December 11, 2012

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

### 1. OPENING

### 1.1 INVOCATION

Pastor Rob Curington, Orange Villa Bible Church

### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Teresa E. Smith

### 1.3 ROLL CALL

PRESENT - ABSENT -

### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Presentation of Retirement Resolution to Captain Charles A. Tuggle

The City Council will adjourn in memory of Haroldline "Honey" Hillebrecht a long time member of the Orange Community Historical Society.

### 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.** 

December 11, 2012

### 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 November 15, 21, and 29, 2012.

RECOMMENDED ACTION: Approve.

3.2 <u>City Council Minutes</u>, Regular Meeting of November 27, 2012.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

#### **AGREEMENTS**

3.4 <u>Agreement with The Roman Catholic Bishop of Orange</u> for Purchase of an Additional Permanent Easement and a Temporary Construction Easement at 2811 E. Villa Real Drive to facilitate construction of the new Marywood Pump Station, in the amount of \$65,000.00.

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

3.5 Agreements with Fieldman, Rolapp & Associates; Quint & Thimmig LLP; US Bank; Richards, Watson & Gershon; Willdan Financial; and Stone & Youngberg for Legal and Consultant Services regarding Community Facilities District No. 91-2 (Serrano Heights) Bond Refinancing.

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

3.6 <u>Appropriation of Community Facility District Funds</u> and Approval of Agreement with Econo Fence, Inc.

RECOMMENDED ACTION: Appropriate \$260,050.00 from unreserved Fund 294 (Del Rio Community Facilities District) to Account No. 294.7024.51700 (Contractual Services); and approve agreement with Econo Fence, Inc. and authorize the Mayor and City Clerk to execute on behalf of the City.

December 11, 2012

### 3. CONSENT CALENDAR (Continued)

3.7 <u>Appropriation of Funds and Approve First Amendment to Agreement</u> with the Law Firm of Liebert Cassidy and Whitmore to provide Labor Negotiations, in an amount not-to-exceed \$60,000.00.

RECOMMENDED ACTION: 1) Appropriate \$60,000 from unencumbered General Fund balance to Account No. 100.0301.51611; and 2) approve the agreement and authorize the Mayor and City Clerk to execute on behalf of the City.

3.8 <u>Mills Act Contract No. MAC-213.0-12</u> (Historic Property Preservation Agreements) 118 West Lincoln Avenue.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-213.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

3.9 <u>Mills Act Contract No. MAC-214.0-12</u> (Historic Property Preservation Agreements) 191 North Center Street.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-214.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

3.10 <u>Mills Act Contract No. MAC-215.0-12</u> (Historic Property Preservation Agreements) 438 South Grand Street.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-215.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

3.11 <u>Mills Act Contract No. MAC-216.0-12</u> (Historic Property Preservation Agreements) 434 South Cambridge Street.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-216.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

3.12 <u>Mills Act Contract No. MAC-217.0-12</u> (Historic Property Preservation Agreements) 181 North Center Street.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-217.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

December 11, 2012

### 3. CONSENT CALENDAR (Continued)

## 3.13 <u>Mills Act Contract No. MAC-218.0-12</u> (Historic Property Preservation Agreements) 336 East Maple Avenue.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-218.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

## 3.14 <u>Mills Act Contract No. MAC-219.0-12</u> (Historic Property Preservation Agreements) 714 East Maple Avenue.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-219.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

## 3.15 <u>Mills Act Contract No. MAC-220.0-12</u> (Historic Property Preservation Agreements) 225 East River Avenue.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-220.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

# 3.16 <u>Mills Act Contract No. MAC-221.0-12</u> (Historic Property Preservation Agreements) 183 North Cambridge Street.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-221.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

## 3.17 <u>Mills Act Contract No. MAC-222.0-12</u> (Historic Property Preservation Agreements) 223-225 North Harwood Street.

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between the City of Orange and the property owner (Application No. MAC-222.0-12), for the preservation, restoration and/or rehabilitation of a qualified historic property in exchange for a reduced property tax assessment.

### **APPROPRIATIONS**

## 3.18 Appropriation of Revenue from Sports Field User Group Maintenance Fees for High Impact and/or Repetitive use.

RECOMMENDED ACTION: Authorize an appropriation of \$18,565.00 from the unreserved General Fund balance to 100.7022.51700 (Contractual Services).

December 11, 2012

### 3. CONSENT CALENDAR (Continued)

BIDS

3.19 <u>Bid No. 123-20</u>; Approval of plans and specifications, and request authorization to advertise for bids for construction of the (Proposition 1B) State-Local Partnership Program (SLPP): Jamboree Road Rehabilitation Project.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the SLPP Jamboree Road Rehabilitation Project.

### 3.20 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. Jason C. Mantyla
- b. Karlee Getty
- c. Heather Marie Berault

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

#### REPORTS

3.21 The Annual Report and related Comprehensive Annual Financial Report of the Orange Redevelopment Agency for the period July 1, 2011 through January 31, 2012.

RECOMMENDED ACTION: Receive and file.

#### RESOLUTIONS

### **3.22 RESOLUTION NO. 10687**

A Resolution of the City Council of the City of Orange summarily vacating the public utility easement along "old" Metropolitan Drive which is no longer needed by the City.

RECOMMENDED ACTION: Approve.

### **3.23 RESOLUTION NO. 10691**

A Resolution of the City Council of the City of Orange Approving the Memorandum of Understanding Between the City of Orange and the Orange Maintenance and Crafts Employees' Association (OMCEA), Concerning Wages, Hours, and Other Conditions of Employment Effective July 1, 2012 Through and Including June 30, 2013, and Repealing Resolution No. 10644 and Amendments Thereto for Said Employees.

RECOMMENDED ACTION: Approve 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.

December 11, 2012

### **3.** CONSENT CALENDAR (Continued)

### **3.24 RESOLUTION NO. 10694**

A Resolution of the City Council of the City of Orange Concerning the Measure M2 Expenditure Report for the City of Orange.

RECOMMENDED ACTION: Approve.

#### SALE OF PROPERTY

3.25 <u>Sale of Real Property</u> Commonly Known as "The Slope" Behind 4000 Metropolitan Drive in the City of Orange.

RECOMMENDED ACTION: 1) Authorize the sale of The Slope, and 2) Authorize the Mayor to execute and the City Clerk to attest an agreement with WWG Met4K Owners, LLC, for purchase of property; and execute the Grant Deed and related escrow documents.

#### STREET CLOSURE

3.26 Request for a **Special Events Permit by Children's Hospital of Orange County** to host their Grand Opening Community Celebration on Saturday, February 2, 2013.

RECOMMENDED ACTION: Authorize the closure of La Veta Avenue, from Pepper to Main Streets from 10:00 p.m., Friday, February 1, 2013, to 10:00 p.m., Saturday, February 2, 2013.

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

3.27 Award of Contract – <u>Bid No. 123-17; Re-roofing of Ruby's Diner</u> at Orange Depot to Letner Roofing Company, in the amount of \$77,290.00.

RECOMMENDED ACTIONS: Award the contract and authorize the Chairperson and Successor Agency Clerk to execute on behalf of the Successor Agency.

MOTION -SECOND -AYES -

END OF CONSENT CALENDAR

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December 11, 2012

4.	REPORTS FROM MAYOR SMITH
5.	REPORTS FROM COUNCILMEMBERS
6.	REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS
7.	ADMINISTRATIVE REPORTS
8.	REPORTS FROM CITY MANAGER
9.	LEGAL AFFAIRS
9.1	ORDINANCE NO. 14-12 (SECOND READING)
	An Ordinance of the City Council of the City of Orange Amending Chapter 9.39 of the Orange Municipal Code Relating to Parties and Underage Drinking.
	MOTION - SECOND - AYES -
10.	ITEMS RELATING TO THE SUCCESSOR AGENCY OF THE ORANGE REDEVELOPMENT AGENCY

December 11, 2012

## 11. RECESS TO THE MEETING OF THE INDUSTRIAL DEVELOPMENT AUTHORITY

### 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: Orange Fire Union, City of Orange Police Association, City of Orange Police Management Association, and Executive Directors and Top Management Employees.

b. 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 in memory of Haroldline "Honey" Hillebrecht a long time member of the Orange Community Historical Society.

The City Council Meeting of December 25, 2012 will be cancelled due to the holidays.

The next Regular City Council Meeting will be held on Tuesday, January 8, 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 December 11, 2012 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.