

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, July 10, 2018

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

CONVENE MEETING

At 6:31 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (7) Mayor Jones, Mayor Pro Tem Beard, Council
Members O'Neill, T. Nguyen, Bui,
Klopfenstein, K. Nguyen

ABSENT: (0) None

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COMMUNITY SPOTLIGHT IN RECOGNITION OF SCOTT WEIMER AND GAYLE KNIGHT
FOR BEING NAMED THE 2018 GARDEN GROVE CHAMBER OF COMMERCE MAN AND
WOMAN OF THE YEAR

MATTERS FROM THE MAYOR, CITY COUNCIL, AND CITY MANAGER
(F: 73.6) (F: 68.1)

Mayor Jones asked that Jack Wallin approach and be recognized by the City Council for all of his contributions over the years to the City, and he announced that local artist and restaurant owner Jennifer Stewart is to be commissioned to sculpt a bronze statue of Jack Wallin to be installed at the Atlantis Play Center. Following City Council comments, it was moved by Mayor Jones, seconded by Council Member Bui to list consideration honoring Mr. Jack Wallin with a bronze statue to be installed at the Atlantis Play Center on the next City Council agenda.

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

CITY OF GARDEN GROVE LONG-RANGE FORECAST AND FINANCIAL
SUSTAINABILITY PRESENTATION BY MANAGEMENT PARTNERS (F: 34.1)

City Manager Stiles introduced Jay Trevino, Project Manager with Management Partners, and Mr. Trevino introduced Robert Leland who provided a PowerPoint presentation for the purpose of reviewing budget goals and the City's long term financial outlook.

ORAL COMMUNICATIONS

Speakers: Brandi Kelly-Contreras, Leland Sisk, Dale Soeffner, Jenna and Sharon Tower, Bob Donelson, Charles Mitchell, Maureen Blackmun

CONSIDERATION OF A WRITTEN REQUEST TO WAIVE FEES FOR THE USE OF
ATLANTIS PLAY CENTER FOR THE OC AUTISM CHRISTMAS EVENT ON SATURDAY,
DECEMBER 15, 2018 (F: 88.1)

Following staff presentation and City Council discussion, it was moved by Council Member O'Neill, seconded by Council Member T. Nguyen that:

Fees, in the amount of \$920, be waived for the Orange County Autism organization for the use of the Atlantis Play Center for the OC Autism Christmas event on Saturday, December 15, 2018.

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

RECESS

At 8:35 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 8:44 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A PROCLAMATION DECLARING JULY AS PARKS MAKE LIFE BETTER MONTH (F: 83.1)

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

A Proclamation declaring July as Parks Make Life Better 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

APPROVAL OF A LETTER AGREEMENT WITH THE GARDEN GROVE UNIFIED SCHOOL DISTRICT FOR USE OF SOUTHERN CALIFORNIA EDISON AND CITY POLES FOR THE INSTALLATION OF BANNERS (F: 90.5)

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

The Letter Agreement with GGUSD for the use of Southern California Edison and City poles for the installation of banners for special events be approved; and

The City Manager, or his designee, be authorized to sign the Letter Agreement on behalf of the City, including making minor modifications as appropriate and necessary.

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 ISSUANCE OF A PURCHASE ORDER FOR ONE (1) NEW POLICE DEPARTMENT SEDAN

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

The Finance Director be authorized to issue a purchase order in the amount of \$24,313.92 to National Auto Fleet Group for the purchase of one (1) new Police Department sedan.

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 AN AGREEMENT WITH WESTNET, INC., FOR THE INSTALLATION OF
FIRE STATION ALERTING SYSTEMS FOR FIRE STATION NO. 6 LOCATED AT 12232
WEST STREET, GARDEN GROVE (F: 55-Westnet, Inc.)

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

The agreement with Westnet, Inc., in the amount of \$72,553.77, to install fire station alerting systems for Fire Station No. 6, 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

AUTHORIZE ISSUANCE OF PURCHASE ORDERS TO VILLA FORD, AUTONATION
FORD TUSTIN, AND FORD OF ORANGE FOR AUTO PARTS TO REPAIR CITY
VEHICLES

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

The Finance Director be authorized to issue three (3) purchase orders for Ford auto parts in a fixed amount collectively not to exceed \$150,000 per year for five (5) years and to be divided between Villa Ford, AutoNation Ford Tustin, and Ford of Orange.

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 ISSUANCE OF PURCHASE ORDERS TO SIMPSON CHEVROLET, SELMAN
CHEVROLET AND DELILLO CHEVROLET FOR AUTO PARTS TO REPAIR CITY
VEHICLES

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

The Finance Director be authorized to issue three (3) purchase orders for Chevrolet auto parts in a fixed amount collectively not to exceed \$150,000 per year for five (5) years to be divided between Simpson Chevrolet, Selman Chevrolet, and DeLillo Chevrolet as needed.

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 JUNE 26, 2018
(F: Vault)

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

The minutes from the meeting held on June 26, 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 O'Neill, seconded by Council Member Klopfenstein that:

Regular Warrants 640046 through 640305, 640306 through 640315; 640316 through 640576; and Wires W2202 through W2207; W2208 through W2212; W640315 through W64057; 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

PUBLIC HEARING - ADOPTION OF A RESOLUTION ORDERING THE VACATION OF
GENERAL EASEMENTS FOR PUBLIC UTILITY PURPOSES FOR A PORTION OF THE
PROPERTY LOCATED AT 11235 BOWLES AVENUE, GARDEN GROVE
(F: 110.LLA-007-2014)

Following staff's presentation, 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 O'Neill, seconded by Mayor Jones that:

Resolution No. 9521-18 entitled: A Resolution of the City Council of the City of Garden Grove ordering the General Vacation of various public utility easements generally located across Parcels 1 and 2 of Lot Line Adjustment No. 007-2014, be adopted; and

The City Clerk be authorized to record the Resolution with the County of Orange in order for vacations to become effective.

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 - CONSIDERATION OF AN APPEAL OF A GARDEN GROVE
PLANNING COMMISSION ACTION FOR A DENIAL OF CONDITIONAL USE PERMIT
NO. CUP-120-2018 FOR THE PHO HOA AN RESTAURANT LOCATED AT 14291
EUCLID STREET #D101, GARDEN GROVE (F: 51.CUP-120-2018)

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

Speakers: Andy Quach representing the applicant and Kimberly Le the applicant; Leland Sisk, Maureen Blackmun, Bob Donelson, Brandi Kelly-Contreras all spoke in opposition to the request.

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

Following City Council discussion, it was moved by Council Member Beard, seconded by Council Member Klopfenstein to uphold the Planning Commission's

decision and deny the appeal.

Following further City Council discussion, a substitute motion was made by Council Member Bui, seconded by Council Member K. Nguyen that:

This matter be continued to the next City Council meeting and directed staff to come back with a Resolution for the City Council to consider that would address noise mitigation, hours for live entertainment, and a six month review period for the Pho Hoa An restaurant.

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

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

APPROVAL OF AN AGREEMENT WITH SIEMENS INDUSTRIES, INC. FOR IMPLEMENTING AN ENERGY EFFICIENCY MODERNIZATION PROJECT; AND APPROVAL OF AN INTERFUND LOAN AND REPAYMENT AGREEMENT FOR THE UPGRADE AND PURCHASE OF ENERGY EFFICIENCY EQUIPMENT FOR THE OPERATION OF THE CITY'S HEATING, VENTILATION, AIR CONDITIONING SYSTEMS AND LIGHTING (F: 55-Siemens Industries, Inc.)

Following staff presentation and City Council discussion with Council Member Bui expressing concern regarding the expenditure, it was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

The Interfund Loan and Repayment Agreement from the Risk Management Fund to the General Purpose Fund, in the amount not to exceed \$2,850,550 with the first annual payment beginning in Fiscal Year 2019-2020, be approved;

The Agreement with Siemens Industries, Inc., for the City's Facilities Energy Efficiency Project in the amount of \$2,846,439, be approved; and

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

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

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

REPORT ON STAFF REVIEW OF THE ORANGE COUNTY FIRE AUTHORITY (OCFA) FIRE SERVICE PROPOSAL (F: 61.1)

City Manager Stiles introduced the matter and gave an overview of the points to be discussed, and stated that Fire Chief Schultz and Budget Manager Ann Eifert would be providing a PowerPoint presentation with the findings and analysis. He noted that the newly appointed OCFA Chief Brian Fennessey accompanied by Assistant Chief of Business Services, Lori Zeller, and other OCFA staff were in attendance.

