CITY COUNCIL AGENDA

Regular Meeting

November 12, 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.

CITY COUNCIL AGENDA

November 12, 2013

4:30 P.M. SESSION

1. OPENING

1.1 INVOCATION

Monsignor Douglas Cook, Rector, Holy Family Cathedral

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Fred M. Whitaker

1.3 ROLL CALL

PRESENT -
ABSENT -

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Introduction of the 2014 Miss Orange Contestants

Presentation by St. Joseph's Hospital

Announcement of Memorial Adjournment for Judith Gail Whittaker

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 October 17, October 24, and October 31, 2013.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Regular Meeting of October 22, 2013.

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

3.4 Treasurer's Report for the Months of July, August, and September, 2013.

RECOMMENDED ACTION: Receive and File.

AGREEMENTS

3.5 First Amendment to Agreement with Chattel, Inc., to provide Customer Service for Historic Preservation Inquiries, Cases, Research, and Programs, in an amount not-to-exceed an additional $30,000.00, for a total contract amount of $60,000.00.

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

3.6 Agreement with Sharkey and Sharkey to Provide Forensic Consulting Services for the Police Department through June 30, 2014, in an amount not-to-exceed $64,000.00.

RECOMMENDED ACTION: 1**)** Approve the agreement and authorize the Mayor and City Clerk to execute on behalf of the City; and 2) Appropriate $64,000.00 from Account No. 100.4034.50002 (Lab/Property Regular Salaries Miscellaneous) to Account No. 100.4034.51670 (Lab/Property Other Professional and Consulting Services).

3. CONSENT CALENDAR (Continued)

3.7 First Amendment to Agreement with Moore, Iacofano, Goltsman, Inc. to provide Current and Advance Planning Assignments and to Prepare Planning Studies and Reports, in an amount not-to-exceed an additional $40,000.00, for a total contract amount of $70,000.00.

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

3.8 First Amendment to Agreement with Lucy Yeager & Associates to provide Current and Advance Planning Assignments and to Prepare Planning Studies and Reports, in an amount not-to-exceed an additional $20,000.00, for a total contract amount of $50,000.00.

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

3.9 Agreement with CSA Holdings, Inc., dba Sports Field Services, Inc., for Maintenance and Renovation Work to City Sports Fields as Directed, in the annual amount not-to-exceed $75,000.00.

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

3.10 Agreement with Econolite Group, Inc. for Replacement of TMC Software and Upgrade of System Hardware, in the amount not-to-exceed $35,000.00

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

3.11 Attorney Services Agreement with Liebert Cassidy and Whitmore to provide Legal Services relating to Personnel Matters, in the amount not-to-exceed $70,000.00.

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

3.12 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. Frank Fazio

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

3. CONSENT CALENDAR (Continued)

CONTRACTS

3.13 Award of Contract - Bid No. 134-05; The Jungle Nursery, Inc. for Weed Abatement Services, in an amount not-to-exceed $102,750.00 for the balance of the Fiscal Year ending June 30, 2014.

RECOMMENDED ACTION: 1**)** Approve the agreement and authorize the Mayor and City Clerk to execute on behalf of the City; 2) Appropriate $25,375.00 from the General Fund unreserved fund balance to Account No. 100.3012.51732 (Weed Abatement-City Lots); and 3) Appropriate $6,500.00 from the General Fund unreserved fund balance to Account No. 100.7022.51431 (Environmental Services, Landscape Maintenance-City Facilities).

GRANTS

3.14 Award of Hazardous Materials Emergency Preparedness Grant to the Orange City Fire Department.

RECOMMENDED ACTION**:** 1) Accept a grant award from the State of California, Governor's Office of Emergency Services, in the amount of $ 9,522.00 for the update of the Orange City Fire Department Hazardous Materials Area Plan; and 2) Approve a budget adjustment for FY 2013-14, for grant revenue and expenditure, as follows:

a) Increase revenue by $ 9,522.00 in Haz Mat Emergency Prep Grant, Account No. 100.3012.45495.12537; and
b) Increase expenditure by $ 9,522.00 in Haz Mat Emergency Prep Grant, Account No. 100.3012.51670.12537.

RESOLUTIONS

3.15 RESOLUTION NO. 10740

A Resolution of the City Council of the City of Orange Accepting Certain Roads and Streets into the City Street System.

RECOMMENDED ACTION: Approve

3.16 RESOLUTION NO. 10741

A Resolution of the City Council of the City of Orange Removing a Portion of Virage Street from the City Street System.

RECOMMENDED ACTION: Approve

3. CONSENT CALENDAR (Continued)

SURPLUS PROPERTY

3.17 Sale of City-owned Surplus Real Property located at 1314 N. Cannon Street in the City of Orange to the Highest Responsive Bidder.

RECOMMENDED ACTION: Approve the sale of the property at 1314 N. Cannon Street to the highest responsive bidder; and authorize the Mayor and City Clerk to execute the necessary escrow and related documents. Sale price is $507,500.00.

MOTION -
SECOND -
AYES -

END OF CONSENT CALENDAR
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4. REPORTS FROM MAYOR SMITH

4.1 Expiration of Councilmember Denis Bilodeau's appointment on the Orange County Vector Control District, effective December 31, 2013.

5. REPORTS FROM COUNCILMEMBERS

5.1 Councilmember Whitaker – West Maple Avenue Parking Concerns.

5.2 Councilmember Bilodeau – For Discussion and Possible Action: Consider the appointment of Michael Merino to fill the vacant Planning Commission seat.

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

7. ADMINISTRATIVE REPORTS

7.1 Budget Adjustments – FY 2013-2014 Mid-Year CIP Amendment for Addition of a Continuous Deflective Separation (CDS) Unit.

RECOMMENDED ACTION: 1) Accept into the City's revenue budget an $111,750.00 grant from Orange County Transportation Authority, into Revenue Account No. 550.5022.45495.30022, (Capital Projects – Grant Revenue); 2) Authorize the appropriation of $111,750.00 into expenditure Account No. 550.5022.56330.30022, (Capital Projects - Installation of CDS Unit in Shaffer St.); 3) Authorize the appropriation of $37,250.00 from the Sanitation and Sewer unreserved fund balance to expenditure Account No. 220.5022.56330.30022, (Sanitation and Sewer – Installation of CDS Unit in Shaffer St.); and 4) Adopt an amended Renewed Measure M Capital Improvement Program for FY 2013-14 through FY 2019-20 to add the CDS Unit at Santiago Creek Project site.

MOTION -
SECOND -
AYES -

8. REPORTS FROM CITY MANAGER

9. LEGAL AFFAIRS

9.1 ORDINANCE NO. 14-13 (FIRST READING)

An Ordinance of the City Council of the City of Orange Amending Section 10.14.050 of Chapter 10.14 of the Orange Municipal Code Pertaining to Speed Limits.

MOTION -
SECOND -
AYES -

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

11. PUBLIC HEARINGS

11.1 Adoption of the California Building and Fire Codes.

Time set for a public hearing to consider adoption of the 2013 California Building Code, the 2013 California Fire Code, and portions of the 2012 International Fire Code.

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

Recommended Council Action:

1) ORDINANCE NO. 15-13 (FIRST READING)

An Ordinance of the City Council of the City of Orange Amending Title 15 of the Orange Municipal Code Adopting and Amending the 2013 Editions of the California Codes and Related Model Codes, with Appendices, Relating to the Building Codes.

MOTION -
SECOND -
AYES -

2) ORDINANCE NO. 16-13 (FIRST READING)

An Ordinance of the City Council of the City of Orange Deleting Chapter 15.32, City of Orange Fire Code, in its Entirety and adding Chapter 15.32, Adopting and Amending the 2013 California Fire Code and Portions of the 2012 International Fire Code as the City of Orange Fire Code, to Title 15 (Buildings and Construction) of the Orange Municipal Code.

MOTION -
SECOND -
AYES -

3) RESOLUTION NO. 10742

A Resolution of the City Council of the City of Orange Setting Forth Findings with Respect to Local Conditions within the City of Orange Justifying Modifications and Changes to the California Fire Code.

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, and Mike Harary, Assistant Human Resources Director
Employee Organizations: All Bargaining Units except Orange City Firefighters and Police (COPA).

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

c. 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)

13. ADJOURNMENT – There is no 7:00 p.m. Session.

The City Council will adjourn in Memory of Judith Gail Whittaker.

The next Regular City Council Meeting will be held on Tuesday November 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 November 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.