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**CITY OF YORBA LINDA**

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

**JULY 15, 2008**

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**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING  
CONVENING AT 5:00 P.M.**

**CALL TO ORDER**

The City Council/Redevelopment Agency convened at 5:00 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, Kelly

**CLOSED SESSION**

**CITY COUNCIL**

**A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

Government Code Section 54956.9 (a)

Name of Case: Sage Yorba Linda Project LLC and Amos Travis v. City of Yorba Linda

Case Number: Orange County Superior Court Case No. 00108598

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,  
SIGNIFICANT EXPOSURE TO LITIGATION**

Government Code Section 54956.9(b)

Name of Case: Woodbridge Development Casino Ridge HOA

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

Government Code Section 54956.9(c)

Name of Case: La Floresta Development Project

D. 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 6:35 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, Cook, Gruchow, Hartman, Kelly, Leto, Mendoza, Steep, Stowell

**PLEDGE OF ALLEGIANCE** – Councilmember Castellano

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

**CLOSED SESSION REPORT**

City Attorney Carvalho reported on the following Closed Session items as follows:

Item A: No reportable action.

Item B: It was determined that all conditions have been satisfied and bonds will be released accordingly.

Item C: Staff was given directions with respect to this item.

Item D: Direction was given to the negotiating staff.

**INTRODUCTIONS & PRESENTATIONS**

**EMPLOYEE ANNIVERSARY AWARDS**

Steve Campbell, Parks & Facilities Maintenance Superintendent, received his 10-Year Anniversary Award Certificate and Bruce Cook, Principal Planner, received his 20-year Anniversary Award Certificate.

The following employees were not present but also received anniversary award certificates: Johnny Hernandez, 5-Years; Oscar Herrera, 5-Years; Cesar Villalpando, 5-Years; Daniel Palomo, 5-Years; William Stevens, 5-Years; and Renee Aubuchon, 10-years.

#### CHAMBER OF COMMERCE ANNUAL REPORT

John Israel, President of the Yorba Linda Chamber of Commerce Board, gave an overview of the annual Chamber of Commerce report.

Upon inquiry from Councilmember Wedaa, Mr. Israel stated the Chamber's "Taste of Yorba Linda" will be held July 25, 2008.

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

Louie Schirm, resident, discussed implementing solar power in City facilities.

Greg Gillaspy, resident, presented a sample Resolution supporting the display of the National Motto, "In God We Trust," in City Council Chambers and proposed the City Council adopt a Resolution in support of the Motto and have a dedication ceremony to adopt the motto on September 11, 2008.

Walter Bruckner, resident, discussed overhauling personnel policies.

Tom Lynch, resident, referred to Consent Calendar Item 19 and asked how much, how long, and why.

Nancy Rikel, resident, spoke regarding the Housing Element and affordable housing.

Louie Scull, local business property owner, presented handouts and discussed the corner of Yorba Linda Boulevard/Imperial Highway as a prime location for a restaurant.

At the request of Mayor Winder, Assistant City Manager Gruchow reviewed the efforts of staff to recruit a restaurant to that location.

Jerry Kirschner, resident, referred to an article in the May 29<sup>th</sup> Yorba Linda Star regarding the LMAD/reducing watering times at an \$80,000 savings and asked why a consultant has to be hired to help control costs.

Ted Rehmeyer, resident, stated that a Mr. Travis and Sage Yorba Linda are planning a residential development of 83 acres with more than 80 homes to be built in a cluster just north of his property, and the proposed development does not comply with the Yorba Linda General Plan and will require a Measure B vote.

Scott Kirby, resident and neighbor of Ted Rehmeier, stated it is important to understand the serious implications of this development and urged everyone to take control of this situation as soon as possible.

Earl Carbone, resident, thanked Mark Stowell and Tony Wang for the pedestrian flashing beacons that are being installed at the El Cajon trail crossing on Valley View Avenue.

Ed Rakochy, resident, stated the City is required to have allocations for affordable housing in their zoning/general plan/housing element, but not to build it. He asked about the City looking at ways to save money on landscaping maintenance.

Anita Hynds, resident, stated something should be built for the children on the strawberry field.

Pat Nelson, resident, expressed her disappointment that Council has not taken steps to begin addressing the Blue Ribbon Committee's Report.

### **CONSENT CALENDAR**

Councilmember Castellano stated he would abstain from voting on Consent Calendar Item 4 as he was not present at that meeting.

The following items were removed by Councilmembers from the Consent Calendar:

Mayor Pro Tem Horton - Items 8, 9, 12, and 13; Councilmember Anderson - Items 12, 13, and 19; Councilmember Wedaa – Item 19; and Mayor Winder – Items 14 and 15.

Upon inquiry from Mayor Winder if there is an estimated completion date for Item 11, Parks & Recreation Director Leto responded September or early October 2008.

It was **MOVED/SECONDED - CASTELLANO/HORTON** - to approve the Consent Calendar with Councilmember Castellano abstaining on Item 4 and with the removal of Items 8, 9, 12, 13, 14, 15, and 19. **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. ACCOUNTS PAYABLE WARRANT LISTS

The City Council/RDA approved the Accounts Payable Warrant Lists.

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

The City Council/RDA approved the minutes of the June 3, 2008 joint meeting.

4. APPROVAL OF THE MINUTES OF THE JUNE 9, 2008 SPECIAL COUNCIL MEETING

The City Council approved the minutes of the June 9, 2008 special meeting.

Councilmember Castellano abstained from voting on this item as he was absent from the meeting.

5. APPROVAL OF THE MINUTES OF JUNE 17, 2008 CITY COUNCIL/RDA JOINT MEETING

The City Council/RDA approved the minutes of the June 17, 2008 joint meeting.

6. TREASURER'S REPORT - MAY 2008

The City Council/RDA received and filed the report.

7. SECOND READING AND ADOPTION OF ORDINANCE NO. 2008-914, DELETING CHAPTER 12.28 SIGNS

The City Council approved second reading and adopted Ordinance No. 2008-914 amending the Yorba Linda Municipal Code regarding signs.

8. REMOVED

9. REMOVED

10. AUTHORIZATION TO EXECUTE AGREEMENT WITH WESTERN TRANSIT SYSTEMS FOR THE SENIOR MOBILITY PROGRAM

The City Council approved the Agreement between the City and Western Transit Systems for the T.R.A.I.L.S (Taking Retired Adults Into Local Services) Senior Mobility Program, and authorized the Mayor to sign and the City Clerk to attest the Agreement.

11. AWARD OF CONTRACT FOR THE INSTALLATION OF THE TRAVIS RANCH YOUTH PARK PRE-FABRICATED RESTROOM, CONCESSION BUILDING, AND ADA PARKING IMPROVEMENTS - HONDO COMPANY, INC.

The City Council awarded a contract for the installation of the Travis Ranch Youth Park Pre-Fabricated Restroom, Concession Building, and ADA Parking Improvements to Hondo Company, Inc., and approved a 10% contingency on the project to allow for unforeseen circumstances, and rejected all other bids received on the project.

12. REMOVED

13. REMOVED

14. REMOVED

15. REMOVED

16. ALLOCATION OF ADDITIONAL FUNDS FOR THE PAVEMENT REHABILITATION OF WEIR CANYON ROAD

The City Council allocated an additional \$28,600.00 to fund Yorba Linda's share of the Pavement Rehabilitation of Weir Canyon Road joint project with the City of Anaheim.

17. APPROVAL OF TRACT MAP NO. 16804 AND ACCEPTANCE OF  
SUBDIVISION AGREEMENT, TOLL BROTHERS

The City Council approved Final Tract Map No. 16804, accepted the dedication of Lot A in fee simple for golf course purposes, Lots B and C in fee simple for landscape 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 the Subdivision Improvement Agreement.

18. REDUCTION OF PUBLIC STORM DRAIN IMPROVEMENT BOND AMOUNTS,  
TENTATIVE TRACT NO. 16209, S&S DEVELOPMENT

The City Council authorized the City Clerk to reduce bonds per Public Works Department's Report.

19. REMOVED

**End of Consent Calendar**

**PLEASE NOTE: A NUMBER OF AGENDA ITEMS WERE DISCUSSED/REPORTED OUT OF SEQUENCE ON THE AGENDA BUT ARE REPORTED IN THEIR RESPECTIVE POSITION ON THE AGENDA.**

AGENDA ITEM 8:

CITY COUNCIL POLICY RE FORMAT OF CITY COUNCIL/CITY COMMISSION  
MINUTES

Mayor Pro Tem Horton stated she is not in support of spending \$14,000 to stream the Commission meetings online. Mayor Pro Tem Horton also stated she likes the old way of doing minutes and is not in support of action minutes.

It was **MOVED/SECONDED – HORTON/WEDAA** – to not adopt these policies.

Interim City Manager Kelly stated staff is suggesting, as one alternative, to use the technology to record the details of every meeting but use some form of action minutes rather than what is being done now. He suggested that if Council moved to not do verbatim minutes but to do hybrid action minutes with a little more substance, it could be tried for a while with the new technology. He stated in his opinion a lot of City resources

are being wasted on verbatim minutes that don't really serve the public a significant benefit.

A **SUBSTITUTE MOTION – HORTON/WEDAA** - was made to do a hybrid of between action versus verbatim minutes of Commission meetings and not to purchase the equipment to stream the Commission meetings to the internet.

Discussion ensued.

Ed Rakochy, resident, discussed accessing audio files.

Upon inquiry from Greg Schultz, resident, why new equipment would have to be purchased, Assistant City Manager Gruchow stated it would be a totally portable system that could be used by the Library and for off-site meetings as well.

Jim Horton, resident, discussed performing Google searches for information contained in the minutes.

Lee Day, resident, asked that the Planning Commission minutes not be changed.

Mark Abramowitz, resident, spoke in support of detailed Planning Commission minutes.

Louie Scull, local business property owner, spoke relative to minutes being used in court for trials. He also suggested video taping Planning Commission meetings.

City Attorney Carvalho noted that minutes are not used for court – audio tapes are transcribed and the transcriptions taken into court.

Councilmember Wedaa stated he is going to support the expenditure from the General Fund and for the action minutes for the City Council and wondered if discussion could be suspended on the Planning Commission item for a couple of months.

Mayor Pro Tem Horton **WITHDREW** the original and substitute **MOTION**. She asked that Council versus Commission minutes be voted on separately.

It was **MOVED/SECONDED – WEDAA/CASTELLANO** – to appropriate \$14,700 from the General Fund reserves for the necessary equipment, support, and training necessary to stream audio recordings of City Commission proceedings from the City's Internet website and adopt City Council Policy No. A-20 for the City Council meetings.

Discussion ensued and Councilmember Castellano **withdrew** his **second** to the motion.

Mayor Winder **seconded** the **motion**.

Councilmember Wedaa **withdrew** his **motion**.

It was **MOVED/SECONDED – CASTELLANO/ANDERSON** – to appropriate \$14,700 from the General Fund reserves for the necessary equipment, support, and training necessary to stream audio recordings of City Commission proceedings from the City's Internet Website. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to adopt City Council Policy No. A-20 providing for the production and publishing of action minutes for City Council only.

Councilmember Castellano asked for a report back in three months.

Mayor Pro Tem Horton asked that the **motion be amended to hybrid** action minutes. **Amendment was accepted** by the maker of the motion.

Interim City Manager Kelly stated that production and publishing of hybrid minutes can be started at the very next Council meeting and feedback can be received on whether they are too much or too little.

Discussion ensued.

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

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

AGENDA ITEM 9:

**AWARD OF CONTRACT FOR THE YORBA LINDA PUBLIC LIBRARY FLOOR STRENGTHENING PROJECT, 2H CONSTRUCTION, INC.**

Library Director Steep responded to questions from Council and it was **MOVED/SECONDED – HORTON/WEDAA** - to award a contract for the floor strengthening project at the Yorba Linda Public Library in the amount of \$112,000 to 2H Construction, Inc. of Signal Hill, California and reject all other bids; authorize the Interim City Manager to execute Change Order No. 3 with Myers, Houghton Partners, Inc. in the amount of \$6,000 to fund a structural steel specialist for construction observation; and approve and appropriate an additional \$53,850 from the Library Capital Reserves to fund the balance of the project construction (\$153,850) including a 15% contingency (\$16,800) to allow for unforeseen circumstances. **MOTION CARRIED** by the following roll call vote:

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

AGENDA ITEM 12:

INTERIM COMMUNITY DEVELOPMENT DIRECTOR APPOINTMENT

Mayor Pro Tem Horton citing concerns regarding responsibilities, stated she would like the recruitment process started now for a permanent Community Development Director.

Mayor Winder stated he will not support starting the recruitment process now for a permanent Community Development Director as he thinks it is critical that the new City Manager be part of the process of selecting a new Community Development Director.

It was **MOVED/SECONDED – HORTON/ANDERSON** - to authorize the Mayor to execute a Professional Services Agreement with Hogle-Ireland, Inc. for the position of Interim Community Development Director effective immediately at \$19,200 per month for a minimum of thirty-two hours per week; and to direct staff to begin the recruitment process for a permanent Community Development director. **MOTION CARRIED** by the following roll call vote:

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

AGENDA ITEM 13:

AWARD OF CONTRACT - ESPERANZA LANDSCAPING FROM YORBA LINDA BOULEVARD OVERCROSSING TO HIDDEN HILLS ROAD PROJECT

Mayor Pro Tem Horton stated she is not in support of an extra landscaping project since the voters said they did not want to pay more money for landscape maintenance.

Councilmember Castellano stated this is installing landscaping that the maintenance of cannot be funded.

It was **MOVED/SECONDED – HORTON/CASTELLANO** – to reject and not fund this project. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – WEDAA/WINDER** – to reconsider the motion. **MOTION CARRIED** with Mayor Pro Tem Horton voting “No”.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to award the contract for the Esperanza Landscaping Project from Yorba Linda Boulevard Overcrossing to Hidden Hills Road to Yakar in the amount of \$104,940.00, reject all other bids, and allocate \$20,180.00 from the general fund reserves to pay for the project construction costs.

Councilmember Castellano and Mayor Pro Tem Horton stated they would be voting “no”.

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

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

AGENDA ITEM 14:

AWARD OF CONTRACT FOR ON-CALL GEOTECHNICAL ENGINEERING SERVICES

Public Works Director responded to questions from Council, and it was **MOVED/SECONDED – WINDER/CASTELLANO** – to approve the Professional Services Agreement between the City and Harrington Geotechnical Engineering, Inc. for a total fee not to exceed \$200,000 per year, and authorize the Mayor to execute and the City Clerk to attest. **MOTION CARRIED** by the following roll call vote:

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

AGENDA ITEM 15:

AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF BUENA VISTA AND PASEO DE LAS PALOMAS ASPHALT REHABILITATION PROJECTS

Public Works Director responded to questions from Council, and it was **MOVED/SECONDED – WINDER/CASTELLANO** – to approve an Amendment to the Professional Services Agreement between the City and Merit Civil Engineering of Orange to prepare plans, specifications, and estimates for the Buena Vista Asphalt Rehabilitation Project from Scenic View Drive to Richfield Road and the Paseo de Las Palomas Asphalt Rehabilitation Project from Village Center Drive to Fairmont Boulevard

for a total fee not to exceed \$97,580.00, and authorize the Mayor to execute and the City Clerk to attest to the Amendment for Professional Services Agreement. **MOTION CARRIED** by the following roll call vote:

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

AGENDA ITEM 19:

PLACENTIA YORBA LINDA UNIFIED SCHOOL DISTRICT AGREEMENT FOR INSTALLMENT PAYMENTS TO SATISFY MASTER PLAN OF DRAINAGE FEES FOR THE YORBA LINDA HIGH SCHOOL PROJECT

At the request of Councilmember Wedaa, Public Works Director Stowell gave a review of the written staff report and responded to questions from Council.

Tom Lynch and Claudine Lynch, residents, spoke in opposition to the agreement.

Walter Bruckner, resident, spoke in favor of the Agreement.

Discussion ensued.

**Councilmember Wedaa** made a **MOTION** to not approve the agreement. **MOTION DIED** for lack of a second.

It was **MOVED/SECONDED – CASTELLANO/WINDER** – to approve the Letter of Agreement with the Placentia Yorba Linda Unified School District for Installment Payments to satisfy the City of Yorba Linda Master Plan of Drainage fees for the Yorba Linda High School Project and authorize the Mayor to sign and City Clerk to attest. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to ask for interest on the installment payments. **MOTION FAILED** by the following roll call vote:

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

**PUBLIC HEARINGS**

20. PUBLIC HEARING RE DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) WITH HABITAT FOR HUMANITY FOR CONSTRUCTION OF AFFORDABLE HOUSING UNITS

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report – Assistant City Manager Gruchow presented the written staff report.
- c. Take Testimony

Mark Korando, Senior Vice President, Habitat for Humanity, gave an overview of the proposed project.

Pastor John Taylor, Executive Director of the Richard Nixon Foundation & Birthplace, spoke in favor of the proposed project.

John Lattimore, resident, encouraged all to become a part of this building project.

Cynthia Verdugo-Peralta, resident, discussed questions regarding energy efficiency and affordability.

The following residents spoke in support of the proposed project: Ed Rakochy (presented a power point presentation); Louie Scull; Bob Winningham; Laura Archaletta; and Jack Gibson.

Nancy Rikel, resident, stated she does support Habitat for Humanity and would like to see Habitat for Humanity downtown.

Anita Hynds, resident, spoke against high density.

Pat Nelson, resident, stated she does not understand how the money/costs work and thinks they should be scaled down.

Mr. Korando, Senior Vice President, Habitat for Humanity, responded to questions from Council.

- d. Close Public Hearing – Mayor Winder closed the public hearing.
- e. Make Determination – It was **MOVED/SECONDED- HORTON/ANDERSON** - to adopt Resolution No. 2008-3940 and to make certain findings as established in the public record this evening regarding the disposition of Agency-owned property located at the northeast corner of Yorba Linda Boulevard and Park Avenue.

Discussion ensued and staff responded to questions from Council.

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

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

It was **MOVED/SECONDED - HORTON/ANDERSON** - to adopt RDA Resolution No. 2008-207 entering into a Disposition and Development Agreement (DDA) with Habitat for Humanity and to make certain findings as established in the public record this evening regarding the disposition of Agency-owned property located at the northeast corner of Yorba Linda Boulevard and Park Avenue. .

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

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

**RECESS:**

Mayor Winder called a recess at 9:30 p.m. and reconvened the meeting at 9:45 p.m.

21. PUBLIC HEARING RE CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, FISCAL YEAR 2008-2009 AND ADOPTION OF RESOLUTION NO. 2008-3942

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report

Public Works Director Stowell gave an overview of the written staff report.

- c. Take Testimony

Lee Day, resident, discussed deficits cited by City, annual maintenance costs, and improvements. She suggested that synthetic turf be used.

Jean Tamulinas, resident, discussed problems with newly installed landscaping, landscaping budgets, and decreasing landscaping costs/fees.

Walt Tamulinas, resident, suggested a more frequent bidding process and asked why Landscape Maintenance District 5 costs so much more.

- d. Close Public Hearing – Mayor Winder closed the public hearing.
- e. Make Determination

It was **MOVED/SECONDED - CASTELLANO/HORTON** - to adopt Resolution No. 2008-3942 confirming the proceedings for the City of Yorba Linda Street Lighting and Landscaping Maintenance District. **MOTION CARRIED** by the following roll call vote:

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

### **MAYOR'S REPORT**

Mayor Winder reported he attended an Orange County Mayors' Summit at the Garden Walk in Anaheim at which some very interesting presentations were made.

### **MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Castellano stated he was not able to attend the City's 4<sup>th</sup> of July celebration but that his family attended and stated it was an outstanding event.

Councilmember Anderson thanked the Parks and Recreation Department for the 4<sup>th</sup> of July celebration and stated it is a premier event in the City. Councilmember Anderson also referred to the dog park discussion in the minutes of the Parks & Recreation meeting and stated that he is looking forward to it coming before the City Council.

Councilmember Anderson announced the Veterans Memorial Groundbreaking ceremony on Sunday, July 20, 2008 at 5:00 p.m. at Veterans Park.

Mayor Pro Tem Horton noted a town hall meeting will be held at the East Lake Village Recreational Center on July 29, 2008 at 6:30 p.m.

Mayor Pro Tem Horton stated she is going to ask staff to put the housing presentation on the web site along with the letters that were sent as an appeal to SCAG so the community can see what is being done.

At the request of Mayor Pro Tem Horton, Cynthia Verdugo-Peralta stated she contacted the California Energy Commission and spoke to Shane McFarland, the lead person for the Canyon Power Plant, and they are still waiting for the AQMD preliminary report.

She stated she also contacted EMEX and there is a similar type of plant in San Francisco and Karen Kubic of San Francisco Municipal Power Utility District can be contacted for more information.

Mayor Pro Tem Horton asked for ongoing reports at Council meetings on the Canyon Power Plant issue.

Mayor Pro Tem Horton stated a study session is needed within the next month to look at the Blue Ribbon Committee Report.

Councilmember Wedaa stated the City's 4<sup>th</sup> of July celebration was excellent and suggested the City look at charging for parking places in front of City Hall during the event.

Councilmember Anderson thanked Public Works Director Stowell for the job he has been doing with his cost saving efforts, which have been going on for some time, to come up with cost saving strategies for the landscaping and lighting maintenance districts.

## **ADMINISTRATIVE REPORTS**

### 22. EMINENT DOMAIN INITIATIVE

City Attorney Carvalho presented the written staff report.

The following residents/business property owners spoke in support of the Resolution and against eminent domain: Louie Scull; Jean Tamulinas; Pat Nelson; Julie Schultz; Walt Tamulinas; Nancy Rikel; and Ed Rakochy.

It was **MOVED/SECONDED - ANDERSON/HORTON** - to adopt Resolution No. 2008-3944, which orders the submission of a measure to the qualified electors of the City to adopt an ordinance imposing limitations on the use of eminent domain on November 4, 2008.

**COUNCILMEMBER ANDERSON AMENDED THE MOTION** to add "and that the City Council appropriate \$5,150 from the General Fund reserve to cover the cost of adding the measure to the ballot. Amendment **accepted** by **second** to the motion.

Mayor Winder thanked Councilmember Anderson for putting on the record that Mayor Winder voted for the removal of eminent domain in the Town Center in 2006 and stated he still supports that, but he believes that Proposition 99 is a substantial protection and he will not be in support of the motion as it is not known what the future is going to bring and it is a question of making decisions for future residents and Councils.

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

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

It was **MOVED/SECONDED - ANDERSON/HORTON** - to adopt Resolution No. 2008-3945, which sets the priorities for filing written arguments regarding a City measure and directs the City Attorney to prepare an impartial analysis.

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

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

It was **MOVED/SECONDED - ANDERSON/HORTON** - to adopt Resolution No. 2008-3946, which provides for filing of rebuttal arguments for measures submitted at municipal elections.

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

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

Councilmember Anderson and Mayor Pro Tem Horton stated they would draft the argument for the Measure and give it to the City Clerk for Councilmembers to read it and sign it.

23. MAYOR PRO TEM HORTON CONFLICT OF INTEREST - Continued

24. TOWN CENTER PERFORMANCE REVIEW - Continued

25. BLACK GOLD GOLF CLUB BUDGET AND OPERATIONS OVERVIEW

This item was continued to the August 19, 2008 City Council meeting.

26. CITY COUNCIL STUDY SESSIONS – Continued

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

There were no appeals of Planning Commission items.

**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 – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

**OTHER BUSINESS**

28. USE OF ACCUMULATED AQMD MONEY AND HIRE TRANSPORTATION  
SPECIALIST (WEDAA) - Continued

29. EVALUATE USE OF FUEL CELLS FOR CIVIC CENTER (WEDAA) - Continued

**CLOSED SESSION** – Not Required

**ADJOURNMENT**

Mayor Winder adjourned the meeting at 11:50 p.m.

A Town Hall Meeting will be held on July 29, 2008 at 6:30 p.m. at the East Lake Village Clubhouse, 5325 Village Center Drive.

