

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, October 11, 2016

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

CONVENE MEETING

At 6:35 p.m., Mayor Nguyen convened the meeting in the A Room.

ROLL CALL 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

COMMUNITY SPOTLIGHT: RECOGNITION OF BOTH THE GARDEN GROVE HIGH SCHOOL AND THE SANTIAGO HIGH SCHOOL BOYS' SOCCER TEAMS FOR MAKING IT TO THE CIF STATE REGIONAL COMPETITION (F: 52.3)

COMMUNITY SPOTLIGHT: RECOGNITION OF CHANNEL 3 FOR THEIR AWARD OF EXCELLENCE FROM THE NATIONAL ASSOCIATION OF TELECOMMUNICATIONS OFFICES AND ADVISORS (NATOA) (F: 52.3)

ORAL COMMUNICATIONS (F: 127.4)

Speakers: Kay Parcell, Tony Flores, Peter Katz, Charles Mitchell, Josh McIntosh

Mr. Flores requested to present a PowerPoint presentation through the City's audio-visual system during his oral communication. Mayor Nguyen gave his permission for the presentation to be shown.

City Council discussion included concern on setting a precedent that could allow offensive graphics to be introduced during Oral Communications. Speakers can hand or distribute to the City Council the information they seek the City Council to review.

Council Member Phan moved a point of order to overrule Mayor Nguyen's decision to allow the PowerPoint presentation through the City's audio-visual system, seconded by Council Member Bui.

The point of order motion carried by a 4-1 vote as follows:

Ayes: (4) Beard, Bui, Jones, Phan
Noes: (1) Nguyen

RECESS

At 7:28 p.m., Mayor Nguyen recessed the meeting.

RECONVENE

At 7:39 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

AUTHORIZE THE ISSUANCE OF OPEN PURCHASE ORDERS TO ECONOLITE CONTROL PRODUCTS AND JTB SUPPLY COMPANY, INC. TRAFFIC CONTROL PRODUCTS FOR FISCAL YEAR 16-17 (F: 60.4)

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

The Finance Director be authorized to issue a Purchase Order to Econolite Control Products, in the amount not to exceed \$55,000, to purchase Econolite controllers; and

The Finance Director be authorized to issue a Purchase Order to JTB Supply Company, Inc., in the amount not to exceed \$75,000, to purchase traffic control products.

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

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

ADOPTION OF A RESOLUTION AMENDING THE CONFLICT OF INTEREST CODE PERTAINING TO DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES (F: 30.7)

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

Resolution No. 9261-14 be rescinded; and

Resolution No. 9391-16 entitled A Resolution of the City Council of the City of Garden Grove amending the Conflict of Interest Code pertaining to designated positions and disclosure categories, be adopted.

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 WONDRIES FLEET GROUP FOR THE PURCHASE OF EIGHT (8) POLICE VEHICLES (F: 60.4)

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

The Finance Director be authorized to issue a Purchase Order, in the amount of \$241,030.96, to Wondries Fleet Group for the purchase of eight (8) new Police 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 NATIONAL AUTO FLEET GROUP FOR TWO (2) PICKUP TRUCKS (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$51,992.50 to National Auto Fleet Group for the purchase of two (2) new pickup trucks.

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

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

APPROVAL OF AN AMENDED AND RESTATED LICENSE AGREEMENT WITH ARENA SOCCER PARKS, INC. FOR THE OPERATION OF THE OUTDOOR SOCCER FACILITIES AT GARDEN GROVE PARK (F: 55-Arena Soccer Parks, Inc.)

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

A three (3) year Amended and Restated License Agreement between the City and Arena Soccer Parks, Inc., for the operation of the outdoor arena soccer facilities at Garden Grove Park be approved; and

The City Manager or his designee be authorized, to sign and execute 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

RECEIVE AND FILE MINUTES (F: Vault)

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

The minutes from September 13, 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 Phan that:

Regular Warrants 611846 through 612021, 612002 through 612633, 612634 through 612783; Direct Deposits W612021 through W612632; Wires W1668 through W1674, W1676 through W1679; 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; and

Payroll Warrants 180319 through 180359; Direct Deposits D300419 through D301107; Wires W2274 through W2277; 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 Phan 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 911 VEHICLE FOR POLICE PATROL VEHICLE EQUIPMENT CHANGEOVERS (F: 55-911 Vehicle)

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

The agreement with 911 Vehicle in the amount of \$450,000 for three (3) years, with an option to extend for an additional two (2) years, at a cost of \$150,000 per option year, for a total \$750,000 over five (5) years for the changeover of police patrol vehicle equipment be approved; and

The City Manager be authorized to execute the agreement 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

ADOPTION OF A RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS BETWEEN THE CITY OF GARDEN GROVE AND BN GROUP, LLC FOR REAL PROPERTY LOCATED AT 13650 HARBOR BOULEVARD, GARDEN GROVE (F: 55-Garden Grove Hotel, LLC aka BN Group, LLC)

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

Resolution No. 9392-16 entitled A Resolution of the City Council of the City of Garden Grove approving and authorizing the City Manager to execute, the Purchase and Sale Agreement and Joint Escrow Instructions between the City and BN Group, LLC for the real property located at 13650 Harbor Boulevard for the full appraised market value of \$2,800,000, be adopted.

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. 2873
ADDING CHAPTER 8.61 TO THE GARDEN GROVE MUNICIPAL CODE RELATING TO
FALSE FIRE ALARMS (F: 61.1)(XR: 50.2)

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

Following the reading of the title of Ordinance No. 2873 into the record, it was moved by Council Member Jones, seconded by Council Member Beard that:

Ordinance No. 2873 entitled

An Ordinance of the City Council of the City of Garden Grove adding Chapter 8.61 of the Garden Grove Municipal Code relating to false fire alarms, be adopted.

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

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

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

Council Member Beard moved, seconded by Mayor Nguyen, that a policy regarding monuments to be located on City property be listed on the October 25, 2016, agenda. (F: 127.1)(XR: 73.5)(XR: 46.5)

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

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

Council Member Bui moved, seconded by Council Member Jones, that a policy regarding the procedure for allowing the public to have PowerPoint presentations or other media during Oral Communications be listed on the October 25, 2016, agenda. (F: 127.4)

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

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

Council Member Phan congratulated City Clerk Kathy Bailor on her pending retirement and expressed appreciation for her dedicated service, and also congratulated Deputy City Clerk Teresa Pomeroy on her appointment as the new City Clerk on January 1, 2017.

Mayor Nguyen moved, seconded by Council Member Phan, that an Anti Islamophobia Resolution be listed on the October 25, 2016, agenda. (F: 46.5)

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

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

City Manager Stiles announced that the City's Information Technology Department was recently recognized by the Municipal Information Systems Association of California (MISAC) and received two awards, the first for Excellence in IT Practices and the second was the Innovation Award for the creation of a system to comply with Senate Bill 272, a bill meant to enhance the Public Records Act. (F: 43.3)

He further commented on the Brookhurst Triangle demolition agreement approved tonight; and announced that the City would be hosting the Active Transportation Forum on Friday, October 14, 2016, at the Community Meeting Center.

Adding to Council Member Phan's announcement, City Manager Stiles stated that Teresa Pomeroy will be the 7th City Clerk for the City.

CONVENE CLOSED SESSION

At 8:04 p.m., Mayor Nguyen announced that the City Council was going into Closed Session in the Founders Room to discuss the following matters:

At 8:24 p.m., Mayor Nguyen and convened the Closed Session with Council Members Beard, Jones, and Phan present.

Conference with Legal Counsel – Existing Litigation

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

Shed v. City of Garden Grove, OCSC Case No. 30-2015-00812453

Conference with Legal Counsel – Existing Litigation

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

Chambers v. City of Garden Grove, OCSC Case No. 30-2015-00815270

Conference with Legal Counsel – Existing Litigation

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

AmeriCare MedServices, Inc. v. City of Garden Grove, USDC Case No. 8:16-cv-01806

ADJOURN CLOSED SESSION

At 8:43 p.m., Mayor Nguyen adjourned the Closed Session.

CLOSED SESSION REPORT

At 8:44 p.m., City Attorney Sandoval reported that there was no reportable action.

ADJOURNMENT

At 8:45 p.m., Mayor Nguyen adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, October 25, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk