

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, September 13, 2016

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

CONVENE THE MEETING

At 6:09 p.m., Mayor Pro Tem Jones convened the meeting in the A Room.

ROLL CALL PRESENT: (4) Mayor Pro Tem Jones, Council Members
Beard, Bui, Phan

ABSENT: (1) Mayor Nguyen absent at Roll Call; joined the
meeting at 6:11 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

At 6:10 p.m., Mayor Pro Tem Jones announced that the City Council was going into Closed Session in the Founders Room to discuss the following matters:

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1):
Whetro v. City of Garden Grove, et al., USDC Case No. SACV14-1740 DOC (JCGx)

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1):
City of Garden Grove v. On Deck Buds, et al., OCSD Case No. 30-2016-00864776

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1):
City of Garden Grove v. Kamran, et al., OCSD Case No. 30-2016-00864785

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1):
Creamer v. City of Garden Grove, et al., OCSD Case No. 30-2016-00868140

ADJOURN CLOSED SESSION

At 6:25 p.m., Mayor Nguyen adjourned the Closed Session.

CONVENE REGULAR MEETING

At 6:43 p.m., Mayor Nguyen convened the meeting in the A Room.

<u>ROLL CALL</u>	PRESENT:	(5)	Mayor Nguyen, Council Members Beard, Bui, Jones, Phan
	ABSENT:	(0)	None

INVOCATION

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

CLOSED SESSION REPORT

City Attorney Sandoval reported that there was no reportable action on the Whetro v. City of Garden Grove, et al., matter. The three other Closed Session matters will be discussed in Closed Session at the end of the meeting.

COMMUNITY SPOTLIGHT: RECOGNITION OF JENNA TOWER, THE 2016 MISS CALIFORNIA OUTSTANDING TEEN (F: 52.3)

ORAL COMMUNICATIONS

Speakers: Maureen Blackmun, Clay Bock, Rebecca Cousins, Nicholas Dibs, Tony Flores, John Holm, Paulien Lombard, Josh McIntosh, Mike Whitaker, John Wildsmith

WRITTEN COMMUNICATIONS - REQUEST TO WAIVE FEES FOR THE USE OF ATLANTIS PLAY CENTER FOR THE OC AUTISM CHRISTMAS EVENT (F: 88.1)

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

OC Autism’s request for the City to waive fees for the use of Atlantis Play Center for its Christmas event be approved; and

Funds from the City Council Contingency Fund be used to cover the cost.

The motion carried by a 5-0 vote as follows:

Ayes:	(5)	Beard, Bui, Jones, Nguyen, Phan
Noes:	(0)	None

RECESS

At 7:30 p.m., Mayor Nguyen recessed the meeting.

RECONVENE

At 7:32 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR THREE (3) SEDANS (F: 60.4)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The Finance Director be authorized to issue a purchase order in the amount of \$73,215.93 to National Auto Fleet Group for the purchase of three (3) new sedans.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR THREE (3) NEW POLICE ADMINISTRATION UTILITY VEHICLES (F: 60.4)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The Finance Director be authorized to issue a purchase order in the amount of \$90,321.81 to National Auto Fleet Group for the purchase of three (3) new police administration utility vehicles.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ALTEC INDUSTRIES FOR ONE (1) NEW CHIP DUMP TRUCK (F: 60.4)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The Finance Director be authorized to issue a purchase order in the amount of \$87,362.00 to Altec Industries for the purchase of one (1) new chip dump truck.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW FIRE COMMAND VEHICLE (F: 60.4)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The Finance Director be authorized to issue a purchase order in the amount of \$40,156.67 to National Auto Fleet Group for the purchase of one (1) new Fire Command Vehicle.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF A FACILITY USE AGREEMENT WITH ESPARZA SOCCER ACADEMIC, INC. FOR THE OPERATION OF THE PIONEER PARK OUTDOOR RINK (F: 55-Esparza Soccer Academic, Inc.)

It was moved by Council Member Jones, seconded by Council Member Beard that:

A three (3) year Agreement to Esparza Soccer Academic, Inc. for the operation and management of the Pioneer Park outdoor rink be approved; and

The City Manager, or his designee, be authorized to sign the Agreement on behalf of the City; including making minor modifications as appropriate and necessary.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL TO EXERCISE YEAR THREE OF THE 2015 AGREEMENT WITH COMMUNITY ACTION PARTNERSHIP OF ORANGE COUNTY (CAPOC) (F: 55-Community Action Partnership of Orange County)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The City Manager be authorized to sign a letter notifying the City's desire to exercise year three of a three year Agreement with CAPOC, which will provide funding for the installation of an extended decomposed granite walking trail.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF AGREEMENT WITH FG SOLUTIONS TO PREPARE A WATER RATE STUDY (F: 55-FG Solutions)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The agreement with FG Solutions to prepare a water rate study for the Water Enterprise Fund and authorize the City Manager and City Clerk to execute the agreement on behalf of the City, be approved.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF AN AGREEMENT WITH THE A PLUS EDUCATION ORGANIZATION TO CONDUCT THE 2017 TET FESTIVAL (F: 55-A Plus Education Organization)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The Agreement with the A Plus Education Organization to conduct the 2017 Tet Festival at Garden Grove Park, beginning Saturday, February 4 through Sunday, February 5, 2017, be approved; and

The City Manager be authorized to execute the Agreement, including any minor amendments thereto, on behalf of the City.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL TO PARTICIPATE IN THE 2016-2017 OFFICE OF TRAFFIC SAFETY (OTS) SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) (F: 82.15)

It was moved by Council Member Jones, seconded by Council Member Beard that:

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

The Office of Traffic Safety Grant Funds in the amount of \$250,000.00, be accepted;

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

These grant monies be allocated to fund Selective Traffic Enforcement Operations.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM; AND ALLOCATION OF THOSE GRANT FUNDS TO THE CITY'S JAIL SERVICES CONTRACT (F: 82.15)

This matter was considered later in the meeting.

ADOPTION OF A RESOLUTION DECLARING A STAGE 1 VOLUNTARY CONSERVATION-WATER WATCH CONSERVATION LEVEL UNDER THE CITY'S WATER CONSERVATION PROGRAM ORDINANCE (F: 112.7)

It was moved by Council Member Jones, seconded by Council Member Beard that:

Resolution No. 9387-16 entitled A Resolution of the City Council of the City of Garden Grove approving the declaration of a Stage 1 Voluntary Conservation—Water Watch Conservation Level imposing certain voluntary water conservation measures pursuant to Section 14.40.041 of the Garden Grove Municipal Code, be adopted.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

ADOPTION OF A RESOLUTION CORRECTING A CLERICAL ERROR ON THE PREVIOUSLY APPROVED SALARY SCHEDULE (F: 78.1)

It was moved by Council Member Jones, seconded by Council Member Beard that:

Resolution No. 9388-16 entitled A Resolution of the City Council of the City of Garden Grove, California, approving a new Salary Schedule with correct salary listings for all classifications, be adopted.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

RECEIVE AND FILE MINUTES (F: Vault)

It was moved by Council Member Jones, seconded by Council Member Beard that:

The minutes from August 9, 2016, meeting be received and filed.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF WARRANTS (F: 60.5)

It was moved by Council Member Jones, seconded by Council Member Beard that:

Regular Warrants 609502 through 609765, 609766 through 610004, 610005 through 610934, and 610935 through 611226; Wires W1635 through W1645, W1646 through W1651, W610312 through W610933, and W1652 through W1657; be approved as presented in the warrant register submitted, and have audited for accuracy and funds are available for payment thereof by the Finance Director.

Payroll Warrants 180076 through 180140, 180141 through 180204, and 180205 through 180270,; Direct Deposits D297579 through D298293, D298292 through D299006, and D99999 through D299715; and Wires W2258 through W2261, W2262 through W2265, and W2266 through W2269; be approved as presented in the payroll register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Jones, seconded by Council Member Beard that:

Full reading of ordinances listed be waived.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM; AND ALLOCATION OF THOSE GRANT FUNDS TO THE CITY'S JAIL SERVICES CONTRACT (F: 82.15)

Council Members Beard and Phan stated that they work for the County of Orange but neither has a conflict of interest on this matter.

The City Attorney commented that in the future, when there is no conflict of interest, these types of matters can be considered with the entire Consent Calendar.

It was moved by Council Member Phan, seconded by Council Member Jones that:

The Agreement with the County of Orange for the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) program; and allocation of those grant funds to the City's jail services, be approved; and

The Mayor be authorized to execute the agreement with the County of Orange to partially fund the Police Department's Jail Services Contract with The GEO Group, Inc.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

PUBLIC HEARING - ADOPTION OF A RESOLUTION ESTABLISHING AND AMENDING USER FEES FOR VARIOUS CITY SERVICES (F: 60.2)

Following staff's presentation, Mayor Nguyen declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Charles Mitchell

There being no response from the audience, the Public Hearing was declared closed.

Council Member Bui expressed concern that some of the fees, while fair, jumped substantially and could place a burden on the residents. He suggested that the fees be phased in over two years.

Staff indicated that a survey of Orange County cities was done, and Garden Grove's fees are lower than most other cities. The increase in the fees include direct cost to provide the service.

Council Member Jones commented that this is a housekeeping measure, with the City only receiving fees for service.

Council Member Beard commented that it has been quite a number of years since the fees have been increased, and recommended to staff that the fees be reviewed more periodically. In addition, he stated that raising the fees is a sound business decision because of the cost of doing business and the City's structural deficit.

After further City Council discussion, it was moved by Council Member Beard, seconded by Council Member Jones that:

Resolution No. 9389-16 entitled A Resolution of the City Council of the City of Garden Grove establishing and amending user fees for various City services be adopted.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPOINTMENTS TO THE MAIN STREET COMMISSION (F: 122.6A)

It was moved by Mayor Nguyen, seconded by Council Member Beard that:

Patrick Hawkins and John Wietor be appointed as Commissioners to the Main Street Commission.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CONSIDERATION OF WAIVER OF CORRECTION NOTICES FOR REMOVAL OF UNPERMITTED TREES IN THE PUBLIC RIGHTS-OF-WAY (F: 50.2)

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

The City Council concurred with the actions taken by Public Works Department staff in regard to Correction Notices posted to remove unpermitted trees from the parkways.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

AWARD CONTRACT TO CORA CONSTRUCTORS, INC. FOR CONSTRUCTION OF PROJECT NO. 7369 - THE MWD INTERCONNECT AND PRV FACILITIES REHABILITATION (F: 112.proj.7369)

Following staff's presentation, it was moved by Council Member Jones, seconded by Council Member Beard that:

A contract be awarded to Cora Constructors, Inc. for the construction of Project No. 7369 - The MWD Interconnect and PRV Facilities Rehabilitation, in the amount of \$526,000; 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 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

APPROVAL OF CORRECTION TO FUND 220 – PUBLIC SAFETY/PROPOSITION 172 AND FUND 226 – POLICE – SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (F: 34.1)

Following staff's presentation, it was moved by Council Member Beard, seconded by Council Member Jones that:

An additional \$67,260 be approved and appropriated to Fund 220 Package 6900 Departmental Services – Police for upgrading computers to two screens for the Spillman System; and

\$4,740 be approved and appropriated to Fund 226 Package 6900 Departmental Services – Police for Higher Ground 24-hour Recorder annual maintenance.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

INTRODUCTION OF ORDINANCE AMENDING CHAPTERS 2.50 AND 2.52 OF THE MUNICIPAL CODE RELATING TO PURCHASING AND CONTRACTING PROCEDURES (F: 127.9)(XR: 50.2)

(As approved earlier in the meeting: It was moved by Council Member Jones, seconded by Council Member Beard and carried by a 5-0 vote that full reading of ordinances listed be waived.)

Following staff's presentation, Mayor Nguyen requested information and a second legal opinion on if the City Council followed purchasing and contracting bidding procedures correctly in its decision regarding the City's contracting for legal services.

Council Member Beard raised objection to this discussion, citing that the matter of legal services has been discussed many times prior. Council Member Bui agreed stating that this item has nothing to do with legal services.

City Attorney referenced the Municipal Code wherein it specifically identifies two positions, the City Manager and the City Attorney, that are directly appointed by the City Council and serve at the will of the City Council.

In response to Mayor Nguyen's inquiry on receiving a second opinion, the City Manager and the City Attorney responded that the City Council would have to authorize a budget allocation at the time giving direction to the City Manager to move forward on anything that is not a budgeted item.

After further City Council discussion, it was moved by Council Member Bui, seconded by Mayor Nguyen that:

Ordinance No. 2872 entitled:

An Ordinance of the City Council of the City of Garden Grove amending provisions of Chapters 2.50 and 2.52 of Title 2 of the Garden Grove Municipal Code relating to purchasing and contracting procedures, after being introduced for first reading, be passed to second reading.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

RECESS

At 8:38 p.m., Mayor Nguyen recessed the meeting.

RECONVENE

At 8:50 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

CONSIDERATION OF ABATEMENT ACTION FOR THE LOTUS PLAZA PROJECT (GALLERIA PROJECT) 10080 AND 10189 GARDEN GROVE BOULEVARD, GARDEN GROVE (F: 20.GPA-2-05(A))

Alexis Gevorgian and Tom Willard addressed the City Council.

Following staff's presentation, it was moved by Mayor Nguyen, seconded by Council Member Jones that:

The City Council continue its consideration of this matter until staff determines the process is not moving forward.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CONSIDERATION OF A REQUEST BY THE GARDEN GROVE DOWNTOWN BUSINESS ASSOCIATION AND GARDEN GROVE NEIGHBORHOOD ASSOCIATION TO VIDEOTAPE AND AIR THE GARDEN GROVE MAYORAL AND CANDIDATES FORUM ON CHANNEL 3 (F: 88.1)

Following staff's presentation, the City Council discussed whether the City should involve itself in the political arena.

It was moved by Council Member Bui, seconded by Council Member Beard that:

The request to videotape and air the candidate's forum be denied.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

SECOND READING AND ADOPTION, BY TITLE ONLY, OF ORDINANCE NO. 2871 AMENDING SECTION 8.40.050 OF THE MUNICIPAL CODE RELATING TO INTOXICATING BEVERAGES WITHIN CITY PARKS (F: 50.2)(XR: 73.1)

(As approved earlier in the meeting: It was moved by Council Member Jones, seconded by Council Member Beard and carried by a 5-0 vote that full reading of ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2871 into the record, it was moved by Council Member Phan, seconded by Council Member Jones that:

Ordinance No. 2871 entitled

An Ordinance of the City Council of the City of Garden Grove amending Section 8.40.050 of the Garden Grove Municipal Code relating to intoxicating beverages within City parks, be adopted.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

TRANSMITTAL OF THE INDEPENDENT AUDIT REPORT REGARDING THE SERVICES PROVIDED BY THE "PUBLIC SAFETY ADMINISTRATIVE OFFICER" DURING THE PERIOD OF SEPTEMBER 30, 2014 TO NOVEMBER 25, 2014 (F: 46.5)

Following City Council discussion, it was moved by Mayor Nguyen, seconded by Council Member Jones that:

The independent audit report be received and filed.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

DISCUSSION OF FREEWAY ORIENTED DIGITAL SIGNS (F: 94.1)

Following City Council discussion, staff was directed to prepare a master plan study and recommendations for on-premise signs and billboards.

REQUEST TO AGENDIZE DISCUSSION REGARDING MEMORIAL AT GARDEN GROVE PARK, AS REQUESTED BY COUNCIL MEMBER BUI (F: 73.5)

Following City Council discussion, it was moved by Council Member Bui, seconded by Council Member Beard that:

The matter regarding a memorial at Garden Grove Park be placed on the next City Council agenda.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CONVENE CLOSED SESSION

At 10:36 p.m., Mayor Nguyen announced that the City Council was going into Closed Session in the Founders Room to discuss the following matters:

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1):

City of Garden Grove v. On Deck Buds, et al., OCSD Case No. 30-2016-00864776

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1):

City of Garden Grove v. Kamran, et al., OCSD Case No. 30-2016-00864785

Conference with Legal Counsel – Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1):

Creamer v. City of Garden Grove, et al., OCSD Case No. 30-2016-00868140

ADJOURN CLOSED SESSION

At 1:22 a.m., Mayor Nguyen adjourned the Closed Session.

CLOSED SESSION REPORT

City Attorney Sandoval reported that there was no reportable action.

ADJOURNMENT

At 1:23 a.m., Mayor Nguyen adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, September 27, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk