
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES
JULY 17, 2007

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

CALL TO ORDER

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

Mayor Pro Tem Winder announced that Mayor Castellano was absent due to illness.

ROLL CALL

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

Council/Agency Members Absent: Castellano

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

Mayor Pro Tem Winder adjourned the meeting into Closed Session to discuss the following items.

CLOSED SESSION ITEMS

CITY COUNCIL/YORBA LINDA REDEVELOPMENT AGENCY

A. CONFERENCE WITH LABOR NEGOTIATOR

1) Government Code Section 54957.6

Labor Negotiators: City Manager Letourneau; Assistant City Manager Gruchow

Employee Organization: City Employees Association (Mid-Management Employees); Orange County Employees Association (Miscellaneous Employees); and Department Heads

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

1) Government Code Section 54957

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9 (a)

1) Angela Rice v. Sheri Forell, et al.
Orange County Superior Court Case No. 06CC04220

2) Ronald S. Hodges, et al. v. Shapell Industries, et al.
Orange County Superior Court Case No. 05CC06793

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:42 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

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

Council/Agency Members Absent: Castellano

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

PLEDGE OF ALLEGIANCE – Councilmember Anderson

INVOCATION – Pastor Chico Holiday, Calvary Chapel Of Yorba Linda

CLOSED SESSION REPORT – No Report

INTRODUCTIONS & PRESENTATIONS

PRESENTATION OF EMPLOYEE ANNIVERSARY AWARDS

Employee Anniversary Awards were presented to the following employees:

Parks & Recreation Department

Tomas Gonzalez	5 Years (unable to attend)
Sue Leto	5 Years

Public Works/Engineering Department

Jon Tatich	10 Years (unable to attend)
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Finance Department

Kay Wilson 25 Years

PRESENTATION OF PROCLAMATION TO ORANGE COUNTY FIRE AUTHORITY RE DROWNING PREVENTION SEASON)

Mayor Pro Tem Winder presented the Proclamation to Battalion Chief Reeder who accepted it on behalf of the Orange County Fire Authority.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO NATHAN KOSICK AND JASON WILKIE FOR BEING NAMED TO THE AMERICAN LEGION BOYS STATE PROGRAM

Mayor Pro Tem Winder presented a Certificate of Recognition to Nathan Kosick for being named to the American Legion Boys State Program.

Mayor Pro Tem Winder presented a Certificate of Recognition for Jason Wilkie to Jason Wilkie's parents, Linda and John Wilkie, who accepted Jason's certificate as he is in Washington D.C. interning for Congressman Gary Miller as a Page.

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

Mayor Pro Tem Winder announced that Agenda Items 11 and 16 have been withdrawn from the Agenda as Mayor Castellano is not present tonight.

John Giaimo, resident, stated he was speaking on behalf of himself and three other residents - 17962, 17972, 17982, and 17992 Via Ranchero - all of whom are present. Mr. Giaimo stated they are here tonight to make Council aware of a serious matter due to the construction of four custom homes at the west end of Via Ranchero, a privately held road, by Toscano Development. The homes were recently finished after 15 months of heavy construction and congestion which has damaged the road as the road was not designed to handle continuous loads of 60,000 pounds of dirt and cement and hundreds of smaller trucks. He stated that Toscano Development is only willing to pay 50 percent to repair the road. Mr. Giaimo asked what the City will do to rectify this issue.

Mayor Pro Tem Winder stated that the City would be in contact with him.

Louie Scull, local business property owner, spoke relative to the June 19, 2007 City Council meeting discussion relative to the renewal of the Chamber of Commerce's

agreement. Mr. Scull also stated (in reference to a speaker's comments at the June 19th meeting) that a volunteer police department would be a nightmare for the City.

Mr. Scull complimented City Manager Letourneau on being the first City Manager to visit Main Street to discuss the merchants' concerns regarding Main Street.

Debra Reed, representing the Air Quality Management District (AQMD), announced AQMD is having an event to exchange 1,500 older, highly-polluting professional leaf blowers for newer low-emission models in Yorba Linda on Tuesday, July 24th. Ms. Reed stated that the newer models will protect public health by reducing nearly 14-tons of smog-forming pollutants a year. The cost of \$470.00 is discounted to \$200.00 and is open to professional gardeners and landscapers, not residents, who live and work in AQMD's four-county jurisdiction. Each business may exchange up to ten leaf blowers and to participate, pre-registration is necessary and the telephone number to pre-register at is 888-425-6247. Ms. Reed handed out brochures relative to the event.

Councilmember Wedaa stated it is important that residents take a brochure to give to their gardeners.

Upon comment from Councilmember Anderson relative to a bigger benefit being noise reduction, Ms. Reed noted that although they do not have a commercial electric leaf blower, the new model is a low-noise model and in the spring, AQMD will have an exchange of older commercial lawn-mowers to electric lawnmowers which also has the benefit of noise reduction.

Pat Nelson, resident, asked a variety of questions regarding the City's lease agreement with the Friends Church for the 33 acres of land on Bastanchury Road.

Councilmember Wedaa stated those are interesting questions and asked what can be done about answers.

Mayor Pro Tem Winder stated there will be a verbal report by the City Attorney at the August 7, 2007 City Council meeting with regard to those questions.

Mayor Pro Tem Winder, referring to a statement made by Mrs. Nelson relative to his vote at a May 17, 2005 Council meeting opposing the third extension on Friends Church project deadline, indicated that he did have a change in posture at a later Council meeting – there were additional negotiations over the property and he felt that in a business sense, a better deal for the community had been reached and he was able to support that.

Mayor Pro Tem Winder also noted that Council, because of the situation with the extended delays on environmental reporting on the Friends Church project, authorized City Manager Letourneau to grant further extensions with cause.

City Manager Letourneau noted that Council gave specific instructions on what events had to occur to enable her to do that and those events did occur and they are well documented.

Councilmember Anderson noted that the agreements and extensions are public record and Mrs. Nelson can get copies.

Mary Carbone, resident, thanked the City of Yorba Linda for another wonderful 4th of July event at Veterans Park and thanked Mayor Pro Tem Winder for being such a great emcee of the event. Mrs. Carbone also recognized her parents, two veterans who are celebrating their 60th wedding anniversary.

Greg Gillespy, resident, stated that on Saturday he was driving up Lakeview Avenue and noticed graffiti on the City's monument, he pointed it out to the City Manager and it was taken care of immediately. Mr. Gillespy stated he thinks it is great when the City responds that quickly and he wanted to thank City Manager Letourneau for that publicly.

Mr. Gillespy also spoke regarding the City's old volunteer fire department building and stated it is an asset to the City and he thought if the City could purchase that property/building, it could be turned into a jewel for the City and would make a wonderful museum dedicated to the fire fighters that worked so hard in it as volunteers.

Steve Nguyen, resident, spoke relative to a potential problem at the 4-way stop at the intersection of Buena Vista and Richfield Road during the school year – he stated he sees many near accidents at that location and something needs to be done. Mr. Nguyen also stated he has concerns about the intersection of Richfield Road and Orchard Drive. Mr. Nguyen presented maps of the two locations.

CONSENT CALENDAR

Councilmember Wedaa made the following corrections to Item 1 – the June 19, 2007 Minutes: On Page 5 under Comments by New Councilmember – Henry W. “Hank” Wedaa, he noted that the most important thing he said - “save the signs, I am going to run again” - was not reflected in the minutes and asked that it be included. Councilmember Wedaa also stated that on Page 6, Duane Laible spoke and it says “resident” and the minutes should reflect that he is a former resident.

Mayor Pro Tem Winder commented on Agenda Item 7 and stated that last year the restroom and concession stand at Travis Ranch Youth Park was vandalized and destroyed by structure fire. It was replaced with temporary facilities and this item is moving forward with the permanent facilities.

It was **MOVED/SECONDED - WEDAA/ANDERSON** - to approve the Consent Calendar with corrections to Item 1 as noted above. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder

NOES: None

ABSENT: Castellano

A. 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.

B. CITY/REDEVELOPMENT AGENCY ACCOUNTS PAYABLE WARRANT LISTS

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

1. APPROVAL OF THE MINUTES OF THE JUNE 19, 2007 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

The City Council/Redevelopment Agency approved the minutes of the June 19, 2007 meeting as corrected by Councilmember Wedaa.

2. APPROVAL OF THE MINUTES OF THE JUNE 26, 2007 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED MEETING

The City Council/Redevelopment Agency approved the minutes of the June 26, 2007 adjourned meeting.

3. CLAIM FOR DAMAGES – AMADOR MONTOYA

The City Council denied the Claim for Damages.

4. CLAIM FOR DAMAGES – CYNTHIA HUDSON

The City Council denied the Claim for Damages.

5. CONTRACT FOR PROFESSIONAL SERVICES WITH FUSCOE ENGINEERING, INC. RELATED TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND SERVICE SYSTEM MANAGEMENT

The City Council approved the Professional Services Agreement between the City and Fuscoe Engineering, Inc. of Irvine.

6. AUTHORIZATION FOR ADDITIONAL PROFESSIONAL SERVICES FOR DESIGN SERVICES – FEASIBILITY STUDY AT FAIRMONT KNOLLS PARK - DAVID VOLZ DESIGN

The City Council amended the professional services agreement for design services with David Volz Design (DVD) in the amount not to exceed \$7,000 and authorized the Mayor to sign and the City Clerk to attest said agreement.

7. AUTHORIZATION FOR ADDITIONAL PROFESSIONAL DESIGN SERVICES – PREPARATION OF REVISED MASTER PLAN AND CONSTRUCTION DRAWINGS FOR THE RESTROOM/CONCESSION STAND AT TRAVIS RANCH YOUTH PARK – DAVID VOLZ DESIGN

The City Council amended the professional services agreement for design services with David Volz Design (DVD) in the amount not to exceed \$28,000, and authorized the Mayor to sign and the City Clerk to attest said agreement.

8. AWARD OF CONTRACT FOR PARK TURF MAINTENANCE SERVICES – ARTISTIC MAINTENANCE, INC.

The City Council awarded a contract for the Park Turf Maintenance Services in the amount of \$71,775.00 to Artistic Maintenance, Inc. of Lake Forest, California and rejected all other bids.

End of Consent Calendar

PUBLIC HEARINGS

9. PUBLIC HEARING RE CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, FISCAL YEAR 2007-2008 AND ADOPTION OF RESOLUTION NO. 2007-3869 PURSUANT TO THE PROVISIONS OF THE LANDSCAPING AND LIGHTING ACT OF 1972, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR FISCAL YEAR 2007/2008 FOR THE CITYWIDE YORBA LINDA LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, OVERRULING ALL PROTESTS CONCERNING THE ASSESSMENTS AND LEVYING THE ASSESSMENTS CONFIRMED HEREIN

a. Open Public Hearing – Mayor Pro Tem Winder opened the public hearing.

b. Staff Report

Public Works Director Stowell presented the written staff report and responded to questions from Council.

Councilmember Wedaa noted that the Yorba Linda Water District is talking about doubling their water rates this year and asked if that was factored into the costs.

Joan Cox, representing Harris and Associates, responded that the estimated budgets were done two months ago and that information was not in there - that would come into effect next year when the rates are done.

Ms. Cox stated that right now the maximum assessment amounts for all the zones are being levied, therefore the assessments could not be increased to cover those rates. The effects of the rates and the level of service would have to be looked at to see what would have to be done.

Councilmember Anderson stated he wanted to make sure everyone understands that this assessment is included in the tax bills, and inquired what is going to happen if the cost for the landscaping zones, due to an increase in the water rates, is doubled.

City Manager Letourneau responded that in September, staff is planning on bringing a report to Council about a possible Proposition 218 vote on the arterial landscape maintenance areas.

Mayor Pro Tem Winder stated that when that report is brought back in September, the details of the amounts spent on electricity, labor, water, and et cetera for the assessment areas could also be included for Council consideration.

c. Take Testimony

Lee Day, resident, gave cost figures she derived from the Engineer's Report for each of the zones.

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

e. Make Determination

Discussion ensued.

It was **MOVED/SECONDED - ANDERSON/WEDAA** - to adopt Resolution No. 2007-3869. **MOTION CARRIED** by the following roll call vote:

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

10. PUBLIC HEARING REGARDING ESTABLISHMENT OF SEWER MAINTENANCE CHARGES FOR FISCAL YEAR 2007/2008 – FIRST READING OF ORDINANCE NO. 2007-902 – APPROVING AND ADOPTING AN ENGINEER'S REPORT FOR SEWER MAINTENANCE CHARGES FOR FY 2007/2008 AND PROVIDING FOR THE COLLECTION THEREOF

a. Open Public Hearing – Mayor Pro Tem Winder opened the public hearing.

b. Staff Report - Public Works Director Stowell gave an overview of the written staff report.

c. Take Testimony – No testimony was forthcoming.

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

e. Make Determination

It was **MOVED/SECONDED - HORTON/ANDERSON** - to approve first reading of Ordinance No. 2007-902.

Upon inquiry from Councilmember Wedaa as to how the Yorba Linda surcharge differs from the Yorba Linda Water District's surcharge, Public Works Director Stowell responded that Yorba Linda's surcharge is \$19.47 a year compared to the Yorba Linda Water districts current cost of approximately \$42.00 a year.

MOTION CARRIED by the following roll call vote:

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

MAYOR'S REPORT

11. CITY COUNCIL APPOINTMENTS TO ORGANIZATIONS, AGENCIES, AND COMMITTEES

This item was withdrawn from the Agenda due to the absence of Mayor Castellano.

Mayor Pro Tem Winder thanked staff for a great fireworks event on the 4th of July.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Anderson stated that he misspoke at the last meeting in the discussions with the Chamber of Commerce wherein he indicated that it was a letter calling citizens “naysayers” and so forth that went out with the Chamber of Commerce logo on it when in fact it was a “don’t sign the referendum” letter that went out with the Chamber of Commerce logo on it. Councilmember Anderson apologized if that created any confusion. He stated the “naysayer” letter was sent out by developers signed by four Council people.

Councilmember Anderson stated that in his opinion the five-minute time limit on public comments needs to be codified once again – Council meetings are now operating with a 5-minute time limit for residents because of the Mayor’s decision to allow it. He stated that decision is based on an opinion that the Mayor can overrule the City Code by setting shorter limits on residents addressing the Council and he disagrees with the principal that a Mayor should have this discretion. Councilmember Anderson proposed for Council’s consideration at the next meeting the following two courses of action – one action that Council readopts Yorba Linda City Ordinance 2.04.170 as the law of Yorba Linda which establishes a 5-minute speaker limit for residents addressing the Council, and the second action that Council amends the existing wording of that Ordinance to require the express consent of a majority of Council to change the 5-minute rule to a shorter time period.

Upon inquiry by Councilmember Wedaa if the vote by the Council would be for each instance, Councilmember Anderson responded “yes”.

Councilmember Anderson proposed that the following items be considered at the next City Council meeting:

- * The abolition of Council ad hoc committee meetings, and a resolution prohibiting future closed committee meetings on any issue except on the items specifically exempted by the Brown Act. He stated that the public's business should be done in public and subject to public scrutiny.
- * Police updates – have them more often, perhaps once a month.
- * Councilmember Anderson stated that both he and Councilmember Wedaa asked the City Manager to place on the next agenda a proposal for the Council to start pursuing a City Equestrian Center along the lines of a public/private partnership of the successful Black Gold Golf Course model. Councilmember Anderson also noted that Mrs. Horton will be contacted as she is interested in this issue.
- * Explore the possibility of adopting an ordinance regarding graffiti being a nuisance when it is on private property and set a specific time limit for removing it.

Councilmember Anderson advised residents to call the police when they observe someone painting graffiti. Councilmember Anderson also referred to a recent incident of graffiti that remained on a wall at the entrance to the Savi Ranch Shopping Center for several weeks.

Mayor Pro Tem Winder asked that when the Equestrian Center item is discussed at the next City Council meeting that Council have an assessment if it should be under existing policy or by process fold into the seven-step planning process for facilities in the City.

City Manager Letourneau responded that these items will be listed under "Other Business" so that concurrence and some direction can be obtained from Council before staff work is done.

Councilmember Horton announced that the next Town Hall meeting is July 31, 2007 at Eastlake Village at 6:30 p.m.

Councilmember Horton reported she attended a meeting with Lou Correa and there was a lively discussion regarding group homes and how they are impacting communities in Orange County. She stated group homes are starting to be seen in Yorba Linda so she is maintaining contact with some of the people that were at the meeting to find out exactly what they are doing about it in their cities.

Councilmember Horton also reported she attended the following events: a ribbon-cutting ceremony for a new home décor business in the east end of Yorba Linda called "Home Grown"; the Eagle Scout Court of Honor for Jeff Yostanto; the swearing in of Jessie

Sioson who was just elected President of the United Bulakenos of California organization; and a panel discussion at Cal State Fullerton on Women in Politics.

Councilmember Horton stated she believes almost all, if not all, the Councilmembers have had meetings with downtown Main Street merchants and the residents down there and she really applauds all of Council for making that extra effort. She noted that Main Street seems to be moving in a more positive direction and she is very hopeful for that process and will continue to look forward to the implementation of any plans the Blue Ribbon Committee brings forward for that area and also remembering who Council is serving down there – the Main Street Merchants and the residents that live there.

Councilmember Horton extended her condolences to the family and friends of Lupe Burke, a long term resident of Main Street who lost her battle with cancer on July 4th.

Upon inquiry from Councilmember Wedaa regarding what the plans are for revising the General Plan and when, City Manager Letourneau responded that the budget, which was just adopted, had “revision of the General Plan” as a work-plan priority and also approved 1.5 million dollars over a three-year period - \$500,000 per year. City Manager Letourneau advised that staff is in the process of preparing an RFP to hire a consultant to help with that project, and will be coming to Council in the fall regarding forming a community committee (a steering committee) to go through this process.

Upon inquiry from Councilmember Wedaa regarding the length of time this will take, Community Development Director Christiansen responded that potentially it could take up to three years - it depends on how quickly the steering committee works. A draft marginal plan has to be formalized and then an environmental impact report needs to be done. Under the land use element if any changes are made which increases density on any of the property, it needs to go to a Measure B vote which will take an additional six-months to a year to get through that process.

Councilmember Wedaa stated he raises this issue because he met with some landowners earlier this week who had plans to develop their property until Measure B came along - which ended everything for them. He stated that those who have to develop property now and a zone change is required, can lump it into the new general plan vote without each of them having to go to a special vote. He asked that this process be moved along expeditiously.

Upon inquiry from Councilmember Horton as to what would stop a group of individuals from consolidating a Measure B vote, City Attorney Carvalho stated that nothing would stop them but, because of the way Measure B is structured, it is not practical for them to do that.

Councilmember Wedaa noted that he thinks it is very important for all of Council to attend the annual meeting of the League of California Cities in San Francisco.

Councilmember Wedaa reported that he and Councilmember Anderson met with the Main Street merchants a couple of weeks ago and he felt it was a very productive meeting and he learned a lot. He stated they also invited the City Manager to attend that meeting and to visit the Farmers Market and she met with the merchants and visited the Farmers Market and found a number of things that needed to be done – repairs and et cetera, and to her credit she has been doing a lot of that and those who are familiar with that particular site will see some significant improvements there. Councilmember Wedaa also noted that when you are in the City-owned parking lot and look down, you see another parking lot below there and he and Councilmember Anderson are talking to the City Manager about what might be done to fix that parking lot to make more parking spaces downtown as well as for the Farmers Market and City Manager Letourneau is also working on that.

Councilmember Wedaa noted he heard a lot of positive comments about the July 4th event and it was very good and worth every penny spent on it.

Councilmember Wedaa commented that some time ago he started a Yorba Linda New Technology Forum in which on the last Wednesday of every month he has a speaker(s) to talk about new technologies. He stated he is not having forums in the summer but they will resume in September and asked that anyone who has suggestions for speakers to contact him.

Councilmember Wedaa reported he has received many requests from people who have satellite television and cannot pick up Channel 3 to watch the Council meetings, and he would like to know what it would cost the City to do something about that.

Councilmember Wedaa also addressed the issue of wireless internet access and stated he has asked the City Manager to look into what it might cost the City to do the same as other cities are doing as he thinks it would be a significant benefit to do this.

Councilmember Horton commented that some suggestions Councilmember Wedaa made regarding wireless internet access and Channel 3 on satellite television she agrees with, but in the past she thought motions were needed to get staff to look into Council suggestions.

City Manager Letourneau clarified that it does take a motion of Council and that those two items will be placed under “Other Business” on the next agenda for Council direction.

ADMINISTRATIVE REPORTS

12. CONTINUED ITEM - APPROVAL OF PARCEL MAP 2005-135 AND ACCEPTANCE OF SUBDIVISION AGREEMENT AND BONDS – SEPULVEDA BUILDERS, GEORGE AND JOAN ADAMS

Public Works Director Stowell gave a staff report and responded to questions from Council.

It was **MOVED/SECONDED – WINDER/ANDERSON** – approve Parcel Map No. 2005-135, authorize the City Clerk to certify the record map upon completion of any technical corrections required by the City Engineer, authorize the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreement and accept improvement bonds per Engineering Department's Report. **MOTION CARRIED** by the following roll call vote:

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

13. SAN ANTONIO ROAD TRAFFIC CALMING MEASURES – POST CONSTRUCTION REVIEW

Public Works Director Stowell presented slides and gave an overview of the written staff report.

Staff responded to questions from Council.

Linda Hewitt, resident, stated she has a safety issue with the medians – the street is too narrow to accommodate islands. Mrs. Hewitt indicated that the stop sign has done a good job.

Shirley Haygood, resident, stated it is a safety hazard for her and her husband to back out of their driveway. Mrs. Haygood read a statement from her husband strongly opposed to the project.

Jennifer Di Bias, resident, stated that an additional eleven homes are planned to be built at the top of San Antonio which will add more traffic to this problem and asked what conditions have been placed on the developer to help ease the traffic that will occur as the result of the new homes. Mrs. Di Bias stated that the medians have slowed traffic considerably, but suggested that the original plan, Plan A, proposed by Todd Kurtz, a neighbor, be revisited.

Upon Councilmember Anderson's request for clarification, Mrs. Di Bias stated that she sees a dramatic decrease in the speed on San Antonio and the changes do work in slowing traffic, but originally the neighbors had proposed a Plan A - instead of having medians in the center of the road, the sides of the street would be brought inward like the new developments that have protected parking in place on the sides and the road is narrowed to slow traffic.

Upon inquiry from Councilmember Horton regarding the narrowing of the road, Public Works Director Stowell responded that Plan A was about intersection improvements only at San Antonio Road and Alder which is at the bottom of the hill, but it would not have narrowed the road at the top of the hill and staff felt it would not solve the speeding problem.

Ken Newman, resident, read a letter of strong opposition to removing the traffic calming medians from Robert and Anita Allison, San Antonio Road, who were out of state and could not attend the meeting.

Mr. Newman commented that the improvements made are important but are not enough, additional medians are needed and all need to be fully planted out to give a full visual effect of a narrow road. He stated he saw an exceptional, very effective road-narrowing installation in the City of La Jolla a couple of weeks ago – the narrowing median was packed with Agapanthus, shrubbery, and trees. Mr. Newman suggested that the City Engineer talk to the City of La Jolla and get some pictures of the medians. Mr. Newman also asked that the stop sign not be removed as it has been a primary slowing device at the lower end.

Councilmember Wedaa requested staff get pictures from the City of La Jolla of the medians referred to by Mr. Newman.

Craig Di Bias, resident, stated that he and his wife have witnessed first hand that the islands do slow down traffic and they wish to see them remain. He stated that their neighbor, Todd Kurtz, had a proposal of narrowing the intersection at Alder and San Antonio which was part of a bigger plan to install more "chokers" up the road and possibly narrow the next intersection to create a more narrow corridor but the cost was prohibitive.

Mr. Di Bias read a letter regarding San Antonio Road that his neighbors, David and Lizette Spellman, asked him to present. The letter stated that after spending hundreds of hours working to get the traffic calming measures put in place, they would consider their removal an absolute travesty – particularly after recent traffic studies showed that the measures put in place had reduced the speeds on San Antonio.

Mr. Fitkins, resident, stated that his family parks on the street because of the number of cars in his family and they have been subjected to vandalism, threats, harassment, and persecution since the islands went in and he wants the island removed.

Mrs. Fitkins also spoke and stated that they did not turn in the vandals who vandalized their property because they wanted to give them a second chance. She also stated they are for traffic calming measures but they cannot tolerate the one chosen by the City to be put in front of their home as it has caused stress in their life every single day.

Upon inquiry from Councilmember Wedaa if the Fitkins would support adding more traffic calming measures up and down the street, Mr. Fitkins responded if the burden of slowing traffic down is spread among all 14 homes on San Antonio he would support it.

Upon inquiry from Councilmember Horton if Mr. Fitkin thought it would be beneficial if the City arranged a mediating meeting with the neighborhood, Mr. Fitkin responded that he did not know how they would all be identified.

Public Works Director Stowell responded to questions from Councilmember Horton relative to installing additional medians.

Lee Favaro, resident and local crossing guard, asked if speed humps would work.

Public Works Director Stowell responded that with speed humps, the grade of San Antonio Road would basically launch cars into the air.

Claudine Lynch, resident, stated this problem arose on Amberdale Road in 1972 and they finally conceded and installed speed bumps and they did slow traffic down.

Public Works Director Stowell stated there are rumble-strips and a number of things that can be done but basically until the lane is narrowed and people realize they have to slow down, they are not effective.

Councilmember Wedaa asked staff to take a look at the Conditions of Approval for Tract 16488 (the 11 homes at the top of San Antonio) to see what kind of mitigation measures are in place.

Chief Reeder of the Orange County Fire Authority responded to questions from Council and commented about the ability of their trucks to get up and down to fires and medical aids and stated that in his opinion, one long continuous median

would be more detrimental than the broken medians. He also stated that if there was a continuing problem on a road, they would contact the City.

Councilmember Anderson stated he is very familiar with this issue and this is a text-book example of how effective traffic-calming devices can be - the devices did exactly what they were suppose to do and all but one person tonight acknowledged that traffic has slowed down. He stated he would be in support of keeping these traffic calming devices in place and perhaps having this item come back for consideration of adding more medians.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to continue this item with direction to staff to explore the placement of more medians and the landscaping options that were discussed tonight and bring back a report to Council at its earliest convenience.

Discussion ensued relative to landscape options and high shrubbery reducing visibility for residents backing out of their driveways, cost/benefit ratio of further improvements, and further engineering studies.

Councilmember Horton stated she was not in favor of removing the current traffic calming devices because they work, but she is in favor of adding more devices to spread the burden.

Mayor Pro Tem Winder stated he will not be supporting the motion as he would like a further engineering study to see what the progress is as this goes on - he is in support of the concept but not tonight.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa
NOES: Winder
ABSENT: Castellano

RECESS:

Mayor Pro Tem Winder called a recess at 9:29 p.m. and reconvened the meeting at 9:36 p.m.

14. **CONSTRUCTION UPDATE – ESPERANZA ROAD MITIGATION PROJECT FROM WEST CITY LIMITS TO YORBA LINDA BOULEVARD**

Public Works Director Stowell gave an overview of the written staff report and responded to questions from Council.

It was **MOVED/SECONDED - WEDAA/ANDERSON** - to investigate the planting of trees from the current western-end in a westerly direction towards the new location of Imperial Highway.

Councilmember Anderson **AMENDED** the **MOTION** to add direction to staff to explore the possibility of the County reconsidering putting in a wall and to approach them regarding installation of the trees and possibly some kind of cost sharing on the trees.

Councilmember Wedaa **ACCEPTED THE AMENDMENT** to the motion and a lengthy discussion ensued.

Sharleen Dunn, resident, commented that turning onto Esperanza Road from Imperial Highway, you get the feeling you are in Yorba Linda even though it is in the County - people do not realize the division there. Mrs. Dunn stated it gives a poor impression of the City to have that open ugly area.

Nancy Rikel, resident, stated the people on the east side are very concerned about the railroad issue and that it seems to her the City could spend some money to find out what this is going to cost.

Public Works Director Stowell pointed out that also before Council tonight is a request for approval of a change order for planting the trees.

Lee Day, resident, spoke relative to the cost of the trees and stated that the maintenance costs for the trees have still not been identified. Mrs. Day also questioned noticing of the project by the City of Anaheim.

MOTION failed by the following roll call vote:

AYES: Anderson, Wedaa
NOES: Horton, Winder
ABSENT: Castellano

Public Works Director Stowell responded to further questions from Council.

It was **MOVED/SECONDED – HORTON/WINDER** – to approve and authorize the City Manager to execute Contract Change Order No. 5 in the amount of \$18,345.00 and to receive and file the report.

Discussion ensued and City Manager Letourneau clarified that this change order is a request from the Fairmont Hills Community Home Owners Association to plant the trees and this area is within Yorba Linda.

Discussion ensued relative to maintenance costs.

Sharleen Dunn, resident, stated that the fence in front of Fairmont Hill is six-feet high and it is five and one-half feet in some areas, if you stand in front of it, you see the top of the trains and you see the wall. The wall is not covered up and the continuity of installing additional trees makes more sense.

An **SUBSTITUTE MOTION** was made – **WEDAA/ANDERSON** to continue this item until there are five Councilmembers present. **MOTION FAILED** by the following roll call vote:

AYES: Anderson, Wedaa
NOES: Horton, Winder
ABSENT: Castellano

A vote was taken on the original motion.
MOTION FAILED by the following roll call vote:

AYES: Horton, Winder
NOES: Anderson, Wedaa
ABSENT: Castellano

Councilmember Wedaa asked that this issue be brought back to the next City Council meeting when five members of Council are present.

15. APPEAL OF SIGN REQUEST 2006-03, YORBA LINDA CENTER

Community Development Director Christiansen gave an overview of the written report and responded to questions from Council.

Councilmember Wedaa commented that he is aware that Ray's Auto Care and Solesbee Auto Crafts on Second Street are both in need of a sign and asked if it would be reasonable to think about incorporating their signs into this sign so that there aren't so many signs around.

Community Development Director Christiansen stated that if it is not located on this property, the City's Code prohibits off-site signs located on other properties.

Councilmember Anderson stated that he appealed this item because to him, this is a policy decision that the Planning Commission made to approve on an interim basis a \$14,000 sign and wherein the Planning Commission has maintained jurisdiction to review this sign and make changes to this sign until the other property is developed. He stated he disagrees that the Planning Commission should have that ability and he disagrees with the decision to force someone to spend \$14,000 for an interim sign.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to direct staff to bring back a resolution modifying or deleting the condition, making the sign a permanent sign and eliminating the interim language.

Councilmember Wedaa discussed combining signs and allowing off-site signage on other properties.

City Attorney Carvalho advised that to change the code to allow off-site signage on other properties would require the adoption of an Ordinance which would be a 60 – 90 day process.

Discussion ensued.

Councilmember Horton stated she was in disagreement with the motion on the floor because she thinks what the Planning Commission tried to do is exactly what Councilmember Wedaa is trying to do - which is to reduce the amount of signs in the City.

Mr. Mark Frank, representing Promotional Signs – designer of the sign, addressed the City Council and stated he was hired by the owners of the property to develop these signs for the six tenants and responded to questions from Council.

Councilmember Wedaa stated he has always strived to reduce the number of signs in the City and suggested adding to this sign so another sign did not have to be installed 50 yards down the road.

Richard Bochechan, building owner, stated he was not going to pay \$14,000 for a temporary sign and would like for Council to approve a permanent sign. Mr. Bochechan responded to questions from Council.

Pat Nelson, resident, stated that as a member of the audience, she would have liked to see a picture of what the sign looked like and the actual location because this is in her neighborhood. Mrs. Nelson stated that the motion on the floor totally fixes this problem for these people and it should be permanent.

Ed Rakochy, resident, stated it is a straight forward decision to vote to put the sign there permanently.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

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

ABSENT: Castellano

16. ETHICS POLICY OPTIONS

This item was postponed until there are five Councilmembers present.

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

Community Development Director Christiansen gave a recap of Planning Commission Actions from their meetings of June 27, 2007 and July 11, 2007 and a Town Center Blue Ribbon Committee update and responded to questions from Council.

ORDINANCES

18. ENGINEERING AND TRAFFIC SURVEY ESTABLISHING SPEED LIMIT ON BASTANCHURY ROAD BETWEEN LAKEVIEW AVENUE AND VILLAGE CENTER DRIVE AT 45 MPH AND APPROVAL OF FIRST READING OF ORDINANCE NO. 2007-901, ESTABLISHING CITYWIDE POSTED SPEED LIMITS AND RESCINDING ORDINANCE NO. 2006-894

Public Works Director presented the written staff report and responded to questions from Council.

City Manager Letourneau stated it is important to remember that speed limits can be adopted for now and then, right before the school goes in and S&S Homes are finished, it can be redone as well as another survey - what Council does tonight does not have to be in place permanently. City Manager Letourneau also noted that the City does not have enforcement powers up there at this time.

Further discussion ensued between Council and staff.

Pat Nelson, resident, stated she does not think 45 mph is unsafe on that road and is totally workable all the way through.

Councilmember Anderson stated that with this particular road right now, he thinks it is premature to be doing this and asked if Council would consider continuing this item only to ask staff to answer the questions whether the adjacent land use is residential and if that by itself is sufficient to deviate to a lower speed in which the police could enforce a lower speed. Also with the development still

continuing in the area would that be a legitimate deviation factor - he is looking for something that would allow Council to set it lower legally and for it to be enforceable.

It was **MOVED/SECONDED – ANDERSON/HORTON** – to continue this item with direction to staff to look into potential factors which would allow the speed limit to be set lower but still be enforceable under the law. **MOTION CARRIED UNANIMOUSLY** with Mayor Castellano absent.

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 – Councilmember Horton stated she has brought back some of the answers to the questions that were presented at the previous Council meeting regarding the merging of the agencies. She spoke to the attorney and financial officer regarding possible cost reduction if the agencies are merged – the whole process is just beginning to see if financially it makes it more viable.

ORANGE COUNTY FIRE AUTHORITY – Councilmember Horton reported she attended a study session on regionalization of the ambulance and that will be coming to Council soon.

ORANGE COUNTY VECTOR CONTROL – No Report

OTHER BUSINESS

Mayor Pro Tem Winder stated it is after 11:00 p.m. and one Councilmember is absent tonight, he would entertain a motion to continue these items until the next regularly scheduled meeting.

Councilmember Horton made a **MOTION** to continue the remaining items on the Agenda until a full Council is present at the August 7, 2007 City Council meeting.

MOTION DIED for lack of a second.

19. REORGANIZATION OF MEMBERSHIP OF THE PLANNING COMMISSION (COUNCILMEMBER ANDERSON)

Councilmember Anderson noted that the existing Planning Commission is to be thanked for its dedicated efforts in making Yorba Linda the great place that it is, however, the existing Planning Commission represents the will and the view of old Councils. Councilmember Anderson stated that in his opinion with three new members of Council, the Planning Commission should reflect the change in the climate in the City and he would propose polling the existing Commissioners about who would like to continue on the Planning Commission and soliciting applications from the public for appointment to the Planning Commission, and would like to see a minimum of two new Commissioners being selected by the Council and possibly three.

It was **MOVED/SECONDED – ANDERSON/HORTON** – to poll the existing Planning Commissioners about who would like to continue on the Planning Commission and open applications to replace two and possibly three Planning Commissioners.

Councilmember Anderson responded to questions from Councilmembers.

Councilmember Wedaa stated he would support replacing two Commissioners to begin with so that there would be a reasonable amount of local history that remained on the Commission and then after a period of six to nine months after the replacement of the two Commissioners, he would consider a third replacement.

Discussion ensued.

Councilmember Anderson **AMENDED HIS MOTION** to state that two Commissioners, Commissioners Boznanski and Haack, should be replaced with a great deal of appreciation for the efforts they have given to the City.

Upon request for clarification from City Manager Letourneau, Councilmember Anderson responded they would continue to remain Planning Commissioners until replacements are found.

Councilmember Horton **SECONDED** the **AMENDMENT TO THE MOTION**.

Councilmember Horton stated she would like to see this replacement go forward now as the Blue Ribbon Committee should be bringing some things forward in the near future.

Upon inquiry from Mayor Pro Tem Winder, City Manager Letourneau responded that the terms of Commissioners Boznanski and Haack end December 31, 2007.

Mayor Pro Tem Winder stated that his vote will reflect that he would prefer postponing this until December 2007 to allow Commissioners Boznanski and Haack to make a decision whether to reapply at that time.

Councilmember Wedaa noted that historically these things take time and he would concur with going ahead now, as it probably wouldn't become effective until December 31, 2007.

Upon inquiry from Mayor Pro Tem Winder, Councilmember Anderson clarified that the replacement would become effective as soon as it can be done.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa
NOES: Winder
ABSENT: Castellano

20. DUTIES AND TERMS OF THE TRAFFIC COMMISSION (COUNCILMEMBERS ANDERSON AND HORTON)

This item was continued to the August 7, 2007 City Council meeting.

21. REVIEW PROCESS FOR COUNCILMEMBERS PUTTING ITEMS ON THE AGENDA (COUNCILMEMBER WEDAA)

Councilmember Wedaa stated that he thinks this item should be considered when Mayor Castellano is back, but he wanted to express concern that under the present system, to put an item on the Agenda it goes through the filter of the Mayor to decide whether or not it goes on the Agenda and he does not like this process. He thinks that if he, one of his constituents, or anybody in the audience wants something on the Agenda, it should go on the Agenda.

He also stated that he recognizes that at times there may be numerous items on the Agenda under Other Business which may be continued, but at least his constituents know he is responding to their concerns.

22. TREE PRUNING POLICY (COUNCILMEMBER WEDAA)

Councilmember Wedaa stated he has always pushed for flowering trees in this City and when he received a call from someone that trees now blooming in the City were being pruned, he called the City Manager and evidently the trees were flowering late and the pruning crews were running late. He stated that this issue

has now been resolved and that staff now knows that there are flowering trees in the City so they can bloom and not be pruned.

23. SIGN ORDINANCE (COUNCILMEMBERS HORTON AND WEDAA)

Councilmember Horton stated she would like a study group formed with Councilmembers, community members, and staff rather than having a staff report come forward on a revision of the City's current sign ordinance so that some of the issues with political signs and other signs in the community can be reclarified.

It was **MOVED/SECOND – HORTON/ANDERSON** – to add this to a regularly scheduled agenda for a vote of Council. **MOTION CARRIED UNANIMOUSLY** with Mayor Castellano absent.

24. PARKING STUDY FOR MAIN STREET (COUNCILMEMBERS ANDERSON, HORTON, AND WEDAA)

Councilmember Horton stated that she is asking for a motion tonight to provide temporary relief for business owners and residents on Main Street and the surrounding areas.

It was **MOVED/SECONDED – HORTON/ANDERSON** – to direct staff to investigate short-term alternatives for parking in existing sites to either pave over or stripe, and to look at Lemon and Lakeview, Lemon and Imperial Highway, and along Arroyo and Main Street for temporary parking relief until the Town Center Blue Ribbon Committee comes back with a Master Plan.

Discussion ensued.

Councilmember Anderson noted that a parking study for the whole area should be considered, but can be addressed separately at the next meeting.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa
NOES: Winder
ABSENT: Castellano

Mayor Pro Tem Winder clarified that he is finding this a very awkward way to conduct the City's business - he knows there are a lot a things Council wants to talk about and with a new Council and struggling for ways to do things, he thinks demands are already starting to be made upon staff on ideas that maybe can be investigated in a less laborious way.

25. HISTORICAL STUDY FOR MAIN STREET (COUNCILMEMBER WEDAA)

It was **MOVED/SECONDED – WEDAA/HORTON** - to direct staff to come back with a staff report regarding soliciting the appropriate person to do a historical study in the Main Street area to determine if anything is historical and if so, what and why.

Discussion ensued.

Ed Rakochy, resident, stated that this is something that has needed to be done in Yorba Linda for some time now and would facilitate making decisions. Mr. Rakochy stated he thinks the City should contract with a historic company and do a historic study for the entire City.

COUNCILMEMBER WEDAA AMENDED the **MOTION** to do a Citywide historical survey. **COUNCILMEMBER HORTON** seconded the amendment to the motion.

Community Development Director Christiansen responded to questions from Council and discussion ensued.

MOTION CARRIED UNANIMOUSLY with Mayor Castellano absent.

26. SEWER PRICE INCREASE BY YORBA LINDA WATER DISTRICT (COUNCILMEMBER WEDAA)

Councilmember Wedaa stated that the Yorba Linda Water District is having a rate increase hearing on the price of water, which is expected to raise significantly next Thursday night at the Yorba Linda Water District and they are also having an increase in sewer rates.

Councilmember Wedaa stated he thinks it is important for those being serviced by this District to attend and voice their opinion and concerns.

ADJOURNMENT

Mayor Pro Tem Winder adjourned the meeting at 11:50 p.m. A Town Hall Meeting will be held on Tuesday, July 31, 2007 at 6:30 p.m. at the Eastlake Village Association meeting room.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is August 7, 2007.

APPROVED BY COUNCIL:

AUGUST 7, 2007