



VIA E-MAIL AND U.S. MAIL

_____, 2026

Joseph D. Petta
550 California Street, Suite 1200
San Francisco, CA 94104
petta@smwlaw.com

RE: Response to Cease and Desist Letter

Dear Mr. Petta:

The Brea City Council has received your cease and desist letter, dated July 15, 2026 and addressed to City Clerk Victoria Popescu, alleging that past actions of the City Council or the City of Brea violated the Brown Act as follows:

- A majority of the City Council allegedly deliberated on, or reached concurrence, regarding the Economic Development Agreement (“EDA”) with Dwight Manley and related matters for a proposed Costco store at 200-250 S. Kraemer Blvd.
- The agenda item description for the December 16, 2025 public hearing on the EDA allegedly was misleading and insufficient for not disclosing the EDA’s financial details.
- The public hearing notice published on November 25, 2025 for the EDA agenda item allegedly was misleading and insufficient because of vague phrasing.

In order to avoid unnecessary litigation and without admitting any violation of the Brown Act, the Brea City Council hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past actions as described above. In particular, the City Council unconditionally commits that: (i) the Council will not discuss, deliberate, or reach concurrence among a majority of Council Members outside of a duly noticed public meeting regarding the proposed development of the subject site, including the proposed Costco store and any associated entitlements, agreements, or environmental review; and (ii) the City will not post public notices and agenda item descriptions for future matters concerning development of the subject site or associated CEQA review that fail to adequately disclose the essential nature and material terms of the action under consideration. As a reminder, it is not a Brown Act violation for City staff to have separate conversations with Council Members to answer questions or provide information as long as staff does not communicate the comments or position of any other Council Member.

The Brea City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as “Rescission of

Cecilia Hupp
Mayor

Marty Simonoff
Mayor Pro Tem

Christine Marick
Council Member

Blair Stewart
Council Member

Steven Vargas
Council Member

Brown Act Commitment.” You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to Government Code Section 54960(a). That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Sincerely,

Cecilia Hupp
Mayor

cc: Terence Boga, City Attorney