

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
September 18, 2012
5:30 p.m. – City Council Chamber
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 Nelson, Underhill, Wanke, Yamaguchi
ABSENT: None

Councilmember Aguirre arrived at 5:45 p.m.

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 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; Deputy Chief of Police, Ward Smith; Deputy Director of Community Services, Jon Nicks; 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: Orange County Battalion Chief John McMasters

PRESENTATIONS:

1. Requests for Commendations and Proclamations

- a. Placentia-Linda Hospital 40th Anniversary
Recipient: Director of Marketing and Community Relations Pamela Walrod
Presenter: Mayor Yamaguchi
- b. Recognition of Outgoing Commissioners and Committee Members for their Service and Contributions
Recipients: Commissioners and Committee Members
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 Mayor Pro Tem Wanke, seconded by Mayor Yamaguchi, to approve presentation items 1.a. and 1.b. as submitted and make a presentation to those present.

Mayor Yamaguchi presented a certificate of recognition to Director of Marketing and Community Relations Walrod honoring Placentia-Linda Hospital's 40th anniversary.

Director of Marketing and Community Relations Walrod thanked the City for the recognition.

Mayor Yamaguchi presented certificates of appreciation to all outgoing Commissioners and Committee members for their years of service and countless contributions to the City and community.

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 following: Night time street construction on Orangethorpe Avenue east of Tustin Avenue beginning September 18th from 7 p.m. to 5 a.m. for the next three weeks, the Candidates Forum moderated by the League of Women Voters on September 27 at 6:30 p.m. at Placentia City Council Chamber, and the 5th Annual Drug Take-Back Initiative hosted by the Placentia Police Department on September 29th, and the various City Commissions and Committees vacancies.

ORAL COMMUNICATIONS:

Luis Hernandez, resident, expressed his concerns regarding the extended business hours, noise and odors coming from an auto body shop located across the street from his home.

Mayor Yamaguchi directed the City Administrator to contact Mr. Hernandez.

Ed Garcia, business owner, expressed his concerns regarding the appointment of LeeAndrah Silva to the Cultural Arts Commission and raised ethical concerns regarding the process. He also expressed his concerns regarding the information provided by the Mayor in his Ballot Designation Worksheet. He asked the Council to remove Ms. Silva from the Cultural Arts Commission. He referred to an article regarding a proposal to close certain city parks made by the Mayor Pro Tem. He also expressed his concerns regarding the Mayor Pro Tem's Facebook account content.

Jeff Buchanan, resident, thanked City Council for their continuous hard work. He noted that he will be meeting with Mr. Butzlaff on Tuesday to discuss an ordinance and invited the Mayor to attend. He spoke in opposition of the comments made by Mr. Garcia and his possible financial interest in the community.

Laurie Arroyo, resident, expressed her concerns regarding Mr. Garcia's comments. She noted that Mr. Yamaguchi was elected because the community believes in him.

Tarlochan Rakhra, Yorba Linda resident, thanked Council and the Mayor for their support to the Interact High School Club. He thanked the Mayor for his work and support.

Wising Yin, Valencia High School student thanked the Mayor for his continuous support throughout various events. He noted that the Mayor is an inspiration to the community.

Naida Dallstreen, Placentia Library District Staff, thanked the Mayor for his support on various programs and events.

Tom Mulrone, resident, expressed his concerns regarding large dump trucks driving in the area of Rose Avenue and Yorba Linda Boulevard and inquired if this is permissible.

Marsha Mulrone, resident, spoke in support of the Mayor and Mayor Pro Tem and their work. She noted that she served in the Cultural Arts Commission and Ms. Silvia is doing an excellent job. She encouraged Mr. Garcia to volunteer his time in the City he lives.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill noted that the American Legion had a candlelight vigil on September 11th. She noted the importance of back to school traffic alertness. She noted that everyone has the right to speak during Council meetings and express their opinions without being reprimanded. She noted that all public comments should be addressed to Council.

Councilmember Aguirre noted that he hoped everyone had a happy and safe Labor Day. He noted the importance of back to school traffic alertness.

Councilmember Nelson congratulated Valencia High School for their victory in the football game versus El Dorado High School. He noted that the Mayor and he attended the League of California Cities Annual Conference. He wished his wife a Happy Birthday. He thanked Placentia-Linda Hospital for their service in the community. He noted that the Mayor, Councilmember Underhill and he attended the grand opening of Placentia-Linda Center of Wound Care. He thanked the Commissioners and Committee members for their service. He

noted that he received a letter from a contractor expressing his appreciation for 25 years of service the Building Department and Staff has provided to his company.

Mayor Pro Tem Wanke attended the Orange County Fire Authority Budget Finance Committee and the Orange County Waste Management Committee meetings. He thanked all the Commissioners and Committee members for their service and contributions. He noted that he has no control over actions of his relatives. He noted that his intent is to do a good job and encouraged the public to look at this voting record.

Mayor Yamaguchi presented a certificate of recognition to Dan Davis for his service on the Cultural Arts Commission.

Deputy Chief of Police Smith reported that dump trucks are allowed in the area of Rose Avenue and Yorba Linda Boulevard due to the OC Bridges project. He indicated that the Police Department has contacted the drivers and notified them about speed limits and covers. He will be notifying the traffic unit.

Mayor Yamaguchi thanked Staff and volunteers for their service in the Concerts in the Park series. He noted that he attended the League of California Cities. He congratulated Placentia-Linda Hospital on the opening of their Center of Wound Care. He attended the Financial Audit Oversight, Heritage Festival Committee, Historical Committee, and Placentia Community Foundation meetings. He attended the Greek Festival and thanked the group who hosted the event.

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 Wake 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 – August 21, 2012
Recommended Action: Approve
(5 – 0, as recommended)
- c. **City Fiscal Year 2012-13 Warrant Register for August 22, 2012 through September 18, 2012**
Financial Impact: \$2,463,224.08
Recommended Action: Approve
(5 – 0, as recommended)
- d. **Successor Agency Fiscal Year 2012-13 Warrant Register for August 22, 2012 through September 18, 2012**
Financial Impact: \$550.00
Recommended Action: Approve
(5 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Approval of Placentia Rotary Club Cowabunga Crab Fest Fundraiser at Kraemer Memorial Park- Saturday, June 1, 2013**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
- 1) Provide Preliminary approval for the Placentia Rotary Club to hold the Cowabunga Crab Fest at Kraemer Park on Saturday, June 1, 2013 contingent upon the Rotary Club continuing to work with City staff to obtain all appropriate permits, insurance, and agreeing to follow all City regulations for the event
(5 – 0, as recommended)
- f. **Extension of Contract for Official Tow Service from September 2, 2012 to September 2, 2013**
Financial Impact: Expense: \$0.00
 Offsetting Revenue: \$80,000.00
Recommended Action: It is recommended that the City Council:
- 1) Approve a one-year extension to A-1 Auto Body and Towing and Anaheim/Fullerton Towing from the original expiration date of the contract to September 2, 2013
 - 2) Authorize the Mayor to execute such Agreements with A-1 Auto Body and Towing and Anaheim/Fullerton Towing
(5 – 0, as recommended)
- g. **Approval of Resolution Authorizing Temporary Suspension of Regulatory Ordinances Pertaining to the Operation of the Heritage Festival and Parade Scheduled for October 13, 2012**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
- 1) Adopt Resolution No. R-2012-52, A Resolution of the City Council of the City of Placentia, California, Authorizing the Temporary Suspension of Regulatory Sections 23.76.050 and 10.28.010 of the Placentia Municipal Code for the Operation of the City of Placentia Heritage Festival and Parade on Saturday, October 13, 2012
(5 – 0, as recommended)
- h. **Support Letter Regarding Senate Bill 214 (WOLK) Infrastructure Finance Districts**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
- 1) Authorize the Mayor to sign a letter in support of SB 214 (Wolk) Infrastructure Finance Districts
(3 – 2, Mayor Yamaguchi and Mayor Pro Tem Wanke voted no)

Mayor Pro Tem Wanke expressed his opposition to the approval of item 1.h.

Councilmember Nelson spoke in support of the approval of item 1.h.

Mayor Pro Tem Wanke noted that this is a letter in support and not a City Council ordinance.

City Administrator Butzlaff provided a brief overview of Senate Bill 214 (WOLK) Infrastructure Finance Districts.

Discussion ensued among Council and Staff regarding Senate Bill 214 and the approval of the letter in support.

A motion was made by Councilmember Underhill, seconded by Councilmember Nelson, and carried (3 – 2, Mayor Yamaguchi and Mayor Pro Tem Wanke voted no) to authorize the Mayor to sign a letter in support of SB 214 (Wolk) Infrastructure Finance Districts.

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:

a. **Mandated Biennial Review of the City's Conflict of Interest Code**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Review the proposed amendments to the City's Conflict of Interest Code, provide input and/or updates
- 2) Adopt Resolution No. R-2012-53, A Resolution of the City Council of the City of Placentia, California, amending the City's Conflict of Interest Code

(5 – 0, as recommended)

City Administrator Butzlaff provided a brief report on item 3.a.

Mayor Pro Tem Wanke inquired about the positions being eliminated.

A motion was made by Mayor Pro Tem Wanke, seconded by Councilmember Aguirre, and carried (5 – 0) to review the proposed amendments to the City's Conflict of Interest Code, provide input and/or updates; and to adopt Resolution No. R-2012-53, A Resolution of the City Council of the City of Placentia, California, amending the City's Conflict of Interest Code.

SUCCESSOR AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/SUCCESSOR AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

a. **Consideration of Amendments to the Franchise Agreement for Graffiti Removal, Downtown Maintenance and Other Related Services**

Financial Impact: Cost savings of \$109,200

Recommended Action: It is recommended that the City Council:

- 1) Approve the Amended Franchise Agreement between Clean City, Inc. and the City of Placentia
- 2) Authorize the City Administrator to execute all documents necessary to effectuate the Amended Franchise Agreement

(5 – 0, as recommended)

City Administrator Butzlaff introduced Management Analyst Le to provide a presentation on item 4.a. He noted that a task force of various Management Analyst was assigned to work on the franchise agreement for graffiti removal.

Management Analyst Le provided a staff report on item 4.a. She reported that Staff has worked with Clean City to redirect costs to privately owned property. She noted that the amended franchise contract would commence on October 1, 2012. She provided the alternatives listed on Exhibit C of the staff report. She noted that the City and Clean City would launch a public education campaign. She noted that the amended agreement would generate approximately \$109,200 to the General Fund.

Bill Taormina, Clean City CEO, responded to the various inquiries made by Council regarding the agreement and the graffiti removal process on privately own properties.

Management Analyst Le provided an overview of the administrative process.

Discussion ensued among Council and Staff.

A motion was made by Mayor Yamaguchi, seconded by Councilmember Nelson, and carried (5 – 0) to approve the Amended Franchise Agreement between Clean City, Inc. and the City of Placentia; and authorize the City Administrator to execute all documents necessary to effectuate the amended franchise agreement.

SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Underhill requested that Council give direction to Staff to place on the next agenda the issue of whether LeeAndrah Silva should be removed from the Cultural Commission.

Mayor Yamaguchi excused himself from the discussion.

Council agreed to postpone the issue for a few weeks.

ADJOURNMENT: The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to the next regular meeting on October 2, 2012.

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY SECRETARY

