

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, November 25, 2008, at 6:50 p.m.

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

ABSENT: (0) NONE

DUE TO COUNCIL MEMBER ROSEN'S RECEPTION, CLOSED SESSION WAS DELAYED TO THE END OF THE MEETING.

PUBLIC INPUT ON CLOSED SESSION ITEM

Heard later in the meeting.

ADJOURN TO CLOSED SESSION

Heard later in the meeting.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
Pursuant to Section 54956.9(c): One (1) Potential Case

INVOCATION AND PLEDGE

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

ORAL COMMUNICATIONS – PUBLIC

Bob Owens addressed the City Council, commenting on various community and civic matters. (F: 53.3)

Robin Marcario, Charles Mitchell, and Rod Powell addressed the City Council, thanking Council Member Rosen for his service to the community; and congratulating Mayor Dalton, Council Member Jones,

and Council Member-Elect Do on their election to the 2008-2010 City Council. (F: 53.3)

Peggy Bergin addressed the City Council, regarding the permit process for a restaurant near her home. She inquired as to the necessity of the matter listed on the agenda authorizing the City Manager to retain the services of a law firm to handle a potential litigation. (F: 53.3)

Council Member Rosen responded that the matter under consideration is in response to a potential class action law suit against internet companies using hotel rooms as their location, resulting in a loss of hotel visitor tax monies. (F: 53.3)

RECESS

At 7:11 p.m., the Mayor declared a recess.

RECONVENE

At 7:18 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

AMENDMENT TO FIRE DEPARTMENT FEE SCHEDULE REGARDING ASSEMBLY CLASSIFICATIONS (F: 60.2A) (XR: 61.1)

Staff report dated November 25, 2008, was introduced.

RESOLUTION NO. 8861-08

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8861-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING AND AMENDING PERMIT FEES FOR ASSEMBLIES, be and hereby is adopted.

AMENDMENT TO AGREEMENT WITH 911 VEHICLE.COM FOR CHANGE OVER OF POLICE PATROL VEHICLE EQUIPMENT (F: 55) (XR: 24.1) (XR: 82.1)

Staff report dated November 25, 2008, was introduced.

It was moved by Council Member Rosen, 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 911 Vehicle.com, be and hereby is approved; the Finance Director is

authorized to increase the monetary threshold of the existing agreement in the amount of \$125,000 for the remaining year of the agreement; and the City Manager and City Clerk are authorized to execute the amendment and each of the option year extensions.

AGREEMENT WITH THE GARDEN GROVE STRAWBERRY FESTIVAL ASSOCIATION, INC., TO CONDUCT THE STRAWBERRY FESTIVAL ANNUALLY AT THE VILLAGE GREEN THROUGH 2013 (F: 55) (XR: 87.1) (XR: 42.3)

Staff report dated November 25, 2008, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the Garden Grove Strawberry Festival Association, Inc., to conduct the annual Strawberry Festival at the Village Green over the Memorial Day weekend of May 22-25, 2009, through 2013, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

MINUTES (F: Vault)

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote that the minutes of the Regular Meetings of the City Council held September 23, 2008, October 14, 2008, October 28, 2008, and November 11, 2008, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 429488-430217, Wires W435-W439; and Payroll Warrants 158993 through 159148, and Wires W1379 through W1381, 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 Rosen, seconded by Council Member Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

AUTHORIZATION FOR CITY MANAGER TO RETAIN THE SERVICES OF THE
LAW FIRM OF KIESEL, BOUCHER AND LARSON TO HANDLE POTENTIAL
LITIGATION

This matter was heard later in the meeting.

PUBLIC HEARING - PROTESTS ON THE FALL 2008 WEED ABATEMENT
NOTICES (F: 113.1.Fall.2008)

Staff report dated November 25, 2008, was introduced and reviewed by staff.

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

There being no response from the audience or comments from Council Members, and no protests presented, the Public Hearing was declared closed.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that staff is directed to proceed with the scheduled weed abatement.

PUBLIC HEARING – AMENDMENT NO. A-142-08 AND ADOPTION OF A
NEGATIVE DECLARATION (F: 115.A-142-08) (XR: 50.3)

Amendment No. A-142-08 and adoption of a Negative Declaration.

The City of Garden Grove is requesting to amend Title 9 of the Garden Grove Municipal Code to rezone properties located on the east side of Brookhurst Street, north of Stanford Avenue, in order to provide consistency between the General Plan Designation of the properties and zoning.

On September 18, 2008, the Planning Commission, pursuant to Resolution No. 5649 and No. 5650, approved the Conditional Use Permit No. CUP-242-08, and recommended approval of Amendment No. A-142-08. Pursuant to Legal Notice published November 14, 2008, Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 25, 2008, was introduced and reviewed by staff.

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

Danny Bundakji requested support for this Amendment.

Peggy Bergin inquired if the value of the property would go up with this Amendment.

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

ORDINANCE NO. 2738 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING CODE AMENDMENT NO. A-142-08, CHANGING THE ZONING DESIGNATION FROM O-P (OFFICE PROFESSIONAL) TO C-1 (NEIGHBORHOOD COMMERCIAL)

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

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote that Ordinance No. 2738 be and hereby is passed to second reading.

AGREEMENT WITH THE COUNTY OF ORANGE FOR ANIMAL CARE SERVICES
(F: 55)

Staff report dated November 25, 2008, was introduced and reviewed by staff.

Jennifer Phillips, Orange County Animal Control Director, addressed the City Council answering questions concerning barking dogs, stray dogs, animal control officer response, and fees charged to citizens and the City.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the County of Orange for the provision of animal care services, in an estimated amount of \$532,540, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

SECOND READING OF ORDINANCE NO. 2736 AND NO. 2737

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

ORDINANCE NO. 2736 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 APPROVING AMENDMENT NO. A-140-08, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9-162.17 TO ALLOW BANQUET FACILITIES WITH LIVE ENTERTAINMENT AND DANCING AS AN INCIDENTAL USE TO A FULL SERVICE RESTAURANT IN THE HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN – DISTRICT COMMERCIAL) ZONE, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT (F: 115.A-140-08) (XR: 50.3)

Following the reading of the Ordinance title, it was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote that Ordinance No. 2736 be and hereby is declared adopted.

ORDINANCE NO. 2737 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 ADDING CHAPTER 84 TO TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE REQUIRING THE REGISTRATION AND MAINTENANCE OF ABANDONED PROPERTIES (F: 50.2) (XR: 80.2)

Following the reading of the Ordinance title, it was moved by Council Member Jones, seconded by Council Member Rosen, and carried by unanimous vote that Ordinance No. 2737 be and hereby is declared adopted.

DISCUSSION OF STANDARDIZED CONDITIONS OF APPROVAL RESTRICTING HOURS OF CONSTRUCTION, AS REQUESTED BY COUNCIL MEMBER BROADWATER (F: 50.2)

Council Member Broadwater indicated that he would be continuing this matter to the December 9, 2008, meeting.

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

Council Member Rosen commented on the City Council election and Measure Q. (F: 53.1)

Council Member Nguyen announced that Casa Garcia Restaurant at the corner of Chapman Avenue and Harbor Boulevard would again be hosting a Thanksgiving dinner. She also encouraged the residents to attend the Christmas Tree Lighting ceremony on Tuesday, December 2, 2008, at the Village Green. (F: 53.1)

Mayor Dalton announced that City Commission appointments would be considered after the first of the year, and encouraged residents interested in serving on a commission to submit an application to the City Clerk's Office. (F: 53.1)

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

RECESS

At 7:45 p.m., the Mayor declared a recess.

ADJOURN TO CLOSED SESSION

At 8:00 p.m., under the Ralph M. Brown Act, the meeting was reconvened to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
Pursuant to Section 54956.9(c): One (1) Potential Case

RECONVENE IN OPEN SESSION

At 8:15 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 item was discussed and the City Council authorized the initiation of litigation against on-line travel companies regarding payment of transient occupancy tax.

ADJOURNMENT

At 8:17 p.m. the meeting was declared adjourned in memory of Sheri Toney and Dennis Stanfield. (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, November 25, 2008, at 7:00 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Jones, and carried by unanimous vote that the minutes of the Regular Meetings of the Agency held October 14, 2008, October 28, 2008, and November 11, 2008, be and hereby are approved.

ADJOURNMENT

At 7:13 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, November 25, 2008, at 6:41 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 effect on families and neighborhoods. (F: H-53.3)

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

Staff report dated November 25, 2008, was introduced.

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

MINUTES (F: Vault)

It was moved by Commissioner Broadwater, seconded by Commissioner Jones, and carried by unanimous vote, that the minutes of the Regular Meeting of the Housing Authority held October 28, 2008, be and hereby are approved.

REVISIONS TO THE 2008 HOUSING AUTHORITY ADMINISTRATIVE PLAN
(F: H-127.2)

Staff report dated November 25, 2008, was introduced.

It was moved by Commissioner Broadwater, seconded by Commissioner Jones, and carried by unanimous vote, that the 2008 Revised Administrative Plan, be and hereby is adopted.

MATTERS FROM COMMISSIONERS AND DIRECTOR

Commissioner Rosen congratulated Deputy Director Mary Ann Hamamura on her efforts for the Housing Authority, and commented on federal funding of housing programs in general. (F: H-53.1)

ADJOURNMENT

At 6:48 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, November 25, 2008, at 7:00 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

RECESS

At 7:11 p.m. the President declared a recess.

RECONVENE

At 7:14 p.m. the meeting was reconvened with President Dalton and all Members present.

MINUTES (F: Vault)

It was moved by Member Rosen, seconded by Member Nguyen, and carried by unanimous vote that the minutes of the Regular Meeting of the Sanitary District Board held October 28, 2008, be and hereby are approved.

AWARD OF CONTRACT TO KANA PIPELINE, INC. FOR TRASK AVENUE- GILBERT STREET SEWER IMPROVEMENTS PROJECT NO. 7811

(F: 92.proj.7811) (XR: S-92) (XR: 92)

Staff report dated November 25, 2008, was introduced and reviewed by staff.

It was moved by Member Rosen, seconded by Member Broadwater, and carried by unanimous vote that a contract for Trask Avenue/Gilbert Street Sewer Improvements Project No. 7811, be and hereby is awarded to Kana Pipeline, Inc., in the amount of

\$1,478,925; that all other bids be and hereby are rejected; and the General Manager and Secretary are authorized to execute the agreement on behalf of the District.

ADJOURNMENT

At 7:17 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY