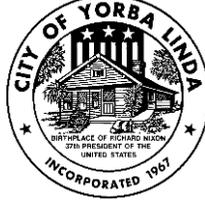


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CITY OF YORBA LINDA



Land of Gracious Living

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CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

APRIL 7, 2009

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**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING  
CONVENING AT 5:00 P.M.**

**CALL TO ORDER**

The City Council/Redevelopment Agency convened 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**

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

**CALL TO ORDER**

The City Council/Redevelopment Agency reconvened at 6:36 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** - Captain Conklin

**INVOCATION** - Pastor Cliff Samson, First Baptist Church of Yorba Linda

**CLOSED SESSION REPORT**

City Attorney Carvalho stated that there was no reportable action.

**INTRODUCTIONS & PRESENTATIONS**

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

Mayor Schwing presented a Proclamation to Patricia Pavin, Ambassador of One Legacy/Donate Life organization.

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

Mayor Schwing presented a Certificate of Recognition to OCFA Captain Ric Shultz, Crew Chief, Unit Citations Helicopter 41 & 241.

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

Mayor Schwing presented Certificates of Completion to the CERT graduates.

PRESENTATION OF FIRE AND CURRENT ISSUES BY OCFA CAPTAIN SEKENS

Orange County Fire Authority Captain Sekens gave an overview of the Orange County Fire Authority emergency response procedures.

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

Comments on Item 15 Resolution No. 2009-3999 Main Street Temporary Closure - Chamber of Commerce Street Faire:

Becky Brown, owner of Yorba Linda Hardware, asked Council to deny the Chamber of Commerce's street closure request for the Street Faire as it would adversely affect their business. She spoke with the Chamber of Commerce earlier to ask if they'd consider starting the Faire at 5:00 p.m. but she received no reply.

Art Brown, owner of Yorba Linda Hardware, spoke against the Chamber of Commerce's request to close Main Street and the hardship on his store. He stated that in past events his store had suffered a 50-60% loss and he could not take that kind of loss now. He proposed to run the Street Faire between 5:00 p.m. – 9:00 p.m. and urged the Council to support the small business owners in Yorba Linda.

Steve Seeley, resident, said he has participated in the car show at the Street Faire in the past but would not be attending this year.

Julia Shultz, resident, stated she was in support of the Brown's hardware store and suggested moving the Street Faire back to the Community Center.

Jim Sando, Yorba Linda Chamber of Commerce, presented an alternative solution to help the hardware store owners. He offered to place signs at both entrances to Main Street, informing the hardware store customers that parking is available at the parking lot next to Main Street Café, as well as provide flyers that the store could hand out to loyal customers informing them of such.

Greg Shultz, resident, said he was in support of the hardware store.

Greg Gillaspy, resident, stated the Chamber of Commerce is not living up to its Mission Statement and suggested the Council wait until a better plan was worked out.

John Israel, President of Yorba Linda Chamber of Commerce, said the Chamber held a meeting last week to discuss the hardware store owner's concerns. They came up with the reserved parking lot idea and providing informational flyers for the store to give their customers between now and the event. The Chamber decided last fall to move the Street Faire to Main Street in order to foster a better relationship with the merchants, and enhance those businesses. He urged the Council to think favorably upon the Street Faire event.

Claudine Lynch, resident, suggested, to avoid illegal parking, issuing the hardware store customers a parking ticket to be signed by the store and returned to the parking lot attendant. She said violators could be fined and the money given to the hardware store.

Louie Schirm, resident, recommended putting the show cars in the gully area of downtown to allow business on Main Street to operate as usual.

Louie Scull, resident, stated he is in complete support of the resolution because it will bring people downtown to look around at all the businesses there. He also felt the Chamber of Commerce had provided a good compromise for the hardware store owner's concerns.

Mike Ruocco, downtown business owner, was unsure how he felt about the situation but supports the Street Faire to bring people to downtown. He distributed bags to Council to promote the Farmer's Market.

Betty Gillaspy, resident, cautioned Council not to set a precedent for the next group who wants to hold an event, in allowing them to not follow the rules.

#### Regular Public Comments:

Lee Day, resident, spoke on Item 6, Contract Extension for Sewer Line Video Inspection. She inquired if the annual allocation of \$40,000 was included in the city sewer maintenance. She also asked when the sewer rate study would be completed. Mrs. Day additionally inquired about Item 9, Approval of Tract Map No. 17106 and Acceptance of Subdivision Improvement Agreement and Bonds, Shapell Industries. She asked about the significance of the bonds and where the money went.

Greg Gillaspy, resident, objected to the lack of notice regarding a cancelled town hall meeting in March and said he had a difficult time finding any information about it.

City Attorney Carvalho explained that no violation of the Brown Act occurred. She said that Council is set by Resolution to have two regular meetings a month, anything more is called by the Mayor as a Special meeting. During the adjournment portion of the previous Special Council Meeting, a brief discussion occurred that council would not hold a town hall meeting in March.

Matt Sheets, Orange County Fire Authority, announced the OCFA firefighters would hold a "Fill the Boot Campaign" on Saturday, April 18<sup>th</sup> to benefit the Muscular Dystrophy Association near the Costco store.

Ed Rakochy, resident, said the City needs a lobbyist and presented slides. He also asked about the status of the proposed parking lots on Arroyo and Lemon Streets.

Mayor Schwing responded that the subject of hiring a lobbyist will be discussed during the budget review.

Anita Hynds, resident, asked about a past suggestion to place city flags on major streets throughout the City. She also suggested uses for the proposed park at Fairmont and Bastanchury like a skate board and roller-skating rink, a waterworks fountain and concession stands.

Charles Murray, resident, lives across the street from city hall. He complained that the alarm often sounded in the middle of the night and could take up to two hours to be turned off. He said the city landscapers are out too early in the morning and he asked if the school, city hall and the school board could coordinate events to avoid parking shortages in his neighborhood.

Mayor Schwing said that Interim City Manager Kelly took notes on the items of concern and perhaps would have a report at the next council meeting.

Pat Nelson, resident, spoke on Item 18, Appointment of City Manager Pro Tempore (Assistant City Manager) and Appointment of Redevelopment Agency Executive Director Pro Tempore. She wondered if the policy had changed, it used to be that the Assistant City Manager's salary was tied in with the City Manager's. She also inquired if the practice of trading low income housing sites with other agencies is still utilized.

City Attorney Carvalho replied that the law permits cities to trade housing monies with other communities that might accept the housing obligation but it is related to the RHNA appeal process and is very difficult to carry through, especially in Orange County where 32 cities struggle with meeting their RHNA numbers.

Jim Horton, resident, is concerned the high weeds at the strawberry field on Lakeview Avenue might be a fire hazard.

## **CONSENT CALENDAR**

Mayor Pro Tem Anderson pulled Item 18 and Mayor Schwing pulled Items 6, 9 and 15 from the Consent Calendar.

It was **MOVED/SECONDED - WINDER/HORTON** - to approve the Consent Calendar with the removal of Items 6, 9, 15 and 18. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

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

The City Council/Redevelopment Agency waived reading in full of all ordinances and resolutions on the agenda and declared 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

The City Council/RDA approved the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE MARCH 17, 2009 CITY COUNCIL MEETING

The City Council/RDA approved the minutes of the March 17, 2009 joint meeting.

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

The City Council approved the minutes of the March 18, 2009 Special City Council meeting.

5. TREASURER'S REPORT - FEBRUARY 2009

The City Council and Agency Board received and filed this report.

6. Removed

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

The City Council authorized 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, authorized 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, authorized 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 authorized 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.

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

9. Removed

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

The City Council authorized the City Clerk to release the Labor and Materials bond in 180 days, and reduced 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

The City Council authorized 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

The City Council adopted 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

The City Council gave second reading and adopted Ordinance No. 2009-930, prohibiting skateboarding on public property where posted.

14. 2009 JUSTICE ASSISTANCE GRANT PROGRAM APPLICATION

The City Council authorized 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. Removed

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

The City Council adopted 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

The City Council received and filed this report.

18. Removed

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

The City Council approved and authorized 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**

#### **ITEM 6**

#### **CONTRACT EXTENSION FOR SEWER LINE VIDEO INSPECTION - EMPIRE PIPE CLEANING AND EQUIPMENT, INC**

Public Works Director Mark Stowell responded to Ms. Day's question and said all monies noted in the report are coming from the sewer district and do not include general fund money. He also said the Sewer Rate Study would be returned to Council at the May 19<sup>th</sup> City Council meeting.

It was **MOVED/SECONDED - SCHWING/WINDER** – to 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. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder

**NOES:** None

**ABSENT:** None

#### **ITEM 9**

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

Public Works Director Stowell responded to Mrs. Day's question. He explained that the Faithful Performance and Labor and Materials bonds are for the value of improvements that the developer must complete and the bonds serve as a promise that those improvements will be fulfilled.

It was **MOVED/SECONDED - SCHWING/WINDER** – to 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. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

### **ITEM 15**

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

It was **MOVED/SECONDED - WINDER/HORTON** – to 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, as revised, to include that permittee be authorized to close the streets between 1:30 p.m. – 9:00 p.m.

The **MOTION** was **AMENDED/SECONDED – WINDER/HORTON** – to also direct staff to post the property with “tow away, no parking” signs. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

### **ITEM 18**

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

Interim City Manager Kelly explained that as part of the City's cost saving program, the position of Assistant City Manager has been removed from the budget. It is necessary to have a succession process in place to ensure uninterrupted conduct of business in the possibility that he, as Interim City Manager, became indisposed.

It was **MOVED/SECONDED - ANDERSON/WINDER** – to 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). **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

**RECESS:**

Mayor Schwing called a recess at 8:35 p.m. and reconvened the meeting at 8:45 p.m.

**PUBLIC HEARINGS**

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

- a. Open Public Hearing – Mayor Schwing opened the public hearing.
- b. Staff Report – Interim City Manager Kelly presented the staff report.
- c. Take Testimony – None
- d. Close Public Hearing - Mayor Schwing closed the public hearing.
- e. Make Determination:

It was **MOVED/SECONDED – WINDER/HORTON** – to adopt City Council Resolution No. 2009-3990 authorizing the Redevelopment Agency's acquisition of property located at 5070 Avocado Circle. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

It was **MOVED/SECONDED – WINDER/HORTON** – to appropriate \$126,000 from the Agency's Affordable Housing Set-Aside Fund, plus an additional \$10,000 for estimated closing costs to pay for the acquisition. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

Mayor Winder **AMENDED THE 1<sup>st</sup> MOTION/SECONDED BY HORTON** to include adoption of 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.

**ITEM 25 WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.**

### **MAYOR'S REPORT**

Mayor Schwing announced the Orange County Fire Authority was holding a campaign to raise money for the Muscular Dystrophy Association/Jerry's Kids Drive, on Saturday, April 18<sup>th</sup> from 9:00 a.m. – 1:00 p.m. at the intersection of Savi Ranch near Costco. He encouraged everyone to go out and give what they could.

### **MATTERS PRESENTED BY COUNCILMEMBERS**

Councilmember Rikel reported her attendance at the Chamber of Commerce's breakfast at Black Gold Golf Club, honoring police, firefighters and emergency ambulance services. She attended Savior of the World musical drama hosted by Anaheim East Stake of the Church of Jesus Christ of Latter Day Saints which was a beautiful event. Attended Framing Day Ceremony for Habitat for Humanity, thanked everyone who was involved and congratulated the first family selected to receive one of the homes. She attended the Yorba Linda Water District Board meeting on March 27<sup>th</sup>; 18 people have been appointed to serve on the Citizen's Advisory Board who will help determine how the water conservation programs will be implemented and enforced. Last week, Councilmember Rikel spent time at the San Antonio Fire Station and enjoyed meeting all the crew.

Councilmember Rikel said Orange County Fire Authority is working with privately owned water truck companies to become certified and ready to assist in any future fires. In addition, OCFA purchased 5 compressed air foam systems (CAFS). The CAFS dispense a foam-wetting agent which is more effective than water, creating fire-resistant barriers for hours. OCFA is building a new hangar at the Fullerton airport that will accommodate all four of their helicopters. Due to budget restraints, OCFA is unable to fund the \$1.7 million required to operate the Wildland Fire Crew program and are looking at other cost-effective ways to provide the services such as partnering with neighboring agencies. She mentioned a second CERT class could be formed if there was enough interest and encouraged people to contact the City.

Mayor Pro Tem Anderson asked the status of the downtown parking lots and also the posting of flags around the City. Interim City Manager Kelly said the Agency approved development of two lots however one of the lots was found to have an underground tank with contaminated liquid requiring additional remediation. The lots are now cleared, the soil is remediated and the project will be bid sometime this month. He said that the flags are a budget enhancement item and suggested discussing it further during the budget review process.

Mayor Pro Tem Anderson spoke about the recent Finance Committee meeting where it was discussed that the County is raising its landfill fees which might result in a trash fee increase for residents. He said he also attended the Habitat for Humanity framing event

and was pleased to see other councilmembers attend the fundraiser event for the Veterans Memorial. He encouraged everyone to attend the Veterans Memorial dedication on May 3<sup>rd</sup> at 2:00 p.m. and thanked the Parks & Recreation staff for their efforts.

Mayor Pro Tem Anderson commented that the Orange County Sanitation District had large Capital Improvement Projects underway whose bids were coming in 20 – 25% under their estimated cost and encouraged staff to consider planning for CIP projects now to take advantage of lower costs.

Councilmember Horton reported on the Santa Ana River Flood Protection Agency meeting where they discussed the Arondo plant, an invasive bamboo-like plant that can be highly flammable. She asked Council to work with SARFPA and OCFA in mitigating its removal. The SARI Line (Santa Ana Regional Interceptor) is moving forward as an improvement on the SARFPA plan while the Agency is anticipating receiving assistance in stimulus monies. She added that a levee certification program was completed and that Yorba Linda was not considered a flood plain.

Councilmember Horton attended the California League of Cities Community Services Committee and gave an update on AB32. The scoping plan is to reduce emissions 15% by 2020. The biggest significance will be community emission control including residential and commercial. She posed the question to the committee that if AB32 is trying to reduce emissions at the same time that cities are being asked to increase housing numbers, which in turn raises emissions, then how is that being balanced out.

Councilmember Horton said a new skateboard law is currently in legislation to eliminate the requirement of elbow and knee pads for riders over 12 years of age. Many communities are building skate parks to help reduce the damage to other parts of their communities. She also said a new 211 service for emergencies helps coordinate large animal evacuations and it may be something that Yorba Linda can utilize to augment community response in the event of another disaster. Councilmember Horton attended LAFCO's Best Practices meeting. Cities came together to discuss what's happening in their communities and the challenges being faced. They discussed issues such as how cities can communicate with their constituency as most people's attention spans have dropped and people prefer short, quick, broadcasts or sound bytes of information. Other topics discussed were the RHNA process, planning and growth. She also attended the Habitat for Humanity framing party and showed photos of the event.

In response to Councilmember Horton's question about swapping money with other cities for building affordable housing, City Attorney Carvalho explained that statute allows reallocation of RHNA numbers through the appeal process. Interim City Manager Kelly reminded the Council that this City tried to do that, along with other cities in Orange County, like Irvine, but SCAG has refused to allow it.

Councilmember Winder gave an Orange County Vector Control District meeting update and stated that Supervisor Moorlach asked for a "white paper" regarding the taking over of the District by the County of Orange. He feels they definitely need a reduction in the size of the 30 member board and he will take that direction at the next District meeting.

Councilmember Winder cautioned Council that not enough consideration was given for the Finance Committee meeting which occurred on March 30<sup>th</sup> regarding raising trash rates.

Council discussion ensued.

Mayor Pro Tem Anderson requested that the Finance Committee agendas be included on the City's website.

## **ADMINISTRATIVE REPORTS**

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

Community Development Director Harris gave an overview of the Planning Commission actions from their last meeting.

### 22. REPORT, DISCUSSION AND DIRECTION REGARDING CITY MANAGER RECRUITMENT PROCESS AND RELATED MATTERS

Interim City Manager Kelly gave an update on the City Manager recruitment.

Councilmember Winder suggested that a sub-committee of two councilmembers interview nine or ten applicants who would be previously screened by Interim City Manager Kelly and Alliance Resources Consulting. The top three or four candidates would then be interviewed by the whole council. The interviewing schedule would be kept confidential. He said that this procedure maintains the maximum amount of confidentiality and professionalism.

Mayor Pro Tem Anderson suggested refraining from Ad Hoc Committees. He would like to see all applications and have council choose ten or twelve top candidates and interview each one as a whole Council.

Councilmember Rikel concurred with Mayor Pro Tem Anderson's suggestion and added that she would be available all three days that staff proposed.

Councilmember Horton did not support the screening of all applications. She stated a recruiter was hired for that purpose. She agreed with Councilmember Winder to have Interim City Manager Kelly, the representative from Alliance and two councilmembers narrow down the applicants to a manageable number and then council could do the final interviews. She suggested that Mayor Schwing and Councilmember Winder serve as the two councilmembers to do the interviewing. She said it is the most professional way to proceed and the best use of time.

It was **MOVED/SECONDED – RIKEL/ANDERSON** – to arrange a date for those councilmembers to meet who would like to be involved in the hiring process to screen all of the applications.

Mayor Schwing suggested that every councilmember and Interim City Manager Kelly be given the 74 applications to review on their own, then each one selects ten or twelve, compile everyone's choices together and choose the top ten. Council would then interview those ten in Closed Session and narrow the list to four or five candidates for second interviews and possibly have public interviews or further narrow the list to one or two and then have public interviews.

Pat Nelson, resident, suggested allowing the consulting firm to do its job and narrow the applications to a reasonable number. She urged Council not to make the interviews public.

Rick Nelson, resident, said it is a "buyers-market" and hoped the City could find as first-class a person as Interim City Manager Kelly.

A **SUBSTITUTE MOTION** was made - **ANDERSON/RIKEL** – to direct Mr. Middleton of Alliance Resources Consulting, along with Interim City Manager Kelly to suggest the top 25 applications to Council, provide the applications to those councilmembers who wish to see all 74, then have a Closed Session meeting to decide on a number of applications to review more closely.

Interim City Manager Kelly, on the request of Mayor Schwing, agreed that it should be added to the motion that public input be allowed before the final interviews on what qualifications the public would like to see in a City Manager.

The **SUBSTITUTE MOTION WAS AMENDED – ANDERSON/RIKEL** – to allow public input before the final interview meeting. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

It was **MOVED/SECONDED – WINDER/HORTON** – to give direction to staff and the consultant that Council is willing to spend 15% above what the Public Works Director/Assistant City Manager makes and begin negotiations at a 35% benefit package.

Tom Lynch, resident, suggested that Council not disclose the salary range in public or to the candidate but instead set a range, and not to decide on compensation tonight.

Council discussion ensued.

A **SUBSTITUTE MOTION** was made - **SCHWING/HORTON** – to give direction to the recruiter that Council is willing to spend 10% above the highest paid department head for salary only. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing  
**NOES:** Winder

**ABSENT:** None

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 – Continued
24. BARKING DOG ORDINANCE REVIEW - Continued
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

Interim City Manager Kelly gave an overview of the staff report.

Lee Day, resident, asked for clarification on the allocation of \$20,000.

Interim City Manager Kelly responded that the \$20,000 funds would be used for Agency/City marketing and promotional materials. A portion of the \$20,000 would be paid to Integrity Commercial, with City Manager approval, for certain costs they might incur.

John Israel, President of the Yorba Linda Chamber of Commerce, said he is excited about the opportunity to work with the City and members of the community to enhance the business areas in Yorba Linda.

Claudine Lynch, resident, is concerned about the amount of effort, time and money the Chamber of Commerce and Integrity Commercial would put towards the project. She suggested a smaller use of funds for the May ICSC Conference to gauge their efforts, and putting the project out to bid.

Mr. Lynch, resident, asked several business-related questions such as were other firms interviewed, is there an exclusivity clause in the agreement and what kind of performance is expected of Integrity Commercial.

Pat Nelson, resident, said Yorba Linda is not the only city experiencing a decline in business development and she is not sure it's the best use of funds.

Interim City Manager Kelly explained the purpose of the agreement is to launch an effort to attract new business to Yorba Linda. It is not a profit-driven process nor is there a finders-fee. The 3-way partnership would help establish a list of suggested activities between the three agencies, determine what the City's strengths, weaknesses and opportunities are, and obtain community input on processing. The \$20,000 is seed money for written materials, gathering data and putting together marketing and promotional materials for the ICSC conference in Las Vegas and future conferences. It is an economic development tool and a marketing effort far above anything the City has ever done.

Jim Resha, President of Integrity Commercial, spoke about the high percentage of cities experiencing a loss of business revenue. Its purpose is to attract and retain businesses and be a better partner with those businesses. The fee covers focus groups and surveys but this not a broker activity and there's no commission involved. He stated it is a pleasure for him to be able to work with the city in which he lives.

It was **MOVED/SECONDED – ANDERSON/WINDER** – to authorize the City Manager/Executive Director to enter into an agreement with the Yorba Linda Chamber of Commerce and Integrity Commercial for City economic development purposes in an amount not to exceed \$20,000, funded by the Redevelopment Agency for a period of one year.

Councilmember Horton said she would not be supporting the motion because it's a reach without the entire council having the full discussion that at least three councilmembers did and would like to discuss the contract in more length.

**COUNCILMEMBER HORTON** made a **SUBSTITUTE MOTION** to subsidize the attendance of the ICSC conference to promote the city and include promotional material as provided by the City or other means as decided, and then come back to Council for discussion on the remainder of the contract.

**MOTION FAILED** for lack of a second.

**ORIGINAL MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Rikel, Schwing, Winder  
**NOES:** Horton  
**ABSENT:** None

26. NO PARKING RESTRICTION ON THE WEST SIDE OF GRANDVIEW AVENUE, BETWEEN BUENA VISTA AVENUE AND LINDA VERDE STREET, RESOLUTION NO. 2009-3991 - Continued
27. COYOTE MANAGEMENT UPDATE - Continued
28. OPPOSITION OF AB155 (MENDOZA) MUNICIPAL BANKRUPTCY

It was **MOVED/SECONDED – WINDER/HORTON** – to oppose AB155 and direct staff to send a Notice of Opposition to Assembly Member Tony Mendoza. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

29. ETHICS AND OPEN GOVERNMENT REGULATIONS

Councilmember Horton stated she would like to remove this item from the Agenda and discuss it at a Study Session.

Mayor Pro Tem Anderson and Councilmember Rikel stated they would like to move forward on this as soon as possible.

Mayor Schwing remarked to City Attorney Carvalho that he had hoped to see the ethics regulation presented as an Ordinance.

City Attorney Carvalho said she would be happy to put it in the form of an ordinance and bring it back to Council.

30. **TRAFFIC COMMISSION APPOINTMENT PROCESS**

It was **MOVED/SECONDED – ANDERSON/SCHWING** – to schedule a special Council meeting to interview each of the 14 applicants. **MOTION CARRIED** by the following roll call vote:

**AYES:** Anderson, Horton, Rikel, Schwing, Winder  
**NOES:** None  
**ABSENT:** None

**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**

31. CITY COUNCIL COST CUTTING MEASURES (ANDERSON) – Continued

32. POLICY REGARDING NAMING OF PUBLIC FACILITIES IN RECOGNITION OF 30 YEAR VETERAN COUNCILMEMBER HANK WEDAA (HORTON) – Continued

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

## **ADJOURNMENT**

Mayor Pro Tem Anderson suggested a moment of silence at the beginning of the next City Council meeting in memory of the ~~three~~ four police officers killed in Oakland shootings.

It was **MOVED/SECONDED – ANDERSON/RIKEL** – to adjourn the meeting to April 14, 2009 at 5:30 p.m. for Traffic Commission Interviews. **MOTION CARRIED UNANIMOUSLY.**

Mayor Schwing adjourned the meeting at 11:26 p.m. The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is April 21, 2009.

APPROVED BY COUNCIL/RDA:

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Kathie M. Mendoza, City Clerk