

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD MARCH 23, 2021

Vol. 52 Pg. 19

CALL TO ORDER

The City Council met in a regular session on Tuesday, March 23, 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, Sonne, Swift, Park, 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 Rabbi Lawrence Goldmark.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Sung Hyun, Director of Finance.

PRESENTATIONS

Invitation to Spring Eggstravaganza Land presented by Randy Franklin, Community Services Coordinator.

45th Annual Elementary Art Show announcement presented by Lauren Morales, Community Services Coordinator. The art exhibit will be available until April 14, 2021. An online video will be released for the public on March 31.

Council Member Swift presented a proclamation for National Library Week to Helen Medina, Public Services Supervisor; Ruth Cho, Interim Children's Librarian; and Brenda Gomez, Outreach Coordinator.

CITY MANAGER REPORT

City Manager France reported on the following:

- Street Sweeping Citations will resume on April 1. Parking Enforcement has been issuing warning/reminders.
- Orange County Mosquito and Vector Control District will hold a Virtual Open House on Thursday, March 25, at 11:00 a.m.
- Buena Park City Council and Buena Park Planning Commission will hold a Joint Special Virtual Meeting on the Buena Park Housing Element Plan, Thursday, April 8, at 6:00 p.m.
- Police Chief Sianez provided an update on reporting suspicious activity with the Department's "See Something, Say Something," campaign, and encouraged residents to report suspicious activity.
- Jim Box, Community Services Director, provided an update on the City's spring activities, swim lessons, contract classes and sports. Summer programming is currently being coordinated and will be available for all ages.

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.

Myung Suh, Korean American Federation of Orange County, spoke regarding hate crimes against Asian Americans and Korean American Federation of OC's Call to Action and steps government bodies can take to combat hate crimes against Asian Americans.

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

CONSENT CALENDAR (1 – 7)

Mayor Traut announced that Consent Calendar Items 1 through 7 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, Sonne, Swift, Traut
 NOES: None

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

Minutes

1. APPROVAL OF MINUTES
Recommended Action: Approve Minutes of the Special City Council Meeting of March 2, 2021 and Special and Regular City Council Meetings of March 9, 2021.

APPROVED the recommended action.

Finance 75

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

ADOPTED the following titled resolutions:

RESOLUTION NO. 14287

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,221,732.49 DEMAND NOS. 407503 THROUGH 407677 CANCELLED NOS. 406929 AND 407206 VOIDS

RESOLUTION NO. 14288

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$27,027.08 COVERING RETIREE PAYROLL ENDING FEBRUARY 28, 2021

RESOLUTION NO. 14289

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$748,370.00 COVERING REGULAR PAYROLL ENDING MARCH 5, 2021

Reports & Studies 129

3. TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 2021
Purpose: Review the Treasurer's Investment Report prepared by the Finance Department for the month of February 2021. There is no fiscal impact in receiving this report.

Recommended Action: 1) Receive and file the reports.

APPROVED the recommended action.

Proclamation 119

- 4. PROCLAMATION RECOGNIZING NATIONAL LIBRARY WEEK
Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Contracts 70 C-3274 Emergency Services 188

- 5. RESOLUTION APPROVING A MUTUAL AID AGREEMENT WITH THE COUNTY OF ORANGE TO PARTICIPATE IN THE COVID-19 VACCINATION EFFORT
Purpose: Authorize the City to provide mutual aid assistance to the County and allow the City to seek reimbursement for mutual aid costs incurred for the COVID-19 Vaccination Effort, upon approval and receipt of federal reimbursement funding from the Federal Emergency Management Agency (FEMA) or the California Office of Emergency Services (CalOES).

Recommended Action: 1) Adopt a resolution approving a Mutual Aid Agreement for the COVID-19 Vaccination Effort with the County of Orange, pertaining to mutual aid assistance provided under the Orange County Operational Area Agreement; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager, Director of Finance, or Finance Manager to execute any actions necessary for the purposes of obtaining federal financial assistance related to this Agreement, if those actions do not materially change the terms or amount of the City of Buena Park's commitment as it is reflected in the above-referenced agreement.

ADOPTED the following titled resolution:

RESOLUTION NO. 14290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING APPROVAL OF A MUTUAL AID AGREEMENT WITH THE COUNTY OF ORANGE TO PARTICIPATE IN THE COVID-19 VACCINATION EFFORT

Contracts 70 C-2782

- 6. LICENSE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON (SCE) TO RENEW LAND USE LICENSE FOR PARKING LOT BETWEEN WESTERN AVE AND BEACH BLVD
Purpose: Authorize the Public Works Department to execute an agreement to renew the City's license to utilize the SCE right-of-way located east of Western Avenue for a City parking lot and walking trail. Associated costs for the five-year agreement are in the amount of \$175,372.77 and will be funded by the Economic Development Fund (Account No. 12-6240-632110).

Recommended Action: 1) Approve a five-year license agreement with Southern California Edison (SCE) for use of its right-of-way, east of Western Avenue to Beach Boulevard in the amount of \$175,372.77; 2) Authorize the City Manager and City Clerk to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the contract.

APPROVED the recommended action.

Contracts 70 C-3275

7. LEASE AGREEMENT WITH OUTFRONT MEDIA, LLC FOR THE DEVELOPMENT AND OPERATION OF AN ELECTRONIC BILLBOARD ON A CITY-OWNED PROPERTY LOCATED AT ARTESIA BOULEVARD AND THE SANTA ANA I-5 FREEWAY (APN 066-020-36)

Purpose: Approve a lease agreement to develop and operate an electronic billboard on City-owned property located at Artesia Boulevard and the Santa Ana I-5 Freeway (APN 066-020-36). There is no budget impact with the approval of this item.

Recommended Action: 1) Approve a Lease Agreement with Outfront Media, LLC for the development and operation of an electronic billboard on City-owned property located at Artesia Boulevard and the Santa Ana I-5 Freeway (APN 066-020-36); 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the Lease Agreement; and 3) Authorize the City Manager and City Clerk to execute the Lease Agreement.

APPROVED the recommended action.

END OF CONSENT CALENDAR

NEW BUSINESS (8 – 12)

Contracts 70 C-3276 Public Works 125 PW-893

8. RESOLUTION APPROVING PLANS AND SPECIFICATIONS, AND APPROVAL OF CONTRACT WITH RENEWAGE ENERGY SOLUTIONS DBA RENEWAGE CONSTRUCTION FOR THE BOISSERANC PARK ADA IMPROVEMENTS PROJECT
Presented by Mina Mikhael, P.E., Assistant City Engineer

Purpose: Adopt a resolution approving plans and specifications, and hire a contractor for the Boisseranc Park ADA Improvements Project. Associated construction costs in the amount of \$282,550 will be funded by the Park in-Lieu Fund (Account No. 32-9806-290157).

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Boisseranc Park ADA Improvements Project; 2) Award a contract to Renewage Energy Solutions, Inc. dba Renewage Construction in the amount of \$227,550; 3) Authorize contingency funds in the amount of \$25,000 in the same purchase order; 4) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the contract; 5) Authorize construction engineering in the amount of \$30,000; and 6) Authorize the City Manager and the City Clerk to execute the contract.

Assistant City Engineer Mikhael summarized the report noting the Boisseranc Park ADA Improvements Project will include improvements to the park to meet ADA standards as well as incorporate ADA-compliant paths of travel, bathrooms, striping, amenities, parking lot striping, and grading. The lowest responsible bid was submitted by Renewage Energy Solutions dba Renewage Construction in the amount of \$227,550. Staff recommends awarding a contract to Renewage Energy Solutions, Inc. dba Renewage Construction of El Segundo, California, in the amount of \$227,550. Construction is scheduled to begin in April 2021 and be completed by June 2021.

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

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

RESOLUTION NO. 14291

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING PLANS AND SPECIFICATIONS FOR BOISSERANC PARK ADA IMPROVEMENTS PROJECT IN SAID CITY

Contracts 70 C-3277 Public Works 125 PW-894

9. RESOLUTION APPROVING SPECIFICATIONS AND EXHIBITS, AND APPROVAL OF CONTRACT WITH NU-LINE TECHNOLOGIES, LLC. FOR THE 2020-2021 SEWER MAIN LINING AT VARIOUS LOCATIONS PROJECT
Presented by Mina Mikhael, P.E, Assistant City Engineer

Purpose: Approve plan specifications and exhibits and execute a contract to commence the 2020-2021 Sewer Main Lining at Various Locations Project. This project is included in the FY 20-21 Capital Improvement Program budget, and will be funded by the Water Enterprise Fund (Account No. 52-9806-490015).

Recommended Action: 1) Adopt a resolution approving plan specifications and exhibits for the 2020-2021 Sewer Main Lining at Various Locations Project; 2) Award a contract to Nu-Line Technologies, LLC in the amount of \$343,700; 3) Authorize contingency funds in the amount of \$35,000 in the same purchase order; 4) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the contract; and 5) Authorize the City Manager and City Clerk to execute the contract.

Assistant City Engineer Mikhael summarized the report noting the 2020-2021 Sewer Main Lining at Various Locations Project will include cleaning of the sewer mains, calcium removal, pressure grouting, lining the pipes with a plastic liner to prevent infiltration and exfiltration, and final video inspection of the work. The lowest responsible bid was submitted by Nu-Line Technologies, LLC in the amount of \$343,700. Staff recommends awarding a contract to Nu-Line Technologies, LLC in the amount of \$343,700, plus a contingency in the amount of \$35,000 for a total of \$378,700. With City Council approval, project construction is scheduled to begin April 2021 and be completed by June 2021.

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

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

RESOLUTION NO. 14292

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING SPECIFICATIONS AND EXHIBITS FOR 2020-2021 SEWER MAIN LINING AT VARIOUS LOCATIONS PROJECT IN SAID CITY

Contracts 70 C-3278

10. AGREEMENT WITH CENTRALSQUARE TECHNOLOGIES, LLC, FOR FINANCIAL AND UTILITY BILLING SYSTEMS SOFTWARE IMPLEMENTATION AND LICENSING
Staff Report by Sung Hyun, Director of Finance

Purpose: Authorize the Finance Department to execute an agreement to upgrade the City's financial management system to enhance functionality and reliability. Associated costs in the amount of \$223,850 are included in FY 2021-22 adopted budget (Account No. 74-190062-9806) for this purpose.

Recommended Action: 1) Approve an agreement with CentralSquare Technologies, LLC for financial and utility billing systems software implementation and licensing in the amount of \$223,850; 2) Authorize the City Manager and the City Attorney to make any necessary, non-monetary changes to the agreement; 3) Authorize the City Manager and City Clerk to execute the agreement; and 4) Determine that dispensing with competitive bidding pursuant to Municipal Code Section 3.28.080 (H) is in the best interest of the City.

Director of Finance Hyun summarized the report noting the City has utilized various versions of CentralSquare Technologies, LLC., (CST) (formerly Sungard), for financial management software since 1999. In 2015, the City upgraded to the then current version of Sungard's FinancePLUS and CommunityPLUS software applications for general ledger, payroll, accounts payable, accounts receivable, purchasing, and utility billing, which utilized Microsoft Silverlight framework. At present, Microsoft support for Silverlight will end in October 2021, and the City's version of the CST PLUS software will be at the end of the product life cycle, ending technical and functional support.

Staff researched various options for replacing the current software and considered functionality, timing, and cost in the evaluation. As a result, staff has determined that it would be in the best interest of the City to upgrade to CST Finance Pro and Utilities based on being the most cost-effective option and also the best option available to ensure uninterrupted service and support of the City's operations due to Microsoft Silverlight support being discontinued in October 2021.

After discussion, the City Council directed staff to return with information on the security of the new software system.

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

MOTION CARRIED to approve the recommended action.

Contracts 70 C-2819

11. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, FINDING AND DECLARING THE RESULTS OF AN ANNUAL REVIEW OF DEVELOPER'S GOOD FAITH COMPLIANCE WITH THAT CERTAIN DEVELOPMENT AGREEMENT NO. DA16-001 CONCERNING THE PROPERTY LOCATED AT 7860 BEACH BOULEVARD, BUENA PARK, CA, AND FINDING AND DECLARING DEVELOPER TO BE IN DEFAULT OF SAID DEVELOPMENT AGREEMENT

Staff Report by Christopher G. Cardinale, City Attorney

Purpose: Document the results of the City's annual review of Developer's compliance with the terms and conditions of the Development Agreement, and if the City Council proceeds with adopting the Resolution, to declare Developer in formal default of the Development Agreement based on the results of said review.

Recommended Action: That the City Council review this report together with any public comment and either: 1) Adopt the attached Resolution declaring and finding Stanford Buena Park, LLC ("Developer") in default of the subject Development Agreement; or 2) Provide alternative direction.

City Attorney Cardinale provided a staff report and a brief recap of steps taken by Developer. The City held public hearings to determine developer's good faith compliance on October 27, 2020, November 2020 and subsequently on March 9. The recent proceedings were conducted for purposes of reviewing the extent of good faith compliance by Developer with the terms of the Development Agreement, as is contemplated by Government Code section 65865.1 and Section 12 of the Development Agreement. As further detailed in the staff reports from the meetings on October 27, 2020, and November 24, 2020, the Development Agreement required Developer to obtain building permits and commence construction by June 20, 2017, and for Developer to complete construction within 24 months. Though this deadline was subsequently extended, all such extensions have now lapsed, and Developer has yet to obtain or even apply for building permits for the Project.

Based on the information presented, Developer has offered three (3) general justifications for these delays: 1) liquefaction issues identified on the property after purchase required extensive analysis and time not initially contemplated; 2) the City has caused or contributed to delays by (among other things) failing to request clear deliverables and delays in providing comments/feedback on Developer's submittals in a timely manner and 3) financial impacts of the COVID-19 pandemic on the hospitality industry has made it infeasible to obtain construction lending to proceed with the Project. Despite these justifications, during the continued public hearing on March 9, 2021, the Developer proposed a schedule for "restarting" the Project as follows:

- June 1, 2021: Developer "restarts" architectural and engineering work.
- December 1, 2021: Developer submits complete (core and shell) building permit application package to City for review.
- February 1, 2022: Estimated date for City approval of building permit.
- March 1, 2022: Estimated date for commencement of construction (foundations).
- Construction Period: 24-36 months.

After considering the current status of the Project, Developer's justifications for delays, Developer's proposed schedule for "restarting" the Project, and all other matters presented to the City Council over the course of the three (3) public hearings, the City Council: 1) closed the public hearing; and 2) directed staff to prepare a Resolution finding and declaring Developer to be in default of its obligations under the Development Agreement.

Consistent with the City Council's direction, the City Attorney's Office has prepared the Resolution for the City Council's consideration. If approved by the City Council, the Resolution would: 1) find and declare that after completing an "annual review," the City Council has determined that Developer has not complied in "good faith" with the terms and conditions of the Development Agreement; and 2) find and declare Developer to be in default of the Development Agreement, and direct staff to initiate default notices and procedures.

Jonah Breslau, Los Angeles Alliance for a New Economy, here on behalf of Local Union 11, Hospitality of Southern California, spoke in support of the City Council's decision to declare developer to be in default.

Val Sadowinski, Buena Park resident, spoke about the three public hearings and the City Council's decision to declare developer to be in default and suggested a discussion between the City and the property owner would be beneficial in order to settle and save money on litigation.

MOTION to ADOPT a resolution declaring and finding Stanford Buena Park, LLC in default of the subject Development Agreement

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

MOTION CARRIED to ADOPT a resolution declaring and finding Stanford Buena Park, LLC in default of the subject Development Agreement:

RESOLUTION NO. 14293

RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BUENA PARK, CALIFORNIA, FINDING AND DECLARING THE RESULTS OF AN ANNUAL REVIEW OF DEVELOPER'S GOOD FAITH COMPLIANCE WITH THAT CERTAIN DEVELOPMENT AGREEMENT NO. DA16-001 CONCERNING THE PROPERTY LOCATED AT 7860 BEACH BOULEVARD, BUENA PARK, CA, AND FINDING AND DECLARING DEVELOPER TO BE IN DEFAULT OF SAID DEVELOPMENT AGREEMENT

Emergency Services 188

12. A REPORT TO THE CITY COUNCIL REGARDING THE EXISTENCE OF A LOCAL EMERGENCY IN THE CITY OF BUENA PARK REGARDING THE COVID-19 VIRUS
 Staff Report by Aaron France, City Manager

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.

City Manager France reported Orange County is back in the less restrictive red tier of the state's COVID-19 monitoring system. Orange County officially moved to the red tier on Sunday, March 7, 2021, two days earlier than expected. Red indicates substantial transmission rather than widespread. Many local businesses and activities in Orange County can resume operations or expand their capacity, impacting gyms, restaurants and movie theaters. Middle and high schools that didn't open previously can begin to offer onsite instruction with modifications.

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.

The OC Health Care Agency is scheduling vaccines through the Othena.com website, currently vaccinating Phase 1A (all tiers), Persons Ages 50+, Phase 1B-Tier 1, and persons ages 16-64 with underlying medical conditions as outlined by the State of California. Additional information can be found on Othena.com.

CALL TO ORDER 6 P.M.

PUBLIC HEARING (13)

Block Grants 1913

13. APPROVAL OF PROPOSED ACTIVITIES FOR FY 2021-2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM
Staff Report by Eddie Fenton, Assistant City Manager

Purpose: Authorize the Economic Development Division to submit the proposed FY 2021-2022 CDBG budget to the U.S. Department of Housing and Urban Development (HUD). CDBG grant funds will be incorporated into the City's Annual Action Plan.

Recommended Action: 1) Review and approve the Fiscal Year (FY) 2021-2022 Community Development Block Grant (CDBG) Program Budget.

Council Member Sonne recused herself from discussion due to a conflict of interest, as the previous Executive Director of the Buena Park Collaborative.

Mayor Traut stated that this was the time and place for a public hearing to consider approval of proposed activities for FY 2021-2022 Community Development Block Grant (CDBG) Program.

Assistant City Manager Fenton reported that in December 2020, Requests for Proposals (RFP) were sent to community non-profit organizations and City departments for the program year 2021-2022. The deadline for RFP submittals was January 4, 2021, at 5:00 p.m. The City received 12 funding requests for a total amount of \$1,032,016. Of these 12 requests, six were City-sponsored programs.

On February 18, 2021, the Citizen's Advisory Committee (CAC) held a public meeting to review and discuss the proposals submitted from the 12 non-public and public service applicants. The proposals included requests from two fair housing agencies to provide fair housing services to Buena Park residents. Although Staff recommended an alternative, the CAC recommended funding all 12 proposals, including two fair housing agencies which provide similar services. Since the City had not received its formal CDBG allocation from HUD prior to the CAC meeting, the CDBG allocation for FY 2020-2021 (\$875,154) was used to estimate the FY 2021-2022 budget. In addition to the estimated CDBG funds for FY 2021-2022, the budget included \$118,556 of unprogrammed funds and program income from the previous year for a total of \$993,710. The CAC recommended reducing Neighborhood Improvement/Code Enforcement funding in the amount of \$4,000 in order to fund both of the fair housing agencies that submitted proposals. This recommendation does impact the General Fund.

If the City Council approves CAC's proposed budget, both fair housing agencies and staff must closely monitor the programs to ensure that a duplication of benefits does not occur, which is not allowed by HUD. Per HUD regulations, HUD will not allow a person, household, business, government, or other entity to receive assistance from multiple sources for the same purpose, which is considered a duplication of benefits. If HUD determines that a duplication of benefits has occurred, the City would be required to reimburse CDBG funds. To ensure there are no duplication of benefits, staff recommends funding each fair housing organization for separate fair housing services. For example, Fair Housing Foundation funding could provide fair housing education, tenant and landlord counseling, mediation, and assistance activities, and affirmatively further fair housing activities. Meanwhile, the Orange County Fair Housing Council funds could be for fair housing enforcement, anti-discrimination, and outreach activities. Staff contacted each agency, and they agree with this recommendation.

On March 2, 2021, the City received its final 2021-2022 CDBG allocation in the amount of \$840,748, which is a 4% (\$34,406) decrease from the City's current FY 2020-2021 allocation. Therefore, the total CDBG funds and unprogrammed funds/program funds available is \$959,304. As a result, all programs were decreased by 4% from CAC's recommended budget.

Mayor Traut opened the public hearing and inquired if anyone present desired to speak.

Denise Cato, President and CEO, Fair Housing Council of Orange County, thanked the City Council for the opportunity to speak and spoke about the services provided by the Fair Housing Council which include fair housing enforcement, education, landlord/tenant counseling and mediation.

Martha Torres, Fair Housing Foundation, spoke about the services provided for the Buena Park community. She spoke about meeting the needs of clients even during challenging times and

urged the City Council to choose Fair Housing Foundation as the fair housing provider for Buena Park.

Stella Verdeja, Executive Director, Fair Housing Foundation, spoke about serving the Buena Park Community and willingness to partner with Fair Housing Council of Orange County, however she voiced concerns regarding splitting costs, splitting services, and negative effects on clients possibly getting confused.

There being no one further desiring to speak, Mayor Traut closed the public hearing.

The City Council discussed concerns about duplicating fair housing services, spending more money and the capabilities of Fair Housing Foundation to assist the community once the eviction moratorium ends.

MOTION to Accept CAC's recommendation and fund Fair Housing Foundation at \$14,400 (\$15,000 minus 4%), not fund Fair Housing Council of Orange County and return \$4,000 back to the Code Enforcement program.

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

MOTION CARRIED to Accept CAC's recommendation and fund Fair Housing Foundation at \$14,400 (\$15,000 minus 4%), not fund Fair Housing Council of Orange County and return \$4,000 back to the Code Enforcement program.

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Council Member Brown reported on the following:

- March 10 Orange County Sanitation District Meeting
- March 15 Los Angeles Rail Corridor Agency Meeting
- March 16 Cal Cities Webinar on COVID Relief Funding
- March 17 City Disaster Council Meeting
- March 17 Orange County Sanitation District Planning Meeting
- March 17 SCAG Zoom Meeting
- March 18 Captain Geyer's Oath of Office Ceremony

Mayor Pro Tem Park reported the following:

- March 12 FIT Committee Meeting
- March 16 Human Relations Committee Member Interviews
- March 18 Captain Geyer's Oath of Office Ceremony

Council Member Sonne reported the following:

- March 16 Human Relations Committee Member Interviews
- March 18 Captain Geyer's Oath of Office Ceremony

Council Member Sonne calendared a discussion on support for Senate Bill 612.

Council Member Swift reported the following:

- March 17 St. Patrick's Day Employee Celebration Walk-thru Event
- March 18 Captain Geyer's Oath of Office Ceremony

Council Member Swift calendared a discussion requesting LAFCO consider designating the town homes next to Boisseranc Park as Buena Park.

Mayor Traut reported on the following:

- March 11 Orange County Mayors Weekly Zoom Meeting
- March 12 Weekly Conference Call with County CEO and Health Officer
- March 18 Captain Geyer's Oath of Office Ceremony
- March 18 Orange County Mayors Weekly Zoom Meeting
- March 19 Weekly Conference Call with County CEO and Health Officer

RECESS/RECONVENE

Mayor Traut recessed the meeting at 6:31 p.m. and announced the meeting would be reconvened in the Council Chamber. The meeting was reconvened at 6:46 p.m.

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

14. DISCUSS AND PROVIDE DIRECTION REGARDING REDUCING YOUTH ACCESS TO TOBACCO PRODUCTS IN BUENA PARK

Presented by Jim Box, Director of Community Services

Director of Community Services Box reported this presentation will include data specifically related to the City of Buena Park and will address youth access to tobacco products and benefits of reducing access to flavored and mentholated tobacco products. Director Box introduced Brittney Morales Bravo, Health Promotions Coordinator, American Lung Association, Orange County; Claire Braeburn, Executive Director, America On Track; and BeLung Together Youth Council Members. Presenters spoke about protecting the youth in Buena Park from nicotine addiction, their goal of reducing youth access to menthol and flavored tobacco. They also spoke about the youth vaping epidemic among middle and high school students and the tobacco manufacturers aggressively marketing flavored products in several ways, including in advertisements, paying to place them on store counter-tops, using colorful imagery on packaging and introducing new and limited-edition flavors. The group also spoke about policy solutions to reducing youth access to tobacco and reported 103 California cities have already adopted flavored tobacco policies to protect young people from a lifetime of nicotine addiction.

Claire Braeburn, Executive Director, America On Track spoke about population-level strategies to address reducing youth access to tobacco products, especially flavored and mentholated tobacco products. These may include limitations on stores that sell tobacco. Cities are permitted to enact local ordinances that supplement federal and state laws that regulate tobacco use and sales; though local authority is partially preempted.

Yesenia Vasquez, expressed concern regarding youth and flavor tobacco, and menthol products, and requested the City Council outlaw flavor tobacco products.

Ramona Lopez, Buena Park resident spoke about concerns about tobacco industry targeting youth by making flavored cigarettes and products. Urged the City Council to consider adopting an ordinance prohibiting the sale of flavored tobacco near schools.

Jacqueline Murillo, America on Track, spoke about the information and education from the school districts and different organizations about prevention and abuse of substances of adolescents. She urged the City Council to consider adopting an ordinance that prohibits flavored tobacco and menthol product sales in the community.

The City Council discussed interactions with youth community members regarding concerns about flavored tobacco and nicotine products in the community, health related costs to tobacco addiction, banning permanently sales of flavored vaping equipment, second hand smoke concerns, and smoking regulations in affordable housing. Following discussion, the City Council directed the City Attorney to return to City Council with draft ordinances addressing permanent ban on flavored vaping products, licensing or registration requirement, locations/buffer zones – general land use issues, and smoking in proximity to residential uses.

15. DISCUSS AND PROVIDE DIRECTION REGARDING PENSION OBLIGATION BONDS
Presented by Sung Hyun, Director of Finance

Director of Finance Hyun reported that like most California cities, the City contracts with the California Public Employees' Retirement System (CalPERS) to provide pension benefits to its employees. Every year, CalPERS performs an actuarial valuation to determine the funded status of each of the City's pension plans. When a plan's value of assets is less than the total amount needed to fund all benefits earned in the past for current members, that difference is called the unfunded accrued liability or UAL. The most recent valuations were performed in July 2020 for the year ended June 30, 2019. These valuations calculated the UAL for the City's plans as:

Safety: \$ 79,482,185 or 67.0% funded

Miscellaneous: \$ 43,141,214 or 70.8% funded

Total UAL: \$122,623,399

CalPERS requires annual payments from agencies to pay off the UAL by FY2045-46. The City's scheduled annual UAL payment for FY2021-22 will be \$9.4 million, ramping up to a high of \$13.3 million in FY2030-31, before ramping back down to pay off by FY2045-46. CalPERS' assumed long-term rate of return on plan assets or "discount rate" is currently 7%. Due to the current low interest rate environment, the City may have an opportunity to achieve future long-term cost savings by "refinancing" the UAL by borrowing the funds needed to pay down the UAL at a low interest rate. One option may be to issue Pension Obligation Bonds (POBs) for this purpose. An increasing number of California cities have pursued a POB strategy to reduce future pension costs. It should be noted that POBs do not eliminate the risk of future CalPERS liabilities. POBs can refinance the existing CalPERS obligations, but would not address future investment gains or losses. The issuance of POBs requires a judicial validation proceeding to be completed to validate that the issuance of POBs would constitute a refinancing of existing debt, not the creation of new debt. Depending on the court's schedule, this proceeding may take 90 to 180 days. There may be other financing options available to the City that would not require a judicial validation.

A thorough independent financial analysis would be required to assess the potential risks and benefits to determine the feasibility of the City pursuing a refinancing of the UAL. If the City Council wishes to explore options to refinance the UAL, staff recommends that the City Council direct staff to engage a qualified financial advisor and bring back options at a future Council meeting.

Larry Kosmont and Dan Massiello, Kosmont Companies, provided a presentation regarding Refinancing CalPERS UAL with bonds. The presentation included information on increases in City pension costs, exploration of refinancing UAL could present options to better align pension costs, opportunity to reduce pension debt repayment refinance CALPERS UAL increases, lease revenue bond options and a summary of potential benefits of refinancing UAL.

The City Council directed the City Manager and Director of Finance to research further and return to another study session.

16. **DISCUSS AND PROVIDE DIRECTION FOR THE ADOPTION OF A RESOLUTION CALLING FOR THE ENDING OF CHILD MARRIAGE IN CALIFORNIA AND REQUESTING ADOPTION OF '18 NO EXCEPTION' LAWS**
Presented by Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported that at the City Council meeting of February 9, 2021, Council Member Sonne calendared a request for the City Council to consider adopting a Resolution supporting Global Hope 365's No Child Marriage Under 18 No Exceptions coalition. The proposed resolution formally expresses the City of Buena Park's commitment to protecting all minors by ending child marriage and supporting an "End Child Marriage Under 18, No Exceptions" law. The resolution also authorizes the City to use its website and social media platforms to publish necessary information pertaining to child marriage and to encourage other municipalities to take similar actions. Finally, the resolution calls on the state legislature to introduce and pass legislation that ends child marriage. Cities in Orange County that have adopted resolutions include Aliso Viejo, Anaheim, Costa Mesa, Fullerton, Irvine, Mission Viejo, Newport Beach, and Yorba Linda.

The City Council discussed protecting minors, impacts of this resolution on the community, and concerns over "No Exceptions" wording of the resolution. The City Council directed staff to provide additional information and return to a future City Council meeting for consideration.

17. **DISCUSS AND PROVIDE DIRECTION FOR A RESOLUTION CONDEMNING AND COMBATING RACISM, XENOPHOBIA, AND INTOLERANCE AGAINST ASIAN AMERICANS AND PACIFIC ISLANDERS**
Presented by Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported that since the outbreak of the COVID-19 pandemic in March 2020, harmful and xenophobic rhetoric related to the geographic origins of this disease resulted in a rise in reported hate incidents and crimes against Asian American and Pacific Islander (AAPI) individuals, communities, and businesses throughout the state of California. Stop AAPI Hate, a national coalition aimed at addressing anti-Asian discrimination amid the pandemic and founded by the Asian Pacific Policy and Planning Council, Chinese for Affirmative Action, and San Francisco State University's Asian American Studies Department, documented over 2,800 hate incidents targeting AAPIs in the United States in 2020, since it began to document incidents in March of that year. From March to June 2020, Stop AAPI Hate received reports of over 800

hate incidents in California against AAPIs related to the COVID-19 pandemic, the highest in the country. The recent murders of six Asian American women in Georgia have also contributed to the rise in hate crimes against AAPIs. Given the drastic increase in racially motivated attacks, city councils within the state and across the nation are adopting resolutions condemning hate against Asian Americans and Pacific Islanders.

The City Council directed staff to revise the resolution to reflect a more positive tone and revise and/or remove the historical references, and return at the next City Council Meeting for formal adoption.

18. CITY MANAGER REPORT

City Manager France reported the following:

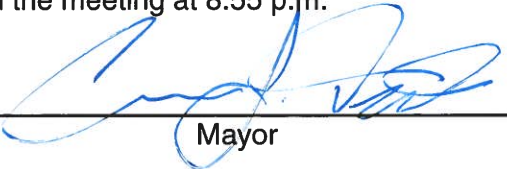
- Congratulated Captain Geyer on his promotion.
- Provided an update on the Police Department Memorial Installation on April 19, 2021

19. COMMISSION/COMMITTEE REPORT

City Clerk Jimenez had nothing to report.

ADJOURNMENT

There being no further business, Mayor Traut adjourned the meeting at 8:55 p.m.



Mayor

ATTEST:



City Clerk