CITY COUNCIL AGENDA

Regular Meeting

February 11, 2014

5:00 p.m. Closed Session, 6:00 p.m. Regular Session

Council Chambers
300 E. Chapman Avenue, Orange, CA 92866

TERESA E. SMITH
MAYOR

MARK A. MURPHY
Mayor pro tem

DENIS R. BILODEAU
Councilmember

FRED M. WHITAKER
Councilmember

MICHAEL ALVAREZ
Councilmember

Wayne W. Winthers
City Attorney

John W. Sibley
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***. 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 agendized 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 Chambers 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 Chambers. Your cooperation is appreciated.

TO SPEAK ON ANY ITEM ON THE AGENDA, complete a speaker's card located at the entrance to the Council Chambers. 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.

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 11, 2014

5:00 P.M. SESSION

1. ROLL CALL

PRESENT -
ABSENT -

2. ORAL COMMUNICATIONS

At this time, members of the public may address the Council on any closed session items only. Comments are limited to **three minutes per person.**

3. RECESS TO CLOSED SESSION

a. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9.

1. Case: *Scott McMaster v. City of Orange, et al.* Orange County Superior Court Case No. 30-2013-00621788.

2. Case: *Helen Adam, et. al. v. City of Orange, et. al.* Orange County Superior Court Case No. 30-2012-00594666

b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:

City Negotiators: Jeffrey Freedman, Special Counsel, Rick Otto, Assistant City Manager, and Mike Harary, Assistant Human Resources Director
Employee Organizations: City of Orange Fire Management Association

4. ADJOURNMENT –

The next Regular City Council Meeting will be held on Tuesday, February 11, 2014, at 6:00 p.m. in the Council Chambers.

CITY COUNCIL AGENDA

February 11, 2014

6:00 P.M. SESSION

1. OPENING

1.1 INVOCATION

Pastor Daniel Kurimay, Zion Community Church

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Fred M. Whitaker

1.3 ROLL CALL

PRESENT -
ABSENT -

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Presentation by Orange County Business Council of the Turning Red Tape into Red Carpet Award

Annual Presentation by the Orange County Human Relations Council

Presentation of Retirement Resolution to Orange Fire Department Operations Deputy Chief Frank Eickhoff

Announcement of Memorial Adjournment for Ronald D. Sands, a longtime Orange resident and 45 year volunteer with the Orange Police Department

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.**

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 January 9, 16, 23, and 30, 2014.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Regular Meeting of January 14, 2014.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

3.4 Treasurer's Report for the Months of October, November, and December, 2013.

RECOMMENDED ACTION: Receive and File.

AGREEMENTS

3.5 First Amendments to Official Police Towing and Storage Service Agreements.

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

3.6 First Amendment to Agreement with CSG Consultants, Inc. for Plan Review and Field Inspection Services, in an amount not-to-exceed an additional $60,000.00 for a total contract amount of $90,000.00.

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

3. CONSENT CALENDAR (Continued)

3.7 Agreement with Harper & Associates Engineering, Inc. for Interior Recoating of Reservoir No. 5, in an amount not-to-exceed $55,035.00.

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

3.8 Cooperative Agreement No. C-3-2084 by and between Orange County Transportation Authority (OCTA), the Cities of Orange, Brea, Placentia, Anaheim and Santa Ana for the Implementation of the Kraemer Blvd./Glassell St./Grand Ave. Project, funded as part of Measure M2 Regional Traffic Signal Synchronization Program (Project P).

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

3.9 Cooperative Agreement No. C-3-2085 by and between Orange County Transportation Authority (OCTA), the Cities of Orange and Anaheim for the Implementation of the State College Boulevard/The City Drive Project, funded as part of Measure M2 Regional Traffic Signal Synchronization Program (Project P).

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

3.10 Amendment No. 1 to Cooperative Agreement No. C-1-3024 by and between Orange County Transportation Authority (OCTA), the Cities of Orange, Brea, Santa Ana, Tustin, Anaheim, and Placentia for the Implementation of the Tustin Avenue/Rose Drive/Grand Avenue Project, funded as part of Measure M2 Regional Traffic Signal Synchronization Program (Project P).

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

3.11 First Amendment to Agreement with the Law Office of Liebert Cassidy and Whitmore to Provide Legal Services Relating to Personnel Matters, in an amount not-to-exceed $40,000.00.

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

3.12 Agreement with Integrity Automated Solutions for Mechanical Services and Preventive Maintenance for Heating, Ventilation, and Air Conditioning at Various City Buildings, in the amount of $88,252.00.

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

3. CONSENT CALENDAR (Continued)

APPROPRIATIONS

3.13 Appropriation of $172,398.38 in Revenue from a variety of sources for Park and Trail Maintenance and Renovation at the following Parks: El Modena, Handy, Grijalva, Hart, and on the Rancho Santiago Bike Trail.

RECOMMENDED ACTION: 1) Authorize an appropriation of $27,381.35 from Revenue Account No. 100.7001.42480 (User Group Maintenance Fees) to Account No. 100.7022.51700.00000 (Contractual Services);
2) Authorize an appropriation of $5,017.03 from Revenue Account No. 100.7001.42480 (Expense Reimbursements) to Account No. 100.7022.51401.00000 (Repairs to Buildings and Fixed Equipment);
3) Authorize an appropriation of $20,000.00 from the El Modena Park Facility – Cell Tower Fee (512 Fund) unreserved fund balance to Account No. 100.7022.53640.00000 (Pipes & Fittings);
4) Authorize an appropriation of $80,000.00 from the El Modena Park Facility – Cell Tower Fee (512 Fund) unreserved fund balance to Account No. 100.7022.51700.00000 (Contractual Services);
5) a. Accept into the City's Revenue Budget a $10,000.00 deposit from SC Fuels, into Revenue Account No. 100.7022.48390.00000 (Tree Donation); and
b. Authorize an appropriation of $10,000.00 into Expenditure Account No. 100.7022.51700.00000 (Contractual Services);
6) a. Accept into the City's Revenue Budget a $30,000.00 deposit from Hewes at Orange Homeowner's Association, into Revenue Account No. 100.7021.48230.20110 (Rancho Santiago Bike Trail Project); and
b. Authorize the appropriation of $30,000.00 into Expenditure Account No. 100.7021.56015.20110 (Rancho Santiago Bike Trail Project).

BIDS

3.14 Bid No.134-20; Well No. 27 Drilling Project; Approval of plans and specifications and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Well No. 27 Drilling Project (W-660).

CONTRACTS

3.15 Award of Contract – Bid No. 134-16; SP-3862; Annual Concrete Replacement at Various Locations, Fiscal Year 2013-14.

RECOMMENDED ACTION: Award contract in the amount of $501,200.00 to C.J. Construction, Inc., Santa Fe Springs, CA and authorize the Mayor and City Clerk to execute on behalf of the City.

3. CONSENT CALENDAR (Continued)

3.16 Award of Contract – Bid No. 134-10; S-235; Sewer Line Replacement at Various Locations Project, Fiscal Year 2013-14.

RECOMMENDED ACTION: Award contract in the amount of $694,025.00 to Ramona, Inc., Arcadia, CA and authorize the Mayor and City Clerk to execute on behalf of the City.

3.17 Award of Contract – Bid No. 134-14; SP-3861; Maple Avenue Improvement Project.

RECOMMENDED ACTION: Award contract in the amount of $387,000.00 to Nobest, Inc., Garden Grove, CA and authorize the Mayor and City Clerk to execute on behalf of the City.

3.18 Final Acceptance – Bid No. 123-28; Sewer Line Replacement at Various Locations, FY 2012-13, performed by SND Construction, 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 International Fidelity Insurance Company of New Jersey, Bond No. 557602 in the amount of $742,000 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

3.19 Final Acceptance – Bid No. 134-08; Feather Hill Drive Subdrain Extension performed by SND Construction, 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 International Fidelity Insurance Company of New Jersey, Bond No. 557609 in the amount of $35,017 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

3.20 Final Acceptance – Bid No. 123-10; Tustin Street and Palm Avenue Left Turn Signal Modification (SP-3801), performed by California Professional Engineering, Inc.; and authorization to file the Notice of Completion with the County Recorder (No staff report required).

RECOMMENDED ACTION: Accept public improvements, authorize release of Hanover Insurance Company of New Hampshire, Bond No. 1971663 in the amount of $160,000.00 to the contractor on said job, and authorize the mayor and City Clerk to execute the Notice of Completion.

RESOLUTIONS

3.21 RESOLUTION NO. 10758

A Resolution of the City Council of the City of Orange Authorizing the Application for the Housing Related Parks Grant.

RECOMMENDED ACTION: Approve.

3. CONSENT CALENDAR (Continued)

3.22 RESOLUTION NO. 10759

A Resolution of the City Council of the City of Orange rescinding Resolution No. 10718, and adopting a Revised Master Resolution of Permit Parking Areas within the City of Orange.

RECOMMENDED ACTION: Approve.

3.23 RESOLUTION NO. 10760

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. 10589 and Amendments Thereto.

RECOMMENDED ACTION: Approve Resolution No. 10760 and authorize staff to make the necessary budget adjustments and/or appropriations to the departments' salary and benefit accounts to fund the increased costs of the contract.

3.24 RESOLUTION NO. 10761

A Resolution of the City Council of the City of Orange Approving the Memorandum of Understanding Between the City of Orange and the Orange Management Association (OMA) Concerning Wages, Hours, and Other Conditions of Employment Effective July 1, 2013 through and Including June 30, 2015 and Repealing Resolution No. 10682 and Amendments Thereto for Said Employees.

RECOMMENDED ACTION: Approve.

3.25 RESOLUTION NO. 10763

A Resolution of the City Council of the City of Orange Approving the Memorandum of Understanding Between the City of Orange and the Orange Municipal Employees Association (OMEA) Concerning Wages, Hours, and Other Conditions of Employment Effective July 1, 2013 through and including June 30, 2015 and Repealing Resolution No. 10681 and Amendments Thereto for Said Employees.

RECOMMENDED ACTION: Approve.

3.26 RESOLUTION NO. 10764

A Resolution of the City Council of the City of Orange Approving the Memorandum of Understanding Between the City of Orange and the Water Division Employees Association (WDEA) Concerning Wages, Hours, and Other Conditions of Employment Effective July 1, 2013 through and including June 30, 2015 and Repealing Resolution No. 10678 and Amendments Thereto for Said Employees.

RECOMMENDED ACTION: Approve.

3. CONSENT CALENDAR (Continued)

3.27 RESOLUTION NO. 10765

A Resolution of the City Council of the City of Orange Expressing Appreciation to Frank Eickhoff of the Orange City Fire Department and Commending Him for Thirty Years of Loyal and Dedicated Service.

RECOMMENDED ACTION: Approve.

3.28 RESOLUTION NO. 10767

A Resolution of the City Council of the City of Orange Expressing Appreciation to Jose Maciel of the Engineering Division, Public Works Department and Commending Him for More than Thirty-Four Years of Loyal and Dedicated Service.

RECOMMENDED ACTION: Approve.

3.29 RESOLUTION NO. 10768

A Resolution of the City Council of the City of Orange Expressing Appreciation to Hector Velasquez of the Street Maintenance Division of Public Works and Commending Him for More than Thirty-Four Years of Loyal and Dedicated Service.

RECOMMENDED ACTION: Approve.

MEMBERSHIPS

3.30 City Membership in the League of California Cities (Continued from January 14, 2014).

RECOMMENDED ACTION: City Manager recommends removal of this item from the agenda.

3. CONSENT CALENDAR (Continued)

3B. SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY (ORA)

3.31 RESOLUTION NO. SAORA-013

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, 2014 through December 31, 2014 pursuant to Section 34177(I)(2)(A) of the California Community Redevelopment Law.

RECOMMENDED ACTION: 1) Approve Resolution No. SAORA-013 and direct Successor Agency Clerk to record previously stated City Council abstentions and reasons therefore as part of the minutes; and 2) Direct staff to transmit ROPS 14-15A 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

4.1 Council Reorganization.

MOTION -
SECOND -
AYES -

5. REPORTS FROM COUNCILMEMBERS

5.1 Councilmember Whitaker – Requests a discussion and adoption of draft Resolution NO. 10766, which sets forth a Council policy regarding the applicability of the City's planning process to governmental agencies and also authorizes the City Council to direct appointees to outside advisory bodies to uphold the City's interest in local control when representing the City on other legislative bodies.

MOTION -
SECOND -
AYES -

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

7. ADMINISTRATIVE REPORTS

7.1 Four-year Agreement with the Orange International Street Fair, Inc. (OISF) for production of the Orange International Street Fair.

RECOMMENDED ACTION: Approve OISF's request and direct staff to prepare the OISF 2014 Agreement to reflect changes; and authorize the Mayor and City Clerk to execute on behalf of the City.

MOTION -
SECOND -
AYES -

7.2 FY 2013-14 Mid-Year Budget Adjustments.

RECOMMENDED ACTION:

1) Authorize the appropriation of $374,000.00 from the unreserved fund balance of the General Fund to various City department salary and benefit accounts as a result of the disallowance by the Department of Finance (DOF) of budgeted salary expenditures in the Successor Agency to the Orange Redevelopment Agency (SAORA); and
2) Authorize the appropriation of $85,000.00 from the unreserved fund balance of the Low/Moderate Income Housing Asset Fund (921) to various City department salary and benefit accounts as a result of the disallowance by the DOF of budgeted salary expenditures in the SAORA.

MOTION -
SECOND -
AYES -

7.3 Award of Contract – Bid No. 134-09; (W-664); Construction of the New Marywood Pump Station.

RECOMMENDED ACTION: 1) Authorize the appropriation of $1,500,000.00 from the Water Fund unreserved fund balance to Account No. 600.8011.56412.18228 (Marywood Pump Station Replacement); and 2) Award a contract in the amount of $2,246,954.00 to Adams Mallory Construction Company, Inc., and authorize the Mayor and City Clerk to execute on behalf of the City.

MOTION -
SECOND -
AYES -

CITY COUNCIL AGENDA

February 11, 2014

8. REPORTS FROM CITY MANAGER

9. LEGAL AFFAIRS

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

11. PLANNING AND ENVIRONMENT

11.1 An Appeal of the City Traffic Commission action denying the request for the removal of the red curb marking from the north side of the driveway serving 453 South Orange Street.

RECOMMENDED ACTION: Per Council direction.

MOTION -
SECOND -
AYES -

12. ADJOURNMENT –

The City Council will Adjourn in memory of Ronald D. Sands, a longtime Orange resident and 45-year volunteer with the Orange Police Department.

The next Regular City Council Meeting will be held on Tuesday March 11, 2014, at 6:00 p.m. in the Council Chambers, 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 11, 2014 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.