

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
May 7, 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 5:38 p.m.

ROLL CALL:

PRESENT: Council/Agency Members Underhill, Wanke, Aguirre, Nelson

ABSENT: Yamaguchi

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – One (1) Item
 - a. Jones v. City of Placentia, US Federal District Court No. SACV-1878-JST(JPRx)
2. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – Two (2) Items
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – One (1) Item
4. Conference with Legal Counsel – Case Review/Planning – Government Code 54957.8:
 - a. Vacant 2.78 Acre Parcel Located at 1049 Golden Avenue APN: 334-021-03
John Reischl, Olson Company

SUCCESSOR AGENCY: None

ICDA:

5. 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, Aguirre, Nelson

ABSENT: Yamaguchi

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; Chief of Police, Rick Hicks; Traffic Engineer, Ruth Smith; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: Police Chaplain Gary Drabek

PLEDGE OF ALLEGIANCE: Mayor Nelson

PRESENTATIONS:

1. **Requests for Commendations and Proclamations**

- a. Proclamation Designating the Week of May 19-25, 2013, as National Public Works Week
Recipient: Director of Public Works Steve Drinovsky
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief narrative of National Public Works Week.

Mayor Nelson proclaimed the week of May 19-25, 2013 as National Public Works Week.

Director of Public Works Drinovsky provided a narrative of National Public Works Week and thanked the City Council for the proclamation.

- b. Proclamation Designating May 7, 2013, as National Teacher Day
Recipient: President of North Orange County Division #41 California Retired Teachers Association Robert Kennedy
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief narrative of National Teacher Day.

President of North Orange County Division #41 California Retired Teachers Association Kennedy thanked the City for the proclamation.

Mayor Nelson proclaimed May 7, 2013 as National Teacher Day.

- c. Proclamation Designating the Month of May 2013, as Poppy Month
Recipient: American Legion Auxiliary Pat Alvarez
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief narrative of Poppy Month.

Mayor Nelson proclaimed the month of May 2013 as Poppy Month.

American Legion Auxiliary Member Alvarez provided an overview of the Poppy Program and thanked the City for the proclamation.

- d. Recognition of 2013 Miss Placentia, Miss Placentia Outstanding Teen, Miss Yorba Linda, and Miss Yorba Linda Outstanding Teen Titleholders
Recipient: Miss Placentia/Miss Yorba Linda Executive Director Kathryn Baldwin
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief narrative of Miss Placentia, Miss Placentia Outstanding Teen, Miss Yorba Linda, and Miss Yorba Linda Outstanding Teen program.

Miss Placentia/Miss Yorba Linda titleholders thanked the community and City for their support.

Mayor Nelson presented certificates of recognition to the titleholders.

Executive Director Baldwin provided a brief overview of the program and thanked the City for their continuous support.

- e. Update on the Orangethorpe and Tustin/Rose Grade Separation Project
Presenters: OCTA Senior Communication Specialist Tresa Oliveri and City Project Manager Roy Stephenson

City Administrator Butzlaff introduced OCTA Senior Communication Specialist Oliveri and City Project Manager Stephenson.

OCTA Senior Community Specialist Oliveri provided a PowerPoint Presentation. The slides included: OC Bridges, Funding Allocation, Program Schedule, Placentia Avenue, Kraemer Boulevard, Orangethorpe Avenue, Orangethorpe Avenue Grade Separation, Tustin Avenue, Open House, Get Connected - Stay Connected, and Questions.

Discussion ensued between Council, Staff and OCTA Senior Community Specialist Oliveri. They discussed project pile-driving activities, including number, location, and time of drilling.

City Project Manager Stephenson provided an overview of OC Bridges Project. He discussed the mitigation measures by the City and Orange County Transportation Authority.

Recommended Action: It is recommended that the City Council:
Approve requests 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 current vacancies on the City's commissions and committees and invited any interested residents to apply. He noted that on Saturday, April 27, 2013 over 400 members of the LDS Church in Placentia volunteered in Serve Day. He noted that the Serve Day volunteers would be formally recognized at an upcoming Council meeting.

Deputy Chief of Police Smith reported that the Placentia Canine Foundation's Puppy Palooza fundraiser event held on April 26, 2013 was a success. He thanked all the sponsors and volunteers.

Councilmember Underhill noted that the Placentia Canine Foundation welcomes donations.

City Administrator Butzlaff announced Municipal Clerks Week and Public Service Recognition Week.

A brief video honoring Public Service Recognition Week was presented to City Council, Staff and the public.

City Administrator Butzlaff thanked the media production Staff for their work on the video.

ORAL COMMUNICATIONS:

Ed Perez, HQT Community Relations Consultant, reported that on May 6, 2013 the HQT team met with about 40 members of the community. He provided an overview of the

petition submitted by the community group and HQT's commitment to find a resolution. He apologized for not starting the community relations effort at an earlier time.

Bob Street, resident, noted that the community met with the HQT team. He noted that they would continue to work with HQT to resolve the issues. He submitted 108 petitions outlining the requirements that the homeowners believe must be included in the planning and development of the project. He expressed his concerns regarding executive session item 5.a.

Kevin Kirwin, resident, expressed his concerns regarding the Schaner Project development. He noted that the community met with HQT. He expressed his concerns regarding possible Brown Act violations.

Craig Green, City Treasurer, thanked City Council for adjourning the meeting in memory of June Auld. He provided a brief report on the January-March 2013 Treasurer's Report.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill noted that she was not able to attend the Placentia Canine Foundation's Puppy Palooza fundraiser event. She announced the recent opening of Sue Ann's Restaurant in the City.

Councilmember Wanke noted that he was not able to attend the Miss Placentia/Miss Yorba Linda event and congratulated the new titleholders. He encouraged the community to apply for the commissions and committees vacancies.

Mayor Pro Tem Aguirre reported that he attended the Orange County Fire Authority Board of Director's meeting on April 25, 2013 and Serve Day on April 27, 2013.

Mayor Nelson announced an upcoming American Legion dinner event in honor of public safety officers. He congratulated all the presentations recipients. He reported that he attended two League of California Board meetings, Placentia Canine Foundation's Puppy Palooza fundraiser event, and CERT graduation.

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

A motion was made by Councilmember Underhill, seconded by Mayor Pro Tem Aguirre, to approve Consent Calendar Item Nos. 1.a. through 1.g.

COUNCIL/SUCCESSOR AGENCY/ICDA CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve
(4 - 0 - 1, Councilmember Yamaguchi absent)
- b. **Minutes**
City Council/Successor/ICDA Regular Meeting - April 16, 2013
Recommended Action: Approve
(4 - 0 - 1, Councilmember Yamaguchi absent)
- c. **City Fiscal Year 2012-13 Warrant Register for April 17, 2013 through May 7, 2013**
Financial Impact: \$1,591,696.48
Recommended Action: Approve
(4 - 0 - 1, Councilmember Yamaguchi absent)

COUNCIL CONSENT CALENDAR:

- d. **January – March 2013 Treasurer’s Reports**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Receive and file the January – March 2013 Treasurer’s Reports
(4 – 0 – 1, Councilmember Yamaguchi absent)
- e. **Approval of Plans and Specifications and Award of Construction to Sully-Miller Contracting Company for the Valencia Avenue Rehabilitation Project, and Approve Construction Management Services with Harris & Associates**
Financial Impact: Expense: \$696,478.04
Offsetting Revenue: \$318,000 State Proposition 1B Funding & \$378,478.04 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 plans prepared by GHD Incorporated and specifications prepared by the City of Placentia dated February 12, 2013, for the Valencia Avenue Rehabilitation Project
2) Award construction contract to the lowest responsive and responsible bidder, Sully-Miller Contracting Company, in a form approved by the City Attorney, for an amount not to exceed \$538,731.70
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 15% of the project construction
5) Approve construction management services contract, in a form approved by the City Attorney, with Harris & Associates for the time and materials in an amount not to exceed \$50,000
6) Authorize the City Administrator to execute contract documents on behalf of the City, in a form approved by the City Attorney
(4 – 0 – 1, Councilmember Yamaguchi absent)
- f. **Approve Cooperative Agreement for Project No. 174-46013 Between the City of Placentia, City of Fullerton and City of Anaheim for the Placentia Avenue Corridor Project Regional Traffic Signal Synchronization Program**
Financial Impact: Expense: \$43,200 Local Match
Offsetting Revenue: Air Quality Management District (AB 2766 Funds)
Budgeted: \$43,200 (Account No.: 333552-6185 J/L 61098)
Recommended Action: It is recommended that the City Council:
1) Approve the attached Cooperative Agreement for Project No. 174-46013 between the City of Placentia, City of Fullerton and City of Anaheim for the implementation of the Placentia Avenue Corridor Project funded as part of the Measure M2 Regional Traffic Signal Synchronization Program (Project P)
2) Authorize the Mayor to execute the Cooperative Agreement on behalf of the City
(4 – 0 – 1, Councilmember Yamaguchi absent)
- g. **Authorize Opposition Letter to Assembly Bill 323 (Chesbro) – Solid Waste Diversion - Greenwaste**

