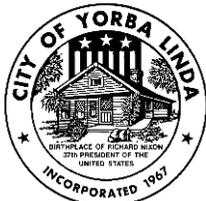


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CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING AGENDA

AUGUST 18, 2009

Pursuant To Government Code Section 54954.2, No Matter Shall Be Acted Upon By The City Council/Redevelopment Agency Unless Listed On The Agenda Which Has Been Posted Not Less Than 72 Hours Prior To The Meeting

**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING
CONVENING AT 5:30 P.M.**

CALL TO ORDER

The City Council/Redevelopment Agency will convene at 5:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder

Staff Members: Adams, Carvalho

CLOSED SESSION

CITY COUNCIL

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

Government Code Section 54956.9(b) (1 case)

- B. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957

Agency Designated Representative:
Employee Organizations:

City Manager Adams
Yorba Linda Mid-Management
Association; Yorba Linda Chapter of
the Orange County Employees
Association; and Department Heads

RECESS

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

CALL TO ORDER

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

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder

Staff Members: Adams, Brown, Carvalho, Conklin, Harris, Hartman, Leto, Steep, Stowell

PLEDGE OF ALLEGIANCE

INVOCATION

REVEREND DANIEL WHITE, YORBA LINDA PRESBYTERIAN CHURCH

CLOSED SESSION REPORT

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

Public Comments is the time reserved on each regular meeting Agenda to provide an opportunity for members of the public to directly address the City Council/Redevelopment Agency on Consent Calendar items or matters of interest to the public concerning the City's/Agency's business or any matter over which the City Council/Redevelopment Agency has jurisdiction that are not already scheduled for consideration on this Agenda. Although the City Council/Redevelopment Agency values your comments, pursuant to the Brown Act, the Council/Redevelopment Agency cannot take any action on items not listed on the posted Agenda, but may refer the matter to staff or a subsequent meeting.

All remarks shall be addressed to the City Council/Redevelopment Agency as a body through the presiding officer and not directly to any member thereof. The City Council/Redevelopment Agency desires its meetings to be conducted in a professional

manner respectful of all participants. Therefore, the Mayor/Chairman may ask that speakers refrain from engaging in personal attacks, name-calling, or campaigning on any election issue during their allotted time. However, public criticism of the policies, procedures, programs or services of the City, or of the acts or omissions of the City Council/Redevelopment Agency as a body shall not be prohibited.

Under the Brown Act, members of the Council/Agency may briefly respond to Public Comments, but no extended discussion and no action on such matters may take place.

There is a five (5) minute maximum time limit for each individual addressing the City Council/Redevelopment Agency during Public Comments and on all other items listed on the Agenda. The City Council/Redevelopment Agency will entertain Public Comments up until the time that Public Hearings are scheduled to begin. Any speaker wishing to speak on a matter not posted on this Agenda who was unable to speak during this initial designated Public Comments period will be given an opportunity to speak following the Council's/Agency's completion of the Public Hearing. The Mayor/Chairman may use his or her discretion to select the order of speakers in a manner that ensures that a variety of issues and concerns can be presented during the initial time and he or she may allow for additional comments to be made past the time for the Public Hearings to begin. As a result, in situations where there are multiple speakers wishing to speak on a single topic not on the Agenda, the Mayor/Chairman may ask that one speaker generally describe the issue or matter and then will provide additional speakers the opportunity to speak later on this Agenda.

CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered by the Council/Redevelopment Agency to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the Council/Agency or Staff request specific items to be removed from the Consent Calendar.

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

Recommendation: That 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

Recommendation: That the City Council/RDA approve the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE JULY 21, 2009 CITY COUNCIL/RDA MEETING

Recommendation: That the City Council/RDA approve the minutes of the July 21, 2009 meeting.

4. APPROVAL OF THE MINUTES OF THE AUGUST 4, 2009 CITY COUNCIL/RDA MEETING

Recommendation: That the City Council/RDA approve the minutes of the August 4, 2009 meeting.

5. CONTRACT AGREEMENT EXTENSION FOR PARK TURF MAINTENANCE SERVICES - ARTISTIC MAINTENANCE, INC.

Recommendation: That the City Council approve a one (1) year Contract Extension for Park Turf Maintenance Services between the City and Artistic Maintenance, Inc., and authorize the City Manager to execute Change Order No. 1 for said extension.

6. CONTRACT AGREEMENT EXTENSION FOR JANITORIAL SERVICES AT CITY FACILITIES - MERCHANTS BUILDING MAINTENANCE, LLC

Recommendation: That the City Council approve a one (1) year Contract Extension with an overall 5.5 percent price decrease for Janitorial Services at City Facilities Between the City and Merchants Building Maintenance, LLC and authorize the City Manager to execute Change Order No. 1 for said extension.

7. REDUCTION OF MASS GRADING BOND, TENTATIVE TRACT NO. 16208, SHAPELL INDUSTRIES

Recommendation: That the City Council authorize the City Clerk to reduce the Grading Bond to 70 percent of the second reduction amount and hold until final release.

8. REDUCTION OF IMPROVEMENT BONDS FOR STORM DRAIN, TRACT NO. 16987, SHAPELL INDUSTRIES

Recommendation: That the City Council authorize the City Clerk to reduce the Faithful Performance and Labor & Material Bonds to 70 percent of the original amounts and hold until final release.

9. ACCEPT PUBLIC IMPROVEMENTS AND RELEASE BONDS, TRACT NO. 16637, HQT HOMES

Recommendation: That the City Council authorize the City Clerk to release the Labor and Materials bond in 180 days, reduce the Grading and Faithful Performance bonds to 10 percent of the original amount and release in one year if no liens have been filed, and release the Monumentation Bond immediately.

10. REDUCTION OF IMPROVEMENT BONDS, TRACT 17079, MBK HOMES

Recommendation: That the City Council authorize the City Clerk to reduce the Faithful Performance and Labor & Materials Bonds to 70 percent of the first reduction amount and hold until final release.

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

Recommendation: That the City Council approve a one (1) year contract extension for Tree Maintenance Services between the City and West Coast Arborists, Inc.

12. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA TO HOLD A PUBLIC HEARING TO ASCERTAIN WHETHER PRIVATE PROPERTY LOCATED IN THE CITY OF YORBA LINDA CONSTITUTES A PUBLIC NUISANCE

Recommendation: That the City Council introduce and adopt Resolution No. 2009-4032, declaring a private property located at 17835 Anna Marie Road in the City of Yorba Linda is a public nuisance.

13. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA TO HOLD A PUBLIC HEARING TO ASCERTAIN WHETHER PRIVATE PROPERTY LOCATED IN THE CITY OF YORBA LINDA CONSTITUTES A PUBLIC NUISANCE

Recommendation: That the City Council introduce and adopt Resolution No. 2009-4033, declaring a private property located at 17841 Anna Marie Road in the City of Yorba Linda is a public nuisance.

14. FREEWAY COMPLEX FIRE DEBRIS REMOVAL AND PROPERTY TAX ASSESSMENT

Recommendation: That the City Council adopt Resolution No. 2009-4037, confirming the costs to abate the public nuisances at the fire damaged parcels and ordering the collection of such costs as special assessment liens on such parcels: 5020 Greenhaven Street, 21890 Cardiff Drive and 24410 Via Lomas de Yorba East.

15. REVISION TO THE BUDGET ALLOCATION TO IMPLEMENT URGENT ACTIONS REQUIRED DUE TO MANDATORY REGIONAL WATER REDUCTIONS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT AND OTHER PUBLIC LANDSCAPE AREAS

Recommendation: That the City Council revise the previously approved allocation of \$200,000 from General Fund Reserve to pay for the cost associated with vacating the various easements and implementing other reductions to be an allocation of \$185,000 from the Landscape and Lighting District Reserves and \$15,000 from the General Fund Reserves.

16. TIME EXTENSION FOR CONDITIONAL USE PERMITS AND DESIGN APPROVALS GRANTED BY THE CITY IN 2008 AND 2009

Recommendation: That the City Council adopt Resolution No. 2009-4028, extending the approval time period associated with Conditional Use Permits and Design Review approvals for a period of one year.

17. ADOPTION OF ORDINANCE NO. 2009-934, APPROVING AND ADOPTING AN ENGINEER'S REPORT FOR SEWER MAINTENANCE CHARGES FOR FISCAL YEAR 2009/2010 AND PROVIDING FOR THE COLLECTION THEREOF

Recommendation: That the City Council give second reading and adoption of Ordinance No. 2009-934.

End of Consent Calendar

PUBLIC HEARINGS

Note: If previous agenda items are completed prior to 7:00 p.m., the City Council will proceed to "Administrative Reports" on the Agenda until the scheduled time for the Public Hearings. At the Mayor's discretion, Public Comments may be postponed at 7:45 p.m. to allow the Public Hearings to be started.

If you challenge the City's/Agency's proposed actions in court, you may be limited to raising those issues that you or someone else raised at the Public Hearing described in this Agenda, or in any written correspondence delivered to the City/Agency on or prior to the Public Hearing.

18. PUBLIC HEARING REGARDING WEED ABATEMENT PROGRAM COSTS AND ASSESSMENT OF LIENS

a. Open Public Hearing

- b. Staff Report
- c. Take Testimony
- d. Close Public Hearing
- e. Make Determination

That the City Council adopt Resolution No. 2009-4036, confirming the Report of Costs of Abatement of Weeds, Rubbish, Refuse, and Dirt, Public Nuisances, and Imposing Special Assessments as Liens on Parcels.

19. AB 3229-CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAMS (COPS)
GRANT EXPENDITURES

- a. Open Public Hearing
- b. Staff Report
- c. Take Testimony
- d. Close Public Hearing
- e. Make Determination

That the City Council approve the expenditure of \$304,308 to fund a Traffic Officer and Detective position using AB 3229 funds, the Traffic Safety Fund, and the General Fund as funding sources.

CONTINUED PUBLIC COMMENTS

This is the time reserved for those persons who were unable to speak earlier in the Agenda because of the postponement of Public Comments.

MAYOR'S REPORT

MATTERS PRESENTED BY COUNCILMEMBERS

ADMINISTRATIVE REPORTS

- 20. OHIO STREET TRAFFIC SAFETY IMPROVEMENT
- 21. RESIDENT REQUEST FOR RECONSIDERATION OF THE WATER CONSERVATION AND COST SAVING ACTIONS TAKEN ON THE LOMAS DE YORBA EAST PARKWAY SLOPE

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION
CORRIDOR SYSTEM

ORANGE COUNTY FIRE AUTHORITY

ORANGE COUNTY VECTOR CONTROL

OTHER BUSINESS

At 11:00 p.m. any member of the City Council/Redevelopment Agency may make a motion to complete any item then under discussion and continue all remaining items on the Agenda which have not been acted upon to a certain date and time to which the Council/Agency shall adjourn.

22. MORATORIUM ON IMPLEMENTING THE WATER SAVINGS PLAN OF ABANDONING LANDSCAPE MEDIANS (ANDERSON)
23. DISCUSSION RE CONSIDERATION OF RDA SPONSORED FEASIBILITY STUDY FOR A TOWN CENTER CULTURAL ARTS FACILITY (SCHWING)
24. DISCUSSION RE 2009 FIESTA DAYS PARADE (SCHWING)

CLOSED SESSION IF REQUIRED

ADJOURNMENT

The meeting will be adjourned to a Special Joint Meeting of the City Council and Planning Commission on Wednesday, August 19, 2009, at the Community Center to discuss the Town Center Specific Plan.

There will be a meeting of the City Council at 6:30 p.m. on Tuesday, August 25, 2009 at City Hall to discuss Ethics and City Manager Goal Setting.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is September 1, 2009.

NOTE: ALL STAFF REPORTS AND RELATED ATTACHMENTS FOR ITEMS ON THIS AGENDA ARE ON FILE IN THE CITY CLERK'S OFFICE AND ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY'S LIBRARY. AS AN ADDITIONAL SERVICE, THE CITY NOW PROVIDES THE STAFF REPORTS AND RELATED ATTACHMENTS ON THE CITY'S WEBSITE. PLEASE NOTE THAT IT IS NOT ALWAYS POSSIBLE TO EMBED ALL ATTACHMENTS AND MAPS. THUS, IF YOU REQUIRE A FULL AND COMPLETE COPY OF THE AGENDA PACKET, YOU SHOULD NOT RELY UPON THE WEBSITE MATERIALS ALONE.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY WILL MAKE EVERY REASONABLE ATTEMPT TO ACCOMMODATE ANY ATTENDEE OR PARTICIPANT AT THIS MEETING NEEDING SPECIAL ASSISTANCE BEYOND WHAT IS NORMALLY PROVIDED. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (714) 961-7150 AT LEAST 48 HOURS PRIOR TO THIS MEETING TO INFORM US OF YOUR PARTICULAR NEEDS AND TO DETERMINE IF ACCOMMODATION IS FEASIBLE. PLEASE ADVISE US AT THE TIME YOU CALL IF SPECIAL ASSISTANCE IS REQUIRED TO ATTEND OR PARTICIPATE IN MEETINGS ON A REGULAR BASIS.