



## **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 21, 2022, 6:30 p.m.  
Council Chambers  
4845 Casa Loma Avenue**

Councilmembers Present: Campbell, Huang, Rodriguez

Councilmembers Absent: Haney, 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 5:31 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) (2 Cases)

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Government Code Section 54956.8

Property: 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**

None.

**CONVENE INTO CLOSED SESSION**

The City Council convened into Closed Session at 5:32 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 Peggy Huang

## **INVOCATION**

Deacon Denis Zaun, St. Martin De Porres Catholic Church

## **CLOSED SESSION REPORT**

City Attorney Todd Litfin said there was no reportable action.

## **INTRODUCTIONS & PRESENTATIONS**

### **TRAUMA INTERVENTION PROGRAMS (TIP) YEARLY UPDATE BY EXECUTIVE DIRECTOR MARYELLEN LOWREY AND RECOGNITION OF TIP VOLUNTEERS**

MaryEllen Lowrey, TIP Executive Director spoke briefly about TIP and provided assistance statistics for the last year. Mayor Rodriguez presented the following volunteers with a certificate of recognition: Melinda Chester, Kim Holt, Linda Miller and Shari Suzuki. Council thanked the volunteers for the unselfish dedication of their time, their courage and their compassion during stressful situations.

Ms. Lowrey and the TIP volunteers thanked Council for the recognition.

### **RECOGNITION OF ST. FRANCIS OF ASSISI CATHOLIC SCHOOL ACADEMIC DECATHLON NATIONAL CHAMPIONS**

Mayor Carlos Rodriguez invited the students of the 2022 National Champions of the Catholic Academic Junior High Decathlon of St. Francis of Assisi Catholic School to the podium to present them with recognitions. Mayor Rodriguez said the students earned 1st place in Super Quiz, 2nd place in Logic and seven students received individual subject medals.

Council congratulated them for their impressive accomplishments and also commended their teacher Ms. Pigott for leading them to victory.

Pat Buttress, representative of Supervisor Don Wagner's office also presented the students with recognitions in honor of their achievement.

## PROCLAMATION RECOGNIZING JULY AS PARKS AND RECREATION MONTH

The City Council proclaimed July as Parks and Recreation month and shared a brief video highlighting participants enjoying a variety of programs and services provided by the Parks and Recreation Department. The proclamation was accepted by Parks and Recreation Commission Chair Doug Dickerson.

## INTRODUCTION OF NEW STAFF MEMBER CARLOS ESPINOZA, LANDSCAPE INSPECTOR

City Manager Mark Pulone introduced the City's new staff member Carlos Espinoza, Landscape Inspector, and shared a brief overview of his career background.

Council welcomed him to the Yorba Linda team.

## **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: Dave Nichols, Stephanie Nichols, Ted Koninieć, Ben Aaron, Pamela Aaron, Daniel Garibay, Susie Gaudette, Lawrence Verne and Margaret Thurston.

Brooke Jones, Yorba Linda Water District Director, said all Californians need to reduce the use of water by 20%. He encouraged everyone in the community to do their part to ensure we have a sufficient water supply.

Mayor Rodriguez paused Public Comments at 7:46 p.m. to continue to Public Hearing Item No. 22. and resumed public comments at 8:01 p.m.

The following individuals also expressed their concerns regarding the Housing Element: Don Robinson, Luanne Sinclair, Danielle Laird, Leslie Poling, Taniela Irizarry and Ryan Brookner.

Councilwoman Huang encouraged residents to look at agenda Item No. 24 to understand the difficulties Council and staff are facing with housing. She spoke about Government Code Sec. 66583 which removed local control from cities. She said Yorba Linda, along with 33 other cities, joined with the Orange County Council of Governments (OCCOG) to challenge the State, hoping to have strength in numbers, but lost and then appealed. However, the outcome of the appeal has not been determined. She urged residents to work together and push back on the State. Councilwoman Huang concluded by talking about the California Alliance of Local Electeds, Livable California, and their efforts.

Councilwoman Tara Campbell thanked residents for voicing their opinion and said she hopes residents understand that the Housing Element is not on the agenda for Council

to comment and take action on. She urged residents to attend the upcoming Traffic and Planning Commission meetings on June 23rd and June 29th respectively. She said the frustration is shared but stressed that Council has done its part to appeal the Regional Housing Needs Assessment (RHNA) allocation.

Mayor Rodriguez echoed the comments of his colleagues and stressed that the process is not over and they have been doing their part to defend the City as best they can. He encouraged residents to voice their opinion at the Traffic Commission on June 23rd and express their traffic concerns with the proposed sites.

### **CONSENT CALENDAR**

City Attorney Litfin stated that although Councilwoman Campbell works for the County of Orange, she can still participate in Item No. 6 as it pertains to Orange County Animal Care and not her department.

Councilwoman Huang requested to pull Consent Calendar Item Nos. 11 and 19.

**Moved by** Campbell

**Seconded by** Huang

It is recommended that the City Council approve the Consent Calendar with the removal of Item Nos. 11 and 19.

AYES (3): Campbell, Huang, and Rodriguez

ABSENT (2): Haney, and Hernandez

**CARRIED (3 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 21, 2022**

It is recommended that the City Council receive and file the accounts payable check register dated June 21, 2022, in the amount of \$804,385.16.

### **3. APPROVAL OF THE MINUTES OF THE JUNE 7, 2022 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 June 7, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint special meeting.

#### 4. APPROVAL OF THE MINUTES OF THE JUNE 7, 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 June 7, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

#### 5. TREASURER'S REPORT – APRIL 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 FY 2022/23 ANIMAL CARE NOTICE OF INTENT

It is recommended that the City Council approve and authorize the Mayor to sign the Notice of Intent with Orange County Animal Care for animal control and shelter services for the period of July 1, 2022 through June 30, 2023; and direct staff to pursue any canvassing efforts for the City of Yorba Linda if they become available.

#### 7. REVIEW OF THE CITY'S CONFLICT OF INTEREST CODE

It is recommended that the City Council direct staff to review the City's Conflict of Interest Code, prepare a biennial report by October 1, 2022, and report back to the City Council.

#### 8. APPROVAL OF RESOLUTION NO. 2022-5810 CONCERNING THE STATUS AND UPDATE OF THE CITY OF YORBA LINDA'S PAVEMENT MANAGEMENT PLAN FOR THE MEASURE M2 (M2) PROGRAM

It is recommended that the City Council adopt Resolution No. 2022-5810 concerning the status and update of the Pavement Management Plan for the Measure M2 (M2) Program.

#### 9. APPROVE PROFESSIONAL SERVICES CONTRACT WITH BKF ENGINEERS FOR YORBA LINDA BOULEVARD IMPROVEMENTS FROM IMPERIAL HIGHWAY TO LAKEVIEW AVENUE

It is recommended that the City Council: 1.) Approve a Professional Services Contract with BKF Engineers in the amount of \$429,132 for the Yorba Linda Boulevard

Improvements from Imperial Highway to Lakeview Avenue (SI201001); and 2.) Authorize the City Manager to approve additional expenditures of up to \$64,370 (15% of the agreement value) in contract contingencies for potential additional services and unanticipated work that may arise.

10. RESOLUTION NO. 2022-5807, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE YORBA LINDA – PLACENTIA MULTI-AGENCY ACTIVE TRANSPORTATION PLAN

It is recommended that the City Council: 1.) Adopt proposed Resolution No. 2022-5807, authorizing the City Manager, or designee, to execute all Restricted Grant Agreements and any amendments thereto with Caltrans for the Yorba Linda – Placentia Multi-Agency Active Transportation Plan project; and 2.) Approve supplemental budget appropriations of \$9,809 from the Miscellaneous Grant Fund (207) and \$1,272 from the Traffic Mitigation Fund (404) with a corresponding increase of \$11,081 to the Capital Improvement Program (CIP) budget for the Yorba Linda – Placentia Multi-Agency Active Transportation Plan project (TC221001).

12. AWARD OF MAINTENANCE AGREEMENT FOR ON-CALL CONCRETE REPAIR SERVICES TO S&H CIVILWORKS

It is recommended that the City Council: 1.) Award a Maintenance Agreement to S&H Civilworks of Colton, CA for On-Call Concrete Repair Services in an amount of \$612,000.00 (or approximately \$306,000.00 per year) for an initial two-year term, July 1, 2022, to June 30, 2024, with two (2) potential additional two-year terms subject to Council approval of extensions; and 2.) Authorize the City Manager to approve additional annual expenditures of up to \$45,900 per contract term year (15% of the annual agreement value) via contract amendment for potential additional services and unanticipated work that may arise; and 3.) Authorize the City Manager to approve contract renewals, including any authorized increases, provided for within this agreement.

13. CONTRACT AMENDMENT FOR JANITORIAL SUPPLIES FOR CITY FACILITIES TO AMERICAN CHEMICAL & SANITARY SUPPLY COMPANY, INC.

It is recommended that the City Council approve: 1.) A contract amendment with American Chemical & Sanitary Supply Company from the base amount of \$42,000 per fiscal year to \$75,000 for FY 2021/22; 2.) Extend the initial contract by one year in the amount of \$75,000 for FY 2022/23.

14. CONTRACT AMENDMENT FOR PARK TURF AND LANDSCAPE MAINTENANCE SERVICES TO MERCHANTS LANDSCAPE SERVICES, INC.

It is recommended that the City Council approve a contract amendment for \$201,864, increasing the total not to exceed agreement compensation to \$962,195 from July 1, 2018, to June 30, 2023, unless otherwise approved in writing by the City.

15. CONTRACT AMENDMENT FOR FACILITY AND PARK LANDSCAPE MAINTENANCE SERVICES TO ARTISTIC MAINTENANCE, INC.

It is recommended that that the City Council approve a contract amendment, in the amount \$258,984.94, increasing the total not to exceed Agreement compensation to \$966,131.53 from July 1, 2019, to June 30, 2023, unless otherwise approved in writing by the City.

16. FISCAL YEAR 2022/23 INVESTMENT POLICY

It is recommended that the City Council approve and adopt the annual Investment Policy for fiscal year 2022/23.

17. RESOLUTION NO. 2022-5804 – FISCAL YEAR 2022/23 APPROPRIATIONS (GANN) LIMIT

Staff recommends that the City Council adopt Resolution No. 2022-5804 establishing the appropriations limit for fiscal year 2022/23.

18. RESOLUTION NO. 2022-5808 - INTENT TO VACATE THE LANDSCAPE EASEMENT AT 24340 VIA LENARDO

It is recommended that City Council: 1.) Adopt Resolution No. 2022-5808, declaring its intent to vacate the landscape easement at 24340 Via Lenardo; and 2.) Direct staff to draft a release of liability agreement be executed by the property owner to allow the existing above grade irrigation lines to be left in place; and 3.) Set July 19, 2022, as the Public Hearing date for the vacation process.

20. CANCELLATION OF THE JULY 5, 2022 CITY COUNCIL MEETING

It is recommended that the City Council direct staff to cancel the July 5, 2022 City Council meeting.

21. COMMITTEE AND AGENCY REPORTS

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

11. APPROVAL OF AN AMENDMENT TO THE MAINTENANCE SERVICE AGREEMENT WITH WEST COAST ARBORISTS, INC., FOR TREE SERVICES AND ASSOCIATED MAINTENANCE

Councilwoman Huang asked for clarification regarding a typo on page 3 of the staff report. Staff clarified that the sentence should read "The second potential extension



caps the increase to 7% for that term", and City Attorney Litfin clarified that the typo only affected the staff report and the agreement is correct.

**Moved by** Huang

**Seconded by** Campbell

It is recommended that the City Council approve an additional contract renewal amendment for tree maintenance services to allow for an additional one-year (Fiscal Year 2022/23) term with the option for an additional subsequent extension, with West Coast Arborists (WCA), Inc., in an amount not to exceed \$1,352,370.

AYES (3): Campbell, Huang, and Rodriguez

ABSENT (2): Haney, and Hernandez

**CARRIED (3 to 0)**

**19. APPROVAL OF CHANGE ORDER NO. 4 – RJM DESIGN GROUP, INC. - ADVENTURE PLAYGROUND**

Councilwoman Huang said Council recently approved a Change Order for this project and asked for clarification on this new request.

City Manager Pulone confirmed that this Change Order is different. He said Change Order No. 3 was approved by Council for additional construction administrative services through the completion of the project; however, Change Order No. 4 is for the design and preparation of construction documents for repairs and construction of an ADA-compliant pathway from Casa Loma to the entrance of Adventure Playground. He said staff did not have the proposal when Change Order No. 3 was considered.

**Moved by** Huang

**Seconded by** Campbell

It is recommended that the City Council approve Change Order No. 4 with RJM Design Group, Inc. (RJM) in the amount of \$28,290.

AYES (3): Campbell, Huang, and Rodriguez

ABSENT (2): Haney, and Hernandez

**CARRIED (3 to 0)**

## **PUBLIC HEARING**

### **22. PUBLIC HEARING DECLARING THE VACATION OF LANDSCAPE EASEMENTS WITHIN TRACT 16144 FOR LOCAL LANDSCAPING ZONE L-5A (RESOLUTION NO. 2022-5809)**

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

b. Staff Report

Senior Management Analyst Austin Postovoit provided a PowerPoint overview of the item. He spoke of the history of Zone L-5A and shared an aerial of current landscape easements along with a timeline of the current and future vacation action items for this zone. If approved, he said June 29th is the anticipated final date for residents to request irrigation be kept in place, with final irrigation transfer agreements and removal of equipment in July. Easement vacations would then be anticipated for recordation in August with the County of Orange.

c. Take Testimony

Bill Fister, resident, inquired about the irrigation lines and a resident's ability to tie into the water. He expressed his concerns about potential liability that could arise if the slopes are vacated.

John Lance, resident, spoke about water needs, fire risk and fire mitigation.

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

e. Make Determination

**Moved by** Huang

**Seconded by** Campbell

It is recommended that the City Council: 1.) Adopt Resolution No. 2022-5809, declaring the landscape easements within Tract 16144 (Local Landscape Maintenance Zone L-5A) be vacated; and 2.) Direct the City Clerk to cause a certified copy of the proposed resolution to be recorded in the Office of the Clerk-Recorder, County of Orange upon completion of any removal of irrigation equipment undertaken by the City; and 3.) Direct staff execute release agreements from property owners with approved requests to keep any of the existing on-grade irrigation infrastructure within the proposed vacated easement area.

AYES (3): Campbell, Huang, and Rodriguez

ABSENT (2): Haney, and Hernandez

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

City Manager Pulone stated that staff made note of the traffic concerns at Housing Element sites during the Public Comment and urged residents to voice their concerns at the upcoming Traffic Commission meeting. The comments will also be brought to the attention of the City's consultant. He also responded to the concerns raised on the effects of the Housing Element on churches and said the intent has never been to make it more difficult for churches to operate. He said staff believes the Housing Element can provide opportunities for members of church staff and clergy to be housed at some worship sites and clarified there is no negative impact on churches. With respect to water conservation, he said the City has been working closely with the Yorba Linda Water District and Golden State Water Company, specifically Parks and Recreation and Public Works, to ensure staff does their part with water conservation efforts. He concluded by talking about the City's weed abatement goats and said they'll begin grazing the hillsides in the Bryant Ranch area starting tomorrow for the next three weeks.

Councilwoman Campbell said she attended the grand opening of Pedego Electric Bikes. She acknowledged the groundbreaking for the new Latter-Day Saints Temple and said Yorba Linda will be home to the second temple in Orange County, with the first being in Newport Beach. She said the Richard Nixon Library will be commemorating the 50th Anniversary of Title IX this Saturday with a 5K walk/run and encouraged the community to attend. Councilwoman Campbell concluded by reminding the community of Eastlake's patriotic boat parade on Saturday, July 3rd.

Councilwoman Huang said she had an opportunity to meet with members of the legislature to discuss housing bill proposals for next year as well as asking members of the Budget Committee for more money given that the State has a surplus and a lot of unfunded State mandates.

Mayor Rodriguez said he attended the Coffee with a Cop event at Peet's Coffee on Tuesday, June 14th. He said the City had a historic groundbreaking for the LDS Temple and he was honored to be a part of the ceremony. He congratulated all of the high school seniors who graduated last week and encouraged them to make their hometown proud by committing to being exceptional in everything they do. He spoke about summer break and all the fun classes, camps, events, including Movies in the Park and Summer Concerts in the Park offered by Parks and Recreation, and invited everyone to the Fourth of July Spectacular at Veterans Park and Yorba Linda Middle School. Mayor Rodriguez said the event begins at 5:00 p.m. with live music and fireworks at 9:00 p.m.

He concluded by reminding the community of the Valley View Avenue and Casa Loma Avenue closures due to the event and thanked the event sponsors.

### **ADMINISTRATIVE REPORT**

#### **23. FISCAL YEAR 2022/23 MID-TERM BUDGET UPDATE AND ADDITION OF FY 2028/29 TO THE CAPITAL IMPROVEMENT PROGRAM TO REMAIN IN CONFORMANCE WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY RENEWED MEASURE M2 AGREEMENT**

Finance Director Dianna Honeywell shared a PowerPoint presentation on the mid-term budget. She spoke of the updated 2022/23 General Fund revenue projection and its primary revenues, mid-term expenditure adjustments and their impact. Director Honeywell also discussed the status of other major funds, the Capital Improvement Program, personnel budget and upcoming related budget reports to be presented at future meetings.

City Clerk Brown said no public comments were received.

**Moved by** Campbell

**Seconded by** Huang

It is recommended that the City Council: 1.) Adopt Resolution 2022-5805 approving the fiscal year 2022/23 Mid-Term Budget adjustments as outlined in this report, which include: a. Revenue Budget adjustments listed in Attachment 1 of which \$4,846,293 are in the General Fund; b. Expenditure Budget adjustments listed in Attachment 2 of which \$5,046,104 are in the General Fund; c. Budget adjustments for the LMAD as approved in the fiscal year 2022/23 Engineer's Report; d. Budget adjustments for the Black Gold Golf Course as outlined in the Kemper Sports budget for fiscal year 2022/23; and e. Adjustments to the Capital Improvement Program (CIP) (Attachment 3); 2.) Approve the Capital Improvement Program (CIP) Database submittals (Attachment 4) as well as the addition of Fiscal Year 28/29 to the CIP (Attachment 5) in order to remain in compliance with the Orange County Transportation Authority's Measure M2 Guidelines; 3.) Approve the staffing authorizations set forth in the Authorized Positions Listing (Attachment 6) and the revised Salary Schedule (Attachment 7); 4.) Authorize the carryover from the fiscal year 2021/22 budget to the fiscal year 2022/23 budget of 1) unspent CIP project budgets, 2) funds encumbered for outstanding purchase orders, and 3) certain unspent operating budget account balances, and direct staff to return to the City Council with a final list of carryovers for review and final approval.

AYES (3): Campbell, Huang, and Rodriguez

ABSENT (2): Haney, and Hernandez

**CARRIED (3 to 0)**

**OTHER BUSINESS**

24. Letter of Opposition AB 2011 (Wicks), (Huang)

Councilwoman Huang spoke of the request to submit a letter of opposition in response to AB 2011 (Wicks) pertaining to affordable housing. She said it would require cities to ministerially approve affordable housing and mixed-use housing developments where commercial, office, retail, or parking is zoned regardless of any inconsistency with the city's general plan, zoning ordinance or regulation. Therefore, it would also hurt the business community. Councilwoman Huang stated that other cities as well as the League of California Cities have taken opposition to this bill and urged her colleagues to oppose the item.

Richard de Bruijn, resident, expressed his concerns with AB 2011 and said he supports Councilwoman Huang's request to oppose the measure.

**Moved by** Huang

**Seconded by** Campbell

AYES (3): Campbell, Huang, and Rodriguez

ABSENT (2): Haney, and Hernandez

**CARRIED (3 to 0)**

**ADJOURNMENT**

Mayor Rodriguez adjourned the meeting at 9:24 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on July 19, 2022.

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City Clerk