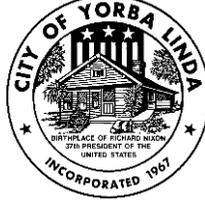

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

SEPTEMBER 15, 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, Raymond

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 Bros

Under Negotiation: Price and terms of potential purchase and sale

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

Government Code Section 54956.9 (b) (1 Case)

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:40 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, Brantley, Conklin, Hartman, Leto, Mendoza, Raymond, Steep, Stowell

PLEDGE OF ALLEGIANCE

Mayor Schwing

INVOCATION

Elder Larry Woessner, Yorba Linda Friends Church

CLOSED SESSION REPORT

Assistant City Attorney Jamie Raymond stated that the Conference with Real Property Negotiator regarding the Vista Del Verde Park Site #2 in Village IV was referred to the Parks and Recreation Commission.

Assistant City Attorney Raymond announced that Councilwomen Horton and Rikel recused themselves from participating in the Closed Session item, Conference with Legal Counsel, Anticipated Litigation, Significant Exposure to Litigation, due to a conflict of interest. Ms. Raymond further stated that Council reviewed the document regarding the appropriate land use designation for the property at 5951 Kellogg Drive and determined the property is appropriately designated as general commercial.

INTRODUCTIONS & PRESENTATIONS

OCFA READY, SET, GO! REPORT – No report

FRIENDS CHRISTIAN HIGH SCHOOL PROGRESS REPORT – No report

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

City Manager Dave Adams declared that the City's recent independent audit was successfully completed and he thanked staff for their hard work.

Jim Calkins, resident, submitted a petition from his neighborhood protesting new plans by Toll Brothers to add vehicular, horse and/or pedestrian access at the end of their street. Mr. Calkins stated the new plans are very different from the ones approved last year and he requested Council's support to address the issue before the next building phase.

Dennis Equitz, resident, echoed the comments of the previous speaker and stated that the neighborhood would like to be informed as to what the new plans are going to be.

City Manager Dave Adams acknowledged that the City just became aware of the situation. He said that staff would review the matter and get back to the residents with information about the proposed plan.

Lindsay Tsai, Esperanza High School student, invited Council and the public to the "Taste of Esperanza" on Saturday, October 3rd from 5:00 p.m. to 9:00 p.m. Ms. Tsai commented that the event is to raise money for Esperanza student clubs which have suffered from budget cuts.

Louie Scull, resident, suggested that a local college or high school political science class could work on an ethics project for Council to review and develop into a policy or ordinance. Mr. Scull mentioned that RRM Design Group recently settled a lawsuit with the city of Paso Robles for \$300,000.

Mayor Schwing reminded everyone that on Wednesday, September 30th Council would be holding an ethics workshop.

City Manager Adams responded to Mr. Scull's comments and stated that RRM Design Group is one of the premier downtown planning firms and that they are highly regarded in their field. Mr. Adams also stated that staff would review the settlement action and report back to Council if there is a significant issue.

Rosemarie Sauer, resident, provided a handout to Council from the Tree of Life Nursery promoting a 3 hour course on landscaping in dry areas.

Pat Nelson, resident, provided a handout to Council of her design plan for the remodeling of Town Center. She emphasized that it should be a destination and gathering place that preserves the look and feel of the downtown area.

Claudine Lynch, resident, requested that Item No. 11 be pulled from the Consent Calendar as she would like to provide public comment.

Scott Hayes, resident, stated that he attended the Planning Commission meeting on the proposed St. Jude Project design. He said the Planning Commission paid careful attention to all of the details and he was disappointed that the project was appealed due

to traffic. He urged Council to uphold the Planning Commission's approval of the project.

Greg Gillaspay, resident, requested that Council invite the Orange County Fire Authority to speak about the difference between a reserve and professional firefighter. Mr. Gillaspay also spoke about that proposed ethics policy and said that it still requires a lot of work.

Judy Murray, resident, said that Water District rebates would be available to residents and cities on Monday, September 21st. Ms. Murray also suggested a restructuring of the zones for the Landscape Maintenance Assessment District so that zones are assessed according to the benefits each receives.

CONSENT CALENDAR

Councilmember Winder pulled Item 9, Mayor Pro Tem Anderson pulled Item 10, Item 11 was pulled by a member of the public and Mayor Schwing pulled Item 12 from the Consent Calendar.

It was **MOVED/SECONDED - HORTON/WINDER** - to approve the Consent Calendar with the removal of Items 9, 10, 11 and 12. **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 AUGUST 19, 2009 CITY COUNCIL/RDA AND PLANNING COMMISSION SPECIAL JOINT MEETING

The City Council/RDA approved the minutes of the August 19, 2009 City Council/RDA and Planning Commission Special Joint Meeting.

4. APPROVAL OF THE MINUTES OF THE SEPTEMBER 1, 2009 CITY COUNCIL/RDA MEETING

The City Council/RDA approved the minutes of the September 1, 2009 meeting.

5. CONTRACT CHANGE ORDER - LANDSCAPE AND LIGHTING DISTRICT, MAINTENANCE PACKAGE F - NIEVES LANDSCAPE, INC.

The City Council approved the inclusion of 14.7 acres of landscaping to the scope of work for LMAD Maintenance Package F, and authorized a contract change order for Nieves Landscape, Inc. to increase the monthly payment by \$4,506.94 to accommodate this change in the scope of work.

6. REDUCTION OF IMPROVEMENT BONDS, TRACT NO. 17079, MBK HOMES

The City Council authorized the City Clerk to reduce the Faithful Performance and Labor & Materials Bonds to 70 percent of the second reduction amount and hold until final release.

7. ACCEPT PUBLIC IMPROVEMENTS AND RELEASE BONDS, TRACT 16315, PARDEE HOMES

The City Council authorized the City Clerk to release the Labor and Materials bond in 180 days, reduced the Faithful Performance bond to 10 percent of the current bond amount and release in one year if no liens have been filed, and released the Monumentation Bond immediately.

8. ACCEPT PUBLIC IMPROVEMENTS AND RELEASE BONDS, TRACT 16559, SHEA HOMES

The City Council authorized the City Clerk to release the Labor and Materials bond in 180 days, reduced the Grading and Faithful Performance bonds to 10 percent of the original amount and release in one year if no liens have been filed, and released the Monumentation Bond immediately.

9. Removed

10. Removed

11. Removed

12. Removed

13. TRANSFER AGREEMENT LETTER FOR THE ACCEPTANCE OF THE VETERANS MEMORIAL MONUMENT

The City Council authorized the Mayor to sign, and the City Clerk to attest, the Veterans Memorial Monument Transfer Agreement letter.

14. DEMOLITION REQUEST FOR 4421 CASA LOMA AVENUE

The City Council approved the demolition request for 4421 Casa Loma Avenue.

15. 2009 JUSTICE ASSISTANCE GRANT PROGRAM AGREEMENT TO TRANSFER FUNDS

The City Council authorized the City Clerk to sign the "Agreement to Transfer Funds for FY 2009 Recovery Act JAG Program" with the County of Orange in order to receive funds allocated to the City in the 2009 Justice Assistance Grant Program.

16. CONTRACT CHANGE ORDER - LANDSCAPE AND LIGHTING DISTRICT, MAINTENANCE PACKAGE G - ROCKEY MURATA LANDSCAPE SERVICES, INC.

The City Council approved the inclusion of 11.8 acres of landscaping to the scope of work for LMAD Maintenance Package G, and authorized a contract change order for Rockey Murata Landscape Services, Inc. to increase the monthly payment by \$2,904.00 to accommodate this change in the scope of work.

End of Consent Calendar

ITEM 9

ADOPTION OF THE SEWER SYSTEM MANAGEMENT PLAN (SSMP)

Councilmember Winder stated that he would be voting against adoption of the SSMP because it is not fully funded and the sewers on the east side of the City are being supplemented by tax dollars. He also read from an article by Dan Walters of the Sacramento Bee called "Time to Share Fire Costs".

It was **MOVED/SECONDED – ANDERSON/RIKEL** – to adopt the Sewer System Management Plan (SSMP), as mandated by the State Water Resources Control Board, Order No. 2006-0003, for Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems. **MOTION CARRIED** by the following roll call vote:

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

ITEM 10

ALLOCATION OF FUNDS FOR THE HIDDEN HILLS EMERGENCY ACCESS ROADS PROJECTS

Councilwoman Horton asked that the Orange County Fire Authority be consulted about emergency vehicle access.

Mayor Schwing stated he was in support of emergency egress in the Hidden Hills area but is concerned about using General Fund reserves. He asked if the project could be constructed at a minimum standard for less money.

Assistant City Engineer/Director of Public Works/City Engineer Mark Stowell affirmed that the project could be done at a minimum cost of \$100,000 for asphalt overlay from Green Crest Drive to Stonehaven Drive.

It was **MOVED/SECONDED – SCHWING/ANDERSON** – to allocate \$100,000 from General Fund reserves for the design and construction of the Hidden Hills Emergency Access Roads Project at Stonehaven Drive to Green Crest Drive, and bring back the Eastside Community Park construction route with the next CIP budget review.

Mark Schock, resident, spoke on behalf of the Hidden Hills residents, stating he is pleased that Council will be approving an emergency access road and that he is in support of doing the Green Crest Drive portion first.

Council discussion ensued.

Councilmember Winder stated he will be voting in approval of the project however he is concerned about on-going maintenance costs for the proposed road that serves an isolated group of people. He suggested looking into a benefit assessment district fund for maintenance of the road.

The **MOTION** was **AMENDED – SCHWING/ANDERSON** – to include looking into creating a benefit assessment district fund for maintenance costs of the roads. **MOTION CARRIED** by the following roll call vote:

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

ITEM 11

RESOLUTION NO. 2009-4042 TO HOLD A PUBLIC HEARING TO ASCERTAIN WHETHER PRIVATE PROPERTY LOCATED AT 4542 GRANADA DRIVE CONSTITUTES A PUBLIC NUISANCE

Claudine Lynch, resident, said the property has been an on-going problem for 15 years and urged Council to set a firm policy on the handling of nuisance properties.

It was **MOVED/SECONDED – SCHWING/RIKEL** – to adopt Resolution No. 2009-4042, to hold a public hearing to ascertain whether private property located at 4542 Granada Drive constitutes a public nuisance. **MOTION CARRIED** by the following roll call vote:

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

ITEM 12

UPDATE TO THE 2009 FIESTA DAYS PARADE AND FAMILY FAIRE SEPTEMBER 1, 2009 CITY COUNCIL REPORT

It was **MOVED/SECONDED – SCHWING/HORTON** – to continue to support the FY 2009/2010 budget reduction plan adopted on June 16, 2009 by not reinstating the 2009 Fiesta Days Parade.

Councilwoman Horton suggested looking into corporate sponsorship to help fund the 4th of July fireworks event for 2010.

Council discussion ensued.

The **MOTION** was **AMENDED – SCHWING/HORTON** – to pursue corporate sponsorship for the 4th of July Fireworks event, bring back as part of budget discussions and look at alternative options for routes and sites for the 2010 Fiesta Days parade. **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 8:00 p.m. and reconvened the meeting at 8:10 p.m.

PUBLIC HEARINGS

17. RESOLUTION NO. 2009-4043, PUBLIC HEARING DECLARING A PRIVATE PROPERTY LOCATED AT 17835 ANNA MARIE ROAD, A PUBLIC NUISANCE
 - a. Open Public Hearing - Mayor Schwing opened the public hearing.
 - b. Staff Report – Senior Planner David Brantley provided a brief overview of the staff report.
 - c. Take Testimony - None
 - d. Close Public Hearing – Mayor Schwing closed the public hearing.
 - e. Make Determination

It was **MOVED/SECONDED - HORTON/RIKEL** – to adopt Resolution No. 2009-4043, declaring a private property located at 17835 Anna Marie Road is a public nuisance. **MOTION CARRIED** by the following roll call vote:

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

18. RESOLUTION NO. 2009-4044, PUBLIC HEARING DECLARING A PRIVATE PROPERTY LOCATED AT 17841 ANNA MARIE ROAD A PUBLIC NUISANCE

- a. Open Public Hearing - Mayor Schwing opened the public hearing.
- b. Staff Report - Senior Planner Brantley provided a brief overview of the staff report.
- c. Take Testimony - None
- d. Close Public Hearing - Mayor Schwing closed the public hearing.
- e. Make Determination

It was **MOVED/SECONDED - HORTON/RIKEL** – to adopt Resolution No. 2009-4044, declaring a private property located at 17841 Anna Marie Road is a public nuisance. **MOTION CARRIED** by the following roll call vote:

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

MAYOR'S REPORT

Mayor Schwing spoke about the Transportation Corridor Agency commencing on a five year effort to look at the future of toll roads. He said he will continue to report on the progress.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilwoman Horton commented that cell phone towers are being erected due to the dead zone on the toll roads.

Mayor Schwing clarified that four cell phone towers are currently being built and they will have enough room for eight different carriers. He said the first tower will be complete on October 4th and all towers should be operational by the middle of February.

Councilwoman Horton said the Town Center meeting was a well attended success. She suggested having a meeting in the east part of town and hearing what residents there would like to see in the Town Center. Councilwoman Horton spoke about adding an interactive page on the City's website for residents to submit ideas for the Town Center.

Councilwoman Horton spoke about Saturday morning's Council tour of the landscaped areas and said it was surprising to see how many are maintained by the City but not City owned. She said that perhaps a two-tier approach to a Proposition 218 vote would be approved by the voters. She also asked that staff consider the potential redistricting of the LMAD's and possibly including the west part of the City.

Councilwoman Horton requested that the Council meeting be adjourned in the memory of Army Specialist Jonathan Welch who was killed on September 7, 2009 in Afghanistan.

Mayor Pro Tem Anderson asked the City Manager to discuss the sales tax.

City Manager Adams announced that the sales tax in Yorba Linda is down by 16% and encouraged everyone to shop locally.

Mayor Pro Tem Anderson said the Chamber of Commerce is currently working on a shop-local program which will be presented to Council in the near future. He also urged everyone to shop in the City of Yorba Linda.

Mayor Pro Tem Anderson stated that after going on the tour of the landscaped areas in the City, he believes that the Rancho Dominguez neighborhood is not getting its fair share compared to other areas.

Mayor Pro Tem Anderson invited everyone to attend the first "Meet a Horse Day" on October 17th at Eastlake Village at 10:00 a.m. He said that along with Councilwoman Rikel, he will be available to answer questions and the public will be able to learn about the City's equestrian history as well as take pictures on various horses, including a pony and a miniature horse.

Mayor Pro Tem Anderson asked that the three OCFA letters that were discussed at the September 1st council meeting be included in the agenda packet. He also stated that he is in support of an LMAD vote and would like to see a money savings plan using drought tolerant plants.

Mayor Pro Tem Anderson briefly went over the potential rezoning of the RDA owned parcels off of Lakeview Avenue for the Housing Element. He suggested that staff look at other areas besides Site 13, when reducing densities due to a councilmember's conflict of interest.

Councilwoman Rikel thanked staff for the tour of the landscaped areas in the City. She also thanked The Murray's of Rancho Dominguez for attending the tour.

Councilwoman Rikel read an email from Peggy LaCroix who said she was very pleased that the Miss Placentia and Yorba Linda Scholarship program is including a Yorba Linda title for the first time. Councilwoman Rikel announced that information for the scholarship is available on the City's website.

Councilwoman Rikel commented that the Yorba Linda Water District's rates were due to increase 41% as of today and she added that the City has cooperated with a 19% overall reduction.

Councilwoman Horton announced that her next “Dinner in the Park” is on September 24th at 6:00 p.m. at Hurless Barton Park.

Councilwoman Horton suggested adding Deputy Fire Marshall Petroff’s statements from a previous Council meeting to his letters regarding the turning off the irrigation of slopes. His statements make it clear that staff is not making judgments that create an unsafe situation for the community but the progression of letters show an actual negotiation in trying to come up with the best solution for the community.

Mayor Pro Tem Anderson stated that the letters speak for themselves and residents could watch the city council meeting video for more information.

Mayor Schwing announced that the Yorba Linda High School booster club will be holding a drive on October 3rd from 8 a.m. to 3:00 p.m. at the new high school’s parking lot to test drive various new Ford cars and trucks. He also said that the Yorba Linda High Boys Basketball team is selling raffle tickets for a new 2010 Mustang drawing to be held on October 12th at Black Gold Golf Club after the tournament at 7:00 p.m.

ADMINISTRATIVE REPORTS

19. REQUEST FOR REPLACEMENT OF CITY OWNED TREES ON LOMBARDY LANE AND GRANADA DRIVE

Assistant City Manager/Director of Public Works/City Engineer Stowell provided the staff report and responded to questions from Council.

Lee Day, resident, provided a handout to Council and remarked that the staff report had some inaccuracies. She went over the types of trees that exist in the neighborhood and urged Council to authorize replacement of three city owned trees.

Claudine Lynch, resident, went over a brief history of the trees in the neighborhood and said there is no consistent theme. She explained that there is a varied assortment of trees in her tract including pear, crape myrtle, magnolia, carrotwood and palm trees. Mrs. Lynch asked that Council settle on one type of tree and to allow the residents to decide if they want their tree replaced.

Council discussion ensued.

It was **MOVED/SECONDED - WINDER/ANDERSON** – to direct staff to inform the residents by letter of Council’s deliberation, provide two or three different tree options with the alternative to opt out for no tree in that neighborhood and report back to Council. **MOTION CARRIED** by the following roll call vote:

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

20. **CONTRACT EXTENSION FOR ANIMAL PEST MANAGEMENT SERVICES**

Assistant to the City Manager Mark Aalders presented the staff report along with a power point presentation and responded to questions from Council.

It was **MOVED/SECONDED - HORTON/WINDER** – to receive and file the report.

Mary Carbone, resident, stated that she does not support euthanizing coyotes and upsetting the natural cycle of animals. She said there have been no incidents involving humans being attacked however several people have been affected by snake or dog bites. Ms. Carbone said she completely supports educating the public.

Rosemarie Sauer, resident, commented on an Orange County Register article that mocked the Council's decision to expend funds on euthanizing coyotes and instead suggested using the funds to feed the animals.

MOTION CARRIED by the following roll call vote:

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

City Manager Adams thanked Assistant to the City Manager Mark Aalders, and Management Assistants Lauren Cochran and Brett Channing for their professional management of the many phone calls and complaints regarding the coyotes. Mr. Adams suggested providing quarterly updates at future Council meetings.

OTHER AGENCY REPORTS AND REFERRALS

ORANGE COUNTY SANITATION DISTRICT - None

ORANGE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES – Councilwoman Horton announced that she would be attending the October 8th Division Meeting.

FOOTHILL/EASTERN TRANSPORTATION CORRIDOR/TRANSPORTATION CORRIDOR SYSTEM – Reported during “Matters Presented by Councilmembers”

ORANGE COUNTY FIRE AUTHORITY - None

ORANGE COUNTY VECTOR CONTROL - None

OTHER BUSINESS - None

CLOSED SESSION IF REQUIRED - None

ADJOURNMENT

Mayor Schwing adjourned the meeting in the memory of Army Specialist Jonathan Welch, at 9:38 p.m. to a Special meeting on September 22, 2009 at 6:30 p.m. to discuss the Black Gold Golf Club. A Town Hall meeting will be held at 6:30 p.m. on September 29, 2009 at Bryant Ranch Elementary School. A Special meeting will be held on September 30, 2009 at 6:30 p.m. re Ethics Ordinance and City Manager Goals.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is October 6, 2009.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL/RDA:
