



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

**August 2, 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, 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

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)

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 and Councilwoman Peggy Huang did not participate for one case.

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION

Government Code Section 54956.9(d)(4) (2 Cases)

Councilwoman Huang did not participate in one matter under Closed Session Item B, Conference with Legal Counsel - Anticipated Litigation, Initiation of Litigation. On the other matter under Initiation of Litigation, Council voted 5-0 to initiate litigation.

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Magdaleno v. Medina and City of Yorba Linda et al.
Case Number: 30-2012-01238534, Superior Court, County of Orange

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 6:31 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

PLEDGE OF ALLEGIANCE

Councilwoman Beth Haney

INVOCATION

Chaplain John Siu, Orange County Sheriff's Department

CLOSED SESSION REPORT

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, because she has a potential conflict under Government Code Section 87100, and Councilwoman Huang did not participate.

Councilwoman Huang also did not participate in one matter under Closed Session Item B, Conference with Legal Counsel - Anticipated Litigation, Initiation of Litigation. On the other matter under Initiation of Litigation, Council voted 5-0 to initiate litigation.

City Attorney Litfin said there was no other reportable action.

INTRODUCTIONS & PRESENTATIONS

RECOGNITION OF YORBA LINDA WOMAN'S CLUB

Mayor Carlos Rodriguez invited Yorba Linda Woman's Club President Kaycee Stack to the podium and recognized the Club for their continued civic, philanthropic, and educational interests in the community since 1912. He said each year, the Club hosts a Craft Fair, and money raised goes towards students in the community in the form of scholarships for graduating seniors. He shared that in May the Club awarded over \$30,000.

Mayor Rodriguez announced that Council also has a certificate from Supervisor Don Wagner for the Yorba Linda Woman's Club.

RECOGNITION OF YORBA LINDA SUNRISE ROTARY CLUB

Mayor Rodriguez invited Sunrise Rotary Club President Robert Batistic and members in attendance to the podium to recognize the Club for their Annual Lobsterfest, the Rotary Club's largest fundraiser that raises money to help improve the lives in our

neighborhoods and across the world. Council thanked them for their many significant contributions and impact on the community.

President Robert Batistic thanked Council for the recognition.

YORBA LINDA CHAMBER OF COMMERCE SCHOLARSHIP RECIPIENTS

Next, Council recognized some of the students who received scholarships from the Yorba Linda Chamber of Commerce last year. Alex Hernandez, Yorba Linda Chamber of Commerce Community Relations staff member and member of the Chamber Foundation, spoke briefly about their scholarship program. He said the Foundation fundraises locally to raise money for local students in Yorba Linda and Placentia. The following scholarship recipients from last year were invited to the podium to speak briefly about their college and scholarship experience: Maverick Shuck, Christopher Bangos, and Paulina Dole.

Council presented the three students with a certificate of recognition for their accomplishments and they were also presented with a certificate from Supervisor Don Wagner.

RECOGNITION OF DEPUTY OF THE YEAR

Mayor Rodriguez invited 2021-22 Deputy of the Year Andrew Mott to the podium and spoke of his career with the Yorba Linda Police Services. He began his career with the Orange County Sheriff's Department in 2013 and worked in the Custody Operations Division before being selected to serve Yorba Linda in 2018. Council thanked him for his countless efforts and outstanding service in protecting the community.

Mayor Rodriguez and Council presented Deputy Mott with a certificate of recognition.

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

City Clerk Maria Brown said there were no public comments.

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 Huang stated that she will abstain from Consent Calendar Item No. 3 - the approval of the July 19, 2022 Council meeting minutes.

Following approval of the Consent Calendar at 6:57 p.m., Mayor Rodriguez moved to City Manager's Report/Mayor's Report/Matters Presented by Councilmembers/Other Agency Reports.

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 – AUGUST 2, 2022

It is recommended that the City Council receive and file the accounts payable check register dated August 2, 2022, in the amount of \$531,230.33.

3. APPROVAL OF THE MINUTES OF THE JULY 19, 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 July 19, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

4. TREASURER'S REPORT – MAY 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. AGREEMENT WITH HF&H CONSULTANTS FOR PROFESSIONAL SERVICES RELATED TO SB 1383 COMPLIANCE ACTIVITIES

It is recommended that the City Council: 1.) Authorize the City Manager to sign the Agreement for Professional Services with HF&H Consultants, LLC related to SB 1383 compliance services; and 2.) Appropriate \$70,000.00 and an additional 15%

contingency for a total of \$80,500.00 in a designated account which will be reimbursed by Republic Services.

6. REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING

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 HEARING

8. FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT AND GENERAL PLAN AMENDMENTS AND ZONING CODE AMENDMENTS ASSOCIATED WITH THE 2021-2029 HOUSING ELEMENT IMPLEMENTATION

City Attorney Litfin stated that Councilwoman Campbell has a potential conflict of interest on one site - S3-082, the parcels south of the City Yard on Eureka Avenue, due to the proximity of the site to her residence. Therefore, she will recuse herself after the opening of the matter. The Council action will therefore be for the zoning approval and placement of the site on the ballot as well as the CEQA certification for S3-082. Councilwoman Campbell can rejoin the meeting to participate in the remainder of the item once Council has taken action on S3-082.

Councilwoman Huang stated that since she is a candidate for Superior Court Judge she must recuse herself from this item under Judicial Canon 5.

Councilwoman Campbell and Huang recused themselves from Council Chambers at 7:03 p.m.

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

b. Staff Report

Community Development Director David Brantley provided a PowerPoint presentation overview of the Housing Element and said the City was required to plan for 2,415 housing units for 2021-2029. He said the Housing Element is reviewed by the California Department of Housing and Community Development (HCD) for compliance and said staff has done its best to preserve the community to the greatest extent possible while complying with state law. He showed a table of Housing Element sites and discussed the consequences of non-compliance which include the California Attorney General's enforcement of housing element policies, risk of litigation, and fines of up to \$600,000 per month, the City could become ineligible for State funds/grants (housing,

infrastructure, and transportation), as well as state control of local land use and building permits (rezoning without local input or approval).

Planning Manager Nate Farnsworth said staff has received a lot of public input and involvement during this process. He said the City fought against the housing allocation to the best of its ability, along with other organizations, throughout the preparation of the housing element. He spoke of the public outreach, public hearings, as well as state certification, and the housing element implementation process. Planning Manager Farnsworth said this item is subject to Measure B and would therefore require placement on the ballot, with the recommendation for the November 8, 2022, General Election.

Nicole Morse, T&B Planning provided an overview of the CEQA process and discussed the preparation of the Program EIR (PEIR) and the differences between a Program EIR and a Project EIR. She spoke of the community's involvement and the comments received. She said revisions were made to the draft PEIR based on some of the comments, none of which require recirculation of the draft PEIR. Due to concerns received with respect to wildfire evacuation, Chief of Police Services Captain Jose Walehwa discussed the evacuation planning that the Orange County Sheriff's Department has prepared for since 2019. Chris Peña, Emergency Management Coordinator spoke about the city-wide safety planning efforts which have included applying for and being awarded 3 state and federal emergency management grants which will provide for the complete update of the City's safety plans, including: The Safety Element (an element of the General Plan), Local Hazard Mitigation Plan (LHMP), Fire Prevention/Fuel Reduction Grant and Emergency Operations Plan Update.

Charlene So, T&B Planning, provided an overview of the traffic analysis for Gypsum Canyon Road and La Palma Avenue. She spoke of traffic improvements for SR-71/SR-91, and SR-241/SR-91 interchanges and said both improvements will help with weaving on the SR-91 and reduce congestion.

City Attorney Todd Litfin spoke about the Housing Element deadline changes between AB 1398, adopted September 2021, and SB 197, adopted June 2022. He said that under AB 1398, the law was that if you had a certified Housing Element by February 2022, the deadline to rezone properties was October 2024. The City, though it had submitted its Housing Element to HCD, it did not get certified by the February deadline, therefore the City would have to complete all rezoning by October 2022. Now, under SB 197, cities with a certified Housing Element by October 2022 will have the deadline to rezone properties by February 2025. Based on these new deadlines, City Attorney Litfin discussed the four options outlined in the staff report for Council consideration.

Planning Manager Farnsworth concluded the report by discussing the staff recommendation to adopt Resolution No. 2022-5817 to certify the PEIR, introduce

Ordinance Nos. 2022-1090 through 1093 and proceed with Option 3 which removes four sites recommended by the Planning Commission (S4-060, S4-201, S4-053, and S7-005) and would defer sites S7-001, S3-207, and S5-008 to a future election.

City Attorney Litfin said Council can now discuss site S3-082 and take action before Councilwoman Campbell rejoins the meeting.

Residents John Lang, Rob Dow, Debra Milbee and two other residents expressed their concerns with site S3-082.

Mayor Rodriguez asked City Attorney Litfin to discuss the recent State audit of the RHNA allocations. City Attorney Litfin said that HCD was audited by the State and the auditor made findings that the HCD did not meet and confer with all of the regional entities to obtain the necessary information when the housing calculations were determined. Therefore some of the assumptions were incorrectly based and the number of units were too high. He said there have been a number of court cases that indicate the courts do not have jurisdiction to resolve the issue and is instead a political issue for the leadership. In his opinion, an attempt by a City to move forward with a lawsuit on that basis would have a hard chance of succeeding. Mayor Rodriguez said he voted to authorize legal counsel to challenge the HCD RHNA allocation in May of last year as a member of the Orange County Council of Governments. He said he believes the findings of the audit as well as the new State law, SB 197, which extends the deadline to rezone properties for qualifying cities would allow for more community input and research and expressed his desire to defer action to allow staff to further explore any other sites which could be added to the housing sites inventory and reduce the number of housing units which would be allowed on this site.

Council discussed the potential deferral of this site and City Attorney Litfin spoke of the possible legal ramifications.

Motion by Hernandez to move forward with putting site S3-082 and the associated CEQA review on the November 8, 2022 ballot. **Seconded by** Haney. **Motion failed** with Mayor Rodriguez voting no.

AYES (2): Haney, Hernandez

NOES (1): Rodriguez

ABSTAIN (2): Campbell, Huang

Councilwoman Campbell rejoined the meeting at 8:13 p.m. for the remainder of the public hearing.

c. Take Testimony

The following residents expressed their concerns with the remainder of the Housing Element: Diane Kanne, Ed Gunderson, Dave Nichols, Paulina Rodriguez, Kim Racette, Janice Morger, Steve Harms, Janice Taylor, Jennifer Shepard, George Horton, Debra Thrasher, Patrick Thrasher, Russ Heine, Denise Franklyn, Michele Vincent and Andre Winebar.

Bac Tran, owner of Savi Ranch, said they have 22 acres and would be willing to work with the City to consider potential sites in Savi Ranch. He expressed concerns with some of the sites.

RECESS

Mayor Rodriguez called a recess at 9:38 p.m. and reconvened the meeting at 9:48 p.m.

Public Comments continued with the following residents expressing concerns about the Housing Element: Lori Moore, Linda Bauermeister, Pam, Daisy Shobokshi, Bryan Krueger, Karen Krueger, Tracy Prout, Stefania Andreetta, Tom Costanzo, Kristine Dane, Brandon Kidd, Ted Koniniec and Dee Dee Friedrich.

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

e. Make Determination

Motion by Rodriguez to proceed with the Planning Commission's recommendation to remove four sites (Sites S4-060, S4-201, S4-053, and S7-005), defer any action on sites S7-001, S3-207, and S5-008 and proceed with Option 4 - deferring any action on the General Plan Amendments and Zoning Code Amendments for all sites identified in the Housing Element until a future date. **Motion died** for lack of a second.

A lengthy discussion ensued among Council regarding the Housing Element and options presented in the staff report.

Motion by Hernandez to support staff's recommendation as presented in the staff report - that the City Council follow the Planning Commission's recommendation to remove Sites S4-060, S4-201, S4-053, and S7-005 from the Housing Sites Inventory and, in light of the provisions of SB 197, to additionally defer any action on Sites S7-001, S3-207, and S5-008 until a future election (Option 3), including certification of the Program EIR (PEIR). **Seconded by** Haney.

Director Brantley asked Council about their interest in including with the motion the requirement of a hydrology study for the Fairmont site if a project were to come forward in response to the public comment from a resident.

Motion amended by Hernandez, **Seconded by** Haney to also include the requirement of a hydrology study with their motion.

Moved by Hernandez
Seconded by Haney

It is recommended that the City Council adopt Resolution No. 2022-5817 to certify the Final Program Environmental Impact Report (PEIR) for the 2021-2029 Housing Element Implementation Programs as adequate and complete, approving certain findings and facts in support of findings and Statement of Overriding Considerations, and adopting a Mitigation Monitoring and Reporting Program (MMRP). It is also recommended that the City Council conduct the first reading and introduce the following Ordinances related to the Housing Element Implementation Programs: 1.) Ordinance No. 2022-1090 amending the text of the Land Use Element of the General Plan (GPA 2022-01) and finding that GPA 2022-01 is not subject to a vote of the electorate of the City of Yorba Linda under the Yorba Linda Right-to-Vote Initiative; 2.) Ordinance No. 2022-1091 amending the text of the Land Use Element and amending the Land Use Diagram of the General Plan (GPA 2022-02) and finding that GPA 2022-02 is subject to a vote of the electorate of the City of Yorba Linda under the Yorba Linda Right-to-Vote Initiative; 3.) Ordinance No. 2022-1092 amending the Zoning Code (ZCA 2022-01) and finding that ZCA 2022-01 is not subject to a vote of the electorate of the City of Yorba Linda under the Yorba Linda Right-to-Vote Initiative; and 4.) Ordinance No. 2022-1093 amending the Zoning Code (ZCA 2022-02) and finding that ZCA 2022-02 is subject to a vote of the electorate of the City of Yorba Linda under the Yorba Linda Right-to-Vote Initiative. And also proceed with staff's recommendation as presented in the staff report - that the City Council follow the Planning Commission's recommendation to remove Sites S4-060, S4-201, S4-053, and S7-005 from the Housing Sites Inventory and, in light of the provisions of SB 197, to additionally defer any action on Sites S7-001, S3-207, and S5-008 until a future election (Option 3) and to also require a hydrology study for the Fairmont site if a project were to come forward.

AYES (3): Campbell, Haney, and Hernandez

NOES (1): Rodriguez

ABSTAINED (1): Huang

CARRIED (3 to 1)

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

City Manager Mark Pulone did not have a report.

Mayor Rodriguez announced that the City is currently accepting nominations for Citizen of the Year recognition to honor those whose inspirational service has elevated the

community. He said nomination forms and detailed information can be found on the City website and applications are due by Monday, September 6, 2022. Mayor Rodriguez invited the community to National Night Out with Yorba Linda Police Services tomorrow night from 6:00 - 8:00 p.m. and reminded residents to attend Concerts in the Park at Hurless Barton park.

Councilwoman Campbell informed the community that Restaurant Week is next week (August 7 - 13th) and encouraged residents to visit ylrestaurantweek.com and dine at local restaurants to support small businesses.

ADJOURNMENT

Mayor Rodriguez adjourned the meeting in honor of Vin Scully, longtime Dodgers broadcaster, at 11:31 p.m. to an adjourned regular meeting of the City Council/Successor Agency to the Yorba Linda Redevelopment Agency on August 9, 2022 at 6:30 p.m.

City Clerk