



## **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**

**September 20, 2022, 6:30 p.m.**

**Council Chambers**

**4845 Casa Loma Avenue**

Councilmembers Present: Campbell, Haney, Hernandez, Huang, Rodriguez

Staff Present: Brantley, Brown, Christian, 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 5:33 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) (1 Case)

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

Government Code Section 54956.9(d)(4) (1 Case)

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Margo Day v. County of Orange, et al.

Case Number: 30-2020-01153798-CU-PO-CJC, Orange County Superior Court

D. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY MANAGER

Government Code Section 54957

**PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Mike Headley, resident, spoke about a city eucalyptus tree that fell and damaged their property. He said he and his wife submitted a claim to the City and were informed it was deemed an act of nature; however, he provided additional information to supplement the claim for Council's consideration.

**CONVENE INTO CLOSED SESSION**

The City Council convened into Closed Session at 5:40 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**

Councilwoman Tara Campbell

## **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**

Mayor Carlos Rodriguez began with a special recognition not on the agenda and invited Cindy De Mint to the podium. He presented her with a proclamation recognizing September 25th as Yorba Linda Ataxia Awareness Day.

Mrs. De Mint thanked Council for the proclamation and spoke of her experience with Ataxia and her family's efforts to raise funds to help find a cure for Ataxia.

## **RECOGNITION OF POP WARNER FOOTBALL AND CHEER**

Mayor Rodriguez invited Mr. Rich Fierro, President of Pop Warner to the podium and acknowledged the Pop Warner Football and Cheer Board and Mr. Fierro for their hard work and dedication in working with the community's youth.

Mr. Fierro spoke of his involvement with Pop Warner Football and Cheer and thanked Council for the recognition.

Mayor Rodriguez also provided a recognition from the office of Senator Josh Newman, and Pat Buttress, representative of Supervisor Don Wagner's office was in attendance to present a recognition.

## **AMERICAN YOUTH SOCCER ORGANIZATION, AYSO 1398**

This recognition was postponed to a future City Council meeting.

## PROCLAMATION RECOGNIZING SEPTEMBER AS HUNGER ACTION MONTH

Next, Mayor Rodriguez invited Sara Bazant, Director of Marketing & Public Affairs with Second Harvest Food Bank of Orange County to the podium and presented her with a proclamation declaring September as Hunger Action Month in Yorba Linda.

Ms. Bazant spoke about Second Harvest Food Bank and thanked Council for the recognition.

## 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 July and August. His update included statistics on traffic, crime data and residential burglaries. He said there was a slight increase in non-injury traffic collisions and overall citations issued decreased. Property crimes declined overall and he reminded residents to not leave vehicles unlocked. He spoke of arrest data for these months, and highlighted arrest incidents from July 2nd, July 13th and an incident from last night. Captain Walehwa reminded the community about traffic safety and urged residents to follow posted speed limits, give themselves ample time to arrive at their destination and urged the community to take advantage of rideshare applications. He shared that Yorba Linda Police Services continues to help communities organize Neighborhood Watch Programs and said two meetings in August were well attended. He concluded by talking about community outreach events, specifically National Night Out on August 3rd and Coffee with a Cop on August 20th which were well attended.

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

Brooke Jones, Yorba Linda Water District Vice President, introduced Mark Toy, P.E, new General Manager for the Yorba Linda Water District. Vice President Jones said he is a retired two-star U.S. Army General with expertise in civil and environmental engineering.

Mark Toy, Yorba Linda Water District General Manager, said Yorba Linda means a lot to him as he was promoted by the Chief of Engineers to the rank of Major General (2-stars) in a ceremony held at the Richard Nixon Presidential Library on July 11, 2018. He shared that this is his fourth week on the job and looks forward to working with Council and the community.

Roy Stephenson, former Yorba Linda Public Works Director, spoke about his new book, Building Yorba Linda from Scratch 1973 to 2001, and shared copies with Council.

Richard de Bruijn, resident, spoke about Orange County Power Authority (OCPA) and expressed his concerns with the lack of energy sources and the growing use of EV cars. He said OCPA intends to replace Edison while using 68% green energy and urged the

City to consider how reliable and efficient OCPA will be for the cities of Fullerton, Buena Park, Irvine and Huntington Beach that have enrolled in their services. He said cost with OCPA will be 4% - 7% more than Edison.

### **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.

**Moved by** Huang

**Seconded by** Hernandez

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 – SEPTEMBER 20, 2022**

It is recommended that the City Council receive and file the accounts payable check register dated September 20, 2022, in the amount of \$5,090,580.12.

#### **3. APPROVAL OF THE MINUTES OF THE AUGUST 2, 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 August 2, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

#### **4. APPROVAL OF THE MINUTES OF THE AUGUST 9, 2022 CITY COUNCIL / SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY ADJOURNED REGULAR MEETING**

It is recommended that the City Council/Successor Agency to the Yorba Linda Redevelopment Agency approve the minutes of the August 9, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency adjourned regular meeting.

**5. APPROVAL OF THE MINUTES OF THE AUGUST 16, 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 August 16, 2022 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

**6. TREASURER'S REPORT – JUNE 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.

**7. APPROVE AN AMENDMENT WITH MERCHANTS LANDSCAPE SERVICES, INC., FOR LANDSCAPE MAINTENANCE WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT PACKAGE B – HIDDEN HILLS**

It is recommended that the City Council: 1.) Approve Amendment No. 3 to the Maintenance Service Agreement (No. 21220061) with Merchants Landscaping Services, Inc., for the Landscape Maintenance Within Landscape Maintenance Assessment District Package B – Hidden Hills (Package B), in an amount of \$447,679; and 2.) Authorize the City Manager to sign and approve a future contract renewal for FY2023/2024 including authorized annual Consumer Price Index increases, provided for within the original agreements; and 3.) Authorize the City Manager's change order approval authority to execute contract modifications and increases in an aggregate amount not to exceed 15% of the Fiscal Year 2022/2023 amount (\$89,061), for a total potential annual agreement amount not-to-exceed \$682,801; and 4.) Approve an appropriation of \$89,061 from the LMAD Fund with a corresponding increase to the LMAD Miscellaneous Maintenance Services Operating Budget under account (2010350-432950).

**8. APPROVE AN AMENDMENT WITH MERCHANTS LANDSCAPE SERVICES, INC., FOR LANDSCAPE MAINTENANCE WITHIN LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT PACKAGE D - SAN ANTONIO**

It is recommended that the City Council: 1.) Approve Amendment No. 3 to the Maintenance Service Agreement (No. 21220063) with Merchants Landscaping Services, Inc., for the Landscape Maintenance Within Landscape Maintenance Assessment District Package D – San Antonio (Package D), in an amount of \$486,415; and 2.) Authorize the

City Manager to sign and approve a future contract renewal for FY2023/2024 including authorized annual Consumer Price Index increases, provided for within the original agreements; and 3.) Authorize the City Manager's change order approval authority to execute contract modifications and increases in an aggregate amount not to exceed 15% of the Fiscal Year 2022/2023 amount (\$96,767), for a total potential annual agreement amount not-to-exceed \$741,879; and 4.) Approve an appropriation of \$96,767 from the LMAD Fund with a corresponding increase to the LMAD Miscellaneous Maintenance Services Operating Budget under account (2010350-432950).

#### 9. DEMOLITION PERMIT REQUEST FOR 5382 HIGHLAND AVE

It is recommended that City Council approve the demolition permit request for 5382 Highland Avenue.

#### 10. REQUEST FOR AMENDMENT TO CONTRACT FOR PROFESSIONAL SERVICES – FOR DMC DOCUMENT AND MICROFILM CONVERSION CO.

It is recommended that the City Council approve an amendment to the DMC Document and Microfilm Conversion Co. contract in the amount of \$42,000.00 for additional document scanning services and authorize the City Manager to extend the term of the contract for an additional year until June 30, 2023.

#### 11. RESOLUTION NO. 2022-8522 APPROVING AND ADOPTING AN AMENDED CONFLICT OF INTEREST CODE AND APPENDIX FOR THE CITY OF YORBA LINDA

It is recommended that the City Council adopt Resolution No. 2022-5822, approving and adopting an amended Conflict of Interest Code and Appendix for the City of Yorba Linda.

#### 12. REIMBURSEMENT OF SALE PROCEEDS TO OCTA FROM REMNANT PARCEL SALE OF 18231 IMPERIAL HIGHWAY

It is recommended that the City Council: 1.) Approve an appropriation of \$541,533.39 from the unappropriated reserves of the Library Fund (202); and 2.) Approve a proportional revenue share payment in an amount of \$541,533.39 to the Orange County Transportation Authority (OCTA) for the proceeds from the remnant parcel sale of the property at 18231 Imperial Highway (APN 323-303-03).

#### 13. AWARD OF PROFESSIONAL SERVICE AGREEMENT TO NCM ENGINEERING CORPORATION FOR CITY-WIDE STRUCTURAL BRIDGE INSPECTION SERVICES

It is recommended that the City Council: 1.) Award a professional services agreement to NCM Engineering Corporation in the amount of \$95,230.84 for city-wide structural bridge inspection services; and 2.) Authorize the City Manager to approve and execute contract amendments and increases in an aggregate amount equal to 15% of the contract value (\$14,284) for contingencies, for a potential contract amount not-to-exceed \$109,514.84.

14. CANCELLATION OF STREET LIGHTING AND LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT (LMAD) SPECIAL ASSESSMENT FEES FROM ASSESSMENT YEAR 2016 FOR APN 343-561-27

It is recommended that the City Council cancel the Street Lighting and Landscape Maintenance Assessment District (LMAD) special assessment fees from assessment year 2016 for APN 343-561-27, and direct staff to provide written authorization to the Office of the Treasurer-Tax Collector to remove the specified charges.

15. FISCAL YEAR 2021/22 BUDGET CARRYOVERS

It is recommended that the City Council approve the attached final list of budget carryovers for fiscal year 2021/2022.

16. ADVENTURE PLAYGROUND ADMINISTRATIVE CHANGES WITH NINYO & MOORE

It is recommended that the City Council: 1.) Approve Amendment No 1 to the September 24, 2021, Agreement with Ninyo & Moore extending services through December 30, 2022; and 2.) Approve Change Order No 2 for geological and materials testing services with Ninyo & Moore in the amount of \$35,000.

17. AWARD OF CONTRACT – PLAYGROUND SAFETY SURFACING RENOVATION PROJECT

It is recommended that the City Council: 1.) Award the contract for the Playground Safety Surfacing Renovation Project to SpectraTurf of Corona, CA and reject all other bids; and 2.) Authorize the Mayor to sign and City Clerk to attest said agreement.

18. REPORTS OF PLANNING 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.

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

City Manager Mark Pulone did not have a report.

Councilwoman Peggy Huang said the Southern California Association of Governments (SCAG) puts forth a Demographic Workshop every year. The first workshop was last week and included lots of valuable information about Southern California and the United



States. She said there will be another session this week via Zoom. Councilwoman Huang also said that SCAG will host its 13th annual Economic Summit at the Sheraton in Los Angeles. She urged the community to attend to learn about the economy in Southern California. On October 15th the Islamic Center of Yorba Linda will be hosting an Open Mosque Day from 9:00 a.m. to 3:00 p.m. and she concluded her comments by sharing that the services for former Ventura County Supervisor Carmen Ramirez will be held on October 15th at 3:00 p.m. at Pacific Heights High School in Ventura.

Councilwoman Beth Haney shared that the Yorba Linda Woman's Club will be hosting their Annual Craft Fair on November 5th and 6th at the Community Center. She said the event is free and urged the community to attend. On September 11th, she and Mayor Pro Tem Hernandez attended the 9-11 commemorative ceremony at the Richard Nixon Presidential Library and Museum.

Councilwoman Campbell said she is proud to be a part of a City that hosts several 9-11 remembrance events and encouraged families to talk to the younger generations about this date in history. She expressed her excitement for the reopening of the Susanna Bixby Bryant Museum on September 17th. Lastly, she concluded by sharing that Congresswoman Young Kim will be hosting a Wildfire Prevention and Emergency Preparedness Seminar at the Yorba Linda Public Library this Saturday, September 24th at 10:00 a.m.

Mayor Pro Tem Hernandez spoke about the festival at St. Mary & St. Verena Coptic Orthodox Church and the Pope John Paul II Polish Center's 43rd Annual Dożynki Harvest Festival, both held on Saturday, September 17th and Sunday the 18th.

Mayor Rodriguez thanked Yorba Linda Police Services for the well-attended Coffee with a Cop and Car Show event and spoke of the Mayor's Prayer Breakfast on September 8th. He participated in storytime at the Library and encouraged families to attend on Saturday mornings at 10:00 a.m. He was honored to have been invited to participate in the 9-11 remembrance event hosted by the Interfaith Council of North Orange County. Mayor Rodriguez presented a certificate of recognition to Dorothy Texel in celebration of her 101st birthday and expressed his gratitude to staff for the senior meals program, and encouraged the community to make a donation to the National Ataxia Foundation/Orange County. He announced that the Yorba Linda Community Emergency Response Team, CERT program will be offering a fall Disaster Preparedness training. The in-person training will be Thursday evenings, beginning October 6th through November 3rd. He said the City initiated a comprehensive Safety and Wildfire Mitigation Project using grant funding from the California Department of Forestry and Fire Protection and the Federal Emergency Management Agency. Mayor Rodriguez stated that this will help the City become more resilient to hazards in the future but urged the community to take the City's

Local Hazard Mitigation Plan survey, found on the City's website, to help understand the community's concerns.

**ADJOURNMENT**

Mayor Rodriguez adjourned the meeting at 7:37 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on October 4, 2022.

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City Clerk