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

JUNE 3, 2008

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: Anderson, Castellano, Horton, Wedaa, Winder

Staff Members: Carvalho, Gruchow

CLOSED SESSION

CITY COUNCIL

A. PUBLIC EMPLOYEE APPOINTMENT - TITLE: INTERIM CITY MANAGER

Government Code Section 54957.6

B. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

Labor Negotiator: Acting City Manager Gruchow

Employee Organizations: Yorba Linda Mid-Management Association; Yorba Linda Chapter of the Orange County Employees Association; and Department Heads

CITY COUNCIL/REDEVELOPMENT AGENCY

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: 4852 School Street, Yorba Linda (APN: 323-322-08)
City Negotiators: Assistant Executive Director Gruchow; Agency Attorney
Carvalho
Property Negotiators: Tim and Sue Johnson
Under Negotiation: Price and Terms of Payment

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: Carvalho, Christiansen, Conklin, Gruchow, Hartman, Leto, Ostendorf, Steep, Stowell

PLEDGE OF ALLEGIANCE – Chief of Police, Michael Messina

INVOCATION – Mayor Winder

CLOSED SESSION REPORT

City Attorney Carvalho reported that an item that came up after the posting of the agenda was added to the Closed Session and action was taken.

It was **MOVED/SECONDED – CASTELLANO/WEDAA** – to add the following item to the agenda that came up after the agenda was posted as there is an immediate need to take action - Appointment of Interim City Manager. **MOTION CARRIED UNANIMOUSLY.**

It was **MOVED/SECONDED – HORTON/CASTELLANO** – to approve the agreement for Interim City Manager with Urban Futures Incorporated and appoint William R. Kelly as Interim City Manager. **MOTION CARRIED** by the following roll call vote:

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

INTRODUCTIONS & PRESENTATIONS

Mayor Winder introduced Mr. Kelly who thanked Council for the opportunity to serve the community.

PRESENTATION OF COMMENDATION TO BREA POLICE CHIEF MICHAEL MESSINA HONORING HIM ON HIS UPCOMING RETIREMENT

Mayor Winder, on behalf of the City Council, presented a Commendation to Brea Police Chief Michael Messina honoring him on his upcoming retirement.

Jerry Kirschner, resident, thanked Chief Messina for always being available when he called.

PRESENTATION OF CERTIFICATES OF RECOGNITION TO THE BLUE RIBBON COMMITTEE MEMBERS FOR SERVING ON THE TOWN CENTER BLUE RIBBON COMMITTEE

Mayor Winder, on behalf of the City Council, presented Certificates of Recognition to the Blue Ribbon Committee Members for serving on the Town Center Blue Ribbon Committee and thanked them for their participation.

Herb Trumpoldt, Chairman of the Blue Ribbon Committee, stated it has been an honor to serve with members of the Blue Ribbon Committee and they all had a goal to make Yorba Linda a better place to live.

RECESS:

Mayor Winder called a recess at 6:55 p.m. for a reception for the Blue Ribbon Committee and reconvened the meeting at 7:20 p.m.

Mayor Winder stated he has a request from the Interim City Manager to continue Item 19 - "Award Of Contract For Town Center Specific Plan" - to allow him time to review it. Mayor Winder, hearing no objections, continued Item 19 to the June 17, 2008 City Council meeting.

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

Upon inquiry from Greg Gillaspy, resident, regarding Agenda Item 29, Mayor Winder stated he received a request from Council to advance Item 29 to Administrative Reports before Item 17 and asked Mr. Gillaspy to make his comments at that time.

Mr. Gillaspy discussed the outcome of the ethics policy discussion at the last Council meeting and asked if there was a way staff reports could be posted before the meeting so that the public can be aware of exactly what is being talked about. Mr. Gillaspy also referred to the agenda item regarding the e-mail policy at City Hall at the last meeting and stated it was never opened for public discussion. He asked that Council look at the public's needs a little more often and that Council call them and let them know what is being done about items they bring up to Council.

Louis Schirm, resident, spoke regarding the guidelines in the Blue Ribbon Committee report.

Louie Scull, local business property owner, presented handouts and spoke regarding the Town Center Specific Plan and RBF Consultants.

Ed Rakochy, resident, read a part of the conclusion of the Blue Ribbon Committee report and the following recommendations: that Council direct staff to include as part of the specific plan process a quantitative, statistically valid survey to gauge the Yorba Linda community's preferences and priorities related to the Yorba Linda Town Center; and that Council form a Yorba Linda Town Center Specific Plan Citizen's Advisory Committee.

Jerry Kirschner, resident, discussed the Brea Police blotter and the number of assaults and batteries against a public officer on it.

Pat Nelson, resident, stated she was disappointed that Item 19 was taken off the agenda, discussed the specific plan contract, and asked why the regular RFP process is not being used.

Gabriella Rollins, Director of the Yorba Linda Arts Alliance, reported that the tenth anniversary of the Celebration of the Arts event on Sunday was amazing. Mrs. Rollins thanked the City Council, Parks and Recreation staff, volunteers, and community organizations for their support and help.

Walt Tamulinas, resident, stated he lives in a tract called the Toll Bros. Montecito and he is being told by staff that Red Pine, Blue Spruce, and Silver Maple streets have not been dedicated yet. He also stated he believes a new Town Center EIR is needed as he thinks the old report is invalid now.

Jeanne Tamulinas, resident, suggested that to save funds, the City stop sending out a quarterly, full-color, glossy flyer and put the information on the City's web site. She also expressed concern that projects are not being put out to bid. She stated that Council

should come to her to keep her informed as to what is happening, and that she would like the streets referred to by Mr. Tamulinas to be dedicated as she would like the City to take over the street sweeping so it will not be the same day as trash collections.

Bill Kontur, resident, stated his residence backs up to the City of Placentia and across from him at the corner of Orchard and Richfield is a vacant lot owned by Etco Homes and there are weeds on the lot as high as the fence and also exposed well sites and he is hoping that someone from the City can contact the City of Placentia or the developer. Mr. Kontur also stated that trying to make a left turn out of Mariposa onto Lakeview Avenue at certain times of the day is a nightmare. He stated a traffic light or stop sign needs to be installed between Buena Vista and Orangethorpe.

Community Development Director Christiansen responded that the City has not heard from Etco Homes since their last proposal; and the City started their weed abatement process at the last Council meeting and he assumes the City of Placentia has the same weed abatement process. He also noted that the City's Code Enforcement Officer will contact the City of Placentia's Code Enforcement Officer regarding the weeds.

Mayor Winder advised that a study is under way regarding a signal light at Buena Vista and Lakeview Avenue as well as widening of Lakeview.

Walter Bruckner, resident, discussed the following: 1. Council interviewing candidates for Interim City Manager in closed session versus the County of Orange interviewing candidates for sheriff in an open meeting; 2. The City hiring from the outside instead of having a management advancement plan wherein people second/third in command can fill the vacated management jobs; 3. Government staying out of business and the need for low-cost providers of gasoline in the City.

Anita Hynds, resident, read from a prepared statement regarding the observance of Memorial Day.

Claudine Lynch, resident, spoke regarding the ethics code.

CONSENT CALENDAR

It was **MOVED/SECONDED – CASTELLANO/HORTON** - to approve the Consent Calendar. **MOTION CARRIED** by the following roll call vote:

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

1. WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

The City Council/Redevelopment Agency 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/Redevelopment Agency approved the Accounts Payable Warrant Lists.

3. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) METRO-CITY COOPERATION AGREEMENT WITH THE COUNTY OF ORANGE

The City Council directed the Mayor to execute Amendment One to the Cooperation Agreement between the County of Orange and the City of Yorba Linda.

4. ANNUAL INVESTMENT POLICY

The City Council approved revision #9 to Council Policy A-14, which is the City's Investment Policy.

5. REVIEW OF CITY'S CONFLICT OF INTEREST CODE

The City Council directed staff to review the City's Conflict of Interest Code, prepare a biennial report by October 1, 2008, and report back to the City Council.

6. CONTRACT AGREEMENT EXTENSION FOR TREE MAINTENANCE SERVICES - WEST COAST ARBORISTS, INC.

The City Council approved the one year Contract Extension with a 3.9 percent price increase for Tree Maintenance Services between the City and West Coast Arborists, Inc.

7. WATER QUALITY ORDINANCE IMPLEMENTATION AGREEMENT COUNTY OF ORANGE

The City Council authorized the Mayor to execute and the City Clerk to attest the Water Quality Ordinance Implementation Agreement between the City and the County of Orange.

8. APPROVAL OF CHANGE ORDER NO. 1 TO AMENDMENT NO. 2 TO VALI COOPER & ASSOCIATES FOR INSPECTION SERVICES FOR THE AT&T PERMIT CONSTRUCTION

The City Council approved and authorized the City Manager to execute Change Order No. 1 to Amendment No. 2 to Vali Cooper & Associates in the amount of \$22,869.00.

9. RELEASE OF DUPLICATE STREET IMPROVEMENT BONDS, TRACT NO. 16758 AND TRACT 16759, S & S CONSTRUCTION

The City Council authorized the City Clerk to release the Labor & Materials and Faithful Performance bonds immediately per Engineering Department's Report.

10. REMOVAL OF "NO RIGHT TURN ON RED WHEN CROSSING GUARD IS PRESENT" SIGN AT VIA DE LA ESCUELA AT YORBA LINDA BOULEVARD

The City Council adopted Resolution No. 2008-3931 to rescind Resolution No. 2000-3368 and approve the removal of "No Right Turn on Red When Crossing Guard is Present" sign on Via De La Escuela at Yorba Linda Boulevard.

11. BUILDING DEMOLITION PERMIT REQUEST FOR THE SINGLE-FAMILY RESIDENCE AT 5322 RICHFIELD ROAD

The City Council approved the request for a demolition permit for a single family residence, a garage, and outbuildings at 5322 Richfield Road.

12. RESOLUTION ESTABLISHING A MODEL CODE OF ETHICAL BEHAVIOR FOR CITY OFFICERS AND EMPLOYEES

The City Council adopted Resolution No. 2008-3909, establishing a Model Code of Ethical Behavior for City Officers and Employees.

13. AMENDMENT NO. 4 TO BUREAU VERITAS CONTRACT FOR THE ESPERANZA ROAD MITIGATION PROJECT FROM WEST CITY LIMITS TO YORBA LINDA BOULEVARD PROJECT

The City Council approved and authorized the City Manager to execute Amendment No. 4 to Bureau Veritas in the amount of \$34,635.00.

14. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE EMERGENCY BACKUP POWER GENERATOR INSTALLATION AT CITY HALL

The City Council approved the plans and specifications prepared by Mullen and Associates, Inc., and authorized staff to administer the process for the acceptance of competitive bids for the installation of an emergency backup power generator at City Hall.

End of Consent Calendar

PUBLIC HEARINGS

15. PUBLIC HEARING REGARDING ORDERING THE VACATION OF A PORTION OF LANDSCAPE EASEMENT ON MOUNT TRIUMPH WAY - RESOLUTION NO. 2008-3932

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report - Public Works Director Stowell presented slides and gave a brief staff report.
- c. Take Testimony – No testimony was forthcoming.
- d. Close Public Hearing – Mayor Winder closed the public hearing.
- e. Make Determination

It was **MOVED/SECONDED – CASTELLANO/ANDERSON** - to adopt Resolution No. 2008-3932, declaring that a portion of a landscape easement on Mount Triumph Way is unnecessary for present or prospective public use and vacating the same pursuant to California Streets and Highways Code Section 8300 et seq. **MOTION CARRIED** by the following roll call vote:

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

16. PUBLIC HEARING REGARDING ACQUISITION OF FEE TITLE AND EASEMENT OVER A PORTION OF THE PROPERTY IDENTIFIED AS 4062 LIVE OAK LANE AND DISPOSITION OF A PORTION OF SAN ANTONIO PARK TO CORRECT LEGAL BOUNDARIES OF REAL PROPERTY OWNED BY THE CUMMINS AND THE CITY

- a. Open Public Hearing – Mayor Winder opened the public hearing.
- b. Staff Report – Public Works Director Stowell presented slides and gave an overview of the written staff report.
- c. Take Testimony

Public Works Director Stowell responded to inquiry from Jean Tamulinas, resident, regarding the square footage of the easement and if the City is getting as many benefits as the applicant.

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

It was **MOVED/SECONDED – CASTELLANO/HORTON** - to adopt Resolution No. 2008-3933, approving a grant deed for the conveyance of 1014.37 square feet of City property, finding that the discontinuance and abandonment of such property as park property is in the public interest and accepting a grant deed for the acquisition of 4308.05 square feet of property owned by the Cummins. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – CASTELLANO/HORTON** - to adopt Resolution No. 2008-3934, summarily vacating the equestrian trail easement located at 4062 Live Oak Lane. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – CASTELLANO/HORTON** - to adopt Resolution No. 2008-3935, approving the grant of easement to establish an equestrian trail easement at 4062 Live Oak Lane. **MOTION CARRIED** by the following roll call vote:

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

MAYOR'S REPORT

Mayor Winder thanked Community Development Director Christiansen for his contributions to the City and reported as follows:

The Mayor's Prayer Breakfast was a great event and Reverend John H. Taylor, Executive Director of the Richard Nixon Library was the emcee; and he attended the Chamber of Commerce Scholarships Award Breakfast where a number of students were awarded scholarships.

Mayor Winder informed Council he received a letter from the Orange County Grand Jury dealing with housing elements countywide and there were findings made from a study entitled "No County for Old Boomers" regarding where baby boomers will live when they retire. There were four recommendations from the Grand Jury's report and consistent with the penal code, the Mayor is required to report within 90 days to respond to the recommendations.

For the public's benefit, Mayor Winder outlined the Interim City Manager Kelly's employment agreement.

MATTERS PRESENTED BY COUNCILMEMBERS

Mayor Pro Tem Horton wished Community Development Director Christiansen well with his new endeavor.

She reported she attended the following events: Girl Scout Gold Awards for Amanda Eng and Caitlin Rose; the Celebration of the Arts event; and the Mayor's Prayer Breakfast at which the keynote speaker gave a very inspirational speech.

Mayor Pro Tem Horton also reported she received e-mails regarding safety issues and one was regarding the crossing at Valley View. She asked if the Traffic Commission could take a look at it. She stated another e-mail asked for a 3-way stop sign at Lakeview from Black Gold which is now a 2-way stop. She asked to hear more about the Mariposa and Lakeview issue. She stated an individual approached her regarding

the landscape maintenance assessment and neighborhood trees. She noted some of the neighborhoods are off the beaten path and as the trees are dying, the City is going in and replacing them and putting planters in and the people do not want them replaced. She noted it would save the City money if those trees are not replaced. She also stated she thinks the City needs to encourage people who have ideas by having some kind of "idea pool" on the web site they can write into.

Councilmember Anderson explained his "no" vote regarding the appointment of Interim City Manager Kelly. He stated that Interim City Manager Kelly was his choice and he fully supports and welcomes him, but he thought - because the City has an Assistant City Manager that is paid a very good wage and has been with the City many years who, in his opinion, is capable and should be expected to step up to do the job in the interim and it would save money. He stated he agrees with Mr. Bruckner's comments tonight and thinks there is probably a need to have a little more diversification and cross-training in the City's organization.

Councilmember Anderson reported he attended an Orange County Forum and a speaker from the Orange County Register spoke about the changing nature of newspapers and indicated that our local newspapers are going to publish two times a week. He noted there are three high schools in the Placentia-Yorba Linda School District and all three of the schools did remarkably well in the rankings of various schools throughout Orange County. For parents of high school seniors who are going to graduate, he asked that they please know what their graduates are doing, to reach out to the kids and have a talk with them about safety on the road.

Councilmember Anderson praised Parks & Recreation Director Leto for all her efforts with the Veterans Memorial. He also stated that three times in the last couple of weeks he has observed a horse waiting at the horse crossing on Lakeview south of Buena Vista and nobody would stop - when the horse does get through the crossing, somebody goes flying by on the other side and it is very dangerous. He requested that the Traffic Commission take a look at this area.

Councilmember Anderson thanked Community Development Director Christiansen for his contributions to the City of Yorba Linda.

Councilmember Castellano also expressed appreciation for all Community Development Director Christiansen has done for the City.

Councilmember Castellano stated that a member of City staff, Lauren Cochran, and her sister grew up in this community and her sister, Kaitlyn Cochran, led the Arizona State Sun Devils to the College World Series Championship tonight and she hit a three-run home run.

Councilmember Castellano referenced Mr. Kirschner's question regarding why people assault police officers and stated he would really like to know the answer to that question. He stated that Yorba Linda is very fortunate to have such professional police officers as the Brea Police Department.

RECESS:

Mayor Winder called a recess at 8:40 p.m. and reconvened the meeting at 8:55 p.m.

ADMINISTRATIVE REPORTS

AGENDA ITEM 29 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

FOLLOWING AGENDA ITEM 29, AGENDA ITEM 18 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

17. CONSIDER RELEASE OF INFORMATION PROTECTED BY ATTORNEY-CLIENT PRIVILEGE

City Attorney Carvalho gave an overview of the written staff report and responded to questions from Council. She stated that she has no objections to releasing any of the invoices with the exception of the redevelopment file invoice because in that particular invoice there were a number of matters related to some tax-sharing agreements and which have nothing to do with town center at all. She stated her recommendation would be to release only those invoices related to town center and not release invoices that had nothing to do with town center and particularly Tab 4 in the confidential binder of billings.

It was **MOVED/SECONDED – ANDERSON/HORTON** – to waive the attorney/client privilege and release the unredacted BIA Agenda for public view. **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 release the invoices from the City Clerk's attorney. **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 release (in the confidential binder of billings) Tabs 1, 2, and 3; not release Tab 4; and only release the highlighted invoices in Tab 5. **MOTION CARRIED** by the following roll call vote:

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

Upon inquiry from Mayor Pro Tem Horton, City Attorney Carvalho stated that her recommendation is to follow the process for public documents.

18. **MEAGAN'S LAW PRESENTATION - ORAL REPORT**

Brea Police Detective Dave Wearp gave a presentation that included slides regarding Meagan's Law and responded to questions from Council.

19. **AWARD OF CONTRACT FOR TOWN CENTER SPECIFIC PLAN – This Item was continued to the June 17, 2008 City Council meeting.**

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

Community Development Director Christiansen gave a brief overview of Planning Commission actions from their meeting of May 28, 2008.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT – Mayor Winder reported that he voted “no” on a \$400,000 telephone contract, which staff recommended sole sourcing, as there was no RFP.

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES – No Report

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

ORANGE COUNTY FIRE AUTHORITY – Councilmember Horton reported that the 911 Heroes have been expanded to include honoring children and young adults.

ORANGE COUNTY VECTOR CONTROL – No Report

OTHER BUSINESS

Councilmember Wedaa asked that Item 28 be added under Administrative Reports on the agenda of the next Council meeting.

21. ADMINISTRATIVE OFFICIAL SALARY CAP (ANDERSON) - Continued
22. SITE 13 SEGMENTATION (ANDERSON) - Continued
23. COUNCIL STUDY SESSIONS (ANDERSON) - Continued
24. COUNCIL ATTENDANCE AT MAIN STREET MERCHANTS ASSOCIATION'S QUARTERLY MEETING (ANDERSON) - Continued
25. DISCUSSION RE: BLACK GOLD GOLF COURSE (WEDAA) - Continued
26. ACTION MINUTES FOR CITY COUNCIL MEETINGS (ANDERSON) - Continued
27. CITY ENTRY MONUMENTS (WEDAA) - Continued
28. CITY OF ANAHEIM POWER PLANT (WEDAA) - Continued
29. CANCELLATION OF TOWN CENTER INVESTIGATION (WEDAA)

Mayor Pro Tem Horton stated she was asked by a resident if Mayor Winder and Councilmember Castellano had a conflict of interest with this item and referred it to the City Attorney to answer.

City Attorney Carvalho advised what constitutes a conflict of interest and stated she did not see any that applied to Mayor Winder and Councilmember Castellano and there was no conflict.

Councilmember Wedaa stated this issue has been around a long time and is a very complex issue as so much is involved. He also stated he believes that after two and one-half years we know at least 90 percent of what occurred as it has had so much scrutiny - the Town Center Plan leaders are no longer involved, the bosses are gone, and the employees went along with what they were told to do. He noted that many employees have said if this Council keeps investigating employees, they are going to leave as they believe it is a "witch hunt" and this City is becoming known as a toxic City which means people do not want to work here. He also noted that the City has a lot of really good people working here and on top of that, the City has many things to do – i.e. the General Plan, LMAD, Anaheim Power Plant, the Housing Element, et cetera. He stated it is time to move on and following public comments he will be making a motion.

Jeanne Tamulinas, resident, stated the public does not know every thing about the failed Town Center Plan – what was done wrong, what violations occurred, et cetera. She asked that if nothing is done about it, what will stop other ambitious people from doing it. She stated she thinks this is a great city to work for and a city job is a great job – that she knows a lot of people who would step into the shoes of employees immediately.

Rosemarie Sauer, resident, discussed the notes made by Greg Brown, asked specific questions, and asked that the investigation not be stopped.

Greg Gillaspy, resident, stated he is against stopping the investigation - it is important to know the problem. He stated he empathized with staff as they are caught between a rock and a hard place, but believes that someone here is using fear tactics.

Upon inquiry from Mayor Pro Tem Horton if Mr. Gillaspy knows for a fact and has proof of somebody rattling cages here at City Hall, Mr. Gillaspy stated "no", that the rumors are all over town and he thinks it has to be one of staff, but he does not know who is responsible.

Walt Tamulinas, resident, stated Council made a decision and should go forward with the investigation - the citizens charge Council with the responsibility to rebuild their trust and are asking for an open book of what is going on. He stated there has been staff turnover in the City many times in the past and the City has grown stronger. He also stated that if people want to quit working for the City, there is line of people just as qualified outside the door who want to come to work here.

Mayor Winder clarified that the vote at a previous Council meeting was to prepare a RFP for an investigation, not to do an investigation.

Walt Bruckner, resident, stated an investigation is a learning process and the public has to know the truth.

Tom Lynch, resident, spoke in favor of an investigation and stated it is not a criminal investigation, it is a management issue.

Gabriella Rollins, resident, stated that town center is very important to the residents - that developers and consultants see dollar signs when they look at Yorba Linda and will stop at nothing to gain something for themselves. She indicated she thinks it should all be "laid out on the table".

Claudine Lynch, resident, stated that someone is trying to derail the investigation, and that the City is not staff – that staff works for and serves the residents. If something is not in their job description, they do not have to do what they do. She asked for an in-house investigation to find out what happened and that it be fixed. She stated she has no doubt something is going on behind closed doors as she has heard the same rumors Mr. Gillaspay has. She stated Council's character is now in question.

Art Brown, resident, stated the public does not know what went on and that an investigation would uncover the truth so that rules could be put in place so that it does not happen again.

Pat Nelson, resident, stated that she personally would like it to go away but thinks the City should find out what happened and how and why the checks and balances broke.

Joellen Schultz, resident, stated that ethics is a foundation and she would like to know where the checks and balances failed.

Greg Schultz, resident, stated Council was not listening to what people wanted.

Mark Schwing, resident, stated he did not believe this issue would go below department heads and stated he would like to know about the following - how many more documents are there; why were computers replaced; why were notes redacted; how much money was spent on BBK legal services; the bond for parking issue; and what advice did the City Attorney provide at that time. He stated a vote against the investigation says Council is protecting themselves or someone else.

Dixie Eppine, resident, read a statement stating that it is imperative that full disclosure be brought forward.

Ed Rakochy, resident, stated he is not in favor of lie detector tests on staff and referred to Item 19 and stated another EIR needs to be done.

Louie Scull, local business property owner, passed out a handout and spoke regarding Yorba Linda's 1992 Master Plan, Arroyo Street, and commercial district tenants. He also stated it looks like a lot is missing out of the 99 pages and he thinks that it is a civil rights case.

Nancy Rikel, resident, stated she does not believe that 90 percent of what happened to the failed town center is known and an investigation would give City staff a chance to vent. She stated a process should be put in place where employees can report wrongs without repercussions – she believes it would be a win/win for all.

Lance Hultgren, resident, stated the top priority is to get the investigation done and get answers.

Vic Damone, resident, stated this is the “kick off” of the biggest cover-up in Orange County – that Councilmember Wedaa is not telling the truth, Mr. Gruchow, Mayor Winder and Councilmember Castellano were involved and it is a cover-up led by Councilmember Wedaa. He stated the people making the decision tonight are the ones being investigated.

Bill Davis, resident, stated that this is about moving on to find out about the lessons of the past, to learn from it, and to correct it so that it doesn't happen again. He referred to the redacted BIA Agenda of the meeting attended by the City Attorney, City Manager, and BIA and stated that he thinks the attorney/client privilege was abused as part of an effort to prevent information from being released to the public - that there was no way the conversation would be privileged information as the BIA, a non-client, was present. He stated that to cite the attorney/client privilege regarding the attorney bills of the City Clerk, who was an opponent of the City in the lawsuit, was also an abuse of attorney/client privilege. He spoke regarding the City Manager's calendar for December and invoices submitted by the BBK law firm. He stated that it is not what staff was doing – it is about Councilmembers and higher-up.

Sue Fenwick, resident, asked Council to go forth with the investigation so this cannot ever happen again - that no one wants anyone punished.

Wally Curl, resident, asked Councilmember Wedaa to withdraw his motion.

Discussion ensued.

Mayor Pro Tem Horton stated that she received e-mails on both sides of the issue - some supporting going forward and some saying that enough is enough.

She read a portion of an e-mail she received. She noted that she thinks the RFP is not specific enough and needs to be narrowed so that it is a focused investigation.

Mayor Winder responded to some of the comments made by the public and noted that a majority of the residents of Yorba Linda are not present tonight.

Councilmember Castellano stated he hears a lot of emotion when people are speaking tonight and that people have to ask themselves what is going to satisfy the community. Councilmember Castellano stated he has looked at the 99 pages and he is not afraid of an investigation, that he thinks some of the scare tactics are also coming from the public and things are being said without facts.

Councilmember Wedaa stated he thinks a different tactic should be taken and made a **MOTION** to continue this item and ask Interim City Manager Kelly to come back with a more focused RFP. Mayor Pro Tem Horton **SECONDED** the **MOTION** for discussion.

Interim City Manager Kelly spoke and stated that what is happening in Yorba Linda is happening in many cities and that the RFP is an open checkbook. He also stated he thinks it is healthy for a community to debate and discuss different opinions politely, going forward, and trying not to repeat the mistakes made in the past. He noted that he is a consultant and has done some of this kind of work and would like the chance to work with everyone and dissect the issues before Council walks into a complete investigation. He noted that the word investigation may have negative connotations and that this is a management review from the process side of what didn't work and why. He stated let's refocus on what the Blue Ribbon Committee did, what they are recommending and make sure Council agrees with the directions - it will take a little more time but he thinks time is invaluable to rebuild public trust. This is a time for healing and a slow execution of where we are going. It is important not to stop whatever we are going to do but go through it in a very timely, organized fashion and go back to what the goal is – service to the community.

Councilmember Anderson clarified that he received the documents from Councilmember Wedaa who got them from Mr. Brown. How long he had them he doesn't know. He reported that he received 18 e-mails and three of them were against an investigation. He stated his position is that this is no witch hunt and he does think there is something going on - that staff is being misinformed about intentions and so forth. He reviewed some of the responses and questions from the RFP. He stated that if you think about who might be involved in this sort of thing, we are talking about a City Manager who is now gone and we are talking about two other possible people on City staff and that is it. He stated one e-mail relative to the RFP asked eight specific questions and in his opinion, he does not think it was right to focus on polygraphs as that unfortunately put a certain very

negative image to the City staff and he wanted to assure City staff members that polygraphs were never something he envisioned and he would never vote in favor of it. He was told by four people of the rumors going around City Hall and that his position is very clear and he will not be in favor of this motion.

Councilmember Castellano asked for clarification of the motion – Councilmember Wedaa stated his motion was to refer this item to the Interim City Manager and ask him to better focus the objectives of this investigation in the RFP.

Interim City Manager advised that this cannot be done by the next Council meeting - he could not do the research, talk to staff, gather information and bring back a report and recommendation by the next Council meeting. He would like to have at least 30 days and he needs specific direction. He also stated he wants to avoid the word investigation as he thinks it is a negative spin.

Discussion ensued.

Mayor Winder stated that if Council wants a management audit, then Council should stop talking about investigation and direct the Interim City Manager to put it in terms of how the process failed. He also stated that maybe it will not cost so much money to do that, it will immediately relieve the City employees from being interrogated because that is what investigators do, and it will set the tone to where it is an inquiry, not an investigation, or it is an analysis of the process and what roles were played by the actors with a recommendation.

Discussion ensued.

Councilmember Wedaa stated that he thinks it is important, assuming this motion passes, that the Interim City Manager speak with each of the City Councilmembers as well as a representative sample of all of the people who spoke tonight and he can find those on the tape and perhaps Council can give him some guidance perhaps on speaking to some of these people to be sure the other side is addressed by the Interim City Manager also.

Mayor Pro Tem Horton stated she thinks Council is going in the right direction now and she would like to see us start narrowing of the focus of part of that report, peel some of it back, and to save money - refer it to the proper agencies if necessary.

Interim City Manager Kelly stated that he feels confident with the direction.

Councilmember Castellano stated he thinks the key proponent to making this management review successful is the need to get cooperation.

Councilmember Wedaa stated that naming this a management review is probably a very good idea and in retrospect, he thinks Council jumped into a RFP too rapidly and in too broad of a position without really thinking it out.

Upon Councilmember Anderson asking to have the motion explained, Councilmember Castellano stated that maybe he is mistaken but the gathering of facts is going to have to be the essential part of what the Interim City Manager is being tasked with.

Interim City Manager Kelly stated it is probably semantics, he thinks he needs to understand what has transpired, what the community is saying, and gather more information to help focus on whatever needs to be studied. He further stated that it is the proverbial analysis first of what it is and then going through the process, talking about correction, and coming back to Council with an issue paper of what is broke, what the allegations are, separate the process from legal and other, and then the Council can decide which course of action to take - RFP or to direct outward.

Discussion ensued.

Councilmember Wedaa inquired why doesn't Council ask the people that are here tonight what they would like.

Councilmember Anderson noted he will support the motion based on the discussions Council has just had.

MOTION CARRIED by the following roll call vote:

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

AGENDA ITEM 18 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

CLOSED SESSION – None Required

ADJOURNMENT

Mayor Winder adjourned the meeting at 11:38 p.m. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is June 17, 2008.

Jackie Ostendorf, Deputy City Clerk

APPROVED BY CITY COUNCIL/RDA

JULY 15, 2008