

MINUTES

GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, July 22, 2008, at 5:35 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, JONES, NGUYEN, ROSEN

ABSENT: (0) NONE

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 5:36 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Qualified Patients Assn. v. City of Anaheim
Government Code Section 54956.9(c)(1 potential case)

RECONVENE IN OPEN SESSION

At 6:40 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present. Mayor Dalton reported that the City Council authorized the City to appear as amicus curiae in the case of Qualified Patients Assn. v. City of Anaheim. The City will appear in support of the City of Anaheim, which is defending its ordinance banning medical marijuana dispensaries. The vote was 5-0.

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Council Member Jones led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT

Mayor Dalton called forward John Seymour, retiring Orange County News Editor and Career Journalist, and presented him with a Resolution of Commendation to honor his long-standing and award-winning journalistic career and community service. (F: 52.3)

COMMUNITY SPOTLIGHT

Mayor Dalton called forward both Stacy Margolin and Jerry Margolin and presented them with a Resolution in recognition of the 50th Anniversary of the Miss Garden Grove Scholarship Pageant, and thanked them for their longstanding commitment to the empowerment of young women. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Rod Powell, David Vill, Josh McIntosh, Charles Mitchell, Peter Katz, and Robin Marcario, addressed the City Council on various community and civic matters. (F: 53.3)

Donna Urdanivia addressed the City Council requesting assistance from the City in addressing the ill-kept condition of the property located at Brookhurst Street and Stanford Avenue. Mayor Dalton indicated that Staff would assess the condition of the property this week and take any necessary steps to bring the property into compliance with the code. (F: 53.3) (XR: 80.2)

Linh Ho addressed the City Council, requesting assistance in addressing the parking and traffic impacts on the neighborhood around Saint Columban Church. (F: 53.3) (XR: 24.11)

RECESS

At 7:22 p.m., the Mayor declared a recess.

RECONVENE

At 7:39 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

RESOLUTION OF COMMENDATION COMMENDING JOHN SEYMOUR, RETIRING ORANGE COUNTY NEWS EDITOR AND CAREER JOURNALIST (F: 52.2)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Resolution of Commendation commending John Seymour, retiring Orange County News Editor and Career Journalist, be and hereby is approved.

RESOLUTION HONORING THE 50TH ANNIVERSARY OF THE MISS GARDEN GROVE SCHOLARSHIP PAGEANT (F: 52.2)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Resolution honoring the 50th Anniversary of the Miss Garden Grove Scholarship Pageant, be and hereby is approved.

AGREEMENT WITH DKS ASSOCIATES, INC. FOR CIVIL ENGINEERING DESIGN SERVICES FOR PEDESTRIAN ACTUATED TRAFFIC SIGNALS (F: 55) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and DKS Associates, Inc., for civil engineering design services for four pedestrian actuated traffic signals to be installed at Russell Avenue, east of Verde Street; Ward Street, north of Mast Avenue; Lampson Avenue, west of Monroe Street; and Lampson Avenue, west of Spinnaker Street, in the amount not to exceed \$69,085, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AMENDMENT TO THE AGREEMENT WITH WILLDAN CORPORATION FOR PLAN REVIEW SERVICES (F: 55) (XR: 57.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and Willdan

Corporation for plan review services, in the amount not to exceed \$126,100, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AMENDMENT TO THE AGREEMENT WITH SCOTT FAZEKAS & ASSOCIATES, INC. FOR PLAN CHECK SERVICES (F: 55) (XR: 57.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and Scott Fazekas & Associates, Inc., for plan review services, in the amount not to exceed \$250,000, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

NOVATION AGREEMENT WITH MORELAND & ASSOCIATES ACCOUNTANCY CORPORATION FOR FINANCIAL AUDITING SERVICES (F: 55) (XR: 60.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Novation Agreement with Moreland & Associates, Inc. to Macias, Finni, and O'Connell, LLP, for auditing services, in the amount not to exceed \$59,722; and the one-year extension of the audit contract through to the completion of the FY 2008-09 audit, be and hereby are approved; and the City Manager or his designee, and City Clerk are authorized to execute the agreement and any other necessary documents in furtherance of the contract assignment and extension.

AWARD OF CONTRACT TO S. C. YAMAMOTO INC. FOR LANDSCAPE MAINTENANCE SERVICES (F: 55) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that a contract for landscape maintenance services at city parks, medians, frontages, and well sites, be and hereby is awarded to Shinsuke Clifford Yamamoto, Inc., in the amount of \$117,698 per year for a total of up to ten years; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

AWARD OF CONTRACT TO WILSON-MURPHY ENGINEERING SERVICES FOR ENGINEERING DESIGN SERVICES FOR BELGRAVE CHANNEL IMPROVEMENT PROJECT NO. 7490 (F: 55) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that a contract for professional engineering design services for the Belgrave Channel Improvement Project No. 7490, be and hereby is awarded to Wilson-Murphy Engineering, in the amount not to exceed \$170,000; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

ACCEPTANCE OF FUNDS FOR REGIONAL WASTE RECYCLING AND WASTE DIVERSION GRANT PROGRAM (F: 89.2) (XR: S-92.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Grant Award of \$40,000 from the County of Orange Regional Recycling and Waste Diversion Grant Program be accepted; and the funds be appropriated to the Fiscal Year 2008-09 budget.

ACQUISITION OF EASEMENT FOR STREET PURPOSES OVER A PORTION OF REAL PROPERTY LOCATED AT 11006 DADE LANE, OWNED BY JUAN AND ANGELICA ORTIZ (F: 23.26A) (XR: 24.1) (XR: 43.4)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the right-of-way agreement for acquisition of an easement over a portion of real property located at 11006 Dade Lane for the Katella Smart Street Project, be and hereby is approved; the City Manager and City Clerk are authorized to execute the agreement for conveyance of property and pertinent documents on behalf of the City; and the Finance Director is authorized to draw a warrant in the amount of \$30,000 to Juan Ortiz and Angelica Ortiz, when appropriate to do so.

EXONERATION OF BONDS FOR TRACT MAP NO. TR 16856, A RESIDENTIAL PROJECT LOCATED AT 12852 PALM STREET (F: 103.TT-16856) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the exoneration of the street improvements bonds for Tract Map No. 16856, a residential project located at 12852 Palm Street, be and hereby is approved.

EXONERATION OF BONDS FOR PARCEL MAP NO. 2004-279, AN INDUSTRIAL BUILDING PROJECT LOCATED AT 7465 LAMPSON AVENUE (F: 118.PM-2004-279) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the exoneration of the street improvements bonds for Parcel Map No. 2004-279, an industrial building project located at 7465 Lampson Avenue, be and hereby is approved.

FINAL PARCEL MAP NO. 2005-255 AND SUBDIVISION AGREEMENT FOR PROPERTY LOCATED AT 12221 SOUTH HARBOR BOULEVARD (SHERATON HOTEL PROJECT) (F: 118.PM-2005-255) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that Final Parcel Map No. 2005-255 and Subdivision Agreement for property located at 12221 South Harbor Boulevard, the Sheraton Hotel Project, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

FINAL PARCEL MAP NO. 2007-158 FOR PROPERTY LOCATED AT 7465 LAMPSON AVENUE (F: 118.PM-2007-158) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that Final Parcel Map No. 2007-158 for property located at 7465 Lampson Avenue, be and hereby is approved.

MINUTES (F: VAULT)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the minutes of the Regular Meeting of the City Council held June 24, 2008, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that Regular Warrants 419428-419621, and Wire W402; and Payroll Warrants 156375 thru 156602, Direct Deposits D154720 thru D155379, and Wire W1334 thru W1337, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING TO CONSIDER GARDEN GROVE CITY STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT – FISCAL YEAR 2008-09 (F: 69.2.FY 2008-09)

Staff report dated July 22, 2008, was introduced, and it was noted that the assessments reflect no increases.

Mayor Dalton declared the Public Hearing opened and asked if anyone wished to address the City Council on the matter.

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

RESOLUTION NO. 8843-08

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8843-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2008-2009 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, be and hereby is adopted.

RESOLUTION NO. 8844-08

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8844-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2008-2009 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, be and hereby is adopted.

RESOLUTION NO. 8845-08

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8845-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2008-2009 FISCAL YEAR, be and hereby is adopted.

AGREEMENT WITH CORRECTIONAL SYSTEMS INCORPORATED (CSI) FOR JAIL BOOKING AND SECURITY SERVICES (F: 55) (XR: 82.1)

Staff report dated July 22, 2008, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Correctional Systems, Inc., to provide jail booking and security services through June 2009, in the amount not to exceed \$449,868, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AWARD OF CONTRACT TO HARDY & HARPER, INC. FOR PROJECT NO. 7225, TRASK AVENUE REHABILITATION FROM MAGNOLIA STREET TO EUCLID STREET (F: 55) (XR: 96.proj.7225) (XR: 24.11) (XR: 24.1)

Staff report dated July 22, 2008, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that a contract for the Trask Avenue Rehabilitation from Magnolia Street to Euclid Street, Project No. 7225, be and hereby is awarded to Hardy & Harper, Inc., in the amount of \$1,226,550; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

ESTABLISHMENT OF CITY COUNCIL AUDIT COMMITTEE (F: 60.1)
(XR: 122.1) (VIP)

Staff report dated July 22, 2008, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote, that an Audit Committee of the City Council of the City of Garden Grove, hereby be established; and Mayor Dalton and Council Member Jones are hereby appointed to serve on said committee.

DISCUSSION OF MEDICAL MARIJUANA DISPENSARIES, AS REQUESTED BY COUNCIL MEMBER BROADWATER (F: 53.1) (XR: 37.1)

Council Member Broadwater commented that if the City Council does not take a position on this issue sooner rather than later, a dispensary would be within city limits, and the community would suffer negative repercussions. He requested the City Attorney develop a plan to ban Medical Marijuana Dispensaries in Garden Grove.

Council Member Rosen asked that staff provide what other cities in the area are doing to address this issue.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote, that staff be directed to bring back a plan to implement a ban on Medical Marijuana Dispensaries in Garden Grove.

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

Council Member Rosen encouraged the community to patronize both the Gem Theater's and Festival Amphitheater's current productions, Suessical the Musical and Henry the V, as well as future productions. He commented on his recent tour of the new Sheraton Hotel on Harbor Boulevard. He requested staff provide information on the use of artificial turf as groundcover. (F: 53.1) (XR: 87.3) (XR: 87.5)

Council Member Nguyen commented on complaints she has received regarding illegal fireworks being used on Lake Street. She provided staff a copy of a letter from Mrs. Mason regarding the use of artificial turf in Garden Grove; she reminded everyone of the concerts in the park on Thursday evenings; and announced the upcoming Vietnamese cultural concert at Bolsa Grande High School on Sunday, August 3, benefiting American Community Vietnamese Veterans. She requested

staff look into the traffic issues faced by the neighborhood surrounding the Saint Columban Church. (F: 53.1) (XR: 61.6)

Mayor Dalton encouraged everyone to patronize the many events held in Garden Grove. With community participation, these events will continue to make Garden Grove a healthy city. (F: 53.1)

Council Member Rosen moved, seconded by Council Member Jones, and carried by unanimous vote, that tonight's meeting be adjourned to Tuesday, July 29, 2008, at 6:30 p.m., to discuss 1.) the use of artificial turf as an approved groundcover, and 2.) a proposed ballot measure for the November 4, 2008, General Municipal Election, to amend the Term Limits Ordinance allowing a Council Member who has termed out to run for the office of Council Member after a two year absence, instead of the current four year absence requirement. (F: 53.1) (XR: 127.11)

ADJOURNMENT

At 8:09 p.m., the meeting was declared adjourned to Tuesday, July 29, 2008, at 6:30 p.m. at the Garden Grove Community Meeting Center, 11300 Stanford Avenue, Garden Grove, in the Council Chamber.

KATHLEEN BAILOR
CITY CLERK