

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
SPECIAL MEETING MINUTES – EXECUTIVE SESSION**

May 17, 2011

**6:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor Pro Tem/Board Vice Chair Yamaguchi called the meeting to order at 6:03 p.m.

ROLL CALL:

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

Mayor/Board Chair Nelson arrived at 7:28 p.m.

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
2. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding Potential Litigation – Two (2) Items
3. Pursuant to Government Code Section 54957.6 for Conference with City's Labor Negotiator as follows:

City Representatives: Troy L. Butzlaff, City Administrator
Stephen D. Pischel, Director of Administrative Services and
Community Services

Employee Group: Placentia City Employees Association (PCEA)

4. Pursuant to Government Code Section 54957 for Public Employee Performance Evaluation –
 - A. City Administrator
 - B. City Attorney

RDA: None

ICDA: None

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

ROLL CALL:

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

STAFF PRESENT: City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/Agency Counsel, Andrew V. Arczynski; City Clerk/Agency Secretary, Patrick J.

Melia; Assistant City Administrator, Ken Domer; Director of Administrative and Community Services, Steve Pischel; Public Works Director, Steve Drinovsky; Finance Director, Karen Ogawa; Recreation Services Manager, Jon Nicks; Police Captain, Ward Smith; Management Analyst, Eduardo De La Torre; Environmental Compliance Officer, Robert Makowski; Senior Management Analyst, Michael McConaha; Office Specialist, Kelliagh Brown; Deputy City Clerk, Tania Moreno

INVOCATION: Richard Kryder, Police Chaplain

PLEDGE OF ALLEGIANCE: Councilmember Underhill

PRESENTATIONS:

- a. Proclamation Designating the Week of May 15-21, 2011 as National Public Works Week, in Placentia, California
Recipient: Director of Public Works, Steve Drinovsky
Presenter: Mayor Pro Tem Yamaguchi
- b. Proclamation Designating the Week of May 15-21, 2011, as National Police Week, in Placentia, California
Recipient: Police Captain Ward Smith
Presenter: Mayor Pro Tem Yamaguchi
- c. Proclamation Declaring the City of Placentia as a Healthy Eating Active Living (HEAL) City and as a Partner in the Move More, Eat Healthy Orange County Campaign
Recipient: Barry Ross Chairman of NuPAC and Vice President of Healthy Communities for St. Jude Medical Center
Presenter: Mayor Pro Tem Yamaguchi
- d. Presentation of Granicus Live Streaming/Video Archive Library on City Website
Presenter: Neighborhood Services Manager, Jon Nicks

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 reported that several weeks ago the City was served with a lawsuit between Orange County Transportation Authority and M & H Realty Partners. He reported that correspondence was received noting that the Authority will defend and fully indemnify the City. He noted that there was no other reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT: City Administrator Butzlaff reported on the following items: Slurry Seal Project delays and the current Commission and Committee vacancies and application project.

Environmental Compliance Officer Makowski noted that due to inclement weather conditions the Slurry Seal Project has been delayed and rescheduled. He provided an overview of the project area and the notices distributed to affected residents.

City Administrator Butzlaff noted that a notice regarding the Slurry Seal Project will be posted on the City's website as well as in the project area.

ORAL COMMUNICATIONS:

Jim Gaffney, resident, expressed his concerns regarding City employees not living in the City and the construction taking place around Koch Park.

Craig Green, City Treasurer, spoke regarding item 1.e. and 1.f.

Natalie Warwick, resident, thanked the City for the correspondence sent to the City of Yorba Linda in regards to the Yorba Linda Housing Element and EIR Draft.

Meredith Castillo, resident, expressed concerns regarding sidewalk and tree maintenance, health benefits provided to elected officials, the need to honor Veterans, E-Verify process, and the need to implement an open door policy.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill commented and reported as follows: Thanked everyone for their support during her recovery. She noted that she will abstain from voting on item 1.b.

Councilmember Wanke commented and reported as follows: Welcomed back Councilmember Underhill, attended Saint Joseph Church Parish Festival, attended DUI Checkpoint event on May 13, 2011, noted DUI incidents are dropping in the City, and attended the Employee Appreciation Luncheon at City Hall.

Councilmember Aguirre commented and reported as follows: Welcomed back Councilmember Underhill, attended DUI Checkpoint event on May 13, 2011, noted DUI incidents are dropping in the City, and attended an Orange County Sanitation District Meeting on May 4, 2011.

Mayor Pro Tem Yamaguchi commented and reported as follows: Attended Employee Appreciation Luncheon at City Hall and thanked all event sponsors. He attended DUI Checkpoint event on May 13, 2011, attended Saint Joseph Church Parish Festival, attended California State University of Fullerton Special Games, and attended Countywide Boy Scouts Expo. He thanked City Treasurer Craig Green for his input and would like to review his reports. He prepared a letter to the attention of a concerned group pertaining to City tree maintenance and requested that the letter be made public. He noted that he would like to meet with resident Meredith Castillo to address his concerns regarding sidewalks and trees. He noted that the City holds an annual Veterans event to honor their sacrifice.

Mayor Nelson commented and reported as follows: Attended an Association of California Cities of Orange County (ACCOC) District 4 meeting, attended two days of meetings in Sacramento as part of ACCOC, thanked City Treasurer Craig Green for his comments, and thanked Natalie Warwick for her comments. He prepared a letter to the attention of a concerned group pertaining to City tree maintenance and requested that the letter be made public. He noted that he does not receive any health benefits from the City. He noted that the City holds an annual event honoring all Veterans.

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

A motion was made by Councilmember Underhill, seconded by Mayor Pro Tem Yamaguchi, to approve Consent Calendar Item Nos. 1.a. through 1.l. Councilmember Underhill abstained from item 1.b.

COUNCIL/AGENCY/ICDA CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- b. **Minutes**
City Council/RDA/ICDA Regular Meeting - May 3, 2011
Recommended Action: Approve
(APPROVED 4 – 0, Councilmember Underhill abstained)
- c. **City Warrant Register for May 4, 2011 through May 17, 2011**
Financial Impact: \$416,831.32
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- d. **Agency Warrant Register for May 4, 2011 through May 17, 2011**
Financial Impact: \$3,934.42
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- e. **January – March 2011 Financial Update Reports (Fiscal Year 2010-11)**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Receive and file the January – March 2011 Financial Update Reports
(APPROVED 5 – 0, as recommended)
- f. **Quarterly Cash Basis Records and Transfer (Fiscal Year 2010-11)**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Receive and file the Cash Basis Transfer for the period ended March 31, 2011
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- g. **Adoption of Resolutions Relating to Fiscal Year 2011-12 Levy of Assessments to the City of Placentia Street Lighting District No. 81-1 and Setting Public Hearing for July 19, 2011, at 7:00 p.m.**
Financial Impact:

Recouped Through Assessments	\$137,477.38
Single Family 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 R-2011-15, a resolution of the City Council of the City of Placentia ordering the preparation of plans, specifications, cost estimate, diagram, assessment and report pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California, for proceedings for Annual Assessment Levy after formation of District
2) Adopt Resolution R-2011-16, a resolution of the City Council of the City of Placentia declaring its intention to provide for an Annual Levy and

Collection of Assessments for maintenance within Lighting District No. 81-1, pursuant to the provisions of Division 15, Part 2, of the California Streets and Highways Code and setting the time and place for a Public Hearing thereon

(APPROVED 5 – 0, as recommended)

h. **Adoption of Resolutions Relating to Fiscal Year 2011-12 Levy of Assessments for the City of Placentia Landscape Maintenance District No. 92-1 and Setting a Public Hearing for July 19, 2011, at 7:00 p.m.**

Financial Impact:

Recouped Through Assessments	\$395,898.66
Single Family Residential	\$154.87/Parcel
Commercial/Industrial	\$1,548.70/Acre
Multiple Family Residential	\$108.41/Unit
Undeveloped	\$774.35/Acre

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2011-17, a resolution of the City Council of the City of Placentia ordering the preparation of plans, specifications, cost estimate, diagram, assessment and report pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California, for proceedings for Annual Assessment Levy after formation of a District
- 2) Adopt Resolution R-2011-18, a resolution of the City Council of the City of Placentia declaring its intention to provide for an Annual Levy and Collection of Assessments for maintenance within Landscape Maintenance District No. 92-1, pursuant to the provisions of Division 15, Part 2, of the California Streets and Highways Code and setting the time and place for a Public Hearing thereon

(APPROVED 5 – 0, as recommended)

i. **Acceptance of Construction Work for the Van Buren Street Improvement Project**

Financial Impact:

Expense: \$124,621.64 Budgeted Account# 333552-6185 J/L 61057 (Construction Capital Projects)

Revenue: \$124,621.64 Account# 500000-4201 J/L 61057 (\$125,000 Federal CDBG Funds)

Recommended Action: It is recommended that the City Council:

- 1) Accept contract work performed by United Paving Company for construction of the Van Buren Street Improvement Project in the total amount of \$124,621.64
- 2) Authorize the City Engineer to file a Notice of Completion with the Orange County Clerk-Recorder Office for the Project
- 3) Authorize the City Engineer to release retention funds in accordance with the terms of the contract

(APPROVED 5 – 0, as recommended)

j. **Acceptance of Construction Work for the Edwin T. Powell Building Renovation Project and Filing of Notice of Completion with County of Orange**

Financial Impact:

Expense: \$202,846.80 for construction; Budgeted in Fiscal Year 2010-11 Budget, Account# 333554-6185/6104340133-6185

Revenue: Community Development Block Grant Funds/Park Development Funds

Recommended Action: It is recommended that the City Council:

- 1) Accept the contract work by AVI-CON Inc. dba CA Construction for renovation of the Edwin T. Powell Building Renovation Project in the total amount of \$202,846.80
- 2) Authorize the City Administrator or designee to file a Notice of Completion with the Orange County Clerk-Recorder Office for the Project
- 3) Authorize the City Administrator or designee to release the retention in accordance with the terms of the contract

(APPROVED 5 – 0, as recommended)

k. **Approve Amendment Two to the Cooperation Agreement Between the County of Orange and City of Placentia for Community Development Block Grant Funds**

Financial Impact:

Potential revenue of up to \$500,000 per Fiscal Year for 2012-2013, 2013-2014, and 2014-2015

Recommended Action: It is recommended that the City Council:

- 1) Approve Amendment Two to the Cooperation Agreement between the County of Orange and City of Placentia for Community Development Block Grant Funds and authorize the City Administrator to execute the agreement in a form approved by the City Attorney

(APPROVED 5 – 0, as recommended)

l. **Approve Award of Construction Contract to Korston Construction Inc. for the Civic Center Restroom and Flooring Renovation Project**

Financial Impact:

Expense: \$144,900 for construction; Budgeted in Fiscal Year 2010-11 Budget, Account# 333554-6185 J/L 6106640133-6185

Revenue: Community Development Block Grant

Recommended Action: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Onyx Architects for the Civic Center Restroom and Flooring Renovation Project
- 2) Award the construction contract to the lowest responsive and responsible bidder, Korston Construction Inc., for an amount not to exceed \$126,000 and authorize the appropriation of a 15% construction contingency fund of \$18,900
- 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 and in an agreement amount not to exceed 15% 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

(APPROVED 5 – 0, as recommended)

AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL: None

AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS:

a. **General Plan Update and Direction on Growth Management Element**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Provide direction to Staff on the Growth Management Element and whether it should be eliminated from the draft General Plan

(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a staff report. He requested that City Council provide direction on the Growth Management Element.

Assistant City Administrator Domer provided a staff report on the General Plan. He requested direction from City Council on the Growth Management Element.

Mayor Nelson noted that the City does not need the Growth Management Element.

A motion was made by Mayor Nelson, seconded by Councilmember Underhill, was carried (5 - 0) to eliminate the Growth Management Element from the draft General Plan.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

a. **First Reading and Introduction of an Ordinance Adding Chapter 8.44 of Title VIII of the Placentia Municipal Code Relating to Business Licensing Standards and Regulations for Massage Practitioners and Massage Establishments, Repealing Chapter 8.40 of the Placentia Municipal Code and Repealing Ordinance No. O-2010-07**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Introduce for first reading, Ordinance O-2011-04, an ordinance of the City Council of the City of Placentia, California, adding a new Chapter 8.44 to the Placentia Municipal Code regarding the licensing and regulation of massage

practitioners and massage establishments, repealing Chapter 8.40 of the Placentia Municipal Code and repealing Ordinance No. O-2010-07
(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a staff report.

City Attorney Andrew Arczynski introduced for first reading Ordinance O-2011-04. He noted that a follow-up ordinance will be presented to the Planning Commission for consideration.

