

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, May 10, 2011, at 6:39 p.m.

ROLL CALL: PRESENT: (4) CHAIR BROADWATER, MEMBERS DALTON, JONES, NGUYEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Peggy Bergin, regarding the proposed traffic impact study for the Site "C" hotel development project, commented that she feels this project would definitely have an impact on the traffic in this area.

ORAL COMMUNICATIONS – AGENCY MEMBER COMMENTS

None.

AGREEMENT WITH RK ENGINEERING GROUP, INC., FOR A TRAFFIC IMPACT STUDY FOR THE SITE "C" HOTEL DEVELOPMENT PROJECT (F: A-116.15) (XR: 43.4)

Staff report dated May 10, 2011, was introduced.

It was moved by Member Dalton, seconded by Member Nguyen, and carried by unanimous vote that the Agreement by and between the Garden Grove Agency for Community Development and RK Engineering Group, Inc. to provide a traffic impact study for the proposed Site "C" hotel development project, in the amount not to exceed of \$31,000, be and hereby is approved; and the Agency Director is authorized to execute the agreement on behalf of the Agency.

MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Nguyen, and carried by unanimous vote that the minutes for the Regular Meeting of the Agency held February 22, 2011, be and hereby are received and filed.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

None.

ADJOURNMENT

At 7:30 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR, CMC
SECRETARY

MINUTES

GARDEN GROVE CITY COUNCIL

A Study Session of the Garden Grove City Council was called to order in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, on Tuesday, May 10, 2011, at 5:32 p.m.

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

ABSENT: (1) COUNCIL MEMBER NGUYEN was absent at
Roll Call, but joined the meeting at 5:37 p.m.

ORAL COMMUNICATIONS - PUBLIC

None.

OPTIONS FOR ADDITIONAL WATER SERVICE CAPACITY ON THE WEST SIDE OF
GARDEN GROVE (F: 112.11)(XR: 24.12)

Staff provided information on the Garden Grove Water System and the need to replace Well No. 16 in the West (Pressure) Zone. The differences between constructing a new well versus constructing a water transmission main were discussed.

ADJOURNMENT

At 5:50 p.m., the Study Session was declared adjourned.

KATHLEEN BAILOR, CMC
CITY CLERK

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, May 10, 2011, at 5:30 p.m.

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

ABSENT: (1) COUNCIL MEMBER NGUYEN was absent at
Roll Call, but joined the meeting at 5:37 p.m.

PUBLIC INPUT ON CLOSED SESSION MATTER

None.

ADJOURN TO CLOSED SESSION

The City Attorney stated that at the April 21, 2011, Planning Commission meeting, Robert Martinez threatened the City with litigation with regard to the City's proposed medical marijuana regulations. The City Attorney identified this threat as the item of significant exposure to litigation for Closed Session.

RECESS

At 5:34 p.m., the Mayor declared a recess.

RECONVENE

At 5:52 p.m., under the Ralph M. Brown Act, the Closed Session was reconvened 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)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to
Government Code Section 54956.9(c) (Three potential cases)

RECESS

At 6:35 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 6:39 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

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

It was announced that the second Closed Session matter previously disclosed was discussed and the City Council authorized initiation of litigation against two facilities: the Green Hill Patient Association and the HRC Wellness.

INVOCATION AND PLEDGE

Kingsley Okereke, Finance Director, gave the Invocation. Council Member Nguyen led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION – COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Keith Jones, Public Works Director, and presented him with a gift of appreciation in recognition of his retirement after 31 years of service, and for always putting this community first.

PRESENTATION – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 42.1)

Mayor Dalton called forward Connie Margolin, outgoing President and Chief Executive Officer of the Garden Grove Chamber of Commerce, and presented her with a gift of appreciation for the valuable role she played in preserving and protecting our business community.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

The Mayor announced that Public Comments concerning the vacant City Council position would be heard at the time the matter is considered.

Peggy Bergin, regarding the proposed traffic impact study for the Site "C" hotel development project, commented she feels this project would definitely have an impact on the traffic in this area.

Elaine Long, representative of a group of concerned citizens for a Better Twin Lakes Freedom Park, requested the City contact both the Orange County Flood Control and the Orange County Board of Supervisors to request they reconsider the plan for Twin Lakes Park, expressing concern about the negative impact the plan would have on the surrounding neighborhood.

Marian Snyder and Debbie Murray expressed frustration with their landlord and housing conditions. They have been in contact with Code Enforcement and the Building Division.

Nguyen Uong expressed concern over the operation of certain coffeehouses within the city that allow illegal activities and provides an immoral atmosphere for customers.

Diane Steich-Howell, Joan Sprinkle, and Pam McNamee spoke in opposition to the skate spot planned for West Haven Park.

David Vill, representing the Garden Grove Chapter of AARP, requested the City's evacuation plan for responding to citywide emergencies be made better known.

Charles Mitchell complimented both Keith Jones and Connie Margolin on their service to the Garden Grove community.

ORAL COMMUNICATIONS – COUNCIL MEMBER COMMENTS

Council Member Broadwater announced anyone interested in learning about the City's emergency plan should contact the Fire Department.

RECESS

At 7:29 p.m., the Mayor declared a recess.

RECONVENE

At 7:31 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

AMENDMENT TO REGULATIONS PERTAINING TO COFFEEHOUSES (F: 50.2) (XR: 82.1)

Staff report dated May 10, 2011, was introduced and reviewed by staff.

ORDINANCE NO. 2792, for introduction and first reading, by title only, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTIONS 5.70.020 AND 5.70.030 OF AND CHAPTER 70 OF TITLE 5 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO REGULATION OF COFFEEHOUSES

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

During Council Member discussion, Council Member Nguyen requested, and the other Council Members concurred, that the two sections limiting minors entering or remaining in a coffeehouse, remain at 8:00 p.m. Those sections are: Section 5.70.030(a)(1), and Section 5.70.030(b).

It was moved by Mayor Dalton, seconded by Council Member Broadwater, and carried by unanimous vote that Ordinance No. 2792 as amended, be and hereby is passed to second reading.

RECESS

At 7:43 p.m., the Mayor declared a recess.

RECONVENE

At 8:01 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

RESOLUTION COMMENDING RETIRING PUBLIC WORKS DIRECTOR KEITH JONES FOR HIS 31 YEARS OF DEDICATED SERVICE TO THE CITY OF GARDEN GROVE (F: 24.1)

Staff report dated May 10, 2011, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Resolution commending Keith Jones for his 31 years of dedicated service to the City of Garden Grove, be and hereby is approved.

AGREEMENT WITH GARY MAITEN CONSULTING FOR JAIL AND POLICE VEHICLE FLEET SERVICES (F: 55-Gary Maiten Consulting) (XR: 82.1)

Staff report dated May 10, 2011, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Gary Maiten Consulting for jail and police vehicle fleet services from July 1, 2011, through June 30, 2012, in the amount not to exceed \$42,240, be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City.

ACCEPTANCE OF THE 2010 US DEPARTMENT OF HOMELAND SECURITY ASSISTANCE TO FIREFIGHTERS GRANT TO PURCHASE LEVEL II SOFT BODY ARMOR (F: 61.1)

Staff report dated May 10, 2011, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that staff is authorized to accept the 2010 US Department of Homeland Security Assistance to Firefighters Grant award, in the amount of \$37,600; and the Finance Department is authorized to increase the Fire Department's budget by \$37,600 to purchase Level II Soft Body Armor as outlined in the grant application.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 492863 through 494681, Wires W747 through W756, and Direct Deposits W493477 through W494398; and Payroll Warrants 169174 through 169249, Direct Deposits D204782 through D205449, and

Wires W1673 through W1676, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

AMENDMENT TO THE AGREEMENT WITH UNION BANK TO PROVIDE BANKING SERVICES THROUGH JUNE 30, 2012 (F: 55-Union Bank) (XR: 60.1)

Staff report dated May 10, 2011, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Amendment No. 1 to the Agreement by and between the City of Garden Grove and Union Bank of California extending the banking services contract through June 30, 2012, be and hereby is approved; and the City Manager or his designee is authorized to execute the agreement and any other necessary documents in furtherance of the contract assignment and extension on behalf of the City.

POLICE MANAGEMENT ASSOCIATION MEMORANDUM OF UNDERSTANDING AMENDMENT (F: 78.8A)

Staff report dated May 10, 2011, was introduced.

RESOLUTION NO. 9040-11

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 9040-11 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING THE MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES, AND FRINGE BENEFITS FOR THE TERM 2009-2011 BY AND BETWEEN THE GARDEN GROVE POLICE MANAGEMENT ASSOCIATION AND THE CITY OF GARDEN GROVE, be and hereby is adopted.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the minutes of the Regular Meeting of the City Council held February 8, 2011; and the Study Session held on February 22, 2011, be and hereby are received and filed.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - FISCAL YEAR 2011-12 ACTION PLAN FOR THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FUNDS (F: 117.10D) (XR: 57.1)

Staff report dated May 10, 2011, 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.

Judy Dickinson, representing Acacia Adult Day Services, and Dustin Manhart, representing Community SeniorServ, expressed appreciation for the City's ongoing support of senior services.

There being no further 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 2011-12 Action Plan for the use of CDBG, HOME, and ESG Funds from the U.S. Department of Housing and Urban Development (HUD), be and hereby is approved; and the City Manager is authorized to negotiate and execute related documents and agreements, with some project-specific agreements brought before City Council for consideration.

AWARD OF CONTRACT TO CIVILTEC ENGINEERING, INC., FOR PROFESSIONAL ENGINEERING AND CONSTRUCTION MANAGEMENT SERVICES FOR THE WATER TRANSMISSION MAIN AND CHAPMAN AVENUE SEWER IMPROVEMENTS PROJECT (F: 55-Civiltec Engineering) (XR: 24.11)

Staff report dated May 10, 2011, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the contract for professional engineering and construction management services for the Water Transmission Main and Chapman Avenue Sewer Improvements Project, in the amount of \$788,695, be and hereby is

awarded to Civiltec Engineering, Inc.; and the City Manager is authorized to execute the agreement on behalf of the City.

AGREEMENT WITH THE COUNTY OF ORANGE CRIME LAB TO PROVIDE FORENSIC SERVICES (F: 55-County of Orange Crime Lab) (XR: 82.1)

Staff report dated May 10, 2011, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote that the agreement by and between the City of Garden Grove and the County of Orange Crime Lab for forensic services, in the amount of \$401,513 for fiscal

year 2011-12, be and hereby is approved; and the Mayor is authorized to execute the agreement and on behalf of the City.

AMENDMENT TO REGULATIONS PERTAINING TO COFFEEHOUSES (F: 50.2) (XR: 82.1)

This matter was considered earlier in the meeting.

VACANT POSITION ON CITY COUNCIL (F: 46.1) (XR: 10.2)

Oral Communications – Public Comments

Robin Marcario requested she be considered to fill the Council Member vacancy position. Harry Pearce, John Wildsmith, Jim Benson, Elaine Washington, Donna Gregg, David Vill, and Cheryl Armstrong spoke in support of appointing Ms. Marcario to the vacant position.

Richard Gould spoke in favor of holding an election to fill the Council Member vacancy.

John O'Neill introduced himself as one of the applicants for the Council Member vacancy position.

Charles Mitchell requested he be considered to fill the Council Member vacancy position.

After Council Member discussion, Council Member Jones moved, seconded by Council Member Broadwater that Phat Bui be appointed to fill the vacancy on the City Council.

Mayor Dalton moved a substitute motion to appoint Dennis Ellsworth to fill the vacancy on the City Council. Council Member Nguyen seconded the motion.

The foregoing substitute motion failed to carry by the following vote:

AYES:	COUNCIL MEMBERS:	(2)	NGUYEN, DALTON
NOES:	COUNCIL MEMBERS:	(2)	BROADWATER, JONES
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

The foregoing motion to appoint Phat Bui to fill the vacancy on the City Council failed to carry by the following vote:

AYES:	COUNCIL MEMBERS:	(2)	BROADWATER, JONES
NOES:	COUNCIL MEMBERS:	(2)	NGUYEN, DALTON
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

Council Member Broadwater moved, seconded by Council Member Nguyen that Kris Beard be appointed to fill the vacancy on the City Council.

Mayor Dalton moved a substitute motion to appoint Joseph Pak to fill the vacancy on the City Council. Council Member Nguyen seconded the motion.

The foregoing substitute motion failed to carry by the following vote:

AYES:	COUNCIL MEMBERS:	(2)	NGUYEN, DALTON
NOES:	COUNCIL MEMBERS:	(2)	BROADWATER, JONES
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

The foregoing motion to appoint Kris Beard to fill the vacancy on the City Council carried by the following vote:

AYES:	COUNCIL MEMBERS:	(3)	BROADWATER, NGUYEN, DALTON
NOES:	COUNCIL MEMBERS:	(1)	JONES
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

The City Clerk administered the Oath of Office to newly appointed Council Member Beard, following which Council Member Beard was seated.

COURTESY OF THE FLOOR EXTENDED TO COUNCIL MEMBER BEARD
(F: 10.2) (XR: 46.1)

Council Member Beard expressed appreciation to the Mayor and Council Members for putting their trust in his ability to represent the City.

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

The Mayor and Council Members welcomed and congratulated Council Member Beard on his appointment.

Mayor Dalton offered his condolences to the Miller Family on the passing of Stewart Miller, a former City employee, Director of Development Services; and to the Dooland Family on the passing of Tom Dooland.

ADJOURNMENT

At 9:00 p.m., the meeting was adjourned in memory of Stewart Miller and Tom Dooland.

KATHLEEN BAILOR, CMC
CITY CLERK