

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, April 24, 2018

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

CONVENE CLOSED SESSION

At 5:32 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (6) Mayor Jones, Mayor Pro Tem Beard, Council Members O'Neill, T. Nguyen, Klopfenstein, K. Nguyen

ABSENT: (1) Council Member Bui was absent at Roll Call but joined the meeting at 5:53 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

At 5:33 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 - Anticipated Litigation

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case.

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.

Conference with Legal Counsel - Existing Litigation

Pursuant to Government Code Section 54956.9(d)(1):

Jeffrey Spargur v. City of Garden Grove, Workers Compensation Appeal Board Case Nos. ADJ10858805; ADJ10858814.

ADJOURN CLOSED SESSION

At 5:59 p.m., Mayor Jones adjourned the Closed Session.

CONVENE REGULAR MEETING

At 6:32 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 GARDEN GROVE BULLDOGS VARSITY POP WARNER CHEERLEADERS FOR THEIR NATIONAL CHAMPIONSHIPS ACHIEVING FIRST PLACE SHOW CHEER AND PERFORMANCE CHEER HELD AT THE JAMZ NATIONALS IN LAS VEGAS, AND FIRST PLACE USA JR. NATIONALS HELD IN ANAHEIM

COMMUNITY SPOTLIGHT IN RECOGNITION OF THE PACIFICA HIGH SCHOOL HOCKEY TEAM FOR THEIR ANAHEIM DUCKS INLINE SCHOLASTIC LEAGUE (ADISL) HIGH SCHOOL DIVISION CHAMPIONSHIP

ADOPTION OF A PROCLAMATION DECLARING APRIL 2018 AS COMMUNITY COLLEGE AWARENESS MONTH IN GARDEN GROVE (F: 83.1)

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

A Proclamation declaring April as Community College Awareness Month, 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

ORAL COMMUNICATIONS

Speakers: Sherry Williams, Lena Nguyen, Vickie Hanssen, Alex Beard, Tony Flores, Jamie Hill, Jimmy Davis, Charles Mitchell, Ariana Arestegui, Jared Wallace, Nicholas Dibs, Jonathan Swaim

RECESS

At 7:29 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:54 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

CONSIDERATION OF A WRITTEN REQUEST FROM THE DISABLED VETERANS AND WIDOW RELIEF ASSOCIATION TO CONDUCT A MUSICAL CONCERT AND FUNDRAISER AT GARDEN GROVE PARK (F: 88.1)

It was moved by Council Member Beard, seconded by Council Member T. Nguyen that:

The request from the Disabled Veterans and Widow Relief Association to conduct a Musical Concert and Fundraiser at Garden Grove Park on Sunday, August 12, 2018, be accepted;

That the requirement on the City's policy on parks and open space for community events, pertaining to the direct benefit requirement, be waived; and

That staff prepare a formal agreement between the City and the Disabled Veterans and Widow Relief Association that would allow them to conduct the Musical Concert and Fundraiser.

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 A WRITTEN REQUEST BY THE GARDEN GROVE UNIFIED SCHOOL DISTRICT (GGUSD) TO WAIVE THE RENTAL FEES OF THE CITY-OWNED SHOWMOBILE STAGE (F: 88.1)

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

The request from the GGUSD to waive the rental fees associated with usage of the City-owned showmobile stage on April 27, 2018, and May 31, 2018, be granted.

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 PROCLAMATION DECLARING APRIL 2018 AS COMMUNITY COLLEGE AWARENESS MONTH IN GARDEN GROVE (F: 83.1)

This item was considered earlier in the meeting.

ADOPTION OF A PROCLAMATION DECLARING APRIL 2018 AS CHILD ABUSE PREVENTION MONTH IN GARDEN GROVE (F: 83.1)

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

A Proclamation declaring April 2018 as Child Abuse Prevention Month in Garden Grove, 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

AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE QUITCLAIM DEEDS OF OBSOLETE STORM DRAIN AND WATER LINE EASEMENTS ON CHRIST CATHEDRAL PROPERTY (F: 20.GPA-001-2017) (F: 106.DA-006-2017)

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

The City Manager be authorized to execute the Quitclaim Deeds.

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 DENSITY BONUS HOUSING AGREEMENT WITH FAIRCREST REAL ESTATE, LLC, FOR A TEN UNIT APARTMENT PROJECT LOCATED AT 9841 11TH STREET, GARDEN GROVE (F: 117.16P2)

This item was considered later in the meeting.

ADOPTION OF A RESOLUTION FOR FISCAL YEAR 2018-19 LIST OF PROJECTS, FUNDED BY SENATE BILL 1 (SB1): THE ROAD REPAIR ACCOUNTABILITY ACT OF 2017 (F: 34.1)

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

Resolution No. 9486-18 entitled: A Resolution of the City Council of the City of Garden Grove adopting a list of projects for Fiscal Year 2018-19 funded by SB 1: The Road Repair and Accountability Act of 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

APPROVAL OF A SECOND AMENDED AND RESTATED EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND KAM SANG COMPANY FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF TWINTREE AVENUE AND HARBOR BOULEVARD, GARDEN GROVE, CALIFORNIA (F: A-55.232)

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

The Second Amended and Restated Exclusive Negotiation Agreement, be approved; and

The City Manager be authorized to make minor modifications, execute pertinent documents, and amend or extend the ENA period.

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 APRIL 10, 2018 (F: Vault)

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

The minutes from the meeting held on April 10, 2018, 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 K. Nguyen, seconded by Council Member Klopfenstein that:

Payroll Warrants 182175 through 182208; Direct Deposits D328194 through D329204; Wires W2462 through W2465; 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 637379 through 637692; and Wire W2141 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 K. Nguyen, seconded by Council Member Klopfenstein 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

APPROVAL OF A DENSITY BONUS HOUSING AGREEMENT WITH FAIRCREST REAL ESTATE, LLC, FOR A TEN UNIT APARTMENT PROJECT LOCATED AT 9841 11TH STREET, GARDEN GROVE (F: 117.16P2)

AT 7:55 P.M. MAYOR JONES RECUSED HIMSELF DUE TO A BUSINESS RELATIONSHIP WITH FAIRCREST REAL ESTATE, LLC.

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

The Density Bonus Housing Agreement between the City of Garden Grove of and Faircrest Real Estate, LLC, be approved; and

The City Manager be authorized to execute the Agreement and all other documents necessary to implement the Agreement, and to approve modifications as necessary.

The motion carried by a 6-0-1 vote as follows:

Ayes:	(6)	Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K. Nguyen
Noes:	(0)	None
Absent:	(1)	Jones

AT 8:02 P.M., MAYOR JONES RETURNED TO THE MEETING.

PUBLIC HEARING - CONSIDERATION OF AN APPEAL OF A PLANNING COMMISSION ACTION FOR DENIAL OF SITE PLAN NO. SP-046-2018, LOT LINE ADJUSTMENT NO. LLA-013-2018, AND VARIANCE NO. V-018-2018 FOR THE DEVELOPMENT OF A 4-UNIT APARTMENT COMPLEX AT 12671 9TH STREET, GARDEN GROVE (F: 116.SP-046-2018)

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

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

After further City Council discussion, it was moved by Mayor Jones, seconded by Council Member Klopfenstein that:

Resolution No. 9487-18 entitled: A Resolution of the City Council of the City of Garden Grove granting the appeal of Anh Phan and approving Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 for two properties located on the west side of 9th Street, between College Avenue and Stanford Avenue, at 12671 9th Street, Assessor's Parcel No. 090-132-17, be adopted.

The motion carried by a 5-2 vote as follows:

Ayes:	(5)	T. Nguyen, Bui, Klopfenstein, K. Nguyen, Jones
Noes:	(2)	Beard, O'Neill

AT 8:23 P.M., COUNCIL MEMBER BUI LEFT THE MEETING.

PUBLIC HEARING - ADOPTION OF A RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. GPA-001-2018; ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND APPROVAL OF A DENSITY BONUS HOUSING AGREEMENT FOR PROPERTIES LOCATED AT 10080 GARDEN GROVE BOULEVARD AND 9860 LARSON AVENUE, GARDEN GROVE; AND INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-008-2018 (F: 20.GPA-001-2018) (F: 116.PUD-008-2018)

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

Following the reading of the title of the Ordinance and staff presentation, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council.

Speakers: Randal Williams, and member of the public

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

Following City Council discussion, it was moved by Mayor Jones, seconded by Council Member Beard that:

Resolution No. 9488-18 entitled: A Resolution of the City Council of the City of Garden Grove approving General Plan Amendment No. GPA-001-2018, changing the General Plan Land use designation to Community Residential on two parcels: one parcel with a land use designation of Residential/Commercial Mixed Use 1, located at 10080 Garden Grove Boulevard, Assessor's Parcel No. 098-070-72; and a portion of a second parcel with a land use designation of Parks and Open Space located at 9860 Larson Avenue, Assessor's Parcel No. 098-070-73, be adopted;

Resolution No. 9489-18 entitled: A Resolution of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Garden Brook Senior Village Affordable Senior Housing Project, be adopted;

Ordinance No. 2891 entitled: An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-008-2018 by changing the zoning designation from GGMU1 (Garden Grove Mixed Use 1) and O-S (Open Space) to Planned Unit Development No. PUD-008-2018, be passed to second reading;

The Density Bonus Housing Agreement, between the City and AMG & Associates, LLC, be approved; and

The City Manager be authorized to execute the Density Bonus Housing Agreement,

and to approve modifications as necessary.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Beard, O'Neill, T. Nguyen, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None
Absent: (1) Bui

APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA LLC, DBA GARDEN GROVE DISPOSAL FOR A MANDATORY ORGANIC WASTE PROGRAM AND RATE IMPLEMENTATION (JOINT ACTION ITEM WITH THE GARDEN GROVE SANITARY DISTRICT BOARD)
(F: S-55.1)

Garden Grove City Council Action

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

The amendment to the 2010 Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for organic waste handling services be approved; 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 7-0 vote as follows:

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

Garden Grove Sanitary District Action

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

The amendment to the 2010 Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for organic waste handling services be approved; and

The General Manager be authorized to execute the agreement on behalf of the Sanitary District, and make minor modifications as appropriate thereto.

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

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

ADOPTION OF A RESOLUTION REVISING THE FEE FOR BLOCK PARTY PERMITS
(F: 60.2) (F: 77.1)

Following staff presentation and City Council discussion, it was moved by Council Member Beard, seconded by Council Member Klopfenstein that:

Resolution No. 9490-18 entitled: A Resolution of the City Council of the City of Garden Grove revising the fee for block party permits, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes:	(6)	Beard, O'Neill, T. Nguyen, Klopfenstein, K. Nguyen, Jones
Noes:	(0)	None
Absent:	(1)	Bui

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

UPDATE ON THE SOLUTION TO NOVUSAGENDA VOTING SYSTEM ISSUES
(F: 43.3)

Staff provided the update on the NovusAgenda voting system which has been developed and tested in-house and will be implemented at the next City Council meeting.

DISCUSSION ON A RESOLUTION DESIGNATING THE PORTION OF GARDEN GROVE WEST OF WESTERN AVENUE AS THE WEST GROVE DISTRICT (F: 40.1)

Council Member Beard stated that the objective of the proposed draft Resolution was to be a catalyst to promote economic development in western section of the City. He added that the Resolution was not intended to be divisive but rather a mechanism to promote business opportunities while demonstrating pride in District 1 and the City in general.

Council Member T. Nguyen expressed concern that the Resolution would result in naming each of Council District. She indicated that Little Saigon and the Korean Business District are composed of several Districts and proposed an alternate name such as the Valley View Corridor.

Council Member Klopfenstein expressed concern with some wording in the current draft Resolution. She also commented her concern related to geographical pocket of residents located in District 1, and the potential of those residents being excluded.

Council Member O'Neill commented that he understands the need of commercial and industrial recognition for the area, and would consider future discussions of a revised Resolution.

Council Member K. Nguyen expressed concern on the overall draft Resolution. She suggested that a Resolution using language that promotes branding, revitalization and partnerships would be more appropriate.

Mayor Jones acknowledged the good intent of the Resolution and emphasized his work over the years to unify Garden Grove. He mentioned City efforts like Re:Imagine Downtown and the Great Wolf Lodge that have helped establish City recognition. He also acknowledged that other cities celebrate various neighborhoods and included the City's conversion to Districts, therefore the Resolution could highlight that fact. He noted that the City has worked to revitalize District 1 and that economic development and branding efforts are worthwhile. He expressed support of a reworded Resolution that realigns the positive intent.

Following further City Council discussion, it was moved by Council Member Beard, seconded by Council Member O'Neill that:

The discussion on a Resolution designating the portion of Garden Grove West of Western Avenue as the West Grove District be continued to a future City Council meeting.

The motion carried by a 6-0-1 vote as follows:

Ayes:	(6)	Beard, O'Neill, T. Nguyen, Klopfenstein, K. Nguyen, Jones
Noes:	(0)	None
Absent:	(1)	Bui

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

In response to public comments, Council Member Beard thanked Nicholas Dibs on the information for the follow-up on Youth and Government Day.

Council Member O'Neill stated in response to a public comment that Council Members are available for dialogue with the community. He emphasized that he always tries to respond to emails and urged community members to contact the City Manager's Office to make appointments to meet with Council Members.

Council Member T. Nguyen noted that April 30th marks the 43rd Anniversary of the Fall of Saigon, a day recognized as Black April, and commemorated in the Vietnamese-American communities. She also wished City Manager Scott Stiles a happy birthday.

Council Member K. Nguyen shared that Council Members were invited to participate in the "Evening with your Electeds" event organized by Santiago High School's Young Senators Club. The event took place on Tuesday, April 17th and Council Member Klopfenstein, Mayor Jones, City Manager Scott Stiles, and various other City departments participated and provided a presentation. She shared that the event was a success and students and parents were engaged and learned about local government.

Council Member Klopfenstein provided a Vector Control update concerning increased mosquito activity in summer months which increases the potential for West Nile Virus. She shared that Vector Control is working on increased communication and media efforts and have sent her and city staff information on the updated marketing campaign and outreach efforts. Their office also provided information on their new website which is scheduled to launch June 1st. More updates will be made through the City of Garden Grove's West Nile Virus page and stated she would share new information as it becomes available.

City Manager Stiles mentioned that Council Member Bui was headed to Sacramento to support SB 895, the legislative proposal by Senator Janet Nguyen to create California's first school curriculum on the Vietnamese-American refugee experience, which the City Council supported through the adoption of Resolution No. 9483-18. He also mentioned that the Board of the Garden Grove Chamber of Commerce wanted to thank the City Council and staff for participation in the Women's Division Silver Spoon Tea event. Lastly, he wanted to thank Lisa Kim, Community and Economic Development Director, staff and the Planning Department for all their hard work in moving the Garden Brook Senior Village Affordable Senior Housing Project, formally the Galleria project, forward.

City Attorney Sandoval reported out on the first item of Closed Session that the City Council unanimously approved pursuing a claim with the Commission for State Mandates regarding statewide Trash Provisions of the storm water permit and the Order issued by the Regional Water Quality Control Board.

ADJOURNMENT

At 9:11 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, May 8, 2018, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Lizabeth Vasquez
Deputy City Clerk