

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, October 8, 2019

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

CONVENE CLOSED SESSION

At 5:37 p.m., Mayor Jones convened Closed Session in the Founders Room.

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

ABSENT:      (2)      Council Member O'Neill was absent at Roll Call, but joined the meeting at 5:40 p.m. Council Member Bui was absent at Roll Call, but joined the meeting at 6:05 p.m.

ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None.

CLOSED SESSION MATTERS

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation per Government Code 54956.9(d)(2): One potential case.

City Attorney Sandoval announced that the Council will consider the litigation threatened by OCCORD, which they have now filed.

ADJOURNED CLOSED SESSION

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

CONVENE REGULAR MEETING

At 6:35 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

Mayor Jones provided Orange County Fire Authority Chief Ron Roberts with a framed proclamation for Fire Prevention Week starting October 6 through October 12, 2019.

#### ORAL COMMUNICATIONS

Speakers: Ray Rains, Van Vo, David Kenney, Dale Soeffner, Jess Hernandez, Ashland Le, Trang Vu, Joseph Ngo, Beatrice Rodriguez, Tom Raber, Bob Donelson, Pam Donelson, Carlos Mendoza, Maureen Blackmun

#### RECESS

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

#### RECONVENE

At 7:31 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

#### ADOPTION OF A PROCLAMATION DECLARING SEPTEMBER 15, 2019 THROUGH OCTOBER 15, 2019, AS "NATIONAL HISPANIC HERITAGE MONTH" IN GARDEN GROVE (F: 83.1)

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

A Proclamation declaring September 15, 2019, through October 15, 2019, as "National Hispanic Heritage Month" in 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

#### ADOPTION OF A PROCLAMATION DECLARING OCTOBER 6 THROUGH OCTOBER 12, 2019, AS "FIRE PREVENTION WEEK" IN GARDEN GROVE (F: 83.1)

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

A Proclamation declaring October 6 through October 12, 2019, as "Fire Prevention Week," in 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

ADOPTION OF A PROCLAMATION DECLARING OCTOBER 20 TO OCTOBER 26, 2019, AS "CHILDHOOD LEAD POISONING PREVENTION WEEK" IN GARDEN GROVE  
(F: 83.1)

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

A Proclamation declaring October 20 through October 26, 2019, as "Childhood Lead Poisoning Prevention Week," in 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

APPROVAL OF AMENDMENTS TO SITE LICENSE AND USE AGREEMENTS EXTENDING THE TERMS WITH ARENA SOCCER PARKS, INC., AND SOCAL STREET HOCKEY  
(F: 55-ARENA SOCCER PARKS, INC.) (F: 55-SOCAL HOCKEY)

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

An amendment to site license and use agreement with Arena Soccer Parks, Inc., to extend the term to March 31, 2020, for the outdoor arena soccer facilities at Garden Grove Park, be approved;

An amendment to the site license and use agreement with SoCal Street Hockey to extend the term to March 31, 2020, for the outdoor hockey rink facility at Chapman Sports Complex; and

The City Manager be authorized to execute the amendments, 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

APPROVAL OF ADDITIONAL FUNDS TO COMPLETE EMERGENCY REPAIRS TO WELL 31  
(F: 112.11) (XR: CC RES 9578-19)

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

Additional funds in the amount of \$34,700 be ratified and approved to complete necessary repair work to Well 31.

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 DEPARTMENT VANS

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

The Finance Director be authorized to issue a purchase order in the amount of \$54,281.58 to National Auto Fleet Group for the purchase of two (2) new Public Works Department vans.

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 SIEMENS MOBILITY  
INC., FOR ON-CALL TRAFFIC SIGNAL AND STREET LIGHTING MAINTENANCE AND  
REPAIR SERVICES (F: 55-SIEMENS MOBILITY, INC.)

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

Amendment No. 1 to the agreement with Siemens Mobility, Inc., increasing the total compensation amount from \$300,000 to \$400,000, be approved; and

The City Manager be authorized to execute Amendment No. 1, and to make minor modifications 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

APPROVAL OF A COST SHARING AGREEMENT WITH THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY FOR IMPLEMENTING COMPLIANCE WITH THE 2019 AMERICA'S WATER INFRASTRUCTURE ACT (F: 122.5)

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

The cost sharing agreement with the Municipal Water District of Orange County for sharing consultant costs, in the amount of \$145,405, for the preparation of a Risk and Resilience Assessment and update of an Emergency Response Plan to implement the 2019 America's Water Infrastructure Act Compliance, be approved; and

The Mayor be authorized to execute the agreement 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

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON SEPTEMBER 24, 2019 (F: VAULT)

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

Minutes from the meeting held on September 24, 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 Brietigam that:

Regular Warrants 654588 through 654822; 654823 through 654971; 654972 through 655188; 655189 through 655391; Wires W2617 through W2619; W2620 through W2628; W2629 through W2630; W655189 through W655391; and Payroll Warrants 183679 through 183707; Direct Deposits D354602 through D355211; and Wires W2630 through W2633, be received and filed as presented in the warrant register submitted that 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 K. Nguyen, seconded by Council Member Brietigam 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 - ADOPTION OF A RESOLUTION TO APPROVE A RECOMMENDATION FROM THE TRAFFIC COMMISSION TO MODIFY EXISTING STREET DIVERTERS ON FLOWER STREET AND BOWEN STREET, AT TRASK AVENUE, GARDEN GROVE (CONTINUED FROM SEPTEMBER 24, 2019)  
(F: 122.11) (XR: 100.1)

COUNCIL MEMBER BUI RECUSED HIMSELF CITING HIS PROPERTY IS IN PROXIMITY TO FLOWER STREET AND LEFT THE MEETING AT 7:33 P.M.

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

Speakers: Kadi Mohr

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

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

Resolution No. 9591-19 entitled: A Resolution of the City Council of the City of Garden Grove, California, amending Resolution No. 7852-96 approving a recommendation from the Traffic Commission to modify access to/from Flower Street and Bowen Street at Trask Avenue, be adopted.

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

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

#### RECESS

At 7:38 p.m., Mayor Jones recessed the meeting.

#### RECONVENE

At 7:45 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

#### PUBLIC HEARING - APPROVAL OF SUBSTANTIAL AMENDMENT NO. 2 TO THE 2019-20 ANNUAL ACTION PLAN FOR THE USE OF FUNDING FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (F: 117.10D)

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

Speakers: None.

With no response from the audience, Mayor Jones closed the public hearing.

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

Substantial Amendment No. 2 be transmitted to the Department of Housing and Urban Development.

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 AMENDMENT NO. A-025-2019 TO AMEND SECTION 9.04.060 OF TITLE  
9 OF THE MUNICIPAL CODE (F: 115.A-025-2019) (XR: 50.3)

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

Following staff 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, Mayor Jones closed the public hearing.

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

The Ordinance be categorically exempt from the California Environmental Quality Act pursuant to Title 14, California Code of Regulations, Section 15061(b)(3); and

Ordinance No. 2909 entitled: An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-025-2019, a zoning text amendment to Section 9.04.060 of the Garden Grove Municipal Code to add definitions for terms used in existing portions of Title 9 pertaining to the flood hazard overlay zone to meet the minimum requirements of the National Flood Insurance Program, 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

APPOINTMENT TO FILL A VACANCY ON THE ADMINISTRATIVE BOARD OF APPEALS  
(CONTINUED FROM SEPTEMBER 10, 2019, AND SEPTEMBER 24, 2019) (F: 122.2)

This matter was continued to the next meeting.



APPOINTMENT TO FILL A VACANCY ON THE PLANNING COMMISSION (CONTINUED FROM SEPTEMBER 10, 2019 AND SEPTEMBER 24, 2019) (F: 122.10A)

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

Josh Lindsay be transferred from the Traffic Commission to fill the vacancy on the Planning Commission.

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 FOR, AND RECEIPT OF, SB 2 PLANNING GRANT PROGRAM FUNDS (F: 177.10D)

Following staff introduction and City Council discussion, it was moved by Council Member K. Nguyen, seconded by Council Member Bui that:

Resolution No. 9592-19 entitled: A Resolution of the City Council of the City of Garden Grove, California, authorizing application for, and receipt of, SB 2 Planning Grants program funds, be adopted; and

Funds received from the Planning Grants Program application be appropriated for the purpose designated for the Fiscal Year 2019-20.

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

DISCUSSION REGARDING PROPOSED TET PARADE AND FESTIVAL IN GARDEN GROVE AS REQUESTED BY COUNCIL MEMBER BUI (F: 46.1) (XR: 42.8A)

Council Member Bui, speaking on behalf of the Vietnamese American Federation of Southern California, provided a preliminary draft and briefed the City Council on the intent to bring forward a proposal to conduct a Tet Parade and Festival in Garden Grove on the Lunar New Year, January 25, 2020. He noted that it is the Federation's desire to close Westminster Avenue from Atlantis to Bushard Street, and all lanes from Bushard Street to 150 feet West of Brookhurst Street. He stated that the Federation would pay all costs and he commented that past accusations were untrue regarding nonpayment to the City of Westminster. He further

described details in the proposed preliminary draft, as well as plans to market the event.

Council Member Brietigam noted his discomfort with having a Tet Parade on the same day as the City of Westminster, and that he would consider a Tet Parade and Festival in Garden Grove, on a different day.

Council Member O'Neill agreed that having a Tet Parade on the same day as Westminster would cause political drama, and he commented on the many logistical concerns including street closures and public safety.

Council Member T. Nguyen expressed concern that as Tet is a sacred holiday, two separate events would foster ill will, and commented on the importance of having good relationships with neighboring cities.

Council Member Klopfenstein expressed the need for a breakdown on costs and concern about political issues.

Following further discussion, Mayor Jones reminded Council Member Bui to be clear that on this topic he is not speaking on behalf of the City Council, but on behalf of the Vietnamese American Federation.

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

Council Member Brietigam commented on numerous complaints he has received about mosquitoes in District 1 due to the proximity of the Los Alamitos Joint Forces Training Base, and he asked that staff send a letter to the Los Alamitos Joint Forces Training Base requesting mosquito abatement on Base property. He commented on the need to become more aggressive with property owners using single family homes as Airbnb's, and suggested forming a term task force.

In response to public comments, Mayor Pro Tem Klopfenstein noted time she has spent and the need for the City to do more on addressing Short-Term Rentals (STRs). She asked that staff provide an update on what has been done to date, along with analysis on outsourcing enforcement activities. She expressed that residents deserve safe neighborhoods free from crimes associated with STRs, and that the City needs to do more effective enforcement.

Council Member O'Neill noted the density and increased traffic, and expressed the need to enforce regulations on permitted accessory dwelling units. He commented that after seeing the volume of traffic for the car show at the Anaheim Convention Center, parking permits should be considered for neighborhoods near the Anaheim border.

Council Member Bui requested that the City Attorney clarify for the benefit of the residents who are faced with STRs in their neighborhood, what actions have been taken and what enforcement activities have been conducted.

City Attorney Sandoval stated that STRs are prohibited in residential zones; however, they are allowed in commercial zones with a conditional use permit. He noted that the City has been enforcing the code; however, both the Fourth Amendment of the Constitution, and the State of California Constitution protects people and their private property from undue searches and seizures. The City has to establish probable cause to issue a citation, and is required to follow due process with the burden of proof on the government. He also reminded the City Council on the Brown Act requirements limiting discussion on items not listed on the agenda.

Council Member O'Neill requested and moved a Community Workforce agreement with the Los Angeles Orange County construction trade be listed on the agenda for discussion and possible action in two weeks. He suggested staff look to other surrounding cities who have these agreements, and for a presentation by the construction trade be considered, seconded by Council Member Brietigam.

Council Member K. Nguyen requested to amend the motion to include a report with analysis on a Community Workforce agreement to be listed on the November 12, 2019, City Council agenda. Council Member O'Neill agreed with amending his motion. (F: 46.1)

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 O'Neill concluded with announcements that the Orange County Fire Authority Open House is Saturday, October 12, 2019, at Station 81 on Acacia Parkway; and the Garden Grove Woman's Civic Club will be holding their annual holiday craft boutique on October 26, 2019, from 9:00 a.m. to 3:00 p.m., at their facility on Chapman Avenue.

Council Member T. Nguyen wished her son, her mother, and Mayor Jones a happy birthday.

In response to public comments, Council Member K. Nguyen noted that she has been working with Public Works and the Police Department on traffic safety issues on Roxey Street and Trask Avenue, and Haster Street and Lampson Avenue. A street light will be installed before the end of next year at Roxey Street and Trask Avenue. She requested staff look into installing stop signs at Woodbury Road and Roxey Street, as well as light synchronization at Westminster Avenue and Roxey Street. She noted that she is coordinating a potential small-scale event on Veterans

Day with staff, Congressman Lou Correa's office and Congressman Allen Lowenthal's office.

Council Member Bui wished City Manager Stiles and Council Member T. Nguyen safe travels while on their trip to Garden Grove Sister City Anyang, Korea.

Mayor Jones expressed his appreciation for the shared vision that has resulted in successful projects, and he asked that the City Council continue to openly communicate and stay focused on the business of the City. He noted the grand opening of Steelcraft next to City Hall, and praised the project commending staff for their hard work and dedication to making the City better. He asked that City Council refrain from distracting staff from the work at hand, and continue to be forward-looking as the city is reimagined into the future. He urged City Council to continue to do what is in the best interest of the people they serve.

City Attorney Sandoval stated that during closed session, the lawsuit that was threatened and now filed against the City by OCCORD was discussed, and there is no reportable action.

#### ADJOURNMENT

At 9:10 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, October 22, 2019, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC  
City Clerk