

MINUTES - FINAL

City of Orange

City Council

August 09, 2022

The City Council of the City of Orange, California convened on Tuesday, August 9, 2022, 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. ROLL CALL

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

Absent: None

Councilmember Barrios joined Closed Session at 5:07 p.m.

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:02 p.m. with all Members present, except Councilmember Barrios who joined Closed Session at 5:07 p.m., to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a) & (d)(1) - Three cases

- 1) Name of case: Gary Steele v. City of Orange
Orange County Superior Court Case No. 30-2022-01241193
- 2) Name of case: Rochelle Lyon v. City of Orange
Orange County Superior Court Case No. 30-2021-01186049
- 3) Name of case: Mary's Kitchen, et al. v. City of Orange
United States District Court Case No. 8:21-cv-01483-JVS-KES

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:42 p.m.

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

Mayor Murphy called the meeting to order at 6:01 p.m.

1.1 INVOCATION

Given by Father Neil Edlin from St. Mary Magdalene Anglican Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Jon Dumitru.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Recognition of outgoing Board, Committee and Commission members. Traffic Commissioner Jim Beil was recognized for 19 years of service.

Mayor Murphy announced the last Concerts in the Park series at the Hart Park Bandshell would be August 17.

Memorial Adjournment in honor of Salvador Avila, founder of Avila's El Ranchito Restaurant.

2. PUBLIC COMMENTSPublic Speakers:

The following spoke in opposition of a proposed cemetery near Palmyra Avenue: Lindsey Babcock, Bernie Galasso, Sharon Galasso, Caren Wolf, Jake Comer, Alan Kinkaid, Sunny, James Kushon, and Daniel Dillon.

The following raised concerns with safety issues at Handy Park: Cesar Grijalva, Claudia Grijalva, John Long, Tom Korsvall, and Natalia Quevedo.

Mark Moore spoke about the Sully Miller site and acquisition of open space.

Cody & Sierra Vane spoke in support of re-opening the Plaza Paseo.

Carole Walters discussed a decrease in the use of illegal fireworks this year.

Park Planning and Community Events Commissioner Eugene Fields announced a 9/11 remembrance event taking place this year in front of City Hall; the event is being sponsored by the Elks Lodge of Orange and the Orange Community Foundation.

Written Public Comment

Kimberly Bottomley emailed a request to allow members of the public use of City Council Chamber equipment during Public Comment period.

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 July 6, 7, 12, 15, 21, and 26, 2022.

ACTION: Approved.

3.3. Approval of meeting minutes of the City Council of the City of Orange for the July 12, 2022, Regular Meeting.

ACTION: Approved minutes as presented.

3.4. Second Amendment to License Agreement with the County of Orange for use of office space at Fire Station No. 7.

ACTION: Approved the amendment 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.

3.5. Third Amendment to Agreement with Intratek Computer Inc., for helpdesk and desktop technical support and update on Information Technology services.

ACTION: Approved the amendment to agreement with Intratek Computer Inc. for helpdesk and desktop technical support; and authorized the Mayor and the City Clerk to execute on behalf of the City.

3.6. Appropriation of \$5,000 in revenue from community partnership donations.

ACTION: 1) Accepted into the City's revenue budget a \$5,000 community partner donation, into revenue account 100.7015.48390.30197, Donations-2022 Special Events Season; and 2) Authorized the appropriation of \$5,000 in the expenditure account number 100.7015.51355.30197, General Fund - Special Events-2022 Season.

3.7. Appropriation of \$192,516.14 in State of California Office of Emergency Services funding received.

ACTION: 1) Accepted into the City's revenue budget \$192,516.14 in strike team reimbursement funds from the California Office of Emergency Services (Cal-OES) as follows:

Cal-OES reimbursements (revenue account 100.3024.48212.xxxxx):

\$ 42,620.67	.40290 - Emerald Fire
149,895.47	.40297 - Crooks Fire

2) Authorized the appropriation of \$190,469.12 into the expenditure account numbers for Overtime-Safety as follows:

Overtime-Safety (expenditure account 100.3024.50221.xxxxx):

\$ 42,620.67 .40290 - Emerald Fire

147,848.45 .40297 - Crooks Fire

3) Authorized the appropriation of \$2,047.02 into the expenditure account numbers for Strike Team Expenditures as follows:

Strike Team (expenditure account 100.3024.53860.xxxxx):

\$ 2,047.02 .40297 - Crooks Fire

3.8. Appropriation of \$25,748 in designated continuing education funding received from the Rancho Santiago Community College District.

ACTION: 1) Accepted into the City's revenue budget \$25,748 in continuing education funds from Rancho Santiago Community College District into revenue account number 100.3023.48210.20234, General Fund - Santa Ana College Fire Training; and 2) Authorized the appropriation of \$25,748 into expenditure account number 100.3023.51840.20234, General Fund - Santa Ana College Fire Training.

3.9. Acceptance and appropriation of \$10,000 in American Recovery Act Program funding for Meal Gap Services.

ACTION: 1) Accepted into the City's revenue budget \$10,000 in American Recovery Act Program Funding from the County of Orange, into revenue account 550.7011.45150.30207, Reimbursable Capital Projects - Federal Grant Revenue; and 2) Authorized the appropriation of \$10,000 to 550.7011.56510.30207, CIP-Other Capital Outlay-Meal Gap FY 23.

3.10. Approval of plans and specifications for Cannon Street at Serrano Avenue Intersection Improvements (SP-4086); and authorization to advertise for bids.

ACTION: Approved the plans and specifications and authorized advertising for Bid No. 22-23.05.

3.11. Approval of plans and specifications for the Orange Library Interior Rehabilitation Project, and authorization to advertise for bids.

ACTION: Approved plans and specifications and authorized advertising for Bid No. 22-23.08.

3.12. Claims for Damages.

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

1. Immanuel Lutheran Church
2. Andrew Moser
3. Carlos De Brito
4. Canyon Glen Community Association
5. Jeff McCleary
6. Southern California Edison
7. Mercury Insurance a/s/o Kenya Avila

3.13. Award of Contract to Crosstown Electrical & Data, Inc. for Tustin Street at La Veta Avenue - Rock Creek Drive Signal Modification; Bid No. 22-23.02.

ACTION: 1) Authorized the appropriation of \$20,000 from the Fund 287 (TSIP

Citywide) unreserved fund balance to expenditure account 287.5032.56100.20351, CIP-Tustin & La Veta Traffic Signal Upgrade; and 2) Approved the contract with Crosstown Electrical & Data, Inc. in the total amount of \$115,145.80, representing an original bid amount of \$104,678, plus a 10% contingency of \$10,467.80, for Tustin Street and La Veta Avenue - Rock Creek Drive Traffic Signal Modification; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.14. Award of Contract to Delta Electric, LLC for the Replacement of Emergency Generator and Automatic Transfer Switch for Water Division Headquarters Project; Bid No. 21-22.41

ACTION: 1) Awarded the contract to Delta Electric, LLC in the amount of \$ 184,000.50 for the Replacement of Emergency Generator and Automatic Transfer Switch; 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.

3.15. Final Acceptance of Bid No. 21-22.31, Automatic Door Upgrade at City Hall; and authorization to file Notice of Completion.

ACTION: Accepted the Automatic Door Upgrade at City Hall project (SP-4208) as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.16. Final Acceptance of Bid No. 21-22.30, Painting and Carpet Replacement at Various Fire Stations; and authorization to file Notice of Completion.

ACTION: Accepted Painting and Carpet Replacement at Various Fire Stations (SP-4209) as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.17. Final Acceptance of Bid No. 21-22.24, Fire Station 5 Bathroom Remodel; and authorization to file Notice of Completion.

ACTION: Accepted Fire Station 5 Bathroom Remodel as complete (SP-4200), and authorized staff to file Notice of Completion with the County Recorder.

3.18. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Section 2.26.010.A of the Orange Municipal Code regarding duties of the City Treasurer. Ordinance No. 05-22.

ACTION: Adopted Ordinance No. 05-22.

3.19. Time extension for Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20 - Mabury Tentative Tract Map

A speaker card was submitted for Item 3.19; therefore, the item was removed from the Consent Calendar for separate consideration.

