of \$2,282,088 to Fiscal Year 2024-2025 to:

220.5011.56200.15508 Sewer Line Maintenance/Replacement

3.12. Historic Property Preservation Agreements (Mills Act Contracts) for 14 qualified historic properties.

Speaker cards were submitted for Item 3.12; therefore, the item was removed from the Consent Calendar for separate consideration.

Mayor Slater recused himself from the following applications due to a potential conflict of interest with nearby properties: 633 E. Maple, 222 Pine St., 374 & 378 N. Pine St., and 186 S. Cambridge. Mayor pro tem Barrios recused herself from the following applications due to a potential conflict of interest with nearby properties: 374 & 378 N. Pine St. and 127 Grand.

Public Speakers:

Reggie Mundekis raised concerns with the impact to the general fund and opposed approval of the contracts at this time.

Carol Fox spoke in support of approval.

Ben Mayberry and Matthew McKinney, owners of The Hobbit, spoke in support of approval.

Don St. Jean spoke in support of approval.

Kathleen Voss, applicant, spoke in support of approval.

Council briefly discussed the status and enforcement of the Mills Act program and the possibility of continuing the item until staff can update Council on the FY 25-26 budget forecast.

During discussion, staff verified there are additional applications scheduled for consideration at the next Council meeting. After further deliberation, Council discussed voting on the one commercial property located at 2932 E. Chapman Avenue and considering the residential applications separately.

ACTION: A motion was made by Mayor Slater, seconded by Councilmember Gutierrez, to approve Mills Act Contract No. 457.0-24 (Historic Property Preservation Agreement), 2932 E. Chapman Avenue, between the City of Orange and identified property owner(s) for the preservation and rehabilitation of a qualified historic property; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

Ayes: Barrios, Tavoularis, Gutierrez, and Slater

Noes: Dumitru, Bilodeau, and Gyllenhammer

Absent: None

Mayor Slater suggested voting on the residential properties that he and Mayor pro tem Barrios did not recuse from before voting on the others.

ACTION: A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to approve Mills Act Contract Nos. 446.0-24, 448.0-24, 450.0-24, 452.0-24, 453.0-24, 455.0-24, 459.0-24, and 460.0-24 (Historic Property Preservation Agreements) between the City of Orange and identified property owner(s) for the preservation and rehabilitation of a qualified historic property; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion failed by the following vote:

Ayes: Barrios, Gutierrez, and Slater

Noes: Dumitru, Tavoularis, Bilodeau, and Gyllenhammer

Absent: None

Council discussed receiving a clear picture of the budget before approving any other Mills Act contracts.

ACTION: A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to continue the remaining 13 qualified Mills Act Contracts (Historic Property Preservation Agreements) to the November 26, 2024, Regular City Council meeting and direct staff to provide Council with an update on the FY 25-26 budget forecast. The motion carried by the following vote:

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

Noes: Barrios, and Gyllenhammer

Absent: None

3.13. Authorize the purchase of various annual hardware and software maintenances from Sidepath, Inc.

ACTION: Approved the purchase of various annual hardware and software maintenances from Sidepath, Inc. for a total amount of \$247,308.56.

3.14. Accept donation of a Police Support Canine and required training from the Orange Police Foundation.

ACTION: Accepted donation of a Police Support Canine and training from the Orange Police Foundation to the Orange Police Department.

3.15. Adoption of Fiscal Year Ended June 30, 2024, Measure M2 Expenditure Report. Resolution No. 11582.

ACTION: Adopted Resolution No. 11582. A Resolution of the City Council of the City of Orange concerning the Fiscal Year ended June 30, 2024, Measure M2 Expenditure Report for the City of Orange.

Approval of the Consent Calendar

Items 3.6, 3.8, and 3.12 were 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

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4. REPORTS FROM MAYOR SLATER

4.1. Updates on Measure Z and Measure AA

Mayor Slater reported Measure Z (1/2 cent sales tax increase) is still too close to call. He acknowledged City Treasurer-Elect Garrett Smith. It appears Measure AA (safe and sane fireworks) will pass. City Manager Kisela provided an update on the process for implementing the sale of safe and sane fireworks permits.

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez)

Councilmember Gutierrez highlighted the following local business: Orange County Farm Supply.

5.2. Other Councilmember Reports

Councilmember Tavoularis remarked on the success of the Treats in the Streets event sponsored by Old Towne Preservation Association.

6. AB 1234 REPORTS

Councilmember Bilodeau clarified the trip to Washington D.C. he reported on at the September 24, 2024, Regular City Council meeting was at no expense to the City; and he was not reimbursed for travel.

7. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

7.1. Appointment to the Design Review Committee.

Council discussed waiting to appoint someone to the vacancy on the Design Review Committee as the committee's number, qualifications, duties, and purpose is currently being reviewed.

A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, to appoint Adrienne Gladson to the Design Review Committee for a four-year term ending on June 30, 2028. The motion carried by the following vote:

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

Noes: None

Absent: None

Abstain: Dumitru, and Bilodeau

8. REPORTS FROM CITY MANAGER

8.1. Fiscal Year 2024-25 General Fund First Quarter Report.

Report was received and filed.

9. ADMINISTRATIVE REPORTS

9.1. Implementation of permit parking on both sides of Fairway Drive from Cambridge Street to Tustin Street; both sides of Young Circle south of Fairway Drive; and both sides of Greenview Drive south of Fairway Drive, within Permit Parking Opportunity Area #2. Resolution No. 11581.

Public Speaker:

Andy Martinez inquired about permits for his tenants (as he owns an apartment building within the permit parking area). Staff informed Mr. Martinez on the process for obtaining permits for his tenants.

In response to Council's questions, staff indicated they are working on implementing an update to the Permit Parking Program policy that was adopted in 2022. Staff is processing the remaining applications that existed before that policy was approved.

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

1) Modify the easterly boundary of Permit Parking Opportunity Area #2 to coincide with the west side of Tustin Street.

2) Approve permit parking in Permit Parking Opportunity Area #2: on both sides of E. Fairway Drive from S. Cambridge Street to S. Tustin Street; both sides of Young Circle, south of E. Fairway Drive; and both sides of E. Greenview Drive, south of E. Fairway Drive.

3) Adopt Resolution No. 11581. A Resolution of the City Council of the City of Orange adopting a revised master resolution of designated permit parking areas and established permit parking opportunity areas within the City of Orange.

The motion carried by the following vote:

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

Noes: None

Absent: None

9.2. Monthly Treasurer's Reports for July, August, and September 2024.

The report was received and filed.

10. LEGAL AFFAIRS

10.1. Introduction and First Reading of Ordinance No. 29-24 amending Chapter 8.37 of the Orange Municipal Code pertaining to graffiti.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to introduce and conduct First Reading of Ordinance No. 29.24.

During discussion, Councilmember Gyllenhammer requested to amend the motion to strike "criminal" citations from Section 8.37.100(A). Mayor pro tem Barrios dissented.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to introduce and conduct First Reading of Ordinance No. 29.24. An Ordinance of the City Council of the City of Orange amending Chapter 8.37 of the Orange Municipal Code pertaining to graffiti. The motion carried by the following vote:

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

Noes: Gyllenhammer

Absent: None

11. ITEMS RELATED TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

11.1. Industrial Development Authority of the City of Orange Report.

The IDA report was received and filed.

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:17 p.m.

The next Regular City Council meeting will be held on Tuesday, November 26, 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