

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 14, 2013, at 6:49 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS

None.

RECESS

At 7:36 p.m., Chair Jones declared a recess.

RECONVENE

At 7:56 p.m., Chair Jones reconvened the meeting with all Members present.

MINUTES (F: Vault)

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that the minutes of the meeting held February 26, 2013, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Member Broadwater, seconded by Member Beard, and carried by unanimous vote that Regular Warrants 000581 through 000600, and Wire W1049, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

ADJOURNMENT

At 7:57 p.m., the meeting was declared adjourned to Tuesday, May 28, 2013.

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, May 14, 2013, at 5:31 p.m.

ROLL CALL: PRESENT: (3) MAYOR BROADWATER, COUNCIL MEMBERS BEARD, PHAN

ABSENT: (2) COUNCIL MEMBER JONES absent at Roll Call but joined the meeting at 5:50 p.m.
MAYOR PRO TEM NGUYEN absent at Roll Call but joined the meeting at 6:35 p.m.

CLOSED SESSION

Mayor Broadwater announced that the City Council was going into Closed Session to discuss the following matters: 1.) Threatened litigation against the City by the EZ Wellness Center, 2.) Threatened litigation against the City by David Bertka and Tom Keller; and 3.) Pending litigation of Rosen v. City of Garden Grove.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9 (d)(2)
(One potential case)

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Pursuant to Government Code Section 54956.9 (d)(2)
(One potential case)

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9 (d)(1)
Rosen v. City of Garden Grove

ORAL COMMUNICATIONS FOR CLOSED SESSION

There were no speakers.

ADJOURN TO CLOSED SESSION

At 5:32 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session.

ADJOURNED TO COUNCIL CHAMBER

At 6:36 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

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

Mayor Broadwater announced that the previously disclosed Closed Session matters were discussed and no reportable actions were taken.

INVOCATION AND PLEDGE

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

COMMUNITY SPOTLIGHT (F: 52.3)

The Mayor and Council Members recognized the Boys & Girls Clubs of Garden Grove Youth of the Year Recipient.

PRESENTATION (F: 52.3)

The Mayor presented a certificate to Epsilon Sigma Alpha XI No. 5271 Chapter of the California State Council of Epsilon Sigma Alpha.

PRESENTATION BY ANDREA WEST, ORANGE COUNTY TRANSPORTATION AUTHORITY, REGARDING THE SR-22/I-405/I-605 WEST COUNTY CONNECTORS PROJECT (F: 52.3)

Staff indicated that the matter would be rescheduled.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Speakers: David Vill, Garden Grove AARP President; Debra Ashby, South Coast AQMD Representative; Peter Katz, Verla Lambert, Josh McIntosh, Peggy Bergin, Charles Mitchell, Rod Powell, Bethany Heaslet, Mary Lochen, Doug Beard, Robert White, and Roxanne Rivera.

RESOLUTION DECLARING THE WEEK OF MAY 5 THROUGH MAY 11, 2013, AS CITY CLERKS' WEEK IN THE CITY OF GARDEN GROVE (F: 45.2)

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that the week of May 5 through

May 11, 2013, be declared as City Clerks' Week.

RECESS

At 7:38 p.m., Mayor Broadwater declared a recess.

RECONVENE

At 7:58 p.m., Mayor Broadwater reconvened the meeting with all Council Members present.

APPROVAL OF THE THIRD AMENDMENT TO THE METRO CITIES FIRE
AUTHORITY JOINT POWERS AGREEMENT (F: 55-Metro Cities Fire Authority)

Staff report dated May 14, 2013, was introduced.

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that the 3rd Amended Metro Cities Fire Authority Joint Powers Agreement, with exhibits, by and among the City of Garden Grove and the Cities of Anaheim, Brea, Fountain Valley, Fullerton, Huntington Beach, Newport Beach, and Orange be and hereby is approved; and the Mayor is authorized to execute the agreement on behalf of the City.

APPROVAL OF THE WEST ORANGE COUNTY WATER BOARD PROPOSED
BUDGET FOR FISCAL YEAR 2013-14 (F: 112.9)

Staff report dated May 14, 2013, was introduced.

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that the proposed 2013/14 Budget for the West Orange County Water Board be and hereby is approved.

APPROVAL OF THE FIRST AMENDMENT TO THE AMENDED AND RESTATED
NORTH NET JOINT POWERS TRAINING AGREEMENT
(F: 55-North Net Fire Training Facility Authority)

Staff report dated May 14, 2013, was introduced.

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that the First Amendment to the Amended and Restated North Net Joint Powers Training by and among the City of Garden Grove and the Cities of Anaheim and Orange be and hereby is approved; and the Mayor is authorized to execute the agreement on behalf of the City.

APPROVAL OF FINAL TRACT MAP NO. 17461 AND SUBDIVISION AGREEMENT WITH THE OLSON COMPANY, LLC, FOR THE PROPERTY LOCATED AT 11631 AND 11641 TRASK AVENUE, GARDEN GROVE (F: 106.DA-186-12)

Staff report dated May 14, 2013, was introduced.

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that Final Tract Map No. TR 17461 for the property located at 11631 and 11641 Trask Avenue, Garden Grove, be and is hereby approved; that the Subdivision Improvement Agreement by and between the City of Garden Grove and The Olson Company, LLC be and hereby is approved, and the Subdivision Improvement Bonds are accepted; and the City Manager is authorized to execute the agreement on behalf of the City and make minor modifications as appropriate thereto.

APPROVAL OF WARRANTS (F: 60.5)

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that Regular Warrants 543919 through 545264, Wires W1045 through W1056, and Direct Deposits W544148 through W544905; and Payroll Warrants 173885 through 173938, Direct Deposits D239930 through DD240582, and Wires W1908 through W1911, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

EXONERATION OF CONSTRUCTION BONDS FOR THE CENTURY VILLAGE PROJECT LOCATED AT CENTURY BOULEVARD AND TAFT STREET, GARDEN GROVE (F: A-116.4)

This matter was considered later in the meeting.

APPROVAL OF WAIVER OF FULL READING OF ORDINANCES LISTED

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

EXONERATION OF CONSTRUCTION BONDS FOR THE CENTURY VILLAGE PROJECT LOCATED AT CENTURY BOULEVARD AND TAFT STREET, GARDEN GROVE (F: A-116.4)

Council Member Jones announced that he has a business relationship with the developer and would be recusing himself from considering this matter due to a potential conflict of interest.

COUNCIL MEMBER JONES LEFT THE MEETING AT 8:00 P.M.

Staff report dated May 14, 2013, was introduced.

It was moved by Council Member Beard, seconded by Council Member Nguyen, and carried by unanimous vote of those present that the public improvements bonds for Tract Map No. 17369 for the project located at Century Boulevard and Taft Street, Garden Grove, be and hereby are exonerated.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 8:02 P.M.

PUBLIC HEARING - ADOPTION OF FISCAL YEAR 2013-14 ANNUAL ACTION PLAN FOR THE USE OF UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FUNDS (F: 117.10D)(XR: 57.1)

Staff report dated May 14, 2013, was introduced and reviewed by staff.

Mayor Broadwater declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: Timothy Huynh, representing Mercy House;
Representatives of Fair Housing Council of Orange County: David Levy, Linh Tran, Denise Cato; Khoi Pham, and Barbara Shull, Fair Housing Foundation.

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

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote that the 2013-14 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, with some project-specific agreements to be brought to the City Council for consideration.

COMMISSION MATTERS - ACCEPTANCE OF LETTER OF RESIGNATION FROM MAIN STREET COMMISSIONER JEREMY HARRIS (F: 122.6A)

Jeremy Harris' letter of resignation from the Main Street Commission was accepted with regret.

ORAL COMMUNICATIONS – PUBLIC COMMENTS (continued)

Speakers: Rob Wayman, Benjamin Smalley, Michael Evans, Brooke James, Dan Gleeson, David Santucci

COUNCIL MEMBER RESPONSE TO PUBLIC COMMENTS

Responding to those speakers concerning medical marijuana dispensaries, Mayor Broadwater and Council Member Beard commented on the recent court decision that supports the City's Ordinance to ban dispensaries in Garden Grove.

COMMISSION MATTERS - MAIN STREET ASSESSMENT DISTRICT NO. 1
(F: 31.4)

Staff report dated May 14, 2013, was introduced and reviewed by staff.

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that the proposed FY 2013-14 Budget for the Main Street Assessment District No. 1, be and hereby is approved.

RESOLUTION NO. 9176-13

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9176-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAY CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2013-14 FISCAL YEAR FOR THE CITY OF GARDEN GROVE MAIN STREET ASSESSMENT DISTRICT NO. 1, AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF THE ACT, be and hereby is adopted.

RESOLUTION NO. 9177-13

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9177-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE CITY ENGINEER'S REPORT REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN

GROVE MAIN STREET ASSESSMENT DISTRICT NO. 1, FOR FISCAL YEAR 2013-14, be and hereby is adopted.

RESOLUTION NO. 9178-13

It was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9178-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DECLARING ITS INTENTION TO ORDER THE MAINTENANCE OF CERTAIN IMPROVEMENTS IN THE "MAIN STREET ASSESSMENT DISTRICT NO. 1" IN THE CITY OF GARDEN GROVE; DESCRIBING THE DISTRICT TO BE BENEFITED, AND DECLARING ITS INTENTION TO LEVY AN ASSESSMENT TO PAY THE COST AND EXPENSES THEREOF; AND SETTING THE TIME AND PLACE FOR THE PUBLIC HEARING ON THE QUESTION OF THE LEVY OF THE PROPOSED ASSESSMENT, be and hereby is adopted.

APPROVAL OF AGREEMENT WITH IWATER, INC. FOR OPERATION OF WATER VALVES AT VARIOUS LOCATIONS IN THE CITY (F: 55-iWater, Inc.)

Staff report dated May 14, 2013, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and iWater, Inc., for the operation of water gate valves at various location in the city, in the amount of \$597,400 payable in arrears, be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City.

APPROVAL OF THE AMENDMENT TO THE AGREEMENT WITH CLEANSTREET FOR STREET SWEEPING AND CATCH BASIN CLEANING (F: 55-CleanStreet)

Staff report dated May 14, 2013, was introduced and reviewed by staff.

It was moved by Council Member Phan, seconded by Council Member Beard, and carried by unanimous vote that the Amendment No. 3 to the Agreement by and between the City of Garden Grove and Cleanstreet, Inc., for street cleaning and catch basin cleaning, in the amount of \$739,614.60, be and hereby is approved; and the City Manager is authorized to execute the amendment to the agreement on behalf of the City, and make minor modifications as appropriate thereto.

FIRST READING OF ORDINANCE NO. 2829 - AMENDING PROBATIONARY PERIOD FOR FIREFIGHTER AND POLICE OFFICER (F: 50.2)(XR: 78.6) (XR: 78.8)

Staff report dated May 14, 2013, was introduced and reviewed by staff.

ORDINANCE NO. 2829 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 2, CHAPTER 44 OF THE MUNICIPAL CODE PERTAINING TO THE PROBATIONARY PERIOD FOR FIREFIGHTERS AND POLICE OFFICERS

It was moved by Council Member Jones, seconded by Council Member Beard, and carried by unanimous vote that 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. 2829, be and hereby is passed to second reading.

INITIATION OF PROCEEDINGS FOR THE LEVYING OF FY 2013-14 ASSESSMENTS FOR THE GARDEN GROVE STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND THE PARK MAINTENANCE DISTRICT (F: 69.1)(XR: 73.1)(XR: 24.11)

Staff report dated May 14, 2013, was introduced and reviewed by staff.

RESOLUTION NO. 9179-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9179-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2013-14 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 9180-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9180-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2013-14 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 9181-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9181-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2013-14 FISCAL YEAR FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 9182-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9182-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE CITY ENGINEER'S REPORT REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2013-14, be and hereby is adopted.

RESOLUTION NO. 9183-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9183-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT FOR FISCAL YEAR 2013-14 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, be and hereby is adopted.

RESOLUTION NO. 9184-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9184-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2013-14 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, be and hereby is adopted.

RESOLUTION NO. 9185-13

It was moved by Council Member Nguyen, seconded by Council Member Phan, and carried by unanimous vote that full reading of Resolution No. 9185-13 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2013-14 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, be and hereby is adopted.

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

Council Member Beard encouraged residents to sign up for the recreation programs offered by the City.

Council Member Nguyen commented on Black April, and announced that fundraising has begun for the Vietnam War Museum.

Council Member Phan commented on the CERT program offered by the Fire Department; and in honor of Memorial Day, thanked the Veterans in the community and encouraged residents to take time to honor Veterans.

ADJOURNMENT

At 9:22 p.m., the meeting was declared adjourned to Tuesday, May 28, 2013.

KATHLEEN BAILOR, CMC
CITY CLERK