

MINUTES - DRAFT

City of Orange

City Council

June 08, 2021

The City Council of the City of Orange, California convened on Tuesday, June 8, 2021, at 4:30 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California, and various teleconference locations.

4:30 PM CLOSED SESSION

1. ROLL CALL

Councilmember Gutierrez participated in Closed Session via teleconference.

Present: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Absent: None

2. PUBLIC COMMENTS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 4:37 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).
Case: Garcia v. Carlos Gutierrez, et al.
Orange County Superior Court Case No. 30-2020-01125092
- b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6
City Negotiator: Rick Otto, City Manager
Employee Organizations: Orange City Firefighters, Orange Fire Management Association
- c. Public Employee Appointment pursuant to Government Code Section 54957(b)
Title: City Manager

4. REPORT ON CLOSED SESSION ACTIONS

None

5. ADJOURNMENT

Closed Session was adjourned at 5:50 p.m.

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

Mayor Murphy called the meeting to order at 6:04 p.m.

1.1 INVOCATION

Given by Pastor Pete Shambrook from Cedarhouse.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Arianna Barrios.

1.3 ROLL CALL

Councilmember Gutierrez participated in Regular Session via teleconference.

Present: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Absent: None

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Mayor pro tem Nichols announced that the 3rd of July Celebration will be held on Saturday, July 3, 2021, at Grijalva Park. Mayor Murphy announced the Concerts in the Park series at the Hart Park Band shell will be held every Wednesday from 7:00 – 8:30 p.m., July 14 through August 11.

Recognition of Orange Elks Lodge Citizen of the Year Carole Walters.

Mayor Murphy announced that the appellant and applicant requested to continue Item 10.1 to the July 13, 2021 City Council meeting.

10.1. Continued Public Hearing to consider Appeal No. 0555-21, Shannon Family Mortuary, 1005 E. Chapman Avenue. (Continued from May 11, 2021)

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to continue Item 10.1 to the July 13, 2021, Regular City Council meeting. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Gutierrez, Tavoularis, and Murphy

Noes: Dumitru

Absent: None

Mayor Murphy announced that staff requested to continue Item 10.3 to the July 13, 2021, City Council meeting. Mayor pro tem Nichols abstained due to a potential conflict with employment.

10.3. Public Hearing to consider approval of the Landscape Maintenance Assessment Districts 86-2 (Santiago Hills), and 15-1 (Santiago Hills Overlay) Final Engineer's Reports for Fiscal Year 2021-2022. Resolution No. 11329.

A motion was made by Councilmember Monaco, seconded by Councilmember Barrios, to continue Item 10.3 to the July 13, 2021, Regular City Council meeting.

The motion carried by the following vote:

Ayes: Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy
Noes: None
Absent: None
Abstain: Nichols

2. PUBLIC COMMENTS

Public Speakers

Heidi Dawson reported an issue she is having with a local business.

John Sullivan spoke regarding an issue he encountered with code enforcement.

Tim Smith thanked staff for the clean city parks.

Dr. Betty Valencia discussed the water quality at Eisenhower Park.

Christopher Graycen suggested naming the pocket park at the water well project in honor of historian Phil Brigandi.

Rebecca Metoyer requested a revision to the current neighborhood parking permit program to include multi-family residents that are three and four units.

Written Public Comment

Jane Kurtz emailed regarding alleged violations of the Brown Act.

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 May 7, 13, 21 and 27, 2021.

ACTION: Approved.

3.3. Approval of meeting minutes of the City Council of the City of Orange for the May 11, 2021, Regular Meeting.

ACTION: Approved minutes as presented.

3.4. Cooperative Agreement with Orange County Transportation Authority to receive Senior Mobility Program funding; and Transportation Services Agreement with Orange Elderly Services, Inc. for the administration and implementation of transportation services utilizing the Senior Mobility Program funding for Orange seniors.

ACTION: 1) Approved Cooperative Agreement with Orange County Transportation Authority to receive Measure M2 grant money for funding the Senior Mobility Program; 2) Approved Transportation Services Agreement with Orange Elderly Services, Inc. in the amount of the City's annual Measure M2 grant to provide transportation services

for Orange seniors; and 3) Authorized the Mayor and City Clerk to execute both agreements on behalf of the City.

3.5. Cooperative Agreement with the City of Villa Park for rehabilitation of Cannon Street from Serrano Avenue to Via Escola.

ACTION: Approved the cooperative agreement with the City of Villa Park and authorized the Mayor and City Clerk to execute on behalf of the City.

3.6. Second Amendment to Agreement for Steam Cleaning Services at various locations within the City of Orange with Common Area Maintenance Services, Inc. doing business as CAM Services.

ACTION: Approved the Second Amendment to agreement with CAM Services for Steam Cleaning Services at various locations for an amount not to exceed \$82,323; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. Agreement with TriTech Software Systems dba Central Square for software upgrades and maintenance of the Police Department's Computer Aided Dispatch and Records Management System.

ACTION: Approved the agreement with TriTech Software Systems in an amount not to exceed \$112,647.04 for software upgrades and maintenance; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.8. Agreement with Bureau Veritas North America, Inc. for Fire Department plan review services for Fiscal Year 2021-2022.

ACTION: Approved the agreement with Bureau Veritas North America, Inc., in an amount not to exceed \$50,000 for plan review services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.9. Agreement with Code Consulting Group, LLC for Fire Department plan review services for Fiscal Year 2021-2022.

ACTION: Approved the agreement with Code Consulting Group, LLC, in an amount not to exceed \$40,000 for plan review services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.10. Agreement with The Jungle Nursery, Inc. for weed abatement services for Fiscal Year 2021-2022.

ACTION: Approved agreement with The Jungle Nursery, Inc., in an amount not to exceed \$96,250 for weed abatement services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.11. Agreement with Lyons Security Services, Inc. for Old Towne West Metrolink Parking Structure security services.

ACTION: Approved the three-year agreement with Lyon Security Services, Inc. in an amount not to exceed \$40,000 annually, or \$120,000 total, for Old Towne West Metrolink Parking Structure security services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.12. Agreement with Sidepath, Inc. for Security Operations Center as a Service (SOCaaS) using Arctic Wolf.

ACTION: Approved the agreement with Sidepath, Inc. in the amount of \$358,995 for Security Operations Center as a Service (SOCaaS) using Arctic Wolf; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.13. Agreement with Darren Doerschel for television and audio visual production support services.

ACTION: Approved the agreement with Darren Doerschel in the amount of \$34,500 for television and audio visual production support services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.14. Agreement with Truxyz Inc., doing business as Tows R Russ; Archie's Towing; and Southside Towing for Towing and Storage Services.

ACTION: 1) Approved the agreement with Tows R Russ, Archie's Towing, and Southside Towing and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Approved Fee Schedule for Contracted Tow Companies, effective July 1, 2021.

3.15. Appropriation of \$72,869.39 in designated Assembly Bill 109/Public Safety Realignment Act funding received from the County of Orange.

ACTION: 1) Accepted into the City's revenue budget a \$72,869.39 deposit from the County of Orange, into revenue account number 100.4031.45495.20159, Other Grant Revenue-Post Release Community Supervision; and 2) Authorized the appropriation of \$72,869.39 into expenditure account number 100.4031.50221.20159, Overtime - Post Release Community Supervision.

3.16. Appropriation of \$29,350 in revenue from community garden plot leases, user group sports field maintenance and renovation reimbursements, and community partnership donations.

ACTION: 1) Accepted into the City's revenue budget \$29,350 in community garden plot fees, user group maintenance reimbursements and community partnership donations into the following accounts:

\$330 100.7001.44210.20227 General Fund - Garden Plots

\$9,020 100.7022.42480.00000 General Fund - User Group Maintenance Fees

\$20,000 100.7015.48390.20473 Donations-Special Events 2021 Season

2) Authorized the appropriation of \$330 into expenditure account number 100.7001.51700.20227, General Fund - Garden Plots.

3) Authorized the appropriation of \$9,020 into expenditure account number 100.7022.51424.00000, General Fund - User Group Maintenance Fees.

4) Authorized the appropriation of \$20,000 into expenditure account number 100.7015.51355.20473 - Other Supplies Special Events 2021 Season.

5) Authorized the carryover of the remaining year-end balance in expenditure account 100.7015.51355.20473 to the Operating Budget for Fiscal Year 2021-2022.

3.17. Appropriation of \$7,500 in designated grant funding received from California Humanities, California Library Association, and California State Library.

ACTION: 1) Accepted into the City's revenue budget \$7,500 in grant funds from California Humanities, California Library Association, and California State Library into the following revenue account numbers in the General Fund:

\$5,000 100.2001.45495.30176 - Library Innovation Lab Grant

\$2,000 100.2001.45495.30121 - Lunch at the Library Grant

\$500 100.2001.45290.30120 - Día de los Niños/Libros Grant

2) Authorized the appropriation of \$7,500 in grant funds into the following expenditure account numbers in the General Fund:

\$5,000 100.2016.53340.30176 - Library Innovation Lab Grant

\$2,000 100.2016.53340.30121 - Lunch at the Library Grant

\$500 100.2017.53340.30120 - Día de los Niños/Libros Grant

3.18. Appropriation of \$654,308.90 in State of California Office of Emergency Services funding received.

ACTION: 1) Accepted into the City's revenue budget \$654,308.90 in strike team reimbursement funds from the California Office of Emergency Services, into the revenue account numbers for CAL EMA reimbursements; 2) Authorized the appropriation of \$579,801.95 into the expenditure account numbers for Overtime-Safety; 3) Authorized the appropriation of \$6,006.95 into the expenditure account numbers for Strike Team Expenditures; 4) Authorized the appropriation of \$68,500 into expenditure account number 100.3021.53940.20490, General Fund - CalOES Admin Recovery; and 5) Approved the purchase of Crew Boss wildland pants from LineGear Fire & Rescue Equipment in an amount not to exceed \$68,500.

3.19. Final Acceptance of Bid No. 20-21.26, CDBG FY 20-21 Hoover Neighborhood Street Rehabilitation; and authorization to file Notice of Completion.

ACTION: Accepted CDBG FY 20-21 Hoover Neighborhood Street Rehabilitation (SP-4142) as complete and authorized staff to file Notice of Completion with the County Recorder.

3.20. Approval of plans and specifications and authorization to advertise for bids for Chapman Avenue and Batavia Street Left-Turn Signal Modification Project, Highway Safety Improvement Program L-5073(090); Bid No. 20-21.11.

ACTION: Approved the plans and specifications and authorized advertising for bids for the Chapman Avenue and Batavia Street Left-Turn Signal Modification Project, Highway Safety Improvement Program L-5073(090); SP-4036.

3.21. Claims for Damages.

Note: Councilmembers Barrios, Dumitru, and Tavoularis abstained because they know one of the claimants.

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

1. Angel Bravo

2. Phyllis Schneider

3. Peter Schneider

4. Cheryl Ann Guerrero
5. Mark Evans
6. Debra Tillinghast
7. Mercury Insurance a/s/o Tino Martinez
8. Carlota Bautista
9. Sue Governo
10. Sarah Wakim

3.22. Award of Contract to Ultimate Maintenance Services, Inc. for Custodial Services for City Facilities; RFP 20-21.42.

ACTION: Approved contract with Ultimate Maintenance Services, Inc. in the amount of \$1,551,000 for the first three years for Custodial Services for City Facilities; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.23. Award of contract to Outdoor Dimensions, LLC for the Park Monument Signage project.

ACTION: Approved contract with Outdoor Dimensions, LLC in the amount not to exceed \$380,655 for the Park Monument Signage project; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.24. Award of Contract to American Asphalt South, Inc. for Annual Slurry Seal at Various Locations FY 2020-2021; Bid No.20-21.48.

ACTION: Awarded the contract to American Asphalt South, Inc. in the total amount of \$141,839.50, representing an original amount of \$128,945 plus a 10% contingency of \$12,894.50, for Annual Slurry Seal at Various Locations, Fiscal Year 2020-2021; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.25. Award of Contract to R.J. Noble Company for Annual Pavement Maintenance at Various Locations, FY 2020-2021, Phase 2; Bid No. 20-21.51.

ACTION: Approved contract with R.J. Noble Company in the total amount of \$1,145,038.95, representing an original amount of \$1,040,944.50 plus a 10% contingency of \$104,094.45, for Annual Pavement Maintenance at Various Locations, Fiscal Year 2020-2021, Phase 2; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.26. Award of Contract to California Professional Engineering, Inc. for Steel Streetlight Replacement, Fiscal Year 2020-2021; Bid No. 20-21.45.

ACTION: Approved the contract with California Professional Engineering, Inc. in the amount of \$392,739 for the Steel Streetlight Replacement project, Fiscal Year 2020-2021; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.27. Approval of preliminary plans, and adoption of Mitigated Negative Declaration (MND) No. ENV 1867-19 for the Cannon and Serrano Intersection Modification Project (SP-4086).

Written Public Comment

Florice Hoffman submitted an eComment in support of the project.

ACTION: 1) Adopted Mitigated Negative Declaration No. 1867-19 and the associated Mitigation and Monitoring and Reporting Program; and 2) Approved preliminary project plans for the Cannon and Serrano Intersection Modification Project.

- 3.28. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending 3.04.060 of the Orange Municipal Code relating to the real property transfer tax rate. Ordinance No. 06-21.**

ACTION: Adopted Ordinance No. 06-21.

- 3.29. Second Reading and adoption of an Ordinance of the City Council of the City of Orange approving Zone Change No. 1298-19 to change the zoning of a 60,670 square foot site from Single-Family Residential to Public Institution on property located at 383 S. Batavia Street and 802 W. Culver Avenue. Ordinance No. 04-21.**

Item 3.29 was removed from the Consent Calendar for separate consideration

Public Speakers

Linda Duyette spoke in opposition of adopting the Ordinance.

Paula Acken spoke in opposition of adopting the Ordinance.

ACTION: A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to adopt Ordinance No. 04-21. The motion carried by the following vote:

Ayes: Nichols, Monaco, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: Barrios

Absent: None

- 3.30. Authorize purchase of Winchester Law Enforcement Ammunition from Dooley Enterprises, Inc. as a sole source vendor.**

ACTION: Approved the sole source purchase of Winchester Law Enforcement Ammunition from Dooley Enterprises, Inc. in an amount not to exceed \$88,000.

- 3.31. Authorize purchase of ballistic vests from U.S. Armor Corporation.**

ACTION: Approved the purchase of ballistic vests from U.S. Armor Corporation in an amount not to exceed \$32,000.

- 3.32. Authorize purchase of Police Department uniforms and duty gear from Galls, LLC.**

ACTION: Approved the purchase of Police Department uniforms and duty gear from Galls, LLC in an amount not to exceed \$70,000.

- 3.33. Authorize purchase of safety gear and associated equipment from Allstar Fire Equipment for Fiscal Year 2021-2022.**

ACTION: Approved the purchase of firefighter turnout safety gear and equipment from Allstar Fire Equipment in an amount not to exceed \$50,000 for Fiscal Year 2020-2021.

- 3.34. Authorize purchase of medical supplies from Life-Assist, Inc.**

ACTION: Approved the purchase of medical supplies and medications from Life-Assist, Inc. in an amount not to exceed \$227,000 for Fiscal Year 2021-2022.

3.35. Authorize purchase of Fire Department uniforms and accessories from LineGear Fire & Rescue Equipment.

ACTION: Approved the purchase of Fire Department uniforms and accessories from LineGear Fire & Rescue Equipment in an amount not to exceed \$150,000 for Fiscal Year 2021-2022.

3.36. Authorize purchase of turnout safety gear and associated equipment from LN Curtis & Sons for Fiscal Year 2021-2022.

