



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 3, 2021, 6:30 p.m.
Council Chambers
4845 Casa Loma Avenue

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

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

1. **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.

2. **ROLL CALL**

3. **ANNOUNCEMENT OF CLOSED SESSION ITEMS**

CITY COUNCIL/SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY

3.a CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, SIGNIFICANT EXPOSURE TO LITIGATION

Government Code Section 54956.9(d)(2) (3 Cases)

3.b CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, INITIATION OF LITIGATION

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

3.c CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Name of Case: Yorba Linda Estates, LLC v. City of Yorba Linda

Case Number: 30-2021-01206096-CU-OR-CJC, Superior Court, County of Orange

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.

City Attorney Litfin stated that Mayor Pro Tem Carlos Rodriguez recused himself for one case on Closed Session Item A, Conference with Legal Counsel – Anticipated Litigation, Significant Exposure to Litigation, because he has a potential conflict under Government Code Section 87100.

3.d CONFERENCE WITH LABOR NEGOTIATORS

Government Code Section 54957.6

Agency Designated Representatives: City Manager Pulone

Employee Organizations: Yorba Linda Chapter of the Orange County

Employees Association; Yorba Linda Mid-Management Association; and

non-represented Management Employees

4. **PUBLIC COMMENT ON CLOSED SESSION ITEMS**

None.

5. **CONVENE INTO CLOSED SESSION**

The City Council convened into Closed Session at 5:32 p.m.

6. **RECESS**

7. **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.

8. ROLL CALL

9. PLEDGE OF ALLEGIANCE

Councilman Gene Hernandez

10. INVOCATION

10.a PASTOR BRIAN LONG, YORBA LINDA UNITED METHODIST CHURCH

11. CLOSED SESSION REPORT

City Attorney Litfin said there was no reportable action on the items discussed on the Closed Session agenda.

12. INTRODUCTIONS & PRESENTATIONS

12.a RECOGNITION OF BERNIE HEIMOS

Mayor Peggy Huang invited Reserve Firefighter Bernie Heimos to the podium and recognized him for his retirement from the Orange County Fire Authority. She said he began his journey with OCFA in 1994 as a Paid-Call Firefighter and has since then continued to define what community involvement and true volunteerism is.

Reserve Firefighter Bernie Heimos thanked Council for the recognition and spoke briefly about his journey with OCFA.

12.b RECOGNITION OF DEPUTY OF THE YEAR (2019-2020 AND 2020-2021)

Mayor Huang turned the mic over to Orange County Sheriff's Department Captain Cory Martino for the recognition of Deputy of the Year. Captain Martino spoke about the 2019-2020 Deputy of the Year, Deputy Shawna Soto, and 2020-2021 Deputy of the Year, Nick Doty and some of their career accomplishments. Mayor Huang invited each Deputy to the podium and presented them with a certificate of recognition.

Orange County 3rd District Board Supervisor Don Wagner approached the podium and presented the two deputies with a recognition in honor of their services and notable achievements.

Mayor Huang invited Mr. Heimos back to the podium and Supervisor Wagner presented him with a recognition in honor of his years of service and much deserved retirement.

Mayor Huang informed Council that she would like to take Other Business Item 17.a - Resolution in Support of the Veterans Cemetery in Anaheim Hills out of order. Before doing so, she invited Supervisor Wagner back to the podium and Council presented him with a commendation in recognition of his efforts and dedication to his district and all of the assistance he has provided during the COVID-19 pandemic.

Supervisor Wagner thanked Council for the commendation.

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

Richard de Bruijn, resident, thanked Council for approving the resolution in support of the veteran's cemetery. He spoke of a home repair project he is doing at his residence and expressed his appreciation to staff for the smooth permit process and plan review. Mr. de Bruijn also expressed his appreciation to City Manager Mark Pulone for the follow-up and Community Development Director David Brantley.

14. CONSENT CALENDAR

Moved by Campbell
Seconded by Hernandez

That the City Council approve the Consent Calendar.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

CARRIED (5 to 0)

14.a WAIVE READING IN FULL OF ALL ORDINANCES AND RESOLUTIONS ON THE AGENDA

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.

14.b ACCOUNTS PAYABLE CHECK REGISTER – AUGUST 3, 2021

That the City Council receive and file the accounts payable check register dated August 3, 2021, in the amount of \$1,205,518.58.

14.c APPROVAL OF THE MINUTES OF THE JULY 20, 2021 CITY COUNCIL/SUCCESSOR AGENCY TO THE YORBA LINDA REDEVELOPMENT AGENCY MEETING

That the City Council/Successor Agency to the Yorba Linda Redevelopment Agency approve the minutes of the July 20, 2021 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

14.d LINE ITEM BUDGET TRANSFER FROM CONTRACT INSPECTION SERVICES ACCOUNT TO PLAN CHECK TO SERVICES ACCOUNT

That the City Council authorize a budget transfer in the amount of \$25,000.00 from Account No. 1010210-431400 (Construction Inspection) to Account No. 1010210-431530 (Plan Check Services).

14.e DENIAL OF CLAIMS FOR DAMAGES

That the City Council deny the claims for damages by William Ticknor, and Beverly and Gary Steinberg.

14.f REPORTS OF PLANNING COMMISSION ACTIONS FROM THEIR LAST MEETING

That the City Council receive and file this report.

14.g COUNCIL COMMITTEE AND AGENCY REPORTS

That the City Council receive and file this report.

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

City Manager Pulone said he had no report.

Councilwoman Beth Haney thanked Deputy Soto and said she had helped her with an incident she experienced and everything ran smoothly. She thanked Deputy Doty as well for his exceptional service.

Councilman Hernandez thanked Parks and Recreation staff for the exceptional Concert in the Park and also the Yorba Linda Chamber of Commerce for the Taste of Yorba Linda.

Mayor Pro Tem Rodriguez expressed his heartfelt appreciation to those recognized earlier in the meeting. He congratulated the Yorba Linda Water District and said he attended their Community Open house for the Heli-Hydrant near the Camino De Bryant Reservoir on July 24th. He spoke about the benefits of this second heli-hydrant in the City and thanked Wells Fargo for their partnership on the project. He concluded by talking about the great Taste of Yorba Linda event and the vast array of programs offered through Parks and Recreation and at Adventure Playground.

Mayor Huang said it was great to attend the Taste of Yorba Linda and talk with neighbors and restaurant owners. She announced that next Wednesday, August 11th she will be hosting an informative Housing Town Hall at 6:30 p.m. with the Yorba Linda Chamber of Commerce, Embarcadero Institute President Gab Layton, OC Division, Cal Cities Tony Cardenas, and Maria Kalgan with United Neighbors. She encouraged residents to visit the Chamber website for more information.

16. ADMINISTRATIVE REPORTS

16.a HOUSING BILLS: AB 215 (CHIU) AND SB 478 (WIENER)

Tony Cardenas, League of California Cities, provided a brief overview of AB 215 (Chiu) and said the League opposes this bill. He said the bill would require agencies with low progress towards meeting its Regional Housing Needs Allocation to have a mid-cycle element consultation with the California Department of Housing and Community Development (HCD) and would be required to take specified actions and HCD can start levying fines. The bill would mandate an open-ended consultation between HCD and local governments where housing production is low for specified income levels. Of all housing bills that are currently circulating, he said the League fears the impact of this one the most.

Mr. Cardenas also provided a brief overview of SB 478 (Wiener) and said the City should consider an oppose position on this bill if the city values its zoning. He said the bill would prohibit a city from imposing a floor-to-area ratio (FAR) standard that is less than 1.0 on a housing project that consists of 3 to 7 units, or less than 1.25 for a housing project consisting of 8 to 10 units. It would also prohibit an agency from denying a housing project located on an existing legal parcel on the basis that the lot area of the proposed lot does not meet with agencies requirements for minimum lot size. He said the City of Torrance and the City of Cupertino have taken an oppose position on this bill, the League has a watch position while the

California Association of Realtors and California State Association of Counties (CSAC) have an oppose unless amended position.

Mayor Pro Tem Rodriguez stated that he believed the City would utilize the League of California Cities and similar agencies that the City is a member of to collectively voice position on bills.

Mayor Huang urged Council to represent the City and voice their positions to the State.

Councilman Hernandez said there are times that the League or Association of California Cities - Orange County (ACC-OC) requests letters from the City, but he cautioned that he does not want staff to frequently track and monitor bills for the City. He said this is why the City pays membership to the League and ACC-OC.

Councilwoman Campbell expressed her support of this item and said if there are bills that do not have a nexus, to not bring them to Council, however, these two bills would heavily impact local control and would therefore support the item. She said she does not want City staff to become policy analysts.

A lengthy conversation ensued among Council and whether or not to take a position on the two bills.

Mayor Huang spoke about the two bills and their impacts on housing and said she believes if either of these bills pass, there would be no need for cities to exist because there would be no local control.

Mr. Cardenas said he would encourage Council to join the League with the oppose position on AB 215.

Moved by Huang

Seconded by Campbell

That the City Council take an oppose position on AB 215 (Chiu) and authorize the Mayor to sign a letter stating the City's position.

AYES (3): Campbell, Haney, and Huang

NOES (1): Hernandez

ABSTAINED (1): Rodriguez

CARRIED (3 to 1)

Moved by Huang
Seconded by Haney

That the City Council take an oppose position on SB 478 (Wiener) and authorize the Mayor to sign a letter stating the City's position.

AYES (3): Campbell, Haney, and Huang

NOES (1): Hernandez

ABSTAINED (1): Rodriguez

CARRIED (3 to 1)

16.b REQUEST FOR CITY COUNCIL TO DIRECT STAFF TO SUBMIT THE DRAFT HOUSING ELEMENT TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR REVIEW

City Attorney Litfin said that for this item, the City Council will be discussing various locations to send to HCD for possible inclusion in the Housing Element. Under the law, he said there are potential conflicts of interest when a location is within a certain distance, 1,000 ft. in this case, of a councilmembers personal property. For this item, he said Councilwoman Campbell is within 1,000 ft. of three locations: S3-074, S3-080 and S3-082. City Attorney Litfin spoke about the rules that apply to General Plan and said for these three sites, Councilwoman Campbell will recuse herself while Council takes action on those three, and will return and participate on the discussion and action for the other sites.

Justin Mulhearn, resident, spoke specifically about site S3-203, where Bastanchury Avenue and Plumosa Drive meet. He said he and his wife purchased a home in this site a year ago. Mr. Mulhearn expressed his concern with the proposal to rezone the area to Residential Multiple-Family (R-M), which is 10 homes per acre, whereas currently it is zoned as Residential Agriculture (R-A) with 1 home per acre. He expressed his concerns with the potential changes to the character of the neighborhood if condos or multistory buildings were built in the community.

Community Development Director Brantley spoke about the Sixth Cycle Housing Element and said cities are required to update their housing elements every eight years. Housing capacity is measured against the RHNA (Regional Housing Needs Assessment) allocation and stated that the City's current housing obligation is 2,415.

Planning Manager Nate Farnsworth spoke about the impressive level of participation the City has experienced with its housing element. He spoke of the numerous public outreach efforts and shared a PowerPoint presentation highlighting aspects of the housing element and key State laws, including SB 166 - No Net Loss, and SB 167 - Housing Accountability Act. He said the City's RHNA allocation requirement is 2,415 however the City's proposed draft housing sites inventory accounts for 2,996 dwelling units (including ADUs) in order to give the City some flexibility. Planning Manager Farnsworth spoke about the Congregational Housing Opportunity Overlay, Commercial Mixed Use Opportunity Overlay, Affordable Housing Opportunity Overlay Zones, and Accessory Dwelling Units, State-owned properties in Yorba Linda.

Councilwoman Campbell recused herself from Council Chambers at 8:57 p.m. for the discussion on the three sites (S3-074, S3-080 and S3-082) that fall within 1,000 ft. of her property. Council voted on the inclusion of these three sites in the draft Housing Element and Councilwoman Campbell returned to Chambers at 9:08 p.m. for the remaining discussion.

Planning Manager Farnsworth continued the PowerPoint presentation highlighting the remaining proposed sites within the opportunity overlay zones to accommodate lower-income and moderate/above-moderate-income homes and concluded by discussing the rezoning of properties and Measure B.

A lengthy conversation ensued among Council regarding the proposed dwelling units and Measure B.

Mayor Huang encouraged the community to stay involved and informed by visiting the website for updates. She said the City will need to work together in order to meet this unfunded mandate.

Moved by Huang

Seconded by Haney

That the City Council approve the incorporation of sites S3-074, S3-080 and S3-082 in the draft Housing Element.

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

ABSENT (1): Campbell

CARRIED (4 to 0)

Moved by Huang
Seconded by Haney

That the City Council direct staff to submit the draft Housing Element to the State Department of Housing and Community Development (HCD) for review.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

CARRIED (5 to 0)

17. OTHER BUSINESS

17.a RESOLUTION IN SUPPORT OF THE VETERANS CEMETERY IN ANAHEIM HILLS

Supervisor Wagner said the County has been wanting to provide a cemetery that will provide a dignified final resting place for so many men and women who have served our country and their sacrifices. He expressed his enthusiasm for the location and said the backdrop of the local rolling hills will be similar to those of Arlington National Cemetery.

Bridget Blehm, For Families of Active Military, presented each Councilmember and Supervisor Wager with a recognition on her behalf as Civilian Aide to the Secretary of the Army for their support of our military. Ms. Blehm spoke about the need for a veterans cemetery and said she believes the proposed location will be a dignified beautiful location. She read the names of several individuals who are in support of the cemetery in Anaheim Hills.

Nick Berardino, President of VALOR (Veterans Alliance of Orange County), expressed his support for the proposed cemetery and the importance of having a veterans cemetery in Orange County. He said veterans tried for nearly 10 years to have a veterans cemetery in Irvine, but they were unsuccessful.

Bobby McDonald, Vietnam Veteran and VALOR member, expressed his support and appreciation to Council for their consideration of a resolution in support of the Veterans Cemetery in Anaheim Hills.

Pete Seite, Veteran, retired Lt. Colonel, Chairman of Orange County Veterans & Military Families Collaborative and President of the Greater Los Angeles Chapter of the Association of the United States Army, expressed his support for the approval of the cemetery off of Gypsum Canyon.

Marek Suchener, resident, thanked veterans for their service and expressed his concerns with the proposed location of the cemetery and the proximity to residential properties. He said the cemetery will be visible and in plain view and serve as a sad reminder to some. He pleaded with Council and requested that Orange County and the City of Anaheim reconsider the location so that residents will not see it from their bedrooms.

Michele Vincent, resident, expressed her support for veterans however she also expressed her concerns with the location of the cemetery and the view from her home.

Mayor Pro Tem Rodriguez said that veterans have fought for our Country and they are now fighting for a place to be laid to rest peacefully. He acknowledged the comments of those who expressed their concerns but said he joins the veterans in support of this item.

Councilwoman Campbell thanked all of the veterans in attendance in support of this item and their service to our country. She said Yorba Linda is a very patriotic City and said she believes cities need to continue to build support for this item.

Councilwoman Haney thanked Mayor Huang for bringing this item forward. She said she comes from a family of veterans and expressed her support for this item.

Councilman Hernandez sympathized with the residents who expressed their concerns but said this is a much-needed step to provide veterans a dignified resting place after all they have done for our Country.

Councilwoman Campbell spoke about the Altrudy senior living project that will provide a percentage allocation for veteran housing and said this was thanks to the recommendation of Mayor Pro Tem Rodriguez.

Mayor Huang said this item is in the design phase and believes the County will take concerns into consideration when landscape is planned so that the cemetery can be designed in a way to mitigate concerns about the view. She said she grew up in Taiwan where they were always under the threat of communist China so they always felt safe and protected when they would see American soldiers and thanked veterans for their service.

RECESS

Mayor Huang called a recess at 7:49 p.m. and reconvened the meeting at 7:55 p.m.

Moved by Huang
Seconded by Campbell

That the City Council approve a Resolution in support of the Veterans Cemetery in Anaheim Hills.

AYES (5): Campbell, Haney, Hernandez, Huang, and Rodriguez

CARRIED (5 to 0)

18. CLOSED SESSION IF REQUIRED

19. ADJOURNMENT

Mayor Huang adjourned the meeting at 9:44 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on August 17, 2021.

City Clerk