

MINUTES - DRAFT

City of Orange

City Council

December 13, 2022

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

The City Council of the City of Orange, California convened on Tuesday, December 13, 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. CALL TO ORDER

Mayor pro tem Nichols called Closed Session to order at 5:03 p.m.

1.1 ROLL CALL

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

Absent: Monaco

Mayor Murphy joined Closed Session at 5:12 p.m.

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, except Mayor Murphy who joined Closed Session at 5:12 p.m. and Councilmember Monaco who was absent, to discuss the following:

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a) & (d)(1) - One case

Name of Case: Deanna Garcia v. Gutierrez, et al.

Orange County Superior Court Case No. 30-2020-01125092

4. CLOSED SESSION REPORT

None

5. ADJOURNMENT

Closed Session was adjourned at 5:21 p.m.

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

Mayor Murphy called the meeting to order at 6:05 p.m.

1.1 INVOCATION

Given by Pastor Tim Klinkenberg from St. John's Lutheran Church of Orange.

1.2 PLEDGE OF ALLEGIANCE

Led by Mayor Mark A. Murphy.

1.3 ROLL CALL

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

Absent: Monaco

1.4 PRESENTATIONS/ANNOUNCEMENTS

Memorial Adjournment in honor of Rudolph "Rudy" Diaz.

2. PUBLIC COMMENTSPublic Speakers:

Gina Cunningham, Executive Director of HomeAid Orange County, thanked City Council and staff for supporting their mission.

Kim Smith expressed gratitude and appreciation to outgoing Councilmembers Mayor Murphy, Mayor pro tem Nichols, and Councilmember Monaco for their service and leadership.

Tim Smith expressed gratitude and appreciation to outgoing Councilmembers Mayor Murphy, Mayor pro tem Nichols, and Councilmember Monaco for their service and leadership.

Carole Walters expressed appreciation to outgoing Mayor Murphy and his wife Vicki Murphy for their service to the community and leadership.

Jake Comer thanked the City for complying with Senate Bill 1383.

Written Public Comments

Janice Brownfield emailed about the Inflation Reduction Act.

Andrew Chan emailed about climate change and implementation of Senate Bill 1383.

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 4, 10, 18, and 23, 2022.

ACTION: Approved.

3.3. Approval of amended minutes of the City of Orange City Council Regular Meeting held on July 13, 2021.

ACTION: Approved minutes as amended.

3.4. Approval of minutes of the City of Orange City Council Adjourned Regular Meeting held on November 15, 2022.

ACTION: Approved minutes as presented.

3.5. Historic Property Preservation Agreements (Mills Act Contracts) for nine qualified historic properties.

ACTION: Approved nine 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 on behalf of the City.

3.6. Appropriation of \$530,000 in Comprehensive Transportation Funding Programs - Project X Tier 1 2022 Environmental Cleanup Program fund and Sanitation and Sewer fund for the Taft Avenue & Lewis Street Water Quality Storm Drain Improvement Project.

ACTION: 1) Accepted into the City's revenue budget \$400,000 in grant funds from the OCTA Tier 1 Environmental Cleanup Program, into revenue account number 550.5011.45460.30215, Reimbursable Capital Projects - Taft Avenue & Lewis Street Water Quality Storm Drain Improvement Project; 2) Authorized the appropriation of \$400,000 to expenditure account number 550.5011.56340.30215, Reimbursable Capital Projects - Taft Avenue & Lewis Street Water Quality Storm Drain Improvement Project; and 3) Authorized the appropriation of \$130,000 to expenditure account number 220.5011.56340.30215, Sanitation and Sewer - Taft Avenue & Lewis Street Water Quality Storm Drain Improvement Project.

3.7. Appropriation of \$30,000 in designated grant funding received from California State Library.

ACTION: 1) Accepted into the City's budget \$30,000 in grant funds from California State Library into revenue account number 100.2001.45290.30213, General Fund - Sustainable Orange Grant; and 2) Authorized the appropriation of \$30,000 in grant funds into expenditure account number 100.2016.53340.30213, General Fund - Sustainable Orange Grant.

3.8. Award of Contract to Tess Electric, Inc. for electrical improvements at Wells 23 and 24.

ACTION: Approved the contract with Tess Electric, Inc. in the amount of \$35,532 for electrical improvements at Wells 23 and 24; and authorized the Mayor and City Clerk to execute on behalf of the City.

- 3.9. Second Reading and adoption of an Ordinance of the City Council of the City of Orange approving a development agreement with Old Town Gateway, LLC for a project on a site located at 401 W. Chapman Avenue and 135 N. Atchison Street. Development Agreement No. 0008-22. Ordinance No. 08-22.**

Item 3.9 was removed from the Consent Calendar for separate consideration by Councilmember Gutierrez.

In response to Councilmember Gutierrez's question about a letter received from Preserve Orange County regarding compliance with CEQA, staff stated the project has a categorical exemption and therefore, CEQA was complied with.

Public Speakers:

Robert Boice, Preserve Orange County, spoke in opposition of adopting Ordinance No. 08-22.

Frank Haselton spoke in support of adopting Ordinance No. 08-22.

During discussion, Councilmember Barrios raised concerns with loading and unloading trucks impacting traffic in the area, and requested a continuance of the item and/or delaying approval of the fourth building. Council dissented.

After further discussion, Councilmember Barrios asked about the cost for cutouts near the two sides of the paseo across Cypress. Staff does not recommend a crosswalk between the two sides of the paseo at this time because of its proximity to the intersection at Chapman and the low volume of traffic on Cypress.

ACTION: A motion was made by Mayor Murphy, seconded by Mayor pro tem Nichols, to adopt Ordinance No. 08-22. The motion carried by the following vote:

Ayes: Nichols, Dumitru, Tavoularis, and Murphy

Noes: Barrios, and Gutierrez

Absent: Monaco

- 3.10. Second Reading and adoption of an Ordinance of the City Council of the City of Orange creating the Neighborhood Preservation Overlay Zone; providing development standards to regulate the addition of bedrooms or bathrooms to a primary residence within specified boundaries; revising or adding definitions pertaining to residential additions and student housing; and updating provisions for reviewing body approval of specified matters. Ordinance No. 10-22.**

ACTION: Adopted Ordinance No. 10-22.

- 3.11. Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending various sections of the Orange Municipal Code to delete outdated language, update references to conform with current law and code provisions, and achieve internal consistency. Ordinance No. 09-22.**

ACTION: Adopted Ordinance No. 09-22.

SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

3.12. Recognized Obligation Payment Schedule for the fiscal period covering July 1, 2023 through June 30, 2024 (ROPS 23-24). Resolution No. SAORA-036.

1) Adopted Resolution No. SAORA-036. 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, 2023, through June 30, 2024 (ROPS 23-24), pursuant to Health and Safety Code Section 34177, and taking certain related actions.

2) Directed staff to transmit ROPS 23-24 and related Administrative Budgets to the Orange Countywide Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

Approval of the Consent Calendar

Item 3.9 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, Barrios, Tavoularis, Dumitru, Murphy, and Gutierrez

Noes: None

Absent: Monaco

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR MURPHY

None

5. REPORTS FROM COUNCILMEMBERS

5.1. Resolution supporting the Iranian-American community. (Tavoularis)

Councilmember Tavoularis provided a brief report and requested Council consider adopting proposed Resolution No. 11429.

Public Speakers:

The following spoke in support of approving Resolution No. 11429: Hengameh Abraham, Mona Sedaghat, Saeed Ghaffari, Noushin Rahdar, Tannaz Razzaghi, Melisa Hashem, Farhad Mafie, Mahsa Townsend, Melika B., and Alvand Kumars.

A motion was made by Councilmember Tavoularis, seconded by Councilmember Gutierrez, to adopt Resolution No. 11429. A Resolution of the City Council of the City of Orange declaring support of the Iranian-American community and condemning the violence perpetrated by the government of Iran against its people. The motion carried by the following vote:

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

Noes: None

Absent: Monaco

RECESS: The City Council recessed at 7:18 p.m. and reconvened at 7:28 p.m. with all Members present, except Councilmember Monaco who was absent.

5.2. Other Councilmember Reports

Councilmember Barrios

Councilmember Barrios announced Hanukkah was beginning the evening of December 18.

Councilmember Dumitru

Councilmember Dumitru thanked Community Services, Public Works, and public safety staff for all of the work that went into the Tree Lighting Ceremony.

Councilmember Gutierrez

Councilmember Gutierrez highlighted the following local business: Tamerleria Rincon Sinaloense.

6. REPORTS FROM CITY MANAGER

None

7. RECOGNITION OF OUTGOING COUNCILMEMBER CHIP MONACO

Councilmember Monaco was not present at the meeting.

8. RECOGNITION OF OUTGOING MAYOR PRO TEM KIMBERLEE NICHOLS

Mayor pro tem Nichols stepped off the dais to the podium.

Recognition and appreciation gifts were presented by Mayor Murphy and City staff.

The following presentations were also made:

- Mariana Flores, Field Representative, Congressman Lou Correa's Office
- Pat Buttress, County Supervisor Donald P. Wagner office
- Al Ricci, Chamber of Commerce

Mayor pro tem Nichols returned to the dais and made a few departing remarks.

9. RECOGNITION OF OUTGOING MAYOR MARK A. MURPHY

Mayor Murphy stepped off the dais to the podium.

Recognition and appreciation gifts were presented by Mayor pro tem Nichols and City staff.

The following presentations were also made:

- Mariana Flores, Field Representative, Congressman Lou Correa's Office
- Pat Buttress, County Supervisor Donald P. Wagner office

- Al Ricci, Chamber of Commerce

Mayor Murphy returned to the dais and made a few departing remarks.

10. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:40 p.m. in Memory of Rudolph "Rudy" Diaz.

The Oath of Office Ceremony will be held at a Special Meeting on Thursday, December 15, 2022, at 6:00 p.m., in the Council Chamber.

The next Regular City Council meeting will be held on Tuesday, January 10, 2023, 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