
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES

APRIL 15, 2008

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING
CONVENING AT 5:00 P.M.

CALL TO ORDER

The City Council/Redevelopment Agency convened at 5:00 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

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

Name of Case: Placentia-Yorba Linda Unified School District v. City of Yorba Linda et al.

Case Number: Orange County Superior Court Case No. 06CC10534

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION

Government Code Section 54956.9(b) (Woodbridge)

C. PUBLIC EMPLOYEE APPOINTMENT - TITLE: INTERIM CITY MANAGER
Government Code Section 54957

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:37 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, Leto, Mendoza, Steep, Stowell

PLEDGE OF ALLEGIANCE - Lt. Jack Conklin, Brea Police Department

INVOCATION - Elder Guy Gibbs, Yorba Linda Friends Church

CLOSED SESSION REPORT

City Attorney Carvalho reported on the following Closed Session items as follows:

- A. Placentia-Yorba Linda Unified School District v. City of Yorba Linda et al. - there was no reportable action on this item.
- B. Anticipated Litigation, Significant Exposure To Litigation – this item is in reference to and reported under Agenda Item 18.
- C. Public Employee Appointment - Title: Interim City Manager – this item was not discussed.

City Attorney Carvalho also reported that the City received a letter and threat of litigation from Sage Communities regarding the application of Measure B to their project and it was added as an emergency item under Closed Session by a unanimous vote of the City Council. There was no reportable action on this item.

AGENDA ITEM 18 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

City Attorney Carvalho announced that Assistant City Attorney Raymond will be sitting in for her as she has a commitment and will return at 8:30 p.m.

Assistant City Attorney Raymond took City Attorney Carvalho's seat on the dais.

INTRODUCTIONS & PRESENTATIONS

PRESENTATION OF COMMENDATION TO BREA POLICE CAPTAIN ROBERT BUGBEE

Mayor Winder presented a Commendation to Brea Police Captain Bugbee commending him for his distinguished record of outstanding service over the past 29 years to the City of Yorba Linda.

PRESENTATION OF PROCLAMATION RE NATIONAL CRIME VICTIMS WEEK TO THE GREATER ORANGE COUNTY CHAPTER OF PARENTS OF MURDERED CHILDREN

Paul Paulsen accepted the Proclamation proclaiming the week of April 13 – 19, 2008, to be City of Yorba Linda Crime Victims' Rights Week, and expressing their appreciation for those victims and crime survivors who have turned personal tragedy into a motivating force to improve response to victims of crime and build a more just community.

PRESENTATION OF PROCLAMATION RECOGNIZING POPE JOHN PAUL II POLISH CENTER'S 25TH ANNIVERSARY

Father George Blais – Director, Rick Kobzi – Chairman of the Finance Council, and Marie Romanski, Chairperson of the Center Council accepted the Proclamation proclaiming Sunday, April 27, 2008, as "Pope John Paul II Polish Center Day" in honor of their 25th Anniversary of existence in the City of Yorba Linda.

PUBLIC COMMENTS - ITEMS ON THE CONSENT CALENDAR OR ITEMS NOT ON THE REMAINDER OF THE AGENDA

Nancy Rikel, resident, discussed public attendance at the April 8, 2008 Special Council Meeting and made suggestions for notification of special meetings. She also discussed the Brown Act and comments made by the public and by Council.

Mayor Winder stated for clarification that Council has adopted a policy that defines public comments and it is consistent with the Brown Act. He read a portion of the policy Council adopted and stated it is consistent with the Brown Act.

Upon inquiry from Mayor Winder, Assistant City Attorney Raymond stated that this is a policy that this Council adopted and it is very similar to language that appears on the agendas of many other cities.

Lee Favaro, resident, discussed the need for an equestrian center in the City, and the need for the Black Gold Golf Club to do more advertising of the many amenities it has to offer.

Tom Lynch, resident, inquired as to the potential exposure regarding the Placentia-Yorba Linda Unified School District v. City of Yorba Linda et al. lawsuit.

Pat Nelson, resident, discussed the following issues: Consent Calendar Item 11 – Safe Route To School Grant Award For The Valley View Sidewalk Installation Project; installation of speed limit signs on Prospect Avenue, between Yorba Linda Boulevard and Bastanchury Road, to help with the speed; cars turning left out of the driveway on the Senior Citizen's side of the Community Center; and the number of parking places required of Heritage Oak School.

Louis Schirm, resident, commented regarding the left turns being made out of the Community Center on the senior citizen's side and stated the island is very wide and there are a lot of sections where left turns can be made and suggested striping it to allow left turns into the island.

Claudine Lynch, resident, read from a section of the Brown Act and stated she would like the entire Council, between now and next November, to refrain from mentioning the following: where they used to work; how long they worked there; their swimming pools; their puppies; their mother-in-laws that live with them; their children's birthdays; their vacations; and anything else having to do with anything personal.

Upon inquiry from Mayor Pro Tem Horton, Assistant City Attorney Raymond responded that there is no specific code section having to do with campaigning but that the information on the City's agenda does specifically say that public criticism is not prohibited – which is in compliance with the Brown Act. What the Council does ask is that comments be directed to the presiding officer as opposed to individually attacking staff members or individual Councilmembers.

Greg Gillespy, resident, discussed e-mails sent to the Councilmembers and suggested that Councilmembers' personal e-mail addresses be listed on the web site.

Ricky Martinez, Lutheran High School student, questioned the purpose of a prayer before the Council meeting and stated he believes in the separation of Church and State.

Pearl Wieselman, resident, discussed invocations at Council meetings.

Mayor Winder clarified for the public's benefit that the City Clerk's office keeps a list and sends a letter inviting members of all faiths/beliefs represented in Yorba Linda to give the Invocation at a regular City Council Meeting. The letter asks that the prayer not be sectarian or include an appeal to a particular religious figure or deity.

CONSENT CALENDAR

Councilmember Wedaa asked that Item 3 be removed from the Consent Calendar; Mayor Pro Tem Horton asked that Items 8 and 10 be removed from the Consent Calendar; and Councilmember Anderson asked that Items 11 and 13 be removed from the Consent Calendar.

It was **MOVED/SECONDED – ANDERSON/WINDER** – to approve the Consent Calendar with the removal of Items 3, 8, 10, 11, and 13. **MOTION CARRIED** by the following roll call vote:

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

1. 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 on the agenda and declared that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

2. ACCOUNTS PAYABLE WARRANT LISTS

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

3. Removed

4. APPROVAL OF THE MINUTES OF THE ADJOURNED CITY COUNCIL MEETING OF APRIL 8, 2008

The City Council approved the adjourned meeting minutes of April 8, 2008.

5. TREASURER'S REPORT - FEBRUARY 2008

The City Council/Redevelopment Agency received and filed the February 2008 Treasurer's Report.

6. SECOND READING OF ORDINANCE NO. 2008-917, AMENDING THE YORBA LINDA MUNICIPAL CODE REGARDING TIME LIMITS FOR MEMBERS OF THE PUBLIC TO ADDRESS THE CITY COUNCIL

The City Council approved second reading and adopted Ordinance No. 2008-917.

7. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE HVAC INSTALLATION AT THE THOMAS LASORDA JR. FIELD HOUSE

The City Council approved the Plans and Specifications prepared by F. T. Andrews, Inc. and authorized staff to administer the process for the acceptance of formal competitive bids for the installation of HVAC equipment at the Thomas Lasorda Jr. Field House.

8. Removed

9. RELEASE STREET IMPROVEMENT AND MONUMENTATION BONDS, TOLL BROTHERS, TRACT NO. 16314

The City Council authorized the City Clerk to reduce/release bonds per Engineering Department's Report.

10. Removed

11. Removed

12. APPROVAL OF A COOPERATIVE AGREEMENT WITH THE CITY OF ANAHEIM FOR THE PAVEMENT REHABILITATION OF WEIR CANYON ROAD

The City Council approved the cooperative agreement with the City of Anaheim for the Weir Canyon Road Pavement Rehabilitation Project and authorized the Mayor to sign and the City Clerk to attest.

13. Removed

14. JOHN FORCE RACING STREET CLOSURE REQUEST

The City Council adopted Resolution No. 2008-3918, approving the requested street closure for John Force Racing, Inc. events subject to the conditions of approval within the report.

End of Consent Calendar

ITEM 3 APPROVAL OF THE MINUTES OF THE APRIL 1, 2008 CITYCOUNCIL/
REDEVELOPMENT AGENCY JOINT MEETING

Councilmember Wedaa stated he was not present at this meeting and would abstain from voting.

It was **MOVED/SECONDED – ANDERSON/WINDER** – to approve the minutes of the April 1, 2008 joint meeting. **MOTION CARRIED** by the following roll call vote:

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

ITEM 8 AGREEMENT RE CITY SUMMER AQUATICS PROGRAM

Acting City Manager Gruchow stated that he will not participate in the discussion to avoid a conflict of interest as he sits on the Board of Managers of the YMCA. He also stated he did not write the staff report – it was written by Parks & Recreation Director Leto and approved by Finance Director Hartman.

Chris Kelso, Executive Director of the YMCA, responded to questions from Council about the hours the pools are available, free swim time, and the program for teaching youth to swim in home pools.

It was **MOVED/SECONDED – HORTON/WEDAA** - to approve the Agreement with the YMCA of Orange County, Yorba Linda-Placentia Branch (YMCA) to conduct the City's summer swim lesson program and lifeguarding at Adventure Playground and authorized the Mayor to sign said agreement. **MOTION CARRIED** by the following roll call vote:

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

ITEM 10 APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - ESPERANZA LANDSCAPING FROM YORBA LINDA BOULEVARD OVERCROSSING TO HIDDEN HILLS ROAD PROJECT

Mayor Pro Tem Horton stated that when this item was first brought to Council, she objected to it and she is going to continue to object to it especially since the landscape maintenance act failed and we are in an economic downturn. She noted that this was not a tier one project – it is a tier 2 or 3 project, and she will be voting “no”.

Councilmember Castellano stated he agrees with Mayor Pro Tem Horton because of the ongoing maintenance cost and he will be voting “no”.

Discussion ensued.

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to authorize the advertising of bids for the Esperanza Landscaping Project from Yorba Linda Boulevard overcrossing to Hidden Hills Road. **MOTION CARRIED** by the following roll call vote:

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

ITEM 11 SAFE ROUTE TO SCHOOL GRANT AWARD FOR THE VALLEY VIEW SIDEWALK INSTALLATION PROJECT

Councilmember Anderson asked Public Works Director Stowell to explain the addition of the sidewalk on Valley View.

Public Works Director Stowell reported the City has received letters from residents concerned about their children having to cross the street when walking to school to get to the sidewalk on the west side of Valley View Avenue, and asking about the possibility of having a sidewalk installed along the east side of Valley View Avenue.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to allocate \$61,740 from the Gas Tax fund to be utilized as the required local match for the Safe Route to School Grant (SR2S) award for the Valley View Sidewalk Installation Project. **MOTION CARRIED** by the following roll call vote:

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

ITEM 13 ALLOCATION OF STATE PROPOSITION 1B STREET FUNDS FOR STREET REHABILITATION PROJECTS

Councilmember Anderson asked Public Works Director Stowell if there were ways to comply with ADA requirements yet maintain the character of the neighborhood.

Public Works Director Stowell responded that rather than build sidewalks, they can utilize the six-foot shoulder area – basically have a 12-foot lane, a white stripe and use the remaining area as shoulder and that would comply with ADA requirements. He stated that is their intent for the Buena Vista pavement rehabilitation project and it would go from Scenic View to Richfield Road.

