



**Memorandum**

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**Office of the City Clerk**

DATE: March 7, 2022

TO: Mayor and City Council

FROM: Adria M. Jimenez, MMC, City Clerk

SUBJECT: Agenda Item No. 1 - Minutes

Attached are the Minutes for the Regular City Council Meetings of January 25, 2022, February 8, 2022 and February 22, 2022.

MINUTES OF CITY COUNCIL MEETING  
OF THE CITY OF BUENA PARK  
HELD JANUARY 25, 2022

Vol. 50 Pg. 1

CALL TO ORDER

The City Council met in a regular session on Tuesday, January 25, 2022, at 5:05 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Park presiding.

ROLL CALL

PRESENT: Brown, Sonne, Swift, Traut, Park  
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 Corey Sianez, Chief of Police.

CITY MANAGER REPORT

City Manager France reported on the following:

- Rick Gomez Park Dedication Ceremony, 7501 8<sup>th</sup> Street., Saturday, January 22, 2022 at 10:00 a.m.
- Ruth Walp Hall Dedication Ceremony, Ehlers Event Center, January 29, 2022 at 10:00 a.m.

City Attorney Cardinale reported on the implementation of AB 361 to allow videoconference participation for all city public meetings.

PRESENTATIONS

Operations Manager Brodowski presented the 2021 Holiday Decoration Awards to: 1st Place Award - Lane Moore & Richard Garrett, 6370 San Marcos Way; 2nd Place Award - Randy & Karina Hill, 9242 Via Balboa Circle; and 3rd Place Award - Pedro & Wendy Negron, 7487 Mohawk Circle. Honorable Mention - Mike & Beverly Ells, 7475 Mohawk Circle.

ORAL COMMUNICATIONS

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

Baron Night, Buena Park resident spoke regarding the Orange County Power Authority proposed rate structure for Buena Park residents.

Jose Trinidad Castaneda, spoke regarding an apartment fire in December 2021 on 7<sup>th</sup> Street and the family's circumstances needing housing.

Rob Christensen, II, Buena Park resident, thanked the City Council and City Staff for addressing the proposed lackey State Senate District the California Redistricting Commission proposed.

City Clerk Jimenez read in to the record an email from Jacqueline Murrillo regarding Ramona Lopez who was evicted from her apartment after a fire in December 2021.

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

#### CONSENT CALENDAR (1 – 8)

Mayor Park 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. There being no requests for separate consideration, the following action was taken:

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

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 8 be approved.

#### Minutes

1. APPROVAL OF MINUTES  
Recommended Action: Approve Minutes of the Regular City Council Meeting of December 14, 2021.

APPROVED the recommended action.

#### Finance 75

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

ADOPTED the following titled resolutions:

##### RESOLUTION NO. 14434

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$399.02 DEMAND NOS. 411862 THROUGH 411863

##### RESOLUTION NO. 14435

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$952,302.58 DEMAND NOS. 411864 THROUGH 411947 CANCELLED NO 409356

##### RESOLUTION NO. 14436

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,263.61 DEMAND NOS. 411948 THROUGH 411952 CANCELLED NO 411850

#### Boards & Commissions 42

3. RESOLUTION APPROVING THE APPOINTMENT OF COLLETTE CHENCINSKI TO THE SENIOR CITIZENS COMMISSION  
Purpose: Accept the appointment of a commissioner to the Senior Citizens Commission. There is no budget impact with the approval of this item.

Recommended Action: 1) Confirm the appointment of Colette Chencinski to the Senior Citizens Commission representing District 4 for a term that will expire on January 25, 2025.

ADOPTED the following titled resolution:

##### RESOLUTION NO. 14437

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING THE APPOINTMENT OF COLETTE CHENCINSKI TO THE SENIOR CITIZENS COMMISSION

**Contracts 70 C-3279 Public Works 125 PW-895**

4. FINAL PAYMENT TO SELECT ELECTRIC, INC. FOR THE MALVERN AVENUE AT COUNTRY CLUB DRIVE TRAFFIC SIGNAL UPGRADE PROJECT  
Purpose: Authorize the Public Works Department to issue final payment and file a Notice of Completion for the Malvern Avenue at Country Club Drive Traffic Signal Upgrade Project. This project was included in the FY 20-21 Capital Improvement Program budget, and is funded by the Gas Tax Fund (Account No. 24-9806-590170).

Recommended Action: 1) Accept project as complete and approve final payment to Select Electric, Inc. in the amount of \$135,885.63; and 2) Direct the Public Works Department to file a Notice of Completion.

APPROVED the recommended action.

**Purchasing 127**

5. APPROVAL OF PURCHASE ORDERS FOR BUILT RITE FENCE COMPANY, MID CITY'S ELECTRIC, PRO LANDSCAPING INC., ST. NICKS, JHM SUPPLY, RV NURSERY, AND MERCHANTS LANDSCAPING TO REPAIR THE FENCING, ELECTRICAL, AND LANDSCAPING WITHIN THE BEACH BOULEVARD MEDIAN BETWEEN LA PALMA AND CRESCENT AVENUES FOLLOWING A VEHICLE ACCIDENT

Purpose: Authorize the Public Works Department to hire contractors and purchase materials to repair the fencing, landscaping, irrigation, trees, tree lighting and electrical systems in the Beach Boulevard median between La Palma and Crescent Avenues that was damaged after a vehicular accident on November 20, 2021. Associated costs in the amount of \$53,039.73 will be funded by the Public Liability Fund and Risk Management.

Recommended Action: 1) Approve a purchase order in the amount of \$24,757 for Built Rite Fence Company to furnish and install a fence within the Beach Boulevard median; 2) Approve a purchase order in the amount of \$13,000 for Pro Landscaping Inc. to replace two damaged palm trees within the Beach Boulevard median; 3) Approve a purchase order in the amount of \$9,500 for Mid City's Electric for repairs to electrical lines within the Beach Boulevard median; 4) Approve a purchase order in the amount of \$1,316.26 for St. Nicks to replace lights on the two palm trees within the Beach Boulevard median; 5) Approve a purchase order in the amount of \$673.09 for JHM Supply to purchase irrigation material; 6) Approve a purchase order in the amount of \$1,993.38 for RV Nursery to purchase landscaping material; 7) Approve a purchase order in the amount of \$1,800 for Merchants Landscaping to replace landscaping and irrigation; and 8) Authorize the City's Purchasing Manager to issue the various purchase orders.

APPROVED the recommended action.

**Grants 185**

6. RESOLUTION AUTHORIZING THE SUBMITTAL OF GRANT APPLICATIONS FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS TO THE CALIFORNIA DEPARTMENT OF RESOURCES AND RECOVERY (CALRECYCLE)

Purpose: Adopt a resolution authorizing the Public Works Department to submit and administer grant applications and grant payments from CalRecycle. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Adopt a resolution authorizing the submittal of applications for payment programs and related authorizations for the California Department of Resources and Recovery (CalRecycle) grant and funding opportunities.

ADOPTED the following titled resolution:

**RESOLUTION NO. 14438**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING SUBMITTAL OF APPLICATION FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS

**Water 153**

7. RESOLUTION SUPPORTING FEDERAL PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) LEGISLATION THAT PROTECTS RATEPAYERS AND WATER/WASTEWATER AGENCIES

Purpose: Adopt a Resolution supporting and encouraging legislators to pass legislation to protect cities and water agencies from the costs of treating drinking water that has been tainted with PFAS chemicals. There is no direct budget impact with the adoption of this resolution.

Recommended Action: 1) Adopt a resolution supporting federal per- and polyfluoroalkyl substances (PFAS) legislation that protects ratepayers and water/wastewater agencies.

ADOPTED the following titled resolution:

**RESOLUTION NO. 14439**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, SUPPORTING FEDERAL PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) LEGISLATION THAT PROTECTS RATEPAYERS AND WATER/WASTEWATER AGENCIES

**Contracts 70 C-3351 Grants 185**

8. RESOLUTION AUTHORIZING PERSONS HOLDING CERTAIN DESIGNATED POSITIONS TO EXECUTE URBAN AREA SECURITY INITIATIVE GRANT (UASI) DOCUMENTS FOR AND ON BEHALF OF THE CITY OF BUENA PARK AND AGREEMENT WITH CITY OF ANAHEIM FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR REIMBURSEMENT OF TRAINING COSTS RELATED TO THE PROGRAM

Purpose: Designate and authorize staff to execute documents on behalf of the City of Buena Park. Persons in the designated positions will be authorized to execute all documents that are associated with the administration of grants and training opportunities awarded to Buena Park or to apply for grants or grant-related activities available to the City's public safety entities.

Recommended Action: 1) Adopt a resolution authorizing the Police Chief or his designee to execute Urban Area Security Initiative (UASI) grant documents for and on behalf of the City of Buena Park; 2) Authorize the City Manager, Police Chief or designated persons within the Buena Park Police Department to oversee and administer the projects associated with the Anaheim/Santa Ana UASI training and funding on behalf of the City; 3) Approve an agreement with the City of Anaheim for transfer or purchase of equipment/services or reimbursement of training costs; 4) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 5) Authorize the Police Chief to execute the agreement.

ADOPTED the following titled resolution:

**RESOLUTION NO. 14440**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA AUTHORIZING PERSONS HOLDING CERTAIN DESIGNATED POSITIONS TO EXECUTE URBAN AREA SECURITY INITIATIVE GRANT DOCUMENTS FOR AND ON BEHALF OF THE CITY OF BUENA PARK

END OF CONSENT CALENDAR

## NEW BUSINESS (9 – 15)

**Contracts 70 C-3352**

9. PROFESSIONAL SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES, INC. FOR DESIGN SERVICES TO CREATE CONCEPTUAL PLANS FOR THE DALE AND WHITAKER COMPLETE STREETS PROJECT  
Presented by Deepthi Arabolu, P.E., T.E., Principal Engineer

Purpose: Authorize the Public Works Department to hire a consultant to provide professional engineering services for the Dale Street and Whitaker Street Complete Streets conceptual plans. Associated costs in the amount of \$73,398 will be budgeted from the unappropriated Gas Tax Fund balance for this purpose.

Recommended Action: 1) Approve a Professional Services Agreement with Stantec Consulting Services, Inc. in the amount of \$73,398 to provide professional engineering services for the Dale Street and Whitaker Street Complete Streets conceptual plans; 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 the City Clerk to execute the agreement.

Principal Engineer Arabolu summarized the report noting in August, 2017, the City Council approved a resolution adopting the City's Complete Streets Master Plan. The City Council approved a Professional Services Agreement with Stantec Consulting Services, Inc. for the Dale Streets Complete Streets design in 2018, and for grant writing services related to the design in 2020. The 100% design supports the Complete Streets principles and standards for the City of Buena Park and the 2008 California Complete Streets Act requirements, however, the grant application that was submitted for Active Transportation Program (ATP) Cycle 5 did not score high enough to receive the funding necessary to execute the project.

In an effort to increase the project's chances of winning grant funding for the upcoming 2023 ATP Cycle 6, staff thoroughly re-evaluated the design of the project. Consequently, staff proposes extending the geographic scope of the design to include Dale Street from Commonwealth Avenue to Malvern Avenue and Whitaker Street from Stanton Avenue to east city limits as a part of the project. Furthermore, this revised complete streets network will create a safe and efficient transportation system to users of the future Whitaker Park that will be constructed in the very near future with the recently awarded grant funds. Staff recommends entering into an agreement with Stantec Consulting Services, Inc. based on the qualifications of its team members and their outstanding performance on similar projects for other cities.

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

MOTION CARRIED to approve the recommended action.

**Contracts 70 C-3353 Public Works 125 PW-905**

10. RESOLUTION APPROVING PLANS AND SPECIFICATIONS AND APPROVAL OF CONTRACT WITH ALL AMERICAN ASPHALT FOR THE EIGHTH STREET REHABILITATION PROJECT  
Presented by Mina Mikhael, P.E., Assistant City Engineer

Purpose: Adopt a resolution approving plans and specifications, and hire a contractor for the Eighth Street Rehabilitation Project. Associated costs in the amount of \$591,000 will be funded from the project account (Account No. 24-9806-590177) utilizing a combination of Measure M2 and Gas Tax Funds.

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Eighth Street Rehabilitation Project; 2) Award a contract to All American Asphalt in the amount of \$510,000; 3) Authorize contingency funds in the amount of \$51,000 in the same purchase order; 4) Authorize construction engineering in the amount of \$30,000; and 5) Authorize the City Manager and the City Clerk to execute the contract.

Assistant City Engineer Mikhael summarized the report noting the Eighth Street Rehabilitation Project work limits are from Knott Avenue to Western Avenue on Eighth Street, and from Eighth Street to the cul-de-sac on Burnham Avenue. Construction will include the removal and replacement of damaged and deteriorated asphalt pavement, curb and gutter, sidewalk, and

wheelchair ramp truncated domes. Construction is scheduled to begin in March 2022 and be completed by May 2022. This project was advertised on December 21, 2021. Four bids were received and publicly opened on January 12, 2022. The lowest, responsible bid was submitted by All American Asphalt in the amount of \$510,000. This bid is 16% above 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 in the amount of \$510,000, and approving contingency funds in the amount of \$51,000.

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

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

RESOLUTION NO. 14441

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

**Contracts 70 C-3354**

11. LICENSE AND JOINT USE AGREEMENT WITH THE BUENA PARK SCHOOL DISTRICT (BPSD) FOR THE WHITAKER ELEMENTARY SCHOOL PARK IMPROVEMENTS PROJECT  
 Presented by Mina Mikhael, P.E., Assistant City Engineer

Purpose: Authorize the City to enter into an agreement with the BPSD allowing the City to construct a public park on a portion of Whitaker Elementary School and the later jointly use the park and improvements with the District. There is no direct budget impact with the approval of this joint use agreement.

Recommended Action: 1) Approve a License and Joint Use Agreement with the Buena Park School District (BPSD) for the Whitaker Elementary School Park Improvements Project; 2) Authorize the City Manager and City Attorney to make any necessary, nonmonetary changes to the Agreement; and 3) Authorize the City Manager and the City Clerk to execute the agreement.

Assistant City Engineer Mikhael summarized the report noting on June 5, 2018, voters passed Proposition 68, the \$4 billion "Parks, Environment, and Water Bond Act of 2018," which included a competitive grant program. Due to lack of available park space in the area to construct a new park and lower median household income in the surrounding neighborhood, the Whitaker School Park project was a good grant candidate. On December 8, 2021, the California Department of Parks & Recreation notified the City that its application for Whitaker Park was selected for funding as part of the Proposition 68 grant review process in the amount of \$3,190,543. This project is located at 8401 Montana Street, Buena Park, CA 90620, known as the James A. Whitaker Elementary School site, which is owned by the Buena Park School District (BPSD). The project will consist of the City's construction of the park improvements to be funded with the grant proceeds, and, after construction, the joint use and operation of the improved park by the City and BPSD. The park improvements and design will include: a ¼-mile hardscape oval walking trail with an adjacent decomposed granite walking trail, two age-appropriate playgrounds with shared rubber play surfaces, exercise fitness equipment offering 9 to 10 fitness stations placed on decomposed granite surfacing and located in a central area adjacent to the walking trail, among other amenities. The term of the agreement is for 30 years, with the City having the right to extend the term for not more than an additional 20 years. Both parties must maintain and clean the park during their respective periods of use, with the parties sharing the cost of ongoing landscaping. Both parties will keep and maintain insurance, and are responsible for liabilities relating to or arising from their respective obligations under the Agreement and during times of park use.

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

MOTION CARRIED to approve the recommended action.

**Finance 75**

12. RESOLUTION APPROVING THE CITY OF BUENA PARK STATEMENT OF INVESTMENT POLICY DATED JANUARY 25, 2022  
Presented by Sung Hyun, Director of Finance

Purpose: Amend the City's Statement of Investment Policy to include parameters for socially-responsible investing. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Adopt a resolution approving the City of Buena Park Statement of Investment Policy dated January 25, 2022.

Director of Finance Hyun summarized the report noting California Government Code, Section 53646(a), requires that the investment policy of the City be annually rendered to, and then considered by, the City Council. The current investment policy was approved on August 24, 2021. During that meeting, Council Member Sonne requested a discussion to include ethics as a selection criterion for investments allowed by the policy. Subsequently, the City Council directed staff to amend the investment policy to include parameters for socially-responsible investing. Staff has consulted with the City's investment advisor, Chandler Asset Management, to craft language to address the City Council's socially-responsible investing parameters. Staff is proposing the following language be added to the City's investment policy. Socially-Responsible Investing Restrictions, the direct investing of City funds is restricted as follows:

- 1) No investments are to be made in companies whose primary business is the extraction, refining, processing, or distribution of fossil fuels.
- 2) No investments are to be made in companies that source the majority of their revenues from the production of tobacco or tobacco-related products.
- 3) No investments are to be made in companies that source the majority of their revenues from the production of firearms, weapons, or nuclear power with the exception of those used for national defense of the United States.
- 4) The City will strive to make investments in entities that support a clean and healthy environment, promote community economic development, fair labor practices, and support equality of rights regardless of sex, race, age, disability, or sexual orientation.

Currently, the City's portfolio of Corporate Medium Term Notes comply with the proposed language.

Council Member Swift commented she is not in favor of number one "1) No investments are to be made in companies whose primary business is the extraction, refining, processing, or distribution of fossil fuels." and requested number 1 be deleted.

MOTION to approve the Buena Park Statement of Investment Policy Nos. 2 – 4.

MOTION: Swift  
SECOND: None

MOTION FAILED for lack of a second.

MOTION to approve the recommended action as presented.

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

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

**RESOLUTION NO. 14442**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, AUTHORIZING THE CITY TREASURER TO INVEST FOR SAFEKEEPING IDLE MONEY OF THE CITY OF BUENA PARK IN ACCORDANCE WITH THE "STATEMENT OF INVESTMENT POLICY" DATED JANUARY 25, 2022

**Public Utilities 122**

13. RESOLUTION APPROVING THE ORANGE COUNTY POWER AUTHORITY (OCPA)'S SMART CHOICE, EQUIVALENT TO 70% RENEWABLE ENERGY, AS THE CITY'S DEFAULT ENERGY RATE TIER FOR RESIDENTIAL AND COMMERCIAL CUSTOMERS

Presented by Eddie Fenton, Assistant City Manager

Purpose: Adopt a resolution authorizing the City Manager to notify the OCPA that the City Council selects the OCPA Smart Choice Tier, equivalent to 70% renewable energy content, as its Default Energy Rate Tier. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Adopt a resolution approving the Orange County Power Authority (OCPA) Smart Choice Tier, equivalent to 70% renewable energy, as the City's Default Energy Rate Tier.

Assistant City Manager Fenton summarized the report noting on January 11, 2022, the City Council received a report in study session regarding the selection of a Default Energy Rate for its customers. As a member of the OCPA, the City is required to select a default rate option for electricity generated from renewable resources prior to the launch of commercial and residential service expected as early as April 2022 (for commercial and municipal customers). The OCPA is offering a choice of 38% renewable energy, 70% renewable energy, or 100% renewable energy as default rate tiers for customers. The "default rate" is simply the power choice that will go into effect unless the consumer makes a different choice. All customers will have the option to upgrade, downgrade, or opt-out and return to service with Southern California Edison (SCE) at any time. At the conclusion of the study session item, the City Council chose to select 70% renewable energy or the Smart Choice Tier, as their default energy rate tier.

Ayn Craciun, OC Policy Manager, Climate Action Campaign, spoke about clean power, and support for 100% clean electricity as the climate crisis will harm all families, but will harm low-income communities and communities of color the first and worst. She urged the Mayor and Council vote to make 100% renewable electricity the default option for all Buena Park families.

Lexi Hernandez, Climate Action Campaign, spoke about the health and safety of all families in Buena Park. She urged the Mayor and Council vote to make 100% renewable electricity the default option for all Buena Park families.

Shanin Ziemer, Buena Park resident, thanked the City Council for joining the OC Power Authority and spoke about option to opt up to 100 % renewable energy, as the City's Default Energy Rate Tier.

Jose Trinidad Castaneda, Buena Park resident, spoke in support of 100 % renewable energy, as the City's Default Energy Rate Tier.

Danny Gray, Capistrano Beach resident, spoke about air quality, the environment and in support of 100 % renewable energy, as the City's Default Energy Rate Tier.

Rob Christensen, II, Buena Park resident spoke about clean energy and the City Council to take in consideration the residents of Buena Park when making a decision on the City's Default Energy Rate Tier.

City Clerk Jimenez stated the City received 38 emails in support of 100 % renewable energy, as the City's Default Energy Rate Tier.

The City Council discussed the options for opting out, the process for changing the default energy rate, impact on residents and impact on environment, being champions for having a positive impact on future generations and taking an action which will be impactful for cleaner air and a cleaner environment.

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

MOTION CARRIED to adopt a resolution approving the Orange County Power Authority (OCPA) Smart Choice Tier, equivalent to 100% renewable energy, as the City's Default Energy Rate Tier; and ADOPT the following titled resolution:

RESOLUTION NO. 14443

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING THE ORANGE COUNTY POWER AUTHORITY'S 100% RENEWABLE ENERGY CHOICE AS ITS DEFAULT ENERGY RATE TIER

**Emergency Services 188**

14. RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IMPLEMENTING AB 361 TO ALLOW VIDEOCONFERENCE PARTICIPATION FOR ALL CITY PUBLIC MEETINGS

Presented by Adria M. Jimenez, MMC, City Clerk

Purpose: Incorporate provisions from AB 361 allowing for meetings of City legislative bodies (e.g. City Council, commissions, and committees) to hold meetings via videoconference effective immediately. There is no direct budget impact with the approval of this item.

Recommended Action: It is recommended that the City Council adopt a Resolution making certain findings and determinations under AB 361 allowing the City's legislative bodies to hold virtual Brown Act meetings in consideration of the COVID-19 pandemic.

City Clerk Jimenez reported on March 17, 2020, Governor Newsom issued an Executive Order suspending certain provisions of the Brown Act to allow local legislative bodies to conduct their meetings completely by telephone or video-conference. Due to the continuing nature of the COVID-19 pandemic, the Governor's Executive Order allowing virtual Brown Act meetings was ultimately extended to September 30, 2021. Recognizing the utility and ongoing need for virtual Brown Act meetings, the California Legislature enacted AB 361 to replace the Governor's Executive Order and establish permanent rules. Specifically, AB 361 amended Government Code Section 54953 to allow a local agency to use teleconferencing for public meetings without complying with traditional Brown Act requirements for virtual participation by a member of the legislative body. AB 361 authorizes legislative bodies to hold virtual Brown Act meetings if: (1) the meeting is held during a proclaimed state of emergency that covers the jurisdiction of the local agency; and (2) any one of the following three criteria are satisfied at the time the meeting is held: 1. State or local officials have imposed or recommended measures to promote social distancing; 2. For the purpose of determining, by majority vote, whether as a result of the state of emergency, meeting in person would present imminent risks to the health or safety of attendees; or 3. The City Council has previously determined, by majority vote, that, as a result of the state of emergency, meeting in-person would present imminent risks to the health or safety of attendees. Additionally, AB 361 requires the legislative body of a public agency, by majority vote, to make renewed findings every 30 days to justify continued use of virtual public meetings. The new Brown Act provisions are only effective until January 1, 2024, at which point they are repealed, and the standard Brown Act teleconferencing requirements become effective again.

MOTION: Brown

SECOND: Traut

AYES: Brown, Traut, Sonne, Swift, Park

NOES: None

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

RESOLUTION NO. 14444

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, MAKING THE NECESSARY FINDINGS AND DETERMINATIONS UNDER AB 361 ALLOWING THE CITY'S LEGISLATIVE BODIES TO HOLD VIDEOCONFERENCE PARTICIPATION FOR ALL PUBLIC MEETINGS IN CONSIDERATION OF THE COVID-19 PANDEMIC

**Emergency Services 188**

15. 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-19 Pandemic and reported the Covid-19 vaccines and boosters remain effective in preventing severe illness, hospitalizations and death. To help protect all Californians the California Department of Public Health (CDPH) issued new guidance requiring universal statewide masking indoors, regardless of vaccination status, until February 15, 2022. There is still an increase in COVID-19 Omicron variant positive cases in Orange County. The City continues to partner with COVID Clinic providing COVID-19 testing and vaccinations at the Buena Park Senior Center and City Hall, Monday through Friday 9:00 a.m. to 5:00 p.m., walk-ups welcome, online registration encouraged.

Received and filed.

CALL TO ORDER 6 P.M.

PUBLIC HEARING (16 – 17)

**Elections 74**

16. PUBLIC HEARING: THE REDRAWING OF COUNCIL MEMBER DISTRICT BOUNDARIES  
Presented by Adria M. Jimenez, MMC, City Clerk

Purpose: Conduct a public hearing to receive public input on the redrawing of Council Member district boundaries. There is no budget impact associated with this item.

Recommended Action: 1) Receive a report from staff on the redistricting process and permissible criteria to be considered to redraw district boundaries; and 2) Conduct a public hearing to receive public input on district boundaries.

Mayor Park stated that this was the time and place for a public hearing to consider the redrawing of council member district boundaries.

City Clerk Jimenez summarized the staff report noting every 10 years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have a nearly equal population. The redistricting process for the City of Buena Park must be completed by April 17, 2022. The city adopted its current district boundaries in 2015, based on 2010 census data as required by law. The districts must now be redrawn using the 2020 census data and in compliance with the FAIR MAPS Act, which was adopted by the California legislature as AB 849 and took effect January 1, 2020. In addition to the mandatory four public hearings, the City Clerk has conducted at least one Community Workshop in each of the City's five Council. To date, the City has received one partial map from a member of the public for one specific area/district (not citywide). NDC created four maps for City Council's information and will be reviewed in greater detail during the public hearing.

Shalice Tilton, Senior Consultant, NDC, provided a presentation regarding the redistricting process, rules and goals, and a summary of existing district demographics. The current districts population is balanced at 5.46%; District 2 is 45% Latino Citizen Voting Age Population, which does not achieve a majority Latino CVAP achieved in other maps. District 1 is non-contiguous at Kensington Drive due to the Census Bureau reconfiguring the census block geography. While balanced, the existing districts map should not be adopted due to the low Latino CVAP and the non-contiguous D1. Ms. Tilton presented four maps: Teal, Turquoise, Yellow and Canary.

- Teal Map: Population Balanced at 7.38%, District 2 is 52% Latino Citizen Voting Age Population; District 2 does not extend below the 91 freeway; Districts 1 and 2 follow the same geography as the Buena Park Library's newly-adopted Green Map. District 1 extends southerly to Whitaker Street. The District 2 jog between 8th and 9th street along Western is necessary for population balance.

- Turquoise Map: Population Balanced at 6.67%; District 2 is 52% Latino Citizen Voting Age Population; Keeps the same D1 and D2 boundaries as Teal; Keeps the "EI" Tract together in D5; Keeps the "San" Tract between La Palma Avenue and Crescent Avenue together.
- Yellow Map: Population Balanced at 4.29%; District 2 is 50%+ Latino Citizen Voting Age Population; District 2 does not extend below the 91 freeway; District 1 extends southerly to Commonwealth; The District 2 jog between 9th street and Melrose Street along Western is necessary for population balance.
- Canary Map: Population Balanced at 2.45%; District 2 is 50%+ Latino Citizen Voting Age Population; Keeps the same D1 and D2 boundaries as Yellow; Keeps the "EI" Tract together in D5; Keeps the "San" Tract between La Palma Avenue and Crescent Avenue together.

Today's Public hearing is to receive input on draft maps. The goal is to identify 1-2 focus maps. Review and adjust the district assignments on the focus maps, if needed. The City Council can request variations be drawn on the focus map(s). All the maps and the full demographic summaries can be viewed on the website at [redistrictbp.org](https://redistrictbp.org). The best way to view the maps in detail is through the interactive map viewer at this link: <https://arcg.is/19bHiu>.

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

Ramona Lopez, Buena Park resident, spoke about being a long time resident, community volunteer and expressed her support for redistricting particularly for a map which addresses the Latino population in the City of Buena Park.

Rob Christensen, Buena Park resident spoke about the four maps presented by the demographer. He stated some of the maps presented divide neighborhoods, he drafted ten maps on the City's redistricting website and asked the City Council to carefully consider all maps and do the best job possible to divide us in a way all citizens can be represented.

Minji Kim, Buena Park resident submitted an email expressing support for a map she submitted on the City's redistricting website.

Susan Cheng, AHRI for Justice, thanked NDC for sharing the maps and spoke about the communities her organization serves such as low income families, minorities, people of color through various community programs.

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

The City Council discussed the distribution population among the five voting districts, district representation, and minimizing voter confusion. Council Member Traut provided suggested map changes and asked NDC to analyze it to determine if it meets federal and state requirements. Following discussion, the City Council received and filed the report and requested NDC analyze Public Map 10 and the map proposed by Council Member Traut.

#### RECESS/RECONVENE

Mayor Park recessed the meeting at 6:58 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 7:08 p.m.

**Master Plan-Comp-Gen 14.2**

17. PUBLIC HEARING: ADOPT A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. GP-21-1 TO UPDATE THE HOUSING ELEMENT FOR THE PERIOD OF 2021-2029 AND ADOPT THE ENVIRONMENTAL JUSTICE ELEMENT OF THE 2035 GENERAL PLAN; AND ADOPT A RESOLUTION APPROVING NEGATIVE DECLARATION NO. MND-21-1 FOR GENERAL PLAN AMENDMENT NO. GP-21-1 TO UPDATE THE HOUSING ELEMENT FOR THE PERIOD OF 2021-2029 AND CREATE THE ENVIRONMENTAL JUSTICE ELEMENT  
Presented by Swati Meshram, PhD, AICP, LEED AP, Planning Manager

Purpose: State law requires that each jurisdiction adopt a comprehensive General Plan to guide long-term city planning, including physical development and allocation of resources, to establish community priorities and guide decision-making. Specifically, the State requires periodic review and update of the Housing Element to demonstrate continued development capacity within the City to attain affordable housing goals, as defined by the State Department of Housing and Community Development (HCD). Additionally, cities are required to create Environmental Justice (EJ) Policies within the General Plan, to improve the disproportionate burden of environmental pollution and other toxins faced by low-income communities and communities of color. There is no direct budget impact with the adoption of these resolutions.

Recommended Action: 1) Adopt a resolution approving the 2021-2029 General Plan Housing Element update and Environmental Justice Element (General Plan Amendment GP-21-1); 2) Adopt a resolution approving Negative Declaration No. MND-21-1 for General Plan Amendment No. GP-21-1 to update the Housing Element for the period of 2021 to 2029 and create the Environmental Justice Element; and, 3) Authorize the City Manager to make any required changes to the Housing Element in response to comments from the State Department of Housing and Community Development (HCD) to support certification of the 2021-2029 Housing Element by the State.

Planning Manager Meshram reported the City Council and Planning Commission conducted a special joint study session on April 8, 2021, regarding Housing Element Update and Environmental Justice Element. The Planning Commission held a public hearing to receive public comments to the Public Review Drafts on October 27, 2021. The Planning Commission held a public hearing on December 8, 2021, and recommended that City Council approve the proposed General Plan amendment.

Diane Bathgate, RRM Consultant, reviewed the Housing Element components, it is one of seven required elements of the General Plan. It assesses the City's housing needs and how to accommodate existing and future housing needs. It is required to be updated every 8 years, and it must be reviewed for compliance by the State Dept. of Housing and Community Development (HCD). The benefits of HCD Compliance, is that it provides the presumption of legally-adequate Housing Element in courts, and maintains eligibility for state housing funds. Non-Compliance penalties include, Risk of Litigation (AB72, AB101), fines up to \$100k per month; ineligibility for state grants, and if courts invalidate the Element, it suspends the City's authority to issue building permits until it is brought into compliance.

Brady Woods, RRM Planner, spoke about Housing Element Components: Housing Needs Assessment, Housing Constraints, Housing Resources, Past Accomplishments, Housing Plan and Regional Housing Needs Assessment (RHNA). New Regional Housing Needs Assessment include: Higher RHNA Allocation, 6th Cycle RHNA allocation approximately 26 times more than 5th cycle; Affirmatively Further Fair Housing (AFFH), promote inclusive communities, further housing choice, and address racial and economic disparities through government programs, policies, and operations; Site Eligibility for Lower-Income Households, New regulations on how cities can reuse sites and increased scrutiny of small, and non-vacant sites for lower-income households; and No Net Loss. Cities must preserve sufficient and available sites for lower-income housing throughout the RHNA planning period at all times. Next Steps: City Council Adoption Hearing (January 25, 2022), Submit for HCD Certification (February 2022), Housing Element Implementation, Rezone/establish overlays necessary to meet RHNA, Monitor development and programs, as needed, and wait for development proposals for review and approval.

Planning Manager Meshram reported staff recommendations are to adopt resolutions approving Negative Declaration No. MND-21-1 and General Plan Amendment No. GP-21-1; Adopt Negative Declaration, 2021-2029 Housing Element, and Environmental Justice Element; Transmit adopted 2021-2029 Housing Element to HCD for certification and authorize the City Manager to make changes/refinements to 2021-2029 Housing Element to support State certification.

Mayor Park stated that this was the time and place for a public hearing to consider adopting a Resolution Approving General Plan Amendment No. GP-21-1 to update the Housing Element for the period of 2021-2029 and Adopt the Environmental Justice Element of the 2035 General Plan; and Adopt a Resolution Approving Negative Declaration No. MND-21-1 for General Plan Amendment No. GP-21-1 to update the Housing Element for the period of 2021-2029 and create the Environmental Justice Element. Mayor Park opened the public hearing and inquired if anyone present desired to speak.

Rich Gomez, Southwest Regional Council of Carpenters and Buena Park resident, spoke about environmental impacts local projects will have to the community, keeping community members working on local projects and workforce agreements.

Rebekah Youngblood, sent an email correspondence from Mitchell M. Tsai, on behalf of Southwest Regional Council of Carpenters, expressing support for the use of a local skilled and trained workforce to benefit the community's economic development and environment.

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

The City Council discussed airport environment land use commission and airport plan; mitigations for areas under the flight pattern, inclusionary zoning, workforce development agreements, and housing requirements.

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

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

RESOLUTION NO. 14445

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. GP-21-1 TO UPDATE THE HOUSING ELEMENT FOR THE PERIOD OF 2021-2029 AND ADOPT THE ENVIRONMENTAL JUSTICE ELEMENT OF THE 2035 GENERAL PLAN

RESOLUTION NO. 14446

A RESOLUTION OF THE CITY COUNCIL BUENA PARK, CALIFORNIA, APPROVING A NEGATIVE DECLARATION NO. MND-21-1 FOR GENERAL PLAN AMENDMENT NO. GP-21-1 TO UPDATE THE HOUSING ELEMENT FOR THE PERIOD OF 2021-2029 AND CREATE THE ENVIRONMENTAL JUSTICE ELEMENT

## MAYOR/CITY COUNCIL REPORTS &amp; CALENDAR

Council Member Traut reported on the following:

- January 14 Housing Element Meeting
- January 19 CWA Ad Hoc Committee Meeting
- January 19 Walking Trail Expansion Virtual Community Meeting
- January 20 Measure M Citizens Oversight Committee Meeting
- January 22 Rick Gomez Park Dedication Ceremony

Council Member Swift had nothing to report but requested notes and information of the Walking Trail Expansion Community Meeting.

Council Member Sonne reported the following:

- January 13 Buena Park Collaborative Meeting
- January 13 Orange County Vector Control District Special Meeting
- January 19 Housing Element Meeting
- January 20 Orange County Vector Control District Regular Meeting
- January 22 Rick Gomez Park Dedication Ceremony

Council Member Sonne reported the Orange County Mosquito and Vector Control District is celebrating its 75<sup>th</sup> Anniversary in 2022. The District's 2022 campaign of Tip, Toss and Take Action will bring awareness to communities to help stop the spread of mosquito breeding sources. Children from K - 6<sup>th</sup> grade are invited to participate in a drawing contest to include the Tip, Toss and Take Action theme to help fight the bite, OCvector.org for more information about contest rules.

Mayor Pro Tem Brown reported the following:

- January 15 Orange County Sanitation District Board Meeting
- January 13 L.A. Metro West Santa Ana Light Rail Webinar
- January 19 Senior Citizens Commission Interview
- January 19 CWA Ad Hoc Committee Meeting
- January 22 Rick Gomez Park Dedication Ceremony
- January 23 Reopening of Guidestone Church and Building Dedication
- January 25 SCAG General Assembly Meeting

Mayor Park reported the following:

- January 19 Senior Citizens Commission Interview
- January 22 Rick Gomez Park Dedication Ceremony
- January 23 Reopening of Guidestone Church and Building Dedication
- January 23 Boy Scouts of America Eagle Scout Recognition Event

## STUDY SESSION (18 – 24) (Reconvene in the Council Chamber)

18. PRESENTATION FROM ADVANCE OC ON THE ORANGE COUNTY EQUITY MAP  
Presented by Jessica Fewer, Senior Management Analyst and Katie Kalvoda,  
Advance OC

Senior Management Analyst Fewer reported that the request of Mayor Park, Advance OC will be providing a presentation related to the Orange County Equity Map (OC Equity Map), a first-of-its-kind public-private partnership between Advance OC (a non-profit organization), the Orange County Board of Supervisors, and the Orange County Health Care Agency to address equity in Orange County. This collaboration has bipartisan, unanimous support by the Board of Supervisors and proves to be a tremendous moment of leadership for the County. The OC Equity Map was launched publicly on July 14, 2021, to a gathering of over 300 community stakeholders that included a hands-on demonstration to the public.

Katie Kalvoda, Advance OC, provided a brief presentation about Advanced OC, and its aim to address disparities by bringing community stakeholders together to invest in equity focused strategies. They've developed a Social Progress Index, using 50 indicators to measure, track, and map inequities in communities with neighborhood precision. Doing this enables Advanced OC to identify root causes, understand social determinants, and help advance Orange County.

The City Council discussed how data is collected and updated, using data as a tool to address community needs, and community engagement workshops offered to understand data. The City Council thanked Ms. Kalvoda and received and file the presentation.

19. DISCUSS AND PROVIDE DIRECTION REGARDING AN UPDATED VISION FOR THE ENTERTAINMENT CORRIDOR SPECIFIC PLAN (91 FREEWAY TO LA PALMA AVENUE)  
Presented by Matt Foulkes, Director of Community Development

Discussion of this item was continued to a future meeting.

20. DISCUSS AND PROVIDE DIRECTION REGARDING CITY POLICY REGARDING THE ALLOCATION AND USE OF HOUSING FUNDS FOR AFFORDABLE HOUSING DEVELOPMENT AND CONSIDERATION OF AFFORDABLE HOUSING FUND CONTRIBUTION TO NATIONAL COMMUNITY RENAISSANCE (NATIONAL CORE) FOR A 66-UNIT SENIOR AFFORDABLE HOUSING DEVELOPMENT AT 8300 VALLEY VIEW STREET  
Presented by Matt Foulkes, Director of Community Development

Director of Community Development Foulkes reported Mayor Park requested a study session item to review the use of the City's Affordable Housing Funds, also called the Low and Moderate Income Housing Asset Fund (LMIHAF). The use of these funds are governed principally by the California Health and Safety Code and are primarily used to support the production of affordable housing in the City. The California Health and Safety Code requires that all funds remaining after deducting monitoring and administrative costs as well as homeless housing and rapid rehousing services costs are to be used for the development of housing affordable to, and occupied by, households earning 80 percent or less of the area median income (AMI), with at least 30 percent of these remaining funds expended for the development of rental housing affordable to, and occupied by, households earning 30 percent or less of the AMI and no more than 20 percent of these remaining funds expended for the development of housing affordable to and occupied by households earning between 60 percent and 80 percent of the AMI.

Consideration of Contribution for Orchard View Gardens Senior Apartments located adjacent to the St. Joseph's Episcopal Church at 8300 Valley View Street. Developed by National Community Renaissance (National CORE), Orchard View Gardens will provide 66 apartment homes in a new residential community affordable to lower-income seniors aged 62 and older. The project was unanimously approved by the City Council in November 2020, and, at the time, National CORE did not request any financial contribution from the City. Since receiving City Council approval, the developer has made two unsuccessful attempts to secure the necessary, and highly-competitive, nine percent low income housing tax credits (LIHTC) to finance the project. As a result of the competition for nine-percent tax credits, most applications meet the criteria for the maximum point score, which means that the California Tax Credit Allocation Committee's tie-breaker (TB) formula usually determines which projects will receive the credits for that cycle. A review of Orchard View Gardens LIHTC scoring found that the project has a low tie breaker score, largely due to the lack of local funding.

The County of Orange has committed approximately \$2.5 million and eight project-based vouchers towards the project, and National CORE applied for additional funding through the No Place Home Funding (NPLH) earlier this month. Even with these additional contributions, without City support, the project's TB score is below the historical tie breaker threshold to qualify for the nine percent LIHTC. Based on historical nine percent tax credit awards in the Orange County set-aside, the project will need a minimum TB score of 50. The following scenarios show how the City contribution towards the project improves its TB score: Scenario No.1 – \$1 million in City Funds, Tie Breaker Impact: City Contribution increases TB by approximately 7-points, but remains below historical winning TB score. Scenario No.2 - \$2 million in City funds, Tie Breaker Impact: City contribution increases TB by approximately 14 points which will exceed the historical minimum for a winning TB score.

Alexa Washburn, National CORE, spoke about the application for "No Place Like Home" funding, tie breaker score being below the historical threshold to qualify for LIHTC and requesting a \$2-million-dollar loan from the City to raise the tie breaker score.

City Clerk Jimenez read in to the record an email from Earle Pang regarding the Orchard View Gardens Senior Apartments project and urged the City Council to support the project.

Lorraine Kindred, National Community Renaissance, spoke about her organization and the work they've done in Southern California building affordable housing. She urged the City Council to support the project with funding.

William Hopkins, Garden Grove resident and St. Joseph Church parishioner, spoke about the Orchard View Gardens Senior Apartments project and urged the City Council to support the project.

Rev. Cindy Voien, St. Joseph's Church, spoke about the construction of the Orchard View Gardens Senior Apartments project and urged the City Council to support the project.

The City Council discussed housing funds spent towards the various City projects, prevailing wage, and current City housing funds balance. Following discussion, the City Council expressed support of making a contribution/loan for this project and requested staff return with additional information on National CORE and requested project loan to a future City Council meeting.

21. DISCUSS AND PROVIDE DIRECTION REGARDING THE SIX-MONTH REVIEW OF THE HOMELESS OUTREACH TEAM PROGRAM  
Presented by Jim Box, Director of Community Services

Director of Community Services Box reported Since 2016, the City has been assisting individuals experiencing homelessness with finding shelter, reuniting with family members, and obtaining program referrals. The City has taken various actions that have utilized significant time and resources for regional collaboration efforts. In 2016, the City Council authorized the Buena Park Police Department's Homeless Liaison Officer (HLO) Unit comprised of two officers dedicated to assisting the Buena Park homeless population. These officers provide referrals to services through partnerships with various faith-based organizations, city homeless outreach contractors, and the Orange County Mental Health. The HLO Unit's mission is to provide homeless individuals with opportunities to transition off the streets and into shelters with the goal of obtaining permanent housing.

On April 13, 2021, the Buena Park City Council formally approved the plan to use CDBG-CV3 for homeless outreach program. The Homeless Outreach Team's three Case Managers were hired in early July 2021 and began fieldwork just after their initial training. They have worked in partnership with the Police Department to maximize their efforts in the field. The Case Managers carry their own case load but work collaboratively to find solutions for clients. They train weekly on best practices, new programs, and how to reach out to clients successfully. All of the Case Managers have developed relationships with clients in the field.

Six-Month Review and Statistics of the Current Homeless Outreach Program and Proposed Next Steps: The Homeless Outreach Team is 67% of the way to their fiscal year goal with six months remaining within the reporting period, far exceeding expectations for this first year program. Some of the challenges for this program have been training staff as most trainings with other programs have been halted due to the coronavirus pandemic; limited number of hours available to work (20 hours a week); communication between Outreach Team and Police Department has been hindered by illness, training schedules, and unfamiliarity of police radio protocols. COVID-19 protocols have made it difficult for the Homeless Outreach Team to physically ride together with the HLOs when performing outreach.

Solutions include expanding training opportunities for all outreach team members; increase visibility of Homeless Outreach Team with the Police Department by attending briefings on monthly basis, establishing a working knowledge of Police Department protocol; look into feasibility of a full-time Supervisor/Coordinator position to provide program oversight, direction to Case Managers, and increase the part-time budget. This financial impact could be addressed with re-allocated, unspent CDBG-CV3 funds, which will be discussed with the City Council at a later date. The development of a Policy Issue for increased personnel could also be discussed as part of the FY 22-23 Budget process to address staffing challenges.

The City Council discussed the programs successes, the challenges, creation of the Homeless Outreach Team, current program resources, adding resources and funding to the program and the development of a Policy Issue for increased personnel to be discussed as part of the FY 22-23 Budget process to address staffing challenges. Following discussion, the City Council directed staff to develop a Policy Issue for increased personnel to be discussed as part of the FY 22-23 Budget process to address staffing challenges.

22. DISCUSS AND PROVIDE DIRECTION REGARDING CITY COUNCIL GOAL #4,  
OBJECTIVE 5: CREATE A COMMUNITY ACADEMY  
Presented by Adria M. Jimenez, MMC, City Clerk

City Clerk Jimenez reported on October 5, 2021, the City Council participated in a goal-setting workshop. The theme of the workshop was, 'Planning for the Future with Fiscal Realities.' On October 26, 2021, the City Council reviewed and adopted the goals and objectives to reflect the 2021 priorities for Buena Park. This agenda report will provide information on Goal 4 Community Engagement, Objective 5: Create a Community Academy. The City Council's Goals and Objectives define Community Engagement as, 'The City of Buena Park will continue to improve its community engagement process to ensure all community members are heard, informed and included. The City of Buena Park is transparent in its operations and provides excellent customer service beyond expectations to its residents, businesses, and visitors.' Community academies, sometime referred to as citizen academies, organized by local governments, are designed to inform and educate city and/or business residents about the various departments and services of local government and often encourage resident participation on a larger scale. Course topics may range from budget to economic development; from parks and recreation to planning and from law enforcement and fire services to the role of the City Clerk and City Attorney. Academy formats vary from organization to organization; some formats narrowly focus on safety services such as police and fire, while other academy formats include a leadership program organized in cooperation with a non-governmental civic organization partner. In research conducted by the City Clerk, it was determined that most academies have the following requirements: must be 18 years or older, must reside or own a business in the city, no cost to participate, an application is required, and participants are selected on a first-come basis.

The City Council discussed previous attempts at creating a Community Academy, Youth and Government Day from various local high schools, alternating Citizens Police Academy and a Community Academy, age requirement to be 18 years or older, must reside or own a business in the city, no cost to participate, an application is required, and participants are selected on a first-come basis. Following discussion, the City Council directed staff to return at a later meeting with a draft policy for further review and adoption.

23. CITY MANAGER REPORT

City Manager France acknowledge Community Development staff and RRM Consulting for their dedication and efforts to getting the Housing Element completed.

24. COMMISSION/COMMITTEE REPORT

City Clerk Jimenez had nothing to report.

ADJOURNMENT

There being no further business, Mayor Park adjourned the meeting at 9:41 p.m.

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Mayor

ATTEST:

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City Clerk

MINUTES OF CITY COUNCIL MEETING  
OF THE CITY OF BUENA PARK  
HELD FEBRUARY 8, 2022

Vol. 50 Pg. 1

CALL TO ORDER

The City Council met in a regular session on Tuesday, February 8, 2022, at 5:06 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Park presiding.

ROLL CALL

PRESENT: Brown, Sonne, Swift, Traut, Park  
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 Don Harbert, The Way Fellowship.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jim Box, Director of Community Services.

CITY MANAGER REPORT

City Manager France reported on the following:

- Images Park Unveiling of Fitness Equipment, Friday, February 25, at 4:30 p.m.

Assistant City Manager Fenton reported on the following:

- OCPA Update, residents and businesses are asked to check their mailboxes for a notice regarding changes to cleaner competitive energy rates coming to Buena Park

City Clerk Jimenez reported on the following:

- Redistricting Update, final public hearing will be held March 8, 2022 at 6:00 p.m. Map submissions are due to the City by February 23, 2022. The final redistricting map must be approved and adopted by April 17, 2022.

PRESENTATIONS

Presentation of 46th Annual Elementary Art Show and Invitation to Awards Ceremony by Kevin Sanchez-Reyes, Community Services Coordinator.

Mayor Park presented a Proclamation Recognizing Black History Month to Gabriel Dima-Smith, Chair of Black Democrats of Orange County.

ORAL COMMUNICATIONS

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

Baron Knight, Buena Park resident, encouraged residents and businesses to opt-out of the renewable energy program through OCPA.

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

## CONSENT CALENDAR (1 – 6)

Mayor Park announced that Consent Calendar Items 1 through 6 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. 6. There being no requests for separate consideration, the following action was taken:

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

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 5 be approved.

**Finance 75**

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

ADOPTED the following titled resolution:

RESOLUTION NO. 14447

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$4,260,722.10 DEMAND NOS. 411953 THROUGH 412162 CANCELLED NO 410593

RESOLUTION NO. 14448

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$25,846.82 DEMAND NOS. 412163 THROUGH 412177 CANCELLED NOS 409196 AND 409197 VOIDS

RESOLUTION NO. 14449

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$798,538.71 COVERING REGULAR PAYROLL ENDING JANUARY 07, 2022

RESOLUTION NO. 14450

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$744,365.47 COVERING REGULAR PAYROLL ENDING JANUARY 21, 2022

**Proclamation 119**

2. PROCLAMATION RECOGNIZING BLACK HISTORY MONTH  
Recommended Action: Adopt Proclamation.

APPROVED the recommended action.

**Contracts 70 C-3357**

3. LANDSCAPE MAINTENANCE AGREEMENT WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE PARKWAY LOCATED AT 5960 ORANGETHORPE AVENUE  
Purpose: Authorize the Public Works Department to execute an agreement with Caltrans to allow the City to maintain the parkway landscaping and existing street improvements along the 5960 Orangethorpe Avenue frontage. There is no direct budget impact with the approval of this item.

Recommended Action: 1) Approve a Landscape Maintenance Agreement with California Department of Transportation (Caltrans) to maintain the parkway at 5960 Orangethorpe Avenue; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the Director of Public Works and the City Clerk to execute the agreement.

APPROVED the recommended action.

**Contracts 70 C-2850**

4. AMENDMENT NO. 1 TO AGREEMENT WITH CINTAS CORPORATION NO. 3 FOR UNIFORM RENTAL AND LAUNDRY SERVICES FOR CITY UNIFORMED PERSONNEL IN THE PUBLIC WORKS AND COMMUNITY SERVICES DEPARTMENTS

Purpose: Authorize the Public Works Department to extend the agreement with the City's current contract for uniform rental and laundry services. Associated cost in the approximate amount of \$25,000 was previously budgeted for this purpose (Account No. 11-6370- 160105).

Recommended Action: 1) Approve Amendment No. 1 to the Agreement with Cintas Corporation No. 3 for uniform rental and laundry services for uniformed personnel in the Public Works and Community Services Departments from February 28, 2022, through February 28, 2023; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the amendment; and 3) Authorize the City Manager and City Clerk to execute the amendment.

APPROVED the recommended action.

**Purchasing 127**

5. PURCHASE OF PLANTER MATERIAL FROM TURBOSCAPE, INC. FOR THE GARDEN PLOTS AT THE SENIOR CENTER FROM THE SENIOR CITIZENS INTERIOR DEVELOPMENT FUND

Purpose: Authorize the Community Services Department to purchase planter material for the newly- completed garden plots at the Senior Center. In December 2021, the Public Works Department created 12 new garden plots, expanding the senior gardens to a total of 20 raised garden plots. Associated costs in the amount of \$3,225 will be funded by the Senior Citizens Interior Development Fund (i.e. Donation Account No. 2248).

Recommended Action: 1) Authorize the purchase of planter material from Turboscape, Inc. in the amount of \$3,225 for the garden plots at the Senior Activity Center.

APPROVED the recommended action.

**Audits 40 Reports & Studies 129**

6. ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR YEAR ENDED JUNE 30, 2021

Purpose: Receive and file the Annual Comprehensive Financial Report (ACFR). There is no budget impact with the approval of this item.

Recommended Action: 1) Receive and file the Annual Comprehensive Financial Report (ACFR) for the year ended June 30, 2021.

Director of Finance Hyun reported recent guidance from the Government Finance Officers Association (GFOA) has recommended renaming this report that was formerly known as the Comprehensive Annual Financial Report. The ACFR goes beyond the minimum standard for financial reporting established by Generally Accepted Accounting Principles (GAAP), and as the name implies, presents a more comprehensive overview of the City. The ACFR has three major sections: introductory, financial, and statistical. The ACFR has been prepared and presented in a manner designed to fairly set forth the financial position and results of operations of the City as measured by the financial activities of its various funds. The ACFR includes an independent auditor's report and opinion. For the past 15 years, the City's ACFR has been awarded the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting. In order to be awarded a Certificate of Achievement, a government must publish an easily-readable and efficiently-organized comprehensive annual report. This report must satisfy both generally-accepted accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only. Staff believes that this ACFR continues to meet the Certificate of Achievement Program's requirements and has submitted it to GFOA to determine its eligibility.

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

MOTION CARRIED to approve the recommended action.

## END OF CONSENT CALENDAR

## NEW BUSINESS (7 – 10)

**Contracts 70 C-3358**

7. PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENGINEERING FOR DESIGN SERVICES FOR THE MALVERN AVENUE REHABILITATION PROJECT  
Presented by Cesar Ortiz, P.E., Associate Engineer

Purpose: Authorize the Public Works Department to hire a consultant to provide design services for the Malvern Avenue Rehabilitation Project. Associated costs in the amount of \$125,158 will be funded by a combination of Measure M2 and Gas Tax Fund monies (Account No. 24-9806-590174).

Recommended Action: 1) Approve a Professional Services Agreement with Willdan Engineering in the amount of \$125,158 for design services for the Malvern Avenue Rehabilitation Project; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

Associate Engineer Ortiz reported the proposed agreement is to provide professional design services for the Malvern Avenue Rehabilitation Project, which will bring the street to current and updated standards as well as include asphalt pavement, curb and gutter, sidewalk, curb ramps, driveway approaches, signing and striping, traffic control, and other necessary items. The project site is located on Malvern Avenue, from the west City limits to the east City limits, and will involve the rehabilitation of approximately 1.75 miles of roadway. On January 11, 2022, staff issued a Request for Proposals (RFP) to retain a consultant. Three proposals were received on January 27, 2022 and evaluated by City staff. It was concluded that Willdan Engineering is the most-qualified firm to suit the City's needs with regard to scope of work, project schedule, and experience. Willdan Engineering has completed projects for other agencies such as Huntington Beach, Newport Beach, Yorba Linda, and Placentia. Staff recommends approving an agreement with Willdan Engineering for design services, which will include plans, specifications, cost estimate, and construction support. Design is scheduled to commence in February 2022, and will be completed by May 2022. This agreement was coordinated with the City Attorney.

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

MOTION CARRIED to approve the recommended action.

**Contracts 70 C-3359**

8. COOPERATIVE AGREEMENT WITH THE COUNTY OF ORANGE FOR FUNDING AND CONSTRUCTION OF COYOTE CREEK CHANNEL CLASS 1 BIKEWAY (OC LOOP SEGMENTS O, P & Q)  
Presented by Deepthi Arabolu, P.E., T.E., Principal Engineer

Purpose: Authorize the Public Works Department to enter into a cooperative agreement with the County of Orange to fund and construct the OC Loop segments O, P & Q. The County hopes to obtain federal funding for completion by 2026.

Recommended Action: 1) Approve a cooperative agreement with the County of Orange ('County') for construction of the Coyote Creek Channel Class 1 Bikeway; 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.

Principal Engineer Arabolu reported the Orange County OC Loop Class I protected bikeway project, Segments O, P and Q, will help complete the overall 66-mile OC Loop bikeway reaching 17 cities, 645,000 residents, 340,000 business positions, 180 schools and 200 parks. The Cooperative Agreement will allow the County to work with the City to complete the project within the Coyote Creek Channel Right-of-Way, on La Mirada Boulevard, and beneath Artesia Blvd. The Los Angeles County Flood Control District (LACFCD) owns the vast majority of the property required for this project and the Orange County Flood Control District operates and maintains the Coyote Creek flood control right-of-way by agreement with LACFCD. The County will be

taking the lead role with coordination, design, construction, right-of-way acquisition, long-term maintenance/repair and administration, and the costs of these actions. The City of Buena Park would only be responsible for General Plan Conformance and assisting the County with administration, utility coordination, encroachment permits, etc. as outlined in the agreement. Staff recommends entering into a cooperative agreement with the County to support this worthy clean transportation and safe recreation and commuting project. This Agreement was reviewed by the City Attorney.

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

MOTION CARRIED to approve the recommended action.

### Reports & Studies 129

9. TREASURER'S REPORT FOR THE MONTH OF DECEMBER 2021  
 Presented by Sung Hyun, Director of Finance

Purpose: Review the Treasurer's Investment Report prepared by the Finance Department for the month of December 2021. There is no fiscal impact in receiving this report.

Recommended Action: 1) Receive and file the reports.

Director of Finance Hyun reported The City of Buena Park's Investment Policy adopted by the City Council on January 25, 2022, requires the City Treasurer to submit a detailed investment report to the City Council.

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

MOTION CARRIED to approve the recommended action.

### Emergency Services 188

10. 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-19 Pandemic and reported positive Covid-19 cases are decreasing in the region. There are concerns due to possible social gatherings due to the upcoming Super Bowl game. Vaccines and boosters remain effective in preventing severe illness, hospitalizations and death. To help protect all Californian's the California Department of Public Health (CDPH) issued new guidance requiring universal statewide masking indoors, regardless of vaccination status, until February 15, 2022. The City continues to partner with COVID Clinic providing COVID-19 testing and vaccinations at the Buena Park Senior Center and City Hall, Monday through Friday 9:00 a.m. to 5:00 p.m., walk-ups welcome, online registration encouraged.

Received and filed.

## MAYOR/CITY COUNCIL REPORTS &amp; CALENDAR

Council Member Traut reported the following:

- January 27 Santa Ana River Flood Protection Agency Meeting
- January 29 Ruth Walp Hall Dedication Ceremony
- February 3 User Fee Study Meeting
- February 3 SCAG Joint Policy Committee Meeting

Council Member Traut calendared for discussion a joint resolution with Mayor Park in designating a part of Beach Blvd., as a Korean Business District.

Council Member Swift reported the following:

- January 29 Ruth Walp Hall Dedication Ceremony
- January 31 User Fee Study Meeting
- February 2 Human Relations Committee Meeting
- February 7 Mayor's Prayer Breakfast Committee Meeting

Council Member Swift commented that Buena Park native Josh Tupou, graduated from Buena Park High School in 2012, went on to the University of Colorado, is now a defensive line man and tackle with the Cincinnati Bengals, he will be playing in the upcoming Super Bowl game against the Los Angeles Rams.

Council Member Sonne reported the following:

- January 26 ACC-OC Infrastructure and Jobs Act Lunch and Learn
- January 29 Ruth Walp Hall Dedication Ceremony
- February 3 User Fee Study Meeting
- February 7 SCAG Housing Policy Leadership Academy
- February 8 Orange County Power Authority Board Meeting
- February 8 Buena Park Cable Foundation Meeting

Council Member Sonne commented February 1<sup>st</sup> began the Year of the Tiger, Happy Lunar New Year. February 1<sup>st</sup> is also the beginning of Black History Month and was disheartened to learn that many predominantly black colleges and universities had been targeted with bomb threats and said the behavior is reprehensible.

Mayor Pro Tem Brown reported the following:

- January 25 Orange County Sanitation District Board Meeting
- January 27 Orange County Council of Government Board Meeting
- January 29 Ruth Walp Hall Dedication Ceremony
- January 28 - 30 Reunion of Fraternal Order of Real Bearded Santas
- February 1 Swiss National Public Transit Authority Webinar Meeting
- February 2 SCAG Administrative Committee Meeting
- February 3 Joint Committee Meetings of SCAG (Housing, Traffic and Environment)
- February 3 SCAG Regional Council Meeting
- February 8 Swiss National Public Transit Authority Webinar Meeting

Mayor Park reported on the following:

- January 28 FIT Committee Meeting
- January 29 Ruth Walp Hall Dedication Ceremony
- January 31 Elementary Art Contest Judging
- February 5 40th Annual Tet Festival
- February 7 Mayor's Prayer Breakfast Meeting
- February 8 Buena Park Cable Foundation Meeting

## RECESS/RECONVENE

Mayor Park recessed the meeting at 5:53 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:04 p.m.

## STUDY SESSION (11 – 16) (Reconvene in the Council Chamber)

11. DISCUSS AND PROVIDE DIRECTION ON THE CREATION AND IMPLEMENTATION OF A LOCAL HIRING PROGRAM IN THE CITY OF BUENA PARK  
Presented by Christopher G. Cardinale, City Attorney

City Attorney Cardinale summarized the report noting at the June 8, 2021, City Council meeting, Mayor Park calendared a discussion of creating a “Local Hiring Program” in the City of Buena Park. Local Hiring Programs (“LHP” or sometimes referred to as “Targeted Hiring Programs”) generally require developers and contractors benefitting from the use of public funds to target a percentage of the jobs created by a project toward local residents. The objective of LHPs are to ensure residents directly benefit from the investment of local funds into economic development and capital improvement projects through the creation of quality local job opportunities. LHPs differ by jurisdiction as each program is tailored to meet each community’s individual goals and needs. However, “First Source Hiring”, the practice of reserving job recruitment opportunities to local residents for a specified time period is typically a major component of these programs. Other common aspects and key issues addressed by LHPs include the following: type of projects, size of projects, job types and local hire thresholds, outreach and recruitment, and compliance, monitoring, and enforcement. Mechanisms for Implementing Local Hiring Programs: there are a variety of policy tools and mechanisms that may be used to establish Local Hiring Programs either on citywide or on a project-by-project basis. These mechanisms include the following: Development Agreements, Community Benefit Agreement, Community Workforce Agreement: Local entities have used Community Workforce and Ordinance. The City Council may desire to consider the following additional factors/limitations:

- Staff Time/Costs (including potentially hiring third-party consultants)
- Limited Participation by Contractors/Developers (including unwilling or unable)
- Limited Development Subsidies Available from City
- In-Lieu Fees as Contractor/Developer Alternative

Over the last several months the City has been negotiating a CWA with the Los Angeles/Orange County Building and Construction Trades Council and the Signatory Craft Councils and Unions. Pending final input from the Ad Hoc Committee and negotiations with the Unions, the proposed final Agreement will be considered by the City Council at a public meeting in the near future. As the City Council is aware, the Agreement includes a local hiring program that establishes a goal that 30% of all construction labor hours worked on covered projects to be sourced from veterans and qualifying local residents. In its current form, the Agreement would apply to: 1) multi-prime public works contracts awarded by the City and exceeding \$500,000 in value; 2) single prime Public Works contracts awarded by the City and exceeding \$250,000; and 3) private development projects that are subject to prevailing wage by virtue of a subsidy from the City. If the Agreement is approved by the City Council in its current form, projects within these three categories would be governed by the local hiring requirements already defined by the Agreement. If the City Council moves forward with approving the CWA, any future Local Hiring Program should be crafted to avoid redundancy or inconsistency with the CWA by, for example, excluding projects covered by the CWA from within the scope of the Local Hiring Program.

Galo Toapanta, Buena Park resident, spoke in favor of implementing a local hiring program.

John Hanna, Southwest Carpenters, spoke in favor of a local hiring program and noted the City Council should consider a radius of local hire and partner with the School Districts.

The City Council discussed: future development for local hiring, option for contractors or businesses to opt-in to local hiring programs, benefits of the program to the community, technical training programs for youth in local hiring programs and creating an Ad Hoc Committee to discuss further. Following discussion, the City Council established an Ad Hoc Committee with Mayor Park and Council Member Sonne to investigate a local hiring program further.

12. DISCUSS AND PROVIDE DIRECTION REGARDING A LETTER OF SUPPORT FOR ORANGE COUNTY TO HOST THE 2023 WORLD KOREAN CONVENTION AT THE ANAHEIM CONVENTION CENTER

Presented by Sara Copping, Director of Visit Buena Park

Director of Visit Buena Park Copping summarized the report noting since its inception in 2002, the World Korean Business Convention, also known as Hangsang Daewoe, has been the largest festival for Korean business professionals in the world. The event, hosted by the Korean Overseas Foundation, is a platform for Korean entrepreneurs and business professionals from around the world to establish business relationships with other business professionals. It is expected to bring together about 3,500 Korean business professionals, who are actively leading businesses in Korea and other countries, for various programs and activities such as business exhibitions, one-on-one business meetings, various business seminars, and consulting sessions.

Currently, Orange County is competing with the cities of Dallas, New York and a city in China to host in 2023. Although the event is proposed to be held at the Anaheim Convention Center, it will be a collaboration between several Orange County cities that could include Anaheim, Fullerton, Irvine, and Garden Grove. The KACCUSA, KACCOC, and the City of Anaheim have reached out to the Mayor to request Buena Park's support of this endeavor. There are many potential benefits to Buena Park if the convention is held at the Anaheim Convention Center. This event offers Buena Park the opportunity to showcase the City's attractions, dining establishments, and hospitable personality to a global audience. Raising the profile of the City is an important advantage as it attracts tourists and business investments into our community. A significant benefit is the long-term economic impact of welcoming thousands of tourists into the City at one time. It can stimulate return travel, garner media attention, create business investments, and foster word-of-mouth advertising.

Following the presentation, the City Council directed staff to draft a letter from Mayor Park to the Korean Overseas Foundation indicating the City Council's support of the 2023 event being held in Orange County at the Anaheim Convention Center.

13. DISCUSS AND PROVIDE DIRECTION REGARDING UPDATING THE VISION AND GOALS FOR THE ENTERTAINMENT CORRIDOR SPECIFIC PLAN (91-FREEWAY TO LA PALMA AVENUE)

Presented by Matt Foulkes, Director of Community and Economic Development

Director of Community and Economic Development Foulkes summarized the report noting the purpose of the study session is to provide background and the foundation of the Entertainment Corridor Specific Plan and to discuss and provide direction regarding updating the vision and goals for the Specific Plan. Through efforts by the City and former Redevelopment Agency there have been several substantive developments along the Entertainment Corridor over the last 15 years, including the redevelopment of several motels into new commercial developments such as Rock & Brews and Porto's Bakery and Café. Unfortunately, other properties, including the Stanford Hotel, Butterfly Pavilion and Aloft Hotel sites have not yet been redeveloped, but are poised for redevelopment in the coming years. Given the likelihood of development activity at the above-referenced sites as well as development proposed in and around the Buena Park Mall, this item was requested by Council Member Traut to ensure newer members of the City Council are fully informed about the Specific Plan. Staff is also seeking feedback from the City Council that the plan still meets its vision and goals for this section of Beach Boulevard. Any amendments to the Specific Plan will require public hearings by both the Planning Commission and City Council as well as appropriate environmental analysis.

The City Council discussed updating the Specific Plan to allow uses and greater flexibility, and modernizing the Specific Plan to reflect the changes in the community, and hiring a consultant to do a study. Following discussion, the City Council directed staff to move forward with hiring a consultant to update the Entertainment Corridor Specific Plan.

14. DISCUSS AND PROVIDE DIRECTION ON THE METHODOLOGY OF INSTALLING CITYWIDE BIKE LANES AND BUS LANES

Presented by Deepthi Arabolu, P.E., T.E., Principal Engineer

Principal Engineer Arabolu summarized the report noting the City currently does not have a formal Bicycle Master Plan and the City streets are generally not equipped with designated bicycle facilities. However, the City's Planning Division is currently in the process of developing the first citywide Active Transportation Plan (ATP). The Plan will evaluate, identify, and prioritize active transportation recommendations within the City. As a result, the vision is to develop a formal Bicycle Master Plan that provides a framework for making cycling a more practical and convenient transportation option for a wide variety of residents with different riding purposes, skill levels, and capabilities. The City is anticipating having this plan ready by February 2024.

In the meanwhile, the City has been making progress in improving alternative transportation methods through different types of Capital Improvement Projects, including street rehabilitation and slurry projects. City staff, through their regular review process, has been proactive in identifying opportunities to implement bike lanes quickly and efficiently. Some important projects that have recently been completed using these strategies include: Stage Road Roadway Rehabilitation Project, Rosecrans Avenue Roadway Rehabilitation Project, and Silverado Trail Project between Valley View Street and Thelma Avenue.

The City Council discussed active transportation, housing developments which will increase traffic, alternative means of transportation, and having the Traffic and Transportation Commission research this item further. Following discussion, the City Council directed staff to send this item to the Traffic and Transportation Commission.

15. CITY MANAGER REPORT

City Manager France had nothing to report.

16. COMMISSION/COMMITTEE APPOINTMENTS/REMOVALS

City Clerk Jimenez had nothing to report.

ADJOURNMENT

There being no further business, Mayor Park adjourned the meeting at 7:14 p.m.

ATTEST:

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Mayor

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City Clerk

MINUTES OF CITY COUNCIL MEETING  
OF THE CITY OF BUENA PARK  
HELD FEBRUARY 22, 2022

Vol. 50 Pg. 1

CALL TO ORDER

The City Council met in a regular session on Tuesday, February 22, 2022, at 5:07 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Park presiding.

ROLL CALL

PRESENT: Brown, Sonne, Swift, Traut, Park  
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 Ed Choi, Thanksgiving Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Girl Scouts of Orange County Troop 5045.

CITY MANAGER REPORT

City Manager France reported on the following:

- Images Park New Exercise Equipment Unveiling, Friday, February 25, at 4:30 p.m.
- Buena Park Arbor Day Celebration, Saturday, March 5
- Director of Public Works/City Engineer Nabil Henein will retire after 30 years of service.

City Clerk Jimenez reported on the following:

- Redistricting Update, final public hearing will be held March 8, 2022 at 6:00 p.m. Map submissions are due to the City by February 23, 2022. The final redistricting map must be approved and adopted by April 17, 2022.

PRESENTATIONS

Police Chief Sianez presented the Buena Park Police Department's Citizens Commendation to Tae-Young Choi, Jae Ho Han and Sejun Park.

Council Member Swift presented a proclamation recognizing Arbor Day in Buena Park on March 5, 2022 to Beautification-Environmental Commissioner Miller.

## ORAL COMMUNICATIONS

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

Chris Candelaria, Buena Park resident, spoke regarding an issue at a residence in Buena Park which is conducting a business out of the residence, which he believes is illegal and stated his concerns have been reported to Code Enforcement.

David Potzler, Buena Park resident, spoke regarding a high pitched-loud constant noise coming from the Nutrilite business site.

Sandra Davidson, Buena Park resident spoke regarding a high pitch hum, and noise pollution in the area of the Nutrilite business site and requested assistance from the City in resolving the issue.

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

## CONSENT CALENDAR NOTICE (1 – 8)

Mayor Park 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. There being no requests for separate consideration, the following action was taken:

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

MOTION CARRIED that all actions recommended on Consent Calendar Items 1 through 8 be approved.

**Minutes**

1. APPROVAL OF MINUTES  
Recommended Action: Approve Minutes of the Special and Regular City Council Meetings of January 11, 2022, and the Special City Council Meeting of January 25, 2022.

APPROVED the recommended action.

**Finance 75**

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

ADOPTED the following titled resolutions:

RESOLUTION NO. 14451

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,859,913.82 DEMAND NOS. 412178 THROUGH 412336

RESOLUTION NO. 14452

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,171.36 DEMAND NOS. 412337 THROUGH 412340

**Proclamations 119**

3. PROCLAMATION RECOGNIZING ARBOR DAY IN BUENA PARK ON MARCH 5, 2022  
Recommended Action: Approve proclamation.

APPROVED the recommended action.

**Grants 185**

4. MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CALIFORNIA URBAN FORESTS COUNCIL AND WEST COAST ARBORISTS FOR CITY FOREST RENEWAL 2.0 (CFR 2.0)

Purpose: Approve an agreement to implement the City Forest Renewal 2.0 (CFR 2.0) program in Buena Park.

Recommended Action: 1) Approve a Memorandum of Understanding (MOU) with the California Urban Forests Council and West Coast Arborists for the City Forest Renewal 2.0 Program; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

**Contracts 70 C-3360**

5. PROFESIONAL SERVICES AGREEMENT WITH CASC ENGINEERING AND CONSULTING FOR GENERAL PLAN LAND USE ELEMENT AND RESIDENTIAL ZONING CODE UPATE

Purpose: Authorize the Community Development Department to hire a consultant to assist with an update to the General Plan Land Use and Community Design Element, and the Zoning Code in compliance with the recently adopted Housing Element Update 2021-2029. Associated costs in the amount of \$273,000 will be funded with a combination of Senate Bill 2 (SB-2) and Local Early Action Planning (LEAP) grant funds.

Recommended Action: 1) Approve a Professional Services Agreement with CASC Engineering and Consulting to assist with the preparation of an update to the General Plan Land Use and Community Design Element, an update to residential zoning code sections, and associated environmental analysis document in an amount not to exceed \$273,000; 2) Authorize the City Manager and City Attorney to make any necessary, nonmonetary changes to the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

APPROVED the recommended action.

**Budgets 47 Contracts 70 C-3361 Grants 185**

6. RESTRICTED PROJECT AGREEMENT (GRANT NO. 202205) WITH PROVIDENCE ST. JUDE HOSPITAL FOR 2022 GRANT FUNDING

Purpose: Approve a grant agreement with Providence St. Jude Hospital for 2022 fiscal year that will include the appropriation of funds for playground equipment purchase for Rick Gomez Park, SPARK early childhood equipment and curriculum purchase, landscape design for Silverado Trail Phase 1 and 2, garden beds purchase for the Senior Center, and grant writing services. Associated grant funds in the amount of \$68,286 will be used for this purpose, including \$45,000 of previously-approved grant funds.

Recommended Action: 1) Approve a grant agreement with Providence St. Jude Hospital for 2022 grant funding; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; 3) Authorize the City Manager and City Clerk to execute the agreement; 4) Accept grant funds in the amount of \$23,286; 5) Appropriate \$22,500 for the purchase of Rick Gomez Park play equipment; 6) Appropriate \$786 for the purchase of SPARK early childhood equipment and curriculum; 7) Appropriate \$20,000 carryover from 2020 for landscape design for Silverado Trail Phase 1 and 2; 8) Appropriate \$5,000 carryover from 2021 for garden beds at the Senior Center; 9) Appropriate \$10,000 carryover from 2021 for grant writing services for the Community Gardens Master Plan project; and 10) Appropriate \$10,000 carryover from 2021 for grant writing services for the Silverado Trail Phase 1 and 2 landscape design.

APPROVED the recommended action.

**Budgets 47 Grants 185**

7. MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ORANGE COUNTY SHERIFF'S DEPARTMENT (OCSD) TO TRANSFER FUNDS RELATED TO THE 2021 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FOR SUPPLEMENTAL FUNDING TO PURCHASE SIX POLICE BICYCLES

Purpose: Approve an agreement with OCSD to purchase six police bicycles with grant funds to increase patrols and positive community interaction in areas difficult to reach in traditional vehicular police patrols. Grant funds in the amount of \$17,325 are proposed to be used for this purpose.

Recommended Action: 1) Approve a Memorandum of Understanding (MOU) with the Orange County Sheriff's Department (OCSD) to transfer funds for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program for supplemental funding to purchase six police bicycles; 2) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the agreement; 3) Authorize the City Manager and City Clerk to execute the agreement; 4) Approve a budgetary action to appropriate funds in the amount of \$17,325 for this purpose; and 5) Authorize the Police Department to purchase six police bicycles using these funds.

APPROVED the recommended action.

**Emergency Services 188**

8. RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS IMPLEMENTING AB 361 TO ALLOW VIDEOCONFERENCE PARTICIPATION FOR ALL CITY PUBLIC MEETINGS

Purpose: Adopt a resolution extending the provisions of AB 361 allowing for meetings of City legislative bodies (e.g. City Council, commissions, and committees) to hold meetings via videoconference effective immediately. There is no direct budget impact with the approval of this item.

Recommended Action: 1) It is recommended that the City Council adopt a Resolution making certain findings and determinations under AB 361 allowing the City's legislative bodies to hold virtual Brown Act meetings in consideration of the COVID-19 pandemic.

ADOPTED the following titled resolution:

**RESOLUTION NO. 14453**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, MAKING THE NECESSARY FINDINGS AND DETERMINATIONS UNDER AB 361 ALLOWING THE CITY'S LEGISLATIVE BODIES TO HOLD VIDEOCONFERENCE PARTICIPATION FOR ALL PUBLIC MEETINGS IN CONSIDERATION OF THE COVID-19 PANDEMIC

END OF CONSENT CALENDAR

## NEW BUSINESS (9 – 16)

**Contracts 70 C-3362 Public Works Proj. 125**

## 9. CONTRACT WITH M.J. ELLS GENERAL CONSTRUCTION, INC. FOR THE FENCE REPAIRS AT PEAK PARK

Presented by Jason Tran, E.I.T., Assistant Engineer

Purpose: Hire a contractor to repair the damaged existing metal fencing around the public pool and skate park at William Peak Park, located on El Monte Drive and El Dorado Drive. This project is included in the FY 2021-2022 Capital Improvement Program budget, and will be funded by the Park-in-Lieu Fund (Account No. 32-9806-290161).

Recommended Action: 1) Award a contract to M.J. Ells Construction, Inc. in the amount of \$61,440 to provide fence repair services at William Peak Park for the public pool and skate park; 2) Authorize contingency funds in the amount of \$6,100; 3) Authorize the City Manager and City Clerk to make any necessary, non-monetary changes to the contract; and 4) Authorize the City Manager and City Clerk to execute the contract.

Assistant Engineer Tran reported the existing metal fencing around the public pool and skate park at William Peak Park have sustained damages throughout the years that will require rust treatment, repainting, fence gate replacement, fence panel replacements, and fence picket replacements or repair. Staff received proposals from three qualified contractors with quoted prices ranging from a low of \$61,440 to a high of \$72,705. Staff recommends awarding a contract to M.J. Ells General Construction, Inc. in the amount of \$61,440 for this project. The total cost for the repairs is in the amount of \$67,540, including \$6,100 in contingency funds. This project is included in the FY 2021-2022 Capital Improvement Program budget, and will be funded by the Park-in-Lieu Fund.

Council Member Traut asked if City Council had interest in incorporating artwork to the fencing at William Peak Park once they are improved and suggested the Cultural and Fine Arts Commission spearhead the effort.

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

MOTION CARRIED to approve the recommended action and directed the Cultural and Fine Arts Commission research and report back to the City Council on commissioning artwork for the fencing.

**Contracts 70 C-3363 PW-906 Public Works Proj. 125**

## 10. RESOLUTION APPROVING PLANS, SPECIFICATIONS, AND CONTRACT WITH BONADIMAN WATER, INC. FOR THE INDIANA AVENUE AND RAND STREET WATER MAIN PROJECT

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

Purpose: Authorize the Public Works Department to commence with the water main replacement at Indiana Avenue from Artesia Boulevard to Taylor Street, and at Rand Street from Artesia Boulevard to Holt Street, by approving plans and specifications and awarding the contract to Bonadiman Water, Inc. for associated costs in the amount of \$369,825.

Recommended Action: 1) Adopt a resolution approving plans and specifications for the Indiana Avenue and Rand Street Water Main Project; 2) Award a contract to Bonadiman Water, Inc. in the amount of \$369,825; 3) Authorize contingency funds in the amount of \$37,000 in the same purchase order; 4) Authorize construction engineering costs in the amount of \$30,000 for the project; 5) Approve a balance transfer of \$185,765 from the unappropriated Water Fund balance; and 6) Authorize the City Manager and the City Clerk to execute the contract.

Assistant City Engineer Mikhael reported the Indiana Avenue and Rand Street Water Main Project will replace deteriorated water mains at Indiana Avenue from Artesia Boulevard to Taylor Street, and at Rand Street from Artesia Boulevard to Holt Street. The project was advertised on January 20, 2022. On February 10, 2022, seven bids were received and publicly opened. The total bid amounts ranged from \$369,825 to \$656,500. Bonadiman Water, Inc. is the lowest, responsible bidder at \$369,825. The bid amount is approximately 22% lower than the Engineer's Estimate of \$472,450. The contractor possesses the required license and has satisfactorily performed similar projects for other agencies, including the cities of Fullerton and Riverside. With City Council approval, construction is scheduled to begin March 2022, with an anticipated completion date of June 2022.

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

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

RESOLUTION NO. 14454

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK APPROVING PLANS AND SPECIFICATIONS FOR THE INDIANA AVENUE AND RAND STREET WATER MAIN PROJECT IN SAID CITY

**Econ. Dev. 191**11. APPROVAL OF THE SMALL BUSINESS DIGITAL MARKETING PILOT PROGRAM  
Presented by Lauren Yoon, Management Analyst

Purpose: Authorize the Economic Development Division to launch the Small Business Digital Marketing Pilot Program with the associated guidelines. A budget allocation in the amount of \$6,000 from the Economic Development Fund is necessary for this purpose.

Recommended Action: 1) Authorize the implementation of a Small Business Digital Marketing Pilot Program; 2) Approve the Small Business Digital Marketing Program Guidelines; 3) Authorize the City Manager to make any necessary, non-monetary changes to the guidelines and execute any necessary related documents; and 4) Allocate funds in the amount of \$6,000 from the Economic Development Fund for this purpose.

Management Analyst Yoon reported Buena Park small businesses play a key role in the City's local economy. Unfortunately, small businesses were some of the most impacted as a result of the COVID-19 pandemic. On July 27, 2021, at Mayor Park's request, staff presented a discussion on providing digital optimization assistance to Buena Park small businesses through a pilot program with the Small Business Development Center (SBDC). The proposed Small Business Digital Marketing Program will provide a six to seven-week digital marketing training program and initial funding to help participating small businesses learn the skills needed to create and maintain an online presence. The SBDC will assist the City in marketing, application

processing, grant processing, and administering the training to participants. SBDC currently assists several other municipalities with similar programs and is a federal- and state-funded organization, so grant assistance/administration would be free to both the City and business applicants. Staff will reach out to local organizations, such as the North Orange County Chamber of Commerce (NOCCC) and Korean American Chamber of Commerce of Orange County (KACCOC) to help market this program to the Buena Park business community. If necessary, the application period may be extended in City Council districts that have lower participation. If the number of applications exceeds the amount of funding available for a City Council district, then a lottery system will be implemented to select applications.

Mayor Park stated she proposed this item because she saw small businesses struggling during the pandemic. Smaller business didn't have any internet visibility; relying on people calling in to place an order. The pandemic has exposed what is lacking in the community and the need to prepare our small businesses for a post-pandemic operation of business, and a visible platform on the web. Mayor Park hopes this pilot program is successful and will help first time business owners to be successful.

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

MOTION CARRIED to approve the recommended action.

### Property 120

12. CONSIDERATION OF A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY TO BE 'EXEMPT SURPLUS LAND' UNDER THE SURPLUS LAND ACT (7860 BEACH BOULEVARD, BUENA PARK, CA)  
 Presented by Matt Foulkes, Director of Community Development

Purpose: Declare City-owned property to be “exempt surplus land” for purposes of the SLA as a preliminary step in the City’s efforts to facilitate the development of the Property. There is no budget impact with the adoption of this resolution.

Recommended Action: 1) Adopt the attached Resolution declaring the City-owned real property located at 7860 Beach Boulevard, Buena Park, CA (the “Property”) to be “exempt surplus land” pursuant to the California Surplus Land Act (California Government Code § 54220 et seq., the “SLA”).

Director of Community Development Foulkes reported California’s Surplus Land Act (SLA) dictates the process by which state and local government agencies may dispose of ownership interest in real property. The SLA’s requirements apply to both general law and charter cities, as well as real property assets owned by redevelopment “successor agencies”. More specifically, before a local agency may dispose of property, the City Council must first take formal action and declare that property to be either “surplus land” or “exempt surplus land.” This determination must be made during a public meeting and supported by evidence in the record before the City Council. If the real property qualifies as “exempt surplus land” the agency is not required to advertise its availability and may simply dispose of the real property interest as otherwise permitted by California law. As a result of the differing processes applicable to “surplus” and “exempt surplus” lands, an agency’s declaration of a parcel is subject to review by the California Department of Housing and Community Development (“HCD”) before the City may finalize a transaction.

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

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

### RESOLUTION NO. 14455

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, DECLARING CERTAIN REAL PROPERTY OWNED BY THE CITY TO BE “EXEMPT SURPLUS LAND” UNDER THE CALIFORNIA SURPLUS LAND ACT – 7860 BEACH BOULEVARD, BUENA PARK, CALIFORNIA

**Contracts 70 C-3364**

13. TEMPORARY NON-EXCLUSIVE AGREEMENT WITH P & H ENTERPRISES, INC.  
DBA ANAHEIM FULLERTON TOWING FOR POLICE TOWING SERVICES  
Presented by Brad Geyer, Police Captain

Purpose: To approve short-term professional services agreements with a local towing company for police towing services, thereby ensuring the continuation of such services pending the City's solicitation and selection of permanent towing provider(s).

Recommended Action: 1) Approve a temporary professional services agreement with Anaheim Fullerton Towing Services to provide police towing services on an interim basis until a permanent services provider is selected; 2) Authorize the City Manager and City Attorney to make any necessary changes to finalize the agreement; and 3) Authorize the City Manager and City Clerk to execute the agreement.

Police Captain Geyer reported the Buena Park Police Department learned in late January 2022 that the City's long-term police towing service provider, Brookhurst Tow, was going out of business and could no longer provide police towing services effective March 1, 2022. The Police Department currently uses Anaheim Fullerton Towing Services for large "out of class" vehicles such as commercial tractor-trailers and other similar vehicles. During the temporary agreement period, the Police Department will work with the Purchasing Manager to conduct an exhaustive search for a long-term towing solution in accordance with City policy. The term of this temporary agreement is 120 days, and may be extended on a month-to-month basis until terminated by the City with 30-days' notice. The City's rate schedule with Brookhurst Tow was significantly outdated and below-market, as were the City's fees for recovering associated law enforcement costs. As a result, the City is anticipating towing and storage rates under the new agreements to increase from those charged under Brookhurst Tow. If the City Council approves the interim contract for towing services, staff will return to the City Council in the near future for a more detailed discussion about the City's options for procuring long-term towing services. The City Attorney has reviewed this temporary agreement.

Council Member Traut commented that when looking for a long term towing contract, staff should ensure towing companies have updated and electronic records systems, great customer service, good response time, and franchise model vs. professional services towing contract.

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

MOTION CARRIED to approve the recommended action.

**Calif. State of 49 Legislation 94**

14. RESOLUTION OPPOSING THE TAXPAYER PROTECTION AND GOVERNMENT  
ACCOUNTABILITY ACT (INITIATIVE NO. 21-0042A1)  
Presented by Jessica Fewer, Senior Management Analyst

Purpose: Adopt a resolution opposing an initiative that would limit voters' input, adopt new and stricter rules for raising taxes and fees, and make it more difficult to hold state and local law violators accountable. There is no direct budget impact associated with this item.

Recommended Action: 1) Adopt a resolution opposing the Taxpayer Protection and Government Accountability Act (Initiative No. 21-0042A1).

Senior Management Analyst Fewer reported in 2018, the Tax Fairness, Transparency and Accountability Act was circulated to qualify for the November 2018 ballot. This initiative would have drastically limited local revenue authority. Through the successful work and advocacy of several coalitions and organizations such as the League of California Cities, the measure's proponents withdrew the initiative from the ballot in June 2018. On January 4, 2022, the California Business Roundtable filed the Taxpayer Protection and Government Accountability Act. This measure is far more detrimental to cities than the previous measure filed in 2018, because it would decimate vital local and state services to the benefit of wealthy corporations.

On February 3, 2022, the California Attorney General published the official title and summary for the initiative. The title reads: Limit Ability of Voters and State and Local Governments to Raise

Revenues for Government Services. A summary by the California Legislative Analyst and California Director of Finance indicates that this initiative could 'lower annual state and local revenues, potentially substantially lower, depending on future actions of the Legislature, local governing bodies, voters, and the courts.' With the issuance of the title and summary, the initiative's authors now need to gather and submit a little more than 997,000 valid signatures for the initiative to qualify for the November 2022 ballot. Cal Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly oppose this initiative. Although proponents of the initiative indicate that the proposed legislation would allow voters to reassert their right to a voice and a vote on new and higher taxes by requiring any new or higher taxes be put before voters for approval, proponents argue that the initiative includes major new loopholes that allow wealthy corporations to avoid paying their fair share for the impacts they have on local communities; while also allowing corporations to evade enforcement when they violate environmental, health, safety, and other state and local laws. It would also significantly restrict the ability to fund fire and emergency response, public health, parks, affordable housing, homeless services, and public infrastructure.

Kenneth Armstrong, thanked the City Council and staff for discussing this item, expressed his support of the City Council adopting the resolution, noting this initiative could jeopardize the City Council's ability to adopt tax increases in order to provide vital services.

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

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

**RESOLUTION NO. 14456**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, OPPOSING THE TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT INITIATIVE (21-0042A1) [ ALSO KNOWN AS THE LIMIT ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES INITIATIVE]

**City Council 55**

15. DESIGNATE A COUNCIL MEMBER AS THE CITY'S VOTING DELEGATE AND ALTERNATE VOTING DELEGATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENT'S (SCAG) GENERAL ASSEMBLY BUSINESS SESSION

Presented by Adria M. Jimenez, City Clerk, MMC

Purpose: Designate a Council Member as the City's voting delegate for SCAG's General Assembly Business Session. There is no budget impact associated with this request.

Recommended Action: 1) That the City Council appoint a voting delegate and alternate voting delegate for SCAG's General Assembly Business Meeting scheduled for May 5, 2022 in Palm Desert.

City Clerk Jimenez reported SCAG's 2022 General Assembly is scheduled for May 5, 2022, in Palm Desert. Traditionally, Council Member Brown is the sole attendee of the SCAG Conference; therefore, he has always acted as the City's voting delegate. SCAG is requiring the City to designate the City's voting delegate and alternate delegate by City Council minute action. Additionally, the General Assembly Delegate Representative for Buena Park has an opportunity to propose any policy matter for determination by the General Assembly in the form of a proposed Resolution, and revisions to the SCAG bylaws. All proposed Resolutions and/or Bylaw revisions will be reviewed by SCAG's Bylaws and Resolutions Committee, and thereafter the Regional Council, before being considered at the General Assembly Business meeting. Once additional information is received on the proposed resolutions, staff will return to City Council for review and to provide direction to the City's delegates on how to proceed with voting.

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

MOTION CARRIED to appoint a Mayor Pro Tem Brown as voting delegate and Council Member Sonne as alternate voting delegate for SCAG's General Assembly Business Meeting scheduled for May 5, 2022 in Palm Desert.

### **Emergency Services 188**

16. 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-19 Pandemic and reported cases continue to decline. The State of California lifted the mask mandate on February 16<sup>th</sup> and residents have begun receiving at home Covid-19 testing kits. Vaccines and boosters remain effective in preventing severe illness, hospitalizations and death. The City continues to partner with COVID Clinic providing COVID-19 testing and vaccinations at the Buena Park Senior Center and City Hall, Monday through Friday 9:00 a.m. to 5:00 p.m., walk-ups welcome, online registration encouraged.

Received and filed.

### **MAYOR/CITY COUNCIL REPORTS & CALENDAR**

Council Member Traut reported the following:

- February 10 Official Opening of the Beach Boulevard Club Dueling Pianos Show
- February 11 Welcome Address at UFCW Hall for MLK Breakfast
- February 11 Elementary Art Show Reception
- February 16 Silverado Days Grants Luncheon
- February 16 Cultural and Fine Arts Commission Meeting

Council Member Traut requested to calendar a joint discussion with Council Member Swift regarding street racing and intersection take-overs, penalties, cameras, traffic calming, partnership with private property owners and other enforcement and non-enforcement related options.

Council Member Swift reported the following:

- February 10 Official Opening of the Beach Boulevard Club Dueling Pianos Show
- February 17 Football Banquet and Presentation of Varsity Jacket for Buena Park High School

Council Member Swift calendared a discussion regarding why the Orange County Mosquito and Vector Control District is a separate entity from the County.

Council Member Sonne reported the following:

- February 10 Complete Streets Town Hall
- February 11 Welcome Address at UFCW Hall for MLK Breakfast
- February 11 Elementary Art Show Reception
- February 16 Silverado Days Grants Luncheon
- February 17 CA Cities Latino Caucus Zoom Meeting
- February 17 CA Cities General Membership Meeting
- February 17 Orange County Vector Control District Meeting
- February 17 OC Human Relations Response to Hate Roundtable
- February 17 Park and Recreation Commission Meeting

Council Member Sonne calendared a discussion on issuing cell phones to Council Members.

Mayor Pro Tem Brown reported on the following:

- February 9 Orange County Sanitation District Administrative Committee
- February 10 CA Cities Policy Committee via Zoom
- February 10 Official Opening of the Beach Boulevard Club Dueling Pianos Show
- February 11 Elementary Art Show Reception
- February 14 SCAG General Assembly Committee Meeting
- February 16 Silverado Days Grant Luncheon
- February 22 Swiss Public Transportation Authorities and CALTRANS Virtual Meeting
- February 22 LOSSAN Board Virtual Meeting

Mayor Park reported the following:

- February 9 Podcast Interview on City's Renewable Energy Choice
- February 10 Buena Park Education Foundation Meeting
- February 11 Elementary Art Show Reception
- February 16 Orange County Housing Trust Meeting
- February 17 OC Human Relations Response to Hate Roundtable
- February 17 Football Banquet and Presentation of Varsity Jacket for Buena Park High School

Mayor Park calendared for discussion a letter for review and approval by City Council regarding SCE NEM 3.0 proposed by Southern California Edison.

#### RECESS/RECONVENE

Mayor Park recessed the meeting at 6:27 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:40 p.m.

#### STUDY SESSION (17 – 21) (Reconvened in the Council Chamber)

#### 17. DISCUSS AND PROVIDE DIRECTION REGARDING THE CITY'S MID-YEAR BUDGET

Presented by Sung Hyun, Director of Finance

Director of Finance Hyun summarized the report and reviewed the following information:

- Mid-Year Budget Review
  - Results from FY 2020-21
  - General Fund Revenues
  - General Fund Expenditures
  - Fund Balance of General Fund
  - Self-Insurance Funds Reserves
  - Reserves - All Other Funds
- Projected Results for FY 2021-22
  - General Fund Projected Revenues - \$67,270,310
  - General Fund Projected Expenditures - \$79,905,884
  - Projected Fund Balance of General Fund - \$46,084,905
- Carryover Requests from FY 2020-21 to FY 2021-22
- Mid-Year Budget Adjustment Requests for FY 2021-22
- Comparison of General Fund Revenues FY19-20 to FY20-21 - \$67,270,310
- Comparison of General Fund Expenditures FY19-20 to FY20-21 - \$79,905,884
- General Fund - Fund Balance FY20-21 - \$46,084,905
- Workers' Compensation Self-Insurance Fund - \$(2,469,392)
- Public Liability Self-Insurance Fund - \$41,893
- Accrued Leave Fund - \$443,799
- Other Funds - Reserves FY20-21
  - Gas Tax Fund - \$3,090,157
  - Measure M2 Fund - \$ 948,204
  - HOME Deferred Loan Fund - \$1,908,789
  - Park In-lieu Fund - \$ 0
  - Traffic Congestion Relief Fund - \$16,697
  - AB2766/AQMD Fund - \$543,386
  - Local Law Enforcement Block Grant Fund - \$273,712

- OC Anti-Drug Abuse Fund - \$21,336
  - Asset Forfeiture Fund - \$273,712
  - Proposition 172 Fund - \$432,834
  - COPS/Supplemental Law Enforcement Special Fund - \$132,264
  - State OCATT Fund - \$(185,158)
  - Capital Projects Fund - \$(72,669)
  - Economic Development Fund - \$3,859,608
- General Fund Revenues FY21-22 - \$71,074,983
  - General Fund Expenditures FY21-22 - \$77,762,243
  - General Fund - Projected Fund Balance FY21-22 - \$47,261,939
- Carryover Requests - General Fund FY20-21 to FY21-22
    - Used Oil Recycling Grant - \$12,383
    - Beverage Container Recycling Grant - \$52,985
  - Carryover Requests - Other Funds FY20-21 to FY21-22
    - Local Law Enforcement Block Grant Fund
      - Justice Assistance Grant (JAG) - \$33,032
  - CDBG Fund
    - Rent & Utility Assistance Program - \$505,355
    - Homeless Outreach Program - \$95,927
    - Childcare Assistance Program - \$104,381
  - Mid-year Requests - General Fund FY21-22
    - Economic Development Fund
      - Transfer/Return 50% of Residual Property Tax
        - FY20-21 - \$1,434,301
        - FY21-22 - \$1,600,000 (Budget)

The City Council approved the General Funds and Other Funds budget adjustments requests as submitted.

18. DISCUSS AND PROVIDE DIRECTION ON THE ORANGE COUNTY POWER AUTHORITY (OCPA) ENERGY CONTENT SELECTION FOR CITY FACILITIES  
Presented by Eddie Fenton, Assistant City Manager

Assistant City Manager Fenton summarized the report noting on January 25, 2022, as a member of the Orange County Power Authority (OCPA), the City of Buena Park selected 100% Renewable Choice as its default rate option for electricity generated from renewable resources prior to the launch of commercial and residential service expected in April 2022 (for commercial customers). As an OCPA customer, the City of Buena Park purchases electricity to power its City facilities, water reservoir, water well pump stations, light poles, and traffic signals. The City of Buena Park must choose a rate tier of renewable energy content for its municipal facilities. Currently, the City has 245 electricity accounts with SCE.

The City budgeted roughly \$2.3 Million for electricity from SCE for all of these accounts in FY 2021-2022. Of these 245 accounts, 11 accounts are charged to the Water Fund and these charges are incorporated into the water rates billed to water customers. The City Council may choose to keep all the City's electricity accounts on 100% renewable choice, or downgrade all or a portion of the 245 electricity accounts to OCPA's Smart Choice option or OCPA's Basic Choice option, or remain with SCE. If the City Council decides to select the Basic Choice or remain with SCE, there would be no budget impact above the \$2.3 Million that is already budgeted for electricity. However, if the City Council decides to move forward with either the 100% Renewable Choice or Smart Choice options, staff would bring back a budget amendment to the City Council at a future meeting.

The City Council discussed water rates increase, water enterprise fund, energy savings for water pumping facilities, and selecting 100% renewable energy choice for city facilities with the exception of water enterprise facilities. Following discussion, the majority of the City Council (Swift dissented) selected to keep the City's electricity accounts funded by the General Fund on the 100% renewable energy choice with the exception of water enterprise facilities. The City Council selected to downgrade to the OCPA Basic Choice, equivalent to 38% renewable energy content, for the City's electricity accounts funded by the Water Enterprise Fund to not increase water customer rates.

19. 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 summarized the report noting on 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. On March 23, 2021, Council discussed this item and asked staff to bring the item back in the future for further discussion. In 2019, Global Hope 365 started a coalition to end child marriage. It 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. Cities in Orange County that have adopted resolutions include Aliso Viejo, Anaheim, Costa Mesa, Fullerton, Irvine, Mission Viejo, Newport Beach, and Yorba Linda.

Rima Nashashibi, Global Hope 365, spoke about the resolution being adopted by State Department, International and U.S. Communities with bipartisan support.

Sara Tasneem, spoke about her survivor story and experience in being forced to marry as a minor. She expressed support for the adoption of the resolution.

Elizabeth Sitton, spoke about her survivor story, being forced to marry a 28-year-old stranger at the age of 16 by her parents and expressed support for the adoption of the resolution.

The City Council discussed support for the resolution, support for Women's History Month, and the reasoning for "no exception" wording. Following discussion, the majority of the City Council (Brown dissented) support the resolution and directed staff to return to a future City Council Meeting for adoption.

## 20. CITY MANAGER REPORT

City Manager France reported the City acquired the property located at 7860 Beach Blvd., the former Stanford Hotel Site.

## 21. COMMISSION/COMMITTEE REPORT

City Clerk Jimenez had nothing to report.

## ADJOURNMENT

There being no further business, Mayor Park adjourned the meeting at 7:56 p.m. The meeting was adjourned in memory of former Laguna Niguel Mayor and Council Member Robert Ming, Alcene Cain, former Buena Park City Clerk, Buena Park resident, and volunteer at the Buena Park Senior Center, and Huntington Beach Police Officer Nicholas Vella.

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Mayor

ATTEST:

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City Clerk