

**PLACENTIA CITY COUNCIL  
PLACENTIA REDEVELOPMENT AGENCY  
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY  
REGULAR MEETING MINUTES – EXECUTIVE SESSION  
June 5, 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 Underhill, Wanke, Yamaguchi  
ABSENT: None

Councilmember Nelson and Councilmember Aguirre arrived at 5:40 p.m.

**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 – One (1) Item
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 Representative: Troy L. Butzlaff, City Administrator
  - b. Placentia City Employees Association (PCEA)  
City Representative: Troy L. Butzlaff, City Administrator
5. Conference with Legal Counsel – Case Review/Planning – Government Code 54957.8:
  - a. Vacant 2.78 Acre Parcel Located at 1049 Golden Avenue APN: 334-021-03  
John Reischl, Olson Company
6. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
  - a. Property: 2301 North Kraemer Blvd., APN: 336-30-101, 336-30-105, 336-54-111  
City Negotiator: Troy Butzlaff, City Administrator/Executive Director

Negotiating Party: Mark Denny, Director of Orange County Parks Department  
Under Negotiations: Price and Terms of Payment

**SUCCESSOR AGENCY:** None

**ICDA:**

7. 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

**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; Police Chief, Rick Hicks; Deputy Director of Community Services, Jon Nicks; Management Analyst, Eduardo De La Torre; Management Analyst, Maggie Le; Neighborhood Services Coordinator, Jeannette Ortega; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

**INVOCATION:** Police Chaplain Gary Drabek

**PLEDGE OF ALLEGIANCE:** Councilmember Underhill

**1. Requests for Commendations and Proclamations**

- a. Acceptance of Donation to the Placentia Police Department K-9 Program  
Recipients: Sergeant Brian Perry and K-9 Officer Christopher Anderson  
Presenters: Placentia Round Table Women's Club Members Tommie Kalman and Gerry Carnevali

Mayor Yamaguchi introduced Placentia Round Table Women's Club Members Tommie Kalman and Gerry Carnevali.

Club Member Tommie Kalman presented a donation to the Placentia Police Department K-9 Program.

Sergeant Perry and K-9 Officer Anderson accepted the donation and expressed their gratitude.

- b. Cultural Arts Commission Photography Contest Winners  
Recipients: Grant Bagne, Liz Marchant, Connor Colby, Matthew Nelson and David McLaren  
Presenters: Cultural Arts Commission Member Marsha Mulroney and Community Service Coordinator Felipe Zambrano

Mayor Yamaguchi introduced Cultural Arts Commission Member Marsha Mulroney.

Cultural Arts Commission Member Marsha Mulroney and Community Services Coordinator Zambrano presented award certificates to Grant Bagne, Liz Marchant, Connor Colby, Matthew Nelson and David McLaren.

**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:**

Iris Maldonado, resident, expressed her concerns regarding the possible closure of the Whitten Center and summer pool program. She submitted letters in opposition to possible closures and noted that the closures would affect the neighborhood.

Ivett Morales, Valadez Middle School Academy student, expressed her concerns regarding the possible closure of the Whitten Center and summer pool program. She noted that La Jolla residents are low-income and all benefit from the community center.

Meredith Castillo, resident, inquired about a newspaper article pertaining to possible landfill rate increase and the purchase of a police dog. He spoke in support of the K-9 Program.

Sara Guidi, resident, expressed her concerns regarding the pavement deterioration on Madison Street and urged the City to fix the street.

Cathy Seelig, Friendly Center Executive Director, noted that the center is a non-profit organization dedicated to assist families in various cities. She provided a review of the programs offered at no cost to Placentia residents.

Jeff Buchanan, resident, urged Council to approve the tree maintenance budget allocation and to modify the street tree maintenance ordinance.

Marsha Mulroney, resident, inquired about an email she sent to the Mayor and Mayor Pro Tem.

Craig Green, City Treasurer, reported that he met with the Director of Finance and Staff to discuss the Treasurer's Report. He noted that he would be submitting recommendations pertaining to the City budget by Friday, June 8<sup>th</sup>.

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

Councilmember Nelson attended the Memorial Day ceremony held at Valencia High School. He spoke in support of the services provided by the Friendly Center and the Police K-9 Program. He noted the importance of addressing the Madison Street pavement deterioration problem. He thanked the Audit Oversight Board Members for their service to the City.

Councilmember Underhill expressed her concerns regarding the pavement deterioration of Madison Street. She attended the Lake Park Memorial Day event on May 30, 2012.

Councilmember Aguirre thanked Placentia Round Table Women's Club for their donation. He congratulated the Cultural Arts Commission photography contest winners. He expressed his concerns regarding the pavement deterioration on Madison Street. He thanked Ms.

Maldonado for expressing her concerns pertaining to the possible closure of the Whitten Community Center. He noted that City Council is examining possible reductions to balance the budget. He noted that at the last meeting Councilmember Wanke suggested closing the Whitten Community Center. He expressed his opposition to closing the Whitten Center and the pool. He noted that the Friendly Center provides free programs to low-income residents.

Mayor Pro Tem Wanke attended the St. Josephfest 2012 event. He expressed his concerns regarding the recent window breaking incidents in the City. He thanked Placentia Round Table Women's Club for their donation. He expressed his concerns regarding the pavement deterioration on Madison Street. He noted that at the last meeting Staff presented alternatives to balance the budget and community center closures was an option. He noted that his request was to look at all the community centers. He noted that Staff provided Council with a park closure study, after school programs and youth programs list that include a breakdown of all the costs. He noted that his goal is to balance the budget.

City Administrator Butzlaff noted that the refuse rates are increasing due to cost of living adjustment and landfill rate increase.

Mayor Yamaguchi thanked all speakers that expressed their opinions. He noted that additional time is needed to review the park closures and after school programs studies. He spoke in support of citywide road improvements. He congratulated Dr. Smith on this upcoming retirement from the Placentia Yorba Linda Unified School District. He reported that the Rotary Interact Concert Event and the St. Josephfest 2012 event were a success. He noted that the Finance and Investment Committee looked at the updated Treasurer's Report and thanked City Treasurer Green and Mayor Pro Tem Wanke for their work. He congratulated Placentia resident Second Lieutenant Kyle Zimmermann of the U.S. Army who recently graduated from West Point in New York.

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

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, to approve Consent Calendar Item Nos. 1.a. through 1.k. Councilmember Underhill pulled item 1.e. for separate discussion. Councilmember Nelson pulled item 1.f. for separate discussion. City Administrator Butzlaff pulled item 1.j. for separate discussion. City Administrator noted that item 1.e. was amended to reflect that Veterans Advisory Committee Member John Smith withdrew his resignation letter.

**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/Financial Audit Oversight Committee Joint Study Session Meeting - May 7, 2012 and City Council/Successor/ICDA Regular Meeting - May 15, 2012**  
Recommended Action: Approve  
**(5 – 0, as recommended)**
  
- c. **City Fiscal Year 2011-12 Warrant Register for May 16, 2012 Through June 5, 2012**  
Financial Impact: \$1,105,210.03

Recommended Action: Approve  
**(5 – 0, as recommended)**

- d. **Successor Agency Fiscal Year 2011-12 Warrant Register for May 16, 2012 Through June 5, 2012**  
Financial Impact: \$19,531.97  
Recommended Action: Approve  
**(5 – 0, as recommended)**

**COUNCIL CONSENT CALENDAR:**

- e. **Acceptance of Resignation from the Cultural Arts Commission, Recreation and Parks Commission**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:  
1) Accept the resignations of Evelyn Lawrence, Elizabeth Dewey (Cultural Arts Commission) and Danny McDermott (Recreation and Parks Commission)  
**(5 – 0, as recommended)**

Councilmember Underhill thanked the commissioners for their time and service to the City.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Aguirre, and carried (5 – 0) to accept the resignations of Evelyn Lawrence, Elizabeth Dewey (Cultural Arts Commission) and Danny McDermott (Recreation and Parks Commission).

- f. **Solid Waste Handling Services Rate Adjustment and Related Resolutions for Fiscal Year 2012-13**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:  
1) Adopt Resolution No. R-2012-20, A Resolution of the City Council of the City of Placentia, California, establishing rates for solid waste handling services for residential and commercial accounts effective July 1, 2012  
2) Adopt Resolution No. R-2012-21, A Resolution of the City Council authorizing the placement of the residential rates on the 2012/13 County of Orange tax roll  
3) Approve Amendment No. 2 to the Agreement approving the revised residential and commercial rates  
**(4 – 1, Councilmember Nelson voted no)**

Councilmember Nelson inquired about the consumer price index.

City Administrator Butzlaff noted that the consumer price index adjustment is a contractual obligation.

Councilmember Nelson expressed his opposition to item 1.f. and rate increases.

Mayor Pro Tem Wanke inquired about the contractual obligations.

City Administrator Butzlaff noted that the contract was approved in 2010 and the increases are contractual obligations.

Management Analyst De La Torre provided a brief review of the rates and the increases.

A motion was made by Councilmember Underhill, seconded by Mayor Pro Tem Wanke, and carried (4 – 1, Councilmember Nelson voted no) to adopt Resolution No. R-2012-20, a resolution of the City Council of the City of Placentia, California, establishing rates for solid waste handling services for residential and commercial accounts effective July 1, 2012; adopt Resolution No. R-2012-21, a resolution of the City Council authorizing the placement of the residential rates on the 2012/13 County of Orange tax roll; and approve Amendment No. 2 to the Agreement approving the revised residential and commercial rates.

- g. Recommendation to Approve Professional Services Agreement with Onward Engineering for Construction Management Services Related to the 2012 Residential Street Improvement Project**  
Financial Impact: None  
Recommended Action: It is recommended that the City Council:

  - 1) Approve a professional services agreement with Onward Engineering in a form approved by the City Attorney, in the amount of \$71,412 and provide a 15% project contingency of \$10,712 for a total appropriation of \$82,124 to provide construction management services for the Residential Street Rehabilitation Project
  - 2) Authorize the City Administrator to execute all necessary documents to effectuate this agreement

**(5 – 0, as recommended)**
  
- h. Adoption of Resolutions Relating to Fiscal Year 2012-13 Levy of Assessments for the City of Placentia Landscape Maintenance District No. 92-1 and Setting a Public Hearing for July 17, 2012, at 7:00 P.M.**  
Financial Impact:

Recouped through Assessments:	\$395,898.66
Single Family Residential:	\$154.87/Parcel
Commercial/Industrial:	\$1,548.70/Acre
Multiple Family Residential:	\$108.41/Unit
Undeveloped:	\$774.35/Acre

Recommended Action: It is recommended that the City Council:

  - 1) Adopt Resolution R-2012-22, A Resolution of the City Council of the City of Placentia ordering the preparation of plans, specifications, cost estimate, diagram, assessment and report pursuant to the provisions of Division 15, Part 2, of the Streets and Highways code of the State of California, for proceedings for annual assessment levy after formation of a district
  - 2) Adopt Resolution R-2012-23, A Resolution of the City Council of the City of Placentia declaring its intention to provide for an annual levy and collection of assessment for certain maintenance in an existing district pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California, and setting a time and place for public hearing thereon

**(5 – 0, as recommended)**
  
- i. Adoption of Resolutions Relating to Fiscal Year 2012-13 Levy of Assessments to the City of Placentia Street Lighting District No. 81-1 and Setting Public Hearing for July 17, 2012, at 7:00 P.M.**  
Financial Impact:

Recouped Through Assessments:	\$134,739.52
Single Family Residential:	\$27.38/Parcel
Commercial/Industrial:	\$164.28/Acre

Tentative/Final Map: \$8.21/Unit

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2012-24, A Resolution of the City Council of the City of Placentia, California, ordering the preparation of plans, specifications, cost estimate, diagram assessment and report pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California, for proceedings for annual assessment levy after formation of a district
- 2) Adopt Resolution No. R-2012-25, A Resolution of the City Council of the City of Placentia, California, declaring its intention to provide for an annual levy and collection of assessments for certain maintenance in an existing district, pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California, and setting a time and place for public hearing thereon

**(5 – 0, as recommended)**

j. **Approve Award of Construction Contract to VT Electric Inc. for the Park Lighting Improvement Project Phase I**

Financial Impact:

Expense:	\$167,200	Construction
Offsetting Revenue:	\$167,200	Park Development & Maintenance Services
Budgeted:	\$150,000	(Account No. 333555-6185 J/L 6104740023-6185)
Unbudgeted:	\$12,200	Park Development

Recommended Action: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Richard Fisher Associates dated March 15, 2012 for the Park Lighting Improvement Project
- 2) Adopt Budget Resolution No. R-2012-26, Authorizing a budget amendment in Fiscal Year 2011-12 Capital Improvement Program budget allocating an additional \$12,200 in Park Development Funds towards the Park Lighting Improvement Project
- 3) Award the construction contract to the lowest responsive and responsible bidder, VT Electric, Inc., for an amount not to exceed \$152,000 and authorize the appropriation of a 10% construction contingency fund of \$15,200
- 4) Reject all other bids
- 5) Authorize the City Administrator, or his designee, to approve construction change orders pursuant to the requirements set forth in the construction contract and in an agreement amount not to exceed 10% of the project construction cost

**(5 – 0, as recommended)**

City Attorney Arczynski recommended modifying the recommended action to allow the City Attorney to review all documents before they are released.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Underhill, and carried (5 – 0) to approve plans and specifications prepared by Richard Fisher Associates dated March 15, 2012 for the Park Lighting Improvement Project; adopt Resolution No. R-2012-26, authorizing a budget amendment in Fiscal Year 2011-12 Capital Improvement Program budget allocating an additional \$12,200 in Park Development Funds towards the Park Lighting Improvement Project; Award the construction contract to the lowest responsive and responsible bidder, VT Electric, Inc., for an amount not to exceed \$152,000 and authorize the appropriation of a 10% construction contingency fund of \$15,200; Reject all other bids; Authorize the City Administrator, or his designee, to approve construction

change orders pursuant to the requirements set forth in the construction contract and in an agreement amount not to exceed 10% of the project construction cost; and to allow the City Attorney to review all documents before they are released.

k. **Transfer of Asset Forfeiture Funds and Authorization to Purchase a Police Service Dog and Associated Canine Team Training and Equipment**

Financial Impact: Transfer of \$21,500 from Asset Forfeiture revenue (Account No. 220000-4205) to Asset Forfeiture expenditure (Account No. 213041-6840/ JL 50060.) \$21,500.00 expenditure of Asset Forfeiture funds to purchase equipment (Account No. 213041-6840/ JL 50060) FY 2011-2012 Budget

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2012-27, 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 \$21,500 in compliance with City Charter Sections 1206 and 1209 pertaining to appropriations for actual expenditures
- 2) Authorize the purchase of a Police Service Dog from Drop the Lead K9 Academy with Asset Forfeiture Funds in an amount not to exceed \$9,500
- 3) Authorize the purchase of Patrol and Narcotic Detection canine team training from Drop the Lead K9 Academy with Asset Forfeiture funds in an amount not to exceed \$5,800
- 4) Authorize the purchase of an annual training maintenance contract from Drop the Lead K9 Academy with Asset Forfeiture funds in an amount not to exceed \$1,200
- 5) Authorize the purchase of K9 Unit modifications from West Coast Lights and Sirens with Asset Forfeiture Funds in an amount not to exceed \$5,000
- 6) Authorize the City Administrator or his designee to execute all necessary documents to effectuate these actions

**(5 – 0, as recommended)**

**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:**

- a. **Discussion of Fiscal Year 2012-13 Operating and Capital Improvement Budgets**

Mayor Yamaguchi motion to continue item 3.a. to a Study Session on June 12, 2012 at 6:00 p.m.

**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. **Approval of Program Application, Guidelines and Procedures for the Community Development Block Grant (CDBG) Housing Rehabilitation Program**

Financial Impact:

Expense: \$132,000

Offsetting Revenue: \$132,000 CDBG Funding

Budgeted: \$132,000 (Account No. 302535-6401)

Recommended Action: It is recommended that the City Council:

- 1) Approve the CDBG Housing Rehabilitation Program Application, Guidelines, and Procedures
- 2) Authorize the City Administrator or designee to administer the Program and execute applicable documents

Neighborhood Services Coordinator Ortega provided a staff report on item 4.a. She noted that only grant funds will be used for housing rehabilitation projects. She provided a review of the CDBG Housing Rehabilitation Program application, guidelines and procedures.

Discussion ensued between Council and Staff.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, and carried (5 – 0) to approve the CDBG Housing Rehabilitation Program Application, Guidelines, and Procedures; and authorize the City Administrator or designee to administer the Program and execute applicable documents.

**SUCCESSOR AGENCY OLD BUSINESS:** None

**ICDA NEW BUSINESS:** None

**CITY COUNCIL/BOARD MEMBERS REQUESTS:**

Mayor Pro Tem Wanke asked for an update on the status of the Parking Structure Study Session and the second legal opinion.

City Administrator Butzlaff noted that the Parking Structure has been delayed and that the Study Session will be scheduled in the future. He noted that the legal opinion will be ready in approximately 10 days.

Mayor Yamaguchi asked for an update on the window breaking incidents.

Police Chief Ricks provided an update on the window breaking incidents. He noted the importance of reporting any suspicious activities and/or incidents. He noted that other

Orange County cities have experienced similar incidents. He reported that the Police Department is actively investigating the incidents.

**ADJOURNMENT:** The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to a Study Session on June 12, 2012 at 6:00 p.m.

  
\_\_\_\_\_  
JEREMY B. YAMAGUCHI  
MAYOR/AGENCY CHAIR

ATTEST:

  
\_\_\_\_\_  
PATRICK J. MELIA, CITY CLERK/AGENCY  
SECRETARY

