

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 27, 2018

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

CONVENE MEETING

At 6:33 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

RECESS

At 6:34 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 6:36 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

INVOCATION

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

COMMUNITY SPOTLIGHT IN RECOGNITION OF THE 2018 MISS GARDEN GROVE
AND MISS GARDEN GROVE'S OUTSTANDING TEEN AND THEIR COURTS OF HONOR

ORAL COMMUNICATIONS

Speakers: Tom Raber, John Rowles, Gail Taylor, Maureen Blackmun, Craig Durfey

RECESS

The Extension of Term of Negotiation Period to the Second Amended and Restated Exclusive Negotiation Agreement (ENA), be approved; and

The City Manager be authorized to make minor modifications, execute pertinent documents, and amend or extend the ENA period.

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 THE FISCAL YEAR 2017-18 DEVELOPMENT IMPACT FEE ANNUAL REPORT (F: 60.2D)

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

The Fiscal Year 2017-18 Development Impact Fee Annual Report as required by Government Code Section 66006 (b), 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

ADOPTION OF A RESOLUTION ADOPTING THE FISCAL YEAR 2017-18 MEASURE M2 ANNUAL EXPENDITURE REPORT (F: 23.18C)

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

Resolution No. 9531-18 entitled: A Resolution of the City Council of the City of Garden Grove concerning the Fiscal Year 2017-18 Measure M2 Annual Expenditure Report, 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

AWARD A CONTRACT TO FOSTER MORRISON CONSULTING TO DEVELOP A LOCAL HAZARD MITIGATION PLAN (F: 24.13)

This matter was considered later in the meeting.

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW PUBLIC WORKS FLATBED TRUCK

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

The City Manager or his designee be authorized to issue a purchase order in the amount of \$65,318.05 to National Auto Fleet Group for the purchase of one (1) new Public Works flatbed 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 NATIONAL AUTO FLEET GROUP FOR FOUR (4) NEW PUBLIC WORKS ALL-ELECTRIC SEDANS

This matter was considered later in the meeting.

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON NOVEMBER 13, 2018 (F: VAULT)

This item was considered later in the meeting.

WARRANTS

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

Regular Warrants 645163 through 645476 and Wires W2318 through W2330, 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

Payroll Warrants 182689 through 182927; Direct Deposits D339742 through D340404; and Wires W2530 through W2533; 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 K. Nguyen, 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

AWARD A CONTRACT TO FOSTER MORRISON CONSULTING TO DEVELOP A LOCAL HAZARD MITIGATION PLAN (F: 24.13)

Following staff presentation, Council Member K. Nguyen noted the cost of the contract is substantially covered through FEMA grant funding.

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

A contract be awarded to Foster Morrison Consulting to develop a Local Hazard Mitigation Plan to be funded through FEMA grant funds in the amount of \$74,400, and the local matching funding in the amount of \$25,000, for a total amount of \$99,400; 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 NATIONAL AUTO FLEET GROUP FOR FOUR (4) NEW PUBLIC WORKS ALL-ELECTRIC SEDANS

Following staff presentation, Council Member K. Nguyen noted the grant funding for this purchase, and Council Member Beard asked if the City currently has electric vehicles in its fleet.

Staff responded that the City does not have electric vehicles in its fleet, and noted that a charger station would be installed at the Municipal Service Center.

Following further City Council comments, it was moved by Council Member K. Nguyen, seconded by Council Member Beard that:

The City Manager or his designee be authorized to issue a purchase order in the amount of \$153,501.16 to National Auto Fleet Group for the purchase of four (4) new Public Works all electric sedans with \$113,501.16 to be funded through the Fleet Management Fund and \$40,000 to be reimbursed through Mobile Source Air Pollution Reduction Committee (MSRC) grant funding.

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 NOVEMBER 13, 2018
(F: VAULT)

Council Member Beard requested the meeting minutes be brought back to the next City Council meeting with an amendment to include comments he made under the discussion of the proposal with the Orange County Fire Authority regarding the need for analyses to include a full cost recovery and potential increases.

PUBLIC HEARING – ADOPTION OF A RESOLUTION ESTABLISHING AND AMENDING FEES CHARGED FOR THE SECURITY FEE AT THE COMMUNITY MEETING CENTER, COURTYARD CENTER AND SENIOR CENTER; RENTAL OF THE WEST HAVEN PARK BUILDING; AND THE REVISION OF FEES RELATED TO CITY SERVICES (F: 60.2A)

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: None.

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

Following City Council comments, it was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

Resolution No. 9532-18 entitled: A Resolution of the City Council of the City of Garden Grove establishing and amending security services and West Haven Park building rental fees, 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

PUBLIC HEARING - INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-103-76 (F: 116.PUD-103-76 (REV. 2018))

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

CITY ATTORNEY SANDOVAL RECUSED HIMSELF FROM THIS MATTER AS THE APPLICANT FOR THE AMENDMENT IS A CLIENT OF HIS FIRM, WOODRUFF, SPRADLIN & SMART

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: Tom Raber

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

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

Ordinance No. 2898 entitled: An Ordinance of the City Council of the City of Garden Grove approving an amendment to Planned Unit Development No. PUD-103-76 (Rev. 2018), amending Planned Unit Development No. PUD-103-76 to allow professional office uses within the "Industry" sub-district (Area 4) for parcels located with Assessor's Parcel Numbers 131-021-26, 27, 28, 33, 35, 36, 37, 38, 39, 44, 47 & 49; 131-331-36 & 40; 131-651-03, 04, 06, 08, 18, 19, 20, 21, 22, 25, 26, 27, 28, 32, 36, 37 & 38; and 936-751-31 thru 52, 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 A CONTRACT TO PARKWOOD LANDSCAPE MAINTENANCE, INC., IN RESPONSE TO RFP NO. S-1238-A TO PROVIDE LANDSCAPE MAINTENANCE SERVICES AT CITY PARKS, MEDIANS, FRONTAGES AND WELL SITES (F: 55 – PARKWOOD LANDSCAPE MAINTENANCE, INC.)

Following staff presentation and City Council discussion with a request from Council Member O’Neill for a six month update, it was moved by Council Member Klopfenstein, seconded by Council Member Beard that:

A contract be awarded to Parkwood Landscape Maintenance Inc., in the fixed amount of \$821,250, for a period of four (4) years and seven (7) months with an option to extend one year at a time at the sole option of the City; and

The City Manager be authorized to execute the agreement 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

SECOND READING AND ADOPTION OF ORDINANCE NO. 2895
(F: 116.PUD-104-73 (REV. 2018))

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

Following the reading of the title, it was moved by Council Member Beard, seconded by Council Member O’Neill 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 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

SECOND READING AND ADOPTION OF ORDINANCE NO. 2896 (F: 59.1 – 61.6)

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

Following the reading of the title, it was moved by Council Member Klopfenstein, seconded by Council Member T. Nguyen 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 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

SECOND READING AND ADOPTION OF ORDINANCE NO. 2897
(F: 58.2.2018 – 59.9.2018)

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

Following the reading of the title, it was moved by Council Member K. Nguyen, seconded by Council Member Beard that:

Ordinance No. 2897 entitled: An Initiative 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 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

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

Council Member Beard commented that he hoped everyone enjoyed their Thanksgiving holiday and that his heart goes out to everyone impacted by the recent fires. He stated that he did not have enough time to review the sensitivity

analysis related to the OCFA proposal. He indicated there was an error or an overinflated number, and was not comfortable moving forward with negotiations as approved by the City Council at the November 13, 2018, meeting. He stated that he would like to make a motion to bring the OCFA proposal back on the agenda for consideration for the purpose of reviewing the information in the spreadsheets by a third party independent review to be done by the consultant with Management Partners, Bobby Magee, who is temporarily filling in for the recently retired Finance Director.

Council Member K. Nguyen seconded the motion.

Mayor Jones noted that over the past several months, they have been reviewing a range of input including review by Management Partners.

Council Member Beard noted that the sensitivity analyses that was provided just prior to the meeting substantially changed the cost comparison and added four million dollars.

Council Member K. Nguyen stated that she would like to amend Council Member Beard's motion to include a third party review and to develop a contingency plan in the event the City does not move forward with a contract with OCFA. She further stated that she would like to review analyses with competitive projections that would put the City's Fire Department in a better situation.

Council Member Beard explained that regardless of the numbers that have been provided, the City would have the same labor, equipment and infrastructure under OCFA, but would be paying 1.5 million dollars more a year. He agreed that the consensus is to improve the level of service; however, inflating the numbers skews the analysis and he would like to see the City be in control of Fire services and utilize funding in other needed areas for the City. Full fee recovery analysis is needed, which is a critical part to consider, as well as the cost to businesses, before moving the Fire Department under OCFA.

Council Member K. Nguyen stated that by not looking at the costs analyses side by side they are not doing their due diligence.

City Attorney Sandoval stated procedurally the City Council would need to vote on whether to bring the item back as an action item.

Following City Council discussion, consensus by Mayor Jones, Council Member O'Neill, Council Member Bui, and Council Member Klopfenstein was that there has been enough analyses and discussion, and that direction was provided to staff to move forward with the negotiations as approved at the last City Council meeting with the intent to provide a contingency plan.

City Manager Stiles stated that OCFA will need time to put together an agreement to be brought forward for the City Council's review and careful consideration, and noted that City staff will provide analysis for a contingency plan in the event that the City Council decides against contracting with OCFA.

Following further City Council discussion, Council Member Beard's motion to bring this matter back as an agenda item for discussion, seconded by Council Member K. Nguyen failed by the following vote:

Ayes: (3) Beard, T. Nguyen, K. Nguyen
Noes: (4) O'Neill, Bui, Klopfenstein, Jones

Council Member K. Nguyen noted for the record the failed motion to bring back the OCFA proposal for discussion is a no vote to develop a contingency plan.

Council Member O'Neill wished everyone a Happy Thanksgiving, and encouraged residents to look up the Garden Grove calendar on the City's website for upcoming events. He asked that people be cautious and safe with their Christmas decorations, noting there have been too many fires lately including some fatalities.

Council Member T. Nguyen encouraged everyone to be safe and to drive safely through the upcoming holiday season.

Council Member Klopfenstein commented to Mayor Pro Tem Beard that it has been a pleasure working with him on the Council for the past two years; she expressed appreciation for their conversations and time spent at events, thanking him and wishing him the best.

Council Member Bui thanked Mayor Pro Tem Beard for his service to the City as a Planning Commissioner, Planning Commission Chair, and his time on the City Council, and that it has been a great pleasure working with him throughout the years. He asked that staff think about how to inform the residents on where they can call for service during City Hall and Public Works holiday closure, noting that many people are unaware that they need to contact Police Dispatch for any issues with their water services.

City Manager Stiles thanked Council Member Bui and stated that staff will get the word out about the holiday closure. He noted that the Christmas Tree Lighting will be on Saturday between 4:00 p.m. and 8:00 p.m., and that hopefully the forecast for rain will not delay this event. He encouraged the community to visit the City's website and social media platforms to learn about how to participate in the Buy in Garden Grove campaign through December 14, 2018. Shoppers who buy in Garden Grove can take their receipts totaling \$50 or more to the Garden Grove Chamber of Commerce on Main Street for a chance to win \$500 cash, or a one night stay at the Great Wolf Lodge. He reminded everyone that the dollars spent in Garden Grove

help to support public safety, roads, parks, and quality of life needs for the community.

CONVENE CLOSED SESSION

At 8:47 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 9:36 p.m., Mayor Jones adjourned the Closed Session.

CONVENE REGULAR MEETING

At 9:37 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 9:38 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, December 11, 2018, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk