

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
October 4, 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 5:40 p.m.

ROLL CALL:

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

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
2. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding Potential Litigation – Two (2) Items
3. Pursuant to Government Code Section 54957 for Public Employee Performance Evaluation
 - a. City Administrator

RDA:

1. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
 - a. Property: 132 Crowther Avenue, APN 339-091-08
Agency Negotiator: Troy L. Butzlaff
Negotiating Parties: America Legion Post 277
Under Negotiations: Sublease Terms and Conditions

ICDA: None

RECESS: The City Council/Redevelopment Agency/ICDA recessed to the Regular Meeting at 7:05 p.m.

CALL TO ORDER:

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; City Clerk Specialist, Kelliagh Brown; Deputy City Clerk, Tania Moreno

INVOCATION: Ken Milhander, Police Chaplain

PLEDGE OF ALLEGIANCE: Councilmember Underhill

PRESENTATION:

- a. Proclamation Designating the Week of October 9-15, 2011, as Fire Prevention Week, in Placentia, California
Recipient: Division Chief Dan Drake
Presenter: Mayor Nelson

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 there was no reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT: City Administrator Butzlaff reported on the following items: He announced the upcoming City Hall Renovation Project ribbon cutting ceremony on October 18, 2011. He announced the upcoming 47th Annual Placentia Heritage Festival and Parade on October 15, 2011.

ORAL COMMUNICATIONS:

Jeff Buchanan, resident, thanked City Council and Staff for having the Adjourned Town Hall meeting on October 3, 2011 to address the proposed water rate increase. He expressed his concerns regarding the City Attorney's report on easement deeds.

Meredith Castillo, resident, expressed his concerns regarding the heavy traffic on Seville Street near a school and asked that the City address the problem.

Craig Green, resident, thanked Staff for addressing his concerns and for having the Adjourned Town Hall meeting pertaining to the proposed water rate increase. He expressed his concerns regarding the proposed water rate increase by Golden State Water Company.

Mr. Van Riper, City of Fullerton resident, expressed his concerns regarding the increase of crime rates and gang activity in the cities of Placentia and Fullerton adjacent to Topaz Elementary School.

Greg Sowards, resident, noted the importance of addressing the issue of property ownership.

Greg Giemont, Placentia property owner, noted that all tract maps are unique.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Wanke commented and reported as follows: He noted the importance of fire prevention awareness as he had recently lost his aunt and uncle to a house fire. He noted that unfortunately he was not able to attend the Adjourned Town Hall meeting due to personal issues.

Councilmember Underhill commented and reported as follows: She noted that she missed the last City Council meeting because her granddaughter was born. She encouraged the public to submit their written protests to Golden State Water Company.

Councilmember Aguirre commented and reported as follows: He thanked everyone who attended the Adjourned Town Hall meeting and encouraged the public to submit their

written protests to Golden State Water Company. He expressed his concerns regarding the crime activity in the cities of Fullerton and Placentia. He thanked Mr. Buchanan for the information he provided during public comments.

Mayor Pro Tem Yamaguchi commented and reported as follows: He attended the Valencia High School vs. El Dorado High School. Mayor Nelson, City Administrator, and he attended the League of California Cities Conference. He attended the Orange County Fire Authority meeting. He thanked the public for attending the City Council meeting. He suggested Mr. Castillo get in touch with the Traffic Commission. He thanked Mr. Van Riper for expressing his concerns and directed Chief of Police Hicks to meet with Mr. Van Riper. He asked City Attorney Arczynski to address Mr. Buchanan's concerns.

Mayor Nelson commented and reported as follows: He thanked everyone who attended the City Council meeting. He expressed his condolences to Councilmember Wanke. He congratulated Councilmember Underhill on her recently born granddaughter. He directed Staff to follow-up with Mr. Castillo's concerns. He announced the 47th Placentia Heritage Festival and Parade. He thanked Mr. Buchanan for the information he provided during public comments. He attended the League of California Cities Conference. He thanked everyone who attended the Adjourned Town Hall meeting. He expressed his concerns regarding the proposed water rate increase. He noted that City Administrator Butzlaff and he will attend two meetings regarding the proposed water rate increase. He encouraged the public to continue submitting their written protests to Golden State Water Company.

Chief of Police Hicks noted that he will meet with Mr. Van Riper to discuss the issue.

Director of Public Works Drinovsky noted that Staff is working with the school district on the issue reported by Mr. Castillo. He noted that he will keep Council updated.

City Attorney Arczynski noted that an easement gives a person or entity the right to use a property, but it is not a dedication of free title.

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

City Administrator Butzlaff noted a correction to item 1.g. on the Memorandum of Understanding on page one, paragraph one, to change the date October 1, 2010 to reflect October 1, 2011.

A motion was made by Councilmember Aguirre, seconded by Councilmember Wanke, to approve Consent Calendar Item Nos. 1.a. through 1.j. Councilmember Underhill abstained on item 1.b. Mayor Nelson abstained on Warrant Register number 5866. Mayor Pro Tem Yamaguchi voted no on item 1.i. and affirmative on the balance of the consent calendar items.

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 Regular Meeting – September 20, 2011
Recommended Action: Approve

(APPROVED 4 – 0 – 1, Councilmember Underhill abstained)

- c. **City Fiscal Year 2011-12 Warrant Register for September 21, 2011 Through October 4, 2011**
Financial Impact: \$2,382,988.94
Recommended Action: Approve
(APPROVED 5 – 0)
- d. **Agency Fiscal Year 2011-12 Warrant Register for September 21, 2011 Through October 4, 2011**
Financial Impact: \$1,364.86
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Recommendation to Approve Professional Services Agreement with Galvin Preservation Associates, Inc., for Preparation of Environmental Documentation (NEPA & CEQA Compliance) for the City of Placentia Metrolink Station Project**
Financial Impact: Expense: \$99,982.00 for professional services
Offsetting Revenue: \$50,000.00 OCTA Cooperative Agreement
Budgeted: \$75,000.00 (Account No.: 333552-6015 J/L 61088)
Recommended Action: It is recommended that the City Council:
- 1) Approve a professional services agreement with Galvin Preservation Associates, Inc., in a form approved by City Attorney and for an amount not to exceed \$99,982.00 for the preparation of CEQA and NEPA environmental documentation for the Placentia Metrolink Station
 - 2) Authorize the City Administrator to execute all necessary documentation to effectuate this agreement
 - 3) Adopt Resolution No. R-2011-45, a Resolution of the City Council of the City of Placentia authorizing a budget amendment in Fiscal Year 2011-12 in the aggregate amount of \$24,982.00 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures
- (APPROVED 5 – 0, as recommended)**
- f. **Acceptance of Construction Work for the OCTA Bus Pad - Northbound Kraemer Boulevard at Chapman Avenue Project**
Financial Impact: Expense: \$32,450.00
Offsetting Revenue: AB2766 Funding - \$32,450.00
Budgeted: \$32,540.00 (Account No.: 333552-6185 J/L 61058, Construction Capital Projects)
Recommended Action: It is recommended that the City Council:
- 1) Accept contract work performed by CJ Construction, Inc., for construction of the OCTA Bus Pad – Northbound Kraemer at Chapman Avenue Project in the total amount of \$32,450.00
 - 2) Authorize the City Clerk to file a Notice of Completion with the Orange County Clerk Recorder's Office for the project
 - 3) Authorize the City Engineer to release retention funds in accordance with the terms of the contract
- (APPROVED 5 – 0, as recommended)**

- g. **Participation in Office of Traffic Safety Funded Grant - "Avoid the 26" – Orange County Driving Under the Influence Task Force**
Financial Impact: Expense: \$25,000.00 (Account No.: 103041-5015)
 Offsetting Revenue: \$25,000.00 (Account No.: 103000-4201)
 Unbudgeted: \$25,000.00
Recommended Action: It is recommended that the City Council:
 1) Approve a Memorandum of Understanding with the City of Anaheim related to the Office of Traffic Safety Grant (No. 20656)
 2) Direct the Chief of Police to execute all grant related agreements with the City of Anaheim in relation to this grant
 3) Adopt Resolution No. R-2011-46, a Resolution of the City Council of the City of Placentia Authorizing a Budget Amendment in Fiscal Year 2011-12 in the Aggregate Amount of \$25,000.00 in Compliance with City Charter §§ 1206 and 1209 Pertaining to Appropriations for Actual Expenditures
(APPROVED 5 – 0, as recommended)
- h. **Budget Amendments for Fiscal Year 2010-11 Year End Close**
Financial Impact: Expense: \$2,258,044.00
 Budgeted: \$2,258,044.00
Recommended Action: It is recommended that the City Council:
 1) Adopt Resolution No. R-2011-47, a Resolution of the City Council of the City of Placentia, California, authorizing a budget amendment in Fiscal Year 2010-11 in the aggregate amount of \$2,258,044.00 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures
(APPROVED 5 – 0, as recommended)
- i. **City Council Approval of Amendment No. 2 to City Administrator Employment Agreement**
Financial Impact: To be determined
Recommended Action: It is recommended that the City Council:
 1) Approve the attached Amendment No. 2 to the City Administrator Employment Agreement and authorize the Mayor to execute the same
(APPROVED 4 – 1, Yamaguchi voted no)
- j. **Consideration of Amendment to Agreement Between the City of Placentia and Golden State Water Company for Billing Services**
Financial Impact: Expense: \$37,200.00
 Offsetting Revenue: \$37,200.00
Recommended Action: It is recommended that the City Council:
 1) Approve the Billing Services Agreement with Golden State Water Company to provide for the collection of sanitary sewer fees
 2) Authorize the Mayor to execute the Billing Services Agreement and Form No. 24 Confidentiality and Non-Disclosure Agreement on behalf of the City, in a form approved by the City Attorney
(APPROVED 5 – 0, as recommended)

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. **Second Reading and Adoption 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) Conduct second reading by title only and adopt, 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 cancellation of enforcement responsibility pursuant to the California Mobilehome Parks Act and the California Special Occupancy Parks Act

(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a brief staff report on item 3.a.

A motion was made by Mayor Nelson, seconded by Mayor Pro Tem Yamaguchi, and carried (5 - 0) to adopt 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 cancellation of enforcement responsibility pursuant to the California Mobilehome Parks Act and the California Special Occupancy Parks Act.

AYES: Aguirre, Underhill, Wanke, Yamaguchi, Nelson

NOES: None

ABSENT: None

AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS: None

AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Wanke thanked City Administrator Butzlaff and the Finance Department for placing the Budget Amendments for Fiscal Year 2010-11 year-end close on the agenda.

Councilmember Aguirre requested that Council give direction to Staff to have a Public Participation Hearing concerning the proposed water increase.

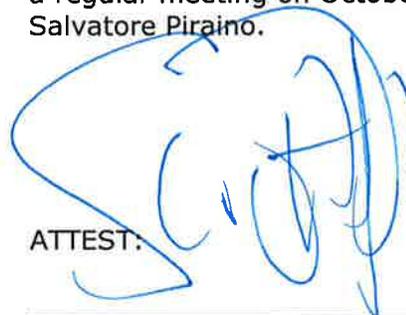
City Administrator Butzlaff noted that he is currently working on the request and that he will be making a formal request to have a Public Participation Hearing in the City.

Mayor Pro Tem Yamaguchi requested that Council give direction to Staff to follow-up on the questions submitted by the tree committee cited by Mr. Buchanan.

Mayor Nelson noted that City Council approved the amendment to the City Administrator's employment agreement. He thanked City Administrator Butzlaff for continuing to work for the City at the same rate.

ADJOURNMENT:

The City Council/Redevelopment Agency/ICDA Board of Directors adjourned at 8:10 p.m. to a regular meeting on October 18, 2011 in memory of Ronald Wanke, Peggy Wanke, and Salvatore Piraino.



ATTEST:




PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

SCOTT W. NELSON, MAYOR/AGENCY CHAIR