

MINUTES OF CITY COUNCIL MEETING  
OF THE CITY OF BUENA PARK  
HELD FEBRUARY 9, 2021

Vol. 51 Pg. 398

CALL TO ORDER

The City Council met in a regular session on Tuesday, February 9, 2021, at 5:00 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Traut presiding.

ROLL CALL

PRESENT: Brown, Park, Sonne, Swift, Traut  
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 Pastor Gabe Montez, The Way Fellowship.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Lucie Cazares, Assistant City Clerk.

PRESENTATIONS

46th Annual Americana Awards presentation by Howard Kummerman, Executive Director, Cypress College Foundation.

Orange County Board of Supervisor Doug Chaffee presented the Orange County 4th District Kindness Award to Carol McCann.

CITY MANAGER REPORT

City Manager France reported on the following:

- Buena Park Senior Center, An Affair to Remember Drive-In Date Night, Friday, February 12, at 5:30 p.m.
- Images Park Community Meeting, Saturday, March 6, at 10:00 a.m.

Assistant City Manager Fenton provided an update on COVID-19 testing. The City of Buena Park, the County of Orange and 360Clinic are partnering to provide free COVID-19 testing to the City and community at the Senior Center, 8150 Knott Avenue, Thursdays and Fridays from 9:00 a.m. to 3:00 p.m.

City Clerk Jimenez provided information on the upcoming March Election for Orange County Supervisorial District 2, on March 9, 2021.

ORAL COMMUNICATIONS

Mayor Traut announced the public may at this time address the members of the City Council on any matters within the jurisdiction of the City Council.

Carol McCann introduced Monique Davis, Executive Director of the Buena Park Collaborative. Ms. Davis expressed enthusiasm in working with Buena Park and the local community.

City Clerk Jimenez read an email submitted by William Christensen II, Buena Park resident, regarding the Hotel Stanford Project.

There being no additional requests to speak, Mayor Traut closed oral communications.

## CONSENT CALENDAR (1 – 8)

Mayor Traut announced that Consent Calendar Items 1 through 8 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 for Item No. 8. There being no additional requests for separate consideration, the following action was taken:

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

MOTION CARRIED that all actions recommended on Consent Calendar Item Nos. 1 through 7 be approved.

**Minutes**

## 1. APPROVAL OF MINUTES

Recommended Action: Approve Minutes of the Special and Regular City Council Meetings of January 26, 2021; and the Special City Council Meeting of February 2, 2021.

APPROVED the recommended action.

**Finance 75**

## 2. RESOLUTIONS APPROVING CLAIMS AND DEMANDS

Recommended Action: Adopt Resolutions.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14273

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$5,665,581.69 DEMAND NOS. 406811 THROUGH 407079 CANCELLED NOS. 403269, 403280, 403458, 403480, 403524, 405274, AND 406452 VOIDS

RESOLUTION NO. 14274

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$726,948.70 COVERING REGULAR PAYROLL ENDING JANUARY 22, 2021

**Budgets 47 Contracts 70 C-3260 Insurance 44**

## 3. AGREEMENT WITH EBIX FOR CONTRACT AND INSURANCE TRACKING SOFTWARE AND APPROVE A BUDGET AMENDMENT

Purpose: Authorize the City Clerk's Office to execute an agreement for contract and insurance tracking software. Associated costs in the amount of \$7,700 for this fiscal year will require approval of a budget amendment from the undesignated General Fund balance.

Recommended Action: 1) Approve an agreement with Ebix for contract and insurance tracking software; 2) Authorize the City Clerk and City Attorney to make any necessary, non-monetary changes to the agreement; 3) Approve a budget amendment in the amount of \$7,700 from the undesignated General Fund balance for this fiscal year; and, 4) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

**Police Dept. 117 Purchasing 127**

- 4. PURCHASE OF LEGISLATIVELY-MANDATED CALIFORNIA INCIDENT-BASED REPORTING (CA IBR) SOFTWARE AND TRAINING FOR THE BUENA PARK POLICE DEPARTMENT

Purpose: Authorize the Police Department to purchase software to improve the overall quality of crime data collected by law enforcement.

