

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, March 8, 2016

Courtyard Center
12732 Main Street, Garden Grove, CA 92840

CONVENE CITY COUNCIL

At 6:34 p.m., Mayor Nguyen convened the meeting.

ROLL CALL PRESENT: (5) Mayor Nguyen, Council Members Beard, Bui,
Jones, Phan

ABSENT: (0) None

INVOCATION AND PLEDGE OF ALLEGIANCE

ORAL COMMUNICATIONS

Speakers: Maureen Blackmun, Nicholas Dibs, Douglas Hughes, Robin Marcario,
Charles Mitchell, Deloise Moore

RECESS

At 6:58 p.m., Mayor Nguyen declared a recess.

RECONVENE MEETING

At 7:00 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

MINUTES (F: Vault)

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

The minutes from the February 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

MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE GARDEN GROVE
POLICE ASSOCIATION (F: 78.8B)

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

Resolution No. 9339-16 entitled A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on salaries, wages, and fringe benefits for the Term 2015-2018, by and between the Garden Grove Police Association and the City of Garden Grove, be adopted.

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

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

INITIATING THE 2016 SPRING WEED/RUBBISH ABATEMENT PROGRAM (F: 113.1)

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

Resolution No. 9340-16 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; and

Staff be directed to proceed with the weed abatement process as required under Government Code Section 39560 et. Seq., which also requires mailing of written Weed Abatement Notices to property owners, as listed in the last Equalized Assessment Roll and as officially identified in Exhibit A, dated March 8, 2016.

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

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

STREET DEED FOR AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES
FOR A PORTION OF THE PROPERTY LOCATED AT 12232 LAMPSON AVENUE,
GARDEN GROVE (F: 84.1)

It was moved by Council Member Phan, seconded by Council Member Bui that:
The easement for public street and highway purposes for a portion of the property
located at 12232 Lampson Avenue, Garden Grove, be accepted; and

The City Clerk be authorized to accept the Street Deed 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

UPDATED RELOCATION PLAN FOR SITE "C" LOCATED AT THE NORTHWEST CORNER
OF TWINTREE LANE AND HARBOR BOULEVARD, GARDEN GROVE
(F: A-48.21)(XR: A-116.15)

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

Resolution No. 9341-16 entitled A Resolution of City Council of the City of Garden
Grove approving the Relocation Plan for the Site C proposed project and making
certain other findings in connection therewith, be adopted; and

The City Manager and his designee be authorized to implement the Relocation,
including the payment of relocation claims.

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 Bui that:

Regular Warrants 600190 through 600411; Wire W1547; Warrants 600412 through
601063; Direct Deposits W600411 through W601063; 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 Bui 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

COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION
AUTHORITY FOR THE CHAPMAN AVENUE CORRIDOR TRAFFIC SIGNAL
SYNCHRONIZATION PROJECT (F: 100.proj.C-5-3587)

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

Cooperative Agreement No. C-5-3587 between the Orange County Transportation Authority and the City of Garden Grove and the County of Orange for the Chapman Avenue Corridor Traffic Signal Synchronization Project be approved; and

The City Manager be authorized to execute the Cooperative Agreement.

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

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

COOPERATIVE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION
AUTHORITY FOR THE WESTMINSTER AVENUE CORRIDOR TRAFFIC SIGNAL
SYNCHRONIZATION PROJECT (F: 100.proj.C-5-3589)

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

Cooperative Agreement No. C-5-3589 between the Orange County Transportation Authority and the cities of Santa Ana, Garden Grove, Seal Beach, Tustin, and Westminster, and the County of Orange for the Westminster Avenue/17th Street Regional Traffic Signal Synchronization Project be approved; and

The City Manager be authorized to execute the Cooperative Agreement.

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

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

SUBMITTAL OF AN APPLICATION FOR THE CITY OF GARDEN GROVE'S PROJECT V CIRCULATOR STUDY (F: 23.18C)

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

Resolution No. 9342-16 entitled A Resolution of the City Council of the City of Garden Grove approving the submittal of an application to the Orange County Transportation Authority for funds from the Measure M2 Project V Community-based Transit/Circulators Funding Program, be adopted.

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

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

DISCUSSION OF FEBRUARY 24, 2016, DISTRICT ATTORNEY REPORT REGARDING ALLEGATIONS OF BROWN ACT VIOLATIONS, AND A RESOLUTION DESIGNATING CITY CLERK AS CLOSED SESSION RECORDER (F: 46.5)

Council Member Phan announced that he is a County Employee with the District Attorney's Office, as well as a colleague of the writers of the report, and would be recusing himself from considering this matter.

COUNCIL MEMBER PHAN LEFT THE MEETING AT 7:12 P.M.

Following staff's presentation, it was moved by Mayor Nguyen that:

A Resolution entitled A Resolution of the City Council of the City of Garden Grove designating the City Clerk and Deputies as the Official Recorder of Closed Sessions pursuant to Government Code Section 54957.2, be adopted;

Recordation of Closed Sessions for a period of two years, be approved;

Any new employment position in the City will be created in Open Session of the City Council, be affirmed;

An independent audit be conducted of the work and performance of the Public Safety Administrative Officer for the period of September 30, 2014, through November 25, 2014, to assure the public that the position is not a "no show" position; and

The City seek bids for new legal counsel.

Council Member Bui indicated that he could support the motion if the legal counsel matter be considered separately from this item.

After further discussion, Mayor Nguyen amended his motion, seconded by Council Member Bui that:

A Resolution entitled A Resolution of the City Council of the City of Garden Grove designating the City Clerk and Deputies as the Official Recorder of Closed Sessions pursuant to Government Code Section 54957.2, be adopted;

Recordation of Closed Sessions for a period of two years be approved;

Any new employment position in the City will be created in Open Session of the City Council, be affirmed; and

An independent audit be conducted of the work and performance of the Public Safety Administrative Officer for the period of September 30, 2014, through November 25, 2014, to assure the public that the position is not a "no show" position.

Council Member Jones moved a substitute motion, seconded by Council Member Beard that:

A Resolution entitled A Resolution of the City Council of the City of Garden Grove designating the City Clerk and Deputies as the Official Recorder of Closed Sessions pursuant to Government Code Section 54957.2, be adopted;

That recordation of Closed Sessions for a period of two years be approved; and

That any new employment position in the City will be created in Open Session of the City Council, be affirmed.

The motion failed by a 2-2-1 vote as follows:

Ayes:	(2)	Beard, Jones
Noes:	(2)	Bui, Nguyen
Absent:	(1)	Phan

Mayor Nguyen's amended motion, previously seconded by Council Member Bui that:

A Resolution entitled A Resolution of the City Council of the City of Garden Grove designating the City Clerk and Deputies as the Official Recorder of Closed Sessions pursuant to Government Code Section 54957.2, be adopted;

Recordation of Closed Sessions for a period of two years be approved;

Any new employment position in the City will be created in Open Session of the City Council, be affirmed; and

An independent audit be conducted of the work and performance of the Public Safety Administrative Officer for the period of September 30, 2014, through November 25, 2014, to assure the public that the position is not a "no show" position.

The motion failed by a 2-2-1 vote as follows:

Ayes: (2) Bui, Nguyen
Noes: (2) Beard, Jones
Absent: (1) Phan

Mayor Nguyen requested this matter be placed on the March 22, 2016, agenda for further consideration.

SECOND READING - ORDINANCE NO. 2865 RELATING TO DESIGN-BUILD PROCEDURES
(F: 50.2)

(As approved earlier in the meeting: It was moved by Council Member Phan, seconded by Council Member Bui and carried by a 5-0 vote that Full Reading of Ordinances listed be waived.)

Following the reading of the title of Ordinance No. 2865 into the record, it was moved by Council Member Jones, seconded by Council Member Beard that:

Ordinance No. 2865 entitled an Ordinance of the City Council of the City of Garden Grove adding Section 2.52.020 to Chapter 2.52 of Title 2 of the Garden Grove Municipal Code authorizing Design-Build procedures to award contracts for certain public works projects, be adopted.

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

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

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

City Manager Stiles confirmed with the Mayor that staff would be following up with both Douglas Hughes and Deloise Moore regarding their concerns brought up during Oral Communications.

In response to Council Member Beard's inquiry as to the status of Youth in Government Day, City Manager Stiles indicated that Director Huy, Community Services Department, will be bringing forward a staff report to the March 22, 2016, meeting.

Council Member Bui announced that he is considering applications for the Planning Commission vacancy.

City Manager Stiles announced the Study Session scheduled with the City Council and Management Staff this Friday, March 11, 2016, from 8 a.m. to 3 p.m. This meeting is open to the public and will be held at the Sheraton Hotel in Garden Grove.

ADJOURNMENT

At 8:06 p.m., Mayor Nguyen adjourned the meeting in memory of Kaye Silva. The next City Council Meeting will be held on Tuesday, March 22, 2016, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk