

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – STUDY SESSION**

August 2, 2011

**4:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor/Board Chair Nelson called the meeting to order at 4:35 p.m.

ROLL CALL:

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

Councilmember Aguirre arrived at 4:42 p.m.

ORAL COMMUNICATIONS: None

SS 1. Impacts of Recent State Legislation on the City's Redevelopment Agency

City Administrator Butzlaff provided a brief introduction. He noted that the recent enacted State legislation eliminates all State Redevelopment Agencies.

Assistant City Administrator Domer provided a staff report on the impacts of recent State legislation on the City's Redevelopment Agency. He provided a PowerPoint presentation. The PowerPoint presentation slides included: Redevelopment Agency of the City of Placentia, Summary of Recently Enacted State Legislation, City and Agency Impacts, Estimated General Fund Impact, and Property Related Items.

Discussion ensued among Council and City Staff regarding this item. Possible options were discussed by Council and Staff.

Assistant City Administrator Domer continued his PowerPoint presentation. The PowerPoint presentation slides included: Options, Schedule, and Next Steps.

Discussion ensued among Council and City Staff regarding this item and possible options. They discussed the establishment of an Oversight Board.

Mayor Pro Tem Yamaguchi noted that he would like to receive legal counsel progress reports on the issue.

Mayor Nelson noted that if the State moves forward he would be in favor of shutting down the City's Redevelopment Agency.

City Council noted that they would like to wait to see the actions taken by the courts.

City Administrator Butzlaff noted that the direction from Council is as follows: Continue to operate as if the Agency is active, monitor all State and other agencies actions, revise proactive actions to start winding down the Redevelopment Agency, and look into the possibility of the Industrial Commercial Development Authority becoming the successor agency.

Mayor Nelson announced the National Night Out event on Tuesday, August 2, 2011 from 5:00 p.m. to 8:00 p.m.

RECESS: The City Council/Redevelopment Agency recessed to Executive Session at 6:10 p.m.

ROLL CALL:

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

Mayor Nelson arrived at 6:11 p.m.

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – One (1) Item
 - a. Placentia Police Officers Association v. City of Placentia, Orange County Superior Court, Case No. 30-2011-00485327
 - b. Mega Lighting, Inc./Norris-Repke v. City of Placentia, Orange County Superior Court No. 30-2010-00385719
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 54956.9(c) for Conference with Legal Counsel Regarding Potential Litigation – Two (2) Items
4. Pursuant to Government Code Section 54957 for Public Employee Performance Evaluation
 - a. City Administrator
 - b. City Attorney
5. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
 - a. Property: 166 La Jolla Street, APN 344-24-103
City Negotiator: Troy L. Butzlaff
Negotiating Parties: William Taormina
Under Negotiations: Price and Terms of Payment

RDA:

1. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
 - a. Property: 132 E. Crowther, APN 339-09-108
City Negotiator: Troy L. Butzlaff
Negotiating Parties: William Taormina
Under Negotiations: Price and Terms of Payment

ICDA: None

RECESS: The City Council/Redevelopment Agency reconvened the Regular Meeting at 7:09 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; Assistant City Administrator, Ken Domer; Director of Administrative and Community Services, Steve Pischel; Public Works Director, Steve Drinovsky; Finance Director, Karen Ogawa; Police Chief, Rick Hicks; Deputy Director of Community Services, Jon Nicks; Management Analyst, Eduardo De La Torre; Management Analyst, Maggie Le; Neighborhood Services Coordinator, Jeannette Ortega; City Clerk Specialist, Kelliegh Brown; Deputy City Clerk, Tania Moreno

INVOCATION: Gary Drabek, Police Chaplain

PLEDGE OF ALLEGIANCE: Mayor Nelson

PRESENTATION:

- a. Employee of the Quarter - Police (Sworn) Employee Group
Recipient: Detective Phillip Bush
Presenter: Mayor Nelson, City Administrator Butzlaff, and Police Chief Hicks
- b. Recognition of Placentia Presbyterian Church Centennial Celebration
Recipient: Claron Anderson, President of Corporation of the PPC
Presenter: Mayor Nelson
- c. Recognition for Service to Placentia Battalion Chief Chuck Nicola
Recipient: Chief Chuck Nicola
Presenter: Mayor Nelson and Division Chief Dan Drake
- d. Update from Senator Bob Huff on State Budget and Other Legislative Matters
Presenter: Senator Bob Huff

Senator Huff provided a brief update on State budget and other legislative matters. He noted the impacts of State legislation on the State's Redevelopment Agencies and the importance of implementing a spending cap.

