

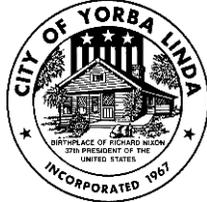
**THIS MEETING IS BEING BROADCAST LIVE FOR AIRING ON CABLE CHANNEL 3, AT&T U-VERSE CHANNEL 99 AND THE CITY'S WEBSITE. BY REMAINING IN THE ROOM, YOU ARE GIVING YOUR PERMISSION TO BE TELEVISED.**

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**CITY OF YORBA LINDA**



**Land of Gracious Living**

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

**SEPTEMBER 1, 2009**

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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

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**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 REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: 4801 Park Avenue, APN 334-403-1 & 2  
City Negotiators: City Manager Adams, City Attorney Carvalho  
Property Negotiators: Property Owner Sylvia Chavez  
Under Negotiation: Price and Terms of Potential Sale

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9

Name of Case: City of Irvine vs. Southern California Association of  
Governments  
Case Number: California Supreme Court Case No. S175329

C. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

Agency Designated Representative: City Manager Adams  
Employee Organizations: 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, Carvalho, Conklin, Harris, Hartman, Leto, Mendoza, Steep, Stowell

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

PASTOR KATHLEEN PUNTAR, UNITED METHODIST CHURCH

**CLOSED SESSION REPORT**

**INTRODUCTIONS & PRESENTATIONS**

OCFA READY, SET, GO! 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 AUGUST 18, 2009 CITY COUNCIL/RDA MEETING

**Recommendation:** That the City Council/RDA approve the minutes of the August 18, 2009 meeting.

4. APPROVAL OF THE MINUTES OF THE AUGUST 25, 2009 ADJOURNED CITY COUNCIL/RDA MEETING

**Recommendation:** That the City Council/RDA approve the minutes of the August 25, 2009 adjourned meeting.

5. TREASURER'S REPORT - JUNE 2009 (PRE-CLOSE)

**Recommendation:** That the City Council and Agency Board receive and file the report.

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

**Recommendation:** That the City Council approve a one 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. CONTRACT AGREEMENT EXTENSION FOR TREE MAINTENANCE SERVICES - WEST COAST ARBORISTS, INC

**Recommendation:** That the City Council approve a one year contract extension for tree maintenance services between the City and West Coast Arborists, Inc.

8. REJECTION OF BIDS AND REQUEST FOR AUTHORIZATION TO RE-ADVERTISE FOR BIDS - FREEWAY COMPLEX FIRE DAMAGE REPAIR PROJECT FOR EASTSIDE COMMUNITY PARK, BOX CANYON PARK AND JEAN WOODWARD PARK

**Recommendation:** That the City Council reject all bids received for the Fire Damaged Parks - Restoration Project and authorize staff to re-advertise for bids.

9. 2008-2009 ORANGE COUNTY GRAND JURY'S REPORT "PAPER WATER - DOES ORANGE COUNTY HAVE A RELIABLE FUTURE?"

**Recommendation:** That the City Council review the responses to the report's selected Findings and Recommendations and forward to the Presiding Judge of the Superior Court.

10. LETTER IN SUPPORT OF CITY OF IRVINE'S PETITION FOR REVIEW BY THE CALIFORNIA SUPREME COURT IN THE MATTER OF CITY OF IRVINE vs. SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

**Recommendation:** That the City Council approve filing a letter in support of the City of Irvine's Petition for Review of the opinion issued by the Fourth District Court of Appeal, Division Three, in the matter of City of Irvine vs. Southern California Association of Governments (SCAG).

11. SOLID WASTE SERVICE WITHIN COUNTY ISLANDS WITHIN YORBA LINDA

**Recommendation:** That the City Council authorize staff to communicate with the Orange County Board of Supervisors and the Orange County Waste Recycling to transfer oversight administration of solid waste services for the County islands within the City limits.

12. CLASSIFICATION, COMPENSATION AND TERMS OF EMPLOYMENT FOR MISCELLANEOUS, MID-MANAGEMENT AND MANAGEMENT EMPLOYEES

**Recommendation:** That the City Council adopt Resolution No. 2009-4039, relating to the classification, compensation, and terms of employment for Miscellaneous employees; adopt Resolution No. 2009-4040, relating to the classification, compensation, and terms of employment for Mid-Management employees; and adopt Resolution No. 2009-4041, relating to the classification, compensation, and terms of employment for Management employees.

### **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.

13. APPEAL OF CONDITIONAL USE PERMIT 2009-21 – MAGGI
  - a. Open Public Hearing
  - b. Staff Report
  - c. Take Testimony
    - 1) Appellant
    - 2) Project Applicant
    - 3) Public Comment
    - 4) Rebuttal by Appellant, If Required
  - d. Close Public Hearing
  - e. Make Determination - That the City Council adopt Resolution No. 2009-4038, upholding the Planning Commission's decision to impose Special Condition 12 for the approval of Conditional Use Permit No. 2008-21.

### **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**

14. REQUEST FOR RECONSIDERATION OF THE WATER CONSERVATION AND COST SAVING ACTIONS TAKEN ON SLOPES ADJACENT TO THE YORBA RANCH ROAD GREENBELT
15. REVIEW OF WATER CONSERVATION AND COST SAVING ACTIONS FOR LA PALMA AVENUE, RIMCREST DRIVE/FALCON RIDGE ROAD, STONEHAVEN DRIVE, HIDDEN HILLS ROAD AND FOXTAIL DRIVE
16. 2008-2014 DRAFT HOUSING ELEMENT - RESPONSE TO STATE'S COMMENTS
17. 2009 FIESTA DAYS PARADE AND FAMILY FAIRE STUDY
18. REQUEST FOR REPLACEMENT OF CITY OWNED TREES ON LOMBARDY LANE AND GRANADA DRIVE
19. CONTRACT EXTENSION FOR ANIMAL PEST MANAGEMENT SERVICES

**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.

**CLOSED SESSION IF REQUIRED**

**ADJOURNMENT**

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is September 15, 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.**