

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

**MINUTES
MARCH 23, 2022**

**6:45 p.m. - Council Chamber
Plaza Level**

1. Girl Scouts Presentation

Mayor Hupp introduced the Girl Scouts and announced that they will provide a presentation for Girl Scouts Week and lead the pledge of allegiance.

Mayor Hupp thanked the Girl Scouts for supporting the leadership development of America's girls, and proudly proclaimed the week of March 12, 2022, as Girl Scout Week.

2. Invocation

Pastor J.D. Senkbile from Southlands Church delivered the Invocation.

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

CALL TO ORDER/ ROLL CALL - COUNCIL

Mayor Hupp called the General Session to order at 7:00 p.m., all Council Members were present. Mayor Pro Tem Parker was present via zoom.

Present: Hupp, Parker, Marick, Vargas, Simonoff

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.*

3. Public Hearing to Receive Input from the Community Regarding the Proposed Transition to By-District City Council Elections; Selection of a District Map and Election Sequence; and Introduction of Ordinance No. 1225, Establishing a By-District System for City Council Elections

Management Analyst Davis and Deputy City Clerk Popescu provided a PowerPoint presentation that included: community outreach such as social media, BreaTV, Brealine, water bill inserts, postcards, bus shelter advertisements, newspaper advertisements, signage, workshops and community feedback forms.

National Demographics Corporation (NDC) consultant Justin Levitt provided a PowerPoint that included: the demand letter, California Voting Rights Act (CVRA) impact, districting process, redistricting rules and goals, draft maps and focus maps.

In response to Council Member Simonoff's question, Mr. Levitt provided the definition of "communities of interest".

Mayor Hupp opened the public hearing.

Dwight Manley expressed concern with the number of feedback responses received, stated that small communities should not be divided, urged Council to wait for the results from the Santa Monica litigation before making a decision, and provided a check to assist with litigation regarding by-district elections.

Linda Bolard expressed concern that by-district elections divide the community, believed that voters input doesn't matter and expressed support for Map 118 over Map 117.

Steven Baric, plaintiff attorney for the Rick Rios et.al v. City of Brea et.al case, stated that his clients did not want to sue the City but felt compelled to do so, discussed current litigation regarding districting, urged Council to wait until current litigation is settled, noted that less than 1% of the City's population responded to the outreach provided and asked Council to wait an additional 60 days before voting yes on by-district elections.

Glen Vodhanel stated that he understands the threat of litigation and expressed opposition to by-district elections stating that residents should have the opportunity to maintain their rights.

Sean Thomas expressed support for by-district elections, expressed concern for accepting funds from residents because he believes that it is to influence Council Members and thanked Council Members Marick, Simonoff and Vargas for their input on by-district elections.

Keith Fullington expressed opposition to by-district elections.

Dino Beaver expressed opposition to by-district elections.

Senior Counsel Markman asked the City Council to add a closed session item on the Rios lawsuit to the end of the agenda to address a threat of an injunctive relief motion that came to the City's attention after the posting of the agenda. He provided the history of previous litigations with Mr. Shenkman and expressed concern that the decision regarding the Santa Monica case may be specific to that case only, and noted that Mr. Shenkman provided the City with a demand letter two (2) years ago and agreed that he would wait until the census numbers were received before demanding by-district elections in the City of Brea.

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

Council discussed continuing the item to allow time for a Closed Session due to a recent lawsuit filed against the City regarding by-district elections; directed staff to explain to residents why there is a sense of urgency for deciding if the City of Brea will have by-district elections; explained that changing the election system (by-vote or at-large) in the middle of the election cycle may be difficult if allowed; reiterated that the current Santa Monica litigation doesn't have a definite timeline; expressed support for choosing a map at this meeting; mentioned the 90-day demand letter and 2 year continuance; and commended staff for their outreach efforts.

Motion was made by Council Member Simonoff, seconded by Council Member Vargas to select District Map 117 and to adjourn to a Closed Session after the conclusion of the General Session.

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

Passed

MATTERS FROM THE AUDIENCE

Dino Beaver expressed concern about the Brea Plaza project, discussed parking and traffic issues, asked Council about their sentiments regarding the Brea Plaza project, and inquired about the adequacy of fire equipment for the Brea Plaza project.

Sean Thomas thanked the Brea Fire Department for assisting him during an emergency.

Dwight Manley expressed concern that his generosity to provide funds to assist with litigation regarding by-district elections was questioned and believed that the City Council should not concede to Mr. Shenkman's demand.

Linda Bolard expressed opposition to by-district election.

Glen Vodhanel stated that residents should not have an underlying motive for supporting by-district elections and discussed the Vargas vs. Balz case.

City Manager Gallardo stated that the Brea Plaza project will be heard by the City Council on April 5 and provided the procedures for "Matters from the Audience".

ADMINISTRATIVE ITEM - *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."*

4. Consideration of Termination of The Brea/Fullerton Command Share Agreement

City Manager Gallardo presented a PowerPoint that included: the shared command services timeline, history, high-level assessment, Fullerton's request for fire services proposal from Orange County Fire Authority (OCFA), Fullerton's contract with Management Partners to analyze and cost compare a Professional Services Agreement with OCFA, financial considerations, expenditure reductions, and other revenue/expenditure considerations.

Council explained that the command share agreement was an attempt to be innovative and to provide the same or higher level of service at a lower cost, noted that the Fire Department share command agreement was intended as a first step to possibly merge additional cities in the future, agreed that it is time to bring the command services back to the City, expressed support for moving forward sooner than later, highlighted funding sources, discussed dispatch equipment, and reported that Fullerton Council will discuss the City of Brea's decision to terminate the command share agreement at their next City Council meeting.

In response to Council Member Vargas question, Fire Deputy Chief Coatney assured Council that if the City of Brea terminates the agreement, both cities have adequate personnel in place to function.

Motion was made by Council Member Marick, seconded by Mayor Pro Tem Parker terminate the Brea/Fullerton Command Share Agreement effective June 30, 2022.

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

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

5. **AB 361 Findings for Special Brown Act Requirements for Teleconference Meetings**
The City Council made the following findings: (1) the City Council has reconsidered the circumstances of the COVID-19 state of emergency; and (2) the COVID-19 state of emergency continues to directly impact the ability of the members of the City's legislative bodies (including commissions and committees) to meet safely in person.

6. **February 23, 2022 City Council Special Meeting Minutes**
The City Council approved the February 23, 2022, City Council Special Meeting Minutes as written.

7. **March 1, 2022 City Council Regular Meeting Minutes**
The City Council approved the March 1, 2022, City Council Regular Meeting Minutes as written.

Motion was made by Council Member Simonoff, seconded by Council Member Marick approve Consent Calendar Items 6-8.

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

Passed

In response to Council Member Vargas' question, City Manager Gallardo stated that staff will provide a report on CFD's at a future meeting.

ADJOURNMENT

Mayor Hupp adjourned the meeting at 9:23 p.m.

CLOSED SESSION
Executive Conference Room
Level Three

CALL TO ORDER/ ROLL CALL - COUNCIL

Mayor Hupp called the Closed Session to order at 9:30 p.m., all Council Members were present. Mayor Pro Tem Parker was present via zoom.

There was no reportable action.

Mayor Hupp adjourned the Closed Session at 10:01 p.m.

Respectfully submitted,

The foregoing minutes are hereby approved this 5th day of April, 2022.



Lillian Harris-Neal, City Clerk



Cecilia Hupp, Mayor

