

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, March 22, 2016

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

CONVENE CLOSED SESSION

At 6:00 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

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

ABSENT: (0) None

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

CONVENE CLOSED SESSION

At 6:01 p.m., Mayor Nguyen announced that the City Council was going into Closed Session in the Founders Room to discuss the following matter:

Conference with Real Property Negotiators
Pursuant to Government Code Section 54956.8

Property: 13650 Harbor Boulevard, Garden Grove

City's Negotiator: Scott C. Stiles, City Manager

Negotiating Parties: BN Group, DriveTime and AAA Oil Inc., dba California Fuels & Lubricants

Under Negotiation: To obtain direction regarding the price and terms for the disposition of the real property.

ADJOURNMENT OF CLOSED SESSION

At 6:42 p.m., Mayor Nguyen adjourned the Closed Session.

CONVENE REGULAR MEETING

At 7:02 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

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

ABSENT: (0) None

CLOSED SESSION REPORT

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

INVOCATION

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

PRESENTATIONS

Community Spotlight: Recognition of the Sister City Association of Garden Grove Exchange Student Ambassadors visiting Anyang, Republic of Korea. (F: 52.3)

Update on District Elections. (F: 58.13)(XR: 52.3)

ORAL COMMUNICATIONS

Speakers: Julie Ashleigh, Erika Bennett, Peggy Bergin, Joel Block, Stefan Borst-Censullo, Benny Diaz, Tony Flores, Ray Hiemstra, Verla Lambert, Billy Le, Brenda Miller, Charles Mitchell, Demian Garcia-Monroy, Rickk Montoya, Joshua McIntosh, Duc Ngo, Diedre Nguyen, Kim Nguyen, Ed Portillo, Luis Schmidt, Steele Smith, Sal Tinajero, Hien Tran, Julie Vo, Kyle Werner, Linda Zamora

RECESS

At 8:55 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 9:42 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

RESOLUTION DECLARING GARDEN GROVE A HEALTHY EATING ACTIVE LIVING (HEAL) CITY (F: 87.1)

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

Resolution No. 9343-16 – entitled A Resolution declaring Garden Grove a Healthy Eating Active Living (HEAL) city, be adopted.

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

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

ESTABLISHMENT OF A YOUTH IN GOVERNMENT DAY (F: 114.2)(XR: 87.1)

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

The establishment of a Youth in Government Day be approved; and

The expenditure of \$3,000 be authorized from the City Council Contingency package to pay for food, transportation, mementos and miscellaneous expenses for 50 participants and staff associated with Youth in Government Day.

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

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

CEREMONIAL RESOLUTION HONORING THE 40TH ANNIVERSARY AND REDEDICATION OF THE COMMUNITY MEETING CENTER AND H. LOUIS LAKE SENIOR CENTER (F: 48.4)(XR: 87.7)

This matter was considered separately from the Consent Calendar later in the meeting.

PROFESSIONAL SERVICES AGREEMENT TO INFOSEND INC. FOR DATA PROCESSING, PRINTING, INSERTING AND MAILING SERVICES FOR UTILITY BILLS AND CITYWORKS INSERTS (F: 55-Infosend, Inc.)

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

A one (1) year Professional Services Agreement be awarded to Infosend, Inc., for data processing, printing, inserting, mailing and postage with an option to extend said agreement for an additional four (4) years as stated in the proposal;

That the City Manager or his designee be authorized to execute the agreement, making minor modifications as necessary and to approve any unforeseen increases in the postage portion of the agreement; and

That the City Manager or his designee be authorized to execute the four option years as necessary.

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

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

RESOLUTION DECLARING GARDEN GROVE A HEALTHY EATING ACTIVE LIVING (HEAL) CITY (F: 87.1)

This matter was considered separately from the Consent Calendar earlier in the meeting.

ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR FOUR SEDANS (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$97,481.24 to National Auto Fleet Group for the purchase of four (4) new sedans.

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

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

CONTRACT WITH MICROCEPTION, INC., TO PROVIDE AN AUDIO VISUAL SYSTEM FOR THE POLICE DEPARTMENT – RFP NO. S-1183 (F: 55-Microception, Inc.)

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

A contract be awarded to Microception, Inc., to provide an audio visual system for the Police Department in the amount of \$68,556.65; and

The City Manager or his designee be authorized to sign the agreement and make any modifications as needed on behalf of the City.

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

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

MINUTES (F: Vault)

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

The minutes from the February 23, 2016, meeting be received and filed.

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

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

WARRANTS (F: 60.5)

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

Payroll Warrants 179434 through 179485; Direct Deposits D290010 through D290689; and Wires W2214 through W2217; 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 601064 through 601298; 601299 through 601672; Wires W1548 through W1551 and W1552 through W1553 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 5-0 vote as follows:

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

CEREMONIAL RESOLUTION HONORING THE 40TH ANNIVERSARY AND REDEDICATION OF THE COMMUNITY MEETING CENTER AND H. LOUIS LAKE SENIOR CENTER (F: 48.4)(XR: 87.7)

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

The Ceremonial Resolution honoring the 40th Anniversary and Rededication of the Community Meeting Center and the H. Louis Lake Senior Center, be adopted.

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

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

PUBLIC HEARING – RESOLUTION APPROVING THE PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF GARDEN GROVE AND INVESTEL HARBOR RESORTS, LLC FOR REAL PROPERTY LOCATED AT 12361 CHAPMAN AVENUE (F: 84.1)

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: Peggy Bergin.

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

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

Resolution No. 9344-16 - entitled A Resolution approving a Purchase and Sale Agreement and Joint Escrow Instructions between the City of Garden Grove and Investel Harbor Resorts, LLC for real property located at 12361 Chapman Avenue, Assessor's Parcel No. 233-171-23, be adopted; and

The City Manager be authorized to execute the Purchase and Sale Agreement and all related pertinent documents on behalf of the City, including modifications if needed.

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

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

UPDATE REGARDING THE CONTRACT WITH THE COUNTY OF ORANGE FOR ANIMAL CARE SERVICES, AND CONSIDERATION OF A TERM SHEET WITH THE ORANGE COUNTY HUMANE SOCIETY FOR ANIMAL SHELTER SERVICES FOR FISCAL YEAR 2016-17
(F: 55-County of Orange-Animal Services)(F: 55-Orange County Human Society)
(XR: 27.1)

COUNCIL MEMBER BEARD RECUSED HIMSELF FROM THIS DISCUSSION, AS HIS EMPLOYMENT WITH THE COUNTY IS WITHIN THE DEPARTMENT THAT HAS DIRECT CONTACT WITH ANIMAL CARE SERVICES.

COUNCIL MEMBER BEARD LEFT THE MEETING AT 10:00 P.M.

COUNCIL MEMBER PHAN ANNOUNCED THAT ALTHOUGH HE IS A COUNTY EMPLOYEE WITH THE DISTRICT ATTORNEY'S OFFICE, HE HAS NO CONTACT WITH ANIMAL CARE SERVICES.

After City Council discussion, this item was continued to the April 26, 2016, meeting by consensus of the City Council Members present.

AT 10:55 P.M. COUNCIL MEMBER BEARD RETURNED TO THE DAIS.

COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE DESIGN PHASE OF THE ORANGE COUNTY STREETCAR PROJECT
(F: 23.18)

After City Council discussion, it was moved by Council Member Jones, seconded by Council Member Beard that:

Cooperative Agreement No. C-5-3807 with the Orange County Transportation Authority for the Orange County Streetcar Project be approved; and

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

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

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

DISCUSSION OF COMMERCIAL MARIJUANA ACTIVITY REGULATION

(F: 67.2)(XR: 115.A-015-2015)(XR: 115.A-143-08)

After City Council discussion it was moved by Council Member Bui, seconded by Council Member Jones that:

Staff be directed to administer a task force comprised of Mayor Nguyen and Council Member Bui to include staff and members of the community as well as the business community and medical marijuana operators; and

That Staff be directed to draft language for regulations for medical marijuana.

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

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (1) Beard

DISCUSSION OF FEBRUARY 24, 2016, DISTRICT ATTORNEY REPORT REGARDING ALLEGATIONS OF BROWN ACT VIOLATIONS, AND ADOPTION OF A RESOLUTION DESIGNATING THE CITY CLERK AS CLOSED SESSION RECORDER (Continued from the March 8, 2016 meeting) (F: 46.5)

COUNCIL MEMBER PHAN RECUSED HIMSELF FROM THIS DISCUSSION AS HE IS EMPLOYED BY THE DISTRICT ATTORNEYS OFFICE AND IS ALSO A FRIEND OF THE LEAD INVESTIGATOR.

COUNCIL MEMBER PHAN LEFT THE MEETING AT 12:00 A.M.

After City Council discussion, it was moved by Council Member Beard, seconded by Council Member Jones that:

A Resolution entitled A Resolution of the City Council of the City of Garden Grove designating the City Clerk and Deputies as the Official Recorder of Closed Sessions pursuant to Government Code Section 54957.2, be adopted;

Recordation of Closed Sessions for a period of two years be approved; and

Any new employment position in the City will be created in Open Session of the City Council, be affirmed.

The motion failed by a 2-2-1 vote as follows:

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

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

DISCUSSION OF A RESOLUTION IN SUPPORT OF SB 969 TO ALLOW FOR THE SALE OF VIETNAMESE RICE CAKES AT ROOM TEMPERATURE, AS REQUESTED BY COUNCIL MEMBER BUI (F: 67.2)

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

A Resolution in support of SB 969 be considered at the April 12, 2016, City Council meeting; and

That the City Manager be directed to send a letter to State Senator Janet Nguyen expressing the City Council's action in support of Senate Bill 969.

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

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

Mayor Nguyen noted that he would like to have Acting City Attorney Sandoval draft language for amending the Municipal Code to expand the current five member City Commissions to seven members in order to reflect the number of electoral districts, and Mayor at large.

Council Member Bui commented on the need to discuss the zoning regulations for coffee shops as there is an issue with certain coffee shops that allow partial nudity by the wait staff.

City Manager Stiles asked if Council Member Bui would like to have an update from the Police Department regarding the coffee shops. Council Member Bui agreed and that the update should include recommendations on how to better monitor the coffee shops.

Mayor Nguyen asked that the City look into citing not just the wait staff, but the property owners of these types of coffee shops as well, and to review the current regulations to enforce or to make stricter laws.

Council Member Beard noted the laws exist, and expressed that an update on this issue would reveal the strain on Police Department resources and manpower.

ADJOURNMENT

At 1:10 a.m., Mayor Nguyen adjourned the meeting in memory of former Garden Grove Police Officer Pat Compton. The next City Council Meeting will be held on Tuesday, April 12, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
Deputy City Clerk