MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 28, 2017

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

CONVENE MEETING

At 6:06 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL	PRESENT:	(6)	Mayor Jones, Council Members Beard, O'Neill, T. Nguyen, Klopfenstein, K. Nguyen
	ABSENT:	(1)	Council Member Bui absent at Roll Call but joined the meeting at 6:30 p.m.

At 6:07 p.m., Mayor Jones announced that the Closed Session item for the following matter will not be heard at tonight's meeting and adjourned Closed Session:

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1):
Bradley DeVrieze v. City of Garden Grove, Workers Compensation Appeal Board Case Nos. ADJ9883190; ADJ9883135; ADJ10102726

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE REGULAR MEETING

At 6:41 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

COMMUNITY SPOTLIGHT IN RECOGNITION OF THE 2017 MISS GARDEN GROVE, MISSY MENDOZA AND HER COURTS OF HONOR

ORAL COMMUNICATIONS

Speakers: Elaine Caton, Leland Sisk, Tony Flores, Charles Mitchell, Bob Donelson

RECESS

At 7:13 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:18 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

APPROVAL OF AN AGREEMENT WITH ENVIRONMENTAL IMPACT SERVICES CONSULTING GROUP TO PROVIDE PREPARATION AND PROCESSING OF CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE DOCUMENTS, AND APPROVAL OF A REIMBURSEMENT AGREEMENT WITH GARDEN GROVE HOTEL, LLC
(F: 55-Environmental Impact Services Consulting Group)
(F: 55-Garden Grove Hotel, LLC)

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

The Professional Services Agreement with Environmental Impact Services in the amount of $81,532, to prepare and process the California Environmental Quality Act – compliance documents for the project located at 13650 Harbor Boulevard, Garden Grove, be approved;

The Reimbursement Agreement with Garden Grove Hotel, LLC, to reimburse the City for the cost of the agreement with Environmental Impact Services, be approved; and

The City Manager be authorized to sign the agreements on behalf of the City, and to make minor modifications as appropriate.

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ALLSTAR FIRE EQUIPMENT INC. FOR PERSONAL PROTECTIVE EQUIPMENT FOR FIREFIGHTERS

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

The Finance Director be authorized to issue a purchase order in the amount of $158,309.53 to Allstar Fire Equipment, Inc., for the purchase of 70 turnouts; and

The Finance Director be authorized to issue an annual extension of the purchase order in the amount of $100,000, with Allstar Fire Equipment for five years.

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 ADOPTING FISCAL YEAR 2016-17 MEASURE M2 ANNUAL EXPENDITURE REPORT (F: 23.18C)

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

Resolution No. 9467-17 entitled: A Resolution of the City Council of the City of Garden Grove, California concerning the Fiscal Year 2016-17 Measure M2 Annual Expenditure Report, be adopted; and

The Finance Director be authorized to submit the Measure M2 Annual Expenditure Report to the Orange County Transportation Authority.

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 A BUS BENCH LICENSE AGREEMENT WITH FOCUS MEDIA GROUP, INC. FOR INSTALLATION AND OPERATION OF AND ADVERTISING ON NON-SHELTERED BUS BENCHES (F: 55-Focus Media Group, Inc.)(XR: 36.1A)

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

A ten year License Agreement with Focus Media Group, Inc., to provide and maintain new bus benches, be approved; and

The City Manager be authorized to sign the agreement on behalf of the City.

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 ADOPTING A SEPARATE BUS BENCH SECURITY DEPOSIT FEE (F: 36.1A)

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

Resolution No. 9468-17 entitled: A Resolution of the City Council of the City of Garden Grove adopting a separate bus bench security deposit fee, 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

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

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

The minutes from the meeting held on November 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

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

Payroll Warrants 181837 through 181867; Direct Deposits D321484 through D322183; and Wires W2418 through W2421 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 631608 through 631924; and Wires W2013 through W2023 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

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Bui, seconded by Council Member K. Nguyen that:

Full reading of Ordinances listed be waived.

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

PUBLIC HEARING – ADOPTION OF A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. GPA-003-2017 AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR PROPERTY LOCATED AT 12111 BUARO STREET, GARDEN GROVE (F: 20.GPA-003-2017)

Following staff presentation, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Tony Flores, David Lautherboren

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

After City Council discussion, it was moved by Mayor Jones, seconded by Council Member O'Neill that:

Resolution No. 9469-17 entitled: A Resolution of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving General Plan Amendment No. GPA-003-2017, 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

PUBLIC HEARING – ADOPTION OF A RESOLUTION AMENDING THE 2015 URBAN WATER MANAGEMENT PLAN (F: 112.10)

Following staff presentation and City Council discussion, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: None

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

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

Resolution No. 9470-17 entitled: A Resolution of the City Council of the City of Garden Grove adopting amendments to the 2015 Urban Water Management Plan pursuant to California Water Code Sections 10608 to 10657, be adopted; and

Staff be directed to submit the Plan to the California Department of Water Resources.

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 APPROVING THE SUBMITTAL OF TRAFFIC SIGNAL SYNCHRONIZATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM (F: 100.3)

Following staff presentation and City Council discussion, it was moved by Council Member K. Nguyen, seconded by Council Member T. Nguyen that:

Resolution No. 9471-17 entitled: A Resolution of the City Council of the City of Garden Grove approving the submittal of traffic signal synchronization projects to the Orange County Transportation Authority for funding under the comprehensive transportation funding program, 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

ORDINANCE NO. 2888 PRESENTED FOR SECOND READING AND ADOPTION

(As approved earlier in the meeting, it was moved by Council Member Bui, seconded by Council Member K. Nguyen, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)

Following the reading of the title of the Ordinance, it was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that: (F: 115.A-021-2017) (XR: 50.3)

Ordinance No. 2888 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-021-2017, to amend portions of Chapters 9.04 (Definitions) and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the City of Garden Grove Municipal Code pertaining to uses within the Civic Center Mixed Use Zones that involve Entertainment and/or Alcohol Sales or Consumption and Permissible Encroachments within Setbacks, 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

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

DISCUSSION OF THEFT AND SCAVENGING OF RECYCLING MATERIALS FROM RESIDENTIAL GARBAGE CONTAINERS AS REQUESTED BY THE CITY COUNCIL (Continued from the November 14, 2017, meeting) (F: 89.1)

Council Member Beard noted the survey of neighboring cities provided to the City Council listing actions taken to address scavenging; and that the Garden Grove Sanitary District Code of Regulations does cite scavenging as an infraction. He asked for clarification on the distinction between an infraction and an Administrative Citation.

City Attorney Sandoval stated that an infraction is a fine that is handled through the courts like a traffic citation and is a criminal penalty with no jail time. An Administrative Citation is a civil citation with a fine and not a criminal citation. If a citation is contested, there is an informal hearing with a Hearing Officer. The Sanitary District Code of Regulations only provides for a criminal citation, i.e., an infraction. There would need to be an Ordinance adopted by the Sanitary District Board to amend the Code of Regulations for the issuance of Administrative Citations.

Council Member Beard indicated that the purpose of this discussion is to explore means to address scavenging, and that issuing a citation as an infraction does have

more weight than an Administrative Citation. He requested that the public be educated that scavenging is a crime and asked that the City post information on the penalties for scavenging on the City's website, and to also provide information in the water bill inserts.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (Continued)

Council Member Klopfenstein announced that today is "Giving Tuesday" and the Garden Grove Neighborhood Association will be holding their 8th annual Adopt a Senior drive for donations of gift cards and cash for seniors and vets in need. Anyone can participate and donations can be dropped off or mailed care of Vinyl Windows and Doors at 12931 Main Street, Garden Grove. For more information, please visit the Garden Grove Neighborhood Association's Facebook page.

Mayor Jones announced the Second Annual Winter Toy Drive sponsored by local businesses on Sunday, December 3rd from 10:00 a.m. to 3:00 p.m. on historic Main Street, Garden Grove, where there will be an exotic car show and entertainment. He further announced the passing of former Garden Grove Council Member Ho Young Chung, who served from 1992 through 1998, and stated that tonight's meeting will be adjourned in memory of Ho Young Chung.

City Manager Stiles encouraged the community to participate with the Buy in Garden Grove campaign by saving receipts from local businesses frequented in Garden Grove, for a chance to win $500 in cash or a one night stay at the Great Wolf Lodge Southern California, from now through Friday, December 15, 2017.

ADJOURNMENT

At 8:09 p.m., Mayor Jones adjourned the meeting in memory of former Council Member Ho Young Chung. The next Regular City Council meeting will be held on Tuesday, December 12, 2017, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk