

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 10, 2020

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

CONVENE CLOSED SESSION

At 6:18 p.m., Mayor Jones convened Closed Session telephonically.

ROLL CALL PRESENT: (6) Council Members Brietigam, D. Nguyen,
Klopfenstein, K. Nguyen, Mayor Pro Tem
O'Neill, Mayor Jones

ABSENT: (1) Council Member Bui absent at Roll Call, but
joined the meeting at 6:20 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

CONVENE CLOSED SESSION

At 6:19 p.m., Mayor Jones announced the City Council was going into Closed Session telephonically to discuss the following matters:

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1): Vetere v. City of Garden Grove, et al., OCSC Case No. 30-2019-01047655

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1): Leff v. Garden Grove, USDC Case No. 8;19-cv-01034

ADJOURN CLOSED SESSION

At 6:45 p.m., Mayor Jones adjourned the Closed Session

CONVENE REGULAR MEETING

At 6:46 p.m., Mayor Jones convened the meeting telephonically with all Council Members present.

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

ORAL COMMUNICATIONS

Speakers: None

Written Communications: Dean Saki, Tony Flores.

RECESS MEETING

At 6:48 p.m., Mayor Jones recessed the meeting.

RECONVENE MEETING

At 6:53 p.m., Mayor Jones reconvened the meeting telephonically with all Council Members present.

ADOPTION OF A PROCLAMATION HONORING OCTOBER 2020 AS DOMESTIC VIOLENCE AWARENESS MONTH AS REQUESTED BY THE CITY COUNCIL (F: 83.1)

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

A Proclamation be adopted proclaiming October 2020 as "Domestic Violence Awareness Month" and urges all citizens, agencies, and businesses to work together as a team in our community through prevention, intervention and education programs to end domestic violence forever.

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

ADOPTION OF A PROCLAMATION DECLARING THE WEEK OF NOVEMBER 8TH THROUGH 14TH 2020, AS NURSE PRACTITIONER WEEK IN GARDEN GROVE (F: 83.1)

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

A Proclamation be adopted declaring November 8th through 14th, 2020, as "Nurse Practitioner Week" in recognition of the countless contributions that nurse

practitioners have made over the past half century and will continue to make to the health and well-being of citizens in our state.

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

ADOPTION OF A RESOLUTION OF COMMENDATION FOR MAYOR MIGUEL PULIDO FOR HIS SERVICE ON THE ORANGE COUNTY TRANSPORTATION AUTHORITY BOARD (F: 52.2)

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

A Resolution of Commendation in recognition of Miguel Pulido's twenty-seven years of exceptional dedication and service for advancing transportation and leaving a legacy of mobility improvements throughout Orange County, 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

ADOPTION OF A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE PUBLIC FINANCING AUTHORITY JOINT POWERS AGREEMENT (F: P-127.1)

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

Resolution No. 9659-20 entitled: A Resolution of the City Council of the City of Garden Grove approving the execution and delivery of an amendment to the Joint Exercise of Powers Agreement of the Garden Grove Public Financing Authority, 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

REVIEW OF AUTOMATIC PASS-THROUGH WATER COST INCREASES ADOPTED BY ORDINANCE NO. 2890 (F: 112.1)

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

The Water Commodity Adjustment Calculation regarding the automatic pass-through adjustment to the Commodity Delivery Charges effective January 1, 2021, be reviewed.

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 TO EXTEND THE LEASE AGREEMENT WITH THE CREDIT UNION OF SOUTHERN CALIFORNIA FOR PROPERTY LOCATED AT 11390 STANFORD AVENUE, GARDEN GROVE (F: 55- Credit Union of Southern California)

It was moved by Council Member D. Nguyen, seconded by Mayor Pro Tem O’Neill that:

The Fourth Amendment to the Lease Amendment with the Credit Union of Southern California for continued occupancy of the property located at 11390 Stanford Avenue, Garden Grove, be approved; and

The City Manager be authorized to execute the Fourth Amendment and make minor modifications as needed 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

APPROPRIATION OF FISCAL YEAR 2019-20 PUBLIC SAFETY REALIGNMENT AND POST-RELEASE COMMUNITY SUPERVISION FUNDS (F: 82.1) (XR: 82.15)

It was moved by Council Member D. Nguyen, seconded by Mayor Pro Tem O’Neill that:

Appropriation of Fiscal Year 2019-20 Public Safety Realignment and Post-Release Community Supervision funds to the Police Department for Fiscal Year 2020-21 budget, be approved.

