



## **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**

**June 7, 2022, 6:30 p.m.  
Council Chambers  
4845 Casa Loma Avenue**

Councilmembers Present: Campbell, Haney, Huang, Rodriguez

Councilmembers Absent: Hernandez

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

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#### **CALL TO ORDER**

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency convened at 5:32 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)

B. THREAT TO PUBLIC SERVICES OR FACILITIES

Government Code Section 54957(a)

Consultation with: Chief of Police Services

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

None.

**CONVENE INTO CLOSED SESSION**

The City Council convened into Closed Session at 5:33 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**

Councilwoman Tara Campbell

## **INVOCATION**

Reverend Lynn Stone, Yorba Linda Presbyterian Church

## **CLOSED SESSION REPORT**

City Attorney Todd Litfin said there was no reportable action.

## **INTRODUCTIONS & PRESENTATIONS**

### **RECOGNITION OF MISS YORBA LINDA AND MISS YORBA LINDA OUTSTANDING TEEN**

Mayor Carlos Rodriguez invited current and past Miss Yorba Linda and Miss Yorba Linda Outstanding Teen crowned recipients to the podium. Council presented the following ladies with a certificate of recognition: Miss Yorba Linda - Lilah Haye (2020), Kiannah Dole (2022) and Miss Yorba Linda Outstanding Teen Ava Siniscalchi (2020), Madeline Smith (2022). Council also recognized Karissa Dole, Miss Yorba Linda's Outstanding Teen 2019 for winning the "Crown of Excellence" award as well as being selected as 1st runner up to Miss California's Outstanding Teen.

### **PROCLAMATION RECOGNIZING WORLD ELDER ABUSE AWARENESS DAY**

Mayor Rodriguez presented a Proclamation for World Elder Abuse Awareness Day to Gail Araujo, Family Self-Sufficiency & Adult Services Division Director.

### **RECOGNITION OF GIRL SCOUT MAGGIE O'BRIEN ON BRONZE AWARD PROJECT**

Mayor Rodriguez invited Girl Scout Maggie O'Brien to the podium and presented her with a certificate of recognition for her community bench project and attaining her Girl Scout Bronze Award.

Pat Butress, representative of Supervisor Don Wagner's office was also in attendance to present a certificate to Maggie.

### **CHAMBER OF COMMERCE'S QUARTERLY UPDATE AND BUSINESS OF THE MONTH RECOGNITIONS**

Yorba Linda Chamber of Commerce Chief Executive Officer Susan Wan-Ross shared a PowerPoint of the Chamber's Quarterly Update which included an overview of their 2022 Board of Directors and highlights of events in the first quarter, including Pat Nixon Day of Service, Emergency Responders Breakfast and Lunch Mobs. She spoke about membership retention, social media outreach, COVID-19 response and gave an update on their electronic waste event.

Mayor Rodriguez recognized the January - June Businesses of the Month as Miss Placentia & Yorba Linda Scholarship Program, San Diego County Credit Union, Joaquin's Mexican Restaurant, All American Brew Works, JCV Wealth Management, and The Edie Israel Team respectively. Council congratulated the businesses and wished them continued success.

#### **CITY'S BUSINESS OF THE QUARTER RECOGNITIONS TO INSPIRATIONS GIFT & HOME AND MONARCH 9**

Next, Mayor Rodriguez recognized Inspirations Gift & Home and Monarch 9 as the City's Business of the Quarter for the first and second quarter. Ana Gonzalez-Betchel of Inspirations Gift & Home and Thomas and Aileen Huynh of Monarch 9 accepted the recognition and expressed their gratitude to Council and the community.

Pat Butress, representative of Supervisor Don Wagner's office also presented the Businesses of the Quarter with a certificate.

At this time, Captain Joses Walehwa spoke briefly about school safety. He said that school safety is one of the top priorities for Yorba Linda Police Services. The Orange County Sheriff's Department (OCSd) has a strong partnership with the Placentia Yorba Linda School District to ensure that they are ready in the event of an incident. Captain Walehwa said the OCSd SMART Team, which is their school mobile resources assessment team, focuses on assessing risk at schools throughout the County. He said they collaborate with numerous groups within the community including the District Attorney's Office and Orange County Health Care Agency for students struggling with possible mental health issues. The Placentia Yorba Linda School District annually participates in Active Shooter Training and School Resource Officers (SRO) conduct additional training and identify potential hazards. He concluded his comments by saying that this summer they will have an SRO Summit at Yorba Linda High School for continued training for all School Resource Officers.

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

The following individuals expressed concerns regarding the Yorba Linda Housing Element which included, but were not limited to traffic, safety and potential fire hazards:

Lesa Bradley, Paulina Rodriguez, Daniel Garibay, Janet Southard, Dave Nichols, Stephanie Nichols, Linda Reyes, and Margaret Thurston.

Council paused Public Comments at 7:48 p.m. for Public Hearing Item No. 15. and resumed public comments at 8:03 p.m. Councilwoman Campbell rejoined the meeting at this time.

The following individuals also expressed their concerns regarding the Housing Element: Gary Poage, Susie Gaudette, Mike Sinclair, Ellen Grau, Tom Tonelli, Greg Schlentz, Danielle Laird, Paul Vann, Christine Kouri, Gregory Schlinger, Jason Klems, Mark Zeko, Darrell Dasani, Juanita, Dianne Kanne, Brooke Sticked, Denise Franklin, and Debbie VanKirk.

Richard de Bruijn, resident, agreed with the concerns of prior speakers but added that he understands that Sacramento is actively reducing local control so that it can proceed with building more affordable housing regardless of City zoning, water, transportation, and jobs.

City Manager Mark Pulone reminded residents that the City is in the middle of a process that started a few years ago and emphasized that the City fought its RHNA (Regional Housing Needs Assessment) allocation. When the State determined that California needed 1.2 million housing units, the City had concerns as to what it meant for the City's allocation. He assured residents that from a legal perspective, none of the sites have been rezoned, it would require public hearings before the Planning Commission and Council. City Manager Pulone said on June 29th the Planning Commission will hold a public hearing regarding zoning and general plan modifications. He encouraged residents to visit the City website and read the e-newsletter to stay informed.

Councilwoman Peggy Huang said she has been discussing the Housing Element and its ramifications for the last six years. She and Planning Manager Nate Farnsworth have invested a lot of time fighting the State on the City's behalf. The City has opposed several Bills to try to protect housing and local authority, arguing about the high fire hazard, limited resources, and aging infrastructure. However, contrary to the belief that Council has power, there is little the City can do. She spoke about the California Alliance of Local Electeds and the Our Neighborhood Voices Initiative and urged residents to support it for the 2024 election in order to help restore local control.

Councilwoman Beth Haney also stated that the City has been working very hard to fight these State mandates. She encouraged residents to visit [Ourneighborhoodvoices.com](http://Ourneighborhoodvoices.com) to learn more about the initiative for 2024, and to email Governor Newsom and Senator Weiner to express opposition.

Councilwoman Campbell thanked residents for being involved and expressing their concerns. She said Yorba Linda was the only City whose residents submitted opposition

letters to the State for the Sixth Cycle RHNA in support of the City's appeal and said she appreciates the community support.

Mayor Rodriguez thanked everyone for coming and speaking tonight. He went over the Housing Element process and said he shares the frustration and anger of the residents. He assured everyone that the City will continue to fight against the State mandates and will honor Measure B. Mayor Rodriguez said it is the Council's collective goal to protect the Yorba Linda way of life and he encouraged everyone to attend the upcoming meetings where the Housing Element will be discussed.

Mayor Rodriguez called recess at 9:55 p.m. and reconvened the meeting at 10:07 p.m.

### **CONSENT CALENDAR**

**Moved by** Campbell

**Seconded by** Haney

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

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

ABSENT (1): Hernandez

**CARRIED (4 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 – JUNE 7, 2022**

It is recommended that the City Council receive and file the accounts payable check register dated June 7, 2022, in the amount of \$2,351,907.67.

### **3. APPROVAL OF THE MINUTES OF THE MAY 17, 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 17, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

#### 4. TREASURER'S REPORT – FEBRUARY 2022

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. TREASURER'S REPORT – MARCH 2022

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

It is recommended that the City Council approve Change Order No. 3 for construction administrative services with RJM Design Group, Inc. (RJM) in the amount of \$30,150.

#### 7. AWARD OF PROJECT MANAGEMENT, GRANT MANAGEMENT & CONSULTING SERVICES FOR SAFETY MITIGATION EFFORTS RELATED TO THE SAFETY ELEMENT UPDATE, LOCAL HAZARD MITIGATION PLAN, & CAL FIRE – FIRE PREVENTION GRANT, INCLUDING THE EMERGENCY OPERATIONS PLAN UPDATE

It is recommended that the City Council award a Professional Services Agreement for project management, grant management and consulting services for all safety mitigation efforts to Michael Baker Int., related to the following in the amount of \$471,880: Safety Element Update, Local Hazard Mitigation Plan, and Cal Fire – Fire Prevention Grant, including the Emergency Operations Plan (EOP) Update. It is also recommended that the City Council authorize expenditures of up to \$70,782 (15% of the agreement value) in total contract contingencies for potential additional services and unanticipated work that may arise during the course of work.

#### 8. REJECTION OF BIDS RECEIVED FOR THE FISCAL YEAR 2021-22 ANNUAL PAVEMENT PRESERVATION PROJECT (ZONE 6)

It is recommended that the City Council reject all bids received for the Fiscal Year 2021-22 Annual Pavement Preservation Project Zone 6 (SI221009).

#### 9. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR ADDITIONAL ENGINEERING DESIGN SERVICES ON BASTANCHURY ROAD WIDENING BETWEEN CASA LOMA AVENUE AND EUREKA AVENUE

It is recommended that the City Council: 1.) Approve an amendment to the Professional Services Agreement with Michael Baker International, in the amount of \$70,294 for

additional engineering services on the Bastanchury Road Widening Project between Casa Loma Avenue and Eureka Avenue (SI221005); and 2.) Approve a supplemental budget appropriation of \$19,504 from the Traffic Signal Improvement Fund (405) with a corresponding increase to the Capital Improvement Program (CIP) Project budget.

10. ENCROACHMENT ONTO CITY EASEMENT REQUEST – 4060 NAPLES COURT

It is recommended that the City Council: 1.) Determine that the installation of hardscape and landscape improvements does not adversely impact the City's normal use of the easement for storm drain purposes; and 2.) Authorize the City Manager to grant the property owner an Encroachment Permit to complete the said hardscape and landscape improvements over the storm drain easement; and 3.) Require the homeowner to execute a Declaration of Restrictive Covenants Agreement pursuant to the City Council E-5 Policy.

11. DENIAL OF CLAIMS FOR DAMAGES

It is recommended that the City Council of the City of Yorba Linda deny the claim for damages by Mercury Insurance as subrogee of Jeffrey Brem, and Joe and Linda Hernandez.

12. PROFESSIONAL SERVICES AGREEMENT WITH JONES LANG LASALLE, INC. TO PROVIDE RETAIL RECRUITMENT AND ATTRACTION SERVICES TO RETAIL CENTERS THROUGHOUT THE CITY

It is recommended that the City Council approve the attached Professional Services Agreement with Jones Lang LaSalle, Inc. (aka, JLL) to assist the City in providing retail recruitment and attraction services to retail centers throughout the city.

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.

**PUBLIC HEARING**

15. RES NO. 2022-5802, ORDERING COSTS FOR CERTAIN IMPROVEMENTS IN THE CITYWIDE LIGHTING AND LANDSCAPING MAINTENANCE DISTRICT TO BE RAISED THROUGH INSTALLMENTS, CONFIRMATION OF THE DIAGRAM BOUNDARIES AND ASSESSMENTS FOR FY22-23

City Attorney Liftin reiterated the potential conflicts of interest on this item due to property interests among Council as mentioned at the May 17, 2022 Council meeting.



He said 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.

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.

Councilwoman Campbell recused herself from the meeting at 7:54 p.m. for this item.

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

b. Staff Report

Public Works Director/City Engineer Jamie Lai shared a PowerPoint of the LMAD levy of assessment for FY 2022/23 which included an overview of the Local Landscape Zones and updates to the Annual Engineer's Report from the prior year. She said the item was first presented at the May 17, 2022 Council meeting and she discussed the

financial status of Zones L-1A and L-1B and upcoming actions. The assessments, if approved would be submitted to the Orange County Auditor/Controller to be included on the property tax roll for each parcel by August 10, 2022.

c. Take Testimony

Dianne Kanne, resident, spoke about lettered lots and asked staff to make sure that none that are supposed to be owned by the City, dedicated in fee, are included in the report with assessments.

Councilwoman Haney asked for clarification on the correspondence received by Kay Dotson regarding lettered lots. City Attorney Litfin said Kay Dotson and a few other residents have an interpretation of certain dedications on maps as being owned by the City when they are not on record title by the City and in his legal opinion are not owned by the City. He did say there have been situations in the past when lots that are not owned by the City have been bought and homes have been developed, but the City cannot take property that it does not own.

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

e. Make Determination

**Moved by Huang**

**Seconded by Haney**

Adopt proposed Resolution No. 2022-5802, pursuant to the provisions of the Landscaping and Lighting Act of 1972, ordering that the costs for certain improvements in the Citywide Yorba Linda Lighting and Landscaping Maintenance Assessment District shall be raised through installments over a period of years, confirming the diagram boundaries and assessments for FY 2022/23 for the Citywide Yorba Linda Lighting and Landscaping Maintenance Assessment District, overruling all protests concerning the assessments, and levying the assessments confirmed herein.

AYES (3): Haney, Huang, and Rodriguez

ABSTAINED (1): Campbell

ABSENT (1): Hernandez

**CARRIED (3 to 0)**

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

City Manager Pulone did not have a report.

Councilwoman Campbell said she attended the Yorba Linda Arts Alliance Foundation's Celebration of the Arts Festival on Sunday, June 5th and thanked Parks and Recreation staff for working with the Foundation on the event. She also thanked Public Works staff for bringing back goat grazing to the City for fire mitigation. She said the Goat Meet and Greet was June 1st at Bryant Ranch Park.

Councilwoman Huang encouraged residents to visit the goats.

Mayor Rodriguez thanked all residents who submitted name suggestions to name one of the baby goats at the Meet and Greet last week. He said the ad hoc Goat Naming Committee settled on the name "Gracie" as homage to the Land of Gracious Living. He reminded residents to request vacation home checks when they leave town on vacations. Yorba Linda Police Services offers this service free of charge to ensure homes remain secure while residents are away.

### **ADMINISTRATIVE REPORTS**

#### **16. RESOLUTION NO. 2022-5803 APPROVING THE THIRD AMENDMENT TO AGREEMENT FOR SOLID WASTE HANDLING SERVICES REGARDING STATE MANDATE SB 1383**

Director Lai provided a PowerPoint presentation for this item. She said staff worked with HF&H Consultants and Republic Services in order to comply with State mandate SB 1383 - Organics. Director Lai spoke about the requirements of the legislation as well as the implementation.

Colleen Callahan-Litfin, Project Manager discussed examples of the rate adjustments, tasks and service costs related to SB 1383, and the contamination and compliance monitoring program required, which will be designated to Republic Services. She said contamination monitoring and enforcement are two separate issues, and state-mandated enforcement will begin in January of 2024. Repeated instances of contamination may result in the City initiating a formal Code Enforcement action. She concluded by speaking about the Edible Food Recovery Program, outreach and next steps.

City Attorney Litfin stated for the record that a revision to the Exhibit A of the amendment was made after the posting of the agenda and if the item is approved, it would include the revisions as distributed.

Richard de Bruijn, resident, asked for clarification on when the price increases will commence. Director Lai said all the information will be posted on the City website tomorrow so residents are aware of all the upcoming important dates related to this item.

A conversation ensued among council regarding the implementation and enforcement dates, and outreach which will include robo-calls and an informational video.

**Moved by** Huang

**Seconded by** Haney

It is recommended that the City: 1.) Adopt Resolution No. 2022-5803 approving the Third Amendment to the Agreement for Solid Waste Handling Services between the City of Yorba Linda and Republic Waste Services of Southern California, LLC.; and 2.) Authorize the City Manager to sign the Third Amendment to Agreement for Solid Waste Handling Services as it relates to Senate Bill 1383 (SB 1383).

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

ABSENT (1): Hernandez

**CARRIED (4 to 0)**

#### 17. FISCAL YEAR 2021/22 THIRD QUARTER BUDGET UPDATE

Finance Director Dianna Honeywell shared a PowerPoint presentation of the FY 2021/22 third-quarter budget update. She said the two-year budget was adopted on June 15, 2021, first and second quarter updates were presented on December 21, 2021, and March 15, 2022. Her PowerPoint included a 2021/22 general fund revenue update, an expenditure update, and a summary of the third quarter projection. She said with budget amendments requested, available general fund resources exceed budget requirements by \$5.4 million.

Richard de Bruijn, resident, inquired about the contract employment negotiations. Director Honeywell said out of ARPA Funds, as part of contract negotiations, the City was able to give staff a one-time city-wide payment.

**Moved by** Huang

**Seconded by** Haney

It is recommended that the City Council: 1.) Receive and file the list of line-item budget transfers and supplemental budget appropriations for the first three quarters of the fiscal year, as required by City Council Policy F-4 – Supplemental Budget and Line-Item Transfers and; 2.) Approve the attached list of Third Quarter Budget Requests.

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

ABSENT (1): Hernandez

**CARRIED (4 to 0)**

## **ADJOURNMENT**

Mayor Rodriguez adjourned the meeting at 10:47 p.m. in honor of Jeff Hojnacki, West Yorba Linda Little League President, to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on June 21, 2022.

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City Clerk