

## 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, October 14, 2008, at 5:36 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS,  
JONES, NGUYEN, ROSEN

ABSENT: (1) COUNCIL MEMBER BROADWATER (absent at  
Roll Call, but joined the meeting at 5:37 p.m.)

#### PUBLIC INPUT ON CLOSED SESSION ITEMS

None.

#### ADJOURNED TO CLOSED SESSION

At 5:38 p.m., under the Ralph M. Brown Act, the Closed Session was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Isobe v. City of Garden Grove

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Ornelas v. City of Garden Grove

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Rincon/Torres v. City of Garden Grove

## RECONVENE IN OPEN SESSION

At 6:54 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present.

It was announced that the previously disclosed items were discussed, and there were no reportable actions taken.

## INVOCATION AND PLEDGE

Public Works Director Keith Jones gave the Invocation. Council Member Broadwater led the Pledge of Allegiance to the Flag of the United States of America.

## COMMUNITY SPOTLIGHT

Mayor Dalton called forward Jennifer Smalley, co-proprietor with her husband of the Outback Steakhouse, and presented her with a Certificate of Appreciation and a gift for her and her husband in appreciation for their devoted commitment to Garden Grove. (F: 52.3)

## ORAL COMMUNICATIONS – PUBLIC

Darryl Purney, Marla James, David James, David Lautherboren, Peggy Bergin, Mary Land, Mindy Shaeffer, Milton Lockett, Charles Monson, Josh McIntosh, Herb Lieberman, Paul Lucas, Richard Gould, Cha Hanna, and Karencracy Urda addressed the City Council, urging the Council Members to vote against Ordinance No. 2734 and allow medical marijuana dispensaries to operate in the city. (F: 53.3) (XR: 50.3) (XR: 37.1)

Richard Princler addressed the City Council, regarding hotel development impact on water rates, and the condition of the sidewalks under the 22 Freeway bypass. (F: 53.3)

Peggy Bergin addressed the City Council, asking for clarification of what the purpose is of a Negative Declaration. (F: 53.3)

David Vill addressed the City Council, announcing the upcoming AARP sponsored Mayoral Candidate Forum on October 21, 2008, at 12:30 p.m. at the Community Meeting Center. (F: 53.3)

Robin Marcario addressed the City Council, praising the Public Works Department for a successful open house. She also requested the City look into synchronizing the signals on Brookhurst Street. (F: 53.3) (XR: 24.1)

Rod Powell addressed the City Council, commenting on various civic, community, and election issues. (F: 53.3)

#### RECESS

At 7:59 p.m., the Mayor declared a recess.

#### RECONVENE

At 8:13 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

#### ACCEPTANCE OF PROJECT AS COMPLETE FOR STREET REHABILITATION (OVERLAY) 2006/07 AND 2007/08 (F: 55) (XR: 24.2)

Staff report dated October 14, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that Street Rehabilitation (Overlay) 2006/07 and 2007/08, be accepted as complete; the City Manager and City Clerk are authorized to execute the Notice of Completion of Public Works Improvement and Work; and the Finance Director is authorized to release the retention payment when appropriate to do so.

#### AGREEMENT WITH ASSOCIATED SOILS ENGINEERING, INC., FOR GEOTECHNICAL AND MATERIALS TESTING ON AN AS-NEEDED BASIS (F: 55) (XR: 24.11)

Staff report dated October 14, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Associated Soils Engineering, Inc., to provide soils and concrete testing on an as-needed basis, in the amount not to exceed \$175,000 for three years, be and hereby is approved; and the City Manager is authorized to execute the agreement.

AMENDMENT NO. 1 TO THE AGREEMENT WITH MERCHANTS BUILDING MAINTENANCE, LLC, FOR CUSTODIAL SERVICES (F: 55) (XR: 24.1)

Staff report dated October 14, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that Amendment No. 1 to the Agreement by and between the City of Garden Grove and Merchants Building Maintenance, LLC, to provide custodial services, in the amount of \$40,000 per year for two years, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the amendments for each of the option year extensions.

AGREEMENT WITH GRAFFITI PROTECTIVE COATINGS, INC., FOR GRAFFITI ABATEMENT REMOVAL SERVICES (F: 55) (XR: 24.1)

This matter was heard later in the meeting.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that the minutes of the Regular Meetings of the City Council held August 26, 2008, and September 9, 2008, the Special Meeting held August 26, 2008, and the Study Session held August 26, 2008, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that Regular Warrants 424592-427108, Wires W425-W426; and Payroll Warrants 157709 through 158044, and Direct Deposits D158757 thru D160090, and Wire W1360 through W1367, 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 Rosen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

AGREEMENT WITH GRAFFITI PROTECTIVE COATINGS, INC., FOR GRAFFITI ABATEMENT REMOVAL SERVICES (F: 55) (XR: 24.1)

Staff report dated October 14, 2008, was introduced.

Mayor Dalton provided an update on the City's efforts to address the graffiti situation, including additional staff, cameras, and a task force. This Agreement provides additional resources to combat graffiti on weekends and on the City's closed Fridays.

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Graffiti Protective Coatings, Inc., to provide graffiti abatement removal services at various locations in the city of Garden Grove, in the amount of \$162,000 per year for two years, be and hereby is approved; and the City Manager and the City Clerk are authorized to execute the agreement for the two year performance period.

PUBLIC HEARING - NEGATIVE DECLARATION FOR PROJECT NO. 7247 EUCLID STREET/GARDEN GROVE BOULEVARD INTERSECTION IMPROVEMENT PROJECT (F: 96.proj.7247) (XR: 24.11)

Staff report dated October 14, 2008, was introduced.

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

Peggy Bergin commented on the widening of Euclid Street.

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

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote declaring 1. The Negative Declaration reflects the City's independent judgment analysis, and 2. Based on the whole record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment; the Negative Declaration for the construction of Euclid Street/Garden Grove Boulevard Intersection Improvement Project No. 7247 be and hereby is declared adopted; and the documents, which constitute the record of proceeding for this Negative Declaration, are located at 11222 Acacia Parkway, Garden Grove, in the City Clerk's Office.

FUNDING ARRANGEMENTS WITH THE GARDEN GROVE SANITARY DISTRICT FOR SR-22 IMPROVEMENTS (F: 62.2) (XR: 24.1) (XR: 55)

Staff report dated October 14, 2008, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that a loan by the Garden Grove Sanitary District to the City of Garden Grove in the amount of \$1.54 million to be repaid with Measure M funds, in three equal installments, over three years, with interest at a rate equal to the City of Garden Grove's investment portfolio yield, be and hereby is approved; and the City Manager or his designee is authorized to implement the loan arrangement and execute any documents necessary to effectuate the loan.

SECOND READING OF ORDINANCE NO. 2733 AND ORDINANCE NO. 2734

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

ORDINANCE NO. 2733 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING BY REFERENCE APPENDIX CHAPTERS 1 AND 4, AND APPENDICES D, F, AND H OF THE CALIFORNIA FIRE CODE, 2007 EDITION AND REPEALING SECTION 060 OF CHAPTER 32 OF TITLE 18 OF THE GARDEN GROVE MUNICIPAL CODE (F: 50.2) (XR: 61.1)

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2733 be and hereby is declared adopted.

ORDINANCE NO. 2734 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 9 CHAPTER 08 OF THE GARDEN GROVE MUNICIPAL CODE TO ADD SECTION 110 PERTAINING TO MEDICAL MARIJUANA DISPENSARIES (F: 50.3) (XR: 37.1)

Council Member Rosen commented that he thought this Ordinance should have been postponed at its first reading in order to receive additional information on any secondary adverse affects caused by the Unit D dispensary. Dispensaries provide a legal, and safe environment

for patients suffering from serious illnesses to receive the medical marijuana necessary to provide relief. His proposal would be to allow dispensaries to operate under a strict Conditional Use Permit.

Council Member Jones stated his vote is not a judgment on the medical effectiveness of medical marijuana. It is a decision based on the City Council's fiduciary duty to protect the City from legal liability from any adverse affects connected to dispensaries. He expressed concern with the lack of State regulations regarding the quality of the product being distributed.

Council Member Broadwater also expressed concern on the lack of State regulations overseeing dispensaries. He indicated that once regulations have been established, this matter could be reevaluated by the City Council.

Council Member Nguyen commented that medical marijuana is an effective drug for patients suffering from serious illnesses. However, weighing the overall effect of dispensary operations within the city, the current law is too vague and too broad, leaving room for the adverse effects on the community.

Following the reading of the Ordinance title, Council Member Broadwater moved, seconded by Mayor Dalton that Ordinance No. 2734 be adopted.

The motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, JONES, NGUYEN,  
DALTON  
NOES: COUNCIL MEMBERS: (1) ROSEN  
ABSENT: COUNCIL MEMBERS: (0) NONE

Ordinance No. 2734 be and hereby is declared adopted.

CITY INVESTMENTS UPDATE, AS REQUESTED BY COUNCIL MEMBER JONES  
(F: 53.1) (XR: 60.1)

Finance Director Kingsley Okereke provided an update on the City's investment portfolio and the steps being taken to ensure investments and adequate cash flow for services.

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

Council Member Broadwater commented on the state of the economy. (F: 53.1)

Council Member Rosen requested an ordinance addressing foreclosed properties be brought to the City Council before the end of November. (F: 53.1)

Council Member Nguyen indicated she would forward a letter she received from the Governor's office regarding the State's budget to staff. She encouraged the citizens to buy in Garden Grove, keeping sales tax money in the city. She congratulated the Korean Chamber of Commerce on a successful Korean Parade and Festival. (F: 53.1)  
Council Member Jones announced that the Garden Grove Community Foundation Board of Directors is having a retreat to consider future projects; and encouraged anyone to share project ideas with him for Board consideration. (F: 53.1)

Mayor Dalton congratulated the Public Works Department on a successful open house, and praised the production "Big River" held at the Gem Theater produced by One More Productions. (F: 53.1)  
(XR: 55)

ADJOURNMENT

At 8:50 p.m., the meeting was declared adjourned in memory of Henry Sanchez, brother of Congresswoman Loretta Sanchez and Congresswoman Linda Sanchez. (F: 46.9)

KATHLEEN BAILOR  
CITY CLERK



## MINUTES

### GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of the Garden Grove Agency for Community Development was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, October 14, 2008, at 6:58 p.m.

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

ABSENT: (0) NONE

#### ORAL COMMUNICATIONS – PUBLIC

None relevant to the Agency.

#### MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Nguyen, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held September 9, 2008, be and hereby are approved.

#### ACQUISITION OF REAL PROPERTY LOCATED AT 12222 HARBOR BOULEVARD (F: A-116.6) (XR: A-84.1)

Staff report dated October 14, 2008, was introduced and reviewed by staff.

Each Member spoke in support of the acquisition, citing the benefits received by the development of International West on Harbor Boulevard. General Fund revenue generated from the hotels has reached \$12 million.

It was moved by Member Rosen, seconded by Member Jones, and carried by unanimous vote, that the Agreement by and between the Garden Grove Agency for Community Development and Jen Fu Lin and Hong Yu Lin, for the acquisition of real property located at 12222 Harbor Boulevard, be and hereby is approved; the Agency Director and Secretary are authorized to execute the pertinent documents on

behalf of the Agency; and the Finance Officer is authorized to draw a warrant in the amount of \$2,154,320 when appropriate to do so.

ADJOURNMENT

At 8:08 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
SECRETARY

## MINUTES

### GARDEN GROVE SANITARY DISTRICT

An Adjourned Regular Meeting of the Garden Grove Sanitary District Board of Directors was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, October 14, 2008, at 6:58 p.m.

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

ABSENT: (0) NONE

#### ORAL COMMUNICATIONS – PUBLIC

None relevant to the Sanitary District.

#### RECESS

At 7:59 p.m. the President declared a recess.

#### RECONVENE

At 8:09 p.m. the meeting was reconvened with President Dalton and all Members present.

#### AGREEMENT WITH CITY OF STANTON FOR SHARED SEWERAGE FACILITIES AT NINE SEPARATE LOCATIONS (F: S-55.34) (XR: S-92) (XR: 92)

Staff report dated October 14, 2008, was introduced by staff.

It was moved by Member Jones, seconded by Member Rosen, and carried by unanimous vote, that the Agreement with the City of Stanton for joint use of sewerage facilities at nine separate locations, be and hereby is approved; and the President and Secretary are authorized to execute the agreement.

REIMBURSEMENT AGREEMENT WITH CITY OF STANTON FOR SANITARY SEWER CONSTRUCTION IN COAST STREET (F: S-55.34) (XR: S-92)  
(XR: 92)

Staff report dated October 14, 2008, was introduced by staff.

It was moved by Member Jones, seconded by Member Rosen, and carried by unanimous vote, that the Reimbursement Agreement with the City of Stanton for sanitary sewer construction in Coast Street, be and hereby is approved; and the President and Secretary are authorized to execute the agreement.

FUNDING ARRANGEMENTS WITH THE GARDEN GROVE SANITARY DISTRICT FOR SR-22 IMPROVEMENTS (F: 62.2) (XR: 24.1) (XR: 55)

Staff report dated October 14, 2008, was introduced and reviewed by staff.

It was moved by Member Rosen, seconded by Member Jones, and carried by unanimous vote, that a loan by the Garden Grove Sanitary District to the City of Garden Grove in the amount of \$1.54 million to be repaid with Measure M funds, in three equal installments, over three years, with interest at a rate equal to the City of Garden Grove's investment portfolio yield, be and hereby is approved; and the General Manager or his designee is authorized to implement the loan arrangement and execute any documents necessary to effectuate the loan.

ADJOURNMENT

At 8:12 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
SECRETARY