



CITY of YORBA LINDA

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

MINUTES

**March 15, 2022, 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, Pulone, Walehwa

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) (7 Cases)

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 Carlos Rodriguez recused himself for one case on Closed Session Item A, Conference with Legal Counsel – Anticipated Litigation, Significant Exposure, because he has a potential conflict under Government Code Section 87100.

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 Campbell recused herself for one case on Closed Session Item B, Conference with Legal Counsel – Existing Litigation, because she has a potential conflict under Government Code Section 87100.

City Attorney Litfin stated that Mayor Rodriguez recused himself for one case on Closed Session Item B, Conference with Legal Counsel – Existing Litigation, because he has a potential conflict under Government Code Section 87100.

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Margo Day v. County of Orange, et al.

Case Number: 30-2020-01153798-CU-PO-CJC, Orange County Superior Court

PUBLIC COMMENT ON CLOSED SESSION ITEMS

Dennis and Carol VandeMortel, residents, spoke about their claim on the Closed Session agenda. Ms. VandeMortel said their claim is for the construction of a 7-foot high, 90-foot long wall, jointly owned by them and the City, as it backs Adventure Playground. She said they believe their request for the taller fence will abate some of the noise issues that the Adventure Playground renovation project will create. Ms. VandeMortel spoke of their Claim for Damages to the City for damage previously caused to the wall in 2017 by a City tree.

CONVENE INTO CLOSED SESSION

The City Council convened into Closed Session at 5:39 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 6:32 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

PLEDGE OF ALLEGIANCE

Councilwoman Campbell

INVOCATION

Deacon Denis Zaun, St. Martin De Porres Catholic Church

CLOSED SESSION REPORT

City Attorney Litfin said not all items on the Closed Session agenda were discussed and there was no reportable action.

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 and Closed Session Item B, Conference with Legal Counsel – Existing Litigation, because she has a potential conflict under Government Code Section 87100.

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

INTRODUCTIONS & PRESENTATIONS

RECOGNITION OF MICHAEL ELLZEY, PAST DIRECTOR OF RICHARD NIXON PRESIDENTIAL LIBRARY & MUSEUM

Mayor Rodriguez said Mr. Michael Ellzey could not attend the meeting, and therefore his recognition will be rescheduled.

EMERGENCY AMBULANCE SERVICE PRESENTATION BY BILL WESTON, CAO

Mr. Bill Weston shared a PowerPoint presentation on the 2021 Emergency Ambulance Service Annual Report. He provided a brief history of the organization, discussed the Orange County EMS contract and their community education efforts.

ANNUAL REPORT OF LAW ENFORCEMENT SERVICES BY CHIEF OF POLICE SERVICES, CAPTAIN WALEHWA

Captain Walehwa provided a PowerPoint update for 2021 which included an overview of current staff assigned to the City, crime data, such as violent and property crimes, arrests and traffic collisions. He said response time was 4:59 in 2021, compared to 4:46 in 2020, calculated from receipt of call to arrival. Captain Walehwa said deputies strive to keep this time to under 5 minutes. He spoke about community engagement throughout the year and their Stay Safe OC program. He concluded by congratulating Deputy Nick Doty for being named 2021 School Resource Officer of the Year and 2020-2021 Yorba Linda Police Services Deputy of the Year, and highlighting objectives for 2022.

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

Tom Lindsey, Yorba Linda Water District Director, provided an update on PFAS Water Treatment Plant and said final completion is anticipated in April or May. He said daily current production is 15.12 million gallons per day. However, once the last booster station is fully operational, capacity will increase to 19 million gallons per day. He thanked residents for their patience and said the District is in the process of budget discussions and will try to keep costs as low as possible.

Parks and Recreation Commissioners Janice Lim and Rachel McLure, as well as Traffic Commissioner Anthony Johnson, spoke about Love Yorba Linda and urged the community to participate in this day of service. The event is scheduled for Saturday, April 20th and more information can be found at www.loveyorbalinda.org.

Roger Hall, resident, expressed his concern about the demolition at 17130 Bastanchury Road, Consent Calendar Item No. 6, and the permit process.

Chris Zambek, resident, also expressed her concerns with Consent Calendar Item No. 6 and said she would like information as to what will be built on that site. She questioned the demolition permit approval without development plans for the site.

Matt Bowen, resident, also spoke about Consent Calendar Item No. 6 and inquired about the time and days of demolition as well as dust/dirt abatement.

City Manager Mark Pulone responded to the resident's concerns. He said the plans for future development are under review, and this does not mean that a project has been approved. He stated that the item will come before Planning Commission once the application is ready.

Community Development Director David Brantley said that the City received a Conditional Use Permit and Design Review which is available for review by any member

of the public at the Community Development counter and said Planners are available to help answer questions. Director Brantley said demolition permits are ministerial and staff hopes to present this item to the Planning Commission on April 27th. He concluded by saying that demolition hours would be the same as what is permitted for general construction, Monday through Saturday 7:00 a.m. to 8:00 p.m., with no work on Sundays or Federal holidays. With respect to dust control, he said Air Quality Management District (AQMD) is the primary agency that governs this and requires specific permits.

CONSENT CALENDAR

Mayor Rodriguez stated that Mayor Pro Tem Gene Hernandez will abstain from Consent Calendar Item No. 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 Huang

Seconded by Hernandez

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 – MARCH 15, 2022

It is recommended that the City Council receive and file the accounts payable check register dated March 15, 2022, in the amount of \$886,043.61.

3. APPROVAL OF THE MINUTES OF THE MARCH 1, 2022 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 March 1, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

4. 2021 GENERAL PLAN ANNUAL PROGRESS REPORT

It is recommended that the City Council approve the General Plan Annual Progress Report (APR) for 2021 and authorize staff to send the APR to the Governor's Office of Planning and Research (OPR) and the State Department of Housing and Community Development (HCD) in compliance with Government Code Section 65400.

5. RESOLUTION NO. 2022-5794 AND 2022-5795 – REVISED FISCAL YEAR 2020/21 AND 2021/22 APPROPRIATIONS (GANN) LIMIT

Staff recommends that the City Council adopt Resolution No. 2022-5794 and 2022-5795 establishing the revised appropriations limit for both fiscal years 2020/21 and 2021/22.

7. RESOLUTION NO. 2022-5796 DECLARING INTENT TO VACATE HIDDEN GLEN LANE (SOUTH OF HIDDEN HILLS ROAD)

It is recommended that the City Council approve Resolution No. 2022-5796, declaring its intent to vacate Hidden Glen Lane as illustrated in the Attachments.

8. APPROVAL OF RIGHT-OF-WAY USE AGREEMENT FOR CIELO VISTA DEVELOPMENT WITH LENNAR HOMES

It is recommended that the City Council approve a Right-of-Way Use Agreement for the Cielo Vista Development with Lennar Homes.

9. DENIAL OF CLAIMS FOR DAMAGES

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages by James Bardeen, James Gaffney and Jim & Audrey Von Zabern.

10. REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING

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

11. COUNCIL COMMITTEE AND AGENCY REPORTS

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

6. DEMOLITION PERMIT REQUEST FOR 17130 BASTANCHURY ROAD

A lengthy discussion ensued among Council regarding the height of the proposed project steeple, the 300-foot radius statutory noticing requirement and potentially asking the applicant and staff to notice within a 500-foot radius instead. Council requested that staff provide information on the number of noticed residences at the 300-foot vs 500-foot radius.

Moved by Huang

Seconded by Campbell

It is recommended that City Council approve the demolition permit request for 17130 Bastanchury Road.

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

CARRIED (5 to 0)

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

City Manager Pulone said he had no reportable items.

Councilwoman Peggy Huang said she attended an international mosquito conference and learned about pesticide resistance. She said it is the only way to prevent viruses carried by mosquitos. She said the City of Fullerton tested its first mosquito with West Nile Virus last week and urged the community to eliminate standing water. Councilwoman Huang provided an update on the Transportation Corridor Agency's Safety Enhancement Project at 241 and 91 and concluded by saying she attended the Richard Nixon Presidential Library and Museum to celebrate the 50th anniversary of Richard Nixon's historic visit to the People's Republic of China.

Councilwoman Beth Haney said she attended the Phillip S. Paxton Equestrian Center ribbon-cutting earlier in the day with her Council colleagues to commemorate the recent facility improvements. She concluded by announcing that tomorrow the Richard Nixon Presidential Library and Museum will celebrate Mrs. Nixon's 110th birthday and offer free admission throughout the day.

Mayor Pro Tem Hernandez congratulated the Woman's Club on their successful spring Craft Fair and expressed his enthusiasm for the Phillip S. Paxton Equestrian Center improvements.

Councilwoman Campbell said though the Equestrian Center improvements were fully funded years ago, the City negotiated for years before coming to a long-term 20-year lease agreement with the County. She expressed her excitement to see the improvements finally come to fruition and gave thanks to staff.

Mayor Rodriguez said it was great to attend the Woman's Club Craft Fair last weekend. He spoke of the Equestrian Center, the history of the improvement projects, and congratulated staff for the great work. Mayor Rodriguez said the City is working towards the widening of Bastanchury Road to improve traffic flow and roadways, between Casa Loma Avenue and Eureka Avenue, adding a second thru-lane in each direction. He said

the project will take several weeks to complete and urged the community to drive carefully.

ADMINISTRATIVE REPORTS

12. FISCAL YEAR 2021/22 MID-YEAR BUDGET UPDATE

Finance Director Dianna Honeywell provided a PowerPoint presentation and overview of the 2021/22 Mid-Year budget which included General Fund revenue and expenditure updates, and mid-year budget adjustments.

Moved by Hernandez

Seconded by Haney

It is recommended that the City Council: 1.) Approve adjustments to the fiscal year 2021/22 operating budget as shown in the staff report; and 2.) Receive and file the list of line-item budget transfers and supplemental budget appropriations for the first two quarters of the fiscal year (Attachment 1), as required by City Council Policy A-15 – Supplemental Budget and Line-Item Transfers.

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

CARRIED (5 to 0)

13. AMENDMENT NO. 6 TO THE VETERANS MEMORIAL MONUMENT AGREEMENT

Parks and Recreation Director Mike Kudron said the purpose of Amendment No. 6 is to authorize the Veterans Memorial Association to construct a flag stand wall that will wrap around the existing wall where the bronze plaques are mounted. He shared a PowerPoint with images of the design. The wall will be the base for nine flags, recognizing the six branches of the military, the American Legion, Veterans of Foreign War, and the Gold Star Moms Association, and would be displayed during ceremonies. If approved, the Association plans to complete construction prior to Memorial Day. Director Kudron also provided an update on prior discussion about a shade canopy at the memorial. He said staff is working with the Veterans Memorial Association to incorporate a large shade canopy for the next Memorial Day ceremony.

Gary Brattain, Veterans Memorial Association, expressed appreciation for the City's continued support and said they hope that by Memorial Day, they'll be able to mount service flags.

Richard de Bruijn, resident, said he is excited about the installation of a shade canopy.

Moved by Rodriguez

Seconded by Hernandez

It is recommended that the City Council approve Amendment No. 6 to the Veterans Memorial Monument Agreement to authorize the Veterans Memorial Association to complete construction of a flag stand wall.

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

CARRIED (5 to 0)

ADJOURNMENT

Mayor Rodriguez adjourned the meeting at 8:13 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on April 5, 2022.

City Clerk