



# CITY COUNCIL AGENDA

Regular Meeting

November 14, 2017

5:00 p.m. Closed Session

6:00 p.m. Regular Session

Council Chamber

300 E. Chapman Avenue, Orange, CA 92866

**TERESA E. SMITH**

**Mayor**

**MARK A. MURPHY**

**Mayor pro tem**

**FRED M. WHITAKER**

**Councilmember**

**MICHAEL ALVAREZ**

**Councilmember**

**KIMBERLEE NICHOLS**

**Councilmember**

Wayne W. Winthers  
City Attorney

Rick Otto  
City Manager

Mary E. Murphy  
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.

# GENERAL PROTOCOL

The City of Orange City Council welcomes you to this meeting and encourages your participation. Regular City Council meetings are held on the second Tuesday of each month at 6:00 p.m.

## Agenda Information

This agenda contains a brief general description of each item to be considered. The Agenda and supporting documentation is available at 3:00 p.m. on the Thursday prior to the Council meeting at the City Clerk's Office located at City Hall, 300 E. Chapman Avenue, Orange, during regular business hours, 7:30 a.m. - 5:30 p.m. Monday through Thursday, and alternating Fridays, as well as on the City's Website [www.cityoforange.org](http://www.cityoforange.org). Any documents received after the agenda packet distribution, are available at the Council meeting, City Clerk Office counter, and are posted on the City's Website. Information may be obtained by calling the City Clerk's Office at (714) 744-5500.

## Public Testimony

Pursuant to Government Code Section 54954.3, the public may comment on any agenda item before or during consideration by the City Council, and on any other matters under the Council's jurisdiction. Applicants making presentations to the Council on agenda items are given sufficient time to address the Council and are also provided an opportunity to address questions from the public. The public is then allowed up to three (3) minutes to speak on that specific agenda item. General public comments are agendaized under Public Comments section at the **beginning** of the 6:00 p.m. Session.

In accordance with Ordinance No. 10-01 any person making personal, impertinent, slanderous or profane remarks or who becomes boisterous while addressing the Council shall, by the presiding officer, be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council. In accordance with Ordinance No. 43-60 no person except City officials and their representatives shall be permitted within the rail in front of the Council Chamber without the express consent of the Council. Members of the public are advised that all pagers, cellular telephones and any other communication devices are to be turned off upon entering the City Council Chamber. Your cooperation is appreciated.

**TO SPEAK ON ANY ITEM ON THE AGENDA**, complete a speaker's card located at the entrance to the Council Chamber. Enter the item's Agenda number on your speaker card and give it to the City Clerk. **WHEN SPEAKING**, please face the City Council and state your name and address for the record. *The Mayor will call on you to speak when that Agenda item is considered.*

## Televised Meeting Schedule

Regular City Council meetings are televised live on Time Warner Cable Channel 3 and AT&T Universe Channel 99 and streamed live and on-demand on the City's website at [www.cityoforange.org](http://www.cityoforange.org).

Persons filming or taping Council meetings are asked to identify themselves by filling out the reverse side of the speaker's card or presenting a business card to the City Clerk.

# CITY COUNCIL AGENDA

November 14, 2017

## 5:00 P.M. SESSION

### 1. ROLL CALL

### 2. ORAL COMMUNICATIONS

At this time, members of the public may address the Council on any closed session items only. Comments are limited to <b>three minutes per person.</b>
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### 3. RECESS TO CLOSED SESSION

- a. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:  
City Negotiators: Laura Kalty, Special Counsel  
Employee Organizations: Orange Fire Management Association.
  
- b. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(a), one case:  
Case: *Creative Home dba CHI Construction v. City of Orange*  
Orange County Superior Court Case No. 30-2017-009467-CU-BC-CJC

### 4. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, November 14, 2017, at 6:00 p.m. in the Council Chamber.

# CITY COUNCIL AGENDA

November 14, 2017

**6:00 P.M. SESSION**

## 1. OPENING

### 1.1 INVOCATION

Fr. Rudy Alumam, Holy Family Cathedral

### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Fred M. Whitaker

### 1.3 ROLL CALL

### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Introduction of the 2017 Miss Orange Contestants.

Presentation of a Proclamation to Gayle Merino honoring her service to her Country and the City of Orange.

## 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. Comments are limited to **three minutes per person.**

# CITY COUNCIL AGENDA

November 14, 2017

## 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 October 13, 19, 27, and November 2, 2017.

RECOMMENDED ACTION: Approve.

### 3.2 Waive reading in full of all ordinances on the Agenda.

RECOMMENDED ACTION: Approve.

### 3.3 Monthly Treasurer's Reports for July, August, and September 2017.

RECOMMENDED ACTION: Receive and file.

### 3.4 Investment Oversight Committee Report for the period ending October 31, 2017.

RECOMMENDED ACTION: Receive and file.

### 3.5 Agreement between the City of Orange and The Roman Catholic Bishop of Orange Regarding Recreational Trails and Traffic Loop Detector.

RECOMMENDED ACTION: Approve the agreement regarding Recreational Trails (Trail 3) with Easement Deed, and authorize the Mayor and City Clerk to execute on behalf of the City; and approve agreement regarding Recreational Trail and Traffic Loop Detector (Trail 4) with Easement Deed, and authorize the Mayor and the City Clerk to execute on behalf of the City.

### 3.6 Master Encroachment Agreement (Agreement) between the City of Orange and Mobilitie, LLC (Mobilitie) to install telecommunications network facilities within the public right-of-way.

RECOMMENDED ACTION: Approve Agreement between City of Orange and Mobilitie, LLC and authorize the Mayor and City Clerk to execute the Agreement on behalf of the City.

# CITY COUNCIL AGENDA

November 14, 2017

## 3. CONSENT CALENDAR (Continued)

### 3.7 Bid No. 178-17; Approval of plans and specifications for construction of Orangewood Avenue and Katella Avenue Water Quality Storm Drain Improvements, FY 2017-18; and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for Orangewood Avenue & Katella Avenue Water Quality Storm Drain Improvements, FY 2017-2018 (D-172).

### 3.8 Bid No. 178-16; Approval of plans and specifications for construction of Fiscal Year 2016-17 Community Development Block Grant (CDBG) Fern Neighborhood – Street and Sewer Improvements Project (SP-3994); and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the CDBG FY17 Fern Neighborhood - Street and Sewer Improvements Project.

### **3.9 Final Acceptance of Bid No. 167-38; Pedestrian Crossing Upgrade at 14 Locations Citywide performed by ND Construction Company Inc.; and authorization to file Notice of Completion with the County Recorder. (No staff report required.)**

RECOMMENDED ACTION: Accept public work improvements, authorize release of Merchant Bonding Company (Mutual), Bond No. CAC712606 in the amount of \$184,637.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

### **3.10 Claims for Damages**

The following claim(s) have been received and investigated by the City Attorney's Office and/or the Risk Manager. After a thorough investigation with the involved departments, it is the recommendation of the City Attorney's Office that the claim(s) be denied.

- a. James Smith
- b. Sandra Barnhart
- c. Michelle Montero
- d. Michelle Montero
- e. Stephen Kent Aylward

RECOMMENDED ACTION: Deny Claim(s) for damages and refer to City Attorney and Claims Adjuster.

### 3.11 Award of Contract for Bid No. 178-10 to Waterline Technologies, Inc. for the purchase of liquid sodium hypochlorite on an "as-needed" basis.

RECOMMENDED ACTION: Award the contract in the amount of \$95,682 to Waterline Technologies, Inc.; and authorize the Mayor and City Clerk to execute the contract on behalf of the City.

# CITY COUNCIL AGENDA

November 14, 2017

## 3. CONSENT CALENDAR (Continued)

### 3.12 Award of Contract for Bid No. 178-11 to CPAC, Inc. for the purchase of replacement desktop computers.

RECOMMENDED ACTION: Award the contract to CPAC, Inc. of Anaheim, California, in the amount of \$398,624.69; and authorize the Mayor and City Clerk to execute the contract on behalf of the City.

### 3.13 Final Contract Change Order for Agreement No. 6487 with ND Construction Company, Inc., Bid No. 167-38; Pedestrian Crossing Upgrade at 14 Locations Citywide.

RECOMMENDED ACTION: 1) Approve Final Contract Change Order in the amount of \$28,227.44 to ND Construction Company, Inc. for the extra work; and 2) Authorize the appropriation of \$7,000 from the Traffic Improvement Measure M2 (263) unreserved fund balance to expenditure account 263.5032.56100.20194 M2 Pedestrian Crossing Upgrades.

### 3.14 First Amendment to contract with West Coast Arborist (WCA) for Tree Maintenance Services, Bid No. 156-05, Agreement No. 6299.

RECOMMENDED ACTION: Authorize the appropriation of \$310,000 from the Sanitation (220) Unreserved Fund Balance to expenditure account number 220.5025.51700.00000, Tree Services – Contractual Services; and approve Amendment in an amount of \$111,635, bringing the total amount of the contract to \$725,000 annually.

### 3.15 Accept and appropriate an \$11,025 grant from the Community Foundation of Orange (CFO) to the Orange Police Department canine program for the purchase of a new police service dog.

RECOMMENDED ACTION: 1) Approve agreement with CFO in an amount not-to-exceed \$11,025 and authorize the City Manager to execute the agreement on behalf of the City; 2) Accept into the City's revenue budget an \$11,025 grant from CFO, into revenue account number 100.4021.48390.12307, General Fund – K9/SWAT Donations; and 3) Authorize the appropriation of \$11,025 into expenditure account number 100.4021.55510.12307, General Fund – K9/SWAT Donations for the purchase of a new police service dog from Adlerhorst International, LLC.

### 3.16 Purchase replacement radar feedback signs and equipment from Fortel Traffic, Inc. (Fortel) as a sole source.

RECOMMENDED ACTION: Authorize the sole source purchase of radar feedback replacement signs and equipment from Fortel in an amount not-to-exceed \$42,728.

### 3.17 Purchase of one Public Safety vehicle for the City of Orange Fire Department (OFD) from National Auto Fleet Group.

RECOMMENDED ACTION: Authorize the purchase of one four-wheel drive, crew cab pickup for OFD from National Auto Fleet Group, Watsonville, California, in the amount of \$53,483; and authorize the City Manager to surplus the replaced vehicle.

# CITY COUNCIL AGENDA

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## 3. CONSENT CALENDAR (Continued)

### 3.18 Quitclaim of Public Utility Easement on North Side of 22 Freeway, East of Lewis Street from the City of Orange to the Orange County Transportation Authority (OCTA), and accept new waterline easement deed from OCTA.

RECOMMENDED ACTION: Approve the quitclaim of the public utility easement to OCTA, and authorize the Mayor to sign the quitclaim deed; and authorize the Mayor to accept the new waterline easement deed from OCTA.

### 3.19 Fiscal Year Ended 2017 Measure M2 Expenditure Report. Resolution 11041.

A Resolution of the City Council of the City of Orange concerning the Fiscal Year Ended June 30, 2017, Measure M2 Expenditure Report for the City of Orange.

RECOMMENDED ACTION: Approve Resolution No. 11041.

### 3.20 Classification, Compensation, and Terms of Service for Part-Time and Seasonal Employees. Resolution No. 11042

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, 2017, through and including June 30, 2018, and repealing Resolution No. 10962 and amendments thereto, for said employees.

RECOMMENDED ACTION: Approve Resolution No. 11042.

### 3.21 Authorization for the submittal of funding applications to the Orange County Transportation Authority. Resolution No. 11043.

A Resolution of the City Council of the City of Orange approving the submittal of funding applications to the Orange County Transportation Authority for funding under the Comprehensive Transportation Funding Program.

RECOMMENDED ACTION: Approve Resolution No. 11043.

### 3.22 Redistribution of property tax revenues from the City of Orange to the City of Garden Grove due to the Lewis Street Reorganization of .901 acres of property located at Lewis Street and Garden Grove Blvd. Resolution No. 11044.

A Resolution of the City Council of the City of Orange agreeing to a redistribution of property tax revenue due to the reorganization of .901 acres of property located at Lewis Street and Garden Grove Blvd. from the City of Orange to the City of Garden Grove, pursuant to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

RECOMMENDED ACTION: Approve Resolution No. 11044.

END OF CONSENT CALENDAR

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# CITY COUNCIL AGENDA

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## 4. REPORTS FROM MAYOR SMITH

## 5. REPORTS FROM COUNCILMEMBERS

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

### 6.1 Report from City Council Ad Hoc Committees related to Homelessness:

- Community Communications
- Cities and Non-profit Collaboration
- County Engagement

### 6.2 Consideration of Removal of Adrienne Gladson from the Planning Commission.

## 7. ADMINISTRATIVE REPORTS

### 7.1 Temporary closure of West Palm Avenue between North Cypress Street and North Lemon Street for the Orange Home Grown Farmers and Artisans Market. Resolution No. 11045.

A Resolution of the City of Orange temporarily closing West Palm Avenue between North Cypress Street and North Lemon Street every Saturday 7:00 a.m. to 2:00 p.m., starting January 6, 2018, continuing weekly as a condition of the Temporary Use Permit for the Orange Home Grown Farmers and Artisans Market.

RECOMMENDED ACTION: Approve Resolution No. 11045.

### 7.2 Four-year Agreement with the Orange Plaza Rotary (OPR) to use the Orange Plaza area for their Annual Car Show.

RECOMMENDED ACTION: Approve the four-year Agreement with Orange Plaza Rotary and authorize the Mayor and City Clerk to execute on behalf of the City.

### 7.3 Relocation Agreement with Outfront Media, LLC for the replacement of a traditional billboard to a digital LED billboard located at the SR 55 Freeway and Katella Avenue.

RECOMMENDED ACTION: Approve a Relocation Agreement with Outfront Media, LLC. If the City Council approves the Agreement, staff will move forward with preparing changes to the City's zoning code to allow for the conversion of traditional billboards to digital for Planning Commission and City Council approvals.

# CITY COUNCIL AGENDA

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## 7. ADMINISTRATIVE REPORTS (Continued)

### 7.4 Classification, compensation, and terms of employment of executive directors and top management employees of the City of Orange effective July 1, 2017, through and including June 30, 2018. Resolution No. 11028.

A Resolution of the City Council of the City of Orange relating to the classification, compensation, and terms of employment of executive directors and top management employees and repealing Resolution No. 10904 and amendments thereto.

RECOMMENDED ACTION: Approve Resolution No. 11028.

### 7.5 Extension of City Manager Employment Agreement.

RECOMMENDED ACTION: Approve Extension of Employment Agreement with City Manager Richard Otto.

## 8. REPORTS FROM CITY MANAGER

## 9. LEGAL AFFAIRS

### 9.1 An Ordinance Repealing Ordinance No. 10-11 returning the zone district designation for property located on the former site of Ridgeline Golf Course. Ordinance No. 09-17 (First Reading).

An Ordinance of the City Council of the City of Orange Repealing Ordinance No. 10-11 and returning the Zone District Designation for Approximately 47 acres of property located on the site of the former Ridgeline Golf Course to solely recreation/open space (ro).

RECOMMENDED ACTION: Approve Ordinance No. 09-17 for First Reading.

### 9.2 An Ordinance Repealing Ordinance 11-11 rescinding the approval of a Development Agreement with Milan REI IV, LLC. Ordinance No. 10-17 (First Reading).

An Ordinance of the City Council of the City of Orange Repealing Ordinance No. 11-11, Rescinding the Approval of a Development Agreement by and between the City of Orange and Milan REI IV, LLC for approval of the development of approximately 51 acres of property on the site of the former Ridgeline Golf Course, in the Community of Orange Park Acres.

RECOMMENDED ACTION: Approve Ordinance No. 10-17 for First Reading.

# CITY COUNCIL AGENDA

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## 9. LEGAL AFFAIRS (Continued)

### 9.3 An Ordinance prohibiting the act of aggressive solicitation. Ordinance No. 05-17 (Second Reading).

An Ordinance of the City Council of the City of Orange adding a New Chapter 9.34 to the Orange Municipal Code prohibiting the act of aggressive solicitation.

RECOMMENDED ACTION: Adopt Ordinance No. 05-17.

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

## 11. PUBLIC HEARINGS

### 11.1 Approval of a 94 unit Multifamily Residential Development at 1725 West Katella Avenue. Branch West Apartment Project.

Time set for a public hearing to consider the approval of a 94-unit apartment complex with podium parking.

#### Recommended Council Action:

#### **Resolution No. 11039**

A Resolution of the City Council of the City of Orange approving and adopting Mitigated Negative Declaration No. ENV.1853-16, Associated Mitigation Monitoring and Reporting Program, and Errata for the Branch West Apartment Project located at 1725 W. Katella Avenue.

#### **Ordinance No. 07-17 (First Reading)**

An Ordinance of the City Council of the City of Orange approving Zone Change No. 1284-16 rezoning property located at 1725 West Katella Avenue to Urban Mixed Use to establish consistency between the Urban Mixed Use General Plan Land Use Designation and zoning classification in accordance with State Law.

#### **Ordinance No. 08-17 (First Reading)**

An Ordinance of the City Council of the City of Orange approving a development agreement for the Branch West Apartment Project located at 1725 West Katella Avenue.

#### **Resolution No. 11040**

A Resolution of the City Council of the City of Orange approving Major Site Plan Review No. 0883-16, Design Review No. 4888-16, and Administrative Adjustment No. 0248-17 for a new 94-unit multifamily residential development located at 1725 West Katella Avenue.

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<a href="#"><u>11.1 STAFF REPORT</u></a>	<a href="#"><u>11.1 01</u></a>	<a href="#"><u>11.1 02</u></a>
<a href="#"><u>11.1 03</u></a>	<a href="#"><u>11.1 04</u></a>	<a href="#"><u>11.1 05</u></a>
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<a href="#"><u>11.1 12</u></a>	<a href="#"><u>11.1 13</u></a>	

## 12. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, December 12, 2017, at 6:00 p.m. in the Council Chamber, with Closed Session beginning at 5:00 p.m., if necessary.

**Declaration of Chief Clerk, Robert Zornado, declaring posting of City Council agenda of a Regular Meeting of November 14, 2017, at Orange Civic Center kiosk, Police facility at 1107 North Batavia, and the Main Public Library at 407 E. Chapman; 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; and available at the Civic Center City Clerk's Office.**