

**MINUTES - FINAL**

**City of Orange**

**City Council**

February 27, 2024

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The City Council of the City of Orange, California convened on Tuesday, February 27, 2024, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

**5:00 PM CLOSED SESSION**

**1. CALL TO ORDER**

Mayor Slater called Closed Session to order at 5:10 p.m.

**1.1 ROLL CALL**

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

**Absent:** Gyllenhammer

**2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS**

None

**3. RECESS TO CLOSED SESSION**

The City Council recessed to Closed Session at 5:11 p.m. with all Members present, except Councilmember Gyllenhammer who was absent, to discuss the following:

**a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

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

1) Name of Case: Donna Christine Collins v. City of Orange et. al.  
Orange County Superior Court Case No. 30-2023-01324345

2) Name of Case: Mignon Mitchell, et. al. v. City of Orange  
Orange County Superior Court Case No. 30-2024-01378669

**b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2)  
(One potential case)

The City of Orange has received a litigation threat from a non-profit, Californians for Homeownership, regarding the City's housing element which was determined to be in substantial compliance with state law by the California Department of Housing and Community Development (HCD). A record of the statement threatening litigation is available for public inspection at the Office of the City Clerk located at 300 E. Chapman Avenue, Orange, CA 92866.

**4. CLOSED SESSION REPORT**

None

**5. ADJOURNMENT**

Closed Session was adjourned at 5:45 p.m.

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

Mayor Slater called the meeting to order at 6:03 p.m.

**1.1 INVOCATION**

Given by Pastor Orlando Barela from Household of Faith Family Church.

**1.2 PLEDGE OF ALLEGIANCE**

Led by Councilmember Ana Gutierrez.

**1.3 ROLL CALL**

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

**Absent:** Gyllenhammer

**1.4 PRESENTATIONS/ANNOUNCEMENTS**

Memorial Adjournment in honor of Gloria Boice.

**1.5 REPORT ON CLOSED SESSION ACTIONS**

None

**2. PUBLIC COMMENTS**Public Speakers:

Kevin Smith expressed concerns with a proposed project in his neighborhood.

Gloria Nieva expressed concerns with a proposed project in her neighborhood.

Written Public Comments

Janice Brownfield emailed about the benefits of solar energy systems.

Jordan Prell submitted an eComment thanking the City for the expansion of parking at Olive Park.

**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. Agreement with Chapman University for production and broadcasting of local cable programming.**

Item 3.2 was removed from the Consent Calendar for separate consideration by Councilmember Dumitru.

In response to Council's questions, staff confirmed Council meeting video recordings are uploaded immediately after a Council meeting and available on the City's website.

ACTION: A motion was made by Councilmember Bilodeau, seconded by Councilmember Tavoularis, to approve the agreement with Chapman University in the amount of \$540,000 for a three-year term to produce and broadcast local cable programming, with two, one-year extension options at the same rate; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

**3.3. Agreement with Kosmont & Associates, Inc. for economic development advisory services.**

ACTION: 1) Approved the agreement with Kosmont & Associates, Inc. in the amount of \$50,000 for economic development advisory services; and authorized the Mayor and City Clerk to execute on behalf of the City.

2) Authorized the following budget transfer:

From: 952.9810.56020.20247 NW & SW Merged 2003 Taxable Bonds SAORA Capital \$50,000

To: 952.9810.51670.20541 NW & SW Merged 2003 Taxable Bonds West Katella District \$50,000

**3.4. Sewer Facility Transfer Agreement and Memorandum of Understanding between the City of Orange and Orange County Sanitation District in conjunction with the District's 2-49 Taft Branch Improvements.**

ACTION: 1) Approved the Sewer Transfer Agreement with Orange County Sanitation District and authorized the Mayor and City Clerk to execute on behalf of the City of Orange; and 2) Approved the Memorandum of Understanding with Orange County Sanitation District and authorized the Mayor and City Clerk to execute on behalf of the City of Orange.

**3.5. Rejection of all bids received for the Landscape Renovation at White Oak Ridge Between Newport Blvd. and Trails End Ln.; and authorization to re-advertise for bids.**

ACTION: Rejected all bids received for Landscape Renovation at White Oak Ridge Between Newport Blvd. and Trails End Ln., Bid No. 23-24.20; and directed staff to re-advertise for bids.

**3.6. Award of Contract to CEM Construction Corporation for the Annual Pipeline Renewal Project; Bid No. 23-24.25.**

Note: Councilmember Bilodeau abstained due to a potential conflict of interest with nearby property.

ACTION: Approved the contract with CEM Construction Corporation in the total amount of \$2,802,547, representing an original bid amount of \$2,547,770, plus a 10% contingency of \$254,777, for the Annual Pipeline Renewal project; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.7. Final Acceptance of Annual Slurry Seal at Various Locations, Fiscal Year 2023-2024; and authorization to file Notice of Completion.**

ACTION: Accepted Annual Slurry Seal at Various Locations, Fiscal Year 2023-2024 as complete, and authorized staff to file Notice of Completion with the County Recorder.

**3.8. Final Acceptance of Chapman and Hewes Intersection Signing and Striping Modifications; and authorization to file Notice of Completion.**

ACTION: Accepted Chapman and Hewes Intersection Signing and Striping Modifications as complete, and authorized staff to file Notice of Completion with the County Recorder.

**3.9. Final Acceptance of Sourcewell Contract #CA-R8-GB01-123021-HCC, Gas Line Replacement at El Modena Library; and authorization to file Notice of Completion.**

ACTION: Accepted Sourcewell Contract #CA-R8-GB01-123021-HCC, Gas Line Replacement at El Modena Library (SP-4273), as complete; and authorized staff to file Notice of Completion with the County Recorder.

**3.10. Final Acceptance of Annual Concrete Replacement at Various Locations, Fiscal Year 2022-2023; and authorization to file Notice of Completion.**

ACTION: Accepted Annual Concrete Replacement at Various Locations, Fiscal Year 2022-2023 as complete, and authorized staff to file Notice of Completion with the County Recorder.

**3.11. Declare the unimproved right-of-way located at 515 Fletcher Avenue, east of Glassell Street, as surplus to the City's needs and authorize the disposal of the property. Resolution No. 11526.**

Staff requested to remove Item 3.11 from the Consent Calendar, and provided a brief staff report.

ACTION: A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to adopt Resolution No. 11526. A Resolution of the City Council of the City of Orange finding that certain City-owned real property located at 515 Fletcher Avenue east of Glassell Street in the City of Orange is exempt surplus land pursuant to Government Code Section 54221 and finding that the foregoing action is exempt from review under the California Environmental Quality Act. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater  
**Noes:** None  
**Absent:** Gyllenhammer

**Approval of the Consent Calendar**

Items 3.2 and 3.11 were removed from the Consent Calendar and heard separately. Councilmember Bilodeau abstained from Item 3.6. All other items were approved as recommended.

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

- Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater
- Noes:** None
- Absent:** Gyllenhammer

**END OF CONSENT CALENDAR**

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**4. REPORTS FROM MAYOR SLATER**

**4.1. Ficus Trees on Chapman Avenue Discussion**

Mayor Slater reported he is concerned with the cost the City is incurring by continuously replacing the concrete around the tree wells of the ficus trees on Chapman Avenue. With Council consensus, staff was directed to return with a report with options for replacing the trees along Chapman Avenue.

**5. REPORTS FROM COUNCILMEMBERS**

**5.1. Sale of Taft Branch Library (Tavoularis)**

Councilmember Tavoularis reported that she wanted to discuss options for the current location of the Taft Branch Library as there is a need for a new fire station in District 3. She requested discussions about all City facilities be included in upcoming budget presentations.

Public Speakers:

The following spoke in support of keeping the Taft Branch open: Susie Huber, Lynn Marie Frediani, Katie Montgomery, Jim Dickinson, Peggy Calvert, David Bustamante, Bonnie Robinson, Peter Wetzal, Andrea Lui, Annabelle Baldasari, and Jane Wolfe.

Written Public Comment

Emily Weingarh submitted an eComment in support of keeping the Taft Branch open.

**5.2. Other Councilmember Reports**

Councilmember Gutierrez announced several community events happening this weekend.

**6. AB 1234 REPORTS**

None

## 7. ADMINISTRATIVE REPORTS

### 7.1. Agreement with Tyler Technologies Inc. for the upgrade of the City's enterprise resource planning system.

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

1) Approve the agreement with Tyler Technologies Inc. in the total amount of \$2,021,392, representing the original proposed amount of \$1,837,629, plus a 10% contingency of \$183,763; and authorize the Mayor and City Clerk to execute on behalf of the City.

2) Authorize the appropriation of \$1,295,000 from the unreserved fund balance to:

790.1601.56033.20391 Computer Replacement Fund - Financial System Replacement \$910,000

600.1222.56510.20391 Water Fund - Financial System Replacement \$385,000

The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

### 7.2. Approval of plans and specifications for the demolition of the Old Fire Station Headquarters as part of the Grand Street Parking Lot Project; authorization to advertise for bids; and finding of CEQA exemption.

#### Public Speaker:

James Kushon questioned the necessity for a parking lot at this location and commented about potential traffic concerns if a surface parking lot is built here.

#### Written Public Comment

Ashley Brodtkin submitted an eComment opposing the construction of a parking lot and encouraged the City to solicit community input for potential uses.

During discussion, Mayor pro tem Barrios made a motion, seconded by Councilmember Gutierrez, to approve the demolition of the former fire headquarters and table the discussion on the construction of a parking lot until the City can organize a community meeting about potential uses for this property.

After further discussion, staff clarified that the action on the agenda is strictly authorizing staff to go out to bid for the demolition of the building.

Mayor pro tem amended her motion to reflect staff's recommendation to approve the plans and authorize advertising of bids for demolition of the former fire headquarters.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to: 1) Approve plans and specifications and authorize advertising for Bid No. 23-24.30 (SP-4282); and 2) Find the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15332 (Class 32 - In-Fill Development Projects).

The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, Bilodeau, and Slater  
**Noes:** None  
**Absent:** Gyllenhammer

RECESS: The City Council recessed at 7:53 p.m. and reconvened at 8:07 p.m. with all Members present, except Councilmember Gyllenhammer who was absent.

**7.3. Presentation from Fairbank, Maslin, Maullin, Metz & Associates on the results from a citywide survey that studied the feasibility of potential revenue measures and identified budget/service priorities.**

Richard Bernard, FM3 Research, summarized the results of the citywide survey that studied the feasibility of potential revenue measures and identified budget/service priorities.

A motion was made by Mayor pro tem Barrios, seconded by Councilmember Gutierrez, to direct staff to return with a public education plan including engaging a public education firm with associated costs and scope of work. The motion carried by the following vote:

**Ayes:** Barrios, Dumitru, Tavoularis, Gutierrez, and Slater  
**Noes:** Bilodeau  
**Absent:** Gyllenhammer

**8. REPORTS FROM CITY MANAGER**

None

**9. LEGAL AFFAIRS**

**9.1. Investment and Audit Committee's separation and related changes to Orange Municipal Code Title 2. Resolution No. 11522 and Ordinance Nos. 01-24, 02-24, and 03-24.**

Jack Morgan provided the staff report and answered Council's questions.

During discussion, Mayor Slater requested to add the following to the Powers and Duties of the Audit Committee in Ordinance No. 02-24: "In an advisory role, propose to the City Manager review of programs or accounts as deemed necessary for achieving maximum efficiency and propriety."

A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, to: 1) Introduce and conduct First Reading of Ordinance No. 01-24. An Ordinance of the City Council of the City of Orange amending section 2.26.010 of the Orange Municipal Code Related to the Duties of the City Treasurer; 2) Introduce and conduct First Reading of amended Ordinance No. 02-24 with the following added duty under Section 2.50.020: "In an advisory role, propose to the City Manager review of programs or accounts as deemed necessary for achieving maximum efficiency and propriety." An Ordinance of the City Council of the City of Orange adding Chapter 2.50 to Title 2 of the Orange Municipal Code (Administration and Personnel) establishing the Audit Advisory Committee; 3) Introduce and conduct First Reading of Ordinance No. 03-24.

An Ordinance of the City Council of the City of Orange adding Chapter 2.51 to Title 2 of the Orange Municipal Code (Administration and Personnel) establishing the Investment Advisory Committee; and 4) Adopt Resolution No. 11522. A Resolution of the City Council of the City of Orange rescinding Resolution No. 11387.

The motion carried by the following vote:

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

**Noes:** None

**Absent:** Gyllenhammer

**10. ADJOURNMENT**

There being no further business, the meeting was adjourned at 9:28 p.m. in Memory of Gloria Boice.

The next Regular City Council meeting will be held on Tuesday, March 12, 2024, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

          /s/ Pamela Coleman            
PAMELA COLEMAN  
CITY CLERK

          /s/ Daniel R. Slater            
DANIEL R. SLATER  
MAYOR