

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, September 14, 2010, at 5:35 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO, NGUYEN

ABSENT: (1) COUNCIL MEMBER JONES (joined the
meeting at 5:39 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 5:37 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

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 12885 and 12891 Main Street, Garden Grove.

City's Negotiator: Matthew Fertal, City Manager.

Negotiating Parties: Alberto Marciano and Craig Peterson,
M & P California Properties, LLC.

Under Negotiation: To obtain direction regarding the price and terms for the lease of real property.

RECESS

At 6:34 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 6:40 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed Closed Session matters were discussed and no reportable action was taken.

INVOCATION AND PLEDGE

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

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Peter Katz, Chair of the Main Street Commission, requested the City Council approve the Commission's recommendation to lease a vacant lot on Main Street for temporary parking.

Peggy Bergin provided information on Mesothelioma, a disease caused by asbestos exposure, and thanked the City Council for recognizing September 26, 2010, as Mesothelioma Awareness Day.

Toby Rubin, Central Garden Grove Neighborhood Association's President, invited the City Council and residents to the Association's Meet and Greet, on Saturday, September 25 at 2 p.m., at her home.

Rod Powell spoke against the use of fireworks within the city, and commented on the requirements to serve as a Council Member.

Referencing the gas line disaster in San Bruno, Charles Mitchell, suggested that residents be provided information on the condition of gas lines within the city.

ORAL COMMUNICATIONS – COUNCIL MEMBER COMMENTS: None.

JOINT ACTION WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT: RESOLUTION APPROVING A COOPERATION AGREEMENT WITH THE CITY OF GARDEN GROVE FOR THE TRANSFER OF REAL PROPERTY LOCATED AT 13501 HARBOR BOULEVARD, GARDEN GROVE, TO THE AGENCY (F: A-55.230) (XR: 43.4)

Staff report dated September 14, 2010, was introduced and reviewed by staff.

RESOLUTION NO. 9012-10

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote that full reading of Resolution No. 9012-10, be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A HEALTH AND SAFETY CODE SECTION 33220 AGREEMENT BY AND BETWEEN THE CITY AND THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT, be and hereby is adopted; and the City Manager is authorized to execute the Agreement and make minor modifications as needed on behalf of both entities.

RESOLUTION NO. 689

It was moved by Agency Member Dalton, seconded by Agency Member Do, and carried by unanimous vote that full reading of Resolution No. 689, be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING A HEALTH AND SAFETY CODE SECTION 33220 AGREEMENT BY AND BETWEEN THE CITY OF GARDEN AND THE AGENCY, be and hereby is adopted; and the Agency Director is authorized to execute the Agreement and make minor modifications as needed on behalf of both entities; and the Agency Secretary is authorized to accept the Grant Deed on behalf of the Agency.

RECESS

At 7:06 p.m., the Mayor declared a recess.

RECONVENE

At 7:18 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION RECOGNIZING SEPTEMBER 26, 2010, AS MESOTHELIOMA AWARENESS DAY (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that September 26, 2010, be and hereby be recognized as Mesothelioma Awareness Day in Garden Grove.

RESOLUTION INITIATING THE FALL 2010 WEED ABATEMENT PROGRAM, AND DECLARING THAT A PUBLIC NUISANCE EXISTS AND NEEDS TO BE ABATED AS A RESULT OF GROWING OR STORAGE OF WEEDS, RUBBISH, REFUSE, AND DIRT (F: 113.1) (XR: 61.1)

Staff report dated September 14, 2010, was introduced.

RESOLUTION NO. 9011-10

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9011-10, 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.

EXTENSION OF AGREEMENT WITH THE BOYS AND GIRLS CLUB OF GARDEN GROVE TO CONTINUE TO PROVIDE JUVENILE DIVERSION SERVICES FROM JULY 1, 2010, THROUGH DECEMBER 31, 2010 (F: 55) (XR: 82.1)

Staff report dated September 14, 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 Boys and Girls Club of Garden Grove to continue to provide Juvenile Diversion Services from July 1, 2010, through December 31, 2010, be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City.

AWARD OF CONTRACT TO PRO TECH ENGINEERING CORPORATION FOR PROJECT NO. 7252 – TRAFFIC SIGNAL INSTALLATION AT WEST STREET AND WILKEN WAY (F: 100.proj.7252) (XR: 24.11)

Staff report dated September 14, 2010, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for Project No. 7252 – Traffic Signal Installation at West Street and Wilken Way, in the amount of \$149,850, be and hereby is awarded to Pro Tech Engineering Corp.; and the City Manager is authorized to execute the agreement on behalf of the City.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 477244 through 478872, Wires W657 through W664, and Wires W477889 through W478821; and Payroll Warrants 167155 through 167328, Direct Deposits D192823 through D193492, and Wires W1589 through W1592, 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 - 2009-10 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DESCRIBING AND ASSESSING THE USE OF CDBG, ESG, AND HOME FUNDS (F: 117.10D) (XR: 57.1)

Staff report dated September 14, 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 Do, and carried by unanimous vote that the FY 2009-10 Consolidated Annual Performance and Evaluation Report (CAPER) be and hereby is accepted; and staff is directed to transmit the Report to HUD.

RECOMMENDATION FROM MAIN STREET COMMISSION - LEASE AGREEMENT WITH M & P CALIFORNIA PROPERTIES, LLC, AND DINAVI PROPERTY, LLC FOR PROPERTIES LOCATED AT 12885 AND 12891 MAIN STREET, GARDEN GROVE (F: 55) (XR: 24.1)

Staff report dated September 14, 2010, was introduced and reviewed by staff.

Council Member Do moved, seconded by Council Member Jones that the Lease Agreement by and among the City of Garden Grove, M & P California Properties, LLC, and Dinavi Property, LLC, for the property located at 12885 and 12891 Main Street, Garden Grove to construct a temporary parking lot and appropriate funding for the project, in the amount of \$48,000 for two years with an option to extend the agreement for two additional one-year terms; the City Manager is authorized to make minor modifications to the Lease Agreement on behalf of the City when appropriate to do so; the City Manager is authorized to execute the Lease Agreement on behalf of the City; and the Finance Director is authorized to appropriate funds in the amount of \$88,000 to the Parking District Maintenance Fund Fiscal-Year 2010-11 budget.

Said motion carried by the following vote:

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

AWARD OF CONTRACT TO PRESYNCT TECHNOLOGIES, INC., FOR RFP NO. S-1061 - AUTOMATED FIELD-BASED REPORTING SYSTEM FOR THE POLICE DEPARTMENT (F: 55) (XR: 82.1)

Staff report dated September 14, 2010, was introduced and reviewed by staff.

It was moved by Council Member Nguyen, seconded by Council Member Broadwater, and carried by unanimous vote that the contract for RFP NO. S-1061 - Automated Field-Based Reporting System for the

Police Department to include design and maintenance for the first three years, in the amount of \$274,392, be and hereby is awarded to Presynct Technologies, Inc., and the City Manager is authorized to execute the agreement on behalf of the City.

JOINT ACTION WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT: RESOLUTION APPROVING A COOPERATION AGREEMENT WITH THE CITY OF GARDEN GROVE FOR THE TRANSFER OF REAL PROPERTY LOCATED AT 13501 HARBOR BOULEVARD, GARDEN GROVE, TO THE AGENCY (F: A-55.230) (XR: 43.4)

This matter was considered earlier in the meeting.

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

Council Member Broadwater requested staff contact the Gas Company to check the status of the high-pressured gas line on Lampson Avenue through the length of the city to ensure that the type of gas explosion in the city of San Bruno does not happen in Garden Grove.

Council Member Nguyen announced several upcoming community events; reminded the residents to buy in Garden Grove; and requested the Mayor adjourn the meeting in honor of the 9-11 victims and their families.

Council Member Jones announced he would be attending the League of California Cities annual conference.

Council Member Do commended staff for their efforts to bring the temporary parking lot to Main Street.

Mayor Dalton congratulated Cheri Pham, Council Member Do's wife, on her recent appointment as Superior Court Judge.

ADJOURNMENT

At 7:36 p.m., the meeting was declared adjourned in memory of the 9-11 victims and their families.

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, September 14, 2010, at 6:41 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS

Public Comments: None.

Agency Member Comments: None.

MINUTES (F: Vault)

It was moved by Member Jones, seconded by Member Do, and carried by unanimous vote that the Agency minutes for the Regular Meeting held July 13, 2010, be and hereby are received and filed.

PUBLIC HEARING - CONSIDERATION OF A LEASE AGREEMENT WITH GALAXY OIL COMPANY, A CALIFORNIA CORPORATION, FOR THE OPERATION OF A SERVICE STATION ON CERTAIN REAL PROPERTY OWNED BY THE AGENCY LOCATED AT 13501 HARBOR BOULEVARD, GARDEN GROVE (F: A-55.366) (XR: 43.4)

Staff report dated September 14, 2010, was introduced and reviewed by staff.

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

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

It was moved by Member Do, seconded by Member Dalton, and carried by unanimous vote that the Agreement by and between the Garden Grove Agency for Community Development and Galaxy Oil Company for the lease of a service station located at 13501 Harbor Boulevard, Garden Grove, for five years, with any subsequent options to be granted solely at

the discretion of the Agency, for \$7,500 per month, with biannual adjustments to market, including a maximum of \$3,500 per month tenant improvement credit up to a maximum of \$200,000 over the life of the lease, be and hereby is approved; and the Agency Director is authorized to execute the Agreement and make minor modifications as needed on behalf of the Agency.

JOINT ACTION WITH THE GARDEN GROVE CITY COUNCIL: RESOLUTION APPROVING A COOPERATION AGREEMENT WITH THE CITY OF GARDEN GROVE FOR THE TRANSFER OF REAL PROPERTY LOCATED AT 13501 HARBOR BOULEVARD, GARDEN GROVE, TO THE AGENCY (F: A-55.230) (XR: 43.4)

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MATTERS FROM AGENCY MEMBERS AND DIRECTOR: None.

ADJOURNMENT

At 7:06 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
SECRETARY