

DRAFT

BREA CITY COUNCIL SUCCESSOR AGENCY TO THE BREA REDEVELOPMENT AGENCY MEETING

MINUTES
July 7, 2020

CLOSED SESSION
5:45 p.m. - Council Chambers
Plaza Level

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Simonoff called the Closed Session to order at 5:45 p.m. Mayor Simonoff and Councilmembers Hupp and Marick were present in the Council Chambers; and Mayor Pro Tem Vargas and Councilmember Parker were present via teleconference.

Present: Marick, Simonoff, Hupp, Parker, Vargas

1. Public Comment

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: 2 potential cases.

Mayor Simonoff adjourned Closed Session at 6:10 p.m.

STUDY SESSION
6:15 p.m. - Council Chambers
Plaza Level

CALL TO ORDER / ROLL CALL - COUNCIL

Mayor Simonoff called the Study Session to order at 6:15 p.m. Mayor Simonoff and Councilmembers Hupp and Marick were present in the Council Chambers; and Mayor Pro Tem Vargas and Councilmember Parker were present via teleconference.

3. Public Comment
None.

4. Clarify Regular Meeting Topics

City Clerk Harris-Neal clarified an amendment to Item 17, June 16, 2020 City Council Regular Meeting Minutes, to reflect the correct motion and second on Item 21.

Councilmember Parker requested continuing Item 23, Traffic Safety Improvements at the Intersection of Puente Street and Whittier Avenue, to a later meeting. He also requested clarification on Item 25, Extension of the Lateral Police Officer Bonus Incentive Pilot Program.

Acting Police Chief Hawley indicated the recommendation for extension of the program is a result of a growing number of expected vacancies. He also indicated that this is a cost effective and expedient way to hire experienced police officers.

Mayor Pro Tem Vargas requested clarification on costs related to Item 25, Extension of the Lateral Police Officer Bonus Incentive Pilot Program.

Acting Police Chief Hawley clarified numbers for past and current recruits; cost of living adjustments; and variation in compensation for lateral officers.

DISCUSSION ITEMS

5. Tesla Charging Station Layout Options

Public Works Director Olmos introduced the item and spoke about the recent City Council actions.

Trevor Wilson, Tesla, spoke about the different layout options, noting that Option 1 was most favorable to Tesla; the pros and cons to each option; accessibility; considerations and recommendation.

City Manager Gallardo indicated that he discussed the proposed options with the Brea Downtown Owners Association (BDOA), and they indicated that they prefer Option 2. He also noted the BDOA indicated that they are planning to enhance security on level B1.

Mayor Pro Tem Vargas inquired as to the cost difference between each option.

Trevor Wilson, Tesla, indicated that the cost for Option 2 is greater, however, Tesla will be paying for the construction of any option selected, less the \$96,000 from other funding sources.

The Council came to a consensus to select Option 2 as the layout for the Tesla Charging Stations.

6. Overnight Parking at City Facilities

Deputy Director of Community Development Linares provided a presentation and spoke about City parking space inventory; establishment of time limits; City posted parking hours; and provided a recap of city owned and managed parking stalls.

Councilmember Marick indicated that there is no current enforcement at Wildcatters Dog Park and commented on the variation of signage in the City regarding posted parking hours. She expressed interest in standardizing parking requirements and ultimately working towards not subsidizing overnight parking for those who do not want to get a parking permit.

Councilmember Hupp concurred with Councilmember Marick and expressed concern with overnight parking in the parks. She also indicated that overnight parking in the City-owned structures should be by permit only.

Councilmember Parker agreed with Councilmembers Marick and Hupp, and indicated that the structures were intended to be used for visiting facilities and shopping Downtown, but not parking overnight. He also expressed support for a blanket no overnight parking policy, except where determined and spoke about other implications with regards to safety and maintenance.

Mayor Pro Tem Vargas requested staff follow up with parking at the old Kentucky Fried Chicken location.

Mayor Simonoff requested staff bring back the item with proposed standardized parking hours.

Councilmember Hupp suggested that specialized permits be provided for those that are allowed to park overnight.

Mayor Pro Tem Vargas expressed concern for cars left in Downtown parking structures overnight due to intoxicated drivers not wanting to move their cars.

Councilmember Marick suggested coming up with a system to not issue citations for cars left overnight by intoxicated patrons.

7. 2020-2021 City Council Priorities and Projects Updates

City Manager Gallardo presented the item and spoke about the background; spoke about priorities and projects identified and related action plans; and suggested amending Item 2 to further clarify elements of legislation to work towards reform.

Councilmember Parker commented on Item 3, Continue Next Steps for Downtown/Central Brea Proactive Planning, noting previous Council preferences for affordable housing dollars for long term covenants for housing, and requested that it be memorialized as policy. He also spoke about policy related to use of the Senior Center, as capacity nears.

Mayor Pro Tem Vargas expressed interest in spreading affordable housing dollars towards different projects and spoke about the Senior Subsidy Program.

REPORT

None.

8. Council Member Report/Requests

None.

Mayor Simonoff adjourned the Study Session at 6:59 p.m.

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

CALL TO ORDER/ ROLL CALL - COUNCIL

Mayor Simonoff called the General Session to order at 7:01 p.m. Mayor Simonoff and Councilmembers Hupp and Marick were present in the Council Chambers; and Mayor Pro Tem Vargas and Councilmember Parker were present via teleconference.

9. Pledge of Allegiance

Councilmember Marick led the Pledge of Allegiance.

10. Invocation

Dan Cook, The Lighthouse Church, delivered the Invocation.

11. Presentations: Mayor's Youth Awards

Mayor Simonoff displayed a video presentation commending the Mayor's Youth Awards recipients for their hard work and service to the community.

12. Report - Prior Study Session

City Manager Gallardo provided the prior Study Session report.

13. Matters from the Audience

Written comments were accepted via email at cityclerksgroup@cityofbrea.net in advance of the meeting.

The following comments were received via email and read aloud by City Clerk Harris-Neal:

Ugochi Anaebere-Nicholson, Dianne Prado, and Kate Marr, Community Legal Aid SoCal, urged the Council to protect vulnerable residents and request that the County Board of Supervisors ask the Orange County Sheriff's Department to suspend the pending evictions relating to the COVID-19 pandemic. They also indicated that their organization provides critical legal services to low-income communities.

Rick Clark, Brea resident, expressed concerns over the City's paramedic tax, as it relates to its legitimacy and uses. He also expressed concern with the item related to the paramedic tax being placed on the Consent Calendar, and requested Council pull the item for separate discussion.

The following comments were delivered in the Council Chambers:

Lee Squire spoke in support of the Brea Police Department.

Dwight Manley spoke about Item 4, Tesla Charging Station Layout Options, and spoke about the location in Option 2 and maintenance of the structure and related security improvements planned for the structure. He also spoke about overnight parking in the Downtown and suggested that the BDOA work with the City to find a solution to overnight parking for intoxicated guests. He also spoke about Item 25, Extension of the Lateral Police Officer Bonus Incentive Pilot Program, and suggested that Council put things in context and allow the Police Department leeway and discretion for hiring police officers. He also spoke about the paramedic tax program.

14. Response to Public Inquiries - Mayor / City Manager

City Manager Gallardo responded to public inquiries.

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."*

15. Updated Americans with Disabilities Act (ADA), Title II, Self-Evaluation and Transition Plan

Deputy Director of Community Development Linares provided a presentation on the ADA Transition Plan and spoke about: the History of ADA; impact on local jurisdictions; Brea's previous ADA Transition Plans; ADA Transition Plan update process; public survey results; barrier removal prioritization; barriers and cost based on facility types; City Council Chambers; Brea Lions Scout Center improvements; Brea Senior Center improvements; Lagos De Moreno Improvements; and next steps.

Councilmember Parker suggested staff explore the requirement for the number of handicap parking spaces at City facilities as well as at private shopping centers. He also indicated that there is room for improvement for increased accessibility for local access channel broadcasting for those who are vision and hearing impaired and suggested improving access to information.

Councilmember Hupp clarified that Birch Hills is a 18-hole golf course and inquired as to the inclusion of the school properties in the studies.

Deputy Director of Community Development Linares indicated that only the joint use school properties were included in the studies.

Mayor Pro Tem Vargas suggested that it is the Council's responsibility at the local level to push back on laws and requirements that do not make sense.

Mayor Simonoff concurred with Councilmember Parker in addressing the needs of seniors in the near future.

The City Council received and filed the report.

16. Emergency Resolution to temporarily allow Outdoor Dining on the Public Right-of-Way and Private Property

Community Development Director Steinkreuger presented the details of the report and spoke about the background of emergency proclamations in the State, County and City; Temporary Use Permit (TUP) for outdoor dining exceptions and proposed conditions; and what the proposed action will do.

Mayor Simonoff inquired as to the fee charged for Temporary Use Permits and he indicated he is interested in waiving fees in light of the climate.

Councilmember Marick indicated that she supports outdoor dining with the assurance that proper safety measures are in place. She also inquired as to what the TUP fee encompasses from the City's perspective.

Community Development Director Steinkruger indicated that the Planning Division has taken an exhaustive look at what other cities were doing and what was and wasn't working. She also indicated that the TUP requires businesses to submit a site plan for seating and barriers, which is then routed to all applicable departments, including Police, Fire and Public Works. She also indicated that each department may assess unique Conditions of Approval based on the nature of each individual application.

Councilmember Hupp indicated that she feels this approval must be a priority and encouraged a partnership with local businesses. She also expressed interest in waiving the fees for businesses.

Councilmember Parker expressed concern with safety, and concurred with Councilmember Hupp with regards to making this action happen promptly and waiving or minimizing fees, unless there is an unusual situation that would require a large amount of staff time.

Mayor Pro Tem Vargas expressed support for waiving TUP fees for outdoor dining until the end of the pandemic.

Mayor Simonoff inquired as to circumstances which would only allow businesses to utilize public structures for outdoor dining purposes.

Community Development Director Steinkruger indicated that staff can look at that approach if Council expresses support. She also indicated that each application is looked at on an individual basis and staff ensures that they are conditioned appropriately so that there is adequate public parking and that public safety concerns are being met.

Council concurred to authorize staff to look at TUP applications on a case-by-case basis.

Discussion ensued related to collecting fees for outdoor dining TUP applications.

City Manager Gallardo indicated that the City may be able to be reimbursed through the CARES Act for COVID-19 related efforts.

Motion was made by Council Member Hupp, seconded by Council Member Marick to adopt Resolution No. 2020-050, ratifying the Emergency Executive Order of the Emergency Services Director which establishes procedures for the temporary authorization of restaurants to provide outdoor dining services.

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

17. June 16, 2020 City Council Regular Meeting Minutes

The City Council approved the June 16, 2020 City Council Regular Meeting Minutes, as amended.

18. Acceptance of Contract and Notice of Completion for Contract with Big Ben, Inc. for 375-395 Central Avenue Sewer Improvements, CIP No. 7627

The City Council accepted project as complete; authorized the City Clerk to record Notice of Completion; and authorized the City Clerk to release the Payment and Performance Bond upon notification from the Public Works Department.

19. Approve Plans and Specifications, Receive Bids, and Award Contract with Big Ben, Inc. in the amount of \$5,138,722.64 for the North Hills Tract Water and Sewer Improvements, Project Nos. 7459 7460, 7431 and 7628

The City Council approved the Plans and Specifications; received bids, awarded contract to the lowest responsive and responsible bidder, Big Ben, Inc., in the amount of \$5,138,722.64; and, authorized the City Engineer to issue Change Orders up to a "not to exceed" amount of 10% of the Contract Price.

20. Approve Plans and Specifications, Receive Bids and Award Contract with R.J. Noble Company in the amount of \$458,507.50 for the Alley Rehabilitation Projects CIP 7319, 7320, 7321

The City Council approved the Plans and Specifications, received bids, and awarded the contract to the lowest responsive and responsible bidder, RJ Noble Company, in the amount of \$458,507.50; and, authorized the City Engineer to issue Change Orders up to a "not to exceed" amount of 10% of the Contract Price, however, limited to the amount of funding available in the approved project budget.

21. Approval of Fiscal Year 2020-21 Property Tax Rate to Fund the City's Paramedic Program

The City Council adopted Resolution No. 2020-051, fixing the rate of tax upon the taxable property within the City of Brea for the Fiscal Year 2020-21 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.

22. Maintenance Agreement for Slurry Seal Program

The City Council accepted the proposal and approved the agreement with Doug Martin Contracting Company, Inc. for the citywide street slurry seal program for an annual amount not-to-exceed \$200,000; and authorized the City Manager to approve up to four (4) - one (1) year extensions at an annual amount not-to-exceed \$200,000.

23. Traffic Safety Improvements at the Intersection of Puente Street and Whittier Avenue

This item was continued to a future meeting.

24. Amendment No. 1 to Professional Services Agreement with LPA, Inc. for Parks, Recreation and Human Services Planning Services

The City Council approved Amendment No. 1 with LPA, Inc. in a not-to-exceed amount of \$6,646.24 resulting in a total contract amount not-to-exceed \$56,646.24 and appropriate \$6,646.24 from Park Development Reserves (Fund 250).

25. Extension of the Lateral Police Officer Bonus Incentive Pilot Program

Mayor Pro Tem Vargas inquired as to cost comparisons for new versus lateral police officers, specifically salary during academies and field training. He also requested clarification on the employment status of students in the academy.

Acting Police Chief Hawley indicated that total compensation costs were provided by the payroll department.

City Manager Gallardo indicated that during the academy, students are considered miscellaneous employees and not safety employees, as such, CALPERS costs are lower. He indicated that once they become sworn officers, their status change and CALPERS costs increase.

Mayor Pro Tem Vargas inquired as to the equipment costs for new and lateral officers.

Mayor Simonoff clarified that officers who utilize their own weapons are still required to be fitted, by the Police Department, with the necessary safety equipment to do their job.

Acting Police Chief Hawley confirmed that the Police Department still equips new officers with necessary safety equipment, even if they choose to utilize their own weapons.

Mayor Pro Tem Vargas requested updated data.

The City Council continued the Lateral Police Officer Recruitment Incentive Bonus Pilot Program for one (1) additional year for up to four (4) officers for FY 2020-21 at \$12,000 per officer to include an initial payment of \$6,000 upon hire per lateral police officer, and the second \$6,000 would be paid upon successful completion of the required one-year probationary employment period.

26. Monthly Report of Investments for the City of Brea for Period Ending May 31, 2020

The City Council received and filed the Monthly Report of Investments for the City of Brea for Period Ending May 31, 2020.

27. City Disbursement Registers for June 19, 26 & 30, 2020 and July 3, 2020

The City Council received and filed the City Disbursement Registers for June 19, 26 & 30, 2020 and July 3, 2020.

Motion was made by Council Member Parker, seconded by Council Member Hupp to approve City Council Consent Items 17-27, excluding Item 23 (continued).

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

Passed

CITY/ SUCCESSOR AGENCY - CONSENT

28. Successor Agency Disbursement Register for June 26, 2020

The City Council, as the Successor Agency, received and filed the Successor Agency Distribution Registers for June 26, 2020.

29. Monthly Report of Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ending May 31, 2020

The City Council, as the Successor Agency, received and filed the Monthly Report of Investments for the Successor Agency to the Brea Redevelopment Agency for Period Ending May 31, 2020.

Motion was made by Council Member Hupp, seconded by Council Member Marick to approve City/Successor Agency Consent Items 28-29.

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

Passed

ADMINISTRATIVE ANNOUNCEMENTS

30. City Manager

None.

31. City Attorney

None.

32. Council Requests

None.

COUNCIL ANNOUNCEMENTS

Councilmember Marick wished her father a Happy Birthday.

ADJOURNMENT

Mayor Simonoff adjourned the General Session at 7:56 p.m.

Respectfully submitted,

The foregoing minutes are hereby
approved this 21st day of July, 2020.

Lillian Harris-Neal, City Clerk

Marty Simonoff, Mayor