

CITY COUNCIL AGENDA

May 14, 2013

4:30 P.M. SESSION

1. OPENING

1.1 INVOCATION

Pastor Larry DiSimone, Calvary Chapel of the Canyons

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Michael Alvarez

1.3 ROLL CALL

PRESENT -

ABSENT -

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Recognition of Sponsors for the Orange 125th Birthday Celebration

Presentation of Proclamation Recognizing Red Shirt Fridays

Presentation of Proclamation Recognizing National Public Works Week, May 19-25, 2013

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.

3A. CITY CONSENT CALENDAR

3.1 Confirmation of warrant registers dated April 18 and April 25, 2013.

RECOMMENDED ACTION: Approve.

3.2 City Council [Minutes](#), Regular Meeting of April 23, 2013.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

3.4 City [Treasurer's Report](#) for the Months of January, February, and March, 2013.

RECOMMENDED ACTION: Receive and file.

3.5 [Investment Oversight Committee Report](#), period ending April 30, 2013.

RECOMMENDED ACTION: Receive and file.

AGREEMENTS

3.6 Agreement with [Nichols Consulting Engineers](#) for Pavement Condition Survey and Update, in the amount of \$108,000.00.

RECOMMENDED ACTION: Award the contract and authorize the Mayor and City Clerk to execute on behalf of the City.

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3. CONSENT CALENDAR (Continued)

3.7 Amendment to Agreement with United Security Access & Electric for Installation of an Access Control System to Park Restroom Buildings at [El Camino Real Park](#), in the amount of \$9,000.00.

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

3.8 Agreement with Friendly Center for use of [Killefer Park](#) to provide Community, Recreation, Social, and Health Resources to the Community.

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

3.9 Agreement with Integrity Automated Solutions, Inc. for Installation of a [Delta HVAC Central Control System](#) and Duct Work Upgrades at the Grijalva Sports Center, in the amount of \$29,578.00.

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

3.10 Agreement between [Chapman University](#) and the City of Orange to provide payment of replacement income.

RECOMMENDED ACTION: Approve the agreement and authorize the City Manager to execute the agreement with Chapman University.

3.11 [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. CSE Safeguard Insurance Company/Veronica Negrete
- b. Merucry Insurance Group as Subrogee of Claudia Negrete
- c. Veronica Negrete
- d. Veronica Negrete and Claudia Negrete
- e. 21st Century Insurance Company as Subrogee of Veronica Negrete
- f. 21st Century Insurance Company as Subrogee of Veronica Negrete
- g. Kara Zantos
- h. Janice Kuhn

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

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3. CONSENT CALENDAR (Continued)

CONTRACTS

3.12 Award of Contract - Bid No. 123-20; (Proposition 1B) State-Local Partnership Program (SLPP); [Jamboree Road Rehabilitation Project](#).

RECOMMENDED ACTION: 1) Award the contract in the amount of \$1,559,443.59 to R.J. Noble Company, and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Approve Change Order No. 1 in the amount of \$326,000.00.

3.13 Final Acceptance of Bid No. 123-21; Annual Concrete Replacement at Various Locations, FY-2012-13 performed by Kalban, 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 the Guarantee Company of North America USA of Michigan, Bond No. 12089331 in the amount of \$404,000.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

3.14 Award of Contract - Bid No. 123-28; [Sewer Line Replacement](#) at Various Locations Project, FY 2012-13.

RECOMMENDED ACTION: Award the contract in the amount of \$742,000.00 to SND Construction, Inc. and authorize the Mayor and City Clerk to execute on behalf of the City.

3.15 Award of Contract - Bid No. 123-32; Community Development Block Grant (CDBG) Project – Americans with Disabilities Act (ADA) [Wheelchair Access Ramps](#) at Various Locations, Fiscal Year 2012-13.

RECOMMENDED ACTION: 1) Reject Rakan, Inc.'s bid; and 2) Award the contract in the amount of \$68,333.00 to Mora's Equipment and Construction, Inc., and authorize the Mayor and City Clerk to execute on behalf of the City.

3.16 Award of Contract - Bid No. 123-33; [Emergency Power Generator](#) for Fire Station No. 4. to TSR Construction and Inspections, in the amount of \$87,400.00.

RECOMMENDED ACTION: Award the contract and authorize the Mayor and City Clerk to execute on behalf of the City.

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3. CONSENT CALENDAR (Continued)

RESOLUTIONS

3.17 [RESOLUTION NO. 10711](#)

A Resolution of the City Council of the City of Orange Approving and Adopting a Statement of Investment Policy for Fiscal Year 2013-14.

RECOMMENDED ACTION: Approve.

3.18 [RESOLUTION NO. 10712](#)

A Resolution of the City Council of the City of Orange finding that certain City-Owned Real Property Located at 1314 North Cannon Street in the City of Orange is Surplus to the City's needs and Authorizing the Sale of Said Property.

RECOMMENDED ACTION: Approve.

3.19 [RESOLUTION NO. 10716](#)

A Resolution of the City Council of the City of Orange Resolving a Failure By Representatives of the City and the Orange Police Management Association to Agree Upon the Terms and Conditions for a Fiscal Year 2012-2013 Memorandum of Understanding Between Representatives of the City and the Orange Police Management Association.

RECOMMENDED ACTION: Approve and authorize staff to make the necessary budget adjustments and/or appropriations to the departments' salary and benefit accounts to fund any increased costs.

3B. SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

3.20 **Final Acceptance of Bid No. 123-14; Slurry Seal at Various Successor Agency Owned Parking Lots project performed by Pavement Coatings Company; and authorization to file Notice of Completion with County Recorder. (No staff report required.)**

RECOMMENDED ACTION: Accept public work improvements, authorize release of The Ohio Casualty Insurance Company of New Hampshire Labor and Material Bond, Bond No. 6718313 in the amount of \$140,637.00 to the contractor on said job, and authorize the Successor Agency Chairperson and Successor Agency Clerk to execute the Notice of Completion.

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

6.1 Consideration of Appointment of Mr. Daniel Correa to the Planning Commission.

MOTION -
SECOND -
AYES -

7. ADMINISTRATIVE REPORTS

7.1 A Participation Agreement between [SFV Diversified Inc.](#) and the City of Orange which will provide for the incremental sharing of sales tax revenue over a term of twenty years under the City's Sales Tax Sharing Program.

RECOMMENDED ACTIONS: 1) Approve the Participation Agreement with SFV Diversified Inc.; and 2) Authorize the Mayor to execute and the City Clerk to attest to the Participation Agreement with SFV Diversified Inc.

MOTION -
SECOND -
AYES -

8. REPORTS FROM CITY MANAGER

9. LEGAL AFFAIRS

9.1 [ORDINANCE NO. 03-13](#) (SECOND READING)

An Ordinance of the City Council of the City of Orange Approving Zone Change 1269-13, Rezoning Properties in the Lemon Street Corridor 2010 General Plan Land Use Focus Area to Residential Multiple Family (R-3), Light Manufacturing (M1), and Industrial Manufacturing (M2) to Establish Consistency between the Medium Density Residential, Light Industrial, and Industrial General Plan Land Use Designations and Zoning Classification in Accordance with State Law.

MOTION -
SECOND -
AYES -

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9. LEGAL AFFAIRS (Continued)

9.2 ORDINANCE NO. 04-13 (SECOND READING)

An Ordinance of the City Council of the City of Orange adding Chapter 3.25 to Title 3 of the Orange Municipal Code Relating to the Establishment of a Sales Tax Sharing Program.

MOTION -
SECOND -
AYES -

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

11. PUBLIC HEARINGS

11.1 STREAMLINING THE REVIEW OF CERTAIN DEVELOPMENT AND USE APPLICATIONS.

Time set for a public hearing to consider Ordinance No. 5-13 to Streamline City Review of Certain Types of Development and Use Applications Related to Home Occupations, Recurring Temporary Uses, Zoning Administrator Variances for Legal Non-Conforming Setbacks, Access and Garage Dimensions, and Wireless Communication Facilities.

Staff Report / Council Questions
Open Public Hearing / Public Comments / Close Public Hearing
Council Comments / Council Action

Recommended Council Action:

- 1) Find the Ordinance categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines section 15305; and
- 2) **ORDINANCE NO. 05-13 (FIRST READING)**

An Ordinance of the City Council of the City of Orange Amending Title 17 of the Orange Municipal Code to Streamline City Review of Certain Development Applications and Types of Uses Related to Home Occupations, Recurring Temporary Uses, Zoning Administrator Variances, Legal Non-Conforming Garage Dimensions, and Wireless Communication Facilities.

MOTION -
SECOND -
AYES -

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12. RECESS TO CLOSED SESSION

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

- a. 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: All Bargaining Units except Orange City Firefighters.
- b. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a): *Vasquez v. Rackauckas, et. al.*
USDC Case No. SACV09-1090 VBF (RNBx)
- c. Conference with Legal Counsel – Potential Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(b).
 - 1) One potential case.
- d. Public Employee Performance Evaluation pursuant to Government Code Section 54957.
Title: City Manager.
- e. 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.

13. ADJOURNMENT – There is no 7:00 p.m. Session.

The City Council will adjourn to an Adjourned Regular Meeting Study Session at 6:00 p.m. in the Weimer Room at City Hall to review the proposed FY 2013-14 Budget and Capital Improvement Plan.

The Next Regular City Council meeting will be held on Tuesday, May 28, 2013 at 4:30 p.m. in the Council Chambers.

Declaration of Chief City Clerk, Robert Zornado, declaring posting of City Council agenda of a regular meeting of May 14, 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.