MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, July 12, 2016

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

CONVENE THE MEETING

At 5:38 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

ROLL CALL	PRESENT:	(4)	Mayor Nguyen, Council Members Beard, Bui, Phan
	ABSENT:	(1)	Council Member Jones absent at Roll Call, but joined the meeting at 5:40 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

At 5:39 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 Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(2)
Significant Exposure to litigation: Two potential cases related to the claim filed 2/22/16 by Luis Gutierrez/LGP Equipment Rental

RECESS CLOSED SESSION

At 5:55 p.m., Mayor Nguyen recessed the Closed Session.

CONVENE REGULAR MEETING

At 6:30 p.m., Mayor Nguyen convened the meeting in the Council chamber in conjunction with the Housing Authority.

CITY COUNCIL

ROLL CALL	PRESENT:	(5)	Mayor Nguyen, Council Members Beard, Bui, Jones, Phan
	ABSENT:	(0)	None

HOUSING AUTHORITY

ROLL CALL	PRESENT:	(7)	Chair Nguyen, Commissioners Beard, Beckles, Bui, Jones, O'Connor, Phan
	ABSENT:	(0)	None

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.

PRESENTATION OF AN AWARD BY THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY DIRECTOR LARRY DICK RECOGNIZING THE CITY'S STATE MANDATED CONSERVATION EFFORTS (F: 52.3)(XR: 112.5)

JOINT ITEM WITH THE HOUSING AUTHORITY - APPROVAL OF AN AMENDMENT TO THE SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND THE GARDEN GROVE HOUSING AUTHORITY FOR THE ADMINISTRATION OF A TENANT BASED RENTAL ASSISTANCE PROGRAM (F: H-55.1)

City Council Action

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

The Amendment to the Subrecipient Agreement between the City and Authority for the administration of a Tenant Based Rental Assistance Program be approved; and

The City Manager be authorized to execute the Amendment and any pertinent documents to effectuate the Amendment, and to make minor modifications as appropriate.

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

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

Housing Authority Action

It was moved by Commissioner Phan, seconded by Commissioner Jones that:

The Amendment to the Subrecipient Agreement between the City and Authority for the administration of a Tenant Based Rental Assistance Program be approved; and

The Director be authorized to execute the Amendment and any pertinent documents to effectuate the Amendment, and to make minor modifications as appropriate.

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

Ayes:	(7)	Beard, Beckles, Bui, Jones, Nguyen, O'Connor, Phan
Noes:	(0)	None

RECESS

At 6:36 p.m., Mayor Nguyen recessed the meeting.

RECONVENE

At 6:39 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

ORAL COMMUNICATIONS

Speakers: Matt Bell, Maureen Blackmun, Clay Bock, Stefan Borst-Censullo, Bo Bui, Long Hoang, Christopher Kim, Verla Lambert, Randall Longwith, Josh McIntosh, Pepe Mendiola, Dina Nguyen, Justin Phan, Justin Shively, Steele Smith, Mark Wagner, M.D., Bob Walker

JOINT ITEM WITH THE HOUSING AUTHORITY - APPROVAL OF AN AMENDMENT TO THE SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND THE GARDEN GROVE HOUSING AUTHORITY FOR THE ADMINISTRATION OF A TENANT BASED RENTAL ASSISTANCE PROGRAM (F: H-55.1)

This matter was considered earlier in the meeting.

PROCLAMATION FOR THE DEDICATION OF THE PAT HALBERSTADT FAMILY CAMPUS (F: 83.1)

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

The Proclamation recognizing the dedication of the Pat Halberstadt Family Campus, and commending Pat Halberstadt on her retirement, be approved.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO FAIRVIEW FORD FOR ONE (1) SIX-WHEEL DUMP TRUCK (F: 60.4)

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

The Finance Director be authorized to issue a purchase order, in the amount of $59,946.18, to Fairview Ford for the purchase of one (1) six-wheel dump truck.

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

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

APPROVAL OF AN AGREEMENT WITH THE ROMAN CATHOLIC DIOCESE OF ORANGE FOR A 5K EVENT SCHEDULED FOR SEPTEMBER 18, 2016
(F: 55-Roman Catholic Diocese of Orange)

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

The Agreement with the Roman Catholic Diocese of Orange to conduct a 5K event on Sunday, September 18, 2016, be approved; and

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

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

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

AWARD OF CONTRACT TO TITAN CONSOLIDATED INDUSTRIES, INC., FOR DEMOLITION AT 12511, 12531, 12551, 12571 TWINTREE LANE, 12222, 12252, 12262, 12272, 12292, AND 12302 HARBOR BOULEVARD, GARDEN GROVE
(F: 55-Titan Consolidated Industries, Inc.)(XR: A-116.15)

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

A contract be awarded to Titan Consolidated Industries, Inc., in the amount of $135,000, for demolition of structures at 12511 Twintree Lane, 12531 Twintree Lane, 12551 Twintree Lane, 12571 Twintree Lane, 12222 Harbor Boulevard, 12252 Harbor Boulevard, 12262 Harbor Boulevard, 12272 Harbor Boulevard, 12292 Harbor Boulevard and 12302 Harbor Boulevard, Garden Grove; and

The City Manager be authorized to execute the contract on behalf of the City and make minor modifications if appropriate to do so.

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 Phan, seconded by Council Member Jones that:

Regular Warrants 607151 through 607324, and 607325 through 607952; Wire W1594 through W605977; and Direct Deposits W607324 through W607952; 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 179849 through 179927; Direct Deposits D294968 through D296179; and Wires W2246 through W2249; 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 5-0 vote as follows:

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

WAIVE FULL READING OF ORDINANCES LISTED

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

Full reading of ordinances listed be waived.

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

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

LETTER OF RESIGNATION FROM TANYA TRA, MAIN STREET COMMISSIONER (F: 122.6A)

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

Commissioner Tanya Tra's resignation letter be accepted.

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

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

SECOND READING AND ADOPTION, BY TITLE ONLY, OF ORDINANCE NO. 2867 REGARDING DEVELOPMENT AGREEMENT NO. DA-002-2016 (F: 106.DA-002-2016)

(As approved earlier in the meeting: It was moved by Council Member Phan, seconded by Council Member Jones and carried by a 5-0 vote that full reading of ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2867 into the record, it was moved by Council Member Phan, seconded by Council Member Bui that:

Ordinance No. 2867 entitled an Ordinance of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and Mitigation Monitoring Program; and adopting Development Agreement No. DA-002-2016 between Tony Lam and Jennie Do (Developers), and the City of Garden Grove, be adopted.

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

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

SECOND READING AND ADOPTION, BY TITLE ONLY, OF ORDINANCE NO. 2868 REGARDING THE ESTABLISHMENT OF THE PARAMEDIC TAX OVERRIDE (F: 60.11)

(As approved earlier in the meeting: It was moved by Council Member Phan, seconded by Council Member Jones and carried by a 5-0 vote that full reading of ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2868 into the record, it was moved by Council Member Phan, seconded by Council Member Bui that:

Ordinance No. 2868 entitled an Ordinance of the City Council of the City of Garden Grove establishing the amount of money for Paramedic Services that must be raised by an Ad Valorem Tax Override and the setting of the tax rate for said Override, be adopted.

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

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

RECESS

At 7:47 p.m., Mayor Nguyen recessed the meeting.

RECONVENE

At 7:54 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

DISCUSS AND CONSIDER A TAX MEASURE FOR MEDICAL MARIJUANA AND TERMINATION OF THE MEDICAL MARIJUANA REGULATION TASK FORCE
(F: 115.A-15-2015)

Mayor Nguyen expressed his appreciation to the members of the audience expressing their opinion on medical marijuana dispensaries in Garden Grove. He stated that his concern is public safety. Placing a tax question on the November Ballot to allow taxing of medical marijuana is the City's opportunity to hear from all its residents. To not take this opportunity would be a bad idea. Without a vote of the people, the City cannot tax medical marijuana. He continued that there is still much to learn about this matter, and the Medical Marijuana Regulation Task Force should stay intact.

Council Member Beard commented that the citizens have been allowed to state their opinion at the Task Force and City Council meetings; the medical marijuana industry has also been able to express its opinion as well. Before making any decisions about a tax measure, he suggested waiting to make any decisions until after the November 2016 ballot measure regarding recreational use of marijuana has been decided by the voters. Waiting allows the opportunity to learn from other Cities who have already approved medical marijuana dispensaries in their city. Residents are not supportive of allowing dispensaries within our city. The negatives outweigh the positives. He thanked Council Member Bui and Mayor Nguyen for their work on the Task Force and indicated that he thinks their work is complete.

Council Member Phan stated that he knows the answer from the voters regarding taxing medical marijuana – the answer would be "yes." The question to ask the voters should be "do we want to lift the ban." Must weigh the crime and violence

reportedly happening at dispensaries against public safety. He cannot support placing a tax measure on the ballot to tax something illegal before the decision to lift the ban is made. The city should turn its attention to ban dispensaries within the city with full force. With neighboring cities offering medical cannibas, our residents have access to what they need.

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

The Medical Marijuana Task Force be discontinued.

A substitute motion was moved by Mayor Nguyen, seconded by Council Member Bui that:

The Medical Marijuana Task Force continue its work; and

A tax measure to tax Medical Marijuana be placed on the November 2016 ballot.

The substitute motion failed by a 2-3 vote as follows:

Ayes:	(2)	Bui, Nguyen
Noes:	(3)	Beard, Jones, Phan

The first motion to discontinue the Medical Marijuana Task Force carried by a 3-2 vote as follows:

Ayes:	(3)	Beard, Jones, Phan
Noes:	(2)	Bui, Nguyen

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

City Manager Stiles announced that the July 26, 2016, City Council meeting is being cancelled.

Council Member Jones praised the Garden Grove Police Department for sending Officers to Dallas, Texas, to attend one of the funerals showing support after the tragic incident.

Council Member Beard announced that he will not be able to attend the August 9, 2016, City Council meeting.

Council Member Phan announced that he will be on military leave for the month of August, and can be available to attend the August 9, 2016, meeting via Skype.

ADJOURNMENT

At 8:25 p.m., Mayor Nguyen adjourned the meeting in honor of John Jenkins, retired City employee. The next City Council Meeting will be held on Tuesday, August 9, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk