January 8, 2013

4:30 P.M. SESSION

1. OPENING

1.1 INVOCATION

Father Neil Edlin, St. Mary Magdalene Anglican Church

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor pro tem Denis Bilodeau

1.3 ROLL CALL

PRESENT -

ABSENT -

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

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 December 6, 13, and 20, 2012.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, <u>Adjourned Regular Meeting of December 4</u>, <u>Regular Meeting of December 11</u>, and <u>Special Meeting of December 18</u>, 2012.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

AGREEMENTS

3.4 Cooperative <u>Agreement with the County of Orange</u> for Funding and Construction of Lincoln Avenue. The City's share of the Project cost is \$220,000.00.

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

3.5 Second Amendment to <u>Agreement with Lilley Planning Group</u> for Current Planning Processing for Chapman University Applications, increasing the not-to-exceed amount from \$90,000.00 to \$120,000.00.

RECOMMENDED ACTION: 1) Appropriate \$30,000.00 from Account No. 100.6021.48210.20096 (Expense Reimbursement) to Account No. 100.6021.51670.20096 (Other Professional & Consulting Services – Lilley Planning Group); and 2) approve the agreement and authorize the Mayor and City Clerk to execute on behalf of the City.

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3. CONSENT CALENDAR (Continued)

BIDS

3.6 <u>Bid No. 123-21; Annual Concrete Replacement</u> at Various Locations, FY 2012-13. Approval of plans and specifications and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Annual Concrete Replacement at Various Locations, FY 2012-13 Project.

3.7 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. Merricks Jerome Prudhomme
- b. Olivia Ann Reil

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

CONTRACTS

3.8 Final Acceptance of Bid No. 112-13; ADA Wheelchair Access Ramps at Various Locations; FY 2011-12; CDBG 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. 12084403 in the amount of \$85,520.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

PURCHASES

3.9 <u>Purchase of Sodium Hypochlorite</u> for various City of Orange Well Sites from Waterline Technologies, Inc. on an "as needed" basis.

RECOMMENDED ACTION: Authorize purchase of Sodium Hypochlorite on an "as needed" basis from Waterline Technologies, Inc. in an amount not to exceed \$65,000.00.

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3. CONSENT CALENDAR (Continued)

RESOLUTIONS

3.10 RESOLUTION NO. 10696

A Resolution of the City Council of the City of Orange Approving the Submittal of Improvement Projects for Funding by the Orange County Transportation Authority Under the Competitive Measure M2 Regional Traffic Synchronization Program.

RECOMMENDED ACTION: Approve.

3.11 RESOLUTION NO. 10698

A Resolution of the City Council of the City of Orange Resolving a Failure By Representatives of the City and the Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO, to Agree Upon the Terms and Conditions for a Fiscal Year 2012-2013 Memorandum of Understanding Between Representatives of the City and the Orange City Firefighters, Inc.

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 changes.

3.12 RESOLUTION NO. 10699

A Resolution of the City Council of the City of Orange Expressing Appreciation to Fire Captain Keith Wagerle of the Orange City Fire Department for Thirty-one Years of Loyal and Dedicated Service.

RECOMMENDED ACTION: Approve.

3.13 RESOLUTION NO. 10700

A Resolution of the City Council of the City of Orange Expressing Appreciation to Fire Captain John Karell of the Orange City Fire Department for Thirty-four Years of Loyal and Dedicated Service.

RECOMMENDED ACTION: Approve.

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3B. SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

3.14 <u>Agreement with Azteca Landscape</u> for Landscape Maintenance Services for Successor Agency Properties, in an amount not-to-exceed \$20,000.00.

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

MOTION -SECOND -AYES -

END OF CONSENT CALENDAR

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- 4. REPORTS FROM MAYOR SMITH
- 4.1 Council Reorganization.

MOTION -SECOND -

AYES -

4.2 Consideration of Appointment of City Council Members to City and Regional Boards.

MOTION -SECOND -

AYES

- 5. REPORTS FROM COUNCILMEMBERS
- 6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS
- 7. ADMINISTRATIVE REPORTS
- 8. REPORTS FROM CITY MANAGER
- 9. LEGAL AFFAIRS
- 10. ITEMS RELATING TO THE SUCCESSOR AGENCY OF THE ORANGE REDEVELOPMENT AGENCY

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11. 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, 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. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9:

Milan v. Murphy, et al; Orange County Superior Court Case No. 30-2011-00494437.

- c. Conference with Legal Counsel Potential Litigation Significant exposure to litigation pursuant to Government Code Section 54956.9(b).
 - 1) One potential case.
- d. Conference with Legal Counsel Existing Litigation pursuant to Government Code Section 54956.9(a):

City of Orange, Successor Agency to the former Orange Redevelopment Agency; OHDC Serrano LLC; and C&C Serrano LLC, v. State of California Department of Finance, et. al., Sacramento Superior Court, Case number not yet assigned.

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

The next Regular City Council Meeting will be held on Tuesday, January 22, 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 January 8, 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.