

CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY JOINT
MEETING MINUTES JANUARY 2, 2008

CALL TO ORDER

Mayor Winder called the meeting to order at 5:30 p.m.

ROLL CALL

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

Staff Present: Carvalho, Gruchow, Letourneau

CLOSED SESSION

CITY COUNCIL

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

Government Code Section 54956.9 (a)

Name of Case: City of Yorba Linda v. City of Anaheim

Case Number: Orange County Superior Court Case No. 07CC08763

Government Code Section 54956.9 (a)

Name of Case: Honorio D. and Marie Paz R. Penano v. City of Yorba Linda

Case Number: Orange County Superior Court Case No. 07CC08840

RECESS

CALL TO ORDER

Mayor Winder reconvened the meeting at 6:36 p.m.

ROLL CALL

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

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

PLEDGE OF ALLEGIANCE - Mayor Pro Tem Horton

INVOCATION - Pastor Mike Miller, The Rock Community Church

CLOSED SESSION REPORT

City Attorney Carvalho reported there were three matters on Closed Session and the City prevailed in the matter of Penano vs. City of Yorba Linda, and there was no reportable action on the other two matters.

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

Danny Skaggs, YMCA Indian Princess Program, introduced his daughter Brandi and spoke relative to some of the activities and events they participate in. He stated they are here to say "thank you" to the City Council.

Scott Girty introduced his daughters - Sarah, Fina, and Allison, who spoke regarding what the Indian Princess Program means to them.

Scott Girty presented Council with honorary memberships in the YMCA's Parent/Child Program.

Kris Kelso, the new Executive Director of the YMCA, thanked the City for working with the YMCA.

Pearl Wieselman, resident, stated that she left materials she hopes Council will read and spoke regarding the issue of discrimination and violation of civil rights law.

John Roberts, resident, stated he came to thank everyone for attending his Christmas light show for children and for toys for kids.

Greg Gillespy, resident, stated this past year was a job well done under Mayor Castellano, and he expects good things from Mayor Winder. He also stated he has some ideas regarding a sign ordinance.

Nancy Rikel, resident, spoke regarding the Etco Development, the Brown Act, and the salary of the City Manager.

Pat Nelson, resident, discussed having a Town Center meeting on the fifth week of the month.

Walter Bruckner, resident, spoke regarding global warming and obtaining oil reserves.

Claudine Lynch, resident, spoke regarding the City of Yorba Linda paying median salaries and stated a lot of people would like to live and serve in Yorba Linda for less money.

CONSENT CALENDAR

Councilmember Castellano stated that he would abstain from voting on Item 6 to avoid a conflict of interest as he owns property within 500 feet of the project. Councilmember Wedaa asked that Item 7 be removed from the Consent Calendar.

It was **MOVED/SECONDED – CASTELLANO/WEDAA** – to approve the Consent Calendar with Councilmember Castellano abstaining on Item 6 and with the removal of Item 7. **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 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 received and filed the report.

3. CLAIM FOR DAMAGES - ART VEGA

The City Council denied the claim for damages submitted by Art Vega.

4. LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT EMERGENCY INTERIM 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.

5. EXTENSION OF AUDITING SERVICES CONTRACT

The City Council extended the auditing services contract with Lance Soll and Lunghard LLP for an additional two fiscal years and authorized the Mayor to sign the extension letter.

6. NOTICE OF COMPLETION FOR SLURRY SEAL PROGRAM FOR VARIOUS STREETS, FISCAL YEAR 2006-2007, AMERICAN ASPHALT SOUTH, INC.

The City Council accepted the slurry seal improvements constructed by American Asphalt South, Inc.; authorized the City Clerk to file a Notice of Completion with the County Recorder; and authorized the retention monies to be paid when appropriate to do so.

Councilmember Castellano abstained from voting on this item due to a conflict of interest.

7. TEMPORARY STREET/LANE CLOSURES ON LAKEVIEW AVENUE, BASTANCHURY ROAD, LEMON DRIVE AND MAIN STREET - ERA REAL ESTATE 5K RUN AND WALK

This item was removed from the Consent Calendar by Councilmember Wedaa.

8. RESOLUTION NO. 2008-3901, AUTHORIZING THE APPLICATION FOR GRANT FUNDING FOR REGIONAL RECYCLING AND WASTE DIVERSION PROGRAMS AND RECOGNIZING THE COUNTY OF ORANGE FOR ITS REGIONAL LEADERSHIP IN SOLID WASTE MANAGEMENT

The City Council adopted Resolution No. 2008-3901.

ITEM 7:

TEMPORARY STREET/LANE CLOSURES ON LAKEVIEW AVENUE, BASTANCHURY ROAD, LEMON DRIVE AND MAIN STREET - ERA REAL ESTATE 5K RUN AND WALK

Councilmember Wedaa stated he has a number of concerns including the impacts on the Farmers Market on Saturday morning.

Bill Tareshi, Real Estate Agent, addressed Councilmember Wedaa's concerns and stated that this year they have made changes so that the impact on the Farmers Market is mitigated. He discussed the parking and stated that they partner with Yorba Linda Friends Church and there is adequate parking at the Church.

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to send back to staff for reconsideration.

Discussion ensued, and Councilmember Castellano stated he thinks it is pretty reasonable and to start the event there would bring more people into the market.

A **SUBSTITUTE MOTION** was made – **WEDAA/HORTON** – to approve the request to temporarily conduct street/lane closures on Lakeview Avenue, Bastanchury Road, Lemon Drive, and Main Street for the 2nd Annual ERA Real Estate Dream Team 5K Run and Walk event subject to the conditions of approval. **MOTION CARRIED UNANIMOUSLY.**

MAYOR'S REPORT

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

Public Works Director Stowell gave a staff report and presented slides showing local lighting zones, traffic signal zones, arterial landscape zones, and arterial lighting.

Upon inquiry from Mayor Pro Tem Horton, Public Works Director Stowell clarified that commercial properties would be paying more; that 85 percent are single family homes, and 15 percent are commercial.

Lee Day, resident, stated she has a problem with the annual cost of living plus 3 percent for arterial assessments.

City Attorney Carvalho stated it was her recommendation to have this item on the agenda for a report to answer questions. She also stated that Council's time should not be used to advocate one way or another.

Tom Lynch, resident, stated that shortfall is a gross mis-statement, that the City has plenty of money to cover the shortfall.

Pat Nelson, resident, stated the City should cut expenses or get more income. She noted that she has a problem with the CPI plus 3 percent, and that the City should be fiscally responsible.

Claudine Lynch, resident, stated the City is not tightening its belt and should have a citizen's committee on saving money. She stated that the flyers are propaganda and the City is not showing it is fiscally responsible.

Walter Bruckner, resident, stated that a CPI for Yorba Linda is meaningless and is trying to circumvent Proposition 218.

Pearl Wieselman, resident, stated she is 80 years old and is concerned about paying additional taxes.

Mayor Winder stated that some of the matters raised were of concern to him. He presented slides of the following: Eureka Avenue on the Yorba Linda side, Yorba Linda Boulevard, and stated that the City has been doing concrete in areas that do not have to be watered; and on the Nixon Parkway, much of which is drought tolerant material, the City gets complaints weekly about how it looks. He stated people are slow to change and are not used to the drought tolerant material, and turf green belts take the most water.

Mayor Winder reported that for those who might consider donating blood, the Red Cross is in the community.

MATTERS PRESENTED BY COUNCILMEMBERS - None

ADMINISTRATIVE REPORTS

10. **RENEWAL OF 911 EMERGENCY AMBULANCE CONTRACT**

Assistant City Manager Gruchow presented the written staff report.

Chief Prather, Orange County Fire Authority, responded to questions from Council and stated that the money for service is paid by the patient and that this company is a very good performer. He noted an annual audit is done on every one of the companies - there are five providers throughout the County and all the providers are paid on the same schedule and rates, and performance standards are the same for all.

Discussion ensued.

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to exercise the City's option to renew the City's 911 Emergency Ambulance Contract between the City of Yorba Linda and Emergency Ambulance Service, Inc. for the period of September 1, 2009 through August 31, 2014.

Councilmember Anderson stated he would be voting "no" as he thinks all options should be looked at to make sure it is as good as we think it is. **MOTION CARRIED** by the following roll call vote:

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

11. **RENEWAL OF ORANGE COUNTY FIRE AUTHORITY JOINT POWERS AUTHORITY AGREEMENT**

Assistant City Manager Gruchow gave an overview of the written report and responded to questions from Council.

Tom Lynch, resident, stated he questions any agreement with a ten-year life.

Finance Director Hartman responded to questions from Council.

Chief Prather, Orange County Fire Authority, responded to questions from Council regarding equipment and the recent fires in San Diego and Orange County.

Upon inquiry from Councilmember Castellano, Chief Prather explained how the costs are captured from cash cities and stated that specific to Yorba Linda, costs are not calculated on Yorba Linda - if the pass-through monies and taxes do not cover the costs, there is no charge to Yorba Linda.

It was **MOVED/SECONDED – HORTON/WEDAA** – to approve the first amendment to the amended Joint Powers Authority Agreement between the City of Yorba Linda and the Orange County Fire Authority. **MOTION CARRIED** by the following roll call vote:

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

12. COMMISSION INTERVIEWS

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to interview all applicants and set interview dates on the second or fourth Tuesday.

Discussion ensued regarding interviewing all 12 applicants (nine for the Traffic Commission/three for the Parks and Recreation Commission), if any of the applicants for the Traffic Commission would be also interested in the Parks and Recreation Commission, and reopening for applications for another two weeks and interview all together.

A **SUBSTITUTE MOTION** was made – **WEDAA/CASTELLANO** – to reopen it for both Commissions until the end of January and schedule interviews in February. **MOTION FAILED** by the following roll call vote:

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

A **SUBSTITUTE MOTION** was made – **ANDERSON/HORTON** – to interview all twelve with interchangeability. **MOTION FAILED** by the following roll call vote:

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

A **SUBSTITUTE MOTION** was made – **CASTELLANO/ANDERSON** – to schedule the Traffic Commission and Parks and Recreation Commission interviews on the same day but separate categories. **MOTION CARRIED** by the following roll call vote:

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

13. TERM LIMITS FOR CITY COMMISSIONS

City Attorney Carvalho gave a staff report and wording to reflect the proposed changes to the terms of City Commissioners.

It was **MOVED/SECONDED HORTON/ANDERSON** – to put language into the Ordinance that no member of the Planning Commission or the Parks and Recreation Commission shall be appointed in excess of 3 four-year terms and a life-time ban; and to put language into the resolution that no member of the

Traffic Commission shall be appointed in excess of 3 four-year terms and a lifetime ban. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED HORTON/ANDERSON** – to put language into the resolution that no member of the Library Commission shall be appointed in excess of 4 three-year terms and a lifetime ban. **MOTION CARRIED** by the following roll call vote:

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

14. DUTIES OF TRAFFIC COMMISSION

Public Works Director Stowell presented the staff report.

Traffic Commissioners' John Rafter and Mary Carbone spoke in agreement with the staff report.

City residents Tom Lynch and Pat Nelson spoke in support of the report.

Louie Shirm, resident, stated he likes the way Mission Viejo has one Planning/Traffic Commission combined.

Discussion ensued relative to the process, avoiding duplication, including school safety zones, ongoing projects, major developments, equestrian related activities, walking, biking, et cetera.

Councilmember Anderson suggested continuing the matter to allow staff to create a flow chart and suggest how they would put it on the Traffic Commission agenda. He stated that procedures are needed to be spelled out and suggested that alternative transportation could also be put in traffic impacts in Brea as well as signs and environmental impact reports.

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** - to continue this item, and for it to go to the Traffic Commission and Planning Commission before it comes back to Council. **MOTION CARRIED UNANIMOUSLY.**

RECESS:

Mayor Winder called a recess at 9:22 p.m. and reconvened the meeting at 9:35 p.m.

15. REALIGNMENT OF CITY COUNCIL DAIS SEATING ARRANGEMENT

Assistant City Manager Gruchow presented the schematics of the proposal to change the seating configuration on the dais, and stated it would focus attention on Council.

Councilmember Wedaa stated that the reason this present arrangement came about was that previous Councils learned from long experience that it was important for the City Manager and City Attorney to sit on either side of the Mayor. He stated he is opposed to the change - that it would hinder the performance of Council.

Councilmember Anderson stated he sees more problems with the proposed new seating arrangement, and that it would create a ping-pong effect which would make the distractions worse, and long meetings even longer. He stated that with minimal potential benefits, the City should not be spending even \$6,700 on this.

Mayor Winder stated he thinks whispering to the City Attorney or City Manager is rude and allows for a different privilege - other members of Council do not have the same opportunity. He stated that transparency in government means for questions to be asked in public. Mayor Winder also noted that there use to be four more staff members sitting on the dais.

Councilmember Castellano stated that what it comes out to is preference, and he thinks it should be what the Mayor feels is more comfortable at the time.

Mark Schwing, resident, stated he thinks if it is not broken, don't fix it. He also stated that the same buttons are used by the three other commissions and changing the voting buttons affects them also. He noted that two freshman Councilmembers are sitting next to a City official.

Claudine Lynch, resident, stated that the bottom line is spending money and stated don't spend a nickel of her money.

Earl Carbone, resident, stated that he missed what the plus side is.

Nancy Rikel, resident, stated she agrees with new Councilmembers having the City Attorney and City Manager to ask questions of. She also stated that \$6,700 does not sit right when the City has the worst microphones in the County. If money is going to be spent, it should be spent on new high-tech microphones.

Pat Nelson, resident, stated she is not happy with the change and still doesn't understand the reason for doing this.

Greg Gillespy, resident, stated he agrees that if it is not broken don't fix it, and this would be an expenditure that was not to fix something.

Mayor Pro Tem Horton commented that it is a nice idea, but Council needs to make sure it can be changed back.

Councilmember Anderson stated that money is important to him and he is going to vote no on this.

Councilmember Castellano stated his question is if a new camera is necessary - if this is the discretion of the Mayor and it is his preference, what would the cost be to not move the voting panels but to add two additional voting panels on the dais.

Assistant City Manager Gruchow responded that the voting panels cannot be supplemented without replacing all of them.

It was **MOVED/SECONDED - WEDAA/ANDERSON** - to receive and file the report. **MOTION CARRIED UNANIMOUSLY.**

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 the financial report on the Toll Road merger will be presented in February or March.

ORANGE COUNTY FIRE AUTHORITY – Videos by the Orange County Fire Authority of the recent fires in Orange County and San Diego were shown.

ORANGE COUNTY VECTOR CONTROL – No Report

Agenda Item 18 was taken at this time and the meeting was then adjourned.

OTHER BUSINESS

16. REVERSE 911 SYSTEM (HORTON)

17. SENIOR EMERGENCY LIST (HORTON)

18. NAMING A CITY FACILITY FOR PHILLIP PAXTON (WEDAA)

Councilmember Wedaa stated Phil Paxton is worthy of having a City facility in his honor and suggested something he worked on. It was **MOVED/SECONDED – WEDAA/ANDERSON** – to direct staff to bring back a report with recommendations for naming a facility in memory of Phillip Paxton. **MOTION CARRIED UNANIMOUSLY.**

19. RV ACCESS (HORTON)

20: CITY-WIDE WI-FI (ANDERSON)

21. HISTORICAL PRESERVATION POLICY (HORTON)

22. DISCUSSION REGARDING JANEWAY HOUSE (ANDERSON)

CLOSED SESSION - Not Required

ADJOURNMENT

Mayor Winder adjourned the meeting at 10:30 PM The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is January 15, 2008.

Kathie M. Mendoza, City Clerk
City of Yorba Linda

APPROVED BY COUNCIL/RDA:

FEBRUARY 5, 2008