

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

Vol. 50 Pg. 243

CALL TO ORDER

The City Council met in a regular session on Tuesday, November 27, 2018, at 5:02 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 Eddie Fenton, Director of Human Resources/Risk Management.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Corey Sianez, Police Chief.

CITY MANAGER REPORT

City Manager Vanderpool reported on the following:

- Homeless Navigation Center Open House on Monday, December 17, 2018 at 6:00 p.m., Centralia School District multi-purpose room. All residents located within a 1,000 ft. radius of the Navigation Center were notified of the Open House.

PRESENTATIONS

Gail Taylor, Executive Director, Cypress College Foundation, announced that the 2018 Americana Awards will be held on Saturday, February 23, 2019, and introduced the Buena Park Citizen of the Year, Leslee Milch, Gilbert Elementary School Teacher.

Don McKay, "Silverado Sam," announced those interested can now apply for Silverado Days Grants online at [www.silveradodays.com](http://www.silveradodays.com). The deadline to apply is December 31, 2018.

Veronica Ramirez, Senior Community Services Coordinator, extended an invitation to the 48<sup>th</sup> Annual Candy Caneland & Craft Faire, Saturday, December 1, 2018, 10:00 a.m. to 4:00 p.m., Ehlers Event Center, rain or shine.

Imani Tolliver, Community Services Supervisor, extended an invitation to the 6<sup>th</sup> Annual Christmas Tree Lighting and Toy Drive to be held at the City Hall Civic Center on Friday, December 7, 2018, at 6:00 p.m., with a special performance by the Dickens Holiday Carolers. Santa Claus will make a special appearance at 7:00 p.m.

Marge Rollins, Buena Park Community Chorus, invited the Buena Park Community to their Holiday Concert on Sunday, December 9, 2018, at 3:00 p.m., Ehlers Event Center. The Concert is free to the public. Non-perishable food donations will be accepted for the Buena Park Coordinating Council.

## 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.

Donnie Maes, commented regarding the eviction of Mr. Horacio Raz from his rental home, his legal rights and provided information to the City Council.

Horacio Raz, Buena Park resident, spoke regarding his recent eviction in October.

Matt Bates, Vice President of CityNet, provided information about the Point in Time Count, a program aimed at counting all the homeless neighbors in the City. The count is scheduled for January 23, 24, 25, 2019, at 4:00 a.m. and again at 7:00 p.m. Volunteers can sign up at [www.everyonecountsoc.org](http://www.everyonecountsoc.org). Individuals are placed in a team with a captain and teams have graded maps. Teams with challenging areas are sent out with law enforcement for safety concerns.

Jeff Korenberg, Buena Park resident, commented on debris and dirt on City streets in various locations and asked if the City has a local gun control ordinance.

There being no further speakers, Mayor Vaughn closed Oral Communications.

## CONSENT CALENDAR (1 - 6)

Mayor Vaughn announced that Consent Calendar Items 1 through 6 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 Berry requested separate consideration for Item No. 6. There being no further requests for separate consideration, the following action was taken:

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

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 5 be approved.

**Minutes**

1. APPROVAL OF MINUTES  
Purpose: Approve the Minutes of the Special City Council Meeting of November 13, 2018.

Recommended Action: Approve Minutes.

**Finance 75**

2. RESOLUTION APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt resolution.

ADOPTED the following titled resolution:

RESOLUTION NO. 13881:  
 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA,  
 ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$9,659.57 DEMAND NOS.  
 394058 THROUGH 394063

**Reports & Studies 129**

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

Recommended Action: 1) Receive and file the reports.

**Admin. Svcs. 112 Budgets 47**

4. RESOLUTION TO ADOPT AN AMENDED BUENA PARK JOB CLASSIFICATION PLAN AND MANAGEMENT COMPENSATION PLAN TO ADD THE ASSISTANT CITY CLERK JOB CLASSIFICATION AND SALARY RANGE

Purpose: Adopt a Resolution to amend the Buena Park Management Employees Compensation Plan and Classification Plan to provide for a revised salary range, job title, essential functions, qualifications guidelines, and physical and mental demands for the Assistant City Clerk position moving the position from the Buena Park Technical, Office, and Professionals Association into the Management Unit. Associated costs of approximately \$13,000 will be allocated from the undesignated General Fund balance.

Recommended Action: 1) Approve the revised Assistant City Clerk job classification specification; and 2) Adopt a Resolution to amend the Buena Park Management Employees and Buena Park Technical, Office, and Professionals Association Compensation Plans.

ADOPTED the following titled resolution:

**RESOLUTION NO. 13882:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING THE COMPENSATION PLAN FOR THE BUENA PARK MANAGEMENT UNIT AND ADOPTING THE JOB CLASSIFICATION SPECIFICATION AND SALARY RANGE OF THE ASSISTANT CITY CLERK

**Transportation 148**

5. RESOLUTION APPROVING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF BUENA PARK

Purpose: Adopt a resolution approving the annual Measure M2 Expenditure Report as required by County ordinance to maintain funding eligibility.

Recommended Action: 1) Adopt a resolution approving the annual Measure M2 Expenditure Report.

ADOPTED the following titled resolution:

**RESOLUTION NO. 13883:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF BUENA PARK FOR THE FISCAL YEAR ENDING JUNE 30, 2018

**Admin. Svcs. 112 Budgets 47**

6. AUTHORIZE PAYMENT OF THE WITHDRAWAL CHARGE NECESSARY TO TERMINATE THE 401(A) RETIREMENT SAVINGS ACCOUNT

Purpose: Authorize the City Manager to pay the withdrawal charge necessary to terminate the Plan. Terminating the plan will cost the General Fund a 5% withdrawal charge, which is approximately \$2,800.

Recommended Action: 1) Authorize the City Manager to pay the 5% withdrawal charge necessary to terminate the 401(a) Retirement Savings Account.

Eddie Fenton, Director of Human Resources/Risk Management, reported this is a request to authorize the City Manager to pay the withdrawal charge for a 401(a) Retirement Savings Account set-up for the Police Chief. The City Council adopted a resolution authorizing the City Manager to execute any documents necessary to terminate the 401(a) Retirement Savings Account for the Police Chief. The staff report indicated that terminating the plan will save the City \$10 per quarter, thus, there would be no budget impact for the approval of terminating the plan. After the resolution was adopted, staff was informed by Mid-America, the City's third-party administrator, that the City's contract with America United Insurance Company contained a provision to pay a 5% withdrawal charge at termination. The withdrawal charge is estimated to be \$2,800, and funds are available within the Police Department Budget. At the time the staff report was written, the City and Mid-America were unaware of the charges until the required paperwork was submitted to begin the termination process. Alternatively, the City Council may direct the City Manager to direct the Police Chief to split the cost with the City, or pay the full cost of terminating the plan.

Council Member Berry explained that the City Council entered into this contract service with the employee and the City should be responsible for all services under the contract. However, the exception was early termination of the contract, which is why the company is enacting a surcharge. A more equitable solution would be to split the cost (50/50) between the organization and the employee.

Council Member Berry made a motion the City split (50/50) the cost of the termination fee of \$2,800 with the employee.

MOTION DIED for lack of a second.

Council Member Smith made a SUBSTITUTE MOTION to authorize the City Manager to pay 100% of the withdrawal fee, \$2,800, for the employee.

MOTION: Smith  
SECOND: Brown  
AYES: Smith, Brown, Swift, Vaughn  
NOES: Berry

MOTION CARRIED, (4-1, Council Member Berry dissented) to authorize the City Manager to pay 100% of the withdrawal fee, \$2,800, for termination of the 401(a) Retirement Savings Account for the Police Chief.

END OF CONSENT CALENDAR

NEW BUSINESS (7 - 10)

**Contracts 70 C-2033**

- 7. AGREEMENT WITH ENVIRONMENTAL COMPLIANCE INSPECTION SERVICES (ECIS) FOR GREASE CONTROL DEVICE INSPECTIONS AT FOOD SERVICE ESTABLISHMENTS

Presented by Joe Hunt, Senior Environmental Inspector

Purpose: Authorize the City Manager to hire a contractor to inspect grease control devices at food service establishments within the City. Associated costs in the amount of \$53,250 over a two-year period are budgeted in the Water Enterprise Fund (Account No. 52-6240-452410).

Recommended Action: 1) Approve a Professional Services Agreement with Environmental Compliance Inspection Services to conduct grease control device inspections at food service establishments; 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 agreement.

MOTION CARRIED to approve the recommended action.

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

**Contracts 70 C-3058 Grants (County/State) 185**

- 8. RESOLUTION APPROVING THE SUBMITTAL OF THE VALLEY VIEW STREET, SAN RAFAEL DRIVE, AND HOLDER STREET AT SILVERADO TRAIL/SOUTHERN CALIFORNIA EDISON (SCE) TRAIL CROSSING BICYCLE/PEDESTRIAN TRAFFIC SIGNAL PROJECTS AND THE ADDITION OF 20 BICYCLE LOCKERS AT THE BUENA PARK METROLINK STATION PROJECT TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR FUNDING UNDER THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM (BCIP)

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

Purpose: Authorize the Public Works Department to apply for a grant from OCTA to install pedestrian signals in conjunction with the recently completed Silverado Trail and add 20 bike lockers at the Buena Park Metrolink station. There is no cost associated with the submittal of this grant application.



Recommended Action: 1) Adopt a resolution approving the application for the Valley View Street, San Rafael Drive, and Holder Street at Silverado Trail/SCE Trail Crossing Bicycle/Pedestrian Traffic Signal Projects, and the Addition of 20 Bicycle Lockers at the Buena Park Metrolink Station Project, to OCTA for funding under the Bicycle Corridor Improvement Program (BCIP); and, 2) Authorize the Interim Director of Public Works/City Engineer to execute the required application documents including the agreement, annual reports, and items pertaining to the administration of this grant.

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

MOTION CARRIED to approve the recommended actions and adopt the following titled resolution:

RESOLUTION NO. 13844:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK AUTHORIZING APPLICATION FOR FUNDS FOR THE BICYCLE CORRIDOR IMPROVEMENT PROGRAM FUNDED WITH CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM FUNDING UNDER THE FIXING AMERICA'S SURFACE TRANSPORTATION FEDERAL TRANSPORTATION ACT FOR THE VALLEY VIEW STREET, SAN RAFAEL DRIVE, AND HOLDER STREET AT THE SILVERADO TRAIL/SCE TRAIL CROSSING BICYCLE/PEDESTRIAN TRAFFIC SIGNAL PROJECTS AND THE ADDITION OF 20 BICYCLE LOCKERS AT THE BUENA PARK METROLINK STATION PROJECT

**Water 153**

- 9. APPROVAL OF PUBLIC NOTICE TO WATER CONSUMERS REGARDING COLIFORM BACTERIA  
Presented by Nabil Henein, P.E., Interim Director of Public Works/City Engineer

Purpose: Receive and file the public notice to be mailed to all water customers in Buena Park. Associated costs for the mailing of this notice will be absorbed into the existing Water Enterprise Fund budget.

Recommended Action: 1) Receive and file the state-mandated public notice that will be sent to all water customers regarding the presence of coliform bacteria in the public water system.

MOTION CARRIED to approve the recommended action.

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

**Codes 64**

- 10. URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING THE BUENA PARK MUNICIPAL CODE, INCLUDING CHAPTER 5.36 THEREOF, TO ESTABLISH REGULATIONS GOVERNING SIDEWALK VENDORS IN RESPONSE TO SENATE BILL 946  
Presented by Christopher G. Cardinale, City Attorney

Purpose: Adopt an Urgency Ordinance to update the City's local regulations applicable to "sidewalk vendors" such that the City has an enforceable regulatory scheme that is consistent with recently enacted Senate Bill 946. There is no budget impact with the adoption of this urgency ordinance.

Recommended Action: 1) Adopt an Urgency Ordinance establishing regulations for "sidewalk vendors" operating upon City public rights-of-way that comply with Senate Bill 946.

City Attorney Cardinale explained the staff report focuses on the content of the Urgency Ordinance for City Council discussion and direction. The Ordinance will return for formal adoption at the City Council Meeting of December 11, 2018. The City Council directed City Attorney Cardinale to move forward with the draft Ordinance as presented.

## MAYOR/CITY COUNCIL REPORTS

Council Member Smith reported on the following:

- November 14 Thanksgiving Pie Party, City Clerk's Office
- November 15 Mayor's Prayer Breakfast
- November 15 ACCOC Meeting, Board of Directors – District 4

Council Member Swift reported on the following:

- November 14 Youth in Government Day
- November 15 Mayor's Prayer Breakfast
- November 15 OCFA Executive Committee Meeting and Board of Directors Meeting
- November 25 Bye Bye Birdie Musical, with 7 Grandchildren
- November 26 Fullerton Joint Union High School District Retirement Reception for Bob Singer and Bob Hathaway
- November 26 Toured Learn for Life, Charter School in Anaheim

Council Member Swift welcomed the students from Los Alamitos High School sitting in tonight's audience.

Council Member Berry reported on the following:

- November 14 Thanksgiving Pie Party, City Clerk's Office and thanked the City Clerk's Office
- November 15 Mayor's Prayer Breakfast and thanked the Mayor's Prayers Breakfast non-profit Committee and the Mayor
- November 25 Bye Bye Birdie Musical

Mayor Pro Tem Brown reported on the following:

- November 14 Thanksgiving Pie Party, City Clerk's Office
- November 14 Senior Center Thanksgiving Dinner
- November 25 Bye Bye Birdie Musical

Mayor Vaughn

- November 14 Youth in Government Day
- November 14 Thanksgiving Pie Party, City Clerk's Office
- November 15 Mayor's Prayer Breakfast and thanked the Committee and the 700-plus guests that attended
- November 15 Re-opening of BMW Auto Nation
- November 15 Orange County Korean American Event
- November 17 PlayPie Grand Opening
- November 18 Moose Club Youth Awareness Scholarship Program

## MAYOR/CITY COUNCIL CALENDAR

Council Member Swift calendared discussion regarding the City's Fats, Oils, and Grease (FOG) Control fees.

## 11. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez had no report.

## ADJOURNMENT

There being no further business, Mayor Vaughn adjourned the meeting at 6:53 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

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