



## **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**

**April 5, 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, Pulone, Walehwa

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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) (4 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 to Litigation, 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 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

#### D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: State Farm Mutual Automobile Insurance Company vs. City of Yorba Linda

Case Number: 30-2022-01250362-CU-PA-CJC, Superior Court, County of Orange

#### E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: Zachary Jason Smith, a minor, et al., vs. Placentia Yorba-Linda Unified School District, et al.

Case Number: 30-2020-01173705 Superior Court, County of Orange

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Marlene Nelson, resident, spoke about the Yorba Linda Estates, LLC v. City of Yorba Linda court decision and urged the City to appeal.

**CONVENE INTO CLOSED SESSION**

The City Council convened into Closed Session at 5:35 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 Beth Haney

## **INVOCATION**

Dr. Ahmed Soboh, Islamic Center of Yorba Linda

## **CLOSED SESSION REPORT**

City Attorney Litfin said 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 to Litigation 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 to Litigation 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 RETIRED ORANGE COUNTY BUSINESS COUNCIL EXECUTIVE DIRECTOR LUCY DUNN**

Mayor Rodriguez invited Lucy Dunn to the podium and presented her with a commendation in recognition of her service as President and CEO to the Orange County Business Council for the last 16 years. Council expressed their appreciation for her outstanding and distinguished career and wished her the best in her future endeavors.

Ms. Dunn spoke about her experience with OCBC and the leadership among the cities in Orange County. She expressed her gratitude for the recognition and her excitement for the next chapter in her life.

## RECOGNITION OF NORTH COUNTY BASKETBALL

Mayor Rodriguez invited North County Basketball President and Founder Billy Gary to the podium and presented him with a certificate of recognition for his inspiring commitment and tremendous volunteer efforts working with youth.

Pat Butress, representative of Supervisor Don Wagner's office was also present to present Mr. Gary with a certificate.

Mr. Gary expressed his gratitude for the recognitions and said registration for summer is now open.

## RECOGNITION OF WEST YORBA LINDA LITTLE LEAGUE

Mayor Rodriguez invited President Jeff Hojnacki to the podium and recognized him for his commitment to youth in the community. Mayor Rodriguez also recognized the Immediate Past President of the West Yorba Linda Little League, Mr. Brian Gladue for the difference he has made in the lives of children in Yorba Linda.

Ms. Butress of Supervisor Wagner's office also recognized Mr. Hojnacki and Mr. Gladue for their impact and contributions to the lives of youth. They thanked Council and staff for their work in maintaining the fields and expressed their appreciation for the certificates.

## 11TH MARINE EXPEDITIONARY UNIT (MEU) ADOPTION COMMITTEE UPDATE AND PROCLAMATION DECLARING APRIL 13TH AS 11TH MEU DAY

Commanding Officer Colonel James Lively, and Yorba Linda 11th MEU Adoption Committee President Linda Queen provided an update on the 11th MEU. Ms. Queen said the Committee is collecting children's books, games, and craft supplies that will be distributed to over 200 11th MEU children. Interested residents can find drop-off location details and more information at [www.yorbalinda11thmeu.org](http://www.yorbalinda11thmeu.org).

Council presented Ms. Queen and Colonel Lively with a proclamation declaring April 13th as 11th MEU day. They thanked Council and the community for their continued support.

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

Bob Kanne, resident, expressed his opinion and observations on the Yorba Linda Estates, LLC v. City of Yorba Linda trial which took place at the North Justice Center and urged the City Council to appeal the court decision.

Matt Bowen, resident, said he lives adjacent to the proposed LDS Temple project on the agenda, Consent Calendar Item No. 6, and suggested that the notification be expanded to 1,000 feet.

## **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** Hernandez

**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 – APRIL 5, 2022**

It is recommended that the City Council receive and file the accounts payable check register dated April 5, 2022, in the amount of \$2,730,628.53.

### **3. APPROVAL OF THE MINUTES OF THE MARCH 15, 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 15, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

### **4. TREASURER'S REPORT – DECEMBER 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.

### **5. ADVENTURE PLAYGROUND RENOVATION PROJECT ADMINISTRATIVE CHANGES**

It is recommended that the City Council: 1.) Approve Amendment No. 3 to the October 17, 2017, Agreement with RJM Design Group, Inc. extending services through December 30, 2022; and 2.) Approve Change Order No. 1 for geological and materials testing services with Ninyo & Moore in the amount of \$60,000.

#### 6. EXPANDED PUBLIC HEARING NOTIFICATION FOR LDS TEMPLE PROJECT

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

#### 7. COUNCIL COMMITTEE AND AGENCY REPORTS

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

### **PUBLIC HEARINGS**

#### 8. COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 2022/23 FUNDING

a. Open Public Hearing - Mayor Rodriguez opened the public hearing.

b. Staff Report

Mary Lewis, Senior Community Preservation Officer provided a staff report on this item. She said the City has participated in the CDBG program on an annual basis and submits an application for fiscal year funding. The program allocates federal monies for projects aimed at providing assistance to low-moderate income areas or neighborhoods and income-qualified households throughout the community. The programs proposed for use of CDBG funding include Neighborhood Improvement Program, Senior Nutrition Program, ADA Improvements (Public), and CDBG Program Administration.

c. Take Testimony

City Clerk Marcia Brown said there were no public comments.

d. Close Public Hearing - Mayor Rodriguez closed the public hearing.

e. Make Determination

**Moved by** Huang

**Seconded by** Hernandez

It is recommended that the City Council approve the projects associated with Yorba Linda's Community Development Block Grant (CDBG) application for Fiscal Year 2022-2023, and direct staff to submit an application package to the County of Orange Housing and Community Development offices in accordance with the previously approved Cooperation Agreement between the City of Yorba Linda and the County of Orange executed on June 17, 2014.

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

**CARRIED (5 to 0)**

9. RESOLUTION NO. 2022-5792 CONFIRMING THE COSTS TO ABATE THE PUBLIC NUISANCE AT THE PRIVATE PROPERTY LOCATED AT ASSESSOR'S PARCEL NO. 323-431-18 ORDERING THE COLLECTION OF SUCH COSTS AS A SPECIAL ASSESSMENT LIEN ON SUCH PROPERTY

a. Open Public Hearing - Mayor Rodriguez opened the public hearing.

b. Staff Report

Kim Figal, Community Preservation Officer shared a PowerPoint for this item. She said that on June 15, 2021, City Council adopted Resolution No. 2021-5757 declaring certain properties a public nuisance and ordering abatement thereof. Staff made several efforts to obtain property owner compliance among these properties, however, as of December 20, 2021, APN: 323-431-18 remained uncompliant, and therefore the City ultimately abated the nuisance at a cost of \$1,850. Ms. Figal said imposing an additional tax assessment in this amount on the tax bill for the property will allow the City to recover these costs. She concluded by sharing photos of the property before and after abatement.

c. Take Testimony

City Clerk Brown said there were no public comments for this item.

d. Close Public Hearing - Mayor Rodriguez closed the public hearing.

e. Make Determination

**Moved by Campbell**

**Seconded by Haney**

It is recommended that the City Council adopt Resolution No. 2022-5792 confirming the costs to abate the public nuisance at Assessor's Parcel No. (APN) 323-431-18, Yorba Linda, CA 92886 and ordering the collection of such costs as a special assessment lien on such property.

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 Mark Pulone said he had no reportable items.



Councilwoman Peggy Huang attended the REACH Foundation's 5K run along with Mayor Pro Tem Hernandez and she thanked everyone who participated. She also attended the Caring For America "Zoey's Project" Pop Up Event at the Yorba Linda Cultural Arts Center on Saturday, which raised money for local American Legions and the Life Steps Foundation.

Councilwoman Haney had the opportunity to go on a ride-along with Fire Station 10 and spoke of her experience. She said she had a meeting with Republic Services management earlier today and they will be providing stickers for residents to place on their waste bins as a reminder to sort organic waste in their brown bins with yard waste. She also said that interested residents may request smaller waste bins if their current ones are too large.

Councilwoman Campbell reminded residents that Love Yorba Linda will take place on Saturday, April 30th and people can sign up for a project at [www.loveyorbalinda.org](http://www.loveyorbalinda.org). She serves on the Bridges at Kraemer Place Advisory Board and shared some statistics on their first and second quarter.

Mayor Pro Tem Hernandez thanked the Mayor for recognizing the local sports leagues. He agreed that the City has beautiful fields and commended league parents as well for doing their part in taking great care of them.

Mayor Rodriguez announced that the Chamber of Commerce is hosting the First Responders Breakfast tomorrow and said it is his highest honor to serve with Council and support our First Responders. Mayor Rodriguez announced the 38th Annual Egg-Citement Egg Hunt at Hurless Barton Park on Saturday, April 16th at 10:00 a.m., and also shared that Target will be opening a location in Yorba Linda at the former Osh Building. He concluded his comments by saying that the City is seeking volunteers for the Yorba Linda Community Response Team (CERT). The in-person course will commence April 6th - May 4th, as well as the online course option, with a two-day in-person workshop on June 25-26th. He encouraged those interested to visit the City's website for more information.

## **ADMINISTRATIVE REPORTS**

### **10. RESOLUTION NO. 2022-5797, OPPOSING INITIATIVE 21-0042A1**

City Manager Pulone said the League of California Cities has brought to the attention of all local cities a ballot measure that would impact the way local governments can establish local taxes and revenues; the measure was mentioned at the last Council meeting and agendaized today. However, he said he has received a request to continue the item to allow staff time to further review.

Tony Cardenas, League of California Cities, said the League has taken an opposing position on this item, known as Taxpayer Protection and Government Accountability Act, and shared a few reasons as to why the League did so. He said the premise of the measure is to change cities' fiscal authority by overturning the Upland Decision of 2017 when courts decided that a special tax could be passed by a simple majority. He spoke of other impacts and effects on special taxes if the ballot measure were to pass and said it would be retroactive to January 1st of this year. Mr. Cardenas concluded by speaking about potential annexation delays and additional impacts.

Councilwoman Campbell said she requested to postpone this item because staff does not have the information to answer questions such as how the measure would apply to Yorba Linda. She thanked Mr. Cardenas for attending the meeting and said he answered many of her questions. She said in order to take a position on the resolution she would like to know how it would directly impact the City.

A lengthy conversation ensued among Council regarding the Library tax and potential impacts of this ballot measure on the Cielo Vista and Esperanza Hills developments. They also discussed LMAD assessments and exemptions.

**Moved by Rodriguez**

**Seconded by Campbell**

It is recommended that the City Council postpone consideration of a Resolution opposing State Ballot Measure 21-0042A1 to the next regularly scheduled Council meeting.

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

**CARRIED (5 to 0)**

#### 11. THIRD AMENDMENT TO CITY ATTORNEY AGREEMENT

City Attorney Litfin recused himself from Council Chambers at 7:57 p.m.

Assistant City Manager Dave Christian said that in 2011 the City entered into an agreement with Rutan & Tucker, LLP for City Attorney services. The agreement was amended in March 2017 for a rate adjustment and then again in April 2018 to add the Yorba Linda Municipal Financing Authority to the agreement. He said the Third Amendment would account for rate increases of 11.4%, for General Services and 16.8%, for Special Services. Assistant City Manager Christian said the current adjustment request would bring rates more in line with what they would have been if actual CPI adjustments were made every year since 2011.

**Moved by Haney**

**Seconded by Huang**

It is recommended that the City Council approve the Third Amendment to Agreement for Provisions of Attorney Services.

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

**CARRIED (5 to 0)**

**ADJOURNMENT**

Mayor Rodriguez adjourned the meeting at 8:03 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on April 19, 2022.

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City Clerk