

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, January 27, 2009, at 5:34 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO

ABSENT: (2) COUNCIL MEMBER JONES (Absent at Roll Call
but joined the meeting at 5:35 p.m.)
COUNCIL MEMBER NGUYEN (Absent at Roll
Call but joined the meeting at 5:37 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

Greg Gavino addressed the City Council, inquiring on the procedures of holding Closed Sessions. (F: 53.3)

ADJOURN TO CLOSED SESSION

At 5:36 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 Representatives: Matthew J. Fertal, City Manager and John D.R. Clark, Human Resources Director

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

RECONVENE IN OPEN SESSION

At 6:39 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed item was discussed and no reportable action was taken.

INVOCATION AND PLEDGE

Keith Jones, Public Works Director, gave the Invocation. Council Member Broadwater led the Pledge of Allegiance to the Flag of the United States of America.

ORAL COMMUNICATIONS – PUBLIC

Greg Gavino addressed the City Council and offered his architectural services in planning an indoor pool, possibly in the Vons Pavilion building. (F: 53.3)

Bob Owens, Tony Flores, and Rod Powell addressed the City Council, commenting on various community and civic matters, including the State of the City event, the City's economic status, and fireworks. (F: 53.3)

Richard Princler addressed the City Council, regarding the artificial grass ordinance and listed items no longer offered at the Garden Grove Costco. (F: 53.3)

David Vill addressed the City Council, announcing the upcoming AARP meeting. (F: 53.3)

Charles Mitchell addressed the City Council, regarding the proper disposal of unused prescription drugs, and commented on the recent Sanitary District loan to the City. (F: 53.3)

Donna MacDonald addressed the City Council, requesting assistance with Animal Services regarding a barking dog. (F: 53.3)

RECESS

At 7:18 p.m., the Mayor declared a recess.

RECONVENE

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

PROCLAMATION DECLARING JANUARY 25-31, 2009, AS CATHOLIC SCHOOLS WEEK (F: 83.1)

Staff report dated January 27, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that January 25-31, 2009, be and hereby be designated as Catholic Schools Week.

AMENDMENT TO GRANT AGREEMENT WITH THE CHILDREN AND FAMILIES COMMISSION OF ORANGE COUNTY FOR A ONE-YEAR RENEWAL OF THE HEALTH CARE ACCESS PROGRAM AT THE MAGNOLIA PARK FAMILY RESOURCE CENTER (F: 55) (XR: 73.8)

Staff report dated January 27, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the First Amendment to the Agreement by and between the City of Garden Grove and the Children and Families Commission of Orange County for a one-year renewal of the Health Care Access Program at the Magnolia Park Family Resource Center, be and hereby is approved; and the City Manager is authorized to execute the Agreement, including making any modifications during the Agreement period for the operation and implementation of the services.

PURCHASE ORDER TO NICHOLAS CHEVROLET FOR ONE (1) NEW 3/4-TON UTILITY BODY TRUCK (F: 60.4) (XR: 24.1)

Staff report dated January 27, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the purchase of a 3/4-ton utility body truck, be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$30,969.64 to Nicholas Chevrolet for said purchase.

PURCHASE ORDER TO NICHOLAS CHEVROLET FOR ONE (1) NEW ONE-TON FLATBED DUMP TRUCK (F: 60.4) (XR: 24.1)

Staff report dated January 27, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the purchase of a one-ton flatbed dump truck, be and hereby is approved; and the Finance Director is authorized to issue a purchase order in the amount of \$41,709.35 to Nicholas Chevrolet for said purchase.

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 January 27, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the City's 2009 Investment Policy be and hereby is approved; and John D.R. Clark be reappointed City Treasurer, and Kingsley Okereke be reappointed Deputy City Treasurer/Finance Director, as persons responsible for the City's investments.

RESOLUTION ADJUSTING AND CONFIRMING FINES FOR CERTAIN COMMERCIAL AND OTHER LARGE VEHICLE PARKING VIOLATIONS

This matter was heard later in the meeting.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that Payroll Warrants 159942 through 160111, Direct Deposits D164110 thru D164772, and Wires W1398 thru W1404, 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 Do, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

RESOLUTION ADJUSTING AND CONFIRMING FINES FOR CERTAIN COMMERCIAL AND OTHER LARGE VEHICLE PARKING VIOLATIONS (F: 50.2) (XR: 50.3) (XR: 82.1) (XR: 80.1)

Staff report dated January 27, 2009, was introduced.

RESOLUTION NO. 8866-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8866-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADJUSTING AND CONFIRMING FINES FOR COMMERCIAL AND OTHER LARGE VEHICLE PARKING VIOLATIONS, be and hereby is adopted.

PUBLIC HEARING - SUBSTANTIAL AMENDMENT NO. 1 TO THE 2008-09 HOUSING AND COMMUNITY DEVELOPMENT ACTION PLAN AND THE FIVE YEAR CONSOLIDATED PLAN (F: 117.10D) (XR: 117.10)

Staff report dated January 27, 2009, was introduced and reviewed by staff.

Mayor Dalton declared the Public Hearing opened and asked if anyone wished to address the City Council on this matter.

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

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Substantial Amendment No. 1 to the 2008-09 Housing and Community Development Action Plan, be and hereby is approved; and staff is authorized to transmit the Amendment to the United States Department of Housing and Urban Development.

PUBLIC HEARING - REVISED PLANNED UNIT DEVELOPMENT NO. PUD-110-06-REVISED '08 (F: 116.PUD-110-06rev'08) (XR: 80.1)

Revised Planned Unit Development No. PUD-110-06-Revised '08. The Applicant, In-Town Communities, LLC, is requesting a modification to approved plans to reduce the total number of dwelling units from 159 to 118, on the east side of Palm Street, between Harbor Boulevard and Garden Grove Boulevard at 12852 Palm Street.

On December 4, 2008, the City Planning Commission, pursuant to Resolution No. 5663, recommended approval of the Residential Planned Unit Development Revision. Pursuant to Legal Notice published January 15, 2009, a Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 27, 2009, was introduced and reviewed by staff.

Mayor Dalton declared the Public Hearing opened and asked if anyone wished to address the City Council on this matter.

Bob Owens commented on the parking available in this development.

Henry Ameen, a neighbor to the east of the site, requested steps be taken to insure his privacy would not be affected by this development.

Kim Prijatel, representing the Applicant, identified several revisions to the plans to address Mr. Ameen's privacy concerns, including moving the pool and the setback, and planting screen trees on the side of the project.

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

ORDINANCE NO. 2740, 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 A MODIFICATION TO APPROVED PLANS UNDER PLANNED UNIT DEVELOPMENT NO. PUD-110-06 REVISED '08, REDUCING THE DENSITY FROM 159 DWELLING UNITS TO 118 DWELLING UNITS AND CHANGING THE SITE PLAN DESIGN

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

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote that Ordinance No. 2740 be and hereby is passed to second reading.

PUBLIC HEARING - PLANNED UNIT DEVELOPMENT NO. PUD-122-08 AND ADOPTION OF A NEGATIVE DECLARATION (F: 116.PUD-122-08)

Planned Unit Development No. PUD-122-08 and adoption of a Negative Declaration. The Applicant, VT Design Specialties, is requesting to rezone a 34,550 square foot lot on the south side of Trask Avenue, east of Yockey Street, at 8802 Trask Avenue, from R-1 (Single Family Residential) to Planned Unit Development Residential to create a small-lot single-family residential development.

On November 20, 2008, the City Planning Commission, pursuant to Resolution No. 5657 and Resolution No. 5658, approved Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299, and recommended approval of the Residential Planned Unit Development No. PUD-122-08. Pursuant to Legal Notice published January 8, 2009, a Public Hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 27, 2009, was introduced and reviewed by staff.

In response to inquiries by the Council Members regarding the width of the private driveway and streets, and the effect they may have on emergency response vehicles, staff indicated that Fire Department standards have been met.

Mayor Dalton declared the Public Hearing opened and asked if anyone wished to address the City Council on this matter.

Dave Quill spoke in support of the development, indicating his neighbors are also in favor of the project.

Charles Mitchell commented on the potential traffic problems turning in from and out onto Trask Avenue.

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

ORDINANCE NO. 2741, 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-122-08, CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-122-08

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

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote that Ordinance No. 2741 be and hereby is passed to second reading.

LETTER OF RESIGNATION FROM NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSIONER WILLIAM BRAGGINS (F: 122.4A)

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote that the resignation of William Braggins from the Neighborhood Improvement and Conservation Commission, be and hereby is accepted with regret.

AGREEMENT WITH JOSE T. SANCHEZ AND DARLENE L. SANCHEZ FOR ACQUISITION OF REAL PROPERTY LOCATED AT 12401 HARBOR BOULEVARD (F: 84.1) (XR: 43.4)

It was noted that this matter was continued from the meeting of January 13, 2009.

Staff report dated January 27, 2009, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Jose T. Sanchez and Darlene L. Sanchez, Co-Trustees of the Sanchez Family Trust dated April 18, 1994, for the acquisition of real property located at 12401 Harbor Boulevard, be and hereby is approved; the City Manager and City Clerk are authorized to execute the Agreement, Promissory Note, lease, and Grant Deed, and make minor modifications as needed on behalf of the City; the Finance Director is authorized to draw a warrant in the amount of \$672,075 in accordance with the Agreement Promissory Note and the lease, and to draw warrants in the appropriate amounts as set forth in the Promissory Note; authorize staff to issue relocation payments to the tenant in possession when appropriate to do so; and authorize the City Manager and City Clerk to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids.

AGREEMENT WITH JOAQUIN TOLENTINO FOR ACQUISITION OF REAL PROPERTY LOCATED AT 12971 RANCHERO WAY (F: 84.1) (XR: 43.4)

Staff report dated January 27, 2009, was introduced and reviewed by staff.

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 Joaquin Tolentino, for the acquisition of real property located at 12971 Ranchero Way, be and hereby is approved; the City Manager and City Clerk are authorized to execute the Purchase Agreement, accept the Grant Deed, and make minor modifications as needed, on behalf of the City; the Finance Director is authorized to draw a warrant in the amount of \$316,000 when appropriate to do so; authorize the City Manager and City Clerk to execute agreements for asbestos testing, asbestos abatement, and demolition at the lowest responsible bids; and authorize the City Manager and City Clerk to execute a rental agreement on an interim basis pending the construction of street improvements.

SUBMITTAL OF PROJECTS TO THE CALIFORNIA DEPARTMENT OF FINANCE FOR FUNDING UNDER PROP 1B LOCAL STREET AND ROADS IMPROVEMENTS FOR FISCAL YEAR 2008-09 (F: 97.1) (XR: 24.1) (XR: 24.11)

Staff report dated January 27, 2009, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote that the improvement projects list identified for Fiscal Year 2008-09, be and hereby is approved for submittal to the California Department of Finance for funding under Prop 1B - Local Street and Roads (LSR) Improvements for FY 08/09; and authorize the amendment of the FY 08/09 capital improvement budget to include the above-mentioned projects so that the funds can be encumbered before July 1, 2009.

AGREEMENT WITH ALL CITY MANAGEMENT SERVICES, INC., TO PROVIDE CROSSING GUARD SERVICES (F: 55) (XR: 82.1)

Staff report dated January 27, 2009, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the two-year Agreement by and between the City of Garden Grove and All City Management Services, Inc., to provide crossing guard services in the amount of \$688,848, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

SECOND READING OF ORDINANCE NO. 2739

It was noted that this matter was continued from the meeting of January 13, 2009.

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

ORDINANCE NO. 2739 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 APPROVING AMENDMENT NO. A-144-08, AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-107-96 TO ALLOW A CHILDREN'S LEARNING CENTER, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT (F: 115.A-144-08)

Following the reading of the Ordinance title, it was moved by Council Member Nguyen, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2739 be and hereby is declared adopted.

APPOINTMENTS TO VARIOUS CITY COUNCIL COMMITTEES AND AD HOC COMMITTEES (F: 122.1)

It was moved by Council Member Jones, seconded by Council Member Broadwater, and carried by unanimous vote that this matter be continued.

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

Council Member Broadwater announced that he has a new grandson.
(F: 53.1)

Council Member Nguyen wished everyone a Happy New Year, and encouraged the residents to attend the Tet Festival and parade this weekend. She asked staff to compare calls for service by the Police and Fire Departments for Memorial Day, Labor Day, and the 4th of July. She requested a meeting with staff regarding the Sanitary District loan to the City. (F: 53.1) (XR: 82.1) (XR: 61.1) (XR: 62.2) (XR: 89.4)

Council Member Jones commented on his participation in the League of California Cities and its efforts to protect city revenues during the State's budget crisis. (F: 53.1)

Council Member Do commented on staff's preparedness in positioning the City to move forward in light of the economic uncertainty. He wished everyone a Happy Lunar New Year, inviting all residents to take advantage of the festivities showcasing the community's diversity.
(F: 53.1)

Mayor Dalton asked staff to look into the concerns raised regarding the artificial turf ordinance. He asked anyone wishing a return phone call regarding an issue raised at the City Council meeting, to fill out the pink "Oral Communications" card with the necessary contact numbers.
(F: 53.1) (XR: 57.1)

ADJOURNMENT

At 8:41 p.m. the meeting was declared adjourned.

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, January 27, 2009, at 6:40 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS - PUBLIC

Greg Gavino addressed the Agency and offered his architectural services in planning an indoor pool, possibly in the Vons Pavilion building. (F: A-53.3)

MINUTES (F: Vault)

It was moved by Member Jones, seconded by Member Nguyen, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held December 9, 2008, be and hereby are approved.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

Chair Broadwater responded to Mr. Gavino's suggestion to build an indoor pool in the Vons Pavilion building. He invited anyone wishing to discuss ways to bring recreational facilities and/or revenue to the City to call him. (F: A-53.1)

ADJOURNMENT

At 7:20 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, January 27, 2009, at 6:31 p.m.

ROLL CALL: PRESENT: (7) CHAIR D. NGUYEN, COMMISSIONERS BROADWATER, DALTON, DO, JONES, C. NGUYEN, O'CONNOR

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

SELECTION OF CHAIR AND VICE CHAIR (F: H.10.3)

It was moved by Commissioner Dalton, seconded by Commissioner Broadwater, and carried by unanimous vote that Chair Nguyen be reselected as Chair.

It was moved by Commissioner Dalton, seconded by Commissioner Jones, and carried by unanimous vote that Commissioner Broadwater be selected as Vice Chair.

STATUS REPORTS ON THE SECTION 8 RENTAL ASSISTANCE PROGRAM FOR NOVEMBER 2008 AND DECEMBER 2008 (F: H-117.2)

Staff report dated January 27, 2009, was introduced.

It was moved by Commissioner Jones, seconded by Commissioner Broadwater, and carried by unanimous vote that the Status Reports on the Section 8 Rental Assistance Program for November 2008 and December 2008, be and hereby are received and ordered filed.

MINUTES (F: Vault)

It was moved by Commissioner Jones, seconded by Commissioner Broadwater, and carried by unanimous vote that the minutes of the Regular Meeting of the Housing Authority held November 25, 2008, be and hereby are approved.

ADJOURNMENT

At 6:37 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, January 27, 2009, at 6:40 p.m.

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

ABSENT: (0) NONE

ORAL COMMUNICATIONS – PUBLIC

None.

RECESS

At 7:18 p.m. the President declared a recess.

RECONVENE

At 7:21 p.m. President Dalton reconvened the meeting and all Members were present.

ACCEPTANCE OF CONTRACT AS COMPLETE FOR PROJECT NO. 7805, WEST CHAPMAN SEWER IMPROVEMENTS (F: 92.proj.7805) (XR: S-92)

Staff report dated January 27, 2009, was introduced.

It was moved by Member Broadwater, seconded by Member Jones, and carried by unanimous vote that the West Chapman Sewer Improvements Project No. 7805, be accepted as complete; the General Manager and Secretary are authorized to execute the Notice of Completion of Public Works Improvement and Work; and the Finance Director is authorized to release the retention payment when appropriate to do so.

PAYMENT TO MIDWAY CITY SANITARY DISTRICT (MCSD) FOR SHARED USE OF MCSD SEWER SYSTEM (F: S-55.2) (XR: 89.4) (XR: 89.5) (XR: S-92)

It was moved by Member Broadwater, seconded by Member Jones, and carried by unanimous vote that the payment of the invoice in the amount of \$82,794.75 to the Midway City Sanitation District (MCSD) for shared use of the MCSD's sewer system, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Member Broadwater, seconded by Member Jones, and carried by unanimous vote that the minutes of the Adjourned Regular Meeting of the Sanitary District Board held December 9, 2008, be and hereby are approved.

ADJOURNMENT

At 7:22 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY