

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD MAY 26, 2020

Vol. 51 Pg. 191

CALL TO ORDER

The City Council met in a regular session on Tuesday, May 26, 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, 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 Eddie Fenton, Director of Human Resources / Risk Management.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Adria M. Jimenez, MMC, City Clerk.

CITY MANAGER REPORT

City Manager Vanderpool introduced Community Services Director Box and Assistant City Manager France whom reported the following:

Community Services Director Box reported beginning June 1 the following recreation elements at City parks will begin to reopen with safety guidelines in place: restrooms at all parks; dog park at Bellis Park; tennis courts at Bellis and Boisseranc Parks; the handball courts at Bellis, Smith-Murphy, Boisseranc and San Marino Parks; and, picnic pads and tables only at Boisseranc and San Marino Parks. At this time, picnic shelters will not be opened. Recreation staff will be at the various locations to encourage and ensure safety protocols are being followed at all times. Stage 3 is anticipated to be implemented on June 26 and will include the reopening of more recreation park amenities, basketball courts, skate park, gymnasium, and Peak Park pool. Recreation programs will also resume June 26, in time for summer.

Assistant City Manager France reported on the business grant program. On April 28, 2020, the City Council approved the small business emergency grant program. Staff mailed over 1800 flyers to businesses in the City. Applications were accepted on Thursday and Friday of last week; 170 applications were received online, and 33 applications were received in-person for a total of 203 applications. The applications will be screened and staff is planning on conducting a live lottery via Facebook in the upcoming week or early next week. The selected businesses will be notified and staff will start issuing emergency funding.

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.

Chris Brown, Buena Park Historical Society President, submitted a letter regarding the City Council's previous discussion on March 12, 2020, regarding the Whitaker-Jaynes and Bacon historical homes and an office location for the curator.

There being no further comments, Mayor Smith closed oral communications.

CONSENT CALENDAR (1 – 10)

Mayor Smith 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. 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 Item Nos. 1 through 10 be approved.

Minutes

1. APPROVAL OF MINUTES

Recommended Action: 1) Approve Minutes of the Special and Regular City Council Meetings of May 12, 2020.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: 1) Adopt Resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14129

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$848.14 DEMAND NOS. 402601 THROUGH 402603

RESOLUTION NO. 14130

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,118,529.11, DEMAND NOS. 402604 THROUGH 402891, CANCELLED NOS. 402071 AND 402209

RESOLUTION NO. 14131

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$23,849.00 COVERING RETIREE PAYROLL ENDING APRIL 30, 2020

RESOLUTION NO. 14132

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 735,744.90 COVERING REGULAR PAYROLL ENDING MAY 1, 2020

Proclamation 119

3. PROCLAMATION FOR PEACE OFFICERS' MEMORIAL MONTH MAY 2020

Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

Proclamation 119

4. PROCLAMATION DESIGNATING MAY 17 - 23, 2020 AS NATIONAL PUBLIC WORKS WEEK IN BUENA PARK

Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

Commendations 65**5. RESOLUTION HONORING AND COMMENDING JOHN TEMPLETON ON HIS RETIREMENT**

Recommended Action: Adopt Resolution.

ADOPTED the following titled resolution:

RESOLUTION NO. 14133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, HONORING AND COMMENDING JOHN TEMPLETON ON HIS RETIREMENT

Contracts 70 C-2211**6. APPROVAL OF ADDENDUM NO. 10 TO THE AGREEMENT WITH TOWNSEND PUBLIC AFFAIRS FOR LEGISLATIVE ADVOCACY AND PUBLIC AFFAIRS CONSULTING SERVICES**

Purpose: Authorize and approve an extension to the agreement with Townsend Public Affairs for legislative advocacy and public affairs consulting services. Associated costs in the amount of \$96,900 are budgeted in the General Fund (\$72,675) and Water Enterprise Fund (\$24,225) for this purpose.

Recommended Action: That the City Council: 1) Approve Addendum No. 10 to the agreement with Townsend Public Affairs for legislative advocacy and public affairs consulting services; 2) Authorize any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

Budget 47 Loan Programs 1917**7. BUDGET APPROPRIATION IN THE AMOUNT OF \$500,000 FROM HOME PROGRAM INCOME FUNDS FOR THE HOME IMPROVEMENT PROGRAM (HIP) / OWNER-OCCUPIED REHABILITATION (OOR) PROGRAM**

Purpose: Authorize the Economic Development Division to appropriate funds in the amount of \$500,000 for the HIP/OOR Program from Home Program Income to fund current and future HIP construction projects.

Recommended Action: 1) Appropriate \$500,000 from HOME Program Income funds for the Home Improvement Program (HIP)/Owner-Occupied Rehabilitation (OOR) Program.

APPROVED the recommended action.

Records Destruction/Retention 171 Police Dept. 117**8. RESOLUTION AUTHORIZING THE DESTRUCTION OF SPECIFIED POLICE DEPARTMENT RECORDS AND DOCUMENTS NO LONGER REQUIRED IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 34090**

Purpose: Authorize the Police Department to destroy records no longer required or needed for any purpose and are occupying needed storage space in the Police Department Professional Standards Office. There is no budget impact with approval of this item.

Recommended Action: 1) Adopt a resolution authorizing the destruction of certain records in the Police Department Professional Standards Office, which are more than two, three, and five years old, pursuant to statutory retention requirements, and are no longer required.

ADOPTED the following titled resolution:

RESOLUTION NO. 14134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS AND FILES OF THE BUENA PARK POLICE DEPARTMENT CONSISTENT WITH APPLICABLE RETENTION SCHEDULES AND CALIFORNIA LAW

City Council 55

- 9. DESIGNATE COUNCIL MEMBER ART BROWN AS THE CITY'S VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENT'S (SCAG) GENERAL ASSEMBLY BUSINESS SESSION

Purpose: Designate Council Member Brown as the City's voting delegate for SCAG's General Assembly Business Session. There is no budget impact associated with this request.

Recommended Action: That the City Council: 1) Designate Council Member Art Brown as the City's voting delegate for SCAG's General Assembly Business Session.

APPROVED the recommended action.

Emergency Services 188

- 10. 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. There is no direct budget impact with the receipt of this item.

Recommended Action: 1) Receive report from staff.

APPROVED the recommended action.

NEW BUSINESS (11 – 12)

Contract 70 C-3194

- 11. PROFESSIONAL SERVICES AGREEMENT WITH AKAL CONSULTANTS FOR THE CRESCENT AVENUE REHABILITATION PROJECT
Presented by Public Works Department

Purpose: Authorize the Public Works Department to enter into an agreement with AKAL Consultants to provide engineering services for the Crescent Avenue Rehabilitation Project. Associated costs in the amount of \$48,100 will be funded by the Gas Tax Fund (Account No. 24-9806-590162).

Recommended Action: That the City Council: 1) Approve an agreement with AKAL Consultants in the amount of \$48,100 to prepare construction contract documents for the Crescent Avenue Rehabilitation Project; 2) Authorize the City Manager and the 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.

Assistant City Engineer Mikhael summarized the staff report noting the City received four proposals for the design work for the Crescent Avenue Rehabilitation Project. The four proposals were evaluated and staff recommends awarding the project to AKAL Consultants for \$48,100 to prepare construction contract documents for the project.

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

MOTION CARRIED to approve the recommended action.

Emergency Services 188 Water 153

12. CONSIDERATION OF EXTENDING DEADLINES ASSOCIATED WITH COVID-19 RELIEF FOR WATER SERVICE CUSTOMERS
Presented by City Attorney's Office

Purpose: Consider extending the wavier of late fees/penalties and the prohibition against the discontinuation of water service for nonpayment of water charges for the duration of the COVID-19 'local emergency.' Depending on the duration of the local emergency caused by COVID-19, this action could negatively impact the City's Water System Enterprise Fund, both in terms of cash flow and bottom line; however, staff believes the impacts to be temporary and will not affect the long-term solvency of the Water Enterprise Fund.

Recommended Action: 1) Consider extending the duration of protections to customers of the City's water system for the duration of the 'local emergency' proclaimed by the City Council, in the form of waiving late fees and not discontinuing service for non-payment of water charges (scheduled to expire June 1); and 2) Direct staff to implement the guidance published by the State Water Board relating to water service and the COVID-19 emergency.

City Attorney Cardinale summarized the staff report and requested the City Council consider extending the discontinuation of service termination for non-payment of water service during the local emergency. Guidelines and best practices were issued to all water service systems to address non-payment or reduced payments to water customers amongst additional information. This action would automatically expire upon the Governor's rescission of the emergency proclamation.

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

MOTION CARRIED to approve the recommended action.

RECESS/RECONVENE

Mayor Smith recessed the meeting at 5:50 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:02 p.m.

CALL TO ORDER 6 P.M.

PUBLIC HEARINGS (13 – 14)

Block Grants 1913 Budgets 47 Emergency Services 188

13. SUBSTANTIAL AMENDMENT TO THE FY 2015-2019 CONSOLIDATED PLAN AND FY 2019-2020 ANNUAL ACTION PLAN FOR THE COVID-19 SMALL BUSINESS EMERGENCY RELIEF GRANT PROGRAM
Presented by City Manager's Office

Purpose: Approve a Substantial Amendment to the FY 2019-2020 Action Plan as part of the 2015-2019 Consolidated Plan to include the Small Business Emergency Relief Grant Program and amend the CPP to allow for shortened public comment and alternative means of participation. This Substantial Amendment will allow the City to receive federal CDBG funds for the Small Business Emergency Relief Grant Program.

Recommended Action: 1) Open the public hearing; 2) Review and receive comments from the public for the Substantial Amendment to the FY 2019-2020 Action Plan as part of the 2015-2019 Consolidated Plan; 3) Amend the Citizen Participation Plan (CPP) to allow for a shortened public comment period and alternate means of participation; 4) Approve the resolution adopting the Substantial Amendment to the CDBG FY 2019-2020 Action Plan to include the COVID-19 Small Business Emergency Relief Grant Program; 4) Authorize the submission of the amendments to HUD; and 5) Approve an allocation plan to distribute the \$514,903 in CDBG-CV funds for the Small Business Emergency Relief Grant Program.

Assistant City Manager France reported staff is requesting approval of this item. Last month, the City Council authorized staff to initiate a small business grant program due to COVID-19

utilizing \$514,000 in CDBG funding, thus, triggering the requirement as a substantial amendment. The Small Business Development Center (SMDC) has been assisting in developing the program. The City sent out 1800 notices about the program to local businesses to promote the program. A total of 203 applications were received.

Mayor Smith stated that this was the time and place for a public hearing to consider. Mayor Smith opened the public hearing and inquired if anyone present desired to speak. There being no one desiring to speak, Mayor Smith closed the public hearing.

Council Member Park inquired about the selection process. Assistant City Manager France explained selection will be via a live lottery process on Facebook. The City received over 200 applications. Fifty applicants will be selected and names will be posted on the City's website and social media.

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. 14136
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK ADOPTING THE SUBSTANTIAL AMENDMENT TO THE 2019-2020 ANNUAL ACTION PLAN, AMENDING THE CITIZENS PARTICIPATION PLAN AND AUTHORIZING SUBMISSION OF THE PLANS TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Block Grants 1913

- 14. RESOLUTION ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DRAFT CONSOLIDATED PLAN 2020-2024 AND FISCAL YEAR 2020-2021 DRAFT ANNUAL ACTION PLAN
Presented by City Manager's Office

Purpose: Review and receive comments from the public related to the CDBG Draft Consolidated Plan 2020-2024 and Draft FY 2019-2021 Action Plan, which create goals for housing and community development, and allocate the City's federal grant funds. There is no General Fund budget impact with the approval of this item.

Recommended Action: That the City Council: 1) Review and receive comments from the public for the CDBG Draft 2020-2024 Consolidated Plan and CDBG Draft FY 2020-2021 Action Plan; and 2) Approve the resolution adopting the CDBG Consolidated Plan 2020-2024 and FY 2020-2021 Draft Annual Action Plan.

Assistant City Manager France provided a staff report advising the City Council staff is requesting the approval of the 5-year consolidated plan for FY 2020-2024, and FY 2020-2021 Annual Action Plan. The 5-year Consolidated Action Plan consists of five plans. The plans consist of residential rehabilitation programs, code enforcement activities, and a 15% allocation to public services, which assist community groups in the City.

Council Member Park requested staff locate funding sources for non-profit groups in Buena Park to create a similar program.

Mayor Smith stated that this was the time and place for a public hearing to consider. Mayor Smith opened the public hearing and inquired if anyone present desired to speak. There being no one desiring to speak, Mayor Smith closed the public hearing.

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

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

RESOLUTION NO. 14136

A RESOLUTION OF THE CITY OF BUENA PARK ADOPTING THE 2020-2024 CONSOLIDATED PLAN AND 2020-2021 ANNUAL ACTION PLAN

MAYOR/CITY COUNCIL REPORTS AND CALENDAR

Council Member Brown reported the following:

- May 20 SCAG Transportation Committee Meeting
- May 21 National Public Works Week BBQ at City Yard
- May 23 Thank you Parade for BPPD and OCFA
- May 24 Flyover by World War II Aircrafts

Council Member Park reported the following:

- May 14 BP Collaborative Meeting
- May 21 KPAC Meet and Greet and Mask Donation

Council Member Swift reported the following:

- May 13 OCFA Budget and Finance Committee Meeting

Council Member Swift responded to criticism about the historical home renovations and the location for the Buena Park Historical Society.

Mayor Pro Tem Traut reported the following:

- May 15 BPPD Appreciation Dinner Delivery
- May 21 National Public Works Week BBQ at City Yard

Mayor Smith reported the following:

- May 14 OC Mayors Conference Call
- May 15 OC Mayors Conference Call with OC Supervisor Steele and County CEO Kim
- May 20 Anaheim Union High School District Superintendents Meeting
- May 21 KPAC Meet and Greet and Mask Donation
- May 21 State of CA Mayors' Association Mask Donation
- May 21 Korean American Federation Mask Donation
- May 21 National Public Works Week BBQ at City Yard
- May 22 OC Supervisor Steele Meeting
- May 23 Thank you Parade for BPPD and OCFA

Mayor Smith thanked the Wise Team Realtors for organizing a parade in support of the Buena Park Police Department to show their appreciation for the Police Department's work. Mayor Smith apologized for anyone that may have been inconvenienced during this parade.

Council Member Swift introduced and congratulated the 2020 Buena Park Cable Foundation Scholarship Award winners:

- Angelica Mosqueda, Buena Park High School, attending UC Berkeley
- Laura Rivas, Cypress High School, currently attending University of Nevada at Reno
- Kaylen Rose Weiss, currently attending University of New Mexico
- Emily Deporter, currently attending Cal State Fullerton
- Rebecca May, currently attending Willamette University, in Oregon

SUBSEQUENT NEED ITEM
ADDED ITEM

City Attorney Cardinale advised the City Council that a Subsequent Need Item (Urgency Ordinance Concerning the Wearing of Face Coverings in Public During the COVID-19 Local Emergency in Recognition of the Face Covering Order Issued by the Public Health Officer for the County of Orange) must be 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 to add Item No. 15 to the agenda.

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- 15. URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, REPEALING URGENCY ORDINANCE NO. 1681, CONCERNING THE WEARING OF FACE COVERINGS IN PUBLIC DURING THE COVID-19 LOCAL EMERGENCY IN RECOGNITION OF THE FACE COVERING ORDER ISSUED BY THE PUBLIC HEALTH OFFICER FOR THE COUNTY OF ORANGE

City Attorney Cardinale explained on April 14, 2020, the City Council adopted an urgency ordinance requiring members of the public to wear non-medical grade face coverings when accessing essential services or performing services in the City. The City Council also required employers to provide face coverings and frequent access to sanitation facilities for employees. On May 22, 2020, the Governor approved OC for a variance to move further into Stage 2 for reopening. The Public Health Officer for the County of Orange instituted a face covering order that applies to all of Orange County. Staff is recommending that the City Council repeal its face covering ordinance and allow the County order to take effect. The City's ordinance included specific guidance to employers and employees that is no longer required because the State's guidance has requirements in place for each business sector.

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

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

ORDINANCE NO. 1682

URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, REPEALING URGENCY ORDINANCE NO. 1681 CONCERNING THE WEARING OF FACE COVERINGS IN PUBLIC DURING THE COVID-19 LOCAL EMERGENCY IN RECOGNITION OF THE FACE-COVERING ORDER ISSUED BY THE PUBLIC HEALTH OFFICER FOR THE COUNTY OF ORANGE

ADJOURNMENT

There being no further business, Mayor Smith adjourned the meeting at 6:15 p.m.



Mayor

ATTEST:



City Clerk