



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

**July 19, 2022, 6:30 p.m.
Council Chambers
4845 Casa Loma Avenue**

Councilmembers Present: Campbell, Haney, Hernandez, Rodriguez

Councilmembers Absent: Huang

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 5:32 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) (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 5:33 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 6:34 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

PLEDGE OF ALLEGIANCE

City Attorney Todd Litfin

INVOCATION

Pastor Joshua Holiday, Calvary Chapel of Yorba Linda

CLOSED SESSION REPORT

City Attorney Todd Litfin said there was no reportable action.

INTRODUCTIONS & PRESENTATIONS

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 with statistics for the last few months. His update included traffic & crime data, residential burglaries, and arrest data. Captain Walehwa spoke about a significant arrest that began with a suspicious vehicle in a residential area, and ended with the arrest of four suspects. Deputies located high-end stolen handbags and purses in the vehicle from previous Yorba Linda and Chino Hills burglaries which occurred on that same day.

Another significant arrest occurred on May 28th and involved a suspicious vehicle in a business parking lot. When the occupants were contacted, one fled on foot but was later apprehended. The vehicle was determined stolen, and a safe was located inside which contained a stolen firearm, narcotics and other stolen items.

Captain Walehwa spoke about the department's crime prevention efforts including assisting communities in creating their own Neighborhood Watch programs. He concluded his comments by announcing that on August 3rd the Sheriff's Department will host the National Night Out event at the Community Center from 6:00 p.m. - 8:00 p.m. and the first ever Coffee with a Cop Classic Car show will be held on August 20th at the Yorba Linda Public Library.

In response to Mayor Carlos Rodriguez's inquiry, Captain Walehwa updated the Council and community about an accident yesterday evening where a suspected drunk driver hit

a patrol vehicle which in turn hit four deputies. One deputy remains hospitalized in moderate condition and all deputies are in good spirits. Captain Walehwa thanked all of the OCSD area personnel who responded as well as the Brea and Fullerton Police departments who assisted. He also reported that the David Hayman Jewelers burglary was similar to a smash and grab and caused a lot of damage to the store. He said the investigation was ongoing.

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

Robert Simmons, resident, said he received a Purple Heart medal after being wounded in Vietnam while serving in the Army. He asked for Council consideration of reduced green fees at Black Gold Golf Club, for Purple Heart recipients who live in Yorba Linda.

Bernard Filton, resident, also spoke in support of reduced green fees for Purple Heart recipients. Mr. Filton said he spoke with Verizon Wireless and was told that the City had a moratorium on new cell towers. City Attorney Litfin, responded and informed Mr. Filton that the City did not have a moratorium.

Anthony Johnson, Chair-Elect of the Board of the Yorba Linda Chamber of Commerce, reminded everyone that Friday, July 29th is the Taste of Yorba Linda event at the Community Center from 6:00 p.m. - 10:00 p.m. and invited everyone to attend and support the local restaurants and businesses.

Paulina Rodriguez, resident, spoke regarding Consent Calendar Item No. 14, Weed Abatement. She said the vacant Fairmont Property owned by the LDS church has quite a bit of growth and dried trees which have yet to be abated.

Alison Martin, Yorba Linda Water District Public Affairs Manager, said the state is limiting summer time water use due to the drought, but since Orange County has significantly invested in drought resiliency, the Yorba Linda Water District is asking for a voluntary 20% reduction in water use with no specific restrictions or penalties. She said that customers could call the Water District with any questions or visit their website.

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. Council also directed staff to follow up with the Fairmont property weed abatement.

Moved by Campbell

Seconded by Hernandez

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

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

ABSENT (1): Huang

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 – JULY 19, 2022

It is recommended that the City Council receive and file the accounts payable check register dated July 19, 2022, in the amount of \$1,383,460.49.

3. APPROVAL OF THE MINUTES OF THE JUNE 21, 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 21, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

4. APPROVAL OF THE MINUTES OF THE JULY 5, 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 Jul 5, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint special meeting.

5. AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT FOR LIVE OAK TRAIL STORM DRAIN PROJECT TO T. E. ROBERTS, INC.

It is recommended that City Council: 1.) Approve the plans and specifications for the Live Oak Trail Storm Drain Project; and 2.) Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1, pursuant to CEQA Guidelines, Section 15301; and 3.) Award a public works construction contract to T.E. Roberts, Inc. for the proposed Live Oak Trail Storm Drain Project in an amount of \$286,844.00; and reject all other bids; and 4.) Authorize the Mayor to execute the

proposed public works construction contract and authorize the City Manager to execute and approve authorized increases, as provided for within this agreement; and 5.) Authorize the City Manager's change order approval authority in an amount not to exceed 15% of the proposed public works construction contract (\$43,027), for a total potential contract amount not-to-exceed \$329,871.

6. APPROVAL OF FINAL PARCEL MAP NO. 2010-138, PETERSON

It is recommended that that the City Council: 1.) Approve Parcel Map No. 2010-138 and authorize the City Clerk to certify the record map upon completion of any technical corrections required by the City Engineer; and 2.) Authorize the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreement, and authorize the City Clerk to accept the following bonds: Performance Bond - Bond No. PB11510900471 \$68,000.00, Labor & Materials Bond - Bond No. PB11510900471 \$68,000.00, and Grading Bond - Bond No. PB11510900470 \$25,000.00.

7. ALTRUDY LAKEVIEW SENIOR APARTMENTS – IMPROVEMENT CASH SECURITY RELEASE

It is recommended that the City Council authorize the City Clerk to: 1.) Release 90 percent of the original cash security amount for Altrudy's offsite Lakeview Avenue street improvements for Faithful Performance/Labor & Materials and retain 10 percent of the original cash security amount for a one-year warranty period; and 2.) Release 90 percent of Altrudy's Grading cash security and retain 10 percent of the original cash security amount for a one-year warranty period; and 3.) Release, in one year (July 19, 2023), if no liens have been filed and a satisfactory final warranty inspection, the remaining 10 percent of the offsite Faithful Performance / Labor & Materials cash security and Grading cash security for Altrudy; and 4.) Release 100 percent of the original cash security amount for Trueblood house renovation.

8. EXECUTE SUBDIVISION IMPROVEMENT AGREEMENT AND ACCEPT SECURITY BONDS FOR TRACT 18123 (SHEA HOMES "SAFFRON")

It is recommended that the City Council: 1.) Authorize the Mayor to sign and the City Clerk to attest the Subdivision Improvement Agreement; and 2.) Authorize the City Clerk to accept the following bonds: Rough Grading Bond - Bond No. CMS345872 - \$328,000.00; On-site Storm Drain Improvements: Performance Bond - Bond No. 0235930 - \$690,000.00 and Labor & Materials Bond - Bond No. 0235930 - \$690,000.00; On-site Street Improvements: Performance Bond - Bond No. 0244640 - \$491,000.00 and Labor & Materials Bond - Bond No. 0244640 - \$491,000.00; Off-site Street Improvements: Performance Bond - Bond No. 0244642 - \$89,000.00 and Labor & Materials Bond - Bond No. 0244642 - \$89,000.00; and Monumentation Bond - Bond No. 0244641 - \$20,000.00.

9. SOFTWARE SERVICES AGREEMENT WITH OPENGOV, INC. FOR BUDGETING AND PLANNING SOFTWARE

It is recommended that the City Council approve a Five-Year Software Services Agreement with OpenGov, Inc. for budgeting and planning software and related professional services in an amount not-to-exceed \$264,440 and authorize the City Manager to execute the Agreement.

10. APPROVAL OF NON-EXCLUSIVE EASEMENT TO SOUTHERN CALIFORNIA GAS COMPANY FOR NATURAL GAS PURPOSES (LINE 2000 FAULT ISOLATION BREA PROJECT) AT VALLEY VIEW CIRCLE AND LAVENDER DRIVE

It is recommended that City Council grant a permanent, non-exclusive easement to Southern California Gas Company for natural gas facility purposes located within Tract 16045, APN 322-291-47 and 322-291-48 per R/W Easement Agreement No. 266550, at the intersection of Valley View Circle and Lavender Drive.

11. AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT FOR THE FY2021-22 ANNUAL PAVEMENT PRESERVATION PROJECT (ZONE 6) TO ONYX PAVING COMPANY, INC. & APPROVE PROFESSIONAL SERVICES CONTRACT WITH INTERWEST FOR CONSTRUCTION MANAGEMENT & INSPECTION SERVICES

It is recommended that the City Council: 1.) Approve the plans and specifications for the Fiscal Year 2021-22 Annual Pavement Preservation Project (APPP) (Zone 6); and 2.) Find that the Project is categorically exempt from the California Environmental Quality Act (CEQA), Class 1, pursuant to CEQA Guidelines, Section 15301; and 3.) Award the public works construction contract to Onyx Paving Company, Inc. for the Fiscal Year 2021-22 APPP (Zone 6) in the amount of \$5,164,530 and reject all other bids; and 4.) Approve a Professional Services Contract with Interwest in the amount of \$157,200 to provide Construction Management and Inspection Services; and 5.) It is also recommended that the City Council authorize expenditures of up to \$535,958.00 (10% of the value of the agreements) in total contract contingencies for potential additional services and unanticipated work that may arise during the course of work.

12. REJECTION OF ALL BIDS RECEIVED FOR LANDSCAPE MAINTENANCE WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT PACKAGE B – HIDDEN HILLS

It is recommended that the City Council reject all bids received for the Landscape Maintenance Within Landscape Maintenance Assessment District Package B – Hidden Hills (Package B).

13. REJECTION OF ALL BIDS RECEIVED FOR LANDSCAPE MAINTENANCE WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT PACKAGE D – SAN ANTONIO

It is recommended that the City Council reject all bids received for the Landscape Maintenance Within Landscape Maintenance Assessment District Package D – San Antonio (Package D).

14. RESOLUTION NO. 2022-5811 DECLARING THAT WEEDS GROWING UPON OR IN FRONT OF CERTAIN PROPERTY CONSTITUTE A PUBLIC NUISANCE; DECLARING INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SETTING A DATE FOR A PUBLIC HEARING

It is recommended that the City Council adopt Resolution No. 2022-5811, declaring its intention to set a public hearing on August 16, 2022, for this year's Weed Abatement Program.

15. REJECTION OF BIDS FOR THE PLAYGROUND SAFETY SURFACING RENOVATION PROJECT

It is recommended that the City Council reject all bids for the Playground Safety Surfacing Renovation Project.

16. TELECONFERENCED MEETINGS PURSUANT TO GOVERNMENT CODE § 54953(e)

It is recommended that the City Council adopt Resolution No. 2022-5816 authorizing teleconferenced meetings pursuant to the requirements of Government Code § 54953(e).

17. REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETINGS

It is recommended that the City Council receive and file these reports.

18. REPORTS OF TRAFFIC COMMISSION ACTIONS FROM THEIR LAST MEETING

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

19. COUNCIL COMMITTEE AND AGENCY REPORTS

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

PUBLIC HEARING

20. PUBLIC HEARING DECLARING THE VACATION OF THE LANDSCAPE EASEMENT AT 24340 VIA LENARDO

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

b. Staff Report

Public Works Director / City Engineer Jamie Lai shared a PowerPoint presentation with an aerial view of the property, provided a summary of the staff report and staff recommendations.

c. Take Testimony

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

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

e. Make Determination

Moved by Campbell

Seconded by Haney

It is recommended that City Council: 1.) Adopt Resolution No. 2022-5815 (Attachment 2), declaring the landscape easement at 24340 Via Lenardo, Assessor's Parcel Number (APN) 353-244-09, as unnecessary for present or prospective public use and vacating the same pursuant to California Streets & Highways Code Section 8300 et seq.; and 2.) Direct staff execute a release agreement with the property owner to keep existing on-grade irrigation infrastructure within the proposed vacated easement area; and 3.) Direct staff to continue to irrigate and maintain the designated areas until the final recordation of the landscape easement vacation documents are processed; and 4.) 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.

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

ABSENT (1): Huang

CARRIED (4 to 0)

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

City Manager Mark Pulone responded to Mr. Filton's comments and said the City is very supportive of ensuring strong cell coverage throughout the community and is working with the major carriers to that end.

Councilwoman Beth Haney said that she and City Manager Pulone toured the new Orange County PACE facility in Anaheim, a comprehensive health care and wellness

program for persons 55 and older. She said the program is for residents living in the area that qualify for home nursing care but wish to stay independent in their homes. The facility includes medical services, pharmacy, fun activities, and social services. Visit OCpace.org for more information.

Councilwoman Tara Campbell invited everyone to attend the Taste of Yorba Linda on Friday, July 29th. She also announced Yorba Linda Restaurant Week on August 7th through August 13th with great discounts on meals as well as the chance to win prizes; residents can visit YLRestaurantWeek.com to see all the participating restaurants.

Mayor Pro Tem Hernandez said Taste of Yorba Linda would be a hot ticket and he is sponsoring two tables. He asked staff to research the request for a Purple Heart discount at Black Gold Golf Club and report back to Council. He also agreed about the poor cell service and said the City is working on that.

Mayor Rodriguez said he looks forward to hearing more information regarding the Purple Heart discount. He invited everyone to attend the Concerts in the Park on July 24th for the Neil Diamond Tribute, Hot August Night. The City has a great lineup all summer at Hurless Barton Park beginning at 5:30 p.m. He also spoke about Senate Bill 1383, the new state mandate regarding organics recycling, and said the new changes went into effect on July 1st. Residents and businesses are required to separate food waste from regular trash. To help remember what goes in what bin, Republic Services mailed cart stickers last week that can be placed on your cart lid. He encouraged residents to visit the City website to learn more. Mayor Rodriguez also spoke about National Night Out, on August 3rd, from 6:00 p.m. - 8:00 p.m. at the Community Center.

ADMINISTRATIVE REPORTS

21. DESIGNATING VOTING DELEGATE FOR LEAGUE OF CALIFORNIA CITIES 2022 ANNUAL CONFERENCE

Mayor Rodriguez said that Councilwoman Peggy Huang had expressed interest in attending the League of Cities Annual Conference.

Mayor Pro Tem Hernandez said that he would also be attending the conference and can serve as the Alternate.

City Clerk Brown said no public comments were received.

Moved by Campbell
Seconded by Haney

It is recommended that the City Council designate Councilwoman Huang as the voting delegate and Mayor Pro Tem Hernandez as the alternate to vote at the Annual

Business meeting of the League of California Cities 2022 Annual Conference in September.

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

ABSENT (1): Huang

CARRIED (4 to 0)

22. PURCHASE & SALE AGREEMENT & JOINT ESCROW INSTRUCTIONS WITH EVAN CARL, DBA EVANS SMOKEHOUSE LLC, FOR THE SALE OF THE CITY-OWNED VACANT PARCEL LOCATED AT 4859 MAIN STREET & THIRD AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY & EVAN'S SMOKHOUSE

Economic Development Manager Pam Stoker provided a brief outline of the staff report and responded to questions from Council.

City Clerk Brown said no public comments were received.

Evan Carl, property owner, responded to Councilwoman Haney's question and said the restaurant would be open within 18 months.

Moved by Haney

Seconded by Hernandez

It is recommended that the City Council authorize the City Manager to enter into the Purchase and Sale Agreement and Joint Escrow Instructions with Evan Carl, dba Evan's Smokehouse LLC, to sell the City-owned vacant parcel located at 4859 Main Street, Yorba Linda (APN# 323-304-19), for the purpose of developing an eating establishment. It is further recommended that the City Council also approve a Third Amendment to the Lease Agreement allowing Evan's Smokehouse to continue its operations at 4859 Main Street during the escrow process.

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

ABSENT (1): Huang

CARRIED (4 to 0)

CLOSED SESSION IF REQUIRED

Mayor Rodriguez announced that Council would reconvene into Closed Session.

City Attorney Litfin said the Council would discuss one of the items under Item A. Significant Exposure on the agenda.

RECONVENE INTO OPEN SESSION

The City Council reconvened into open session at 7:31 p.m.

CLOSED SESSION REPORT

City Attorney Litfin stated there was no reportable action.

ADJOURNMENT

Mayor Rodriguez adjourned the meeting at 7:31 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on August 2, 2022.

City Clerk