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

**FEBRUARY 5, 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, Wedaa, Winder

Staff Members Present: Carvalho, Gruchow, Letourneau

**CLOSED SESSION**

**CITY COUNCIL**

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9 (a)

Name of Case: Stuart Glenn, Wen Jong Wu, et al. v. City of Yorba Linda, et al.  
Case Number: Orange County Superior Court Case No. 06CC00083

**RECESS**

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

### **RECONVENING AT 6:30 P.M.**

#### **CALL TO ORDER**

The City Council/Redevelopment Agency reconvened at 6:38 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, Letourneau, Mendoza, Steep, Stowell

**PLEDGE OF ALLEGIANCE** – Councilmember Castellano

**INVOCATION** - Pastor Chico Holiday, Calvary Chapel of Yorba Linda

**CLOSED SESSION REPORT** – No Reportable Action

#### **INTRODUCTIONS & PRESENTATIONS**

##### **EMPLOYEE ANNIVERSARY AWARDS**

Employee service recognition awards were given to the following employees:

Library Department: Lucy Salvado 5 Years

Parks & Recreation Department: Irene Isolda 15 Years

Finance Department: Marie Stiegler 20 Years

Community Development Department: Beverly Wrage 30 Years

Engineering/Public Works Department: Saralynn Song, was unable to attend, but received her 5 Year Employee Service Recognition Award.

Julianne Vesper Nogal (Library Department) was unable to attend, but received her 5 Year Employee Service Recognition Award

**PRESENTATION OF RECOGNITION OF ACHIEVEMENT CERTIFICATES TO THE EL DORADO VARSITY FOOTBALL TEAM FOR WINNING THE 2007 C.I.F. SOUTHERN DIVISION FOOTBALL CHAMPIONSHIP**

Mayor Winder presented Recognition of Achievement Certificates to the El Dorado Varsity Football Team for winning the 2007 C.I.F. Southern Division Football Championship.

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

Greg Gillespy, resident, recognized those wearing "VOTED" stickers and spoke regarding the location and seating arrangement of the Town Hall meeting at Lakeview Elementary School. Mr. Gillespy also expressed concern that the Council Chambers were over capacity at the recent School District event in the Council Chambers.

Steve Sands, resident, stated he enjoyed the Town Hall meeting and spoke regarding city taxes.

Nancy Rikel, resident, spoke regarding slate mailers, the refurbished fire house, and the Janeway House.

Tom Lynch, resident, discussed the general fund reserves, the assessment district reserves, and suggested a public works citizen's commission be formed.

Lois Bobak, attorney, stated she wished to speak on behalf of Mayor Horton regarding segregating Site 13 from other items pertaining to the Town Center.

Pearl Wieselmann, resident, spoke relative to discrimination and the Senior Citizen's Newsletter.

**RECESS:**

Mayor Winder called a recess at 7:30 p.m. and reconvened the meeting at 7:35 p.m.

Lee Day, resident, discussed the December 4, 2007 ballot measure regarding the Landscape Maintenance Assessment District.

Pat Nelson, resident, stated she attended the Town Hall Meeting and it was a great meeting.

Jeff Winter, resident, discussed the City Manager's salary and the 12-city salary survey the City uses for median salaries.

Claudine Lynch, resident, asked questions regarding counting the ballots and verification of the Landscape Maintenance Assessment District vote process.

### **CONSENT CALENDAR**

Mayor Winder removed Item 13 from the Consent Calendar.

Councilmember Castellano abstained on those items in Item 5 that were heard before he arrived at the January 15, 2008 City Council meeting.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to approve the Consent Calendar with the removal of Item 13 and Councilmember Castellano abstaining on those items reported in the January 15, 2008 minutes that were heard before he arrived at the meeting. **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. CITY/REDEVELOPMENT AGENCY ACCOUNTS PAYABLE WARRANT LISTS

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

3. APPROVAL OF THE MINUTES OF THE CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING OF DECEMBER 18, 2007

The City Council/Redevelopment Agency approved the minutes of the December 18, 2007 joint meeting.

4. APPROVAL OF THE MINUTES OF THE CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING OF JANUARY 2, 2008

The City Council/Redevelopment Agency approved the minutes of the January 2, 2008 joint meeting.

5. APPROVAL OF THE MINUTES OF THE CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING OF JANUARY 15, 2008

That the City Council/Redevelopment Agency approved the minutes of the January 15, 2008 joint meeting with Councilmember Castellano abstaining from those items that were heard before he arrived at the meeting.

6. APPROVAL OF THE MINUTES OF THE JANUARY 18, 2008 ADJOURNED CITY COUNCIL MEETING

The City Council approved the minutes of the January 18, 2008 adjourned City Council meeting.

7. TREASURER'S REPORT - NOVEMBER 2007

The City Council and Agency Board received and filed the report.

8. RESOLUTION NO. 2008-3905 - INTENT TO VACATE A PORTION OF LANDSCAPE EASEMENT ON ASPEN WAY

The City Council approved Resolution No. 2008-3905 declaring its intent to vacate a portion of the landscape easement on Aspen Way.

9. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASE OF BONDS, OLSON COMPANY, TRACT 16513

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

10. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASE OF BONDS, OLSON COMPANY, TRACT 16647

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

11. COUNTY OF ORANGE CITY AIDE PROGRAM AGREEMENT FOR FISCAL YEAR 2008/2009

The City Council approved the agreement as required by the County of Orange for participation in Proposition 42 City Aid Program (CAP) funding for Fiscal Year (FY) 2008/2009.

12. BUILDING DEMOLITION PERMIT REQUEST FOR ONE MULTI-FAMILY BUILDING AT 4672 PLUMOSA

The City Council approved the request for a demolition permit for four apartment units of wood framed stucco construction at 4672 Plumosa.

13. BUILDING DEMOLITION PERMIT REQUEST FOR THE SINGLE-FAMILY RESIDENCE AT 4246 AVOCADO AVENUE

This item was removed from the Consent Calendar.

14. SECOND READING OF ORDINANCE NO. 2008-915 - CITY COMMISSION TERM LIMITS

The City Council approved second reading and adopted Ordinance No. 2008-915.

### **End of Consent Calendar**

#### **ITEM 13 - BUILDING DEMOLITION PERMIT REQUEST FOR THE SINGLE-FAMILY RESIDENCE AT 4246 AVOCADO AVENUE**

Bob Klems, neighbor, stated he was not aware of a design review and presented pictorial views of the project and stated the elevation of the property negates the privacy wall he built 24 years ago. He noted that the wall is not a retaining wall. He discussed the width of the easement and stated the construction adversely affects his property. He

asked that Council send this item back to the Planning Commission for further consideration so that he can have input into it.

City Attorney Carvalho noted that the Demolition Permit is the only decision before Council tonight and it is a ministerial act.

**RECESS:**

Mayor Winder called a recess at 8:15 p.m. and reconvened the meeting at 8:42 p.m.

Community Development Director Christiansen verified it is not a historic structure and discussion ensued regarding the grading permit.

Robert Day, applicant, stated that he has been a professional planner for 34 years and the grading permits were approved for the project and he has complied with everything asked of him. Mr. Day responded to questions from Council.

Mr. Klems responded to questions from Council.

City Attorney Carvalho responded to questions from Council.

Mayor Pro Tem Horton asked staff to make sure the wall is intact and take a look at the grading to make sure it is within the code.

Councilmember Wedaa asked the applicant, Mr. Day, if he would be willing to continue this item for two weeks.

Mr. Day agreed that the item be continued for two weeks.

It was **MOVED/SECONDED – WEDAA/CASTELLANO** – to continue this item for two weeks.

Councilmember Castellano stated he would not be supportive of the motion because as the City Attorney stated, it is clear that this is a ministerial action and he thinks there are issues that cannot be resolved at this point nor resolved in two weeks. He stated he will be supporting the demolition permit but with the caveat that a City Council policy be brought back that when a grading permit is issued, the adjacent property owners will be notified.

A **SUBSTITUTE MOTION** was made – **CASTELLANO/ANDERSON** – to approve the request for a demolition permit for a wood frame house located at 4246 Avocado Avenue. **MOTION CARRIED** by the following roll vote:

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

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to direct staff to bring back a policy for consideration to notify adjacent property owners when grading on adjacent properties. **MOTION CARRIED** by the following roll call vote:

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

Mayor Pro Tem Horton asked that the report include information regarding what other communities are doing with this type of issue.

Councilmember Anderson stated that when this comes back to Council, he would like to know how many grading permits there are that this would apply to. Councilmember Anderson requested that staff go out to the subject property tomorrow and make sure it is done properly.

## **PUBLIC HEARINGS**

### 15. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE CONDITIONAL USE PERMIT 2007-41 AND DESIGN REVIEW 2007-13 T-MOBILE

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report – Community Development Director Christiansen presented an overview of the written staff report and responded to questions from Council.
- c. Take Testimony
  - 1) Appellant – Councilmember Wedaa Councilmember Wedaa stated the reason he appealed this item is that it is in a City Park with kids playing and when the backup generators come on, there are impacts to the quality of the air.

It was **MOVED/SECONDED – WEDAA/HORTON** – that a special condition be added that any backup power generators on site must be provided with an alternative clean burning fuel source such as, but not limited to, propane, natural gas, or fuel cell technologies and these requirements shall be included within the land lease agreement between the City of Yorba Linda and T-Mobile to the satisfaction of the City

Attorney, Community Development Director, and the Parks and Recreation Director.

- 2) Project Applicant - Joe Spieler stated that T-Mobile did agree to the clean burning fuel condition and noted that the diesel generators can use scrubbers which must help with some of the effects. He noted that T-Mobile's concern is to maintain the emergency 911 coverage and people with only cell phones rely on that. He also stated he can agree to the condition and requested that the project be approved as is, and the language set forth by Councilmember Wedaa as a condition be added to the lease. Mr. Spieler responded to questions from Council.
  - 3) Public Comment - None
  - 4) Rebuttal by Applicant – Not Required
- d. Close Public Hearing – Mayor Winder closed the public hearing.
  - e. Make Determination

Community Development Director Christiansen stated that the motion is adopting Resolution No. 2008-3904, upholding the Planning Commission's action to approve Conditional Use Permit 2007-41 – T-Mobile with conditions and as amended with special Condition 45 as stated by Councilmember Wedaa.

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

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

16. PUBLIC HEARING RE ZONE CHANGE 2007-02, TENTATIVE PARCEL MAP 2007-162, DESIGN REVIEW 2007-07 - BURKE REAL ESTATE GROUP

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report – Senior Planner Brantley presented slides and gave an overview of the written staff report.

Assistant City Manager Gruchow referred to slides and stated this was the original auto plaza site and discussed alternatives the Redevelopment Agency as been working on with Burke Real Estate.

c. Take Testimony

Tom Lynch, resident, addressed the project and stated it is a potential loss of sales tax revenue.

Ed Rakochy, resident, stated that he agrees with Tom Lynch that this is a potential loss of sales tax revenue, and stated that the government should not be in the real estate business.

Staff responded to questions from Council, and Assistant City Manager Gruchow noted there is no owner participation agreement with this.

The applicant spoke of the significance of the second floor office space and stated it will bring users for the retail project and the tenant mix benefits everyone.

Pat Patterson, applicant, spoke relative to the proposal and responded to questions from Council.

d. Close Public Hearing – Mayor Winder closed the Public Hearing.

e. Make Determination

It was **MOVED/SECONDED – CASTELLANO/WEDAA** – to approve first reading of Ordinance No. 2008-916 approving Zone Change 2007-02 - Burke Real Estate Group, and the Mitigated Negative Declaration and Mitigation Monitoring Program prepared therefore. **MOTION CARRIED** by the following roll call vote:

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

**NOES:** None

**ABSENT:** None

It was **MOVED/SECONDED – CASTELLANO/WEDAA** – to adopt Resolution No. 2008-3903, approving Tentative Parcel Map 2007-162 - Burke Real Estate Group, with conditions, and the Mitigated Negative Declaration and Mitigation Monitoring Program prepared therefore. **MOTION CARRIED** by the following roll call vote:

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

**NOES:** None

**ABSENT:** None

It was **MOVED/SECONDED – CASTELLANO/WEDAA** – to approve Design Review 2007-07 - Burke Real Estate Group, with conditions, and the Mitigated Negative Declaration and Mitigation Monitoring Program prepared therefore. **MOTION CARRIED** by the following roll call vote:

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

**CONTINUED PUBLIC COMMENTS** - None

**MAYOR'S REPORT** - None

17. LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ELECTION UPDATE
18. LA PALMA/IMPERIAL HIGHWAY CONSTRUCTION PROJECT

**MATTERS PRESENTED BY COUNCILMEMBERS** - None

**ADMINISTRATIVE REPORTS**

19. PRESENTATION OF FINAL BLUE RIBBON REPORT

Mayor Pro Tem Horton recused herself from participating in this item and left the Council Chambers to avoid a conflict of interest.

Community Development Director Christiansen introduced the Chairman of the Blue Ribbon Committee, Mr. Herb Trumble, who presented Committee members and gave background information on the activities of the Blue Ribbon Committee.

Community Development Director Christiansen presented the Blue Ribbon Committee Report including background; process; vision; the nine priority topics; findings & recommendations; context; public open space; entertainment; circulation; parking; housing; restaurants; commercial/retail; cultural arts; key conclusions; and the preparation of the community based specific plan for the Yorba Linda Town Center consistent with the report.

Community Development Director Christiansen responded to questions from Council.

Pat Nelson, resident, stated the priorities were not ranked on purpose because they were all equally important, and suggested a citizen's oversight committee to take this to the next step.

Ed Rakochy, resident, stated the town hall meetings should be kept up and encouraged the development of a specific plan committee.

Gabriella Rollins, resident, stated it is important to look at the big picture and that she would like to see a partnership for a cultural arts center.

Louie Schirm, resident, stated all five Councilmembers are needed on this and suggested segmenting the areas so that Mayor Pro Tem Horton is recused as little as possible.

Greg Gillespy, resident, stated an oversight committee is a necessary element and the next round should be a new group of people.

Cheri Hansen, resident, stated it was a privilege to serve on the Blue Ribbon Committee.

Lois Bobak, representing Mayor Pro Tem Horton, asked that Council segment out site 13 so that Mayor Pro Tem Horton may participate in the discussion.

Nancy Rikel, resident, thanked the Blue Ribbon Committee for bringing history to downtown.

Rick Nelson, resident, stated that Site 13 is not in the Town Center and Mayor Pro Tem Horton should be allowed to participate in the discussion.

Councilmember Anderson stated he wished there was more allegiance to the equestrian community but is looking forward to continued progress.

It was **MOVED/SECONDED - CASTELLANO/WEDAA** - to receive and file the report. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Castellano, Wedaa, Winder

NOES: None

ABSENT: Horton

Discussion ensued relative to the segmentation of Site 13.

It was **MOVED/SECONDED - WEDAA/ANDERSON** - to wait until the March 25th meeting to have input on the segmentation of Site 13 issue and to take no further action tonight. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Wedaa, Winder  
NOES: Castellano  
ABSENT: Horton

**RECESS:**

Mayor Winder called a recess at 10:45 p.m. and reconvened the meeting at 10:55 p.m.

Mayor Pro Tem Horton returned to the Council Chambers and the dais.

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

Public Works Director Stowell gave a power point presentation, an overview of the written staff report, and responded to questions from Council.

A lengthy discussion ensued regarding the Murrieta property.

Ed Loritz, Homeowners Association Board Member and area resident, discussed the areas that the Homeowners Association maintains on the Murrieta property. He stated that Mr. Murrieta has not joined the Homeowners Association and pays no dues. Mr. Loritz stated that he, as a private homeowner, does not have sewer and water easements for his house and that he thinks that is a big mistake on the City and that he will do a law suit. He stated he has talked to attorneys about it and they are trying to hold any lawsuits off until they get these resales done. Mr. Loritz also discussed the sewer easement which cuts across his property which he knew nothing about.

Councilmember Castellano raised a point of order and stated tonight they heard a potential threat of litigation in regard to this so at this point, as far as the discussion is concerned, he would not feel comfortable moving forward with questions, answers, and discussion until Council has a Closed Session meeting with the City Attorney regarding some of the issues raised by the speaker tonight.

City Attorney Carvalho stated the threat of litigation was heard by everyone and it would be justifiable under the Brown Act to hold a Closed Session discussion regarding this topic. The Closed Session could not be held tonight as it was not agendized.

City Attorney Carvalho stated that the staff report covers the bonds and Council can act on the bonds tonight.

Councilmember Wedaa stated he is not prepared to vote on bonds until he hears more of this story.

Discussion ensued relative to the release of the bonds.

It was **MOVED/SECONDED – HORTON/WEDAA** – to not release the bonds and to continue this item to an indefinite date for Closed Session discussion.

Doug Bicham, representative of Woodbridge Development, spoke regarding a meeting between City staff and Woodbridge wherein a final punch list was developed to complete all the City improvement items for this particular development and stated that since that time, Woodbridge has worked diligently to complete all those items to the City's satisfaction, everything has been completed that was on that punch list in terms of City improvement items that these bonds pertain to. He stated the issues Mr. Loritz is bringing up are not directly related to items that have to do with the City improvements.

Public Works Director Stowell noted that the improvements the bonds covered have been completed and that to be in compliance with the Subdivision Map Act, the bonds should be released.

Discussion ensued.

Mayor Winder asked Mr. Bicham if he is willing to waive approval of bonds tonight realizing the City will move forward as quickly as it can as a Council to meet in closed session to resolve the issues hopefully - within four to six weeks.

Mr. Bicham responded that Woodbridge is willing to do that.

**MOTION CARRIED UNANIMOUSLY.**

Councilmember Castellano **MOVED** to continue the remaining items on the Agenda. **MOTION FAILED** for lack of a second.

It was **MOVED/SECONDED – WEDAA/WINDER** – to consider Items 23 and 25. **MOTION CARRIED** with Councilmember Castellano voting "no".

21. BREA POLICE DEPARTMENT ANNUAL REPORT

22. CITY HALL PARKING LOT CHANGE PER THE ADA STANDARDS

23. NAMING OF CITY FACILITY IN HONOR OF PHILLIP S. PAXTON

It was **MOVED/SECONDED - WEDAA/HORTON** - to change the name of the Buena Vista Equestrian Center to The Phillip S. Paxton Equestrian Center in honor of Phil Paxton. **MOTION CARRIED** by the following roll call vote:

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

24. ESPERANZA ROAD STREET NAME SIGNS

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

There were no appeals of Planning Commission Actions.

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 stated she will be in San Diego tomorrow at the Coastal Commission hearings representing Yorba Linda in support of the Toll Road 241 extension.

Mayor Pro Tem Horton announced that the YMCA Pancake Breakfast is on Saturday from 8:00 a.m. to 11:30 a.m.

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

**OTHER BUSINESS**

26. REVERSE 911 SYSTEM (HORTON)

27. SENIOR EMERGENCY LIST (HORTON)

28. RV ACCESS (HORTON)
29. CITYWIDE WI-FI (ANDERSON)
30. HISTORICAL PRESERVATION POLICY (HORTON)
31. DISCUSSION REGARDING JANEWAY HOUSE (ANDERSON)
32. INCENTIVES FOR GREEN BUILDING FEE REDUCTIONS (HORTON)
33. COUNCILMEMBERS SPENDING MONEY FOR OUT-OF-STATE TRAVEL (ANDERSON)
34. INITIATIVE MEASURE RE EMINENT DOMAIN (ANDERSON)
35. PROPOSED COST REDUCTION PROGRAMS: a) CITIZENS COMMITTEE REGARDING THE LMAD; b) COST REDUCTION PROGRAM FOR EMPLOYEE SUGGESTIONS; c) COST REDUCTION PROGRAM FOR RESIDENT SUGGESTIONS (WEDAA)

**CLOSED SESSION** – Not Required

**ADJOURNMENT**

Mayor Winder adjourned the meeting at 11:47 p.m. to February 12, 2008 at 5:30 p.m. to conduct interviews of applicants for the Parks & Recreation Commission and the Traffic Commission.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is February 19, 2008.

APPROVED BY CITY COUNCIL/RDA:

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Kathie M. Mendoza, City Clerk