

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD SEPTEMBER 22, 2020

Vol. 51 Pg. 292

CALL TO ORDER

The City Council met in a regular session on Tuesday, September 22, 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: Aaron France, City Manager; Chris Cardinale, City Attorney; and Adria M. Jimenez, MMC, City Clerk.

INVOCATION

The invocation was led by Eddie Fenton, Assistant City Manager/Director of Human Resources/Risk Management.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark Saucedo, Community Services Supervisor.

CITY MANAGER REPORT

City Manager France reported on the following:

- Introduced David Crabtree, Interim Community Development Director
- Buena Park Goes to College Event cancelled due to the pandemic
- Fallen Officer's Memorial Project, scheduled to be completed by the end of October
- Caltrans Storm Drain Upgrade Project along Beach Blvd between Commonwealth Avenue and Cascade Way, will result in detours and lane closures until December 2020.

City Clerk Jimenez reported on the following:

- League of Women Voters Candidate Forum to be held September 24 at 6:00 p.m., available for viewing on BPTV and the City's website.
- National Voter Registration Day 2020: Register in September, vote in November. Deadline to register to vote is October 19, 2020. Register online at: registertovote.ca.gov, ocvote.com, or buenapark.com/city-clerk/elections

Community Services Department reported on the following:

- Lauren Morales, Community Services Coordinator presented, The Beauty of Quilts currently on display in the City Hall Council Chamber featuring quilts from the Acacia Quilt Guild and the Subterranean Quilters.
- Mark Saucedo, Community Services Supervisor reported on the following:
 - Invited the community to the Autumn Movie Night, Saturday, October 10, 6:00 p.m., featuring Casablanca at Ehlers Plaza, social distancing guidelines will be followed.
 - Senior Center providing food and other resources for Seniors, including outdoor activities and Car Bingo.

PRESENTATIONS

Senator Chang and Mayor Smith recognized Korean Community Services (KCS) as the non-profit of the year for Senate District 29. Senator Chang presented a Certificate of Recognition.

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.

City Clerk Jimenez read public comment emails in opposition to Proposition 16 which will be on the November 3, 2020 ballot from the following: Ashley Owen, Wei Huang, Sue Zhao and Teame Ozeqbe.

City Clerk Jimenez read an email received for public comment regarding defunding the police, dirty streets and easily accessible trash cans from Daniel Solis.

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

CONSENT CALENDAR (1 – 17)

Mayor Smith announced that Consent Calendar Items 1 through 12 and 14 through 17 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 Swift requested separate consideration of Item No. 13. There being no additional 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 Item Nos. 1 through 12 and 14 through 17 be approved.

Minutes

1. APPROVAL OF MINUTES
Recommended Action: Approve Minutes of the Special and Regular City Council Meetings of September 8, 2020.

APPROVED the recommended action.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS
Recommended Action: Adopt Resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14204

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,785,513.18 DEMAND NOS. 404581 THROUGH 404808 CANCELLED NOS. 404479 AND 404524

RESOLUTION NO. 14205

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$56,640.66 DEMAND NOS. 404809 THROUGH 404827

RESOLUTION NO. 14206

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$25,519.33 COVERING RETIREE PAYROLL ENDING AUGUST 31, 2020

RESOLUTION NO. 14207

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$750,495.54 COVERING REGULAR PAYROLL ENDING SEPTEMBER 4, 2020

Reports & Studies 129

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

Recommended Action: 1) Receive and file the reports.

APPROVED the recommended action.

Commendations 65

4. **RESOLUTION HONORING AND COMMENDING JOEL ROSEN ON HIS RETIREMENT**

Recommended Action: Adopt Resolution.

ADOPTED the following title resolution:

RESOLUTION NO. 14208

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, RECOGNIZING JOEL W. ROSEN ON HIS RETIREMENT

Contracts 70 C-3173 C-3174 C-3076 C-3090 C-3103 C-3104C-3154 C-3178 C-3225 Homelessness 88

5. **FINAL PAYMENT TO HOWARD CDM FOR THE BUENA PARK NAVIGATION CENTER PROJECT**
Purpose: Authorize the Public Works Department to issue final payment and file a Notice of Completion for the Buena Park Navigation Center Project. This project was funded by a combination of State Homeless Emergency Aid Program (HEAP) Grant funds, SB-2 funds, and North SPA city contributions, and a County contribution (Account No. 21-9806-599795).

Recommended Action: 1) Accept project as complete and approve final payment to Howard CDM in the amount of \$160,699.90 for the Buena Park Navigation Center Project; and 2) Direct the Public Works Department to file a Notice of Completion.

APPROVED the recommended action.

Contracts 70 C-2802

6. **COOPERATIVE AGREEMENT WITH THE FRIENDS OF THE BUENA PARK YOUTH THEATRE FOR THE BUENA PARK YOUTH THEATER PROGRAM**
Purpose: Approve an agreement with the Friends of Buena Park Youth Theatre for the operation of the Buena Park Youth Theater Program. Associated costs in the amount of \$12,950 have been previously budgeted for this program in FY 2020-2021.

Recommended Action: 1) Approve a cooperative agreement with the Friends of the Buena Park Youth Theatre for operation of the Buena Park Youth Theater Program for a term of three years; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

Budgets 47 Contracts 70 C-2745 Grants 185

7. AGREEMENT WITH THE STATE OF CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT
Purpose: Authorize the Police Department to receive grant funding for STEP enforcement operations. The proposed agreement is in the amount of \$154,000 and will fully reimburse STEP program-related activities.

Recommended Action: 1) Approve an agreement with the State of California Office of Traffic Safety (OTS) for the Selective Traffic Enforcement Program (STEP) Grant (#PT21086); 2) Authorize the City Manager, Finance Director, and Traffic Sergeant to execute the agreement and all other necessary grant documents; 3) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and, 4) Approve a budgetary action to appropriate grant funds in the amount of \$154,000.

APPROVED the recommended action.

Contracts 70 C-3224

8. PROFESSIONAL SERVICES AGREEMENT WITH TUCKFIELD & ASSOCIATES FOR A WATER AND WASTEWATER RATE STUDY
Purpose: Authorize the Public Works Department to retain a consultant to perform a rate study for the water and wastewater program fees. Associated costs in the amount of \$39,300 will be funded by the Water Enterprise Fund (Account No. 52-9806-396829).

Recommended Action: 1) Approve a Professional Services Agreement with Tuckfield & Associates in the amount of \$39,300 to perform a water and a wastewater rate study; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

Contracts 70 C-1504

9. AMENDMENT NO. 2 TO A PROFESSIONAL SERVICES AGREEMENT WITH BUDGET JANITORIAL FOR JANITORIAL SERVICES IN THE CITY
Purpose: Authorize the Public Works Department to execute an amendment to the agreement to extend janitorial services for an additional year. Associated costs in the approximate amount of \$78,233.04 for the Police Department and \$174,109.08 for the other City facilities are included in the adopted budget (Account Nos. 11-6240-650306 and 11-6240-860810).

Recommended Action: 1) Approve Amendment No. 2 to the Professional Services Agreement with Budget Janitorial Services in the approximate amount of \$252,342.12 for citywide janitorial services; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the amendment; and 3) Authorize the City Manager and City Clerk to execute the amendment to the agreement.

APPROVED the recommended action.

Contracts 70 C-2511

10. AMENDMENT NO. 4 TO AGREEMENT NO. 70-C-2511 WITH MERCHANTS LANDSCAPING FOR LANDSCAPING SERVICES IN THE CITY
Purpose: Authorize the Public Works Department to extend the existing agreement with Merchants Landscaping through June 30, 2021. Associated costs in the approximate amount of \$539,856.72 are budgeted for this purpose (Account Nos. 11-6240-860810 and 11-6240-660241).

Recommended Action: 1) Dispense with competitive bidding pursuant to Buena Park Municipal Code Section 3.28.080 (H) for landscape maintenance services; 2) Approve Amendment No. 4 to the Agreement with Merchants Landscaping services from October 1, 2020, through June 30, 2021, at same terms and rate; 3) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the amendment; and 4) Authorize City Manager and City Clerk to execute the amendment.

APPROVED the recommended action.

Taxation 144 Tourism & Conv. 184

11. RESOLUTION OF INTENTION TO MODIFY THE BUENA PARK TOURISM MARKETING DISTRICT (BPTMD) MANAGEMENT DISTRICT PLAN

Purpose: Adopt a resolution of intention to modify the Management District Plan to an end date to June 30, 2021, in order to align with the City's fiscal year calendar. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Adopt a Resolution of Intention to modify the Buena Park Tourism Marketing District Management District Plan.

ADOPTED the following titled resolution:

RESOLUTION NO. 14209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK DECLARING ITS INTENTION TO MODIFY THE MANAGEMENT DISTRICT PLAN OF THE BUENA PARK TOURISM MARKETING DISTRICT

Admin. Svcs. 112

12. RESOLUTION APPROVING A MONTHLY STIPEND FOR VOLUNTEER POLICE RESERVE OFFICERS

Purpose: Adopt a resolution to provide volunteer Police Reserve Officers a monthly stipend. Associated costs in the amount of approximately \$13,440 annually will be funded by a reduction in the Police Department's overtime budget by the same amount.

Recommended Action: 1) Adopt a resolution approving a monthly stipend for volunteer Police Reserve Officers.

ADOPTED the following titled resolution:

RESOLUTION NO. 14210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING A MONTHLY STIPEND FOR POLICE DEPARTMENT VOLUNTEER POLICE RESERVE OFFICERS AND AMENDING THE PAY SCHEDULE FOR PART-TIME, SEASONAL, AND LIMITED SERVICE EMPLOYEES EFFECTIVE OCTOBER 1, 2020, AND SUPERCEDING RESOLUTION NO. 14075

Admin. Svcs. 112

13. RESOLUTION TO AMEND AND RESTATE RESOLUTION NO. 1883 ESTABLISHING THE PERSONNEL SYSTEM RULES AND REGULATIONS

Purpose: Approve amendments to the Personnel System Rules and Regulations governing the employees of the City of Buena Park. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Adopt a resolution to approve an amended and restated resolution establishing the Personnel System Rules and Regulations.

Council Member Swift pulled this item to inquire and clarify that this was only a temporary change until March of 2021, as well as to clarify what happens if the COVID-19 pandemic/emergency lasts longer than anticipated.

Director of Human Resources/Risk Management Fenton responded, Human Resources staff will monitor the application of this amendment and report back to the City Council in or around March 2021.

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

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

RESOLUTION NO. 14211

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK AMENDING THE PERSONNEL SYSTEM RULES AND REGULATIONS OF THE CITY OF BUENA PARK

Admin. Svcs. 112

- 14. RESOLUTION AMENDING THE BUENA PARK JOB CLASSIFICATION PLAN UPDATING THE HOUSING AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANALYST CLASSIFICATION
Purpose: Adopt a Resolution amending the Classification Plan to provide for updated job titles, essential functions, qualifications guidelines, and physical and mental demands. There is no budget impact with the approval of this item.

Recommended Action: 1) Adopt a Resolution amending the City's Job Classification Plan revising the Housing and CDBG Analyst classification; and 2) Approve the revised job classification specification.

ADOPTED the following titled resolution:

RESOLUTION NO. 14212
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING THE CITY CLASSIFICATION PLAN REVISING THE HOUSING AND CDBG ANALYST JOB CLASSIFICATION

Codes 64 Political Reform Act 199

- 15. RESOLUTION ADOPTING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY PERSONNEL
Purpose: Authorize the City Clerk to update those public official and employee positions that must file statements disclosing financial interests. There is no budget impact with this approval.

Recommended Action: 1) Adopt a resolution adopting the City's Conflict of Interest Code for designated City personnel.

ADOPTED the following titled resolution:

RESOLUTION NO. 14213
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ADOPTING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY PERSONNEL

Garbage & Refuse 83 Police Dept. 117 Reports & Studies 129

- 16. APPROVAL OF CITY RESPONSES TO TWO ORANGE COUNTY GRAND JURY REPORTS REGARDING POLICE DEPARTMENT PEER SUPPORT PROGRAMS AND WASTE CONTRACTS
Purpose: Approve the City's responses to two Orange County Grand Jury reports and authorize the City Manager to submit both reports to Presiding Judge of the Superior Court Kirk H. Nakamura. There is no budget impact with the approval of this item.

Recommended Action: 1) Approve the City's responses to the Orange County Grand Jury reports, and 2) Authorize the City Manager to submit the City's responses to Presiding Judge of the Superior Court, Kirk H. Nakamura.

APPROVED the recommended action.

Emergency Services 188

- 17. 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 (18 - 20)

Contracts 70 C-3225 Grants 185 Homelessness 88

18. MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE COUNTY OF ORANGE FOR THE BUENA PARK NAVIGATION CENTER
Presented by City Attorney's Office

Purpose: Authorize the City Manager's Office to obtain CARES Act funds from the County of Orange in the amount of \$1 million to offset operating costs of the Buena Park Navigation Center incurred during the COVID-19 pandemic. There is no direct General Fund impact associated with this action.

Recommended Action: 1) Approve a Memorandum of Understanding (MOU) with the County of Orange for the Buena Park Navigation Center for the allocation of \$1 million in CARES Act funding (CARES Grant) towards operations of the Buena Park Navigation Center; 2) Authorize the City Manager and City Attorney to make any non-monetary changes to the MOU necessary to protect and preserve the City's interests; and, 3) Authorize the City Manager and City Clerk to execute the MOU on the City's behalf, subject to consent/acceptance of the MOU's terms and conditions by the North SPA (NSPA).

City Attorney Cardinale summarized the staff report noting, that since inception of the Navigation Center project, staff has worked proactively to identify funding sources to help offset the high cost of constructing and operating the facility. The County of Orange has agreed to provide the Buena Park Navigation Center \$1 million in CARES Act funding received from the federal government, in exchange for the ability to provide temporary housing for homeless individuals exiting the Governor's 'Project Roomkey' program. Project Roomkey is the Governor's initiative that utilizes FEMA funds to rent hotel rooms for the housing of at-risk homeless individuals during the pandemic.

The County has advised that, as Project Roomkey 'winds down' its operational phase, there is a need to temporarily house individuals exiting the program. To help address that need, the County proposes to allocate \$1 million in CARES Act funding to the Buena Park Navigation Center, in exchange for the right to place up to thirty (30) individuals in the facility between now and December 30, 2020. Note, there is no requirement that these individuals be accommodated at any one-time, meaning any impacts on the facility's capacity can be offset by coordinating with other shelters within the N-SPA.

A draft Memorandum of Understanding with the County is attached for the City Council's consideration. If Buena Park were to accept the CARES Funds, the monies would be remitted to the City of La Habra that is acting as Treasurer for the N-SPA MOU, and then could be used to offset operating costs of the Buena Park Navigation Center incurred between July 1 and December 20, 2020, including additional operational/facility costs incurred responding to the COVID-19 pandemic.

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

MOTION CARRIED to approve the recommended action.

Contracts 70 C-3222

19. COOPERATIVE AGREEMENT WITH THE CITY OF LA PALMA FOR THE ORANGETHORPE AVENUE REHABILITATION PROJECT
Presented by Public Works Department

Purpose: Authorize the Public Works Department to enter into a cooperative agreement with the City of La Palma to rehabilitate Orangethorpe Avenue between the 91 Freeway and Valley View Street. The City's proportionate share is estimated to be \$400,000, and will be funded from Gas Tax Fund (Account No. 24-9806-590166).

Recommended Action: 1) Approve a cooperative agreement with the City of La Palma for the Orangethorpe Avenue Rehabilitation Project; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the Mayor and City Clerk to execute the agreement.

Assistant City Engineer Mikhael summarized the staff report noting, Orangethorpe Avenue is a principal arterial highway, of which, one segment is located within cities of Buena Park and La Palma. The average Pavement Condition Index (PCI) along Orangethorpe Avenue is 41-59, indicating Poor Pavement Condition. The City of La Palma would like to enter into a cooperative agreement with the City of Buena Park to rehabilitate the roadway to extend the street's service life. La Palma will be taking the lead role with coordination, design, construction, and administration.

The City would be responsible for reimbursing La Palma for Buena Park's proportionate construction cost. Staff recommends entering into a cooperative agreement with the City of La Palma to take advantage of this cost-effective and efficient way of providing street rehabilitation. The City's proportionate share is estimated to be \$400,000, including contingency. This project is listed on the CIP budget, construction will commence by September 2020, and be completed in approximately 70 working days.

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

MOTION CARRIED to approve the recommended action.

Codes 64 Committees 191.12

20. ORDINANCE ESTABLISHING A HUMAN RELATIONS COMMITTEE
 Presented by Community Services Department

Purpose: Adopt ordinance formalizing the creation of a Human Relations Committee. There is no budget impact to the General Fund at this time.

Recommended Action: 1) Approve the proposed Human Relations Committee framework, and 2) Adopt an ordinance formalizing the creation of a Human Relations Committee.

Community Services Director Box reported that at the July 14, City Council meeting, Council Member Park formally requested a Human Relations (HR) Committee item be agendaized for discussion. At the July 28, 2020, study session, staff reported their findings to the City Council. After discussion, the City Council created an ad hoc committee of Council Members Swift and Park to investigate the need for this type of committee and its benefit to the City. The City Council directed the ad hoc committee to report back on their findings in 60 days. At the September 8, 2020, meeting, staff reported back to the City Council on both the survey results and the proposed Committee framework. After discussion, the City Council directed the ad hoc committee to finalize the HR Committee framework and to bring it back to the next City Council meeting for formal creation and approval. Since that time, the ad hoc committee has worked with City staff to develop a finalized HR Committee framework for City Council review which includes the committee's mission, functions, membership, meeting frequency and a staff liaison.

The City Council discussed advertising requirements, waiting until after election to appoint committee members, and concerns about waiting to appoint members.

Mayor Smith made a motion to approve staff's recommendation to approve the proposed Human Relations Committee framework and adopt an ordinance formalizing the creation of a Human Relations Committee.

MOTION: Smith
 SECOND: Park

SUBSTITUTE MOTION: Approve staff's recommendation to approve the proposed Human Relations Committee framework, adopt an ordinance formalizing the creation of a Human Relations Committee and start the process for appointments as soon as possible.

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

MOTION CARRIED to approve staff's recommendation to approve the proposed Human Relations Committee framework, adopt an ordinance formalizing the creation of a Human

Relations Committee and start the process for appointments as soon as possible and ADOPT the following titled ordinance:

ORDINANCE NO. 1687

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUENA PARK ESTABLISHING CHAPTER 2.56 HUMAN RELATIONS COMMITTEE OF TITLE 2 ADMINISTRATION TO THE BUENA PARK MUNICIPAL CODE

CALL TO ORDER 6 P.M.

PUBLIC HEARING (21)

Taxation 144 Tourism & Conv. 184

21. PUBLIC HEARING - RESOLUTION DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND RENEWING THE BUENA PARK TOURISM MARKETING DISTRICT (BPTMD)

Presented by City Manager's Office

Purpose: State the results of a majority protest, and in the absence of a majority protest, adopt a resolution renewing the Buena Park Tourism Marketing District. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Hold a final hearing, declaring results of majority protest proceeding; and 2) Adopt Resolution declaring the results of the majority protest proceedings and renew the Buena Park Tourism Marketing District (BPTMD).

Sara Copping, Visit Buena Park Executive Director, and Gina Reed, Project Manager, Civitas, provided a brief overview of the Buena Park Tourism Marketing District (BPTMD) and the steps needed to renew the district. On July 28, 2020, the City Council adopted Resolution No. 14179 declaring its intention to renew the BPTMD, and fixing the time and place of a public meeting and giving notice thereof. Petitions in favor of BPTMD renewal were submitted by 12 lodging businesses, which represent 85% of the total BPTMD assessment. On July 29, 2020, the City Clerk's Office mailed notices to all businesses proposed to be assessed by the renewed BPTMD, indicating the time and place of a public meeting and public hearing on the BPTMD renewal. Mailing the notices began a mandatory 45-day period in which owners' may protest the BPTMD renewal. On August 11, 2020, the City Council held a public meeting at which interested parties were able to comment on the proposed BPTMD renewal. There were no public comments or protests and no City Council action was required.

The renewed BPTMD will have a 10-year term, beginning July 1, 2021, through June 30, 2031. The assessment will be implemented beginning July 1, 2021. Once per year, beginning on the anniversary of BPTMD renewal, there is a 30-day period in which business owners paying 50% or more of the assessment may protest and begin proceedings to terminate the BPTMD. Pending the successful renewal of the BPTMD, the term of the current BPTMD will be modified to end early on June 30, 2021 to align with the City's fiscal calendar.

Mayor Smith stated that this was the time and place for a public hearing to consider a resolution declaring results of majority protest proceedings and renewing the Buena Park Tourism Marketing District. 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: 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. 14214

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND RENEWING THE BUENA PARK TOURISM MARKING DISTRICT (BPTMD)

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Council Member Brown reported the following:

- September 11 Joel Rosen's Retirement
- September 11 Commissioner Recognition Drive-thru Event
- September 17 Food Truck Festival at Ehlers Event Center

Council Member Swift reported the following:

- September 9 OCFA Budget & Finance Commission Meeting
- September 11 Commissioner Recognition Drive-thru Event
- September 14 ACC-OC Municipal Issues Virtual Summit
- September 17 Food Truck Festival at Ehlers Event Center

Council Member Park reported the following:

- September 10 Human Relations Committee Meeting
- September 11 Joel Rosen's Retirement
- September 11 Commissioner Recognition Drive-thru Event
- September 15 Fit Committee Meeting

Council Member Park calendared a second round of tenant-based rental assistance and child assistance care programs.

Mayor Pro Tem Traut reported the following:

- September 11 Commissioner Recognition Drive-thru Event
- September 17 Food Truck Festival at Ehlers Event Center

Mayor Smith reported the following:

- September 8 OC Mayors Meeting with OC CEO Kim
- September 10 OC Mayors Meeting
- September 11 Commissioner Recognition Drive-thru Event
- September 12 Orange County Sanitation District Virtual Tour
- September 14 Mayor's Prayer Breakfast Meeting
- September 17 Food Truck Festival at Ehlers Event Center

STUDY SESSION (22 - 25) (Reconvene in the Council Chamber)

22. DISCUSS AND PROVIDE DIRECTION ON THE THRESHOLDS FOR PROVIDING A CITY COOLING CENTER
Presented by Community Services

Community Services Director Box reported the current City of Buena Park protocol for activation of a City-operated cooling center is three consecutive days of temperatures over 100 degrees within three Orange County cities per the State of California, Health and Human Services Agency. Even when triggers are not met for an Excessive Temperature Annex-Heat Event Plan, jurisdictions may consider operating a cooling center at their discretion. It is recommended that if a cooling center is activated currently at this time, all centers refer to CDPH cooling center guidance during COVID-19. At the request of Mayor Pro Tem Traut, this item is being brought forward for discussion and direction on lowering the threshold of three consecutive days at 100 degrees to 95 degrees, and allowing for exception to the three-day rule when there are widespread power outages in a single day that meet the temperature threshold.

The designated location for a cooling center for Buena Park is the Senior Center at the Ehlers Event Center. During the current COVID-19 pandemic, the City is using the Buena Park Community Center, as an alternate site. Typical hours of operation in the past have been 9:00 a.m. - 9:00 p.m. and the public has been notified via social media channels and the City's electronic marquees. The City also has the ability to utilize Alert OC, a mass notification system designed to keep Orange County residents informed of emergencies.

Following discussion, the City Council directed staff to immediately update protocols for activation of City-operated cooling centers when there are two-days of 95 degrees or more. Additionally, activation of cooling centers when there is a day of 95 degrees or more and there are power outages in the area.

23. DISCUSS AND PROVIDE DIRECTION REGARDING THE UNDERGROUND UTILITY DISTRICT NO. 15 PROJECT
Presented by Public Works

Assistant City Engineer Mikhael reported that in October 2015, the Underground Utility District No. 14 project was completed in which overhead utility lines and poles on Orangethorpe Avenue from Beach Boulevard to the east City limit were undergrounded. At this time, staff is recommending City Council proceed with the Underground Utility District No. 15 (UUD15) project. The limit of this project will be Orangethorpe Avenue from Knott Avenue to Holder Street. The Public Works Department and Community Development Department reviewed possible locations and determined that Orangethorpe Avenue from Knott Avenue to Holder Street is best suited for the project as it is highly-visible and within upcoming improvements scheduled at the Yamaha site.

The City Manager approved this location via a memorandum in March 2020. The available Rule 20A fund in Fiscal Year 2020 is \$2,344,232. The construction is estimated to begin in 2022 with an estimated project cost of \$3,100,000. Southern California Edison (SCE) has reviewed the project and provided a Rough Order Magnitude letter indicating that the project has sufficient funding available based on the current budget plus future allocations.

Following discussion, the City Council directed Mr. Mikhael to proceed with the Underground Utility District No. 15 project.

24. CITY MANAGER REPORT

City Manager France had nothing to report.

25. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez stated that with the approval of the creation of the Human Relations Committee, the City Clerk's Office will advertise and work with the City Council to schedule interviews.

ADJOURNMENT

There being no further business, Mayor Smith adjourned the meeting at 6:29 p.m. The meeting was adjourned in memory of Andres Zetina and Supreme Court Justice Ruth Bader Ginsburg.


Mayor

ATTEST:


City Clerk