

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
April 3, 2012
5:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER: Mayor/Board Chair Mayor Yamaguchi called the meeting to order at 5:35 p.m.

ROLL CALL:

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

ORAL COMMUNICATIONS: None

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – Two (2) Items
 - a. Placentia Police Officers Association v. City of Placentia, Orange County Superior Court, Case No. 30-2011-00485327
 - b. 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 Potential Litigation – Two (2) Items
3. Pursuant to Government Code Section 54957.6 Conference with City Labor Negotiator concerning Labor Negotiations with the following group:
 - a. Placentia Police Officers Association (PPOA)
City Representatives: Troy L. City Administrator Butzlaff, City Administrator

SUCCESSOR AGENCY: None

ICDA: None

RECESS: The City Council and Boards of Directors recessed 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/ Authority Counsel, Andrew V. Arczynski; Assistant City Administrator, Ken Domer; Director of Administrative and Community Services, Steve Pischel; Director of Finance, Karen Ogawa; Director of Public Works, Steve Drinovsky; Police Chief, Rick Hicks; Deputy Chief of Police, Ward Smith; Management Analyst, Michael Nguyen; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: Ken Milhander, Police Chaplain

PLEDGE OF ALLEGIANCE: Councilmember Aguirre

PRESENTATIONS:

1. Requests for Commendations and Proclamations

- a. Recognition of Event Coordinators for the Vietnam Memorial Wall "The Wall That Heals"
Recipients: Event Coordinators Greg and Betty Gillaspy
Presenter: Mayor Yamaguchi

Mayor Yamaguchi introduced a video presentation of the Vietnam Memorial event. He thanked Media Production Coordinator Fenstermaker and Production Assistant Lowy for their work. He thanked Event Coordinators Greg and Betty Gillaspy for their work and presented them with a special plaque of appreciation.

Event Coordinator Greg Gillaspy thanked the event committee for their work and the City for their assistance.

- b. Proclamation Designating the Week of April 8 – 14, 2012, as National Public Safety Telecommunicators Week
Recipient: Police Services Supervisor Beverly Schlieder
Presenter: Mayor Yamaguchi

Mayor Yamaguchi presented a proclamation certificate to Police Services Supervisor Schlieder.

Police Services Supervisor Schlieder provided a brief overview of the Police Dispatch Center and their operations.

Recommended Action: It is recommended that the City Council:
Approve requests as submitted and make presentations to those present.

A vote was taken to approve Presentations Nos. 1.a. through 1.b., items were unanimously approved 5-0.

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 stated there was no reportable action from Executive Session this evening.

CITY ADMINISTRATOR REPORT:

City Administrator Butzlaff announced the upcoming Shred-it Day and National Drug Take Back Day events at the Police Department on April 28, 2012.

ORAL COMMUNICATIONS:

Bill Zavala, resident, noted that additional parking is necessary as a component of the rehabilitation of the City's downtown area. He spoke in support of the Metrolink Station and the Downtown Parking Structure Project.

Rosalina Davis, Placita Santa Fe Merchants Association Vice-Chairperson, spoke in support of the Metrolink Station, the Downtown Parking Structure Project, and attracting customers to the downtown area.

Raul Davis, Placita Santa Fe Merchants Association, commended on the Vietnam Memorial event. He spoke in support of the Metrolink Station and the Downtown Parking Structure Projects.

Dennis Blake, resident, expressed his concerns regarding the lack of parking space in the downtown area. He spoke in support of the Metrolink Station and the Downtown Parking Structure Project.

Ed Garcia, Placita Santa Fe Merchants Association Chairperson, thanked the City Council and Staff for all their work. He spoke in support of the Metrolink Station and the Downtown Parking Structure Project.

Adele Dagber, Anaheim resident, expressed her concerns regarding the operations of the Greenways of Placentia facility and the health issues. She urged the City Council to take action.

Mayor Yamaguchi requested Staff to provide an update regarding the Greenways of Placentia facility.

Patricia Daniels, resident, inquired about an update regarding the Greenways of Placentia facility current operations.

Judy Morton, Anaheim resident, noted that Greenways of Placentia facility operated for a year and a half without a proper business license. She noted that there was no EIR performed at the facility before it was opened and it was never remediated for past fire hazards. She noted that there was no public comment period performed before the site was allowed to do dumping and composting and there was not proper protocol followed before the City Council. She requested that this discussion item be placed on the next City Council agenda. She noted that the City has not contacted her.

City Administrator Butzlaff requested that Assistant City Administrator Domer provide a report.

Assistant City Administrator Domer noted that a Use Permit was granted after a public hearing in 1982, unfortunately the conditions of approval at that time were not as precise as now. He noted that the business has a proper business license. He noted that their zoning permits have been updated and that the use permit is in compliance. He noted City Staff met with AQMD to discuss the issue and will continue to meet to address the health concerns that have been raised. He noted that Staff will draft a more detailed memo to City Council addressing the issue.

City Attorney Arczynski noted that it appears that the business is following the proper use permit conditions. He noted that the City will continue to report the issues to AQMD and health agencies. He noted that the City does not have an enforcement position.

Assistant City Administrator Domer noted that a future road construction project may cut the property.

City Attorney Arczynski noted that even if the property is divided the land use could continue.

Assistant City Administrator Domer indicated that the business is following the original use permit.

Councilmember Nelson inquired about reports from AQMD.

City Administrator Butzlaff noted that Staff will request the reports.

Alicia Muccillo, American Cancer Society Relay for Life Manager, invited the City Council and Staff to attend their interest party and to attend Relay for Life event in Placentia on August 4 - 5 at Tuffree Middle School.

James Prather, Chapter 101 Yorba Linda Masonic Lodge #469, presented the City a replica of the Veterans Commitment Flag. He requested a copy of the presentation video.

Craig Green, City Treasurer, noted that he is working with Staff to make the financial reports easy to read and follow. He noted that he was not given the opportunity to review the report. He spoke in support of item 1.h. and inquired about the funding source of the project.

Jeff Buchanan, resident, expressed his concerns regarding the Greenways of Placentia facility. He inquired about the Downtown Parking Structure Project cost. He noted that he sent an email to Council and is waiting for a response. He spoke in support of the Vietnam Memorial Wall event.

Luis Fernandez, expressed his concerns pertaining to an auto body painting shop on Santa Fe Avenue and the health hazards. He urged the City Council to take action.

Mayor Yamaguchi noted that he will be meeting with Mr. Fernandez regarding the issue the following day.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill noted that she did not receive Mr. Buchanan's email. She spoke in support of the Downtown Parking Structure Project and asked Council to make it happen. She noted that the Mayor and she attended the Easter Eggcitement event and thanked Staff on their work. She wished everyone a Happy Easter. She encouraged elected officials, appointed officials and Staff to complete the free Ethics Training online.

Councilmember Aguirre thanked everyone involved in "The Wall That Heals" event. He thanked Mr. Buchanan for the email and information. He thanked the downtown community for attending the meeting and voicing their opinion. He spoke in support of the Downtown Parking Structure Project.

Councilmember Nelson noted that he would be pulling item 1.h. He congratulated Event Coordinators Greg and Betty Gillaspay for the successful event and the Police Department for the proclamation and great response times. He noted that the City Administrator and he will be attending a public hearing on April 24, 2012 on the Golden State Water Company proposed rate hikes.

Mayor Pro Tem Wanke attended an Orange County Fire Authority meeting and City of Fullerton State of the City event. He noted that he supports the Metrolink Station, but has concerns regarding the Downtown Parking Structure Project.

Mayor Yamaguchi noted that the City Administrator, Police Chief and he attended the Creating High Performance Government Lecture on March 30, 2012 in Irvine at Concordia University. He attended the Easter Eggcitement and thanked the Placentia Rotary Club and Placentia Library for their work on the event. He inquired if the City is obligated to provide in-person ethics training.

City Attorney Arczynski noted that there are a number of different ways to conduct the training. He noted that the City is not necessarily obligated to use a consultant.

Mayor Yamaguchi thanked all the Placita Santa Fe Merchant Association members and residents that attended the City Council meeting.

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

A motion was made by Councilmember Nelson, seconded by Councilmember Aguirre, to approve Consent Calendar Item Nos. 1.a. through 1.h. Mayor Pro Tem Wanke pulled item 1.e. for separate discussion. Councilmember Nelson pulled item 1.h. for separate discussion.

COUNCIL/SUCCESSOR AGENCY/ICDA CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve
(5 – 0, as recommended)

- b. **Minutes**
City Council/Successor/ICDA Regular City Council Meeting – March 20, 2012
Recommended Action: Approve
(5 – 0, as recommended)

- c. **City Fiscal Year 2011-12 Warrant Register for March 21, 2012 Through April 3, 2012**
Financial Impact: \$10,024.13
Recommended Action: Approve
(5 – 0, as recommended)

- d. **Successor Agency Fiscal Year 2011-12 Warrant Register for March 21, 2012 Through April 3, 2012**
Financial Impact: \$2,015,475.35
Recommended Action: Approve

(5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

e. **Presentation of Single Audit Report and Management Letter for the Period Ended June 30, 2011**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Receive and file the Single Audit Report and the Management Letter for the period ended June 30, 2011

(5 – 0, as recommended)

City Administrator Butzlaff noted that this is a routine item.

Mayor Pro Tem Wanke expressed his concerns regarding the deficiencies on the report. He requested that a Study Session be held to discuss this item and requested the attendance of the Financial Audit Oversight Committee, auditors and City Treasurer.

Discussion ensued between Council and Staff. City Council agreed to have the Study Session after the corrective action plan is received.

City Administrator Butzlaff noted that City Council could receive and file the report, and make arrangements for a Joint Study Session with the Financial Audit Oversight Committee.

A motion was made by Mayor Pro Tem Wanke, seconded by Councilmember Nelson, and carried (5 – 0) to receive and file the Single Audit Report and the Management Letter for the period ended June 30, 2011.

f. **Acceptance of Construction Work by Union Construction Company for the Gomez Community Center Renovation Project**

Financial Impact: Expense: \$436,293

Offsetting Revenue: \$436,293 CDBG & Park Development

Budgeted: \$436,293 (Account No.: 333554-6185 J/L 6107040133)

Recommended Action: It is recommended that the City Council:

- 1) Accept the contract work by Union Construction Company for the Gomez Community Center Renovation Project in the total amount of \$436,293
- 2) Authorize the City Administrator or designee to file a Notice of Completion with the Office of the Orange County Clerk-Recorder for the Project
- 3) Authorize the City Administrator or his designee to release the retention in accordance with the terms of the contract

(5 – 0, as recommended)

g. **Approve Resolution to Adopt Establishment of an Overall Annual Anticipated Disadvantaged Business Enterprise Participation Level (AADPL) Goal of 8% for Federal Fiscal Year 2011/12**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2012-10, a Resolution of the City Council of the City of Placentia, California, approving and adopting the Annual Anticipated DBE Participation Level (AADPL) of 8% for Federal Fiscal Year

2011/12 (covering the period of October 1, 2011 through September 30, 2012)

- 2) Authorize the Mayor or City Administrator to execute all implementing DBE documents on behalf of the City to facilitate timely submission to the California Department of Transportation

(5 – 0, as recommended)

h. **Approve Notice to Proceed with Baker Nowicki Design Studio for Phase II of Architectural Services Related to the Downtown Parking Structure**

Financial Impact: Expense: Phase II - \$115,075, Total Contract - \$328,786 (Account No.: 333552-6015)

Revenue: \$300,000 Gas Tax Bond Proceeds and \$28,786 Community Facilities District

Recommended Action: It is recommended that the City Council:

- 1) Authorize Staff to issue a Notice to Proceed to Baker Nowicki Design Studio for Phase II (Construction Documents) of the Project in an amount not-to-exceed \$115,075

(5 – 0, as recommended)

Councilmember Nelson inquired about a meeting Staff had with Bill Taormina.

City Administrator Butzlaff noted that Mr. Taormina has expressed his interest in assisting business in the City, including the financing of the Parking Structure.

Councilmember Nelson spoke in support of the parking structure project.

Mayor Yamaguchi inquired if the gas tax funds will be reimbursed by OCTA.

City Administrator Butzlaff noted that the agreement noted that the City is responsible for the architectural phase of the parking structure. He noted that the \$300,000 is coming out of gas tax funds. He noted that the project was divided into two phases.

Mayor Yamaguchi noted that he has additional questions for OCTA.

City Administrator Butzlaff indicated that a 2 week delay would be critical. He noted that the contract has been previously approved by the City Council.

Discussion ensued between Council and Staff.

Councilmember Aguirre noted that this project has been in the works for a long time and that the project will benefit the city.

Councilmember Nelson spoke in support of moving forward with this item.

Mayor Pro Tem Wanke inquired if the City is obligated by OCTA to move forward with the parking structure.

City Administrator Butzlaff noted that the City is required to provide additional parking spaces.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, and carried (5 – 0) to authorize Staff to issue a Notice to Proceed to Baker Nowicki Design Studio for Phase II (Construction Documents) of the Project in an amount not-to-exceed \$115,075.

SUCCESSOR AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL: None

SUCCESSOR AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS: None

SUCCESSOR AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

a. Resolution Adopting the Establishment of a Leave Bank Conversion Program for Unrepresented Management and Mid-management Employees

Financial Impact: Reduction of future financial liability; administration expense of \$720 a year

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2012-11, a Resolution of the City Council of the City of Placentia, California, adopting the establishment of the 401(a) Special Pay Plan for unrepresented management and mid-management employees

(5 – 0, as recommended)

Director of Administrative Services and C.S. Pischel provided a staff report on item 4.a. He provided an overview of the Leave Bank Conversion Program for unrepresented management and mid-management employees.

City Administrator Butzlaff noted that this strategy will help pay the unfunded leave banks.

Discussion ensued between Council and Staff. City Council spoke in support of the program.

Pischel commended City Administrator Butzlaff for his work on this program.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Underhill, and carried (5 – 0) to adopt Resolution No. R-2012-11, a Resolution of the City Council of the City of Placentia, California, adopting the establishment of the 401(a) Special Pay Plan for unrepresented management and mid-management employees.

b. **Formation of Economic Development Committee**

Financial Impact: Nominal Staff costs resulting from meeting participation and preparation

Recommended Action: It is recommended that the City Council:

- 1) Review and discuss the formation of an Economic Development Committee
- 2) Adopt Resolution No. R-2012-12, a Resolution of the City Council of the City of Placentia, California, establishing an Economic Development Committee
- 3) Approve the bylaws for the Economic Development Committee and authorize City Staff take necessary action regarding appointment process of said Committee members

(4 – 0 - 1, Councilmember Underhill abstained)

City Administrator Butzlaff provided an overview of the Economic Development Committee.

Councilmember Nelson spoke in support of economic development in the City.

Councilmember Underhill recommended holding off on the formation of the committee for about a year until it becomes viable.

Mayor Yamaguchi spoke in support of the formation of the committee.

Councilmember Aguirre spoke in support of the formation of the committee.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Nelson, and carried (5 – 0) to approve the bylaws for the Economic Development Committee and authorize City Staff take necessary action regarding the appointment process of said Committee members; and to appoint one Councilmember to act as the Liaison to the committee.

Councilmember Nelson noted that the Councilmember would act as the Liaison not as a voting member.

SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Nelson requested a report on the Shaner Ranch property status.

City Administrator Butzlaff noted that the environmental review is in progress.

ADJOURNMENT:

The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to the next regular meeting on April 17, 2012.

JEREMY B. YAMAGUCHI
MAYOR/AGENCY CHAIR

ATTEST:

PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY