

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, January 10, 2012, at 6:19 p.m.

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

ABSENT: (2) COUNCIL MEMBER BROADWATER absent at Roll Call, but joined the meeting at 6:21 p.m.
COUNCIL MEMBER NGUYEN absent at Roll Call, but joined the meeting at 6:21 p.m.

ORAL COMMUNICATIONS ON CLOSED SESSION MATTERS

None.

ADJOURN TO FOUNDERS ROOM

At 6:20 p.m., the meeting was adjourned to the Founders Room.

CLOSED SESSION

At 6:22 p.m., under the Ralph M. Brown Act, the Mayor convened the Closed Session, with all Council Members present, 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)

The City Attorney stated that the City was threatened with litigation by Robert Martinez at the April 21, 2011, Planning Commission meeting with regard to the City's proposed medical marijuana regulations.

RECESS

At 7:20 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 7:24 p.m., Mayor Dalton reconvened the meeting in the Council Chamber with all Council Members present.

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

INVOCATION AND PLEDGE

Susan Emery, Community Development Director, gave the Invocation. Council Member Jones led the Pledge of Allegiance to the Flag of the United States of America.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Raul Alvarez, representing Cypress College, invited the Council Members to the upcoming Cypress College Americana Awards event and introduced Sandy Thomas as 2012's honoree.

German Santos stated he feels his civil rights have been violated by several different agencies and organizations.

Peggy Bergin and Charles Mitchell commented on the cost of water.

Mr. and Mrs. Abel Sanchez Nunez requested an explanation in relocation assistance they were offered as an occupant of the Travel Country Recreation Vehicle Park.

COUNCIL MEMBER RESPONSE TO PUBLIC COMMENTS

None.

WRITTEN COMMUNICATIONS - REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION AND THE GARDEN GROVE CHAMBER OF COMMERCE FOR USE OF THE WILLOWICK GOLF COURSE FOR THEIR ANNUAL GOLF CLASSIC ON WEDNESDAY, MAY 9, 2012 (F: 88.1) (XR: 130.15)

It was moved by Mayor Dalton, seconded by Council Member Beard, and carried by unanimous vote that the request from the Garden Grove Community Foundation and the Garden Grove Chamber of

Commerce to use the Willowick Golf Course for their annual golf classic on Wednesday, May 9, 2012, be and hereby is approved.

RECESS

At 7:49 p.m., the Mayor declared a recess.

RECONVENE

At 7:51 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

PURCHASE ORDER TO FAIRVIEW FORD SALES, INC. FOR ONE NEW UTILITY TRUCK (F: 60.4)

Staff report dated January 10, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Finance Director be and hereby is authorized to issue a Purchase Order in the amount of \$30,603.29 to Fairview Ford Sales, Inc., for the purchase of one new utility truck.

REJECTION OF ALL BIDS AND AUTHORIZE READVERTISEMENT FOR IFB NO. S-1084 AND IFB NO. S-1086 – THREE POLICE DETECTIVE VEHICLES (F: 24.1)

Staff report dated January 10, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that all bids received from the bid opening for IFB No. S-1084 and IFB No. S-1086 for three Police Detective vehicles, be and hereby are rejected, and staff is authorized to re-advertise for this purchase.

AMENDMENT NO. 2 TO AGREEMENT NO. D08-034 WITH THE COUNTY OF ORANGE FOR LOCAL STREETS AND ROADS PROPOSITION 1B FUNDING FOR THE CENTRAL GARDEN GROVE OVERLAY PROJECT PHASE III (F: 55-County of Orange) (XR: 24.11)

Staff report dated January 10, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that Amendment No. 2 of Agreement No. D08-034 between the City of Garden Grove and the

County of Orange to redirect \$90,000 to the Central Garden Grove Overlay Phase III Project funded under the California Department of Finance Prop 1B-Local Street and Roads Improvement, be and hereby is approved; and the Mayor is authorized to execute the Agreement on behalf of the City.

AGREEMENT WITH PSYCHOLOGICAL CONSULTING ASSOCIATES, INC. FOR CONSULTATION AND TRAINING SERVICES FOR THE POLICE DEPARTMENT
(F: 55-Psychological Consulting Associates, Inc.)

Staff report dated January 10, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Psychological Consulting Associates, Inc., to provide psychological counseling and training services for the Police Department for a period of two years in the amount of \$49,998, be and hereby is approved; and the City Manager is authorized to execute the Agreement and make minor modifications as necessary thereto, on behalf of the City.

AWARD OF CONTRACT TO GENERAL PUMP COMPANY, INC., FOR THE CONSTRUCTION OF PROJECT NO. 7378 - WELL NO. 22 REDEVELOPMENT PROJECT
(F: 122.11.proj.7378) (XR: 24.12)

Staff report dated January 10, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous that the contract for Project No. 7378 – Well No. 22 Redevelopment Project, in the amount of \$88,000, be and hereby is awarded to General Pump Company, Inc.; and the City Manager is authorized to execute the Agreement and make minor modifications as necessary thereto, on behalf of the City.

RATIFICATION OF AMENDMENT TO MEMORANDUM OF UNDERSTANDING WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR THE BROOKHURST STREET TRAFFIC LIGHT SYNCHRONIZATION PROGRAM PROJECT
(F: 100.3)

Staff report dated January 10, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous that the Mayor's signature of Amendment No. 1 to the Memorandum of Understanding Agreement No. C-9-0622 by and between the City of Garden Grove and the

Orange County Transportation Authority, and the cities of Anaheim, Fountain Valley, Fullerton, Huntington Beach, Westminster, and the State of California Department of Transportation for the Brookhurst Street Traffic Light Synchronization Program Project, be and hereby is ratified.

MINUTES (F: Vault)

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the minutes of the Regular Meeting held November 22, 2011, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that Regular Warrants 510576 through 510982, Wires W817 through W821; and Payroll Warrants 170875 through 170964, Direct Deposits D215654 through D216335, and Wires W1742 through W1745, 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 Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - AMENDMENT TO THE GARDEN GROVE MUNICIPAL CODE: GENERAL UPDATE OF TITLE 5, CHANGING OBSOLETE REFERENCES AND CONFORMING LANGUAGE TO CURRENT CITY ORGANIZATION AND TO RECENT STATE AND/OR FEDERAL LAWS (F: 50.2)

Staff report dated January 10, 2012, 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. 2808 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 5 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

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

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2808 be and hereby is passed to second reading.

APPEAL OF RELOCATION ASSISTANCE FOR TRAVEL COUNTRY RECREATION VEHICLE PARK OCCUPANT (F: A-48.21) (XR: A-55.321) (XR: 43.4)

Staff report dated January 10, 2012, was introduced and reviewed by staff and Agency General Counsel.

Mayor Dalton called forward Martin Rocha and Lorena Rivera. They requested support for their appeal.

Responding to City Council inquiries, Agency General Counsel provided additional information on the City's policies as well as State and Federal laws governing relocation assistance. It became apparent that the appellants misunderstood the facts.

RESOLUTION NO. 9088-12

It was moved by Council Member Broadwater, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9088-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REJECTING THE APPEAL FILED BY LORENA RIVERA AND MARTIN ROCHA AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted.

Mayor Dalton directed staff to meet with Mr. Rocha and Ms. Rivera to discuss their concerns.

SECOND READING OF ORDINANCE NO. 2805 - AMENDMENT TO THE GARDEN GROVE MUNICIPAL CODE: GENERAL UPDATE OF TITLE 3 (F: 50.2)

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

ORDINANCE NO. 2805 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 AMENDING TITLE 3 OF THE GARDEN GROVE MUNICIPAL CODE TO REMOVE OBSOLETE REFERENCES, TO CONFORM REFERENCES TO CURRENT CITY ORGANIZATION AND PRACTICES, TO MAKE CONSISTENT WITH RECENT CHANGES IN STATE AND FEDERAL LAWS, AND TO MAKE OTHER NON-SUBSTANTIVE CHANGES

Following the reading of the Ordinance title, it was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that Ordinance No. 2805 be and hereby is declared adopted.

SECOND READING OF ORDINANCE NO. 2806 - AMENDMENT TO TITLE 9 TO ALLOW INDOOR SPORTS FACILITY USES IN THE M-P (INDUSTRIAL PARK) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL AT THE SOUTHEAST CORNER OF WESTERN AVENUE AND LAMPSON AVENUE AT 12552 WESTERN AVENUE, GARDEN GROVE (F: 115.A-162-11) (XR: 50.3)

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

ORDINANCE NO. 2806 was presented for second reading and adoption and the title read in full, being an AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-162-11, A CODE AMENDMENT TO ALLOW "INDOOR SPORTS FACILITY" USES IN THE M-P (INDUSTRIAL PARK) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

Following the reading of the Ordinance title, it was moved by Council Member Beard, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2806 be and hereby is declared adopted.

SECOND READING OF ORDINANCE NO. 2807 - AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-104-70 TO ADD "INDOOR SPORTS FACILITY" AS A PERMITTED USE AT 12821 KNOTT STREET, GARDEN GROVE, AT THE NORTHWEST CORNER OF KNOTT STREET AND ACACIA AVENUE, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL (F: 115.A-164-11) (XR: 50.3)

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

ORDINANCE NO. 2807 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 AMENDMENT NO. A-164-11, A CODE AMENDMENT TO ALLOW "INDOOR SPORTS FACILITY" AS A PERMITTED USE IN THE PUD-104-70 (PLANNED UNIT DEVELOPMENT) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

Following the reading of the Ordinance title, it was moved by Council Member Beard, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2807 be and hereby is declared adopted.

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

Council Member Broadwater requested that the meeting be adjourned in memory of Christopher Charle, and expressed his condolences to the Charle family.

Council Member Nguyen requested that information warning residents about a loan modification scam be placed on the City's Cable Channel 3.

Council Member Beard asked residents to contact Southern California Edison to report any street lights they see not working properly. He commented on a recent arrest made by the Police Department and the Sister City Association's Reception for students from Anyang, Korea.

Mayor Dalton offered his condolences to the Charle family, and adjourned the meeting in memory of Christopher Charle.

ADJOURNMENT

At 8:32 p.m., the meeting was adjourned to January 17, 2012, at 7:00 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

KATHLEEN BAILOR, CMC
CITY CLERK