

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, December 14, 2021

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

CONVENE MEETING

At 6:45 p.m., Mayor Jones convened the meeting.

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

 ABSENT: (0) None

INVOCATION

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

PRESENTATION - "MOST SUPPORTIVE CITY AWARD" FOR THE 2021 TIP, TOSS, TAKE ACTION CAMPAIGN! AS PRESENTED BY ORANGE COUNTY VECTOR CONTROL

PRESENTATION - LEGISLATIVE UPDATE FROM STATE ASSEMBLY MEMBER JANET NGUYEN

PRESENTATION - COMMUNITY SPOTLIGHT IN RECOGNITION OF CLAUDIA ALARCON FOR LEADERSHIP AND PARTICIPATION WITH THE GARDEN GROVE POLICE DEPARTMENT NEIGHBORHOOD CLEAN UP DAY

ORAL COMMUNICATIONS

Speakers: Nicholas Dibs, John Rawls, Maritza Sanchez, Kyle Mason, Rich Gomez

Written Communications: Lam Huynh, Tony Flores

SELECTION OF MAYOR PRO TEM (F: 10.2 - VIP)

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

Council Member D. Nguyen be selected as Mayor Pro Tem.

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

CONSIDERATION OF A WRITTEN REQUEST FROM WEST GARDEN GROVE YOUTH
BASEBALL FOR CO-SPONSORSHIP OF THE 2022 OPENING DAY PARADE (F: 88.1)

Following staff introduction and City Council discussion with a request from Council Member K. Nguyen that staff provide a list of legacy events of co-sponsorships approved by the City Council, it was moved by Council Member Brietigam, seconded by Council Member Klopfenstein that:

The West Garden Grove Youth Baseball Opening Day Parade on Saturday, February 26, 2022, be co-sponsored in an amount equal to \$5,270.

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

RECESS

At 7:29 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 8:18 p.m., Mayor Jones reconvened the meeting with all Council Members present.

ADOPTION OF A PROCLAMATION DECLARING THAT DECEMBER 10, 2021, IS
RECOGNIZED AS HUMAN RIGHTS DAY IN GARDEN GROVE (F: 83.1)

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

December 10, 2021, be and hereby proclaimed as Human Rights Day in Garden Grove.

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 RESOLUTION APPROVING PARTICIPATION IN THE NATIONAL OPIOID SETTLEMENT AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS (F: 55.1B 2021)

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

Resolution No. 9717-21 entitled: A Resolution of the City Council of the City of Garden Grove, California, approving participating in the National Opioid Settlement Agreement, and authorizing the City Manager to execute all related documents, 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 RESOLUTION AND APPROVAL TO SUBMIT LETTERS TO CONGRESS IN SUPPORT OF PENDING PER- AND POLYFLUROALKYL (PFAS) FEDERAL LEGISLATION (F: 67.2) (XR: 24.12)

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

Resolution No. 9718-21 entitled: A Resolution of the City Council of the City of Garden Grove supporting Federal PFAS legislation that protects ratepayers and water/wastewater agencies, be adopted; and

Letters be sent to Federal Congress Members and Senators requesting consideration of legislation to protect ratepayers to be signed by Mayor Jones 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

ADOPTION OF A RESOLUTION ESTABLISHING A FINANCIAL HARDSHIP WAIVER PROGRAM FOR THE CITY'S NON-RESIDENT FIRST RESPONDER FEE (F: 123.1) (XR: 60.2)

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

Resolution No. 9719-21 entitled: A Resolution of the City Council of the City of Garden Grove establishing a fee waiver program for the City's non-resident first responder fee based on financial hardship, 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 RESOLUTION AMENDING THE SALARY SCHEDULE FOR THE CLASSIFICATION OF PUBLIC WORKS TRAINEE (F: 78.1)

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

Resolution No. 9720-21 entitled: A Resolution of the City Council of the City of Garden Grove, California, approving an amendment to the publicly available citywide salary and pay schedule as required by CalPers, 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 RESOLUTION FOR FISCAL YEAR 2020-2021 RENEWED MEASURE M (M2) ANNUAL EXPENDITURE REPORT (F: 23.18C)

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

Resolution No. 9721-21 entitled: A Resolution of the City Council of the City of Garden Grove concerning the Fiscal Year 2020-21 Measure (M2) annual expenditure report, 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

APPROVAL OF AMENDMENT NO, 1 TO THE AGREEMENT WITH THE ORANGE COUNTY CONSERVATION CORPS FOR PARK MAINTENANCE, LITTER ABATEMENT, AND RECYCLING SERVICES (F: 55-ORANGE COUNTY CONSERVATION CORP)

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

Amendment No. 1 to the agreement with the Orange County Conservation Corps, in the amount of \$56,251, to provide park maintenance, litter abatement, and recycling services, be approved; and

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

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

AUTHORIZE AN INCREASE TO THE PURCHASE ORDER WITH HOME DEPOT CREDIT SERVICES FOR THE PURCHASE OF MATERIALS AND SUPPLIES

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

The Finance Director be authorized to increase the blanket purchase order with Home Depot Credit Services for an additional \$50,000 for the purchase of building materials and supplies.

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR TWO (2) NEW ADMINISTRATION VEHICLES

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

The Finance Director be authorized to issue a purchase order in the amount of \$70,946.60 to National Auto Fleet Group for the purchase of two (2) new administration vehicles.

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

AUTHORIZE AN INCREASE OF A PURCHASE ORDER WITH CHARLES P. CROWLEY COMPANY FOR THE PURCHASE OF SUPPLIES FOR THE CITY'S SODIUM HYPOCHLORITE SYSTEMS AT VARIOUS WATER PRODUCTION FACILITIES

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

The Finance Director be authorized to increase the blanket purchase order with Charles P. Crowley Company, in an additional amount of \$100,000, for the purchase of parts for the City's sodium hypochlorite systems at various water production facilities.

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 NOVEMBER 9, 2021
(F: Vault)

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

The Minutes from the meeting held on November 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 K. Nguyen, seconded by Council Member Klopfenstein that:

Payroll Checks 184751 through 184767; Direct Deposits D388431 through D389026; and Wires W2854 through W2857 have been audited for accuracy and have been verified by the Finance Director for payment, be received and filed; and

Payroll Checks 184768 through 184782; Direct Deposits D389025 through D389621; and Wires W2858 through W2861 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 K. Nguyen, seconded by Council Member Klopfenstein 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-032-2021 (OUTDOOR DINING AREAS)
(F: 115.A-032-2021)

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

Following staff introduction and City Council discussion Mayor Jones declared the public hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Nicholas Dibbs

There being no further response from the audience, Mayor Jones closed the public hearing.

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

Ordinance No. 2926 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-032-2021, a zoning text amendment to portions of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the City of Garden Grove Municipal Code establishing enhanced development and operational standards and modified parking requirements for incidental outdoor dining areas associated with eating establishments/restaurants within the commercial and industrial zones, be passed to second reading.

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

CONSIDERATION OF AN APPOINTMENT TO FILL A VACANCY ON THE NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSION (F: 122.4)

This item was continued to the next meeting.

ADOPTION OF AN URGENCY ORDINANCE RELATING TO TWO-UNIT RESIDENTIAL DEVELOPMENT AND URBAN LOT SPLITS IN SINGLE-FAMILY RESIDENTIAL ZONES PURSUANT TO SENATE BILL 9 (2021) (F: 128.5)

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

Following General Counsel introduction and City Council discussion, it was moved by Council Member K. Nguyen, seconded by Mayor Jones that:

Ordinance No. 2927 entitled: An Urgency Ordinance of the City Council of the City of Garden Grove relating to two-unit residential developments and urban lot splits in single-family residential zones pursuant to Senate Bill 9 (2021), 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

APPROVAL OF A CITYWIDE ENGINEERING AND TRAFFIC STUDY SURVEY, AND INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING CHAPTER 36 OF TITLE 10 OF THE MUNICIPAL CODE (F: 100.1)

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

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

Ordinance No. 2928 entitled: An Ordinance of the City Council of the City of Garden Grove amending Chapter 36 of Title 10 of the Garden Grove Municipal Code establishing speed limits for certain designated city streets based upon an updated traffic and engineering speed survey, be passed to second reading.

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

AWARD A CONTRACT TO THOMCO CONSTRUCTION INC., FOR PROJECT NO. 5031021280, GARDEN GROVE CITY HALL SECURITY ENHANCEMENT CONSTRUCTION PROJECT (F: 55-THOMCO CONSTRUCTION INC.) (XR: 48.2)

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

A contract be awarded to Thomco Construction, Inc., in the amount of \$795,215.00, for Project No. 5031021280 Garden Grove City Hall Security Enhancement Construction Project;

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

The Finance Director be authorized to request construction fund disbursements as necessary from the fiscal agent construction fund and account for all related contract transactions in fund 503.

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

AWARD A CONTRACT TO VASILJ INC., FOR PROJECT NO. CP-1007000 ACACIA-
JOSEPHINE STORM DRAIN IMPROVEMENTS (F: 92.PROJ.CP-1007000)

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

A contract be awarded to Vasilj Inc, in the amount of \$3,197,655, for Project No. CP-1007000, Acacia-Josephine Storm Drain 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, O'Neill, D. Nguyen, Bui, Klopfenstein,
K. Nguyen, Jones
Noes: (0) None

SECOND READING AND ADOPTION OF ORDINANCE NO. 2925
(F:20.GPA-003-2021)(XR: 115.A-031-2021)(XR: H-20.1)

(As approved earlier in the meeting, it was moved by Council Member K. Nguyen, seconded by Council Member Klopfenstein, 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 Jones, seconded by Council Member K. Nguyen that:

Ordinance No. 2925 entitled: An Ordinance of the City Council of the City of Garden Grove approving Zoning Amendment No. A-031-2021 making focused amendments to Title 9 of the Garden Grove Municipal Code and the zoning map to implement the General Plan Housing Element and Land Use Element updates by increasing the maximum permitted residential density in mixed use zones, implementing a mixed-use overlay zone allowing residential and mixed-use development on specified parcels, and rezoning specified parcels to allow multiple-family residential uses, 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

DISCUSSION REGARDING A CITY COUNCIL POLICY TO RESTRICT CELL PHONE USE BY CITY COUNCIL MEMBERS AND STAFF DURING CITY COUNCIL MEETINGS AS REQUESTED BY COUNCIL MEMBER BRIETIGAM AND COUNCIL MEMBER BUI

Council Members Brietigam and Bui brought this matter forward, pointing out their concerns regarding public perception of council members and staff using cell phones during council meetings.

Council Members Klopfenstein and K. Nguyen expressed opposition to creating a policy that appeared to undermine their judgment in their pursuit of good governance, and that a cell phone is a tool that is used for fact checking as well as staying connected in light of any emergencies.

City Council discussion ensued with no action taken.

DISCUSSION REGARDING A FORMAL VOTE FOR PLACEMENT OF A STRAWBERRY ZEST STATUE IN FRONT OF FIRE STATION 84 ON VALLEY VIEW STREET AS REQUESTED BY COUNCIL MEMBER BRIETIGAM (F: 122.65)

Council Member Brietigam brought this matter forward noting that he is in the process of raising funds for a public art project entitled "Strawberry Zest." He passed out a photograph of the prototype that depicted a strawberry covered partially by an orange peel to pay homage to Orange County and to Garden Grove's annual Strawberry Festival. He stated he has received a commitment for funding from the Garden Grove Community Foundation, and that the piece would be sculpted by Jennifer Stewart. He asked for support from the City Council to place the sculpture in front of Fire Station 84 on Valley View Street upon completion.

Following Mayor Jones expressing support and offering assistance to fund raise, it was moved by Council Member Brietigam, seconded by Mayor Jones to place this matter on the next City Council agenda for action to consider the completed sculpture be placed in front of Fire Station No. 84 on Valley View Street pending funds raised to pay for the artwork and future maintenance.

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

Council Member K. Nguyen congratulated the Community Services Department for their work on obtaining a six million dollar grant for improvements to Woodbury Park. She requested staff follow up with Enterprise for their annual sponsorship of Movie Night at the Buena Clinton Youth and Family Center. She thanked the City

Manager for attending her first meeting as President of the Orange County division of the League of California Cities. She is looking forward to working with the 33 member cities on pertinent issues. She congratulated Council Member Diedre Thu-Ha Nguyen for being selected as Mayor Pro Tem.

Council Member Klopfenstein congratulated Mayor Pro Tem Diedre Thu-Ha Nguyen. She expressed her pride in Garden Grove's staff outreach on behalf of Vector Control and recognized Vector Control's Community Relations staff along with Garden Grove's Community Relations staff for all of their work and community outreach.

Council Member Bui announced free COVID-19 testing available in front of QT Golden Marketplace and Food Court at 9772 Garden Grove Boulevard between 10:00 am and 2:00 pm. The tests are CDC certified, and a government ID card is required. He noted that due to allergies, he has been testing every two weeks and happily reports he is negative for COVID.

Mayor Pro Tem D. Nguyen thanked Sergeant Haller for taking her and a local reporter on a ride-along to get the story from "behind the wheel" this past Sunday, and on Saturday, she will have another ride-along during the night shift between 5:00 p.m. through 3:00 a.m. She thanked staff and volunteers at the Senior Center, noting she assisted with handing out 150 meals today through the heavy rain. She expressed her gratitude for being selected as Mayor Pro Tem, and wished everyone Happy Holiday, Merry Christmas and Happy New Year.

Council Member O'Neill expressed optimism that negotiations between Republic Services and the labor union will soon be resolved, and advised residents to continue to roll out their trash cans for pick up and be sure to put them back at night whether or not the trash has been removed. He wished everyone a Merry Christmas and Happy New Year.

Council Member Brietigam congratulated Mayor Pro Tem Diedre Thu-Ha Nguyen and wished everyone a Merry Christmas and Happy New Year. He requested staff follow-up on the flood channel gate lock off of Gilbert and Brookhurst Streets that was brought up during oral communications. He noted that with the Republic Waste labor strike for the past two weeks, there needs to be a plan in place by the City for alternatives for waste management.

City Manager Stiles reminded the community that Thursday, December 16, 2021, is the last day to turn in receipts at the Garden Grove Chamber of Commerce on Main Street for the BiGG Black Friday campaign. Details available at ggcity.org. On Saturday, December 18, 2021, SteelCraft is hosting a Holiday Hope Bizarre in partnership with Wells Fargo Foundation and Calasian Chamber of Commerce in celebration of Garden Grove's Asian American and Pacific Islander communities. He noted the Wells Fargo Foundation generously donated \$3000.00 for upgrades to Main Street with Wells Fargo employees volunteering to hang new potted plants.

Main Street merchants, Ric Lerma, Jennifer Stewart, and Elizabeth Dang have all been instrumental in putting this event together to take place Saturday, December 18, 2021, from 10:00 a.m. to noon.

Mayor Jones expressed heartfelt condolences to the families of two community members Tony Lombardi and Michelle Chupp who both recently passed away. Tony Lombardi started the Grove Body Shop in 1976, and the Lombardi name is iconic in Garden Grove and he will always be remembered with great honor. Michelle Kennedy-Chupp, a mother, wife, and teacher whose priority was her family and the safety of her community, which inspired her to spearhead a Blue Ribbon campaign to honor our Garden Grove Police Officers.

At 10:13 p.m., Mayor Jones adjourned the meeting in memory of Tony Lombardi and Michelle Kennedy-Chupp. The next Regular City Council Meeting will be on Tuesday, January 11, 2021, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy
City Clerk