

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD OCTOBER 27, 2020

Vol. 51 Pg. 321

CALL TO ORDER

The City Council met in a regular session on Tuesday, October 27, 2020, at 5:04 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 Rabbi Lawrence Goldmark.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Alice Burnett, Senior Human Resources Analyst.

CITY MANAGER REPORT

City Manager France reported on the following:

- Free COVID-19 mobile testing, Wednesday, October 28, 11 a.m. – 7 p.m., Bellis Park. Registration is available online or residents can walk-up.
- Provided an update to a public inquiry regarding Malvern Avenue. The City restriped and resurfaced the road, it is in better shape.

City Clerk Jimenez reported election updates. General Election Next Tuesday, November 3, 2020, Vote by Mail ballots can be returned by mail, no postage is required, or dropped off at one of the City's ballot drop boxes: Buena Park Ehlers Event Center, The Source, and the Metrolink Station. For more information, please contact the City Clerk's Office or the Orange County Registrar of Voters at ocvote.com

Community Services Director Box presented information regarding this year's Cops 'N Goblins event which will feature a decorated drive-thru with free candy and socially-distanced fun from your Buena Park Police Department, Community Services Department, and local businesses. This fun event will take place Friday, October 30th, 4 p.m. to 8 p.m. Participants must RSVP to join the fun.

Battalion Chief Zimmerman, OCF, provided an update on fires in the Orange County area. The Silverado Fire grew quickly and two fire fighters were injured and are in critical condition. The Yorba Linda fire is aggressive, wind driven and growing rapidly. Fire crews will continue to work aggressively to contain and put out the fires.

PRESENTATIONS

Mayor Smith and Ms. Garcia, District Representative for Senator Chang, presented a Certificate of Recognition to Kristen Davidson as the 29th District Woman of Distinction.

Chief Sianez presented a Certificate of Appreciation honoring Citizens Assisting Police (CAP) volunteers Don and Edythe Piantoni.

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 – 8)

Mayor Smith announced that Consent Calendar Items 1 through 8A 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 8A be approved.

Minutes

1. APPROVAL OF MINUTES

Recommended Action: Approve Minutes of the Special and Regular City Council Meetings of October 13, 2020.

APPROVED the recommended action.

Finance 75

2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt Resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14224

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$90,661.41 DEMAND NOS. 405290 THROUGH 405340 CANCELLED NO. 404797

RESOLUTION NO. 14225

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,437,351.20 DEMAND NOS. 405341 THROUGH 405595 CANCELLED NOS. 401506, 401524, 402130 AND 404861 VOIDS

RESOLUTION NO. 14226

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$751,701.39 COVERING REGULAR PAYROLL ENDING OCTOBER 2, 2020

Reports & Studies 129

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

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

Recommended Action: Receive and file the reports.

APPROVED the recommended action.

Grants 185 Parks & Recreation 110

- 4. RESOLUTION TO APPROVE THE STATE OF CALIFORNIA APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS (PROPOSITION 68) FOR WHITAKER SCHOOL PARK

Purpose: Authorize the Community Services Department to apply for competitive grant funds for the Whitaker School Park project.

Recommended Action: 1) Adopt a resolution approving an application for Statewide Park Development and Community Revitalization Program Grant Funds (Proposition 68) for Whitaker School Park.

ADOPTED the following title resolution:

RESOLUTION NO. 14227

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS

Admin. Svcs. 112

- 5. RESOLUTION AMENDING THE BUENA PARK JOB CLASSIFICATION PLAN UPDATING THE STOREKEEPER JOB CLASSIFICATION AND REORGANIZING THE PURCHASING DIVISION

Purpose: Adopt a Resolution to amend the Classification Plan to provide for updated essential functions, qualifications guidelines, and physical and mental demands of the Storekeeper position and reorganize the Purchasing Division to incorporate the reprographics and mailroom functions. These actions will save the General Fund approximately \$17,000 annually (Account No. 11-126150).

Recommended Action: 1) Adopt a Resolution to amend the City's Job Classification Plan and approve the revised job classification specification; and 2) Approve the reorganization of the Purchasing Division.

ADOPTED the following title resolution:

RESOLUTION NO. 14228

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AMENDING THE CITY CLASSIFICATION PLAN REVISING THE STOREKEEPER JOB CLASSIFICATION

Grants 185 Parks & Recreation 110

- 6. RESOLUTION ACCEPTING PROPOSITION 68 PER CAPITA GRANT FUNDS FOR GOMEZ PARK AND APPROVE A BUDGET AMENDMENT RELATED TO THOSE FUNDS

Purpose: Authorize the Community Services Department to accept Proposition 68 Per Capita grant funding for Gomez Park. The adoption of this resolution will accept a total of \$228,680 in grant funds.

Recommended Action: 1) Adopt a resolution related to the acceptance and administration of a Proposition 68 Per Capita Grant Program related to the Gomez Park Project; 2) Authorize the City Manager to execute a grant agreement or other related documents; and 3) Approve a budget amendment to Activity Number 290152 (Gomez Park Project) by increasing Proposition 68 Per Capita Program funding by \$50,730 and reducing Park-in-Lieu funding by \$50,730.

ADOPTED the following title resolution:

RESOLUTION NO. 14229

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, FOR PER CAPITA GRANT FUNDS RELATED TO THE GOMEZ PARK PROJECT

Transportation 148

- 7. RESOLUTION APPROVING THE MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF BUENA PARK

Purpose: Adopt a resolution approving the annual Measure M2 Expenditure Report as required by the County of Orange ordinance to maintain funding eligibility. There is no budget impact by adopting this resolution.

Recommended Action: 1) Adopt a resolution approving the annual Measure M2 Expenditure Report.

ADOPTED the following title resolution:

RESOLUTION NO. 14230

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, CONCERNING THE MEASURE M2 (M2) EXPENDITURE REPORT FOR THE CITY OF BUENA PARK

Contracts 70 C-1667

- 8. AMENDMENT NO. 1 TO BUS SHELTER LICENSING AGREEMENT WITH CLEAR CHANNEL OUTDOOR

Purpose: Authorize the Public Works Department to approve an amendment to the agreement with Clear Channel Outdoor to modify license payments for advertising shelters due to the economic impact of COVID-19. Revenues will be reduced to \$18,000 for the current fiscal year.

Recommended Action: 1) Approve Amendment No. 1 to the Bus Shelter Licensing Agreement with Clear Channel Outdoor; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize City Manager and City Clerk to execute the amendment.

APPROVED the recommended action.

ADDED ITEM TO CONSENT CALENDAR

Emergency Services 188

- 8A. 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

RECESS

Mayor Smith recessed the meeting at 6:01 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:16 p.m.

CALL TO ORDER 6 P.M.

PUBLIC HEARING (9 – 10)

Taxation 144 Tourism & Conv. 184

9. PUBLIC HEARING - RESOLUTION DECLARING RESULTS OF MAJORITY PROTEST PROCEEDINGS AND MODIFYING THE CITY OF BUENA PARK TOURISM MARKETING DISTRICT (BPTMD) MANAGEMENT DISTRICT PLAN (MDP)
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 modifying the BPTMD. There is no budget impact with the approval of this item.

Recommended Action: Hold a final hearing; and 2) Adopt the proposed resolution declaring results of majority protest proceedings and modifying the Buena Park Tourism Marketing District (BPTMD) Management District Plan.

Sara Copping, Visit Buena Park Executive Director, provided an overview of the Buena Park Tourism Marketing District (BPTMD) and the steps needed to renew the district. The BPTMD Owners' Association and the Buena Park Hotel Marketing Association requested the City Council modify the BPTMD MDP to authorize the term of the district to end early. The proposed modification would end the current BPTMD on June 30, 2021. The Association requested this change to the MDP to align with the City's July 1 through June 30 fiscal year, and thus subsequent renewals of the BPTMD would function on a fiscal year as well.

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 modifying the City of Buena Park Tourism Marketing District Management District Plan. 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: Brown
AYES: Park, Brown, Swift, Traut, Smith
NOES: None

ADOPTED the following titled resolution:

RESOLUTION NO. 14231

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

Contracts 70 C-2819

10. PUBLIC HEARING: CONCERNING DEVELOPMENT AGREEMENT NO. DA16-001 ('DEVELOPMENT AGREEMENT') AND THE PROPERTY LOCATED AT 7860 BEACH BOULEVARD, BUENA PARK, CA ('PROPERTY')
Presented by City Attorney

Purpose: 1) Provide the Developer an opportunity to demonstrate good faith efforts to develop the property in compliance with the Development Agreement; 2) Provide the Developer an opportunity to explain performance delays/request an extension; and 3) Provide the City Council an opportunity to make a determination as to Developer's good faith compliance with its development obligations, and to take appropriate action based on the information provided at the hearing.

Recommended Action: That the City Council review this report and conduct a public hearing to: 1) Provide Stanford Buena Park, LLC's ("Developer") an opportunity to demonstrate continued "good faith compliance" with the terms of the Development Agreement; 2) Provide Developer an opportunity, at its option, to request an extension of the construction schedule and/or provide evidence of excusable delays; and 3) At the conclusion of the hearing, provide the City Council an opportunity to determine whether it is appropriate to initiate proceedings to modify, amend, or take other action on the Development Agreement.

Mayor Smith stated that this was the time and place for a public hearing concerning Development Agreement No. DA16-001 and the property located at 7860 Beach Boulevard, Buena Park, CA. 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.

City Attorney Cardinale stated the specific Property at issue here, located at 7860 Beach Boulevard, was purchased by the BP RDA in June 2011, with the goal being to facilitate private development of a hospitality project to anchor Beach Blvd. The Property is directly north of Knott's Berry Farm, and thus has long been central to the City's revitalization efforts. Unfortunately, the BP RDA's plans for the Property were hindered by the California Legislature's dissolution of redevelopment agencies in February 2012, and ownership of the Property was transferred from the dissolved BP RDA to the Buena Park Successor Agency. Then, as required by the State's "Dissolution Law," the Successor Agency worked to expeditiously sell the Property to a private developer for a project that is consistent with applicable land use plans.

In March 2015, the Successor Agency agreed to sell the Property to Developer in exchange for Developer's promise to construct and subsequently operate a high-quality hotel on the Property. The proposed "Hotel Stanford – Buena Park" is a 10-story hotel with 150 rooms, together with a five (5) level parking structure, restaurant with outdoor dining, conference / banquet space, roof top restaurant / bar, hotel guest amenities and related site improvement. In June 2016, and as a condition to Developer's purchase of the Property, the City and Developer entered into "Development Agreement DA16-001" which specifically defined the Project, and required the developer to obtain building permits and commence construction by June 20, 2017. The developer encountered initial delays associated with soils / liquefaction issues identified on the Property, and accordingly the Director of Community Development extended the deadline to Commence construction to March 18, 2018.

The Development Agreement contemplates a construction period of twenty-four (24) months, meaning Developer's deadline to commence operating the Stanford Hotel Project was March 18, 2020. Unfortunately, progress on the Hotel Stanford Project remained behind schedule; even with the extension already granted by the Director of Community Development. Though Developer completed initial soils work on the Property (the installation of "stone pillars" to address liquefaction issues), by mid-2019 the City had become increasingly concerned with the Developer's progress. To address this, on May 3, 2019, the City issued a written demand for the Developer to comply with the Development Agreement, and written notice that the City was initiating an "annual review" of Developer's "good faith compliance" with its terms.

This notice prompted a positive response by the Developer, and between June 2019 and June 2020 the Developer made progress towards getting the Project back on track, during this time:

- Developer and City had bi-weekly conference calls/meetings to review the status and timing of project deliverables, and ensure good communications with stakeholders;
- In June 2019, Developer retained legal counsel (Best, Best & Krieger) to provide guidance/assistance in local land use and development agreement matters;
- At the beginning of 2020, Developer retained an experienced Project Manager (James Suhr & Associates) to provide day-to-day construction management services;
- Developer represents that its construction documents and "Core & Shell Package" (e.g. plans, specifications, and engineering documents) are nearly 90% complete, and the water management quality plan, civil engineering plan, and landscaping plan are either complete or nearing completion;
- Developer has completed the soils/liquefaction analysis for the City's review and approval; and Developer has worked closely with Southern California Edison and made substantial progress on utility work.

Mr. Merewitz, Best, Best & Krieger and Mr. Suhr, Suhr & Associates, LLC, Developer representatives provided the City Council a report on the status of this project. They reported on analysis on the national and local impact of the COVID-19 pandemic on the lodging industry and forecasts the path to recovery. They also commented on the unprecedented losses of hotel revenue in 2020 due to the pandemic and the resulting economic downturn. They also provided a presentation on the impact of current market conditions on the development of new hotels and the decline in hotel revenues which has affected the feasibility of new hotel projects. They concluded that new hotel projects other than those currently under construction, are unlikely to occur until market conditions improve substantially and lenders are once again willing to invest in hotel projects.

Council Members discussed the property site, hotel plans, soil problems, concerns about COVID-19 delays and other options for development of this property, and their frustrations on the lack of progress.

MAIN MOTION

MOTION: Brown
SECOND: Traut

MAIN MOTION to continue the Public Hearing for 30-days and allow staff to work with the developer, with protections for the City, and work on milestones.

SUBSTITUTE MOTION

MOTION: Swift
SECOND: Smith

SUBSTITUTE MOTION to declare default on the development and purchase back the property.

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

SUBSTITUTE MOTION fails.

VOTE ON MAIN MOTION:

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

MOTION CARRIED to continue the Public Hearing for 30-days and allow staff to work with the developer, with protections for the City, and work with developer on milestones.

NEW BUSINESS (11 – 13)

Contracts 70 C-3230 Public Works 125 PW-888

11. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND APPROVAL OF CONTRACT WITH T.E. ROBERTS, INC. FOR THE WATER MAIN REPLACEMENT AT MT. WHITNEY DRIVE AND MT. LOWE DRIVE PROJECT
Presented by Public Works Department

Purpose: Adopt a resolution approving plans and specifications, and approve a contract to construct a Water Main Replacement at Mt. Whitney Drive and Mt. Lowe Drive. Funds in the amount of \$543,460 are included in the approved 2020-2021 Fiscal Year Capital Improvements Program (CIP) budget and will be funded by the Water Enterprise Fund (Account No. 52-9806-396862).

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Water Main Replacement at Mt. Whitney Drive and Mt. Lowe Drive Project; 2) Award a contract to T.E. Roberts, Inc. in the amount of \$543,460; 3) Authorize contingency funds in the amount of \$60,000 in the same purchase order; 4) Authorize construction engineering service in the amount of \$20,000; and 5) Authorize the City Manager and the City Clerk to execute the contract.

Assistant City Engineer Mikhael summarized the staff report noting the Water Main Replacement at Mt. Whitney Drive and Mt. Lowe Drive Project will address inadequate water main capacity for peak fire flows on Mt. Whitney Drive and Mt. Lowe Drive. The need for this project was identified in the most recent Water Master Plan. Instead of replacing the existing water mainline, this project will add an additional support waterline adjacent to the existing water mainline to increase water volume and meet potential demand in the event of an emergency. This project was advertised on September 21, 2020. Eleven bids were received and publicly opened on October 8, 2020.

The lowest bid was submitted by AID Builders, Inc. in the amount of \$392,100. However, the lowest bidder (AID Builders, Inc.) withdrew their bid due to an error on their bid item. Therefore, staff recommends awarding the project to the second lowest responsible bidder, T.E. Roberts, Inc., of Orange, CA in the amount of \$543,460, approving contingency funds in the amount of \$60,000, and approving construction engineering services of \$20,000. The total project cost is \$623,460. This contractor possesses the required license and has completed similar water main replacement projects for different agencies including water districts. Construction is scheduled to begin in November of 2020 and be completed by March of 2021.

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

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

RESOLUTION NO. 14232

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING PLANS AND SPECIFICATIONS FOR WATER MAIN REPLACEMENT AT MT. WHITNEY DRIVE AND MT. LOWE DRIVE PROJECT IN SAID CITY

Budgets 47 Contracts 70 C-3231 C-3232 Public Works 125 PW-889

12. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND APPROVAL OF CONTRACT WITH RJ NOBLE COMPANY FOR THE CRESCENT AVENUE PAVEMENT REHABILITATION PROJECT
Presented by Public Works Department

Purpose: Approve plans and specifications and authorize the Public Works Department to hire a contractor for the Crescent Avenue Pavement Rehabilitation Project as well as approve a cooperative agreement with the City of Anaheim. Total associated construction costs will be \$1,263,196 and funded from a combination of monies from the RMRA (Road Maintenance and Rehabilitation Account), TCRF (Traffic Congestion Relief Fund), and Gas Tax Fund (Account No. 24-9806-590162). A budget transfer is also included as a part of this action.

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Crescent Avenue Pavement Rehabilitation Project; 2) Award a contract to RJ Noble Company in the amount of \$1,103,196; 3) Authorize contingency funds in the amount of \$110,000 in the same purchase order; 4) Authorize construction engineering in the amount of \$50,000; 5) Authorize the City Manager and the City Clerk to execute the contract; 6) Approve a cooperative agreement with the City of Anaheim for the Crescent Avenue Rehabilitation Project; 7) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the contract or agreement; 8) Authorize the Mayor and City Clerk to execute the agreement; and 9) Authorize a budget transfer in the amount of \$250,000 from the Beach Boulevard Pavement Rehabilitation Project account (Account 24-9806-590149) and \$100,000 from the Orangethorpe Avenue Pavement Rehabilitation Project account (Account 24-9806-590166) for this purpose.

Assistant City Engineer Mikhael summarized the staff report noting the Crescent Avenue Pavement Rehabilitation Project will include the removal and replacement of damaged and outdated asphalt pavement, curb and gutter, sidewalk, wheelchair ramp truncated domes, driveway approaches, and upgrades the existing curb ramps per code requirements. Work limits are from Dale Street to Western Avenue. The project was advertised on September 30, 2020. Six bids were received and publicly opened on October 14, 2020. The lowest responsible bid was submitted by RJ Noble Company in the amount of \$1,103,196. This bid is 5% below the Engineer's estimate. This contractor possesses the required license and has completed similar projects for the City. Staff recommends awarding a contract to RJ Noble Company and approving contingency funds in the amount of \$110,000. Construction is scheduled to begin in December 2020 and be completed by February 2021.

The City is entering into a cooperative agreement with the City of Anaheim to rehabilitate their portion of the roadway. Buena Park will be taking the lead role with coordination, design, construction, and administration. Anaheim will only be responsible for reimbursing Buena Park for Anaheim's proportionate construction cost. Therefore, staff recommends entering into a cooperative agreement with the City of Anaheim to take advantage of this cost-effective and efficient way of providing street rehabilitation. The City of Anaheim will be taking the cooperative agreement to its City Council on the same date of October 27, 2020. The City Attorney has reviewed the cooperative agreement.

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

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

RESOLUTION NO. 14233

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING PLANS AND SPECIFICATIONS FOR CRESCENT AVENUE PAVEMENT REHABILITATION PROJECT IN SAID CITY

Contracts 70 C-2854

13. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH SIEMENS FOR CITY TRAFFIC SIGNAL MAINTENANCE
 Presented by Public Works Department

Purpose: Authorize the Public Works Department to execute an amendment to extend an agreement for maintenance and repair of traffic signals throughout the City. Associated costs in the amount of \$271,933.80 annually (routine and extraordinary maintenance) will be funded by the Traffic Signal Maintenance account (Account No. 11-560230-6240).

Recommended Action: 1) Approve Amendment #1 to a Professional Services Agreement with Siemens in the amount of \$271,933.80 for traffic signal maintenance; 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.

Senior Engineering Technician Wray summarized the staff report noting the City owns 86 existing traffic signals, including five signals on the Beach Boulevard Corridor that are coordinated by Caltrans. The City also operates a number of flashing beacons and radar speed feedback signs. In 2016, the City entered into a contract with Siemens for city traffic signal maintenance. Staff has been very satisfied with the performance and value Siemens has provided and would like to extend the existing agreement for an additional year. Based on their prior performance, staff has elected to recommend approval of an amendment to the original agreement with Siemens for an additional year.

Siemens has offered to undertake the next year of work without any changes to their itemized costs. It should be noted that the City now has 86 traffic signals, while it only had 84 traffic signals at the time the last contract was executed. Although Siemens has not increased the monthly cost per signal, the two new signals will result in a total annual increase of \$1,800 to the "routine maintenance" portion of the contract. This increase is within the amount of the approved budget for this fiscal year.

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

MOTION CARRIED to approve the recommended action.

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Council Member Brown reported the following:

- October 15 Great Shake-Out Earthquake Drill
- October 15 Diane Bolin's Retirement Party
- October 22 OCCOG Board Meeting

Council Member Brown calendared a Memorial Bench and Plaque program for Silverado Trail.

Council Member Swift reported the following:

- October 14 OCFA Budget and Finance Committee Meeting
- October 15 ACC-OC Dan Walters Webinar
- October 21 Fire Station No. 62 Visit
- October 22 OCFA Executive Committee & Board of Directors Meeting

Council Member Park reported the following:

- October 19 Zoom Meeting with District 1 Resident regarding Malvern Avenue
- October 20 Zoom Meeting with City Manager & PW Director

Council Member Park calendared a Food Truck Policy/Regulations update.

Mayor Pro Tem Traut reported the following:

- October 14 Guest Speaker with Director Box's Fullerton College Class
- October 20 Tour of Grange Hall 39, Buena Park Mall
- October 21 Cultural and Fine Arts Commission Meeting

Mayor Pro Tem Traut calendared a Silverado Trail update.

Mayor Smith reported the following

- October 15 OC Weekly Mayors Meeting
- October 16 OC Meeting with CEO Kim
- October 23 Knott's Berry Farm visit with Senator Archuleta
- October 23 OC Weekly Meeting with CEO Kim and Dr. Chow

Assistant City Manager Fenton provided information regarding upcoming free COVID-19 testing events. Future events are scheduled for October 28, 11:00 a.m. to 7:00 p.m. at Bellis Park, Monday, November 9, at City Hall, and Monday, November 23, at Smith-Murphy Park.

STUDY SESSION (14 – 18) (Reconvene in the Council Chamber)**14. DISCUSS AND PROVIDE DIRECTION REGARDING THE PUBLIC WORKS DEPARTMENT GREENWASTE RECYCLING PROGRAM**
Presented by: Public Works Department

Operations Manager Brodowski reported all cities in California were mandated to implement waste reduction and recycling programs with AB939 in 1989. In 1991, Buena Park implemented a program that featured a Material Recovery Facility where all refuse was delivered and was then sorted both mechanically and by hand with the recyclables being removed and sold on the commodity market. In 1996, AB 1647 permitted the use of green waste as an alternative daily cover (ADC) in landfills and allowed it to count as a diversion, which means that it was reduced from the amount of waste delivered to the landfill and helped cities to obtain the mandated 50% diversion. On an average year, Buena Park delivered 18,000 tons of green waste to the landfill for this purpose. In 2014, AB 1594 was signed into law. This identified organic waste in landfills as a primary source of methane gases in California.

In order to influence cities to find alternative uses for green waste, this bill established that all green waste delivered to a landfill would now count as disposal, meaning cities would no longer receive diversion credit for its use as ADC. This legislation became effective on January 1, 2020. On that date, Park Waste and Recycling ('Park') began delivering green waste to a composting operation in Aguanga, which is about 18 miles east of Temecula, at a cost of \$72 per ton. This is in addition to the cost of collecting and processing waste by Park. Park expected to include this new cost in the rate revision that would have occurred in July 2020, but due to the economic realities of COVID-19, it was untenable to introduce a rate increase to the public. As a result, Park has absorbed this additional cost since the beginning of the year, which equates to approximately \$1.70 per month on the residential refuse bill. This was also exacerbated by a landfill increase that was adopted by the county on July 1. Public Works staff will provide an

update regarding this, along with a synopsis of other new laws that will affect our refuse disposal and recycling programs in the next few years.

The City Council received and filed the report.

15. DISCUSS AND PROVIDE DIRECTION REGARDING A PARKING INVENTORY AND DEMAND ANALYSIS FOR THE EAST SIDE OF BEACH BOULEVARD FROM THE 91 FREEWAY TO THE SOUTHERN CALIFORNIA EDISON (SCE) RIGHT-OF-WAY (ROW)
Presented by: City Manager's Office

Assistant City Manager Fenton reported that prior to COVID-19, the contiguous businesses along Beach Boulevard, such as Pirates Dinner Adventure, New Moon Restaurant, Porto's Bakery and Café, and Medieval Times enjoyed success. However, they have also suffered from parking shortages during peak hours. As a result, in March 2020, the City Council requested a discussion regarding a potential cooperative parking agreement between the interested parties and the City to address the lack of parking in this area. The City drafted a Request for Proposal (RFP) for invited firms to provide a Parking Inventory and Demand Study for businesses operating across multiple properties along Beach Blvd.

Four highly-qualified parking consultants/engineering firms responded to the request for proposal to conduct a parking study to include an inventory of the existing parking spaces for each lot location, an evaluation of the peak parking demand for each location, and an assessment of the efficiency of the existing parking layout for each lot location. The parking study will also provide an evaluation of the opportunity for the parking to be shared by each property based on non-concurrent peak parking patterns. In addition, the parking study could evaluate the parking impacts of Pirate's Dinner Adventure moving towards a paid parking program during non-show hours and an assessment of the potential construction of a two-story parking structure behind Porto's.

The City Council discussed Porto's parking concerns, need for safe parking for Buena Park visitors, and clarification of type of parking area such as a public parking structure. Following discussion, the majority of the City Council (Brown dissented) directed staff to move forward with the parking inventory and demand analysis.

16. DISCUSS AND PROVIDE DIRECTION REGARDING THE USE OF CARES ACT COMMUNITY DEVELOPMENT BLOCK GRANT CORONA VIRUS ROUND 3 (CDBG-CV3) FUNDS
Presented by: City Manager's Office

On September 11, 2020, HUD notified the City that it will receive an additional allocation of \$882,456 in CDBG-CV funds for the third round of CARES Act funding (CDBG-CV3). These funds are for the purpose of preventing, preparing for, and responding to COVID-19. As COVID-19 continues to impact our community, the City Council has expressed interest in using a portion of the funds for a second round of rental assistance to low-income persons within the City. (The current COVID-19-related tenant-based rental assistance program utilizes HOME program income funds.) HUD announced that CDBG-CV3 funds can be used for rental assistance programs.

As a second option for the City Council to consider in conjunction with a rental assistance program is to create and advertise a new utility assistance program for gas, water, electricity, or refuse. Staff has reached out to several independent contractors about implementing a rental assistance or similar program on behalf of the City. However, due to the overwhelming amount of federal funding being distributed, none of the consultants are willing or have the capacity to take on these types of programs. With that said, if the City Council desires to proceed with either of these options, staff will continue to explore options to administer these programs.

As a third option, the City Council expressed interest in a childcare assistance program for parents struggling with childcare issues in light of COVID-19. Staff reached out to the Boys & Girls Club of Buena Park to request a proposal to administer a childcare assistance program to low-income families. The Boys & Girls Club submitted a proposal to utilize approximately \$140,000 of funding.

The City Council discussed options such as utility bill payment assistance, rental assistance, homeless services and a childcare program managed by the Boys & Girls Club. Following discussion, City Council directed staff to provide funding for the Boys & Girls Club childcare program (\$140,000), and rent and utility bill payment assistance (\$500,000). A majority of the City Council (Traut dissented) supported funding Homeless Services from CDBG CV3 funding (\$100,000).

17. CITY MANAGER REPORT

City Manager France had no report.

18. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez had no report.

ADJOURNMENT

There being no further business, Mayor Smith adjourned the meeting at 9:04 p.m.



Mayor

ATTEST:



City Clerk