

MINUTES

THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY
TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of The City of Garden Grove As Successor Agency to 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, February 14, 2012, at 7:09 p.m.

ROLL CALL: PRESENT: (5) MEMBER BEARD, BROADWATER, DALTON,
JONES, NGUYEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS

Peggy Bergin commented on the property purchases by the Successor Agency and on the water and sewer rate adjustments.

A RESOLUTION OF THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY
TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT
APPROVING THE SUCCESSOR AGENCY MEETING SCHEDULE; APPOINTING
SUCCESSOR AGENCY STAFF; AND AUTHORIZING CONTRACTING AUTHORITY
(F: A-46.1SA)

Staff report dated February 14, 2012, was introduced.

RESOLUTION NO. 1-12

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that full reading of Resolution No. 1-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING THE SUCCESSOR AGENCY MEETING SCHEDULE, APPOINTING SUCCESSOR AGENCY STAFF, AND AUTHORIZING CONTRACTING AUTHORITY, be and hereby is adopted.

SELECTION OF PRESIDENT AND VICE PRESIDENT (F: A-10.6SA) (VIP)

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that Member Jones be and hereby is selected as Chair.

It was moved by Member Nguyen, seconded by Chair Jones, and carried by unanimous vote that Member Beard be and hereby is selected as Vice-Chair.

PURCHASE AND SALE AGREEMENT WITH ROBERT DONOVAN FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 12551 TWINTREE LANE, GARDEN GROVE (F: A-84.1) (XR: A-116.15)

Staff report dated February 14, 2012, was introduced and reviewed by staff.

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that the acquisition of 12551 Twintree Lane, Garden Grove, be and hereby is approved; that the Agreement by and between the Successor Agency and Robert L. Donovan for the acquisition of the subject property, be and hereby is approved; that the Director is authorized to execute the Agreement and related pertinent documents and make minor modifications as needed on behalf of the Successor Agency; that the Secretary is authorized to accept the Grant Deed; that the Finance Director is authorized to draw a warrant of redevelopment funds in the amount of \$390,000, and funds necessary for closing costs when appropriate to do so; and the Director is authorized to execute agreements for asbestos and lead-based paint testing, asbestos and lead-based paint abatement, and demolition at the lowest responsible bids.

PURCHASE AND SALE AGREEMENT WITH BRADLEY KENNING FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 12571 TWINTREE LANE, GARDEN GROVE (F: A-84.1) (XR: A-116.15)

Staff report dated February 14, 2012, was introduced and reviewed by staff.

It was moved by Member Nguyen, seconded by Member Dalton, and carried by unanimous vote that that the acquisition of 12571 Twintree Lane, Garden Grove, be and hereby is approved; that the Agreement by and between the Successor Agency and Bradley Scott Kenning for the acquisition of the subject property, be and hereby is approved; that the Director is authorized to execute the

Agreement and related pertinent documents and make minor modifications on behalf of the Successor Agency; that the Secretary is authorized to accept the Grant Deed; that the Finance Director is authorized to draw a warrant of redevelopment funds in the amount of \$390,000, and funds necessary for closing costs when appropriate to do so; and the Director is authorized to execute agreements for asbestos and lead-based paint testing, asbestos and lead-based paint abatement, and demolition at the lowest responsible bids.

APPROPRIATE FUNDS NECESSARY FOR THE WATERPARK HOTEL PROJECT'S PARKING STRUCTURE (F: A-116.15) (XR: A-46.1SA)

Staff report dated February 14, 2012, was introduced and reviewed by staff.

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that pursuant to Section 408 of the Disposition and Development Agreement with Garden Grove MXD, Inc., the Successor Agency forthwith set aside, in a restricted fund, five million dollars (\$5,000,000), be and hereby is approved.

ADJOURNMENT

At 7:41 p.m., the meeting was declared adjourned to Tuesday, February 28, 2012.

KATHLEEN BAILOR, CMC
SECRETARY

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, February 14, 2012, at 5:30 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS BEARD, BROADWATER, JONES

ABSENT: (1) COUNCIL MEMBER NGUYEN absent at Roll Call, but joined the meeting at 5:40 p.m.

ORAL COMMUNICATIONS ON CLOSED SESSION MATTERS

None.

ADJOURN TO CLOSED SESSION

At 5:32 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 Representative: John D.R. Clark, Human Resources Director

Employee Organizations: Orange County Employee's Association (OCEA); OCEA Employee's League; International Association of Fire Fighters Garden Grove Local 2005; Garden Grove Police Association; and Garden Grove Police Management Association.

RECESS

At 6:50 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 7:00 p.m., Mayor Dalton reconvened the meeting in the Council Chamber with all Council Members present.

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

INVOCATION AND PLEDGE

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

PRESENTATION - GENDER EQUITY REPORT BY THE COMMUNITY SERVICES DEPARTMENT (F: 52.3)

Staff provided a PowerPoint presentation on the City's recreation programs following nondiscriminatory guidelines in compliance with AB 2402.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Dick Princeler commented on the Galleria project and sewer funds.

Peggy Bergin commented on the property purchases by the Successor Agency, and on the water and sewer rate adjustments.

Charles Mitchell commented on the water and sewer rate adjustments.

Josh McIntosh commented on the condition of the Gem Theater since it caught fire, and suggested that the building be turned back into a movie theater.

Tony Flores commented on campaign financing, the City's nepotism policy, and a massage parlor on Valley View Street that recently opened for business.

COUNCIL MEMBER RESPONSE TO PUBLIC COMMENTS

Responding to comments regarding the Galleria project, Council Member Broadwater stated that this is a private development, and not a development being done by the City.

A RESOLUTION ADOPTING THE UPDATED ORANGE COUNTY REGIONAL WATER AND WASTEWATER MULTI-HAZARD MITIGATION PLAN PURSUANT TO THE FEDERAL DISASTER MITIGATION ACT OF 2000 (F: 112.6)

Staff report dated February 14, 2012, was introduced.

RESOLUTION NO. 9087-12

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 9087-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING THE UPDATED ORANGE COUNTY REGIONAL WATER AND WASTEWATER MULTI-HAZARD MITIGATION PLAN PURSUANT TO THE FEDERAL DISASTER MITIGATION ACT OF 2000, be and hereby is adopted.

AGREEMENT WITH THE CITY OF SANTA ANA FOR THE ADMINISTRATION OF THE CITY'S HOMELAND SECURITY GRANT/URBAN AREA SECURITY INITIATIVE (U.A.S.I.) PROGRAM (F: 82.15)

Staff report dated February 14, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the City of Santa Ana as Grant Administrator for the FY11 Urban Area Security Initiative (U.A.S.I.) for the Homeland Security Grant Program, be and hereby is approved; and the Chief of Police is authorized to execute the Agreement on behalf of the City.

AWARD OF CONTRACT TO CAROLLO ENGINEERS, INC., FOR PROFESSIONAL ENGINEERING SERVICES OF THE PRIORITY FIRE FLOW WATER IMPROVEMENTS PROJECTS NO. FF011 AND NO. FF084 (F: 55-Carollo Engineers, Inc.)

Staff report dated February 14, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that the contract for Projects No. FF011 and No. FF084 - Priority Fire Flow Water Improvements, in the amount of \$65,075, be and hereby is awarded to Carollo Engineers, Inc.; and the City Manager is authorized to execute the Agreement, on behalf of the City.

AGREEMENT WITH OCEAN BLUE ENVIRONMENTAL SERVICES, INC., FOR
REMOVAL OF HAZARDOUS AND BIOLOGICAL MATERIALS FROM CITY
PROPERTIES ON AN AS NEEDED BASIS

(F: 55-Ocean Blue Environmental Services, Inc.)

Staff report dated February 14, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Ocean Blue Environmental Services, Inc., for hazardous materials and biological clean ups within the city on an as needed basis for a period of three years with two optional years, in an amount not to exceed \$110,000 per year, be and hereby is approved; and the City Manager is authorized to execute the Agreement, making minor modifications thereto as necessary, on behalf of the City.

EXTENSION OF THE AGREEMENT WITH REDFLEX TRAFFIC SYSTEMS, INC.

(F: 55-Redflex Traffic Systems, Inc.)

Staff report dated February 14, 2012, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous that the First Amendment to the Agreement by and between the City of Garden Grove and Redflex Traffic Systems, Inc., extending the 2007 Agreement, including extensions by six months, be and hereby is approved; and the City Manager is authorized to execute the Agreement on behalf of the City.

MINUTES (F: Vault)

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that the minutes of the Regular Meetings held December 13, 2011, and January 10, 2012; and the Adjourned Regular Meeting held January 17, 2012, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 512526 through 514602, and Wires W832 through W834, and Wires W513694 through W514598; and Payroll Warrants 171127 through 171338, Direct Deposits D217686 through D219053, and Wires W1754 through W1757 and W1760 through W1763, 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 Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - AUTHORIZATION OF WATER RATE ADJUSTMENTS FOR INFLATION AND PASS-THROUGH OF WHOLESALE WATER COSTS (HELD IN CONJUNCTION WITH THE GARDEN GROVE SANITARY DISTRICT PUBLIC HEARING ON SEWER RATE ADJUSTMENTS) (F: 112.16) (XR: 50.2)

Staff report dated February 14, 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.

David Lautherboren, Russ McDonald, Mike Dahl, Verla Lambert, Peggy Bergin, Tony Flores, Meenakshi Brown, Beatrice Foster, and Jose Gonzalez spoke in opposition to the authorization for inflation adjustments for Water Rates and pass through of wholesale water cost increases.

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

The City Clerk read into the record: The City Clerk's Office as of 5:30 p.m., February 14, 2012, received a total of 52 written protests to the proposed authorization for water rate adjustments. Since 5:30 p.m., an additional 31 written protests were received for a total of 83. There are 34,920 parcels served by the City and subject to the proposed authorization for water rate adjustments. As a result, there is no majority protest of the proposed authorization for water rate adjustment.

ORDINANCE NO. 2809 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 SECTION 14.12.010 OF CHAPTER 14.12 OF TITLE 14 ("WATER") OF THE MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES

It was moved by Council Member Nguyen, seconded by Council Member Jones, 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 Beard, seconded by Council Member Nguyen, and carried by

unanimous vote that Ordinance No. 2809, be and hereby is passed to second reading.

PUBLIC HEARING - AMENDMENT NO. A-165-11. AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-105-71 REV. '90 TO ADD "DRAY, FREIGHT, OR TRUCKING YARDS" AS A PERMITTED USE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL (F: 115.A-165-11)

Staff report dated February 14, 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.

Charles Mitchell asked if the lot would be available to truck drivers to sublease.

The Applicant, Mong Van Ngo's son affirmed that the lot would be available for sublease to other truck drivers.

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

ORDINANCE NO. 2810 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-165-11, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-105-71 REV. '90 TO ALLOW DRAY, FREIGHT, OR TRUCKING YARDS SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT

It was moved by Council Member Nguyen, seconded by Council Member Jones, 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. 2810, be and hereby is passed to second reading.

PUBLIC HEARING - AMENDMENT TO THE GARDEN GROVE MUNICIPAL CODE. GENERAL UPDATE OF TITLE 14 CHANGING OBSOLETE REFERENCES AND CONFORMING LANGUAGE TO CURRENT CITY ORGANIZATION AND TO RECENT STATE AND/OR FEDERAL LAWS (F: 50.2)

Staff report dated February 14, 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.

Josh McIntosh remarked on the proposed Waterpark resort's water bills.

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

ORDINANCE NO. 2811 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 14 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 Jones, 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 Nguyen, seconded by Council Member Broadwater, and carried by unanimous vote that Ordinance No. 2811, be and hereby is passed to second reading.

A RESOLUTION FOR APPOINTMENTS TO THE OVERSIGHT BOARD OF THE CITY OF GARDEN GROVE AS SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT, PURSUANT TO HEALTH AND SAFETY SECTION 34179 (F: A-46.1SA) (XR: 38.7)

Staff report dated February 14, 2012, was introduced and reviewed by staff.

RESOLUTION NO. 9094-12

It was moved by Council Member Broadwater, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9094-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AFFIRMING THE MAYOR'S SELECTION AND APPOINTMENT OF TWO MEMBERS TO THE OVERSIGHT BOARD PURSUANT TO SECTION 34179 OF THE DISSOLUTION ACT, be and hereby is adopted.

ADJOURNMENT

At 9:07 p.m., the meeting was declared adjourned to Tuesday, February 28, 2012.

KATHLEEN BAILOR, CMC
CITY CLERK