

**PLACENTIA CITY COUNCIL  
PLACENTIA REDEVELOPMENT AGENCY  
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY  
REGULAR MEETING MINUTES – EXECUTIVE SESSION  
June 3, 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, Aguirre, Nelson

**ABSENT:** Wanke, Yamaguchi

**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 – Two (2) Items
3. 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
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: 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 will recess to their 7:00 p.m. Regular Meeting.

**CALL TO ORDER:**

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

**STAFF PRESENT:** City Clerk, Patrick Melia; City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/Agency Counsel, Andrew V. Arczynski; Assistant City Administrator Damien R. Arrula; Director of Administrative Services and Community Services Steve Pischel; Chief Financial Officer Linda G. Magnuson; Police Chief Rick Hicks; Finance Manager Michael Nguyen; Public Works Manager Michael McConaha; Interim Deputy City Clerk Amy Diaz; City Clerk Specialist, Candice Martinez; Management Analyst, Maggie Le

**INVOCATION:** Police Chief Hicks

**PLEDGE OF ALLEGIANCE:** Mayor Nelson

**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 reportable actions for Executive Session that evening.

**CITY ADMINISTRATOR REPORT:**

City Administrator Butzlaff announced the Placentia Community Foundation will be hosting a summit that will be held at the Yorba Linda Water District at 9:00 a.m. tomorrow. He announced the 6<sup>th</sup> Annual Cowabunga Crab Festival on Saturday, June 7<sup>th</sup> at Kraemer Memorial Park. He announced that Habitat for Humanity and the City will be hosting a community meeting on Wednesday, June 11<sup>th</sup> at 6:00 p.m. to discuss the upcoming proposed Oak Street Homes development. He announced the opening of Kraemer Boulevard Overpass on Tuesday, July 8<sup>th</sup>.

**ORAL COMMUNICATIONS:**

Romana Armani, resident, inquired about parking in the downtown area. She noted people living in the surrounding neighborhoods are not able to find parking.

Craig Green, City Treasurer, thanked Chief Financial Officer Magnuson for improving the Treasurer's report format. He requested a meeting with Chief Financial Officer Magnuson and Councilmember Wanke. He inquired about the surplus cash from the Community Facilities District (CFD) fund that was mentioned at the last Council Study Session meeting. He provided documents to Council pertaining to bonds. He requested copies of the official statements for the bonds. He requested for any levies provided in items 1.d. and 1.e on the agenda is specific to allow only for the payments of those expenses for which levies are intended.

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

Councilmember Underhill encouraged all residents to vote today for the Primary Election.

Mayor Pro Tem Aguirre noted that he attended the American Legions clubroom dedication for Mr. Robertson this past Saturday. He commended Mr. Robertson for his extraordinary services to the community. He noted that he attended the grand opening of McDonalds on May 31<sup>st</sup>. He noted that he attended the Orange County Fire Authority (OCFA) meeting on May 22<sup>nd</sup> and noted that during the meeting OCFA Fire Chief Keith Richter announced his retirement.

Mayor Nelson noted that he attended the Memorial Day ceremonies. He expressed the importance to remember and honor the people who gave their lives for our freedom. He noted, in regards to City Treasurer's Green comments, that there is a bond council who issued those bonds back in 2008.

### **1. CONSENT CALENDAR (Items 1.a. through 1.I.):**

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

#### **COUNCIL/SUCCESSOR AGENCY/ICDA CONSENT CALENDAR:**

a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**

Financial Impact: None

Recommended Action: Approve

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

b. **Minutes**

**City Council/Successor/ICDA Regular Meeting – May 20, 2014**

Recommended Action: Approve

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

c. **City Fiscal Year 2013-14 Warrant Register for May 21, 2014 through June 3, 2014**

Financial Impact: \$1,302,297.69

Recommended Action: Approve

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

#### **COUNCIL CONSENT CALENDAR:**

d. **Adoption of Two (2) Resolutions Declaring Intent to Form Landscape Maintenance District No. 2014-1, 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): \$199,557

Single Family Equivalent Rate: \$92.00/Parcel (Zone A), \$84.80/Parcel (Zone B), \$64.40/Parcel (Zone C)

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. 2014-1 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

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

- e. **Adoption of Resolution Related to Fiscal Year 2014-15 Levy of Assessments to the City of Placentia Street Lighting District No. 81-1 and Setting Public Hearing For August 5, 2014 at 7:00 p.m.**

Financial Impact: Recouped through Assessments: \$153,056.77

Single Residential: \$27.38/Parcel

Commercial/Industrial: \$164.28/ Acre

Tentative/Final Map: \$8.21/Unit

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2014-25, A Resolution of the City Council of the City of Placentia, California, directing preparation of the Engineer's Report for Fiscal Year 2014-15 for the continuation of the annual assessments for Street Lighting District No. 81-1
- 2) Adopt Resolution No. R-2014-26, A Resolution of the City Council of the City of Placentia, California, declaring its intention to provide for the annual levy and collection of assessments for certain maintenance in an existing district pursuant to the provisions of Division 15, Part 2, of the Streets and Highway Code of the State of California, and setting a time and place for public hearing thereon

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

- f. **Adoption of Resolution Related to Fiscal Year 2014-15 Levy of Assessments to the City of Placentia Landscape Maintenance District No. 92-1 and Setting Public Hearing For August 5, 2014 at 7:00 P.M.**

Financial Impact: Recouped through Assessments: \$427,925.94

Single Family Residential: \$154.87/Parcel

Commercial/Industrial: \$1548.70/Acre

Multiple Family Residential: \$108.41/Unit

Undeveloped: \$774.35/Parcel

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2014-27, A Resolution of the City Council of the City of Placentia, California, directing preparation of the Engineer's Report for Fiscal Year 2014-15 for the continuation of the annual assessments for Landscape Maintenance District No. 92-1
- 2) Adopt Resolution No. R-2014-28, A Resolution of the City Council of the City of Placentia, California, declaring its intention to provide for the annual levy and collection of assessments for certain maintenance in an existing district pursuant to the provisions of Division 15, Part 2, of the

Streets and Highway Code of the State of California and setting a time and place for the public hearing thereon

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

g. **Mandated Biennial Review of the City's Conflict of Interest Code**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Direct Staff to review the City's Conflict of Interest Code and submit, no later than October 1, 2014, a notice indicating whether amendments are necessary

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

h. **Adoption of Resolution Establishing the Number of Historical Committee Members and Date and Time of the Meetings**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2014-29, A Resolution of the City Council of the City of Placentia, California, establishing the number of members of the Historical Committee at nine (9) and setting the meeting date and time

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

i. **Approval of Agreement with the Boys and Girls Club of Brea, Placentia, and Yorba Linda for use of Kraemer Memorial Park and the Teen Center for Youth Programs**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve an agreement with the Boys and Girls Club of Brea, Placentia, and Yorba Linda to use Kraemer Memorial Park and the Teen Center for youth programs
- 2) Authorize the City Administrator or designee to execute all applicable documents in a form approved by the City Attorney

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

j. **Letter to Orange County Board of Supervisors to Support the Orange County Animal Control Fee Schedule**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Authorize the Mayor to sign a letter of support on behalf of the City, urging the Orange County Board of Supervisors to approve the updated OCAC Fee Schedule

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

k. **Solid Waste Handling Services Rate Adjustment and Related Resolutions for Fiscal Year 2014-15**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2014-30, A Resolution of the City Council of the City of Placentia, California, approving the schedule rates for solid waste handling services for Fiscal Year 2014-15
- 2) Adopt Resolution No. R-2014-31, A Resolution of the City Council of the City of Placentia, California, authorizing and determining residential solid waste handling services charges and directing placement thereof on the Orange County tax rolls
- 3) Approve Amendment No. 4 to the agreement approving the revised residential and commercial rate schedule

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

I. **Approval of Resolution Authorizing Temporary Suspension of Regulatory Ordinance Pertaining to the Operation of the Placentia Chamber of Commerce and Placentia Community Foundation Taste of the Town Fundraiser at Tri-City Park on Thursday, August 14, 2014**

Financial Impact: \$1,200 Contribution towards the Concert in the Park Event

Recommended Action: It is recommended that the City Council:

- 1) Approve an agreement with both the Placentia Chamber of Commerce and Placentia Community Foundation to host a Taste of the Town event at Tri-City Park in conjunction with the City's Concert's in the Park event and authorize the City Administrator or designee to execute all applicable documents
- 2) Adopt Resolution No. R-2014-32, A Resolution of the City Council of the City of Placentia, California, authorizing the Temporary Suspension of Regulatory Section 10.28.010 of the Placentia Municipal Code for the Operation of the Taste of the Town event Fundraiser Event on Thursday, August 14, 2014 at Tri-City Park, 2301 N. Kraemer Boulevard

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

**SUCCESSOR AGENCY CONSENT CALENDAR:** None

**ICDA CONSENT CALENDAR:** None

**2. PUBLIC HEARINGS:**

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

**COUNCIL:**

a. **Modifications to the Zoning Code Regarding Development Plan Review**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Open public hearing, receive testimony and close public hearing
- 2) Approve and introduce for first reading, by title only, Ordinance No. O-2014-07, An Ordinance of the City Council of the City of Placentia, California, amending Section 23.75.010 of Chapter 23.75 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to the development plan review. (Zoning Code Amendment 2014-02)

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

City Administrator Butzlaff provided a brief overview on public hearing item 2.a. pertaining to the Development Plan Review (DPR). He introduced Assistant City Administrator Arrula.

Assistant City Administrator Arrula provided a brief overview on the public hearing item 2.a. pertaining to the DPR. He noted that this item was approved by the Planning Commission (5-1 vote). He introduced Contract Planner Rangel.

Planner Rangel provided an overview about public hearing item 2.a. pertaining to the DPR. He provided background on the current code structure for the City, noting that at all development has to present to the Planning Commission in a noticed meeting. He noted the last update of the DPR in 2009.

Planner Rangel noted that there was discussion between the Planning Commissioners and Staff at the Planning Commission meeting regarding the ten percent (10%) rule, Staff involvement with reviewing all development being proposed to the City and if other surrounding agencies currently practice this proposed process.

Planner Rangel noted that City Staff will still be reviewing all development proposed to the City and making sure that there are no violations. He noted that this DPR will make the City more business friendly in providing a stream line process for entitlements for developments. He noted that various cities currently practice this process.

Mayor Nelson opened public hearing at 7:39 p.m.

Kevin Kerwin, resident and Economic Development Committee member, noted he was not aware of the DPR discussion at an Economic Development Meeting. He noted that he was not in favor of City Staff approving development, and requested for the Planning Commission to continue approving use permits.

Manuel Solanis, business owner, noted that there are currently too many regulations and fees with the City's policies. He noted that he is in favor of the proposed DPR and requested for Council to approve the proposed Ordinance.

Craig Green, City Treasurer, noted that he was a former Commissioner for the Planning Commission, and expressed he was not in favor of the proposed Ordinance.

Mayor Nelson closed public hearing at 7:51 p.m.

Discussion ensued between City Council and Staff. They discussed the current fee associated with placing an item on the Planning Commission agenda, and the discussion of the DPR at a recent Economic Development Committee.

City Administrator Butzlaff noted in regards to transparency that the Planning Department provides a list of all proposed development in the City Administrator's weekly reports that is published to the City's website each week.

Assistant City Administrator Arrula noted that all departments will still continue to sign off on all required documents.

Councilmember Underhill recommended approval of the proposed Ordinance, with recommendation to be able to amend the Ordinance if needed.

Assistant City Administrator Arrula noted that Staff can review the proposed Ordinance a year from now.

A motion was made by Councilmember Underhill, seconded by Mayor Pro Tem Aguirre, and carried a (3-0, Councilmember Wanke and Councilmember Yamaguchi absent) to open public hearing, Receive Testimony, Close Public Hearing; and approve and introduce for first reading, by title only, Ordinance No. O-2014-07, an Ordinance of the City Council of the City of Placentia, California, amending Sections 23.75.010 of Chapter 23.75 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to the development plan review. (Zoning Code Amendment 2014-02)

**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. **Design-Build Contracts Ordinance Amendment**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve and introduce for first reading, by title only, Ordinance No. O-2014-08, An Ordinance of the City Council of the City of Placentia, California, amending Section 1.18.020 of Chapter 1.18 of the Placentia Municipal Code relating to competitive design-build processes

**(3-0, Councilmember Wanke and Councilmember Yamaguchi absent)**

City Administrator Butzlaff provided a brief overview on the revision for the design-build contracts. He introduced City Attorney Arczynski.

City Attorney Arczynski provided a brief overview on item 4.a. He noted that this item was proposed and approved by City Council for implementing provisions to the City Charter that permits design-build process. He noted that current process only pertains to larger, more costly projects and that it would be beneficiary to the City to implement the design-build process to smaller, less costly projects. He recommended for City Council to approve for first reading, reading by title only, an Ordinance No. O-2014-08, amending Section 1.18.020 of Chapter 1.18 of the Placentia Municipal Code relating to competitive design-build processes.

Discussion ensued between City Council and Staff. They discussed definition of the term of 'design-build', the process of a design-build, potential savings for the City, and the potential time savings on projects.

City Administrator Butzlaff noted that all additional costs will go in the contractor and that it is built in protector for the City. He noted that this will eliminate the risks and extra cost change orders.

City Attorney Arczynski noted that once the City Council receives the proposal back for the project, including the oversight and inspections, the City will still oversee the project to make sure the project is done correctly.

A motion was made Mayor Pro Tem Aguirre, seconded by Councilmember Underhill, and carried a (3-0, Councilmember Wanke and Councilmember Yamaguchi absent) to approve for first reading, reading by title only, Ordinance No. O-2014-08, amending Section 1.18.020 of Chapter 1.18 of the Placentia Municipal Code relating to competitive design-build processes.

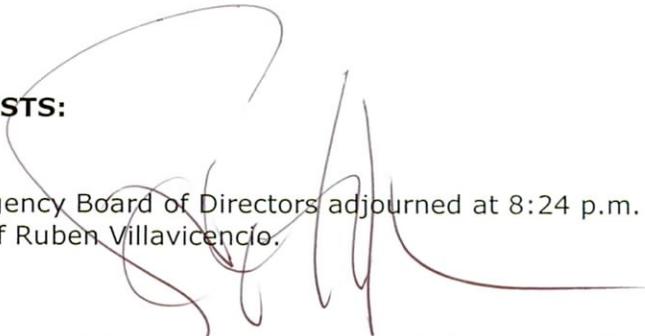
**SUCCESSOR AGENCY NEW BUSINESS:** None

**ICDA NEW BUSINESS:** None

**CITY COUNCIL/BOARD MEMBER REQUESTS:**

**ADJOURNMENT:**

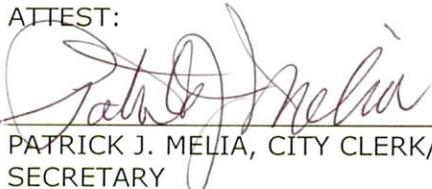
The City Council/Successor Agency/ICDA Agency Board of Directors adjourned at 8:24 p.m. to June 10, 2014 at 5:00 p.m. in memory of Ruben Villavicencio.



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SCOTT W. NELSON  
MAYOR/AGENCY CHAIR

ATTEST:



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PATRICK J. MELIA, CITY CLERK/AGENCY  
SECRETARY

