

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 28, 2008, at 6:46 p.m.

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

ABSENT: (0) NONE

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Life Scout Justin Thompson, of Boy Scout Troop 1103, led the Pledge of Allegiance to the Flag of the United States of America.

REQUEST FROM BOY SCOUT TROOP 1103 FOR CO-SPONSORSHIP OF THE EIGHTH ANNUAL CUB SCOUT PUSHCART DERBY ON MARCH 29, 2009 (F: 74.7) (XR: 88.1)

Communication dated October 2, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the request from Boy Scout Troop 1103 for co-sponsorship of the Eighth Annual Cub Scout Pushcart Derby on March 29, 2009, be and hereby is approved.

ORAL COMMUNICATIONS – PUBLIC

Daniel Foley, Timothy McKee, Nicholas Beard, and John Paul Edwards, members of Boy Scout Troop 1103, thanked the City Council for its support of their annual pushcart derby. (F: 53.3)

Bob Owens, David Lautherboren, Linh Ho, Robin Marcario, Tony Flores, Cy LaBree, and Rod Powell addressed the City Council, commenting on various community and civic matters, including the election. (F: 53.3)

Gary Hart and Steve Smith addressed the City Council, urging the City Council allow the use of artificial turf in the city. (F: 53.3)

Richard Princler and Charles Mitchell addressed the City Council and Sanitary District, commenting on the decision to fund the SR-22 improvements using Sanitary District funds. (F: 53.3)

Greg Beard addressed the City Council, concerning incidents occurring near his home needing police assistance, including the stop sign to his street. He also commented on the ongoing impact on his neighborhood from the church construction near his home. (F: 53.3)

REQUEST FROM BOY SCOUT TROOP 1103 FOR CO-SPONSORSHIP OF THE EIGHTH ANNUAL CUB SCOUT PUSHCART DERBY ON MARCH 29, 2009
(F: 74.7) (XR: 88.1)

This matter was heard earlier in the meeting.

RECESS

At 7:44 p.m., the Mayor declared a recess.

RECONVENE

At 8:16 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

ASSIGNMENT, ASSUMPTION, AND NOVATION AGREEMENT WITH EQUILON ENTERPRISES LLC DBA SHELL OIL PRODUCTS US AND VAHE HOVANANIAN
(F: 55) (XR: 43.4) (XR: 62.2)

Staff report dated October 28, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that the Assignment, Assumption, and Novation Agreement by and between the City of Garden Grove and Equilon Enterprises LLC dba Shell Oil Products US and Vahe Hovananian, pertaining to real property located at 13682 Euclid Street to the State Route-22 (Garden Grove Freeway) eastbound on-ramp, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement and the Quitclaim Deeds relinquishing the previous easement; and the City Clerk is authorized to accept the Street Deed on behalf of the City.

AGREEMENT WITH VALI COOPER & ASSOCIATES, INC., FOR PROFESSIONAL CONSTRUCTION INSPECTION SERVICES (F: 55) (XR: 24.1)

Staff report dated October 28, 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 Vali Cooper & Associates, to provide professional construction inspection services, in the amount not to exceed \$150,000, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THOMCO CONSTRUCTION, INC., FOR BATHROOM REMODEL AT TWO LIBRARIES (F: 55) (XR: 24.1)

This matter was heard later in the meeting.

RESOLUTION SUPPORTING FEDERAL TRANSPORTATION FUNDING FOR THE CITY'S INTERNATIONAL WEST HARBOR BOULEVARD PROJECT (F: 83.1) (XR: 24.1) (XR: A-116.6)

Staff report dated October 28, 2008, was introduced.

RESOLUTION NO. 8858-08

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that full reading of Resolution No. 8858-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE SUPPORTING FUNDING FOR THE INTERNATIONAL WEST HARBOR BOULEVARD PROJECT THROUGH THE REAUTHORIZATION OF THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU), be and hereby is adopted.

RESOLUTION REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) ALLOCATE RIGHT-OF-WAY ACQUISITION FUNDS FOR THE EUCLID STREET AT SR 22 EAST BOUND ON-RAMP INTERSECTION IMPROVEMENT PROGRAM, PROJECT NO. 7140 (F: 83.1) (XR: 62.2) (XR: 55) (XR: 24.1)

Staff report dated October 28, 2008, was introduced.

RESOLUTION NO. 8859-08

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that full reading of Resolution No. 8859-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE COMBINED TRANSPORTATION PROGRAM FUNDS FOR EUCLID STREET AT SR 22 EAST BOUND ON-RAMP IMPROVEMENT PROGRAM, be and hereby is adopted.

PURCHASE ORDERS FOR ALL AMERICAN ASPHALT, VULCAN MATERIALS, AND R.J. NOBLE FOR ASPHALT PRODUCTS (F: 60.4) (XR: 24.1)

Staff report dated October 28, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that the award of three purchase orders for asphalt products be and hereby is approved; and the Finance Director is authorized to issue the purchase orders in the firm and fixed amount of \$240,000 per year, to be divided between Vulcan Materials, All American Asphalt, and R.J. Noble, for said purchases; with a renewal to be reviewed and approved annually by the City Manager.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that Regular Warrants 427109-427588, 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 THOMCO CONSTRUCTION, INC., FOR BATHROOM
REMODEL AT TWO LIBRARIES (F: 55) (XR: 24.1)

Staff report dated October 28, 2008, was introduced.

In response to Council Member Jones' inquires on the value of the bid bond amounts, staff indicated that bid bonds are normally 10 percent of the bid amount.

Council Member Rosen inquired if this expenditure was necessary at this time with the state of the economy. We are heading into a deep recession; the City has instituted a hiring freeze and is facing other budget cutbacks. Any unnecessary expenditures should not be made at this time.

Staff indicated that in order to comply with the Americans with Disabilities Act (ADA), the City is compelled to upgrade the restrooms or face the possibility of being sued. ADA requirements have been in place since 1993 with an allowable period of time to study facilities and develop plans to bring them into compliance.

Council Member Rosen indicated that he would prefer an internal memo regarding these particular facilities discussing why these improvements need to be done at this time, and that this matter be discussed in a legal setting.

Mayor Dalton moved, seconded by Council Member Nguyen to award the contract to Thomco Construction, Inc. in the amount of \$178,069, for the two library remodels.

Council Member Rosen moved a substitute motion, seconded by Council Member Jones, that the matter be continued for two weeks.

The substitute motion carried by the following vote:

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

PUBLIC HEARING - AMENDMENT NO. A-141-08 AMENDING TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE (F: 115.A-141-08) (XR: 57.1)

Amendment No. A-141-08. The Applicant, 8641 Garden, LLC., is requesting to amend PUD-112-06, to allow C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone on the northeast corner of Garden Grove Boulevard and Adelle Street, at 8641 Garden Grove Boulevard.

On September 4, 2008, the City Planning Commission, pursuant to Resolution No. 5644, recommended approval to amend Planned Unit Development No. PUD-112-06, which governs the 26,180 square foot site, to allow, in addition to the previously approved six-unit residential development on the site, C-1 (Neighborhood Commercial) zone uses and applied development standards of the C-1 zone. During the public testimony, the property owner expressed support and no one spoke against the project. Pursuant to Legal Notice published October 16, 2008, Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated October 28, 2008, was introduced and reviewed by staff.

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

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

ORDINANCE NO. 2735 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-141-08, THEREBY AMENDING PLANNED UNIT DEVELOPMENT RESIDENTIAL NO. PUD-112-06 TO ALLOW C-1 (NEIGHBORHOOD COMMERCIAL) ZONE USES AND APPLIED DEVELOPMENT STANDARDS OF THE C-1 ZONE

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.

It was moved by Council Member Jones, seconded by Council Member Rosen, and carried by unanimous vote, that Ordinance No. 2735 be and hereby is passed to second reading.

CONSIDERATION OF OPTIONS FOR A CODE AMENDMENT ALLOWING THE USE OF ARTIFICIAL TURF IN SINGLE-FAMILY RESIDENTIAL ZONES (F: 50.3) (XR: 57.1)

Staff report dated October 28, 2008, was introduced and reviewed by staff addressing the issues raised at the September 9, 2008, meeting.

Discussion ensued regarding the lead content and if there are requirements for a Proposition 65 warning. Council Member Broadwater suggested that before voting on this matter, additional information regarding the Proposition 65 requirements is needed.

Council Member Rosen moved, seconded by Mayor Dalton, that this matter be referred to the Planning Commission to proceed with a Code Amendment allowing artificial turf in the R-1 Single-Family Residential Zone, with the following items included in the Ordinance: regulation of lead content; means to minimize smell and odor; requiring natural grass color; allowable types of artificial turf; installation measures and specifications; and requiring front yard applications to have natural plant borders.

The motion carried by the following vote:

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

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

Council Member Rosen requested the Ordinance addressing foreclosed properties be brought to the November 11, 2008, City Council meeting. He indicated that he was told the median on Belfast Drive was a hindrance to the Korean Festival, and requested the matter of removing the raised median on Belfast Drive be brought back to the City Council before the end of November. (F: 53.1) (XR: 42.7A)

Council Member Nguyen requested discussion on an energy efficiency program be listed on the November 11, 2008, agenda. She complimented staff on its efforts to keep sales tax dollars in the city by offering Garden Grove businesses the opportunity to advertise on the City's website for the holiday season. She commented on the election process and campaign fundraising, and encouraged voters to become informed on the candidates and issues prior to voting. She thanked Council Member Rosen for his service to the community throughout his tenure on the City Council. (F: 53.1)

Council Member Jones also congratulated Council Member Rosen on his service to the community. (F: 53.1)

Mayor Dalton requested a provision be included in the Foreclosure Ordinance to require lending institutions to notify the City once a foreclosed property has been acquired. He encouraged everyone to vote, commenting that the candidates are good and dedicated people who want to serve their community. (F: 53.1)

ADJOURNMENT

At 8:43 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 28, 2008, at 5:33 p.m.

ROLL CALL: PRESENT: (3) CHAIR BROADWATER, MEMBERS DALTON, JONES

ABSENT: (2) MEMBER ROSEN (absent at Roll Call, but joined the meeting at 5:37 p.m.)
MEMBER NGUYEN (absent at Roll Call, but joined the meeting at 6:15 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

Janine Fowler addressed the Agency, inquiring about the negotiating agreement process. (F: A-53.3)

ADJOURN TO CLOSED SESSION

Member Jones stated that due to a potential conflict of interest, in that he has a business relationship with the developer, he would not be participating in the Closed Session.

At 5:35 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 REAL PROPERTY NEGOTIATORS
PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: Parcels commonly referred to as the "Century Triangle" comprised of the following parcels listed by Assessor Parcel Number (APN), address, if available, and current owners.

APN 099-091-28, 10782 Garden Grove Blvd. Owner: OLH Investment. APN 099-091-11 and 099-091-12, 10792 and 10802 Garden Grove Blvd. Owner: Lucy Parenteau. APN 099-091-38 and 099-091-39, 10822 and 10832 Garden Grove Blvd. Owner: Leslie Malo. APN 099-091-04, 099-091-05, and 099-091-37, 10862, 10872, and 10882 Garden Grove Blvd. Owner: Steve Le. APN 099-091-29 and 099-091-30, 10892 and 10912 Garden Grove Blvd. Owner: Manuel Gwartz. APN 099-091-16, 13062 Century Blvd. Owner: George and Beatrice Marre. APN 099-091-36, 13072 Century Blvd. Owner: Hetherington Family Trust. APN 099-091-14 and 099-091-27, Owner: City of Garden Grove. APN 099-091-15, 099-091-20, 099-091-21, 099-091-22, 099-091-23, 099-091-24, 099-091-25, 099-091-26, 099-091-31, 099-092-01, 099-092-04, 099-092-05, 099-092-06, and 099-092-02, 13082 Century Blvd. Owner: Garden Grove Agency for Community Development.

Agency's Negotiators: Matthew Fertal, Agency Director; Chet Yoshizaki, Economic Development Director; Kingsley Okereke, Finance Director; Jim DellaLunga, Project Manager; Grace Kim, Economic Development Specialist; Tom Clark, Agency Counsel; Celeste Stahl Brady, Agency Counsel.

Negotiating Parties: Jim Barisic and Brett Whitehead, Brandywine Homes.

Under Negotiation: Price and terms related to the potential Agency acquisition and disposition of certain rights and/or real property interests in the subject Properties. The purpose of the Closed Session is to seek direction from the Agency about negotiating parameters for price and terms related to the disposition of such real property.

RECONVENE IN OPEN SESSION

At 6:49 p.m., the meeting was reconvened in the Council Chamber with Chair Broadwater and all Members present.

ORAL COMMUNICATIONS – PUBLIC

Janine Fowler, Verla Lambert, Richard Princler, and Cy LaBree addressed the Agency, raising concerns regarding the development of, and negotiating agreement for, the Century Triangle. (F: A-53.3) (XR: A-116.4)

RECESS

At 7:44 p.m. the Chair declared a recess.

RECONVENE

At 7:55 p.m. the meeting was reconvened in the Council Chamber with Chair Broadwater and all Members present. Chair Broadwater announced that the Closed Session item previously announced was discussed, and there was no reportable action.

MINUTES (F: Vault)

It was moved by Member Jones, seconded by Member Nguyen, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held September 23, 2008, be and hereby are approved.

NEGOTIATING AGREEMENT WITH BRANDYWINE HOMES FOR THE DEVELOPMENT OF THE 6.4 ACRES OF REAL PROPERTY WITHIN THE AREA KNOWN AS THE "CENTURY TRIANGLE" (F: A-55.196) (XR: A-116.4)

Member Jones stated that due to a potential conflict of interest, in that he has a business relationship with the developer, he would not be participating in the discussion of this matter.

MEMBER JONES LEFT THE COUNCIL CHAMBER AT 7:56 P.M.

Staff report dated October 28, 2008, was introduced and reviewed by staff.

Chair Broadwater clarified the location of the development for the Century Triangle is south of the alley, and does not affect the businesses on Garden Grove Boulevard. He commented that the project includes affordable housing with rental units comprising up to 90 percent of the project.

After additional discussion by Agency Members, it was moved by Member Dalton, seconded by Member Rosen, and carried by unanimous vote of those present, that the Negotiating Agreement by and between Brandywine Homes Development, for the development of the 6.4 acre site in the city of Garden Grove known as the "Century Triangle," be and hereby is approved.

MEMBER JONES RETURNED TO THE COUNCIL CHAMBER AT 8:42 P.M.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR:

Member Broadwater suggested staff develop ways to keep the public informed on development projects. (F: A-53.1)

ADJOURNMENT

At 8:13 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY

MINUTES

GARDEN GROVE HOUSING AUTHORITY

A Regular Meeting of the Garden Grove Housing Authority was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, October 28, 2008, at 6:40 p.m.

ROLL CALL: PRESENT: (7) CHAIR D. NGUYEN, COMMISSIONERS
BROADWATER, DALTON, JONES, C. NGUYEN,
O'CONNOR, ROSEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

Bob Owens addressed the Housing Authority, expressing concern about the state of the economy and the need for more affordable housing. (F: H-53.3)

STATUS REPORT ON THE SECTION 8 RENTAL ASSISTANCE PROGRAM FOR SEPTEMBER 2008 (F: H-117.2)

Staff report dated October 28, 2008, was introduced.

It was moved by Commissioner Broadwater, seconded by Commissioner Rosen, and carried by unanimous vote, that the Status Report on the Section 8 Rental Assistance Program for September 2008, be and hereby is received and ordered filed.

MINUTES (F: Vault)

It was moved by Commissioner Broadwater, seconded by Commissioner Rosen, and carried by unanimous vote, that the minutes of the Regular Meeting of the Housing Authority held September 23, 2008, be and hereby are approved.

ADJOURNMENT

At 6:42 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY

MINUTES

GARDEN GROVE SANITARY DISTRICT

A 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 28, 2008, at 6:49 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

Richard Princler and Charles Mitchell addressed the Sanitary District and City Council, commenting on the decision to fund the SR-22 improvements using Sanitary District funds. (F: S-53.3)

RECESS

At 7:44 p.m. the President declared a recess.

RECONVENE

At 8:14 p.m. the meeting was reconvened with President Dalton and all Members present.

MINUTES (F: Vault)

It was moved by Member Broadwater, seconded by Member Jones, and carried by unanimous vote, that the minutes of the Regular Meeting of the Sanitary District Board held September 23, 2008, and the Adjourned Regular Meeting held October 14, 2008, be and hereby are approved.

ADJOURNMENT

At 8:15 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY