

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

**MINUTES  
FEBRUARY 1, 2022**

**CLOSED SESSION  
6:15 p.m. - Executive Conference Room  
Level Three**

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**CALL TO ORDER / ROLL CALL - COUNCIL**

Mayor Hupp called the Closed Session to order at 6:21 p.m., all members were present, with Mayor Pro Tem Parker present via teleconference.

Present: Hupp, Parker, Marick, Vargas, Simonoff

- 1. Public Comment**  
None.

Closed Session may convene to consider matters of purchase / sale of real property (G. C. §54956.8), 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.§54957.6). Records not available for public inspection.

- 2. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(d)(4) - Anticipated Litigation. Initiation of Litigation: 1 potential case/case.**
- 3. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**  
Property: 3351 Birch Street (Oil and Gas Lease)  
City of Brea Negotiator: Michael Ho, Acting Public Works Director  
Negotiating Party: Thompson Energy Resources, LLC  
Under Negotiation: Price and Terms of Payment
- 4. 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: Shenkman & Hughes, PC California Voting Rights Act Claim**

**Mayor Hupp adjourned the Closed Session at 6:57 p.m.**

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

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**CALL TO ORDER/ ROLL CALL - COUNCIL**

Mayor Hupp called the General Session to order at 7:08 p.m., all members were present, with Mayor Pro Tem Parker present via teleconference.

**PUBLIC HEARINGS** - *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.*

**5. Public Hearing to Receive Input Concerning Voting District Maps for City Council Elections and Election Sequencing**

Deputy City Clerk Popescu provided a brief background of the item and introduced Dr. Justin Levitt, Vice President of National Demographics Corporation (NDC). Dr. Levitt presented a PowerPoint that included: the districting process; redistricting rules and goals; drafts maps - 2/01/2022; draft maps overview; maps that are not population-balanced; maps with District 4 in the center of City; maps using Lambert Road as a major boundary; maps with Three Western Horizontal districts; maps with West Brea in D1 and Brea Mall in D4; maps where D4 crosses freeway north of Brea Mall; unique maps; and a summary of maps by CVAP.

Mayor Hupp called for a recess at 7:29 p.m. due to zoom issues.

Mayor Hupp reconvened the meeting at 7:38 p.m.

Mayor Hupp opened the public hearing.

Hearing no further testimony, Mayor Hupp closed the public hearing.

Sean Thomas expressed difficulty with understanding the streets on the maps and election sequence.

George Als expressed concern about population equality in the districts, community integrity being based on race, financial influence and self segregation.

In response to Council questions, Dr. Levitt explained election terms, how districting is handled if there are future annexations, additional maps being accepted up to 7 days prior to the next public hearing, future population growth, referencing demographics, communities of interest, and factors that contribute to the community.

Council discussed the presented maps and narrowed them down to: maps 103, 108, 115, 116, 117 and 106 with amendments. Dr. Levitt stated that NDC will make amendments to map 106 and present the amendments at the next public hearing.

**6. Matters from the Audience**

Lee Squire recognized World War II, Korean War and Vietnam War Veteran Carey Nelson on his 95th birthday.

Sean Thomas spoke about Item 14; thanked Assistant City Manager/Community Services Director Emeterio for evaluating the tracks; and encouraged community participation. He also congratulated the Senior Center on a grant received to upgrade the electricity.

Barbara Sederi spoke in opposition to the Brea Plaza project.

Zubin Chichgar spoke in opposition to the Brea Plaza project.

Todd Lancaster spoke in opposition to the Brea Plaza project.

The following written comments were received via email and summarized aloud for the record:

Helen Taylor wrote in opposition to the Brea Plaza project.

Ted Gribble wrote in opposition of the Brea Plaza project.

**7. Response to Public Inquiries - Mayor / City Manager**

City Manager Gallardo responded to public comments.

**8. Approval of the Application for Participation in the Community Development Block Grant Program (CDBG) for Fiscal Year 2022-23**

Management Analyst Colacion presented the details of the report and spoke about the background of the CDBG program. She also highlighted previous CDBG projects at the Senior Center, including the patio cover additional and courtyard rehabilitation; updated ADA compliant restrooms; parking lot and sidewalk accessibility enhancements; flooring and door replacements; and kitchen rehabilitation. She also spoke about the FY 22/23 CDBG application highlights and staff recommendation.

**Mayor Hupp opened the public hearing. Seeing no members of the public wishing to address the Council on this item, Mayor Hupp closed the public hearing.**

Councilmember Simonoff spoke about the success of the CDBG program in the City of Brea.

Councilmember Vargas asked staff to prioritize addressing the safety of the stamped concrete between the Senior Center and Pioneer Hall.

Motion was made by Council Member Simonoff, seconded by Council Member Marick to adopt Resolution No. 2022-012, approving the application for Fiscal Year 2022-23 for Public Facilities & Improvements to the County of Orange for the Community Development Block Grant Program (CDBG) funding.

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

Passed

**ADMINISTRATIVE ITEMS** - *This agenda category is for City Council consideration of a wide variety of topics related to the City's operations. Public comments regarding items in this section should be presented during "Matters from the Audience."*

**9. Zoning Ordinance Text Amendment No. 2021-02 (ZOTA 2021-02) to Amend Title 20 of the Brea City Code Regulating the PD (Precise Development) Zone within the City of Brea - Second Reading**

Motion was made by Council Member Simonoff, seconded by Mayor Pro Tem Parker to adopt Ordinance No. 1223 of the City Council of the City of Brea approving Zoning Ordinance Text Amendment No. 2021-02, to amend Title 20, Chapter 20.260 of the BCC regulating the PD (Precise Development) Zone within the City of Brea. Second reading was waived at the January 18, 2022, meeting.

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

Passed

10. **SB 1383 Organic Waste Recycling Compliance: Introduce Ordinance No. 1224 for First Reading by Title Only, adding Chapter 8.56, Organic Waste Disposal, to the Brea Municipal Code; Notice of Intent to Comply (SB 619) submittal to CalRecycle; and SB 1383 CalRecycle grant application**

City Attorney Boga indicated that a Conflict of Interest analysis was conducted at the request of Councilmember Simonoff, and concluded that Councilmember Simonoff is able to participate in the item.

Recycling Coordinator Longacre provided a presentation which included an overview of the item, SB 1383 timeline, SB 1383 details, SB 1383 proposed ordinance, Notice of Intent to Comply (SB619), Local Assistant Grant Program, fiscal impacts and recommendation.

Mayor Pro Tem Parker suggested a city-wide composting program be a part of the organics recycling program and directed staff to look at funding sources for such program.

Councilmember Simonoff inquired if the Chamber and Business community have been informed of the changes. He also requested staff explain the process for granting exemptions.

City Attorney Boga indicated the ordinance addresses the process for waivers and exemptions.

Council discussion ensued related to the manner in which to dispose of organic waste and home composting.

City Attorney Boga read the title of the ordinance.

Motion was made by Mayor Pro Tem Parker, seconded by Council Member Marick to introduce Ordinance No. 1224, adding Chapter 8.56, Organic Waste Disposal, to the Brea Municipal Code and adopting regulations for organic waste recycling per SB 1383 and waive further reading of the Ordinance.

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

Other: Council Member Vargas (ABSTAIN)

Passed

Motion was made by Council Member Marick, seconded by Mayor Pro Tem Parker to approve Resolution No. 2022-013 approving Notice of Intent to Comply (SB 619) submittal to CalRecycle.

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

Other: Council Member Vargas (ABSTAIN)

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**

11. **January 18, 2022 City Council Regular Meeting Minutes**  
The City Council approved the January 18, 2022 City Council Regular Meeting Minutes.
12. **2022 Brea Legislative Platform**  
The City Council adopted the 2022 City of Brea Legislative Platform to coincide with the current legislative session.
13. **Approval of Memorandums of Understanding between the City of Brea and the Brea Police Association and the Brea Firefighters' Association**  
The City Council adopted Resolution No. 2022-014 approving Memorandums of Understanding (MOUs) with the Brea Police Association (BPA) and the Brea Firefighters' Association (BFA),

**Councilmember Marick and Mayor Pro Tem Parker voted "no" to the Brea Police Association (BPA) Memorandum of Understanding.**

14. **Adoption of a New Job Description and Salary Table for the Position of Civilian Fire Marshal and Amending the Position Allocation List for FY 2021-22 to reflect the changes, and placing the new classification in the Brea Management Association Bargaining Unit for representation purposes**  
The City Council approved Resolution No. 2022-015 to adopt a new job description and salary table for the classification of civilian Fire Marshal; placed the new classification in the Brea Management Association bargaining unit for representation purposes; and amended the Position Allocation List to include this position in the Fire Department.
15. **Monthly Report of Cash Investments for the City of Brea for Period Ended November 30, 2021**  
The City Council received and filed the Monthly Report of Cash Investments for the City of Brea for Period Ended November 30, 2021.
16. **Monthly Report of Cash Investments for the City of Brea for Period Ended December 31, 2021**  
The City Council received and filed the Monthly Report of Cash Investments for the City of Brea for Period Ended December 31, 2021.
17. **City Disbursement Registers for January 21 and 28, 2022**  
The City Council received and filed the City Disbursement Registers for January 21 and 28, 2022.

Motion was made by Mayor Pro Tem Parker, seconded by Council Member Simonoff to approve City Council Consent Items 11 - 17, with Councilmember Marick and Mayor Pro Tem Parker voting "no" to the Brea Police Association MOU on Item 13.

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

Passed

#### **CITY/ SUCCESSOR AGENCY - CONSENT**

18. **Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended November 30, 2021**  
The City Council received and filed the Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended November 30, 2021.

**19. Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended December 31, 2021**

The City Council received and filed the Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended December 31, 2021.

Motion was made by Council Member Vargas, seconded by Council Member Simonoff to approve City/Successor Agency Consent Items 18 - 19.

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

Passed

**ADMINISTRATIVE ANNOUNCEMENTS**

**20. City Manager**

None.

**21. City Attorney**

None.

**22. Council Requests**

None.

**COUNCIL ANNOUNCEMENTS**

Councilmember Vargas recognized former Mayor of Brea, Carrey J. Nelson, on his 95th Birthday.

**ADJOURNMENT**

Mayor Hupp adjourned the General Session at 9:32 p.m. in memory of former Brea Fire Capitan, Dave Mahlsted.

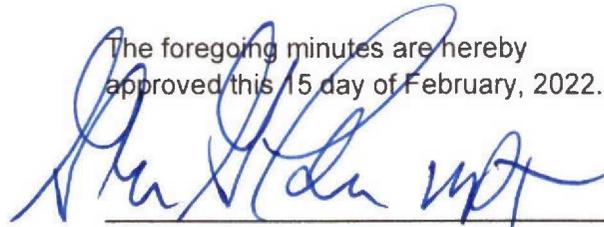
Respectfully submitted,



Lillian Harris-Neal, City Clerk



The foregoing minutes are hereby approved this 15 day of February, 2022.



Cecilia Hupp, Mayor

