February 12, 2013

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

### 1. OPENING

#### 1.1 INVOCATION

Pastor Carl Friedrich, Praise Chapel Orange County

### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Denis R. Bilodeau

### 1.3 ROLL CALL

PRESENT -ABSENT -

#### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Presentation of MADD Deuce Awards

### 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.

3.1 Confirmation of warrant registers dated January 17, and January 24, 2013.

RECOMMENDED ACTION: Approve.

3.2 <u>City Council Minutes</u>, Regular Meeting of January 22, 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 October, November, and December, 2012.

RECOMMENDED ACTION: Receive and file.

#### **AGREEMENTS**

3.5 Appropriation of Funds and Approval of Second Amendment to Agreement with the Law Firm of <u>Liebert, Cassidy and Whitmore</u> to provide Labor Negotiations, in an amount not-to-exceed \$40,000.00.

RECOMMENDED ACTION: 1) Appropriate \$40,000.00 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.

3.6 <u>Purchase Agreement with Sidepath, Inc.</u> for the Installation of VMware vSphere Virtualization Infrastructure, in an amount not-to-exceed \$72,182.00.

RECOMMENDED ACTION: 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)

#### **APPROPRIATIONS**

3.7 Appropriation of Funds received from <u>Santa Ana College</u> for Fire Department Training.

RECOMMENDED ACTION: Appropriate \$27,090.75 from Account No. 100.3023.48210.20160 to Account No. 100.3023.51840.20160.

**BIDS** 

3.8 <u>Bid No. 123-24</u>; Annual Pavement Maintenance 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 Pavement Maintenance at Various Locations, FY 2012-13 Project.

3.9 <u>Bid No. 123-25</u>; Reservoirs No. 1 and 1A Paving 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 Reservoirs No. 1 and 1A Paving Project.

3.10 Award Bid No. 123-06 for the Purchase of Five Vehicles from Villa Ford of Orange, in the amount of \$121,635.31.

RECOMMENDED ACTION: Authorize the purchase of three half-ton service trucks, one mid-size SUV, and one compact SUV from Villa Ford of Orange; and authorize the City Manager to surplus the replaced vehicles.

#### 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. Liliana Nattes
- b. Marlaina Goldine on behalf of Elisha Goldine-Hashim

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 – <u>Bid No. 123-16</u>; Male/Female Fire Facility Improvements to Jen's Construction, Inc., in the amount of \$159,570.88.

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

3.13 Award of Contract – <u>Bid No. 123-21</u>; Annual Concrete Replacement at Various Locations, FY 2012-13 to Kalban, Inc., in the amount of \$404,000.00.

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

3.14 Final Acceptance of Bid No. 112-18; Annual Paving Maintenance Project at Various Locations, FY-2011-12 performed by R.J. Noble Company; 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 Travelers Casualty and Surety Company of America of Connecticut, Bond No. 105692557 in the amount of \$2,793,892.50 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

#### **GRANTS**

3.15 <u>Urban Areas Security Initiative (UASI) Grant</u>: H1-UASI Regional Training Program and J2-Terrorism Liaison Officer (TLO) Program Allocation.

RECOMMENDED ACTION: Appropriate the following amounts:

\$13,615.62 from Account No. 100.3023.45495.20175 to Account No. 100.3023.51840.20175 (Fire Training-H1 UASI Regional Training Program 2012);

\$9,910.23 from Account No. 100.3023.45495.20176 to Account No. 100.3023.51840.20176 (Fire Training-J2-TLO Program 2012);

\$18,190.47 from Account No. 100.4081.45495.20175 to Account No. 100.4081.50221.20175 (Police-Homeland Security-Overtime Safety-H1 UASI Regional Training Program 2012); \$13,240.06 from Account No. 100.4081.45495.20176 to Account No. 100.4081.50221.20176 (Police-Homeland Security-Overtime Safety-J2 TLO Program 2012);

\$22,434.00 from Account No. 100.3023.45495.20177 to Account No. 100.3023.51840.20177 (Fire Training-H1 UASI Regional Training Program 2011);

\$9,861.00 from Account No. 100.3023.45495.20178 to Account No. 100.3023.51840.20178 (Fire Training-J2-TLO Program 2011);

\$29,971.00 from Account No. 100.4081.45495.20177 to Account No. 100.4081.50221.20177 (Police-Homeland Security-Overtime Safety-H1 UASI Regional Training Program 2011); \$13,174.00 from Account No. 100.4081.45495.20178 to Account No. 100.4081.50221.20178 (Police-Homeland Security-Overtime Safety-J2 TLO Program 2011).

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## 3. CONSENT CALENDAR (Continued)

#### RESOLUTIONS

### **3.16 RESOLUTION NO. 10698**

A Resolution of the City Council of the City of Orange Approving the Memorandum of Understanding Between the City of Orange and the Orange City Firefighters, Inc. Local 2384 of the International Association of Fire Fighters, AFL-CIO, Concerning Wages, Hours, and Other Conditions of Employment for the Period of July 1, 2012 Through and Including June 30, 2015 and Repealing Resolution No. 10622 and Amendments Thereto for Said Employees.

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

## **3.17 RESOLUTION NO. 10704**

A Resolution of the City Council of the City of Orange Finding that the Southerly 244.5 Feet of the Alley located between Center Street and Shaffer Street, North of La Veta Avenue, is No Longer Needed by the Public and Ordering the Vacation Thereof, Reserving All Public Utility Easements.

RECOMMENDED ACTION: Approve

### **3.18 RESOLUTION NO. 10705**

A Resolution of the City Council of the City of Orange Approving Lot Line Adjustment No. LL-2012-03 Adjusting the Lot Line between Two Lots of Certain Real Properties Situated at 460 S. The City Drive, in the City of Orange, County of Orange, State of California.

RECOMMENDED ACTION: Approve

MOTION -SECOND -AYES -

### END OF CONSENT CALENDAR

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### 4. REPORTS FROM MAYOR SMITH

- **4.1** Update on Orange's 125<sup>th</sup> Birthday Celebration Saturday April 6, 2013.
- **4.2** Report on the Indian Guides and Princesses YMCA Indy 500 Pinewood Derby Challenge held on January 26<sup>th</sup>.

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#### 5. REPORTS FROM COUNCILMEMBERS

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

#### 7. ADMINISTRATIVE REPORTS

7.1 Request from Orange International Street Fair, Inc. (OISF) to Amend the 2011 Agreement for the Production of the Orange International Street Fair.

RECOMMENDED ACTION:

Deny request by OISF; therefore, the original agreement remains in place through the end of the contract, December 31, 2013;

OR

Approve OISF's request and direct staff to prepare a first amendment to the OISF 2011 Agreement to reflect changes, and authorize the Mayor and City Clerk to execute on behalf of the City.

MOTION -SECOND -AYES -

7.2. Request for Authorization to Issue Special Tax Refunding Bonds for Serrano Heights Community Facilities District No. 91-2.

### **RESOLUTION NO. 10706**

A Resolution of the City Council of the City of Orange Authorizing the Issuance of Special Tax Refunding Bonds of the City for and on behalf of City of Orange Community Facilities District No. 91-2 (Serrano Heights Public Improvements), and Approving Related Documents and Actions.

RECOMMENDED ACTION: Approve

MOTION -SECOND -AYES -

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#### 8. REPORTS FROM CITY MANAGER

- 9. LEGAL AFFAIRS
- 10. ITEMS RELATING TO THE SUCCESSOR AGENCY OF THE ORANGE REDEVELOPMENT AGENCY

#### 11. RECESS TO CLOSED SESSION

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

a. Public Employee Performance Evaluation pursuant to Government Code Section 54957.

Title: City Attorney.

- b. 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: City of Orange Police Association, City of Orange Police Management Association, and Executive Directors and Top Management Employees.
- c. 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.

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### **7:00 P.M. SESSION**

#### 12. 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.** 

### 13. PUBLIC HEARINGS

### 13.1 OLD TOWNE ORANGE - ZONE CHANGE 1267-12.

Time set for a public hearing to consider Ordinance No. 01-13 approving Zone Change 1267-12 to rezone certain properties in the Old Towne Orange "Focus Area" (generally located west of Glassell Street) to R-1 (Single-Family Residential). The subject Zone Change addresses properties generally located in the northwest and southwest quadrants of Old Towne.

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

### **Recommended Council Action:**

#### ORDINANCE NO. 01-13 (FIRST READING)

An Ordinance of the City Council of the City of Orange Approving Zone Change No. 1267-12 Rezoning Certain Properties in the Old Towne "Focus Area" West of Glassell Street to Single Family Residential (R-1), in order to Establish Consistency Between the Low Density Residential General Plan Land Use Designation and the Zoning Classification in Accordance with State Law.

MOTION -SECOND -AYES -

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### 14. PLANNING AND ENVIRONMENT

### 15. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, February 26, 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 February 12, 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.