

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, February 23, 2021

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

CONVENE CLOSED SESSION

At 5:33 p.m., Mayor Jones convened closed session telephonically.

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

ABSENT: (1) Council Member O’Neill absent at Roll Call,
but joined the meeting at 6:31 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1): OCWD, et al. v. 3M
Company, et. al., OCSC Case No. 30-2020-01172419-CU-PL-CXC

RECESS CLOSED SESSION

Mayor Jones recessed closed session at 6:30 p.m.

CONVENE REGULAR MEETING

Mayor Jones convened the Regular Meeting telephonically at 6:36 p.m. with all
Council Members present.

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

PRESENTATION – NEW RECYCLING LAWS UNDER SENATE BILL 1383 PRESENTED BY HF&H CONSULTANTS (F: S-55.1) (XR: 89.1)

Debbie Morris, Sr. Project Manager with HF&H Consultants provided a PowerPoint presentation that overviewed the organic waste reduction requirements under SB 1383 and CalRecycle regulations, and the timeline for implementation.

ORAL COMMUNICATIONS

Speaker: Nicholas Dibs

Written Communication: Craig Durfey

RECESS

At 7:07 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:16 p.m., Mayor Jones reconvened the meeting telephonically with all Council Members present.

ADOPTION OF A PROCLAMATION CELEBRATING FEBRUARY AS BLACK HISTORY MONTH (F: 83.1)

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

A Proclamation celebrating February as Black History Month be adopted.

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

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

ADOPTION OF A PROCLAMATION CELEBRATING FEBRUARY 12, 2021, AS THE TET LUNAR NEW YEAR (F: 83.1)

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

A Proclamation celebrating the Tet Lunar New Year be adopted.

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

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

REJECTION OF BIDS FOR RFP NO. S-1276 FOR REPLACING THE EXISTING POLICE DEPARTMENT HOLDING FACILITY SURVEILLANCE CAMERA SYSTEM (F: 82.1)

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

All bids received on December 17, 2020, for providing and installing a camera system in the Garden Grove Police Department holding facility, be rejected.

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

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

APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH STRAY CAT ALLIANCE FOR THE FIELD CAT TRAPPING PROGRAM AND AUTHORIZE ENTERING AN AGREEMENT IN JULY 2021 (F: 55-Stray Cat Alliance)

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

Amendment No. 1 to the agreement with Stray Cat Alliance to increase the current contract amount by \$21,000, for a new total amount of \$70,000, be approved;

The City Manager be authorized to execute Amendment No. 1, and to enter into and execute the next one-year agreement with Stray Cast Alliance under the same terms and conditions, in an amount not to be exceed \$70,000, to commence July 1, 2021.

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

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

APPROVAL OF AN ISSUANCE OF AN EMERGENCY PURCHASE ORDER WITH HARBOR POINTE FOR CITY FACILITY HEATING, VENTILATION AND AIR CONDITIONING SYSTEM REPAIRS

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

An emergency purchase order be issued to Harbor Pointe, in the amount of \$23,922.97, for heating, ventilation and air conditioning system (HVAC) repairs.

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

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

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON FEBRUARY 9, 2021
(F: VAULT)

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

Minutes from the meeting held on February 9, 2021, be received and filed.

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

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

WARRANTS

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

Demands covered by Wires 00000254 to 00000261, EFT numbers 00006874 to 00006881, and check numbers 00668629 through 00668725 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by Wire numbers 00000262 through 00000274, EFT numbers 00006882 to 00006889, and check numbers 00668726 through 00668814 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by Wire numbers 00000275 through 00000282, EFT numbers 00006890 to 00006897, and check numbers 00668815 through 00668897 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by EFT numbers 00006898 through 00007844, and check numbers 00668898 through 00669092 inclusive as listed on this register and have

been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by Wire numbers 00000283 through 00000286, EFT numbers 00007845 through 00007855 and check numbers 00669093 through 00669203 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures;

Payroll Checks 184393 through 9920210128; Direct Deposits D376339 through D99999999; and Wires W2774 through W2777 have been audited for accuracy and have been verified by the Finance Director for payment, be received and filed.

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

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

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

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

Full reading of ordinances listed be waived.

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

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

PUBLIC HEARING – INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING AMENDMENT NO. A-027-2020 (F: 115-A-027-2020)

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

Following the full reading of the ordinance title, staff introduction and PowerPoint presentation, Mayor Jones declared the public hearing open.

Speakers: Maureen Blackmun, Nicholas Dibs

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

City Council consensus was frustration with the passing of State Law that limits local control on development standards for Accessory Dwelling Units (ADU's) creating density that will strain infrastructure and public safety.

Following further City Council discussion, Mayor Jones noted that the proposed Ordinance will provide the limited control over the development standards allowed under State Law.

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

Ordinance No. 2919 entitled: An Ordinance of the City Council of the City of Garden Grove approving Code Amendment No. A-027-2020, a zoning text amendment to Title 9 of the Garden Grove Municipal Code pertaining to the regulation of accessory dwelling units and junior accessory dwelling units, be passed to second reading; and

Ordinance No. 2919 be categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Section 15061(b)(3).

The motion carried by a 4-3 vote as follows:

Ayes: (4) O'Neill, D. Nguyen, K. Nguyen, Jones
Noes: (3) Brietigam, Bui, Klopfenstein

APPOINTMENTS TO THE ADMINISTRATIVE BOARD OF APPEALS (CONTINUED FROM THE JANUARY 26, 2021, AND FEBRUARY 9, 2021, MEETINGS.) (F: VIP)

It was moved by Council Member Brietigam, seconded by Council Member O'Neill that the following applicants be selected to serve on the Administrative Board of appeals:

Kathleen Ladd, Geoffrey Tackney, Arturo Arestegui, James Kester, and Adam Degner

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

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

APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH WEST YOST ASSOCIATES FOR PROFESSIONAL SERVICES FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) IMPLEMENTATION PROJECTS (JOINT ACTION ITEM WITH THE GARDEN GROVE SANITARY DISTRICT) (F: 55-West Yost Associates) (XR: S-34.1)

Following the introduction, it was moved by Council Member O'Neill, seconded by Council Member Brietigam that:

Amendment No. 1 to the existing agreement with West Yost Associates to increase the amount from \$3,182,944 to \$3,635,793, to be funded with Sewer Funds, be approved;

The City Manager be authorized to sign Amendment No. 1, and make minor modifications as appropriate on behalf of the City.

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

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

SANITARY DISTRICT ACTION

Following staff introduction and Sanitary District Board discussion, it was moved by Member Brietigam, seconded by Vice President O'Neill that:

Allocation in the amount of \$452,849 in Sewer Funds to cover the cost of services for Sanitation Facilities, be approved:

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

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

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

Council Member Brietigam noted that following the amicus brief filed in support of Sheriff Don Barnes' challenge to the Court Order releasing 50 percent of inmates from Orange County jails due to COVID, the Sheriff has not been required to release additional inmates and has been allowed to keep dangerous offenders incarcerated.

Council Member Brietigam asked for support from the City Council and moved that a discussion of a Charter City feasibility study be listed on the next agenda, which was seconded by Council Member Klopfenstein.

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

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

Council Member O'Neill congratulated former Garden Grove Fire Captain, T.J. McGovern on his promotion to Division Chief for the Emergency Command Center at the Orange County Fire Authority. He commented on his frustration with State Legislators for writing into law the loosening of development standards for Accessory Dwelling Units and noted that there are Orange County cities, as well as the County of Orange discussing pushing back on the state. He noted the inherent danger in creating density with ancillary housing in terms of household fires, and he expressed his resentment for legislation that denies local control.

Council Member D. Nguyen expressed her excitement for the upcoming ground breaking for the new Sprouts store that will be developed at the former Vons Supermarket location in District 3 on Chapman Avenue west of Brookhurst Street.

Council Member Bui suggested that based on any future outcomes from Orange County cities pushing back on the state legislation on development standards for ADU's, that the City Council consider rescinding adopted ordinances. He asked that the Mayor and City Council support listing a discussion item for returning to in-person city council meetings, commenting on the difficulty of continuing virtual meetings.

Mayor Jones responded that he is not inclined to rush going back to in-person meetings as there is ongoing implementation of COVID testing, tracing, and vaccines, and he would not want to have to reverse course if it was found necessary to return to virtual meetings.

Council Member Klopfenstein noted that the City Council has an obligation to the public to be accessible; however, she does not want to rush into holding in-person meetings only to have to return to virtual meetings.

Council Member Brietigam agreed and stated that the City Council does need to get together; however, they should follow the appropriate tiers established by the health care agencies.

City Manager Stiles joined with Council Member O'Neill in congratulating T.J. McGovern on his promotion with the Orange County Fire Authority. He noted the ground breaking for the new Sprouts store announced by Council Member Diedre Nguyen, is coming up on February 24th, and will be a socially distanced event. The Vons Pavilions structure will be torn down and the developer for Sprouts is targeting the end of the year for completion. The California Department of Public Health has revised the guidance on youth sports. Garden Grove is still in the most restrictive purple tier; however the virus positivity rates are dramatically going down. The City

will follow the recommended guidelines once we have reached the Red Tier for a total of two weeks. He stated he will continue to update the City Council and the community, and noted that the bad weather in the south, mid-west and eastern states affected delivery of vaccines; however, good news is that deliveries are coming in and the County opened the Convention Center for vaccinations.

RECESS

At 8:25 p.m., Mayor Jones recessed the meeting.

RECONVENE CLOSED SESSION

At 8:26 p.m., Mayor Jones reconvened closed session telephonically with all Council Members present.

ADJOURN CLOSED SESSION

At 9:02 p.m., Mayor Jones adjourned closed session.

RECONVENE MEETING

At 9:03 p.m., Mayor Jones reconvened the meeting telephonically with all Council Members present.

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

ADJOURNMENT

At 9:03 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, March 9, 2021, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk