

MINUTES

GARDEN GROVE CITY COUNCIL

Special Meeting

Tuesday, November 15, 2022

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

CONVENE CLOSED SESSION

At 5:39 p.m., Mayor Jones convened closed session.

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

ABSENT: (1) Council Member O’Neill absent at Roll Call,
but joined the meeting at 5:45 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

City Property: Willowick Golf Course, 3017 W. 5th Street, Santa Ana, California

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

Negotiating Parties: Ryan Aeh, Willowick Community Partners; Trae Rigby,
McWhinney; Robin Mark, Trust for Public Land

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

ADJOURN CLOSED SESSION

At 6:15 p.m., Mayor Jones adjourned closed session.

CONVENE REGULAR MEETING

At 6:30 p.m., Mayor Jones convened the meeting in the Council Chamber with all
Council Members present.

INVOCATION

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

ORAL COMMUNICATIONS

Speakers: Carolyn Coleman, Ana Parker, Nicholas Dibs

Written Communications: Craig Durfey

CONSIDERATION OF A REQUEST FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR CO-SPONSORSHIP OF THE 2023 STRAWBERRY STOMP 5K ON SATURDAY, MAY 27, 2023 (F: 88.1)

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

Co-sponsorship, for the costs in the amount of \$13,000, for the Sister City Association of Garden Grove's 2023 Strawberry Stomp 5K on Saturday, May 27, 2023, be approved.

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

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

RECESS

At 6:45 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 6:47 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A PROCLAMATION RECOGNIZING DECEMBER 10, 2022, AS HUMAN RIGHTS AWARENESS DAY IN GARDEN GROVE (F: 83.1)

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

December 10, 2022 be and hereby is proclaimed as Human Rights Day in Garden Grove.

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

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

ADOPTION OF A RESOLUTION APPROVING THE 2022 EDITION OF THE MANUAL OF PROCEDURE FOR CITY COUNCIL MEETINGS (F: 127.4)

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

Resolution No. 9776-22 entitled: A Resolution of the City Council of the City of Garden Grove adopting the Manual of Procedure (2022 edition), be adopted.

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

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

REVIEW AND ACCEPTANCE OF THE AUTOMATIC PASS-THROUGH WATER RATE ADJUSTMENT (F: 112.1)

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

The Water Commodity Adjustment Calculation of the automatic pass-through adjustment to the Commodity Delivery Charges effective January 1, 2023, be reviewed.

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

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

ACCEPTANCE OF PROJECT CP1285000 - ALWOOD AVENUE - ANTHONY AVENUE WATER IMPROVEMENT PROJECT AS COMPLETE (F: 112.PROJ.CP1285000)

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

Project CP1285000, Alwood Avenue - Anthony Avenue Water Improvement Project be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Improvement and Work; and

The Finance Director be authorized to release the retention payment when appropriate to do so.

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

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

ACCEPTANCE OF PROJECT NO. 01-2022 – WILLOWICK GOLF COURSE STORAGE STRUCTURE AS COMPLETE (F: 73.13) (XR: 55-RESOURCE ENVIRONMENTAL, INC.)

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

The Willowick Golf Course Storage Structure Demolition Project No. 01-2022, be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Improvement and Work; and

The Finance Director be authorized to release the retention payment when appropriate to do so.

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

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

APPROVAL OF PHASE II FINAL TRACT MAP NO. TR-17702 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH NEW AGE BROOKHURST, LLC AND PAN CONSTRUCTION, INC., FOR THE PROPERTY LOCATED AT THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET (A-116.7)

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

The Phase II Final Tract Map No. TR-17702 and the Subdivision Improvement Agreement with New Age Brookhurst, LLC and Pan Construction, Inc., for the property located 227 feet southeast from the center line intersection of Stanford Avenue and Brookhurst Way, be approved; and

The City Manager be authorized to execute the Subdivision Improvement Agreement on behalf of the City, and make minor modifications as appropriate and

to accept the bonds, cash deposit, and/or instrument(s) of credit required to be provided pursuant to the Agreement.

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

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

APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF ORANGE FOR COUNTY FUNDING FOR THE CONSTRUCTION AND OPERATIONS OF THE FUTURE CENTRAL CITIES NAVIGATION CENTER (F: 117.15B)

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

The Memorandum of Understanding with County of Orange for funding commitment of \$11.55 million for the construction and operations of the future Central Cities Navigation Center, be approved; and

The City Manager be authorized to execute all documents on behalf of the City, and make minor modifications thereto as needed.

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

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

APPROVAL OF A DENSITY BONUS HOUSING AGREEMENT WITH TOBY NGUYEN AND/OR PHIL DONG, FOR A FIVE UNIT APARTMENT PROJECT LOCATED AT 13361 YOCKEY STREET, GARDEN GROVE (F: 117.16P3)

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

The Density Bonus Housing Agreement by and between the City of Garden Grove and Toby Nguyen (Developer) and/or Phil Dong (Owner), be approved; and

The City Manager be authorized to execute the Agreement and all other documents necessary to implement the agreement, and to make minor modifications as appropriate thereto.

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

Ayes: (7) Brietigam, O'Neill, Bui, K. Nguyen, Klopfenstein,

Noes: (0) D. Nguyen, Jones
None

APPROVAL TO EXTEND THE AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC., TO PROVIDE CROSSING GUARD SERVICES THROUGH JUNE 30, 2023 (F: 55-ALL CITY MANAGEMENT SERVICES, INC.)

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

The amendment to the agreement with All City Management Services, Inc., extending the term to June 30, 2023, in the amount of \$163,200, be approved; and

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

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

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

AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO IRV SEAVER MOTORCYCLES FOR TWO (2) POLICE MOTORCYCLES

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

The Finance Director be authorized to issue a Purchase Order in the amount of \$61,000 to IRV Seaver Motorcycles for the purchase of two (2) new and unused police motorcycles.

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

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

AUTHORIZE ISSUANCE OF A PURCHASE ORDER TO INNOVATIVE PLAYGROUNDS COMPANY, INC., FOR NEW PLAYGROUND EQUIPMENT FOR MAGNOLIA PARK

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

The Finance Director be authorized to issue a Purchase Order for Innovative Playground Company, Inc., in the amount of \$161,067.67 for the purchase of new playground equipment at Magnolia Park.

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

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

RECEIVE AND FILE MINUTES FROM THE MEETINGS HELD ON OCTOBER 11, 2022,
AND OCTOBER 25, 2022 (F: VAULT)

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

The minutes from the meetings held on October 11, 2022 and October 25, 2022, be received and filed.

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

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

WARRANTS

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

Demands covered by EFT numbers 00027903 through 00027934, and check numbers 00681480 through 00681642 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 00001239 through 00001248, EFT numbers 00027935 through 00027972, and check numbers 00681643 through 00681749 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 00001249 through 00001280, EFT numbers 00027973 through 00027997, and check numbers 00681750 through 00681898 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 00027998 through 00029010, and check numbers 00681899 through 00682115d 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 00001281 through 00001288, EFT numbers 00029011 through 00029048, and check numbers 00682116 through 00682219 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures;

Payroll deposits 00013354 through 00013970; 00013971 through 00014585; and check numbers 00185187 through 00185199; 00185201 through 00185216, 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 7-0 vote as follows:

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

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Brietigam, seconded by Mayor Pro Tem 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, Bui, K. Nguyen, Klopfenstein,
D. Nguyen, Jones
Noes: (0) None

ACCEPTANCE OF THE RESIGNATION FROM PLANNING COMMISSIONER DALE SOEFFNER (F: 122.10A)

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

Planning Commissioner Dale Soeffner's resignation be accepted with regret.

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

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

FIRST READING AND INTRODUCTION OF AN ORDINANCE ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS CODES WITH MODIFICATIONS

(F: 35.2) (XR: 50.2)

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

Following staff's PowerPoint presentation, Council Member K. Nguyen asked staff about inspection scheduling and possible solutions to improve the current system, noting citizen's complaints about inspection appointment availability.

Building Official David Dent shared that the Building and Safety division is streamlining and improving the current inspection system by removing redundancies and fixing system deficiencies that will drastically improve inspection availability dates and reduce number of days out.

Council Member Bui inquired how the department plans to monitor the new system progress.

Building Official David Dent shared that the new system has reporting capabilities that will provide information on the number of days out for inspections, and this information will be provided on a quarterly report to the City Council.

Following City Council closing remarks, it was moved by Council Member Brietigam, seconded by Mayor Pro Tem D. Nguyen that:

Ordinance No. 2940 entitled: An Ordinance of the City Council of the City of Garden Grove amending Title 18 of the Garden Grove Municipal Code and adopting by reference the following primary codes with certain amendments, deletions, and additions thereto: California Building Code, 2022 Edition; California Residential Code, 2022 Edition; California Electrical Code, 2022 Edition; California Mechanical Code, 2022 Edition; California Plumbing Code, 2022 Edition; California Energy Code, 2022 Edition; California Fire Code, 2022 Edition; California existing Building Code, 2022 Edition; California Green Building Standards Code, 2022 Edition; California Referenced Standards Code, 2022 Edition; and certain secondary codes including the International Property Maintenance Code, 2021 Edition, as published by the International Code Council; and the International Swimming Pool and Spa Code, 2021 Edition, as published by the International Code Council, be adopted.

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

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

APPROVAL OF AMENDMENT NO. 2 TO THE AGREEMENT WITH CSG CONSULTANTS INC., AND TO AWARD A CONTRACT TO WILLDAN ENGINEERING TO PROVIDE ON-CALL BUILDING CONTRACTUAL SERVICES (F: 55-CSG CONSULTANTS, INC.; 55-WILLDAN ENGINEERING)

It was moved by Council Member Brietigam, seconded by Council Member O'Neill that:

Amendment No. 2 for on-call Building Contractual Services to CSG Consultants, Inc. agreement to increase the compensation in the amount of \$250,000 for a total amount of \$500,000, be approved;

A contract in the amount of \$250,000 be awarded to Willdan Engineering for on-call Building Contractual Services;

An additional \$500,000 be appropriated from the General Fund to the Building Plan Check/Permits GL (111-212-1195);

The City Manager, or his designees, be authorized to execute Amendment No. 2 to the CSG Consultants, Inc. agreement, and make minor modifications as appropriate thereto, on behalf of the City;

The City Manager, or his designees, be authorized to execute the agreement with Willdan Engineering 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 amendment terms for the current year and available option years.

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

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

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

Council Member Brietigam commented on the effectiveness of the *Report an Issue* App and suggested that a reply to the submitter be provided when the issue has been resolved.

In response to Council Member Brietigam's suggestion, City Manager Stiles stated that he will work with City staff and determine whether this feature is feasible.

Council Member O'Neill congratulated his daughter Michelle and her husband Nate on their recent nuptials.

Mayor Pro Tem congratulated Council Member O'Neill on his daughter's marriage.

Council Member Bui highlighted the issue of street food vendors that take over sidewalks. He shared that he has reported these vendors to the Police Department. While vendors leave at that time they return within a week. He recently encountered another street vendor with a large operation at the 99 Cent Store shopping center on Brookhurst Avenue. Council Member Bui expressed concern about traffic and health safety issues, and unfairness to surrounding restaurants. He asked City staff to work with the Police Department, and also involve the County Health Department for assistance of proper regulation.

In response to Council Member Bui's request, City Manager Stiles stated the City currently has a permit system for small operations like fruit vendors; however, on occasion with larger unpermitted operations the County Health Department has responded and confiscated the vendor's equipment which helps deter this type of activity. The City also has a weekend Code Enforcement officer on duty so he suggested the public report street vendors to the City to be addressed accordingly.

Council Member K. Nguyen concurred with Council Member Bui regarding concerns about street vendors that are setting up large operations in the city. She asked that the City Attorney provide Council Members information regarding what current State law prohibits or allows. Her concern is large corporations and chains, some from Los Angeles area that are setting up operations and creating dangerous situations in the city; she emphasized the need to address this growing issue. Lastly, Council Member K. Nguyen commended the speaker that shared her life experiences in dealing with homelessness. She shared that the City Council has tried to find compassionate solutions to address homelessness through mental health and substance abuse services, a navigation center, and creating more affordable housing.

Mayor Pro Tem D. Nguyen also noted several street vendors with large operations which pose health safety concerns and which hurt local businesses therefore, she supports regulation of these vendors.

City Manager Stiles stated that information will be forthcoming regarding current State law pertaining to street vendors that will be shared with the Police Department, Code Enforcement, and the City Council. He also mentioned that Fire Chief Covey will be providing a presentation on battery safety at the next City Council meeting. Additionally, he shared that Police Chief Tom DaRé will be retiring as of December 31, 2022. A Community Spotlight honoring his professional career will be planned for the December City Council meeting. City Manager Stiles also shared that the Police Department, Community and Economic Development Department, and the City Manager's Office have been working with consultants on the Public Safety Building project. He anticipates study sessions being scheduled early next year to share project information and receive input from the City Council and the public. Lastly, he shared that at the last City Council meeting scheduled for December 13, 2022, a

reception would be held for outgoing City Council Members and the new Council Members would be sworn in.

City Attorney Sandoval stated that there was no reportable action taken in closed session. In response to the street vendors he shared that State law does not allow agencies to prohibit street vendors, but permits regulation. In 2019 the City adopted an ordinance that requires street vendors to obtain permits, business licenses, health department permits, provide set-up information, and maintain a four-foot clearance for pedestrian traffic for ADA access. Additionally, he added that State law does not differentiate between individuals and corporations.

ADJOURNMENT

At 7:41 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, December 13, 2022, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Lizabeth Vasquez
Deputy City Clerk