

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD NOVEMBER 13, 2018

Vol. 50 Pg. 23231

CALL TO ORDER

The City Council met in a regular session on Tuesday, November 13, 2018, at 5:01 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 Rev. Dr. John R. McFarland, Orangethorpe United Methodist Church

PLEDGE OF ALLEGIANCE

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

CITY MANAGER REPORT

City Manager Vanderpool had no report.

PRESENTATIONS

Ron Rodriguez, Friends of the Buena Park Youth Theatre, invited the public to this year's production, Bye Bye Birdie, November 16-18, 2018, and November 23-25, 2018, 7:30 p.m., at Sunny Hills High School Performing Arts Center. General Admission tickets are \$11 and Senior and Children under 12 are \$9 per ticket. Tickets are available online or at the box office one hour before show time.

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.

Lynda Luistro, Buena Park resident, expressed concern regarding carbon monoxide fumes from the busses parking next to the common wall behind the Radisson Hotel on Beach Blvd. Ms. Luistro provided handouts for the City Council regarding California Vehicle Code restrictions of commercial vehicles parking within 100 feet of residences, schools, and child care centers. She requested the City adopt a City ordinance as a permanent solution.

Victor Zengler, Buena Park resident, spoke about a recent issue he had with the South East Area Animal Control Authority's (SEAACA) animal receiving area. Mr. Zengler requested the City Council consider different animal control agencies or enclosing the animal receiving area at SEAACA.

CONSENT CALENDAR (1 - 10)

Mayor Vaughn announced that Consent Calendar Items 1 through 10 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. 10. 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 9 be approved.

Minutes

1. APPROVAL OF MINUTES

Purpose: Approve the Minutes of the Special and Regular City Council Meetings of October 23, 2018.

Recommended Action: Approve minutes.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 13871

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$8,712.31 DEMAND NOS. 393569 THROUGH 393574 CANCELLED NOS. 391463, 391602, 392201 AND 392236

RESOLUTION NO. 13872

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,411,057.37 DEMAND NOS. 393575 THROUGH 393835 CANCELLED NO 393468 VOIDS SEE ATTACHED LIST

RESOLUTION NO. 13873

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. 393836 THROUGH 393841

RESOLUTION NO. 13874

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,215,475.17 DEMAND NOS. 393842 THROUGH 394057 CANCELLED NO 393706 VOIDS SEE ATTACHED LIST

RESOLUTION NO. 13875

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$754,193.94 COVERING REGULAR PAYROLL ENDING OCTOBER 5, 2018.

RESOLUTION NO. 13876

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$27,271.20, COVERING RETIREE PAYROLL ENDING OCTOBER 31, 2018.

RESOLUTION NO. 13877

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$769,441.52 COVERING REGULAR PAYROLL ENDING OCTOBER 19, 2018.

Finance 76

3. WATER BILL INSERT FOR THE 2019 STATE OF THE CITY

Purpose: Authorize the City Manager's Office to inform residents of the 2019 Buena Park State of the City Luncheon in the form of a water bill insert to encourage awareness and attendance. There is no impact to the budget with this action.

Recommended Action: 1) Approve a water bill insert informing residents of the 2019 Buena Park State of the City Luncheon.

Contracts 70 C-2999 Public Works Proj. 125 PW-855

4. FINAL PAYMENT TO ARAMEXX CONSTRUCTION FOR THE CITY ENTRY SIGN ON BEACH BOULEVARD AT THE SOUTH CITY LIMIT PROJECT

Purpose: Authorize the Public Works Department to issue a final payment and the City Clerk's Office to file a Notice of Completion for the City Entry Sign on Beach Boulevard at the South City Limit Project. The project was included in the adopted FY 2017-18 Capital Improvement Project budget and funded by the General Fund (Account No. 11-9806-190049).

Recommended Action: 1) Accept the project as complete and approve a final payment to Aramexx Construction in the amount of \$2,850; and 2) Direct the City Clerk to file a Notice of Completion.

Contracts 70 C-2521

5. AGREEMENT WITH THE BUENA PARK SCHOOL DISTRICT (BPSD) FOR SUPPLEMENTAL SCHOOL RESOURCE OFFICER SERVICES AT THE BUENA PARK JUNIOR HIGH SCHOOL CAMPUS

Purpose: Authorize the Police Chief to execute an agreement with BPSD to provide supplemental police services for Buena Park Junior High School. Associated costs in the amount of approximately \$49,000 are included in the adopted FY 18-19 Police Department Detail Budget (Account Nos. 11-650406-5110 and 11-650406-3721) and will be fully reimbursed by BPSD.

Recommended Action: 1) Approve an agreement with the Buena Park School District (BPSD) for supplemental police services; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the Police Chief to execute the agreement.

Contracts 70 C-3031

6. AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH COMMUNITY ARTS RESOURCES (CARS) FOR THE PRODUCTION OF THE GO HUMAN GO BEACH EVENT

Purpose: Authorize the Community Development Department to increase the contract amount with CARS by \$50,000 from previously appropriated funds.

Recommended Action: 1) Approve Amendment No. 1 to the Professional Services Agreement with Community Arts Resources (CARS) in the amount of \$50,000; 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 the City Clerk to execute the agreement.

Budgets 47

7. BUDGET AMENDMENT TO USE ONE TIME GENERAL FUND REVENUES FOR THE PREPARATION OF THE MEDIAN LANDSCAPE MASTER PLAN

Purpose: Authorize the Public Works Department to utilize one time General Fund revenues to fund the preparation of the Median Landscape Master Plan. Associated costs in the amount of \$131,000 will be allocated from this fund for this purpose.

Recommended Action: 1) Appropriate funds in the amount of \$131,000 from one-time General Fund revenues for the preparation of the Median Landscape Master Plan.

Records Destruction/Retention 171**8. RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS IN THE ECONOMIC DEVELOPMENT DIVISION**

Purpose: Authorize the Economic Development Division to destroy certain records, which are more than ten years old and/or are no longer required. There is no budget impact with the adoption of this resolution.

Recommended Action: 1) Adopt a resolution authorizing the destruction of certain records in the Economic Development Division.

ADOPTED the following titled resolution:

RESOLUTION NO. 13878:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN PUBLIC RECORDS OF THE CITY OF BUENA PARK ECONOMIC DEVELOPMENT DIVISION THAT ARE MORE THAN TEN YEARS OLD AND/OR ARE NO LONGER REQUIRED

Admin. Svcs. 112**9. RESOLUTION ADOPTING AN AMENDED BUENA PARK JOB CLASSIFICATION PLAN AND MANAGEMENT COMPENSATION PLAN TO CREATE AN ASSISTANT DIRECTOR OF PUBLIC WORKS - OPERATIONS CLASSIFICATION AND SALARY RANGE IN THE PUBLIC WORKS DEPARTMENT**

Purpose: Adopt a Resolution to amend the Buena Park Management Employees Compensation Plan and Job Classification Plan to provide for a new salary range and job title for the Assistant Director of Public Works – Operations position and eliminate the Utilities Manager position. Associated costs in the amount of \$40,000 to the General Fund will be offset by additional contributions from the Water Fund for the Director of Public Works and Assistant City Engineer positions.

Recommended Action: 1) Approve the new Assistant Director of Public Works – Operations job classification specification in the Public Works, Operations Division; and, 2) Adopt a Resolution to amend the Buena Park Management Employees Compensation Plan and Job Classification Plan, and eliminate the Utilities Manager job classification specification.

APPROVED the recommended action and ADOPTED the following titled resolution:

RESOLUTION NO. 13879:

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 DIRECTOR OF PUBLIC WORKS – OPERATIONS

Purchasing 127**10. PURCHASE OF REPLACEMENT POOL TABLES FOR THE SENIOR GAME ROOM FROM THE SENIOR CITIZENS INTERIOR DEVELOPMENT FUND**

Purpose: Authorize the Community Services Department to purchase three pool tables to replace the current pool tables that are beyond repair in the game room at the Senior Activity Center. Associated costs in the amount of \$14,115.25 will be funded by the Interior Development Fund (i.e. Donation Account No. 2248).

Recommended Action: 1) Authorize the purchase of three pool tables from West State Game Rooms in the amount of \$14,115.25 for the game room at the Senior Activity Center.

Mark Saucedo, Community Services Supervisor, stated this request is to purchase three additional pool tables and cues for the Senior Activity Center Game Room. The current equipment is beyond repair. This item was approved by the Senior Commission, and as required, the request is before the City Council for approval.

Council Member Berry confirmed the current equipment cannot be repaired and asked about the lifetime of the new equipment. Mr. Saucedo advised the current equipment is beyond repair and the vendor states the new equipment should last approximately 20 years.

MOTION CARRIED to approve the recommended action.

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

NEW BUSINESS (11-14)

Budgets 47 Contracts 70 C-2803 C-3052 C-3053 Transportation 148 County/State Grants 185

11. MASTER SERVICES AND SUBSCRIPTION AGREEMENT WITH CHARGEPOINT, INC. AND CONTRACT WITH VOLTAIC FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING (EVC) STATIONS AT THE BUENA PARK COMMUNITY CENTER AND EHLERS EVENT CENTER

Presented by Doug Brodowski, Senior Management Analyst

Purpose: Authorize the City Manager to execute an agreement with ChargePoint, Inc., to manage customer billing for electricity costs, and execute a contract with Voltaic to construct and manage electric vehicle charging stations at the Buena Park Community Center and Ehlers Event Center, as well as execute documents to accept the MSRC grant. Associated costs in the amount of \$213,673 will be funded by a grant from MSRC in the amount of \$107,960, and a grant from the CALeVIP in the amount of \$75,000. The remaining balance of \$30,713 will be funded by AB 2766 Motor Vehicle Subvention Program funds.

Recommended Action: 1) Approve a Master Services and Subscription Agreement with ChargePoint, Inc., to provide subscription and billing services for Electric Vehicle Charging (EVC) stations; 2) Approve a contract with Voltaic in the amount of \$213,673 to install EVC stations; 3) Determine that dispensing with competitive bidding pursuant to Section 3.28.080.E of the Buena Park Municipal Code is in the best interests of the City because utilizing a National Joint Powers Alliance (NJPA) cooperative purchasing contract will provide the City with a better price point; 4) Approve a contract with the South Coast Air Quality Management District (SCAQMD) Mobile Source Air Pollution Reduction Review Committee (MSRC) for Local Government Partnership Program AB 2766 Discretionary funds in the amount of \$107,960; 5) Allocate MSRC grant funds in the amount of \$107,960, California Electric Vehicle Infrastructure Project (CALeVIP) grant funds in the amount of \$75,000, and AB 2766 Motor Vehicle Subvention Program funds in the amount of \$30,713 for this purpose; 6) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement and contracts; and, 7) Authorize the City Manager and City Clerk to execute the agreement and contracts.

MOTION CARRIED to approve the recommended action.

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

Contracts 70 C-3054 Public Works Proj. 125 PW-860

12. RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND APPROVAL OF A CONTRACT WITH SHAWNAN FOR THE 2018-2019 ANNUAL PAVEMENT REHABILITATION PROJECT

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

Purpose: Authorize the Public Works Department to execute a contract in the amount of \$723,200 and adopt a resolution approving plans and specifications for the 2018-2019 Annual Pavement Rehabilitation Project. Associated costs in the amount of \$723,200 will be funded from the Gas Tax Fund (Account No. 24-9806-590004).

Recommended Action: 1) Adopt a resolution approving plans and specifications for the 2018-2019 Annual Pavement Rehabilitation Project; 2) Award a contract to Shawnan in the amount of \$723,200; 3) Authorize contingency funds in the amount of \$73,000 in the same purchase order; 4) Authorize construction engineering funds in the amount of \$30,000; and 5) Authorize the City Manager and the City Clerk to execute the contract.

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

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

RESOLUTION NO. 13880:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING PLANS AND SPECIFICATIONS FOR 2018-2019 ANNUAL PAVEMENT REHABILITATION PROJECT IN SAID CITY

Contracts 70 C-2761

- 13. AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH ITERIS, INC. FOR ON-CALL AND IN-HOUSE TRAFFIC ENGINEERING SERVICES
 Presented by Nabil S. Henein, Interim Director of Public Works/City Engineer

Purpose: Authorize the Public Works Department to amend the Professional Services Agreement with Iteris to provide on-call and in-house traffic engineering services. Associated costs in the amount of \$121,162.70 will pay services through the current fiscal year.

Recommended Action: 1) Approve Amendment No. 3 to Professional Services Agreement No. 15-44 with Iteris, Inc. ("Iteris") in the amount of \$47,912 to provide on-call and in-house traffic engineering services during the period of October 15, 2018, through December 31, 2018; 2) Approve \$73,250.70 for Iteris's services from July 1, 2018, through October 12, 2018, which represents the balance remaining from Amendment No. 2; 3) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the amendment; and 4) Authorize the City Manager and City Clerk to execute the agreement.

MOTION CARRIED to approve the recommended action.

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

Budgets 47 Purchasing 127 Contracts 70 C-2814

- 14. PURCHASE AND INSTALLATION OF SAIL SHADE SYSTEMS FROM U.S. COMMUNITIES FOR THE NEW LARWIN PARK PLAYGROUND AREAS
 Presented by Nabil S. Henein, Interim Director of Public Works/City Engineer

Purpose: Authorize the Public Works Department to purchase and install shading equipment at Larwin Park playground areas. Associated costs in the amount of \$199,996.78 will be funded by the Larwin Park Improvement Project balance (32-9806-290122) in the amount of \$47,000, and from the undesignated Park-in-Lieu Fund balance in the amount of \$152,996.78.

Recommended Action: 1) Authorize the purchase and installation of shading equipment for the Larwin Park Improvement Project in the amount of \$199,996.78; 2) Dispense with competitive bidding pursuant to Buena Park Municipal Code Section 3.28.080(E), as the City will obtain more competitive pricing by participating in a national cooperative purchasing contract; and 3) Approve a budget amendment in the amount of \$152,996.78 from the undesignated Park-in-Lieu Fund balance for this purpose.

MOTION CARRIED to approve the recommended action.

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

MAYOR/CITY COUNCIL REPORTS

Council Member Smith reported on the following:

- October 24 – Orange County Sanitation District Board Meeting
- October 25 – Mike Grisso, Water Operations Manager, Going-away Party
- November 7 – Orange County Sanitation District Committee Meeting
- November 8 – Korean Town Hall Meeting at the Buena Park Police Department
- November 12 – Buena Park Historical Society Annual Thanksgiving Dinner

Council Member Swift reported on the following:

- October 24 – New Buena Park Police Officer Oath of Office Ceremony
- October 24 – Buena Park Police Officers Association Luncheon in honor of Breast Cancer Awareness Month
- October 25 – Orange County Fire Authority Board of Directions/Executive Committee Meetings
- October 31 – Emery School Halloween Parade
- October 31 – Buena Park City Employee Halloween Parade
- November 7 – Buena Park Annual Veterans Honor Walk
- November 8 – Americana Awards Kick-off Meeting
- November 12 – Buena Park Historical Society Annual Thanksgiving Dinner

Council Member Swift stated she and some high school friends met at the grave site of Roger Carr to reflect on his life, that period of time, the draft, and people placing themselves in harm's way. Those in attendance included many of Roger Carr's friends, who are Veterans. It was very sobering, but was appreciated and she encouraged everyone to do the same.

Mayor Pro Tem Brown reported on the following:

- November 7 – Buena Park Annual Veterans Honor Walk
- November 8 – Americana Awards Kick-off Meeting
- November 12 – Buena Park Historical Society Annual Thanksgiving Dinner

Mayor Pro Tem Brown wished the United States Marine Corps a Happy 243rd Birthday.

Mayor Vaughn reported on the following:

- October 31 – Buena Park Police Department's Cops and Goblins Event
- October 31 – Buena Park City Employee Halloween Parade
- November 8 – Orange County City Selection Committee Meeting, Tustin
- November 13 – Kenny Vaughn's Birthday

MAYOR/CITY COUNCIL CALENDAR

- Stanton Avenue Flashing Yellow Crosswalk Lights (Smith)
- Crosswalk Lighting By Boisseranc Park's Handball Court (Smith)
- Review the City Commission Appointment Process (Swift)
- Political Sign Ordinance Review (Brown)
- Creation of a Youth Commission (Vaughn)
- Beach Blvd/I-5 Freeway North/South Two Left Turn Lanes Safety (Vaughn)

RECESS

Mayor Vaughn recessed the meeting at 5:50 p.m. and announced the meeting would be reconvened in the Main Conference Room for Study Session. The meeting was reconvened at 6:05 p.m.

STUDY SESSION (15 - 22)

15. DISCUSS AND PROVIDE DIRECTION REGARDING THE MEDIAN PILOT PROGRAM BETWEEN BUENA PARK JUNIOR HIGH SCHOOL AND ESTERLINE ON ORANGETHORPE AVENUE

Presented By: Ted Huynh, City Traffic Consultant

Ted Huynh, the City's Traffic Consultant, provided a report on the median pilot program, noting the current configuration was installed at the location in August 2018 and the City is approximately half-way through the pilot program. The traffic at the location has been monitored for the past two months and seems to be working well. The Buena Park School District (BPSD) expressed the following concerns over the median pilot program adjacent to Buena Park Junior High School (BPJHS): the difficulty for school buses making left turns out of Driveway 5 to go eastbound on Orangethorpe, the lack of median turn lane in the eastbound direction, and safety hazard for children as traffic issues usually occur during the 15 minutes directly after school dismissal. Esterline expressed the following concerns: truck deliveries exiting the 91 Freeway at Knott, then turning west onto Orangethorpe, and left into Esterline through Driveway 3.

Mr. Huynh provided the following options for City Council consideration:

Option 1: Make no changes.

Option 2: Re-create a small section (120 feet) of two way left turn lane (TWLTL) at Driveway 5. This would allow the school buses to turn left into the median, then merge with eastbound traffic. This would allow left turns for westbound traffic into driveway 5 at Esterline. Staff has two concerns with this option: first, it creates the potential for head-on conflicts in the TWLTL. For example, if a bus is turning left into the TWLTL at the same time a vehicle is trying to turn into the Esterline driveway they could collide head-on. Second, it creates another area where westbound traffic exiting BPJHS has the opportunity to make U-turns conflicting with vehicles entering and exiting the BPSD and Esterline driveways. The October traffic counts indicate that there are 62 vehicles making U-turns at this location in the afternoon. Creating a 120-foot TWLTL would allow the vehicles to make the same uncontrolled U-turns as before. Staff does not recommend this option.

Option 3: Create a protected turn lane for any traffic (school buses) exiting the BPSD driveway. It does not create the opportunity for head-on conflicts in a TWLTL, and it restricts westbound U-turns. This option has a negative impact on Esterline as westbound traffic would no longer be able to turn into Driveway 5. While this option would create a protected median area for the buses to turn into, it would have a negative impact on other traffic. Staff does not recommend Option 3.

City Council requested staff contact Esterline to determine if they are agreeable to accessing the rear of their location by Noritsu Avenue, to help decrease the volume of traffic on Orangethorpe Avenue.

16. DISCUSS AND PROVIDE DIRECTION REGARDING A REORGANIZATION PLAN FOR THE CITY CLERK'S OFFICE

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

City Clerk Jimenez reported that in September the Assistant City Clerk retired and as a result of the retirement, there was an opportunity to review the structure of the department to ensure it meets the needs of the City, the residents, and the organization. Approximately 8 years ago, this position was reclassified from a Deputy City Clerk to an Assistant City Clerk, and removed from the management classification. That reclassification resulted in some budget savings, but came at the cost of a reduction of supervisory and management responsibilities within the department. This request is to reclassify the Assistant City Clerk position to a Management classification. The Assistant City Clerk will assist the City Clerk with overall management of the office and will be expected to coach and collaborate with support staff, perform complex and confidential administrative and analytical support within the department, amongst other manager responsibilities. The Assistant City Clerk will also act in the absence of the City Clerk, only if needed. If approved, this position will be placed at exempt Mid-Management 800 series with a proposed salary range of \$6,086-\$7,363 per month; an additional \$12,600 annually from the General Fund undesignated fund balance. Human Resources surveyed 22 area cities, and six of those cities have a position designated as Assistant City Clerk or Assistant Clerk of the Board, all of which are designated as Mid-Management. If approved, staff would return to the

next City Council meeting with a request for formal adoption of the job classification specification and salary range.

The City Council supported staff's recommendation.

17. DISCUSS AND PROVIDE DIRECTION REGARDING THE USE OF THE CITY LOGO ON CORRESPONDENCE POLICY STATEMENT NO. 31
Presented by: Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported this item was requested by City Council at a previous City Council Meeting. City Clerk Jimenez stated it would be appropriated for the City Council to discuss and provide direction.

Mayor Pro Tem Brown stated the City's logo was designed because a number of organizations were using the City's official City Seal for non-city related items. The City logo was developed apart from the City Seal so organizations may use it and not infringe on the City seal. Since, it has become very contentious whether or not others (non-organizations) are allowed to use the City's logo.

Mayor Vaughn stated most residents do not understand the difference between the City seal and City logo. The City's Policy Statement No. 31 has no legal backing and is confusing.

City Clerk Jimenez stated there are two items for City Council's consideration: amending the City's current policy stating non-city organizations are allowed to use the logo for clarity; or, if the City Council wishes, adopt a legally binding ordinance prohibiting the use of the City's logo.

Council Member Berry stated the current policy is vague and that all of the City's logos should be listed. He requested the ordinance parallel the City's Style Guide.

After discussion, the City Council directed the City Clerk to return with a draft ordinance protecting all of the City's identifiable marks for review and discussion.

18. DISCUSS AND PROVIDE DIRECTION DESIGNATING A COMMISSIONER POSITION VACANT UPON THE FILING OF CITY COUNCIL NOMINATION PAPERS
Presented by: Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported this item was requested by City Council at a previous City Council Meeting. City Clerk Jimenez stated currently the City of Buena Park does not require a commissioner to vacate their seat once nomination papers are filed to run for City Council. The City of Cypress currently has such an ordinance which was provided in the staff report.

Mayor Pro Tem Brown asked if someone lost the election would they be reappointed, and stated he does not think that would be fair. City Clerk Jimenez stated that would be City Council's determination.

Council Members Berry and Swift expressed concerns and disapprove of this item.

The City Council did not support removing Commissioners upon the filing of Nomination Papers for City Council.

19. DISCUSS AND PROVIDE DIRECTION REGARDING REGULATION OF SIDEWALK VENDING
Presented by: Christopher G. Cardinale, City Attorney

City Attorney, Christopher Cardinale, stated in September of this year, Governor Brown signed into law Senate Bill 946 (SB 946) that will limit the cities' authority to regulate "sidewalk vendors" operating in and upon the public right-of-way (ROW). SB 946 defines a "sidewalk vendor" as "a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other non-motorized conveyance, or from one's person, upon a public sidewalk or other pedestrian path." Once effective, SB 946 limits cities' power to regulate sidewalk vendors in the following ways: Public Rights of Way; Public Parks; Third-Party Approvals; Zoning Restrictions; Numerical Vendor Caps; Permissible Regulations; Vendors' Privacy Rights; Special Events; Penalties for Violations; Capacity to Pay and Alternative Remedies; and, Petition for Dismissal of Past Violations. Under SB 946, the City is allowed to require a Seller's Permit and a Business License Permit.

Staff is recommending the City Council review and provide direction on the attached draft ordinance. At the December City Council Meeting, staff will return with an urgency ordinance for formal adoption.

Council Member Smith stated food carts have been a health issue in the past and expressed the desire for health regulations.

Council Member Berry asked about potential safety issues with flashing lights, beacons, strobe lights, and stated health regulations are his main concern. Council Member Berry inquired about the required alternate remedies for restitution based on the violator's capacity to pay.

Mr. Cardinale stated that if a violator fails to pay a fine, there is no ensuing remedy; violators shall not be arrested and failure to pay a fine may not be punished as an infraction or a misdemeanor.

After further discussion, City Council directed City Attorney Cardinale to return with the draft for formal adoption.

20. DISCUSS AND PROVIDE DIRECTION REGARDING GENERAL FUND ALLOCATION TO BUENA PARK COORDINATING COUNCIL FOR INCREASED OPERATIONAL AND RELOCATION COSTS

Presented by: Aaron France, Assistant City Manager

Assistant City Manager France reported on this item stating the Coordinating Council had been leasing a facility for a number of years which was recently sold. The Coordinating Council is scheduled to cease operations and be out permanently by November 23, 2018. Since that time, Michael Davis, Coordinating Council, has been searching for a new location and is unable to locate a facility that meets the needs of the organization and for the approximate same amount of rent, \$1700 a month. Two different locations in the City that meet the needs of Coordinating Council were located with a lease amount of approximately \$3,000 per month. The Coordinating Council has experienced this situation previously, and at that time the City Council decided to provide the Coordinating Council an additional allocation of Community Development Block Grant (CDBG) Funds and backfill with General Funds. Coordinating Council is not the only food pantry in Buena Park; however, Coordinating Council has been around for 60 years and served over 4,200 individuals. The CDBG allocation was \$28,000. Coordinating Council representatives are in attendance and they are requesting General Fund assistance of an additional \$1,300 per month, or \$8,000 for one year, which would get the Coordinating Council into a new building and get them through the end of the fiscal year. This request requires City Council approval.

The City Council discussed Coordinating Council's current CDBG funding allocation and additional allocation of \$7,000; other open food bank locations in and around Buena Park, including a list generated by the Buena Park Collaborative; Coordinating Council requesting donations to fund the remainder \$8,000 until the end of the fiscal year; Coordinating Council's work in assisting the needs of families in Buena Park; Coordinating Council's unwillingness to combine operations with other organizations; and untangling the City's involvement with the Coordinating Council.

Michael Davis, Coordinating Council, stated they prefer not to share space with Giving Children Hope, as Coordinating Council is operated by volunteers only, not paid employees. Coordinating Council's budget is extremely tight and the organization will run out of funds within a few months.

After further discussion by the City Council about: CDBG funding and reimbursements of funds; Coordinating Council's lack of fundraisers; and, short-term versus long-term facility leases, there was no consensus by the City Council to approve Coordinating Council's request.

21. CITY MANAGER REPORT

City Manager Vanderpool reported on the following:


- Youth in Government Day, Wednesday, November 14, 2018, noting two opportunities for City Council to address participants: 8:00 a.m., and 2:00 p.m. Approximately 75 students from Buena Park High School are participating this year.

22. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez had no report.

ADJOURNMENT

There being no further business, Mayor Vaughn adjourned the meeting at 7:26 p.m.



Mayor

ATTEST:



City Clerk