

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES
April 2, 2013
5:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor/Board Chair Nelson called the meeting to order at 5:35 p.m.

ROLL CALL:

PRESENT: Council/Agency Members Underhill, Wanke, Yamaguchi, Aguirre, Nelson
ABSENT: None

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – Two (2) Items
2. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – One (1) Item
3. Pursuant to Government Code Section 54957.6 Conference with City Labor Negotiator Concerning Labor Negotiations with the following groups:
 - a. Placentia Police Officers Association (PPOA)
 - b. Placentia Police Management Association (PPMA)
 - c. Placentia City Employees Association (PCEA)

City Representatives: Troy L. Butzlaff, City Administrator
Steve Pischel, Director of Administrative/Community Services

SUCCESSOR AGENCY: None

ICDA:

4. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
 - a. Property: 132 Crowther Avenue, APN 339-091-08
Agency Negotiator: Troy L. Butzlaff, City Administrator/Executive Director
Negotiating Parties: Jon Coulombe, DaddyO's California LLC
Under Negotiations: Price and Terms of Lease

RECESS: The City Council and Boards of Directors recessed to the Regular Meeting at 7:00 p.m.

CALL TO ORDER:

PRESENT: Council/Agency Members Underhill, Wanke, Yamaguchi, Aguirre, Nelson
ABSENT: None

STAFF PRESENT: City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/Authority Counsel, Andrew V. Arczynski; Assistant City Administrator, Ken Domer; Director of Administrative and Community Services, Steve Pischel; Director of Finance, Karen Ogawa; Director of Public Works, Steve Drinovsky; Police Chief, Rick Hicks; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: Police Chaplain Gary Drabek

PLEDGE OF ALLEGIANCE: Councilmember Wanke

PRESENTATIONS:

1. Requests for Commendations and Proclamations

- a. Recognition of Boys and Girls Club "Youth of the Year"
Recipient: Allyssa Boone
Presenter: Mayor Nelson

City Administrator Butzlaff introduced Allyssa Boone.

Allyssa Boone thanked the City for the certificate.

Mayor Nelson presented a certificate of recognition to Allyssa Boone.

- b. Proclamation Designating the Month of April 2013, as DMV/Donate Life California Month
Recipient: Donate Life Ambassadors Coordinator Lacey Wood
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief overview of DMV/Donate Life and introduced Donate Life Ambassadors Coordinator Wood.

Ms. Wood thanked the City for the support and proclaiming April as DMV/Donate Life California month. She announced the upcoming event schedule for Cal State University of Fullerton later this month.

Mayor Nelson presented a proclamation certificate to Ms. Wood designating the month of April 2013 as DMV/Donate Life California month.

- c. Proclamation Designating the Week of April 7-13, 2013 as National Public Safety Telecommunicators Week
Recipient: Chief of Police Hicks
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief summary of National Public Safety Telecommunicators Week and introduced Police Dispatcher Melina Fabian.

Police Dispatcher Melina Fabian provided a brief overview of the Police Dispatcher duties and thanked the City Council for the proclamation.

Mayor Nelson presented a proclamation certificate to Police Dispatcher Fabian designating the week of April 7-13, 2013 as National Public Safety Telecommunicators Week.

Recommended Action: It is recommended that the City Council:
Approve requests as submitted and make presentations to those present
(5 – 0, as recommended)

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, to approve presentations item 1.a. through 1.c. as submitted and make presentations to those present.

EXECUTIVE SESSION REPORT:

City Attorney/Agency Counsel Arczynski reported the Council/Agency met in Executive Session to discuss the items listed on the agenda. He stated there was no reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT:

City Administrator Butzlaff announced the CERT classes are scheduled to begin on April 18, 2013 and the Annual Photography Contest sponsored by the Cultural Arts Commission.

ORAL COMMUNICATIONS:

Arnie Pike, resident, expressed his concerns regarding private businesses within the City that are not complying with ADA standards. He inquired about the center divider at Kraemer and Bastanchury. He requested that the City conduct a traffic study on the crosswalks for pedestrians on Melrose Street.

Paula Mihalow, resident, expressed her concerns regarding a proposed 7-Eleven store on the corner of Kraemer and Morse.

Diane Follansbee, resident, expressed her concerns regarding excessive noise and disturbance coming from The Royal Restaurant and Kelly's Tavern. She noted that she lives in the complex adjacent to the two businesses. She provided documentation to the City Council.

Glenn Casterline, resident, expressed his concerns regarding the Schaner Ranch Development Project. He noted that he does not oppose the project, but does oppose the high-density aspect of the project. He expressed his desire to work with HQT Homes to come to an agreement.

Claude Jones, resident and Presbyterian Church member, noted that the church would like to put up an LED sign. He noted that the Planning Commission advised the church that the Placentia Municipal Code does not allow LED signs. He asked the City Council to look into the matter.

Jerry Newberry, The Royal Restaurant Business Owner, noted that they are currently addressing the issues raised by Ms. Follansbee. He noted that they are working on making the building sound proof and that their entertainment license allows live bands. He noted that they would continue to work on the issues.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Wanke expressed his condolences to the family of Betty Schoenberg. He reported he attended the Orange County Waste Management meeting.

Councilmember Underhill raised awareness of the importance of donating blood.

Councilmember Yamaguchi directed Staff to address Mr. Pike's concerns regarding the center divider and crosswalk. He thanked all the volunteers who participated in the Easter

Eggcitement event. He noted that through the Learning for Life Program he was appointed to the Exploring Committee of Orange County.

City Administrator Butzlaff noted that the Schaner Ranch Project is still at the Staff level and would be presented to the Planning Commission in May. He noted that the City would encourage HQT Homes to conduct community outreach to receive input.

Mayor Pro Tem Aguirre reported he attended several Orange County Fire Authority (OCFA) events and an OCFA Board meeting.

Mayor Nelson directed Staff to look into Mr. Pike's concerns regarding private businesses not complying with ADA standards.

City Administrator Butzlaff noted that the City provides notice but does not enforce ADA issues in private businesses and that Department of Justice is the enforcement agency.

Mayor Nelson noted that HQT Homes is collaborating with the City and community.

City Administrator Butzlaff noted that, if desired, City Council may schedule a study session on the signs code.

Mayor Nelson expressed his condolences to the families of Betty Schoenberg and Albert Serna-Frausto.

1. CONSENT CALENDAR (Items 1.a. through 1.o.):

A motion was made by Councilmember Wanke, seconded by Councilmember Yamaguchi, to approve Consent Calendar Item Nos. 1.a. through 1.o. Councilmember Wanke removed item 1.d. for separate discussion. Mayor Nelson removed item 1.o. for separate discussion.

COUNCIL/SUCCESSOR AGENCY/ICDA CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve
(5 – 0, as recommended)
- b. **Minutes**
City Council/Successor/ICDA Regular Meeting – March 5, 2013
Recommended Action: Approve
(5 – 0, as recommended)
- c. **City Fiscal Year 2012-13 Warrant Register for March 6, 2013 through April 2, 2013**
Financial Impact: \$1,777,663.79
Recommended Action: Approve
(5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- d. **November – December 2012 Treasurer's Reports**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Receive and file the November – December 2012 Treasurer's Reports
(5 – 0, as recommended)

City Treasurer Green provided a brief report on the November and December 2012 Treasurer's Reports. He reported that he would be attending the Annual City Treasurers Conference in Anaheim.

A motion was made by Councilmember Wanke, seconded by Councilmember Yamaguchi, and carried (5 - 0) to receive and file the November - December 2012 Treasurer's Reports.

e. **Approval of Plans Specifications and Award of Construction to Y & M Construction for the Pedestrian Accessibility Phase II Project**

Financial Impact: Expense: \$257,119.50 for construction

Offsetting revenue: \$257,119.50 CDBG & Gas Tax Bond Funds

Budgeted: \$257,119.50 (Account No.: 333552-6185 J/L 61102)

Recommended Action: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Onward Engineering dated February 19, 2013, for the Pedestrian Accessibility Phase II Project
- 2) Award construction contract to the lowest responsive and responsible bidder, Y & M Construction, for an amount not to exceed \$233,745
- 3) Reject all other bids
- 4) Authorize the City Administrator, or his designee, to approve construction change orders pursuant to the requirements set forth in the construction contract and in an aggregate amount not to exceed 10% of the project construction
- 5) Authorize the City Administrator to execute contract documents on behalf of the City, in a form approved by the City Attorney

(5 - 0, as recommended)

f. **Authorization to Accept Grant Funds from the State of California Department of Resources, Recycling, and Recovery (CalRecycle) in the Amount of \$250,000 to Fund the Bastanchury Rehabilitation Project**

Financial Impact: Offsetting revenue: \$250,000

Recommended Action: It is recommended that the City Council:

- 1) Accept \$250,000 from CalRecycle for their Rubberized Pavement Program
- 2) Authorize the City Administrator to execute all grant documents

(5 - 0, as recommended)

g. **Recommendation to Approve a Temporary Easement to Southern California Edison Company for Placentia Avenue Grade Separation Project**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve the attached anchor easement between the City of Placentia and the Southern California Edison Company for the installation of a temporary guy wire anchor for the Placentia Avenue Underpass
- 2) Authorize the Mayor to sign the subject anchor easement on behalf of the City
- 3) Direct the City Clerk to endorse the anchor easement which embodies the acceptance of said right-of-way easement, and cause the document to be submitted to the Orange County Clerk Recorder for recording of the document

(5 - 0, as recommended)

- h. **Approve Agreement with Superior Pavement Markings, Inc., for Repainting Traffic Control Striping**
Financial Impact: Expense: \$33,842.47
Budgeted: \$33,842.47 (Account No.: 103652-6132) for maintenance services
Recommended Action: It is recommended that the City Council:
- 1) Award a maintenance agreement, in a form approved by the City Attorney, to Superior Pavement Markings, Inc., for repainting traffic control striping
 - 2) Authorize the City Administrator to sign the required documents
(5 – 0, as recommended)
- i. **Recommendation to Approve Program Supplement Agreement No. 0K80 Rev. 000 for the Valencia Avenue Rehabilitation Project Utilizing State Proposition 1B Funding**
Financial Impact: Expense: \$636,000
Offsetting revenue: \$318,000 State Proposition 1B Funding and \$318,000 Measure M Fair Share Funds
Budgeted: \$636,000 (Account No.: 333552-6185 J/L 61034)
Recommended Action: It is recommended that the City Council:
- 1) Approve Program Supplement Agreement No. 0K80 Rev. 000
 - 2) Adopt Resolution No. R-2013-11, A Resolution of the City Council of the City of Placentia, California approving Administering Program Supplement Agreement No. 0K80 Rev. 000 with the State of California for Proposition 1B Funding for the Valencia Avenue Rehabilitation Project
 - 3) Authorize the Mayor to execute the Program Supplement Agreement on behalf of the City in a form approved by the City Attorney
(5 – 0, as recommended)
- j. **Recommendation to Approve Program Supplement Agreement No. 0K81 Rev. 000 for the Rose Drive and Yorba Linda Boulevard Intersection Improvement Project Utilizing State Proposition 1B Funding**
Financial Impact: Expense: \$288,000
Offsetting revenue: \$95,000 State Proposition 1B Funding, \$95,000 Measure M Fair Share Funds and \$98,000 Developer Funds
Budgeted: \$288,000 (Account No.: 333552-6185 J/L 61105) Rose Drive/Yorba Linda Boulevard
Recommended Action: It is recommended that the City Council:
- 1) Approve Program Supplement Agreement No. 0K81 Rev. 000
 - 2) Adopt Resolution No. R-2013-12, A Resolution of the City Council of the City of Placentia, California approving Administering Program Supplement Agreement No. 0K81 Rev. 000 with the State of California for Proposition 1B Funding for the Rose Drive and Yorba Linda Boulevard Intersection Improvement Project
 - 3) Authorize the Mayor to execute the Program Supplement Agreement on behalf of the City, in a form approved by the City Attorney
(5 – 0, as recommended)
- k. **2012 Housing Element Annual Progress Report**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
- 1) Receive and file the 2012 Housing Element Annual Progress Report
(5 – 0, as recommended)

- l. Approval of Amendment to Attorney-Client Fee Agreement**
Financial Impact: Increase of \$15.00/hour and \$200 per month for retainer services
Recommended Action: It is recommended that the City Council:
1) Approve an Amendment to the Attorney-Client Fee Agreement with Andrew Arczynski
2) Authorize the Mayor to execute the Amendment on behalf of the City
(5 – 0, as recommended)
- m. Budget Amendment - Allocation of Asset Forfeiture Funds and Authorization to Provide Staff Training and Purchase AED Equipment**
Financial Impact: Expense: 28,000
Budgeted: \$28,000 (Account No.: 213041-6250)
Recommended Action: It is recommended that the City Council:
1) Adopt Resolution No. R-2013-13, A Resolution of the City Council of the City of Placentia, California authorizing a budget amendment in Fiscal Year 2012-13 in the aggregate amount of \$28,000 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures
2) Authorize the allocation of asset forfeiture funds to provide for Staff training and to purchase specified equipment
3) Authorize the City Administrator or his designee to execute all necessary documents to effectuate this action
(5 – 0, as recommended)
- n. Acceptance of Resignation from the Traffic Safety Commission**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Accept the resignation of Freddi-Jo Brusckke (Traffic Safety Commission)
(5 – 0, as recommended)
- o. Acceptance of Resignation and Adoption of Resolution Establishing the Number of Cultural Arts Commissioners**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Accept the resignation of Lori Jacklin (Cultural Arts Commission)
2) Adopt Resolution No. R-2013-14, A Resolution of the City Council of the City of Placentia, California establishing the number of Cultural Arts Commissioners at seven (7)
3) Continue application/recruitment process for remaining vacancies on the Cultural Arts Commission
(4 – 1, Mayor Nelson voted no)

Mayor Nelson expressed his concerns regarding the recommended action to reduce the number of Cultural Arts Commissioners to seven (7).

City Administrator Butzlaff reported that the City has been in an active application/recruitment mode. He noted that currently there are an insufficient number of members to meet the quorum requirements.

Mayor Nelson noted that he would be voting against the item because the Commission membership was recently increased with the intention of having more community involvement.

Deputy City Clerk Moreno noted that the City has not received applications.

City Attorney Arczynski noted that City Council may change the number of membership by resolution to increase the membership in the future and that this action would allow the Commission to meet a quorum.

Mayor Nelson motioned to reject item 1.o.

There was no second to the motion.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Wanke, and carried (4 - 1) to accept the resignation of Lori Jacklin (Cultural Arts Commission); adopt Resolution No. R-2013-14, A Resolution of the City Council of the City of Placentia, California establishing the number of Cultural Arts Commissioners at seven (7); and continue application/recruitment process for remaining vacancies on the Cultural Arts Commission.

SUCCESSOR AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL: None

SUCCESSOR AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS: None

SUCCESSOR AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

- a. **First Reading and Introduction of an Ordinance Amending Sections 20.30.030 and 20.30.040 of Chapter 20.30 of Title 20 of the Placentia Municipal Code Pertaining to Maintenance and Rehabilitation of Long-Term Boarded and Vacant Buildings**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Waive Full Reading, Reading by Title Only, and Introduce for First Reading, Ordinance O-2013-02, An Ordinance of the City Council of the City of Placentia, California, Amending Sections 20.30.030 and 20.30.040

of Chapter 20.30 of Title 20 of the Placentia Municipal Code Pertaining to Maintenance and Rehabilitation of Long-Term Boarded and Vacant Buildings
(Item continued)

City Administrator Butzlaff noted that this is the first reading and introduction of Ordinance No. O-2013-02.

