

**PLACENTIA CITY COUNCIL  
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE  
PLACENTIA REDEVELOPMENT AGENCY  
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY  
REGULAR MEETING MINUTES – EXECUTIVE SESSION  
June 18, 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 5:33 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(a) for Conference with Legal Counsel Regarding Existing Litigation – Two (2) Items
  - a. Jones v. City of Placentia, US Federal District Court No. SACV-1878-JST(JPRx)
  - b. Pike v. City of Placentia, US District Court No. CV08-8586 AHM(Ex)
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. 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, Dir. Administrative/Community Services

**SUCCESSOR AGENCY:**

1. 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, Executive Director  
Negotiating Parties: Lee Petsas, UBI Business Brokers  
Under Negotiations: Price and Terms of Lease

**ICDA:**

1. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:

- a. Property: 235 South Bradford Avenue, APN 339-365-15  
Agency Negotiator: Troy L. Butzlaff, Executive Director  
Negotiating Parties: Gerald Near  
Under Negotiations: Price and Terms of Payment

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

**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; Deputy Director of Community Services, Jon Nicks; Finance Services Manager, Michael Nguyen; Senior Management Analyst, Michael McConaha; Management Analyst, Eduardo De La Torre; Management Analyst, Maggie Le; Accountant, Eric Hendrickson; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

**INVOCATION:** Police Chaplain Kenneth Milhander

**PLEDGE OF ALLEGIANCE:** Councilmember Yamaguchi

**PRESENTATIONS:**

1. **Requests for Commendations and Proclamations**

- a. Presentation on Fireworks and Summer Safety  
Presenters: OCFA Battalion Chief Kelly Zimmerman

City Administrator Butzlaff introduced OCFA Battalion Chief Zimmerman.

OCFA Battalion Chief Zimmerman provided a PowerPoint presentation, the slides included: Fireworks Safety, Fun but Dangerous, Sparklers, What to do if you get Burn, Drowning Prevention, California Leads the Nation in Drownings, Needless Tragedies, Without Warning & Without a Sound, ABC's of Pools Safety, and Contact Information. He provided information on the OCFA amnesty program, water watcher tags program, and CPR classes.

Mayor Nelson thanked OCFA Battalion Chief Zimmerman for the presentation.

- b. Proclamation Designating Every Friday as Red Shirt Friday  
Recipient: Veteran of the U.S. Navy Greg Gillaspy  
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief narrative on Red Shirt Friday.

U.S. Navy Veteran Gillaspy provided a brief narrative on Red Shirt Friday and thanked City Council for their support. He noted that they would be bringing The Wall that Heals to Irvine on July 18, 2013.

Mayor Nelson presented a proclamation certificate to U.S. Navy Veteran Gillaspy. He commended everyone who serves the nation.

Recommended Action: It is recommended that the City Council:  
Approve requests as submitted and make presentations to those present

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Underhill, to approve presentation items 1.a. and 1.b. as submitted and make a presentation to those present.

**EXECUTIVE SESSION REPORT:**

City Attorney Arczynski reported that the City resolved a matter of litigation with LSA Associates and the City was paid \$103,750, case number 30201100450162. He noted that the drafts have been presented to the Finance Department and are expected to clear quickly.

**CITY ADMINISTRATOR REPORT:**

City Administrator Butzlaff reported that the Commissions and Committees recruitment deadline is July 9, 2013 at 5:00 p.m. He reminded the audience that the sale, discharge or possession of fireworks is illegal in the City and most areas of Orange County. He announced the kick-off of Concerts in the Park Series on July 4, 2013 at 4:30 p.m. and a Community Workshop regarding the Outdoor Advertising Display Program on July 10, 2013 at 7:00 p.m. at the Whitten Community Center. He announced that City Hall would be closed July 4, 2013 in observance of the holiday and would resume regular business hours July 8, 2013.

**ORAL COMMUNICATIONS:**

Jack Harrison, resident, requested that City Council prohibit curb parking along Chapman Avenue.

Earl Williams, resident, thanked Council for all their work. He noted that a group of residents submitted a petition requesting preferential parking privileges for residents on Dartmouth Drive and Dartmouth Way. He asked that Council approve preferential parking privileges.

Councilmember Wanke inquired if residents on Georgetown Lane and Stafford Street experience similar parking issues.

Earl Williams responded that residents on those streets have similar problems.

Peggie Yamaguchi, resident, noted that at numerous Council meetings she has witnessed people smoking in the Civic Center area. She inquired about Placentia Municipal Code Chapter 8.28 Smoking in Public Places and signs not posted in the Civic Center area. She noted that on February 26, 2013 a Special Cultural Arts Commission meeting took place with only three commissioners in attendance. She noted that at that meeting the three members present approved the bands for the Concerts in the Park Series. She inquired if this was a legal action or if it is in violation of the Brown Act.

Jeff Buchanan, resident, expressed his concerns regarding perceived conflict of interest and Staff pushing volunteers away. He asked Staff to preserve transparency.

Bob Street, resident, noted that residents concerned about the HQT development continue to meet and do not plan to go away. He noted that HQT has responded positively to the concerns brought to their attention by the residents. He noted that they continue to oppose a high-density development plan. He noted that HQT would present the new development plans to the residents. He submitted 29 resident petitions.

Meredith Castillo, resident, noted that residents in his neighborhood had the option to vote on preferential parking permit. He inquired about the pros and cons of Senate Bill 311.

Farhad Khounani, resident, expressed his concerns regarding the HQT development, in particular to the high-density proposal.

Glenn Casterline, resident, spoke in opposition to the HQT high-density development. He noted that HQT would organize a community meeting to present the new project plan. He noted that the citizens group continues to grow. He expressed his concerns regarding City Staff lack of transparency.

Janice Lacher, resident, noted that the community is a proactive group. She noted that the community would continue to volunteer. She urged the City to accommodate and embrace volunteers.

Laurie Arroyo, resident, inquired about the accusations brought against a Councilmember. She noted that Staff works for the Council and Council works for the residents. She expressed her concerns regarding the proposed indoor skate park project.

Craig Green, resident, expressed his concerns regarding executive session item a conference with real property negotiator on property 132 Crowther Avenue. He noted that the property is once again on the agenda with new negotiators and new company. He inquired if this is a new project.

#### **CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:**

Councilmember Underhill invited residents to attend Concerts in the Park.

Councilmember Wanke inquired if the City has received any complaints regarding parking on the surrounding areas or requests for preferential parking. He directed concern residents to contact City Staff on preferential parking requests.

City Administrator Butzlaff responded that City Staff has not received any formal requests. He noted that if residents are interested they could contact City Hall.

Councilmember Yamaguchi expressed his concerns regarding the issue of losing City volunteers. He provided a narrative of his years of service as a volunteer with Mr. Lee Castner's audio company. He noted that he is a self-employed professional sound engineer. He noted that he does not understand where the perceived conflict of interest is. He noted that Mr. Castner was asked by City Staff to not work with Councilmember Yamaguchi, as a result, Mr. Castner withdrew his services to the City. He noted that moving forward, the quality of City events is going to go down. He noted that he is a willing volunteer and has no vested interest in any of the bands selected for Concerts in the Park Series. He noted that he would like to find out where this is coming from to address the issue. He noted that he would like the City to be what it used to be.

Mayor Nelson thanked Earl Williams for his comments and representation of his group. He directed Staff to review the issue of smoking in public places restriction signs. He directed the City Attorney to review the question regarding the February 26, 2013 Cultural Arts

Commission meeting. He provided a brief review of Senate Bill 311. He noted that the 132 Crowther is an executive session item being negotiated at this moment. He reported he attended a meeting in Sacramento on the State budget. He noted that Council would be addressing Councilmember Yamaguchi's concerns.

**1. CONSENT CALENDAR (Items 1.a. through 1.h.):**

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Wanke, to approve Consent Calendar Item Nos. 1.a. through 1.h. Councilmember Yamaguchi pulled item 1.h. for separate discussion. Councilmember Wanke pulled items 1.f. and 1.g. 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 Study Session and Regular Meeting – May 28, 2013 and June 4, 2013**  
Recommended Action: Approve  
**(5 – 0, as recommended)**
  
- c. **City Fiscal Year 2012-13 Warrant Register for June 5, 2013 through June 18, 2013**  
Financial Impact: \$399,700.87  
Recommended Action: Approve  
**(5 – 0, as recommended)**

**COUNCIL CONSENT CALENDAR:**

- d. **Measure M Eligibility Application Package for Fiscal Year 2013-14**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:
  - 1) Approve and direct Staff to submit an application to the Orange County Transportation Authority (OCTA) for funding seven-year Capital Improvement Program (CIP) projects
  - 2) Adopt Resolution No. R-2013-26, A Resolution of the City Council of the City of Placentia, California, concerning the status of the Circulation Element and Mitigation Fee Program for the City of Placentia**(5 – 0, as recommended)**
  
- e. **Recommendation to Approve a Lot Line Adjustment No. LL 2012-04 with Golden State Water Company for Placentia Metrolink Station Project**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:
  - 1) Approve the attached lot line adjustment No. LL 2012-04 between the City of Placentia and Golden State Water Company for the Metrolink Station
  - 2) Authorize the Mayor to sign the subject lot line adjustment on behalf of the City

- 3) Direct the City Clerk to submit the lot line adjustment to the Orange County Clerk Recorder for recording of the document  
**(5 – 0, as recommended)**

f. **Consideration of Establishment of No Parking/Resident-Only Permit Parking on Placentia Avenue**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2013-27, A Resolution of the City Council of the City of Placentia, California, prohibiting vehicle parking and authorizing the establishment of preferential parking privileges for residents residing in five homes on the east side of Placentia Avenue between Harmony Lane and Primrose Avenue (302-402 North Placentia Avenue)

**(5 – 0, as recommended)**

Councilmember Wanke noted that there was 100 percent approval on the Placentia Avenue and 90 percent on the Dartmouth Drive preferential parking for residents. He noted that the City is not imposing preferential parking and that this is a resident driven action.

A motion was made by Councilmember Wanke, seconded by Councilmember Yamaguchi, and carried (5 – 0) to adopt Resolution No. R-2013-27, A Resolution of the City Council of the City of Placentia, California, prohibiting vehicle parking and authorizing the establishment of preferential parking privileges for residents residing in five homes on the east side of Placentia Avenue between Harmony Lane and Primrose Avenue (302-402 North Placentia Avenue).

g. **Consideration of Establishment of No Parking/Resident-Only Permit Parking on Dartmouth Drive and Dartmouth Way**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2013-28, A Resolution of the City Council of the City of Placentia, California, prohibiting vehicle parking and authorizing the establishment of preferential parking privileges for residents residing on both sides of Dartmouth Drive and on the west side of Dartmouth Way

**(5 – 0, as recommended)**

A motion was made by Councilmember Wanke, seconded by Councilmember Yamaguchi, and carried (5 – 0) to adopt Resolution No. R-2013-28, A Resolution of the City Council of the City of Placentia, California, prohibiting vehicle parking and authorizing the establishment of preferential parking privileges for residents residing on both sides of Dartmouth Drive and on the west side of Dartmouth Way.

h. **Opposition Letter Regarding Senate Bill 311 (SB 311): Local Elections, Charter and Charter Proposals**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Authorize the Mayor to sign a letter of opposition for Senate Bill 311 (Padilla) regarding: local elections, charter and charter proposals and direct the City Administrator to distribute the letter accordingly

**(5 – 0, as recommended)**

City Administrator Butzlaff provided a brief staff report on item 1.h. and review of Senate Bill 311. He noted that the League of California Cities is advising an opposition vote to Senate Bill 311.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Underhill, and carried (5 – 0) to authorize the Mayor to sign a letter of opposition for Senate Bill 311 (Padilla) regarding: local elections, charter and charter proposals and direct the City Administrator to distribute the letter accordingly.

**SUCCESSOR AGENCY CONSENT CALENDAR:** None

**ICDA CONSENT CALENDAR:** None

**2. PUBLIC HEARINGS:**

**COUNCIL/SUCCESSOR AGENCY/ICDA:** None

**COUNCIL:**

a. **Annual Budget for Fiscal Year 2013-14 and Capital Improvement Program (CIP) Budget for 2013-20**

Financial Impact: Expenses: \$30,429,745 (CITY)

Revenues: \$30,429,745 (CITY)

Expenses: \$14,336,315 (CIP)

Revenues: \$14,336,315 (CIP)

Recommended Action: It is recommended that the City Council:

- 1) Continue the Public Hearing, receive public testimony, close Public Hearing
- 2) Adopt Resolution No. R-2013-29, A Resolution of the City Council of the City of Placentia, California, taking actions necessary to adopt the Fiscal Year 2013-14 Annual Budget in the amount of \$30,429,745
- 3) Adopt Resolution No. R-2013-30, A Resolution of the City Council of the City of Placentia, California, taking actions necessary to adopt the Fiscal Years 2013-20 Capital Improvement Program (CIP) Budget with an appropriation of \$14,336,315 for Fiscal Year 2013-14

**(4 – 1 – 0, Councilmember Yamaguchi voted no)**

A five-minute break was taken.

City Administrator Butzlaff introduced Director of Finance Ogawa to present a PowerPoint presentation on the Annual Budget Fiscal Year 2013-14.

Director of Finance Ogawa provided a PowerPoint presentation, the slides included: Annual Budget (Draft) Fiscal Year 2013-14, Executive Summary, General Fund Revenue Summary, General Fund Expenditure Summary, General Fund Financial Position, Proposed Deficit Reduction Solutions, and Proposed Deficit Reduction Solutions.

Discussion ensued between Council and Staff. They discussed the cost of personnel, the elimination of a cadet officer position, reduction of part-time hours, and reduction of one concert from the Concerts in the Park Series.

Director of Finance Ogawa continued with the PowerPoint Presentation, the slides included: Proposed Deficit Solution – Implementation.

Discussion ensued between Council and Staff. They discussed the projected revenue for the outdoor advertising project and labor concessions, implementation of furlough days, and the refinancing of the working capital bond.

Director of Finance Ogawa continued the PowerPoint presentation, slides included: Long-Term Solutions and Questions.

Discussion ensued between Council and Staff. They discussed the election process for a possible Utility Users Tax and Public Safety Assessment District.

Director of Administrative Services/Community Services Pischel noted that item 4.a. would reduce the part-time work hours and slightly increase wages. He noted that the hourly rates below comparable neighboring cities. He noted that the recruitment process for a police cadet takes about three months.

Chief of Police Hicks noted that it is a challenge to hire and retain police cadets because other cities have higher salaries.

Discussion ensued between Council and Staff. They discussed the refinancing of the working capital bond, the use of reserves, sales tax revenues, and the importance of having quarterly budget reviews.

Mayor Nelson opened the public hearing at 9:12 p.m.

Peggie Yamaguchi, resident, noted that the draft budget presentation includes the cut of one of the seven concerts of Concerts in the Park Series. She inquired if all the contracts for the Series were sent out. She inquired if Staff would notify the non-profit scheduled to serve on the seventh concert regarding the cut. She inquired if there are additional funds for the Heritage Festival and Parade.

Director of Administrative Services/Community Services Pischel noted that it is anticipated that the last concert of the series would be cancelled. He noted that Staff has not firmed up anything with all non-profits. He noted that the community would be informed.

Mayor Nelson closed the public hearing at 9:15 p.m.

City Administrator Butzlaff noted that at this point Staff placed the projects on the Capital Improvement Program as a placeholder and that no funding has been allocated. He noted that unfunded projects are presented to Council separately for approval.

Councilmember Underhill noted that the budget is a working document that gives guidelines. She noted that she is optimistic that revenues would come in higher.

Councilmember Yamaguchi thanked Staff for presenting the triggered reductions. He noted that he is optimistic that revenues would come in higher to avoid deep cuts. He noted that he does not support the budget as proposed.

Mayor Pro Tem Aguirre noted that he is pleased to take a conservative approach and is optimistic revenues come in higher. He spoke in support of having triggers in place. He inquired about the reductions of facilities maintenance and repairs.

Director of Public Works Drinovsky noted that the line item reduced is the fund set aside to cover unexpected items.

Mayor Nelson thanked Staff for the long-term solutions presented. He asked Staff to continue to reexamine the cuts. He noted that he is willing to look at using one-time funds. He noted that he would like to see the continuation of a long-term plan.

Councilmember Wanke commended Staff for presenting one-time funds at the end.

A motion was made by Councilmember Underhill, seconded by Councilmember Wanke, and carried (4 – 1 – 0, Councilmember Yamaguchi voted no) to continue the Public Hearing, receive public testimony, close Public Hearing; adopt Resolution No. R-2013-29, A Resolution of the City Council of the City of Placentia, California, taking actions necessary to adopt the Fiscal Year 2013-14 Annual Budget in the amount of \$30,429,745; and adopt Resolution No. R-2013-30, A Resolution of the City Council of the City of Placentia, California, taking actions necessary to adopt the Fiscal Years 2013-20 Capital Improvement Program (CIP) Budget with an appropriation of \$14,336,315 for Fiscal Year 2013-14.

**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. Adoption of Resolution Authorizing the Position Allocation Plan and Compensation Plan for Fiscal Year 2013-14**

Financial Impact: Expense: to be determined

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2013-31, A Resolution of the City Council of the City of Placentia, California, authorizing the Position Allocation Plan and Compensation Plan for Fiscal Year 2013-14

**(4 – 1 – 0, Councilmember Yamaguchi voted no)**

A motion was made by Councilmember Aguirre, seconded by Councilmember Underhill, and carried (4 – 1 – 0, Councilmember Yamaguchi voted no) to adopt Resolution No. R-2013-31, A Resolution of the City Council of the City of Placentia, California, authorizing the Position Allocation Plan and Compensation Plan for Fiscal Year 2013-14.

**b. Gann Appropriation Limit for Fiscal Year 2013-14**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2013-32, A Resolution of the City Council of the City of Placentia, California, approving and adopting the Annual Appropriations Limit for Fiscal Year 2013-14 in the amount of \$73,086,087

**(5 – 0, as recommended)**

City Administrator Butzlaff provided a brief staff report on item 4.b. He noted that State law requires the adoption of the Annual Appropriations Limit.

Director of Finance Ogawa provided a brief staff report on item 4.b. She noted that this is a State requirement, which approves the Annual Appropriations Limit for Fiscal Year 2013-14 of \$73,086,087.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Wanke, and carried (5 - 0) to adopt Resolution No. R-2013-32, A Resolution of the City Council of the City of Placentia, California, approving and adopting the Annual Appropriations Limit for Fiscal Year 2013-14 in the amount of \$73,086,087.

**SUCCESSOR AGENCY NEW BUSINESS:** None

**ICDA NEW BUSINESS:** None

**CITY COUNCIL/BOARD MEMBERS REQUESTS:**

Councilmember Yamaguchi requested an answer about the perceived conflict of interest. He requested that the City's website be updated to reflect the correct times for the July 4<sup>th</sup> Concerts in the Park Series event.

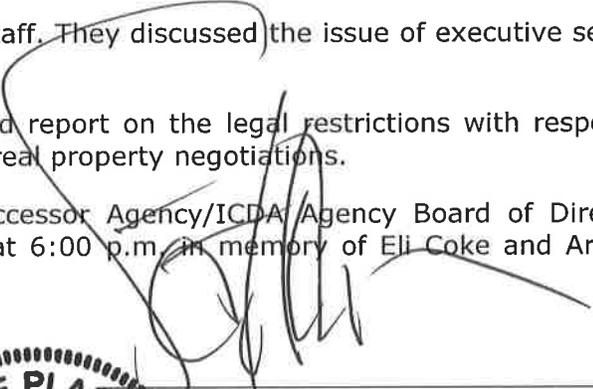
Councilmember Wanke directed Staff to examine the issue of the perceived conflict of interest and parking permits.

Mayor Pro Tem Aguirre inquired why the City does not fully report on real estate negotiations that take place in executive session.

Discussion ensued between Council and Staff. They discussed the issue of executive session legal requirements.

City Council directed Staff to examine and report on the legal restrictions with respect to executive sessions, particularly regarding real property negotiations.

**ADJOURNMENT:** The City Council/Successor Agency/ICDA Agency Board of Directors adjourned at 9:40 p.m. to July 2, 2013 at 6:00 p.m. in memory of Eli Coke and Armand Barasa.



ROBERT W. NELSON  
MAYOR/AGENCY CHAIR

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY  
SECRETARY

