

MINUTES

THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY
TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

Regular Meeting

Tuesday, July 14, 2015

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

CONVENE MEETING

At 8:07 p.m., Chair Jones convened the meeting in the Council Chamber.

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

 ABSENT: (0) None

ORAL COMMUNICATIONS

Speakers: Phil Anthony, Jonathan Barba, Richard Byrd, Carolyn Cavecche, Debbie Cook, Lou Correa, James Dean, Joe Geever, Alison Goldenberg, Cathy Green, Ray Hiemstra, Tyler Holcomb, Adrienne Holm, John Holm, David Huynh, Andrew Kanzlor, John Kennedy, Verla Lambert, Scott Maloni, Doug Mangione, Robin Marcario, Ernesto Medrano, Merle Moshiri, Josh McIntosh, Vern Nelson, Elizabeth Raganold, Phil Salerno, Dave Sullivan, Peer Swan

MINUTES (F: Vault)

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

The minutes from the meetings held April 14, 2015, April 28, 2015, and May 12, 2015, be received and filed.

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

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

WARRANTS (F: 60.5)

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

The Regular Warrants 1230 through 1236 be approved 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 5-0 vote as follows:

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

ADJOURNMENT

At 8:02 p.m., Chair Jones adjourned the meeting.

The next Regular Meeting is scheduled for Tuesday, July 28, 2015, at 5:30 p.m., in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
Deputy Secretary

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, July 14, 2015

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

CONVENE CITY COUNCIL MEETING

At 6:34 p.m., Mayor Nguyen convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (4) Mayor Nguyen, Council Members Beard, Jones,
Phan

ABSENT: (1) Council Member Bui absent at Roll Call, but
joined the meeting at 6:40 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

ORAL COMMUNICATIONS

Speakers: Phil Anthony, Jonathan Barba, Richard Byrd, Carolyn Cavecche, Debbie Cook, Lou Correa, James Dean, Joe Geever, Alison Goldenberg, Cathy Green, Ray Hiemstra, Tyler Holcomb, Adrienne Holm, John Holm, David Huynh, Andrew Kanzlor, John Kennedy, Verla Lambert, Scott Maloni, Doug Mangione, Robin Marcario, Ernesto Medrano, Merle Moshiri, Josh McIntosh, Vern Nelson, Elizabeth Raganold, Phil Salerno, Dave Sullivan, Peer Swan

RECESS

At 7:55 p.m., Mayor Nguyen declared a recess.

RECONVENE

At 8:03 p.m., Mayor Nguyen reconvened the meeting with all Council Members present.

2014 RESIDENTIAL STREET REHABILITATION PROJECT (F: 55-All American Asphalt)

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

The 2014 Residential Street Rehabilitation Project IFB S-1147 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 5-0 vote as follows:

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

PURCHASE ORDER TO FAIRVIEW FORD SALES, INC. FOR ONE UTILITY BODY SERVICE TRUCK (F: 60.4)

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

The Finance Director be authorized to issue a Purchase Order in the amount of \$36,618.59 to Fairview Ford Sales, Inc., for the purchase of one (1) utility body service truck.

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

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

LEASE AGREEMENT WITH L.T. PROPERTIES COMPANY FOR OFFICE SPACE AT 12966 EUCLID STREET, GARDEN GROVE (F: 55-L.T. Properties Company)

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

The Lease Agreement with L.T. Properties Company, a California Limited Partnership, for office space at 12966 Euclid Street, Garden Grove, be approved;

That the Interim City Manager be authorized to execute the Lease Agreement and pertinent documents to effectuate the lease and make minor modifications on behalf of the City; and

That the Finance Director be authorized to draw warrants to pay for the security deposit and lease payments totaling \$64,707.50, when appropriate to do so.

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

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

RESOLUTIONS AMENDING RESOLUTION NOS. 9168-13, 9169-13, AND 9170-13
MAKING CORRECTIONS TO LEGAL DESCRIPTIONS AFFECTING REAL PROPERTY AT
12971 AND 12972 RANCHERO WAY, AND 12971 TRASK AVENUE, GARDEN GROVE
(F: 96.proj.7128) (F: 96.proj.7255)

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

Resolution No. 9304-15 - A Resolution revising the legal description and boundaries of the dedication of certain City-owned real property located at 12971 Ranchero Way, Garden Grove, for public street and highway purposes, be adopted.

Resolution No. 9305-15 - A Resolution revising the legal description and boundaries of the dedication of certain City-owned real property located at 12972 Ranchero Way, Garden Grove, for public street and highway purposes, be adopted.

Resolution No. 9306-15 - A Resolution revising the legal description and boundaries of the dedication of certain City-owned real property located at 12971 Trask Avenue, Garden Grove, for public street and highway purposes, be adopted.

The City Clerk be authorized to record these Resolutions with the County.

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

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

PURCHASE AND SALE AGREEMENT FOR DISPOSITION OF UNECONOMIC REMNANT
PARCEL AT 12971 TRASK AVENUE, GARDEN GROVE, AND CORRECTION OF LEGAL
DESCRIPTION OF GRANT DEED FOR PRIOR REMNANT DISPOSITION
(F: 84.1) (XR: 96.proj.7128) (XR: 96.proj.7255)

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

The Agreement for Sale of Real Property, Prior Sale Legal Description Correction, and Joint Escrow Instructions for the property located at 12971 Trask Avenue, Garden Grove, be approved;

That the City Manager be authorized to execute the Purchase and Sale Agreement and make minor modifications as needed on behalf of the City; and

That the City Clerk be authorized to sign the Grant Deed with the corrected legal description 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

APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM SUBMITTED ON BEHALF OF ERICH CHAMBERS (F: 60.1) (XR: Claims)

This matter was considered later in the meeting.

MINUTES (F: Vault)

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

The minutes from the meetings held April 14, 2015, April 28, 2015, May 12, 2015, May 15, 2015, and May 26, 2015, be received and filed.

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 Phan, seconded by Council Member Jones 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

WARRANTS (F: 60.5)

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

Regular Warrants 586984 through 587280; 587281 through 587303; and 587304 through 587937; Wires W1432 through W1436; and Direct Deposits W587303 through W587937; 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 178306 through 178388; Direct Deposits D277658 through DD278348; and Wires W2142 through W2145, 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

APPLICATION FOR LEAVE TO PRESENT A LATE CLAIM SUBMITTED ON BEHALF OF ERICH CHAMBERS (F: 60.1) (XR: Claims)

Council Member Phan requested that this matter be considered separately from the consent calendar items.

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

The Application for Leave to Present a Late Claim submitted on behalf of Erich Chambers be denied; and

that Staff be authorized to mail written notice to the claimant in accordance with the requirements of the Government Code.

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

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

PUBLIC HEARING – FISCAL YEAR 2015-16 ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT; AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS (F: 69.1) (F: 69.2) (F: 55- County of Orange)

Per Staff's request, this matter was considered later in the meeting.

PUBLIC HEARING – RESOLUTION MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR 2015-16 FISCAL YEAR FOR THE MAIN STREET ASSESSMENT DISTRICT NO. 1 (F: 31.4)

Following staff's presentation, Mayor Nguyen 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, the Public Hearing was declared closed.

The Deputy City Clerk announced that there are 30 parcels in the Main Street Assessment District No. 1 and that no protests were received; therefore, there is not a majority protest.

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

Resolution No. 9310-15 – A Resolution making determinations and confirming the diagram and assessments in the matter of Main Street Assessment District No. 1, be adopted.

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

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

PUBLIC HEARING – FISCAL YEAR 2015-16 ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT; AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS (F: 69.1) (F: 69.2) (F: 55- County of Orange)

Following staff's presentation, Mayor Nguyen declared the Public Hearing open regarding the diagram and assessment for 2015-16 Fiscal Year Garden Grove Street Lighting District No. 99-1 and asked if anyone wished to address the City Council on the matter.

Speakers: None.

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

The Deputy City Clerk announced that there are 349 parcels in the Garden Grove Street Lighting District 99-1, and that no protests were received; therefore, there is not a majority protest.

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

Resolution No. 9307-15 – A Resolution making determinations and confirming the diagram and assessment for 2015-16 Fiscal Year for the City of Garden Grove Street Lighting District No. 99-1, be adopted.

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

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

Mayor Nguyen declared the Public Hearing open regarding the Garden Grove Park Maintenance District for 2015-16 Fiscal Year and asked if anyone wished to address the City Council on the matter.

Speakers: Linda Zamora

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

The Deputy City Clerk announced that there are 35,512 parcels in the Garden Grove Park Maintenance District and that no protests were received; therefore, there is not a majority protest.

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

Resolution No. 9308-15 – A Resolution making determinations for the City of Garden Grove Park Maintenance District and confirming the diagram and assessment for 2015-16 Fiscal Year, be adopted.

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

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

Mayor Nguyen declared the Public Hearing open regarding the Garden Grove Street Lighting District and assessment for 2015-16 Fiscal Year and the additional assessment for street lighting on Louise Street, Garden Grove, and asked if anyone wished to address the City Council on the matter.

Speakers: None.

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

At 8:16 p.m., the Deputy City Clerk announced that in regards to the Street Lighting assessment there are 34,897 parcels in the Garden Grove Street Lighting District and that no protests were received, therefore, there is not a majority protest; and that a recess for this item is called for the purpose of counting ballots for street lighting on Louise Street.

RESOLUTION DISAPPROVING THE CONSTRUCTION OF THE PROPOSED POSEIDON DESALINATION PLANT IN HUNTINGTON BEACH, AS REQUESTED BY MAYOR NGUYEN (F: 24.12)

Mayor Nguyen requested this matter be heard earlier in the meeting.

After City Council discussion, it was moved by Mayor Nguyen, seconded by Council Member Beard to move forward with a panel discussion and to continue the item.

A substitute motion was moved by Council Member Bui, seconded by Council Member Phan to continue this item to the next City Council meeting scheduled July 28, 2105, and to revise the Resolution and letter addressed to the Orange County Water District Board Member Dina Nguyen.

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

Ayes: (4) Beard, Bui, Jones, Phan

Noes: (1) Nguyen

CONTINUED: PUBLIC HEARING – FISCAL YEAR 2015-16 ANNUAL LEVY OF ASSESSMENTS FOR GARDEN GROVE STREET LIGHTING DISTRICT, GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND GARDEN GROVE PARK MAINTENANCE DISTRICT; AND APPROVAL OF AN AGREEMENT WITH THE COUNTY OF ORANGE FOR THE COLLECTION OF DISTRICT ASSESSMENTS (F: 69.1) (F: 69.2) (F: 55-County of Orange)

At 8:20 p.m., the Deputy City Clerk announced that at the closure of the Public Hearing with regard to the vote for local street lighting on Louise Street from Acacia Avenue to Stanford Avenue, the City Clerk's Office received a total of 66 percent votes cast in favor of adding local street lighting, and a total of 34 percent votes cast against adding additional street lighting.

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

Resolution No. 9309-15 – A Resolution making determinations and confirming the diagram and assessment for 2015-16 Fiscal Year for the City of Garden Grove Street Lighting District and adding assessment for local lighting on Louise Street Area, be adopted;

The Agreement with the County of Orange for collection of special taxes, fees, charges, and assessments be approved; and

The Interim City Manager be authorized to sign the Agreement on behalf of the City and to make minor changes to the agreement as appropriate.

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

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

BUDGET SUPPLEMENTAL REPORT FOR THE SECOND ANNUAL RE:IMAGINE GARDEN GROVE OPEN STREETS EVENT (F: 57.12)

Following staff's presentation and City Council discussion, it was moved by Mayor Nguyen, seconded by Council Member Jones that this matter be continued to the City Council meeting scheduled for July 28, 2015.

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

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

CONTRACT WITH KLEINFELDER FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REPAIR AND REHABILITATION OF FOUR CITY UNDERGROUND WATER RESERVOIRS (F: 55-Kleinfelder)

Following staff's presentation, it was moved by Council Member Beard, seconded by Council Member Phan that:

A contract be awarded to Kleinfelder for professional engineering services for the repair and rehabilitation of four fully buried water reservoirs in the amount of \$557,300; and

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

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

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

CONTRACT WITH STEPHEN DORECK EQUIPMENT RENTALS, INC. FOR THE CONSTRUCTION OF PROJECT NO. 7400 – WATER SERVICE LINE REPLACEMENT AND IMPROVEMENT PROJECT, PHASE I (F: 112.proj.7400)

Following staff's presentation, it was moved by Mayor Nguyen, seconded by Council Member Jones that:

A contract be awarded to Stephen Doreck Equipment Rentals, Inc., for the construction of Project No. 7400 – Water Service Line Replacement and Improvement Project, Phase I, in the amount of \$1,100,605; and

The Interim City Manager be authorized to execute the Agreement 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

STATUS OF LEGAL OPTIONS (F: 55-Woodruff, Spradlin & Smart) (XR: 44.1)

Following staff's presentation and City Council discussion, it was moved by Council Member Beard, seconded by Mayor Nguyen that:

Resolution No. 9311-15 – A Resolution appointing Omar Sandoval of the firm of Woodruff, Spradlin & Smart, as Acting City Attorney, be adopted.

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

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

SECOND READING - MUNICIPAL CODE AMENDMENT AMENDING TITLE 14 REGARDING WATER CONSERVATION (F: 112.7) (XR: 50.2)

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

Following the Deputy City Clerk reading the Title of the Ordinance, it was moved by Mayor Nguyen, seconded by Council Member Phan that:

Ordinance No. 2858 - An Ordinance of the City Council of the City of Garden Grove amending Chapter 40 of Title 14 of the Garden Grove Municipal Code to reflect recent changes in State law regarding water conservation, be adopted.

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

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

SECOND READING – PARAMEDIC TAX OVERRIDE RATE FOR FISCAL YEAR 2015-16
(F: 60.11) (XR: 50.2)

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

Following the Deputy City Clerk reading the Title of the Ordinance, it was moved by Mayor Nguyen, seconded by Council Member Phan that:

Ordinance No. 2859 - An Ordinance of the City Council of the City of Garden Grove establishing the amount of money for paramedic services that must be raised by an ad valorem tax override and the setting of the tax rate of said override, be adopted. The motion carried by a 5-0 vote as follows:

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

ADOPTION OF A RESOLUTION DISAPPROVING THE CONSTRUCTION OF THE PROPOSED POSEIDON DESALINATION PLANT IN HUNTINGTON BEACH, AS REQUESTED BY MAYOR NGUYEN (F: 24.12)

This matter was heard earlier in the meeting.

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

Council Member Beard commented on the increase of illegal fireworks launched on July 4th, and asked for a status report from the Police Department. He also asked that a discussion regarding permit parking be scheduled for a City Council meeting.

Council Member Bui directed staff to repair potholes on Marble Place in response to public comments made by Verla Lambert. He expressed concern about an increase of illegal fireworks and suggested increasing fines; and in response to public comments made by James Dean, he directed staff to provide an update on the red light camera enforcement program.

Council Member Phan directed staff to survey other cities to compare Council Member stipends.

ADJOURNMENT

At 10:15 p.m., Mayor Nguyen adjourned the meeting, and recognized July 14th as the Birthday of former folk music singer songwriter Woody Guthrie.

The next Regular City Council Meeting will be held on Tuesday, July 28, 2015, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
Deputy City Clerk