
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES
SEPTEMBER 18, 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: Bugbee, Carvalho, Christiansen, Gruchow, Hartman, Kreimeier, Leto, Letourneau, Mendoza, Stowell

CLOSED SESSION ITEMS

Mayor Castellano adjourned the meeting into Closed Session for discussion relative to the following items.

CITY COUNCIL

- A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY MANAGER AND CITY ATTORNEY – GOVERNMENT CODE SECTION 54957

- B. CONFERENCE WITH LEGAL COUNSEL
GOVERNMENT CODE SECTION 54856.9(b)(2): ONE CASE

RECESS

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

CALL TO ORDER

Mayor Castellano reconvened the City Council/Redevelopment Agency 6:40 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 – Mayor Pro Tem Winder

INVOCATION – Pastor Bob Mooney, Messiah Lutheran Church

CLOSED SESSION REPORT

City Attorney Carvalho reported there were two closed session items, one was a public employee performance evaluation discussion for the City Manager and the City Attorney. It will be adjourned to 5:00 p.m. Tuesday, September 25, 2007 at Black Gold Golf Course. City Attorney Carvalho also reported that a closed session was not needed on the second item.

INTRODUCTIONS & PRESENTATIONS

PRESENTATION TO JENNIFER SELLAROLE OF A CERTIFICATE FROM THE CITY OF YORBA LINDA AND A PRESIDENT'S VOLUNTEER SERVICE AWARD AND LETTER OF CONGRATULATIONS FROM THE PRESIDENT OF THE UNITED STATES (PRESENTED ON HIS BEHALF BY MAYOR CASTELLANO)

Mayor Castellano made the presentations to Jennifer Sellarole.

PRESENTATION OF CERTIFICATES BY THE MAYOR OF THE CITY OF YORBA LINDA AND BY ORANGE COUNTY MOTHERS AGAINST DRUNK DRIVERS TO DETECTIVE ADAM HAWLEY AND OFFICER KATE PARKER

Mayor Castellano presented the Certificates to Detective Adam Hawley and Officer Kate Parker.

PRESENTATION OF RECOGNITION OF ACHIEVEMENT CERTIFICATES TO PLACENTIA-YORBA LINDA GIRLS SOFTBALL ASSOCIATION TEAM "PRIDE" (GIRLS 12 & UNDER)

Mayor Castellano presented Recognition of Achievement Certificates to the "PRIDE" team.

PRESENTATION OF RECOGNITION OF ACHIEVEMENT CERTIFICATES TO PLACENTIA-YORBA LINDA GIRLS SOFTBALL ASSOCIATION TEAM "STORM" (GIRLS 10 & UNDER)

Mayor Castellano presented Recognition of Achievement Certificates to the "STORM" team.

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

Lee Day, resident, clarified some erroneous statements she made at the August 21, 2007 City Council meeting relative to the Yorba Linda Water District's increase in sewer fees and the Placentia-Yorba Linda Unified School District bond measure. Mrs. Day also discussed the Friends High School quarterly payments, an increase in arterial lighting and landscaping fees and a Proposition 218 vote to increase the arterial street lighting and landscape maintenance district assessments.

Art Brown, owner of Yorba Linda Hardware, stated that Council does not hear enough of the good things they do, and he can't thank them enough for the improvements they have been making on Main Street.

Pat Nelson, resident, spoke relative to the quarterly payments by Friends Church for the high school site, and also suggested a screening process for the Planning Commission applicants.

Jean Tamulinas, resident, stated there is a continuing problem with trucks going up/down Valley View Road and they should be monitored. She also stated that the street is a dust bowl again and needs to be cleaned.

Public Works Director Stowell stated the truck drivers will be reminded regarding speeding.

Ric Collette, President of the Yorba Linda Community Foundation, announced their annual fundraiser auction on October 4, 2007 from 6:00 p.m. to 9:00 p.m. at the Yorba Linda Community Center.

Louie Scull, local business property owner, stated that things are turning around on Main Street and with the new pots, benches, and flowers, the community is going to take more pride in downtown Yorba Linda. Mr. Scull suggested that the garage where Earl's shop used to be on Arroyo Street would be a good parking lot for events in Town Center. Mr. Scull also addressed Item 13 on the Agenda and suggested that in the future, natural gas cars be considered.

Mark Abramowitz, resident, thanked City Council and staff for doing a terrific job on Main Street and stated it made a significant difference.

Sharlene Dunn, representing Fairmont Hills Homeowners Association, requested that Agenda Item 42 be advanced as she has information to offer.

Felix Lopez, resident, spoke regarding a weed whacker being used on the lilies on Vista Montana and causing them to turn brown and not bloom again.

Mayor Castellano responded that the City Manager will look into it and contact him.

Greg Gillespy, resident, spoke about the sign ordinance, the parking on Main Street, and the late night Council meetings.

Mayor Castellano responded staff is working on those items and they will be brought back on an agenda.

CONSENT CALENDAR

Mayor Castellano stated he would abstain from voting on Agenda Item 1 - as he was absent from that meeting, and also Agenda Item 10 - one of the streets in the project is within 500 feet of his home.

Councilmember Horton abstained from Agenda Item 5 as one of the properties is within 500 feet of her home.

Councilmember Wedaa asked that Agenda Items 6, 9, 10, 11, and 13 be removed from the Consent Calendar for discussion.

Councilmember Anderson asked that Agenda Item 3 be removed from the Consent Calendar for discussion.

Councilmember Anderson commented on Item 7 and emphasized this is the eminent domain policy and is a restatement of the City's policy that it is not going to use eminent domain in the redevelopment area of Yorba Linda - but by law, the City has to have the policy on the books.

It was **MOVED/SECONDED - WINDER/HORTON** - to approve the Consent Calendar with Items 3, 6, 9, 10, 11, and 13 removed and with Mayor Castellano abstaining on Item 1 and Item 10, and Councilmember Horton abstaining on Item 5. **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 AUGUST 21, 2007 JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

The City Council/Redevelopment Agency approved the minutes of August 21, 2007 joint meeting with Mayor Castellano abstaining.

2. TREASURER'S REPORT – JUNE 2007 (PRE-CLOSE)

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

3. CLAIM FOR DAMAGES – CHRIS CAPPS

This Item was removed from the Consent Calendar.

4. CLAIM FOR DAMAGES – PARDEE HOMES

The City Council denied the Claim for Damages.

5. RESOLUTION NO. 2007-3880, MAKING CERTAIN FINDINGS AND EXTENDING THE TIME PERIOD IN WHICH TO COMMENCE THE DEVELOPMENT OF LOW AND MODERATE INCOME HOUSING ON CERTAIN REAL PROPERTY ACQUIRED BY THE YORBA LINDA REDEVELOPMENT AGENCY IN ACCORDANCE WITH HEALTH AND SAFETY CODE SECTION 33334.16

The City Council adopted Resolution No. 2007-3880 with Councilmember Horton abstaining.

6. PROFESSIONAL SERVICES AGREEMENT FOR STREAMING MEDIA AND MEDIA MANAGEMENT SERVICES

This item was removed from the Consent Calendar.

7. SECOND READING AND ADOPTION OF ORDINANCE NO. 2007-905 – AMENDING THE REDEVELOPMENT PLAN FOR THE YORBA LINDA REDEVELOPMENT PROJECT AREA, TO SATISFY THE REQUIREMENTS OF SENATE BILL 53 AND DIRECTING AGENCY STAFF TO RECORD A REVISED STATEMENT OF PROCEEDINGS

The City Council approved second reading, adopted Ordinance No. 2007-905, and authorized the recording of a Revised Statement of Proceedings for the project area.

8. AMENDMENT NO. 1 TO HARRIS & ASSOCIATES PROFESSIONAL SERVICES AGREEMENT TO PROVIDE CONSTRUCTION ADMINISTRATION FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS

The City Council approved and authorized the City Manager to execute Amendment No. 1 to the Professional Services Agreement with Harris & Associates in the amount of \$17,390 for construction administration of various capital improvement projects.

9. AWARD OF CONTRACT – ANNUAL MAINTENANCE FOR CITYWIDE TREE TRIMMING SERVICES, FISCAL YEAR 2007/2008

This item was removed from the Consent Calendar.

10. AWARD OF CONTRACT – SLURRY SEAL PROGRAM FOR VARIOUS STREETS FISCAL YEAR 2006-2007

This item was removed from the Consent Calendar.

11. RESOLUTION NO. 2007-3881 APPROVING THE REQUEST FOR VISTA LAGUNA PARKING RESTRICTIONS

This item was removed from the Consent Calendar.

12. BUILDING DEMOLITION PERMIT REQUEST FOR THE SINGLE-FAMILY RESIDENCE AND GARAGE AT 18451 BUENA VISTA AVENUE

The City Council approved the request for a demolition permit for the single-family residence and detached garage located at 18451 Buena Vista Avenue.

13. AUTHORIZATION TO PURCHASE VEHICLES

This item was removed from the Consent Calendar.

End of Consent Calendar

ITEMS REMOVED FROM THE CONSENT CALENDAR

ITEM 3. CLAIM FOR DAMAGES – CHRIS CAPPS

Management Analyst Alders responded to inquiry from Councilmember Anderson relative to the insurance claim adjuster's recommendation to deny the claim.

Councilmember Anderson stated that the problem with this item is that the insurance denied it on the basis of roots getting inside of the pipe and that is not the basis of the claim - the basis of the claim is that the roots uplifted the pipe - bursting the pipe. Councilmember Anderson suggested this item be sent back for evaluation of the real claim as opposed to what was cited as the claim, and noted that he thinks the reason for denying it is an erroneous basis.

It was **MOVED/SECONDED – ANDERSON/HORTON** - to send the Claim for Damages back to staff to reexamine and determine if in fact the upheaval caused the break in the pipe as opposed to roots growing into the pipe. **MOTION CARRIED** by the following roll call vote:

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

ITEM 6. PROFESSIONAL SERVICES AGREEMENT FOR STREAMING MEDIA AND MEDIA MANAGEMENT SERVICES

Councilmember Wedaa stated that this item eliminates his Item 37 on the Agenda as it accomplishes the same thing. He asked that a fourth recommendation be added under this item to delete Item 37.

Councilmember Wedaa stated that he thinks most people don't know what the streaming media is and asked for a discussion relative to the problems of going from an internet screen to your television set and proprietary software that would accomplish that.

Public Information Officer Maxwell gave an overview of the written staff report and responded to questions from Council.

Public Information Officer Maxwell noted that the City will be seeking grant funds from AQMD since Council meetings will be available over the Internet to anyone who has an internet connection and it is hoped it will reduce the number of trips to the Library for people who come to take out VHS copies as well as enabling residents to watch it at home.

It was **MOVED/SECONDED – WEDAA/HORTON** – to delete Agenda Item 37 and authorize the use of Municipal Code Section 3.04.130E for the award of the contract; authorize the Mayor to sign the agreement with Granicus, Inc. to provide equipment, software, and administrative services related to the streaming of City Council meetings over the Internet; and transfer \$70,000 from General Fund reserves for fiscal year 2007/2008 and \$34,000 for fiscal year 2008/2009. **MOTION CARRIED** by the following roll call vote:

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

ITEM 9. AWARD OF CONTRACT – ANNUAL MAINTENANCE FOR CITYWIDE TREE TRIMMING SERVICES, FISCAL YEAR 2007/2008

Councilmember Wedaa inquired if any agreements were written into this contract that stipulates that the trees are not to be pruned/trimmed when they are blooming.

City Manager Letourneau stated it is not written into the contract but it is the City's policy and has been made very clear what the policy is to everyone now, including the new contractor for this contract and staff will be monitoring it.

It was **MOVED/SECONDED – WEDAA/WINDER** - to award the contract renewal to West Coast Arborists, Inc. per Engineering Department's Report in the amount of \$382,662.00 and authorize the City Manager to execute the agreement. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

ITEM 10. AWARD OF CONTRACT – SLURRY SEAL PROGRAM FOR VARIOUS STREETS FISCAL YEAR 2006-2007

Mayor Castellano stated he must abstain on this item and asked Mayor Pro Tem Winder to preside over this item. Mayor Castellano left the Council Chambers at 7:52 p.m.

Councilmember Wedaa stated he wanted to be sure this project is not being done during the Christmas season and disturbing the traffic and creating a problem.

City Manager Letourneau responded that staff tries hard to ensure that projects such as this do not conflict with schools, major events, and major holidays – all of that goes into the planning process so that that no one's special events are harmed in any way.

It was **MOVED/SECONDED – WEDAA/WINDER** - to award the contract for the Slurry Seal Program for Various Streets Fiscal Year 2006-2007 to American Asphalt South, Inc. in the amount of \$511,169.76 and reject all other bids.

Mayor Pro Tem Winder stated that there was a comment that maybe the median area on Yorba Linda Boulevard between East Lake Village and the south City limits was being over-watered or there was a problem with the watering and the concern was that it might erode the pavement. Mayor Pro Tem Winder asked that it be checked out.

Councilmember Wedaa stated that on Fairmont Boulevard, just south of Palomas, there is always water running down the hill into the street.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder

NOES: None

ABSENT: Castellano (Mayor Castellano left the Council Chamber due to a conflict of interest with this item.)

Mayor Castellano returned to the Council Chamber and the dais at 7:55 p.m.

11. RESOLUTION NO. 2007-3881 APPROVING THE REQUEST FOR VISTA LAGUNA PARKING RESTRICTIONS

Councilmember Wedaa commented that he sees in the staff report that staff is using digital photography and he thinks it really helps to show exactly what is being talking about. Councilmember Wedaa stated that kind of photography should be done whenever possible.

It was **MOVED/SECONDED – WEDAA/WINDER** – to adopt Resolution No. 2007-3881. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

13. AUTHORIZATION TO PURCHASE VEHICLES

Councilmember Wedaa stated that there are Honda natural gas vehicles which he thinks the City should consider purchasing and he would like for this item to be continued for two weeks and he will arrange a presentation by Honda at that time.

It was **MOVED/SECONDED – WEDAA/WINDER** – to continue this item to the October 2, 2007 Council meeting.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

RECESS: Mayor Castellano called a recess at 7:58 p.m. and reconvened the meeting at 8:08 p.m.

PUBLIC HEARINGS

14. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE CONDITIONAL USE PERMIT 2007-34, HADDADIN

- a. Open Public Hearing – Mayor Castellano opened the public hearing.
- b. Staff Report

Community Development Director Christiansen presented slides and gave a comprehensive overview of the written staff report.

- c. Take Testimony

- 1) Appellant

Jane Besch, appellant, spoke in opposition to the two-story gazebo and stated that her primary concerns with the proposed addition are the issues of height and privacy.

Kyu Oh, appellant, spoke in opposition to the project and stated his concerns are privacy issues caused by the elevated walkway and issues of structural stability.

- 2) Project Applicant

Victor Chai-Prasert, designer of the project, asked that the addition and the gazebo be reviewed separately as two items. Mr. Chai-Prasert asked that if Council does not approve the plans, that remedies be suggested. Mr. Chai-Prasert responded to questions from Council.

Mr. Haddadin, owner of the property, addressed issues raised by speakers and responded to questions from Council.

- 3) Public Comment – No comments were forthcoming.

- 4) Rebuttal by Appellant – No rebuttals were forthcoming.

- d. Close Public Hearing – Mayor Castellano closed the public hearing.

- e. Make Determination

Community Development Director Christiansen noted that this is one Conditional Use Permit with multiple parts for all of the items and Council

does have the option of asking staff to remove the gazebo and elevated walkway and allowing the applicant to move forward with the remainder of the additions.

City Attorney Carvalho advised that as a Conditional Use Permit, the Planning Commission was required by the code to make certain findings and it would be helpful if Council states what findings they agree/disagree with.

Community Development Director Christiansen responded to questions from Council.

Discussion ensued.

MAYOR PRO TEM WINDER made a **MOTION OF FINDING** that the introduction of a two-story gazebo with elevated walkway between the second story of the gazebo and the second story of the dwelling may offer added convenience to the property owner, but the design of these facilities is so invasive into the adjacent properties to both the north and south that the resultant loss of privacy for both of these adjoining properties would be deemed as excessive and unreasonable. **MOTION SECONDED BY COUNCILMEMBER ANDERSON.**

Councilmember Horton asked that for future projects, staff revisit this code for two-story gazebos and come up with some kind of recommendation that will protect the neighbors.

Community Development Director Christiansen responded that is on the Planning Department's list of things to do.

Discussion ensued.

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 affirm the Planning Commission action but based on the Motion of Finding that was made, ask staff to bring back a resolution removing the second-story gazebo and walkway from the application. **MOTION CARRIED** by the following roll call vote:

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

15. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE CONDITIONAL USE PERMIT 2007-50, FORCE DEVELOPMENT ASSOCIATES

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

b. Staff Report

Community Development Director Christiansen presented slides, a staff report, and responded to questions from Council.

c. Take Testimony

1) Appellant

George Scheussler, appellant, presented pictures and stated he lives on property adjacent to the Force property and seeks to modify Condition 14. He would like to have placement of trees along the back property line that is adjacent to the Force property that would fill in the hole on the back and also placement of trees on the side. He stated that this would be something on his property that he would have control of and would guarantee his privacy.

Discussion ensued.

2) Project Applicant

Walker Force, Vice President of Force Development, addressed the project and issues raised regarding intrusion of privacy, discussed telephoto lenses, and sight-line distance. He stated that this is not a privacy issue and asked that the appeal be denied. Mr. Force submitted a photograph taken without a telephoto lens.

3) Public Comment – No comments were forthcoming.

4) Rebuttal by Appellant – No rebuttals were forthcoming.

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

e. Make Determination

It was **MOVED/SECONDED – HORTON/ANDERSON** – to deny the appeal and adopt Resolution No. 2007-3883.

Mayor Pro Tem Winder asked that Condition No. 14 be amended to read as follows: Upon completion of the construction of the new residence, or at any other time suitable to the applicant and the Community Development Director, and as determined as necessary by the Community Development Director, applicant shall supplement the existing landscape located at the top of the slope or other location approved by staff, westerly of the proposed northwesterly balcony/deck on the rear elevation of the dwelling, with additional trees and/or shrubs in a manner that further mitigates/filters views from said balcony/deck towards the neighboring property to the southwest (i.e. addressed as 20646 Circulo Loma) to the satisfaction of the Community Development Director prior to release of final occupancy.

Councilmember Anderson and **Councilmember Horton** agreed to the **AMENDMENT** to the **MOTION**.

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

16. PUBLIC HEARING RE AUTHORIZATION OF USE REGARDING SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) FOR FISCAL YEAR 2007-2008 PURSUANT TO AB 3229 – CITIZEN'S OPTION FOR PUBLIC SAFETY (COPS)

- a. Open Public Hearing – Mayor Castellano opened the Public Hearing.
- b. Staff Report – Lieutenant John Burks presented an overview of the written staff report, and Finance Director Hartman responded to questions from Council.
- c. Take Testimony – No testimony was forthcoming.
- d. Close Public Hearing – Mayor Castellano closed the Public Hearing.
- e. Make Determination

It was **MOVED/SECONDED - WINDER/HORTON** - to approve the expenditure of \$249,922 to fund a Traffic Officer and Detective position using AB 3229 funds and the Traffic Safety Fund. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

RECESS:

Mayor Castellano called a recess at 9:20 p.m. and reconvened the meeting at 9:28 p.m.

MAYOR'S REPORT

Mayor Castellano announced the 2007 Citizen of the Year is Julie Astle who has given almost 50 years of service to the community.

Mayor Castellano reported that the Linda Garden apartments just received full tax credit funding and the City will be moving forward with improving that property.

Mayor Castellano also reported on the following: He and Councilmember Horton met with the Orange County Fire Authority to go over updates in their new contract, and he attended the farewell to Claire McKenna who has served Yorba Linda in her capacity to the YMCA for over 20 years and Mayor Pro Tem Winder presented her with a proclamation from the City.

Mayor Castellano reported that he and Mayor Pro Tem Winder met with Carolyn Ceveche, Mayor of the city of Orange, who is the representative for our area to the Orange County Transportation Authority. She updated them on Measure M funding and some of the great projects they have in store for us. She assured us that the 91 Freeway construction project has been outlined and is going to be moving forward, we are also going to have street light synchronization for better traffic flow, and that the Imperial Highway project is moving forward. She also discussed what the OCTA and the regional board are trying to do to influence better movement in traffic with the increase in train traffic.

Mayor Castellano noted that the City Council will be interviewing new Planning Commission applicants on October 30, 2007 and stated that the three commissioners who will no longer be serving on the Planning Commission have done an outstanding job and between them have given over 60 years of service to the City. They have been through many City Councils, they have been responsive, have done the job they were tasked to do, and have developed an outstanding community. Mayor Castellano stated he wanted to thank them and stated he doesn't agree with the process, he thinks they should have been allowed to go to full term. Mayor Castellano asked that recognition of the Planning Commissioners be put on a future agenda so that they can be honored and thanked for their services.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Wedaa stated that the Southern California Edison Co. representative of the north Orange County 48th district, Steve Nelson, is here to answer questions on the recent power outage. Councilmember Wedaa read a list of questions for Mr. Nelson.

Mayor Castellano stated this can come back for full discussion at a future Council meeting.

Mr. Nelson responded to further questions from Council and stated he will come back with an oral report and answers to the questions Councilmember Wedaa presented. Mr. Nelson also thanked the City for their cooperation during the power outages and stated the record heat was the highest it has been in 110 years.

Upon inquiry from Councilmember Wedaa relative to when the signals at Fairmont Boulevard and Bernardo Junior High School are going to be working, Public Works Director Stowell responded that they have been delayed by the heat and waiting for power to be brought to the site by Edison. Public Works Director Stowell stated that by the end of next week the signals should be operational and also those on Bastanchury Road.

Councilmember Wedaa discussed agenda issues and stated he thought Council should meet more often in order to whittle the agenda down.

Councilmember Wedaa stated that he spoke with the City Manager relative to the issue of new planning commissioners and he thinks before that meeting is held, it is important that she prepare for Council's review a complete, detailed set of rules that Council is going to follow in voting and once that is in place everyone will be satisfied that the situation will be addressed fairly and completely.

Councilmember Wedaa stated that a number of people have talked to him about the view impairment issue and it has always been a sensitive issue in Yorba Linda. He stated he would like the view impairment issue placed on the next Council agenda.

Mayor Castellano stated it would be placed under Other Business.

Councilmember Wedaa reported he attended the Annual League of California Cities meeting in San Francisco and he thinks that it is an important meeting that the full Council should attend. Councilmember Wedaa discussed the exhibits at the meeting and stated that they had paddles like crossing guards use, but with LED lights on them and the claim is they are visible from a mile away. Councilmember Wedaa stated that he would like the City to consider trying these paddles and gave City Manager Letourneau the related materials.

Councilmember Horton stated she attended the Veterans Memorial Auction last weekend and it was amazing to see the amount of support the people have for this project.

Councilmember Horton stated she also attended the 911 Interfaith Council remembrance of that event - they have taken a tragedy and made it an enlightening experience and are fostering peace through better understanding of individuals.

Councilmember Horton stated that she would like to have an item placed on the agenda at some point just for discussion of possible ways to proceed with the planning commission appointments.

Councilmember Horton reported she talked with Julie Astle (2007 Citizen of the Year) at the Veterans Memorial Auction event and stated that Mrs. Astle was a little embarrassed by the whole thing as she prefers to be in the background doing things rather than being recognized.

Councilmember Anderson reported he received an e-mail from Phyllis Coleman, the Executive Director of the Chamber of Commerce, and each month the Chamber has a breakfast meeting and they would like to have one of the Councilmembers attend the breakfast meeting on a rotating basis and give a brief City report.

Councilmember Anderson reported that Pamela Rowan sponsored a fund raising event tonight for the Susan Komen Race for the Cure, in memory of her mother who recently died, at Darios Italian Restaurant in Placentia and they were donating the majority of the proceeds to the Susan Komen Race for the Cure fund.

Councilmember Anderson stated that he also attended the Veterans Memorial Auction event and a lot of money was raised. Councilmember Anderson thanked the auctioneer (Mayor Pro Tem Winder).

Councilmember Anderson stated there is nothing but appreciation for the time, energy, and effort the outgoing Planning Commissioners have given in service to the City. Councilmember Anderson stated that the vision for this City came from the founding members of the City Council and the Planning Commission only carried that out. Councilmember Anderson stated that with the number of applicants, a new day has dawned in the City of Yorba Linda, the citizens are energized, activated, and involved and he thinks this is one of the greatest things that has happened to the City. He stated he looks forward to interviewing every one of those that have applied for the Planning Commission and in fact if any want to call him direct, he will meet with them individually.

Councilmember Anderson stated that he had some concerns at the last Council meeting regarding the weed abatement issue. Councilmember Anderson reviewed some of the estimates that were given versus the amount of the bills that were received and stated that he is concerned that some bad estimates were made or there was some bad work done and some have been overcharged. It was **MOVED/SECONDED – ANDERSON/WEDAA** – to bring the weed abatement resolution back to Council for reconsideration. **MOTION CARRIED UNANIMOUSLY.**

Mayor Pro Tem Winder stated that Claire McKenna asked him to remind everyone she is moving, not leaving, and that Yorba Linda will always be part of her home.

Mayor Pro Tem Winder reported he participated in a Chamber of Commerce event Saturday at Vista del Verde. He also reported that the Veterans Memorial Auction was very successful and it was a pleasure taking part in it.

Mayor Pro Tem Winder also reported he attended the Four Corners Meeting which is composed of representatives of the cities and counties from the four corners of San Bernardino, Riverside, Los Angeles, and Orange County. The discussion was about goods movement and what is happening at the SCAG level.

ADMINISTRATIVE REPORTS

17. REQUEST FOR REMOVAL OF CITY-OWNED TREES IN FRONT OF 18682 BUENA VISTA AVENUE

Mark Stowell presented pictures, a report, and responded to questions from Council.

Steve Davey, resident, stated that he had not wanted the trees removed – but there has been a constant infestation every year for four years. He also stated that the pad for his recreational vehicle is covered in bird droppings and they cannot use it. He thinks it is a health hazard. Mr. Davey discussed the trimming of trees, spraying, and stated he cannot use his private property because of the condition of the City's trees.

Discussion ensued.

It was **MOVED/SECONDED - ANDERSON/WEDAA** – to direct staff to send an arborist to the property to inspect the trees and give a cost-effective solution for the infestation and also make a determination relative to cutting off the one large branch overhanging the property. **MOTION CARRIED** by the following roll call vote:

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

18. REQUEST FOR REMOVAL OF CITY-OWNED TREES WITHIN THE PASEO LANDSCAPE AREA BEHIND 20476 VIA MARWAH

Public Works Stowell presented slides and a staff report.

John Simmons, resident, spoke relative to all the droppings from the Eucalyptus trees on his yard and pool and stated it has been an ongoing problem. He also stated that termites are in the tree and asked the City to be good neighbors.

Discussion ensued.

Councilmember Horton suggested that the arborist look at these trees also.

It was **MOVED/SECONDED – WEDAA/HORTON** – to direct staff to send an arborist out to look at the trees and that he recommend how they can be further trimmed without killing them.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

19. RENEWAL OF CHAMBER OF COMMERCE AGREEMENT

Assistant City Manager Gruchow presented the written staff report.

Pat Nelson, resident, suggested the City do the services the Chamber of Commerce provides.

Jean Tamulinas, resident, stated that she thinks the City can provide the same services.

Tom Lynch, resident, stated he thinks ethics should include City related measures and if they don't agree, they do not get anything. Mr. Lynch stated it is his understanding that the Chamber's membership is 400 members.

Claudine Lynch, resident, referred to incidents that occurred when seeking signers for a petition regarding Measure B and stated she does not want the Chamber of Commerce to get any more money from the City.

Jim Resha, President of the Chamber of Commerce Board, reviewed actions of the Chamber of Commerce, stated he doesn't like to continually defend the Chamber on things they did not do, and the issue has been beaten to death. Mr. Resha stated that they are here to support the City and help businesses in the City prosper and grow and he thinks the Chamber does way more than the \$16,000 worth of benefit to the City.

Mr. Resha responded to questions from Council.

Nancy Rikel, resident, presented slides and stated the Chamber of Commerce should be self-supporting.

Greg Gillespy, resident, stated the Chamber of Commerce should not be supported with taxpayer money.

Ed Rakochy, resident, questioned the fiscal benefits the Chamber provides and discussed the contract.

Louie Schirm, resident, stated he agrees with what Mr. Rakochy said.

Jeff Winter, resident, stated he does not agree with renewing the contract.

Discussion ensued.

Councilmember Horton stated that a “shop Yorba Linda” program is needed.

Assistant City Manager Gruchow responded to questions from Council.

Phyllis Coleman, Executive Director of the Chamber of Commerce, responded to questions from Council.

It was **MOVED/SECONDED – WEDAA/ANDERSON** - to receive and file the report.

Further discussion ensued and **Councilmember Anderson withdrew his second** to the motion.

It was **MOVED/SECONDED – WEDAA/ANDERSON** - to table the item.

Mayor Castellano stated that a decision should be made, and that the Chamber of Commerce is hugely beneficial to the City.

MOTION FAILED by the following roll call vote:

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

It was **MOVED/SECONDED – WINDER/CASTELLANO** – to approve the two-year agreement with the Yorba Linda Chamber of Commerce for the promotion of the City and the dissemination of business, industrial and residential information, and include additional language as follows: “No employee, officer, or official of the Chamber shall use Chamber resources or permit others to use Chamber resources for a campaign activity, personal purposes or purposes not authorized by the Chamber board.”

Further discussion ensued.

MOTION CARRIED by the following roll call vote:

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

RECESS:

Mayor Castellano called a recess at 11:42 p.m. and reconvened the meeting at 11:48 p.m.

Agenda items 22 and 23 were taken at this time, and are reported in their respective position on the agenda.

20. ETHICS POLICY OPTIONS

21. 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

22. REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR MEETINGS OF AUGUST 29, 2007 AND SEPTEMBER 12, 2007/APPEAL OF PLANNING COMMISSION ITEMS/TOWN CENTER BLUE RIBBON COMMITTEE UPDATE

Community Development Director Christiansen reviewed the Planning Commission actions from their meetings of August 29, 2007 and September 12, 2007, and stated there was an appeal from the August 29, 2007 Planning Commission meeting of the final traffic management plan for Conditional Use Permit 2006-116 - Heritage Oak Private Education

Community Development Director Christiansen responded to questions from Councilmember Anderson regarding the Blue Ribbon Committee and stated that there was no indication it was falling apart.

ORDINANCES

23. FIRST READING OF ORDINANCE NO. 2007-904 – ADDING SECTION 8.05 TO TITLE 8, HEALTH AND SAFETY OF THE YORBA LINDA MUNICIPAL CODE TO PROHIBIT THE PLANTING, CULTIVATION OR MAINTENANCE OF OLEANDER PLANTS ON PUBLIC TRAILS

Public Works Director Stowell reviewed the written staff report and presented slides of oleander plants that would have to be removed if the Ordinance was approved.

Barbara Brown, resident, asked that Council consider a public awareness program regarding oleander issues that includes flyers, a short article on the City's web site and in the City's newsletter.

Mary Carbone, resident, stated she thinks a public awareness program is needed relative to the oleander and that a lot of people will help out with it.

Lori Smock, resident, presented pictures of her horses and oleanders and stated she would urge a prohibition on planting oleanders within ten feet of trails or personal property with horses.

It was **MOVED/SECONDED – WEDAA/WINDER** - to receive and file the report with the following two provisos – 1) That the equestrian community be asked to provide a short article for the City's web site and 2) That Barbara Brown be asked to write a paragraph for the City newsletter.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

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

Upon a motion by Councilmember Wedaa, Mayor Castellano adjourned the meeting at 12:15 a.m.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION
CORRIDOR SYSTEM

ORANGE COUNTY FIRE AUTHORITY

ORANGE COUNTY VECTOR CONTROL

OTHER BUSINESS

24. DUTIES OF TRAFFIC COMMISSION (COUNCILMEMBERS ANDERSON AND HORTON)
25. TERM LIMITS FOR COMMISSIONERS (COUNCILMEMBERS ANDERSON AND HORTON)
26. REVIEW PROCESS FOR COUNCILMEMBERS PUTTING ITEMS ON THE AGENDA (COUNCILMEMBER WEDAA)
27. WIRELESS INTERNET ACCESS (COUNCILMEMBER WEDAA)
28. AD HOC COMMITTEE MEETING POLICY (COUNCILMEMBER ANDERSON)
29. MONTHLY POLICE REPORTS (COUNCILMEMBER ANDERSON)
30. CITY EQUESTRIAN CENTER (COUNCILMEMBERS ANDERSON, HORTON, WEDAA)
31. GRAFFITI ORDINANCE – NUISANCE ON PRIVATE PROPERTY (COUNCILMEMBER ANDERSON)
32. LIGHTED STREET SIGNS ON ESPERANZA (COUNCILMEMBER WEDAA)
33. CITY RESERVE FUND POLICY (COUNCILMEMBER WEDAA)
34. TOWN HALL MEETINGS (COUNCILMEMBER WEDAA)
35. SECURITY LIGHTING – CITY HALL PARKING LOT (COUNCILMEMBER WEDAA)
36. PUBLIC SPEAKING TIME LIMIT (COUNCILMEMBER ANDERSON)

37. SATELLITE TV FOR CITY COUNCIL MEETINGS (COUNCILMEMBER WEDAA)

This item was removed from the Agenda - see Item 6.

38. GROUP HOMES (COUNCILMEMBER HORTON)

39. NOTIFICATION REGARDING CITY WIDE PROJECTS (COUNCILMEMBER ANDERSON)

40. LONG RANGE PROJECT FOR TRAFFIC COMMISSION REGARDING SCHOOL SAFETY ZONES (COUNCILMEMBER ANDERSON)

41. REHABILITATION OF TOWN CENTER PROPERTIES AS RENTALS (COUNCILMEMBER HORTON)

42. SKATE PARKS (COUNCILMEMBER WEDAA)

ADJOURNMENT

Mayor Castellano adjourned the meeting at 12:15 a.m. to September 25, 2007 at 5:00 p.m. at the Black Gold Golf Course.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is October 2, 2007.

APPROVED BY COUNCIL/RDA:

Kathie M. Mendoza, City Clerk