

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES
May 20, 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 5:38 p.m.

ROLL CALL:

PRESENT: Councilmember/Board Member 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 – One (1) Item
 - a. Regina Santiago vs. City of Placentia, Orange County Superior Court Case No. 30-2013-00663328-CU-OE-CJC
2. Pursuant to Government Code Section 54956.9(d)(2) for Conference with Legal Counsel Regarding Anticipated Litigation – One (1) Item
3. Pursuant to Government Code Section 54956.9(d)(4) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
4. Pursuant to Government Code Section 54957.6 Conference with City Labor Negotiator Concerning Labor Negotiations with the following groups:
 - a. Placentia Police Management Association (PPMA)
 - b. Placentia Police Officers Association (PPOA)
 - 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: 207-209 W. Crowther Ave APN: 339-402-05; 07; 08; 11
City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Parties: Patrick Helgeson, Newport Equities
Under Negotiations: Price and Terms of Payment
 - b. Property: 307 Baker Street APN: 339-392-14, 15
City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Parties: Wes Larmore, Domus Development
Under Negotiations: Price and Terms of Payment

SUCCESSOR AGENCY: None

ICDA:

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

- a. Property: 601 W. Orangethorpe Avenue, APN 339-112-03
Agency Negotiator: Troy L. Butzlaff, City Administrator/Executive Director
Negotiating Parties: James Williams, JAW Land and Trading LLC
Under Negotiations: Price and Terms of Payment

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

ROLL CALL:

PRESENT: Councilmember/Board Member Underhill, Wanke, Yamaguchi, Aguirre, Nelson
ABSENT: None

STAFF PRESENT: City Clerk, Patrick J. Melia; City Administrator/Executive Director, Troy Butzlaff; City Attorney/Authority Council, Andrew V. Arczynski; Assistant City Administrator, Damien R. Arrula; Director of Administration and Community Services, Steve Pischel; Chief Financial Officer, Linda Magnuson; Chief of Police, Rick Hicks; Deputy Chief of Police, Ward Smith; Public Works Manager, Michael McConaha; Deputy Director of Community Services, Jon Nicks; Finance Manager, Michael Nguyen; Management Analyst, Maggie Le; Deputy City Clerk, Tania Moreno; Neighborhood Services Coordinator, Jeanette Ortega; City Clerk Specialist, Candice Martinez

INVOCATION: Police Chaplain Roger Mendoza

PLEDGE OF ALLEGIANCE: Mayor Nelson

PRESENTATIONS:

- a. Proclamation Designating the Period of May 26 - September 1, 2014, as Drowning Prevention Summer Campaign
Recipient: OCFA Battalion Chief Phil Johnson
Presenter: Mayor Nelson

City Administrator Butzlaff provided a brief overview of the Drowning Prevention Summer Campaign and introduced Orange County Fire Authority (OCFA) Battalion Chief Johnson.

OCFA Battalion Chief Johnson provided a brief overview about OCFA Drowning Prevention Summer Campaign. He provided a short video regarding Water Safety. He provided a PowerPoint presentation, the slides included: California Leads the Nation in Drowning, Needless Tragedies, Without Warning & Without a Sound, Learning the ABC's of Pool Safety Can Help Prevent this Senseless Tragedy, Active Adult Supervision, Barriers, Classes, and What Can You do to Help.

Mayor Nelson proclaimed May 26 – September as Drowning Prevention Drowning Prevention Summer.

- b. Recognition of the 10 Year Anniversary of the Placentia Community Chorus
Recipient: Judy Avalos, Placentia Community Chorus President
Presenter: Mayor Nelson

City Administrator Butzlaff provided the brief history of the Placentia Community Chorus.

Mayor Nelson introduced President of the Placentia Community Chorus Judy Avalos. He invited all members of the Placentia Community Chorus to the dais.

Placentia Community Chorus President Avalos provided a narrative of Placentia Community Chorus history and their activities.

Mayor Nelson presented to the Placentia Community Chorus a plaque of recognition in honor of their ten-year anniversary.

- c. Proclamation Designating the Week of May 18-24, 2014 as National Public Works Week

Recipient: Public Works Manager McConaha

Presenter: Mayor Nelson

City Administrator Butzlaff provided narrative of National Public Works Week. He introduced Public Works Director McConaha.

Public Works Manager McConaha thanked Council for the proclamation. He also thanked his Staff for all their hard work and dedication to the City.

Mayor Nelson proclaimed the week of May 18-24, 2014 as National Public Works week.

- d. True North Research Voter Opinion Survey Summary Report
Presenter: Dr. Timothy McLarney, President of True North Research

City Administrator Butzlaff noted that True North Research conducted a public opinion survey and a statistical analysis on behalf of the City. He introduced Dr. Timothy McLarney, President of True North Research.

True North Research President McLarney provided a brief overview of the True North Research Company. He noted that he would be presenting the survey results. He provided a PowerPoint presentation, the slides included: Purpose of the Study, Methodology of Study, Initial Ballot Test, Initial Ballot Test at 7%, Initial Ballot Test at 5% Rate, Services, Positive Arguments, Negative Arguments, Final Ballot Test at 7%, Final Ballot Test at 5% Rate, and Key Conclusions.

Discussion ensued between Council, Staff and Mr. McLarney regarding the feasibility of User Utility Tax (UUT) rate r, potential restoration, effective public outreach, voter awareness and understanding, and a well-organized independent campaign.

Mayor Nelson inquired about the sunset approach for the UUT rate increase.

True North Research President McLarney recommended that if the City was to propose a sunset to the UUT rate increase they should make it a short duration.

Mayor Nelson inquired about the sales tax increase.

True North Research President McLarney responded that it was not part of the initial survey. He noted that a sales tax increase tends to be more favorable than a UUT rate increase.

EXECUTIVE SESSION REPORT:

City Attorney/Authority Counsel Andrew V. Arczynski reported that Council/Agency met in Executive Session to discuss the items listed on the agenda. He reported there were no reportable actions from Executive Session that evening.

CITY ADMINISTRATOR REPORT:

City Administrator Butzlaff announced that the Placentia Police Canine Foundation would host its second annual Puppy Palooza Dog Show on Saturday, May 31, 2014. He announced that the Placentia Community Foundation would be hosting a summit on June 4, 2014. He announced the sixth annual Cowabunga Crabfest on June 7, 2014. He noted that in observance of Memorial Day, City Hall would be closed on Monday, May 26, 2014. He announced that there would be a City Council Study Session on Tuesday, May 27, 2014 to discuss the Draft Preliminary Budget.

ORAL COMMUNICATIONS:

Meredith Castillo, resident, inquired about the Landscape Maintenance District potential fee increase.

Craig Green, City Treasurer, noted that he attended the Treasurer's Conference and provided a copy of literature to each Councilmember. He inquired about agenda item 1.d. and 4.a. He noted that he has requested additional information regarding excess surplus funds for capital improvement projects, and bonds for 2001 and 2009. He announced that Valencia High School would be hosting a Memorial Day event on May 23, 2014.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Yamaguchi welcomed the Placentia-Yorba Linda Lions Club. He announced the Orange County Transportation Authority Grand Opening of the Kraemer Underpass on June 4th, 2014. He announced American Legions would be dedicating their clubroom on May 25, 2014. He announced that Valencia High School would be hosting a Memorial Day event on May 23, 2014. He wished his father a happy birthday.

Councilmember Underhill reminded residents about the Placentia Quarterly Summer Edition.

Councilmember Wanke noted that he attended a Yorba Linda Arts Scholarship event.

Mayor Pro Tem Aguirre announced the dedication at American Legion Clubroom after former Legion member on May 25, 2014.

Mayor Nelson directed City Administrator Butzlaff to address Mr. Castillo's concerns.

City Administrator noted that LMD 92-1 was created with assessments that charged surrounding properties through their tax bills to cover fees in common areas. He noted that throughout time, costs began to exceed and the City currently uses general funds to subsidize the district. He noted that the proposed overlay district would pay the fees. He provided a narrative of the ballot process.

Mayor Nelson directed City Administrator to address Mr. Green concerns regarding potential development in the downtown area.

City Administrator Butzlaff noted that if the City decides they may include housing in-lieu fees in the development agreement.

Mayor Nelson noted that he received the State of California May budget revision. He noted that he attended the CERT class graduation. He thanked Staff from Brea, Yorba Linda and Placentia for all their dedication and hard work.

1. COUNCIL/SUCCESSOR AGENCY/ICDA CONSENT CALENDAR:

A motion was made by Councilmember Wanke, seconded by Councilmember Yamaguchi to approve Consent Calendar items 1.a. through 1.e. Mayor Nelson abstained from warrant register number V003479 and affirmative on the balance of the consent calendar items.

City Administrator Butzlaff pulled item 1.d. from the May 20, 2014 agenda.

A motion was made by Councilmember Underhill, seconded by Mayor Pro Tem Aguirre for item 1.d. to be pulled from the agenda.

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 Meetings - May 6, 2014 and May 12, 2014

Financial Impact: None

Recommended Action: Approve

(5 – 0, as recommended)

c. **City Fiscal Year 2013-14 Warrant Register for May 7, 2014 through May 20, 2014**

Financial Impact: \$187,511.98

Recommended Action: Approve

(5 – 0, Mayor Nelson abstained from warrant register number V003479)

COUNCIL CONSENT CALENDAR:

d. **Adoption of Two (2) Resolutions Declaring Intent to Form Landscape Maintenance District No. 2014-01, Preliminarily Approving the Engineer's Report, Providing Notice of Public Hearing and Mailing Ballots and Adopting Proposition 218 Ballot Proceedings Procedures**

Financial Impact: (Recouped through Assessments): \$207,031

Single Family Equivalent Rate: \$92.00/Parcel

Recommended Action: It is recommended that the City Council:

1) Adopt Resolution No. R-2014-22, A Resolution of the City Council of the City of Placentia, California, declaring intention to form Landscape Maintenance District No. 2014-01 and levy assessments, preliminarily approval of the Engineer's Report, providing notice of Public Hearing and mailing of the assessment ballots

2) Adopt Resolution No. R-2014-23, A Resolution of the City Council of the City of Placentia, California, adopting Proposition 218 assessment ballot proceedings procedures

(Item 1.d. pulled from the agenda)

- e. **Acceptance of Resignation from the Veterans Advisory Committee**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 1) Accept the resignation of John L. Smith from the Veterans Advisory Committee
 2) Include the vacancy in the Veterans Advisory Committee with the current application/recruitment process
(5 – 0, as recommended)
- f. **Adoption of a Resolution Supporting Assembly Bill 1453 to Establish a State Veterans Cemetery in Orange County**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 1) Adopt Resolution No. R-2014-24, A Resolution of the City Council of the City of Placentia, California, in support of Assembly Bill 1453 and in favor of the establishment of the Southern California State Veterans Cemetery
(5 – 0, as recommended)

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL: None

SUCCESSOR AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS: None

SUCCESSOR AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

- a. **Consideration of an Exclusive Negotiating Agreement (ENA) with Newport Equities, LLC for Development of a Proposed Transit Oriented Residential Development on City Owned Property**
Financial Impact: None
Recommended Action: It is recommended that the City Council:

- 1) Approve an Exclusive Negotiating Agreement ("ENA") with Newport Equities, LLC which allows for a period of exclusive negotiations between the City and Newport Equities, LLC for the purpose of preparing major elements of the proposed development including, but not limited to: a site plan; design schematics; technical and economic studies; and, the pre-development obligations of all parties
 - 2) Authorize the Mayor to execute, on behalf of the City, an ENA with Newport Equities, LLC in a form approved by the City Attorney
- (5 – 0, as recommended)**

City Administrator Butzlaff provided an overview about the proposed ENA with Newport Equities. He noted that they presented the City with a letter of intent to redevelop and regenerate the properties located at 207, 209 and 211 West Crowther Avenue. He noted that this would be a transit-oriented development. He noted that the ENA would allow the City and the developer to go over the site plans, schematic plans, technical and economic studies resulting in a development agreement for the project.

Mayor Pro Tem Aguirre requested a summary of the developer and their projects

City Administrator Butzlaff provided a brief narrative of Newport Equities Company and a list of their projects.

Councilmember Wanke inquired about the company's intent to acquire the property as a developer or a development and a builder.

City Administrator Butzlaff responded that the company would be a development and a builder. He noted there is a request by the developer in the ENA assigned to Mr. Kerslake.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Wanke and carried a (5-0) to approve an Exclusive Negotiating Agreement ("ENA") with Newport Equities, LLC which allows for a period of exclusive negotiations between the City and Newport Equities, LLC for the purpose of preparing major elements of the proposed development including, but not limited to: a site plan; design schematics; technical and economic studies; and, the pre-development obligations of all parties; and authorize the Mayor to execute, on behalf of the City, an ENA with Newport Equities, LLC in a form approved by the City Attorney.

b. **Designation of Voting Delegate and Alternate for the 2014 League of California Cities Annual Conference**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Appoint one (1) delegate to represent the City at the League of California Cities Annual Conference 2014
- 2) Appoint one (1) alternate to represent the City at the League of California Cities Annual Conference 2014

(5-0, as recommended)

City Administrator Butzlaff provided a brief overview about the 2014 League of California Cities Annual Conference. He noted that every year the League requests from each City to nominate a delegate and an alternate from the City Council to attend the annual conference.

A motion was made by Mayor Nelson, seconded by Councilmember Yamaguchi, was carried (5 - 0) to appoint Councilmember Yamaguchi to serve as the delegate and to appoint Councilmember Chad Wanke to serve as the alternate for the City at the League of California Cities Annual Conference 2014.

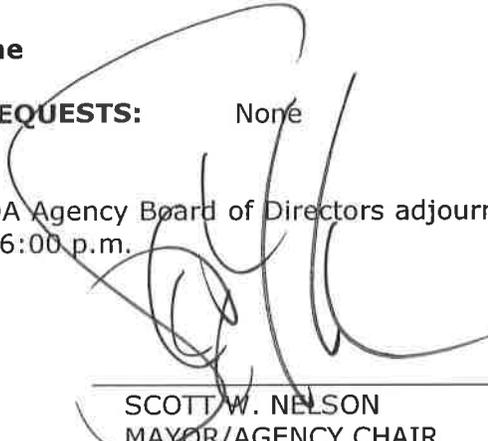
SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS: None

ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors adjourned at 8:10 p.m. to a Study Session on May 27, 2014 at 6:00 p.m.



SCOTT W. NELSON
MAYOR/AGENCY CHAIR

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

