



# CITY COUNCIL AGENDA

Regular Meeting

March 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 agenzized 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

March 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 Real Property Negotiator – Real property negotiations pursuant to Government Code Section 54956.8:  
Property: SE Corner Tustin St. / Meats Ave. right-of-way purchase  
City Negotiator: Rick Otto, City Manager  
Under Negotiation: Right-of-Way Purchase
- b. 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

### 4. ADJOURNMENT

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

# CITY COUNCIL AGENDA

March 13, 2018

## 6:00 P.M. SESSION

### 1. OPENING

#### 1.1 INVOCATION

Father Neil Edlin, St. Mary Magdalene Anglican Church

#### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Kimberlee Nichols

#### 1.3 ROLL CALL

#### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

2017 Partner Recognition

### 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

March 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 February 8, February 16, February 22, and March 2, 2018.**

RECOMMENDED ACTION: Approve.

### 3.2 **[City Council Minutes, Regular Meeting of February 13, 2018.](#)**

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

### 3.4 **[Investment Oversight Committee Report for the period ending February 28, 2018.](#)**

RECOMMENDED ACTION: Receive and file.

### 3.5 **[First Amendment to agreement with Converse Professional Group for Geotechnical Observation and Testing Services for the Shaffer Park Renovation Project.](#)**

RECOMMENDED ACTION: Approve first amendment to agreement with Converse Professional Group for an amount not-to-exceed \$30,830 and authorize the Mayor and City Clerk to execute on behalf of the City.

### 3.6 **[Approval of Microsoft Enterprise Agreement for software licenses for all City computers and servers.](#)**

RECOMMENDED ACTION: 1) Approve the Microsoft Enterprise Agreement to purchase software licenses in the amount of \$863,816.76; and 2) Authorize the Mayor and City Clerk to execute the Enterprise Agreement with Microsoft.

### 3.7 **[First Amendment to Attorney Services Agreement with the law firm of Liebert Cassidy and Whitmore to provide legal services relating to personnel matters.](#)**

RECOMMENDED ACTION: Approve and authorize the Mayor and City Clerk to execute the First Amendment to the Attorney Services Agreement with Liebert Cassidy and Whitmore.

# CITY COUNCIL AGENDA

March 13, 2018

## 3. CONSENT CALENDAR (Continued)

### 3.8 [Award of Consultant Services Agreement for the preparation of plans, specifications, and estimates for the Katella Avenue and Struck Avenue Intersection Improvements.](#)

RECOMMENDED ACTION: 1) Authorize the appropriation of \$55,000 from 284 TSIP unreserved fund balances to expenditure account number 284.5032.56100.20377; and 2) Award the contract to Stantec Consulting Services, Inc., in the amount of \$29,859.00, and authorize the Mayor and City Clerk to execute on behalf of the City.

### 3.9 [Appropriation of \\$27,307.30 in revenue for Community Garden plot leases, sports field maintenance and renovation, and sponsorship donations.](#)

RECOMMENDED ACTION: 1) Authorize the appropriation of \$3,519 from revenue account 100.7001.44210.20227 (Garden Plots) to expenditure account number 100.7001.51700.20227 (Garden Plots); 2) Authorize the appropriation of \$17,788.30 from revenue account 100.7022.42480.00000 (User Group Maintenance Fees) to 100.7022.51700.00000 (Contractual Services); and 3) Authorize the appropriation of \$6,000 from revenue account 100.7015.48390.20368 (Special Event Donations) to expenditure account number 100.7015.53380.20368 (Special Event – Supplies).

### 3.10 [Appropriation of funds to the existing CIP project to perform restoration and surface coating of the historic cast iron fountain located at the Orange Public Library & History Center.](#)

RECOMMENDED ACTION: Authorize the appropriation of \$5,621 from the Library Facilities Fees (Fund 573) unreserved fund balance to account number 573.2001.56020.20295, Library Fountain Library Facilities Fees.

### 3.11 [Approval of plans and specifications for Cambridge Storm Drain and Street Improvements, FY 2017-18, Bid No. 178-32; and authorization to advertise for bids.](#)

RECOMMENDED ACTION: 1) Appropriate \$541,480 from account number 220.5011.56200.15508 (Sanitation & Sewer) to 220.5011.56340.20323; and 2) Approve plans and specifications and authorize advertisement for bids for Cambridge Storm Drain and Street Improvements.

### 3.12 [Approval of plans and specifications for Street Improvements on Palmyra Avenue and Sewer Improvements on Palmyra Avenue and Waverly Street, FY 2017-18, Bid No. 178-31; and authorization to advertise for bids.](#)

RECOMMENDED ACTION: 1) Appropriate \$600,000 from Fund 520 unreserved fund balance to account number 520.5011.56200.15508 (Sewer Line Maintenance Replacement); and 2) Approve plans and specifications and authorize advertisement for bids for the Street Improvements on Palmyra Avenue and Sewer Improvements on Palmyra Avenue and Waverly Street.

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## 3. CONSENT CALENDAR (Continued)

### 3.13 Approval of plans and specifications for Annual Slurry Seal at Various Locations, Fiscal Year 2017-18, Bid No. 178-30; and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Annual Slurry Seal at Various Locations, Fiscal Year 2017-18.

### 3.14 Approval of plans and specifications for Annual Pavement Maintenance at Various Locations, Fiscal Year 2017-18, Bid No. 178-29; and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Annual Pavement Maintenance Project at Various Locations, FY 2017-2018.

### 3.15 Approval of plans and specifications for Senate Bill (SB) 1 Street Improvements, FY 2017-18, Bid No. 178-33; and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertisement for bids for the SB-1 Street Improvements, FY 2017-18.

## 3.16 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. Mark Dawson

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

### 3.17 Award of Consultant Services Agreement to Kimley-Horn and Associates, Inc. for preparing plans, specifications, and estimates for Traffic Engineering Services on Glassell Street at Meats Avenue Left Turn Signal Modifications and Glassell Street at Collins Avenue Left Turn Signal Modifications.

RECOMMENDED ACTION: Award the contract in the amount of \$56,567 to Kimley-Horn and Associates, Inc. and authorize the Mayor and City Clerk to execute on behalf of the City.

### 3.18 Final Acceptance of Bid No. 178-06; Katella Avenue Sidewalk Improvements, 450 feet w/o Struck Avenue to Stadium Promenade; and authorization to file the Notice of Completion with the County Recorder.

RECOMMENDED ACTION: Accept the Katella Avenue Sidewalk improvement project as complete, and authorize the Mayor and City Clerk to execute the Notice of Completion.

# CITY COUNCIL AGENDA

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## 3. CONSENT CALENDAR (Continued)

### 3.19 [Award of Contract for Community Development Block Grant \(CDBG\) Americans with Disabilities Act \(ADA\) Wheelchair Access Ramps at Various Locations Project \(FY18\), Bid No. 178-20.](#)

RECOMMENDED ACTION: 1) Reject the bid received from the apparent low bidder, C.J. Concrete Construction, Inc., a California Corporation, on the basis that the bid was not responsive; and 2) Award the contract to Vido Samarzich, Inc. in an amount not-to-exceed \$204,300, and authorize the Mayor and City Clerk to execute on behalf of the City.

### 3.20 [Approval of “NO FEE” parking permits in Municipal Parking Lot No. 2 on South Orange Street for the Assistance League of Orange \(ten permits\) and the First United Methodist Church \(two permits\).](#)

RECOMMENDED ACTION: Approve the request and issue the parking permits to be valid from July 1, 2018, through December 31, 2018; and also from January 1 2019, through June 30, 2019.

### 3.21 [Authorization of payment to Valverde Construction, Inc. for the repair of existing 18” cement coated steel pipe on Heim Avenue.](#)

RECOMMENDED ACTION: Authorize the payment of \$34,976 for the repairs of the existing 18” cement coated steel pipe

### 3.22 [Purchase of tires and emergency roadside assistance from Pete’s Road Service, Inc. on a sole source basis.](#)

RECOMMENDED ACTION: Authorize the expenditure of \$60,000 to Pete’s Road Service, Inc.

### 3.23 [Purchase of Cylance anti-virus software for a three-year term from Sidepath, Inc.](#)

RECOMMENDED ACTION: Approve the purchase of Cylance anti-virus software for three years from Sidepath, Inc. in the amount of \$92,132.26.

### 3.24 [Purchase of five Dell R740 servers from Sidepath, Inc.](#)

RECOMMENDED ACTION: 1) Approve the purchase of five Dell R740 servers from Sidepath, Inc. in the amount of \$139,342.08; and 2) Authorize the appropriation of \$17,900 from Information Technology (790) unreserved fund balance to account number 790.1601.56033.20289 (GIS Server).

### 3.25 [City Traffic Commission Activity Report for 2017.](#)

RECOMMENDED ACTION: Receive and file.



# CITY COUNCIL AGENDA

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## 3. CONSENT CALENDAR (Continued)

### 3.26 [Memorandum of Understanding between the City of Orange and the Orange Municipal Employees' Association \(OMEA\) effective July 1, 2017, to December 31, 2019. Resolution No. 11057.](#)

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

RECOMMENDED ACTION: Approve Resolution No. 11057.

### 3.27 [Authorization for temporarily closing portions of Public Streets for approved Special Events. Resolution No. 11068.](#)

A Resolution of the City Council of the City of Orange temporarily closing sections of Public Streets for approved Special Events.

RECOMMENDED ACTION: Approve Resolution No. 11068 approving the closure of public streets during the times of approved special events; and approve closure of municipal parking lots and temporary suspension of neighborhood permit parking restrictions for certain events and dates occurring in the Fiscal Year 2018-19.

END OF CONSENT CALENDAR

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## 4. REPORTS FROM MAYOR SMITH

### 4.1 Consider Adjustment of Local Old Towne Orange Historic District Boundary.

### 4.2 Consider Re-zoning of the Nutwood Tract Properties to Single Family.

## 5. REPORTS FROM COUNCILMEMBERS

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

### 6.1 Appointment to the Library Board of Trustees.

RECOMMENDED ACTION: Appoint new member.

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

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

## 7. ADMINISTRATIVE REPORTS

### 7.1 [Award of Contract for Council Chamber A/V Presentation System Upgrade to Western A/V, Inc., RFP 178-24.](#)

RECOMMENDED ACTION: 1) Authorize the appropriation of \$312,000 from the 1% PEG Program Fund (Fund 130) unreserved fund balance to account number 130.1601.56032.20128, Council Chamber Remodel; and 2) Award the contract in the amount of \$350,463.34 to Western A/V, Inc. and authorize the Mayor and City Clerk to execute on behalf of the City.

### 7.2 [Award of Contract for Council Chamber Remodel Project Construction to Marjani Builders, Inc., Bid No 178-22.](#)

RECOMMENDED ACTION: 1) Authorize the appropriation of \$150,000 from the 1% PEG Program Fund (Fund 130) unreserved fund balance to account number 130.1601.56032.20128 (Council Chamber Remodel); and 2) Award the contract in the amount of \$405,882 to Marjani Builders, Inc., and authorize the Mayor and City Clerk to execute on behalf of the City.

### 7.3 [An amendment to the Southwest Project Area Design Standards for the purposes of eliminating content related to the Old Towne Orange Thematic District. Resolution No. 11071.](#)

A Resolution of the City Council of the City of Orange amending the design standards for the Southwest Project Area to remove content related to the Old Towne Thematic District.

RECOMMENDED ACTION: Approve Resolution No. 11071.

## 8. REPORTS FROM CITY MANAGER

# CITY COUNCIL AGENDA

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## 9. LEGAL AFFAIRS

### 9.1 [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. Ordinance No. 02-18 \(Second Reading\).](#)

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.

RECOMMENDED ACTION: Adopt Ordinance No. 02-18.

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

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: Adopt Ordinance No. 04-18.

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

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.

RECOMMENDED ACTION: Adopt Ordinance No. 05-18.

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

## 11. PUBLIC HEARINGS

### 11.1 Amendments to the City of Orange 2015 Urban Water Management Plan (UWMP).

Time set for a public hearing to consider adopting amendments to the City's 2015 UWMP.

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

#### **Resolution No. 11067**

A Resolution of the City Council of the City of Orange adopting the amendments to the 2015 UWMP.

<a href="#"><u>Staff Report</u></a>	<a href="#"><u>Amendments</u></a>
<a href="#"><u>Water Mgmt Plan</u></a>	

# CITY COUNCIL AGENDA

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## 11. PUBLIC HEARINGS (Continued)

### 11.2 [An Ordinance amending Chapter 15.52 \(Building Security Standards\) of the Orange Municipal Code and adoption of Building Security Guidelines.](#)

Time set for a public hearing to consider amending Chapter 15.52 of the Orange Municipal Code (Building Security Standards). The City's Building Security Standards Ordinance was originally adopted in 1979 and has not been substantially updated since. The proposed Ordinance modifies definitions, clarifies security hardware and lighting specifications and establishes a companion document, Security Guidelines, outlining crime prevention considerations in the design phase of building new development as described in the 2010 General Plan Public Safety Element.

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

#### **Ordinance No. 06-18 (First Reading)**

An Ordinance of the City Council of the City of Orange amending Chapter 15.52 of the Orange Municipal Code to update the City's Building Security Standards to reflect current Police Department practices, and modern-day crime prevention strategies related to the physical design of development sites.

#### **Resolution No. 11069**

A Resolution of the City Council of the City of Orange establishing building security guidelines outlining crime prevention considerations and recommendations for the design of new development.

## 12. ADJOURNMENT

The City Council will adjourn to an Adjourned Regular Meeting on Tuesday, March 27, 2018, at 5:00 p.m. in the Weimer Room for a Budget Study Session. The next Regular City Council Meeting will be held on Tuesday, April 10, 2018, at 6:00 p.m. in the El Modena Library, 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 March 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.**