
CITY OF YORBA LINDA

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

MAY 6, 2008

**CITY COUNCIL/REDEVELOPMENT AGENCY SPECIAL 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
Council/Agency Members Absent: Winder

Staff Members Present: Carvalho, Gruchow

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

Name of Case: Placentia-Yorba Linda Unified School District v. City of Yorba Linda et al.

Case Number: Orange County Superior Court Case No. 06CC10534

B. CONFERENCE WITH LEGAL COUNSEL

Government Code Section 54956.9(a)

Wieselmann v. City of Yorba Linda; Yorba Linda Senior Club; Department of Fair Housing and Employment Investigation

C. PUBLIC EMPLOYEE APPOINTMENT - TITLE: INTERIM CITY MANAGER

Government Code Section 54957

D. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6 Labor Negotiator: City Manager Gruchow

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

CITY COUNCIL/REDEVELOPMENT AGENCY

A. CONFERENCE WITH LEGAL COUNSEL

Government Code Section 54957

Name of Case: Measure B Special Counsel

RECESS

**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING
RECONVENING AT 6:30 P.M.**

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:40 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

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

Staff Members Present: Carvalho, Christiansen, Conklin, Gruchow, Hartman, Leto, Mendoza, Steep, Stowell

PLEDGE OF ALLEGIANCE – Councilmember Anderson

INVOCATION

Senior Pastor John Werhas, The Rock Community Church

CLOSED SESSION REPORT

City Attorney Carvalho reported that there was no reportable action taken on the following Closed Session items: Existing Litigation - Placentia-Yorba Linda Unified School District v. City of Yorba Linda et al; Labor Negotiations; and Measure B.

She also reported that the City has reached a resolution in the case of Wieselman v. City of Yorba Linda with both the Department of Fair Housing and Employment and Mrs. Wieselman.

Mayor Pro Tem Horton read a statement pertaining to the City's agreement to take several measures to continue its commitment to providing equal access to all people at community facilities.

Mrs. Wieselman gave special thanks to Council for doing the right thing and read a prepared statement.

INTRODUCTIONS & PRESENTATIONS

RECOGNITION OF OUTGOING PARKS AND RECREATION COMMISSIONERS DON RABBITT AND RICHARD PEPIN, AND TRAFFIC COMMISSIONER SANDRA SUTPHEN

Mayor Pro Tem Horton presented plaques to outgoing Parks and Recreation Commissioners Don Rabbitt and Richard Pepin and to outgoing Traffic Commissioner Sandra Sutphen in recognition of their service to the City. Parks & Recreation Chairman Doty assisted with the presentation to the outgoing Parks and Recreation Commissioners.

PRESENTATION OF PROCLAMATION RE FIBROMYALGIA AWARENESS DAY - PHYLLIS TALARICO, YORBA LINDA RESIDENT, WILL ACCEPT ON BEHALF OF THE NATIONAL FIBROMYALGIA ASSOCIATION

Mayor Pro Tem Horton presented a Proclamation regarding Fibromyalgia Awareness Day to Phyllis Talarico, Yorba Linda resident, who accepted the Proclamation on behalf of the National Fibromyalgia Association.

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

Laurel Van Gilder, resident, requested that a restroom be installed at Fairmont Knolls Park.

Louie Schirm, resident, referred to an item on the April 15, 2008 agenda pertaining to advertising for bids for the installation of air conditioning at Lasorda Field House and asked why not go with solar power as the yearly electricity cost will be high. He stated that rebates are still in effect that would cover half the cost of the installation.

Pat Nelson, resident, spoke regarding an editorial in the Orange County Register newspaper relative to new urbanism/central planning in Brea, redevelopment and subsidies. Mrs. Nelson read a portion of the article as well as a portion of another article regarding the Anaheim Platinum Triangle. Mrs. Nelson asked Council to not take the track that Brea and Anaheim have used.

Lee Day, resident, spoke regarding the \$135,000 being approved to enhance the aesthetics of Yorba Linda Boulevard (the bridge) to Hidden Hills at an annual cost of \$6,000 for maintenance.

Ed Rakochy, resident, spoke regarding the town hall meeting and stated it is still very hard to hear people speaking. He also suggested tape recording the town hall meetings.

Greg Gillespy, resident, spoke regarding the town hall meeting and suggested serving cookies and punch at the town hall meetings.

Jack Meyers, resident, spoke regarding the Lakeview Center and stated there are monument signs that are vans that have been parked there for three to five years and have never moved an inch. He also spoke regarding wood signs on Imperial Highway.

Nancy Rikel, resident, presented slides of downtown Scottsdale as an example of what could be done in the town center area.

Mark Schwing, resident, noted that he read that the City of Anaheim is deferring developer fees until occupancy permits are issued. Mr. Schwing also spoke relative to the Brown Act.

Walter Bruckner, resident, read a portion of the editorial referred to by Mrs. Nelson about new urbanism and submitted a copy of the editorial for the record. Mr. Bruckner also discussed discrimination/racism.

CONSENT CALENDAR

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

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

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. **APPROVAL OF THE MINUTES OF THE APRIL 15, 2008 CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING**

The City Council/Redevelopment Agency approved the minutes of the April 15, 2008 joint meeting.

4. APPROVAL OF THE MINUTES OF THE APRIL 29, 2008 JOINT SPECIAL MEETING OF THE CITY COUNCIL/REDEVELOPMENT AGENCY

The City Council/Redevelopment Agency approved the minutes of the April 29, 2008 joint special meeting.

5. CLAIM FOR DAMAGES - WIND DAMAGE

The City Council denied the claim for damages by claimant Linda Clark.

6. TRAUMA INTERVENTION PROGRAMS, INC. AGREEMENT

The City Council approved the one-year agreement between Trauma Intervention Programs, Inc. (TIP) and the City of Yorba Linda.

7. RESOLUTION NO. 2008-3921 FOR THE ANNUAL JULY 4TH FIREWORKS SPECTACULAR PROGRAM

The City Council adopted Resolution No. 2008-3921.

8. CITY COUNCIL POLICY A-19: REQUESTS TO CONTINUE A SCHEDULED PUBLIC HEARING

The City Council adopted City Council Policy A-19: Requests to Continue a Scheduled Public Hearing.

9. CONTRACT AGREEMENT EXTENSION FOR CITYWIDE TRAFFIC SIGNAL MAINTENANCE SERVICES

The City Council approved the one (1) year Contract Extension with a 4.2 percent unit price increase for Citywide Traffic Signal Maintenance Services between the City and Republic ITS.

10. ACCEPTANCE OF STORM DRAIN RELOCATION AND RELEASE OF BONDS, YORBA LINDA FRIENDS CHURCH, GRADING PERMIT NO. 1442

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

11. INITIATION OF PROCEEDINGS TO ACQUIRE FEE TITLE AND AN EASEMENT OVER A PORTION OF SAN ANTONIO PARK TO CORRECT THE LEGAL BOUNDARIES OF REAL PROPERTY OWNED BY THE CUMMINS AND THE CITY OF YORBA LINDA - RESOLUTION NO. 2008-3919

The City Council adopted Resolution No. 2008-3919, initiating proceedings to discontinue and abandon the use as a public park of a minor portion of San Antonio Park in exchange for an equivalent area of land adjacent to San Antonio Park.

12. CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT - PROCEEDINGS RELATIVE TO LEVYING ANNUAL ASSESSMENT - RESOLUTION NO. 2008-3922

The City Council adopted Resolution No. 2008-3922.

13. CONTRACT AGREEMENT EXTENSION FOR TREE MAINTENANCE SERVICES - GEORGE SALINAS TREE PRESERVATION

The City Council approved the one (1) year Contract Extension with a 3.3 percent price increase for Tree Maintenance Services between the City and George Salinas Tree Preservation.

14. RESOLUTION NO. 2008-3923 - INTENT TO VACATE A PORTION OF LANDSCAPE EASEMENT AT 27850 MOUNT TRIUMPH WAY

The City Council adopted Resolution No. 2008-3923 declaring its intent to vacate a portion of the landscape easement at 27850 Mount Triumph Way.

End of Consent Calendar

MAYOR'S REPORT

Mayor Pro Tem Horton reported that there will be a City Council/Redevelopment Agency joint meeting on Wednesday, May 21, 2008 at 6:00 p.m. for a Study Session relative to the Housing Element; which will then adjourn to a meeting to discuss the Town Center Project process and a presentation of the Blue Ribbon Committee on May 27, 2008.

Mayor Pro Tem Horton stated that Council did not finish discussing one of the Closed Session items and the meeting will end at 10:30 p.m. this evening so that Council can reconvene into closed session.

Mayor Pro Tem Horton stated she had the opportunity to represent the City at Donate a Life Walk which is a tribute to people who have donated organs to help another person. She encouraged people to look into this – it saves many lives. She reported that there is a problem in the City with copper wire theft and stated that it isn't just in this City it is rampant all over. She invited Council to a Fire Safety Day on May 30, 2008 in Irvine. Mayor Pro Tem Horton welcomed the new Yorba Linda Police Captain, Jack Conklin.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Castellano reported that he, Mayor Winder, and Councilmember Wedaa attended Bob Bugbee's retirement event and spoke regarding copper wire and recyclables theft and asked everyone to keep their "eyes and ears" open.

Councilmember Anderson asked that an item "Unredacted Agenda of BIA Meeting" be placed under 'Other Business' of the next Agenda.

Councilmember Anderson added his "thank you" to the retiring Commissioners – Don Rabbitt, Richard Pepin, and Sandra Sutphen. He also wished all the mothers in Yorba Linda "Happy Mothers Day".

Councilmember Wedaa reported that he met with Supervisor Bill Campbell and they discussed the following: the proposed power plant the City of Anaheim would like to build; the issue of the merger of the toll roads; development of the Sage property; the equestrian center; the town center process investigation; and the copper wire theft problem. He stated there was an article in the newspaper that 50 manhole covers are missing in Long Beach. Councilmember Wedaa also reported that the Eichler property by the Richard Nixon Library has been essentially abandoned for two years and he talked to the Library about it and they will provide the name and address of the appropriate person to contact.

RECESS:

Mayor Pro Tem Horton called a recess at 7:55 p.m. and reconvened the meeting at 8:03 p.m.

ADMINISTRATIVE REPORTS

15. RFP FOR SPECIAL INVESTIGATIVE SERVICES - TOWN CENTER

Management Analyst Aalders presented the written staff report.

The following residents spoke in support of an investigation of the failed town center process:

Tom Lynch; Claudine Lynch; Walter Bruckner; Sharlene Dunn; Dixie Eppert; Gerald Kirschner; Nancy Rikel; Louie Scull; Mark Schwing; Arthur Brown; Greg Gillespy; Pat Nelson; Ed Rakochy; and Bill Davis.

A lengthy discussion ensued.

Councilmember Castellano asked that his name be taken off page 4 of the power point exhibit regarding the "Referendum" – recorded phone calls - as he never made a call.

Councilmember Anderson stated that Councilmember Castellano's name should be redacted from the power point and the report on the web site.

City Attorney Carvalho responded to questions from Mayor Pro Tem Horton regarding showing the unredacted BIA Agenda.

Discussion ensued between Council, City Attorney Carvalho, and staff pertaining to the various aspects for inclusion in the RFP, methodology to be used, the mailing list, costs, time frames, and date the RFP's are due.

Councilmember Anderson proposed that on the second page of the RFP under "Investigation", change where it states "...the conduct of those involved including City Council members, City staff, the City Attorney's office, City consultants, the Chamber of Commerce,..." asked that before "the Chamber of Commerce" that "some members of" be inserted. On the third page, top paragraph, after the word "initiative" "and town center zoning referendum" should be added. The next paragraph, "Measure B citizen's initiative" should be deleted and "town center zoning referendum" added. Under "General Instructions", the second provision, add at the end "and to tape record interviews whenever possible". Councilmember Anderson stated that the last paragraph of "Scope of Work" should state, "Actions of Old Town Yorba Linda Partners be included in any of the above activities.

Councilmember Wedaa stated that the RFP states proposals are due June 19, 2008 and he thinks the RFP's should be returned two weeks after they are mailed.

Further discussion ensued.

Councilmember Castellano stated to be all inclusive he would like to add under "Scope of Work" discussion with members of the Old Town Yorba Linda Partners and City Council candidates of the November 2006 election and special election of 2007 and this is to include how many meetings if there were any, the purpose, when, where, and what the subject matter was.

Councilmember Horton stated that she would like to add the Brea Police Department for clarification on the "PruneYard" decision and how it was applied.

It was **MOVED/SECONDED – ANDERSON/WEDAA** - to send out the RFP to contiguous counties excluding San Diego through the investigative association CALI with the changes made by Councilmembers to the RFP as soon as possible based on the discussions that maybe it could be done as early as this Friday and have responses come back by June 3, 2008 and to bring to Council at the June 17, 2008 City Council meeting. **MOTION CARRIED** by the following roll call vote

AYES: Anderson, Castellano, Horton, Wedaa

NOES: None

ABSENT: Winder

Councilmember Wedaa suggested limiting the number of RFP's that are sent out.

Discussion ensued.

Councilmember Anderson suggested posting the RFP on the City's web site.

RECESS:

Mayor Pro Tem Horton called a recess at 9:58 p.m. and reconvened the meeting at 10:15 p.m.

16. ETHICS POLICY OPTIONS - Continued

17. FIVE-YEAR FINANCIAL PROJECTIONS - Continued

18. REQUEST FOR ABANDONMENT OF A PORTION OF LANDSCAPE EASEMENT BEHIND 27030 MAIDEN MOOR LANE

Public Works Director Stowell reviewed the request and discussed concerns he has with the abandonment.

Mr. Pham, applicant, asked that Council approve his request. He responded to questions from Council.

Discussion ensued.

Councilmember Castellano stated that if Council does allow this to happen, he thinks the next course of action would be to rescind City Council Policy E-5.

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to continue this item for two weeks to allow Council to take a guided tour with Public Works Director Stowell of the area.

Councilmember Anderson stated that it is not fair that some have it and others don't and in that sense, maybe Council needs to explore the possibility of telling everyone to put their fences/structures back if they are on the City's easements. He stated it is very inequitable for one family to be able to enjoy the view and another family not to.

Further discussion ensued.

Mayor Pro Tem Horton stated that abandoning this portion would be precedent setting and she will not be supporting the continuance.

Councilmember Castellano stated that he will be voting "no" when this item comes back in two weeks but will vote "yes" to continue this item so that Councilmember Wedaa can visit the property.

MOTION CARRIED by the following roll call vote:

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

19. CITY COUNCIL E-MAIL PROCEDURES - Continued

20. STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, ARTERIAL STREET LIGHTING AND LANDSCAPING ZONES UPDATE - Continued

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

Community Development Director Christiansen gave a recap of the April 23, 2008 Planning Commission meeting and responded to questions from Council.

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 that they are in the review process for the appeal regarding the Coastal Commission's determination on not allowing the toll road to go through the State park and they are asking anyone who wishes to support them to write a letter supporting the extension of the 241 Toll Road.

It was **MOVED/SECONDED – WEDAA/HORTON** – to direct staff to draft a letter for Mayor Winder's signature in support of the extension of the 241 Toll Road. **MOTION CARRIED** by the following roll call vote:

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

ORANGE COUNTY FIRE AUTHORITY – No Report

ORANGE COUNTY VECTOR CONTROL – No Report

OTHER BUSINESS

22. TOWN HALL MEETINGS (WEDAA) - Continued
23. PUBLIC COMMENTS AT COMMISSION MEETINGS (WEDAA) - Continued
24. ADMINISTRATIVE OFFICIAL SALARY CAP (ANDERSON) - Continued
25. SITE 13 SEGMENTATION (ANDERSON) - Continued
26. COUNCIL STUDY SESSIONS (ANDERSON) - Continued
27. COUNCIL ATTENDANCE AT MAIN STREET MERCHANTS ASSOCIATION'S QUARTERLY MEETING (ANDERSON) - Continued

28. DISCUSSION RE BLACK GOLD GOLF COURSE (WEDAA) - Continued
29. ACTION MINUTES FOR CITY COUNCIL MEETINGS (ANDERSON) - Continued
30. APPOINTMENT OF AD HOC COMMITTEE TO REVIEW INTERIM CITY MANAGER APPLICATIONS (WINDER) - Continued

CLOSED SESSION

The City Council reconvened into Closed Session at 10:31 p.m.

ADJOURNMENT

Mayor Pro Tem Horton adjourned the meeting at 10:50 p.m. and reported that Closed Session discussion regarding "Public Employee Appointment - Title: Interim City Manager" was adjourned to May 13, 2008 at 6:00 p.m.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is May 20, 2008.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL/RDA:
