



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

**April 18, 2023, 6:30 p.m.
Council Chambers
4845 Casa Loma Avenue**

Councilmembers Present: Campbell, Haney, Lim, Rodriguez

Councilmembers Absent: Hernandez

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

CALL TO ORDER

The City Council/Successor Agency to the Yorba Linda Redevelopment Agency convened at 5:30 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) (3 Cases)

PUBLIC COMMENT ON CLOSED SESSION ITEMS

None.

CONVENE INTO CLOSED SESSION

The City Council convened into Closed Session at 5:30 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 6:30 p.m. in the Council Chambers at 4845 Casa Loma Avenue, Yorba Linda.

ROLL CALL

PLEDGE OF ALLEGIANCE

City Manager Mark Pulone

INVOCATION

Msgr. Stephen Doktorczyk, St. Martin De Porres Catholic Church

CLOSED SESSION REPORT

City Attorney Todd Litfin said there was no reportable action.

INTRODUCTIONS & PRESENTATIONS

PROCLAMATION DECLARING APRIL 29TH AS WORLD WISH DAY

Mayor Pro Tem Tara Campbell invited Savannah Pietsch, Susan Wan Ross, and Matt Ferrero to the podium, along with Myka Eiler, a Wish Family and a Yorba Linda resident, and presented them with a proclamation declaring April 29th as World Wish Day. She said every 20 minutes, a child is diagnosed with a critical illness and the Make-A-Wish Foundation has a mission to grant the wish of every eligible child. The Make-A-Wish of Orange County and the Inland Empire have granted over 7,800 wishes in 40 years. To learn more about Myka Eiler and her wish, Ms. Pietsch shared a video on the impact of her wish.

Ms. Pietsch and Ms. Wan Ross spoke about Make-A-Wish and thanked Council for the support and proclamation.

PROCLAMATION TO DMV/DONATE LIFE CALIFORNIA

Mayor Pro Tem Campbell invited Rene Sorrentino, OneLegacy Ambassador to the podium and presented a proclamation declaring April 2022 as “DMV/Donate Life Month”.

Ms. Sorrentino shared a personal story and thanked Council for the proclamation. She encouraged everyone to sign up to become a donor and concluded her comments by inviting the community to the OneLegacy Donate Life Run/Walk 2023 on Saturday April 29th at Azusa Pacific University.

PROCLAMATION DECLARING NATIONAL LIBRARY WEEK

Next, Mayor Pro Tem Campbell invited Library Commission Vice Chair Michael Habashi to the podium and presented him with a proclamation declaring April 23 - 29th as National Library Week and encouraged the community to visit their library to explore the wealth of resources available.

Vice Chair Habashi spoke about the programs and services offered at the library and thanked Council for their continued support.

RECOGNITION OF OUTGOING COMMISSIONERS

Lastly, Council recognized Former Planning Commissioner Karalee Darnell and former Traffic Commissioner Nathaniel Behura. Mayor Pro Tem Campbell spoke of the numerous projects they have been involved with, and their lasting impact throughout the community.

Former Commissioners Darnell and Behura thanked Council for the recognition and expressed their gratitude for the experience.

Pat Buttress, representative of Supervisor Don Wagner's office was also in attendance to present the outgoing Commissioners with a recognition.

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

James Kreuziger, resident, spoke about a house fire on Parkview Terrace that occurred in August of 2021. He said the home was set on fire by the homeowner who has been suffering of mental illness. He said the fire department contained the fire to the one residence and he shared further interactions with the owner that have made neighbors uneasy. He said the house has remained unrepaired and urged the City to perform code enforcement on the house.

Steve Horms, resident, said he came into City Hall while it was busy and wanted to commend Building Division staff member Dennis Clark who went above and beyond to help him.

Russ Heine, resident, spoke about the funding extension for the housing element updates and said he supports the idea of a Residents Committee and inquired about the role and authority of the Committee. He spoke further of the upcoming housing element process and the Tripepi Smith and Associates agreement on Consent Calendar Item No. 10.

Janice Morger, resident, also commented on Consent Calendar Item No. 10. She expressed her appreciation that staff is looking at moving several of the housing units to the Savi Ranch area. With respect to the public review of the draft housing element, she said 7 days is too short and said it should be a minimum of 15 days to give residents the opportunity to comment. She encouraged residents to go to

OurNeighborhoodVoices.com, Catalysts.org, and LivableCalifornia.org to express concerns with the Regional Housing Needs Assessment numbers and housing element.

Jim Bevans, resident, spoke about the greenbelt along Kingsbriar, he said the area has large catch basins that fill with weeds and he contacts the City several times before the weeds are pulled out. He said when the weeds are removed, mosquitos are more prevalent in the area and urged that the dirt also be removed. He also expressed his concerns with transmission line work by Golden West Water Company and paving in his neighborhood. He concluded his comments by echoing the remarks made by Mr. Kreuziger and urged the City to do something about the condition of the house.

Derek Harp, resident, also expressed his concerns with the burned home. He said he believes the asbestos was never abated and said trash is piling up and is visible from his property. He urged the City to conduct code enforcement and believes there is a public health risk.

CONSENT CALENDAR

Mayor Pro Tem Campbell pulled Item No. 4 the Approval of Contracts with Fountainhead Consulting and Ninyo & Moore. City Attorney Litfin stated that this item related to the Annual Preservation Project and stated that at the March 21, 2023 meeting, Councilmembers drew straws because three have a potential conflict of interest due to the location of their homes and the APPP Zones. Under Section 18705(a) - Legally Required Participation, a public official may participate only if there exists no alternative source of decision for that legislative body, and the minimum number of Councilmembers (quorum) participates in the vote, therefore, following the draw, it was determined that Mayor Gene Hernandez and Councilwoman Janice Lim would not participate in the item. Councilman Carlos Rodriguez drew the shortest straw and would participate. As Item No. 4 on the Consent Calendar relates to the APPP, Mayor Pro Tem Campbell, Councilwoman Beth Haney and Councilman Rodriguez will be the only ones participating.

Councilwoman Lim recused herself at 7:33 p.m. for a discussion on Item No. 4.

Following the vote for Item No. 4, City Attorney Litfin stated that Consent Calendar Item No. 8 relates to the County of Orange. He said though Mayor Pro Tem Campbell works for the County, she can participate in the Item as it does not pertain to her department and there is no conflict.

Moved by Haney

Seconded by Rodriguez

It is recommended that the City Council approve the Consent Calendar with the removal of Item No. 4.

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

ABSENT (1): Hernandez

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 – APRIL 18, 2023

It is recommended that the City Council receive and file the accounts payable check register dated April 18, 2023, in the amount of \$2,735,400.14.

3. APPROVAL OF THE MINUTES OF THE APRIL 4, 2023 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 April 4, 2023 City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting.

5. REDUCTION OF SURETY BONDS, TRACT 16595 – ESTANCIA (TOLL BROTHERS)

It is recommended that the City Council authorize the City Clerk to: 1.) Accept Grading Improvements on Tract 16595, release 90 percent of the Grading Bond, and retain 10 percent of the original amount for a one-year warranty period; and 2.) Accept Off-site Improvements on Tract 16595, release 90 percent of the Faithful Performance and Labor and Materials Off-site Improvements Bonds, and retain 10 percent of the original amount for a one-year warranty period; and 3.) Reduce the On-site Improvements Faithful Performance and Labor & Materials Bonds by 60 percent of the original amount; and 4.) Reduce the Monumentation Bond by 75 percent of the original amount; and 5.) Release, in one year (April 18, 2024), if no liens have been filed, the remaining 10 percent of the Grading and Off-site Improvements Bonds.

6. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH MICHAEL BAKER INTERNATIONAL FOR DESIGN SUPPORT SERVICES DURING CONSTRUCTION OF BASTANCHURY ROAD WIDENING BETWEEN CASA LOMA AVENUE AND EUREKA AVENUE (SI221005)

It is recommended that the City Council: 1.) Approve an amendment to the Professional Services Agreement with Michael Baker International, in the amount of \$36,331 for design support services during construction of the Bastanchury Road Widening between Casa Loma Avenue and Eureka Avenue Project (SI221005); and 2.) Authorize the City Manager to approve additional expenditures of up to \$5,450 (15% of the requested amendment amount) for unforeseen additional services that may be necessary during construction; and 3.) Authorize the City Manager to sign and execute the amendment to the professional services agreement and potential future amendments to the agreement within the designated contingency amount, on behalf of the City Council.

7. APPROVAL OF AN AMENDMENT TO THE MAINTENANCE AGREEMENT WITH S & H CIVILWORKS FOR ON-CALL CONCRETE REPAIR SERVICES

It is recommended that the City Council: 1.) Approve an amendment to the Maintenance Agreement with S & H Civilworks, in the amount of \$139,000 for additional citywide On-Call Concrete Repair and Associated services; and 2.) Authorize the City Manager to sign and execute the amendment to the professional services agreement and potential future amendments to the agreement within the designated contingency amount, on behalf of the City Council.

8. AGREEMENT WITH THE COUNTY OF ORANGE DISTRICT ATTORNEY'S OFFICE FOR PROSECUTION SERVICES

It is recommended that the City Council approve the agreement with the County of Orange District Attorney's Office for prosecution services for the period of July 1, 2023 through June 30, 2028.

9. DENIAL OF CLAIMS FOR DAMAGES – CELESTINO-HERNANDEZ AND SMITH

It is recommended that the City Council of the City of Yorba Linda deny the claims for damages by Julian Celestino-Hernandez and Frank Smith.

10. AWARD OF CONTRACT FOR PROFESSIONAL BROADCAST AND VIDEO PRODUCTION SERVICES

It is recommended that the City Council: 1.) Award the attached three-year contract (Attachment 1) with Tripepi Smith and Associates, Inc. for professional broadcast and video production services for the City's public, education, and government (PEG) channel, not to exceed \$107,455, and authorize the Mayor to execute the contract; and 2.) Authorize the City Manager to execute up to two (2) consecutive one (1) year extensions, in accordance with the scope of work and general terms and conditions of the contract.

11. CONSULTANT SERVICES AGREEMENTS FOR REVISIONS TO 2021-2029 GENERAL PLAN HOUSING ELEMENT

Staff recommends that the City Council take the following actions: 1.) Approve Letter of Agreement extending existing contract with Karen Warner Associates (KWA) for preparation of revisions to 2021-2029 General Plan Housing Element; and, 2.) Approve 2nd Amendment to existing contract with T&B Planning, Inc., for preparation of CEQA compliance documentation related to revisions to 2021-2029 General Plan Housing Element; and, 3.) Approve new Letter of Agreement for consultant services with Tripepi-Smith Associates, Inc. for community engagement and public outreach assistance related to revisions to the 2021-2029 General Plan Housing Element.

12. COUNCIL COMMITTEE AND AGENCY REPORTS

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

4. APPROVE PROFESSIONAL SERVICE CONTRACTS WITH FOUNTAINHEAD CONSULTING AND NINYO & MOORE FOR CONSTRUCTION ENGINEERING SUPPORT SERVICES FOR FISCAL YEAR 2022-23 (ZONES 5/6B) ANNUAL PAVEMENT PRESERVATION PROJECT (SI231003)

Following the vote of Consent Calendar Item No. 4, Councilwoman Lim rejoined the meeting at 7:35 p.m.

Moved by Campbell

Seconded by Haney

It is recommended that the City Council: 1.) Approve a Professional Service Agreement with Fountainhead Consulting Corporation in the amount of \$283,160 to provide Construction Management and Inspection services for the Fiscal Year 2022-23 Annual Pavement Preservation Project (APPP); and 2.) Authorize the City Manager to approve additional expenditures up to \$28,316 (10% of contract value) in contract contingencies for potential additional services and unanticipated work that may arise; and 3.) Approve a Professional Service Agreement with Ninyo & Moore Geotechnical & Environmental Services Consultants in the amount of \$79,710 to provide Materials Testing services for the Fiscal Year 2022-23 Annual Pavement Preservation Project; and 4.) Authorize the City Manager to approve additional expenditures up to \$7,971 (10% of contract value) in contract contingencies for potential additional services and unanticipated work that may arise; and 5.) Authorize the City Manager to sign and execute the above-listed contracts, and potential future amendments to these agreements within the designated contingency amounts on behalf of the City Council.

AYES (3): Campbell, Haney, and Rodriguez

ABSTAINED (1): Lim

ABSENT (1): Hernandez

CARRIED (3 to 0)

PUBLIC HEARING

13. COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR FISCAL YEAR 2023/24 FUNDING

a. Open Public Hearing - Mayor Pro Tem Campbell opened the public hearing.

b. Staff Report

Senior Community Preservation Officer Mary Lewis provided a brief staff report and discussed the proposed programs as part of the application. Those programs are the Neighborhood Improvement Program, Senior Nutrition Program, ADA Improvements (Public), and CDBG Program Administration. She said the City participates in the Community Development Block Grant Program annually, for which the City submits an application for fiscal year funding. The program allocates money for projects aimed at providing assistance to low or moderate-income areas to provide decent housing in a suitable living environment. The City will have available an estimated \$270,096 in regular CDBG funds during the 2023/24 fiscal year.

c. Take Testimony

There were no public comments.

d. Close Public Hearing - Mayor Pro Tem Campbell closed the public hearing.

e. Make Determination

Moved by Rodriguez

Seconded by Haney

It is recommended that the City Council approve the projects associated with Yorba Linda's Community Development Block Grant (CDBG) application for Fiscal Year 2023-2024. Furthermore, the Council may direct staff to submit an application package to the County of Orange Housing and Community Development offices in accordance with the previously approved Cooperation Agreement between the City of Yorba Linda and the County of Orange executed on June 17, 2014.

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

ABSENT (1): Hernandez

CARRIED (4 to 0)

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

City Manager Pulone responded to the concerns expressed about the house that burned on Parkview Terrace. He said the City had previously checked on the property but Building will ensure that if it had been red-tagged that no one is in fact inhabiting the property and assured the residents that staff will inspect the home as early as tomorrow. He commented about the housing element and the remarks from Mr. Heine, specifically the Tripepi Smith agreement. He stated staff is really hoping to receive input from the community through the Residents Committee and said the City doesn't want to spend more money than it needs to and will be paying based on an hourly basis. He said staff believes the firm will be very effective in working with the community to form a better plan for the 2024 ballot. He said though the City is looking at Savi Ranch as a location for units, the City is really hoping the Residents Committee will help determine locations. He responded to Ms. Morger's comment and said staff is hoping to have the document ready by June or July for public review - the intent is to do it as quickly as possible so the public has more time to review it, however, staff does not know how many Resident Committee meetings it may involve. With respect to Mr. Beaven's concerns, he said Public Works Director Jamie Lai had informed him of his concerns with the Golden State Water Project taking place in his community and said he received an email from Golden State Water District indicating that they are obtaining slurry seal pricing to address Mr. Bevans' concern. He stated this is not a City project. With respect to the catch basin on Kingsbriar, he said the City does go out to the area to clean it periodically but they will look into what else can be done to improve the maintenance. He urged residents to contact the Orange County Mosquito and Vector Control District if they have mosquito concerns.

Councilwoman Lim said OurNeighborhoodvoices.com will have their town hall on April 27th and said Love Yorba Linda will be taking place on April 29th.

Councilwoman Haney said LiveableCalifornia.org is another very important website to learn about housing issues. She said the meeting mentioned by Councilwoman Lim is a Neighbors Remedy Digital Fundraiser on Thursday, April 27th at 6:30 p.m. She concluded her comments by commending the Parks and Recreation Department, Library and Cultural Arts Center for the Wine & Paint Night event and said it was amazing. She urged residents to visit the Library website to sign up for events.

Mayor Pro Tem Campbell said the City is excited to announce that Adventure Playground will be open to the public on April 22nd. She encouraged the community to follow the Parks and Recreation Department on social media for announcements. She said registration for Adventure Playground Summer Camp will open on Wednesday, April 19th at 10:00 a.m. and urged those interested to register quickly as the City anticipates the program will be very popular this year. She thanked the Yorba Linda Chamber of Commerce for hosting the First Responders Appreciation and asked the community to volunteer at Love Yorba Linda Day! Mayor Pro Tem Campbell thanked Parks and Recreation for another wonderful Egg-citement Hunt on Saturday, April 8th. She said she serves on the Bridges at Kraemer Place and said her report is included with the Council Committee and Agency reports attachments. She concluded by announcing that Sushi Amari opened at the Packing House yesterday.

ADJOURNMENT

Mayor Pro Tem Campbell adjourned the meeting at 7:55 p.m. to the next regularly scheduled City Council/Successor Agency to the Yorba Linda Redevelopment Agency joint meeting on May 2, 2023.

City Clerk