Entered into the record: a memo from staff clarifying the agenda title should be corrected by replacing "Negative Declaration No. 1871-20" with "Environmental Review No. 1871-20."

Public Speakers:

Tom Broz spoke in opposition of approval.

Quinn Promarug spoke in opposition of approval.

Chris Nichelson, President of Milan Capital, responded to Council's questions as to why an extension is requested. He cited challenges in California's process of moving a Tentative Tract map through to a Final Tract map and limitations due to the COVID-19 pandemic.

Written Public Comments:

Mabury Ranch Homeowners Association Board of Directors emailed in opposition of approval.

ACTION: A motion was made by Councilmember Monaco, seconded by Councilmember Dumitru, to approve a one-year time extension based on Orange Municipal Code Section 17.08.060, and a six-year time extension based on Subdivision Map Act Section 66452.6(e) for Tentative Tract Map No. 0050-20, Minor Site Plan Review No. 1016-20, and Environmental Review No. 1871-20. The motion carried by the following vote:

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

Noes: Barrios

Absent: None

3.20. Monthly Treasurer's Reports for April, May, and June 2022.

Written Public Comment:

Janice Brownfield emailed requesting the City withdraw investments with JPMorgan Chase.

ACTION: Received and filed.

3.21. Delegate authority to the City Manager to apply for and Make Industrial Disability Retirement Determinations. Resolution No. 11413.

ACTION: Adopted Resolution No. 11413. A Resolution of the City Council of the City of Orange Rescinding Resolution No. 11111 and Delegating Authority to the City Manager to Apply for and Make Industrial Disability Retirement Determinations.

Approval of the Consent Calendar

Item 3.19 was removed from the Consent Calendar and heard separately. All other items 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, Tavoularis, Gutierrez, and Murphy

Noes: None

Absent: None

END OF CONSENT CALENDAR

RECESS: The City Council recessed at 7:21 p.m. and reconvened at 7:34 p.m. with all Members present.

4. REPORTS FROM MAYOR MURPHY

None

5. REPORTS FROM COUNCILMEMBERS**5.1. Highlight Local Business (Gutierrez & Barrios)**

Councilmember Gutierrez highlighted the following local business: Kustom Imprints. Councilmember Barrios highlighted the following local business: Avila's El Ranchito Restaurant.

5.2. Park Events - Concert/Movie Series (Dumitru)

Councilmember Dumitru requested the Park Planning and Community Events Commission explore hosting City events such as the Concert in the Park series throughout each district. In addition, he would like the Commission and Community Services staff to consider a Movie in the Park series in each district next summer with at least one event before the end of this summer.

5.3. Public Noticing of Projects/Hearings (Dumitru)

Councilmember Dumitru requested staff evaluate ways to prominently display upcoming projects on the website with an option for members of the public to register for email updates.

5.4. City Council Rules of Decorum (Gutierrez)

Councilmember Gutierrez requested staff return with a Rules of Decorum policy for Council's approval.

Public Speakers:

Bonnie Robinson spoke in support of Council adopting a Rules of Decorum policy.

Sherry Hart Panttaya expressed disappointment with Council's behavior at the last Council meeting.

Dru Whitefeather spoke in support of Council adopting a Rules of Decorum policy.

Kim Plehn expressed disappointment with Council's conduct at the last meeting.

Laurel Maldonado expressed disappointment with Council's conduct at the last meeting and supports implementing a Code of Conduct policy.

Laura Thomas spoke in support of Council adopting a Code of Conduct policy.

During discussion, it was Council consensus to direct staff to evaluate Orange Municipal Code (OMC) 2.04.210 Decorum and OMC 2.04.220 Enforcement of Decorum and return with any changes for Council's review.

5.5. Historic Cypress Street Barrio (Monaco)

Councilmember Monaco announced the Historic Cypress Street Barrio website project recently won the County 2022 APA CA Orange Section Award of Excellence Communications Initiative and is now up for an award at the State level.

5.6. Other Councilmember Reports

With Council concurrence, Mayor pro tem Nichols requested to add Sully Miller to the September 13 Council agenda to clarify direction that was given to staff.

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS**6.1. Appointment(s) to Investment and Audit Committee.**

A motion was made by Mayor pro tem Nichols, seconded by Councilmember Monaco, to appoint Jeff Grampp to a two-year term ending June 30, 2024; and Aaron Christensen to a one-year term ending June 30, 2023 to the Investment and Audit Committee. The motion carried by the following vote:

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

Noes: None

Absent: None

7. ADMINISTRATIVE REPORTS**7.1. Request for Proposal No. 22-23.06 for grant writing and legislative advocacy services.**Public Speaker:

Shirley Grindle remarked that the scope of work does not include acquiring open space.

During discussion, Council directed staff to include acquisition of open space and park land in the RFP Scope of Work. In addition, Council requested to review a vendor performance report before awarding the RFP.

A motion was made by Councilmember Monaco, seconded by Mayor pro tem Nichols, to approve amended Request for Proposal No. 22-23.06 for grant writing and legislative advocacy services. The motion carried by the following vote:

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

Noes: None

Absent: None

7.2. Review of City's Neighborhood Permit Parking Program policy

City Traffic Engineer Larry Tay reviewed the current Neighborhood Permit Parking Program policy and outlined the recommended changes. He noted a memo was distributed to Council and posted on the website with the following additional information: comparison of permit parking fees with area cities, street-by-street listing of permit parking areas, and a map of permit parking areas.

Public Speaker:

Adrienne Gladson spoke in support of decreasing the application fee.

A motion was made by Councilmember Monaco, seconded by Councilmember Barrios, to approve the proposed updates to the Neighborhood Permit Parking Program policy and implementation updates, dated August 9, 2022. The motion carried by the following vote:

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

Noes: None

Absent: None

Mayor Murphy recused himself from Item 7.3 due to a potential conflict with his spouse's employment and left the meeting at 8:47 p.m. Mayor pro tem Nichols conducted the meeting for the remaining Open Session items.

RECESS: The City Council recessed at 8:48 p.m. and reconvened at 9:01 p.m. with all Members present, except Mayor Murphy who was absent.

7.3. Discussion of North Tustin Street Specific Plan Options

Interim Community Development Director Susan Galvan provided the staff report and reviewed Council's options.

Public Speakers:

Shelby Oakes expressed lack of outreach to seniors regarding the plan.

Darren Kempkes spoke in support of revitalizing the mall but opposes any residential projects.

Matt Hamilton spoke in support of terminating the grant with the State and in opposition of the plan.

Karen Hamilton spoke in opposition of the plan.

Jeff Lawrence spoke in opposition of the plan.

Doug Hamilton spoke in opposition of the plan.

Carol Chaney spoke in opposition of the plan.

Byron deArakal spoke in support of the plan and supports option 3 to retain Village at Orange in Specific Plan boundaries with commercial zoning and incorporate a mixed use overlay.

Peter Vanek, owner of JC Penney site, spoke in support of the plan and option 3 to retain Village at Orange in Specific Plan boundaries with commercial zoning and incorporate a mixed use overlay.

Written Public Comments:

Reggie Mundekis emailed in support of option 2 to retain Village at Orange in the Specific Plan boundaries with strictly commercial zoning and option 3 to retain Village at Orange in Specific Plan boundaries with commercial zoning and incorporate a mixed use overlay.

During deliberations, Council discussed amending the agreement and refunding State grant funds received for the North Tustin Street Specific Plan project. In addition, they discussed the creation of a two-member ad hoc committee to narrow the focus of the study.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Barrios, to cancel the North Tustin Street Specific Plan and refund state grant money received to date for project costs thereby amending the agreements with the State by removing the North Tustin Street Specific Plan project; and create an ad hoc committee to narrow the focus of study to Tustin Street between Meats and Lincoln with Councilmember Tavoularis and Councilmember Monaco as members and Councilmember Gutierrez as an alternate. The motion carried by the following vote:

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

Noes: None

Absent: None

Recused: Murphy

8. REPORTS FROM CITY MANAGER

None

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 10:06 p.m. in Memory of Salvador Avila.

The next Regular City Council meeting will be held on Tuesday, September 13, 2022, 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