

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD SEPTEMBER 25, 2018

Vol. 50 Pg. 196

CALL TO ORDER

The City Council met in a regular session on Tuesday, September 25, 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; Chris Cardinale, City Attorney; and Adria M. Jimenez, MMC, City Clerk.

INVOCATION

The Invocation was led by Reverend Mary Trainor, St. Joseph's Episcopal Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alice Burnett, Senior Human Resources Analyst.

CITY MANAGER REPORT

City Manager Vanderpool reported on the following:

- 44th Annual Black and White Soroptimist Charity Ball, "Spotlight on Service," Saturday, October 6, 2018, 6:00 p.m., Knott's Berry Farm Hotel. Tickets are \$65 per person.
- Free Food Gardening Workshop on Saturday, September 29, 2018, 10:00 a.m., Ehlers Event Center.

City Clerk Jimenez announced today is "National Register to Vote Day" and encouraged residents to register to vote. Registration is available online at: buenapark.com/city-clerk/elections; registertovote.ca.gov; or, ocvote.com.

Mayor Vaughn thanked EDCO and Clean Street Sweeping for giving a young Buena Park resident a special tour of their facilities and street sweeping trucks.

PRESENTATIONS

Council Member Swift welcomed and introduced Ramon Miramontes, the new Buena Park School District Superintendent.

Mayor Vaughn presented Corporal Noah Parks, Buena Park resident, a Certificate of Recognition for his Marine Corp Service.

Mayor Pro Tem Brown presented a resolution to Michele Lewis upon her retirement.

Imani Tolliver, Community Services Supervisor, invited the public to two upcoming events: 2nd Annual Boo-uena Park Old Tyme Fall Festival, September 29, 2018, 12:00 p.m. – 5:00 p.m., at the Buena Park Historical Society, 6631 Beach Blvd; and, the 80's Dance Party at Ehlers Event Center, September 29, 2018, 7:00 p.m., \$21 per person.

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. There being no requests to speak, Mayor Vaughn closed Oral Communications.

CONSENT CALENDAR (1 - 8)

Mayor Vaughn announced that Consent Calendar Items 1 through 8 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 Smith requested separate consideration for Item No. 5; Mayor Pro Tem Brown requested separate consideration for Item No. 7. There being no additional requests for separate consideration, the remainder of the Consent Calendar was approved.

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

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 4; and 6 and 8 be approved.

CONSENT CALENDAR (1 – 8)

Minutes

1. APPROVAL OF MINUTES
Purpose: Approval of minutes for the Regular Meeting of August 28, 2018, 5:00 p.m., and the Special Meeting of September 11, 2018, 3:30 p.m.

Recommended Action: Approve minutes.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 13858

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$2,190,087.15 DEMAND NOS. 392887 THROUGH 393110 VOIDS SEE ATTACHED LIST CANCELLED NOS. 392463, 392519 AND 392651

RESOLUTION NO. 13859

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$81,010.16 DEMAND NOS. 393111 THROUGH 393121

RESOLUTION NO. 13860

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 749,940.84 COVERING REGULAR PAYROLL ENDING AUGUST 24, 2018.

RESOLUTION NO. 13861

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 23,334.20, COVERING RETIREE PAYROLL ENDING AUGUST 31, 2018.

Reports & Studies 129

3. **TREASURER'S REPORT FOR THE MONTH OF AUGUST 2018**
Purpose: Review the Treasurer's Investment Report prepared by the Finance Department for the month of August 2018. There is no fiscal impact in receiving this report.

Recommended Action: 1) Receive and file the reports.

APPROVED the recommended action.

Commendations 65

4. **RESOLUTION HONORING AND COMMENDING MICHELE LEWIS ON HER RETIREMENT**

Recommended Action: Adopt resolution.

ADOPTED the following titled resolution:

RESOLUTION NO. 13862

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, HONORING AND COMMENDING MICHELE LEWIS ON HER RETIREMENT

Codes 64 Political Reform Act 199

5. **RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY PERSONNEL**
Purpose: Authorize the City Clerk to update those public official and employee positions that must file statements disclosing financial interests. There is no budget impact with this approval.

Recommended Action: 1) Adopt a resolution amending the City's Conflict of Interest Code for designated City personnel.

Council Member Smith asked for a brief explanation of this item for the public's information. City Clerk Jimenez advised the Fair Political Practices Commission, which regulates the Political Reform Act, requires cities to adopt a Conflict of Interest Code which requires designated employees who participate in making financial decisions on behalf of the city, disclose any foreseeable personal financial interest. The update to this year's Code includes title changes and added positions.

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

MOTION CARRIED to ADOPT the following titled resolution:

RESOLUTION NO. 13863

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY PERSONNEL

Contracts 70 C-3043

6. **PROFESSIONAL SERVICES AGREEMENT WITH NV5, INC. TO PROVIDE INTERIM ASSISTANT CITY ENGINEER SERVICES**
Purpose: Authorize the City Manager to execute a contract with NV5, Inc. to provide Interim Assistant City Engineer services. Associated costs in the amount of \$86,400 will be offset by salary savings from the vacant Assistant City Engineer position.

Recommended Action: 1) Approve a Professional Services Agreement with NV5, Inc. to provide Interim Assistant City Engineer services in an amount not to exceed \$86,400; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement, effective August 22, 2018.

APPROVED the recommended action.

Contracts 70 C-1076

7. AGREEMENT WITH THE BUENA PARK NOON LIONS CLUB FOR USE OF THE CITY'S FACILITIES AT WILLIAM PEAK PARK FOR THE 2018 SILVERADO DAYS CELEBRATION

Purpose: Authorize the Community Services Department to execute an agreement for the Buena Park Noon Lions to use William Peak Park for the 2018 Silverado Days Celebration. Associated costs in the amount of \$108,310 are included in the adopted FY 2018-19 Community Support Services budget for the City's portion of the Silverado Days event. There is no direct cost associated with this agreement.

Recommended Action: 1) Approve an agreement with the Buena Park Noon Lions Club for use of William Peak Park for the 2018 Silverado Days Celebration; and 2) Authorize the Mayor and City Clerk to execute the agreement.

Pat Donnelly, Silverado Days Chair, and Laura Rodehaver, Silverado Days Co-chair, gave an update on Silverado Days 2018 and provided information on the partnership with Lions Sight and Hearing Foundation in support of The Kindness Walk, a 450 mile journey from Long Beach to Las Vegas by a blind man. Visit www.silveradodays.com for additional information.

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

MOTION CARRIED to approve the recommended action.

Contracts 70 C-2855 PW Proj.-829

8. FINAL PAYMENT TO USS CAL BUILDERS FOR THE STATE ROUTE 91 WESTBOUND OFF-RAMP IMPROVEMENTS AT BEACH BOULEVARD PROJECT
Purpose: Authorize the Public Works Department to issue final payment and direct the City Clerk to file a Notice of Completion for the State Route (SR) 91 Westbound Off-Ramp Improvements Project. This project is funded by Orange County Transportation Authority (OCTA) and matching City Measure M2 funds.

Recommended Action: 1) Accept project as complete and approve the final payment to USS Cal Builders, Inc. in the amount of \$150,000; 2) Direct the City Clerk to file a Notice of Completion; and 3) Approve a budget transfer in the amount of \$82,180 from the remaining Gas Tax balance from the FY18-19 Slurry Seal Project for this purpose.

APPROVED the recommended action.

END OF CONSENT CALENDAR

NEW BUSINESS (9 – 10)

Leases 92

9. FIRST AMENDMENT TO LEASE WITH CROWN CASTLE USA, LLC FOR A CELLULAR TOWER FACILITY IN BELLIS PARK LOCATED AT 7171 8TH STREET, BUENA PARK, CALIFORNIA AND AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SAME ON BEHALF OF THE CITY OF BUENA PARK
 Presented by Joel W. Rosen, AICP, Director of Community Development

Purpose: Authorize the Community Development Department to execute a lease amendment with CCATT, LLC for an existing cell tower at 7171 8th Street (Bellis Park). There is no cost to the City for executing the lease amendment. The City will receive approximately \$7,700 in additional revenue per year under the new lease terms, escalating at 3% per year.

Recommended Action: 1) Approve the First Amendment to Lease with Crown Castle USA, LLC (CCATT, LLC) acting on behalf of NCWPCS MPL-25 YEAR SITES TOWER HOLDINGS, LLC for an existing cell tower at 7171 8th Street (Bellis Park); 2) Authorize the City Manager and the City Attorney to make any non-monetary changes to the lease agreement amendment; and 3) Authorize the City Manager to execute the lease.

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

MOTION CARRIED to approve the recommended action.

Contracts 70 C-2939 C-3041

10. ON-BILL FINANCING (OBF) LOAN AGREEMENT WITH SOUTHERN CALIFORNIA EDISON (SCE) FOR LIGHT-EMITTING DIODE (LED) LIGHTING IMPROVEMENTS AT VARIOUS TRAFFIC INTERSECTIONS THROUGHOUT THE CITY
Presented by Doug Brodowski, Senior Administrative Analyst

Purpose: Authorize the City Manager to execute an agreement to finance the costs of traffic signal safety light energy savings improvements through the On-Bill Financing Loan Agreement at zero percent interest, with SCE.

Recommended Action:

1) Approve an On-Bill Financing (OBF) loan agreement with Southern California Edison (SCE) for Light-emitting Diode (LED) lighting improvements at various traffic intersections throughout the City in the amount of \$138,691.20; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize City Manager and the City Clerk to execute the agreement.

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

MOTION CARRIED to approve the recommended action.

MAYOR/CITY COUNCIL REPORTS

Council Member Berry reported on the following:

- September 15 Memorial Grove Dedication Honoring Barbara Jeanne O'Brien
- September 21 Knott's Scary Farm

Council Member Smith reported on the following:

- September 12-14 League of California Cities Conference in Long Beach
- September 15 Memorial Grove Dedication Honoring Barbara Jeanne O'Brien
- September 19 Human Resources Employee Benefits Fair: Health & Lifestyle Luau
- September 21 Knott's Scary Farm

Council Member Swift reported on the following:

- September 12-14 League of California Cities Conference in Long Beach
- September 15 Memorial Grove Dedication Honoring Barbara Jeanne O'Brien
- September 17 Tour of Fire Stations Nos. 61 and 63 with new OCFA Fire Chief Brian Fennessy
- September 20 Cal State Fullerton Tap Dance Group at Ehlers Event Center
- September 20 Park & Recreation Commission Meeting

Mayor Pro Tem Brown reported on the following:

- September 12-14 - League of California Cities Conference in Long Beach
- September 14 Metrolink Board Meeting
- September 15 Memorial Grove Dedication Honoring Barbara Jeanne O'Brien
- September 17 Los Angeles/San Diego Rail Corridor Board Meeting
- September 21 Knott's Scary Farm
- September 24 Presentation by California High Speed Rail Authority at Buena Park Community Center

Mayor Vaughn reported on the following:

- September 12-14 - League of California Cities Conference in Long Beach
- September 12 World Peace Conference
- September 13 San Marino Elementary School AVID Rally
- September 13 Asian Business Expo by Korean American Chamber of Commerce
- September 17 Buena Park High School for Register to Vote Week
- September 18 Emery Elementary School, Alliance for Healthier Generation Recognition
- September 19 Hamni Bank Ribbon Cutting
- September 19 Human Resources Employee Benefits Fair: Health & Lifestyle Luau

MAYOR/CITY COUNCIL CALENDAR

- Request Letter to Governor Brown to Reconvene the Legislative Session to discuss pension reform (Swift)
- Use of the Buena Park Women's Club for a Military Veterans and Recruitment Center(Vaughn)
- Korean-American Federation of Orange County Town Hall Meeting (Vaughn)
- Large trash dumping in apartment areas (Vaughn)
- Mobile Libraries (Vaughn)

RECESS

Mayor Vaughn recessed the meeting at 6:04 p.m. and announced the meeting would be reconvened in the Main Conference Room for Study Session. The meeting was reconvened at 6:19 p.m.

STUDY SESSION (11 – 19) (Adjourned to Main Conference Room)

11. DISCUSS AND PROVIDE DIRECTION ON THE BEAUTIFICATION AND ENVIRONMENTAL COMMISSION'S RECOMMENDATION ON BANNING POLYSTYRENE (STYROFOAM) WITHIN THE CITY OF BUENA PARK
Presented by: Gerry Lopez, Field Operations Manager

Gerry Lopez, Field Operations Manager, presented a draft informational brochure created by members of the Beautification-Environmental Commission addressing the City Council's approval to develop an education outreach program to discourage the use of polystyrene throughout the City. The draft brochure outlines the hazards of polystyrene and its effect on humans and the environment, and provides guidelines and alternatives for residential and commercial uses.

City Council commented positively on the draft brochure prepared to City Council's style preferences, discussed conducting business outreach before distributing the handout, and requested a more impactful and specific title. After further discussion, the City Council requested staff to return with a new flyer with a more specific title, and to conduct Buena Park business outreach prior to distribution.

12. DISCUSS AND PROVIDE DIRECTION REGARDING THE HISTORICAL PRESERVATION OF THE WHITAKER-JAYNES ESTATE AND BACON HOUSE
Presented by: Gerry Lopez, Field Operations Manager

Mayor Pro Tem Brown recused himself from this discussion as an employee of the Historical Society, and left the Main Conference Room.

Gerry Lopez, Field Operations Manager, reviewed the City Council's 2015 cost analysis for the historical preservation assessment of the Whitaker-Jaynes Estate and Bacon House. In 2015, the \$307,200 estimate included exterior and interior finishes. Due to the amount of time that has passed, staff recommended the previous estimate include an additional 25% (\$76,800) for inflation. Additionally, the original estimate did not include lead paint and asbestos mitigation recently estimated at \$120,000. The additional required work results in a revised estimate of \$503,800. Mr. Lopez noted that it is currently safe to go in to the buildings and there is no hazard or danger with either the lead paint or asbestos.

City Council requested costs for minimal repairs and upkeep of the buildings to their current conditions. Mr. Lopez advised currently the City budgets \$150,000 for maintenance and minimal repairs of the buildings.

Council Members Smith and Swift expressed concerns of waiting to make the necessary repairs, and the necessity of repairing the buildings correctly. Council Member Smith requested a staff member be designated to manage the repair project to make sure it is done correctly.

After further discussion, the City Council (Brown recused) directed staff to: return with a \$503,800 allocation from one-time funds; engage an architect to design plans and specifications for the renovation; engage the Historical Society on the use of donations from recent fundraisers for renovation costs; and, off-set renovation costs with funds from potential future rental use.

13. **DISCUSS AND PROVIDE DIRECTION REGARDING POTENTIAL USES AT THE FORMER TEACHER SUPPLY STORE AT 6561 BEACH BOULEVARD**
Presented by: Brady M. Woods, Planning Manager

Brady Woods, Planning Manager, reported that at a previous Study Session, the City Council tasked staff to explore potential uses at the former teacher supply store at Beach Blvd. and 9th Street. The Zoning Code for the property is CG (Commercial General) which allows for office, general retail/showroom, studios, bank, and restaurants (without alcohol/entertainment). There is limited parking (11 spaces) at the location which is considered non-conforming per the City's Municipal Code. Intensified uses would require additional parking.

Planning Manager Woods reviewed options for City Council's consideration which included: 1) create a public parking district comprised of parking spaces on city and privately-owned parking lots, for a combined total of 63 parking spaces (52 city-owned; 11 former teacher supply store site); 2) a pedestrian opening to allow for shared access from the former teacher supply store site to the potential public parking district site; 3) amend Section 19.104.050 Parking Overlay Zones to include non-residential zones; 4) designate/mark spaces within the parking district (e.g. 'Parking spaces designated for Poquito Mas customers only'); and, 5) direct Staff to encourage the owner to divide the building allowing for varied uses reducing the amount of required parking.

The majority of City Council (Mayor Pro Tem Brown abstained due to the proximity of the location to the Whitaker-Jaynes House) supported all of staff's recommendations.

14. **DISCUSS AND PROVIDE DIRECTION REGARDING AN AGREEMENT WITH RABBEN/HERMAN DESIGN OFFICE (R/Hdo) FOR DESIGN SERVICES FOR THE BEACH BOULEVARD MEDIAN IMPROVEMENTS PROJECT**
Presented by: Nabil S. Henein, Interim Director of Public Works/City Engineer

Nabil Henein, Interim Director of Public Works/City Engineer stated at the Study Session of July 24, 2018, the City Council directed staff to present options for the Beach Boulevard Median Improvements Project. The project will improve medians and parkways with landscape, hardscape, irrigation, and a physical median pedestrian barrier. Staff discussed this project with consultant, Daniel Herman, President of Rabben/Herman Design Office, Ltd., in attendance, to provide options to the City Council. Staff is requesting direction from the City Council for this project.

Mr. Herman presented a series of alternatives for this project and showed renderings depicting trees, themed and non-themed fences, hedges, and landscaping. Mr. Herman noted that the City Council has a variety of options for this project.

After discussion, the general direction from the City Council was to use as much existing median landscaping as possible, return with a cost estimate for a lower, lighted "roller coaster" barrier fence for the median between La Palma Avenue south to Crescent Avenue, increase pedestrian crossing safety concerns, and return with budget options for consideration.

15. DISCUSS AND PROVIDE DIRECTION REGARDING THE ENTRY MONUMENT SIGNS IN THE LOS COYOTES/BELLEHURST AREA
Presented by: Aaron France, Assistant City Manager

Aaron France, Assistant City Manager presented this item and noted the signs are located north of Malvern between Stanton and Rockledge. There are eight signs total and some of the neighborhood identifying lettering have fallen out, four of the eight are retaining walls, four are for aesthetic purposes as the signs are located on private property. The majority of owners are interested in working with the City to improve the signs. Staff is requesting direction from City Council to 1) determine if the City Council would like to move forward on improvements to the signs; and, 2) hiring staff to check the integrity of the retaining wall signs.

Discussion by the City Council included identification of the New Bellehurst area, changing the current location of the signs to busier entrances to the area, matching construction materials for the entry signs, improvements already made by homeowners on the properties with retaining walls, the estimate to fix the entry signs (structural analysis/conceptual designs is approximately \$15,000, with an additional \$15,000 to develop full design plans), and, creating a special district in the area to fund improvements.

City Council requested staff return to Study Session with additional data on creating a special district in the area, costs of repairing the entry signs in-house, and conduct community meetings.

16. DISCUSS AND PROVIDE DIRECTION REGARDING SHADE SYSTEMS FOR THE NEW LARWIN PARK PLAYGROUND AREAS
Presented by: Aaron France, Assistant City Manager

Aaron France, Assistant City Manager, presented this item. Mr. France noted since the reopening of Larwin Park earlier this year, the residents of the area appreciate the improvements; however, frequently request shade options. Staff has obtained three different shade options from Kompan, the original contractor for the playground improvements:

The 2 through 5-year-old playground only, including installation:

- Option 1 - \$77,000 - Full Canopy
- Option 2 - \$58,000 - Partial Canopy
- Option 3 - \$38,000 - Smaller Partial Canopies

The 5 through 12-year-old playground only, including installation:

- Option 1 - \$128,000 - Full Canopy
- Option 2 - \$75,000 - Partial Canopy
- Option 3 - \$17,000 - Smaller Partial Canopies

Council Members Swift and Berry, and Mayor Pro Tem Brown supported (Smith, Vaughn dissented) Option 1, a full canopy for the 2 through 5-year-old playground (\$77,000); and, Option 2, a partial canopy for the 5 through 12 year old playground (\$75,000) for a total of \$152,000.

17. DISCUSS AND PROVIDE DIRECTION REGARDING SUPPORT OF THE LAND & WATER CONSERVATION FUND (LWCF) FEDERAL FUNDING
Presented by: Aaron France, Assistant City Manager

Aaron France, Assistant City Manager, provided the staff report advising the Land and Water Conservation Fund has conserved America's habitat and access to the outdoors by protecting national parks and open spaces in the United States. Mr. France advised that on September 30, 2018, the Land and Water Conservation Fund will expire and currently there are three pieces of legislation working towards preservation: Senate Bill S 896, Senate Bill S 569, and House of Representatives Bill HR 502. Staff is seeking City Council's direction on submitting a letter of support to Buena Park's Federal Legislators.

City Council approved sending a letter of support for the Land and Water Conservation Fund.

18. CITY MANAGER REPORT

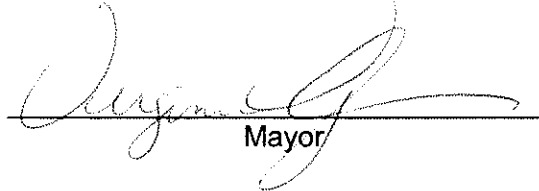
No report.

19. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

No report.

ADJOURNMENT

There being no further business, Mayor Vaughn adjourned the meeting at 8:17 p.m.



Mayor

ATTEST:



City Clerk