CITY COUNCIL AGENDA

May 28, 2013

4:30 P.M. SESSION

1. OPENING

1.1 INVOCATION

Pastor Bob Burris, Taft Avenue 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

Announcement of Memorial Adjournment in Memory of Anita Bennyhoff, Publisher/Editor of the Foothill Sentry Newspaper

Special Announcement and Invitation from the Friendly Center

Recognition of Employee Service

Proclamation Recognizing Management Week in America presented to the National Management Association – Orange Chapter

Presentation by Community Foundation to Participants in the Foundation Games

Recognition of Sponsors for the Orange 125th Birthday Celebration

Proclamation Recognizing Lupus Awareness Month

Presentation by SCE on Summer Readiness 2013

Presentation by Orange Park Association on Brandman Arena

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.

3.1 Confirmation of warrant registers dated May 2, May 9, and May 16, 2013.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Regular Meeting of May 14, 2013 and Adjourned Regular Meeting of May 14, 2013.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

AGREEMENTS

3.4 Amendment to Agreement with the Cities of Anaheim and Garden Grove for Lease and Operation of a Joint Training Facility.

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

3.5 Agreement with Turboscape, Inc. to Provide and Install Certified Playground Wood Chips in City Park Tot Lots, in an amount not-to-exceed $90,000.00.

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

3. CONSENT CALENDAR (Continued)

3.6 First Amendment to Agreement with Commercial Aquatic Services, Inc. for Installation of Variable Frequency Drive Pumps at the Hart Park Pool, in the amount of $15,438.52.

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

3.7 Employment Agreement with City Manager.

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

3.8 Amendment to License Agreement with the County of Orange for use of the Police Facility at 8525 East Fort Road.

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

3.9 Amendment to Joint Powers Agreement with Metro Cities Fire Authority.

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

APPROPRIATIONS

3.10 Appropriation of Revenue for the 125th Birthday Celebration.

RECOMMENDED ACTION: Accept sponsorship and authorize appropriation of $10,000.00 from Account No. 100.7015.48390.40057 (125th Birthday Celebration) to Account No. 100.7015.53380.00000 (Other Recreation Supplies).

BIDS

3.11 Bid No 123-31; Approval of plans and specifications, and request authorization to advertise for bids for construction of Batavia Street and Water Street Storm Drain Improvements Project.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for Batavia street and Water Street Storm Drain Improvements Project.

3.12 Bid No. 123-38; Water Division Warehouse Partial Demolition; Approval of plans and specifications and authorization to advertise for bids.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Water Division Warehouse Partial Demolition Project.

3. CONSENT CALENDAR (Continued)

3.13 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. Larry Pfaffly

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

REPORTS

3.14 Time Extension for the Santa Ines Senior Affordable Housing Project Conditional Use Permit 2790-10, Major Site Plan 0630-10, Design Review Committee 4483-10 and Two Concessions in Association with a Density Bonus Housing Agreement, project located at 184 North Prospect Avenue.

RECOMMENDED ACTION: Approve a one-year time extension.

RESOLUTIONS

3.15 RESOLUTION NO. 10708

A Resolution of the City Council of the City of Orange Consenting to the County of Orange Declaring Those Portions of Lincoln Avenue, located in the City Limits, from Approximately Pier No. 3 on the South Side of the Lincoln Avenue Bridge over the Santa Ana River East to Batavia Street, to be a County Highway for the purposes of Design, Right-of-Way Acquisition, and Construction by the County of Orange.

RECOMMENDED ACTION: Approve.

3.16 RESOLUTION NO. 10713

A Resolution of the City Council of the City of Orange Approving Lot Line Adjustment No. LL 2013-01 Merging Two Lots of Certain Real Properties Situated at 1314 North Cannon Street, in the City of Orange, County of Orange, State of California.

RECOMMENDED ACTION: Approve.

3.17 RESOLUTION NO. 10714

A Resolution of the City Council of the City of Orange regarding Landscape Maintenance Assessment District 86-2 (Santiago Hills) declaring its intention to provide for an annual levy and collection of assessments for Fiscal Year 2013-2014; and to set a time and place for a Public Hearing to receive public testimony on the foregoing matters; and to give approval to the preliminary Engineer's Report for Landscape Maintenance Assessment District 86-2 (Santiago Hills).

RECOMMENDED ACTION: Approve.

3. CONSENT CALENDAR (Continued)

3.18 RESOLUTION NO. 10715

A Resolution of the City Council of the City of Orange regarding Landscape Maintenance Assessment District 94-1 (Sycamore Crossing) declaring its intention to provide for an annual levy and collection of assessments for Fiscal Year 2013-2014; and to set a time and place for a Public Hearing to receive public testimony on the foregoing matters; and to give approval to the preliminary Engineer's Report for Landscape Maintenance Assessment District 94-1 (Sycamore Crossing).

RECOMMENDED ACTION: Approve.

MOTION -
SECOND -
AYES -

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR SMITH

5. REPORTS FROM COUNCILMEMBERS

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

7. ADMINISTRATIVE REPORTS

7.1 Refinancing Agreement between the City of Orange acting in its Municipal Capacity and in its Capacity as the Housing Successor, and Serrano Woods, LP.

RECOMMENDED ACTION: 1) Approve the Refinancing Agreement between the City of Orange and Serrano Woods, LP; 2) Authorize the Mayor and the City Clerk to execute on behalf of the City; and, 3) Authorize the appropriation of $4,300,000.00 from unappropriated reserves in the Housing In-Lieu Fund (Fund 916) to Account No. 916.9810.56571.20211 (Serrano Woods Refinancing).

MOTION -
SECOND -
AYES -

8. REPORTS FROM CITY MANAGER

9. LEGAL AFFAIRS

9.1 ORDINANCE NO. 05-13 (SECOND READING)

An Ordinance of the City Council of the City of Orange Amending Title 17 of the Orange Municipal Code to Streamline City Review of Certain Development Applications and Types of Uses Related to Home Occupations, Recurring Temporary Uses, Zoning Administrator Variances, Legal Non-Conforming Garage Dimensions, and Wireless Communication Facilities.

MOTION -
SECOND -
AYES -

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

11. PUBLIC HEARINGS

11.1 Zone Change No. 1268-12 Katella Corridor Between Batavia Street and the Western City Limit. (Continued from March 26, 2013.)

Time set for a continued public hearing to consider approval of Zone Change 1268-12 to rezone properties in the Katella Corridor 2010 General Plan Land Use Focus Area to Urban Mixed Use (UMU).

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

Recommended Council Action:

1) Find that the proposed zoning changes are within the scope of the previously-approved 2010 General Plan, which was evaluated in certified Program EIR No. 1815-09; and find that the Program EIR adequately describes the zoning changes for purposes of CEQA and no new environmental documents are required; and

2) ORDINANCE NO. 02-13 (FIRST READING)

An Ordinance of the City Council of the City of Orange Approving Zone Change No. 1268-12 Rezoning Properties in the Katella Corridor 2010 General Plan Land Use Focus Area between Batavia Street and the Western City Limit to Urban Mixed Use (UMU) to Establish Consistency Between the Urban Mixed Use General Plan Land Use Designation and Zoning Classification in Accordance with State Law.

MOTION -
SECOND -
AYES -

11.2 SOLID WASTE RATE ADJUSTMENT.

Time set for a public hearing to consider a request from the City's Solid Waste Collector, CR&R for a Rate Adjustment, Effective July 1, 2013.

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

Recommended Council Action:

RESOLUTION NO. 10717

A Resolution of the City Council of the City of Orange Approving Revised Rates for Solid Waste Collection and Disposal Services.

MOTION -
SECOND -
AYES -

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: All Bargaining Units except Orange City Firefighters.

b. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9(a): *Vasquez v. Rackauckas, et. al.*
   USDC Case No. SACV09-1090 VBF (RNBx)

c. Conference with Legal Counsel – Potential Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(b).

   1) One potential case.

d. 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 Anita Bennyhoff, Publisher/Editor of the Foothill Sentry Newspaper.

The next Regular City Council Meeting will be held on Tuesday, June 11, 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 May 28, 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.