



# AGENDA

## City Council November 10, 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

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### 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](http://www.cityoforange.org).

Members of the public can submit their written comments electronically for City Council consideration by emailing them to [CCpubliccomment@cityoforange.org](mailto: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](http://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**

This agenda contains a brief general description of each item to be considered. The Agenda and supporting documentation is available after 4:00 p.m. on the Thursday prior to the Council meeting on the City's website [www.cityoforange.org](http://www.cityoforange.org). Any documents received after the agenda packet distribution will be made available at the City Clerk Office's office 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](mailto:CCpubliccomment@cityoforange.org) or by calling (714) 744-2234.

**3. RECESS TO CLOSED SESSION**

- a. Conference with Legal Counsel – Existing litigation pursuant to Government Code Section 54956.9(a) & (d)(1).
  - 1) Case: Hosler v. Patel, et al.  
Orange County Superior Court Case No. 30-2019-01080694
- b. Conference with Legal Counsel – Anticipated litigation pursuant to Government Code Section 54956.9(d)(2)-(4). (One case)
- c. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:  
City Negotiators: Rick Otto, City Manager  
Employee Organizations: City of Orange Police Association.
- d. Public Employee Appointment pursuant to Government Code Section 54957(b):  
Title: Community Development Director

**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**

Pete Shambrook, Cedarhouse

**1.2 PLEDGE OF ALLEGIANCE**

Councilmember Kimberlee Nichols

**1.3 ROLL CALL****1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS****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](mailto: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 October 9, 15, 23, and 29, 2020.****Recommended Action:**

Approve.

**3.3. Approval of meeting minutes of the City Council of the City of Orange for the October 13, 2020, Regular Meeting.****Recommended Action:**

Approve minutes as presented.

**3.4. Agreement with Triad Consulting & System Design Group, L.L.C. for security consulting services.**

**Recommended Action:**

1. Approve the agreement with Triad Consulting & System Design Group, L.L.C. in the total amount of \$57,585, representing an original agreement amount of \$52,350, plus a 10% contingency of \$5,235, for security consulting services and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the appropriation of \$57,585 from the Capital Bond Proceeds unreserved fund balance to expenditure account number 553.1601.56033.20347, Capital Bond Proceeds - Enterprise Access System.

**3.5. Appropriation of \$35,318.98 in revenue for sports field maintenance at Santiago Canyon College.**

**Recommended Action:**

Authorize the appropriation of \$35,318.98 from revenue account 100.7022.42480.00000, General Fund - User Group Maintenance Fees to expenditure account number 100.7022.51424.00000, General Fund - User Group Maintenance.

**3.6. Appropriation of \$8,694 in disbursement funding received from Santiago Library System.**

**Recommended Action:**

1. Accept into the City's revenue budget \$8,694 in disbursement funding from Santiago Library System, into revenue account number 100.2001.48390.19988, Santiago Library System.
2. Authorize the appropriation of \$8,694 to expenditure account number 100.2001.53301.19988, Santiago Library System - Library Books.

**3.7. Approval of plans and specifications and authorization to advertise for bids for Installation of Radar Feedback Signs at Various Locations; Highway Safety Improvement Program L-5073(089); Bid No. 20-21.03.**

**Recommended Action:**

Approve plans and specifications and authorize advertising for bids for the Installation of Radar Feedback Signs at Various Locations; Highway Safety Improvement Program L-5073(089), SP-4037.

**3.8. Approval of plans and specifications for Annual Concrete Replacement Fiscal Year 2020-2021; and authorization to advertise Bid No. 20-21.24.**

**Recommended Action:**

Approve plans and specifications and authorize advertising for bids for Annual Concrete Replacement Fiscal Year 2020-2021, SP-4150.

- 3.9. Approval of plans and specifications for Community Development Block Grant Fiscal Year 2020-2021 Hoover Neighborhood Street Rehabilitation Project and authorization to advertise Bid No. 20-21.26.**

**Recommended Action:**

Approve plans and specifications and authorize advertising for bids for the Community Development Block Grant Fiscal Year 2020-21 Hoover Neighborhood Street Rehabilitation Project; SP-4142.

- 3.10. Final Acceptance of Bid No. 190-33, Annual Slurry Seal at Various Locations Fiscal Year 2019-2020; and authorization to file Notice of Completion.**

**Recommended Action:**

Accept the Annual Slurry Seal at Various Locations Fiscal Year 2019-2020 as complete; and authorize staff to file Notice of Completion with the County Recorder.

- 3.11. Final Acceptance of Bid No. 190-46; SP-4137; Roof Improvements of Fire Station 5; and authorization to file Notice of Completion.**

**Recommended Action:**

Accept Roof Improvements of Fire Station 5 as complete; and authorize staff to file the Notice of Completion with the County Recorder.

- 3.12. Claims for Damages.**

**Recommended Action:**

Deny the following claims and refer to City Attorney and Claims Adjuster:

1. Tom Feldner
2. Patricia Covin
3. Bill Morton
4. Bristol West Insurance a/s/o Rubi Jacinto
5. Robert Jenkins

- 3.13. Award of Contract to KASA Construction, Inc. for construction services for the Handy Park Maintenance Renovation project; Bid No. 20-21.13.**

**Recommended Action:**

Approve contract with KASA Construction, Inc. in the amount of \$1,483,350 for construction services for the Handy Park Maintenance Renovation (20370); and authorize the Mayor and City Clerk to execute on behalf of the City.

- 3.14. Historic Preservation Agreements (Mills Act Contracts) for 28 qualified historic properties.**

**Recommended Action:**

Approve 28 Mills Act Contracts between the City of Orange and the identified property owners for the preservation and rehabilitation of qualified historic properties, and authorize the Mayor and City Clerk to execute on behalf of the City.

- 3.15. Second Amendment to Contract with West Coast Arborists, Inc. for tree maintenance services in parks, City facilities, assessment districts, medians, and rights of ways.**

**Recommended Action:**

Approve Second Amendment with West Coast Arborists, Inc. in an amount not to exceed \$572,137.50 for tree maintenance services for park, City facilities, assessment districts, medians, and rights of way and authorize the Mayor and City Clerk to execute on behalf of the City.

- 3.16. Third Amendment to Contract with West Coast Arborists, Inc. for City Street Tree Services.**

**Recommended Action:**

1. Approve Third Amendment with West Coast Arborists, Inc. in an amount not to exceed \$1,214,813 for City Street Tree Services and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the appropriation of \$20,000 from the Sanitation (220) Unreserved Fund Balance to expenditure account number 220.5025.51700.00000 - Tree Services Contractual Services.

- 3.17. Final Contract Change Order and Final Acceptance of Bid No. 190-44; Community Development Block Grant Fiscal Year 2019-2020 Street Rehabilitation, Sacramento Street, Clinton Street, Olive Street, and Shaffer Street with R.J. Noble Company, and authorization to file Notice of Completion.**

**Recommended Action:**

1. Approve the transfer of \$15,000 from expenditure account 310.9645.56330.20411, Sacramento Neighborhood Street Rehabilitation to expenditure account 310.9645.56330.20409, Olive Street Rehabilitation.
2. Accept Community Development Block Grant Fiscal Year 2019-2020 Street Rehabilitation, Sacramento Street, Clinton Street, Olive Street, and Shaffer Street (SP-4110) as complete and authorize staff to file Notice of Completion with the County Recorder.

- 3.18. Purchase of traffic control devices, signs, and street name signs for the Street Maintenance Division from various vendors.**

**Recommended Action:**

1. Approve purchase order for traffic control devices and signs with BC Traffic Specialist in the amount of \$60,000.
2. Approve purchase order for traffic control devices and signs with ZAP Manufacturing in the amount of \$50,000.
3. Approve purchase order for traffic control devices and signs with Zumar Industries, Inc. in the amount of \$50,000.

**3.19. Purchase of vehicle parts, materials and services from Irv Seaver BMW Inc., Pete's Road Service, and 911 Vehicle as sole source vendors.**

**Recommended Action:**

Approve the purchase of parts, materials and services from the following sole source vendors for an annual not to exceed amount of \$60,000 each, on an as needed basis: Irv Seaver Motorcycles, Pete's Road Service, and 911 Vehicle.

**3.20. Purchase of one vehicle, one forklift, and two trailers for various departments.**

**Recommended Action:**

1. Approve the purchase of one 2021 F-350 Service Truck from National Auto Fleet Group in the amount of \$39,886.
2. Approve the purchase of one forklift from Southwest Material Handling in the amount of \$49,913.
3. Approve the purchase of one backhoe trailer from Scott Equipment, Inc. in the amount of \$26,431.
4. Approve the purchase of one shoring trailer from TPD Trailer in the amount of \$39,682.

**3.21. Sale of real property along 331-353 S. Main Street to St. Joseph Hospital of Orange.**

**Recommended Action:**

Approve the sale of real property along 331-353 S. Main Street to St. Joseph Hospital of Orange, and authorize the Mayor and City Clerk to execute the grant deed and related escrow documents on behalf of the City.

**3.22. Water rate pass-through notice for Calendar Year 2021.**

**Recommended Action:**

Receive and file.

**3.23. Monthly Treasurer's Reports for July, August, and September 2020**

**Recommended Action:**

Receive and file.

**3.24. Submittal of annual financial reports for development impact fees for Fiscal Year 2019-2020.**

**Recommended Action:**

Receive and file the annual financial reports relating to Transportation System Improvement Program Fees, Park Infill Fees, Fire Protection Facilities Fees, Police Facility Development Fees, and Library Facilities Development Fees.



**3.25. Memoranda of Understanding between the City of Orange and all bargaining groups.****Recommended Action:**

1. Approve Resolution No. 11272. A Resolution of the City Council of the City of Orange repealing Resolution No. 11056 and approving the Memorandum of Understanding between the City of Orange and the Orange Management Association concerning wages, hours, and other conditions of employment effective January 1, 2020, through and including December 31, 2023.
2. Approve Resolution No. 11273. A Resolution of the City Council of the City of Orange repealing Resolution No. 11110 and amendments thereto approving the Memorandum of Understanding between the City of Orange and the City of Orange Police Management Association bargaining unit concerning wages, hours, and other terms and conditions of employment effective July 1, 2019, through June 30, 2023.
3. Approve Resolution No. 11274. A Resolution of the City Council of the City of Orange repealing Resolution No. 11079 and all amendments thereto and approving the Memorandum of Understanding between the City of Orange and the Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO concerning wages, hours, and other conditions of employment effective July 1, 2019, through June 30, 2023.
4. Approve Resolution No. 11275. A Resolution of the City Council of the City of Orange repealing Resolution No. 11108 and all amendments thereto and approving the Memorandum of Understanding between the City of Orange and the Orange Fire Management Association concerning wages, hours, and other conditions of employment effective July 1, 2019, through June 30, 2023.
5. Approve Resolution No. 11277. A Resolution of the City Council of the City of Orange repealing Resolution No. 11093 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, 2019, through June 30, 2023.
6. Approve Resolution No. 11278. A Resolution of the City Council of the City of Orange repealing Resolution No. 11059 and approving the Memorandum of Understanding between the City of Orange and the Water Division Employees' Association concerning wages, hours, and other conditions of employment effective January 1, 2020, through and including December 31, 2023.
7. Approve Resolution No. 11279. A Resolution of the City Council of the City of Orange repealing Resolution No. 11058 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, 2020, through December 31, 2023.
8. Approve Resolution No. 11285. A Resolution of the City Council of the City of Orange repealing Resolution No. 11057 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, 2020, through and including December 31, 2023.

**3.26. Classification, compensation, and terms of employment of Part-Time and Seasonal employees, and amendment of the Citywide Pay Schedule. Resolution Nos. 11280 and 11284.**

**Recommended Action:**

- 1. Adopt Resolution No. 11280. A Resolution of the City Council of the City of Orange relating to the classification, compensation, and terms of employment for Part-Time and Seasonal employees of the City of Orange effective July 1, 2020, through and including June 30, 2021, and repealing Resolution No. 11183 and amendments thereto.
- 2. Adopt Resolution No. 11284. A Resolution of the City Council of the City of Orange amending the Citywide Pay Schedule in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5

**3.27. Adoption of Fiscal Year Ended June 30, 2020, Measure M2 Expenditure Report. Resolution No. 11286.**

**Recommended Action:**

Adopt Resolution No. 11286. A Resolution of the City Council of the City of Orange concerning the Fiscal Year Ended June 30, 2020, Measure M2 Expenditure Report.

**END OF CONSENT CALENDAR**

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**4. REPORTS FROM MAYOR MURPHY**

**5. REPORTS FROM COUNCILMEMBERS**

**6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS**

**7. ADMINISTRATIVE REPORTS**

**7.1. Award of Contract to Robert Clapper Construction Services, Inc. for Fire Station No. 1 and Headquarters; Bid No. 20-21.07.**

**Recommended Action:**

- 1. Award the contract to Robert Clapper Construction Services, Inc. in the total amount of \$19,052,908, representing an original bid amount of \$17,320,825, plus a 10% contingency of \$1,732,083, for SP-4071 Fire Station No. 1 and Headquarters; and authorize the Mayor and City Clerk to execute on behalf of the City.
- 2. Authorize the appropriation of \$19,052,908 from the Capital Bond Proceeds unreserved fund balance to expenditure account 553.5011.56020.20400 - Capital Bond Proceeds - Fire Station No. 1 and Headquarters.

**7.2. Agreement with Griffin Structures, Inc. for Construction Management Services for Fire Station No. 1 and Headquarters project.**

**Recommended Action:**

1. Approve the agreement with Griffin Structures, Inc. in the amount of \$788,700, representing an original amount of \$717,000 plus a 10% contingency of \$71,700 for Construction Management Services for Fire Station No. 1 and Headquarters project (SP-4071); and authorize the Mayor and City Clerk to execute on behalf of the City.
2. Authorize the appropriation of \$788,700 from the Capital Bond Proceeds unreserved fund balance to expenditure account 553.5011.56020.20400 - Capital Bond Proceeds - Fire Station No. 1 and Headquarters.

**7.3. First Amendments to Affordable Housing Agreement and Agreement Containing Covenants for The Knolls affordable housing complex.**

**Recommended Action:**

Approve the following amendments to agreements and authorize the Mayor and City Clerk to execute on behalf of the City:

1. First Amendment to Affordable Housing Agreement by and between City of Orange and F.C. Orange Associates, LLC
2. First Amendment to Agreement Containing Covenants by and between City of Orange and F.C. Orange Associates, LLC

**7.4. Appropriation of \$9,600 in designated donation funding received from the Orange Public Library Foundation.**

**Recommended Action:**

1. Accept into the City's revenue budget a \$9,600 donation from the Orange Public Library Foundation into revenue account number 500.2001.48390.19322, Capital Projects - Orange Public Library Foundation.
2. Authorize the appropriation of \$9,600 to expenditure account number 500.2017.56020.20446, Capital Projects - Children's Courtyard Rehabilitation Support.

**8. REPORTS FROM CITY MANAGER**

**8.1. Recap of the Silverado and Blue Ridge Fires.**

**9. LEGAL AFFAIRS**

**9.1. Introduction and First Reading of an Ordinance of the City Council of the City of Orange adding Chapter 2.11 requiring electronic filing of Campaign Statements and Statements of Economic Interests.**

**Recommended Action:**

Introduce and approve Ordinance No. 18-20 for First Reading and set the Second Reading for December 8, 2020.

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

### 11. PUBLIC HEARINGS

#### 11.1. Participation Agreement between the City of Orange and Providence Procurement Company, LLC.

**Recommended Action:**

Continue to the December 8, 2020, Regular City Council meeting.

#### 11.2. Public Hearing to consider Introduction and first reading of an Ordinance of the City Council of the City of Orange Amending Title 5 of the Orange Municipal Code by Adding Chapter 5.94 regulating the licensing and establishment of short term rental businesses in the City and amending Title 17 by adding a definition, zoning requirements, and conditions for short term rental use.

**Recommended Action:**

Introduce and approve Ordinance No. 08-20. An Ordinance of the City Council of the City of Orange amending Title 5 of the Orange Municipal Code by adding Chapter 5.94 regulating the licensing and establishment of short term rental businesses in the City and amending Title 17 of the Orange Municipal Code by adding a definition, zoning requirements and conditions for short term rental use.

#### 11.3. 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 10/13/20)

**Recommended Action:**

Introduce and approve Ordinance No. 13-20 for First Reading. An Ordinance of the City Council of the City of Orange Amending Title 12, Title 16 and Title 17 of the Orange Municipal Code to Update Duties and Responsibilities of the Design Review Committee Effect Other Minor Cleanup.

### 12. ADJOURNMENT

The City Council will adjourn to an Adjourned Regular Meeting on Tuesday, December 1, 2020, at 5:00 p.m., with Closed Session beginning at 4:00 p.m. if necessary, via various teleconference locations.

The next Regular City Council meeting will be held on Tuesday, December 8, 2020, at 6:00 p.m., with Closed Session beginning at 5:00 p.m. if necessary, via various teleconference locations.

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](http://www.cityoforange.org).

Date posted: November 5, 2020