
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES
JUNE 5, 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.

ROLL CALL

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

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

CLOSED SESSION ITEMS

Mayor Castellano adjourned the meeting into closed session to discuss the following items.

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9 (a)

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

- 2) Barbara J. Taylor, William D. Taylor, et al. v. City of Yorba Linda, et al.
Orange County Superior Court Case No. 06CC03802
- 3) John W. Taylor v. City of Yorba Linda
Orange County Superior Court Case No. 06CC07457

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:30 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, Letourneau, Mendoza, Stowell

PLEDGE OF ALLEGIANCE – Mayor Pro Tem Winder

INVOCATION – Bishop Carey Barney, Church Of Jesus Christ Of Latter Day Saints

CLOSED SESSION REPORT – No Reportable Action

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

Pat Nelson, resident, suggested that an arrow be painted in the street in front of the driveway on the senior's side of the Community Center so that if people do not see the sign, they will see the arrow and turn right out of the driveway.

Gabriella Rollins, Director of the Yorba Linda Arts Alliance, thanked the City's Parks and Recreation staff for being there and working so well with the Arts Alliance at the Celebration of the Arts event. Mrs. Rollins stated that one of the top five items the community would like to see is parks and open space and asked if there was some kind of funding that could be tapped into to create park space in the town center area.

Greg Gillespy, resident, stated the Memorial Day car show on Main Street was very special and that ideas should be explored for other events on Main Street. Mr. Gillespy stated that if the sign ordinance is not enforceable, the City needs to work on making it enforceable.

Earl Carbone, resident, spoke on behalf of his wife, Mary Carbone, and stated that the City of San Juan Capistrano is the number one largest equestrian friendly city in the County and has 50 miles of trails on which they are installing locator signs so that if something happens to someone on one of the trails, anyone helping them would know where they are. Mr. Carbone stated that as the City of Yorba Linda is the second largest equestrian friendly city, if funding could be obtained to place locator signs on the City's trails – there was an accident on a Yorba Linda trail last year and it took the paramedics a while to find her. Mr. Carbone also stated that he and his wife wanted to publicly thank District Attorney Tony Rackaukas for implementing Proposition 21 – prosecution of juvenile gang members as adults.

CONSENT CALENDAR

Councilmember Horton removed Consent Calendar Item 12 for discussion.

It was **MOVED/SECONDED – WINDER/HORTON** – to approve the Consent Calendar with Item 12 removed. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Castellano, Horton, 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 MAY 15, 2007 5:15 P.M. SPECIAL CITY COUNCIL MEETING

The City Council approved the minutes of the May 15, 2007 5:15 p.m. Special City Council Meeting.

2. APPROVAL OF THE MINUTES OF THE MAY 15, 2007 REGULAR CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING

The City Council/Redevelopment Agency approved the minutes of the May 15, 2007 regular City Council/Redevelopment Agency Joint Meeting.

3. APPROVAL OF THE MINUTES OF THE MAY 22, 2007 ADJOURNED REGULAR CITY COUNCIL MEETING

The City Council approved the minutes of the May 22, 2007 adjourned regular City Council meeting.

4. TREASURER'S REPORT – APRIL 2007

The City Council/Redevelopment Agency received and filed the Treasurer's report.

5. ANNUAL INVESTMENT POLICY

The City Council approved Revision No. 8 to Council Policy A-14, which is the City's Investment Policy.

6. RESOLUTION NO. 2007-3860, APPROVING AND ADOPTING THE APPROPRIATIONS LIMIT FOR FISCAL YEARS 2007/2008 AND 2008/2009

The City Council adopted Resolution No. 2007-3860 calculating and establishing the appropriation limit for fiscal years 2007-2008 and 2008-2009.

7. CLAIM FOR DAMAGES – ROB AND CHRISTI NYE

The City Council denied the claim for damages.

8. CLAIM FOR DAMAGES – SHAPELL INDUSTRIES AND S&S CONSTRUCTION
(X-REF: GARTH AND MARILYN BECKER)

The City Council denied the claim for damages.

9. CLAIM FOR DAMAGES – SHAPELL INDUSTRIES AND S&S CONSTRUCTION
(X-REF: MARK AND MARY JAGUSIAK)

The City Council denied the claim for damages.

10. SWEPI PURCHASE AND SALE AGREEMENT, BETWEEN THE CITY OF
YORBA LINDA AND SWEPI, L.P. FOR THE ACQUISITION OF THE TANK
FARM OPTION SITE (OPTION SITE NO. 2, 7.58 ACRES)

The City Council approved the Purchase and Sale Agreement between the City and SWEPI, L.P. for the acquisition of the 7.58 acres commonly known as the Tank Farm Option Site; authorized the Mayor to execute the Purchase and Sale Agreement on behalf of the City of Yorba Linda; and appropriated from the General Fund reserves \$1,043,123.90 to support the purchase of the Tank Farm Option Site from SWEPI, L.P.

11. REQUEST FOR DEMOLITION PERMIT – DETACHED GARAGE STRUCTURE
LOCATED AT 6028 SHORT STREET

The City Council approved the request for a demolition permit for the garage structure located at 6028 Short Street.

12. AWARD OF CONTRACT - TOWN CENTER BLUE RIBBON COMMITTEE
FACILITATOR SERVICES

Councilmember Horton removed this item from the Consent Calendar.

Community Development Director Christiansen gave a review of the written staff report and responded to questions from Council.

Councilmember Horton stated that her objection at this point is that the scope of this project is over-reaching the purpose of the Blue Ribbon Committee, it is too

controversial and costly right now to be placed on an agenda, and she would like additional time to call more people and look into it further. Councilmember Horton also stated that her understanding of what the Blue Ribbon Committee is suppose to be doing is different than what this project is.

Councilmember Anderson stated that he was also going to ask that this item be pulled from the Consent Calendar as he wanted the process explained to the public, and he is satisfied - it has been explained and he is in support of this action tonight – it was the Blue Ribbon Committee’s choice.

Pat Nelson, resident, stated she did not think a facilitator was necessary and she is frustrated that it has been taking so long - that she thinks a 30-minute brain storming session would take care of it. She also objected to the cost.

Gabriella Rollins, resident, stated that it seems like a consultant is being hired, not a facilitator, she objects to the cost, and she feels her power as a member of the committee is being taken away from her.

Herb Trumpoldt, Chairman of the Town Center Blue Ribbon Committee (BRC), reported the BRC after many weeks of studying/learning, approached the idea that a facilitator should be a well-trained organization to aid the committee in meeting the mandate of the City Council - reaching out to the community and gaining knowledge from the community - so that the BRC could make recommendations to the City Council based on that information. He stated that a selection subcommittee interviewed the candidates for position of facilitator and the selection committee voted unanimously on the candidate that was selected. The selection of the subcommittee went to the Blue Ribbon Committee as a whole and was approved by a vote of 21 to 3, which was clearly a mandate.

Mr. Trumpoldt responded to questions from Councilmember Horton.

Ed Rakochy, resident, stated that he is a member of the Blue Ribbon Committee and also the selection subcommittee that decided on the facilitator. He stated that money was never a concern of his – he was concerned about who was the best fit and who was the best person for the committee. He also stated that he thinks it is evident that the committee, 24 people with different opinions, needs a little help in getting along and he thinks a facilitator is needed to help the committee prioritize what the issues are.

Mark Schwing, resident, stated he does not have a problem with a facilitator or the price, but does have some problems with the scope of work and the facilitator’s proposal and identified those sections he has problems with.

Lee Day, resident, spoke regarding the amount of money for the facilitator.

Greg Gillespy, resident, stated he does not think the plan involves enough citizen input.

Jim Russo, member of the Blue Ribbon Committee, stated that the committee needs help learning how to get along and the members need to support the committee as a whole. Mr. Russo stated that although he did not want a facilitator at first, he is very supportive of a facilitator now.

Councilmember Horton commented that she is not against a facilitator and it does sound like the committee needs someone to help them come together, but her concerns are as follows: the cost; the report is geared toward staff; now the whole redevelopment area is included – not just the town center area; who is defining the special interest groups; the numbers don't match up and will result in additional costs; concern that it is a planner coming in; and one-half of the staff meetings be made community meetings.

Discussion ensued.

Upon inquiry from Councilmember Horton, Ed Rakochy responded that he was much more concerned about a facilitator's personality, their philosophical vision, how they fit in, and what was best for the committee.

Community Development Director Christiansen explained that staff is him and he already interacts with 24 members of the Blue Ribbon Committee and sets the agendas.

It was **MOVED/SECONDED – WINDER/ANDERSON** – award a contract to RBF Consulting, in the amount of \$99,034.00 for facilitation services for the Town Center Blue Ribbon Committee and carry forward any remaining budget from fiscal year 2006-2007 to fiscal year 2007-2008.

Mayor Pro Tem Winder stated it is a lot of money but if we think about the investment both in money and more importantly, the emotion the Town Center has involved over these past three years – it is not much money. Mayor Pro Tem Winder also stated that he has participated in many team building workshops and a facilitator was absolutely needed – and this is the facilitator the Blue Ribbon Committee chose.

Councilmember Horton asked for an **AMENDMENT TO THE MOTION** as follows: Instead of having five meetings with individual special interest groups, make them meetings with community member groups.

Community Development Director Christiansen noted that the scope can be revised, but that they can't go over the budget unless they get a change order approved by Council.

Mayor Pro Tem Winder **did not accept the amendment to the motion** because he thinks there is enough flexibility in the scope of the work that the Blue Ribbon Committee can make modifications to the meetings that are authorized under the existing terms of the contract.

Mayor Castellano stated he is not willing to accept any change to the motion as he is not comfortable making any change to the processes that have already been accepted within the committee itself because that is their task – to figure out what works best, not what Council thinks is best. Mayor Castellano also noted that he thinks it is important that the feedback be taken back to the Blue Ribbon Committee that there are other options out there and they are not locked into certain steps. The flexibility is still there for them.

Councilmember Anderson stated he thinks it is wrong to start making changes in what the Town Center Blue Ribbon Committee did as they did agree on this by a significant majority. Councilmember Anderson also noted that there is a termination clause in the contract.

Councilmember Horton stated she will be voting “no” as she does not think the Blue Ribbon Committee was given enough information about how much it cost, how much staff involvement there was, how many different options could have been made to this contract, and she sees it as being over-reaching for what she believes the Blue Ribbon Committee was commanded to do.

MOTION CARRIED by the following roll call vote:

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

AGENDA ITEM 16 WAS HEARD FOLLOWING AGENDA ITEM 12, BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

13. PROFESSIONAL SERVICES AGREEMENT – KABBARA ENGINEERING

The City Council approved an Amendment to the Professional Services Agreement between the City and Kabbara Engineering of Orange to prepare plans, specifications and estimates for the Bastanchury Road Widening from Lakeview to Eureka for a total fee not to exceed \$182,706.00 and authorized the Mayor to execute the Agreement and the City Clerk to attest.

14. AWARD OF CONTRACT – PAVEMENT RESURFACING PROGRAM FOR VARIOUS STREETS – FISCAL YEAR 2006-2007

The City Council awarded the contract for the Pavement Resurfacing Program for Various Streets, Fiscal Year 2006-2007, to All American Asphalt, Inc., in the amount of \$653,356.00; moved \$63,400 and \$35,000 from accounts 008.4.512.7625 and 008.4.512.7627 respectively into the street maintenance account 008.4.512.7620; and appropriated \$400,000 from the Traffic Congestion Relief money to fund the FY 2006/2007 Slurry Seal program.

End of Consent Calendar

PUBLIC HEARINGS

15. PUBLIC HEARING RE 2007/2009 CITY AND REDEVELOPMENT AGENCY BUDGETS AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR THE CITY OF YORBA LINDA

- a. Open Public Hearing – Mayor Castellano opened the public hearing.
- b. Staff Report – City Manager Letourneau presented the written staff report.

Finance Director Hartman presented slides and gave an overview of General Fund revenues and expenditures.

Each of the Department Directors made a brief presentation regarding their departments including customer service and work plan highlights.

Mark Aalders, Administrative Analyst, presented slides and gave an overview of the Capital Improvement Program.

Assistant City Manager Gruchow addressed Parks & Recreation items in the Capital Improvement Program relative to trails, drainage improvements, park hard scape improvements, and the Travis Ranch youth park restroom.

Public Works Director Stowell responded to Councilmember Horton's inquiry regarding the equestrian trail markers. Councilmember Horton asked staff to look into locator signs on the City's trails.

Pat Nelson, resident, suggested that the signs that are going to be replaced be numbered so that they have a dual purpose. Upon Mrs. Nelson's inquiry if there are any plans to exit the City Hall and Library buildings after spending money on improvements. Staff responded there are no plans to exit the buildings at this time.

Upon inquiry from Lee Day, resident, regarding the \$30,000 for Fairmont Park, Assistant City Manager Gruchow stated that money is for a study of Fairmont Park needs.

Upon inquiry from Councilmember Horton, Finance Director Hartman addressed questions relative to benefits for retired Councilmembers.

City Attorney Carvalho noted that it is a lawful process and she will check the dates to make sure the City is properly giving benefits to retired Councilmembers.

It was **MOVED/SECONDED** – to continue the public hearing and set the matter of adoption of the City and Redevelopment Agency Budgets and the Capital Improvement Program for the regular meeting of June 19, 2007.

AYES: Anderson, Castellano, Horton, Winder

NOES: None

ABSENT: None

MAYOR'S REPORT

Mayor Castellano reported he attended the Chamber of Commerce's Student Scholarship breakfast on May 30, 2007 and reminded everyone of the City's July 4th celebration.

MATTERS PRESENTED BY COUNCILMEMBERS

Mayor Pro Tem Winder reported on the success of the Lobster Fest.

Councilmember Anderson mentioned that Mabel Paine School had a carnival and the whole neighborhood attended.

Councilmember Horton reported that Gabriella Rollins did a phenomenal job on this years Celebration of the Arts and Plein Air Festival. Councilmember Horton also reported that she attended a ribbon cutting at the Vin de Pays, a wine tasting shop on Richfield Road. Councilmember Horton noted that Mrs. Sharon Lash, a science teacher who has taught for 39-years in the same classroom at Yorba Linda Middle School, is retiring and is having a open house in her classroom.

Councilmember Horton suggested opening property that is boarded up in the Lakeview Avenue area for temporary use as low income housing, and forming a study group to review the sign ordinance.

ADMINISTRATIVE REPORTS

16. SECOND APPEAL OF PLANNING COMMISSION DECISION TO APPROVE THE BUILDING PERMIT TO CONSTRUCT A SECOND UNIT AT 18563 WHITE OAK DRIVE

Community Development Director Christiansen presented the written staff report and responded to questions from Council.

Eric Chiusolo, resident and neighbor of the project, spoke regarding the landscaping/screening to minimize the visibility of the second unit.

Art Ray, resident and neighbor of the project, spoke relative to the lack of a rendering of the landscape plan.

Nori Penano, owner of the property, requested that Council uphold the decision of the Planning Commission and noted that the plan submitted to the Planning Commission was a standard plan approved by a registered, professional engineer.

Eric Teran stated that he helped prepare the scaled drawings for this project and clarified that the drawings for a one or two story building do not have to have an architectural stamp and discussed the proposed project.

Janet Chiusolo, resident and neighbor of the project, stated they have tried to keep this issue business and they just found out from a realtor the Penanos have had their original house listed for lease since October.

Councilmember Winder asked that Mr. Penano return to the podium and asked him if he is currently residing at the White Oak address that is his home – Mr. Penano responded in the affirmative for the record.

It was **MOVED/SECONDED – WINDER/CASTELLANO** – to uphold the Planning Commission decision that the project application to construct a Second Unit on the property addressed as 18563 White Oak Drive, does conform to the standards and criteria of Section 18.20.040 of the Yorba Linda Municipal Code.

Discussion ensued relative to the conditions and issues regarding the property and the approval of a dense landscape plan.

City Attorney Carvalho advised that if there is no action taken or there is a tie vote, the Planning Commission's action stands.

A SUBSTITUTE MOTION WAS MADE - MOVED/SECONDED – WINDER/ANDERSON – to continue this item to the June 19, 2007 meeting.

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

RECESS:

Mayor Castellano called a recess at 8:20 p.m. and reconvened the meeting at 8:26 p.m.

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 reviewed the actions of the Planning Commission at their May 23, 2007 meeting; and gave a Town Center Blue Ribbon Committee update.

Councilmember Anderson appealed the Planning Commission's decision relative to Sign Request 2006-03 – Yorba Linda Center.

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 – No Report

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

ADJOURNMENT

Mayor Castellano adjourned the meeting at 9:41 p.m. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is June 19, 2007.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL:

JUNE 19, 2007