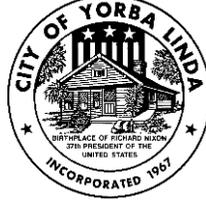

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

AUGUST 4, 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

Staff Members: Adams, Carvalho

CLOSED SESSION

CITY COUNCIL

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: Vista Del Verde Park Site #2 in Village IV, 4400 Lakeview Avenue

City Negotiators: City Manager Adams

Property Negotiators: Charlie Raddatz, Toll Brothers

Under Negotiation: Price and terms of potential purchase and sale

Government Code Section 54956.8

Property: Friends Christian High School

City Negotiators: City Attorney and Community Development Director Harris

Property Negotiators: Michael Kairis, Friends Christian High School

Under Negotiation: Price and Terms of Lease

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

Government Code Section 54956.9 (b) (1 Case)

C. CONFERENCE WITH LABOR NEGOTIATOR

Government Code Section 54957.6

Agency Designated Representative: City Manager

Employee Organizations: Yorba Linda Mid-Management Association; 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 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: Adams, Carvalho, Conklin, Harris, Leto, Mendoza,
Niemi, Steep

PLEDGE OF ALLEGIANCE

Captain Conklin

INVOCATION

Pastor Anne Nielsen, Danish Lutheran Church of Southern California

CLOSED SESSION REPORT

City Attorney Sonia Carvalho reported that Council did not have enough time to confer on Items B and C and would return to Closed Session after the Council meeting. She reported that in regards to Friends Christian High School, council directed staff to invite representatives from the high school to attend a Council meeting before September 22nd to provide a progress report. Ms. Carvalho also announced that although not on Closed Session, the City recently won litigation against the City of Anaheim in regards to the sound wall on Imperial Highway. The judge in the case stated the City of Yorba Linda is entitled to recover over \$1,000,000 in construction costs as well as attorneys fees.

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

Sandra Kennedy, resident, asked that Council continue maintenance and watering of the greenbelt behind her property which backs up to Chino Hills State park. She said the greenbelt saved her home from the fires last November.

Rosemarie Sauer, resident, urged citizens to attend a public hearing of the Yorba Linda Water District on September 10th at 6:30 p.m. when the Water District will consider modifying and increasing water rates.

Pete Frederick, resident, spoke about the Black Gold Golf Course and said he enjoys golfing at the wonderful course but is not in support of a \$5,000,000 allotment from the general fund for repairs.

Mayor Schwing announced that all questions and concerns regarding Black Gold Golf Course will be addressed at an upcoming meeting of the City Council.

Greg Schultz, resident, provided a handout to Council on the National Health Care plan and asked that it be placed on the website.

Charles Murray, resident, said the city hall burglar alarm was being set off in the middle of the night and suggested an inside enunciator.

Gabriella Rollins, resident, commented that helicopters had been flying over her neighborhood on the west end late in the evening for several days.

Janet Stone, resident, stated that her hillside neighborhood depended on the landscaped areas for fire protection and urged Council to reconsider the halting of irrigation until a better solution could be found.

Arnie T. Pike, Placentia resident, was in receipt of a letter from the City Attorney's office regarding the Senior Center and disability access. He stated that all excursions and buses should be accessible to disabled persons.

Lee Day, resident, welcomed the new City Manager. She also compared the number of parks on the east and west sides of the City and concluded they have about the same amount.

Louie Scull, resident, said the City should consider having its own police and fire departments in the future.

Tom Phelan, resident, expressed his agreement with the previous speakers about the importance of maintaining the greenbelt areas for fire safety.

Walter Bruckner, resident, provided a handout to council from an Orange County Register article about redevelopment monies. He said the schools are suffering and the money should go to schools instead of new buildings.

Ed Rakochy, resident, offered his perspective and provided a power point presentation on Black Gold Golf Course. Mr. Rakochy discussed rumors, compared loss of tax revenue and stated he is not in support of closing the course.

Councilwoman Horton stated there would be a study session about the golf course in September and suggested waiting for the consultant's report to discuss the matter in more detail.

Anita Hynds, resident, asked about placing American flags on Main Street and a skate park in the City. Ms. Hynds also said she would like to see events, like Concerts in the Park, continue as usual.

Greg Gillaspy, resident, requested that public speaker time be respected so their time is not limited. Mr. Gillaspy also suggested that the Orange County Fire Authority offer enlightenment on the differences between reserve and professional firefighters.

Pat Nelson, resident, commented on Item No. 4, Lakeview Elementary School/Vista Del Verde Park Circulation Improvements Project, and stated that the park is the first one on the north side of Imperial Highway in the west side of town. Mrs. Nelson also asked the status of the Janeway House.

Judy Stambaugh, asked the status of the retaining wall on Carson Way and Fremont.

City Attorney Carvalho responded that the item is on the Agenda under Closed Session and the Council would be discussing it after the meeting.

Linda Petruck, spoke in support of previous speakers Sandra Kennedy and Janet Stone. She stated that during the November fires, their homes were saved by the greenbelt, she believes in conservation of water and suggested planting various drought resistant greenery.

DeeDee Fredericks, President of Yorba Linda Country Riders, thanked Council for the opportunity to do a series of horse shows and said they have been around for 39 years.

CONSENT CALENDAR

Councilwoman Rikel pulled Item 3 and Mayor Schwing pulled Item 8 from the Consent Calendar.

It was **MOVED/SECONDED - HORTON/ANDERSON** - to approve the Consent Calendar with the removal of Items 3 and 8. **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 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

The City Council/RDA approved the Accounts Payable Warrant Lists.

3. Removed

4. LAKEVIEW ELEMENTARY SCHOOL/VISTA DEL VERDE PARK CIRCULATION IMPROVEMENTS PROJECT - AWARD OF CONTRACT TO LA STRADA CONTRACTING COMPANY

The City Council awarded the contract for the Lakeview Elementary School/Vista Del Verde Park Circulation Improvements Project to La Strada Contracting Company in the amount of \$141,707.80 and reject all other bids.

5. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - STREET REHABILITATION IMPROVEMENTS FOR VILLAGE CENTER DRIVE FROM MANZANITA AVENUE TO FAIRMONT BOULEVARD PROJECT

The City Council approved the construction plans and specifications and authorized the advertising of bids for the Street Rehabilitation Improvements for Village Center Drive from Manzanita Avenue to Fairmont Boulevard Project.

6. CLAIM FOR DAMAGES – VARTANIAN

The City Council denied the claim for damages by Daniel Vartanian.

7. RESOLUTION NO. 2009-4031 AUTHORIZING APPLICATION FOR FUNDS FOR THE DR-1810 HAZARD MITIGATION GRANT PROGRAM (HMGP) FOR SAN ANTONIO/FAIRMONT, BOX CANYON, AND BRUSH CANYON AREAS

The City Council approved Resolution No. 2009-4031 authorizing staff to nominate San Antonio/Fairmont, Box Canyon, and Brush Canyon hazard mitigation projects, which qualify up to \$2,000,000 in Federal DR-1810 Hazard Mitigation Grant Program, and committed a maximum of \$700,000 in matching funds for the City's share to pay for the design and construction of the proposed project.

8. Removed

End of Consent Calendar

ITEM 3

REQUEST FOR FUNDING FOR COYOTE EDUCATION SIGNAGE

Councilwoman Rikel thanked the Yorba Linda Water District for allowing the City the use of their electronic flashing signs at no cost. She inquired of staff about other activities being planned.

Management Assistant Lauren Cochran stated she is preparing a report of coyote sightings for the trapper and that a contract will be in place approximately August 10th, followed by the 10 day trapping period. Ms. Cochran advised the Council that she will provide a status report after the trapping. She also indicated that the flashing signs will have a brief message directing the public to the City's website and a phone number to report coyote sightings.

Councilwoman Rikel asked whether flyers would be prepared.

Management Assistant Cochran replied that flyers have been distributed to animal hospitals and clinics in the City, the East Lake Village Community Association and Land of Gracious Living.com, along with a press release and her business card.

Councilwoman Horton mentioned the Phantom Alert System as another option to discourage coyotes. She asked everyone to do their part by not feeding coyotes or leaving small pets outside at night.

Mayor Pro Tem Anderson remarked that according to studies, there have been many coyote attacks on humans in the state of California and that once a coyote loses its fear of humans, it becomes dangerous to humans. He reminded residents to be vigilant stating that this month is the height of coyote attacks.

ITEM 8

RESOLUTION 2009-4030 GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT PROGRAM

Mayor Schwing announced that the item would be considered under Closed Session at the end of the council meeting, and then acted on in open session.

PUBLIC HEARINGS

9. PUBLIC HEARING REGARDING PROPOSED RATE ADJUSTMENT FOR SEWER MAINTENANCE CHARGES FOR THE 2009/10 THROUGH 2013/14 FISCAL YEARS AND APPROVAL OF WASTEWATER RATE STUDY - ORDINANCE NO. 2009-933
 - a. Open Public Hearing – Mayor Schwing opened the Public Hearing.
 - b. Staff Report – Assistant City Engineer Jackie Niemi introduced Karyn Keese and Dean Gibson of PBS&J and Joan Cox of Harris and Associates who provided presentations and responded to questions from Council. Joan Cox reported that 38 valid protests were received, therefore, there was not a majority protest to the sewer rate adjustment.

c. Take Testimony

Lee Day, resident, clarified that the sewer fee increases only applied to city-owned sewers, mainly east of San Antonio Road.

Terence Kilker, resident, spoke on behalf of residents on Green Crest Drive, who unanimously rejected the proposed assessment of their properties on Green Crest Drive.

Sheryl Guisebush, resident, said she is on a septic system and questioned whether her property would be affected by the rate increase.

Karyn Keese, PBS&J, responded that she would not be affected by the proposed rate increases.

d. Close Public Hearing - Mayor Schwing closed the Public Hearing.

RECESS:

Mayor Schwing called a recess at 8:31 p.m. and reconvened the meeting at 8:41 p.m.

e. Make Determination

COUNCILWOMAN HORTON made a **MOTION** to approve first reading of Ordinance No. 2009-933, approving and adopting an engineer's wastewater rate study for sewer maintenance charges for fiscal years 2009/2010 through 2013/2014 and providing for the collection thereof, with the exception of the seven homes on Green Crest Drive and that those charges be waived with subsidy from the general fund.

MOTION DIED for lack of a second.

Lengthy council discussion ensued.

It was **MOVED/SECONDED - ANDERSON/HORTON** – to eliminate the seven lots on Green Crest Drive from any extra charge over and beyond the rate that everyone else is paying. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder

NOES: None

ABSENT: None

It was **MOVED/SECONDED - SCHWING/ANDERSON** – to not approve first reading of Ordinance No. 2009-933 and instead approve the Engineer's Report entitled "Sewer Maintenance Charges for 2009/2010 Fiscal Year" and Ordinance No. 2009-934, which approves the continuation of the current

sewer maintenance charges for fiscal year 2009/2010 and provides for the collection of the fee.

Councilwoman Horton stated that council direction has always been not to use general fund for on-going maintenance and general costs. She therefore feels it would be an unwise decision to not approve Ordinance No. 2009-933. Councilwoman Horton also mentioned investigating the potential of combining agencies and resources with the Yorba Linda Water District and said perhaps that can go back on the Agenda items for discussion.

Councilmember Winder said he shares the same concerns that Mayor Schwing expressed however, he has studied the issue and is not in support of the motion.

MOTION CARRIED by the following roll call vote:

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

10. CONTINUANCE OF PUBLIC HEARING REGARDING WEED ABATEMENT ASSESSMENT OF LIENS

- a. Open Public Hearing - Mayor Schwing opened the Public Hearing.
- b. Staff Report - None
- c. Take Testimony - None
- d. Make Determination

It was **MOVED/SECONDED - SCHWING/ANDERSON** – to continue the Public Hearing to the August 18, 2009 City Council meeting. **MOTION CARRIED** by the following roll call vote:

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

11. COMMERCIAL/INDUSTRIAL FACILITIES NPDES STORM WATER INSPECTION FEES

- a. Open Public Hearing – Mayor Schwing opened the Public Hearing.
- b. Staff Report – Community Development Director Steve Harris presented the staff report and responded to questions from Council.
- c. Take Testimony

Louie Scull, resident & local business owner, requested clarification on the NPDES Storm Water Inspection fees.

Community Development Director Harris explained that the inspection fees would apply to an industrial or manufacturing type facility such as a metal plating facility which overflows into the storm drain or a truck depot with oil and grease in the parking lot, those types of facilities would require inspection. He further stated that a business on Main Street that doesn't have such a facility or drains directly out into the public street, that would not be covered by this proposed inspection fee.

- d. Close Public Hearing - Mayor Schwing closed the Public Hearing.
- e. Make Determination

It was **MOVED/SECONDED – WINDER/HORTON** – to adopt Resolution No. 2009-4028 establishing industrial/commercial facilities NPDES storm water inspection fees. **MOTION FAILED** by the following roll call vote:

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

MAYOR'S REPORT - None

MATTERS PRESENTED BY COUNCILMEMBERS

Councilwoman Horton mentioned the Murdock property is currently being developed through the County. She said there are safety concerns related to it including earthquakes, potential landslides and coastal sagebrush. She hopes to limit the amount of density on the property and determine whether the property is safe and viable. Councilwoman Horton requested that staff come back at a future council meeting with a report.

City Manager Dave Adams asked if there was consensus of the Council.

Mayor Schwing replied that he would like to see a report brought to council. He added that he would prefer the development be under the city's policies and if so, inquired about meeting RHNA numbers through that project. He also questioned whether the development falls under Measure B.

Mayor Pro Tem Anderson requested that staff look into a LAFCO policy where County has said it will not allow development that is inconsistent with the building codes of any city within its sphere of influence. He suggested Yorba Linda Water District provide a will-serve letter to the County and questioned what the impact would be on the housing element.

Councilwoman Horton asked for an update on the proposed Canyon Power Plant.

Community Development Director Harris explained that the South Coast Air Quality Management District (SCAQMD) held a joint public meeting in May with the California Energy Commission. He said that the AQMD denied the City's request for a public hearing under a technicality and the application is currently under the California Energy Commission who is preparing a final staff assessment to be completed in two weeks.

City Attorney Carvalho added that a Public Records Request has been filed with the City of Anaheim requesting a copy of their Sighting Study. She suggested the matter could be agendaized and a report brought to Council at a future meeting.

Councilwoman Horton said she would be attending the Relay for Life event this weekend and invited everyone to attend. She also announced that her next Dinner in the Park meeting would be at Jessamyn Park on August 20th at 6:00 p.m.

Mayor Pro Tem Anderson mentioned that he took his family to see Beauty and the Beast at the Yorba Linda Spotlight Theater and said they have many more great plays coming up. He encouraged the community to support the theater group.

Mayor Pro Tem Anderson stated that he attended the Equestrian Feasibility Study on July 23rd and it was well attended. He said that the lakebed was discussed as a site although he is not sure that will work.

Mayor Pro Tem Anderson asked about the Planning and Traffic Commission interaction and would like to hear something back in the near future.

Mayor Pro Tem Anderson thanked staff for putting together an informational report on the Freeway Complex Fire. He said perhaps the City should tell the State they are in potential violation regarding mudflow debris and drainage.

Mayor Pro Tem Anderson stated that in May of 1990, S & S Development gave the City \$200,000 when relieved of their obligation to build an equestrian center in the City. He is concerned about doubts in the community that the fund has accrued enough interest over the years to increase to more than \$483,000 and suggested that the calculation be posted on the website for the public to review.

Mayor Pro Tem Anderson responded to Mrs. Hynds' comment about flags on city streets. He said that Council had supported it in the past but during budget review realized that it was no longer reasonable due to the many budgetary cuts. Mayor Pro Tem Anderson also asked for an update on a potential skate park in the City.

Councilwoman Rikel shared that she, along with the rest of the council attended the Taste of Yorba Linda on Friday and it was a wonderful event. She also announced she would be participating in the Relay for Life this coming weekend.

Councilwoman Rikel read an email she received from Jim Drummond praising Reservist Scott Allen from Fire Station 10 and also thanking Ms. Rikel for her positive comments about the Reservist. Councilwoman Rikel announced that tomorrow she will be attending the pinning of Orange County Fire Authority's new Chief Keith Richter.

Councilwoman Rikel gave kudos to all of the residents who have achieved the 20% reduction in water usage.

Councilwoman Rikel spoke about Black Gold Golf Course and said that Council should lead by example and listen to the public's concerns. She also hoped that staff would include questions from the public at the upcoming workshop. Councilwoman Rikel would like to know if and why any weddings or golf memberships have been cancelled. She also suggested not calling Black Gold Golf Course a club as it is a community course and all residents can become involved in it. Councilwoman Rikel thanked everyone who spoke about the golf course.

City Manager Adams said he spoke to the staff at Black Gold Golf Course last week and was informed that some people have expressed concerns, including that the golf course might be changed into a different type of use. He stated that staff would provide more information in the near future.

ADMINISTRATIVE REPORTS

12. CONSIDERATION OF MODIFYING THE PROCESS FOR THE ISSUANCE OF DEMOLITION PERMITS

Community Development Director Harris provided a staff report and responded to questions from Council.

Councilwoman Horton stated she would like to see the policy expanded to include not just historic structures but a building within a historic district because it would affect the nature of the area.

Community Development Director Harris indicated that the forthcoming Historical Resources Survey has identified two potential historical districts and within those are property that is either on or eligible to be on the National Registry. There are also contributing structures that are not on the list but contribute to the overall district. He suggested the definition could be expanded within the Code, not just with a historical resource but within the historical district or a contributing structure as a way to preserve those districts.

It was **MOVED/SECONDED - ANDERSON/RIKEL** – to adopt Draft Regulation A, maintaining current practice of City Council review of all demolition permits and expand the definition of historic resource to include structures within a historical district or contributing structures and adopt Resolution No. 2009-4029, to initiate a Zoning Code Amendment to add new regulations to Chapter 18.20 of the Municipal Code pertaining to demolition permits. **MOTION CARRIED** by the following roll call vote:

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

13. DISCUSSION OF THE SEPTEMBER 1, 2009 CITY COUNCIL MEETING

Council unanimously concurred to hold a Council meeting on September 1, 2009, and adjourn the August 18, 2009 meeting to September 1, 2009 at 5:30 p.m.

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

Mayor Schwing encouraged everyone to be aware while traveling on the 241 northbound at Windy Ridge as there are various lane closures due to construction activity.

ORANGE COUNTY FIRE AUTHORITY – Given during Matters Presented by Council.

ORANGE COUNTY VECTOR CONTROL - None

OTHER BUSINESS

14. RECONSIDERATION OF ITEM 12 FROM THE JULY 21, 2009 CITY COUNCIL MEETING - BUDGET ALLOCATION TO IMPLEMENT URGENT ACTIONS REQUIRED DUE TO MANDATORY REGIONAL WATER REDUCTIONS FOR THE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT AND OTHER PUBLIC LANDSCAPE AREAS (ANDERSON)

Mayor Pro Tem Anderson indicated that at the June 16th meeting, the Council voted to use money diverted from the General Fund to put into place the measures needed to abandon LMAD easements. He added that since it could be considered an incidental expense, he feels it would be more appropriate to use LMAD monies.

It was **MOVED/SECONDED - ANDERSON/RIKEL** – to direct staff to prepare a resolution to use reserves from the LMAD to effectuate amendments to the LMAD to abandon easements and return to the Council at a future meeting. **MOTION CARRIED** by the following roll call vote:

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

15. DISCUSSION RE DRAFTING AN ORDINANCE PROHIBITING THE WILLFUL AND INTENTIONAL FEEDING OF COYOTES (SCHWING)

It was **MOVED/SECONDED - SCHWING/RIKEL** – to direct staff to prepare a draft of an ordinance that would make it unlawful to intentionally feed coyotes in the City. **MOTION CARRIED** by the following roll call vote:

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

CLOSED SESSION

The City Council/RDA convened into Closed Session at 10:27 p.m. The meeting was reconvened at 11:00 p.m.

ITEM 8

It was **MOVED/SECONDED - WINDER/HORTON** – to adopt Resolution No. 2009-4030, to grant another designated period for two years additional service credit program. **MOTION CARRIED** by the following roll call vote:

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

CLOSED SESSION

The City Council/RDA convened into Closed Session at 11:02 p.m.

ADJOURNMENT

Mayor Schwing adjourned the meeting at 12:30 a.m. to the next regularly scheduled City Council/Redevelopment Agency Joint Meeting on August 18, 2009.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL/RDA/:
