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**CITY OF YORBA LINDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY  
JOINT MEETING MINUTES**

**AUGUST 19, 2008**

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

**CALL TO ORDER**

The City Council/Redevelopment Agency convened at 5:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

**ROLL CALL**

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

Council/Agency Members Absent: Wedaa

Staff Members: Gruchow, Kelly, Raymond

**CLOSED SESSION**

**CITY COUNCIL**

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,  
SIGNIFICANT EXPOSURE TO LITIGATION, INITIATION OF LITIGATION

Government Code Section: 54956.9(b) and (c) (1 Case)

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,  
INITIATION OF LITIGATION

Government Code Section: 54956.9(c)

Name of Case: La Floresta Development Project

C. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section: 54957.6

Labor Negotiators: Interim City Manager Kelly, Assistant City Manager Gruchow

Employee Organization: Yorba Linda Mid-Management Association; Yorba Linda Chapter of the Orange County Employees Association; and Department Heads

**RECESS**

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

**CALL TO ORDER**

The City Council/Redevelopment Agency reconvened at 7:00 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

**ROLL CALL**

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

Council/Agency Members Absent: Wedaa

Staff Members Present: Bennett, Conklin, Gruchow, Hartman, Kelly, Leto, Mendoza, Raymond, Steep, Thiele

Mayor Winder reported that Councilmember Wedaa has been absent the last meeting and this meeting due to significant surgery and he is doing much better.

It was **MOVED/SECONDED – WINDER/CASTELLANO** – to excuse Councilmember Wedaa's absences. **MOTION CARRIED** by the following roll call vote:

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

**NOES:** None

**ABSENT:** Wedaa

**PLEDGE OF ALLEGIANCE** – Mayor Pro Tem Horton

**INVOCATION** – Mayor Winder

**CLOSED SESSION REPORT**

Assistant City Attorney Raymond reported on Closed Session as follows:

Closed Session Item A: This is regarding the access easement trail and a gate installed across the trail. The City Council directed the City Attorney to research the issue and advise Council on its rights and obligations.

Mayor Winder noted that this item will be agendaized for a future meeting, and Council will not be considering it nor discussing it tonight.

Closed Session Item B: No reportable action taken.

Closed Session Item C: No reportable action taken. Item is on the Agenda and that item will be pulled from the Consent Calendar tonight for discussion and action in open session.

### **INTRODUCTIONS & PRESENTATIONS**

PRESENTATION OF CERTIFICATES OF RECOGNITION TO CHRIS FLORES AND CHRIS FOX FOR BEING NAMED TO THE AMERICAN LEGION BOYS STATE 2008 PROGRAM

Clay Baxter and Larry Noell gave a brief description of the American Legion program - "2008 Boys State".

Mayor Winder presented Certificates of Recognition to Chris Flores and Chris Fox for being named to the American Legion's 2008 Boys State.

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

Councilmember Anderson announced that he will be pulling Item 6 from the Consent Calendar.

Christina Oh, Esperanza High School student, spoke regarding a "Taste of Esperanza" fundraiser being held on September 27<sup>th</sup> to offset the State's budget cuts.

Britt Nelson, resident, presented a power point presentation and spoke regarding the easement access trail between the main El Cajon Trail and Bastanchury Road and the wooden gates that were installed across the trail.

Mary Carbone, resident, stated she appreciates that Council has decided to look into the matter referred to by Mr. Nelson.

Barbara Brown, resident, stated that a Trails Committee should be reenacted.

James Wismer, resident, stated the easement access trail should be opened back up.

Mike Hunter, resident, stated the City needs to act on the fence across the easement trail issue.

Susan Rotkosky, resident, stated the gates across the easement access trail affects her family and now they have to take an unsafe path.

Louie Scull, local business property owner, reported that Main Street in "Old Towne Yorba Linda" will be closed on Saturday, August 23, 2008 for a "Pet Faire & Adoption Event". He also spoke regarding investigative services for the failed town center project.

Trisha Nelson, spoke regarding the gate across the easement trail between the El Cajon trail and Bastanchury Road and stated that by having to use Bastanchury Road, she is afraid her miniature horse will be hit by a car.

Jerry Kirschner, resident, stated that in his opinion, the Brea Police are paid too much money.

Gary Pace, resident, stated the gate across the easement does not affect him but he has the responsibility for the trail behind his property and he is present to support everyone that is affected by the gate.

Greg Gillaspay, resident, spoke regarding September 11, 2001 and showing the flag at events.

Walter Bruckner, resident, reported that O.U.C.H. organization terminated and gave the funds left in their account went to the Yorba Linda Veterans Memorial. He also spoke of his displeasure with the consultants and representatives of the Kennedy Coalition who spoke at the August 5<sup>th</sup> Council meeting regarding the Housing Element.

Pat Nelson, resident, spoke relative to the following: The Blue Ribbon Committee's Final Report, the staging of dirt trucks on Imperial Highway (for the Richard Nixon Library project) affecting the driveway on the senior side of the Community Center; the cracks in her street that were patched and filled except for the cracks in front of her and her neighbor's house which are widening; and her opposition to the easement trail being gated.

Lee Day, resident, spoke regarding the draft Housing Element report at the August 5, 2008.

Irv Gold, Co-Chairman of the Yorba Linda Veterans Association, gave an update on the Veterans Memorial.

Gabriella Rollins, resident and Director of the Yorba Linda Arts Alliance, spoke regarding the Blue Ribbon Committee's final report and presented a handout regarding a Center for the Arts in the Yorba Linda Town Center area.

Rick Noonan, resident, announced Orange County Flyers' baseball game is on September 1, 2008.

**RECESS:**

Mayor Winder called a recess at 8:17 p.m. and reconvened the meeting at 8:28.

**CONSENT CALENDAR**

It was **MOVED/SECONDED – CASTELLANO/ANDERSON** to approve the Consent Calendar with the removal of Item 6 by Councilmember Anderson. **MOTION CARRIED** by the following roll call vote:

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

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/RDA approved the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE AUGUST 5, 2008 CITY COUNCIL/RDA JOINT MEETING

The City Council/RDA approved the minutes of the August 5, 2008 joint meeting.

4. SECOND READING OF ORDINANCE NO. 2008-919 SEWER MAINTENANCE CHARGES FOR FY 2008/2009

The City Council approved second reading and adopted Ordinance No. 2008-919.

5. CONTRACT AGREEMENT EXTENSION FOR PLAYGROUND CHIP AND MULCH REPLACEMENT - ECO-LOGIC, INC.

The City Council approved a one (1) year Contract Extension with a 4.0 percent price increase for Playground Chip and Mulch Placement Services between the City and Eco-Logic, Inc.

6. CLASSIFICATION, COMPENSATION AND TERMS OF EMPLOYMENT FOR MISCELLANEOUS, MIDMANAGEMENT, AND MANAGEMENT

This item was removed from the Consent Calendar.

7. DESIGNATION OF THE VOTING DELEGATE FOR THE 2008 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Mayor Winder designated Mayor Pro Tem Jan Horton as the voting delegate for the League of California Cities Annual Conference and Councilmember Hank Wedaa as the voting delegate alternate.

**End of Consent Calendar**

**AGENDA ITEM 6: CLASSIFICATION, COMPENSATION AND TERMS OF EMPLOYMENT FOR MISCELLANEOUS, MIDMANAGEMENT, AND MANAGEMENT**

Councilmember Anderson stated that although he does not support using the 12-city median salary survey for basing employees' compensation, he is going to vote for it tonight but he won't vote for it again in the future. He also stated he would support the management resolution minus the provision for separation of Management employees so that it can be studied more.

Mark Schwing, resident, spoke regarding the Consumer Price Index and stated that aerospace management employees are at-will employees.

**RESOLUTION NO. 2008-3947, RELATING TO THE CLASSIFICATION, COMPENSATION, AND TERMS OF EMPLOYMENT OF MISCELLANEOUS EMPLOYEES**

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** – to adopt Resolution No. 2008-3947. **MOTION CARRIED** by the following roll call vote:

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

RESOLUTION NO. 2008-3948, RELATING TO THE CLASSIFICATION, COMPENSATION, AND TERMS OF EMPLOYMENT OF MID-MANAGEMENT EMPLOYEES

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** – to adopt Resolution No. 2008-3948. **MOTION CARRIED** by the following roll call vote:

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

RESOLUTION NO. 2008-3949, RELATING TO THE CLASSIFICATION, COMPENSATION, AND TERMS OF EMPLOYMENT OF MANAGEMENT EMPLOYEES

It was **MOVED/SECONDED – WINDER/ANDERSON** – to adopt Resolution No. 2008-3949 with a deletion as follows: On Page 3 of the Resolution, the last paragraph under Section 5 words are to be deleted that result in the paragraph reading as follows: “Management employees must serve one full year prior to being discharged to be eligible for Separation Compensation.” On Page 2 of the Resolution Section 5.A. add the words “Up to” before the Three; and with direction to the City Manager to bring back some qualifying language in the future. **MOTION CARRIED** by the following roll call vote:

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

ORDINANCE NO. 2008-921, AMENDING THE YORBA LINDA MUNICIPAL CODE SECTION 2.40.650 EXTENDING BEREAVEMENT LEAVE TO 5-DAYS FOR EMPLOYEES TRAVELING OUTSIDE A 500 MILE RADIUS

It was **MOVED/SECONDED – WINDER/ANDERSON** – to approve first reading of Ordinance No. 2008-921. **MOTION CARRIED** by the following roll call vote:

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

### **MAYOR'S REPORT**

Mayor Winder spoke regarding the dedication of the Phillip S. Paxton Equestrian Center, the importance of the Veteran's Memorial which links to the City's web site for donations and volunteers, the ribbon cutting for Back Yard Expressions, and the Relay for Life. He also stated he was invited by Congressman Gary Miller to attend a discussion regarding housing elements, which was televised, and he met the Secretary of HUD. He also noted that residents can go to [www.hud.gov](http://www.hud.gov) for help and information.

### **MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Castellano noted a new web site called Geocaching – a Treasure Hunt game. Residents can see it at [geocaching.com](http://geocaching.com).

Councilmember Anderson spoke regarding Taste of Esperanza events and encouraged the public to support student's efforts whatever the event. He also spoke regarding the Yorba Linda Veterans Memorial Association, and the trail issue.

Upon inquiry from Mayor Pro Tem Horton, Interim Community Development Director Thiele responded the Housing Element does not obligate the property owners to develop it with houses.

Upon inquiry from Mayor Pro Tem Horton relative to the cost of hillside failures in Yorba Linda and how much has been spent to date, Finance Director Hartman responded that in the time she has been here, \$4 million plus has been spent.

Discussion ensued.

Mayor Pro Tem Horton asked for a safety assessment summary report of what we know and issues to be studied.

Upon inquiry from Mayor Pro Tem Horton as to the status of the State of California's financial crisis, Interim City Manager Kelly gave an update on the State budget and spoke regarding the City's reserve funds. He noted that members of the public can get copies of the update of City of Yorba Linda Cash Balances as of June 30, 2008.

Mayor Pro Tem Horton asked Interim City Manager Kelly to keep Council up-to-date on what the State of California is doing and spoke regarding the State taking Redevelopment Agency funds.

**ADMINISTRATIVE REPORTS**

8. PUBLIC MASS NOTIFICATION SYSTEM/SENIOR EMERGENCY LIST

Management Analyst Mark Aalders presented an overview of the written staff report and responded to questions from Council.

Assistant City Manager Gruchow cautioned about the liability of getting the City involved in proactive welfare checks.

Pat Nelson stated that during the last earthquake she could not get through on the phone to her mother.

James Wismer, resident, spoke of catastrophic incidents and stated that in the Julian fires, 6,000 telephone poles burned down.

It was **MOVED/SECONDED – HORTON/CASTELLANO** – to authorize the City Manager to sign the Memorandum of Understanding between the County of Orange and the City for use of the Countywide Public Mass Notification System (AlertOC); and to utilize the AlertOC System for non-emergency notification for a cost of \$30,000.

Mayor Winder stated he would be voting “no” because of the \$30,000 expenditure.

Councilmember Castellano **withdrew** his **second** to the motion because of the non-emergency notification.

Mayor Pro Tem Horton **amended** the **motion** to delete “and to utilize the AlertOC System for non-emergency notification for a cost of \$30,000”.

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

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

**NOES:** None

**ABSENT:** Wedaa

Mayor Pro Tem made a **MOTION** to direct staff to contact local churches and organizations to see if they are interested in setting up a network of senior citizens and the disabled.

Councilmember Anderson asked if the motion could be amended to ask for a staff report regarding the feasibility of contacting local churches and organizations regarding setting up a network of senior citizens and the disabled.

Assistant City Manager Gruchow stated it would simply be a letter to various churches and organizations encouraging a network system.

It was **MOVED/SECONDED – HORTON/ANDERSON** – to direct the City Manager to implement a specific Senior Citizen and Disabled Emergency List within the AlertOC system's framework.

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

**NOES:** None

**ABSENT:** Wedaa

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

There were no appeals of Planning Commission actions from their last meeting.

**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 that the Agency is changing the transponders to ones with changeable batteries which will result in a cost savings. She also reported that the toll road agencies are going forward with the process of evaluating whether the merger of the two agencies is still financially feasible.

ORANGE COUNTY FIRE AUTHORITY – Mayor Pro Tem Horton reported the Orange County Fire Authority is discussing purchasing additional helicopters for use in providing fire protection and not have to rely on outside resources.

Interim City Manager Kelly noted that the Orange County Fire Authority is holding an open house on September 14, 2008.

ORANGE COUNTY VECTOR CONTROL – No Report

