

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, Garden Grove, on Tuesday, August 24, 2010, at 6:02 p.m.

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

ABSENT: (0) NONE

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 6:04 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.

CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(a) – Heath v. City of Garden Grove

RECESS

At 6:29 p.m., Mayor Dalton declared a recess.

RECONVENE IN OPEN SESSION

At 6:37 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

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

PRESENTATION

Channel 3's report on "This Week in Garden Grove" was shown at the meeting regarding the City's community outreach effort to promote drought tolerant planting, water saving irrigation systems, and green building. (F: 52.3) (XR: 87.1)

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Charles Dang expressed concern with the proposed use of Leda Lane as an emergency access to the water park hotel. (F: A-55.346) (XR: 43.4)

Robert Winters expressed concern with a large residential home project located on Stanford Avenue, and the potential of it being used for something other than a single-family residence.

Peter Katz commented on the new Farmer's Market operating on Main Street and other activities offered on Main Street.

ORAL COMMUNICATIONS – COUNCIL MEMBER COMMENTS

Mayor Dalton directed staff to contact Mr. Dang about his concerns regarding the water park hotel development.

Council Member Broadwater directed staff to contact Mr. Winters, and to report back about the Stanford Avenue home.

RECESS

At 6:54 p.m., the Mayor declared a recess.

RECONVENE

At 7:02 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION DECLARING SEPTEMBER 2010 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that September 2010, be and hereby be proclaimed as National Alcohol and Drug Addiction Recovery Month in Garden Grove.

RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FOR MAGNOLIA PARK FAMILY RESOURCE CENTER AND THE FOCUS COLLABORATIVE UNDER THE COUNTY OF ORANGE SOCIAL SERVICES AGENCY FAMILIES AND COMMUNITIES TOGETHER PROGRAM (F: 73.8A) (XR: 87.1)

Staff report dated August 24, 2010, was introduced.

RESOLUTION NO. 9007-10

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9007-10, be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR MAGNOLIA PARK FAMILY RESOURCE CENTER AND THE FOCUS COLLABORATIVE UNDER THE COUNTY OF ORANGE FAMILIES AND COMMUNITIES TOGETHER (FaCT) PROGRAM, be and hereby is adopted; and that annual funding for up to four years, in the amount of \$50,000 from the General Fund, is hereby authorized.

AGREEMENT WITH C.A. ODELL GENERAL ENGINEERING FOR THE INSTALLATION OF SKATE RAMPS, LANDSCAPING, AND SURROUNDING CONCRETE WORK FOR THE SKATE SPOTS AT GARDEN GROVE PARK (F: 55) (XR: 73.5) (XR: 87.1)

Staff report dated August 24, 2010, 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 C.A. Odell General Engineering for the installation of pre-casted skate ramps,

landscaping, and surrounding concrete work for the skate spots at Garden Grove Park, in the amount not to exceed \$\$68,071, be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City; and that funding for this project be authorized from the Park Development Fund.

PURCHASE AND SALE AGREEMENT FOR EASEMENT FOR WATER LINE PURPOSES OVER REAL PROPERTY LOCATED AT 13561 ROBYN COURT, GARDEN GROVE (F: 84.1) (XR: 43.4) (XR: 24.1)

Staff report dated August 24, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Purchase and Sale Agreement by and between the City of Garden Grove and Trinh Q. Pham and Ngan Thi Nguyen, for real property located at 13561 Robyn Court, Garden Grove, in the amount of \$1,000, for easement for water line purposes, be and hereby is approved; the City Manager is authorized to execute the agreement and make minor modifications as needed on behalf of the City; the City Clerk is authorized to accept the Easement Deed on behalf of the City; and the Finance Director is authorized to draw a warrant in the amount of \$1,000 when appropriate to do so.

ACCEPTANCE OF PROJECT AS COMPLETE FOR PROJECT NO. 7249 – HARBOR BOULEVARD REHABILITATION FROM GARDEN GROVE BOULEVARD TO CHAPMAN AVENUE (F: 96.proj.7249) (XR: 24.11)

Staff report dated August 24, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Project No. 7249 – Harbor Boulevard Rehabilitation from Garden Grove Boulevard to Chapman Avenue be accepted as complete; the Mayor 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.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Payroll Warrants 166874 through 167154, Direct Deposits D192151 through D192822, and Wires W1583 through W1588, 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 - ALLOCATION OF FY 2010-11 STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR POLICE DEPARTMENT EQUIPMENT PURCHASES (F: 82.5) (XR: 82.15)

Staff report dated August 24, 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.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the allocation of \$100,000 in Supplemental Law Enforcement Services Funds for the purchase of Police Department equipment to enhance the investigative capabilities of the Investigations Unit, improve preparedness and communications in the Mobile Command Center, and replace deteriorating furniture in the Patrol Briefing Room, be and hereby is approved.

PUBLIC HEARING - RESOLUTION APPROVING THE ISSUANCE OF RECOVERY ZONE FACILITY BONDS FOR THE GARDEN GROVE GALLERIA PROJECT (F: 60.1)

Staff report dated August 24, 2010, was introduced and reviewed by staff.

In response to questions from Mayor Dalton and Council Member Broadwater, staff confirmed that the City would be the issuing agency, and that the agreement would be structured in a way that the City would not have any financial responsibility for the project, the requirements and responsibilities would be carried by the Developer.

Council Member Broadwater asked since this is government funding, would the development be put under prevailing wage? He wants everyone involved knowing the requirements before accepting the financing.

Staff indicated that although that is not the intent of this financing, the financing requirements would be confirmed.

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

Charles Mitchell spoke in support of the Galleria project, commenting on the Developer's inability to secure financing prior to beginning the project.

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

RESOLUTION NO. 9008-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9008-10, be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE CITY OR AFFILIATED ENTITY ENTERING INTO A LOAN IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,794,000 AND LENDING THE PROCEEDS OF SUCH LOAN TO GARDEN GROVE GALLERIA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, AND ALLOCATING AN AMOUNT NOT TO EXCEED \$4,794,000 OF THE GARDEN GROVE RECOVERY ZONE FACILITY BOND REALLOCATION FOR THE BENEFIT OF THE PROJECT TO BE FINANCED PURSUANT TO SUCH LOAN, be and hereby is adopted.

INITIATION OF FORMATION OF TOURISM IMPROVEMENT DISTRICT AND APPOINTMENT OF ADVISORY BOARD (F: 32.1) (XR: 43.4)

Staff report dated August 24, 2010, was introduced and reviewed by staff.

RESOLUTION NO. 9009-10

It was moved by Council Member Jones, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9009-10, be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING

ITS INTENTION TO ESTABLISH THE GARDEN GROVE TOURISM IMPROVEMENT DISTRICT (GGTID), AND FIXING THE TIME AND PLACE OF PUBLIC MEETING AND PUBLIC HEARING THEREON AND GIVING NOTICE THEREOF, be and hereby is adopted.

RESOLUTION NO. 9010-10

It was moved by Council Member Jones, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9010-10, be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPOINTING THE ADVISORY BOARD OF THE GARDEN GROVE TOURISM IMPROVEMENT DISTRICT, be and hereby is adopted.

AWARD OF CONTRACT TO BC RENTALS, INC., DBA BC TRAFFIC SPECIALIST, FOR PHASE TWO - STREET SIGN REPLACEMENT (F: 55) (XR: 24.1)

Staff report dated August 24, 2010, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for Phase Two – Street Sign Replacement, in the amount of \$341,864.08, be and hereby is awarded to BC Rentals, Inc., dba BC Traffic Specialist; and the City Manager is authorized to execute the agreement on behalf of the City.

DUE TO A POTENTIAL CONFLICT OF INTEREST, COUNCIL MEMBER JONES RECUSED HIMSELF FROM THE FOLLOWING MATTERS.

COUNCIL MEMBER JONES LEFT THE MEETING AT 7:20 P.M.

SECOND READING OF ORDINANCE NO. 2778 (F: 116.PUD-125-10) (XR: 106.DA-181.10) (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. 2778 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 ADOPTING A NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-125-10, CHANGING THE ZONING DESIGNATION FROM CCSP-CC43

(COMMUNITY CENTER SPECIFIC PLAN – COMMUNITY COMMERCIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT NO. PUD-125-10

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that Ordinance No. 2778 be and hereby is declared adopted.

SECOND READING OF ORDINANCE NO. 2779 (F: 116.PUD-125.10)
(XR: 106.DA-181-10) (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. 2779 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 ADOPTING A NEGATIVE DECLARATION AND ADOPTING DEVELOPMENT AGREEMENT NO. DA-181-10 BETWEEN BRANDYWINE HOMES (DEVELOPER) AND THE CITY OF GARDEN GROVE

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote of those present that Ordinance No. 2779 be and hereby is declared adopted.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 7:25 P.M.

SECOND READING OF ORDINANCE NO. 2780
(F: 116.PUD-133-99 Rev.05/Rev.09) (XR: 106.105) (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. 2780 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 A REVISION TO PLANNED UNIT DEVELOPMENT NO. PUD-133-99 (REV. 05/REV. 09), TO MODIFY THE PERMITTED USES TO ALLOW GENERAL AND MEDICAL OFFICES, MEDICAL CLINICS, AND TRADE SCHOOLS

Following the reading of the Ordinance title, it was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote of those present that Ordinance No. 2780 be and hereby is declared adopted.

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

Council Member Broadwater expressed his condolences to the Dunn family on the passing of Jan Dunn, a long-time Garden Grove resident and community volunteer. He requested the meeting be adjourned in her memory. Commenting on the decision to approve issuing recovery bonds to the Garden Grove Galleria Project, he stated that in the past when the government has provided assistance in difficult economic times, the economy has been positively impacted.

Council Member Nguyen announced the upcoming concert in the park and car show at the Village Green Park on August 26, at 5:30 p.m., and the Garden Grove Historical Society's picnic on September 11, at 11:00 a.m. She encouraged residents to buy in Garden Grove, and requested staff to make changes to the Buy in Garden Grove webpage to include business information. She congratulated Kia Motors on its Grand Opening.

Council Member Jones commenting on the Garden Grove Galleria Project stated that redevelopment activities within a community have a positive effect on economic recovery. The bonds provided to this project have no financial impact to the City or creates any liability.

Council Member Do commenting on the Garden Grove Galleria Project commented that it would be unreasonable to expect the developer to anticipate the kind of credit crunch that has been experienced these past years. He requested the City's Day Camp program and Community Services staff be recognized at an upcoming City Council meeting; his children have received great day care as campers, and great training as a Counselor-in-Training.

Mayor Dalton stated that the financing to the Garden Grove Galleria Project is without any City liability, and provides an opportunity to save the project. He commented on events he attended this past week: a Girl Scout Gold Awards (he encouraged the Boy Scouts in the audience to earn their Eagle Scout Award); Relay for Life cancer event; and a tour of House Foods with Mayor Pro Tem Jones and Council Member Nguyen. House Foods has installed solar heating saving money and electricity, while being environmental friendly. At the Kia Motors Grand Opening, Mr. Hardin, the owner, shared that the

decision to open in the city of Garden Grove over several other cities in the area was based solely on the customer service they received from City staff; he asked the City Manager to recognize staff for their efforts.

ADJOURNMENT

At 8:02 p.m., the meeting was declared adjourned in memory of Jan Dunn.

KATHLEEN BAILOR, CMC
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, Garden Grove, on Tuesday, August 24, 2010, at 6:43 p.m.

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

ABSENT: (0) NONE

AMENDMENT TO AGREEMENT WITH KEYSER MARSTON ASSOCIATES, INC. TO PROVIDE ECONOMIC AND FINANCIAL ANALYSES ON AN AS-NEEDED BASIS
(F: A-55.114) (XR: 43.4)

Staff report dated August 24, 2010, was introduced and reviewed by staff.

It was moved by Member Dalton, seconded by Member Jones, and carried by unanimous vote that Amendment No. 3 to the Agreement by and between the Garden Grove Agency for Community Development and Keyser Marston Associates, Inc., to provide economic and pro forma analysis services, project feasibility analyses, and other miscellaneous economic and financial analyses on an as needed basis, in the amount of \$100,000, be and hereby is approved; and the Agency Director is authorized to execute the agreement on behalf of the Agency.

PURCHASE AND SALE AGREEMENT OF REAL PROPERTY AT 12272 AND 12292 HARBOR BOULEVARD, GARDEN GROVE (F: A-55.365) (XR: A-84.1)
(XR: 43.4)

Staff report dated August 24, 2010, was introduced and reviewed by staff.

It was moved by Member Nguyen, seconded by Member Jones, and carried by unanimous vote that the Purchase and Sale Agreement by and between the Garden Grove Agency for Community Development

and Richard Kil and Yong Hui Kil, for real property located at 12272 and 12292 Harbor Boulevard, Garden Grove, in the amount of \$2,784,382, be and hereby is approved; the Agency Director is authorized to execute the agreement and any other necessary documents to complete the transaction on behalf of the Agency; the Secretary is authorized to accept the Grant Deed on behalf of the Agency; the Finance Officer is authorized to draw a warrant in the amount of \$2,500,000 and funds necessary for closing costs; and the Finance Officer is authorized to draw warrants in the appropriate amounts as set forth in the Promissory note when appropriate to do so.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

Chair Broadwater acknowledged that members of Boy Scout Troop 111 were in the audience and welcomed them to the meeting.

ADJOURNMENT

At 6:59 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
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, Garden Grove, on Tuesday, August 24, 2010, at 6:34 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS

Public Comments: None.

Commissioner Comments: None.

HOUSING AUTHORITY STATUS REPORTS FOR JUNE 2010 AND JULY 2010 (F: H-117.2)

Staff reports dated August 24, 2010, were introduced.

It was moved by Commissioner Broadwater, seconded by Commissioner Dalton, and carried by unanimous vote that the June 2010 and July 2010 Housing Authority Status Reports regarding the Section 8 Rental Assistance Program, be and hereby are received and filed.

MINUTES

It was moved by Commissioner Broadwater, seconded by Commissioner Dalton, and carried by unanimous vote that the minutes of the Regular Meeting of the Housing Authority held June 22, 2010, be and hereby are received and filed.

ADJOURNMENT

At 6:36 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
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, Garden Grove, on Tuesday, August 24, 2010, at 6:43 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS

Public Comments: None.

District Member Comments: None.

RECESS

At 6:54 p.m., President Dalton declared a recess.

RECONVENE

At 7:00 p.m., President Dalton reconvened the meeting with all Members present.

EXTENSION OF SERVICES AGREEMENT WITH AKM CONSULTING ENGINEERS TO PROVIDE UTILITY CAPITAL PROJECT MANAGEMENT (F: S-55.12) (XR: 24.12)

Staff report dated August 24, 2010, was introduced.

It was moved by Member Do, seconded by Member Broadwater, and carried by unanimous vote that the Extension of Services Agreement by and between the Garden Grove Sanitary District and AKM Consulting Engineers to continue to provide District Engineering Services, in the amount of \$150,000, be and hereby is approved; and the General Manager is authorized to execute the agreement on behalf of the District.

AGREEMENT WITH R.J. NOBLE COMPANY FOR DEMOLITION DEBRIS
REMOVAL SERVICES AT THE BROOKHURST TRIANGLE (F: 55) (XR: 24.1)

Staff report dated August 24, 2010, was introduced.

It was moved by Member Do, seconded by Member Broadwater, and carried by unanimous vote that the Agreement by and between the Garden Grove Sanitary District and R.J. Noble Company, Inc. for the removal of demolition debris located at the Brookhurst Triangle in Garden Grove, in the amount of \$98,600, be and hereby is approved; and the General Manager is authorized to execute the agreement on behalf of the District.

MINUTES (F: Vault)

It was moved by Member Do, seconded by Member Broadwater, and carried by unanimous vote that the minutes of the Sanitary District Board Meeting held June 22, 2010, be and hereby are received and filed.

ADJOURNMENT

At 7:01 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
SECRETARY