

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, October 24, 2023

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

CONVENE CLOSED SESSION

At 5:30 p.m., Mayor Jones convened closed session.

- ROLL CALL PRESENT: (5) Council Members DoVinh, Klopfenstein, Nguyen-Penaloz, Mayor Pro Tem Brietigam, Mayor Jones
- ABSENT: (2) Council Member O’Neill was absent at Roll Call, but joined the meeting at 5:40 p.m. Council Member Tran was absent at Roll Call but joined the meeting at 6:00 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Existing litigation per Government Code Section 54956.9(d)(1): Noe v. City of Garden Grove, USDC Case No. 8:22-cv-01685-JDE.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 12966 Euclid Street, Garden Grove, California

City Negotiator: Lisa Kim, City Manager

Negotiating Parties: Peter Wells and Anthony DeLorenzo, CBRE

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): Two potential cases.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1): In Re: Aqueous Film-Forming Foams Product Liability Litigation, USDC MDL No. 2:18-mm-2873-RMG.

RECESS CLOSED SESSION

At 6:25 p.m., Mayor Jones recessed closed session.

CONVENE REGULAR MEETING

At 6:39 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

RECESS MEETING

At 6:41 p.m., Mayor Jones recessed the meeting.

RECONVENE MEETING

At 6:43 p.m., Mayor Jones convened the meeting in the Council Chamber with all Council Members present.

COMMUNITY SPOTLIGHT IN RECOGNITION OF EMPLOYEES CELEBRATING 25 PLUS YEARS OF SERVICE WITH THE CITY OF GARDEN GROVE (F: 83.1-2023)

Employees recognized were: Terence Chang, Luis Payan, Maria Stipe, Alexis Santos, Hermilo Hernandez, Pam Haddad, Gabriela O’Cadiz-Hernandez, and Rod Victoria.

PRESENTATION – GARDEN GROVE’S BE WELL OC PROGRAM UPDATE
(F: 55-Mind OC)

Kathryn Hamel, Vice President of Mobile Operation for Be Well OC, Kevin Von Luft, Director of Mobile Operations, and Tam Nguyen, Garden Grove area supervisor, approached the City Council and provided program materials. Ms. Hamel listed two years of statistics starting in October 2021 that included assisting 7,689 individuals impacted by mental health and substances abuse crises; transported 955 individuals to higher levels of care; a seven-minute response time on average and over 4,000 hours being on scene in collaboration with the Garden Grove Police Department. Mr. Nguyen, a Garden Grove native, gave a narrative on responding to a resident needing Be Well OC’s assistance.

PRESENTATION – ORANGE COUNTY GRAND JURY MEMBERSHIP DRIVE UPDATE
(F: 23.1)

Kris Beard, a current Grand Jury Member and former City Council Member, introduced Michael Verrengia, Foreperson on the Orange County Grand Jury. Mr. Verrengia described how 25 to 30 grand jurors are selected to represent the five Orange County supervisorial districts in a random lottery, and he encouraged residents interested in volunteering to submit their application.

ORAL COMMUNICATIONS

Speakers: Tony Bui, Kyle Mason, Nicholas Dibs, a Garden Grove Resident.

Written Communications: Nicholas Dibs

RECESS

At 7:15 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 7:18 p.m., Mayor Jones reconvened the meeting with all Council Members present.

AUTHORIZATION FOR MODIFICATIONS TO THE 2022 PROMISSORY NOTES WITH COTTAGE INDUSTRIES (JOINT ACTION ITEM WITH THE HOUSING AUTHORITY)
(F: 108.2-2016)

CITY COUNCIL ACTION

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Amendments to the Promissory Notes secured by Deeds of Trust to extend the term for six years be approved; and

The City Manager/Executive Director be authorized to approve any pertinent documents on behalf of the City/Housing Authority, and authorize the City Manager/Executive Director to approve modifications as appropriate.

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

Ayes: (7) O’Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

HOUSING AUTHORITY ACTION

It was moved by Commissioner O’Neill, seconded by Commissioner DoVinh that:

Amendments to the Promissory Notes secured by Deeds of Trust to extend the term for six years be approved; and

The Executive Director/City Manager be authorized to approve any pertinent documents on behalf of the Housing Authority/City, and authorize the Executive Director/City Manager to approve modifications as appropriate.

The motion carried by a 9-0 vote as follows:

- Ayes: (9) Beckles, O’Neill, Tran, Jones, DoVinh,
Klopfenstein, Nguyen-Penalozza, Nguyen,
Brietigam
- Noes: (0) None

ADOPTION OF A RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS FOR GRANT OPPORTUNITIES OFFERED BY THE CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) (F: 89.2) (XR: 24.13)

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Resolution No. 9826-23 entitled: A Resolution of the City Council of the City of Garden Grove authorizing submittal of application(s) for all CalRecycle grants for which City of Garden Grove is eligible, be adopted.

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

- Ayes: (7) O’Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penalozza, Brietigam, Jones
- Noes: (0) None

ADOPTION OF A RESOLUTION APPROVING SIGNING AUTHORITY FOR A GRANT AGREEMENT WITH THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (F: 55-California Board of State and Community Corrections)

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Resolution No. 9827-23 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the City Manager to sign the Grant Agreement with the Board of State and Community Corrections for the Organized Retail Theft Prevention Grant Program, be adopted.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

APPROVAL OF THE FIRST AMENDMENT TO WILLOWICK GOLF COURSE
MANAGEMENT AGREEMENT TO EXTEND THE TERM FOR THREE YEARS
(F: 55-Willowick Golf Management, LLC) (XR: 55-Billy Casper Golf, LLC) (XR: 73.13)

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

The First Amendment to the Willowick Golf Course Management Agreement, be approved; and

The City Manager be authorized to execute the Agreement, approve minor revisions as needed, and approve subsequent extensions of the Agreement.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

APPROVAL OF AMENDMENT NO. 4 TO AGREEMENTS WITH SCOTT FAZEKAS &
ASSOCIATES, INC., CSG CONSULTANTS, INC., AND THE CODE GROUP, INC., FOR
ON-CALL PLAN REVIEW AND BUILDING CONTRACTUAL SERVICES ON AN "AS-
NEEDED" BASIS (F: 55-Scott Fazekas & Associates, Inc.) (F: 55-CSG Consultants,
Inc.) (F: 55-The Code Group, Inc.)

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Amendment No. 4 to each agreement for on-call Plan Review and Building Contractual Services with: Scott Fazekas & Associates, Inc.; CSG Consultants, Inc.; and The Code Group, Inc., to increase the compensation for each agreement in the amount of \$250,000 per Agreement, be approved;

An additional \$250,000 from the General Fund to the Building Plan Check/Permits GL (111-212-1195), be appropriated;

The City Manager, or her designees, be authorized to execute Amendment No. 4, and make minor modifications as appropriate thereto, on behalf of the City; and

The City Manager, or her 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) O'Neill, Tran, DoVinh, Klopfenstein,
 Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

AWARD A CONTRACT TO OCEAN BLUE ENVIRONMENTAL SERVICES, INC., FOR THE REMOVAL OF HAZARDOUS AND BIOLOGICAL MATERIALS
(F: 55-Ocean Blue Environmental Services, Inc.)

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

A contract be awarded to Ocean Blue Environmental Services, Inc., for hazardous materials and biological clean-ups within the City, for three (3) years, in the amount not to exceed \$190,000 per year; and

The City Manager be authorized to sign the contract on behalf of the City, making minor modifications thereto as necessary.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
 Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW VAN FOR THE CUSTODIAL SECTION IN THE PUBLIC WORKS DEPARTMENT

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

The Finance Director be authorized to issue a purchase order, in the amount of \$54,648.33, to National Auto Group for the purchase of one (1) new van.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
 Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON OCTOBER 10, 2023
(F: Vault)

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Minutes from the meeting held on October 10, 2023, be received and filed as submitted or amended.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

WARRANTS

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Demands covered by EFT numbers 00029159 through 00029801 and check numbers 00185577 through 00185586 inclusive and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed; and

Demands covered by EFT numbers 00029802 through 00030443 and check numbers 00185587 through 00185595 inclusive and 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) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

WAIVER

It was moved by Council Member Klopfenstein, seconded by Council Member DoVinh that:

Full reading of ordinances listed be waived.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

APPROVAL TO PARTICIPATE IN THE 2023-2024 OFFICE OF TRAFFIC SAFETY (OTS)
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP)
(F: 55-State of California Office of Traffic Safety) (XR: 82.15)

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

Participation in the Selective Traffic Enforcement Program (STEP), be authorized;

The Office of Traffic Safety Grant funds in the amount of \$370,000, be accepted;

The Police Chief, Finance Director and Finance Deputy Director be authorized to execute the grant agreement on behalf of the City; and

Grant monies be allocated to fund Selective Traffic Enforcement Operations.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

RECEIVE AND FILE THE 2023 GARDEN GROVE POLICE DEPARTMENT MILITARY
EQUIPMENT ANNUAL REPORT, AND INTRODUCE THE FIRST READING OF AN
ORDINANCE APPROVING THE MILITARY EQUIPMENT USE POLICY AND RESCINDING
ORDINANCE NO. 2935 (F: 82.1A)

(It was moved earlier in the Meeting by Council Member Klopfenstein, seconded by Council Member DoVinh, and carried by a 7-0 vote that full reading of ordinances listed be waived.)

Following staff introduction, Mayor Pro Tem Brietigam praised the Police Department for a job done well, and subsequently moved, seconded by Council Member Klopfenstein that:

The Garden Grove Police Department Military Equipment Annual Report for the year 2023, be received and filed; and

Ordinance No. 2944 entitled: An Ordinance of the City Council of the City of Garden Grove Police Department Military Equipment Use Policy pursuant to Government Code 7071 and rescinding Ordinance No. 2935, be passed to second reading and adoption.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

AUTHORIZE THE APPROPRIATION OF THE ENCAMPMENT GRANT RESOLUTION FUNDING ROUND 3 LOOKBACK (ERF-3-L), AND AUTHORIZE THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF ORANGE (F: 55-County of Orange) (F: 117.15B) (F: 117.15D)

Following staff introduction, it was moved by Council Member Nguyen-Penaloza, seconded by Mayor Pro Tem Brietigam that:

The Finance Director be authorized to appropriate the ERF-3-L awarded amount not to exceed \$1,921,500;

The City Manager, or her designee(s), be authorized to execute a Memorandum of Understanding (MOU) between the County of Orange and the City, and make minor modifications as appropriate thereto including the provision of \$330,000 in funding, on behalf of the City; and

The City Manager, or her designees, be authorized to execute any agreements and amendments related to the ERF-3-L or MOU.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO PB LOADER FOR ONE (1) NEW POLICE DEPARTMENT COMMAND POST

This matter was continued.

SECOND READING AND ADOPTION OF ORDINANCE NO. 2943 (F: 115.A-037-2023) (XR: 20.GPA-002-2023)

(It was moved earlier in the Meeting by Council Member Klopfenstein, seconded by Council Member DoVinh, and carried by a 7-0 vote that full reading of ordinances listed be waived.)

Following the reading of the title, it was moved by Council Member O'Neill, seconded by Mayor Pro Tem Brietigam that:

Ordinance No. 2943 entitled: An Ordinance of the City Council of the City of Garden Grove approving Zoning Map Amendment No. A-037-2023 to revise the City's official Zoning Map to implement the updates to the adopted 2021-2029 Housing Element and to clarify the sites intended to be included in the International West Mixed Use Overlay and the Industrial/Residential Mixed Use 1 Overlay pursuant to Ordinance No. 2923, be adopted.

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

Ayes: (7) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Brietigam, Jones
Noes: (0) None

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

Mayor Pro Tem Brietigam listed recent events that included the Korean Business Convention held in Anaheim; the Korean Arirang Festival at Garden Grove Park; the Silver Spoons Award held by the Chamber of Commerce; the Garden Grove Elks Lodge Fire and Police appreciation event; and the 100th Anniversary celebration of the Garden Grove Women's Club.

Council Member O'Neill commented on attending the OCSD Sustainability Decathlon for recognizing the most innovative concepts for energy efficient homes. He expressed appreciation for the Garden Grove Neighborhood Association holding a Water Rate Study where residents from District 1 attended; the Garden Grove Chamber Mixer and ribbon cutting for the Taboon Mediterranean Express Restaurant and Pro-Athletics where the strip mall on Valley View has been repaired from the recent fire; and the Arbor Day Tree Planting at Garden Grove Park hosted by Public Works and attended by GGUSD surrounding schools. He noted his mother was the past president of the Garden Grove Women's Club and that his parents celebrated their 40th anniversary at the club.

Council Member Tran noted she has recently received emails asking what the City is doing about the homeless, and pointed out that at tonight's meeting she voted to support a 1.9 million dollar Encampment Grant for operating the Navigation Center and to expand street outreach efforts focused on Beach Boulevard. She thanked staff and the Police Department Special Resource Team for working with the car dealership to cap the electrical outlets where the vehicles are stored furthering the mitigation of homeless activity, and noted that CalTrans responses to issues take time. She recounted a recent visit to a local Garden Grove restaurant she visited after giving blood, and feeling faint she asked for assistance; however, she was disappointed that no one stepped up to assist her. She stressed the value of being a Good Samaritan.

Council Member DoVinh noted tonight's Community Spotlight and expressed his appreciation for the employees who have worked for the City for 25 plus years; noting the daily assistance he and the City Council receive from Council Liaison Pam

Haddad who was recognized tonight for serving Garden Grove for 25 years. He commented on attending the Korean Business Convention that included two days of activities and that he was impressed with the Taekwondo exhibit. He cautioned everyone about fake news being released via social media, and noted that the city officials are aware. He praised Tony Bui, who spoke tonight, for all of his work that he does for his city of Westminster.

Council Member Klopfenstein noted that Vector Control testing is positive for an invasion of the Aedes Mosquito and encouraged people to contact Vector Control at ocvector.org to learn more. She cautioned everyone to use flashlights when taking their children out on Halloween; and noting the legislative update at the last City Council meeting, Senator Nguyen addressed how deadly fentanyl is and has been sold to young people at times disguised to look like candy. She stressed that parents and caregivers be vigilant with sorting children's Halloween candy.

Council Member Nguyen-Penalosa mentioned the upcoming Día De Los Muertos event being held at the Buena Clinton Family Resource Center for the Buena Clinton residents. She commented on her persistence with contacting local government offices to find grant money for revitalizing the City's parks; and that she is excited about the upcoming improvements to Woodbury Park with the city receiving six million dollars in grant funds. She noted that the City is hosting a community meeting at Woodbury Park, located at 13800 Rosita Place, on Thursday, November 2, 2023, at 5:00 p.m., to present the revitalization and expansion project plans for the park, and residents are invited to attend.

City Manager Kim announced that on Saturday, October 28, 2023, from 10:00 a.m. to 2:00 p.m., the Garden Grove Police Department will participate in the Drug Enforcement Administration's (DEA) National Prescription Drug Take Back Day. The event gives the public an opportunity to prevent pill abuse and theft by ridding their homes of potentially dangerous expired, unused, and unwanted prescription drugs. Bring your pills for disposal to the Garden Grove Police Department, located at 11301 Acacia Parkway, Garden Grove 92840. The DEA cannot accept liquids or needles or sharps, only pills or patches. The service is free and anonymous, no questions asked. Also, as a reminder, the Jack O' Lantern Jamboree is on Saturday, October 28, 2023, from 1:00 p.m. to 4:00 p.m., at Atlantis Play Center in Garden Grove Park, at 13630 Atlantis Way. Activities will include train rides, inflatable obstacle courses, a magic show, balloon twister, a pumpkin patch, carnival games, a reptile booth with educational shows, and more. Costumes are encouraged.

City Attorney Sandoval stated that there is no reportable action taken during closed session, and that the City Council will be going back into closed session.

RECESS

At 7:45 p.m. Mayor Jones recessed the meeting.

RECONVENE CLOSED SESSION

At 7:46 p.m., Mayor Jones reconvened closed session in the Founders Room with all Council Members present.

ADJOURN CLOSED SESSION

At 8:12 p.m., Mayor Jones adjourned closed session.

RECONVENE MEETING

At 8:13 p.m., Mayor Jones reconvened the meeting with all Council Members present.

City Attorney Sandoval announced that as to the anticipated litigation pursuant to Government Code Section 54956.9(d)(4), the City Council unanimously authorized the City Attorney to commence abatement action for the properties located at 11461 Westminster Avenue and 13931 Newhope Street; and that there was no reportable action taken on the remaining closed session items.

ADJOURNMENT

At 8:14 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, November 14, 2023, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy
City Clerk