

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD JUNE 9, 2020

Vol. 51 Pg. 201

CALL TO ORDER

The City Council met in a regular session on Tuesday, June 9, 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, 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 Pastor Gabe Montez, The Way Fellowship.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Joel Rosen, AICP, Director of Community Development.

CITY MANAGER REPORT

City Manager Vanderpool reported that residents began receiving blue recycling bins for the City's new recycling program. EDCO will be enhancing current collection service by implementing automated commingled recycling collection. As part of this new program, EDCO will be providing residential customers with a new, wheeled blue recycling cart for household recyclables.

Jim Box, Director of Parks & Recreation reported the following:

- Newly installed art in the Council Chamber by contemporary artist Amy Smith; the art installation will be displayed for three weeks.
- Buena Park summer programs will begin with the opening of the Aquatics program, scheduled to begin June 29 at Peak Park pool. Pool will be open for lap swimming and swim lessons only, there will not be recreation swimming.
- Summer Day Camp at the Community Center and Buena Park High School Gymnasium will open. There will be 6 campers to 1 staff member and the staff member will be with the recreation leader for the entire week. Social distancing and masks are required.
- Daily Summer programs will be offered at all five park sites this summer.
- The Free Summer Lunch Program at Bellis Park in conjunction with Second Harvest Food Bank and County of Orange will begin as the Gilbert Elementary School Program ends.
- Summer Concerts will begin on July 29 at Boisseranc Park. Reservations are required to allow for social distancing at the park. For information, please contact the Parks & Recreation Department at (714) 562-3860.
- The Navigation Center Oversight Committee held a meeting via Zoom. Discussion included an introduction of committee members, roles and responsibilities of the committee, council expectations, introduction of Mercy House, the Navigation Center Operator and ended with a Q&A session. The next meeting is scheduled for Wednesday, June 17 via Zoom. Currently, June 29 is the anticipated date of opening for the Navigation Center.

PRESENTATIONS

Rick Howard, Executive Director, Orange County Mosquito and Vector Control District provided a Mosquito Inspection and Abatement report in Buena Park. Mr. Howard reported that the Orange County Mosquito and Vector Control District (OCMVCD) is observing an increase in mosquito activity in urban and coastal areas of the County. This increase marks the sixth week in a row that OCMVCD has recorded higher than average counts. Mosquito collections at this time last year averaged 24 mosquitoes per trap. Based on the high mosquito population in areas of Orange County, the District has implemented additional outreach to residents, and will continue to identify and treat any water sources that result in mosquito breeding.

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.

Pat Donnelly, Buena Park Lions Club, provided an update on the theme for Silverado Days: "First Responders - Our Heroes". Mr. Donnelly also commented that Silverado Days planning is underway with anticipated changes.

Carol McCann, Buena Park resident and Buena Park Collaborative, thanked all who have provided services, watched over the city and ensured safety during this pandemic, including The Jain Center and The Way Fellowship. Ms. McCann also commented that the Buena Park Collaborative funded a financial assistance program that will provide three households with rent and/or mortgage and utility assistance.

Jacqueline Murillo, Buena Park resident, thanked the City Council for work done for Buena Park residents facing challenges from the COVID-19 pandemic, such as the eviction moratorium, resolution of price gouging, and translating the information into various languages, particularly in Spanish. She commented that there is need for interpretation services for City Council meetings and the community. She thanked Council Member Park for her support of the Hispanic community.

Ramona Lopez, Buena Park resident, thanked the City Council for work done for Buena Park residents facing challenges from the COVID-19 pandemic, such as the eviction moratorium, resolution of price gouging, and commended the City for translating materials into various languages, particularly in Spanish. She commented that there is a need for interpretation services for City Council meetings and the community. She thanked Council Member Park for her support of the Hispanic community.

There being no further requests to speak, Mayor Smith closed oral communications.

CONSENT CALENDAR (1 – 5)

Mayor Smith announced that Consent Calendar Items 1 through 5 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: Swift
 SECOND: Brown
 AYES: Swift, Brown, Park, Traut, Smith
 NOES: None

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

Minutes

1. APPROVAL OF MINUTES

Recommended Action: Approve Minutes of the Special and Regular City Council Meetings of May 26, 2020.

APPROVED the recommended action.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt Resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14137

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$6,202.55 DEMAND NOS. 402892 THROUGH 402895

RESOLUTION NO. 14138

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$577,050.26 DEMAND NOS. 402896 THROUGH 403157 CANCELLED NOS. 400433, 401440, 401458, 401474, 402241, 402333, 402363, 402604, AND 402650 VOIDS

RESOLUTION NO. 14139

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$ 734,371.82 COVERING REGULAR PAYROLL ENDING MAY 15, 2020

Reports & Studies 129

3. TREASURER'S REPORT FOR THE MONTH OF APRIL 2020

Purpose: Review the Treasurer's Investment Report prepared by the Finance Department for the month of April 2020. There is no fiscal impact in receiving this report.

Recommended Action: 1) Receive and file the reports.

APPROVED the recommended action.

Contracts 70 C-3159 Public Works Proj. 125 PW-882

4. FINAL PAYMENT TO HOLTVILLE AIR CONDITIONING & ELECTRICAL, INC., DBA VIC'S AIR CONDITIONING & ELECTRICAL, FOR THE BUENA PARK CITY HALL HVAC UPGRADE PROJECT

Purpose: Authorize the Public Works Department to issue final payment and file a Notice of Completion for the Buena Park City Hall HVAC upgrade project. This project was funded by the General Fund (Account No. 11-9806-190059).

Recommended Action: 1) Accept the project as complete and approve a final payment to Holtville Air Conditioning & Electrical, Inc., dba Vic's Air Conditioning & Electrical (Vic's Air Conditioning & Electrical) in the amount of \$151,466.81; and 2) Direct the Public Works Department to file a Notice of Completion.

APPROVED the recommended action.

Emergency Services 188

5. 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 and file a report regarding the City's actions regarding COVID-19. There is no direct budget impact with the receipt of this item.

Recommended Action: 1) Receive and file report from staff.

APPROVED the recommended action.

END OF CONSENT CALENDAR

NEW BUSINESS (6 – 8)

Elections 74

6. RESOLUTIONS PERTAINING TO THE BUENA PARK GENERAL MUNICIPAL ELECTION OF TWO COUNCIL MEMBER SEATS FOR DISTRICTS 3 AND 4 FOR NOVEMBER 3, 2020
Presented by City Clerk's Office

Purpose: Authorize the City Clerk to initiate the process for the November 3, 2020, election to fill the District 3 and District 4 seats on the City Council. Estimated costs are approximately \$65,000 and are included in the proposed FY 2020-2021 Budget. If a runoff election is required to resolve a tie-vote, additional costs in the amount of approximately \$20,000 per district would need to be budgeted.

Recommended Action: That the City Council adopt the following titled Resolutions: 1) A Resolution calling for the holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the election of one Council Member in District 3, and one Council Member in District 4, for a full term of four years each; 2) A Resolution requesting the Orange County Register of Voters consolidate a General Municipal Election to be held on November 3, 2020, with the Statewide General Election to be held on the date pursuant to Section 10403 of the California Elections Code; 3) A Resolution adopting regulations pertaining to candidate statements; and 4) A Resolution determining if a tie-vote shall be resolved by a runoff election.

City Clerk Jimenez summarized the staff report and requested the City Council adopt the following resolutions: a resolution calling for the holding of a General Municipal Election on Tuesday, November 3, 2020, for the election of one Council Member in District 3, and one Council Member in District 4, for a full term of four years each; a resolution requesting the Orange County Register of Voters consolidate a General Municipal Election to be held on November 3, 2020, with the Statewide General Election to be held on the date pursuant to Section 10403 of the California Elections Code; a resolution adopting regulations pertaining to candidate statements; and a resolution determining if a tie-vote shall be resolved by a runoff election.

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

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

RESOLUTION NO. 14140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER, 3, 2020, FOR THE ELECTION OF TWO COUNCIL MEMBER SEATS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES

RESOLUTION NO. 14141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE

RESOLUTION NO. 14142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020

RESOLUTION NO. 14143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT THE ELECTION TO BE HELD NOVEMBER 3, 2020

Housing 87 Grants 185 Planning 14 Budgets 47

- 7. RESOLUTION AUTHORIZING APPLICATION FOR, AND RECEIPT OF, THE LOCAL EARLY ACTION PLANNING (LEAP) GRANT PROGRAM TO PROVIDE FUNDING FOR THE PREPARATION AND ADOPTION OF PLANNING DOCUMENTS AND PROCESSES TO PROMOTE LOCAL HOUSING DEVELOPMENT
Presented by Community Development Department

Purpose: Authorize the Community Development Department to submit and, upon approval, accept a LEAP grant application to execute various planning methods to further local housing development. There is no direct impact to the budget with the application and receipt of this grant.

Recommended Action: 1) Adopt a resolution authorizing application for, and receipt of, the Local Early Action Planning (LEAP) Grant Program; 2) Authorize the City Manager to execute any necessary documents or agreements associated with the application or receipt of this grant; 3) Accept grant funds, once awarded, for this purpose; and 4) Approve a budget amendment in the amount of \$300,000 for this purpose.

Acting Planning Manager Meshram summarized the staff report and requested the City Council consider adopting a resolution authorizing application for, and receipt of, the Local Early Action Planning (LEAP) Grant Program; accept grant funds, once awarded, for this purpose; and approve a budget amendment in the amount of \$300,000.

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

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

RESOLUTION NO. 14144
A RESOLUTION OF THE CITY COUNCIL OF BUENA PARK AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

Budgets 47 Contracts 70 C-3115 C-3199

- 8. COOPERATIVE AGREEMENT WITH THE CITY OF ANAHEIM RELATED TO DESIGN AND CONSTRUCTION OF THE WESTERN AVENUE PEDESTRIAN TRAFFIC SIGNAL AND APPROVE AMENDMENT NO. 2 TO A PROFESSIONAL SERVICES AGREEMENT (PSA NO. 19-07) WITH ITERIS, INC. FOR ENGINEERING DESIGN SERVICES FOR THE WESTERN AVENUE PEDESTRIAN TRAFFIC SIGNAL PROJECT
Presented by Public Works Department

Purpose: Approve an agreement for the design and construction of a pedestrian traffic signal on Western Avenue between Tyler Avenue and Monroe Avenue as well as engineering design services associated with the project. Buena Park's estimated cost for the project is \$250,000, which will require a budget amendment to the current fiscal budget.

Recommended Action: 1) Approve a Cooperative Agreement with the City of Anaheim related to the design and construction of the Western Avenue pedestrian traffic signal; 2) Approve Amendment No. 2 to Professional Services Agreement No. 19-07 for engineering design services for the Western Avenue Pedestrian Traffic Signal Project; 3) Authorize the City Attorney and City Manager to make any necessary changes to the agreement or amendment; 4) Authorize the Mayor and City Clerk to execute both the agreement and the amendment; and, 4) Approve a budget amendment in the amount of \$250,000 from the undesignated Gas Tax Fund balance for this purpose.

Principal Engineer Arabolu summarized the staff report noting this project will provide design and construction of a pedestrian traffic signal on Western Avenue between Tyler Avenue and Monroe Avenue. The City Council discussed pedestrian travel on Western Avenue in February 2019. The City Council directed staff to proceed with an investigation into locations for a pedestrian traffic signal on Western Avenue in the vicinity of Centralia Elementary School.

The cities of Buena Park and Anaheim identified the need for a pedestrian signal system at the midblock location between Monroe Avenue and Tyler Avenue. The proposed location falls under the jurisdiction of both cities, with the west side within the jurisdiction of the City of Buena Park and the east side within the jurisdiction of the City of Anaheim. The proposed Cooperative Agreement between the cities outlines the responsibilities of each agency involved in the project. Amendment No. 2 to the PSA with Iteris, Inc. includes the extra time needed to modify plans to the City of Anaheim's standards and to produce separate detailed signing & striping sheets, fiber optic communication sheets, and notes for Anaheim utility relocations.

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

MOTION CARRIED to approve the recommended action.

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Council Member Swift reported the following:

- May 28 OCFA Board Meeting via Zoom

Council Member Park reported the following:

- May 28 First Responders Event by Simpson Car Dealer
- June 3 Korean American Federation of OC, Mask and Hand Sanitizer Donation
- June 3 Nature Republic Hand Sanitizer Donation
- June 5 Fit Committee Meeting via Zoom
- June 7 Sikh Temple Meal Distribution

Council Member Brown reported the following:

- June 2 SCAG General Assembly via Zoom

Mayor Pro Tem Traut reported the following:

- May 28 Breakfast for City Hall Staff

Mayor Smith reported the following:

- May 27 Orange County Sanitation Board Meeting
- May 28 Mayor's Weekly Meeting
- May 29 Supervisor Steel Meeting, Check Presentation
- June 2 Mayor's Prayer Breakfast Meeting
- June 3 Korean American Federation of OC, Mask and Hand Sanitizer Donation
- June 3 Nature Republic Hand Sanitizer Donation
- June 3 Orange County Sanitation Board Meeting
- June 4 Mayor's Meeting
- June 5 Supervisor Steel & County CEO Meeting

RECESS

Mayor Smith recessed the meeting at 6:35 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:50 p.m.

STUDY SESSION (9 – 13) (Reconvene in the Council Chamber)

9. DISCUSS AND PROVIDE DIRECTION REGARDING FOOD DISTRIBUTION IN THE CITY

Presented by: City Manager's Office

Assistant City Manager France reported that the City Council recently requested a discussion regarding food distribution in the City of Buena Park. The topic was calendared for discussion by Mayor Smith. Specifically, this request for discussion is related to the former Stage Stop Hotel and the current occupant, Buena Park Collaborative/Community Resource Center, potentially offering food items to clients in need of services. The City entered into the lease with One OC/Buena Park Collaborative in November 2019.

Susan Sonne, Executive Director, Buena Park Collaborative commented that the vision of Buena Park Collaborative is to help Buena Park be an inclusive, safe, healthy, active, and prosperous community. Access to nutritious food is a key element of that vision. The Collaborative's intention is to provide access to nutritious foods to those in need by partnering with organizations. At this time, there are no plans to create or maintain a food pantry at any location.

The City Council directed staff to work with the City Attorney to clarify the lease between the Buena Park Collaborative and the City to include language prohibiting food distribution and require quarterly statistical reports to the City Council.

10. DISCUSS AND PROVIDE DIRECTION REGARDING NEW WATER USE
LEGISLATION (SB-606 AND AB-1688)
Presented by: Public Works Department

Operations Manager Brodowski reported that in 2018, the Governor of California signed into law two pieces of legislation that will have significant impacts on water utilities during the next decade. Senate Bill 606 (Hertzberg) and Assembly Bill 1668 (Friedman) will establish new local water supplier water efficiency targets based on indoor and outdoor residential water use; commercial, industrial, and institutional landscape water use; and water lost through leaks. The legislation also establishes plans for statewide drought planning and water shortage contingency plans.

The Department of Water Resources and the State Water Board are currently in the rule-making process. Unfortunately, there was some inaccurate reporting that suggested residents could be fined \$1,000 per day for using more than 55 gallons of water per resident, such as might occur by showering and doing laundry on the same day. This misinformation has caused some people to panic. The City is partnering with the Municipal Water District of Orange County (MWDOC) to comment on and develop the Water Loss Standards and other components of the legislation. At the study session, staff will lead a discussion regarding the current status of this issue and answer any questions that may arise.

The new standards are anticipated to go into effect in 2023. Staff understands that fines may be issued to water agencies whose allocation is exceeded by their water customers. Staff anticipates that water rates could also rise for agencies as a result of exceeding their individual allocation.

The City Council received and filed this report.

11. DISCUSS AND PROVIDE DIRECTION REGARDING SMALL BUSINESS RELIEF
FUNDS FROM THE COUNTY OF ORANGE
Presented by: City Manager's Office

Assistant City Manager France reported, the County of Orange has received stimulus funding through the CARES Act as a result of COVID-19. The Mayor and City Manager visited Chairwoman Steel's office on June 2nd to receive the proportionate funding for District 2, \$817,325.91 in CARES Act funding based on the City's population. The general guidelines for the funding distribution are as follows:

1. Funding must be given as grants to small businesses (100 or less employees OR gross receipts of \$15 million or less over 3 years, as defined in the agreement between the County and City).
2. Small businesses must be located within Supervisor Steel's district (District 2).
3. Funding must be streamlined to small businesses with no funding being directed elsewhere (i.e. Consultants, contractors, City staff, etc.).
4. Funding must be related to losses due to COVID-19.

Staff is seeking direction from the City Council on the process for delivering the County funds to small businesses:

- Option 1 - Utilize applications received via the City's Small Business Emergency Relief Grant Program to begin the distribution of District 2 funding. Approximately 30 applicants, of the roughly 200 submitted, were received from small business owners located in District 2.
- Option 2 - Offer a separate program for small businesses within District 2 and require small businesses to apply for the program (small business as defined by agreement between County and City).
- Option 3 - Provide staff alternative direction.

One additional item for City Council consideration is the dollar amount distributed per business. For example, it may make sense for small businesses on the larger side (75 to 100 employees) to receive more than a small business with only two employees. The City Council may wish to consider different funding limits based on the number of employees (example: 100 to 75 employees eligible for \$50,000; 50 to 75 employees eligible for \$30,000; 25 to 50 employees eligible for \$20,000; 25 and under employees eligible for \$10,000).

After discussion, the City Council directed staff to distribute funds with the following parameters: lottery system; business in operation for three months or longer, with an active business license; flexibility in surplus fund distribution; and allocate funds per business size, (Example: 10 or less employees, business eligible up to \$10,000; 11 to 50 employees, business eligible up to \$20,000; 50 to 100 employees, business eligible for up to \$30,000 - \$50,000).

12. CITY MANAGER REPORT

Assistant City Manager France announced Buena Park Graduates from College event in which staff is coordinating times with college graduates in the City over the next few days. Each Council Member will visit the homes of these grads to deliver a few items and take a quick photo.

13. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez advised City Council staff will be scheduling upcoming commissioner interviews via Zoom.

ADJOURNMENT

There being no further business, Mayor Smith adjourned the meeting at 7:50 p.m.



Mayor

ATTEST:



City Clerk