

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, December 11, 2018

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

CONVENE MEETING

At 6:41 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 AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES  
OF AMERICA

COMMUNITY SPOTLIGHT IN RECOGNITION OF MAYOR PRO TEM KRIS BEARD FOR  
HIS SERVICE TO THE CITY AND COMMUNITY OF GARDEN GROVE

ORAL COMMUNICATIONS FROM THE PUBLIC REGARDING CERTIFICATION OF THE  
ELECTION

Speakers:      Phong Ly, Christy Le, Tyler Diep, Bert Ashland

DECLARATION OF RESULTS OF THE GENERAL MUNICIPAL ELECTION AND SEATING  
OF ELECTED MAYOR AND CITY COUNCIL MEMBERS (F: 58.2.2018)

It was moved by Mayor Jones, seconded by Council Member Bui that:

Resolution No. 9533-18 – A Resolution reciting the fact of the General Municipal Election held on November 6, 2018, declaring the result and such other matters as provided by law, 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

COURTESY OF THE FLOOR EXTENDED TO OUTGOING MAYOR PRO TEM BEARD

RECESS

At 7:08 p.m., Mayor Jones declared a recess.

RECONVENE

At 7:09 p.m., the meeting was reconvened with all Council Members present.

OATH OF OFFICE ADMINISTERED TO ELECTED MAYOR JONES

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER BRIETIGAM –  
DISTRICT 1

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER T. NGUYEN –  
DISTRICT 3

OATH OF OFFICE ADMINISTERED TO ELECTED COUNCIL MEMBER BUI – DISTRICT 4

CONVENE NEW CITY COUNCIL

At 7:20 p.m., Mayor Jones reconvened the meeting

ROLL CALL      PRESENT:      (7)      Mayor Jones, Council Members Brietigam,  
O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen  
ABSENT:      (0)      None

COURTESY OF THE FLOOR EXTENDED TO MAYOR JONES, COUNCIL MEMBER  
BRIETIGAM, COUNCIL MEMBER T. NGUYEN, COUNCIL MEMBER BUI

RECESS FOR RECEPTION

At 7:30 p.m., Mayor Jones declared a recess.

RECONVENE

At 8:10 p.m., Mayor Jones reconvened the meeting with all Council Members  
present.

## ORAL COMMUNICATIONS

Speakers: Baraa Alkhiyami, Tony Flores, Tom Raber, Craig Durfey, Joe Laricchia, Bob Donelson, Pam Donelson, Leland Sisk

## REORGANIZATION OF THE CITY COUNCIL (F: 46.1)(F: 10.2)(VIP)

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

Council Member Klopfenstein be selected as Mayor Pro Tempore.

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

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

## RECESS

At 8:43 p.m., Mayor Jones recessed the meeting.

## RECONVENE

At 8:48 p.m., Mayor Jones reconvened the meeting with all Council Members present.

## AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO SCOTT EQUIPMENT, INC., FOR ONE (1) NEW PUBLIC WORKS STREETS CONSTRUCTION EQUIPMENT TRAILER

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$28,179.86 to Scott Equipment, Inc., for the purchase of one (1) new Public Works streets construction equipment trailer.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW PUBLIC WORKS VEHICLE MAINTENANCE UTILITY TRUCK

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$45,060.10 to National Auto Fleet Group for the purchase of one (1) new Public Works vehicle maintenance utility truck.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW PUBLIC WORKS PARKS UTILITY TRUCK

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$53,430.12 to National Auto Fleet Group for the purchase of one (1) new Public Works parks utility truck.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO PRES TECH EQUIPMENT COMPANY TO PROVIDE AND INSTALL A PT-26-G VALVE EXERCISER AND AN 8'X10' VALVE TRUCK BODY

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$54,607.35 to Pres Tech Equipment Company for the purchase and installation of a PT-26-G Valve Exerciser and an 8'x10' Valve Truck Body.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) NEW PUBLIC WORKS WATER PRODUCTION CRANE MOUNTED UTILITY TRUCK

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$70,926.57 to National Auto Fleet Group for one (1) new Public Works water production crane mounted utility truck.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR TWO (2) NEW PUBLIC WORKS WATER PRODUCTION UTILITY TRUCKS

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

The City Manager or his designee, be authorized to issue a purchase order in the amount of \$95,089.64 to National Auto Fleet Group for two (2) new Public Works water production utility trucks.

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

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

APPROPRIATION OF FUNDS FOR EXISTING CONTRACT WITH ALL CITY MANAGEMENT SERVICES, INC. (F: 55-ALL CITY MANAGEMENT SERVICES, INC.)

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

Appropriation in the amount of \$100,000 to the Fiscal Year 2018-19 General Fund budget to provide crossing guard services through June 2019, be approved.

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

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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO CONVERGEONE TO  
PROVIDE SEVEN (7) CISCO SERVERS INCLUDING THREE YEARS OF SUPPORT

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

The City Manager or his designee be authorized to issue a purchase order to ConvergeOne, in the firm fixed amount of \$109,893.00, for seven (7) Cisco Servers, including three years of support.

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

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

APPROVAL OF AMENDMENT NO. 1 TO THE AGREEMENT WITH WALLACE &  
ASSOCIATES CONSULTING, INC., TO PROVIDE ON-CALL CONSTRUCTION  
INSPECTION SERVICES (F: 55-WALLACE & ASSOCIATES CONSULTING, INC.)

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

Amendment No. 1 with Wallace & Associates Consulting, Inc., extending the initial performance period from February 9, 2019, to February 9, 2021, and to increase the total compensation amount from \$400,000 to \$600,000, a \$200,000 increase, be approved; and

The City Manager be authorized to execute Amendment No. 1 and make minor modifications on behalf of the City as appropriate thereto.

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

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

AUTHORIZATION FOR CITY MANAGER TO SEND NOTICES OF WITHDRAWAL FROM  
FIRE DEPARTMENT RELATED AGREEMENTS WITH OUTSIDE AGENCIES (F: 61.1)

This matter was considered later in the meeting.

RECEIVE AND FILE MINUTES FROM THE MEETINGS HELD ON NOVEMBER 13, 2018,  
AND NOVEMBER 27, 2018 (F: VAULT)

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

Minutes from the meetings held on November 13, 2018, and November 27, 2018, be received and filed.

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

Ayes: (7) Brietigam, 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 645477 through 645595, 645596 through 645852, 645853 through 646041; and Wires W2331 through W2341; W645595 through W645851; W2342 through W2345; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the City Manager or his designee.

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

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

WAIVER

It was moved by Council Member O'Neill, 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) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

AUTHORIZATION FOR CITY MANAGER TO SEND NOTICES OF WITHDRAWAL FROM  
FIRE DEPARTMENT RELATED AGREEMENTS WITH OUTSIDE AGENCIES (F: 61.1)

Following City Attorney Sandoval's report, and following City Council comments that the withdrawal is for the purpose of meeting deadlines if the City were to contract with the Orange County Fire Authority, and does not affect current or future membership to outside agencies, it was moved by Council Member K. Nguyen, seconded by Council Member T. Nguyen that:

The City Manager be authorized to send notices of withdrawal to the Metro Cities Fire Authority, North Net Training Center, and Orange County-City Hazardous Materials Emergency Response Authority at the time required by the respective agreements.

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

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

PUBLIC HEARING – ADOPTION OF A RESOLUTION ADOPTING A MITIGATED  
NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING  
PROGRAM FOR THE HILTON HOTEL PROJECT FOR PROPERTY LOCATED AT 13624  
THROUGH 13650 HARBOR BOULEVARD, GARDEN GROVE; ADOPTION OF A  
RESOLUTION APPROVING GENERAL PLAN AMENDMENT NO. GPA-002-2018; AND  
INTRODUCTION AND FIRST READING OF AN ORDINANCE ADOPTING AMENDMENT  
NO. A-024-2018 (F: 20.GPA-002-2018)

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

Following staff's 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: Leland Sisk, Mike Sherman

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



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

Resolution No. 9534-18 entitled: A Resolution of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Hilton Hotel Project, be adopted.

Resolution No. 9535-18 entitled: A Resolution of the City Council of the City of Garden Grove approving General Plan Amendment No. GPA-002-2018, be adopted.

Ordinance No. 2899 entitled: An Ordinance of the City Council of the City of Garden Grove approving Code Amendment No. A-024-2018, a Zoning Text Amendment to Sections 9.16.020.020.A.4 and 9.16.020.059.AJ of the Garden Grove Municipal Code modifying the development standards for hotels located in the C-3 (Heavy Commercial) zone, be passed to second reading.

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

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

CONSIDERATION OF APPOINTMENTS TO THE AUDIT COMMITTEE AND OUTSIDE COMMITTEES (F: 122.1)

Following City Council discussion, it was moved by Council Member O'Neill, seconded by Council Member Brietigam that the following Council Members be selected to outside committees as follows:

Audit Committee Representatives: Mayor Jones, Council Member Bui, and Council Member O'Neill.

Association of California Cities Orange County (ACCOC) Representative: Council Member Bui; Alternate: Council Member O'Neill.

North Net Fire Training Joint Powers Authority Representative: Council Member O'Neill; Alternate: Council Member Brietigam.

League of California Cities (LOCC) – OC Division Representative: Council Member K. Nguyen; Alternate: Council Member T. Nguyen.

Orange County Public Library Advisory Board Representative: Council Member Klopfenstein; Alternate: Council Member O'Neill.

Orange County Sanitation District Board Representative: Mayor Jones; Alternate: Council Member O'Neill.

Sanitary District Liaison Committee Representatives: Council Member Brietigam and Council Member Bui.

Santa Ana River Flood Protection Agency Representative: Council Member Brietigam.

Southern California Association of Governments (SCAG) Regional General Assembly Representative: Council Member K. Nguyen.

West Orange County Water Board (WOCWB) Representative: Council Member Brietigam; Alternate: Council Member K. Nguyen.

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

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

ADOPTION OF RESOLUTIONS AUTHORIZING AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION AND HDL COMPANIES REQUIRED FOR IMPLEMENTATION, COLLECTION, TRACKING AND EXAMINATION OF TRANSACTIONS FOR A NEW LOCAL TRANSACTIONS AND USE (SALES) TAX  
(F: 58.2.2018) (F: 58.9.2018) (F: 55-CALIFORNIA STATE DEPARTMENT OF TAX AND FEE ADMINISTRATION) (F: 55-HINDERLITER, DE LLAMAS & ASSOCIATES)

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

Resolution No. 9536-18 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the City Manager to execute the attached Preparatory Agreement and Administrative Agreement with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax, be adopted.

Resolution No. 9537-18 entitled: A Resolution authorizing the examination of California Department of Tax and Fee Administration's transactions and use tax records by the City of Garden Grove and HdL Companies, be adopted.

The City Manager be authorized to execute an agreement with HdL Companies for transactions tax audit and information services; and

That \$175,000 from the General Fund be appropriated to pay for costs associated with implementation of the transaction tax in the current fiscal year 2018-19.

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

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

SECOND READING OF ORDINANCE NO. 2898 (F: 116.PUD-103-76 (REV. 2018))

*(As approved earlier in the meeting, it was moved by Council Member O'Neill, 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, it was moved by Council Member Klopfenstein, seconded by Council Member Brietigam that:

Ordinance No. 2898 entitled: An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-103-76 (Rev. 2018) amending Planned Unit Development No. PUD-103-76 to allow Professional Office Uses within the "Industry" sub-district (Area 4) for parcels located with Assessor's Parcel Numbers 131-021-26, 27, 28, 33, 35, 36, 37, 38, 39, 44 47 & 49; 131-331-36 & 40; 131-651-03, 04, 06, 08, 18, 19, 20, 21, 22, 25, 26, 27, 28, 32, 36, 37 & 38; and 936-751-31 through 52, be adopted.

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

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

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

Council Member Brietigam expressed his excitement on being elected to the City Council, and commented that he is looking forward to working with the Mayor and City Council Members.

Council Member O'Neill congratulated and welcomed newly elected Council Member Brietigam, and thanked outgoing Council Member and Mayor Pro Tem Beard for his service. He congratulated Council Member Klopfenstein on being selected as Mayor Pro Tem. He encouraged residents to use the Garden Grove app to address immediate issues, or contact their District Council Member. He wished everyone a Merry Christmas and a safe and prosperous New Year.

Council Member T. Nguyen welcomed and congratulated Council Member Brietigam and wished everyone a Happy Holiday. She reminded everyone that Friday is the deadline to submit receipts to the Garden Grove Chamber on Main Street for the Buy in Garden Grove campaign.

Council Member K. Nguyen stated that outgoing Council Member and Mayor Pro Tem Beard will be sorely missed; however, she is excited to meet and work with Council Member Brietigam. She expressed her appreciation for Council Member Beard's ability to vote his conscious and fight for the residents in District 1. She wished everyone a Merry Christmas and Happy New Year and also wished her parents a Happy 15<sup>th</sup> Anniversary coming soon on December 24<sup>th</sup>.

Council Member Klopfenstein thanked the Mayor and City Council for selecting her as Mayor Pro Tem. She congratulated newly elected Council Members T. Nguyen, Bui, Brietigam, and Mayor Jones. She gave a fond farewell to Council Member Beard and commented on Council Member Beard's love for Garden Grove and hopes he continues to stay involved. In closing, she wished everyone a Merry Christmas.

Council Member Bui commented that he has had the privilege to serve with former Council Member Beard on the City Council and Planning Commission, as well as serving on the Planning Commission with Council Members Brietigam and O'Neill. He wished Council Member Beard well and commented that hopefully they will cross paths again and serve together in some capacity in the future. In response to Mr. Sisk who spoke under Oral Communications, he requested clarification from the City Attorney regarding the non-profit status of OC Autism.

City Attorney Sandoval stated that the City code requires that a nonprofit register with the State of California, or provide documentation from the Internal Revenue Service, which is a charitable organization finding letter that qualifies donations to the organization as tax deductible. He noted that he is aware that the Secretary of State is forwarding information regarding non-profits to the Attorney General's Office for tracking; however, currently the City Code only requires that nonprofits provide Secretary of State registration information.

Mayor Jones commended former Council Member Beard's service to the City and that with his engaging personality, his shared love for the City as well as his knowledge and history with the City that it is the hope that he will remain active in the City. He welcomed Council Member Brietigam, noting the history of service to the City as well, and he is looking forward to working with him. He congratulated Council Member Klopfenstein for being selected Mayor Pro Tem.

City Manager Stiles expressed his gratitude for Council Member Beard's hard work on the budget subcommittee. He dedicated a lot of time to ensure making the best decision for the City through the budget process. He announced that with the City Council's recent supplemental budget approval, an additional Animal Care Officer has been hired.

#### CONVENE CLOSED SESSION

At 9:45 p.m., Mayor Jones announced that the City Council was going into Closed Session in the Founders Room to discuss the following matter:

### CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Assessor Parcel Numbers 23318101 and 23317121

City Negotiator: Scott C. Stiles, City Manager

Negotiating Parties: Landmark, LLC; Investel Harbor Resorts, LLC; Garden Grove Sanitary District

Under Negotiation: To obtain direction regarding the price and terms of payment for the acquisition/disposition of the property.

### ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

### ADJOURN CLOSED SESSION

At 11:32 p.m., Mayor Jones adjourned the Closed Session.

### CONVENE REGULAR MEETING

At 11:34 p.m., Mayor Jones convened the meeting in the Council Chamber with all Council Members present.

City Attorney Sandoval announced that there was no reportable action.

### ADJOURNMENT

At 11:35 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, January 8, 2019, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC  
City Clerk