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**CITY OF YORBA LINDA**  
**CITY COUNCIL/REDEVELOPMENT AGENCY**  
**JOINT MEETING MINUTES**  
**JUNE 19, 2007**

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

**CALL TO ORDER**

The City Council/Redevelopment Agency convened at 5:35 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

**ROLL CALL**

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

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

**SPECIAL ITEM OF THE DAY**

CANVASS OF THE JUNE 5, 2007 CITY OF YORBA LINDA MUNICIPAL ELECTION

RESOLUTION NO. 2007-3863, RECITING THE FACTS OF THE SPECIAL MUNICIPAL ELECTION HELD ON JUNE 5, 2007, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

It was **MOVED/SECONDED – ANDERSON/WINDER** – to adopt Resolution No. 2007-3863. **MOTION CARRIED** by the following roll call vote:

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

ADMINISTER OATH OF OFFICE TO NEW COUNCILMEMBER  
HENRY W. "HANK" WEDAA

City Clerk Mendoza administered the oath of office to Councilmember Elect, Henry W. (Hank) Wedaa.

It was **MOVED/SECONDED – WINDER/CASTELLANO** - to add an item to Closed Session under "Anticipated Litigation" relating to Agenda Item 14 on the Agenda tonight.

City Attorney Carvalho stated that the findings for adding this item to the Agenda is that this issue came up after the posting of the Agenda and there is a need to take immediate action with a 4/5 vote.

City Manager Letourneau advised that some facts came up today related to Item 14 and they need to be discussed.

**MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Castellano, Horton, Wedaa, Winder

**NOES:** None

**ABSENT:** None

**RECESS TO CLOSED SESSION**

Mayor Castellano recessed the meeting into Closed Session at 5:45 p.m. for discussion of the following items.

**CLOSED SESSION ITEMS**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION

Government Code Section 54956.9 (c) (1 Case)

*One more case was added by motion and carried by a 5/0 vote to make it (2 Cases).*

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(a)

- 1) Craig Di Bias v. City of Yorba Linda  
Orange County Superior Court Case No. 07CC06089
- 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 6:45 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, Mendoza, Stowell

**PLEDGE OF ALLEGIANCE** – Councilmember Horton

**INVOCATION** – Elder Vince Hambright, Yorba Linda Friends Church

**CLOSED SESSION REPORT**

City Attorney Carvalho reported that an anticipated litigation item came up after the posting of the Agenda, and there was a motion by Mayor Pro Tem Winder and carried unanimously to add an item to Closed Session – Anticipated Litigation related to Item 14 on the Agenda. City Attorney Carvalho also reported there was no reportable action taken in closed session.

**INTRODUCTIONS & PRESENTATIONS**

ADMINISTER OATH OF OFFICE TO NEW COUNCILMEMBER  
HENRY W. "HANK" WEDAA

City Clerk Mendoza administered the oath of office to Councilmember Henry Wedaa.

**RECESS – RECEPTION IN COUNCIL CHAMBERS LOBBY**

Mayor Castellano recessed the meeting at 6:50 p.m. to a reception in the Council Chambers lobby to welcome newly elected Councilmember Wedaa and reconvened the meeting at 7:10 p.m.

Mr. Nathan Chappell, President of the Sunrise Rotary Club, stated he was here to represent the Sunrise Rotary Club and under Mayor Pro Tem Winder's leadership they hosted a poker tournament that raised approximately \$8,500 and the Rotary Club donated enough money to make it an even \$10,000 to help the Veterans Memorial Association start their project and keep it going.

Clay Baxter, co-Chair of the Veteran's Committee's project, stated that their project is an ambitious one and they are looking forward to completing this project by next year – Veterans Day 2008.

Mr. Chappell presented a \$10,000 check to the Yorba Linda Veterans Memorial Association.

**COMMENTS BY NEW COUNCILMEMBER – HENRY W. “HANK” WEDAA**

Councilmember Wedaa stated it is a pleasure to be rejoining the City Council and that he is gratified by the trust the voters have shown by electing him to Council, and hopes to show that he deserves that trust. Councilmember Wedaa noted that he wanted to make it perfectly clear that he represents the residents, not the developers, and that he will continue to vote for low-density housing. In addition, he will continue to utilize his extensive experiences on a wide variety of issues of direct concern to Yorba Linda which includes transportation, traffic issues, train related issues, town center related issues, and clean-air issues. Councilmember Wedaa also noted this was his eighth election campaign in the City and he never had so much help. He thanked all those residents who worked so hard on his campaign and stated “save the signs, I am going to run again.” He also thanked those who made financial contributions to his campaign, and thanked all those residents who voted for him. He also stated his goal has always been and will continue to be low-density housing

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

Tom Watts, resident, congratulated Councilmember Wedaa on his election and stated that the experience Councilmember Wedaa brings to Council in their deliberations will be like that of an experienced guide.

Duane Laible, former resident and former member of the Traffic Commission, stated he made the trip tonight to congratulate Councilmember Wedaa and stated that Councilmember Wedaa is a City treasure.

Bill Webster, Palomino Lane resident, spoke relative to wild roosters on Palomino Lane and stated that although the roosters are not his, he is being accused by the City of harboring roosters on Palomino Lane and criminal charges have been filed against him. Mr. Webster asked that the City terminate the lawsuit which goes to court July 10, 2007.

Mayor Castellano advised Mr. Webster that the City Attorney will be in contact with him.

Nancy Miller, resident, stated she lives two doors down from Mr. Webster and has lived there for 20 years and has never harbored a rooster in her life – the roosters were there when she moved there. Mrs. Miller stated this issue has been going on for four years with the attorneys.

Pat Nelson, resident, discussed the 33-acres the City owns on Bastanchury Road between Casa Loma Avenue and Eureka Avenue that is leased to the Friends Church for a private high school, the joint-use agreement for the fields, and the payment structure for the lease payments. Mrs. Nelson stated the whole subject of the lease was not made public at any Council meetings, and it is her understanding that the City Manager has the discretion to forgive payments.

City Attorney Carvalho responded that the City does have an enforceable lease agreement with the Friends Christian Church and there were certain contingencies that had to be satisfied in that lease. A letter was received from the church representative confirming completion of the contingency items in the lease and the first lease payment is due to the City on July 1. There are several amendments to the lease and each and every amendment to that lease was brought before the City Council in public including the provision that authorized the City Manager, only under the circumstance in which there was a lawsuit pending or if the federal government had not issued the water permits for that land, to extend the time period – that was the only condition under which the City Manager could extend the time period and fortunately the lessee has satisfied the federal permit. City Attorney Carvalho stated she would not want the public to think that the City Manager was given any authority both to the amount of money or extensions of the date, it only applied to them getting the federal permit. The documents are available for public review and the City does have the letter from the lessee.

Ed Rakochy, resident, echoed Councilmember Wedaa's sentiments that Yorba Linda is at a turning point and stated that he would like to speak on Item 2 on the Consent Calendar.

Bob Dodson, resident, stated he was here to speak about Consent Calendar Item 9 and has provided a hand-out for Council. He stated he did not know until late afternoon yesterday that this item was going to be considered by Council. He stated his major

concerns are the slopes all around the project, over excavation that has created problems for many of the property owners, and the retaining walls.

It was **MOVED/SECONDED – HORTON/WEDAA** – to pull Item 9 from the Agenda and bring back with confirmation of notice and a more detailed report.

City Attorney Carvalho responded to questions from Council.

**MOTION CARRIED UNANIMOUSLY.**

Lee Day, resident, spoke regarding the Town Center Blue Ribbon Committee and the budget of \$125,000 for a facilitator because the members cannot get along.

Walter Bruckner, resident, stated he is happy Superintendent Dennis Smith has decided to stay with the Placentia-Yorba Linda Unified School District. Mr. Bruckner stated he was appalled at the cost for a Town Center Blue Ribbon Committee facilitator and has never seen a report on how many attend the committee meetings. Mr. Bruckner also discussed political signs and stated he was a strong proponent of the First Amendment.

Ron Short, resident, asked for a full audit of the Brea Police Department.

Jerry Kirschner, resident, spoke regarding the rising costs of the Brea Police Department's contract.

Lee Favaro, resident and crossing guard, stated she wanted to commend the Brea Police Department and stated the more houses that are built in the City, the more people that move in and the more police you need.

Cindi Williams, resident and business owner, stated she is very discouraged every time she comes to a Council meeting by the comments of residents and observes people laughing and mocking people. She stated she thinks Council lets it get out of hand and that five-minutes is too long to speak.

Nancy Rikel, resident, welcomed Councilmember Wedaa and spoke relative to public servants' responsibilities.

Claudine Lynch, resident, thanked the stores and citizens who listened to them when they were campaigning.

Greg Gillespy, resident, spoke regarding the Main Street Car Show and the parking problem on Main Street. He stated a temporary solution could be the huge lot that is paved right behind the parking lot on the corner – it could be opened up for parking. Mr. Gillespy noted he attended the last Blue Ribbon Committee meeting and was pleased to see the new mediator was moving them along to brainstorm and write down the most important issues.

**CONSENT CALENDAR**

Councilmember Wedaa stated he would abstain on Consent Calendar Item 1, the June 5, 2007 Minutes, as he was not on Council at that time, and Mayor Castellano stated that he would abstain on Consent Calendar Item 11 as he owns property within 500 feet of the project.

Councilmember Anderson asked that Item 2 – “Renewal of Chamber of Commerce Agreement” be removed from the Consent Calendar for discussion.

Mayor Pro Tem Winder asked that Item 7 – “Authorization To Execute Amendment No. 1 Of The 2002 Agreement With MV Transportation For The Senior Mobility Program” be removed from the Consent Calendar for discussion.

Mayor Pro Tem Winder commented on Consent Calendar Item 10 which is a Notice of Completion for the widening and improvement project at Weir Canyon and Savi Ranch and stated that he is so pleased some of the congestion has been relieved by that project and the ingress/egress to that shopping center is so much improved now.

It was **MOVED/SECONDED – WINDER/ANDERSON** - to approve the Consent Calendar with Councilmember Wedaa abstaining on Item 1, Mayor Castellano abstaining on Item 11, and with the removal of Items 2 and 7 for discussion, and continuation of Item 9 which will come back to Council with a more detailed report.

**MOTION CARRIED** by the following roll call vote:

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

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 5, 2007 CITY COUNCIL MEETING

Councilmember Wedaa abstained from voting on this item.

The City Council/Redevelopment Agency approved the minutes of the June 5, 2007 meeting.

2. RENEWAL OF CHAMBER OF COMMERCE AGREEMENT

This item was removed from the Consent Calendar for discussion.

3. SET DATE FOR PUBLIC HEARING RE TRASH RATE ADJUSTMENT

The City Council set a public hearing for August 7, 2007 to consider adjustments to both commercial and residential trash rates and to approve first reading of an ordinance making certain changes in the City's Municipal Code regarding solid waste disposal.

4. CLAIM FOR DAMAGES – JOSEPH TOCCO

The City Council denied the claim for damages.

5. CLAIM FOR DAMAGES – BARBARA SILVERIO

The City Council denied the claim for damages.

6. CLAIMS FOR DAMAGES – JUAN HERNANDEZ, PATRICIA CHAVARIN, AND SILVINO VALADEZ

The City Council denied the claims for damages.

7. AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 OF THE 2002 AGREEMENT WITH MV TRANSPORTATION FOR THE SENIOR MOBILITY PROGRAM

This item was removed from the Consent Calendar for discussion.

8. RESOLUTION NO. 2007-3865 APPROVING THE ENGINEER'S REPORT REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITH THE CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT FOR 2007/2008 FISCAL YEAR

RESOLUTION NO. 2007-3866 DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT FOR 2007/2008 FISCAL YEAR AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING CONCERNING THE LEVY OF ANNUAL ASSESSMENTS

Council adopted Resolution No. 2007-3865 and Resolution No. 2007-3866; and set July 17, 2007 as the public hearing date regarding the proposed fiscal year 2007/2008 assessments.

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

This item was continued for a more detailed report to be brought back to Council.

10. NOTICE OF COMPLETION FOR WEIR CANYON ROAD AND SAVI RANCH PARKWAY INTERSECTION IMPROVEMENTS AND WEIR CANYON ROAD AND LA PALMA AVENUE INTERSECTION IMPROVEMENTS PROJECT, ALLIANCE STREETWORKS, INC.

The City Council accepted the street improvements constructed by Alliance Streetworks, Inc.; authorized the City Clerk to file a Notice of Completion with the Orange County Recorder; and authorized the retention monies to be paid when appropriate to do so.

11. NOTICE OF COMPLETION FOR STREET REHABILITATION OF YORBA LINDA BOULEVARD FROM PASEO DE LAS PALOMAS TO VILLAGE CENTER DRIVE AND SOUTH CITY LIMITS TO YORBA RANCH ROAD, FEDERAL PROJECT NOS. STPL-5402(022) AND STPL-5402(23), ALL AMERICAN ASPHALT, INC. AND APPROVAL OF CONTRACT CHANGE ORDER NO. 7

Mayor Castellano abstained from voting on this item.

The City Council accepted the pavement rehabilitation improvements constructed by All American Asphalt Inc.; authorized the City Clerk to file a Notice of Completion with the Orange County Recorder; and approved and authorized the

City Manager to execute Contract Change Order No. 7 in the amount of \$110,735.16.

12. ACCEPTANCE OF IMPROVEMENTS – VETERANS PARK WALKWAY REPAIR PROJECT

The City Council accepted the improvements at Veterans Park completed by C.S. Legacy Construction, Inc.; authorized the City Clerk to file a Notice of Completion with the Orange County Recorder; and authorized the release of retention monies when appropriate to do so.

**End of Consent Calendar**

**RECESS DUPLICATE - DELETED**

2. RENEWAL OF CHAMBER OF COMMERCE AGREEMENT

Assistant City Manager Gruchow gave an overview of the written staff report and responded to questions from Council.

Mayor Pro Tem Winder stated he did some research and the California Chamber of Commerce has a three-page source list of cities who contribute to the Chamber of Commerce. Those in Orange County include Anaheim, Buena Park, Garden Grove, Laguna Niguel, and La Habra with Anaheim being the highest contributor. The city of Santa Clara contributes 1.5 million dollars to the Chamber of Commerce.

In response to inquiry from Councilmember Wedaa, Councilmember Winder noted that it is not at all an uncommon practice for cities to contribute money to the Chamber of Commerce.

Claudine Lynch, resident, spoke relative to canned political calls she received from the Chamber of Commerce last year and political letters sent out on Chamber of Commerce letterhead. Mrs. Lynch spoke in opposition to the City contributing money to the Chamber of Commerce. Mrs. Lynch stated they don't deserve money, they are a political action committee, and that probably the majority of the members do not live in Yorba Linda.

Walter Bruckner, resident, stated he doesn't like any agencies getting funding from the government and the Chamber got involved in a political issue and it is annoying that the Chamber holds candidate forums.

Tom Lynch, resident, stated the City has an employee for public information, and that the City should not fund the Chamber's political activity. He also stated that

members of the police force serve on the Chamber and it gives an appearance of a non-arms-length contract.

Nancy Rikel, resident, stated the Chamber of Commerce's candidate forums are biased.

Kathy Gonzales, current President of the Yorba Linda Chamber of Commerce, spoke and stated that the Chamber of Commerce is an independent contractor and promotes Yorba Linda as a desirable community in which to conduct business, live, shop, and visit. Mrs. Gonzales discussed the services the Yorba Linda Chamber of Commerce provides to the City and responded to questions from Councilmembers.

Councilmember Wedaa stated that he would ask Council to think about not doing anything on this tonight but see what can be done about some kind of agreement with the Chamber to stay out of politics. If they stay out of politics, he thinks they provide a service the city needs.

Councilmember Anderson stated he is the Liaison to the Chamber and stated he wished the Chamber nothing but luck and he will do what he can to help that along. He stated he has a real concern that a four-page letter with the Chamber of Commerce logo on it went out two years ago urging residents to not sign the referendum petition and signed by four members of the City Council.

**INSERT - Councilmember Horton clarified that the Chamber of Commerce's letterhead was not used – the author of the letter used the Chamber of Commerce's logo.**

Jim Resha, incoming President of the Chamber of Commerce, stated it is a matter of public record that the Board of Directors made a recommendation to support the town center project. He was the liaison to the town center and he is the one who made the phone call which was to urge people to support the Town Center project from the perspective that as a commercial real estate broker in the City (he lives and works in the City) his biggest problem is there is not space to put businesses that want to locate in the city. Mr. Resha stated he still has the script and he is confident he did not threaten anyone nor did he call anyone names. The Chamber was used negatively in the process - it was not Chamber of Commerce letterhead, their logo was used, and they did not approve the four-page letter that went out. Mr. Resha also noted that currently there are no police officers that are members of the Chamber, only retired police officers.

Pat Nelson, resident, stated she resigned from the Chamber of Commerce because she didn't think they were acting on behalf of the businesses already existing in the City and suggested doing without the Chamber for a year.

Louis Schirm, resident, stated this seems like an ethics issue – that it would be suppressing their first amendment rights to say they can't participate in certain

political activities but at the same time, it looks like it is a conflict of interest and it's an ethical conflict for the City to give them money that they will use for political means.

Ed Rakochy, resident, stated that a City contractor should not be in the business of politics, and this item should be delayed until a Code of Ethics for contractors is in place.

Lee Favaro, resident, questioned why the Chamber did not acknowledge they had nothing to do with the letter.

Cindi Williams, resident and business owner, stated she has been a Chamber member for the past 4 ½ years and is part of the Chamber's networking group that meets once a week. She stated that in all of the meetings she has been to, she has never heard that the Chamber has a political agenda and she does not think its fair to be accused of being a part of a political action committee because that accuses all the members.

Gary McGuire, resident, stated he is a member of the Chamber and was on the board for eight years and has never known them to be politically active in the way that was described this evening. He sometimes advocates for or against legislation which may support or hinder business development but their main focus is business development in the City.

Upon inquiry from Councilmember Wedaa, Mr. McGuire stated that he believes the Chamber should not take political positions and that he was not aware of the Chamber taking any position as described this evening. Chamber members may take positions, but they are doing it as individuals.

Mr. Resha returned to the podium and responded to questions from Council, and stated that as soon as the Chamber found out the letter went out, they made a phone call to the developer and let them know they didn't authorize it and they couldn't do it again; and when they found out there were phone calls being made – people representing themselves as Chamber members that weren't members – the Chamber told them they needed to stop that immediately. The Chamber did everything in their power to stop what was going on.

Mayor Pro Tem Winder reminded the public that the year before he chose to run for Council, he was a police captain and was a member of the Chamber and on the Board. When the question came forward why a police captain was a member and on the Board, the answer was that that is an important part of the community that can be victims of crime and that it is very important to meet with any group of people to find out what their interests are about the police department. Police officers, particularly those in administrative and decision making positions, need to be out in the community so they are accessible to people to make comments. Mayor Pro Tem Winder stated that the Chamber has never endorsed any

candidate, and he believes there has been a misconception of what the Chambers role is in the community.

Mr. Resha further responded to questions from Council.

Phyllis Coleman, Executive Director of the Chamber of Commerce and a 43 year resident of the City, stated she is passionate about, and protective of, the City and also the Chamber of Commerce. She discussed the Chamber of Commerce's revenues and expenses and the services they perform for the City. She stated that the membership does not cover the expenses, and she is the only full time employee. Mrs. Coleman stated that Mr. Brown and the people he hired made those calls that were made to the residents – not the Chamber and their phone records can be checked. She also stated she has not personally supported anyone politically.

Mrs. Coleman responded to questions from Council.

Sharlene Dunn, resident, stated that she believes this contract should be continued until an ethics code for the future is in place.

**COUNCILMEMBER ANDERSON** made a **MOTION** to postpone this item until some kind of safeguards are established in the Contractor Ethical Policy.

Councilmember Horton made an **AMENDMENT TO THE MOTION** stating that Councilmember Anderson is a liaison to the Chamber of Commerce and if he would like help, she would like to volunteer her services to work concurrently with the Chamber in helping them develop a Code of Ethics along with the City's so they can be symbiotic.

A lengthy discussion ensued among Council.

Mayor Castellano stated that he thinks Council is looking at two separate issues in totality - one is how the City looks at contracts and a code of ethics and he thinks that they are warranted but for a separate discussion. He stated that ethics and policy are great discussions and standards to hold for contracts but he doesn't think it has to negate what Council has in front of them tonight. The Chamber promotes businesses within Yorba Linda and brings in sales tax revenues. Mayor Castellano read the Mission Statement of the Chamber of Commerce.

Upon inquiry from Mayor Pro Tem Winder if the list of services provided by the Chamber of Commerce to the City could be done for \$16,000 by City staff members, City Manager Letourneau stated she didn't think so.

**COUNCILMEMBER WINDER** made a **SUBSTITUTE MOTION** to approve a three-month contract with the Chamber, in order to show good faith, and to

continue the provisions of services at a prorated amount while the code of ethics/conflict of interest policy provisions that Council is interested in advancing is being developed. **MAYOR CASTELLANO SECONDED** the **SUBSTITUTE MOTION**.

Discussion ensued.

**SUBSTITUTE MOTION CARRIED** by the following roll call vote:

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

**RECESS:**

Mayor Castellano called a recess at 10:10 p.m. and reconvened the meeting at 10:20 p.m.

7. AUTHORIZATION TO EXECUTE AMENDMENT NO. 1 OF THE 2002 AGREEMENT WITH MV TRANSPORTATION FOR THE SENIOR MOBILITY PROGRAM

Parks & Recreation Director Leto provided a staff report and responded to questions from Council.

It was **MOVED/SECONDED – WINDER/HORTON** – to approve Alternative No. 3 and authorize the City Manager to amend the Agreement between the City and MV Transportation for one year only, thus giving staff ample time to solicit Request for Proposals to determine if other providers could provide the same quality service at a reduced rate. **MOTION CARRIED** by the following roll call vote:

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

AGENDA ITEM 14 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

## **PUBLIC HEARINGS**

13. CONTINUED PUBLIC HEARING RE 2007/2009 CITY AND REDEVELOPMENT AGENCY BUDGETS AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE CITY OF YORBA LINDA – RESOLUTION NO. 2007-3861 AND RDA RESOLUTION NO. 2007-202

a. Open Public Hearing – Mayor Castellano opened the public hearing.

b. Staff Report

City Manager Letourneau gave a brief report and stated that since the last meeting, staff has been made aware that the Esperanza Road parkway median landscaping project which was created a Tier 2 capital improvement project in the adoption of the budget in 2005 was inadvertently omitted from the Tier 2 projects in the CIP, and this is an unfunded project that will be added to the Tier 2 CIP for future consideration. In addition, none of the CIP changes that were suggested by the Parks and Recreation Commission have yet been incorporated. Also, the wage and salary adjustments have not been incorporated yet into the final budget.

c. Take Testimony – No testimony was forthcoming.

d. Close Public Hearing – Mayor Castellano closed the Public Hearing.

e. Make Determination

Councilmember Anderson stated he would support adding each of the CIP projects suggested by the Parks and Recreation Commission to the budget.

Assistant City Manager Gruchow stated that these are the CIP items reviewed by Parks & Recreation Commission for consistency with the Park's Master Plan and these are currently Tier 2 projects and they are all related to safety issues in the parks and the Parks & Recreation Commission thought it would be appropriate to bring them forward as Tier 1 projects. The last one is a designation of the miscellaneous parks improvement project – 30 thousand dollars would be earmarked specifically for the master plan of Fairmont Knolls Park but the other four are safety related issue.

Discussion ensued regarding funding of these projects if moved to Tier 1.

Assistant City Manager Gruchow stated that staff would recommend that all four projects be taken into Tier 1 the first year – operationally to process all four of these the first year, it would be better to split them up.

It was **MOVED/SECONDED – WINDER/HORTON** - to approve the redesign of the trail connection at the intersection of the El Cajon Trail and the west side of the Yorba Linda Community Center parking lot, and fund the renovation of ADA accessibility ramps in the parking lot of the community center to meet current design standards. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – WINDER/ANDERSON** – to specifically designate \$30,000 in the annual Miscellaneous Park Improvement Program for a study to determine the feasibility of adding restrooms, security lighting and parking at Fairmont Knolls Park. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – WINDER/HORTON** - to direct staff at the budget review in January 2008 to bring back and evaluate the ability to fund the security lighting at Travis Youth Park and Kingsbriar Park and Brookmont Park. **MOTION CARRIED** by the following roll call vote:

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

Councilmember Wedaa raised the issue of increased security lighting in the parking lot in front of City Hall because it gets dark very early in the winter time and it is not safe.

It was **MOVED/SECONDED – WINDER/ANDERSON** - to direct staff to consider adding increased lighting in the parking lot in front of City Hall to the mid-year Capital Improvement Project list and Council will consider it at that time and determine the Tier and the funding. **MOTION CARRIED UNANIMOUSLY.**

It was **MOVED/SECONDED - WINDER/ANDERSON** - to adopt Resolution 2007-3861, approving the 2007-2008 and 2008-2009 operating budgets and Capital Improvement Program, incorporating the amendments the City Council has made. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED - WINDER/HORTON** - to adopt RDA Resolution No. 2007-202, approving the 2007-2008 and 2008-2009 Redevelopment Agency Operating Budgets and Capital Improvement Program.

Mayor Castellano thanked staff for doing an outstanding job preparing the budget and stated a lot of hard work went into it.

**MOTION CARRIED** by the following roll call vote:

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

### **MAYOR'S REPORT**

Mayor Castellano congratulated Sue Leto stating she has just been promoted to Parks & Recreation Director.

Mayor Castellano announced the City's Fourth of July Celebration.

### **MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Anderson proposed a reorganization of the Planning Commission membership and the Traffic Commission duties. On the Planning Commission, he is going to suggest at the next City Council meeting that two or three new members be solicited to the Planning Commission. He stated there is a new Council and he thinks the Planning Commission reflects the will of the old Councils and should reflect the will of the current Council.

Councilmember Anderson also asked for discussion at the next City Council meeting about Council becoming more proactive with the Traffic Commission - school safety issues and zones, equestrian issues, and review of traffic impact on major development proposals.

Upon Councilmember Horton inquiring if term limits for Traffic Commissioners could be combined with that discussion, Councilmember Anderson agreed.

Councilmember Horton reported she attended the Eagle Scout Honor Court for Joshua Aaron Mc Shane. She also stated she attended a League of California Cities meeting and they heard a Huntington Beach Police Officer speak on identity and

personal theft and he recommended that people do not use their ATM cards as a debit card – use it as a credit card to prevent theft of the identifying code.

Councilmember Wedaa asked for a listing of the dates of City Council meetings for the next year and also the dates of League of California Cities meetings for the next year.

### **ADMINISTRATIVE REPORTS**

14. CONTINUED ITEM - SECOND APPEAL OF APPROVAL OF BUILDING PERMIT TO CONSTRUCT A SECOND UNIT AT 18563 WHITE OAK DRIVE

Community Development Director Christiansen outlined the issues cited in the staff report and stated that the Planning Department was provided today with a final landscape plan, which will be given to the City's Landscape Architect to review. Community Development Director Christiansen responded to questions from Council.

Eric Chiusolo, appellant, presented a visual of White Oak Drive, addressed the City Council in opposition to the proposed project, spoke of issues that have come up over the past four months, and responded to questions from Council.

Noi Penano, owner, spoke in favor of the project and the drawing for the landscaping and responded to questions from City Attorney Carvalho and Councilmembers.

It was **MOVED/SECONDED – WINDER/HORTON** – to reconvene in Closed Session at 11:13 p.m. to confer with Counsel. **MOTION CARRIED UNANIMOUSLY.**

Mayor Castellano reconvened the meeting at 11:35 p.m.

Mayor Pro Tem Winder made a statement as follows: The Council's job is to determine if the applicant has met the objective requirements of the second unit ordinance and he does not feel the applicant has. He is concerned that this is a very unique case and there is evidence of an ongoing civil dispute regarding the restrictions of the second unit on the property. He does not want the City involved in the private litigation – it is best to see that resolved. Even after signing a declaration to live on the property, there is evidence that due to family changes and multiple listing service listing there is an intent to rent out both the second unit and the main house. Furthermore as to the visibility of the unit, he believes a second unit can be located on this large lot in a way to meet the City's objective Code but the applicant has chosen to preserve a sports court instead.

It was **MOVED/SECONDED – WINDER/ANDERSON** – to reverse the decision of the Planning Commission, to determine that the project applications to construct a second unit on the property addressed as 18563 White Oak Drive does not conform to the standards and criteria of Section 18.20.40 of the Yorba Linda Municipal Code.

Marie Penano spoke and stated that the CC&R's are a private matter and it is not true they are renting both houses.

John Penano, son of Mr. & Mrs. Penano, stated that they need to get this solved tonight.

**MOTION CARRIED** by the following roll call vote:

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

AGENDA ITEM 13 WAS TAKEN AT THIS TIME AND IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

15. 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 an overview of Planning Commission actions from their last meeting.

Upon inquiry from Councilmember Wedaa if there are any upcoming projects that look like the developments at Lakeview Avenue and Yorba Linda Boulevard, Bastanchury Road and Imperial Highway, and the housing units next to the Post Office, Community Development Director Christiansen stated he couldn't think of anything pending like that but he will check on it and report back.

Councilmember Wedaa requested Community Development Director Christiansen to let him know if any projects like that come through.

Upon inquiry from Councilmember Anderson regarding development at the south end of the lakebed, Community Development Director Christiansen said there is a proposal for a parcel map of seven or eight units on a piece of property owned by Etco Homes and that it will probably be before the Planning Commission within the next 30 to 60 days.

It was **MOVED/SECONDED – WEDAA/WINDER** – to add this item to the Agenda. **MOTION CARRIED UNANIMOUSLY.**

It was **MOVED** by **COUNCILMEMBER WEDAA** that people within a 1,000 feet of the proposed project in the City of Yorba Linda be notified.

City Attorney Carvalho recommended that the motion clarify that the additional noticing would be done by the City at City expense until the policy is formally changed.

Mayor Pro Tem Winder suggested using the term “exception to the existing policy” rather than to determine new policy and that instead of 1,000 feet, say 300 feet west of Lakeview Avenue and everything south of Buena Vista and everything west of Ohio – that encompasses quite a large area.

**A SUBSTITUTE MOTION** was made – **WINDER/WEDAA** – that the notification in Yorba Linda in this specific project encompass 300 feet west of Lakeview Avenue, everything south of Buena Vista, everything east of Lakeview Avenue and west of Ohio Street as an exception to Council Policy of 300 feet for this situation and at City expense. **MOTION CARRIED** by the following roll call vote:

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

Community Development Director gave an update on the Town Center Blue Ribbon Committee meeting.

## **ORDINANCES**

It was **MOVED/SECONDED – HORTON/WEDAA** – to continue Agenda Item 16 to the July 17, 2007 City Council Meeting. **MOTION CARRIED UNANIMOUSLY.**

16. 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

## **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 reported they are looking at combining the boards of Foothill/Eastern and San Joaquin Toll Road agencies and they are still going forward with the 241 extension.

Upon inquiry from Councilmember Wedaa, Councilmember Horton stated that it makes sense financially for them to combine and it won't impede the 241 from being completed.

Councilmember Wedaa stated he thinks the issue should be resolved and that an official position by Council is needed.

ORANGE COUNTY FIRE AUTHORITY – Councilmember Horton reported they are “sprucing up” Station 10.

ORANGE COUNTY VECTOR CONTROL – No Report

### **OTHER BUSINESS**

17. MAIN STREET FACADE IMPROVEMENT PROGRAM (COUNCILMEMBER HORTON)

It was **MOVED/SECONDED – HORTON/ANDERSON** - to direct staff to investigate a facade improvement program on Main Street and to include any improvements along that road as to landscape, potential benches, and repair of sidewalks.

Councilmember Wedaa asked to tie into Councilmember Horton's motion to do a broad comprehensive parking study for the entire downtown area, that it is a very important issue for downtown merchants.

Mayor Castellano noted that will be added to the next agenda.

Mayor Pro Tem Winder – with regard to Councilmember Horton's motion – stated that he wanted it on record that he has expressed concern about funding such a program and would like staff to evaluate the issue of investing in facade improvements that as the town center moves forward may get torn down to add second story structures on Main Street - many merchants have expressed a willingness and a desire to improve their property, add second stories that would require those kinds of facade improvements.

Discussion ensued.

**MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Castellano, Horton, Wedaa, Winder

**NOES:** None

**ABSENT:** None

City Manager Letourneau stated this item can come back in August.

### **ADJOURNMENT**

Mayor Castellano adjourned the meeting at 12:18 a.m. to 5:00 p.m. on June 26, 2007 at the Black Gold Golf Club for a Closed Session item - Public Employee Performance Evaluation – Title: City Manager and City Attorney, Government Code Section 54957.

Due to the holiday schedule, the July 3, 2007 City Council meeting will not be held. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is July 17, 2007.

**APPROVED BY COUNCIL:**

**JULY 17, 2007**

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Kathie M. Mendoza, City Clerk