



# CITY COUNCIL AGENDA

Regular Meeting

February 13, 2018

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 U-verse 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

February 13, 2018

## 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 Legal Counsel – Pending Litigation pursuant to Government Code Section 54956.9(a) & (d)(1),  
Case: *Orange County Catholic Worker, et. al. v. County of Orange, et. al.*  
USDC Case No. 8:18-cv-00155
- b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:  
City Negotiators: Rick Otto, City Manager.  
Employee Organizations: Orange City Firefighters, Orange Fire Management Association.

### 4. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, February 13, 2018, at 6:00 p.m. in the Council Chamber.

# CITY COUNCIL AGENDA

February 13, 2018

## 6:00 P.M. SESSION

### 1. OPENING

#### 1.1 INVOCATION

Pastor Jay Hewitt, Friends Church Orange

#### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor pro tem Mark A. Murphy

#### 1.3 ROLL CALL

#### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Proclamation honoring the El Modena Football Program.

Proclamation honoring the Orange High Football Program.

Proclamation recognizing Nancy Collins for her service to the Orange Public Library Board of Trustees.

Proclamation recognizing Irma Hernandez for over 19 years of service.

Presentation by Orange County Supervisor Todd Spitzer.

Memorial Adjournment for Robert Tunstall.

### 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

February 13, 2018

## 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 January 5, January 11, January 19, January 25, and February 2, 2018.

RECOMMENDED ACTION: Approve.

### 3.2 [City Council Minutes, Regular Meeting of January 9, 2018.](#)

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

### 3.4 [Monthly Treasurer's Reports for October, November, and December 2017.](#)

RECOMMENDED ACTION: Receive and file.

### 3.5 [Appropriation of funds received from the State of California Office of Emergency Services.](#)

RECOMMENDED ACTION: Accept into the City's revenue budget a total reimbursement of \$524,907.26 in reimbursement payments into account number 100.3021.48212 – Reimbursement from OES; and authorize the appropriation into expenditure account number 100.3021.50221 – Overtime-Safety, within the project numbers and amounts as follows:

Description of Expenditure	Project Account	Expenditure Amount
Spillway/Butte Incident	40145	\$1,460.72
Jameson Staging Fire	40163	1,942.01
Alamo Fire	40153	117,438.63
Garza Fire	40155	18,188.20
Jennings 2 Fire	40156	13,091.78
Whittier Fire (1 <sup>st</sup> Invoice)	40157	12,840.20
Whittier Fire (2 <sup>nd</sup> Invoice)	40157	49,356.53
Detwiler Fire	40158	162,898.57
Park Fire	40159	30,065.15
Parker 2 Fire	40160	13,196.55
Orleans Complex	40161	16,548.06
Pier Fire	40165	87,880.86
	<b>Total:</b>	<b>\$524,907.26</b>

# CITY COUNCIL AGENDA

February 13, 2018

## 3. CONSENT CALENDAR (Continued)

### 3.6 [Designation of alternate Board Member for the Metro Cities Fire Authority.](#)

RECOMMENDED ACTION: Designate Susan Galvan as the City's alternate voting board member to the Metro Cities Fire Authority.

### 3.7 [Agreement with Pyro Spectaculars, Inc. for fireworks display at the City of Orange Third of July Celebration.](#)

RECOMMENDED ACTION: Approve a five-year agreement with Pyro Spectacular, Inc. in an amount not-to-exceed \$87,500, and authorize the Mayor and the City Clerk to execute on behalf of the City.

### 3.8 [First Amendment to Agreement No. 6400.A with Cornerstone Communications for membership to Behind the Badge OC, in the amount of \\$48,000.](#)

RECOMMENDED ACTION: Approve Amendment with Cornerstone Communications in an amount not-to-exceed \$48,000 and authorize the Mayor and City Clerk to execute the agreement on behalf of the City.

### 3.9 [Amendment No. 1 to Consultant Services Agreement No. 6370 with Secoy Architect, Inc., for additional Professional Services for Council Chamber Remodel Project](#)

RECOMMENDED ACTION: Approve Amendment No. 1 to the existing Secoy Architect, Inc., Consultant Services Agreement and increase the contract amount by \$25,500; and authorize the Mayor and City Clerk to execute the Amendment on behalf of the City.

### 3.10 [Contract with Advanced Aquatic Technology, Inc. for regular maintenance and repair of City fountains.](#)

RECOMMENDED ACTION: Approve a four-year contract with Advanced Aquatic Technology, Inc. for an amount not-to-exceed \$78,232.20; and authorize the Mayor and the City Clerk to execute on behalf of the City.

### 3.11 [Purchase of Four Storage Area Network \(SAN\) Fabric Switches from Sidepath, Inc.](#)

RECOMMENDED ACTION: Approve the purchase of four SAN Fabric Switches from Sidepath, Inc. in the amount of \$92,742.14; and authorize the appropriation of \$12,750 from Information Technology (790) unreserved fund balance to account number 790.1601.56033.20293.

# CITY COUNCIL AGENDA

February 13, 2018

## 3. CONSENT CALENDAR (Continued)

### 3.12 Cooperative agreement with the City of Anaheim for the design and construction of the 16” water main on Orangewood Avenue.

RECOMMENDED ACTION: Approve the Cooperative Agreement for the design and construction of the 16” water main on Orangewood Avenue from State College Boulevard to Eckhoff Street.

### 3.13 Appropriation of funds from the Federal Asset Forfeiture unreserved fund balance for two police training leadership programs, in the amount of \$29,600.

RECOMMENDED ACTION: Authorize the appropriation of \$29,600 from (355) Federal Asset Forfeiture unreserved fund balance to expenditure account number 355.4011.51830.00000 Federal Asset Forfeiture, Overnight Training.

### 3.14 Bid No. 178-20; SP-4027; Approval of plans and specifications for Community Development Block Grant (CDBG) Americans with Disabilities Act (ADA) Wheelchair Access Ramps at Various Locations Project for the fiscal year 2018 (FY18); and authorization to advertise bids for construction.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the FY18 CDBG ADA Wheelchair Access Ramps at Various Locations Project.

## 3.15 CLAIMS

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. Donald Caron
- b. Michael Labat
- c. Jessica Farrelli
- d. Ricky Huffman
- e. Esmeralda Amezquita
- f. IAT Insurance Group a/s/o Two Men and a Truck
- g. Tim Corbett

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

# CITY COUNCIL AGENDA

February 13, 2018

## 3. CONSENT CALENDAR (Continued)

### 3.16 **Final Acceptance of Bid No. 167-34; Annual Pavement Maintenance Project at Various Locations Fiscal Year 2016-2017 performed by R.J. Noble Company; and authorization to file the Notice of Completion with the County Recorder. (No staff report needed)**

RECOMMENDED ACTION: Accept public work improvements, authorize release of Western Surety Company of California, Bond No. 30003636 in the amount of \$4,214,900.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

### 3.17 **Final Acceptance of Bid No. 178-03; Reservoir 4 Slope Regrading & Concrete V-ditch Installation Project performed by Jeremy Harris Construction, Inc., a California corporation; and authorization to file Notice of Completion with the County Recorder. (No staff report required.)**

RECOMMENDED ACTION: Accept public work improvements, authorize release of American Contractors Indemnity Company of California Bond No. 1001075665 in the amount of \$128,063.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

### 3.18 **Final Acceptance of Bid No. 167-40; Yorba Park Electrical Improvements performed by Academy Electric, Inc., a California corporation; and authorization to file Notice of Completion with the County Recorder. (No staff report required.)**

RECOMMENDED ACTION: Accept electrical improvements, authorize release of Nationwide Mutual Insurance Company Bond No. Bd753591 in the amount of \$117,563.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

### 3.19 **[Award of Contract – Bid No. 178-12; Project SP-4016; Villareal Drive Southern California Edison \(SCE\) Service Undergrounding, for electrical service to Reservoir No. 2.](#)**

RECOMMENDED ACTION: 1) Appropriate \$98,000 from the Fund 600 (Water Unreserved Fund) to 600.5011.56510.20395 (CIP – Capital Improvement Program); and 2) Award a contract in the amount of \$92,000 to Calpromax Engineering, Inc. of Placentia, California; and authorize the Mayor and City Clerk to execute on behalf of the City.

### 3.20 **[Award of Contract to High Tech Furnishings, Ltd. for purchasing furniture and materials for Council Chamber Remodel Project.](#)**

RECOMMENDED ACTION: Award the contract in the amount of \$127,057, includes applicable sales tax and 15% contingency, to High Tech Furnishings, Ltd.; and authorize the Mayor and City Clerk to execute on behalf of the City.



# CITY COUNCIL AGENDA

February 13, 2018

## 3. CONSENT CALENDAR (Continued)

### 3.21 [Award of Contract – Bid No. 178-23; Pavement and sidewalk repair at Rancho Santiago Boulevard and Chapman Avenue Project.](#)

RECOMMENDED ACTION: 1) Authorize the appropriation of \$95,000 from the water fund unreserved fund balance to Account No. 600.8041.53830.00000, Asphalt Products; and 2) Award a contract in the amount of \$95,000 to Hardy & Harper, Inc. of Santa Ana, California; and authorize the Mayor and City Clerk to execute on behalf of the City.

### 3.22 [Exchange of vacant City owned real property for Chapman University owned real property.](#)

RECOMMENDED ACTION: Approve the exchange of unused City owned real property for Chapman University owned real property; and authorize the Mayor and City Clerk to execute the quitclaim deed for the City owned property and execute the acceptance of the Chapman University owned property.

### 3.23 [Memorandum of Understanding between the City of Orange and the Orange Management Association \(OMA\) effective July 1, 2017, to December 31, 2019. Resolution No. 11056.](#)

A Resolution of the City Council of the City of Orange establishing a Memorandum of Understanding between the City of Orange and the Orange Management Association (OMA) effective July 1, 2017, to December 31, 2019.

RECOMMENDED ACTION: Approve Resolution No. 11056.

### 3.24 Number not used.

### 3.25 [Memorandum of Understanding between the City of Orange and the Orange Maintenance and Crafts Employees' Association \(OMCEA\) effective July 1, 2017, to December 31, 2019. Resolution No. 11058.](#)

A Resolution of the City Council of the City of Orange establishing a Memorandum of Understanding between the City of Orange and the Orange Maintenance and Crafts Employees' Association (OMCEA) effective July 1, 2017, to December 31, 2019.

RECOMMENDED ACTION: Approve Resolution No. 11058.

### 3.26 [Memorandum of Understanding between the City of Orange and the Water Division Employees' Association \(WDEA\) effective July 1, 2017, to December 31, 2019. Resolution No. 11059.](#)

A Resolution of the City Council of the City of Orange establishing a Memorandum of Understanding between the City of Orange and the Water Division Employees' Association (WDEA) effective July 1, 2017, to December 31, 2019.

RECOMMENDED ACTION: Approve Resolution No. 11059.

# CITY COUNCIL AGENDA

February 13, 2018

## 3. CONSENT CALENDAR (Continued)

### 3.27 [Accepting a portion of the 2900 block of Collins Avenue into the City Street System. Resolution No. 11060.](#)

A Resolution of the City Council of the City of Orange accepting a portion of the 2900 block of Collins Avenue into the City Street System.

RECOMMENDED ACTION: Approve Resolution No. 11060.

### 3.28 [Designating agents to act on behalf of the City for declared disasters as required by the California Office of Emergency Services. Resolution No. 11061.](#)

A Resolution of the City Council of the City of Orange designating agents to act on behalf of the City for declared disasters as required by the California Office of Emergency Services.

RECOMMENDED ACTION: Approve Resolution No. 11061.

### 3.29 [Declaring public purpose and authorizing the City Manager to negotiate and execute an agreement with the California Department of Transportation to acquire in fee property located in Hart Park for public park purposes. Resolution No. 11065.](#)

A Resolution of the City Council of the City of Orange declaring public purpose and authorizing the City Manager to negotiate and execute an agreement with the California Department of Transportation to acquire in fee property located in Hart Park for public park purposes.

RECOMMENDED ACTION: Approve Resolution No. 11065.

### 3.30 [Declaring public purpose and authorizing the city manager to negotiate and execute an agreement with the California Department of Transportation to acquire in fee, property located in Handy Park for public park purposes. Resolution No. 11066.](#)

A Resolution of the City Council of the City of Orange declaring public purpose and authorizing the city manager to negotiate and execute an agreement with the California Department of Transportation to acquire in fee, property located in Handy Park for public park purposes.

RECOMMENDED ACTION: Approve Resolution No. 11066.

END OF CONSENT CALENDAR

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# CITY COUNCIL AGENDA

February 13, 2018

## 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 [Amending the procedures, rules and regulations for the Audit Committee. Resolution No. 11064.](#)

A Resolution of the City Council of the City of Orange repealing Resolution 9624 and amending the procedures, rules and regulations for the Audit Committee.

RECOMMENDED ACTION: Approve Resolution No. 11064.

## 7. ADMINISTRATIVE REPORTS

### 7.1 [Status of Fiscal Year 2017-2018 budget and preliminary projections for Fiscal Year 2018-2019 budget preparation.](#)

RECOMMENDED ACTION: Receive and file report.

## 8. REPORTS FROM CITY MANAGER

## 9. LEGAL AFFAIRS

### 9.1 [Resolution Denying tree appeal, which upholds the decision of the City Manager to deny a permit to allow the removal of a Canary Island Pine Tree located at 400 E. Chapman Ave. Resolution No. 11062.](#)

A Resolution of the City Council of the City of Orange denying tree appeal, which upholds the decision of the City Manager to deny a permit to allow the removal of a Canary Island Pine Tree located at 400 E. Chapman Ave. Appellant: William Warne.

RECOMMENDED ACTION: Approve Resolution No. 11062.

# CITY COUNCIL AGENDA

February 13, 2018

## 9. LEGAL AFFAIRS (Continued)

### 9.2 [Urgency Ordinance Amending Chapter 12.32 of the Orange Municipal Code regarding tree preservation. Ordinance No. 03-18.](#)

An Urgency Ordinance of the City Council of the City of Orange amending Chapter 12.32 of the Orange Municipal Code regarding tree preservation.

RECOMMENDED ACTION: Adopt Ordinance No. 03-18 and the findings of urgency.

### 9.3 [Ordinance Amending Chapter 12.32 of the Orange Municipal Code regarding tree preservation. Ordinance No. 04-18 \(First Reading\).](#)

An Ordinance of the City Council of the City of Orange amending Chapter 12.32 of the Orange Municipal Code regarding tree preservation.

RECOMMENDED ACTION: Approve Ordinance No. 04-18 for First Reading.

### 9.4 [Ordinance and Resolution amending the City's contract with CalPERS to provide Section 21574 benefits to local safety members. Ordinance No. 05-18 \(First Reading\). Resolution No. 11063.](#)

An Ordinance of the City Council of the City of Orange amending the City's retirement contract with CalPERS to provide Section 21574 (Fourth Level of 1959 Survivor Benefits) to local safety members; and a Resolution of intention to approve an amendment to contract between the Board of Administration California Public Employees' Retirement system and the City Council of the City of Orange.

RECOMMENDED ACTION: Approve Ordinance No. 05-18 for First Reading; and approve Resolution No. 11063.

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

# CITY COUNCIL AGENDA

February 13, 2018

## 11 PUBLIC HEARINGS

### 11.1 [An Ordinance amending Section 17.08.040 of the Orange Municipal Code to Establish Notification Requirements for Design Review Projects involving Construction of Second Stories or Additional Units on Properties in Residential Zones within the Boundaries of an Established Historic District.](#)

Time set for a public hearing to consider establishing notification requirements for certain types of Design Review projects on properties in residential zones within the boundaries of an established historic district.

#### **Recommended Council Action:**

#### **Ordinance No. 02-18 (First Reading)**

An Ordinance of the City Council of the City of Orange amending Section 17.08.040 of the Orange Municipal Code to Establish Notification Requirements for Design Review Projects involving Construction of Second Stories or Additional Units on Properties in Residential Zones within the Boundaries of an Established Historic District.

### 11.2 [An appeal of the Planning Commission decision to deny Conditional Use Permit No. 3003-16 for an Alcohol and Beverage Control \(ABC\) License Type 20 \(Off-Sale Beer & Wine\) located at 684 S. Glassell Street. Appeal No. 550-17.](#)

**(NOTE: ITEM TO BE CONTINUED TO THE MAY 8, 2018, CITY COUNCIL MEETING)**

Time set for a public hearing to consider an appeal by the applicant, Joseph Karaki of Western States Engineering, on behalf of Cadnicks 76 Service Station, of the Planning Commission decision to deny Conditional Use Permit No. 3003-16 for an Alcohol and Beverage Control (ABC) License Type 20 (Off-Sale Beer & Wine) located at 684 S. Glassell Street.

#### **Recommended Council Action:**

Continue to the May 8, 2018 City Council meeting.

## 12. ADJOURNMENT

The City Council will adjourn in memory of Robert Tunstall. The next Regular City Council Meeting will be held on Tuesday, March 13, 2018, 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 February 13, 2018, 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.**