

## 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, July 13, 2010, at 7:08 p.m.

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

ABSENT: (0) NONE

#### INVOCATION AND PLEDGE

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

#### COMMUNITY SPOTLIGHT: RECOGNITION OF RETIRING EMPLOYEES OF THE CITY OF GARDEN GROVE (F: 52.3)

Mayor Dalton called forward John Enriquez, Sandy Estlow, Janice Gardell, Saimi Hayes, Benedict Lux, and Elaine Noce. Each retiring employee was presented with a memento in recognition and appreciation of the extraordinary years of service these employees have given to the City.

#### COMMUNITY SPOTLIGHT: RECOGNITION OF CHET YOSHIZAKI, DIRECTOR OF ECONOMIC DEVELOPMENT, RETIRING AFTER 40 YEARS IN THE PROFESSION (F: 52.3) (XR: 43.4)

Mayor Dalton called forward Chet Yoshizaki, Economic Development Director, and presented him with a Resolution of Commendation honoring his dedicated service to the City and community of Garden Grove.

BUSINESS SPOTLIGHT: RECOGNITION OF CASA DE SOTO AS GARDEN GROVE'S JULY 2010 OUTSTANDING BUSINESS HONOREE (F: 52.3)

Mayor Dalton called forward Luis de Soto, owner and proprietor of Casa de Soto Mexican Restaurant, and presented him with a Certificate of Recognition and gift in recognition of being Garden Grove's July 2010 Outstanding Business Honoree.

RESOLUTION OF COMMENDATION HONORING THE MEMORY OF CARL RICHARDSON, CARE AMBULANCE SERVICE FOUNDER (F: 52.2) (XR: 55)

It was moved by Mayor Dalton, seconded by Council Member Do, and carried by unanimous vote that the Resolution of Commendation remembering Carl Richardson, owner of Care Ambulance, as a selfless humanitarian, respected entrepreneur, and treasured friend, be and hereby is approved.

PROCLAMATION RECOGNIZING THE 20TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT (F: 83.1)

It was moved by Mayor Dalton, seconded by Council Member Do, and carried by unanimous vote that the 20<sup>th</sup> anniversary of the Americans with Disabilities Act be recognized, and applauds the progress that has been made by reaffirming the principals of equality and inclusion and recommitting efforts to reach full ADA compliance, be and hereby is approved.

ORAL COMMUNICATIONS – PUBLIC COMMENTS

Michael Steger and Liona Fan-Chiang encouraged the Council Members to consider approving a resolution in support of restoring the Glass-Steagall legislation.

Peggy Bergin commented on the proposed project located west of Main Street, and on the County's project to improve Twin Lakes Park including her concern over the removal of 200 trees from the park.

Lee Ostendorf encouraged the Council Members to approve her request to bring a Farmers' Market to Main Street.

Gary Brown, Leo Zlaket, and Charles Mitchell spoke in support of bringing a Farmers' Market to Main Street.

Mary McDonald and Russell McDonald Jr. encouraged the Council Members to ban the use of safe and sane fireworks within the city.

Charles Mitchell commented on the proposed Shopping Cart Ordinance.

#### ORAL COMMUNICATIONS - COUNCIL MEMBER COMMENTS

In response to Mayor Dalton's request, Public Works Director Keith Jones provided information on the County's project to improve Twin Lakes Park.

Council Member Do stated he was involved with the Twin Lakes Park Project while working for Supervisor Nguyen's office. He provided additional information on the project.

Council Member Broadwater reminded those who are concerned about the number of the trees in the city that the Department of Forestry has awarded the City of Garden Grove with the Growth Award and Tree City USA Award each year for more than ten years.

In response to Ms. Bergin's concern regarding the removal of trees from Twin Lakes Park, Mayor Dalton requested Council Member Do find out additional information.

Council Member Nguyen commented she did not want the proposed Shopping Cart Ordinance to place undue financial burden on stores.

#### WRITTEN COMMUNICATIONS - REQUEST FROM LEE OSTENDORF REQUESTING TO ESTABLISH A FARMERS' MARKET ON MAIN STREET (F: A-122.6) (XR: 87.1)

Letter of request dated April 9, 2010, was introduced.

It was moved by Council Member Do, seconded by Mayor Dalton, and carried by unanimous vote that the request by Lee Ostendorf to conduct a farmers' market on Main Street, be and hereby is approved.

#### RECESS

At 8:28 p.m., the Mayor declared a recess.

#### RECONVENE

At 8:57 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

RESOLUTION COMMENDING CHET YOSHIZAKI, ECONOMIC DEVELOPMENT DIRECTOR, FOR HIS DEDICATED SERVICE TO THE CITY OF GARDEN GROVE  
(F: 52.2) (XR: 43.4)

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Resolution commending Chet Yoshizaki for his dedicated service to the City of Garden Grove, be and hereby is approved.

RESOLUTION OF COMMENDATION HONORING THE MEMORY OF CARL RICHARDSON, CARE AMBULANCE SERVICE FOUNDER (F: 52.2) (XR: 55)

This matter was considered earlier in the meeting.

PROCLAMATION RECOGNIZING THE 20<sup>TH</sup> ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT (F: 83.1)

This matter was considered earlier in the meeting.

RESOLUTION AUTHORIZING SUBMITTAL OF CALRECYCLE GRANT APPLICATION FOR THE CITY'S USED OIL COLLECTION PROGRAM (F: 24.13) (XR: 24.1)

Staff report dated July 13, 2010, was introduced.

RESOLUTION NO. 9003-10

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 9003-10, be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF ALL APPLICATIONS AVAILABLE FOR THE USED OIL PAYMENT PROGRAM, be and hereby is adopted.

AMENDMENT TO EXTEND THE AGREEMENT WITH WILLDAN ENGINEERING FOR PLAN REVIEW SERVICES (F: 55) (XR: 57.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Amendment No. 3 to the Agreement by and between the City of Garden Grove and Willdan Engineering for plan review services not to exceed \$126,100, be and

hereby is approved; and the City Manager is authorized to execute the agreement.

AMENDMENT TO EXTEND THE AGREEMENT WITH SCOTT FAZEKAS AND ASSOCIATES, INC., FOR PLAN REVIEW SERVICES (F: 55) (XR: 57.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Amendment No. 3 to the Agreement by and between the City of Garden Grove and Scott Fazekas & Associates, Inc. for plan review services not to exceed \$250,000, be and hereby is approved; and the City Manager is authorized to execute the agreement.

FACILITIES USAGE AGREEMENT WITH THE CHILDREN'S BUREAU OF SOUTHERN CALIFORNIA FOR SPACE AT THE MAGNOLIA PARK FAMILY RESOURCE CENTER (F: 55) (XR: 73.8A) (XR: 87.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Facilities Usage Agreement by and between the City of Garden Grove and the Children's Bureau of Southern California to utilize space at the Magnolia Park Family Resource Center, for the rent amount of \$500 per month, be and hereby is approved; and the City Manager is authorized to execute the agreement.

AGREEMENT WITH DUANE SOLOMON TO PROVIDE CONSULTING SERVICES TO THE NEIGHBORHOOD IMPROVEMENT DIVISION OF THE COMMUNITY DEVELOPMENT DEPARTMENT (F: 55) (XR: 57.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Duane Solomon for assistance in the administration and compliance with ADDI, CDBG, ESG, and HOME programs, in the amount of \$70,000, be and hereby is approved; and the City Manager is authorized to execute the agreement.

AGREEMENT WITH UNIFIRST CORPORATION TO PROVIDE EMPLOYEE  
UNIFORM RENTAL SERVICES – RFP #S-1057 (F: 55) (XR: 24.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the contract for uniform rental services and other service items per RFP #S-1057, in the amount of \$166,819.17 for 54 months, be and hereby is awarded to Unifirst Corporation; and the City Manager is authorized to execute the agreement on behalf of the City.

AWARD OF CONTRACT TO PAVEMENT COATINGS COMPANY FOR PROJECT  
IFB NO. S-1060 - RESIDENTIAL SLURRY SEAL PROJECT (F: 55) (XR: 24.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that the contract for Project IFB No. S-1060—Residential Slurry Seal Project, in the amount of \$149,694.80, be and hereby is awarded to Pavement Coatings Company; and the City Manager is authorized to execute the agreement on behalf of the City.

REJECTION OF ALL BIDS RECEIVED FOR PROJECT NO. 7281 – HARBOR  
BOULEVARD/LAMPSON AVENUE INTERSECTION IMPROVEMENT PROJECT,  
AND CANCEL THE PROJECT (F: 96.proj.7281) (XR: 24.11)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that all bids received from the May 13, 2010, bid opening for Project No. 7281 – Harbor Boulevard/Lampson Avenue Intersection Improvement Project, be and hereby are rejected, and the project is hereby cancelled.

REJECTION OF ALL BIDS RECEIVED FOR PROJECT NO. 7286 – MAGNOLIA  
STREET/TRASK AVENUE INTERSECTION IMPROVEMENT PROJECT, AND  
CANCEL THE PROJECT (F: 96.proj.7286) (XR: 24.11)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that all bids received from the June 4, 2010, bid opening for Project No. 7286 – Magnolia

Street/Trask Avenue Intersection Improvement Project, be and hereby are rejected, and the project is hereby cancelled.

ACCEPTANCE OF PROJECT AS COMPLETE FOR PROJECT NO. IFB S-1055 - PROP 1B CENTRAL GARDEN GROVE STREET REHABILITATION (OVERLAY) 2009-10 (F: 55) (XR: 24.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Project No. IFB S-1055 - Prop 1B Central Garden Grove Street Rehabilitation (Overlay) 2009-10 be accepted as complete; the City Manager is 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.

ACCEPTANCE OF PROJECT AS COMPLETE FOR PROJECT NO. 7237 - PHASE 10 - MAGNOLIA STREET: WESTMINSTER AVENUE TO TRASK AVENUE; NEWHOPE STREET: WESTMINSTER AVENUE TO TRASK AVENUE; AND GARDEN GROVE BOULEVARD: GILBERT STREET TO BROOKHURST STREET (F: 96.proj.7237 phase X) (XR: 24.11)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Project No. 7237 - Phase 10 - Magnolia Street: Westminster Avenue to Trask Avenue; Newhope Street: Westminster Avenue to Trask Avenue; and Garden Grove Boulevard: Gilbert Street to Brookhurst Street be accepted as complete; the Mayor is 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.

ACCEPTANCE OF PROJECT AS COMPLETE FOR PROJECT NO. 7657 - BUENA CLINTON YOUTH AND FAMILY CENTER (F: 73.20A) (XR: 87.1)

Staff report dated July 13, 2010, was introduced.

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Project No. 7657 - Buena Clinton Youth and Family Center be accepted as complete; the Mayor is 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.

WARRANTS (F: 60.5)

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 473716 through 475080, Wires W641 through W644, and Direct Deposits W474089 through W475027; and Payroll Warrants 166360 through 166515, Direct Deposits D190097 through D190784, and Wires W1571 through W1574, 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 Do, seconded by Council Member Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - ASSESSMENTS FOR GARDEN GROVE CITY STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT - FISCAL YEAR 2010-11 (F: 69.2FY 2010-11) (XR: 69.1)

Staff report dated July 13, 2010, 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.

RESOLUTION NO. 9004-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9004-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2010-2011 FISCAL YEAR, be and hereby is adopted.



RESOLUTION NO. 9005-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9005-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2010-2011 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, be and hereby is adopted.

RESOLUTION NO. 9006-10

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of Resolution No. 9006-10 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2010-2011 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, be and hereby is adopted.

ADOPTION OF ORDINANCE AMENDING THE GARDEN GROVE MUNICIPAL CODE REQUIRING RETAIL STORES TO IMPLEMENT CART CONTAINMENT SYSTEMS (F: 50.2) (XR: 24.1)

Staff report dated July 13, 2010, was introduced and reviewed by staff.

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

ORDINANCE NO. 2777 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REPEALING SECTIONS 8.30.130 AND 8.30.150 OF CHAPTER 30 OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE AND ADDING CHAPTER 31 TO TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO SHOPPING CARTS

It was moved by Council Member Do, seconded by Council Member Broadwater, and carried by unanimous vote of those present that Ordinance No. 2777 be and hereby is passed to second reading.

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

Council Member Nguyen announced the upcoming concerts in the park; that housing applications will be accepted through July 31, 2010; the Central Garden Grove Neighborhood Associations annual barbeque on July 17; and any business wishing to be a part of the Buy in Garden Grove program can have its business listed on the Buy in Garden Grove webpage on the City's website; and congratulated staff on the new Buena Clinton Youth and Family Center. She offered her condolences to the Richardson family.

Council Member Do reminded residents to buy in Garden Grove.

Mayor Dalton congratulated staff on the newly developed Buena Clinton Youth and Family Center; thanked Mr. Yoshizaki for his service to the city of Garden Grove; announced the Regal Theater's (located on Chapman Avenue and Brookhurst Street) offer of free movies on Tuesday and Wednesday mornings throughout the summer; praised the Gem Theater for its production of Fiddler on the Roof; encouraged everyone to attend the concerts in the park; and commented on the impact of fireworks this past July 4th.

Mayor Dalton offered his condolences to the Carl Richardson family and the Owen Witthauer family.

ADJOURNMENT

At 9:12 p.m., the meeting was declared adjourned in memory of Carl Richardson and Owen Witthauer.

KATHLEEN BAILOR, CMC  
CITY CLERK