

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, January 26, 2016

Courtyard Center
12732 Main Street, Garden Grove, CA 92840

CONVENE CLOSED SESSION

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

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

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 Activity Room to discuss the following matters:

Conference with Legal Counsel— Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Montoya vs. Garden Grove, OCSD Case No. 30-2015-00799522-CU-MC-CJC

Conference with Labor Negotiators
Pursuant to Government Code Section 54957.6(f)
City Designated Representative: Laura Stover, Human Resources Director
Employee Organizations: Garden Grove Police Association

Conference with Legal Counsel— Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)
Stout v. City of Garden Grove, OCSC Case No. 30-2014-00756355

ADJOURNMENT OF CLOSED SESSION

At 7:04 p.m., Mayor Nguyen adjourned the Closed Session.

CONVENE REGULAR MEETING

At 7:08 p.m., Mayor Nguyen convened the meeting.

ROLL CALL PRESENT: (3) Mayor Nguyen, Council Members Beard, Phan
 ABSENT: (2) Council Member Bui
 Council Member Jones absent at Roll Call,
 joined the meeting at 9:00 p.m.

CLOSED SESSION REPORT

Acting City Attorney Sandoval announced that there was no reportable action on the Labor Negotiations or the Stout v. City of Garden Grove existing litigation.

Regarding the Montoya vs. Garden Grove existing litigation, City Council considered the proposed settlement agreement with Rickk Montoya and the Central Garden Grove Neighborhood Association and decided to take action on the item in Open Session. Highlighting the major terms of the agreement, the City Council election will have six districts with an at-large Mayor. Four districts will be elected in 2016. The term of office for City Council Members elected from three of the districts will be four years, and the initial term of office for the City Council Member elected from one of the districts will be two years. One of the four districts elected in 2016 must have the highest proportion of Latinos by citizen voting age population. The City will pay the Association's attorney fees and will pay Mr. Montoya's attorney fees and costs per the original settlement agreement with Mr. Montoya. (F: 55.1A)

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

The Settlement Agreement among Rickk Montoya, the City of Garden Grove, and the Central Garden Grove Neighborhood Association regarding By-District Elections be approved.

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

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

RECESS

At 7:10 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 7:17 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard and Phan present.

INVOCATION

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

ORAL COMMUNICATIONS

Speakers: Maureen Blackmun, Tony DeSimone, Nicholas Dibs, Sean Donahoe, Tony Flores, John Holm, Vu Mai, Josh McIntosh, Charles Mitchell, Lee Ostendorf

RECESS

At 7:38 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 7:43 p.m., Mayor Nguyen reconvened the meeting with Council Members Beard and Phan present.

WRITTEN REQUEST – FOR USE OF WILLOWICK GOLF COURSE FOR ANNUAL GARDEN GROVE COMMUNITY FOUNDATION GOLF CLASSIC (F: 88.1)

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

The Garden Grove Community Foundation be approved to use Willowick Golf Course for its annual Golf Classic.

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

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

WRITTEN REQUEST – FROM THE GARDEN GROVE FARMERS MARKET DIRECTOR TO WAIVE ANNUAL FEE ASSOCIATED WITH THE GARDEN GROVE FARMERS MARKET (F: 88.1)

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

The annual fee associated with the Garden Grove Farmers Market be waived.

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

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

2016 INVESTMENT POLICY; RE-APPOINTMENT OF A CITY TREASURER AND A DEPUTY CITY TREASURER; AND DELEGATION OF INVESTMENT AUTHORITY (F: 127.7)

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

The 2016 Investment Policy be approved;

Kimberly A. Huy be reappointed as City Treasurer, and Kingsley Okereke as the Deputy City Treasurer; and

The City Treasurer and Deputy City Treasurer be delegated the responsibility to invest or to reinvest City funds.

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

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

FIRST AMENDMENT TO AN AGREEMENT WITH COMMUNITY ACTION PARTNERSHIP OF ORANGE COUNTY FOR GRANT FUNDING FOR PHYSICAL ACTIVITY OPPORTUNITY PROJECTS (F: 87.1A)

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

The attached First Amendment to an Agreement with the Community Action Partnership of Orange County be approved, and

The City Manager be authorized to sign and execute the First Amendment, including making any modifications during the contract period for the operation and implementation of the contract services.

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

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

ISSUANCE OF A PURCHASE ORDER TO APEX COMPUTER SYSTEMS, INC. FOR THE PURCHASE OF HEWLETT PACKARD COMPUTERS (F: 60.4)

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

The Finance Director be authorized to issue a purchase order to Apex Computer Systems, Inc. for the purchase of 90 new and unused Hewlett Packard Business Computers, in the amount of \$57,736.80.

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

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

PROJECT NO. S-1124-A MATERIAL STORAGE CANOPY ACCEPTED AS COMPLETE
(F: 55-Sayedali Alavizadeh Yazd dba Archico Design Build)

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

Project No. S-1124-A – Material Storage Canopy be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Works Improvement and Work; 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, Nguyen, Phan
Noes: (0) None
Absent: (2) Bui, Jones

DONATION REQUEST FROM THE VIETNAMESE AMERICAN FEDERATION OF SOUTHERN CALIFORNIA (F: 87.7)

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

The donation of five (5) tables and eighty (80) chairs to the Vietnamese American Federation of Southern California to use within their new offices be authorized.

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

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

PARTICIPATION IN THE CITY OF SANTA ANA'S APPLICATION FOR A U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROMISE ZONE DESIGNATION (F: 117.10)

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

The City of Garden Grove's participation in the City of Santa Ana's application for a Housing and Urban Development Promise Zone Designation be authorized.

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

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

WARRANTS (F: 60.5)

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

Regular Warrants 598196 through 598714; Wires W1522 through W1529; 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.

Payroll Warrants 179224 through 168256; Direct Deposits D287310 through DD287976; and Wires W2198 through W2201 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 3-0-2 vote as follows:

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

WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Phan, 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, Nguyen, Phan
Noes: (0) None
Absent: (2) Bui, Jones

PUBLIC HEARING - AMENDED AND RESTATED OPERATING COVENANT AGREEMENT WITH AAA OIL, INC. DBA CALIFORNIA FUELS AND LUBRICANTS AT 11621 AND 11671 WESTMINSTER AVENUE (F: 55-AAA Oil, Inc. dba California Fuels and Lubricants)

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 Phan, seconded by Council Member Beard that:

Resolution No. 9338-16 entitled A Resolution approving Amended and Restated Operating Covenant Agreement between the City of Garden Grove and AAA Oil, Inc., dba California Fuels and Lubricants, be adopted; and

The City Manager is authorized to execute the Amended and Restated Operating Covenant Agreement, including any minor modifications as appropriate, and any other pertinent documents necessary to effectuate and/or implement the Agreement.

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

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

PUBLIC HEARING – DISTRICT ELECTIONS MAPPING PROCESS UPDATE (F: 58.13)

Following the presentation by staff and David Ely, consultant from Compass Demographics, Mayor Nguyen declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Maureen Blackmun, Nicholas Dibs, Tony Flores, John Goodman, Adrienne Holm, Josh McIntosh, Charles Mitchell

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

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

The presentation from David Ely, Compass Demographics, regarding voting district discussion maps and the first round of voting district formation community participation meetings to gather public input on district boundaries be received and filed; and

Mr. Ely be directed to prepare sample district maps with six districts for City Council and the public's consideration.

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

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

APPOINTMENT OF MICHAEL BARKER TO FILL THE VACANCY ON THE PLANNING COMMISSION (F: 122.10A)

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

Michael Barker be appointed to the City's Planning Commission.

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

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

FUNDING FOR 800 MHZ BACKBONE AND RADIOS (F:34.1)(XR: 61.1)(XR: 82.1)

Following staff's presentation, it was moved by Council Member Beard, seconded by Council Member Phan that:

The creation of the Communications Replacement Fund be approved;

The internal financing plan with the requisite \$4,005,060 transfer/loan from the Vehicle Replacement Fund to the Communications Replacement Fund to pay for the 800MHz CCCS backbone upgrade and P25 radios be approved; and

The annual budget allocation of \$600,000 from the benefiting departments and funds as appropriate to the Communications Replacement Fund for the repayment of the transfer/loan beginning in FY16-17, and accumulation of future replacement funds be approved.

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

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

INDEPENDENT FINANCIAL AUDITOR/CONTRACT WITH DAVIS FARR LLP FOR FISCAL YEAR 2015-16 THROUGH FISCAL YEAR 2019-20 (F: 55-Davis Farr LLP)

Following staff's presentation, it was moved by Council Member Phan, seconded by Council Member Beard that:

A contract be awarded to the highest scoring proposer, Davis Farr LLP, as the City's Independent Auditor for Fiscal Years 2015-16 through 2019-20, including two additional option years for audit and other additional services as outlined in the proposal from Davis Farr LLP, and to appropriate necessary funds including additional option years; and

The City Manager or his designee be authorized to execute the agreement, making minor modifications as necessary, and approve two additional option years for audit and other additional services as outlined in the proposal.

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

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

SECOND READING - ORDINANCE NO. 2863 PERTAINING TO CANNABIS DISPENSARIES, DELIVERY, AND CULTIVATION; AND CONFIRMING UNLISTED USES ARE PROHIBITED PRESENTED FOR SECOND READING AND ADOPTION (F: 115.A-015-2015)

(As approved earlier in the meeting: It was moved by Council Member Phan, seconded by Council Member Beard and carried by a 3-0-2 vote that Full Reading of Ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2863 into the record, and City Council discussion, it was moved by Council Member Phan, seconded by Council Member Beard that:

Ordinance No. 2863 entitled an Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-015-2015 amending Title 9 of the Garden Grove Municipal Code to update the City's land use regulations pertaining to cannabis dispensaries, delivery, and cultivation, and to confirm that uses not specifically identified in a zoning district are prohibited in that district, be adopted.

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

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

PRESENTATION ON SR22 BILLBOARDS PER CITY MANAGER STILES (F: 94.1)

COUNCIL MEMBER JONES JOINED THE MEETING AT 9:00 P.M.

Following staff's presentation, and City Council discussion, it was the consensus of the City Council that staff should continue to entertain offers for digital billboards along the SR22.

DISCUSSION ON THE QUALIFICATIONS OF CITY COMMISSIONERS, AS REQUESTED BY COUNCIL MEMBER BEARD (F: 122.1)

Following discussion by the City Council with Acting City Attorney Sandoval, staff was directed to develop and return to City Council with an Ordinance requiring all Commissioners be residents and qualified electors of the City.

DISCUSSION REGARDING THE PROVISION OF FINANCIAL SUPPORT NON-PROFIT ORGANIZATIONS, AS REQUESTED BY COUNCIL MEMBER BUI (F: 130.1)

Postponed to the February 9, 2016, City Council meeting.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (F122.10A)

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

The removal of Commissioner Vu Mai from the Planning Commission per Municipal Code 2.21.014, be listed on the February 9, 2016, City Council agenda.

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

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

Mayor Nguyen requested an update on the status of Police Personnel hiring; asked that the Police Department Complaint form be made available on-line; a cost analysis to hosting a Youth in Government Day as well as a Youth Commission be done; and announced his open door meeting schedule.

City Manager Stiles announced that nine new Firefighters would be starting on February 6, and five new Police Recruits would be starting on March 1. The Human Resources Department is working with the Police Department on two recruitments for Lateral Recruits and Regular Recruits. Mr. Stiles stated that he has given direction to expedite the filling of all Public Safety vacant funded positions in Public Safety.

ADJOURNMENT

At 9:50 p.m., Mayor Nguyen adjourned the meeting. The next City Council Meeting will be held on Tuesday, February 9, 2016, at 5:30 p.m. at the Courtyard Center, 12732 Main Street, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk