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**CITY OF YORBA LINDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY**  
**JOINT MEETING AGENDA**

**OCTOBER 7, 2008**

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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

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**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING**  
**CONVENING AT 5:00 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 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

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

Government Code Section: 54956.9(b) and (c) (2 cases)

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

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

Name of Case: La Floresta Development Project

**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, Steep, Stowell,  
Thiele

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

PASTOR BOB MOONEY, MESSIAH LUTHERAN CHURCH

**CLOSED SESSION REPORT**

**INTRODUCTIONS & PRESENTATIONS**

PRESENTATION OF PROCLAMATION RE FIRE PREVENTION WEEK,  
OCTOBER 5 – 11, 2008

(Battalion Chief Jeff Genoway will accept the Proclamation on behalf of the Orange County Fire Authority.)

PRESENTATION RE COYOTES BY JENNIFER PHILLIPS, DIRECTOR, ORANGE COUNTY ANIMAL CONTROL

**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/RDA approve the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 16, 2008 CITY COUNCIL/RDA JOINT MEETING

**Recommendation:** That the City Council/RDA approve the minutes of the September 16, 2008 joint meeting.

4. TREASURER'S REPORT - JUNE 2008 (FINAL)

**Recommendation:** That the City Council receive and file the report.

5. TREASURER'S REPORT - JULY 2008

**Recommendation:** That the City Council/RDA receive and file the report.

6. TELECOMMUNICATIONS FACILITIES LICENSE AGREEMENT WITH OMNIPOINT COMMUNICATIONS (T-MOBILE USA, INC.) - EASTSIDE COMMUNITY PARK, 5400 EASTSIDE CIRCLE

**Recommendation:** That the City Council approve the Telecommunications Facilities License Agreement with Omnipoint Communications (T-Mobile USA, Inc.) at Eastside Community Park, 5400 Eastside Circle.

7. CHANGE ORDER NO. 2, YORBA LINDA LIBRARY FLOOR STRENGTHENING PROJECT

**Recommendation:** That the City Council receive and file the report.

8. COMMUNICATIONS SITE LEASE AGREEMENT WITH ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC - VETERANS PARK, 4756 VALLEY VIEW AVENUE

**Recommendation:** That the City Council approve the Communications Site Lease Agreement and Memorandum of Agreement with Royal Street Communications California, LLC and authorize the Mayor to sign and City Clerk to attest said agreement and memorandum.

9. AWARD OF CONTRACT - SLURRY SEAL PROGRAM FOR VARIOUS STREETS, FISCAL YEAR 2007/2008 AND 2008/2009

**Recommendation:** That the City Council award the contract for the Slurry Seal Program to American Asphalt South, Inc. in the amount of \$2,230,297.53 and authorize a budget transfer of \$200,000 from the Village Center Median Modification at Yorba Linda Boulevard, Account No 008.4.512.7641, to the Slurry Seal Account No. 008.4.512.7120.

10. CHANGE ORDER NO. 2 OF AMENDMENT NO. 1 TO STANTEC CONSULTING, INC. - CONTRACT TO CONDUCT ADDITIONAL TASKS REQUIRED BY OC HEALTH CARE AGENCY FOR THE SITE REMEDIATION OF THE N/E CORNER OF IMPERIAL HIGHWAY/LEMON DRIVE (FORMER ULTRAMAR GAS STATION SITE)

**Recommendation:** That the City Council authorize the Mayor to execute Change Order No. 2 to Amendment No. 1 to the Professional Services Agreement with Stantec Consulting, Inc. for interim site remediation and ongoing site monitoring on a time and materials basis not to exceed \$117,052.63 funded with Redevelopment Agency bond proceeds.

11. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - ESPERANZA CAPE SEAL PROJECT FROM HIDDEN HILLS TO THE WEST CITY LIMITS

**Recommendation:** That the City Council approve the construction plans and specifications, and authorize the advertising of bids for the Esperanza Cape Seal Project from Hidden Hills to the West City Limits.

12. RELEASE OF MONUMENTATION BOND, TOLL BROTHERS, TRACT NO. 16144

**Recommendation:** That the City Council authorize the City Clerk to release the Monument Bond per Public Works Department Report.

13. REQUEST TO FUND DEFERRED TREE TRIMMING FOR THE ARTERIAL LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FROM GENERAL FUND RESERVES

**Recommendation:** That the City Council approve the transfer of \$157,080 from General Fund reserve funds into the Arterial Zone of the Landscape Maintenance Assessment District (LMAD) to allow the LMAD to cover the cost of trimming trees necessary to remain on track with the City Council Policy of performing routine maintenance pruning every three years.

### **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.

14. PUBLIC HEARING RE APPEAL OF CONDITIONAL USE PERMIT 2008-35, DESIGN REVIEW 2008-06, VARIANCE 2008-04 - METZ, 5951 KELLOGG DRIVE
  - a. Open Public Hearing
  - b. Staff Report
  - c. Take Testimony
  - d. Close Public Hearing
  - e. Make Determination

That the City Council adopt Resolution No. 2008-3958 upholding the Planning Commission's approval of Conditional Use Permit 2008-35; adopt Resolution No. 2008-3959 upholding the Planning Commission's approval of Variance 2008-06; and adopt Resolution No. 2008-3964 upholding the Planning Commission's approval of Design Review 2008-06.

### **MAYOR'S REPORT**

### **MATTERS PRESENTED BY COUNCILMEMBERS**

### **ADMINISTRATIVE REPORTS**

15. MAYOR PRO TEM HORTON CONFLICT OF INTEREST
16. TOWN CENTER PERFORMANCE REVIEW
17. CITY COUNCIL STUDY SESSIONS
18. TOWN CENTER FACADE IMPROVEMENT PROGRAM
19. DUTIES OF TRAFFIC COMMISSIONERS
20. COYOTE ENFORCEMENT ISSUES
21. EQUESTRIAN COMMITTEE REPORT

22. REQUEST FOR REMOVAL OF THREE CITY-OWNED TREES WITHIN THE PARKWAY OF YORBA LINDA BOULEVARD ALONG THE FRONTAGE OF MESSIAH LUTHERAN CHURCH AT LIVERPOOL STREET
23. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS

**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)

**CLOSED SESSION – IF REQUIRED**

**ADJOURNMENT**

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is October 21, 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.**