

**MINUTES - DRAFT**

**City of Orange**

**City Council**

December 08, 2020

DRAFT MINUTES – NOT AN  
OFFICIAL RECORD UNTIL  
APPROVED BY THE CITY COUNCIL

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The City Council of the City of Orange, California convened on December 8, 2020, at 5:00 p.m. in a joint Regular Meeting with the Orange Industrial Development Authority and the Governing Board of the Successor Agency to the Orange Redevelopment Agency via various teleconference locations.

**5:00 PM CLOSED SESSION**

**1. ROLL CALL**

**Present:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**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 – 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

**4. REPORT ON CLOSED SESSION ACTIONS**

None

**5. ADJOURNMENT**

Closed Session was adjourned at 5:18 p.m.

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

Mayor/Chair Murphy called the meeting to order at 6:02 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 Pastor Craig Hill from Taft Avenue Community Church.

**1.2 PLEDGE OF ALLEGIANCE**

Led by Mayor Pro Tem Alvarez.

**1.3 ROLL CALL**

**Present:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Absent:** None

**1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

None

**2. PUBLIC COMMENTS**

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

Tom Grochow wrote a letter regarding the appeal process.

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

Jeff Wood submitted two emails regarding a local business not adhering to the State issued COVID-19 safety mandates and guidelines.

Jeff Krolosky emailed in support of the Shannan Bryan Mortuary.

Maria Rodriguez emailed regarding the homeless population in the El Modena area.

David Hamilton emailed requesting owner occupied properties be exempt from any ban on short term rentals.

### **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 November 6, 12, 20, and 25, 2020.**

Note: Councilmember Dumitru abstained from this item.

ACTION: Approved.

#### **3.3. Approval of meeting minutes of the City Council of the City of Orange for the November 10, 2020, Regular Meeting; November 17, 2020, Special Meeting; and December 1, 2020, Adjourned Regular Meeting.**

Note: Councilmbmer Dumitru and Councilmember Gutierrez abstained from this item.

ACTION: Approved minutes as presented.

#### **3.4. Second Amendment to Agreement with TriTech Software Systems for software and maintenance of the Police Department Records Management System.**

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

ACTION: 1) Approved the Second Amendment to agreement with TriTech Software Systems for software and maintenance in an amount not to exceed \$68,482 and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$46,241 from the Federal Asset Forfeiture unreserved fund balance into expenditure account number 355.4011.51670.00000, Federal Asset Forfeiture - Consulting Services.

#### **3.5. Agreement with Darren Doerschel for continued technical support of AV systems and TV systems supporting the City of Orange Council Chamber operations.**

ACTION: Approved the agreement with Darren Doerschel in the amount of \$45,600 for continued technical support of AV systems and TV systems supporting the City of Orange Council Chambers operations, and authorized the Mayor and City Clerk to execute on behalf of the City.

#### **3.6. First Amendment to Attorney Services Agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP to provide legal services related to litigation defense in the matter of Henry Lee; and Patricia Lee v. City of Orange.**

ACTION: 1) Approved a First Amendment to Attorney Services Agreement with Manning & Kass, Ellrod, Ramirez, Trester, LLP in the amount of \$100,000 and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$100,000 from the Self Insurance - Liability unreserved fund

balance to expenditure account number 740.0301.51600.00000, Self Insurance - Liability - Legal Services.

**3.7. Final Acceptance of Bid No. 190-23; SP-4113; Annual Concrete Replacement at Various Locations FY 2019-2020; and authorization to file Notice of Completion.**

ACTION: Accepted Annual Concrete Replacement at Various Locations FY 2019-2020 as complete and authorized staff to file Notice of Completion with the County Recorder.

**3.8. Final Acceptance of Bid No. 190-38; SP-4111, Annual Pavement Maintenance at Various Locations Project.; and authorization to file Notice of Completion.**

ACTION: Accepted Annual Pavement Maintenance at Various Locations Project as complete and authorized staff to file Notice of Completion with the County Recorder.

**3.9. Final Acceptance of Bid No. 20-21.06; SP-4141, Roof Improvements of Fire Station 3; and authorization to file Notice of Completion.**

ACTION: Accepted Roof Improvements of Fire Station 3 as complete, and authorized staff to file the Notice of Completion with the County Recorder.

**3.10. Final Acceptance of Bid No. 190-39; D-176; Collins Avenue and Tustin Street Water Quality Storm Drain Improvements; and authorization to file Notice of Completion.**

ACTION: Accepted Collins Avenue and Tustin Street Water Quality Storm Drain Improvements as complete; and authorized staff to file Notice of Completion with the County Recorder.

**3.11. Claims for Damages.**

ACTION: Denied the following claim(s) and/or leave to present late claim and referred to City Attorney and Claims Adjuster:

1. Mercury Insurance a/s/o Corinna Pulsifer
2. Natalie Atkinson
3. Allstate Insurance a/s/o Brenda Ruiz
4. Patricia Kuklovsky
5. Juan Guardado
6. Reynaldo L. Ochoa
7. Jose Morales

**(ITEM 3.12 WAS REMOVED FROM CONSENT AND HEARD SEPARATELY)**

**3.12. Authorize purchase of landscape supplies from SiteOne Landscape Supply as a sole source vendor.**

Responding to Councilmember Barrios' inquiry, staff itemized the purchase from SiteOne Landscape Supply.

A motion was made by Councilmember Barrios, seconded by Councilmember Dumitru, to: 1) Authorize SiteOne Landscape Supply as a sole source vendor; and 2) Approve a blanket purchase order of \$50,000 with SiteOne Landscape Supply. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez  
**Noes:** None  
**Absent:** None

**3.13. Authorize purchase of network equipment from Sidepath, Inc.**

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

ACTION: Approved the purchase of network equipment from Sidepath, Inc. for \$100,617.

**3.14. Street Name for TRI Pointe Homes Townhomes Development Tract 18113 Lot 3; southwest corner of Town & Country Road and Parker Street.**

ACTION: Approved the street name for the townhomes development.

**3.15. Water rate pass-through notice for Calendar Year 2021.**

ACTION: Received and filed.

**3.16. Investment Oversight Committee report for the period ending November 30, 2020.**

ACTION: Received and filed.

**3.17. Authorization to submit a transportation improvement project application to the Orange County Transportation Authority for funding under Measure M2 of the Comprehensive Transportation Funding Program. Resolution No. 11289.**

ACTION: Adopted Resolution No. 11289. A Resolution of the City Council of the City of Orange approving the submittal of transportation improvement projects to the Orange County Transportation Authority for funding under the renewed Measure M (M2) of the Comprehensive Transportation Funding Program.

**3.18. 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. 11290.**

ACTION: Adopted Resolution No. 11290. 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.

**(ITEM 3.19 WAS REMOVED FROM CONSENT AND HEARD SEPARATELY)****3.19. Local Agency Formation Commission (LAFCO) Boundary Adjustment/ Detachment to the Givens Property, 20392 Acres Place. Resolution No. 11291.**

In response to Councilmember Gutierrez's inquiry, staff clarified the timing of the LAFCO Boundary Adjustment/Detachment.

A motion was made by Councilmember Gutierrez, seconded by Councilmember Monaco, to adopt Resolution No. 11291. A Resolution of the City Council of the City of Orange supporting Local Agency Formation Commission of Orange County Application No. CD 20-12 for detachment of approximately 397 square feet of triangular property located adjacent to 20392 Acres Place from the City of Orange to the County of Orange and agreeing to a redistribution of property tax revenue due to the detachment, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

**3.20. Accept a portion of Batavia Street into the City Street System. Resolution No. 11292.**

ACTION: Adopted Resolution No. 11292. A Resolution of the City Council of the City of Orange Accepting Certain Roads and Streets into the City Street System.

**SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY**

**3.21. Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2021 through June 30, 2022 (ROPS 21-22). Resolution No. SAORA-034.**

ACTION: 1) Adopted Resolution No. SAORA-034, A Resolution of the Governing Board of the Successor Agency to the Orange Redevelopment Agency approving a Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2021 through June 30, 2022 (ROPS 21-22), pursuant to Health and Safety Code Section 34177, and taking certain related actions; and 2) Directed staff to transmit ROPS 21-22 and related Administrative Budgets to the Orange Countywide Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

**3.22. Approval of meeting minutes of the Industrial Development Authority of the City of Orange for the December 10, 2019, Regular Meeting.**

Note: Councilmember Dumitru and Councilmember Gutierrez abstained from this item.

ACTION: Approved minutes as presented.

**Approval of the Consent Calendar**

Items 3.12 and 3.19 were removed from the Consent Calendar and heard separately. Mayor Murphy abstained from Items 3.4 and 3.13. Councilmember Dumitru abstained from Items 3.2, 3.3, and 3.22. Councilmember Gutierrez abstained from Items 3.3 and 3.22. 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, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

**END OF CONSENT CALENDAR**

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#### **4. REPORTS FROM MAYOR MURPHY**

##### **4.1. Council Reorganization**

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to select Councilmember Kimberlee Nichols as Mayor pro tem. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

#### **5. REPORTS FROM COUNCILMEMBERS**

##### **5.1. Term Limits (Barrios)**

###### Public Comment

Adrienne Gladson submitted an email regarding City Council term limits, which was read into the record by staff.

Councilmember Barrios requested that the City's current term limit ordinance be placed on a future agenda for discussion. With Council concurrence, staff was directed to bring back a report on the City's term limits to a future Council meeting.

##### **5.2. Certified Local Government (Barrios)**

Councilmember Barrios requested that an analysis of the City obtaining Certified Local Government status be included as part of an upcoming report on Boards, Committees, and Commissions. With Council concurrence, staff was directed to include the process of obtaining Certified Local Government status in conjunction with the review of the various Boards, Committees, and Commissions report scheduled in January.

##### **5.3. Annexation of County Islands (Gutierrez)**

Councilmember Gutierrez requested a report on the potential annexation of the County island of El Modena. With Council concurrence, staff was directed to schedule a report on the process and steps required to annex the County island of El Modena on a future Council meeting agenda.

##### **5.4. Public Comment Policy (Gutierrez)**

Councilmember Gutierrez requested that public comment options, including allowing the public to make live comments during the meeting, be placed on a future agenda for discussion. With Council concurrence, staff was directed to provide Council with a report regarding the City's public comment policy.

##### **5.5. Highlighting of Local Businesses (Gutierrez)**

Councilmember Gutierrez would like the opportunity to highlight local businesses on a monthly basis at Regular City Council meetings. With Council concurrence, staff was directed to include this item on future Council meeting agendas.

**5.6. City Council Health, Welfare and Reimbursement (Dumitru)**

Councilmember Dumitru requested that City Council travel expense reimbursements and health benefits be placed on a future agenda for discussion. It was also requested to include Council compensation in the report. With Council concurrence, staff was directed to provide Council with a report regarding travel expense reimbursements, health benefits, and Council compensation.

**6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS**

Staff was directed to provide Council with all Boards, Committees, and Commissions attendance reports for their review.

**7. ADMINISTRATIVE REPORTS**

None

**8. REPORTS FROM CITY MANAGER****8.1. Review of the Orange Plaza Paseo (Closure of the 100 blocks of North and South Glassell Street).**

City Manager Otto reported the current regional stay at home orders caused the Paseo to close on December 6. It is cost prohibitive to the City and restaurants to remove the Paseo barricades and infrastructures already in place; therefore staff recommends those remain in place. He also reported that the Orange Plaza Paseo is due to sunset on January 17, 2021. Due to the continued pandemic situation, staff is recommending that the Paseo stay open through the end of any dining restrictions or by Council discretion. While the Paseo is closed, parking spaces in the Plaza quadrant are being designated as 10-15 minute short term spaces for pick up and ADA only.

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to continue the closure of the 100 blocks of North and South Glassell Street, as well as the citywide outdoor dining and retail program as allowed, until such time that State or local restrictions are lifted, or by City Council direction; and to direct staff to add a standing local emergency item to future Regular City Council meeting agendas. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

**9. LEGAL AFFAIRS****9.1. Second Reading and adoption of an Ordinance of the City Council of the City of Orange adding Chapter 2.11 requiring electronic filing of Campaign Statements and Statements of Economic Interest.**

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Alvarez, to adopt Ordinance No. 18-20. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

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

None

## 11. PUBLIC HEARINGS

### 11.1. 32-unit Cohen Residential Project located at 1997 N. Orange Olive Road and 301-347 E. Grove Avenue.

Time set for a public hearing to consider approval of Zone Change No. 1297-19, Tentative Tract Map No. 0049-19, Major Site Plan Review No. 0969-19, Design Review No. 4969-19, and Subsequent Mitigated Negative Declaration No. 1865-19.

Mayor Murphy opened the Public Hearing at 7:48 p.m.

#### Public Comment

Ken Ryan, on behalf of the applicant, spoke in favor of the project. The applicant assured Council that there will be enough ground cover area for residents to walk their dogs, and discussed various options residents will have to interact with their pets outdoors.

Mayor Murphy closed the Public Hearing at 8:20 p.m.

A motion was made by Councilmember Monaco, seconded by Councilmember Alvarez, to Introduce and approve Ordinance No. 20-20 for First Reading. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

Ordinance No. 20-20. An Ordinance of the City Council approving Zone Change No. 1297-19 to change the zoning from Limited Business (C-1) to Residential Multifamily-Specific Plan [R-3 (SP)] and associated Amendment to the Orange Olive Specific Plan for property located at 1997 N. Orange Olive Road and 301-347 E. Grove Avenue.

A motion was made by Mayor Murphy, seconded by Mayor Pro Tem Nichols, to adopt Resolution No. 11288. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

Resolution No. 11288. A Resolution of the City Council of the City of Orange adopting Subsequent Mitigated Negative Declaration No. 1865-19 and associated Mitigation Monitoring and Reporting Program, and approving Tentative Tract Map No. 0049-19, Major Site Plan Review No. 0969-19, and Design Review No. 4969-19 to redevelop an existing 2.9 acre multi-tenant commercial shopping center site with 32, two-story detached residential condominium units and related site improvements, located at 1997 N. Orange Olive Road and 301-347 E. Grove Avenue.

**11.2. Public Hearing to consider approval of Development Agreement No. 0006-20 (Agreement No. 4545.OC.1) with CalOptima for a development project located on the southeast corner of Lewis Street and City Parkway West.**

Mayor Murphy opened the Public Hearing at 8:31 p.m.

Public Comment

Gary Thomas, CalOptima Facilities Director, spoke in support of approval of the First Amendment to the Development Agreement.

Mayor Murphy closed the Public Hearing at 8:34 p.m.

In response to Councilmember Barrios' question regarding the use of the public benefit fees being used for the Senior Meals Gap program, City Manager Otto explained the public benefit fees would be allocated to the General Fund unless otherwise noted. With Council concurrence, staff was directed to assess funding options for continuing the Senior Meals Gap program.

A motion was made by Councilmember Barrios, seconded by Councilmember Monaco, to introduce and approve Ordinance No. 19-20 for First Reading. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

Ordinance No. 19-20. An Ordinance of the City Council of the City of Orange approving a First Amendment to Amended and Restated Development Agreement (AGR-4545.OC) by and between the City of Orange and Orange County Health Authority (CalOptima) for a development project on the "605 Building Site," located on the southeast corner of Lewis Street and City Parkway West (605 City Parkway West).

**11.3. Continued Public Hearing to consider a Participation Agreement between the City of Orange and Providence Procurement Company, LLC. (Continued from 11/10/20)**

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to continue Item 11.3 to the January 12, 2021, Regular City Council meeting. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

**12. ITEMS RELATED TO THE INDUSTRIAL DEVELOPMENT AUTHORITY****12.1. Report from the Finance Director of the Industrial Development Authority of the City of Orange.**

A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to receive and file the report. The motion carried by the following vote:

**Ayes:** Murphy, Alvarez, Nichols, Monaco, Barrios, Dumitru, and Gutierrez

**Noes:** None

**Absent:** None

**13. ADJOURNMENT**

There being no further business, the meeting was adjourned at 8:46 p.m.

The next Regular City Council meeting will be held on January 12, 2021 at 6:00 p.m., via various teleconference locations, with Closed Session beginning at 5:00 p.m. if necessary.

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PAMELA COLEMAN  
CITY CLERK

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MARK A. MURPHY  
MAYOR