

MINUTES - FINAL

City of Orange

City Council

April 13, 2021

The City Council of the City of Orange, California convened on April 13, 2021, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California, and various teleconference locations.

5:00 PM CLOSED SESSION

1. ROLL CALL

Councilmember Gutierrez participated in Closed Session via teleconference.

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

Absent: None

2. PUBLIC COMMENTS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:03 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). (Two cases)

4. REPORT ON CLOSED SESSION ACTIONS

None

5. ADJOURNMENT

Closed Session was adjourned at 5:49 p.m.

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

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

1.1 INVOCATION

Given by Pastor Eric Turbedsky from Sovereign Grace Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Mayor Mark A. Murphy.

1.3 ROLL CALL

Councilmember Gutierrez participated in Regular Session via teleconference.

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

Absent: None

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Added Presentation:

Proclamation recognizing National Public Safety Telecommunications Week

Proclamation recognizing DMV/Donate Life California Month

Proclamation recognizing Parkinson's Awareness Month

Proclamation recognizing Sexual Assault Awareness Month

Proclamation condemning racism and intolerance against the Asian American and Pacific Islander Community

Community Partners Recognition

Memorial Adjournment in honor of Marilyn Evans

Memorial Adjournment honoring the victims of the senseless tragedy at 202 W. Lincoln Ave.

2. PUBLIC COMMENTSPublic Speakers

Tim Smith spoke regarding the 202 W. Lincoln Ave. incident.

Carole Walters spoke about recent activities and events of the Orange Emblem Club.

Robert Bell spoke about the court's ruling regarding the validity of Michael Alvarez's election to District 3 Council seat.

Kimberly O'Neill spoke regarding the 202 W. Lincoln Ave. incident.

Written Public Comments

Henry Ataei emailed regarding criminal activity in his neighborhood.

Lauren Cisneros emailed regarding criminal activity in her neighborhood.

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 March 4, 12, 18, 26, and April 1, 2021.

ACTION: Approved.

3.3. Approval of meeting minutes of the City Council of the City of Orange for the March 23, 2021, Adjourned Regular Meeting.

ACTION: Approved minutes as presented.

3.4. Agreement with Nieves Landscape, Inc. for Landscape Maintenance Services for Riverbend Bioswales, Sycamore Crossing, and Water Division Facilities. (AGR-7144)

Written Public Comment

Bonnie Robinson expressed concerns with the use of herbicides and pesticides in City of Orange landscaping agreements.

ACTION: Approved four-year agreement with Nieves Landscape, Inc. in the amount not to exceed \$543,668.40 for landscape maintenance services; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. Agreement with the State of California Department of Justice for the Tobacco Grant Program from January 2021 through June 2024. (AGR-7153)

ACTION: 1) Approved the agreement with the State of California Department of Justice in the amount of \$194,868 for the Tobacco Grant Program, and authorized the City Manager to execute on behalf of the City; 2) Adopted Resolution No. 11314. A Resolution of the City Council of the City of Orange accepting funds in the amount of \$194,868 from the State of California Department of Justice, Office of Attorney General, Tobacco Law Enforcement Grant Program; and authorizing the Chief of Police or City Manager to execute the grant program Memorandum of Understanding and related documents; 3) Accepted into the City's revenue budget \$194,868 in grant funds from the State of California Department of Justice into revenue account number 100.4033.45495.30171 Tobacco Grant; and 4) Authorized the appropriation of \$194,868 into the following expenditure accounts: \$191,868 into 100.4033.50221.30171, Overtime Safety - Tobacco Grant; \$3,000 into 100.4033.53060.30171, Miscellaneous Materials - Tobacco Grant.

