

Regular Meeting

September 24, 2013 4:30 p.m. Session Only

Council Chambers 300 E. Chapman Avenue, Orange, CA 92866

## TERESA E. SMITH MAYOR

MARK A. MURPHY Mayor pro tem

DENIS R. BILODEAU Councilmember

FRED M. WHITAKER Councilmember

MICHAEL ALVAREZ
Councilmember

Wayne W. Winthers City Attorney

John W. Sibley 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 the second and fourth Tuesday of each month at 4:30 p.m. and 7:00 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*. 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 agendized under Public Comments at the **beginning** of the 4:30 p.m. and 7:00 p.m. Sessions.

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 Chambers 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 Chambers. Your cooperation is appreciated.

**TO SPEAK ON ANY ITEM ON THE AGENDA**, complete a speaker's card located at the entrance to the Council Chambers. 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.

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.

September 24, 2013

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

#### 1. OPENING

#### 1.1 INVOCATION

Pastor Mike Sciarra, Grace Brethren Church

#### 1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor pro tem Mark A. Murphy

#### 1.3 ROLL CALL

PRESENT -

ABSENT -

#### 1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Presentation of Check from Renaissance Lodge Order Sons of Italy in America to the Orange Public Library

Recognition of Employee Service

#### 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.** 

September 24, 2013

#### 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 September 5, and September 12, 2013.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Regular Meeting of September 10, 2013.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

#### **AGREEMENTS**

3.4 Agreement for the <u>transfer of ownership of the Police Service Dog Argo</u>, currently assigned to the Police Department's Canine Team from the City of Orange to Officer Trevor Cullen.

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

3.5 Agreement between the <u>California Insurance Pool Authority (CIPA)</u> and Keenan and Associates for Third Party Administration of the City of Orange Worker's Compensation Program. (Continued from September 10, 2013)

**NOTE:** Staff is requesting further continuance to a date uncertain.

RECOMMENDED ACTION: 1) Approve the three year agreement and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Cancel CIPA's agreement with AdminSure, effective September 24, 2013.

3.6 Second Amendment to <u>Agreement with GKK Works, Inc.</u> for Maintenance Management Services at the Del Rio Community Facilities District and Santiago Hills Landscape Assessment District, in an amount not-to-exceed \$50,010.00.

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

September 24, 2013

#### 3. CONSENT CALENDAR (Continued)

3.7 Approve the <u>pay off of the remaining balance</u> of the Allen McColloch Pipeline (AMP) Sales Agreement related to the 1989 Certificates of Participation (COPS) for the Financing of the AMP Flow Augmentation Project (FAP).

RECOMMENDED ACTION: 1) Approve the pay-off of the remaining obligations for the financing of the AMP Flow Augmentation Project in the amount of \$128,000.00; and 2) Authorize the appropriation of \$80,125.00 from the unreserved Water Fund balance to Account No. 600.8071.54101.00000 (Water, Principal Redemption).

#### **APPROPRIATIONS**

3.8 Accept into the City's Revenue Budget and <u>Appropriate a \$1,000.00 donation</u> from the Renaissance Lodge Order Sons of Italy in America to Orange Public Library.

RECOMMENDED ACTION: 1) Accept in the City's Revenue Budget the \$1,000.00 donation into Revenue Account No. 100.2001.48390.19969 (Sons of Italy Donation); and 2) Appropriate the donation to Account No. 100.2001.53301.19969 (Library Books).

#### **BIDS**

3.9 Final Acceptance of Bid No. 123-03; Annual Pipeline Renewal Project for various locations performed by John T. Malloy, 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 Suretec Insurance Company, Bond No. 4387809, in the amount of \$1,257,836.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

#### 3.10 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.

- 1) Deny the following Application to Present a Late Claim:
  - a. Amy Schwan
- 2) Deny the following Claim for Damages:
  - b. DeEtta M. Gibson

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

September 24, 2013

#### 3. CONSENT CALENDAR (Continued)

#### RESOLUTIONS

#### **3.11 RESOLUTION NO. 10734**

A Resolution of the City Council of the City of Orange Establishing a Letter of Understanding between the City of Orange and the City of Orange Police Association, Effective July 1, 2012 through June 30, 2015.

RECOMMENDED ACTION: Approve Resolution No. 10734 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.

#### **3.12 RESOLUTION NO. 10735**

A Resolution of the City Council of the City of Orange Amending Resolution No. 10351 between the City of Orange and the City of Orange Police Management Association.

RECOMMENDED ACTION: Approve Resolution No. 10735 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 amendment.

#### 3B SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY (ORA)

#### 3.13 RESOLUTION NO. SAORA-009

A Resolution of the Successor Agency to the Orange Redevelopment Agency Approving a Recognized Obligation Payment Schedule and Related Administrative Budget for the period covering January 1, 2014 through June 30, 2014 pursuant to Section 34177(I)(2)(A) of the California Community Redevelopment Law.

RECOMMENDED ACTION: 1) Approve Resolution No. SAORA-009 and direct Successor Agency Clerk to record previously stated City Council abstentions and reasons therefore as part of the minutes; and 2) Direct staff to transmit ROPS 13-14B and related Administrative Budget to the Oversight Board of the Successor Agency to the ORA.

MOTION -SECOND -AYES -

END OF CONSENT CALENDAR

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September 24, 2013

#### 5. REPORTS FROM COUNCILMEMBERS

5.1 Mayor pro tem Murphy – Discuss and Consider Changes to City Council Meeting Schedule and Format.

MOTION -SECOND -AYES -

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

#### 7. ADMINISTRATIVE REPORTS

7.1 Discussion of City Treasurer Vacancy and Potential Council Appointment to Fill Remaining Term.

MOTION -SECOND -AYES -

#### 8. REPORTS FROM CITY MANAGER

#### 9. LEGAL AFFAIRS

#### 9.1 ORDINANCE NO. 10-13 (FIRST READING)

An Ordinance of the City Council of the City of Orange Amending Chapter 9.10 of the Orange Municipal Code by Deleting Section 9.10.045a.1.

MOTION -SECOND -AYES -

September 24, 2013

## 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. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:
 City Negotiators: Jeffrey Freedman, Special Counsel, Rick Otto, Assistant City Manager, 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(d)(1):

Antonio Razo v. City of Orange USDC Case No. SACV 12-01487-CJC(ANx)

- c. Conference with Legal Counsel Potential Litigation Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2).
  - 1) One potential case.

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

The next Regular City Council Meeting will be held on Tuesday, October 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 September 24, 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.