

The City Council of the City of Orange, California convened on May 13, 2014, at 5:00 p.m. in a Regular Meeting in the Council Chambers, 300 E. Chapman Avenue, Orange, California.

5:00 P.M. SESSION

1. ROLL CALL

PRESENT - Alvarez, Whitaker, Smith, Murphy, Bilodeau

ABSENT - None

2. ORAL COMMUNICATIONS – None

3. RECESS TO CLOSED SESSION

- a. Conference with Legal Counsel – Existing Litigation pursuant to Government Code Section 54956.9(a).

Case: City of Orange v. County of Orange, et. al. Orange County Superior Court Case No. 30-2010-00338820CU-TT-CXC.

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

1) Two potential cases.

- c. Conference with Real Property Negotiator – Real property negotiations pursuant to Government Code Section 54956.8:

Property: 209 Camphor Place

Successor Agency's Negotiators: Rick Otto, Assistant City Manager and Aaron Schulze, Project Development Coordinator

Negotiating Parties: Successor Housing Agency to the Orange Redevelopment Agency and Bunnarith and Savvy Theam

Under Negotiation: Price and terms of payment

- d. Public employee performance evaluation pursuant to Government Code Section 54957:

Title: City Manager

4. ADJOURNMENT – At 6:05 p.m., the City Council adjourned the Closed Session to its Regular Meeting on Tuesday May 13, 2014, in the Council Chambers.

6:00 P.M. SESSION

1. OPENING

1.1 INVOCATION

Given by Pastor Tim Klinkenberg, St. John's Lutheran Church

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Led by Mayor Teresa E. Smith

1.3 ROLL CALL

PRESENT - Alvarez, Whitaker, Smith, Murphy, Bilodeau

ABSENT - None

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

Proclamation Recognizing St. Norbert's Academic Decathlon Team

Presentation by the Friends of the Orange Public Library to the Orange Public Library

Presentation of Resolution Recognizing and Honoring Purple Heart Recipients and Designating Orange as a Purple Heart City

Presentation by Orange Children & Parents Together of the "OCPT Hero Award" to Fire Chief Pat Dibb

Proclamation Honoring Leadership Orange Class of 2014 for their Contributions

Proclamation Recognizing Public Works Week, May 18-24, 2014

2. PUBLIC COMMENTS –

Michael Goylen – Spoke on the bike trail along Chapman Avenue.
Mayor Smith stated that staff would contact him.

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 April 10, 17, 24, and May 1, 2014.

ACTION: Approved.

3.2 City Council Minutes, Special Meeting of March 25, and Regular Meeting of April 8, 2014. (C2500.D.4)

ACTION: Approved.

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

ACTION: Approved.

3.4 Treasurer's Report for the Months of January, February, and March, 2014.

ACTION: Received and Filed.

AGREEMENTS**3.5 Second 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 \$30,000.00, for a total contract amount of \$100,000.00. (A2100.0 Agr-6016.2)**

ACTION: Approved the amendment and authorized the Mayor and City Clerk to execute on behalf of the City.

3.6 Reciprocal Easement Agreement with Orange Unified School District for Vehicle Access and Parking at 250 South Yorba Street. (A2100.0 Agr-6096)

ACTION: Approved the agreement and authorized the Mayor and City Clerk to execute on behalf of the City.

(REMOVED AND HEARD SEPARATELY)**3.7 Agreement with David Volz Design for Professional Services to update the Cerro Villa Park Master Plan, in the amount of \$48,378.00. (A2100.0 Agr-3867.A)**

Discussion – Community Services Director Marie Knight responded to a question by Councilmember Alvarez on the purpose for the work – that all options are being considered, including a dog park, adding that when the funding becomes available, there would be a “shelf ready” plan to implement.

3. CONSENT CALENDAR (Continued)

Speaker – Lee Brown requested installation of landscaping along Crest de Ville, suggesting residents might be able to pay the installation costs with the City maintaining it going forward.

The Council clarified the direction to staff for the proposed landscaping option to be considered as part of the plan.

MOTION - Alvarez

SECOND - Murphy

AYES - Alvarez, Whitaker, Smith, Murphy, Bilodeau

Moved to approve the agreement and authorize the Mayor and City Clerk to execute on behalf of the City, and direction to staff to include a review of the residents' proposal to fund the installation of landscaping.

3.8 Agreement with Nieves Landscape, Inc. for Landscape Maintenance Services at City Facilities and Rights of Way. (A2100.0 Agr-5778.A)

ACTION: Approved the agreement and authorized the Mayor and City Clerk to execute on behalf of the City.

(REMOVED AND HEARD SEPARATELY)

3.9 Land Lease Agreement with AT&T (New Cingular Wireless PCS, LLC) for Wireless Antenna at El Modena Park. (A2100.0 Agr-6101)

Discussion – Councilmember Alvarez questioned the value of the service to the City and asked for comparison data. He also stated a preference for stealth antennas for aesthetic reasons.

Economic Development Department Project Coordinator Aaron Shulze stated the antenna pole will also serve as a light pole, and the annual rent to be collected for the one pole is twice that of what is collected for the two poles on the west side of City Hall.

Councilmember Alvarez stated he could not support the item due to the location benefitting another city more than Orange, and its non-stealth appearance.

Mayor Smith indicated her preference is to not impact residential areas, but that the park is not in view of the surrounding homes, and the lease agreement appeared in order. She also requested that pictures be included with the staff report in the future.

Mayor pro tem Whitaker noted this item only dealt with the lease, not the design.

MOTION - Whitaker

SECOND - Murphy

AYES - Whitaker, Smith, Murphy, Bilodeau

NOES - Alvarez

Moved to approve the Lease and authorize the Mayor and City Clerk to execute on behalf of the City.

3. CONSENT CALENDAR (Continued)

3.10 Second Amendment to Agreement with Commercial Aquatic Services, Inc. for Swimming Pool Cleaning, Chemical Supply, Maintenance and Repair, FY 2013-14 and FY 2014-15. (A2100.0 Agr-5576.A.2)

ACTION: Approved the amendment and authorized the Mayor and City Clerk to execute on behalf of the City.

APPROPRIATIONS

3.11 Appropriation of Donation from the Friends of the Orange Public Library (FOPL) in the amount of \$29,950.00. (C2500.I)

ACTION: 1) Accepted into the City’s revenue budget a \$29,950.00 donation into revenue Account No. 100.2001.48390.19990 (Friends of the Library Donations); and 2) Appropriate the donation into the following expenditure accounts:

| | |
|--|-----------------|
| 100.2001.53301.19990 - FOPL (Book budget) | \$19,800 |
| 100.2004.53345.19990 - FOPL (Book processing) | \$ 2,700 |
| 100.2016.51761.19990 - FOPL (Printing & binding) | \$ 1,200 |
| 100.2016.53340.19990 - FOPL (Craft supplies-Adult) | \$ 500 |
| 100.2017.53340.19990 - FOPL (Craft supplies-Children & Teen) | <u>\$ 5,750</u> |
| | <u>\$29,950</u> |

3.12 Appropriation of \$34, 515.86 in Revenue from three Youth Sports User Groups for Sports Field Renovation at the following Parks: Handy Park, Olive Park, and McPherson Athletic Facility. (C2500.N)

ACTION:

1) Accepted into the City’s revenue budget a deposit of \$34,515.86 into revenue Account No. 100.7001.42480 (User Group Maintenance Fees), as follows:

- a. \$26,264.72 from Olive Little League
- b. \$ 7,400.00 from North Sunrise Little League
- c. \$ 953.50 from South Sunrise Little League; and

2) Authorized the appropriation of \$34,515.86 into expenditure Account No. 100.7022.51700.00000 (Contractual Services).

3.13 Appropriate \$95,000.00 from Fund 500 to Cover Certain Unforeseen Repairs Associated with a Water Line Problem at the East Orange Police Substation and Fire Station No. 7. ((C2500.M)

ACTION: Authorized the appropriation of \$95,000.00 from Capital Project Fund (500) unreserved fund balance to expenditure Account Number 500.5028.51401.20225, Capital Projects – Fire Station 7 Water Repair.

3. CONSENT CALENDAR (Continued)

3.14 Appropriation from Unreserved Fund 510 (Park Acquisition and Development); and Award of Agreement to Richard Fisher Associates, Inc., for Design Services to develop Updated Master Plan for Eisenhower, La Veta, and Shaffer Parks, in the amount of \$140,627.30. (A2100.0 Agr-6100)

ACTION: 1) Appropriated \$50,000.00 from unreserved fund balance in Fund 510 (Park Acquisition and Development) to Account No. 510.7021.56015.20183; and
2) Approved the agreement and authorize the Mayor and City Clerk to execute on behalf of the City.

BIDS

3.15 Bid No. 134-31; Emergency Generator for Big Serrano Pump Station; Approval of plans and specifications and authorization to advertise for bids. (C2500.M)

ACTION: Approved plans and specifications and authorized advertising for bids for the emergency generator for Big Serrano Pump Station.

3.16 Bid No. 134-30; Fire Hydrant Painting Services; Approval of specifications and authorization to advertise for bids. (C2500.M)

ACTION: Approved Specifications and authorized advertising for bids for the Fire Hydrant Painting Services.

3.17 CLAIMS (C3200.0)

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. Susan Jean Nieblas
- b. The Daniel and Francine Scinto Foundation
- c. Sedgwick subrogee for Mimosa Quach
- d. Theresa Schwier

ACTION: Denied Claim(s) for damages and referred to City Attorney and Adjuster.

CONTRACTS

3.18 Award of Contract – Bid No. 134-21; FY 2013-14 Community Development Block Grant (CDBG) Project – Americans with Disabilities Act (ADA) Wheelchair Access Ramps at Various Locations. (A2100.0 Agr-6097)

ACTION: Awarded the contract in the amount of \$61,920.00 to Naka Engineering Contractors and authorized the Mayor and City Clerk to execute on behalf of the City.

3. CONSENT CALENDAR (Continued)**3.19 Award of Contract for Bid No. 134-27; Vista Ridge Drive Drainage and Street Improvements. (A2100.0 Agr-6098)**

NOTE: Councilmember Bilodeau recorded an abstention due to a potential conflict with this project being in close proximity to his residence.

ACTION: Awarded the contract in the amount of \$94,040.00 to PTM General Engineering Services, Inc. and authorized the Mayor and City Clerk to execute on behalf of the City.

3.20 Award of Contract – Bid No. 134-28; Fire Station No. 4 & No. 7 Fiber Optic Installation Project. (A2100.0 Agr-6099)

ACTION: Awarded the contract to Stateside Services of Oxnard, CA in the amount of \$32,486.00; and authorized the Mayor and City Clerk to execute on behalf of the City.

3.21 Final Acceptance Hart Park Solid Roof Patio Cover Project performed by Granger Construction Inc.; and authorization to file the Notice of Completion with the County Recorder. (No staff report required.) (A2100.0 Agr-6079)

ACTION: Accepted public work improvements, authorized release of Contractors Bonding and Insurance Company, Bond No. CSB0009024 in the amount of \$666.00 to the contractor on said job, and authorized the Mayor and City Clerk to execute the Notice of Completion.

PLANS**3.22 Update to the City of Orange Sewer System Management Plan. (C2500.M.3)**

ACTION: 1) Adopted the updated Sewer System Management Plan; and 2) Authorized and directed the Public Works Director to do any and all things necessary to execute and deliver any and all documents (including amendments or modifications to the Sewer System Management Plan) deemed necessary or advisable in order to carry out, give effect to, and comply with the terms and intent of State Water Resources Control Board Order No. 2006-0003-DWQ.

RESOLUTIONS**3.23 RESOLUTION NO. 10778 (C2500.J.4.3.1)**

A Resolution of the City Council of the City of Orange Repealing Resolution No. 10703 and Implementing the Memorandum of Understanding Between the City of Orange and the Orange Fire Management Association Concerning Wages, Hours, and Other Conditions of Employment for the period of July 1, 2013 through and including June 30, 2015.

ACTION: Approved.

3. CONSENT CALENDAR (Continued)**3.24 RESOLUTION NO. 10782 (L1200.0 LMD-86-2 Santiago Hills)**

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 2014-2015; to set a time and place for a Public Hearing to receive public testimony on the foregoing matters; and to give preliminary approval to the Certified Engineer's Report for Landscape Maintenance Assessment District 86-2 (Santiago Hills).

ACTION: Approved.

3.25 RESOLUTION NO. 10783 (L1200.0 LMD-94-1 Sycamore Crossing)

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 2014-2015; and to set a time and place for a Public Hearing to receive public testimony on the foregoing matters; and to give preliminary approval to the Certified Engineer's Report for Landscape Maintenance Assessment District 94-1 (Sycamore Crossing).

ACTION: Approved.

3.26 RESOLUTION NO. 10784 (S4000.S.4)

A Resolution of the City Council of the City of Orange finding that a portion of the alley located on the south side of Washington Avenue, East of Hamlin Street is no longer needed by the public and is hereby declared exempt surplus land with a reservation of all public utility easements. (See related Item No. 3.29)

ACTION: Approved.

3.27 RESOLUTION NO. 10785 (C2500.J.4.2.1)

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 Management Association Effective July 1, 2013 through and including June 30, 2015.

ACTION: Approved and authorized 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.

3.28 RESOLUTION NO. 10786 (C2500.J.4.7)

A Resolution of the City Council of the City of Orange Relating to the Classification, Compensation, and Terms of Employment for Part-Time and Seasonal Employees of the City of Orange Effective July 1, 2014 Through and Including June 30, 2015 and Repealing Resolution No. 10728.

3. CONSENT CALENDAR (Continued)

ACTION: Approved and authorized 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.

PROPERTY**3.29 Sale of the Surplus Portion of the Alley Located on the South Side of Washington Avenue and East of Hamlin Street. (See related Item No. 3.26) (D4000.0)**

ACTION: Authorized the Mayor and City Clerk to execute a quitclaim deed and related documents pertaining to the sale of property to the Olson Company.

PURCHASES**3.30 Purchase of Battery Backup Materials for Reservoirs No. 3, 6, 8, and 9 from One Source Distributors, in the amount of \$16,195.75 (for a total expenditure above \$30,000.00). (C2500.P)**

ACTION: Approved purchase of battery backup materials.

3.31 Purchase of property at 811 E. Lincoln Avenue for the purpose of street widening, sidewalk installation, and storm drain improvement. Purchase price is \$372,600.00, plus related escrow costs. (S4000.S.3.7)

ACTION: Authorized the Mayor and City Clerk to execute escrow and related documents.

3.32 Purchase of Two Pieces of Specialized Equipment for Street and Sanitation Maintenance through Cooperative Purchasing Agreements, in the amount of \$429,188.31. (S4000.S.7)

NOTE: Councilmember Murphy recorded an abstention due to a potential conflict with his wife's employment.

ACTION: 1) Authorized the purchase of one asphalt patch truck from National Joint Powers Alliance in the amount of \$189,989.11; 2) authorized the purchase of one sewer video van from HGACBuy, in the amount of \$239,199.20; and 3) authorized the City Manager to surplus the replaced pieces of equipment.

3.33 Purchase and Installation of a Brocade IP Network Switching Infrastructure for the Police Department. (C2500.K)

NOTE: Councilmember Murphy recorded an abstention due to a potential conflict with his employment.

ACTION: Approved the purchase and installation of a Brocade network infrastructure from Sidepath, Inc., in the amount of \$56,467.

3. CONSENT CALENDAR (Continued)

MOTION - Whitaker

SECOND - Murphy

AYES - Alvarez, Whitaker, Smith, Murphy, Bilodeau

Items 3.7 and 3.9 were removed and heard separately. Councilmember Bilodeau recorded an abstention on Item 3.19, and Councilmember Murphy recorded an abstention on Items 3.32 and 3.33. All items on the Consent Calendar were approved as recommended.

END OF CONSENT CALENDAR

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4. REPORTS FROM MAYOR SMITH - None

5. REPORTS FROM COUNCILMEMBERS

5.1 Mayor pro tem Whitaker – Discussion of the re-adoption of Ordinance Extending Land Use Entitlements for up to Three Years which sunsetted in January, 2013.

Discussion – Mayor pro tem Whitaker stated his support for adoption of Ordinance No. 02-14 (Agenda Item 7.2) that would allow for a three-year extension of land use entitlements, if necessary. He stated that due to the stagnant economy he felt this was in order to assist developers by not requiring expiring entitlements to have to come back through the approval process merely due to financing of their project not already being in place.

City Attorney Wayne Winthers added that since the original ordinance allowing the three-year extension expired in 2013, the resurrected three-year extension rule would sunset on December 31, 2016.

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS - None

7. ADMINISTRATIVE REPORTS

7.1 Consider Financial Analysis of the City’s Emergency Medical Services (EMS) Program and Recommended Actions related to the Budgeting of this Program. (C2500.J.1.1)

Discussion – Deputy Fire Chief Doug Fackiner provided the staff report.

Mayor Smith clarified with staff that the EMS program fees have only been increased once since 2003.

7. ADMINISTRATIVE REPORTS (Continued)

Council clarified with Deputy Chief Fackiner various aspects of the program regarding staffing, response times, that the collection rate is 40%, and what other cities and the county are charging for ambulance services. They also clarified with Budget Officer Susan Rivera various aspects of the program costs including total expenditures, amounts going to the transport fund v. the general fund and accountability of such, calculation of the CPI rate and that only users of the program are payers.

Mayor pro tem Whitaker provided inflation figures and stated that it is impossible to stay in business if fees are not increased with the rate of inflation. He then proposed approval of the alternative reduced BLS rate of \$405, and ALS rate of \$508. He stated these rates would be in the middle of what others are charging.

Finance Director Rich Jacobs stated that a vast majority of the residents being transported are on either Medicare or MediCal and there is no negotiation with the 40% rate that is collected. He added that for the citizens not on either of these two programs, their private insurance company is billed.

MOTION - Whitaker

SECOND - Murphy

AYES - Alvarez, Whitaker, Smith, Murphy, Bilodeau

Moved to direct staff to prepare a fee resolution to adjust the rate for the Basic Life Support (BLS) fee from \$225 to \$405 and the Advanced Life Support (ALS) fee from \$325 to \$508 starting July 1, 2014.

7.2 Consider Extensions to Land Use Entitlements Expiration Dates.**ORDINANCE NO. 02-14 (FIRST READING) (A2500.0 Ord-02-14)**

An Ordinance of the City Council of the City of Orange Amending Section 17.08.060 of the Orange Municipal Code Relating to Extensions to Land Use Entitlements Expiration Dates.

NOTE: Discussion on this item occurred with agenda Item 5.1.

MOTION - Whitaker

SECOND - Alvarez

AYES - Alvarez, Whitaker, Smith, Murphy, Bilodeau

Moved that Ordinance No. 02-14 be read by title only and same was set for second reading by the preceding vote.

8. REPORTS FROM CITY MANAGER - None**9. LEGAL AFFAIRS – None**

10. ITEMS RELATING TO THE SUCCESSOR AGENCY OF THE ORANGE REDEVELOPMENT AGENCY - None

11. PUBLIC HEARINGS

11.1 Appeal No. 0533-14 - Environmental Impact Report 1818-09, General Plan Amendment 2009-002, Zone Change 1254-09, Specific Plan 001-09, Tentative Parcel Map 2012-101, Tentative Tract Map 0025-09 (Also Known as Tentative Tract Map 17344), Development Agreement 5825, Major Site Plan 0595-09, and Design Review Committee 4413-09 - Rio Santiago. Appellant: JMI Properties/Santiago Partners, LLC. (A4000.0)

Time set for a public hearing to consider the Planning Commission's Denial of a project that would allow a maximum of 130 single family homes; a maximum of 265 senior (age-restricted) housing units that could include up to a three-story building; pay-for-use private recreational facilities which could include up to an 81,000 square foot building; and open space areas north of and including Santiago Creek. Publicly available trails, publicly available open space, and private streets are also proposed as part of the project.

Discussion - Senior Planner Chad Ortlieb reviewed the staff report, describing the four planning areas, parking and circulation, trails, the requested entitlements, and the Planning Commission decision.

Ken Ryan, KTGy, reviewed a power point presentation, highlighting the project vision, site overview, current uses, the community outreach program and changes based on community input, design principles, open space and parks plan, proposed architectural styles, the history of the property and past plans, environmental considerations and reasons for appealing the Planning Commission decision. He confirmed that the 3.7 acres designated for the horse arena would be offered to the city first.

THE MAYOR OPENED THE PUBLIC HEARING.

The following spoke in favor of the proposed project. Their considerations included – the City does not have the funds to purchase the property for a park, the current sand and gravel operation is an eyesore, this will provided infrastructure improvements, will provide for expansion of the horse arena, preserves acreage for open space, the developer has listened to the concerns of the surrounding neighborhoods, and provides a trail plan.

Shirley Grindle, Larry Brose, Mike Balsamo, Michael Brandman, Mel Malkoff, Michele Agopian, Erica Yanchus, Susan Obermayer, Richard McFarlane, Pete Bowen, John Moore, Jim Meyer, Steve Mora, Bill Reiking, Lois Widly, and Robert Marrujo.

11. PUBLIC HEARINGS (Continued)

The following spoke in opposition to the proposed project. Their considerations included - increase in traffic, proposed sports park will create additional noise, traffic, and impact to the surrounding property values, some lots are less than 8,000 square feet, flood plain issues, a proposed three-story building is too high for the area, want to retain open space, and methane gas issues.

Stephanie Lesinski, John Cox, Paul Andrews, Michael Wellborn, Bonnie Robinson, Jason Phlaum, Frank Lesinski, Martha Wetzel, Bob Davis, Dan Graupensperger, Joan Gregory, Jim Cathcart, Mary Dargatz, Sharon Mule, Jason Shuppert, Theresa Sears, Don Bradley, Toni Bradley, Ron Thon, Tom Davidson, Carol Kawanami, Pater Jacklin, Fran Klovstad, Bill Klovstad, David Sonneborn, and Kimberly Bottomley.

THE MAYOR CLOSED THE PUBLIC HEARING.

MOTION - Murphy

SECOND - Alvarez

AYES - Alvarez, Whitaker, Smith, Murphy, Bilodeau

Moved to Continue to June 10, 2014, at 6:00 p.m.

12. ADJOURNMENT – The City Council adjourned at 11:15 p.m.

The next Regular City Council Meeting will be held on Tuesday June 10, 2014, at 6:00 p.m. in the Council Chambers, with Closed Session beginning at 5:00 p.m., if necessary.

Declaration of Chief Clerk, Robert Zornado, declaring posting of City Council agenda of a regular meeting of May 13, 2014, 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.

MARY E. MURPHY
CITY CLERK

TERESA E. SMITH
MAYOR