3.6. Agreement with Quality Environmental, Inc. for the abatement of the storm water that flooded the Orange Police Department facility basement and parking garage. (AGR-7154)

ACTION: Approved the agreement with Quality Environmental, Inc. in the amount of \$38,320 to mitigate the storm water inside the building; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. Agreement with the County of Orange for the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG), Award No. 2020-DJ-BX-0773. (AGR-4654.P)

ACTION: 1) Approved the agreement with the County of Orange in the amount of \$11,354.24 for the 2020 Edward Byrne Memorial Justice Assistance Grant Program and authorized the City Manager to execute on behalf of the City; 2) Accepted into the City's revenue budget \$11,354.24 in grant funds from the County of Orange, into revenue account number 353.4011.45150.30173, Federal Grants - JAG 2020; and 3) Authorized the appropriation of \$11,354.24 into expenditure account number 353.4011.55131.30173, Equipment - JAG 2020.

3.8. Agreement with Lance, Soll & Lunghard, LLP for Financial Audit Services for the City and the Successor Agency of the former Orange Redevelopment Agency for fiscal years 2020-2021 through 2022-2023; Bid No. 20-21.35. (AGR-7155)

ACTION: Approved the three year agreement with Lance, Soll & Lunghard, LLP in the total amount of \$163,363 and authorized the Mayor and City Clerk to execute on behalf of the City.

3.9. Agreement with Gillis & Panichapan Architects, Inc. for Architectural and Engineering Design Services for Corporation Yard Renovations Project. (AGR-7156)

ACTION: 1) Approved the agreement with Gillis & Panichapan Architects, Inc. in the amount of \$250,000 for Architectural and Engineering Design Services for the Corporation Yard Renovations Project (SP-4163); and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized \$25,000 (10%) of the contract amount for contingency purposes.

3.10. Second Amendment to Attorney Services Agreement with Everett Dorey LLP to provide legal services related to litigation defense in the matter of Christine Haynes v. City of Orange. (AGR-7056.2)

ACTION: 1) Approved a Second Amendment to Attorney Services Agreement with Everett Dorey, 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 General Fund unreserved fund balance to expenditure account number 100.0301.51600.00000, General Fund - Legal Services.

3.11. Professional Services Agreement with National Demographics, Inc. to provide demographic services related to the California Voting Rights Act requirements for by-district elections using the 2020 Census data and the requirements of California's "Fair Maps Act." (AGR-6830.A)

ACTION: 1) Approved agreement with National Demographics, Inc. in the amount not to exceed \$55,000 for demographic services; and authorized the Mayor and City Clerk

to execute on behalf of the City; and 2) Authorized the appropriation of \$55,000 from the General Fund unreserved fund balance to expenditure account number 100.0301.51600.00000, General Fund - Legal Services.

3.12. Appropriation of \$19,490 in revenue from community garden plot leases and user group sports field maintenance and renovation reimbursements.

ACTION: 1) Accepted into the City's revenue budget \$19,490 in community garden plot fees and user group maintenance reimbursements into the following accounts:

\$ 3,343 - 100.7001.44210.20227, General Fund - Garden Plots

\$16,147 - 100.7022.42480.00000, General Fund - User Group Maintenance Fees

2) Authorized the appropriation of \$3,343 into expenditure account number 100.7001.51700.20227, General Fund - Garden Plots.

3) Authorized the appropriation of \$16,147 into expenditure account number 100.7022.51424.00000, General Fund - User Group Maintenance.

3.13. Appropriation of \$376,545.40 in State of California Office of Emergency Services funding received.

ACTION: 1) Accepted into the City's revenue budget \$376,545.40 in strike team reimbursement funds from The California State Office of Emergency Services, into the following revenue account numbers for CAL EMA reimbursements:

\$ 131,013.62 100.3024.48212.40244 - Lake Fire

\$ 52,295.24 100.3024.48212.40245 - Ranch 2 Fire

\$ 35,267.71 100.3024.48212.40249 - Castle Fire

\$ 113,873.51 100.3024.48212.40251 - Dolan Fire

\$ 44,095.32 100.3024.48212.40252 - Valley Fire

2) Authorized the appropriation of \$369,331.83 into the following expenditure account numbers for Overtime-Safety:

\$ 129,595.78 100.3024.50221.40244 - Lake Fire

\$ 52,218.35 100.3024.50221.40245 - Ranch 2 Fire

\$ 30,036.67 100.3024.50221.40259 - Castle Fire

\$ 113,505.68 100.3024.50221.40251 - Dolan Fire

\$ 43,975.35 100.3024.50221.40252 - Valley Fire

3) Authorized the appropriation of \$7,213.57 into the following expenditure account numbers for Strike Team Expenditures:

\$ 1,417.84 100.3024.53860.40244 - Lake Fire

\$ 76.89 100.3024.53860.40245 - Ranch 2 Fire

\$ 5,231.04 100.3024.53860.40259 - Castle Fire

\$ 367.83 100.3024.53860.40251 - Dolan Fire

\$ 119.97 100.3024.53860.40252 - Valley Fire

3.14. Final Acceptance of Bid No. 20-21.21, Del Rio Bridge Renovation; and authorization to file Notice of Completion. (AGR-7113)

ACTION: Accepted Del Rio Bridge Renovation as complete; and authorized staff to file Notice of Completion with the County Recorder.

3.15. Final Acceptance of Bid No. 190-61, Lemon Street at Palm Avenue Traffic Signal Installation Project; and authorization to file Notice of Completion. (AGR-7051)

ACTION: Accepted Lemon Street at Palm Avenue Traffic Signal Installation Project as complete (Bid No. 190-61, SP-4133), and authorized staff to file Notice of Completion with the County Recorder.

3.16. Claims for Damages.

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

1. Jason Kordas
2. Pine Plaza Association
3. Behnam Bonyadi
4. Jeanne M. Flippin
5. Jorge Martin Gomez Sanchez
6. Gloria Montoya
7. Edwin Bolanos
8. David Cohen
9. Jaime Alejandro Zambrano

3.17. Award of Contract to Elecnor Belco Electric, Inc. for Glassell Street and Collins Avenue Left Turn Signal Improvement - HSIPL-5073(084); Bid No. 20-21.30. (AGR-7158)

ACTION: 1) Authorized the appropriation of \$70,000 from Fund 263 (M2) Unreserved Fund Balance to 263.5011.56100.30081, Glassell & Collins Left Turn Signal Modification; and 2) Awarded the contract to Elecnor Belco Electric, Inc. of Chino, CA in the total amount of \$299,366, representing an original amount of \$272,151, plus a 10% contingency of \$27,215, for Glassell Street and Collins Avenue Left Turn Signal Improvements - HSIPL-5073(084); and authorized the Mayor and the City Clerk to execute the agreement on behalf of the City.

3.18. Award of Contract to Elecnor Belco Electric, Inc. for Chapman Avenue and Feldner Road Left Turn Signal Improvement - HSIPL-5073(088); Bid No. 20-21.01. (AGR-7159)

ACTION: 1) Authorized the appropriation of \$90,000 from Fund 263 (M2) Unreserved Fund Balance to 263.5011.56100.20326, Chapman & Feldner Left Turn Signal Modification; and 2) Awarded the contract to Elecnor Belco Electric, Inc. of Chino, CA in the total amount of \$283,215, representing an original amount of \$257,468, plus a 10% contingency of \$25,747 for Chapman Avenue and Feldner Road Left Turn Signal Improvements - HSIPL-5073(088); and authorized the Mayor and the City Clerk to execute the agreement on behalf of the City.

3.19. Award of Contract to Elecnor Belco Electric, Inc. for Chapman Avenue and Flower Street Left Turn Signal Improvement - HSIPL-5073(087); Bid No. 20-21.02. (AGR-7160)

ACTION: 1) Authorized the appropriation of \$115,000 from Fund 263 (M2) Unreserved Fund Balance to 263.5011.56100.20327, Chapman & Flower Left Turn Modification; and 2) Awarded the contract to Elecnor Belco Electric, Inc. of Chino, CA in the total

amount of \$308,880, representing an original amount of \$280,800, plus a 10% contingency of \$28,080, for Chapman Avenue and Flower Street Left Turn Signal Improvements - HSIPL-5073(087); and authorized the Mayor and the City Clerk to execute the agreement on behalf of the City.

3.20. Award of Contract to R.J. Noble Company for Annual Pavement Maintenance at Various Locations, FY 2020-2021; Bid No. 20-21.28. (AGR-7161)

ACTION: Awarded the contract to R.J. Noble Company in the total amount of \$3,167,032, representing an original amount of \$2,879,120 plus a 10% contingency of \$287,912, for Annual Pavement Maintenance at Various Locations, Fiscal Year 2020-2021; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.21. Award of Contract to Southwest Pump & Drilling, Inc. for Well No. 28 Drilling Project; Bid No. 20-21.31. (AGR-7162)

ACTION: 1) Awarded the contract to Southwest Pump & Drilling, Inc. in the total amount of \$1,916,029 for Well No. 28 Drilling Project; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized 10% of the contract amount for contingency purposes.

3.22. Award of Contract to RS Construction & Development, Inc. for Community Development Block Grant Americans with Disabilities Act Bathroom Door Access at Main Library; Bid No. 20-21.32 (SP-4147). (AGR-7163)

ACTION: Approved the contract with RS Construction & Development, Inc. in the amount of \$37,628, representing an original bid amount of \$32,720, plus a 15% contingency of \$4,908 for ADA bathroom door access at the Main Library; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.23. Award of Contract to Big Ben, Inc. for Annual Sewer Replacement/Maintenance, Fiscal Year 2020-2021; Bid No. 20-21.36. (AGR-7164)

ACTION: 1) Rejected the bid received from the apparent low bidder, Bonadiman Water, Inc., a California Corporation, on the basis that the bid was not responsive; and 2) Awarded the contract to Big Ben, Inc. in the total amount of \$1,218,240 representing an original bid amount of \$1,015,200, plus a 20% contingency of \$203,040, for Annual Sewer Replacement/Maintenance Fiscal Year 2020-2021; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.24. Agreements with Comprise Technologies, Inc. for the purchase of new automated payment machines used for print cost recovery at the branch libraries, and for Smart Access Manager End User License and Maintenance. (AGR-7165 and 6473.A)

ACTION: 1) Approved agreement with Comprise Technologies, Inc. in the amount of \$16,281 for automated payment equipment and associated hardware and software; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Approved agreement with Comprise Technologies, Inc. in the initial annual amount of \$17,521 for the Smart Access Manager End User License and Maintenance; and authorized the Mayor and City Clerk to execute on behalf of the City.

- 3.25. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Chapter 6.04 of the Orange Municipal Code relating to animal regulations and adopting Title 4, Division 1, and Title 5, Divisions 1, 2, and 3, of the Codified Ordinances of the County of Orange in pertinent part. Ordinance No. 01-21.**

ACTION: Adopted Ordinance No. 01-21.

- 3.26. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Title 17 of the Orange Municipal Code to add definitions, revise procedures for review, and establish standards for processing applications for accessory dwelling units. Ordinance No. 03-21.**

ACTION: Adopted Ordinance No. 03-21.

- 3.27. Authorize purchase of ten LUCAS 3 Chest Compression Devices and ProCare LUCAS Prevent Service Plan from Stryker Medical as a sole source vendor.**

ACTION: 1) Authorized Stryker Medical as a sole source vendor; 2) Approved the purchase of ten LUCAS 3 Chest Compression Devices and ProCare LUCAS Prevent Service from Stryker Medical in an amount not to exceed \$158,593; and 3) Authorized the appropriation of \$2,500 from the Prop 172 unreserved fund balance to expenditure account number 120.3022.56030.20105, Prop 172 - Auto Pulse Machine Replacement.

- 3.28. Approval of a donation of a surplus Fire Engine to Queretaro, Mexico.**

Item 3.28 was removed from the Consent Calendar for separate consideration.

Fire Chief deMetropolis spoke to the relationship with Sister City Queretaro, Mexico and provided a brief background of the Fire Department donations.

ACTION: A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to approve the donation of the Fire Engine (Unit No. 1638) to Queretaro, Mexico; and authorize the Orange City Fire Department to donate the vehicle on behalf of the City. The motion carried by the following vote:

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

Noes: None

Absent: None

- 3.29. Approval of temporary street closures for approved special events. Resolution No. 11309.**

ACTION: 1) Adopted Resolution No.11309. A Resolution of the City Council of the City of Orange approving the temporary closure of portions of public streets for approved special events.

2) Approved closure of municipal parking lots and temporary suspension of neighborhood permit parking restrictions for certain events and dates occurring in Fiscal Year 2021-2022.

3.30. Approval of the 2021-2022 Pavement Management Program budget to incorporate a list of projects planned to be funded with Road Maintenance and Rehabilitation Account revenues. Resolution No. 11310.

ACTION: Adopted Resolution No. 11310. A Resolution of the City Council of the City of Orange approving the 2021-2022 Pavement Management Program budget to incorporate a list of ten streets to be funded by SB 1 (The Road Repair and Accountability Act) and appropriate Road Maintenance and Rehabilitation Account (RMRA) funding.

3.31. Designation of April 30, 2021, as Arbor Day. Resolution No. 11319.

Written Public Comment

Janice Brownfield emailed in support of the resolution.

ACTION: Adopted Resolution No. 11319. A Resolution of the City Council of the City of Orange designating April 30, 2021, as Arbor Day.

Approval of the Consent Calendar

Item 3.28 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 Councilmember Monaco, seconded by Councilmember Barrios, to approve the Consent Calendar as recommended. The motion carried by the following vote:

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

Noes: None

Absent: None

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR MURPHY

4.1. Appointments to Boards, Commissions, and Committees.

Due to time constraints, Mayor Murphy continued Item 4.1 to April 27, 2021.

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez)

Councilmember Gutierrez highlighted the following two local businesses: Orange Kids Dental and Orange Hand Car Wash.

5.2. Recognition of staff for support in conducting remote public meetings (Monaco)

Councilmember Monaco thanked staff for their support in conducting remote public meetings during the pandemic and requested certificates of appreciation be prepared for those staff members.

5.3. City Council Term Limits (Barrios)

In response to Councilmember Barrios' question regarding City Council term limits, City Attorney Sheatz explained, although the City was not named as a party in the lawsuit against Michael Alvarez, the recent court ruling provided the City with further clarification. The court's finding that redistricting did not affect the term limits ordinance provides further guidance in upholding the City's term limits.

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

None

7. ADMINISTRATIVE REPORTS**7.1. Agreement with Nieves Landscape, Inc. for landscape maintenance services for the Santiago Hills Landscape Maintenance Assessment District. (AGR-7167)**

Note: Mayor pro tem Nichols recused herself from Item 7.1 due to a potential conflict with a nearby property interest and left the dais at 7:13 p.m.

Written Public Comments

Bonnie Robinson expressed concerns with the use of herbicides and pesticides.

Kimberly DeLehman expressed concerns with the use of pesticides.

Jess Barber expressed concerns with the use of pesticides.

A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to approve agreement with Nieves Landscape, Inc. in the amount not to exceed \$1,357,554 for landscape maintenance services for Santiago Hills Landscape Maintenance Assessment District; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

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

Noes: None

Absent: None

Abstain: Nichols

Mayor pro tem Nichols returned to the dais at 7:37 p.m.

7.2. 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. 11316.

City Manager Otto provided a brief update regarding the County's vaccination efforts. He noted, with Governor Newsom expected to open the State with little to no restrictions in mid June, the Orange Plaza Paseo will be scheduled on the May 11 or June 8 City Council meeting agenda for discussion.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to adopt Resolution No. 11316. The motion carried by the following vote:

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

Noes: None

Absent: None

Resolution No. 11316. 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.

7.3. Disposition and Development Agreement by and between the City of Orange and Shelter Providers of Orange County, Inc. to develop six units of affordable housing. (AGR-7157)

Senior Administrative Assistant Aaron Schulze provided a brief staff report. Fire Chief deMetropolis answered Council's questions regarding a recent fire incident at the property. He informed Council there was minimal damage to the property. Senior Administrative Assistant Schulze explained the fire did not substantively change the value of the property.

Public Speaker

Gina Scott, HomeAid Orange County Executive Director, spoke in support of the project.

Written Public Comment

Bonnie Robinson emailed in support of the agreement.

