

**PLACENTIA CITY COUNCIL  
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE  
PLACENTIA REDEVELOPMENT AGENCY  
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY  
REGULAR MEETING MINUTES – EXECUTIVE SESSION  
May 15, 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. City of Placentia vs. Woodruff, Spradlin & Smart, Orange County Superior Court, Case No. 30-2010-00367949
  - b. City of Placentia vs. Richard Johnson, Orange County Superior Court, Case No. 30-2011-00477091
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 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – One (1) Item
4. Pursuant to Government Code Section 54957.6 Conference with City Labor Negotiator concerning Labor Negotiations with the Following Groups:
  - a. Placentia Police Officers Association (PPOA)  
City Representatives: Troy L. Butzlaff, City Administrator
  - b. Placentia City Employees Association (PCEA)  
City Representative: Troy L. Butzlaff, City Administrator

**SUCCESSOR AGENCY:** None

**ICDA:**

5. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
  - a. Property: 601 W. Orangethorpe Avenue, APN 339-112-03  
Agency Negotiator: Troy L. Butzlaff, City Administrator/Executive Director  
Negotiating Parties: Jim Williams, JAW Land & Trading LLC  
Under Negotiations: Price and Terms of Payment

- b. Property: 109 W. Santa Fe Avenue, APN 339-365-25  
Agency Negotiator: Troy L. Butzlaff, City Administrator/Executive Director  
Negotiating Parties: John Adger  
Under Negotiations: Price and Terms of Payment

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

**CALL TO ORDER:**

**PRESENT:** Council/Agency Members Aguirre, Nelson, Underhill, Wanke, Yamaguchi  
**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; Senior Management Analyst, Michael McConaha; Management Analyst, Eduardo De La Torre; Management Analyst, Maggie Le; Police Chief, Rick Hicks; Finance Services Manager, Michael Nguyen; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

**INVOCATION:** OCFA Chaplain Jeff Hetschel

**PLEDGE OF ALLEGIANCE:** Placentia Resident Pat Irot

**1. Requests for Commendations and Proclamations**

- a. Proclamation Designating the Week of June 3 - 9, 2012, as Community United Week  
Recipient: St. Josephfest Committee Chair Michael Spillman, Placentia Rotary Club President Roy Redman and Valencia High School Interact Club Student Member Eunice Lin  
Presenter: Mayor Yamaguchi

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

A motion was made by Councilmember Nelson, seconded by Mayor Pro Tem Wanke, to approve presentation item 1.a. as submitted and make a presentation to those present.

Mayor Yamaguchi presented a proclamation certificate designating June 3 - 9, 2012 as Community United Week.

Placentia Rotary Club President Redman announced the upcoming Cowabunga Crabfest event on June 9, 2012.

Saint Josephfest Committee Chair Spillman announced the upcoming St. Josephfest event on June 1 -3, 2012.

Saint Joseph Pastor Father Ramaekers announced the St. Josephfest event.

Valencia High School Intearch Club Student Member Lin announced the upcoming Summer Nights Concert event on June 2, 2012.

**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:** None

**ORAL COMMUNICATIONS:**

Pat Buttress, Southern California Edison Representative, noted that Southern California Edison will continue to prepare for summer and raise awareness in the community about energy-saving alternatives. She noted that the San Onofre Plant is down. She requested that the City to post the Southern California Edison's website link on the City's website.

Mayor Yamaguchi inquired about the smart meter opt-out program.

Pat Buttress noted that the smart meter opt-out plan is in effect. She noted that there is an initial \$75.00 fee and a \$10.00 monthly fee. She noted that lower fees apply to income-qualified customers.

Aneta Austin, American Cancer Society, thanked the Mayor for attending the Relay for Life Interest Party event. She invited everyone to attend the Relay for Life Kick-off event on May 17, 2012 from 6 -8 p.m. at El Torito Restaurant.

James Benuzzi, Financial Audit Oversight Committee Chairperson, thanked City Council for allowing the Board to participate in the May 7, 2012 Joint Study Session. He noted that the Committee supports the various budget plans presented.

**CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:**

Councilmember Nelson thanked Pat Buttress for her presentation. He expressed his concerns regarding the State of California budget. He thanked James Benuzzi and the Financial Audit Oversight Committee members for their participation in the past Study Session and for their input. He announced that the City is currently accepting applications for Commissions and Committees seats. He announced the Relay for Life Kick-off event on May 17, 2012.

Councilmember Underhill noted that she underwent a successful cataract surgery.

Councilmember Aguirre thanked Financial Audit Oversight Committee members for their participation in the Joint Study Session. He announced the Memorial Day event on May 25, 2012 at Valencia High School.

Mayor Pro Tem Wanke thanked the Financial Audit Oversight Committee members and Staff for their participation in the Joint Study Session on May 7, 2012.

Mayor Yamaguchi attended the National Day of Prayer event in Yorba Linda and the Orange County Prayer event on May 3, 2012.

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

A motion was made by Mayor Yamaguchi, seconded by Councilmember Nelson, to approve Consent Calendar Item Nos. 1.a. through 1.i. Councilmember Nelson pulled item 1.i. 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 City Council Regular Meeting - May 1, 2012**  
Recommended Action: Approve  
**(5 – 0, as recommended)**
- c. **City Fiscal Year 2011-12 Warrant Register for May 2, 2012 Through May 15, 2012**  
Financial Impact: \$630,825.70  
Recommended Action: Approve  
**(5 – 0, as recommended)**
- d. **Successor Agency Fiscal Year 2011-12 Warrant Register for May 2, 2012 Through May 15, 2012**  
Financial Impact: \$317,343.11  
Recommended Action: Approve  
**(5 – 0, as recommended)**
- e. **Corrective Action Plan for the Independent Audit for Fiscal Year 2010-11**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:  
1) Receive and file the Corrective Action Plan for the period ended June 30, 2011  
**(5 – 0, as recommended)**

**COUNCIL CONSENT CALENDAR:**

- f. **Request for City Council Authorization to Receive Federal Reimbursement Through the Orange County Sheriff's Department for 2011 Emergency Management Performance Grant (EMPG) Program**  
Financial Impact: Receipt of \$7,422 of Emergency Management Performance Grant Funds  
Recommended Action: It is recommended that the City Council:  
1) Authorize the City Administrator to sign the certification forms to allow the Orange County Sheriff's Department to transfer grant funds to the City of Placentia and to sign any implementing agreements required for use of the grant funds  
**(5 – 0, as recommended)**
- g. **Approve Right-of-Way Agreement to Acquire Easement for the Corporate Yard Sewer Project**  
Financial Impact: Expense: \$26,400 for Right-of-Way  
Offsetting Revenue: \$26,400 Sanitary Sewer Fund  
Budgeted: \$26,400 (Account No.: 333556-6013 J/L 61026)  
Recommended Action: It is recommended that the City Council:  
1) Approve the attached "Right-of-Way Agreement" as the purchase and sale agreement between the City of Placentia and the property owner, MNC Brothers, for the purchase of a Right-of-Way easement at 378 E. Orangethorpe Avenue, Placentia, California, Assessor's Parcel Number 344-102-11 & 12, for an amount of \$26,400  
2) Authorize the City Administrator to sign the subject Right-of-Way agreement on behalf of the City

- 3) Acquire and accept the subject right-of-way easement located at 378 E. Orangethorpe Avenue for sewer infrastructure purposes
- 4) Direct the City Clerk to endorse on the Certificate of Acceptance, which embodies the acceptance of said right-of-way easement, and cause the document to be submitted to the Orange County Clerk-Recorder for recording of the document

**(5 – 0, as recommended)**

**h. Vista Del Verde Offsite Traffic Mitigation Bond - Release of Indemnity Improvement Bond (Toll Brothers)**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) To authorize the City Engineer to release the original surety and performance bonds in the amount of \$1,999,047

**(5 – 0, as recommended)**

**i. Recommendation to Approve Maintenance and Repair Agreement with Placentia Lakes Community Association in Relation to Kraemer Boulevard Railroad Grade Separation Project**

Financial Impact: Minimal annual maintenance and repairs

Recommended Action: It is recommended that the City Council:

- 1) Approve Maintenance and Repair Agreement with Placentia Lakes Community Association in relation to the Kraemer Boulevard Grade Separation Project
- 2) Authorize the Mayor to execute the Maintenance and Repair Agreement on behalf of the City, in a form approved by the City Attorney

**(5 – 0, as recommended)**

City Administrator Butzlaff introduced Project Manager Stephenson to present item 1.i.

Project Manager Stephenson noted that the maintenance and repair agreement was requested by the Placentia Lakes Community Association.

Councilmember Nelson inquired about the maintenance.

Project Manager Stephenson noted that the agreement authorizes the Association to maintain the public right of way and allows the City to terminate the agreement at any given moment. He noted that the nine-day Placentia Avenue closure is set for June 22, 2012.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, and carried (5 – 0) to approve a Maintenance and Repair Agreement with Placentia Lakes Community Association in relation to the Kraemer Boulevard Grade Separation Project; and authorize the Mayor to execute the Maintenance and Repair Agreement on behalf of the City, in a form approved by the City Attorney.

**SUCCESSOR AGENCY CONSENT CALENDAR:** None

**ICDA CONSENT CALENDAR:** None

**2. PUBLIC HEARINGS:**

**COUNCIL/SUCCESSOR AGENCY/ICDA:** None

**COUNCIL:**

a. **Public Hearing and Resolution Establishing New Fees, Rates and Charges for Various City Services and Amending the Comprehensive Fee Schedule Accordingly**

Financial Impact: Estimated increase unknown

Recommended Action: It is recommended that the City Council:

- 1) Open the hearing on consideration of a Resolution of the City Council of Placentia, California, amending the Comprehensive Fee Schedule for certain City fees, rates and charges for various City Fees
- 2) Receive the Comprehensive User Fee Study
- 3) Adopt Resolution No. R-2012-18, a resolution of the City Council of the City of Placentia, California, establishing and adopting certain City fees, rates and charges for various City services

**(4 – 1 - 0, Mayor Yamaguchi voted no)**

Director of Finance Ogawa introduced Willdan Financial Services Principal Consultant Wilson to provide a presentation on the Comprehensive User Fee Study.

Willdan Financial Services Principal Consultant Wilson provided a brief PowerPoint Presentation, the slides included: Comprehensive User Fee Study, Objectives of User Fee Study, User Fee Study, Summary Steps of the Study, Approach and Methodology, Scope of the Study, User Fee Data Collection, User Fee Cost Components, Central Service Costs, City Staff Participation, Policy Considerations, and Questions and Answers. She recommended the authorization of an annual inflation adjustment.

Councilmember Aguirre inquired about the fee reductions.

Willdan Financial Services Principal Consultant Wilson noted that fee reductions relate to higher Staff efficiency and State mandates.

Assistant City Administrator Domer commended Willdan Financial Services for their work. He noted that most of the changes are fee reductions. He noted that Staff was not satisfied with the previous Comprehensive Fee Study. He noted that Staff examined the current fees and provided revisions.

Councilmember Nelson encourage the subsidizing of some charges in the future.

Mayor Yamaguchi opened the public hearing at 7:54 p.m.

No public comments were made.

Mayor Yamaguchi closed the public hearing at 7:55 p.m.

Councilmember Underhill spoke in support of the accuracy of the comprehensive fee schedule and the reduction of fees.

A motion was made by Councilmember Nelson, seconded by Councilmember Aguirre, and carried (5 – 0) to open the hearing on consideration of a Resolution of the City Council of Placentia, California, amending the Comprehensive Fee Schedule for certain City fees, rates and charges for various City Fees; receive the Comprehensive User Fee Study; and adopt Resolution No. R-2012-18, a Resolution of the City Council of the City of Placentia, California, establishing and adopting certain City fees, rates and charges for various City services.

**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. Report for Facility Condition Assessment**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

1) Receive and file the Facility Condition Assessment

**(5 – 0, as recommended)**

City Administrator Butzlaff introduced Management Analyst De La Torre to provide a staff report on item 4.a.

Management Analyst De La Torre provided a staff report on item 4.a. He introduced Roy Jorgensen Associates, Inc. representatives to provide a Facility Condition Assessment presentation. He noted that Roy Jorgensen Associates, Inc. visited City facilities. He noted that the City will use the report as a planning tool.

Jorgensen Vice President Smith provided a PowerPoint presentation, the slides included: Facility Condition Assessment, Introduction, Scope of the FCA, Summary Findings, Facility Condition Index, FCI - Current Model, Deficiency by System Element, CRV v. DM (PSF), Repair v. Refurbish v. Replace, Funding by Year, Currently Critical Funding, Top 3 System Elements by Facility, Projected Funding Scenarios, Summary Projects, and Questions.

Mayor Yamaguchi inquired about the critical work.

Jorgensen Representative Mohammed noted that the critical work is outlined in the report and suggested that it must be done soon.

Jorgensen Vice President Smith noted that the report will assist in the planning for renovations/improvements. He noted that modeling techniques were used to create the assessment.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Underhill, and carried (5 – 0) to receive and file the Facility Condition Assessment.

**b. Designation of Voting Delegate for the 2012 League of California Cities Annual Conference**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Appoint one delegate to represent the City at the League of California Cities Annual Conference 2012
- 2) Appoint an alternate to represent the City at the League of California Cities Annual Conference 2012  
**(5 – 0, as recommended)**

City Administrator Troy Butzlaff provided a staff report and overview of process.

A motion was made by Councilmember Nelson, seconded by Mayor Pro Tem Wanke, and carried (5 – 0) to appoint Mayor Yamaguchi as delegate to represent the City at the League of California Cities Annual Conference 2012.

A motion was made by Mayor Yamaguchi, seconded by Mayor Pro Tem Wanke, and carried (5 – 0) to appoint Councilmember Nelson as alternate to represent the City at the League of California Cities Annual Conference 2012.

**SUCCESSOR AGENCY NEW BUSINESS:** None

**ICDA NEW BUSINESS:** None

**CITY COUNCIL/BOARD MEMBERS REQUESTS:**

Mayor Yamaguchi requested that Council give direction to the Financial Audit Oversight Committee to submit quarterly update reports to Council.

Financial Audit Oversight Committee Chairperson Benuzzi spoke in support of the submittal of quarterly reports.

Councilmember Nelson commended Staff on their work on the comprehensive fee study. He inquired about the address change fee.

Assistant City Administrator Domer noted that the cost for change of address fee was properly modified.

**ADJOURNMENT:** The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to a Study Session on May 29, 2012 at 5:00 p.m. in memory of Virginia Ziolkoski Nuñez.

ATTEST:

  
PATRICK J. MELIA, CITY CLERK/AGENCY  
SECRETARY

  
JEREMY B. YAMAGUCHI  
MAYOR/AGENCY CHAIR