Discussion ensued among Council and Senator Huff regarding this item.

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 other reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT: City Administrator Butzlaff reported on the following items: Announced the Movies in the Park and Concerts in the Park series events.

ORAL COMMUNICATIONS:

Lana Clay and Taryn Magdaleno, Representatives of American Cancer Society Relay for Life, provided a brief background review of the organization. They announced their upcoming Relay for Life event on August 13-14, 2011. They invited City Council members to their upcoming Relay for Life event.

Greg Sowards, resident, commended Placentia Battalion Chief Chuck Nicola. He encouraged City Council to attend the Relay for Life event. He commended City Council on the formation

of the Citizens Task Force and urged City Council to hire a consulting firm to conduct an assessment analysis.

Myra Mycena, resident, expressed her concerns regarding the possible installation of smart meters in the City.

Emil Berezky, resident, expressed his concerns regarding landscaping issues in the City. He spoke in support of an assessment district. He requested to be considered to be appointed to the Citizens Task Force.

Jeff Buchanan, resident, noted that the Ad-hoc Committee met for the first time on August 1, 2011 and noted the various tree and sidewalk issues discussed. He requested City Council to officially recognize the formation of the group and name it the Tree and Sidewalk Review Committee.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Wanke commented and reported as follows: He congratulated the Presbyterian Church for their Centennial Celebration. Mayor Pro Tem Yamaguchi and he attended the Orange County Supervisors Shawn Nelson's quarterly luncheon. He attended an Orange County Fire Authority meeting last week. He expressed his concerns regarding the installation of Smart Meters in the City.

Councilmember Aguirre commented and reported as follows: He congratulated Detective Bush and Battalion Chief Nicola. He attended the Police and Fire Services breakfast event on July 28, 2011.

Councilmember Underhill commented and reported as follows: She noted that people make the City of Placentia a great city.

Mayor Pro Tem Yamaguchi commented and reported as follows: He attended the first Sidewalks and Trees Citizens Committee meeting, Placentia Community Foundation meeting, Annual Police and Fire Services breakfast, and the Orange County Supervisor's luncheon event. He noted he was part of two (2) fire station ride alongs. He thanked Detective Bush and Battalion Chief Nicola for their years of service.

Mayor Nelson commented and reported as follows: He commended the Chamber of Commerce for their Annual Police and Fire Services breakfast. He thanked Detective Bush and Battalion Chief Nicola for their years of service. He thanked Senator Huff for attending the City Council meeting. He commented on the elimination of the Redevelopment Agencies. He noted that he will be attending Relay for Life event. He attended the Association of California Cities meeting on pension reform. He attended the League of California Cities dinner and spoke with State Controller Chiang.

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

A motion was made by Councilmember Underhill, seconded by Mayor Pro Tem Yamaguchi, to approve Consent Calendar Item Nos. 1.a. through 1.k. Item 1.k. was pulled for separate consideration by Councilmember Wanke. Item 1.j.. was pulled for separate consideration by Mayor Pro Tem Yamaguchi. Item 1.g. was pulled for separate consideration by Mayor Nelson.

COUNCIL/AGENCY/ICDA 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/RDA/ICDA Special Meeting and Regular Meeting – July 12, 2011 & July 19, 2011
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- c. **City Fiscal Year 2010-2011 Warrant Register for July 20, 2011 Through August 2, 2011**
Financial Impact: \$554,953.23
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- d. **Agency Fiscal Year 2010-2011 Warrant Register for July 20, 2011 Through August 2, 2011**
Financial Impact: \$29,149.43
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- e. **City Fiscal Year 2011-2012 Warrant Register for July 20, 2011 Through August 2, 2011**
Financial Impact: \$687,689.74
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- f. **Agency Fiscal Year 2011-2012 Warrant Register for July 20, 2011 Through August 2, 2011**
Financial Impact: \$7,982.53
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- g. **Selection of Information Technology Services Contract**
Financial Impact:
Expense: \$109,512
Budgeted: \$147,000 (Account No.: 422023-6290)
Recommended Action: It is recommended that the City Council:
 - 1) Approve a Professional Services Agreement with the City of Brea, BreaIT Solutions to provide IT Support Services to the City of Placentia for the remainder of Fiscal Year 2011-2012 and Fiscal Year 2012-2013 with a one (1) year extension option
 - 2) Authorize the City Administrator to enter into a contract, in a form approved by the City Attorney, with the City of Brea, BreaIT Solutions on behalf of the City

Mayor Nelson requested to review the request for proposals and grading matrix.

Ryder Smith, Representative of Tripepi-Smith & Associates, provided a brief review of the selection process for information technology services, the creation of the in-house subcommittee, and the grading matrix process.

Discussion ensued among Council and City Staff regarding this item. They discussed the selection process and rate schedules being proposed.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Yamaguchi, to change vendors to Synoptek.

City Administrator Butzlaff recommended that City Council give direction to Staff to meet with Synoptek and ask them to provide a flat rate schedule.

A substitute motion was made by Mayor Nelson, seconded by Councilmember Aguirre, to negotiate a flat rate schedule with Synoptek.

Councilmember Wanke withdrew his original motion and Mayor Pro Tem Yamaguchi gave his approval.

A motion was made by Mayor Nelson, seconded by Councilmember Aguirre, and carried (5 – 0) to direct staff to request Synoptek to provide a list of flat rates and bring back the item to City Council.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

COUNCIL CONSENT CALENDAR:

h. Determination and Levy of Special Tax for Fiscal Year 2011-2012 in Community Facilities District No. 89-1 (East Placentia)

Financial Impact:

No General Fund impact – District revenues of \$2,955,922.28 will not cover estimated District expenditures of \$3,055,922.28

Recommended Action: It is recommended that the City Council:

- 1) Approve the Community Facilities District 2011-2012 Special Tax Levy of \$2,955,922.28
- 2) Approve the attached Resolution authorizing the Special Tax Levy in Community Facilities District 89-1 for Fiscal Year 2011-2012
- 3) Authorize inclusion of the Special Tax Levy for Fiscal Year 2011-2012 on the Orange County Secured Property Tax Roll

(APPROVED 5 – 0, as recommended)

i. Approve Master Funding Agreement C-1-2778 Between the Orange County Transportation Authority and the City of Placentia for M2 Comprehensive Transportation Funding Programs

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve Master Funding Agreement C-1-2778 for the Comprehensive Transportation Funding Programs, Measure M2 Projects
- 2) Authorize the Mayor to execute the Master Funding Agreement on behalf of the City, in a form approved by the City Attorney

(APPROVED 5 – 0, as recommended)

j. Resolution Establishing Membership of the Cultural Arts Commission and Appointments to Fill Vacancies

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2011-37, A Resolution of the City Council of the City of Placentia, California establishing membership of the Cultural Arts Commission at nine (9) members
- 2) Entertain nominations and make necessary appointments to fill positions on the Cultural Arts Commission

City Administrator Butzlaff provided a brief introduction of the item.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Aguirre, and carried (5 – 0) to adopt Resolution No. R-2011-37, a Resolution of the City Council of the City of Placentia, California establishing membership of the Cultural Arts Commission at nine (9) members.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

Discussion ensued among Council and City Staff regarding this item.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Mayor Nelson, and carried (5 – 0) to change the term limits of the two (2) current vacancies in the Cultural Arts Commission to three (3) year terms instead of four (4) year terms to be consistent with the ordinance regarding staggered terms.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

Mayor Nelson opened nominations for the **Cultural Arts Commission**. Nominations were made to fill two (2) vacancies both expiring in three (3) years.

Mayor Pro Tem Yamaguchi nominated, and Councilmember Wanke seconded the nomination of candidate Daniel Davis to fill term for the Cultural Arts Commission, term ending in three (3) years.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, and carried (5 – 0) to appoint Daniel Davis to fill term for the Cultural Arts Commission, term ending in three (3) years.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

Councilmember Underhill nominated, and Mayor Nelson seconded the nomination of candidate William Heaton to fill term for the Cultural Arts Commission, term ending in three (3) years.

A motion was made by Councilmember Underhill, seconded by Mayor Nelson, and carried (4 – 0 - 1) to appoint William Heaton to fill term for the Cultural Arts Commission, term ending in three (3) years.

AYES: Aguirre, Underhill, Wanke, Nelson

NOES: None

ABSTAIN: Yamaguchi

k. **Consideration to Approve an Agreement for Media Production Services**
Financial Impact:

Expense: Not to exceed \$39,000.00 annually; Budgeted in Fiscal Year 2011-2012 Budget, Account#441573-6099

Revenue: Public, Educational, and Governmental (PEG) Funds

Recommended Action: It is recommended that the City Council:

- 1) Approve a Consulting Services Agreement with Mr. Daniel Fenstermaker for Media Production Services
- 2) Authorize the City Administrator to execute agreement and extensions permitted therein on behalf of the City, in a form approved by the City Attorney

(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a brief review of the item.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, and carried (5 – 0) to approve a Consulting Services Agreement with Mr. Daniel Fenstermaker for media production services and authorize the City Administrator to execute agreement and extensions permitted therein on behalf of the City, in a form approved by the City Attorney.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/AGENCY/ICDA: None

COUNCIL: None

AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS:

a. **Approve Award of Construction Contract to Union Construction Company and Award of Contract for Construction Management and Inspection Services to Willdan Engineering for the Gomez Community Center Renovation Project**

Financial Impact:

Expense: \$436,293 Construction; \$39,000 Construction Management and Inspection Services

Budgeted: \$263,000 Account No. 333554-6185 J/L 6107040133

Unbudgeted: \$212,293 Park Development

Recommended Action: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Williams Architects dated June 6, 2011 for the Gomez Community Center Renovation Project
- 2) Approve a budget amendment to allocate an additional \$212,293 in Park Development funds towards the project
- 3) Award the construction contract to the lowest responsive and responsible bidder, Union Construction Company, for an amount not to exceed \$396,630 and authorize the appropriation of a 10% construction contingency fund of \$39,663
- 4) Reject all other bids
- 5) 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 agreement amount not to exceed 10% of the project construction cost
- 6) Authorize the City Administrator to execute contract documents on behalf of the City, in a form approved by the City Attorney
- 7) Authorize the City Administrator to execute a Professional Services Agreement, in a form approved by the City Attorney, with Willdan Engineering for an amount not to exceed \$39,000 for Construction Management and Inspection services for the Gomez Community Center Renovation Project

(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a brief introduction of the item.

Deputy Director of Community Services Nicks provided a staff report regarding the item. He provided a brief background on the Gomez Community Center Renovation Project and noted the recommended action.

Discussion ensued among Council and City Staff regarding this item. They discussed the funding elements and the bids received.

A motion was made by Councilmember Wanke, seconded by Councilmember Underhill, and carried (5 – 0) to approve item 3a.

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

AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

- a. **First Reading and Introduction of an Ordinance Amending Chapter 10.26 of Title X of the Placentia Municipal Code Relating to Bingo Games and Regulations for Remote Caller Bingo**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Waive full reading, reading by title only, and introduce for first reading, Ordinance O-2011-09, an Ordinance of the City Council of the City of

Placentia, California, amending chapter 10.26 of the Placentia Municipal Code regarding the licensing and regulation of bingo games within the City
(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a brief introduction of the item.

City Attorney Arczynski noted that the Ordinance being introduced for first reading amends the current Municipal Code.

Discussion ensued among Council and City Staff regarding this item.

Assistant City Administrator Domer provided a brief staff report and noted SB340 regulations.

A motion was made by Mayor Nelson, seconded by Councilmember Aguirre, and carried (5 – 0) to waive full reading, reading by title only, and introduce for first reading, Ordinance O-2011-09, an Ordinance of the City Council of the City of Placentia, California, amending chapter 10.26 of the Placentia Municipal Code regarding the licensing and regulation of bingo games within the City.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

b. Formation of Citizens Task Force on Establishment of a Citywide Assessment District

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve the formation of an ad-hoc Citizens Task Force consisting of community members and one (1) representative from each of the four (4) City Commission/Committees as determined by the Mayor

City Administrator Troy Butzlaff provided a brief review of the item.

Discussion ensued among Council and City Staff regarding this item.

Councilmember Underhill noted that each Councilmember should have the right to appoint one (1) member to the committee.

Mayor Nelson noted that a professional consulting firm should conduct an assessment district analysis. He noted that he would like to continue the item and have one more meeting with the citizens group before approving the formation of the ad-hoc Citizens Task Force.

Jeff Buchanan, resident, noted that the group would like to have a clear understanding of how much they are going to invest in the assessment district.

City Administrator Butzlaff suggested that City Council direct Staff to obtain work programs from a consulting firm that specializes in assessment districts.

City Council agreed to bring back pricing on various studies needed to answer the threshold questions raised by Mr. Buchanan and the committee.

AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Wanke requested that the Council give direction to Staff to update the Zoning Code to add the Use Confirmative Process.

City Administrator Butzlaff noted that Staff is currently working on updating the Zoning Code.

Mayor Pro Tem Yamaguchi requested that Council give direction to Staff to timely inform Council on all matters.

ADJOURNMENT:

The City Council/Redevelopment Agency/ICDA Board of Directors adjourned at 9:27 p.m. to a regular meeting on August 16, 2011.

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:

SCOTT W. NELSON, MAYOR/AGENCY CHAIR