

MINUTES OF CITY COUNCIL MEETING  
OF THE CITY OF BUENA PARK  
HELD APRIL 14, 2020

Vol. 51 Pg. 160

CALL TO ORDER

The City Council met in a regular session on Tuesday, April 14, 2020, at 5:00 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Smith presiding.

ROLL CALL

PRESENT: Brown, Park, Swift (teleconference), Traut (teleconference), Smith  
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 Jim Vanderpool, City Manager.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chris Cardinale, City Attorney.

CITY MANAGER REPORT

City Manager Vanderpool reported on the following:

- The City will implement its new curbside recycling program for single-family residential customers in June 2020, featuring a new 95-gallon blue bin which will hold all recyclables, including: paper and cardboard products; aluminum cans and tin cans; glass bottles and containers; and, plastics. The existing grey cart is for non-recyclable refuse and the green cart is for yard trimmings and green waste. For more information please contact EDCO at (714) 522-3577, or visit their website at edcodisposal.com.

Jim Box, Director of Parks and Recreation, reported on the following:

- Drive-Thru Spring Eggstravaganza, Saturday, April 11, 1,700 kids received a goody bag and a waive from the Easter Bunny, all while practicing Social Distancing. In addition, parents received additional City information regarding COVID-19.
- Virtual Recreation Center – The Community Services Department's website home page will include virtual activities, tours, educational tools, and much more to keep kids happy and engaged during quarantine.

City Clerk Jimenez provided an update on extended deadlines for the 2020 Census

- The self-response phase for online, phone, and mailed responses continues from March 12 – October 31, 2020;
- Census takers will drop off invitations to respond and paper questionnaires at the front doors of 5 million households while updating addresses from June 13 through July 9, 2020; and,
- Census takers will interview households in person from August 11 through October 31, 2020.

ORAL COMMUNICATIONS

Mayor Smith 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 none, Mayor Smith closed oral communications.

CONSENT CALENDAR (1 – 11)

Mayor Smith announced that Consent Calendar Items 1 through 11 would be acted upon by one motion affirming the actions as recommended on the agenda and agenda bills submitted and inquired if anyone present desired to have any item removed for separate consideration. There being no requests for separate consideration, the following action was taken:

- MOTION: Brown
- SECOND: Park
- AYES: Brown, Park, Swift, Traut, Smith
- NOES: None

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 11 be approved.

**Minutes**

1. APPROVAL OF MINUTES

Recommended Action: 1) Approve Minutes of the: Regular City Council Meeting of February 11, 2020; Special City Council Meeting of February 25, 2020; Regular City Council Meeting of February 25, 2020; Special City Council Meeting of March 10, 2020, 2:30 p.m.; Special City Council Meeting of March 10, 2020, 3:30 p.m.; Regular City Council Meeting of March 10, 2020; the Emergency City Council Meeting of March 17, 2020; Special City Council Meeting of March 24, 2020; and, Regular City Council Meeting of March 24, 2020.

APPROVED.

**Finance 75**

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14115

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$4,483,933.26 DEMAND NOS. 401831 THROUGH 402077, CANCELLED NO. 400237

RESOLUTION NO. 14116

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$9,414.66 DEMAND NOS. 402078 THROUGH 402081

RESOLUTION NO. 14117

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,423,788.28 DEMAND NOS. 402082 THROUGH 402166

RESOLUTION NO. 14118

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 746,824.20 COVERING REGULAR PAYROLL ENDING MARCH 20, 2020

**Reports & Studies 129**

3. TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2020  
Purpose: Review the Treasurer's Investment Report prepared by the Finance Department for the month of February 2020. There is no fiscal impact in receiving this report.

Recommended Action: Receive and file.

APPROVED the recommended action.

**Proclamation 119**

4. PROCLAMATION DECLARING NATIONAL LIBRARY WEEK, APRIL 19 - 25, 2020

Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

**Proclamation 119**

5. PROCLAMATION DESIGNATING APRIL AS FAIR HOUSING MONTH

Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

**Proclamation 119**

6. PROCLAMATION FOR WILDFIRE AWARENESS

Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

**Proclamation 119**

7. PROCLAMATION DECLARING MAY 18, 2020, AS ASIAN AMERICAN AND PACIFIC ISLANDERS "AAPI DAY AGAINST BULLYING AND HATE"

Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

Council Member Parked thanked her colleagues for adopting Asian American and Pacific Islanders' Day Against Bullying and Hate Proclamation, noting because of the current pandemic other Asian American communities have experienced hate.

**Contracts 70 C-3186**

8. LANDSCAPE MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE BEACH BOULEVARD MEDIAN IMPROVEMENTS PROJECT FROM 9TH STREET TO ROSECRANS AVENUE  
Purpose: Authorize the Public Works Department to execute a maintenance agreement with Caltrans for maintenance of landscaping and related enhancement features for the Beach Boulevard Median Improvements Project from 9th Street to Rosecrans Avenue. Associated maintenance costs by the City will be generally the same as the City already maintains this area. Costs have been included in the proposed FY 20-21 Park Facility Maintenance budget (Account No. 11-6240-875810).

Recommended Action: 1) Approve an agreement with the California Department of Transportation ("Caltrans") for landscape maintenance and related enhancement features for the Beach Boulevard Median Improvements Project from 9th Street to Rosecrans Avenue; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the Mayor, City Manager, and City Clerk to execute the agreement.

APPROVED the recommended action.

**Contracts 70 C-2213**

9. PROFESSIONAL SERVICES AGREEMENT WITH LIEBERT CASSIDY WHITMORE (LCW) TO PROVIDE LABOR AND EMPLOYMENT LEGAL SERVICES  
Purpose: Authorize the City Manager to execute an agreement for special services with Liebert Cassidy Whitmore (LCW) to provide highly-specialized labor and employment related legal services. Associated costs will be billed on an hourly basis and absorbed by the existing special legal services budget.

Recommended Action: 1) Approve a Professional Services Agreement with Liebert Cassidy Whitmore (LCW) to provide labor and employment-related legal services; 2) Authorize the City Manager and City Attorney to make any and all necessary, nonmonetary changes to the agreement; and, 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

**Emergency Services 188**

10. RESOLUTION EXTENDING THE PRICE GOUGING PROHIBITIONS OF PENAL CODE SECTION 396 TO CORRESPOND WITH THE DURATION OF THE LOCAL EMERGENCY DECLARED BY THE CITY COUNCIL IN RESPONSE TO THE COVID-19 PANDEMIC

Purpose: Extend the "price gouging" prohibitions of Penal Code section 396 in connection with the continuing "state of emergency" declared by California Governor Gavin Newsom, and the "local emergency" declared by the Buena Park City Council. There is no direct impact to the budget.

Recommended Action: 1) Adopt a Resolution extending certain "price gouging" prohibitions of California Penal Code Section 396 for the duration of the local emergency in connection with the COVID-19 pandemic.

ADOPTED the following titled resolution:

**RESOLUTION NO. 14119**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, EXTENDING THE PRICE GOUGING PROHIBITIONS OF PENAL CODE SECTION 396 TO CORRESPOND WITH THE DURATION OF THE LOCAL EMERGENCY DECLARED BY THE CITY COUNCIL IN RESPONSE TO THE COVID-19 PANDEMIC

**Emergency Services 188**

11. A REPORT TO THE CITY COUNCIL REGARDING THE EXISTENCE OF A LOCAL EMERGENCY IN THE CITY OF BUENA PARK REGARDING THE COVID-19 VIRUS

Purpose: Receive a report regarding the City's actions regarding COVID-19. There is no budget impact with the receipt of this item.

Recommended Action: 1) Receive report from staff.

APPROVED the recommended action.

END OF CONSENT CALENDAR

## NEW BUSINESS (12 - 14)

**Budgets 47 Transportation 148**

12. RESOLUTION DESIGNATING PROJECTS TO SUBMIT TO THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR FUNDING UNDER THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) AND INCORPORATING THE DESIGNATED PROJECTS INTO THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROGRAM BUDGET  
Presented by Public Works Department

Purpose: Authorize the Public Works Department to submit projects to the CTC for funding under the RMRA. A budget amendment in the amount of \$1,700,000 is required to fund the designated projects, of which \$1,574,860 will be funded by the anticipated RMRA allocation, and \$125,140 from the Gas Tax Fund.

Recommended Action: 1) Adopt a resolution designating projects to submit to the California Transportation Commission (CTC) for funding under the Road Maintenance and Rehabilitation Account and incorporating the designated projects into the FY 2020-2021 Fiscal Year Capital Improvement Program budget; and 2) Approve a budget amendment in the amount of \$1,700,000 appropriating funds for the designated projects.

MOTION: Brown  
SECOND: Park  
AYES: Brown, Park, Swift, Traut, Smith  
NOES: None

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

RESOLUTION NO. 14120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 TO SUBMIT TO THE CALIFORNIA TRANSPORTATION COMMISSION AND INCORPORATING THE DESIGNATED PROJECTS INTO THE FISCAL YEAR 2020-2021 CAPITAL IMPROVEMENT PROJECT BUDGET

**Emergency Services 188**

13. REPORT REGARDING POTENTIAL COVID-19 RELIEF PROGRAMS FOR RESIDENTS AND BUSINESSES  
Presented by City Manager's Office

Purpose: Report by the City Manager's Office will discuss potential financial resources and program options to assist residents and businesses during and after the COVID-19 pandemic. There is no direct budget impact with the receipt of this report.

Recommended Action: Receive report and provide direction to staff.

Assistant City Manager France summarized the staff report and options available for City Council consideration:

- Tenant based rental assistance program utilizing 2018 Federal Grant Funds (\$500,000). The State advised the funds may be used for a 12-month tenant based rental assistance program of approximately \$500-\$1,000 depending on need. Residents would qualify under income requirements. Staff recommends hiring a consultant to facilitate the program which would be approximately 12% – 15% of program costs.
- A local business loan or grant program: COVID-19 CARES ACT approved by Congress allows for low or zero interest program or grant program for small business with 25 employees or less. Guidelines would need to be solidified and formalized and City staff would be able to facilitate the program for Buena Park small businesses.
- Economic Development Funds: Assistance program through Economic Development Funds: funds are general fund diverted for a specific economic development purpose. These funds may be necessary should there be further financial City issues related to the COVID-19 issues.

The City Council discussed the desire to assist Buena Park residents and small businesses. There was no interest by Council Members to utilize Economic Development Funds.

City Manager Vanderpool advised staff will be presenting a budget for adoption during the summer in order to present a better idea of local revenues for the City.

**MOTION:** Utilize 2018 HOME Grant Funds for a tenant based rental assistance program; return with program deliverables (criteria, eligibility, approval process, and expenditures) for a local small business loan program utilizing \$514,000 COVID-19 CARES Act funds; and, do not utilize Economic Development Funds.

**MOTION:** Swift  
**SECOND:** Park  
**AYES:** Swift, Park, Brown, Traut, Smith  
**NOES:** None

**MOTION CARRIED** to approve the recommended action.

Council Member Park requested the City Manager's Office contact North Orange County Chamber of Commerce and the Orange County Hispanic Chamber of Commerce for local business outreach materials, and requested Small Business Administration (SBA) videos on how to apply for disaster relief funds from the Federal Government be added to the City's website.

#### **Codes 64 Emergency Services 188**

14. **URGENCY ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BUENA PARK, CALIFORNIA, AMENDING AND CLARIFYING A LOCAL MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS FOR TENANTS SUFFERING FINANCIAL IMPACTS FROM COVID-19, CONSISTENT WITH EXECUTIVE ORDER N-37-20 OF THE CALIFORNIA GOVERNOR**  
 Presented by City Attorney's Office

Purpose: The City Council will consider adopting an Urgency Ordinance amending the Moratorium on residential and commercial evictions in the City to incorporate supplemental language set forth in Executive Order N-37-20, issued by California Gavin Newsom on March 27, 2020. There is no direct fiscal impact with the adoption of this resolution.

Recommended Action: 1) Adopt an Urgency Ordinance clarifying the scope and application of the City of Buena Park's moratorium on the eviction of residential and commercial tenants suffering financial impacts related to COVID-19 ("Moratorium").

City Attorney Cardinale summarized the staff report and noted the following changes in the Moratorium for residential and commercial evictions:

- Extends the deadline for qualifying residential tenants to respond to a landlord's complaint for eviction (an "unlawful detainer" action) from five (5) days, to sixty-five (65) days.
- No later than seven (7) days after rent is due, the tenant notifies the landlord in writing of the need to delay all or some payment of rent because of an inability to pay for reasons related to COVID-19, including but not limited to:
  - The tenant was unavailable to work because the tenant was sick with a suspected or confirmed case of COVID-19, or carrying for a family / household member who was sick with a suspected / confirmed case of COVID-19;
  - The tenant experienced a lay-off, loss of hours, or other income reduction as result of COVID-19 or a governmental response (e.g. "stay at home" order); or,
  - The tenant missed work to care for a child whose school was closed in response to COVID-19; and
  - The tenant retains documentation from an employer explaining the tenant's changed financial circumstances to support the tenant's assertion of an inability to pay.

Executive Order N-37-20 and the Emergency Rules were issued after the City Council's adoption of the Urgency Ordinance, and clarify the rights and remedies of tenants during these

difficult times. However, these orders do not substitute or replace the added protections afforded by the City's Moratorium; particularly to commercial tenants, which are not addressed in the recent Executive Order. Staff recommends the substantive and procedural clarifications provided in the order be incorporated into the Moratorium.

Council Member Park requested the inclusion of a rent-freeze of no more than 10% for residential properties only, noting rent freeze language was not specifically included in the price gouging ordinance or this ordinance.

City Attorney Cardinal noted the following language would be added to the Moratorium: "Freeze on rent increases for residential tenants at the rate they are paying in their current term for the duration of the local emergency, May 31, 2020."

MOTION to ADOPT the Urgency Ordinance as amended:

MOTION: Park  
SECOND: Brown  
AYES: Park, Brown, Swift, Traut, Smith  
NOES: None

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

ORDINANCE NO. 1680  
URGENCY ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF BUENA PARK, CALIFORNIA, AMENDING AND CLARIFYING A LOCAL MORATORIUM ON RESIDENTIAL AND COMMERCIAL EVICTIONS FOR TENANTS SUFFERING FINANCIAL IMPACTS FROM COVID-19, CONSISTENT WITH EXECUTIVE ORDER N-37-20 OF THE CALIFORNIA GOVERNOR

(SUBSEQUENT NEED ITEM)

**Codes 64 Emergency Services 188**

15. URGENCY ORDINANCE REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC DURING THE COVID-19 LOCAL EMERGENCY

Presented by City Attorney's Office

City Council that a Subsequent Need Item (Urgency Ordinance requiring the wearing of face coverings in public during the Covid-19 local emergency) must added to the agenda. There is a need to take immediate action before the next regular City Council Meeting, and the need came to the attention of the City after the agenda was posted.

MOTION: Brown  
SECOND: Park  
AYES: Brown, Park, Swift, Traut, Smith  
NOES: None

MOTION CARRIED 5-0 to add Item No. 15 to the agenda.

City Attorney Cardinale advised this urgency ordinance would mandate all essential workers and members of the public, when outdoors, to wear cloth face coverings, which is consistent with guidance from CDC and OCHCA. Several other cities in Orange County have taken action to do so. If approved, this ordinance would apply for the duration of the emergency. The current version of this ordinance does not include sanitation mandates for essential business employers.

Council Member Swift stated she believes encouraging residents to wear a mask is a great idea and it is important to educate the public about the importance of wearing a mask, but stated she believes mandating the idea of wearing a mask in public is government overreach and is opposed to adopting this urgency ordinance.

Council Member Brown requested the urgency ordinance be amended to include: any employer with essential workers in Buena Park must provide personal safety equipment, face masks, gloves, hand sanitizer, or sanitation equipment and require all employees to wash their hands every 30 minutes.

MOTION: adopt the urgency ordinance as amended to include requirements for essential businesses to provide protective equipment for employees.

MOTION: Brown  
 SECOND: Park  
 AYES: Brown, Park, Traut, Smith  
 NOES: Swift

MOTION CARRIED (4-1) to approve the recommended action and adopt the following titled ordinance:

URGENCY ORDINANCE NO. 1681

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC DURING THE COVID-19 LOCAL EMERGENCY

Council Member Swift left the City Council Meeting.

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Mayor Pro Tem Traut reported the following:

- March 27 Government Advisory Panel for Southern California Edison (SCE)
- April 11 Buena Park Drive-Thru Spring Eggstravaganza

Mayor Pro Tem Traut reported SCE is postponing scheduled outages in the current environment; and SCE is now accepting applications for payment waivers.

Council Member Park reported the following:

- April 9 Buena Park Collaborative Virtual Meeting
- April 10 FIT Committee Virtual Meeting Meeting
- April 11 Buena Park Drive-Thru Spring Eggstravaganza

Council Member Brown had nothing to report or calendar.

Mayor Smith reported the following:

- March 25 OCSD Conference Call
- March 22 Orange County Mayors Conference Call
- April 9 Conference call with Orange County BOS Steel
- April 9 Orange County Mayors Conference Call
- April 11 Buena Park Drive-Thru Spring Eggstravaganza

City Manager Vanderpool thanked Bryan Carmack of McDonald's for providing lunch for staff working the Buena Park drive-thru Spring Eggstravaganza.

ADJOURNMENT

There being no further business, Mayor Smith adjourned the meeting at 6:33 p.m.

  
 \_\_\_\_\_  
 Mayor

ATTEST:

  
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 City Clerk