February 26, 2013

#### **4:30 P.M. SESSION**

#### 1. OPENING

#### 1.1 INVOCATION

Pastor Robert Dargatz, Immanuel Lutheran Church

#### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Michael Alvarez

#### 1.3 ROLL CALL

PRESENT -

ABSENT -

#### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Recognition of Employee Service

#### 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.** 

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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.A CITY CONSENT CALENDAR

3.1 Confirmation of Warrant Registers dated January 31, and February 7, 2013.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Regular Meeting of February 12, 2013.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

#### **AGREEMENTS**

3.4 <u>Agreement with Orange Unified School District</u> for Community Recreational Purposes at Killefer Park, located at 615 N. Lemon Street.

RECOMMENDED ACTION: Approve Agreement and authorize the Mayor and City Clerk to execute on behalf of the City.

**BIDS** 

3.5 Final Acceptance of Bid No. 123-09; SAVI Line Improvements Project performed by Paulus Engineering, Inc.; and authorization to file the Notice of Completion with the County Recorder. (No staff report required.)

RECOMMENDED ACTION: Accept public work improvements, authorize release of North American Specialty Insurance Company of New Hampshire, Bond No. 2148082 in the amount of \$117,600.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

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#### 3. CONSENT CALENDAR (Continued)

#### 3.6 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. Barbara Taylor

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

#### **DEEDS**

3.7 Authorize the <u>Granting of Public Utility Easements</u> on City properties to Facilitate the Undergrounding of Public Utilities – Underground Utility District No. 16 – in Old Towne Orange.

RECOMMENDED ACTION: 1) Authorize the granting of public utility easements on City properties; and 2) Execute Easement Deeds in favor of the public utility companies.

#### **PURCHASES**

3.8 <u>Purchase of One Fire Apparatus Vehicle</u> through a Cooperative Purchasing Agreement for one Seagrave Quint 100 foot HGAC-Buy for the Orange Fire Department, in the amount of \$1,059,683.80.

RECOMMENDED ACTION: 1) Authorize the purchase; and 2) Authorize the City Manager to surplus the two replaced pieces of equipment.

#### 3B. SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

3.9 First Amendment to <u>Attorney Services Agreement</u> between the Successor Agency to the Orange Redevelopment Agency (SAORA) and the Law Firm of Kane, Ballmer & Berkman to Provide Legal Services with regard to the Successor Agency.

RECOMMENDED ACTION: 1) Approve Agreement and authorize the Chairman and Agency Clerk to execute on behalf of the Successor Agency; and 2) Direct staff to transmit the First Amendment for approval by the Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

3.10 <u>Attorney Services Agreement</u> between the Successor Agency to the Orange Redevelopment Agency and the Law Firm of Kane, Ballmer & Berkman to Provide Litigation Services.

RECOMMENDED ACTION: 1) Approve Agreement and authorize the Chairman and Agency Clerk to execute on behalf of the Successor Agency; and 2) Direct staff to transmit the Agreement for approval by the Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

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#### 3. CONSENT CALENDAR (Continued)

3.11 Agreement between the Successor Agency to the Orange Redevelopment Agency and Nieves Landscape, Inc., for Landscape Maintenance Services for Successor Agency properties, in the amount of \$12,000.00.

RECOMMENDED ACTION: Approve Agreement and authorize the Chairman and Agency Clerk to execute on behalf of the Successor Agency.

3.12 Agreement between the Successor Agency to the Orange Redevelopment Agency and West Coast Arborists, Inc., for Tree Trimming Services for Successor Agency properties, in the amount of \$12,000.00.

RECOMMENDED ACTION: Approve Agreement and authorize the Chairman and Agency Clerk to execute on behalf of the Successor Agency.

3.13 Agreement with <u>Alley Cat Development, Inc.</u>, for Planter Repair at 230 E. Chapman Avenue, in the amount of \$85,668.00.

RECOMMENDED ACTION: Approve Agreement in the amount of \$77,880.00, plus a 10% contingency amount of \$7,788 for a total project amount of \$85,668.00; and authorize the Chairman and Agency Clerk to execute on behalf of the Successor Agency.

#### 3.14 RESOLUTION NO. SAORA-008

A Resolution of the Successor Agency to the Orange Redevelopment Agency Approving a Recognized Obligation Payment Schedule and Related Administrative Budget for the Period Covering July 1, 2013 through December 31, 2013, Pursuant to Section 34177(l)(2)(A) of the California Community Redevelopment Law.

RECOMMENDED ACTION: 1) Approve Resolution and direct Agency Clerk to record previously stated abstentions and reasons therefore as part of the minutes; and 2) Direct staff to transmit ROPS 13-14A and related Administrative Budget to the Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

MOTION -SECOND -AYES -

END OF CONSENT CALENDAR

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4.	REPORTS FROM MAYOR SMITH
5.	REPORTS FROM COUNCILMEMBERS
6.	REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS
7.	ADMINISTRATIVE REPORTS
8.	REPORTS FROM CITY MANAGER
8.1	Salem Lutheran Update.
9.	LEGAL AFFAIRS
9.1	ORDINANCE NO. 01-13(A) (SECOND READING)
	An Ordinance of the City Council of the City of Orange Approving Zone Change No 1267-12(A) Rezoning Certain Properties in the Old Towne "Focus Area" Generally Located North of Palm Avenue, East of Batavia and West of the Railroad Tracks to Single Family Residential (R-1), in order to Establish Consistency Between the Low Density Residential General Plan Land Use Designation and the Zoning Classification in Accordance with State Law.  MOTION -
	SECOND - AYES -
	AYEN -

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#### 9. LEGAL AFFAIRS (Continued)

#### 9.2 ORDINANCE NO. 01-13(C) (SECOND READING)

An Ordinance of the City Council of the City of Orange Approving Zone Change No. 1267-12(C) Rezoning Certain Properties in the Old Towne "Focus Area" Generally Located South of Palm Avenue, East of The Railroad Tracks and West of Glassell Street to Single Family Residential (R-1), in order to Establish Consistency Between the Low Density Residential General Plan Land Use Designation and the Zoning Classification in Accordance with State Law.

MOTION -SECOND -AYES -

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

#### 11. RECESS TO CLOSED SESSION

The City Council will recess to a Closed Session for the following purposes:

- a. Public Employee Performance Evaluation pursuant to Government Code Section 54957. Title: City Attorney.
- b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

City Negotiators: Jeffrey Freedman, Special Counsel, Rick Otto, Assistant City Manager, Steven Pham, Human Resources/Employee Relations Director, and Mike Harary, Assistant Human Resources Director.

Employee Organizations: City of Orange Police Association, City of Orange Police Management Association, and Executive Directors and Top Management Employees.

c. To consider and take possible action upon such other matters as are orally announced by the City Attorney, City Manager, or City Council prior to such recess unless the motion to recess indicates any of the matters will not be considered in Closed Session.

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#### **12. ADJOURNMENT** – There is no 7:00 p.m. Session.

The next Regular City Council Meeting will be held on Tuesday, March 12, 2013, at 4:30 p.m. in the Council Chambers.

Declaration of Chief Clerk, Robert Zornado, declaring posting of City Council agenda of a regular meeting of February 26, 2013 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.