



Regular Meeting Agenda
June 21, 2011
Placentia City Council
Placentia Redevelopment Agency
Placentia Industrial Commercial
Development Authority

Scott W. Nelson
Mayor

Jeremy B. Yamaguchi
Mayor Pro Tem

Joseph V. Aguirre
Council Member

Constance M. Underhill
Council Member

Chad P. Wanke
Council Member

Patrick J. Melia
City Clerk

Craig S. Green
City Treasurer

Troy L. Butzlaff, ICMA-CM
City Administrator

Andrew V. Arczynski
City Attorney

City of Placentia
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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.

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/Board Members

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 Board members 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, the Council and 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 BOARD MEMBERS 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.

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING AGENDA – EXECUTIVE SESSION**

June 21, 2011

**5:30 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Mayor/Board Chair Nelson
Mayor Pro Tem/Board Vice Chair Yamaguchi
Councilmember/Board Member Aguirre
Councilmember/Board Member Underhill
Councilmember/Board Member Wanke

ORAL COMMUNICATIONS:

At this time the public may address the City Council and Boards of Directors concerning any items on the Executive Session Agenda only.

The City Council and Boards of Directors will recess to the City Council Caucus Room for the purpose of conducting their 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 v. City of Placentia, et. al., Fourth Appellate District, Division Three Case. No. 30-2008-00180072
2. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding the Initiation of Litigation – Three (3) Items
3. Pursuant to Government Code Section 54956.9(c) for Conference with Legal Counsel Regarding Potential Litigation – Two (2) Items
4. Pursuant to Government Code Section 54957.6 for Conference with City’s Labor Negotiator as follows:

City Representatives: Troy L. Butzlaff, City Administrator
Stephen D. Pischel, Director of Administrative Services and Community Services

Employee Group: Placentia City Employees Association (PCEA)
5. Pursuant to Government Code Section 54957 for Public Employee Performance Evaluation –
 - a. City Administrator
 - b. City Attorney
6. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8:
 - a. Property: 321 Main Street, APN 339-393-09, -10
City Negotiator: Troy L. Butzlaff

Negotiating Parties: Dayne Wagoner, Edge
Under Negotiations: Price and Terms of Payment

- b. Property: 2999 E. La Jolla Avenue, APN 344-102-09
City Negotiator: Troy L. Butzlaff
Negotiating Parties: Trillium USA
Under Negotiations: Price and Terms of Payment

RDA: None

ICDA: None

RECESS: - The City Council and Boards of Directors will recess to their 7:00 p.m. Regular Meeting.

**PLACENTIA CITY COUNCIL
PLACENTIA REDEVELOPMENT AGENCY
PLACENTIA INDUSTRIAL COMMERCIAL DEVELOPMENT AUTHORITY
REGULAR MEETING AGENDA
June 21, 2011
7:00 p.m. – City Council Chambers
401 E. Chapman Avenue, Placentia, CA**

CALL TO ORDER:

ROLL CALL: Mayor/Board Chair Nelson
Mayor Pro Tem/Board Vice Chair Yamaguchi
Councilmember/Board Member Aguirre
Councilmember/Board Member Underhill
Councilmember/Board Member Wanke

INVOCATION: Kenneth Milhander Police Chaplain

PLEDGE OF ALLEGIANCE:

PRESENTATIONS: None

EXECUTIVE SESSION REPORT:

CITY ADMINISTRATOR REPORT:

ORAL COMMUNICATIONS:

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

CITY COUNCIL/BOARD MEMBERS 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 or Board Member would like formal action on any of the discussed items it will be placed on a future Council or Board Agenda.

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

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 and Boards of Directors 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.

COUNCIL/AGENCY/ICDA CONSENT CALENDAR:

- a. **Consideration to Waive Reading in Full of all Ordinances and Resolutions**
Financial Impact: None
Recommended Action: Approve

- b. **Minutes**
City Council/RDA/ICDA Regular Meeting - June 7, 2011
Recommended Action: Approve

- c. **City Warrant Register for June 8, 2011 Through June 21, 2011**
Financial Impact: \$2,558,636.27
Recommended Action: Approve
- d. **Agency Warrant Register for June 8, 2011 Through June 21, 2011**
Financial Impact: \$6,394.41
Recommended Action: Approve
- e. **Extension of Time Period for Exclusive Negotiation Agreement with Edge for Downtown Parking Structure**
Financial Impact: Not applicable
Recommended Action: It is recommended that the City Council:
 - 1) Approve an extension to the Exclusive Negotiation Agreement (ENA) with EDGE to allow for a continued period of exclusive negotiation between the City/Agency and EDGE to evaluate the potential size, design, construction and operational costs, financing options available to construct the Parking Structure, and potential for a Disposition and Development Agreement and authorize the Executive Director to further extend the ENA on behalf of the City/Agency for a period not to exceed one hundred and eighty (180) days

COUNCIL CONSENT CALENDAR:

- f. **Measure M Eligibility Application Package for Fiscal Year 2011-12**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Approve and direct Staff to submit an application to the Orange County Transportation Authority (OCTA) for funding seven-year Capital Improvement Program (CIP) projects
 - 2) Adopt Resolution No. R-2011-23, A Resolution of the City Council of the City of Placentia, concerning the status of the Circulation Element for the City of Placentia, (Meeting Orange County Transportation Authority Requirements)
- g. **Resolution Approving the Application for the Statewide Park Development and Community Revitalization Program of 2008**
Financial Impact: Positive – to be determined
Recommended Action: It is recommended that the City Council:
 - 1) Adopt Resolution No. R-2011-24, A Resolution of the City Council of the City of Placentia, California, approving an application for Statewide Park Program Grant Funds
 - 2) Authorize the City Administrator to execute all documents related to the Statewide Park Program Grant Funds
- h. **Resolution of Support for the Tustin Avenue/Rose Drive Traffic Light Synchronization Program Project**
Financial Impact: None
Recommended Action: It is recommended that the City Council:
 - 1) Adopt Resolution No. R-2011-25, A Resolution of the City Council of the City of Placentia authorizing application(s) for funds to the Orange County Transportation Authority under the competitive Measure M2 Regional Transportation Signal Synchronization Program

- i. **Agreement for Building Inspection Services**
Financial Impact: Expenditure: up to \$70,000.00 annually
 Offsetting revenue from building inspections
Recommended Action: It is recommended that the City Council:
 1) Approve a Professional Services Agreement with Mr. John Wingett for Building Inspection Services and authorize the City Administrator to execute the agreement and extensions permitted therein

- j. **Information Technology Support Services Agreement for Fiscal Year 2011-12 Between the City of Placentia and the City of Brea**
Financial Impact: \$120,463
Recommended Action: It is recommended that the City Council:
 1) Approve an amendment to the agreement with the City of Brea to provide IT Support Services to the City of Placentia for Fiscal Year 2011-12 and authorize City Administrator to sign the amendment on behalf of the City

AGENCY CONSENT CALENDAR: None

ICDA CONSENT CALENDAR: None

2. PUBLIC HEARINGS:

COUNCIL/AGENCY/ICDA:

- a. **Adoption of Fiscal Year 2011-12 City Operating Budget, Redevelopment Agency Budget, Capital Improvement Program Budget, and Establishment of GANN Appropriation Limit**
Financial Impact:
 Expenses: \$30,296,328 (City)
 Revenues: \$29,063,704 (City)
 Expenses: \$4,458,316 (RDA)
 Revenues: \$4,114,386 (RDA)
 Expenses: \$8,159,725 (CIP)
 Revenues: \$8,159,725 (CIP)
Recommended Action: It is recommended that the City Council:
 1) Open the hearing, receive public testimony, close public hearing
 2) Adopt Resolution No. R-2011-26, A Resolution of the City Council of the City of Placentia taking actions necessary to adopt the 2011-12 Fiscal Year Budget in the amount of \$30,296,328
 3) Adopt Resolution No. RA-2011-27, A Resolution of the Board of Directors of the Redevelopment Agency of the City of Placentia taking actions necessary to adopt the 2011-12 Fiscal Year Redevelopment Agency Budget in the amount of \$4,458,316
 4) Adopt Resolution No. R-2011-28, A Resolution of the City Council of the City of Placentia taking actions necessary to adopt the 2011-12 Fiscal Year Capital Improvement Program (CIP) Budget in the Amount of \$8,159,725
 5) Adopt Resolution No. R-2011-29, A Resolution of the City Council of the City of Placentia approving and adopting the Annual Appropriations Limit for the Fiscal Year 2011-12 in the amount of \$65,895,395

- b. **Adoption of Resolution Authorizing the Position Allocation Plan and Compensation Plan for Fiscal Year 2011-12**
Financial Impact: Expense: To be determined
Recommended Action: It is recommended that the City Council:
1) Adopt Resolution No. R-2011-30, A Resolution of the City Council of the City of Placentia authorizing the Position Allocation Plan and Compensation Plan for Fiscal Year 2011-12

COUNCIL:

- c. **Amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of Title 23 (Zoning Ordinance) of the Placentia Municipal Code Pertaining to Use Permits for Massage Establishments**
Financial Impact: Not applicable
Recommended Action: It is recommended that the City Council:
1) Conduct the Public Hearing
2) Waive full reading, reading by title only, and introduce for first reading, Ordinance O-2011-07, An Ordinance of the City Council of the City of Placentia, California, amending Sections 23.27.040(6), 23.30.030(4), 23.33.030(14), 23.33.040(14), 23.36.030(17) and 23.36.040(15) of Title 23 (Zoning Ordinance) of the Placentia Municipal Code pertaining to use permits for massage establishments

AGENCY: None

ICDA: None

3. OLD BUSINESS:

COUNCIL/AGENCY/ICDA OLD BUSINESS: None

COUNCIL OLD BUSINESS:

- a. **Second Reading and Adoption of Ordinances - Addition of A New Article VI to Chapter 14.04 and Revising Chapter 14.12 of Title 14 of the Placentia Municipal Code Relating to Sidewalks and Street Trees**
Financial Impact: Not applicable
Recommended Action: It is recommended that the City Council:
1) Conduct second reading by title only and adopt, Ordinance No. O-2011-05, An Ordinance of the City Council of the City of Placentia, California adding a new Article VI to Chapter 14.04 to the Placentia Municipal Code reaffirming sidewalk maintenance and repair obligations and liability of adjacent property owners
2) Conduct second reading by title only and adopt, Ordinance No. O-2011-06, An Ordinance of the City Council of the City of Placentia, California amending Sections 14.12.040, 14.12.080, 14.12.100 and 14.12.110 of Chapter 14.12 of Title 14 of the Placentia Municipal Code pertaining to tree maintenance, installation and removal

AGENCY OLD BUSINESS: None

ICDA OLD BUSINESS: None

4. NEW BUSINESS:

COUNCIL/AGENCY/ICDA NEW BUSINESS: None

COUNCIL NEW BUSINESS:

a. Reimbursement Agreement Between the General Fund and Refuse Fund

Financial Impact:

Expense: Transfer-out (370000-6950) Refuse Fund -\$300,000

Revenue: Transfer-in (100000-4950) General Fund - \$300,000

Recommended Action: It is recommended that the City Council:

- 1) Approve the Inter Fund Reimbursement Agreement directing the reimbursement from Refuse Fund to the General Fund of \$300,000 per year
- 2) Adopt Resolution No. R-2011-31, A Resolution of the City Council of the City of Placentia authorizing a budget amendment in Fiscal Year 2011— in the aggregate amount of \$300,000 in compliance with City Charter requiring sufficient appropriations for actual expenditures

b. Approval of CNG Fueling Station Lease Agreement with Trillium

Financial Impact:

Revenues: \$150,000 first year lease/plus 4% royalty payment

Lease payment of \$75,000/year starting in year three plus 4% royalty payment

Estimated cost savings of \$218,000 per year

Recommended Action: It is recommended that the City Council:

- 1) Approve a lease agreement, in a form acceptable to the City Attorney, with Trillium, USA Company (dba California Trillium Company) for the operation of a CNG Fueling Station at the City's Corporation Yard at a base lease rate of \$75,000 per year plus a royalty payment of 4% of gross revenues from non-preferential customers for an initial term of ten (10) years commencing July 1, 2011
- 2) Authorize the Mayor to execute all documents necessary to effectuate this agreement

c. Award of Contract for Financial Auditing Services

Financial Impact: Expense: \$69,000.00 budgeted in Fiscal Year 2011-12

Recommended Action: It is recommended that the City Council:

- 1) Authorize the City Administrator to enter into a contract, in a form approved by the City Attorney and in an amount not to exceed \$69,000.00, with Haskell and White, LLP for auditing services

d. Revision of Chapter 8.04 Pertaining to Solid Waste Hauling Regulations

Financial Impact: None

Recommended Action: It is recommended that the City Council:

- 1) Waive full reading, reading by title only, and introduce for first reading, Ordinance O-2011-08, An Ordinance of the City Council of the City of Placentia amending Chapter 8.04 of the Placentia Municipal Code pertaining to solid waste collection

AGENCY NEW BUSINESS: None

ICDA NEW BUSINESS: None

CITY COUNCIL/BOARD MEMBERS REQUESTS:

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

ADJOURNMENT:

The City Council/Redevelopment/ICDA Agency Board of Directors will adjourn to July 5, 2011 at 5:00 p.m.

*In
Memory
Of
Sandy Lowrey
Wife of Retired City of Placentia
Police Motor Officer Bobby Joe Lowrey*

CERTIFICATION OF POSTING

I, Tania Moreno, Deputy City Clerk for the City of Placentia and Assistant Secretary of the Placentia Redevelopment Agency and the Industrial Commercial Development Authority, hereby certify that the Agenda for the June 21, 2011, meetings of the City Council, Redevelopment Agency, and Industrial Commercial Development Authority was posted on June 16, 2011.

Tania Moreno, Deputy City Clerk