

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
PLACENTIA PUBLIC FINANCING AUTHORITY
MINUTES
REGULAR MEETING
March 21, 2023
5:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor Smith called the meeting to order at 5:07 p.m.

ROLL CALL:

PRESENT: Councilmember/Board Member Kirwin, Shader, Yamaguchi, Smith

ABSENT: Wanke (Excused)

ORAL COMMUNICATIONS:

Mayor Smith opened Oral Communications for the Closed Session. City Clerk McKinnell stated that the City Clerk's Office had received no public comment for the Closed Session.

City Attorney Bettenhausen announced there is an urgency Closed Session item to be added that Staff became aware of after the posting of the agenda. The item for the Council's consideration is:

Pursuant to Government Code Section 54956.9 (d)(1):

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

City of Placentia vs. Onward Engineering; Case No. 30- 2018-01040701

Motion by Councilmember Shader, second by Councilmember Kirwin and carried a 4-0-1 (Wanke absent) vote to add the item as stated by City Attorney Bettenhausen to the Closed Session proceedings.

City Clerk McKinnell read into the record the cases to be discussed in Closed Session.

The City Council and Boards of Directors recessed to the City Council Caucus Room for the purpose of conducting their Closed Session proceedings on the following:

1. Pursuant to Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: Damien Arrula, City Administrator

Alice Burnett, Director of Human Resources

Employee Organizations: Placentia City Employees Association (PCEA)

Placentia Firefighters Association (PFA)

Placentia Police and Fire Management Association (PPFMA)

Placentia Police Officers Association (PPOA)

Unrepresented Employees

2. Pursuant to Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

Case: City of Placentia, et al v. Purdue Pharma L.P., et al; USDC, Northern District of California (Case No. 19-cv-02325-JST, transferred to USDC, Northern District of Ohio, MDL No. 2)

3. Pursuant to Government Code Section 54956.9(d)(1)

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation

Case: Arcadia, et al. v. So. Cal. Edison Corp., Santa Barbara Superior Court Case No. 20 CV 02026SCE

4. Pursuant to Government Code Section 54956.8
CONFERENCE WITH REAL PROPERTY NEGOTIATOR
 Property: 207 W. Chapman Avenue
 Agency Negotiator: Damien R. Arrula, City Administrator
 Negotiating Party: James and Nedra Crocker
 Under Negotiations: Price and Terms

5. Pursuant to Government Code Section 54956.9 (d)(1):
CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
 City of Placentia vs. Onward Engineering; Case No. 30- 2018-01040701

RECESS: The City Council and Boards of Directors recessed to their 7:00 p.m. Regular Meeting.

CALL TO ORDER: Mayor Smith called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Councilmember/Board Member Kirwin, Shader, Yamaguchi, Smith
 ABSENT: Wanke

STAFF PRESENT:

City Attorney/Authority Counsel Christian Bettenhausen; City Administrator Damien Arrula; Deputy City Administrator Rosanna Ramirez; Deputy City Administrator Luis Estevez; Police Chief Brad Butts; Fire Department Battalion Chief Jason Dobine; 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

City Attorney Bettenhausen announced there is an urgency item that Staff became aware of after the posting of the agenda for the Council’s consideration to add to the agenda. The item is the Placentia Navigation Center Tile Wall Project, Staff is recommending rejection of all bids and to authorize the rebidding of the project.

Motion by Councilmember Shader, second by Mayor Pro Tem Yamaguchi and carried a 4-0-1 (Wanke absent) vote to add the Navigation Center Tile Wall Project item to the Regular Agenda as Item 3.e.

INVOCATION: Chaplain Sterling Bennett

PLEDGE OF ALLEGIANCE: Officer Zachary King

PRESENTATIONS:

a. **Proclamation of March 29, 2023 as National Vietnam War Veterans Day**

Presenters: Mayor Smith
Recipients: Former Councilmember Craig S. Green and Meredith Castillo, Veterans Advisory Chair

Mayor Smith presented a proclamation in recognition of National Vietnam War Veterans Day. It was received on behalf of Vietnam veterans by Craig S. Green and Meredith Castillo.

Craig Green and Meredith Castillo thanked the Mayor and Council for their support of veterans.

Mayor Smith announced that there is another presentation that was not listed on the agenda, a Proclamation recognizing Donate Life Month.

b. **Proclamation of April 2023 as DMV Donate Life Month**

Presenters: Mayor Smith
Recipient: Rene Sorrentino, Placentia resident

Mayor Smith presented a proclamation in recognition of DMV Donate Life month to Rene Sorrentino.

Ms. Sorrentino thanked the Mayor and Council for their support and shared comments about her journey as an organ recipient and the importance of the DMV Donate Life Program.

CLOSED SESSION REPORT:

City Attorney/Authority Counsel Bettenhausen stated that there were five (5) items on the Closed Session agenda, the City Council discussed each of those items, and direction was provided to Staff. He reported on Item No. 2, City of Placentia, et al. v. Purdue Pharma L.P., et al. which is the national opioid litigation and the Council previously agreed to enter into four (4) settlement agreements with three distributors and Janssen which is J & J. Tonight, on motion by Mayor Pro Tem Yamaguchi and seconded by Councilmember Shader and carried a 4-0-1 (Wanke absent) vote the Council voted to participate in five new settlements with two (2) manufacturers, Teva and Allergen and three (3) distributors, Walmart, Walgreens and CVS. The settlements are in the process of being finalized and are tentative at this time.

CITY ADMINISTRATOR REPORT:

City Administrator Arrula welcomed and introduced one (1) new City of Placentia employee.

Kelley Krahling, Community Outreach Coordinator for Placentia Police Department, graduated from the University of San Francisco with a Bachelor of Arts degree in government and a Juris Doctorate from the University of San Francisco School of Law.

ORAL COMMUNICATIONS:

Placentia resident Lainey Goldberg commented on AB 1276 which was recently passed which prohibits food facilities from giving single use cutlery and condiments to customers without them asking for them. She displayed stickers that she designed to raise awareness of the law.

CITY COUNCIL/BOARD MEMBER COMMENTS:

Councilmember Shader reported her attendance at the following:

- Orange County Human Relations Commission meeting
- Association of Orange County Cities Executive meeting

She also reported serving as emcee at the naming of the Placentia Post Office in honor of fallen soldier Army PFC Jang Ho Kim noting that he was a graduate of Valencia High School and his family lived in Placentia for 27 years. She also reported attending the Santa Fe Park reopening on Saturday, March 18, 2023. She promoted upcoming public workshops for the Toll Brothers 100-unit residential Development project on April 3, 2023, 6-7 p.m. at the Aguirre Building and the Chapman Corridor workshop on March 30, 2023 from 6-7 p.m. at the Powell Building.

Councilmember Kirwin reported attending the Santa Fe Park reopening and commented on the much needed park improvements. He promoted the upcoming Easter Eggcitement at Kraemer Park on April 10, 2023 from 10 a.m- 1 p.m.

Mayor Pro Tem Yamaguchi promoted community outreach workshops and public comment opportunities for a proposed Senior/Community Center as follows: Whitten Center on March 28, 2023, 6-7:30 p.m., booth at the Easter Eggcitement on April 10, 2023, 10 a.m. – 1 p.m., Golden Elementary on April 18, 2023, 6-7:30 p.m., and a survey that is available on the City's website. He reported attendance at the Smart Cities Committee meeting and noted that he would be participating in a panel discussion on behalf of the City at the Connected America Conference in Dallas Texas. He also reported a lunch meeting with Councilmember Shader and members of Congresswoman Steele's office to discuss upcoming projects in the City. Lastly, he wished Lee Castner a Happy 90th birthday.

Mayor Smith reported attendance at the following:

- Public Hazard Mitigation Plan Kickoff meeting
- League of California Cities meetings (topic: Fentanyl crisis in communities)
- Love Placentia Committee meeting
- Blue Ribbon Committee meeting

He also reported attending the Placentia Post Office naming ceremony in honor of Army PFC Jang Ho Kim, Santa Fe Park Ribbon cutting ceremony, and a roundtable discussion with Congresswoman Steel and her staff and representatives from 15 cities to discuss how she may help cities at the Federal level. He also reported a conference call meeting with Cal Trust to discuss recent bank seizures. Lastly,

he promoted the Love Placentia event on April 22, 2023 and encouraged all to sign up for projects throughout the City.

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

City Attorney Bettenhausen made an oral statement regarding Item no. 1.h. He stated that according to state law he is required to make an oral statement as to what is being approved in the City Administrator's employment agreement. He noted that under the terms of the employment agreement, the City has conducted and completed the City Administrator's annual evaluation. On tonight's agenda is an amendment and restatement of the agreement in order to incorporate all prior amendments. There is no change to base salary and there are three (3) items that are being recommended for approval 1) an annual physical, reimbursable up to \$1,000; 2) one time grant of 250 hours of paid time off which has a net value of \$20,500 to be distributed immediately; and 3) the City Administrator can convert up to 96 hours of Alternative Health and Wellness Leave allowance on the last day of the fiscal year which shall be credited to the Administrator's PTO leave balance.

Motion by Shader, seconded by Yamaguchi, and carried a (4-0-1, Wanke absent) vote to approve the Consent Calendar items 1.a. through 1.i., as recommended.

1.a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**

Fiscal Impact: None

Recommended Action: Approve

(Approved 4-0-1, as recommended, Wanke absent)

1.b. **City Fiscal Year 2022-23 Register for March 21, 2023
Check Register**

Fiscal Impact: \$2,059,882.98

Electronic Disbursement Register

Fiscal Impact: \$ 649,192.17

Recommended Action: It is recommended that the City Council:

1) Receive and file.

(Received and Filed, as recommended)

1.c. **Acceptance of Resignation from the Heritage Festival Committee**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

1) Accept the resignation of Manpreet Chadha from the Heritage Festival Committee; and
2) Update the City's master Commission/Committee vacancy list to include the vacancy on the Committee indicated above.

(Approved 4-0-1, as recommended, Wanke absent)

1.d. **Tentative Tract Map (TTM) No. 19183: A Proposed Tract Map to Subdivide an
Approximately 1.3-Acre Site with 39 Residential Townhome Condominium Units
Located at 1952 & 1958 East Veterans Way within the High Density Residential
(R-3) Zoning District**

Fiscal Impact:

Revenue: \$653,568 Development Impact Fees

Recommended Action: It is recommended that the City Council:

1) Adopt Resolution No. R-2023-14, A Resolution of the City Council of the City of Placentia, California, adopting a Categorical Exemption pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000-21177 and §15000 et seq. of Title 14 of the California Code Of Regulations) (CEQA) and approving Tentative Tract Map (TTM) 19183 pertaining to the subdivision of property located at 1952 and 1958 East Veterans Way for 39 residential townhome units for condominium purposes on the subject 1.3-acre property located within the High Density Residential (R-3) Zoning District and making findings in support thereof.

(Approved 4-0-1, as recommended, Wanke absent)

2. PUBLIC HEARING:

2.a. **CDBG Grant Funding for Proposed Programs for FY 2023-24**

Fiscal Impact: CDBG Funds in the amount of \$377,237 for Fiscal Year 2023-24

Recommended Action: It is recommended that the City Council:

- 1) Open the Public Hearing to consider proposed programs and activities for the Community Development Block Grant Funding for Fiscal Year 2023-24; and
- 2) Receive the Staff report, consider all public testimony, ask any questions of Staff; and
- 3) Close the Public Hearing; and
- 4) Authorize the City Administrator to submit an application to the County of Orange to receive CDBG Funds to support public service programs, public facilities improvements, housing rehabilitation needs, and administrative expenses for Fiscal Year 2023-24; and
- 5) Authorize the City Administrator to execute all necessary documents, in a form approved by the City Attorney.

(Approved 4-0-1, as recommended, Wanke absent)

Mayor Smith opened the Public Hearing at 7:40 p.m.

City Administrator Arrula introduced Assistant to the City Administrator Jeannette Ortega who gave a brief presentation on the proposed programs and activities to be submitted to the County of Orange for Community Development Block Grant (CDBG) funding for Fiscal Year 2023-24. The presentation included background, proposed programs for Fiscal Year 2022-23, anticipated funding, and a Staff recommendation.

City Clerk McKinnell stated that the City Clerk's Office had received no public comment for Item 2.a.

Councilmember Shader inquired about the ongoing waiting list for projects for businesses and residents, such as the façade improvement program in the Old Town area. Ms. Ortega responded that ten (10) are on the waiting list.

Mayor Smith closed the Public Hearing at 7:50 p.m.

Motion by Shader, seconded by Yamaguchi, and carried a (4-0-1), Wanke absent, vote to approve Item 2.a., as recommended.

3. REGULAR AGENDA:

3.a. **Introduction and First Reading of Ordinance No. 2023-01 of the City Council of the City of Placentia, California, Amending Chapter 9.20 ("Wildlife") of Title 9 ("Animals and Fowl") of the Placentia Municipal Code Relating to Feeding Wildlife within the City**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Receive the staff report and consider the first reading of Ordinance No. 0-2023-01; and
- 2) Find that the recommended actions are exempt from the California Environmental Quality Act ("CEQA") pursuant to Sections 15061(b)(3) of the CEQA Guidelines, (Title 14, Chapter 3 of the California Code of Regulations). Section 21065 of the Public Resources Code, and the City of Placentia Local Guidelines for implementing CEQA.

(Approved 4-0-1, to continue the item, Wanke absent)

City Administrator Arrula introduced Director of Community Services Karen Crocker who gave a brief presentation on the Ordinance related to the feeding of wildlife within the City.

Mayor Pro Tem Yamaguchi inquired about home birdfeeders, enforcement on private properties, and conflicting language within the Ordinance related to birds.

A discussion ensued about enforcement on public and private property and definitions of birds within the Ordinance.

Mayor Smith commented on the nuisance and safety issues related to squirrels in City parks. City Attorney Bettenhausen and City Administrator Arrula recommended that the item be continued to allow revisions to the language in the Ordinance.

Motion by Yamaguchi, seconded by Kirwin, and carried a (4-0-1, Wanke absent) vote to continue Item 3.b. to clarify language within the Ordinance.

3.b. **Approval of the Design Concept Plan for Playground Renovations at Koch Park (Phase II) and Approval of a Public Works Agreement with Playcore D.B.A Gametime for the Purchase and Installation of the Playground Equipment, CIP Project No. 7312**

Fiscal Impact:

Budgeted: \$600,000.00 CIP Fund (797312-6760) Project No. 7312

Expense: \$593,742.96 CIP Fund (797312-6760) Project No. 7312

Recommended Action: It is recommended that the City Council:

- 1) Provide Staff with input to incorporate into the design plan for the renovation of the Koch Park (Phase II) playground project; and
- 2) Approve the design concept plan for the Koch Park (Phase II) playground renovation project; and
- 3) Approve the purchase of the Koch Park (Phase II) playground equipment utilizing the budgeted CIP funding in Fiscal Year 2022-2023 for project 7312; and
- 4) Award a Public Works Agreement to PlayCore d.b.a GameTime, for the Koch Park (Phase II) playground equipment renovation project in the amount of \$593,742.96; and
- 5) Authorize the City Administrator to approve contract change orders up to a total of \$6,254.04 or a not-to-exceed total contract amount of \$600,000; and
- 6) Authorize the City Administrator and/or his designee to execute all necessary documents, in a form approved by the City Attorney

(Approved 4-0-1, as recommended, Wanke absent)

City Administrator Arrula introduced Director of Community Services Karen Crocker who gave a brief presentation on the design concept plan for renovations at Koch Park, Phase II.

Councilmember Shader asked if a section of the road could be extended. A discussion ensued about prioritizing improvements for safety reasons and the types of improvements that are proposed.

Motion by Yamaguchi, seconded by Shader, and carried a (4-0-1, Wanke absent) vote to approve Item 3.b., as recommended.

3.c. **Approval of the Design Concept Plan for Playground Renovations at Tuffree Park and Approval of Public Works Agreement with Playcore D.B.A. Gametime for the Purchase and Installation of the Playground and Shade Sails Equipment, CIP Projects No. 7301 and No. 7302**

Fiscal Impact:

Budgeted: \$300,000.00 CIP Fund (697301-6760) Project No. 7301

\$ 45,000.00 CIP Fund (697302-6760) Project No. 7302

Expense: \$338,054.12 CIP Budget Funds

Recommended Action: It is recommended that the City Council:

- 1) Provide Staff with input to incorporate into the design plan for the renovation of the Tuffree Park playground and shade sails projects; and
- 2) Approve the design concept plan for the Tuffree Park playground renovation project and addition of the shade sails; and
- 3) Approve the purchase of the Tuffree Park playground and shade sails equipment utilizing the budgeted CIP funding in Fiscal Year 2022-2023 for projects 7301 and 7302; and
- 4) Award a Public Works Agreement to PlayCore d.b.a. GameTime for the Tuffree Park playground and shade sails equipment renovation project in the amount of \$338,054.12; and

- 5) Authorize the City Administrator to approve contract change orders up to a total of \$6,945.88 or a not-to-exceed total contract amount of \$345,000; and
- 6) Authorize the City Administrator and/or his designee to execute all necessary documents, in a form approved by the City Attorney.

(Approved 4-0-1, as recommended, Wanke absent)

Director of Community Services Karen Crocker gave a brief presentation on the design concept plan for renovations at Tuffree Park.

Mayor Smith commented on the cracked and fractured sidewalks and paths that exist in the park and what the plan is to renovate those areas. Ms. Crocker responded that she has met with Deputy City Administrator Estevez to address those issues under a separate project. She also noted that improvements to the gym will be included in a future park initiative project.

Motion by Shader, seconded by Yamaguchi, and carried a (4-0-1, Wanke absent) vote to approve Item 3.c., as recommended.

Item 3.e. was taken out of order.

3.e. **Reject All Bids Received for The Placentia Navigation Center Tile Wall Project and Authorize Re-Bidding of Project [ADDED URGENCY ITEM]**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Reject all proposals received for Placentia Navigation Center tile wall project; and
- 2) Authorize staff to solicit new proposal for Placentia Navigation Center tile wall project.

(Approved 4-0-1, as recommended, Wanke absent)

Director of Community Services Karen Crocker gave a brief presentation on the Placentia Navigation Center File Wall Project.

Motion by Shader, seconded by Yamaguchi, and carried a (4-0-1, Wanke absent) vote to approve Item 3.e., as recommended.

3.d. **2023 City Treasurer Investment Report Update**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Receive and file the 2023 Treasury Update.

(Received and Filed, as recommended)

City Treasurer Kevin Larson presented the 2023 City Treasurer Investment Report Update and noted that representatives from Kosmont Financial Services were also available via conference call to answer any questions.

Councilmember Shader commented on the excellent report and thanked City Treasurer Larson for his efforts as Treasurer. She noted the importance of providing an update so that the people of Placentia are made aware of how their money is being invested to create fiscal sustainability well into the future.

Councilmember Kirwin thanked City Treasurer Larson for his diligence and commitment to being a trustee of the funds for the people of Placentia.

Mayor Pro Tem Yamaguchi commented on the financial difficulties the City faced not long ago and also thanked City Treasurer Larson for his work in bringing stability to the City's finances.

Mayor Smith echoed comments made by fellow Councilmembers and thanked City Treasurer Larson, the finance department and Kostmont Financial Services for all of their efforts.

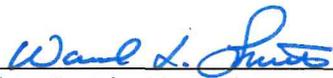
CITY COUNCIL/BOARD MEMBERS REQUESTS:

Mayor Pro Tem Yamaguchi thanked Mr. Craig Green for providing the monthly Vector Control report. He also asked if Staff could research electronic voting systems for City Council Chambers.

Mayor Smith thanked Staff and the Public Works crews for the work during the flooding issues that occurred last week. He also noted the significant fire that took place in the City on March 4, 2023 and thanked the Placentia Fire and Life Safety Department for their efforts.

ADJOURNMENT:

The City Council/Successor Agency/ICDA/PPFA Board of Directors adjourned at 8:57 p.m. to a regular City Council meeting on Tuesday, April 4, 2023 at 5:30 p.m.



Ward L. Smith, Mayor/Agency Chair

ATTEST:



Robert S. McKinnell, City Clerk/
Agency Secretary

