
CITY OF YORBA LINDA
CITY COUNCIL/REDEVELOPMENT AGENCY
JOINT MEETING MINUTES

MARCH 4, 2008

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, Wedaa, Winder

Council/Agency Members Absent: Castellano

Staff Members: Gruchow, Letourneau, Raymond

CLOSED SESSION

CITY COUNCIL

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION AND INITIATION OF LITIGATION

Government Code Section 54956.9(b) and (c) (1 case)

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION,
SIGNIFICANT EXPOSURE TO LITIGATION

Government Code Section 54956.9(b) (Woodbridge)

RECESS

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

CALL TO ORDER

The City Council/Redevelopment Agency reconvened at 6:43 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Agency Members Present: Anderson, Horton, Wedaa, Winder

Council/Agency Members Absent: Castellano

Staff Members Present: Bugbee, Christiansen, Gruchow, Hartman, Leto, Letourneau, Mendoza, Raymond, Steep, Stowell

PLEDGE OF ALLEGIANCE – Public Works Director Stowell

INVOCATION - ASSOCIATE PASTOR CRAIG DAVIS, ROSE DRIVE FRIENDS CHURCH

CLOSED SESSION REPORT – No Reportable Action

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

Lee Day, resident, spoke regarding tree removal/replacement and landscape waste.

Ed Rakochy, resident, spoke on behalf of the YLRRR (Yorba Linda Residents for Responsible Representation) and presented a sample Ordinance regarding a cap on administrative personnel salaries of 2.3 times the Yorba Linda median income including benefits. Mr. Rakochy asked that Council adopt the Ordinance at the April 1, 2008 meeting or place it on the ballot. He stated it would exclude police and fire personnel.

Councilmember Anderson asked that this item be placed on the April 1, 2008 Agenda. Upon comment from Councilmember Wedaa that he would not be present at that meeting, Councilmember Anderson asked that it be placed on the April 15, 2008 Agenda. Mayor Winder noted that it would be placed under Other Business.

Pearl Wieselmann, resident, spoke regarding the next election.

Greg Gillespy, resident, spoke regarding the Town Hall meeting and the Town Center project.

Walter Bruckner, resident, referred to the presentation on the Black Gold Golf Course at the February 19, 2008 City Council meeting and stated there is no feasible way to make a profit from a golf course. He also passed out an article published in the New York Times relative to the golf industry. Mr. Bruckner spoke relative to an editorial in the Orange County Register regarding the Orange County Sanitation District's increase in fees and passed out a copy of the article for the record.

Mayor Winder stated he is Council's representative to the Orange County Sanitation District and he thought the editorial was poorly written and made no reference to the fact that the fees included infrastructure improvements.

Louie Scull, local Main Street property owner, spoke regarding the Mayor's response to public comments/questions, discussed development of the strawberry fields, and rehabilitating the boarded up houses in the School Street area and renting them. He also discussed closures of Main Street and stated that Main Street has never before been closed on a Saturday. Mr. Scull submitted an article on problems the City of Fullerton is having.

In response to Mr. Scull's question, Mayor Winder responded that when appropriate, a brief reply is given to questions under public comments, but it is not a debate.

Nancy Rikel, resident, discussed the City Manager's contract and salary.

CONSENT CALENDAR

Mayor Winder stated he would abstain from voting on Item 6 as he lives within the project boundaries.

City Manager Letourneau stated for the record that she, as well as Public Works Director Stowell and Assistant City Manager Gruchow, live within the boundaries of the public improvements, and they did not participate in the preparation of the report.

It was **MOVED/SECONDED – ANDERSON/HORTON** – to approve the Consent Calendar with Mayor Winder abstaining on Item 6. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder
NOES: None
ABSENT: Castellano

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

The City Council/Redevelopment Agency approved the reading by title 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 approved the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE FEBRUARY 12, 2008 ADJOURNED REGULAR CITY COUNCIL MEETING

The City Council approved the minutes of the February 12, 2008 Adjourned Regular City Council meeting.

4. TREASURER'S REPORT - JANUARY 2008

The City Council/Redevelopment Agency received and filed the January 2008 Treasurer's Report.

5. ORDINANCE NO. 2008-916, APPROVING ZONE CHANGE NO. 2007-02 - BURKE REAL ESTATE GROUP, AND THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM PREPARED THEREFOR

The City Council approved second reading and adopted Ordinance No. 2008-916.

6. AMENDMENT NO. 9 TO HARRIS & ASSOCIATES FOR THE FY 2007/2008 AND 2008/2009 ANNUAL PAVEMENT RESURFACING, SLURRY SEAL, AND ESPERANZA CAPE SEAL PROJECTS

Mayor Winder abstained from voting on this item as he lives within the boundaries of the project area.

The City Council approved an amendment to the Professional Services Agreement between the City and Harris and Associates, and authorized the

Community Development Director to execute and the City Clerk to attest to the agreement, for a combined fee not to exceed \$121,660.00, to prepare construction plans and specifications for the FY 2007/2008 and 2008/2009 Pavement Resurfacing, Slurry Seal, and Esperanza Cape Seal projects.

7. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO ADVERTISE FOR BIDS - VILLAGE CENTER DRIVE MEDIAN MODIFICATIONS AT YORBA LINDA BOULEVARD

The City Council approved the plans and specifications and authorized the advertising of bids for the Village Center Drive Median Modifications Project at Yorba Linda Boulevard.

8. RESOLUTION NO. 2008-3911, APPROVING THE SUBMITTAL OF IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM

The City Council adopted Resolution No. 2008-3911.

End of Consent Calendar

PUBLIC HEARINGS

9. PUBLIC HEARING REGARDING ORDERING THE VACATION OF A PORTION OF LANDSCAPE EASEMENT ON ASPEN WAY - RESOLUTION NO. 2008-3912

- a. Open Public Hearing - Mayor Winder opened the Public Hearing.
- b. Staff Report – Public Works Director Stowell presented slides and the written staff report.
- c. Take Testimony

Nick Mitchell, the applicant, thanked Council for hearing this item and stated Yorba Linda is the best City to live in Orange County.

Chuck Binks, resident, commented that if the applicant is willing to maintain it, Council should approve it. He stated he lives in the same tract and his lot has an open space area and in 1993 because of an El Nino effect, he had

flooding and plugged storm drains. He obtained permits from the City, installed a 24 inch storm drain and other improvements, and when he went in to maintain it, he was told he could not maintain it because the City maintained it. He stated he is concerned about lot 21, which is a green belt area (not the park) on San Antonio Road and although it is privately owned, the City is still maintaining the landscaping.

- d. Close Public Hearing - Mayor Winder closed the public hearing.
- e. Make Determination:

It was **MOVED/SECONDED – HORTON/ANDERSON** – to adopt Resolution No. 2008-3912, declaring that a portion of a landscape easement on Aspen Way is unnecessary for present and prospective public use and vacating the same pursuant to California Streets and Highways Code §8300 et. seq. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder
NOES: None
ABSENT: Castellano

10. PUBLIC HEARING REGARDING THE PROPOSED FEE INCREASE FOR THE STREET LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT, ARTERIAL STREET LIGHTING AND LANDSCAPING ZONES

- a. Open Public Hearing – Mayor Winder opened the Public Hearing and read a legal notice regarding the public hearing.
- b. Staff Report – Public Works Director Stowell presented the written staff report and responded to questions from Council.

Because of the openness of the ballot, Councilmember Anderson asked Council to consider having copies made of the original ballots and redacting the names and signatures on the copies.

Discussion ensued, and Mayor Pro Tem Horton asked what action could be taken tonight to have the names and signatures redacted on the copies.

Joan Cox, Harris & Associates Assessment Engineer, explained the process and responded to questions from Council.

Mayor Winder noted that two copies would have to be made for the redaction process.

Further discussion ensued.

c. Take Testimony

Mayor Winder asked that speakers give their name, their address, and state whether they own the property.

Pat Nelson, owner of 17392 Chicago Avenue, stated she is troubled by the procedures of the whole thing and the address not being redacted also. She asked if the City has any contingency plans if the ballot measure does not pass.

Chuck Bink, 3715 San Antonio Road, requested that the City consider vacating that portion of the area it owns next to his land so that he can maintain it.

The following homeowners spoke in opposition to the increase in assessment fees.

Jerry Onosaki - 5852 Furnace Creek Road, Yorba Linda
Rowland Harr - 4382 Ave Rio Del Ore, Yorba Linda
Earl Carbone, 4423 Rustic Road, Yorba Linda
Greg Sloan, 17467 Rockrose Circle, Yorba Linda
Gregg Gillespy, 4455 Via De La Plaza, Yorba Linda
Frederika Sloan, 17467 Rockrose Circle, Yorba Linda
Lisa Doan, 5902 Amberdale Drive, Yorba Linda

City Attorney Carvalho arrived at 8:05 p.m. and took her seat on the dais shortly thereafter. Assistant City Attorney Raymond left the dais.

RECESS:

Mayor Winder called a recess at 8:16 p.m. and reconvened the meeting at 8:26 p.m.

Mayor Winder stated he is prepared to close the public hearing and asked that if there is anyone who wishes to submit/withdraw a ballot or written statement, now is the time to do so.

d. Close Public Hearing – Mayor Winder closed the public hearing at 8:30 p.m.

Mayor Winder gave a statement regarding tabulation of the ballot and stated the results will be reported at the March 18, 2008 City Council meeting.

e. Make Determination:

It was **MOVED/SECONDED – HORTON/WEDAA** – to direct the City Clerk to tabulate the ballots during normal business hours on the days following the public hearing and report the results at the next regularly scheduled City Council meeting. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder

NOES: None

ABSENT: Castellano

It was **MOVED/SECONDED – ANDERSON/HORTON** – to provide redacted copies of the ballots to those who request copies of the ballots.

A lengthy discussion ensued.

Upon inquiry from Council, Joan Cox, Harris & Associates Assessment Engineer, stated that State Law says the ballots are a public record.

City Attorney Carvalho responded to questions from Council.

Assessment Engineer Cox noted that there are over 11,000 ballots on file, not in alphabetical order, and it would be difficult to locate a specific ballot. She responded to questions from Council.

MOTION FAILED by the following roll call vote:

AYES: Anderson, Horton

NOES: Wedaa, Winder

ABSENT: Castellano

CONTINUED PUBLIC COMMENTS - None

MAYOR'S REPORT – No Report

MATTERS PRESENTED BY COUNCILMEMBERS

Councilmember Wedaa reported he attended a conference on air quality and picked up some literature on health risks assessment studies that have been done.

Mayor Pro Tem Horton wished Mark Schwing a Happy Birthday.

Mayor Pro Tem Horton stated a tragedy occurred in the City and there are several fundraisers for Ian Mercado, 14 years old and the only survivor of the shooting – Mabel Paine School is hosting a fundraiser tomorrow at Islands in Brea and the “Ian Mercado Fund” has been opened at Washington Mutual.

She reported she attended a CEQA Seminar and a Blue and Gold Banquet where 17 boys, members of Webelos II Cub Scout Pack 580, received Arrow of Light Awards.

Mayor Pro Tem Horton discussed the process she goes through to gain the Fair Political Practices Commission’s approval to be able to participate in town center discussions at Council meetings.

Councilmember Anderson urged everyone to do what they can to help 14-year old Ian Mercado and asked the community to keep Ian Mercado in their prayers. Councilmember Anderson stated there was a lock-down at Valencia High School and the police and staff did a very good job.

Councilmember Anderson asked the City Manager to put the following on the next agenda under Other Business - Authorization of an Independent Third-party Investigation of the Failed Town Center Project Process to find out what happened. He stated that the City is entering into a long series of Town Center processes and it is important not to make the same mistakes. He stated he wants it to be informative and not controversial.

It was **MOVED/SECONDED – WEDAA/ANDERSON** - to put authorization of an independent third-party investigation of the failed Town Center project process on the agenda of March 18, 2008 under Administrative reports. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder

NOES: None

ABSENT: Castellano

ADMINISTRATIVE REPORTS

11. 2007 POLICE DEPARTMENT ANNUAL REPORT

Captain Bugbee gave the annual 2007 report and responded to questions from Council.

It was **MOVED/SECONDED – WINDER/HORTON** – to receive and file the report. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder
NOES: None
ABSENT: Castellano

Lieutenant Conklin gave an update on the tragic shooting that occurred at the Mercado home.

12. FISCAL YEAR 2007-2008 MID-YEAR BUDGET UPDATE

Finance Director Hartman presented the Fiscal Year 2007-2008 Mid-Year Budget Update and responded to questions from Council.

It was **MOVED/SECONDED – HORTON/WEDAA** – to approve revenue and expenditure adjustments to the fiscal year 2007-2008 budgets as presented.

Councilmember Anderson stated he will be voting “no” as he would like to see reduction options for reserves.

Discussion ensued.

MOTION CARRIED by the following roll call vote:

AYES: Horton, Wedaa, Winder
NOES: Anderson
ABSENT: Castellano

RECESS:

Mayor Winder called a recess at 9:53 p.m. and reconvened the meeting at 10:05 p.m.

13. TOWN CENTER TEMPORARY PARKING

Agency Assistant Executive Director Gruchow presented slides and a staff report and responded to questions from Agency members.

Pat Nelson, resident, stated she thought Option 5 would be the least expensive as it could practically be driven on without doing anything to it. She also stated this should be thought of as temporary as it is just a stop-gap and is not permanent. She also stated this item might be in conflict with Agenda Item 15.

Louie Scull, local business property owner, stated this isn't necessarily temporary and recommended 1A with Option 5 added in and do both at the same time.

Ed Rakochy, resident, stated he thought Options 2 and 5 would mitigate some parking overflow from the Church, assisted living facility, and events at the fire station house.

Greg Gillespy, resident, stated if the houses are demolished, that area is already paved and would be something to park cars on for a couple of years. He stated he hopes this includes covering the drainage ditch which is an eyesore.

It was **MOVED/SECONDED – WEDAA/HORTON** – to authorize the demolition of four (4) structures located at 4897 School Street (APN 323-324-05), 4901 School Street (APN 323-324-06), 4911 School Street (APN 323-324-07), and authorize the Executive Director to issue informal bids for both asbestos assessment/abatement and site clearance work. **MOTION CARRIED** by the following roll call vote:

AYES: AGENCY MEMBERS: Anderson, Horton, Wedaa, Winder
NOES: AGENCY MEMBERS: None
ABSENT: AGENCY MEMBERS: Castellano

It was **MOVED/SECONDED – WEDAA/HORTON** – to appropriate \$200,000 from the Agency's reserves to demolish the commercial structures referenced above and to abate any hazardous materials on the sites. **MOTION CARRIED** by the following roll call vote:

AYES: AGENCY MEMBERS: Anderson, Horton, Wedaa, Winder
NOES: AGENCY MEMBERS: None
ABSENT: AGENCY MEMBERS: Castellano

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to adopt Option 1A (Paved) – Arroyo Parking Lot with Sidewalk Only.

Discussion ensued and Mayor Winder stated that he would be voting "no" as he felt it was premature at this time and he would not be supporting any temporary measures now as the Agency is meeting within a month on the Town Center Process and it is very expensive. He would like to know more of the development process.

Upon inquiry from Mayor Pro Tem Horton what the soonest time the demolition work in Town Center would occur, Community Development Director Christiansen stated it would be two to three years.

MOTION CARRIED by the following roll call vote:

AYES: AGENCY MEMBERS: Anderson, Horton, Wedaa
NOES: AGENCY MEMBERS: Winder
ABSENT: AGENCY MEMBERS: Castellano

It was **MOVED/SECONDED – WEDAA/ANDERSON** – to adopt Option 5 – Arroyo Parking Lot with Sidewalk, Elevator, and Stairway. **MOTION CARRIED** by the following roll call vote:

AYES: AGENCY MEMBERS: Anderson, Horton, Wedaa
NOES: AGENCY MEMBERS: Winder
ABSENT: AGENCY MEMBERS: Castellano

14. OLD TOWN STREET FACADE PROGRAM

Housing and Redevelopment Specialist Stoker presented a staff report and responded to questions from Council.

Discussion ensued and Councilmember Anderson stated he was in favor of Option 2 – Grant Program.

Louie Scull, local business property owner, expressed reservations with the programs and stated it should be made a loan program for property owners.

Ed Rakochy, resident, suggested a grant program with matching funds for property owners only and discussed historic structures as defined by CEQA.

Pat Nelson, resident, spoke in favor of the loan program and stated the whole idea is about preservation and you do not have developer issues with someone developing their own property.

COUNCILMEMBER WEDAA made a **MOTION** to approve Option 1 and Option 2. **MOTION FAILED** for lack of a second.

It was **MOVED/SECONDED – HORTON/ANDERSON** – to investigate Option 2 with a grant/loan combination program.

Discussion ensued.

Mayor Winder stated the businessmen and shopkeepers from Town Center are not present to provide input and he cannot support the motion. He stated it should be made a part of the agenda for the Town Center Process meeting.

Councilmember Wedaa stated he will be voting “no” as he does not know enough about it.

A **SUBSTITUTE MOTION** was made – **WEDAA/ANDERSON** – to examine the pros and cons of options 1 and 2 only.

Mayor Winder stated he will be voting “no” again.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa
NOES: Winder
ABSENT: Castellano

Councilmember Wedaa asked that Agenda Item 16 be taken at this time.

15. TOWN CENTER RESIDENTIAL PROPERTY REHAB - Continued

16. AUTHORIZATION TO SOLICIT REQUEST FOR PROPOSALS FOR A
FEASIBILITY STUDY FOR AN EQUESTRIAN FACILITY

Parks and Recreation Director Leto presented slides, gave an overview of the written staff report, and responded to questions from Council.

Dee Dee Frederich, resident, stated she has waited many years for this. She suggested places for an equestrian facility – the gully by San Antonio Road and the top of the lakebed.

Discussion ensued and questions were raised regarding properties that might be available for an equestrian center.

It was **MOVED/SECONDED** – **WEDAA/HORTON** – to continue this item to the March 18, 2008 City Council meeting to get answers to the questions raised.

Pat Nelson, resident, suggested the seven-acre Shell site and stated that this does not have to be something the City builds, the City should let the private sector do it.

Donna Potter, resident, stated she chose to live in Yorba Linda because of the equestrian nature of the City but she travels 20 minutes, two times a day to Anaheim to train her horse.

Lee Day, resident, stated that maybe the 7 acres the City owns is a place to start – it is an equestrian area and there are equestrian trails across Bastanchury.

Mary Carbone, resident, stated Yorba Linda is the second largest horse community in the County and she thinks the seven acres the City owns would be fine for an equestrian facility.

Mayor Winder stated he thinks the only solution is the seven acre Shell site the City owns and leasing it to someone for an equestrian facility. He requested that staff focus over the next two weeks on a needs assessment, use the County's plan, and see if the professionals can give feedback on the financial feasibility of a private operator.

Councilmember Wedaa agreed with Mayor Winder's additional requests to the motion and added that staff also look at other potential sites.

MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder
NOES: None
ABSENT: Castellano

Agenda Item 18 was taken at this time.

17. ETHICS POLICY OPTIONS - Continued

18. CITY HALL PARKING LOT CHANGE PER THE ADA STANDARDS

Parks & Recreation Director Leto presented slides and gave an overview of the written staff report and responded to questions from Council.

Discussion ensued.

It was **MOVED/SECONDED – ANDERSON/HORTON** – to adopt plan three.
MOTION CARRIED by the following roll call vote:

AYES: Anderson, Horton, Wedaa, Winder
NOES: None
ABSENT: Castellano

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

Community Development Director Christiansen gave a recap of Planning Commission actions from their last meeting and responded to questions from Council.

Discussion ensued.

ORDINANCES

20. FIRST READING OF ORDINANCE NO. 2008-914, AMENDING THE YORBA LINDA MUNICIPAL CODE BY DELETING CHAPTER 12.28 AND AMENDING CHAPTER 18.24 REGARDING SIGNS - Continued

21. FIRST READING OF ORDINANCE NO. 2008-917, AMENDING THE YORBA LINDA MUNICIPAL CODE REGARDING TIME LIMITS FOR MEMBERS OF THE PUBLIC TO ADDRESS THE CITY COUNCIL - 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

Items 22 – 34 were not heard and will be continued to the March 18, 2008 City Council meeting.

