

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

**MINUTES
APRIL 5, 2022**

**CLOSED SESSION
6:30 p.m. - Executive Conference Room
Level Three**

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Hupp called the Closed Session to order at 6:31 p.m., all members were present.

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)(1)**
- Existing Litigation. Name of Case: Rios v. City of Brea et al. (Case No. 30-2022-01246673-CU-CR-CJC)
- 3. Conference with Real Property Negotiator Pursuant to Government Code Section 54956.8.**
Property: 15-Wide Railroad Corridor Easement Between Flower Plum Circle and Berry Street/Mercury Lane
City of Brea Negotiator: Michael Ho
Negotiating Party: Union Pacific Railroad Company
Under Negotiation: Price and Terms of Payment

Mayor Hupp adjourned the Closed Session at 6:52 p.m.

**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 7:01 p.m., all members were present.

- 4. Pledge of Allegiance**
Boy Scout Troop 707 led the Pledge of Allegiance.

5. Invocation

Doug Green, North Hills Church, delivered the Invocation.

6. Community Announcements

Council Member Simonoff announced that "Love Brea" is returning on Saturday, April 23rd. He invited those that are in need of assistance with a maximum four-hour timeframe manageable project to be done at their home to sign up and urged residents to volunteer to complete the service projects. Visit LoveBrea.org for more information.

Council Member Marick invited the community to watch Movies Under the Stars on Saturday, April 9th on the Plaza Level of the Brea Civic & Cultural Center. The Goonies will be shown at 6:00 p.m. For more information, please call (714) 990-7771 or visit BreaSpecialEvents.com

Mayor Pro Tem Parker reminded residents that Southern California Edison (SCE) will be replacing 134 steel streetlight poles with new robust cement poles as part of their infrastructure upgrade program. The project will take place in the residential neighborhoods in the northwest and southwest sections of the city and is scheduled to be completed by April 15th. Residents being affected have received door hangers and signs have been posted on the poles being replaced. If you have any questions, please contact SCE Project Manager Randy Williams at (714) 973-5564.

Council Member Vargas announced that asphalt repairs are scheduled to take place on Tamarack Ave., between Mariposa Ave. and Central Ave., on Tuesday, April 12th, during Spring Break. There will be a full street closure during construction. Residents can access Site Dr. during the repairs to get to Central Ave. If you have any questions, please contact the City's Public Works Department at (714) 990-7691.

7. Matters from the Audience

The Brea Olinda High School Robotics team introduced themselves; provided their background and accomplishments; and asked residents to contribute funds to assist with the team's accommodations to compete at The 2022 FIRST® Championship in Houston, Texas.

Sean Thomas expressed concern about paramedic fees in the City of Brea.

Robert Henderson urged Council to lift a moratorium on curb address painting.

Linda Bolard expressed concern about an issue she is having with her neighbor. She believed that the problems are police issues not a civil issue.

Bev Perry suggested that if Council votes for by-district elections, an Ad-Hoc Committee should be created with residents from all districts to meet periodically to discuss issues within their districts and keep unity.

Joseph Laws urged Council to re-direct street sweeping times and locations to areas that need it more.

Council Member Vargas announced that he will recuse himself from Item 10 (Determination of Election Sequence for By-District City Council Elections; and Introduction of Ordinance No. 1225, Establishing a By-District System for City Council Elections) because he lives within 1000 feet from the proposed project. He suggested that the item be moved for discussion before Public Hearing Item #9.

It was the consensus of Council that the items remain in the order of the agenda.

Council Member Vargas recused himself from item 9 (General Plan Amendment No. 2021-04, Zone Change No. 2021-02, Precise Development No. 2021-03, and Conditional Use Permit No. 2021-17 and 2021-18: to allow the demolition of an existing 18,450 square foot movie theater and adjacent surface parking lot, and allow an approximately 214,873 square foot mixed-use building, on a 2.2-acre area, containing 161 residential dwelling units, 13,800 square feet of retail and office space, and a parking garage with 394 parking spaces, and adopt certification of an environmental impact report, for property located at 1639 East Imperial Highway) and left the Council Chambers at 7:33 p.m.

8. **Response to Public Inquiries** - 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.*

9. **General Plan Amendment No. 2021-04, Zone Change No. 2021-02, Precise Development No. 2021-03, and Conditional Use Permit No. 2021-17 and 2021-18: to allow the demolition of an existing 18,450 square foot movie theater and adjacent surface parking lot, and allow an approximately 214,873 square foot mixed-use building, on a 2.2-acre area, containing 161 residential dwelling units, 13,800 square feet of retail and office space, and a parking garage with 394 parking spaces, and adopt certification of an environmental impact report, for property located at 1639 East Imperial Highway**

Senior Planner Juan Arauz presented a PowerPoint that included: the project summary, project vicinity, entitlement history, requested entitlements, project timeline, project modifications, General Plan Use & Zoning, allowed uses/standards in C-G Zone, proposed project, proposed parking garage, proposed residential, proposed retail & office space, analysis, City development standards, project photo simulations-from Associated Road, project photo simulations - from Greenbriar Lane, project photo simulations - from Imperial/57 freeway, CEQA/EIR, noticing, community outreach, notable conditions of approval recommendation and conclusion.

In response to Mayor Hupp's questions, Community Development Director Killebrew stated that the City has the obligation to respond to all applications regarding entitlements. He deferred questions regarding the traffic study to Traffic Engineer Dave Roseman. Mr. Roseman explained how traffic studies are conducted.

In response to Council Member Marick's questions, Nicole Vermillion, Placeworks Consultant, explained the methodology based on CEQA guidelines and case law. She also explained that the EIR is required to include substantial evidence to support their determinations.

Waad Nadhir, applicant, presented a PowerPoint that included: photos of the proposed project; the applicant's background; project description details - 2 components; community discussions; Planning Commission comments; Planning Commission conclusions; community and business considerations; project evolution; specific concerns - schools, parking; and air quality; project height; traffic; active parking and traffic solutions; Glenbrook HOA requests and voluntary actions; community benefits; and fiscal impact.

In response to Mayor Hupp's questions, Mr. Nadir stated that over the last year and a half, he has met with 4 Council Members (Hupp, Marick, Simonoff, and Vargas) to discuss the proposed project.

In response to Council Member Simonoff's question, City Attorney Boga confirmed that Council can vote on the item as presented; however, he would need to know more facts about

communication between the applicant and Council Member Vargas before providing a determination.

Mayor Hupp opened the public hearing.

Rick Lenning expressed concern about traffic, parking, population growth, water conservation, and bike safety.

Craig Farris thanked Council for their consideration and encouraged them to consider the Brea Envisions ideas.

Sylvia Chase expressed concern about crime due to population increase and stated that the traffic study is not realistic.

Donald Minck expressed opposition to the proposed project stating that a 8-story building would be an eyesore and the proposed project doesn't fit in the Brea Plaza.

Todd Lancaster stated that the location should remain commercial zoning, noted that the EIR will be challenged, and urged Council to let the voters decide.

John Khalil expressed support for the proposed project citing that this project will help new and additional workforce.

Richard Licerio expressed support for the proposed project and noted that change is good.

Alex Zamora expressed support for the developer and the proposed project.

John Tafoya expressed support for the proposed project stating that it will allow an opportunity for residents to live and work in the same community.

Jamie Hunt-Parrent expressed support for the proposed project stating that it will bring more housing to the City of Brea.

Zubin-Chichgar expressed opposition to the proposed project stating that the location is not adequate.

Aaron McNaughton expressed opposition to the proposed project stating that the height of the building isn't good for the City of Brea.

Ted Gribble expressed opposition to the proposed project stating the traffic congestion in the area is an issue and the parking will be inadequate.

Adrian Esparza expressed support for the proposed project stating that it will bring jobs to the City and money to the local schools.

Roland Trudell expressed support for the proposed project and stated that current business owners need the additional foot traffic.

Johnathan Lovelace expressed support for increased housing.

Elizabeth Hansburg (People for Housing OC), expressed support for additional housing in the City of Brea.

Mark Harris expressed support for the proposed project stating that it has great walkability and accommodations.

Ken Stahl encouraged Council to approve the proposed project because it will bring affordable housing and assist with reaching the Regional Housing Needs Assessment (RHNA) goal.

Sasan Afgani expressed support for the proposed project stating housing needs and urged Council to keep funds within the City.

Son Mai expressed support for the proposed project stating that businesses in Brea Plaza need more customers.

Helen Taylor stated that she hopes that Brea continue to grow but be a livable place, expressed concern about traffic, and expressed opposition to the proposed project.

Lynda Hauke expressed support for the proposed project, urged Council to be objective, and stated that the City need different options to appeal to the generation that is coming up.

Lee Squire expressed support for the proposed project.

Anna Robb expressed support for the proposed project stating that the City of Brea is innovative and change is eminent.

Michael Wood expressed opposition for the proposed project stating that it would be inadequate for the location and that there are traffic issues in the area.

Christine Denbo expressed opposition to the proposed project citing traffic and environmental issues.

Luz Renteria stated that residents in the City of Brea should adapt to change and noted that there is a decline of businesses in the City.

Michael Early expressed support for the project.

Dino Beaver stated that the City of Brea is overbuilt.

Mayor Hupp called a recess at 10:05 p.m.

Mayor Hupp reconvened the meeting at 10:13 p.m.

Ashley Cole expressed support for the proposed project stating that the City of Brea is in need of a variety of housing choices for the workforce and urged Council to support the proposed project.

Lacy Schoen, CEO Brea Chamber of Commerce, expressed support for the proposed project stating that having a strong local economy striving for a diverse and dependable workforce is top concern.

Raul Lona express opposition to the proposed project citing traffic issues.

Irene Lona expressed opposition to the proposed project citing noise and too many housing projects in the City of Brea.

Kathy Jimenez expressed support for the proposed project citing housing for all.

Bev Perry expressed support for the proposed project stating that the proposed project will result in less traffic than additional commercial, retail or hotel projects at that location. She

stated that there will be less car trips each day because many people work from home and there is parking for residents.

Laurel Reimer expressed support for the proposed project stating that it is imperative to have adequate housing and noted that the proposed project meets the goals of the General Plan.

Rosendo Oriendo expressed opposition to the proposed project because of the location.

Wayne Wedin expressed support for the proposed project stating that everyone should be able to discuss issues logically and reasonably and noted that the applicant has been thoughtful of residents desires.

Brandon Chase expressed opposition to the project stating that apartments are not the answer.

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

Motion was made by Council Member Marick, seconded by Council Member Simonoff to close the public hearing and continue the item to the April 19, 2022, meeting.

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

Other: Council Member Vargas (RECUSE)

Passed

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."*

10. Determination of Election Sequence for By-District City Council Elections; and Introduction of Ordinance No. 1225, Establishing a By-District System for City Council Elections

Council Member Vargas returned to the Council Chambers.

National Demographics Corporation (NDC) consultant, Justin Levitt, presented a PowerPoint that included: the demand letter; City's options, districting process, redistricting rules & goals, selected map 117, election sequence and next steps.

In response to Council questions, Mr. Levitt explained voter registration and voter turnout.

Council discussed sequence options, the agreement with Mr. Shenkman, possible lawsuit, and the Santa Monica case.

Motion was made by Council Member Vargas, seconded by Mayor Hupp to not proceed with transitioning to by-district City Council elections.

AYES: Mayor Hupp, Council Member Vargas, Council Member Simonoff

NOES: Mayor Pro Tem Parker, Council Member Marick

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. March 23, 2022 City Council Special Meeting Minutes**
The City Council approved the March 23, 2022 City Council Special Meeting Minutes, as amended to reflect the addition of the Closed Session.
- 12. 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.
- 13. Annual Consumer Price Index Adjustments for Avenu Insights & Analytics and HdL Companies**
The City Council approved the annual Consumer Price Index increase as presented by Avenu Insights & Analytics and HdL Companies.
- 14. Approve Two-Year Extension to the Professional Services Agreement for Auditing Services with Eide Bailly**
The City Council approved the two-year extension with Eide Bailly to perform the annual audits for Fiscal Years 2021-22 and 2022-23 and authorized the City Manager to execute contract amendments.
- 15. Road Repair and Accountability Act - Local Streets and Roads Funding Program, Fiscal Year 2022-23 Proposed Project List**
The City Council adopted Resolution No. 2022-020, approving a project funded by the Road Repair and Accountability Act.
- 16. 2021 General Plan Annual Report**
The City Council received and filed the 2021 General Plan and Housing Element Annual Report; and Direct staff to submit the Housing Element Annual Report to the Housing and Community Development (HCD) and Governor's Office of Planning and Research (OPR).
- 17. Resolution Opposing the Taxpayer Protection and Government Accountability Act (Initiative 21-0042A1)**
The City Council adopted Resolution No. 2022-021, opposing the Taxpayer Protection and Government Accountability Act (Initiative 21-0042A1).

Council Member Vargas voted no on this item.
- 18. Monthly Report of Cash Investments for the City of Brea for Period Ended January 31, 2022**
The City Council received and filed the Monthly Report of Cash Investments for the City of Brea for Period Ended January 31, 2022.
- 19. Monthly Report of Cash Investments for the City of Brea for Period Ended February 28, 2022**
The City Council received and filed the Monthly Report of Cash Investments for the City of Brea for Period Ended February 28, 2022.

20. Outgoing Payment Log and City Disbursement Registers for March 4, 11, 18 & 25 and April 1, 2022

The City Council received and filed the Outgoing Payment Log and City Disbursement Registers for March 4, 11, 18 & 25 and April 1, 2022.

Motion was made by Council Member Vargas, seconded by Council Member Simonoff to approve Consent Calendar items 11-20, noting a no vote on item 17 for Council Member Vargas.

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

Passed

CITY/ SUCCESSOR AGENCY - CONSENT

21. Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended January 31, 2022

The City Council received and filed the Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended January 31, 2022.

22. Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended February 28, 2022

The City Council received and filed the Monthly Report of Cash Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ended February 28, 2022.

23. Successor Agency Disbursement Register for March 25, 2022

The City Council received and filed the Successor Agency Disbursement Register for March 25, 2022.

Motion was made by Council Member Simonoff, seconded by Council Member Vargas to approve City/Successor Agency Consent Calendar items 21-23.

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

Passed

ADMINISTRATIVE ANNOUNCEMENTS

24. City Manager
None.

25. City Attorney
None.

26. Council Requests
None.

COUNCIL ANNOUNCEMENTS

Council Member Vargas stated verbatim "the consultant had to sit through item 9 when the item he needed to speak on was literally 10 minutes and I asked for consideration for myself and consideration for the consultant that had to sit here while that just occurred - that's unfortunate that we did that to him. For myself, I went through a medical procedure today and I am dehydrated and tired. I went home and my plan was to take a nap and then come back after to make sure that I'm here for this meeting.

When I got home, I turned on the t.v. so I could watch the deliberation and when I heard the discussion about when you ask Miss Madam Mayor, Mr Nadhir about an act of transparency - who had he met with, and he was very clear, he said over the last year and a half he has met with four of the five council members and he pointed out Mr. Simonoff, Ms. Marick, you and myself. Then you ask questions about FPPC violation and then Mr. Simonoff you suggested that we go into closed session or if we have to go to Closed Session. The bottom line is, is that a year and a half ago, Mr Nadir came to my house with my wife present and laid out his concept of what he would like to do over there. At the time I was Mayor Pro Tem, and I'm free to meet with anybody at any time. When this project was brought before the Planning Commission it became an active project, and that was about six months ago so in the last six months I've not met nor discussed anything about this project. I've stepped out of meetings, I've recused myself in compliance with the law. So I just feel that it's unfortunate that you used that opportunity to take such vapors. I'm free to meet with anybody at any time, and I do it all the time."

He asked City Attorney Boga if he had any apprehension with him meeting with consultants and hearing what their concerns are as long as he doesn't express opinions during private meetings?

City Attorney Boga stated that based on what he heard and what he knows so far, he doesn't have any concerns as he previously stated.

In response to Council Member Vargas' question, City Attorney Boga stated that receiving campaign contributions does not disqualify Council Members from participating in a decision. Council Member Vargas noted that he has not received campaign contributions since he was elected in 2018 and expressed disappointment in the Mayor's questioning.

Mayor Hupp stated that she wanted people to know that some Council Members met privately with the people that are in opposition to the project and with Mr Nadhir.

Mayor Pro Tem Parker reminded his colleagues about perception.

ADJOURNMENT

Mayor Hupp adjourned the General Session at 11:17 p.m.

Respectfully submitted,



Lillian Harris-Neal, City Clerk

The foregoing minutes are hereby approved this 19th day of April, 2022.



Cecilia Hupp, Mayor

