

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
February 18, 2014
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 5:50 p.m.

ROLL CALL:

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

Councilmember Wanke arrived at 5:56 p.m.

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(d)(2) for Conference with Legal Counsel Regarding Anticipated Litigation – One (1) Item
2. Pursuant to Government Code Section 54956.9(d)(4) 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, Dir. Administrative/Community Services
4. Pursuant to Government Code Section 54957 for Public Employee Performance Evaluation
 - a. City Administrator
5. Pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator:
 - a. 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
 - b. Property: 207-209 W. Crowther Ave APN: 339-402-05; 07; 08; 11
City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Parties: Patrick Helgeson, Province Group
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: 120 South Bradford Avenue, APN 339-052-23
 Agency Negotiator: Troy L. Butzlaff, Executive Director
 Negotiating Parties: Noah Furie, Budget Capital Corporation
 Under Negotiations: Price and Terms of Payment

RECESS: The City Council/Redevelopment Agency/ICDA recessed to the Regular Meeting at 7:00 p.m.

ROLL CALL:

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

STAFF PRESENT: City Clerk, Patrick Melia; City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/Agency Counsel, Andrew V. Arczynski; Director of Administrative Services and Community Services, Steve Pischel; Interim Finance Director, Michael Nguyen; Director of Public Works, Steve Drinovsky; Police Chief, Rick Hicks; Management Analyst, Eduardo De La Torre; Deputy City Clerk, Tania Moreno

INVOCATION: Police Chaplain Gary Drabek

PLEDGE OF ALLEGIANCE: Councilmember Aguirre

PRESENTATIONS: None

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 noted there were no other reportable actions from Executive Session that evening.

CITY ADMINISTRATOR REPORT:

City Administrator Butzlaff reported on the past Budget Stabilization Plan community meeting that took place on February 12, 2014 and the upcoming meeting on February 19, 2014 at the Whitten Center. He reported Staff and elected officials toured several OC Bridges project locations.

ORAL COMMUNICATIONS:

Bonnie Kerr, resident, expressed her concerns regarding City's financial situation, garbage collection contract, water usage contract, law enforcement cost, and Golden Avenue Bridge retrofit cost.

Mayor Nelson directed Director of Administrative Services and Community Services Pischel to contact Ms. Kerr.

Craig Green, City Treasurer, requested clarification on Executive Session Council item 5.b. and Successor Agency item 1.a. He spoke in support of the Budget Stabilization Plan community meeting. He expressed his concerns regarding the meeting format and exercise format. He noted that his church offered their facilities to the City to use for an additional community meeting.

Meredith Castillo, resident, stated he attended the Budget Stabilization Plan community meeting. He noted he would like to keep the Police Department, but based on the numbers the City cannot afford it. He noted that if the numbers show that the City cannot afford it, they must let go of it. He thanked Councilmember Underhill for attending the Budget Stabilization Plan meeting.

Joshua Correa, resident, noted that he submitted written objections regarding the billboard ordinance. He expressed his concerns regarding the billboard locations. He noted that it is important to identify who is behind the billboards idea.

David Yakubovsky, resident, spoke in support of the Police Department. He noted that he would be attending the next Budget Stabilization Plan community meeting.

David Bacardi, resident, spoke in opposition of contracting out law enforcement services to the OC Sheriff's department. He noted that the OC Sheriff's provide low quality of services.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Yamaguchi congratulated the outgoing and incoming Miss Placentia/Miss Yorba Linda court. He spoke in support of maintaining the Placentia Police Department. He requested that the Council explore the idea of regionalization within the Police Department. He noted he would be attending the next Budget Stabilization Plan community meeting.

Councilmember Underhill congratulated Valencia High School for their participation in the academic decathlon. She encouraged the public to attend the next Budget Stabilization Plan community meeting. She noted she was a judge for the Miss Placentia/Miss Yorba Linda pageant.

Councilmember Wanke congratulated all of the Miss Placentia/Miss Yorba Linda participants. He noted that the Budget Stabilization Plan community meetings are intended to cover the overall City's financial status and not only the Police Department.

Mayor Pro Tem Aguirre noted that the Budget Stabilization Plan community meetings would cover various issues. He encouraged the public to attend the next Budget Stabilization Plan meeting. He noted that the Placentia Avenue underpass might be operational by March.

Mayor Nelson noted that the entire City Council does not attend community meetings to avoid any potential Brown Act violations. He noted that the waste management agreement

is an evergreen agreement. He noted that the Golden State Water Company is a non-profit company regulated by the PUC. He noted that the report by Management Partners includes revenue generator ideas, such as a sales tax increase and a Utility Users Tax restoration. He noted that the Management Plan report does not only focus on the Police Department, it includes all departments. He noted that the City should explore the idea of a non-traditional Police Department. He announced the Budget Stabilization Plan community meeting on February 19, 2014. He noted that the City of Placentia is ranked as the second best city to live in. He reported that he performed a wedding for two Placentia residents.

City Administrator Butzlaff noted that the Golden Bridge grant covers all construction; the grant match would be coming from a developer's contribution.

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

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, 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
(5 – 0, as recommended)
- b. **Minutes**
City Council/Successor/ICDA Regular Meeting – February 4, 2014
Recommended Action: Approve
(5 – 0, as recommended)
- c. **City Fiscal Year 2013-14 Warrant Register for February 5, 2014 through February 18, 2014**
Financial Impact: \$404,704.25
Recommended Action: Approve
(5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- d. **Recommendation to Approve Professional Services Agreement with Charles Rangel for Contract Planning and Development Services**
Financial Impact: Expense: Not to exceed \$46,000
Budgeted In: (Account No: 102531-6001)
Recommended Action: It is recommended that the City Council:
 - 1) Approve the Professional Services Agreement with Charles Rangel to provide professional services related to the Planning Department
 - 2) Authorize the City Administrator to execute the agreement on behalf of the City, in a form approved by the City Attorney**(5 – 0, as recommended)**
- e. **Approval of Plans and Specifications and Award of Contract to Steiny and Company Inc., for Richfield Road at Orchard Drive Traffic Signal Project**

Financial Impact: Expense: \$240,994.60 for construction services
Offsetting Revenue: \$150,000 OCTA, \$20,000 Yorba Linda, \$70,994.60
Placentia

Budgeted: \$240,994.60 (Account No.: 333552-6185 J/L 61117)

Recommended Action: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Willdan Engineering dated December 6, 2013, for the Richfield Road & Orchard Drive Traffic Signal Project
- 2) Award construction contract to the lowest responsive and responsible bidder, Steiny and Company Inc., in a form approved by the City Attorney, for an amount not to exceed \$219,086
- 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 in an aggregate amount not to exceed 10% of the project construction cost
- 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. **Recommendation to Approve Award of Contract to Nickey Petroleum Company Inc., for Providing Bulk Fuel Services and Lubricants**

Financial Impact: Expense: \$300,000

Budgeted In: (Account No. 433658-6345 & 433658-6301)

Recommended Action: It is recommended that the City Council:

- 1) Award an agreement, in a form approved by the City Attorney, to Nickey Petroleum Company Inc., for providing bulk fuel services and lubricants
- 2) Authorize the City Administrator to sign the required documents, in a form approved by the City Attorney

(5 – 0, as recommended)

g. **Acceptance of Construction Work by J. Kim Electric Inc., for the Kraemer Middle School Athletic Field Lighting Repair Project**

Financial Impact: Expense: \$41,948 Construction

Offsetting Revenue: \$41,948 Park Development & PYLUSD/sports group contributions

Budgeted: \$44,068 (Account No.: 333554-6185 J/L 61129-6185)

Recommended Action: It is recommended that the City Council:

- 1) Accept the contract work by J. Kim Electric Inc. for the Kraemer Middle School Athletic Field Lighting Repair Project in the total amount of \$41,948
- 2) Authorize the City Administrator or designee to file a Notice of Completion with the Office of the Orange County Clerk-Recorder for the Project
- 3) Authorize the City Administrator or his designee to release the retention in accordance with the terms of the contract

(5 – 0, as recommended)

SUCCESSOR AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL:

- a. **Adopt Resolution of Formation to Establish City of Placentia Community Facilities District No. 2014-01 (Public Services); Call the Election; First Reading of an Ordinance to Authorize the Levy of Special Taxes; Approve Form of Notice of Special Tax Lien and Establish the Appropriations Limits for the Proposed Community Facilities District**

Financial Impact: None

Recommended Action:

- 1) Hold a public hearing inviting interested parties to speak for or against the establishment of the CFD, the extent of the CFD, or furnishing of the specified services; approve a resolution of Formation No. R-2014-10, A Resolution of the City Council of the City of Placentia, establishing Community Facilities District No. 2014-01 (Public Services); calling an election for the purpose of submitting the question of the levy of the proposed special tax to the qualified electors of the proposed Community Facilities District; authorizing the levy of special taxes; and establishing the appropriations limit for the proposed Community Facilities District; to establish the proposed City of Placentia Community Facilities District No. 2014-01 (Public Services) (CFD No. 2014-01), authorize the levy of special tax therein to finance certain services (Exhibit "A") and establish the Appropriations Limit (Gann) for the CFD
- 2) Accept Ballot(s) from the landowner(s), tabulate the votes for and against the establishment of the CFD and certify the election results
- 3) Approve the form of Notice of Special Tax Lien for recordation with the Orange County Recorder to provide appropriate notice to purchasers of property within the CFD; and waive full reading, reading by title only, and introduce for first reading Ordinance No. O-2014-03, An Ordinance of the City Council of the City of Placentia, acting in its capacity as the Legislative Body of the City of Placentia Community Facilities District No. 2014-01 (Public Services) authorizing the levy of a special tax therein; authorizing the levy of collection of special taxes by Community Facilities District No. 2014-01 and the furnishing of the specified services (Exhibit "B")

City Administrator Butzlaff provided a brief staff report on item 2.a. He noted that the item would approve the formation of the Community Facilities District No. 2014-01 representing the Olson Urban property. He noted that the item is a ballot measure and would be taken under advisement.

Willdan Group President Risco indicated that the approval of the Community Facilities District (CFD) would allow future developments to be annex in a timely manner. He noted that the recommended items are to hold a public hearing, adopt Resolution R-2014-10, accept the ballot and certify election results, and adopt Ordinance O-2014-03.

City Administrator Butzlaff noted that City Policy determines that any new development needs to pay for itself.

Willdan Group President Risco noted that the CFD is specifically formed for the Olson project. He noted that there is one landowner, as a result only one ballot was received.

City Attorney Arczynski noted that all new developments would be obligated to annex to this CFD.

Mayor Nelson opened the public hearing at 8:05 p.m.

Mayor Nelson closed the public hearing at 8:06 p.m.

Willdan Group President Risco provided a brief review of the CFD formation process and election process.

City Attorney Arczynski recommended that Council hold a separate motion for each recommended action.

A motion was made by Councilmember Yamaguchi, seconded by Mayor Pro Tem Aguirre, and carried (5 – 0) to hold a public hearing inviting interested parties to speak for or against the establishment of the CFD, the extent of the CFD, or furnishing of the specified services; approve a resolution of Formation No. R-2014-10, A Resolution of the City Council of the City of Placentia, establishing Community Facilities District No. 2014-01 (Public Services); calling an election for the purpose of submitting the question of the levy of the proposed special tax to the qualified electors of the proposed Community Facilities District; authorizing the levy of special taxes; and establishing the appropriations limit for the proposed Community Facilities District; to establish the proposed City of Placentia Community Facilities District No. 2014-01 (Public Services) (CFD No. 2014-01), authorize the levy of special tax therein to finance certain services (Exhibit "A") and establish the Appropriations Limit (Gann) for the CFD.

City Clerk Melia announced that the City Clerk's Office received one ballot submitted by the qualified elector of the Community Facilities District. The landowner, Olson Urban LLC, voted in favor of the establishment of the Community Facilities District Number 2014-01. The City Clerk tabulated the vote and certified the election results.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, and carried (5 – 0) to accept Ballot(s) from the landowner(s), tabulate the votes for and against the establishment of the CFD and certify the election results.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, and carried (5 – 0) to approve the form of Notice of Special Tax Lien for recordation with the Orange County Recorder to provide appropriate notice to purchasers of property within the CFD; and waive full reading, reading by title only, and introduce for first reading Ordinance No. O-2014-03, An Ordinance of the City Council of the City of Placentia, acting in its capacity as the Legislative Body of the City of Placentia Community Facilities District No. 2014-01 (Public Services) authorizing the levy of a special tax therein; authorizing the levy of collection of special taxes by Community Facilities District No. 2014-01 and the furnishing of the specified services (Exhibit "B").

SUCCESSOR AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS:

- a. **Second Reading and Adoption of Zoning Code Amendment 2014-01, an Ordinance Amending Title 23 (Zoning Ordinance) of the Placentia Municipal Code § 23.90.197 to Chapter 23.90 of Title 23 of the Placentia Municipal Code Allowing Digital and Static Advertising Displays on City-Owned Property**

CEQA Determination: Addendum to Initial Study/Mitigated Negative Declaration 2013-01

Financial Impact: Not Applicable

Recommended Action:

- 1) Waive full reading, read by title only, and conduct second reading and adopt Ordinance O-2014-01, an Ordinance of the City Council of the City of Placentia adding Section 23.90.197 to Chapter 23.90 of Title 23 of the Placentia Municipal Code allowing digital and static advertising displays on City-owned property (Zoning Code Amendment 2014-01)

City Administrator Butzlaff provided a brief staff report on item 3.a. He recommended the approval of Ordinance O-2014-01 allowing digital and static advertising displays on city-owned property.

Councilmember Yamaguchi inquired if Staff had the opportunity review the correspondence submitted by Rutan & Tucker, LLC prior to tonight's City Council meeting.

City Attorney Arczynski responded that he has seen the correspondence and is recommending approval of Ordinance O-2014-01.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Wanke, and carried (5 – 0) to waive full reading, read by title only, and conduct second reading and adopt Ordinance O-2014-01, an Ordinance of the City Council of the City of Placentia adding Section 23.90.197 to Chapter 23.90 of Title 23 of the Placentia Municipal Code allowing digital and static advertising displays on City-owned property (Zoning Code Amendment 2014-01).

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 Ordinance O-2014-02 Repealing Ordinance O-2013-09 Allowing Digital and Static Advertising Displays on City-Owned Property**

CEQA DETERMINATION: Not applicable

Financial Impact: Not applicable

Recommended Action:

- 1) Waive full reading, reading by title only, and introduce for first reading, Ordinance O-2014-02, entitle An Ordinance of the City Council of the City of Placentia, repealing Ordinance O-2013-09, Zoning Code Amendment 2014-01

City Attorney provided a brief staff report on item 4.a. He noted that in previous meeting City Council directed Staff to draft an ordinance repealing Ordinance O-2013-09. He noted that a referendum petition was submitted in regards to Ordinance O-2013-09. He noted that the City Council determined it would make the most sense fiscally and otherwise to simply repeal Ordinance O-2013-09, instead of going through an election process. He noted that Staff drafted Ordinance O-2014-02, which repeals Ordinance O-2013-09.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Aguirre, and carried (5 - 0) to waive full reading, reading by title only, and introduce for first reading, Ordinance O-2014-02, entitle An Ordinance of the City Council of the City of Placentia, repealing Ordinance O-2013-09, Zoning Code Amendment 2014-01.

SUCCESSOR AGENCY NEW BUSINESS:

b. **Recognized Obligation Payment Schedule (ROPS 2014-15A) for July 1, 2014 through December 31, 2014**

Financial Impact: Expenditures: RPTTF \$963,431, ACA \$222,050

Recommended Action:

- 1) Approve Resolution RSA-2014-01, 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, adopting the Recognized Obligation Payment Schedule (ROPS 14-15A) of the period covering July 1, 2014 through December 31, 2014

City Administrator Butzlaff provided a brief staff report on item 4.b. He noted that the Recognized Obligation Payment Schedule (ROPS) covers the period for July 1, 2014 through December 31, 2014.

Consultant Jicha provided a brief staff report on item 4.b. He noted the following revisions on the staff report: page one (1) RPTTF \$895,431, page two (2) Fiscal Impact \$895,431, and page two (2) fourth bullet point \$125,000. He noted that the Department of Finance changed the ROPS forms.

City Administrator Butzlaff noted that the Department of Finance would not allow the City to resubmit the ROPS. He noted that the Oversight Board would meet on February 19, 2014.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Aguirre, and carried (5 - 0) to approve Resolution RSA-2014-01, 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, adopting the Recognized Obligation Payment Schedule (ROPS 14-15A) of the period covering July 1, 2014 through December 31, 2014.

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Yamaguchi requested an update on the urban forestry plan. He recommended hosting a Budget Stabilization Plan community meeting in the north area of the City.

City Administrator Butzlaff noted that Management Partners Representative Cathy Standiford is not available until early April and that there are critical election deadlines. He noted that any delay on the process might affect the election schedule.

Councilmember Yamaguchi noted that the Budget Stabilization Plan community meetings appear to be a sharing information tool rather than a research tool.

City Administrator Butzlaff noted that the meetings are intended to gather input from the community. He noted that the consultant is presenting potential scenarios that Council would decide on.

Councilmember Underhill noted that she did get a feel of the range of ideas.

Mayor Nelson recommended conducting a citywide survey to gather the input from community.

City Administrator Butzlaff noted that the survey would take a couple of months.

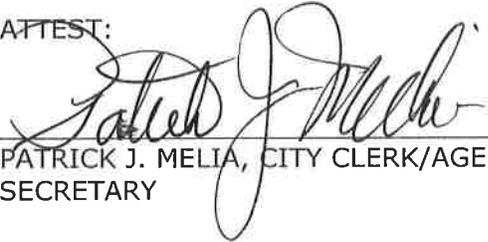
Councilmember Wanke recommended hosting a third Budget Stabilization Plan community meeting.

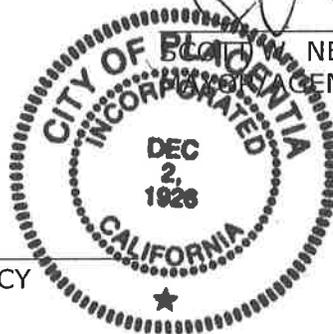
City Council directed Staff to host a third Budget Stabilization Plan community meeting and conduct a citywide survey to obtain the community's input.

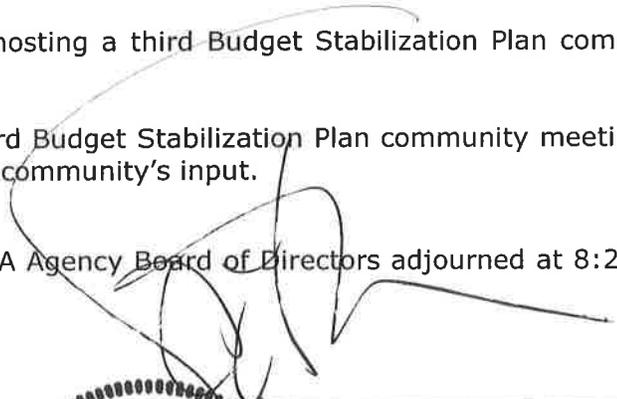
ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors adjourned at 8:20 p.m. to March 4, 2014 at 5:30 p.m.

ATTEST:


PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY




NELSON
AGENCY CHAIR