

MINUTES

GARDEN GROVE HOUSING AUTHORITY

Regular Meeting

Tuesday, March 24, 2015

Community Meeting Center

11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:47 p.m., Chair Nguyen convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (7) Chair Nguyen, Commissioners Beard,
Beckles, Bui, Jones, O'Connor, Phan

ABSENT: (0) None

ORAL COMMUNICATIONS FOR HOUSING AUTHORITY

Speakers: Craig Durfey

HOUSING AUTHORITY STATUS REPORT FOR FEBRUARY 2015 (F: H-117.2)

This matter was considered later in the meeting.

WAIVER OF POTENTIAL CONFLICTS OF INTEREST RELATING TO LEGAL
REPRESENTATION BY STRADLING YOCCA CARLSON & RAUTH OF LAB HOLDING LLC
(F: H-55.3)

COMMISSIONER BECKLES LEFT THE MEETING AT 6:54 P.M.

After discussion by the Commissioners, it was moved by Chair Nguyen, seconded by Commissioner Jones that:

The City's legal counsel, Woodruff, Spradlin and Smart, represent the Housing Authority in regards to the potential downtown development in Garden Grove by The LAB LLC.

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

Ayes: (6) Beard, Bui, Jones, Nguyen, O'Connor, Phan
Noes: (0) None
Absent: (1) Beckles

COMMISSIONER BECKLES RETURNED TO THE MEETING AT 6:56 P.M.

HOUSING AUTHORITY STATUS REPORT FOR FEBRUARY 2015 (F: H-117.2)

It was moved by Commissioner Beard, seconded by Commissioner Phan that:

The Housing Authority Status Report for February 2015, be received and filed.

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

Ayes: (7) Beard, Beckles, Bui, Jones, Nguyen, O'Connor, Phan
Noes: (0) None

PUBLIC HEARING - ADOPTION OF THE GARDEN GROVE HOUSING AUTHORITY'S
2015-2019 FIVE YEAR AND ANNUAL PLAN (F: H-128.4)

Following staff's presentation, Chair Nguyen declared the Public Hearing open and asked if anyone wished to address the Housing Authority on the matter.

Speakers: Craig Durfey

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

It was moved by Commissioner Beard, seconded by Commissioner Bui that:

The 2015-2019 Five-Year/Annual Plan for the Garden Grove Housing Authority be adopted; and

The Interim Director be authorized to certify the Five-Year/Annual Public Housing Agency Plan of the Garden Grove Housing Authority.

The motion carried by a 5-0 vote as follows:

Ayes: (7) Beckles, Beard, Bui, Jones, Nguyen, O'Connor
Phan
Noes: (0) None

MATTERS FROM CHAIR, COMMISSIONERS AND DIRECTOR

Commissioner Bui requested staff to consider options of keeping the people on the Section 8 Housing List informed as to their status.

ADJOURNMENT

At 7:04 p.m., Chair Nguyen adjourned the meeting. The next Regular Meeting will be held Tuesday, April 28, 2015, at 6:30 p.m., at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
Secretary

The Interim General Manager be authorized to execute the contract amendment on behalf of the Garden Grove Sanitary District and make minor modifications as appropriate.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

ADJOURNMENT

At 7:38 p.m., President Phan adjourned the meeting. The next Regular Meeting is scheduled for Tuesday, April 28, 2015, at 6:30 p.m. at Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Kathleen Bailor, CMC
Secretary

ADJOURNMENT

At 7:37 p.m., Chair Jones adjourned the meeting. The next Regular Meeting is scheduled for Tuesday, April 14, 2015, at 5:30 p.m., at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
Secretary

CONVENE CITY COUNCIL MEETING

At 6:32 p.m., Mayor Nguyen convened the City Council meeting in the Council Chamber.

ROLL CALL PRESENT: (5) Mayor Nguyen, Council Members Beard, Bui, Jones, Phan

 ABSENT: (0) None

INVOCATION AND PLEDGE OF ALLEGIANCE

CLOSED SESSION REPORT

The City Attorney announced that as a result of the Closed Session regarding labor negotiations, there was no reportable action.

PRESENTATIONS

Community Spotlight: Recognition of the Sister City Association of Garden Grove Exchange Student Ambassadors visiting Anyang, Republic of Korea.

RECESS

At 6:46 p.m., Mayor Nguyen declared a recess.

RECONVENE

At 7:06 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

ORAL COMMUNICATIONS

Speakers: Craig Durfey, Gwendolyn Jones, Verla Lambert, Robin Marcario, Josh McIntosh, Charles Mitchell, Elizabeth Oreck, Regina Rybe

City Council response to Public Comments: Mayor Nguyen, Council Member Phan

Mayor Nguyen announced that Thursday, April 2, 2015 is World Autism Awareness Day. On this day, the City will join communities around the world and participate in the "Light it Up Blue" campaign.

RECONVENE

At 7:38 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

CHAPMAN LIBRARY INTERIOR AMERICAN WITH DISABILITIES ACT RENOVATION PROJECT

Council Member Beard requested that this matter be considered separately from the rest of the Consent Calendar. He announced that he is employed by the County of Orange, Orange County Community Resources Department, and this matter may present a conflict of interest. Therefore, he will be recusing himself from considering this matter.

Council Member Phan announced that he too is an employee for the County of Orange, district Attorney's Office, but that his department has no direct connection with the Community Resources Department; therefore, he does not have a conflict of interest.

COUNCIL MEMBER BEARD LEFT THE MEETING AT 7:39 P.M.

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

The Chapman Library Interior American with Disabilities Act Renovation Project be accepted as complete;

The Interim 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 it is appropriate to do so.

The motion carried by a 4-0-1 vote as follows:

Ayes: (4) Bui, Jones, Nguyen, Phan
Noes: (0) None
Absent: (1) Beard

COUNCIL MEMBER BEARD RETURNED TO THE MEETING AT 7:41 P.M.

WAIVER OF POTENTIAL CONFLICTS OF INTEREST RELATING TO LEGAL REPRESENTATION BY STRADLING YOCCA CARLSON & RAUTH OF LAB HOLDING LLC

Mayor Nguyen requested that this matter be considered separately from the rest of the Consent Calendar.

After discussion by the City Council, it was moved by Council Member Jones, seconded by Council Member Phan that:

The City's legal counsel, Woodruff, Spradlin and Smart, represent the Housing Authority in regards to the potential downtown development in Garden Grove by The LAB LLC.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

PROPOSED LEGISLATIVE PLATFORM FOR THE 2015-16 LEGISLATIVE SESSION

It was moved by Council Member Jones, seconded by Council Member Phan that:

The proposed Legislative Platform for the 2015-16 Legislative Session be approved.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CALNET 3 AGREEMENT WITH AT&T CALIFORNIA FOR THE CITY'S TELEPHONE SERVICE

It was moved by Council Member Jones, seconded by Council Member Phan that:

The CALNET 3 Agreement with AT&T California through June 30, 2018 be approved;

The Interim City Manager or his designee be authorized to sign the CALNET 3 agreement on behalf of the City; and

The City Manager or his/her designee be authorized to exercise the option renewals, sign the agreement for such renewals, including minor modifications as appropriate, provided that sufficient funds are budgeted for these option periods.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CONTRACT WITH CRON & ASSOCIATES TRANSCRIPTION, INC. TO PROVIDE TRANSCRIPTION SERVICES FOR THE POLICE DEPARTMENT

It was moved by Council Member Jones, seconded by Council Member Phan that:

A contract be awarded to Cron & Associates Transcription, Inc., in the amount not to exceed \$130,000 annually, from April 1 2015, to March 31, 2016, with the option

for the City to extend the term of the Agreement for up to four (4) additional years, for a total of five (5) years;

The Interim City Manager or his designee be authorized to sign the agreement and making any modifications as needed on behalf of the City; and

The City Manager or his/her designee be authorized to exercise the options to extend the agreement and sign the amendments, including minor modifications as appropriate, provided that sufficient funds are budgeted for the extension periods.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CONTRACT WITH UNIFIRST CORPORATION TO PROVIDE UNIFORMS AND RELATED SERVICES ITEMS

It was moved by Council Member Jones, seconded by Council Member Phan that:

A contract be awarded to Unifirst Corporation, in the firm fixed price amount of \$133,489.20, with the option to renew the contract for two (2) additional eighteen month terms for a total of \$400,467.60 for 54 months;

The Interim City Manager be authorized to execute the agreement on behalf of the City; and

The City Manager be authorized to exercise each optional term of the agreement and sign the option year agreements through January 1, 2020, provided that sufficient funds are budgeted for the option years.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

CHAPMAN LIBRARY INTERIOR AMERICAN WITH DISABILITIES ACT RENOVATION PROJECT

This matter was considered earlier in the meeting.

FIRE STATION NO. 4 INTERIOR AND EXTERIOR RENOVATION PROJECT

It was moved by Council Member Jones, seconded by Council Member Phan that:

The Fire Station No. 4 Interior and Exterior Renovation Project be accepted as

complete;

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

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

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

STREET DEED FOR AN EASEMENT FOR PUBLIC STREET AND HIGHWAY PURPOSES FOR A PORTION OF PROPERTY LOCATED AT 11422 ACACIA PARKWAY, GARDEN GROVE

It was moved by Council Member Jones, seconded by Council Member Phan that:

The acceptance of the easement for public street and highway purposes for a portion of the property located at 11422 Acacia Parkway, Garden Grove be approved; and

The City Clerk be authorized to accept the Street Deed on behalf of the City.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

WAIVER OF POTENTIAL CONFLICTS OF INTEREST RELATING TO LEGAL REPRESENTATION BY STRADLING YOCCA CARLSON & RAUTH OF LAB HOLDING LLC

This matter was considered earlier in the meeting.

WARRANTS

It was moved by Council Member Jones, seconded by Council Member Phan that:

Regular Warrants 581018 through 581271, and Wires W1386 through W1389, be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director.

Payroll Warrants 177853 through 177906; Direct Deposits D272270 through DD272943; and Wires W2110 through W2113, be approved as presented in the

payroll register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

FULL READING OF ORDINANCES

It was moved by Council Member Jones, seconded by Council Member Phan that:

Full Reading of Ordinances listed be waived.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

RESOLUTION AUTHORIZING EVICTION PROCEEDINGS AGAINST A TENANT HOLDING OVER ON AN EXPIRED LEASE OF CITY PROPERTY (12302 HARBOR BOULEVARD, 12511 TWINTREE LANE, 12531 TWINTREE LANE, GARDEN GROVE)

City Council discussion followed staff's presentation and Mike Abeyta's comments to the City Council. Council Member Bui expressed his desire to work with Mr. Abeyta by allowing him to stay on the property until the Site C Developer was ready to start the development of the property. The balance of the City Council cited the risk of legal exposure of allowing Mr. Abeyta on the property without an agreement. In addition, the City has an agreement with the Developer with a timeline of when the property must be turned over to the Developer. There are legally binding commitments the City must meet prior to turning the property over to the Developer.

The City Manager suggested the City inquire of the Developer if there was an interest in retaining Mr. Abeyta as a tenant on the property subsequent to transfer of title from the City to the Developer and prior to initiation of construction. Any such arrangement would not involve the City but would strictly be between Mr. Abeyta and the Developer.

It was moved by Council Member Jones, seconded by Council Member Phan that:

Resolution No. 9272-15 – A Resolution authorizing eviction proceedings against Tenant Holding Over on an Expired Lease of City property, be adopted.

The motion carried by a 4-1 vote as follows:

Ayes: (4) Beard, Jones, Nguyen, Phan
Noes: (1) Bui

SECOND READING - ORDINANCE PROHIBITING THE DISPLAY AND RETAIL SALE BY PET STORES OF DOGS AND CATS OBTAINED FROM COMMERCIAL SOURCES

(As approved earlier in the meeting: It was moved by Council Member Jones, seconded by Council Member Phan and carried by a 5-0 vote that Full Reading of Ordinances listed be waived.)

Mayor Nguyen stated that he voted no at the first reading of this Ordinance, not knowing that the matter was brought to the City Council last year by the residents. He requested, for the benefit of any Council Member, that items brought forward for City Council consideration that have a history with a past City Council, this information be provided to the City Council.

Following the reading of the title of Ordinance No. 2855 into the record, it was moved by Council Member Phan, seconded by Council Member Beard that:

Ordinance No. 2855 - An Ordinance of the City Council of the City of Garden Grove prohibiting the display and retail sale by pet stores of dogs and cats obtained from commercial sources, be adopted.

The motion carried by a 5-0 vote as follows:

Ayes: (5) Beard, Bui, Jones, Nguyen, Phan
Noes: (0) None

STATUS REPORT ON THE LOTUS PLAZA PROJECT (GALLERIA PROJECT), 10080 AND 10189 GARDEN GROVE BOULEVARD, GARDEN GROVE

City Council discussion followed staff's status report, and reports from the representatives from Cathay Bank, Hoag Foundation, and one of the potential developers. At the end of the report, these representatives were asked to come back in two months to provide another status report.

During City Council discussion, Mayor Nguyen requested that a Closed Session with Legal Counsel be scheduled for an upcoming meeting in order to consider what legal actions are available to be taken, if necessary. Council Member Bui suggested that due to the progress that has already been made, the City Council wait until after the next status update before deciding to consider possible legal actions.

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

A Closed Session be scheduled with Legal Counsel to discuss possible legal actions that could be taken against Cathay Bank and the Hoag Foundation if necessary in the future.

Council Member Bui moved a substitute motion, seconded by Council Member Phan that:

The City Council wait until after the next update to consider legal actions.

The motion failed by a 2-3 vote as follows:

Ayes: (2) Bui, Phan
Noes: (3) Beard Jones Nguyen

The previous motion moved by Mayor Nguyen, seconded by Council Member Jones that:

A Closed Session be scheduled with Legal Counsel to discuss possible legal actions that could be taken against Cathay Bank and the Hoag Foundation if necessary in the future.

The motion carried by a 4-1 vote as follows:

Ayes: (4) Beard, Jones, Nguyen, Phan
Noes: (1) Bui

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

Council Member Beard commented on the Tibor Rubin Library dedication. He requested that a Study Session regarding water conservation efforts the City is taking, along with a discussion on desalination, be scheduled.

Council Member Bui encouraged the public to see the movie "Ride the Thunder: A Vietnam War Story of Honor and Triumph."

Council Member Phan expressed his condolences to Verla Lambert and her family on the passing of Leo Lambert.

Mayor Nguyen requested staff to report back on the use of translators for City Council meetings; and add Vector Control information on the City's website. He offered his condolences to the Lambert Family on Leo Lambert's passing.

ADJOURNMENT

At 9:32 p.m., Mayor Nguyen adjourned the meeting in memory of Leo Lambert. The next Regular Meeting is scheduled for Tuesday, April 14, 2015, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Kathleen Bailor, CMC
City Clerk