

**BREA CITY COUNCIL
SUCCESSOR AGENCY TO THE
BREA REDEVELOPMENT AGENCY
MEETING**

**MINUTES
JULY 20, 2021**

**CLOSED SESSION
5:15 p.m. - Executive Conference Room
Third Floor**

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Vargas called the Closed Session to order at 5:15 p.m., all members were present.

Present: Marick, Simonoff, Hupp, Parker, Vargas

- 1. Public Comment**
None.

Closed Session may convene to consider matters of purchase / sale of real property (G. C. §54958.8), pending litigation (G.C. §54956.9(d)(1)), potential litigation (G.C. §54956.9(d)(2)(3) or (4)), liability claims (G. C. §54961) or personnel items (G.C. §54967.6). Records not available for public inspection.

- 2. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(d)(1) - Existing Litigation.** Name of Case: Aguirre v. City of Brea et al. (Case No. 30-2019-01103735-CU-PO-CJC)
- 3. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(d)(2) - Anticipated Litigation. Significant Exposure to Litigation:** 1 potential case. Facts and Circumstances: Brea Firefighters Association FLSA Matter.
- 4. Conference with City's Labor Negotiator Pursuant to Government Code §54957.6 Regarding the Brea Management Association (Non-Safety); Brea City Employees' Association (BCEA); Administrative and Professional Employees' Association (APEA); Brea Fire Association (BFA); Brea Fire Management Association (BFMA); Brea Police Association (BPA); Brea Management Association (BMA); and the Brea Police Management Association (BPMA) -** Chris Emeterio, Negotiator, Cindy Russell, Negotiator, and Mario E. Maldonado, Negotiator.

Mayor Vargas adjourned the Closed Session at 6:05 p.m.

**STUDY SESSION
6:00 p.m. - Council Chamber
Plaza Level**

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Vargas called the Study Session to order at 6:08 p.m., all members were present.

5. Public Comment

None.

6. Clarify Regular Meeting Topics

Council Member Simonoff requested that Item 25 (Amended and Restated Sidewalk Vending Policy) be pulled from the Consent Calendar and discussed.

Regarding Item 30 (Non-Professional Services Agreement with All City Management Services to Provide Crossing Guard Services), Council Member Parker suggested adding crossing guards at two (2) additional locations: Laurel and Imperial and Orange and Imperial.

Council Member Parker requested that Item 29 (Award of Contract for Electoral Districting Services) be pulled from the Consent Calendar for a separate vote.

DISCUSSION ITEMS

7. District-Based Elections

City Manager Gallardo introduced National Demographics Corporation Vice President, Justin Levitt. Mr. Levitt, talked about the California Voting Rights Act (CVRA), explained the difference in federal and state law requirements for districting, provided the background/history of districting, discussed case law such as the Santa Monica case, and noted delays due to the pandemic.

Council discussed: how the CVRA is set up for the plaintiff to prevail; how pattern and math is the deciding factor of the CVRA; if the City is sued the plaintiffs can pick which election to use in court in which they usually choose the most contentious or divisive election they can find; burden of proof; the Santa Monica case; how courts can decide the district boundaries if needed; the desire to wait for census numbers; and the ability to use revised data after the census numbers are in.

8. Parking Restrictions at City Parking Facilities

Public Works Director Olmos and Police Chief Hawley presented a PowerPoint that included: the project background, follow-up from previous Council meeting discussion, data collection at parking lots of concern, proposed parking permit criteria, parking restrictions, feedback, and recommendations.

In response to Council questions, Public Works Director Olmos and Police Chief Hawley clarified that the proposed 12 month parking permits are per unit not per resident; noted that they will add a requirement to the permit that the vehicles must be operational; assured Council that parking restrictions will be implemented the same at all parking lots in question; and added that staff has not detailed the number of vehicles from the apartments that park in the parking lots in the past but has always known of problems with residents parking at Arovista Park.

Council Member Parker stated the he does not support parking permits because parking is taken away from event goers and suggested that safety elements are added for crossing Imperial to the parking lot.

Mayor Pro Tem Hupp noted that the policy should state that the permits are for Wildcatters and Arovista Parks only.

Council Member Marick stated that it should not be the City's job to subsidize parking, suggested that a specific area in the parking lot be designated for permit parking, and expressed concern about residents crossing Imperial to park their vehicles at City parks.

Mayor Vargas asked to continue the discussion to the offsite meeting on July 22, 2021.

Council Member Simonoff suggested that cars with parking permits are checked for 72 hour parking violation and directed City staff to reach out to apartment staff to get more information about parking and bring the information back to a future Study Session.

9. Designate Voting Delegate and Alternate for League of California Cities Annual Conference & Expo, September 22 - 24, 2021 in Sacramento.

Council designated Mayor Vargas as the delegate and Mayor Pro Tem Hupp as the alternate for the League of California Cities Annual Conference & Expo in Sacramento on September 22-24.

REPORT

10. Council Member Report/Requests

Mayor Vargas announced that he will be on military active duty from July 26th through August 20th in San Diego, CA.

Mayor Vargas adjourned the Study Session at 6:58 p.m.

**GENERAL SESSION
7:00 p.m. - Council Chamber
Plaza Level**

CALL TO ORDER/ ROLL CALL - COUNCIL

Mayor Vargas called the General Session to order, all members were present.

11. Pledge of Allegiance

The Brea Police Explorers led the Pledge of Allegiance.

12. Invocation

Douglas Green, North Hills Church, delivered the Invocation.

13. Commendation

Mayor Vargas presented a commendation to Apollo Electric for their generous donation to the City of Brea.

14. Commendation

Mayor Vargas commended Dwight Manley for his generous donation to the City of Brea.

15. Presentation

Justin Gollhofer, Senior Project Manager for the County of Orange Department of Public Works, provided a PowerPoint briefing on the Brea Canyon Corridor Improvement Project which included: the background, project elements, map, wildlife overpass, project limit, timeline, phasing, project update, current status and next steps.

In response to Mayor Pro Tem Hupp's question, Mr. Gollhofer confirmed the Orange County has an easement for the wildlife overpass.

16. Report - Prior Study Session

City Manager Gallardo provided the Prior Study Session report.

17. Community Announcements

Council Member Parker announced that watering restrictions are in place due to drought conditions and noted that the City's Water Ordinance has been updated to promote water conservation. He provided the changes to the ordinance and informed residents to call (714) 990-7691 if they have questions.

Council Member Marick announced that Caltrans is closing the northbound 57 freeway Brea Canyon Road on-ramp beginning July 29 through November 1. Although the closure is outside of Brea, the community can anticipate noise, vibrations, and traffic delays during this time. Motorists are strongly advised to use alternate routes. For more information, visit the Caltrans website, dot.ca.gov.

Mayor Pro Tem Hupp announced that summer community events are in full swing. She highlighted events such as: Concerts in the Park on Wednesdays at 6:30 p.m. through August 11th; Family Films in the Park in the Arovista Park Amphitheater through July 23rd in the Arovista Park Amphitheater from 6:30 to 8:30 p.m.; and Brea Fest is returning this year on Friday, August 13th. Visit the City's website for more information on these events.

Mayor Vargas announced that the City is embarking on a comprehensive modernization of Arovista Park. Staff is asking residents and visitors to provide their feedback by taking the online survey available on the City's website until August 10, 2021. The survey is asking for thoughts on various park elements such as the sports fields, parking lots, playground, amphitheater, the Tracks at Brea Trail, and more.

18. Matters from the Audience

Lee Squire asked the Mayor to provide a Proclamation for Disability Pride Month.

Marissa Forte discussed the release of the State of Emergency and urged residents to get back to the norm.

Pastor Doug Green, North Hills Church, invited residents to attend the grand opening for the Senior Day Care Center at North Hills Church between 1:00 p.m. and 4:00 p.m. He stated that they will also celebrate Cliff, a Senior Day Care Center member who will turn 104 years old and commended Easter Seals for their work with the disabled.

Sean Thomas encouraged residents to get vaccinated and thanked Assistant City Manager Emeterio and Public Works Director Olmos for the work on the Tracks at Brea.

Michelle Forte expressed support for permit parking at the local parks.

Julia Stalls stated that she is offended by vendors that display offensive language in public locations and urged Council to rule against it.

Keith Fullington complained about loud mufflers on Peppertree and Lambert, expressed concern about the construction project on Lambert and the 57 Freeway, and urged Council to approve more events in the City.

City Clerk Lillian Harris-Neal read three (3) written comments:

Ryan Balediata expressed concern about the condition of the streets in Country Hills.

Linda Cornejo hoped that the vendors in front of the Gateway Center along Imperial Highway will be found in violation of the amended and restated vending policy.

The Briarwood neighborhood commended Ashley Reid on her service with the Brea City Clerk's Office.

19. Response to Public Inquiries - Mayor / City Manager

City Manager Gallardo responded to public inquiries.

PUBLIC HEARING - *This portion of the meeting is for matters that legally require an opportunity for public input. Audience participation is encouraged and is limited to 5 minutes per speaker.*

20. Public Hearing to Consider Levying an Assessment for Landscape and Lighting Maintenance Districts (LLMDs) #1, 2, 3, 4, 5, 6 and 7 for Fiscal Year 2021-2022

Public Works Superintendent Bill Bowlus provided an oral report.

Motion was made by Council Member Hupp, seconded by Council Member Parker to adopt Resolution Nos. 2021-029 through 2021-035, levying assessments for Fiscal Year 2021-2022 after receiving testimony at the Public Hearing on July 20, 2021.

AYES: Council Member Marick, Mayor Simonoff, Council Member Hupp, Council Member Parker, Mayor Pro Tem Vargas

Passed

CONSENT CALENDAR - *The City Council/Successor Agency approves all Consent Calendar matters with one motion unless Council/Agency or Staff requests further discussion of a particular item. Items of concern regarding Consent Calendar matters should be presented during "Matters from the Audience."*

CITY COUNCIL - CONSENT

21. June 15, 2021 City Council Regular Meeting Minutes

The City Council approved the June 15, 2021 City Council Regular Meeting Minutes.

22. Consideration of Adoption of the 2021 Water Master Plan

The City Council adopted Resolution No. 2021-046 approving and adopting the 2021 Water Master Plan.

23. Approval of Fiscal Year 2021-22 Property Tax Rate to Fund the City's Paramedic Program

The City Council adopted Resolution No. 2021-047, fixing the rate of tax upon the taxable property within the City of Brea for the Fiscal Year 2021-22 necessary to maintain a Mobile Intensive Care Program known as paramedics within the area of the City of Brea and certifying said rate of taxation to the Orange County Auditor-Controller.

24. Appropriation Request for General Plan Amendment/Zone Change

The City Council appropriated \$100,000 from the General Plan Maintenance Fund (Fund 120) for the purpose of conducting General Plan amendments/Zone changes as it pertains to the adoption of the 6th Cycle General Plan Housing Element (2021-2029).

25. Amended and Restated Sidewalk Vending Policy

Public Works Director Olmos explained the requirements of the amended and restated sidewalk vending policy.

Council discussed sign restrictions, umbrella height, and reducing the vendor permit period.

City Attorney Boga discussed the City's limits when dealing with first amendment rights and regulating the content of speech.

The City Council adopted Resolution No. 2021-048, adopting an amended and restated Sidewalk Vending Policy to more fully carry out the intent of SB 946 and to more fully protect the public health, safety, and welfare.

26. Local Emergency Termination

The City Council adopted Resolution No. 2021-049, terminating the existence of the COVID-19 local emergency.

27. Purchase of Panasonic CF-33 Toughbook Tablets for Police Department

The City Council approved the purchase of ten Panasonic CF-33 ToughBook tablets from CDCE, Inc. for \$45,217.50.

28. Annual Vehicle and Equipment Purchase Plan for Fiscal Year 2021-22

The City Council authorized Purchasing Agent to issue purchase orders in an amount not-to-exceed \$707,000 for various City vehicles and equipment described in the Annual Vehicle Replacement Plan for Fiscal Year 2021-22.

29. Award of Contract for Electoral Districting Services

This item was discussed and voted on separately from the Consent Calendar.

Council Member Parker expressed concern about Council making a decision on districting before receiving the Santa Monica case verdict and census results, suggested that Council delay, discussed public engagement, and noted that taking away local control is his biggest objection.

Council Member Simonoff believed that even if Santa Monica prevails, state legislation will work around the decision and require districting anyway.

Council Member Marick urged Council to keep control of the districting process so that it can be done in the most thoughtful way.

In response to Council questions, Justin Levitt - NDC, confirmed the different options that the court has when making decisions on districting.

Mayor Pro Tem Hupp expressed disappointment with the districting process; however, expressed support for approval of the contract noting that she prefers that the City maintain control over districting instead of the court.

Motion was made by Council Member Marick, seconded by Council Member Hupp to approve the Professional Services Agreement with National Demographics Corporation for Electoral Districting Services in the amount not-to-exceed \$48,500 plus up to a 10% contingency; and authorize the City Manager to execute the Agreement and issue any amendments for required changes within the above not-to-exceed total.

AYES: Council Member Marick, Mayor Simonoff, Council Member Hupp, Mayor Pro Tem Vargas

NOES: Council Member Parker

Passed

30. Non-Professional Services Agreement with All City Management Services to Provide Crossing Guard Services

The City Council awarded contract to All City Management Services in an amount not-to-exceed \$55,193.00 for as-needed Crossing Guard Services; authorized the City Manager to execute the agreement; and authorized the City Manager to approve contract extensions.

31. Approval of Memorandums of Understanding between the City of Brea and: 1) the Brea Management Association; 2) the Brea City Employees' Association; 3) the Administrative And Professional Employees' Association

The City Council adopted Resolution No. 2021-050, approving Memorandums of Understanding (MOU's) with the Brea Management Association (BMA), the Brea City Employees' Association (BCEA), and the Administrative and Professional Employees' Association (APEA).

32. Outgoing Payment Log and June 18, 25 and July 2, 9 and 16, 2021 City Check Disbursements

The City Council received and filed the Outgoing Payment Log and June 18, 25 and July 2, 9 and 16, 2021 City Check Disbursements.

33. Monthly Report of Cash Investments for the City of Brea for Period Ending May 31, 2021

The City Council received and filed the Monthly Report of Cash Investments for the City of Brea for Period Ending May 31, 2021.

Motion was made by Council Member Hupp, seconded by Council Member Parker to approve the Consent Calendar Items 21-33, except for Item 29 (Award of Contract for Electoral Districting Services).

AYES: Council Member Marick, Mayor Simonoff, Council Member Hupp, Council Member Parker, Mayor Pro Tem Vargas

Passed

CITY/ SUCCESSOR AGENCY - CONSENT

34. Successor Agency Disbursement Registers for June 25 and 30, 2021

The City Council received and filed the Successor Agency Disbursement Registers for June 25 and 30, 2021.

35. Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ending May 31, 2021

The City Council received and filed the Monthly Report of Cash Investments for the Successory Agency to the Brea Redevelopment Agency for Period Ending May 31, 2021.

Motion was made by Council Member Hupp, seconded by Council Member Parker to approve the City/Successor Agency Consent Calendar Items 34 and 35.

AYES: Council Member Marick, Mayor Simonoff, Council Member Hupp, Council Member Parker, Mayor Pro Tem Vargas

Passed

ADMINISTRATIVE ANNOUNCEMENTS

- 36. **City Manager**
None.
- 37. **City Attorney**
None.
- 38. **Council Requests**
None.

COUNCIL ANNOUNCEMENTS

None.

ADJOURNMENT

Mayor Vargas adjourned the General Session at 8:28 p.m.

Respectfully submitted,



Lillian Harris-Neal, City Clerk

The foregoing minutes are hereby approved this 17th day of August, 2021.



Steven Vargas, Mayor