

**MINUTES -  
FINAL-REVISED  
City of Orange**

**City Council**

July 13, 2021

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The City Council of the City of Orange, California convened on July 13, 2021, at 4:04 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

**4:00 PM EMPLOYEE RECOGNITION**

**1. ROLL CALL**

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

**Absent:** None

Mayor Murphy entered the Chamber at 4:10 p.m.

**2. EMPLOYEE SERVICE AWARDS**

Recognition of employee service.

**3. RECESS**

The City Council recessed at 4:29 p.m. and convened in Closed Session with all Members present.

**4:15 PM CLOSED SESSION**

**1. ROLL CALL**

The City Council convened in Closed Session at 4:29 p.m. with all Members present.

**2. PUBLIC COMMENTS**

None

**3. RECESS TO CLOSED SESSION**

The City Council recessed to Closed Session at 4:30 p.m. with all Members present to discuss the following:

- a. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:  
City Negotiator: Rick Otto, City Manager  
Employee Organization: Orange City Firefighters

- b. Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(a) & (d)(1).
  - 1) Case: George and Kalliopi Metsovas, et al. v. City of Orange  
Orange County Superior Court Case No. 30-2020-01141543
  - 2) Case: Orange Park Association v. City of Orange  
Orange County Superior Court Case No. 30-2019-01113830
  - 3) Case: Paula Acken, et al. v. City of Orange  
Orange County Superior Court Case No. 30-2021-01207319
- c. Conference with Legal Counsel – Anticipated litigation pursuant to Government Code Section 54956.9(d)(2)-(4). (One case)
- d. Public Employee Appointment pursuant to Government Code Section 54957(b):  
Title: City Manager
- e. Public Employee Performance Evaluation pursuant to Government Code Section 54957:  
Title: City Attorney

#### **4. REPORT ON CLOSED SESSION ACTIONS**

During Regular Session, City Attorney Sheatz reported the following: In response to the July 9, 2021, letter from attorneys representing Mary's Kitchen, the City Council held a closed-session meeting to discuss the significant threat and exposure to litigation against the City. The item appeared on the closed-session agenda in compliance with the Brown Act, as authorized under § 54956.9(d)(2)-(4). The City Council was provided privileged advice and discussed the possible legal implications of the letter, which urged the City Council to rescind or stay the termination of the License Agreement by the City Manager. The City Council did not acquiesce to the demands in the letter, thereby having the effect of confirming the actions of the City Manager.

#### **5. ADJOURNMENT**

Closed Session was adjourned at 5:51 p.m.

### **6:00 PM REGULAR SESSION**

#### **1. OPENING**

Mayor Murphy called the meeting to order at 6:06 p.m.

##### **1.1 INVOCATION**

Given by Pastor Jonathan Reider from Friends Church Orange.

##### **1.2 PLEDGE OF ALLEGIANCE**

Led by Councilmember Jon Dumitru.

### 1.3 ROLL CALL

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

**Absent:** None

### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Proclamation recognizing Police Chief Tom Kisela for 35 years of service.

Proclamation recognizing Flags Over Orange.

Memorial Adjournment in honor of Fred Whitaker, Sr.

Mayor pro tem Nichols 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.

## 2. PUBLIC COMMENTS

### Public Speakers

Mervyn Leon Metoyer requested the City reinstate parking permits for his property.

The following spoke in support of Mary's Kitchen: Natasha Fucile, Matthew McAnena, Richard Spix, Peggy McAnena Carrillo, Vivian Chun, Elizabeth Martin, Monica Engel, Tony Chargualaf, Jim Dempsey, Heidi Zimmermann, Carole Walters, Ray Hernandez, Michael Sawyer, Bert Steensma, Josie Dunbar, James Dall, Michael Wright, Heather Mittelman, Patrick Hogan, Grant Lehner, Michelle Saldana, Margaret Sharpe, and Pastor Donald Dermit.

Lisa Ackerman Baldwin spoke regarding ongoing boarding house issues in her neighborhood.

Crystal Husband spoke in support of allowing live music in the Plaza.

Richard Goldsmith spoke in support of allowing live music in the Plaza.

### Written Public Comments

Janice Brownfield emailed encouraging the City to consider community choice energy as an alternative energy source.

The following submitted emails in support of Mary's Kitchen: Christina Hall, Alex Hernandez, Patricia Rosman, C. Watt, and Michelle Byerly.

In addition, the following recorded messages were received:

In support of Mary's Kitchen: Pat Davis, Kimberly Adams, Sheena Innocente, Thomas Fielder, and Lui Noble.

In support of allowing live music in the Plaza: Linda Ramos.

RECESS: The City Council recessed at 8:03 p.m. and reconvened at 8:18 p.m. with all members present.

### **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 June 4, 10, 18, 24, and 30, 2021.**

ACTION: Approved.

#### **3.3. Approval of meeting minutes of the City Council of the City of Orange for the June 8, 2021, Regular Meeting.**

ACTION: Approved minutes as presented.

#### **3.4. Agreement with Superior, LLC for continued maintenance of permit management software.**

ACTION: Approved agreement with Superior, LLC in the amount not to exceed \$34,346 in Fiscal Year 2021-2022 for maintenance of permitting software; and authorized the Mayor and City Clerk to execute on behalf of the City.

#### **3.5. First Amendment to License Agreement with the County of Orange for use of office space at Fire Station No. 7.**

ACTION: Approved the amendment to agreement with the County of Orange for use of office space at Fire Station No. 7; and authorized the Mayor and City Clerk to execute on behalf of the City.

#### **3.6. First Amendment to Amended and Restated North Net Joint Powers Training Agreement with Anaheim to amend the definition of Property to add approximately 21,500 square feet to the fire training center site.**

Note: Councilmember Barrios abstained due to a potential conflict with employment.

ACTION: Approved a First Amendment to Amended and Restated North Net Joint Powers Training Agreement; and authorized the Mayor and City Clerk to execute on behalf of the City.

#### **3.7. Agreement with Core BTS, Inc. for Microsoft Office 365 Migration.**

ACTION: Approved the agreement with Core BTS, Inc. in the amount of \$129,220 for Microsoft Office 365 migration; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.8. Agreement with Siemens Industry, Inc. for implementation of security access control and video camera management for the new Fire Station 1 and Headquarters.**

ACTION: 1) Approved the agreement with Siemens Industry, Inc. in the total amount of \$185,204.40, representing an original bid amount of \$168,367.64, plus a 10% contingency of \$16,836.76, for implementation of security access control and video camera management; and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$185,204.40 from the Capital Bond Proceeds unreserved fund balance to expenditure account number 553.5011.56020.20400, Capital Bond Proceeds - Fire Station 1.

**3.9. Historic Property Preservation Agreements (Mills Act Contracts) for ten qualified historic properties.**

ACTION: Approved ten Mills Act Contracts between the City of Orange and the identified property owners for the preservation and rehabilitation of qualified historic properties, and authorized the Mayor and City Clerk to execute the contracts on behalf of the City.

**3.10. Appropriation of \$34,580 in designated grant funding received from the California Department of Resources Recycling and Recovery for the Beverage Container Recycling City Payment Program.**

ACTION: 1) Accepted into the City's revenue budget a \$34,580 grant from the California Department of Resources Recycling and Recovery into revenue account number 220.5022.45290.20487, Sanitation & Sewer - Beverage Container Program 20-21.

2) Authorized the appropriation of \$34,580 into the following expenditure account numbers Sanitation & Sewer - Beverage Container Program 20-21:

220.5022.51001.20487	Contractual Services	\$17,080
220.5022.53001.20487	Materials and Supplies	\$16,000
220.5022.50002.20487	Regular Salaries - Misc	\$ 1,500

**3.11. Acceptance and appropriation of \$459,659 in American Recovery Act Program funding for Meal Gap Services.**

ACTION: 1) Accepted into the City's revenue budget \$459,659 in American Recovery Act Program Funding from the County of Orange, into revenue account 550.7011.45150.30182, Reimbursable Capital Projects - Federal Grant Revenue; 2) Authorized the appropriation of \$22,983 to Reimbursable Capital Projects expenditure accounts 550.7011.56002.30182, Staff Time for CIP and \$436,676 to 550.7011.56510.30182, CIP Other Capital Outlay; and 3) Authorized the City Manager, or his designee, to negotiate and execute all necessary documents to implement the Meal Gap Program.

**3.12. Appropriation of \$40,104.20 in revenue from community partnership donations and user group sports field maintenance.**

ACTION: 1) Accepted into the City's revenue budget \$40,104.20 in community partnership donations and user group sports field maintenance into the following accounts in the General Fund:

\$20,000.00 100.7015.48390.20473 Donations-Special Events 2021 Season

\$20,104.20 100.7022.42480.00000 User Group Maintenance Fees

2) Authorized the appropriation of \$20,000 into expenditure account number 100.7015.51355.20473 - General Fund - Special Events 2021 Season

3) Authorized the appropriation of \$20,104.20 into expenditure account number 100.7022.51424.00000, General Fund - User Group Maintenance Fees

**3.13. Appropriation of \$53,576.37 in State of California Office of Emergency Services funding received.**

ACTION: 1) Accepted into the City's revenue budget \$53,576.37 in strike team reimbursement funds from the California Office of Emergency Services, into the following revenue account number for CAL EMA reimbursements: 100.3024.48212.40249 - Castle Fire; and 2) Authorized the appropriation of \$53,576.37 into the following expenditure account number for Overtime-Safety: 100.3024.50221.40249 - Castle Fire.

**3.14. Appropriation of \$825,000 to Cannon Street Widening Project (30174).**

ACTION: 1) Authorized the appropriation of \$206,250 from the TSIP unreserved fund balance to the expenditure account number 287.5011.56330.30174 (Cannon Street Widening); 2) Accepted into the City's revenue budget a \$618,750 grant from Orange County Transportation Authority, into revenue account number 550.5011.45460.30174 (Cannon Street Widening); 3) Authorized the appropriation of \$618,750 from Reimbursable unreserved fund balance into 550.5011.56330.30174 (Cannon Street Widening); and 4) Authorized staff to execute Letter Agreement No. 21 amending Agreement No. C-1-2777 with the Orange County Transportation Authority, Measure M2 Seven-Year Capital Improvement Program for fiscal year 2021-22 through 2027-28 to comply with Measure M2 eligibility criteria.

**3.15. Final Acceptance of Bid No. 190-51, Reservoir 2 External Cathodic Protection System Installation Project; and authorization to file Notice of Completion.**

ACTION: Accepted Reservoir 2 External Cathodic Protection System Installation Project as complete; and authorized staff to file Notice of Completion with the County Recorder.

**3.16. Final Acceptance of Bid No. 20-21.24, Annual Concrete Replacement at Various Locations, Fiscal Year 2020-2021; and authorization to file Notice of Completion.**

ACTION: Accepted Annual Concrete Replacement at Various Locations Project, Fiscal Year 2020-2021 (SP-4150) as complete and authorized staff to file Notice of Completion with the County Recorder.

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**3.17. Final Acceptance of Bid No. 20-21.05, Landscape Renovation at Skylark Place and Canyon View Avenue; and authorization to file Notice of Completion.**

ACTION: Accepted Landscape Renovation at Skylark Place and Canyon View Avenue as complete and authorized staff to file Notice of Completion with the County Recorder.

**3.18. Approval of plans and specifications for Reservoir 4 Exterior Cathodic Protection (CP) System Installation Project and authorization to advertise Bid No. 21-22.01.**

ACTION: Approved the plans and specifications, and authorized advertising for bids.

**3.19. Approval of plans and specifications for Well 29 Drilling Project (W-709) and authorization to advertise Bid No. 21-22.04.**

ACTION: Approved the plans and specifications and authorized advertising for bids.

**3.20. Claims for Damages.**

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

1. Michael Adam Spix
2. Sentinel Insurance Company, Ltd.
3. Arabella Reece
4. Asha Ezzati
5. Corey Schwarz

**3.21. Award of Contract to Pacific Polymers, Inc. doing business as American Foam Experts for Roof Coating at Taft Branch Library; Bid No. 20-21.23 (SP-4145).**

ACTION: Approved contract with Pacific Polymers, Inc. doing business as American Foam Experts in the amount of \$65,780, representing an original bid amount of \$57,200, plus a 15% contingency of \$8,580, for Roof Coating at Taft Branch Library; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.22. Second Amendment to Contract with Alfaro Communications Construction, Inc. for Chapman Avenue at Tustin Street Right Turn Lane Improvements.**

ACTION: Approved the Second Amendment to Contract with Alfaro Communications Construction, Inc. in the amount of \$20,623.80 for extra work; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.23. Second Amendment to Contract with Alfaro Communications Construction, Inc. for Tustin Street at Meats Avenue Right Turn Lane Improvements.**

ACTION: Approved the second amendment to contract with Alfaro Communications Construction, Inc. in the amount of \$45,000 for extra work; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.24. Second Reading and adoption of 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. Ordinance No. 08-21.**

ACTION: Adopted Ordinance No. 08-21.

**3.25. Authorize purchase of print and audiovisual materials for the Orange Public Library from Baker & Taylor, Inc.**

ACTION: 1) Approved purchase order for print and audiovisual materials from Baker & Taylor, Inc. in the amount of \$115,000; and 2) Authorized the City Manager to approve increases to the purchase order should the Library receive donations designated for the purchase of additional print and audiovisual materials.

**3.26. Authorize purchase of material and supplies for water maintenance operations from various vendors.**

ACTION: Approved purchase orders for miscellaneous material and supplies for the following vendors and amounts: Yo Fire - \$150,000; C Wells Supply - \$150,000; United Waterworks - \$125,000; Ferguson - \$100,000; S&J Supply - \$100,000; and Armorcast - \$75,000, for a total not to exceed of \$700,000.

**3.27. Authorize purchase of one hundred twenty Bendix King handheld VHF radios and twenty one Bendix King mobile VHF radios from Cross Connections Mobile Communications.**

ACTION: Approved the purchase of one hundred twenty Bendix King handheld VHF radios and twenty one Bendix King mobile VHF radios in an amount not to exceed \$300,000, from Cross Connections Mobile Connections, through National Association of State Procurement Officials (NASPO) Contract 06913.

**3.28. Authorize purchase of fire station alerting system from US Digital Designs, Inc.**

ACTION: Approved the purchase of the Phoenix G2 station alerting system in an amount not to exceed \$130,000, from US Digital Designs, Inc.; and authorized the Mayor and City Clerk to execute the purchase contract on behalf of the City.

**3.29. Authorize purchase of Network Engineering Support Services from Sidepath, Inc.**

ACTION: Approved the purchase of Network Engineering Support Services from Sidepath, Inc. for \$29,700.

**3.30. Request to close the Orange Public Library & History Center and the El Modena and Taft Branch Libraries for various dates during September 2021 - January 2022.**

Item 3.30 was removed from the Consent Calendar for separate consideration by Councilmember Gutierrez.

Councilmember Gutierrez thanked library staff for the grab-and-go lunch program being offered at the El Modena Branch Library.

ACTION: A motion was made by Councilmember Gutierrez, seconded by Councilmember Barrios, to approve closure of the Orange Public Library facilities to the public as follows:

Orange Public Library & History Center: Friday, September 3 at 2:30 p.m. and Saturday, September 4 all day for the Orange International Street Fair; Thursday, December 23 at 6:00 p.m. through 10:00 a.m. on Monday, January 3 for the City's annual holiday closure.

All Libraries: Wednesday, November 24 at 6:00 p.m. for Thanksgiving.



Taft and El Modena Branch Libraries: Thursday, December 23 at 6:00 p.m. through 2:00 p.m. on Monday, January 3 for the City's annual holiday closure.

All Libraries: Monday, January 17 all day for Staff Development Day.

The motion carried by the following vote:

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

**Noes:** None

**Absent:** None

**3.31. Grant of easement to AT&T California, located in the Grand Street parking lot, south of the Community Services building addressed as 230 E. Chapman Ave.**

ACTION: Approved the granting of an easement to AT&T California, located in the Grand Street parking lot south of the Community Services building, addressed as 230 E. Chapman Ave; and authorized the Mayor and City Clerk to execute on behalf of the City.

**3.32. 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. 11342.**

Item 3.32 was removed from the Consent Calendar for separate consideration by Councilmember Tavoularis.

In response to Council's questions, City Manager Otto confirmed this should be the last time that this item appears on an agenda. Staff has requested the extension of the existence of a local emergency for funding purposes. Once the City has exhausted the use of CARES Act funds, the City can allow the local emergency resolution to expire.

ACTION: A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to adopt Resolution No. 11342. 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. The motion carried by the following vote:

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

**Noes:** Barrios, and Tavoularis

**Absent:** None

**3.33. Request for Permit Parking on Mayfair Avenue between Grand and Shaffer Streets, and adoption of a revised master resolution of permit parking areas within the City of Orange. Resolution No. 11343.**

City Clerk Coleman announced a public speaker card was submitted for Item 3.33; therefore, the item was removed from the Consent Calendar for separate consideration.

Public Speaker

James Dinwiddie was not present to speak.

Written Public Comment

James Dinwiddie emailed in opposition of approval of permit parking on Mayfair Avenue.

ACTION: A motion was made by Mayor pro tem Nichols, seconded by Councilmember Gutierrez, to: 1) Approve permit parking on Mayfair Avenue between the above-referenced limits; and 2) Adopt Resolution No. 11343. A Resolution of the City

Council of the City of Orange rescinding Resolution No. 11216, and adopting a revised master resolution of permit parking areas within the City of Orange. The motion carried by the following vote:

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

**Noes:** Dumitru

**Absent:** None

**3.34. Amend the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5. Resolution No. 11338.**

ACTION: Adopted Resolution No. 11338. A Resolution of the City Council of the City of Orange amending the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5.

**3.35. Rescind Resolution No. 11187 certifying the EIR for the Trails at Santiago Creek project. Resolution No. 11344.**

ACTION: Adopted Resolution No. 11344. A Resolution of the City Council of the City of Orange rescinding Resolution No. 11187, which certified and adopted Final Environmental Impact Report No. 1857-18 (SCH No. 2017031020), adopted Findings of Fact, a Statement of Overriding Consideration, a Mitigation Monitoring and Reporting Program, and imposed other project conditions for the Trails at Santiago Creek Project.

## **Approval of the Consent Calendar**

Items 3.30, 3.32, and 3.33 were removed from the Consent Calendar and heard separately. Councilmember Barrios abstained on Item 3.6. All other items were approved as recommended.

A motion was made by Councilmember Monaco, seconded by Mayor pro tem Nichols, to approve the Consent Calendar. 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 local business: Woodward's Ace Hardware.

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

### **6.1. Resignation of Doug Willits from the Planning Commission.**

During discussion, Councilmember Barrios requested expansion of the Planning Commission to seven members with district representation be placed on the next Council agenda. It was Council consensus to agendize it for August 10.

A motion was made by Mayor Murphy, seconded by Mayor pro tem Nichols, to accept the resignation of Doug Willits and direct the City Clerk to post a Notice of Vacancy per the Maddy Act. The motion carried by the following vote:

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

**Noes:** None

**Absent:** None

### **6.2. Consider appointments to City Boards, Committees, and Commissions.**

Mayor Murphy made the following recommendations for appointments:

DRC

- o Jerico Farfan with term expiring June 30, 2025

Park Planning & Community Events Commission (with terms to be determined)

- o Steve Freeman
- o Mike Rouse

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

DRC

- o Jerico Farfan with term expiring June 30, 2025

Park Planning & Community Events Commission (with terms to be determined)

- o Steve Freeman
- o Mike Rouse

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. Orange Plaza Paseo.

Interim Community Development Director Susan Galvan presented the staff report and answered Council's questions.

#### Public Speakers

Adam Feliz spoke in support of the Paseo but requested that it be suspended from August 16 - September 7 for the Orange International Street Fair (OISF).

Karen Salgado spoke in support of keeping the Paseo open permanently.

Bill Masters spoke in support of keeping the Paseo open.

Tony Trabucco, OTPA, raised concerns with keeping the Paseo open.

Wil Dee spoke in support of keeping the Paseo open seasonally May through August.

Laurel and Gil Yurly spoke in support of keeping the Paseo open.

Ed Patrick spoke in support of keeping the Paseo open permanently.

Al Ricci spoke in support of keeping the Paseo open permanently.

Greg Steinmann spoke in opposition of keeping the Paseo open.

Karen Steinmann spoke in opposition of keeping the Paseo open.

#### Written Public Comments

The following submitted emails in support of keeping the Plaza Paseo open: Shallom Berkman, UrthCaffe; Tod Brewster; Kristin Smetona; Eduardo Moreno; Toni Dieb; Paul Jensen, Antique Station & Depot; Rachel Cali; Jerry LaRue; Long Duong; and Jacque Gates.

The following submitted emails in opposition of keeping the Plaza Paseo open: Mitch Faris, Colleen Lindsay, OTPA, Rae Reich, Jeff Frankel, Matin Sharifinejad, Adam Duberstein, Aurora Taylor-Montes, Sandy Frankel, Amanda Cabrera, Domingo Cabrera, and Mary Anne Skorpanich.

During discussion, staff reevaluated the time needed to prepare for the Street Fair and determined the date could be moved to six to seven days before Street Fair. Once determined, staff will communicate the closure date with the Paseo merchants and OISF.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to close the Plaza Paseo for the Orange International Street Fair effective August 16 or a date subsequent to that allowing for the maximum amount of time for businesses to utilize the Paseo. The motion carried by the following vote:

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

**Noes:** None

**Absent:** None

During further deliberations Council discussed: maintenance costs and responsibilities; establishing set standards for uniformity of structures, lighting, and landscape; permitting options; potential consequences to the Plaza's historical designation; change to traffic patterns; liability issues, and addressing future closures during Street Fair.

Council also discussed reopening the Plaza Paseo after the Street Fair while staff compiles the requested information.

A motion was made by Councilmember Monaco, seconded by Mayor pro tem Nichols, to reopen the Plaza Paseo within a week after the Orange International Street Fair.

After further discussion, Councilmember Monaco requested to amend his motion to reopen the Paseo three weeks after Street Fair, and to direct staff to prepare a report regarding standards, permit fees and options, and a proposed timeline for options relating to the Paseo for the August 10 City Council meeting. Mayor pro tem Nichols accepted the amendment.

An amended motion was made by Councilmember Monaco, seconded by Mayor pro tem Nichols, to reopen the Plaza Paseo on Saturday, September 24; and direct staff to provide Council with a report at the August 10 Council meeting outlining design standards, permit fees and options, and a proposed timeline. The motion carried by the following vote:

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

RECESS: The City Council recessed at 10:09 p.m. and reconvened at 10:22 p.m. with all members present.

## **8. REPORTS FROM CITY MANAGER**

None

## **9. LEGAL AFFAIRS**

### **9.1. Introduction and First Reading of three separate Ordinances relating to City Council reimbursement, City Council compensation, and health and welfare benefits for City Councilmembers.**

Council discussed the background of when City Councilmember reimbursement, compensation, and health and welfare benefits were eliminated in 2011. City Attorney Sheatz clarified that if proposed Ordinance No. 09-21 is approved for First Reading, staff will present Council with a reimbursement policy for their review and approval. In addition, if the ordinances are adopted, councilmembers can choose whether or not to receive compensation (10-21) or submit expenses for reimbursement (09-21).

During further discussion, Mayor Murphy commented on timing of proposed ordinances.

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to Introduce and conduct First Reading of Ordinance No. 09-21. The motion carried by the following vote:

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

Ordinance No. 09-21. An Ordinance of the City Council of the City of Orange amending Title 2 of the Orange Municipal Code adding Chapter 2.07, relating to City Council reimbursement for actual and necessary expenses incurred in the performance of their official duties.

**9.1. Introduction and First Reading of three separate Ordinances relating to City Council reimbursement, City Council compensation, and health and welfare benefits for City Councilmembers.**

A motion was made by Councilmember Dumitru, seconded by Councilmember Tavoularis, to Introduce and conduct First Reading of Ordinance No. 10-21. The motion carried by the following vote:

**Ayes:** Monaco, Dumitru, Gutierrez, and Tavoularis

**Noes:** Nichols, Barrios, and Murphy

**Absent:** None

Ordinance No. 10-21. An Ordinance of the City Council of the City of Orange amending Title 2, Chapter 2.08 of the Orange Municipal Code relating to City Council compensation.

**9.1. Introduction and First Reading of three separate Ordinances relating to City Council reimbursement, City Council compensation, and health and welfare benefits for City Councilmembers.**

A motion was made by Councilmember Dumitru, seconded by Councilmember Tavoularis, to Introduce and conduct First Reading of Ordinance No. 11-21. The motion failed by the following vote:

**Ayes:** Monaco, Dumitru, and Tavoularis

**Noes:** Nichols, Barrios, Gutierrez, and Murphy

**Absent:** None

Ordinance No. 11-21. An Ordinance of the City Council of the City of Orange amending Title 2 of the Orange Municipal Code by adding Chapter 2.09, relating to Health and Welfare Benefits for City Council Members.

## **10. PUBLIC HEARINGS**

**10.1. Public Hearing to consider Second Reading and adoption 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.**

Mayor Murphy opened the Public Hearing at 10:56 p.m.; there being no speakers, Mayor Murphy closed the Public Hearing at 10:56 p.m.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Barrios, to adopt Ordinance No. 07-21. The motion carried by the following vote:

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

**Noes:** None

**Absent:** None

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."

(Item 10.3 was re-ordered to be heard before Item 10.2.)

**10.3. Continued Public Hearing to consider Appeal No. 0555-21, Shannon Family Mortuary, 1005 E. Chapman Avenue. (Continued from June 8, 2021)**

Associate Planner Kelly Ribuffo provided a brief staff report explaining that the applicant submitted a letter on July 8 requesting a temporary use permit (TUP) as an alternative to the CUP process.

Mayor Murphy opened the Public Hearing at 11:05 p.m.

Public Speakers

Charles and Julie Link, applicants, spoke in support of approving a TUP.

During applicant remarks, Councilmember Dumitru left the dais at 11:25 p.m.

Written Comments

The following emailed in support of approving a CUP for Shannon Mortuary and approving the appeal: Phil Glasgow.

The following emailed in opposition of approving a CUP or TUP for Shannon Mortuary and in support of denying the appeal: Doug Ely, Laura Ely, Aleta Bryant, and Ken Arkin.

Mayor Murphy closed the Public Hearing at 11:28 p.m.

During discussion, staff clarified that TUPs are reviewed by the Zoning Administrator at the recommendation of the Community Development Director. Council can deny the appeal or continue the public hearing and direct staff to review the TUP. It was noted that the TUP contains additional conditions not in the original CUP. Therefore, Council can also choose to continue the appeal to a date uncertain and refer the CUP back to the Planning Commission with the new conditions.

In response to Council's question, the applicant replied they preferred a continuance with the opportunity for the Planning Commission to reconsider the CUP.

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to continue Item 10.3 to a date uncertain and return the CUP to the Planning Commission for consideration. The motion carried by the following vote:

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

**Noes:** None

**Absent:** Dumitru

(Item 10.2 was re-ordered to be heard after Item 10.3.)

**10.2. Continued 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. (Continued from June 8, 2021).**

Councilmember Dumitru returned to the dais at 11:53 p.m. Mayor pro tem Nichols abstained due to a nearby property interest and left the meeting at 11:54 p.m.

Mayor Murphy opened the Public Hearing at 12:01 a.m.

City Clerk Coleman reported no protests were received, and announced there were no public speakers.

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.

Mayor Murphy closed the Public Hearing at 12:01 a.m.

A motion was made by Councilmember Monaco, seconded by Mayor Murphy, to: 1) Adopt Resolution No. 11329; and 2) Establish the assessment per single family detached unit per year for Fiscal Year 2021-2022 for Landscape Maintenance Districts 86-2 (Santiago Hills) and 15-1 (Santiago Hills Overlay) at \$369.44, and \$248.16, respectively. The motion carried by the following vote:

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

**Noes:** None

**Absent:** None

**Abstain:** Nichols

Resolution No. 11329. A Resolution of the City Council of the City of Orange approving the Engineer's Reports and providing for the annual assessment for Landscape Maintenance Districts 86-2 (Santiago Hills) and 15-1 (Santiago Hills Overlay).

Report on Closed Session Actions: City Attorney Sheatz reported that the City Council unanimously confirmed the actions of the City Manager and staff in terminating the license agreement between the City and Mary's Kitchen.

**11. ADJOURNMENT**

There being no further business, the meeting was adjourned at 12:06 a.m. in Memory of Fred Whitaker, Sr. to an Adjourned Regular Meeting on Saturday, August 7, 2021, at 8:30 a.m., for Closed Session, location to be determined.



The next Regular City Council meeting will be held on Tuesday, August 10, 2021, 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/Mark A. Murphy  
MARK A. MURPHY  
MAYOR