

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, March 14, 2017

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

CONVENE CLOSED SESSION

At 5:34 p.m., Mayor Jones convened the meeting in the Council Chamber.

<u>ROLL CALL</u>	PRESENT:	(4)	Mayor Jones, Council Members Beard, Klopfenstein, K. Nguyen
	ABSENT:	(3)	Council Member O'Neill absent at Roll Call but joined the meeting at 5:40 p.m. Council Member T. Nguyen absent at Roll Call but joined the meeting at 5:45 p.m. Council Member Bui absent at Roll Call but joined the meeting at 6:15 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

At 5:36 p.m., Mayor 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)

Sosa v. Garden Grove, Workers Compensation Appeal Board Case No. ADV8146770

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 – Anticipated Litigation

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4):

Five potential cases

ADJOURN CLOSED SESSION

At 7:02 p.m., Mayor Jones adjourned the Closed Session.

CONVENE REGULAR MEETING

At 7:04 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

CLOSED SESSION REPORT

City Attorney Sandoval announced that the City Council authorized the City Attorney to commence four abatement cases.

COMMUNITY SPOTLIGHT: RECOGNITION OF THE OUTGOING CITY COMMISSIONERS FOR THEIR DEDICATED SERVICE TO THE CITY OF GARDEN GROVE (F: 52.3)(XR: 122.1)

COMMUNITY SPOTLIGHT: RECOGNITION OF THE WESTMINSTER SCHOOL DISTRICT SUPERINTENDENT DR. KIM-PHELPS AND BOARD MEMBER JAMISON POWER FOR THEIR WORK ON THE DISTRICT'S DUAL LANGUAGE IMMERSION PROGRAM (F: 52.3)

ORAL COMMUNICATIONS

Speakers: Josh McIntosh, Debra Ashby, Clay Bock, Rod Powell, Richard Sindt, Charles Mitchell

ADOPTION OF A RESOLUTION ESTABLISHING A CONVENIENCE FEE FOR CREDIT AND DEBIT CARD TRANSACTIONS (F: 60.1)

This item was heard later in the meeting.

CONSIDERATION OF A DONATION TO KIWANISLAND IN GARDEN GROVE (F: 87.1)

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

The television monitor, owned by the City of Garden Grove held as a surplus good with an approximate \$100.00 value, be donated to KiwanisLand in Garden Grove.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

APPROVAL OF THE APPROPRIATION AND ALLOCATION OF FISCAL YEAR 2017-2018
PROPOSITION 69 FUNDS FOR THE PURCHASE OF DNA EQUIPMENT (F: 82.1)
(XR: 82.15)

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

The appropriation of \$43,000 in Proposition 69 funds, be approved; and

That \$43,000 in Fiscal Year 2016-2017 Proposition 69 funds, be allocated for the purchase of a walk-in DNA freezer for the Police Department.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

ADOPTION OF A RESOLUTION DESIGNATING AUTHORIZED AGENTS TO SIGN
DOCUMENTS FOR FEDERAL ASSISTANCE AND REIMBURSEMENT (F: 61.1)
(XR: 61.3)

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

Resolution No. 9412-17, a Garden Grove City Council Resolution authorizing the Fire Chief, Emergency Services Coordinator, or Finance Director to execute for and on behalf of the City of Garden Grove any actions necessary for the purpose of obtaining federal financial assistance provided by the Federal Department of Homeland Security and sub-awarded through the State of California, be adopted.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

ADOPTION OF A RESOLUTION INITIATING THE SPRING 2017 WEED/RUBBISH ABATEMENT PROGRAM (F: 113.1)

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

Resolution No. 9413-17, entitled A Resolution of the City Council of the City of Garden Grove declaring that a nuisance exists in connection with the existence of weeds, rubbish, and refuse on certain properties within the City of Garden Grove and authorizing the City Clerk to mail a written Notice of the nuisance(s) in accordance with the provisions of Government Code Section 39566 and 39567.1, be adopted.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

CONSIDERATION AND APPROVAL OF A PROGRESS REPORT RELATED TO THE 2015-16 GRAND JURY REPORT, DRONES: KNOW BEFORE YOU FLY (F: 23.1)

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

The progress report on Drones: Know Before You Fly, be approved; and

Submittal of the report to the Orange County Grand Jury, be authorized.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON FEBRUARY 14, 2017
(F: Vault)

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

The minutes from the meeting held on February 14, 2017, be received and filed.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

WARRANTS (F: 60.5)

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

Payroll Warrants 180884 through 180924; Direct Deposits D308033 through DD308727; and Wires W2334 through W2337; 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 619828 through 620165; and Wires W1803 through W1817; 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 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

ADOPTION OF A RESOLUTION ESTABLISHING A CONVENIENCE FEE FOR CREDIT AND DEBIT CARD TRANSACTIONS (F: 60.1)

Following staff presentation and City Council discussion, it was moved by Council Member O'Neill, seconded by Council Member Bui that:

Staff explore options for reducing the proposed convenience fee for credit and debit card transactions and the item be reconsidered at a future meeting.

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

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes: (0) None

CONSIDERATION OF APPOINTMENTS TO THE ADMINISTRATIVE BOARD OF
APPEALS (CONTINUED FROM THE FEBRUARY 14, 2017, AND FEBRUARY 28, 2017,
MEETINGS) (F: 122.2C)

Mayor Jones announced that this item would be continued to the next City Council meeting.

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

ADOPTION OF A RESOLUTION REAFFIRMING PRIOR RECOGNITION OF THE FLAG OF THE FORMER REPUBLIC OF VIETNAM AND OPPOSING THE DISPLAY OF THE SOCIALIST REPUBLIC OF VIETNAM FLAG ON CITY PROPERTY (F: 94.1)

City Attorney Sandoval provided a report noting this item is a reaffirmation of previously adopted Resolution No. 8486-03, and also provides an opposition to the display of the Socialist Republic of Vietnam Flag on City property, and that the former Republic of Vietnam flag may be displayed on City owned property and at any City controlled or sponsored Vietnamese American event, subject to any permitting requirement.

Council Member Bui commented that this Resolution does not diminish the United States flag, but is symbolic of the struggle for freedom and democracy for the Vietnamese Americans. He commented on the visceral reaction to the communist flag from the majority of the Vietnamese community.

Council Member Beard stated that people can do what they want on private property, and for the sake of simplicity his preference is to only display the United States and State of California flags on public property.

Council Member O'Neill expressed support for the Resolution, as it is significant to the Vietnamese community.

Council Member T. Nguyen expressed loyalty to the United States; however, indicated that the former Republic of Vietnam flag's heritage is important to the Vietnamese community. She also commented on the civil strife lasting a significant number of days that was created by a shop owner who in 1999 had displayed the communist flag.

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

Resolution No. 9414-17, entitled A Resolution of the City Council of the City of Garden Grove, reaffirming prior recognition of the flag of the former Republic of Vietnam as the official flag of the Vietnamese-American Community in Garden Grove and opposing the display of the flag of the Socialist Republic of Vietnam on City property, be adopted.

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

Ayes:	(6)	O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes:	(1)	Beard

Council Member Beard wished everyone a Happy St. Patrick's Day.

Council Member O'Neill thanked the outgoing Planning Commissioners, and commented on the sad passing of Planning Commissioner Connie Margolin.

Council Member T. Nguyen thanked the outgoing Commissioners, and wished everyone a Happy St. Patrick's Day. She also thanked the Vietnamese media for attending tonight's meeting.

Council Member Klopfenstein reminded everyone that Garden Grove is a high risk area for mosquitoes and to be alert for standing water. She encouraged residents to contact Vector Control with questions or assistance.

Council Member Bui commented on the City Council retreat held Friday, March 10, 2017, and that he appreciates the collaboration and willingness of the City Council Members to work together.

Mayor Jones commented on the City Council retreat, expressing his appreciation for the City Council Members with a sole focus on City concerns, and for providing staff with their shared vision. He commented on a recent conference held in Sacramento he and City Manager Stiles attended that gave an opportunity to connect with local legislators, including spending some time with State Senator Janet Nguyen.

City Manager Stiles noted that the conference provided an opportunity to learn about upcoming legislation and impacts to local government, as well as the topics affecting the communities throughout the state. He thanked the City Council for their input and direction at the City Council retreat.

City Attorney Sandoval noted that applicants for the Bixby Apartment project that was scheduled as a Public Hearing for the March 28, 2017, meeting have withdrawn their application, and will be revising the project to be considered by the Planning Commission.

ADJOURNMENT

At 8:30 p.m., Mayor Jones adjourned the meeting. The next City Council Meeting will be held on Tuesday, March 28, 2017, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk