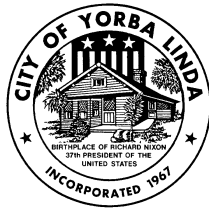

CITY OF YORBA LINDA



Land of Gracious Living

CITY COUNCIL/SUCCESSOR AGENCY TO THE
YORBA LINDA REDEVELOPMENT AGENCY JOINT MEETING MINUTES

MAY 15, 2012

**CITY COUNCIL/SUCCESSOR AGENCY TO THE
YORBA LINDA REDEVELOPMENT AGENCY JOINT MEETING
CONVENING AT 5:30 P.M.**

CALL TO ORDER

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency convened at 5:39 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Successor Agency Members: Anderson, Lindsey, Rikel, Schwing,
Winder (arrived at 5:45 p.m.)

Staff Members: Litfin, Rudometkin

ANNOUNCEMENT OF CLOSED SESSION ITEMS

CITY COUNCIL

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Government Code Section 54956.9 (a)

Name of Case: Kopit v. City of Yorba Linda

Case Number: SACV11-01444 CJC (MLGx), United States District Court,
Central District of California

Government Code Section 54956.9 (a)

Name of Case: Kopit v. City of Yorba Linda

Case Number: 30-2009 00120767, Superior Court, County of Orange

Government Code Section 54956.9 (a)

Paul Johnson et al. v. City of Yorba Linda
(Superior Court, County of Orange, Case No. 30-2009 00125994)

Einer Lindholm, Rosalinda Lindholm v. City of Yorba Linda
(Superior Court, County of Orange, Case No. 30-2009 00320239)

Ruth Rodriguez v. City of Yorba Linda
(Superior Court, County of Orange, Case No. 30-2010 00333938)

Doug Manista, Diane Manista v. City of Yorba Linda
(Superior Court, County of Orange, Case No. 30-2009 00332968)

Fatima Itani et al. v. City of Yorba Linda
(Superior Court, County of Orange, Case No. 30-2009 00286342)

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION, INITIATION OF LITIGATION

Government Code Section 54956.9 (c) (1 Case)

PUBLIC COMMENT ON CLOSED SESSION ITEMS

None

CONVENE INTO CLOSED SESSION

City Council convened into closed session at 5:40 p.m.

RECESS

**CITY COUNCIL/SUCCESSOR AGENCY TO THE YORBA LINDA
REDEVELOPMENT AGENCY JOINT MEETING
RECONVENING AT 6:30 P.M.**

CALL TO ORDER

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency reconvened at 6:40 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

Council/Successor Agency Members: Anderson, Lindsey, Rikel, Schwing, Winder

Staff Members: Brantley, Brown, Calkins, Christian, Hayden,
Litfin, Rudometkin, Steep, Stowell

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Tom Lindsey

INVOCATION

City Clerk Marcia Brown

CLOSED SESSION REPORT

City Attorney Litfin reported on the Closed Session items for Conference with Legal Counsel – Existing Litigation, regarding the Kopits state and federal cases. He said that the City agreed to settle the state case for \$15,000, to reimburse \$1,600 in code enforcement fees and pay for an appraisal of a five foot strip of land owned by the Kopits for a full dismissal of the case. In the federal court case the individual defendants were dismissed as part of that settlement, but the remaining part of the case with the entity defendants still remains.

City Attorney Litfin also reported on the second Existing Litigation case regarding the freeway fire complex. He said the City paid \$7,500 each to Lindholm and Johnson and that the rest of the cases have been dismissed.

INTRODUCTIONS & PRESENTATIONS

Mayor Schwing introduced Pat Butress, Southern California Edison Public Affairs Manager, who addressed the Summer Readiness program, San Onofre Nuclear Generating Station status, and provided information regarding the Edison SmartConnect Smart readers.

PRESENTATION OF THE FISCAL YEAR 2010/2011 FINANCIAL STATEMENTS GIVEN BY DEBORAH HARPER, LSL CERTIFIED PUBLIC ACCOUNTANTS

Finance Director Christian informed Council that the presentation was in conjunction with Consent Calendar Item No. 8, Annual Audited Financial Reports.

Deborah Harper, LSL Certified Public Accountant, gave a presentation on the June 30, 2012 Fiscal Year 2010/2011 financial statements.

PRESENTATION REGARDING THE PROGRESS UPDATE GIVEN BY FRIENDS CHRISTIAN HIGH SCHOOL

Mel Malkoff, Malkoff and Associates, representative for Friends Christian High School (FCHS), announced that Superintendent Rick Kempton was leaving FCHS to pursue a career in Annapolis, Maryland.

Rick Kempton, Friends Christian High School Superintendent, stated that he was offered an opportunity to lead a three campus school in Annapolis, Maryland and said he cherished his time in Yorba Linda and helping to organize the high school project.

Mr. Malkoff said that the church has started a fundraising project and met with two different financial sources to aid in their financial quandary.

PUBLIC COMMENTS

Jim Gaffney, veteran and resident, inquired about the placement of a previously donated box for the collection of worn flags.

Parks and Recreation Director Bill Calkins explained that the Lasorda Field House location was chosen because it had the most foot traffic and said the City was proud to display the donated box.

Judy Murray, resident, addressed the April 17 City Council minutes and submitted a letter for the record regarding specific points made by Attorney John Gullixson during Public Comment. She asked to be notified when items on the Landscape Maintenance Assessment District (LMAD) were going to be on the agenda. Mrs. Murray also spoke on Items 5 and 6 of the Consent Calendar regarding environmental clean-up grants for irrigation on two City medians. She asked if the supplemented funding coming from Arterial and L2 funds would be withdrawn from those funds now or when the grant was approved.

Mayor Schwing responded that he would pull those two items from the Consent Calendar and request that a staff report be given.

Nancy Stevens, resident, said she sent an email to Council at the beginning of April expressing her willingness to be open minded about the Orange County Sheriff's Department providing police services to the city. She also recounted her experience on a helicopter ride-along with the Sheriff's department.

Rosemary Sauer, resident, asked Council to reconsider the termination of the Brea Police services contract.

Julia Schultz, resident, also asked Council to reconsider the termination of the Brea Police services contract and said the public overwhelmingly supported keeping the Brea Police Department regardless of whether costs increased or not.

Jan Horton, resident, stated that the City did not have a budget crisis since there was an excess in reserves of \$48 million. She said that Council did not listen to the communities' desires when they voted to enter into a contract with the Orange County Sheriff's Department.

Earl Carbone, stated that the Brea Police Department has an unfunded pension liability and that the City's reserves are for emergency use only.

Taylor Heichman, resident, spoke in favor of the Brea Police Department and how professional and respectful they were to the community.

Dave Wilson, resident, stated that two years ago the residents voted against placing affordable housing in Savi Ranch. He suggested including additional businesses to the Savi Ranch area to generate more sales tax revenue.

Stuart Rixson, resident, said he was disappointed by the status update given by FCHS and asked if any payments for the lease had been paid or committed to in the future.

Mayor Schwing replied that in the last thirty days, \$50,000 had been paid to the City.

Laurie Moore, resident, stated that she was opposed to hiring the Orange County Sheriff's Department and saddened by the decision to forgo a 42 relationship with the Brea Police Department.

CONSENT CALENDAR

Mayor Schwing pulled Item Nos. 5 and 6 from the Consent Calendar.

It was **MOVED/SECONDED – WINDER/LINDSEY** - to approve the Consent Calendar with removal of Item Nos. 5 and 6. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Rikel, Lindsey, Schwing, Winder

NOES: None

ABSENT: None

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

That the City Council/Successor Agency to the Yorba Linda Redevelopment Agency waive reading in full of all ordinances and resolutions on the agenda and

declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

2. ACCOUNTS PAYABLE WARRANT LISTS

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency approved the Accounts Payable Warrant Lists.

3. APPROVAL OF THE MINUTES OF THE APRIL 17, 2012 SPECIAL CITY COUNCIL MEETING

The City Council approved the minutes of the April 17, 2012 Special City Council meeting.

4. APPROVAL OF THE MINUTES OF THE APRIL 17, 2012 JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY MEETING

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency approved the minutes of the April 17, 2012 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

5. Removed

6. Removed

7. RENEWAL OF COUNTY OF ORANGE ANIMAL CARE SERVICES AGREEMENT FOR FISCAL YEAR 2012-13

The City Council authorized the Mayor to sign the Animal Care Notice of Intent (NOI) to extend its contract with Orange County Animal Care Services for the FY 2012-13; and directed staff to pursue additional canvassing hours (dog license compliance) options.

8. ANNUAL AUDITED FINANCIAL REPORTS

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency received and filed the annual audited financial reports for the year ended June 30, 2011.

End of Consent Calendar

ITEM 5

RESOLUTION NO. 2012-5127, AUTHORIZING THE SUBMISSION OF THE CITY'S APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEAN-UP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE PASEO DE LAS PALOMAS MEDIAN IRRIGATION RENOVATION FROM FAIRMONT BOULEVARD TO VISTA DEL MAR PROJECT

Assistant City Manager/Director of Public Works/City Engineer Mark Stowell spoke of the environmental cleanup program and said the grant monies will assist in upgrading the City's irrigation systems and controllers that are not functioning properly. He said it is a competitive reimbursement grant where there is no commitment to monies until it has been awarded.

Council discussion ensued.

It was **MOVED/SECONDED – SCHWING/WINDER** - to adopt Resolution No. 2012-5127, authorizing the submission of the City's application for an Environmental Cleanup Grant for the Paseo de Las Palomas Median Irrigation Renovation from Fairmont Boulevard to Vista Del Mar Project. **MOTION CARRIED** by the following roll call vote:

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

ITEM 6

RESOLUTION NO. 2012-5128, AUTHORIZING THE SUBMISSION OF THE CITY'S APPLICATION FOR FUNDS FOR THE ENVIRONMENTAL CLEAN-UP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE YORBA LINDA BOULEVARD IRRIGATION RENOVATION FROM 1,000 FEET EAST OF VILLAGE CENTER DRIVE TO PASEO DE LAS PALOMAS PROJECT

It was **MOVED/SECONDED – SCHWING/WINDER** - to adopt Resolution No. 2012-5128, authorizing the submission of the City's application for an Environmental Cleanup Grant for the Yorba Linda Boulevard Irrigation Renovation from 1,000 feet east of Village Center Drive to Paseo de Las Palomas Project. **MOTION CARRIED** by the following roll call vote:

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

PUBLIC HEARINGS

9. GENERAL PLAN AMENDMENT 2012-01, ZONE CHANGE 2012-01, DESIGN REVIEW 2012-05, DENSITY BONUS ALLOWANCE AND CERTAIN

INCENTIVES AND CONCESSIONS, AND THE MITIGATED NEGATIVE DECLARATION PREPARED FOR OAKCREST TERRACE APARTMENTS

- a. Open Public Hearing – Mayor Schwing opened the public hearing.
- b. Staff Report - Principal Planner David Brantley gave an overview of the staff report and PowerPoint presentation on the Planning Commissions' review of the proposed project for the Oakcrest Terrace Apartments.

Assistant Planner Catherine Lin gave an overview of the site plan and architectural design of the project.

- c. Take Testimony

John Seymour, National Community Renaissance, spoke of the purposes and benefits for developing affordable multi-family apartments in the Savi Ranch areas as well as all of the amenities the project will include.

Susan Tebo, Impact Sciences, Inc. explained that due to the project's close proximity to the freeway, it was determined that specific traffic, air quality and noise studies were needed.

Alan Sako, Impact Sciences, Inc. presented a synopsis of the noise and air quality concerns for the proposed project area. He described the mitigation measures taken to reduce noise levels and air quality concerns.

Aric Evatt, Urban Crossroads, gave an overview of the traffic impact analysis for the proposed Oakcrest Terrace residential project.

John Seymour, National Community Renaissance, addressed questions and concerns from Council regarding the project area and how the affordable housing will meet the needs of the community.

- d. Close Public Hearing – Mayor Schwing closed the public hearing.
- e. Make Determination

It was **MOVED/SECONDED – ANDERSON/WINDER** - to adopt for first reading Ordinance No. 2012-974, approving General Plan Amendment 2012-01 and the Mitigated Negative Declaration prepared therefore, to amend the text of the Land Use Element (LU-48 Light Industrial Business Park) of the General Plan to include multi-family housing at up to 10 dus/ac for specified sites within Savi Ranch. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/WINDER** - to adopt for first reading Ordinance No. 2012-975, approving Zone Change 2012-01 and the

Mitigated Negative Declaration prepared therefore, to modify the Zoning Map/Regulations to allow residential use at up to ten (10) dwelling units per acre, within the sub areas zoned as "Office Commercial" and "Support Commercial" of the Savi Ranch Planned Development, in order to develop affordable multi-family apartments at the 3.198 acres of developed property, currently addressed as 22744 Eastpark Drive. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/WINDER** - to adopt Resolution No. 2012-5130, approving Design Review 2012-05, related to a proposed affordable multi-family apartment site at 3.198 acres at 22744 Eastpark Drive. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/WINDER** - to adopt Resolution No. 2012-5131, approving a Density Bonus allowance and certain incentives and concessions, related to a proposed affordable multi-family apartment site at 3.198 acres at 22744 Eastpark Drive. **MOTION CARRIED** by the following roll call vote:

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

It was **MOVED/SECONDED – ANDERSON/WINDER** - to adopt Resolution No. 2012-5132, approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared therefor related to a proposed affordable multi-family apartment site at 3.198 acres at 22744 Eastpark Drive. **MOTION CARRIED** by the following roll call vote:

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

RECESS:

Mayor Schwing called a recess at 8:44 p.m. and reconvened the meeting at 9:00 p.m.

City Attorney Litfin addressed the previous item regarding Oakcrest Terrace Apartments, and stated that in the adoption of Resolution No. 2012-5130, it needed to be specified that certain staff recommendations were to be included in the resolution.

Principal Planner Brantley gave an overview of Condition Nos. 47, 48 and 63, of Resolution No. 2012-5130 for Council to re-evaluate.

It was **MOVED/SECONDED – WINDER/ANDERSON** - to reconsider Resolution No. 2012-5130. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Rikel, Lindsey, Schwing, Winder

NOES: None

ABSENT: None

It was **MOVED/SECONDED – WINDER/ANDERSON** - to adopt Resolution No. 2012-5130, as amended to include staff's recommendations as follows: Condition No. 63, the approval of Design Review 2012-05 shall become void as of July 11, 2014, unless building permits have been issued, or a time extension is requested prior to that date; Condition No. 47, approval of Design Review 2012-05 for the preferred 69 unit project is contingent upon approval of an amendment to the existing Affordable Housing Agreement between the City and the developer. Said amendment shall reflect the 69-unit preferred project density rather than the current 43-unit alternative project density and shall be subject to approval by the Successor Agency to the Yorba Linda Redevelopment Agency, the Oversight Board of the Successor Agency to the Yorba Linda Redevelopment Agency, and the State Department of Finance; and Condition No. 48, approval of Design Review 2012-05 for the 43-unit alternative project shall only take effect upon approval of General Plan Amendment 2012-01, Zone Change 2012-01, failure of Measure H vote or subsequent ballot measure pertaining to same, or failure to obtain approval of an amendment to the existing Affordable Housing Agreement by the Successor Agency to the Yorba Linda Redevelopment Agency, the Oversight Board of the Successor Agency to the Yorba Linda Redevelopment Agency, and the State Department of Finance. **MOTION CARRIED** by the following roll call vote:

AYES: Anderson, Rikel, Lindsey, Schwing, Winder

NOES: None

ABSENT: None

MAYOR'S REPORT/MATTERS PRESENTED BY COUNCILMEMBERS/OTHER AGENCY REPORTS

Councilmember Rikel stated that the Yorba Linda Vineyard Resource Center is now open at Prospect Avenue and Imperial Highway. She said the clinic is available for those without health insurance.

Councilmember Rikel announced there would be a Memorial Day event at the Yorba Linda Veterans Memorial Park at 2:00 p.m. to honor and celebrate the lives of service men and women.

Councilmember Rikel said that on May 28th, Avalon Bagels would also be honoring the country's heroes by issuing \$5.00 gift certificates to anyone who donates \$5.00 to a fundraiser that will allow deployed military to make phone calls to their loved ones.

Councilmember Rikel said that the great granddaughter of Edgar Trueblood, who built the Janeway/Trueblood house was recently in town. She said that members of the Yorba Linda Preservation Foundation were able to take the family inside their old home.

Mayor Pro Tem Lindsey expressed his appreciation to Finance Director Christian and his staff for receiving a good audit report; and to Parks and Recreation Director Calkins for implementing the banner program for servicemen and women throughout Yorba Linda Boulevard.

Councilmember Winder stated that the Yorba Linda Sunrise Rotary Club was hosting their annual Lobsterfest on Friday, May 18th and encouraged the public to attend.

Mayor Schwing announced that an informational meeting on Measures H and I will be held at the Community Center at 6:30 p.m. on Monday, May 21st.

Mayor Schwing said that a memorial service will be held at 2:00 p.m. on Monday, May 28th at the Veterans Memorial Park to honor those that served our country and to observe an Iraq War Plaque presentation.

Mayor Schwing commented on Capital Improvement Project budgets and said the CIP was divided into two tiers. He said that Tier I included projects that were funded and would be done in the next year or two; Tier II projects were not funded and last year were listed at \$98 million, which is three times the amount of the City's reserves.

ADMINISTRATIVE REPORTS

10. RESOLUTION NO. 2012-5129, INTENT TO VACATE A CITY LANDSCAPE EASEMENT AT 3790 CARSON WAY

Assistant City Manager/Director of Public Works/City Engineer Stowell gave a PowerPoint presentation and brief overview of the staff report and responded to Council questions.

Ronald Mak, resident, provided a PowerPoint presentation showing the huge retaining wall on Carson Way with the City landscape easement along Fremont Lane. He expressed his dislike for the wall and asked Council to find a way to resolve the conflict and remove the wall.

The following residents spoke in opposition to vacating the landscape easement at 3790 Carson Way:

Jeff Grimsley, Dave Stambaugh, Judy Stambaugh, Betty Mak, Pauline Hui

Brent Ofenstein, resident, spoke in favor of vacating the landscape easement at 3790 Carson Way.

City Attorney Litfin gave a brief update of the court case regarding Linden Mirallegro's retaining wall on 3790 Carson Way.

