

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, May 23, 2017

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

CONVENE MEETING

At 6:36 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (7) Mayor Jones, Council Members Beard,
O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen

ABSENT: (0) None

INVOCATION

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

COMMUNITY SPOTLIGHT: RECOGNITION OF FIRE CAPTAIN MARK WEISS, FIRE
ENGINEER MIKE RIETH, AND FIREFIGHTER/PARAMEDIC ANDREW ROACH FOR
GOING ABOVE AND BEYOND THE CALL OF DUTY (F: 52.3)

ORAL COMMUNICATIONS

Speakers: Tony Flores, John Wildsmith, Charles Mitchell, Gloria Bram, Beatrice
Jones

RECESS

At 6:55 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:10 p.m., Mayor Jones reconvened the meeting with all Council Members
present.

ADOPTION OF A PROCLAMATION HONORING THE 15TH ANNIVERSARY OF THE BUENA CLINTON YOUTH AND FAMILY CENTER (F: 83.1)(XR: 73.20A)

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

A Proclamation be honored for the 15th anniversary of the Buena Clinton Youth and Family Center.

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 APPROPRIATION AND EXPENDITURE OF FUNDS OR USE OF GIFTS DONATED TO THE CITY (F: 60.1)

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

Resolution No. 9417-17 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the appropriation and expenditure of funds or use of gifts donated to the City for the purposes for which they were donated, 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 A FIRST AMENDMENT TO THE AGREEMENT WITH THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY FOR PARTICIPATION IN WATER CONSERVATION REBATE PROGRAMS (F: 112.5)

This matter was considered later in the meeting.

AWARD OF CONTRACT TO SOUTHERN CALIFORNIA LANDSCAPE, INC., TO INSTALL A DECOMPOSED GRANITE FITNESS TRAIL AT EASTGATE PARK (F: 55-Southern California Landscape, Inc.)

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

A contract be awarded to Southern California Landscape, Inc., for the installation of a quarter-mile fitness trail at Eastgate Park, in the amount not to exceed \$146,000; and

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO FAIRVIEW FORD SALES INCORPORATED FOR ONE (1) UTILITY TRUCK (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$37,070.44, to Fairview Ford Sales Incorporated for the purchase of one utility truck.

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO COASTLINE EQUIPMENT COMPANY FOR ONE (1) HEAVY DUTY EQUIPMENT TRAILER (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$50,876.59, to Coastline Equipment Company for the purchase of one heavy duty equipment trailer.

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 CONTRACT TO NICHOLS CONSULTING ENGINEERS TO PROVIDE A CITY-WIDE PAVEMENT MANAGEMENT PROGRAM FOR FISCAL YEARS 2017/18 THROUGH 2020/21 (F: 55-Nichols Consulting Engineers)

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

A contract be awarded to Nichols Consulting Engineers, in the amount of \$127,312, for a city-wide Pavement Management Program for a period of three years from full execution of the agreement, with an option to extend said agreement an additional one year for a total performance period of four years; and

The City Manager be authorized to execute the agreement, and make minor modifications as appropriate thereto, 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

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON MAY 9, 2017 (F: Vault)

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

The minutes from the meeting held on May 9, 2017, be 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

WARRANTS (F: 60.5)

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

Payroll Warrants 181093 through 181137; Direct Deposits D311528 through DD312227; and Wires W2358 through W2361; 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 622953 through 623381; Wires W1855 through W1868; 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 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 O'Neill 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

APPROVAL OF A FIRST AMENDMENT TO THE AGREEMENT WITH THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY FOR PARTICIPATION IN WATER CONSERVATION REBATE PROGRAMS (F: 112.5)

Following City Council discussion, it was moved by Council Member Beard, seconded by Council Member O'Neill that:

The Amendment to the First Agreement with the Municipal Water District of Orange County (MWDOC) for the City's participation in the Water Conservation Rebate Programs, be approved;

The Mayor be authorized to execute the Amendment on behalf of the City and to make minor modifications as appropriate thereto; and

The Finance Director be authorized to approve payment, in the amount not to exceed \$3,996, to participate in the Water Conservation Rebate Programs to MWDOC.

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 – ADOPTION OF RESOLUTIONS ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM; APPROVING GENERAL PLAN AMENDMENT NO. GPA-001-2017; AND AUTHORIZING A REQUEST TO INITIATE PROCEEDINGS FOR THE LEWIS STREET REORGANIZATION WITH THE CITY OF ORANGE; INTRODUCTION AND FIRST READING OF ORDINANCES APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-006-2017 AND DEVELOPMENT AGREEMENT NO. DA-006-2017 TO FACILITATE A PROPOSED 70 UNIT SMALL LOT SUBDIVISION AT 12901 LEWIS STREET (F: 20.GPA-001-2017)(XR: 116.PUD-006-2017)(XR: 106.DA-006-2017)

Following staff presentation and City Council discussion:

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

Speakers: John Danvers, Nicholas Dibs

With no further response from the audience, Mayor Jones closed the Public Hearing.

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

Resolution No. 9418-17 entitled: A Resolution of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and an Associated Mitigation Monitoring and Reporting Program for the Lewis Street Reorganization between the City of Garden Grove and the City of Orange (RO 17-01) and the Residential Project (GPA-001-2017, PUD-006-2017, TT-17927-2017, SP-028-2017, and DA-006-2017), be adopted;

Resolution No. 9419-17 entitled: A Resolution of the City Council of the City of Garden Grove authorizing initiation of proceedings and requesting the Orange County Local Agency Formation Commission (LAFCO) to take proceedings for the annexation to the City of Garden Grove and the Garden Grove Sanitary District of territory to be detached from the City of Orange known as the Lewis Street Reorganization (RO 01-17), be adopted;

The City Manager be authorized to take all actions and execute all documents necessary to initiate and process an application with LAFCO for Lewis Street Reorganization (RO 01-17) and to negotiate a property tax exchange agreement;

The City Clerk be authorized to execute a certificate of acceptance of all property interests to be transferred from the City of Orange to the City of Garden Grove pursuant to Lewis Street Reorganization (RO 01-17);

Resolution No. 9420-17 entitled: A Resolution of the City Council of the City of Garden Grove approving General Plan Amendment No. GPA-001-2017 to amend the City of Garden Grove's General Plan Land Use Map to modify the General Plan Land Use designation of the portion of the project site that is located within the city of Garden Grove from Civic/Institutional to Low Density Residential and to include the properties to be annexed under the General Plan Land Use designation of Low Density Residential, be adopted;

Ordinance No. 2880 entitled: An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-006-2017 to amend the City's official zoning map to change the zoning for the portion of the project site that is located within the city of Garden Grove and to "pre-zone" the properties to be annexed to residential Planned Unit Development

(PUD-006-2017) with R-1 (Single-Family Residential) base zoning, be passed to second reading; and

Ordinance No. 2881 entitled: An Ordinance of the City Council of the City of Garden Grove approving a Development Agreement between the City of Garden Grove and Christ Catholic Cathedral Facilities Corporation for property located on the northwest corner of Lewis Street and Garden Grove Boulevard at 12901 Lewis Street, Assessor's Parcel Nos. 231-041-26, 231-041-27, 231-041-28 and 231-255-01, be passed to second reading.

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 AND FIRST READING OF AN ORDINANCE APPROVING AMENDMENT NO. A-017-2017 TO AMEND PORTIONS OF TITLE 9 OF THE MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS AND MAINTAINING THE BAN ON CANNABIS ACTIVITIES CONSISTENT WITH RECENT CHANGES TO STATE LAW, AND REPEALING CHAPTER 5.85
(F: 115.A-017-2017)

Following staff presentation and City Council discussion:

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

Speakers: Nicholas Dibs, Marc Leroux

With no further response from the audience, Mayor Jones closed the Public Hearing.

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

The Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Section 15061(b)(3); and

Ordinance No. 2882 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-017-2017 amending portions of Title 9 (Zoning Code) and repealing Chapter 5.85 of the Garden Grove Municipal Code adopting accessory dwelling unit regulations and maintaining the ban on cannabis activities consistent with recent changes to state law, be passed to second reading.

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 AND FIRST READING OF AN ORDINANCE APPROVING AMENDMENT NO. A-018-2017 TO AMEND TITLE 9 OF THE MUNICIPAL CODE TO UPDATE THE DEFINITIONS, OPERATING CONDITIONS, AND DEVELOPMENT STANDARDS PERTAINING TO CREMATORIUMS, MORTUARIES, FUNERAL HOMES, AND CEMETARIES (F: 115.A-018-2017)

Following staff presentation and City Council discussion:

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

Speakers: None

With no response from the audience, Mayor Jones closed the Public Hearing.

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

The Ordinance is categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Section 15061(b)(3); and

Ordinance No. 2883 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-018-2017, a zoning text amendment to portions of Chapters 9.04, 9.16, and 9.18 of Title 9 of the Garden Grove Municipal Code pertaining to crematoriums, mortuaries, funeral homes, and cemeteries, be passed to second reading.

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 A 60-MONTH LEASE AND MAINTENANCE CONTRACT TO SO CAL OFFICE TECHNOLOGIES FOR 27 MULTI-FUNCTION COPIERS (F: So Cal Office Technologies)

Following staff presentation and City Council discussion:

It was moved by Council Member K. Nguyen, seconded by Council Member Klopfenstein that:

A 60-month lease and maintenance contract be awarded to So Cal Office Technologies for 27 Xerox multi-function copiers in the amount of \$644,869.55; and

The City Manager be authorized to sign the lease and maintenance contract on behalf of the City, and make minor modifications as appropriate thereto.

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 THE FIRST AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF ORANGE TO PROVIDE FORENSIC SERVICES
(F: 55-County of Orange-Sheriff Coroner)

Council Member Beard stated that although he is employed by the County of Orange, he does not work for the Orange County Sheriff's Department and there is no conflict for him to vote on this matter.

Following staff presentation and City Council discussion:

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

The Amendment to the Agreement with the County of Orange to provide forensic services to the City, in the amount of \$525,153, for Fiscal Year 2017/2018, be approved; and

The Mayor be authorized to execute 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

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

ADOPTION OF A RESOLUTION OPPOSING STATE ASSEMBLY BILL 22 AS REQUESTED BY THE CITY COUNCIL (F: 67.2)

Following City Attorney Sandoval's presentation and City Council discussion that included a revision to the Resolution, it was moved by Council Member Klopfenstein, seconded by Council Member T. Nguyen that:

Resolution No. 9421-17 entitled: A Resolution of the City Council of the City of Garden Grove opposing Assembly Bill 22 and any legislation, which would allow communist party members to work for the state government, 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

DISCUSSION REGARDING PROPOSED SERVICE AUGMENTATIONS TO THE CITY'S PARAMEDIC PROGRAM AS REQUESTED BY CITY MANAGER STILES (F: 61.2)

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

This report be approved 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

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (Continued)

Council Member Beard announced the Strawberry Festival this weekend and wished everyone well on the upcoming Memorial Day. He commented on attending the annual ICSC RECon in Las Vegas, noting that it is the world's largest retail real estate convention with nearly 40,000 attendees representing retail and real estate interests. He commended Community and Economic Development Director Lisa Kim and her staff for doing a fine job representing the City at the convention. He noted that September 17, 2017, is Constitution Day, a day commemorating the formation and signing of the Constitution of the United States in 1787, which is a day dedicated to all Americans.

Council Member Beard moved to list a Resolution recognizing Constitution Day at a City Council meeting either prior to or on the September 12, 2017, meeting agenda, and was seconded by Council Member Bui. (F: 46.5)

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

Council Member O'Neill expressed his appreciation for the Veterans and their sacrifices, noting his family members who have served in the armed forces through the generations. He stated that he will be attending a Memorial Day event at the Magnolia Memorial Park on Monday the 29th at 10:00 a.m. He commented on the Ground Breaking Ceremony the Mayor and Council Members attended for Fire Station 6 and he is looking forward to the Ribbon Cutting Ceremony.

Council Member T. Nguyen thanked the Veterans for their service and expressed remembrance for fallen heroes.

Council Member K. Nguyen thanked Veterans for their service. She announced the 15th Anniversary Quinceanera Celebration on June 1, 2017, from 4:30 p.m. to 7:30 p.m. at the Buena Clinton Youth and Family Center located in District 6 at 12661 Sunswept Avenue, noting that along with games, music, entertainment, and sponsors, I Mobile Clinic will be at the event, which offers free vision care to underserved youth.

Council Member Klopfenstein wished all a Happy Memorial Day weekend and expressed her excitement for the upcoming Strawberry Festival. She noted that Vector Control has developed maps indicating hot spots for mosquitoes by district. The map is available to the public in print, and she is hoping to have the map posted to the City's website soon. Currently, Garden Grove has not tested positive for the West Nile Virus; however, surrounding communities have. Vector Control will have a booth at the Strawberry Festival; and she has met with Vector Control's District Manager, staff, and Senator Nguyen to discuss ways to alert and prepare the public if aerial spraying were to become necessary.

Council Member Bui expressed his gratitude to the men and women in uniform for their service. We are indebted to them so that we can enjoy freedom, as well as to their families, and most notably the Gold Star Mothers for their ultimate sacrifice of losing sons and daughters.

City Manager Stiles encouraged everyone to reflect and celebrate the upcoming Memorial Day weekend. The Strawberry Festival begins on Friday, May 26, 2017, with cake cutting at 6:00 p.m. on Main Street; Saturday, May 27th the Strawberry Stomp 5K will begin at 8:00 a.m. and the parade at 10:00 a.m. He further commented on the ICSC RECon in Las Vegas noting interest expressed for developing Harbor Boulevard with the expansion of the Convention Center in Anaheim; as well as potential development on Valley View Street. He was encouraged by discussions regarding the former Albertsons Grocery Store at Katella Avenue and Euclid Street, the former Vons Pavilions on Chapman Avenue west of Brookhurst Street, and bridging Little Saigon with hospitality uses. He expressed

his appreciation on behalf of himself and Lisa Kim and her staff for having a City Council Member attend ICSC, as it empowers and ensures that the staff is moving forward in the appropriate direction in support of meeting the City's stated goals.

Mayor Jones stated that prior to going into Closed Session, he will be adjourning the meeting in memory of Kirk Tietjen, a retired employee with the City's Public Works Department who was instrumental with the City of Garden Grove being named Tree City U.S.A. for 14 consecutive years, as well as his work during his career with the City keeping the flood channels clean and free of debris.

CONVENE CLOSED SESSION

At 9:10 p.m., Mayor Jones announced that the City Council was going into Closed Session in the Founders Room to discuss the following matter:

Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code Section 54956.9(d)(4):
One potential case

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

ADJOURN CLOSED SESSION

At 9:20 p.m., Mayor Jones adjourned Closed Session.

RECONVENE REGULAR MEETING

At 9:21 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

CLOSED SESSION REPORT

City Attorney Sandoval announced that the City Council authorized the City Attorney to commence abatement action for property located at 8605 Mac Kay Road, Garden Grove.

ADJOURNMENT

At 9:22 p.m., Mayor Jones adjourned the meeting in memory of Kirk Tietjen. The next City Council Meeting will be held on Tuesday, June 13, 2017, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk