

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 13, 2018

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

CONVENE MEETING

At 6:35 p.m., Mayor Jones convened the meeting in the Council Chamber.

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

ABSENT:      (0)      None

MOMENT OF SILENCE TO HONOR THE VICTIMS AND FIRST RESPONDERS OF THE  
CAMP FIRE IN BUTTE COUNTY AND WOOLSEY AND HILL FIRES IN VENTURA  
COUNTY

INVOCATION

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

COMMUNITY SPOTLIGHT IN RECOGNITION OF THE GARDEN GROVE POLICE  
DEPARTMENT'S ACCIDENT REDUCTION TEAM FOR GOING BEYOND THE CALL OF  
DUTY TO REDUCE FATAL ACCIDENTS IN THE CITY

OVERVIEW AND TIPS FOR THE FALL SEASON AS PRESENTED BY LANAE O'SHIELDS,  
PUBLIC AFFAIRS MANAGER, WITH SOCALGAS

ORAL COMMUNICATIONS

Speakers: Rebecca Rienzo, Tom Raber, Paulette Holm

RECESS

At 7:02 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:03 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

PROCLAMATION DECLARING NOVEMBER 11-17, 2018, NATIONAL NURSE PRACTITIONER WEEK (F: 83.1)

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

A Proclamation declaring November 11-17, 2018, National Nurse Practitioner Week, 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

ADOPTION OF A RESOLUTION AMENDING THE CONFLICT OF INTEREST CODE PERTAINING TO DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES (F: 30.7)

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

Resolution No. 9391-16 be rescinded; and

Resolution No. 9530-18 amending the Conflict of Interest Code pertaining to designated positions and disclosure categories, 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

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

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$27,648.78 to National Auto Fleet Group for the purchase of one (1) new Police Department minivan.

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 NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW POLICE DEPARTMENT SEDAN

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$28,900.84 to National Auto Fleet Group for the purchase of one (1) new Police Department sedan.

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 NATIONAL AUTO FLEET GROUP FOR TWO (2) NEW POLICE DEPARTMENT SPORT UTILITY VEHICLES

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$52,730.96 to National Auto Fleet Group for the purchase of two (2) new Police Department sport utility vehicles.

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 SUBSCRIPTION AGREEMENT FOR CLEAR INVESTIGATIVE SERVICES WITH THOMSON REUTERS FOR LAW ENFORCEMENT-ONLY ACCESS TO INFORMATION DATABASES (F: 55 – THOMSOM REUTERS)

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

The subscription agreement with Thomson Reuters for CLEAR Investigative Services, be approved; and

The City Manager be authorized to execute the agreement 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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NTH GENERATION COMPUTING, INC., FOR THE PURCHASE OF A HEWLETT PACKARD ENTERPRISE NIMBLE STORAGE SOLUTION INCLUDING THREE YEARS SUPPORT

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

The City Manager or his designee be authorized to issue a purchase order to Nth Generation Computing, Inc., in the firm fixed amount of \$111,922.80 for a Hewlett Packard Enterprise Nimble Storage Solution, including three years of support.

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 OCTOBER 23, 2018 (F: VAULT)

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

Minutes from the meeting held on October 23, 2018, 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

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

Payroll Warrants 182845 through 182869 and 182870 through 182899; Direct Deposits D338411 through D339075, D339074 through D339743; and Wires W2522 through W2525, W2526 through W2529; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the City Manager or his designee; and

Regular Warrants 644443 through 644618, 644619 through 644880, 644881 through 645162; and Wires W2303 through W2309, W644618 through W644879, W2310 through W2317; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the City Manager or his designee.

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

#### WAIVER

It was moved by Council Member Bui, seconded by Council Member T. Nguyen 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

#### PUBLIC HEARING – INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-104-73 TO FACILITATE THE REDEVELOPMENT OF THE STARLIGHT CINEMA PROPERTY LOCATED AT 12101 AND 12111 VALLEY VIEW STREET

(F: 116.PUD-104-73 (REV. 2018))

*(As approved earlier in the meeting, it was moved by Council Member Bui, seconded by Council Member T. Nguyen, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)*

Following staff's presentation, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Jim Forgey, Marlund Hale, Thomas Utman announced they were available to answer any questions related to the project.

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, seconded by Council Member Bui that:

Ordinance No. 2895 entitled: An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-104-73 (Rev. 2018) amending the uses permitted on a portion of Planned Unit Development No. PUD-104-73 to facilitate development of an automatic car wash, a drive-thru pad restaurant, and a sit-down restaurant on the parcels located at 12101 and 12111 Valley View Street, and amending the sign requirements of the PUD, 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

AUTHORIZATION TO APPROPRIATE FUNDS FOR THE PREVIOUSLY APPROVED SIEMENS INDUSTRIES, INC., AGREEMENT FOR THE CITY'S FACILITIES ENERGY EFFICIENCY PROJECT (F: 34.1 – 24.1)

Following staff presentation, it was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

The appropriation of \$2,800,000 from the General Purpose Fund to make payments on the Siemens Industries, Inc. contract, as previously approved by City Council on July 10, 2018, be approved.

The motion carried by a 6-1 vote as follows:

Ayes: (6) Beard, O'Neill, T. Nguyen, Klopfenstein, K.  
Nguyen, Jones  
Noes: (1) Bui

AWARD A CONTRACT TO PACIFIC HYDROTECH CORPORATION AND APPROPRIATE FUNDING FOR THE CONSTRUCTION OF PROJECT 7359 – WEST HAVEN RESERVOIRS REHABILITATION PROJECT (F: 82.PROJ.7359)

Following staff presentation, it was moved by Council Member Klopfenstein, seconded by Council Member T. Nguyen that:

A contract to Pacific Hydrotech Corporation for \$4,464,635 for the construction of Project No. 7359 – West Haven Reservoirs Rehabilitation Project, be awarded;

That \$2,157,256.12 in the Water Enterprise Fund, be appropriated; and

The City Manager be authorized to execute the agreements on behalf of the City, and make minor modifications as appropriate.

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

INTRODUCTION AND FIRST READING OF AN ORDINANCE CHANGING THE DUE DATE FOR TEMPORARY FIREWORKS STAND PERMITS (F: 59.1 – 61.6)

*(As approved earlier in the meeting, it was moved by Council Member Bui, seconded by Council Member T. Nguyen, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)*

Following a presentation by City Attorney Sandoval, Council Member Klopfenstein moved, seconded by Council Member O'Neill that:

Ordinance No. 2896 entitled: An Ordinance of the City Council of the City of Garden Grove revising Section 5.28.030 of Chapter 5.28 of Title 5 of the Garden Grove Municipal Code changing the due date for submission of applications for temporary fireworks stand permits 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

INTRODUCTION AND FIRST READING OF AN ORDINANCE PRESENTED TO THE CITY'S VOTERS FOR APPROVAL AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 6, 2018, IMPOSING A 1% SALES TAX IN THE CITYU (F: 58.2.2018 – 58.9.2018)

*(As approved earlier in the meeting, it was moved by Council Member Bui, seconded by Council Member T. Nguyen, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)*

Following a presentation by City Attorney Sandoval, Mayor Jones moved, seconded by Council Member Beard that:

Ordinance No. 2897, entitled: An Ordinance of the People of the City of Garden Grove, adding Chapter 3.09 to Title 3 of the Garden Grove Municipal Code, imposing a Transactions and Use (Sales) tax to be administered by the California Department of Tax and Fee Administration be passed to second reading.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Beard, O'Neill, T. Nguyen, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None  
Abstain: (1) Bui

RECESS

At 7:33 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:49 p.m., Mayor Jones reconvened the meeting with all members present.

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

DISCUSSION ON THE PROPOSAL FROM THE ORANGE COUNTY FIRE AUTHORITY FOR FIRE SERVICES AS REQUESTED BY THE CITY COUNCIL (F: 61.1)

City Manager Scott Stiles introduced the item by providing a brief recap of recent meetings between City Staff, the Fire Association, Fire Management Association, the Orange County Fire Authority (OCFA), and three members of the City Council which included Council Member Bui, Council Member Klopfenstein, and Council Member K. Nguyen who met at meetings held on September 19<sup>th</sup>, November 1<sup>st</sup> and November 8<sup>th</sup>. The group has focused on developing a comprehensive comparative analysis that considered the needed resources in terms of costs for replicating OCFA's model. The group further discussed various assumption variables used in the analysis, as well as a sensitivity analysis with regard to salary schedule increases as requested by Mayor Jones. Lastly, the analysis also included consideration and discussion of the Paramedic Salary survey information and base pay data, as well as information of baseline data that would improve the City's competitive range at entry level.

Following Staff's PowerPoint presentation, Mayor Jones opened the floor for discussion by Council Members or members of the public.

Eric Thorson representing the Firefighters Association Local 2005 spoke in strong support for action of the City Council to start negotiations with the Orange County Fire Authority, which he stated would address the issues of response times, recruitment and retention, address increases in call-volume, as well as pension liability.

During discussion Council Member Beard highlighted some concerns which included the Full Cost Recovery component and impact of those fees to businesses in the City. He also noted that a Division Chief position would replace a Fire Chief position with only a certain degree of costs savings to the City. Additionally, he inquired about the potential impacts if the City of Irvine (Irvine) were to withdraw from

OCFA; OCFA representatives responded that fire services would not be impacted and overhead costs would be addressed through attrition and reserves, and not passed on to the City. Lastly, Council Member Beard agreed that the consensus is to improve fire services and response times; however, all analyses to date have demonstrated that costs will increase by going to OCFA, and the degree of those increases is dependent on the model applied. He noted that by going to OCFA, the City would forgo local control of the Fire Department; a significant factor that increases the risk of higher costs.

Following further City Council discussion, including questions for representatives speaking on behalf of the Orange County Fire Authority, Mayor Jones made closing remarks in which he acknowledged and agreed with Council Member K. Nguyen that consideration of a contingency plan is important and prudent in the event that a contract cannot be finalized with OCFA. He also noted the importance of potential employment impacts for non-sworn personnel as a result of the transition to OCFA and wants the City to be sensitive and mindful of those impacts during negotiations. Furthermore, he agreed that the City Council needs to keep its options open. However, he acknowledged the difficulty that if the City were to prepare a plan to stay in-house, the City would need to begin labor negotiations, initiate the hiring of a fire chief, begin to address infrastructure needs, etc., variables which he noted had been included in the spreadsheets so the City should not dismiss any of that information until the City has a signed contract with OCFA.

There being no more comments from the City Council or the public, Mayor Jones moved, seconded by Council Member O'Neill that:

The City Manager be directed to begin negotiations with the Orange County Fire Authority.

The motion carried by a 6-1 vote as follows:

Ayes: (6) O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen,  
Jones  
Noes: (1) Beard

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

Mayor Pro Tem Beard wished Council Member O'Neill a happy birthday. He also congratulated Council Member T. Nguyen, Council Member Bui, and Mayor Jones on their re-election. He commended all candidates for their participation and efforts in this election. Additionally, Mayor Pro Tem Beard acknowledged all Veterans in consideration of the recently observed holiday and hoped they enjoyed a well-deserved dedicated day. Lastly, he wished everyone a Happy Thanksgiving.

Council Member O'Neill thanked everyone for their birthday wishes and stated he was grateful for his supportive family. He mentioned his attendance at the Veteran's Day event at the Orange County Fairgrounds over the weekend. He expressed heartfelt thoughts and prayers for the victims of the recent fires, as well as victims of the recent tragic shootings.

Council Member T. Nguyen wished Council Member O'Neill a happy birthday. She congratulated Mayor Jones and Council Member Bui on being re-elected. She thanked everyone and acknowledged and further agreed on Mayor Pro Tem Beard's commendation of candidates that participated in this election.

Council Member K. Nguyen wished Council Member O'Neill a happy birthday. She congratulated Council Member T. Nguyen, Mayor Jones and Council Member Bui on being re-elected. She expressed same sentiments regarding Veteran's Day, as well as thoughts and prayers for the victims of the recent mass shooting. She thanked fire fighters for their patience in working through the Orange County Fire Authority proposal consideration and process. Additionally she thanked them for their service.

Council Member Klopfenstein wished Council Member O'Neill a happy birthday. She also congratulated her colleagues on their victories on re-election. Additionally she expressed excitement on the progress of the Steelcraft project; the community is looking forward to its completion.

Council Member Bui wished Council Member O'Neill a happy birthday. He thanked his colleagues for congratulating him on his re-election, but he especially thanked and expressed his appreciation of the residents of Garden Grove who turned out to vote in this mid-term election. He noted that over six thousands votes were cast in District 1, while District 4 had more than five thousand voters cast their ballots. He pledged to continue to give his energy and time to serve the community and is looking forward to working with his colleagues for another four years.

Council Member Beard added that he wanted to congratulate George Brietigam III on his win for Council Member seat for District 1.

City Manager Scott Stiles shared that in light of the developing wildfires over the weekend, he reached out to John Pietig who is the City Manager for City of Laguna Beach to offer support during these challenging times. Mr. Pietig advised that best assistance was to be supportive of fire department deployments to affected areas. He also thanked Mayor Pro Tem Beard for his help with the Valley View Theater project and highlighted that this project could be the beginning of a transformation for the area. He also highlighted the progress of the Steelcraft project, which should near completion in the spring. In relation to Measure O, City Manager Stiles stated that he anticipates working with the City Council shortly after the start of the new year, on the structure or model of the Oversight Committee. Lastly, he congratulated John Montanchez and Lisa Kim on developing a plan to provide

holiday lighting to highlight historic Main Street, Gem Theater and possibly City Hall, all as part of Re: Imagine Garden Grove.

Council Member Bui congratulated George Brietigam III on his win for Council Member seat for District 1, and shared that he had the privilege to serve with him on the Planning Commission. Additionally he wanted to express his appreciation for Police and Fire responders and their dedication, especially in times of major disasters like the current fires affecting California.

#### CONVENE CLOSED SESSION

At 9:42 p.m., Mayor Jones announced that the City Council was going into Closed Session in the Founders Room to discuss the following matters:

#### CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6(F)

City designated representative: Laura Stover, Human Resources Director  
Employee organization: Garden Grove Police Association

#### ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

#### ADJOURN CLOSED SESSION

At 10:23 p.m., Mayor Jones adjourned the Closed Session.

#### CONVENE REGULAR MEETING

At 10:23 p.m., Mayor Jones convened the meeting in the Council Chamber with all Council Members present.

City Attorney Sandoval announced that there was no reportable action.

#### ADJOURNMENT

At 10:24 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, November 27, 2018, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Lizabeth Vasquez  
Deputy City Clerk