Discussion ensued among Council and City staff regarding this item.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, was carried (5 - 0) to introduce for first reading, Ordinance O-2011-04, an ordinance of the City Council of the City of Placentia, California, adding a new Chapter 8.44 to the Placentia Municipal Code regarding the licensing and regulation of massage practitioners and massage establishments, repealing Chapter 8.40 of the Placentia Municipal Code and repealing Ordinance No. O-2010-07.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson
NOES: None

b. **Solid Waste Handling Services Rate Adjustment and Related Resolutions for Fiscal Year 2011-12**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2011-19, a resolution of the City Council of the City of Placentia, California, approving rates and charges for solid waste handling services for Fiscal Year 2011-12 and amending the existing franchise rates and charges
- 2) Adopt Resolution No. R-2011-20, a resolution of the City of Placentia authorizing and determining residential solid waste handling service charges and directing placement thereof on the Orange County Property Tax Rolls
- 3) Approve Amendment No. 1 to the Agreement approving the new rates

(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided an introduction of the item.

Management Analyst Eduardo De La Torre provided a staff report pertaining to solid waste handling services rate adjustment. He noted that amendment No. 1 to the agreement entitles Placentia Disposal to rate increases.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Aguirre, was carried (5 - 0) to adopt resolution No. R-2011-19, a resolution of the City Council of the City of Placentia, California, approving rates and charges for solid waste handling services for Fiscal Year 2011-12 and amending the existing franchise rates and charges, adopt resolution No. R-2011-20, a resolution of the City of Placentia authorizing and determining residential solid waste handling service charges and directing placement thereof on the Orange County Property Tax Rolls, and approve Amendment No. 1 to the Agreement approving the new rates.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson
NOES: None

AGENCY NEW BUSINESS:

- c. **Cooperative Agreement Between the Industrial/Commercial Development Authority and the Redevelopment Agency of the City of Placentia Regarding Payment of Costs Associated with Certain Redevelopment Agency Funded Capital Improvement and Affordable Housing Projects**

Financial Impact: Not applicable

Recommended Action: It is recommended that the Board of Directors:

- 1) Approve the Cooperative Agreement between the Industrial/Commercial Development Authority of the City of Placentia and the Redevelopment Agency of the City of Placentia regarding payment of costs associated with certain Redevelopment Agency funded Capital Improvement and Affordable Housing Projects

(APPROVED 5 – 0, as recommended)

Executive Director Butzlaff provided a staff report.

Discussion ensued among Board Members and City Staff regarding this item.

A motion was made by Board Chair Nelson, seconded by Board Member Wanke, was carried (5 - 0) to approve a Cooperative Agreement between the Industrial/Commercial Development Authority of the City of Placentia and the Redevelopment Agency of the City of Placentia regarding payment of costs associated with certain Redevelopment Agency funded Capital Improvement and Affordable Housing Projects.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

ICDA NEW BUSINESS:

- d. **Cooperative Agreement Between the Industrial/Commercial Development Authority and the Redevelopment Agency of the City of Placentia Regarding Payment of Costs Associated with Certain Redevelopment Agency Funded Capital Improvement and Affordable Housing Projects**

Financial Impact: Not applicable

Recommended Action: It is recommended that the Board of Directors:

- 1) Approve the Cooperative Agreement between the Industrial/Commercial Development Authority of the City of Placentia and the Redevelopment Agency of the City of Placentia regarding payment of costs associated with certain Redevelopment Agency funded Capital Improvement and Affordable Housing Projects

(APPROVED 5 – 0, as recommended)

Executive Director Butzlaff provided a staff report.

Discussion ensued among Board Members and City Staff regarding this item.

A motion was made by Board Vice Chair Yamaguchi, seconded by Board Member Aguirre, was carried (5 - 0) to approve a Cooperative Agreement between the Industrial/Commercial Development Authority of the City of Placentia and the Redevelopment Agency of the City of

Placentia regarding payment of costs associated with certain Redevelopment Agency funded Capital Improvement and Affordable Housing Projects.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson
NOES: None

CITY COUNCIL/AGENCY MEMBER REQUESTS:

Mayor Pro Tem Yamaguchi requested that the Council give Staff direction to bring back the different options in regards to banning sex offenders from City parks similar to those imposed by the County.

ADJOURNMENT:

The City Council/Redevelopment Agency/ICDA Board of Directors adjourned at 8:18 p.m. to the next regular meeting of June 7, 2011 in memory of Edward Kratt, retired City employee.

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:

SCOTT W. NELSON, MAYOR/AGENCY CHAIR