

## 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, August 25, 2009, at 5:32 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS  
BROADWATER, NGUYEN

ABSENT: (2) COUNCIL MEMBER JONES (Absent at Roll Call,  
but joined the meeting at 5:33 p.m.)  
COUNCIL MEMBER DO (Absent at Roll Call, but  
joined the meeting at 5:42 p.m.)

#### PUBLIC INPUT ON CLOSED SESSION ITEMS

None.

#### ADJOURN TO CLOSED SESSION

At 5:33 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  
Significant exposure to litigation pursuant to Government Code  
Section 54956.9(b) – Two potential cases

1. Claim submitted by Quyen Kim Dang, Nam Van Tran, and Bua Thi Phan.
2. Claim submitted by Mary Leah Mendenhall.

#### RECONVENE IN OPEN SESSION

At 6:48 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed items were 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.

## COMMUNITY SPOTLIGHT - RECOGNITION OF MISS GARDEN GROVE 2009, COREENA COLEMAN, AND HER COURT, AND GARDEN GROVE'S OUTSTANDING TEEN 2009, BREE MORSE, AND HER COURT (F: 52.3)

Mayor Dalton called forward Coreena Coleman, Miss Garden Grove 2009, and her court members, Aimee Le, Chrissy Leong, and Ann Nguyen; and Bree Morse, Miss Garden Grove's Outstanding Teen 2009 and her Princess, Alyssa Alex. Each were presented with certificates and mementos in recognition of their volunteerism in the community during their 2009 reign.

## ORAL COMMUNICATIONS - PUBLIC

Dr. Laura Schwalm, Garden Grove Unified School District Superintendent, expressed her personal appreciation for the services the City, City Staff, and City Council provide to the School District.

Susan Kocsis encouraged residents to contact their state and federal representatives to address the water issue at the regional and national levels.

Rod Powell and Bob Owens commented on various civic and community issues.

David Lautherboren complimented staff on the information regarding the water rate adjustment provided at the Neighborhood Meeting hosted by the Public Works Department.

Tony Flores commented on the recent survey being conducted by the City, and expressed his opposition to the water rate adjustment.

Anna Lisa Biason of the Legal Aid Society of Orange County requested the Council Member's support of staff's recommendation to award Federal Homelessness Prevention and Rapid Rehousing Program funds to the Legal Aid Society as one of the five non-profit agencies.

Robin Marcario displayed mosaic tile panels created by the children from the HOPE Family Support Center for a third bench at Euclid Avenue and College Street. She invited the City Council to attend the installation of the panels on Saturday, September 5, at 10 a.m.

Greg Beard commented on the negative effect the Eastgate Park concerts and the Kingdom Hall church has on the parking in his neighborhood.

#### RECESS

At 7:34 p.m., Mayor Dalton declared a recess.

#### RECONVENE

At 7:56 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

#### ORAL COMMUNICATIONS - PUBLIC (continued)

Peter Katz and Scott Weimer requested the City Council to reconsider its decision to dissolve the Vehicle Parking District No. 2, and vote against adopting the Ordinances affecting the District and the Commission. (F: 75.3)

Charles Mitchell commented on the pumping station financing plan as it related to the freeway work done by CalTrans.

Jim Freeman requested the City look into the condition of Jacalene Lane.

#### RECESS

At 8:16 p.m., Mayor Dalton declared a recess.

#### RECONVENE

At 8:27 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION DECLARING SEPTEMBER 2009 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH (F: 83.1)

Staff report dated August 25, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that September 2009, be and hereby is proclaimed as National Alcohol and Drug Addiction Recovery Month.

PURCHASE ORDER TO TOPS DIGITAL SOLUTIONS FOR A NEW JAIL VIDEO SURVEILLANCE SYSTEM (F: 60.4) (XR: 82.1) (XR: 43.3)

Staff report dated August 25, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Finance Director is hereby authorized to issue a purchase order not to exceed \$50,000, to Tops Digital Solutions for the purchase of a digital surveillance system.

AGREEMENT WITH DUANE SOLOMON TO PROVIDE CONSULTING SERVICES TO THE NEIGHBORHOOD IMPROVEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT (F: 55) (XR: 57.1)

Staff report dated August 25, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Duane Solomon for assistance in the administration and compliance of ADDI, CDBG, ESG, and HOME programs for \$60,000, be and hereby is approved; and the City Manager is authorized to execute the agreement.

AMENDMENT TO THE ORANGE COUNTY COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT (F: 74.11) (XR: 43.1)

Staff report dated August 25, 2009, was introduced.

RESOLUTION NO. 8921-09

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8921-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED

ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT, be and hereby is adopted.

AGREEMENT WITH THE COUNTY OF ORANGE FOR LOCAL STREETS AND ROADS PROPOSITION 1B FUNDS (SECOND ALLOCATION) (F: 55) (XR: 24.11)

Staff report dated August 25, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the County of Orange for the submittal of the Central Garden Grove Overlay Project to the California Department of Finance for funding under Prop 1B – Local Street and Roads (LSR) Improvement Supplemental 2008 State Appropriation, be and hereby is approved; and the Mayor is authorized to execute the agreement.

AMENDMENT TO EXTEND FOR FIVE YEARS THE AGREEMENT WITH CARE AMBULANCE SERVICE, INC., TO PROVIDE EMERGENCY MEDICAL TRANSPORTATION SERVICES (F: 55) (XR: 61.1) (XR: 26.1)

Staff report dated August 25, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that it is hereby found and determined that Care Ambulance Service, Inc. has complied in all aspects with the terms and conditions of the existing agreement; the extension of the Agreement by and between the City of Garden Grove and Care Ambulance Service, Inc. to provide emergency medical transportation services in the city be extended for a period of five years, be and hereby is approved; and the City Manager is authorized to execute Amendment No. 1 to the Agreement.

ACCEPTANCE OF PROJECT AS COMPLETE FOR CHLORINATION SYSTEM CONVERSION PROJECT NO. 7385 (F: 92.proj.7385) (XR: 24.11)

Staff report dated August 25, 2009, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Chlorination System Conversion Project No. 7385 be accepted as complete; the City Manager is 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.

MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE POLICE  
MANAGEMENT ASSOCIATION (F: 78.8A) (XR: 78.1)

Staff report dated August 25, 2009, was introduced.

RESOLUTION NO. 8922-09

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8922-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES, AND FRINGE BENEFITS FOR THE TERM 2009-2011 BY AND BETWEEN THE GARDEN GROVE POLICE MANAGEMENT ASSOCIATION AND THE CITY OF GARDEN GROVE AND RESCINDING RESOLUTION NO. 8729-06, be and hereby is adopted.

RESOLUTION CONSENTING TO THE PAYMENT OF PUBLIC IMPROVEMENTS  
COSTS BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT  
FOR PLAYGROUND IMPROVEMENTS AT JARDIN DE LOS NIÑOS PARK  
(F: 73.20) (XR: A-46.1) (XR: 43.4)

Staff report dated August 25, 2009, was introduced.

RESOLUTION NO. 8923-09

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8923-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A COOPERATION AGREEMENT WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT AND CONSENTING TO PAYMENT BY THE AGENCY OF THE COST OF INSTALLATION AND CONSTRUCTION OF PLAYGROUND SURFACING IMPROVEMENTS AT JARDIN DE LOS NIÑOS PARK AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted.

WARRANTS (F: 60.5)

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that that Regular Warrants 446943 through 449533; Direct Deposits W448371 through W449296; and Wires W516 and W529; and Payroll Warrants 162640 through 163088, Direct Deposits D173847 through D175214, and Wires W1464

through W1473, 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 Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - ADJUSTMENT TO WATER COMMODITY DELIVERY CHARGES (F: 50.2) (XR: 112.16) (XR: 112.6) (XR: 112.5) (XR: 24.12)

Staff report dated August 25, 2009, was introduced and reviewed by staff. Staff provided a PowerPoint presentation and a video summarizing the need to adjust the commodity delivery charges in response to rate increases imposed by the Metropolitan Water District of Southern California (MET), and the Municipal Water District of Orange County (MWDOC).

In 2007, the City increased water rates to account for increased costs of construction, materials, supplies, fuel, and labor. These rates were being phased in over a five-year period ending 2011/2012, and were based on a Water Financial Plan (Plan) that identified estimated funds needed to finance the operations, capital improvements, and debt obligations for the Water Services Division. The projected costs reflected in the Plan were based on estimates provided by the MET, the MWDOC, and the Orange County Water District (OCWD). Both MET/MWDOC recently informed the City that due to a water supply shortage, judicially imposed limits on the use of water in the Sacramento Delta, and other factors, their rates must be increased significantly more than previously predicted at more than 40 percent over the next 15 months. Staff has been working with financial consultant, Black & Veatch Corporation, to assess the financial impact to the Water Enterprise Fund.

Water Commodity Delivery Charges are one of the components to the water bill and are based on usage. The proposed adjustment amounts to \$0.19 per billing unit resulting in an increase from \$0.27 per one hundred cubic feet (HCF) of water (748 gallons) used, to \$0.46 per HCF. Under this proposal, the average residential customer's water bill would increase by approximately \$2.85 per month, or \$5.70 per every bi-monthly bill. If approved, the proposed adjustment will go into effect on November 1, 2009.

OCWD is projecting an 8 percent rate adjustment in July 2010 and 2011. MET is projecting an additional increase of 21.5 percent in their rates in January 2011. Due to these anticipated increases over the next few years, flexibility to adjust fees to account for future significant rate increases imposed is also needed.

Council Member Broadwater commented on the proposed language under Section 2 of the Ordinance adding Subsection (f). While he has no problems authorizing the City Manager to approve the automatic adjustment as calculated by the Finance Director, he feels the City Council should be held accountable for these types of decisions. He requested the City Attorney consider options of how the language could be changed.

After additional discussion by the City Council concerning the formula used to determine the rates, Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

David Lautherboren, Russ MacDonald, Mrs. Merle Tucker, Bob Owens, Tony Flores, Richard Princler, Carolyn Rowland, Sharon Manarres, Robin Marcario, Cheryl Armstrong, Charles Mitchell, Darinn McKee, Patrick Sullivan, Greg Beard, and Pat Lawrence spoke in opposition to the rate increase, expressing frustration that it doesn't appear to be anything that can be done to keep from having rate hikes imposed on the City.

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

In response to Council Member Nguyen's request, staff summarized the method used to determine the increase per unit and the related percentages.

After consulting with the City Attorney, Council Member Broadwater requested a change in the language in the proposed Ordinance under Section 2 of the proposed Ordinance, Subsection (f), second paragraph, replacing "...and shall be approved by the City Manager." with "...and shall be approved by the City Council."

Mayor Dalton inquired as to the projects planned that could increase water pressure, and the possibility of using desalinization plants.

Staff responded that the 2007 rate adjustment was necessary to shore up the failing infrastructure of the water system. Projects are



prioritized with the most deficient areas concentrated first. The City has miles and miles of undersized water mains with old and brittle AC pipe that must be replaced. To substantially increase the pressure before replacing these pipes could cause water main breaks throughout the city. As projects are completed, water pressure is expected to increase. Concerning desalinization plants, staff indicated that MWDOC has been working with a committee consisting of several Orange County cities and Poseidon Resources to develop a plant in Huntington Beach. The two biggest obstacles to the project are the permitting process and costs.

Mayor Dalton agreed that the City Council should be held accountable for these types of decisions, even during election years. He further commented that he would consider the feasibility of establishing a water committee to look at the issues and investigate alternatives.

Council Member Jones inquired if any programs existed that could subsidize, offer grants, etc. to offset or help low-income and senior households.

Staff responded that Prop. 218 includes a fair share allocation requirement that does not allow one group to subsidize another. This type of program would need to be funded out of the General Fund. However, MWDOC has sponsored rebate programs for low-flow showerheads and high efficiency toilets; and staff has assisted residents on where and how to fill out applications for the individual rebate programs.

Council Member Jones expressed support of a committee to look for positive and creative alternatives. One idea could be that restaurants and hotels would not serve water unless requested by the customer.

Mayor Dalton requested staff to survey the hotels in the city on ways they are conserving water.

After further City Council discussion, the City Clerk read into the record: "As of 5:30 p.m., August 25, 2009, the City Clerk's Office received a total of 116 protests. Since 5:30 p.m., an additional 45 protests were received, for a total of 163 protests. There are 36,892 parcels in the city. As a result, a majority protest has not been submitted."

## RECESS

At 9:47 p.m., Mayor Dalton declared a recess.

RECONVENE

At 9:57 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PUBLIC HEARING - ADJUSTMENT TO WATER COMMODITY DELIVERY CHARGES (continued) (F: 50.2) (XR: 112.16) (XR: 112.6) (XR: 112.5) (XR: 24.12)

After further deliberation by the Council Members,

ORDINANCE NO. 2757 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTION 14.12.010 OF CHAPTER 12 OF TITLE 14 (WATER) OF THE MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES

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

Council Member Broadwater moved, seconded by Council Member Jones, that Ordinance No. 2757 be and hereby is passed to second reading. Said motion carried by the following vote:

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

AWARD OF CONTRACT TO ELITE BOBCAT SERVICE, INC., FOR THE CONSTRUCTION OF THE HARBOR BOULEVARD/TRASK AVENUE INTERSECTION IMPROVEMENT PROJECT NO. 7128 (F: 96.proj.7128) (XR: 24.11)

Staff report dated August 25, 2009, was introduced and reviewed by staff.

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 Harbor Boulevard/Trask Avenue Intersection Improvement Project No. 7128 in the amount of \$627,500, be and hereby is awarded to Elite Bobcat Service, Inc. and the City Manager is authorized to execute the agreement.

AWARD OF FEDERAL HOMELESSNESS PREVENTION AND RAPID REHOUSING PROGRAM FUNDS TO FIVE NON-PROFIT AGENCIES (F: 117.15A) (XR: 57.1)

Staff report dated August 25, 2009, was introduced and reviewed by staff. There are four categories of eligible activities permitted through Homelessness Prevention and Rapid Rehousing Program funds (HPRP). They include financial assistance, housing relocation and stabilization services, data collection and evaluation, and administrative costs.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Homelessness Prevention and Rapid Rehousing Program funds be awarded to the following sub-recipients: Homelessness Prevention Programs: Volunteer Center of Orange County in the amount of \$117,535; Legal Aid Society of Orange County in the amount of \$54,672; Interval House in the amount of \$210,332; and Mental Health Association of Orange County in the amount of \$210,332; for Rapid Rehousing Programs: Volunteer Center of Orange County in the amount of \$133,333; Interval House in the amount of \$133,334; and Mental Health Association of Orange County in the amount of \$133,333; for Data Collection and Evaluation Programs: OC Partnership in the amount of \$27,500.

SECOND READING OF ORDINANCE NOS. 2754, 2755, and 5756

It was moved by Council Member Do, 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. 2754 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 DISSOLVING, DISCONTINUING, AND DISESTABLISHING VEHICLE PARKING DISTRICT NO. 2 IN THE CITY OF GARDEN GROVE AND MAKING CERTAIN OTHER FINDINGS (F: 75.3) (XR: 43.4)

In response to Council Member Do's inquiries regarding the assessment information provided by Scott Weimer during Oral Communications, staff responded that as part of the adoption and inclusion in the Redevelopment Project Area, any increase in assessed value of the Vehicle Parking District would flow to the Redevelopment Agency.

Following further City Council discussion concerning the distribution of assessments collected, Council Member Broadwater moved, seconded by Council Member Jones that Ordinance No. 2754 be and hereby is declared adopted. Said motion carried by the following vote:

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

ORDINANCE NO. 2755 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 2, CHAPTER 32 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO THE PARKING AND MAIN STREET COMMISSION AND MAKING CERTAIN RELATED FINDINGS (F: 75.3) (XR: 43.4)

Council Member Broadwater moved, seconded by Council Member Jones that Ordinance No. 2755 be and hereby is declared adopted. Said motion carried by the following vote:

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

ORDINANCE NO. 2756 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 SECTION 3.12.145 TO CHAPTER 12 OF TITLE 3 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO HOTEL VISITOR'S TAX (F: 34.4A) (XR: 37.1) (XR: 50.2)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2756 be and hereby is declared adopted.

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

Council Member Broadwater commented briefly on his preferred method for discussing disagreements between members of the City Council.

Council Member Nguyen thanked Mrs. Marcario for her efforts in decorating the three benches. She encouraged residents to attend productions being presented at the Gem Theater. She recognized Mrs. Pat Lawrence, her 7th grade math teacher, who was in the audience.

Council Member Do reiterated his request that comprehensive information be presented when considering complex issues.

Mayor Dalton responded to questions raised concerning the response to the Grand Jury's Report on fireworks and the condition of the Police Department building as it relates to the Police Department being accredited.

#### ADJOURNMENT

At 10:57 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
CITY CLERK