

## MINUTES

### GARDEN GROVE CITY COUNCIL

#### Regular Meeting

Tuesday, January 28, 2020

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

#### CONVENE CLOSED SESSION

At 5:35 p.m., Mayor Jones convened Closed Session in the Founders Room.

<u>ROLL CALL</u>	PRESENT:	(4)	Council Members Brietigam, Bui, K. Nguyen, Mayor Jones
	ABSENT:	(3)	Council Member D. Nguyen absent at Roll Call, but joined the meeting at 6:36 p.m. Council Member Klopfenstein absent at Roll Call, but joined the meeting at 6:36 p.m. Mayor Pro Tem O'Neill absent at Roll Call, but joined the meeting at 6:36 p.m.

#### ORAL COMMUNICATIONS FOR CLOSED SESSION

Speakers: None

#### CLOSED SESSION MATTERS

##### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(d)(1): Todd Elgin v. City of Garden Grove, Workers Compensation Appeal Board Case No. ADJ11329988

##### CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code 54956.9(d)(1):  
OCCORD v. City of Garden Grove, et al. OCSC Case No.: 30-2019-01102770

#### ADJOURN CLOSED SESSION

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

## CONVENE REGULAR MEETING

At 6:36 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

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

City Manager Stiles introduced newly hired employees, Amy Vo, Accounting Technician, and Linda Clark-Morin, EOC Coordinator.

## COMMUNITY SPOTLIGHT IN RECOGNITION OF GARDEN GROVE PUBLIC WORKS ENGINEERS CARINA DAN, LIYAN JIN, REBECCA LI, AND JESSICA POLIDORI FOR INSPIRING WOMEN IN THEIR FIELD

## COMMUNITY SPOTLIGHT IN RECOGNITION OF THE GARDEN GROVE POLICE DEPARTMENT SPECIAL RESOURCES TEAM AND PUBLIC WORKS RIGHT-OF-WAY STAFF FOR THEIR WORK TO KEEP GARDEN GROVE CLEAN AND SAFE

## 2020 CENSUS UPDATE PROVIDED BY THE U.S. CENSUS BUREAU (F: 39.1)

Representatives from the 2020 Census provided an update on the status of the 2020 Census efforts and encouraged residents to be counted. Staff provided a video to further the message on the upcoming census count.

## GARDEN GROVE POLICE DEPARTMENT INFRASTRUCTURE SPACE NEEDS ASSESSMENT UPDATE PROVIDED BY DEWBERRY ARCHITECTS INC. (F: 82.1) (F: 55-DEWBERRY ARCHITECTS INC.)

A PowerPoint presentation on the needs assessment for the Police Department facility was provided by Dewberry Architects consultants.

## ORAL COMMUNICATIONS

Speakers: Howard Kummerman, Joe Laricchia, Carol Barnes, Craig Durfey, Tom Raber, Wendy Aragon, Pam Smith.

## WRITTEN REQUEST FROM THE BUDDHIST SOCIAL SERVICES CENTER TO CONDUCT A TWO DAY BUDDHA'S BIRTHDAY FESTIVAL AT GARDEN GROVE PARK (F: 88.1)

Following staff introduction and City Council discussion, it was moved by Council

Member Brietigam, seconded by Council Member Bui, that:  
The Buddha's Birthday Festival at Garden Grove Park on Saturday, April 18, 2020  
and Sunday, April 19, 2020, be approved; and

The City Manager, or his designee, be authorized to prepare and sign an agreement  
on behalf of the City, outlining the terms and conditions for use of the park.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

WRITTEN REQUEST FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR  
CO-SPONSORSHIP OF THE 7<sup>TH</sup> ANNUAL STRAWBERRY STOMP 5K  
(F: 102.1)(XR: 88.1)

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

Co-sponsorship, for costs in the amount of \$13,000, for the Sister City Association  
of Garden Grove's 7<sup>th</sup> annual Strawberry Stomp 5k on Saturday, May 23, 2020, be  
approved.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

#### RECESS

At 8:05 p.m., Mayor Jones recessed the meeting.

#### RECONVENE

At 8:18 p.m., Mayor Jones reconvened the regular meeting in the Council Chamber  
with all Council Members present.

ACCEPTANCE OF PROJECT NOS. 7216 AND 7290, VARIOUS RESIDENTIAL STREETS  
REHABILITATION AS COMPLETE (F: 96.PROJ.7216/7290)

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

Project Nos. 7216 and 7290, Various Residential Streets Rehabilitation, be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Improvement and Work; and

The Finance Director be authorized to release the retention payment when appropriate to do so.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

AWARD A CONTRACT TO NOVAK & NORMAL, INC. DBA: THE PM GROUP FOR PROJECT NO. S-1259 – TO PRINT THE CITY’S PARK AND RECREATION GUIDE (F: 55- NOVAK & NORMAL, INC. DBA: THE PM GROUP)

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

A Contract be awarded to Novak & Normal, Inc. DBA: The PM Group, in the amount of \$65,500, for Project No. S-1259-Printed City Parks and Recreation Guides;

Four additional years be authorized for a total of five years, with option years exercised one year at a time; and

The City Manager be authorized to execute the contract and make minor modifications as appropriate on behalf of the City.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

ADOPTION OF A RESOLUTION APPROVING A GRANT APPLICATION FOR THE PROPOSITION 68 PER CAPITA GRANT PROGRAM (F: 87.1A)

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

Resolution No. 9606-20 entitled: A Resolution of the City Council of the City of Garden Grove approving the application for the Proposition 68 Per Capita Grant Program, be adopted; and

The City Manager and Community Services Director be authorized to execute the grant application.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

AUTHORIZATION FOR COUNCIL MEMBERS AND STAFF TRAVEL TO SOUTH KOREA TO PARTICIPATE IN A TOURISM PROMOTION AND SISTER CITY EXCHANGE PROGRAM (F:102.1)

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

Five City Council Members and three staff members be authorized to travel to South Korea from April 4-10, 2020, in cooperation with the Garden Grove Tourism Promotion Corporation, Visit Anaheim, and the OC Sports Commission.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON JANUARY 14, 2020 (F: VAULT)

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

Minutes from the meeting held on January 14, 2020, be received and filed.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

## WARRANTS

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

Payroll Warrants 183841 through 183866; 183867 through 183894; Deposits D358881 through D359500; D359494 through D360102; Wire W2658 through W2661; W2662 through W2665; and Regular Warrants 658090 through 658284; 658285 through 658508; Wires W2707 through W2727; W2728 through W2733; 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, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

## WAIVER

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

Full reading of ordinances listed be waived.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

## PUBLIC HEARING – ADOPTION OF A RESOLUTION ESTABLISHING A FIREWORKS STAND PERMIT APPLICATION FEE (F: 59.1) (XR: 61.6) (XR: 60.2)

Following staff introduction, City Council comments and discussion, Mayor Jones declared the public hearing open.

Speakers: Maureen Blackmun

There being no further response, Mayor Jones closed the Public Hearing.

Following further City Council discussion consensus was to reduce the proposed fee from \$1,000 to \$750, with an annual review. Council Member Brietigam stated he would not support a fee increase that would impact community fund raising efforts.

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

Resolution No. 9607-20 entitled: A Resolution of the City Council of the City of Garden Grove establishing a temporary fireworks stand permit application fee, in the amount of \$750, be adopted.

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

Ayes: (6) O'Neill, Bui, D. Nguyen, Klopfenstein, K. Nguyen,  
Jones  
Noes: (1) Brietigam

PUBLIC HEARING – ADOPTION OF A RESOLUTION ADOPTING A MITIGATED  
NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING  
PROGRAM FOR AN INDUSTRIAL WAREHOUSE IMPROVEMENT PROJECT AT 12821  
KNOTT STREET, WHICH INCLUDES THE VACATED SOUTHERLY PORTION OF BRADY  
WAY THAT FRONTS THE WESTERLY PROPERTY LINE; AND THE INTRODUCTION AND  
FIRST READING OF AN ORDINANCE  
(F: 116.PUD-104-70 (REV. 2019)) (XR: 116.SP-079-2019) (XR: 50.3)

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

Following staff introduction and City Council comments and discussion, Mayor Jones declared the public hearing open.

Speakers: Craig Durfey, Tom Raber

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

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

Resolution No. 9608-20 entitled: A Resolution of the City Council of the City of Garden Grove adopting a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Industrial Warehouse Improvement Project (PUD-104-70 (REV. 2019), SP-079-2019), be adopted; and

Ordinance No. 2912 entitled: An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-104-70 (Rev. 2019) amending Planned Unit Development No. PUD-104-70 to facilitate an expansion of the existing industrial building, and to amend the City's official zoning map to change the zoning of the project site to PUD-104-70 (Rev. 2019) with M-P

(Industrial Park) base zoning, and to extend and cover the vacated portion of Brady Way, (that southerly portion of Brady Way, which fronts along the westerly property line of the subject property located at 12821 Knott Street), with Planned Unit Development No. PUD-104-70 (Rev. 2019) zoning, with M-P (Industrial Park Base Zoning), be passed to second reading.

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

AWARD A CONTRACT TO CALIFORNIA LANDSCAPE & DESIGN, INC. FOR PROJECT NO. S-1262 – PERIMETER FENCE REPLACEMENT OF THE ATLANTIS PLAY CENTER (F: 73.6.PROJ.S-1262)

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

A contract be awarded to California Landscape & Design, Inc., in the amount of \$349,320, for Project No. S-1262 – perimeter fence replacement at the Atlantis Play center; and

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

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

Ayes: (7) Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein,  
K. Nguyen, Jones  
Noes: (0) None

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

UPDATE ON CODE ENFORCEMENT ACTIVITIES INCLUDING SHORT TERM RENTALS AS REQUESTED BY COUNCIL MEMBER KLOPFENSTEIN (F: 80.2)

Staff provided a PowerPoint highlighting and updating the City Council on Code Enforcement activities including information on gaining compliance related to code violations. Staff stated that a Short Term Rental update will be provided within the next thirty to sixty days.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (continued) (F: 55-CARE AMBULANCE) (XR: 61.1A)



Council Member Brietigam expressed concern that lives could be lost, and he requested the City Council vote on adding an emergency item to discuss and possibly take action on directing staff to demand that Care Ambulance resume a former deployment model within the City's jurisdiction and to prepare a cease and desist letter. He stated that prior to the Thanksgiving Holiday, he and City Manager Stiles met and conferred with the President of Care Ambulance who acknowledged that an ambulance could be deployed from other jurisdictions, and seemed unwilling to provide a summary breakdown. He further expressed his frustration for the delay to address the Care Ambulance deployment model in use, and that this is more important than any other City business.

Council Member Klopfenstein expressed surprise that this matter has not been brought to the attention of the City Council, and stated the need for more information.

Council Member Bui expressed the need for input from City Manager Stiles and City Attorney Sandoval, and related his personal loss of good friends and the critical need for immediate medical response.

City Attorney Sandoval noted that the Brown Act would require a two-thirds vote to discuss and take action on an urgency matter that is not listed on the agenda.

Council Member O'Neill asked for clarification on whether Council Member Brietigam's request for action is an emergency or urgency.

Council Member Brietigam stated his motion is for an exigent urgency item to discuss and or take action on the Care Ambulance contract, seconded by Council Member K. Nguyen.

Mayor Jones cautioned against setting a precedence for adding urgency matters to the agenda.

Council Member Klopfenstein stated that she would have liked to have had advanced notification.

Council Member K. Nguyen commented that as this has now been introduced, it is for the benefit of the public to move forward with discussion and input from staff.

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

Ayes:	(6)	Brietigam, O'Neill, Bui, D. Nguyen, Klopfenstein, K. Nguyen
Noes:	(0)	None
Abstain:	(1)	Jones

Council Member O'Neill asked for clarification from City Attorney Sandoval on whether there is documentation that can be provided on the Care Ambulance deployment model.

City Attorney Sandoval responded that the City does have a contract with Care Ambulance that outlines that there will be four ambulances assigned to the City of Garden Grove that can only serve the City of Garden Grove unless the Fire Chief provides an exemption. When the City contracted with the Orange County Fire Authority (OCFA), the contract was amended to replace "Fire Chief" with "OCFA," which provides the OCFA Fire Chief the authority to grant an exemption. The exemption was provided to have ambulance deployment done in closer proximity to calls. He explained that by requiring ambulance deployment only within Garden Grove's jurisdiction, deployment could result in longer response times; e.g., if an ambulance is transporting from the west side of Garden Grove, and another call for deployment comes in from the west side, an ambulance deployment from the central or east side would have to respond resulting in a longer response time. He also noted that if the City Council wanted to overturn the exemption, and to only have ambulance deployment within the City of Garden Grove, a letter would be sent to OCFA and not to Care Ambulance.

Council Member O'Neill asked whether there were any issues related to ambulance response times under the Garden Grove Fire Department.

City Attorney Sandoval stated that he did not know and did not know if Chief Schultz granted an exemption.

Council Member Brietigam stated that the City had originally contracted for three ambulance deployments and the fourth was contracted as an additional deployment to provide parity to provide equal response time throughout the City. He expressed that the residents are not benefitting by the current deployment model.

City Manager Stiles noted that there are four ambulance deployments in Garden Grove with one located on Knott Street, two in central Garden Grove and one on the east side of Garden Grove. He stated that the ambulance drivers are only drivers and are not paramedics or EMT's, and that under the contract with OCFA, when an emergency call is placed, four Fire Fighters are deployed and of the four, two are paramedics who are trained and certified to stabilize a patient prior to transport to a local hospital. The ambulance is deployed concurrently from the closest proximity to the call for service, and in life threatening circumstances, the paramedics will travel in the ambulance with the patient. He suggested the City Council request OCFA Fire Chief Brian Fennessy and Chief Ron Roberts along with Care Ambulance leadership be available to provide an overview on deployment and response.

Council Member Bui commented on the critical role ambulance drivers perform and disagreed that they are only drivers, and recanted on the loss of friends who were not taken to the hospital in time to save their lives. He further expressed his

disappointment and shock that Chief Roberts would proceed with deployment exemptions without informing the City Council. He stated he would like to have the four deployments located within Garden Grove now, and then have discussion to determine whether an exemption is necessary.

Council Member D. Nguyen noted that her father needed emergency paramedic service; that the paramedics arrived first and he was transported by ambulance after he was stabilized; and the law is that a patient is not transported by ambulance until they are stabilized by a paramedic. She questioned whether the amendments to the contract with Care Ambulance would be brought to City Council.

City Attorney Sandoval stated that the exemption for ambulance deployment has always been at the discretion of the Fire Chief and is now under the authority of OCFA.

Council Member K. Nguyen expressed her disagreement for reverting the ambulance deployment back. Her experience working in the health care industry provides awareness that medical emergency response has to follow federal regulations. She also noted that the closest ambulance will respond and will generally take people to the nearest hospital. She stated that she will not vote to take action; however, she is interested in learning from OCFA and Care Ambulance about the deployment model being used in Garden Grove. She also stated that the City Council should have been notified of the exemption.

Council Member O'Neill stated that this is something that should have been brought to their attention; however, he does not agree with taking action but would like to have a report from OCFA and Care Ambulance on response times. He commented on the transitional stresses with the change to OCFA, which provides regional emergency services with a regional perspective for providing services.

Council Member D. Nguyen emphasized the need for communication and to be informed moving forward; and the importance for communicating for the benefit of the public. She expressed that she would like the data from OCFA and Care Ambulance on response times and regional response times with the purpose of assuaging the public's concern that they are getting the best service without compromise.

Following further City Council discussion and consensus, City Manager Stiles stated that a Study Session will be scheduled for the next City Council meeting.

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

City Manager Stiles commended the collaboration between the Police Department and Public Works addressing traffic and parking impacts to area residents during the NAMM Convention held at the Anaheim Convention Center. He also noted that the

Natural Products Expo West will be held in March, and there are plans for barricading some residential streets.

Council Member Klopfenstein thanked the Police Department and the Public Works Department for being proactive on addressing convention traffic impacts within District 5.

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

#### ADJOURNMENT

At 10:41 p.m., Mayor Jones adjourned the meeting to Tuesday, February 11, 2020, at 5:30 p.m., at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC  
City Clerk