

MINUTES OF CITY COUNCIL MEETING  
OF THE CITY OF BUENA PARK  
HELD AUGUST 28, 2018

Vol. 50 Pg. 167

CALL TO ORDER

The City Council met in a regular session on Tuesday, August 28, 2018, at 5:03 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Vaughn presiding.

ROLL CALL

PRESENT: Berry, Brown, Smith, Swift, Vaughn  
ABSENT: None

Also present were: Jim Vanderpool, 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 Corey Sianez, Chief of Police.

CITY MANAGER REPORT

City Manager Vanderpool reported on the following:

- The last Summer Concert featuring Paperback Writer, a Beatles Tribute band, Wednesday, August 29, 7 p.m., at Buena Park Downtown
- Congressman Ed Royce's Academy Night, Wednesday, September 5, 6:30 p.m., Council Chamber
- Small Business Seminar, Thursday, September 6, 9:30 a.m. - 1:30 p.m., Ehlers Event Center, Heritage Hall

PRESENTATIONS

Dr. Brad Fieldhouse, CityNet Executive Director, gave an update on the program, collaboration between faith-based groups, local cities, agencies and law enforcement to assist the homeless, and highlighted success stories.

Rick Howard, District Manager, Orange County Vector Control, presented information on ways to minimize mosquito infestations and the Vector Control's efforts to inspect, treat and control the mosquito and other vector populations. In addition to standing water and grassy areas where water doesn't drain, mosquitoes can breed indoors in potted plants and on the edge of the pot.

Officer Wright, and Supervisor Tapia, Southeast Area Animal Control Authority (SEAACA), presented an 8-10 week old "Tippy" a Chihuahua mix puppy, and announced that Tippy and many other animals are available now for adoption. For information on animal adoptions, coyotes, animal cruelty cases, etc., contact Supervisor Tapia at (562) 803-3301, x224, or visit [www.SEAACA.org](http://www.SEAACA.org).

ORAL COMMUNICATIONS

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

Rita Topalian, announced her candidacy for State Senate District 32 in the November 2018 general election, commented about low voter turnout and urged citizens to vote.

Mary Pendleton, American Cancer Society, and Alice Burnett, Senior Human Resources Analyst, presented a plaque and thanked the City for supporting the Relay for Life event held in July 2018. It was a joint event that included the cities of Anaheim, Fullerton, La Habra and La Palma.

Donald Kim, Buena Park resident, through his translator Sam Lee, Buena Park resident, expressed concern about the City logo and seal being used by candidates running for office and can only be used lawfully for direct City related correspondence, and not for personal use. He commented that the Mayor’s correspondence used the City seal, is unfair, and everyone should abide by the same rules. He filed a complaint with the City and received a response from the City Clerk stating there was no issue and the claim was unfounded. Since the response he received from the City, he has continued to receive election advertisements from the Mayor containing the City seal. This can be misleading to the public and be interpreted as the City showing support for a candidate.

Diana Bejarano, Program Coordinator, America on Track, a non-profit nutrition education and obesity prevention program, presented information about “Health Snack Day”, a statewide day of action to raise awareness on ways to make healthy food choices outside the home. On Wednesday, August 29, America on Track will host three booths throughout Buena Park to promote healthy eating:

- Buena Terra Elementary School, 7:30 – 8:30 a.m.
- Northgate Gonzalez Market, 2 – 6p.m.
- The Source, 2 – 5p.m.

There being no further requests to speak, Mayor Vaughn closed oral communications.

**CONSENT CALENDAR (1 - 9)**

Mayor Vaughn announced that Consent Calendar Items 1 through 9 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. Council Member Swift requested separate consideration for Item 5 and Item 6. There being no further requests for separate consideration, the following action was taken:

MOTION: Smith  
 SECOND: Berry  
 AYES: Smith, Berry, Brown, Swift, Vaughn  
 NOES: None

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 4, and Items 7 through 9 be approved.

**CONSENT CALENDAR (1-9)**

**Minutes**

1. APPROVAL OF MINUTES  
Purpose: Approval of minutes for the Special Meeting of August 14, 2018, 3:30 p.m., and Regular Meeting of August 14, 2018, 5 p.m.

Recommended Action: Approve minutes.

APPROVED.

**Finance 75**

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 13841:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$8,525.92 DEMAND NOS. 392437 THROUGH 392441

RESOLUTION NO. 13842:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,876,346.45 DEMAND NOS. 392442 THROUGH 392634 VOIDS SEE ATTACHED LIST

RESOLUTION NO. 13843:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$926,784.03 COVERING REGULAR PAYROLL ENDING JULY 13, 2018

RESOLUTION NO. 13844:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 23,361.20, COVERING RETIREE PAYROLL ENDING JULY 31, 2018

RESOLUTION NO. 13845:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 849,255.29 COVERING REGULAR PAYROLL ENDING JULY 27, 2018

**Commendations 65**

3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, HONORING AND COMMENDING RONALD W. CATANZARITI ON HIS RETIREMENT

Recommended Action: Adopt resolution.

ADOPTED the following titled resolution:

RESOLUTION NO. 13846:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, HONORING AND COMMENDING RONALD W. CATANZARITI ON HIS RETIREMENT

**Finance 75**

4. RESOLUTION APPROVING THE CITY OF BUENA PARK STATEMENT OF INVESTMENT POLICY DATED AUGUST 28, 2018  
Purpose: Authorize the Director of Finance/City Treasurer to invest idle money in the City Treasury not required for the immediate necessities of the City as he deems appropriate as allowed by State law. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Adopt a resolution approving the City of Buena Park Statement of Investment Policy dated August 28, 2018.

ADOPTED the following titled resolution:

RESOLUTION NO. 13847:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING THE CITY TREASURER TO INVEST FOR SAFEKEEPING IDLE MONEY OF THE CITY OF BUENA PARK IN ACCORDANCE WITH THE "STATEMENT OF INVESTMENT POLICY" DATED AUGUST 28, 2018

**Codes 64 Admin. Svcs. 112**

5. ORDINANCE TO AMEND MUNICIPAL CODE CHAPTER 2.20 CIVIL SERVICE SYSTEM AND CHAPTER 2.24 POLITICAL ACTIVITIES OF CITY EMPLOYEES, AND RESOLUTION TO AMEND THE PERSONNEL SYSTEM RULES AND REGULATIONS  
Purpose: Authorize the Human Resources and Risk Management Department to make amendments to the Civil Service System and Personnel System Rules and Regulations,

including policies governing the political activities of City employees to consolidate, update, and organize many of the existing practices, rules, and regulations into one document that is easier to understand. There is no budget impact with the approval of this item.

**Recommended Action:** 1) Adopt an ordinance to amend Buena Park Municipal Code, Chapter 2.20 Civil Service System and Chapter 2.24 Political Activities of City Employees; and 2) Adopt a resolution amending the Personnel System Rules and Regulations.

Val Sadowinski, Buena Park resident, read the amendment from the Buena Park Municipal Code and commented about endorsement or support of incumbents by council members.

Council Member Swift commented it would be inappropriate for council members to ask for employee endorsements, even if they are Buena Park residents, and inquired if the regulation stated council members could not endorse other council members. Mr. Fenton stated the regulation does not prohibit the City Council from endorsing other council members. Mayor Vaughn commented this practice is common throughout other cities. Mayor Pro Tem Brown inquired if prohibiting endorsements of other council members, be an infringement of the first amendment.

City Attorney Shah stated the spirit of the law is meant for unlawful use of influence, and less to do with personal opinion and campaigns in their individual capacities and endorsements, but using your position to block something from happening.

MOTION: Smith  
 SECOND: Swift  
 AYES: Smith, Swift, Berry, Brown, Vaughn  
 NOES: None

MOTION CARRIED to approve the recommended action and ADOPT the following titled ordinance and resolution:

**ORDINANCE NO. 1648:**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING MUNICIPAL CODE, CHAPTER 2.20 ENTITLED CIVIL SERVICE SYSTEM, AND CHAPTER 2.24 ENTITLED POLITICAL ACTIVITIES OF CITY EMPLOYEES

**RESOLUTION NO. 13848:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK AMENDING THE PERSONNEL SYSTEM RULES AND REGULATIONS OF THE CITY OF BUENA PARK

**Codes 64**

6. ORDINANCE AMENDING BUENA PARK MUNICIPAL CODE TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTERS 2.36 AND 2.40  
Purpose: Adopt an Ordinance to amend the qualification requirements to include Live Scan fingerprint checks for the Park and Recreation and Cultural and Fine Arts Commissions. There is no associated cost with this item.

**Recommended Action:** 1) Adopt Ordinances amending Members-Number and Qualifications for the following Commissions: Park and Recreation and Cultural and Fine Arts.

Susan Sonne, Commissioner and Buena Park resident, spoke in favor of background checks and urged the City Council to change their position and require background checks for all commissioners.

Council Member Swift spoke in support of background checks for all commissioners, and not just Park and Recreation, and Cultural and Fine Arts Commissions.

Council Member Smith commented that information found in a background check is confidential and not disclosed to the City Council, only if the applicant is not suitable. He expressed concern that a minor offense could eliminate good candidates. Under the current guidelines, if the City Council deems a commissioner is unsuitable, they can remove the commissioner at any time, and this practice has been used in the past. Due to interaction with children, he supports background checks for Park and Recreation, and Cultural and Fine Arts commissioners.

Mayor Pro Tem Brown commented that in the past, commissioners found not suitable were removed by a majority vote of the City Council. He supports back ground checks for Park and Recreation, and Cultural and Fine Arts commissioners, because of their interaction with children.

Mayor Vaughn commented about the possibility of minor infractions such as a parking ticket showing up in background checks, and eliminating good candidates, and expressed concern about who determines what infraction would deem a candidate unsuitable.

MOTION: Berry  
SECOND: Brown  
AYES: Berry, Brown, Smith, Swift, Vaughn  
NOES: None

MOTION CARRIED to ADOPT the following titled ordinances:

ORDINANCE NO. 1649:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.40 PARK AND RECREATION COMMISSION, SECTION 2.40.020 MEMBERS-NUMBER AND QUALIFICATIONS OF THE BUENA PARK MUNICIPAL CODE

ORDINANCE NO. 1650:

AN ORDINANCE OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.36 CULTURAL AND FINE ARTS COMMISSION, SECTION 2.36.020 MEMBERS-NUMBER AND QUALIFICATIONS OF THE BUENA PARK MUNICIPAL CODE

**Contracts 70 C-2964 Public Works Proj. 125 Public Works Proj. PW-850**

7. FINAL PAYMENT TO LOS ANGELES ENGINEERING INC., FOR THE LARWIN PARK IMPROVEMENTS PHASE 1 PROJECT

Purpose: Authorize the Public Works Department to issue final payment, and direct the City Clerk to file a Notice of Completion for the Larwin Park Improvements Phase 1 Project. This project is funded by the Park-in-Lieu Fund (Account No 32-9806-290122).

Recommended Action: 1) Accept project as complete and approve the final payment to Los Angeles Engineering, Inc. in the amount of \$5,940.35; 2) Direct the City Clerk to file a Notice of Completion; and 3) Approve a budget transfer in the amount of \$16,780.11 from undesignated Park-in-Lieu Funds for this purpose.

APPROVED the recommended action.

**Budgets 47**

8. BUDGET ALLOCATION TO APPROPRIATE UNALLOCATED GAS TAX FUNDS FOR ORANGETHORPE AVENUE TRAFFIC MODIFICATIONS, JUST WEST OF KNOTT AVENUE

Purpose: Authorize the Public Works Department to allocate funds for the Orangethorpe Avenue traffic modifications in order to purchase supplies necessary to carry out the approved work. Associated costs in the amount of \$7,430 will be appropriated from the unallocated Gas Tax Fund balance for this purpose.

Recommended Action: 1) Appropriate funds in the amount of \$7,430 from the undesignated Gas Tax Fund balance for Orangethorpe Avenue traffic modifications, just west of Knott Avenue (Account No. 24-9806-590156 - Orangethorpe Traffic Modifications).

APPROVED the recommended action.

**Parcel Maps/Small Subdiv. 140**

9. PARCEL MAP NO. 2017-179 FOR 6950 NORITSU AVENUE

Purpose: Authorize the Public Works Department to subdivide an existing 3.783-acre parcel in to two parcels at 6950 Noritsu Avenue. There is no budget impact with the approval of this item.

Recommended Action: 1) Approve Parcel Map No. 2017-179 for 6950 Noritsu Avenue; and 2) Authorize the City Engineer and City Clerk to execute the parcel map.

APPROVED the recommended action.

END OF CONSENT CALENDAR

NEW BUSINESS (10-17)

**Reports & Studies 129**

10. TREASURER'S REPORT FOR THE MONTH OF JULY 2018  
Presented by Sung Hyun, Director of Finance

Purpose: Review the Treasurer's Investment Report prepared by the Finance Department for the month of July 2018. There is no fiscal impact in receiving this report.

Recommended Action: 1) Receive and file the reports.

MOTION: Berry  
SECOND: Smith  
AYES: Berry, Smith, Brown, Swift, Vaughn  
NOES: None

MOTION CARRIED to approve the recommended action.

**Contracts 70 C-3035 Budgets 47**

11. AGREEMENT WITH SPECIALIZED INSTALLATIONS FOR THE PURCHASE AND INSTALLATION OF CAMERAS AND EMERGENCY PHONES IN THE ENTERTAINMENT CORRIDOR  
Presented by Gary Worrall, Police Captain

Purpose: Authorize the Police Department to purchase cameras and emergency phones to provide enhanced security and potential evidence collection for the Entertainment Corridor and adjoining public parking lots. Associated costs in the amount of \$265,831 will be funded by one-time General Fund revenues.

Recommended Action: 1) Approve an agreement with Specialized Installations for the purchase and installation of 10 high-definition, 360-degree, pan/tilt/zoom (PTZ) pole-mounted cameras and 8 Code Blue emergency phones in the amount of \$265,831; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; 3) Authorize the City Manager and City Attorney to execute the agreement; 4) Determine that dispensing with competitive bidding pursuant to Buena Park Municipal Code 3.28.080(H) is in the best interest of the City because Specialized Installations has previously designed, implemented, and maintained camera systems within the City and has first-hand working knowledge of the existing camera system functionality; and 5) Approve a budget amendment in the amount of \$265,831 from one-time General Fund revenues.

Council Member Swift inquired if the data received can be compiled in a report to update the City Council. Captain Worrall stated the reports can include crime trends and telephone usage data. Council Member Swift commented about receiving reports quarterly or semi-annually. The City Council agreed to receiving reports every six months and requested this be added to the motion.

Council Member Smith inquired about the camera feed location. Captain Worrall stated the camera feed will be in two locations; Dispatch Center (main), and the Watch Commander's office. He clarified that the cameras will be on 24 hours a day, 7 days a week, there is no one physically watching at all times, however, as soon as one of the emergency phones is activated, the dispatcher has immediate view of the monitor to see the incident in real time.

MOTION: Swift  
SECOND: Smith  
AYES: Swift, Smith, Berry, Brown, Vaughn  
NOES: None

MOTION CARRIED to approve the recommended action as amended to include a report every six months on crime trends and telephone usage data to the City Council.

**Public Works Proj. 125**

12. REJECT ALL BIDS AND RE-ADVERTISE FOR THE DESCANSO AVENUE IMPROVEMENTS AND CABALLERO BOULEVARD AT VALLEY VIEW AVENUE STREET PROJECT

Presented by Nabil S. Henein, Interim Director of Public Works/City Engineer

Purpose: Authorize the Public Works Department and City Clerk's Office to reject all the bids received on July 11, 2018, for the Descanso Avenue Improvements and Caballero Boulevard at Valley View Avenue Street Project, and re-advertise the project for bids. There is no budget impact with the approval of this item.

Recommended Action: 1) Reject all bids; and 2) Authorize the City Clerk to re-advertise the project.

MOTION: Brown  
SECOND: Smith  
AYES: Brown, Smith, Berry, Swift, Vaughn  
NOES: None

MOTION CARRIED to approve the recommended action.

**Contracts 70 C-3036 Budgets 47**

13. PROFESSIONAL SERVICES AGREEMENT WITH RABBEN/HERMAN DESIGN OFFICE FOR PREPARATION OF THE MEDIAN LANDSCAPE MASTER PLAN  
Presented by Jeff Townsend, Associate Engineer

Purpose: Authorize the Public Works Department to enter into an agreement with Rabben/Herman Design Office to prepare the Median Landscape Master Plan. Associated costs in the amount of \$131,000 will be funded by unappropriated Gas Tax Fund.

Recommended Action: 1) Approve a Professional Services Agreement with Rabben/Herman Design Office in the amount of \$131,000 to prepare the Median Landscape Master Plan; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; 3) Authorize the City Manager and the City Clerk to execute the agreement; and 4) Approve a budget amendment in the amount of \$131,000 from the unappropriated Gas Tax Fund balance for this purpose.

Council Member Smith expressed support for this project. He commented that Beach Boulevard is the City's main artery and should be the priority.

Council Member Swift commented about the need for a plan and support for this project.

City Manager Vanderpool commented that as part of the budget process, staff would present a project annually, and if funding is available, incorporate elements of the study, for City Council consideration, similar to the phasing in process for the City entry signage project.

Mayor Vaughn inquired why the project will take eight months (May 2019). Mr. Townsend stated there's a lot of work involved to take inventory of the existing medians, and will work with the consultant to shorten the timeframe. Mayor Vaughn asked about the medians on Beach Boulevard that belong to CalTrans. Mr. Townsend stated that medians owned by CalTrans will require a maintenance agreement. Mayor Vaughn asked if the City can begin the discussion with CalTrans now. Mr. Townsend stated the City is in the process of preparing a maintenance and landscape agreement with CalTrans for another project, and when it's complete, could possibly be used as a template for other median projects. City Manager Vanderpool stated Caltrans require full plans and specifications be submitted for consideration before permits are issued. Once the master plan is complete, the City could identify the medians as a priority, hire an engineer to prepare plans and specifications, and submit to CalTrans for approval.

Mayor Vaughn commented about staff contacting CalTrans to discuss the medians. Nabil Henein, Interim Director of Public Works, asked about the specific medians in question. City Manager Vanderpool suggested in addition to tonight's action, and as an alternative, the City Council could identify the Beach Boulevard areas, bring back to study session, and identify a consultant to design the project now. It is unrealistic for the City to count on CalTrans to improve or maintain their right-of-way. Council Member Smith commented there is an existing landscape and maintenance agreement with CalTrans, however, the City is not allowed to water the grass. He asked about breaking up the project in sections, such as Beach Boulevard, Orangethorpe Avenue, Valley View, etc. City Manager Vanderpool stated if the City Council desires, staff can direct the consultant to prepare Beach Boulevard first, and then finish the rest of the project. Mr. Henein commented it would be best to have the completed plan.

Council Member Berry commented there are two issues; the lack of maintenance, and budget, and these items should be addressed separately. He suggested potentially creating a funding mechanism to support this type of beautification, such as a ballot measure to the voters.

MOTION: Smith  
 SECOND: Swift  
 AYES: Smith, Swift, Berry, Brown, Vaughn  
 NOES: None

MOTION CARRIED to approve the recommended action as amended to add 5) Direct staff to look at the next segment (North) and bring back to study session for City Council consideration; and 6) Identify Beach Boulevard as the priority.

Mayor Vaughn announced that Item 14 would be taken out of order.

#### **Parking 109**

14. RESOLUTION TO ADD VAL VERDE AVENUE TO PREFERENTIAL PARKING DISTRICT (PPD) NO. 4  
 Presented by Norm Wray, Senior Engineering Technician

Purpose: Authorize the Public Works Department to issue parking permits to residents in the amended PPD No. 4 boundaries, including Val Verde Avenue.

Recommended Action: 1) Adopt a resolution reestablishing the Preferential Parking District (PPD) No. 4 boundaries to include Val Verde Avenue, and rescind Resolution No. 13810.

MOTION: Smith  
 SECOND: Berry  
 AYES: Smith, Berry, Brown, Swift, Vaughn  
 NOES: None

MOTION CARRIED to ADOPT the following titled resolution:

#### **RESOLUTION NO. 13849:**

A RESOLUTION OF THE CITY OF BUENA PARK, CALIFORNIA, ESTABLISHING A PREFERENTIAL PARKING DISTRICT ON BURNHAM AVENUE, DEL ROSA ROAD, HIDALGO STREET, ROSTRATA AVENUE, VAL VERDE AVENUE, AND YUCCA STREET

Mayor Vaughn announced that Item 15 would be taken out of order.

#### **Parking 109**

15. RESOLUTION TO CREATE A NEW PREFERENTIAL PARKING DISTRICT (PPD) NO. 8 IN THE VICINITY OF YOSEMITE DRIVE  
 Presented by Norm Wray, Senior Engineering Technician

Purpose: Authorize the Public Works Department to issue parking permits to residents in the boundaries of PPD No. 8, which include the streets of Lassen Circle, Lassen Drive, Sequoia Drive, and Yosemite Drive.

Recommended Action: 1) Adopt a resolution creating Preferential Parking District (PPD) No. 8 on Lassen Circle, Lassen Drive, Sequoia Drive, and Yosemite Drive.



Mayor Pro Tem Brown and Council Member Smith commented about the parking problem in this area and support of this new PPD.

Mark Kennell, Buena Park resident, commented about the parking problem, mainly overflow parking from the nearby apartment buildings.

Dave Harbough, Buena Park resident, commented about the line of sight issue when trying to pull out and turn left or right, and asked if the red curb could be moved back a bit to improve the line of sight. He also commented that while working in the telephone vault system on Yosemite Drive and Ball Road, AT&T workers park their trucks, also impeding the line of sight.

Mayor Vaughn asked Mr. Wray to look into Mr. Harbough's line of sight concerns.

Mayor Pro Tem Brown stated that the speed limit on Holder Avenue is controlled by the City of Cypress, and Buena Park only has the last two feet on the East side of the street.

MOTION: Brown  
SECOND: Berry  
AYES: Brown, Berry, Smith, Swift, Vaughn  
NOES: None

MOTION CARRIED to ADOPT the following titled resolution:

RESOLUTION NO. 13850:

A RESOLUTION OF THE CITY OF BUENA PARK, CALIFORNIA, ESTABLISHING A PREFERENTIAL PARKING DISTRICT ON LASSEN CIRCLE, LASSEN DRIVE, SEQUOIA DRIVE, AND YOSEMITE DRIVE

No action taken.

16. RESOLUTION TO CREATE A NEW LOADING ZONE ON DALE STREET, NEAR WHITAKER ELEMENTARY SCHOOL  
Presented by Norm Wray, Senior Engineering Technician

Purpose: Authorize the Public Works Department to create a new loading zone adjacent to the Buena Park Head Start Day Care Center.

Recommended Action: 1) Adopt a resolution creating a new passenger-loading zone on Dale Street, near Whitaker Elementary School.

Mr. Wray reported on the increase of on-street parking demands in the morning for daycare and elementary school student drop-off.

Council Member Smith inquired about the red curb. Mr. Wray stated some of the red curb will remain from the existing curb going North, at the driveway for site distance safety.

Council Member Berry expressed concern regarding the speed and increased activity from the passenger loading area. Mr. Wray stated this will be included in the upcoming complete streets design project.

Mayor Vaughn asked how many employees park in the parking lot, permit parking for employees, and allowing residents to drive into the parking lot for passenger drop-off only. Mr. Wray stated the City can issue permits with set hours established by the City Council.

Mayor Pro Tem Brown commented there are only ten spaces in the parking lot, and this could be problematic for passenger loading/unloading. The parking lot is not designed for this, and would need a sweeping turnaround. Using the parking lot and driveway for pedestrian drop-off isn't feasible.

Council Member Swift inquired if the City reached out to the head start employees. Mr. Wray stated a letter was sent, and no response was received. He stated the City can contact the school staff and set up a meeting.

Council Member Swift amended the motion and postponed adopting the resolution until staff contacts Head Start program staff most affected by the changes.

Mayor Pro Tem Brown suggested pulling the motion completely and directing staff to postpone adopting the resolution until staff contacts Head Start program staff most affected by the changes.

Council Member Swift withdrew the motion and requested staff to contact the Head Start program staff, and bring back to the City Council at a future date for further consideration.

#### **Contracts 70 C-3037**

17. AGREEMENT FOR PROFESSIONAL SERVICES WITH ALVAREZ-GLASMAN & COLVIN (AGC) FOR CITY ATTORNEY SERVICES  
Presented by Mark L. Averell, Purchasing Manager

Purpose: Authorize the City Manager's Office to execute an agreement for City Attorney services. Associated costs have been allocated in the FY 18-19 City Attorney Services accounts (Account No. 11-6242-110105 and 11-6243-110105) for this purpose.

Recommended Action: 1) Approve an agreement with Alvarez-Glasman & Colvin for City Attorney services based on a competitive Request for Proposal (RFP) process; 2) Authorize the City Manager and legal counsel to make any necessary, non-monetary changes to the agreement; and 3) Authorize the Mayor and legal counsel to execute the agreement.

MOTION: Swift  
SECOND: Berry  
AYES: Swift, Berry, Brown, Smith, Vaughn  
NOES: None

MOTION CARRIED to approve the recommended action.

#### **MAYOR/CITY COUNCIL REPORTS & CALENDAR**

Council Member Berry reported on the following:

- August 15 Summer Concert at Buena Park Downtown
- August 17 Commissioner Recognition Dinner and Xanadu Performance

Council Member Smith reported on the following:

- August 17 Commissioner Recognition Dinner and Xanadu Performance
- August 22 Orange County Sanitation District Board Meeting

Council Member Swift reported on the following:

- August 17 Commissioner Recognition Dinner
- August 18 Memorial for Bob Luken, Buena Park resident and World War II Veteran
- August 22 Orange County Flood Control Channel Meeting at Whitaker School
- August 23 Orange County Fire Authority (OCFA) Meeting

Council Member Swift announced the passing of Robert "Bob" De Leon, Buena Park resident, and asked that the meeting be adjourned in his memory.

Mayor Pro Tem Brown reported on the following:

- August 17 Commissioner Recognition Dinner and Xanadu Performance
- August 18 Super Senior Saturday
- August 23 Orange County Council of Government Board Meeting
- August 25 Boys & Girls Club "Rock Into the Night Highway 39" Fundraiser

Mayor Vaughn reported on the following:

- August 15 Youth World Camp
- August 16 Maria Dazo Allstate Insurance Agency Grand Opening and Ribbon Cutting Ceremony
- August 17 Commissioner Recognition Dinner and Xanadu Performance
- August 18 Super Senior Saturday
- August 23 King Sejong Multi-Cultural Center Grand Opening
- August 25 Boys & Girls Club "Rock Into the Night Highway 39" Fundraiser
- August 27 Delivered School Supplies to six Buena Park Schools with the Buena Park Education Foundation

**MAYOR/CITY COUNCIL CALENDAR**

- American Lung Association of Orange County Smoke Free Initiative (Vaughn)
- Use of the City logo and seal (Brown)

Mayor Vaughn asked the City Manager to contact AT&T regarding the building on Artesia Boulevard.

The Mayor and City Council presented flowers to Isra Shah, Interim City Attorney, and thanked her and Richards, Watson & Gershon, for the excellent services provided to the City over the last thirty-five years.

**RECESS**

Mayor Vaughn recessed the meeting at 7:32 p.m., and announced the meeting would be reconvened in the Main Conference Room for study session. The meeting was reconvened at 7:48 p.m.

**STUDY SESSION (18-25)**

18. **DISCUSS AND PROVIDE DIRECTION REGARDING INTERNAL REVENUE CODE SECTION 115 TRUST FOR PENSION LIABILITIES**  
Presented by: Sung Hyun, Director of Finance

Mr. Hyun reported on \$1 million that the City Council earmarked from one-time revenues to be placed in a Section 115 Trust to prefund future pension liabilities.

Council Member Swift inquired about the current performance of CalPERS funds. Mr. Hyun stated there are three separate investment options, and City Council direction was for long-term counter funding mechanisms without withdrawals. The current financial statement shows approximately 7.6% and has consistently outperformed the pension pool. He recommends putting a one-time \$1 million contribution, and the City Council adopt a policy annually for excess money in the general fund above 20 - 25% be placed into the fund for specific one-time revenues, for continued funding. Council Member Swift supports moving forward with a 115 Trust with PARS, and not waiting for the CalPERS option.

City Manager Vanderpool commented that some CalPERS projections show a steady increase in required contributions to 2024/2025, and how to prepare for the increase, by a Section 115 CalPERS, 115 PARS type service, or internal fund set aside for the sole use of pension obligations.

Council Member Berry commented about starting now, or transferring the funds to CalPERS. Mr. Hyun stated he would have to find out if the funds can be moved between trust accounts.

Council Member Smith commented that once the funds are earmarked for CalPERS, the City may not have a choice and should wait until the final ruling before making a decision.

Mayor Vaughn inquired if the City wanted to transfer the money to CalPERS. Mr. Hyun would look into that and commented that the City could potentially save money on the administration fees with CalPERS.

Mayor Pro Tem Brown commented about comparing the two plans once the legislation is passed, however, the City could earmark and start putting money aside now for this purpose. City Manager Vanderpool asked if there would be a separate designation for the general fund reserves for this specific purpose. Mr. Hyun stated that can be done.

Following discussion, a majority of the City Council (Swift dissented) agreed to wait until after the legislation is passed, compare CalPERS and PARS plans, and earmark \$1 million solely for pension liability.

A majority of the City Council (Berry dissented) agreed to earmark 25% or more of the general fund reserve surplus for pension liability contributions annually, and bring back to the City Council for mid-year budget review.

19. DIRECTION REGARDING CONFERENCE/MEETING/TRAINING AND MEMBERSHIPS/SUBSCRIPTIONS/CERTIFICATIONS BUDGET ACCOUNTS  
Presented by: Sung Hyun, Director of Finance

Mayor Vaughn commented the conferences, meetings and trainings haven't changed and the need to regularly attend the same annual events and renew the membership subscriptions. She questioned the need of one or more attendees for the same event, and the cost versus value.

Council Member Smith commented that education and information learned from attendees have been invaluable to the City.

City Manager Vanderpool commented memberships and subscriptions are usually by profession or industry, and rely on the discretion of the department head to determine the necessity.

Council Member Swift commented about approving and adding the Pow Wow (over \$200,000) to the current budget.

Following discussion, the City Council agreed this be part of the annual budget discussion.

20. DISCUSS AND PROVIDE DIRECTION REGARDING OPENGOV TRANSPARENCY SOFTWARE RENEWAL  
Presented by: Sung Hyun, Director of Finance

Mr. Hyun reported on the number of citizens accessing the site over the last 30 to 90 days, and the average amount of time spent reviewing the information. The City Council commented about the high cost, low visitor traffic. Mayor Pro Tem Brown inquired if the public is aware the information is available. Council Member Berry inquired if this is needed to meet the transparency requirements. Mr. Hyun stated OpenGOV is not required to meet transparency requirements.

Following discussion, a majority of the City Council voted against renewing the OpenGov Transparency Software agreement.

Mayor Vaughn announced Item 21 would be taken out of order.

21. DISCUSS AND PROVIDE DIRECTION REGARDING THE MAINTENANCE OF CITY PARKWAYS  
Presented by: Gerry Lopez, Field Operations Manager

Mr. Lopez presented information on the maintenance of the City Parkways, and if found non-compliant, is it the City or homeowners responsibility to maintain the parkway.

Mayor Vaughn inquired who is responsible if the homeowner plants their own tree. Mr. Lopez stated previously, the City has maintained and/or removed trees at the homeowners request, as staff was unaware the tree was not planted by the City. Problematic shrubbery and trees include, rose bushes due to height, fruit bearing present a slipping hazard, and palm and cypress trees are costly to trim. There was discussion whether to allow rocks, gravel and bark. Council Member Smith is not in favor of allowing rocks, as it's a trip and safety hazard.

Auxilio Sandoval, Buena Park resident, questioned the 10-day notice of violation regarding a tree in the parkway with insufficient clearance that she received from the City, and no contact information indicated. Mayor Vaughn directed Mr. Lopez to work with Ms. Sandoval on her concern, and to include contact information on the notices moving forward.

Mayor Vaughn expressed concern regarding protecting the City and homeowner and inquired about outreach to homeowners, and if they accept the maintenance and liability terms, and understand their legal obligations. Mr. Lopez stated staff would start by speaking directly to the homeowner about compliance. The homeowner can decide whether to remove the condition, or obtain a permit and assume responsibility for the fees, payments, maintenance and liability. Mayor Vaughn inquired about submitting plans and pouring concrete. Mr. Lopez stated plans (hand drawings are acceptable) are required for review by the City prior to obtaining a permit. Outreach suggestions include listing the violation types via water bill insert mailings, and/or a community meeting, as communication to homeowners is key.

Council Member Berry inquired about permit fees and how extensive (i.e., variety and location) the drawing should be. Mr. Lopez stated there are no permit fees and plans should include variety and location. Council Member Smith expressed concern that rock and bark cause hazards and should require standards, if a nuisance, should be corrected. Mr. Lopez stated bark is not allowed. Mayor Vaughn commented the drought tolerant display at City Hall includes rocks. Mr. Lopez commented a lot of rock exists in neighborhoods throughout the City. Council Member Swift commented that a lot of drought tolerant and water efficient landscapes include rocks and bark, and is in favor of allowing rocks, as long as the homeowner signs an agreement accepting full responsibility. Mayor Vaughn concurred with allowing rocks, however, is opposed to bark, as it can be problematic for streets and storm drains.

Council Member Smith suggested changing the parkway grade so the installation of rock is below the curb and sidewalk. He is in favor of rock and gravel in the front yard, and opposed to rock and gravel in parkways.

Mayor Vaughn expressed concern regarding homeowners who have existing large brick planters and the opportunity to sign a waiver accepting responsibility, as long as it is not a site or safety issue. City Manager Vanderpool suggested the Director of Public Works use discretion and handle on a case-by-case basis.

Following discussion, City Manager Vanderpool clarified the City Council's direction as follows:

- No bark
- No pea gravel in parkways (but can be used in the front yard)
- No cactus
- No fruit, ficus, or cypress trees
- Allow rock below curb and sidewalk grade
- Add a sign to the demonstration garden indicating "Pea gravel not allowed in parkways"
- Roses under 24 inches allowed
- Palm trees allowed if homeowner signs agreement accepting maintenance and liability responsibility, and if found in violation, require tree removal by the homeowner or the City
- Planter boxes and plants allowed as long as no site or safety conditions exists. No planter boxes or pots in the parkway
- Allow the Director of Public Works discretion to handle on a case-by-case basis
- Concrete walkways allowed at the discretion of the Director of Public Works

Noticing and Outreach:

- Make contact with the homeowner before issuing the notice/violation
- Revise the notice to include the name and phone number of person issuing the notice, and include a better explanation of the violation
- If notice is for measurement violation, take physical measurements on the spot
- Advertise in quarterly newsletter and water bill insert

22. DISCUSS AND PROVIDE DIRECTION REGARDING THE REDESIGN OF THE FALLEN OFFICER MEMORIAL

Presented by: Mark L. Averell, CPPO, Purchasing Manager

Mr. Averell reported he received proposals from four vendors. Prices ranged from \$87,000 – \$165,000, for a statue with two officers and small child, and \$45,000 – \$80,000 for kneeling officer and child statue, and does not include the pedestals or demolition of the existing site. Following a meeting between the City Manager and Buena Park Police Officers Association (BPPOA), the BPPOA proposed the following:

- A two officer statue (male and female), one officer standing/one kneeling, and the kneeling officer presenting a folded flag to a small child
- Mounted on an octagon shaped pedestal
- Fallen officer plaques around the edge
- Uplighting for statues and steady lighting for plaques

Mayor Vaughn commented about the ability for future additions to the memorial, if needed, and the design time frame. Mr. Averell stated the memorial would be scalable for additions and the design would take approximately 4 – 8 months.

Following discussion, the City Council agreed with the BPPOA's proposal, a \$200,000 budget, move forward with creating a conceptual design, and the BPPOA select the artist and bring a final rendition back to the City Council for approval.

23. DISCUSS AND PROVIDE DIRECTION REGARDING CITY-SUPPLIED WREATHS FOR THE MEMORIAL DAY EVENT

Presented by: Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported on the wreaths for the service organizations. Mayor Vaughn inquired how it started. Mayor Pro Tem Brown stated during the last meeting of the Memorial Day Event Committee, it was decided there would be one wreath per organization, as a couple of the organizations asked for two or three wreaths. Mayor Vaughn inquired about the intent of the wreaths, and Mayor Pro Tem Brown stated it is on behalf of the organization. Approximately two or three years ago, the City Manager agreed for consistency, the City would pay for the wreaths for the organizations.

Council Member Berry inquired if discussion is needed regarding the reading of names at the ceremony. Mayor Pro Tem Brown and Council Member Smith commented the reading of the names would be up to the Memorial Day Event Committee to decide. Council Member Swift commented that Memorial Day is to remember those who died in combat, not to be confused with Veteran's Day.

Following discussion, the City Council agreed to provide one wreath per service organization.

24. CITY MANAGER REPORT

City Manager Vanderpool reported on the following:

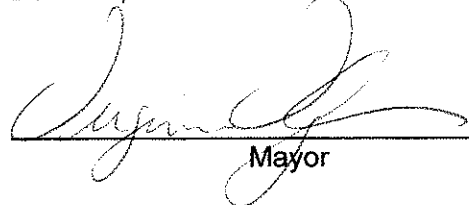
- August 26 Annual City Employee Ice Cream Social, 2:30 p.m., Main Conference Room
- August 30 Police Department Oath of Office Ceremony for Promotions, and New Police Personnel, 8 a.m., Council Chamber

25. COMMISSIONER/COMMITTEE APPOINTMENTS/REMOVALS

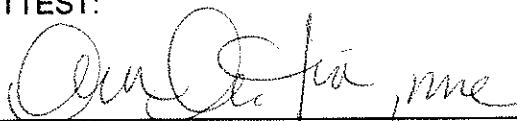
No report.

ADJOURNMENT

There being no further business, Mayor Vaughn adjourned the meeting at 9:50 p.m. The meeting was adjourned in memory of Roberto "Bob" De Leon, Buena Park resident.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk