

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, May 8, 2012, at 6:30 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS

Peggy Bergin commented on items listed for consideration at tonight's meeting.

AMENDMENT TO THE CONTRACT WITH J & G INDUSTRIES, INC. FOR ASBESTOS TESTING AND ABATEMENT, LEAD TESTING AND ABATEMENT, AND DEMOLITION OF STRUCTURES AT 12252-12292 HARBOR BOULEVARD, GARDEN GROVE (F: 55-J & G Industries, Inc.)

Staff report dated May 8, 2012, was introduced.

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that the Amendment to the contract by and between the Successor Agency and J & G Industries, Inc., in the amount of \$43,393, for additional asbestos testing and lead abatement of six structures located at 12252, 12262, 12272, and 12292 Harbor Boulevard, Garden Grove, be and hereby is approved; and the Director is authorized to execute the Amendment on behalf of the Successor Agency, and make minor modifications as appropriate.

WARRANTS (F: 60.5)

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that Regular Warrants 000242 through 000269, and Wire W878, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RESOLUTION APPROVING A RECOGNIZED OBLIGATION SCHEDULE FOR THE PERIOD JULY 1, 2012, TO DECEMBER 31, 2012, AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT SECTION 34177 OF PART 1.85 OF THE DISSOLUTION ACT (F: A-46.1SA) (XR: A-46.1OB)

Staff report dated May 8, 2012, was introduced and reviewed by staff.

RESOLUTION NO. 4-12

It was moved by Member Dalton, seconded by Member Beard, and carried by unanimous vote that full reading of Resolution No. 4-12 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 A RECOGNIZED OBLIGATION SCHEDULE AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT SECTION 34177 OF PART 1.85 OF THE DISSOLUTION ACT, be and hereby is adopted.

FIRST IMPLEMENTATION AGREEMENT WITH RESPECT TO THE FIRST AMENDED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT WITH GARDEN GROVE MXD, LLC FOR THE CONSTRUCTION OF A WATER PARK HOTEL AND RESTAURANTS ON THE 10.3-ACRE REDEVELOPMENT SITE ON HARBOR BOULEVARD, GARDEN GROVE (F: A-55.346) (XR: A-116.15) (XR: A-46.1SA) (XR: A-46.1OB)

This matter was pulled from consideration.

ADJOURNMENT

At 7:22 p.m., the meeting was declared adjourned to Tuesday, May 22, 2012.

TERESA POMEROY
DEPUTY 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, May 8, 2012, at 6:30 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 6:48 p.m.

INVOCATION AND PLEDGE

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

COMMUNITY SPOTLIGHT - RECOGNITION OF THE BULLDOGS AS THE 2011-2012 AYSO REGION 59 WEST GARDEN GROVE CALIFORNIA STATE CHAMPIONS (F: 52.3)

Mayor Dalton and the City Council Members recognized The Bulldogs and their Coaches, Dave Morrison and Steve Howard, for their achievement as the 2011-2012 AYSO Region 59 West Garden Grove California State Champions and presented them with certificates and a trophy.

COMMUNITY SPOTLIGHT - RECOGNITION OF ORANGEWOOD ACADEMY'S LADY SPARTANS BASKETBALL TEAM AS THE 2011-2012 DIVISION 6 CIF CHAMPIONS (F: 52.3)

Mayor Dalton and the City Council Members recognized the Lady Spartans Basketball Team and Coach Aragon for the team's accomplishment as the 2012 Division 6, Southern Section All CIF Championship, and presented the team with a crystal trophy and each player received a Certificate of achievement.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Peter Katz spoke on the Vietnam War Museum.

Peggy Bergin commented on items listed for consideration on the meeting agenda, and on the notice she received regarding the water rate adjustment.

Charles Mitchell commented on the upcoming Strawberry Festival and Memorial Day, and on the tax override for paramedic services.

Richard Gould, Kandice Hawes, John Grace, Brooke James, David James, Marla James, Steele Smith, and Vincette Wilson all spoke in support of marijuana dispensaries.

COUNCIL MEMBER RESPONSE TO PUBLIC COMMENTS

None.

RECESS

At 7:19 p.m., the Mayor declared a recess.

RECONVENE

At 7:23 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

AGREEMENT WITH SHIELDS, HARPER AND COMPANY FOR THE PURCHASE AND INSTALLATION OF A NEW FUEL MANAGEMENT SYSTEM AT PUBLIC WORKS AND PUBLIC SAFETY FUELING LOCATIONS (F: 55-Shields, Harper and Company)

Staff report dated May 8, 2012, was introduced.

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Shields, Harper and Company, for the purchase and installation of new fuel management systems at the Public Works and Public Safety fueling stations, in the amount of \$39,334.42, be and hereby is approved; and the City Manager is authorized to execute the Agreement, and make minor modifications as appropriate, on behalf of the City.

PROFESSIONAL ENGINEERING SERVICES FOR FIRE FLOW WATER IMPROVEMENTS - AWARD OF CONTRACT TO LEE AND RO, INC., FOR PROJECT NO. 7372 - BUARO STREET/HASTER STREET FIRE FLOW WATER IMPROVEMENTS (F: 112.proj.7372)

Staff report dated May 8, 2012, was introduced.

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for Project No. 7372 - Buaro Street/Haster Street Fire Flow Water Improvements for engineering services, in the amount of \$61,300, be and hereby is awarded to Lee and Ro, Inc.; and the City Manager is authorized to execute the Agreement, and make minor modifications as appropriate, on behalf of the City.

PROFESSIONAL ENGINEERING SERVICES FOR FIRE FLOW WATER IMPROVEMENTS - AWARD OF CONTRACT TO PSOMAS FOR PROJECT NO. 7373 - DELLA LANE/LOARA STREET FIRE FLOW WATER IMPROVEMENTS (F: 112.proj.7373)

Staff report dated May 8, 2012, was introduced.

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that the contract for Project No. 7373 – Della Lane/Loara Street Fire Flow Water Improvements for engineering services, in the amount of \$81,350, be and hereby is awarded to Psomas; and the City Manager is authorized to execute the Agreement, and make minor modifications as appropriate, on behalf of the City.

CONVEYANCE OF REAL PROPERTY LOCATED AT 12571 HASTER STREET, GARDEN GROVE (HASTER BASIN) TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT (F: 55-Orange County Flood Control District)

Staff report dated May 8, 2012, was introduced.

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that the conveyance of the City-owned parcel located at 12571 Haster Street, Garden Grove, located within Twin Lakes Park to the Orange County Flood Control District pursuant to the terms of the Acquisition Contract be and hereby is approved; that the City Manager is authorized to execute the Acquisition Contract, and make minor modifications as appropriate, on behalf of the City; and the City Manager is authorized to execute the Quitclaim Deed on behalf of the City.

RESOLUTION AMENDING THE MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE CHAPTER OF THE ORANGE COUNTY EMPLOYEES' ASSOCIATION (F: 78.13C)

Staff report dated May 8, 2012, was introduced.

RESOLUTION NO. 9107-12

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9107-12 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 2009-2012 BY AND BETWEEN THE GARDEN GROVE EMPLOYEES' ASSOCIATION AND THE CITY OF GARDEN GROVE, be and hereby is adopted; and the Human Resources Director and Finance Director are hereby directed to implement its provisions.

RESOLUTION AMENDING THE MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE EMPLOYEES LEAGUE CHAPTER OF THE ORANGE COUNTY EMPLOYEES' ASSOCIATION (F: 78.9A)

Staff report dated May 8, 2012, was introduced.

RESOLUTION NO. 9108-12

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9108-12 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 2009-2012 BY AND BETWEEN THE GARDEN GROVE EMPLOYEES' LEAGUE CHAPTER OF THE ORANGE COUNTY EMPLOYEES' ASSOCIATION AND THE CITY OF GARDEN GROVE, be and hereby is adopted; and the Human Resources Director and Finance Director are hereby directed to implement its provisions.

MINUTES (F: Vault)

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that the minutes of the meeting held March 13, 2012, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 519433 through 520809, Wires W874 through W881, and Direct Deposits W519600 through W520491; and Payroll Warrants 171721 through 171793, Direct Deposits D222211 through D223160, and Wires W1784 through W1787, 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 Beard, 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 - SUBSTANTIAL AMENDMENT NO. 1 TO THE 2011-12 ANNUAL ACTION PLAN WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR EMERGENCY SOLUTIONS GRANT (ESG) FUNDS (F: 117.10D) (XR: 57.1)

Staff report dated May 8, 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.

It was moved by Council Member Broadwater, seconded by Council Member Beard, and carried by unanimous vote that Substantial Amendment No. 1 to the City of Garden Grove's Fiscal Year 2011-12 Annual Action Plan with the U.S. Department of Housing and Urban Development (HUD) to receive Stage 2 Emergency Solutions Grant funds, in the amount of \$64,038, be and hereby is approved.

PUBLIC HEARING - FISCAL YEAR 2012-13 ANNUAL ACTION PLAN FOR THE USE OF U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FUNDS (F: 117.10D) (XR: 57.1)

Staff report dated May 8, 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.

Cassandra Novak-Toby representing Goodwill and Dustin Manhart representing Community SeniorServ commented on community benefits received through the use of HUD funds.

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 Beard, and carried by unanimous vote that the 2012-13 Annual Action Plan for the use of Housing Urban Development (HUD) funds, be and hereby is approved; and the City Manager is authorized to negotiate and execute related documents and agreements. Some

project-specific agreements may be brought for future consideration by the City Council.

AMENDMENT TO THE AGREEMENT WITH THE GEO GROUP, INC., TO PROVIDE JAIL BOOKING AND SECURITY SERVICES (F: 55-The GEO Group, Inc.)

Staff report dated May 8, 2012, was introduced and reviewed by staff.

It was moved by Council Member Beard, seconded by Mayor Dalton, and carried by unanimous vote that the First Amendment of the Agreement with The GEO Group, Inc., to provide jail booking and security services through June 30, 2015, be and hereby is approved; and the City Manager is authorized to execute the Agreement, and make minor modifications as appropriate, on behalf of the City.

AWARD OF CONTRACT TO SULLY MILLER CONTRACTING COMPANY FOR PROJECT IFB NO. S-1095 - 2012 LOCAL STREET REHABILITATION FOR VARIOUS CITY STREETS (F: 55-Sully Miller Contracting Company)

Staff report dated May 8, 2012, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Beard, and carried by unanimous vote that the bid from Pavement Recycling Systems, Inc. is found to be non-responsive due to the omission of a price item for Traffic Control in the bid price list, and that to award the contract to Pavement Recycling Systems, Inc., in light of such omission would give Pavement Recycling Systems, Inc. an unfair advantage that other bidders did not enjoy; that any irregularity in the bid submitted by Sully Miller Contracting Company, be and hereby is waived, and the protest of Pavement Recycling Systems, Inc., be and hereby is denied; and that the contract for the 2012 Local Street Rehabilitation Project, in the amount of \$2,917,670.24, be and hereby is awarded to Sully Miller Contracting Company; and the City Manager is authorized to execute the Agreement, and make minor modifications as appropriate, on behalf of the City.

RESOLUTION APPROVING AN AFFORDABLE HOUSING LOAN AGREEMENT WITH TAMERLANE ASSOCIATES, LLC, FOR THE PURCHASE AND REHABILITATION OF THREE UNITS LOCATED AT 12211 TAMERLANE DRIVE, GARDEN GROVE (F: 117.16Q1)

Staff report dated May 8, 2012, was introduced and reviewed by staff.

RESOLUTION NO. 9109-12

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 9109-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, APPROVING AN AFFORDABLE HOUSING LOAN AGREEMENT BY AND BETWEEN THE CITY OF GADEN GROVE AND TAMERLANE ASSOCIATES, LLC, AND MAKING CERTAIN OTHER FNDINGS IN CONNECTION THEREWITH, be and hereby is adopted; that the City Manager is authorized to execute the Agreement and pertinent documents, and to make minor modifications as appropriate, on behalf of the City; and the Finance Director is authorized to appropriate \$579,581 from available proceeds of sale of other City/assets properties in City funds.

ADOPTION OF PARAMEDIC TAX OVERRIDE RATE FOR FISCAL YEAR 2012-13
(F: 60.11)

Staff report dated May 8, 2012, was introduced and reviewed by staff.

It was moved by Council Member Beard, 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. 2817 was presented for first reading with the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING THE AMOUNT OF MONEY FOR PARAMEDIC SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE

Following the reading of the Ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Beard, that Ordinance No. 2817 be and hereby is passed to second reading. Said motion carried by the following vote:

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

ORAL COMMUNICATIONS – PUBLIC COMMENTS (reopened)

Travis Allen spoke on the 2012 election.

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

Council Member Broadwater commented on the number of, and questioned the legitimacy of, medical marijuana dispensaries in the community. He thanked everyone for showing up at the Vietnam War Museum for the paint out.

Council Member Nguyen thanked the Helping Hands Youth and Fellowship Youth for volunteering at the Vietnam War Museum; and encouraged everyone to celebrate Mother's Day and to buy in Garden Grove.

Council Member Beard commended the volunteers for the Vietnam War Museum. He announced the upcoming memorial for the Garden Grove's Fallen Five to take place on May 17th at 5:00 p.m.; and commended the 4th, 5th, and 6th grade students, teachers, and administrators from Anderson Elementary School on their fund-raiser to replace the banners honoring Garden Grove's Fallen Five. He also spoke on the medical marijuana dispensary issue.

Mayor Dalton expressed his concerns regarding medical marijuana dispensaries.

ADJOURNMENT

At 8:00 p.m., the meeting was declared adjourned to Tuesday, May 22, 2012.

TERESA POMEROY
DEPUTY CITY CLERK