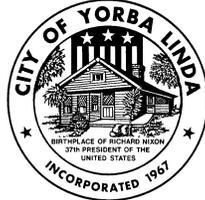


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CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING AGENDA

DECEMBER 16, 2008

Pursuant To Government Code Section 54954.2, No Matter Shall Be Acted Upon By The City Council/Redevelopment Agency Unless Listed On The Agenda Which Has Been Posted Not Less Than 72 Hours Prior To The Meeting

**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING
CONVENING AT 5:30 P.M.**

CALL TO ORDER

The City Council/Redevelopment Agency will convene at 5:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder

Staff Members: Carvalho, Gruchow, Kelly

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

Government Tort Claim: Paul Johnson, Gillian Johnson

RECESS

**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING
RECONVENING AT 6:30 P.M.**

CALL TO ORDER

The City Council/Redevelopment Agency will reconvene at 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder

Staff Members: Carvalho, Conklin, Gruchow, Hartman, Kelly, Leto, Mendoza, Steep,
Stowell, Thiele

PLEDGE OF ALLEGIANCE

INVOCATION

BISHOP CAREY BARNEY, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

CLOSED SESSION REPORT

**PUBLIC COMMENTS - ITEMS ON THE CONSENT CALENDAR OR ITEMS NOT ON
THE REMAINDER OF THE AGENDA**

Public Comments is the time reserved on each regular meeting Agenda to provide an opportunity for members of the public to directly address the City Council/Redevelopment Agency on Consent Calendar items or matters of interest to the public concerning the City's/Agency's business or any matter over which the City Council/Redevelopment Agency has jurisdiction that are not already scheduled for consideration on this Agenda. Although the City Council/Redevelopment Agency values your comments, pursuant to the Brown Act, the Council/Redevelopment Agency cannot take any action on items not listed on the posted Agenda, but may refer the matter to staff or a subsequent meeting.

All remarks shall be addressed to the City Council/Redevelopment Agency as a body through the presiding officer and not directly to any member thereof. The City

Council/Redevelopment Agency desires its meetings to be conducted in a professional manner respectful of all participants. Therefore, the Mayor/Chairman may ask that speakers refrain from engaging in personal attacks, name-calling, or campaigning on any election issue during their allotted time. However, public criticism of the policies, procedures, programs or services of the City, or of the acts or omissions of the City Council/Redevelopment Agency as a body shall not be prohibited.

Under the Brown Act, members of the Council/Agency may briefly respond to Public Comments, but no extended discussion and no action on such matters may take place.

There is a five (5) minute maximum time limit for each individual addressing the City Council/Redevelopment Agency during Public Comments and on all other items listed on the Agenda. The City Council/Redevelopment Agency will entertain Public Comments up until the time that Public Hearings are scheduled to begin. Any speaker wishing to speak on a matter not posted on this Agenda who was unable to speak during this initial designated Public Comments period will be given an opportunity to speak following the Council's/Agency's completion of the Public Hearing. The Mayor/Chairman may use his or her discretion to select the order of speakers in a manner that ensures that a variety of issues and concerns can be presented during the initial time and he or she may allow for additional comments to be made past the time for the Public Hearings to begin. As a result, in situations where there are multiple speakers wishing to speak on a single topic not on the Agenda, the Mayor/Chairman may ask that one speaker generally describe the issue or matter and then will provide additional speakers the opportunity to speak later on this Agenda.

CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered by the Council/Redevelopment Agency to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the Council/Agency or Staff request specific items to be removed from the Consent Calendar.

1. WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

Recommendation: The City Council/Redevelopment Agency waive reading in full of all ordinances and resolutions and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

2. ACCOUNT PAYABLE WARRANT LISTS

Recommendation: That the City Council/RDA approve the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE DECEMBER 2, 2008 CITY COUNCIL MEETING

Recommendation: That the City Council/RDA approve the minutes of the December 2, 2008 joint meeting.

4. RESOLUTION NO. 2008-3957 ADOPTING AN AMENDED CONFLICT OF INTEREST CODE

Recommendation: That the City Council adopt Resolution No. 2008-3957.

5. REDUCTION OF MASS GRADING BOND, SHAPELL INDUSTRIES, TENTATIVE TRACT 16208

Recommendation: That the City Council authorize the City Clerk to reduce the grading bond per Public Works Department report.

6. RELEASE OF GRADING BOND, SHAPELL INDUSTRIES, TENTATIVE TRACT 16208

Recommendation: That the City Council authorize the City Clerk to release grading bond per Public Works Department report.

7. RELEASE IMPROVEMENT BONDS FOR LANDSCAPING, FAIRMONT BOULEVARD AND BASTANCHURY ROAD, SHAPELL INDUSTRIES, TRACT NOS. 16511, 16756, AND 16757

Recommendation: That the City Council authorize the City Clerk to release/reduce bonds per Public Works Department.

8. RELEASE IMPROVEMENT BONDS FOR STREET IMPROVEMENTS, SHAPELL INDUSTRIES, FAIRMONT BOULEVARD, TRACT NOS. 16510, 16511, 16756 AND OFFSITE

Recommendation: That the City Council authorize the City Clerk to release/reduce bonds per Public Works Department report.

9. RELEASE IMPROVEMENT BONDS FOR STREET IMPROVEMENTS, BASTANCHURY ROAD, SHAPELL INDUSTRIES, TRACT NO. 16757

Recommendation: That the City Council authorize the City Clerk to release/reduce bonds per Public Works Department Report.

10. BUILDING DEMOLITION REQUEST, 5951 SANDRA DRIVE

Recommendation: That the City Council approve the request for a demolition permit for the existing split level single family residence and detached one-story garage of wood framed stucco construction at 5951 Sandra Drive.

11. DESIGNATION OF AUTHORIZED AGENTS FOR THE SUBMISSION OF NECESSARY DOCUMENTS TO OBTAIN STATE AND FEDERAL EMERGENCY MANAGEMENT AND DISASTER RELIEF FINANCIAL ASSISTANCE

Recommendation: That the City Council adopt Resolution No. 2008-3972.

End of Consent Calendar

PUBLIC HEARINGS

Note: If previous agenda items are completed prior to 7:00 p.m., the City Council will proceed to "Administrative Reports" on the Agenda until the scheduled time for the Public Hearings. At the Mayor's discretion, Public Comments may be postponed at 7:45 p.m. to allow the Public Hearings to be started.

If you challenge the City's/Agency's proposed actions in court, you may be limited to raising those issues that you or someone else raised at the Public Hearing described in this Agenda, or in any written correspondence delivered to the City/Agency on or prior to the Public Hearing.

12. CONTINUED PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE CONDITIONAL USE PERMIT 2008-43 – MOLENAAR
 - a. Open Public Hearing
 - b. Staff Report
 - c. Take Testimony
 - 1) Appellant
 - 2) Project Applicant
 - 3) Public Comment
 - 4) Rebuttal by Applicant, If Required
 - d. Close Public Hearing
 - e. Make Determination - Staff recommends that the City Council adopt Resolution No. 2008-3964 upholding the Planning Commission's decision to approve Conditional Use Permit 2008-43.

13. CONTINUED PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE DESIGN REVIEW 2004-18, CONDITIONAL USE PERMIT 2006-55 AND EIR – CHAVEZ
 - a. Open Public Hearing
 - b. Staff Report
 - c. Take Testimony
 - 1) Appellant
 - 2) Project Applicant
 - 3) Public Comment
 - 4) Rebuttal by Applicant, If Required
 - d. Close Public Hearing
 - e. Make Determination - Staff recommends that the City Council take the following actions:
 - 1) Adopt Resolution No. 2008-3966 upholding the Planning Commission's decision to certify the EIR prepared for the Chavez Family Residence project;
 - 2) Adopt Resolution No. 2008-3967 upholding the Planning Commission's decision to approve Conditional Use Permit 2006-55;
 - 3) Adopt Resolution No. 2008-3968 upholding the Planning Commission's decision to approve Design Review 2004-18.

14. PUBLIC HEARING RE URGENCY ORDINANCE NO. 2008-925 - WAIVE REQUIREMENTS FOR CONDITIONAL USE PERMIT FOR SECOND STORY CONSTRUCTION ON PROPERTIES DESTROYED OR DAMAGED BY FREEWAY COMPLEX FIRE

- a. Open Public Hearing
- b. Staff Report
- c. Take Testimony
- d. Close Public Hearing
- e. Make Determination - That the City Council adopt Urgency Ordinance No. 2008-925 to immediately enact a two-year waiver of Sections 18.10.100.B and 18.10.120.I of the Yorba Linda Municipal Code that require a conditional use permit for second story building construction and construction of second story balconies/decks, respectively, for property owners seeking building permits to repair or reconstruct their two-story single family residences that were either destroyed or damaged in the Freeway Complex Fire.

CONTINUED PUBLIC COMMENTS

This is the time reserved for those persons who were unable to speak earlier in the Agenda because of the postponement of Public Comments.

MAYOR'S REPORT

MATTERS PRESENTED BY COUNCILMEMBERS

ADMINISTRATIVE REPORTS

15. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS
16. ORAL REPORT - STATUS OF YORBA LINDA EMERGENCY - RESOLUTION NO. 2008-3975, CONTINUING THE DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY
17. TOWN CENTER PERFORMANCE REVIEW
18. CITYWIDE HISTORIC RESOURCES SURVEY

19. APPLICATION OF CHAPTER 7A BUILDING CODE REQUIREMENTS ON PROPERTIES DESTROYED OR DAMAGED BY THE FREEWAY COMPLEX FIRE
20. POLICE SERVICES REPORT - ORAL REPORT
21. CITY MANAGER RECRUITMENT PROCESS - ORAL REPORT

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION
CORRIDOR SYSTEM

ORANGE COUNTY FIRE AUTHORITY

ORANGE COUNTY VECTOR CONTROL

OTHER BUSINESS

At 11:00 p.m. any member of the City Council/Redevelopment Agency may make a motion to complete any item then under discussion and continue all remaining items on the Agenda which have not been acted upon to a certain date and time to which the Council/Agency shall adjourn.

22. ELIMINATION OF INFORMAL POLICY OF CITY COUNCILMEMBERS RECEIVING CAMPAIGN STATEMENTS AT NO CHARGE (ANDERSON)
23. DISCUSSION RE CITY HALL OPERATING HOURS (SCHWING)
24. DISCUSSION RE LONG TERM FIRE PREVENTION ISSUES IN OUR HIGH RISK FIRE ZONE AREAS (SCHWING)
25. DISCUSSION RE COUNCIL STUDY SESSIONS/WORKSHOPS (SCHWING)

26. DISCUSSION RE TOWN CENTER (SCHWING)
27. ETHICS ORDINANCE (SCHWING)
28. CITIZENS FAIR POLITICAL PARTICIPATION ORDINANCE (SCHWING)
29. DISCUSSION RE DEVELOPMENT PROCESSING (SCHWING)
30. EXPLORE POSSIBILITY OF MERGING YORBA LINDA WATER DISTRICT
AND CITY OF YORBA LINDA AGENCIES INTO ONE ENTITY (HORTON)

CLOSED SESSION - IF REQUIRED

ADJOURNMENT

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is January 6, 2009.

NOTE: ALL STAFF REPORTS AND RELATED ATTACHMENTS FOR ITEMS ON THIS AGENDA ARE ON FILE IN THE CITY CLERK'S OFFICE AND ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY'S LIBRARY. AS AN ADDITIONAL SERVICE, THE CITY NOW PROVIDES THE STAFF REPORTS AND RELATED ATTACHMENTS ON THE CITY'S WEBSITE. PLEASE NOTE THAT IT IS NOT ALWAYS POSSIBLE TO EMBED ALL ATTACHMENTS AND MAPS. THUS, IF YOU REQUIRE A FULL AND COMPLETE COPY OF THE AGENDA PACKET, YOU SHOULD NOT RELY UPON THE WEBSITE MATERIALS ALONE.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY WILL MAKE EVERY REASONABLE ATTEMPT TO ACCOMMODATE ANY ATTENDEE OR PARTICIPANT AT THIS MEETING NEEDING SPECIAL ASSISTANCE BEYOND WHAT IS NORMALLY PROVIDED. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (714) 961-7150 AT LEAST 48 HOURS PRIOR TO THIS MEETING TO INFORM US OF YOUR PARTICULAR NEEDS AND TO DETERMINE IF ACCOMMODATION IS FEASIBLE. PLEASE ADVISE US AT THE TIME YOU CALL IF SPECIAL ASSISTANCE IS REQUIRED TO ATTEND OR PARTICIPATE IN MEETINGS ON A REGULAR BASIS.