

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, December 13, 2016

Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:40 p.m., Mayor Nguyen convened the meeting in the A Room.

ROLL CALL      PRESENT:      (5)      Mayor Nguyen, Council Members Beard, Bui,  
Jones, Phan

ABSENT:      (0)      None

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

ORAL COMMUNICATIONS FROM THE PUBLIC REGARDING CERTIFICATION OF THE ELECTION

Speakers:      Phong Ly

PRESENTATION

Community Spotlight: Recognition of Karl Hill, Planning Manager, retiring after 31 years of service. (F: 52.3)

Community Spotlight: Recognition of Kathy Bailor, City Clerk, retiring after 41 years of service. (F: 52.3)

DECLARATION OF RESULTS OF THE GENERAL MUNICIPAL ELECTION AND SEATING OF ELECTED MAYOR AND CITY COUNCIL MEMBERS (F: 58.2.2016)

It was moved by Council Member Phan, seconded by Council Member Council Member Beard that:

Resolution No. 9398-16 – A Resolution reciting the fact of the General Municipal Election held on November 8, 2016, declaring the result and such other matters as provided by law, be adopted.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan  
Noes: (0) None  
Absent: (0) None

COURTESY OF THE FLOOR EXTENDED TO OUTGOING MAYOR NGUYEN AND  
OUTGOING COUNCIL MEMBER PHAN

#### RECESS

At 7:00 p.m., Mayor Nguyen declared a recess.

#### RECONVENE

At 7:02 p.m., the meeting was reconvened with all Council Members present.

OATH OF OFFICE ADMINISTERED TO ELECTED MAYOR JONES

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER O'NEILL –  
DISTRICT 2

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER T. NGUYEN –  
DISTRICT 3

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER KLOPFENSTEIN –  
DISTRICT 5

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER K. NGUYEN –  
DISTRICT 6

#### CONVENE NEW CITY COUNCIL

At 7:15 p.m., Mayor Jones convened the meeting with all Council Members present.

COURTESY OF THE FLOOR EXTENDED TO MAYOR JONES, COUNCIL MEMBER  
O'NEILL, COUNCIL MEMBER T. NGUYEN, COUNCIL MEMBER KLOPFENSTEIN,  
COUNCIL MEMBER K. NGUYEN

#### RECESS FOR RECEPTION

At 7:27 p.m., Mayor Jones declared a recess.

#### RECONVENE

At 8:22 p.m., Mayor Jones reconvened the meeting.

ROLL CALL      PRESENT:      (5)      Mayor Jones, Council Members Beard,  
O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen

ABSENT:      (0)      None

#### ORAL COMMUNICATIONS

Speakers:    Phong Ly, Charles Mitchell, Gloria Bram, John Rodriguez, Nicholas Dibs,  
Thomas Raber, Clay Bock, Robert Dalton, Jahn Nguyen, Dorothy Inman,  
Alice Vanhorn, Tanya Pham, James Davidson, Leland Sisk.

#### REORGANIZATION OF THE CITY COUNCIL (F: 46.1)(XR: 10.2)(VIP)

It was moved by Council Member Beard, seconded by Mayor Jones that:

Council Member Bui be selected as Mayor Pro Tempore.

The motion carried by a 7-0 vote as follows:

Ayes:      (7)      Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes:      (0)      None

#### RECESS

At 9:02 p.m., Mayor Jones recessed the meeting.

#### RECONVENE

At 9:11 p.m., Mayor Jones reconvened the meeting with all Council Members present.

#### ADOPTION OF A RESOLUTION COMMENDING KATHY BAILOR, CITY CLERK, FOR HER RETIREMENT AFTER 41 YEARS OF SERVICE (F: 52.2)

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

A Resolution of Commendation for Garden Grove City Clerk Kathy Bailor, CMC, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

ADOPTION OF A RESOLUTION COMMENDING KARL HILL, PLANNING MANAGER,  
FOR HIS RETIREMENT AFTER 31 YEARS OF SERVICE (F: 52.2)

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

A Resolution of Commendation for Garden Grove Planning Services Manager, Karl Hill, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

REVIEW OF THE WATER COMMODITY RATE ANALYSIS REPORT FOR THE PASS-  
THROUGH ADJUSTMENT FOR WHOLESALE WATER COST INCREASES (F: 112.1)

This item was considered later in the meeting.

ADOPTION OF A RESOLUTION APPROVING THE 2016 EDITION OF THE MANUAL OF  
PROCEDURE FOR CITY COUNCIL MEETINGS (F: 127.4)

This item was considered later in the meeting.

AWARD OF CONTRACT TO BRITHINEE ELECTRIC FOR THE REPLACEMENT OF THE  
VARIABLE FREQUENCY DRIVE AT WELL 27 (F: 112.11)

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

A contract in the amount of \$57,819.60, be awarded to Brithinee Electric for the purchase, installation and commissioning of a new variable frequency drive and soft-starter bypass; and

The City Manager, or his designee, be authorized to sign the Agreement on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH CORNERSTONE COMMUNICATIONS & PUBLIC RELATIONS, INC. (F: 55-Cornerstone Communications & Public Relations, Inc.)

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

Amendment No. 1 to the Professional Services Agreement with Cornerstone Communications & Public Relations, Inc., in the amount of \$4,000 per month through November 30, 2017, and an additional amount of \$12,000 for the months of July through September 2015, be approved; and

The City Manager be authorized to sign the Amendment on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

AWARD OF ISP CONTRACT TO TIME WARNER CABLE FOR INTERNET CONNECTION AND RELATED SERVICES (F: 55-Time Warner Cable)

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

A 36-month agreement in the amount of \$98,460, for 1 Gigabit/sec internet connection data circuit be awarded to Time Warner Cable; and

The City Manager or his designee be authorized to execute the contract and, as needed, approve two additional option years for internet connection and related services.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

APPROVAL OF AN AGREEMENT WITH CONTINENTAL CONCRETE CUTTING, INC. FOR SAW CUTTING SERVICES (F: 55-Continental Concrete Cutting, Inc.)

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

The agreement with Continental Concrete for asphalt and concrete saw cutting services in the amount not to exceed \$200,000 be approved; and

The City Manager be authorized to execute the agreement on behalf of the City, and make minor modifications as appropriate.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

APPROVAL OF CIVIL NUISANCE ABATEMENT ACTION (F: 80.2)

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

The City Attorney be authorized to commence civil abatement proceedings to abate the public nuisances at 5542 Santa Barbara Avenue.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

ADOPTION OF A RESOLUTION ADOPTING AN ORGANIZATIONAL CONFLICT OF INTEREST POLICY FOR DESIGN-BUILD PROJECTS (F: 127.1)

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

Resolution No. 9400-16, entitled a Resolution of the City Council of the City of Garden Grove adopting an organizational conflict of interest policy for design-build projects, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

#### APPROVAL OF WARRANTS (F: 60.5)

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

Regular Warrants 614528 through 615031, 615032 through 615639, 615640 through 616148; Wires W1710 through W1715, W615031 through W615638, and W1720 through W1728; be approved as presented in the warrant register submitted, and have audited for accuracy and funds are available for payment thereof by the Finance Director.

Payroll Warrants 180507 through 180551, and 180552 through 180597; Direct Deposits D303175 through D303877 and D303579 through DD304566; and Wires W2290 through W2293, and W2294 through W2297; 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 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

#### APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

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

Full reading of ordinances listed be waived.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

#### REVIEW OF THE WATER COMMODITY RATE ANALYSIS REPORT FOR THE PASS-THROUGH ADJUSTMENT FOR WHOLESALE WATER COST INCREASES (F: 112.1)

Council Member Bui questioned how residents would be impacted by an increased water rate. Staff responded that residents would receive a 30 day notice prior to a rate increase; that the increase would be approximately \$2.00 per month for residential properties; and noted that the Orange County Water District charges have increased due to the drought. Council Member Bui asked whether a fee reduction would also be passed through to water customers. Staff stated yes.

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

The Water Commodity Rate and Analysis Report regarding the automatic pass-through adjustment to the Water Commodity Adjustment Charges to be effective February 1, 2017, be reviewed and received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

ADOPTION OF A RESOLUTION APPROVING THE 2016 EDITION OF THE MANUAL OF PROCEDURE FOR CITY COUNCIL MEETINGS (F: 127.4)

It was moved by Council Member O'Neill to amend the Manual of Procedure for City Council Meetings as presented for oral communications to be a maximum of three minutes, seconded by Mayor Jones for discussion.

Council Member Bui commented that the presiding officer of the meetings could make the decision at the time of the meeting.

Council Member Beard stated that he would like public input before amending the procedures.

Council Member O'Neill withdrew his motion.

It was moved by Council Member Bui, seconded by Council Member O'Neill that:

Resolution No. 9399-16 entitled, a Resolution of the City Council of the City of Garden Grove adopting Manual of Procedure (2016 Edition), be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

PUBLIC HEARING – AMENDMENT TO TITLE 18 OF THE MUNICIPAL CODE ADOPTING THE 2016 CALIFORNIA BUILDING CODES AND RELATED UNIFORM CODES WITH MODIFICATIONS (F: 35.2)(XR: 50.2)

*(As approved earlier in the meeting: It was moved by Council Member Beard, seconded by Council Member Bui, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)*



Following staff's presentation and the second reading of the Ordinance Title, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Jahn Nguyen

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

It was moved by Council Member O'Neill, seconded by Mayor Jones that:

Ordinance No. 2876 entitled: An Ordinance of the City Council of the City of Garden Grove amending Title 18 of the Garden Grove Municipal Code and adopting by reference the following primary codes with certain amendments, deletions, and additions thereto: California Building Code, 2016 Edition; California Residential Code, 2016 Edition; California Electrical Code, 2016 Edition; California Mechanical Code, 2016 Edition; California Plumbing Code, 2016 Edition; California Energy Code, 2016 Edition; California Historical Building Code, 2016 Edition; California Fire Code, 2016 Edition; California Existing Building Code, 2016 Edition; California Green Building Standards Code, 2016 Edition; and certain secondary codes including the International Property Maintenance Code, 2015 Edition, as published by the International Code Council; and the Uniform Swimming Pool, Spa, and Hot Tub Code, 2015 Edition, as published by the International Association of Plumbing and Mechanical Officials, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

PUBLIC HEARING – INTRODUCTION OF AN ORDINANCE AND ADOPTION OF A RESOLUTION ESTABLISHING CITYWIDE PARK FEES AND REVISING THE IN-LIEU OF PARK DEDICATED FEES, TRANSPORTATION FACILITIES FEES AND DRAINAGE FACILITIES FEES (Continued from November 22, 2016) (F: 60.2D)(XR: 50.2) (XR: 50.3)

*(As approved earlier in the meeting: It was moved by Council Member Beard, seconded by Council Member Bui, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)*

Following staff's presentation, it was noted that the Building Industry Association Orange County (BIA/OC) Chapter sent an email stating that the BIA/OC has no issues with the Development Impact report as presented to the City Council.

After City Council discussion, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

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

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

Ordinance No. 2877 entitled: An Ordinance of the City Council of the City of Garden Grove enacting regulations for the payment of Drainage Facilities Fees and Citywide Park Fees, including revisions to Titles 9 and 10 of the Garden Grove Municipal Code amending Chapter 9.44 to codify the requirements for parkland dedication and fees for new subdivisions and amending Chapter 10.110 to provide for updates to Traffic Mitigation Fees pursuant to Development Impact Fee studies; be passed to second reading;

Resolution No. 9401-16 entitled: A Resolution of the City Council of the City of Garden Grove establishing a Citywide Park Fee and revising Development Impact Fees for In Lieu Park Dedication for new subdivisions (Quimby), for Transportation Facilities, and for Drainage Facilities, be adopted; and

The Finance Director be authorized to set-up a new fund for the Citywide Park Fee to track expenditures and revenues, as mandated by the Mitigation Fee Act.

The motion carried by a 7-0 vote as follows:

Ayes:	(7)	Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes:	(0)	None

ADOPTION OF A RESOLUTION AUTHORIZING THE CLOSURE OF LARSON AVENUE  
AT MAGNOLIA STREET AS RECOMMENDED BY THE TRAFFIC COMMISSION  
(F: 100.1)

Following staff's presentation and City Council discussion, it was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

Resolution No. 9402-16 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the permanent street closure of the Larson Avenue access to Magnolia Street, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

CONSIDERATION TO ADOPT A RESOLUTION APPROVING A STREET NAME CHANGE FROM 9762 TO 9972 CATHERINE AVENUE TO WILLIAM DALTON WAY (F: 98.1)

Following staff's presentation and City Council discussion, it was moved by Mayor Jones, seconded by Council Member O'Neill that:

Resolution No. 9403-16 entitled: A Resolution of the City Council of the City of Garden Grove approving a Street Name Change No. SNC-001-2016, a petition to change the name of Catherine Avenue to William Dalton Way from 9762-9972 Catherine Avenue, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FORMAL BIDDING PROCESS TO PROCEED WITH EMERGENCY REPAIRS TO WELL NO. 20 (F: 112.11)

Following staff's presentation and City Council discussion, it was moved by Council Member Beard, seconded by Mayor Jones that:

Resolution No. 9404-16 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the City Manager or his designee to waive the formal bidding process as an emergency condition, declaring the necessity thereof, and authorizing staff to proceed with emergency repairs to Well No. 20, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

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

PRESENTATION FROM COMMUNITY SERVICES OFFICE OF COMMUNITY RELATIONS REGARDING THE CITY'S NEW IMAGE CAMPAIGN, AS REQUESTED BY CITY MANAGER STILES (F: 52.3)(XR: 45.1)

PRESENTATION FROM POLICE CHIEF ELGIN REGARDING THE POLICE  
DEPARTMENT'S ACCIDENT REDUCTION CAMPAIGN, AS REQUESTED BY CITY  
MANAGER STILES (F: 52.3)(XR: 82.1)

Council Member Beard congratulated the newly elected Mayor and Council Members, wishing all a Happy Holiday. He asked that staff follow up with Josh McIntosh's ideas on pedestrian safety.

Council Member O'Neill expressed that he is honored to be serving as a Council Member and wished everyone Happy Holidays and a prosperous and safe new year.

Council Member T. Nguyen stated it is an honor to serve and wished everyone a Happy Holiday.

Council Member K. Nguyen expressed her gratitude for all of the support she received and wished everyone a Happy Holiday.

Council Member Klopfenstein congratulated the newly elected Mayor and Council Members, thanked staff for their support, and wished everyone a Merry Christmas.

Council Member Bui congratulated the newly elected Mayor and Council Members. He thanked Council Member Beard for nominating him for Mayor Pro Tempore, and thanked the Council Members for their support. He expressed his appreciation for the diversity of the new City Council and expressed his hope of working well together.

Mayor Jones expressed his appreciation for the talent and shared passion for the City with his fellow Council Members and encouraged them to strive for what is best for Garden Grove.

City Manager Stiles offered his congratulations on behalf of himself and all of the Department Directors, and stated that he is looking forward to working with the Council Members to implement their policy and vision for the city. He congratulated the Community Services staff for a successful and well attended Tree Lighting event and wished everyone a Happy Holiday.

ADJOURNMENT

At 10:35 p.m., Mayor Jones adjourned the meeting in memory of Connie Margolin. The next Regular City Council Meeting will be held on Tuesday, January 10, 2017, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC  
Deputy City Clerk