

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, July 14, 2020

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

CONVENE CLOSED SESSION

At 6:10 p.m., Mayor Jones convened the meeting telephonically.

ROLL CALL PRESENT: (7) Council Members Brietigam, D. Nguyen, Bui,
Klopfenstein, K. Nguyen, Mayor Pro Tem
O'Neill, Mayor Jones

ABSENT: (0) None

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code 54956.9(d)(1): OCCORD v. City of Garden Grove, et al. OCSC Case No.: 30-2019-01102770

ADJOURNMENT OF CLOSED SESSION

Mayor Jones adjourned Closed Session at 6:33 p.m.

CONVENE REGULAR MEETING

Mayor Jones convened the meeting telephonically at 6:41 p.m. with all Council Members present.

INVOCATION

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

PUBLIC SAFETY AD HOC COMMITTEE UPDATE AS REQUESTED BY COUNCIL MEMBERS KIM NUGYEN, STEPHANIE KLOPFENSTEIN, AND DIEDRE THU-HA NGUYEN (F: 78.8)

Police Chief DaRé provided the history and purpose of the Commission on Accreditation Law Enforcement Agencies (CALEA), a nationally recognized organization of law enforcement professional membership associations. In 1988, under Police Chief Kessler, the Garden Grove Police Department (GGPD) achieved CALEA accreditation, and in 1998, was the first agency in the nation to receive the first CALEA award. Law Enforcement Accreditation focuses on best practices and provides a foundation to commit to excellence in law enforcement that includes leadership and resource management that emphasizes community policing. The next CALEA accreditation process, which is every three years, is August 2020.

Future goals to reduce risk and enhance accountability, includes the implementation and modernization of web based updates to policies based on current law, and clear and concise training modules utilizing Lexipol LLC, which is used by 95 percent of law enforcement agencies nationally, including campus police.

The Police Department implements an early warning system that is designed to assist supervisors to intervene when necessary to prevent negative consequences for employees and the department. Three types of issues related to an employee that includes use of force, activates an early warning system to be internally reviewed to determine a pattern of behavior or misconduct followed up through the chain of command.

The Juvenile Justice Center (JJC) was started in 1995 under Police Chief Raney with the purpose of providing a diversion center for minors. JJC has worked in partnerships with Garden Grove Police Detectives, Dare Officers, School Resource Officers, Orange County District Attorney Personnel, Orange County Probation Officers, Garden Grove Unified School District Personnel, Orange County Social Workers, and the Boys and Girls Club Family and Youth Outreach. Counselors work with youth offenders using a mental health approach, which provides an opportunity for providing a diversionary program and avoiding incarceration. The Center has proved to be a model for other Orange County cities, has remained consistent and has adapted to ongoing social and financial challenges.

Leading the way in Orange County, GGPD has been using in-car video systems since 2015, and since 2018, body cameras are used by all police officers.

The Garden Grove Police Department participates in the Peace Officer Standards and Training (POST) program, which requires police officers to receive bias and racial profiling awareness training every five years; however, CALEA guidelines require annual training. In April 2019, three Police Sergeants received bias based instructor training to become instructors for the department. All officers are trained in de-escalation techniques, interpersonal communications, and mental health crisis intervention, and are required to attend bi-annual interpersonal communication and de-escalation training certified by the California POST and all Garden Grove Officers

are on a bi-annual training schedule. Every officer receives mental health and crisis intervention training, skills that every officer uses on a daily basis. California POST requires each officer to receive this training in the academy with no mandated requirement beyond graduating from the academy. Under CALEA guidance, Garden Grove officers receive training on this topic every few years.

Chief DaRé has eliminated the Police Advisory Board to create a Chief's Advisory Council with a focus on youth and diversity, which provides an opportunity to foster an open exchange of philosophy and information. Several members have been selected from the community, including two Garden Grove Unified students. Additional members will be selected based on the best representation of the City's diverse population. Due to COVID-19, in-person meetings have not taken place; however, the first meeting took place telephonically on July 1, 2020.

During the school closure, the school district received over 80 threats of violence, and with full support of the Garden Grove Unified School District, the Garden Grove, Anaheim and Irvine Police Departments, and the Orange County Sheriff's Department have established the North School Mobile Assessment (NSMA) team that includes behavioral and mental health professionals with the purpose of analyzing, monitoring and investigating school threats. Participating with NSMA provides for a collaborative approach that enhances the Department's community response for safer neighborhoods.

ORAL COMMUNICATIONS

Speakers: Craig Durfey, Erika, Tony Flores, Mariela Vasquez, Lesley Rivera, Darius Durham II, Luis Morales, Mary Kim, Ashley Dao, Yara Merida, Joseph Guadagno, Chris Wood, Bella Guereca, Jacquelyn Do, Kevin W., Joshua Baird, Dominica Cao, Vivian Leduc, Antoinette Nguyen, Tran Nguyen, Gina Nguyen, Sarah Sulewski, Nancy Nguyen, Dakota Hill, Kris K, Luz Paz, Jennifer Mclean, Patrick Nicholas Mulligan, Cleopatra, Nicholas Dibs

Written Communications: David J. Peterson, Eleanor Nicklin, Josh, Mariela Rivas, Susan McFarlane, Lynn Moore, Kim Decker, Kay Kerney, Daisy Perez, James and Valerie Denton, Richard Carpio, Shyla Acquarelli, Josh McIntosh, Vickie Barber, Vianney Chavez Ranisa Smith, Robbie Lewis, Cassandro Prado, Christian Lopez, Willowick Rise, Jessica Ferrer, Kiela Villegas, Michelle Zuniga, Jacquelyn Do, Bryan Jesus Peraza, Cesar Quiroz, Andrea Guerra, Alison Hahm, Erik Jimenez Rodriguez, Sirley, Hector Villa, Greg Camphire, Quynh Tran, Joshua Kramer, Trang Liang, Mariko Takahashi, Roser Hong, Tanya Serrano, Moet Takahashi, Sabiha Kahn, Charlie Nguyen, Allen Bram, Connor Median on behalf of the Orange County Business Council, David Solis, Khang Bao, David J. Peterson, Lauren Abel, Benjamin Ready, Tony Flores, Nicholas Dibs

RECESS MEETING

At 9:09 p.m., Mayor Jones recessed the meeting.

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

AUTHORIZE THE ISSUANCE OF PURCHASE ORDERS WITH ECONOLITE CONTROL PRODUCTS AND JTB SUPPLY COMPANY INC., FOR FISCAL YEAR 2020-21 TRAFFIC CONTROL OPERATIONS

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

The Finance Director be authorized to issue a purchase order to Econolite Control Products, in the amount not-to-exceed \$75,000, to purchase traffic control products; and

The Finance Director be authorized to issue a purchase order to JTB Supply Company, Inc., in the amount not-to-exceed \$125,000, to purchase traffic control products.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

APPROVAL OF A HOME REPAIR PROGRAM ADMINISTRATION AGREEMENT WITH HABITAT FOR HUMANITY OF ORANGE COUNTY AND AUTHORIZE ALLOCATION OF ADDITIONAL FUNDING FOR ADMINISTRATIVE COST (F: 55-Habitat for Humanity)

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

The Home Repair Program Administration Agreement with Habitat for Humanity, be approved;

An additional \$40,000 in Fiscal Year 2020-21 CDBG funds, be approved; and

The City Manager be authorized to execute the agreement on behalf of the City.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON JUNE 23, 2020
(F: Vault)

It was moved by Council Member Brietigam, seconded by Council Member Bui that:
Minutes from the meeting held on June 23, 2020, be received and filed.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

WARRANTS

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

Payroll Warrants 184114 through 184128; 184129 through 184149; Direct Deposits D366142 through D366748; D366747 through D367364; and Wires W2706 through W2709; W2710 through W2713; 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, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

PUBLIC HEARING - ADOPTION OF A RESOLUTION TO ADOPT A VEHICLE MILES TRAVELED THRESHOLD AND TRAFFIC IMPACT ANALYSIS GUIDELINES, AS RECOMMENDED BY THE PLANNING COMMISSION (F: 100.1A)

Following staff's introduction, Council Member Brietigam stated his opposition, and Council Member Bui expressed concern on how this will impact the community, and wanted specific answers how this law will impact projects underway in his district.

Following further City Council discussion, Mayor Jones declared the public hearing open and asked if anyone wished to address the City Council.

Speakers: Craig Durfey

There being no further response from the audience, the public hearing was declared closed.

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

Resolution No. 9653-20 entitled: A Resolution of the City Council of the City of Garden Grove adopting "Vehicle Miles Traveled" Thresholds of Significance for purposes of analyzing transportation impacts under the California Environmental Quality Act and Traffic Impact Analysis Guidelines for Vehicle Miles traveled and level of service assessment, be adopted; and

The Traffic Impact Analysis Guidelines are found to be exempt from CEQA pursuant to CEQA Guidelines Section 15308.

The motion carried by a 5-2 vote as follows:

Ayes: (5) D. Nguyen, Klopfenstein, K. Nguyen, O'Neill, Jones
Noes: (2) Brietigam, Bui

PUBLIC HEARING – APPROVAL OF THE PERMANENT LOCAL HOUSING ALLOCATION 5-YEAR PLAN, AND ADOPTION OF A RESOLUTION AUTHORIZING AN APPLICATION FOR, AND RECEIPT OF, PERMANENT LOCAL HOUSING ALLOCATION GRANT PROGRAM FUNDS (F: 57.11)

Following staff's presentation, Mayor Jones declared the public hearing open and asked if anyone wished to address the City Council.

Speakers: None

There being no response from the audience, the public hearing was declared closed.

It was moved by Mayor Pro Tem O'Neill, seconded by Council Member Brietigam that:

The Permanent Local Housing Allocation 5-Year Plan be approved;

Resolution No. 9654-20 entitled: A Resolution of the City Council of the City of Garden Grove authorizing application for, and receipt of, permanent local housing allocation grant program funds, be adopted.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K. Nguyen, O'Neill, Jones
Noes: (0) None

APPROPRIATION OF \$617,600 IN CORONAVIRUS RELIEF FUNDS ALLOCATED THROUGH THE SUBRECIPIENT AGREEMENT BETWEEN THE COUNTY OF ORANGE AND THE CITY OF GARDEN GROVE FOR FISCAL YEAR 2019-20

(F: 55-County of Orange) (XR: 117.2A)

Following staff introduction and City Council questions, it was moved by Council Brietigam, seconded by Mayor Jones that:

Coronavirus Relief Fund grant in the amount of \$617,600, be appropriated to the Fiscal Year 2019-20 budget;

Any unused funds be carried over into Fiscal Year 2020-21; and

The amount remaining unspent as of December 30, 2020, be returned to the County by February 1, 2021.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

APPROPRIATION OF \$3,703,780.91 IN GRANT FUNDS RELATED TO CORONAVIRUS RELIEF FUNDING THROUGH THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) (F: 97.8)

Following staff introduction, it was moved by Council Brietigam, seconded by Council Member Bui that:

The Coronavirus Relief Funds allocated to the City of Garden Grove in the amount of \$3,703,780.91, be appropriated in Fiscal Year 2019-20; and

Carryover of any unused funds into Fiscal Year 2020-21, be authorized.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

CONSIDERATION TO OFFICIALLY NAME THE BIKE AND PEDESTRIAN TRAIL THE "CONGRESSIONAL MEDAL OF HONOR BIKE AND PEDESTRIAN TRAIL"
(F: 20.GPA-003-2018)

Following staff introduction and City Council discussion, it was moved by Council Member Brietigam, seconded by Council Member Bui that:

The Bike and Pedestrian Trail be officially named "Medal of Honor Bike and Pedestrian Trail."

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

AWARD A CONTRACT TO R.J. NOBLE COMPANY FOR PROJECT NO. 7220, VARIOUS RESIDENTIAL STREET IMPROVEMENTS (F: 96.PROJ.7220)

Following staff introduction and City Council comments, it was moved by Mayor Pro Tem O'Neill, seconded by Council Member Brietigam that:

A contract be awarded to R.J. Noble Company, in the amount of \$1,359,095, for Project No. 7220, Various Residential Street Improvements; 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, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

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

CONSIDERATION OF IMPLICIT BIAS TRAINING MODULE FOR CITY COUNCIL, CITY COMMISSIONERS, AND CIVILIAN CITY EMPLOYEES AS REQUESTED BY THE CITY COUNCIL (F: 10.8) (XR: 78.1)

Following introduction by City Manager Stiles, and comments from Council Member K. Nguyen, it was moved by Council Member K. Nguyen, to approve the training module.

Council Member Bui expressed his dissatisfaction of the training module after review as it is too rudimentary for supervisors and employees; however, thought it would be useful for the Planning Commissioners.

Council Member K. Nguyen stated that she agreed; however, it is a good start.

Following further City Council discussion, direction was provided to staff that the Mayor and each Council Member review the training module, and that the matter be brought back for a decision at the first meeting in August.

DISCUSSION ON THE ENTERPRISE RESOURCE PLANNING (ERP) PROJECT STATUS UPDATE, AS REQUESTED BY COUNCIL MEMBER BUI (F: 60.1)

Council Member Bui thanked the IT and Finance Department for all of their work on implementing the ERP and that they have successfully started the first phase with only minor issues and that Phase 1 is completed under budget.

DISCUSSION REGARDING A RESOLUTION OF THE CITY OF GARDEN GROVE REQUIRING THE WEARING OF FACE COVERINGS IN PUBLIC DURING THE COVID-19 LOCAL EMERGENCY AS REQUESTED BY COUNCIL MEMBER KIM NGUYEN (F: 117.2A)

Council Member K. Nguyen noted that this resolution is an effort to be transparent for the benefit of the residents, and reflects what has been passed at the State level, and that she would like to see outreach by the City to reinforce the message for everyone to wear a mask out in public.

Council Member D. Nguyen expressed support for the resolution, and understands the importance for people to take COVID-19 seriously. The CDC reported that if everyone wears a mask, we can get this under control. The seatbelt law saved lives, and masks will save lives and the economy.

Council Member Klopfenstein commented that she was uncomfortable with some of the proposed language in the resolution. As an alternative, she suggested that staff be directed to use social media for public outreach and education. She thanked the residents who are taking the pandemic seriously, and noted that most people out in public are wearing masks.

Council Member Brietigam agreed that everyone needs to do their part, but should be free to make the choice and live with the consequences. He expressed that adopting a resolution for a rule that is state mandated is adding another unnecessary level of government.

Council Member Bui encouraged everyone to wear a mask, but it needs to be a choice. He expressed that it could become a liability for the City by enforcing a law that is the job of the health department and the state.

Mayor Pro Tem O'Neill liked the way the City has been handling implementing what the state and county has mandated, and is in favor of focusing on education and to simply recommend wearing a mask.

Following further City Council debate, Council Member K. Nguyen moved, seconded by Council Member D. Nguyen to bring forward a resolution requiring the wearing of face coverings in public during the COVID-19 local emergency to be considered for adoption at the next City Council meeting.

The motion failed by a 2-5 vote as follows:

Ayes: (2) D. Nguyen, K. Nguyen
Noes: (5) Brietigam, Bui, Klopfenstein, O'Neill, Jones

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

Council Member K. Nguyen announced traffic improvements are coming soon near Santiago High School in District 6. She thanked city staff for ensuring the meeting ran smooth and thanked staff who sanitized the podium after each speaker. She addressed a formal complaint against her filed with the Fair Political Practices Commission (FPPC) by Garden Grove resident Tony Flores in regards to her vote in favor of the Community Workforce Agreement, after receiving campaign contributions from the union. She noted that the City Attorney explained to Mr. Flores that the campaign law had not been violated; however, Mr. Flores filed a formal complaint with the FPPC. She read the response from FPPC to Mr. Flores stating that campaign contribution laws had not been violated. She stated that Mr. Flores has obsessively targeted her, and speculated that this behavior is in response to disagreeing with positions she has taken on the dais. She stated that she will continue to express her views and use her vote to serve the disenfranchised and underserved in her district. She concluded by agreeing with Mr. Flores that the meeting should be adjourned in memory of Army Specialist Vanessa Guillen, who was sexually harassed and then viciously murdered. She stated that she prays for Ms. Guillen's family that they receive justice, and she prays for survivors of sexual assault, as well as for change to prevent sexual abuse.

Council Member Klopfenstein announced that Vector Control has identified a positive test for West Nile virus last week around the area of Brookhurst and Stafford, and recommended that residents get to know neighbors to share this information and to take extra precautions against mosquitoes.

Council Member Bui noted that campaign contributions are not considered a gift and wants to make it clear that he and other council members did receive contributions from the union at least a year before voting on the Community Workforce agreement. He expressed his opinion that as a matter of transparency and ethics, Council Member K. Nguyen should have recused herself from voting on the agreement because of receiving contributions a couple of months prior. He expressed shock at Council Member K. Nguyen's comments made at the last City Council meeting related to the perception of Asian people being dubbed as passive.

Council Member D. Nguyen encouraged everyone to wear masks, to stay healthy, and wished a happy birthday to Council Member K. Nguyen.

Mayor Pro Tem O'Neill wished Council Member K. Nguyen a happy birthday.

Council Member Brietigam stated he would like to reinvigorate the youth commission, and motioned to list it for discussion on the agenda at the next meeting. He suggested that a youth commission be combined with the Parks, Recreation and Arts Commission.

Council Member K. Nguyen seconded the motion; however, a stand-alone youth commission would be more appropriate. She asked that information be provided on what other cities are doing.

Council Member Brietigam expressed that he would like staff to come back with recommendations, and would like to take action at the next meeting.

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

Ayes: (7) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

Council Member Brietigam congratulated Brett Simpson, a former resident of Garden Grove, for being named as the Olympic surfing coach. He expressed concern about council members approving the Workforce Agreement after receiving campaign contributions, and noted that scenario was an example provided in the ethics training they received. He stated he was left speechless in reaction to racist, hateful comments expressed by Council Member K. Nguyen at the last meeting, and stated there is no justification for hate speech and that labeling white Americans with the same broad brush does not make the viewpoint factual, and those who stand by in the face of racism are just as guilty. Being mixed race, he denounces racism. He cautioned Council Member K. Nguyen that if she brings further hate speech to the dais, regardless of the race attacked, he will initiate a censure process to the council immediately.

City Manager Stiles stated that the next City Council meeting will be cancelled for summer recess; the 2020 Pavement Management program details will be brought to the City Council in August; Assistant City Manager, Maria Stipe, is working on the details for the ribbon and pin for essential workers that will be brought back in August for City Council consideration; the Census is continuing to be promoted, and that on Friday, July 24, 2020, there will be a Census caravan starting at the Stanton City Hall on Katella Avenue and end at SteelCraft on Euclid Street; Community Development and Economic Department staff are assisting small businesses by waiving all permit fees for outdoor dining and information on resources are available on the City's website; Community Relations will take the

lead on educating and informing the public on wearing masks and social distancing. He thanked Council Member Bui for his work and involvement in the progress of the ERP system, and commended the Finance and Information Technology Departments for all of their work replacing a forty year old automated financial system. He concluded by wishing everyone a happy summer recess.

Mayor Jones stated that there is nothing to report on the Closed Session matters, and he wished Council Member K. Nguyen a Happy Birthday.

ADJOURNMENT

At 1:06 a.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting scheduled on Tuesday, July 28, 2020, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk