

**PLACENTIA
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
April 5, 2011
5:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor/Chairman Nelson called the meeting to order at 5:40 pm.

ROLL CALL:

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

Councilmember Aguirre arrived at 5:45 p.m.

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – Two (2) Items
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 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 – City Administrator
5. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
 - A. Property 1530 N. Valencia Avenue, APN 336-054-21
City Negotiator: Troy Butzlaff, City Administrator
Negotiating Parties: HQT Homes
Under Negotiations: Price and Terms of Payment
 - B. Property 2999 E. La Jolla Avenue, APN 344-102-09
City Negotiator: Troy Butzlaff, City Administrator
Negotiating Parties: Clean Energy and Trillium USA
Under Negotiations: Price and Terms of Payment

RDA:

1. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
Property: 229 Alta Street, Placentia, CA 92870 APN: 339-061-10
Agency Negotiator: Troy Butzlaff, City Administrator/Executive Director
Under Negotiations: Disposition of Real Property

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

ROLL CALL:

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

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; Police Chief, James Anderson; Recreation Services Manager, Mike Kudron; Police Captain, Ward Smith; Deputy City Clerk, Tania Moreno

INVOCATION: Ed Faulk, Police Chaplain

PLEDGE OF ALLEGIANCE: Councilmember Joseph Aguirre

PRESENTATIONS:

- a. Introduction of New Employees – Austin Martinez, Community Services Officer
Saul Nungaray, Maintenance Worker
Larry Johnson, Police Officer
- b. Introduction of New Police Chaplain – Rabbi Kenneth Milhandler
- c. Proclamation Recognizing Police Officer Larry Worden’s Retirement
Recipient: Police Officer Larry Worden
Presenter: Chief of Police James Anderson
- d. Miss Placentia/Miss Placentia Outstanding Teen and Miss Yorba Linda/Miss Yorba Linda Outstanding Teen, Executive Director of Miss Placentia Kathi Baldwin
Recipients: Whitney Thomas, Jinnie Rhee, Jordan Krinke, Anneliese Klages and Kathi Baldwin
Presenter: Mayor Nelson, Representations Craig Green, Assemblyman Norby’s Office and Greg Sowards, Supervisors Shawn Nelson’s Office
- e. Proclamation Designating the Month of April 2011, as the Wyland Mayor’s Challenge for Water Conservation
Recipient: Steve Creech, Vice President
Presenter: Mayor Nelson

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 that there was no reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT: City Administrator Butzlaff reported on the following items: Shred Day event on April 16, 2011.

ORAL COMMUNICATIONS:

Ricardo Ibarra, Placentia American Region Post 277, requested that the City of Placentia amend an ordinance to allow remote bingo. He provided City Council with documents.

Bryan Cox expressed his concerns regarding the Placentia Underpass Construction Project unsafe conditions, the need to install a bicycle lane, and recommended that the City create a bicycle committee.

Riordan Zavala expressed his concerns regarding a lawsuit filed by the City against Doris M. Zavala. He provided City Council with documents.

Michael Chapman expressed his concerns regarding the health benefits and pension that elected officials receive, bicycle safety and transportation, the City's use of eminent domain, and the need to review the project traffic study.

Tim Peiffer expressed his concerns regarding the lack of bicycle safety and Placentia Underpass Construction Project unsafe conditions.

Jane Rands, City of Fullerton Bicycle Sub-Committee, spoke regarding the importance of bicycle and transportation safety and the California Complete Streets Project.

Denny Bean, resident, requested that the City help protect the West Coyote Hills from a proposed project. He provided City Council with documents.

Greg Sowards, resident, spoke regarding the health benefits provided to elected officials, the use of friendly eminent domain by the City, the Underpass Construction Project and bicycle safety, and congratulated Officer Larry Worden on his retirement.

Craig Green, resident, requested that agenda item 4.b. be pulled off the agenda and allow the Financial Audit Oversight Committee to discuss this item.

CITY COUNCIL/AGENCY MEMBER COMMENTS AND REPORTS:

Councilmember Wanke commented and reported as follows: Orange County Vector Control Committee meeting on March 17th, Santa Ana River Flood Protection River meeting on March 24th, and wished Officer Larry Worden and his own son a happy birthday.

Mayor Pro Tem Yamaguchi commented and reported as follows: Requested that the Kraemer Avenue and Bastanchury traffic study be available to the public, hosting a community meeting to discuss bicycle safety issues, and his attendance to the Orange County Council Boy Scouts Annual Recognition Dinner.

Mayor Nelson commented and reported as follows: Councilmember Wanke, City Administrator Troy Butzlaff and he attended a meeting in Sacramento hosted by Senator Bob Huff regarding redevelopment agencies. He noted his interview with KCAL regarding city trees. He commented on elected officials health benefits and pension, and the Financial Audit Oversight Committee.

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

City Administrator Troy Butzlaff noted a correction to item 4.g. the minutes of the March 15, 2011 meeting. The change reflects Mayor Pro Tem Yamaguchi opposing vote on item 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.j. City Warrant Register number 72204

was removed by Councilmember Wanke. Mayor Nelson recused himself from voting on City Warrant Register number 72151.

COUNCIL/AGENCY 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/Agency Regular Meeting – March 15, 2011
Recommended Action: Approve
(APPROVED 5 – 0, as amended)
- c. **City Warrant Register for March 16, 2011 through April 5, 2011**
Financial Impact: \$1,374,292.14
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- d. **Agency Warrant Register for March 16, 2011 through April 5, 2011**
Financial Impact: \$116,558.71
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Approval of 2011 Heritage Festival Date, Location, Theme and Parade Route**
Financial Impact: To be determined
Recommended Action: It is recommended that the City Council:
1) Approve the Heritage Festival Committee’s recommendation of event date, location, theme and parade route
(APPROVED 5 – 0, as recommended)
- f. **Appropriation of Prop 69 Funding and Authorization to Purchase Evidence Storage Lockers and a Duplex Drying Cabinet for the Police Department**
Financial Impact:
\$53,173.00 Revenue Appropriation to Miscellaneous Grants (#500000-4210/JL 50038) FY 2010/2011 Budget
\$53,087.37 Expenditure Appropriation to Capital Improvement Project (Account #333554-6185/JL 50038) FY 2010/2011 Budget
Recommended Action: It is recommended that the City Council:
1) Approve the appropriation of Prop 69 funding from the County of Orange in the amount of \$53,173.00
2) Authorize the purchase of Spacesaver evidence storage lockers from McMurray Stern in an amount not to exceed \$43,047.37
3) Authorize the purchase of an evidence drying rack from AirClean Systems in an amount not to exceed \$10,040.00
4) Authorize the City Administrator to execute all necessary documents to effectuate these actions
(APPROVED 5 – 0, as recommended)

- g. **Memorandum of Understanding with Orange County Transportation Authority for the Yorba Linda Boulevard Traffic Light Synchronization Program Project**
Financial Impact: Minimum maintenance costs
Recommended Action: It is recommended that the City Council:
 - 1) Approve Memorandum of Understanding C-1-2463 with the OCTA giving permission to complete the Yorba Linda Boulevard Traffic Light Synchronization Program Project
 - 2) Authorize the Mayor to execute the subject Memorandum of Understanding on behalf of the City**(APPROVED 5 – 0, as recommended)**

- h. **Receive and File of Fiscal Year 2009/10 Annual Financial Report**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2010**(APPROVED 5 – 0, as recommended)**

- i. **Corrective Action Plan for the Independent Audit for Fiscal Year 2009-10**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Receive and file the Corrective Action Plan for the year ended June 30, 2010**(APPROVED 5 – 0, as recommended)**

AGENCY CONSENT CALENDAR:

- j. **2010 Housing Element Annual Progress Report**
Financial Impact: Not Applicable
Recommended Action: It is recommended that the Agency Board:
 - 1) Receive and file the 2010 Housing Element Annual Progress Report for 2010**(APPROVED 5 – 0, as recommended)**

2. PUBLIC HEARINGS:

COUNCIL: None

AGENCY: None

3. OLD BUSINESS:

- a. **Second Reading and Adoption - Amendment of Chapter 3.08 of Title 3 of the Placentia Municipal Code Relating to Expenditures Without Competitive Bidding in Response to Emergencies**
Financial Impact: Not applicable
Recommended Action: It is recommended that the City Council:
 - 1) Second reading and adoption, Ordinance No. O-2011-02, An Ordinance of the City Council of the City Placentia, California, adding a new section 3.08.140 to Chapter 3.08 of Title 3 of the Placentia Municipal Code

relating to expenditures without competitive bidding in response to emergencies within the City of Placentia
(APPROVED 4 – 1, as recommended)

City Administrator Troy Butzlaff provided a staff report.

A staff report was provided by City Attorney Arczynski. Discussion ensued among Council and City staff regarding this item.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, was carried (4 - 1) adopt Ordinance No. O-2011-02.

AYES: Aguirre, Underhill, Wanke, Nelson
NOES: Yamaguchi

b. **Resolution Approving the Appeal of Entertainment Permit Denial: Mariscos Playa de Corales – 640 W. Chapman Avenue**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2011-10, A resolution of the City Council of the City of Placentia, California, granting an entertainment permit for 640 W. Chapman Avenue – Mariscos Playa de Corales

(APPROVED 3 – 2, as recommended)

City Administrator Butzlaff provided a staff report.

A staff report was provided by City Attorney Arczynski. Discussion ensued among Council and City staff regarding this item.

A motion made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, failed (2 - 3) to remove the last sentence of Section B.2 of Resolution R-2011-10 and approve Resolution R-2011-10 as amended.

AYES: Wanke, Yamaguchi
NOES: Nelson, Aguirre, Underhill

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Yamaguchi, was carried (3 – 2) to approve Resolution R-2011-10 as presented.

AYES: Nelson, Wanke, Yamaguchi
NOES: Aguirre, Underhill

4. NEW BUSINESS:

COUNCIL/AGENCY:

a. **Appointments to Commissions and Committees**

Financial Impact:

Recommended Action: It is recommended that the City Council:

- 1) Make appointments to fill vacancies on the Planning Commission (1), Audit Oversight Committee (2), and Heritage Festival Committee (1)

(APPROVED PER BELOW SELECTION APPOINTMENT)

A recess was taken by City Council.

City Administrator Troy Butzlaff provided a staff report and overview of process.

Mayor Nelson opened nominations for the **Financial Audit Oversight Committee**.

Councilmember Aguirre nominated, and Mayor Pro Tem Yamaguchi seconded the nomination of candidate Kevin Larson for term ending July 1, 2013. Seeing no other nominations, Mayor Nelson closed the nominations.

A motion was made by Councilmember Aguirre, seconded by Mayor Pro Tem Yamaguchi, and carried (5 – 0) to appoint Kevin Larson to fill the unexpired term for the Financial Audit Oversight Committee, ending July 1, 2013.

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

Mayor Pro Tem Yamaguchi nominated, and Councilmember Underhill seconded the nomination of candidate Dwayne DeRose for term ending July 1, 2012. Seeing no other nominations, Mayor Nelson closed the nominations.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Underhill and carried (5 – 0) to appoint Dwayne DeRose to fill the unexpired term for the Financial Audit Oversight Committee, ending July 1, 2012.

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

Mayor Nelson opened nominations for the **Heritage Committee**.

Councilmember Underhill nominated, and Councilmember Wanke seconded the nomination of candidate Jim Cucalon. Seeing no other nominations, Mayor Nelson closed the nominations.

A motion was made by Councilmember Underhill, seconded by Councilmember Wanke, and carried (5 – 0) to appoint Jim Cucalon to the Heritage Committee, non-expiring term.

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

Mayor Nelson opened nominations for the **Planning Commission**.

Councilmember Wanke nominated, and Mayor Nelson seconded the nomination of candidate Thomas Solomonson for term ending July 1, 2012. Seeing no other nominations, Mayor Nelson closed the nominations.

A motion was made by Councilmember Wanke, seconded by Mayor Nelson, and carried (5 – 0) to appoint Thomas Solomonson to fill the unexpired term for the Planning Commission, ending July 1, 2012.

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

COUNCIL NEW BUSINESS:

b. **Request for Proposal for Professional Auditing Services**

Financial Impact:

Expense: Approximately \$60,000 in Fiscal Year 2011/12

Recommended Action: It is recommended that the City Council:

- 1) Authorize staff to issue a Request for Proposal for Auditing Services for Fiscal Year 2010-11

(APPROVED 5 – 0, as recommended)

City Administrator Troy Butzlaff provided a staff report. He noted that a correction was made on page 15 of the staff report. The change reflects revised language pertaining to the selection process of the professional auditing service company.

Discussion ensued among Council and City staff regarding this item.

Mayor Nelson recommended that the Financial Audit Oversight Committee and subcommittee recommended the professional auditing service company to the City Council.

A motion was made by Mayor Nelson, seconded by Mayor Pro Tem Yamaguchi, was carried (5 - 0) to revise the language and to put out the request for proposal for auditing services for Fiscal Year 2010-11.

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

AGENCY NEW BUSINESS:

c. **Reimbursement of Capital Project Fund for Prior Property Transaction – 229 Main Street**

Financial Impact:

Expense: \$185,000 from RDA 20% Fund

Offsetting Revenue: \$185,000 to RDA 80% Project Fund

Recommended Action: It is recommended that the Agency Board:

- 1) Adopt Resolution RA-2011-06, A resolution of the Board of Directors of the Redevelopment Agency of the City of Placentia designating Agency-owned property located at 229 Main Street to be used for affordable housing purposes
- 2) Adopt Resolution RA-2011-07, A resolution of the Board of Directors of the Redevelopment Agency of the City of Placentia authorizing a budget amendment in Fiscal Year 2009/10 in aggregate amount of \$185,000 relating to purchase of 229 Main Street

(APPROVED 5 – 0, as recommended)

Assistant Executive Director Ken Domer provided a staff report and recommendations.

Discussion ensued among Board members and Agency staff regarding this item.

A motion was made by Board member Underhill, seconded by Vice-Chairman Yamaguchi, was carried (5 - 0) adopt Resolution RA-2011-06 and RA-2011-07.

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 place on the agenda a closed session item pertaining to employee performance evaluations of City Administrator Troy Butzlaff and City Attorney Andrew V. Arczynski. He requested hosting a community meeting to discuss bicycle safety issues.

City Administrator Troy Butzlaff requested that the Council give staff direction to place on the agenda two study session items pertaining to City Council's role in the event of an emergency and an update on the Goal Setting Workshop.

ADJOURNMENT:

The City Council/Redevelopment Agency Board of Directors adjourned at 9:06 p.m. to the next regular meeting of April 5, 2011 in memory of Gary Ray Lenhart.

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:

SCOTT W. NELSON, MAYOR/AGENCY CHAIR