

MINUTES - DRAFT

City of Orange

City Council

December 12, 2023

The City Council of the City of Orange, California convened on Tuesday, December 12, 2023, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

5:00 PM CLOSED SESSION

1. CALL TO ORDER

Mayor Slater called Closed Session to order at 5:03 p.m.

1.1 ROLL CALL

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

Absent: None

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:04 p.m. with all Members present to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a) & (d)(1) – One case
In re McKinsey & Co., Inc., National Prescription Opiate Consultant Litigation
United States District Court Case No. 3:21-md-02996-CRB

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:23 p.m.

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

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

1.1 INVOCATION

Given by Rev. Dr. Tim Klinkenberg from St. John's Lutheran Church.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Kathy Tavoularis.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

El Modena High School Student Liaison Emma Hoffman provided Council with a brief update on school happenings.

Orange High School Student Liaison Nancy Albeno provided Council with a brief update on school happenings.

The Association of California Cities - Orange County 2024 Membership Benefits and Updates.

Orange County Power Authority State of the Agency and Projections.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTS

Public Speakers:

Christine DeLeo expressed how dissatisfied she is with the choice of internet service providers in Orange.

Jonathon Swaim expressed concerns with homeless issues in Hart Park.

Douglas Westfall requested use of city owned property on Cypress Street as a public venue for Orange Barrio Historic Society.

Paul Guzman requested use of city owned property on Cypress Street as a public venue for Orange Barrio Historic Society.

Suzanne Tani expressed enthusiasm for OC Power Authority and emphasized importance of choices in utility providers for residents.

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 November 2, 9, 16, 22, and 30.

ACTION: Approved as presented.

3.3. Approval of minutes of the City of Orange City Council Regular Meetings held on November 14 and 28, 2023.

ACTION: Approved minutes as presented.

3.4. Traffic Study Reimbursement Agreement with Chapman University.

ACTION: Approved the Traffic Study Reimbursement Agreement with Chapman University in the amount of \$9,965; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. Appropriation of \$59,134.76 in revenue from Recreation class programs.

ACTION: 1) Accepted into the City's Fiscal Year 2023-2024 revenue budget \$59,134.76 in recreation class revenue into account 100.7001.46540.00000, Recreation Classes; and 2) Authorized the appropriation of \$41,394.33 in the Fiscal Year 2023-2024 expenditure account number 100.7011.51670.00000, Other Professional and Consulting Services.

3.6. Approval of plans and specifications for Mechanical Services and Preventative Maintenance for Heating, Ventilation, and Air Conditioning Equipment at Various City Buildings; and authorization to advertise for bids.

ACTION: Approved plans and specifications and authorized advertising for Bid No. 23-24.22.

3.7. Final Acceptance of Belmont and La Veta Parks Shade Structures; and authorization to file Notice of Completion.

ACTION: Accepted Belmont and La Veta Parks Shade Structures as complete, and authorized staff to file Notice of Completion with the County Recorder.

3.8. Second Reading and adoption of an Ordinance of the City Council of the City of Orange adding Chapter 2.13 to Title 2 of the Orange Municipal Code related to Lobbyist Registration and Reporting. Ordinance No. 14-23.

ACTION: Adopted Ordinance No. 14-23.

3.9. Authorize the purchase of a Polaris XPEDITION Adventure Utility Task Vehicle (UTV) from Polaris Sales Inc. using a cooperative purchasing agreement.

ACTION: Approved the purchase of a UTV from Polaris Sales Inc. for \$51,000.

3.10. Authorize purchase of Assureon Trusted System and support from Complete Paperless Solutions, LLC as a single source vendor.

ACTION: 1) Approved the purchase of Assureon Trusted System from Complete Paperless Solutions for \$93,192.17; and 2) Authorized the appropriation of \$93,192.17 from the Computer Replacement unreserved fund balance to expenditure account number 790.1601.56033.20284 Document Management Improvements.

3.11. Submittal of annual financial reports for development impact fees for Fiscal Year 2022-2023.

ACTION: Received and filed the annual financial reports relating to Transportation System Improvement Program Fees, Park Infill Fees, Fire Protection Facility Fees, Police Facility Development Fees, and Library Facilities Development Fees.

3.12. Adoption of Fiscal Year Ended June 30, 2023, Measure M2 Expenditure Report. Resolution No. 11506.

ACTION: Adopted Resolution No. 11506. A Resolution of the City Council of the City of Orange concerning the Fiscal Year Ended June 30, 2023, Measure M2 Expenditure Report for the City of Orange.

3.13. Adoption of a resolution approving the terms and conditions of the Master Agreement between the City of Orange and Caltrans for State Funded Projects. Resolution No. 11507.

ACTION: Adopted Resolution No. 11507. A Resolution of the City Council of the City of Orange approving the terms and conditions of the Master Agreement between the City and the State for state-funded projects from the State Transportation Improvement Program or other state-funded programs and authorizing the City Manager or the Director of Public Works to execute any and all Program Supplement Agreements to implement the Master Agreement.

3.14. Rejection of all bids for Community Development Block Grant El Modena Basin Public Restroom Improvement Project; adoption of a resolution authorizing the use of City employees to perform site preparation and installation as needed for the Project; and authorization to purchase the restroom building from Public Restroom Company. Resolution No. 11509.

Item 3.14 was removed from the Consent Calendar for separate consideration by Councilmember Gyllenhammer.

Councilmember Gyllenhammer thanked staff for their diligent work on this project.

ACTION: A motion was made by Councilmember Gyllenhammer, seconded by Councilmember Gutierrez, to:

- 1) Reject all bids received for Bid No. 23-24.15 (SP-4257); Community Development Block Grant El Modena Basin Public Restroom Improvement Project ("Project").
- 2) Adopt Resolution No. 11509. A Resolution of the City Council of the City of Orange

Making a Declaration Pursuant to the Uniform Public Contracting Cost Accounting Act (Public Contract Code Section 22038) and Orange Municipal Code Section 3.08.550 that the El Modena Basin Public Restroom Improvement Project can be performed more economically by City Employees and further declaring pursuant to the Local Agency Public Construction Act (Public Contract Code Section 20167) that the materials may be furnished at a lower price in the open market.

3) Approve the purchase of the restroom building from Public Restroom Company under Sourcewell Contract # 081721-PRM.

The motion carried by the following vote:

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

Noes: None

Absent: None

3.15. Memorandum of Understanding between the City of Orange and the Orange Maintenance and Crafts Employees' Association. Resolution No. 11510.

ACTION: Adopted Resolution No. 11510. A Resolution of the City Council of the City of Orange Repealing Resolution No. 11279 and approving the Memorandum of Understanding between the City of Orange and the Orange Maintenance and Crafts Employees' Association, concerning wages, hours, and other conditions of employment effective January 1, 2024, through June 30, 2025.

3.16. Memorandum of Understanding between the City of Orange and the Orange Municipal Employees' Association. Resolution 11511.

ACTION: Adopted Resolution No. 11511. A Resolution of the City Council of the City of Orange repealing Resolution No. 11285 and approving the Memorandum of Understanding between the City of Orange and the Orange Municipal Employees' Association, concerning wages, hours, and other conditions of employment effective January 1, 2024, through and including June 30, 2025.

3.17. Memorandum of Understanding between the City of Orange and the Orange Management Association. Resolution No. 11512.

ACTION: Adopted Resolution No. 11512. A Resolution of the City Council of the City of Orange repealing Resolution No. 11272 and approving the Memorandum of Understanding between the City of Orange and the Orange Management Association concerning wages, hours, and other terms and conditions of employment effective January 1, 2024 through June 30, 2025.

3.18. Memorandum of Understanding between the City of Orange and the International Brotherhood of Electrical Workers Local 47. Resolution No. 11513.

ACTION: Adopted Resolution No. 11513. A Resolution of the City Council of the City of Orange Repealing Resolution No. 11374 and approving the Memorandum of Understanding between the City of Orange and the International Brotherhood of Electrical Workers (IBEW) Local 47 concerning wages, hours, and other conditions of employment effective January 1, 2024, through and including June 30, 2025.

3.19. Amend the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2 Section 570.5. Resolution No. 11514.

ACTION: Adopted Resolution No. 11514. A Resolution of the City Council of the City of Orange rescinding Resolution No. 11481 and amending the Citywide Pay Schedule in

accordance with the requirements of California Code of Regulations, Title 2, Section 570.5.

Approval of the Consent Calendar

Item 3.14 was removed from the Consent Calendar and heard separately. All other items were approved as recommended.

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

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

Noes: None

Absent: None

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR SLATER

4.1. Appointment of City Councilmembers to Regional Boards and Committees.

A motion was made by Councilmember Dumitru, seconded by Councilmember Gutierrez, to confirm City Councilmember appointments on regional boards and committees for a one year term as follows:

Orange City/Schools Coordinating Committee - Councilmember Gutierrez and Councilmember Tavoularis as alternate

Foothills Eastern TCA - Councilmember Bilodeau and Councilmember Tavoularis as alternate

North Net Fire Training JPA - Councilmember Dumitru and Councilmember Tavoularis as alternate

Orange Elderly Services - Councilmember Tavoularis and Councilmember Gutierrez as alternate

Santa Ana Flood Protection Agency - Councilmember Bilodeau and Councilmember Gutierrez as alternate

The motion carried by the following vote:

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

Noes: None

Absent: None

5. REPORTS FROM COUNCILMEMBERS

5.1. Sustainability Group Update and Sustainability Plan (Gyllenhammer)

Public Speakers:

The following spoke in support of a partnership with Chapman University to develop a sustainability plan: Jake Comer, Elisabeth Speiser, Johanna Speiser, Suzanne Tani, Lexi Hernandez, and Jeff Stoddard.

Councilmember Gyllenhammer informed Council of an opportunity to partner with Chapman University to develop a sustainability plan. The next semester starts on January 29. If there is Council consensus to move forward, Chapman would need access to City data by that date.

With Council consensus, staff was directed to provide Chapman University with necessary City data by January 29, 2024, so that the students can commit to the sustainability plan project.

5.2. Other Councilmember Reports

Mayor pro tem Barrios announced OTPA conducted it's annual Old Towne Holiday Decorating Contest; and the winners can be found on their website.

Councilmember Gutierrez announced the skatepark project community meeting would be held on December 13 at 6:00 p.m. at Grijalva.

6. AB 1234 REPORTS

None

7. ADMINISTRATIVE REPORTS

- 7.1. Establishment of Permit Parking Area "AA," to be comprised of both sides of Ryals Lane from the west city limit to Bobwhite Way, both sides of Bobwhite Way between Ryals and Partridge Lanes, and both sides of the 200 block of Renee Street. Resolution No. 11508.**

Public Speakers:

Lorena Hopp spoke in support of approval.

A motion was made by Councilmember Gyllenhammer, seconded by Councilmember Gutierrez, to: 1) Approve Permit Parking for both sides of Ryals Lane from the west city limit to Bobwhite Way, both sides of Bobwhite Way between Ryals and Partridge Lanes, and both sides of the 200 block of Renee Street; and 2) Adopt Resolution No. 11508. A Resolution of the City Council of the City of Orange adopting a revised master resolution of designated permit parking areas within the City of Orange.

The motion carried by the following vote:

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

Noes: None

Absent: None

8. REPORTS FROM CITY MANAGER

8.1. Code Enforcement Update on Short Term Rentals and Street Vendors

Code Enforcement Supervisor Rafael Perez provided Council with an update on illegal street vendors and the short term rental program.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:15 p.m.

The next Regular City Council meeting will be held on Tuesday, January 9, 2024, at 6:00 p.m., in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

PAMELA COLEMAN
CITY CLERK

DANIEL R. SLATER
MAYOR

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