

MINUTES - DRAFT

City of Orange

City Council

October 13, 2020

The City Council of the City of Orange, California convened on October 13, 2020, at 5:00 p.m. in a Regular Meeting via various teleconference locations.

5:00 PM CLOSED SESSION

1. ROLL CALL

Present: Murphy, Alvarez, Nichols, and Monaco

Absent: None

2. PUBLIC COMMENTS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:00 p.m. with all Members present to discuss the following:

- a. Conference with Legal Counsel – Anticipated litigation pursuant to Government Code Section 54956.9(d)(2)-(4). (One case)
- b. Conference with Real Property Negotiator – Real property negotiations pursuant to Government Code Section 54956.8:
Property: 186 N. Atchison Street
City Negotiator: Rick Otto
- c. Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(a) & (d)(1).
1) Case: Orange Park Association v. City of Orange
Orange County Superior Court
- d. Public Employee Appointment pursuant to Government Code Section 54957(b):
Title: Fire Chief

4. ADJOURNMENT

At 6:14 p.m., the City Council adjourned the Closed Session to its Regular Meeting held via teleconference.

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

Mayor Murphy called the meeting to order at 6:14 p.m.

1.1 INVOCATION

Given by Mayor pro tem Michael Alvarez.

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Mayor Mark A. Murphy.

1.3 ROLL CALL

Present: Murphy, Alvarez, Nichols, and Monaco

Absent: None

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Mayor Murphy read the Memorial Adjournment for Bonnie Jean Ackerman, Longtime Downtown Small Business Owner. The certificate will be mailed to the family.

Mayor Murphy announced the Festifall at City Hall event taking place on Friday, October 23 through Thursday, October 29; and the Veterans Day virtual program on November 11. Information for both Festifall and Veterans Day activities can be found on the City's website.

2. PUBLIC COMMENTS

The following people submitted written comments, which were read into the record by staff:

Janice Brownfield emailed encouraging the City to study and pursue community choice energy in Orange.

Jerome Ryan emailed regarding the preservation of Killefer school.

Jeffrey Bauman emailed regarding November 3, 2020, election campaign contributions.

In addition, a comment submitted by Deanna Osborn regarding City Council term limits was received after the deadline and was distributed to Council.

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 warrant registers dated September 3, 11, 17, 25, and October 1, 2020.

ACTION: Approved.

3.3. Approval of meeting minutes of the City Council of the City of Orange for the August 11, 2020, Regular Meeting; August 25, 2020, Adjourned Regular Meeting; and September 8, 2020, Regular Meeting.

ACTION: Approved minutes as presented.

3.4. Agreement with Commercial Aquatic Services for maintenance of Hart Park Pools.

ACTION: Approved agreement with Commercial Aquatic Services in the amount not to exceed \$183,280 for maintenance of the Hart Park pools; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. Agreements with the California Department of Health Care Services and Cal Optima for a one-time Intergovernmental Transfer.

ACTION: 1) Approved agreements with the California Department of Health Care Services and Cal Optima in the amount of \$910,486, representing \$758,738 in unreimbursed Medicare revenue plus a \$151,748 assessment fee, for a one-time Intergovernmental Transfer, and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the transfer of \$ 910,486 of reimbursable funds to the California Department of Health Care Services.

3.6. Second Amendment to Agreement with HWDS & Associates, Inc. for the production of the Our Orange quarterly publication.

ACTION: Approved Second Amendment with HWDS & Associates, Inc. in an amount not to exceed \$109,484 for the design and printing of the Our Orange quarterly publication, and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. First Amendment to Agreement with Axon Enterprise, Inc. for body worn cameras.

ACTION: 1) Approved the First Amendment to Agreement with Axon Enterprise, Inc. for additional body worn cameras in an amount not to exceed \$152,616 and authorized the Mayor and the City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$42,142 from the AB3229/COPS/State - Supplemental Law Enforcement Services unreserved fund balance into expenditure account number 354.4011.56032.20337, AB3229/COPS/State - Supplemental Law Enforcement Services - Mobile Audio and Body Worn Cameras.

3.8. Agreement with Dr. Air Care Health Solutions, DBA Rodent Stop, for rodent investigation and eradication services.

ACTION: Approved the agreement with Dr. Air Care Health Solutions, DBA Rodent Stop, in the amount of \$55,000 for rodent investigation and eradication services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.9. Appropriation of \$10,000 in designated donation funding received from the Friends of the Orange Public Library.

ACTION: 1) Accepted into the City's revenue budget a \$10,000 donation from Friends of the Orange Public Library, into revenue account number 100.2001.48390.19990, Donations - Friends of the Library; and 2) Authorized the appropriation of \$10,000 to General Fund - Friends of the Library in the following expenditure account numbers:

100.2001.53011.19990	Employee Recognition Program	\$1,000
100.2001.53301.19990	Library Books	\$8,500
100.2017.53340.19990	Craft Supplies	\$500

3.10. Appropriation of \$34,871 in designated grant funding received from the California Department of Resources Recycling and Recovery for the Beverage Container Recycling City Payment Program.

ACTION: 1) Accepted into the City's revenue budget a \$34,871 grant from the California Department of Resources Recycling and Recovery into revenue account number 220.5022.45290.20427, Sanitation & Sewer - Beverage Container Program 19-20; and 2) Authorized the appropriation of \$34,871 into the following expenditure account numbers Sanitation & Sewer - Beverage Container Program 19-20:

220.5022.51001.20427	Contractual Services	\$17,371
220.5022.53001.20427	Materials and Supplies	\$16,000
220.5022.50002.20427	Regular Salaries - Misc	\$ 1,500

3.11. Final Acceptance of Bid No. 190-20; SP-4100, Orange Police Department Emergency Operations Center Remodel; and authorization to file Notice of Completion.

ACTION: Accepted Orange Police Department Emergency Operations Center Remodel as complete; and authorized staff to file Notice of Completion with the County Recorder.

3.12. Final Acceptance of Bid No. 190-35; SP-4102; Walnut Avenue Street Improvement and authorization to file Notice of Completion.

ACTION: Accepted Walnut Avenue Street Improvement as complete; and authorized staff to file the Notice of Completion with the County Recorder.

3.13. Final Acceptance of Bid No. 189-32, Pedestrian Countdown Signals (PCS); and authorization to file Notice of Completion.

ACTION: Accepted Pedestrian Countdown Signals (PCS) - HSIPL-5073(085) as complete; and authorize staff to file Notice of Completion with the County Recorder.

(ITEM 3.14 WAS REMOVED FROM CONSENT AND HEARD SEPARATELY)**3.14. Approval of plans and specifications for Community Development Block Grant Americans with Disabilities Act Wheelchair Access Ramps at Various Locations Project Fiscal Year 2020-2021 and authorization to advertise Bid No. 20-21.17.**

Mayor pro tem Alvarez requested staff consider adding concrete scoring used by the visually impaired at the intersections of Tustin St. and Katella Ave. and N. California St. and Katella Ave. Staff will evaluate the possibility of including the requested intersections in the project.

A motion was made by Mayor Pro Tem Alvarez, seconded by Councilmember Monaco, to approve plans and specifications and authorize advertising for bids for the Community Development Block Grant Americans with Disabilities Act Wheelchair Access Ramps at Various Locations Project Fiscal Year 2020-2021. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

3.15. Claim(s) for Damages.

ACTION: Denied the following claim(s) and referred to City Attorney and Claims Adjuster:

1. Gabriella Fondario
2. David Kaniski
3. Laurene M. Grigory
4. Gary and Helen Nenadal
5. Roxana Pahissa-Vasquez

3.16. Award of contract to Nieves Landscape, Inc. for Landscape Renovation at Skylark Place and Canyon View Avenue in the Santiago Hills Landscape Assessment District; Bid No. 20-21.05.

Note: Councilmember Nichols abstained from this item due to a potential conflict with a nearby property interest.

ACTION: Approved the contract with Nieves Landscape, Inc. for an amount not to exceed \$226,355; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.17. First Amendment to Contract with Vasilj, Inc. for Annual Sewer Replacement/Maintenance, Fiscal Year 2019-2020; Bid No. 190-28, S-243.

ACTION: Approved the amendment to the contract with Vasilj, Inc. in the amount of \$195,347 for the storm drain and sewer emergency repair work for Annual Sewer Replacement/Maintenance, Fiscal Year 2019-2020; and authorized the Mayor and the City Clerk to execute on behalf of the City.

3.18. Second Amendment to Contract with PCN3, Inc. for Fire Station No. 2 Apparatus Bay and First Amendment to Professional Services with Leighton Consulting, Inc. for Deputy Inspection Services.

ACTION: 1) Approved Second Amendment to Contract with PCN3, Inc. for Station No. 2 Apparatus Bay, Bid No. 189-42, SP-3951; and authorized the Mayor and City Clerk to execute on behalf of the City; 2) Approved First Amendment to Professional Services Agreement with Leighton Consulting, Inc. for Deputy Inspection Services; and authorized the Mayor and City Clerk to execute on behalf of the City; and 3) Authorized the appropriation of \$60,000 from the Fire Facility Fees (560) unreserved fund balance to expenditure account number 560.3021.56015.20107, Fire Facility Fees - Fire Station 2 Apparatus Bay.

3.19. Purchase four vehicles using Cooperative Purchasing Agreements (CPA).

Note: Mayor Murphy abstained from this item due to a potential conflict with his spouse's employment.

ACTION: 1) Approved the purchase of one 2021 mid-size utility vehicle from Villa Ford of Orange in the amount of \$29,948; 2) Approved the purchase of one 2021 Detective Utility vehicle from National Auto Fleet Group in the amount of \$30,603; and 3) Approved the purchase of two 2021 low speed full electric vehicles (GEM & Taylor Dunn) from Pape Material Handling in the amount of \$53,395.

3.20. Authorize purchase of furniture from Goforth & Marti dba G/M Business Interiors.

ACTION: 1) Approved the purchase of furniture from Goforth & Marti dba G/M Business Interiors for \$29,770; and 2) Authorized the appropriation transfer of \$25,000 in the NW & SW Merged 2003 Tax Exempt Bond Fund (953) from expenditure account number 953.9810.56020.20247, SAORA Capital Projects to expenditure account number 953.9810.56020.30017, Emergency Operations Center.

3.21. City of Orange Conflict of Interest Code amendment. Resolution No. 11276.

ACTION: Adopted Resolution No. 11276 with amended Exhibit A. A Resolution of the City Council of the City of Orange adopting the biennial revisions to employee positions and titles in the Conflict of Interest Code for the City of Orange.

3.22. Extension of the Existence of a Local Emergency Declared by the City Manager /Director of Emergency Services in Response to the COVID-19 (Coronavirus) Pandemic. Resolution No. 11283.

ACTION: Adopted Resolution No. 11283. A Resolution of the City Council of the City of Orange Confirming the Extension of the Existence of a Local Emergency Declared by the City Manager/Director of Emergency Services in Response to the COVID-19 (Coronavirus) Pandemic.

Approval of the Consent Calendar

Councilmember Nichols abstained on Item 3.16. Mayor Murphy abstained on Item 3.19. Item 3.14 was removed from the Consent Calendar and heard separately. All other items on the Consent Calendar were approved as recommended.

A motion was made by Mayor Pro Tem Alvarez, seconded by Councilmember Monaco, to approve the Consent Calendar as recommended. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR MURPHY

None

5. REPORTS FROM COUNCILMEMBERS

None

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

None

7. ADMINISTRATIVE REPORTS

7.1. A Resolution of the City Council of the City of Orange adopting a policy for the installation of small wireless facilities in the public rights-of-way.

Senior Administrative Analyst Aaron Schulze presented the staff report and responded to Council's questions.

Public Comment

A written comment was submitted by Crown Castle and read into the record by staff.

During discussion of the proposed policy, Council requested more information on the aesthetics, applicant accountability, noticing requirements, and acoustic analysis of small wireless facilities. In addition, Council directed staff to follow any legal challenges to the FCC's order relating to small wireless facilities.

A motion was made by Mayor Pro Tem Alvarez, seconded by Councilmember Monaco, to continue this item to the December 8, 2020, Regular City Council meeting. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

7.2. Contract with Public Restroom Company for the purchase and installation of a pre-fabricated community building for Handy Park.

A motion was made by Councilmember Nichols, seconded by Mayor Pro Tem Alvarez, to approve the contract with Public Restroom Company for \$578,031 for purchase and installation of a pre-fabricated building for the Handy Park Maintenance Renovation (20370) and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

7.3. A Resolution of the City Council of the City of Orange in support of proposed jurisdictional and sphere of influence changes with the City of Anaheim.

A motion was made by Mayor Pro Tem Alvarez, seconded by Mayor Murphy, to adopt Resolution No. 11282. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

Resolution No. 11282. A Resolution of the City Council of the City of Orange In Support of Proposed Jurisdictional and Sphere of Influence Changes with the City of Anaheim.

8. REPORTS FROM CITY MANAGER

8.1. Financial status update for Fiscal Years 2019-20 and 2020-21.

Assistant City Manager/Administrative Services Director Will Kolbow presented the update. The report was received and filed.

Other Reports

City Manager Otto announced, with Council's concurrence, the appointment of Sean de Metropolis as the Fire Chief effective immediately.

9. LEGAL AFFAIRS

9.1. Second Reading and adoption of an Ordinance of the City Council of the City of Orange approving Zone Change No. 1301-20 to change the zoning property located at 105 and 125 S. Water Street from Office Professional (O-P) and Single Family Residential, 6,000 Sq. Ft. (R-16) to Public Institution (P-1) to better reflect the existing nature of the land uses in the neighborhood and to ensure that the Fire Station No. 1 project is consistent with the General Plan.

A motion was made by Councilmember Monaco, seconded by Councilmember Nichols, to adopt Ordinance No. 16-20. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

Ordinance No. 16-20. An Ordinance of the City Council of the City of Orange approving Zone Change No. 1301-20 to change the zoning property located at 105 and 125 S. Water Street from Office Professional (O-P) and Single Family Residential, 6,000 Sq. Ft. (R-16) to Public Institution (P-1) to better reflect the existing nature of the land uses in the neighborhood and to ensure that the Fire Station No. 1 project is consistent with the General Plan.

9.2. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Chapter 15.41 of the Orange Municipal Code to update the program areas subject to Transportation Systems Improvement Program fees and modify the yearly adjustment method for Transportation Systems Improvement Program fees.

A motion was made by Councilmember Nichols, seconded by Councilmember Monaco, to adopt Ordinance No. 17-20. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

Ordinance No. 17-20. An Ordinance of the City Council of the City of Orange amending Chapter 15.41 of the Orange Municipal Code to update the program areas subject to Transportation Systems Improvement Program fees and modify the yearly adjustment method for Transportation Systems Improvement Program fees.

10. ITEMS RELATING TO THE SUCCESSOR AGENCY OF THE ORANGE REDEVELOPMENT AGENCY

None

11. PUBLIC HEARINGS

11.1. Continued Public Hearing to consider Introduction and First Reading of an Ordinance amending sections of Title 12 (Streets, Sidewalks and Public Places), Title 16 (Subdivisions) and Title 17 (Zoning) of the Orange Municipal Code related to the Design Review Committee. Ordinance No. 13-20. (Continued from 9/8/20)

Although the recommendation was to continue the Public Hearing to the next Council meeting, it was Council consensus to read the public comments submitted prior to the deadline for tonight's meeting.

Public Comments

The following people submitted comments in opposition of approving Ordinance No. 13-20, which were read into the record by staff:

Krista Nicholds, President of Preserve Orange County; Glory Johnson; Jeff Frankel; Jeannette McClain; Andrea McCullough; Chris Glos; Gary and Diana Zdenek.

The following people submitted comments in support of Ordinance No. 13-20, which were read into the record by staff:

Gary Frazier, Managing Member of Acacia Housing, LLC; and Dave Simpson.

In addition, two written comments in opposition were received after the deadline and were distributed to Council.

A motion was made by Councilmember Nichols, seconded by Councilmember Monaco, to continue the Public Hearing to the November 10, 2020, Regular City Council meeting. The motion carried by the following vote:

Ayes: Murphy, Alvarez, Nichols, and Monaco

Noes: None

Absent: None

12. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:44 p.m. in Memory of Bonnie Jean Ackerman.

The next Regular City Council meeting will be held on Tuesday, November 10, 2020, at 6:00 p.m., via various teleconference locations, with Closed Session beginning at 5:00 p.m. if necessary.

PAMELA COLEMAN
CITY CLERK

MARK A. MURPHY
MAYOR