

## 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, November 27, 2012, at 7:11 p.m.

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

ABSENT: (0) NONE

NOTE: CLOSED SESSION CONDUCTED LATER IN THE MEETING.

#### INVOCATION AND PLEDGE

Kingsley Okereke, Finance Director, gave the Invocation. Mayor Dalton led the Pledge of Allegiance to the Flag of the United States of America.

#### PRESENTATION - AWARDS PRESENTED BY THE CALIFORNIA NATIONAL GUARD (F: 52.3)

Police Chief Raney received the Patriot Award, and accepted the Seven Seals Award presented on behalf of the Sworn and Civilian staff of the Police Department. Mayor Dalton accepted on behalf of the City the Above and Beyond Award. Police Chief Raney accepted the 2012 Secretary of Defense Freedom Award nomination certificate on behalf of the City's Police Department.

#### PRESENTATION - PROCLAMATION DESIGNATING GARDEN GROVE AS A PURPLE HEART CITY (F: 52.3)

Mayor Dalton presented Commander Dannie Watkins, Military Order of the Purple Heart, a proclamation designating Garden Grove as a Purple Heart City.

#### ORAL COMMUNICATIONS – PUBLIC COMMENTS

Ted Griswold representing Sunbelt Company requested that Ordinance No. 2824 be adjusted based on comments sent to the City and conversations with the City Attorney, prior to being adopted.

Neil Nguyen, David Huynh, and Long Pham requested that City Council vote in support of the Resolution relating to representatives and officials from the Socialist Republic of Vietnam.

Charles Mitchell commented on the increased cost of bus transportation.

Phillip Mericle expressed appreciation for Mayor Dalton's service to the community.

Josh McIntosh spoke on various civic and community matters.

#### COUNCIL MEMBER RESPONSE TO PUBLIC COMMENTS

None.

#### PROCLAMATION DESIGNATING GARDEN GROVE AS A PURPLE HEART CITY (F: 83.1)

Staff report dated November 27, 2012, was introduced.

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that Garden Grove be and hereby is proclaimed a Purple Heart City.

#### RESOLUTION CONCERNING THE FISCAL YEAR 2011-12 MEASURE M2 EXPENDITURE REPORT FOR THE CITY (F: 23.18C)

Staff report dated November 27, 2012, was introduced.

#### RESOLUTION NO. 9157-12

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that full reading of Resolution No. 9157-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONCERNING THE FISCAL YEAR 2011-12 MEASURE M2 EXPENDITURE REPORT FOR THE CITY OF GARDEN GROVE, be and hereby is adopted.

#### AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE ORANGE COUNTY TRANSPORTATION AUTHORITY AND THE CITY OF GARDEN GROVE FOR THE KATELLA AVENUE TRAFFIC LIGHT SYNCHRONIZATION PROGRAM (F: 100.3)

Staff report dated November 27, 2012, was introduced.

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that Amendment No. 1 to Agreement No. C-1-2466 by and between the City of Garden Grove and the Orange County Transportation Authority, and the cities of Anaheim, Cypress, Los Alamitos, Orange, Stanton, Villa Park, the County of Orange, and the State of California Department of Transportation for the Katella Avenue Traffic Light Synchronization Program Project, be and hereby is approved; and the Mayor is authorized to execute the agreement on behalf of the City.

IMPROVEMENT BOND EXONERATION FOR TRACT MAP NO. 17022 FOR PROPERTY LOCATED AT 12661 NELSON STREET, GARDEN GROVE  
(F: 116.PUD-111-06) (XR: 106.171)

Staff report dated November 27, 2012, was introduced.

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that the exoneration of the improvement bonds for Tract Map No. 17022 for property located at 12661 Nelson Street, Garden Grove, be and hereby is approved.

AGREEMENT WITH RICOH AMERICAS CORPORATION FOR THE PURCHASE OF NSI AUTOSTORE EXPRESS SOFTWARE (F: 55: ricoh americas corporation)

Staff report dated November 27, 2012, was introduced.

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Ricoh Americas Corporation, for the purchase of NSI Autostore Express software for 25 Ricoh multi-function copiers, in the amount of \$35,213, be and hereby is approved; and the City Manager is authorized to execute the Agreement on behalf of the City, and make minor modifications as appropriate thereto.

AGREEMENT WITH THE FIRST BAPTIST CHURCH OF GARDEN GROVE FOR PARKING LOT USAGE (F: 55-first baptist church of garden grove)

Staff report dated November 27, 2012, was introduced.

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that the Revocable License Agreement by and between the City of Garden Grove and First Baptist Church of Garden Grove for parking lot usage, be and hereby is approved; and the City Manager is authorized to execute the Agreement on behalf of the City, and make minor modifications as appropriate thereto.

MINUTES (F: VAULT)

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that minutes of the meetings held September 25, 2012, October 9, 2012, and October 23, 2012, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Jones, seconded by Mayor Dalton, and carried by unanimous vote that Regular Warrants 535197 through 535572, and Wires W973 through W975; and Payroll Warrants 173094 through 173150, Direct Deposits D229754 through DD232745, and Wires W1842 through W1845, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RESOLUTION RELATING TO REPRESENTATIVES AND OFFICIALS FROM THE SOCIALIST REPUBLIC OF VIETNAM TRAVELING IN OR THROUGH THE CITY OF GARDEN GROVE (F: 46.1)

This matter was considered later in the meeting.

WAIVER OF FULL READING OF ORDINANCES LISTED

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

RESOLUTION RELATING TO REPRESENTATIVES AND OFFICIALS FROM THE SOCIALIST REPUBLIC OF VIETNAM TRAVELING IN OR THROUGH THE CITY OF GARDEN GROVE (F: 46.1)

Staff report dated November 27, 2012, was introduced.

The Mayor and Council Members spoke in support of this Resolution.

RESOLUTION NO. 9156-12

It was moved by Council Member Broadwater, seconded by Council Member Beard, and carried by unanimous vote that full reading of Resolution No. 9156-12 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE RELATING TO REPRESENTATIVES AND OFFICIALS FROM THE SOCIALIST REPUBLIC OF VIETNAM TRAVELING IN OR THROUGH THE CITY OF GARDEN GROVE, be and hereby is adopted.

## ADJOURN TO CLOSED SESSION

At 7:55 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

## CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Social Pacific Construction Corp. v. Garden Grove Sanitary District  
and City of Garden Grove

## RECESS

At 8:25 p.m., Mayor Dalton declared a recess.

## RECONVENE IN OPEN SESSION

At 8:36 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

Mayor Dalton announced that the Closed Session matter previously disclosed was discussed and no reportable action was taken.

## PURCHASE AGREEMENT WITH THE NEFF TRUST FOR THE ACQUISITION OF REAL PROPERTY AT 12291 HARBOR BOULEVARD, AND 12511 AND 12531 TWINTREE LANE, GARDEN GROVE (F: 84.1)

Staff report dated November 27, 2012, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Beard, and carried by unanimous vote that the Purchase and Sale Agreement by and between the City of Garden Grove and Nida O. Neff for the acquisition of real property located at 12291 Harbor Boulevard, and 12511 and 12531 Twintree Lane, Garden Grove, in the amount of \$2,250,000, funds necessary for closing costs, and broker commission payment, be and hereby is approved; that the City Manager is authorized to enter into the Agreement, including dismissal of the Owner's lawsuit, and related documents for the acquisition of the subject properties, and make minor modifications as appropriate on behalf of the City; that the City Clerk is authorized to accept the grant deeds; that the Finance Director is authorized to draw a warrant in the amount of \$2,250,000, funds necessary for closing costs, and broker commission payment from available proceeds of the sale of other City assets/properties in City funds; and the City Manager is

authorized to prepare and enter into an Agreement, and any necessary related documents, with The City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development (Successor Agency) for future transfer of the properties to the Successor Agency upon a determination by the Department of Finance, or an appropriate court, that the original Disposition and Development Agreement is an enforceable obligation, and upon reimbursement to the City for the purchase price, including closing costs and broker commission payment.

SECOND READING OF ORDINANCE NO. 2822 - DEVELOPMENT AGREEMENT NO. DA-187-12. AGREEMENT WITH GARDEN GROVE 12662 DALE, LLC FOR CONSTRUCTION OF A 25-UNIT, APARTMENT COMPLEX LOCATED AT 12662 DALE STREET, GARDEN GROVE (F: 106.DA-187-12)

Council Member Jones announced that due to a business relationship with the developer, he would be recusing himself from considering this item in order to prevent any conflict of interest.

COUNCIL MEMBER JONES LEFT THE MEETING AT 8:36 P.M.

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

ORDINANCE NO. 2822 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING DEVELOPMENT AGREEMENT NO. DA-187-12 BETWEEN THE CITY OF GARDEN GROVE AND GARDEN GROVE 12662 DALE, LLC

Following the reading of the Ordinance title, it was moved by Council Member Beard, seconded by Mayor Dalton, and carried by unanimous vote of those present that Ordinance No. 2822 be and hereby is declared adopted.

COUNCIL MEMBER JONES RETURNED TO THE MEETING AT 8:38 P.M.

SECOND READING OF ORDINANCE NO. 2823 - PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12), CONDITIONAL USE PERMIT NO. CUP-347-12. MODIFICATION TO SIGN AND GRAPHIC STANDARDS ALLOWING A 59-FOOT HIGH AUTO DEALERSHIP ELECTRONIC FREEWAY-ORIENTED SIGN FOR AN AUTO DEALERSHIP LOCATED AT 9898 AND 10150 TRASK AVENUE, GARDEN GROVE (F: 116.PUD-110-96 (Rev. 12)) (XR: 51.CUP-347-12)

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

ORDINANCE NO. 2823 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-110-96 (REV. 12), AMENDING SECTION I, SIGN AND GRAPHIC STANDARDS, OF PLANNED UNIT DEVELOPMENT NO. PUD-110-96 TO INCREASE THE HEIGHT OF PERMITTED STREET SIGNS FROM 5 TO 8 FEET AND TO ALLOW A 59-FOOT HIGH FREEWAY-ORIENTED ELECTRONIC READERBOARD SIGN FOR AN AUTO DEALERSHIP, SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

Following the reading of the Ordinance title, it was moved by Council Member Nguyen, seconded by Council Member Beard, and carried by unanimous vote that Ordinance No. 2823 be and hereby is declared adopted.

SECOND READING OF ORDINANCE NO. 2824 - GENERAL PLAN AMENDMENT NO. GPA-2-12(B), PLANNED UNIT DEVELOPMENT NO. PUD-128-12. DESIGNATION OF RESIDENTIAL PROPERTIES FROM LOW DENSITY RESIDENTIAL TO INTERNATIONAL WEST MIXED USE; AND ESTABLISHING ZONING AND DEVELOPMENT STANDARDS FOR A HOTEL RESORT ON A 5.2-ACRE SITE (F: 20.GPA-2-12(B)) (XR: 116.PUD-128-12)

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

ORDINANCE NO. 2824 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-128-12, ESTABLISHING PLANNED UNIT DEVELOPMENT ZONING REGULATIONS AND DEVELOPMENT STANDARDS FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF HARBOR BOULEVARD AND TWINTREE LANE, WEST OF CHOISSER ROAD, AT 12222, 12202, 12252, 12262, 12272, 12292, AND 12302 HARBOR BOULEVARD, GARDEN GROVE, 12511, 12531, 12551, AND 12571 TWINTREE LANE, 12233, 12235, 12237, AND 12239 CHOISSER ROAD, GARDEN GROVE

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. 2824 be and hereby is declared adopted.

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

The Council Members expressed appreciation to Mayor Dalton for his service to the community for the past 40 years.

Council Member Beard thanked the Mayor and Council Members for the opportunity to serve as a Council Member.

Mayor Dalton reflected on his time on the City Council, and thanked past and present Council Members and staff.

ADJOURNMENT

At 8:47 p.m., the meeting was declared adjourned to Tuesday, December 11, 2012.

KATHLEEN BAILOR, CMC  
CITY CLERK