Financial Impact: Potential costs between \$236,000 to \$1.5 million per year for additional recycling of material

Recommended Action: It is recommended that the City Council:

- 1) Authorize the Mayor to submit a letter of opposition to AB 323 to Assembly member Wesley Chesbro addressing the impact of this Bill

(4 – 0 – 1, Councilmember Yamaguchi absent)

SUCCESSOR AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL:

a. **First Reading and Introduction of an Ordinance of the City Council of the City of Placentia Approving a Development Agreement with Olson Urban LLC for Property Located at 1049 Golden Avenue**

Financial Impact: Revenue: \$347,540 + (Public Benefits)

Recommended Action: It is recommended that the City Council:

- 1) Open the hearing, receive public testimony, and close public hearing
- 2) Waive full reading, reading by title only, and introduce for first reading, Ordinance O-2013-04, An Ordinance of the City Council of the City of Placentia, California approving a development agreement with Olson Urban Housing LLC for property located at 1049 Golden Avenue
- 3) Approve the applicants request to allow for grading and building permit issuance for construction before the recordation of the final map pursuant to § 66464 of the California Government Code at the applicants sole risk
- 4) Adopt Resolution No. R-2013-17, A Resolution of the City Council of the City of Placentia, California, approving a Negative Declaration of Environmental Impacts and approving a Tentative Tract Map for the development of a 33-unit housing subdivision

(4 – 0 – 1, Councilmember Yamaguchi absent)

City Administrator Butzlaff provided a brief report on item 2.a.

City Attorney Arczynski provided an overview of the purpose and requirements of a development agreement.

Project Planner Consultant Morales provided a staff report on item 2.a. He noted that this project requires a public hearing. He noted that the project was approved by the Planning Commission. He provided an overview of the development agreement requirements. He recommended the approval of the ordinance and resolution.

Councilmember Wanke inquired about the changes conducted by the Planning Commission and the public input process.

Project Planner Consultant Morales responded that the Planning Commission addressed traffic impact issues, access points, and widening of the bridge on Golden Avenue.

Mayor Nelson inquired on the number of residents that raised comments during the Planning Commission meetings.

Project Planner Morales responded that approximately four residents provided comments. He noted that the project would exceed the parking requirements.

Mayor Pro Tem Aguirre inquired about the number of units and the mitigation fees.

Project Planner Consultant Morales responded that the developer decided to reduce the number of units to provide a circulation pattern.

City Administrator Butzlaff noted that the City set a predetermined formula to establish mitigation fees.

Mayor Nelson opened the public hearing at 8:50 p.m.

Olson Urban LLC Representative John Rachal provided a PowerPoint presentation. The slides included: 1049 Golden Avenue, Aerial, Site History, Site Planning Considerations, Guest Parking, Community, Plan 1 Elevation, Plan 2 Elevation, Duplex 1 Elevation, Duplex 2 Elevation, Duplex 3 Elevation, and Questions.

Councilmember Wanke inquired about the height and width of the sidewalk wall on Golden Avenue.

Mayor Pro Tem Aguirre inquired about the abandoned oil well.

Olson Urban LLC Representative John Rachal provided an overview of the sidewalk improvements and oil well requirements.

Mayor Nelson closed the public hearing at 9:02 p.m.

A motion was made by Councilmember Underhill, seconded by Mayor Nelson, and carried (4 - 0 - 1) to open the hearing, receive public testimony, and close public hearing; waive full reading, reading by title only, and introduce for first reading, Ordinance O-2013-04, An Ordinance of the City Council of the City of Placentia, California approving a development agreement with Olson Urban Housing LLC for property located at 1049 Golden Avenue; approve the applicants request to allow for grading and building permit issuance for construction before the recordation of the final map pursuant to § 66464 of the California Government Code at the applicants sole risk; and adopt Resolution No. R-2013-17, A Resolution of the City Council of the City of Placentia, California, approving a Negative Declaration of Environmental Impacts and approving a Tentative Tract Map for the development of a 33-unit housing subdivision.

SUCCESSOR AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS:

- a. **Conduct Second Reading by Title Only and Adopt Ordinance Amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code Pertaining to Emergency Shelters, Supportive and Transitional Housing Facilities, Single Room Occupancies and Provisions for Reasonable Accommodations for Persons with Disabilities, Including Standards and Procedures Therefore**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Conduct second reading by title only and adopt Ordinance O-2013-03, An Ordinance of the City Council of the City of Placentia, California, Amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to emergency shelters, supportive and transitional housing facilities, single room occupancies and provisions for reasonable accommodations for persons with disabilities, including standards and procedures therefore
(4 - 0 - 1, Councilmember Yamaguchi absent)

City Administrator Butzlaff noted that Staff is recommending a second reading and adoption of Ordinance O-2013-03.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, and carried (4 - 0 - 1) to conduct second reading by title only and adopt Ordinance O-2013-03, An Ordinance of the City Council of the City of Placentia, California, Amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to emergency shelters, supportive and transitional housing facilities, single room occupancies and provisions for reasonable accommodations for persons with disabilities, including standards and procedures therefore.

- b. **Conduct Second Reading by Title Only and Adopt 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) Conduct second reading by title only and adopt 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 building
(4 - 0 - 1, Councilmember Yamaguchi absent)

City Administrator Butzlaff noted that Staff is recommending a second reading and adoption of Ordinance O-2013-02.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Aguirre, and carried (4 - 0 - 1) to conduct second reading by title only and adopt 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.

SUCCESSOR AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

- a. **Recommendation to Rescind City Council Policy No. 606 for the Placement of Adult Crossing Guards and Adopt the Criteria in the California Manual on Uniform Traffic Control Devices (CA MUTCD) as the City's Official Policy**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Rescind City Council Policy No. 606 for the Placement of Adult Crossing Guards and adopt the criteria in the CA MUTCD as the City's official policy
(4 – 0 – 1, Councilmember Yamaguchi absent)

City Administrator Butzlaff introduced City Traffic Engineer Smith.

City Traffic Engineer Smith noted that Policy No. 606 is out of compliance with the California MUTCD and that it is a risk of liability. She recommended rescinding the current policy and following the California MUTCD. She noted that this would only affect new crossing guard locations and not change existing locations.

Discussion ensued between Council and Staff.

A motion was made by Mayor Nelson, seconded by Councilmember Underhill, and carried (4 – 0 – 1) to rescind City Council Policy No. 606 for the Placement of Adult Crossing Guards and adopt the criteria in the California MUTCD as the City's official policy.

- b. **Acceptance of Resignation and Temporary Suspension of the Cultural Arts Commission**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Accept the resignation of Maria Gibbs (Cultural Arts Commission)
- 2) Temporarily suspend the Cultural Arts Commission and direct Staff to handle all Commission activities and functions
- 3) Relieve the three (3) remaining Cultural Arts Commissioners from their positions, with appreciation
- 4) Open the annual application/recruitment process for all positions on the Cultural Arts Commission

(4 – 0 – 1, Councilmember Yamaguchi absent)

City Administrator Butzlaff provided a staff report on item 4.a. He noted that the Commission has three remaining members, therefore Staff is recommending the suspension of the Commission, relieve the three remaining members, and to include all positions in the annual recruitment process.

Councilmember Wanke inquired about the removal of the three remaining members.

City Administrator Butzlaff noted that that the Commission would be disbanded. He noted that the Commissioners are being relieved not removed.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Aguirre, and carried (4 – 0 – 1) to accept the resignation of Maria Gibbs (Cultural Arts Commission); temporarily suspend the Cultural Arts Commission and direct Staff to handle all Commission activities and function; and relieve the three (3) remaining Cultural Arts Commissioners from their positions, with appreciation; and open the annual application/recruitment process for all positions on the Cultural Arts Commission.

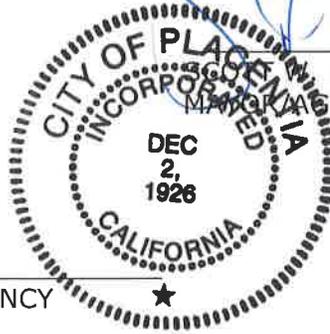
SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS: None

ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to the May 15, 2013 at 6:00 p.m. in memory of June Auld.



NELSON
AGENCY CHAIR

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY