

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, July 9, 2019

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

CONVENE CLOSED SESSION

At 5:35 p.m., Mayor Jones convened Closed Session in the Founders Room.

ROLL CALL PRESENT: (6) Council Members Brietigam, T. Nguyen, Bui,
K. Nguyen, Mayor Pro Tem Klopfenstein,
Mayor Jones

ABSENT: (1) Council Member O'Neill was absent at Roll
Call, but joined the meeting at 6:00 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CLOSED SESSION MATTERS

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1):
Canatsey v. Garden Grove, et al., OCSC Case No.: 30-2018 00995493

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

City designated representative: Laura Stover, Human Resources Director
Employee organization: Police Management.

ADJOURN CLOSED SESSION

At 6:25 p.m., Mayor Jones adjourned Closed Session.

CONVENE REGULAR MEETING

At 6:34 p.m., Mayor Jones convened the Regular Meeting in the Council Chamber with all Council Members present.

INVOCATION

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

REPORT FROM THE OC HUMAN RELATIONS COMMISSION AS PRESENTED BY CHRISTIAN LOPEZ

ADOPTION OF A PROCLAMATION HONORING THE 14TH DALAI LAMA'S 84TH BIRTHDAY (F: 83.1)

It was moved by Mayor Jones, seconded by Council Member Bui that:

A Proclamation honoring and celebrating July 6, 2019, as the 84th birthday of His Holiness the 14th Dalai Lama, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes:	(7)	Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes:	(0)	None

The Proclamation was presented to Lobsang Glaysten and Sonam Wangchuk from the Namgyal Monastery of Orange County.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (F: 27.1) (F: 61.1) (F: 61.6) (F: 82.1)

City Manager Stiles requested a brief update from Police Chief DaRé, Acting Fire Chief McGovern, and Animal Control Supervisor Mark Ladney on the July 4th holiday. Chief DaRé noted an increase in calls for service between July 1 and July 5, and an increase of proactive policing from last year, that resulted in 75 Administrative Citations issued and 250 pounds of illegal fireworks seized. Acting Fire Chief McGovern stated that there were seven dumpster fires on July 4th, there were no major fires, and there were two separate medical emergencies caused from mortar explosions. Mark Ladney reported that although numerous calls, voice mail and email messages were placed, only six calls needed a field response that included two loose dogs, two dead animals, one dog bite and one injured animal. On July 1st through July 8th, Animal Control received nine calls for loose animals and fourteen calls for animals found in the city. City Manager Stiles stated that a written report will be provided.

Mayor Jones thanked staff for the information provided and for those who worked on the holiday.

Council Member Klopfenstein requested a map be developed to pinpoint hotspots in the city without compromising addresses.

ORAL COMMUNICATIONS

Speakers: Tom Raber, Rick Castro, Marian Li, Leland Sisk, Patrick O'Connor, Nicholas Dibs.

RECESS

At 7:06 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:08 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A PROCLAMATION HONORING THE 14TH DALAI LAMA'S 84TH BIRTHDAY (F: 83.1)

This matter was considered earlier in the meeting.

ADOPTION OF A PROCLAMATION DECLARING JULY AS PARKS MAKE LIFE BETTER! MONTH (F: 83.1)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

A Proclamation celebrating July as Parks Make Life Better! Month, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

APPROVAL OF AN AGREEMENT WITH THE CITY OF ANAHEIM TO RECEIVE SUB-AWARD GRANTS FUNDS FOR THE FISCAL YEAR 2016 PROGRAM TO PREPARE COMMUNITIES FOR COMPLEX COORDINATED TERRORIST ATTACKS (CCTA) GRANT (F: 55-CITY OF ANAHEIM) (F: 82.15)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

A sub-award grant funding, in the amount of \$14,828, under the agreement with the City of Anaheim to administer the Fiscal Year 2016 Program to Prepare Communities for Complex Coordinated Terrorist Attacks (CCTA) Grant, be approved; and

The City Manager and the Chief of Police be authorized to sign the agreement with the City of Anaheim on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

APPROVAL OF AN AMENDMENT TO THE SITE LICENSE AND USE AGREEMENT AT
PIONEER PARK WITH ESPARZA SOCCER ACADEMIC, INC.
(F: 55-ESPARZA SOCCER ACADEMIC, INC.)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

The Amendment to the Site License and Use Agreement with Esparza Soccer Academic, Inc., for the outdoor hockey rink facility at Pioneer Park, be approved; and

The City Manager be authorized to sign the agreement and to approve future amendments to the Site License and Use Agreement with Esparza Soccer Academic, Inc., on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

ACCEPTANCE OF PROJECT NO. 7009 – FIRE STATION NO. 6 AND COMMUNITY
BUILDING AS COMPLETE (F: 61.PROJ.7009)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

Project No. 7009 – Fire Station No. 6 and Community Building 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 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

AWARD A CONTRACT TO CALIFORNIA FACILITY SPECIALTIES INC. FOR PROJECT NO. S-1255 – GYMNASIUM BLEACHER REPLACEMENT AT THE GARDEN GROVE SPORTS AND RECREATION CENTER LOCATED AT 13641 DEODARA DRIVE, GARDEN GROVE (F: 73.5C.PROJ.S-1255)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

A contract be awarded to California Facility Specialties Inc., in the amount of \$57,500, for Project No. S-1255 – Gymnasium Bleacher Replacement at the Garden Grove Sports and Recreation Center located at 13641 Deodara Drive, Garden Grove; and

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

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

ADOPTION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FORMAL BIDDING PROCESS TO PROCEED WITH EMERGENCY REPAIRS TO WELL NO. 31 (F: 112.11)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

Resolution No. 9578-19 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the City Manager or his designee to waive the formal bidding process as an emergency condition, declaring the necessity thereof, and authorizing staff to proceed with emergency repairs to Well No. 31, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH DEWBERRY ARCHITECTS, INC., TO CONDUCT A SPACE NEEDS ASSESSMENT OF THE GARDEN GROVE POLICE DEPARTMENT FACILITIES (F: 55-DEWBERRY ARCHITECTS, INC.)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

An agreement with Dewberry Architects, Inc., be authorized in the amount of \$225,045, for the purpose of conducting a Space Needs Assessment of the Garden Grove Police Department facilities; and

The City Manager, or his designee, be authorized to execute the agreement and make any modifications as needed on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON JUNE 25, 2019 (F: VAULT)

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

Minutes from the meeting held on June 25, 2019, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

WARRANTS

It was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

Regular Warrants 651938 through 652380; 652381 through 652590; Wires W2535 through W2540; W652380 through W652590;; and

Payroll Warrants 183372 through 183424; Direct Deposits D350501 through D351201; and Wires W2601 through W2609; be received and filed 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) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

ADOPTION OF A RESOLUTION APPOINTING A CITY COUNCIL MEMBER TO THE
ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS (F: 46.1) (F: 61.1A)

Mayor Jones moved to appoint Council Member O'Neill, seconded by Council Member Brietigam.

Council Member Bui expressed that he would like to be considered noting that as a senior member on the City Council he has worked hard and has yielded important committee positions to other Council Members. Council Member O'Neill stated that he also has deferred to others, and that he will work hard, commit to attending all of the meetings and do his homework.

Mayor Jones noted that several Council Members have asserted their desire to serve on the OCFA Board, and he believes that each would do a good job; however, he does recommend Council Member O'Neill serve.

Following further City Council discussion, Mayor Jones called for the vote that:

Resolution No. 9579-19 entitled: A Resolution of the City Council of the City of Garden Grove, California, designating and appointing its representative, Council Member O'Neill, to the Orange County Fire Authority's Board of Directors, be adopted.

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

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

APPOINTMENT TO FILL THE VACANCY ON THE TRAFFIC COMMISSION (Continued from the June 25, 2019, meeting.) (F: 122.11A)

Following a statement from Mayor Jones on the qualifications of the applicant to serve as a Traffic Commissioner, it was moved by Mayor Jones, seconded by Council Member O'Neill that:

Kevin Hurley be selected to fill the vacancy left by the resignation of Kevin Rodgers, and to complete the term on the Traffic Commission.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

AUTHORIZE THE ISSUANCE OF PURCHASE ORDERS TO CEMEX, NATIONAL READY MIXED CONCRETE, AND ROBERTSON'S FOR CONCRETE MIX

Following staff introduction, it was moved by Council Member Klopfenstein, seconded by Council Member K. Nguyen that:

The Finance Director be authorized to issue three purchase orders for concrete mix in a fixed amount collectively not to exceed \$135,000 per year to be renewed annually for five (5) years and to be divided between Cemex, National Ready Mixed Concrete and Robertson's.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

AWARD A CONTRACT TO R.J. NOBLE COMPANY FOR PROJECT NOS. 7216 AND 7290, VARIOUS RESIDENTIAL STREETS REHABILITATION (F: 96.PROJ.7216/7290)

Following staff introduction, it was moved by Council Member K. Nguyen, seconded by Council Member O'Neill that:

A contract be awarded to R.J. Noble Company, in the amount of \$2,116,520 for Project Nos. 7216 and 7290, Various Residential Streets Rehabilitation; 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) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

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

DISCUSSION ON DISTRICT BUDGETS AS REQUESTED BY THE CITY COUNCIL

Council Member Brietigam commented that he initiated this matter because Garden Grove is the only city with districts without district budgets. He suggested that each district budget be in the amount of \$5,000 with the Mayor's budget to be \$10,000; that this funding would be used under limitations and with oversight by the City Manager with the purpose of using it for minor improvements or small events.

City Council consensus was in support of district budgets, but to have parameters established in order to prevent misuse of funds. Following further discussion, it was moved by Council Member Brietigam, seconded by Council Member O'Neill that staff be directed to research other cities, and to provide an analysis to establish parameters on district budgets. (F: 34.1) (F: 46.1)

The motion carried by a 7-0 vote as follows:

Ayes: (7) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

City Manager Stiles noted that there is a City Council contingency that was adopted through the biennial budget that does provide for \$40,000. Any funding used for a district project would be subject to a bidding process, and potential liability would be a consideration. He stated he would assign City Manager's staff to research and provide a report.

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

Council Member Brietigam stated that he is working with staff on a business recognition event for businesses celebrating a milestone such as 20 or 30 years plus in District 1. He stated that the cost would be about \$200 for certificates, and that once he has the event date he is hoping the Mayor will attend. He expressed that the illegal fireworks exploding in his district over the July 4th holiday was overwhelming, and he would like to resolve this issue suggesting a report and reward program. He stated that the City is in the public service business and that now that the budget has been adopted, he would like time taken to look into keeping City Hall open every Friday. He suggested employee rotation on Fridays in

order for employees to maintain a 9/80 schedule. He noted that he read the recently published article that the City did not fully disclose the cost of pay increases for Police Department staff in an agenda report, and stated that the article is inaccurate and disingenuous.

Council Member O'Neill expressed appreciation for the proactive approach taken by the Police Department, which is a good start to address illegal fireworks. He stated that the Police and Fire Departments are doing a great job, noting the difficulty with catching people exploding illegal fireworks. He noted one of his constituents at tonight's meeting bringing up the condition of the street in his neighborhood, and commented on the challenge shared by all of the districts in funding road improvements. He suggested the need for a 30 year plan for street, curb and gutter improvements. He commended Code Enforcement for their work and expressed the importance of property maintenance.

Council Member T. Nguyen agreed with Council Member Brietigam's suggestion to explore a report and reward program for illegal fireworks as long as it is within a legal framework. She wished Council Member K. Nguyen an early happy birthday.

Council Member K. Nguyen requested staff have the Resolution promoting harmony and safety be translated into the predominant languages and made available to people in order for them to be aware of their rights.

Council Member Klopfenstein thanked Ana Pulido and the Channel 3 staff for their work on the tip and toss challenge video to promote west Nile virus awareness, noting the very real threat of the virus to people and their pets. She wished Council Member K. Nguyen an early happy birthday.

City Manager Stiles noted that the Code Enforcement webpage has a link for reporting a violation. Census materials are slated to be provided to the City and more information on the process will be coming soon. The former Kia dealership on Garden Grove Boulevard has been demolished to make way for the next phase of the Brookhurst Triangle project. He noted that all of the Departments need to analyze how to meet staffing needs and any other challenges for keeping City Hall open every Friday. He stated that the Resolution promoting harmony and safety will be translated and posted online.

City Attorney Sandoval announced that no reportable action was taken during closed session. He noted that the Government Code does allow for a reward program for turning in perpetrators; however, it would be up to the City Council to establish and adopt parameters.

ADJOURNMENT

At 8:10 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, August 13, 2019, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk