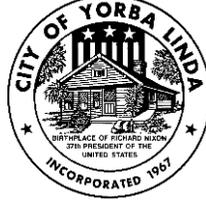

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

MAY 5, 2009

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

CALL TO ORDER

The City Council/Redevelopment Agency convened at 6:34 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, Leto, Mendoza, Niemi, Steep, Stowell

PLEDGE OF ALLEGIANCE

Assistant City Manager/Director of Public Works Mark Stowell

INVOCATION

Pastor Anne Nielsen, Danish Lutheran Church of Southern California

INTRODUCTIONS & PRESENTATIONS

PRESENTATION OF PROCLAMATION TO OCFA BATTALION CHIEF CHUCK NICOLA PROCLAIMING MAY 3 - 9 AS "ARSON AWARENESS WEEK"

Mayor Schwing presented a proclamation to the Orange County Fire Authority, proclaiming May 3 – 9 as “Arson Awareness Week”.

PRESENTATION OF PROCLAMATION PROCLAIMING MAY 15, 2009 AS YORBA LINDA SUNRISE ROTARY CLUB DAY

Mayor Schwing presented a proclamation to Rick Reilly, President of the Yorba Linda Sunrise Rotary Club.

PRESENTATION BY YORBA LINDA WATER DISTRICT OF PROJECT UPDATES FOR SAN ANTONIO WATER MAIN ZONE RECONFIGURATION AND HIDDEN HILLS RESERVOIR PROJECTS

Yorba Linda Water District Engineering Manager Steve Conklin gave an update on the San Antonio Water Main Zone Reconfiguration and the Hidden Hills Reservoir Projects and responded to questions from Council.

PRESENTATION BY YORBA LINDA ARTS ALLIANCE

Gabriella Rollins, Founder and Director, provided a power point presentation and said the goal of the Arts Alliance is to spearhead the designing and development of a performing and cultural arts center. She gave an overview of the business plan based on the past ten years of research including surveys, interfacing with the community and data collection, and responded to questions from Council.

Julia Lawson, resident and member, gave the size and scope of the project, the approximate cost and the completion time of the proposed cultural arts center.

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

Art Brown, owner of Yorba Linda Hardware, spoke about the problems and confusion at last weekend's Main Street Faire. He hopes the Chamber of Commerce will do a better job of coordinating next year's event.

Corinne Griffiths, resident, spoke in support of the Yorba Linda Arts Alliance efforts to develop a cultural arts center.

Pat Nelson, resident, spoke in support of a cultural arts center in the downtown area.

Lee Day, resident, spoke about the Conditional Use Permit for the Friends Christian School and said the weeds are a fire hazard at the site.

Rosemarie Sauer, resident, asked for the Council's help regarding a non-conforming use at a property near her residence.

Mayor Schwing requested that Community Development Director Harris contact Mrs. Sauer and report back at a future meeting. Mayor Pro Tem Anderson requested the report at the next City Council meeting.

Louie Scull, resident, asked Council to change the notification requirements for land use public hearings to a 2,000 foot radius.

Gary Brattain, who helped build the Veterans Memorial, attended the dedication ceremony and explained the process and placement of the pavers.

Mary Carbone, resident, spoke about the beautiful fountain recently dedicated by Messiah Lutheran Church. She was very impressed with the Yorba Linda Veterans Memorial dedication and thanked all those involved for their hard work.

Michael Marien, resident, donated a check for \$500 to the Yorba Linda War Memorial Association and offered to match up to \$500 for anyone who donated that day.

Ed Rakochy, resident, spoke about an email that he sent to the Council regarding Agenda Item 15, Consideration of Modifying the Process for the Issuance of Demolition Permits and said that the opinion stated in the email was his opinion only and not that of the Yorba Linda Historical Society.

Greg Gillaspay, resident, thanked everyone who worked on the Yorba Linda Veterans Memorial dedication. He is offering the public to drop off canned goods at the hardware store which he will deliver to the John Force team for the food drive benefitting the Orange County Food Bank. Mr. Gillaspay thanked Councilwoman Horton for the town hall meeting and thinks the City should have more. He attended the Chamber of Commerce Street Faire and hoped there could be better planning next time.

Chris Mitchell, resident, asked the Council to consider changing the notification requirements for land use public hearings to a 2,000 foot radius. She also asked if information could be sent along with the public hearing notice about which kinds of uses are allowed in the respective neighborhood.

Mayor Pro Tem Anderson asked if the City Attorney could give an update on public hearing notification requirements.

City Attorney Carvalho stated that staff is doing further research and review taking into consideration Measure B and a staff report would be forthcoming.

Louie Schirm, resident, attended the Chamber of Commerce Street Faire. He suggested the car show be moved to a different location in the future as the Main Street area is too small.

Sandra Van Oyen, resident, said she is a member of the Yorba Linda Arts Alliance and was recently appointed as the Arts Advocate Committee chairperson for the Placentia

Yorba Linda PTA Council. She voiced her support for a new cultural arts center in Yorba Linda.

Claudine Lynch, resident, said the public hearing notification requirement should be 2,000 feet or 200 people. She asked the Council for information at the next Council meeting regarding occupancy of a garage or other structure on residential property.

Will Melmoth, resident, spoke in support of a cultural arts center in the City of Yorba Linda. He is a member of the Yorba Linda Symphony Orchestra and thinks a facility with 700 - 900 seats is needed.

Debbie Grants, PTA President at Brookhaven Elementary School in Placentia, said their focus next year will be the arts. She thinks Placentia and other surrounding cities could collaborate with Yorba Linda and benefit from a cultural arts center in their own backyard.

RECESS:

Mayor Schwing called a recess at 8:29 p.m. and reconvened the meeting at 8:35 p.m.

CONSENT CALENDAR

Mayor Pro Tem Anderson pulled Item 6 from the Consent Calendar.

It was **MOVED/SECONDED - WINDER/HORTON** - to approve the Consent Calendar with the removal of Item 6. **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 APRIL 14, 2009 ADJOURNED CITY COUNCIL MEETING

The City Council approved the minutes of the April 14, 2009 adjourned meeting.

4. TREASURER'S REPORT - MARCH 2009

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

5. CHANGE ORDER NO. 1 TO AMENDMENT NO. 8 TO WEC FOR THE SLURRY SEAL PROGRAM FOR VARIOUS STREETS, FY 2007-2008 AND 2008-2009 PROJECT

The City Council approved and authorized the City Manager to execute Change Order No. 1 to Amendment No. 8 to WEC in the amount of \$25,436.00 for inspection and construction management of the Slurry Seal Program for Various Streets, FY 2007-2008 and 2008-2009 project.

6. Removed

End of Consent Calendar

ITEM 6

CLAIMS FOR DAMAGES - INTERINSURANCE EXCHANGE OF THE AUTO CLUB AS SUBROGEE OF MULTIPLE CLAIMANTS

Mayor Pro Tem Anderson asked the City Attorney to explain the claim for damages.

City Attorney Carvalho explained the claim process and said the subject claim was not filed by individual property owners. It was filed by the insurance company seeking to be made whole based on the amount of money they paid out under their client's homeowners policies. She added that if Council denies the claim then the insurance company has the opportunity to file a lawsuit.

It was **MOVED/SECONDED - ANDERSON/WINDER** - to deny the claims for damages by the Interinsurance Exchange of the Auto Club as subrogee of multiple claimants. **MOTION CARRIED** by the following roll call vote:

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

MAYOR'S REPORT

Mayor Schwing reported that the Transportation Corridor Agency will be voting to increase transponder fees by \$1.00 and toll fees by 25 cents to try to increase revenue. He said the traffic on the toll roads has decreased by 10 - 12% and this is the last year of a step increase in bond payments. He asked for Council's direction on how to vote.

Councilmember Winder stated he was in support of the increase as it is a reasonable solution to balance the budget.

Mayor Pro Tem Anderson said he is philosophically opposed to an increase.

Councilwoman Rikel stated she is not in support of an increase and feels it is not the public's responsibility when a public agency cannot balance their budget.

Councilwoman Horton said she is in support of the increase and believes it would not affect many in the community. She said we are fortunate to have a choice and a very small percentage of Yorba Linda residents use the toll roads.

Rick Nelson, resident, said he was opposed to the increase in the toll road fee and that government agencies should handle their own problems.

City Attorney Carvalho advised the Council that during oral reports, it was best not to take public comments to avoid a potential Brown Act violation.

Mayor Schwing said the Veterans Memorial dedication was one of the greatest events he has ever attended in the City.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Winder said he was concerned about Mayor Schwing's comments at a recent Parks and Recreation Commission meeting regarding Box Canyon Park.

It was **MOVED/SECONDED - WINDER/HORTON** - to direct staff to transcribe comments made at the meeting, forward to Mayor Pro Tem Anderson and members of the Council and add an agenda item for the next council meeting to discuss the direction of the Parks and Recreation Commission about the continuance of the 7-step-planning process for Box Canyon Park and any specific assumptions or constraints that should be applied by the City Council.

Mayor Pro Tem Anderson said he would support the motion if it included transcribing the entire discussion otherwise it would be out of context and meaningless.

The **MOTION** was **AMENDED – WINDER/HORTON** - to direct staff to transcribe the entire discussion. **MOTION CARRIED** by the following roll call vote:

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

Councilwoman Horton wished everyone a happy Cinco de Mayo. She announced that on May 7th Coffee Bean & Tea Leaf Company is giving the community a complimentary 12 ounce iced coffee. She said she was proud to represent the City at the Donate Life Walk-a-Thon recently and asked people to consider becoming organ donors. She attended the Kathy Rigby Conservatory of the Arts which is an amazing facility.

Councilwoman Horton said there were about 30 residents at the Town Hall meeting last Thursday. Many concerns were voiced including the recent fires and code enforcement

for weed abatement on private property. She asked Councilwoman Rikel to inquire of the OCFA about community outreach on the types of plants that are highly flammable and suggesting more hardened plants for homes.

Councilwoman Horton said the Advocacy Committee for League of California Cities discussed AB594 which would allow a reduction in RHNA numbers by 50%. She also stated the California Redevelopment Association was successful in a lawsuit against the State of California for raiding city's redevelopment funds.

Mayor Pro Tem Anderson said the Veterans Memorial Dedication was a fitting tribute to our veterans and he thanked the Veterans Memorial Association for all their hard work. He said the Association will be having a Casino Night fundraiser and he encouraged everyone to attend.

Mayor Pro Tem Anderson stated that he and Mayor Schwing have implemented new policies for the Finance Committee including posting Agendas and Minutes on the City's website. He also mentioned that the trash rate discussion would be brought to the full Council in the near future. He said the City had received 72 applications for the City Manager recruitment. Mayor Pro Tem Anderson wanted clarification on councilmember's Agency Reports and discussed possibly adding it to a future agenda for discussion.

Mayor Pro Tem Anderson stated he recently attended a meeting of the Municipal Officials for Redevelopment Reform in Long Beach. He said that to fulfill one of his campaign promises he would be hosting a forum regarding the other side of Redevelopment with Supervisor Chris Norby, his Executive Assistant Bruce Whittaker and resident Ed Rakochy.

Councilwoman Rikel said she attended the dedication of the fountain and cross at the Messiah Lutheran Church. She also attended the Library's Community Planning Committee meeting which discussed how to best meet the needs of the public now and in the future. She thanked staff for an interesting and productive meeting. Councilwoman Rikel attended the Veterans Memorial Dedication and said it was inspirational as well as emotional and something the community could be very proud of. She thanked everyone involved for the thousands of hours of hard work.

Councilwoman Rikel reported that the Orange County Fire Authority would present their After Action fire report on Tuesday, May 12 at 6:30 p.m. in the Community Center. She attended the car show last weekend and suggested developing rules of order for downtown events. She also suggested putting lights on the trees and larger lights on the Main Street parking lots and throughout downtown.

Councilwoman Rikel said she attended the forum hosted by Councilwoman Horton on April 30th. The failed Town Center investigation matter came up and she stated that Interim City Manager Kelly is in the process of obtaining additional information and will present a report to the Council prior to his departure. Councilwoman Rikel spoke about the hiring of a new City Manager and clarified that Alliance Resource Consulting was not hired to choose or hire our City Manager. She said hiring a City Manager is an

important step for the City and all the residents and she takes that very seriously therefore she wants to be involved from start to finish.

ADMINISTRATIVE REPORTS

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

Community Development Director Steven Harris gave a brief overview of the staff report and answered questions from Council.

8. GOLF COURSE PRO FORMA ANALYSIS, AGRONOMIC PLAN UPDATE, AND FIVE YEAR BUDGET PROJECTIONS

Parks and Recreation Director Sue Leto gave an overview of the staff report and responded to questions from Council.

Louie Schirm, resident, spoke about ways to reduce ancillary costs and gave ideas to save energy quickly and at little cost.

Tom Lynch, resident, suggested spreading the numbers by operations and not by gross and to look at each operation separately.

Claudine Lynch, resident, suggested using Santa Ana Hybrid Dwarf Green on the golf course. She is in favor of eliminating the golf course or at least half of it and using the other half to build a dog park or a skate park.

Louie Scull, resident, echoed Mrs. Lynch's sentiments and suggested putting the golf course on the market and not spending any more money on it.

A lengthy discussion ensued. Bill Houlihan, Director of Agronomy, Mark Hoelsing, Vice President of KemperSports, Tom Frost, Consultant, and Scott Heyn, General Manager responded to questions.

It was **MOVED/SECONDED - SCHWING/HORTON** - to approve Alternative No. 3, to direct staff to report back to City Council in June 2009 of the construction cost estimates and potential loss revenue to convert the rye grass to Hybrid Bermuda grass.

A lengthy discussion ensued.

The **MOTION** was **AMENDED – SCHWING/HORTON** - to approve Alternative No. 3, to direct staff to report back to City Council in June 2009 of the construction cost estimates and potential loss revenue to convert the rye grass to Hybrid Bermuda grass and Recommendation No. 4, approve Amendment No. 1 to the Golf Course Management Agreement specific to Sections 2.02 – Management Term and 4.01 – Forms of Kemper Compensation, and authorize

the Mayor to Sign, and City Clerk to attest said Amendment. **MOTION CARRIED** by the following roll call vote:

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

9. INTRODUCTION OF ORDINANCE NO. 2009-929 RE: COUNCIL MEMBER DISCLOSURE OF INTENT TO SEEK APPOINTMENT OR SERVE ON A COMMITTEE, BOARD OR COMMISSION AND TO OBTAIN COUNCIL APPROVAL FOR RELATED EXPENSES – Continued
10. ETHICS AND OPEN GOVERNMENT REGULATIONS – Continued
11. NO PARKING RESTRICTION ON THE WEST SIDE OF GRANDVIEW AVENUE BETWEEN BUENA VISTA AVENUE AND LINDA VERDE STREET, RESOLUTION NO. 2009-3991 – Continued
12. TOWN CENTER RESIDENTIAL PROPERTY REHABILITATION UPDATE – Continued
13. BARKING DOG ORDINANCE REVIEW – Continued
14. COYOTE MANAGEMENT UPDATE – Continued
15. CONSIDERATION OF MODIFYING THE PROCESS FOR THE ISSUANCE OF DEMOLITION PERMITS – Continued

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

16. CITY COUNCIL COST CUTTING MEASURES (ANDERSON) – Continued
17. POLICY REGARDING NAMING OF PUBLIC FACILITIES IN RECOGNITION OF 30-YEAR VETERAN COUNCILMEMBER HANK WEDAA (HORTON) - Continued

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

Councilwoman Rikel spoke about the Equestrian Center at the Orange County Fairgrounds and how important it was to the City during the recent fires.

It was **MOVED/SECONDED - RIKEL/ANDERSON** - to send a letter of support to the Orange County Fair Equestrian Center. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Rikel, Schwing, Winder

NOES: None

ABSENT: None

19. RESOLUTION OF SUPPORT FOR THE ORANGE COUNTY RESERVE FIREFIGHTER PROGRAM (RIKEL) - Continued

20. DOG PLAY LOTS (HORTON) - Continued

21. TOWN CENTER CULTURAL ARTS FACILITY - PUBLIC/PRIVATE PARTNERSHIP (ANDERSON) - Continued

ADJOURNMENT

Mayor Schwing adjourned the meeting at 11:04 p.m. to a Special Meeting on May 9, 2009 at 10:00 a.m. for a Closed Session for City Manager interviews.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is May 19, 2009.