

**PLACENTIA
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
February 15, 2011
5:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor/Chair Nelson called the meeting to order at 5:10 pm.

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; and Director of Administrative and Community Services, Steve Pischel

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Two (2) Items of Existing Litigation:
 - A. Jose Morales, et al. v City of Placentia, et al., Orange County Superior Court Case No. 30-2011-00437960
 - B. City of Placentia vs. Woodruff, Spradlin & Smart, Orange County Superior Court Case No. 30-2010-00367949
2. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – One (1) Item
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
4. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8
 - A. Property: 700 De Jesus Drive, Placentia, CA 92870 APN: 340-461-13
Agency Negotiator: Troy Butzlaff, City Administrator/Executive Director
Property Negotiator: Alta Placentia Homeowners Association
Under Negotiations: Price and Terms of Payment
 - B. Property: 2301 North Kraemer Blvd., Placentia, CA 92870 APN: 336-30-101, 336-30-105, 336-54-111
City Negotiator: Troy Butzlaff, City Administrator/Executive Director
Negotiating Party: Orange County
Under Negotiations: Price and Terms of Payment

RDA: None

Mayor/Chair Nelson convened the Study Session at 6:10 pm.

ROLL CALL:

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

ORAL COMMUNICATIONS:

SS 1. Overview of the Redevelopment Agency

Assistant Executive Director Ken Domer provided an overview of the Redevelopment Agency in Placentia. A PowerPoint Presentation was shown with slides entitled: Redevelopment 101, RDA Funding, Redevelopment Project Area, Key Dates for Redevelopment, Redevelopment Debt, Redevelopment Pass-Through Agreements, Debt Service Obligations, Assessed Valuations Base Year and Increment, Redevelopment Activities, Redevelopment Goals, and Redevelopment 2011 and Beyond.

Discussion ensued between the Council and staff related to Redevelopment Agency issues.

SS 2. Pavement Management Program

Randall Bliss, P.E., Harris & Associates, provided an overview report of the City's Pavement Management Program. A PowerPoint Presentation was shown with slides entitled: Outline, What is Pavement Management?, Why Pavement Management?, Citywide Pavement Condition, PCI slides, Placentia Street Mileage and PCI, Pavement Condition (Residential Streets), County Averages, Maintenance Treatments, Budget Projections, Issues Associated with Current Funding Levels, and Questions and Answers.

The meeting recessed at 6:55 p.m.

Mayor/Chair Nelson reconvened the Regular City Council meeting at 7:04 pm.

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; Associate Engineer, Jonathan Wu; City Clerk's Office staff, Vida Barone

INVOCATION: Police Chaplain Richard Kryder

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Jeremy Yamaguchi

PRESENTATIONS:

- a. **Proclamation designating the Week of February 20-26, 2011, as Placentia Rotary Week in Placentia, California**
Presenter: Mayor Nelson

Recipient: Jim Paddock, Vice President

b. Proclamation designating the Month of February 2011 as Career Technical Education Month

Presenter: Mayor Nelson

Recipient: Karin Freeman, President of the North Orange County ROP Board of Trustees and Vice-President of the Board of Trustees for Placentia-Yorba Linda Unified School District

Terri Giamarino, Instructional Services Administrator

c. Presentation of Check for the 2010 Las Posadas and Tamale Festival

Presenter: Mayor Nelson

Recipient: Placita Santa Fe Merchants Association

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.

It was moved by Councilmember Underhill, seconded by Mayor Pro Tem Yamaguchi, and carried (5 – 0) to add an item to the agenda pursuant to Government Code 54952(b)2, acknowledging that the item came to the attention of the City subsequent to the posting of the agenda and action by the Council is required prior to the next Regular Meeting. The item is related to a proposed contract change orders for the Bradford/Madison Avenue Street Improvement Project.

CITY ADMINISTRATOR REPORT: City Administrator Butzlaff reported on the following item: Neighborhood Conversation at Koch Park scheduled for February 22, 2011.

ORAL COMMUNICATIONS:

Jeff Buchanan spoke regarding the construction of a cell tower at Koch Park; trimming of trees at Koch Park.

Brian Cox spoke regarding the Placentia Avenue undercrossing.

Craig Green, City Treasurer, announced Assemblymember Norby's office relocation and his intention to present City Treasurer's reports to the Council in the near future.

Linda Lucio announced that she will not be able to attend upcoming meetings due to health issues.

Vince Buck spoke regarding grade separations and the addition of bicycle lanes.

CITY COUNCIL/AGENCY MEMBER COMMENTS AND REPORTS:

Council/Agency Member Wanke reported on the following: Yorba Linda Water District tour.

Council/Agency Member Aguirre reported on the following: Placentia Downtown Merchants contribution to the City and the Las Posadas and Tamale Festival event.

Mayor Pro Tem/Vice Chair Yamaguchi reported on the following: Association of California Cities Orange County reception, Downtown Subcommittee meeting, congratulations to El

Dorado Varsity Cheer National Champions, bicycle lane construction in the City, Miss Placentia Pageant, and Mayor's State of the City.

Mayor/Chair Nelson reported on the following: Association of California Cities Orange County reception, Redevelopment Task Force, Placentia-Linda Hospital Board meeting, and State of the City event.

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

A motion was made by Mayor Pro Tem/Vice Chair Yamaguchi, seconded by Council/Agency Member Wanke, and carried (5 – 0) to approve Consent Calendar Items 1.a. through 1.h., with the exception of items 1.g., 1.i., and 1.j., which were pulled from the Consent Calendar for separate consideration by Council/Agency Member Wanke.

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

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 – February 1, 2011
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- c. **City Warrant Register for February 2, 2011 through February 15, 2011**
Financial Impact: \$697,000.45
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- d. **Agency Warrant Register for February 2, 2011 through February 15, 2011**
Financial Impact: \$44,457.70
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Approval of Funding Agreement for Implementation of Water Quality Monitoring, Reporting and Studies for Coyote Creek with the County of Orange and Orange County Flood Control District**
Financial Impact: Fiscal Year Budget 2011/2012
Expense \$3,600.00
Recommendation: It is recommended that the City Council:
 - 1) Approve the attached agreement between the City of Placentia, County of Orange, and Orange County Flood Control District, "Agreement to fund implementation of water quality monitoring, reporting and studies to comply with the requirements of the San Gabriel River/Coyote Creek total maximum daily loads for copper lead and zinc

2) Authorize the Mayor to sign the subject agreement on behalf of the City
(APPROVED 5 – 0, as recommended)

f. **Award of Contract to United Paving Company for Construction of the Van Buren Street Improvement Project and Approval of Plans and Specifications Prepared by Willdan Engineering for the Van Buren Street Improvement Project**

Financial Impact:

Expense: \$124,712.90 for construction; budgeted in FY 2010-2011 Budget, Account#333552-6185 J/L 61057

Revenue: Proposition 1B, Community Development Block Grant

Recommendation: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Willdan Engineering dated December 20, 2010 for the Van Buren Street Improvement Project
- 2) Award the construction contract to the lowest responsive and responsible bidder, United Paving Company, for an amount not to exceed \$124,712.90
- 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 15-percent of the project construction costs
- 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)

g. **Approval of Contract Change Order with Avi-Con, Inc. DBA CA Construction for the Edwin T. Powell Building Renovation Project**

Financial Impact:

Expense: Not to exceed \$15,000, Account# 333554 – 6185 / 6104340023

Funding: Park Development

Recommendation: It is recommended that the City Council:

- 1) Authorize a contract change order to CA Construction in an amount not to exceed \$15,000 for the Edwin T. Powell Building Project
- 2) Authorize the City Administrator, or his designee, to approve construction change orders pursuant to the requirements set forth in the construction contract

(APPROVED 5 – 0, as recommended)

This item was pulled for separate consideration by Council/Agency Member Wanke.

Report was provided by Neighborhood Services Manager Jon Nicks.

A motion was made by Mayor Pro Tem/Vice Chair Yamaguchi, seconded by Council/Agency Member Wanke, and carried (5 – 0) to approve as recommended.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

h. **September and December 2010 Preliminary Financial Update Reports (Fiscal year 2010-11)**

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Receive and file both the September and December 2010 Preliminary Financial Update reports
(APPROVED 5 – 0, as recommended)

i. **September – December 2010 Treasurer’s Reports**

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Receive and file the Treasurer’s Reports for the period ended December 31, 2010

(APPROVED 5 – 0, as recommended)

This item was pulled for separate consideration by Council/Agency Member Wanke.

A motion was made by Mayor/Chair Nelson, seconded by Council/Agency Member Aguirre, and carried (5 – 0) to approve as recommended.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

j. **Revised Cooperative Agreement with OCTA for Metrolink Station**

Financial Impact: Expense N/A

Revenues: Agreement provides up to \$100,000 in cost recovery for City related expenses on the project

Recommendation: It is recommended that the City Council:

- 1) Rescind the Cooperative Agreement with OCTA that was approved on June 15, 2010
- 2) Approve a revised Cooperative Agreement with OCTA establishing the specific roles and responsibilities that will be followed in the design, construction, right-of-way acquisition and funding of the Placentia Metrolink Station
- 3) Authorize the Mayor to execute all documents necessary to effectuate this agreement

(APPROVED 5 – 0, as recommended)

This item was pulled for separate consideration by Council/Agency Member Wanke.

A motion was made by Council/Agency Member Aguirre, seconded by Mayor Pro Tem/Vice Chair Yamaguchi and carried (5 – 0) to approve as recommended.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

AGENCY CONSENT CALENDAR: None

k. **Approval of Resolutions making findings for use of Low-Moderate Income Housing Funds for Agency owned properties located at 323 Baker Street and 229 Alta Street**

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Adopt Resolution RA-2011-03, 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-Moderate Housing Income Funds for Agency-owned property at 229 Alta Street

- 2) Adopt Resolution RA-2011-04, 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-Moderate Housing Income Funds for Agency-owned property at 323 Baker Street
(APPROVED 5 – 0, as recommended)

2. PUBLIC HEARINGS:

COUNCIL: None

AGENCY: None

3. OLD BUSINESS:

COUNCIL/AGENCY:

- a. **Approval of Contract Change Order with YAKAR Inc., for Construction of the Bradford/Madison Avenue Street Improvement Project. Contract Change Order with Willdan Engineering for Construction Management Related to this Change Order**

Financial Impact:

Expense: \$216,575; Account# 333552-6185 J/L 61004

Revenue: Proposition 1B, State Safe Routes to Schools and Measure M Funding

Recommendation: It is recommended that the City Council:

- 1) Authorize a contract change order to YAKAR, Inc. in an amount not to exceed \$196,575 for the Bradford/Madison Avenue Street Improvement Project
 - 2) Approve an amendment to Construction Management services contract with Willdan Engineering under a pre-approved hourly rate in an amount not to exceed \$20,000
 - 3) Authorize the City Administrator to execute Contract Change Order documents on behalf of the City, in a form approved by the City Attorney
- (APPROVED 5 – 0, as recommended)**

This item was added to the agenda pursuant to Council/Agency action taken earlier in the meeting.

Public Works Director Steve Drinovsky provided a report.

A motion was made by Council/Agency Member Underhill, seconded by Council/Agency Member Wanke and carried (5 – 0) to approve as recommended.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

4. NEW BUSINESS:

COUNCIL/AGENCY:

- a. **Amendment of Chapter 1.10 of Title 1 of the Placentia Municipal Code Relating to Administrative Citations, Procedures for Mailing Courtesy Notices and Length of Appeal**

Financial Impact: Expenditure reduction due to reduce mailing costs

Recommendation: It is recommended that the City Council:

- 1) Approve Ordinance No. O-2011-01, An Ordinance of the City Council of the City of Placentia, California, amending Sections 1.10.040, 1.10.70, 1.10.100 and 1.10.130 of Chapter 1.10 of Title 1 of the Placentia Municipal Code relating to service of administrative citations, pre-citations and courtesy notices, time to appeal and service of hearing officer decisions and notices

(APPROVED 4 – 1, as recommended)

City Attorney Andrew V. Arczynski provided a report.

A motion was made by Council/Agency Member Underhill, seconded by Mayor/Chair Nelson and carried (4 – 1) to approve as recommended.

AYES: Aguirre, Underhill, Yamaguchi, Nelson

NOES: Wanke

b. **Adopting Resolutions of the City of Placentia Approving a City-wide Document Retention Schedule and Amendments to the City Policy and Procedure Manual Regarding Audio Recordings and Records Retention**

Financial Impact: Expense: None

Recommendation: It is recommended that the City Council:

- 1) Adopt Resolution No. 2011-04, A resolution of the City of Placentia adopting the City-wide retention schedule and authorizing destruction of certain city records
- 2) Adopt Resolution No. 2011-05, A resolution of the City Council of the City of Placentia approving and adopting amendments to the City of Placentia Policy and Procedure Manual regarding audio recordings and records retention

(APPROVED 5 – 0, as recommended)

Director of Administrative and Community Services Pischel provided a report with assistance from City Clerk Office Assistant Vida Barone.

A motion was made by Council/Agency Member Aguirre, seconded by Council/Agency Member Underhill and carried (5 – 0) to approve as recommended.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

COUNCIL NEW BUSINESS: None

AGENCY NEW BUSINESS: None

CITY COUNCIL/AGENCY MEMBER REQUESTS:

Council/Agency Member Wanke requested an update on adding the City Treasurer to the Financial Audit Oversight Committee; Whether the Police Chief had inquired as to a previous allegation made by a public speaker, adding an item to the agenda related to the implementation of the e-verify system; and steps for looking at contract and performance evaluation of the City Administrator.

Council directed staff to place items on an upcoming agenda related to the implementation of the e-verify system and a performance evaluation of the City Administrator.

ADJOURNMENT:

The City Council/Redevelopment Agency Board of Directors adjourned at 8:45 p.m. to March 1, 2011.

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:

SCOTT W. NELSON, MAYOR/AGENCY CHAIR