

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

CALL TO ORDER: Mayor/Board Chair Mayor Nelson called the meeting to order at 5:37 p.m.

ROLL CALL:

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

Councilmember Wanke arrived at 5:46 p.m.

Councilmember Yamaguchi arrived at 6:15 p.m.

ORAL COMMUNICATIONS:

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – One (1) Item
 - a. Placentia Police Officers Association v. City of Placentia, Orange County Superior Court, Case No. 30-2011-00485327
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
5. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator:
 - a. Property: 334 W. Santa Fe Avenue, APN 140-09-08
City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Parties: Maria Medina
Under Negotiations: Price and Terms of Payment
 - b. Property: Vacant 0.0631 Acre Parcel, APN 339-102-01

City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Parties: Suburban Propane, L.P.
Under Negotiations: Price and Terms of Payment

SUCCESSOR AGENCY:

1. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator:
 - a. Property: 132 Crowther Avenue, APN 339-091-08
Agency Negotiator: Troy L. Butzlaff, Executive Director
Negotiating Parties: Mark McEwen, DMWP, LLC
Under Negotiations: Price and Terms of Lease

ICDA:

1. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator:
 - 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
 - b. Property: 120 South Bradford Avenue, APN 339-052-23
Agency Negotiator: Troy L. Butzlaff, Executive Director
Negotiating Parties: Budget Finance Company (Lender)
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 Aguirre, Nelson, Underhill, Wanke, Yamaguchi
ABSENT: None

STAFF PRESENT: City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/Authority Counsel, Andrew V. Arczynski; Director of Administrative and Community Services, Steve Pischel; Director of Public Works, Steve Drinovsky; Police Chief, Rick Hicks; Deputy Chief of Police, Ward Smith; Interim Director of Finance, Michael Nguyen; Deputy Director of Community Services, Jon Nicks; Senior Management Analyst, Michael McConaha; Management Analyst, Eduardo DeLaTorre; Management Analyst, Maggie Le; Management Analyst, Matthew Reynolds; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: Police Chaplain Arturo Rodriguez

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Aguirre

PRESENTATIONS:

1. **Requests for Commendations and Proclamations**
 - a. Proclamation Declaring the Month of November, as Pancreatic Cancer Awareness Month

Recipients: Pancreatic Cancer Action Network and Heide Bush
Presenter: Mayor Nelson

Chief of Police Hicks provided a brief narrative of Sergeant Bush battle against pancreatic cancer.

Heide Bush provided a brief biography of her husband and his battles against pancreatic cancer. She thanked Staff and Council for the proclamation.

Mayor Nelson proclaimed the month of November as Pancreatic Cancer Awareness Month and presented a certificate to Mrs. Bush.

- b. Orange County Grand Jury 2014/15 Recruiting Campaign
Presenters: Orange County Grand Jury Barry Durham and April Lancaster

City Administrator Butzlaff introduced Orange County Grand Jurors Barry Durham and April Lancaster.

Orange County Grand Juror Durham provided a brief narrative of the Orange County Grand Jury 2014-15 recruitment process.

Councilmember Wanke inquired about the age of the youngest juror selected and who selects the final 30 applicants.

Juror Lancaster responded that the youngest member is approximately 52 years old and that judges select the final applicants.

- c. Recognition of Valencia High School Interact Club
Recipients: Valencia High School Students Sunny Le, Gabby Szczebrowski, Sonia Dinh, Lisa Jian, Ryan Borden, and Yash Kelkar
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief narrative of the Valencia High School Interact Club.

Librarian Contreras provided a brief narrative of the Valencia High School Interact Club accomplishments.

Mayor Nelson presented certificates of recognition to the club members.

Club Member Ryan Borden thanked the various groups for their support and presented the Mayor with a club member t-shirt.

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 upcoming Veterans Day Ceremony on November 11, 2013 at the Civic Center Plaza. He announced that in observance of Veterans Day, City Hall would be closed on November 11, 2013. He announced the upcoming CERT Program graduation on November 8, 2013 at the City Corporation Yard.

ORAL COMMUNICATIONS:

Glenn Casterline, resident, noted that a group of community members met with HQT Homes to discuss the new project plan. He expressed his concerns regarding the current zoning in the proposed project area. He requested that City staff meet with HQT Homes and community members to discuss a potential safe route to school plan and traffic plan.

Bob Street, resident, spoke in support of the new project plan proposed by HQT Homes. He expressed his concerns regarding traffic safety issue and inquired if it is feasible to have a crossing guard in that area.

Craig Green, City Treasurer, submitted a report to Council titled "Budgetary Items for City Council Consideration." He noted that the title of consent calendar item 1.h. needs to be better described. He expressed his concerns regarding consent calendar item 1.i.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill announced the upcoming Veterans Day Ceremony on November 11, 2013.

Councilmember Yamaguchi congratulated the CERT Program graduates. He announced the upcoming Las Posadas and Tamale Festival on December 4, 2013. He expressed his condolences on the death of Joe Rodarte, retired Placentia Police Officer.

Mayor Pro Tem Aguirre expressed his condolences on the death of Joe Rodarte, retired Placentia Police Officer.

Mayor Nelson congratulated the CERT Program graduates and the Valencia High School Interact Club. He noted that Andrew Binnings, son of Economic Development Committee Member Kenny Binnings, would be unveiling his Eagle Scout project as part of the Veterans Day celebration at El Dorado High School. He commended HQT Homes and the residents that have worked together on the project to address areas of concern.

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

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Aguirre, to approve Consent Calendar Item Nos. 1.a. through 1.i. Councilmember Yamaguchi abstained from item 1.b. and affirmative on the remaining. Mayor Nelson pulled item 1.d. for separate discussion. Councilmember Wanke pulled item 1.i. 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 – October 15, 2013
Recommended Action: Approve
(4 – 0, Councilmember Yamaguchi abstained)
- c. **City Fiscal Year 2013-14 Warrant Register for October 16, 2013 through November 5, 2013**
Financial Impact: \$1,058,172.72
Recommended Action: Approve
(5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

d. Acceptance of Construction Work for the Valencia Avenue Rehabilitation Project

Financial Impact: Expense: \$592,626.67

Offsetting Revenue: \$296,313.33 State Proposition 1B Funding & \$296,313.34 Measure M Fair Share Funds

Budgeted: \$592,626.67 (Account No.: 333552-6185 J/L 61034)

Recommended Action: It is recommended that the City Council:

- 1) Accept contract work performed by Sulley-Miller Contracting Company, for construction work of the Valencia Avenue Rehabilitation Project in the amount of \$593,626.67
- 2) Authorize the City Engineer to file a Notice of Completion with the Orange County Clerk Recorder's Office for the project
- 3) Authorize the City Engineer to release retention funds in accordance with the terms of the contract

(5 – 0, as recommended)

Director of Public Works Drinovsky clarified a typographical error on the recommended action.

e. Recommendation to Approve Pipeline License Agreements 13-48136 and 13-47969 with Burlington Northern Santa Fe Railway Company for Lakeview Grade Separation Project

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve Pipeline License Agreement 13-48136 for a sewer pipeline
- 2) Approve Pipeline License Agreement 13-47969 for a storm water pipeline
- 3) Authorize the Mayor to execute the Pipeline License Agreement on behalf of the City, in a form approved by the City Attorney

(5 – 0, as recommended)

f. Recommendation to Approve Amendment No. 2 to Cooperative Agreement C-2-1330 between the Orange County Transportation Authority and City of Placentia for the Richfield Road Widening Project

Financial Impact: Expense: \$350,000.00 for Construction Services

Offsetting Revenue: \$350,000.00 OCTA

Recommended Action: It is recommended that the City Council:

- 1) Approve Amendment No. 2 to Cooperative Agreement No. C-2-1330 between the City of Placentia and the Orange County Transportation Authority for the Richfield Road Widening Project, in a form approved by the City Attorney
- 2) Authorize the Mayor to execute Amendment No. 2 to Cooperative Agreement No. C-2-1330 on behalf of the City

(5 – 0, as recommended)

g. Acceptance of Construction Work for the Pedestrian Accessibility Phase II Project

Financial Impact: Expense: \$217,715.21

Offsetting Revenue: \$217,715.21 CDBG

Budgeted: \$217,715.21 (Account No.: 333552-6185 J/L 61102, Construction Capital Projects)

Recommended Action: It is recommended that the City Council:

- 1) Accept contract work performed by Y & M Construction, for the Pedestrian Accessibility Phase II Project in the total amount of \$217,715.21
- 2) Authorize the City Engineer to file a Notice of Completion with Orange County Clerk Recorder's Office for the project
- 3) Authorize the City Engineer to release retention funds in accordance with the terms of the contract

(5 – 0, as recommended)

h. **Approval of Final Tract Map No. 17489 Including Conditional Acceptance of Offers of Dedication, Approval of Subdivision Agreement and Acceptance of Improvement Bonds**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve Final Tract Map 17489, subject to review and approval of the County Surveyor, and accept the dedication and relinquishment of vehicular access rights, subject to final completion, as follows:
 - a. An easement for road and utility purposes along Golden Avenue
 - b. Release and relinquishment of vehicular access rights along Golden Avenue except at the approved driveway location
- 2) Authorize the City Clerk to sign Final Tract Map 17489
- 3) Approve and authorize the Mayor and City Clerk to execute the Subdivision Improvement Agreement
- 4) Accept the Improvement Performance Bond #0635564 and Labor and Material Bond #0635564, each in the amount of \$556,217.00 from International Fidelity Insurance Company for the construction of Improvements

(5 – 0, as recommended)

i. **Adoption of Resolution Authorizing the Submission of an Application to the California Infrastructure and Economic Development Bank for Financing of the Acquisition and Capital Improvement of 132 E. Crowther Avenue**

Financial Impact: Savings: \$300,000.00 in avoided lease payments over remaining lease term

Expenditures: \$88,673.52 estimates monthly loan payment for \$1,300,000.00 at 2.44 percent for 15-year term

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2013-52, A Resolution of the City Council of the City of Placentia, California, authorizing the submission of an application to the California Infrastructure and Economic Development Bank for financing of 132 E. Crowther Avenue
- 2) Authorize the City Administrator to submit an application to I-Bank for a 15-year loan of \$1,300,000.00 at an interest rate of approximately 2.44 percent for the purchase and related capital improvements of 132 Crowther Avenue

(4 – 1, Councilmember Yamaguchi voted no)

Councilmember Wanke inquired about the annual payment.

City Administrator Butzlaff noted that the only payment due in 2014 would be \$88,673.52.

Mayor Nelson inquired about the loan payment and tentative improvements to the property.

City Administrator Butzlaff responded that the only reason that tentative improvements would be completed is if the City decides to keep the property. He noted that if the City does not purchase the property the equity would be lost.

Councilmember Wanke inquired if the City has the option to make prepayments.

City Administrator Butzlaff responded that there are no prepayment penalties.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Aguirre, and carried (4 – 1, Councilmember Yamaguchi voted no) to adopt Resolution No. R-2013-52, a resolution of the City Council of the City of Placentia, California, authorizing the submission of an application to the California Infrastructure and Economic Development Bank for financing of 132 E. Crowther Avenue; and authorize the City Administrator to submit an application to I-Bank for a 15-year loan of \$1,300,000.00 at an interest rate of approximately 2.44 percent for the purchase and related capital improvements of 132 Crowther Avenue.

SUCCESSOR AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL:

- a. **Public Hearing, Introduction and First Reading for an Ordinance of the City Council of the City of Placentia, California, Repealing Chapter 18.04 of title 18 and Chapters 20.04, 20.08, 20.12, 20.16, 20.20 and 20.56 of Title 20 of the Placentia Municipal Code and Adopting by Reference, the California Fire Code, 2013 Edition, the California Building Code, 2013 Edition, the California Residential Code, 2013 Edition, the California Green Building Standards Code, 2013 Edition, the California Plumbing Code, 2013 Edition, the California Mechanical Code, 2013 Edition, and the California Electrical Code, 2013 Edition, Including all Appendices, with Certain Amendments, Additions and Deletions Thereto, Including Fees and Penalties; and Approval of Resolution Making Required Findings Pursuant to the California Health & Safety Code**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Conduct public hearing and consider Staff and public input pertaining to the ordinance and amendments recommended by Staff. Close public hearing upon completion of testimony
- 2) Introduce for First Reading Ordinance O-2013-08, "An Ordinance of the City Council of the City of Placentia, California, Repealing Chapter 18.04 of Title 18 and Chapters 20.04, 20.08, 20.12, 20.16, 20.20 and 20.56 of Title 20 of the Placentia Municipal Code and Adopting By, Reference, the California Fire Code, 2013 Edition, the California Building Code, 2013 Edition, the California Residential Code, 2013 Edition, the California Plumbing Code, 2013 Edition, the California Electrical Code, 2013 Edition, California Mechanical Code, 2013 Edition, and the California Green Building Standards

Code, 2013 Edition, Including all Appendices, with Certain Amendments, Additions and Deletions Thereto, Including Fees and Penalties”

- 3) Adopt Resolution No. R-2013-53, A Resolution of the City Council of the City of Placentia, California, making required findings pursuant to California Health and Safety Code § 17958.5(a) pertaining to modifications to the standardized codes promulgated by the State of California

(5 – 0, as recommended)

City Attorney Arczynski provided a brief staff report on item 2.a. He noted that the City is obligated every three years to revisit the codes presented by the State. He stated that the City has the authority to make modifications to the Code, but if no action is taken the codes go into effect the way they were presented by the State. He noted that the Orange County Fire Authority has reviewed the Fire Codes.

Mayor Nelson opened the public hearing at 9:55 p.m.

No public testimony was received.

Mayor Nelson closed the public hearing at 9:56 p.m.

Mayor Pro Tem Aguirre inquired about some of the changes to the Fire Code.

OCFA Fire Marshal Ron Blaul provided a review of the changes to the Fire Code.

Mayor Pro Tem Aguirre noted that all codes are available online.

City Administrator Butzlaff noted that the ordinance is available on the City's website.

OCFA Fire Marshal Blaul noted that the code is available at all Orange County Fire Authority stations.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Underhill, and carried (5 – 0) to conduct public hearing and consider Staff and public input pertaining to the ordinance and amendments recommended by Staff. Close public hearing upon completion of testimony; introduce for First Reading Ordinance O-2013-08, "An Ordinance of the City Council of the City of Placentia, California, Repealing Chapter 18.04 of Title 18 and Chapters 20.04, 20.08, 20.12, 20.16, 20.20 and 20.56 of Title 20 of the Placentia Municipal Code and Adopting By, Reference, the California Fire Code, 2013 Edition, the California Building Code, 2013 Edition, the California Residential Code, 2013 Edition, the California Plumbing Code, 2013 Edition, the California Electrical Code, 2013 Edition, California Mechanical Code, 2013 Edition, and the California Green Building Standards Code, 2013 Edition, Including all Appendices, with Certain Amendments, Additions and Deletions Thereto, Including Fees and Penalties"; and adopt Resolution No. R-2013-53, a resolution of the City Council of the City of Placentia, California, making required findings pursuant to California Health and Safety Code § 17958.5(a) pertaining to modifications to the standardized codes promulgated by the State of California.

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

ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

- a. **Adoption of Goals and Policies for the Implementation of the Mello-Roos Community Facilities Act of 1982, as Amended, California Government Code § 53311, Et Seq., Regarding the Formation of Community Facilities Districts**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Consider the evidence supplied by Staff and the City's consultant, Willdan Engineering
- 2) Adopt Resolution No. R-2013-54, A Resolution of the City Council of the City of Placentia, California, adopting Goals and Policies for the Implementation of the Mello-Roos Community Facilities Act of 1982, as Amended, California Government Code § 53311, Et Seq., Regarding the Formation of Community Facilities Districts

(5 – 0, as recommended)

City Administrator Butzlaff provided a brief staff report on item 4.a. He noted that certain developments required the formation of a Community Facilities District (CFD). He noted that a set of Goals and Policies are needed before the formation of a CFD.

A motion was made by Councilmember Underhill, seconded by Councilmember Yamaguchi, and carried (5 – 0) to consider the evidence supplied by Staff and the City's consultant, Willdan Engineering; adopt Resolution No. R-2013-54, a resolution of the City Council of the City of Placentia, California, adopting Goals and Policies for the Implementation of the Mello-Roos Community Facilities Act of 1982, as Amended, California Government Code § 53311, Et Seq., Regarding the Formation of Community Facilities Districts.

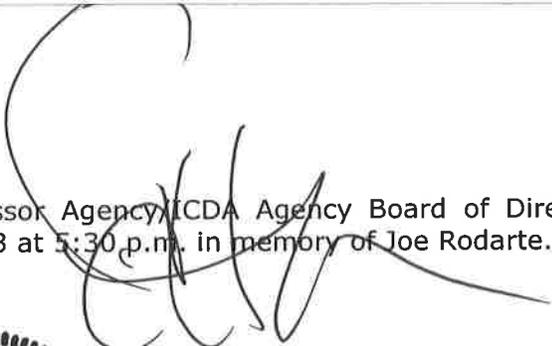
SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Yamaguchi requested that Council give direction to Staff to review the report submitted by City Treasurer Green and to provide responses.

ADJOURNMENT: The City Council/Successor Agency/ICDA Agency Board of Directors adjourned at 8:06 p.m. to November 19, 2013 at 5:30 p.m. in memory of Joe Rodarte.



SCOTT W. NELSON
SUPERVISOR/AGENCY CHAIR

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

