

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, January 12, 2016

Courtyard Center
12732 Main Street, Garden Grove, CA 92840

CONVENE STUDY SESSION

At 6:11 p.m., Mayor Nguyen convened the meeting.

<u>ROLL CALL</u>	PRESENT:	(4)	Mayor Nguyen, Council Members Beard, Bui, Phan
	ABSENT:	(1)	Council Member Jones absent at Roll Call; joined the meeting at 6:19 p.m.

ORAL COMMUNICATIONS FOR STUDY SESSION

Speakers: None.

Annual Audit. (F: 22.1)

ADJOURNMENT OF STUDY SESSION

At 6:34 p.m., Mayor Nguyen adjourned the Study Session.

CONVENE REGULAR MEETING

At 6:39 p.m., Mayor Nguyen convened the meeting.

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

MAYOR NGUYEN CALLED FOR A MOMENT OF SILENCE IN MEMORY OF FIRE CHIEF SCHULTZ'S FATHER, RICHARD SCHULTZ

INVOCATION AND PLEDGE OF ALLEGIANCE

PRESENTATIONS

Community Spotlight: Recognition of Sister City Association Exchange Students who are visiting from Anyang, Korea. (F: 52.3)

ORAL COMMUNICATIONS

Speakers: Raul Alvarez, Maureen Blackmun, Joel Block, Tony Flores, Verla Lambert, Vu Mai, Rachot Maragraan, Robin Marcario, Josh McIntosh, Charles Mitchell, Barbara Nolta, Justin Phan, Bryan Preti, Kelvin Quach, Keith Riley, Steele Smith, Theresa Smith, Linda Zamora

Response to Public Comments: Council Member Bui commented on the By-District Election process, and the current court matter regarding electing the Mayoral position at-large. In response to an article in the Voice of OC regarding Planning Commissioner Vu Mai's qualification to serve, Council Member Bui extolled Mr. Mai's integrity and desire to serve the community.

SELECTION OF MAYOR PRO TEMPORE (F: 46.1)(XR: 10.2)(VIP)

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

Council Member Jones be reselected as Mayor Pro Tem.

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

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

WRITTEN COMMUNICATIONS - REQUEST FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR CO-SPONSORSHIP OF THE 2016 STRAWBERRY STOMP 5K (F: 88.1)

Council Member Beard recused himself from considering this matter as serves on the Sister City Association Board.

COUNCIL MEMBER BEARD LEFT THE DAIS

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

The Sister City Association of Garden Grove's request for co-sponsorship of their 3rd annual Strawberry Stomp 5K, in the amount of \$7,400, be approved.

Council Member Bui moved a substitute motion that the Sister City Association of Garden Grove's request for co-sponsorship of their 3rd annual Strawberry Stomp 5K, in the amount of \$7,400, be approved with the provision that in the future their funding

request would be less each year towards the goal of being independent from City sponsorship.

The motion died for lack of a second.

The previous motion approving the Sister City Association of Garden Grove's request for co-sponsorship of their 3rd annual Strawberry Stomp 5K, in the amount of \$7,400 carried by a 4-0-1 vote as follows:

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

COUNCIL MEMBER BEARD RETURNED TO THE DAIS

RECESS

At 8:21 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 8:23 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

AGREEMENT WITH THE CITY OF SANTA ANA FOR THE ADMINISTRATION OF THE 2015 URBAN AREA SECURITY INITIATIVE (U.A.S.I.) HOMELAND SECURITY GRANT PROGRAMS (F: 82.15)

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

The agreement with the City of Santa Ana to administer the 2015 Urban Area Security Initiative (U.A.S.I.) Homeland Security Grant funds, in the amount of \$27,273, be approved; and

The City Manager and the Chief of Police are authorized to sign 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

OVERNIGHT TRAVEL FOR POLICE DEPARTMENT TRAINING (F: 82.1)

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

The request for one City employee to attend the Foundation of Intelligence Analysis Training held in Sacramento, California, from February 8 through 12, 2016, in the amount of \$2,240, be approved.

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

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

PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) CARGO VAN
(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 \$24,931 to National Auto Fleet Group for the purchase of one new cargo van.

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

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

PURCHASE ORDER TO WONDRIES FLEET GROUP FOR THE PURCHASE OF ONE (1) POLICE COMMAND 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 \$26,879 to Wondries Fleet Group for the purchase of one new Police vehicle.

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

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

PURCHASE ORDER TO SOUTHWEST LIFE & EQUIPMENT, INC. FOR SIX (6) PORTABLE COLUMN LIFTS (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 \$46,564.68 to Southwest Lift & Equipment, Inc. for the purchase of six new portable column lifts.

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

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

MINUTES (F: Vault)

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

The minutes from the meetings held on November 24, 2015, and December 8, 2015, 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 Phan, seconded by Council Member Jones that:

Regular Warrants 596812 through 597149, 597150 through 597477, 597478 through 598122, and 598123 through 598195; Wires W1502 through W1514; W1515 and W1516, and W1517 through W1521; and Direct Deposits W597477 through W598122 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.

Payroll Warrants 179128 through 179175, 179176 through 199220, and 179221 through 179223; Direct Deposits D285938 through DD286624, and D286624 through DD287311; and Wires W2190 through W2193, W2194 through W2197, and W2199 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

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

PUBLIC HEARING - CONSIDERATION OF AN ORDINANCE UPDATING THE CITY'S LAND USE REGULATIONS PERTAINING TO CANNABIS DISPENSARIES, DELIVERY, AND CULTIVATION; AND CONFIRMING UNLISTED USES ARE PROHIBITED
(F: 115.A-015-2015)

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

Acting City Attorney Sandoval reported on the Medical Marijuana Regulatory and Safety Act ("Act") as it compares to the City's current ordinance banning medical marijuana dispensaries in the city. The City's current ordinance does not directly address cultivation of marijuana. Pursuant to the Act, if the City wants to preserve its right to prohibit the delivery and/or cultivation of medical marijuana it must have an ordinance expressly stating so. If the City does not have a land use ordinance in place clearly regulating or prohibiting cultivation by March 1, 2016, the State will automatically become the sole licensing authority for individuals or entities seeking to cultivate marijuana in the city. The proposed ordinance would preserve the status quo and prevent State preemption regarding the cultivation and delivery of marijuana in Garden Grove.

Following Mr. Sandoval's report, the City Council discussed the necessity of this ordinance, as well as the City's history on medical marijuana dispensaries.

Mayor Nguyen declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Cody Chavez, Freddy Chavez, Sean Donahoe, Charles Mitchell, John O'Neill, Keith Riley, Steele Smith

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

City Council discussed recent legislation amending the Act eliminating this preemptive aspect of the Act. However, it may not be signed by the Governor in time for the March 1, 2016, deadline. Should the legislation be signed prior to the January 26, 2016, City Council meeting, there would be no need for this ordinance and the City Council could vote against the ordinance. The purpose of the proposed ordinance is to keep local control over the delivery and/or cultivation of medical marijuana.

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

Ordinance No. 2863 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-015-2015 amending Title 9 of the Garden Grove Municipal Code to update the City's Land Use Regulations pertaining

to cannabis dispensaries, delivery, and cultivation, and to confirm that uses not specifically identified in a zoning district are prohibited in that district, 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

CONTRACT WITH ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC. TO PROVIDE ON-CALL CIVIL ENGINEERING PLAN CHECKING AND CONSTRUCTION INSPECTION SERVICES (F: 55-Engineering Resources of Southern California, Inc.)

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

A contract to provide on-call civil engineering plan checking and construction inspection services, in the amount not to exceed \$500,000 for three years, with an option for two additional two year extensions, be awarded to Engineering Resources of Southern California, Inc.;

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

The City Manager be authorized to enter into the extensions for two additional two year terms should a funding balance remain.

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

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

DISCUSSION REGARDING THE REPEAL OF THE MEDICAL MARIJUANA BAN, AS REQUESTED BY MAYOR NGUYEN (F: 50.2)(XR: 115.A-015-2015)

In light of the discussion during the Public Hearing regarding cannabis dispensaries, cultivation, and delivery ordinance, and in response to the Governor signing the Medical Marijuana Regulatory and Safety Act, Mayor Nguyen proposed that staff be directed to return with information on changing the direction on banning medical marijuana within the city.

After City Council discussion, it was the consensus of the City Council that staff begin developing regulations and the process to allow medical marijuana dispensaries within the city. Information requested should include providing options on how to tax, comprehensive timeline, land use, community meetings, negative impacts, economic exposure, legal fees, Planning Commission process,

ballot measure to the voters if necessary, and other information deemed necessary by staff.

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

Mayor Nguyen announced that he would be conducting open door meetings on a first come first serve basis.

Council Member Bui requested that an item be placed on the next agenda for discussion: Provision that non-profit organizations making annual funding requests from the City, that each year the request would be less than before, ultimately eliminating its dependence on the City for funding. (F: 130.1)

It was moved by Council Member Beard, seconded by Mayor Nguyen that an action item be placed on the next City Council agenda regarding Commissioner qualifications, including residency and registered voter requirements, Municipal Code clarification, ambiguities in the application process, and the removal of Commissioners. (F: 122.1)

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 a Public Hearing is scheduled for the January 26, 2016, City Council meeting regarding by-district elections. The demographer, David Ely, will be making a presentation on the information gathered from the individual and neighborhood meetings. (F: 58.13)

CONVENE CLOSED SESSION

At 10:06 p.m., Mayor Nguyen announced that the City Council was going into Closed Session in the Activity Room at the Courtyard Center to discuss the following matters:

Conference with Labor Negotiators

Pursuant to Government Code Section 54957.6(f)

City Designated Representative: Laura Stover, Human Resources Director

Employee Organizations: Garden Grove Police Association.

Conference with Real Property Negotiators

Pursuant to Government Code Section 54956.8

City Properties: 12251, 12261, 12281 and 12321 Thackery Drive; 12262 and 12292 Tamerlane Drive, Garden Grove

Successor Agency Property: 12311 Thackery Drive, Garden Grove

Other Properties under Consideration: 12131-12222 Tamerlane Drive, Garden Grove;

City/Successor Agency Negotiator: Scott C. Stiles, City Manager/Director;

Negotiating Parties: Newage Garden Grove, LLC; Kam Sang Company, Inc.;
Tamerlane Associates, LLC
Under Negotiation: To obtain direction regarding the price and terms of payment for
the acquisition/sale/exchange/disposition of the properties.

Conference with Legal Counsel— Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)

Montoya vs. Garden Grove, OCSD Case No. 30-2015-00799522-CU-MC-CJC

Conference with Legal Counsel— Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1)

Southern Cal. Edison v. City of Garden Grove, OCSC Case No. 30-2014-00748570

ADJOURNMENT OF CLOSED SESSION

At 12:56 a.m., Mayor Nguyen adjourned the Closed Session.

RECONVENE MEETING

At 12:57 a.m., Mayor Nguyen reconvened the meeting in the Courtyard Center with all
Council Members present.

CLOSED SESSION REPORT

Acting City Attorney Sandoval announced that there was no reportable action.

ADJOURNMENT

At 12:58 a.m., Mayor Nguyen adjourned the meeting in memory of Edra Setterington.
The next City Council Meeting will be held on Tuesday, January 26, 2016, at 5:30 p.m. at
the Courtyard Center, 12732 Main Street, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk