

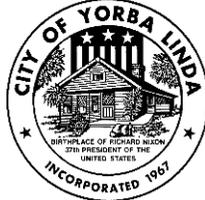
**THIS MEETING IS BEING BROADCAST LIVE FOR AIRING ON CABLE CHANNEL 3 AND THE CITY'S WEBSITE. BY REMAINING IN THE ROOM, YOU ARE GIVING YOUR PERMISSION TO BE TELEVISED.**

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**CITY OF YORBA LINDA**



**Land of Gracious Living**

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**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING AGENDA**

**MARCH 17, 2009**

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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

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**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)

Name of Case: City of Yorba Linda v. City of Anaheim

Case Number: 01CC09320

**CITY COUNCIL/REDEVELOPMENT AGENCY**

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: 5070 Avocado Circle (APN # 939-370-10)

City Negotiators: Interim Executive Director Kelly

Property Negotiators: Orange Housing Development Corporation

Under Negotiation: Acquisition of Property

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

Government Code Section 54956.9(b) and (c) (1 case)

**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, Harris, Hartman, Kelly, Leto, Mendoza, Steep, Stowell

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

ELDER GUY GIBBS, YORBA LINDA FRIENDS CHURCH

**CLOSED SESSION REPORT**

**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 MARCH 3, 2009 CITY COUNCIL MEETING

**Recommendation:** That the City Council/RDA approve the minutes of the March 3, 2009 joint meeting.

4. APPROVAL OF THE MINUTES OF THE MARCH 4, 2009 SPECIAL CITY COUNCIL MEETING

**Recommendation:** That the City Council approve the minutes of the March 4, 2009 Special City Council meeting.

5. JOHN FORCE RACING STREET CLOSURES IN THE SAVI RANCH AREA

**Recommendation:** That the City Council adopt Resolution No. 2009-3992 to temporarily conduct street closures on Old Canal Road and East Park Drive for John Force Racing car shows.

6. TEMPORARY STREET CLOSURES ON LAKEVIEW AVENUE, MOUNTAIN VIEW AVENUE, YORBA LINDA BOULEVARD AND EUREKA AVENUE - YORBA LINDA FRIENDS CHURCH 5K AND 10K RUN/WALK, APRIL 26, 2009

**Recommendation:** That the City Council adopt Resolution No. 2009-3993 to temporarily conduct street closures.

7. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - BUENA VISTA AVENUE AND PASEO DE LAS PALOMAS ASPHALT REHABILITATION PROJECT

**Recommendation:** That the City Council approve the construction plans and specifications, and authorize the advertising of bids for the Buena Vista Avenue from Scenic View Drive to Van Buren Street and Paseo de Las Palomas from Village Center Drive to Fairmont Boulevard Asphalt Rehabilitation Project.

8. ORDINANCE NO. 2009-928, CONCERNING COUNCIL MEMBER APPOINTMENTS TO REGIONAL ENTITIES

**Recommendation:** That the City Council adopt Ordinance No. 2009-928.

9. AGREEMENT WITH THE PLACENTIA-YORBA LINDA UNIFIED SCHOOL DISTRICT FOR THE LAKEVIEW ELEMENTARY SCHOOL /VISTA DEL VERDE PARK CIRCULATION IMPROVEMENTS

**Recommendation:** That the City Council approve and authorize the Mayor to execute the cost sharing agreement with the Placentia-Yorba Linda Unified

School District for the Lakeview Elementary School/Vista Del Verde Park Circulation Improvements Project; and authorize the City Manager to execute Amendment No. 2 to the Professional Services Agreement between the City and APA Engineering to prepare plans, specifications and estimates for the Lakeview Elementary School/Vista Del Verde Park Circulation Improvements Project for a total fee not to exceed \$17,990.00; and allocate \$100,000 from general fund reserves to pay for the City's portion of the project costs.

10. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - EL CAJON TRAIL IMPROVEMENT PROJECT

**Recommendation:** That the City Council approve the construction plans and specifications and authorize the advertising of bids for the El Cajon Trail Improvement Project.

11. ACCEPTANCE OF IMPROVEMENTS - TRAVIS RANCH YOUTH PARK RESTROOM, CONCESSION STAND, AND ADA IMPROVEMENT PROJECT - HONDO COMPANY, INC.

**Recommendation:** That the City Council accept the improvements constructed at Travis Ranch Youth Park completed by Hondo Company, Inc., authorize the City Clerk to file a Notice of Completion with the County Recorder and authorize the release of retention monies when appropriate to do so.

**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.

12. APPEAL OF CITY MANAGER DETERMINATION REGARDING REMOVAL OF ENCROACHMENT ON PRIVATE TRAIL EASEMENT BETWEEN ASPENGLOW CIRCLE AND CITRUS CIRCLE

- a. Open Public Hearing
- b. Staff Report

- c. Take Testimony
    - 1) Appellant
    - 2) Public Comment
  - d. Close Public Hearing
  - e. Make Determination - Staff recommends that the City Council adopt Resolution No. 2009-3994, upholding the city manager's determination that the gate/fence located on the private equestrian trail easement at the rear of the property identified as 4311 Aspenglow Circle, Yorba Linda violates Yorba Linda Municipal Code Section 12.20.090 and that the value of such gate/fence does not exceed \$1,000.
13. RESOLUTIONS DECLARING THAT CERTAIN PARCELS OF PRIVATE PROPERTY LOCATED IN THE CITY OF YORBA LINDA CONSTITUTE A PUBLIC NUISANCE
- a. Open Public Hearing
  - b. Staff Report
  - c. Take Testimony
  - d. Close Public Hearing
  - e. Make Determination - Staff recommends that the City Council conduct a separate public hearing for each property identified in this report to determine if a public nuisance exists on each property. At the conclusion of each public hearing, it is recommended that the City Council adopt the following Resolutions corresponding to each property:
    - Resolution No. 2009-3999, declaring private property located at 4660 Alder Avenue in the City of Yorba Linda a public nuisance
    - Resolution No. 2009-4000, declaring private property located at 4980 Avimore Drive in the City of Yorba Linda a public nuisance
    - Resolution No. 2009-4001, declaring private property located at 21890 Cardiff Drive in the City of Yorba Linda a public nuisance
    - Resolution No. 2009-4002, declaring private property located at 4610 Dorinda Road in the City of Yorba Linda a public nuisance
    - Resolution No. 2009-4003, declaring private property located at 5020 Greenhaven Street in the City of Yorba Linda a public nuisance
    - Resolution No. 2009-4004, declaring private property located at 4580 Via Corzo in the City of Yorba Linda a public nuisance
    - Resolution No. 2009-4005, declaring private property located at 24410 Via Lomas de Yorba East in the City of Yorba Linda a public nuisance

**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**

14. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS
15. FISCAL YEAR 2008-2009 BUDGET REDUCTIONS - ORAL REPORT
16. BARKING DOG ORDINANCE REVIEW
17. REQUEST FOR REMOVAL OF CITY OWNED TREES WITHIN THE CITY MAINTAINED LANDSCAPED SLOPE BEHIND THE RESIDENCE AT 27850 BEN NEVIS WAY
18. REPORT, DISCUSSION AND DIRECTION RE 2008-2014 DRAFT HOUSING ELEMENT
19. COUNCILMEMBER DISCLOSURE OF INTENT TO SEEK APPOINTMENT OR SERVE ON A COMMITTEE, BOARD OR COMMISSION AND TO OBTAIN COUNCIL APPROVAL FOR RELATED EXPENSES, ORDINANCE NO. 2009-929
20. REPORT, DISCUSSION AND DIRECTION REGARDING CITY MANAGER RECRUITMENT PROCESS AND RELATED MATTERS
21. CONTINUATION OF APPEAL OF DESIGN REVIEW 2004-18, CONDITIONAL USE PERMIT 2006-55 AND THE EIR PREPARED THEREFOR – CHAVEZ
22. ORDINANCE NO. 2009-930, PROHIBITING SKATEBOARDING ON PUBLIC PROPERTY WHERE POSTED
23. NO PARKING RESTRICTION ON THE WEST SIDE OF GRANDVIEW AVENUE, BETWEEN BUENA VISTA AVENUE AND LINDA VERDE STREET

24. AUTHORIZE CITY MANAGER/EXECUTIVE DIRECTOR TO ENTER INTO AN AGREEMENT WITH THE YORBA LINDA CHAMBER OF COMMERCE AND INTEGRITY COMMERCIAL FOR ECONOMIC DEVELOPMENT AND MARKETING PURPOSES
25. REQUEST FOR AN APPROPRIATION OF FUNDS FOR THE YORBA LINDA VETERANS MEMORIAL DEDICATION AND REQUEST FOR CITY ASSISTANCE FOR AN ANNUAL PATRIOTIC CELEBRATION ON VETERANS DAY

### **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.

26. CITY COUNCIL COST CUTTING MEASURES (ANDERSON)

### **CLOSED SESSION IF REQUIRED**

### **ADJOURNMENT**

The meeting will be adjourned to a Special Meeting on March 18, 2009 at 6:00 p.m. to discuss the Hidden Hills Slope Issues.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is April 7, 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.**