ACTION: Approved the purchase of firefighter turnout safety gear and equipment from LN Curtis & Sons in an amount of \$110,000 for Fiscal Year 2021-2022.

3.37. Authorize purchase of two Multi-Story Immediately Dangerous to Life and Health (IDLH) Training Props at North Net Training Center by way of cost share between the City of Anaheim and Orange.

ACTION: Approved the purchase of two Multi-Story IDLH Training Props in the amount of \$69,897.18 (cost share), from Advanced Fire Control, through a competitive bid process.

3.38. Dirt hauling permit for Snyder Langston on behalf of St. Joseph Hospital of Orange.

Item 3.38 was removed from the Consent Calendar for separate consideration by Councilmember Gutierrez.

Addressing Council inquiries, Michael Calkin, representative for Snyder Langston, stated that demolition was scheduled to begin in July; and described the notification process, which will include mailers and neighborhood meetings. Public Works Director Chris Cash explained a traffic study was done indicating minimal traffic impacts to the neighborhood.

ACTION: A motion was made by Councilmember Gutierrez, seconded by Councilmember Barrios, to approve the hauling permit with conditions delineated herein and amended construction hours of 8:30 a.m. to 4:30 p.m. with direction to staff to adjust hours as necessary; and authorize staff to issue the permit and extend duration if necessary. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

3.39. Status and Update of the Circulation Element and Mitigation Fee Program for the Measure M (M2) Program. Resolution No. 11331.

ACTION: 1) Adopted Resolution No. 11331. A Resolution of the City Council of the City of Orange concerning the status and update of the circulation element and mitigation fee program for the Measure M (M2) Program. 2) Authorized staff to submit M2 eligibility documentation to the Orange County Transportation Authority.

3.40. A Resolution of the City Council of the City of Orange relating to Salary Tables for Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO. Resolution No. 11333.

ACTION: Adopted Resolution No. 11333. A Resolution of the City Council of the City of Orange amending Resolution No. 11274 and approving the Salary Tables for the Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO.

3.41. Annual review and approval of the Statement of Investment Policy (SIP) for Fiscal Year 2021-22. Resolution No. 11340.

Written Public Comment

Janice Brownfield emailed encouraging Council to divest from securities related to fossil fuel companies and switch to green investments that drive low-carbon jobs.

ACTION: Adopted Resolution No. 11340. A Resolution of the City Council of the City of Orange approving and adopting a Statement of Investment Policy for Fiscal Year 2021-22.

Approval of the Consent Calendar

Items 3.29 and 3.38 were removed from the Consent Calendar and heard separately. Councilmember Barrios, Councilmember Dumitru, and Councilmember Tavoularis abstained on Item 3.21. All other items on the Consent Calendar were approved as recommended.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Dumitru, to approve the Consent Calendar as recommended. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR MURPHY

None

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez)

Councilmember Gutierrez highlighted the following two local businesses: Laurie Ann's Music School and Community Foundation of Orange.

5.2. Library/Multi-generational Center at Grijalva Park (Nichols)

Mayor pro tem Nichols requested to continue this item to the July, 13, 2021, Regular City Council meeting.

5.3. Orange Plaza Paseo (Barrios)

Councilmember Barrios requested a special meeting be held on June 22 to discuss the Orange Plaza Paseo. The item will be placed on the July 13 City Council agenda to allow time for the State to issue final health guidelines and restrictions, if any.

5.4. Pride Flag (Barrios)Public Speakers

The following spoke in support of raising the Pride flag at City Hall: Carrie Lundell, Zac Graycen, Dr. Betty Valencia, Christopher Graycen, Caroline Alatorre, and Rev. Nancy Brink.

Written Public Comments

The following submitted written comments in support of raising the Pride flag at City Hall: Anna Orlov Faris (and in support of a proclamation), Mackenzie Crigger, Kathleen Gillmore, Mallory Moose, Stacy Leighton (and in support of a proclamation), Tessa Retterath Jones, Tina Arias Miller (and in support of a proclamation), Bethany, Bill Jacobs, Amanda Wortman, Veronique Barth, Phil Bowman, anonymous, Meagan Varona, Claudine Jaenichen, Joe Graziani, Marie Bury, Daniel McGreevy, Anya Pitre, State Senator Dave Min, Rebecca Albarran, Cassandra Douglas, Priya Bhat-Patel, Danett Abbott-Wicker, Florice Hoffman, Jessica Almos, Rebecca Lang, Shayna Lathus, Bobby Vega, Gabriel Orea, Raylene Martinez, and Kristin Erickson.

April Alvarez submitted an email raising concerns with elected officials advocating or making policies for a particular group or social movement.

During discussion, Council concurred to schedule consideration of adopting an administrative policy for flying flags at City Hall and City facilities on a future meeting agenda.

5.5. Proclamation recognizing Pride Month and the diversity of Orange. (Tavoularis)Public Speakers

Christopher Graycen and Dr. Betty Valencia spoke in support of a proclamation.

Written Public Comment

State Senator Dave Min submitted a letter in support of a proclamation.

Councilmember Tavoularis read the draft proposed proclamation. It was Council consensus to receive input from the community and then finalize the proclamation with the full Council signature block.

5.6. Planning Commission (Barrios)

Councilmember Barrios would like Council to revisit expanding the Planning Commission to seven members with district representation.

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

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

Mayor Murphy announced that he will be considering appointments to current vacancies for the next two to three months. He has been interviewing qualified applicants, and will continue to do so until all vacancies have been filled. He made the following recommendations for appointments:

CDBG

- o Kim Le
- o Connie Benson
- o Jonathan St. Clair

Traffic Commission

- o A.J. Ricci

Investment Advisory Committee

- o Mark Mittman

Park Planning & Community Events Commission

- o Eva Perez
- o Chrissy Vaughn
- o Adam Litwin
- o Eugene Fields

Council discussed filling all of the vacancies by August including the Park Planning & Community Events Commission. Although it was Council direction to fill the Park Commission with representatives from each district, applications from each district have not been received. Once the Commission is established, Council can focus on recruiting applicants from missing districts as opportunities arise.

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to appoint the following applicants:

CDBG

- o Kim Le
- o Connie Benson
- o Jonathan St. Clair

Traffic Commission

- o A.J. Ricci

Investment Advisory Committee

- o Mark Mittman

Park Planning & Community Events Commission

- o Eva Perez
- o Chrissy Vaughn
- o Adam Litwin
- o Eugene Fields

The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

7. ADMINISTRATIVE REPORTS

7.1. Appeal by Diana Klett Smith for waiver of impact fees on proposed Accessory Dwelling Unit at 785 N. California Street.

Public Works Director Chris Cash provided the staff report.

Public Speakers

Diana Klett, appellant, spoke in support of approving the request to waive park and library impact fees.

Lisa Marchi spoke in support of approving the request to waive park and library impact fees.

During discussion, Council expressed their empathy to the appellant's challenges, and explained how the City must remain consistent and equitable in the way fees are imposed.

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to deny the request to waive park and library impact fees for a proposed 1,000 square foot Accessory Dwelling Unit at 785 N. California Street. The motion carried by the following vote:

Ayes: Nichols, Monaco, Dumitru, Gutierrez, and Murphy

Noes: Barrios, and Tavoularis

Absent: None

7.2. A Resolution of the City Council of the City of Orange relating to the classification, compensation, and terms of employment of Executive Management and Senior Management employees. Resolution No. 11332.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Dumitru, to adopt Resolution No. 11332. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

Resolution No. 11332. A Resolution of the City Council of the City of Orange relating to the classification, compensation, and terms of employment of Executive Management and Senior Management employees and repealing Resolution No. 11306 and all amendments thereto.

7.3. 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. 11339.

City Manager Otto provided a brief staff report explaining the need for the continuance of the local emergency order.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco to adopt Resolution No. 11339.

During discussion Councilmember Barrios requested an amendment to the Resolution extending the existence of a local emergency through the next Council meeting instead of 60 days. Mayor pro tem Nichols and Councilmember Monaco accepted the amendment.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to adopt amended Resolution No. 11339 extending the existence of a local emergency through the next Council meeting, unless extended or terminated sooner by the City Council. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

Resolution No. 11339. 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.

8. REPORTS FROM CITY MANAGER

City Manager Otto announced his retirement in October 2021.

9. LEGAL AFFAIRS

9.1. Introduction and First Reading of an Ordinance adopting the 2021 Edition of the "Standard Specifications for Public Works Construction" (commonly referred to as the "Greenbook") by reference. Ordinance No. 07-21.

A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to: 1) Introduce and conduct First Reading of Ordinance No. 07-21; and 2) Set July 13, 2021, at 6:00 P.M. as the date and time for a Public Hearing to consider the Second Reading and adoption of Ordinance 07-21. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

Ordinance No. 07-21. An Ordinance of the City Council of the City of Orange Amending Chapter 12.02 of the Orange Municipal Code to Adopt the 2021 Edition of the "Standard Specifications for Public Works Construction."

10. PUBLIC HEARINGS

10.1. Continued Public Hearing to consider Appeal No. 0555-21, Shannon Family Mortuary, 1005 E. Chapman Avenue. (Continued from May 11, 2021)

Item 10.1 was previously re-ordered to be heard before Public Comment and continued to July 13, 2021.

10.2. Public Hearing to consider approval of the Landscape Maintenance District 94-1 (Sycamore Crossing) Final Engineer's Report for Fiscal Year 2021-22. Resolution No. 11330.

Mayor Murphy opened the Public Hearing at 9:33 p.m.

City Clerk Coleman reported no protests were received.

There being no speakers, Mayor Murphy closed the Public Hearing at 9:34 p.m.

A motion was made by Councilmember Barrios, seconded by Mayor pro tem Nichols, to: 1) Adopt Resolution No. 11330; and 2) Establish the assessment for Fiscal Year 2021-2022 for Landscape Maintenance Assessment District 94-1 at \$293.08 per single family unit per year. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

Resolution No. 11330. A Resolution of the City Council of the City of Orange approving the Engineer's Report and providing for the annual assessment for Landscape Maintenance District 94-1 (Sycamore Crossing).

10.3. Public Hearing to consider approval of the Landscape Maintenance Assessment Districts 86-2 (Santiago Hills), and 15-1 (Santiago Hills Overlay) Final Engineer's Reports for Fiscal Year 2021-2022. Resolution No. 11329.

Item 10.3 was previously re-ordered to be heard before Public Comment and continued to July 13, 2021.

Written Public Comments

Jess Barber emailed opposing the use of pesticides.

Kimberly DeLehman emailed in support of the assessment, but in opposition of the use of herbicides and pesticides.

10.4. Proposed Fiscal Year 2021-2022 City of Orange Budget and Five-Year Capital Improvement Program.

City Manager Otto introduced the item; and Assistant City Manager/Administrative Services Director Will Kolbow presented the staff report utilizing a PowerPoint presentation. He updated Council on the American Rescue Plan allocation and the intended use of the funds, and provided an overview of the General Fund revenues and expenditures. He also summarized the proposed fee changes.

For Fiscal Year 2020-2021

A motion was made by Mayor Murphy, seconded by Councilmember Dumitru, to:

1) Accept into the City's revenue budget \$27,749,752 in funds from the American Rescue Plan.

2) Authorize the appropriation of \$27,749,752 into the following expenditure account numbers for salaries and benefits:

\$10,616,859	101.3099.50002.00000
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\$17,133,093	101.4099.50002.00000
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3) Approve a budget transfer of \$430,000 from the City Trf: NW& SW 2003 Exempt Fund unreserved fund balance to the City Trf: Merged 2008 Exempt Fund unreserved fund balance.

The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

For Fiscal Year 2021-2022

10.4. Proposed Fiscal Year 2021-2022 City of Orange Budget and Five-Year Capital Improvement Program.

A motion was made by Mayor Murphy, seconded by Mayor pro tem Nichols, to adopt Resolution No. 11334. A Resolution of the City Council of the City of Orange adopting said City's Budget for the Fiscal Year 2021-22 and relating to transfers of funds between and within appropriations, transfers between funds, and additional appropriations. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

A motion was made by Councilmember Dumitru, seconded by Mayor pro tem Nichols, to adopt Resolution No. 11335. A Resolution of the City Council of the City of Orange adopting the appropriations limit of \$200,945,256 for the Fiscal Year 2021-22. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

A motion was made by Councilmember Tavoularis, seconded by Councilmember Monaco, making a finding that the portion of the Fiscal year 2021-2022 Budget subject to the Gann Appropriations limit is \$105,384,300, and therefore within the limit. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to adopt Resolution No. 11336. A Resolution of the City Council of the City of Orange amending the Master Schedule of Fees and Charges for various services and the rental of rooms and equipment. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

A motion was made by Councilmember Gutierrez, seconded by Mayor Murphy, to adopt Resolution No. 11337. A Resolution of the City Council of the City of Orange to approve and authorize staff to submit to the Orange County Transportation Authority the Measure M2 Seven-Year Capital Improvement Program for Fiscal Year 2021-22 through 2027-28 to comply with Measure M2 eligibility criteria.

The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to adopt Resolution No. 11341. A Resolution of the City Council of the City of Orange amending Resolution No. 11277 between the City of Orange and the City of Orange Police Association. The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

10.5. Public Hearing to consider approval of amended 2019 Action Plan to appropriate \$1,108,070 in Community Development Block Grant funds from the Coronavirus Aid, Relief, and Economic Security Act for the Homeless Outreach Program.

City Manager Otto introduced the item and Senior Assistant to the City Manager Aaron Schulze provided a brief staff report outlining the Homeless Outreach Program.

Mayor Murphy opened the Public Hearing at 10:15 p.m.; there being no speakers, Mayor Murphy closed the Public Hearing at 10:15 p.m.

A motion was made by Councilmember Monaco, seconded by Mayor pro tem Nichols, to:

1) Approve the amended 2019 Action Plan to allow for the allocation of \$1,108,070 in Community Development Block Grant funds from the Coronavirus Aid, Relief, and Economic Security Act to the Homeless Outreach Program.

2) Accept into the City's revenue budget \$1,108,070 in Community Development Block Grant funds from the U.S. Department of Housing and Urban Development, into revenue account number 310.0000.45120.30180 Community Development Block Grant - CARES Grants - Homeless Outreach Program.

3) Authorize the carryover of the remaining Community Development Block Grant funds under the Coronavirus Aid, Relief, and Economic Security Act to Fiscal Year 2021-2022.

4) Authorize the City Manager or his designee to execute Memoranda of Understanding with city departments and all related documents.

The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

10.6. Public Hearing to consider Introduction and First Reading of proposed Ordinance No. 08-21 approving a Development Agreement with DCSG Three Thousand West, LLC, and First Amendment to Participation Agreement with DCSG Development, LLC for a Marriott Hotel project.

Mayor Murphy opened the Public Hearing at 10:20 p.m.

Public Speaker

Jonah Breslau spoke in opposition.

Mayor Murphy closed the Public Hearing at 10:28 p.m.

A motion was made by Councilmember Dumitru, seconded by Councilmember Monaco, to:

1) Introduce and conduct First Reading of Ordinance No. 08-21. An Ordinance of the City Council of the City of Orange Approving a Development Agreement with DCSG Three Thousand West, LLC for a Hotel Project on a Site Located at 3000 W. Chapman Avenue, and authorize the Mayor and City Clerk to execute the agreement on behalf of the City. 2) Approve the First Amendment to Participation Agreement by and between DCSG Development, LLC and the City of Orange; and authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

The motion carried by the following vote:

Ayes: Nichols, Monaco, Barrios, Dumitru, Gutierrez, Tavoularis, and Murphy

Noes: None

Absent: None

11. ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:30 p.m.

The next Regular City Council meeting will be held on Tuesday, July 13, 2021, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m. if necessary.

PAMELA COLEMAN
CITY CLERK

MARK A. MURPHY
MAYOR