

**CITY OF YORBA LINDA**  
**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT**  
**MEETING MINUTES JANUARY 15, 2008**

**CALL TO ORDER**

The City Council/Redevelopment Agency convened at 5:30 p.m.

**ROLL CALL**

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

Council/Agency Members Absent: Castellano

Staff Present: Carvalho, Gruchow, Letourneau

**CLOSED SESSION**

**CITY COUNCIL**

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

Government Code Section 54956.9 (b) & (c) (1 case)

- B. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

Labor Negotiators: City Manager Letourneau; Employees Association – Brea  
Police Department

**RECESS**

**CALL TO ORDER**

Mayor Winder reconvened the meeting at 6:34 p.m.

**ROLL CALL**

Council/Agency Members Present: Anderson, Castellano (Arrived at 8:00 p.m.),  
Horton, Wedaa, Winder

Council/Agency Members Absent: Castellano (Until 8:00 p.m.)

Staff Present: Bugbee, Carvalho, Christiansen, Gruchow, Hartman, Leto,  
Letourneau, Mendoza, Steep, Stowell

**PLEDGE OF ALLEGIANCE** - Boy Scouts

**INVOCATION** - Bishop Chuck Flake, Church of Jesus Christ of Latter Day Saints

**CLOSED SESSION REPORT** - No Reportable Action

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

Margaret and Roy Human addressed the City Council relative to their 11 year old son being struck by a car in the El Cajon crosswalk on Valley View Avenue on August 9, 2007 and suffering brain injuries. Mr. And Mrs. Human asked that a light or signals be installed at that location to alert drivers.

Mayor Winder asked Captain Bugbee to pull the traffic report on this incident and refer it to the Traffic Commission.

Marilyn Adams, Library Commissioner, stated she would like to speak regarding Item 8 on the Consent Calendar, and Mayor Winder stated he would remove that item from the Consent Calendar for discussion.

Louie Schirm, resident, spoke regarding the Executive Summary Report of the Town Center Blue Ribbon Committee.

Pat Nelson, resident, stated Mr. Schirm's comments surprised her as that item is not agendized and that she disagrees with some that he said.

Nancy Rikel, resident, spoke regarding the City Manager's salary, public sector versus private sector, Council seating, and LMAD fees.

Greg Gillespy, resident, stated he attended the School Board meeting in the City Council Chambers and over 200 people crowded in, which was above the maximum capacity of the room. He stated it was a "dog and pony show" for Measure A, and that people need to be educated on what a bond issue is. He commented that they received \$395 million from Measure Y, and asked how many other school bond issues are the residents paying on.

Mark Schwing, resident, stated he received a notice of a public hearing on January 27th pertaining to raising rates on the Sanitation District. He also stated he never heard Council take a position on Measure A and would like to hear Council's opinion.

Gabriella Rollins, President of the Yorba Linda Arts Alliance, stated that the Valley View crossing is very dangerous and something needs to be done at the intersection. She noted that on the Blue Ribbon Committee questionnaire, no one did a count on what was more important downtown. Mrs. Rollins reported that the second Sunday of every month is Javapella at Java Joe's, and the Celebration of the Arts Fine Arts and Music Festival is on Sunday, June 1, 2008.

Steve Nelson, Southern California Edison Company, gave an update regarding the status of electrical upgrades in East Lake Village and other areas in town, plans for new circuits in 2008 and 2009, and responded to questions from Council.

**CONSENT CALENDAR**

Mayor Winder asked that Item 8 be removed from the Consent Calendar, and Councilmember Wedaa asked that Items 3 and 6 be removed from the Consent Calendar.

It was **MOVED/SECONDED - WEDAA/WINDER** - to approve the Consent Calendar with the removal of Items 3, 6, and 8. **MOTION CARRIED** by the following roll call vote:

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

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 4, 2007.

This item was removed from the Consent Calendar.

4. LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT EMERGENCY INTERIM MAINTENANCE SERVICES CONTRACT EXTENSION AND APPROVAL OF CONTRACT CHANGE ORDER NO. 1 TO ROCKY MURATA LANDSCAPE MAINTENANCE SERVICES CONTRACT

The City Council determined that there is a need to continue the emergency interim landscape maintenance contract award to Rocky Murata Landscape Maintenance Services without the benefit of competitive bidding, and to authorize the City Manager to execute Change Order No. 1 for the extension of the contract and date by two months at a contract unit price of \$26,300 per month.

5. CLAIM FOR DAMAGES - DAVID FORMAN

That the City Council of the City of Yorba Linda deny the claim for damages by David Forman.

6. CLAIMS FOR DAMAGES - WIND DAMAGE

This Item was removed from the Consent Calendar.

7. REMOVAL OF DEED OF TRUST BETWEEN UPPER K-SHAPELL JOINT VENTURE AND THE CITY OF YORBA LINDA ON PROPERTY OF TRACT 10663, APPROVAL OF TRACT MAP NO. 16987 AND ACCEPTANCE OF SUBDIVISION IMPROVEMENT AGREEMENT AND BONDS, UPPER K-SHAPELL

The City Council authorized the Mayor to execute the reconveyance of property removing the deed of trust between Upper K-Shapell and the City of Yorba Linda per report; approved final Tract Map No. 16987, accepted the dedication of Fairmont Boulevard, easements for ingress, egress and public utility purposes

over Lots D and E, easements for public utility purposes, fire access purposes, storm drain maintenance and access purposes and for ingress/egress and public utility purposes, and Lot F in fee simple for landscape maintenance purposes; and authorized the City Clerk to certify the record map upon completion of any technical corrections required by the City Engineer, authorized the Mayor to sign and the City Clerk to attest Subdivision Improvement Agreement and accepted bonds per Engineering Department's report.

8. TERM LIMITS FOR CITY COMMISSIONERS

This Item was removed from the Consent Calendar.

**END OF CONSENT CALENDAR**

**ITEM 3**

**APPROVAL OF THE MINUTES OF THE CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING OF DECEMBER 4, 2007**

Councilmember Wedaa referred to Page 7 of the December 4, 2007 minutes, Public Hearings, Item 8, 1) Appellant, and stated that after the word "does" in the first sentence, the word "not" should be added - it should read "Councilmember Wedaa stated he does not personally have a problem....."

It was **MOVED/SECONDED – WEDAA/WINDER** – to approve the minutes of the December 4, 2007 joint meeting as corrected. **MOTION CARRIED** by the following roll call vote:

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

**ITEM 6**

**CLAIMS FOR DAMAGES - WIND DAMAGE**

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

Councilmember Wedaa stated the reason he pulled this item was it seems to him that residents were impacted by city trees falling on their property and he thinks the City should pay these claims.

City Attorney Carvalho explained the government tort claims process and said it is a gift of public funds if they are paid without a claim. She recommended the City not pay the claims unless the City did something negligent.

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to pay the claims.

Councilmember Anderson stated he has a problem with the minimal investigation done on these claims and it seems more like a blanket act of God.

A **SUBSTITUTE MOTION** was made – **ANDERSON/WEDAA** - to direct staff to look into the claims more specifically to determine if it was an act of God.

Councilmember Horton stated she thinks a policy should be set and adhered to and would support further investigation.

Mayor Winder stated he thinks it is dangerous to over simplify and it is very much a public policy setting precedent of paying for things not the City's fault. He stated he would not be supporting either motion.

Management Analyst Aalders stated that the City and the third-party administrator, NovaPro Risk Solutions, investigated the wind damage claims. NovaPro provides the expertise (claims adjusters) and both City staff and NovaPro come to a final determination, which is then presented to the Council.

Councilmember Anderson stated the problem is that Council is not given the reports from the third-party administrator and he would like to see them.

**SUBSTITUTE MOTION** carried by the following roll call vote:

**AYES:** Anderson, Horton, Wedaa

**NOES:** Winder

**ABSENT:** Castellano

## **ITEM 8**

### **TERM LIMITS FOR CITY COMMISSIONS**

City Attorney Carvalho gave an overview of the written report.

Marilyn Adams, Library Commissioner, addressed the issues and consequences of term limits.

Randi Noell, Library Commissioner, spoke regarding the life time ban and stated Council has the authority not to renew the terms.

Pat Nelson, resident, spoke and stated there would be more turnover and more applicants with term limits.

Paul Doty, Parks & Recreation Commissioner, stated he is against term limits – Commissioners serve at the behest of Council and term limits are not necessary.

Claudine Lynch, resident, stated term limits are good in Yorba Linda and stated a compromise would be to sit out a term, and if no applicants they could reapply.

Gene Searce, Library Commissioner, stated neither of these changes are needed.

Mary Carbone, Traffic Commissioner, stated she just started in 2007 and in 12 years she will have learned a lot and her experience will be missed.

Earl Carbone, resident, spoke regarding the term limits.

Nancy Rikel, resident, stated that by and large she is against term limits and that it is unfair to penalize the Library Commissioners.

City Attorney Carvalho responded to questions from Council.

It was **MOVED/SECONDED – HORTON/ANDERSON** – to alter Resolution No. 2008-3900, Section 2, to remove the life-time ban for Library Commissioners, and to adopt Resolution No. 2008-3900 as amended; and to approve first reading of Ordinance No. 2008-915.

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

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

**AGENDA ITEM 13 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.**

(Councilmember Castellano arrived at 8:10 p.m.)

**MAYOR'S REPORT**

**9. LANDSCAPE MAINTENANCE DISTRICT ELECTION UPDATE (ORAL REPORT)**

Public Works Director Stowell presented slides, gave an overview of the written report, and responded to questions from Council relative to the City's efforts to conserve water.

Councilmember Wedaa commented relative to forming a LMAD citizens committee.

Lee Day, resident, discussed the City's brochure and stated she was looking for some clarification and called the Howard Jarvis Organization, the architect of Proposition 13 and Proposition 218. They told her the City could put anything they wanted in their measure but the homeowner's are in control. She stated owners of other types of property pay assessments based on the size of their properties and other factors.

Ed Rakochy, resident, encouraged Council and staff to be looking for continuous improvements. He stated there are moisture sensors on systems to turn water off, and why not explore more drip systems as trees do better with drip systems.

Pat Nelson, resident, urged the City to stay within budget.

Walt Bruckner, resident, stated the East Lake Village Association's monthly bulletin made mention about the assessments and he does not like scare tactics. He stated the chart presented tonight was very informative and he thinks the landscape district should be taken away from government and given to the citizens to control.

Upon inquiry from Council, Public Works Director Stowell stated they hope to save about \$80,000 in water costs with new controllers but even with these savings, they have not been able to keep up with the rising costs of water and labor, and Imperial Highway draws a lot of negative comments about how it looks with drought tolerant plants. Upon inquiry from Councilmember Anderson about drought tolerant turf, Public Works Director Stowell responded they try to stay away from turf for cost savings in water.

Mayor Winder reported that the Orange County League of California Cities meeting was very well attended.

**AGENDA ITEM 11 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.**

**MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Wedaa reported he attended the OCTA meeting last night with Councilmember Anderson and they discussed trains, ports, environmental impacts, and what is happening at railroad crossings. He noted it was a worthwhile meeting.

Mayor Pro Tem Horton reported she attended a presentation on group homes in Newport Beach and they are enacting an Ordinance. She stated that Yorba Linda is not at the threshold that Newport Beach is and she doesn't want it to happen in Yorba Linda. She stated that she would like to pass the information to the City Attorney to put things in place to protect the City of Yorba Linda.

Mayor Pro Tem Horton reported that Javapella is a fun time at Java Joe's.

Mayor Pro Tem Horton stated she would like to see the opening of boarded up homes in Town Center for rentals come forward sooner. She also addressed the statement in the editorial of the newspaper that the City Manager received a raise without a review. Mayor Pro Tem Horton stated the City Manager was reviewed and received four outstanding reviews.

Mayor Pro Tem Horton stated that there will be interviews of the Commission applicants and those interviewed will be taped and aired after the interviews. Mayor Pro Tem Horton also discussed encouraging people to do things a little more green and looking at ways the City can simplify this process.

Councilmember Anderson reported that a phenomenal amount of money is being raised for the Veterans Memorial and next Wednesday, the 23<sup>rd</sup>, at Bobby D's if you stop there and let them know you are there to support the veterans, part of your bill will go to the Veterans Memorial.

Councilmember Anderson discussed the Multi County Goods Movement Plan which is about trains and trucks and addresses a number of counties. The group is all about a master plan for goods movement in Southern California. Councilmember Anderson stated it would be a good idea to have a Traffic Commissioner attend those meetings.

Councilmember Anderson inquired about a policy for Councilmembers spending money for out of State travel. He stated he would like to see the ethics policy come back soon. Councilmember Anderson stated that he was one that did not give the City Manager a glowing review because it was about money.

Councilmember Anderson stated he will propose an initiative whereby voters will be able to bind future Councils in regards to eminent domain.

Councilmember Castellano explained that he was late as he was coming back after a funeral service, and a drunk driver ran into the car stopped behind him at a stop light which then hit his car. The drunk driver drove away but was caught.

## **ADMINISTRATIVE REPORTS**

### 10. **DOMINGUEZ RANCH ROAD PARKING RESTRICTIONS**

Public Works Director Stowell gave the staff report, presented slides, and responded to questions from Council.

Upon inquiry from Councilmember Anderson, Paul Doty, Parks & Recreation Commissioner, stated that these particular restrictions came up at a previous Parks & Recreation Commission meeting and the impacts to sport groups are minor and the locations shown are critical to visibility and he would be in support of it.

Discussion ensued.

Mara Jean Davis, resident, stated she lives at the corner of Dominguez Ranch Road and she attended the Parks and Recreation Commission and Traffic Commission meetings and she hopes Council takes the recommendations of the two Commissions.

It was **MOVED/SECONDED – CASTELLANO/WEDAA** – to adopt Resolution No. 2008-3902 to install red curb on Dominguez Ranch Road at Via Bernardo, the earthen multi-purpose trail entrance and Via del Parque. **MOTION CARRIED** by the following roll call vote:

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

11. TRANSPORTATION CORRIDOR AGENCY (TCA) PRESENTATION: 241 TOLL ROAD AND SMART MOBILITY REPORT

Carolyn Cavecche, Board member of the Orange County Transportation Authority, spoke relative to the Transportation Corridor Agency and explained that all regional plans assume the completion of the 241 Toll Road. She stated that there is not any money to expand the I-5 Freeway.

Paul Bopp, representing the Transportation Corridor Agency, made a presentation and presented slides relative to the 241 extension. Mr. Bopp read a letter from the Governor to the Coastal Commission urging them to concur with the Transportation Corridor Agency's certification of the 241 extension project.

Upon inquiry from Councilmember Wedaa, Mr. Bopp explained that the Smart Mobility Report came from the Surf Rider Association who paid for their reports.

Tom Lynch, resident, spoke in support of the toll road extension.

Mayor Pro Tem Horton proposed that Council join other communities and pass a resolution in support of this road and give it to the Coastal Commission.

City Manager Letourneau advised it would be February 5, 2008 before a resolution could be brought before Council.

It was **MOVED/SECONDED – WEDAA/HORTON** – to draft a letter for the Mayor's signature to the Coastal Commission in support of the toll road extension. **MOTION CARRIED UNANIMOUSLY.**

**RECESS**

Mayor Winder called a recess at 9:10 p.m. and reconvened the meeting at 9:23 p.m.

12. TOWN CENTER EVALUATION PROCESS

Assistant City Manager Gruchow presented the staff report.

Mayor Pro Tem Horton reported she received a FPPC letter allowing her to participate in a limited fashion in this item, and that a segmentation process would help her to be able to participate.

Councilmember Wedaa stated that this is a very complex issue and thinks a workshop is needed to address this issue in-depth.

It was **MOVED/SECONDED – WEDAA/HORTON** – to continue this item to a date certain for a workshop.

Discussion ensued, and Mayor Pro Tem Horton asked Councilmembers to contact the Administrative Secretary for dates they would be available to attend.

**MOTION CARRIED UNANIMOUSLY.**

13. COMPENSATION FOR CITY COMMISSIONERS

Assistant City Manager Gruchow presented the staff report.

Lee Day, resident, stated she thinks the Traffic Commission deserves some gas money.

Ed Rakochy, resident, spoke in favor of paying Commissioners.

Pat Nelson, resident, stated \$25.00 would be nice for the Commissioners not being paid.

Marilyn Adams, Library Commissioner, stated they serve, not because they expect pay, but because they are dedicated to their Library and community.

Gene Scarce, Library Commissioner, stated he doesn't do it for pay and doesn't expect any money for doing it. He believes in service to the City.

Claudine Lynch, resident, stated the Library Commissioners are volunteering and paying is denigrating to volunteerism.

John Rafter, Traffic Commissioner, stated he applied as a volunteer and any expenses are very incidental. He stated he would appreciate an opt out provision as he would like to opt out.

Mayor Pro Tem Horton stated she called every Commissioner regarding this and read the results of her survey.

Councilmember Anderson commented relative to not paying the Planning Commission.

It was **MOVED/SECONDED – HORTON/WINDER** – to receive and file the report.

Councilmember Anderson stated it is an imbalance and he would like equal treatment.

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

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

14. AUTHORIZATION TO PREPARE AND RELEASE REQUEST FOR PROPOSAL (RFP) FOR THE GENERAL PLAN UPDATE

Community Development Director Christiansen gave a comprehensive staff report and responded to questions from Council.

Discussion ensued.

It was **MOVED/SECONDED – CASTELLANO/ANDERSON** – to direct staff to prepare and release a request for proposal to planning consulting firms for the General Plan Update. **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 – Mayor Winder reported on the reasons the rates are increasing.

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES – Councilmember Wedaa reported the City Selection Committee met and Mayor Curt Pringle of Anaheim was appointed to the Orange County Transportation Authority and Mayor Miguel Pulido of Santa Ana was appointed to the South Coast Air Quality Management Board.

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION CORRIDOR SYSTEM – No Report

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

#### **OTHER BUSINESS**

**CLOSED SESSION** – None Required

#### **ADJOURNMENT**

Mayor Winder adjourned the meeting at 10:31 p.m. to Friday, January 18, 2008 at 12:30 p.m. at the Glenn property, 22580 Hidden Hills Road, Yorba Linda.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is February 5, 2008.

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Kathie M. Mendoza, City Clerk  
City of Yorba Linda

APPROVED BY COUNCIL/RDA:

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