

MINUTES - DRAFT

City of Orange

City Council

January 09, 2024

DRAFT MINUTES – NOT AN
OFFICIAL RECORD UNTIL
APPROVED BY THE CITY COUNCIL

The City Council of the City of Orange, California convened on Tuesday, January 9, 2024, at 5:00 p.m. in a Regular Meeting in the Council Chamber, 300 E. Chapman Avenue, Orange, California.

5:00 PM CLOSED SESSION

1. CALL TO ORDER

Mayor Slater called Closed Session to order at 5:02 p.m.

1.1 ROLL CALL

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

Absent: None

2. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

Public Speaker:

Reggie Mundekis urged Council not to engage in litigation.

3. RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 5:05 p.m. with all Members present to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

The City of Orange has received a litigation threat related to a housing development project. A record of the statement threatening litigation is available for public inspection at the Office of the City Clerk located at 300 E. Chapman Avenue, Orange, CA 92866.

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:55 p.m.

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

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

1.1 INVOCATION

Given by Reverend Zarrir Bhandara from Zoroastrian Association of California.

The City Council recognized Rev. Bhandara for his contributions to the community.

1.2 PLEDGE OF ALLEGIANCE

Led by Councilmember Denis Bilodeau.

1.3 ROLL CALL

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

Absent: None

1.4 PRESENTATIONS/ANNOUNCEMENTS

Memorial Adjournment in honor of Harold Gomer.

Proclamation recognizing 2024 as the Sapphire Anniversary of the Friends of the Orange Public Library.

Introduction of Miss Orange 2024 contestants.

1.5 REPORT ON CLOSED SESSION ACTIONS

None

2. PUBLIC COMMENTSPublic Speakers:

Steve Sax spoke about an issue he has been having with Code Enforcement regarding a short term rental permit.

Tarah Auld expressed concerns with cars parked in her neighborhood.

Written Public Comment

Janice Brownfield emailed commending the City's recent sustainability and environmentally friendly endeavors.

Sam Billimoria submitted an eComment requesting a monument in honor of Cyrus the Great.

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 December 7, 14, and 21, 2023.

ACTION: Approved as presented.

3.3. Approval of minutes of the City of Orange City Council Regular Meeting held on December 12, 2023.

ACTION: Approved minutes as presented.

3.4. Agreement with the Municipal Water District of Orange County for sharing consultant costs for completion of the Lead and Copper Rule Revisions Service Line Inventories.

ACTION: Approved the agreement with the Municipal Water District of Orange County in the amount of \$111,756 for implementation of the Lead Service Line Inventory Program; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.5. First Amendment to the Agreement with RHA Landscape Architects Planners, Inc. for the Hart Park Pickleball and Fitness Circuit Project.

ACTION: Approved amendment with RHA Landscape Architects Planners, Inc. in an amount not to exceed \$34,610 for construction administrative services and additional electrical design services for Hart Park Pickleball and Fitness Circuit Project (20315); and authorized the Mayor and City Clerk to execute on behalf of the City.

3.6. Second Amendment to Attorney Services Agreement with Everett Dorey LLP to provide legal services relating to litigation defense in the matter of Carol Leigh Kneeshaw, et al. v. City of Orange, et al.

ACTION: Approved a Second Amendment to Attorney Services Agreement with Everett Dorey LLP in the amount of \$80,000; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.7. Participate in a one-time Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program with the California Department of Health Care Services.

ACTION: Approved agreements with the California Department of Health Care Services in the amount of \$928,426, plus a \$92,843 assessment fee to the California Department of Health Care Services for managing the Public Provider Ground Emergency Medical Transportation program, payable in quarterly Intergovernmental Transfers; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.8. Award of Sourcewell Contract to Horizons Construction Company International, Inc. for the installation of new fencing along Riverdale Avenue; approval of Reimbursement Agreement with Orange County Water District; and finding of CEQA exemption.

Item 3.8 was removed from the Consent Calendar for separate consideration by Councilmember Gyllenhammer.

During discussion, staff responded to Council's questions regarding the need for a fence and accessibility of the playground and picnic tables.

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

- 1) Approve a Sourcewell contract with Horizons Construction Company International, Inc. in the amount of \$169,908 for the fence installation along Riverdale Avenue from Orange Olive Road to approximately 2,000 linear feet west of Orange Olive Road; and authorize the Mayor and City Clerk to execute on behalf of the City.
- 2) Approve the Reimbursement Agreement with Orange County Water District in the amount not to exceed \$80,000 to construct the new fence; and authorize the Mayor and City Clerk to execute on behalf of the City.
- 3) Appropriate \$90,000 from unreserved General Fund balance to account 100.5095.51700.30235.
- 4) Find that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15302 "Replacement or Reconstruction" Class 2 (c).

The motion carried by the following vote:

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

Noes: None

Absent: None

3.9. First Amendment to the Contract with La Rocque Better Roofs, Inc. for the Park Facility Roof Repair Project.

ACTION: Approved amendment with La Rocque Better Roofs, Inc. in an amount not to exceed \$17,027.90 for construction services for Park Facility Roof Repair (20507); and authorized the Mayor and City Clerk to execute on behalf of the City.

3.10. Second Amendment to the Contract with Charles McCandless Tile Contractor, Inc. for Plaza Park Fountain repair.

ACTION: 1) Approved the Second Amendment with Charles McCandless Tile Contractor, Inc. in the amount of \$46,559.36 for Plaza Fountain Repair Project (20351); and authorized the Mayor and City Clerk to execute on behalf of the City; and 2) Authorized the appropriation of \$60,000 from the Park Acquisition (Infill) fund (510) unreserved fund balance to expenditure account 510.7021.56020.20531 - CIP-Bldg & Improv-Plaza Fountain Repair.

3.11. Authorize purchase of a prisoner transport van from the National Auto Fleet Group for the Orange Police Department using a Cooperative Purchasing Agreement.

ACTION: Approved the purchase of a prisoner transport van and jailer upfit from National Auto Fleet Group in the amount of \$106,187.

3.12. General Plan Annual Progress Report to the State of California.

ACTION: Received and filed the 2022 General Plan Annual Progress Report for submittal to the State.

3.13. Agreement with the State of California Department of Justice for the Tobacco Grant Program from November 2023 through June 2027. Resolution No. 11515.

ACTION: 1) Approved agreement with the State of California Department of Justice in the amount of \$230,969 for the Tobacco Grant Program, and authorized the City Manager to execute on behalf of the City.

2) Adopted Resolution No. 11515. A Resolution of the City Council of the City of Orange accepting funds in the amount of \$230,969 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 budget \$230,969 in grant funds from the State of California Department of Justice into revenue account number 100.4033.45495.30237 Tobacco Grant.

4) Authorized the appropriation of \$230,969 into the following expenditure accounts.

100.4033.50221.30237 Overtime - Safety Tobacco Grant \$229,977

100.4033.55131.30237 Equipment Additions - Tobacco Grant 992

3.14. Memorandum of Understanding between the City of Orange and the City of Orange Police Association. Resolution No. 11516.

ACTION: Adopted Resolution No. 11516. A Resolution of the City Council of the City of Orange repealing Resolution No. 11277 and all amendments thereto and approving the Memorandum of Understanding between the City of Orange and the City of Orange Police Association concerning wages, hours, and other terms and conditions of employment effective July 1, 2023, through June 30, 2026.

SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY**3.15. Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2024, through June 30, 2025. Resolution No. SAORA-037.**

1) Adopted Resolution No. SAORA-037. A Resolution of the Governing Board of the Successor Agency to the Orange Redevelopment Agency approving a Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2024, through June 30, 2025, pursuant to Health and Safety Code Section 34177, and taking certain related actions.

2) Directed staff to transmit ROPS 24-25 and related Administrative Budgets to the Orange Countywide Oversight Board.

Approval of the Consent Calendar

Item 3.8 was removed from the Consent Calendar and heard separately. All other items were approved as recommended.

A motion was made by Councilmember Gutierrez, seconded by Mayor pro tem Barrios, 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. Sweet Orange City Council Subcommittee Final Update

Mayor Slater announced the Sweet Orange City Council Subcommittee had their final meeting and is sunsetting; he summarized the subcommittee's accomplishments throughout the year.

5. REPORTS FROM COUNCILMEMBERS

5.1. Highlight Local Business (Gutierrez)

Councilmember Gutierrez highlighted the following local business: Contenders Skate Shop.

5.2. Other Councilmember Reports

Councilmember Tavoularis requested a report outlining any zoning inconsistencies with the General Plan at the former Peralta school site and consideration of adopting resolutions addressing Council's position on forthcoming ballot measures.

Councilmember Gutierrez requested a report regarding the street sweeping funds.

6. AB 1234 REPORTS

None

7. ADMINISTRATIVE REPORTS

7.1. Establish lobbyist registration fee pursuant to Ordinance No. 14-23. Resolution No. 11517.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Dumitru, to adopt Resolution No. 11517. A Resolution of the City Council of the City of Orange Amending the Master Schedule of Fees and Charges for various services and lobbyist registration. The motion carried by the following vote:

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

Noes: Bilodeau

Absent: None

8. REPORTS FROM CITY MANAGER

None

9. PUBLIC HEARINGS

9.1. Public Hearing to consider a Resolution approving an amended and restated Solid Waste Franchise Agreement between the City of Orange and CR&R, Inc. to establish solid waste rates; and finding of CEQA exemption.

Entered into the Record: Revision to Exhibit 3A of the agreement reflecting a change in rates for 2 yd. and 3 yd. manure bin pick up.

Public Works Director Chris Cash provided the staff report and answered Council's questions.

City Clerk Coleman reported 10 written protests had been received. A majority protest does not exist.

Mayor Slater opened the Public Hearing at 7:31 p.m.

Public Speakers:

The following spoke in opposition of approving the agreement: Martha Wetzel, Timothy Daza, Kate Bonnaud, Sherry Panttaja, Dru Whitefeather, Laurel Maldonado, Jane Canseco, James Kushon, Laura Thomas, and Michael Fischer.

Written Public Comments

The following submitted an eComment in opposition of approving the agreement: Sharon Mule and Julie Maurer.

Reggie Mundekis submitted an eComment in support of approving the agreement.

Mayor Slater closed the Public Hearing at 8:00 p.m.

During deliberation, Council discussed timing of agreement, implementing a phase in approach for commercial rates, SB 1383 requirements, Prop 218 requirements, and a 2023 trash rate survey.

Entered into the record: County of Orange Waste and Recycling 2023 Trash Rate Survey.

RECESS: The City Council recessed at 8:42 p.m. and reconvened at 8:58 p.m. with all Members present.

During further discussion, Councilmember Gyllenhammer questioned the timing of the agreement and stated he was not in favor of raising rates until the current contract expired. Councilmember Gutierrez indicated she could support a rate increase effective in three to six months or later, but could not support a rate increase effective February 1 as proposed.

In response to Council's questions, CR&R agreed to an effective date of March 1, 2024, instead of February 1, 2024.

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

- 1) Adopt Resolution No. 11518. A Resolution of the City Council of the City of Orange approving an amended and restated integrated solid waste management and street sweeping services agreement with CR&R Incorporated.
- 2) Approve a Franchise Agreement with CR&R, Inc. for solid waste collection services for 10 years beginning March 1, 2024, with one optional five-year extension; and authorize the Mayor and City Clerk to execute on behalf of the City.
- 3) Allow the City Manager to make minor changes to the Franchise Agreement with CR&R, Inc. prior to execution that are clerical in nature or minor adjustments necessary to effectuate the intent of the Franchise Agreement.
- 4) Find that the proposed Franchise Agreement is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15061(b)(3) (Common Sense Exemption) and 15308 (Class 8 Exemption).
- 5) Utilize a step up approach for commercial rates beginning with a 50% increase the first year (2024) and a 50% increase the second year (2025).

The motion carried by the following vote:

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

Noes: Gutierrez, and Gyllenhammer

Absent: None

10. ADJOURNMENT

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

The next Regular City Council meeting will be held on Tuesday, January 23, 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