

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD MAY 11, 2021

Vol. 52 Pg. 70

CALL TO ORDER

The City Council met in a regular session on Tuesday, May 11, 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, Swift, Park, Traut
ABSENT: None
EXCUSED: Sonne

Also present were: Aaron France, City Manager; Chris Cardinale, City Attorney; and Adria M. Jimenez, MMC, City Clerk.

INVOCATION

The invocation was led by Dianne Krylo, Buena Park Police Chaplain.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mark Averell, Purchasing Manager.

CITY MANAGER REPORT

City Manager France reported on the following:

- Unveiling of new Police Memorial, May 13, at 9:00 a.m.
- Gomez Park Groundbreaking, May 22, at 10:00 a.m.
- Broken Yolk Restaurant will be opening in June

PRESENTATIONS

Mayor Pro Tem Park presented a Proclamation declaring May 2021 as Asian American and Pacific Islander Heritage Month to Sean Roh, President, and Jesse Cho, Director of Government Relations, of the Korean American Chamber of Commerce.

Council Member Brown presented a Proclamation designating May 16 - 22, 2021 as National Public Works Week to Nabil Henein, P.E., Director of Public Works/City Engineer.

Council Member Swift presented a Proclamation for Peace Officers Memorial Month May 2021 to Chief Sianez on behalf of the Buena Park Police Department.

Mayor Traut presented a gavel plaque on behalf of Southern California Association of Governments to Council Member Arthur Brown.

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.

Jesse Cho, Korean American Chamber of Commerce, thanked City Council for the proclamation presented and offered to collaborate with Buena Park for the Love Buena Park project.

Sean Roh, Korean American Chamber of Commerce, stated the Chamber of Commerce supports the Love Buena Park business project.

Jose Trinidad Castaneda, Buena Park resident, spoke regarding bulky item debris fee for residents, and requested the City Council work with EDCO to eliminate the fee.

There being no additional request 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: Swift
AYES: Brown, Swift, Park, Traut
NOES: None
EXCUSED: Sonne

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

Finance 75

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

ADOPTED the following titled resolutions:

RESOLUTION NO. 14312

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$16,867.80 DEMAND NOS. 408262 THROUGH 408277 CANCELLED NO. 407800

RESOLUTION NO. 14313

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,113,563.87 DEMAND NOS. 408278 THROUGH 408456 VOIDS

RESOLUTION NO. 14314

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$722,107.74 COVERING REGULAR PAYROLL ENDING APRIL 16, 2021

Proclamation 119

2. PROCLAMATION DESIGNATING MAY 16 - 22, 2021, AS NATIONAL PUBLIC WORKS WEEK
Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Proclamation 119

3. PROCLAMATION DECLARING MAY 2021 ASIAN AMERICAN AND PACIFIC ISLANDER HERITAGE MONTH
Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Proclamation 119

4. PROCLAMATION FOR PEACE OFFICERS MEMORIAL MONTH MAY 2021
Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Boards & Commissions 42

5. RESOLUTION APPROVING APPOINTMENT OF COMMISSIONERS TO THE BEAUTIFICATION-ENVIRONMENTAL COMMISSION, THE TRAFFIC & TRANSPORTATION COMMISSION, AND THE SENIOR CITIZENS COMMISSION
Purpose: Accept the appointment of commissioners to the Beautification-Environmental Commission, Traffic & Transportation Commission, and the Senior Citizens Commission. There is no budget impact with the approval of this item.

Recommended Action: 1) Confirm the appointment of Suchitra Rao to the Beautification-Environmental Commission representing District 3 for a term that will expire on May 11, 2024; 2) Confirm the appointment of Robert Mote to the Traffic & Transportation Commission representing District 5 for a term that will expire on February 28, 2024; 3) Confirm the appointment of Tom Woodward to the Traffic & Transportation Commission representing District 3 for a term that will expire on April 10, 2024; 4) Confirm the appointment of Felix Lopez to the Traffic & Transportation Commission representing District 4 for a term that will expire October 25, 2023; 5) Confirm the appointment of Jennifer Park to the Senior Citizens Commission representing the at-large district for a term that will expire May 22, 2024; and 6) Confirm the appointment of Patricia Shields to the Senior Citizens Commission representing District 3 for a term that will expire August 26, 2023.

ADOPTED the following titled resolution:

RESOLUTION NO. 14315

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING THE APPOINTMENTS OF SUCHITRA RAO, DISTRICT 3, TO THE BEAUTIFICATION COMMISSION; ROBERT MOTE, DISTRICT 5, TO THE TRAFFIC & TRANSPORTATION COMMISSION; TOM WOODWARD, DISTRICT 3, TO THE TRAFFIC & TRANSPORTATION COMMISSION; FELIX LOPEZ, DISTRICT 4, TO THE TRAFFIC & TRANSPORTATION COMMISSION; JENNIFER PARK, DISTRICT AT LARGE, TO THE SENIOR CITIZENS COMMISSION; AND PATRICIA SHIELDS, DISTRICT 3, TO THE SENIOR CITIZENS COMMISSION

Contracts 70 C-3201

6. AMENDMENT NO. 1 TO LICENSE AGREEMENT WITH MGP XII BUENA PARK GL, LLC (MERLONE GEIER) FOR USE OF THE PROPERTY LOCATED AT 8150 LA PALMA AVENUE FOR THE BUENA PARK FARMERS MARKET
Purpose: Authorize the City Manager's Office to execute an agreement to allow the Buena Park Farmers Market to be held at 8150 La Palma Avenue. Associated costs in the amount of \$6,900 will be funded by the Economic Development Fund and are included in the proposed FY2021-2022 budget.

Recommended Action: 1) Approve Amendment No. 1 to the license agreement with MGP XII Buena Park GL, LLC for the use of their site at 8150 La Palma Avenue for the Buena Park Farmers Market; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the amendment; and 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

Budgets 47 County/State Grants 185 Emergency Services 188

- 7. RESOLUTION AUTHORIZING ACCEPTANCE OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FROM THE ORANGE COUNTY SHERIFF'S DEPARTMENT (OCSD) FOR THE 2020-2021 DESIGNATED PROGRAM YEAR AND ASSOCIATED AGREEMENT

Purpose: Authorize the Police Department to accept grant funds from the OCSD for emergency management program expenses. Associated costs in the amount of \$11,190 will be reimbursed by the grant.

Recommended Action: 1) Adopt a resolution authorizing acceptance of the Emergency Management Performance Grant (EMPG) from the Orange County Sheriff's Department (OCSD) in the amount of \$11,190 for the 2020-2021 designated program year; 2) Approve the EMPG agreement with the OCSD in the same amount; 3) Authorize the City Manager and City Attorney to make any necessary, non-monetary change to the agreement; 4) Authorize the City Manager and City Clerk to execute the grant agreement and any other necessary documents related to acceptance of the grant; and 5) Approve a budgetary action in the amount of \$11,190 for this purpose.

APPROVED the recommended action.

RESOLUTION NO. 14316

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING ACCEPTANCE OF THE EMERGENCY MANAGEMENT PERFORMANCE GRANT FOR 2020-21 DESIGNATED PROGRAM YEAR

END OF CONSENT CALENDAR

NEW BUSINESS (8 – 11)

Contracts 70 C-3287 Public Works 125 PW-898

- 8. RESOLUTION APPROVING PLANS, SPECIFICATIONS, AND APPROVAL OF CONTRACT WITH THREE PEAKS CORP FOR THE RICK GOMEZ PARK 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 Rick Gomez Park Project. Associated construction costs in the amount of \$1,734,150.50 will be funded from a combination of Park-in-Lieu, Prop. 68 Per Capital Program and the St. Jude Grant funds (Account No. 32-9806-290152).

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Rick Gomez Park Project; 2) Award a contract to Three Peaks Corp. in the amount of \$1,678,150.50; 3) Authorize contingency funds in the amount of \$56,000 in the same purchase order; 4) Authorize the City Manager and City Attorney to make any necessary changes to the contract; and 5) Authorize the City Manager and the City Clerk to execute the contract.

Assistant City Engineer Mikhael summarized the report noting the Rick Gomez Park Project will include construction of hardscape, paving, site furnishings, fencing, play equipment, play surfacing, an outdoor fitness zone, a picnic shelter, shade sails, grading/drainage, irrigation, planting, electrical, and lighting. On April 26, 2021, ten bids were received and publicly opened. The lowest, responsible bid was submitted by Three Peaks Corp. of Calimesa, CA, in the amount of \$1,678,150.50. This contractor possesses the required license and has completed similar projects for the cities of Anaheim and Arcadia. Bids received for this project were higher than anticipated. In the interest of time, staff recommends moving forward with the project with a lower contingency amount and coming back to the City Council with any necessary change orders. Staff recommends awarding a contract to Three Peaks Corp. and approving contingency funds in the amount of \$56,000. Construction is scheduled to begin in May 2021 and be completed August 2021.

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

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

RESOLUTION NO. 14317

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING PLANS AND SPECIFICATIONS FOR RICK GOMEZ PARK PROJECT IN SAID CITY

Contracts 70 C-3288 Public Works 125 PW-899

- 9. RESOLUTION APPROVING PLANS, SPECIFICATIONS AND APPROVAL OF CONTRACT WITH ALL AMERICAN ASPHALT FOR THE DODDS AVENUE REHABILITATION PROJECT

Presented by Mina Mikhael, P.E., Assistant City Engineer

Purpose: Approve plans and specifications, and hire a contractor for the Dodds Avenue Rehabilitation Project. Associated costs in the amount of \$378,316 will be funded from a combination of RMRA (Road Maintenance and Rehabilitation Account) funds and the Gas Tax Fund (Account No. 24-9806-590167).

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Dodds Avenue Rehabilitation Project; 2) Award a contract to All American Asphalt in the amount of \$316,316; 3) Authorize contingency funds in the amount of \$32,000 in the same purchase order; 4) Authorize construction engineering in the amount of \$30,000; 5) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the contract; and 6) Authorize the City Manager and the City Clerk to execute the contract.

Assistant City Engineer Mikhael summarized the report noting the Dodds Avenue Rehabilitation Project will include the removal and replacement of damaged and deteriorated asphalt pavement, curb and gutter, sidewalk, wheelchair ramp truncated domes, driveway approaches, and upgrading of the existing curb ramps per code requirements. Work limits are from Stage Road to the cul-de-sac on Dodds Avenue and from Pacific Avenue to Tulare Street on Kingman Avenue. On April 28, 2021, six bids were received and publicly opened. The lowest, responsible bid was submitted by All American Asphalt in the amount of \$316,316. 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 All American Asphalt and approving contingency funds in the amount of \$32,000. Construction is scheduled to begin in June 2021 and be completed by August 2021.

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

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

RESOLUTION NO. 14318

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

Admin. Svcs. 112 Budgets 47

10. REORGANIZATION PLAN FOR THE COMMUNITY DEVELOPMENT DEPARTMENT AND RECLASSIFICATION OF THE BUILDING INSPECTOR TECHNICIAN POSITION TO BUILDING INSPECTOR

Presented by Alice Burnett, Human Resources Manager

Purpose: Reclassify the budgeted Building Inspector Technician position to the higher-level Building Inspector position to meet the building needs of the City. Associated costs of salary and benefits in the amount of \$1,350 for this fiscal year will require a budget transfer from the existing Professional and Contractual account for this purpose (Account No. 11-731150-6240).

Recommended Action: 1) Reclassify the Building Inspector Technician position to Building Inspector; and 2) Approve a budget transfer in the amount of \$1,350 from the Building Division Professional and Contractual account to fund the Building Inspector position for the remainder of FY 2020-2021.

Human Resources Manager Burnett summarized the report noting the reclassification of the budgeted Building Inspector Technician position to the higher-level Building Inspector position to meet the building needs of the City. The proposed reorganization of the Building Division will require a budget transfer of approximately \$1,350 from the Community Development Professional and Contractual account (Account No. 11-731150-6240) to regular Salaries and Benefits account (Account No. 11-731180-5110) for the remainder of FY 2020-2021. The total annual cost of this reclassification plan is approximately \$8,000. The Professional and Contractual account will be reduced in FY2021-22 to cover this cost for next fiscal year.

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

MOTION CARRIED to approve the recommended action.

Emergency Services 18811. A REPORT TO THE CITY COUNCIL REGARDING THE EXISTENCE OF A LOCAL EMERGENCY IN THE CITY OF BUENA PARK REGARDING THE COVID-19 VIRUS
Presented 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 provided an update on the Covid pandemic in Orange County: two of the three metrics are currently in the yellow tier; there has been a decline in Covid hospitalizations; and there are three vaccination super sites in Orange County. Vaccination rates in Buena Park indicate that over 80% of residents over the age of 65 have been vaccinated.

Assistant City Manager Fenton provided an update on vaccinations to the Community every Tuesday from 1:00 p.m. to 6:00 p.m., at the Senior Center, 8150 Knott Avenue. Appointments can be scheduled online through myturn.ca.gov. In addition, the City of Buena Park and its Human Relations Committee is launching a new campaign to promote health access in Buena Park, in particular access to routine testing and Covid-19 vaccines. Residents may pick up a yard sign and a free bottle of hand sanitizer at City Hall. Mr. Fenton informed the public they can contribute to slow the spread by wearing a mask, washing hands, and maintaining physical distance.

Received and filed.

MAYOR/CITY COUNCIL REPORTS & CALENDAR

Council Member Swift reported on the following:

- April 29 Buena Park Cable Foundation Scholarship Interviews
- May 6 SCAG General Assembly
- May 11 Buena Park Cable Foundation Meeting

Council Member Swift calendared a discussion regarding Council Member-selected voting delegates receiving input and direction for voting on the City Council's behalf, and a discussion regarding grant funding to extend the park/grass area between Gilbert School and Bellis Park.

Council Member Brown reported on the following:

- April 28 Orange County Council of Government Webinar
- April 28 Orange County Sanitation Board Meeting
- April 29 Future of Law Enforcement Webinar
- April 29 Buena Park Police Department Etching Program
- April 30 Special City Council Meeting
- May 3 Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency Meeting
- May 4 Traffic and Transportation Commission Interviews
- May 5 SCAG Executive Administrative Committee Meeting
- May 5 Traffic and Transportation Commission Interviews
- May 8 Community Gardens Workshop
- May 11 Buena Park Cable Foundation Meeting

Council Member Brown calendared a monthly report on the Orange County Power Authority from the Council Liaison, and an update on the Buena Park Collaborative.

Mayor Pro Tem Park reported on the following:

- April 29 Buena Park Police Department Etching Program
- April 30 Special City Council Meeting
- May 3 Workforce Agreement Ad Hoc Committee Meeting
- May 5 Senior Citizen Commission Interviews
- May 5 Human Relations Committee Meeting
- May 6 SCAG General Assembly Meeting
- May 11 Buena Park Cable Foundation Meeting

Mayor Traut reported on the following:

- April 29 Beautification-Environmental Commission Interview
- April 30 Weekly Conference Call with County CEO and Health Officer
- April 30 Special City Council Meeting
- May 3 Workforce Agreement Ad Hoc Committee Meeting
- May 3 Filmed High School Arts Show
- May 3 Mayor's Prayer Breakfast Meeting
- May 4 Traffic and Transportation Commission Interviews
- May 6 SCAG General Assembly
- May 7 California Mayors Coalition Meeting
- May 8 Community Gardens Community Meeting

Mayor Traut, on behalf of Council Member Sonne, calendared a discussion at the next City Council meeting about flying the LGBTQ flag at City Hall during pride month, and a discussion regarding commission appointments for district representatives.

RECESS/RECONVENE

Mayor Traut recessed the meeting at 6:07 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:16 p.m.

STUDY SESSION (12 – 16) (Reconvene in the Council Chamber)

12. DISCUSS AND PROVIDE DIRECTION REGARDING THE IMAGES PARK IMPROVEMENTS

Presented by Mina Mikhael, P.E., Assistant City Engineer

Assistant City Engineer Mikhael reported on January 26, 2021, the City Council approved a grant agreement with St. Jude Hospital in the amount of \$28,740 for the installation of fitness equipment at Images Park. In addition, the City Council directed staff to host a community meeting to receive resident input. A community meeting was held on March 6, 2021. The surrounding community suggested addressing inadequate lighting, replacing the playground sandpit with rubberized surfaces, addressing other improvements and requested another piece of fitness equipment be added.

Staff obtained quotes to address all additions requested during the community outreach. As a result of the additional scope, the total project cost is higher than the amount budgeted for the project. While staff can locate other funding sources, this park is also scheduled to receive updates to comply with the Americans with Disabilities Act (ADA), which may overlap with the fitness equipment construction. In an effort to save cost, staff recommends addressing Images Park's ADA improvements, fitness equipment, and other improvements under one contract and construction timeframe. Combining the two projects will assist in getting better quotes as the scope of the project will be wider and similar in nature.

The City Council discussed this area being underserved, staffing costs for repairs/replacing of playground equipment and history of the land and park throughout the years. Following discussion, the City Council supported staff to move forward with the project.

13. DISCUSS AND PROVIDE DIRECTION REGARDING PROPOSED REFUSE RATE INCREASES AND DIRECT STAFF TO PREPARE PUBLIC HEARING FOR JULY 13, 2021

Presented by Doug Brodowski, Operations Manager

Operations Manager Brodowski reported Park Waste and Recycling submitted a request for a refuse rate review. The rates have not increased since August 1, 2019. Since that time, the County of Orange has increased the landfill tip fee from \$35.05 to \$35.67 per ton in 2020 and will increase it further to \$36.09 on July 1, 2021. In addition, on January 1, 2020, Park Waste and Recycling began transporting green waste to a composting facility in order to comply with AB 1594, which ruled that green waste could no longer be claimed as a diversion for recycling purposes if it is used for daily cover at the local landfills. Park Waste has absorbed these additional operating costs during the past two years. Additionally, on April 27, 2021, the City Council received an update regarding SB 1383, which established methane emission reduction targets in a statewide effort to reduce emissions from short-lived climate pollutants. In order to comply with SB 1383, the City is faced with mandatory implementation of a residential and commercial organics collection program and a food waste recovery program. Taken together, these are the most comprehensive recycling requirements since the advent of AB 939 in 1989. Staff is requesting direction to proceed with Proposition 218 noticing requirements for a Public Hearing on July 13, 2021.

The City Council supported moving forward with staff's recommendation.

14. DISCUSS AND PROVIDE DIRECTION REGARDING A LOVE BUENA PARK BUSINESS CAMPAIGN

Presented by Eddie Fenton, Assistant City Manager

Assistant City Manager Fenton reported the Human Relations (HR) Committee was made aware that some Buena Park businesses do not include Buena Park as their business location while advertising and instead use a neighboring city. While it is not completely clear as to the reasoning, this practice does not promote a sense of pride for Buena Park. The Committee desires to bring the community together and celebrate the rich cultural diversity within the Buena Park community through education. At the March 3, 2021, HR Committee meeting, the Committee decided that drafting a letter to Buena Park businesses on this topic could be a tangible first step. The purpose of this letter would be to encourage all businesses located within the City to be proud of their Buena Park location and promote a culture of unity and inclusiveness among all businesses. On April 7, 2021, the HR Committee discussed this item and voted to recommend that the City Council consider a Love Buena Park Business Campaign to support this concept.

The City Council discussed using a different name for this program so as not to create confusion with the Love Buena Park event, working with the Korean Chamber of Commerce and the North Orange County Chamber of Commerce, and this being a campaign and not an enforcement program.

Following discussion, the majority of the City Council (Brown, dissented) directed staff to change the name of the campaign, draft a letter for the Mayor's signature to be delivered to the business community, and develop a comprehensive Business Campaign plan to bring back to a future City Council meeting for further discussion.

15. CITY MANAGER REPORT

City Manager France reported on the following:

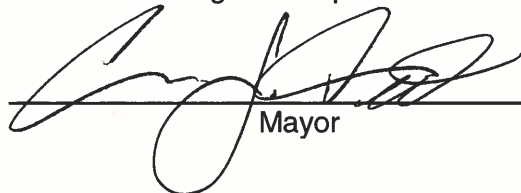
- Budget Workshop Meeting on May 25, at 1:00 p.m.
- Inquired about City Council Members attendance to the unveiling of the new Police Memorial.
- Received interim guidance relating to the American Recovery Act and staff will provide more information once it's received.

16. COMMISSION/COMMITTEE REPORT

City Clerk Jimenez thanked the City Council for participating in the recently held commissioner interviews.

ADJOURNMENT

There being no further business, Mayor Traut adjourned the meeting at 6:56 p.m.



Mayor

ATTEST:



City Clerk

