

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, April 9, 2019

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

CONVENE CLOSED SESSION

At 5:37 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (5) Council Members Brietigam, T. Nguyen, K. Nguyen, Mayor Pro Tem Klopfenstein, Mayor Jones

ABSENT: (2) Council Member Bui absent at Roll Call, but joined the meeting at 5:39 p.m.
Council Member O'Neill absent at Roll Call, but joined the meeting at 5:53 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CONVENE CLOSED SESSION

City Attorney Sandoval recused himself from the portion of Closed Session related to labor negotiations with Firefighters Local 2005, Fire Management Association, and the Orange County Employees Association due to potential Orange County Fire Authority discussion.

At 5:38 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 – EXISTING LITIGATION

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

Velazquez, et al. v. Garden Grove, et. al., OCSC Case No. 30-2017-00962636

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 59546.9(d)(4): One potential case

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6(f)

City designated representative: Laura Stover, Human Resources Director

Employee organizations: Firefighters Local 2005; Fire Management Association; Orange County Employees Association, Garden Grove Employee's League.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Chapter 11 Bankruptcy of Broncs, Inc., et. al. v. Debtors, US Bankruptcy Court, Lead Case No. 8:19-bk-10941-CB

ADJOURN CLOSED SESSION

At 6:25 p.m., Mayor Jones adjourned Closed Session.

CONVENE REGULAR MEETING

At 6:34 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

ADOPTION OF A RESOLUTION OF COMMENDATION FOR POLICE CHIEF TODD ELGIN ON HIS CONTRIBUTIONS AND SERVICE OF 32 YEARS TO THE CITY OF GARDEN GROVE (F: 83.1)

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

A Resolution commending Police Chief Todd Elgin, one of the most admired and esteemed chiefs of the people, whose profound love for the Garden Grove community and the Garden Grove Police Department, 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

COMMUNITY SPOTLIGHT IN RECOGNITION OF POLICE CHIEF TODD ELGIN ON HIS
RETIREMENT AFTER 32 YEARS OF SERVICE TO THE CITY OF GARDEN GROVE

Following the Community Spotlight recognizing Police Chief Todd Elgin, Christy Le and Brandon Urratia approached to present a Resolution on behalf of State Senator Tom Umberg and Assemblyman Tyler Diep. And, a representative on behalf of U.S. Congressman Harley Rouda presented Chief Elgin a certificate of recognition.

ADOPTION OF A PROCLAMATION DECLARING APRIL 2019 AS DMV/DONATE LIFE
CALIFORNIA MONTH (F: 83.1)

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

In recognition of National Donate Life Month, the month of April 2019 is hereby proclaimed "DMV/Donate Life California Month" in the City of Garden Grove.

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

Following the vote, Ms. Bobbie Hamfeldt, a mother of a donor, came forward to accept the Proclamation on behalf of OneLegacy, and she thanked the City Council and encouraged everyone to register as a donor with the DMV.

RECESS

At 6:56 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:12 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ORAL COMMUNICATIONS

Speakers: Tom Raber, Nicholas Dibs, Lala Truong, Anita Riley

RECESS

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

RECONVENE

At 7:23 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A RESOLUTION OF COMMENDATION FOR POLICE CHIEF TODD ELGIN ON HIS CONTRIBUTIONS AND SERVICE OF 32 YEARS TO THE CITY OF GARDEN GROVE (F: 83.1)

This matter was considered earlier in the meeting.

ADOPTION OF A PROCLAMATION DECLARING APRIL 2019 AS CHILD ABUSE PREVENTION MONTH IN GARDEN GROVE (F: 83.1)

This matter was considered later in the meeting.

ADOPTION OF A PROCLAMATION DECLARING APRIL 2019 AS DMV/DONATE LIFE CALIFORNIA MONTH (F: 83.1)

This matter was considered earlier in the meeting.

APPROVAL OF THE PROPOSED FISCAL YEAR 2019-20 WEST ORANGE COUNTY WATER BOARD BUDGET (F: 122.9)

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

The West Orange County Water Board 2019-20 proposed budget, 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 |

ADOPTION OF A RESOLUTION FOR PROJECTS IN FISCAL YEAR 2019-20 FUNDED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (F: 34.1.2019-20)

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

Resolution No. 9543-19 entitled: A Resolution of the City Council of the City of Garden Grove adopting a list of projects for Fiscal Year 2019-20 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) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

APPROVAL OF CHANGE ORDER NO. 1 TO THE MCWIL SPORTS SURFACES, INC.
CONTRACT FOR ADDED SECURE MOISTURE BARRIER PROTECTION TO THE NEW
GYMNASIUM FLOOR (F: 55 – MCWIL SPORTS SURFACES, INC.) (F: 73.5.PROJ.7658)

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

Change Order No. 1, in the amount of \$44,984, for the application of a two layered epoxy coating to the concrete slab flooring at the Garden Grove Sports and Recreation Center gymnasium, be approved; and

The City Manager or his designee be authorized to sign the Change Order No. 1 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) Brietigam, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

APPROVAL OF A TERMINATION AGREEMENT WITH DONOVAN GOLF COURSES
MANAGEMENT, INC.; APPROVAL OF AN AGREEMENT WITH BILLY CASPER GOLF,
LLC; AND APPROPRIATE FUNDS FOR FISCAL YEAR 2018-19 FOR IMPLEMENTING
CHANGES TO THE OPERATION OF WILLOWICK GOLF COURSE (F: 73.13) (F: 55 -
DONOVAN GOLF COURSES MANAGEMENT) (F: 55 – BILLY CASPER GOLF, LLC)

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

The City Manager be authorized to execute the Donovan Golf Courses Management, Inc., Termination Agreement, and authorize minor revisions as necessary;

The City Manager be authorized to execute the Billy Casper Golf, LLC, Management Agreement, and authorize minor revisions as necessary; and

Operating and necessary capital expenses for Fiscal Year 2018-19 in the amount of \$375,000 from the Golf course Fund (Fund 117) for Willowick Golf Course, be appropriated.

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 A RESOLUTION APPROVING THE MEMORANDUM OF
UNDERSTANDING WITH THE GARDEN GROVE POLICE ASSOCIATION (F: 78.8B)

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

Resolution No. 9544-19 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 2018-2022 by and between the Garden Grove Police Association and the City of Garden Grove, 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

RECEIVE AND FILE MINUTES FROM THE MEETINGS HELD ON MARCH 22, 2019,
AND MARCH 26, 2019 (F: VAULT)

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

Minutes from the meetings held on March 22, 2019, and March 26, 2019, 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 K. Nguyen, seconded by Council Member Klopfenstein that:

Regular Warrants 649069 through 649252; 649253 through 649460; 649461 through 649632; Wires W2443 through W2446; W649252 through W649460; and W2447 through W2455; 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; and

Payroll Warrants 183109 through 183134; Direct Deposits D345738 through D346414; and Wires W2570 through W2573; 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

ADOPTION OF A PROCLAMATION DECLARING APRIL 2019 AS CHILD ABUSE PREVENTION MONTH IN GARDEN GROVE (F: 83.1)

Council Member Klopfenstein noted that the Garden Grove Police Department School Resource Officers have recently been recognized by the Raise Foundation at the 25th Blue Ribbon kick-off ceremony; that the City of Garden Grove is an active community partner and provides resources to families through the Magnolia Park Resource Center and the Buena Clinton Family and Resource Center; Family Fun Day at Magnolia Park will be held on April 25, 2019; and a Pinwheel Garden will be planted at the Garden Grove Regional Library during the Blue Ribbon awareness campaign.

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

April 2019 be proclaimed as Child Abuse Prevention month.

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 TO USE GRANT FUNDING TO DEVELOP THE "GARDEN GROVE ACTIVE DOWNTOWN PLAN"; APPROVAL TO APPROPRIATE GRANT FUNDS IN FISCAL YEAR 2018-19; AND AWARD A CONTRACT TO KOA CORPORATION FOR A PROFESSIONAL SERVICE AGREEMENT TO DEVELOP AND COORDINATE THE "GARDEN GROVE ACTIVE DOWNTOWN PLAN" (F: 55 – KOA CORPORATION) (F: 57.11) (F: 36.6)

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

The Caltrans Sustainable Communities grant funds be approved to develop the "Garden Grove Active Downtown Plan";

Funds in the amount of \$340,000 for Fiscal Year 2018-19, be appropriated;

A contract be awarded to KOA Corporation, in the amount of \$340,000, to develop and coordinate the "Garden Grove Active Downtown Plan"; and

The City Manager be authorized to execute the contract with KOA Corporation on behalf of the City.

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 A CONTRACT WITH THE ORANGE COUNTY FIRE AUTHORITY TO PROVIDE CITY FIRE AND EMERGENCY MEDICAL SERVICES FOR THE CITY OF GARDEN GROVE (F: 55-ORANGE COUNTY FIRE AUTHORITY) (F: 61.1)

City Attorney Sandoval recused himself from this matter due to a potential conflict of interest as his firm represents the Orange County Fire Authority.

City Attorney Sandoval left the meeting at 7:37 p.m.

City Manager Stiles provided a brief overview and timeline of meetings between the City and the Orange County Fire Authority (OCFA). PowerPoint presentations were provided by Budget Manager, Ann Eifert, and Acting Fire Chief TJ McGovern. City Council questions were addressed by Ann Eifert, TJ McGovern, Legal Counsel Daphne Anneet with Burke, Williams & Sorensen, Acting Fire Chief Paul Whitaker, Human Resources Director Laura Stover, and City Manager Stiles.

City Council questions were also addressed by representatives from the Orange County Fire Authority.

Following City Council questions, Mayor Jones provided an opportunity for members of the audience to speak on the matter. Speakers were: Nicholas Dibs, Maureen Blackmun, Kenda Taylor, and Eric Thorson.

Emails from Maureen Blackmun, and Jill Dupliech, on behalf of a list of residents from District 1, in support of the contract were provided to the City Council prior to the start of the meeting.

Following City Council discussion, consensus from Council Members O'Neill, Bui, and Klopfenstein was that based on the passage of Measure O to raise sales tax

primarily for enhanced public safety, OCFA's having access to more resources to benefit the residents, additional paramedics, higher standards for training, and educational outreach to the community, they would support moving forward with the contract.

Council Member Brietigam expressed that the City should maintain the City's Fire Department, that the Fire Department performs exceptionally well without the Orange County Fire Authority.

Council Member T. Nguyen expressed her discomfort spending the public's money for a costly long-term agreement.

Council Member K. Nguyen expressed her concern that the initial exploration of entering into a contract was to save money, and with the information presented, the contract cost will be higher than if the Fire Department were left with the City.

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

An Agreement with the Orange County Fire Authority to provide City Fire and Emergency Medical services for the City of Garden Grove effective August 16, 2019, be approved;

The Mayor be authorized to execute the City Fire and Emergency Medical services contract on behalf of the City, and to make minor modifications as appropriate;

An Amended Orange County Fire Authority Joint Powers Agreement be approved;

The Mayor be authorized to execute the Amended Orange County Fire Authority Joint Powers Agreement on behalf of the City;

A Lease Agreement for Garden Grove Fire Stations #80-86 with the Orange County Fire Authority, be approved;

The Mayor be authorized to execute the Lease Agreement on behalf of the City, and to make minor modifications as appropriate;

Resolution No. 9545-19 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on terms and conditions for the transition of personnel to the Orange County Fire Authority by and between the International Association of Fire Fighters, Local 2005 and the City of Garden Grove, be adopted;

Resolution No. 9546-19 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on terms and conditions for the transition of personnel to the Orange County Fire Authority by

and between the Garden Grove Fire Management Association and the City of Garden Grove, be adopted; and
Resolution No. 9547-19 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on terms and conditions for the transition of personnel to the Orange County Fire Authority by and between the Orange County Employees Association, Garden Grove Chapter and Garden Grove League Chapter, and the City of Garden Grove, be adopted.

Council Member Brietigam made a substitute motion to put the OCFA contract on the ballot for the people to decide, which failed for a lack of a second.

Mayor Jones expressed his respect for the City's Fire Department that for many years has been doing more with less, and he commended Budget Manager Ann Eifert on her leadership working through this process. He commented that the exploration of contracting with OCFA was never about cost savings, but began with labor negotiations and comparative analysis. Measure O was approved by the residents with the expectation that the money would predominantly be used for public safety. With a growing population and increased tourism, he indicated that there is a need to provide fire services to the level that OCFA can provide.

Council Member K. Nguyen stated that initially her objective was to save money. She indicated her support with the majority of the City Council in favor of a higher level of service.

Council Member O'Neill commented that the unfunded pension liability was not part of the discussion and initially the contract with OCFA was going to save money.

Council Member T. Nguyen stated that she is conflicted; that she does appreciate quality service; that it would take time to build up the Fire Department to the level of OCFA; and she expressed that ultimately this is about politics.

Council Member Brietigam stated that the Garden Grove Fire Department has always done a great job and that the money that would be spent on a contract with OCFA could be spent on keeping and improving the Fire Department.

The motion carried by a 5-1-1 vote as follows:

| | | |
|----------|-----|--|
| Ayes: | (5) | O'Neill, Bui, Klopfenstein, K. Nguyen, Jones |
| Noes: | (1) | Brietigam |
| Abstain: | (1) | T. Nguyen |

RECESS

At 11:15 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 11:29 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

City Attorney Sandoval returned to the meeting at 11:29 p.m.

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

DISCUSSION ON ORANGE COUNTY HOMELESS LITIGATION AS REQUESTED BY MAYOR JONES (F: 23.1)

Mayor Jones noted that he, along with City Manager Stiles and Acting Police Chief DaRé, met in the U.S. District Judge Carter's chambers regarding the homelessness crisis impacting all of the cities in Orange County. He stated that he also met with Neighborhood Improvement Manager, Allison Wilson, and Project Specialist, Nate Robbins, and stated that they have good ideas. He requested a study session to be held in May to explore solutions for Garden Grove and to provide direction for allocating resources.

City Manager Stiles stated that the Community and Economic Development Department staff, Lisa Kim, Allison Wilson, and Nate Robbins will put together ideas to be presented at a study session for the City Council to provide direction. He indicated that staff has been focusing on the passage of AB 448 that created a Joint Powers Authority for funding to address homelessness.

DISCUSSION ON ADOPTING A PROCLAMATION RECOGNIZING APRIL 2019 AS ARAB AMERICAN HERITAGE MONTH AS REQUESTED BY COUNCIL MEMBER K. NGUYEN (F: 83.1)

Council Member K. Nguyen noted the upcoming annual dinner she will be attending at the Great Wolf Lodge to celebrate Arab American Heritage Month and expressed the need to show appreciation for the contributions made by Arab Americans and to learn about their culture. She would like to present a framed proclamation to show her support and moved, seconded by Mayor Jones that:

The City celebrates the countless contributions that Arab Americans have made to American society and hereby proclaims April 2019 as Arab American Heritage Month.

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 |

DISCUSSION ON ADOPTING A PROCLAMATION DECLARING APRIL 2019 AS SEXUAL ASSAULT AWARENESS MONTH AS REQUESTED BY COUNCIL MEMBER K. NGUYEN (F: 83.1)

Council Member K. Nguyen noted the numerous unreported assaults and provided the following Garden Grove statistics from 2018: 368 domestic assaults, 54 arrests for rape; 50 child sexual abuse arrests. She shared her personal experience as a victim of assault that she did not report, and expressed the need for reporting assault and her commitment to do what she can to help people to feel safe. She asked Acting Police Chief DaRé to say a few words on this topic.

Acting Police Chief DaRé stated that the Garden Grove Police Department acknowledges the ongoing pursuit to combat sexual assault and stands on a platform of victim empowerment, education, prevention and public awareness. The Garden Grove Police Department is available to the victims of assault and asks that this crime not be internalized, but for victims to come forward to help in the apprehension and arrest of perpetrators. The Garden Grove Police Department is dedicated to the mission of protecting citizens and will continue to strive to make an impact on some of the most personal of crimes and help to change the mentality of victims into victors.

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

The City recognizes and hereby proclaims April 2019 as Sexual Assault Awareness Month.

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 (continued)

Council Member Brietigam announced the opening of In the Flow Studios at Eastgate Plaza on Valley View Street, which is a combination of martial arts, meditation, and art classes, and encouraged everyone to go to the studio. He stated that he would like the City to explore amending the City's Municipal Code to take a stronger approach with property owners who are intentionally causing blight, and moved that this be listed on a future agenda, seconded by Council Member Klopfenstein. (F: 50.1)

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

Council Member Bui noted the passing of Ly Tong, on April 5, 2019. Mr. Tong made a name for himself as an activist for democracy that led to his arrest and imprisonment in Vietnam, and was also involved in dropping pamphlets over Havana, Cuba against their communist regime. He asked that Mayor Jones adjourn tonight's meeting in memory of Ly Tong.

City Manager Stiles announced that the Community Services staff is in the process of writing an \$8 million grant application for upgrades to Woodbury Park, and that he will be providing the City Council with more information soon. He noted that he has been appointed as Central Orange County City Manager Representative on the Orange County Homeless Commission, which could be helpful to advocate for the City Council.

Mayor Jones noted that Orange County has been broken up into three different SPA's, (Service Planning Areas) to address homelessness, and Garden Grove is in the Central Orange County SPA and will be meeting with partner SPA cities.

City Attorney Sandoval announced that there was no reportable action taken during Closed Session.

ADJOURNMENT

At 11:50 p.m., Mayor Jones adjourned the meeting in memory of Ly Tong. The next Regular City Council Meeting will be held on Tuesday, April 23, 2019, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk