

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, April 12, 2016

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

At 6:38 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

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

ABSENT: (2) Council Member Bui absent at Roll Call, but
joined the meeting at 7:09 p.m.
Council Member Jones

INVOCATION

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

PRESENTATIONS

Community Spotlight: Recognition of Garden Grove residents for their service on the Orange County Grand Jury. (F: 52.3)

Orange County Streetcar presentation by Orange County Transportation Authority representatives. (F: 23.18)(XR: 52.3)

ORAL COMMUNICATIONS

Speakers: Joel Block, Douglas Hughes, Stephanie Klopfenstein, Robin Marcario, Josh McIntosh, Paul Nelson, David Twiss

RECESS

At 7:28 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 7:30 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard, Bui, and Phan present.

ADOPTION OF A RESOLUTION IN SUPPORT OF SB 969 TO ALLOW FOR THE SALE OF VIETNAMESE RICE CAKES AT ROOM TEMPERATURE (F: 67.1)

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

Resolution No. 9345-16 entitled A Resolution in support of Senate Bill 969 and urges the California State Legislature to pass this legislation to allow for the sale of Vietnamese Rice Cakes at room temperature, be adopted.

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

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

REJECT ALL BIDS AND RE-ADVERTISE FOR PROJECT NO. 7405 – LAMPSON AVENUE AND RANCHERO WAY STORM DRAIN AND ALLEY REHABILITATION (F: 92.proj.7405)

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

All bids received on Thursday, March 10, 2016, for Project No. 7405 - Lampson Avenue and Ranchero Way Storm Drain and Alley Rehabilitation be rejected; and

Staff be authorized to re-advertise the project.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE NEW AERIAL TRUCK (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$170,003.58 to National Auto Fleet Group for the purchase of one new aerial truck.

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

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

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

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

The Finance Director be authorized to issue a purchase order in the amount of \$101,063.84 to John Deere Construction Retail Sales for the purchase of one new backhoe.

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

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

APPROVAL OF A COOPERATIVE AGREEMENT WITH THE SANTA ANA WATERSHED
PROJECT AUTHORITY FOR WATER RATE STUDY GRANT FUNDING
(F: 55-Santa Ana Watershed Project Authority)

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

The Cooperative Agreement with the Santa Ana Watershed Project Authority for Water Rate Study Grant Funding be approved, and

The City Manager be authorized to execute the Cooperative Agreement.

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

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

CONSIDERATION OF FINAL PARCEL MAP NO. 2011-107 FOR THE PROPERTY
LOCATED AT 9721 11TH STREET, GARDEN GROVE (F: 118.PM-2011-107)

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

The Final Parcel Map No. 2011-107 for the property located at 9721 11th Street, Garden Grove be approved.

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

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

APPROVAL OF ORANGE COUNTY TRANSPORTATION AUTHORITY SENIOR MOBILITY PROGRAM AGENCY SERVICE PLAN FOR THE H. LOUIS LAKE SENIOR CENTER
(F: 55-Orange County Transportation Authority – Senior Mobility Program)

This matter was considered separately from the Consent Calendar.

ADOPTION OF A RESOLUTION IMPLEMENTING THE MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE FIRE MANAGEMENT ASSOCIATION
(F: 78.6B)

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

Resolution No. 9346-16 entitled A Resolution approving the Memorandum of Understanding on salaries, wages, and fringe benefits for the term 2016-2017 by and between the Garden Grove Fire Management Association and the City of Garden Grove be adopted.

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

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

APPROVAL OF OVERNIGHT TRAINING FOR POLICE PERSONNEL TO ATTEND THE 2016 "INTERNET CRIMES AGAINST CHILDREN" TRAINING CONFERENCE (F: 82.1)

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

The request for three Police personnel to attend the Internet Crimes Against Children Training Conference, held in Atlanta, Georgia, April 19-22, 2016, be approved.

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

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

MINUTES (F: Vault)

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

The minutes from the March 8, 2016, meeting be received and filed.

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

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

WARRANTS (F: 60.5)

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

Payroll Warrants 179487 through 179534, and 179535 through 179582; Direct Deposits D290688 through D291371, and D291019 through D292054; and Wires W2218 through W2221, and W2222 through W2225; 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.

Regular Warrants 601673 through 602061, 602062 through 603367, and 603368 through 603593; Wires W1554 through W1557 and W1558; and Direct Deposits W602714 through W603367 be approved as presented in the warrant 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) Beard, Bui, Nguyen, Phan
Noes: (0) None
Absent: (1) Jones

APPROVAL OF ORANGE COUNTY TRANSPORTATION AUTHORITY SENIOR MOBILITY PROGRAM AGENCY SERVICE PLAN FOR THE H. LOUIS LAKE SENIOR CENTER
(F: 55-Orange County Transportation Authority – Senior Mobility Program)

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

The Agency Service Plan for the Orange County Transportation Authority for the City's Senior Mobility Program at the H. Louis Lake Senior Center be approved; and

The City Manager be authorized to execute the Agency Service Plan on behalf of the City.

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

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

RECESS

At 7:32 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 7:44 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard, Bui, and Phan present.

APPOINTMENT OF STEPHANIE KLOPFENSTEIN TO THE PARKS, RECREATION, AND ARTS COMMISSION, AS REQUESTED BY MAYOR NGUYEN (F: 122.70A)

It was moved by Mayor Nguyen, seconded by Council Member Beard that

Stephanie Klopfenstein be appointed to the Parks, Recreation, and Arts Commission.

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

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

DISCUSSION OF THE FEBRUARY 24, 2016, DISTRICT ATTORNEY REPORT SUBMITTED TO THE CITY, AS REQUESTED BY MAYOR PRO TEM JONES AND COUNCIL MEMBER BEARD (F: 46.5)

Council Member Phan announced that he is a County Employee with the District Attorney's Office, as well as a colleague of the writers of the report, and would be recusing himself from considering this matter.

COUNCIL MEMBER PHAN LEFT THE COUNCIL CHAMBER

Council Member Beard stated that an impasse is not the way of good governance, referring to the 2-2 vote about this matter at previous meetings regarding the audit of the Public Safety Administrative Officer's position. He outlined his provisions for an audit.

Mayor Nguyen commented that Council Member Beard's provisions go beyond those that the District Attorney's Office had suggested.

After additional comments by the City Council, the Mayor moved, seconded by Council Member Beard that staff be directed to bring back for the City Council consideration a report addressing all four of the District Attorney's recommendations.

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

Ayes: (3) Beard, Bui, Nguyen
Noes: (0) None
Absent: (1) Jones, Phan

COUNCIL MEMBER PHAN RETURNED TO THE COUNCIL CHAMBER

COUNCIL MEMBER BUI LEFT THE COUNCIL CHAMBER

RECESS

At 8:04 p.m., Mayor Nguyen declared a recess.

COUNCIL MEMBER BUI RETURNED TO THE COUNCIL CHAMBER

RECONVENE MEETING

At 8:05 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard, Bui, and Phan present.

PUBLIC HEARING – ADOPTION OF A RESOLUTION APPROVING THE ISSUANCE OF BONDS BY THE CALIFORNIA PUBLIC FINANCING AUTHORITY (CALPFA) FOR THE BENEFIT OF 10632 BOLSA VENUE, LP TO ASSIST WITH FINANCING FOR THE 77-UNIT AFFORDABLE HOUSING PROJECT LOCATED AT 10632 BOLSA AVENUE, GARDEN GROVE (F: 60.1)

Staff announced that this item is being rescheduled to the May 24, 2016, City Council meeting.

PUBLIC HEARING - FISCAL YEAR 2016-17 ACTION PLAN FOR THE USE OF UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FUNDS (F: 117.10D)

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: Josh McIntosh, Neighborhood Improvement and Conservation Commission Chair; Michael Sheppard, representing Grandma's House of Hope.

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

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

The 2016-17 Action Plan for the use of U.S. Department of Housing and Urban Development Funds be approved; and

The City Manager be authorized to negotiate and execute related documents and agreements. (Some project-specific agreements may be brought before City Council for individual approval.)

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

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

PUBLIC HEARING – CONSIDERATION OF PROPOSED VOTING DISTRICT MAPS FOR THE FORMATION OF SIX COUNCIL DISTRICTS AND RECEIVE PUBLIC INPUT ON DISTRICT BOUNDARIES (F: 58.13)

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: Maureen Blackmun, Daniel Bravo, Richard Bui, Lou Correa, Benny Diaz, Khoa Do, John Holm, Steven Mai, Robin Marcario, Alice Phan, Charles Mitchell, Anh Nguyen, Diedre Nguyen, Hung Nguyen, Kim Nguyen, Nancy Nguyen, John O'Neill, Ed Portillo, Elizabeth Raganold, Adam Ribota, Laura Hien Tran, Lien Tran, Tammy Tran, Vu Le Vinh, Trinh Vo

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

RECESS

At 9:45 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 9:54 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard, Bui, and Phan present.

Commenting that the overwhelming majority of the speakers were in support for the map submitted by Kim Nguyen identified as Submission 1, Mayor Nguyen

moved that staff be directed to prepare an implementing ordinance for the preferred voting district boundaries and Submission 1 map.

Council Member Phan stated that the numbers for each of the three maps under consideration breakout the same way. He expressed concern with the Submission 1 map boundaries of District 3 and 4 going north up to Chapman, noting that the Garden Grove Neighborhood Association is opposed to this map and is supportive of the Submission 2D map.

In response to Council Member Bui's question of getting the two groups together to come to some understanding about the two maps, staff indicated that the groups have met and no compromise could be made.

Council Member Beard indicated he was in support of the Sample 6E map.

Council Member Bui seconded Mayor Nguyen's motion.

After additional discussion, the foregoing motion failed by a 2-2 vote as follows:

Ayes: (2) Bui, Nguyen
Noes: (2) Beard, Phan
Absent: (1) Jones

After further discussion, and as recommended by Acting City Attorney Sandoval, it was moved by Council Member Bui, seconded by Mayor Nguyen that the City Council reconsider its vote on this matter.

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

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

Council Member Phan indicated that he needed additional time to review the maps before he could make an informed decision. He had questions for the authors of the maps.

Mayor Nguyen suggested that Council Member Phan ask Kim Nguyen, author of Submission 1 map, during the meeting.

Kim Nguyen responded to Council Member Phan's and the rest of City Council's questions.

Council Member Phan stated that he still was not ready to vote for any of the maps at this time.

Council Member Beard indicated that he was still in support of map 6E.

It was moved by Council Member Bui, seconded by Mayor Nguyen that staff be directed to prepare an implementing ordinance for the preferred voting district boundaries and Submission 1 map.

The motion failed by a 2-2 vote as follows:

Ayes: (2) Bui, Nguyen
Noes: (2) Beard, Phan
Absent: (1) Jones

APPOINTMENT OF STEPHANIE KLOPFENSTEIN TO THE PARKS, RECREATION, AND ARTS COMMISSION, AS REQUESTED BY MAYOR NGUYEN (F: 122.70A)

This matter was considered earlier during the meeting.

DISCUSSION OF THE FEBRUARY 24, 2016, DISTRICT ATTORNEY REPORT SUBMITTED TO THE CITY, AS REQUESTED BY MAYOR PRO TEM JONES AND COUNCIL MEMBER BEARD (F: 46.5)

This matter was considered earlier during the meeting.

AERIAL SPRAYING BY THE ORANGE COUNTY VECTOR CONTROL (F: 23.20)

Aerial Spraying for invasive mosquitoes and Zika Virus is on the agenda for the April 21, 2016, Orange County Vector Control Meeting. The next City Council meeting is after this meeting. Due to this timing, it was determined that this was an emergency item.

It was moved by Mayor Nguyen, seconded by Council Member Bui that this item be added to tonight's agenda.

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

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

After discussion of the public's concern regarding aerial spraying, it was moved by Mayor Nguyen, seconded by Council Member Bui that:

The City Council take a formal position against aerial spraying by Vector Control over the city of Garden Grove; and

A letter be sent to Robin Marcario, the City's representative to the Vector Control Board, urging her to vote no at the April 21, 2016, Vector Control meeting.

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

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

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER
(F: 50.3)

Council Member Bui reported that he has had several complaints from homeowners that Code Enforcement is citing them for not following the Landscaping Ordinance. They are using rock and pavers in their yards in order to save water during the drought conditions.

Council Member Bui moved, seconded by Council Member Phan that:

Staff be directed to determine how widespread this issue is throughout the city; and

Staff return with recommended changes to the Landscaping Code in light of the drought conditions.

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

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

Mayor Nguyen requested that Code Enforcement put a moratorium on writing citations for Landscape Code violations until the City Council has an opportunity to review the recommendations.

CONVENE CLOSED SESSION

At 10:57 p.m., Mayor Nguyen announced that the City Council was going into Closed Session in the Founders Room to discuss the following matters:

Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6(f)

City designated representative: Laura Stover, Human Resources Director

Employee Organizations: Orange County Employee's Association (OCEA), OCEA Employee's League

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1)

Venegas vs. Garden Grove, (OCSC Case No. 30-2015—00789464)

Conference with Legal Counsel – Anticipated Litigation

Pursuant to Government Code Section 54956.9(d)(3) – one potential case Regarding a tort claim submitted by Jeremy Broadwater.

ADJOURNMENT OF CLOSED SESSION

At 11:43 p.m., Mayor Nguyen adjourned the Closed Session.

CONVENE REGULAR MEETING

At 11:44 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard, Bui, and Phan present.

CLOSED SESSION REPORT

Acting City Attorney Sandoval announced that there was no reportable action.

ADJOURNMENT

At 11:45 p.m., Mayor Nguyen adjourned the meeting. The next City Council Meeting will be held on Tuesday, April 26, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk