
CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING MINUTES

JUNE 2, 2009

**CITY COUNCIL/REDEVELOPMENT AGENCY JOINT MEETING CONVENING AT
5:30 P.M.**

CALL TO ORDER

The City Council/Redevelopment Agency convened 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 reconvened 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, Kelly, Leto,
Mendoza, Steep, Stowell

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Anderson

INVOCATION

Reverend Daniel White, Yorba Linda Presbyterian Church

CLOSED SESSION REPORT

City Attorney Carvalho reported the Council gave direction to staff on labor negotiations. Closed Session Item B, Public Employee Appointment was adjourned to Wednesday, June 3, 2009 at 6:00 p.m. to be addressed following the conclusion of the scheduled Special Meeting on that date.

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

Mayor Schwing presented a Certificate of Recognition to Gary and Elaine Brattain after a video presentation of the Yorba Linda Veterans Memorial dedication.

PRESENTATION BY MARY COGGINS, NATIONAL CHILDREN'S STUDY

A short video was shown followed by a presentation by Mary Coggins, Community Outreach and Engagement Coordinator for the National Children's Study.

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

Louis Schirm, resident, spoke on Item 17, City of Yorba Linda Street Lighting and Landscape Maintenance District - Proceedings Relative to Levying Annual Assessment, and noticed the City is using old fashion mechanical type lights in the downtown area, therefore paying twice as much in electricity.

Mayor Pro Tem Anderson asked staff to forward copies of the street lighting bills to Mr. Schirm.

Rosemarie Sauer, resident, said no one from the City had contacted her to discuss the property next door to her.

City Manager Kelly asked Mrs. Sauer to speak with Community Development Director Steven Harris at the end of the council meeting.

Ed Rakochy, resident, showed a slide presentation of the Bank of Italy building built in 1917 and torn down in 1961. Mr. Rakochy stated how important it is to preserve our history.

Gabriella Rollins, resident and Director of Yorba Linda Arts Alliance, shared information about the availability of grants and spoke about the La Mirada Theater having its most successful season in years.

Eve Tibbs, resident and representative of the Yorba Linda Spotlight Theater, said they are desperate for a place to perform and announced their opening June 4th at the Fullerton College Campus Theater.

Sandy Van Oyen, Yorba Linda Arts Alliance, extended an invitation to the Celebration of the Arts on Sunday, June 7th.

Julia Lawson, Yorba Linda Arts Alliance, spoke of the Escondido Center of the Arts and the significant economic benefits to the downtown area directly attributed to the Center for the Arts.

CONSENT CALENDAR

Mayor Pro Tem Anderson pulled Item 15, Mayor Schwing pulled Item 18 and Interim City Manager Kelly pulled Item 19 from the Consent Calendar.

It was **MOVED/SECONDED - WINDER/HORTON** - to approve the Consent Calendar with the removal of Items 15, 18 and 19. **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 MAY 16, 2009 CITY COUNCIL SPECIAL MEETING

The City Council approved the minutes of the May 16, 2009 Special meeting.

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

The City Council approved the minutes of the May 19, 2009 meeting.

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

The City Council awarded a contract agreement for the installation of two HVAC systems at City Hall, in the amount of \$32,440 to Coutts Heating and Cooling, Inc. and rejected all other bids; and approved and appropriated \$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 authorized the City Manager to sign and City Clerk to attest said agreement.

6. 2009-2010 AND 2010-2011 APPROPRIATION LIMIT

The City Council approved Resolution No. 2009-4011 calculating and establishing the appropriation limit for fiscal years 2009-2010 and 2010-2011.

7. 2009-2010 INVESTMENT POLICY

The City Council approved 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

The City Council took the following actions: accepted the improvements of the emergency backup generator constructed at the Yorba Linda City Hall completed by WestCo; authorized the City Clerk to file a Notice of Completion with the

County Recorder; and authorized 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

The City Council approved Amendment No. 2 to the Veterans Memorial Monument Agreement to include the active military for the purpose of the Memorial Brick Program and authorized the Mayor to sign, and City Clerk to attest said Amendment.

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

The City Council awarded the contract for the El Cajon Trail Improvements Project to Marina Landscape, Inc. for the base bid amount of \$153,678.95; awarded Bid Alternate One to Marina Landscape, Inc. for the amount of \$22,462.00; awarded Bid Alternate Two to Marina Landscape, Inc. for the amount of \$22,400.00; awarded Bid Alternate Three to Marina Landscape, Inc. for the amount of \$1,670.00 and rejected all other bids.

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

The City Council awarded 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 rejected all other bids.

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

The City Council accepted the slurry seal improvements constructed by American Asphalt South, Inc.; authorized the City Clerk to file a Notice of Completion with the County Recorder; and authorized 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

The City Council accepted the cape seal improvements constructed by Copp Contracting, Inc.; authorized the City Clerk to file a Notice of Completion with the County Recorder; and authorized 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

The City Council approved the construction plans and specifications, and authorized the advertising of bids for the Lakeview Elementary School/Vista Del Verde Park Circulation Improvements Project.

15. Removed

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

The City Council/Redevelopment Agency authorized 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 authorized 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

The City Council adopted 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. Removed

19. Removed

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

The City Council introduced and conducted 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

ITEM 15

CONTRACT EXTENSION FOR CITYWIDE TRAFFIC SIGNAL MAINTENANCE - REPUBLIC ITS

Mayor Pro Tem Anderson stated that due to the slump in the economy he would like staff to ask for a reduction in the contract fee for all upcoming renewing contracts.

It was **MOVED/SECONDED - ANDERSON/WINDER** - to continue the item and direct staff to attempt to negotiate lower contract prices with all upcoming renewing contracts. **MOTION CARRIED** by the following roll call vote:

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

ITEM 18

COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY (CDBG-R) FUNDING

Mayor Schwing inquired of staff if the improvements were absolutely necessary or was there a better use for the funds.

Interim City Manager Kelly responded that the improvements are to comply with Federal and State regulations.

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

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

ITEM 19

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

Interim City Manager Kelly said the item will be postponed to a future City Council meeting.

PUBLIC HEARINGS

21. DISPOSAL RATE FEES AND THE PURCHASING OF DISPOSAL TRUCKS

- a. Open Public Hearing – Mayor Schwing opened the Public Hearing.

- b. Staff Report – Assistant to the City Manager Mark Aalders gave a brief overview of the staff report.
- c. Take Testimony

Dave Ault, Executive Director of Franchise Administration of Yorba Linda Disposal, spoke about the trash rate increase and replacement of disposal trucks.

Louie Scull, resident and local business owner, is not in support of purchasing new trucks and suggested an external audit every two years.

Pat Nelson, resident, is not in support of purchasing new trucks and questioned the purchase of ten new trucks all at the same time.

Larry Goodenough, resident, questioned the value of the trucks and whether the City was getting a fair cost.

Ed Rakochy, resident, said the disposal company has no accountability and suggested overlapping the replacement of the trucks versus purchasing them all at the same time.

- d. Close Public Hearing - Mayor Schwing closed the Public Hearing.

- e. Make Determination –

It was **MOVED/SECONDED – WINDER/HORTON** – to direct staff to implement disposal rates effective July 2009 by adjusting rates by the 2008 CPI and other variables.

Councilmember **WINDER AMENDED THE MOTION/SECONDED BY HORTON** - to direct staff to implement disposal rates effective July 2009 by adjusting rates by the 2008 CPI and other variables, allow Yorba Linda Disposal to purchase disposal trucks specifically for use in Yorba Linda and that the City and Yorba Linda Disposal work together to keep businesses and residents informed of future potential increases.

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 Council had a closed session meeting last night and interviewed candidates for the City Manager position.

MATTERS PRESENTED BY COUNCILMEMBERS

Councilwoman Rikel commented that she toured Villa Plumosa, previously Yorba Linda Gardens which is a gated facility with security monitors, a large activity center, playground and pool. She said it is an excellent example of affordable housing that benefits everyone.

Councilwoman Rikel recounted that at a recent Yorba Linda Water District meeting, the board considered requiring septic tanks be converted to the sewer system when a home is sold. The matter is only in the discussion stage however she wanted to make residents aware. Councilwoman Rikel said she is happy to announce that the Orange County Fire Authority board voted 11-10 to keep the volunteer engines.

Mayor Pro Tem Anderson attended, on behalf of the Mayor, the Memorial Ceremony at Valencia High School. He expressed that it was one of the most meaningful events he's ever attended. Students from the Yorba Linda Middle School, including skateboarders who have previously spoken at a council meeting, are organizing a fundraiser to protect the Veterans Memorial.

Mayor Pro Tem Anderson said there is a certain charm to the west side and if that was to be preserved then the General Plan would have to be amended. He asked if direction could be given to staff to allow substandard streets in certain areas. Interim City Manager Kelly stated that course of action is already in process.

Councilwoman Horton commented that Chino Hills State Park might be closed in the near future. She is concerned for the safety and security of the community if the park was to close and suggested partnering with neighboring cities like Brea and Chino to form a coalition.

It was **MOVED/SECONDED - HORTON/SCHWING** - to direct staff to contact surrounding communities to see if there is an interest in forming a coalition to take action to the City's representatives.

City Attorney Carvalho stated a motion was not necessary and Council could give direction to staff by a general consensus.

Interim City Manager Kelly said he will contact adjacent City Managers to see if there is any interest.

Councilwoman Horton **WITHDREW** the motion.

Councilwoman Horton asked for an update on the proposed Canyon Power Plant.

Director of Community Development Harris said that along with Jerald A. Cole, the City's consultant, he attended a joint meeting of the California Energy Commission and the South Coast Air Quality Management District on May 21st where they provided written and oral comment about the City's concerns for the proposed plant.

Councilwoman Horton announced that beginning on June 18th at 6:00 p.m. she would be hosting a monthly meeting called Dinner at the Park. The first meeting will be at Box Canyon Park and she welcomed everyone to attend.

Councilmember Winder complimented staff on the selection of the consultant who prepared the Canyon Power Plant Report.

Councilmember Winder remarked that the Chamber of Commerce Breakfast recognized students who received scholarships.

RECESS:

Mayor Schwing called a recess at 8:31 p.m. and reconvened the meeting at 8:42 p.m.

ADMINISTRATIVE REPORTS

22. APPEAL OF PLANNING COMMISSION APPROVAL DETERMINATION FOR SECOND STORY PERMIT 2009-10, ALLISON

Community Development Director Harris delivered the staff report along with a power point presentation and answered questions from the Council.

Bob Allison, applicant, provided a power point presentation and review of the proposed second story structure.

Jill Stewart, appellant, expressed her concerns about how the proposed structure will negatively impact her.

Barbara Sinner, resident, spoke in support of the appellant.

Justin Patwin, architect for the applicant, spoke about the land use of the proposed project, and addressed the privacy and massing concerns of the appellant.

Lizette Spellman, resident, spoke on behalf of several neighbors that are in support of the applicant and presented 54 letters of support.

Janet Ramsey, resident, spoke in support of the applicant.

Mark Madden, Corona resident, spoke in support of appellant.

Rosemarie Sauer, resident, commented about a similar experience when she was building her house several years ago.

Glenn Gotney, Civil Engineer for applicant, spoke in support of the applicant.

It was **MOVED/SECONDED - WINDER/ANDERSON** – to adopt Resolution No. 2009-4015, denying the appeal and approving second story permit 2009-10 – Allison, with conditions. **MOTION CARRIED** by the following roll call vote:

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

23. 2009-2010 BUDGET

Interim City Manager Kelly gave an overview of the 2009-2010 budget.

Council agreed, by general consensus to schedule a Budget meeting on Wednesday, June 10th.

Mark Schook, resident, stated that the Hidden Hills residents will not be opposed to postponing the Hidden Hills Community meeting if it conflicted with proposed special meetings.

Lee Day, resident, stated the City could save \$25,000 by omitting the City newsletter and adjusting the police department contract.

Anita Hynds, resident, spoke about State budget cuts.

Pat Nelson, resident, applauded staff for a thoughtful and honest budget presentation.

Louie Scull, resident, suggested selling the Black Gold Golf course and some of the properties downtown.

“ITEM NO. 30” WAS TAKEN AT THIS TIME BUT IS REPORTED IN ITS RESPECTIVE POSITION ON THE AGENDA.

24. GOLF COURSE BUDGET APPROVAL AND TURF MAINTENANCE REPAIRS

Interim City Manager Kelly discussed the status of the golf course budget. He offered for council consideration that they each submit their questions, concerns and alternatives to him in writing by June 11th. He also suggested that perhaps a third party consultant provide an independent review and direction.

It was **MOVED/SECONDED - ANDERSON/HORTON** – to have each councilmember submit a list of questions regarding Black Gold Golf Course to the City Manager and return with a staff report at a future council meeting. **MOTION CARRIED** by the following roll call vote:

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

25. TOWN CENTER RESIDENTIAL PROPERTY REHABILITATION UPDATE – Continued
26. AWARD OF PROFESSIONAL SERVICES AGREEMENT FOR THE FEASIBILITY STUDY FOR ESTABLISHING AN EQUESTRIAN FACILITY - ERA/AECOM – Continued
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 - Continued
28. ETHICS AND OPEN GOVERNMENT REGULATIONS – Continued
29. CONSIDERATION OF MODIFICATION TO CONDITIONAL USE PERMIT REQUIREMENT FOR SECOND-STORY DECKS - Continued
30. REVIEW OF THE CITY COUNCIL POLICY PR-2 - THE SEVEN STEP PARK PLANNING PROCESS

It was **MOVED/SECONDED - WINDER/SCHWING** – to receive and file the report. **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)
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)

ADJOURNMENT

Mayor Schwing adjourned the meeting at 11:13 p.m. to a Special Meeting on June 3, 2009 at 6:00 p.m. for "Discussion of Landscape Maintenance Assessment District and Other Public Landscape Areas and Request for Direction from City Council" followed by a Closed Session on the City Manager recruitment. A Joint City Council/Redevelopment Agency and Planning Commission Study Session will be held on June 9, 2009 at 6:30 p.m. to discuss the Yorba Linda Town Center Specific Plan followed by a Closed Session on the City Manager recruitment.

The next regularly scheduled City Council/Redevelopment Agency Joint Meeting is June 16, 2009.

Kathie M. Mendoza, City Clerk

APPROVED BY COUNCIL/RDA:
