

**PLACENTIA
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
March 15, 2011
6:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor/Chair Nelson called the meeting to order at 6:00 pm.

ROLL CALL:

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

ABSENT: None

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

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

The City Council/Redevelopment Agency reconvened the Regular Meeting at 7:03 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; Neighborhood Services Manager, Jon Nicks; Recreation Services Manager, Mike Kudron; Maggie Le, Management Analyst; City Clerk's Office staff, Kelliagh Brown

INVOCATION: Police Chief James Anderson

PLEDGE OF ALLEGIANCE: Name: Mayor Pro Tem Jeremy Yamaguchi

PRESENTATIONS:

- a. El Dorado High School Varsity Cheer Team – National Title from UCA & El Dorado High School Varsity Cheer Team Coach Katie Bowers
Presenter: Mayor Nelson
Recipient: Coach Katie Bowers and Members of Varsity Cheer Team
- b. Proclamation Designating the Week of March 14-20, 2011, as Multiple Sclerosis Week, in Placentia, California
Presenter: Mayor Nelson
Recipient: Marian Davidson
- c. Proclamation Designating the Week of March 13-19, 2011, as Childhood Cancer Awareness Week, in Placentia, California

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 an item was discussed during executive session at the last City Council meeting and Council granted staff direction to work with the owners of 550 Crowther Avenue with regards to a significant backup of sewage in the facility. Staff proceeded with obtaining qualified contractors to clean up the facility. 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: Expressed condolences to the victims of Japan tragedy, County Operations Area Advisory, and advised residents to review emergency plan.

ORAL COMMUNICATIONS:

Sharon Galassi, resident, expressed her concerns regarding property on Longfellow Drive and neglected grounds and presented a petition to Council requesting immediate attention to this matter.

Bob Modica, resident, expressed his concerns regarding property on Longfellow Drive and neglected grounds.

Judith Meigs, resident, expressed her concerns regarding property on Longfellow Drive and neglected grounds owner's negligence causing health issues.

Shaun Rundle, Representative Gary Miller's office, announced the upcoming Orange County Artistic Discovery Annual Art Competition.

CITY COUNCIL/AGENCY MEMBER COMMENTS AND REPORTS:

Councilmember Wanke commented and reported as follows: Congratulated El Dorado Cheer Team, Orange County Musical Award, and FBI Training at the Orange County Regional Center.

Councilmember Underhill commented and reported as follows: The importance of having an emergency plan in case of a disaster and announced the CERT Training on March 29th. She suggested that Councilmembers be provided with training in the emergency operational center.

Councilmember Aguirre commented and reported as follows: Congratulated El Dorado Cheer Team, Library Author's Lunch on March 5th, and wished everyone and safe happy St. Patrick's Day.

Mayor Pro Tem Yamaguchi commented and reported as follows: Japan tragedy, congratulated El Dorado Cheer Team, thanked OCFA for the ride-along, Southern California Edison breakfast, Golden Elementary Neighborhood Area meeting, and thanked Chris Norby's Office.

In response: Assistant City Administrator Ken Domer noted that the City remains committed to resolving the Longfellow Drive property issues.

Discussion ensued among Council and City staff regarding the Longfellow Drive issues.

Mayor Nelson commented and reported as follows: Japan tragedy, Opening Day for Little League, expressed condolences to the family of 2007 El Dorado graduate Sergeant Gerard Weaver, Association of California Cities budget meeting, Association of California Cities redevelopment and pension reform meeting, and wished Linda Lucille a quick recovery from surgery.

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

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Underhill, to approve Consent Calendar Item Nos. 1.a. through 1.f. Item 1.b. was pulled for separate consideration by Mayor Pro Tem Yamaguchi.

COUNCIL/AGENCY CONSENT CALENDAR:

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 Special & Regular Meeting –January 29, 2011 and March 1, 2011
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

Item 1.b. was pulled for separate consideration by Mayor Pro Tem Yamaguchi.

Mayor Pro Tem Yamaguchi expressed concerns regarding the wall chart notes as follows: Expressed his opposition to any new fees or assessments that are considered taxes and noted that alternative modes of transportation are not of low priority. He noted that his opinion does not represent the entire City Council.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Mayor Nelson, was carried (5 - 0) to approve as recommended.

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

- c. **City Warrant Register for March 2, 2011 through March 15, 2011**
Financial Impact: \$1,810,909.29
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- d. **Agency Warrant Register for March 2, 2011 through March 15, 2011**
Financial Impact: \$3,550.25
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Request to Remove Resident-Only Permit Parking on Peg Place**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Adopt Resolution R-2011-06, A resolution of the City Council of the City of Placentia rescinding Resolution 99-R-142, and removing preferential parking privileges for residents residing on Peg Place
(APPROVED 5 – 0, as recommended)
- f. **Ratification of Emergency Contract Award for Final Refurbishment of 550 Crowther Avenue**
Financial Impact: Funds are available in Account #484376-6120 R&M Sewer and Storm Drain - \$52,910.00
Recommended Action: It is recommended that the City Council:
1) Award contract to All County Environmental for an amount not to exceed \$48,100.00
2) Authorize the City Administrator, or his designee, to approve a contingency of 10% for any unforeseen incidentals that may result in charge orders pursuant to the project
3) 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

2. PUBLIC HEARINGS:

COUNCIL:

- a. **Placentia Gas Works Business License Tax Appeal**
Financial Impact: Potentially \$20,000.00 in revenue reduction
Recommended Action: It is recommended that the City Council:

- 1) Deny the appeal of the business license tax assessed of Placentia Gas Works
(APPROVED 5 – 0, as recommended)

A staff report was provided by Management Analyst Maggie Le. Discussion ensued among Council and City staff regarding this item.

Sony Vaswani, Placentia Gas Works Owner, requested to appeal the business license tax and noted that the tax calculation is unfair.

Staff overview and recommendations were provided by Management Analyst Maggie Le.

Discussion ensued among Council and City staff regarding this item.

City Attorney Andrew V. Arczynski noted that the business license tax ordinance could be amended only by the vote of the people.

A motion was made by Mayor Nelson, seconded by Councilmember Underhill, was carried (5 - 0) to deny the appeal made by Placentia Gas Works.

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

b. **Appeal of Denial of Entertainment Permit for Mariscos Playa de Corales – 640 W. Chapman Avenue**

Financial Impact: Not Applicable

Recommended Action: It is recommended that the City Council:

- 1) Open the hearing, receive testimony from appellant and members of the public
- 2) Upon the conclusion of all testimony, uphold the denial of the entertainment permit for Mariscos Playa de Corales located at 640 Chapman Avenue and Adopt Resolution R-2011-08, A resolution of the City Council of the City of Placentia, California, upholding the denial of an entertainment permit for 640 W. Chapman Avenue – Mariscos Playa de Corales

(DENIED 2 – 3, as recommended)

Mayor Nelson opened the public hearing at 8:10 p.m.

A brief staff report was provided by Assistant City Administrator Ken Domer.

A recess was requested by City Council to review documents provided by appellant.

Thomas Bonhard, Attorney representing Mariscos Playa de Corales, requested that City Council consider the appeal of denial for the entertainment permit.

Deputy City Attorney Stephen McEwen noted the various staff concerns related to Mariscos Playa de Corales. He gave recommendation that City Council deny the entertainment appeal due to concerns coming from the Police Department.

Assistant City Administrator Ken Domer noted various staff concerns related to the entertainment permit.

Police Chief James Anderson expressed the Police Department's concerns regarding the entertainment permit, the correlation between high crime and alcohol, and risk management.

Discussion ensued among Council and City staff regarding this item.

Thomas Bonhard, Attorney representing Mariscos Playa de Corales, noted that the restaurant is in compliance with the Use Permit. He requested that City Council consider the appeal of denial of the entertainment permit.

Mayor Nelson closed the public hearing at 9:10 p.m.

Discussion ensued among Council and City staff regarding this item.

Mayor Nelson reopened the public hearing at 9:33 p.m.

Thomas Bonhard, Attorney representing Mariscos Playa de Corales, noted that there is no evidence proving that the establishment is turning into a night club.

Jason Ledesma, Private Security representing Mariscos Playa de Corales, responded to Council's concerns related to incidents reported by the Police Department.

Ed Alvarez, resident, expressed his concerns regarding crime activities that take place at the establishment.

Deputy City Attorney Stephen McEwen noted that there is a link between the late hours proposed in the application and the reported incidents.

Mayor Nelson closed the public hearing at 9:42 p.m.

Discussion ensued among Council and City staff regarding this item.

A recess was taken by City Council.

A motion made by Councilmember Underhill, seconded by Councilmember Aguirre, failed (2 - 3) to uphold the denial of the entertainment permit for Mariscos Playa de Corales.

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

City Attorney Arczynski noted that staff will prepare an appropriate resolution reflecting the City Council's determination regarding the denial of the application permit and present the resolution to City Council at the next regularly scheduled City Council meeting for approval. He noted the hours of operation dictated by the Use Permit.

AGENCY: None

3. OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/AGENCY:

a. **Relocation Settlement Agreement with Todd and Kelly Roberts, dba Visions Lighting**

Financial Impact: \$132,545.00 (70% Capital Projects Fund; 30% Low and Moderate Income Housing Fund) unbudgeted

Recommended Action: It is recommended that the City Council:

- 1) Approve the All-Inclusive Settlement Agreement with Todd and Kelly Roberts, dba Visions Lighting, LLC and authorize the City Administrator/Executive Director to execute the agreement
- 2) Adopt Resolution RA-2011-05, A resolution of the Board of Directors of the Redevelopment Agency of the City of Placentia approving the expenditure and making findings for use of Low and Moderate Income Funds for relocation expenses related to property purchased with Agency funds

(APPROVED 5 – 0, as recommended)

Report was provided by City Administrator Troy Butzlaff.

A motion was made by Mayor Nelson, seconded by Mayor Pro Tem Yamaguchi, was carried (5 - 0) to approve the All-Inclusive Settlement Agreement with Todd and Kelly Roberts and authorize the City Administrator/Executive Director to execute the agreement and adopt Resolution RA-2011-05.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

b. **City-Agency Property Acquisition Reimbursement Agreement**

Financial Impact: Expense N/A

Recommendation: It is recommended that the City Council:

- 1) Approve agreement for the reimbursement of funds temporarily advanced by Agency to City in connection with City's acquisition of certain real properties identified as:
 - 321 Main Street, Placentia, California (Orange County APN: 339-393-09)
 - 101 and 125 E. Crowther Avenue, Placentia, California (Orange County APN: 339-063-01; 339-063-02; 339-063-03);
 - 207-209 West Crowther Avenue, Placentia California (Orange County APN: 339-402-05; 339-402-07; 339-402-08; 339-402-11);
 - 329 W. Santa Fe Avenue, Placentia, California (Orange County APN: 339-363-13).

2) Authorize the Mayor/Chairman to execute the reimbursement agreements
(APPROVED 5 – 0, as recommended)

Report was provided by City Administrator Troy Butzlaff.

A motion was made by Councilmember Aguirre, seconded by Mayor Pro Tem Yamaguchi, was carried (5 - 0) to approve agreement for the reimbursement of funds temporarily advanced by Agency to City in connection with City's acquisition of certain real properties and to authorize the Mayor/Chairman to execute the reimbursement agreements.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

c. **Proposed Exclusive Negotiating Agreement with National Core**

Financial Impact: Expense N/A

Recommendation: It is recommended that the City Council:

- 1) Approve the Exclusive Negotiating Agreement ("ENA") with National Community Renaissance ("National Core") which will allow for a period of exclusive negotiations between City/Agency and National core to evaluate the potential sizing, design, and financing options available to construct an affordable housing project and authorize the Mayor/Chairman to execute the ENA on behalf of the City/Agency

(APPROVED 5 – 0, as recommended)

Report was provided by City Administrator Troy Butzlaff.

Discussion ensued among Council and City staff regarding this item.

A motion was made by Councilmember Aguirre, seconded by Councilmember Wanke, was carried (5 - 0) to approve the Exclusive Negotiating Agreement with National Community Renaissance and authorize the Mayor/Chairman to execute the agreement on behalf of the City/Agency.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

COUNCIL NEW BUSINESS:

- d. **Adoption of City Council Policy No. 370 Regarding the City's Use of Social Media**

Financial Impact: Not Applicable

Recommended Action: It is recommended that the City Council:

- 1) Adopt City Council Policy No. 370 related to the City's use of Social Media and amend the City's Policy Manual to include said policy
- 2) Adopt Resolution R-2011-09, A resolution of the City Council of the City of Placentia approving and adopting amendments to the City of Placentia Policy and Procedure Manual utilization of Social Media

(APPROVED 5 – 0, as recommended)

Report was provided by City Administrator Troy Butzlaff.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, was carried (5 - 0) to adopt City Council Policy No. 370 related to the City's use of Social Media and amend the City's Policy Manual to include said policy and approve Resolution R-2011-09.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

- e. **Report on Feasibility of Utilizing E-Verify for Contractors, Vendors, Employees and Candidates**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Review and provide direction to staff on the preferred process for verification to legally work in the United States for City contractors, vendors, employees and candidates

(APPROVED 5 – 0, as recommended)

Report was provided by City Administrator Troy Butzlaff.

Discussion ensued among Council and City staff regarding this item.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Mayor Wanke, was carried (5 - 0) to direct staff to bring back language that incorporates the City using the E-Verify process for all new employees hired directly by the City and requiring all contractors with contracts over \$50,000.00 or more use E-Verify on their projects for employees.

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

- f. **Reduction and Modification of Commercial Re-Roofing Permit Fee**
Financial Impact: Not applicable
Recommended Action: It is recommended that the City Council:
1) Adopt Resolution R-2011-07, A resolution of the City Council of the City of Placentia, California, Amending the Comprehensive Fee Schedule regarding fees for commercial re-roofing projects
(APPROVED 5 – 0, as recommended)

Report was provided by Assistant City Administrator Ken Domer.

Discussion ensued among Council and City staff regarding this item.

A motion was made by Mayor Nelson, seconded by Councilmember Aguirre, was carried (5 - 0) to approve Resolution R-2011-07.

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

- g. **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) Introduce for first reading, 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)

Report was provided by City Administrator Troy Butzlaff.

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 Ordinance O-2011-02 for first reading.

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

AGENCY NEW BUSINESS: None

CITY COUNCIL/AGENCY MEMBER REQUESTS:

Mayor Pro Tem Yamaguchi requested that the Council give staff direction to place on the agenda a recognition to Miss Placentia and Miss Outstanding Teen and encouraged staff to work with the Longfellow Drive residents.

Councilmember Underhill requested that the Council give staff direction to place on the agenda a study session in regards to the operation of the Emergency Operations Center and role of City Council.

ADJOURNMENT:

The City Council/Redevelopment Agency Board of Directors adjourned at 10:32 p.m. to the next regular meeting of April 5, 2011.

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:

SCOTT W. NELSON, MAYOR/AGENCY CHAIR