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CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING AGENDA

JANUARY 20, 2009

Pursuant To Government Code Section 54954.2, No Matter Shall Be Acted Upon By The City Council/Redevelopment Agency Unless Listed On The Agenda Which Has Been Posted Not Less Than 72 Hours Prior To The Meeting

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

CALL TO ORDER

The City Council/Redevelopment Agency will convene at 5:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder
Staff Members: Carvalho, Kelly

CLOSED SESSION

CITY COUNCIL

- A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Government Code Section 54956.9(a)

Government Tort Claims - Paul Johnson, Gillian Johnson, Mohamad and Fatima Itani, Shannon Lew
- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION

Government Code Section 54956.9(b) (1 case)
- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
INITIATION OF LITIGATION

Government Code Section 54956.9(c) (1 case)
- D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY
ATTORNEY
Government Code Section 54957

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency will reconvene at 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members: Anderson, Horton, Rikel, Schwing, Winder
Staff Members: Carvalho, Conklin, Hartman, Kelly, Leto, Mendoza, Steep, Stowell,
Thiele

PLEDGE OF ALLEGIANCE

INVOCATION

CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS – Bishop Carey Barney

CLOSED SESSION REPORT

INTRODUCTIONS & PRESENTATIONS

RECOGNITION OF KEIKO HOEN FOR HER FUNDRAISING EFFORTS

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

Public Comments is the time reserved on each regular meeting Agenda to provide an opportunity for members of the public to directly address the City Council/Redevelopment Agency on Consent Calendar items or matters of interest to the public concerning the City's/Agency's business or any matter over which the City Council/Redevelopment Agency has jurisdiction that are not already scheduled for consideration on this Agenda. Although the City Council/Redevelopment Agency values your comments, pursuant to the Brown Act, the Council/Redevelopment Agency cannot take any action on items not listed on the posted Agenda, but may refer the matter to staff or a subsequent meeting.

All remarks shall be addressed to the City Council/Redevelopment Agency as a body through the presiding officer and not directly to any member thereof. The City Council/Redevelopment Agency desires its meetings to be conducted in a professional manner respectful of all participants. Therefore, the Mayor/Chairman may ask that speakers refrain from engaging in personal attacks, name-calling, or campaigning on any election issue during their allotted time. However, public criticism of the policies, procedures, programs or services of the City, or of the acts or omissions of the City Council/Redevelopment Agency as a body shall not be prohibited.

Under the Brown Act, members of the Council/Agency may briefly respond to Public Comments, but no extended discussion and no action on such matters may take place.

There is a five (5) minute maximum time limit for each individual addressing the City Council/Redevelopment Agency during Public Comments and on all other items listed on the Agenda. The City Council/Redevelopment Agency will entertain Public Comments up until the time that Public Hearings are scheduled to begin. Any speaker wishing to speak on a matter not posted on this Agenda who was unable to speak during this initial designated Public Comments period will be given an opportunity to speak following the Council's/Agency's completion of the Public Hearing. The Mayor/Chairman may use his or her discretion to select the order of speakers in a manner that ensures that a variety of issues and concerns can be presented during the initial time and he or she may allow for additional comments to be made past the time for the Public Hearings to begin. As a result, in situations where there are multiple speakers wishing to speak on a single topic not on the Agenda, the Mayor/Chairman may ask that one speaker generally describe the issue or matter and then will provide additional speakers the opportunity to speak later on this Agenda.

CONSENT CALENDAR

All matters listed under "CONSENT CALENDAR" are considered by the Council/Redevelopment Agency to be routine and will be enacted by one motion approving the recommendation listed on the Agenda. There will be no separate discussion unless Members of the Council/Agency or Staff request specific items to be removed from the Consent Calendar.

1. WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

Recommendation: That the City Council/Redevelopment Agency waive 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

Recommendation: That the City Council/RDA approve the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE JANUARY 6, 2009 CITY COUNCIL MEETING

Recommendation: That the City Council/RDA approve the minutes of the January 6, 2009 joint meeting.

4. AWARD OF CONTRACT - ESPERANZA ROAD CAPE SEAL PROJECT FROM NEW RIVER ROAD TO WEST CITY LIMITS

Recommendation: That the City Council transfer \$100,000 from the Fairmont Rehabilitation Project into the Esperanza Cape Seal Project to cover the increased cost of the project construction; and award the contract for the Esperanza Road Cape Seal Project from new River Road to West City Limits to Copp Contracting, Inc. in the amount of \$450,627.65 and reject all other bids.

5. ADOPTION OF RESOLUTION NO. 2009-3978, WITH MODIFIED FINDINGS TO APPROVE ADMINISTRATIVE ADJUSTMENT 2008-26 – DOWNS

Recommendation: That the City Council adopt Resolution No. 2009-3978.

6. AWARD OF LANDSCAPE MAINTENANCE CONTRACT FOR TRACT 16757

Recommendation: That the City Council award the contract for landscape maintenance to Rockey Murata Landscape in the amount of \$2,900.00 per month for Tract 16757 located on Bastanchury Road and Fairmont Boulevard and reject all other bids.

7. CLAIM FOR DAMAGES - CARL RAEL

Recommendation: That the City Council deny the claim for damages by Carol Rael.

End of Consent Calendar

PUBLIC HEARINGS

Note: If previous agenda items are completed prior to 7:00 p.m., the City Council will proceed to "Administrative Reports" on the Agenda until the scheduled time for the Public Hearings. At the Mayor's discretion, Public Comments may be postponed at 7:45 p.m. to allow the Public Hearings to be started.

If you challenge the City's/Agency's proposed actions in court, you may be limited to raising those issues that you or someone else raised at the Public Hearing described in this Agenda, or in any written correspondence delivered to the City/Agency on or prior to the Public Hearing.

8. CONTINUED URGENCY ORDINANCE NO. 2009-926, TO DESIGNATE ALL PROPERTIES WITHIN THE CITY OF YORBA LINDA DAMAGED OR DESTROYED BY THE FREEWAY COMPLEX FIRE AS BEING WITHIN A WILDLAND-URBAN INTERFACE FIRE AREA
 - a. Open Public Hearing
 - b. Staff Report
 - c. Take Testimony
 - d. Close Public Hearing
 - e. Make Determination

That the City Council adopt Urgency Ordinance 2009-926 to designate all properties within the City of Yorba Linda damaged or destroyed by the Freeway Complex Fire as being within a Wildland-Urban Interface Fire Area, as defined in section 702A of the 2007 California Building Code, said designation then requiring the implementation of Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, of the 2007 California Building Code for the reconstruction of all damaged or destroyed properties.

CONTINUED PUBLIC COMMENTS

This is the time reserved for those persons who were unable to speak earlier in the Agenda because of the postponement of Public Comments.

MAYOR'S REPORT

MATTERS PRESENTED BY COUNCILMEMBERS

ADMINISTRATIVE REPORTS

9. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS
10. TOWN CENTER PERFORMANCE REVIEW
11. WAIVER OF BUILDING PLAN CHECK AND PERMIT FEES FOR RETROFITTING OF EXISTING HOMES TO COMPLY OR PARTIALLY COMPLY WITH CHAPTER 7A OF THE CALIFORNIA BUILDING CODE, RESOLUTION NO. 2009-3977
12. CLAIMS FOR DAMAGES - JOHNSON, ITANI, LEW
13. VAN BUREN STREET "NO PARKING" RESTRICTION AT YELLOWSTONE AVENUE, RESOLUTION NO. 2009-3962
14. ANIMAL CARE MASTER AGREEMENT FY 2008/09 AND BARKING DOG ORDINANCE REVIEW

ORDINANCES

15. ROSE DRIVE ENGINEERING AND TRAFFIC SURVEY AND POSTED SPEED LIMIT, ORDINANCE NO. 2009-927

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

At 11:00 p.m. any member of the City Council/Redevelopment Agency may make a motion to complete any item then under discussion and continue all remaining items on the Agenda which have not been acted upon to a certain date and time to which the Council/Agency shall adjourn.

16. ELIMINATION OF INFORMAL POLICY OF CITY COUNCILMEMBERS RECEIVING CAMPAIGN STATEMENTS AT NO CHARGE (ANDERSON)
17. DISCUSSION RE CITY HALL OPERATING HOURS (SCHWING)
18. DISCUSSION RE LONG TERM FIRE PREVENTION ISSUES IN OUR HIGH RISK FIRE ZONE AREAS (SCHWING)
19. DISCUSSION RE COUNCIL STUDY SESSIONS/WORKSHOPS (SCHWING)
20. DISCUSSION RE TOWN CENTER (SCHWING)
21. ETHICS ORDINANCE (SCHWING)
22. CITIZENS FAIR POLITICAL PARTICIPATION ORDINANCE (SCHWING)
23. DISCUSSION RE DEVELOPMENT PROCESSING (SCHWING)
24. EXPLORE POSSIBILITY OF MERGING YORBA LINDA WATER DISTRICT AND CITY OF YORBA LINDA AGENCIES INTO ONE ENTITY (HORTON)
25. DISCUSSION OF DUTIES RE COMMUNITY PRESERVATION (SCHWING)
26. USE OF CELL PHONES IN THE CITY COUNCIL CHAMBERS (HORTON)
27. COMMISSION TRAINING (SCHWING)
28. JOINT MEETING OF ALL AGENCIES TO PRESENT FINAL AFTER ACTION REPORTS (HORTON)

CLOSED SESSION – IF REQUIRED

ADJOURNMENT

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is February 3, 2009.

NOTE: ALL STAFF REPORTS AND RELATED ATTACHMENTS FOR ITEMS ON THIS AGENDA ARE ON FILE IN THE CITY CLERK'S OFFICE AND ARE AVAILABLE FOR PUBLIC INSPECTION AT THE CITY'S LIBRARY. AS AN ADDITIONAL SERVICE, THE CITY NOW PROVIDES THE STAFF REPORTS AND RELATED ATTACHMENTS ON THE CITY'S WEBSITE. PLEASE NOTE THAT IT IS NOT ALWAYS POSSIBLE TO EMBED ALL ATTACHMENTS AND MAPS. THUS, IF YOU REQUIRE A FULL AND COMPLETE COPY OF THE AGENDA PACKET, YOU SHOULD NOT RELY UPON THE WEBSITE MATERIALS ALONE.

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), THE CITY WILL MAKE EVERY REASONABLE ATTEMPT TO ACCOMMODATE ANY ATTENDEE OR PARTICIPANT AT THIS MEETING NEEDING SPECIAL ASSISTANCE BEYOND WHAT IS NORMALLY PROVIDED. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (714) 961-7150 AT LEAST 48 HOURS PRIOR TO THIS MEETING TO INFORM US OF YOUR PARTICULAR NEEDS AND TO DETERMINE IF ACCOMMODATION IS FEASIBLE. PLEASE ADVISE US AT THE TIME YOU CALL IF SPECIAL ASSISTANCE IS REQUIRED TO ATTEND OR PARTICIPATE IN MEETINGS ON A REGULAR BASIS.