

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, December 12, 2023

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

CONVENE CLOSED SESSION

At 5:45 p.m., Mayor Jones convened closed session.

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

ABSENT:      (0)      None

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

City Property: 12966 Euclid Street, Garden Grove

City Negotiator: Lisa L. Kim, City Manager

Negotiating Parties: Christine M. Walker, F&M Bank

Under Negotiation: To obtain direction regarding the price and terms of payment for a lease of space at the property.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1): Aaron Nguyen v. City of Garden Grove, et al.; USDC Case No. 8:21-cv-01775-JVS-ADS

ADJOURNMENT OF CLOSED SESSION

At 6:05 p.m., Mayor Jones recessed closed session.

CONVENE REGULAR MEETING

At 6:32 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

COMMUNITY SPOTLIGHT IN RECOGNITION OF THE FOODS OF GARDEN GROVE  
SOCIAL MEDIA CHALLENGE WINNERS (F: 83.1-2023)

ORAL COMMUNICATIONS

Speakers: Darin Waggoner, George Paras, Eric Corona, James McFoster, Rick Caruso.

RECESS

At 6:54 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 6:59 p.m., Mayor Jones reconvened the meeting with all Council Members present.

REORGANIZATION (F: VIP)

Following City Council discussion with Council Member DoVinh requesting he be considered as Mayor Pro Tem, it was moved by Mayor Pro Tem Brietigam, seconded by Council Member O'Neill that:

Council Member Tran be selected as Mayor Pro Tem.

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

Ayes: (6) Brietigam, O'Neill, Tran, Klopfenstein,  
                Nguyen-Penaloza, Jones  
Noes: (0) None  
Abstain: (1) DoVinh

ADOPTION OF A RESOLUTION FOR THE FISCAL YEAR 2022-23 MEASURE M (M2)  
ANNUAL EXPENDITURE REPORT (F: 23.18C)

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

Resolution No. 9835-23 entitled: A Resolution of the City Council of the City of Garden Grove concerning the Measure M2 (M2) expenditure report for the City of Garden Grove, be adopted; and

The Finance Director be authorized to submit the Renewed Measure M (M2) Annual Expenditure Report to the Orange County Transportation Authority.

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

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

ACCEPTANCE OF THE VARIOUS STREET REHABILITATION PROJECT 2022 AS COMPLETE (F: 92.PROJECT-CP1322000/CP1323000/CP1296000/CP132000)

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

The Various Streets Rehabilitation 2022 project that included: Newland Street from Trask Avenue to Garden Grove Boulevard (Project No. CP1322000); Mays Avenue from Yockey Street to Magnolia Street (Project No. CP1323000); Hazard Avenue from Bushard Street to Ward Street (Project No. CP1296000); McFadden Avenue from Ward Street to 600 feet east (Project No. CP1296000); Chapman Avenue from Nelson Street to 9th Street (Project No. CP132000); and Lampson Avenue from Harbor Boulevard to Haster Street (Project No. CP1297022), 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, DoVinh, Klopfenstein,  
          Nguyen-Penaloza, Tran, Jones  
Noes: (0) None

ACCEPTANCE OF THE CARPET FLOORING PROJECT, 11277 GARDEN GROVE, IFB NO. S-1299 AS COMPLETE (F: 55-CONTINENTAL FLOORING COMPANY DBA ARIZONA CONTINENTAL FLOORING COMPANY)

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

The Carpet Flooring Project, IFB No. S-1299, located at 11277 Garden Grove 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) Brietigam, O'Neill, DoVinh, Klopfenstein,  
Nguyen-Penaloza, Tran, Jones  
Noes: (0) None

AUTHORIZATION OF THE ISSUANCE OF A PURCHASE ORDER TO KAJEET, INC., FOR THE PURCHASE AND SUPPORT OF CRADLEPOINT ROUTERS

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

The Finance Director be authorized to issue a purchase order in the amount of \$70,835.47 to Kajeet, Inc., for the purchase of sixty-six (66) Cradlepoint IBR900 Wireless WAN Routers with three years support.

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

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

AUTHORIZATION OF THE ISSUANCE OF AN EMERGENCY PURCHASE ORDER TO GENERAL PUMP COMPANY FOR A WATER WELL PUMP REPLACEMENT AT WELL #27

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

The Finance Director be authorized to issue an emergency purchase order with General Pump Company for a water well pump replacement at Well #27, in the amount of \$201,895.82, and a ten percent contingency be authorized as needed.

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

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

APPROVAL OF AMENDMENTS TO THE FACILITY USE AGREEMENTS WITH ESPARZA SOCCER ACADEMIC, INC. AND ORION SPORTS, LLC (F: 55-ESPARZA SOCCER ACADEMIC, INC.) (F: 55-ORION SPORTS)

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

The Amendments to the Facility Usage Agreements with Esparza Soccer Academic, Inc. and Orion Sports, LLC, be approved; and

The City Manager, or her designee, be authorized to execute the three Amendments to the Facility Use Agreements on behalf of the City, including making minor modifications as appropriate and necessary.

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

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

APPROVAL OF LEASE AGREEMENTS WITH ENTERPRISE FLEET MANAGEMENT FOR FOUR VEHICLES (F: 55-ENTERPRISE FLEET MANAGEMENT)

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

The 36-month vehicle operating lease contracts for four (4) Police Department undercover vehicles, in an approximate amount of \$120,000 for the full 36 month term, pursuant to the existing Master Walkaway Lease Agreement, be approved;

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

The City Manager, or her designee, be authorized to execute future amendments to the agreement, including the authorization to enter into options years, providing sufficient funds are available.

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

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

RECEIVE AND FILE THE FISCAL YEAR 2022-23 DEVELOPMENT IMPACT FEE ANNUAL REPORT (F: 60.2D)

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

The Fiscal Year 2022-23 Development Impact Fee Annual Report as required by Government Code Section 66006(b), be received and filed.

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

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

WARRANTS

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

Demands covered by EFT numbers 00031727 through 00032363 and check numbers 00185615 through 00185622 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.

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

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

WAIVER

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

Full reading of ordinances listed be waived.

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

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

ACCEPTANCE OF CITY PROJECT NO. CP1316000/FEDERAL PROJECT NO. CRAL 5328 (088) - GARDEN GROVE BOULEVARD REHABILITATION FROM HARBOR BOULEVARD TO FAIRVIEW STREET AS COMPLETE (F: 92.PROJECT-CP1316000)

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

Project No. CP 1316000/Federal Project No. CRAL 5328 (088) - Garden Grove Boulevard Rehabilitation from Harbor Boulevard to Fairview Street be accepted as complete;

The City Engineer 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, DoVinh, Klopfenstein,  
Nguyen-Penaloza, Tran, Jones  
Noes: (0) None

APPROVAL OF AN AMENDMENT TO THE COOPERATIVE AGREEMENT WITH CALTRANS AND AWARD A CONSTRUCTION CONTRACT TO QUALITY FENCE CO. FOR THE CALTRANS FENCING IMPROVEMENT PROJECT (F: 55-CALTRANS) (F: 55-QUALITY FENCE CO.)

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

The City Manager be authorized to execute an Amendment to the Cooperative Agreement with Caltrans for increased funding from \$600,000 to \$1,000,000, including all necessary documents to effectuate such change, on behalf of the City;

Additional appropriation of \$400,000 (GL: 242-711-1280-54006, JL: GT1366000) per the Cooperative Agreement with Caltrans, be authorized;

A contract be awarded to Quality Fence Co., in the amount of \$789,888 for the Caltrans Fencing Improvement Project; and

The City Manager, or designee(s), be authorized to execute the contract, and make minor modifications as appropriate and execute any documents necessary to effectuate the contract, on behalf of the City.

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

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

SECOND READING AND ADOPTION OF ORDINANCE NO. 2948 (F: 112.1)

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

Following the reading of the Title of Ordinance No. 2948 and City Council discussion, it was moved by Council Member O'Neill, seconded by Mayor Jones that:

Ordinance No. 2948 entitled: An Ordinance of the City Council of the City of Garden Grove amending Sections 14.12.010, 14.12.030, and 14.12.050 of Chapter 14.12 (Rates) of Title 14 (Water) of the Municipal Code relating to Water Rates and Charges, and meter failures, be adopted.

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

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

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

In response to speakers under Oral Communications, Council Member Brietigam recommended that the City's Traffic Engineer look at ways to mitigate the traffic issues on West Street, as well as other streets that have been impacted by the installation of bike lanes, and to come up with a plan for better traffic flow. He also recommended that residents looking for the City to install street lighting to contact Public Works, and stated there is a process that begins with neighbors who want street lighting installed to submit a petition to the Public Works Department. He congratulated Council Member Cindy Tran as the new Mayor Pro Tem, he wished his wife Lisa, a Happy Belated Birthday, and wished everyone a joyous holiday season.

Council Member O'Neill wished everyone a safe and sane Merry Christmas and Happy New Year.

Mayor Pro Tem Tran thanked the City Council for their vote to appoint her as "Mayor Pro Tem" and she expressed her commitment to the residents and commented that she does take time to learn and to question staff, be familiar with city departments and has participated in a ride-along with the Police Department. Further, she thanked her friends, family, and youth groups who attended the Fight



Hunger Event, where 30,000 meals were made and donated to the Orange County Food Bank. She noted that staff came up with a way for residents to submit pictures of their exterior holiday lights to be posted on a Holiday Light Gallery on the City's website, and she encouraged residents to participate.

Council Member DoVinh credited City staff and the City Attorney on their work securing the building on the corner of Garden Grove Boulevard and Euclid Street noting this acquisition is a cause for celebration that will soon have tenants. He noted his attendance at the recent Christmas Tree Lighting Event and encouraged residents to view the event via a link posted on the City's website. He congratulated Council Member Tran on being selected as Mayor Pro Tem and stated she will serve the City well in her role. He thanked CalCities for his appointment to the Public Works, Communications, and Transportation Policy Committee. He expressed his appreciation for the meeting briefings he receives from staff, as it helps the council to make informed decisions. He recognized staff on the certification for the Housing Element, which is a legal requirement for the City to adopt a Housing Element that is a critical piece in the City's General Plan. He concluded his comments by wishing everyone happy holidays.

In response to the speaker under oral communications regarding the bike lanes, Council Member Klopfenstein noted that she has received emails from people who are happy and/or unhappy with the bike lanes. She has consulted with staff on how to mitigate the traffic issues with bike lanes and that this is a work in progress that will ultimately be resolved. In response to the speakers from District 5 regarding a need for street lighting, she stated that she will be proactive on working with staff on communicating the process for street lighting. She thanked the residents who came to tonight's meeting to voice their concerns and she expressed her appreciation for residents who come to the council meetings to address the council.

Council Member Nguyen-Penalosa stated she had the opportunity to attend the CalCities State Board of Directors meeting where local electors expressed deep concerns about an anti-local control ballot measure to be voted on this upcoming election. She asked staff to research this and whether the City will take a formal position, noting most of her colleagues on the state board have taken a non-supportive position. She noted that there is some good news in terms of homelessness funding available from the State; however, the Governor vetoed AB 1696 a bill that would require privately owned recovery residences, i.e., Sober Living Homes to document policies and procedures, code of ethics and patient access to medications, which could become controversial. She thanked Council Member Tran for attending the CalCities Holiday event with her. She expressed her excitement and appreciation for the students who featured TikTok videos on the "Foods of Garden Grove," an idea she had when she was Mayor Pro Tem and expanded upon by City Manager Kim. She encouraged continued support for the "Foods of Garden Grove" and to keep it going and growing. She noted that she did support bike lanes and that there are many people who use the bike lanes. She

hopes for continued support for bike lanes. She wished her younger brother a happy birthday and everyone a happy holiday.

City Manager Kim noted that Thursday at 1:00 p.m. is the last day to turn in receipts to the Garden Grove Chamber of Commerce on Main Street for the Black Friday Goes Big in Garden Grove campaign. She thanked Council Member DoVinh for mentioning the Housing Element and also thanked the City Council for their support adopting the Housing Element that was three years in the making that included planning for 19,168 Regional Housing Needs Assessment units, which was a very big undertaking on the part of the Community Development team. It was a win today receiving the approval letter for the official certification of the City's Housing Element.

City Attorney Sandoval noted that there was no reportable action on the two closed session items discussed.

At 7:49 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting is scheduled on Tuesday, January 9, 2024, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy  
City Clerk