

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 13, 2009, at 6:19 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 6:22 p.m.)
COUNCIL MEMBER DO (Absent at Roll Call, but
joined the meeting at 6:24 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 6:20 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) – One potential case: Claim submitted by Chevron Inc.

RECONVENE IN OPEN SESSION

At 6:38 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 Nguyen led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT - RECOGNITION OF CHRISTIAN WISNIEWSKI, JIM WEBB, LUCAS NOVAK, AND MEGAN WINKLER FOR THEIR COMPASSIONATE EFFORTS TO AID THE FAMILY OF GARDEN GROVE HIGH SCHOOL STUDENT KEVIN TELLES (F: 52.3)

Mayor Dalton called forward Christian Wisniewski, Jim Webb, Lukas Novak, and Megan Winkler presenting each of them with a Certificate of Recognition and gift in appreciation for their compassionate efforts to aid the family of Garden Grove High School Student Kevin Telles.

BUSINESS SPOTLIGHT - RECOGNITION OF DAVE & JIM'S AUTO REPAIR AS OCTOBER 2009 GARDEN GROVE OUTSTANDING BUSINESS HONOREE (F: 52.3)

Mayor Dalton called forward Dave Restivo and Jim Restivo of Dave & Jim's Auto Repair presenting them with a Certificate of Recognition and gift honoring them as the October Business Spotlight Honorees, and saluting them as outstanding business professionals in the community.

ORAL COMMUNICATIONS - PUBLIC

Loretta Moody, Community Health Charities Executive Director, presented Mayor Dalton with a token of appreciation for City staff's efforts in raising over \$12,000 during its annual charity drive.

Donna McDonald requested reconsideration of a Code Enforcement violation she recently received.

Rod Powell, David Lautherboren, and Peggy Bergin commented on various community and civic matters.

Tony Flores and Jim Morrissey thanked the Mayor and City staff for actions taken to address the odor coming from the Los Alamitos Joint Forces Training Base composting project. They each requested that communication continue between the City and the Base for future projects that could affect the city.

RECESS

At 7:15 p.m., the Mayor declared a recess.

RECONVENE

At 7:17 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION DECLARING OCTOBER 2009 AS DYSLEXIA AWARENESS MONTH (F: 83.1)

It was moved by Council Member Nguyen, seconded by Council Member Do, and carried by unanimous vote that October 2009, be and hereby is proclaimed as Dyslexia Awareness Month.

PROCLAMATION DECLARING OCTOBER 28, 2009, NATIONAL IMMIGRANT'S DAY (F: 83.1)

It was moved by Council Member Nguyen, seconded by Council Member Do, and carried by unanimous vote that October 28, 2009, be and hereby is proclaimed as National Immigrant's Day.

RESOLUTION REQUESTING THE PERS BOARD OF ADMINISTRATION WAIVE THE 960-HOUR SERVICE LIMIT FOR DEPUTY POLICE CHIEF (F: 78.12) (XR: 78.8)

Staff report dated October 13, 2009, was introduced.

RESOLUTION NO. 8930-09

It was moved by Council Member Nguyen, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8930-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING APPROVAL FROM THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR THE APPOINTMENT OF THE DEPUTY POLICE CHIEF TO EXCEED 960 HOURS DURING THE 2009-2010 FISCAL YEAR, be and hereby is adopted.

AUTHORIZATION FOR TRAVEL AND EXPENSE REIMBURSEMENT FOR AGENCY MEMBERS AND STAFF MEMBERS TO ATTEND THE WORLD WATER PARK SYMPOSIUM (F: 46.1) (XR: 43.4)

This matter was heard later in the meeting.

MINUTES

It was moved by Council Member Nguyen, seconded by Council Member Do, and carried by unanimous vote that the minutes of the Regular Meetings of the City Council held June 23, 2009, and July 14, 2009, and the Special Meetings held July 6, 2009, and July 14, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Nguyen, seconded by Council Member Do, and carried by unanimous vote that Regular Warrants 451606 through 453720; and Direct Deposit W452381 through W453361; and Wires W538 through W453482 and; and Payroll Warrants 163436 through 163572, Direct Deposits D176578 through D177256, and Wires W1482 through W1485, 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 Nguyen, seconded by Council Member Do, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

AUTHORIZATION FOR TRAVEL AND EXPENSE REIMBURSEMENT FOR AGENCY MEMBERS AND STAFF MEMBERS TO ATTEND THE WORLD WATER PARK SYMPOSIUM (F: 46.1) (XR: 43.4)

Staff report dated October 13, 2009, was introduced.

Council Member Broadwater, seconded by Council Member Nguyen that out-of-state travel and expense reimbursement, including any expenses exceeding \$1,500 per Agency Member and Agency Staff Member related to travel to Orlando, Florida, provided such expenses are otherwise consistent with the Expense Guidelines and Reimbursement Policy adopted at the City Council meeting on April 25, 2006, be authorized. 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

PUBLIC HEARING - GENERAL PLAN AMENDMENT NO. GPA-2-09(A) ADOPTION
OF THE HOUSING ELEMENT OF THE GARDEN GROVE GENERAL PLAN FOR THE
PERIOD OF 2008-2014 (F: 20.GPA-2-09(A)) (XR: 57.1)

Staff report dated October 13, 2009, was introduced and reviewed by staff. Under state law, Government Code section 65583, the Housing Element must identify and analyze existing and projected housing needs and include a statement of goals, policies, quantified objectives, and statement of programs for the preservation, improvement, and development of housing.

On December 6, 2007, the revised Housing Element of the City of Garden Grove General Plan was presented to both the Planning Commission and Neighborhood Improvement and Conservation Commission during a joint workshop on September 3, 2009, the Planning Commission held a Public Hearing and voted to recommend to the City Council the adoption of the 2008-2014 Housing Element.

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

Peggy Bergin commented on the condition of existing buildings and underutilized land.

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

RESOLUTION NO. 8931-09

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that full reading of Resolution No. 8931-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE GENERAL PLAN AMENDMENT NO. GPA-2-09(A) AMENDING THE GENERAL PLAN HOUSING ELEMENT FOR THE 2008-2014 PLANNING PERIOD, be and hereby is adopted.

PUBLIC HEARING - AGREEMENT WITH CHEVRON ENERGY SOLUTIONS TO
INSTALL A PHOTOVOLTAIC SOLAR PANEL STRUCTURE AT THE GARDEN
GROVE MUNICIPAL SERVICE CENTER (F: 55) (XR: 24.11)

Staff report dated October 13, 2009, was introduced and reviewed by staff.

On August 21, 2009, the Department of Energy awarded the City \$1,517,000 to install a photovoltaic (PV) solar panel structure at the Corporate Yard that will generate approximately 75 kW of energy per year, and will also provide a shade structure.

Because of the complex scope of work, staff is proposing a design/build process to streamline efficiency. The design/build process will result in lower costs, increased construction, and delivery speed as compared to the traditional design-bid-build process. California Government Code Section 4217.10 to 4217.18 allows local governments and public agencies to implement sole source energy efficiency services that generate greater energy savings than the cost of the program.

Based on Chevron's successful work history with the City and other agencies, its purchasing power, and comprehensive services such as funding expertise, procurement, and with guarantees on design, construction, equipment, and systems performance, staff is proposing to award an energy service contract with Chevron to design and install the abovementioned PV system.

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, the Public Hearing was declared closed.

RESOLUTION NO. 8932-09

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8932-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CERTAIN ENERGY MEASURES FOR ELECTRICAL ENERGY SERVICES AUTHORIZING THE EXECUTION OF AGREEMENT AND MAKING OTHER DETERMINATIONS THEREWITH, be and hereby is adopted; and that the agreement by and between the City of Garden Grove and the Chevron Energy Solutions Company to design and install a photovoltaic (PV)

solar panel structure at the Corporate Yard, be and hereby is approved; and the City Manager is authorized to execute the agreement.

RESOLUTION AND PURCHASE AND SALE AGREEMENT WITH THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY TO AUTHORIZE THE CITY'S PARTICIPATION IN THE PROPOSITION 1A SECURITIZATION PROGRAM (F: 55) (XR: 34.4) (XR: 60.1)

Staff report dated October 13, 2009, was introduced and reviewed by staff.

RESOLUTION NO. 8933-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8933-09 be waived, and said Resolution entitled A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH, be and hereby is adopted; that the form of the attached Purchase and Sale Agreement and related documents is hereby approved; and the City Manager and/or Finance Director is authorized to execute and deliver the Agreement on behalf of the City and to take other necessary actions in connection therewith.

STATUS REPORT REGARDING THE LOS ALAMITOS JOINT FORCES TRAINING BASE COMPOSTING PROJECT

Mayor Dalton provided a report on meetings and conversations he and staff have had with representatives from the Los Alamitos Joint Forces Training Base and surrounding cities.

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

Council Member Broadwater suggested contacting Representative Loretta Sanchez to assist in addressing issues arising at the Los Alamitos Joint Forces Training Base.

Council Member Nguyen encouraged community members to contact staff and Council Members with concerns. She encouraged the residents to buy in Garden Grove suggesting shopping at International West, the Korean Business District, and Little Saigon.

Council Member Jones requested staff keep the City Council informed of any future developments at the Los Alamitos Joint forces Training Base that could affect the city.

Council Member Do requested staff to provide an update on the City's current financial situation.

Mayor Dalton commented on the Grand Jury's fireworks report. He explained the Report provided recommendations to cities. City Councils are responsible for making decisions on what is in the best interest for their city. He congratulated the Public Works staff for its proactive approach in addressing infrastructure needs.

ADJOURNMENT

At 8:01 p.m., the meeting was declared adjourned in memory of George Kramer and Chris Clabaugh.

KATHLEEN BAILOR
CITY CLERK