

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, August 13, 2019

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

CONVENE CLOSED SESSION

At 5:41 p.m., Mayor Jones convened Closed Session in the Founders Room.

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

ABSENT: (2) Council Member T. Nguyen was absent at
Roll Call, but joined the meeting at 5:45
p.m.; Council Member O'Neill was absent at
Roll Call, but joined the meeting at 5:48
p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

CLOSED SESSION MATTERS

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: Portion of Brady Way adjacent to 12821 Knott Street

City Negotiator: Scott C. Stiles, Lisa Kim

Negotiating Parties: Rexford Industrial Realty, Inc.

Under Negotiation: To obtain direction regarding the price and terms of payment for the disposition of the property post vacation of the right of way

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

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

ADJOURN CLOSED SESSION

At 6:21 p.m., Mayor Jones adjourned Closed Session.

CONVENE REGULAR MEETING

At 6:34 p.m., Mayor Jones convened the Regular 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 POLICE SERGEANT ROYCE WIMMER AND OFFICER NICK ALMEIDA FOR GOING ABOVE AND BEYOND THE CALL OF DUTY DURING THE POLICE DEPARTMENT'S SARA PROJECT

ORANGE COUNTY FIRE AUTHORITY TRANSITION UPDATE AS PRESENTED BY RON ROBERTS, DIVISION CHIEF/DIVISION 1 (F: 61.1A)

ADOPTION OF A PROCLAMATION RECOGNIZING AUGUST 16, 2019, AS THE TRANSITION OF THE GARDEN GROVE FIRE DEPARTMENT TO THE ORANGE COUNTY FIRE AUTHORITY (F: 83.1) (XR: 61.1A)

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

A Proclamation recognizing August 16, 2019, as the transition of the Garden Grove Fire Department to the Orange County Fire Authority, 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

The Proclamation was presented to Orange County Fire Authority (OCFA) Fire Chief Brian Fennessy, Ron Roberts, Division Chief/Division 1 of the Orange County Fire Authority, and to the City of Garden Grove's acting Fire Chief Terry McGovern.

City of Garden Grove's acting Fire Chief Terry McGovern also presented a department photograph of the City of Garden Grove Fire Department to OCFA Fire Chief Fennessy.

Division Chief Ron Roberts also extended an invitation for the City Council to attend the swearing in ceremony for Council Member O'Neill to the Orange County Fire Authority's Board of Directors, and at which time they will also unveil the City of Garden Grove's city seal on the designated Wall of Honor. The event is scheduled for August 22, 2019, at 6:00 p.m.

ORAL COMMUNICATIONS

Speakers: Laurie Merrick, Markelle Pineda, Leland Sisk, Nicholas Dibs

Mayor Jones announced that no reportable action was taken during Closed Session.

RECESS

At 7:19 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 7:41 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A PROCLAMATION RECOGNIZING AUGUST 16, 2019, AS THE TRANSITION OF THE GARDEN GROVE FIRE DEPARTMENT TO THE ORANGE COUNTY FIRE AUTHORITY (F: 83.1) (XR: 61.1A)

This matter was considered earlier in the meeting.

ADOPTION OF A PROCLAMATION COMMEMORATING AUGUST 15, 2019, THE 74TH ANNIVERSARY OF KOREAN INDEPENDENCE DAY (F: 83.1)

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

A Proclamation commemorating August 15, 2019, the 74th anniversary of Korean Independence Day, 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

ADOPTION OF A RESOLUTION APPROVING THE FIRE DEPARTMENT RECORDS RETENTION SCHEDULE (F: 45.2 (XR: 61.1)

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9580-19 entitled: A Resolution of the City Council of the City of Garden Grove, California, approving the Records Retention Schedule for the Garden Grove Fire Department as provided by the Government Code of the State of California, and Amend Resolution No. 9321-15, 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

AUTHORIZATION OF TRAVEL RELATED EXPENSES FOR COUNCIL MEMBER PARTICIPATION IN A MULTI-CULTURAL LEADERSHIP KOREA VISITATION PROGRAM AND RELATED VISIT TO THE REPUBLIC OF KOREA FROM OCTOBER 9-19, 2019
(F: 46.1)

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Travel related expenses for Council Member Thu-Ha Nguyen to participate in the GCS Los Angeles, Multi-Cultural Leadership Korea Visitation Program to the Republic of Korea from October 9-17, 2019 and City of Anyang, Republic of Korea visit from October 17-19, 2019, be authorized.

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 PURCHASE ORDERS WITH ECONOLITE CONTROL PRODUCTS AND JTB SUPPLY COMPANY INC., FOR FISCAL YEAR 2019-20 TRAFFIC CONTROL OPERATIONS

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

The Finance Director be authorized to issue a purchase order to Econolite Control Products in the amount not to exceed \$75,000 to purchase Econolite controllers; and a purchase order not to exceed \$125,000 be issued to JTB Supply Company to purchase traffic control products.

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 AUTHORIZING THE CITY MANAGER TO WAIVE THE FORMAL BIDDING PROCESS TO PROCEED WITH EMERGENCY REPAIRS TO THE POLICE DEPARTMENT EMERGENCY GENERATOR (F: 82.1)

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9581-19 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the City Manager or his designee to waive the formal bidding process as an emergency condition, declaring the necessity thereof, and authorizing staff to proceed with emergency repairs to the Police Department emergency generator, 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

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

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9582-19 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 Management 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 MEETING HELD ON JULY 9, 2019 (F: VAULT)

It was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Minutes from the meeting held on July 9, 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 O'Neill, seconded by Council Member K. Nguyen that:

Regular Warrants 652849 through 653015; 653016 through 653193; 653194 through 653388; 653389 through 653594; Wires W2566 through W2574; W2557 through W2564; W2550 through W2556; W653388 through W653594; and

Payroll Warrants 183425 through 183466; 183467 through 183502; Direct Deposits D351200 through D351918; D351917 through D352637 and Wires W2610 through W2613; W2614 through W2617, be received and filed 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) 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 K. Nguyen 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

PUBLIC HEARING - APPROVAL OF THE 2019 DRINKING WATER PUBLIC HEALTH GOAL REPORT (F: 112.1)

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

Speakers: Nicholas Dibs

There being no further response from the audience, Mayor Jones closed the public hearing.

It was moved by Council Member O'Neill, seconded by Council Member T. Nguyen that:

A public hearing be conducted; and

The 2019 Drinking Water Public Health Goal Report as submitted, 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

PUBLIC HEARING - INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-104-81/86 REV. 90 TO FACILITATE THE REDEVELOPMENT OF THE EUCLID RETAIL CENTER LOCATED AT 14231 TO 14291 EUCLID STREET, GARDEN GROVE (F: 116.PUD-104-81/86/90 (REV. 2019))

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

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: Nicholas Dibs, Bon Hoang

There being no further response from the audience, Mayor Jones closed the public hearing.

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

Ordinance No. 2907 entitled: An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-104-81/86/90 (REV. 2019)

amending the General Use and Development Standards for Planned Unit Development No. PUD-104-81/86 REV. 90 to reduce the required minimum parking area landscape setback for Area III B, be passed to a 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

ACKNOWLEDGEMENT OF THE RESIGNATION OF ANDREW KANZLER FROM THE PLANNING COMMISSION (F: 122.10A)

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

The resignation of Andrew Kanzler from the Planning Commission be acknowledged with regret.

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 AUTHORIZING AN APPLICATION BE SUBMITTED FOR THE COUNTY OF ORANGE FAMILIES AND COMMUNITY TOGETHER (FACT) GRANT (F: 87.1A)

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

Resolution No. 9583-19 entitled: A Resolution of the City Council of the City of Garden Grove, California, approving the application for grant funds for Magnolia Park Family Resource Center and the Garden Grove Community Collaborative under the County of Orange Families and Communities Together (FaCT) Program, be adopted; and

The annual grant funding match in the amount of \$115,300 from the General Fund, be authorized.

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

INTRODUCTION AND FIRST READING OF AN ORDINANCE AMENDING AND UPDATING THE CITY'S REGULATIONS GOVERNING THE USE OF BURGLARY AND PANIC/ROBBERY ALARM SYSTEMS (F: 50.2)

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

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

Ordinance No. 2908 entitled: An Ordinance of the City Council of the City of Garden Grove amending Chapter 8.60 of Title 8 of the Garden Grove Municipal Code relating to alarm systems, be passed to a 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

AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO WONDRIES FLEET GROUP FOR THE PURCHASE OF NINE (9) POLICE VEHICLES

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

The Finance Director be authorized to issue a purchase order in the amount of \$336,944.97 to Wondries Fleet Group for the purchase of nine (9) new police vehicles.

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

AWARD A CONTRACT TO SIEMENS MOBILITY, INC., TO PROVIDE PROFESSIONAL SERVICES FOR PROJECT NO. 7284 - CONVERSION OF ALL CITY OWNED STREET LIGHTS AND SAFETY LIGHTS FROM HIGH PRESSURE SODIUM TO LIGHT EMITTING DIODE, AND TO AUTHORIZE CARRYOVER FISCAL YEAR 2018-19 FUNDS FOR CAPITAL PROJECT EXPENDITURES (F: 69.1.PROJ.7284)

Following staff presentation, it was moved by Council Member O'Neill, seconded by Council Member Brietigam that:

The Finance Director be authorized to carryover \$755,708 in General Funds (Fund 111), which were appropriated in Fiscal Year 2018-19 into Fiscal Year 2019-20 for funding subject project and for completing the La Bonita Storm Drain Project;

a contract be awarded to Siemens Mobility, Inc. in the amount of \$458,931 to provide professional services for the conversion of all city-owned street lights and safety lights from high pressure sodium to light emitting diode, City Project No. 7284; and

The City Manager be authorized to execute the professional services agreement, and make minor modifications as appropriate thereto, 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

ADOPTION OF A RESOLUTION ESTABLISHING A PENSION FUNDING POLICY
(F: 127.3)

Following staff presentation, Council Member Brietigam noted the importance of the policy and is a significant step in addressing the unfunded pension liability issue.

Council Member O'Neill commented that this policy is a great move for paying down the City's unfunded pension liability and noted that the Orange County Fire Authority's pension fund, to which for years, they have made a conscientious effort to pay down their debt and saved money by paying upfront. As a result, they are expected to be 85% funded by end of 2020, and projected to be 100% funded by 2027.

Council Member Bui commended Finance staff for their work on the development of this Pension Funding Policy, however cautioned that the issue of pension liability is massive and this policy is only a small step toward addressing the problem. He is hopeful that through the guidance and expertise of Finance Director Patricia Song, the City will be able to find a way to control the City's unfunded pension liability.

City Manager Scott Stiles commended Finance Director Patricia Song and the Finance staff for their work on the development of this policy; it is an important step forward and added that the second part of this plan, the Reserve Fund Policy, will be brought before the City Council in November. The two items together will provide a base and roadmap for the City moving forward.

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

Resolution No. 9584-19 entitled: A Resolution of the City Council of the City of Garden Grove, California, adopting the City of Garden Grove Pension Funding Policy, 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

UPDATE ON THE ANNUAL CITY COUNCIL BUDGET APPROPRIATION PRACTICES OF NEIGHBORING CITIES IN ORANGE COUNTY WITH DISTRICT ELECTIONS AND POTENTIAL DISTRICT BUDGET ALLOCATIONS WITHIN THE CITY'S ADOPTED BUDGET AS REQUESTED BY THE CITY COUNCIL (F: 34.1) (XR: 46.1)

Following staff presentation, City Council Member Brietigam stated support for an annual City Council budget allocation, and expressed frustration with current procedural requirements for use of minimal funds to support a community need or community event. He noted that three cities in the county have annual budget appropriations.

Council Member O'Neill expressed support for an annual City Council budget appropriation to facilitate addressing district issues or support community events.

Council Member K. Nguyen expressed concern with an annual City Council budget appropriation and stated the need for further due diligence for the development of guidelines that provide checks and balances, and provide clear information on how funds can be used while following a variety of rules. She expressed support for an application-based program where organizations could apply and request funds for community events, and then the City Council members could decide on whether to support and contribute towards the event.

Council Member Klopfenstein echoed Council Member K. Nguyen's concerns and requested a report with more comprehensive guidelines that provide for checks and balances.

Council Member T. Nguyen expressed that current information is too vague and requested that more structured guidelines be provided.

Mayor Jones also expressed concerns with the current information provided; there are several items that need to be contemplated. He stated that even in the absence of a City Council appropriated budget, the current formal process provides for a healthy democratic environment, but would welcome discussions on developing something that could be supported by the City Council.

Council Member Bui stated concerns with guidelines that are so strict that it would defeat the purpose and hinder the Council Members in serving their constituents. Any misuse of funds would have consequences for that Council Member who answers to their constituents.

City Manager Scott Stiles stated that he would have staff report back with a comprehensive policy for the City Council to consider.

Council Member Brietigam added the requirement for Council Members to have to report out to the City Council at the City Council meeting, following the use of district discretionary funds.

Council Member K. Nguyen added and requested that the information also be posted to the City's website.

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

Staff be directed to draft guidelines, with input from all Council Members, for use of district budget allocations; that the guidelines incorporate the requirement for Council Member(s) to report out to the City Council at the City Council meeting following the use of district discretionary funds; that the reports be included in the City Manager's Weekly Memo; and that the information be made available on the City's website.

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 Bui shared that the public has expressed concerns in terms of public safety considering the recent high profile criminal activity. He commended the Police Department on their good work and on their efforts for transparency through the City's website and through social media, so that the information is quickly communicated to the public. He shared that he met with Police Chief DaRé, Mayor Jones, and City Manager Stiles to discuss what the City is doing about combating criminal activity. He wanted to inform the public that Police Chief DaRé presented a very detailed and proactive plan so he wants to update the public that Police Chief DaRé is addressing this through this comprehensive plan.

Council Member Brietigam stated that prior to the recent events, the City of Garden Grove was staying plateau or dropping in most reportable crimes; one of the recent

crimes was preventable and he emphasized that it was a result of AB 109. He stated the need to reach out to state senators and assemblyman and demand for the repeal of AB 109. Regarding animal control and issues at the facility, he requested that a meeting be organized to include facility management and the community to reach a consensus for improvement of services.

Council Member O'Neill expressed condolences to the victims of the recent assaults. He also thanked his wife Sylvia as they will be celebrating 33 years of marriage.

Council Member Klopfenstein acknowledged the upcoming transition of the Garden Grove Fire Department to the Orange County Fire Authority (OCFA) on August 16, 2019. She looks forward to welcoming OCFA to the City of Garden Grove. She also thanked the Police Department for their leadership and hard work, given the recent events. She also encouraged Garden Grove citizens to "Dump and Drain" any standing water as recent mosquito testing results in neighboring cities came back positive for West Nile virus. Lastly, she encouraged the public to use the Coyote hotline (714) 741-5286 to help data collection efforts.

Mayor Jones wished Council Member T. Nguyen a happy birthday and congratulated Chief DaRé and his wife Jeanine on celebrating 27 years of marriage. He also congratulated Council Member O'Neill and his wife Sylvia on their upcoming anniversary celebration.

ADJOURNMENT

At 9:01 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, August 27, 2019, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Lizabeth Vasquez
Deputy City Clerk