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**CITY OF YORBA LINDA**



**Land of Gracious Living**

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

**JUNE 16, 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: Raymond, 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: Conklin, Harris, Hartman, Kelly, Leto, Mendoza,  
Raymond, Steep, Stowell

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

ELDER VINCE HAMBRIGHT, YORBA LINDA FRIENDS CHURCH

**CLOSED SESSION REPORT**

**INTRODUCTIONS & PRESENTATIONS**

STATE OF THE UTILITY SYSTEM PRESENTATION BY PAT BUTTRESS, REGION  
MANAGER, SOUTHERN CALIFORNIA EDISON

**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 JUNE 1, 2009 CITY COUNCIL  
ADJOURNED REGULAR MEETING

**Recommendation:** That the City Council approve the minutes of the June 1, 2009 Adjourned Regular meeting.

4. APPROVAL OF THE MINUTES OF THE JUNE 2, 2009 CITY COUNCIL/RDA  
MEETING

**Recommendation:** That the City Council/RDA approve the minutes of the June 2, 2009 joint meeting.

5. APPROVAL OF THE MINUTES OF THE JUNE 3, 2009 CITY COUNCIL  
SPECIAL MEETING

**Recommendation:** That the City Council approve the minutes of the June 3, 2009 Special meeting.

6. TREASURER'S REPORT - APRIL 2009

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

7. COUNTY OF ORANGE ANIMAL CARE ANIMAL SERVICES FOR THE FISCAL  
YEAR 2009/2010

**Recommendation:** That the City Council authorize the Mayor to sign the Animal Care Notice of Intent (NOI) to extend its contract with the County of Orange Animal Care Services for the fiscal year 2009/2010.

8. TRAUMA INTERVENTION PROGRAMS, INC. AGREEMENT

**Recommendation:** That the City Council approve the one year agreement between Trauma Intervention Programs, Inc. (TIP) and the City of Yorba Linda.

9. SECOND READING OF 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 give second reading to Ordinance 2009-931 updating the City's Municipal Code relating to the State Cable Franchise.

10. AWARD OF CONTRACT - PARKING LOT PAVEMENT MAINTENANCE AND INSTALLATION OF ADA AND TRAIL IMPROVEMENTS PROJECT AT THE THOMAS LASORDA JR. FIELD HOUSE, CITY HALL, AND THE YORBA LINDA COMMUNITY CENTER - HAITBRINK ASPHALT PAVING, INC.

**Recommendation:** That the City Council award a contract agreement for the Parking Lot Pavement Maintenance and Installation of Americans with Disabilities Act (ADA) and Trail Improvements Project at the Thomas Lasorda Jr. Field House, City Hall, and the Yorba Linda Community Center in the amount of \$115,758.80 to Haitbrink Asphalt Paving, Inc., of Corona and reject all other bids; approve a 15% contingency (\$17,363) on the project to allow for unforeseen circumstances; and authorize the Mayor to sign and the City Clerk to attest said agreement.

11. AWARD OF CONTRACT - BRYANT RANCH PARK RECONSTRUCTION PROJECT

**Recommendation:** That the City Council award a contract agreement for the reconstruction of Bryant Ranch Park, in the amount of \$348,305.00 to Hondo Company, Inc. of Santa Ana, CA and reject all other bids and the protest filed by Mega Way, Inc., and approve and appropriate \$400,550 (\$348,305 for the project along with a 15% contingency of \$52,245) to allow for unforeseen circumstances and authorize the Mayor to sign and City Clerk to attest said agreement.

12. APPROVAL OF ENGINEER'S REPORT AND DECLARATION OF INTENT TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITYWIDE YORBA LINDA LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT FOR FISCAL YEAR 2009/2010, RESOLUTION NOS. 2009-4016 AND 2009-4017

**Recommendation:** That the City Council adopt Resolution No. 2009-4016 approving the Engineer's Report for the Citywide Yorba Linda Lighting and Landscaping Maintenance District for Fiscal Year 2009/2010; and adopt Resolution No. 2009-4017 declaring intent to levy and collect assessments within the Citywide Yorba Linda Lighting and Landscaping Maintenance District for Fiscal Year 2009/2010.

13. DISPOSAL RATE FEES

**Recommendation:** That the City Council adopt Resolution No. 2009-4020, establishing residential trash rates for 2009/2010 and Resolution No. 2009-4019, establishing commercial trash rates for 2009-2010.

14. AUTHORIZATION TO ADVERTISE FOR BIDS - FIRE DAMAGE RESTORATION FOR BOX CANYON PARK, EASTSIDE COMMUNITY PARK AND JEAN WOODARD PARK

**Recommendation:** That the City Council authorize the advertisement for formal competitive bids for the fire damage restoration of Box Canyon Park, Eastside Community Park and Jean Woodard Park.

15. CONTRACT EXTENSION FOR CONTRACTUAL PLAN CHECK SERVICES - CSG CONSULTANTS INC.

**Recommendation:** That the City Council approve the one (1) year contract extension between the City of Yorba Linda and CSG Consultants, Inc. for contractual plan check services.

16. CONTRACT EXTENSION FOR NPDES STORM WATER SERVICES - FUSCOE ENGINEERING

**Recommendation:** That the City Council approve and authorize the City Manager to sign the one (1) year Professional Services Agreement Contract Extension with Amendments and the inspection services option in the amount of \$152,500 for NPDES storm water services between the City and Fuscoe Engineering and budget accordingly.

17. RESOLUTION NO. 2009-4021 TO INITIATE A GENERAL PLAN AMENDMENT TO AMEND VARIOUS PORTIONS OF THE CIRCULATION ELEMENT OF YORBA LINDA GENERAL PLAN

**Recommendation:** That the City Council adopt Resolution No. 2009-4021 to initiate a General Plan Amendment to consider amending certain provisions of the Circulation Element of the Yorba Linda General Plan. This action only initiates the study; any future decision to proceed with modifications to the regulations would require a public hearing before the Planning Commission and City Council for a General Plan Amendment.

18. ADOPTION OF PROFESSIONAL SERVICES AGREEMENT WITH RALPH ANDERSEN AND ASSOCIATES FOR LAW ENFORCEMENT STUDY

**Recommendation:** That the City Council approve and authorize the Mayor to execute the Professional Services Agreement with Ralph Andersen and Associates for the Law Enforcement Study in an amount not to exceed \$42,250 and appropriate it from the General Fund Reserves to fund the study.

19. LANDSCAPE AND EQUESTRIAN TRAIL MAINTENANCE FOR LMAD MAINTENANCE PACKAGE A (CAMINO DE BRYANT) - AWARD OF CONTRACT TO NIEVES LANDSCAPE, INC.

**Recommendation:** That the City Council award the contract for maintenance of landscaped areas and equestrian trails associated with the City's Landscape Maintenance Assessment District (LMAD) Maintenance, Package A - Camino de Bryant, to Nieves Landscape, Inc., in the amount of \$264,858.12 per year, reject all other bids, and authorize the City Manager to execute the contract upon receipt of appropriate documents.

20. LANDSCAPE AND EQUESTRIAN TRAIL MAINTENANCE FOR LMAD MAINTENANCE PACKAGE G (VISTA DEL VERDE) - AWARD OF CONTRACT TO ROCKEY MURATA LANDSCAPE MAINTENANCE SERVICES, INC.

**Recommendation:** That the City Council award the contract for maintenance of landscaped areas and equestrian trails associated with the City's Landscape Maintenance Assessment District (LMAD) Maintenance, Package G - Vista del Verde, to Rockey Murata Landscape Maintenance Services Inc. in the amount of \$216,153.40 per year, reject all other bids, and authorize the City Manager to execute the contract upon receipt of appropriate documents.

21. LANDSCAPE AND EQUESTRIAN TRAIL MAINTENANCE FOR LMAD MAINTENANCE PACKAGE F (WEST YORBA LINDA) - AWARD OF CONTRACT TO NIEVES LANDSCAPE INC.

**Recommendation:** That the City Council award the contract for maintenance of landscaped areas and equestrian trails associated with the City's Landscape Maintenance Assessment District (LMAD) Maintenance and Public Works Maintenance Division, Package F - West Yorba Linda, to Nieves Landscape Inc. in the amount of \$331,771.77 per year, reject all other bids, authorize the City Manager to execute the contract upon receipt of appropriate documents, allocate an additional \$45,000 per year from the General Fund to Public Works Landscape Maintenance account and allocate an additional \$35,000 per year into Public Works Greenbelt District #1 account.

22. LANDSCAPE AND EQUESTRIAN TRAIL MAINTENANCE FOR LMAD MAINTENANCE PACKAGE E (EASTLAKE VILLAGE) - AWARD OF CONTRACT TO ROCKEY MURATA LANDSCAPE MAINTENANCE SERVICES, INC.

**Recommendation:** That the City Council award the contract for maintenance of landscaped areas and equestrian trails associated with the City's Landscape Maintenance Assessment District (LMAD) Maintenance, Package E - Eastlake Village, to Rockey Murata Landscape Maintenance Services Inc. in the amount of \$358,712.20 per year, reject all other bids, and authorize the City Manager to execute the contract upon receipt of appropriate documents.

23. LANDSCAPE AND EQUESTRIAN TRAIL MAINTENANCE FOR LMAD MAINTENANCE PACKAGE C (YORBA RANCH) - AWARD OF CONTRACT TO ROCKEY MURATA LANDSCAPE MAINTENANCE SERVICES, INC.

**Recommendation:** That the City Council award the contract for maintenance of landscaped areas and equestrian trails associated with the City's Landscape Maintenance Assessment District (LMAD) Maintenance, Package C - Yorba Ranch, to Rockey Murata Landscape Maintenance Services Inc. in the amount of \$231,712.80 per year, reject all other bids, and authorize the City Manager to execute the contract upon receipt of appropriate documents.

### **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.

24. PUBLIC HEARING - FY 2009-2010 BUDGET INCLUDING 2009-2010 - 2015-2016 CAPITAL IMPROVEMENT PROGRAM
- a. Open Public Hearing
  - b. Staff Report
  - c. Take Testimony

- d. Close Public Hearing
- e. Make Determination

That the City Council/Redevelopment Agency take the following actions: receive the proposed 2009-2010 budget for the City and the Yorba Linda Redevelopment Agency, as well as the Seven-Year Capital Improvement Program; identify and convey to staff any questions or desired changes to the budgets and/or Capital Improvement Program; and set the matter of adoption of the City and Agency budgets and the Capital Improvement Program (CIP).

25. URGENCY ORDINANCE NO. 2009-932 FOR THE REVIEW OF DEVELOPMENT AND ENVIRONMENTAL IMPACTS OF NEW OR ADDITIONAL DEVELOPMENT

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

That the City Council introduce and adopt Urgency Ordinance No. 2009-932, amending the table of contents to Chapter 18.26 of the Yorba Linda Municipal Code and amending Section 18.26.110 of the Yorba Linda Municipal Code to provide a review for development and environmental impacts of new or additional development.

**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**

26. REPORT OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING/APPEAL OF PLANNING COMMISSION ITEMS

27. URGENT ACTIONS REQUIRED DUE TO MANDATORY REGIONAL WATER REDUCTIONS FOR THE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT AND OTHER PUBLIC LANDSCAPE AREAS
28. TOWN CENTER RESIDENTIAL PROPERTY REHABILITATION UPDATE
29. AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR THE FEASIBILITY STUDY FOR ESTABLISHING AN EQUESTRIAN FACILITY - ERA/AECOM
30. INTRODUCTION OF ORDINANCE NO. 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
31. ETHICS AND OPEN GOVERNMENT REGULATIONS
32. CONSIDERATION OF MODIFICATION TO CONDITIONAL USE PERMIT REQUIREMENT FOR SECOND STORY DECKS
33. BARKING DOG ORDINANCE REVIEW

#### **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.

34. CITY COUNCIL COST CUTTING MEASURES (ANDERSON)

35. POLICY REGARDING NAMING OF PUBLIC FACILITIES IN RECOGNITION OF 30-YEAR VETERAN COUNCILMEMBER HANK WEDAA (HORTON)
36. DOG PLAY LOTS (HORTON)
37. TOWN CENTER CULTURAL ARTS FACILITY - PUBLIC/PRIVATE PARTNERSHIP (ANDERSON)
38. BLACK GOLD CITIZENS ADVISORY COMMITTEE (RIKEL)
39. COUNCIL MEMBERS AVAILABILITY (RIKEL)

**CLOSED SESSION IF REQUIRED**

**ADJOURNMENT**

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is July 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.**