



AGENDA

City Council August 10, 2021

Rick Otto
City Manager

Gary A. Sheatz
City Attorney

Pamela Coleman
City Clerk

5:00 PM Closed Session
6:00 PM Regular Session

City Council Chamber
300 E. Chapman Ave.
Orange, CA 92866

MARK A. MURPHY
Mayor

KIMBERLEE NICHOLS
Mayor pro tem

CHIP MONACO
Councilmember

ARIANNA BARRIOS
Councilmember, District 1

JON DUMITRU
Councilmember, District 2

KATHY TAVOULARIS
Councilmember, District 3

ANA GUTIERREZ
Councilmember, District 5

The City of Orange City Council welcomes you to this meeting and encourages your participation. Regular City Council meetings are held on the second Tuesday of each month at 6:00 p.m.

Agenda Information

The agenda contains a brief general description of each item to be considered. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda. The agenda and supporting documentation is available after 4:00 p.m. on the Thursday prior to the Council meeting on the City's website at www.cityoforange.org, at the City Clerk's Office located at 300 E. Chapman Avenue, and at the Main Public Library located at 407 E. Chapman Avenue. Written materials relating to an item on the agenda that are provided to the City Council after agenda packet distribution and within 72 hours before it is to consider the item will be made available for public inspection in the City Clerk's Office during normal business hours; at the City Council meeting; and made available on the City's website.

Public Participation

Regular meetings are televised live on Spectrum Cable Channel 3 and AT&T U-verse Channel 99, and streamed live and on-demand on the City's website at www.cityoforange.org.

Pursuant to Government Code Section 54954.3, members of the public may address the City Council on any agenda item before or during Council's consideration of the item, and on any other matters within the City Council's jurisdiction by using any of the following methods:

1) In-Person

To speak on an item on the agenda, complete a speaker card indicating your name and address, and identifying the agenda item number or subject matter you wish to address. The card should be given to the City Clerk prior to the start of the meeting. General comments are received during the "Public Comments" section at the beginning of the Regular Session. No action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker unless a different time limit is announced. It is requested that you state your name for the record, then proceed to address the City Council. All speakers shall observe civility, decorum, and good behavior.

(Continued on page 2)

2) Written Public Comments via email or eComment

Members of the public can submit their written comments electronically for City Council consideration by emailing them to CCpubliccomment@cityoforange.org with the subject line "Public Comment Item # (insert the item number relevant to the comment)" or "Public Comment Non-agenda Item" for general public comments. The public can also submit written comments on the City's eComment page. Please visit the City's website at www.cityoforange.org, click Current City Council Agenda, then click the eComment link for this meeting. To ensure distribution to the City Council prior to consideration of the agenda, we encourage the public to submit comments by 3:00 p.m. the day of the meeting. All public comments will be provided to the Council, posted on the City's website, and compiled as part of the record.

3) Public Comments via recorded voicemail message

Finally, the public can record their comments by calling (714) 744-2234 no later than 5:00 p.m. the day of the meeting. Recorded messages will not be played at the meeting, but will be provided to the Council and the caller's position will be summarized in the minutes.

In accordance with Ordinance No. 10-01, any person making personal, impertinent, slanderous or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council further during that meeting, unless permission to continue is granted by a majority vote of the Council.

Please contact the City Clerk's Office at (714) 744-5500 with any questions.

ADA Requirements: In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, please contact the City Clerk's office at (714) 744-5500. Notification at least 48 hours in advance of meeting will enable the City to make arrangements to assure accessibility to this meeting.

REMINDER: Please silence all electronic devices while City Council is in session.

5:00 PM CLOSED SESSION**1. ROLL CALL****2. PUBLIC COMMENTS**

At this time, members of the public may address the Council on any Closed Session items only. Public Comments are limited to three (3) minutes per speaker.

3. RECESS TO CLOSED SESSION**a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Pursuant to Government Code Section 54956.9(d)(2)-(4). (One case)

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Paula Acken, et al. v. City of Orange

Orange County Superior Court Case No. 30-2021-01207319

c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957.

Title: City Attorney

d. PUBLIC EMPLOYEE APPOINTMENT

Pursuant to Government Code Section 54957(b).

Title: City Manager

4. CLOSED SESSION REPORT**5. ADJOURNMENT**

The City Council will adjourn to the 6:00 p.m. Regular Session in the Council Chamber.

6:00 PM REGULAR SESSION**1. OPENING****1.1 INVOCATION**

Pastor Mark Tatum, Orange Seventh-Day Adventist Church

1.2 PLEDGE OF ALLEGIANCE

Councilmember Kathy Tavoularis

1.3 ROLL CALL**1.4 PRESENTATIONS/ ANNOUNCEMENTS**

Orange Public Library Foundation Presentation to the Orange Public Library

Recognition of outgoing Board, Commission, and Committee Members

2. PUBLIC COMMENTS

At this time, members of the public may address the Council on matters not listed on the agenda within the subject matter jurisdiction of the City Council, provided that NO action may be taken on off-agenda items unless authorized by law. Public Comments are limited to three (3) minutes per speaker.

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.**Recommended Action:**

Approve.

Attachments: [Staff Report](#)

3.2. Confirmation of warrant registers dated July 6, 8, 16, 20, 22, and 30.**Recommended Action:**

Approve.

Attachments: [Staff Report](#)

3.3. Approval of meeting minutes of the City Council of the City of Orange for the July 13, 2021, Regular Meeting.

Recommended Action:

Approve minutes as presented.

Attachments: [Staff Report](#)
 [July 13, 2021, Regular Meeting minutes](#)

3.4. Agreement with Tesco Controls, Inc. for technical support services to the Supervisory Control and Data Acquisition (SCADA) water system.

Recommended Action:

Approve agreement with Tesco Controls, Inc. and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Professional Services Agreement](#)

3.5. Agreement with Willdan Engineering for Interim Building Official and on-call building inspection services.

Recommended Action:

Approve the agreement with Willdan Engineering for Interim Building Official and on-call building inspection services, and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Agreement with Willdan Engineering](#)

3.6. Agreement with Leverage Information Systems, Inc. for Point to Point Wireless to Handy Park.

Recommended Action:

Approve the agreement with Leverage Information Systems, Inc. in the amount of \$36,151.53 for point to point wireless service between Grijalva Sports Gym and Handy Park; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Agreement with Leverage Information Systems, Inc.](#)

3.7. Agreement with Siemens Industry, Inc. for Handy Park access control and surveillance video management services.

Recommended Action:

Approve the agreement with Siemens Industry, Inc. in the total amount of \$328,293.24, representing an original bid amount of \$298,448.40, plus a 10% contingency of \$29,844.84, for implementation of security access control and video camera

management; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Agreement with Siemens Industry, Inc.](#)

3.8. Agreement with Tripepi, Smith & Associates, Inc. for redistricting public outreach services.

Recommended Action:

Approve agreement with Tripepi, Smith & Associates, Inc. in the amount not to exceed \$50,000 for redistricting outreach services; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [Redistricting Services Agreement](#)

3.9. Acceptance of 26 grant funded Wi-Fi hotspots with data plans for the Library's lending collection as well as three Chromebook laptops, valued at \$7,000, received from California State Library and Southern California Library Cooperative.

Recommended Action:

1. Accept into the City's revenue budget \$7,000 in grant funds from California State Library and Southern California Library Cooperative into revenue account number 100.2001.45290.30183, General Fund - CARES Hotspots and Chromebooks Grant.
2. Authorize the appropriation of \$7,000 in grant funds into expenditure account number 100.2004.55131.30183 - Furniture, Machinery, Equipment for General Fund - CARES Hotspots and Chromebooks Grant.

Attachments: [Staff Report](#)

3.10. Appropriation of \$25,205 in designated continuing education funding received from the Rancho Santiago Community College District.

Recommended Action:

1. Accept into the City's revenue budget \$25,205 in continuing education funds from Rancho Santiago Community College District into revenue account number 100.3023.48210.20234, General Fund - Santa Ana College Fire Training.
2. Authorize the appropriation of \$25,205 into expenditure account number 100.3023.51840.20234, General Fund - Santa Ana College Fire Training.

Attachments: [Staff Report](#)
 [Standard Inter-Agency Instructional Services Agreement AGR-6589](#)

3.11. Appropriation of \$21,000 in designated donation funding received from the Orange Public Library Foundation.

Recommended Action:

1. Accept into the City's revenue budget a \$21,000 donation from Orange Public Library Foundation, into revenue account number 100.2001.48390.19322, General Fund - Orange Public Library Foundation.
2. Authorize the appropriation of \$21,000 into expenditure account number 100.2004.55131.19322, General Fund - Orange Public Library Foundation.

Attachments: [Staff Report](#)

3.12. Final Acceptance of Bid No. 189-22, Potable Water System SCADA & Controls Upgrades; and authorization to file Notice of Completion.

Recommended Action:

Accept Potable Water System SCADA & Controls Upgrades as complete; and authorize staff to file Notice of Completion with the County Recorder.

Attachments: [Staff Report](#)
 [Notice of Completion and Acceptance](#)

3.13. Claims for Damages.

Recommended Action:

Deny the following claims and refer to City Attorney and Claims Adjuster:

1. Garry Steele
2. Karl Irish
3. Alondra Duran
4. Heirs and Estate of Alexander Arens
5. E.M. (minor)

Attachments: [Staff Report](#)

3.14. Authorize purchase of two vehicles for the Orange Fire Department using a Cooperative Purchasing Agreement.

Recommended Action:

Approve the purchase of two 2022 mid-sized utility vehicles from National Auto Fleet Group in the total amount of \$130,525.

Attachments: [Staff Report](#)

3.15. Monthly Treasurer's Reports for April, May, and June 2021

Recommended Action:

Receive and file.

Attachments: [Staff Report](#)
 [Investment Report for April 2021](#)
 [Investment Report for May 2021](#)
 [Investment Report for June 2021](#)

3.16. Acceptance of electronically filed government claims to the City of Orange. Resolution No. 11347.

Recommended Action:

Adopt Resolution No. 11347. A Resolution of the City Council of the City of Orange, authorizing the acceptance of electronically filed government claims to the City of Orange.

Attachments: [Staff Report](#)
 [Resolution No. 11347](#)

3.17. Resolution to approve tax exchange agreement with the City of Anaheim as part of a reorganization of city boundaries. Resolution No. 11349

Recommended Action:

Adopt Resolution No. 11349. A Resolution of the City Council of the City of Orange approving a property tax exchange agreement with the City of Anaheim regarding the stadium sliver reorganization No. RO 21-04 and determining said actions are exempt from the California Environmental Quality Act Pursuant to Section 15301 (Class 1, existing facilities).

Attachments: [Staff Report](#)
 [Resolution No. 11349](#)

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR MURPHY

4.1. Resolution supporting the Gypsum Canyon Veterans Cemetery Location.

Attachments: [Staff Report](#)
 [Resolution No. 11351](#)

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez and Barrios)

5.2. League of California Cities and Southern California Association of Governments (Monaco)

5.3. Merrill's Marauders (Gutierrez)

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

6.1. Consider appointments to City Boards, Committees, and Commissions.

Recommended Action:

Confirm Mayor Murphy's recommendation(s) to be presented at the meeting.

Attachments: [Staff Report](#)

7. ADMINISTRATIVE REPORTS

7.1. Orange Plaza Paseo long-term plan and Streetscape Program.

Recommended Action:

1. Receive and file.
2. Make a finding that the temporary Paseo, as a project, is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15304 (e) of the State CEQA Guidelines.
3. Direct staff to initiate the process to perform an environmental review and provide design guidelines of a seasonal Paseo.
4. Authorize the City Manager to approve agreements related to the Paseo study on behalf of the City Council.

Attachments: [Staff Report](#)
 [Attachment 1 OCTA Waiver](#)
 [Attachment 2 OMC Section 12.18 \(Outdoor Dining on Public Walkways\)](#)
 [Attachment 3 Outdoor Commercial Furniture Palette](#)
 [Attachment 4 Paseo Outdoor Commercial Permit Application](#)

7.2. Agreement with Fehr and Peers to perform Old Towne Orange Parking Study.

Recommended Action:

1. Approve the contract with Fehr and Peers in the amount of \$92,840 for preparation of the Old Towne Parking Study; and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the transfer of \$92,840 from expenditure account number 952.9810.56020.20247, CITY TRF: NW & SW Merged 2003 Taxable Bonds-SAORA Capital Projects, to expenditure account number 952.9810.51670.20488, CITY TRF: NW & SW Merged 2003 Taxable Bonds - Old Towne Parking Study.

Attachments: [Staff Report](#)
 [Consultant Proposal](#)
 [Agreement](#)

- 7.3. Resolution authorizing the CSCDA Community Improvement Authority to issue bonds to acquire the Cameo Apartments at 1055 West Town and Country Road and Garrison Apartments at 1725 West Katella Avenue to provide workforce housing.**

Recommended Action:

Adopt Resolution No.11345. A Resolution of the City Council of the City of Orange approving, authorizing and directing execution of a joint exercise of powers agreement relating to the CSCDA Community Improvement Authority, and the form of a Public Benefit Agreement, and approving the issuance of revenue bonds by said authority for the purpose of financing the acquisition, construction or improvement of projects listed herein.

Attachments: [Staff Report](#)
 [Resolution No. 11345](#)
 [Form of Public Benefit Agreement](#)

- 7.4. Resolution authorizing the California Municipal Finance Authority Special Finance Agency XII to issue bonds to acquire the Allure Apartments at 3099 West Chapman Avenue to provide workforce housing.**

Recommended Action:

Adopt Resolution No.11346. A Resolution of the City Council of the City of Orange approving, authorizing, and directing execution of a joint exercise of powers agreement relating to the CMFA Special Finance Agency XII, and the form of a Public Benefit Agreement, and approving the issuance of revenue bonds by said agency for the purpose of financing the acquisition, construction or improvement of projects listed herein.

Attachments: [Staff Report](#)
 [Resolution No. 11346](#)
 [Form of Public Benefit Agreement](#)

- 7.5. Resolution adopting a policy regulating small wireless telecommunications facilities and related structures in the public rights-of-way.**

Recommended Action:

Adopt Resolution No. 11348. A Resolution of the City Council of the City of Orange adopting a policy regulating small wireless telecommunications facilities and related structures in the public rights-of-way.

Attachments: [Staff Report](#)
 [Resolution No. 11348](#)
 [Small Wireless Facility Policy](#)

7.6. Tentative timeline and hearing schedule necessary for redistricting, as a result of the 2020 U.S. Census.

Recommended Action:

Receive and file proposed timeline and hearing schedule for redistricting the City Council election district boundaries as a result of the 2020 U.S. Census demographic data.

Attachments: [Staff Report](#)
 [Attachment A - Tentative 2021-2022 Redistricting Timeline](#)

7.7. Membership of the Planning Commission.

Recommended Action:

Provide direction related to the number of members that shall serve on the Planning Commission.

Attachments: [Staff Report](#)

7.8. First Amendment to Employment Agreement with City Attorney Gary A. Sheatz.

Recommended Action:

Approve First Amendment to Employment Agreement with City Attorney Gary A. Sheatz; and authorize the Mayor and City Clerk to execute on behalf of the City.

Attachments: [Staff Report](#)
 [First Amendment to Employment Agreement](#)

8. REPORTS FROM CITY MANAGER

9. LEGAL AFFAIRS

9.1. Introduction and First Reading of Ordinance No. 14-21 amending various sections in Title 2 of the Orange Municipal Code.

Recommended Action:

Introduce and conduct First Reading of Ordinance No. 14-21. An Ordinance of the City Council of the City of Orange amending various sections in Title 2 of the Orange Municipal Code related to the administration and personnel of the City.

Attachments: [Staff Report](#)
 [Ordinance No. 14-21 - Clean](#)
 [Ordinance No. 14-21 - Redline](#)

- 9.2. Second Reading and adoption of an Ordinance relating to City Council reimbursement for actual and necessary expenses incurred in the performance of their official duties. Ordinance No. 09-21.**

Recommended Action:

Adopt Ordinance No. 09-21. An Ordinance of the City Council of the City of Orange amending Title 2 of the Orange Municipal Code adding Chapter 2.07, relating to City Council reimbursement for actual and necessary expenses incurred in the performance of their official duties.

Attachments: [Staff Report](#)
 [Ordinance No. 09-21](#)

- 9.3. Second Reading and adoption of an Ordinance relating to City Council Compensation. Ordinance No. 10-21.**

Recommended Action:

Adopt Ordinance No. 10-21. An Ordinance of the City Council of the City of Orange amending Title 2, Chapter 2.08 of the Orange Municipal Code relating to City Council compensation.

Attachments: [Staff Report](#)
 [Ordinance No. 10-21](#)

10. PUBLIC HEARINGS

- 10.1. Public Hearing to consider a comprehensive Citywide Parking Code update and related administrative revisions.**

Recommended Action:

Introduce and conduct First Reading of Ordinance No. 12-21. An Ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code (Zoning Code) to add definitions, update code references, and amend Chapter 17.34 relating to off-street parking and loading.

Attachments: [Staff Report](#)
 [Attachment 1 - Ordinance No. 12-21](#)
 [Attachment 2 - Tracked Changes for Ordinance No. 12-21](#)
 [Attachment 3 - Proposed Comprehensive Parking Code Update Summary](#)
 [Attachment 4 - IBI Group Recommended Parking Zoning Standards Update Analysis](#)
 [Attachment 5 - July 19, 2021 Planning Commission Staff Report](#)
 [Attachment 6 - July 19, 2021 Draft Planning Commission Minutes](#)

10.2. Public Hearing to consider Appeal No. 0556-21, Nexx Burger, 2940 E. Chapman Avenue.

Recommended Action:

The City Council shall consider the record and such additional evidence as may be offered and may affirm, reverse, or modify, in whole or in part, the action that was appealed.

Attachments:

[Staff Report](#)

[Attachment 1 - Appeal Application No. 0556-21 from Adrienne Gladson](#)

[Attachment 2 - Vicinity Map](#)

[Attachment 3 - January 6, 2021 DRC Meeting Minutes](#)

[Attachment 4 - April 7, 2021 Design Review Committee Staff Report](#)

[Attachment 5 - May 17, 2021 Planning Commission Staff Report](#)

[Attachment 6 - May 17, 2021 Planning Commission Meeting Minutes](#)

[Attachment 7 - Planning Commission Resolution No. PC 03-21](#)

[Attachment 8 - Drive-through Queue and Parking Analysis by TJW Engineering, Inc., Dated October 12, 2020](#)

[Attachment 9 - Queue Management Plan, Dated April 20, 2021](#)

[Attachment 10 - Project Plans, Date Stamped Received April 28, 2021](#)

10.3. Public Hearing to consider implementing state mandated solid waste, organics, and construction and demolition debris waste disposal reductions and establishing fines and fees for violations thereof.

Recommended Action:

1. Introduce and conduct First Reading of Ordinance No. 13-21. An Ordinance of the City Council of the City of Orange amending Title 8 of the Orange Municipal Code (Health and Safety) to delete Chapters 8.28 and 8.29 and add new Chapters 8.28, 8.29, 8.30, and 8.31 relating to solid, organic, and construction and demolition debris waste disposal reduction.
2. Adopt Resolution No. 11350. A Resolution of the City Council of the City of Orange establishing fines for violations of solid, organic and construction and demolition waste disposal reduction ordinances, establishing fees for waste management plans, and authorizing the City Manager to develop procedures implementing these provisions.

Attachments:

[Staff Report](#)

[Ordinance No. 13-21](#)

[Resolution No. 11350](#)

11. ADJOURNMENT

The next Regular City Council meeting will be held on Tuesday, September, 14, 2021, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m. if necessary.

I, Pamela Coleman, CMC, City Clerk for the City of Orange, do hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Orange Main Public Library, 407 E. Chapman Avenue, Police facility at 1107 North Batavia Street, and uploaded to the City's website www.cityoforange.org.

Date posted: August 5, 2021