



CITY COUNCIL AGENDA

Regular Meeting

July 14, 2020

5:00 p.m. Closed Session

6:00 p.m. Regular Session

Various Teleconference Locations

MARK A. MURPHY
Mayor

MICHAEL ALVAREZ
Mayor pro tem

KIMBERLEE NICHOLS
Councilmember

CHIP MONACO
Councilmember

VACANT
Councilmember

Gary A. Sheatz
City Attorney

Rick Otto
City Manager

Pamela Coleman
City Clerk

In compliance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof, the Agenda will be made available in appropriate alternative formats to persons with a disability. Please contact the City Clerk's Office either in person at 300 E. Chapman Ave., Orange, CA. or by calling (714) 744-5500 no later than 10:00 AM on the City business day preceding the scheduled meeting.

SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19) AND ATTENDANCE AT PUBLIC MEETINGS

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, the public is not permitted to convene in person for this public meeting.

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. It is highly recommended that written comments be submitted before 5:00 p.m., prior to the commencement of the meeting. Written comments can also be received during the meeting; however, only those received prior to the call for public comment for each agenda item will be available to the City Council as part of the public record.

The public can also record their comments by calling (714) 744-2234 no later than 5:00 p.m. before the meeting. Finally, the public can 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.

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. 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.

CITY COUNCIL AGENDA

July 14, 2020

5:00 P.M. 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. **Please submit all comments by 4:00 p.m. on Tuesday, July 14, 2020, for the 5:00 p.m. Closed Session.**

3. RECESS TO CLOSED SESSION

- a. Conference with Legal Counsel – Anticipated litigation pursuant to (Government Code Section 54956.9(d)(2)-(4). (Two cases)
- b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:
City Negotiators: Rick Otto, City Manager

Employee Organizations: Orange, Water Division Employees' Association, Orange Management Association, Orange Municipal Employees' Association, and Orange Maintenance and Crafts Employees' Association.
- c. Conference with Real Property Negotiator – Real property negotiations pursuant to Government Code Section 54956.8:
Property: 617, 625, 637 W. La Veta
City Negotiator: Rick Otto

4. ADJOURNMENT

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

CITY COUNCIL AGENDA

July 14, 2020

6:00 P.M. SESSION

1. OPENING

1.1 INVOCATION

Reverend Bill Johnson, First United Methodist

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Mark A. Murphy

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 or by calling (714) 744-2234.

CITY COUNCIL AGENDA

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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 Confirmation of warrant registers dated June 5, 11, 19, 25, and July 2, 2020.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Adjourned Regular Meeting of May 26, 2020, and Regular Meeting of June 9, 2020.

RECOMMENDED ACTION: Approve.

3.3 Waive reading in full of all ordinances on the Agenda.

RECOMMENDED ACTION: Approve.

3.4 Agreement No. 2020-VD-BX-0578 with the U.S. Department of Justice for BJA Fiscal Year 2019-2020 Coronavirus Emergency Supplemental Funding Program.

RECOMMENDED ACTION: 1) Approve agreement with the U.S. Department of Justice in the amount of \$46,638 for the Coronavirus Emergency Supplemental Funding Program and authorize the City Manager to execute on behalf of the City; 2) Accept into the City's revenue budget \$46,638 in grant funds from the U.S. Department of Justice, into revenue account number 100.4011.45495.30149, Other Grant Revenue - CESF FY20; and 3) Authorize the appropriation of \$46,638 into the following expenditure account numbers:

100.4021.50221.30149	Overtime-Safety – CESF Grant FY20	\$13,920
100.4011.53060.30149	Materials & Supplies – CESF Grant FY20	17,718
100.4011.55131.30149	Equipment Additions – CESF Grant FY20	<u>15,000</u>
		Total \$46,638

3.5 Consultant Services Agreement with De Novo Planning Group to prepare a Small Lot Subdivision Ordinance.

RECOMMENDED ACTION: Approve agreement with De Novo Planning Group in an amount not to exceed \$37,530, for the Small Lot Subdivision Ordinance; and authorize the Mayor and City Clerk to execute on behalf of the City.

3.6 Installation Services agreement with Convergent Technologies LLC for installation of cameras surrounding Plaza Park.

RECOMMENDED ACTION: Approve the agreement with Convergent Technologies LLC, in the amount of \$80,814; and authorize the Mayor and the City Clerk to ratify the agreement, which has already been executed by the Mayor and City Manager on an emergency basis.

CITY COUNCIL AGENDA

July 14, 2020

3. CONSENT CALENDAR (Continued)

3.7 Legal Services Agreement with SL Environmental Law Group, PC; Kennedy & Madonna, LLP; Taft, Stettinius & Hollister, LLP; Douglas & London, PC; Levin Papantonio Thomas Mitchell Rafferty & Proctor, PA; Kelley, Drye & Warren, LLP; and Robinson Calcagnie, Inc. to provide legal services related to litigation against PFAS manufacturers and other entities responsible for groundwater contamination.

RECOMMENDED ACTION: 1) Approve a Legal Services Agreement with SL Environmental Law Group, PC; Kennedy & Madonna, LLP; Taft, Stettinius & Hollister, LLP; Douglas & London, PC; Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA; Kelley, Drye & Warren, LLP; and Robinson Calcagnie, Inc. at no cost to the City; 2) Authorize the Mayor and City Clerk to execute the Agreement on behalf of the City; and 3) Authorize the City Attorney to execute any future addenda of an administrative or ministerial nature on behalf of the City.

3.8 Acceptance and appropriation of \$72,000 of grant funding from the California Department of Transportation for development of a Local Roadway Safety Plan; and appropriation of \$8,000 in matching funds.

RECOMMENDED ACTION: 1) Accept into the City's revenue budget a \$72,000 grant from the California Department of Transportation, into revenue account number 550.5031.45290.30150, Reimbursable Capital Projects – Local Roadway Safety Plan; 2) Authorize the appropriation of \$72,000 into expenditure account number 550.5031.56670.30150, Reimbursable Capital Projects – Local Roadway Safety Plan; and 3) Authorize the appropriation of \$8,000 from the Traffic Improvement – Measure M2 unreserved fund balance to expenditure account number 263.5031.56002.30150, Traffic Improvement – Measure M2 – Local Roadway Safety Plan.

3.9 Acceptance and appropriation of \$229,825.42 in Coronavirus Relief Funds for food delivery expenses for a Senior Meal Gap Program.

RECOMMENDED ACTION: 1) Accept into the City's revenue budget \$229,825.42 in Coronavirus Relief Funds from the County of Orange, into revenue account 550.7011.45150.30152, Federal Grant Revenue - CARES Grants –Senior GAP Meals; 2) Authorize the appropriation of \$22,000 to expenditure account 550.7011.56002.30152, Staff Time for CIP – Senior GAP Meals and \$207,825.42 to expenditure account 550.7011.56510.30152, CIP Other Capital Outlay – CARES Senior Gap Meals; and 3) Authorize the City Manager, or his designee, to negotiate and execute all necessary documents to implement the Senior Meal Gap Program.

3.10 Appropriation of \$1,228,794.05 in Coronavirus Aid, Relief, and Economic Security Act funds.

RECOMMENDED ACTION: 1) Accept into the City's revenue budget a \$1,228,794.05 grant from the County of Orange for the Coronavirus Aid, Relief, and Economic Security Act, into revenue account number 100.0000.45150.30153, General Fund – CARES Grants County Reimbursement.

2) Authorize the appropriation of \$1,228,794.05 into the following expenditure account numbers for General Fund – CARES Grants County Reimbursement:

\$ 417,789.98	100.3021.50001.30153
\$ 811,004.07	100.4021.50001.30153

CITY COUNCIL AGENDA

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3. CONSENT CALENDAR (Continued)

3.11 Appropriation of \$28,259.70 in State of California Office of Emergency Services funding received.

RECOMMENDED ACTION: 1) Accept into the City's revenue budget \$28,259.70 in strike team reimbursement funds from The California State Office of Emergency Services, into the following revenue account numbers for CAL EMA reimbursements:

100.3024.48212.40224	Strike Team – Tick Fire	\$25,644.39
100.3024.48212.40227	Strike Team – Maria Fire	2,615.31

2) Authorize the appropriation of \$28,259.70 into the following expenditure account numbers for Overtime-Safety:

100.3024.50221.40224	Strike Team – Tick Fire	\$25,644.39
100.3024.50221.40227	Strike Team – Maria Fire	2,615.31

3.12 Appropriation of \$10,000 in designated funding received for the 2020 CALNENA Mission Critical Training Event conference from the State of California Office of Emergency Services.

RECOMMENDED ACTION: 1) Accept into the City's Fiscal Year 2019-2020 revenue budget a \$10,000 deposit from the State of California Office of Emergency Services, into revenue account number 100.4011.48210.20131, CALNENA; and 2) Authorize the appropriation of \$10,000 into the following expenditure account numbers for Fiscal Year 2019-2020:

100.4011.51830.20131	Overnight Training, Conference – CALNENA	\$3,994
100.4012.50002.20131	Regular Salaries – CALNENA	<u>6,006</u>
	Total	\$10,000

3.13 Approval of plans and specifications and authorization to advertise for bids for Lemon and Palm Traffic Signal Installation; Bid No. 190-61.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Lemon/Palm Traffic Signal Installation project.

3.14 Approval of plans and specifications and authorization to advertise for bids for Glassell Street at Meats Avenue Traffic Signal Modification Project; Highway Safety Improvement Program L-5073(083); Bid No. 190-07.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Glassell Street at Meats Avenue Traffic Signal Modification Project; Highway Safety Improvement Program L-5073(083).

3.15 Final Acceptance of Bid No. 189-23; SP-4082; Annual Pavement Maintenance Project at Various Locations, Fiscal Year 2018-2019; and authorization to file Notice of Completion.

RECOMMENDED ACTION: Accept Annual Pavement Maintenance FY 2018-2019 project as complete; and authorize staff to file the Notice of Completion with the County Recorder.

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3. CONSENT CALENDAR (Continued)

3.16 Final Acceptance of Bid No. 190-22; SP-4122; Americans with Disabilities Act Wheelchair Access Ramp Replacement at Various Locations, Fiscal Year 2019-2020; and authorization to file Notice of Completion.

RECOMMENDED ACTION: Accept Americans with Disabilities Act Wheelchair Access Ramp Replacement at Various Locations project as complete; and authorize staff to file the Notice of Completion with the County Recorder.

3.17 Claims for Damages.

RECOMMENDED ACTION: Deny the following claims for damages and refer to City Attorney and Claims Adjuster:

1. Maria Cirenica Abarca
2. Elena Alvarez
3. Jose P. Alvarez
4. Alfaro Communications Construction, Inc.
5. Margarito Rodriguez Villifana and Natalia Gonzalez De Rodriguez
6. Agustin Flores Rosas
7. CHOC
8. All State Insurance Company a/s/o Farhad Zeynalov

3.18 Award of contract to Best Contracting Services, Inc. for Roof Improvements of Fire Station No. 5; Bid No. 190-46.

RECOMMENDED ACTION: Award the contract to Best Contracting Services, Inc. in the total amount of \$97,107, representing an original amount of \$88,280, plus a 10% contingency of \$8,827 for Roof Improvements of Fire Station No. 5; and authorize the Mayor and City Clerk to execute on behalf of the City.

3.19 Fifth Amendment to Contract with All American Asphalt, Inc. for Bid No. 145-50; Asphalt Replacement at Various Locations.

RECOMMENDED ACTION: Approve the Fifth Amendment to the contract with All American Asphalt, Inc. for Bid No. 145-50; Asphalt Replacement at Various Locations and authorize the Mayor and City Clerk to execute on behalf of the City.

3.20 Purchase of print materials for the Orange Public Library from Baker & Taylor, Inc.

RECOMMENDED ACTION: 1) Approve purchase order for print materials from Baker & Taylor, Inc. in the amount of \$100,000; and 2) Authorize the City Manager to approve increases to the purchase order should the Library receive donations designated for the purchase of additional print materials.

CITY COUNCIL AGENDA

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3. CONSENT CALENDAR (Continued)

3.21 Quitclaim of waterline easements at the University of California, Irvine Medical Center.

RECOMMENDED ACTION: Approve the quitclaiming of the existing waterline easements at the University of California, Irvine Medical Center; and authorize the Mayor and City Clerk to execute on behalf of the City.

3.22 Side Letter Agreements between the City of Orange and the Orange Fire Management Association, City of Orange Police Management Association, City of Orange Police Association, and Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO. Resolution Nos. 11251, 11252, 11253, and 11254.

A Resolution of the City Council of the City of Orange Establishing a Side Letter Agreement between the City of Orange and the Orange Fire Management Association effective July 1, 2020, to June 30, 2023.

A Resolution of the City Council of the City of Orange Establishing a Side Letter Agreement between the City of Orange and the Orange Police Management Association effective July 1, 2020, to June 30, 2023.

A Resolution of the City Council of the City of Orange Establishing a Side Letter Agreement between the City of Orange and the Orange Police Association effective July 1, 2020, to June 30, 2023.

A Resolution of the City Council of the City of Orange Establishing a Side Letter Agreement between the City of Orange and the Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO effective July 1, 2020, to June 30, 2023.

RECOMMENDED ACTION: Approve Resolution Nos. 11251, 11252, 11253, and 11254.

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR MURPHY

5. REPORTS FROM COUNCILMEMBERS

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

6.1 Consideration of Appointment of Susan Huber to the Library Board of Trustees.

RECOMMENDED ACTION: Appoint Susan Huber to the Library Board of Trustees.

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7. ADMINISTRATIVE REPORTS

7.1 Employment Agreement with City Attorney Gary A. Sheatz. (Continued from 4/14/2020)

RECOMMENDED ACTION: Approve Employment Agreement with City Attorney Gary A. Sheatz.

7.2 Agreement with Nieves Landscape, Inc. for City parks and Santiago Creek Bike Trail landscape maintenance services.

RECOMMENDED ACTION: Approve the agreement with Nieves Landscape, Inc. in a total amount not to exceed \$3,279,670 for landscape maintenance services and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Designate Santiago Hills, Killefer, and La Veta Parks as pesticide free maintenance.

7.3. Authorization to file Validation Action and Authorization of Issuance of Pension Obligation Bonds.

RECOMMENDED ACTION: Adopt Resolution No. 11255. A Resolution of the City Council of the City of Orange authorizing the issuance of bonds to refund certain pension obligations of the City in an amount not-to-exceed \$292,500,000, approving the form and authorizing the execution of a trust agreement and purchase contract, authorizing judicial validation proceedings relating to the issuance of such bonds and approving additional actions related thereto.

8. REPORTS FROM CITY MANAGER

8.1 Update regarding the City's response to COVID-19.

9. LEGAL AFFAIRS

9.1 Second Reading and adoption of an Ordinance of the City Council of the City of Orange amending various sections in Title 2 of the Orange Municipal Code to conform City Council voting requirements with the by-district electoral system for six City Councilmembers and a separately elected Mayor.

RECOMMENDED ACTION: Adopt Ordinance No. 12-20.

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

CITY COUNCIL AGENDA

July 14, 2020

11. PUBLIC HEARINGS

11.1 Actions related to compliance with Senate Bill 743 and updates to the California Environmental Quality Act Statute to address the use of vehicle miles traveled as the metric for evaluation of development project transportation impacts. (Continued from 6/9/2020)

Time set for a public hearing to consider approval of General Plan Amendment No. 2020-0001 revising the General Plan Circulation and Mobility Element and Implementation Plan; Ordinance amending Chapter 17.10, Environmental Review, of the Orange Municipal Code; and an update to the City of Orange Local CEQA Guidelines.

Recommended Action:

1. Approve Resolution No. 11242. A Resolution of the City Council of the City of Orange approving General Plan Amendment No. 2020-0001 amending the City of Orange General Plan Circulation and Mobility Element and Implementation Plan to establish consistency with the California Environmental Quality Act Statute and City practice.
2. Introduce and approve Ordinance No. 15-20 for First Reading. An Ordinance of the City Council of the City of Orange amending Section 17.10 of the Orange Municipal Code to update environmental review procedures to establish consistency with the California Environmental Quality Act Statute and City practice.
3. Approve Resolution No. 11243. A Resolution of the City Council of the City of Orange approving an update to the City of Orange Local California Environmental Quality Act (CEQA) Guidelines to update the City procedures consistent with the State CEQA Statute and City practice.

11.2 Adoption of the City of Orange Plan for the Permanent Local Housing Allocation Funds.

Time set for a public hearing to adopt the City of Orange Permanent Local Housing Allocation (PLHA) Plan.

Recommended Action:

1. Approve Resolution No. 11247. A Resolution of the City Council of the City of Orange authorizing and adopting the plan for use of Permanent Local Housing Allocation funds.
2. Approve an agreement between the City of Orange and the City of La Habra to administer \$3,664,898 in City of Orange Permanent Local Housing Allocation funds for the operational costs of two new navigation centers in Buena Park and Placentia.

12. ADJOURNMENT

The City Council will adjourn to an Adjourned Regular Meeting on Tuesday, July 28, 2020, at 6:00 p.m., with Closed Session beginning at 5:00 p.m. if necessary, via various teleconference locations.

The next Regular City Council meeting will be held on Tuesday, August 11, 2020, at 6:00 p.m. via various teleconference locations, with Closed Session beginning at 5:00 p.m. if necessary.

Declaration of City Clerk, Pamela Coleman, declaring posting of City Council agenda of a Regular Meeting of July 14, 2020, at Orange Civic Center kiosk, City Clerk's office, Police facility at 1107 North Batavia, and available on the City's website at www.cityoforange.org; all of said locations being in the City of Orange and freely accessible to members of the public at least 72 hours before commencement of said Regular Meeting.