

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, May 12, 2009, at 5:31 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO, JONES,

ABSENT: (1) COUNCIL MEMBER NGUYEN (Absent at Roll
Call, but joined the meeting at 5:35 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 5:32 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

Pursuant to Government Code Section 54956.9(a)

To confer with Legal Counsel regarding pending litigation, Elizabeth Pevsner v. City of Garden Grove

RECONVENE IN OPEN SESSION

At 6:32 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed item was discussed and no reportable action was taken.

INVOCATION AND PLEDGE

The Invocation was given by Keith Jones, Public Works Director. Council Member Do led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION TO THE CHIEF OF POLICE OF A PROCLAMATION DECLARING MAY 10 THROUGH MAY 16, 2009, AS POLICE MEMORIAL WEEK (F: 52.3)

Mayor Dalton presented Police Chief Joseph Polisar with a proclamation that declares May 10 through May 16, 2009, as Police Memorial Week.

ORAL COMMUNICATIONS

Mark Lowry, Community Action Partnership Director, addressed the City Council expressing his appreciation for the City employees' efforts in conducting a food drive benefiting the Orange County Food Bank. (F: 53.3)

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

Rod Powell read from the Orange County Grand Jury fireworks report, and commented on various civic and community matters. (F: 53.3) (XR: 61.6)

Robin Marcario addressed the City Council on various community and civic matters. She requested permission to decorate a bus bench on Chapman Avenue in front of the First Christian Church with mosaic tile, both to deter graffiti and vandalism. She projected she could complete the project in time for the Strawberry Festival Parade. Mayor Dalton directed staff to contact Ms. Marcario regarding her request. (F: 53.3) (XR: 24.1)

Charles Mitchell addressed the City Council regarding changes in the Police Department volunteer program, in particular the requirement that all volunteers must submit to a background check. He commented if this new requirement were kept, he would no longer be able to volunteer. (F: 53.3) (XR: 82.1) (XR: 80.2)

Josh McIntosh addressed the City Council requesting the City adopt the Mills Act to maintain the preservation of classic homes in the city. (F: 53.3)

Abel Sanchez Nunez, Marina Limon, Jose Sanchez, Randy Maynor, Elena Popp from ACORN, and Crystal Sims from the Legal Aid Society of Orange County urged the City Council/Agency to vote against the Relocation Plan as presented. Residents of the RV Park would face an increase in rent, and children would be displaced from their schools. Additionally, concerns were raised on the current condition of the park, including safety, poor lighting, electrical issues, and the lack of restroom facilities. Ms. Popp and Ms. Sims suggested the residents receive first priority on jobs created from the hotel development. Ms. Sims disagreed with the occupancy standards within the report, indicating they do not comply with federal housing requirements. (F: 53.3) (XR: A-48.21) (XR: 21.1)

AWARD OF CONTRACT TO ICE ENGINEERING, INCORPORATED FOR THE CONSTRUCTION OF EUCLID STREET/HAZARD AVENUE INTERSECTION IMPROVEMENTS, PROJECT NO. 7246 (F: 96.proj.7246) (XR: 24.11)

Staff report dated May 12, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for the construction of the Euclid Street/Hazard Avenue Intersection Improvements Project No. 7246, in the amount of \$156,985.60, be and hereby is awarded to ICE Engineering, Inc.; and the City Manager is authorized to execute the agreement on behalf of the City.

CONVEYANCE OF UTILITY EASEMENT OVER A PORTION OF THE GARDEN GROVE FLOOD CONTROL CHANNEL TO SOUTHERN CALIFORNIA EDISON AS PART OF THE STATE ROUTE 22 PROJECT (F: 55) (XR: 84.1) (XR: 121.2A) (XR: 43.4)

Staff report dated May 12, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the portion of the Garden Grove Flood Control Channel totaling 10,738 square feet adjacent to the existing westbound Valley View Street off-ramp be and hereby is approved to be conveyed to Southern California Edison; and the City Manager is authorized to execute the agreement on behalf of the City to effectuate the conveyance, if needed.

RENEWAL OF AGREEMENT WITH THE COUNTY OF ORANGE FOR THE
PROVISION OF SERVICES PROMOTING SAFE AND STABLE FAMILIES FOR THE
OPERATION OF THE MAGNOLIA PARK FAMILY RESOURCE CENTER (F: 55)
(XR: 73.8A)

Staff report dated May 12, 2009, was introduced.

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, Community Services Programs, Inc., Interval House, and The Raise Foundation for the Provision of Services Promoting Safe and Stable Families, for family support services at Magnolia Park Family Resource Center be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City including making any modifications during the contract period for the operation and implementation of the contract services.

RELOCATION PLAN PREPARED IN CONNECTION WITH THE DISPOSITION
AND DEVELOPMENT AGREEMENT WITH GARDEN GROVE MXD, LLC
(F: A-55.346) (XR: A-48.21) (XR: 43.4)

Staff report dated May 12, 2009, was introduced.

RESOLUTION NO. 8885-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8885-09 be waived, and said Resolution entitled A RESOLUTION OF CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE RELOCATION PLAN FOR THE TRAVEL COUNTRY RV PARK AND ONE BUSINESS, AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH be and hereby is adopted.

PURCHASE AND INSTALLATION OF OUTDOOR FITNESS EQUIPMENT AT
MAGNOLIA PARK (F: 55) (XR: 73.8)

Staff report dated May 12, 2009, was introduced.

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 Greenfield Sports Parks, Inc., for the purchase and installation of outdoor fitness equipment at Magnolia Park in the amount of \$30,000, be and hereby is approved; the City Manager is authorized to execute the agreement on behalf of

the City; and the Finance Director is authorized to allocate \$10,000 from the Park Development Fund for this project.

WEST ORANGE COUNTY WATER BOARD 2009-10 PROPOSED BUDGET
(F: 112.9) (XR: 24.12)

Staff report dated May 12, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the proposed 2009-2010 budget for the West Orange County Water Board be and hereby is approved.

RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO APPROVE CONDITIONAL USE PERMIT NO. CUP-257-09 AND VARIANCE NO. V-181-09 (F: 51.CUP-257-09)
(XR: 80.1)

Staff report dated May 12, 2009, was introduced.

RESOLUTION NO. 8886-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8886-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. CUP-257-09 AND VARIANCE NO. V-181-09 be and hereby is adopted.

RESOLUTION IMPLEMENTING WAGES, TERMS, AND CONDITIONS OF EMPLOYMENT FOR CENTRAL MANAGERS (F: 78.13A)

This matter was pulled from the Consent Calendar by Council Member Do to be considered separately.

RESOLUTION ESTABLISHING WAGE RATES FOR PUBLIC WORKS TRAINEES
(F: 78.13D)

Staff report dated May 12, 2009, was introduced.

RESOLUTION NO. 8888-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote full reading of Resolution No. 8888-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A SALARY PLAN FOR THE CLASSIFICATION OF PUBLIC WORKS TRAINEE AND AMENDING RESOLUTION NO. 8812-08 be and hereby is adopted.

RESOLUTION IMPLEMENTING WAGES, TERMS, AND CONDITIONS OF EMPLOYMENT FOR MIDDLE MANAGERS (F: 78.13B)

This matter was pulled from the Consent Calendar by Council Member Do to be considered separately.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 440984 through 442243; and Wires W489 through W490, 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 Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

RESOLUTION IMPLEMENTING WAGES, TERMS, AND CONDITIONS OF EMPLOYMENT FOR CENTRAL MANAGERS (F: 78.13A)

Staff report dated May 12, 2009, was introduced.

Council Member Do indicated he has reviewed the provision in the Resolution allowing the City Manager to authorize Central Management employees to receive up to 80 additional vacation hours each fiscal year. He does not think it would prudent to grant this provision for additional compensation in this time of economic uncertainty. It would have a negative impact on the City's budget, and it is not the time to obligate the City to additional employee compensation.

Council Member Do moved to adopt the Resolution with the removal of Section 11, Special Vacation Allowance from the proposed Resolution. The motion died for lack of a second.

RESOLUTION NO. 8887-09

Council Member Broadwater moved, seconded by Council Member Nguyen that full reading of Resolution No. 8887-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A SALARY PLAN FOR CERTAIN POSITIONS IN CENTRAL MANAGEMENT CLASSIFICATIONS AND EXEMPTING CENTRAL MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE SECTION 2.44.390 AND OVERTIME, AND RESCINDING RESOLUTION NO. 8789-07 be adopted.

Said motion carried by the following vote:

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

RESOLUTION IMPLEMENTING WAGES, TERMS, AND CONDITIONS OF EMPLOYMENT FOR MIDDLE MANAGERS (F: 78.13B)

Staff report dated May 12, 2009, was introduced.

Council Member Do indicated the proposed equity increases and vacation accrual would have the same negative impact on the City's budget as the previous Resolution.

Council Member Do moved to adopt the Resolution with the removal of the equity increases and vacation accrual provisions. The motion died for lack of a second.

RESOLUTION NO. 8889-09

Council Member Broadwater moved, seconded by Council Member Nguyen that full reading of Resolution No. 8889-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING SALARY, WAGES, AND FRINGE BENEFITS FOR MIDDLE MANAGEMENT EMPLOYEES OF THE CITY OF GARDEN GROVE AND ESTABLISHING A SALARY PLAN AND EXEMPTING MIDDLE MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE

SECTION 2.44.390 AND OVERTIME, AND RESCINDING RESOLUTION NO. 8788-07 be adopted.

Said motion carried by the following vote:

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

RECONVENE

At 7:26 p.m., Chair Broadwater reconvened the Agency meeting with all Members present.

RECESS

At 7:28 p.m., the Mayor and Agency Chair declared a recess.

RECONVENE

At 7:38 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

At 7:38 p.m., Chair Broadwater reconvened the Agency meeting with all Members present.

JOINT PUBLIC HEARING WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO CONSIDER THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH GARDEN GROVE MXD, LLC, FOR THE CONSTRUCTION OF A WATER PARK HOTEL AND RESTAURANTS ON THE 10.3-ACRE REDEVELOPMENT SITE ON HARBOR BOULEVARD (F: A-55.346) (XR: 43.4)

Chair Broadwater presided over the Joint Public Hearing.

Staff report dated May 12, 2009, was introduced and reviewed by staff. The Developer's concept plan includes a new full-service water park hotel with 600 rooms, and features 15,000 square feet of meeting and business space with a minimum of 18,000 square feet of retail including one or more restaurants.

Chair Broadwater declared the Public Hearing open and asked if anyone wished to address the City Council/Agency on the matter.

Speaking in opposition to the Disposition and Development Agreement were Bob Owens, Elena Popp, Randy Maynor, Patricia Martinez, Celia Gonzalez, Peter Kunes, June Eckert, Sherry Williams, Bob Walker, and Jim Dunn. The residents of the RV Park reiterated their concerns on the condition of the park. Accusations were made that staff has offered bribes to residents to move, suggesting relocation services would not be available should they wait until the notices to vacate were received.

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

Council/Agency Member Do asked staff if there was any validity to the bribery accusation. Staff indicated, in trying to be sensitive to the uneasiness felt by some of the residents due to the uncertainty in the timing of the project, an opportunity was provided to any resident who felt it would be to their advantage to move now. The offer was not in lieu of relocation services, and it was made clear that residents who were able to remain until receiving a notice to vacate would be entitled to full benefits under the approved Relocation Plan.

Council/Agency Member Do inquired if there was any truth to the statements regarding the conditions of the property. Staff confirmed that a tremendous amount of vandalism has occurred; however, residents responsible for the vandalism are no longer living at the RV Park. Staff also noted many improvements have been made to the facilities since the City took ownership.

Council/Agency Member Do commented he understands the challenges facing the City in its role as landlord, and assured the residents the City will do all it can to maintain the RV Park in a habitable condition.

The Council/Agency Members expressed assurance to the residents of the RV Park and support of the project.

AGENCY ACTION

It was moved by Member Jones, seconded by Member Dalton and carried by unanimous vote that the Disposition and Development Agreement by and between the Garden Grove Agency for Community Development and Garden Grove MXD, LLC be and hereby is approved; and the Agency Director is authorized to execute any pertinent documents in order to fully execute the agreement.

CITY COUNCIL RESOLUTION NO. 8890-09

It was moved by Council Member Jones, seconded by Mayor Dalton and carried by unanimous vote that full reading of Resolution No. 8890-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONSENTING TO THE APPROVAL BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT OF A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE AGENCY AND GARDEN GROVE MXD, LLC be and hereby is adopted.

AGENCY RESOLUTION NO. 673

It was moved by Member Jones, seconded by Member Do and carried by unanimous vote that full reading of Resolution No. 673 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND GARDEN GROVE MXD, LLC AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH be and hereby is adopted.

RECESS

At 8:48 p.m., the Chair declared a recess for the Agency.

At 8:48 p.m., the Mayor declared a recess for the City Council.

RECONVENE

At 9:01 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

ORDINANCE FOR BUENA CLINTON PROJECT AREA ELIMINATING THE TIME LIMIT TO INCUR INDEBTEDNESS, LOANS, AND ADVANCES IN THE BUENA CLINTON PROJECT AREA PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33333.6(E)(2)(B) (F: A-48.14) (XR: A-48.15) (XR: 43.4)

Staff report dated May 12, 2009, was introduced and reviewed by staff.

ORDINANCE NO. 2747 was introduced for first reading and the title read in full, entitled ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ELIMINATING THE TIME LIMIT ON ESTABLISHMENT OF LOANS, ADVANCES, AND INDEBTEDNESS WITH RESPECT TO THE BUENA CLINTON PROJECT AREA AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, 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 Nguyen, and carried by unanimous vote that Ordinance No. 2747 be and hereby is passed to second reading.

SECOND READING OF ORDINANCE NO. 2746 (F: 115.A-148-09) (XR: 80.1)

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

ORDINANCE NO. 2746 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-148-09, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-102-80 TO ALLOW A TRADE SCHOOL, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2746 be and hereby is declared adopted.

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

Council Member Broadwater commented on the water park hotel development stating it would draw people as a "destination" hotel. (F: 53.1) (XR: A-55.346)

Council Member Nguyen announced the upcoming Strawberry Festival being held over the Memorial Day weekend. She reminded residents of the First Time Homebuyer Program, website: comehometogardengrove.org. (F: 53.1)

Council Member Jones stated when asked why would the City commit dollars for new development in these perilous economic times, his answer is that things will be better when these new projects are complete. The City Council must envision what the future is going to look like. (F: 53.1)

Council Member Do announced the County Board of Supervisors voted to approve Fund 1B projects. Supervisor Nguyen fought for her District, with Garden Grove receiving \$1 million for street overlay projects. He suggested a groundbreaking ceremony be planned when the project begins, and Supervisor Nguyen be invited to thank her for her efforts on the City's behalf. (F: 53.1) (XR: 23.3)

Mayor Dalton announced a certificate of achievement in excellence was awarded to the City's Finance Director, Kingsley Okereke. (F: 53.1)

The Mayor offered his condolences to the Knight and Zappitelli families on their recent loss of loved ones. (F: 53.1) (XR: 60.1) (F: 46.9)

ADJOURNMENT

At 9:12 p.m., the meeting was declared adjourned in memory of Bill Knight and Michael Zappitelli. (F: 46.9)

KATHLEEN BAILOR
CITY CLERK