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CITY OF YORBA LINDA

CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING AGENDA

OCTOBER 21, 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 5:00 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Castellano, Horton, Wedaa, Winder

Staff Members: Carvalho, Gruchow, Kelly

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Government Code Section: 45956.8

Property: 4622 Plumosa Avenue - APN: 323-311-01

City Negotiators: Interim City Manager Kelly, Assistant City Manager Gruchow,
City Attorney Carvalho

Property Negotiators: Yorba Linda County Water District

Under Negotiation: Price and Terms of Payment

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION, INITIATION OF LITIGATION

Government Code Section: 54956.9 (b) and (c) (1Case)

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION

Government Code Section: 54956.9(b) (1 case)

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, INITIATION OF LITIGATION

Government Code Section: 54956.9(c) (1 case)

Name of Case: La Floresta Development Project

E. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section: 54957.6

Agency Designated Representative: Interim City Manager Kelly

Unrepresented Employee(s): Department Heads

F. PUBLIC EMPLOYEE APPOINTMENT

Government Code Section: 54957

Title: City Manager

G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section: 54956.9(a)

Name of Case: Garth and Marilyn Becker v. City Of Yorba Linda, et al.
Mark and Mary Jagusiak v. City of Yorba Linda, et al

Case Number: Orange County Superior Court Lead Case No. 06CC11193

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, Castellano, Horton, Wedaa, Winder

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

PLEDGE OF ALLEGIANCE

INVOCATION

REVEREND DANIEL WHITE, YORBA LINDA PRESBYTERIAN CHURCH

CLOSED SESSION REPORT

INTRODUCTIONS & PRESENTATIONS

METROPOLITAN WATER DISTRICT PRESENTATION RE DIEMER TREATMENT
PLANT OXIDATION RETROFIT PROGRAM UPDATE

(Presenters will be Michael Claisse, Trudi Loy, and Sal Vazquez.)

**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: That the City Council/Redevelopment Agency approve the reading by title of all ordinances and resolutions on the agenda 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. ACCOUNTS PAYABLE WARRANT LISTS

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

3. APPROVAL OF THE MINUTES OF THE OCTOBER 7, 2008 JOINT MEETING

Recommendation: That the City Council/Redevelopment Agency approve the minutes of the October 7, 2008 joint meeting.

4. TREASURER'S REPORT - AUGUST 2008

Recommendation: That the City Council/Redevelopment Agency receive and file the report.

5. RESOLUTION NO. 2008-3958 DENYING CONDITIONAL USE PERMIT 2008-35, VARIANCE 2008-04, DESIGN REVIEW 2008-06 - METZ, 5951 KELLOGG DRIVE

Recommendation: That the City Council adopt Resolution No. 2008-3958.

6. PROFESSIONAL SERVICES AGREEMENT - TOM FROST GOLF, INC.

Recommendation: That the City Council approve the Professional Services Agreement for third party inspection and review services with Tom Frost Golf, Inc., and authorize the Mayor to sign and the City Clerk to attest said agreement.

7. AWARD OF CONTRACT FOR THE INSTALLATION OF AN EMERGENCY BACKUP GENERATOR AT CITY HALL - WEST CO

Recommendation: That the City Council award a contract agreement for the installation of an emergency backup power generator at City Hall in the amount of \$134,000 to West Co; approve and appropriate \$147,400 from the General Fund Reserves to fund the project (\$134,000) as well as a 10 percent contingency (\$13,400) to allow for unforeseen circumstances; and authorize the Mayor to sign and City Clerk to attest said agreement.

8. RELEASE OF GRADING BOND FOR PRIVATE PARK ON LOT 24, TRACT 16759, UPPER K-SHAPELL JOINT VENTURE

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

9. REQUEST FOR INCREASE IN LANDSCAPE MAINTENANCE SERVICE COST FOR DIVERSIFIED MAINTENANCE SERVICES

Recommendation: That the City Council approve the request by Diversified Maintenance Services (DMS) to increase the monthly cost of base landscape maintenance services delivered to the Landscape Maintenance Assessment District by 3.9 percent.

10. REDUCTION OF GRADING, MONUMENTATION AND IMPROVEMENT BONDS, PULTE HOMES TRACT NOS. 15566, 16320 AND 16321

Recommendation: That the City Council authorize the City Clerk to reduce the Grading, Labor and Materials, Performance and Monumentation bonds to 70 percent of the original amounts and hold until final release per Public Works Department Staff Report.

11. RESOLUTION NO. 2008-3960, INTENT TO VACATE THE LANDSCAPE EASEMENTS AT 22590 GREEN MOUNT PLACE AND 22600 HIDDEN HILLS ROAD

Recommendation: That the City Council adopt Resolution No. 2008-3960.

12. RESOLUTION NO. 2008-3961, INTENT TO VACATE A PORTION OF THE EQUESTRIAN TRAIL EASEMENT AT THE REAR OF 22530, 22570, AND 22580 GREEN MOUNT PLACE

Recommendation: That the City Council adopt Resolution No. 2008-3961.

13. RESOLUTION NO. 2008-3962, INTENT TO VACATE LANDSCAPE EASEMENTS AT THE REAR OF 22594 AND 22596 HIDDEN HILLS ROAD AND 22520, 22530, 22570, AND 22580 GREEN MOUNT PLACE

Recommendation: That the City Council adopt Resolution No. 2008-3962.

14. RESOLUTION NO. 2008-3963, INTENT TO VACATE LANDSCAPE EASEMENTS AT REAR OF 22700/22710/22720 HIDDEN HILLS RD. & 22735/22760 HIGH TREE CIR. & QUITCLAIM THE INGRESS/EGRESS

EASEMENTS FOR LANDSCAPE MAINTENANCE AT REAR OF 22700, 22710,
& 22720 HIDDEN HILLS RD.

Recommendation: That the City Council adopt Resolution No 2008-3963.

15. RELEASE OF GRADING, MONUMENTATION AND IMPROVEMENT BONDS,
PULTE HOMES TRACT NOS. 15566, 16320, AND BASTANCHURY ROAD

Recommendation: That the City Council release bonds per Public Works
Department Staff Report.

End of Consent Calendar

MAYOR'S REPORT

MATTERS PRESENTED BY COUNCILMEMBERS

ADMINISTRATIVE REPORTS

16. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST
MEETING/APPEAL OF PLANNING COMMISSION ITEMS
17. TOWN CENTER PERFORMANCE REVIEW
18. CITY COUNCIL STUDY SESSIONS
19. TOWN CENTER FACADE IMPROVEMENT PROGRAM
20. DUTIES OF TRAFFIC COMMISSION
21. EQUESTRIAN COMMITTEE REPORT
22. DOG PARK UPDATE

ORDINANCES

23. FIRST READING OF ORDINANCE NO. 2008-922 AMENDING THE YORBA
LINDA MUNICIPAL CODE TO EXEMPT THE MAINTENANCE OF REAL
PROPERTY OWNED OR OPERATED BY A PUBLIC ENTITY FROM THE

NOISE CONTROL PROVISIONS AND THE TIME LIMITATION PROVISIONS
FOR SUCH ACTIVITIES

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.

24. USE OF ACCUMULATED AQMD MONEY AND HIRE TRANSPORTATION SPECIALIST (WEDAA)
25. EVALUATE USE OF FUEL CELLS FOR CIVIC CENTER (WEDAA)
26. RED STRIPING REVIEW AT VAN BUREN/YELLOWSTONE (HORTON)
27. FLAGS ON MAJOR BOULEVARDS ON PATRIOTIC HOLIDAYS (ANDERSON)
28. MOVING AND REHABILITATING BOARDED UP TOWN CENTER HOMES (ANDERSON)
29. ELIMINATION OF INFORMAL POLICY OF CITY COUNCILMEMBERS RECEIVING CAMPAIGN STATEMENTS AT NO CHARGE (ANDERSON)
30. PROS AND CONS OF HIRING A LOBBYIST (HORTON)

31. RESOLUTION OF APOLOGY TO THE RESIDENTS OF YORBA LINDA FOR THE COUNCIL'S ACTIONS IN THE FAILED TOWN CENTER PLAN (ANDERSON)

CLOSED SESSION – IF REQUIRED

ADJOURNMENT

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is November 4, 2008.

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.