

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, August 9, 2016

Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840
Council Member Phan teleconferenced from Aston Waikiki Beach Hotel,
2570 Kalakaua Avenue, Honolulu, Hawaii 96815

CONVENE THE MEETING

At 6:20 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (3) Mayor Nguyen, Council Members Bui, Phan

 ABSENT: (2) Council Member Beard
 Council Member Jones absent at Roll Call,
 but joined the meeting at 6:28 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

At 6:21 p.m., Mayor Nguyen announced that the City Council was going into Closed Session in the Founders Room to discuss the following matters:

COUNCIL MEMBER PHAN LEFT THE MEETING

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Name of Case: Stout vs. City of Garden Grove, et. al.
OCSC Case No. 30-2014-00756355

ADJOURN CLOSED SESSION

At 6:33 p.m., Mayor Nguyen adjourned the Closed Session.

CONVENE REGULAR MEETING

At 6:40 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (4) Mayor Nguyen, Council Members Bui, Jones, Phan

ABSENT: (1) Council Member Beard

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

CLOSED SESSION REPORT

City Attorney Sandoval reported that there was no reportable action.

COMMUNITY SPOTLIGHT – RECOGNITION OF THE 2016 ORANGE COUNTY YOUTH OF THE YEAR AWARD RECIPIENTS (F: 52.3)

POSTHUMOUS RECOGNITION OF CITY EMPLOYEE JOHN JENKINS
(F: 52.3)(XR: 87.1)

ORAL COMMUNICATIONS

Speakers: Raymond Choi, Tom Kim, Robin Marcario, Charles Mitchell, Harry Tram

RESOLUTION OF COMMENDATION FOR JOHN JENKINS (F: 87.1)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Resolution of Commendation posthumously commending John Jenkins for his dedicated service to the City be approved.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

APPROVAL OF A PROCLAMATION TO RAISE AWARENESS ABOUT THE DECLINE OF THE MONARCH BUTTERFLY, AND TO DEDICATE THE SPIRIT OF '76 MINI PARK AS A MONARCH BUTTERFLY DEMONSTRATION GARDEN AND HABITAT (F: 83.1)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Proclamation to raise awareness about the decline of the Monarch Butterfly and the species' need for habitats, and to dedicate the Spirit of '76 Mini Park as a Monarch Butterfly Demonstration Garden and Habitat, be approved.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

ACCEPTANCE OF THE TIBOR RUBIN LIBRARY INTERIOR AMERICAN WITH DISABILITIES ACT RENOVATION PROJECT AS COMPLETE (F: 55-R. Dependable Construction, Inc.)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Tibor Rubin Library Interior American with Disabilities Act Renovation Project be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Improvement and Work; and

The Finance Director be authorized to release the retention payment when appropriate to do so.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

APPROVAL OF THE EXONERATION OF THE IMPROVEMENT BONDS FOR A SEVEN (7) UNIT APARTMENT DEVELOPMENT, LOCATED AT 12592 LORNA STREET, GARDEN GROVE (F: 116.SP-008-2014)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The exoneration of the improvement bonds for the seven (7) unit apartment development located at 12592 Lorna Street, Garden Grove, on the east side of Lorna Street, south of Lampson Avenue, be approved.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

ACCEPT THE FIRE DEPARTMENT DEPLOYMENT REPORT REGARDING PARAMEDIC STAFFING (F: 61.2)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Fire Department Deployment Report be accepted;

The Fire Chief be directed to submit for three additional firefighter/paramedics for Fiscal Year 2017-18, which will coincide with the completion of Fire Station 6; and

The Finance Director be directed to provide Fiscal Year 2017-18 numbers for the additional paramedic staff costs and the required increase to the paramedic tax rate for City Council consideration as part of the Fiscal Year 2017-18 budget.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

CONSIDERATION AND APPROVAL TO SUBMIT RESPONSE TO GRAND JURY REPORT: LIGHT RAIL: IS ORANGE COUNTY ON THE RIGHT TRACK? (F: 23.1)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The response to the Orange County Grand Jury's Report: Light Rail: Is Orange County on the Right Track?, be approved; and

Staff be authorized to submit the response to the Orange County Grand Jury.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

CONSIDERATION AND APPROVAL TO SUBMIT RESPONSE TO GRAND JURY REPORT:
DRONES: KNOW BEFORE YOU FLY (F: 23.1)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The response to the Orange County Grand Jury's Report: Drones: Know Before You Fly, be approved; and

Staff be authorized to submit the response to the Orange County Grand Jury.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

APPROVAL OF A KOREAN AMERICAN FESTIVAL AND PARADE AGREEMENT WITH
THE KOREAN AMERICAN FESTIVAL FOUNDATION OF ORANGE COUNTY
(F: 55-Korean American Festival Foundation of Orange County)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Agreement with the Korean American Festival Foundation of Orange County to conduct the Korean American Festival, beginning Friday, September 30 through Sunday, October 2, 2016, and parade on Saturday, October 1, 2016, be approved; and

The City Manager be authorized to execute the Agreement, including any minor amendments thereto, on behalf of the City.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO JOHN DEERE
CONSTRUCTION RETAIL SALES FOR ONE (1) NEW BACKHOE (F: 60.4)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Finance Director be authorized to issue a purchase order in the amount of \$101,017.97 to John Deere Construction Retail Sales for the purchase of one (1) new backhoe.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO FAIRVIEW FORD FOR ONE (1) UTILITY TRUCK (F: 60.4)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Finance Director be authorized to issue a purchase order in the amount of \$38,344.43 to Fairview Ford for the purchase of one (1) utility truck.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER FOR ONE (1) NEW POLICE ADMINISTRATIVE VEHICLE FROM WONDRIES FLEET GROUP (F: 60.4)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Finance Director be authorized to issue a purchase order in the amount of \$27,869.00 to Wondries Fleet Group for the purchase of one (1) new Police Administrative Vehicle.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

MINUTES (F: Vault)

It was moved by Council Member Bui, seconded by Council Member Jones that:

The minutes from the June 8, 2016, June 14, 2016, June 28, 2016, July 12, 2016, and July 15, 2016, meetings be received and filed.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

WARRANTS (F: 60.5)

It was moved by Council Member Bui, seconded by Council Member Jones that:

Regular Warrants 607953 through 608122, 608123 through 608550, 608551 through 608698, 608699 through 609322, and 609323 through 609501; Wires W1598 through W1609, W1610 through W1618, W1619 through W608570, and W1629 through W1634; and Direct Deposits W608698 through W609322; be approved as presented in the payroll register submitted, and have audited for accuracy and funds are available for payment thereof by the Finance Director.

Payroll Warrants 179928 through 180001, and 180002 through 180075; Direct Deposits D296178 through D296875, and D296874 through D297580; and Wires W2250 through W2253, and W2254 through W2257; be approved as presented in the payroll register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Bui, seconded by Council Member Jones that:

Full reading of ordinances listed be waived.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

PUBLIC HEARING - EXTENSION OF URGENCY ORDINANCE NO. 2869 IMPOSING A MORATORIUM ON THE APPROVAL OF MORTUARIES AND CREMATORIALS PURSUANT TO GOVERNMENT CODE SECTION 65858 (F: 35.3)(XR: 91.2)

Following staff's presentation, Mayor Nguyen declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: None.

There being no response from the audience, the Public Hearing was declared closed.

It was moved by Council Member Jones, seconded by Council Member Bui that:

Urgency Ordinance No. 2870 entitled: An Urgency Interim Ordinance of the City Council of the City of Garden Grove approving a 10 month and 15 day extension of Urgency ordinance No. 2869 imposing a moratorium on the approval of mortuaries and crematoriums pursuant to California Government code Section 65858, be adopted, read by title only and waive further reading.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

PUBLIC HEARING - APPROVAL OF THE 2016 DRINKING WATER PUBLIC HEALTH GOAL REPORT (F: 24.12)

Following staff's presentation, Mayor Nguyen declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: None.

There being no response from the audience, the Public Hearing was declared closed.

It was moved by Council Member Bui, seconded by Council Member Jones that:

The Public Health Goal Report be approved.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

RECESS

At 7:14 p.m., Mayor Nguyen recessed the meeting.

RECONVENE

At 7:31 p.m., Mayor Nguyen reconvened the meeting with Council Members Bui and Jones present.

APPOINTMENT OF ARTIN BARON TO THE PARKS, RECREATION, AND ARTS COMMISSION (F: 122.70A)

It was moved by Mayor Nguyen, seconded by Council Member Bui that:

Artin Baron be appointed to the Parks, Recreation, and Arts Commission.

The motion carried by a 3-0-2 vote as follows:

Ayes:	(3)	Bui, Jones, Nguyen
Noes:	(0)	None
Absent:	(2)	Beard, Phan

AWARD OF CONTRACT TO ASTRA BUILDERS, INC. FOR THE GARDEN GROVE COMMUNITY MEETING CENTER COUNCIL CHAMBER RENOVATION, CITY PROJECT NO. 7664 (F: 48.4.proj.7664)

After staff's presentation, it was moved by Council Member Jones, seconded by Council Member Bui that:

The contract for the renovation of the Garden Grove Community Meeting Center Council Chamber be awarded to Astra Builders, Inc., in an amount not to exceed \$417,500.00; and

The City Manager be authorized to sign the contract on behalf of the City, including making minor modifications as appropriate and necessary.

The motion carried by a 3-0-2 vote as follows:

Ayes:	(3)	Bui, Jones, Nguyen
Noes:	(0)	None
Absent:	(2)	Beard, Phan

APPROVAL OF MAINTAINING THE MUNICIPAL CODE REQUIREMENTS FOR FRONT YARD LANDSCAPING AND PAVING (F: 50.3)

After staff's presentation, and City Council discussion, it was moved by Council Member Bui, seconded by Council Member Jones that:

Staff be directed to maintain the current codes GGMC 9.08.040.050(D)(1) and GGMC 9.08.030(G) as these codes are consistent with neighboring cities; and

GGMC 9.08.040.050(J) be interpreted to allow trees, grass, berms, ground-cover, lawn, shrubbery or dry decorative landscape material (such as crushed stone or pavers) in the required front yard landscaping area and not require a combination of any of those materials. The percentage split would be 80 percent dry decorative material and 20 percent plants.

The motion carried by a 3-0-2 vote as follows:

Ayes: (3) Bui, Jones, Nguyen
Noes: (0) None
Absent: (2) Beard, Phan

INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING SECTION 8.40.050 OF THE MUNICIPAL CODE RELATING TO INTOXICATING BEVERAGES WITHIN CITY PARKS (F: 50.2)(XR: 73.1)

After staff's presentation, it was moved by Council Member Jones, seconded by Council Member Bui that:

Ordinance No. 2871 entitled: An Ordinance of the City Council of the City of Garden Grove amending Section 8.40.050 of the Garden Grove Municipal Code relating to intoxicating beverages within city parks, be introduced and passed to second reading.

The motion carried by a 3-0-2 vote as follows:

Ayes: (3) Bui, Jones, Nguyen
Noes: (0) None
Absent: (2) Beard, Phan

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

City Manager Stiles announced that the City Council meeting scheduled for Tuesday, August 23, 2016, is being cancelled. The next meeting will be Tuesday, September 13, 2016.

ADJOURNMENT

At 7:48 p.m., Mayor Nguyen adjourned the meeting. The next City Council Meeting scheduled for Tuesday, August 23, 2016, will be cancelled. The next Regular City Council Meeting will be held on Tuesday, September 13, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk