

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 28, 2023

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

CONVENE MEETING

At 6:33 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (7) Council Members O’Neill, Tran, DoVinh,
Klopfenstein, Nguyen-Penalosa, Mayor Pro
Tem Brietigam, Mayor Jones

ABSENT: (0) None

INVOCATION

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

RECESS

At 6:35 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 6:38 p.m., Mayor Jones reconvened the meeting with all Council Members present.

COMMUNITY SPOTLIGHT IN RECOGNITION OF COLONIAL CARPET COMPANY FOR BEING NAMED THE BEST PLACE TO BUY CARPET OR FLOORING IN THE ORANGE COUNTY REGISTER’S 30TH ANNUAL BEST OF ORANGE COUNTY READER’S CHOICE POLL (F: 83.1-2023)

ORAL COMMUNICATIONS

Speakers: Leland Sisk, Nicholas Dibs, Mike Truong, Jen Tackney.

WRITTEN COMMUNICATIONS – CONSIDERATION OF A REQUEST FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR CO-SPONSORSHIP OF THE 2024 STRAWBERRY STOMP 5K (F: 102.1) (F: 42.3)

Following staff introduction, it was moved by Council Member Nguyen-Penaloza, seconded by Council Member Klopfenstein that:

The request from the Sister City Association of Garden Grove for co-sponsorship of the 2024 Strawberry Stomp 5K scheduled for Saturday, May 25, 2024, be approved.

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

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

WRITTEN COMMUNICATIONS – CONSIDERATION OF A REQUEST FROM AYSO REGION 59 TO WAIVE THE CITY'S SHOWMOBILE STAGE RENTAL FEES FOR THE 2023 JINGLE JAM EVENT (F: 74.27)

Following staff introduction and with Mayor Pro Tem Brietigam expressing his support for the event, it was moved by Mayor Pro Tem Brietigam, seconded by Council Member Klopfenstein that:

The request from AYSO Region 59 to waive the rentals fee of \$350 for use of the City's showmobile stage for the Jingle Jam event on Friday, December 8, 2023 at Eastgate Park, be approved.

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

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

RECESS

At 6:59 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 7:05 p.m., Mayor Jones reconvened the meeting with all Council Members present.

ADOPTION OF A PROCLAMATION DECLARING DECEMBER 10, 2023, AS HUMAN RIGHTS DAY IN GARDEN GROVE (F: 83.1-2023)

It was moved by Council Member Nguyen-Penalozza, seconded by Council Member Klopfenstein that:

December 10, 2023, be declared Human Rights Day in Garden Grove.

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

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

ACCEPTANCE OF PROJECT NO. 02-2023 – 11277 GARDEN GROVE SILICONE ROOFING AS COMPLETE (F: 55-AME BUILDERS, INC. DBA AME ROOFING)

It was moved by Council Member Nguyen-Penalozza, seconded by Council Member Klopfenstein that:

The 11277 Garden Grove Silicone Roofing Project No. 02-2023 be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Works Improvements 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) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penalozza, Brietigam, Jones
Noes: (0) None

ADOPTION OF A RESOLUTION FOR THE PERMANENT LOCAL HOUSING ALLOCATION GRANT PROGRAM AND RESCINDING RESOLUTION NO. 9654-20 (F: 57.11)

It was moved by Council Member Nguyen-Penalozza, seconded by Council Member Klopfenstein that:

Resolution No. 9834-23 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the application and adopting the PLHA Plan for the Permanent Local Housing Allocation Program and Rescinding Resolution No. 9654-20, be adopted; and

The City Manager be authorized to execute any PLHA associated documents.

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

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

WARRANTS

It was moved by Council Member Nguyen-Penalozza, seconded by Council Member Klopfenstein that:

Demands covered by Wire numbers 00001806 through 00001856, EFT numbers 00041931 through 00041969 and check numbers 00689699 through 00689789 inclusive as listed on this register and have been verified by the Finance Division as property issued and bear all proper signatures, be received and filed;

Demands covered EFT numbers 00041970 through 00043030, and check numbers 00689790 through 00689990 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed;

Demands covered by EFT numbers 00043031 through 00043062 and check numbers 00689991 through 00690088 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed;

Demands covered EFT numbers 00043063 through 00043107, and check numbers 00690089 through 00690191 inclusive as listed on this register and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed;

Demands covered by EFT numbers 00043108 through 00043168 and check numbers 00690192 through 00690344 inclusive and have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed;

Demands covered by EFT numbers 00031086 through 00031726 and check numbers 00185605 through 00185614 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-Penalozza, Brietigam, Jones
Noes: (0) None

WAIVER

It was moved by Council Member Nguyen-Penalozza, 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) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penalozza, Brietigam, Jones
Noes: (0) None

PUBLIC HEARING – INTRODUCTION AND FIRST READING OF AN ORDINANCE ENACTING ADJUSTMENTS IN WATER RATES AND CHARGES AND AUTHORIZING FUTURE AUTOMATIC ADJUSTMENTS IN WATER RATES TO ACCOUNT FOR ADOPTED INCREASES OR DECREASES IN WHOLESAL CHARGES THE CITY PAYS TO OTHER AGENCIES FOR WATER (F: 112.1)

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

Following staff introduction, Mayor Jones declared the public hearing open.

Speakers: Jim Hoisington, Nicholas Dibs

With no further testimony from the audience, Mayor Jones declared the public hearing closed.

The City Clerk announced that 34 protests were received; with the last equalized assessment roll of Orange County totaling 37,600 parcels and as the number of water service accounts total 34,689, there is not a majority protest.

Following City Council comments with Mayor Pro Tem Brietigam stating he would not support the rate adjustment, it was moved by Council Member Nguyen-Penalozza, seconded by Council Member O'Neill that:

Ordinance No. 2948 entitled: An Ordinance of the City of Garden Grove amending sections 14.12.010, 14.12.030, and 14.12.050 of Chapter 14.12 of Title 14 ("Water") of the Municipal Code relating to water rates and charges, and meter failures, be passed to second reading.

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

Ayes: (6) O'Neill, Tran, DoVinh, Klopfenstein,
Nguyen-Penaloza, Jones
Noes: (1) Brietigam

SECOND READING AND ADOPTION OF ORDINANCE NO. 2945 (F: 115)

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

Following the reading of the Title of Ordinance No. 2945, it was moved by Mayor Pro Tem Brietigam, seconded by Council Member Klopfenstein that:

Ordinance No. 2945 entitled: An Ordinance of the City Council of the City of Garden Grove amending Chapter 6.44 of Title 6 of the Garden Grove Municipal Code pertaining to regulation of the sale of tobacco products, 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

SECOND READING AND ADOPTION OF ORDINANCE NO. 2946
(F: 115.A-038-2023(A))

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

Following the reading of the Title of Ordinance No. 2946, it was moved by Council Member O'Neill, seconded by Council Member Nguyen-Penaloza that:

Ordinance No. 2946 entitled: An Ordinance of the City Council of the City of Garden Grove approving a zoning text amendment to Chapter 9.52 of Title 9 of the Garden Grove Municipal Code pertaining to retail sale by delivery of medicinal cannabis, 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

SECOND READING AND ADOPTION OF ORDINANCE NO. 2947
(F: A-038-2023(B))

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

Following the reading of the Title of Ordinance No. 2947, it was moved by Council Member O'Neill, seconded by Council Member Nguyen-Penaloza that:

Ordinance No. 2947 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-038-2023(B), a zoning text amendment to portions of Chapters 9.08, 9.12, 9.16, and 9.18 of Title 9 of the City of Garden Grove Municipal Code establishing enhanced standards for the screening of mechanical equipment within an exterior equipment enclosure in residential zones; clarifying how the maximum permitted hardscape coverage in the front yard setback in residential, commercial, industrial, and open space zones is calculated; and updating the standards for artificial turf in all zones, 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 encouraged everyone to go to the Jingle Jam at Eastgate Park on Sunday, December 8, 2023, at 6:30 p.m.

Council Member O'Neill commended staff on all of their work processing the numerous residential Accessory Dwelling Unit (ADU's) permits. Garden Grove staff processes more ADU's than any other city in Orange County and staff has managed it very well, and Council has done a thorough job of establishing parameters for ADU's. He recognized Public Works on the repaving of alley ways in District 2 noting that many of these alleys have not been resurfaced for several decades. He is pleased to see the improvements happening at Magnolia Park. He noted the water rate study happens every five years and is a lengthy process that addresses the City's purchase and delivery of water to more than 34,000 residential households. The City purchases water through the Municipal Water District of Orange County and the Orange County Water District, and the costs are projected every five years to provide a clean and uninterrupted water supply. He cautioned everyone to pay attention to their smoke detectors and electrical cords as we get into the Christmas season. He also cautioned people not to leave their lithium ion batteries on an electrical charge unattended as they can explode and cause a fire.

Council Member Tran commented that she was hesitant about voting on raising water costs; however, after learning that there are no other viable options to continue to deliver clean and reliable water without raising costs, she approved the rate increase. She encouraged residents to decorate their homes for the holidays, and stated that she would like the City to promote more holiday lighting by giving people an opportunity to vote on their favorite display to inspire the holiday spirit. She noted that the Hunger Event is scheduled on December 9, 2023, and is projected to provide over 30,000 meals. She encouraged the Council Members to be part of this event and extended the invitation to the residents to help people who are less fortunate.

In response to Leland Sisk who spoke under Oral Communications, Council Member DoVinh agreed that the speed limit on Ninth Street should be lowered to 35 mph as opposed to 40 mph through the entire street, and he asked City Manager Kim to check with the City's Traffic Engineer to see if the speed limit can be lowered. He stated he appreciates the updates the council receives from Chief El Farra, with half being about traffic accidents. He stated that it pains him when he is notified about traffic fatalities and encouraged the residents to be very careful when driving, and is a proponent for doing whatever possible to make driving and the roads safer. He noted that he is very conservative and does not like higher costs for water; however, they are doing everything possible to keep the rates manageable for people. In response to Mike Troung who spoke under Oral Communications, he agreed there is a need for clarity on the City's development standards for Accessory Dwelling Units (ADU's). He noted that Community Development Department staff are working very hard on processing ADU's. He expressed his pride in the IT Department for their work on implementing online systems for Building and Planning Services, and he encouraged residents to download the City's App, which will help to navigate the permitting process. He asked City Manager Kim to direct Community Development to streamline the plan check and permitting process to avoid confusion and to devise a system to stagger fees through the process. He noted that the City's cost saving measures utilizing plan check consultants does slow down the process. He invited everyone to attend the Christmas Tree Lighting event at the Village Green starting at 4:45 p.m. on Saturday, December 2, 2023.

Council Member Nguyen-Penalzoza stated she has been receiving a significant number of complaints about the unsafe and unsanitary homeless activities and encampments at Trask Avenue and Harbor Boulevard. She requested that City staff work with the Garden Grove Police Department and the Garden Grove Unified School District to host a safety event at Santiago High School to address the issues that the residents are facing. She expressed concern that the residents and the students are not aware of what they should do in response to an attack that can have long lasting effects to victims. She noted the ongoing graffiti tagging happening on Clinton along Roxey at the Enterprise Car Rental, the Liquor Store, and the electrical boxes all the way down to Harbor Boulevard and Westminster Avenue. There are makeshift homes being established next to electrical boxes near Tribute Coffee that is impacting this business and all the businesses along these

streets. She wants the businesses to thrive, and these issues make it difficult. She stated she will be attending the Cal Cities Board meeting later in the week, and she wanted to make certain the council received the invitation for December 7, 2023, from 5:00 p.m. to 7:00 p.m. at San Juan Capistrano Mission for the annual holiday event.

City Manager Kim noted that staff will look into the speed limit on Ninth Street, clarity for development standards for ADU's, and graffiti and homeless encampments. She stated she always enjoys the tree lighting event, i.e., Winter in the Grove, which will be held on Saturday, December 2, 2023, from 3:00 to 7:00 p.m. where the community can enjoy song and dance performances from our local schools, holiday crafts, inflatable bounce houses and snow.

ADJOURNMENT

At 7:52 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, December 12, 2023, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy
City Clerk