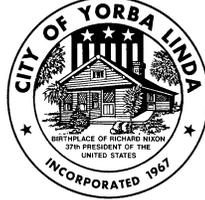

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

NOVEMBER 18, 2008

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

CALL TO ORDER

The City Council/Redevelopment Agency convened at 6:34 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, Gruchow, Hartman, Kelly, Leto,
Mendoza, Steep, Stowell, Thiele

PLEDGE OF ALLEGIANCE – Captain Jack Conklin

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

AGENDA ITEMS 18 AND 19 WERE TAKEN AT THIS TIME BUT ARE REPORTED UNDER THEIR RESPECTIVE POSITIONS ON THE AGENDA.

Mayor Winder announced that two emergency items need to be added to tonight's agenda:

Item 31 – Resolution No. 2008-3971, a Resolution of the City Council of the City of Yorba Linda confirming the Assistant City Manager/Acting Director of Emergency Services' Proclamation of the existence of a local emergency

Item 32 – Resolution No. 2008-3970, a Resolution of the City Council of the City of Yorba Linda waiving City Council Policy P4 regarding Demolition Permit Review and waiving fees applicable to the Demolition Permit.

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to add to the agenda Items 31 and 32 as emergency items as they came up after the posting of the agenda. **MOTION CARRIED** by the following roll call vote:

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

INTRODUCTIONS & PRESENTATIONS

The State of the City video was not shown due to the fire disaster in Yorba Linda over the weekend.

Presentations were given to share information about the fire by the following:

Orange County Fire Authority Division Chief Mike Moore; Captain Conklin - Brea Police Department; Assistant City Manager Dave Gruchow; Yorba Linda Water District General Manager Michael Payne; Interim City Manager Bill Kelly, and Public Works Director Mark Stowell.

Agenda Items 31 and 32 were considered at this time.

It was **MOVED/SECONDED – HORTON/ANDERSON** – to adopt Resolution No. 2008-3971, a Resolution of the City Council of the City of Yorba Linda confirming the Assistant City Manager/Acting Director of Emergency Services' Proclamation of the existence of a local emergency. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** - to adopt Resolution No. 2008-3970, a Resolution of the City Council of the City of Yorba Linda waiving City Council Policy P4 regarding Demolition Permit Review and waiving fees applicable to the Demolition Permit. **MOTION CARRIED** by the following roll call vote:

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

The following members of the audience spoke regarding the fire as follows:

Bill Kontor, Mariposa Avenue, spoke regarding sparks from the fire getting under the eaves of homes and catching the houses on fire and said the City needs to look at the building codes and standards requiring boxed-in eaves.

Tom Watts, resident, spoke regarding the destruction and those heroes that stayed to help homeowners put out fires and stated the neighborhood pulled together in Hidden Hills.

Mayor Pro Tem Horton requested that the names of these heroes be e-mailed to the City so that everyone can be thanked.

Julie Newell, Azelia Circle, stated that the Fire Department did a miraculous job everywhere and the Police Department did a good job. She stated that in the future there needs to be more team work and better communication as the Highway Patrol would not allow her company's 12 water trucks into the area to help.

Tim Tiveman, Avimore Drive, spoke regarding losing his home in the fire, fire damage to homes on Avimore Drive, and lack of coordination between news releases and public safety regarding evacuation warnings. He stated he hopes there is a learning process in this.

Tricia James, resident, stated she and her husband lost their home four years ago to a fire and they did not lose their life and came out with a lot of understanding from the community.

Jeff James, resident, stated the City was wonderful throughout when their house burned and that people rebuilding should do due diligence in checking out the contractor they hire to rebuild/repair their homes.

Doug and Diane Manisto, Mission Hills Road, stated they were the first on their street to lose their house and they did not get a phone call to evacuate, fire trucks did not turn on their street, and the fire hydrant did not work.

Judy Dickinson, Placentia, stated her brother lives on Green Crest Drive and they saved his house by throwing buckets of pool water on it - there were no firemen and no water in Hidden Hills.

Anita Hynds, resident, spoke regarding the lack of water pressure.

Larry Goodnough, Hidden Hills Road, thanked his neighbors and noted that they are the reason he still has a house. He stated there has been a problem with water pressure for 18 years on Hidden Hills Road and asked why the Yorba Linda Water District cannot build a new tank. He stated the police did not evacuate and some of the residents couldn't get up to their street because of the large number of "looky-loos".

Rhonda Bilinski, High Tree Circle, stated there was no water pressure.

Jim Mc Elroy, Aviemore Drive, stated he lost his house and there were no police officers nor fire engines all night long. He stated Terry Wilson was a hero helping the neighborhood fight the fire. He asked about providing sandbags for those properties adjacent to the exposed hillside areas to prevent mud flows when it rains.

Jean Tamulinas, Blue Spruce Lane, asked why there were no pumps on the fire trucks to use swimming pool water to fight the fires.

Mrs. Tamulinas's daughter spoke and thanked the Fire Department and the police who checked their home. She stated she would like to see everyone work together to help those who lost their homes.

Lynn Carrillo, Box Canyon Circle, stated there was no notice and asked why Time Warner Cable was not used to notify people. She commended the Orange County Fire Authority and stated that help is needed to fix Box Canyon Park. She also stated that the fire hydrants were never checked and expressed concern regarding potential slope slippage behind their condos and the drains needing clearing.

Kirk Tustison, Orlando Drive, stated his father-in-law lives on High Tree Circle and that the emergency services were good but that the water pressure was low earlier and then there was no water. He also stated that the neighbor's house could have been saved if there had been water, and that there should be pumps on the fire trucks so that swimming pool water can be used.

Morteza Kmalili, High Tree Circle, stated that Kirk Tustison was a hero helping the neighbors fight the fire and there was no water to save his house.

Bob McKewen, Hidden Hills, stated Hidden Hills didn't get notice and he self evacuated. He also stated there was no water and that the community needs the help and support of Council.

Nicole Heimerl, Rolling Hills Lane, expressed thanks for the bottled water deliveries and asked why the Fire Department units were staging at Yorba Regional Park and not dispatched to neighborhoods.

Roy Peterson, Blue Mountain, stated that when evacuating there were no police officers directing traffic and that residents should have been allowed to go back in to try and save their property.

Alex Soles, Dorinda Road, stated no firemen came up even though the fire station is at the bottom of the street and that neighborhoods should be instructed in fighting fires themselves.

Viviana Vargas, Avimore Drive, stated she lost her home and asked if the City was going to expedite the rebuilding phase.

Thomas Loose, Deodar Drive, stated no one told them to evacuate, no one showed up for 30-40 minutes and then it was a Monrovia fire truck that came and there was no water pressure - nine homes were lost on Deodar Drive and two on Juniper Street.

Tom Froehlich, Rio De Plata, stated there are mutual aid drawbacks and that the Orange County Fire Authority should not have been sent to Corona. He asked that the Orange County Fire Authority start a volunteer fireman program in Yorba Linda.

Ally Ferguson, resident, spoke in appreciation of the fire fighters and stated it was the most frightening experience she ever went through. She thanked everyone who hosed down roofs and stated her house is still there.

Patty Orendorff, Green Hills Association, asked why a train with hazardous materials was allowed to park anywhere near the fire. She also stated that neighborhoods should not be built where there is only one road going in and out and if water can't be pumped up to them.

Kevin May, Camino Vista, spoke regarding the Yorba Linda Water District's access road being padlocked which impeded the fire trucks, pumps on fire trucks for use in swimming pools, the emergency broadcasting system, and letting the Police Department use discretion about letting people go back to their houses.

Jerry Underwood, D'Baglio Way, stated there was no warning/no evacuation but fortunately some of the neighbors stayed and put out the fire on the hill. He also stated the Orange County Fire Authority was called regarding a boat burning in the recreational vehicle storage area and they said there are no resources to help. He noted that the "looky-loos" going through the neighborhood was very disconcerting. He asked if the City can get more local control and resources committed to the City.

Phil Lemmons, D'Baglio Way, stated there was no notice on D'Baglio Way and asked why reverse 911 was called at 4:00 p.m. when the police knew about the fire at 9:30 a.m.

Christie Adams, resident, stated communication was missing and there was no way to call to find out what was happening with the fire. She stated she did not receive a 911 call, her neighbors told her.

Stuart Glenn, Hidden Hills Road, stated the police and fire department was there and helped him. He also stated that some of the homes burned because people have not

been clearing their slopes of weeds and cleaning up around their houses like they should and those areas caught on fire.

Brian Powell, Brush Canyon Drive, stated the City made the developers put in green belts near Brush Canyon and he thinks that helped. He noted that Tom Frolich helped him and his neighbors fight fires and is a hero. He stated he is a Professional Civil Engineer and was involved with the Yorba Linda Water Department in the planning for their water system and that they have a well designed system.

Joy Schultz, resident, spoke regarding inadequate flow of the fire hydrant in front of their home and stated she would like to know whoever is responsible to make sure the hydrants are regularly tested and maintained.

Walter Bruckner, resident, stated fire hydrants should be tested and maintained on a regular basis.

RECESS:

Mayor Winder called a recess at 9:40 p.m. and reconvened the meeting at 10:04 p.m.

Discussion ensued, and Interim City Manager Kelly stated that some questions cannot be answered tonight and we will still be developing answers as we go on.

Chief Moore responded to some of the comments made and stated that the Yorba Linda units went to Corona and usually respond, especially on vegetation fires, and did launch five engine helicopters. He stated the units staging at Yorba Regional Park were there for no more than four or five minutes and then were sent to the incident locations. He stated that mandatory evacuation was implemented taking all things into consideration and in concert with law enforcement.

Captain Conklin advised that no police officers assigned to Yorba Linda responded to the Brea fire – those assigned to Yorba Linda stayed in Yorba Linda and then mutual aid officers came in from other cities.

Ken Vecchiarelli, Yorba Linda Water District, stated the Yorba Linda Water District is responsible for maintaining fire hydrants. He explained how the water system works and how fire protection works in neighborhoods. He stated that the Yorba Linda Water District is constantly improving the system and it can always be better. He also explained the maintenance of fire hydrants.

Upon inquiry from Mayor Pro Tem Horton, Interim City Manager Kelly stated that an analysis of what went right and what went wrong will probably take at least two months and it will be brought back in a staff report to Council.

Discussion ensued and staff responded to questions from Council.

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

None

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 waived reading in full 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 NOVEMBER 4, 2008 JOINT CITY COUNCIL/RDA MEETING

The City Council/RDA approved the minutes of the November 4, 2008 joint meeting.

4. ACCEPTANCE OF IMPROVEMENTS AND NOTICE OF COMPLETION - YORBA LINDA PUBLIC LIBRARY STRUCTURAL STRENGTHENING PROJECT

The City Council accepted the improvements constructed at the Yorba Linda Public Library completed by 2H Construction, Inc.; approved and appropriated an additional \$3,635 in funding for the project from the Library Capital Reserves; authorized the City Clerk to file a Notice of Completion with the County Recorder; and, authorized the release of retention monies when appropriate to do so.

5. SECOND READING AND ADOPTION OF ORDINANCE NO. 2008-922 AMENDING MUNICIPAL CODE RELATING TO NOISE CONTROL

The City Council approved second reading and adopted Ordinance No. 2008-922 amending the Municipal Code relating to noise control.

6. RESOLUTION NO. 2008-3959, MAIN STREET TEMPORARY CLOSURE FOR HOLIDAY EVENT

The City Council adopted Resolution No. 2008-3959.

7. REDUCTION OF STORM DRAIN IMPROVEMENT BONDS, TOLL BROTHERS, VILLAGE III, TRACT 15572

The City Council approved the reduction of storm drain improvement bonds per Public Works staff report.

8. REDUCTION OF GRADING AND STREET IMPROVEMENT BONDS, TOLL BROTHERS, TRACT 15572

The City Council reduced bonds per Public Works Department staff report.

9. REDUCTION OF MASS GRADING BOND, SHAPELL INDUSTRIES, TRACT 16208

The City Council reduced the grading bond per Public Work's staff report.

10. REDUCTION OF STREET IMPROVEMENT BONDS, TOLL BROTHERS, TRACT 16313

The City Council reduced bonds per Public Works staff report.

11. RELEASE OF GRADING BOND FOR CLEAR AND GRUB AND EROSION CONTROL, TOLL BROTHERS TENTATIVE TRACT NO. 16549

The City Council authorized the City Clerk to release Grading Bond No 6249459 in the amount of \$169,125.00 immediately.

12. REDUCTION OF GRADING, STORM DRAIN, AND LANDSCAPING IMPROVEMENT BONDS - TOLL BROTHERS, TENTATIVE TRACT 16549

The City Council authorized the City Clerk to reduce bonds for grading, storm drain and landscaping improvements per Public Works Department staff report.

13. REDUCTION OF GRADING, STORM DRAIN, STREET IMPROVEMENT AND OFF-SITE STREET IMPROVEMENT CASH DEPOSIT AMOUNTS, TRACT 16595, HOVER DEVELOPMENT

The City Council authorized the Finance Department to reduce cash deposits per Public Works Department Staff Report.

14. APPROVAL OF TRACT MAP NO. 17030 AND ACCEPTANCE OF SUBDIVISION IMPROVEMENT AGREEMENT, TOLL BROTHERS

The City Council approved Final Tract Map 17030, accepted dedication of Lots A, B, D, E, & F in fee simple for landscape maintenance purposes, Lot C in fee simple for pedestrian trail purposes, easements for storm drain purposes, authorize the City Clerk to certify the record map upon completion of any technical corrections required by City Engineer, & authorized Mayor to sign & City Clerk to attest Subdivision Improvement Agreement.

15. REDUCTION OF IMPROVEMENT BONDS FOR STREETS AND STORM DRAIN, TOLL BROTHERS TRACT 17030

The City Council authorized the City Clerk to reduce bonds for street and storm drain improvements per Public Works Department staff report.

16. RELEASE IMPROVEMENT BONDS FOR LANDSCAPING, TOLL BROTHERS, TRACT 16313

The City Council authorized the City Clerk to release bonds per Public Works Department staff report.

17. REDUCTION OF BONDS FOR LANDSCAPING, TOLL BROTHERS, TRACTS 16314 AND 16315

The City Council authorized the City Clerk to reduce bonds per Public Works Department staff report.

End of Consent Calendar

PUBLIC HEARINGS

18. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE DESIGN REVIEW 2004-18, CONDITIONAL USE PERMIT 2006-55 AND EIR PREPARED THEREFOR - CHAVEZ

- a. Open Public Hearing – Mayor Winder opened the public hearing and continued it to the City Council meeting of December 16, 2008.
19. PUBLIC HEARING RE APPEAL OF PLANNING COMMISSION'S DECISION RE CONDITIONAL USE PERMIT 2008-43, MOLENAAR
- a. Open Public Hearing – Mayor Winder opened the public hearing and upon agreement from the applicant, continued the hearing to the December 16, 2008 City Council meeting.

MAYOR'S REPORT – No Report

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Castellano reported he and Mayor Pro Tem Horton attended the TIP Hero's With Heart and Brea Police Detective Phil Rodriguez was recognized.

Councilmember Anderson reported that the Esperanza High School student and resident, Keiko Hoen, who was hosting lemonade stands on November 22, 2008 to raise money and awareness for pediatric cancer causes, has changed the focus of the lemonade stands - they will be raising money to help the fire victims.

ADMINISTRATIVE REPORTS

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

There were no appeals of Planning Commission actions.

21. RESOLUTION DECLARING THE IMPORTANCE OF A COMPREHENSIVE AND INTEGRATED NETWORK OF TRAILS TO THE COMMUNITY AND ORDINANCE PROHIBITING ENCROACHMENTS ON PUBLIC AND PRIVATE TRAIL EASEMENTS

City Attorney Carvalho presented a brief staff report and responded to questions from Council.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to adopt Resolution No. 2008-3969 declaring the importance of a comprehensive and integrated network of trails to the community. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to introduce for first reading and approve first reading of Ordinance No. 2008-924, prohibiting encroachments on public and private trail easements. **MOTION CARRIED** by the following roll call vote:

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

22. TOWN CENTER PERFORMANCE REVIEW

It was **MOVED/SECONDED – ANDERSON/WINDER** – to continue this item. **MOTION CARRIED** by the following roll call vote:

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

23. CITYWIDE HISTORIC RESOURCES SURVEY

Interim City Manager Kelly recommended this item be continued until Council has more time to consider it.

It was **MOVED/SECONDED – CASTELLANO/WINDER** – to continue this item. **MOTION CARRIED** by the following roll call vote:

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

24. CANYON POWER PLANT - ORAL REPORT

Interim City Manager Kelly gave an update and status of activities, responded to questions from Council, and stated this item will be brought back for future discussion.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT - Mayor Winder reported on the Administrative Committee meeting regarding the bond financial market.

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

The following items were continued:

25. EVALUATE USE OF FUEL CELLS FOR CIVIC CENTER (WEDAA)
26. RED STRIPING REVIEW AT VAN BUREN/YELLOWSTONE (HORTON)
27. FLAGS ON MAJOR BOULEVARDS ON PATRIOTIC HOLIDAYS (ANDERSON)
28. MOVING AND REHABILITATING BOARDED-UP TOWN CENTER HOMES (ANDERSON)
29. ELIMINATION OF INFORMAL POLICY OF CITY COUNCILMEMBERS RECEIVING CAMPAIGN STATEMENTS AT NO CHARGE (ANDERSON)
30. PROS AND CONS OF HIRING A LOBBYIST (HORTON)

CLOSED SESSION – None Required

