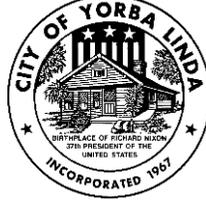

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

JULY 7, 2009

**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: Carvalho, Kelly

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Agency Designated Representative:

Employee Organizations:

Interim City Manager

Yorba Linda Mid-Management
Association; The Orange County
Employees Association; And
Department Heads

CITY COUNCIL/REDEVELOPMENT AGENCY

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54954.8

Property: Archstone Apartments 25500 River Bend Drive, Yorba Linda (APN 353-111-15)

City Negotiators: Pam Stoker, Housing & Redevelopment Specialist

Property Negotiators: Archstone Communities, LLC

Under Negotiation: Price and terms of payment

Government Code Section 54954.8

Property: Evergreen Villas at Avocado Circle, Yorba Linda (APN 939-370-01-03; 05-07; 09-10; 12-13; 15-17; 19; 25-26; 28; 35-38; 42-43; 48-50)

City Negotiators: Pam Stoker, Housing & Redevelopment Specialist

Property Negotiators: Orange Housing Development Corporation and C&C Development

Under Negotiation: Price and terms of payment

Government Code Section 54954.8

Property: Villa Pacifica 18421 Lemon Drive, Yorba Linda (APN 323-021-23)

City Negotiators: Pam Stoker, Housing & Redevelopment Specialist

Property Negotiators: National Community Renaissance

Under Negotiation: Price and terms of payment

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: Anderson, Horton, Rikel, Schwing, Winder

Staff Members: Carvalho, Smyser, Harris, Hartman, Kelly, Leto,
Mendoza, Steep, Stowell

PLEDGE OF ALLEGIANCE

Sergeant Smyser

INVOCATION

Pastor Chico Holiday, Calvary Chapel of Yorba Linda

CLOSED SESSION REPORT

City Attorney Carvalho reported that Council gave direction to staff on real property negotiations. Ms. Carvalho also indicated that Council would go back into Closed Session at the end of the meeting to discuss Labor Negotiations.

INTRODUCTIONS & PRESENTATIONS

PRESENTATION BY FULLERTON ARBORETUM OF DROUGHT RESISTANT AND NATIVE PLANTS BY CHRIS BARNHILL, GARDEN CURATOR

Chris Barnhill, Fullerton Arboretum Garden Curator, spoke about creating a drought tolerant garden, the types of plants to look for and invited the public to take advantage of the Water Conservation Education Series at the Arboretum.

PRESENTATION OF PROCLAMATION RE: PARKS AND RECREATION MONTH TO BILL GORMAN, CHAIRMAN, PARKS & RECREATION COMMISSION

Director of Parks and Recreation Sue Leto provided a power point presentation on the different programs and services of the Parks and Recreation Department. Mayor Schwing presented a Proclamation to Parks and Recreation Chairman Bill Gorman.

Chairman Gorman introduced Chairman Pro Tem Doug Knarr and Commissioner Paul Doty and thanked the citizens, City Council and especially the staff who make the parks what they are today. He also invited everyone to attend Parks & Recreation Commission meetings every 3rd Thursday at 7:00 p.m.

PRESENTATION TO INTERIM CITY MANAGER BILL KELLY

Mayor Schwing presented a tile plaque to Interim City Manager Kelly and thanked him for his 12 months of excellent service to the City of Yorba Linda.

RECESS:

Mayor Schwing called a recess at 7:10 p.m. and reconvened the meeting at 7:25 p.m.

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

Linden Baker, resident, commented on water conservation, explained the aquifer deficit, lack of rain and urged everyone not to waste water.

Mark Schook, resident, read from a recent grand jury investigation regarding Orange County Water Districts and Land Use Planning Agencies. Mr. Schook opined that the public would like the City to prepare a response and allow citizens to review and provide input on the response before its submission to the grand jury.

Louie Scull, resident, urged Council to look into lowering trash rates and presented material to Council on the trash rates for the City of Orange.

Councilwoman Horton would like the city's trash contract to be reviewed and brought back at a future Council meeting.

Mayor Schwing stated he would like staff to compare the City of Orange's trash rates to Yorba Linda's and analyze the difference at a future Council meeting.

Lee Day, resident, echoed the statements given by Mr. Scull and thanked Parks & Recreation Director Sue Leto for all of her hard work.

David Cassidy, resident, spoke about an increase in coyote attacks and stated that his dog has been attacked three times in the last few months. He feels the residents are not educated enough on coyotes and asked for Council's help.

Pat Nelson, resident, thanked Director of Parks & Recreation Leto for a lovely presentation. She felt that not enough direction was given to RRM Design Group for the Town Center Specific Plan and thanked Interim City Manager Kelly for his year of service.

Walter Bruckner, resident, said the coyote problem is the result of eliminating the timber wolf and suggested that people consider obtaining a wolf-hybrid dog as protection from coyotes.

Louie Schirm, resident, addressed Council about the city's 463 meters and suggested the city purchase solar powered controllers to economize and conserve water.

Richard Dockett, resident, spoke about the coyote problem. He said education, not eradication, is the key and stated that the City should take responsibility to educate its citizens.

Greg Gillaspy, resident, spoke about a flyer he received at home regarding the St. Jude project that was full of misleading and false statements regarding the City.

Susan Janowicz, General Manager of East Lake Village Community Association, said she was not aware that residents were encouraged to contact the City to report coyote sightings and attacks. She was also concerned about the 5% cut in police services and urged Council to be conscious of public safety.

CONSENT CALENDAR

Councilmember Horton pulled Item 6 from the Consent Calendar.

It was **MOVED/SECONDED - HORTON/WINDER** - to approve the Consent Calendar with the removal of Item 6. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, 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 JUNE 9, 2009 CITY COUNCIL/RDA AND PLANNING COMMISSION SPECIAL JOINT MEETING**

The City Council approved the minutes of the June 9, 2009 City Council/RDA and Planning Commission Special Joint meeting.

4. APPROVAL OF THE MINUTES OF THE JUNE 10, 2009 CITY COUNCIL ADJOURNED MEETING

The City Council approved the minutes of the June 10, 2009 City Council Adjourned meeting.

5. RESOLUTION NO. 2009-4018 APPROVING THE OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FY 2009/2010 AND RDA RESOLUTION NO. 2009-211, APPROVING THE OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGET FOR FY 2009/2010

The City Council and Redevelopment Agency adopted Resolution No. 2009-4018, approving the operating and Capital Improvement Program (CIP) budget for the Fiscal Year 2009/2010; and adopted RDA Resolution No. 2009-211, approving the operating and Capital Improvement Program (CIP) budget for the Fiscal Year 2009/2010.

6. Removed

7. CONTRACT EXTENSION FOR CITYWIDE TRAFFIC SIGNAL MAINTENANCE

The City Council approved the one (1) year Contract Extension with a one (1) percent unit price decrease for Citywide Traffic Signal Maintenance Services between the City and Republic ITS.

8. BASTANCHURY ROAD/IMPERIAL HIGHWAY INTERSECTION IMPROVEMENTS PROJECT - AWARD OF CONTRACT TO HILLCREST CONTRACTING, INC.

The City Council awarded the contract for the Bastanchury Road/Imperial Highway Intersection Improvements Project to Hillcrest Contracting, Inc. in the amount of \$110,999.00; rejected all other bids; and authorized a budget transfer of \$40,000 from the Traffic Mitigation Account to the Bastanchury Road/Imperial Highway Intersection Improvements Account No. 008.4.512.7643.

9. RESOLUTION NO. 2009-4024 TO INITIATE A ZONING CODE AMENDMENT TO THE YORBA LINDA MUNICIPAL CODE TO CONSIDER REVISING SECTION 18.10.120, ACCESSORY STRUCTURES

The City Council adopted Resolution No. 2009-4024 to initiate a Zoning Code Amendment to consider amending Section 18.10.120, Accessory Structures, of the Yorba Linda Municipal Code. This action only initiates the zoning code amendment process; future public hearings before the Planning Commission and City Council will still be required.

10. DEMOLITION REQUEST FOR 5949 SHORT STREET

The City Council approved the demolition request for 5949 Short Street.

End of Consent Calendar

ITEM 6

ADOPTION OF ORDINANCE NO. 2009-929 COUNCILMEMBER DISCLOSURE OF INTENT TO SEEK APPOINTMENT OR SERVE ON COMMITTEES, BOARDS AND COMMISSIONS AND TO OBTAIN COUNCIL APPROVAL FOR RELATED EXPENSES

Councilwoman Horton stated that the City has no purview on whether a councilmember can serve on a board or commission and said she will not vote for the Ordinance as it is worded.

It was **MOVED/SECONDED - ANDERSON/RIKEL** - to give second reading and adoption of Ordinance No. 2009-929.

A **SUBSTITUTE MOTION** was made **HORTON/WINDER** to strike the following words from Ordinance No. 2009-929, Section A: "seeks to be" and replace with "has been", and to strike the words "intent to seek" and replace the word "or" with the word "to". **MOTION FAILED** by the following roll call vote:

AYES: Horton, Winder
NOES: Anderson, Rikel, Schwing
ABSENT: None

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

AYES: Anderson, Rikel, Schwing
NOES: Horton, Winder
ABSENT: None

MAYOR'S REPORT

Mayor Schwing remarked on a great 4th of July event this weekend. He also mentioned the Orange County Register article on the City of Yorba Linda that showed a picture of the City Council from 1997.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Winder spoke about an article in the Yorba Linda Star written by Jim Drummond. He read a response which he has written to the paper correcting factual errors in the article. Councilmember Winder stated that ethically, having worked for the Brea Police Department for 29 years, he had no part in participating in any contract negotiations between the cities of Brea and Yorba Linda for police services.

Councilwoman Horton thanked the City for a hat she received and stated she will be paying for it. She also thanked staff for an amazing 4th of July event and asked that staff look into corporate sponsorship for next year's event.

Councilwoman Horton reported on her Box Dinner in the Park meeting on June 18 and said a suggestion was made to introduce an "Adopt a Median" program to help offset costs of watering and maintaining city medians. She invited everyone to the next meeting on July 16 at 6:00 p.m. at San Antonio Park.

Councilwoman Horton requested a list of people being interviewed by RRM Design Group for the Town Center Specific Plan.

Councilwoman Horton attended the League of California Cities Community Services Committee where a representative from the Institute for Public Governance spoke about keeping the community informed. She encouraged residents to communicate with the City and stay informed of the facts. Councilwoman Horton also reported that SCAG is offering a scholarship to high school students to help prepare the future generation in the public service.

Councilwoman Horton mentioned an email she received by a resident who has encountered several near accidents on the narrow horse trail on Lakeview Avenue by the Yorba Linda Village Homeowners Association. She suggested that the Traffic Commission review that intersection for safety.

Mayor Pro Tem Anderson inquired of staff about the activities on Bastanchury Road and Rose Avenue.

Interim City Manager Kelly responded that plans are in process for building a one story medical office building. He stated that the current medical site at Yorba Linda Boulevard and Prospect Avenue is part of the Draft Housing Element for consideration of higher density zoning.

Mayor Pro Tem Anderson spoke about the law enforcement study approved at the last council meeting and said several ideas will be explored including a joint powers agreement with the Brea Police Department.

Mayor Pro Tem Anderson stated that more than a year ago, council voted to have the Traffic and Planning Commissions work more closely together. He requested a staff report on the subject at the next city council meeting.

Mayor Pro Tem Anderson commented on an enjoyable 4th of July party and said he completely agrees with the idea of corporate sponsorship to help fund next year's event.

Councilwoman Rikel attended the opening of Phase I of the archives at the Richard Nixon Library on June 18. On June 19 she attended the opening of the Imperial Highway overpass. The opening marked a major milestone for the project separating motorists from rail traffic.

Councilwoman Rikel reported on an Orange County Water District meeting that discussed water reductions and preparing for increased costs. The water district is

proposing to expand the system and build a new recycling facility which would use less energy, improve water quality and reuse valuable resources.

Councilwoman Rikel attended the farewell luncheon for retiring Orange County Fire Authority Fire Chief Chip Prather. Keith Richter, formerly of Contra Costa County Fire District, will be assuming the Fire Chief position on August 1st.

Councilwoman Rikel read part of an article in last Sunday's Parade about volunteer firefighters. The article stated that 72% out of the 1.15 million firefighters in the country are volunteer firefighters. She deduced that as prices skyrocket, we will see an increase in the use of reserves.

ADMINISTRATIVE REPORTS

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

Community Development Director Steve Harris gave an overview of the last Planning Commission meeting.

12. FOLLOW-UP REPORT - TOWN CENTER PERFORMANCE REVIEW

Interim City Manager Kelly gave an oral report of the Town Center Performance Review and responded to questions from Council.

It was **MOVED/SECONDED - HORTON/ANDERSON** – to direct staff to look into developing a document that specifies the behavior standards expected of all future developers or planners before they can work in the City. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder
NOES: None
ABSENT: None

Councilwoman Horton explained that a whistle blower policy should include a separate person, other than the City Manager, that a staff member or other person can go to if they feel the need to report misconduct or other wrongdoing, without fear of losing their job. She is not in complete agreement with it and would like it bifurcated from the ethics policy.

It was **MOVED/SECONDED - HORTON/SCHWING** – to direct staff to bifurcate the whistleblower section from the ethics policy and bring it back at a future council meeting.

Mayor Pro Tem Anderson disagreed with the motion to separate the whistleblower policy because there are many issues beyond those that deal with contractors. He said that Council will be having a workshop where all the issues can be discussed.

Councilwoman Rikel agreed with Mayor Pro Tem Anderson and feels the whistleblower policy belongs with the ethics policy.

MOTION FAILED by the following roll call vote:

AYES: Horton
NOES: Anderson, Rikel, Schwing, Winder
ABSENT: None

Mayor Pro Tem Anderson provided a power point presentation.

It was **MOVED/SECONDED - ANDERSON/RIKEL** – to direct staff to modify the letter to the Attorney General, removing reference to the Chamber of Commerce and if there was an illegal use of public funds by the City Council to direct the City Manager and City Attorney to attend the BIA meetings. Second, whether it was a Brown Act violation that City Council did not report from Closed Session that City Council directed the City Clerk to file the lawsuit according to former City Manager Letourneau's statements to Mr. Kelly; and in regards to the "naysayer letter", if that was an official council action done in violation of the open meeting laws.

Council discussion ensued.

Claudine Lynch, resident, thanked Mayor Pro Tem Anderson for his presentation. She also stated that she is not, nor has she ever been, the president of the Yorba Linda Residents for Responsible Representation.

Louie Scull, resident, remarked that a lot of people lost their businesses and their homes and the developers wanted as much money from the community as they could get.

Ed Rakochy, resident, was disappointed that the Town Center Review failed to establish a thorough record of what occurred between January, 2005 and June, 2006 and the multifaceted issues that surrounded the failed Town Center project.

Greg Gillaspay, resident, said he believes the "blockers" were hired through the Screen Actors Guild. He suggested that the City acquire the hard drive for the city's computers.

Tom Lynch, resident, opined that the key document was the naysayer letter signed by four councilmembers. He also said the zoning effort was agreed to by those councilmembers from the beginning.

Councilwoman Horton asked Mayor Pro Tem Anderson to consider amending his motion and allow Council to review the letter to the Attorney General before sending it.

The **MOTION** was **AMENDED - ANDERSON/RIKEL** – to direct staff to draft the letter to the Attorney General and bring it back to the next meeting for council discussion. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder
NOES: None
ABSENT: None

RECESS:

Mayor Schwing called a recess at 10:58 p.m. and reconvened the meeting at 11:04 p.m.

It was **MOVED/SECONDED - ANDERSON/RIKEL** – to delete reference to City Manager exoneration in Exhibit D letter and replace that letter with the amended letter. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder
NOES: None
ABSENT: None

It was **MOVED/SECONDED - ANDERSON/HORTON** – to delete exonerating reference to former City Manager Letourneau’s actions, under 5.0 of the original Town Center Review document, regarding direction to City Clerk where City Manager claimed she was operating under the direction of City Council.

Councilmember Winder clarified the dates of the two District Attorney letters from former City Manager Letourneau and the date she spoke with Interim City Manager Kelly. Councilmember Winder spoke about a policy that is used in evaluating conflicting testimony where the information or testimony provided that is most contemporaneous with the action or the observation is the one that holds the most weight. He said that for that reason, he will not be in support of the motion.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing
NOES: Winder
ABSENT: None

It was **MOVED/SECONDED - SCHWING/RIKEL** – to add to the Town Center Performance Review report a reference to the May and June letters to the District Attorney which indicate that former City Manager Letourneau acted on her own, and attach to the report. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder
NOES: None
ABSENT: None

COUNCILMEMBER HORTON made a **MOTION** to direct staff to do an accounting of how much it cost the city to complete the investigation and prepare the report, and how much time staff spent on gathering all of the information.

MOTION DIED for lack of a second.

13. REQUEST FOR REMOVAL OF CITY OWNED TREES WITHIN THE CITY MAINTAINED LANDSCAPED SLOPE BEHIND THE RESIDENCE AT 27850 BEN NEVIS WAY

Interim City Manager Kelly explained that the applicant was not able to attend the council meeting and she would like to continue the item to September.

It was **MOVED/SECONDED - SCHWING/ANDERSON** – to receive and file the report and place it on a future agenda when the applicant is able to attend. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder
NOES: None
ABSENT: None

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT - None

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES – None

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION
CORRIDOR SYSTEM – None

ORANGE COUNTY FIRE AUTHORITY – None

ORANGE COUNTY VECTOR CONTROL – None

CLOSED SESSION IF REQUIRED

The City Council/RDA convened into Closed Session at 11:10 p.m.

ADJOURNMENT

Mayor Schwing adjourned the meeting at 1:15 a.m. to the next regularly scheduled City Council/Redevelopment Agency Joint Meeting on July 21, 2009.

APPROVED BY COUNCIL/RDA:

Kathie M. Mendoza, City Clerk