City Attorney Arczynski provided a brief staff report on item 4.a. He noted that property owners of vacant properties would be required to register and maintain the vacant building.

City Administrator Butzlaff noted that this incentive was review by the Economic Development Committee.

Discussion ensued among City Council and Staff. They discussed the issue of vacant commercial buildings and foreclosed homes, administrative citation process, using the ordinance as a motivational tool, registering the buildings, bonding requirements, the participation of the Building Department and Code Enforcement Division, and vacant homes that are not going through foreclosure.

Mayor Pro Tem Aguirre inquired if the ordinance can be revised to delete the bonding requirement.

City Attorney Arczynski noted that it can be done, but it could create a level of risk.

Mayor Nelson noted that the Economic Development Committee was under the impression that the ordinance referred to commercial properties only. He recommended that they step back and rethink the issue.

Mayor Nelson motioned to continue the item and bring back a revised ordinance limited to only commercial buildings.

A motion was made by Mayor Nelson, seconded by Councilmember Underhill, and carried (5 – 0) to continue the item and revise the ordinance to limit it to only commercial buildings.

SUCCESSOR AGENCY NEW BUSINESS:

- b. **Adoption of a Resolution Requesting the Oversight Board to the Successor Agency to Direct the Successor Agency to Undertake Proceedings for the Refunding of the 2002 Tax Allocation Bonds as Allowed Under Assembly Bill 1484**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. RSA-2013-03, A Resolution of the City Council of the City of Placentia, California, acting as the Successor Agency to the Redevelopment Agency of the City of Placentia, requesting the Oversight Board to direct the Successor Agency to undertake proceedings for the refunding of the 2002 Tax Allocation Bonds

(5 – 0, as recommended)

City Administrator Butzlaff noted that the Tax Allocation Bonds are due in the early part of 2014. He noted that Staff is recommending a refunding of the 2002 Tax Allocation Bonds.

Mayor Nelson noted that the bonds have lower interest rates.

A motion was made by Councilmember Wanke, seconded by Councilmember Yamaguchi, and carried (5 – 0) to adopt Resolution No. RSA-2013-03, A Resolution of the City Council of the City of Placentia, California, acting as the Successor Agency to the Redevelopment Agency of the City of Placentia, requesting the Oversight Board to direct the Successor Agency to undertake proceedings for the refunding of the 2002 Tax Allocation Bonds.

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

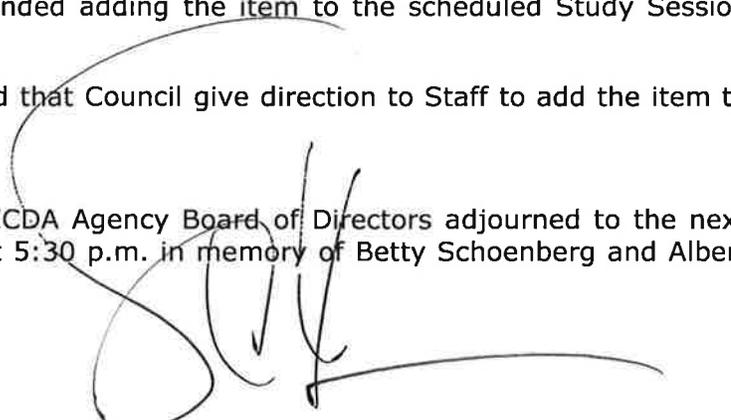
Councilmember Yamaguchi requested that Council give direction to Staff to bring back more information on LED signs and the signs code.

City Administrator Butzlaff recommended adding the item to the scheduled Study Session on April 30, 2013.

Councilmember Yamaguchi requested that Council give direction to Staff to add the item to the April 30, 2013 Study Session.

ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to the next regular meeting on April 16, 2013 at 5:30 p.m. in memory of Betty Schoenberg and Albert Serna-Frausto.



SCOTT W. NELSON
MAYOR/AGENCY CHAIR

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