Fire Chief Schultz provided information on deployment, and Budget Manager Ann Eifert provided the financial projection for the City to contract with OCFA. Issues that have been identified are: Paramedic response times, retention and recruitment, and public safety infrastructure. The analysis of the OCFA proposal does address these issues and would result in improved services to the residents. Financial analysis was structured around the City's Fiscal Year 2018-19 that included: staffing, salaries and benefits, equipment maintenance, and fire stations. The analysis incorporated the OCFA proposal cost of \$22,191,928, and start-up costs of \$1,136,225 amortized over five years at \$227,245 with additional one time capital improvement costs.

The costs to the City would include pension obligations for pre-OCFA unfunded liability, retiree medical premium contribution, workers compensation claims, records management, weed abatement, and the need for a full time employee to administer the Emergency Operations Coordination, training and compliance, ambulance contract and records requests for incidents prior to transition. There would be some cost savings in utilities for the fire stations and insurance premiums for General Liability at \$30,000 and Workers' Compensation at \$70,000. With an estimated 2.92% per year beginning in Fiscal Year 2018-19, the additional cost to the City to contract with OCFA would be \$1,642,108.

Council Member Bui stated that he would like to make sure that the City's projection of costs and increases are reflective of OCFA's projection before he makes a decision.

City Manager Stiles noted that this information will be available to OCFA and the Fire Department staff for review and discussion.

Council Member O'Neill commented that they initially thought there would be a cost savings for the City, however, by reviewing the costs as presented by the City, OCFA Fire services will actually cost the City more than what the City would save. He expressed concern about the fire truck Mechanic and if that employee would be retained by the City. He noted that the fire trucks would be leased to the Authority and asked what happens to the equipment when the lease is over, and if the Garden Grove logo would be on the fire trucks.

OCFA Battalion Chief Brad Phoenix and Assistant Chief of Business Services Lori Zeller approached the City Council, and Mr. Phoenix stated that the fire truck would have the Garden Grove logo along with the OCFA logo and that those trucks would be

returned to the City after the lease was up. Ms. Zeller noted that OCFA would be unable to make up the CalPers unfunded liability for the City and she commended City staff on the review.

Council Member K. Nguyen stated that this is a lot of information and that she would have liked to have had a Study Session. She noted that per staff analysis, the cost to contract with OCFA does not save money and would cost the City more money, and she asked about the Recapture Clause and how that might affect the cost to the City for a contract with OCFA. She asked if there was an analysis on how the City could save money or improve deployment and would it be possible to realize a cost savings without contracting with OCFA.

Chief Schultz responded that information on ways for the City to save money and improve deployment could be provided at a later date; Ms. Eifert responded that the Recapture Clause is essentially funding that is not used and would carry-over to the next Fiscal Year's budget.

Council Member K. Nguyen noted that she did go on a ride along with OCFA and was impressed, and questioned whether Garden Grove would be able to offer parity for the residents.

Council Member Klopfenstein asked how this would impact the non-sworn positions.

Mr. Phoenix responded that of the five non-sworn employees with the Fire Department, there are currently positions available for two of the inspectors and one position for the Office Assistant. There is a part time employee that would not have a position, as well as a Fiscal Analyst who is overqualified for any of the positions that are currently available.

Ms. Zeller noted that the Recapture Clause is a method to recapture operating expenses as costs fluctuate, however, they would not recover annual costs that would exceed 4.5 percent.

Council Member Bui noted that with Chief Schultz's analysis, OCFA offers a higher quality of service with less risk; however, the cost of the contract with OCFA does not offer a cost savings for the City. He asked whether OCFA would be open to any further negotiations.

Ms. Zeller stated that this is a cost recovery contract and to change it would put OCFA in a negative situation, which is not something they would be interested in doing.

Council Member Bui requested that the Fire Chief provide the City Council with a Fire Department cost projection for the next ten years if the Fire Department were to remain with the City.

Council Member K. Nguyen agreed that it would be helpful to have the cost projection for Fire services if the Fire Department were to remain with the City. She stated that they have a duty to the residents and to the Firefighters to ensure quality service, and to determine whether equipment upgrades would cost the City more.

Council Member Bui stated that he felt that he needs to fully understand the impact to the City and would like as much information as possible before making a decision. He requested a risk assessment for going with OCFA or remaining with the City.

Mr. Phoenix stated that OCFA staffing includes risk management, community educator, nurse educator and hazmat equipment. In response to Council Member Bui asking if this would change the proposal amount, Mr. Phoenix stated no; however, they could segregate the administrative costs from fire services.

Council Member O'Neill commented that it would take about 40 years for the City to be relieved of pension obligations.

Council Member Beard thanked staff for the information and stated that more details are needed before a decision can be made. He suggested that a Study Session would provide an opportunity for more detail.

Council Member Bui noted the need to make a decision soon, as the labor contract with the Firefighters is expired and agreed that a Study Session is needed.

City Manager Stiles noted that the OCFA proposal expires this Fiscal Year, and the labor contract has expired; he suggested that the City Council make a determination on whether they would like to move forward with the OCFA proposal.

Council Member K. Nguyen stated that there needs to be a collaborative effort between the City and OCFA to bring all of the information together at a Study Session to clearly define the comparison.

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

Council Member K. Nguyen thanked the Orange County Board of Supervisors, specifically Supervisor Do, by committing to raising the fence at the Wintersburg Channel.

Council Member Klopfenstein stated that she looks forward to a report regarding a third Animal Services Officer. She noted that Vector Control had one out of three sample pools test positive for the West Nile virus near Garden Grove Boulevard and Newhope Street, and that there will be more testing in the area and throughout Garden Grove. She encouraged residents to take precautions to avoid mosquito bites and infestation.

Council Member Bui commended Ms. Diep, President of OC Autism for all of her work and he encouraged people to get involved and support OC Autism so that Ms. Diep can continue to provide a much needed service for the community.

Council Member T. Nguyen thanked Mr. Stegler from District 3 for keeping her informed on neighborhood issues, and she thanked Public Works staff for their fast response. She also praised City staff member Shawn Park for his exceptional service.

Council Member O'Neill commented that he hoped everyone enjoyed their July 4th holiday, and he encouraged everyone to download the Garden Grove App to their devices for quick access to phone numbers for services. He encouraged residents to look out for their neighbors, and be proactive about helping out in their neighborhoods.

Council Member Beard stated that the City needs to continue to educate the public, issue citations, and enforce the laws pertaining to illegal fireworks. He would like the report on the costs to the City and is interested in forming an advisory committee and to continue to address illegal fireworks throughout the year. He invited everyone to attend the upcoming Summer Concert Series held at Eastgate Park on Thursday evenings.

City Manager Stiles stated that an after action update on the July 4th holiday will be provided at the next City Council meeting. He noted that the City did issue 71 \$1000 citations for illegal fireworks, and that the Fire Chief, Police Chief, and City Attorney will be working on addressing illegal fireworks for the coming year. He noted Fire Chief Schultz has reported that the Sherwood property has been cleared up. He asked the City Council Members to share specific information on what they would like to discuss at a Study Session on the OCFA proposal.

Mayor Jones commended staff on a very thorough review of the OCFA proposal. He stated that he would like to address illegal fireworks before the next July 4th holiday. He commented that changing permits for block parties to mitigate emergency access issues, using technology such as drones, and increasing the number of citations are possibilities to address the use of illegal fireworks. He stated that the Brookhurst Place Ribbon Cutting took place today for Phase I, which are 180 for-lease apartments that look amazing. Phase II will begin construction soon that will offer affordable housing, commercial space, an urban trail and open space within the project, and he is looking forward to the completion of the project.

ADJOURNMENT

At 11:56 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, July 24, 2018, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk