

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 22, 2016

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

CONVENE MEETING

At 6:36 p.m., Mayor Nguyen convened the meeting in the A Room.

ROLL CALL PRESENT: (3) Mayor Nguyen, Council Members Beard, Bui
 ABSENT: (2) Council Members Jones, Phan

INVOCATION

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

COMMUNITY SPOTLIGHT: RECOGNITION OF 2016 MISS GARDEN GROVE AND HER COURT OF HONOR AND MISS GARDEN GROVE'S OUTSTANDING TEEN'S COURT OF HONOR

COMMUNITY SPOTLIGHT: RECOGNITION OF JUDIEL ENNIS FOR HER SELFLESS ACT OF DONATING BONE MARROW TO SAVE ZOEY AND ZAYNE ESPAYOS

ORANGE COUNTY STREETCAR PROJECT PRESENTATION BY ORANGE COUNTY TRANSPORTATION AUTHORITY REPRESENTATIVES

ORAL COMMUNICATIONS

Speakers: Tom Goode, Marilyn Rubio, Terry Anderson, Marisol Rivera, Walter Muneton, Tom Zero, Tony Flores, Glen Peterson, Sabiha Khan, Mark Anthony Paredes, Julian Garcia, Peter Katz, Charles Mitchell, Hasan Hboubati, Beth Mays, David Bracey, Sylvia Kim, Heidi Vargas, Lynne Aoki, Shaista Azad

REQUEST FROM WEST GARDEN GROVE YOUTH BASEBALL FOR CO-SPONSORSHIP OF ITS 2017 OPENING DAY PARADE

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

The West Garden Grove Youth Baseball request for co-sponsorship of its 2017 Opening Day Parade, be approved; and

The City Council Contingency Fund, in the amount of \$3,450, be used to cover the cost.

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

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

RECESS

At 7:44 p.m., Mayor Nguyen declared a recess.

RECONVENE

At 7:51 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard and Bui present.

RECEIVE AND FILE THE FISCAL YEAR 2015-16 DEVELOPMENT IMPACT FEE ANNUAL REPORT

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

The Fiscal Year 2015-16 Development Impact Fee Annual Report be received and filed as required by Government Code Section 66006(b).

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

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

ADOPTION OF A RESOLUTION APPROVING THE SUBMITTAL OF THE EUCLID/WESTMINSTER INTERSECTION IMPROVEMENT PROJECT AND ADOPTING A NEGATIVE DECLARATION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

Resolution No. 9395-16 entitled A Resolution of the City Council of the City of Garden Grove approving the submittal of the Euclid Street/Westminster Avenue Intersection Improvement Project to the Orange County Transportation Authority (OCTA) for funding under the Comprehensive Transportation Program, be adopted.

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

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

ADOPTION OF A RESOLUTION ADOPTING FISCAL YEAR 2015-16 MEASURE M2 ANNUAL EXPENDITURE REPORT

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

Resolution No. 9396-16 entitled A Resolution of the City Council of the City of Garden Grove concerning the Fiscal Year 2015-16 Measure M2 Annual Expenditure Report for the City of Garden Grove for the Fiscal Year ending June 30, 2016, be adopted.

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

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

AUTHORIZE THE ISSUANCE OF PURCHASE ORDERS TO REGENCY LIGHTING, PREMIUM QUALITY LIGHTING, AND WALTERS WHOLESALE ELECTRIC, FOR LIGHTING AND ELECTRICAL REPAIR PARTS

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

Purchase orders be awarded to Regency Lighting, Premium Quality Lighting, and Walters Wholesale Electric for lighting and electrical repair parts;

The Finance Director be authorized to issue three (3) purchase orders in a fixed amount collectively not to exceed \$100,000 per year for three (3) years to be divided between Regency Lighting, Premium Quality Lighting, and Walters

Wholesale Electric; and

The City Manager be authorized to review and approve annual renewals provided that sufficient funds are budgeted for the renewals.

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

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

AWARD OF A CONTRACT FOR ON-CALL CONSTRUCTION INSPECTION SERVICES TO CIVILTEC ENGINEERING, INC., FOR WATER INFRASTRUCTURE REHABILITATION PROJECTS

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

A contract for inspection services be awarded to Civiltec Engineering, Inc. for the MWD Interconnect and PRV Facilities Rehabilitation Project and the Well No. 21 Redevelopment Project in the amount of \$151,705; and

The City Manager be authorized to sign the professional service agreement with Civiltec Engineering, Inc., for the inspection services of the MWD Interconnect and PRV Facilities Rehabilitation Project and the Well No. 21 Redevelopment Project.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW POLICE COMMAND VEHICLE

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

The Finance Director be authorized to issue a Purchase Order in the amount of \$83,807.03 to National Auto Fleet Group for the purchase of one (1) new Police command vehicle.

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

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

AWARD OF A CONTRACT TO R.E. SCHULTZ CONSTRUCTION, INC., TO INSTALL NEW PLAYGROUND EQUIPMENT AND POUR-IN-PLACE PLAYGROUND RUBBERIZED SURFACING AT EASTGATE PARK

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

A contract be awarded to R.E. Schultz Construction, Inc., for the installation of new playground equipment and poured-in-place playground surfacing at Eastgate Park, in the amount not to exceed \$93,290; and

The City Manager, or his designee, be authorized to sign the Agreement 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) Beard, Bui, Nguyen
Noes: (0) None
Absent: (2) Jones, Phan

APPROVAL OF AN AGREEMENT WITH HOWROYD-WRIGHT EMPLOYMENT AGENCY, INC., DBA APPLEONE EMPLOYMENT SERVICES

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

The agreement with Howroyd-Wright Employment Agency, Inc., dba AppleOne Employment Services, in an amount not to exceed \$100,000 for the first year, be approved; and

The City Manager, or his designee, be authorized to execute the contract and the four option years in the amount of \$50,000 a year.

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

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

APPROVAL OF A LEASE AGREEMENT WITH THE CREDIT UNION OF SOUTHERN CALIFORNIA FOR OFFICE SPACE AT 11390 STANFORD AVENUE, GARDEN GROVE

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

The Second Amendment to Lease Agreement with the Credit Union of Southern California for continued occupancy of 11390 Stanford Avenue, Garden Grove, be approved; and

The City Manager be authorized to execute the Second Amendment and make minor modifications as needed on behalf of the City.

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

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

ACCEPTANCE OF THE SITE C DEMOLITION PROJECT AT 12511, 12531, 12551, AND 12571 TWINTREE LANE; AND 12222, 12252, 12262, 12272, 12292, 12302 HARBOR BOULEVARD, GARDEN GROVE, AS COMPLETE

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

The Site C Demolition Project be accepted as complete;

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

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

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

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

GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON OVER REAL PROPERTY DESIGNATED BY APN: 090-163-43 & 44

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

The conveyance of the easement to Southern California Edison be approved; and

The City Manager be authorized to execute the easement on behalf of the City.

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

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

ADOPTION OF A RESOLUTION REVISING THE 2015-2017 FIRE FIGHTERS ASSOCIATION MEMORANDUM OF UNDERSTANDING

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

Resolution No. 9397-16 entitled A Resolution of the City Council of the City of Garden Grove approving a revision to the Memorandum of Understanding between the Association of Fire Fighters, Garden Grove Local 2005, and the City of Garden Grove for Fiscal Year 2015-17, be adopted.

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

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

RECEIVE AND FILE MINUTES FROM THE OCTOBER 11, 2016, AND OCTOBER 25, 2016, MEETINGS (F: Vault)

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

The minutes from the meetings held on October 11, 2016, and October 25, 2016, be received and filed.

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

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

WARRANTS (F: 60.5)

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

Payroll Warrants 180409 through 180456, 180457 through 180506; Direct Deposits D301790 through D302479, D302478 through D303176; and Wires W2282 through W2285, W2286 through W2289; 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; and

Regular Warrants 613179 through 613441, 613442 through 614050, 614051 through 614194 and 614195 through 614528; Wires W1691 through W1695, W1696, and W1697 through W1709; Direct Deposits W613441 through W614049 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 3-0-2 vote as follows:

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

WAIVE FULL READING OF ORDINANCES LISTED

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

Full reading of ordinances listed be waived.

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

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

PUBLIC HEARING - INTRODUCTION OF AN ORDINANCE ADOPTING THE 2016 CALIFORNIA UNIFORM BUILDING CODES WITH MODIFICATIONS

(As approved earlier in the meeting: It was moved by Council Member Bui, seconded by Council Member Beard, and approved by a 3-0-2 vote, that full reading of ordinances listed be waived.)

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 Beard 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 passed to second reading.

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

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

INTRODUCTION OF AN ORDINANCE AND ADOPTION OF A RESOLUTION ESTABLISHING CITYWIDE PARK FEES AND REVISING THE IN-LIEU OF PARK DEDICATION FEES, TRANSPORTATION FACILITIES FEES AND DRAINAGE FACILITIES FEES

(As approved earlier in the meeting: It was moved by Council Member Bui, seconded by Council Member Beard, and approved by a 3-0-2 vote, that full reading of ordinances listed be waived.)

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: Steve LaMotte, Building Industry Association requesting a one month continuance on this matter.

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

Following City Council discussion, it was moved by Council Member Beard, that the Ordinance be passed to second reading.

Council Member Bui moved a substitute motion, seconded by Council Member Beard that:

The Public Hearing be continued to a meeting when the new City Council Members would be seated to allow them to make the decision on new fees, and the structure of those fees.

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

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

CONSIDERATION OF A RECOMMENDATION FROM THE PARKS, RECREATION AND ARTS COMMISSION REGARDING JOINT USE AGREEMENTS WITH THE GARDEN GROVE UNIFIED SCHOOL DISTRICT

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

City staff be directed to open discussions with the Garden Grove Unified School District to look at opportunities for additional joint use agreements.

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

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

AWARD A CONTRACT TO SCHAFER CONSULTING, INC., FOR ENTERPRISE RESOURCE PLANNING CONSULTING SERVICES

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

A contract be awarded to the highest scoring proposer, Schafer Consulting, Inc., in the amount of \$394,260, for all three phases for ERP Consulting and other services as outlined in the proposal; and

The City Manager or his designee be authorized to execute the contract and, as needed, approve two additional option years for ERP implementation and other services as outlined in the proposal.

Council Member Bui moved to amend the motion, seconded by Council Member Beard, to include a City Council Oversight Committee to the process, with Council Member Bui chairing the committee.

Council Member Beard seconded the motion.

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

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

APPROVAL OF AN AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR THE CONVERSION OF EDISON-OWNED STREET LIGHTS FROM HIGH PRESSURE SODIUM TO LIGHT EMITTING DIODE (LED)

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

The Energy Efficiency LED Fixture Replacement Agreement with Southern California Edison (SCE) for the conversion of Edison-owned street lights to Light Emitting Diode (LED) be approved; and

The City Manager be authorized to execute the agreement on behalf of the City.

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

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

SECOND READING AND ADOPTION, BY TITLE ONLY, OF ORDINANCE NO. 2874 INCREASING THE TRAFFIC COMMISSION FROM FIVE TO SEVEN MEMBERS (F: 122.11A)(XR: 50.2)

(As approved earlier in the meeting: It was moved by Council Member Bui, seconded by Council Member Beard, and approved by a 3-0-2 vote, that full reading of ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2874 into the record, it was moved by Mayor Nguyen, seconded by Council Member Bui that:

Ordinance No. 2874 entitled

An Ordinance of the City Council of the City of Garden Grove amending Section 2.70.10 of Chapter 2.70 of Title 2 to the Garden Grove Municipal Code relating to the Traffic Commission, be adopted.

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

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

SECOND READING AND ADOPTION, BY TITLE ONLY, OF ORDINANCE NO. 2875
ADOPTING ANIMAL CONTROL REGULATIONS FOR THE CITY OF GARDEN GROVE
(F: 27.1)(XR: 50.2)

(As approved earlier in the meeting: It was moved by Council Member Bui, seconded by Council Member Beard, and approved by a 3-0-2 vote, that full reading of ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2875 into the record, it was moved by Council Member Bui, seconded by Council Member Beard that:

Ordinance No. 2875 entitled:

An Ordinance of the City Council of the City of Garden Grove amending Chapters 6.04 and 6.05 of Title 6 of the Garden Grove Municipal Code regarding Animal Regulations, be adopted.

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

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

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

DISCUSSION ON A JOINT RESOLUTION BETWEEN THE GARDEN GROVE UNIFIED
SCHOOL DISTRICT AND THE CITY TO ADDRESS CONCERNS REGARDING
POTENTIAL EFFECTS OF THE RECENT ELECTION, AS REQUESTED BY MAYOR
NGUYEN

Mayor Nguyen expressed appreciation to the members of the public who spoke in support of this Resolution. He expressed concern for the ongoing rhetoric since the election regarding the deportation of undocumented immigrants. He stated that the city of Garden Grove is a city of compassion, and all immigrants are welcome. One goal of the joint resolution between the City and the School District is to document the ongoing practice of the Police Department not to become involved in immigrant affairs.

Council Member Bui expressed his concern on the negative language, stating that the city of Garden Grove has fostered an environment where people live in harmony, and he would like to see positive language in the resolution, rather than rhetoric against the President-Elect.

After further City Council discussion, it was moved by Mayor Nguyen, seconded by Council Member Beard that:

A joint resolution between the City and the Garden Grove Unified School District addressing concerns regarding the rhetoric and potential effects of the recent election be listed for consideration by the City Council at the January 24, 2017, meeting; and

Both Mayor Nguyen and Council Member Bui work together on the resolution to 1) emphasize fostering harmony in our city; 2) discourage hateful rhetoric toward immigrants; and 3) include language that the Police Department will continue to not act as immigration agents.

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

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

Council Member Beard stated that he will be contacting Mr. Zero regarding crossing his property when posting political signs. He wished everyone a Happy Thanksgiving.

Council Member Bui thanked the audience for coming to the City Council meeting, and wished everyone a Happy Thanksgiving.

Mayor Nguyen expressed gratitude for the opportunity to serve as Garden Grove's Mayor. He further expressed concern regarding the aggression toward Native Indians happening during this Thanksgiving week.

ADJOURNMENT

At 8:55 p.m., Mayor Nguyen adjourned the meeting in memory of the Police Officers tragically killed in the line of duty. The next City Council Meeting will be held on Tuesday, December 13, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk