

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, September 22, 2009, at 6:40 p.m.

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

ABSENT: (0) NONE

INVOCATION AND PLEDGE

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

ORAL COMMUNICATIONS - PUBLIC

Darin McKee, Christopher Burwell, Caleb Granch, Daven Standaert, and Greg Beard requested the City Council approve the request from Boy Scout Troop 1103 for co-sponsorship of their annual pushcart derby on Sunday, March 21, 2010. (F: 88.1)

REQUEST FROM BOY SCOUT TROOP 1103 FOR CO-SPONSORSHIP OF THE NINTH ANNUAL CUB SCOUT PUSH CART DERBY ON SUNDAY, MARCH 21, 2010 (F: 88.1)

Communication dated September 11, 2009, was introduced.

It was moved by Mayor Dalton, seconded by Council Member Broadwater, and carried by unanimous vote that Boy Scout Troop 1103's request for co-sponsorship of their Ninth Annual Cub Scout Pushcart Derby on Sunday, March 21, 2010, be and hereby is approved.

ORAL COMMUNICATIONS – PUBLIC (continued)

Nguyen Hung and Rod Powell commented on various community and civic matters.

Bob Walker commented on the negative impact the day workers at the Home Depot have on the neighborhood, and requested the City find ways to control the situation.

Richard Princler, David Lautherboren, and Scott Harrison stated their displeasure with the Metropolitan Water District for increasing the City's water rates at the same time as providing additional benefits to their employees. Mr. Harrison disagreed with the water rate information presented by the City, specifically the average increase per household. (F: 112.4)

Peggy Bergin provided information on Mesothelioma, a disease caused by asbestos exposure, and thanked the City Council for proclaiming September 26, 2009, as Mesothelioma Awareness Day.

Tony Flores commented on the Metropolitan Water District increasing the City's water rates, and the recent survey conducted by the City. He requested the City address the odors coming from the Los Alamitos Air Base compost pile. (F: 112.4) (XR: 117.5)

Bob Owens commented on the danger of asbestos exposure and the disease Mesothelioma. He further commented on the Agency's indebtedness and the City's budget process.

Charles Mitchell provided information on the OCTA I-405 Improvement Project and announced the community meeting scheduled for September 30, 2009, at the Westminster Community Center.

RECESS

At 7:30 p.m., the Mayor declared a recess.

AGENCY BUSINESS CONDUCTED

SANITARY DISTRICT BUSINESS CONDUCTED

RECONVENE

At 7:50 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION DECLARING SEPTEMBER 2009 AS NATIONAL PREPAREDNESS MONTH (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that September 2009, be and hereby is proclaimed as National Preparedness Month.

PROCLAMATION RECOGNIZING THE WORLD OKTA NORTH AMERICA TRADE CONFERENCE FROM SEPTEMBER 24 THROUGH SEPTEMBER 26, 2009
(F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote to recognize the World OKTA North America Trade Conference from September 24 through September 26, 2009.

PROCLAMATION DECLARING SEPTEMBER 26, 2009, AS MESOTHELIOMA AWARENESS DAY (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that September 26, 2009, be and hereby is proclaimed as Mesothelioma Awareness Day.

PROCLAMATION DECLARING OCTOBER 2009 AS TOASTMASTERS' MONTH
(F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that October 2009, be and hereby is proclaimed as Toastmasters' Month.

PROCLAMATION DECLARING OCTOBER 2009 AS LUPUS AWARENESS MONTH
(F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that October 2009, be and hereby is proclaimed as Lupus Awareness Month.

PROCLAMATION COMMEMORATING THE CREATION AND NAMING OF THE GARDEN OF GARDEN GROVE PARK BY THE CITY OF ANYANG, SISTER CITY TO GARDEN GROVE (F: 83.1)

This matter was considered later in the meeting.

RESOLUTION ADOPTING THE 2009 EMERGENCY OPERATIONS PLAN
(F: 117.2A) (XR: 61.1)

Staff report dated September 22, 2009, was introduced.

RESOLUTION NO. 8928-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8928-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING THE CITY'S UPDATED 2009 EMERGENCY OPERATIONS PLAN INCORPORATING THE PROVISIONS OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) GUIDELINES, be and hereby is adopted.

RESOLUTION APPROVING INDIVIDUALS AUTHORIZED TO INVEST MONIES IN THE LOCAL AGENCY INVESTMENT FUND ON BEHALF OF THE CITY OF GARDEN GROVE AND THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT (F: 127.7) (XR: 60.1)

Staff report dated September 22, 2009, was introduced.

RESOLUTION NO. 8929-09

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 8929-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING INVESTMENT OF CITY MONIES IN THE LOCAL AGENCY INVESTMENT FUND, be and hereby is adopted.

PLANS AND SPECIAL PROVISIONS FOR THE CONSTRUCTION OF THE LEWIS STORM CHANNEL FROM UPSTREAM OF GARDEN GROVE BOULEVARD TO THE HASTER STREET OFF-RAMP (F: 92.2) (XR: 24.11)

Staff report dated September 22, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the plans and special provisions for the construction of the Lewis Storm Channel, Facility No. C05S11, from upstream of Garden Grove Boulevard to Haster Street off-ramp, be and hereby are approved.

PURCHASE ORDER TO ECONOLITE CONTROL PRODUCTS FOR TRAFFIC SIGNAL CONTROLLERS (F: 60.4) (XR: 24.11)

Staff report dated September 22, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Finance Director is hereby authorized to issue a purchase order not to exceed \$100,000, to Econolite Control Products for the purchase of Econolite controllers for the City's traffic signal system.

AGREEMENT WITH 911 VEHICLE, INC. TO BUILD ONE POLICE SUPERVISOR'S VEHICLE (F: 55) (XR: 24.1)

Staff report dated September 22, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and 911 Vehicle, Inc., to furnish all labor and material for the installation and change out of equipment to a 2009 Chevrolet Tahoe safety vehicle, in the amount not to exceed \$50,000, be and hereby is approved; and the City Manager is authorized to execute the agreement.

AUTHORIZATION OF EXPENDITURE FROM WATER FUND FOR SEWER IMPROVEMENT PROJECT NO. 7811 FOR ADDITIONAL WATER LINE IMPROVEMENTS AT TRASK AVENUE AND GILBERT STREET (F: 92.proj.7811) (XR: 24.11)

Staff report dated September 22, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the expenditure of \$245,598, from the Water Fund to pay for an amendment to the Sanitary District's agreement with Kana Pipeline, Inc. to upgrade the undersized and deteriorated water main before street improvement construction on Garden Grove Boulevard, be and hereby is approved.

AGREEMENTS WITH GROUP DELTA CONSULTANTS, INC. AND KLEINFELDER FOR GEOTECHNICAL AND RELATED SERVICES (F: 55) (XR: 24.11)

Staff report dated September 22, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the Agreement

by and between the City of Garden Grove and Group Delta Consultants, Inc., and the Agreement by and between the City of Garden Grove and The Kleinfelder Group, to perform on-call geotechnical services, in the amount not to exceed \$200,000 each, be and hereby is approved; and the City Manager is authorized to execute the agreements.

REJECTION OF ALL BIDS FOR PROJECT NO. 7113 - FOUR SCHOOL PEDESTRIAN ACTUATED TRAFFIC SIGNALS AND TWO TRAFFIC SIGNAL MODIFICATION INSTALLATIONS; AND AUTHORIZE RE-ADVERTISEMENT FOR BIDS (F: 96.proj.7113) (XR: 24.11)

Staff report dated September 22, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that all bids received from the September 1, 2009, bid opening for Project No. 7113, Four School Pedestrian Actuated Traffic Signals and Two Traffic Signal Modification Installations, be and hereby are rejected, and the City Clerk is authorized to readvertise the project to include five additional elementary school pedestrian actuated traffic signals.

MINUTES

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that the minutes of the Regular Meeting of the City Council held June 9, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote that Regular Warrants 451330 through 451605; and Wires W536 and W537; and Payroll Warrants 163276 through 163435, Direct Deposits D175899 through D176577, and Wires W1478 through W1481, 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 Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PROCLAMATION COMMEMORATING THE CREATION AND NAMING OF THE GARDEN OF GARDEN GROVE PARK BY THE CITY OF ANYANG, SISTER CITY TO GARDEN GROVE (F: 83.1)

Staff report dated September 22, 2009, was introduced.

Mayor Dalton spoke on the history between the two sister cities, Garden Grove, California, and Anyang, Korea. In commemoration of this relationship, Anyang City will be dedicating a portion of its Central Park to the City of Garden Grove, calling it the "Garden of Garden Grove."

The bronze plaque that is to be placed in the Garden of Garden Grove was unveiled.

After comments of support by the Council Members, it was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote that the Resolution commemorating the creation of the Garden of Garden Grove, Anyang City, Republic of Korea be and hereby is adopted.

PUBLIC HEARING - FY 2008-09 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER). ANNUAL REPORT SUBMITTED TO HUD DESCRIBING AND ASSESSING THE USE OF CDBG, ESG, AND HOME FUNDS OVER THE PAST YEAR (F: 117.10D) (XR: 57.1)

Staff report dated September 22, 2009, was introduced and reviewed.

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 Nguyen, seconded by Council Member Broadwater, and carried by unanimous vote that the FY 2008-09 Consolidated Annual Performance and Evaluation Report (CAPER) be and hereby is accepted; and staff is directed to transmit the Report to HUD.

REVIEW OF THE CONDITIONS OF APPROVAL FOR THE CAN RESTAURANT
(F: 51.CUP-253-08) (XR: 82.1)

Staff report dated September 22, 2009, was introduced and reviewed.

Staff provided information concerning the past six months of activity at The CAN Restaurant located at 14241 Euclid, and an evaluation of the owner/operator's compliance with the approved conditions specified in Conditional Use Permit CUP-253-08 (CUP).

The Police Department responded to six service calls during this time, and there have been no identified "promotional events." It appears the restaurant is operating exclusively as a restaurant. However, several conditions of the CUP have not yet been met.

Condition 12: An audited report of sales ratio of food to alcoholic beverages for the establishment's immediately preceding fiscal year has not been submitted.

Condition 17: Several large banners have been displayed advertising the "Miss Café Beauty Pageant" to be held at the "CAN Nightclub." During a meeting with staff, Ms. Tieu claimed there would be no pageant at her business, and she placed all responsibility for whatever event may occur on the photographer.

Condition 33: There has been minimal to no security present at The CAN Restaurant. During a meeting with staff, Ms. Tieu explained she did not think she needed the security specified in the plan due to a significant drop in her customer base. Staff agreed the submitted security plan was cumbersome, and requested Ms. Tieu submit a revised security plan for consideration. A revised security plan has not been submitted. At Ms. Tieu's request, Deputy Chief Raney provided her with a suggested security plan reflecting the change in her customer base. The proposed plan required a licensed security guard to be present when more than 50 customers were at her establishment and required additional security personnel on a sliding scale when the number of patrons increased. In a letter dated September 8, 2009, Ms. Tieu expressed concern in retaining a security firm to fulfill the proposed security requirements. However, Ms. Tieu did not define what she intends to do in regards to a security plan.

Condition 39: Proof that all members of The CAN Restaurant business staff have completed the License Education on Alcohol and Drugs (LEAD) training through the Alcohol Beverage Control Department has not been provided.

Staff reported the purpose of the conditions of the CUP were to have The CAN Restaurant operate as a restaurant.

In response to Council Member Broadwater's inquiry as to any changes staff may be requesting, staff responded that there is a concern the owner will go back into operating some type of entertainment/nightclub venue with promotional events. Another concern is the lack of a meaningful security plan in place.

Council Member Do stated it seems the owner/operator is complying in terms of really making it an eating establishment and minimizing the number of incidents at her establishment, and not operating as a restaurant/nightclub. He commented that the City's responsibility is one of enforcement as opposed to addressing the issues preemptively. Businesses must be allowed the freedom to violate whatever conditions are imposed. Should a violation occur, then it becomes the City's responsibility to act. Working preemptively could seem that certain businesses are being targeted.

In response to inquiries on the approved hours of operation, staff read Condition 26: The hours of operation shall be permitted only between the following hours: Monday through Thursday, 8:00 a.m. to 11:00 p.m.; Friday through Sunday 8:00 a.m. to 2:00 a.m.

In response to Ms. Tieu's request to extend her hours of operation to 8:00 a.m. to 2:00 a.m. seven days a week, staff indicated that tonight's matter is an update provided to the Mayor and City Council. A request to make changes to the conditions must be submitted in writing and the matter would be processed as an amendment to the CUP through the Public Hearing process.

The City Attorney stated the City Council has jurisdiction over the matter, and it could be brought back directly to the City Council.

The report was received and filed.

EXTEND AGREEMENT WITH CORRECTIONAL SYSTEMS INC. FOR JAIL FACILITY CONSULTANT/COORDINATION SERVICES (F: 55) (XR: 82.1)

Staff report dated September 22, 2009, was introduced and reviewed.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Renewal Agreement by and between the City of Garden Grove and Correctional Systems, Inc. to provide jail booking and security services through

December 2009, in the amount of \$231,682, be and hereby is approved; and the City Manager is authorized to execute the agreement.

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

Council Member Broadwater requested staff investigate ways to address the day worker situation at Home Depot, and report back to the City Council. He commented on the actions by the Metropolitan Water District to increase benefits for its employees after mandating cities pay higher water rates. He explained the City does not have control over how much it must pay for water; the decision is at the discretion of the water agencies; and the City does not have a say on how those agencies use the funds received. (F: 112.4)

Council Member Nguyen expressed her outrage with the water agencies, and requested staff prepare correspondence for the state and federal level expressing the unfairness of the situation. She encouraged staff to look at ways to simplify the water rate information provided to residents. She requested Council Members be provided draft copies of questions for any future surveys. She encouraged the residents to help the city's economy by buying in Garden Grove.

Council Member Jones announced Jamboree Housing has successfully been awarded funding for the affordable housing opportunity in Buena Clinton recently supported and approved by the City Council. (F: 117.16D5)

Council Member Do expressed his condolences to the Kevin Telles family, the young man who collapsed during a football game at Garden Grove High School and died; and to Dr. Nguyen family's, his daughter's classmate's father who recently passed away.

Mayor Dalton commented on the recent Chamber Mixer held at the Los Sanchez Restaurant. He read a letter from Steven Miller of Diamond Electric thanking Building Services staff for their help. In reference to the compost pile at the base, he indicated he and Keith Jones, Public Works Director, are already looking into the matter. He thanked the Garden Grove High School Principal for her handling of the events following Kevin Telles passing; and thanked City staff for their assistance in providing the Community Meeting Center. He attended the memorial service and was impressed with the way in which the students conducted themselves under the worst of circumstances.

ADJOURNMENT

At 8:27 p.m., the meeting was declared adjourned in memory of Kevin Telles and Dr. Nguyen.

KATHLEEN BAILOR
CITY CLERK