

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, February 23, 2010, at 5:30 p.m.

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

ABSENT: (2) COUNCIL MEMBER DO absent at Roll Call,
but joined the meeting at 5:32 p.m.
COUNCIL MEMBER NGUYEN absent at Roll
Call, but joined the meeting at 5:55 p.m.

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 5:31 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 LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City Designated Representatives: Matthew J. Fertal, City Manager,
and John D.R. Clark, Human Resources Director.

Employee Organizations: Orange County Employee's Association (OCEA); OCEA Employee's League; Garden Grove Fire Fighters Local 2005; Garden Grove Police Association; Middle Management; Central Management; and unrepresented Part-Time Employees.

RECONVENE IN OPEN SESSION

At 6:55 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 Jones led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION - COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward The Boys and Girls Clubs of Garden Grove Youth of the Year Award Recipients Angie Gonzalez, Eli Jr. Gonzalez, Randy Fernando Osorio, and Keri Tate. Each were presented with a certificate and memento in recognition of their service as catalysts for positive change in their clubs and the Garden Grove community.

ORAL COMMUNICATIONS - PUBLIC

Henry Ameen described the negative impact the development project behind his home is having on his property values and his privacy. He requested help in reaching a mutually beneficial solution to this issue.

Carolyn Weigand provided copies of a letter, signed by her neighbors in the Jewel Street neighborhood, in opposition to allowing Vacation Rental Properties in R-1 Zones. (F: 80.2)

Robert Tucker commented on remarks Council Member Nguyen made during a Tet Festival Press Conference.

Peter Katz announced the unveiling of the Main Street Arch on Friday, February 26, at 6:00 p.m.

Lynn White urged the Council Members to consider allowing Vacation Rental Properties in R-1 Zones. (F: 80.2)

RECESS

At 7:21 p.m., the Mayor declared a recess.

RECONVENE

At 7:29 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION IN HONOR OF BOLSA GRANDE HIGH SCHOOL'S 50TH ANNIVERSARY (F: 83.1)

Staff report dated February 23, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the Resolution honoring the 50th Anniversary of Bolsa Grande High School, be and hereby is approved.

LEASE RENEWAL AGREEMENTS WITH ENTERPRISE LEASING FOR FIVE POLICE DEPARTMENT VEHICLES (F: 82.4) (XR: 82.1)

Staff report dated February 23, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the Lease Agreement by and between the City of Garden Grove and Enterprise Fleet Management for five vehicles for 36 months, in the amount of \$29,089.56 per year for three years, be and hereby is approved; and the Chief of Police or his designee is authorized to execute the agreements.

APPOINTMENT TO THE ORANGE COUNTY CITY HAZARDOUS MATERIALS EMERGENCY RESPONSE AUTHORITY (OCCHMERA) (F: 55) (XR: VIP) (XR: 61.1)

Staff report dated February 23, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the appointment of Jeff Guyer, Hazardous Materials Coordinator, as an alternate voting member to the Board of Directors for the Orange County – City Hazardous Materials Emergency Response Authority (OCCHMERA) be and hereby is approved.

RESOLUTION APPROVING AN APPLICATION FOR PROPOSITION 84 STATEWIDE PARK PROGRAM FUNDS (F: 87.1A) (XR: 87.1)

Staff report dated February 23, 2010, was introduced.

RESOLUTION NO. 8946-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8946-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUND FOR THE BROOKHURST TRIANGLE PARK AND TRAIL PROJECT, be and hereby is adopted.

RESOLUTION TO INITIATE SPRING 2010 WEED ABATEMENT PROGRAM
(F: 113.1) (XR: 61.1)

Staff report dated February 23, 2010, was introduced.

RESOLUTION NO. 8947-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8947-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

RESOLUTION TO REINITIATE PROCEEDINGS ESTABLISHING UNDERGROUND UTILITY DISTRICT NO. 24, HAZARD AVENUE (F: 121.#24) (XR: 24.11)

Staff report dated February 23, 2010, was introduced.

RESOLUTION NO. 8948-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8948-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CALLING FOR A PUBLIC HEARING TO DETERMINE WHETHER PUBLIC NECESSITY, HEALTH, SAFETY, OR WELFARE REQUIRES THE FORMATION OF AN UNDERGROUND UTILITY DISTRICT ON THE NORTHERLY SIDE OF HAZARD AVENUE FROM THE CENTERLINE OF EUCLID STREET TO 600 FEET WESTERLY, be and hereby is adopted.

RESOLUTION ENDORSING THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010 (F: 67.1)

Staff report dated February 23, 2010, was introduced.

RESOLUTION NO. 8949-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8949-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010, be and hereby is adopted.

RESOLUTION APPROVING USE OF HOUSING SET ASIDE FUNDS FOR THE FISCAL YEAR 2009-10 SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF) PAYMENT (F: A-34.6) (XR: 43.4)

Staff report dated February 23, 2010, was introduced.

RESOLUTION NO. 8945-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8945-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE BORROWING BY THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT OF A PORTION OF THE AGENCY'S LOW AND MODERATE INCOME HOUSING FUNDS FOR THE PURPOSE OF PAYING ITS SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND PAYMENT FOR FISCAL YEAR 2009-10, be and hereby is adopted.

AGREEMENT WITH IMPEX TECHNOLOGIES, INC. TO PROVIDE A STORAGE ARRAY NETWORK WITH A THREE-YEAR SUPPORT SERVICE AGREEMENT (F: 55) (XR: 43.3)

Staff report dated February 23, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Impex Technologies Inc., to provide one Storage Array Network, including three years of support and services, in the amount of \$31,323.75, be and hereby is

approved; and the City Manager is authorized to execute the agreement.

MINUTES

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that the City Council minutes for Regular Meetings held November 10, 2009, and November 24, 2009; and the Special Meeting held November 24, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that Payroll Warrants 164883 through 165059, Direct Deposits D183319 through D183993, and Wires W1525 through W1530, 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 Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

AWARD OF CONTRACT TO R.J. NOBLE COMPANY INC. FOR THE GARDEN GROVE STREET REHABILITATION (OVERLAY) 2009-10 PROJECT (F: 55) (XR: 24.2)

Staff report dated February 23, 2010, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the contract for the Central Garden Grove Street Rehabilitation (Overlay) 2009/10 Project, in the amount of \$364,588.12, be and hereby is awarded to R.J. Noble Company Inc.; the City Manager is authorized to increase appropriation in the Street Prop 1B Fund (040) by \$500,000; and the City Manager is authorized to execute the agreement.

AGREEMENTS WITH NANCY NGUYEN AND THE PHU HOANG FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 12971 TRASK AVENUE, GARDEN GROVE IN CONJUNCTION WITH THE WIDENING OF FAIRVIEW STREET (F: 84.1) (XR: 96.proj.7247) (XR: 43.4)

AGREEMENTS WITH DAVID BILDERBACK, SCHERRY BILDERBACK, AND PATRICIA STRONG FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 12972 RANCHERO WAY, GARDEN GROVE, IN CONJUNCTION WITH THE WIDENING OF FAIRVIEW STREET (F: 84.1) (XR: 96.proj.7247) (XR: 43.4)

Due to a potential conflict of interest, Council Member Jones recused himself from these two matters.

COUNCIL MEMBER JONES LEFT THE MEETING AT 7:30 P.M.

Staff reports dated February 23, 2010, were introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that the Agreement by and between the City of Garden Grove and The Phu Hoang and Nancy Nguyen, for the acquisition of real property located at 12971 Trask Avenue, Garden Grove, be and hereby is approved; the City Manager is authorized to execute the Purchase Agreement and make minor modifications as needed; the City Clerk is authorized to accept the Grant Deed; the Finance Director is authorized to draw a warrant in the amount of \$416,375 for the property acquisition and funds necessary for closing costs; the City Manager is authorized to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids; and the City Manager is authorized to execute the Lease Agreement and make modifications needed.

AGREEMENTS WITH DAVID BILDERBACK, SCHERRY BILDERBACK, AND PATRICIA STRONG FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 12972 RANCHERO WAY, GARDEN GROVE, IN CONJUNCTION WITH THE WIDENING OF FAIRVIEW STREET

Due to a potential conflict of interest, Council Member Jones recused himself from this matter.

COUNCIL MEMBER JONES LEFT THE MEETING AT 7:30 P.M.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that the Agreement by and between the City of Garden Grove and David Bilderback and Scherry Bilderback, and Patricia Strong, all as joint tenants, for the acquisition of real property located at 12972 Ranchero Way, Garden Grove, in the amount of \$350,000, be and hereby is approved; the City Manager is authorized to execute the Purchase Agreement and to make minor modifications as needed; the City Clerk is authorized to accept the Grant Deed; the Finance Director is authorized to draw a warrant in the amount of \$350,000 and funds necessary for closing costs; the City Manager is authorized to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids; and the City Manager is authorized to execute the Lease Agreement and make minor modifications as needed.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 7:33P.M.

VACATION RENTAL PROPERTIES IN R-1 ZONES, AS REQUESTED BY COUNCIL MEMBER BROADWATER (F: 80.2)

Responding to Council Member Broadwater, the City Attorney stated that the Municipal Code does not authorize vacation rental businesses in R-1 zones. Should the City Council desire to move in that direction, staff is prepared to bring forward an Ordinance allowing vacation rental businesses in the R-1 Zone at the City Council's discretion.

Council Member Broadwater expressed support in making the necessary changes to the Code to allow this type of use. There are a number of these types of rentals operating within the city already, and he would like to legitimize them and start collecting bed tax from the operators. Limitations could be placed on the operators, and an examination period could be put in place. It is his experience that short-term rental properties are better kept than some long-term rentals.

Mayor Dalton indicated that he is still investigating this matter. He has concern on the impact to the neighborhoods and if the bed tax received is worth the disruption to the neighborhood. The renters would be strangers to the neighborhood and have no commitment to the community. He has questions on how the bed tax would be calculated. He would like additional information before making a decision.

Council Member Do noted that it would be difficult to enforce the bed, as compared to collecting from hotels. Would the taxes collected offset the cost of enforcement? He would like input from staff on the potential impact this change would have, both financial and otherwise; and would this negatively affect the hotels within the city. He is not convinced that the City could afford this accommodation.

Council Member Broadwater agreed with requesting a report back from staff responding to the concerns raised. He requested that the report also include the number of rentals currently operating and pictures of the sites, if possible; a background on how these businesses operate; and what types and amounts of problems other cities have experienced by allowing short-term rentals.

Mayor Dalton wanted to make clear that until such time the Code is changed to allow short-term rentals, it is illegal to operate these types of businesses.

Council Member Nguyen noted that she sees short-term rentals as a type of bed and breakfast. Anyone who can afford this type of service is serious about visiting our city.

Council Member Do requested information on the impact to the Police Department short-term rentals would cause, and would this mandate that our law enforcement be increased to be to address these needs, and would the bed tax collected offset the additional costs.

After further discussion, it was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that staff be directed to conduct a thorough analysis and provide the City Council with a report on the impact vacation rental properties would have on neighborhoods in R-1 Zones.

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

Council Member Broadwater commented on a recent ride-a-long he had with the Police Department. He described a call they responded to, and the successful use of the Administrative Citation Program as a tool to gain compliance with the Code. (F: 50.2) (XR: 82.1)

Council Member Nguyen encouraged residents to buy in Garden Grove; announced several upcoming community events; and defended her decision not to participate in this year's Tet Festival Parade.

Council Member Jones, and the Mayor and other Council Members wished Mani Jones a very happy birthday.

Council Member Do commented on the success of this year's Tet Festival. He was troubled by the display of political signs on the festival grounds as well as a political article in the festival magazine. He asked staff to determine if this was a violation to the The Union of Vietnamese Student Associations' contract with the City.

Mayor Dalton announced the upcoming Mayor's Prayer Breakfast, Thursday, February 25, at 7:00 a.m., as well as several other upcoming community events.

ADJOURNMENT

At 7:55 p.m., the the meeting was adjourned to Tuesday, March 2, 2010, at 5:30 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

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, February 23, 2010, at 7:03 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

RESOLUTION APPROVING USE OF HOUSING SET ASIDE FUNDS FOR THE
FISCAL YEAR 2009-10 SUPPLEMENTAL EDUCATIONAL REVENUE
AUGMENTATION FUND (SERAF) PAYMENT (F: A-34.6) (XR: 43.4)

Staff report dated February 23, 2010, was introduced.

RESOLUTION NO. 681

It was moved by Member Dalton, seconded by Member Do, and carried by unanimous vote that full reading of Resolution No. 681 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING THE BORROWING OF A PORTION OF ITS LOW AND MODERATE INCOME HOUSING FUNDS FOR THE PURPOSE OF PAYING ITS SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND PAYMENT FOR FISCAL YEAR 2009-10, be and hereby is adopted.

MINUTES

It was moved by Member Dalton, seconded by Member Do, and carried by unanimous vote that the Agency minutes for the Regular Meetings held November 10, 2009, and November 24, 2009, be and hereby are received and filed.

PUBLIC HEARING - ASSIGNMENT AND ASSUMPTION AGREEMENT AND
AMENDED LEASE AGREEMENT FROM HARDIN HYUNDAI TO
GARDEN GROVE AUTOMOTIVE, INC., DBA AS KIA MOTORS (F:
A-55.358) (XR: 43.4)

Staff report dated February 23, 2010, was introduced and reviewed by staff.

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

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

Member Jones inquired about the Agency's obligation for relocation benefits. Staff responded that the tenant has waived all its relocation benefits under this Agreement, and that the term is a month-to-month lease.

It was moved by Member Do, seconded by Member Jones, and carried by unanimous vote that the Assignment and Assumption Agreement by and among Hardin Hyundai, Inc. and Garden Grove Automotive, Inc., be and hereby is approved; that the First Amendment to Site and Building Lease by and between the Garden Grove Agency for Community Development and Garden Grove Automotive, Inc., be and hereby is approved; and the Agency Director is authorized to execute the pertinent documents when appropriate to do so.

ADJOURNMENT

At 7:26 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, February 23, 2010, at 6:52 p.m.

ROLL CALL: PRESENT: (7) CHAIR NGUYEN, COMMISSIONERS
BROADWATER, DALTON, DO, JONES,
NEVAREZ, O'CONNOR

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

HOUSING AUTHORITY STATUS REPORT FOR JANUARY 2010 (F: H-117.2)

Staff report dated February 23, 2010, was introduced.

It was moved by Commissioner Dalton, seconded by Commissioner Jones, and carried by unanimous vote that the Status Report on the Section 8 Rental Assistance Program for January 2010, be and hereby is received and ordered filed.

MINUTES

It was moved by Commissioner Dalton, seconded by Commissioner Jones, and carried by unanimous vote that the minutes of the Regular Meetings of the Housing Authority held January 12, 2010, and January 26, 2010, be and hereby are received and filed.

ADJOURNMENT

At 6:54 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, February 23, 2010, at 7:03 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

RECESS

At 7:21 p.m., President Dalton declared a recess.

RECONVENE

At 7:27 p.m., President Dalton reconvened the meeting with all Members present.

MINUTES

It was moved by Member Do, seconded by Member Jones, and carried by unanimous vote that the minutes of the Regular Meeting of the Sanitary District Board held January 26, 2010, be and hereby are received and filed.

ADJOURNMENT

At 7:28 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY