
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES
OCTOBER 2, 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, Wedaa, Winder

Staff Members Present: Carvalho, Gruchow, Letourneau

CLOSED SESSION ITEMS

CITY COUNCIL

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

- A. GOVERNMENT CODE SECTION 54956.9 (a)
JOHN W. TAYLOR V. CITY OF YORBA LINDA
ORANGE COUNTY SUPERIOR COURT CASE NO. 06CC07457

- B. GOVERNMENT CODE SECTION 54956.9 (a)
PENANO V. CITY OF YORBA LINDA
ORANGE COUNTY SUPERIOR COURT CASE NO. 07CC08840

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, Wedaa, Winder

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

PLEDGE OF ALLEGIANCE – Jacob Salceda, Boy Scout Troop 1775

INVOCATION – Pastor Bill Morris, The Rock Community Church

CLOSED SESSION REPORT

City Attorney Carvalho stated there was no reportable action on the two Closed Session discussions.

INTRODUCTIONS & PRESENTATIONS

PRESENTATION OF PROCLAMATION TO ORANGE COUNTY FIRE AUTHORITY DESIGNATING OCTOBER 7-13, 2007 AS FIRE PREVENTION WEEK - BATTALION CHIEF RICK REEDER WILL ACCEPT PROCLAMATION ON BEHALF OF THE OCFA

Although Battalion Chief Rick Reeder was not present at this time to accept the proclamation on behalf of the Orange County Fire Authority, Mayor Castellano read the Proclamation.

Mayor Pro Tem Winder noted that Fire Station 10 in Yorba Linda is holding open house as part of Fire Prevention Week and the public is welcome.

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

Bill Mason, resident, stated that on May 22, 1996 Terry Fincher, a detective for the Brea Police Department, lost his life in an accident with a train while investigating a crime in Yorba Linda. Now that the sound wall is done, he would like the City Council to consider putting up a plaque in Terry Fincher's memory at the intersection of Hickory and Esperanza Road.

Mayor Pro Tem Winder responded that he was approached about that by another retired police officer and asked staff to contact the Brea Police Association regarding having a plaque done in Terry Fincher's memory.

Rosemarie Sauer, resident, presented a handout and spoke regarding oleander plants. She stated no new plantings should be done as the oleander plants are host to many species – one, the Sharpshooter insect, is a host of infection that is causing devastation in agriculture.

Pat Nelson, resident, discussed the truck traffic on Valley View Avenue and suggested Lakeview Avenue be used for trucks. She also discussed the Chamber of Commerce contract.

Jean Tamulinas, resident, discussed the truck traffic on Valley View and stated she thinks the water company should monitor it.

Upon inquiry from Councilmember Wedaa, Captain Bugbee stated the truck traffic is being monitored every day by traffic officers. Councilmember Wedaa requested that a report be brought back on this issue.

Upon inquiry from Councilmember Horton, if there is any place in the City the trucks can stage prior to entering Valley View during pick-up/drop-off times of school children, Public Works Director Stowell stated that the trucks are stacking up during school pick-up and drop-off times. They are coming from Imperial Highway, a designated truck route in the City of Yorba Linda, and the particular area where they are supposed to be stacking, south of Valley View Avenue, is a wide area where there is plenty of room to stack.

City Attorney Carvalho noted that under the Brown Act we can ask staff simple questions but because the item is not agendaized we cannot talk about it tonight. City Attorney Carvalho also reminded Council that the Metropolitan Water District plant project is not subject to City Council approval and it does not require permits from the City and anything the City suggests/recommends cannot be enforced.

Upon inquiry from Mayor Pro Tem Winder, Public Works Director Stowell responded that Lakeview Avenue, from the old golf course entrance down to Bastanchury Road, has not been accepted and is still technically under Toll Bros. control. It does not have the top-coat on it, and it is not the shortest distance to the designated truck run.

Louie Scull, owner of local business property, discussed staging locations for the truck traffic on Valley View, stated traffic enforcement is the answer, and discussed his concerns regarding parking on Main Street on Saturdays when the Farmers Market is operational.

Barry Dunn, resident, spoke regarding the Chamber of Commerce contract and funding.

Sharlene Dunn, resident, spoke regarding subsidization of the Chamber of Commerce. Ed Rakochy, resident, spoke regarding the Chamber of Commerce contract and stated that it is time to study the benefits of the contract.

Battalion Chief Reeder addressed Council and thanked them for the Proclamation and apologized for being late – he just came from a fire suppression practice. Battalion Chief Reeder stressed the importance of smoke detectors and encouraged the public to prepare for fire prevention.

CONSENT CALENDAR

Mayor Castellano stated that he would abstain from voting on Item 7 as one of the streets in the project is within 500 feet of his property.

Councilmember Anderson asked that Item 6 be removed from the Consent Calendar.

It was **MOVED/SECONDED – HORTON/WINDER** – to approve the Consent Calendar with Item 6 removed and Mayor Castellano abstaining on Item 7. **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 SEPTEMBER 25, 2007 CITY COUNCIL/REDEVELOPMENT AGENCY ADJOURNED MEETING

The City Council/Redevelopment Agency approved the minutes of the September 25, 2007 meeting.

2. TREASURER'S REPORT – JUNE 2007 (FINAL)

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

3. TREASURER'S REPORT – JULY 2007

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

4. JOINT POWERS AGREEMENT FOR CALIFORNIA INSURANCE POOL AUTHORITY 2007/2008

The City Council authorized the City Manager to sign the Joint Powers Agreement for California Insurance Pool Authority.

5. CLAIM FOR DAMAGES – COLLEEN CALHOUN

The City Council denied the Claim for Damages.

6. RESOLUTION NO. 2007-3884 AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION DEVELOPMENT ACT (TDA) PROGRAM FOR THE EL CAJON TRAIL IMPROVEMENTS PROJECT

This item was removed from the Consent Calendar.

7. NOTICE OF COMPLETION FOR PAVEMENT RESURFACING PROGRAM FOR VARIOUS STREETS, FISCAL YEAR 2006-2007, ALL AMERICAN ASPHALT, INC.

Mayor Castellano abstained from voting on this item to avoid a conflict of interest.

The City Council/Redevelopment Agency 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 authorized the retention monies to be paid when appropriate to do so.

8. APPROVAL OF TRACT MAP NO. 16337 AND ACCEPTANCE OF SUBDIVISION IMPROVEMENT AGREEMENT & BONDS, HQT HOMES

The City Council approved Final Tract Map No. 16337; accepted dedication of Casson Drive for street purposes; authorized the City Clerk to certify the record map upon completion of any technical corrections required by the City Engineer; authorized the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreement; and accepted bonds per Engineering Department Report.

9. GOLF CART LEASE AGREEMENT

The City Council approved a 36-month capital lease agreement with E-Z-GO and authorized the City Manager to sign the lease agreement.

10. GOLF CARTS GPS (GLOBAL POSITIONING SYSTEM) LEASE

The City Council approved a 72-month or six-year operating lease agreement with ProLink Solutions to provide a GPS System to be mounted onto the golf carts at Black Gold Golf Club; and authorized the City Manager to sign the lease agreement.

End of Consent Calendar

ITEM REMOVED FROM THE CONSENT CALENDAR:

6. RESOLUTION NO. 2007-3884 AUTHORIZING APPLICATION FOR FUNDS FOR THE TRANSPORTATION DEVELOPMENT ACT (TDA) PROGRAM FOR THE EL CAJON TRAIL IMPROVEMENTS PROJECT

Upon inquiry from Councilmember Anderson if this item was time sensitive and had to be approved tonight, Public Works Director Stowell responded that the submittal was made last week and the City is supposed to follow-up fairly quickly with the resolution.

Councilmember Anderson stated his concern was that it included things like bulb outs and so forth for a crosswalk that has been a great concern to the Traffic Commission, and asked if this item went to the Traffic Commission for their review.

Public Works Director Stowell responded that at this time, the City is just applying for the grant and if it does get the grant, this item will go before the Traffic Commission. He also noted that the plans are only conceptual at this time.

It was **MOVED/SECONDED – ANDERSON/WINDER** – to adopt Resolution No. 2007-3884. **MOTION CARRIED** by the following roll call vote:

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

MAYOR'S REPORT

Mayor Castellano stated that due the number of items on the agenda, he will reserve the Mayor's report and try to move on to save time.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Anderson reported he was able to go on Mayor Castellano's behalf to a Cub Scout Webeloe awards ceremony for Kirk Johnston, he was the recipient of an award that apparently is very rare national bravery award – he saved his four-year-old cousin from drowning in a pool, based on some training he received in the Cub Scouts just two weeks prior to the incident.

Councilmember Horton proudly announced her stepson Jamison is back from Iraq.

Councilmember Horton stated she had several telephone calls regarding solicitors handing out flyers, the concern is they come into our neighborhoods and we do not know who they are and the whole safety issue came up. She informed the City Manager who advised her that and if you put a "No Solicitors" sign on your door and they do place things on your doorstep, you can contact City Hall and they will follow up on that.

Councilmember Horton stated she would like a report from staff on the Imperial Highway overpass. She stated she would like to have occasional updates on the design, if it is going well, how often are we in touch with OCTA, and to make sure plans aren't changed because Yorba Linda does have higher standards on how things look.

Councilmember Wedaa stated that there will be a railroad forum on Tuesday, November 13, 2007 at 7:00 p.m. at the Yorba Linda Community Center. Representatives from the Burlington Northern Santa Fe Railroad, the Federal Railroad Administration, and Cal Trans will be in attendance to provide updates on a number of railroad related issues.

Councilmember Wedaa reported a number of people have called him regarding the dirt-hauling issue on Valley View Avenue, and made a **MOTION** to instruct staff to prepare a

report, beginning with a brief study showing what the actual situation is and what kind of steps might be taken to improve the safety of all concerned.

Captain Bugbee stated he can bring back the information at the next City Council meeting.

Councilmember Wedaa presented slides and spoke relative to paying all the City's Commissioners for attending meetings.

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to direct staff to report back to the City Council at the next meeting relative to paying all the commissioners.

Councilmember Horton stated that if data is going to be compared, it should be Planning Commission to Planning Commission.

Mayor Castellano stated he is not supportive right now of the motion, as a lot of items under Other Business have not been considered.

MOTION FAILED by the following roll call vote:

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

ADMINISTRATIVE REPORTS

11. **APPEAL OF FINAL TRAFFIC MANAGEMENT PLAN FOR CONDITIONAL USE PERMIT 2006-115 – HERITAGE OAK PRIVATE SCHOOL**

City Attorney Carvalho stated that although she is not legally required to recuse herself from this discussion, she will not be participating as her child attends the school. City Attorney Carvalho left the dais and the room at 7:30 p.m. Assistant City Attorney Jamie Raymond assumed the City Attorney's seat on the dais.

Principal Planner Cook gave a comprehensive staff report and introduced Rick Cygan of Heritage Oak - project applicant, and Susan Rosner of Emily Horn and Associates who is the applicant's traffic consultant.

Senior Planner Cook responded to questions from Council.

Rick Cygan, applicant, spoke relative to key objectives and improvements that have been made that have seen significant improvements.

Tony Wang, the City's Traffic Engineer, responded to questions from Council and stated that he is now recommending restricting u-turns on eastbound Imperial Highway.

Pat Nelson, resident, cited her concerns with the plans as presented and detailed how she thought the traffic/parking should be.

Councilmember Anderson stated it seems this is an item that should go before the Traffic Commission and his concern has been the safety of children.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to take this out of the Planning Commission and take it to the Traffic Commission to review.

Discussion ensued.

Mayor Castellano asked that the **MOTION BE AMENDED** as follows: After it goes before the Traffic Commission, it should be brought back to the City Council.

AMENDMENT ACCEPTED by the maker of the motion and second to the motion.

Heritage Oak's traffic engineer, Sue Rosner, responded to questions from Council and presented a video of the traffic at the school.

Discussion ensued and Mrs. Rosner responded to further questions from Council.

A second **AMENDMENT** to the **MOTION** was made by Councilmember Anderson, seconded by Councilmember Wedaa, that u-turns be prohibited on Imperial Highway from Prospect to Bastanchury Road.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

Assistant City Attorney Raymond left the dais at 8:15 p.m. and City Attorney Carvalho returned to the dais at that time.

12. SOUTHERN CALIFORNIA EDISON ORAL REPORT

Steve Nelson, Southern California Edison Company Regional Manager of the 48th District, gave an overview of the recent power outage, the failures of the transformers due to high heat, the reasons it takes so long to bring power back on, the automated group maintenance systems that will replace the underground vaults in Yorba Linda, and a plan focusing on upgrading the system.

Mayor Pro Tem Winder noted that this was a good topic to put in the City newsletter.

Dr. Mark Reed, co-chair of the Power Outage Executive Committee - East Lake Village, gave an update regarding the power outage affecting 106 homeowners in Eastlake Village.

Mr. Nelson responded to further questions from Council.

Pat Nelson, resident, inquired if the box updates to the system will help reduce the electrical wires and poles.

Lee Day, resident, spoke regarding poles and transformers exploding.

Rosemarie Sauer, resident, asked how many people are on one transformer.

Candice Hamparsumian, an Eastlake Village homeowner, clarified that the outages only occurred on five streets which were blacked out for three days. She stated this is a unique problem and not a Yorba Linda problem.

Mr. Nelson responded to the questions as follows: Funding for undergrounding electrical wires is used for arterial streets and the boxes are in lieu of vaults – not power poles and overhead wires. Mr. Nelson also stated there can be one to twelve houses on a transformer and periodic surveys are taken.

RECESS:

Mayor Castellano called a recess at 8:50 p.m. and reconvened the City Council meeting at 9:02 p.m.

13. ARTERIAL STREET LIGHTING AND ARTERIAL LANDSCAPING ZONE ASSESSMENT

Administrative Analyst Aalders presented the written staff report.

Lee Day, resident, discussed the current annual assessment.

Walter Bruckner, resident, commented on the analysis and the City's reserves and stated the City has no choice but to increase the assessments, and spoke in opposition to spending reserves.

It was **MOVED/SECONDED - WINDER/CASTELLANO** – to direct staff to:

- 1) Prepare for a special election using mailed ballots to be held in March 2008 seeking an adjustment of the base assessment for the Citywide Arterial Street

- Lighting and Arterial Landscaping zones with the Street Lighting and Landscape Maintenance Assessment District to \$91.00 per year; and authorization for the City Council to adjust the annual assessment for these two zones up to the amount necessary to cover increased expenses but not more than the annual Consumer Price Index (CPI) plus 3 percentage points;
- 2) Implement a public education program to increase awareness of the Street Lighting and Landscape Maintenance Assessment District program and educate the community about the on-going deficit in the budgets of the Citywide Arterial Street Lighting and Landscaping zones;
 - 3) Prepare an amendment to the Professional Services Agreement with Harris & Associates to conduct the special election process;
 - 4) Transfer \$15,000 from the General Fund reserves to cover costs for a Public Education Program; and
 - 5) Continue to delay additional capital projects within the Arterial Street Lighting and Arterial Landscaping zones until assessment revenues are sufficient to support on-going maintenance activities.

Discussion ensued.

Councilmember Anderson stated he has one concern - the \$15,000 for a public education program, and hopes it is a very objective campaign.

Councilmember Horton clarified as to the education bond and stated the City is separate from the School District and the City Council has no decision making capabilities with regard to School District funds.

Mayor Pro Tem Winder commented for the public record that the staff report indicates that shortages are expected in three to four years in Zones L-1 and L-2 and may have to come back again in four years relative to these zones. He also stated that he wants to let the public know that this is not a one time deal, if costs keep escalating the City will have to ask again.

MOTION CARRIED by the following roll call vote:

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

City Manager Letourneau noted that by law, the City cannot do public education after the date is set for the election which will occur in December, therefore there is a very short time-frame to educate the entire community and it is going to take all of staff and Council to divide up the City and attend all those meetings.

14. AUTHORIZATION TO PURCHASE VEHICLES

Public Works Stowell gave a brief synopsis of the written staff report.

Mark Abramowitz, resident, presented slides and gave a presentation relative to natural gas vehicles and responded to questions from Council.

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to award a contract in the amount of \$51,463 to McCoy Mills Ford for the purchase of two 2008 Ford Escape Hybrids for use by Building Division and Landscape Maintenance Division staff.

Discussion ensued relative to refueling the cars and City Manager Letourneau noted that there is no space in the City's yard for a refueling station.

Mark Stowell cited his concerns with the CNG vehicles.

Councilmember Wedaa **WITHDREW HIS MOTION**, withdrawal accepted by the seconder to the motion, Councilmember Anderson.

It was **MOVED/SECONDED – WEDAA/HORTON** – to buy the two Ford hybrids. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa

NOES: Winder

ABSENT: None

It was **MOVED/SECONDED - WEDAA/HORTON** – to investigate the ability to obtain a loaner CNG vehicle, its refueling costs, and other data.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa

NOES: Castellano, Winder

ABSENT: None

15. 2007 WEED ABATEMENT ASSESSMENTS

Assistant City Manager Gruchow gave a brief overview of the written staff report.

City Attorney Carvalho responded to questions from Council.

There were no comments forthcoming from the public.

Councilmember Anderson stated there are three issues – 1) no requirement to give estimates; 2) work far exceeded that which was estimated; and 3) in looking at some of that work, he cannot believe it cost as much as it did.

Finance Director Hartman reported on her findings when she visited the contractor's office and reviewed daily work reports and dump tickets.

Discussion ensued.

It was **MOVED/SECONDED - WINDER/CASTELLANO** – to receive and file the report.

Councilmember Anderson suggested the City get out of the business of estimating, and asked staff to examine over-billing by the contractor.

MOTION CARRIED by the following roll call vote:

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

16. PLANNING COMMISSION APPOINTMENT PROCESS

Assistant City Manager Gruchow gave a brief report and stated that it would be appropriate before talking about the process to determine if there is some consensus about whether all 31 candidates or a subset of those candidates will be interviewed. At that point there can be discussion about criteria/alternative processes.

Mayor Castellano suggested interviewing all the applicants.

Mayor Pro Tem Winder stated he disagrees and thinks an ad hoc committee should be used to review the qualifications in the applications.

Councilmember Wedaa stated that this is not a place for amateurs, this is a place for people who know how to understand and solve problems. He proposed that staff submit the applications to each Councilmember to review. Each Councilmember would select ten applicants out of the 31. Staff would take the ten chosen by each Councilmember, collate them, and all of the top ten names would be who Council interviews.

Councilmember Horton stated she sees this as a personnel issue and would support an ad hoc committee and bow to the experience of Mayor Pro Tem Winder and Councilmember Wedaa as being that ad hoc committee. She stated

she thinks it is wrong to interview all 31 applicants and make a decision on the basis of a five-minute interview and even the method suggested by Councilmember Wedaa would still not be a workable number. She trusts Mayor Pro Tem Winder and Councilmember Wedaa to review the applications and come forward with a list.

Councilmember Anderson stated he is opposed to ad hoc committees meeting behind closed doors. He was criticized for being part of an ad hoc committee and he will always remember that. He also stated he thinks it is equally wrong to eliminate candidates without an interview - that Council can set the number at the next Council meeting of how many they want to interview, get some objective scores, and set the numbers.

City Attorney Carvalho stated she is concerned about the Brown Act provision that says that Council cannot try to reach consensus outside this public meeting. If Council filled out an objective form, they would give it to staff and staff would simply put it in the packet. The objective form is a public document subject to review. Council would look at the points and how they were tallied up and would make a decision in the public forum.

Councilmember Anderson suggested that it be done that way and Council can make the decision as a body, can set the cut-off, and can interview whatever the appropriate number of candidates would be.

Pat Nelson, resident, made suggestions for appointing Planning Commissioners.

Councilmember Wedaa stated that this is not going to be settled with one interview, and hopes to narrow it down so that in the end there are approximately six finalists to be interviewed.

City Manager Letourneau stated she has been informed there is a possibility the Planning Commission may only be able to meet once in October and may not be able to meet at all in November because of the lack of a quorum - there are only three Planning Commissioners and there are some scheduling conflicts.

Ed Rakochy, resident, stated he thinks that in all fairness, 31 applicants cannot be interviewed.

Mayor Pro Tem Winder stated for the record that he understands philosophically where Councilmember Anderson is coming from on the ad hoc committee and he doesn't support the numbers that Council has had before - that the criticism Mayor Castellano and Councilmember Anderson suffered when they sat on an ad hoc committee was totally out of line. He stated that he thinks a representative form of government within the representative form of government for certain very narrow issues like personnel selection that there is also a need for privacy.

Councilmember Wedaa subscribed to what was stated by Mayor Pro Tem Winder and stated he supports Councilmember Anderson on his views relative to ad hoc committees, but he thinks there are selected areas where they work and he thinks this is an area where it can be done and it will come out well.

Councilmember Anderson stated he favors the approach where all five Councilmembers rate the applicants and then narrow it down at the next City Council meeting.

Councilmember Wedaa asked Councilmember Anderson what he would think about he and Mayor Pro Tem Winder taking the 31 names, narrowing them down to ten or so, and then bring that list to Council and if Council believed there were some names that were missed that should be on the list, it would give the whole Council the opportunity to add a name for consideration and let Council vote on whether they want to add that name.

Councilmember Anderson stated he did not like that idea.

Upon inquiry from Councilmember Wedaa, Councilmember Anderson stated he would like for Council to get all the applications, use Assistant City Manager Gruchow's score sheet, figure out the numerical value or do a "yes" or a "no". That would be a process which allows full participation and then make the cut-off at the next meeting.

Discussion followed as to whether a motion had been made.

COUNCILMEMBER ANDERSON made a **MOTION** that each Councilmember paper-screen the 31 applicants, fix a numerical score of five on each category, and then at the next meeting, Council look at the combined scores and make a cut-off.

MOTION DIED FOR LACK OF SECOND.

It was **MOVED/SECONDED - WINDER/HORTON** - that an ad hoc committee be named to evaluate the applications and any attachments using the Selection Matrix; and that they come back to Council at their next meeting with a proposed list of applicants to be interviewed.

Mayor Pro Tem Winder stated that at that meeting, the entire Council could do whatever they wanted to do with the list – they could approve the list or introduce discussion to add/subtract names, or do whatever the entire Council wanted to do.

Upon inquiry from Councilmember Wedaa as to Council's attitude towards each Councilmember having the ability to add one person of their choice to the choices of the ad hoc committee, Mayor Pro Tem Winder stated he did not think there should be parameters at that meeting.

Discussion ensued relative to a standing committee or an ad hoc committee. Councilmember Anderson made a **SUBSTITUTE MOTION** to make the committee a standing committee. **MOTION DIED** for lack of a second.

ORIGINAL MOTION CARRIED by the following roll call vote:

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

An ad hoc committee consisting of Mayor Pro Tem Winder and Councilmember Wedaa was appointed by Mayor Castellano.

Discussion ensued regarding the criteria.

Upon inquiry from Councilmember Anderson, City Attorney Carvalho stated that the applications are public record subject to redaction of certain privacy information like home address and phone number. She stated she understands there may be some public safety officers who have applied and have recommended to the City Clerk that we do not disclose any personal information to the public. If Council would like to know where they reside, they might inquire of the City Clerk's office.

Upon inquiry from Councilmember Anderson, City Attorney Carvalho stated that once Council receives an application and chooses to go on his/her own and call someone and talk to them, no one can stop them from doing that. The danger is that you share your thoughts or feeling with members of the ad hoc committee and that would be a Brown Act violation.

City Attorney Carvalho stated that once those applications are made public, any member of the public can contact those individuals. She also noted that if anyone comes in and requests those applications, she is going to recommend that they be released without addresses and phone numbers.

City Manager Letourneau noted that the City currently has one request for the applications and the City will be fulfilling that request with redactions as soon as Council receives their copies.

RECESS:

Mayor Castellano called a recess at 10:55 p.m. and reconvened the meeting at 11:10 p.m.

17. RESOLUTION NO. 2007-3877, AUTHORIZING THE CITY MANAGER TO SOLICIT PROPOSALS FOR SPECIAL COUNSEL LEGAL SERVICES REGARDING APPLICATION OF CHAPTER 18.01 OF THE YORBA LINDA MUNICIPAL CODE (THE "RIGHT-TO-VOTE" INITIATIVE) TO INDIVIDUAL DEVELOPMENT PROJECTS

City Attorney Carvalho gave a report.

Ed Rakochy, resident, stated he thinks it is imperative to have a procedure in place as to how these determinations are to be made in the future and that it is important that Council make the ultimate decision.

Discussion ensued and City Attorney Carvalho responded to questions from Council.

It was **MOVED/SECONDED - ANDERSON/HORTON** - to adopt Resolution No. 2007-3877, with the caveat that all proposals received will be submitted to Council for evaluation and selection of special counsel.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

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

AGENDA ITEM 19 WAS REPORTED AT THIS TIME, BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

18. ETHICS POLICY OPTIONS

City Attorney Carvalho gave an overview of the written staff report.

Tom Lynch, resident, expressed his thoughts on ethics and also discussed the City's contract with the Chamber of Commerce.

Ed Rakochy, resident, stated the City's ethics policy needs a little more bite and needs to be updated. Mr. Rakochy handed out copies of two City of Santa Ana ordinances he thinks are tied to ethics.

Pat Nelson, resident, stated she thinks the ethics policy already in place in the City needs to be tightened up.

Discussion ensued.

Councilmember Horton stated that no matter what document you choose, it is only as good as how you choose to behave. She stated that to include something on campaign contributions would be a positive. She stated she also thought they should talk about how we represent ourselves as a Council body and that would include during campaign time and not allow ourselves to campaign from the dais which was done in this last election.

Mayor Pro Tem Winder compared the Santa Clara model policy to the City's existing policy and stated he supports the City's rules policy because he thinks it is the one that is most enforceable. His leaning would be to affirm the existing policy tonight and find a way to improve that over the next additional period of time.

Councilmember Anderson stated he favors a hybrid of the existing policy along the lines of what Mr. Winder was talking about and the Santa Clara model – the value based policy. Councilmember Anderson proposed staying with the existing rules based policy and further proposed appending the Santa Clara value-based policy as suggested rules of behavior for Council. He proposed as addendums to existing policy directly lifting the Santa Ana section 425 and change the wording to “any reportable contribution \$100 and above and also change it to one year before and one year after. Councilmember Anderson further proposed the following: Coming up with a specific prohibition that Councilmembers not accept contributions from city contractors or employees of city contractors, including labor unions; a specific prohibition that Commissioners not endorse candidates for City Council as a Commissioner; and that City Councilmembers neither seek nor accept endorsement of City Commissioners who identify themselves as City Commissioners.

Discussion ensued.

Mayor Pro Tem Winder discussed penalties and stated there can be all kinds of complications and actions need to be thought out.

It was **MOVED/SECONDED - WEDAA/ANDERSON** – to authorize the City's law firm to integrate all these comments made tonight into a working document and bring the document back in a discussion format to a future Council meeting.

MOTION CARRIED by the following roll call vote:

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

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

Senior Planner Cook gave a review of Planning Commission actions from their meeting of September 26, 2007.

Senior Planner Cook responded to questions from Councilmember Anderson relative to the code and design standards for manufactured homes.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT – No Report

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

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

Councilmember Horton reported that the Foothill/Eastern is going before the Coastal Commission October 11, 2007 for the 241 extension. In conjunction with that and before the Coastal Commission report came out, they made a proposal to the Governor and to the State's Parks System offering them a hundred million dollars to be divided into three components – one was \$70 million given to Camp Pendleton to renew the lease of the parkland they currently hold that the 241 would go through, \$20 million would be used to renovate San Onofre State Beach and the Crystal Cove cottages, and construct some new coastal camping resources; \$10 million would be used to fund the restoration of 150 acres of coastal sage scrub.

Discussion ensued.

It was **MOVED/SECONDED – CASTELLANO/HORTON** - to adjourn to the meeting at 12:05 a.m. **MOTION CARRIED UNANIMOUSLY.**

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

OTHER BUSINESS

20. TERM LIMITS FOR COMMISSIONERS (COUNCILMEMBER ANDERSON AND COUNCILMEMBER HORTON)
21. DUTIES OF TRAFFIC COMMISSION (COUNCILMEMBER ANDERSON AND COUNCILMEMBER HORTON)
22. AD HOC COMMITTEE MEETING POLICY (COUNCILMEMBER ANDERSON)
23. NOTIFICATION REGARDING CITY WIDE PROJECTS (COUNCILMEMBER ANDERSON)
24. LONG RANGE PROJECT FOR TRAFFIC COMMISSION REGARDING SCHOOL SAFETY ZONES (COUNCILMEMBER ANDERSON)
25. GROUP HOMES (COUNCILMEMBER HORTON)
26. REHABILITATION OF TOWN CENTER PROPERTIES AS RENTALS (COUNCILMEMBER HORTON)
27. REVIEW PROCESS FOR COUNCILMEMBERS PUTTING ITEMS ON THE AGENDA (COUNCILMEMBER WEDAA)
28. WIRELESS INTERNET ACCESS (COUNCILMEMBER WEDAA)
29. MONTHLY POLICE REPORTS (COUNCILMEMBER ANDERSON)
30. CITY EQUESTRIAN CENTER (COUNCILMEMBER ANDERSON, COUNCILMEMBER HORTON, COUNCILMEMBER WEDAA)
31. GRAFFITI ORDINANCE – NUISANCE ON PRIVATE PROPERTY (COUNCILMEMBER ANDERSON)
32. PUBLIC SPEAKING TIME LIMIT (COUNCILMEMBER ANDERSON)
33. TOWN HALL MEETINGS (COUNCILMEMBER WEDAA)

34. LIGHTED STREET SIGNS ON ESPERANZA (COUNCILMEMBER WEDAA)
35. CITY RESERVE FUND POLICY (COUNCILMEMBER WEDAA)
36. SECURITY LIGHTING – CITY HALL PARKING LOT (COUNCILMEMBER WEDAA)
37. ESPERANZA WALL - TRELLIS (COUNCILMEMBER WEDAA)
38. SKATE PARKS (COUNCILMEMBER WEDAA)
39. COUNCIL BADGES (COUNCILMEMBER WEDAA)
40. VIEW IMPAIRMENT (COUNCILMEMBER WEDAA)
41. TOWN CENTER PROCESS EVALUATION (COUNCILMEMBER ANDERSON)

ADJOURNMENT

Mayor Castellano adjourned the meeting at 12:05 a.m. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is October 16, 2007.

APPROVED BY COUNCIL/RDA:

Kathie M. Mendoza, City Clerk