



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

May 17, 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 5:31 p.m. in the Council Chambers at 4845 Casa Loma Avenue.

ROLL CALL

Councilmembers Absent: Peggy Huang

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)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: APN: 323-304-19

City Negotiators: City Manager Pulone

Property Negotiators: Parties To Be Determined

Under Negotiation: Price and Terms of Payment

PUBLIC COMMENT ON CLOSED SESSION ITEMS

Carol VandeMortel, resident, spoke regarding their claim on the Closed Session agenda.

CONVENE INTO CLOSED SESSION

The City Council convened into Closed Session at 5:45 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 6:31 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

PLEDGE OF ALLEGIANCE

Dominic Albertini, Eagle Scout Troop 1775

INVOCATION

Pastor Kenneth C. Curry, Jr., Friendship Baptist Church

CLOSED SESSION REPORT

City Attorney Todd Litfin said there was no reportable action.

INTRODUCTIONS & PRESENTATIONS

RECOGNITION OF GOLD STAR RECIPIENTS

Mayor Carlos Rodriguez spoke of the significance of Memorial Day and invited the community to the Yorba Linda Veterans Memorial Association's Memorial Day Ceremony on Monday, May 30, at 2:00 p.m. at the Yorba Linda Veterans Memorial at Veterans Park. He said the event will include the traditional Gold Star Roll Call followed by the playing of Taps. He asked everyone for a moment of silence while the names and photos of Joel Brattain, Faoa Apineru, Mathew Veltre, Preston Medley, Robert Johnson, Jonathan Welch, Rick Centanni, Robert Cottle, Claudio Patino, and Travis Jordan were displayed on screen in remembrance of these heroes from our community who have died while serving our Country since 9/11.

RECOGNITION OF EAGLE SCOUTS

Mayor Rodriguez recognized Dominic Albertini, Zachary Colby, Kenny Fisher, Alex Gonzales and Caleb Howden of Troop 1775 for attaining their Eagle Scout Badge, the highest rank awarded in the Boy Scouting Program of the Boy Scouts of America. They each spoke briefly about their project and thanked Council for the recognition.

Pat Butress, representative of Supervisor Don Wagner's office was also in attendance to present certificates to the young men.

Councilwoman Huang arrived at 6:51 p.m.

RECOGNITION OF ADVANTAGE FLAG FOOTBALL

Mayor Rodriguez invited Advantage Flag Football President Paul Albertini to the podium and presented him with a certificate in recognition and appreciation of his commitment to making a difference in the lives of the community's youth.

Mr. Albertini thanked Council for the recognition and presented Council with a team football. Other Advantage Flag Football coaches in attendance expressed their gratitude to Council for their support.

RECOGNITION OF YOUNG CIVIC LEADERS ACADEMY STUDENTS

Mayor Rodriguez invited the Young Civic Leaders Academy students, a program started by Councilwoman Tara Campbell, to the podium and said the Academy is a six-week program that gives Yorba Linda's high school students the opportunity to learn about city government in a nonpartisan, positive way and shows them how they can make a difference by being involved.

Councilwoman Campbell provided details about the program, including an overview of the curriculum. She recognized the following 2022 Academy students: Eden Smith, Ruth Jacob, Emmy Lopez, Ashley Lopez, Erica Tobing, Cesar Larios, Cesar Mora, Matthew Jones, Meah Pierson and Daeun Lee. Councilwoman Campbell also expressed her gratitude to Traffic Commissioner Anthony Johnson and Parks and Recreation Commissioner Janice Lim for all of their support with the program.

PROCLAMATION RECOGNIZING NATIONAL PUBLIC WORKS WEEK

Mayor Rodriguez presented the Proclamation for National Public Works Week to Public Works Director/City Engineer Jamie Lai.

INTRODUCTION OF NEW STAFF MEMBER EDWARD COX, SENIOR PUBLIC WORKS INSPECTOR

City Manager Mark Pulone introduced the City's new staff member Edward Cox, Senior Public Works Inspector, and shared a brief overview of his career background.

Council welcomed him to the Yorba Linda team.

LAW ENFORCEMENT SERVICES UPDATE BY CHIEF OF POLICE SERVICES CAPTAIN JOSES WALEHWA

Chief of Police Services Captain Joses Walehwa provided a PowerPoint presentation on law enforcement services for the months of January through April. His update included statistics on traffic and said there was been a slight increase in collisions. Captain Walehwa reminded the community to abide by traffic laws, slow down and give themselves extra time for travel. He spoke about crime data and significant arrests and

said they held a Community Safety & Crime Prevention presentation on March 10th from 6:00 p.m. to 7:00 p.m. at the Yorba Linda Community Center which was very well attended. Deputies plan on hosting another event in the fall. On April 30th, they collaborated with the Drug Enforcement Administration to host another National RX Takeback Day, they collected 19 boxes of prescription drugs, totaling 190 pounds. He said events planned for this summer include Coffee with a Cop, Neighborhood Watch, Business Outreach, and Faith Based Outreach.

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

Gabriella Rollins, Director of Yorba Linda Arts Alliance Foundation, spoke about the Yorba Linda Arts Foundation and programs, projects and events the Foundation has offered the past 22 years. She said the new Yorba Linda Art Gallery, in partnership with Caduceus Medical Group, is now at the Packing House and free of charge. Ms. Rollins announced that the Celebration of the Arts and Music Festival will be held on Sunday, June 5th at Hurless Barton Park. She spoke of ways to support the arts and said more information can be found at artsyl.org.

Jim Whited, resident spoke about a slope collapse near his property that occurred many years ago. He believes a proper geological study was never completed. He concluded by expressing his disapproval of the proposed rezoning of a housing project on the former Latter-Day Saints property off of Fairmont Boulevard.

Paulina Rodriguez, resident, expressed her concerns with the Housing Element and the constraints of the former Latter-Day Saints property near her.

Gary Poage, resident, also expressed his concerns with the Housing Element and the risks with a high fire hazard area.

Shan Totty, resident, echoed the comments of the prior speakers and shared his objection to rezoning a property in the Housing Element to 230 units. He said there was not enough outreach and expressed concerns with the Planning Commission resolution.

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.

Councilwoman Campbell requested to pull Item No. 4 and City Manager Pulone stated that staff requested to continue Item No. 10 to the next City Council meeting.

Moved by Hernandez
Seconded by Haney

It is recommended that the City Council approve the Consent Calendar with the removal of Item No. 4 and continuation of Item No. 10 to the next City Council meeting.

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 – MAY 17, 2022

It is recommended that the City Council receive and file the accounts payable check register dated May 17, 2022, in the amount of \$1,099,210.44.

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

5. RESOLUTION NO. 2022-5801 – INTENT TO VACATE LANDSCAPE EASEMENTS WITHIN TRACT 16144 FOR LOCAL LANDSCAPING ZONE L-5A

It is recommended that the City Council: 1.) Adopt Resolution No. 2022-5801, declaring its intent to vacate designated landscape easements within Tract 16144 (Local Landscape Maintenance Zone L-5A); and 2.) Set June 21, 2022, as the Public Hearing date for the vacation process; and 3.) Direct staff to obtain release agreements from property owners with approved requests to keep any of the existing on-grade irrigation infrastructure within the proposed vacated easement area.

6. ACCEPT PUBLIC IMPROVEMENTS AND RELEASE BONDS FOR TRACT 18061, WEDGEWOOD – SHEA HOMES

It is recommended that the City Council authorize the City Clerk to: 1.) Accept the On-site Improvements of Tract 18061 and release Faithful Performance and Labor and

Materials bonds to 90 percent of the original amount and retain 10 percent of the original amount for a one-year warranty period; and 2.) Accept the Off-site Improvements of Tract 18061 and release Faithful Performance and Labor and Materials bonds to 90 percent of the original amount and retain 10 percent of the original amount for a one-year warranty period; and 3.) Release 100 percent of the Monumentation Bond; and 4.) Release Grading Bond to 90 percent of the original amount and retain 10 percent of the original amount for a one-year warranty period; and 5.) Release, in one year (May 17, 2023), if no liens have been filed, the remaining 10 percent of the Faithful Performance, Labor and Materials, and Grading bonds for both On-site and Off-site Improvements.

7. AUTHORIZATION TO EXECUTE THE YORBA LINDA SENIOR CITIZENS CLUB USE AGREEMENT

It is recommended that the Yorba Linda City Council authorize the City Manager to execute the agreement between the Yorba Linda Senior Citizens Club and the City.

8. RESOLUTION NO 2022-5798 ADOPTING THE CITY'S PROJECT FOR FISCAL YEAR 2022/23 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

It is recommended that the City Council approve Resolution No. 2022-5798 adopting the City's Project for Fiscal Year 2022/23 funded by Senate Bill 1: Road Repair and Accountability Act of 2017.

9. AWARD OF CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES CONTRACT TO NV5, INC. (NV5) FOR THE BASTANCHURY ROAD WIDENING BETWEEN CASA LOMA AVENUE AND EUREKA AVENUE PROJECT

It is recommended that the City Council award a Professional Services Agreement for construction management and inspection services contract to NV5, Inc. (NV5), in the amount of \$366,480 for the Bastanchury Road Widening between Casa Loma Avenue and Eureka Avenue project (SI221005). It is also recommended that the City Council authorize expenditures of up to \$54,972 (15% of the agreement value) in contract contingencies for potential additional services and unanticipated work that may arise during the course of construction.

10. APPROVAL OF CHANGE ORDER NO. 3 – ADVENTURE PLAYGROUND RJM DESIGN GROUP, INC.

It is recommended that the City Council approve Change Order No. 3 for construction administration services with RJM Design Group, Inc. in the amount of \$58,000.

11. REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING

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

12. REPORTS OF TRAFFIC COMMISSION ACTIONS FROM THEIR LAST MEETING

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

13. COUNCIL COMMITTEE AND AGENCY REPORTS

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

4. APPROVAL OF NON-EXCLUSIVE BIKEWAY EASEMENT TO COUNTY OF ORANGE FOR OC LOOP SEGMENT D IMPROVEMENT PROJECT

City Attorney Litfin stated for the record that although Councilwoman Campbell works for the County of Orange, she can participate in this item as it does not pertain to her department.

Councilwoman Campbell said this is one of the final segments in Yorba Linda of the OC Loop Improvement Project and said there will be some impacts on traffic.

Director Lai shared a PowerPoint presentation with background on the project. She said the OC Loop is a planned alternative transportation corridor comprising 66 miles of regional non-motorized recreational/commuter cycling and pedestrian routes. Segment D project design is planned for completion in the fall, with construction to begin as early as 2023. She said permanent easements and temporary construction easements are required and shared aerial diagrams of the area. Director Lai said staff is working closely with the County to minimize traffic impacts as much as possible during construction.

Moved by Campbell

Seconded by Haney

It is recommended that the City Council grant a permanent, non-exclusive bikeway/multi-use trail easement to the County of Orange for the OC Loop Segment D Improvement Project located along Bastanchury Road from the El Cajon Trail south to the Carbon Canyon Channel north (see Attachment 1 Vicinity Map).

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 thanked the residents who expressed their concerns with the Regional Housing Needs Assessment (RHNA) site listing. He said the City is about two years into the process and said there is still a long way to go before there is any sort of implementation. The City has just identified potential sites but significant studies would need to go forward before any site is considered for specific development and the constraints residents mentioned may be an issue. He encouraged residents to contact staff for answers to their questions and said upcoming meetings will be community-wide so staff will conduct significant noticing.

Councilwoman Huang spoke about the Irvine Taiwanese Presbyterian Church shooting on Sunday, May 15 as members gathered for lunch after morning service at Geneva Presbyterian Church in the City of Laguna Woods. She said her parents are members of the church and the pastor is a close family friend. Councilwoman Huang stated that she was late to join the Council meeting because she was meeting with several victims at their monthly Taiwanese Club meeting and shared that members of the church are appreciative of all the support and prayers. She attended the California Special Districts meeting in Sacramento where they discussed wildfire insurance and spoke of regulation changes the Insurance Commissioner will be proposing. She thanked Commissioner Lim for her work at Love Yorba Linda and expressed her appreciation to the staff involved. With respect to the Housing Element, she said the City does not have a lot of ability to appeal and is required to meet these State requirements.

Councilwoman Beth Haney said last week was National Nurses Week and thanked all nurses who dedicate their lives to helping others. She also spoke of National Police Week and thanked law enforcement for their service. Councilwoman Haney said her prayers are with the families and victims of the Laguna Woods tragedy.

Councilwoman Campbell thanked the residents who expressed their concerns about the Housing Element and said the City is fully complying with Measure B, and there will be many opportunities for more information. She thanked Council for recognizing the Young Civic Leaders Academy and those involved for their support. She said the Yorba Linda Woman's Club gave over \$30,000 in scholarships to students across Yorba Linda and Placentia and thanked them for continuing this tradition. Councilwoman Campbell said the Yorba Linda Rotary Lobsterfest will be held this Saturday and said she hopes to see everyone at the Celebration of the Arts and Music Festival on June 5th.

Mayor Pro Tem Hernandez thanked the community for bringing up their concerns with respect to the Housing Element and reminded residents that Council cannot respond during their Public Comment period. He said he was not aware of the slope collapse mentioned by Jim Whited and suggested that staff look into the issue. Mayor Pro Tem

Hernandez stated that Council and staff are complying with the State when it comes to housing allocation requirements, but staff has done their best to communicate constraints and issues to the State. He stressed that sites have been identified, but that does not mean those sites will be built on. He announced that last Friday was the 34th Annual Candlelight Vigil by the National Law Enforcement Memorial & Museum, which was a very touching event.

Mayor Rodriguez echoed the comments made by his colleagues regarding the Housing Element. He congratulated Maserati of Anaheim Hills for their grand opening and thanked the Yorba Linda Chamber for the great Yorba Days event. Mayor Rodriguez met with Bridget Blehm, Civilian Aide to the Secretary of the Army, and incoming Southern California Battalion Commander Lieutenant Colonel Matthew Upperman to discuss how cities can collaborate with the Army to disseminate information on career opportunities with the Army. Mayor Rodriguez announced that the City's weed abatement goats will be back in town next month as the City expands its pilot program that tests using goat grazing to complete weed abatement in certain sites around Yorba Linda. To help the community learn more about how the goats help to reduce wildfire dangers, he invited the community to meet the goats on Wednesday, June 1st at 2:00 p.m. at Bryant Ranch Park. He also announced this year's first Movie in the Park event this Saturday evening at Eastside Community Park.

ADMINISTRATIVE REPORTS

14. APPROVAL OF ENGINEER'S REPORT, DECLARATION OF INTENT TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITYWIDE LIGHTING AND LMAD FOR FY2022/23, RES NOS. 2022-5799 AND 2022-5800 AND SETTING A PUBLIC HEARING DATE CONCERNING LEVY OF ASSESSMENTS

City Attorney Liftin stated that because the LMAD assessments affect the entire City and each Councilmember owns property in the City, there may be a potential conflict of interest due to their real property interests per FPPC Regulation Section 18702.2(a)(3). However, under Section 18705(a), a public official may participate only if there exists no alternative source of decision for that legislative body. Here, approval of the Engineer's Report and levying of assessments for LMAD is required by City Council per Landscaping and Lighting Act (Sts. & Hwy Code, Section 22623); therefore, the minimum number of Councilmembers can participate to reach quorum.

He further stated that under the Public Generally exception in Section 18703(e)(1), this could be perceived as not a conflict; however, the City is being cautious of the potential conflict. The Councilmembers' real property interests at issue, which include each of the Councilmembers' personal residence, are located in the following LMAD zones:

- Councilwoman Huang – Arterial Landscaping Zone A-6, Local Landscaping Zone L5B, and Local Lighting Zone, Arterial Lighting Zone, and Traffic Signal Zone TS-2;
- Mayor Pro Tem Hernandez – Arterial Landscaping Zone A-5, Local Landscaping Zone L2G, and Local Lighting Zone, Arterial Lighting Zone, and Traffic Signal Zone TS-2;
- Mayor Rodriguez – Arterial Landscaping Zone A-5, Local Landscaping Zone L2G, and Local Lighting Zone, Arterial Lighting Zone, and Traffic Signal Zone TS-2;
- Councilwoman Haney – Residence: Arterial Landscaping Zone A-4, Local Landscaping Zone L4A, and Local Lighting Zone, Arterial Lighting Zone, and Traffic Signal Zone TS-2. Business: Arterial Landscaping Zone A-7, Local Lighting Zone, Arterial Lighting Zone, and Traffic Signal Zone TS-2, and is not in a Local Landscaping Zone; and
- Councilwoman Campbell – Arterial Landscaping Zone A-7, Local Lighting Zone B, Arterial Lighting Zone, Traffic Signal Zone TS-2, and is not on a Local Landscaping Zone.

Mr. Liftin explained that the Councilmembers will draw straws to determine which three will participate. He stated however that Mayor Pro Tem Hernandez will not be at the Council meetings in June and therefore will not participate because the three selected will have to participate tonight as well as the meeting in June. Following the draw, it was determined that Mayor Pro Tem Hernandez and Councilwoman Campbell would not participate, and they recused themselves from the meeting at 8:34 p.m.

Director Lai provided a PowerPoint of the FY 2022-2023 Engineer's Annual Report and Levy of Assessments highlighting the zones within the City's LMAD, changes from last year's Engineer's Report, financial status, landscape projects and next steps.

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

A conversation ensued among Council regarding the Engineer's Report and deficit zones.

Moved by Huang

Seconded by Haney

It is recommended that the City Council: 1.) Adopt proposed Resolution No. 2022-5799, approving the Engineer's Report regarding the levy of an annual assessment with the City of Yorba Linda Street Lighting and Landscaping Maintenance Assessment District

(LMAD) for Fiscal Year 2022/2023; and 2.) Adopt proposed Resolution No. 2022-5800, declaring its intention to levy and collect assessments within the City of Yorba Linda Street Lighting and Landscaping Maintenance Assessment District (LMAD) for Fiscal Year 2022/2023, and setting a time and place for a public hearing concerning the levy of annual assessments.

AYES (3): Haney, Huang, and Rodriguez

ABSENT (2): Campbell, and Hernandez

CARRIED (3 to 0)

ADJOURNMENT

Mayor Rodriguez adjourned the meeting at 8:45 p.m. in honor of the victims of the Irvine Taiwanese Presbyterian Church shooting in Laguna Woods to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on June 7, 2022.

City Clerk