

**PLACENTIA CITY COUNCIL
PLACENTIA CITY COUNCIL AS SUCCESSOR TO THE
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING MINUTES – EXECUTIVE SESSION
November 20, 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 5:30 p.m.

ROLL CALL:

PRESENT: Council/Agency Members Aguirre, Nelson, Underhill, Yamaguchi
ABSENT: Wanke

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(b) for Conference with Legal Counsel Regarding Anticipated Litigation – One (1) Item
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items
4. Pursuant to Government Code Section 54956.8 for Real Property Negotiations:
 - a. Property: Four (4) Unimproved Parcels at or near 1616 Atwood Avenue and 1617 Oak Street (APN: 346-181-05, 346-181-06, 346-181-07)
City Negotiator: Troy L. Butzlaff, City Administrator
Negotiating Party: Mark Korando, Habitat for Humanity of Orange County
Under Negotiations: Price and Terms of Payment
5. Pursuant to Government Code Section 54957.6 Conference with City Labor Negotiator (Troy L. Butzlaff, City Administrator) Concerning Labor Negotiations with the Following Employee Group:
 - a. Unrepresented Employees
6. Pursuant to Government Code Section 54957 for Public Employee Performance Evaluations
 - a. City Administrator
 - b. City Attorney

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, Yamaguchi
ABSENT: Wanke

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; Senior Management Analyst, Michael McConaha; Management Analyst, Antonia Castro-Graham; Management Analyst, Maggie Le; Police Chief, Rick Hicks; Deputy Chief of Police, Ward Smith; City Clerk, Patrick Melia; City Clerk Specialist, Candice Martinez

INVOCATION: Police Chaplain Gary Drabek

PLEDGE OF ALLEGIANCE: Assemblymember Chris Norby

1. Requests for Commendations and Proclamations

- a. Orange County Human Relations Commission
Presenter: Commissioner Ruben Barron

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 Yamaguchi, to approve presentation item 1.a. as submitted.

Commissioner Ruben Barron provided a brief presentation of the Orange County Human Relations Commission's annual report. He provided a copy of the report to be filed in the City Clerk's Office.

EXECUTIVE SESSION REPORT:

City Attorney/Agency Counsel Arczynski reported on an item of litigation involving the Southern California Gas Company and their contractor. He noted that in February 13, 2011 there was a major sewer break at 550 W. Crowther. He noted that the City received full payment for the entire amount including attorney fees in litigating the case. He stated there is no other reportable action from Executive Session.

CITY ADMINISTRATOR REPORT:

City Administrator Butzlaff wished everyone a happy Thanksgiving holiday. He announced that City Hall would close on Wednesday and Thursday, November 21-22 in observance of the Thanksgiving holiday.

ORAL COMMUNICATIONS:

Assemblymember Chris Norby noted that it was an honor and privilege to represent City of Placentia.

City Councilmember's thanked Mr. Norby for his service.

Meredith Castillo, resident, noted that the Community Flu Shots event at the Placentia Sports Complex was a success. He wished everyone a happy Thanksgiving Day.

Ed Garcia, resident, announced the upcoming Annual Las Posadas and Tamale Festival event on December 5, 2012. He wished everyone a happy Thanksgiving Day.

Jim Gaffney, resident, expressed his concerns regarding the American Flag being flown at half-staff at City Hall and the process of adding names on the Veterans Memorial Wall at City Hall.

Carolyn Gaffney, resident, expressed her concerns regarding traffic light timing on Yorba Linda Boulevard and asserted the American Flag hung incorrectly inside the City Council Chambers.

CITY COUNCIL/BOARD MEMBERS COMMENTS AND REPORTS:

Councilmember Underhill thanked the people for electing the incumbents to City Council. She attended the Roundtable Club Prayer breakfast event and the Veterans Day Observance Ceremony on November 10th. She expressed her condolences to the family of Phil Bush. She wished everyone a happy Thanksgiving holiday.

Councilmember Nelson congratulated Councilmember's Underhill and Yamaguchi for their reelection. He thanked the residents for reelecting him to City Council. He expressed his condolences to the family of Phil Bush. He thanked Assemblymember Chris Norby for his years of service. He attended several meetings in Sacramento last week. He wished everyone a happy Thanksgiving holiday.

Councilmember Aguirre congratulated the incumbents on their reelection to City Council and City Treasurer seat. He thanked everyone who exercised his or her right to vote in the recent election. He attended the Veterans Day Observance Ceremony on November 10th and thanked everyone involved in the organization of the event. He expressed his condolences to the families of Phil Bush, Richard Jensen, and Michael Melia. He noted that Assemblymember Chris Norby served as his inspiration. He wished everyone a happy Thanksgiving holiday.

Mayor Yamaguchi congratulated the incumbents on their reelection to City Council and City Treasurer seat. He thanked Golden Elementary School for allowing him to visit the site. He congratulated Zhangs Chinese Bistro on their recent ribbon cutting. He inquired about a possible City policy regarding the American Flag flying at half-staff at City Hall. He congratulated the recent CERT graduates and thanked all the volunteers involved. He recognized the passing of Jim Disbennett, a former El Dorado High School teacher. He reported that the City Selection Committee met last week. He thanked the Round Table Club and Rotary Club for putting together the Roundtable Prayer Breakfast. He expressed his condolences to the families of Phil Bush, Richard Jensen, and Michael Melia. He wished everyone a safe Thanksgiving holiday.

City Attorney Arczynski noted that 22 years ago Council determined that it was appropriate under certain circumstances, such as the death of an elected official or member of the Police Department, to have the American Flag half-staff. He noted that there are no violations.

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

A motion was made by Councilmember Aguirre, seconded by Mayor Yamaguchi, to approve Consent Calendar Item Nos. 1.a. through 1.t. Councilmember Nelson pulled items 1.f. and 1.i.

COUNCIL/SUCCESSOR AGENCY/ICDA CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve
(4 – 0, as recommended)

- b. **Minutes**
City Council/Successor/ICDA Regular Meeting – October 16, 2012
Recommended Action: Approve
(4 – 0, as recommended)
- c. **City Fiscal Year 2012-13 Warrant Register for October 17, 2012 through November 20, 2012**
Financial Impact: \$3,534,276.65
Recommended Action: Approve
(4 – 0, as recommended)
- d. **Successor Agency Fiscal Year 2012-13 Warrant Register for October 17, 2012 through November 20, 2012**
Financial Impact: \$198.00
Recommended Action: Approve
(4 – 0, as recommended)

COUNCIL CONSENT CALENDAR:

- e. **Interfund Reimbursement Agreement for Fiscal Year 2011-12**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Approve the Interfund Reimbursement Agreement in the amount of \$2,198,415.23
(4 – 0, as recommended)
- f. **Resolution Approving Investment Policy for 2013**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
1) Adopt Resolution No. R-2012-63, A Resolution of the City Council of the City of Placentia, California, acknowledging the receipt and filing of the Annual Statement of Investment Policy for the calendar year 2013
2) Receive and file the Investment Policy for calendar year 2013
(4 – 0, as recommended)

Councilmember Nelson directed Staff to look into the Caltrans Plan developed by the Action State League.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, and carried (4 – 0) to adopt Resolution No. R-2012-63, A Resolution of the City Council of the City of Placentia, California, acknowledging the receipt and filing of the Annual Statement of Investment Policy for the calendar year 2013; and to receive and file the Investment Policy for calendar year 2013.

- g. **State Mandated Imposition of a "\$1.00 State Business License Fee" Pursuant to Senate Bill 1186**
Financial Impact: Revenues: \$1,900 (Estimate)
Recommended Action: It is recommended that the City Council:
1) Adopt Resolution No. R-2012-64, A Resolution of the City Council of the City of Placentia, California, complying with Senate Bill 1186 to implement a new \$1.00 State fee on new and renewal business license applicants effective January 1, 2013
(4 – 0, as recommended)

h. **Budget Amendment – Asset Forfeiture Funds and Authorization to Purchase Computer Equipment**

Financial Impact: \$45,000 Expenditure of Asset Forfeiture Funds to purchase equipment (Account No.: 213041-6840) Fiscal Year 2012-13 Budget

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2012-65, A Resolution of the City Council of the City of Placentia, California, authorizing a budget amendment in Fiscal Year 2012-13 in the aggregate amount of \$45,000 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures
- 2) Authorize the purchase of the computers and related peripheral equipment and software with Asset Forfeiture funds in an amount not to exceed \$45,000
- 3) Authorize the City Administrator or his designee to execute all necessary documents to effectuate these actions

(4 – 0, as recommended)

i. **Request for Additional Appropriations for Patrol Overtime Budget to Participate in the Office of Traffic Safety Grant – “Sobriety Checkpoint Grant Program for 2012-2013”**

Financial Impact: Expense: \$62,225

Offsetting Revenue: \$62,225

Recommended Action: It is recommended that the City Council:

- 1) Approve the acceptance of the Office of Traffic Safety grant in the form presented and direct the Chief of Police to complete the final paperwork
- 2) Adopt Resolution R-2012-66, A Resolution of the City Council of the City of Placentia, California, authorizing a budget amendment in Fiscal Year 2012-13 in the aggregate amount of \$62,225 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures

(4 – 0, as recommended)

Councilmember Nelson inquired about the allocations of the funds.

City Administrator Butzlaff noted that funds would be allocated to the Traffic Safety Division through the impound yard. He noted that it is difficult to track all the funds because they come in from different sources.

A motion was made by Councilmember Nelson, seconded by Councilmember Underhill, and carried (4 – 0) to approve the acceptance of the Office of Traffic Safety grant in the form presented and direct the Chief of Police to complete the final paperwork; and to adopt Resolution R-2012-66, A Resolution of the City Council of the City of Placentia, California, authorizing a budget amendment in Fiscal Year 2012-13 in the aggregate amount of \$62,225 in compliance with City Charter §§ 1206 and 1209 pertaining to appropriations for actual expenditures.

j. **Resolutions of Support for the Kraemer Boulevard/Glassell Street/Grand Avenue Corridor Traffic Signal Synchronization Project and Orangethorpe Avenue Widening and Rehabilitation Project**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution R-2012-67, A Resolution of the City Council of the City of Placentia, California, approving the submittal of the Kraemer Boulevard/Glassell Street/Grand Avenue Traffic Signal Synchronization

- Project to the Orange County Transportation Authority for funding under the Comprehensive Transportation Program
- 2) Adopt Resolution R-2012-68, A Resolution of the City Council of the City of Placentia, California, approving the submittal of the Orangethorpe Avenue Widening and Rehabilitation Project to the Orange County Transportation Authority for funding under the Comprehensive Transportation Program

(4 – 0, as recommended)

k. **Recommendation to Approve Award of Contract to Willdan Engineering for City Preparation of a Sewer GIS Layer**

Financial Impact: Expense: Not to Exceed \$71,700

Budgeted: (Account No.: 484376-6120)

Recommended Action: It is recommended that the City Council:

- 1) Award an agreement, in a form approved by the City Attorney, to Willdan Engineering for preparation of a sewer GIS layer
- 2) Authorize the City Administrator to sign the required documents in a form approved by the City Attorney

(4 – 0, as recommended)

l. **Approve Cooperative Agreement for Project No. C-2-1844 (Rose Drive and Yorba Linda Boulevard Intersection Improvement Project) between the City of Placentia and Orange County Transportation Authority**

Financial Impact: Expense: \$280,000

Offsetting Revenue: Proposition 1B SLPP, Measure M2 Fairshare, and Developer Funds

Budgeted: \$280,000 (CIP Account No.: 333552-6185 J/L 61105) - Rose Drive /Yorba Linda Boulevard

Recommended Action: It is recommended that the City Council:

- 1) Approve the attached Cooperative Agreement for Project No. C-2-1844 between the City of Placentia and OCTA for the implementation of the Rose Drive and Yorba Linda Boulevard Intersection Improvement Project funded as part of the State Proposition 1B State-Local Partnership Program (SLPP)
- 2) Authorize the Mayor to execute the Cooperative Agreement on behalf of the City

(4 – 0, as recommended)

m. **Approve Cooperative Agreement for Project No. C-2-1821 (Valencia Avenue Rehabilitation Project) Between the City of Placentia and Orange County Transportation Authority**

Financial Impact: Expense: \$636,000

Offsetting Revenue: \$318,000 PROP 1B SLPP, \$318,000 Measure M2 Fairshare

Budgeted: \$636,000 (CIP Account No.: 333552-6185 J/L 61034 Valencia Avenue Rehabilitation)

Recommended Action: It is recommended that the City Council:

- 1) Approve the attached Cooperative Agreement for Project No. C-2-1821 between the City of Placentia and OCTA for the implementation of the Valencia Avenue Rehabilitation Project funded as part of the State Proposition 1B State-Local Partnership Program (SLPP)

- 2) Authorize the Mayor to execute the Cooperative Agreement on behalf of the City

(4 – 0, as recommended)

n. **Orange County Transportation Authority - Amendment No. 15 to Cooperative Agreement No. C-95-987 to Update the Combined Transportation Funding Programs (CTFP) Active Project List**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Approve Amendment No. 15 to Cooperative Agreement No. C-95-987 with the Orange County Transportation Authority
- 2) Authorize the Mayor to execute Amendment No. 15 to Cooperative Agreement on behalf of the City

(4 – 0, as recommended)

o. **Adoption of Resolution No. R-2012-69, Authorizing the City Administrator or his Designee to Execute all Necessary Documents for Securing Grant Funds from the Department of Resources Recycling and Recovery (CalRecycle) for the Rubberized Pavement Grant Program Cycle TRP3 and Adoption of Resolution No. R-2012-70, Approving the Amendment of City Policy 523 (Recycled Products – Procurement)**

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Adopt Resolution No. R-2012-69, A Resolution of the City Council of the City of Placentia, California, approving the submittal of applications(s) for all CalRecycle Grants for which the City of Placentia is eligible
- 2) Adopt Resolution No. R-2012-70, A Resolution of the City Council of the City of Placentia, California, approving and adopting amendments to the City of Placentia Policy and Procedure Manual regarding Recycled Products: Environmentally Preferable Procurement (Policy No. 523)

(4 – 0, as recommended)

p. **Approval of Plans and Specifications and Award of Construction to Bali Construction, Inc., for the City Yard Clarifier and Sewer Improvement Project**

Financial Impact: Expense: \$117,936 for Construction

Offsetting Revenue: \$117,936 Sewer Maintenance Fund

Budgeted: \$215,000 (Account No.: 333556-6185 J/L 61026)

Recommended Action: It is recommended that the City Council:

- 1) Approve plans and specifications prepared by Hunsaker & Associates dated October 15, 2012, for City Yard Clarifier and Sewer Improvement Project
- 2) Award construction contract to the lowest responsive and responsible bidder, Bali Construction, Inc., for an amount not to exceed \$117,936
- 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 aggregate amount not to exceed 20% of the project construction
- 5) Authorize the City Administrator to execute contracts documents on behalf of the City, in a form approved by the City Attorney

(4 – 0, as recommended)

- q. **Declaration of Surplus Property**
Financial Impact: Revenue realized from the sale of surplus property will be deposited in the City's Equipment Replacement Fund
Recommended Action: It is recommended that the City Council:
 1) Declare the attached list of equipment as surplus property and authorize their disposal
(4 – 0, as recommended)
- r. **Authorization of Designated Staff to Sign Emergency Management Assistance Program Applications**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 1) Adopt Resolution No. R-2012-71, A Resolution of the City Council of the City of Placentia, California, authorizing certain individuals to sign Emergency Management Assistance Program applications
(4 – 0, as recommended)
- s. **Change in Title of City Employees Authorized to Accept and Consent to Deeds or Grants or Easements to the City**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 1) Adopt Resolution No. R-2012-72, A Resolution of the City Council of the City of Placentia, California, authorizing certain persons to accept and consent to deeds or grants conveying any interest in or easement to real estate to the City of Placentia
(4 – 0, as recommended)
- t. **Earthquake Insurance for Specified City Facilities**
Financial Impact: Expenses: \$36,344
 Budgeted: \$36,334 (Account No.: 404582-6201)
Recommended Action: It is recommended that the City Council:
 1) Adopt Resolution No. R-2012-73, A Resolution of the City Council of the City of Placentia, California, approving the purchase of earthquake insurance for specified City facilities from Alliant Insurance Services, acting as the City's insurance broker, in an amount not-to-exceed \$37,000 for policy year 2012-2013
 2) Authorize the City Administrator to execute all documents necessary to effectuate insurance coverage
(4 – 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: 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: None

SUCCESSOR AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

Councilmember Nelson expressed his condolences to the families of Phil Bush, Richard Jensen, and Michael Melia.

ADJOURNMENT: The City Council/Successor Agency/ICDA Agency Board of Directors adjourned to December 4, 2012 in memory of Michael Melia, Phil Bush and Richard Jensen.



JEREMY B. YAMAGUCHI
MAYOR/AGENCY CHAIR

ATTEST:



PATRICK J. MELIA, CITY CLERK/AGENCY
SECRETARY

