

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD MARCH 27, 2018

Vol. 50 Pg. 29

CALL TO ORDER

The City Council met in a regular session on Tuesday, March 27, 2018, at 5 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Pro Tem Brown presiding.

ROLL CALL

PRESENT: Berry, Smith, Swift, Brown
ABSENT: Vaughn (Excused)

Also present were: Aaron France, Deputy City Manager; Isra Shah, Interim City Attorney; and Adria M. Jimenez, MMC, City Clerk.

INVOCATION

The invocation was led by Rabbi Lawrence Goldmark.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Brady M. Woods, Planning Manager.

CITY MANAGER REPORT

Deputy City Manager France reported on the following:

- The Spring Eggstravaganza will be held on Saturday, March 31, from 9:30 a.m. to 3 p.m., at Boisseranc Park, located at 7520 Dale Street.
- Announced that art currently displayed in the Council Chamber is from Buena Park students participating in the Elementary Art Show.

PRESENTATIONS

Mayor Pro Tem Brown presented a proclamation for Fair Housing Month to Adrienne Reyes, Fair Housing Foundation.

Council Member Swift presented a proclamation for National Library Week to Phyllis Nisle, Ruth Cho, and Ann Duarte, Buena Park Library District Librarians. Ms. Nisle and Ms. Duarte announced the following:

- The 8th Annual Buena Park Reads Together program selected the book "A Man Called Ove" by Fredrik Backman.
- Escape Room event will be held on April 25, at 6:30 p.m.

Council Member Swift introduced Bill Lockhart, Orange County Fire Division Chief, and welcomed him back to the City of Buena Park.

ORAL COMMUNICATIONS

Mayor Pro Tem Brown announced the public may at this time address the members of the City Council on any matters within the jurisdiction of the City Council.

Arthur Schaper, spoke in opposition to SB 54, California Value Act (Sanctuary State), and requested Buena Park follow the examples of the other cities and the Orange County Board of Supervisors showing support condemning SB 54.

There being no further requests to speak, Mayor Pro Tem Brown closed the oral communications.

CONSENT CALENDAR (1 - 7)

Mayor Pro Tem Brown announced that Consent Calendar Items 1 through 7 would be acted upon by one motion affirming the actions as recommended on the agenda and agenda bills submitted and inquired if anyone present desired to have any item removed for separate consideration. There being no requests for separate consideration, the following action was taken:

MOTION: Swift
 SECOND: Smith
 AYES: Swift, Smith, Berry, Brown
 NOES: None
 ABSENT: Vaughn (Excused)

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 7 be approved.

CONSENT CALENDAR (1 – 7)

Minutes

1. APPROVAL OF MINUTES
 Meeting of March 13, 2018, 3:30 p.m.; and March 13, 2018, 5 p.m.

Recommended Action: Approve.

APPROVED.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 13763:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$4,497,525.12 DEMAND NOS. 389585 THROUGH 389849 CANCELLED NOS 387405, 387415 AND 389184 VOIDS SEE ATTACHED LIST

RESOLUTION NO. 13764:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$11,939.85 DEMAND NOS. 389850 THROUGH 389857 CANCELLED NOS 389595, 389709 AND 389739 VOIDS SEE ATTACHED LIST

Reports & Studies 129

3. TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2018
 Reports on all investments including value, original purchase price, maturities, and a summary of cash by fund.

Recommended Action: Receive and file.

APPROVED the recommended action.

Commendations 65

4. PROCLAMATION – FAIR HOUSING MONTH

Recommended Action: Approve proclamation.

APPROVED the recommended action.

Commendations 65

5. PROCLAMATION – NATIONAL LIBRARY WEEK

Recommended Action: Approve proclamation.

APPROVED the recommended action.

Commendations 65

6. PROCLAMATION – NATIONAL BOYSENBERRY DAY

Recommended Action: Approve proclamation.

APPROVED the recommended action.

Purchasing 127 Budgets 47 Contracts 70 C-2729

7. PURCHASE ORDERS FOR THE PURCHASE AND INSTALLATION OF SIX PALM TREES AND ASSOCIATED LIGHTING WITHIN THE PUBLIC EASEMENT AT KYUNGBOK KUNG KOREAN RESTAURANT LOCATED AT 7801 BEACH BOULEVARD

Purpose: Authorize the Public Works Department to execute two purchase orders for the purchase and installation of palm trees and associated lighting at 7801 Beach Boulevard. Associated costs in the amount of \$63,317.80 will be funded by the Economic Development Fund.

Recommended Action: 1) Authorize a purchase order for the purchase and installation of six Date Palm trees within the public easement at Kyungbok Kung Korean Restaurant located at 7801 Beach Boulevard in the amount of \$49,800; 2) Authorize a purchase order for the installation of tree lighting in the amount of \$11,400; 3) Approve a budget allocation in the amount of \$61,200 from the Economic Development Fund; 3) Dispense with the competitive bidding process for the tree purchase/installation pursuant to Buena Park Municipal Code 3.28.080.H as the contractor has specialized knowledge of palm tree installation and maintenance; and 4) Dispense with the competitive bidding process for the tree lighting pursuant to Buena Park Municipal Code 3.28.080.H as the vendor has completed similar installations for the City in the same area and has specialized knowledge of this type of lighting.

City Clerk Jimenez announced the amount of the purchase order (recommended action no. 2) was changed to \$13,570.80, the budget allocation amount (recommended action no. 3) was changed to \$63,317.80, and the information was provided to the City Council and made available to the public.

APPROVED the recommended action as amended.

END OF CONSENT CALENDAR

NEW BUSINESS (8 - 11)

Contracts 70 C-2995 Budgets 47

8. PROFESSIONAL SERVICES AGREEMENT WITH MIKE ELLS GENERAL CONTRACTING FOR THE REMOVAL OF THE STORAGE BUILDING AND INOPERATIVE VEHICLES, AND GENERAL CLEAN UP OF THE LOT AT 6801 WESTERN AVENUE

Staff Report By: Iris Lee, Assistant City Engineer

Purpose: Authorize the Public Works Department to enter into an agreement for removal work associated with a Public Nuisance Abatement Notice and Order. Associated costs in the amount of \$51,000 will be funded by the General Fund.

Recommended Action: 1) Approve a professional services agreement with Mike Ells General Contracting in the amount of \$42,581.20 for the removal of the storage building and clean up at 6801 Western Avenue; 2) Authorize contingency funds in the amount of \$8,418.80 in the same purchase order; 3) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; 4) Authorize the City Manager and the City Clerk to execute the agreement; and 5) Approve a budget

amendment in the amount of \$51,000 from the undesignated General Fund balance for this purpose.

MOTION: Berry
 SECOND: Swift
 AYES: Berry, Swift, Smith, Brown
 NOES: None
 ABSENT: Vaughn (Excused)

MOTION CARRIED to approve the recommended action.

Codes 64

9. AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, PROHIBITING NEW ACCESSORY DWELLING UNITS, EXCEPT THOSE THAT SATISFY SPECIFIED STANDARDS, AND DECLARING URGENCY THEREOF

Staff Report By: Swati Meshram, PhD, AICP, Associate Planner

Purpose: Adopt an interim urgency ordinance regulating accessory dwelling units. There is no budget impact with the adoption of this ordinance.

Recommended Action: 1) Adopt an interim urgency Ordinance relating to Accessory Dwelling Units.

Council Member Berry asked for an explanation of accessory dwelling units and an urgency ordinance. Dr. Meshram stated accessory dwelling units, secondary dwelling units, or granny flats, are built on the same lot as a single family home, and can be within the blueprint of the home, or in a detached building or garage. It is not a guest house, as a guest house does not necessarily have cooking facilities, and is intended for short visits. An accessory dwelling unit is required to have a kitchen and sanitation facilities within the unit, and can be rented as a separate living unit for a person(s).

City Attorney Shah explained an urgency ordinance expresses the City Council's findings that it's necessary to implement the ordinance to be effective the day after adoption, and not the normal 30 days after adoption.

Council Member Smith commented only the owner of record (listed on the deed) can convert or build on the property. Double unit projects are not allowed, and the owner of record must live in the primary home or the accessory dwelling unit. Dr. Meshram stated one of the stipulations is the owner must occupy one of the two units, and sign a deed. If the owner no longer lives on the premises, the second unit cannot be used as a rental.

MOTION: Smith
 SECOND: Berry
 AYES: Smith, Berry, Swift, Brown
 NOES: None
 ABSENT: Vaughn (Excused)

MOTION CARRIED to ADOPT the following titled ordinance:

ORDINANCE NO. 1641:

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, PROHIBITING NEW ACCESSORY DWELLING UNITS, EXCEPT THOSE THAT SATISFY SPECIFIED STANDARDS, AND DECLARING THE URGENCY THEREOF

Grants (County/State) 185

10. ACCEPTANCE OF A SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GRANT FOR THE 2017 ACTIVE TRANSPORTATION PROGRAM (ATP) AND A MOBILE SOURCE AIR POLLUTION REDUCTION (MSRC) PROGRAM GRANT FOR THE GO HUMAN, GO BEACH EVENT

Staff Report By: Swati Meshram, PhD, AICP, Associate Planner

Purpose: Authorize the Community Development Department to accept grant funds from the SCAG and MSRC for production of a proposed Go Beach, Go Human event. Grant funds in the amount of \$340,000 will be used toward this purpose.

Recommended Action: 1) Accept a SCAG 2017 ATP grant in the amount of \$200,000; 2) Accept a MSRC grant in the amount of \$140,000; 3) Approve issuance of a Request For Proposal (RFP) for Go Human, Go Beach event planning and execution; 4) Appropriate \$340,000 for the Go Human, Go Beach event; and 5) Authorize the City Manager to execute all documents related to the grant; and, 6) Allow the City Manager or the City Attorney to make non-monetary modifications to the RFP.

Council Member Berry supports giving staff permission to receive grant funds from other agencies, however, expressed concern about the effects from segments of Beach Boulevard being closed to vehicular traffic for this event, all or part of the day. Dr. Meshram stated no decisions have been made yet, as a consultant will work to attain a consensus between the participating Cities and determine what will and will not work along the route.

Council Member Swift commented although there's no final decision on the activities, she served on this committee during her term as Mayor last year, and mentioned a half marathon may be a possibility.

Council Member Smith commented the committee was formed three years ago with the Cities of Anaheim, Stanton and Westminster, thanked SCAG for funding, and this event will be good for the City.

MOTION: Smith
 SECOND: Swift
 AYES: Smith, Swift, Berry, Brown
 NOES: None
 ABSENT: Vaughn (Excused)

MOTION CARRIED to approve the recommended action.

Block Grants 1913 Contracts 70 C-945 C-1003 C-2444

11. PROPOSED ACTIVITIES FOR FY 2018-2019, 44TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
 Staff Report By: Ruben M. Lopez, Economic Development Administrator

Purpose: Authorize the Economic Development Division to submit the proposed PY 2018-2019 CDBG Budget to the U.S. Department of Housing and Urban Development (HUD). CDBG grant funds will be incorporated into the City's Action Plan.

Recommended Action: 1) Review and approve the proposed Program Year (PY) 2018-2019 Community Development Block Grant (CDBG) Program Budget as recommended by the Citizens Advisory Committee (CAC).

Mr. Lopez presented information for 2018-2019 CDBG funding, and explained the City will receive the funding amount from HUD in approximately one month. The amounts are based on last year's allocation of \$695,000, in which 20% goes to grant administration, 15% to public services, and the balance to housing rehabilitation and code enforcement. This is augmented by program income (loans from the rehab program paid back through refinance or sale of the property), and funds not spent and carried over from the previous fiscal year projected to be \$167,986), for a total of \$863,010. Six requests for funding were received, including one new organization, The Bridges at Kraemer (Mercy House). Mercy House is an emergency shelter in Anaheim that serves six Orange County cities, has 100 beds available (with priority for the six northern Orange County cities), and will increase to 200 beds once the project is completed.

The City and CAC were unaware the Boys & Girls Club is receiving a \$112,000 grant for four years from Senator Newman's office, and Bright Paths is receiving a \$112,000 grant through CityNet, and recommended the following change for City Council consideration:

- Reduce the Boys & Girls Club allocation \$5,000
- Reduce Bright Paths allocation \$10,000
- Award \$15,000 to Mercy House

Council Member Smith commented about the increase in the homeless population in Buena Park has placed a larger burden on the Coordinating Council and would like to see them receive the full \$24,860 requested allocation.

Council Member Swift commented the difference between the requested amount (\$24,860), and the recommended amount (\$21,231) for the Coordinating Council is \$3,629, and mentioned the Boys & Girls Club received a grant from Senator Newman's office, and amended the motion as follows:

- Reduce the Boys & Girls Club allocation \$8,629 for this year (received \$112,000 grant for four years from Senator Newman's office)
- Reduce the Bright Paths allocation \$10,000 (received \$112,000 through CityNet)
- Award requested full allocation of \$24,860 to the Coordinating Council (recommended amount of \$21,231 plus \$3,629 transferred from the Boys & Girls Club allocation)
- Award \$15,000 to Mercy House (\$10,000 transferred from Bright Paths and \$5,000 from the Boys & Girls Club allocation)

MOTION: Swift
 SECOND: Smith
 AYES: Swift, Smith, Berry, Brown
 NOES: None
 ABSENT: Vaughn (Excused)

MOTION CARRIED to approve the recommended action as amended.

PUBLIC HEARING - 6 P.M. (12)

Passports 900

12. PUBLIC HEARING – RESOLUTION REVISING THE FEES APPLICABLE TO PASSPORT SERVICES

Staff Report By: Adria M. Jimenez, MMC, City Clerk

Purpose: Authorize the City Clerk to revise the fee schedule for passport services. The fee modification would result in a projected six-month revenue increase of approximately \$44,000.

Recommended Action: 1) Adopt a resolution revising the fees and charges for passport services.

Mayor Pro Tem Brown stated that this is the time and place for the public hearing to consider a resolution revising the fees applicable to Passport Services, opened the public hearing at 6:04 p.m., and inquired if anyone present desired to speak. There being no requests to speak, Mayor Pro Tem Brown closed the public hearing.

MOTION: Smith
 SECOND: Berry
 AYES: Smith, Berry, Swift, Brown
 NOES: None
 ABSENT: Vaughn (Excused)

MOTION CARRIED to ADOPT the following titled resolution:

RESOLUTION NO. 13765:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK REVISING AND ESTABLISHING FEES AND CHARGES FOR PASSPORT SERVICES

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Council Member Berry reported on the following:

- March 16 High School Art Show and Reception

Council Member Swift reported on the following:

- March 14 Orange County Fire Authority Budget Committee Meeting
- March 15 Orange County Fire Authority Additional Regular Meeting regarding the new Fire Chief, who will start in April 2018
- March 20 Sonora High School Gym Ground Breaking Ceremony
- March 22 Retirement Reception for Dave Steffen, Orange County Fire Authority Division Chief
- March 22 Orange County Fire Authority Meeting

- March 23 League of CA Cities – Orange County Division Meeting (Laws regarding early release of prisoners)

Council Member Smith reported on the following:

- Orange County Sanitation District Board Meeting

Mayor Pro Tem Brown reported on the following:

- March 20 Oath of Office Ceremony for new Buena Park Police Officers Joshua Carreto and Paul Song, and Crystal White, Dispatcher
- March 21 California Transportation Commission Reception at OCTA
- March 22 Orange County Council of Governments General Assembly Meeting
- March 23 Metrolink Board Meeting

MAYOR/CITY COUNCIL CALENDAR

- Early Release of Prisoners "Taking Our Community Back" Initiative (Swift)
- Homeless Update (Smith)

RECESS

Mayor Pro Tem Brown recessed the meeting at 6:07 p.m. and announced the meeting would be reconvened in the Main Conference Room for study session. The meeting was reconvened at 6:23 p.m.

STUDY SESSION (13 – 17) (Convene to Main Conference Room)

13. DISCUSS AND PROVIDE DIRECTION REGARDING THE USE OF THE MOBILE SOURCE AIR POLLUTION REDUCTION (MSRC) 2017 LOCAL GOVERNMENT PARTNERSHIP PROGRAM FUNDING FOR ELECTRIC VEHICLE (EV) CHARGING STATIONS

Report by Iris Lee, Assistant City Engineer

Ms. Lee stated the MSRC notified the City recently that the maximum grant contribution toward the EV charging stations is now \$107,000, which is \$66,250 less than the original amount. As the funding reduction affects the original project scope, staff proposed five possible courses of action for City Council consideration:

- Option 1: Install EV Chargers at Community Center (adjacent to City Hall) only. Total cost for this location is approximately \$107,800. The City's AB 2766 matching fund obligation would be \$26,950;
- Option 2: Install EV Chargers at Ehlers Event Center only. Total cost for this location is approximately \$121,000. The City's AB 2766 matching fund obligation would be \$30,250;
- Option 3: Allocate an additional \$66,250 of AB 2766 funds to make up the short fall. The total AB 2766 matching fund obligation would be \$124,000;
- Option 4: Abandon the EV Chargers installation project and apply LGPP grant funding to the purchase of Alternative Fuel Vehicles, which may be requested as part of the proposed FY18-20 budget; or
- Option 5: Do not pursue LGPP grant funding.

Council Member Swift asked about available AB 2766 funds, and if the Alternative Fuel Vehicles that may be requested as part of the proposed FY18-20 budget are scheduled to come out of this money. Ms. Lee stated there is approximately \$400,000 of AB 2766 funds remaining, and a portion of the costs of the Alternative Fuel Vehicles is scheduled to come from these funds. Sung Hyun, Director of Finance commented there should be enough funds to consider the proposed options. Council Member Swift asked how many charging stations will be at each location. Ms. Lee confirmed there will be two charging stations at City Hall (one "quick" and one "slow"), and three charging stations at Ehlers Event Center (1 "quick" and 2 "slow").

Council Member Smith mentioned the Orange County Sanitation District has a charging station and supports installation of charging stations at both locations.

Council Member Berry inquired if there is a need for charging stations, and which location has a greater need. He also asked once the first charging station is installed, if future expansion to

add additional stations will cost less, because of existing electrical and conduits, etc. Ms. Lee stated there are a number of electric vehicles on the road, there is a need for charging stations and Ehlers Event Center may have more of a public draw, but the traffic at City Hall also supports the need, and agreed that future expansion would cost less since there would be existing electrical, conduits, etc.

Following discussion the City Council (Vaughn excused), agreed to move forward with Option 3 – allocate an additional \$66,250 of AB 2766 funds. The total AB 2766 matching fund obligation would be \$124,000.

14. DISCUSS AND PROVIDE DIRECTION REGARDING ASSEMBLY BILL 1234
(AB 1234) REPORTING REQUIREMENTS
Report by Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez gave an overview of AB 1234. She explained a report is required when a City Council Member attends an event representing the City on a joint powers agency board, and the City pays for the officials' expenses, while serving in that capacity. A brief oral or written report must be made at the next meeting of the legislative body that paid for the City Council Member to attend. An example of a written report from Metrolink was distributed to the City Council and made available for the public.

Council Member Berry suggested the City Council inform the City Manager of key issues and those items be included in the City Manager's Weekly Report.

Following discussion, the City Council (Vaughn excused), agreed to continue to make verbal reports, and to notify the City Manager of important items to include in the City Manager's Weekly Report.

Mayor Pro Tem Brown took item 15 out of order.

15. DISCUSS AND PROVIDE DIRECTION REGARDING MOVING THE LOCATION OF
THE BUENA PARK FARMERS MARKET
Report by Aaron France, Deputy City Manager

Mr. France commented the Farmers Market needs to be in a highly visible area. Staff researched possible locations, including the Historic District, other sites along Beach Boulevard, and the availability of City facilities.

Lee Ostendorf, Manager of the Farmers Market, commented on the struggles this year due to the rain and flooding. She mentioned the prime time for the Farmers Market is from April to November, and provided a breakdown of the customer base: 35% Korean/Filipino (during Asian vegetable and stone fruit season); 30% Hispanic; 25% White; and 10% Other. Ms. Ostendorf commented the Farmers Market has been in the Sears parking lot for many years, and is concerned the Historic District or other sites mentioned are not visible enough, and having to park and walk across the street is inconvenient. Although she was unaware the City pays Sears a \$500 month event fee, she feels strongly the Sears parking lot is the best location.

Council Member Berry suggested Ms. Ostendorf work with City staff to promote the Farmers Market through social media, newsletters and digital display boards.

Following discussion, the City Council (Vaughn excused) agreed to keep the Farmers Market in the Sears parking lot.

16. CITY MANAGER REPORT

Deputy City Manager France reported on the following:

- A Special Joint Meeting of the City Council and Planning Commission to be held on Tuesday, April 3, at 9 a.m., regarding new housing legislation.

17. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

No report.

ADJOURNMENT

There being no further business, Mayor Pro Tem Brown adjourned the meeting at 6:52 p.m. to Tuesday, April 10, 2018, at 3:30 p.m. The regular meeting will begin at 5 p.m.



Mayor Pro Tem

ATTEST:



City Clerk