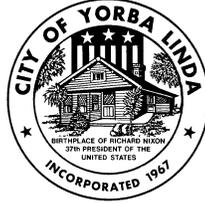


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CITY OF YORBA LINDA



Land of Gracious Living

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CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

DECEMBER 15, 2009

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

**CALL TO ORDER**

The City Council/Redevelopment Agency will reconvene at 6:34 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, Christian, Conklin, Harris, Legree, Niemi,  
Raymond, Rudometkin

**PLEDGE OF ALLEGIANCE**

Assemblyman Curt Hagman

**INVOCATION**

City Manager Dave Adams

## **INTRODUCTIONS & PRESENTATIONS**

### ASSEMBLYMAN CURT HAGMAN, SACRAMENTO UPDATE

Assemblyman Curt Hagman gave a state update by verbalizing the state did not solve any of the problems from last year resulting in a \$21 billion state deficit. He said the state will be doing business differently by working together with local agencies to keep resources, and said his office is available for assistance.

### PRESENTATION OF TILE PLAQUE TO MARK THOMPSON, PARKS AND RECREATION COMMISSION

Mayor Anderson together with all Councilmembers, presented Mark Thompson with a tile plaque for his 13 years of service as Parks and Recreation Commissioner.

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

Pat Nelson, resident, asked Council to consider forming a Citizen's Committee to discuss the nine areas of development for the Town Center.

Walter Bruckner, resident, commended Superintendent Dennis Smith for paying tribute to the late Nathan Shapell for donating money to Yorba Linda High School. He mentioned an article in the paper regarding unfunded pension costs. He said the traffic study discussion at the last City Council meeting was premature.

Lee Day, resident, asked why Commissioner Thompson's position wasn't grandfathered in and felt that all Commissions should have the same terms and stipends.

Jim Prather, resident, said that he would like the city to re-name the section of Valley View Avenue from Yorba Linda Blvd. to Imperial Highway as "VETERANS WAY" in recognition of the Veterans Memorial in that area.

Greg Gillaspay, resident, commended the toy drive at the John Force event and the Orange County Fire Authority food drive at Fire Station 10. He also attended the Old Town holiday festivities and said people complained about the parking and wanted Council to re-address that issue.

Louie Schrim, resident, asked Council to form a Citizen's Committee in regards to the development of the Town Center. He suggested Council appoint a small panel of residents and a Traffic Commissioner.

## **CONSENT CALENDAR**

Councilwoman Horton pulled Items 3 and 7 from the Consent Calendar.

It was **MOVED/SECONDED - WINDER/SCHWING** - to approve the Consent Calendar with the removal of Items 3 and 7. **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. Removed

4. RESOLUTION NO. 2009-4055, ADOPTING IMPLEMENTATION GUIDELINES FOR THE WATER EFFICIENT LANDSCAPE REGULATIONS, CHAPTER 16.12, YLMC

The City Council adopted Resolution No. 2009-4055, adopting Implementation Guidelines for the Water Efficient Landscape Regulations, Chapter 16.12 Yorba Linda Municipal Code.

5. ADOPTION OF ORDINANCE NO., 2009-938, AMENDING TITLE 16, ENVIRONMENT, OF THE MUNICIPAL CODE BY REPEALING EXISTING CHAPTER 16.12, DROUGHT RESPONSIVE LANDSCAPING AND ADDING NEW CHAPTER 16.12, WATER EFFICIENT LANDSCAPE REGULATIONS

The City Council adopted Ordinance No. 2009-938.

6. RESOLUTION NO. 2009-4059 - REVISED ORANGE COUNTY TAXI ADMINISTRATION PROGRAM REGULATIONS

The City Council adopted Resolution No. 2009-4059, adopting the revised Orange County Taxi Administration Program regulations.

7. Removed

8. DESIGNATION OF NEW CITY TREASURER

The City Council adopted Resolution No. 2009-4060, designating David J. Christian as the City Treasurer and rescinded Resolution No. 2009-4047.

### **ITEM 3**

#### CULTURAL ARTS CENTER REQUEST FOR PROPOSAL

Management Analyst Lauren Cochran gave a brief outline of the staff report.

Councilwoman Horton said the Request for Proposal (RFP) is too all encompassing and suggested moving forward with Phase I which would also help cut costs. She added that she would like to see a comparison of similar facilities.

City Manager Adams explained that a contract firm would complete Phase I and depending on the outcome we would then move into the second phase. He added that conceivably the price goes down if split into two phases.

Councilmember Winder said he is not in support of the RFP because the City has a joint use agreement with Friends Christian High School to use their proposed facility 345 nights out of the year. He also said the scope of study is too broad and premature.

Pat Nelson, resident, said she was supportive of the Yorba Linda Arts Alliance proposal and said the City was not being asked to build the facility, only to set aside land for it.

Tom Lynch, resident, said the studies should be unbiased without input from any particular group and urged Council to look at all the variables and costs involved before making a decision.

Ed Rakochy, resident, stated that a study will show what will work and what organizations would be successful in such a project because there has to be a measure of accountability.

**COUNCILWOMAN HORTON** made a **MOTION** to revise the RFP to see whether or not it is feasible within this community, given that a theater is being built at Friends Christian High School for mutual use by the City.

**MOTION DIED** for lack of a second.

Councilmember Schwing does not think the City could handle the traffic of such a facility, he would like to see open space or a park and in a few years if the plans did not work out it would remain open space.

A **SUBSTITUTE MOTION** was made - **SCHWING/RIKEL** – to direct staff to re-write the RFP based on the comments from Council and the public and bring it back to the first City Council meeting in January.

A **SUBSTITUTE MOTION** was **AMENDED - SCHWING/RIKEL** – to determine what the demographics of the City would support in the way of a Cultural Arts facility and what is the likelihood of a private organization raising that money in a three to five year period, and determine if there are other suitable places in town to handle these types of performances.

A **SUBSTITUTE MOTION** was made by **COUNCILWOMAN HORTON** - to determine if our community would support a Cultural Arts facility.

**MOTION DIED** for lack of a second.

City Manager Adams stated that an analysis of surrounding facilities was necessary and should include whether or not they are successful and if they are receiving City funding.

A **SUBSTITUTE MOTION** was made - **MOVED/SECONDED – WINDER/HORTON** – to direct staff to explore what could be built, how it can be funded, determine types of uses for the Friends Christian High School, and what unmet need still remains in the community.

Councilmember Schwing said he had no problem with the motion as a parallel path but not as a substitute to the other feasibility study.

Councilwoman Horton said she was not in support of Councilmember Schwing's motion because government should not be involved in a private enterprise. She said she can support Councilmember Winder's substitute motion as a parallel path and if Friends Christian High School theatre met most of the communities needs, perhaps the Cultural Arts people could build a smaller facility.

Mayor Anderson said he was not in support of either motion. He stated that what is necessary is to find out is if there is a need and if so, how big.

**MOTION FAILED** by the following roll call vote:

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

A **SUBSTITUTE MOTION** was made – **HORTON/ANDERSON** to conduct a feasibility study to look at what this community will support in a Cultural Arts facility including the size and type of shows, and compare other cities facilities. **MOTION CARRIED** by the following roll call vote:

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

## **ITEM 7**

### ANNUAL FINANCIAL REPORTS

Finance Director Dave Christian gave a brief overview of the staff report.

Councilwoman Horton said she pulled the item as an observation and asked about the monies to fund a fire station.

Councilmember Schwing asked if the bond was earning enough interest to make its payments.

Finance Director Christian agreed to email Council with clarification.

It was **MOVED/SECONDED - HORTON/SCHWING** - to receive and file the annual financial reports prepared by the auditing firm of Lance Soll and Lunghard, LLP for the fiscal year ended June 30, 2009. **MOTION CARRIED** by the following roll call vote:

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

### **End of Consent Calendar**

### **RECESS:**

Mayor Anderson called a recess at 8:28 p.m. and reconvened the meeting at 8:42 p.m.

### **PUBLIC HEARINGS**

**ITEM NO. 11 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.**

**ITEM NO. 9 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.**

**ITEM NO. 10 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.**

9. ORDINANCE NO. 2009-936, ZONING CODE AMENDMENT 2009-02, ESTABLISHING REGULATIONS FOR DEMOLITION PERMITS
  - a. Open Public Hearing – Mayor Anderson opened the public hearing.
  - b. Staff Report – Community Development Director Harris provided a brief overview of the staff report and responded to questions from Council.

c. Take Testimony

Councilmember Winder said he was against unnecessary steps for government to interfere with property rights.

Ed Rakochy, resident, stated he is in support of the Community Development Director's method of notification, but 72 hours notice is not enough time and would prefer 10 days.

d. Close Public Hearing – Mayor Anderson closed the public hearing.

e. Make Determination

Council discussion ensued.

It was **MOVED/SECONDED - WINDER/HORTON** - to adopt the first reading of Ordinance No. 2009-936, approving Zoning Code Amendment No. 2009-02 to amend the Zoning Code of the City of Yorba Linda by amending Chapter 18.20 (Special Uses and Conditions) specifically to establish regulations and standards for demolition permits and to omit Section C of 18.20.1005.

Mayor Pro Tem Rikel said she was not in support of omitting Section C.

A **SUBSTITUTE MOTION** was made – **HORTON/ANDERSON** to wait until the historical services study is presented and have the Historical Society submit the properties that they feel were omitted from the study and reduce the amount of steps that property owners have to go through from the study and continue until an appropriate time determined by staff. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder

**NOES:** None

**ABSENT:** None

10. GENERAL PLAN AMENDMENT NO. 2009-01, ROSE DRIVE RECLASSIFICATION, RESOLUTION NO. 2009-4054

a. Open Public Hearing – Mayor Anderson opened the public hearing.

b. Staff Report – Community Development Director Harris and Assistant City Engineer Niemi provided a brief overview of the staff report and responded to questions from Council.

c. Take Testimony – None

d. Close Public Hearing – Mayor Anderson closed the public hearing.

e. Make Determination

It was **MOVED/SECONDED - WINDER/HORTON** – to adopt City Council Resolution No. 2009- 4054, amending the Circulation Element of the Yorba Linda General Plan to modify the Circulation Element map to reclassify Rose Drive for that portion between Imperial Highway and Yorba Linda Boulevard from a Modified Major Arterial to a Modified Primary Arterial, General Plan Amendment No. 2009-01, and adopting the Negative Declaration prepared therefore. **MOTION CARRIED** by the following roll call vote:

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

11. APPROVAL OF PURCHASE AND SALE AGREEMENT AUTHORIZING THE REDEVELOPMENT AGENCY TO ACQUIRE REAL PROPERTY LOCATED AT 4801 PARK AVENUE, COMMONLY KNOWN AS THE JANEWAY HOUSE

- a. Open Public Hearing – Mayor Anderson opened the public hearing.
- b. Staff Report – Housing and Redevelopment Specialist Stoker provided a brief overview of the staff report and responded to questions from Council.
- c. Take Testimony

Pat Nelson, resident, wondered if Mrs. Chavez had been given code enforcement citations for the violations that have been occurring on the property over the years. She said Mrs. Chavez does not want the City to have access to the property and does not support the language of the sale agreement.

Ed Rakochy, resident, stated that in most real estate transactions you do not have access to the property until 24 hours after the closing. He said Mrs. Chavez is getting a fair price for the property considering the code enforcement violations. Mr. Rakochy said the historical society is looking forward to working with the agency and staff on a successful rehabilitation.

Claudine Lynch, resident, stated the home is not only the entrance into the City but was once the City's mansion which no longer exists. She said once the home is taken down it can't be replaced and for the City to start rehabilitating before buying it.

- d. Close Public Hearing – Mayor Anderson closed the public.
- e. Make Determination

It was **MOVED/SECONDED – SCHWING/RIKEL** – to adopt Resolution No. 2009-4058 authorizing the acquisition of real property by the Redevelopment Agency located at 4801 Park Avenue, and appropriate the Agency's Affordable Housing Set-Aside Funds for \$385,000 plus closing costs.

A **SUBSTITUTE MOTION** was made – **HORTON/WINDER** - to allow a 12 month period for a group to raise 30% of the funds to show they are well on their way to complete the process and a RFP process for either reusing or rehabbing the home.

Council discussion ensued.

Councilmember Winder stated that he approved of the purchase and sale agreement and approved continuing the RDA and City Council Resolutions with refined sections 10 and 7, respectively to show the financial ability of prospective organizations.

Mayor Anderson asked Councilmember Schwing if he was willing to amend his original motion to take into consideration the statements made by Councilmember Winder.

**ORIGINAL MOTION** was **AMENDED – SCHWING/RIKEL** - to modify language of Section 7 of the City Council Resolution and Section 10 of the RDA Resolution, approve a shorter escrow and no access to the property until the close of escrow, encourage staff to close escrow as soon as possible, and direct the Executive Director to proceed with seeking a contractor to repair the roof work as soon as escrow is closed.

Councilwoman Horton **WITHDREW THE SUBSTITUTE MOTION.**

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

**AYES:** Anderson, Horton, Rikel, Schwing, Winder

**NOES:** None

**ABSENT:** None

It was **MOVED/SECONDED - SCHWING/RIKEL** – to adopt RDA Resolution No. 2009-214, approving the Agency's purchase of the property and authorizing the Executive Director of the Agency to execute the Purchase and Sale Agreement, using the Agency's Affordable Housing Set-Aside Fund in the amount of \$385,000, plus closing costs, to pay for acquisition.

Councilmember Winder asked for clarification on the motion.

Assistant City Attorney Raymond explained that the Resolutions need to be adopted tonight but that we can simply remove Section 7 of Resolution No. 2009-4058 and Section 10 of RDA Resolution No. 2009-214 and bring that language back in a stand-alone Resolution that documents Council's intent in respect to private organizations and the Janeway House. Council concurred.

**MOTION CARRIED** by the following roll call vote:

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

## **MAYOR'S REPORT**

### 12. CITY COUNCIL APPOINTMENTS TO ORGANIZATIONS, AGENCIES AND COMMITTEES

Mayor Anderson made the following appointments to organizations, agencies, and committees:

<u>City Audit Committee</u> (Standing Committee)	Delegate: Mark Schwing Delegate: John Anderson Alternate 1: Jan Horton Alternate 2: Nancy Rikel Alternate 3: Jim Winder
<u>Foothill/Eastern Corridor Agency</u>	Delegate: Mark Schwing Alternate: Jan Horton
<u>Four Corners Transportation</u>	Delegate: Jim Winder Alternate: Jan Horton
<u>League Of California Cities OC Division</u> Selection Committee (Mayor is Delegate)	Delegate: John Anderson Alternate: Nancy Rikel  Delegate: John Anderson (Selection Committee)
<u>National League Of Cities</u>	(As Needed) Delegate: John Anderson Alternate: Nancy Rikel
<u>NOC Interjurisdictions Planning Forum For Growth Management, Areas I &amp; 4</u>	Delegate: Jim Winder Alternate: Mark Schwing

<u>OC Fire Authority</u>	Delegate: Nancy Rikel Alternate: Mark Schwing
<u>OC Sanitation District</u>	Delegate: John Anderson Alternate: Jim Winder
<u>OC Vector Control District</u>	Delegate: Jim Winder Alternate: John Anderson Appointed for a 2 year term
<u>Santa Ana River Flood Protection Agency</u>	Delegate: Jan Horton Alternate: Nancy Rikel
<u>So. California Association of Governments</u>	Delegate: John Anderson Alternate: Nancy Rikel
<u>Transportation Corridor System</u>	Delegate: Mark Schwing Alternate: Jan Horton
<u>Trauma Intervention Program</u>	Delegate: Jan Horton Alternate: Nancy Rikel
<u>YL Chamber Of Commerce</u>	Delegate: Mark Schwing Alternate: Jim Winder
<u>YL Water District</u>	Delegate: Nancy Rikel Alternate: Jan Horton
<u>YL Water District Bond Committee</u>	Delegate: Nancy Rikel Alternate: Jan Horton

Councilwoman Horton stated she would like to be considered as delegate for the following committees: Orange County Fire Authority, Southern California Association of Governments, and Yorba Linda Chamber of Commerce.

Mayor Anderson said he was pleased with the chosen delegates and felt each member represented their chosen committees respectively.

Councilmember Winder suggested the appointment for Four Corners Transportation Policy Group, NOC Interjurisdictions Planning Forum for Growth Management, Areas 1 & 4, and the Transportation Corridor System, all be appointed to the same person since they are all traffic related. He suggested Councilmember Schwing as representative and offered to be the alternate on Four Corners Transportation Policy Group and NOC Interjurisdictions Planning Forum for Growth Management, Areas 1 & 4.

Councilwoman Horton said she would be glad to impart Councilmember Winder the alternate status.

Councilmember Schwing agreed to be delegate for all three committees with Councilmember Winder as the back up.

It was **MOVED/SECONDED - ANDERSON/SCHWING** - to approve the appointments to Organizations, Agencies, and Committees with the following changes: Councilmember Schwing as delegate and Councilmember Winder as alternate for the committees of Four Corners Transportation Policy Group, NOC Interjurisdictions Planning Forum for Growth Management, Areas 1 & 4, and the Transportation Corridor System.

**MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder

**NOES:** None

**ABSENT:** None

Mayor Anderson asked if there were Public Comment updates from the December 1, 2009 City Council meeting.

City Manager Adams replied there are no updates at this time.

Mayor Anderson asked if there was any damage done over the weekend from the heavy rain.

Assistant City Engineer Niemi answered the basins were cleaned prior to the rain and no damages were reported.

Mayor Anderson asked staff to try to reinstitute the Fourth of July fireworks with fundraising, admission, etc.

Mayor Anderson attended the Yorba Linda High School grand opening on Thursday, December 10, 2009 and he was very impressed with the new facility.

Mayor Anderson attended the Main Street Merchants Association meeting Tuesday, December 15, 2009 and the Association will be sending a letter to Council about their needs.

Mayor Anderson gave a PowerPoint presentation of a time study from the previous Council meeting, showing where the majority of time is spent at City Council meetings.

Mayor Anderson said there will be a live nativity at the United Methodist Church of Yorba Linda on December 18-20, 2009 from 6:30 to 8:30 p.m. He added that the Beth Meir HaCohen North County Chabad Center will have their Shabbat candle lighting the same day.

Mayor Anderson wished happy holidays to the entire Council, staff, and Yorba Linda residents.

## **MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Winder commented on the County animal shelter services stating the same shelter has been used since World War II. The City of Placentia may have an ideal property for a North Orange County shelter facility, former Boys and Girls Club. He stated that he had an interest in advancing the sale of the Placentia property to benefit the Boys and Girls Club and get rid of that controversy. He said that six City Manager's from North Orange County are interested in working with a private entity to form a consortium of veterinarians or the Society for the Prevention of Cruelty to Animals (SPCA) for animal care services.

Mayor Pro Tem Rikel attended the Nutcracker performance hosted by the Freckled Frog at the Community Center on Tuesday, December 8, 2009.

Mayor Pro Tem Rikel was in attendance at the Yorba Linda High School grand opening on Thursday which was a beautiful event.

Mayor Pro Tem Rikel attended the OCFA can food drive on Sunday, December 13, 2009 and collected nearly three tons of cans.

Mayor Pro Tem Rikel attended the Old Town Main Street Christmas event on December 10, 2009 and commented on the lights and repairs in the area.

Mayor Pro Tem Rikel reminded everyone that the El Dorado High School Band and Drill Team will be in the Rose Parade.

Councilwoman Horton attended the Old Town Main Street Christmas event on December 10, 2009 and commended the Yorba Linda Arts Alliance for a great show.

Councilwoman Horton attended the John Force Car show and accepted a plaque on behalf of Council.

Councilwoman Horton encouraged everyone to support the newly formed booster club for the Yorba Linda High School basketball team and all local schools.

Councilmember Schwing gave a brief report on the Transportation Corridor Agency and stated that three of the four new cell phone towers are now operating.

Councilmember Schwing gave holiday wishes to all, asked everyone to drive safely, and encouraged people to adopt a pet if planning to buy one for the holidays.

Councilmember Schwing asked staff to prepare a Traffic Commission review for either January or February 2010.

Mayor Anderson asked Captain Conklin to discuss the DUI checkpoints for the holiday season.

Captain Conklin replied the DUI checkpoints will start Friday, December 18, 2009 on Imperial Highway and Casa Loma Avenue to combat drinking and driving during the holidays.

### **ADMINISTRATIVE REPORTS**

#### 13. PALM TREE REMOVAL REQUEST AT 5431 JEFFERSON STREET

Assistant City Engineer Niemi stated the applicant was not present and provided a brief overview of the staff report and responded to questions from Council.

It was **MOVED/SECONDED - WINDER/HORTON** - to deny the request for removal and replacement of a palm tree within the City parkway in front of 5431 Jefferson Street.

Councilmember Winder said he is interested in directing staff to implement Council's policy for tree removal and to have only the appeals come back to Council. He suggested a fee be involved in the appeals process.

Assistant City Attorney Raymond suggested that Council bring back an amended policy to determine whether staff could make such a determination.

Mayor Pro Tem Rikel **AMENDED THE MOTION** to add aluminum banding to the palm trees to eliminate the rodent problem.

**MOTION DIED** for lack of a second.

**MOTION CARRIED ON THE ORIGINAL MOTION** 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

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**

**ADJOURNMENT**

Mayor Anderson adjourned the meeting at 10:51 p.m. to the next regularly scheduled City Council/Redevelopment Agency Joint Meeting on January 5, 2010.

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Marcia Brown, City Clerk

**APPROVED BY COUNCIL/RDA:**

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