

**PLACENTIA CITY COUNCIL
SPECIAL MEETING MINUTES
October 20, 2022
4:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

SPECIAL PROCEDURES NOTICE

On March 4, 2020, pursuant to California Government Code Section 8625, Governor Newsom declared a State of Emergency as a result of the threat of the COVID-19 virus.

On September 17, 2021, Governor Newsom signed AB 361, which went into immediate effect as urgency legislation. AB 361 added subsection (e) to Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings. As of February 9, 2022 it was reported that the COVID-19 pandemic had killed more than 81,811 Californians. Social distancing measures decrease the chance of the spread of COVID-19.

Given the health risks associated with COVID-19, please be advised that while the City Council Chambers are open to the public, some or all of the Placentia City Council Members may attend this meeting via teleconference. Those locations are not listed on the agenda and are not accessible to the public.

How to Observe the Meeting

To maximize public safety while maintaining transparency and public access, in addition to being open to the public, all City Council meetings are available to view live on AT&T U-verse (Channel 99), Spectrum (Channel 3), and online at www.placentia.org/pctv.

How to Submit Public Comment

Members of the public may provide public comment in person or comments may be sent for City Council consideration by email to the City Clerk at cityclerk@placentia.org. Please limit submitted comments to 200 words or less. Comments received before or during a Council meeting, until the close of the **Oral Communications** portion of the agenda, may not be read during the City Council meeting but will be summarized in the public record and are subject to the regular time limitations per speaker. Longer submittals will be included in the public record. If you are unable to provide your comments in writing, please contact the City Clerk's Office for assistance at (714) 993-8231.

Americans with Disabilities Act Accommodation

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at cityclerk@placentia.org or by calling (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City Staff to make reasonable arrangements to ensure accessibility while maintaining public safety. (28 CFR 35.102.35.104 ADA Title II)

Until further notice the City will implement the guidelines of the California Department of Public Health regarding social distancing.

The City of Placentia thanks you in advance for taking all precautions to prevent the spread of the COVID-19 virus.

CALL TO ORDER: Mayor Shader called the meeting to order at 4:30 p.m.

ROLL CALL:

PRESENT: Councilmember/Board Member Kirwin, Smith, Shader

ABSENT: Yamaguchi, Wanke

STAFF PRESENT:

City Attorney/Authority Counsel Christian Bettenhausen; City Administrator Damien Arrula; Deputy City Administrator Rosanna Ramirez; Deputy City Administrator Luis Estevez; Director of Finance Jennifer

Lampman; Director of Community Services Karen Crocker; Director of Development Services Joe Lambert; Assistant to the City Administrator/Economic Development Manager Jeannette Ortega; City Treasurer Kevin Larson; City Clerk Robert McKinnell; Deputy City Clerk Carole M. Wayman

INVOCATION: Mayor Shader

PLEDGE OF ALLEGIANCE: Mayor Shader

ORAL COMMUNICATIONS:

Julie Suchard, Placentia resident, expressed support for the tamale festival and concerns about the City sponsoring an event in which they lack experience. She added concerns about City expenditures, the Placita Santa Merchants Association Franchise Tax Board suspension, and a lawsuit against the City by Dennis Lynn Blake.

Josh Correa, Placentia resident, commented on the tradition of the tamale festival and its importance to the community. He urged the City Council to support the event and do what is best for the community.

Rosalina Davis, owner of the Tlaquepaque Restaurant and President of the Placita Santa Fe Merchants Association (Merchants Association), commented on the rich tradition of the tamale festival. She noted that due to the financial impacts of the COVID pandemic on local businesses and the lack of volunteers, the Merchants Association cancelled the Tamale Festival. She added that the City has always been a great supporter of the Tamale festival and expressed appreciation to the City for their willingness to operate the event this year. She noted that the Merchants Association is ready to assist the City in an advisory capacity and suggested that the event end time be extended to 10:00 p.m.

Dennis Blake, Placentia Business owner, explained that the Placita Santa Fe Merchants Association is working to resolve the issues with the Franchise Tax Board and commented on his agreement for parking in Old Town which is in dispute. He commented that he has served as a volunteer for the Tamale Festival for over 30 years and is happy to assist the City in keeping the costs of the event to a minimum. He expressed appreciation to the Council for their continued support of the event and urged for the continuance of the Tamale Festival.

Walt Lynch, Placentia Chamber of Commerce, expressed support for the City to move forward with operating the Tamale Festival. He commented on the benefits to merchants and the community and stated that the Chamber of Commerce is willing to offer assistance with the event.

Bill Zavala, resident of Placentia, commented that he has volunteered at the Tamale Festival for many years and shared the history of the event. He shared posters and newspaper articles from several years of the Tamale Festival. He commented on other Tamale Festivals in La Habra and Indio noting that Placentia's Tamale Festival is much more successful because of the knowledge and experience of the members of the Merchant's Association. He added that the Tamale Festival is operated by individuals who love the community and not as profit making event. He expressed appreciation to the City for their support in continuing this tradition.

Monica Martinez, Placentia Business owner, commented on the struggles that businesses are facing as a result of the COVID pandemic. She commented that other local Tamale Festivals are operated as business festivals whereas Placentia's Tamale Festival is operated as a festival that brings families and communities together. She expressed support for the continuation of this City tradition.

City Clerk McKinnell summarized one electronic public comment in support of the Tamale Festival from Placentia resident Kenny Binnings. He commented on the importance of community festivals and traditions.

Mayor Shader thanked all who provided public comment on the Tamale Festival.

1. REGULAR AGENDA:

- 1.a. **Consideration of the 28TH Annual Tamale Festival Transition to City Operated Event and Resolution Authorizing Temporary Suspension of Regulatory Ordinance Sections 23.76.050 and 10.28.010 for the Operation of the Tamale Festival Scheduled for Thursday, December 8, 2022, from 4:00 p.m. to 9:00 p.m.**

Fiscal Impact: Expense: \$37,581.00 (General Fund)
Offsetting Revenue: \$28,750.00

Recommended Action: It is recommended that the City Council:

- 1) Receive and file the staff report; and
- 2) Consider the approval of transitioning the 28th annual Tamale Festival to a City operated event and approve the expenditures associated with the operation of the Tamale Festival to be held on December 8, 2022; and
- 3) Approve Resolution No. R-2022-69, A Resolution of the City Council of the City of Placentia, California authorizing a budget amendment in Fiscal Year 2022-23 in compliance with City Charter of the City of Placentia §§1206 and 1209 pertaining to appropriations for actual expenditures; and
- 4) Adopt Resolution No. R-2022-70, a Resolution of the City Council of the City of Placentia, California, authorizing the temporary suspension of regulatory ordinance Sections 23.76.050 and 10.28.010 of the Placentia Municipal Code for the operation of the Tamale Festival on December 8, 2022, on the 100 and 200 Blocks of Santa Fe Avenue and the 200 Block of Bradford Avenue.

(Approved 3-0-2, to approve Item 1.a., as recommended with the amendment to Resolution R-2022-70 amending the event time from 4:00 p.m. to 10:00 p.m., Yamaguchi and Wanke absent)

City Administrator Arrula introduced Director of Community Services, Karen Crocker, who gave a brief presentation on the item.

Director of Community Services Crocker explained that the Tamale Festival has been a tradition in the community for over 27 years and the City learned a week ago that the Placita Santa Fe Merchants Association had cancelled the event. She added that the City has been involved with the event for many years and explained the budget for the proposed transition of the event to a City operated event for December 8, 2022.

City Administrator Arrula explained that the City has supported this event for many years and the net cost to the City has historically been \$2,000 -\$10,000. He noted that the proposal before Council seeks \$8,800 for the event but the City Council could decide on a higher amount.

Councilmember Smith expressed confidence that the City has the capacity to operate the event. He asked about materials costs. He commented on the long-standing tradition of the event, recalling a time when it was a Las Posadas event.

Director of Community Services Crocker responded that the City would order the supplies and the Merchant's association would pay for them. She stated that staff is happy to provide a breakdown on the materials costs. She added that the City will work with the Merchant's association to obtain a list of vendors and seek their knowledge about the event. She added that the City has been working alongside the Merchants Association volunteers, the Chamber of Commerce and other non-profit organizations for many years.

Councilmember Green expressed his support for the transition to a City operated event and commented on the benefits to the community. He expressed appreciation to all who gave public comment on the event.

Mayor Shader commented on the urgency of scheduling a Special meeting for this item because the Tamale Festival is traditionally held in the early part of December. She asked Staff if they had revenue projections.

Director of Community Services Crocker responded that they have a rough estimate based on previous years data and Staff will work closely with the Merchants association to gather more information.

City Administrator Arrula added that the City's experience with the Heritage Festival as well as information from the Merchants Association has been helpful in preparing a preliminary budget. He added that the City has included in the budget, revenue from a craft beer garden booth. He explained the budget options with and without the beer garden

Director of Community Services Crocker explained that her Staff has already begun working on the event and plans to work with the Merchants Association to obtain their vendor and entertainment list and start making those contacts immediately if the item is approved. The advertisement for the event will need to go out next week.

Mayor Shader asked about extending the event time to 10:00 p.m. Director of Community Services Crocker responded that extending the end time to 10:00 p.m. would be fine.

City Administrator Arrula clarified that Resolution No. R-2022-70 would need to be amended to reflect the event time of 4:00 p.m. to 10:00 p.m.

Councilmember Green included the change of time in his motion for approval. Mayor Shader clarified that the change in time is only for the December 8, 2022 Tamale Festival and any future time changes would need to come back to the Council.

Director of Community Services Crocker stated that if the Merchants Association has the volunteers and manpower next year, they will take over the event again.

Mayor Shader explained the emergency action that was necessary this year noting that the Merchants Association had worked hard to find a way to operate the event. She added that she is grateful that because of the financial stability of the City, the City can consider operating the event

Councilmember Smith stated that he holds the members of the Merchants Association in high regard and appreciates their contributions to the community. However, he expressed caution as the City begins working with the Merchants Association to obtain vendor contacts and information. He expressed his hope that the issue with the Franchise Tax Board could be resolved prior to the event.

Mayor Shader clarified that the City is operating this event for 2022 only and not partnering with anyone to conduct the event.

Director of Community Services Crocker responded that the action before the Council tonight is to transition the Tamale Festival to a City operated event for 2022 only. The City is seeking the Chamber of Commerce and Rotary Club's assistance for the Beer Garden.

City Administrator Arrula emphasized that the City will not be partnering with the Merchants Association on the event, only seeking vendor contact information. No money or financial transactions will be exchanged between the City and the Merchants Association. He added that if the Chamber of Commerce agrees to sponsor the beer garden, there will be no revenue to the City. He noted that the budget presented to the Council assumes the City is doing the beer garden and the revenue is listed in budget.

City Attorney Bettenhausen recommended that if the City enters an agreement with an operator for the beer garden that the agreement include appropriate insurance and specify revenue sharing terms.

Motion by Green, seconded by Smith, and carried a (3-0-2, Yamaguchi and Wanke absent) vote to approve Agenda item No. 1.a., as recommended, with the amendment to Resolution R-2022-70 amending the event time from 4:00 p.m. to 10:00 p.m.

ADJOURNMENT:

The City Council adjourned at 5:25 p.m. to a regular City Council meeting on Tuesday, November 15, 2022 at 5:30 p.m.



Rhonda Shader, Mayor

ATTEST:



Robert S. McKinnell, City Clerk/
City Clerk

