

**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  
July 2, 2024  
5:30 p.m. – City Council Chambers  
401 E. Chapman Avenue, Placentia, CA**

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*City Clerk McKinnell announced a time change for Closed Session from 5:30 p.m. to 6:00 p.m.*

**CALL TO ORDER:** Mayor Pro Tem Kirwin called the meeting to order at 6:03 p.m.

**ROLL CALL:**

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

**ORAL COMMUNICATIONS:**

Mayor Pro Tem Kirwin 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. Mr. McKinnell announced the Closed Session case.

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 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. 2804)

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

**CALL TO ORDER:** Mayor Pro Tem Kirwin called the meeting to order at 7:00 p.m.

**ROLL CALL:**

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

**STAFF PRESENT:**

City Attorney/Authority Counsel Christian Bettenhausen; City Administrator Damien Arrula; Deputy City Administrator Rosanna Ramirez; Police Chief Brad Butts; Fire Chief Jason Dobine; Director of Finance Jennifer Lampman; Director of Community Services Karen Crocker; Director of Development Services Joe Lambert; Director of Public Works Chris Tanio, Deputy Director of Administrative Services Jeannette Ortega; City Treasurer Kevin Larson; City Clerk Robert McKinnell; Deputy City Clerk Carole M. Wayman

**INVOCATION:** Chaplain Kenneth Curry

**PLEDGE OF ALLEGIANCE:** Councilmember Wanke

**PRESENTATIONS:**

- a. **Proclamation of July 2024 as Parks and Recreation Month**

Presenter: Mayor Yamaguchi and City Council

Recipients: Karen Crocker, Director of Community Services and  
Veronica Ortiz, Deputy Director of Community Services

Mayor Pro Tem Kirwin presented a Proclamation to Community Services Director Crocker designating the month of July 2024 as National Parks and Recreation month. Director Crocker thanked the Council and introduced a short video highlighting the Community Services Department.

City Administrator Arrula announced that Director Crocker would be leaving the City soon for a position in Incline Village. He highlighted Director Crocker's key role in implementing the Parks Initiative and her accomplishments during her tenure at the City.

Director Crocker thanked the City Council, City Administrator and Staff for their support over the years.

**b. Recognition of Placentia Police and Fire Department Personnel for life saving efforts**

Presenter: Mayor Yamaguchi

Recipients: Police Officer Asad Khan, Fire Captain Josh Martin,  
Fire Engineer Samuel Listoe and Probationary Firefighter Mark Aguirre

Fire Chief Dobine and Police Chief Butts presented medals to Police Officer Asad Khan, Fire Captain Josh Martin, Fire Engineer Samuel Listoe and Probationary Firefighter Mark Aguirre in recognition for their life saving efforts on May 20, 2024 during the rescue of a victim from a storm drain. Chief Butts stated that to be awarded the life saving medal, an employee must perform an act above and beyond that which is normally expected. Based upon their heroic actions, quick thinking and lifesaving teamwork they deserve this award.

**c. Recognition of Gun Buy Back Event**

Presenter: Supervisor Doug Chaffee

Recipients: Police Officers John Martinez and Jeffery Irvine

Mayor Pro Tem Kirwin introduced Supervisor Doug Chaffee who gave a brief presentation on the Gun Buyback event that was held on May 13, 2024. He presented certificates of appreciation to Police Officers John Martinez and Jeffery Irvine in recognition of their efforts and assistance at the event. He also presented a certificate of appreciation to Chief Butts for his support of the Program.

**CLOSED SESSION REPORT:**

City Attorney/Authority Counsel Bettenhausen stated that there was one item of existing litigation on the agenda concerning the national opioid litigation with Purdue Pharma which the City is involved in. A motion was made by Councilmember Wanke, seconded by Councilmember Smith and carried unanimously to do two things. First, to authorize the City to participate in a settlement that is proposed with the Kroger Company in the national litigation. And two, there is to be a number of other additional settlements, and rather than come back each time, and to make things easier for future settlements, the Council authorized the City Administrator, working in conjunction with the City Attorney to make decisions on whether the City will participate in those future settlements that may be presented in the Purdue Pharma litigation, two (2) weeks prior to committing, the Staff will send an email to the City Council informing them of the proposed settlement and allow opportunity for Council to request review. There is nothing further to report.

**CITY ADMINISTRATOR REPORT:**

City Administrator Arrula welcomed and introduced two (2) City of Placentia promotions.

Police Officer **Gianna Shellito** graduated from Brea Olinda High School and then attended Fullerton College where she obtained two associate degrees. Gianna was hired as a Records Cadet for the Placentia Police Department in November 2020. After a year, she was hired as a Parking Control Officer. In June 2023, she was hired as a Police Academy Trainee and attended the Golden West Police Academy. Gianna graduated from the Academy in December 2023 and was promoted to Police Officer.

Police Officer **Brittney Oldham** graduated from El Dorado High School and then took classes at Santiago College. Brittney has worked for the City of Placentia in various positions since high school, starting as a lifeguard during the summer and then as a Recreation Leader within the Community Services Department. She then worked for Lynch Ambulance as an EMT and dispatcher. In June 2020, she was hired by the City as a Dispatch Supervisor for the newly created Public Safety Communications Center.

In June 2023, Brittney was hired as a Police Academy Trainee and attended the Golden West Police Academy. She graduated from the academy in December 2023 and was promoted to Police Officer.

**ORAL COMMUNICATIONS:**

Julie Suchard, resident, expressed concerns about City Administrator Arrula’s compensation package and expenses and commented on the documents she received through a public records request about Mr. Arrula’s vehicle car washes.

Craig Green, resident and former Councilmember, thanked City Administrator Arrula for his dedication and hard work on behalf of the City.

**CITY COUNCIL/BOARD MEMBER COMMENTS:**

Councilmember Smith reported his attendance at the Council Retreat and workshop and promoted National Night Out on August 6<sup>th</sup> from 5-8 p.m. at the Placentia Town Center Shopping Center.

Councilmember Shader reported her attendance at:

- Council Retreat and workshop
- Two events honoring long-time businesses, Better Floors and Restoration and the Bruery
- Association of California Cities Executive and Legislative Committee meetings

She promoted the upcoming Taylor Smith Concert in the Park on July 11<sup>th</sup> at 6:30 p.m. at Tri-City Park.

Councilmember Wanke reported on cost saving measures that were accomplished during his tenure as Chair of the Orange County Sanitation District. He announced that City facilities would be closed on July 4<sup>th</sup> for the holiday and noted that Public Safety departments would remain open. He wished all a wonderful 4<sup>th</sup> of July holiday and noted that fireworks are not permitted in the City of Placentia.

Mayor Pro Tem Kirwin commented that he appreciates the detailed Closed Session reports.

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

Councilmember Smith pulled Item No. 1.h. for further discussion. Motion by Wanke, seconded by Shader, and carried a (4-0-1) vote to approve the balance of Consent Calendar items 1.a. through 1.i., as recommended, Yamaguchi absent.

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, Yamaguchi absent)**

1.b. **Minutes**

**City Council/Successor/ICDA/PPFA Regular Meetings of: November 21 and December 5, 2023**

Recommended Action: Approve

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

1.c. **City Fiscal Year 2023-24 Register for July 2, 2024  
Check Register**

Fiscal Impact: \$1,036,950.83

Recommended Action: It is recommended that the City Council:

1) Receive and file

**(Received and filed, as recommended)**

1.d. **Acceptance of Construction Work and Notice of Completion for the Purchase, Fabrication, and Installation of a Manufactured Butler Building for the Placentia Public Safety Center Project, No. 5213**

Fiscal Impact:

Expense:	\$ 939,809	Original Construction Contract
	\$ 34,826	Contract Change Orders No. 1-2
	\$ 974,635	Total Construction Cost
Budgeted:	\$ 974,635	FY 2023-24 CIP Budget (105213-6850)

Recommended Action: It is recommended that the City Council:

- 1) Accept the work performed by BlueScope Construction, for the Purchase, Fabrication, and Installation of a Manufactured Butler Building for the Placentia Public Safety Center Project, for a grand total amount of \$974,635; and
- 2) Authorize the City Administrator to file a Notice of Completion with the Orange County Clerk-Recorder's Office for the Project; and
- 3) Authorize the City Administrator to release retention funds in accordance with the terms of the contract.

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

1.e. **Resolution to Adopt a Memorandum of Understanding between the City of Placentia and the Placentia Police and Fire Management Association for the Period of June 9, 2024 through June 30, 2025**

Fiscal Impact:

Fiscal Year 2023-24 & Fiscal Year 2024-25 \$635,000 (Estimated)

Recommended Action: It is recommended that the City Council:

- 1) Rescind Resolutions R-2024-36 previously adopting the MOU on June 4, 2024 and R-2024-37 previously adopting the related budget allocation on June 4, 2024 and adopt Resolution R-2024-47 approving the terms between the City and the Police and Fire Management Association (PPFMA); and
- 2) Authorize the City Administrator to execute a Memorandum of Understanding (MOU) based upon the terms for PPFMA on behalf of the City, in a form approved by the City Attorney's Office.

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

1.f. **Resolution Adopting the Annual Statement of Investment Policy for Fiscal Year 2024-25**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2024-46, a Resolution of the City Council of the City of Placentia, California, adopting the annual Statement of Investment Policy for the Fiscal Year 2024-25.

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

1.g. **Amendment No. 2 to Professional Services Agreement with HdL Companies for Sales Tax Analysis and Auditing Services**

Fiscal Impact:

Expense: \$6,540 Annual Fee Plus Additional Fees Contingent on Recovered Revenue Budgeted in FY2024-25 Proposed Budget (102020-6099)

Recommended Action: It is recommended that the City Council:

- 1) Approve Amendment No. 2 to the Professional Services Agreement with Hinderliter, de Llamas and Associates (HdL Companies) for Sales Tax Analysis and Auditing Services for a term ending June 30, 2025; and
- 2) Authorize the City Administrator and/or his designee to execute all the necessary documents in a form approved by the City Attorney.

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

1.h. **Resolution Authorizing the Temporary Suspension of Regulatory Ordinance Pertaining to the Operation of the Placentia Rotary Club Cowabunga Fundraiser Event on Saturday, September 7, 2024, at Kraemer Memorial Park**

Fiscal Impact: \$4,225 (Staff Costs)

Recommended Action: It is recommended that the City Council:

- 1) Approve a facility rental/use agreement with the Placentia Rotary Club to host the annual Cowabunga fundraiser event at Kraemer Memorial Park and authorize the City Administrator or designee to execute all applicable documents; and
- 2) Adopt Resolution No. R-2024-37, A Resolution of the City Council of the City of Placentia Authorizing the Temporary Suspension of Regulatory Sections 10.28.010 and 23.76.050 of the Placentia Municipal Code for the operation of the Cowabunga

- fundraiser event on Saturday, September 7, 2024, from 2:00 p.m. to 9:00 p.m. at Kraemer Memorial Park located at 201 N. Bradford Avenue; and b) granting authority to the City Administrator or his/her designee to authorize the temporary suspension of the regulatory ordinance Section 10.28.010 and Section 23.76.050 of the Placentia Municipal Code for the operation of the Placentia Rotary Club Cowabunga Fundraiser Event held annually in September for the next five (5) years through 2029; and
- 3) ~~Consider approving the Staff's recommendation to only waive facility use/rental fees for the use of Kraemer Memorial Park and not Staff costs or the damage deposit associated with the operation of the event. Approve the waiver of facility use/rental fees and Staff costs for the use of Kraemer Memorial Park for the Cowabunga Fundraiser Event.~~

**(Approved 3-0-1-1, as amended, Smith abstained, Yamaguchi absent)**

Councilmember Smith highlighted the many community scholarships and programs that are supported with funds from the yearly fundraising event. He announced that he would be recusing himself from the item and left the room.

Community Services Director Crocker provided a brief presentation on the item and noted that recommendation No. 2 requests approval of the temporary suspension of regulatory ordinance Section 10.28.010 and Section 23.76.050 of the Placentia Municipal Code for the operation of the Placentia Rotary Club Cowabunga Fundraiser through 2029.

Mayor Pro Tem Kirwin commented that the item is similar to the Celtic Festival Event that was previously approved by the Council noting that the same considerations are being requested. He asked if Staff costs were waived for the Celtic Festival event. In response, City Administrator Arrula confirmed that Staff costs were waived.

Motion by Wanke, seconded by Shader, and carried a (3-0-1-1) vote to approve Item 1.h., as amended, Smith abstained, Yamaguchi absent.

***Note: After the July 2, 2024 meeting adjourned, City Staff asked the City Clerk to render an opinion relative to the amended motion passed by Council. Specifically, whether the amended motion included waiver of Staff costs. The opinion generated by the City Clerk in response to the request is attached.***

1.i. **Notice of General Municipal Election – November 5, 2024**

Fiscal Impact:

Estimated Expense: \$75,000

Budgeted: \$75,000 FY 2024-25 (101002-6299)

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2024-48, a Resolution of the City Council of the City of Placentia calling for the holding of a General Municipal Election to be held on Tuesday November 5, 2024 to elect City Council Members for Districts 1, 3 and 5; electing a City Treasurer, and requesting consolidation with the Statewide General Election being held on that date; and
- 2) Adopt Resolution No. R-2024-49, a Resolution of the City Council of the City of Placentia, California, adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at an election to be held on Tuesday, November 5, 2024.

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

**2. PUBLIC HEARINGS:** None

**3. REGULAR AGENDA:**

- 3.a. **A Resolution of the City Council of the City of Placentia, California, Adopting the 2024 Draft Local Hazard Mitigation Plan which has received approval pending adoption by the Federal Emergency Management Agency (FEMA)**

Fiscal Impact: None

Recommended Action: It is recommended that the City Council:

Adopt Resolution No. R-2024-50, A Resolution of the City Council of the City of Placentia, California, adoption of the 2024 Draft Local Hazard Mitigation Plan as its official plan.

**(Approved 4-0-1, as recommended, Yamaguchi absent)**

Emergency and Health Services Manager Patrick Powers gave a brief presentation on the Draft Local Hazard Mitigation Plan.

Councilmembers Shader and Smith thanked Manager Powers for his efforts on the plan.

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

**CITY COUNCIL/BOARD MEMBERS REQUESTS:**

Councilmember Smith expressed appreciation to Community Services Director Karen Crocker for her efforts and years of service with the City. He also requested that cooling center areas be set up in City facilities for those in the community who do not have air conditioning.

City Administrator Arrula stated that he is currently working with the Community Services Department to set up cooling centers in City facilities.

Councilmember Shader requested that an item be agendaized to discuss best practices for e-bikes/scooters and requested that the Police Department be included in the presentation.

**ADJOURNMENT:**

The City Council/Successor Agency/ICDA/PPFA Board of Directors adjourned at 7:50 p.m. to a regular City Council meeting on Tuesday, July 16, 2024 at 5:30 p.m.

  
\_\_\_\_\_  
Kevin Kirwin, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
Robert S. McKinnell, City Clerk/  
Agency Secretary

Attachment:

Opinion by the City Clerk regarding Item No. 1.h.



# Placentia City Clerk

## MEMORANDUM

### OPINION OF CITY CLERK

In response to your request that I review the city records regarding whether the City Council acting at the July 2, 2024 Council meeting waived City Staff Costs associated with the Cowabunga Festival event I have found the following:

1. The agenda packet shows a fiscal impact of \$4225 (Staff costs) in the Item 1.h synopsis implying the staff costs would be waived as the fiscal impact would be realized by the city, not reimbursed by the Rotary.
2. In the staff report as well as staff recommendations associated with the agenda item, it states that staff recommended that the staff costs would not be waived
3. In the Council's oral discussion of the item, Mayor Pro Tem Kirwin asked if this item was being handled in the same manner as the most recent Celtic festival. There was agreement between all speaking that the intent was to handle both events in the same manner. In the case of the Celtic festival the costs were waived implying Council intended to waive the costs for the Cowabunga event.

**It is my opinion, the operative action among the above ambiguous actions/documents would be the oral discussion of the Council immediately before the vote of Councilmembers and that being the case the staff costs associated with the Cowabunga event were waived by Council action.**

*Robert S. McKinnell*

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Robert S. McKinnell, City Clerk

*ATTACHMENT TO  
Minutes of July 2, 2024*