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

ADOPTION OF A RESOLUTION APPROVING A GRANT APPLICATION FOR THE PROPOSITION 68 STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION GRANT PROGRAM (F: 87.1A)

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

Resolution No. 9660-20 entitled: A Resolution of the City Council of the City of Garden Grove approving the application for statewide park development and community revitalization program grant funds for the Woodbury Park Community Revitalization and Expansion Project, be adopted; and

The City Manager and Community Services Director be authorized to execute the grant application.

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR FOUR (4) NEW UTILITY BODY TRUCKS

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

The Finance Director be authorized to issue a purchase order in the amount of \$229,370.27 to National Auto Fleet Group for the purchase of four (4) new Public Works Department utility body trucks.

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 TSG ENTERPRISES, INC., DBA THE SOLIS GROUP, FOR COMMUNITY WORKFORCE AGREEMENT (CWA) ADMINISTRATION SERVICES (F: 55-TSG Enterprises, Inc.) (XR: 46.1)

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

A contract be awarded to TSG Enterprises, Inc., dba The Solis Group, for Community Workforce Agreement administration services, in the not to exceed amount of \$150,000, with the option to extend the agreement for four years in the amount of \$150,000 per each option year; and

The City Manager be authorized to execute the agreement, and execute agreements for each of the four option years provided sufficient funds are available.

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 STOMMEL INC., DBA LEHR AUTO, FOR EMERGENCY PATROL VEHICLE EQUIPMENT CHANGEOVERS AND INSTALLATIONS (F: 55-Stommel Inc.)

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

An agreement with Stommel Inc., dba Lehr Auto, be approved, in the amount of \$525,000 for three years with an option to extend an additional two years at a cost of \$175,000 for each option year for a total of \$875,000 over five years, for the changeovers, installation, and repair of Police Department emergency vehicle equipment; 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

MINUTES (F: Vault)

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

The minutes from the meeting held on October 13, 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 D. Nguyen, seconded by Mayor Pro Tem O'Neill that:

Demands covered by Wires 00000114 to 00000121, EFT numbers 00002940 to 00002951 and check numbers 00666156 through 00666287 inclusive as listed on this register have been verified by the Finance Division as properly issued and bear all proper signatures be received and filed;

Demands covered by EFT numbers 00002952 to 00003894 and check numbers 00666288 through 00666482 inclusive as listed on this register have been verified by the Finance Division as properly issued and bear all proper signatures be received and filed;

Demands covered by Wires 00000122 to 00000123, EFT numbers 00003896 to 00003905 and check numbers 00666484 through 00666657 inclusive as listed on this register have been verified by the Finance Division as properly issued and bear all proper signatures be received and filed;

Payroll Warrants 184270 through 184283; 184284 through 184298; Direct Deposits D371590 through D372185; D372184 through D372781; Wires W2742 through W2745; W2746 through W2749; 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

It was moved by Council Member D. Nguyen, seconded by Mayor Pro Tem O'Neill 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

PUBLIC HEARING – ADOPTION OF A RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. CUP-339-11 (REV. 2020) (F: 123.1)

Following staff introduction and City Council comments, Mayor Jones declared the public hearing open.

Speakers: David Choye, Marty Walker.

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

Following City Council discussion, it was moved by Council Member Brietigam, seconded by Council Member D. Nguyen that:

Resolution No. 9661-20 entitled: A Resolution of the City Council of the City of Garden Grove denying the appeal, thereby upholding the Planning Commission's decision to approve Conditional Use Permit No. CUP-339-11 (Rev. 2020), be adopted; and

A six month review be reported to the City Council on the status of compliance with the conditions of approval listed in the Conditional Use Permit.

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 MEASURE O CITIZENS' OVERSIGHT COMMITTEE'S ANNUAL REPORT FOR FISCAL YEAR 2019-20 (F: 122.90)

Following staff introduction and report from Sandy Thomas, Measure O Committee Chair, it was moved by Council Member Brietigam, seconded by Mayor Pro Tem O'Neill that:

The Measure O Citizens' Oversight Committee's annual report for Fiscal Year 2019-20, 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

ACCEPTANCE OF KEVIN HURLEY'S RESIGNATION FROM THE TRAFFIC COMMISSION (F: 122.11A)

It was moved by Mayor Pro-Tem O'Neill, seconded by Council Member D. Nguyen that:

Traffic Commissioner Kevin Hurley's resignation be accepted.

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER FOR FIRE HYDRANTS WITH UNITED WATER WORKS

Following staff introduction, it was moved by Mayor Pro Tem O'Neill, seconded by Council Member Klopfenstein that:

The Finance Director be authorized to issue a purchase order to United Water Works, in the amount of \$318,265.36, for the bulk purchase of fire hydrants.

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

APPROVE SECOND AMENDMENT AND AUTHORIZATION OF AN INCREASE TO THE PURCHASE ORDER WITH FIDELITY NATIONAL INFORMATION SERVICES, INC. AND EXTENSION OF THE CONTRACT FOR ELECTRONIC PAYMENT SERVICES

(F: 55-Fidelity National Information Services, LLC fka Metavante Corporation)

Following staff introduction, it was moved by Council Member Brietigam, seconded by Council Member D. Nguyen that:

An increase to the current purchase order with Fidelity National Information Services, Inc. (FIS) to \$350,000 per year for electronic and card payment processing services, be authorized; and

The City Manager be authorized to execute the second amendment to the agreement with FIS extending the contract term for three additional years, and to approve minor modifications deemed necessary.

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

SECOND READING OF ORDINANCE NO. 2918 (F: 115.A-029-2020)

(As approved earlier in the meeting, it was moved by Council Member D. Nguyen, seconded by Mayor Pro Tem O'Neill, 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 Mayor Pro Tem O'Neill, seconded by Council Member Klopfenstein that:

Ordinance No. 2918 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-029-2020 to amend the City's official zoning map to change the zoning of the property, located 8932 Katella Avenue (Assessor's Parcel No. 132-041-21), from O-P (Office Professional) to C-1 (Neighborhood Commercial), 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

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

DISCUSSION OF A RESOLUTION OF COMMENDATION FOR ORANGE COUNTY HOSPITALS AND HEALTH CARE SYSTEMS FOR THEIR CONTRIBUTIONS DURING THE COVID-19 PANDEMIC, AS REQUESTED BY COUNCIL MEMBER KIM NGUYEN (F: 52.2)

Council Member Kim Nguyen introduced this item stating that she was requested by CHOC to bring a Resolution forward. Following City Council discussion and a request to move forward with preparing additional commendations for recognizing Garden Grove's clinics, it was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

A Resolution of Commendation for Orange County Hospitals and Health Care Systems be listed on the next agenda.

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 Mayor Jones and Council Members O'Neill, Klopfenstein, and K. Nguyen on their re-election to the City Council. He asked Mayor Jones to adjourn the meeting in memory of Garden Grove resident, Mr. Howard Singer, noting Mr. Singer's contributions to the community, most notably using his skills as a 10th Degree Black Belt in the 1980's and 1990's to teach "Lady Beware" classes.

Mayor Pro Tem O'Neill recognized the struggle many people are faced with because of the pandemic. He encouraged people to reach out, and noted the City can direct people to resources.

Council Member D. Nguyen congratulated the Mayor and Council Members who have been re-elected. She recognized today as the Marine Corp's birthday, and expressed gratitude for all of those who have served our country.

Council Member Bui congratulated Mayor Jones and Council Members K. Nguyen, O'Neill, and Klopfenstein on their re-election to the City Council. He expressed his appreciation for the men and women in uniform serving in the armed forces. He speculated that the 2020 Census will reveal a much higher population count in Garden Grove from the 2010 Census, and that there will be need to hire more Police Officers and Fire Fighters. Currently, the Police Department facility is aged and inadequate and needs to be redesigned immediately primarily due to the increased population, but also the expected growth from the state mandates increasing residential units and relaxed laws for accessory dwelling units. Public Safety is necessary in order to support a growing population, and he would like to work with local state representatives to explore obtaining funding such as a development fee based on the mandated 19,000 regional housing needs assessment and ADU laws, as well as seeking federal funding and to consider a bond. He requested that a council task force be listed on an upcoming agenda to appoint council members to begin the process of funding, designing, and constructing a new police facility, and that he would like to be a member of that task force as this is important to him.

City Manager Stiles noted that a needs assessment for a police facility was completed at the end of 2019, and is available on the City's website. The needs assessment includes several build out options and the cost of each which is between 70 and 90 million dollars. Because of the loss of revenue due to COVID, the project has been on hold, noting that under a strong economy they would have looked at public financing. Currently, the Measure O funds are paying for the newly hired additional officers, and the City now has historically more sworn police officers. He noted that when the Census is released, it will provide a good indicator of population based on Garden Grove's nearly 80 percent response rate. Measure O monies have ensured that our officers are paid a competitive salary and pension obligations to officers who have retired are met, and lastly we need to be smart about moving forward with funding a new police facility. He noted the financial hurdles faced with the effect of COVID on the economy, and committed to working with the City Council.

Council Member Bui expressed that he wants to work with staff to be proactive and keep this project moving forward by seeking funding sources.

City Manager Stiles noted that research can be done and reported back to the City Council.

Council Member Klopfenstein agreed that the opportunity for a retreat was missed this year and gathering information on the financial feasibility for this project needs to be done.

City Manager Stiles agreed that the retreat is critical for ascertaining the direction and guidance from the City Council, and staff will organize and schedule a retreat early in 2021.

Mayor Jones commented that a task force is unnecessary and would only serve to add a layer that would ultimately slow the project down; that all of the City Council Members are interested in moving the project forward; and that there has been preliminary work done with more conceptual work that is needed to be done. He noted that the costs for the planning and conceptual work could be absorbed over the next couple of years, which would coincide with a recovering economy. He noted that this project already is a priority and that he is optimistic for the future.

Council Member Bui expressed his concern over delay; that he understands that the design can take a year or more; but expressed the need to take advantage of any grant funding generated by the pandemic that could be available now. He stated he would like to be able to work with the City Manager to express his ideas to keep this project moving forward.

City Manager Stiles responded that he is happy to meet individually with the City Council members and will also include the Finance Director and Police Chief in those conversations.

Council Member Klopfenstein commented in response to written comments regarding graffiti that she will look into the issue; and she provided the graffiti hotline phone number. She noted that if there is a red dot next to graffiti, it is on the list for removal. She reminded the community to fly their American flag in recognition of Veterans Day, and to thank those who have served our country.

Council Member K. Nguyen commented on increased graffiti in District 6, and in District 5, and that she has been in touch with Chief DaRé who is aware of the problem. She suggested that she and Council Member Klopfenstein partner together to work on this issue. She announced that on Saturday, November 14, 2020, at 11:00 a.m., the City will host a community meeting to discuss possible future renovations to Woodbury Park. The neighborhood and park users are invited to attend the meeting in person at the park located at 13800 Rosita Place, or attend virtually by accessing ggcity.org/parksplan. She asked that if you fly your American flag on Veterans Day, please take a picture and post it to social media. She thanked staff for assisting her by placing several banners featuring veterans around the city.

City Attorney Sandoval announced that there is no reportable action taken during Closed Session.

City Manager Stiles noted that there will be a special meeting that will take place on December 8, 2020, prior to the regular City Council meeting for the purpose of televising the swearing in of the re-elected Mayor and Council Members. He noted the opening of the Shea Homes new development, noting that the Shea staff expressed their appreciation working with the City of Garden Grove staff through

the development process. He thanked Assistant City Manager, Lisa Kim and Public Works Director Bill Murray's staff for their work processing this development project.

ADJOURNMENT

At 8:48 p.m., Mayor Jones adjourned the meeting in memory of Garden Grove Resident, Mr. Howard Singer. The next Regular City Council Meeting scheduled on Tuesday, November 24, 2020, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk