
CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

NOVEMBER 17, 2009

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

CALL TO ORDER

The City Council/Redevelopment Agency convened 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 (Arrived at 8:08 p.m.)

Staff Members: Adams, Raymond

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 Raymond
Property Negotiators: Property owner Sylvia Chavez
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 6:32 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder (Arrived at 8:08 p.m.)

Staff Members: Adams, Brown, Conklin, Harris, Parisien, Raymond, Rudometkin, Steep, Stowell

PLEDGE OF ALLEGIANCE

Captain Conklin

INVOCATION

Elder John Brickner, Yorba Linda Friends Church

CLOSED SESSION REPORT

City Attorney Raymond reported that Council will reconvene to Closed Session after the City Council meeting, to continue discussion on Item A, Conference With Real Property Negotiator.

INTRODUCTIONS & PRESENTATIONS

CITIZEN OF THE YEAR

Mayor Schwing presented Yorba Linda's 2009 Citizen of the Year, Viola Majors, with a trophy; and Assemblyman Curt Hagman's Field Representative, Kristy MacDougall, presented Mrs. Majors with a certificate of recognition.

OCFA READY, SET, GO! REPORT

Battalion Chief Mike Moore spoke about the Ready, Set Go! Program regarding how Yorba Linda residents could protect their homes from flying embers and direct flame impingement.

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

Nancy Stevens, resident, consulted with several City staff members from Yorba Linda, Placentia, and Brea in expectation of alleviating the excessive speed conditions on Rose Drive North of Imperial Highway. She spoke of the unsafe speed conditions and suggested that staff look up traffic calming techniques on the internet.

Louie Schrim, resident, spoke on Item No. 5, Installation of a Traffic Signal at the Intersection of Yorba Linda Boulevard and East Lake Village Center Easterly Driveway, and stated the traffic signal leaving the Village Center would cause congestion problems by adding a traffic light.

Rosemarie Sauer, resident, said the Orange County Cacti and Succulents Society Winter Show will be held at the Fullerton Arboretum on December 4, 2009 through December 6, 2009 for the sale of unusual plants. Ms. Sauer inquired when there will be a workshop for planting succulents on the hillsides and embankments.

City Manager Adams responded the workshop will be held in December or January and staff would let her know.

Barbara Brown, resident, stated the property owner by the lakebed on Mariposa and Lakeview should remove the unfinished sign skeleton on Lakeview.

Gabriella Rollins, resident, invited everyone to attend the 6th Annual Messiah Sing-A-Long at the Richard Nixon Library on November 29, 2009.

Greg Schultz, resident, said the rehabilitation project for the Town Center homes on Lakeview would unquestionably involve change order requests ranging from 10-15% for unforeseen remodeling needs and asked if the City was able to obtain liability insurance due to the age of the homes. He said the City should not be landlords, involve taxpayer's money for this project, or make drastic decisions without taking into consideration what the citizens of Yorba Linda want.

Louie Scull, resident, stated the City wouldn't have liability issues if they had not removed all of the people from the Town Center homes. He said the threat of eminent domain sent all the people elsewhere and mentioned the Kelo v. City of New London case.

Walter Bruckner, resident, said Viola Majors was also a founder of the Organization of Unified Concerned Homeowners (OUCH). He spoke of the threat of eminent domain and talked about the Kelo v. City of New London case. He said the City has no business dealing with real estate developments or rentals.

CONSENT CALENDAR

Mayor Pro Tem Anderson pulled Item 5, Councilwoman Horton pulled Items 8 and 10, and Mayor Schwing pulled Item 9 from the Consent Calendar.

It was **MOVED/SECONDED - HORTON/ANDERSON** - to approve the Consent Calendar with the removal of Items 5, 8, 9 and 10. **MOTION CARRIED** by the following roll call vote:

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

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 NOVEMBER 3, 2009 CITY COUNCIL MEETING

The City Council/RDA approved the minutes of the November 3, 2009 City Council/RDA Meeting.

4. TREASURER'S REPORT - AUGUST 2009

The City Council and Agency Board received and filed this report.

5. Removed

6. CITYWIDE POSTED SPEED LIMITS

The City Council established the speed limits on City streets as shown on the attached table, based on the results of an Engineering and Traffic Survey conducted in the manner prescribed in the State of California Vehicle Code, and approved the first reading of Ordinance No. 2009-939, establishing Citywide posted speed limits and rescinding Ordinance No. 2009-927.

7. AWARD MAINTENANCE AGREEMENT FOR CANYON BASIN SILT AND CITYWIDE MUDFLOWS REMOVAL TO WH BAKER CONTRACTORS

The City Council awarded Maintenance Agreement Contract for the removal of Canyon Basins Silt and Citywide Mudflows to WH Baker Contractors, rejected all other bids, authorized the City Manager to increase the contract amount above \$750,000 if necessary to continue basin silt removal and authorized the Mayor to execute and City Clerk to attest to the Maintenance Agreement.

8. Removed

9. Removed

10. Removed

ITEM 5

INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF YORBA LINDA BOULEVARD AND EAST LAKE VILLAGE CENTER EASTERLY DRIVEWAY

Mayor Pro Tem Anderson questioned why the traffic signal installation request was not brought forth at budget review and asked what other traffic signal alternatives were available at the interim once the fiscal situation was better. He also asked if the shopping center owner was willing to pay for the signal.

Assistant City Manager/Public Works Director/City Engineer Stowell said the item didn't go before any budget review because it was on a holding list waiting for warrants that may occur to cause this to go into a traffic signal. He said a permanent left turn signal out of the driveway was considered and added that the owner of the shopping center was not interested in helping pay for the signal.

It was **MOVED/SECONDED - ANDERSON/RIKEL** - to direct staff to speak with the property owner of the shopping center to help with the traffic signal costs in addition to acquiring alternatives as an interim measure until the City's fiscal position is better. **MOTION CARRIED** by the following roll call vote:

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

ITEM 8

RESOLUTION NO. 2009-4051 APPROVING MAIN STREET TEMPORARY CLOSURE FOR OLD TOWNE YORBA LINDA MERCHANTS ASSOCIATION HOLIDAY PROGRAM

Councilwoman Horton inquired about additional parking for the holiday event to attract and accommodate more people.

Mayor Schwing suggested the Packing House Square to allow parking for the day.

It was **MOVED/SECONDED - HORTON/RIKEL** - to adopt Resolution No. 2009-4051 approving Main Street temporary closure for Old Towne Yorba Linda Merchants Association Holiday Program, subject to conditions of approval. **MOTION CARRIED** by the following roll call vote:

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

ITEM 9

AWARD PROFESSIONAL SERVICES AGREEMENT FOR THE ENGINEERING DESIGN OF YORBA LINDA BOULEVARD ASPHALT REHABILITATION PROJECT

Mayor Schwing asked if the \$87,178.00 for professional services was a reasonable amount for the asphalt rehabilitation project and will the funds cover the entire design project.

Assistant City Manager/Public Works Director/City Engineer Stowell responded that it is a very long project, and in order to save on costs two projects were combined for design. He added that the \$87,178.00 was reasonable price.

It was **MOVED/SECONDED – SCHWING/ANDERSON** – to approve and authorize the City Manager to execute Amendment No. 3 to the professional services agreement between the City and CivilSource, Inc., in the amount of \$87,178.00 for the engineering design of the Yorba Linda Boulevard Asphalt Rehabilitation Project from Kellogg Drive to Imperial Highway and Rio Del Oro to Village Center Drive. **MOTION CARRIED** by the following roll call vote:

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

ITEM 10

PARKS AND RECREATION COMMISSION VACANCY AND REAPPOINTMENT OF COMMISSIONERS

Councilwoman Horton agreed with the recommendations and had no further comments.

It was **MOVED/SECONDED – SCHWING/ANDERSON** – to approve and authorize the City Clerk to proceed with the regular recruitment process to fill one vacancy on the Parks and Recreation Commission by advertising in the Yorba Linda Star, the Government Access Channel 3 and the City's website. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/ SCHWING –** to approve and authorize the reappointment of the Commissioners whose terms expire December 31, 2009.
MOTION CARRIED by the following roll call vote:

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

End of Consent Calendar

MAYOR'S REPORT

Mayor Schwing commented briefly on the Kelo v. City of New London case.

Mayor Schwing stated the Yorba Linda Redevelopment Agency has been landlords of the Evergreen Villas for quite some time.

He attended two moving ceremonies at the Yorba Linda Veterans Memorial and commended the people who served our country.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilwoman Horton stated Sunday, November 15, 2009, was Yorba Linda's one year anniversary of the Freeway Complex fires.

Councilwoman Horton observed the Brea Police Departments S.W.A.T. training exercises at the Yorba Linda High School on Sunday, November 15, 2009.

Councilwoman Horton attended the Sacramento Delta Water Protect Inspection Tour and briefly explained her trip.

Councilwoman Horton attended the SCAG Housing Economic **Development** meeting on how to monitor and reduce green house gas emissions. She ~~said she would like to~~ **have a member of SCAG provide a presentation information on the green house gas effects to Council on SB 375 to assist Council in determining whether to cooperate with SCAG on a joint venture or proceed independently to develop a plan to satisfy SB 375.**

Councilwoman Rikel attended the Ribbon Cutting ceremony for Community Lock and Safe on November 5th, 2009.

Councilwoman Rikel attended the Veterans Day ceremony with Yorba Linda's Masonic Lodge on Monday, November 2nd and Wednesday, November 11th at Yorba Linda's

Veterans Memorial. She stated anyone could purchase pavers to honor family members who served our country from Yorba Linda's Veterans Memorial Association to create the "Walk of Honor" for the memorial at Veterans Park. Information available at: www.ylvma.org.

Councilwoman Rikel observed the Brea Police Departments S.W.A.T. training exercises at the Yorba Linda High School on Sunday, November 15, 2009.

Councilwoman Rikel attended the Holiday Festival of Trains at the Nixon Library on November 16th which lasts through January 2010.

Councilwoman Rikel reminded the public that the El Dorado High School Band will be in the Rose Parade ceremony.

Councilwoman Rikel said the water conservation was going well and has cut back 16%. She spoke of the public safety and night flying helicopters vision capabilities for the OC Firefighters.

Mayor Pro Tem Anderson commended the night flying tactics by the OC Firefighters and had nothing further to report.

RECESS:

Mayor Schwing called a recess at 7:54 p.m. and reconvened the meeting at 8:08 p.m.

Councilmember Winder joined the meeting at 8:08 p.m. before discussion ensued on Administrative Reports.

ADMINISTRATIVE REPORTS

11. RESOLUTION NO. 2009-4050 - INTENT TO VACATE A PORTION OF A CITY LANDSCAPE EASEMENT AT THE REAR OF 3303 GARDENIA LANE

Assistant City Manager/Public Works Director/City Engineer Stowell gave a brief overview of the staff report.

Mayor Pro Tem Anderson said the City should increase their notifications on projects and was no longer in favor of the solar panel project.

James Schreder, applicant, spoke on behalf of the solar panel proposal and addressed questions and concerns from Council and the public.

Louie Schrim, resident, stated it was not a good plan to put solar panels on the slope of the easement because only half of the energy would be generated to benefit that area. He said the panels could be installed on the property.

The following persons spoke in opposition to the solar panels:

Jeff Brignoni, Deborah Ranzan, Leslye Prum, Samuel Prum, Albert Ziegler, David Lee, Bill Mayhew, Jean Tamulinus, Dan Williams, Walt Tamulinus, Gary Rocheleau, Judy Murray, Shelly Sharp, DeeDee Fredericks, and Randy Navarro.

James Schreder, applicant, spoke to several contractors about solar panels and said he gets the maximum rebates from Southern California Edison. He believed the orientation of solar panels was correct. His objective is not to generate excess power beyond his needs.

It was **MOVED/SECONDED - ANDERSON/RIKEL** - to reject Resolution No. 2009-4050 declaring the City's intent to vacate a portion of a landscape easement at the rear of 3303 Gardenia Lane.

Councilwoman Horton said there had been no discussion on the elevation of the panels and assumed they would be flat on the slope with some planting materials along the bottom to mask the fence. She said Mr. Schreder presented Council with an assembly bill that stated if there was a \$2,000 difference it would create a necessity to have the panels be placed some place else. She asked for an explanation on the \$2,000 limit.

City Attorney Raymond said she reviewed the solar legislation that limited the City's ability to prohibit or restrict solar panels. She said Mr. Schreder's argument has been with the City. She said the \$2,000 restriction only applies when a City is acting in a permitting authority. Currently, the City is being asked as the owner of that easement for consent to having the solar panels installed in that area. If the panels were on Mr. Schreder's property the City has no say of panel placement and the \$2,000 would apply, but Mr. Schreder needs the City's consent to place the panels on the easement because it is City property.

Council discussion ensued.

Mayor Pro Tem Anderson **AMENDED THE MOTION/SECONDED BY RIKEL** - to add that abandonment requests come before Council and require noticing by the applicant. **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 9:18 p.m. and reconvened the meeting at 9:21 p.m.

12. ALLOCATION OF FUNDS FOR DESIGN OF PROPOSED LANDSCAPE RESTORATION WITHIN EASEMENTS AT THE REAR OF 22594, 22596,

22700, 22710 AND 22720 HIDDEN HILLS ROAD, 22735 HIGH TREE CIRCLE AND 22520, 22530, 22570 AND 22580 GREEN MOUNT PLACE

Assistant City Manager/Public Works Director/City Engineer Stowell gave a brief overview of the staff report.

Mark Schock, resident, stated the residents viewed the easement project in these particular areas as restoration rather than improvements. He said the homeowners of these easements have complied with all of the City's requirements over the years and have lost vegetation in these areas. He asked Council to approve the design funds for the drought tolerant issues for the hillsides.

Terry Kilker, resident, said his lot spent nine years without water but ever since the fires he has lost his plants. He suggested planting vegetation that requires little to no water.

Dennis Walker, resident, stated the City of Yorba Linda needs to restore the easements to the way they were because the City stopped the watering process which caused the homeowners to lose their vegetation.

It was **MOVED/SECONDED – WINDER/ANDERSON** – to direct staff to implement the landscape easement vacation process for the subject areas and develop a program to assist underlying property owners in transitioning to private maintenance of subject areas with City support.

Councilwoman Horton **AMENDED THE MOTION** to look at potentially doing something different on flag lots for the corners of Hidden Hills, Green Mount, and High Tree Circle.

MOTION DIED for lack of a second.

Mark Schock, resident, said people have concerns of what will be put in for landscaping and if the vegetation will be in conformance with the recommendations by the Orange County Fire Authority (OCFA). He said previous discussions indicated the architect could work with some kind of planting palate.

Assistant City Manager/Public Works Director/City Engineer Stowell asked for Council direction by stating that there is going to be a cost to convert the water to each individual property owner. He said the slopes can be repaired through the City funds and go through design review but there will have to be individual water sources from each property to have them take over maintenance.

Councilmember Winder **AMENDED THE MOTION/SECONDED BY ANDERSON** - to direct staff to negotiate a plan that is fair to the residents and for the property owner's to take some of the responsibility, support the use of City funds to repair and replace the easements with the appropriate plant palate and come back to

Council with the cost of the program. **MOTION CARRIED** by the following roll call vote:

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

13. FOLLOW-UP REPORT ON YORBA LINDA HIGH SCHOOL BLOCK WALL

Community Development Director Harris gave a brief overview of the staff report.

It was **MOVED/SECONDED – SCHWING/WINDER** – to receive and file this report.

John Lembesis stated the strategic landscaping will not help mask the lighting for two story homes. He said the residents will suffer from the immediate impact of the chain link fence and the lighting on a timer.

Councilmember Winder asked the City Attorney if Council has any standing to make the school district build a block wall.

City Attorney Raymond replied that the report under California Environmental Quality Act (CEQA) indicates that there is a very short statute of limitations and the City could only sue within that statute of limitations which had already passed. She said the City had provided a comment on the block wall but the School District's response was that it was not necessary.

MOTION CARRIED by the following roll call vote:

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

14. EL CAJON TRAIL ENCROACHMENT PERMIT PROGRAM AND FEE APPROVAL

Assistant City Engineer Niemi gave a presentation and brief overview of the staff report.

Assistant City Manager/Public Works Director/City Engineer Stowell spoke of the unauthorized signs and vehicle use on the El Cajon Trail.

Councilwoman Rikel stated the only part she would leave in the El Cajon Project would be the fence along the drainage ditch on Valley View and was concerned about the unsafe conditions and welcomed comments from the public.

Mary Carbone, resident, gave a PowerPoint presentation of the unsafe conditions along the El Cajon Trail and the constraints to horse riders in the area. She stated the project improvements will not benefit the equestrian community.

The following persons spoke in opposition to the project improvements:

Tom Dorsch, Paul McGargee, Earl Carbone, Doug Moore, DeeDee Fredericks, Nina Mossett, Curtis McGargee

Councilwoman Horton asked what the purpose was of the bollards and if it would be wide enough for a truck to go through.

It was **MOVED/SECONDED – RIKEL/SCHWING** – to immediately remove the S fence configuration at the entrances and exits of the trail; work with the City attorney to remove expanded dome metal grates at the entrances and exits of the trails or widen the entire entrance onto the street so that part of it will have expanded metal dome mats and part of it would not; remove bollards entirely from the asphalt walkway this would include no gates or denying access to equestrians or residents at no cost to any resident; stop watering in daytime; remove any landscaping rocks, rocks embedded in cement that may be in the walkway of horses and pedestrians; and redirect project to the Traffic Committee for the following for considerations: should the island on Valley View be altered or removed completely, should walk button be placed in reach of horses; should the pole that holds the flashing light at Valley View be moved out of the way of pedestrians and horses, and any other recommendations they may have, and direct staff to bring back information that would change the Code so that we don't have to worry about this in the future and see who decided that residents have to have a \$1,000,000 bond to have their trees trimmed and consider replacing current plants with more drought tolerant ones.

Assistant City Manager/Public Works Director/City Engineer Stowell stated that by removing all of these items the City may lose their funding.

City Manager Adams replied if the City were to lose funding the project would be brought back to Council and advise the Traffic Commission.

Councilmember Winder thought motion was too wide sweeping.

A **SUBSTITUTE MOTION** was made – **WINDER/HORTON** – to leave the bollards out and use the existing permit system to allow the use of the trail as it has always been; and to direct staff to make any refinements to the permit system and bring back to Council in a month.

Mayor Pro Tem Anderson said he was not in support of the motion and there was enough staff direction and public input on the project.

Mayor Schwing said he was also not in support of the motion and the project should have gone to the Traffic Commission regarding the Valley View issue and to the Parks and Recreation Commission for input from the equestrian group.

Councilwoman Rikel said she still stands by her original motion.

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

It was **MOVED/SECONDED – HORTON/WINDER** – to continue Items 15-17 to the next City Council meeting and adjourn the meeting to a Closed Session.
MOTION CARRIED by the following roll call vote:

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

15. COST SAVING MEASURES FOR COUNCIL MEETINGS – Continued
16. 2008-2009 ORANGE COUNTY GRAND JURY REPORT "PAPER WATER - DOES ORANGE COUNTY HAVE A RELIABLE FUTURE?" - Continued
17. REAFFIRMATION OF SOILS INVESTIGATION REQUIREMENTS FOR RECONSTRUCTION OF HOMES DESTROYED BY THE FREEWAY COMPLEX FIRE – Continued

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 – None

CLOSED SESSION

The City Council/RDA convened into Closed Session at 11:24 p.m.

ADJOURNMENT

Mayor Schwing adjourned the meeting at 12:00 a.m. to the next regularly scheduled City Council/Redevelopment Agency Joint Meeting on December 1, 2009.

Marcia Brown, City Clerk

APPROVED BY COUNCIL/RDA:
