

**PLACENTIA CITY COUNCIL  
PLACENTIA REDEVELOPMENT AGENCY  
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY  
REGULAR MEETING MINUTES – EXECUTIVE SESSION  
September 20, 2011  
5:30 p.m. – City Council Chambers  
401 E. Chapman Avenue, Placentia, CA**

**CALL TO ORDER:** Mayor/Board Chair Nelson called the meeting to order at 5:33 p.m.

**ROLL CALL:**

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

**ORAL COMMUNICATIONS:** None

**CITY COUNCIL:**

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – Three (3) Items
  - 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
  - c. People of the State of California and City of Placentia v. Doris M. Zavala, et al., Orange County Superior Court No. 30-2011-00450556
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

**RDA:** None

**ICDA:** None

**RECESS:** The City Council/Redevelopment Agency/ICDA recessed to the Regular Meeting at 7:00 p.m.

**CALL TO ORDER:**

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

**STAFF PRESENT:** City Administrator/Executive Director, Troy L. Butzlaff; Deputy City Attorney/Agency Counsel, Ralph Hanson; 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 Chief of Police, Ward Smith; Neighborhood Services Coordinator, Jeannette Ortega; Deputy Director of

Community Services, Jon Nicks; Management Analyst, Maggie Le; Deputy City Clerk, Tania Moreno

**INVOCATION:** Gary Drabek, Police Chaplain

**PLEDGE OF ALLEGIANCE:** Mayor Nelson

**PRESENTATION:**

- a. Recognition for Years of Service to Placentia Police Department and City of Placentia to Police Chaplain Edward P. Faulk and Police Chaplain Richard Kryder  
Presenter: Chief of Police Hicks  
Recipient: Police Chaplain Edward P. Faulk and Police Chaplain Richard Kryder
- b. Proclamation Designating the Week of September 17-23, 2011, as Constitution Week, in Placentia, California  
Presenter: Mayor Nelson  
Recipients: Carol Feola, National Society Daughters of the American Revolution
- c. Update on OC Bridges Project  
Presenter: Tresa Oliveri, OCTA Senior Communications Specialist

OCTA Senior Communications Specialist Tresa Oliveri provided a brief presentation regarding the upcoming Bridges Project. A brief video was presented to City Council, Staff and the public.

Discussion ensued among Council, City Staff and OCTA Senior Communications Specialist Tresa Oliveri.

**EXECUTIVE SESSION REPORT:** Deputy City Attorney/Agency Counsel Hanson reported the Council/Agency met in Executive Session to discuss the items listed on the agenda. He noted that there was no reportable action from Executive Session this evening.

**CITY ADMINISTRATOR REPORT:** City Administrator Butzlaff reported on the following items: Announced upcoming Joint Town Hall Meeting on October 3, 2011 at 6:00 p.m. He announced an upcoming Neighborhood Conversation Meeting on October 6, 2011 at 6:00 p.m. at the Tynes Gymnasium.

**ORAL COMMUNICATIONS:**

Pat Buttress, Southern California Edison Representative, presented the Southern California Edison Resolution of Appreciation to the City.

Jeff Buchanan, resident, spoke regarding the differences between an easement and a dedication. He expressed his concerns regarding the street trees assessment district.

Erin Lee, Placentia Chamber of Commerce, invited all present to an upcoming Placentia Chamber Golf Tournament event on September 26, 2011 at 11:00 a.m.

Greg Sowards, Placita Downtown Merchant Association Representative, thanked the City for their support in facilitating the Association's last meeting. He spoke regarding the upcoming OC Bridges Project. He invited the City Council and public to attend the Placita Downtown Merchant Association meetings.

Craig Green, resident, expressed his concerns regarding item 4.f.

Eileen Cirillo, Mobilehome Parks Representative, spoke in support of adopting Ordinance O-2011-11.

David Ramos, resident, expressed his concerns regarding the dangers of driving bikes on sidewalks and the need to educate the community.

Patricia Jertberg, Placentia Historical Committee Emeritus, presented the Placentia History Room Report.

Lisa Quental, Placentia Founders Society, announced the 110th Anniversary of the Bradford House Construction event, Art Gallery Exhibit event and the 25th Anniversary of the Placentia Founder's Society event.

### **CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:**

Councilmember Wanke commented and reported as follows: Mayor Pro Tem Yamaguchi and he attended the Placentia Community Network meeting. He attended the Orange County Vector Control Committee meeting, a meeting held by Assemblymember Ed Royce's office, a meeting held by Assemblymember Gary Miller's office, and the Orange County Supervisors meeting. He participated in a Police Department ride a-long.

Councilmember Aguirre commented and reported as follows: Announced upcoming Shred-it event on October 1, 2011 and the Adjourned Joint Town Hall meeting on October 3, 2011 at 6:00 pm. He attended the 9/11 Observance Memorial event hosted by the American Legion. He congratulated the Placentia Explorers on their recent competition participation achievements.

Mayor Pro Tem Yamaguchi commented and reported as follows: Attended the Orange County Water Summit and the Fourth District City Council meeting hosted by Orange County Supervisor Nelson. He congratulated Yorba Linda Cancer Center on their grand opening in the City. He attended the 9/11 Observance Memorial event hosted by the American Legion and the Orange County Vector Control District meeting. He thanked Veronica Harlan for her years of service and wished her the best in her new endeavors. He thanked Southern California Edison for the recognition and for their work in the City.

Mayor Nelson commented and reported as follows: Attended the 9/11 Observance Memorial event. He expressed his support on the OC Bridges Project and the importance of keeping the public informed. He announced the Joint Town Hall Meeting on October 3, 2011. He spoke regarding item 4.c. He attended the Annual Tee it Up for the Troops Golf Tournament. He announced that he would be attending the Annual California League Conference. He noted that League of Cities had their elections.

### **1. CONSENT CALENDAR (Items 1.a. through 1.g.):**

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, to approve Consent Calendar Item Nos. 1.a. through 1.g.

#### **COUNCIL/AGENCY/ICDA CONSENT CALENDAR:**

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**  
Financial Impact: None  
Recommended Action: Approve  
**(APPROVED 4 – 0 – 1, as recommended)**

- b. **Minutes**  
**City Council/RDA/ICDA Regular Meeting – August 16, 2011**  
Recommended Action: Approve  
**(APPROVED 4 – 0 – 1, as recommended)**
- c. **City Fiscal Year 2011-2012 Warrant Register for August 17, 2011 Through September 20, 2011**  
Financial Impact: \$1,550,467.16  
Recommended Action: Approve  
**(APPROVED 4 – 0 – 1, as recommended)**
- d. **Agency Fiscal Year 2011-2012 Warrant Register for August 17, 2011 Through September 20, 2011**  
Financial Impact: \$19,212.46  
Recommended Action: Approve  
**(APPROVED 4 – 0 – 1, as recommended)**

**COUNCIL CONSENT CALENDAR:**

- e. **Approval of Resolution Authorizing Temporary Suspension of Regulatory Ordinances Pertaining to the Operation of the Heritage Festival and Parade Scheduled for October 15, 2011**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:
  - 1) Adopt Resolution No. R-2011-42, a Resolution of the City Council of the City of Placentia authorizing the temporary suspension of Regulatory Sections 23.76.050 and 10.28.010 of the Placentia Municipal Code for the operation of the City of Placentia Heritage Festival and Parade on Saturday, October 15, 2011**(APPROVED 4 – 0 – 1, as recommended)**
- f. **Approval of Plans and Specifications and Award of Construction to Century Paving Incorporated, for the Placentia Parking Lot at 329 and 333 West Santa Fe Avenue Improvement Project**  
Financial Impact: Expense: \$67,445.40 for construction  
Offsetting revenue: \$47,945.40 CFD, \$19,500.00 ARRA EECBG Funds  
Budgeted: \$75,000.00 (Account No.: 333554-6185 J/L 61063)  
Recommended Action: It is recommended that the City Council:
  - 1) Reject the low bid
  - 2) Approve plans and specifications prepared by Willdan Engineering dated July 11, 2011, for the Placentia Parking Lot 329 and 333 West Santa Fe Avenue Improvement Project
  - 3) Award construction contract to the lowest responsive and responsible bidder, Century Paving Incorporated, for an amount not to exceed \$61,314.00
  - 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 aggregate 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**(APPROVED 4 – 0 – 1, as recommended)**

g. **Ratification of Change Order to CJ Construction, Inc., for Construction of Bus Pad – Northbound Kraemer Boulevard at Chapman Avenue Project**

Financial Impact: Expense: \$9,500.00

Offsetting Revenue: \$9,500.00 AB2766

Budgeted: \$9,500.00 (Account No.: 333552-6185 J/L 61058)

Recommended Action: It is recommended that the City Council:

- 1) Approve a contract change order to CJ Construction, Inc., in the amount of \$9,500.00 for the Bus Pad at Northbound Kraemer Boulevard at Chapman Avenue, for a total contract amount to CJ Construction, Inc., of \$32,450.00

**(APPROVED 4 – 0 – 1, as recommended)**

**AGENCY CONSENT CALENDAR:** None

**ICDA CONSENT CALENDAR:** None

**2. PUBLIC HEARINGS:**

**COUNCIL/AGENCY/ICDA:** None

**COUNCIL:**

a. **Fiscal Year 2011-12 Supplemental Law Enforcement Services Fund (SLESF Grant) – Approval of Future Expenditure Plan**

Financial Impact: Expense \$100,000.00

Offsetting Revenue: \$100,000.00

Budgeted: \$0

Unbudgeted: \$100,000.00

Recommended Action: It is recommended that the City Council:

- 1) Open the hearing, receive public testimony, close public hearing
- 2) Adopt Resolution No. R-2011-43, a Resolution of the City Council of the City of Placentia, California, approving the recommended Expenditure Plan for the Supplemental Law Enforcement Services Fund

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief introduction of the item.

Chief of Police Hicks provided a brief review on item 2.a.

Mayor Nelson opened the public hearing at 8:20 p.m.

Mayor Nelson closed the public hearing at 8:21 p.m.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Aguirre, and carried (4 – 0 – 1) adopt Resolution No. R-2011-43, a Resolution of the City Council of the City of Placentia, California, approving the recommended Expenditure Plan for the Supplemental Law Enforcement Services Fund.

AYES: Aguirre, Wanke, Yamaguchi, Nelson

NOES: None

ABSENT: Underhill

**AGENCY:** None

**ICDA:** None

**3. OLD BUSINESS:**

**COUNCIL/AGENCY/ICDA OLD BUSINESS:** None

**COUNCIL OLD BUSINESS:** None

**AGENCY OLD BUSINESS:** None

**ICDA OLD BUSINESS:** None

**4. NEW BUSINESS:**

**COUNCIL/AGENCY/ICDA NEW BUSINESS:** None

**COUNCIL NEW BUSINESS:**

a. **Approval of the Purchase of a Mobile Command Vehicle**

Financial Impact: Expense: \$64,819.44 (Fiscal Year 2011-12)

Offsetting Revenue: \$0

Budgeted: \$65,000.00 (Account No.: 333558-6842/61106)

Total expenditure over 48 month term: \$259,277.76

Recommended Action: It is recommended that the City Council:

- 1) Approve acquisition of the Mobile Command Vehicle from Meridian Specialty Vehicles in an amount not to exceed \$242,00.00 (plus interest over 48 months = \$259,277.76)
- 2) Approve a 48 month term lease through Municipal Leasing Consultants from the lowest bid received with desired terms, Pinnacle Public, in the amount of \$5,401.62 per month (based on an interest rate of 3.57%)
- 3) Authorize the City Administrator to execute all documents necessary to effectuate this action

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief staff report of 4.a. item. A substitute agenda report was provided to City Council and Staff.

Chief of Police Hicks noted that the average lifespan of the vehicle is 8-10 years.

Discussion ensued among Council and City Staff regarding this item. They discussed additional lease details and the warranty on the vehicle.

A motion was made by Councilmember Wanke, seconded by Mayor Pro Tem Yamaguchi, and carried (4 – 0 – 1) to approve acquisition of the Mobile Command Vehicle from Meridian Specialty Vehicles in an amount not to exceed \$242,00.00 (plus interest over 48 months = \$259,277.76), approve a 48 month term lease through Municipal Leasing Consultants from the lowest bid received with desired terms, Pinnacle Public, in the amount of \$5,401.62 per month (based on an interest rate of 3.57%), and authorize the City Administrator to execute all documents necessary to effectuate this action.

AYES: Aguirre, Wanke, Yamaguchi, Nelson

NOES: None

ABSENT: Underhill

b. **Establishing a Procedure for Setting the Date, Time and Location of City Committee Meetings**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2011-44, a Resolution of the City Council of the City of Placentia, establishing a procedure for setting the date, time and location of meetings of City Committees

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief staff report on item 4.b.

Discussion ensued among Council and City Staff regarding this item.

A motion was made by Mayor Nelson, seconded by Mayor Pro Tem Yamaguchi, and carried (4 – 0 – 1) adopt Resolution No. R-2011-44, a Resolution of the City Council of the City of Placentia, establishing a procedure for setting the date, time and location of meetings of City Committees.

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

c. **First Reading and Introduction of an Ordinance Transferring Inspection and Enforcement Responsibility Pursuant to the Mobilehome Parks Act and Special Occupancy Parks Act from the City of Placentia to the California Department of Housing and Community Development**

Financial Impact: Nominal savings if approved

Recommended Action: It is recommended that the City Council:

- 1) Waive full reading, reading by title only, and introduce for first reading, Ordinance O-2011-11, an Ordinance of the City Council of the City of Placentia, California, authorizing notification to the California Department of Housing and Community Development for the cancelation of enforcement responsibility pursuant to the California Mobilehome Parks Act and the California Special Occupancy Parks Act

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief staff report on item 4.c.

Discussion ensued among Council and City Staff regarding this item. They discussed the transferring of the inspection and enforcement responsibility to the California Department of Housing and Community Development.

Assistant City Administrator Domer provided a brief staff report on item 4.a.

Eileen Cirillo, Mobilehome Park Representative, spoke in support of transferring the responsibility to the State of California.

Deputy City Attorney Hanson read title of Ordinance O-2011-11.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, and carried (4 – 0 – 1) to introduce for first reading, Ordinance O-2011-11, an Ordinance of the City Council of the City of Placentia, California, authorizing notification to the California Department of Housing and Community Development for the cancelation of enforcement

responsibility pursuant to the California Mobilehome Parks Act and the California Special Occupancy Parks Act.

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

d. **Purchase of Business License Software**

Financial Impact: Expense: \$43,790.00

Budgeted: \$45,000.00 (Account No.: 333523-6899 J/L 30018)

Recommended Action: It is recommended that the City Council:

- 1) Approve the purchase of a Business License System from HdL Software, LLC
- 2) Authorize the City Administrator to execute a professional service agreement, in a form acceptable to the City Attorney, with HdL Software, LLC in an amount not to exceed \$43,790.00

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief introduction of item 4.d.

Management Analyst Le provided a brief staff report on item 4.d. She noted that the current business licenses software is outdated and provided the benefits of the proposed software.

Discussion ensued among Council and City Staff regarding this item. They discussed the life span of the business license software, the maintenance services provided by HdL Software LLC, and the backup capabilities of the data.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Aguirre, and carried (4 – 0 – 1) to approve the purchase of a Business License System from HdL Software, LLC and authorize the City Administrator to execute a professional service agreement, in a form acceptable to the City Attorney, with HdL Software, LLC in an amount not to exceed \$43,790.00.

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

e. **Award of Contract for Telecommunications Provider Services – Time Warner Communications**

Financial Impact:

Expense: \$30,960.00

Budgeted: \$160,000.00 (Account No.: 431010-6215)

Recommended Action: It is recommended that the City Council:

- 1) Approve a contract with Time Warner Communications in an amount not to exceed \$30,960.00 annually with a five (5) year contract term
- 2) Authorize the City Administrator to execute a services agreement, in a form acceptable to the City Attorney, with Time Warner Communications

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief staff report on item. 4.e. and Staff recommendations.

Discussion ensued among Council and City Staff regarding this item.

A motion was made by Councilmember Aguirre, seconded by Mayor Pro Tem Yamaguchi, and carried (4 – 0 – 1) to approve a contract with Time Warner Communications in an amount not to exceed \$30,960.00 annually with a five (5) year contract term and authorize the City Administrator to execute a services agreement, in a form acceptable to the City Attorney, with Time Warner Communications.

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

f. **Introduction and Adoption of an Urgency Ordinance Determining to Comply with the Alternative Voluntary Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Redevelopment Agency of the City of Placentia**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Waive full reading, reading by title only, introduce for first reading and adopt, Ordinance O-2011-10, an Urgency Ordinance of the City Council of the City of Placentia, California, determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Placentia

**(APPROVED 4 – 0 – 1)**

Deputy City Attorney Hanson provided a brief staff report on item 4.f. He noted that the recent bill passed to eliminate Redevelopment Agencies and the voluntary pay. He spoke regarding the recent lawsuit filed with the California Supreme Court and the need to comply with the deadlines. He noted that the Urgency Ordinance is not a policy decision.

Deputy City Attorney Hanson read title of Ordinance O-2011-10.

Discussion ensued among Council, City Staff and Deputy City Attorney Hanson regarding this item. They discussed various sections of the Urgency Ordinance and the need to wait for the decisions of the California Supreme Court.

Deputy City Attorney Hanson recommended amending Ordinance O-2010-10 by deleting “/or” of Article B Section 4.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, and carried (4 – 0 – 1) to waive full reading, reading by title only, introduce for first reading and adopt, Ordinance O-2011-10, an Urgency Ordinance of the City Council of the City of Placentia, California, determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Placentia with the amendment made by the City Attorney.

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

**AGENCY NEW BUSINESS:**

g. **Amendment of Rehabilitation Loan Documents with Orange County Community Housing Corporation in Exchange for Increased Affordability at 415 and 420 Ramona Street**

Financial Impact: Expense: \$0

Future Revenue Reduction: \$45,000.00

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. RA-2011-12, a Resolution of the Redevelopment Agency, of the City of Placentia making certain findings with respect to amending and restating loan documents for 415 and 420 Ramona Street
- 2) Authorize the Executive Director to execute the Amended and Restated Promissory Note, Deed of Trust and Assignment of Rents, and Declaration of Covenants, Conditions and Restrictions for Property as approved to form by Agency Counsel
- 3) Approve the forgivable loan structure in exchange for an additional 25 years of affordability for the two properties located at 415 and 420 Ramona Street

**(APPROVED 4 – 0 – 1, as recommended)**

City Administrator Butzlaff provided a brief staff report on item 4.g.

A motion was made by Mayor Pro Tem Yamaguchi, seconded by Councilmember Wanke, and carried (4 – 0 – 1) to adopt Resolution No. RA-2011-12, a Resolution of the Redevelopment Agency, of the City of Placentia making certain findings with respect to amending and restating loan documents for 415 and 420 Ramona Street, authorize the Executive Director to execute the Amended and Restated Promissory Note, Deed of Trust and Assignment of Rents, and Declaration of Covenants, Conditions and Restrictions for Property as approved to form by Agency Counsel, and approve the forgivable loan structure in exchange for an additional 25 years of affordability for the two properties located at 415 and 420 Ramona Street.

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

**ICDA NEW BUSINESS:** None

**CITY COUNCIL/BOARD MEMBERS REQUESTS:**

Mayor Nelson announced the October 3, 2011 Town Hall Meeting at City Hall.

Councilmember Wanke noted that he would not be attending the October 3, 2011 meeting.

**ADJOURNMENT:**

The City Council/Redevelopment Agency/ICDA Board of Directors adjourned at 9:07 p.m. to a Adjourned Town Hall meeting on October 3, 2011.

ATTEST:     
SCOTT W. NELSON, MAYOR/AGENCY CHAIR  
PATRICIA J. MELIA, CITY CLERK/AGENCY SECRETARY