

## 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, January 12, 2010, at 6:41 p.m.

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

ABSENT: (0) NONE

#### INVOCATION AND PLEDGE

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

#### ORAL COMMUNICATIONS - PUBLIC

Myke Cossota commented on the declining economy.

WRITTEN COMMUNICATION – REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION AND THE GARDEN GROVE CHAMBER OF COMMERCE FOR USE OF THE VILLAGE GREEN AND THE COURTYARD CENTER FOR THEIR EVENT “TASTE OF GARDEN GROVE” ON TUESDAY, JUNE 15, 2010 (F: 130.15) (XR: 42.1) (XR: 88.1)

Correspondence dated January 6, 2010, from the Garden Grove Community Foundation was introduced.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the request from the Garden Grove Community Foundation and the Garden Grove Chamber of Commerce for use of the Village Green Park and Courtyard Center for an upcoming event “Taste of Garden Grove,” at a date to be determined, be and hereby is approved.

## RECESS

At 6:48 p.m., the Mayor declared a recess.

## RECONVENE

At 6:52 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

### PURCHASE ORDER TO WONDRIES FLEET GROUP FOR FOUR POLICE PATROL VEHICLES (F: 60.4) (XR: 24.1) (XR: 82.1)

Staff report dated January 12, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the purchase of four new Police patrol vehicles through the Los Angeles County Bid #36501761-1, be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$96,344 to Wondries Fleet Group for said purchase.

### AWARD OF CONTRACT TO R.E. SCHULTZ CONSTRUCTION SERVICES FOR POURED-IN-PLACE SURFACING AT JARDIN DE LOS NIÑOS PARK (F: 55) (XR: 73.20) (XR: 24.1)

Staff report dated January 12, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for the installation of poured-in-place surfacing for the Jardin de los Niños Park project, in the amount of \$56,997, be and hereby is awarded to R.E. Schultz Construction Services; and the City Manager is authorized to execute the agreement.

### AGREEMENT WITH THE CITY OF SANTA ANA FOR THE ADMINISTRATION OF THE HOMELAND SECURITY GRANT/URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM (F: 55) (XR: 82.1)

Staff report dated January 12, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Homeland Security Grant Programs Transfer Agreement by and between the City of Garden Grove and the City of Santa Ana, be and hereby is

approved; and the Chief of Police is authorized to execute the agreement.

DENSITY BONUS HOUSING AGREEMENT WITH DALE APARTMENTS LLC FOR PROPERTY LOCATED AT 12632 DALE STREET (F: 117.16P1) (XR: 57.1)

Staff report dated January 12, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Density Bonus Housing Agreement by and between the City of Garden Grove and Dale Apartments, LLC, detailing the affordable housing provisions to be implemented for this project, be and hereby is approved; and the City Manager is authorized to execute the agreement and all other documents necessary to implement the agreement.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 457458 through 459718, Wires W560 through W575, and Direct Deposits W458660 through W459715; and Payroll Warrants 164361 through 164623, Direct Deposits D180621 through D181975, and Wires W1509 through W1516, 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.

PUBLIC HEARING - AMENDMENT TO EXTEND THE TIME LIMIT OF THE BUENA CLINTON REDEVELOPMENT PLAN (F: A-48.14) (XR: 43.4)

Staff report dated January 12, 2010, 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, the Public Hearing was declared closed.

ORDINANCE NO. 2762 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE BUENA-CLINTON REDEVELOPMENT PROJECT UNDER SENATE BILL 1045 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(C)

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 Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2762 be and hereby is passed to second reading.

ORDINANCE NO. 2763, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE BUENA-CLINTON PROJECT AS AUTHORIZED BY SENATE BILL 1096 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D)(i)

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 Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2763 be and hereby is passed to second reading.

PUBLIC HEARING - AMENDMENT TO EXTEND THE TIME LIMIT OF THE REDEVELOPMENT PLAN FOR THE GARDEN GROVE COMMUNITY PROJECT AREA (F: A-48.25a) (XR: 43.4)

Staff report dated January 12, 2010, 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, the Public Hearing was declared closed.

ORDINANCE NO. 2764, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE GARDEN GROVE COMMUNITY PROJECT AS AUTHORIZED BY SENATE BILL 1045 PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33333.2(c) AND 33333.6(e)(2)(C)

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 Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2764 be and hereby is passed to second reading.

ORDINANCE NO. 2765, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE GARDEN GROVE COMMUNITY PROJECT AS AUTHORIZED BY SENATE BILL 1096 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D)(i) AS TO THE ORIGINAL AREA AND THE 1974 AREA

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 Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2765 be and hereby is passed to second reading.

ORDINANCE NO. 2766, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AMENDING THE REDEVELOPMENT PLAN FOR THE GARDEN GROVE COMMUNITY PROJECT AS AUTHORIZED BY SENATE BILL 1096 PURSUANT TO HEALTH AND SAFETY CODE SECTION 33333.6(E)(2)(D)(ii) AS TO THE TRASK AVENUE AREA; 1976 AMENDMENT AREA; BROOKHURST/CHAPMAN AREA; BROOKHURST/KATELLA AREA; AND THE 1979 AMENDMENT AREA

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 Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2766 be and hereby is passed to second reading.

PUBLIC HEARING - REQUEST BY VICTORIA TIEU, BUSINESS OWNER OF THE CAN RESTAURANT AND CLUB, TO MODIFY CONDITIONAL USE PERMIT NO. CUP-253-08 (REV. '10) INCLUDING A REVISED SECURITY PLAN AND A REQUEST TO EXTEND THE HOURS OF OPERATION  
(F: 51.CUP-253-08 Rev '10) (XR: 57.1)

Staff report dated January 12, 2010, was introduced and reviewed by staff.

Conditional Use Permit No. CUP-253-08 (CUP), under which The CAN Restaurant & Bar (CAN) operates, includes Condition No. 46 requiring review of the CAN's business operations before the City Council in the event of three violations to the CUP. This condition also required an automatic review before City Council six months from the date of approval on March 25, 2009.

At the September 22, 2009, City Council meeting, staff provided a report on the last six months of activity at the CAN. In addition to service calls, the report described several conditions of the CUP that had not been met.

At the end of September 2009, Victoria Tieu, the owner/operator of the CAN, submitted a request to modify the Conditions of Approval, specifically to revise the Security Plan and to extend the hours of operation to 8:00 a.m. to 2:00 a.m. seven (7) days a week. During a meeting with Ms. Tieu on October 8, 2009, staff encouraged her to submit a complete, revised Security Plan, detailing the proposed changes and the effective implementation of those changes, in order to proceed with the request.

The current approved hours of the CAN are Monday through Thursday 8:00 a.m. to 11:00 p.m., and Friday through Sunday 8:00 a.m. to 2:00 a.m. These hours reflect a use that is required to be primarily a restaurant with the opportunity to take advantage of limited later hours on the weekend for accessory entertainment use. Maintaining the existing hours is consistent with the approved use, and other similar uses in the City of Garden Grove.

Ms. Tieu has been working with staff to develop an acceptable Security Plan. A letter from the Police Department dated December 18, 2009, to Ms. Tieu, accepted the revised Security Plan upon the removal of the

condition stated in Section III: "the posts will be manned from 10:00 p.m. each evening." The letter indicated "the Plan should be based upon an appropriate ratio of security staff to customers, not time of day; and that any time the business is open and customer attendance reaches the thresholds set forth by the Plan, (the owner/operator) shall be required to have the appropriate number of security personnel at the establishment. Time of day is not relevant." Two extraneous conditions regarding hours of operation and "Special Events" were also not approved by the Police Department.

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

Elizabeth Piñon and Teresa Piñon spoke in opposition to extending the operating hours of the CAN; with John Anthony Santos speaking in favor of extending the operating hours of the CAN.

Victoria Tieu, the CAN Restaurant owner/operator, requested the City Council allow her to revise her hours of operation to be open seven days a week until 2:00 a.m.

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

In response to Council Member Nguyen's inquiry, staff read into the record staff's recommendation: adopt the Resolution modifying CUP-253-08 to substitute the revised and modified "Security Plan" in place of the Security Plan approved on March 24, 2009; and maintain the operating hours of Monday through Thursday 8:00 a.m. to 11:00 p.m., and Friday through Sunday 8:00 a.m. to 2:00 a.m., as part of Conditional Use Permit No. CUP-253-08 (Rev. 10).

#### RESOLUTION NO. 8937-10

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8937-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-253-08 (REV. 10), FOR AN EXISTING BUSINESS, THE CAN RESTAURANT & CLUB, LOCATED AT 14241 EUCLID STREET, SUITE C-101, PARCEL NO. 099-183-03, be and hereby is adopted.

LETTER OF RESIGNATION FROM PLANNING COMMISSIONER EUGENE KIRKHAM (F: 122.10A)

Planning Commissioner Eugene Kirkham's resignation was accepted with regret.

AGREEMENT WITH COMVIEW, INC. FOR THE INSTALLATION OF THE TRAFFIC MANAGEMENT CENTER (F: 55) (XR: 24.11)

Staff report dated January 12, 2010, 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 Agreement by and between the City of Garden Grove and Compview, Inc., for the installation of the Traffic Management Center, in the amount not to exceed \$501,055.45, be and hereby is approved; and the City Manager is authorized to execute the agreement.

MEMORANDUM OF UNDERSTANDING, CONFIDENTIALITY AGREEMENT, AND LETTER OF INTENT WITH POSEIDON RESOURCES CORPORATION REGARDING THE HUNTINGTON BEACH OCEAN DESALINATION PROJECT (F: 55) (XR: 24.12)

Staff report dated January 12, 2010, was introduced and reviewed by staff.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the Memorandum of Understanding Amendment (MOU) and the Confidentiality Agreement by and between the City of Garden Grove and Poseidon Resources Corporation for monitoring of the Huntington Beach Ocean Desalination Project, be and hereby is approved; the Mayor is authorized to execute the MOU and the Confidentiality Agreement; and the City Manager is authorized to sign the Letter of Intent.

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

Council Member Broadwater commented on the state's budget and how it might affect the City.

Council Member Nguyen encouraged residents to buy in Garden Grove, and thanked staff for a service-oriented year.



Council Member Jones commented on the slow economic recovery and the impact to the City.

Council Member Do encouraged everyone to keep the spirit of charity and giving during these prolonged hard economic times.

Mayor Dalton, Council Member Jones, and Council Member Do thanked Planning Commissioner Kirkham for his service to the City and the community.

Mayor Dalton commended staff for their efforts in obtaining grants and looking at ways to improve the city in spite of the hard economic times.

#### ADJOURNMENT

At 7:25 p.m., the meeting was declared adjourned.

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, January 12, 2010, at 6:42 p.m.

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

ABSENT: (0) NONE

#### ORAL COMMUNICATIONS – PUBLIC

Myke Cossota commented on the declining economy, and the state and City budgets.

#### RECESS

At 6:44 p.m., Chair Broadwater declared a recess.

#### RECONVENE

At 6:49 p.m., Chair Broadwater reconvened the Agency meeting with all Members present.

AFFORDABLE HOUSING AGREEMENT WITH DALE APARTMENTS LLC FOR THE PURCHASE OF AFFORDABILITY COVENANTS ON SIX UNITS AT THE APARTMENT COMPLEX LOCATED AT 12632 DALE STREET (F: 117.16P1) (XR: A-55.193) (XR: 43.4)

Staff report dated January 12, 2010, was introduced and reviewed by staff.

#### RESOLUTION NO. 678

It was moved by Member Jones, seconded by Member Dalton, and carried by unanimous vote that full reading of Resolution No. 678 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING A DENSITY BONUS HOUSING AGREEMENT BETWEEN THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT AND THE DALE

APARTMENTS, LLC, AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

Member Jones commented on the Dale apartments complex project and stated it was nice to see new construction within the city. He pointed out that the agreement for this project is for affordable housing.

RECESS

At 6:51 p.m., Chair Broadwater declared a recess.

RECONVENE

At 7:26 p.m., under the Ralph M. Brown Act, the meeting was reconvened with all Members present to Closed Session in the Founders Room to discuss the following:

CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 12581 Harbor Boulevard, 12591 Harbor Boulevard, 12621 Harbor Boulevard, and 12721 Harbor Boulevard, Garden Grove

Agency Negotiator: Chet Yoshizaki, Economic Development Director

Negotiating Parties: Garden Grove MXD, LLC

Under Negotiation: To obtain direction regarding the price and terms for potential acquisition and disposition of the real property pursuant to Government Code Section 7267, et seq.

RECESS

At 8:18 p.m., Chair Broadwater declared a recess.

RECONVENE IN OPEN SESSION

At 8:19 p.m., Chair Broadwater reconvened the meeting in the Council Chamber with all Members present.

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

ADJOURNMENT

At 8:20 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
SECRETARY

## MINUTES

### GARDEN GROVE HOUSING AUTHORITY

An Adjourned 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, January 12, 2010, at 6:36 p.m.

ROLL CALL: PRESENT: (6) CHAIR NGUYEN, COMMISSIONERS BROADWATER, DALTON, DO, JONES, O'CONNOR

ABSENT: (1) COMMISSIONER NEVAREZ

#### ORAL COMMUNICATIONS – PUBLIC

None.

#### CONSENT TO ASSIGNMENT OF HAP (HOUSING ASSISTANCE PAYMENTS) FROM JAMBOREE HOUSING CORPORATION TO UNION BANK (F: 117.16D5) (XR: H-117.3)

Staff report dated January 12, 2010, was introduced.

It was moved by Commissioner Broadwater, seconded by Commissioner Jones, and carried by unanimous vote of those present that the Consent to Assignment of Housing Assistance Payments contract as security for financing with Jamboree Housing Corporation and authorize the Director to execute the Consent, be and hereby is approved; and the Director is authorized to execute the Consent.

#### HOUSING AUTHORITY STATUS REPORT FOR NOVEMBER 2009 (F: H-117.2)

Staff report dated January 12, 2010, was introduced.

It was moved by Commissioner Broadwater, seconded by Commissioner Jones, and carried by unanimous vote of those present that the Status Report on the Section 8 Rental Assistance Program for November 2009, be and hereby is received and ordered filed.

#### ADJOURNMENT

At 6:41 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
SECRETARY