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

SEPTEMBER 16, 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, Winder

Council/Agency Members Absent: Wedaa

Staff Members Present: Carvalho, Gruchow, Kelly

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9(a)

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

Case Number: Orange County Superior Court Case No. 00108598

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

Government Code Section 54956.9(b) and (c) 1 case

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

Government Code Section 54956.9(c) (1 case)

Name of Case: La Floresta Development Project

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

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

Council/Agency Members Absent: Wedaa

Staff Members Present: Carvalho, Gruchow, Hartman, Kelly, Leto, Mendoza, Steep, Stowell, Thiele

Mayor Winder indicated that Councilmember Wedaa is still recuperating from his illness and stated if there are no objections, he would excuse Councilmember Wedaa's absence tonight.

PLEDGE OF ALLEGIANCE – Boy Scout Troop 779

INVOCATION

Elder Mark Welches, Yorba Linda Friends Church

CLOSED SESSION REPORT

City Attorney Carvalho reported as follows: Item A – direction was given to special counsel; Item B – this matter involves a trail easement on Aspenglow and the City Attorney apprised Council there are additional items to review; and Item C – there was not an opportunity to discuss it and Council may re-adjourn into Closed Session at the end of the meeting.

INTRODUCTIONS & PRESENTATIONS

YORBA LINDA WATER DISTRICT PRESENTATION

Kenneth Vecchiarelli, Assistant General Manager of the Yorba Linda Water District, presented a power point presentation relative to water conservation.

Mayor Winder asked that as Councilmember Wedaa is absent, Agenda Items 18, 19, 20, 22, 25, 26 be continued.

Councilmember Anderson stated he believed Council can proceed on some of these items and that he objects to continuing Items 18 and 20.

Mayor Pro Tem Horton stated she spoke with Councilmember Wedaa and he said he is interested in speaking on Item 18.

Discussion ensued and Councilmember Anderson asked that consideration be given to teleconferencing the next meeting so that Councilmember Wedaa can participate if he is unable to attend the meeting.

It was **MOVED/SECONDED – WINDER/HORTON** – to continue Agenda Items 18 and 20. **MOTION CARRIED** by the following roll call vote:

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

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

Albert Miller, resident, submitted pictures and commented that it is very hazardous for cars turning left off of Yellowstone Avenue onto Van Buren Street because you cannot see due to the cars and a water truck parked on the side of Van Buren Street from the corner down.

Pat Nelson, resident, stated her yearly complaint about the School District's "Back to School Night" being held on the third Tuesday of September (which is a Council Meeting night) and causing a lack of parking. Mrs. Nelson also clarified comments she made at the September 2, 2008 Council meeting and stated there should not be one developer with City assistance – the private sector should build in the Town Center and it should organically grow in the private sector.

Lee Day, resident, spoke regarding the 2008/2009 property tax bill and the Orange County Sanitation District's sewer rate increase. She also read from a letter sent to the Orange County Register entitled "Tax Down the Drain".

Lee McLaughlin, resident, spoke in support of Mr. Miller's comments regarding the corner of Yellowstone Avenue and Van Buren Street.

Bill Davis, resident, spoke relative to Council endorsements and stated an ethics ordinance "that has teeth in it" should be adopted.

Mark Schwing, resident, spoke of an article in the business section of the Orange County Register regarding the City of Fountain Valley beginning a program to buy bank-owned homes and sell them as affordable housing.

Patricia Nelson, resident, stated that signatures are being gathered on a petition regarding the gates that were installed across the trail by the Kopit family thus blocking the use of the trail by other families.

Walter Bruckner, resident, spoke regarding the Town Center Study and suggested having Cal State University, Fullerton do the study.

Louie Scull, local business property owner, spoke in support of secondary wastewater treatment and suggested a moratorium on building permits in Yorba Linda. He also asked that the City send a letter to the trash company to negotiate a contract in 20 years.

Jerry Kirschner, resident, stated there are very serious water supply problems and noted that Lake Shasta has receded and Oroville Dam is at 31 percent capacity and dropping daily according to the rangers.

Anita Hynds, resident, spoke stating that flags should be flown in the City on important occasions.

AGENDA ITEM 23 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

CONSENT CALENDAR

Mayor Winder asked that Item 13 be removed from the Consent Calendar.

It was **MOVED/SECONDED - CASTELLANO/HORTON** to approve the Consent Calendar with the removal of Item 13. **MOTION CARRIED** by the following roll call vote:

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

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

The City Council/Redevelopment Agency waive reading in full of all ordinances and resolutions on the agenda and declare 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 AUGUST 19, 2008 JOINT CITY COUNCIL/RDA MEETING

The City Council/RDA approved the minutes of the August 19, 2008 joint meeting.

4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 2, 2008 JOINT CITY COUNCIL/RDA AND PLANNING COMMISSION MEETING.

The City Council/RDA approved the minutes of the September 2, 2008 joint meeting.

5. TREASURER'S REPORT - JUNE 2008 (PRE-CLOSE)

The City Council received and filed the report.

6. CLAIM FOR DAMAGES - F.T.R.S. FAMILY PARTNERSHIP

The City Council denied the claim for damages by F.T.R.S. Family Partnership.

7. SECOND READING OF ORDINANCE NO. 2008-921, BEREAVEMENT LEAVE

The City Council approved second reading and adopted Ordinance No. 2008-921 amending the Yorba Linda Municipal Code regarding employee bereavement leave.

8. RESOLUTION NO. 2008-3955, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA RELATING TO THE CLASSIFICATION, COMPENSATION AND TERMS OF EMPLOYMENT OF MID-MANAGEMENT EMPLOYEES, AND AMENDING RESOLUTION NO. 2008-3948

The City Council adopted Resolution No. 2008-3955.

9. AUTHORIZATION TO ACCEPT DONATION OF A 2001 FORD E450 SUPER DUTY DIESEL PARA-TRANSIT VEHICLE FROM THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE SENIOR MOBILITY PROGRAM

The City Council approved the donation of a 2001 Ford E450 Super Duty Diesel Para-transit vehicle as part of the 2007 Cooperative Agreement with the Orange County Transportation Authority (OCTA) for use for the T.R.A.I.L.S (Taking Retired Adults Into Local Services), Senior Mobility Program; and authorized staff to surplus the two (2) 1997 Ford diesel vans currently in service.

10. NOTICE OF COMPLETION FOR VILLAGE CENTER DRIVE MEDIAN MODIFICATIONS AT YORBA LINDA BOULEVARD, CALIFORNIA ENGINEERING & CONTRACTING, INC.

The City Council accepted the median modifications constructed by California Engineering & Contracting, Inc.; authorized the City Clerk to file a Notice of Completion with the Orange County Recorder, and authorized the retention monies to be paid when appropriate to do so.

11. APPROVAL OF THE MASTER AGREEMENT ADMINISTERING AGENCY - STATE AGREEMENT FOR STATE-FUNDED PROJECTS

The City Council approved the Master Agreement Administering Agency-State Agreement for State-Funded Projects and authorized the Mayor to sign and the City Clerk to attest.

12. CONTRACT AGREEMENT EXTENSION FOR STREET STRIPING, PAVEMENT MARKINGS, CURB PAINTING AND RELATED STRIPING ACTIVITIES WITH TRAFFIC OPERATIONS, INC.

The City Council approved the one (1) year contract extension with a two percent unit price increase for the Installation of Street Striping, Pavement Markings, Curb Painting and Related Activities between the City and Traffic Operations, Inc. The one (1) year contract extension will commence on October 19, 2008 and terminate October 18, 2009 unless additional extensions are granted.

13. Removed

14. RESOLUTION NO. 2008-3954, MAIN STREET AND LEMON DRIVE TEMPORARY CLOSURE - CHAMBER OF COMMERCE STREET FAIRE AND CAR SHOW

The City Council adopted Resolution No. 2008-3954 approving the street closure of Main Street and Lemon Drive for the Chamber of Commerce Street Faire and Car Show event, subject to the conditions of approval.

15. CHANGE ORDER NO. 1 TO AMENDMENT NO. 5 TO THE WILLDAN PROFESSIONAL SERVICES AGREEMENT TO PROVIDE ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE LAKEVIEW AVENUE SLOPE AND TRAIL REPAIR PROJECT

The City Council authorized the Mayor to execute Change Order No. 1 to Amendment No. 5 of the Professional Services Agreement with Willdan in the amount of \$7,333.99 for additional engineering design services for the Lakeview Avenue Slope and Trail repair project.

End of Consent Calendar

RECESS:

Mayor Winder called a recess at 8:14 p.m. and reconvened the meeting at 8:32 p.m.

ITEM 13. REQUEST TO FUND LANDSCAPE INFRASTRUCTURE AUDIT FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT ZONES 1-5 FROM ASSESSMENT DISTRICT CONTINGENCY FUNDS AND THE ARTERIAL ZONE FROM THE GENERAL FUND RESERVE

Public Works Director Stowell gave a brief overview of the written staff report and introduced Bruce Carleton, the City's landscape manager.

Staff responded to questions from Council.

It was **MOVED/SECONDED – CASTELLANO/HORTON** – to authorize the Mayor to sign and the City Clerk to attest the contract between Willdan and the City in the amount of \$127,000 for an infrastructure audit of the Arterial Zone and Zones 1-5, and approve the transfer of \$141,000 from LMAD contingency funds for Zones 1-5 and \$33,000 from General Fund Reserves for the Arterial Zone.

John Halbur, resident, inquired as to the transfer of monies.

Pat Nelson, resident, asked regarding the math and recouping the cost and stated she hopes the human element is not taken out of it.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Winder

NOES: None

ABSENT: Wedaa

MAYOR'S REPORT

Mayor Winder spoke regarding coyote complaints and noted that an Animal Control Officer is scheduled to speak at the October 7, 2008 City Council meeting. He suggested the Officer make the presentation under Introductions and Presentations and that a report be provided under Administrative Reports.

Mayor Winder reported that he attended Eagle Scout Honor Courts for Harrison J. Wahlstrom and Thomas J. Riley.

Mayor Winder reported that after the Agenda was posted a matter came up that he would like to add to the Agenda. He stated Senate Bill 375 was put into print August 13th of this year, rushed through legislature, and approved August 30th. His concern is there is too much State interference in our land use decisions. Senate Bill 375, which links transportation planning and funding to general land use planning and

the California Environmental Quality Act (CEQA), is now on the Governor's desk for signature.

Mayor Winder made a **MOTION** to add discussion of Senate Bill 375 to the Agenda. Discussion ensued and **MOTION DIED** for lack of a second.

MATTERS PRESENTED BY COUNCILMEMBERS

Mayor Pro Tem Horton announced that this weekend Oktoberfest is being held at St. Martin de Porres Church and the John Paul II Polish Center, and on Saturday, September 20th the Chamber of Commerce will be hosting a Street Faire and Car Show on Main Street.

Mayor Pro Tem Horton stated she would like a report on how the State budget will affect the City.

Councilmember Anderson urged everyone to attend the Street Faire and Car Show on Main Street on Saturday, and stated that at some other time he would like to talk about showing flags for special occasions.

ADMINISTRATIVE REPORTS

16. 2008 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE RESOLUTIONS

Mark Aalders, Assistant to the City Manager, presented the staff report and responded to questions from Council.

Mayor Pro Tem Horton asked for Council's direction on the following resolutions:

1. Resolution, Relating to the amendment of the League's bylaws to authorize one Director from each League diversity groups (or "caucus") for a two-year term and amend various technical bylaws.
2. Resolution, Relating to the League's collaboration with State and regional partners to continue the promotion of the 2-1-1 California telephone service throughout California.
3. Resolution, relating to the League's support for the extension of the Federal Section 45 Production Tax Credit.
4. Resolution, relating to the League's support for a Comprehensive Statewide Water Infrastructure Plan.

Councilmember Anderson commented he would be supportive of whatever Mayor Pro Tem Horton chose to do.

Mayor Pro Tem Horton stated she does not have a strong opinion on 1 but thinks 2, 3, and 4 are worthwhile.

Mayor Winder stated he would vote “no” on 1 and would support 2, 3, and 4.

Councilmember Anderson stated that if Mayor Pro Tem Horton does not feel strong about 1, not to vote for it.

It was **MOVED/SECONDED - ANDERSON/CASTELLANO** - to receive and file the report. **MOTION CARRIED UNANIMOUSLY.**

17. BLACK GOLD GOLF CLUB BUDGET AND OPERATIONS OVERVIEW

Sue Leto, the City’s Parks & Recreation Director, and Eric Lohman, PGA General Manager, presented slides and gave a presentation on the Black Gold Golf Club – the clubhouse and golf course; an operations overview that included golf course maintenance, turf care - problems with the rye grass, marketing, and a budget overview.

Staff responded to questions from Council.

Councilmember Anderson stated he would like to know the percentage of residents that use the golf course.

Mayor Pro Tem Horton noted she would also like to know the percentage of residents that use the restaurant.

Mark Schwing, resident, stated that when he was on Council, the golf course was a recreational element for the residents of the City. He asked if there is a way to go back on the people who recommended the rye grass.

Walter Bruckner, resident, spoke regarding bonds, debt service, and fees charged to the City.

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** – to receive and file the report and approve the Black Gold Golf Course budget for Fiscal Year 2008-2009. **MOTION CARRIED** by the following roll call vote:

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

18. TOWN CENTER PERFORMANCE REVIEW - Continued

19. MAYOR PRO TEM HORTON CONFLICT OF INTEREST – Continued

20. CITY COUNCIL STUDY SESSIONS - Continued

21. TOWN CENTER FACADE IMPROVEMENT PROGRAM

Mayor Pro Tem Horton asked that this item be continued.

22. DUTIES OF TRAFFIC COMMISSIONERS - Continued

23. RESOLUTION NO. 2008-3953 AUTHORIZING THE DISPLAYING OF THE NATIONAL MOTTO "IN GOD WE TRUST" IN THE CITY COUNCIL CHAMBERS

Assistant City Manager Gruchow presented a brief report.

Cody Olive, member of Boy Scout Troup 779, addressed the City Council in support of displaying the National Motto.

John Halbur, resident, stated he feels it is not appropriate and that government should be secular. He stated that to go back to E Pluribus Unum is more patriotic.

Greg Gillaspy, resident, stated the First Amendment says we have the right to believe in any God we so choose and it doesn't prohibit the people from believing. He stated it is patriotic and is our Nation's motto.

Pat Nelson, resident, suggested having the motto carved in wood by the Boy Scouts instead of paying for it to be in brass.

Louie Scull, local business property owner, echoed Pat Nelson's comments.

Mark Schwing, resident, spoke in favor of the motto and having it placed in the Council Chambers above the dais with two seals (the State Seal and the City Seal) spaced apart on either side of it.

Bruce Gleason, Villa Park, spoke in opposition to the motto and stated it is important for the government to maintain neutrality.

Anita Hynds, resident, spoke in favor of placing the motto in the Council Chambers.

Mayor Winder stated "for the record" he has received four letters in opposition to the motto and one was from someone who spoke tonight.

It was **MOVED/SECONDED – ANDERSON/CASTELLANO** – to adopt Resolution No. 2008-3953 authorizing the display of the national motto "In God We Trust" in the City Council Chambers above the dais with the State Seal and City Seal placed as bookends on each side of the Motto, look into the Boy Scouts making the Motto, and put lights on it.

Interim City Manager Kelly stated he will contact the Boy Scouts to see what they can do as to the lettering of the motto and report back to Council in a memo.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Castellano, Horton, Winder

NOES: None

ABSENT: Wedaa

24. **REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETINGS/APPEAL OF PLANNING COMMISSION ITEMS**

Interim Community Development Director Thiele gave a recap of Planning Commission actions at their meetings of August 27, 2008 and September 10, 2008.

Councilmember Anderson appealed Conditional Use Permit 2008-35, Design Review 2008-06, and Variance 2008-04, Metz at 5951 Kellogg Drive.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT – No Report

