

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, on Tuesday, February 26, 2008, at 5:36 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, NGUYEN, ROSEN

ABSENT: (1) MEMBER JONES (absent at Roll Call, but
joined the meeting at 5:46 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

ADJOURN TO CLOSED SESSION

The Mayor announced the Conference with Legal Counsel regarding the Vietnamese Buddhism Study Temple would be pulled from Closed Session discussion. At 5:37 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 REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: 3001 and 3017 W. 5th Street, Santa Ana, CA 92703;
Assessor Parcel Nos. 198-291-03; 198-291-04; 198-291-05; 198-291-06; 198-291-08

City's Negotiators: Matthew Fertal, City Manager; Chet Yoshizaki, Economic Development Director; Greg Blodgett, Economic Development, Sr. Project Manager; Tom Nixon, City Attorney; Tom Clark, Agency Attorney

Negotiating Parties: Ron Granados, Granados LLC

Under Negotiation: Price and terms related to the potential City sale of certain rights and/or real property interests in the subject Properties. The purpose of the closed session is to seek direction from the City Council about negotiations to sell rights and/or interests in the Properties and the parameters for price and terms related to such real property negotiations.

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Potential of Initiation of Litigation pursuant to Government Code 54956.9(c)(1 potential case)

RECONVENE IN OPEN SESSION

At 6:30 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present.

It was announced that the previously disclosed items were discussed. Staff was directed not to move forward with negotiations with Granados LLC for the property located at 3001 and 3017 W. 5th Street, Santa Ana, CA 92703; and there was no reportable action for the Anticipated Litigation item.

RECESS

At 6:31 p.m., the Mayor declared a recess.

RECONVENE

At 6:34 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Council Member Broadwater led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT

Mayor Dalton called forward Mallory Vega and presented her with a plaque in recognition of her being the 2008 Cypress College Americana Citizen of the Year. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

David Vill addressed the City Council, representing the Garden Grove Chapter of AARP. He stated all Chapter members support banning the use of fireworks in the city, and suggested a task force be created to discuss this issue. (F: 53.3) (XR: 61.6)

RECESS

At 6:43 p.m., the Mayor declared a recess.

RECONVENE

At 6:48 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

RESOLUTION FOR INITIATION OF SPRING 2008 WEED ABATEMENT PROGRAM (F: 113.1)

Staff report dated February 26, 2008, was introduced.

RESOLUTION NO. 8807-08

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that full reading of Resolution No. 8807-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

RESOLUTION AUTHORIZING THE SUBMITTAL OF TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY (F 23.18)

Staff report dated February 26, 2008, was introduced.

RESOLUTION NO. 8808-08

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that full reading of Resolution No. 8808-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE SUBMITTAL OF TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM, be and hereby is adopted.

AGREEMENT WITH BRUCE HALL LAND SURVEYOR, INC. (F: 55) (XR: 24.1)

Staff report dated February 26, 2008, 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 Bruce Hall Land Surveyor, Inc., to provide land surveying on an as-needed basis, in the amount not to exceed \$175,000, be and hereby is approved; and the City Manager is authorized to execute the agreement.

AGREEMENT WITH FEDERAL ADVOCATES, INC. (F: 55) (XR: A-116.6)

Staff report dated February 26, 2008, 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 Federal Advocates, Inc., for federal lobbying and legislative services for funding for the Harbor Boulevard/International West Project in the reauthorization of SAFETEA-LU., in the amount not to exceed \$60,000 for one year, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

ATTENDANCE AT THE LAW ENFORCEMENT INTELLIGENCE UNIT EXECUTIVE BOARD MEETING AND THE LAW ENFORCEMENT INTELLIGENCE UNIT TRAINING CONFERENCE (F: 78.1) (XR: 82.1)

Staff report dated February 26, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the request for one City employee to attend the LEIU Executive Board Meeting in Boston, Massachusetts, April 4-6, 2008; and three City employees to attend the Law Enforcement Intelligence Unit Training Conference in Boston, Massachusetts, April 7-11, 2008, be and hereby is approved.

INCREASE AMOUNT OF OPEN PURCHASE ORDER WITH C. WELLS PIPELINE MATERIALS, INC., FOR PLUMBING PARTS, PIPES, AND APPURTENANCES (F: 60.4) (XR: 24.1)

This item was pulled.

CITY'S INVESTMENT POLICY; AND REAPPOINTMENT OF CITY TREASURER AND DEPUTY CITY TREASURER/FINANCE DIRECTOR AS PERSONS RESPONSIBLE FOR THE CITY'S INVESTMENTS (F: 127.7) (XR: 60.8)

Staff report dated February 26, 2008, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the City's 2008 Investment Policy be and hereby is approved; and Les Jones be reappointed City Treasurer, and Kingsley Okereke be reappointed Deputy City Treasurer/Finance Director, as persons responsible for the City's investments.

RESOLUTION AMENDING THE GARDEN GROVE POLICE ASSOCIATION'S 2006-2009 MEMORANDUM OF UNDERSTANDING TO PROVIDE FOR AN INCENTIVE PROGRAM FOR LATERAL POLICE OFFICERS (F: 78.8B)

Staff report dated February 26, 2008, was introduced.

RESOLUTION NO. 8809-08

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that full reading of Resolution No. 8809-08 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 2006–2009 BY AND BETWEEN THE GARDEN GROVE POLICE ASSOCIATION AND THE CITY OF GARDEN GROVE, be and hereby is adopted.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that regular warrants 408251 through 409298, and Wires W360-W366, and payroll warrants 154554, and 154603 through 154774, and Direct Deposits D148303 through D148968, and Wires W1294 through W1297, 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 Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - PLANNED UNIT DEVELOPMENT NO. PUD-120-07, DEVELOPMENT AGREEMENT, AND ADOPTION OF A NEGATIVE DECLARATION (F: 116.PUD-120.07) (XR: 116.PUD-103.78)

Planned Unit Development No. PUD-120-07, Development Agreement, and adoption of a Negative Declaration, initiated by Ron Pierce, requesting to rezone a 45,745 square foot lot, on the southwest corner of Nelson Street and Stanford Avenue, at 12781 Nelson Street from PUD-103-78 to construct a new 5,400 square foot auto body shop building.

On January 17, 2008, the Planning Commission recommended adoption of a Negative Declaration, approval of the Planned Unit Development No. PUD-120-07, and the Development Agreement, and approved a Site Plan No. SP-434-07 and Variance No. V-168-07.

Pursuant to Legal Notice published February 14, 2008, public hearing on the case was ordered by the City Council to be held this date.

Mayor Dalton indicated he owns property within 500 feet of the project, and would be recusing himself from the discussion due to a potential conflict of interest.

MAYOR DALTON LEFT THE MEETING AT 6:49 P.M.

Mayor Pro Tem Rosen assumed the Chair.

Staff report dated February 26, 2008, was introduced and reviewed by staff. The Applicant is proposing to construct a new project consisting of a 5,400 square foot auto body shop building with an office and a second floor storage room; a 4,026 square foot building consisting of four individual tenant spaces; and a 1,120 square foot wash bay. In 1978, PUD-103-78 was adopted allowing the expansion of the existing auto body shop business, construction of a 4,500 square foot industrial building, and preserving an existing single-family home. The expansion of the auto body shop building was completed; however, the proposed industrial building was never constructed. The single-family home was removed from the property in June 2007. Since the proposed project is significantly different from the project approved under PUD-103-78, and to accommodate the proposed development, the current industrial Planned Unit Development zoning classification must be rezoned to PUD-120-07.

Mayor Pro Tem Rosen declared the public hearing opened and asked if anyone wished to address the City Council on the matter.

Ron Pierce, the applicant, addressed the City Council reviewing his project. He indicated he is working with the Orange County Transit in order to provide additional parking. He also stated this would be a full service automotive center, with a detail shop, repair shop, muffler shop, upholstery shop, and body shop.

Peggy Bergin addressed the City Council, expressing her approval of the proposed project, referring to a positive experience she had with Mr. Pierce when she needed to have her car repaired.

There being no further response from the audience, the public hearing was declared closed.

ORDINANCE NO. 2721 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-120-07, CHANGING THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT NO. PUD-103-78 TO PLANNED UNIT DEVELOPMENT NO. PUD-120-07

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote of those present, that Ordinance No. 2721, be and hereby is passed to second reading.

ORDINANCE NO. 2722, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN RONALD PIERCE (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE

It was moved by Council Member Nguyen, seconded by Council Member Jones, and carried by unanimous vote of those present, that Ordinance No. 2722, be and hereby is passed to second reading.

MAYOR DALTON REJOINED THE MEETING AND REASSUMED THE CHAIR AT 6:54 P.M.

RESIGNATION OF CHARLES BINH TA FROM THE GARDEN GROVE HOUSING AUTHORITY (F: H-10.3)

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote, that the resignation of Charles Binh Ta from the Garden Grove Housing Authority, be and hereby is accepted with regret.

RESOLUTION OF INTENTION AMENDING CALPERS CONTRACT ALLOWING EMPLOYEES TO PURCHASE CALPERS SERVICE CREDIT FOR PUBLIC SERVICE IN THE US ARMED FORCES, AND APPROVE FIRST READING OF THE ORDINANCE TO EFFECTUATE THE AMENDMENT (F: 55) (XR: 78.12)

Staff report dated February 26, 2008, was introduced and reviewed by staff.

RESOLUTION NO. 8810-08

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Resolution No. 8810-08 be waived, and said Resolution entitled RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF GARDEN GROVE, be and hereby is adopted.

ORDINANCE NO. 2723, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC

EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE MILITARY SERVICE
CREDIT AS PUBLIC SERVICE

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote of those present, that Ordinance No. 2723, be and hereby is passed to second reading.

INITIATION OF PROCEEDINGS FOR STREET VACATION NO. SV-117-08, THE
EASTERLY PORTION OF THE BROOKHURST WAY RIGHT-OF-WAY, LOCATED
NORTH OF STANFORD AVENUE AND TERMINATING AT A POINT SOUTH OF
WHERE BROOKHURST WAY AND BROOKHURST STREET CONVERGED

(F: 110.SV-117-08)

Staff report dated February 26, 2008, was introduced and reviewed by staff.

RESOLUTION NO. 8811-08

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8811-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING ITS INTENTION TO PROCEED WITH STREET VACATION NO. SV-117-08 TO VACATE THE EASTERLY PORTION OF BROOKHURST WAY RIGHT-OF-WAY, LOCATED NORTH OF STANFORD AVENUE AND TERMINATING AT A POINT SOUTH OF WHERE BROOKHURST WAY AND BROOKHURST STREET CONVERGE, be and hereby is adopted.

MID-YEAR BUDGET REVIEW (F: 34.1)

The Finance Director provided a PowerPoint presentation outlining the results of Fiscal Year 2006-07, an update on the current Fiscal Year 2007-08 budget, and the future outlook for Fiscal Year 2008-09. He noted in 2006-07, there were sizable increases in the major revenue sources, with some expenditure savings resulting in a year-end balance of \$23.5 million. Currently for Fiscal Year 2007-08, there are no anticipated changes in expenditures, with less expenditure savings than last year. There are no changes in the overall revenue estimate. However, a decline in sales tax is expected, offset by an increase in the hotel and property taxes. It is not anticipated to draw down on the reserves; rather it is expected that both the Contingency and GASB 45 reserves will be funded as budgeted. In conclusion, a healthy beginning fund balance is projected for Fiscal Year 2008-09, with a balanced budget, and only a modest decline in revenue, with no reserve draw down.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER

Council Member Broadwater commented on an incident at a council meeting back east when a gunman attacked several council members. He requested that our Council Chamber be evaluated for security enhancements. (F: 53.1)

Council Member Rosen commented on a letter received from the owner of Doug's Downtown Grill regarding the Farmer's Market held on Main Street. The letter indicated the Farmer's Market is allowing the sale of items that directly and unfairly compete with the Main Street merchants. He requested staff follow-up on this information. He acknowledged the members of the audience who arrived too late to speak under Oral Communications in support of a skate park. He asked that the City Manager's annual performance evaluation be listed on an upcoming Closed Session, and a contract adjustment with performance enhancement be listed on Open Session. He suggested a sub-committee be formed of Council Members to perform the evaluation. He further commented on the passing of former Mayor J. T. Williams, citing the contributions he and former Council Members Ray Littrell and Bob Dinsen made to the city during their service in the 1980's, and how their independent thinking influenced the Garden Grove City Councils since their service. He offered his condolences to the Williams family. (F: 53.1) (XR: A-122.6) (XR: 73.1)

Council Member Nguyen wished Council Member Jones' wife a happy birthday. She acknowledged the members of the audience who arrived late, wishing to speak in support of a skate park. She suggested they arrive at the beginning of the meeting in order to speak under Oral Communications, should the group wish to address the City Council in the future. She indicated she is still in support of developing a skate park in the city. (F: 53.1) (XR: 73.1)

Council Member Jones wished his wife a very happy birthday. He also thanked the young men in the audience for attending the meeting. (F: 53.1) (XR: 73.1)

Mayor Dalton wished Council Member Jones' wife a happy birthday. He announced the Orange County Sanitation District is considering a rate increase of at least 10 percent each year for the next five years. He indicated he would be voting against the increase, commenting there are reserves available to the District and a rate increase is not necessary. He offered his condolences to the Williams family and commented on the contributions former Mayor Williams made to the community. (F: 53.1) (XR: 23.14) (XR: S-74.2)

ADJOURNMENT

At 7:30 p.m., the meeting was declared adjourned in memory of former Mayor J.T. Williams. (F: 46.9)

KATHLEEN BAILOR
CITY CLERK

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, on Tuesday, February 26, 2008, at 6:38 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None relevant to the Agency.

MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Rosen, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held February 12, 2008, be and hereby are approved.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

Member Rosen inquired about the item continued from last meeting regarding waiving conflicts of interest for the law firm of Pillsbury Winthrop Shaw Pittman LLP. Staff indicated that the attorney requesting this might not be able to represent that party after all. Staff will report back through the Manager's Memo. (F: A-53.1) (XR: A-116.6) (XR: 43.4)

ADJOURNMENT

At 6:45 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY

MINUTES

GARDEN GROVE HOUSING AUTHORITY

A Regular Meeting of the Garden Grove Housing Authority was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, February 26, 2008, at 6:32 p.m.

ROLL CALL: PRESENT: (6) CHAIR NGUYEN, COMMISSIONERS
BROADWATER, DALTON, JONES, O'CONNOR,
ROSEN

ABSENT: (1) COMMISSIONER TA

ORAL COMMUNICATIONS – PUBLIC

There were no oral communications from the public.

STATUS REPORTS ON SECTION 8 RENTAL ASSISTANCE PROGRAM FOR
JANUARY 2008 (F: H-117.2)

Staff report dated February 26, 2008, was introduced.

It was moved by Commissioner Rosen, seconded by Commissioner Dalton, and carried by unanimous vote of those present, that the Status Report on the Section 8 Rental Assistance Program for January 2008, be and hereby are received and ordered filed.

MINUTES (F: Vault)

It was moved by Commissioner Rosen, seconded by Commissioner Dalton, and carried by unanimous vote of those present, that the Minutes of the Regular Meeting of the Housing Authority held January 22, 2008, be and hereby are approved.

ADJOURNMENT

At 6:33 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY

MINUTES

GARDEN GROVE SANITARY DISTRICT

A Regular Meeting of the Garden Grove Sanitary District Board of Directors was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, February 26, 2008, at 6:38 p.m.

ROLL CALL: PRESENT: (5) PRESIDENT DALTON, MEMBERS BROADWATER, JONES, NGUYEN, ROSEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

There were no oral communications from the public that were relevant to the Sanitary District.

RECESS

At 6:43 p.m., the President declared a recess.

RECONVENE

At 6:46 p.m., the meeting was reconvened with President Dalton and all Members present.

AMENDMENT TO THE AGREEMENT WITH GRW & SON, INC, FOR CONSTRUCTION MANAGEMENT SERVICES (F: S-55.24) (XR: 92.proj.7804)

Staff report dated February 26, 2008, was introduced.

It was moved by Member Broadwater, seconded by Member Rosen, and carried by unanimous vote, that the contract for construction management services with GRW & Son, Inc., in the amount of \$237,193, be and hereby is approved; and the President and Secretary are authorized to execute the agreement on behalf of the District.

MINUTES (F: Vault)

It was moved by Member Broadwater, seconded by Member Rosen, and carried by unanimous vote, that the minutes of the Adjourned Regular Meeting of the Sanitary District Board held January 22, 2008, be and hereby are approved.

MATTERS FROM THE BOARD MEMBERS AND GENERAL MANAGER (F: S-53.1)
(XR: S-74.2) (XR: 23.14)

President Dalton announced the Orange County Sanitation District is considering a rate increase of at least ten percent each year for the next five years. He indicated he would be voting against the increase, commenting there are reserves available to the District and a rate increase is not necessary.

ADJOURNMENT

At 6:47 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY