

**Placentia Redevelopment Agency  
Regular Meeting  
July 20, 2010  
Minutes**

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

**ROLL CALL:**

PRESENT: Council/Agency Members: Sowards, Yamaguchi, Underhill, Aguirre  
ABSENT: Nelson

The Chair recessed the Redevelopment Agency meeting to conduct the business of the City Council meeting.

**CALL TO ORDER:** Chair Aguirre called the meeting to order at 7:00 p.m.

**ROLL CALL:** Agency Members: Nelson, Sowards, Yamaguchi, Underhill, Aguirre

**REDEVELOPMENT AGENCY ITEMS**

**ORAL COMMUNICATIONS:** None.

**CONSENT CALENDAR**

A motion was made by Agency member Sowards, seconded by Vice Chair Underhill, and carried (5 – 0) to approve Consent Calendar Item Nos. RA1, RA2, and RA3.

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

**RA 1. Warrant Register for June 23, 2010 through July 20, 2010**

Financial Impact: \$ 32,297.01 (the warrant register amount was revised to correct an inadvertent reprinting of a previously approved warrant register).  
Recommended Action: Approve

**RA 2. Consideration to Waive Reading in Full of all Ordinances and Resolutions**

Recommended Action: Approve

**RA 3. Minutes**

**Regular Meeting – June 15, 2010**

Recommended Action: Approve

**PUBLIC HEARINGS:** None.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**ADJOURNMENT:**

The City Council and the Redevelopment Agency Board of Directors adjourned at 8:49 p.m. to an adjourned regular meeting on July 27, 2010 at 6:00 p.m in memory of Mr. Gerald Tollefson, Lance Cpl. Claudio Patino IV, and Apolinar O. Ventura, Jr.

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PATRICK J. MELIA, SECRETARY

ATTEST:

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JOSEPH V. AGUIRRE, AGENCY CHAIR

**Placentia City Council  
Regular Meeting  
July 20, 2010  
Minutes**

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

**ROLL CALL:**

PRESENT: Council/Agency Members: Sowards, Yamaguchi, Underhill, Aguirre  
ABSENT: Nelson

**ORAL COMMUNICATIONS:** None.

**CITY COUNCIL**

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

1. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – One (1) Item
2. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
3. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
  - a. Property: 911 Bradford Avenue, APN 339-283-18  
City Negotiator: Troy Butzlaff  
Negotiating Parties: Paz, Oscar and Yolanda  
Under Negotiations: Price and Terms of Payment

The Council/Agency reconvened to the 7:00 p.m. scheduled Study Session in the City Council Chamber.

**CALL TO ORDER:** Mayor/Chair Aguirre called the meeting to order at 7:00 p.m.

**ROLL CALL:**

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

**ORAL COMMUNICATIONS:** None.

**SS 1. Review and discussion of Ballot Measure options for adjustment to the City of Placentia Utility Users Tax.**

City Administrator Troy Butzlaff presented the staff report. If the Council desires to move forward with a proposed Utility Users Tax Ordinance amendment, the matter must be placed before the voters as mandated by the requirements of Proposition 218.

Direction was provided to City staff to prepare the necessary documents to add a Utility Users Tax Ordinance amendment ballot measure to the November 2, 2010 General Municipal Election and to adjourn tonight's meeting to Tuesday, July 27, 2010, 6:00 p.m. in order to adopt the requisite Resolutions.

The Council/Agency adjourned to their Regular Meeting.

**ROLL CALL:** Council/Agency Members: Nelson, Sowards, Yamaguchi, Underhill, Aguirre

**INVOCATION:** Gary Drabek, Police Chaplain

**PLEDGE OF ALLEGIANCE:** Troy Butzlaff, City Administrator

**PRESENTATIONS:** None

**EXECUTIVE (CLOSED) SESSION REPORT:**

City Attorney/Agency Counsel Andrew Arczynski reported that the Council/Agency met in Closed Session to discuss the items as listed on tonight's agenda. He noted that there was no reportable action taken on any of the items and there was nothing further to report.

**CITY ADMINISTRATOR REPORT:**

City Manager Troy Butzlaff announced the "Movies in the Park" event, the "Concerts in the Park" event, the Federal government-sponsored Energy Efficiency Grant program at the "Placentia Fresh Market," and introduced Police Captain Ward Smith, who provided information about the National Night Out 2010 event.

**ORAL COMMUNICATIONS:**

Shaun Rundle, field representative for Congressman Gary Miller, who provided a status report on the Congressional District's activities and services.

Marcy Schaubeck addressed the City Council regarding Item No. CC8.

Jim Schaubeck addressed the City Council regarding Item No. CC8.

Erin Coggins, representing the Placentia Chamber of Commerce, provided an update on upcoming Chamber activities and programs.

Craig Green addressed the City Council regarding Item Nos. CC4, CC6, CC8, and CC9.

Erna Smith addressed the City Council regarding the City's tree maintenance and removal policy. Steve Drinovsky, Public Works Director, provided clarification regarding the City's policy.

**CITY COUNCIL COMMENTS AND REPORTS:**

Councilmember Yamaguchi invited residents to attend the "Concerts in the Park" and thanked the Orange County Fire Authority for their efforts at a recent fire incident at a local business.

Councilmember Nelson reported on the Chamber of Commerce Installation event, a regional informational meeting on the upcoming pending legislation related to medical marijuana dispensaries, his visits with constituents, announced the Chamber of Commerce Golf Tournament, attendance at an Advocacy Committee of the League of California Cities, and reported on pending legislation.

Mayor Pro Tem Underhill commented on the legislation presented by Councilmember Nelson, the "Movies in the Park," and the Fourth of July concert program.

Councilmember Sowards read from a press release which outlines his desire to seek re-election to the Placentia City Council.

Mayor Aguirre reminded residents regarding the upcoming Chamber of Commerce Public Safety Recognition event, the "Concerts in the Park," "Movies in the Park," and the "National Night Out 2010."

#### **CITY COUNCIL CONSENT CALENDAR:**

A motion was made by Councilmember Nelson, seconded by Councilmember Yamaguchi, and carried (5 - 0) to approve Consent Calendar Item Nos. CC1, CC2, CC3, and CC5, as amended.

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

#### **CC 1. Warrant Register for June 23, 2010 through July 20, 2010**

Financial Impact: \$1,022,036.92 (the warrant register amount was revised to correct an inadvertent reprinting of a previously approved warrant register).

Recommended Action: Approve

Councilmember Yamaguchi commented on the increase in the payment made for City cell phones. City Administrator Butzlaff responded that staff is currently researching the matter and will provide a status report to the City Council.

#### **CC 2. Consideration to Waive Reading in Full of all Ordinances and Resolutions**

Financial Impact: None.

Recommended Action: Approve

#### **CC 3. Minutes**

##### **Regular Meeting – June 15, 2010**

Recommended Action: Approve, as amended to clarify Councilmember Yamaguchi's "no" vote on Item No. CC16.

#### **CC 4. Receive and file of the Fiscal Year 2008/2009 Comprehensive Annual Financial Report**

Financial Impact: None.

Recommended Action: It is recommended that the City Council receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2009.

This item was pulled for separate consideration by Councilmember Nelson.

Councilmember Nelson acknowledged the passing of Mr. Gerald Tollefson. Councilmember Yamaguchi read several excerpts from the Comprehensive Annual Financial Report and made comments related to such.

Mayor Pro Tem Underhill made comments related to the responsibilities of the Financial Audit Oversight Committee.

Councilmember Nelson expressed support for the separate reviews conducted by the Financial Audit Oversight Committee and requested direction regarding a deadline for reviews to be conducted.

Councilmember Yamaguchi suggested a joint meeting with the Financial Audit Oversight Committee to review the City's fiscal management policies. Mayor Aguirre concurred with this suggestion.

Mayor Pro Tem Underhill noted that she prefers to "sit in" on committee meetings as matters of interest to her are placed on the committee's agenda.

Councilmember Sowards concurred with Councilmember Yamaguchi's suggestion for a joint meeting.

Councilmember Nelson commented that he will make a request of the Financial Audit Oversight Committee that a joint study session be scheduled with the City Council.

A motion was made by Councilmember Yamaguchi, seconded by Councilmember Nelson, and carried (5 - 0) to receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2009.

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

**CC 5. Approval of contract change order with Onyx Architects for additional architectural design services for the Edwin T. Powell Building renovation project**

Financial Impact: Not to exceed \$12,000 in Community Development Block Grant and Park Development Funds

Recommended Action: It is recommended that the City Council authorize the City Administrator to execute a contract change order with Onyx Architects for additional architectural design services for the Edwin T. Powell Building renovation project in an amount not to exceed \$12,000.

**PUBLIC HEARINGS**

**CC. 6 Public Hearing to provide for the annual levy of assessment for the City of Placentia Street Lighting District 81-1.**

<u>Financial Impact:</u> <u>Recouped through assessments:</u>	\$127,016.00
<u>Single Family Residential:</u>	\$27.38/Parcel
<u>Commercial Industrial:</u>	\$164.28/Acre
<u>Undeveloped:</u>	\$0.00/Parcel

Recommended Action: It is recommended that the City Council take the following actions:

1. Conduct a public hearing concerning the levy and collection of assessments within the Placentia Street Lighting District 81-1 and consider all objections to the assessment; and
2. Adopt **Resolution No. R-2010-43**, a Resolution of the City Council of the City of Placentia approving the Engineer's "Report" for annual levy of assessment for Fiscal Year 2010/2011 in a District within the City of Placentia and for the annexation of additional territory to Street Lighting District No. 81-1.

3. Adopt **Resolution No. R-2010-44**, a Resolution of the City Council of the City of Placentia confirming a diagram and assessment and providing for annual assessment levy.

Mike McConaha, Senior Management Analyst, Public Works Department, provided the staff report.

Mayor Aguirre opened the public hearing and public comments. Noting that there were no members of the public present to provide public testimony, he closed public comments and the public hearing.

A ballot approving the proposed annual assessment for the property designated at APN 341-354-03 through 341-354-14 and 341-343-11 was received by the City Clerk's Office and was read into the record.

A motion was made by Councilmember Nelson, seconded by Councilmember Sowards, and carried (5 – 0) to approve Resolution Nos. R-2010-43 and R-2010-44.

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

NOES: None.

**CC. 7 Public Hearing to provide for the annual levy of assessment for the City of Placentia Landscape Maintenance District 92-1.**

<u>Financial Impact:</u>	<u>Recouped through assessments:</u>	\$393,817.21
	<u>Single Family Residential:</u>	\$154.87/Parcel
	<u>Commercial Industrial:</u>	\$1,548.70/Acre
	<u>Multiple Family Residential:</u>	\$108.41/Unit
	<u>Undeveloped:</u>	\$774.35/Parcel

Recommended Action: It is recommended that the City Council take the following actions:

1. Conduct a public hearing concerning the levy and collection of assessments within the Landscape Maintenance District 92-1 and consider all objections to the assessment; and
2. Adopt **Resolution No. R-2010-45** a Resolution of the City Council of the City of Placentia approving the Engineer's "Report" for annual levy of assessment for Fiscal Year 2010/2011 in a District within the City of Placentia.
3. Adopt **Resolution No. R-2010-46**, a Resolution of the City Council of the City of Placentia confirming a diagram and assessment and providing for annual assessment levy.

Mike McConaha, Senior Management Analyst, Public Works Department, provided the staff report.

Mayor Aguirre opened the public hearing and public comments. Noting that there were no members of the public present to provide public testimony, he closed public comments and the public hearing.

A motion was made by Councilmember Sowards, seconded by Councilmember Yamaguchi, and carried (5 – 0) to approve Resolution Nos. R-2010-45 and R-2010-46.

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

NOES: None.

**OLD BUSINESS:** None.

**NEW BUSINESS**

**CC. 8 Proposed Urgency Ordinance - Massage Establishments**

Financial Impact: None

Recommended Action: It is recommended that the City Council adopt, by title only, **Urgency Ordinance No. O-2010-07-U**, an urgency Ordinance establishing a moratorium on the issuance of any new permit, license, approval, or entitlement pertaining to new massage establishments.

City Administrator Butzlaff provided the staff report. This matter requires a four-fifths vote of the Council for approval.

A motion was made by Councilmember Nelson, seconded by Mayor Pro Tem Underhill, and carried (5 – 0) to approve Urgency Ordinance No. O-2010-07-U.

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

NOES: None.

**CC. 9 Determination and levy of special tax for Fiscal Year 2010/2011 in Community Facilities District No. 89-1 (East Placentia)**

Financial Impact: No General Fund Impact - \$2,841,025.07 offsetting revenues and expenditures in the Community Facilities District Fund

Recommended Action: It is recommended that the City Council:

1. Approve the Community Facilities District 2010/2011 Special Tax Levy of \$2,841,025.07.
2. Approve **Resolution No. R-2010-47**, A Resolution of the City Council of the City of Placentia, State of California, authorizing the determination and levy of the special tax in Community Facilities District No. 89-1 for Fiscal Year 2010/2011
3. Authorize inclusion of the Special Tax Levy for Fiscal Year 2010/2011 on the Orange County Secured Property Tax Roll.

City Administrator Butzlaff provided the staff report.

A motion was made by Councilmember Sowards, seconded by Mayor Pro Tem Underhill, and carried (5 – 0) to approve the Community Facilities District 2010/2011 Special Tax Levy of \$2,841,025.07, Resolution No. R-2010-47, and to authorize inclusion of the Special Tax Levy for Fiscal Year 2010/2011 on the Orange County Secured Property Tax Roll.

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

NOES: None.

**CC. 10 Amended, Revised and Restated Agreement for Solid Waste Handling Services**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

1. Adopt **Resolution No. R-2010-48** approving the amended, revised and restated agreement for solid waste handling services.
2. Adopt **Resolution No. R-2010-49** allowing for the placement of residential refuse collection rate on the 2010/2011 County of Orange Tax Roll.

City Administrator Butzlaff provided the staff report. Eddie DeLaTorre, Management Analyst, provided further details of the proposed amended, revised, and restated agreement.

Mayor Aguirre thanked the companies involved in this matter for their support of Placentia community activities.

A motion was made by Councilmember Yamaguchi, seconded by Mayor Pro Tem Underhill, and carried (5 – 0) to approve Resolution Nos. R-2010-48 and Resolution No. R-2010-49.

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

NOES: None.

**CITY COUNCIL REQUESTS:**

Councilmember Nelson requested that clarification be provided by the Financial Audit Oversight Committee if they have pending questions regarding the City's audit findings or procedures.

**RECESS CITY COUNCIL MEETING:** Mayor Aguirre recessed the City Council meeting in order to conduct the business listed on the Redevelopment Agency agenda.

**RECONVENE CITY COUNCIL MEETING:** Mayor Aguirre reconvened the City Council meeting.

**ADJOURNMENT:**

The City Council and the Redevelopment Agency Board of Directors adjourned at 8:49 p.m. to an adjourned regular meeting on July 27, 2010 at 6:00 p.m in memory of Mr. Gerald Tollefson, Lance Cpl. Claudio Patino IV, and Apolinar O. Ventura, Jr.

**PATRICK J. MELIA, CITY CLERK**

**ATTEST:**

**JOSEPH V. AGUIRRE, MAYOR**