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

OCTOBER 21, 2008

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 REAL PROPERTY NEGOTIATORS

Government Code Section: 54956.8

Property: 4622 Plumosa Avenue - APN: 323-311-01

City Negotiators: Interim City Manager Kelly, Assistant City Manager Gruchow,
City Attorney Carvalho

Property Negotiators: Yorba Linda County Water District

Under Negotiation: Price and Terms of Payment

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

Government Code Section: 54956.9 (b) and (c) (1Case)

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

Government Code Section: 54956.9(b) (1 case)

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

Government Code Section: 54956.9(c) (1 case)
Name of Case: La Floresta Development Project

E. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section: 54957.6
Agency Designated Representative: Interim City Manager Kelly
Unrepresented Employee(s): Department Heads

F. PUBLIC EMPLOYEE APPOINTMENT

Government Code Section: 54957
Title: City Manager

G. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section: 54956.9(a)
Name of Case: Garth and Marilyn Becker v. City Of Yorba Linda, et al.
Mark and Mary Jagusiak v. City of Yorba Linda, et al
Case Number: Orange County Superior Court Lead Case No. 06CC11193

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:44 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: Carvalho, Conklin, Gruchow, Hartman, Kelly, Leto, Mendoza,
Standefer, Stowell, Thiele

PLEDGE OF ALLEGIANCE – Brea Police Captain Conklin

INVOCATION - Reverend Daniel White, Yorba Linda Presbyterian Church

CLOSED SESSION REPORT – No Reportable Action

Mayor Winder announced that Consent Calendar Items 11–15 will be removed from the Consent Calendar for discussion and those present wishing to speak to those items can speak at that time.

Councilmember Anderson asked that Agenda Item 31 be continued for two meetings.

INTRODUCTIONS & PRESENTATIONS

**METROPOLITAN WATER DISTRICT PRESENTATION RE DIEMER TREATMENT
PLANT OXIDATION RETROFIT PROGRAM UPDATE**

Michael Claisse presented slides and gave a presentation relative to the Diemer Treatment Plant Oxidation Retrofit Program. He also introduced Trudi Loy, Wayne Coon, and Sal Vazquez.

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

Pat Nelson, resident, spoke regarding the flashing yellow lights at the trail crossing on Valley View Avenue and stated she almost got hit when crossing the street and suggested the light be changed to red.

Steve Demitor, resident, expressed concerns regarding the proposed T-Mobile cell towers in the Las Palomas Tennis Park in Eastlake. He stated it is a densely populated area and there are concerns about potential health hazards and that the data used is 12-years old.

City Attorney Carvalho noted that per federal law, staff does not have the right to deny the permit on health issues.

Louie Scull, local business property owner, referred to an Editorial in the Orange County Register recommending voters vote "yes" on Measure BB. He also discussed candidates buying election signs outside of the City instead of supporting the sign shop on Lemon in the downtown area.

CONSENT CALENDAR

Mayor Winder removed Items 11-15 from the Consent Calendar. Mayor Pro Tem Horton stated she would abstain from voting on Item 5 to avoid a conflict of interest.

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to approve the consent calendar with the removal of Items 11-15 and with Mayor Pro Tem Horton abstaining on Item 5. **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. APPROVAL OF THE MINUTES OF THE OCTOBER 7, 2008 JOINT MEETING

The City Council/Redevelopment Agency approved the minutes of the October 7, 2008 joint meeting.

4. TREASURER'S REPORT - AUGUST 2008

The City Council/Redevelopment Agency received and filed the report.

5. RESOLUTION NO. 2008-3958 DENYING CONDITIONAL USE PERMIT 2008-35, VARIANCE 2008-04, DESIGN REVIEW 2008-06 - METZ, 5951 KELLOGG DRIVE

The City Council adopted Resolution No. 2008-3958 with Mayor Pro Tem Horton abstaining.

6. PROFESSIONAL SERVICES AGREEMENT - TOM FROST GOLF, INC.

The City Council approved the Professional Services Agreement for third party inspection and review services with Tom Frost Golf, Inc., and authorized the Mayor to sign and the City Clerk to attest said agreement.

7. AWARD OF CONTRACT FOR THE INSTALLATION OF AN EMERGENCY BACKUP GENERATOR AT CITY HALL - WEST CO

The City Council awarded a contract agreement for the installation of an emergency backup power generator at City Hall in the amount of \$134,000 to West Co; approved and appropriated \$147,400 from the General Fund Reserves to fund the project (\$134,000) as well as a 10 percent contingency (\$13,400) to allow for unforeseen circumstances; and authorized the Mayor to sign and City Clerk to attest said agreement.

8. RELEASE OF GRADING BOND FOR PRIVATE PARK ON LOT 24, TRACT 16759, UPPER K-SHAPELL JOINT VENTURE

The City Council authorized the City Clerk to reduce and release the bond per Public Works Department staff report.

9. REQUEST FOR INCREASE IN LANDSCAPE MAINTENANCE SERVICE COST FOR DIVERSIFIED MAINTENANCE SERVICES

The City Council approved the request by Diversified Maintenance Services (DMS) to increase the monthly cost of base landscape maintenance services delivered to the Landscape Maintenance Assessment District by 3.9 percent.

10. REDUCTION OF GRADING, MONUMENTATION AND IMPROVEMENT BONDS, PULTE HOMES TRACT NOS. 15566, 16320 AND 16321

The City Council authorized the City Clerk to reduce the Grading, Labor and Materials, Performance and Monumentation bonds to 70 percent of the original amounts and hold until final release per Public Works Department Staff Report.

11. Removed

12. Removed

13. Removed

14. Removed

15. Removed

End of Consent Calendar

11. RESOLUTION NO. 2008-3960, INTENT TO VACATE THE LANDSCAPE EASEMENTS AT 22590 GREEN MOUNT PLACE AND 22600 HIDDEN HILLS ROAD

12. RESOLUTION NO. 2008-3961, INTENT TO VACATE A PORTION OF THE EQUESTRIAN TRAIL EASEMENT AT THE REAR OF 22530, 22570, AND 22580 GREEN MOUNT PLACE

13. RESOLUTION NO. 2008-3962, INTENT TO VACATE LANDSCAPE EASEMENTS AT THE REAR OF 22594 AND 22596 HIDDEN HILLS ROAD AND 22520, 22530, 22570, AND 22580 GREEN MOUNT PLACE
14. RESOLUTION NO. 2008-3963, INTENT TO VACATE LANDSCAPE EASEMENTS AT REAR OF 22700, 22710, AND 22720 HIDDEN HILLS ROAD AND 22735 AND 22760 HIGH TREE CIRCLE AND QUITCLAIM THE INGRESS/EGRESS EASEMENTS FOR LANDSCAPE MAINTENANCE AT REAR OF 22700, 22710, AND 22720 HIDDEN HILLS ROAD

Public Works Director Stowell presented slides and a staff report for Agenda Items 11-14 and responded to questions from Council.

Upon inquiry from Councilmember Anderson, City Attorney Carvalho stated the City has spent close to \$5 million dollars in litigation and claims the past eight years in this area. She advised an alternative would be if 100 percent of the property owners signed a hold-harmless agreement that they would not sue the City if they had slope problems.

The following residents spoke in opposition to the City abandoning the Hidden Hills landscape maintenance easements and turning the water off: Dennis Walker; Mark Shock; Jerry Carpenter; Robert Zamora; and John Taylor.

Mark Schwing, resident, gave background information on the development of the Hidden Hills area and stated a hold-harmless agreement with the homeowners is the way to go.

Louie Scull, local business property owner, commented that the slopes on Fairmont Boulevard, north and south of Yorba Linda Boulevard have never been maintained very well.

Lee Day, resident, referred to Mr. Scull's comments and stated that the City failed to get easements on Fairmont Boulevard and the slopes are privately owned.

Upon inquiry from Council, City Attorney Carvalho stated she reviewed the cases which alleged the City maintains a dangerous situation. City Attorney Carvalho also noted that the City has now received an additional claim from a resident in the area.

Public Works Director Stowell stated he spoke to staff of Best Best & Krieger LLP and was given a recommendation to turn off the water as a preventive measure.

Discussion ensued relative to setting a date for Council to meet in an informal study session with area residents.

Interim City Manager Kelly stated that the City is already being sued again, California is entering into a water crisis, and heavily landscaped areas need a lot of water which they are trying to avoid. He stated something must change and the City is going to have to change the way it does landscape maintenance in the City.

It was **MOVED/SECONDED – WEDAA/CASTELLANO** - to move Agenda Items 11, 12, 13, and 14 to the first City Council study session for discussion by all sides and to include all aspects.

A lengthy discussion ensued.

Eve Tibbs, resident, spoke and stated that the water needs to go back on, the property in the immediate area is affected by fire hazard, and the City can be sued for that as well.

Public Works Director Stowell clarified the intent on the landscaping to remove dead and drying vegetation and stated only three streets are affected by the water turn-off.

A **SUBSTITUTE MOTION** was made **HORTON/CASTELLANO** – to adopt Resolution Nos. 2008-3960, 2008-3961, 2008-3962, and 2008-3963 declaring the intention to vacate landscape easements. **MOTION FAILED** by the following roll call vote:

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

A **SUBSTITUTE MOTION** was **MADE – WINDER/WEDAA** – to have a community meeting at a date to be determined within the next two weeks. **MOTION CARRIED** by the following roll call vote:

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

Discussion ensued.

It was **MOVED/SECONDED – WINDER/WEDAA** – that the subject areas be watered as little as possible to protect existing plant material until a study session is held.

Interim City Manager Kelly stated that watering there is a liability and work can be done to reduce the fire hazard without watering.

MOTION FAILED by the following roll call vote:

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

RECESS:

Mayor Winder called a recess at 8:45 p.m. and reconvened the meeting at 8:52 p.m.

15. **RELEASE OF GRADING, MONUMENTATION AND IMPROVEMENT BONDS, PULTE HOMES TRACT NOS. 15566, 16320, AND BASTANCHURY ROAD**

It was **MOVED/SECONDED – WINDER/WEDAA** – to release bonds per Public Works Department Staff Report. **MOTION CARRIED** by the following roll call vote:

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

MAYOR'S REPORT – No Report

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Castellano stated he thought the “State of the City” address was outstanding and he would like for it to be played at the next City Council meeting.

Councilmember Anderson spoke regarding the Veterans Memorial fundraiser and stated that donations may be sent to the Veterans Memorial Association at Post Office Box 144, Yorba Linda 92885.

Mayor Winder announced Fiesta Days will be held on Saturday, October 25, 2008.

Mayor Pro Tem Horton congratulated Yorba Linda's 2008 Citizen of the Year, Dorothy Wallingsford. Mayor Pro Tem Horton also reported she attended the International Students Volunteer Program and the Yorba Linda Women's Club Craft Fair at the Yorba Linda Community Center.

Councilmember Wedaa echoed Councilmember Castellano's comments.

ADMINISTRATIVE REPORTS

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

Interim Community Development Director Thiele stated he had nothing to add to the report of Planning Commission actions from their last meeting.

17. TOWN CENTER PERFORMANCE REVIEW

Interim City Manager Kelly gave an overview of the written report and stated he proposes to take a one-week "Office Sabbatical" to focus solely on the Town Center review and to perform the necessary reading, research, interviews, and report preparations.

Discussion ensued.

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to authorize the Interim City Manager to complete the Town Center Performance Review and report back to the City Council by November 18, 2008. **MOTION CARRIED** by the following roll call vote:

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

18. CITY COUNCIL STUDY SESSIONS

Management Assistant Lauren Cochran presented the written staff report.

Discussion ensued.

It was **MOVED/SECONDED – HORTON/ANDERSON** – to have regular study sessions with one topic on the second Tuesday of each month at 6:00 p.m. except for months with Town Hall meetings.

City Attorney Carvalho discussed special meeting requirements.

A **SUBSTITUTE MOTION** was made – **WINDER/WEDAA** – to schedule a study session for the second Tuesday in January for two hours to get experience before scheduling further study sessions.

Councilmember Castellano stated that he is not in favor of holding routine study sessions instead of scheduling them when needed.

Councilmember Anderson stated he would not support the motion.

Mayor Winder **WITHDREW** the motion.

MOTION CARRIED ON THE ORIGINAL MOTION by the following roll call vote:

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

19. TOWN CENTER FACADE IMPROVEMENT PROGRAM

Housing Specialist Pam Stoker gave a staff report and responded to questions from Council.

Staff responded to questions from Council and discussion ensued.

It was **MOVED/SECONDED** – **HORTON/ANDERSON** – to approve the grant/loan program, Option 3.

Louie Scull, local business property owner, stated the options should be pared down to property owners alone, not tenants, and that he thought a forgivable loan program might be the best option.

Rick Nelson, resident, spoke regarding structuring a forgivable loan program.

Mayor Pro Tem Horton **AMENDED THE MOTION/SECONDED BY ANDERSON** - to approve Option 3 with a midyear report for money allocation.

Councilmember Castellano stated he is not in favor - California's financial situation looks bleak and the City is looking at uncertain times.

Councilmember Wedaa stated he is not in favor of the motion. He prefers the loan program.

Councilmember Winder stated he would vote “no” as it is premature to commit to the program.

Discussion ensued.

COUNCILMEMBER ANDERSON made a **SUBSTITUTE MOTION** to approve Option 1 – the loan program.

Discussion ensued.

Councilmember Anderson **WITHDREW** the **SUBSTITUTE MOTION**.

MOTION CARRIED on the original motion as amended by the following roll call vote:

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

20. DUTIES OF TRAFFIC COMMISSION

It was **MOVED/SECONDED – HORTON/ANDERSON** – to continue this item to a study session with the Planning Commission and Traffic Commission. **MOTION CARRIED** by the following roll call vote:

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

21. EQUESTRIAN COMMITTEE REPORT

It was **MOVED/SECONDED – ANDERSON/WEDAA** – to appropriate \$75,000 to \$100,000 to conduct a feasibility study.

Parks & Recreation Director Leto asked for direction on sites.

Mayor Pro Tem Horton stated she would not support the motion, but would support bringing this item back to a study session.

The **MOTION** was **AMENDED – ANDERSON/WEDAA** – for a feasibility study with focus on the Lakebed property.

Dee Dee Fredrick, resident, stated she gets 20-30 calls a month looking for stalls.

Lee Day, resident, asked what the five million dollars is for and Mayor Winder responded it is for the Highland property.

Parks & Recreation Director Leto stated she needed direction if the RFP comes back to a study session or City Council meeting.

Jennifer Golledge, resident, stated she is a horse trainer and spoke in support of an equestrian facility that has stables and training programs.

Mary Carbone, resident, stated that the Highland property was not one of the main choices, first choice was at the top of the Lakebed.

Dawna Potter, resident, stated that a horse needs to be boarded with a trainer and spoke in support of an equestrian facility.

Barbara Brown, resident, stated that a section of the Lakebed used to be a stable.

Lisa Wallace, resident, spoke in support of a facility.

Cheryl Brennen, resident, stated she would like to see a presentation of what the facility would look like.

Omar Randashi, resident, stated he can't imagine a better use for the Lakebed.

Mayor Pro Tem Horton stated she will be voting "no" as she thinks a study session is needed for more information.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Wedaa, Winder

NOES: Horton

ABSENT: None

22. DOG PARK UPDATE

Parks & Recreation Director Leto gave an overview of the written staff report and responded to questions from Council.

Discussion ensued.

It was the consensus of Council not to build a dog park in another city as the County of Orange and the City of Anaheim are not willing to contribute to the costs.

It was **MOVED/SECONDED – CASTELLANO/WINDER** – to receive and file the report. **MOTION CARRIED** by the following roll call vote:

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

ORDINANCES

23. FIRST READING OF ORDINANCE NO. 2008-922 AMENDING THE YORBA LINDA MUNICIPAL CODE TO EXEMPT THE MAINTENANCE OF REAL PROPERTY OWNED OR OPERATED BY A PUBLIC ENTITY FROM THE NOISE CONTROL PROVISIONS AND THE TIME LIMITATION PROVISIONS FOR SUCH ACTIVITIES

Parks & Recreation Director Leto gave an overview of the written staff report and responded to questions from Council.

Discussion ensued relative to notice given to people around the golf course.

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** – to approve first reading of Ordinance No. 2008-922.

Upon inquiry from Councilmember Wedaa, Councilmember Anderson **amended** the motion to approve first reading of Ordinance No. 2008-922 and direct staff to report back in one year.

MOTION CARRIED by the following roll call vote:

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

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT – Mayor Winder reported some major work was done over four meetings on the goals and objectives of the Sanitation District.

Upon inquiry from Councilmember Anderson regarding the SARI line in the river being undermined, Mayor Winder responded that the line is being repaired.

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

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

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

26. RED STRIPING REVIEW AT VAN BUREN/YELLOWSTONE (HORTON) -
Continued

27. FLAGS ON MAJOR BOULEVARDS ON PATRIOTIC HOLIDAYS (ANDERSON)

Councilmember Anderson asked that the banners used to decorate for the City's
July 4th holiday be used to fly on Veterans Day.

28. MOVING AND REHABILITATING BOARDED UP TOWN CENTER HOMES
(ANDERSON) - Continued

29. ELIMINATION OF INFORMAL POLICY OF CITY COUNCILMEMBERS
RECEIVING CAMPAIGN STATEMENTS AT NO CHARGE (ANDERSON) -
Continued

30. PROS AND CONS OF HIRING A LOBBYIST (HORTON) - Continued

31. RESOLUTION OF APOLOGY TO THE RESIDENTS OF YORBA LINDA FOR
THE COUNCIL'S ACTIONS IN THE FAILED TOWN CENTER PLAN
(ANDERSON)

