

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

May 3, 2011

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

CALL TO ORDER: Mayor/Board Chair Nelson called the meeting to order at 6:05 P.M.

ROLL CALL:

PRESENT: Councilmember/Board Members Nelson, Yamaguchi, Aguirre, Wanke

ABSENT: Councilmember/Board Member Underhill

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation - M&H Realty Partners v. Orange County Transportation Authority et.al., Orange County Superior Court, Case No. 30-2010-00407159
2. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding Potential Litigation – Two (2) Items
4. 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)

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

RDA: None

RECESS: The City Council/Redevelopment Agency/ICDA reconvened the Regular Meeting at 7:05 p.m.

ROLL CALL:

PRESENT: Councilmember/Board Members Nelson, Yamaguchi, Aguirre, Wanke

ABSENT: Councilmember/Board Member Underhill

STAFF PRESENT: City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/General Counsel, Andrew V. Arczynski; City Clerk/ 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; Retired Police Chief, James Anderson; Police Chief, Rick Hicks; Police Captain, Ward Smith; Management Analyst, Eduardo De La Torre; Management Analyst, Jeannette Ortega; Recreation Services Manager, Jon Nicks; Deputy City Clerk, Tania Moreno

INVOCATION: Gary Drabek, Police Chaplain

PLEDGE OF ALLEGIANCE: Councilmember Chad Wanke

PRESENTATIONS:

- a. Retirement Recognition of Chief of Police James Anderson

Recipient: James Anderson

Supervisor Shawn Nelson's Office

Presenter: Greg Sowards

Congressman Gary Miller's Office

Presenter: Shaun S. Rundle

Assemblymember Chris Norby's Office

Presenter: Craig Green

Senator Bob Huff's Office

Presenter: Jody Roberto

Placentia Police Management Association

Presenter: Sergeant Thomas Valentine, President

City of Placentia

Presenter: Mayor Nelson and City Administrator Troy L. Butzlaff

- b. Introduction of New Chief of Police Rick Hicks

Presenter: Mayor Nelson and City Administrator Troy L. Butzlaff

- c. Public Works Recognition Week

Recipient: Director of Public Works Steve Drinovsky

Presenter: Mayor Nelson and City Administrator Troy L. Butzlaff

This presentation was continued to the next scheduled meeting.

- d. Proclamation Designating the Week of May 1-7, 2011, as Public Service Recognition Week, in Placentia, California

Recipient: City Administrator Troy L. Butzlaff

Presenter: Mayor Nelson

- e. Proclamation Designating the Week of May 15-21, 2011, as American Legion Auxiliary Memorial Poppies Week, in Placentia, California

Presenter: Pat Alvarez

EXECUTIVE SESSION REPORT: City Attorney/General Counsel Arczynski reported the Council/Boards met in Executive Session to discuss the items listed on the agenda. He noted that there was no reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT: None

ORAL COMMUNICATIONS:

Craig Sowards, Representative Supervisor Shawn Nelson's Office, presented a proclamation to Chief of Police Rick Hicks.

Emil Berezky, resident, spoke in support of item 3.b. He provided City Council with documents related to E-Verify.

Larry LaPlante, Representing Junior United Soccer Association (JUSA), spoke in support of item 3.a.

City Administrator Butzlaff provided an overview of item 3.b.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Aguirre commented and reported as follows: He wished Retired Chief of Police James Anderson a pleasant retirement, welcomed aboard new Chief of Police Rick Hicks, and wished Councilmember Underhill a quick recovery.

Councilmember Wanke commented and reported as follows: He attended an OCTA meeting on April 28, 2011.

Mayor Pro Tem Yamaguchi commented and reported as follows: Announced an upcoming non-profit event on June 2, 2011 that will be hosted by the Placentia Community Foundation, attended a Water District Facility tour and Yorba Linda Water District Facility tour, attended 4th District Supervisor Bicycle event, welcomed aboard new Chief of Police Rick Hicks, and wished Councilmember Underhill a quick recovery.

Mayor Nelson commented and reported as follows: He wished Councilmember Underhill a quick recovery, will be attending a Sanitation District Meeting on May 4, 2011, attended Supervisors Shawn Nelson's quarterly meeting, commented on Governor's plan to take money away from the California Redevelopment Agencies, met with the designers of the downtown parking structure, met with OCTA pertaining the underpass project, attended the Donate Life Run Walk on April 30, 2011, welcomed Chief of Police Rick Hicks, and thanked Retired Chief of Police James Anderson for his service.

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

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, to approve Consent Calendar Item Nos. 1.a. through 1.g.

COUNCIL/AGENCY/ICDA CONSENT CALENDAR:

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

Financial Impact: None

Recommended Action: Approve

(APPROVED 4 – 0, as recommended)

- b. **Minutes**
City Council/RDA Regular Meetings - April 5, 2011 and April 19, 2011
Recommended Action: Approve
(APPROVED 4 – 0, as recommended)
- c. **City Warrant Register for April 20, 2011 through May 3, 2011**
Financial Impact: \$895,033.60
Recommended Action: Approve
(APPROVED 4 – 0, as recommended)
- d. **Agency Warrant Register for April 20, 2011 through May 3, 2011**
Financial Impact: \$4,301.94
Recommended Action: Approve
(APPROVED 4 – 0, as recommended)
- e. **Award a Contract to Pavement Coating Company for Construction of the FY 2010-2011 Slurry Project and Approval of Plans and Specifications Prepared by Harris & Associates for the FY 2010-2011 Slurry Seal Project**
Financial Impact: Expense: \$137,952.70 for construction; \$111,973.00 Budgeted in FY 2010-2011 Budget, Account #333552-6185 J/L 61058, \$25,979.70 Budget Transfer from Account #333552-6013 J/L 61004 to Account #333552-6185 J/L 61058
Revenue: Local Proposition 42 Funding - \$111,973.00
Community Facilities District Funding - \$25,979.70
Recommended Action: It is recommended that the City Council:
1) Approve plans and specifications prepared by Harris & Associates dated March 31, 2011, for the FY 2010-2011 Slurry Seal Project
2) Award the construction contract to the lowest responsive and responsible bidder, Pavement Coating Company, for an amount not to exceed \$125,411.55
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 aggregate amount not to exceed 10-percent 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
6) Approve the attached budget resolution appropriating \$25,979.70 to Account 333552-6185 J/L 61058 (Capital Projects – FY 2010-2011 Slurry Seal Project) from Account 333552-6013 J/L 61004 (Capital Projects – Madison Avenue at Bradford Avenue Intersection Improvement Project – Right-Of-Way
(APPROVED 4 – 0, as recommended)
- f. **Approve Cooperative Agreement C-1-2483 Between the Orange County Transportation Authority and the City of Placentia for Senior Mobility Program**
Financial Impact:
Expense: \$9,526 per Fiscal Year – AB2766 Subvention Funds
Revenue: \$38,106 per Fiscal Year – Measure M Grant from OCTA

Recommended Action: It is recommended that the City Council:

- 1) Approve the Cooperative Agreement C-1-2483 between the Orange County Transportation Authority and the City of Placentia for the Senior Mobility Program and authorize the Mayor to execute the agreement in a form approved by the City Attorney

(APPROVED 4 – 0, as recommended)

g. **Reject all Bids Received for the Kraemer Memorial Park Restroom Renovation and Park Amenities Improvement Project and Authorization to Re-Bid Project**

Financial Impact:

Recommended Action: It is recommended that the City Council:

- 1) Reject all bids received on Monday, April 25, 2011 for the Kraemer Park Restroom and Renovation Project
- 2) Authorize Staff to update bid package and distribute a new Notice Inviting Bids

(APPROVED 4 – 0, as recommended)

COUNCIL CONSENT CALENDAR: None

AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL: None

AGENCY: None

ICDA: None

3. OLD BUSINESS:

a. **Second Reading and Adoption - Amendment to City Ordinance to Prohibit Dogs From Athletic Fields and Playground Areas**

Financial Impact: Negligible

Recommended Action: It is recommended that the City Council:

- 1) Conduct second reading by title only and adopt, Ordinance O-2011-03, an ordinance of the City Council of the City of Placentia, California, adding a new section 14.08.090(5) to Chapter 14.08 of Title 14 of the Placentia Municipal Code Relating to the prohibition of dogs and specified areas of City parks, including exceptions thereto

(APPROVED 4 – 0, as recommended)

City Administrator Butzlaff provided a staff report.

Discussion ensued among Council and City staff regarding this item.

A motion was made by Mayor Nelson, seconded by Councilmember Aguirre, was carried (4 - 0) to adopt Ordinance O-2011-03, an ordinance of the City Council of the City of Placentia, California, adding a new section 14.08.090(5) to Chapter 14.08 of Title 14 of the Placentia

Municipal Code Relating to the prohibition of dogs in specified areas of City parks, including exceptions thereto.

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

b. **Adoption of City Council Resolution Approving and Adopting City of Placentia Policy No. 534 Pertaining to Employment Eligibility Verification**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2011-14, a resolution of the City Council of the City of Placentia approving and adopting a policy procedure for employment eligibility verification
- 2) Authorize the City Administrator to execute all documents related to the implementation of E-Verify

(APPROVED 4 – 0, as recommended)

City Administrator Butzlaff provided a staff report.

Discussion ensued among Council and City Staff regarding this item.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Yamaguchi, was carried (4 - 0) to adopt Resolution R-2011-14, a resolution of the City Council of the City of Placentia approving and adopting a policy procedure for employment eligibility verification and to authorize the City Administrator to execute all documents related to the implementation of E-Verify.

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

4. NEW BUSINESS:

COUNCIL NEW BUSINESS:

a. **Award of Contract for Cost Allocation Plan/Fee Study**

Financial Impact: Expense \$31,775.00

Recommended Action: It is recommended that the City Council:

- 1) Authorize the City Administrator to enter into a contract, in form approved by the City Attorney, with Willdan Financial Services for a Cost Allocation Plan/Fee Study

(APPROVED 4 – 0, as recommended)

City Administrator Butzlaff provided a staff report. He spoke regarding the services being offered by Willdan Financial Services.

Director of Finance Ogawa spoke regarding the firm selection process.

Discussion ensued among Council and City Staff regarding this item.

Willdan Financial Services CEO Frank Tripepi expressed his desire and appreciation for the opportunity to continue to provide services to the City.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Aguirre, was carried (4 - 0) to authorize the City Administrator to enter into a contract, in form approved by the City Attorney, with Willdan Financial Services for a Cost Allocation Plan/Fee Study.

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

AGENCY NEW BUSINESS:

b. **Adoption of Resolution Authorizing Payment of 2010-2011 Supplemental Education Revenue Augmentation Fund (SERAF) to the State of California**

Financial Impact: Expense up to \$173,378.00

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

- 1) Adopt Resolution RA-2011-09, A resolution of the Redevelopment Agency of the City of Placentia making certain findings with respect to the 2010-11 Payment to the Supplemental Educational Revenue Augmentation Fund and other matters properly relating thereto

(APPROVED 4 – 0, as recommended)

Executive Director Butzlaff provided a staff report. He noted the revenue that is taken from the Redevelopment Agency and distributed to various outside agencies.

Discussion ensued among Members and City Staff regarding this item.

General Counsel Arczynski spoke regarding the legal aspects of item 4.b.

A motion was made by Member Wanke, seconded by Member Aguirre, was carried (4 - 0) to adopt Resolution RA-2011-09, a resolution of the Redevelopment Agency of the City of Placentia making certain findings with respect to the 2010-11 payment to the Supplemental Educational Revenue Augmentation Fund (SERAF) and other matters properly relating thereto.

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

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Aguirre requested that the Council give Staff direction to place on the agenda a study session item pertaining to retirement and post employment benefits.

Councilmember Wanke requested that the Council give Staff direction to place on the agenda a study session item pertaining to a review of the most recent audit.

Mayor Nelson requested that the Council give Staff direction to place on the agenda an item pertaining to City street tree maintenance ordinance and sidewalk repair policy.

City Administrator Butzlaff requested that the Council give Staff direction to place on the agenda an item pertaining to the consolidation of the current City policy related to sidewalks repair and street trees ordinance.

ADJOURNMENT:

The City Council/ Board Members adjourned at 8:35 p.m. to a Study Session at 5:00 p.m. on May 17, 2011, in memory of Patricia Van Houten.

PATRICK J. MELIA,
CITY CLERK/ SECRETARY

ATTEST:

SCOTT W. NELSON,
MAYOR/ CHAIR