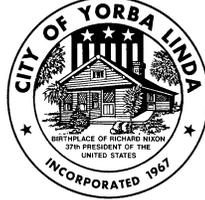

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

DECEMBER 2, 2008

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

CALL TO ORDER

The City Council/Redevelopment Agency convened 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: Carvalho, Conklin, Gruchow, Hartman, Kelly, Leto, Mendoza, Steep, Stowell, Thiele

PLEDGE OF ALLEGIANCE – Councilmember Castellano

INVOCATION - Pastor Bill Morris, The Rock Community Church

AGENDA ITEM “PRESENTATIONS TO OUTGOING COUNCILMEMBERS” WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

AGENDA ITEM 9 - ORAL REPORT - STATUS OF YORBA LINDA EMERGENCY AND CONTINUATION OF EMERGENCY DECLARATION WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

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

Greg Gillaspy, resident, announced the following events: The 'John Force Holiday Car Show' this Sunday with a Toy Drive benefitting children, and on December 11, 2008 'Holiday in Old Town' will be held and will also have a car show. He thanked Louie Scull for his efforts on Measure BB and his dedication to the City.

Vince Campion, representing the Boys & Girls Club, spoke of the ripple affect of the fire on attempts to raise money for the Boys and Girls Club, and stated that they are going to have to cut services if they do not raise money. He also stated they are having a fundraising event at the Richard Nixon Library on New Year's Eve.

Julia Shultz, resident, noted the Yorba Linda Water District's meeting is the same night as the Main Street Holiday event.

Louie Scull, local business property owner, spoke relative to Measure BB and giving property back to those it was taken from.

Barry Dunn, resident, spoke regarding a town center investigation and an ethics policy for Council.

Jessica and Amy Castellano read a tribute to their father – outgoing Councilmember Allen Castellano.

CONSENT CALENDAR

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to approve the Consent Calendar. **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 waived reading in full 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 NOVEMBER 18, 2008 JOINT CITY COUNCIL/RDA MEETING

The City Council/RDA approved the minutes of the November 18, 2008 joint meeting.

4. CANVASS OF THE NOVEMBER 4, 2008 CITY OF YORBA LINDA GENERAL MUNICIPAL ELECTION - RESOLUTION NO. 2008-3956 RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

The City Council adopted Resolution No. 2008-3956.

5. TREASURER'S REPORT - OCTOBER 2008

The City Council/RDA received and filed the report.

6. SECOND READING AND ADOPTION OF ORDINANCE NO. 2008-924, AMENDING CHAPTER 12.20 OF THE YORBA LINDA MUNICIPAL CODE TO PROHIBIT ENCROACHMENTS ONTO PUBLIC AND PRIVATE EQUESTRIAN OR RECREATIONAL TRAILS OR EASEMENTS PROVIDING ACCESS TO SUCH TRAILS

The City Council approved second reading and adopted Ordinance No. 2008-924.

7. AUTHORIZATION FOR ADDITIONAL INTERIM CITY MANAGER WORK DUE TO DECLARATION OF LOCAL EMERGENCY

The City Council authorized payment for additional work hours for Urban Futures Incorporated for both: 1) the Interim City Manager's actual hours worked in

response to the local emergency and 2) up to 100 hours of time after January 1, 2009 due to the retirement of the Assistant City Manager.

End of Consent Calendar

INTRODUCTIONS & PRESENTATIONS

COMMENTS BY OUTGOING COUNCILMEMBERS

Councilmember Castellano thanked the community for the opportunity to serve the City.

Councilmember Wedaa stated that the City Council should give priority to a program of voluntary fire fighters to be used on an as needed basis. Councilmember Wedaa also stated Council should put a significant effort into accomplishing the merger of the Yorba Linda Water District into the City Council. He thanked the community for the opportunity to serve the City.

PRESENTATIONS TO OUTGOING COUNCILMEMBERS

State Assemblyman Mike Duvall, Supervisor Bill Campbell, and representatives of Congressman Gary Miller and Senator Bob Huff made presentations to outgoing Mayor Jim Winder, and outgoing Councilmembers Allen Castellano and Henry Wedaa.

ADMINISTER OATH OF OFFICE TO NEW COUNCILMEMBERS

City Clerk Mendoza administered the oath of office to newly elected Councilmembers Nancy Rikel, Mark Schwing, and Jim Winder.

RECESS - RECEPTION IN COUNCIL CHAMBERS LOBBY

REORGANIZATION OF COUNCIL

The following residents spoke in favor of the Mayor Pro Tem becoming the Mayor so as to continue traditions in rotating Council each year with the Mayor Pro Tem succeeding to Mayor so that each Councilperson has the opportunity to serve as Mayor:

Douglas Flor, Marla Horton for Beth Peltzer, Mary Carbone, Tom Watts; Jim Sanders; Julia Shulz; Larry Wells, Jim Rollins; and Lee Favaro.

Ed Rakochy, resident, stated that choosing a Mayor is about leadership and experience.

Mayor Winder turned the meeting over to the City Clerk to conduct the selection of Mayor.

SELECTION OF MAYOR

City Clerk Mendoza opened the nominations for Mayor.

Councilmember Winder nominated Mayor Pro Tem Horton for Mayor.

Councilmember Schwing nominated Councilmember Anderson for Mayor – Councilmember Anderson declined the nomination.

Councilmember Anderson nominated Councilmember Schwing for Mayor.

A vote was taken on the nomination of Mayor Pro Tem Horton for Mayor, **MOTION FAILED** with Councilmembers Anderson, Rikel, and Schwing voting “no”.

A vote was taken on the nomination of Councilmember Schwing for Mayor, **MOTION CARRIED** with Councilmember Horton voting “no”.

SELECTION OF MAYOR PRO TEM

Mayor Schwing opened nominations for Mayor Pro Tem.

Councilmember Winder nominated Councilmember Horton for Mayor Pro Tem.

Councilmember Rikel nominated Councilmember Anderson for Mayor Pro Tem.

A vote was taken on the nomination of Councilmember Horton for Mayor Pro Tem, **MOTION FAILED** with Councilmembers Anderson, Rikel, and Schwing voting “no”.

A vote was taken on the nomination of Councilmember Anderson for Mayor Pro Tem, **MOTION CARRIED UNANIMOUSLY.**

COMMENTS BY INCOMING COUNCILMEMBERS

Comments were made by incoming Councilmembers – Rikel, Schwing, and Winder.

MAYOR'S REPORT

8. APPOINTMENTS TO ORGANIZATIONS, AGENCIES, AND COMMITTEES

There was discussion regarding continuing this item due to the possibility of a recount on the election.

Mayor Schwing asked that delegates, whenever possible, get direction from Council before voting on issues at the meetings of these organizations, agencies, and committees.

Mayor Schwing made the following appointments to organizations, agencies, and committees:

<u>City Audit Committee</u> (Standing Committee)	Delegate: Mayor Schwing Delegate: Mayor Pro Tem Anderson Alternate 1: Councilmember Horton Alternate 2: Councilmember Rikel Alternate 3: Councilmember Winder
<u>Foothill/Eastern Corridor Agency</u>	Delegate: Mayor Schwing Alternate: Councilmember Horton
<u>Four Corners Transportation</u>	Delegate: Councilmember Winder Alternate: Councilmember Horton
<u>League Of California Cities OC Division</u> Selection Committee (Mayor is Delegate)	Delegate: Mayor Schwing Alternate: Mayor Pro Tem Anderson Delegate: Mayor Schwing (Selection Committee)
<u>National League Of Cities</u>	(As Needed) Delegate: Mayor Schwing Alternate: Mayor Pro Tem Anderson
<u>NOC Interjurisdictions Planning Forum For Growth Management, Areas I & 4</u>	Delegate: Councilmember Winder Alternate: Mayor Schwing
<u>OC Fire Authority</u>	Delegate: Councilmember Rikel Alternate: Mayor Schwing
<u>OC Sanitation District</u>	Delegate: Mayor Pro Tem Anderson Alternate: Councilmember Winder

<u>OC Vector Control District</u>	Delegate: Councilmember Winder Alternate: Mayor Pro Tem Anderson Appointed for a 2 year term
<u>Santa Ana River Flood Protection Agency</u>	Delegate: Councilmember Horton Alternate: Councilmember Rikel
<u>So. California Association of Governments</u>	Delegate: Mayor Schwing Alternate: Mayor Pro Tem Anderson
<u>Transportation Corridor System</u>	Delegate: Mayor Schwing Alternate: Councilmember Horton
<u>Trauma Intervention Program</u>	Delegate: Councilmember Horton Alternate: Councilmember Rikel
<u>YL Chamber Of Commerce</u>	Delegate: Councilmember Anderson Alternate: Councilmember Winder
<u>YL Water District</u>	Delegate: Councilmember Rikel Alternate: Councilmember Horton
<u>YL Water District Bond Committee</u>	Delegate: Councilmember Rikel Alternate: Councilmember Horton

Mayor Schwing noted that it is his intent as Mayor to start City Council meetings promptly at 6:30 p.m.

MATTERS PRESENTED BY COUNCILMEMBERS

Mayor Pro Tem Anderson spoke regarding past deviations from the policy of the Mayor Pro Tem rotating to Mayor. Mayor Pro Tem Anderson also stated he received an e-mail from Mark Abramowitz, whose son Robbie is drum captain in the Valencia Marching Band and Color Guard, which took the overall sweepstakes win at the field tournament at Savana High School.

Mayor Pro Tem Anderson reported that Fitness Pizza is having a fundraiser for fire victims on December 15, 2008.

Councilmember Winder reported that last Wednesday evening the Summit House, whose owner lives in Yorba Linda, held a dinner for fire victims, volunteers, police and fire officials and it was a heartwarming event.

Councilmember Horton reported she attended the Eagle Scout Honor Court for Tyler Bassett and presented a Certificate to him. She also spoke regarding the nominations for Mayor and comments made by Council.

Councilmember Horton asked if it wasn't pre-decided, how did the Mayor come to the meeting decided on appointments to organizations, agencies and committees without recommendations. Councilmember Horton asked the City Attorney to look into a possible Brown Act violation in the Mayor's Council appointments to organizations, agencies, and committees.

Mayor Pro Tem Anderson discussed the list of Fire Heroes maintained by the City Clerk's office and asked that people keep sending them in, that it is incredible to see the stories.

ADMINISTRATIVE REPORTS

9. ORAL REPORT - STATUS OF YORBA LINDA EMERGENCY AND CONTINUATION OF EMERGENCY DECLARATION

Orange County Fire Authority Chief Prather presented a preliminary report on the Freeway Complex fire, responded to questions from Council, and passed out copies of the December 2, 2008 Freeway Complex Fire Preliminary Report.

Orange County Fire Authority Division Chief Moore presented a report on initial actions taken, the command structure, mutual aid, ground resources, and air assets and responded to questions from Council. He also addressed flood and mudslide preparation and staffing, Yorba Linda and Orange County Emergency Operations Center activation; immediate weather updates, weather specialist staff, and evacuation shelters established.

Chief Prather spoke regarding problems with the water supply from fire hydrants - low water pressure/lack of water in some areas, and addressed questions raised by the public. He also spoke regarding a reserve firefighter program and LEOSAD (Leave Early or Stay and Defend) – a concept that took place in Australia, and consideration of a Citizens Emergency Response Team.

Chief Prather stated that the 'after action' report is a very complicated process and monthly updates will be provided. He also stated the Fire Authority will work with the City on Fire Codes; dealing with ember intrusion; and completion of the after action report. He noted the Orange County Fire Authority will be reviewing the damage assessment documents and will be bringing additional reports.

Public Works Director Stowell reported on the post fire preparation for the recovery of the hillsides; events following the fire and stopping the silt from the hills. He thanked all the contractors who came forward to help, the Yorba Linda

Water District, Cities of Placentia and Irvine, and engineers. He gave utmost thanks to staff and stated he is very proud of staff. He also stated it is going to take at least three years for the hills to recover.

Parks & Recreation Director Leto presented a report on the Disaster Recovery Center in Savi Ranch and thanked the City of Placentia for providing resources to the shelters.

Library Director Steep presented a report on Library staff involvement with fire victims, donated services to those affected by the fire, and an 'after the fire workshop' for fire victims to be held Thursday, December 4 from 7:00 – 8:30 p.m. at the East Lake Village Clubhouse in Yorba Linda.

Assistant City Manager Gruchow explained the following: Public notification procedures, what triggers evacuation orders, analyzing potential debris flows, potential for mud and debris flows, projected rain fall, and working toward the goal of making sure the City is prepared for rain.

Interim City Manager Kelly discussed costs of the fire to date for the City and stated that a report will be brought back every meeting to keep the public informed and information will be on the City's web site.

Jim Inland, resident, stated everyone can learn from this disaster and read an excerpt from an article regarding Australian wild fires and suggested that a model program be set up wherein volunteers are trained and taught to fight fires.

Julia Schulz, resident, spoke regarding not having enough water to protect her home and asked that the fire hydrants be tested.

Greg Schulz, resident, stated the maintenance of the fire hydrants in the City should be published.

Mark Shock, resident, recommended that an outside independent agency conduct an in-depth investigation of the water department. He asked that Council make building a reservoir in Hidden Hills a priority. He stated the Water District Board meetings should be held in the evenings with the meetings televised and placed on the web.

Jim Sando, resident, spoke regarding the Yorba Linda Water District's meetings.

Bill Kontur, resident, discussed donations from special interest groups.

Sharlene Dunn, representing the Fairmont Hills Homeowners Association, stated citizens need to be given the knowledge they need so that they can help with the fires.

Greg Gillaspy, resident, spoke in support of a reserve firefighter program.

Terry Kilker, resident, spoke regarding the fire fighters' actions during the fire and taking control of the water department.

Tom Watts, resident, spoke regarding the Yorba Linda Water District.

Dave Rosenburger, resident, asked why there is no backup systems for the water.

Dendra Garber, resident, spoke regarding the election results.

Louie Scull, local business property owner, spoke regarding a moratorium on building permits, brush control beyond property lines, and performing soils test on new construction.

City Attorney Carvalho noted that an item came up after the Agenda was posted and there is a need to add this item to the agenda and adopt a resolution continuing the declaration of the existence of a local emergency and modifying Resolution No. 2008-3970 to add rain related hazards.

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to add Resolution No. 2008-3973, continuing the declaration of the existence of a local emergency and modifying Resolution No. 2008-3970, to the agenda. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to adopt Resolution No. 2008-3973. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to authorize the expenditure of \$250,000 for the open purchase orders and any additional amount as recommended by the Finance Director at the City Council meeting. **MOTION CARRIED** by the following roll call vote:

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

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

ORANGE COUNTY FIRE AUTHORITY – Councilmember Horton gave an overview of reports she asked the Orange County Fire Authority for right after the fires, and stated she also asked them for assistance in getting help for the City from the State. She stated she appreciates their efforts to respond to these requests.

ORANGE COUNTY VECTOR CONTROL – Councilmember Winder reported on the contract with Vector Control employees which the Board approved at the last meeting. He stated he was one of seven who voted “no” on it.

OTHER BUSINESS

10. EVALUATE USE OF FUEL CELLS FOR CIVIC CENTER (WEDAA)

It was **MOVED/SECONDED – ANDERSON/WINDER** – to give to staff for action some time in the future when feasible. **MOTION CARRIED UNANIMOUSLY.**

11. RED STRIPING REVIEW AT VAN BUREN/YELLOWSTONE (HORTON)

It was **MOVED/SECONDED – HORTON/SCHWING** – to bring this item to the City Council for review at the second meeting in January. **MOTION CARRIED UNANIMOUSLY.**

12. FLAGS ON MAJOR BOULEVARDS ON PATRIOTIC HOLIDAYS (ANDERSON)

Parks & Recreation Director Leto responded to questions from Council.

It was **MOVED/SECONDED – ANDERSON/HORTON** – to direct staff to come back with a report on flags on major boulevards on patriotic holidays at the appropriate time. **MOTION CARRIED** with Councilmember Winder voting “no”.

13. MOVING AND REHABILITATING BOARDED-UP TOWN CENTER HOMES
(ANDERSON)

It was **MOVED/SECONDED – ANDERSON/RIKEL** – to direct staff to find locations wherein the historical integrity of these homes can be maintained in groupings in town center.

Discussion ensued.

A **SUBSTITUTE MOTION** was made - **MOVED/SECONDED – ANDERSON/HORTON** – to continue this item, combine it with the historical resources report, and bring back to Council at the December 16, 2008 City Council meeting.

Discussion ensued.

Mayor Pro Tem Anderson asked the City Manager to contact the historic people regarding grouping these houses in a historical location.

MOTION CARRIED UNANIMOUSLY.

14. ELIMINATION OF INFORMAL POLICY OF CITY COUNCILMEMBERS
RECEIVING CAMPAIGN STATEMENTS AT NO CHARGE (ANDERSON) -
Continued

15. PROS AND CONS OF HIRING A LOBBYIST (HORTON)

It was **MOVED/SECONDED – SCHWING/ANDERSON** – to direct the Interim City Manager to look at the pros and cons of having a lobbyist, who is available, and costs to the City and bring back a report to the second meeting in January 2009. **MOTION CARRIED UNANIMOUSLY.**

16. POLICE SERVICES STUDY (SCHWING)

It was **MOVED/SECONDED – SCHWING/ANDERSON** – to authorize the Interim City Manager to contact Hughs/Perry to get a quote regarding a police services study and bring back an oral report at the second meeting in December.

Councilmember Horton noted that the League had a safety conference meeting which addressed this and she would like to have it reviewed.

MOTION CARRIED with Winder, Horton voting “no”.

17. CITY MANAGER RECRUITMENT (SCHWING)

Interim City Manager Kelly stated that this item is scheduled for the December 16, 2008 City Council meeting.

18. DISCUSSION RE CITY HALL OPERATING HOURS (SCHWING) - Continued

19. DISCUSSION RE LONG TERM FIRE PREVENTION ISSUES IN OUR HIGH RISK FIRE ZONE AREAS (SCHWING) - Continued

20. DISCUSSION RE COUNCIL STUDY SESSIONS/WORKSHOPS (SCHWING) - Continued

21. DISCUSSION RE TOWN CENTER (SCHWING) - Continued

22. ETHICS ORDINANCE (SCHWING) - Continued

23. CITIZENS FAIR POLITICAL PARTICIPATION ORDINANCE (SCHWING) - Continued

24. DISCUSSION RE CURRENT BUILDING DEPARTMENT STUDY (SCHWING) - Continued

CLOSED SESSION - None Required

ADJOURNMENT

It was **MOVED/SECONDED – SCHWING/RIKEL** – to continue the remaining items on the Agenda to December 9, 2008, at 6:30 p.m.

Discussion ensued relative to the process for Council to add items to the Agenda and Other Business.

Councilmember Horton suggested the need to check on the availability of Councilmembers for that date. Mayor Pro Tem Anderson and Councilmember Winder indicated they would not support the motion.

Mayor Schwing **withdrew his motion.**

It was **MOVED/SECONDED – WINDER/HORTON** – to adjourn the meeting at 11:27 p.m. **MOTION CARRIED UNANIMOUSLY.**

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is December 16, 2008.

Kathie M. Mendoza, City Clerk
City of Yorba Linda

APPROVED BY CITY COUNCIL/RDA:

December 16, 2008