Recommended Action: 1) Authorize the purchase of California Incident-Based Reporting (CA IBR) software for the Buena Park Police Department (BPPD) from Motorola Solutions Incorporated, Chicago, Illinois, in the amount of \$29,551.66.

APPROVED the recommended action.

**Budgets 47 Contracts 70 C-3236**

- 5. AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH OLDHAM ARCHITECTS FOR PLANS AND SPECIFICATIONS FOR BELLIS PARK ADA IMPROVEMENTS PROJECT

Purpose: Authorize the Public Works Department to amend the Professional Services Agreement (PSA) with Oldham Architects to provide additional design services. Associated costs in the amount of \$5,000 are available in the project account (Account No. 32-9806-290157).

Recommended Action: 1) Approve Amendment No. 1 to the Professional Services Agreement (PSA) No. 20-17 with Oldham Architects in the amount of \$5,000 to provide additional design services for the Bellis Park ADA Improvements Project; 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 the City Clerk to execute the amendment.

APPROVED the recommended action.

**Contracts 70 C-3228 Public Works 125 PW-887**

- 6. FINAL PAYMENT FOR SEWER MANHOLE IMPROVEMENTS AT VARIOUS LOCATIONS FOR FISCAL YEAR 2020-2021 PROJECT

Purpose: Authorize the Public Works Department to issue final payment and file a Notice of Completion for the Sewer Manhole Improvements at Various Locations Project for Fiscal Year 2020-2021. This project was funded by the Water Enterprise Fund (Account No. 52-9806-499920).

Recommended Action: 1) Accept project as complete and approve final payment to Ayala Engineering, Inc., in the amount of \$35,019.09; and 2) Direct the Public Works Department to file a Notice of Completion.

APPROVED the recommended action.

**Contracts 70 C-3231 Public Works 125 PW-889**

- 7. FINAL PAYMENT FOR THE CRESCENT AVENUE REHABILITATION PROJECT

Purpose: Authorize the Public Works Department to issue final payment and file a Notice of Completion for the Crescent Avenue Rehabilitation Project. This project was funded from the Gas Tax Fund (Account No. 24-9806-590162).

Recommended Action: 1) Accept project as complete and approve final payment to RJ Noble Company in the amount of \$35,512.19; and 2) Direct the Public Works Department to file a Notice of Completion.

APPROVED the recommended action.

**Emergency Services 188**

8. 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.

Council Member Swift requested the City Manager report out to the community items related to the local emergency. City Manager France reported receipt of a letter from FEMA regarding a change in qualifying expense reimbursement, and updated City Council on staffing support for the Super POD sites at Soka University and Disneyland.

Assistant City Manager Fenton reported on the Rental Assistance and Utility Assistance Programs offered by the City.

Mayor Traut requested this report be presented during the New Business portion of the agenda until further notice.

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

MOTION CARRIED to approve the recommended action.

END OF CONSENT CALENDAR

NEW BUSINESS (9 – 13)

**Budgets 47 Contracts 70 C-3261 Public Works 125 PW-892**

9. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND APPROVAL OF A CONTRACT WITH ALL AMERICAN ASPHALT FOR THE ROSECRANS AVENUE PAVEMENT REHABILITATION PROJECT  
 Presented by Mina Mikhael, P.E., Assistant City Engineer

Purpose: Approve plans and specifications and authorize the Public Works Department to hire a contractor for the Rosecrans Avenue Pavement Rehabilitation Project. Associated construction costs in the amount of \$689,864 will be funded by the Gas Tax Fund (Account No. 24-9806-590160).

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Rosecrans Avenue Pavement Rehabilitation Project; 2) Award a contract to All American Asphalt in the amount of \$599,864; 3) Authorize contingency funds in the amount of \$60,000 in the same purchase order; 4) Authorize construction engineering in the amount of \$30,000; 5) Authorize the City Manager and the City Clerk to execute the contract; and, 6) Authorize a budget transfer in the amount of \$200,000 from the Orangethorpe Avenue Pavement Rehabilitation Project for this purpose.

Assistant City Engineer Mikhael summarized the report noting the Rosecrans Avenue Pavement Rehabilitation Project included removing deteriorated asphalt pavement; constructing new asphalt pavement; removing and replacing damaged and outdated curb and gutter, sidewalk, wheelchair ramp with truncated domes, and driveway approaches; and, upgrading the existing curb ramps per code requirements. On November 17, 2020 the project was advertised. Five bids were received and publicly opened on December 15, 2020. The lowest, responsible bid was submitted by All American Asphalt Inc. of Corona, CA in the amount of \$599,864. Staff recommends awarding a contract to All American Asphalt and approving contingency funds in the amount of \$60,000. Construction is scheduled to begin in March 2021 and be completed by April 2021.

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

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

**RESOLUTION NO. 14275**

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

**Budgets 47 Contracts 70 C-3262 Public Works 125**

10. AGREEMENT WITH THE CITY OF CYPRESS FOR THE ARTERIAL STREET IMPROVEMENTS OF LINCOLN AVENUE PROJECT  
Presented by Mina Mikhael, P.E., Assistant City Engineer

Purpose: Authorize the Public Works Department to enter into an agreement with the City of Cypress for the Lincoln Avenue Street Improvements Project. The City's proportionate share is estimated to be \$55,000. Staff proposes a budget transfer from the Annual Slurry Seal Program (Account No. 24-9806-590010).

Recommended Action: 1) Approve an agreement with the City of Cypress for the Lincoln Avenue Street Improvements Project; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; 3) Authorize the Mayor, the Director of Public Works, and the City Clerk to execute the agreement; and, 4) Approve a budget amendment in the amount of \$55,000 from the Annual Slurry Seal Program project account for this purpose.

Assistant City Engineer Mikhael summarized the report noting the City of Cypress will be the lead agency for the Lincoln Avenue Street Improvements Project. The City of Cypress has awarded the construction contract to All American Asphalt. With the City Council's approval, construction is scheduled to start in February 2021, and be completed in approximately 30 working days. The City of Cypress will be taking the lead role with coordination, design, construction, and administration of the project. The City of Buena Park is only responsible for reimbursing the City of Cypress for Buena Park's proportionate construction cost. Staff recommends entering into an agreement with the City of Cypress to take advantage of this cost-effective and efficient way of providing street improvement. The project will include an asphalt overlay, signing, and striping.

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

MOTION CARRIED to approve the recommended action.

**Contracts 70 C-3263 Public Works 125**

11. COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR A CITY-WIDE STRIPING PILOT PROJECT  
Presented by Nader M. Alqam, Assistant Engineer

Purpose: Authorize the Public Works Department to enter into a cooperative agreement with the County of Orange to rehabilitate traffic striping and markings at various locations in the City. Associated costs in an amount not-to-exceed \$30,000 will be funded from Gas Tax Fund (Account No. 24-9806-590015).

Recommended Action: 1) Approve a cooperative agreement with the County of Orange for the City-Wide Striping Pilot Project in an amount not-to-exceed \$30,000; 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.

Assistant Engineer Alqam summarized the report noting most of the roadway lane striping in the City is installed during road construction projects, including the Annual Pavement Rehabilitation projects and Annual Slurry Seal projects. The County of Orange has offered local cities the opportunity to enter into an agreement to utilize its staff, equipment, and expertise to complete these road striping projects at a significantly reduced cost. Staff recommends entering into a cooperative agreement with the County of Orange in the form of a pilot project to evaluate the effectiveness of this agreement. The pilot project would re-stripe Dale Street between Crescent Avenue to the 91 Freeway. Construction is scheduled to begin in March 2021 and be completed by May 2021.

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

MOTION CARRIED to approve the recommended action.

**Admin. Svcs. 112 Contracts 70 C-3213**

12. EMPLOYMENT AGREEMENT WITH AARON FRANCE FOR THE POSITION OF CITY MANAGER  
 Presented by Eddie Fenton, Assistant City Manager

Purpose: Execute an employment agreement with Aaron France for the position of City Manager to ensure a smooth and timely transition. This position has been previously funded in the FY20-21 budget and staff anticipates a budget savings of \$50,000.

Recommended Action: 1) Approve an Employment Agreement between the City of Buena Park and Aaron France; and, 2) Authorize the Mayor to execute the City Manager's Employment Agreement.

Assistant City Manager Fenton summarized the report noting in July 2020, City Manager Vanderpool announced his resignation. Following Mr. Vanderpool's announcement, the City Council determined it would be in the City's best interest to identify and advance an internal employee into the role of Interim City Manager. The City Council appointed Aaron France as the Interim City Manager. On January 12, 2021, the City Council expressed their desire to appoint Aaron France to the City Manager position for a three-year term, and directed the Assistant City Manager/Director of Human Resources to negotiate the terms of a successor employment agreement effective March 9, 2021. The agreement also provides that he be evaluated every 12 months, and if the City Council desires to terminate the agreement, he is entitled to a severance package equivalent to six (6) months base salary.

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

MOTION CARRIED to approve the recommended action.

**Reports & Studies 129**

13. TREASURER'S REPORT FOR THE MONTH OF DECEMBER 2020  
 Presented by Sung Hyun, Director of Finance

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

Recommended Action: 1) Receive and file the reports.

APPROVED the recommended action.

**MAYOR/CITY COUNCIL REPORTS & CALENDAR**

Council Member Swift reported the following:

- January 27 Citizens Advisory Committee Meeting
- February 2 Brown Act Training
- February 3 Butterfly Pavilion Property Tour
- February 9 Buena Park Cable Foundation Meeting

Council Member Swift calendared investigating the acquisition of the historical house on 9<sup>th</sup> Street.

Council Member Sonne reported the following:

- January 27 ACC-OC Community Choice Aggregation Update Meeting
- January 28 Beautification-Environmental Commission Meeting
- January 28 - 29 League of CA Cities, New Mayors and Council Members Academy
- February 2 Brown Act Training
- February 3 Butterfly Pavilion Property Tour
- February 3 Received Vaccine at Disneyland Pod
- February 3 Human Relations Committee Meeting
- February 4 White House Office of Intergovernmental Affairs Briefing for City Officials
- February 5 Belong Together Youth Coalition
- February 9 OCPA Board Meeting
- February 9 Buena Park Cable Foundation Meeting

Council Member Sonne calendared a Resolution for Black History Month; a Resolution supporting Global Hope 365, to end child marriage; a license fee for tobacco stores to enforce and limit tobacco sales near Buena Park Schools; and create a budget line item for software upgrades and purchases for public service and required government security.

Mayor Pro Tem Park reported the following:

- January 27 ACC-OC Community Choice Aggregation Update Meeting
- January 28 Orange County Fire Authority Board of Directors Meeting
- January 29 State Treasurer Ma's Presentation re: 529 Student Savings Plan
- February 2 Brown Act Training
- February 3 Meeting with District 1 Resident re: Malvern Avenue
- February 3 Human Relations Committee Meeting
- February 9 Buena Park Cable Foundation Meeting

Council Member Brown reported the following:

- January 27 ACC-OC Community Choice Aggregation Update Meeting
- January 27 Orange County Sanitation District Board of Directors Meeting
- January 28 Senior Citizens Commission
- January 28 Orange County Council of Governments Board of Directors Meeting
- February 1 - 2 ACC-OC Virtual Sacramento Advocacy Trip
- February 2 Brown Act Training
- February 3 Butterfly Pavilion Property Tour
- February 4 SCAG Transportation & Regional Council Committee Meetings
- February 4 Orange County Sanitation District Board Orientation

Council Member Brown calendared a discussion on pension obligation bonds.

Mayor Traut reported the following:

- January 28 Orange County Council of Governments Board of Directors Meeting
- January 28 Santa Ana River Flood Protection Agency Meeting
- January 28 ACC-OC Representatives Update Meeting
- January 28 Orange County Mayors Weekly Virtual Meeting
- January 29 Orange County CEO and Health Officer Weekly Meeting
- February 1 Mayor's Prayer Breakfast Committee Meeting
- February 2 Brown Act Training
- February 3 Butterfly Pavilion Property Tour
- February 4 White House Office of Intergovernmental Affairs Briefing for City Officials
- February 4 Orange County Sanitation District Board Orientation
- February 4 Supervisorial District 2, Business Meeting
- February 4 Orange County Mayors Weekly Virtual Meeting
- February 5 Orange County CEO and Health Officer Weekly Meeting
- February 5 Soka University Vaccination Site Tour
- February 9 Buena Park Cable Foundation Meeting

RECESS

Mayor Traut recessed the meeting at 6:33 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:47 p.m.

