

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, August 25, 2020

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

CONVENE CLOSED SESSION

At 6:02 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 – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(d)(4): Two potential cases.

ADJOURN CLOSED SESSION

Mayor Jones adjourned Closed Session at 6:35 p.m.

CONVENE REGULAR MEETING

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

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

ORAL COMMUNICATIONS

Speakers: Craig Durfey, Jacquelyn Do, Andrew Nguyen

Written Communications: Craig Durfey, Joshua Galiley, Bonnie Crawford, Laurance Collister, Dakota Hill, Joe Laricchia, Yara Merida, Karla Navarro, Paola Delafuente, Lynette Alvarado, Christine A., Darius, Angelica To, Liz, Theresa Bui, Spencer Bradley, Jacquelyn Do, Charlie Mendoza, Alejandro Guardado, Erika Higbee, Tobias P., Isabel Nguyen, Ashley Dao, Mariela Vasquez, Chad Mai, Julie Vinh, Kathy Le, Connie Tran, Anna Le, John Cao.

RECESS MEETING

At 6:54 p.m., Mayor Jones recessed the meeting.

RECONVENE MEETING

At 7:01 p.m., Mayor Jones reconvened the meeting with all Council Members present.

APPROVAL TO SUBMIT A RESPONSE TO THE GRAND JURY REPORT, OC RECYCLING: DOING IT THE RIGHT WAY (F: 23.1)

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

A letter in response to the findings and recommendations by the Orange County Grand Jury, be approved; and

Staff be authorized to submit the response to the Orange County Grand Jury.

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

AUTHORIZATION TO APPROPRIATE FISCAL YEAR 2018-19 PUBLIC SAFETY REALIGNMENT AND POSTRELEASE COMMUNITY SUPERVISION FUNDS TO FISCAL YEAR 2020-21 (F: 82.1) (XR: 82.15)

It was moved by Council Member Bui, seconded by Council Member Brietigam that: Appropriation of Fiscal Year 2018-19 Public Safety Realignment and Post-Release Community Supervision funds to the Police Department Fiscal Year 2020-21 budget, 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

APPROVAL OF AN AGREEMENT WITH LEXIPOL, LLC TO PROVIDE POLICE DEPARTMENT POLICY MANUAL MAINTENANCE AND SUPPORT, AND APPROPRIATION OF FUNDING FROM FISCAL YEAR 2020-21 (F: 55-Lexipol, LLC)

This matter was considered later in the meeting.

MINUTES (F: Vault)

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

The minutes from the meetings held on July 14, 2020, and August 11, 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 Bui, seconded by Council Member Brietigam that:

Payroll Warrants 184194 through 184209; Direct Deposits D368580 through D369183; Wires W2722 through W2725, 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; and

Regular Warrants – EFT Nos. 00001908 through 00001917; 00001918 through 00001926; Check Nos. 00664741 through 00668873; and 00664874 through 00665050, 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

WAIVER

Council Member Brietigam pulled this matter for discussion, and following clarification by City Attorney Sandoval, it was moved by Council Member Brietigam, seconded by Council Member Bui that:

Full reading of ordinances listed be waived.

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 AN AGREEMENT WITH LEXIPOL, LLC TO PROVIDE POLICE DEPARTMENT POLICY MANUAL MAINTENANCE AND SUPPORT, AND APPROPRIATION OF FUNDING FROM FISCAL YEAR 2020-21 (F: 55-Lexipol, LLC)

Council Member K. Nguyen noted that the Ad-Hoc Public Safety Committee that included Council Members D. Nguyen and Klopfenstein recommended policy and training transparency. Following City Council questions confirming that the agreement with Lexipol LLC, will assist the Police Department to implement current training and policy updates, it was moved by Council Member K. Nguyen, seconded by Council Member Klopfenstein that:

An agreement with Lexipol, LLC, in the amount of \$59,400, an annual subscription fee of \$26,736, and annual subscription fees in the amount of \$26,736, to provide Policy Manual maintenance and support for the Police Department; 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) Brietigam, D. Nguyen, Bui, Klopfenstein, K.
Nguyen, O'Neill, Jones
Noes: (0) None

PUBLIC HEARING - INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING AMENDMENT NO. A-027-2020 A ZONING TEXT AMENDMENT TO TITLE 9 OF THE MUNICIPAL CODE (ZONING CODE) (F: 115.A-027-2020)

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

Following the City Clerk reading of the title and staff introduction, Mayor Jones declared the public hearing open.

Speaker: Nicholas Dibs

Written Comment: Kadi Kiisk-Mohr

With no further testimony from the public, Mayor Jones declared the public hearing closed.

Council Members Brietigam, O'Neill, Bui, and Klopfenstein expressed deep concern that this state law will forever change the character of neighborhoods causing extreme density that will negatively impact city infrastructure.

Following further City Council discussion with Mayor Jones requesting that staff be directed to ensure the ordinance provides for as much local control possible and ensure compliance with state law, it was moved by Council Member Bui to continue this matter for two weeks, seconded by Council Member K. Nguyen.

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 - INTRODUCTION AND FIRST READING OF AN ORDINANCE
APPROVING AMENDMENT NO. A-028-2020 A ZONING TEXT AMENDMENT TO TITLE
9 OF THE MUNICIPAL CODE (ZONING CODE) (F: 115.A-028-2020)

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

Following the City Clerk reading of the title and staff introduction, Mayor Jones declared the public hearing open.

Speaker: Nicholas Dibs

Written Comment: Cesar Covarrubias, Executive Director, Kennedy Commission

With no further testimony from the public, Mayor Jones declared the public hearing closed.

Consensus from Council Members D. Nguyen, K. Nguyen, and Mayor Jones that action to adopt an ordinance would be to establish compliance with state law; and consensus from Council Members Brietigam, Bui, and Mayor Pro Tem O'Neill that the ordinance represents state legislative overreach impeding local control.

Following further discussion, it was moved by Council Member K. Nguyen, seconded by Council Member D. Nguyen that:

An Ordinance of the City Council of the City of Garden Grove approving Code Amendment No. A-028-2020, a zoning text amendment to Title 9 of the Garden Grove Municipal Code amending the Density Bonus and other incentives for affordable housing in the residential and mixed-use zones.

The motion failed to pass the Ordinance to second reading by a 3-3-1 vote as follows:

Ayes: (3) D. Nguyen, K. Nguyen, Jones
Noes: (3) Brietigam, Bui, O'Neill
Abstain: (1) Klopfenstein

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

UPDATE ON THE 2020 PAVEMENT MANAGEMENT PROGRAM AND PAVEMENT CONDITION INDEX AS REQUESTED BY THE CITY COUNCIL (F: 23.18)

Staff introduced a report that included street network budgetary needs and fiscal impacts of deferring maintenance with two scenarios: one at the existing budget level based on the assumption the City will spend a projected \$45.6 million over the next seven years in rehabilitation projects resulting in a 15 point decline with deferred maintenance costs tripling to \$298.4 million by Fiscal Year 2026/27; or two, maintain the City's Pavement Condition Index at 71 that requires the City to spend approximately \$23.6 million annually for a total of \$165.4 million over the seven-year analysis period, and would require an additional \$17 million annually from other city funding sources.

Council Member K. Nguyen thanked staff for providing more detailed information she requested, and gave credit to staff for allocating CDBG funds for road maintenance. She expressed the necessity for working with legislators to push for more grant funding.

Council Member O'Neill expressed frustration with paying the highest gas tax in the nation; however, many of the streets in his district are in serious need of repair. He commented on the need for both federal and state governments to provide more infrastructure funding.

Council Member Klopfenstein agreed and gave Public Works credit for everything they do, and commented on the importance of funding infrastructure.

Council Member D. Nguyen commended Public Works for their immediate response to her requests for needed repairs in her district.

Council Member Brietigam gave kudos to Council Member K. Nguyen for asking that more information be provided, noting that road conditions are a serious matter and often brought up by residents. He expressed the need to provide additional resources to Public Works for road repair and maintenance.

PROVIDE INFORMATION FOR CITY COUNCIL CONSIDERATION ON EXPANDING THE PARKS, RECREATION AND ARTS COMMISSION TO INCLUDE YOUTH COMMISSIONERS, ESTABLISH A SEPARATE YOUTH COMMISSION AND/OR OTHER YOUTH ADVISORY COMMITTEE PROGRAMS (F: 122.46)

Following staff introduction, Council Member Brietigam noted that he brought this matter forward in response to consistent requests, and his preference would be a

separate stand-alone commission subject to Brown Act requirements to legitimize youth voice, and provide a venue to address youth concerns

Council Member O'Neill expressed appreciation for youth participation and his preference for a committee, which would allow for wider participation. He commented that the standard seven member commission would limit participation, be more rigid with noticing requirements, and impact staff time.

Council Member K. Nguyen thanked Council Member Brietigam for bringing this matter forward. She noted that as Garden Grove is the City of Youth and Ambition, a youth commission is relevant; however, she noted that there have been only adults requesting a youth commission, and she is concerned about the potential for predatory behavior. She expressed her preference for a youth committee that would not need to be conducted as a public meeting. She listed ideas for how a youth committee could take the lead on mural projects.

Council Member Klopfenstein spoke in support of a committee, and likes the idea of having it under the Garden Grove youth collaborative, which is a very diverse and active group in the city. She expressed that public art and murals should fall under the umbrella of the Parks, Recreation and Arts Commission

Mayor Jones noted that they could give direction to Community Services staff to begin working on forming a youth committee that can make recommendations to the Parks, Recreation and Arts Commission on art and mural projects.

Council Member K. Nguyen noted that she has been contacted by young people interested in mural art projects similar to what is being done in City of Santa Ana, and she would like a formal process.

Council Member Brietigam noted that in the past, a hockey rink was established due to the work done on the youth commission; he is open to either a commission or a committee. However, it needs to be permanent and to solicit members from not only the Garden Grove Collaborative, but multiple youth groups such as scouts and sports leagues.

Mayor Jones asked Community Services Director, John Montanhez, for a recommendation on the best way to move forward with providing a wider draw of interested youth and a simple approach for implementing a committee.

Community Services Director, John Montanhez suggested using the Garden Grove Collaborative as a youth action committee to be proactive on forming a youth committee.

Council Member Brietigam moved to accept staff recommendation to use the Garden Grove Collaborative as a youth action committee for establishing a Youth Committee, seconded by Council Member K. Nguyen.

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
(Continued)

Council Member O'Neill expressed his frustration with legislators creating laws without concern for the impact to communities and local government unable to exercise local control, as with new accessory dwelling unit laws that will cause burdensome density. He expressed his love and appreciation for his wife of 34 years and wished her a happy anniversary.

Council Member D. Nguyen welcomed and encouraged Garden Grove students back to distance learning.

Council Member Bui commended the Police Department for all of their hard work and expressed the importance of the work they do to keep the community safe, and noted a recent incident of a Garden Grove Police Officer who saved a child from drowning. He expressed the necessity for more police officers in light of the increased population and the recent and continuing release of inmates by the state. He asked that the status of the remodel of the Police Department be reported to the City Council.

Council Member K. Nguyen asked staff to look into traffic visibility issues when exiting Simons Street at Lewis Street and Garden Grove Boulevard. There is a large stretch of trees and cars parked along the street making it difficult to see. She thanked staff for supporting a survivor safe haven in City Hall and posting flyers with the code for sexual assault victims to let staff know to call 800-656-4673. She thanked the Garden Grove Chamber of Commerce for joining the campaign, requested local businesses join in the campaign, and noted the cities of Tustin, Costa Mesa, and Irvine will be joining the campaign. She asked staff to request the Registrar of Voters provide a presentation on the upcoming 2020 election, and noted that five ballot boxes are not enough for the entire city.

City Manager Stiles noted that the League of California Cities will be holding their annual conference virtually on October 7-9, 2020, and he will be reaching out to the Mayor and Council Members for scheduling.

City Attorney Sandoval announced that no reportable action was taken during closed session.

ADJOURNMENT

At 9:37 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting scheduled on Tuesday, September 8, 2020, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk