

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION**

**August 21, 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 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 – Three (3) Items
 - a. City of Placentia vs. Woodruff, Spradlin & Smart, Orange County Superior Court Case No. 30-2010-00367949
 - b. City of Placentia vs. The Gas Company, Orange County Superior Court Case No. 30-2012-005-53717
 - c. City of Placentia vs. Richard Johnson, Orange County Superior Court Case No. 30-2011-04477901
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. 800 +/- Square Foot public right-of-way located at or about 312 W. Orangethorpe Ave and the north end of Nebraska Avenue Ray Baker, Lamar Outdoor Advertising

SUCCESSOR AGENCY: None

ICDA: None

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; Finance Services Manager, Michael Nguyen; Neighborhood Services Coordinator, Jeannette Ortega; City Clerk, Patrick Melia; Deputy City Clerk, Tania Moreno

INVOCATION: OCFA Chaplain Kenneth Milhandler

PLEDGE OF ALLEGIANCE: Mayor Yamaguchi

1. Requests for Commendations and Proclamations

- a. Proclamation Designating the Month of September 2012, as World Alzheimer's Awareness Month
Recipients: Alzheimer's Association Orange County Chapter Representative
Presenters: 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 Mayor Pro Tem Wanke, seconded by Councilmember Nelson to approve presentation item 1.a. as submitted and make a presentation to those present.

Mayor Yamaguchi presented a proclamation certificate designating September 2012, as World Alzheimer's Awareness Month.

Representative Andrew Eng provided a brief overview of the Alzheimer's Association Orange County Chapter and expressed their appreciation.

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 last Concerts in the Park series event on Thursday, August 23, 2012 and Movies in the Park series event on Friday, August 24, 2012. He noted that the City in collaboration with the Community Action Partnership would be distributing free backpacks with school supplies on Wednesday, August 29, 2012 at the Whitten Community Center. He noted that City Hall would be closed Monday, September 3, 2012 in observance of Labor Day.

Chief of Police Hicks provided an update on an incident that occurred on Monday, August 20, 2012. He noted that an individual barricaded himself inside his house. He noted that the North County Swat provided assistance. Unfortunately, the individual lost his life during the

incident. He provided a review of the investigations that will be conducted by various agencies.

ORAL COMMUNICATIONS:

None

City Administrator Butzlaff noted that Vicente Lopez submitted a speaker card and his concerns would be addressed individually by Staff.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Nelson thanked Representative Andrew Eng for attending the meeting and expressed his support.

Councilmember Underhill attended the Placentia Library's 4th Annual Summer Reading event. She attended the Chili Cook Off fundraising event hosted by the Police Department. She noted that the Nomination period closed. She noted that New Business Paint store recently opened.

Mayor Pro Tem Wanke attended the Vector Control Meeting last week. He raised awareness about the West Nile Virus. He expressed his support to Police Officer Bush.

Mayor Yamaguchi attended the Placentia Library's 4th Annual Summer Reading event and thanked the volunteer organizations. He noted that the City Administrator and he attended a vigil in remembrance of the Wisconsin temple shooting in the City of Brea. He attended the International Youth Faith Conference.

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

A motion was made by Councilmember Nelson, seconded by Councilmember Aguirre, to approve Consent Calendar Item Nos. 1.a. through 1.k. Mayor Pro Tem Wanke pulled item 1.b. for separate discussion. Mayor Yamaguchi pulled item 1.f. for separate discussion. Councilmember Underhill 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 Special Meeting – July 30, 2012
City Council/Successor/ICDA Special Meeting – August 1, 2012
(5 – 0, with a revision)

A revision was made to the City Council/Successor/ICDA Special meeting minutes of August 1, 2012 to reflect that Mayor Pro Tem Wanke was absent.

- c. **City Fiscal Year 2011-12 Warrant Register for August 8, 2012 through August 21, 2012**
Financial Impact: \$247,078.83
Recommended Action: Approve
(5 – 0, as recommended)
- d. **Successor Agency Fiscal Year 2011-12 Warrant Register for August 8, 2012 through August 21, 2012**

Financial Impact: \$8,591.01
Recommended Action: Approve
(5 – 0, as recommended)

e. **City Fiscal Year 2012-13 Warrant Register for August 8, 2012 through August 21, 2012**

Financial Impact: \$561,090.07
Recommended Action: Approve
(5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

f. **Recommendation to Approve Award of Contract for Traffic Signal Maintenance Services**

Financial Impact: Expense: Not to exceed \$164,620

Budgeted: (Account No.: 103652-6099)

Recommended Action:

- 1) Award an agreement, in a form approved by the City Attorney, to Republic ITS, Inc., for traffic signal maintenance services
- 2) Authorize the City Administrator to sign the required documents in a form approved by the City Attorney

(5 – 0, as recommended)

Mayor Yamaguchi requested a staff report.

Director of Public Works Drinovsky provided a staff report on item 1.f. He noted that the current traffic signal maintenance agreement recently expired. He noted that the lowest bidder withdrew from the process. He noted that Staff is recommending the contractor based on past performance. He noted that the new contract gives the city more control over how money is used.

Mayor Yamaguchi inquired about the location of the contractor.

Director of Public Works Drinovsky responded that the contractor is located in the City of Anaheim.

Councilmember Underhill noted that she appreciates Staff initiative.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Underhill, and carried (5 – 0) to award an agreement, in a form approved by the City Attorney, to Republic ITS, Inc., for traffic signal maintenance services; and to authorize the City Administrator to sign the required documents in a form approved by the City Attorney.

g. **Acceptance of Construction Work for the Citywide Traffic Signal Battery Back-Up Project**

Financial Impact: Expense: \$73,365

Offsetting Revenue: \$73,365 Gas Tax Bond

Budgeted: \$73,365 (Account No.: 333552-6185 J/L 61089 Construction Capital Projects)

Recommended Action:

- 1) Accept contract work performed by Pelagic Engineering, for construction of the Citywide Traffic Signal Battery Back-up Project in the total amount of \$73,365

- 2) Authorize the City Engineer to file a Notice of Completion with the Orange County Clerk Recorder's Office for the project
- 3) Authorize the City Engineer to release retention funds in accordance with the terms of the contract

(5 – 0, as recommended)

h. **A Resolution in Support of the Transfer of Ontario International Airport (ONT) to Local Control**

Financial Impact: None

Recommended Action:

- 1) Adopt Resolution No. R-2012-50, A Resolution of the City Council of the City of Placentia, California, in support of the transfer of Ontario International Airport (ONT) to local control

(4 – 0 - 1, Councilmember Underhill abstained)

Councilmember Underhill expressed her concerns regarding the adoption of item 1.h. She noted that only one other Orange County city is supports the transfer of the Ontario International Airport local control.

Councilmember Nelson noted that even though he understands Councilmember Underhill's concerns he supports the transfer of the local control. He noted that a lot of Placentia residents use the Ontario International Airport.

Councilmember Underhill inquired about Los Angeles County response.

Councilmember Nelson responded that Los Angeles County is receiving the revenue, but paying the price with congestion.

A motion was made by Councilmember Nelson, seconded by Mayor Yamaguchi, and carried (4 – 0 - 1) to adopt resolution No. R-2012-50, a resolution of the City Council of the City of Placentia, California, in support of the transfer of Ontario International Airport (ONT) to local control.

i. **Opposition Letter Regarding AB 2451 (Perez) Workers Compensation**

Financial Impact: None

Recommended Action:

- 1) Authorize the Mayor to sign a letter in opposition to AB 2451 (Perez) workers compensation

(5 – 0, as recommended)

j. **Approve Award of Construction Contract to Micon Construction Inc. for the Neighborhood Park Facility and Accessibility Improvement Project**

Financial Impact: Expense: \$233,304.99 Construction

Offsetting Revenue: \$233,304.99 CDBG & Park Development Funds

Budgeted: \$240,500.00 (Account No.: 333555-6185 J/L 6109440133-6185)

Recommended Action:

- 1) Approve plans and specifications prepared by Richard Fisher Associates dated July 16, 2012 for the Neighborhood Park Facility and Accessibility Improvement Project
- 2) Award the construction contract to the lowest responsive and responsible bidder, Micon Construction Inc., for an amount not to exceed \$212,095.45 and authorize the appropriation of a 10% construction contingency fund of \$21,209.55

- 3) Reject all other bids
- 4) 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 amount not to exceed 10% of the project construction cost
(5 – 0, as recommended)

k. **Opposition Letter Regarding AB 542 (Allen) Land Use, Housing Element, and Regional Housing Needs**

Financial Impact: None

Recommended Action:

- 1) Authorize the Mayor to sign a letter in opposition to AB 542 (Allen) land use: housing element: regional housing needs

(5 – 0, as recommended)

SUCCESSOR AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/SUCCESSOR AGENCY/ICDA: None

COUNCIL:

a. **Fiscal Year 2012-13 Supplemental Law Enforcement Services Fund (SLESF Grant) – Approval of Future Expenditure Plan**

Financial Impact: Expense: \$100,000

Offsetting Revenue: \$100,000

Budgeted: \$ 0.00 (Account No.: 220000-4205)

Unbudgeted: \$100,000

Recommended Action:

- 1) Open the public hearing, receive public testimony, and close public hearing
- 2) Adopt Resolution No. R-2012-51, A Resolution approving the recommended Expenditure Plan for the Supplemental Law Enforcement Services Fund

(5 – 0, as recommended)

City Administrator Butzlaff provided a brief staff report. He noted that it is required to conduct a public hearing and approve the resolution.

Mayor Yamaguchi opened the public hearing at 7:33 p.m.

Mayor Yamaguchi closed the public hearing at 7:34 p.m.

A motion was made by Councilmember Nelson, seconded by Councilmember Aguirre, and carried (5 – 0) to open the public hearing, receive public testimony, and close public hearing; and adopt Resolution No. R-2012-51, a resolution approving the recommended Expenditure Plan for the Supplemental Law Enforcement Services Fund.

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. **Ratify Agreements between Tri-City Park Authority Member Agencies and the County of Orange for Property Transfer**

Financial Impact: Anticipated Annual General Fund Savings of \$150,000 to City of Placentia

Recommended Action:

- 1) Ratify the Conveyance and Implementation Agreement between the Tri-City Park Authority and the County of Orange
- 2) Ratify the Cooperative Agreement Regarding Tri-City Park between the Tri-City Park Authority and the County of Orange

(5 – 0, as recommended)

City Administrator Butzlaff noted that a master plan was completed about a year and half ago. He noted that the master plan listed the Tri-City Park capital improvements needed. He noted that the master plan led to a discussion with the County. He noted that the action recommended is to ratify an agreement transferring Tri-City Park to the County.

Director of Administrative Services/Community Services Pischel provided a brief staff report on item 4.a. He noted that the recommendation is to ratify an agreement to transfer the Tri-City park over to the County. He noted that the master plan highlighted a number of capital improvements that needed to be made to the Tri-City Park. He noted that the Tri-City Authority desire is to create a win-win situation for the Cities, residents and county. He noted that public meetings were held by the different agencies involved. He noted that the agreement highlights are as follows maintain the park as a community park, maintain a high level of maintenance, free of cost events for the City, volunteer pay for parking program for the first three years, and capital improvements. He noted that the City is examining the possible street parking alternatives.

Mayor Yamaguchi inquired about the legal fees for the deed transfer and policing services.

Director of Administrative Services/Community Services Pischel noted that the \$500,000 will be covered with the reserves of the authority. He noted that the \$40,000 closing cost between will be split between the three cities. He noted that the City will be responding to emergency calls.

Councilmember Aguirre inquired if there are any County ordinances that prevent street parking to be provided by the City.

Director of Administrative Services/Community Services Pischel responded that there is nothing that precludes the City from providing street parking.

Councilmember Nelson thanked Staff for their work.

Mayor Pro Tem Wanke noted that the County does not have many opportunities to provide open park areas in north Orange County. He noted that this action would benefit the park.

Director of Administrative Services/Community Services Pischel noted that the City would maintain continuous contact with the County to address any arising concerns.

A motion was made by Councilmember Nelson, seconded by Councilmember Aguirre, and carried (5 – 0) to ratify the Conveyance and Implementation Agreement between the Tri-City Park Authority and the County of Orange; and to ratify the Cooperative Agreement regarding Tri-City Park between the Tri-City Park Authority and the County of Orange.

b. Fiscal Year 2012-13 Budget Update and Fiscal Projections

City Administrator Butzlaff introduced Director of Finance Ogawa to provide a PowerPoint presentation.

Director of Finance Ogawa provided a PowerPoint Presentation with the following slides: Budget Update and Fiscal Projections, Unadjusted Financial Trends, Adjusted Financial Trends, Projected Financial Trends, Fiscal Year 2012-13 Budget GF Expenditures - Budget, Non-Discretionary Expenditures, Discretionary Expenditures, What If' s, Past Budget Reductions, and Issues for Further Consideration.

Discussed ensued between Council and Staff.

Director of Administrative Services/Community Services Pischel provided an overview of the PERS system and the contributions made by the different employee groups.

Director of Finance Ogawa continued with the PowerPoint presentation.

Discussed ensued between Council and Staff.

SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Mayor Pro Tem Wanke requested an update regarding a possible meeting with the Tree Committee to discuss the current ordinance.

City Administrator Butzlaff noted that Staff has not met with the Tree Committee until clear direction is given by Council.

Council gave direction to Staff to schedule a meeting with the Tree Committee.

ADJOURNMENT: The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to the next Regular Meeting on September 4, 2012 at 5:00 p.m. in memory of Russell Lee Connell.

ATTEST:


PATRICK J. MELIA / CITY CLERK/AGENCY
SECRETARY


YUMIKO B. YAMAGUCHI
PLACENTIA AGENCY CHAIR

