

**PLACENTIA
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING MINUTES
November 16, 2010
6:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: The Mayor/Chair called the meeting to order at 6:00 p.m.

ROLL CALL:

PRESENT: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
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; Steve Pischel; Interim Chief Deputy City Clerk, Vida Barone

ORAL COMMUNICATIONS:

The City Council/Agency recessed to Closed Session to discuss the following matters:

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – One (1) Item
 - a. Del Cerro Mobile Estates and S&D Associates v. City of Placentia, et. al., Court of Appeals, Fourth Appellate District, Division Three, Case No. G043709
2. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – Two (2) Items
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items

RDA:

1. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
Property: 738 W. La Jolla, Placentia, CA 92870 APN 344-011-12
Agency Negotiator: Troy Butzlaff, City Administrator/Executive Director
Property Negotiator: Patricia Drew, TriMont Real Estate Advisors
Under Negotiations: Price and Terms of Payment

The Mayor/Chair reconvened the meeting at 7:00 p.m.

ROLL CALL:

PRESENT: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
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 Manager, Mike Nguyen; Police Chief, James Anderson; Recreation Services Manager, Mike Kudron; Neighborhood Services Manager, Jon Nicks; Interim Chief Deputy City Clerk, Vida Barone

INVOCATION: Richard Kryder, Police Chaplain

PLEDGE OF ALLEGIANCE: James Anderson, Chief of Police

PRESENTATIONS:

- a. Employee of the Quarter – Police Employee recognized: Dave Radomski,
Presenter: City Administrator Troy Butzlaff
- b. Red Ribbon Essay/Poster Contest Winners. Students recognized:
Presenter: Mayor Joseph Aguirre
Recipients: Jamie Scott, Angel Alegria, Kendra Perez
- c. OC Human Relations Commission
Presenter: Commissioner Vincent Vargas

EXECUTIVE SESSION REPORT: City Attorney Arczynski reported the City Council/Agency met in Closed Session to discuss the items listed on the agenda. There were no reportable actions.

CITY ADMINISTRATOR REPORT: City Administrator Butzlaff announced the City Hall closure dates for the Thanksgiving Holiday, the Annual Winter Holiday Celebration,

ORAL COMMUNICATIONS:

Arnie Pike spoke regarding the Americans with Disabilities Act.

Dennis Blake spoke in support of the Downtown Merchants "Las Posadas" event.

Ed Garcia spoke in support of the Downtown Merchants "Las Posadas" event.

Rosalina Davis spoke in support of the Downtown Merchants "Las Posadas" event.

James Gaffney requested the City to explore a volunteer ambulance service.

CITY COUNCIL/AGENCY MEMBER COMMENTS AND REPORTS:

Councilmember Sowards read an excerpt from a newsletter article, written by his wife, in regard to the celebration of Thanksgiving.

Mayor Pro Tem Underhill wished all a Happy Thanksgiving.

Councilmember Yamaguchi congratulated the Red Ribbon Essay/Poster Contest, thanked the Neighborhood Watch Committee, encouraged all to attend the Holiday Tree Lighting, and wished residents a Happy Thanksgiving.

Councilmember Nelson thanked the Police Department for their work in solving a recent "cold case" murder, thanks to all who voted to pass Proposition 22, encouraged all to attend Las Posadas and the Tamale Festival and wished all residents a Happy Thanksgiving.

Mayor Aguirre acknowledged Councilmember-elect Chad Wanke and re-elected City Clerk Patrick Melia, commented on the Veteran's Day event, wished all a Happy Thanksgiving, and encouraged residents to attend the Las Posadas/Tamale Festival and Holiday Tree Lighting.

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

A motion was made by Council/Agency member Yamaguchi, seconded by Mayor Pro Tem/Vice Chair Underhill, and carried (5 – 0) to approve Consent Calendar Items a through m, with the exception of item g, which was pulled for separate consideration.

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
NOES: None

CONSENT CALENDAR CONTINUED:

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 – November 2, 2010
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- c. **City Warrant Register for November 3, 2010 through November 16, 2010**
Financial Impact: \$2,570,555.20
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- d. **Agency Warrant Register for November 3, 2010 through November 16, 2010**
Financial Impact: \$32,551.34
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Second Reading - An Ordinance Amending the City's Building Codes and Regulations**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Conduct a second reading and approve Ordinance No. O-2010-10, "An Ordinance of the City Council of the City of Placentia, California repealing Chapter 18.04 of title 18 and Chapters 20.03, 20.04, 20.08, 20.12, 20.16, and 20.20 of Title 20 of the Placentia Municipal Code and adopting by reference, the California Fire Code, 2010 Edition, the California Building

Code, 2010 Edition, the California Residential Code, 2010 Edition, the California Green Building Standards Code, 2010 Edition, the California Plumbing Code, 2010 Edition, the California Mechanical Code, 2010 Edition, and the California Electrical Code, 2010 Edition, including all appendices, with certain amendments, additions and deletions thereto, including fees and penalties”

- 2) Approve Resolution R-2010-63, A Resolution of the City Council of the City of Placentia making required findings pertaining to modifications to the uniform fire and construction codes adopted by Ordinance No. O-2010-10 based upon local climatic, topographic and geologic conditions in accordance with the requirements of §17958 of the California Health and Safety Code
- 3) Authorize a 10% building permit fee reduction incentive for voluntary Tier 1 level participation for Title 24 Part 6 (California Energy Code) compliance and direct staff to develop documentation and implement incentive program after January 1, 2010 effective date

(APPROVED 5 – 0, as recommended)

f. **Second Reading – An Ordinance Amending the Placentia Municipal Code Pertaining to Parking Structures and Parking Structures Design Regulations**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Conduct a second reading and approve Ordinance No. O-2010-11, “An Ordinance of the City Council of the City of Placentia amending Chapters 23.04 and 23.78 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to parking structure design regulations”
- 2) Approve City Council Administrative Policy Number 724 Parking Structure Design Regulations

(APPROVED 5 – 0, as recommended)

g. **Approve Easement Agreements for Placentia Avenue and Kraemer Blvd grade separation projects**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve the attached “Easement Agreement for Placentia Avenue Underpass (C &M Agreement)” between the City of Placentia and BNSF Railway Company for construction of the Placentia Avenue Underpass, Parcels KRA-047-4 (Temporary Construction Easement), PLA-003-01A (Street Easement), and PLA-003-01B (Street Easement)
- 2) Approve the attached “Memorandum of Easement” between the City of Placentia and BNSF Railway Company for construction of the Placentia Avenue Underpass
- 3) Approve the attached “Easement Agreement for Construction of the Kraemer Boulevard Underpass (C&M Agreement)” between the City of Placentia and BNSF Railway Company for construction of the Kraemer Boulevard Underpass, Parcels KRA-047-1 (Bridge Easement), KRA-047-2 (Permanent Storm Drain Easement), KRA-047-3 (Footing Easement) and KRA-047-5 (Sewer Easement)
- 4) Authorize the Mayor to sign the subject easement agreements on behalf of the City
- 5) Direct the City Clerk to endorse on the Certificate of Acceptance which embodies the acceptance of said right-of-way easement, and cause the

document to be submitted to the County Recorder of the Orange County
for recording of the document
(APPROVED 5 – 0, as recommended)

This item was pulled for separate consideration by Council/Agency member Nelson.

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

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
NOES: None

h. **Approve a Resolution to Adopt Establishment of an Overall Annual Anticipated Disadvantaged Business Enterprise Participation Level (ADDPL) Goal of 13% for Federal Fiscal Year (FFY) 2010/11**

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Adopt attached Resolution R-2010-65 titled "A Resolution of the City of Placentia approving and adopting the Annual Anticipated DBE Participation Level (AADPL) of 13% for Federal Fiscal Year (FFY) 2010/11" establishing the overall annual DBE participation level of 13% for Federal Fiscal Year 2010/11 (covering the period of October 1, 2010 through September 30, 2011)
- 2) Authorize the Mayor or Director of Public Works to execute all implementing DBE documents on behalf of the City to facilitate timely submission to the California Department of Transportation

(APPROVED 5 – 0, as recommended)

i. **Declaration of Surplus Property**

Financial Impact: Revenue realized from the sale of surplus property will be deposited in the City's Equipment Replacement Fund

Recommendation: It is recommended that the City Council:

- 1) Declare the attached list of vehicles and equipment as surplus property and approve their sale at public action

(APPROVED 5 – 0, as recommended)

j. **Award of On-Call Sidewalk, Curb and Gutter, and Miscellaneous Repair Services**

Financial Impact: Minimal operational costs

Recommendation: It is recommended that the City Council:

- 1) Reject all bids and direct staff to revise the bid document to clarify specifications

(APPROVED 5 – 0, as recommended)

k. **Mandated Biennial Review of the City's Conflict of Interest Code 2010 Local Agency Biennial Notice**

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Review the proposed amendments to the City's Conflict of Interest, provide input and/or updates
- 2) Approve Resolution No. R-2010-66, A Resolution of the City Council of the City of Placentia amending the City's Conflict of Interest Code by amending Appendix "A" thereto which list current designated employees

and officials, and amending Appendix "B" thereto relating to the disclosure categories

(APPROVED 5 – 0, as recommended)

l. Budget Amendment Required for Fiscal Year 2009/2010 Year End Closed

Financial Impact: Refer to Resolution R-2010-67 for impact to selected funds

Recommendation: It is recommended that the City Council:

- 1) Approve Resolution No. R-2010-67, A Resolution of the City Council of the City of Placentia authorizing a budget amendment in Fiscal Year 2009/10 in the aggregate amount of \$3,612,500.00 in compliance with City Charter requiring sufficient appropriations for actual expenditures

(APPROVED 5 – 0, as recommended)

m. A Resolution in Support of Southern California Association of Government's Business Friendly Principles

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Approve Resolution No. R-2010-68, A Resolution of the City Council of the City of Placentia, California, in support of Business Friendly Principles as part of SCAG's Development of a Southern California Economic Growth Strategy

(APPROVED 5 – 0, as recommended)

AGENCY CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL:

a. A Public Hearing and Approval of Proposed Community Development Block Grant (CDBG) Public Facility Improvement Projects

Financial Impact: Not Applicable

Neighborhood Services Manager Nicks provided a brief report.

The Mayor opened the public hearing and public comments.

The Mayor closed public comments and the public hearing.

A motion was made by Council/Agency member Nelson, seconded by Council/Agency member Yamaguchi, and carried (5 – 0) to authorize the City Administer to submit an application to the County of Orange to receive Community Development Block Grant Funds for the following project: Park Lighting and Accessibility Facility Grant.

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre

NOES: None

3. OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL NEW BUSINESS:

- a. **Approve Award of Contract to Yakar for Construction of the Madison Avenue and Bradford Avenue Street Improvement Project and Willdan Engineering for Construction Management Services**

Financial Impact:

Expense: \$857,063.87 for construction; budgeted in FY 2010-2011 Budget, Account #333552-6185 J/L 61004

Revenue: 46% Proposition 1B, 37% State Safe Routes to Schools, 17% Measure M Funds

Public Works Director Drinovsky provided a brief report.

A motion was made by Council/Agency member Nelson, seconded by Mayor Pro Tem/Vice Chair Underhill, and carried (5 – 0) to:

- 1) Approve plans and specification prepared by Jones, Cahl & Associates dated September 30, 2010 for Madison Avenue and Bradford Avenue Street Improvement Project
- 2) Award the construction contract to the lowest responsive and responsible bidder, Yakar, for an amount not to exceed \$657,553.23
- 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 20-percent of the project construction cost
- 5) Approve construction management services contract with Willdan Engineering for an amount not to exceed \$68,000
- 6) Authorize the City Administrator to execute contract documents on behalf of the City, in a form approved by the City Attorney

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre

NOES: None

- b. **A Resolution Increasing Parking Penalties to Reflect Increased State Mandated Surcharges**

Financial Impact: Up to \$45,000 Annual Reduction in Revenue if not adopted

Assistant City Administrator Domer provided a brief report.

A motion was made by Council/Agency member Nelson, seconded by Council/Agency member Sowards, and carried (5 – 0) to approve **Resolution No. R-2010-69**, A Resolution of the City Council of the City of Placentia establishing fines, penalties and surcharges pertaining to parking violations, as amended to include the total surcharge amount of \$7.50.

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre

NOES: None

- c. **First Reading - An Ordinance repealing Chapter 13.82 of the Placentia Municipal Code related to parking violations-penalties**

Financial Impact: None

A motion was made by Council/Agency member Sowards, seconded by Mayor Pro Tem/Vice Chair Underhill, and carried (5 – 0) to read by title only and introduce **Ordinance O-2010-12**, An Ordinance of the City Council of the City of Placentia, California, repealing Chapter 13.82 of the Placentia Municipal Code.

City Attorney/Agency Counsel Arczynski provided a brief report.

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
NOES: None

- d. **Approval of Resolution Authorizing Temporary Suspension of Regulatory Ordinances Pertaining to the Operation of Same Special Event Scheduled for December 8, 2010 and Consideration of Funding Request for Placita Santa Fe Merchants Association Las Posadas and Tamale Festival**
Financial Impact:
Expense: \$4,000 (Not to Exceed)

Council/Agency member Yamaguchi recused himself from deliberating on this item and left the Council Chamber.

City Administrator Butzlaff provided a brief report.

A motion was made by Council/Agency member Sowards, seconded by Council/Agency member Nelson, and carried (4 – 0) to approve **Resolution No. R-2010-70**, A Resolution of the City Council of the City of Placentia, California, authorizing the temporary suspension of certain regulatory sections of the Placentia Municipal Code for Las Posadas and Tamale Festival and providing up to \$4,000 to fund the event, which may be reimbursed by the Downtown Merchants organization if sponsorships are procured.

AYES: Council/Agency Members Nelson, Sowards, Underhill, Aguirre
NOES: None
RECUSED: Yamaguchi

AGENCY NEW BUSINESS:

Council/Agency member Yamaguchi returned to the dais.

- e. **Award a contract to Orange County Demolition Inc. for demolition of Agency-owned property at 307 Baker Street**
Financial Impact:
Expenditure: \$44,280 (347536-6499)
Appropriation from Undesignated Fund Balance (0034-3001)

Assistant City Administrator Domer provided a brief report.

A motion was made by Council/Agency member Sowards, seconded by Mayor Pro Tem/Vice Chair Underhill, and carried (5 – 0) to:

- 1) Award contract to Orange County Demolition Inc., in the amount of \$36,900
- 2) Reject all other bids

- 3) Approve a construction contingency amount of \$7,380 for construction related contingencies, if required
- 4) Authorize the Executive Director, or his designee, to approve construction change orders pursuant to the requirements set forth in the construction contract in an aggregate amount not to exceed 20% of the project construction cost
- 5) Authorize the Executive Director to execute contract documents on behalf of the City, in a form approved by Agency Counsel
- 6) Adopt **Resolution RA-2010-06**, A Resolution of the Board of Directors of the Placentia Redevelopment Agency authorizing expenditure of Low and Moderate Housing Income Funds for demolition of agency-owned property at 307 Baker Street and awarding a contract for demolition and related site clearance
- 7) Adopt **Resolution RA-2010-07**, A Resolution of the Board of Directors of the Placentia Redevelopment Agency authorizing a budget amendment in Fiscal Year 2010/11 in the aggregate amount of \$44,280.00 in compliance with City Charter requiring sufficient appropriations for actual expenditures

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
 NOES: None

f. **Award a contract to National Demolition Contractors for demolition of Agency owned property at or near 1616 Atwood Avenue**

Financial Impact:

Expenditure: \$41,220 (RDA 347536-6499)

City Administrator Butzlaff provided a brief report.

A motion was made by Council/Agency member Sowards, seconded by Mayor Pro Tem/Vice Chair Underhill, and carried (5 – 0) to:

- 1) Award a contract to National Demolition Contractors in the amount of \$31,220
- 2) Reject all other bids
- 3) Approve an environmental and construction contingency amount of \$10,000 for construction related contingencies and third party environmental review, if required
- 4) Authorize the Executive Director, or his designee, to approve construction change order pursuant to the requirements set forth in the construction contract in an aggregate amount not to exceed 20% of the project construction cost
- 5) Approve **Resolution RA-2010-08**, A Resolution of the Board of Directors of Redevelopment Agency of the City of Placentia authorizing expenditure of Low and Moderate Housing Income Funds for demolition of agency-owned properties at or near 1616 Atwood and awarding a contract for demolition and related site clearance
- 6) Authorize Executive Director to execute contract documents on behalf of the City, in a form approved by Agency Counsel

AYES: Council/Agency Members Nelson, Sowards, Yamaguchi, Underhill, Aguirre
 NOES: None

CITY COUNCIL/AGENCY MEMBER REQUESTS:

Council/Agency member requested that staff look into “no parking” signs in residential tract home developments.

Mayor/Chair Aguirre requested that the City staff begin to solicit applications for the potential vacancy in the City Treasurer position.

Council/Agency member Nelson requested staff work with public speaker Gaffney to obtain additional information regarding options for a volunteer ambulance service.

ADJOURNMENT:

The City Council/Redevelopment Agency Board of Directors adjourned at 8:16 p.m. to December 7, 2010 at 6:00 p.m.

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:

JOSEPH V. AGUIRRE, MAYOR/AGENCY CHAIR