

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, October 25, 2016

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

CONVENE CLOSED SESSION

At 6:02 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 but joined
the meeting at 6:04 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

At 6:03 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)

Irvine Ranch Water District v. Orange County Water District, et al.,
OCSC Case No. 30-2016-00858584

ADJOURN CLOSED SESSION

At 6:15 p.m., Mayor Nguyen adjourned the Closed Session.

CONVENE REGULAR MEETING

At 6:36 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

CLOSED SESSION REPORT

City Attorney Sandoval announced that there was no reportable action.

STATE LEGISLATIVE UPDATE BY SENATOR JANET NGUYEN (F: 52.3)

COMMUNITY SPOTLIGHT: RECOGNITION OF MASTER OFFICER LEYVA AND OFFICER ELIZONDO FOR GOING ABOVE AND BEYOND TO HELP A YOUNG VICTIM OF BULLYING (F: 52.3)

ORAL COMMUNICATIONS

Speakers: Kevin Voeller, Susan Gonzales, Ray Hiemstra, John Wildsmith, Peter Katz, Tony Flores, Charles Mitchell, David Terry Lautherboren

REQUEST FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR CO-SPONSORSHIP OF THE 2017 STRAWBERRY STOMP 5K (F: 88.1)

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

The Sister City Association of Garden Grove request for co-sponsorship of its 4th annual Strawberry Stomp 5K, be approved; and

City Council Contingency Funding, in the amount of \$9,450, 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 7:32 p.m., Mayor Nguyen declared a recess.

RECONVENE

At 7:36 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

AWARD OF CONTRACT TO WESTERN STATES ROOFING INC., TO REMOVE AND REPLACE THE GEM THEATER ROOF (F: 55-Western States Roofing, Inc.)

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

A contract be awarded to Western States Roofing, Inc., in the amount of \$63,475, to remove and replace the roof at the Gem Theater; and

The City Manager be authorized to execute the contract 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 THE EXONERATION OF THE IMPROVEMENT BONDS FOR TRACT MAP NO. 17646 LOCATED AT 13581 AND 13591 YOCKEY STREET, GARDEN GROVE (F: 103.TT17646)

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

The exoneration of the Improvement Bonds for Tract Map No. 17646 for property located on the west side of Yockey Street between Lariat Avenue and Trask Avenue at 13581 and 13591 Yockey Street, Garden Grove, be approved.

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) NEW FIRE ADMINISTRATIVE TRUCKS (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$79,879.36, to National Auto Fleet Group for the purchase of two (2) new Fire Department administrative trucks.

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 POLICE ADMINISTRATION UTILITY VEHICLE (F: 60.4)

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

The Finance Director be authorized to issue a purchase order in the amount of \$29,567.27, to National Auto Fleet Group for the purchase of one (1) new Police Administration utility vehicle.

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

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

RECEIVE AND FILE MINUTES FROM THE SEPTEMBER 27, 2016, MEETING (F: Vault)

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

The minutes from the meeting held on September 27, 2016, be received and filed.

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

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

WARRANTS (F: 60.5)

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

Payroll Warrants 180360 through 180408; Direct Deposits D301106 through D301791; and Wires W2278 through W2281; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director; and

Regular Warrants 612784 through 613178; and Wires W1593 through W1690; be approved as presented in the warrant 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

WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Phan, seconded by Council Member Jones 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 MERCHANTS BUILDING MAINTENANCE, RFP NO. S-1193, FOR JANITORIAL SERVICES AT CITY PARKS
(F: 55-Merchants Building Maintenance)

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

A one year contract for janitorial services at City parks be awarded to Merchants Building Maintenance in the firm fixed price amount of \$214,227 for the first year, with an option to renew the contract for four (4) additional years for a total of five (5) years, subject to approved budget allocation; and

The City Manager be authorized to execute the agreement on behalf of the City and make minor modifications as appropriate thereto.

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

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

CONSIDERATION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION REPORTING PROGRAM AND A BILLBOARD REMOVAL AND RELOCATION AGREEMENT (F: 116.SP-027-2016)

Following staff's presentation and City Council discussion:

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

Resolution No. 9393-16 entitled A Resolution of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and Mitigation Reporting Program for conversion of relocated billboards within SR-22 Freeway corridor to an electronic billboard at 13512 Newhope Street, be adopted; and

Resolution No. 9394-16 entitled A Resolution of the City Council of the City of Garden Grove approving a Billboard Removal and Relocation Agreement with Outfront Media LLC, be adopted.

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

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

INTRODUCTION AND FIRST READING OF AN ORDINANCE INCREASING THE TRAFFIC COMMISSION FROM FIVE TO SEVEN MEMBERS (F: 122.11A)(XR: 50.2)

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

Following staff's presentation and City Council discussion it was moved by Mayor Nguyen, seconded by Council Member Phan that:

Ordinance No. 2874 entitled:

An Ordinance of the City Council of the City of Garden Grove amending Section 2.70.10 of Chapter 2.70 of Title 2 to the Garden Grove Municipal Code relating to the Traffic Commission, 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

INTRODUCTION AND FIRST READING OF AN ORDINANCE ADOPTING ANIMAL CONTROL REGULATIONS FOR THE CITY OF GARDEN GROVE (F: 27.1)(XR: 50.2)

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

Following staff presentation and City Council discussion: It was moved by Council Member Jones, seconded by Council Member Phan that:

Ordinance No. 2875 entitled:

An Ordinance of the City Council of the City of Garden Grove amending Chapters 6.04 and 6.05 of Title 6 of the Garden Grove Municipal Code regarding Animal Regulations, 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

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

ADOPTION OF AN ANTI ISLAMOPHOBIA RESOLUTION, AS REQUESTED BY MAYOR NGUYEN (F: 46.5)

Mayor Nguyen moved to adopt a Resolution of the City Council of the City of Garden Grove condemning violence and hate speech, expressing solidarity with Muslims and all those targeted for their ethnicity, race or religion.

Council Member Phan expressed concern that some of the statements used in the Resolution need to be vetted and the City Council needs to be observant of the source of the statements.

Council Member Bui agreed and suggested that the Resolution be brought back indicating that the overall tone of the Resolution is divisive and needs to reflect inclusive language of all ethnicities and religions.

Mayor Nguyen commented that the statements within the Resolution are well documented, and noted the email provided to the City Council from Dr. Muzammil Siddiqi, Chairman, Islamic Shura Council of Southern California Religious Director, of one of the more prominent mosques in the nation located in Garden Grove, supports the Resolution.

Council Member Bui commented that he is proud of the support the City Council and the Police Department provide to the Mosque in Garden Grove, as well as the restraint of Garden Grove residents after the incident in San Bernardino. He would like to see language in the Resolution that reflects that we are a united community, which would send a better message.

Mayor Nguyen asked that the City Council take leadership and condemn hateful rhetoric.

The motion failed due to a lack of a second.

DISCUSSION ON A POLICY REGARDING MONUMENTS TO BE LOCATED ON CITY PROPERTY, AS REQUESTED BY COUNCIL MEMBER BEARD

(F: 127.1)(XR: 73.5)(XR: 46.5)

Council Member Beard introduced the policy from the City of Auburn in Washington State entitled, "Monuments to be located in City Parks and on City Property," which was provided to the City Council for review and discussion on developing a guideline for Garden Grove that would establish a criteria and to develop an application process for interested groups. Council Member Beard moved to have the Garden Grove Parks, Recreation and Arts Commission review and provide a recommendation to the City Council.

Mayor Nguyen moved to amend Council Member Beard's motion for City staff and the City Attorney to spend time developing a policy that fits Garden Grove; and to obtain public input as well as input from the Parks, Recreation and Arts Commission, seconded by Council Member Jones.

Council Member Jones suggested that the Planning Commission weigh in on establishing criteria for monuments on private property as well.

Council Member Bui agreed that it makes sense to develop a policy, and to also look at other agencies' policies as well as input from the Parks, Recreation and Arts Commissioners.

Council Member Beard rescinded his motion and agreed with Mayor Nguyen's amended motion for staff to develop an ordinance that will fit Garden Grove and commented that the policy from the City of Auburn was a starting point and he would like to have as much public input as possible.

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

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

DISCUSSION ON A POLICY REGARDING THE PROCEDURE FOR ALLOWING THE PUBLIC TO HAVE POWERPOINT PRESENTATIONS OR OTHER MEDIA DURING ORAL COMMUNICATIONS, AS REQUESTED BY COUNCIL MEMBER BUI (F: 127.4)

Council Member Bui stated that he requested this discussion item to clarify the City's policy on PowerPoint presentations during Oral Communications, or to change the policy on what may or may not be allowed.

City Attorney Sandoval noted that the City Clerk provided information gathered from several other cities in Orange County. The majority of Orange County cities do not allow PowerPoint presentations and cite concerns for a potential virus and incompatibility with City equipment. There are five Orange County cities that do

allow presentations with sufficient advanced notification to address any issues. The City of Berkeley does not allow audio/visual presentations under Oral Communications; however, a limit of three minutes are allowed for items on the agenda, e.g., a Public Hearing applicant. His interpretation is that the City of Garden Grove allows oral communications for the public comment period and does not specifically permit audio/visual presentations.

Mayor Nguyen inquired whether allowing audio/visual presentations would be at the Mayor's discretion as there is no specific policy.

City Attorney Sandoval responded yes if the City Council does not otherwise object.

Mayor Nguyen further inquired if it would be proper procedure to make a motion at the time even if it was not listed on the agenda if the City Council objects.

City Attorney Sandoval responded yes; however, he advised to have a specific policy in order to provide lead time to help staff prepare for PowerPoint presentations.

Council Member Bui expressed concern for the potential for a virus and that the material may not be appropriate for every audience, and moved that a policy be drafted with a clear policy, seconded by Council Member Phan.

Council Member Beard noted that the City Council has always honored an individual's right to speak and does not see a need for a policy, but to continue with the traditional practice of holding Oral Communications without PowerPoint presentations from the public.

Council Member Bui withdrew his motion and stated there is no need for a change or an adopted policy.

Council Member Beard moved to continue the practice and tradition of having Oral Communications without allowing PowerPoint presentations by the public, seconded by Council Member Jones.

Mayor Nguyen stated that Garden Grove is changing as well as technology, and we have the technical capability to accommodate PowerPoint presentations.

Council Member Jones stated that members of the public can speak on any subject under Oral Communications, and that PowerPoint presentations could cause confusion on what is actually City business and even be construed as representative of opinions of the City. Documents can be submitted to the City Council, and under Oral Communications is an opportunity for the public to address the City Council. Allowing presentations would be a distraction from conducting the business of the City.

Council Member Bui emphasized the point that someone could choose to have presentations with inappropriate content, and if the City were to censure the content, it might be in violation of an individual's rights.

Council Member Beard commented that in theory, technology could make it possible for people to not even attend meetings, and that technology should not replace civic engagement. Oral Communications provides people the opportunity for five minutes of free speech and that he would like to continue the practice of having Oral Communications at the podium.

The motion carried by a 4-0-1 vote as follows:

Ayes:	(4)	Beard, Bui, Jones, Phan
Noes:	(0)	None
Abstain:	(1)	Nguyen

DISCUSSION OF, AND RECEIVE AND FILE INFORMATION REGARDING PROCESS TO CONSIDER PROPOSED VIETNAM WAR AND BLACK APRIL MONUMENT, AS REQUESTED BY CITY MANAGER STILES (F: 46.5)

Following staff's presentation, Mayor Nguyen thanked the staff for their work and moved to receive and file the information for the process to consider a proposed Vietnam War and Black April Monument, seconded by Council Member Jones.

Council Member Bui requested clarification that the proposed project only be named a Black April Memorial to commemorate the tragedy of the Vietnamese refugees. He thanked staff for the guideline and commented it is very good, and provides a road map to the Black April Memorial Committee to submit a proposal to the City.

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

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

APPROVAL OF TRAVEL AND RELATED EXPENSES FOR TRAVEL TO SHANGHAI, CHINA AND NEW YORK (F: 43.1)(XR: A-78.1)

City Manager Stiles provided a report requesting approval for travel to Shanghai, China and noted that there was an error on the agenda listing travel to New York.

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

Travel related expenses for five to six City Council members and staff be authorized for travel to Shanghai, China between December 2016 and June 2017, to meet with SCG America Board of Directors; and

A full report be required on the outcomes of the trip and provided to the City Council by the City Administration.

The motion carried by a 3-1-1 vote as follows:

Ayes: (3) Beard, Bui, Jones
Noes: (1) Nguyen
Abstain: (1) Phan

Council Member Phan wished Council Member Beard a Happy Birthday, and as he will be missing the November 22, 2016, City Council meeting, he wished everyone a Happy Thanksgiving.

Mayor Nguyen announced that the November 8, 2016, City Council meeting will be cancelled and reminded everyone to be sure and vote, and that the polls are open at 7:00 a.m. and closed at 8:00 p.m. on election day.

Council Member Beard wished everyone a Happy Halloween and encouraged everyone to vote.

ADJOURNMENT

At 9:11 p.m., Mayor Nguyen adjourned the meeting in memory of Chief Petty Officer Jason C. Finan. Tuesday, the November 8, 2016, meeting is cancelled. The next City Council Meeting will be held on Tuesday, November 22, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
Deputy City Clerk