

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
January 17, 2012
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 5:35 p.m.

ROLL CALL:

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

ORAL COMMUNICATIONS: None

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. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8
 - a. Property: 230 W. Santa Fe, APN 339-393-01
City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Parties: Troy L. Butzlaff, Executive Director
Under Negotiations: Price and Terms of Payment

RDA: None

ICDA: None

RECESS: The City Council/RDA/ICDA recessed to the Regular Meeting at 7:05 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 V. Arczynski; Assistant City Administrator, Ken Domer; Director of Administrative and Community Services, Steve Pischel; Finance Director, Karen Ogawa; Police Chief, Rick Hicks; Deputy Director of Community Services, Jon Nicks; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: Gary Drabek, Police Chaplain

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Wanke

PRESENTATIONS:

- a. 2011 Employee Service Recognition
Presenter: Mayor Yamaguchi and City Administrator Butzlaff

10 Year Recognition

Police Sergeant Brad Butts	Police Sergeant Brian Perry
Production Coordinator Daniel Fenstermaker	Maintenance Worker Jose Ponce
Police Officer Sean Malone	Associate Planner Monique Schwartz
Sr. Mgmt Analyst Michael McConaha	C.S. Coordinator Felipe Zambrano

15 Year Recognition

Admin Assistant Maria Elena Maurer	Police Officer Christopher Stuber
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25 Year Recognition

Director of Admin/C.S. Stephen Pischel	Part-Time C.S. Specialist Nancy Buck
Maintenance Worker Jeffrey Stephen	

30 Year Recognition

Police Sergeant Brian Yamaguchi	Deputy Police Chief Ward Smith
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- b. 2011 Employee of the Year Recognition
Recipient: Development Services Coordinator Becky Cherene
Presenter: Mayor Yamaguchi
- c. Orange County Human Relations Hate Crimes Report (OCHR)
Presenter: Vince De Vargas, OCHR Commissioner

OCHR Commissioner De Vargas provided a copy of the OCHR Annual Report 2010-11.

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:

City Administrator Butzlaff thanked Mr. Buchanan for bringing to his attention that Staff did not include the upcoming Study Session on Tuesday, January 24, 2012 in the P-Town Informer. He announced the upcoming closure of Crowther and Kraemer. He announced the capture of the serial killer in Orange County.

Project Manager Stephenson provided an overview of the current OCTA OC Bridges Project. He noted the closing of Crowther and Kraemer on January 30, 2012.

Discussion ensued among City Council, Staff and Project Manager Stephenson.

Chief of Police Hicks announced that the suspect in four murders in Orange County was captured. He commended the Placentia Detective Bureau for their work in the capture.

ORAL COMMUNICATIONS:

Jeff Buchanan, resident, noted that he would like to have a dialogue format in the study session scheduled for January 24, 2012. He read an email he received from Director of Public Works Drinovsky pertaining to the street trees and sidewalk maintenance issues and thanked him.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Aguirre wished everyone a Happy New Year. He commended the Placentia Police Department and the other agencies involved in the capture of the serial killer. He announced the upcoming Clean-up Day event on January 21, 2012 in the downtown area.

Councilmember Nelson commended the Placentia Police Department and the other agencies involved in the capture of the serial killer. He congratulated all the employees recognized for their years of service and the employee of the year. He thanked Project Manager Stephenson for his work on the OC Bridges project. He attended the Association of California Cities Board meeting. He noted that he will be attending a meeting in Sacramento regarding employee relation committee meeting. He spoke in support of the Shaner Project.

Councilmember Underhill requested that Miss Placentia and Miss Teen Placentia be invited to a City Council meeting to be recognized.

Mayor Pro Tem Wanke noted that Councilmember Nelson, Councilmember Underhill and he attended the Miss Placentia and Miss Teen Placentia event. He noted that Mayor Yamaguchi and he attended an OC Vector Control Committee meeting. He noted that he attended an OC Waste meeting and toured all the Orange County Landfills.

Mayor Yamaguchi noted that the upcoming study session will be conducted in a town hall format with an open dialogue. He thanked Project Manager Stephenson for the OC Bridges project update. He congratulated Pat Irot, Pat Jertberg and Marie Schmidt for their more than 20 years of volunteer service to the Placentia Library History Room.

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

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

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 20, 2011
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- c. **City Fiscal Year 2011-12 Warrant Register for December 21, 2011 Through January 17, 2012**
Financial Impact: \$2,789,493.07
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

- d. **Agency Fiscal Year 2011-12 Warrant Register for December 21, 2011 Through January 17, 2012**
Financial Impact: \$3,042.62
Recommended Action: Approve
(APPROVED 5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Acceptance of Construction Work by Micon Construction Inc. for the Kraemer Memorial Park Restroom and Park Amenity Renovation Project and Approval of Additional Project Cost**

Financial Impact: Expense: \$413,403.03 construction and \$215,953.61 pre-fabricated restroom

Offsetting Revenue: \$621,082.60 State Grant and Park Development Fund

Budgeted: \$621,082.60 (Account No.: 333555-6185 J/L 6104915023-6185)

Unbudgeted: \$8,274.04 Park Development Fund

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2012-01, A Resolution of the City Council of the City of Placentia, California, authorizing a budget amendment in Fiscal Year 2011-2012 in the aggregate amount of \$8,274.04 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures
- 2) Approve additional contract change orders for Public Restroom Company in an amount not to exceed \$4,953.61, for the said project
- 3) Approve additional contract change orders for Micon Construction Inc. in an amount not to exceed \$3,320.43, for the said project
- 4) Accept the contract work by Micon Construction Inc. for renovation of the Kraemer Memorial Park Restroom and Park Amenity Renovation Project in the total amount of \$413,403.03
- 5) Authorize the City Administrator or designee to file a Notice of Completion with the Office of the Orange County Clerk-Recorder for the project
- 6) Authorize the City Administrator or designee to release the retention in accordance with the terms of the contract

(APPROVED 5 – 0, as recommended)

- f. **Recommendation to Approve Pipeline License Agreement with Burlington Northern Santa Fe Railway Company**

Financial Impact: Expense: \$1,000.00

Budgeted: \$1,000.00 (Account No.: 103550-6015)

Recommended Action: It is recommended that the City Council:

- 1) Approve Pipeline License Agreement
- 2) Authorize the Mayor to execute the Pipeline License Agreement on behalf of the City, in a form approved by the City Attorney

(APPROVED 5 – 0, as recommended)

- g. **Conveyance of 226 W. Santa Fe Avenue and 230 W. Santa Fe Avenue to Industrial/Commercial Development Authority**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve the conveyance of 230 W. Santa Fe Avenue and 226 W. Santa Fe Avenue to the Industrial/Commercial Development Authority
- 2) Authorize the City Administrator to execute the Grant Deed and conduct necessary recordation

(APPROVED 5 – 0, as recommended)

AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR:

h. **Acceptance of Conveyance of Property 226 W. Santa Fe Avenue and 230 W. Santa Fe Avenue**

Financial Impact: Not applicable

Recommended Action: It is recommended that the City Council:

- 1) Accept conveyance of the properties via grant deed
- 2) Direct the Secretary to cause the grant deed to be recorded with the County of Orange

(APPROVED 5 – 0, as recommended)

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: None

AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

a. **Adoption of Resolution to Approve an Amendment to Contract between Board of Administration California Public Employees' Retirement System and the City of Placentia**

Financial Impact: To be determined

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2012-02, A Resolution of the City Council of the City of Placentia, California, to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Placentia
- 2) Authorize Director of Administrative Services/Community Services to file the certified resolution with the CalPERS Board of Administration

(APPROVED 5 – 0, as recommended)

Director of Administrative Services/C.S. Pischel provided a brief staff report on item 4.a. He noted that the resolution will create a new tier intended to create a savings. He noted that

following the approval of the resolution Staff will bring back an ordinance for Council approval.

Discussion ensued among City Council and Staff.

A motion was made by Councilmember Aguirre, seconded by Councilmember Underhill, and carried (5 – 0) to adopt resolution No. R-2012-02, a resolution of the City Council of the City of Placentia, California, to approve an amendment to contract between the Board of Administration California Public Employees' Retirement System and the City Council of the City of Placentia; and authorize Director of Administrative Services/Community Services to file the certified resolution with the CalPERS Board of Administration

- b. **Update of the Dissolution of the Redevelopment Agency and Consideration of Actions Necessary to Wind Down Agency Operations**
Financial Impact: Potential range of ongoing general fund loss from \$542,963 to \$1,418,326 annually
Recommended Action: It is recommended that the City Council:
- 1) Adopt Resolution No. R-2012-03, A Resolution of the City Council of the City of Placentia, California, expressing intent to serve as the successor agency to the Redevelopment Agency of the City of Placentia, pursuant to California Health and Safety Code §§ 34171 (J) and 34173
 - 2) Adopt Resolution No. R-2012-04, A Resolution of the City Council of the City of Placentia, California, electing to retain the housing assets and functions previously performed by the Redevelopment Agency of the City of Placentia, pursuant to California Health and Safety Code §§ 34176
- (APPROVED 5 – 0, as recommended)**

City Administrator Butzlaff provided a brief staff report of item 4.b. He noted that in light of the decision of the Supreme Court, the City and nine other cities have filed a lawsuit against the State with the Supreme Court.

City Attorney Arczynski recommended that Council approve the five recommendations including the two resolutions set forth on the agenda.

Discussion ensued among City Council and Staff.

A motion was made by Councilmember Underhill, seconded by Councilmember Nelson, and carried (5 – 0) to adopt resolution No. R-2012-03, a resolution of the City Council of the City of Placentia, California, expressing intent to serve as the successor agency to the Redevelopment Agency of the City of Placentia, pursuant to California Health and Safety Code §§ 34171 (J) and 34173; and adopt resolution No. R-2012-04, a resolution of the City Council of the City of Placentia, California, electing to retain the housing assets and functions previously performed by the Redevelopment Agency of the City of Placentia, pursuant to California Health and Safety Code §§ 34176.

AGENCY NEW BUSINESS:

- c. **Amendment of Redevelopment Agency Enforceable Obligation Payment Schedule and Draft Recognized Obligation Payment Schedule**
Financial Impact: Not applicable
Recommended Action: It is recommended that the City Council:
- 1) Adopt Resolution No. RA-2012-01, A Resolution of the Board of Directors of the Redevelopment Agency of the City of Placentia amending the

Enforceable Obligation Payment Schedule pursuant to California Health and Safety Code § 34169 (g) (1)

- 2) Approve the amended Draft Recognized Obligation Payment Schedule and authorize the Executive Director to transmit the schedule to the Successor Agency
- 3) Direct the Executive Director to transmit the Enforceable Obligation Payment Schedule to the Orange County Auditor-Controller, the State Controller, and the California Department of Finance

(APPROVED 5 – 0, as recommended)

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

Discussion ensued among City Council and Staff.

A motion was made by Councilmember Underhill, seconded by Councilmember Aguirre, and carried (5 – 0) to adopt Resolution No. RA-2012-01, A Resolution of the Board of Directors of the Redevelopment Agency of the City of Placentia amending the Enforceable Obligation Payment Schedule pursuant to California Health and Safety Code § 34169 (g) (1); approve the amended Draft Recognized Obligation Payment Schedule and authorize the Executive Director to transmit the schedule to the Successor Agency; and Direct the Executive Director to transmit the Enforceable Obligation Payment Schedule to the Orange County Auditor-Controller, the State Controller, and the California Department of Finance.

ICDA NEW BUSINESS:

None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Nelson and Councilmember Underhill requested that Council allow the Financial Audit Oversight Sub-committee to work directly with the Financial Audit Oversight Committee. He requested that Council give direction to Staff to bring back a written memorandum pertaining to the Brown Act.

ADJOURNMENT:

The City Council/Redevelopment Agency/ICDA Board of Directors adjourned at 8:15 p.m. to January 24, 2012 at 6:00 p.m.

JEREMY B. YAMAGUCHI
MAYOR/AGENCY CHAIR

ATTEST:

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY