



AGENDA

City Council October 13, 2020

Rick Otto
City Manager

Gary A. Sheatz
City Attorney

Pamela Coleman
City Clerk

5:00 PM Closed Session
6:00 PM Regular Session

Various Teleconference Locations

MARK A. MURPHY
Mayor

MICHAEL ALVAREZ
Mayor pro tem

KIMBERLEE NICHOLS
Councilmember

CHIP MONACO
Councilmember

VACANT
Councilmember

SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19)

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Please be advised that some, or all, of the City of Orange City Councilmembers and staff will participate in meetings via teleconference.

In response to the Governor's Executive Orders, and to ensure the health and safety of our residents by limiting contact that could spread the COVID-19 virus, there will be no members of the public in attendance at the City Council meetings.

Public Participation

In place of in-person attendance, members of the public are encouraged to watch from the safety of their homes in one of the following ways: Spectrum Cable Channel 3 and AT&T U-verse Channel 99, or streamed live and on-demand on the City's website at www.cityoforange.org.

Members of the public can submit their written comments electronically for City Council consideration by emailing them to CCpubliccomment@cityoforange.org with the subject line "Public Comment Item # (insert the item number relevant to the comment)" or "Public Comment Non-agenda Item" for general public comments. The public can also submit written comments on the City's eComment page. Please visit the City's website at www.cityoforange.org, click Watch Meetings Online, then click the eComment link for this meeting. Please submit all written comments before 11:00 a.m. prior to the commencement of the meeting. Written comments received by 11:00 a.m. may be read aloud by staff at the meeting during the appropriate agenda item. Comments shall be limited to 3 minutes per person; any portion of the comment that exceeds 3 minutes will not be read aloud. Off-agenda comments shall be limited to a cumulative 30 minutes for all comments unless changed at the discretion of the City Council. Written comments received after 11:00 a.m. and during the meeting prior to the call for public comment for each agenda item will be available to the City Council as part of the public record, but will not be read aloud during the meeting.

Finally, the public can also record their comments by calling (714) 744-2234 no later than 4:00 p.m. before the meeting. All public comments will be provided to the Council and compiled as part of the record. Contact the City Clerk's Office at (714) 744-5500 with any questions.

Agenda Information

The agenda contains a brief general description of each item to be considered. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda. Any revised or additional documents/writings related to an item on the agenda distributed to Councilmembers after the agenda packet distribution are made available for public inspection at the same time in the City Clerk's Office, during normal business hours, and posted on the City's website. Information may be obtained by calling the City Clerk's Office at (714) 744-5500.

In compliance with the Americans with Disabilities Act, if you need accommodations to participate in this meeting, contact the City Clerk's office at (714) 744-5500. Notification at least 48 hours prior to the meeting will enable the City to make arrangements to assure accessibility to this meeting.

5:00 PM CLOSED SESSION**1. ROLL CALL****2. PUBLIC COMMENTS**

At this time, members of the public may address the Council on any Closed Session items only. Members of the public may submit their comments in writing, for City Council consideration, by sending them to the City Clerk at CCpubliccomment@cityoforange.org or by calling (714) 744-2234.

3. RECESS TO CLOSED SESSION

- a. Conference with Legal Counsel – Anticipated litigation pursuant to Government Code Section 54956.9(d)(2)-(4). (One case)
- b. Conference with Real Property Negotiator – Real property negotiations pursuant to Government Code Section 54956.8:
Property: 186 N. Atchison Street
City Negotiator: Rick Otto
- c. Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(a) & (d)(1).
1) Case: Orange Park Association v. City of Orange
Orange County Superior Court
- d. Public Employee Appointment pursuant to Government Code Section 54957(b):
Title: Fire Chief

4. ADJOURNMENT

The City Council will adjourn to the 6:00 p.m. Regular Session being held via teleconference.

6:00 PM REGULAR SESSION**1. OPENING****1.1 INVOCATION**

Pastor Tim Klinkenberg, St. John's Lutheran Church of Orange

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Mark A. Murphy

1.3 ROLL CALL**1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS**

Memorial Adjournment for Bonnie Jean Ackerman, Longtime Downtown Small Business Owner

2. PUBLIC COMMENTS

At this time, members of the public may address the Council on any off-agenda items within the subject matter jurisdiction of the Council, provided that NO action may be taken on off-agenda items unless authorized by law. Members of the public can submit their comments in writing for City Council consideration by sending them to the City Clerk at CCpubliccomment@cityoforange.org or by calling (714) 744-2234.

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.**Recommended Action:**

Approve.

3.2. Confirmation of warrant registers dated September 3, 11, 17, 25, and October 1, 2020.**Recommended Action:**

Approve.

- 3.3. Approval of meeting minutes of the City Council of the City of Orange for the August 11, 2020, Regular Meeting; August 25, 2020, Adjourned Regular Meeting; and September 8, 2020, Regular Meeting.**

Recommended Action:

Approve minutes as presented.

- 3.4. Agreement with Commercial Aquatic Services for maintenance of Hart Park Pools.**

Recommended Action:

Approve agreement with Commercial Aquatic Services in the amount not to exceed \$183,280 for maintenance of the Hart Park pools; and authorize the Mayor and City Clerk to execute on behalf of the City.

- 3.5. Agreements with the California Department of Health Care Services and Cal Optima for a one-time Intergovernmental Transfer.**

Recommended Action:

1. Approve agreements with the California Department of Health Care Services and Cal Optima in the amount of \$910,486, representing \$758,738 in unreimbursed Medicare revenue plus a \$151,748 assessment fee, for a one-time Intergovernmental Transfer, and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the transfer of \$ 910,486 of reimbursable funds to the California Department of Health Care Services.

- 3.6. Second Amendment to Agreement with HWDS & Associates, Inc. for the production of the Our Orange quarterly publication.**

Recommended Action:

Approve Second Amendment with HWDS & Associates, Inc. in an amount not to exceed \$109,484 for the design and printing of the Our Orange quarterly publication, and authorize the Mayor and City Clerk to execute on behalf of the City.

- 3.7. First Amendment to Agreement with Axon Enterprise, Inc. for body worn cameras.**

Recommended Action:

1. Approve the First Amendment to Agreement with Axon Enterprise, Inc. for additional body worn cameras in an amount not to exceed \$152,616 and authorize the Mayor and the City Clerk to execute on behalf of the City.
2. Authorize the appropriation of \$42,142 from the AB3229/COPS/State - Supplemental Law Enforcement Services unreserved fund balance into expenditure account number 354.4011.56032.20337, AB3229/COPS/State - Supplemental Law Enforcement Services - Mobile Audio and Body Worn Cameras.

3.8. Agreement with Dr. Air Care Health Solutions, DBA Rodent Stop, for rodent investigation and eradication services.

Recommended Action:

Approve the agreement with Dr. Air Care Health Solutions, DBA Rodent Stop, in the amount of \$55,000 for rodent investigation and eradication services, and authorize the Mayor and City Clerk to execute on behalf of the City.

3.9. Appropriation of \$10,000 in designated donation funding received from the Friends of the Orange Public Library.

Recommended Action:

1. Accept into the City’s revenue budget a \$10,000 donation from Friends of the Orange Public Library, into revenue account number 100.2001.48390.19990, Donations - Friends of the Library.

2. Authorize the appropriation of \$10,000 to General Fund - Friends of the Library in the following expenditure account numbers:

100.2001.53011.19990	Employee Recognition Program	\$1,000
100.2001.53301.19990	Library Books	\$8,500
100.2017.53340.19990	Craft Supplies	\$500

3.10. Appropriation of \$34,871 in designated grant funding received from the California Department of Resources Recycling and Recovery for the Beverage Container Recycling City Payment Program.

Recommended Action:

1. Accept into the City’s revenue budget a \$34,871 grant from the California Department of Resources Recycling and Recovery into revenue account number 220.5022.45290.20427, Sanitation & Sewer - Beverage Container Program 19-20.

2. Authorize the appropriation of \$34,871 into the following expenditure account numbers Sanitation & Sewer - Beverage Container Program 19-20:

220.5022.51001.20427	Contractual Services	\$17,371
220.5022.53001.20427	Materials and Supplies	\$16,000
220.5022.50002.20427	Regular Salaries - Misc	\$ 1,500

3.11. Final Acceptance of Bid No. 190-20; SP-4100, Orange Police Department Emergency Operations Center Remodel; and authorization to file Notice of Completion.

Recommended Action:

Accept Orange Police Department Emergency Operations Center Remodel as complete and authorize staff to file Notice of Completion with the County Recorder.

3.12. Final Acceptance of Bid No. 190-35; SP-4102; Walnut Avenue Street Improvement and authorization to file Notice of Completion.

Recommended Action:

Accept Walnut Avenue Street Improvement as complete; and authorize staff to file the Notice of Completion with the County Recorder.

3.13. Final Acceptance of Bid No. 189-32, Pedestrian Countdown Signals (PCS); and authorization to file Notice of Completion.

Recommended Action:

Accept Pedestrian Countdown Signals (PCS) - HSIPL-5073(085) as complete; and authorize staff to file Notice of Completion with the County Recorder.

3.14. Approval of plans and specifications for Community Development Block Grant Americans with Disabilities Act Wheelchair Access Ramps at Various Locations Project Fiscal Year 2020-2021 and authorization to advertise Bid No. 20-21.17.

Recommended Action:

Approve plans and specifications and authorize advertising for bids for the Community Development Block Grant Americans with Disabilities Act Wheelchair Access Ramps at Various Locations Project Fiscal Year 2020-2021; SP-4148.

3.15. Claim(s) for Damages.

Recommended Action:

Deny the following claim(s) and refer to City Attorney and Claims Adjuster:

1. Gabriella Fondario
2. David Kaniski
3. Laurene M. Grigory
4. Gary and Helen Nenadal
5. Roxana Pahissa-Vasquez

3.16. Award of contract to Nieves Landscape, Inc. for Landscape Renovation at Skylark Place and Canyon View Avenue in the Santiago Hills Landscape Assessment District; Bid No. 20-21.05.

Recommended Action:

Approve contract with Nieves Landscape, Inc. for an amount not to exceed \$226,355; and authorize the Mayor and City Clerk to execute on behalf of the City.

3.17. First Amendment to Contract with Vasilj, Inc. for Annual Sewer Replacement/Maintenance, Fiscal Year 2019-2020; Bid No. 190-28, S-243.

Recommended Action:

Approve the amendment to the contract with Vasilj, Inc. in the amount of \$195,347 for the storm drain and sewer emergency repair work for Annual Sewer Replacement/Maintenance, Fiscal Year 2019-2020; and authorize the Mayor and the City Clerk to execute on behalf of the City.

3.18. Second Amendment to Contract with PCN3, Inc. for Fire Station No. 2 Apparatus Bay and First Amendment to Professional Services with Leighton Consulting, Inc. for Deputy Inspection Services.

Recommended Action:

1. Approve Second Amendment to Contract with PCN3, Inc.; for Station No. 2 Apparatus Bay, Bid No. 189-42, SP-3951; and authorize the Mayor and City

Clerk to execute on behalf of the City.

- 2. Approve First Amendment to Professional Services Agreement with Leighton Consulting, Inc. for Deputy Inspection Services; and authorize the Mayor and City Clerk to execute on behalf of the City.
- 3. Authorize the appropriation of \$60,000 from the Fire Facility Fees (560) unreserved fund balance to expenditure account number 560.3021.56015.20107, Fire Facility Fees - Fire Station 2 Apparatus Bay.

3.19. Purchase four vehicles using Cooperative Purchasing Agreements (CPA).

Recommended Action:

- 1. Approve the purchase of one 2021 mid-size utility vehicle from Villa Ford of Orange in the amount of \$29,948.
- 2. Approve the purchase of one 2021 Detective Utility vehicle from National Auto Fleet Group in the amount of \$30,603.
- 3. Approve the purchase of two 2021 low speed full electric vehicles (GEM & Taylor Dunn) from Pape Material Handling in the amount of \$53,395.

3.20. Authorize purchase of furniture from Goforth & Marti dba G/M Business Interiors.

Recommended Action:

- 1. Approve the purchase of furniture from Goforth & Marti dba G/M Business Interiors for \$29,770.
- 2. Authorize the appropriation transfer of \$25,000 in the NW & SW Merged 2003 Tax Exempt Bond Fund (953) from expenditure account number 953.9810.56020.20247, SAORA Capital Projects to expenditure account number 953.9810.56020.30017, Emergency Operations Center.

3.21. City of Orange Conflict of Interest Code amendment. Resolution No. 11276.

Recommended Action:

Adopt Resolution No. 11276. A Resolution of the City Council of the City of Orange adopting the biennial revisions to employee positions and titles in the Conflict of Interest Code for the City of Orange.

3.22. 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. 11283.

Recommended Action:

Adopt Resolution No. 11283. 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.

END OF CONSENT CALENDAR

4. REPORTS FROM MAYOR MURPHY**5. REPORTS FROM COUNCILMEMBERS****6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS****7. ADMINISTRATIVE REPORTS**

- 7.1. A Resolution of the City Council of the City of Orange adopting a policy for the installation of small wireless facilities in the public rights-of-way.**

Recommended Action:

Adopt Resolution No. 11281. A Resolution of the City Council of the City of Orange Adopting a Policy Regulating Small Wireless Telecommunications Facilities and Related Structures in the Public Rights-of-Way.

- 7.2. Contract with Public Restroom Company for the purchase and installation of a pre-fabricated community building for Handy Park.**

Recommended Action:

Approve contract with Public Restroom Company for \$578,031 for purchase and installation of a pre-fabricated building for the Handy Park Maintenance Renovation (20370) and authorize the Mayor and City Clerk to execute on behalf of the City.

- 7.3. A Resolution of the City Council of the City of Orange in support of proposed jurisdictional and sphere of influence changes with the City of Anaheim.**

Recommended Action:

Adopt Resolution No. 11282. A Resolution of the City Council of the City of Orange In Support of Proposed Jurisdictional and Sphere of Influence Changes with the City of Anaheim.

8. REPORTS FROM CITY MANAGER

- 8.1. Financial status update for Fiscal Years 2019-20 and 2020-21.**

Recommended Action:

Receive and file.

9. LEGAL AFFAIRS

- 9.1. Second Reading and adoption of an Ordinance of the City Council of the City of Orange approving Zone Change No. 1301-20 to change the zoning property located at 105 and 125 S. Water Street from Office Professional (O-P) and Single Family Residential, 6,000 Sq. Ft. (R-16) to Public Institution (P-1) to better reflect the existing nature of the land uses in the neighborhood and to ensure that the Fire Station No. 1 project is consistent with the General Plan.**

Recommended Action:

Adopt Ordinance No. 16-20.

- 9.2. **Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending Chapter 15.41 of the Orange Municipal Code to update the program areas subject to Transportation Systems Improvement Program fees and modify the yearly adjustment method for Transportation Systems Improvement Program fees.**

Recommended Action:

Adopt Ordinance No. 17-20.

10. ITEMS RELATING TO THE SUCCESSOR AGENCY OF THE ORANGE REDEVELOPMENT AGENCY

11. PUBLIC HEARINGS

- 11.1. **Continued Public Hearing to consider Introduction and First Reading of an Ordinance amending sections of Title 12 (Streets, Sidewalks and Public Places), Title 16 (Subdivisions) and Title 17 (Zoning) of the Orange Municipal Code related to the Design Review Committee. Ordinance No. 13-20. (Continued from 9/8/20)**

Recommended Action:

Continue to the November 10, 2020, Regular City Council meeting.

12. ADJOURNMENT

The City Council will Adjourn in Memory of Bonnie Jean Ackerman.

The next Regular City Council meeting will be held on Tuesday, November 10, 2020, at 6:00 p.m., via various teleconference locations, with Closed Session beginning at 5:00 p.m. if necessary.

I, Pamela Coleman, CMC, City Clerk for the City of Orange, do hereby declare, under penalty of perjury, that a full and correct copy of this agenda was posted pursuant to Government Code Section 54950 et. seq., at the following locations: Orange Civic Center kiosk and Orange City Clerk's Office at 300 E. Chapman Avenue, Orange Main Public Library, 407 E. Chapman Avenue, Police facility at 1107 North Batavia Street, and uploaded to the City's website www.cityoforange.org.

Date posted: October 8, 2020