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**CITY OF YORBA LINDA**



**Land of Gracious Living**

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

**JUNE 2, 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 LABOR NEGOTIATORS

Government Code Section 54957.6  
Agency Designated Representative:  
Employee Organizations:

Interim City Manager Kelly  
Yorba Linda Mid-Management  
Association; Yorba Linda Chapter of  
the Orange County Employees  
Association; and Department Heads

B. PUBLIC EMPLOYEE APPOINTMENT

Government Code Section 54957  
Title: City Manager

**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**

REVEREND DANIEL WHITE, YORBA LINDA PRESBYTERIAN CHURCH

**CLOSED SESSION REPORT**

**INTRODUCTIONS & PRESENTATIONS**

PRESENTATION OF CERTIFICATE TO GARY AND ELAINE BRATTAIN, INCLUDING A SHORT VIDEO PRESENTATION, ACKNOWLEDGING THEIR VOLUNTEER SERVICE FOR THE YORBA LINDA VETERANS MEMORIAL

PRESENTATION BY MARY COGGINS, NATIONAL CHILDREN'S STUDY

**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 MAY 16, 2009 CITY COUNCIL SPECIAL MEETING

**Recommendation:** That the City Council approve the minutes of the May 16, 2009 Special meeting.

4. APPROVAL OF THE MINUTES OF THE MAY 19, 2009 CITY COUNCIL MEETING

**Recommendation:** That the City Council approve the minutes of the May 19, 2009 meeting.

5. AWARD OF CONTRACT - YORBA LINDA CITY HALL HVAC REPLACEMENT PROJECT

**Recommendation:** That the City Council award a contract agreement for the installation of two HVAC systems at City Hall, in the amount of \$32,440 to Coats Heating and Cooling, Inc and reject all other bids; and approve and appropriate \$37,306 from the General Fund Reserves to fund the project (\$32,440) as well as a 15% contingency (\$4,866) to allow for unforeseen circumstances; and authorize the City Manager to sign and City Clerk to attest said agreement.

6. 2009-2010 AND 2010-2011 APPROPRIATION LIMIT

**Recommendation:** That the City Council approve Resolution No. 2009-4011 calculating and establishing the appropriation limit for fiscal years 2009-2010 and 2010-2011.

7. 2009-2010 INVESTMENT POLICY

**Recommendation:** That the City Council approve revision No. 10 to City Council Policy A-14, which is the City's Investment Policy.

8. ACCEPTANCE OF IMPROVEMENTS – YORBA LINDA CITY HALL EMERGENCY BACKUP GENERATOR REPLACEMENT PROJECT

**Recommendation:** That the City Council take the following actions: accept the improvements of the emergency backup generator constructed at the Yorba Linda City Hall completed by WestCo; 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.

9. AMENDMENT NO. 2 - THE VETERANS MEMORIAL MONUMENT AGREEMENT TO INCLUDE ACTIVE MILITARY FOR THE MEMORIAL BRICK PROGRAM

**Recommendation:** That the City Council approve Amendment No. 2 to the Veterans Memorial Monument Agreement to include the active military for the purpose of the Memorial Brick Program and authorize the Mayor to sign, and City Clerk to attest said Amendment.

10. EL CAJON TRAIL IMPROVEMENTS - AWARD OF CONTRACT TO MARINA LANDSCAPE, INC.

**Recommendation:** That the City Council award the contract for the El Cajon Trail Improvements Project to Marina Landscape, Inc for the base bid amount of \$153,678.95; award Bid Alternate one to Marina Landscape, Inc. for the amount of \$22,462.00; award Bid Alternate Two to Marina Landscape, Inc. for the amount of \$22,400.00; award Bid Alternate Three to Marina Landscape, Inc. for the amount of \$1,670.00 and reject all other bids.

11. BUENA VISTA AVENUE AND PASEO DE LAS PALOMAS STREET REHABILITATION - AWARD OF CONTRACT TO R.J. NOBLE COMPANY

**Recommendation:** That the City Council award the contract for the Buena Vista Avenue and Paseo De Las Palomas Street Rehabilitation Project to R.J. Noble Company in the amount of \$689,369.00 and reject all other bids.

12. NOTICE OF COMPLETION FOR SLURRY SEAL PROGRAM FOR VARIOUS STREETS, FISCAL YEAR 2007-2008 AND 2008-2009

**Recommendation:** That the City Council accept the slurry seal improvements constructed by American Asphalt South, Inc.; authorize the City Clerk to file a Notice of Completion with the County Recorder; and authorize the retention monies to be paid when appropriate to do so.

13. NOTICE OF COMPLETION FOR ESPERANZA ROAD CAPE SEAL PROJECT FROM NEW RIVER ROAD TO WEST CITY LIMITS

**Recommendation:** That the City Council accept the cape seal improvements constructed by Copp Contracting, Inc.; authorize the City Clerk to file a Notice of

Completion with the County Recorder; and authorize the retention monies to be paid when appropriate to do so.

14. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - LAKEVIEW ELEMENTARY SCHOOL/VISTA DEL VERDE PARK CIRCULATION IMPROVEMENTS PROJECT

**Recommendation:** That the City Council approve the construction plans and specifications, and authorize the advertising of bids for the Lakeview Elementary School/Vista Del Verde Park Circulation Improvements Project.

15. CONTRACT EXTENSION FOR CITYWIDE TRAFFIC SIGNAL MAINTENANCE - REPUBLIC ITS

**Recommendation:** That the City Council approve the one (1) year Contract Extension with no unit price increase for Citywide Traffic Signal Maintenance Services between the City and Republic ITS.

16. PARTICIPATION UNDER THE COUNTY OF ORANGE APPLICATION FOR ALLOCATION OF 2009 MORTGAGE CREDIT CERTIFICATES

**Recommendation:** That the City Council/Redevelopment Agency authorize the Interim City Manager/Executive Director to enter into a Cooperative Agreement with the County of Orange for participation in the 2009 Mortgage Credit Certificate Program; and authorize the City Manager/Executive Director, or his designee on behalf of the City to take such steps and execute documents as necessary to support the County's submission to the California Debt Limit Allocation Committee (CDLAC) on behalf of the participating cities.

17. CITY OF YORBA LINDA STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT - PROCEEDINGS RELATIVE TO LEVYING ANNUAL ASSESSMENT

**Recommendation:** That the City Council adopt Resolution No. 2009-4013, which initiates proceedings for the Street Lighting and Landscape Maintenance District, and orders the Engineer to prepare and file a report for the District.

18. COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDING

**Recommendation:** That the City Council adopt Resolution No. 2009-4014 authorizing the submittal of amendment to the 2008-2009 Action Plan for the use of the City's allocated CDBG-R funds to the Department of Housing and Urban Development (HUD) to consider the following projects: Parking, sidewalk and accessibility ramp improvements to the Community Center to comply with the

Americans with Disabilities Act (ADA) requirements; and Citywide wheelchair ramp retrofit program to bring wheelchair ramps throughout the City into compliance with the Americans with Disabilities Act (ADA) requirements.

19. CHANGE ORDER NO. 1 TO AMENDMENT NO. 7 TO WILLDAN ENGINEERING FOR THE ARROYO STREET & LAKEVIEW AVENUE/LEMON STREET PARKING LOT PROJECT

**Recommendation:** That the City Council approve and authorize the City Manager to execute Change Order No. 1 to Amendment No. 7 to Willdan Engineering in the amount of \$24,335 for the Arroyo Street and Lakeview Avenue/Lemon Street Parking Lot Project.

20. ORDINANCE NO. 2009-931 ADOPTING CHAPTER 5 ARTICLE 2 OF THE YORBA LINDA CITY CODE RELATING TO STATE VIDEO FRANCHISE PROVIDERS

**Recommendation:** That the City Council introduce and conduct the first reading of Ordinance No. 2009-931 adopting Chapter 5, Article 2 of the Yorba Linda City Code relating to state video franchise providers.

### **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.

21. DISPOSAL RATE FEES AND THE PURCHASING OF DISPOSAL TRUCKS
- a. Open Public Hearing
  - b. Staff Report
  - c. Take Testimony
  - d. Close Public Hearing
  - e. Make Determination - That the City Council provide direction to staff for the following items: 1) Whether to allow Yorba Linda Disposal to purchase disposal trucks specifically for use in Yorba Linda; and whether to implement

disposal rates effective July 2009 by a) Adjusting rates by the 2008 CPI and other variables (Option 1); or b) Adjusting rates using a multi-year stair-step method to minimize impact of County Landfill rate increases that will go into effect July 2010 (Option 2).

### **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**

22. APPEAL OF PLANNING COMMISSION APPROVAL DETERMINATION FOR SECOND STORY PERMIT 2009-10, ALLISON
23. 2009-2010 BUDGET
24. GOLF COURSE BUDGET APPROVAL AND TURF MAINTENANCE REPAIRS
25. TOWN CENTER RESIDENTIAL PROPERTY REHABILITATION UPDATE
26. AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR THE FEASIBILITY STUDY FOR ESTABLISHING AN EQUESTRIAN FACILITY - ERA/AECOM
27. INTRODUCTION OF ORDINANCE 2009-929 - COUNCILMEMBER DISCLOSURE OF INTENT TO SEEK APPOINTMENT OR SERVE ON A COMMITTEE, BOARD OR COMMISSION AND TO OBTAIN COUNCIL APPROVAL FOR RELATED EXPENSES
28. ETHICS AND OPEN GOVERNMENT REGULATIONS
29. CONSIDERATION OF MODIFICATION TO CONDITIONAL USE PERMIT REQUIREMENT FOR SECOND-STORY DECKS
30. REVIEW OF THE CITY COUNCIL POLICY PR-2 - THE SEVEN STEP PARK PLANNING 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. DOG PLAY LOTS (HORTON)
34. RESOLUTION OF SUPPORT FOR THE ORANGE COUNTY RESERVE FIREFIGHTER PROGRAM (RIKEL)
35. TOWN CENTER CULTURAL ARTS FACILITY - PUBLIC/PRIVATE PARTNERSHIP (ANDERSON)
36. BLACK GOLD CITIZENS ADVISORY COMMITTEE (RIKEL)

**CLOSED SESSION IF REQUIRED**

**ADJOURNMENT**

The meeting will be adjourned to a Joint City Council/Redevelopment Agency and Planning Commission Study Session on June 9, 2009 at 6:30 p.m. to discuss the Yorba Linda Town Center Specific Plan.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is June 16, 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.**