## STUDY SESSION (14 – 19) (Reconvene in the Council Chamber)

14. DISCUSS AND PROVIDE DIRECTION ON THE CITY'S MEMBERSHIP IN THE ORANGE COUNTY POWER AUTHORITY (OCPA)  
Presented by Eddie Fenton, Assistant City Manager

Assistant City Manager Fenton reported that in July 2020, the Irvine City Council directed staff to move forward and work with other cities to form a Community Choice Energy (CCE) Joint Power Authority (JPA), prepare necessary JPA documentation, and file the required CCE Implementation Plan with the California Public Utility Commission (CPUC) by its deadline of December 31, 2020. The Buena Park City Council held a Special Meeting on December 15, 2020, with the urgency of the meeting caused by the imminent December 31 deadline. 'Opting-in' to the authority before this deadline gave Buena Park the chance to be included on the Executive Board as a Founding Member, and to purchase electricity through the JPA in Spring 2022. If the decision were deferred, the City would have to wait until the Spring of 2023 before being allowed to purchase electricity in the CCE program and would not be included on the Executive Board as a Founding Member.

Given these considerations, at the December 15 meeting, the City Council took action to join the CCE JPA. More specifically, the City Council approved an Ordinance authorizing the implementation of a Community Choice Aggregation (CCA) program in the City of Buena Park, and adopted a Resolution approving the JPA and joining the Orange County Power Authority (OCPA). The City Council also directed staff to hire MRW & Associates (MRW Consultant) to provide an independent analysis of the OCPA's financial viability, to review the OCPA Implementation Plan, and to provide an analysis of the benefits and risks to the City if it remained in the OCPA.

Mark Fulmer, MRW Consultant; Brian Probolsky, Chief Executive Officer, OCPA; Ryan Baron, Best Best & Krieger, General Counsel of Irvine, CA and Gary Saleba, EES, Executive Consultant; provided a presentation to the City Council regarding an overview of Community Choice Aggregation (CCA) options, risks and the benefits to the City of Buena Park. The Consultant's analysis indicated that the OCPA would provide a choice of electricity options that could cost less than what is available from SCE.

The City Council discussed discounts for customers, concern over the lack of public input and participation in the process, financial obligation to the City relating to OCPA creation, opting in and opting out, and town hall meetings to inform the community. Following discussion, the City Council directed staff to schedule a virtual town hall meeting on March 2, 2021 at 6:00 p.m.

Mayor Traut recessed the meeting at 8:27 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 8:37 p.m.

15. DISCUSS AND PROVIDE DIRECTION REGARDING ESTABLISHING A CAP ON CHARGES AND FEES BY THIRD-PARTY FOOD DELIVERY FIRMS FOR ORDERING AND DELIVERING RESTAURANT FOOD WITHIN THE CITY OF BUENA PARK  
Presented by Eddie Fenton, Assistant City Manager

20. ORDINANCE ESTABLISHING LIMITATIONS ON THIRD-PARTY FOOD DELIVERY FEES  
City Attorney Christopher Cardinale

## ADDED ITEM

## SUBSEQUENT NEED ITEM

City Attorney Cardinale advised the City Council that a Subsequent Need Item (Urgency Ordinance establishing limitations on third-party food delivery fees) 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: Park  
SECOND: Brown  
AYES: Park, Brown, Sonne, Traut  
NOES: Swift

MOTION CARRIED to add Item No. 20 to the agenda.

Mayor Traut opened Item No. 15 and 20 for simultaneous discussion.



Assistant City Manager Fenton reported that at the January 26, 2021, City Council Meeting, Mayor Pro Tem Park formally requested that a third-party food delivery service fee cap item be agendaized for discussion. Due to the COVID-19 pandemic, California's various Safer-at-Home orders have prevented restaurants from dine-in service, forcing numerous local food preparation businesses to either close or convert to delivery-only service. With fewer available options for the purchase and sale of meals, food delivery systems have become an even more essential service for residents and restaurants. With more Californians sheltered in their homes, food delivery services sky-rocketed. These businesses have expanded to also provide grocery delivery and general shopping services.

Third-party food delivery companies, such as Grubhub, Uber Eats, DoorDash, and Postmates, have stepped in to fulfill an essential service by providing residents with delivery from local restaurants. However, these companies charge restaurants commissions that can reach 30% or more, potentially wiping out any profit that a local business might make from a delivery order. Prior to the onset of the COVID-19 pandemic, some cities began to take action to enforce a limit on fees that third-party food delivery companies can charge to restaurants. After March 2020, due to the increased demand for food delivery services, many more cities began to take legislative actions on food delivery commissions in light of the COVID-19 pandemic. At least 22 California cities and counties have adopted ordinances implementing a fee cap on delivery services. These cities include San Diego, Long Beach, Los Angeles, Pasadena, Santa Monica, Berkeley, Oakland, San Francisco, Los Angeles County, and Santa Clara County, to name just a few. In Orange County, it is anticipated that the City of Irvine will also discuss this issue at their February 9, 2021, City Council meeting.

The City Council discussed price gauging ordinance adopted at the onset of the pandemic did not include services, increase in food delivery services, challenge of enforcing food service charges, clarification of fee breakdown from third-party delivery services, and incentive for restaurants to use third-party delivery services if the City establishes a cap.

MOTION to ADOPT the Urgency Ordinance establishing a cap on charges and fees by third-party food delivery firms for ordering and delivering restaurant food within the City of Buena Park.

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

MOTION CARRIED to ADOPT the Urgency Ordinance establishing a cap on charges and fees by third-party food delivery firms for ordering and delivering restaurant food within the City of Buena Park.

16. DISCUSS AND PROVIDE DIRECTION REGARDING CITY SPONSORSHIP OF THE  
 CYPRESS COLLEGE FOUNDATION AMERICANA AWARDS  
 Presented by Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported the Cypress College Foundation Americana Awards event is typically held in early February each year at the Disneyland Hotel. This year's event is on Saturday, February 27, 2021, as a virtual livestream event due to the pandemic. In the past, the City sponsored two tables of 10 people, and a full page color ad in the Americana Program for a cost of \$5,000. In 2018, the City Council gave staff direction to incorporate this sponsorship into the budget every year. Staff is requesting direction from City Council on whether to continue this sponsorship for this year given the pandemic and the City's current financial situation. There are funds available in this year's budget for the current level of sponsorship should the City Council choose to sponsor at this level.

The City Council directed staff to continue current level of sponsorship. Also, to obtain information relating to the percentage of students that receive scholarships for Buena Park residents and report back to City Council.

17. DISCUSS AND PROVIDE DIRECTION REGARDING SELECTION OF MAYOR AND MAYOR PRO TEM

Presented by Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported that at the City Council Meeting of January 12, 2021, Council Member Brown requested discussion regarding establishing guidelines for the Mayor and Mayor Pro Tem rotation. In July 2017, the City Council discussed the Mayor and Mayor Pro Tem rotation and policy options. At that meeting, the City Council chose to maintain its current practice, as noted below.

- The Mayor Pro Tem rotates to Mayor.
- Newly-elected Council Members wait one year before serving as Mayor Pro Tem.
- All Council Members are given the opportunity to serve as Mayor, preferably in their first term.
- The Mayor Pro Tem rotation first goes to those who have not served as Mayor (after a one year wait period) and next based on the greatest length of time a Council Member has served since last holding the Mayor position.
- New Council Members voted into office in the same election will rotate in the order of the highest votes received during the election.
- The City Council is not bound by this practice, and the guiding principle is to select the right person at the right time for the positions of Mayor and Mayor Pro Tem.

The City Council discussed Mayor and Mayor Pro Tem rotation based on highest votes vs. coin toss as residents vote for candidates by districts vs. at large elections. Following discussion, the City Council directed staff to revise the policy to replace highest votes received with a coin toss and return to City Council for formal adoption.

18. CITY MANAGER REPORT

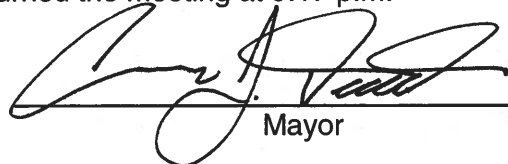
City Manager France had nothing to report.

19. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez reminded City Council Members to review list of commission/committee vacancies.

ADJOURNMENT

There being no further business, Mayor Traut adjourned the meeting at 9:17 p.m.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk