

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, June 28, 2022

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

CONVENE CLOSED SESSION

AT 6:10 p.m., Mayor Jones convened closed session.

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

 ABSENT: (1) Klopfenstein

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8 for property located at 13871 West Street, Garden Grove

City Negotiators: Scott C. Stiles, City Manager; Lisa Kim, Assistant City Manager/Community and Economic Development Director

Negotiating Parties: West Street Investments, LLC

Under Negotiation: To obtain direction regarding the price and terms of payment for the acquisition/lease of the property.

RECESS CLOSED SESSION

At 6:37 p.m., Mayor Jones recessed closed session.

CONVENE REGULAR MEETING

At 6:43 p.m., Mayor Jones convened the meeting in the Council Chamber with Council Members Brietigam, O'Neill, Bui, K. Nguyen, and D. Nguyen present.

INVOCATION

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

COMMUNITY SPOTLIGHT - CINDY SPINDLE IN HONOR OF HER RETIREMENT AND WITH APPRECIATION OF HER SERVICE TO THE GARDEN GROVE CHAMBER OF COMMERCE

ORAL COMMUNICATIONS

Speakers: Kadi Kiisk-Mohr, Kyle Mason, Ana Parker, Tom Raber, Daniel Chao, Brian Malley, audience member

RECESS

At 7:11 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 7:14 p.m., Mayor Jones reconvened the meeting in the Council Chamber with Council Members Brietigam, O'Neill, Klopfenstein, K. Nguyen, and D. Nguyen present.

ADOPTION OF A PROCLAMATION DECLARING JULY AS PARKS MAKE LIFE BETTER MONTH (F: 83.1)

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

A Proclamation be adopted declaring July 2022 as Parks and Recreation Month in Garden Grove.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF AMENDMENT NO. 5 TO THE AGREEMENT WITH MUFG UNION BANK, N.A. FOR BANKING SERVICES (F: 55 - MUFG UNION BANK, N.A.)

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

Amendment No. 5 to the existing contract with MUFG Union Bank N.A., to extend the City's banking services for the period of July 1, 2022 through June 30, 2023, be approved;

That the option to extend the said amendment for one additional year through June 30, 2024, if necessary, be approved; and

The City Manager be authorized to execute the amendment on behalf of the City, to approve the option to extend if necessary, and make minor modifications to the contract as appropriate.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF AMENDMENT NO. 3 TO THE AGREEMENT WITH STRAY CAT ALLIANCE FOR THE FIELD CAT TRAPPING PROGRAM (F: 55 – STRAY CAT ALLIANCE)

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

Amendment No. 3 to the agreement with Stray Cat Alliance to extend the contract through June 30, 2023, in an amount not-to-exceed \$70,000, be approved; and

The City Manager be authorized to sign Amendment No. 3, and to make minor modifications as appropriate on behalf of the City.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF AMENDMENTS TO CONTRACTS WITH KEYSER MARSTON ASSOCIATES, INC., TIERRA WEST ADVISORS, INC., AND HARRIS & ASSOCIATES, INC. TO PROVIDE FINANCIAL FEASIBILITY SERVICES (F: 55 – KEYSER MARSTON ASSOCIATES, INC.; 55 – TIERRA WEST ADVISORS, INC.; 55 – HARRIS & ASSOCIATES, INC.)

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

The contract for financial feasibility services to Keyser Marston Associates, Inc. be extended by one (1) year, in the not-to-exceed amount of \$100,000 per year, be approved;

The contract for financial feasibility services to Tierra West Advisors, Inc. be extended by one (1) year, in the not-to-exceed amount of \$100,000 per year;

The contract for financial feasibility services to Harris & Associates, Inc. be extended by one (1) year, in the not-to-exceed amount of \$100,000 per year;

The City Manager, or his designees, be authorized to execute the contracts referenced above, and make minor modifications as appropriate thereto, on behalf of the City; and

The City Manager, or his designees, be authorized to exercise option year terms and sign the option year amendments.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL TO RATIFY AMENDMENT NO. 2 TO THE AGREEMENT WITH CABCO YELLOW, INC., FOR TRANSPORTATION SERVICES FOR THE H. LOUIS LAKE SENIOR CENTER SENIOR MOBILITY PROGRAM (SMP)

(F: 55 – CABCO YELLOW, INC.)

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

Amendment No. 2 to the Agreement with Cabco Yellow, Inc., for transportation services for the City's Senior Mobility Program at the H. Louis Lake Senior Center, in the amount not to exceed \$205,000 during Fiscal Year 2022-2023, be ratified; and

Authorizing the City Manager's signatures on behalf of the City, including making minor modifications as appropriate and necessary.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF A RESOLUTION FOR THE FISCAL YEAR 2022-23 PROJECT LIST FUNDED BY GAS TAX REVENUE FROM SENATE BILL 1 (SB1) – THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (F: 34.1.FY2022-23)

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

Resolution No. 9747-22 entitled: A Resolution of the City Council of the City of Garden Grove adopting a list of projects for Fiscal Year 2022-23 funded by SB1: The Road Repair and Accountability Act of 2017, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF MEASURE M2'S FISCAL YEAR 2022-23 SEVEN-YEAR CAPITAL IMPROVEMENT PLAN AND ADOPTION OF A RESOLUTION UPDATING THE 2022 PAVEMENT MANAGEMENT PLAN (F: 23.18C)

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

The Fiscal Year 2022-23 Measure M2 Seven-Year Capital Improvement Plan, be adopted; and

Resolution No. 9748-22 entitled: A Resolution of the City Council of the City of Garden Grove concerning the status and update of the Pavement Management Plan for the Measure M2 (M2) Program, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GARDEN GROVE AND THE ORANGE COUNTY EMPLOYEE'S ASSOCIATION, GARDEN GROVE CHAPTER AND THE ORANGE COUNTY, EMPLOYEE'S ASSOCIATION GARDEN GROVE EMPLOYEE'S LEAGUE (F: 78.9A – LEAGUE; 78.13C – EMPLOYEE ASSOC)

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

Resolution No. 9749-22 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on salaries, wages, and fringe benefits for the term 2022-2025 by and between the Orange County

Employee's Association, Garden Grove Chapter and the City of Garden Grove, be adopted;

Resolution No. 9764-22 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on salaries, wages, and fringe benefits for the term 2022-2025 by and between the Orange County Employee's Association, Garden Grove Employee's League and the City of Garden Grove, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF THE RESOLUTION IMPLEMENTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR MIDDLE MANAGEMENT (F: 78.13B)

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

Resolution No. 9751-22 entitled: A Resolution of the City Council of the City of Garden Grove establishing salaries and compensation, fringe benefits and exempting Middle Management classifications from Municipal Code Section 2.44.390 and overtime, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON MAY 24, 2022
(F: Vault)

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

The Minutes from the meeting held on May 24, 2022, be received and filed.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

WARRANTS

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

Payroll deposits 00007072 through 00007693 and checks 00184996 through 00185021 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures;

Payroll deposits 00007695 through 00008321 and checks 00185022 through 00185039 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by EFT numbers 00024521 through 00024538 and check numbers 00679268 through 00679369 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by WIRE numbers 00001100 through 00001104, EFT numbers 0024539 through 00024566, and check numbers 00679370 through 00679442 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures; and

Demands covered by EFT numbers 0024567 through 0024598, and check numbers 00679443 through 00679600 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

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

Full reading of ordinances listed be waived.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

PUBLIC HEARING - ADOPTION OF A RESOLUTION CONFIRMING THE GARDEN GROVE
TOURISM IMPROVEMENT DISTRICT ADVISORY BOARD REPORT AND LEVYING AN
ASSESSMENT FOR FISCAL YEAR 2022-23 (F: 32.1)

Following staff's presentation, Council Member K. Nguyen asked whether Garden Grove Improvement District funds could be used for street repairs; she highlighted the increased traffic flows in the hotel tourism district.

City Attorney Sandoval stated that street repair funding needs to be reviewed and approved by the Garden Grove Improvement District (GGTID) Advisory Board.

Council Member K. Nguyen requested that staff work with the GGTID Advisory Board to consider the inclusion of street repair cost in their budget. She also expressed concern with the traffic signal located on Harbor Boulevard and Twintree as it does not function like a standard traffic signal, and inquired about having a replacement traffic signal funded by the GGTID.

Assistant City Manager Lisa Kim stated that the Site C project has incorporated the upgrade and installation of a new traffic signal at this location.

With no further questions from the City Council, Mayor Jones declared the public hearing open and asked if anyone wished to address the City Council.

Speakers: Brian Malley

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

The Deputy City Clerk announced that no protests were received; therefore, there was not a majority protest.

Council Member Brietigam expressed concern with the lack of City of Garden Grove representation within the program and requested a periodic analysis of the program's benefit to the residents of Garden Grove.

Council Member Bui requested that staff provide periodic updates on GGTID activities.

With no further discussion, it was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9752-22 entitled: A Resolution of the City Council of the City of Garden Grove confirming the annual report of the Garden Grove Tourism Improvement District Advisory Board and levying the assessment for Fiscal Year 2022-23 for the Garden Grove Tourism Improvement District, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF A RESOLUTION IMPLEMENTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR CENTRAL MANAGEMENT AND THE CITY MANAGER (F: 78.13A)

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

Resolution No. 9753-22 entitled: A Resolution of the City Council of the City of Garden Grove establishing salaries, fringe benefits and exempting Central Management classifications from Municipal Code Section 2.44.390 and overtime, and adjusting the City Manager base salary, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF A RESOLUTION ESTABLISHING A CAPITAL ASSET RENEWAL AND REPLACEMENT RESERVES POLICY (F: 127.8)

Following staff's presentation, it was moved by Council Member K. Nguyen, seconded by Mayor Pro Tem D. Nguyen that:

Resolution No. 9754-22 entitled: A Resolution of the City Council of the City of Garden, California adopting the City of Garden Capital Asset Renewal and Replacement Reserves Policy, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF RESOLUTIONS AMENDING THE FISCAL YEAR 2022-23 BUDGETS
(F: 34.1-FY2022-23)

Following City Manager Stiles introductory remarks, Finance Director, Patricia Song provided the budget PowerPoint presentation.

Following staff's presentation, it was moved by Council Member O'Neill, seconded by Council Member Bui that:

Resolution No. 9755-22 entitled: A Resolution of the City Council of the City of Garden Grove amending the City's adopted Biennial Budget for Fiscal Year 2022-23, be adopted;

Resolution No. 9756-22 entitled: A Resolution of the City Council of the City of Garden Grove adopting an appropriations limit for Fiscal Year 2022-23 implementing Article XIII B of the State Constitution as amended by Proposition 111 pursuant to Section 7900 et seq. of the Government Code, be adopted;

Resolution No. 9757-22 entitled: A Resolution of the City Council of the City of Garden Grove amending the City's Stability Reserves for Fiscal Year 2022-23, be adopted;

Resolution No. 9758-22 entitled: A Resolution of the City Council of the City of Garden Grove appropriating fund balances as of June 30, 2022, to reserves for future year reappropriation, be adopted;

Resolution No. 9759-22 entitled: A Resolution of the City Council of the City of Garden Grove reappropriating certain Fiscal Year 2021-22 project balances and encumbrances for the Fiscal Year 2022-23, be adopted; and

Resolution No. 9760-22 entitled: A Resolution of the City Council of the City of Garden Grove, California adding new employee classification and salary range for Emergency Operations Manager, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF RESOLUTIONS APPROVING THE AMENDED AND RESTATED EXCLUSIVE FRANCHISE AGREEMENT WITH REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC DBA GARDEN GROVE DISPOSAL (JOINT ACTION ITEM WITH THE SANITARY DISTRICT (Joint Action Item with the Garden Grove Sanitary District) (S-55.1 – REPUBLIC WASTE SERVICES)(XR: 121.2)

SANITARY DISTRICT ACTION

Following staff’s presentation, President O’Neill highlighted the increased services incorporated into the new contract and also highlighted the reduction in residential rates.

Member Brietigam expressed appreciation for the new alley monitoring service and expressed overall satisfaction with Republic Services’ response to City needs.

Vice President D. Nguyen concurred with Member Brietigam’s comments and expressed satisfaction with the community clean-up events.

Member K. Nguyen asked for clarification on the 2-year timeframe for reporting out on the Organic Waste Recycling Program compliance status.

General Counsel Sandoval stated that the program is starting mid-year and will require some time for residents to begin complying with the new Organic Waste Recycling mandate. Two years provides sufficient time to compile information to provide a substantive report.

Member K. Nguyen requested an update from Republic Services in a year that provides the overall progress or identifies issues encountered in implementing the Organic Waste Recycling program. Additionally, she requested that additional outreach be done on the Discount for Disabled and Low Income Seniors program, specifically for areas with known low income seniors like those in mobile home parks. Lastly, she expressed satisfaction with the additional services covered in the new contract and Republic Services’ overall performance in providing this service.

It was moved by Member K. Nguyen, and seconded by Member Bui that:

Resolution No. 3812-22 entitled: A Resolution of the Board of Directors of the Garden Grove Sanitary District approving the Amended and Restated Exclusive Franchise Agreement with Republic Waste Services of Southern California, LLC dba Garden Grove Disposal, be adopted.

The motion carried by a 6-0-1 vote as follows:

- Ayes: (6) Brietigam, Jones, Bui, K. Nguyen, D. Nguyen, O’Neill
- Noes: (0) None
- Absent: (1) Klopfenstein

CITY COUNCIL ACTION

Following staff’s presentation, it was moved by Council Member O’Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9761-22 entitled: A Resolution of the City Council of the City of Garden Grove approving the Amended and Restated Exclusive Franchise Agreement with Republic Waste Services of Southern California, LLC dba Garden Grove Disposal, be adopted;

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

SECOND READING OF ORDINANCE NO. 2936

(F: 60.11)

(As approved earlier in the meeting, it was moved by Council Member K. Nguyen, seconded by Council Member Brietigam, and approved by a 6-0-1 vote, that full reading of ordinances listed be waived.)

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

Ordinance No. 2923 entitled: An Ordinance of the City Council of the City of Garden Grove establishing the amount of money for paramedic services that must be raised by an ad valorem tax override and the setting of the tax rate of said override.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

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

Council Member Brietigam requested information regarding current regulations on speed bumps in relation to the information and inquiry from a public speaker earlier in the meeting. He also mentioned that the electric sign on Valley View Street is not functioning correctly and requested it be addressed. Council Member Brietigam also reminded the public to practice safety and caution during the 4th of July celebration. Lastly, he also invited Garden Grove residents to attend a catalytic converter engraving event to be held on July 10, 2022 from 9:00 a.m. to 1:00 p.m. at Grease Monkey of Garden Grove, located at 6962 Chapman Avenue; service will be free of charge.

Council Member O'Neill wished everyone a safe and happy 4th of July holiday. He cautioned the public on pool safety, especially for children.

Mayor Pro Tem D. Nguyen reminded the public to keep pets safe and secure and wished everyone a happy 4th of July holiday.

Council Member K. Nguyen shared with staff that she received a complaint about the playground equipment at Faylane Park. She reminded residents to be considerate of veterans suffering from PTSD and pets when using fireworks.

Council Member Bui shared that the State Legislature recently passed Senate Bill 357 in which it is no longer illegal to stand on a public sidewalk to solicit prostitution. He stated that Governor Newsom has not yet signed the bill into law, and that he plans to send a letter urging the Governor to veto the bill. Additionally, Council Member Bui suggested that the City Manager's Office contact the Garden Grove Tourism Improvement District Advisory Board for their support in opposition to this bill. Lastly, he wished everyone a safe and happy 4th of July.

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

Mayor Jones noted the recent passing of former City Manager George Tindall who served the city from 1984 to 2004.

ADJOURNMENT

At 9:15 p.m., Mayor Jones adjourned the meeting in memory of former Garden Grove City Manager George Tindall. The next Regular City Council Meeting will be held on Tuesday, July 12, 2022, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Lizabeth Vasquez
Deputy City Clerk