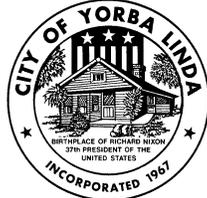


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CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING AGENDA

APRIL 7, 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 5:00 P.M.**

CALL TO ORDER

The City Council/Redevelopment Agency will convene at 5:00 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 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 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

PASTOR CLIFF SAMSON, FIRST BAPTIST CHURCH OF YORBA LINDA

CLOSED SESSION REPORT

INTRODUCTIONS & PRESENTATIONS

PRESENTATION OF PROCLAMATION REGARDING DMV/DONATE LIFE CALIFORNIA MONTH TO PATRICIA PAVIN, AMBASSADOR FOR ORGANIZATION AND ORGAN TRANSPLANT RECIPIENT

PRESENTATION OF CERTIFICATE OF RECOGNITION TO ORANGE COUNTY FIRE CAPTAIN RIC SHULTZ FOR BEING NAMED UNIT CITATIONS HELICOPTER 41 & 241 FOR THE YEAR 2008

PRESENTATION TO YORBA LINDA RESIDENTS ON COMPLETION OF THEIR COMMUNITY EMERGENCY RESPONSE TEAM (CERT) TRAINING

PRESENTATION OF FIRE AND CURRENT ISSUES BY OCFA CAPTAIN SEKENS

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 17, 2009 CITY COUNCIL MEETING

Recommendation: That the City Council/RDA approve the minutes of the March 17, 2009 joint meeting.

4. APPROVAL OF THE MINUTES OF THE MARCH 18, 2009 SPECIAL CITY COUNCIL MEETING

Recommendation: That the City Council approve the minutes of the March 18, 2009 Special City Council meeting.

5. TREASURER'S REPORT - FEBRUARY 2009

Recommendation: That the City Council and Agency Board receive and file this report.

6. CONTRACT EXTENSION FOR SEWER LINE VIDEO INSPECTION - EMPIRE PIPE CLEANING AND EQUIPMENT, INC

Recommendation: That the City Council approve the one (1) year Contract Extension with no unit price increase for Sewer Line Video Inspection services between the City and Empire Pipe Cleaning and Equipment, Inc., and to authorize the City Manager to execute Change Order No. 1.

7. RIGHT-OF-WAY PURCHASE FOR 4322 AND 4332 LAKEVIEW AVENUE FOR THE LAKEVIEW AVENUE WIDENING FROM ORIENTE DRIVE TO BASTANCHURY ROAD PROJECT

Recommendation: That the City Council authorize the Mayor and City Clerk to sign the "Agreement for Acquisition of Real Property and Joint Escrow Instructions" on behalf of the City of Yorba Linda for the acquisition of 10 feet of property frontage of the properties located at 4322 and 4332 Lakeview Avenue, authorize the Mayor and City Clerk to sign the "Certificate of Acceptance" on behalf of the City of Yorba Linda for the acquisition of 10 feet of property frontage of the properties located at 4322 and 4332 Lakeview Avenue, authorize the City Manager to execute any supplemental escrow documents or other documentation as may be required to effectuate the transfer of title to the City, and authorize the Finance Director to deposit with escrow (when requested): \$98,185.00 for settlement of APN# 323-281-15 (4332 Lakeview), \$108,055.00 for settlement of APN# 323-281-14 (4322 Lakeview) and incidental amounts (to be determined in escrow) to pay escrow and closing costs as identified in the Agreement.

8. AWARD OF LANDSCAPE MAINTENANCE CONTRACT FOR TRACT 15566 (EQUESTRIAN STAGING AREA) TO MERCHANTS LANDSCAPE SERVICES AND FOR BASTANCHURY ROAD AT CLYDESDALE TO ARTISTIC MAINTENANCE, INC.

Recommendation: That the City Council award the contract for landscape maintenance for Tract 15566 (Equestrian Staging Area) to Merchants Landscape Services in the amount of \$325.00 per month, award the contract for landscape maintenance for Bastanchury Road at Clydesdale to Artistic Maintenance, Inc. in the amount of \$1,195.00 per month, and reject all other bids.

9. APPROVAL OF TRACT MAP NO. 17106 AND ACCEPTANCE OF SUBDIVISION IMPROVEMENT AGREEMENT AND BONDS, SHAPELL INDUSTRIES

Recommendation: That the City Council approve Final Tract Map No. 17106, accept the dedication of Lot A in fee simple for park and recreational purposes and the easements for storm drain purposes, authorize the City Clerk to certify the record map upon completion of any technical corrections required by the City Engineer, authorize the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreement and authorize the City Clerk to accept the bonds per the Public Works report.

10. RELEASE IMPROVEMENT BONDS FOR BASTANCHURY ROAD LANDSCAPING, TRACT 15566, PULTE HOMES

Recommendation: That the City Council authorize the City Clerk to release the Labor and Materials bond in 180 days, and reduce the Faithful Performance bond to 10 percent of the original amount and release in one year if no liens have been filed.

11. RELEASE GRADING BOND, PULTE HOMES, EQUESTRIAN STAGING AREA PARKING LOT, TRACT 15566

Recommendation: That the City Council authorize the City Clerk to reduce the Grading Bond to 10 percent of the original amount and release in one year if no liens have been filed.

12. RESOLUTION NO. 2009-3998 ESTABLISHING AN IDENTITY THEFT PREVENTION PROGRAM

Recommendation: That the City Council adopt Resolution No. 2009-3998 which establishes an Identity Theft Prevention Program in accordance with the Fair and Accurate Credit Transactions Act.

13. ORDINANCE 2009-930, PROHIBITING SKATEBOARDING ON PUBLIC PROPERTY WHERE POSTED

Recommendation: That the City Council give second reading and adopt Ordinance No. 2009-930, prohibiting skateboarding on public property where posted.

14. 2009 JUSTICE ASSISTANCE GRANT PROGRAM APPLICATION

Recommendation: That the City Council authorize the City Manager to sign the MOU with the County of Orange in order to participate in the 2009 Justice Assistance Grant Program and to also sign the JAG Allocation Expenditure Form.

15. RESOLUTION NO. 2009-3999 MAIN STREET TEMPORARY CLOSURE - CHAMBER OF COMMERCE STREET FAIRE

Recommendation: That the City Council adopt Resolution 2009-3999 approving the street closure of Main Street for the Yorba Linda Chamber of Commerce Street Faire, subject to conditions of approval.

16. RESOLUTION NO. 2009-3980 DECLARING PUBLIC NUISANCE, INTENT TO PROVIDE ABATEMENT AND SETTING THE DATE FOR THE PUBLIC HEARING

Recommendation: That the City Council adopt Resolution No. 2009-3980, declaring its intention to set a public hearing on May 19, 2009, for this year's Weed Abatement Program.

17. COMMUNITY PRESERVATION POLICY AND PROCEDURE REVISION

Recommendation: That the City Council receive and file this report.

18. APPOINTMENT OF CITY MANAGER PRO TEMPORE (ASSISTANT CITY MANAGER) AND APPOINTMENT OF REDEVELOPMENT AGENCY EXECUTIVE DIRECTOR PRO TEMPORE

Recommendation: That the City Council adopt City Council Resolution No. 2009-4002, appointing Mark Stowell as City Manager Pro Tempore (Assist City Manager/Public Works Director), and RDA Resolution No. 2009-210, appointing Steven Harris as the Redevelopment Agency Executive Director Pro Tempore (Assistant Executive Director).

19. CHANGE ORDER TO COUNTRY ESTATES FENCE CONTRACT FOR THE REPLACEMENT OF FIRE DAMAGED EQUESTRIAN TRAIL FENCING

Recommendation: That the City Council approve and authorize the City Manager to execute Change Order No. 1 to Country Estates Fence, Inc. in the amount of \$9,649.84.

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.

20. REDEVELOPMENT AGENCY ACQUISITION OF REAL PROPERTY LOCATED
AT 5070 AVOCADO CIRCLE

- a. Open Public Hearing
- b. Staff Report
- c. Take Testimony
- d. Close Public Hearing
- e. Make Determination

Staff recommends that the Yorba Linda Redevelopment Agency take the following actions: 1) Adopt City Council Resolution No. 2009-3990 authorizing the Redevelopment Agency's acquisition of property located at 5070 Avocado Circle, and adopt RDA Resolution No. 2009-209, approving the Agency's purchase of the property, and authorizing the Executive Director of the Agency to prepare and execute a Purchase and Sale Agreement; and 2) From the Agency's Affordable Housing Set-Aside Fund, appropriate \$126,000, plus an additional \$10,000 for estimated closing costs to pay for the acquisition.

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

21. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS
22. REPORT, DISCUSSION AND DIRECTION REGARDING CITY MANAGER RECRUITMENT PROCESS AND RELATED MATTERS
23. COUNCIL MEMBER 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

24. BARKING DOG ORDINANCE REVIEW
25. AUTHORIZE THE 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
26. NO PARKING RESTRICTION ON THE WEST SIDE OF GRANDVIEW AVENUE, BETWEEN BUENA VISTA AVENUE AND LINDA VERDE STREET, RESOLUTION NO. 2009-3991
27. COYOTE MANAGEMENT UPDATE
28. OPPOSITION OF AB155 (MENDOZA) MUNICIPAL BANKRUPTCY
29. ETHICS AND OPEN GOVERNMENT REGULATIONS
30. TRAFFIC COMMISSION APPOINTMENT PROCESS

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.

31. CITY COUNCIL COST CUTTING MEASURES (ANDERSON)
32. POLICY REGARDING NAMING OF PUBLIC FACILITIES IN RECOGNITION OF 30 YEAR VETERAN COUNCILMEMBER HANK WEDAA (HORTON)

33. LETTER OF SUPPORT - ORANGE COUNTY FAIR EQUESTRIAN CENTER
(RIKEL)

CLOSED SESSION IF REQUIRED

ADJOURNMENT

Adjourn to either April 14, 2009 at 5:30 p.m. for Traffic Commission Interviews or to the regular meeting of April 21, 2009.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is April 21, 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.