



## CITY of YORBA LINDA

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### **CITY COUNCIL/SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY, YORBA LINDA HOUSING AUTHORITY AND YORBA LINDA MUNICIPAL FINANCING AUTHORITY JOINT MEETING**

#### **MINUTES**

**December 7, 2021, 6:30 p.m.  
Council Chambers  
4845 Casa Loma Avenue**

Councilmembers Present: Campbell, Haney, Hernandez, Huang, Rodriguez

Staff Present: Brantley, Brown, Christian, Honeywell, Kudron, Lai, Litfin, Lixey, Martino, Pulone

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#### **CALL TO ORDER**

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency convened at 5:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue.

#### **ROLL CALL**

#### **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

#### **CITY COUNCIL/SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY**

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION

Government Code Section 54956.9(d)(2) (6 Cases)

B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Government Code Section 54956.9(d)(1) (1 case)

Name of Case: Yorba Linda Estates, LLC v. City of Yorba Linda

Case Number: 30-2021-01206096-CU-OR-NJC, North Justice Center, County of Orange

City Attorney Todd Litfin stated that Councilwoman Tara Campbell recused herself for one case on Closed Session Item A, Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation, because she has a potential conflict under Government Code Section 87100.

City Attorney Litfin stated that Mayor Pro Tem Carlos Rodriguez recused himself for one case on Closed Session Item A, Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation, because he has a potential conflict under Government Code Section 87100.

C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY ATTORNEY

Government Code Section 54957

D. CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Agency Designated Representatives: City Manager Pulone  
Employee Organizations: Yorba Linda Chapter of the Orange County Employees Association; Yorba Linda Mid-Management Association; and non-represented Management Employees

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

None.

**CONVENE INTO CLOSED SESSION**

The City Council convened into Closed Session at 5:31 p.m.

**RECESS**

## **CALL TO ORDER**

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency, Yorba Linda Housing Authority and Yorba Linda Municipal Financing Authority reconvened at 6:33 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

## **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

Councilman Gene Hernandez

### **INVOCATION**

Pastor Anne-Grethe Krogh Nielsen, The Danish Lutheran Church & Cultural Center

### **CLOSED SESSION REPORT**

City Attorney Litfin said there was no reportable action on the items discussed on the Closed Session agenda.

City Attorney Litfin stated that Councilwoman Campbell recused herself for one case on Closed Session Item A, Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation, because she has a potential conflict under Government Code Section 87100.

City Attorney Litfin stated that Mayor Pro Tem Rodriguez recused himself for one case on Closed Session Item A, Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation, because he has a potential conflict under Government Code Section 87100.

### **INTRODUCTIONS & PRESENTATIONS**

Mayor Peggy Huang invited Lora Young, Director of Communications for the Orange County Mosquito and Vector Control District to the podium for a special presentation.

Ms. Young presented Council with a plaque in appreciation of the City's outstanding contribution and level of commitment to improving awareness about vectors and the diseases they carry during their awareness campaign for 2021. Council thanked Ms. Young for the recognition and Mayor Huang thanked residents for their involvement in reporting concerns to the Orange County Mosquito and Vector Control District.

#### **INTRODUCTION OF NEW STAFF MEMBER SAMUEL HIEBERT, GIS ANALYST**

City Manager Mark Pulone introduced the City's new staff member Samuel Hiebert, GIS Analyst, and shared a brief overview of his career background.

Council welcomed him to the Yorba Linda team.

#### PRESENTATION OF PLAQUE TO OUTGOING MAYOR

Mayor Pro Tem Rodriguez invited representatives from the offices of Senator Josh Newman, Congresswoman Young Kim, Assemblyman Phillip Chen and Supervisor Don Wagner to present recognitions to outgoing Mayor Huang.

Mayor Pro Tem Rodriguez presented a plaque to outgoing Mayor Huang on behalf of the City Council.

Mayor Huang expressed her gratitude for the recognitions and the opportunity to serve the community as Mayor. She spoke about the challenges faced during the year and the collaboration with her Council colleagues to move the City forward.

#### **REORGANIZATION OF COUNCIL**

##### A. SELECTION OF MAYOR

Mayor Huang turned the meeting over to City Clerk Marcia Brown to conduct the nominations for Mayor.

City Clerk Brown opened nominations for Mayor.

**Moved by** Haney

**Seconded by** Hernandez

It is recommended that the City Council approve their nominee, Carlos Rodriguez for Mayor.

AYES (4): Campbell, Haney, Hernandez, and Huang

ABSTAINED (1): Rodriguez

**CARRIED (4 to 0)**

##### B. SELECTION OF MAYOR PRO TEM

Mayor Rodriguez expressed his gratitude for being selected to serve as Mayor and spoke about his vision and goals for his term.

Mayor Rodriguez opened nominations for Mayor Pro Tem.

**Moved by** Huang

**Seconded by** Haney

It is recommended that the City Council approve their stated nominee, Gene Hernandez, for Mayor Pro Tem.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

**CARRIED (5 to 0)**

**RECESS – RECEPTION IN COUNCIL CHAMBERS LOBBY**

Mayor Rodriguez called a recess at 7:02 p.m. and reconvened the meeting at 7:29 p.m.

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

Richard de Bruijn, resident, spoke about the history of Pearl Harbor and the 80th anniversary of the attack.

**CONSENT CALENDAR**

Mayor Rodriguez stated that Councilman Hernandez will abstain from Consent Calendar Item 2, out of an abundance of caution due to his involvement with Orange County Transportation Authority (OCTA) and the numerous contractors that may do work in the City.

**Moved by** Campbell

**Seconded by** Haney

It is recommended that the City Council approve the Consent Calendar.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

**CARRIED (5 to 0)**

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

It is recommended 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 CHECK REGISTER – DECEMBER 7, 2021**

It is recommended that the City Council receive and file the accounts payable check register dated December 7, 2021, in the amount of \$2,969,732.48.

3. APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2021 CITY COUNCIL / SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY MEETING

It is recommended that the City Council/Successor Agency to the Yorba Linda Redevelopment Agency approve the minutes of the November 16, 2021 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

4. APPROVAL OF THE MINUTES OF THE NOVEMBER 29, 2021 CITY COUNCIL / SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY SPECIAL MEETING

It is recommended that the City Council/Successor Agency to the Yorba Linda Redevelopment Agency approve the minutes of the November 29, 2021 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint special meeting.

5. TREASURER'S REPORT – OCTOBER 2021

It is recommended that the City Council: 1.) Receive and file the attached monthly Treasurer's Report; and 2.) Delegate investment responsibility to the City's Finance Director / City Treasurer for a period of up to one year.

6. SECOND READING AND ADOPTION OF ORDINANCE NO. 2021-1087 AMENDING CHAPTER 8.20 OF THE YORBA LINDA MUNICIPAL CODE PERTAINING TO THE REGULATION OF SOLID WASTE INCLUDING ORGANIC WASTE

It is recommended that the City Council adopt Ordinance No. 2021-1087 Amending Chapter 8.20 of the Yorba Linda Municipal Code to address State organics recycling mandates.

7. RESOLUTION NO. 2021-5772 REGARDING DETERMINATION OF SURPLUS CITY-OWNED PROPERTY AT 4859 MAIN STREET (APN: 323-304-19)

It is recommended that the City Council adopt Resolution No. 2021-5772 declaring the City-owned property, addressed as 4859 Main Street (APN: 323-304-19), as "surplus land" as required by Assembly Bill (AB) 1486.

8. PICNIC SHELTER AND AMPHITHEATER RESERVATION POLICY AND GUIDELINES REVISIONS

It is recommended that the Yorba Linda City Council approve revisions to the Parks and Recreation Department's Picnic Shelter and Amphitheater Reservation Policy and Guidelines.

9. FISCAL YEAR 2020-21 MEASURE M2 EXPENDITURE REPORT

Staff recommends that the City Council adopt Resolution No. 2021-5771 approving the Measure M2 Expenditure Report for FY 20-21 and authorizing it for submission to the Orange County Transportation Authority.

10. DENIAL OF CLAIMS FOR DAMAGES

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages by Sharon Anderson, Maria Gingras, Claire Rafan Kwee and Elaine Reyes.

11. APPROVE CONTRACT EXTENSION WITH NV5, HARRIS AND ASSOCIATES, HNTB CORPORATION AND GRIFFIN STRUCTURES INC. FOR VARIOUS PROJECTS

It is recommended that the City Council approve contract extensions with NV5, Harris and Associates, HNTB Corporation, and Griffin Structures Inc. for various projects.

12. FISCAL YEAR 2020/21 BUDGET CARRYOVERS

It is recommended that the City Council approve the attached final list of budget carryovers for fiscal year 2020/21.

13. REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING

It is recommended that the City Council receive and file this report.

14. COUNCIL COMMITTEE AND AGENCY REPORTS

It is recommended that the City Council receive and file this report.

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

City Manager Pulone congratulated Mayor Rodriguez and Mayor Pro Tem Hernandez and said he had no items to report.

Councilwoman Campbell thanked Councilwoman Huang for her term as Mayor and expressed her enthusiasm for the successful Holiday on Main Street event on December 4th. She announced the East Lake Holiday Boat Parade this weekend and the Orange County Fire Authority (OCFA) canned food drive on Sunday, December 12th on the west-end of the City.

Councilwoman Beth Haney congratulated Mayor Rodriguez and Mayor Pro Tem Hernandez and thanked Councilwoman Huang for her tireless efforts serving the City. She spoke about Holiday on Main Street and also said the OCFA is hosting a toy drive

until Christmas Eve. Toys can be donated at both local fire stations or her business, Luxe Esthetics.

Councilwoman Huang also congratulated her colleagues. She said that Councilwoman Haney, Mayor Rodriguez and herself attended the menorah lighting and had the opportunity to meet a 98-year-old Holocaust survivor, Dr. Jacob Eisenbach. They also attended the Thanksgiving dinner hosted by For Families for Active Military. Councilwoman Huang concluded by urging the community to stay safe during the holiday season and cautioned that this is the peak time for porch and mail theft.

Mayor Pro Tem Hernandez echoed the comments made by his colleagues regarding Councilwoman Huang's term as Mayor. He thanked Mr. de Bruijn for his eloquent comments about Pearl Harbor. Mayor Pro Tem Hernandez also said he was immensely impressed with the Holiday on Main Street event which was very well attended. He said he missed the menorah lighting as he was attending the Cal Cities New Directors Orientation and General Meeting in Monterey Bay.

Mayor Rodriguez also thanked Councilwoman Huang for her service and spoke of the menorah lighting event. He also thanked For Families of Active Military for honoring the servicemen and women from Fort Irwin at their Thanksgiving dinner. He congratulated Placentia Yorba Linda Unified School District for being selected as grant recipients for new near-zero emissions school buses which will be better for the children and the environment.

#### 15. CITY COUNCIL INTEREST IN BEING APPOINTED TO ORGANIZATIONS, AGENCIES, AND COMMITTEES

Mayor Rodriguez asked his Council colleagues to communicate their preferences to him by early next week so that appointments can be placed on the agenda for consideration by the full Council.

### **ADMINISTRATIVE REPORTS**

#### 16. PROPOSITION 68 BASKETBALL COURT DESIGN

City Manager Pulone said this item was presented to Council last month, and Council asked staff to bring the item back with samples of similar half-court designs as well additional input from the local youth sports organizations. He said the City is eligible for funding from the Parks and Water Bond Act of 2018 (Proposition 68).

Parks and Recreation Director Kudron said the City is eligible for \$220,000 from the Parks and Water Bond Act. These funds are available for local park rehabilitation projects to local governments on a per capita basis. Grant recipients are encouraged to utilize awards to rehabilitate existing infrastructure and to address deficiencies in neighborhoods lacking access to the outdoors. Staff contacted the local youth

basketball organizations that utilize the city gymnasiums to gain their feedback on the basketball court design. North County Basketball favored a full-court design and National Junior Basketball favored the design with two half courts. Pumas Basketball did not offer any feedback until after the Parks and Recreation Commission meeting on October 18th, where the Commission unanimously voted for a traditional full-court basketball design. Weeks after the meeting, Pumas Basketball informed staff that they favored the two-half-court design concept. Director Kudron shared a brief PowerPoint with images of basketball court layouts at parks in Orange County. He concluded by discussing possible court dimensions and the cost difference between the two half-courts versus a traditional full-court.

A conversation ensued among Council regarding the court layouts, the lesser cost of the two half-courts vs a full court, the preferences of the youth basketball organizations and the anticipated use of the court.

**Moved by** Hernandez

**Seconded by** Huang

It is recommended that the City Council approve a full court basketball design concept for use of Proposition 68 grant funding.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

**CARRIED (5 to 0)**

17. RESOLUTION NO. 2021-5769 APPROVING THE SUBMISSION OF APPLICATION FOR CLIMATE INVESTMENT FIRE PREVENTION GRANT PROGRAM FUNDING AND APPOINT THE CITY MANAGER OR A DESIGNEE TO ACT AS AUTHORIZED AGENT FOR THE YORBA LINDA FUEL REDUCTION PROGRAM

Public Works Director / City Engineer Jamie Lai shared a PowerPoint on this item. She said that in May 2021, the City in partnership with the Orange County Fire Authority applied for and has now been chosen to receive an \$866,610 Cal Fire Community Fire Prevention Grant. The grant program provides funding for local projects and activities that address the risk of wildfire, reduce wildfire potential, and increase community resiliency. The City has been approved for an integrated fuel reduction project in seven strategic sites, outlined in the CCI Fire Prevention Grant Application, that will also help to reduce the risk of wildfire to State Responsibility Areas (SRA), such as Chino Hills State Park. She concluded by discussing the project implementation plan and timeline for the multi-phased project.

Councilwoman Campbell expressed her appreciation for the staff's efforts at being proactive in protecting the City from fires.

**Moved by Campbell**  
**Seconded by Hernandez**

It is recommended that the City Council: 1.) adopt Resolution No. 2021- 5769, approving the submission of the City's application for the California Climate Investment Fire Prevention Grant Program Funding; and 2.) appropriate grant reimbursable funds in the amount of \$866,610.00 to the CIP Fund and Miscellaneous Grant Fund; and 3.) appoint the City Manager or designee to act as authorized agent for the Yorba Linda Fuel Reduction Project.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

**CARRIED (5 to 0)**

#### 18. CLASSIFICATION, COMPENSATION & TERMS OF EMPLOYMENT FOR MISCELLANEOUS, MID-MANAGEMENT AND MANAGEMENT EMPLOYEES

Human Resources & Risk Manager, David Albaugh provided a report on the item. He said the City met and conferred with the Yorba Linda Chapter of the Orange County Employees Association representing Miscellaneous employees and with the City Employees Associates representing the Mid-Management employees to negotiate and approve Memoranda of Understanding (MOUs) relative to salary and conditions of employment, as well as with the members of the Management employees group regarding salary and benefits. He provided a summary of the changes from the previously approved agreements with terms through the year of 2024 and said the tentative agreements would align the terms of the agreements with the City's fiscal year for budget planning purposes.

**Moved by Hernandez**  
**Seconded by Campbell**

It is recommended that the City Council: 1.) adopt the following resolutions: a.) Resolution No. 2021-5773, relating to the classification, compensation and terms of employment for Miscellaneous employees. b.) Resolution No. 2021-5774, relating to the classification, compensation and terms of employment for Mid-Management employees. c.) Resolution No. 2021-5775, relating to the classification, compensation and terms of employment for Management employees. 2.) authorize supplemental budget appropriations of \$626,262 for fiscal year 2021-22 across the General Fund, Library Fund, and Landscape Management Assessment District (LMAD) Fund to fund the incremental costs associated with the approval of the employment agreements above what has already been included in the adopted budget.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

**CARRIED (5 to 0)**

**19. EIGHTH AMENDMENT TO CITY MANAGER EMPLOYMENT AGREEMENT**

Assistant City Manager Dave Christian said City Manager Mark Pulone first entered into an Employment Agreement on July 2, 2013, and this original agreement has since been amended seven times. He discussed the updates included in the Eighth Amendment.

**Moved by** Haney

**Seconded by** Huang

It is recommended that the City Council review and approve the “Eighth Amendment Employment Agreement” (“Eighth Amendment”) that amends the City Manager’s employment agreement with the City and appropriate the necessary amounts in the FY 21-22 budget.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

**CARRIED (5 to 0)**

**CLOSED SESSION IF REQUIRED**

**ADJOURNMENT**

Mayor Rodriguez adjourned the meeting at 8:20 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on December 21, 2021.

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City Clerk