

MINUTES OF CITY COUNCIL MEETING
OF THE CITY OF BUENA PARK
HELD SEPTEMBER 10, 2024

Vol. 54 Pg. 188

1. GENERAL

The City Council met in a regular session on Tuesday, September 10, 2024, at 5:00 p.m. in the City Council Chamber of the Civic Center, 6650 Beach Boulevard, Buena Park, California, Mayor Sonne presiding.

1A. CALL TO ORDER

1B. ROLL CALL

PRESENT: Brown, Traut, Ahn, Sonne

ABSENT: None

Also present were: Aaron France, City Manager; Chris Cardinale, City Attorney; and Adria M. Jimenez, MMC, Director of Government and Community Relations/City Clerk.

1C. INVOCATION

The Invocation was led by Gerardo Arenado, Orange County Fire Authority Battalion Chaplain.

1D. PLEDGE OF ALLEGIANCE

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

1E. CITY MANAGER REPORT

City Manager France reported the following:

- Buena Park Culture Fest, Saturday, September 21, 2024, 5:00 p.m. – 9:00 p.m., Civic Center
- Buena Park State of the City, Wednesday, October 2, 2024, 11:30 a.m., Knotts Berry Farm Hotel
- Management Analyst Yoon informed the community about *Size Up Buena Park*. The City of Buena Park is partnering with *Size Up* to bring an innovative online service that would provide business owners, start-ups, and aspiring entrepreneurs with no-cost market research and business insights to help them make smarter data-driven decisions to grow their business. Management Analyst Yoon described the four business tools being offered and encouraged local businesses to contact the Economic Development to inquire about the program.

2. PRESENTATIONS

2A. PROCLAMATION RECOGNIZING SEPTEMBER 2024 AS HUNGER ACTION MONTH

Vice Mayor Ahn presented a Proclamation recognizing September 2024 as Hunger Action Month to Director of Orange County Food Bank Mark Lowry.

3A. ORAL COMMUNICATIONS

Mayor Sonne announced the public may at this time address the members of the City Council on any matters within the jurisdiction of the City Council. There being no requests to speak, Mayor Sonne closed oral communications.

4. CONSENT CALENDAR (4A – 4I)

Mayor Sonne announced that Consent Calendar Item Nos. 4A through 4I 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. Director of Government and Community Relations/City Clerk Jimenez announced that Item No. 4J was being pulled from the agenda. There being no requests for separate consideration, the following action was taken on Item Nos. 4A – 4I:

MOTION: Brown
SECOND: Traut
AYES: Brown, Traut, Ahn, Sonne
NOES: None

MOTION CARRIED that all actions recommended on Consent Calendar Item Nos. 4A – 4I be approved.

Minutes**4A. APPROVAL OF MINUTES**

Recommended Action: Approve the Minutes of the Special and Regular City Council Meetings of August 13, 2024.

APPROVED the recommended action.

Finance 75**4B. RESOLUTIONS APPROVING CLAIMS AND DEMANDS**

Recommended Action: Adopt Resolutions approving Claims and Demands.

ADOPTED the following titled resolutions:

RESOLUTION NO. 14888

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$2,366,377.77 DEMAND NOS. 426292 THROUGH 426515

RESOLUTION NO. 14889

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$3,035,594.77 DEMAND NOS. 426516 THROUGH 426723 CANCELLED NOS. 423109, 423205, 423240, 426248, AND 426275

RESOLUTION NO. 14890

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$20,408.26 COVERING RETIREE PAYROLL ENDING JULY 31, 2024

RESOLUTION NO. 14891

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,141,610.81 COVERING REGULAR PAYROLL ENDING AUGUST 2, 2024

RESOLUTION NO. 14892

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$20,408.26 COVERING RETIREE PAYROLL ENDING AUGUST 31, 2024

RESOLUTION NO. 14893

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS IN THE SUM OF \$1,073,387.05 COVERING REGULAR PAYROLL ENDING AUGUST 16, 2024

Reports & Studies 129

4C. TREASURER'S REPORT FOR THE MONTH OF JULY 2024

Recommended Action: Receive and file the reports.

APPROVED the recommended action.

Proclamations 119

4D. PROCLAMATION RECOGNIZING SEPTEMBER 2024 AS HUNGER ACTION MONTH

Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Proclamations 119

4E. PROCLAMATION RECOGNIZING SEPTEMBER 2024 AS CHILDHOOD CANCER AWARENESS MONTH

Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Proclamations 119

4F. PROCLAMATION RECOGNIZING SEPTEMBER 2024 AS WORLD ALZHEIMER'S AWARENESS MONTH

Recommended Action: Approve Proclamation.

APPROVED the recommended action.

Contracts 70 C-3488 Public Works Proj. 125 PW-937

4G. FINAL PAYMENT TO ELECNOR BELCO ELECTRIC, INC. FOR THE TRAFFIC SIGNAL MODIFICATION AT KNOTT AVENUE AND HOLDER STREET PROJECT

Recommended Action: 1) Accept the project as complete and approve final payment to Elecnor Belco Electric, Inc. in the amount of \$9,319.50; and, 2) Direct the Public Works Department to file a Notice of Completion.

APPROVED the recommended action.

Contracts 70 C-3473 Budgets 47

4H. AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT WITH JBA CONSULTING DBA NV5 CONSULTANTS FOR INVESTMENT GRADE AUDIT (IGAA) SUPPORT

Recommended Action: 1) Approve Amendment No. 2 to Professional Services Agreement 23-08 with JBA Consulting dba NV5 Consultants for Investment Grade Audit (IGAA) support in the amount of \$50,380; 2) Authorize a budget transfer in the amount of \$50,380 from the undesignated General Fund balance to for this purpose; 3) Authorize the City Manager and City Attorney to make any necessary, non-monetary changes to the amendment; and, 4) Authorize the City Manager and City Clerk to execute the amendment.

APPROVED the recommended action.

Contracts 70 C-3566 Elections 74

4I. AGREEMENT WITH THE ORANGE COUNTY REGISTRAR OF VOTERS (OC ROV) FOR A PERMANENT BALLOT DROP BOX AT THE METROLINK STATION

Recommended Action: 1) Approve a license agreement with the Orange County Registrar of Voters (OC ROV) for the continued installation of a permanent ballot drop box at the Metrolink Station; 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 sign the agreement.

APPROVED the recommended action.

Item Pulled**4J. CONSIDERATION OF SECOND AMENDMENT TO AFFORDABLE HOUSING DISPOSITION AND DEVELOPMENT AGREEMENT (AHDDA) WITH C&C DEVELOPMENT**

The City Council will consider approving a Second Amendment to the Disposition and Development Agreement with C&C Development concerning the City-owned property located at 7101 Lincoln Avenue, Buena Park, CA.

Recommended Action: 1) Approve a Second Amendment to the Affordable Housing Disposition and Development Agreement with C&C Development to subordinate the City's security interest in the property to project loans issued by the County of Orange; and, 2) Authorize the City Manager and City Attorney to finalize and execute a Second Amendment and take related actions to implement the change in lien priority.

END OF CONSENT CALENDAR**5. NEW BUSINESS (5A – 5E)****Parking 109****5A. RESOLUTION ADDING GRAMERCY STREET INTO PREFERENTIAL PARKING DISTRICT (PPD) NO. 4**

Recommended Action: 1) Adopt a resolution rescinding Resolution No. 14051 and re-establishing PPD No. 4 boundaries to incorporate Gramercy Street.

Senior Engineering Technician Wray provided a report regarding the addition of Gramercy Street into Preferential Parking District (PPD) No. 4. Mr. Wray discussed the existing conditions on Gramercy Street and a petition received from residents regarding adding Gramercy Street into the existing PPD. No. 4. Some of the residents' concerns include overflow parking from nearby areas, lack of parking for residents of the street, and parking of work vehicles on the street. The City policy on PPDs has two basic requirements. The request must be made by at least 2/3 (66.6%) of the residents on the street, and the area must be reasonably self-contained. In this case, 82.6% of the residents of the area signed the petition, meeting the first part of the policy requirement. The streets in this area have previously been determined by City Council to be a self-contained area. There is also a recommendation that at least 75% of the available parking is in use during peak times. Staff conducted multiple parking observations to determine the number of vehicles parked and determined the typical peak parking demand averaged 83%. It was noted that the the Traffic and Transportation Commission reviewed, discussed, and voted 4-0 to recommend to the City Council to approve the request to add Gramercy Street into PPD No. 4. The request meets the minimum requirements of the City's PPD Policy and the parking demand shows that the street also meets the recommended thresholds. Therefore, it was recommended that the City Council approve the resolution adding Gramercy Street into PPD No. 4.

Roger Kimbal, Buena Park resident, spoke in support of adding Gramercy Street into PPD No. 4, and regarding the nuisances the residents have to deal with along the street.

Director of Government and Community Relations/City Clerk Jimenez acknowledged email correspondences received from Griselda Zavala (in opposition), Ricardo Martin (in support), Anna Comparan (in opposition), Luke Jeynes (in opposition), Angie Garcia (general comment), and Yolanda Ayala (in support) regarding reestablishing PPD No. 4 boundaries to incorporate Gramercy Street.

Council Member Traut spoke in support of the item and recommended to increase the number of lottery permits awarded by ten permits.

MOTION: Traut
 SECOND: Ahn
 AYES: Traut, Ahn, Brown, Sonne
 NOES: None

MOTION CARRIED to approve the recommended action as amended and ADOPTED the following titled resolution:

RESOLUTION NO. 14894

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, REPEALING RESOLUTION NO. 14051 AND ESTABLISHING A PREFERENTIAL PARKING DISTRICT ON BURNHAM AVENUE, DEL ROSA ROAD, GRAMERCY STREET, HIDALGO STREET, HIGHLAND AVENUE, ROSTRATA AVENUE, SCALES WAY, VAL VERDE AVENUE, AND YUCCA STREET

Contracts 70 C-3567 Public Works Proj. 125 PW-969 Budgets 47

5B. AWARD A CONTRACT TO AYALA ENGINEERING, INC. FOR THE 2023-2024/2024-2025 ANNUAL SEWER MANHOLE REHABILITATION PROJECT

Recommended Action: 1) Adopt a resolution approving plans and specifications for the 2023-2024/2024-2025 Annual Sewer Manhole Rehabilitation Project (Project No. 377); 2) Reject all bids received in response to Project Bid Number 2024-17 as non-responsive; 3) Make findings pursuant to Sections 3.28.130.140 of the Buena Park Municipal Code that awarding of a contract other than to the lowest responsible bidder will result in the best overall value and be in the best interest of the City; 4) Award a contract to Ayala Engineering for the Project work in the amount of \$756,150; 5) Authorize construction contingency funds for the Project in the amount of \$75,000 in the same purchase order; 6) Authorize a purchase order for The Solis Group in the amount of \$6,725 for administration of the Community Workforce Agreement (CWA) for the Project; 7) Authorize contingency funds in the amount of \$1,345 for administration of the CWA; 8) Authorize a budget allocation in the amount of \$200,000 from the Miscellaneous Sewer System Improvements Account for this purpose; and, 9) Authorize the City Manager and City Clerk to execute the contract.

Principal Engineer Alqam provided a report regarding a contract to Ayala Engineering, Inc. for the 2023-2024/2024-2025 Annual Sewer Manhole Rehabilitation project. The 2023-2024/2024-2025 sewer manhole rehabilitation project will include removing and replacing sewer manhole covers, replacing the epoxy coating within those manholes, and installing new epoxy coatings at 131 manholes at various locations throughout the City. Construction is scheduled to begin in September 2024 and completed by November 2024. The project was advertised for competitive bids on July 29, 2024 and two (2) bids were received and publicly opened on August 27, 2024. After formal review and evaluation, the lowest, responsive bidder did not meet the requirements of the bid documents. Ayala Engineering, Inc. on the other hand, submitted a slightly higher bid but demonstrated significantly more experience. Therefore, staff recommended awarding the contract to Ayala Engineering, Inc. under Buena Park Municipal Code section 3.28.130, in the amount of \$756,150, \$75,000 for construction contingency, CWA administration for \$6,725, and CWA administration contingency for \$1,345. Staff also requested a budget allocation in the amount of \$200,000 from the Miscellaneous Sewer System Improvements Account for this purpose.

- MOTION: Brown
- SECOND: Ahn
- AYES: Brown, Ahn, Traut, Sonne
- NOES: None

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

RESOLUTION NO. 14895

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING PLANS AND SPECIFICATIONS FOR THE 2023-2024/2024-2025 ANNUAL SEWER MANHOLE REHABILITATION PROJECT

Codes 64 Political Reform Act 199**5C. RESOLUTION ADOPTING THE AMENDED CONFLICT OF INTEREST CODE FOR DESIGNATED CITY OFFICIALS AND PERSONNEL**

Recommended Action: 1) Adopt a resolution approving the amended Conflict of Interest Code for designated City officials and personnel pursuant to the Political Reform Act of 1974.

Director of Government and Community Relations/City Clerk Jimenez provided a report regarding a resolution amending the Conflict of Interest Code for designated City officials and personnel. The Political Reform Act, Government Code Section 81000 et seq. (the 'Act'), requires state and local government agencies to adopt and maintain a Conflict of Interest Code ("Code") as well as requires that agencies regularly review and update their Codes as necessary when directed by the code-reviewing body or when change is necessitated by changed circumstances pursuant to Sections 87306 and 87306.5. The City of Buena Park reviews its Code on at least a biennial basis to ensure that the Code reflects the organization's current staffing. The City's Code was last reviewed, updated and approved by the City Council at its September 27, 2022 meeting by Resolution No. 14576, in accordance with the Act. In July 2024, staff received the Local Agency Biennial Notice from the Fair Political Practices Commission (FPPC) and reviewed the City's Conflict of Interest Code to determine if changes were necessary. City Clerk staff determined proposed revisions are needed to account for the addition of positions, the removal of positions that do not make or participate in making governmental decisions, and the changes in listed position titles. It was recommended that the City Council adopt the proposed resolution, approving the amended Conflict of Interest Code for designated City officials and personnel.

MOTION: Ahn
 SECOND: Traut
 AYES: Ahn, Traut, Brown, Sonne
 NOES: None

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

RESOLUTION NO. 14896

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ADOPTING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY OFFICIALS AND PERSONNEL

Transportation 148**5D. CITYWIDE ACTIVE TRANSPORTATION PLAN ADOPTION**

Recommended Action: 1) Adopt a resolution approving the 2024 Citywide Active Transportation Plan; and, 2) to authorize the Community and Economic Development and Public Works Departments to implement the 2024 Citywide Active Transportation Plan.

Planning Manager Meshram provided a report regarding the planning and implementation of the 2024 Citywide Active Transportation Plan. Active Transportation is an all human-powered travel alternative such as walking and biking, and other small-electric powered equipment such as scooters and e-bikes. To create safe and equitable access to active transportation, three goals were established for the plan. As for community input, different modes of community communication tools and methods were utilized. Stakeholders provided input such as to construct more bicycle facilities, create more bicycle and pedestrian connectivity, develop traffic calming measures on residential streets, minimize sidewalk obstructions, widen sidewalks, and make safer street crossings for pedestrians to name a few. Planning Manager Meshram discussed local and regional data utilized to develop the plan; recommended programs based and organized around the Safe Routes Partnership "Six E's" framework; implementation plan that divides projects into phases based on time and complexity; and, grant funding opportunities to assist the City with carrying out the recommended projects. It was recommended that the City Council adopt a resolution approving the 2024 Citywide Active Transportation Plan, and authorize the Community and Economic Development Departments to implement the 2024 Citywide Active Transportation Plan.

Mike Wilkinson, Buena Park resident, spoke in support of the adoption of the Citywide Active Transportation Plan, and expressed his concerns regarding the addition of Class 3 bike lanes along Holder Street and Western Avenue where the speed limit is over 25 mph.

Director of Public Works/City Engineer Mikhael explained that sharrows are not recommended on streets with a speed limit of over 35 mph even though the traffic manual allows it. The addition of sharrows on arterial streets that have a speed limit of over 35 mph still requires constraints that would need to be met.

Council Member Traut recommended including a green light trigger for bicycles to the Plan.

Principal Engineer Alqam indicated that whenever the City does a signal upgrade project, a bicycle detection loop is always included.

MOTION: Traut
 SECOND: Sonne
 AYES: Traut, Sonne, Ahn, Brown
 NOES: None

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

RESOLUTION NO. 14897

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, ADOPTING THE 2024 BUENA PARK ACTIVE TRANSPORTATION PLAN

Administration Serv. 112 Human Resources 89

5E. APPOINTMENT OF DAYLENE ALLIMAN AS A TEMPORARY HUMAN RESOURCES ANALYST TO PERFORM WORK OF A LIMITED DURATION AND ADOPT RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD CERTIFYING THE HUMAN RESOURCES ANALYST CLASSIFICATION AS A CRITICALLY-NEEDED POSITION

Recommended Action: 1) Adopt a resolution for exception to the 180-day wait period and certify the critical importance of appointing Daylene Alliman as a temporary Human Resources Analyst.

Human Resources Manager Valdez provided a report regarding a resolution for exception to the 180-day wait period and certify the critical importance of appointing Daylene Alliman as a temporary Human Resources Analyst. Daylene Alliman retired as a Personnel Services Manager on May 8, 2024, from the City of Claremont and has over 25 years of extensive knowledge in all areas of public sector Human Resources Management. Ms. Alliman served as a Limited-Term Human Resources Analyst for the City of Buena Park, has demonstrated her extensive knowledge of the Buena Park Human Resources Department and local government operations, and qualifies her to serve as a Human Resources Analyst on a temporary basis for extra help. This extra-help position is critical to the daily operations of the Human Resources Department especially in payroll processing, recruitment and selection, and support for Human Resources activities that have been backlogged. Human Resources Manager Valdez emphasized that the City needs a temporary Human Resources Analyst with sufficient knowledge and expertise and cannot temporarily appoint another employee without impairing City operations. Therefore, it was recommended that the City Council approve a resolution certifying the Human Resources Analyst position as critically-needed and authorizing the temporary appointment of the Human Resources Analyst to provide extra help as a retired annuitant on a temporary, post-retirement basis.

MOTION: Brown
 SECOND: Traut
 AYES: Brow, Traut, Ahn, Sonne
 NOES: None

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

RESOLUTION NO. 14898

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, FOR EXCEPTION TO THE 180-DAY WAIT PERIOD AND CERTIFYING THE HUMAN RESOURCES ANALYST CLASSIFICATION AS A CRITICALLY NEEDED POSITION AND APPOINTING DAYLENE ALLIMAN AS A TEMPORARY HUMAN RESOURCES ANALYST PURSUANT TO GOVERNMENT CODE SECTIONS 7522.56 & 21224

6. PUBLIC HEARING (6A – 6B)

Bonds Issues 43 Housing 87

6A. PUBLIC HEARING TO CONSIDER MAKING CERTAIN FINDINGS UNDER SECTION 147(F) OF THE IRS CODE PERTAINING TO TAX-EXEMPT BONDS FOR AN AFFORDABLE HOUSING PROJECT PROPOSED BY C&C DEVELOPMENT AT 7101 LINCOLN AVENUE, CITY OF BUENA PARK

The City Council will hold a public hearing and consider making findings pursuant to Section 147(f) of the Internal Revenue Code of 1986 with respect to the issuance by the California Municipal Finance Authority (the "Authority") of exempt facility bonds for an affordable housing project proposed by C&C Development at 7101 Lincoln Avenue, City of Buena Park.

Recommended Action: 1) Conduct a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, and after considering testimony or other evidence presented at the hearing; and, 2) adopt a resolution approving the issuance of the California Municipal Finance Authority exempt facility bonds for a qualified residential rental project.

Mayor Sonne stated that this was the time and place for a public hearing to consider making certain findings under Section 147(f) of the IRS Code pertaining to tax-exempt bonds for an affordable housing project proposed by C&C Development at 7101 Lincoln Avenue, Buena Park.

City Attorney Cardinale provided a report regarding a resolution approving the issuance of the California Municipal Finance Authority exempt facility bonds for a qualified residential rental project. C&C Development proposed to finance or refinance at least a portion of Project costs with tax-exempt bonds issued by the California Municipal Finance Authority ("Authority") in an amount not to exceed \$30,000,000. Tax-exempt bonds may be used to develop qualified residential rental projects pursuant to Section 142(a)(7) of the Internal Revenue Code of 1986 (the "Code"), and C&C Development proposed to utilize the lower-interest rates and favorable financing terms associated with tax-exempt financing for their multi-family rental housing project at 7101 Lincoln Avenue, Buena Park. It was noted that although the City has contributed funding to this project, there will be no additional associated cost or expense to the City if the item is approved. Nevertheless, in order for the bonds to qualify for federal income tax exemption, the bonds must satisfy the public approval requirements contained in Section 147(f)(2) of the Internal Revenue Code of 1986. Therefore, the City Council is required to hold a noticed public hearing, approve the bonds, and make findings that the project will provide significant benefits to the residents of the City. It was recommended that the City Council adopt the resolutions as requested by the Developer and the Authority.

Mayor Sonne opened the public hearing and inquired if anyone present desired to speak. There being no one desiring to speak, Mayor Sonne closed the public hearing.

MOTION: Brown
 SECOND: Sonne
 AYES: Brown, Sonne, Ahn, Traut
 NOES: None

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

RESOLUTION NO. 14899

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING THE ISSUANCE OF THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY EXEMPT FACILITY BONDS FOR A QUALIFIED RESIDENTIAL RENTAL PROJECT IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$30,000,000 FOR THE PURPOSE OF FINANCING OR REFINANCING THE ACQUISITION, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF LINCOLN AVENUE APARTMENTS AND CERTAIN OTHER MATTERS RELATING THERETO

Bonds Issues 43 Garbage and Refuse 83**6B. PUBLIC HEARING TO CONSIDER MAKING CERTAIN FINDINGS UNDER SECTION 147(F) OF THE IRS CODE PERTAINING TO A TAX-EXEMPT BOND PROJECT PROPOSED BY EDCO WASTE & RECYCLING SERVICES AND ACTIONS IN CONNECTION THEREWITH**

The City Council will hold a public hearing and consider making findings pursuant to Section 147(f) of the Internal Revenue Code of 1986 with respect to the issuance by the California Enterprise Development Authority ("Authority") of tax-exempt bonds the proceeds of which will be loaned by the Authority to EDCO Waste and Recycling Services, Inc. ("EDCO") to fund a solid waste disposal facility located at 9700-6762 Stanton Avenue, Buena Park, and certain equipment. The City Council will also consider joining the Authority as an Associate Member to enable EDCO to utilize Authority Bond proceeds.

Recommended Action: 1) Conduct a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, and after considering testimony or other evidence presented at the hearing; 2) Adopt a resolution approving the issuance by California Enterprise Development Authority to benefit EDCO Waste & Recycling Services; and, 3) Adopt a resolution approving associate member by the City of Buena Park in the California Enterprise Development Authority.

Mayor Sonne stated that this was the time and place for a public hearing to consider making certain findings under Section 147(f) of the IRS Code of 1986 pertaining to a tax-exempt bonds loaned by the California Enterprise Development Authority to EDCO Waste and Recycling Services, Inc. to fund a solid waste disposal facility located at 9700-6762 Stanton Avenue, Buena Park, and certain equipment.

City Attorney Cardinale provided a report regarding a tax-exempt bond project proposed by EDCO Waste and Recycling Services, Inc. In connection with its ongoing efforts to improve the capability and efficiency of operations and to comply with regulatory mandates, EDCO intends to make modifications to its waste disposal facilities at the Buena Park Facility (the "Facilities") and the acquisition of solid waste trucks, containers and similar equipment (the "Equipment"). EDCO is proposing to pay for the Facilities and Equipment with the proceeds of tax-exempt bonds issued by the California Enterprise Development Authority (the "Authority"). The Authority has accepted EDCO's application requesting for tax-exempt bonds in an amount not to exceed \$3,000,000 to pay the costs of the Facilities and Equipment. EDCO must obtain the City of Buena Park's approval to join the Authority as an "Associate Member," which would allow proceeds of bonds issued by the Authority to be used within the City's jurisdiction. Pursuant to Section 147(f)(2) of the Internal Revenue Code of 1986, the City is required to hold a noticed public hearing, approve the bonds, and make findings that the Facilities and Equipment will provide significant benefits to the residents of the City through the collection, disposal and recycling of solid waste. Two resolutions were presented to the City Council for consideration. One was to approve the City's "Associate Membership" with the Authority and the associated membership agreement, and the other was to approve the bonds and making the findings under Section 147(f) of the IRS Code. It was recommended that the City Council adopt a resolution approving the issuance by California Enterprise Development Authority to benefit EDCO Waste & Recycling Services; and, a resolution approving associate member by the City of Buena Park in the California Enterprise Development Authority.

Mayor Sonne opened the public hearing and inquired if anyone present desired to speak. There being no one desiring to speak, Mayor Sonne closed the public hearing.

MOTION: Brown
 SECOND: Traut
 AYES: Brown, Traut, Ahn, Sonne
 NOES: None

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

RESOLUTION NO. 14900

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING ASSOCIATE MEMBERSHIP BY THE CITY OF BUENA PARK IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND THE EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT RELATING TO ASSOCIATE MEMBERSHIP OF THE CITY IN THE AUTHORITY

MOTION: Brown
SECOND: Ahn
AYES: Brown, Ahn, Traut, Sonne
NOES: None

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

RESOLUTION NO. 14901

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUENA PARK, CALIFORNIA, APPROVING THE ISSUANCE BY CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY OF NOT TO EXCEED \$3,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE AUTHORITY'S REVENUE BONDS FOR THE BENEFIT OF EDCO WASTE & RECYCLING SERVICES, INC., EDCO DISPOSAL CORPORATION, EDCO WASTE SERVICES LLC, EDCO TRANSPORT SERVICES, LLC AND/OR A RELATED ENTITY FOR THE PURPOSE OF FINANCING, REFINANCING AND/OR REIMBURSING THE COST OF SOLID WASTE DISPOSAL FACILITIES, PROVIDING THE TERMS AND CONDITIONS FOR SUCH BONDS AND OTHER MATTERS RELATING THERETO HEREIN SPECIFIED

7. MAYOR/CITY COUNCIL REPORTS AND CALENDAR

7A. REPORT

Council Member Brown reported the following:

- August 17 Super Senior Saturday
- August 21 Congresswoman Steel's 2024 Seniors of Distinction Event
- August 22 OCCOG August Board Meeting
- August 29 Americana City Committee Meeting
- September 5 SCAG Executive/Administration Committee Meeting
- September 5 SCAG Transportation Committee Meeting
- September 5 Regional Council Meeting
- September 9 Buena Park Police Association 27th Annual Fallen Four Golf Tournament and Banquet

Council Member Traut reported the following:

- August 17 Super Senior Saturday
- August 19 OCFA Firehawks Helicopters Launch Event
- August 21 City Staff Annual Ice Cream Social
- August 22 Tour of SEAACA Facility
- August 28 La Habra State of the City
- September 5 SCAG Energy and Environment Committee Meeting
- September 5 OCPA E-Bike Incentive Event at Buena Park Bicycles

Council Member Traut spoke regarding the demonstration held for media and local government officials regarding the two new S-70 Firehawks that will be used for firefighting missions at the August 19, 2024 OCFA Firehawks Helicopter Launch event. Moreover, Council Member Traut informed the community about OCPA's E-Bike Safety and Incentive Pilot Program wherein OCPA customers could avail up to \$1,500 towards a new e-bike until September 30, 2024 at participating stores such as Buena Park Bicycles.

Vice Mayor Ahn reported the following:

- September 4 OC Sanitation District Board Meeting
- September 4 District 1 Neighborhood Watch Meeting
- September 5 Exhibiting Artist Reception – KASEC Dream Art Contest
- September 9 Buena Park Police Association 27th Annual Fallen Four Golf Tournament and Banquet

Vice Mayor Ahn indicated District 1 residents held a neighborhood watch meeting on September 4, 2024, and thanked Police Chief Nunes and BPPD police officers for sharing public safety information.

Mayor Sonne reported the following:

- August 17 Super Senior Saturday
- August 19 KACCOC Seminar – Safeguarding Against Fraud
- August 21 Congresswoman Steel's 2024 Seniors of Distinction Event
- August 22 Cal Cities Orange County Division Meeting
- August 24 KASEC Art Contest Awards Ceremony
- August 24 Buena Park Chargers Opening Night Ceremony
- August 31 California Horseshoe Competition Opening Ceremony
- September 3 CivicWell Board Meeting
- September 5 OCPA Marketing and Communications Committee Meeting
- September 5 KASEC Art Contest Reception
- September 5 OCPA E-Bike Incentive Event at Buena Park Bicycles
- September 6 SCE Government Advisory Panel Meeting
- September 9 Buena Park Police Association 27th Annual Fallen Four Golf Tournament and Banquet
- September 9 Traffic Mitigation Grant for Bel Air Street Meeting

Mayor Sonne calendared the following items: 1) discussion and direction regarding a new strategy to address the Bel Air traffic concerns; and, 2) discussion regarding the possibility of the City purchasing mitigations for wildlife deterrence.

8. RECESS/RECONVENE

Mayor Sonne recessed the meeting at 6:12 p.m. and announced the meeting would be reconvened in the City Council Chamber. The meeting was reconvened at 6:23 p.m.

9. STUDY SESSION (9A – 9C)

9A. PRESENTATION FROM THE SOUTHEAST AREA ANIMAL CONTROL AGENCY (SEAACA) RELATED TO ANIMAL CONTROL AND FIELD SERVICES PROVIDED TO THE CITY

Senior Management Analyst Fewer provided a report regarding the approval of the FY 2024-25 Amended and Restated Agreement with SEAACA. At the July 9, 2024 City Council meeting, Mayor Sonne requested a presentation from SEAACA regarding intake rates, intake and adoption procedures, and live release vs. euthanasia rates for their facility. Senior Management Analyst Fewer introduced Southeast Area Animal Control Agency Executive Director Denise Woodside and Outreach and Community Development Manager Donna Soriano to provide the data as requested as well as answer any questions the City Council may have.

Southeast Area Animal Control Agency Executive Director Denise Woodside and Outreach and Community Development Manager Donna Soriano presented regarding the Agency's related to animal control and field services provided to the City of Buena Park. Ms. Woodside and Ms. Soriano discussed SEAACA's Mission, location, operations, care center's annual statistics, upcoming events, community resources and outreach, programs and education efforts, and official social media pages.

Mayor Sonne asked about SEAACA's governance structure, average response time, intake process, and adoption events.

Council Member Traut asked about SEAACA's evaluation process for humane euthanasia.

Ms. Woodside explained that SEAACA is comprised of eight member cities and six contract cities, one of which is the City of Buena Park. Each of the eight member cities is represented by a commissioner that makes up the Board which governs or make decisions for SEAACA. There are 12 field officers that service member and contract cities. Ms. Woodside also indicated that there is no preference on member cities over contract cities in regards to response time. SEAACA responds to calls based on urgency of the matter. The intake process of the animals depends on their health condition. Animals may be immediately taken to their care facility or the animal hospital for further evaluation. SEAACA holds multiple adoption events during the year, and are advertised on the website and social media platforms. Ms. Woodside described the point at which an animal would need to be euthanized. SEAACA cares for all animals as long as reasonably possible, and carefully evaluates the animal and the severity of its communicable disease prior to proceeding with euthanasia. Lastly, Ms. Woodside encouraged residents to include their pets in the disaster planning and prepare for any supplies the pets may need in time for evacuation.

The City Council thanked SEAACA Executive Director Denise Woodside and Outreach and Community Development Manager Donna Soriano for all the information shared during their presentation.

9B. DISCUSS AND PROVIDE DIRECTION ON MUSEUM OF TEACHING AND LEARNING EXHIBIT: "YOUR BABY'S AMAZING BRAIN"

Community Services Supervisory Saucedo provided a report regarding a potential partnership with the Museum of Teaching and Learning (MOTAL) to bring their new interactive *Your Baby's Amazing Brain* exhibit to the City of Buena Park. The *Your Baby's Amazing Brain* exhibit is designed to educate the public on the crucial early stages of brain development in babies, infants, and toddlers from birth to age five, and comprised of interactive elements that provide engaging activities and displays that emphasize the importance of stimuli during critical early months of development. Moreover, the exhibit is housed in a 48-foot trailer that is accessible, including a wheelchair lift, and provides multilingual information in English, Korean, Spanish, and Vietnamese. Staff proposed the display of MOTAL's *Your Baby's Amazing Brain* exhibit from September 24 through 26. The trailer that contains the exhibit will be placed in the parking lot in front of the Buena Park Community Center and operating hours will be from 11:00 a.m. to 6:00 p.m. The proposed exhibit is a new and non-budgeted program that will require a one-time budget amendment of \$3,000 to the Community Services budget for FY 24-25. Staff proposed to allocate funds from the undesignated General Fund balance to provide this educational opportunity to the community.

The City Council directed staff to proceed with the display of MOTAL's *Your Baby's Amazing Brain* exhibit from September 24 through 26 at the parking lot in front of the Buena Park Community Center and operating hours will be from 11:00 a.m. to 6:00 p.m.

9C. DISCUSS AND PROVIDE DIRECTION REGARDING THE IMPACT OF E-BIKES IN BUENA PARK AND ORANGE COUNTY

Police Captain Nguyen provided a report regarding the impact of e-bikes in Buena Park and Orange County. Police Captain Nguyen provided an overview of e-bikes, its various types, and potential dangers. E-bikes have been widely available to consumers, and its sales skyrocketed during the COVID-19 pandemic when individuals sought a different way to commute, exercise outdoors, and traverse their local area. E-bikes are a sustainable form of transportation for commuters seeking an alternative to gas-powered vehicles. Today's e-bikes have up to 30 miles of range on a single charge and can reach speeds of 28 mph, keeping up with traffic on surface streets. More cities are now establishing regulations on e-bike use, some of which are beach cities such as Huntington Beach and Newport Beach. Earlier this year, the Orange County Grand Jury published a comprehensive report entitled *E-Bikes Friend or Foe*. The report provided findings and recommendations to help educate municipalities and community members regarding benefits and disadvantages of e-bikes.

Mayor Sonne asked about a regional, collaborative effort to establish regulations on e-bikes.

Captain Nguyen indicated that he is unaware of any collaboration in the region regarding regulations on e-bikes. Nevertheless, it is important for e-bike users to follow the rules of the road and for the community to be educated on safe use of e-bikes.

Council Member Brown stated the need for an ordinance prohibiting riding e-bikes in city parks and requested for staff to provide information regarding use of e-bikes at parks.

10. CITY MANAGER REPORT

City Manager France reported on the following:

- Sister City delegates will be arriving on Saturday, September 21, 2024
- Buena Park Culture Fest, Saturday, September 21, 2024, 5:00 p.m. – 9:00 p.m., Civic Center
- Buena Park Navigation Center emergency bathroom repair

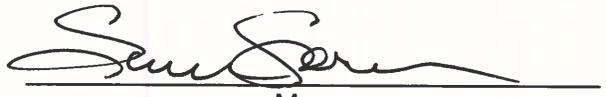
11. COMMISSION & COMMITTEE UPDATES

Director of Government and Community Relations/City Clerk announced the Commission and Committee Recognition event that will be held on Thursday, September 12, 2024, 5:00 p.m. at the Buena Park Hilton hotel.

Mayor Sonne indicated that the deadline to submit essay and poster entries for the *If I Were Mayor* contest is on Thursday, September 12, 2024.

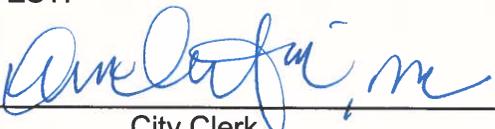
12. ADJOURNMENT

There being no further business, Mayor Sonne adjourned the meeting at 7:48 p.m. in memory of former Buena Park Assistant City Clerk and Long-Time Resident Linda Long.



Mayor

ATTEST:



City Clerk