It was **MOVED/SECONDED – ANDERSON/WEDAA** - to approve staff's recommendation for allocation of the Proposition 1B funds for FY 2007/2008, adopt the street rehabilitation projects for Buena Vista and Paseo de Las Palomas into the Capital Improvement Program, and authorize staff to apply to the State Department of Finance for release of the funds for these projects. **MOTION CARRIED** by the following roll call vote:

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

MAYOR'S REPORT

15. DATES FOR FUTURE SPECIAL CITY COUNCIL MEETINGS - ORAL REPORT

Mayor Winder stated that April 29, 2008 is scheduled for a Town Hall meeting and a special meeting on April 22nd has been talked about but he has a difficulty with that date.

Councilmember Wedaa suggested that Council hold off on a goal setting meeting until there is an interim City Manager.

Mayor Winder stated that he will adjourn tonight's meeting to April 29, 2008 at 7:00 p.m. for the Town Hall meeting.

Mayor Pro Tem Horton stated that the Blue Ribbon Report needs to come before Council and the community so that public input can be received and the process started.

Community Development Director Christiansen stated that he and the consultant hired for the Housing Element were hoping that Council would consider a Council workshop on the Housing Element in May. He suggested May 13th for a special study session for Council and then either the 27th or 29th of May for a community meeting which will be held at the Community Center.

Mayor Winder asked staff to contact Council regarding dates for meetings pertaining to the Blue Ribbon Committee report and the Housing Element.

Mayor Winder reported that he received an e-mail from Erin Welch of The Register newspaper this week which forwarded an e-mail she received from a citizen relative to the City Manager's termination and articles in the Yorba Linda Star. Mayor Winder stated he would like to set the record straight by reading the following statement.

"On March 8th, as the Mayor, I received a phone call from a Craig Scott, a labor attorney in Orange County. He advised me that Mrs. Letourneau wished to separate her employment from the City of Yorba Linda. She was not willing to resign on her own; however, if Council should approve payment of her severance package, she would quietly resign under the terms of her contract. I discussed this with the City Attorney. On Wednesday, March 12th, at my request, a meeting was held between Mrs. Letourneau, her attorney, the City Attorney and myself. During that meeting Mr. Scott made it clear that he had been advised of information that supported a workers compensation claim as well as possible litigation because of misconduct by more than one Councilmember. On March 15, 2008, the Council met in Closed Session giving direction to the City Attorney. On Tuesday, March 18th, the Council voted unanimously to terminate Mrs. Letourneau without cause causing the terms of her contract regarding her severance package to be automatically enforced."

Mayor Winder stated that, speaking only for himself, he regretfully approved the Council's decision. He came to believe there was substance to Mrs. Letourneau's allegations and even if the allegations did not rise to a level that would support a potential sizable judgment, the cost of litigation would likely exceed her severance package. He stated that regarding the announcement on the day of Mrs. Letourneau's release, he wanted to tell the public precisely what he has said tonight, but the majority of Council approved the generic statement and he read it.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Castellano commented on being criticized by the public for wishing his daughters happy birthday at a Council meeting.

Councilmember Anderson stated he promised City Clerk Mendoza he would bring up action minutes as opposed to detailed minutes and stated that in light of having the entire meeting on the internet where it can be viewed, it seems like a waste of money

and resources as it apparently takes a lot of time to do these minutes with the detail that has historically been done and the actual record is now available on the internet for all to see. Councilmember Anderson asked that this item be added to Other Business for future discussion and stated he hopes everyone will come to consensus.

Councilmember Anderson referred to a question by Mr. Lynch regarding the Placentia-Yorba Linda Unified School District v. City of Yorba Linda lawsuit and stated that lawsuit is about the flood that occurred in 2004.

Councilmember Anderson stated that at the last Council meeting he brought up an issue of how many other cities have a process in place to allow for Councilmembers to go on out-of-State travel – that process is to have it on the Consent Calendar so everyone could see what it was that was being approved and would have a dollar amount and so forth. He was happy to hear of Finance Director Hartman's informal policy of allowing anyone who asks for this information to receive the information for any one of Council's travels.

Councilmember Anderson stated he received a phone call regarding other cities having the Warrant Register online and asking that the City's Warrant Register be placed online. Councilmember Anderson asked that placing the Warrants List on the web site be added to items under 'Other Business' for future discussion.

Finance Director Hartman noted that the Warrants List is on the City's web site tonight and will continue to be on it each meeting.

Councilmember Anderson commented that he ran on the idea the City Manager needed to be replaced and he had no problem with voting for her termination.

Mayor Pro Tem Horton asked that the City's Traffic Manager take a look at the parking at Heritage Oak Private School and kids running across the street to the commercial area.

Upon inquiry from Mayor Pro Tem Horton if the Black Gold Golf Club was making money, Parks & Recreation Director Leto responded that based on direct and indirect expenses, "yes".

Mayor Pro Tem Horton stated that the chef at the Black Gold Golf Club's restaurant is wonderful and everyone should try it.

Mayor Pro Tem Horton inquired into having confidential links to Councilmembers e-mail and discussion ensued.

It was **MOVED/SECONDED – HORTON/WEDAA** – to direct staff to bring back a staff report regarding e-mail policy under Administrative Reports.

Councilmember Castellano asked about putting Councilmembers personal e-mail address on the web site.

Assistant City Attorney Raymond stated that if Council does that, it would open their entire e-mail up to public records act requests.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

Mayor Pro Tem Horton stated she attended Javapella, a monthly acappella musical evening, last Sunday night at Java Joe's Coffee Lounge and the Alley Cats performed. She stated that on May 18, 2008 from 6 p.m. to 8 p.m. Vocal Magic will perform.

Councilmember Wedaa stated he was absent from the April 1st meeting and he wanted to compliment Captain Bugby and the Police Department for catching the bank robbers.

Councilmember Wedaa reported that there was an ad in the paper that the City of Anaheim is building a 200 megawatt tower approximately 3.8 miles from Yorba Linda. They are having an open house tonight and a City staff member will attend.

ADMINISTRATIVE REPORTS

AT THE REQUEST OF COUNCILMEMBER WEDAA, ITEM 21 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

16. REQUEST FOR ABANDONMENT OF A PORTION OF LANDSCAPE
EASEMENT BEHIND 27030 MAIDEN MOOR LANE

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

Upon inquiry from Mayor Winder, City Attorney Carvalho addressed the main issue, the real property issue, and liability issues.

Councilmember Castellano stated that he is not comfortable deviating from policy.

Discussion ensued.

Mayor Winder co-joined Item 16 with Item 17.

17. REQUEST FOR ABANDONMENT OF A PORTION OF LANDSCAPE
EASEMENT BEHIND 27850 MOUNT TRIUMPH WAY

Public Works Director Stowell described the difference between Item 16 and Item 17 and presented slides of Item 17.

Discussion ensued.

Joe Viele, 27850 Mount Triumph Way property owner, spoke and explained his plans for the property. He also stated they take care of their landscaping from the fence up and use their own water.

Mr. Viele responded to questions from Council.

Public Works Director Stowell responded to questions from Council.

Councilmember Anderson stated that he thinks it would look nicer if it was all uniform and if there is something that can be some kind of mechanism or safeguard put in place, he thinks it could be accomplished.

Mayor Pro Tem Horton stated if Council's direction is to go with a policy change, before the change is made she would like the entire community to weigh in on it and would ask that these two decisions not be made and all building be suspended until that decision is made and there is community consensus. Her preference is that this does not happen, that Council holds the line.

Councilmember Wedaa stated that he would like to not take any action on either of these two items tonight until Councilmembers take a look at these properties.

Mayor Winder noted that the City would lose control of the amount of watering that occurs on that slope.

It was **MOVED/SECONDED – WEDAA/ANDERSON** - to continue Items 16 and 17 and that Councilmembers go look at the property in question before the meeting of May 6, 2008.

Discussion ensued.

A **SUBSTITUTE MOTION** was made – **CASTELLANO/HORTON** – to uphold the recommendation to deny for Item 16.

Councilmember Anderson, Councilmember Wedaa, and Mayor Winder stated they would be voting "no" until they could go out and look at the property.

MOTION FAILED by the following roll call vote:

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

A **SUBSTITUTE MOTION** was made **CASTELLANO/WINDER** - to approve the proposed improvements at the property of 27850 Mount Triumph Way and to have a condition of landscaping to block the visual on the block wall.

MOTION CARRIED by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/HORTON** – to continue the request for abandonment of a portion of landscape easement behind 27030 Maiden Moor Lane to the May 6, 2008 Council meeting.

Discussion ensued regarding the citation on the property of Item 16 pending Council's action being held in abeyance until the May 6, 2008 meeting and notice given to the property owners to be present at that meeting.

MOTION CARRIED by the following roll call vote:

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

It was **MOVED/SECONDED – WEDAA/CASTELLANO** – to continue Agenda Items 19 and 20 to the May 6, 2008 Council meeting. **MOTION CARRIED UNANIMOUSLY.**

18. RELEASE GRADING, IMPROVEMENT AND MONUMENTATION BONDS AND AWARD OF EQUESTRIAN TRAIL MAINTENANCE CONTRACT, WOODBRIDGE DEVELOPMENT, CASINO RIDGE, TRACT NOS. 15501 & 16186

City Attorney Carvalho reported that in Closed Session the City Council, by unanimous vote, directed as follows: Staff to release the improvement bonds provided that Woodbridge makes payments of \$6,500 to a property owner where the developer has agreed to replace a driveway; that the developer place in escrow funds to relocate easements on properties owned by Mr. L. Murrieta; and that some yard improvements are restored on a property owned by the Danzs

where some sewer improvements were made. Upon the completion of all three items, staff, the City Attorney, and the City Manager are authorized to release the bonds.

19. FIVE-YEAR FINANCIAL PROJECTIONS - Continued

20. ETHICS POLICY OPTIONS - Continued

21. TOWN CENTER INVESTIGATION

Councilmember Anderson stated the purpose of an investigation is to look into what happened with the failed Town Center process and make sure the same mistakes are not made again. He stated he was given a package of materials by Mr. Greg Brown, one of the developers involved in the failed Town Center process, and has prepared as a summary a power point presentation. Councilmember Anderson presented the power point presentation.

Following the presentation, Councilmember Anderson responded to questions from Councilmember Wedaa.

Discussion ensued.

Councilmember Castellano stated that this information is not new as far as being talked about or Mr. Brown saying he has information pertaining to activities that took place and whether it is from campaigning, ad hoc committees, or standing committees. He stated that he was Mayor at the time and Council had been told about this information and he believed it was important to try and verify that information. He stated he personally sent a letter as the Mayor to Greg Brown saying that if you have documentation that shows these claims, please bring it forward. Councilmember Castellano stated that his letter went unanswered.

The following residents spoke in favor of an investigation:

Mark Schwing, Walter Bruckner; Nancy Rikel; Claudine Lynch; Lee Favaro; Tom Lynch; Susan Hannan; Pat Nelson; Ed Rakochy on behalf of Jean Tamulinas and himself; Louie Schirm; Pearl Wieselmann; Mark Abramowitz; Greg Gillespy; Jeff Winter; Lance Holquin; Ken Peterson; Chuck Binks; and Jim Horton.

Mayor Pro Tem Horton stated \$30,000 is a very conservative figure for an investigation and she thinks it could end up costing \$200,000 - \$300,000.

It was **MOVED/SECONDED HORTON/ANDERSON** – to go forward with an investigation on the Town Center process.

Councilmember Castellano stated serious allegations are being made and the person who feels they have been a victim needs to bring it to the appropriate agency. He said the City's process is clear about that - if that person feels these are allegations that need to be investigated they go to local law enforcement agency (ours is the Brea Police Department); if there is a conflict because they serve our community, it goes to the District Attorney's office; if there is a conflict because a Councilmember works for the District Attorney's office, it would go to the Attorney General.

Councilmember Wedaa made an **AMENDMENT** to the **MOTION** – further that the City Council authorize the investigation of the wrong doings by people associated with the failed Town Center plan and all aspects of that project; that the investigation include all questions raised by either City Councilmembers or members of the public plus others present tonight plus others deemed necessary by those investigators we hire to conduct the investigation, also that a complete CD of this aspect of the City Council meeting should be provided to the investigators.

Mayor Pro Tem Horton accepted the amendment to the motion.

An **AMENDMENT** to the **MOTION** was made by Councilmember Anderson to draft a RFP to get a better handle on how much this is going to cost and to narrow down the focus of it – the involvement of City staff members in the process of the Town Center and Measure B, was there a quid pro quo offered to developers to fight the referendum/Measure B, were there Brown Act violations involved in the anti-referendum campaign or Measure B, who hired blockers and what did City Council know about that; and that Management Analyst Aalders draft the RFP and bring it back to Council. He stated that the period of time should be January 2005 to July 2006.

Mayor Pro Tem Horton accepted the amendment to the motion.

A **SUBSTITUTE MOTION** was made – **WINDER/CASTELLANO** – to direct the Mayor and the City Attorney to take the materials that has yet to be provided to him, the ones that Councilmember Anderson referred to tonight as well as a record of tonight's meeting, and refer it to the FPPC; the office of the State Attorney General; to Special Agent Julie McWilliams of the Federal Bureau of Investigations in the Public Corruption Unit; and to Special Agent Steve Berryman, Criminal Investigator for the Department of Treasury of the Internal Revenue Service.

Discussion ensued.

Councilmembers Anderson, Wedaa, and Horton stated they would not support the motion – that a local investigation should be done first.

Councilmember Horton asked for a copy of the papers Councilmember Anderson received from Mr. Brown.

It was **MOVED/SECONDED – ANDERSON/HORTON – a SUBSTITUTE MOTION** to go back to the first initial motion.

A lengthy discussion ensued.

Councilmember Castellano **withdrew** his **second** to Mayor Winder's **substitute motion** to wait for more information to be in front of him to see where the investigation leads and at that time there may be another motion on the floor.

Mayor Pro Tem Horton stated that she would like to see the RFP come back relatively quickly.

Councilmember Anderson stated he would like to see the RFP come back in three weeks to the May 6, 2008 City Council meeting.

Councilmember Anderson also stated some comments were made and he wanted to say very directly that he saw no e-mails from Councilmember Castellano, his name mentioned only as having been in attendance at a meeting. He also stated he apologized for having incorrectly listed Councilmember Castellano as having made a phone call.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Wedaa, Winder

NOES: None

ABSENT: None

RECESS:

Mayor Winder called a recess at 10:20 p.m. and reconvened the meeting at 10:34 p.m.

22. **REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS**

Community Development Director Christiansen gave an overview of Planning Commission actions at their meeting of April 9, 2008.

Parks & Recreation Director Leto responded to questions from Council relative to the Veterans Memorial.

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 – Mayor Pro Tem Horton reported they are putting in place a process of processing checks and charges.

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

OTHER BUSINESS

23. TOWN HALL MEETINGS (WEDAA) - Continued
24. PUBLIC COMMENTS AT COMMISSION MEETINGS (WEDAA) - Continued
25. ADMINISTRATIVE OFFICIAL SALARY CAP (ANDERSON) - Continued
26. SITE 13 SEGMENTATION (ANDERSON) - Continued
27. COUNCIL STUDY SESSIONS (ANDERSON) - Continued
28. COUNCIL ATTENDANCE AT MAIN STREET MERCHANTS ASSOCIATION QUARTERLY MEETINGS (ANDERSON) – Continued
29. DISCUSSION RE BLACK GOLD GOLF COURSE (WEDAA) - Continued

CLOSED SESSION – None Required

ADJOURNMENT

Mayor Winder adjourned the meeting at 11:13 p.m. to April 29, 2008 at 7:00 p.m. for a Town Hall Meeting at Bryant Ranch Elementary School. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is May 6, 2008.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL/RDA:
