

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

CALL TO ORDER: Mayor/Board Chair Yamaguchi called the meeting to order at 5:30 p.m.

ROLL CALL:

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

ABSENT: None

ORAL COMMUNICATIONS: None

City Attorney Arczynski noted that an item came to the attention of Staff after the posting of the agenda. He recommended that the item be added to the agenda.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, to add the following item to the City Council Executive Session, Morales vs. City of Placentia.

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation - One (1) Item
 - a. City of Placentia vs. Woodruff, Spradlin & Smart, Orange County Superior Court Case No. 30-2010-00367949
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 54957.6 Conference with City Labor Negotiator Concerning Labor Negotiations with the Placentia Police Officers Associations (PPOA)

City Representatives: Troy L. Butzlaff, City Administrator
Steve Pischel, Director of Administrative and Community Services
Rick Hicks, Chief of Police
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: Karagines Family Trust and Dennis Sigalos Trust

- Under Negotiations: Price and Terms of Payment
b. Property: 132 E. Crowther, APN 339-09-108
City Negotiator: Troy L. Butzlaff, City Administrator/Executive Director
Negotiating Parties: David G. Lucero, American Legion Post 277
Under Negotiations: Sublease Terms and Conditions

RDA: None

ICDA: None

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

CALL TO ORDER:

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

STAFF PRESENT: City Administrator/Executive Director, Troy L. Butzlaff; City Attorney/Agency Counsel, Andrew 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, Eddie De La Torre; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: Kenneth Milhander, Police Chaplain

PLEDGE OF ALLEGIANCE: Mayor Yamaguchi

PRESENTATION:

- a. Orange County Human Relations Hate Crimes Report
Presenter: Vince De Vargas, OCHR Commissioner

Presentation cancelled.

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 were no other reportable actions from Executive Session that evening.

CITY ADMINISTRATOR REPORT:

Deputy Director of Community Services Nicks reported that the Las Posadas and Tamale Festival event was a success.

City Administrator Butzlaff wished everyone a Happy Holiday Season. He noted that the City Hall will be closed for the Holidays from Thursday, December 22, 2011 through Monday, January 2, 2012, and reopened on Tuesday, January 3, 2012. He provided information on city contracts for residents during the closure period.

ORAL COMMUNICATIONS:

Jeff Buchanan, resident, invited everyone to contact him if they wish to obtain information regarding the street trees and sidewalk committee. He noted that the City Administrator did not involve him or the committee in the street trees assessment process.

City Administrator Butzlaff noted that it was never his intent to offend Mr. Buchanan. He noted that under the City code it is the homeowners responsibility to maintain the street trees and sidewalks. He announced an upcoming Study Session in January 2012.

Meredith Castillo, resident, noted that the City Council represent and work for the community.

Craig Green, City Treasurer, reported that he attended a Bank of America Seminar. He expressed his best wishes and fast recovery to Greg Sowards.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill expressed her best wishes and fast recovery to Greg Sowards. She wished everyone a Happy Holiday Season.

Councilmember Nelson reported that the Las Posadas and Tamale Festival event was a great success. He attended the Audit Oversight Committee last week. He noted that Council has not made a determination on the next steps regarding the street trees and sidewalk assessment. He expressed his best wishes and fast recovery to Greg Sowards. He wished everyone a Happy Holiday Season.

Councilmember Aguirre commended everyone involved in the Las Posadas and Tamale Festival event. He attended a Chamber of Commerce reception for Miss Placentia, Miss Teen Placentia and Miss Yorba Linda candidates. He wished everyone a Happy Holiday Season.

Mayor Pro Tem Wanke commended everyone involved in the Las Posadas and Tamale Festival. He attended a Vector Control Meeting. He attended a Chamber of Commerce reception for Miss Placentia, Miss Teen Placentia and Miss Yorba Linda candidates. He wished everyone a Happy Holiday Season.

Mayor Yamaguchi commended everyone involved in the Las Posadas and Tamale Festival event. He congratulated Eagle Scout Albert Brown for his Court of Honor. He asked that Staff continue to include City Council in communication and to keep them informed. He wished everyone a Happy Holiday Season.

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

A motion was made by Councilmember Nelson, seconded by Mayor Pro Tem Wanke, to approve Consent Calendar Item Nos. 1.a. through 1.l. Mayor Pro Tem Wanke removed item 1.k. and 1.l. for separate discussion. Councilmember Nelson abstained from Warrant Number P006166.

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 City Council Meeting - December 6, 2011
Financial Impact:
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- c. **City Fiscal Year 2011-12 Warrant Register for December 7, 2011 Through December 20, 2011**
Financial Impact: \$760,537.09
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)
- d. **Agency Fiscal Year 2011-12 Warrant Register for December 7, 2011 Through December 20, 2011**
Financial Impact: \$10,328.03
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Recommendation to Approve Professional Services Agreement with Onward Engineering, for Engineering Services Related to the Fiscal Year 2011-12 Citywide Street Improvement Project**
Financial Impact: Expense: \$56,937.00 for Professional Services
Budgeted: \$56,937.00 (Account No.: 333552-6015 J/L 61105)
Recommended Action: It is recommended that the City Council:
 - 1) Approve a professional services agreement with Onward Engineering in a form approved by the City Attorney, in the amount of \$49,510.00 and provide a 15% project contingency of \$7,427.00 for a total appropriation of \$56,937.00 to provide engineering services for the Fiscal Year 2011-12 Street Improvement Project
 - 2) Authorize the City Administrator to execute all necessary documents to effectuate this agreement**(APPROVED 5 – 0, as recommended)**
- f. **Resolution of Support for the Rose Drive/Yorba Linda Boulevard Intersection Project for the Regional Capacity Program (Intersection Capacity Enhancements) Call for Projects**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Adopt Resolution No. R-2011-62, a Resolution of the City Council of the City of Placentia approving the submittal of the Rose Drive/Yorba Linda Boulevard Intersection Improvement Project to the Orange County Transportation Authority for funding under the Comprehensive Transportation Program**(APPROVED 5 – 0, as recommended)**
- g. **Resolution of Support for the Placentia Avenue Traffic Light Synchronization Program Project**
Financial Impact: None
Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2011-63, a Resolution of the City Council of the City of Placentia authorizing application(s) for funds to the Orange County Transportation Authority under the competitive Measure M2 Regional Transportation Signal Synchronization Program
(APPROVED 5 – 0, as recommended)

h. Request to Install a Bus Loading Zone on Bradford Avenue for Valencia High School

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2011-64, a Resolution of the City Council of the City of Placentia establishing a bus loading zone on Bradford Avenue
(APPROVED 5 – 0, as recommended)

i. Extension of Lease for Police Impound/Evidence Storage Facility

Financial Impact: Expense: \$123,600.00 first year lease amount, subject to 3% annual escalator years 2 and 3

Revenues: \$1.1 million annually in storage and release fees from vehicle impounds

Recommended Action: It is recommended that the City Council:

- 1) Approve an extension to the Lease Agreement, in a form acceptable to the City Attorney, with Karagines Family Trust and Dennis Arthur Sigalos Trust for the property located at 166 E. La Jolla Street for a 36 month term at a first year lease amount of \$123,600.00 with 3% annual escalations in the lease amount each year thereafter through the end of the lease
- 2) Authorize the City Administrator to execute all documents necessary to effectuate the extension to the lease agreement
(APPROVED 5 – 0, as recommended)

COUNCIL/AGENCY CONSENT CALENDAR:

j. Extension of Time Period for Exclusive Negotiation Agreement with EDGE for Downtown Parking Structure

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Approve a 45 day extension to the Exclusive Negotiating Agreement with EDGE Development, Inc. for final review and consideration purposes
(APPROVED 5 – 0, as recommended)

k. Presentation of the Comprehensive Annual Financial Report and Redevelopment Agency Financial Report for the Period Ended June 30, 2011

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Receive and file the Comprehensive Annual Financial Report for the period ended June 30, 2011
- 2) Receive and file the Redevelopment Agency Financial Report for the period ended June 30, 2011

(APPROVED 3 – 0 – 2, Mayor Yamaguchi and Mayor Pro Tem Wanke abstained)

Mayor Pro Tem Wanke noted that he did not have enough time to review all of the documents.

City Administrator Butzlaff noted that most cities do not have their Council receive and file their financial statement reports. He noted that the Financial Audit Oversight Committee is recommending that Council receives and files the report.

Auditor Ken Gunderson and Auditor Mark McGeady provided a brief overview of the financial report process.

Discussion ensued among City Council, Staff and Auditors.

Councilmember Nelson thanked the auditors for their hard work.

Councilmember Underhill noted that the financial report is complete.

A motion was made by Councilmember Underhill, seconded by Councilmember Nelson, was approved (3 - 0 - 2) to receive and file the Comprehensive Annual Report for period ended June 30, 2011; and to receive and file the Redevelopment Agency Financial Report for the period ended June 30, 2011.

I. Approval of Redevelopment Agency Annual Report for 2010-11

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Approve the Redevelopment Agency of the City of Placentia's Annual Report for 2010-11 and direct Staff to submit all required documents to the State of California in compliance with California Health and Safety Code §33080 et al.

(APPROVED 5 - 0, as recommended)

A motion was made by Mayor Pro Tem Wanke, seconded by Councilmember Aguirre, was approved (5 - 0) to approve the Redevelopment Agency of the City of Placentia's Annual Report for 2010-11 and direct Staff to submit all required documents to the State of California in compliance with California Health and Safety Code §33080 et al.

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/AGENCY/ICDA: None

COUNCIL:

a. Public Hearing and Approval of Proposed Public Facility Improvement Project and Housing Rehabilitation Program Grant Applications that will be Submitted to the County of Orange for Potential Community Block Grant (CDBG) Funding for Fiscal Year 2012-13

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Open the hearing, receive public testimony, close public hearing
- 2) Authorize the City Administrator to submit applications to the County of

Orange to receive Community Development Block Grant Funds for the Pedestrian Accessibility Improvement Project Phase II for \$275,000.00 of CDBG Funds leveraged with \$50,000.00 in local funds for total project cost of \$325,000.00 and for the Housing Rehabilitation Program for \$150,000.00 per year for three years for a total program cost of \$450,000.00

(APPROVED 5 – 0, as recommended)

City Administrator Butzlaff provided a brief staff report on item 2.a.

Deputy Director of Community Services Nicks provided a staff report on item 2.a. He noted that the projects must meet certain grant requirements.

Discussion ensued among City Council and Staff.

Mayor Yamaguchi opened the public hearing at 7:44 p.m.

Greg Geimont, resident, expressed his concerns regarding the use of grant funds.

City Administrator Butzlaff noted that the grant funds will be used for street curbs that have no ownership.

Mayor Yamaguchi closed the public hearing at 7:49 p.m.

Councilmember Nelson noted that the grant funds will be used to meet ADA requirements. A motion was made by Mayor Yamaguchi, seconded by Councilmember Aguirre, was approved (5 - 0) to open the hearing, receive public testimony, close public hearing; and authorize the City Administrator to submit applications to the County of Orange to receive Community Development Block Grant Funds for the Pedestrian Accessibility Improvement Project Phase II for \$275,000.00 of CDBG Funds leveraged with \$50,000.00 in local funds for total project cost of \$325,000.00 and for the Housing Rehabilitation Program for \$150,000.00 per year for three years for a total program cost of \$450,000.00.

AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS:

a. **Second Reading of City Council Ordinance Amending Chapter 1.12 of the Placentia Municipal Code Relating to Use of the City Seal, Emblems and Logos**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Second reading of Ordinance No. O-2011-12, an Ordinance of the City Council of the City of Placentia, California, amending chapter 1.12 of the Placentia Municipal Code relating to use of the City Seal, emblems and logos

- 2) Approve Administrative Policy 540, related to the City Seal, emblems and logos
(APPROVED 3 – 2, as Mayor Yamaguchi and Mayor Pro Tem Wanke voted no)

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

Discussion ensued among City Council and Staff.

City Attorney Arczynski referred to the Penal Code and State Codes statutes.

Councilmember Underhill noted that Council should set policy and allow the City Administrator to implement the policy.

Councilmember Nelson spoke in support of the policy and ordinance.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, was approved (3 - 2) to conduct a second reading of Ordinance No. O-2011-12, an Ordinance of the City Council of the City of Placentia, California, amending chapter 1.12 of the Placentia Municipal Code relating to use of the City Seal, emblems and logos; and Approve Administrative Policy 540, related to the City Seal, emblems and logos.

AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. **NEW BUSINESS:**

COUNCIL/AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

a. **Approval of Contract with Western Transit Systems Inc. for the Senior Mobility Program**

Financial Impact: Expense: \$175,000.00 Offsetting

Revenue: \$175,000.00 Orange County Transportation Authority and Air Quality Management District Grants

Recommended Action: It is recommended that the City Council:

- 1) Authorize the City Administrator to execute a three and one half year agreement with Western Transit Systems, Inc. for Senior Mobility Program transportation services for \$25,000.00 for Fiscal Year 2011-12 and \$50,000.00 a year for Fiscal Years 2012-13 to 2014-15 for a total contract amount of \$175,000.00 on behalf of the City, in a form approved by the City Attorney

(APPROVED 4 – 1, Councilmember Nelson voted no)

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

Deputy Director of Community Services Nicks provided a brief review of the services that will be provided by Western Transit Systems Inc.

Discussion ensued among City Council and Staff.

Councilmember Nelson requested that all request for proposal staff reports include a matrix.

A motion was made by Mayor Pro Tem Wanke, seconded by Mayor Yamaguchi, was approved (4 - 1) to authorize the City Administrator to execute a three and one half year agreement with Western Transit Systems, Inc. for Senior Mobility Program transportation services for \$25,000.00 for Fiscal Year 2011-12 and \$50,000.00 a year for Fiscal Years 2012-13 to 2014-15 for a total contract amount of \$175,000.00 on behalf of the City, in a form approved by the City Attorney.

b. Discussion and Direction Regarding Annual City Council Appointments to Various Intergovernmental Agencies, Boards, Committees and Commissions

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Review the attached list of current appointments to the various intergovernmental agencies, boards, committees, and commissions and make any changes or updates necessary
- 2) Designate and appoint by resolution one (1) representative to act as Director of the Orange County Fire Authority Board of Directors and one (1) alternate representative to act in the absence of the Director
- 3) Adopt Resolution No. R-2011-65, a Resolution of the City Council of the City of Placentia, California designating and appointing its representative and alternate to the Orange County Fire Authority's Board of Directors

(APPROVED 5 – 0, as recommended)

City Attorney Arczynski provided a brief staff report on item 4.b.

By unanimous action of the City Council, the following appointments were made to the various Intergovernmental Agencies, Board, Committees, and Commissions:

Board, Commission, and Committee	Delegate	Alternate
League of California Cities	Wanke	Aguirre
City Selection Committee	Nelson	Aguirre
ACC-OC	Nelson	Yamaguchi
Santa Ana River Ag.	Yamaguchi	Wanke
Downtown Parking Structure Comm.	Nelson	Yamaguchi
Finance/Invest. Comm.	Mayor	Mayor Pro Tem
Financial Audit Comm. (Ad-Hoc)	Underhill	Nelson
Heritage Festival Comm.	Aguirre	Yamaguchi
Recycling Comm.	Wanke	Underhill
Comm. Foundation	Mayor, Treasurer & Council (Aguirre)	

Additional Appointments

Orange County Fire Authority Board of Directors Delegate:

A motion was made by Mayor Yamaguchi and was carried (4 - 0 - 1) to appoint Mayor Pro Tem Wanke to the Orange County Fire Authority Board of Directors as delegate.

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

Orange County Fire Authority Alternate:

A motion was made by Councilmember Underhill and was carried (4 - 0 - 1) to appoint Councilmember Aguirre to the Orange County Fire Authority Board of Directors as alternate.

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

Orange County Sanitation District Delegate:

A motion was made by Mayor Yamaguchi and was carried (4 - 0 - 1) to appoint Councilmember Nelson to the Orange County Sanitation District as delegate.

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

Orange County Sanitation District Alternate:

A motion was made by Councilmember Aguirre and was carried (4 - 0 - 1) to appoint Councilmember Underhill to the Orange County Sanitation District as alternate.

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

Southern California Association of Governments Delegate:

A motion was made by Councilmember Nelson and was carried (4 - 0 - 1) to appoint Mayor Yamaguchi to the Southern California Association of Governments as delegate.

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

Southern California Association of Governments Alternate:

A motion was made by Mayor Yamaguchi and was carried (4 - 0 - 1) to appoint Councilmember Nelson to the Southern California Association of Governments as alternate.

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

COUNCIL/AGENCY NEW BUSINESS:

c. Rescission of Property Acquisition Reimbursement Agreement Related to 207-209 West Crowther Avenue

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve the rescission of the property acquisition reimbursement agreement between the Agency and the City for property located at 207-

- 209 West Crowther Avenue
2) Authorize the Mayor/Chairman to execute the reimbursement agreement
(APPROVED 5 - 0, as recommended)

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

A motion was made by Councilmember Nelson, seconded by Mayor Pro Tem Wanke, was approved (5 - 0) to approve the rescission of the property acquisition reimbursement agreement between the Agency and the City for property located at 207-209 West Crowther Avenue; and authorize the Mayor/Chairman to execute the reimbursement agreement.

AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Nelson requested that the City Attorney provide a written opinion on the Brown Act.

Mayor Pro Tem Wanke inquired about the previous street trees and sidewalk policy.

City Administrator Butzlaff noted that it was Council's decision not to budget any funds in the prior year budgeted for street trees and sidewalks maintenance and turn back responsibility to the homeowners.

Mayor Yamaguchi requested Staff to provide periodic review of Council agenda for efficiencies, examine common practices of other City Council agendas, and increase transparency measures that may be included in our agendas. He requested that Staff obtain statements of qualifications from energy audit sustainability service providers.

ADJOURNMENT:

The City Council/Redevelopment Agency/ICDA Board of Directors adjourned at 8:43 p.m. to the next regular meeting.



PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

ATTEST:


JEREMY YAMAGUCHI, MAYOR/AGENCY CHAIR