A motion was made by Councilmember Monaco, seconded by Councilmember Gutierrez, to approve the Disposition and Development Agreement by and between the City of Orange and Shelter Providers of Orange County, Inc.; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

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

Noes: None

Absent: None

RECESS: The City Council recessed at 7:53 p.m. and reconvened at 8:03 p.m. with all members present.

8. REPORTS FROM CITY MANAGER

None

9. LEGAL AFFAIRS

9.1. Discussion and action regarding City Council vacancy.

City Attorney Sheatz provided a brief staff report and outlined the Council's options for filling the vacancy pursuant to Government Code Section 36512(b).

Public Speakers

Michael Fischer spoke in support of a special election.

Alison Martin spoke in support of her appointment to the vacancy.

John Russo spoke in support of a special election or his appointment to the vacancy.

Carol Walters spoke in support of a special election.

Daniel Correa spoke in support of appointing John Russo to the vacancy.

Michael MacIsaac spoke in support of a special election.

Douglas Westfall spoke in support of a special election or the appointment of John Russo.

Written Public Comments

Karen O'Keefe emailed in support of appointing Alison Martin to the vacancy.

Michelle Malloy emailed in support of appointing Alison Martin to the vacancy.

Bonnie Robinson emailed in support of a special election.

Peter Jacklin emailed in support of a special election.

Stephanie Facer emailed in support of appointing Alison Martin to the vacancy.

Steffanie Balsells emailed in support of appointing Alison Martin to the vacancy.

Doug Davert emailed in support of appointing Alison Martin to the vacancy.

Barbara Walsh emailed in support of appointing Alison Martin to the vacancy.

Steven Iversen emailed in support of a special election.

Laura Thomas emailed in support of a special election.

Valerie Nolan emailed in support of appointing John Russo to the vacancy.

Branin Johnson emailed in support of a special election.

Christopher Roach emailed in support of a special election.

In addition to the in-person and written comments, one recorded message was received from Sam Rodriguez in support of a special election.

During deliberation, Council discussed the cost of a special election versus appointing someone to the vacancy. City Attorney Sheatz clarified if Council appointed someone, the District 3 City Council seat would be on the November 2022 ballot with a term ending November 2024. If a special election is held in November 2021 to fill the vacancy, the term ending for the elected District 3 seat would also be November 2024.

After further discussion, Mayor Murphy recommended appointing Kathy Tavoularis to the vacant seat.

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to appoint Kathy Tavoularis to the vacant District 3 City Council seat for a term ending November 2022.

During discussion, Councilmember Gutierrez indicated her support for a special election over an appointment.

Councilmember Barrios made a substitute motion to continue the item to a date certain.

A motion was made by Councilmember Barrios, seconded by Councilmember Gutierrez, to continue Item 9.1 to a date certain. The motion failed by the following vote:

Ayes: Nichols, Barrios, and Gutierrez

Noes: Monaco, Dumitru, and Murphy

Absent: None

Before voting on the main motion, Mayor Murphy discussed Ms. Tavoularis' qualifications.

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to appoint Kathy Tavoularis to the vacant District 3 City Council seat for a term ending November 2022. The motion carried by the following vote:

Ayes: Nichols, Monaco, Dumitru, and Murphy

Noes: Barrios, and Gutierrez

Absent: None

9.1. Discussion and action regarding City Council vacancy.

A motion was made by Mayor Murphy, seconded by Mayor pro tem Nichols, to adopt Resolution No. 11320 naming Kathy Tavoularis as the appointee to the vacant District 3 City Council seat. The motion carried by the following vote:

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

Noes: Barrios

Absent: None

Resolution No. 11320. A Resolution of the City Council of the City of Orange appointing Kathy Tavoularis to fill the vacant District 3 City Council office.

9.1. Discussion and action regarding City Council vacancy.

Councilmember Dumitru requested that Ms. Tavoularis be sworn in immediately so she can participate in the public hearing discussions.

A motion was made by Councilmember Dumitru to administer the Oath of Office to Kathy Tavoularis immediately.

Motion failed for lack of a second.

10. PUBLIC HEARINGS

10.1. Public Hearing to consider expansion of the Orange County Ronald McDonald House located at 383 S. Batavia Street and 802 W. Culver Avenue.

Historic Planner Marissa Moshier presented the staff report and answered Council's questions.

RECESS: The City Council recessed at 9:35 p.m. and reconvened at 9:50 p.m. with all members present.

Mayor Murphy opened the Public Hearing at 9:58 p.m.

Public Speakers

Noel Burcelis, Orange County Ronald McDonald House Executive Director; and Jan van Dijs, Project Manager, spoke in support for the project. Mr. van Dijs described plan modifications made to increase privacy and address concerns raised by the neighbors; he confirmed the 8 foot wall proposed on the property line is at the request of the neighbors. He also confirmed that the house on Culver would only be used as an administrative office and staff would only have access from the rear of the house.

Leah Langford spoke in opposition (and submitted an email in opposition) to the project.

Written Public Comments

The following people submitted letters and emails in support of the project:

Kimberly Chavalas Cripe, CHOC President and Chief Executive Officer; Sister Jayne Helmlinger, Sisters of St. Joseph of Orange; Chet Harrison, Trico Realty; Alisha and JP Cohen; Katherine Roncancio; Kimberly Findlay; Guillermina Zambrano; Joyce M. Anderson; Richard and Melinda Hasenohrl; Mark Winn; Jeff and Robin Lyall; Claudia Ramirez; Linda Mazzara; Virginia Schacher; Dean Gyoerkoe; Emma Jean Bream; Gina Arreguin; Qingwen Dong and Tong Qian; Christine Huljev; and Vince and Jodi Ferragamo.

The following people submitted emails in opposition of the project:

Paula Acken, Shari Carter, and Diana Caballero.

Mayor Murphy closed the Public Hearing at 10:15 p.m.

During discussion, Councilmember Gutierrez made a motion to continue the item to a future date to allow further modifications to the project. Motion failed for lack of a second.

After further discussion, a motion was made by Councilmember Dumitru, seconded by Mayor Murphy, to adopt amended Resolution No. 11311 with added conditions regarding the visual screening and plant material, hours of construction modified to 8 a.m. to 5:00 p.m., and managing traffic flow during construction. The motion failed by the following vote:

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

Due to the number of questions and additional information requested by Council, Mayor Murphy recommended a continuance.

A motion was made by Mayor Murphy, seconded by Councilmember Monaco, to continue Item 10.1 to the May 11, 2021, Regular City Council meeting. The motion carried by the following vote:

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

9.1. Discussion and action regarding City Council vacancy.

Councilmember Gutierrez requested Item 9.1, adoption of Resolution No. 11320 be reconsidered.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Gutierrez, to adopt Resolution No. 11320. The motion carried by the following vote:

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

Resolution No. 11320. A Resolution of the City Council of the City of Orange appointing Kathy Tavoularis to fill the vacant District 3 City Council office.

10.2. Public Hearing to consider an ordinance amending the Municipal Code adding regulations for short term rental businesses and adding land use regulations; resolutions establishing policies for permits, fines, and fees and an amendment to the Agreement with Granicus for compliance services. (AGR-6858.3)

Senior Administrative Analyst Aaron Schulze presented the staff report and answered Council's questions. In response to Council's inquiry, Senior Administrative Analyst Schulze reviewed various aspects of enforcement offered by the Granicus platform.

Mayor Murphy opened the Public Hearing at 11:07 p.m.

Public Speakers

The following spoke in support of allowing short term rentals:

Robert Bell, Kathryn Levassur, James Lucas, and Susan Tillou.

The following spoke in opposition of allowing short term rentals:

George Munguia, Jonah Breslau, and Laura Espinoza.

Written Public Comments

The following submitted emails and letters in support of allowing short term rentals:

Zaki Family; Iris Evinger (with changes to the minor and major infraction fine amounts); Susan Tillou, Orange Short Term Rental Alliance (with changes to the proposed resolutions); Toral Patel, Airbnb (with changes to ordinance and resolutions); Alyssa Stinson, Expedia Group; Steven (with minor changes and opposes agreement with Granicus); Michael Jaimes; Lirio Sanchez (with a strict ordinance); Sandra Po; Sam (with changes to proposed ordinance and resolutions); Ziva Oerth; Bob and Addy Butler (with changes to proposed resolutions); Adrienne Gladson (with changes to proposed ordinance); Maria D. (with changes to proposed ordinance).

The following submitted emails in opposition of allowing short term rentals:

Don Dawson; and Danielle Wilson, Unite Here Local 11.

The following submitted an email with questions regarding the proposed ordinance:

Franks Landing.

Mayor Murphy closed the Public Hearing at 11:27 p.m.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to introduce and conduct First Reading of Ordinance No. 05-21. The motion carried by the following vote:

Ayes: Nichols, Barrios, Gutierrez, and Murphy

Noes: Monaco, and Dumitru

Absent: None

Ordinance No. 05-21. An Ordinance of the City Council of the City of Orange amending Title 5 of the Orange Municipal Code by adding Chapter 5.94 regulating the licensing and establishment of short term rental businesses in the City and amending Title 17 of the Orange Municipal Code by adding a definition, zoning requirements, and conditions for short term rental use.

10.2. Public Hearing to consider an ordinance amending the Municipal Code adding regulations for short term rental businesses and adding land use regulations; resolutions establishing policies for permits, fines, and fees and an amendment to the Agreement with Granicus for compliance services. (AGR-6858.3)

A motion was made by Mayor Pro Tem Nichols, seconded by Councilmember Barrios, to adopt Resolution No. 11317.

During discussion, Mayor Murphy requested to amend the motion to change the permit fee from \$150 to \$250. Mayor pro tem Nichols and Councilmember Barrios accepted the amendment.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to adopt amended Resolution No. 11317 with the change to the Short Term Rental permit fee to \$250. The motion carried by the following vote:

Ayes: Nichols, Barrios, Gutierrez, and Murphy

Noes: Monaco, and Dumitru

Absent: None

Resolution No. 11317. A Resolution of the City Council of the City of Orange establishing a fee for short term rental permits.

10.2. Public Hearing to consider an ordinance amending the Municipal Code adding regulations for short term rental businesses and adding land use regulations; resolutions establishing policies for permits, fines, and fees and an amendment to the Agreement with Granicus for compliance services. (AGR-6858.3)

A motion was made by Mayor pro tem Nichols, seconded by Mayor Murphy, to adopt amended Resolution No. 11318 with a correction to a typo. The motion carried by the following vote:

Ayes: Nichols, Barrios, Gutierrez, and Murphy

Noes: Monaco, and Dumitru

Absent: None

Resolution No. 11318. A Resolution of the City Council of the City of Orange establishing the maximum number of short term rental permits allowed, establishing fines for violations of short term rental regulations, and authorizing the City Manager to develop procedures implementing these provisions.

10.2. Public Hearing to consider an ordinance amending the Municipal Code adding regulations for short term rental businesses and adding land use regulations; resolutions establishing policies for permits, fines, and fees and an amendment to the Agreement with Granicus for compliance services. (AGR-6858.3)

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to approve Third Amendment to Master Subscription Agreement with Granicus, LLC in the amount of \$24,438 for short term rental compliance services; and authorize the Mayor and City Clerk to execute on behalf of the City. The motion carried by the following vote:

Ayes: Nichols, Barrios, Gutierrez, and Murphy

Noes: Monaco, and Dumitru

Absent: None

11. ADJOURNMENT

There being no further business, the meeting was adjourned in Memory of Marilyn Evans and the victims from 202 W. Lincoln Ave. at 11:58 p.m. to an Adjourned Regular Meeting on Tuesday, April 27, 2021, at 6:00 p.m., in the Council Chamber and various teleconference locations, with Closed Session beginning at 5:00 p.m. if necessary.

The next Regular City Council Meeting will be held on Tuesday, May 11, 2021, at 6:00 p.m. in the Council Chamber and various teleconference locations, with Closed Session beginning at 5:00 p.m. if necessary.

s/Pamela Coleman
PAMELA COLEMAN
CITY CLERK

s/Mark A. Murphy
MARK A. MURPHY
MAYOR