



CITY COUNCIL AGENDA

Regular Meeting

January 12, 2016

4:30 p.m. Employee Recognition

5:00 p.m. Closed Session

6:00 p.m. Regular Session

Council Chamber

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 Chamber 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 Chamber. Your cooperation is appreciated.

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

January 12, 2016

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 4:30 p.m. session items only. Comments are limited to **three minutes per person.**

3. EMPLOYEE RECOGNITION

Recognition of Employee Service

4. RECESS

The City Council will recess to the 5:00 p.m. Closed Session. The next Regular City Council meeting will be held on Tuesday, January 12, 2016, at 6:00 p.m. in the Council Chamber.

CITY COUNCIL AGENDA

January 12, 2016

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.
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3. RECESS TO CLOSED SESSION

- a. 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: Orange Management Association, Orange Municipal Employees' Association, Orange Maintenance and Crafts Association, Water Division Employees' Association.

4. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, January 12, 2016, at 6:00 p.m. in the Council Chamber.

CITY COUNCIL AGENDA

January 12, 2016

6:00 P.M. SESSION

1. OPENING

1.1 INVOCATION

Sister Jayne Helmlinger, Sisters of St. Joseph of Orange

1.2 PLEDGE OF ALLEGIANCE TO THE FLAG

Councilmember Fred Whitaker

1.3 ROLL CALL

PRESENT -

ABSENT -

1.4 PRESENTATIONS/ ANNOUNCEMENTS/ INTRODUCTIONS

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

January 12, 2016

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 December 3, 10, 17, and 23, 2015.

RECOMMENDED ACTION: Approve.

3.2 [City Council Minutes, Regular Meeting of December 8, 2015.](#)

RECOMMENDED ACTION: Approve.

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

RECOMMENDED ACTION: Approve.

AGREEMENTS

3.4 [Agreement for the Transfer of Ownership of the Police Service Dog Lycan, currently assigned to the Police Department's Canine Team from the City of Orange to Canine Officer Carlos Gutierrez.](#)

RECOMMENDED ACTION: The Police Department recommends that the Orange City Council approve the Agreement transferring ownership of Lycan to Officer Carlos Gutierrez.

3.5 [Water System Agreement with the University of California Irvine Medical Center \(UCIMC\) to complete the final master metering of the Medical Center Main Campus.](#)

RECOMMENDED ACTION: 1) Approve the Water System Agreement between the City of Orange and the University of California Irvine Medical Center ("UCIMC"); and 2) Authorize the Mayor and City Clerk to execute the easement quitclaim deed to transfer the Manchester Reservoir site to the UCIMC.

CITY COUNCIL AGENDA

January 12, 2016

3. CONSENT CALENDAR (Continued)

3.6 [Agreement with C.A. Granger Construction, Inc. for the amount of \\$55,100 to provide Demolition and Hardscape Installation of the Hart Park Dance Floor.](#)

RECOMMENDED ACTION: 1) Approve Agreement and authorize the Mayor and City Clerk to execute on behalf of the City; 2) Appropriate \$8,600 from Fund 510 (Park Acquisition and Development) unreserved fund balance to 510.7021.56015.20038 (Hart Park Dance Floor); and 3) Appropriate \$11,500 from revenue account 100.7021.48390.20038 (Hart Park Dance Floor) to 550.7021.56015.20038 (Hart Park Dance Floor).

3.7 [Agreement with Merchants Building Maintenance Company, LLC, for Custodial Services for City Park Facilities for an amount not to exceed \\$236,537.42 per year.](#)

RECOMMENDED ACTION: 1) Authorize the appropriation of \$40,100 from the General Fund Unreserved Fund Balance to expenditure account 100.5028.51422.00000; 2) Approve the agreement between the City of Orange and Merchants Building Maintenance Company, LLC; and 3) Authorize the Mayor and City Clerk to execute the necessary documents on behalf of the City.

3.8 [Agreement with Commercial Aquatic Services, Inc. for the installation of new pool heaters, new backwash controls, and new chemical control systems for the Hart Park Pool for an amount not to exceed \\$101,814.90.](#)

RECOMMENDED ACTION: 1) Approve the agreement with Commercial Aquatic Services, Inc. to install the specified pool equipment; and 2) Authorize the Mayor and the City Clerk to execute the agreement on behalf of the City.

3.9 [Renew the agreement between the California Insurance Pool Authority \(CIPA\) and Keenan and Associates for Third Party Administration of the City of Orange's Workers' Compensation Program.](#)

RECOMMENDED ACTION: Enter into a three (3) year agreement extension with Keenan and Associates to serve as the City's Workers' Compensation Administrator.

3.10 [Mills Act Contract No. MAC-243.0-15 \(Historic Property Preservation Agreement\) 128 North Pixley Street.](#)

RECOMMENDED ACTION: Approve a Mills Act Contract (Historic Property Preservation Agreement) between City of Orange and the property owner for the preservation and rehabilitation of a qualified historic property.

CITY COUNCIL AGENDA

January 12, 2016

3. CONSENT CALENDAR (Continued)

APPROPRIATIONS

3.11 [FY 14 Urban Areas Security Initiative \(UASI\) Grant: J11 Orange County Intelligence Assessment Center \(OCIAC\) Security Upgrade Project Allocation.](#)

RECOMMENDED ACTION: 1) Accept into the City's revenue budget a \$75,000 grant from the Anaheim/Santa Ana Urban Areas UASI into revenue account number 100.4081.45495.20263 (Police-Homeland Security FY 14 UASI J11 OCIAC Security Upgrade Project); and 2) Authorize the appropriation of \$75,000 into expenditure account number 100.4081.55131.20263 (Police-Homeland Security- FY14 UASI J11 OCIAC Security Upgrade Project).

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. Timothy Hutt
- b. Sean Laughlin
- c. Vance Cleveland Plumbing, Inc.
- d. Kenneth Young
- e. Mihaela Ileisecu/Ileiescu
- f. Jennifer Guild

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

CONTRACTS

3.13 [Award of Contract – Bid No. 156-15; Taft Library & Fire Station No. 3 Fiber Optic Installation Project.](#)

RECOMMENDED ACTION: Award the contract to PTM General Engineering Services, Inc. of Riverside, CA in the amount of \$218,812; and authorize the Mayor to execute and the City Clerk to attest the contract on behalf of the City.

CITY COUNCIL AGENDA

January 12, 2016

3. CONSENT CALENDAR (Continued)

PAYMENTS

- 3.14 [Approve payment to the City of Anaheim for a portion of the work required to update an Emergency Intertie with Anaheim and Repair and Restore the access road to Reservoir No. 3 located at 3306 Mandeville Place, Orange.](#)

RECOMMENDED ACTION: Approve payment to the City of Anaheim, in the amount of \$37,557.86 for the design and construction required to repair and reconstruct the shared roadway and emergency intertie to Reservoir No. 3 located at 3306 Mandeville Place; and authorize the Mayor and City Clerk to execute the payment on behalf of the City.

PURCHASES

- 3.15 [Authorize purchase of Ethernet Switches and Power Supply from EtherWAN Systems, Inc.](#)

RECOMMENDED ACTION: Authorize a sole source purchase of Ethernet switches and power supply from EtherWAN Systems, Inc. not to exceed \$45,000.

REPORTS

- 3.16 [Audited Financial Statements and Related Financial Reports for the Fiscal Year ended June 30, 2015.](#)

RECOMMENDED ACTION: Receive and file.

RESOLUTIONS

- 3.17 [RESOLUTION NO. 10915](#)

A Resolution of the City Council of the City of Orange amending City of Orange Landscape Standards and Specifications.

RECOMMENDED ACTION: Approve

- 3.18 [RESOLUTION NO. 10919](#)

A Resolution of the City Council of the City of Orange certifying that the City of Orange has the resources to fund its projects in the Federal Fiscal Years (FFY) 2016/17-2021/22 Federal Transportation Improvement Program and affirms its commitment to implement all projects in the program.

RECOMMENDED ACTION: Approve.

CITY COUNCIL AGENDA

January 12, 2016

3. CONSENT CALENDAR (Continued)

3B. SUCCESSOR AGENCY TO THE ORANGE REDEVELOPMENT AGENCY

3.19 Resolution No. SAORA-022 – A Resolution of the Governing Board of the Successor Agency to the Orange Redevelopment Agency approving a Recognized Obligation Payment Schedule the fiscal period covering July 1, 2016 through June 30, 2017 pursuant to Health and Safety Code Section 34177 and taking certain related actions.

Resolution No. SAORA-023 - A Resolution of the Governing Board of the Successor Agency to the Orange Redevelopment Agency approving the proposed Administrative Budgets for the six-month fiscal periods from July 1, 2016 through December 31, 2016 and from January 1, 2017 through June 30, 2017, and taking certain related actions.

RECOMMENDED ACTION: 1) Approve Resolution No. SAORA-022 and direct Successor Agency Clerk to record previously stated City Council abstentions listed below and reasons therefore as part of the minutes:

Councilmember Alvarez

Line Item No. 27-28 (Metrolink Parking Structure) due to property ownership in area.

Line Item No. 73 (Tierra West) due to property ownership in area.

Line Item No. 106 (Property Management) due to property ownership in area. Identified in prior ROPS 13-14A as Line Item 30.

2) Approve Resolution No. SAORA-023; and

3) Direct staff to transmit ROPS 16-17 and related Administrative Budget to the Oversight Board of the Successor Agency to the Orange Redevelopment Agency.

MOTION -

SECOND -

AYES -

END OF CONSENT CALENDAR

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CITY COUNCIL AGENDA

January 12, 2016

4. REPORTS FROM MAYOR SMITH

4.1 Appointment to the Orange Public Library Board of Trustees.

RECOMMENDED ACTION: Appointment of Rebecca Martinez to the Orange Public Library Board of Trustees. (Term ending June 30, 2019)

MOTION -
SECOND -
AYES -

4.2 Appointment to the City of Orange Traffic Commission.

RECOMMENDED ACTION: Appointment of Larry Dick to the City of Orange Traffic Commission. (Term ending June 30, 2020)

MOTION -
SECOND -
AYES -

5. REPORTS FROM COUNCILMEMBERS

5.1 Councilmember Alvarez – Update on the preparation of a student housing ordinance, amendments to the existing party ordinance, and an update regarding the Chapman Neighborhood Advisory Committee meetings.

6. REPORTS FROM BOARDS, COMMITTEES, AND COMMISSIONS

7. ADMINISTRATIVE REPORTS

8. REPORTS FROM CITY MANAGER

9. LEGAL AFFAIRS

9.1 [ORDINANCE NO. 10-15 \(SECOND READING\)](#)

An Ordinance of the City Council of the City of Orange Amending Chapter 5.89 of the OMC Prohibiting the Business of Selling, Cultivating or Distributing Cannabis.

MOTION -
SECOND -
AYES -

CITY COUNCIL AGENDA

January 12, 2016

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

11. PUBLIC HEARINGS

11.1 [Loftus Nursery Zone Change and CUP.](#)

Time set for a public hearing to consider Zone Change 1278-15, Conditional Use Permit 2975-15, and Minor Site Plan 0809-15 – Loftus Nursery, located between Craig Drive and Malena Drive.

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

Recommended Council Action:

1) **ORDINANCE NO. 02-16**

An Ordinance of the City Council of the City of Orange approving Zone Change No. 1278-15 for the establishment of Single Family Residential, 7000 s.f. (R-1-7), Residential Multiple Family (R-3), and Limited Business (C-1) Zoning consistent with the exiting Low Density Residential 2-6 DU/AC (LDR), Low Medium Residential 6-15 DU/AC (LMDR), and General Commercial Max. 1.0 Far (GC) General Plan Land Use designation, for currently unzoned property located south of Chapman Avenue between S. Craig Drive and S. Malena Drive.

Zone Change No. 1278-15
Applicant: Ed Loftus II

MOTION -
SECOND -
AYES -

2) **RESOLUTION NO. 10913**

A Resolution of the City Council Approving Conditional Use Permit 2975-15, and Minor Site Plan Review 0809-15 for the establishment of a tree and shrub farm on the southerly portion of property located south of Chapman Avenue between Craig Drive and Malena Drive.

Applicant: Ed Loftus II

MOTION -
SECOND -
AYES -

CITY COUNCIL AGENDA

January 12, 2016

11. PUBLIC HEARINGS (Continued)

11.2 Appeal No. 0538-15 - Newport Academy Appeal. (Continued from 12/8/15)

Time set for a public hearing to consider Appeal No. 0538-15 of the Planning Commission decision to uphold the Community Development Director's denial of reasonable accommodation 0003-14, Newport Academy, 1655 Hunters Way.

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

Recommended Council Action:

Motion on Appeal No. 0538-15.

MOTION -
SECOND -
AYES -

[Item 11.2 part 1](#)

[Item 11.2 part 2](#)

11.3 Metrolink Parking Structure

Time set for a public hearing to consider the Metrolink Parking Structure Project to construct a new 611-space parking structure at the northwest corner of Chapman Avenue at 130 N. Lemon Street in Old Towne Orange.

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

Recommended Council Action:

1) RESOLUTION NO. 10916

A Resolution of the City Council of the City of Orange approving and adopting Mitigated Negative Declaration No. 1832-14 including adoption of a Mitigation Monitoring and Reporting Program in compliance with the California Environmental Quality Act (CEQA).

City of Orange
Metrolink Parking Structure Project
130 N. Lemon Street

MOTION -
SECOND -
AYES -

CITY COUNCIL AGENDA

January 12, 2016

11. PUBLIC HEARINGS (Continued)

2) ORDINANCE NO. 01-16

An Ordinance of the City Council of the City of Orange approving Zone Change 1275-14, a Zone Change from Public Institution (Specific Plan) to Old Towne Mixed Use – 15 (Specific Plan).

City of Orange
Metrolink Parking Structure Project
130 N. Lemon Street

MOTION -
SECOND -
AYES -

3) RESOLUTION NO. 10917

A Resolution of the City Council of the City of Orange approving Tentative Parcel Map No. 0005-14, Major Site Plan Review No. 1832-14, and Design Review No. 4675-13 for the Metrolink Parking Structure Project located at 130 North Lemon Street.

City of Orange
Metrolink Parking Structure Project
130 N. Lemon Street

MOTION -
SECOND -
AYES -

[Item 11.3 part 1](#)

[Item 11.3 part 2](#)

12. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, February 9, 2016, at 6:00 p.m. in the Council Chamber, 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 January 12, 2016, 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.