
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES
DECEMBER 4, 2007

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

CALL TO ORDER

Mayor Castellano convened the City Council/Redevelopment Agency at 6:35 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

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

Staff Members Present: Bugbee, Carvalho, Christiansen, Gruchow, Hartman, Kreimeier, Leto, Letourneau, Ostendorf, Stowell

PLEDGE OF ALLEGIANCE – Councilmember Horton

INVOCATION – Pastor Bill Morris, Rock Community Church

SPECIAL ITEM OF THE DAY

SELECTION OF MAYOR

Mayor Castellano turned the meeting over to the Deputy City Clerk to conduct the nominations for Mayor.

Deputy City Clerk Ostendorf opened nominations for Mayor.

Councilmember Castellano moved to nominate Mayor Pro Tem Winder for Mayor and Councilmember Anderson moved to close nominations.

NOMINATION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

Deputy City Clerk Ostendorf announced Councilmember Jim Winder is Mayor by a unanimous vote.

SELECTION OF MAYOR PRO TEM

Mayor Winder opened nominations for Mayor Pro Tem.

Councilmember Anderson nominated Councilmember Jan Horton for Mayor Pro Tem, and Councilmember Castellano seconded the nomination.

NOMINATION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

PRESENTATION OF PLAQUE TO OUTGOING MAYOR

A representative of Congressman Gary Miller's office presented a Certificate of Recognition to outgoing Mayor, Allen Castellano.

Mayor Winder presented a plaque to outgoing Mayor Allan Castellano on behalf of the City Council.

Councilmember Castellano thanked Council, staff, and the public and stated it is a privilege and an honor to be able to work with Council.

RECESS:

Mayor Winder called a recess at 6:45 p.m. and reconvened the meeting at 6:58 p.m.

Following recess, Mayor Winder stated there were housekeeping matters to take care of before Oral Presentations as follows:

- Assemblyman Bob Huff had a change in plans and will not be here tonight to give a presentation.
- There is a request from the applicant to continue Agenda Item 9 – PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION DECISION REGARDING TENTATIVE TRACT MAP 16447 AND VARIANCE 2007-02, ETCO DEVELOPMENT – to the next City Council meeting.

It was **MOVED/SECONDED – WINDER/CASTELLANO** – to continue Agenda Item 9 to the December 18, 2007 meeting.

Councilmember Wedaa stated he opposed the continuation of this item as he has received a dozen letters relative to it.

Councilmember Anderson stated he would also be voting “no” on this request as there are people present to hear this item.

Community Development Director Christiansen responded to questions from Council and stated the applicant is not present.

Councilmember Horton noted that there was no one present from the applicant to answer questions.

Councilmember Anderson stated he is a firm proponent and defender of Measure B and believes there may be cluster zoning issues for this tract and would like for the City Manager to talk to the City Attorney about it.

MOTION CARRIED by the following roll call vote:

AYES: Castellano, Horton, Winder
NOES: Anderson, Wedaa
ABSENT: None

- Staff has requested that Agenda Item 12 – COMPENSATION FOR CITY COMMISSIONERS – be removed from the Agenda.

INTRODUCTIONS & PRESENTATIONS

PRESENTATION BY ASSEMBLYMAN BOB HUFF – Assemblyman Bob Huff was unable to attend the meeting.

ORAL PRESENTATIONS – ITEMS ON THE CONSENT CALENDAR OR ITEMS NOT ON THE REMAINDER OF THE AGENDA

Mayor Winder introduced members of the U.S. Coast Guard Auxiliary (America's Volunteer Lifesavers) present – Don Napolitano, Captain; Wally Wynn, Flotilla Commander; Alyce Wynn, Flotilla Secretary; Eugene Tavis, Member; and Public Affairs Officer and spokesman Kirk Scarborough.

Kirk Scarborough, Public Affairs Office, made a presentation regarding the Auxiliary and stated the Auxiliary meets on the first Thursday of the month in the Yorba Linda Community Center from 7:00 p.m. to 9:00 p.m. He stated the Auxiliary's primary mission is not of a social club – they are highly trained in public safety and can be called on in an emergency.

Pat Nelson, resident, complimented staff on their speedy response to remediate an extensive amount of graffiti on the El Cajon trail.

Councilmember Anderson inquired as to the cost of removing the graffiti and noted that \$400.00 and above is the charge for a felony offense, as vandalism is a very serious crime in the County of Orange.

Gabriella Rollins, President of the Yorba Linda Arts Alliance, noted upcoming events in the City and stated the Arts Alliance is providing entertainment at the Old Town Holiday Program on Thursday, December 6, 2007, and that there is a holiday program of "Javapella", an evening of Acapella, on December 16th at Java Joe's.

Greg Schultz, resident, stated that the stipend for the City Manager that the City Council voted on seems excessive.

Greg Gillespy, resident, stated that the Old Town Holiday is for children and there will be a car show for adults.

Carol Cantwell, resident, spoke regarding the continuation of the agenda item relative to the ETCO Development.

Walter Bruckner, resident, stated that his wife was shopping in the Savi Ranch on Sunday, December 2nd and was stuck there in a bottleneck for 2 ½ hours due to the traffic from people attending the holiday car show. Mr. Bruckner also noted that the traffic signal that was installed on Fairmont Boulevard, across from Bernardo Yorba Junior High School, is a great improvement.

Nancy Rikel, resident, stated she hopes everyone attends the Old Town Holiday Program on Thursday evening and discussed the City Manager's salary.

Louie Scull, local business property owner, stated he wanted to acknowledge and thank all those involved in assisting with the Old Town Christmas Program.

Upon inquiry from Council, Parks and Recreation Director Leto responded that there will be a supervised snow section for children six-years old and younger at the Old Town Christmas Program and there will be a shuttle every 15 minutes at City Hall and the Community Center to shuffle people to downtown and back to their cars.

CONSENT CALENDAR

Councilmember Anderson removed Item 7 – CANCELLATION OF THE JANUARY 2, 2008 REGULAR CITY COUNCIL MEETING – from the Consent Calendar.

It was **MOVED/SECONDED – WEDAA/CASTELLANO** – to approve the Consent Calendar with the removal of Item 7. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson Castellano, Horton Wedaa Winder
NOES: None
ABSENT: None

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

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

2. CITY/REDEVELOPMENT AGENCY ACCOUNTS PAYABLE WARRANT LISTS

The City Council/Redevelopment Agency approved the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 20, 2007 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

The City Council/Redevelopment Agency approved the minutes of the November 20, 2007 joint meeting.

4. RELEASE BONDS FOR LANDSCAPING OF VISTA DEL VERDE INFORMATION CENTER - TRACT 15926, LOT 7, Vista Del Verde, L.P.

The City Council authorized the City Clerk to reduce/release bonds per Engineering Department's Report.

5. RELEASE PUBLIC IMPROVEMENT AND MONUMENTATION BONDS - PULTE HOMES, TRACT NOS. 13127, 14039, 14344, AND 14345

The City Council authorized the City Clerk to reduce/release bonds per Engineering Department's Report.

6. LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT EMERGENCY INTERIM MAINTENANCE SERVICES CONTRACT

The City Council determined that there is a need to continue the emergency interim landscape maintenance contract award to Rocky Murata Landscape Maintenance Services without the benefit of competitive bidding.

7. CANCELLATION OF JANUARY 2, 2008 REGULAR CITY COUNCIL MEETING

This item was removed from the Consent Calendar by Councilmember Anderson.

End of Consent Calendar

- ITEM 7. CANCELLATION OF JANUARY 2, 2008 REGULAR CITY COUNCIL MEETING

Councilmember Anderson stated he is not in favor of cancelling the January 2, 2008 meeting as it is the first meeting of the new year and the public expects a meeting.

Councilmember Wedaa stated he concurred with Councilmember Anderson.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to have the meeting on Wednesday, January 2, 2008.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa

NOES: Castellano, Winder

ABSENT: None

PUBLIC HEARINGS

8. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION DECISION OF RE-APPROVAL OF CONDITIONAL USE PERMIT 2003-77 & DESIGN REVIEW 2003-23 AND TWO-YEAR TIME EXTENSION FOR TENTATIVE PARCEL MAP 2004-203 – FRIENDS CHRISTIAN HIGH SCHOOL

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report – Community Development Director Christiansen gave a brief report, and Senior Planner Brantley presented slides and gave a comprehensive overview of the project.
- c. Take Testimony

1) Appellant

Councilmember Wedaa stated he does not personally have a problem with the two-year extension for Tentative Parcel Map 2004-203 – the reason he appealed this item was to invite Friends Christian High School to talk about the project and give people the opportunity to ask questions and become better informed.

2) Project Applicant

Dale Duncan spoke on behalf of the applicant, Friends Christian High School. He Stated the project is an opportunity for the school to develop sharing of joint facilities with the City and discussed concerns addressed to him, timing issues, and defined the process they are doing, and the reasons for their request for an extension.

Jim Weirich, Architect for the project, presented slides and gave details of the school site – buildings, landscaping, parking, lighting, and multi-community use facilities.

Rick Kempton, Superintendent of Friends Christian Schools, spoke relative to Friends Christian Schools having a reputation of excellence and existing to make a difference in the lives of young people. He stated they are committed to excellence, the partnership with Yorba Linda, and the project coming to fruition.

RECESS:

Mayor Winder called a recess at 8:28 p.m. and reconvened the meeting at 8:40 p.m.

Dale Duncan, Jim Wierich, City Attorney Carvalho, and staff responded to questions from Council.

3) Public Comment

Par Nelson, resident, spoke relative to the extensions, parking, policing violations, guarantees that the project will be completed, and remediating the property if it is abandoned.

Lee Day, resident, discussed the environmental impact report finished in 2004 and asked how it can be valid now as the Bastanchury Road extension was not completed at the time.

Ed Rakochy, resident, stated the environmental impact report used a Method 2 traffic study and there is no discussion of a public high school, town center, or oil wells. Mr. Rakochy stated it is a great project in terms of joint use, but he would like to see some type of bonding on the project.

Carolyn Brown, resident, stated she lives next door to the site and almost every weekend there are motorcycle races and bon fires on it.

Jim Charlton, resident, suggested the City get an independent study on the project and bring a measure to the public at the next election.

4) Rebuttal by Appellant, If Required

d. Close Public Hearing – Mayor Winder closed the public hearing.

e. Make Determination

Councilmember Wedaa stated this was a very productive meeting.

It was **MOVED/SECONDED – WEDAA/CASTELLANO** – to uphold the Planning Commission’s decision and to adopt Resolution No. 2007-3895 and Resolution No. 2007-3896.

RESOLUTION NO. 2007-3895 - APPROVING REQUESTED RE-APPROVAL OF CONDITIONAL USE PERMIT 2003-77 AND DESIGN REVIEW 2003-23, WITH CONDITIONS

RESOLUTION NO. 2007-3896 - APPROVING A TWO-YEAR TIME EXTENSION FOR TENTATIVE PARCEL MAP 2004-203, WITH CONDITIONS – FRIENDS CHRISTIAN HIGH SCHOOL

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

9. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION DECISION REGARDING TENTATIVE TRACT MAP 16447 AND VARIANCE 2007-02, ETCO DEVELOPMENT

This item was continued at the request of ETCO homes to the December 18, 2007 City Council meeting.

CONTINUED ORAL PRESENTATIONS - None

MAYOR'S REPORT

Mayor Winder stated that he welcomed two new Councilmembers in December of 2006 and one in July 2007, and he had made a promise to work with the elected representatives and he thinks he kept that promise both publicly and in deliberations in Closed Session and he hopes tonight is an affirmation that he kept his promise to his colleagues. He also stated he thinks his position as Mayor is to express the views of the Council and the City and he promises to do that to the best of his ability. Mayor Winder thanked Council.

He reported that in January he will assume the duties of Chairman of the Board of Trustees for St. Jude's Hospital and a new initiative in the hospital is going to be "High Tech, High Touch" as an acknowledgement that patients want to be touched physically and emotionally by their caregivers and the initiative reflects that. He stated he talked to the City Manager relative to considering the "High Tech, High Touch" for employees giving customer service.

Mayor Winder announced that Thursday night is the Old Town Holiday Program and it is also a birthday party for the City's 40th anniversary.

He reported that at the November 28, 2007 meeting of the Orange County Sanitation District, a Five-Year Strategic Plan was adopted. He also reported he attended the following events. The Esperanza Berm Wall dedication, Assemblyman Duvall's

Breakfast Club in Fullerton; and the Boys and Girls Club's ribbon cutting at Yorba Linda Middle School.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Castellano reported there was a small wall dedication of the Esperanza Berm and it was an opportunity to thank everyone that was involved in it.

Councilmember Anderson spoke relative to the continuation of development items and stated that if a developer asks for a continuation of a public hearing and does not have the courtesy to tell the City why a continuation is requested, he does not think it should be granted.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to consider at a future meeting a Council policy to have developers present to give the reasons for the continuance request.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder
NOES: None
ABSENT: None

Councilmember Anderson noted that he read in the paper that in Orange County there may be 15-foot swells at the beach, floods, and three inches of rain tonight and tomorrow night.

Councilmember Anderson discussed the pay structure of the City Manager, presented slides, and gave a comparison of the stipends, history of pay raises, and duties of the City Manager and the Chief Executive Officer of the County of Orange. Councilmember Anderson stated that he will not support these kinds of increases in the future.

Councilmember Anderson stated he is sad that he cannot go to the Old Town Holiday Program as he has to teach his criminal law class that evening.

Mayor Pro Tem Horton commented that there is a shortage of city managers and that is why there is competitive bidding and the pay structure is so high. She stated that government salaries and benefits are broken but it is not going to be fixed at the local level – it has to be fixed at the State level.

Mayor Pro Tem Horton reported she attended Assemblyman Duvall's Breakfast Club and he had some very interesting topics.

Mayor Pro Tem Horton stated that she wanted to advance for consideration a reverse 911 call at some point. She also noted that Lynn Daucher is coordinating a listing of people in the community who are vulnerable due to age, disabilities, illness, et cetera, so that if there is an emergency, such as a fire/flood/evacuation, they have the listing and those people can be contacted and helped. Mayor Pro Tem Horton stated she would like to see Yorba Linda join other agencies in this endeavor.

ADMINISTRATIVE REPORTS

10. TRAVIS RANCH YOUTH PARK DEVELOPMENT PLAN

Parks and Recreation Director Leto and Parks and Facilities Maintenance Superintendent Campbell gave a joint overview of the written staff report and responded to questions from Council.

Brian Holman, President of the East Yorba Linda Little League, stated that he wanted to publicly thank Sue Leto and Steve Campbell for their work and help in achieving this. He stated he loves the location, it is much safer, and he supports the proposal.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to approve a change in the Master (development) Plan of Travis Ranch Youth Park to relocate the restroom and concession facility and include the addition of walkway lighting in the park, security lighting affixed to the building, and authorize staff to prepare and advertise formal bid notices on the project once plans and specifications have been completed.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder
NOES: None
ABSENT: None

11. COMMENCEMENT OF PROCEEDINGS REGARDING THE ADJUSTMENT OF ASSESSMENTS IN THE ARTERIAL STREET LIGHTING AND LANDSCAPING ZONES

Management Analyst Mark Aalders presented the written staff report and responded to questions from Council.

Lee Day, resident, stated she has a problem with the request to authorize the City Council to seek property owners approval to adjust the annual arterials/Lighting and Landscape Zones up to the amount necessary to cover

increased expenses but more than the annual Consumer Price Index plus three percentage points. She stated that it is her opinion that wording is an attempt to circumvent Proposition 218.

Pat Nelson, resident, stated she understands the City has a deficit and was wondering what the City is doing to cut expenses. She stated the City should cut the budget first before asking for an increase, and that she objects to the CPI and three percent in addition.

Paul Wildan, Robin Lane, stated he would like to see a sunset clause every five to ten years – unless there is a lot of rain, the City is going to have to do something about cutting back.

In response to an earlier inquiry from Councilmember Anderson, Assistant City Manager Gruchow clarified that the total estimated cost of the election is \$50,000.

City Manager Letourneau clarified that since approved in 1997, the costs have out-paced the Consumer Price Index.

Mayor Pro Tem Horton proposed putting a ten-year sunset clause on the three percent increases. She also encouraged residents to go on the City's web site and read about the assessment districts.

It was **MOVED/SECONDED – HORTON/WINDER** – to adopt Resolution Nos. 2007-3892, 2007-3893, 2007-3894, and 2007-3897 with an amendment to add a sunset clause of ten years to the ability to add a three percent increase.

Upon inquiry from Councilmember Castellano, City Attorney Carvalho explained the ten-year sunset clause.

Joan Cox, Assessment Engineer, responded to questions from Council and stated she will provide an amended Engineer's Report and Resolution to the City Clerks office to reflect the sunset clause.

A lengthy discussion ensued.

Upon inquiry from Council, Mike Maxfield, Public Information Officer, explained where the quote by a reporter in the newspaper about cementing the medians came from.

Staff responded to questions from Council.

RESOLUTION NO. 2007-3892 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, PURSUANT

TO THE LANDSCAPING AND LIGHTING ACT OF 1972 INITIATING PROCEEDINGS FOR THE CITY OF YORBA LINDA ARTERIAL STREET LIGHTING AND LANDSCAPING ZONES WITHIN THE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT FOR THE PURPOSE OF ADJUSTING ASSESSMENTS FOR THE INCREASED COST OF MAINTENANCE AND SERVICE PROVIDED THEREIN AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH SAID ACT

RESOLUTION NO. 2007-3893 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA APPROVING THE ENGINEER'S REPORT REGARDING THE CITY OF YORBA LINDA ARTERIAL STREET LIGHTING AND LANDSCAPING ZONES WITHIN THE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT FOR THE PURPOSE OF ADJUSTING ASSESSMENTS FOR THE INCREASED COST OF MAINTENANCE AND SERVICE

RESOLUTION NO. 2007-3894 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, DECLARING ITS INTENTION TO ADJUST ANNUAL ASSESSMENTS FOR 2008/2009 FISCAL YEAR FOR THE CITY OF YORBA LINDA ARTERIAL STREET LIGHTING AND LANDSCAPING ZONES WITHIN THE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT FOR THE PURPOSE OF ADJUSTING ASSESSMENTS FOR THE INCREASED COST OF MAINTENANCE AND SERVICE AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING

RESOLUTION NO. 2007-3897 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA, CALIFORNIA, APPROVING ASSESSMENT BALLOTING PROCEDURES IN CONNECTION WITH PROPOSED NEW OR INCREASED ASSESSMENTS IN CONNECTION WITH THE YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT

MOTION CARRIED by the following roll call vote:

AYES: Horton Wedaa, Winder
NOES: Anderson Castellano
ABSENT: None

12. COMPENSATION FOR CITY COMMISSIONERS

This item was removed from the Agenda.

13. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS AND TOWN CENTER BLUE RIBBON COMMITTEE UPDATE

There was no report for this item.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT – No Report

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES – No Report

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION CORRIDOR SYSTEM – No Report

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** – to adjourn the meeting at 11:57 p.m. **MOTION CARRIED UNANIMOUSLY.**

OTHER BUSINESS

14. DOG PARK (COUNCILMEMBER WEDAA)

CLOSED SESSION – IF REQUIRED

ADJOURNMENT

The meeting was adjourned at 11:57 p.m. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is December 18, 2007.

Jackie Ostendorf, Deputy City Clerk