



CITY COUNCIL AGENDA

Regular Meeting

October 13, 2015

4:30 p.m. Employee Recognition

5:00 p.m. Closed Session

6:00 p.m. Regular Session

Council Chambers

300 E. Chapman Avenue, Orange, CA 92866

TERESA E. SMITH

Mayor

MARK A. MURPHY

Mayor pro tem

FRED M. WHITAKER

Councilmember

MICHAEL ALVAREZ

Councilmember

KIMBERLEE NICHOLS

Councilmember

Wayne W. Winthers
City Attorney

Rick Otto
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 on the second Tuesday of each month at 6:00 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 agendaized under Public Comments section at the **beginning** of the 6:00 p.m. Session.

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 and AT&T Universe Channel 99 and streamed live and on-demand on the City's website at www.cityoforange.org.

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

October 13, 2015

4:30 P.M. SESSION

1. ROLL CALL

PRESENT -

ABSENT -

2. ORAL COMMUNICATIONS

At this time, members of the public may address the Council on any items on the 4:30 session only. Comments are limited to three minutes per person.

3. EMPLOYEE RECOGNITION

4. RECESS

The City Council will Recess to the Closed Session Meeting held on Tuesday, October 13, 2015, at 5:00 p.m. in the Council Chambers.

CITY COUNCIL AGENDA

October 13, 2015

5:00 P.M. SESSION

1. ROLL CALL

PRESENT -

ABSENT -

2. ORAL COMMUNICATIONS

At this time, members of the public may address the Council on any closed session items only. Comments are limited to three minutes per person .

3. RECESS TO CLOSED SESSION

- a. Conference with Labor Negotiator pursuant to Government Code Section 54957.6
Proposed 2015 City Hall Holiday Closure:
City Negotiators: Human Resources /Employee Relations Director Steven Pham
Employee Organizations: All Bargaining Units
- b. Conference with Labor Negotiator pursuant to Government Code Section 54957.6:
City Negotiators: Laura Kalty, Special Counsel, Will Kolbow, Finance Director
and Lisa Kim, Economic Development Manager.
Employee Organizations: All bargaining groups.

4. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, October 13, 2015, at 6:00 p.m. in the Council Chambers.

CITY COUNCIL AGENDA

October 13, 2015

6:00 P.M. SESSION

1. OPENING

1.1 INVOCATION

Pastor Carl Friedrich, Praise Chapel

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 by the Friends of the Library to the Orange Public Library

Presentation honoring the South Sunrise Little League championship

Presentation by the Community Foundation of Orange for the Orange Field of Valor event

Proclamation recognizing Childhood Lead Poisoning Prevention Week

Memorial Adjournment for Marilyn Jensen, former Orange City Clerk

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.**

CITY COUNCIL AGENDA

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3.A 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 September 3, 10, 17, 24, and October 1, 2015.

RECOMMENDED ACTION: Approve.

3.2 City Council Minutes, Regular Meeting [of September 8, 2015](#), and Special Meeting of [September 23, 2015](#).

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

AGREEMENTS

3.4 [Agreement between the City of Orange and VCI Event Technology, Inc. \(VCI\), to provide audio, lighting, staging, and electrical services at the 2015 Tree Lighting Ceremony and Candlelight Choir Procession and the 2016 Third of July Celebration for an amount not to exceed \\$52,799.02.](#)

RECOMMENDED ACTION: 1) Approve Agreement between the City of Orange and VCI in the amount of \$52,799.02 for FY 15-16; and 2) Authorize the Mayor and City Clerk to execute on behalf of the City.

3.5 [Agreement with Merchants Building Maintenance Company, LLC, for Custodial Services for a 90-day period for an amount not to exceed \\$59,760.36.](#)

RECOMMENDED ACTION: 1) Approve the agreement between the City of Orange and Merchants Building Maintenance Company, LLC; and 2) Authorize the Mayor and City Clerk to execute on behalf of the City.

CITY COUNCIL AGENDA

October 13, 2015

3. CONSENT CALENDAR (Continued)

3.6 Fourth Amendment to Agreement with Nieves Landscape, Inc. for landscape maintenance services for the Santiago Hills Landscape Assessment District to increase the amount for FY 15-16 from \$290,628.00 to \$370,928.00.

RECOMMENDED ACTION: 1) Approve the Fourth Amendment to Agreement 5885 with Nieves Landscape, Inc.; and 2) Authorize the Mayor and City Clerk to execute on behalf of the City.

3.7 Lease Agreement with Orange Meadows Apartments, LLC to ground lease a portion of Unimproved City Property Adjacent to the Collins Channel, located east of Highland Street.

RECOMMENDED ACTION: 1) Approve Lease Agreement between the City of Orange and Orange Meadows Apartments, LLC; and 2) Authorize the Mayor and City Clerk to execute on behalf of the City.

3.8 Authorize purchase of Radio Frequency Identification (RFID) self-service equipment and security gates for the Orange Public Library & History Center (Main Library) from Bibliotheca.

RECOMMENDED ACTION: Authorize a sole source purchase of self-check units, security gates and RFID tags from Bibliotheca for an amount not to exceed \$150,387 and authorize Mayor to execute the Agreement on behalf of the City; and 2) Authorize the appropriation of \$37,907 from the Library Facility Fee (573) unreserved fund balance to expenditure account number 573.2004.56032.20240 – RFID Replacement.

3.9 Amendment No. 1 to Cooperative Agreement No. C-9-0901 between the Successor Agency to the Orange Redevelopment Agency (Successor Agency), the City of Orange (City) and the Orange County Transportation Authority (OCTA) for expansion of parking capacity at the Orange Santa Fe Depot.

(See related Consent Calendar Item No. 3.25)

RECOMMENDED ACTION: Authorize the City Manager to approve and execute an Amendment No. 1 to Cooperative Agreement No. C-9-0901 substantially in the form presented, and to administer the City's obligations, responsibilities and duties to be performed under the Amendment No. 1.

CITY COUNCIL AGENDA

October 13, 2015

3. CONSENT CALENDAR (Continued)

APPROPRIATIONS

3.10 Appropriation of Donation from the Friends of the Orange Public Library (FOPL) of \$30,450.

RECOMMENDED ACTION: 1) Accept into the City's revenue budget a \$30,450 donation from FOPL, into revenue account number 100.2001.48390.19990 (Library Friends Donations); and 2) Authorize the appropriation of \$30,450 into the following expenditure accounts:

100.2001.53011.19990 - FOPL (Employee Recognition Program)	\$1,500.00
100.2001.53301.19990 - FOPL (Book Budget)	\$15,700.00
100.2004.51423.19990 - FOPL (Maintenance & Equipment)	\$700.00
100.2004.53913.19990 - FOPL (Computer Software)	\$7,300.00
100.2016.51670.19990 - FOPL (Other Professional & Consulting)	\$3,000.00
100.2016.53340.19990 - FOPL (Craft supplies-Adult)	\$750.00
100.2017.53340.19990 - FOPL (Craft supplies-Children & Teen)	<u>\$1,500.00</u>
	\$30,450.00

3.11 Adjustment of FY 15-16 budget for Landscape Maintenance District (LMD) 15-1 (Fund 291).

RECOMMENDED ACTION: 1) Increase the revenue appropriation in Revenue Account 291.0000.40360.00000 by \$328,108 as a result of the assessment from LMD 15-1; 2) Increase the revenue appropriation in Revenue Account 291.7026.48230.00000 by \$22,516 as a result of an increased reimbursement by Santiago Canyon College; and 3) Authorize an appropriation of \$316,282 from Revenue Account 291.0000.40360.00000 and \$22,516.00 from Revenue Account 291.7026.48230.00000, for a total appropriation of \$338,798 to the following expenditure accounts:

291.7026.51200.00000 (Water)	\$8,531
291.7026.51231.00000 (Electricity)	\$2,300
291.7026.51431.00000 (Landscape Maintenance)	\$148,387
291.7026.51700.00000 (Contractual Services)	\$61,198
291.7026.53410.00000 (Operating Supplies)	\$3,382
291.7024.56015.20255 (Santiago Hills LAD - General Renovations)	<u>\$115,000</u>
	\$338,798

BIDS

3.12 Bid No. 156-15; Approval of plans and specifications, and authorization to advertise for bids for construction of Taft Library and Fire Station #3 Fiber Optic Cable Installation Project.

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Taft Library and Fire Station #3 Fiber Optic Cable Installation Project.

CITY COUNCIL AGENDA

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3. CONSENT CALENDAR (Continued)

3.13 **Bid No. 156-16; Approval of plans and specifications, and authorization to advertise for bids for construction of Lincoln Avenue Sidewalk Project.**

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for Lincoln Avenue Sidewalk Project.

3.14 **Bid No. 156-13; Approval of plans and specifications and authorization to advertise for bids for Emergency Generator for Carver Pump Station (W-674).**

RECOMMENDED ACTION: Approve plans and specifications and authorize advertising for bids for the Emergency Generator for Carver Pump Station.

3.15 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. Jorge Nolasco
- b. Eddie Lee Anderson

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

CONTRACTS

3.16 **Final Acceptance of Bid No. 145-32; Concrete Street Rehabilitation at Various Locations, FY 2014-2015 performed by CLS Constructors, 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 Arch Insurance Company of Missouri Bond No. SU1131727 in the amount of \$576,500.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

3.17 **Final Acceptance of Bid No. 134-09, W-664; Construction of the New Marywood Pump Station performed by SCW Contracting Corporation; 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 Liberty Mutual Insurance Company of Massachusetts Bond No. 024044746 in the amount of \$2,390,235.00 to the contractor on said job, and authorize the Mayor and City Clerk to execute the Notice of Completion.

CITY COUNCIL AGENDA

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3. CONSENT CALENDAR (Continued)

GRANTS

3.18 [Fiscal Year 2015-2016 \(FY16\) Mid-Year CIP Amendment for addition of a Bio Clean Hydrodynamic Separator Unit and Connector Pipe Screens.](#)

RECOMMENDED ACTION: 1) Accept into the City's revenue budget a \$150,000 grant from OCTA, into revenue account number 550.5022.45495.30078, Capital Projects – Grant Revenue; 2) Authorize the appropriation of \$150,000 into expenditure account number 550.5022.56330.30078, Capital Projects – Installation of Bio Clean Unit on Collins Ave.; 3) Authorize the appropriation of \$50,000 from the Sanitation and Sewer unreserved fund balance to expenditure account number 220.5022.56330.30078, Sanitation and Sewer – Installation of Bio Clean Unit on Collins Ave.; and 4) Authorize amendment of the FY16 CIP to include Collins Avenue Bio Clean Unit and Connector Pipe Screens Installation Project.

3.19 [FY 2015 Edward Byrne Memorial Justice Assistance Grant \(JAG\) for the purchase of Mobile Phone Forensic Hardware and Software.](#)

RECOMMENDED ACTION:

1) Authorize the City Manager or his designee to execute the agreement between the City and the County of Orange for \$11,317 in FY 2015 JAG funds, including the allocation to the County; 2) Accept into the City's revenue budget \$10,299 from the County of Orange into revenue account number 353.4011.45150.30008, Federal Grants-2015 JAG; 3) Appropriate \$10,299 from account 353.4011.45150.30008, Federal Grants-2015 JAG, to account 353.4031.55131.30008, Federal Grants-Equipment-2015 JAG, for the purchase of mobile phone forensic hardware and software; and 4) Authorize the purchase of mobile phone forensic hardware and software from Cellebrite, Inc. in the amount of \$14,847 (note that existing funds are available in account 356.4011.55131.30008 State Asset Forfeiture-2015 JAG to cover the remaining \$4,548).

PERMITS

3.20 [A Special Events Permit with St. John's Lutheran Church for their Rededication Service on Saturday, November 14, 2015.](#)

RECOMMENDED ACTION: Authorize the closure of Center Street from Chapman Avenue to Almond Avenue, pursuant to the requirements of Section 12.58.015 of the OMC.

CITY COUNCIL AGENDA

October 13, 2015

3. CONSENT CALENDAR (Continued)

RESOLUTIONS

3.21 [RESOLUTION NO. 10887](#)

A Resolution of the City Council of the City of Orange summarily vacating alley easement east of Highland Street and North of Collins Channel as no longer needed by the public for street purposes and ordering the vacation thereof and reserving all public utility easements.

RECOMMENDED ACTION: Approve.

3.22 [RESOLUTION NO. 10888](#)

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, 2015, through June 30, 2017.

RECOMMENDED ACTION: Approve.

3.23 [RESOLUTION NO. 10891](#)

A Resolution of the City Council of the City of Orange authorizing the Execution of a Master Agreement and Program Supplements for State-Funded Transit Projects.

RECOMMENDED ACTION: Approve.

3.24 [RESOLUTION NO. 10892](#)

A Resolution of the City Council of the City of Orange agreeing to a redistribution of property tax revenue due to the reorganization of 395 square feet of property located at 2300 South Lewis Street and 2237 South Manchester Avenue from the City of Orange to the City of Anaheim pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

RECOMMENDED ACTION: Approve.

CITY COUNCIL AGENDA

October 13, 2015

3. CONSENT CALENDAR (Continued)

3B. SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

3.25 Amendment No. 1 to Cooperative Agreement No. C-9-0901 between the Successor Agency to the Orange Redevelopment Agency (Successor Agency), the City of Orange (City) and the Orange County Transportation Authority (OCTA) for expansion of parking capacity at the Orange Santa Fe Depot.

(See related Consent Calendar Item No. 3.9)

RECOMMENDED ACTION: Authorize the Executive Director to approve and execute an Amendment No. 1 to Cooperative Agreement No. C-9-0901 substantially in the form presented, and to administer the Successor Agency's obligations, responsibilities and duties to be performed under the Amendment No. 1.

3.26 First Amendment to Consultant Services Agreement between the Successor Agency and LPA, Inc. to incorporate the revised scope of services associated with architectural design and engineering services for the Metrolink Parking Structure Project.

RECOMMENDED ACTION: 1) Approve the First Amendment between the Successor Agency and LPA, Inc. to incorporate the revised scope of services associated with architectural design and engineering services for the Metrolink Parking Structure Project; and 2) Authorize the Chairperson and Successor Agency Clerk to execute the First Amendment on behalf of the Successor Agency.

MOTION -
SECOND -
AYES -

END OF CONSENT CALENDAR

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CITY COUNCIL AGENDA

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4. REPORTS FROM MAYOR SMITH

5. REPORTS FROM COUNCILMEMBERS

5.1 Councilmember Alvarez

1. Discuss providing staff direction to propose a comprehensive strategy to control the proliferation of residential homes being used for Chapman University off campus housing.

2. Direct staff to research additional methods of enforcement and/or amendments to unruly party ordinance to increase enforcement against property owners.

MOTION -
SECOND -
AYES -

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

7. ADMINISTRATIVE REPORTS

7.1 Financial status update for Fiscal Years 2015 and 2016.

RECOMMENDED ACTION: Receive and file.

MOTION -
SECOND -
AYES -

7.2 CalPERS Pension Liability – Funding Strategy Update.

RECOMMENDED ACTION: Receive and file.

MOTION -
SECOND -
AYES -

CITY COUNCIL AGENDA

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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. **PUBLIC HEARINGS**
- 11.1 **[Zone Change No. 1276-14 – Industrial General Plan Land Use Focus Area](#)**

Time set for a public hearing to consider approval of Zone Change No. 1276-14 to rezone properties in the Industrial 2010 General Plan Land Use Focus Area, generally located west of Glassell Street and Orange-Olive Road, south of Fletcher Avenue, east of the Santa Ana River, and northwest of the intersection of Glassell Street and Walnut Avenue.

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

Recommended Council Action:

- 1) Find that the proposed zoning change is 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.

MOTION -
SECOND -
AYES -

- 2) **ORDINANCE NO. 05-15 (FIRST READING)**

An Ordinance of the City Council of the City of Orange approving Zone Change No. 1276-14 rezoning the properties in the Industrial 2010 General Plan Land Use Focus Area to Light Manufacturing, Multiple-Family Residential, and Recreational Open Space to establish consistency between the Light Industrial, Medium Density Residential, and Open Space General Plan land use designations and zoning classifications in accordance with state law.

Zone Change No. 1276-14
Applicant: City of Orange

MOTION -
SECOND -
AYES -

CITY COUNCIL AGENDA

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11. PUBLIC HEARINGS (Continued)

11.2 Marywood Residential Project

Time set for a public hearing to consider approval of the Marywood Residential Project, Tentative Tract Map No. 0035-14, Major Site Plan No. 0790-14, Conditional Use Permit No. 2981-15, Design Review No. 4764-14, and Environmental Review No. 1839-14 – The New Home Company located at 2811 East Villareal Drive.

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

Recommended Council Action:

1) RESOLUTION NO. 10889

A Resolution of the City Council of the City of Orange to (A) certify the adequacy of Final Environmental Impact Report 1839-14, (B) adopt findings of fact, (C) adopt a statement of overriding considerations, and (D) adopt a mitigation monitoring and reporting program for related project entitlements designated as Tentative Tract Map No. 0035-14, Major Site Plan No. 0790-14, Conditional Use Permit No. 2981-15, and Design Review No. 4764-14 to allow for the construction of 40 new detached two-story single-family residences on the former 16 acre Marywood Pastoral Center site located at 2811 East Villareal Drive.

2) RESOLUTION NO. 10890

A Resolution of the City Council of the City of Orange to approve Tentative Tract Map No. 0035-14, Major Site Plan No. 0790-14, Conditional Use Permit No. 2981-15, and Design Review No. 4764-14 to allow for the construction of 40 new detached two-story single-family residences on the 16 acre Marywood Pastoral Center site located at 2811 East Villareal Drive.

MOTION -
SECOND -
AYES -

11.2 Exhibit A	11.2 Staff Report
11.2 Exhibit B	

CITY COUNCIL AGENDA

October 13, 2015

12. ADJOURNMENT

The City Council will adjourn in memory of Marilyn Jensen, former Orange City Clerk.

The next Regular City Council Meeting will be held on Tuesday, November 10, 2015, 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 October 13, 2015, 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.