



Regular Meeting Agenda
November 16, 2010
Placentia City Council
Placentia Redevelopment Agency

Mission Statement

The City Council is committed to keeping Placentia a pleasant place by providing a safe family atmosphere, superior public services and policies that promote the highest standards of community life.

Vision Statement

The City of Placentia will maintain an open, honest, responsive and innovative government that delivers quality services in a fair and equitable manner while optimizing available resources.

Joseph V. Aguirre
Mayor

Constance M. Underhill
Mayor Pro Tem

Scott W. Nelson
Council Member

Greg Sowards
Council Member

Jeremy B. Yamaguchi
Council Member

Patrick J. Melia
City Clerk

Chad P. Wanke
City Treasurer

Troy L. Butzlaff, ICMA-CM
City Administrator

Andrew V. Arczynski
City Attorney

Copies of all agenda materials are available for public review in the Office of the City Clerk, online at www.placentia.org, and at Placentia Library Reference Desk. Persons who have questions concerning any agenda item may call the City Clerk's Office, (714) 993-8231, to make inquiry concerning the nature of the item described on the agenda.

Procedures for Addressing the Council/Redevelopment Agency

Any person who wishes to speak regarding an item on the agenda or on a subject within the City's jurisdiction during the "Oral Communications" portion of the agenda should fill out a "Speaker Request Form" and give it to the City Clerk BEFORE that portion of the agenda is called. Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Public Hearing item should fill out a "Speaker Request Form" and give it to the City Clerk BEFORE the item is called.

The Council and Agency Board encourage free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, Council and Agency Board discourage clapping, booing or shouts of approval or disagreement from the audience.

PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL AND AGENCY BOARD ARE IN SESSION.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City staff to make reasonable arrangements to ensure accessibility.
(28 CFR 35.102.35.104 ADA Title II)

In compliance with California Government Code § 54957.5, any writings or documents provided to a majority of the City Council regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

Study Sessions are open to the public and held in the City Council Chambers or City Hall Community Room. Executive Sessions are held in the Council Caucus Room. While the public may be in attendance during oral announcements preceding Executive Sessions, Executive Sessions are not open to the public.

City of Placentia
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Placentia, CA 92870

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**PLACENTIA
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING AGENDA – EXECUTIVE SESSION
November 16, 2010
6:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Councilmember / Agency Member Nelson
Councilmember / Agency Member Sowards
Councilmember / Agency Member Yamaguchi
Mayor Pro Tem / Agency Vice Chairman Underhill
Mayor / Agency Chairman Aguirre

ORAL COMMUNICATIONS:

At this time the public may address the City Council/Redevelopment Agency Board of Directors concerning any items on the Executive Session Agenda only.

The City Council/Redevelopment Agency Board of Director will recess to the City Council Caucus Room for the purpose of conducting its Executive Session proceedings.

CITY COUNCIL:

1. Pursuant to Government Code Section 54956.9(a) for Conference with Legal Counsel Regarding Existing Litigation – One (1) Item
 - a. Del Cerro Mobile Estates and S&D Associates v. City of Placentia, et. al., Court of Appeals, Fourth Appellate District, Division Three, Case No. G043709
2. Pursuant to Government Code Section 54956.9(b) for Conference with Legal Counsel Regarding Anticipated Litigation – Two (2) Items
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Two (2) Items

RDA:

1. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
Property: 738 W. La Jolla, Placentia, CA 92870 APN 344-011-12
Agency Negotiator: Troy Butzlaff, City Administrator/Executive Director
Property Negotiator: Patricia Drew, TriMont Real Estate Advisors
Under Negotiations: Price and Terms of Payment

RECESS: - The City Council/Redevelopment Agency will recess to their 7:00 p.m. Regular Meeting.

**PLACENTIA
CITY COUNCIL AND REDEVELOPMENT AGENCY
REGULAR MEETING AGENDA
November 16, 2010
7:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Councilmember / Agency Member Nelson
Councilmember / Agency Member Sowards
Councilmember / Agency Member Yamaguchi
Mayor Pro Tem / Agency Vice Chairman Underhill
Mayor / Agency Chairman Aguirre

INVOCATION: Richard Kryder, Police Chaplain

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

- a. Employee of the Quarter – Police Employees
Presenter: City Administrator Troy Butzlaff
- b. Red Ribbon Essay/Poster Contest Winners
Presenter: Mayor Joseph Aguirre
- c. OC Human Relations Commission
Presenter: Commissioner Vincent Vargas

EXECUTIVE SESSION REPORT:

CITY ADMINISTRATOR REPORT:

ORAL COMMUNICATIONS:

At this time the public may address the City Council/Redevelopment Agency Board of Directors concerning any agenda item, which is not a public hearing item, or on matters within the jurisdiction of the City Council/Redevelopment Agency Board of Directors.

CITY COUNCIL/AGENCY MEMBER COMMENTS AND REPORTS:

The purpose of these reports is to provide information on projects and programs that are discussed at interagency board, committee, and commission meetings. No decisions are to be made on these issues. If a Council/Agency Member would like formal action on any of the discussed items it will be placed on a future Council/Agency Agenda.

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

All items on the Consent Calendar are considered routine and are enacted by one motion approving the recommended action listed on the Agenda. Any Member of the City Council/Redevelopment Agency or City Administrator may request an item be removed from the Consent Calendar for discussion. All items removed shall be considered immediately following action on the remaining items.

CONSENT CALENDAR CONTINUED:

COUNCIL/AGENCY CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve
- b. **Minutes**
City Council/Agency Regular Meeting – November 2, 2010
Recommended Action: Approve
- c. **City Warrant Register for November 3, 2010 through November 16, 2010**
Financial Impact: \$2,570,555.20
Recommended Action: Approve
- d. **Agency Warrant Register for November 3, 2010 through November 16, 2010**
Financial Impact: \$32,551.34
Recommended Action: Approve

COUNCIL CONSENT CALENDAR:

- e. **Second Reading - An Ordinance Amending the City's Building Codes and Regulations**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Conduct a second reading and approve Ordinance No. O-2010-10, "An Ordinance of the City Council of the City of Placentia, California repealing Chapter 18.04 of title 18 and Chapters 20.03, 20.04, 20.08, 20.12, 20.16, and 20.20 of Title 20 of the Placentia Municipal Code and adopting by reference, the California Fire Code, 2010 Edition, the California Building Code, 2010 Edition, the California Residential Code, 2010 Edition, the California Green Building Standards Code, 2010 Edition, the California Plumbing Code, 2010 Edition, the California Mechanical Code, 2010 Edition, and the California Electrical Code, 2010 Edition, including all appendices, with certain amendments, additions and deletions thereto, including fees and penalties"
 - 2) Approve Resolution R-2010-63, A Resolution of the City Council of the City of Placentia making required findings pertaining to modifications to the uniform fire and construction codes adopted by Ordinance No. O-2010-10 based upon local climatic, topographic and geologic conditions in accordance with the requirements of §17958 of the California Health and Safety Code
 - 3) Authorize a 10% building permit fee reduction incentive for voluntary Tier 1 level participation for Title 24 Part 6 (California Energy Code) compliance and direct staff to develop documentation and implement incentive program after January 1, 2010 effective date

- f. **Second Reading – An Ordinance Amending the Placentia Municipal Code Pertaining to Parking Structures and Parking Structures Design Regulations**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
- 1) Conduct a second reading and approve Ordinance No. O-2010-11, "An Ordinance of the City Council of the City of Placentia amending Chapters 23.04 and 23.78 of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to parking structure design regulations"
 - 2) Approve City Council Administrative Policy Number 724 Parking Structure Design Regulations
- g. **Approve Easement Agreements for Placentia Avenue and Kraemer Blvd grade separation projects**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
- 1) Approve the attached "Easement Agreement for Placentia Avenue Underpass (C & M Agreement)" between the City of Placentia and BNSF Railway Company for construction of the Placentia Avenue Underpass, Parcels KRA-047-4 (Temporary Construction Easement), PLA-003-01A (Street Easement), and PLA-003-01B (Street Easement)
 - 2) Approve the attached "Memorandum of Easement" between the City of Placentia and BNSF Railway Company for construction of the Placentia Avenue Underpass
 - 3) Approve the attached "Easement Agreement for Construction of the Kraemer Boulevard Underpass (C&M Agreement)" between the City of Placentia and BNSF Railway Company for construction of the Kraemer Boulevard Underpass, Parcels KRA-047-1 (Bridge Easement), KRA-047-2 (Permanent Storm Drain Easement), KRA-047-3 (Footing Easement) and KRA-047-5 (Sewer Easement)
 - 4) Authorize the Mayor to sign the subject easement agreements on behalf of the City
 - 5) 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 County Recorder of the Orange County for recording of the document
- h. **Approve a Resolution to Adopt Establishment of an Overall Annual Anticipated Disadvantaged Business Enterprise Participation Level (ADDPL) Goal of 13% for Federal Fiscal Year (FFY) 2010/11**
Financial Impact: None
Recommendation: It is recommended that the City Council:
- 1) Adopt attached Resolution R-2010-65 titled "A Resolution of the City of Placentia approving and adopting the Annual Anticipated DBE Participation Level (AADPL) of 13% for Federal Fiscal Year (FFY) 2010/11" establishing the overall annual DBE participation level of 13% for Federal Fiscal Year 2010/11 (covering the period of October 1, 2010 through September 30, 2011)
 - 2) Authorize the Mayor or Director of Public Works to execute all implementing DBE documents on behalf of the City to facilitate timely submission to the California Department of Transportation

- i. **Declaration of Surplus Property**
Financial Impact: Revenue realized from the sale of surplus property will be deposited in the City's Equipment Replacement Fund
Recommendation: It is recommended that the City Council:
 - 1) Declare the attached list of vehicles and equipment as surplus property and approve their sale at public action

- j. **Award of On-Call Sidewalk, Curb and Gutter, and Miscellaneous Repair Services**
Financial Impact: Minimal operational costs
Recommendation: It is recommended that the City Council:
 - 1) Reject all bids and direct staff to revise the bid document to clarify specifications

- k. **Mandated Biennial Review of the City's Conflict of Interest Code 2010 Local Agency Biennial Notice**
Financial Impact: None
Recommendation: It is recommended that the City Council:
 - 1) Review the proposed amendments to the City's Conflict of Interest, provide input and/or updates
 - 2) Approve Resolution No. R-2010-66, A Resolution of the City Council of the City of Placentia amending the City's Conflict of Interest Code by amending Appendix "A" thereto which list current designated employees and officials, and amending Appendix "B" thereto relating to the disclosure categories

- l. **Budget Amendment Required for Fiscal Year 2009/2010 Year End Closed**
Financial Impact: Refer to Resolution R-2010-67 for impact to selected funds
Recommendation: It is recommended that the City Council:
 - 1) Approve Resolution No. R-2010-67, A Resolution of the City Council of the City of Placentia authorizing a budget amendment in Fiscal Year 2009/10 in the aggregate amount of \$3,612,500.00 in compliance with City Charter requiring sufficient appropriations for actual expenditures

- m. **A Resolution in Support of Southern California Association of Government's Business Friendly Principles**
Financial Impact: None
Recommendation: It is recommended that the City Council:
 - 1) Approve Resolution No. R-2010-68, A Resolution of the City Council of the City of Placentia, California, in support of Business Friendly Principles as part of SCAG's Development of a Southern California Economic Growth Strategy

AGENCY CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL:

- a. **A Public Hearing and Approval of Proposed Community Development Block Grant (CDBG) Public Facility Improvement Projects**
Financial Impact: Not Applicable

Recommended Action: It is recommended that the City Council:

- 1) Conduct a Public Hearing and consider public input accordingly
- 2) Authorize the City Administer to submit an application to the County of Orange to receive Community Development Block Grant Funds for the following project

3. **OLD BUSINESS:** None

4. **NEW BUSINESS:**

COUNCIL NEW BUSINESS:

a. **Approve Award of Contract to Yakar for Construction of the Madison Avenue and Bradford Avenue Street Improvement Project and Willdan Engineering for Construction Management Services**

Financial Impact:

Expense: \$857,063.87 for construction; budgeted in FY 2010-2011 Budget, Account #333552-6185 J/L 61004

Revenue: 46% Proposition 1B, 37% State Safe Routes to Schools, 17% Measure M Funds

Recommendation: It is recommended that the City Council:

- 1) Approve plans and specification prepared by Jones, Cahl & Associates dated September 30, 2010 for Madison Avenue and Bradford Avenue Street Improvement Project
- 2) Award the construction contract to the lowest responsive and responsible bidder, Yakar, for an amount not to exceed \$657,553.23
- 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-percent of the project construction cost
- 5) Approve construction management services contract with Willdan Engineering for an amount not to exceed \$68,000
- 6) Authorize the City Administrator to execute contract documents on behalf of the City, in a form approved by the City Attorney

b. **A Resolution Increasing Parking Penalties to Reflect Increased State Mandated Surcharges**

Financial Impact: Up to \$45,000 Annual Reduction in Revenue if not adopted

Recommendation: It is recommended that the City Council:

- 1) Approve Resolution No. R-2010-69, A Resolution of the City Council of the City of Placentia establishing fines, penalties and surcharges pertaining to parking violations

c. **First Reading - An Ordinance repealing Chapter 13.82 of the Placentia Municipal Code related to parking violations-penalties**

Financial Impact: None

Recommendation: It is recommended that the City Council:

- 1) Read by title and introduce Ordinance O-2010-12, An Ordinance of the City Council of the City of Placentia, California, repealing Chapter 13.82 of the Placentia Municipal Code

- d. **Approval of Resolution Authorizing Temporary Suspension of Regulatory Ordinances Pertaining to the Operation of Same Special Event Scheduled for December 8, 2010 and Consideration of Funding Request for Placita Santa Fe Merchants Association Las Posadas and Tamale Festival**
Financial Impact:
Expense: \$4,000 (Not to Exceed)
Recommendation: It is recommended that the City Council:
1) Approve Resolution No. R-2010-70, A Resolution of the City Council of the City of Placentia, California, authorizing the temporary suspension of certain regulatory sections of the Placentia Municipal Code for Las Posadas and Tamale Festival

AGENCY NEW BUSINESS:

- e. **Award a contract to Orange County Demolition Inc. for demolition of Agency-owned property at 307 Baker Street**
Financial Impact:
Expenditure: \$44,280 (347536-6499)
Appropriation from Undesignated Fund Balance (0034-3001)
Recommendation: It is recommended that the Agency Board:
1) Award contract to Orange County Demolition Inc., in the amount of \$36,900
2) Reject all other bids
3) Approve a construction contingency amount of \$7,380 for construction related contingencies, if required
4) Authorize the Executive Director, or his designee, to approve construction change orders pursuant to the requirements set forth in the construction contract in an aggregate amount not to exceed 20% of the project construction cost
5) Authorize the Executive Director to execute contract documents on behalf of the City, in a form approved by Agency Counsel
6) Adopt Resolution RA-2010-06, A Resolution of the Board of Directors of the Placentia Redevelopment Agency authorizing expenditure of Low and Moderate Housing Income Funds for demolition of agency-owned property at 307 Baker Street and awarding a contract for demolition and related site clearance
7) Adopt Resolution RA-2010-07, A Resolution of the Board of Directors of the Placentia Redevelopment Agency authorizing a budget amendment in Fiscal Year 2010/11 in the aggregate amount of \$44,280.00 in compliance with City Charter requiring sufficient appropriations for actual expenditures
- f. **Award a contract to National Demolition Contractors for demolition of Agency owned property at or near 1616 Atwood Avenue**
Financial Impact:
Expenditure: \$41,220 (RDA 347536-6499)
Recommendation: It is recommended that the Agency Board:
1) Award a contract to National Demolition Contractors in the amount of \$31,220
2) Reject all other bids

- 3) Approve an environmental and construction contingency amount of \$10,000 for construction related contingencies and third party environmental review, if required
- 4) Authorize the Executive Director, or his designee, to approve construction change order pursuant to the requirements set forth in the construction contract in an aggregate amount not to exceed 20% of the project construction cost
- 5) Approve Resolution RA-2010-08, A Resolution of the Board of Directors of Redevelopment Agency of the City of Placentia authorizing expenditure of Low and Moderate Housing Income Funds for demolition of agency-owned properties at or near 1616 Atwood and awarding a contract for demolition and related site clearance
- 6) Authorize Executive Director to execute contract documents on behalf of the City, in a form approved by Agency Counsel

CITY COUNCIL/AGENCY MEMBER REQUESTS:

Council/Agency members may make requests or ask questions of staff. If a Council/Agency member would like to have formal action taken on a requested matter, it will be placed on a future Council/Agency Agenda.

ADJOURNMENT:

The City Council/Redevelopment Agency Board of Directors will adjourn to December 7, 2010 at 6:00 p.m.

CERTIFICATION OF POSTING

I, Vida Barone, Interim Chief Deputy Clerk for the City of Placentia and Assistant Secretary of the Placentia Redevelopment Agency, hereby certify that the Agenda for the November 16, 2010, meetings of the City Council and Redevelopment Agency was posted on November 10, 2010.

Vida Barone, Interim Chief Deputy City Clerk