

AGENDA

Garden Grove City
Council

Tuesday, July 24, 2018

6:30 PM

Community Meeting
Center, 11300 Stanford
Avenue, Garden Grove,
California 92840; Council
Member O'Neill will be
teleconferencing from the
Tenaya Lodge, 1122
Highway 41, Fish Camp,
California 93623



Steven R. Jones

Mayor

Kris Beard

Mayor Pro Tem - District 1

John R. O'Neill

Council Member - District 2

Thu-Ha Nguyen

Council Member - District 3

Patrick Phat Bui

Council Member - District 4

Stephanie Klopfenstein

Council Member - District 5

Kim B. Nguyen

Council Member - District 6

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the City Council, should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: (714) 741-5040.

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Council Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the City Council meeting agenda; and (3) at the Council Chamber at the time of the meeting.

Public Comments: Members of the public desiring to address the City Council are requested to complete a **pink speaker card** indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications" and should be limited to matters under consideration and/or what the City Council has jurisdiction over. Persons wishing to address the City Council regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

Manner of Addressing the City Council: After being called by the Mayor, you may approach the podium, it is requested that you state your name for the record, and proceed to address the City Council. All remarks and questions should be addressed to the City Council as a whole and not to individual Council Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the City Council shall be called to order by the Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City

Council any further during that meeting.

Time Limitation: Speakers must limit remarks for a total of (5) five minutes. When any group of persons wishes to address the City Council on the same subject matter, the Mayor may request a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the City Council's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

AGENDA

ROLL CALL: COUNCIL MEMBER O'NEILL, COUNCIL MEMBER T. NGUYEN, COUNCIL MEMBER BUI, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K. NGUYEN, MAYOR PRO TEM BEARD, MAYOR JONES

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

1. PRESENTATIONS

- 1.a. Community awareness and prevention of the West Nile virus as presented by the Public Information Officer.
- 1.b. Community Spotlight in recognition of City employee Scott Lowe for 34 years of service.
- 1.c. Community Spotlight in recognition of Garden Grove resident and business owner Carlos Jimenez for his contributions to the City with collaborating on Re:Imagine Open Streets event.
- 1.d. New City website design enhancement as presented by Information Technology.

2. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

3. WRITTEN COMMUNICATIONS

- 3.a. Consideration of a written request to waive fees for the use of Atlantis Play Center for the Mid-Autumn Children's Festival hosted by the South Vietnamese Marines Veteran Charities Association on Sunday, September 23, 2018. (Cost: \$498.75) (*Action Item*)

RECESS

CONDUCT OTHER LEGISLATIVE BODIES' BUSINESS

RECONVENE

4. CONSENT ITEMS

(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Council Member.)

- 4.a. Approval to submit a response to the Grand Jury Report, *Where There's Will, There's a Way - Housing Orange County's Chronically Homeless*. (Action Item)
- 4.b. Approval of a Density Bonus Housing Agreement with Avi Marciano for a mixed-use project located at 12885 and 12891 Main Street, Garden Grove. (Action Item)
- 4.c. Authorization for Council Member Bui to participate in the ACC-OC Advocacy Delegation in Washington D.C., on September 16-18, 2018. (Cost: \$1,800) (Action Item)
- 4.d. Authorize the issuance of a purchase order to National Auto Fleet Group to purchase one new utility truck for the Police Department Special Resources Team. (Cost: \$39,507.75) (Action Item)
- 4.e. Receive and file minutes from the meeting held on July 10, 2018. (Action Item)
- 4.f. Approval of warrants. (Action Item)

5. PUBLIC HEARINGS

(Motion to approve will include adoption of each Resolution unless otherwise stated.)

- 5.a. Consideration of an appeal of a Garden Grove Planning Commission action for a denial of Conditional Use Permit No. CUP-120-2018 for the Pho Hoa An Restaurant located at 14291 Euclid Street #D101, Garden Grove. (Continued from the July 10, 2018, meeting.) (Action Item)

6. ITEMS FOR CONSIDERATION

- 6.a. Placement of a one cent (1%) Sales Tax (Transactions and Use) Measure on the November 6, 2018, General Election Ballot for voter consideration. (Action Item)

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

- 7.a. July 4th Holiday after action update as requested by the City Council.
- 7.b. Consideration for the commission of a bronze sculpture to be located at the Atlantis Play Center honoring Mr. Jack Wallin for his contributions to the City and community of Garden Grove as requested by the City Council. (Action Item)
- 7.c. Report on an update of the Code Enforcement Program as requested by the City Council.

8. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, August 28, 2018, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Happy Birthday to Council Members Thu-Ha Nguyen and Kim Nguyen

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	John Montanez
Dept.:	City Manager	Dept.:	Community Services
Subject:	Consideration of a written request to waive fees for the use of Atlantis Play Center for the Mid-Autumn Children's Festival hosted by the South Vietnamese Marines Veteran Charities Association on Sunday, September 23, 2018. (Cost: \$498.75) (<i>Action Item</i>)		
Date:	7/24/2018		

OBJECTIVE

To transmit a letter from The South Vietnamese Marines Veteran Charities Association requesting approval to waive the Local non-profit groups and Garden Grove Residents Exclusive Use Fee for their Mid-Autumn Children's Festival at the Atlantis Play Center.

BACKGROUND

The South Vietnamese Marines Charities Association is a Garden Grove based, tax exempt non-profit 501(c)(4), and is serving as the administration for the Coordinating Committee of Vietnamese American Youth which aims at promoting friendship, understanding, and community service among children.

The Mid-Autumn Children's Festival is free to children and families and is expecting 500-800 attendees. They will enjoy arts and crafts, cultural performances, a Lion dance, games, drawing contests and children will receive a free lantern.

FINANCIAL IMPACT

The fee for exclusive use of the Atlantis Play Center by local non-profit groups and Garden Grove Residents is \$525 for an eight (8) hour time slot, which includes the cost to staff the event. Staff informed The South Vietnamese Marines Charities Association that beginning in calendar year 2019, groups requesting fee waivers will need to absorb 5% of the permit rental fees. As a result, The South Vietnamese Marines Veteran Charities Association has agreed to contribute five percent towards

their 2018 event. Overall fee waived is \$498.75.

RECOMMENDATION

It is recommended that the City Council:

- Consider the request to the waive fee in the amount of \$498.75 for the use of Atlantis Play Center for the Mid-Autumn Children's Festival hosted by The South Vietnamese Marines Charities Association on Sunday, September 23, 2018.

By: Mark Freeman, Community Services Supervisor

ATTACHMENTS:

Description	Upload Date	Type	File Name
Mid-Autumn Children's Festival Request Letter	7/16/2018	Letter	Mid-Autumn_Children's_Festival_letter.pdf



HỘI THUY QUÂN LỤC CHIẾN NAM CALIFORNIA

THE SOUTH VIETNAMESE MARINES VETERAN CHARITIES ASSOCIATION

Non-Profit Organization Tax Exempt 501C4 # 33-0667248

P.O. Box 4525 Garden Grove, California 92842-4525

vnmc68@sbcglobal.net

(714) 638-7276

Venue-Donation Request Letter

July 13, 2018

Mayor Steve Jones and Council Members
City of Garden Grove

Dear Mayor and Council Members,


The South Vietnamese Marines Veteran Charities Association is serving as the administrative sponsor of the 2018 Mid-Autumn Children's Festival, to be held on Sunday, September 23rd, 2018, and is organized by the Coordinating Committee of Vietnamese American Youth Organizations. In hope of providing a safe environment for children and families attending this event, we are requesting the use of the **Atlantis Play Center** and seeking the City Council's consideration to co-sponsoring this event. Should the City Council approve our fee waiver request, we are prepared to absorb 5% of the venue cost for the event.

The Mid-Autumn Children's Festival is traditionally celebrated in many cultures in Asia, including Vietnam. This event will specifically put an emphasis on the celebration of children. Based on the number of attendees last year, we are expecting to have between 500-800 attendees. The event will be free and open to all children and families, featuring activities such as Arts and crafts; Cultural performances; Lion dance; Games; Drawing contest; and Free lanterns for kids.

The Coordinating Committee of Vietnamese American Youth Organizations is a network aimed at facilitating the collaborations among different youth-serving groups to promote friendship, understanding, and community service. Current and past members include: Cao Dai Youth Association, Vietnamese Young Marines, Phan Boi Chau Youth Association, Vietnamese Youth Ministry, Buddhist Youth Association, and the Union of Vietnamese Student Associations.

We appreciate an opportunity to partner with Garden Grove. If you have any questions, please contact me at (714) 713-4659 or Phong Ly, (714) 725-8389, phongly@ucla.edu. Thank You.

Sincerely,


Hung P. Nguyen
President



City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Approval to submit a response to the Grand Jury Report, <i>Where There's Will, There's a Way - Housing Orange County's Chronically Homeless. (Action Item)</i>	Date:	7/24/2018

OBJECTIVE

The purpose of this report is for the City Council to consider and approve the attached response to the 2017-18 Grand Jury Report, *Where There's Will, There's a Way - Housing Orange County's Chronically Homeless*, and authorize submittal to the Orange County Grand Jury.

BACKGROUND

On May 31, 2018, the Orange County Grand Jury released its 2017-18 Grand Jury report, *Where There's Will, There's a Way Housing Orange County's Chronically Homeless*. The purpose of the report was to examine the topic of the growth of homelessness in Orange County and examine housing solutions. In compliance with Penal Code 933.05(a) and (b), the City is required to provide a response to each of the findings and recommendations directed to the City Council by August 29, 2018. Specifically, responses are required for eight of the findings and seven of the recommendations which pertain specifically to municipalities.

DISCUSSION

The majority of the findings within the Grand Jury report outline the fact that homelessness is a County-wide issue that will require the development of a regional plan for the development of Permanent Supportive Housing units throughout the County. Further, the report finds that Cities within the County have taken a "silo" approach to developing Permanent Supportive Housing which results in inefficient leveraging and pooling of funds across municipal borders.

The City of Garden Grove agrees with some of the findings. However, with regard to the findings about reluctance to provide sites for Permanent Supportive Housing, blaming and finger pointing, cities' silo approach to developing Permanent

Supportive Housing and no independent leadership body within the County to address regional homelessness issues, the City of Garden Grove partially disagrees. Welfare and Institutions Code 17000 makes it a County responsibility to provide public assistance to the indigent. Notwithstanding, the City of Garden Grove has chosen to enact its own Housing Authority and directly manage Federal CDBG, HOME and ESG grants as an entitlement jurisdiction. The City is committed to partnering with the County and its fellow municipalities to create Permanent Supportive Housing units. Further, Garden Grove is a member of Association of California Cities - Orange County (ACCOC), and as such, is a member of the ACCOC Homelessness Taskforce.

The report also makes seven recommendations to cities pertaining to the development of Permanent Supportive Housing. The recommendations request that the decision makers of Orange County cities participate in their region's Service Planning Area meetings, develop a plan and list of potential sites for the creation of Permanent Supportive Housing, and collaborate with the United Way on the "United to End Homelessness" campaign.

The City's response states that some of the recommendations have already been implemented. The recommendations that have not already been implemented will be in the future.

FINANCIAL IMPACT

The cost of developing Permanent Supportive Housing is not yet known. However, staff will implement and follow up on the Grand Jury recommendations to identify the number of Permanent Supportive Housing units needed, the associated costs and potential funding options to create the necessary units.

RECOMMENDATION

It is recommended that the City Council:

- Approve the attached response;
- Authorize the Mayor to sign the response on behalf of the City; and
- Authorize submittal of the response to the Orange County Grand Jury.

By: Allison Wilson
Neighborhood Improvement Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
Grand Jury Report	6/26/2018	Backup Material	Grand_Jury_Report_June_2018_(1).pdf

Grand jury Report
Response

6/26/2018

Backup Material

Response_to_2017-
18_Grand_Jury_Report_Rev1.docx

Where There's Will, There's a Way
Housing Orange County's Chronically Homeless



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Where There's Will, There's a Way

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SUMMARY

"The true measure of any society can be found in how it treats its most vulnerable members." *Mahatma Gandhi*

Does the County of Orange have the political will to overcome the roadblocks to housing the county's chronically homeless population? The chronically homeless are among our county's most vulnerable residents, many with a complex mix of physical and mental disabilities and life expectancies well below the national average.

Research shows that housing the chronically homeless not only dramatically improves their overall health, but also significantly decreases their costs to the community. Placing the chronically homeless in Permanent Supportive Housing (PSH), which combines subsidized housing with access to supportive services, has proved particularly effective. In fact, estimates show that the average cost of caring for a chronically homeless person on the street could be cut in half if they were placed in Permanent Supportive Housing. However, the supply in Orange County lags behind the need, contributing to overcrowded emergency shelters and an increased unsheltered homeless population.

The Grand Jury discovered a number of roadblocks to developing additional Permanent Supportive Housing in Orange County, none more challenging than the lack of leadership from, and collaboration between, County and city officials. Other significant roadblocks certainly exist, such as resident resistance, the difficulty of locating sites on which to build housing (siting), and the lack of sustainable funding sources. However, the degree of finger-pointing and lack of trust that exists between the County and the cities, and even among the cities themselves, makes it extremely difficult to address any of the impediments identified in this report.

So, what is the answer to the question posed above? If political will is defined as a sufficient number of key decision-makers who are intensely committed to supporting Permanent Supportive Housing as a solution for the chronically homeless, then the answer is "not yet." To improve collaboration and overcome roadblocks, the Grand Jury recommends the County and cities establish a regional body empowered to develop and implement a comprehensive business plan for siting and funding Permanent Supportive Housing development.

A Glossary of Terms can be found in the Appendix.

REASON FOR THE STUDY

Homelessness within Orange County continues to grow, showing an 8% increase in 2017 relative to the previous Point in Time Count & Survey Report (PIT count) performed in 2015. Articles and news reports on homelessness in Orange County appear daily, with the recent clearing of the homeless from the flood control channel dominating the spotlight for months. In the 2018 Chapman University Annual Survey conducted among Orange County residents, 24% of respondents cited “homelessness/poverty” as the most important issue facing the county, second only to “housing affordability” reported at 27%. While homelessness remains prominent in the public eye, an often overlooked issue is the overwhelming physical and mental trauma experienced by those living on the streets. A homeless person in the U.S. has an average life expectancy of about 50 years compared to 78 years for someone with an established home.

Another lesser-known outcome of homelessness is the enormous cost borne by cities, counties and health care providers in caring for them. A 2017 study conducted by Orange County United Way, Jamboree Housing, and UC Irvine estimates that approximately \$299 million was spent on health care, housing, and law enforcement for the homeless in Orange County in a 12-month period during 2014 – 2015. In particular, caring for the chronically homeless is especially expensive, with 10% of this group incurring annual costs in excess of \$440,000 per person. This study, along with a number of others conducted across the nation, has demonstrated that placing the chronically homeless in housing significantly decreases the costs of caring for them and improves their overall quality of life. Permanent supportive housing (PSH), which combines affordable housing with supportive services such as substance abuse and mental health counseling, dramatically decreases overall service costs for this group.

Given the large reductions in costs and the significant improvements in mental and physical health reported among the chronically homeless placed in Permanent Supportive Housing, the Grand Jury investigated the state of PSH within Orange County to determine if a sufficient quantity exists, and to identify roadblocks to creating more.

METHOD OF STUDY

In conducting its investigation, the Grand Jury examined a broad spectrum of resources associated with homelessness in general and the effectiveness and availability of Permanent Supportive Housing in particular. The Grand Jury interviewed over forty people, some of them multiple times, involved in housing for the homeless, including members of County and

municipal governments, non-profit service providers, academia, and non-governmental organizations.

The following interviews provided the most important source of information for our investigation:

- Municipal employees with relevant levels of decision-making authority selected proportionately from sixteen of the northern, central, and southern Orange County cities.
- Five non-governmental civic associations directly involved with homeless housing issues
- Representatives from three affordable housing developers
- Selected County employees and elected officials who have direct responsibility/decision-making authority for housing and supportive services

The Grand Jury obtained significant information from *Homelessness in Orange County: The Costs to Our Community* as well as *Orange County Continuum of Care 2017 Homeless Count & Survey Report* and from a number of other local and national reports. Additionally, Grand Jury members attended or viewed local symposiums on homelessness, relevant city council and OC Board of Supervisors meetings, and federal court proceedings. A list of references is located at the end of this report.

Finally, it is important to acknowledge that the Grand Jury conducted its investigation over the course of a consecutive eight-month period spanning 2017 – 2018 when the issues surrounding homelessness were being hotly debated and changing weekly. Although the state of discussions and actions on this subject is dynamic, the findings and recommendations of this report are accurate as of the date of publication.

BACKGROUND AND FACTS

An Overview of Homelessness in Orange County

Estimates of Orange County's homeless population primarily derive from the biennial Point in Time Count and Survey conducted most recently in January 2017. A PIT Count is an unduplicated count, conducted on a single night, of people who are homeless, and is carried out across all major metropolitan areas in the U.S.

Similar to trends seen in Los Angeles and San Diego counties, homelessness in Orange County is increasing. The most recent PIT Count revealed a homeless population of 4,792 within the

county, representing an 8% increase compared to 2015. Over the course of a year, approximately 15,000 people cycle in and out of homelessness in Orange County.

While the PIT count provides valuable information about the state of Orange County's homeless population, especially in drawing comparisons between years, some skepticism exists regarding the accuracy of the total count provided. Critics worry that the homeless population, particularly those who are unsheltered, are undercounted since a number may be residing in places that are not visible to the County, city, and agency staffs, and community volunteers who are mobilized to do the count. Nevertheless, the count represents the only countywide estimate for the number of homeless living here and provides a good basis for illustrating and understanding homelessness within Orange County.

Table 1: Total OC Homeless Persons and Living Situation, 2015-2017

	2015	2017	% Change 2015-2017
Number of Sheltered Homeless	2,251	2,208	(2%)
Number of Unsheltered Homeless	2,201	2,584	17%
Total Number of Homeless	4,452	4,792	8%

Source: Adapted from Orange County Continuum of Care 2017 Homeless Count & Survey Report

As shown in Table 1, not only was there an overall increase in the number of homeless within the county, the number of *unsheltered* homeless also increased 17% compared to the 2015 PIT count.

The Debilitating Effects of Homelessness

The debilitating effects of homelessness on the mental and physical health of homeless individuals are well documented. Homelessness not only aggravates existing medical conditions, but can create new ones. In fact, diabetes, hypertension, heart disease, and HIV/AIDS are often found at rates three to six times greater than the general population. Existing conditions can worsen due to lack of access to appropriate medical care. Homeless individuals report higher levels of stress and depression, further increasing their likelihood and incidence of mental illness. It is not uncommon for the homeless to suffer from multiple

conditions with a complex mix of severe physical, mental, substance abuse, and social problems. High stress, unhealthy and dangerous environments, and poor nutrition result in ER visits and hospitalizations. Those experiencing homelessness are three to four times more likely to die prematurely than the housed population, and have a much lower life expectancy. (*Homelessness & Health*, 2011)

HUD Recognizes Housing First as the Primary Approach for Homeless Housing

The U.S. Department of Housing and Urban Development (HUD) has designated "Housing First" as the recommended approach to providing housing for the homeless. Housing First describes an overall system approach to homelessness that prioritizes moving someone into permanent housing as quickly as possible so that they have a stable foundation from which to address other issues, such as finding employment or dealing with substance abuse.

Table 2: Descriptions of Homeless Housing/Shelters within Orange County

Type of Homeless Housing	Description
Emergency Shelter	Provides a short-term stay for an individual or family experiencing homelessness.
Transitional Housing	Provides temporary housing of up to two years along with appropriate supportive services, and is designed to facilitate movement to permanent housing once an individual is deemed ready to do so. This type of housing is often used for people or families who may be at a transition point in their lives, such as those leaving prison, youth aging out of foster care, and women fleeing domestic violence.
Rapid Rehousing	Based on the Housing First approach, this intervention is designed to prevent individuals and families from becoming homeless, or to quickly exit homelessness and return to stable, permanent housing. The program provides assistance in three major areas: locating appropriate housing, rental and move-in assistance, and case management and services. It is typically time-limited and focused on those who can become self-sufficient at some point in the near future.
Permanent Supportive Housing	Also based on the Housing First approach, this model combines rent-subsidized, permanent housing with ongoing access to services such as mental health and substance abuse counseling and is typically targeted at the chronically homeless who may need this assistance for the remainder of their lives.

As shown in Table 2, various types of housing options targeting homeless individuals and families are available within Orange County.

In 2016, the California Legislature passed Senate Bill 1380, which requires all state housing authorities to adopt core components of Housing First, including:

- Low Barrier Access to Housing – must accept applicants regardless of sobriety or use of substances, or participation in treatment or services
- Services Tailored to Tenant Needs– supportive services emphasize voluntary engagement and problem solving without having to meet predetermined goals.
- Tenants have lease protections with all the rights and responsibilities of tenancy

The Chronically Homeless in Orange County

HUD defines a chronically homeless person as “either (1) an unaccompanied homeless individual with a disabling condition who has been continuously homeless for a year or more, OR (2) an unaccompanied individual with a disabling condition who has had at least four episodes of homelessness in the past three years.” An “unaccompanied homeless person” means an individual who is alone, and is not part of a homeless family or accompanied by children.

Presence of a disabling condition, such as physical disability, mental illness, or addiction, represents a defining element of chronic homelessness. In some cases, a disability may have been a key factor contributing to homelessness, while in other instances the disability arose due to the mental and physical stress of living on the street. The chronically homeless include some of the most vulnerable individuals among the homeless population, people whose life expectancies and quality of life have been diminished by their time living without shelter.

The Number of Chronically Homeless is Increasing

The 2017 PIT count identified 893 individuals as chronically homeless in Orange County. Of those, the majority – 68% – were unsheltered. The remaining 32% categorized as sheltered were those living in an emergency shelter without a permanent home.

The number of chronically homeless has increased dramatically – 60% – since the 2015 PIT Count.

Table 3: Total Number of OC Chronically Homeless and Living Situation

	2015	2017	% Change 2015 - 2017
Sheltered Chronically Homeless	111	284	156%
Unsheltered Chronically Homeless	447	609	36%
Total Number Chronically Homeless	558	893	60%

Source: Adapted from Orange County Continuum of Care 2017 Homeless Count & Survey Report

Most Chronically Homeless are Longtime Orange County Residents

From the demographic data included in the 2017 PIT count and the 2017 *Homelessness in Orange County: Costs to the Community* reports, the following general observations can be made about the chronically homeless population:

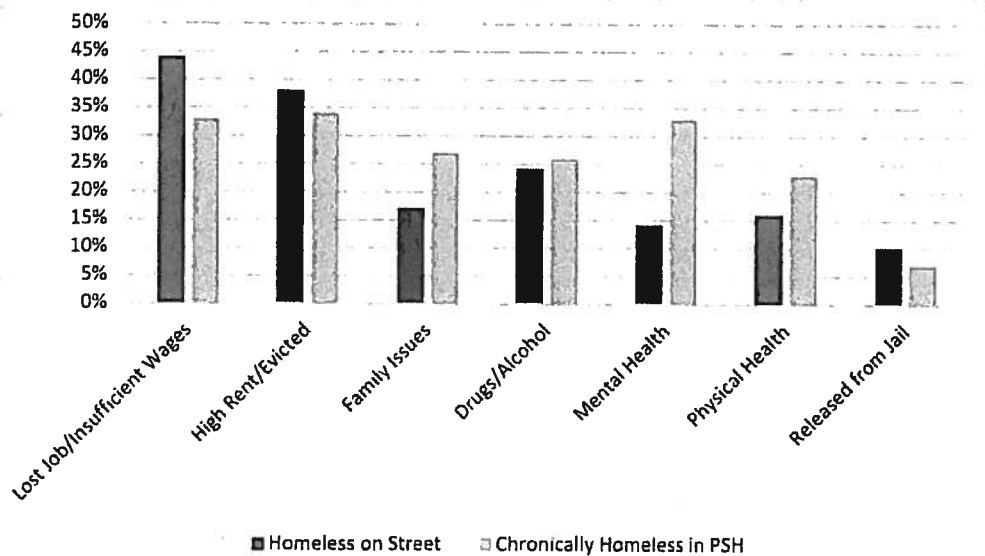
- Most are older males in the 45 – 60 year-old age group
- Females make up about 20 – 25% of this group
- Roughly half are Non-Hispanic white
- About 1 in 7 are Veterans
- The overwhelming majority have lived in Orange County longer than 10 years
- They are predominantly U.S. born

A Combination of Economic Issues and Disabilities Account for much Chronic Homelessness

The causes of chronic homelessness are related to the same factors that produce homelessness in general. Figure 1 shows the various reasons for becoming homeless as reported by those currently living on the street compared to reasons provided by the formerly homeless in PSH.

Among the former *chronically* homeless now living in Permanent Supportive Housing, two primary factors stand out: (a) the most cited reasons for their homelessness were economic in nature, such as job loss or inability to afford high rents; and (b) the relatively high incidence of reported mental and physical health issues underscores the need for ongoing access to supportive services once they are in permanent housing.

Figure 1: Reasons for Becoming Homeless

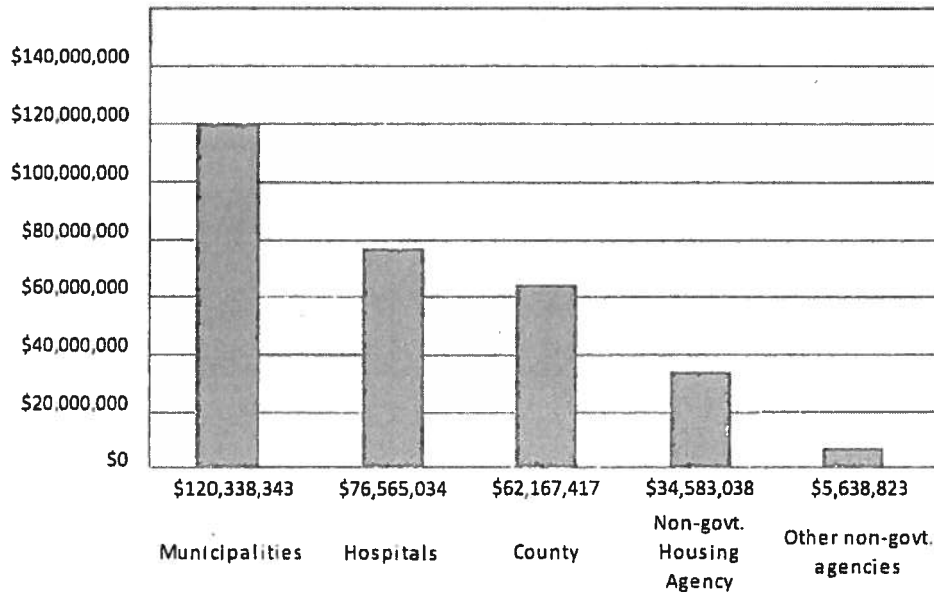


Source: Adapted from *Homelessness in Orange County: The Costs to our Community*

Costs to Orange County from Homelessness

The estimated cost for addressing homelessness across all service sectors over a twelve-month period from 2014 - 2015 in Orange County was approximately \$299 million. These sectors included municipalities, hospitals, the County, non-governmental housing agencies, and other non-governmental agencies. Of the three biggest sectors, Orange County cities appear to bear the greatest cost burden, funding an estimated \$120 million for the year studied. The cost data associated with caring for Orange County's homeless population was reported in a collaborative study, *Homelessness in Orange County: The Costs to our Community* published in 2017 and sponsored by Orange County United Way, Jamboree Housing, and UC Irvine. Data was collected from five primary sources: the County of Orange, the cities within the county, Orange County hospitals, non-profit agencies serving the homeless, and homeless individuals themselves. (In the remainder of this report, the study will be referred to as "The Cost Study of Homelessness").

Figure 2: Cost of Homelessness Across Sectors in OC



Source: Adapted from Homelessness in Orange County: The Costs to Our Community

Other cities and counties across the U.S. have also identified large cost outlays for addressing homeless issues in their areas. For example, in the study entitled “Home Not Found: The Cost of Homelessness in Silicon Valley,” (Flaming, et al, 2015) Santa Clara County discovered they had spent approximately \$520 million per year providing homeless services over the six-year period covered by the study.

Health Care Costs are the Largest Area of Expense

According to the Cost Study of Homelessness, cities, hospitals, and the County fund the largest area of expense – health care – at approximately \$120.6 million per year. This result is in line with many other studies conducted across the U.S. showing the substantial cost of providing health care to the homeless. These cost estimates were derived prior to establishing two new county emergency shelters as well as prior to relocating the homeless on the Flood Control Channel. In addition, many cities recently hired Homeless Liaison Officers and contracted for homeless Outreach and Engagement staff. These actions taken together potentially increase costs across both the city and the county sectors.

Table 4: 2014-2015 Costs of Addressing Homelessness in OC across Three Largest Cost Clusters

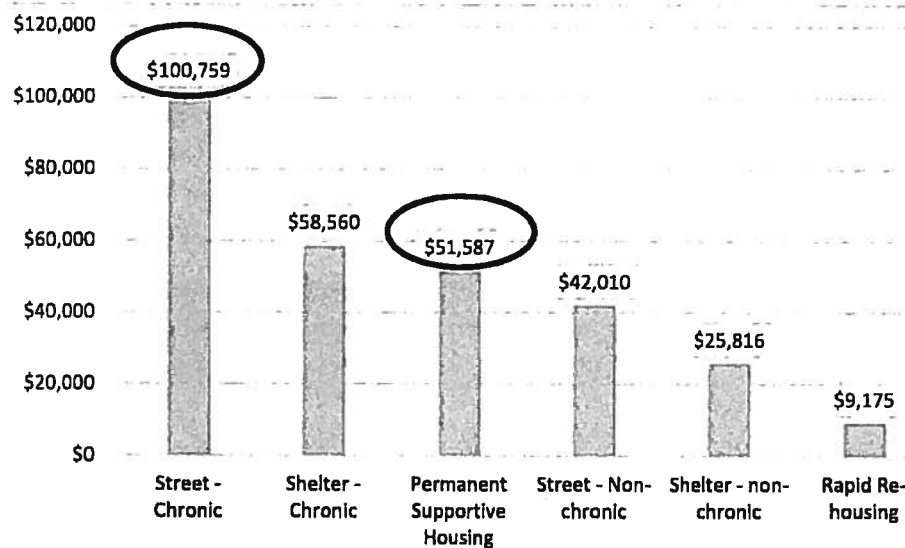
Health Care	Housing	Law Enforcement
\$120,582,177	\$105,932,061	\$23,771,292

Source: Adapted from Homelessness in Orange County: The Costs to Our Community

Orange County's Chronically Homeless Account for a Significant Portion of Costs

The Cost Study of Homelessness discovered wide disparities in the costs to provide services to the various homeless sub-populations within Orange County. In particular, the costs associated with providing services to the *chronically homeless living on the street* were the highest among any segment of the homeless population. As shown in Figure 3, the average cost of services for a chronically homeless person on the street is almost twice that of a resident in Permanent Supportive Housing – even taking into account the cost of providing that resident with housing and services.

Figure 3: Average Annual Service Cost per Person by Type of Housing, 2014-2015



Source: Adapted from Homelessness in Orange County: The Costs to Our Community

Chronically homeless persons make greater use of emergency departments, inpatient care, psychiatric care, detoxification services, and jails. Indeed, in comparison to people with similar characteristics who are housed, the homeless use more emergency services and experience more and longer hospitalizations. To underscore the high cost of leaving the chronically homeless unsheltered, the Cost of Homelessness study identified that the costliest 10% of the those living on the streets generated average annual costs of about \$440,000 per person— primarily due to high medical expenses.

Many other studies across the U.S. have substantiated these results. For example, in a study entitled “Getting Home: Outcomes from Housing High-Cost Homeless Hospital Patients” (Flaming et al, 2013) the authors found a 72% decrease in average total health care costs among the study participants who moved into supportive housing. Likewise, a study entitled “Begin at Home: A Housing First Pilot Project for Chronically Homeless Single Adults” (Srebnik, 2013) reported 74% fewer hospital admissions among those in supportive housing compared to those not in PSH. As a result of the numerous studies demonstrating the effectiveness of Permanent Supportive Housing for the chronically homeless, HUD increased funding for this model by 39% between 2012 and 2016.

Permanent Supportive Housing Decreases Medical Costs and Police/Jail Contacts

To achieve a stable housing situation, most chronically homeless not only need a rent-subsidized apartment, they also require access to supportive services to ensure they can remain there. For example, someone with mental health issues may need assistance to ensure they get counseling and take medications as prescribed. Likewise, a person suffering from a chronic and debilitating illness may require help managing their diet and ensuring they make their doctor appointments in order to avoid emergency room visits and hospital stays.

As Table 4 demonstrates, residents of PSH access medical services and have brushes with the law less often than the chronically homeless on the streets or in emergency shelters.

Table 5: Average Service Utilization and Criminal Justice Contacts in One Month

	Chronically Homeless in Street or Shelter (# times accessed in one month)	Permanent Supportive Housing (# times accessed in one month)	% Decrease in Incidence Among those in Permanent Supportive Housing
# times accessed soup kitchen or pantry	19.13	2.22	88%
# times in ER	0.58	0.33	43%
# times in ambulance	0.27	0.06	78%
# times inpatient in hospital	0.17	0.08	53%
# times accessed other health services	0.62	1.78	(187%)
# times ticketed	0.46	0.08	83%
# times arrested	0.15	0	100%
# times appeared in court	0.20	0.02	90%
# nights in holding cell, jail or prison	0.13	0	100%
# nights in shelter or emergency shelter	6.9	0	100%
Number of Interviewees	53	49	

Source: Adapted from: Homelessness In Orange County: The Costs to Our Community

The main exception to this pattern of decreasing incidence is the number of times they access “other health services.” Authors of the Cost Study of Homelessness theorized these “other health services” represent more routine and preventative services such as visits to doctors’ offices and outpatient clinics – activities which are decidedly less expensive than pricey ambulance transports and ER visits.

Why the large decrease in usage of hospital care and contacts with law enforcement? Studies show that the mere fact of having a permanent place where one has a legal right to stay positively impacts a variety of environmental, social, and physiological influences on health and well-

being. Having one's name on a lease greatly reduces the stress associated with not having a permanent place to sleep each night, and stress reduction has been shown to assist with recovery. A person in supportive housing has increased opportunity for employment, family involvement, and maintaining a stable social network, all of which contribute to improved mental and physical health. Research shows that when individuals with mental illness are placed in PSH settings, they have better rates of recovery than those in other settings. (Dohler, 2016)

Many municipalities have enacted ordinances targeting activities such as camping or sleeping in public, begging, loitering, living in vehicles, or storing personal belongings in public spaces. A person provided with PSH, therefore, avoids being ticketed or incarcerated for engaging in these activities, resulting in decreased costs to law enforcement, courts, and jails.

High Retention Rates are Reported with Permanent Supportive Housing

Former chronically homeless individuals living in PSH demonstrate high retention rates, according to studies commissioned by cities and counties. Analyzing data from the years 2011 – 2014, the Los Angeles Homeless Services Authority found that chronically homeless individuals residing in PSH had retention rates of 90 – 96% over a six-month period, and 84 – 90% over a one-year period. In a three-year San Diego study funded by the United Way and entitled “Project 25: Housing the Most Frequent Users of Public Services among the Homeless,” twenty-eight homeless individuals who were among the most frequent users of public services, including ERs, hospitals and jails, were placed in PSH. Their use of services was tracked for two years and then compared with their usage of these programs in the year prior to their enrollment. Not only did their service costs decrease by 67% over the two-year period, twenty-five of the individuals – 89% – either remained in PSH or graduated to housing requiring less intensive use of services.

Permanent Supportive Housing in Orange County – Insufficient to Meet the Need

According to the most recent information from Orange County's Housing Inventory Count (HIC), 1,724 adult-only Permanent Supportive Housing beds exist in OC. These units are typically located in small apartment complexes and fourplexes scattered across the county, with the majority found in the central and northern regions. In some of the more recently developed PSH units, an affordable, multi-family housing complex has set aside a portion of its units for PSH. Several projects have involved renovating abandoned hotels and transforming them into

PSH. Some PSH units target a specific sub-population of the chronically homeless, such as veterans, those with mental illness, or the physically disabled. Complexes may employ caseworkers to live onsite to provide ongoing assistance and services to the formerly homeless. Others have case workers visit regularly to check in with residents and provide services.

While the number of PSH units has slightly increased across the county in the past few years, these units are typically at 100% of their capacity with long waiting lists. In fact, the 2017 Housing Inventory Count from the County's Homeless Management Information System (HMIS) indicated a PSH waiting list of over 1,000 people.

Table 6: Number of Adult-Only PSH Units in OC, 2016-2017

	2016	2017	% change 2016 - 2017
Number of PSH units	1,456	1,724	18%

Source: Orange County HMIS - Housing Inventory Count

A shortage of PSH units within the county contributes to the need for more emergency shelter beds to accommodate those needing an interim place to stay. The Grand Jury heard reports of individuals being housed in emergency shelters for up to a year while awaiting a permanent bed, resulting in a logjam as the newly homeless tried to find a place to stay. Given the concurrent shortage of emergency shelter beds, the ultimate outcome is an increase in the unsheltered homeless population living on Orange County streets.

A Proposal for Increasing Permanent Supportive Housing in Orange County of Orange

During the course of this investigation, the Grand Jury could find no single, agreed-upon estimate for the number of PSH units needed. Several County sources have indicated that a housing strategic plan, which would include a PSH estimate, is in development.

Meanwhile, the Association of California Cities – Orange County (ACC-OC) – a group that provides Orange County cities assistance with policy development and legislative advocacy – recently presented a proposal identifying the need to create 2,700 additional Permanent Supportive Housing units across the county in the next three years. This estimate was determined using the size of the unsheltered homeless population from the 2017 PIT count as a

guide. To underscore the regional nature of homelessness, the proposal recommends allocating these 2,700 units proportionally across all thirty-four cities and unincorporated county areas by population. Thus, larger cities within the county would receive a greater allocation of PSH units while smaller communities would be allocated fewer units.

In April 2018, the County signaled its approval of this proposal by announcing it will take a lead role. Meetings with city officials have already taken place and a working group of interested cities formed. The final business plan for this proposed project is still in development, with major issues such as funding sources, site availability, and degree of city buy-in still to be determined.

Roadblocks and Challenges to Creating More Permanent Supportive Housing in Orange County

Given the critical need for more PSH development within the county, the Grand Jury investigated the various roadblocks and challenges that could impede its development, including the 2,700 units identified in the proposal.

Lack of Consensus and Buy-in within Cities for PSH Solutions

1. Each city trying to address homelessness on its own: A prevailing issue encountered in this investigation was the preference of many cities to address issues such as homelessness in a “silo”; that is, addressing the problem on their own without engaging with other cities to pool resources and knowledge. In one sense, a city’s tendency to combat this issue on its own is a natural consequence of how Orange County cities have traditionally operated. Each city has its own city council, city manager and staff, and other supporting departments to allow it to operate autonomously.

However, a city trying to go it alone ignores the regional nature of homelessness. First, homelessness does not recognize city, or even county, borders. In addition, the magnitude of the issue requires large dollar investments and expertise in navigating the very complex area of siting and funding PSH development – resources and knowledge that often exceed the ability of one city to address on its own. In some cases, cities trying to go it alone have become so overwhelmed that they have responded by establishing rules to only care for “their own” homeless. That is, before providing services of any type, they require a homeless person to show proof that he or she previously resided in their city.

To be fair, some cities approach the issue on their own because they believe no other group is willing or able to provide leadership, be it expertise or in funding. Many cities reported that they have been looking for an entity, such as the County, to step forward and provide leadership on homelessness in general, and housing solutions specifically.

It was instructive to note the number of cities with whom the Grand Jury spoke who believe they are doing more than any other city in the county with respect to providing homeless services and housing. A number of other cities did not necessarily think they are providing the most services, but did believe they are doing more than their fair share. These inequities concern them, in large part, due to the major financial outlays they are making to care for the homeless. In addition, there is significant concern that being a leader in providing services and housing would make their city a magnet for attracting more homeless, not only increasing their financial obligations, but spurring resident outcry as well.

2. Misperceptions and lack of knowledge about PSH: While some city officials - both elected and city staff - have voiced strong support for PSH, others do not appear to understand what Permanent Supportive Housing provides and the benefits it delivers. For some, PSH invokes images of "the projects" - those affordable housing projects constructed in the 1960s and 1970s that were negatively associated with increasing crime and perpetuating poverty. Others voiced concerns that placing chronic substance abusers and the mentally ill into housing would just move the problem from the street into a housing development - not understanding that case management services would be provided to help prevent this from happening.

Some city officials may be unfamiliar with the 1,724 PSH units currently available within Orange County. By all accounts, these units are successfully integrated into a number of different communities. In fact, in researching these communities, the Grand Jury heard claims that these developments are often the most attractive in the neighborhood and increase, rather than depress, housing prices in the area.

Rockwood Apartments provides housing and support services for forty-eight formerly homeless families, as well as fifteen Permanent Supportive Housing units for clients receiving mental health services. In conceiving the project, Jamboree Housing made a concerted effort to engage the neighboring community, holding a contest for local school children to name the development, and utilizing harmonious architectural designs that integrated with the surrounding neighborhood. Partners in the development include the City of Anaheim, the Anaheim School District, and the Illumination Foundation, all of which continue to provide supportive services to the formerly homeless residents.



Rockwood was a finalist in the Affordable Housing Finance Reader's Choice Awards for 2017, which assesses its selections based, among other characteristics, on the nominee's role in overall community revitalization; tapping new funding sources or demonstrating new efficiency in capital costs and/or maintenance/operating costs; offering outstanding social services for tenants; and receiving broad community support, including state and local government financial assistance.

3. Lack of understanding of the cost savings provided by PSH: While general awareness of the Cost Study of Homelessness was relatively high among city staff, there was a fair amount of doubt whether their cities would achieve significant savings if PSH is developed. This skepticism appears to primarily arise from the fact that the cost categories outlined in the study don't necessarily align with a city's budget line items, making it difficult to estimate savings from developing more PSH. Providing health care to the homeless, the largest cost area in the study, is typically not a line item in a city budget. While these costs ultimately translate into higher medical insurance rates, they do not correspond to those line items.
4. Local resident resistance to placing PSH projects within their city ("NIMBYism"): Of all the issues identified as roadblocks to siting PSH within Orange County cities, one of the most challenging is resident opposition to placing any type of housing for the homeless within their neighborhoods. Several cities provided examples of projects that had to be abandoned due to overwhelming resident resistance. Others had declined to even bring certain projects forward due to concerns over encountering massive resistance. Cities report their residents

appear resistant to any type of housing that accommodates the homeless near them. This resistance is primarily due to public safety fears, though concerns of negative impact on housing values were also voiced.

While the Grand Jury could find no specific studies detailing crime statistics in areas within OC with PSH, information gathered from other areas of the country suggests that there is little evidence of an appreciable increase in crime. This may be due to the stabilizing effect afforded by living in a house, as well as the presence of housing support staff who can check on residents or call to report suspicious activity. (Coburn, 2015) Studies indicated that housing values in the areas of PSH had remained stable, or had even risen. (*Impact of Supportive Housing*, Furman Center)

NIMBYism certainly isn't unique to Orange County. In November 2013, the Central Florida Regional Commission on Homelessness published the results of a nationwide survey on best practices in addressing homelessness, and a major best-practice theme was dealing with resident resistance to siting housing for the homeless. One of the most frequently mentioned recommendations specified that no program succeeded without educating the community about homelessness and gaining its investment in the solutions.

The Orange County United Way has enlisted private and philanthropic partners, as well as various city officials, in a campaign to educate people about the causes of homelessness and the need to build more housing. **United to End Homelessness** is focused on building public awareness and engagement in an effort to circumvent resistance to housing the homeless in Orange County communities.

The stated goals of the campaign are to rally community support for Permanent Supportive Housing; to identify homes both through accessing existing rental units and working with partners to support and champion efforts to develop new units; and, working with the County and others to leverage data that helps the community gain insight in order to enhance the overall system of care.

County Leadership that has been Crisis Driven rather than Strategic

The Grand Jury could identify no evidence of a detailed and systematic strategic plan that lays out either the number or type of housing options needed to create more countywide housing for the homeless. A comprehensive regional plan should include elements such as the number of units needed within all housing categories (homeless shelter, rapid rehousing, transitional housing and PSH) and the cumulative funding required over a multi-year landscape to reach this goal.

It might seem unfair to fault County officials for lack of planning and leadership on homeless housing issues given the amount of activity that has taken place on this front over the past

several years. For one, in 2016 they hired a Director of Care Coordination (“homeless czar”) that had been recommended by the 1988-89, 1990-91, and 2005-06 Grand Juries – recommendations that were ignored at the time. Within a relatively short time, they opened the county’s first all-season homeless shelter, the Courtyard in Santa Ana, and opened the Bridges at Kraemer Place in Anaheim. A number of other projects are in the works, including establishing a much-needed second Crisis Stabilization Unit that can assess and treat the mentally ill homeless population.

While all these activities were certainly necessary, they appeared driven more by the County operating in crisis mode rather than from any strategic plan developed to address the homeless housing shortage. The homeless population at the flood control channel was allowed to grow to over 700 people while the County and the cities debated ownership of the issue. In attempting to relocate them, the County struggled to find appropriate housing for those individuals and spent large amounts of money to do so. In addition, two federal lawsuits were filed against the County on behalf of those living on the flood control channel, resulting in a federal judge’s involvement in the equation.

As the County tries to catch up with providing sufficient housing and emergency shelters for the homeless, their efforts are often stymied by cities’ refusals to provide locations for these facilities. Since cities are the land use authority within their borders, the County relies on their cooperation to allocate building sites. The County has indicated it is willing to fund shelters, but needs the cities to step up and provide locations.

Lack of Collaboration and Cooperation among County and Cities

Here we arrive at the basic point of contention that framed much of this investigation – that is, the finger-pointing and lack of trust that exists between the County and the cities, and even among the cities themselves, on the homeless issue. The cities believe the County is not providing sufficient leadership in outlining a countywide plan for the homeless and is too frugal in disbursing the state and federal homeless funds it receives. Meanwhile, the County is frustrated that cities are not responsive to repeated requests for siting any type of homeless housing, be it emergency shelters or permanent housing. The cities are mistrustful of each other since each may think they already are providing more homeless services than other cities in their area. However, winds of change may be on the horizon. With the County signaling they will take a leadership role in the 2,700-unit PSH proposal, and with a number of cities indicating strong interest, actual steps toward collaboration could occur.

Over a decade ago, the State of Utah committed to ending chronic homelessness within its borders. As of 2018, it has reduced their number by 91%, from 1900 to 158. The key factor in this success is the formation of a leadership body with the ability to operate “above the silos,” according to Lloyd Pendleton, the project’s chief “champion.” Pendleton advocates establishing a group with limited membership – no more than fifteen people – who are able to implement systemic change and are empowered to control and allocate at least thirty percent of the revenues available for PSH. These champions, as Pendleton calls them, should represent a collaborative of providers, funders, and county and city political leaders who are results-oriented, biased to act, with stamina, a sense of personal responsibility, and a belief in the common good. He maintains that this is the type of coalition necessary to affect a unified vision and plan for addressing homelessness.

Securing Sufficient Funding

1. Funding sources for PSH are unpredictable and inconsistent. Funding for Permanent Supportive Housing originates almost entirely from state and federal sources. At the federal level, Section 8 housing vouchers, Community Development Block Grants, Emergency Solutions Grants and Continuum of Care funds – among others – are distributed to state and local housing agencies and community development departments to assist with housing development. At the state level, dollars collected from the Mental Health Services Act (MHSA) provide a source of funding to house the mentally ill homeless population. Affordable housing developers apply for federal Low Income Housing Tax Credits, which provide gap financing for affordable housing projects, including PSH.

However, over the years, funding from these sources has fluctuated depending on the state of the economy and the priorities of the political party in charge. Most recently, the 2018-2019 federal budget initially included major cuts to many of the federal housing programs, though last minute negotiations on the spending bill have apparently reinstated much of this funding. Since state and federal funding for homeless housing can be so unpredictable, and often insufficient, many counties have turned to alternate sources to supplement financing.

In Los Angeles County, voters approved Measure H, while City of Los Angeles voters approved Proposition HHH in 2016. Measure H includes a 0.25% countywide sales tax to fund homeless support services, housing, outreach and development. Proposition HHH will provide \$1.2 billion from a general obligation bond to construct 10,000 units of PSH. Alameda County passed the A1 Bond Measure which will raise \$580 million to fund affordable housing efforts. In September 2017, San Diego County created the Innovative Housing Trust Fund which recently announced \$25 million in gap financing to affordable housing developers to facilitate the construction, acquisition, rehabilitation, and loan repayment of affordable, multi-family housing.

2. New state funding sources are on the horizon, but will require close collaboration between all parties – cities, County, and non-profit – to receive optimum funding.

In 2016, Governor Jerry Brown signed legislation enacting the “No Place Like Home” (NPLH) program. This program is intended to provide \$2 billion in bond proceeds in California for the development of PSH for persons who are in need of mental health services and are experiencing homelessness, or are at risk of homelessness. Specific county allocations have not yet been made, but are expected to be released at some point in 2018.

A major funding component of the program is the Competitive Program, which will allocate dollars to counties – at least in part – based on a county’s population. In addition, a key to achieving greater funding will be an assessment of how closely a county is partnering with its cities and community-based organizations to create PSH and homeless services.

3. Supportive services will require ongoing funding. Once formerly homeless individuals are moved into PSH, they will likely require access to ongoing supportive services, such as mental health or substance abuse counseling, or assistance with a physical disability. Financing 2,700 PSH units is only the first part of the equation; funding for the ongoing services for residents of those units must be planned and budgeted. In fact, one of the threshold requirements of the No Place Like Home Program is a 20-year commitment to provide supportive services to NPLH tenants.

HOME(FUL), a 501(c)3 non-profit, receives and allocates a voluntary fee assessed on the sale of homes originally built by Lennar. The fee is one-tenth of one percent of the sale price; the seller may opt out if he or she does not wish to participate (the information is disclosed on the property title). At the close of escrow this fee transfers to HOME(FUL), which maintains a roster of charitable organizations that provide housing and supportive services to the homeless and distributes funding to those that successfully apply.

HOME(FUL) identifies a number of benefits for those home sellers participating in the program: the fee is tax-deductible; the seller provides a direct, tangible benefit to a person without a home; and the fees generated remain within the community and can contribute to projects typically paid for by taxes. HOME(FUL) estimates they will raise ten billion dollars with this program over the next ten years. Lennar’s goal moving forward is to enlist as many builders as possible to participate in the program.

Lack of Adequate Staffing within County Housing & Community Development Department to Review and Facilitate Projects

Housing and Community Development (HCD), a division within Orange County Community Resources, administers the County's affordable housing development, community development, homeless prevention programs, and housing successor agency programs and activities. HCD plays a key role in working with affordable housing developers to notify them when state and federal housing funds become available, and to ensure that projects, such as those targeted for PSH, move through the pipeline as quickly as possible.

The two positions currently budgeted within HCD are now vacant, one for over a year. During the investigation, the Grand Jury heard that lack of staffing interferes with speedy review and facilitation of projects. In some cases, developers had to use back-channel communications to other County officials in order to get a project considered.

Service Planning Area Meetings Encourage Information Sharing, but do not Promote Action

In an effort to increase collaboration and sharing of best practices among cities on homeless issues, the Director of Care Coordination (the "homeless czar") subdivided the county into three Service Planning Areas (SPAs): north, central, and south. Each planning area holds monthly meetings with a portion of each city's staff and elected officials, as well as with non-profit agencies and advocates serving the homeless.

Feedback the Grand Jury received indicated that SPA meetings are well-attended, since most cities are seeking any available assistance or information to address homelessness. However, a number of city attendees are disappointed that the meetings primarily focus on sharing information rather than promoting action. In some instances, due to city staff frustration with the lack of significant action, lower-level staff now attend meetings in lieu of their bosses. However, these individuals typically do not hold the decision-making authority required if opportunities do arise for joint city planning activities.

Perception that the Homeless are Service Resistant

In conducting its investigation, the Grand Jury discovered that some city and County officials believe that homeless individuals will not accept offers of service, including housing. This

perceived service resistance leads them to question the need for establishing housing options, such as PSH, since, in their view, the homeless will not want to live in this housing anyway.

The Grand Jury spoke with a number of non-profit personnel who regularly interact with the homeless to understand their perspective on the matter. Service providers report that a level of trust must be established with homeless individuals before they will feel comfortable accepting services, including offers of housing. Outreach workers say it may take seven to eight engagements with a homeless person to gain sufficient trust for them to believe you really have their best interests in mind. One service provider indicated that the willingness of homeless individuals to receive offered services depends on who is making the offer and what they are offering. For example, when uniformed officers approach a homeless individual with an offer of help, the offer may be refused out of hand due to that individual's unease with law enforcement. While most providers believe there is a segment of the homeless population that will ultimately be resistant to accepting services, they estimate that segment represents a relatively small percentage of the population – perhaps in the 10-15% range.

At the kickoff of the United Way's "United to End Homelessness" program, Andrae Bailey – Orlando, Florida's former homeless czar who is credited with helping to substantially decrease homelessness in that area – said the following: "Beliefs dictate policy and investments. If you believe the homeless don't want help, that will influence your policy."

Conclusion

The Grand Jury discovered many issues impeding increased Permanent Supportive Housing development, such as funding and a shortage of sites on which to build more PSH units. While these are vital issues that need to be addressed, nothing can be accomplished without leadership and collaboration between the County and cities. During the investigation, the Grand Jury heard both sides level claims of "lack of political will." However, while political will – or the lack thereof – is frequently and glibly used as an accusation, its explicit meaning is vague, making efforts at addressing the real, underlying problems difficult.

In a paper entitled "Defining Political Will" (Post, et al, 2010), the authors state that political will exists when these four components exist:

- A sufficient set of decision-makers in positions of power who *support desired reform*,
- With a *common understanding* of a particular problem and agreement that the problem requires government action,
- Who are *intensely committed* to supporting a fix for the problem,
- And *agree* on a potentially effective policy solution

The Grand Jury identified issues within each of the four components listed above, including the following: cities at odds over whether to allow homeless housing, disagreements over who should lead development efforts for homeless housing, and even conflicts over whether PSH is the best solution for the chronically homeless.

Officials in many cities have not reached consensus among themselves on the value of PSH, making it difficult to create compelling arguments and a unified front to overcome resident opposition to siting these units within their communities. County officials only recently acknowledged they hold lead responsibility for homeless housing in Orange County. Until consensus is achieved on these issues, the County and cities will not be able to overcome the many roadblocks to building more PSH in Orange County.

COMMENDATION

The Grand Jury was offered significant insight into the issues surrounding homelessness through its interviews and tours of non-governmental organizations serving on the front lines in Orange County cities. For many years, social service non-profits and housing developers have provided substantial leadership and stewardship in the area of housing for the homeless, including advocating for the construction of more Permanent Supportive Housing, emergency shelters, and crisis stabilization units. Despite seemingly intractable resistance to incorporating these types of housing in neighborhoods, these organizations have persevered in their efforts to find the needed funds and political support to realize their mission. The fact that the County currently has 1,724 units of adult-only PSH within its borders can be attributed to their vision and commitment.

Additionally, the Grand Jury commends the civic membership organizations that have taken a public stance in advocating for appropriate housing and services for Orange County's homeless population.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Where There's Will, There's a Way: Housing Orange County's Chronically Homeless," the 2017-2018 Orange County Grand Jury has arrived at ten principal findings, as follows:

- F1. Homelessness in Orange County is a regional problem requiring regional approaches and solutions.
- F2. The lack of a regional plan designating specific development goals for Permanent Supportive Housing contributes to an insufficient number of available units to house the chronically homeless.
- F3. The County's overreliance on unpredictable and inconsistent federal and state funding risks funds being unavailable for future Permanent Supportive Housing development and supportive services.
- F4. Cities' reluctance to provide sites for Permanent Supportive Housing development has contributed to overcrowded emergency shelters and an increased unsheltered homeless population.
- F5. A staffing shortage exists within the County Housing and Community Development Department impeding Permanent Supportive Housing development.
- F6. Service Planning Area meetings have successfully brought together city, county and non-profit entities to share information on homeless issues, but have not fostered decision-making or action.
- F7. NIMBYism has impeded the creation of housing for the homeless, including Permanent Supportive Housing, in the County of Orange.
- F8. Orange County cities and the County have engaged in blaming and finger-pointing, hampering the collaborative efforts needed to site, finance, and maintain Permanent Supportive Housing.

Where There's Will, There's a Way

- F9. Cities have taken a silo approach to developing Permanent Supportive Housing, resulting in inefficient leveraging and pooling of funds across municipal borders.**
- F10. There is no established, independent leadership body in the County empowered to address regional homeless issues in an effective manner.**

RECOMMENDATIONS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2017-2018 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation titled "Where There's Will, There's a Way: Housing Orange County's Chronically Homeless," the 2017-2018 Orange County Grand Jury makes the following nine recommendations.

To be completed by September 1, 2018

- R1. Orange County cities and the County should develop a Permanent Supportive Housing development plan, and should consider a plan structure similar to the proposal put forth by Association of California Cities – Orange County, that proportionally allocates sites among the cities. (F1, F2, F4, F7, F8)
- R2. Each Service Planning Area should identify sites for Permanent Supportive Housing proportional to the allocation suggested in the Association of California Cities – Orange County proposal. (F1, F4)
- R3. The County Executive Office should organize the agenda and content of the Service Planning Area meetings to promote collaboration between cities on Permanent Supportive Housing and other housing development. (F1, F4, F6, F8, F9)
- R4. Cities should ensure decision-makers fully participate in their region's Service Planning Area meetings. (F1, F6, F8, F9)
- R5. Orange County Community Resources should add an appropriate number of additional positions to the Housing and Community Development Department beyond the two currently budgeted to be optimally positioned for the increased Permanent Supportive Housing development that will likely arise. (F5)
- R6. Cities should collaborate with, and leverage the work done by, United Way on their "United to End Homelessness" public awareness campaign. (F7)

To be completed by June 30, 2019

- R7. To streamline shelter and Permanent Supportive Housing development, the County and its cities should establish a decision-making body, such as a Joint Powers Authority, that is empowered to identify and allocate sites and pool funding associated with housing and supportive services for the homeless. (F1, F3, F4, F7, F8, F9, F10)
- R8. Such a decision-making body should develop a comprehensive, regional housing business plan that identifies both the number of Permanent Supportive Housing units needed as well as the associated costs of renovating existing units or building new ones. (F1, F2, F3, F4, F8, F9, F10)
- R9. Such a decision-making body should propose a plan for securing local, supplemental sources of funding for both Permanent Supportive Housing development and associated support services. (F1, F3, F8, F9, F10)

RESPONSES

The following excerpts from the California Penal Code provide the requirements for public agencies to respond to the findings and recommendations of this Grand Jury report:

§933(c)

"No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head or any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. . . . "

§933.05

"(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.*
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.*

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.*
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.*
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the*

Where There's Will, There's a Way

governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department."

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.05 are required from:

RESPONDENT	FINDING	RECOMMENDATION
Board of Supervisors	F1, F2, F3, F5, F6, F7, F8, F9, F10	R1, R2, R3, R5, R7, R8, R9
City Council of Anaheim	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Brea	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Buena Park	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Costa Mesa	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Dana Point	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Fountain Valley	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Fullerton	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Garden Grove	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Huntington Beach	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Irvine	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Laguna Beach	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Mission Viejo	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Orange	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of San Clemente	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Santa Ana	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9
City Council of Tustin	F1, F2, F4, F6, F7, F8, F9, F10	R1, R2, R4, R6, R7, R8, R9

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code §933.(c) are requested from:

County Executive Office

F5, F6

R3, R5

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APPENDIX

GLOSSARY

1. **Association of California Cities – Orange County (ACC-OC)** – is a membership organization established in 2011 which represents the interests of Orange County cities on regional public policy issues.
2. **Community Development Block Grants (CDBG)** - is a federal program established in 1974 that provides communities with resources to address a wide range of unique community development needs. The CDBG program provides annual grants on a formula basis to 1,209 general units of local government and States.
3. **Continuum of Care Funds** - provides funding for nonprofit providers, as well as State and local governments to quickly rehouse homeless individuals and families, with the goal of minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness. The goal is also to promote access to, and effect utilization of, mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.
4. **Emergency Solutions Grants (ESG)** – assists individuals and families to quickly regain stability in permanent housing after experiencing a housing crisis or homelessness. ESG funds are provided by formula to states, metropolitan cities, urban counties and U.S. territories to support homelessness prevention, emergency shelter and related services.
5. **Homeless Management Information System (HMIS)** - is a local information technology system used to collect client-level data and data on the provision of housing and services to homeless individuals, families, and persons at risk of homelessness.
6. **Housing and Community Development (HCD)** – is a County agency that administers the County's affordable housing development, community development, homeless prevention programs, and housing successor agency programs/activities.
7. **Housing and Urban Development (HUD)** – is a federal agency that works to strengthen the housing market to bolster the economy and protect consumers; meet the need for quality affordable rental homes; utilize housing as a platform for improving quality of life; and build inclusive and sustainable communities free from discrimination.

8. **Housing Inventory (HIT) Count** - is a point-in-time inventory of provider programs within a Continuum of Care that provide beds and units dedicated to serve persons who are homeless, categorized by five Program Types: Emergency Shelter; Transitional Housing; Rapid Re-housing; Safe Haven; and Permanent Supportive Housing.
9. **Low Income Housing Tax Credits (LIHTC)** - is a dollar-for-dollar tax credit given for affordable housing investments. Created under the Tax Reform Act of 1986, LIHTC provide incentives for the utilization of private equity in the development of affordable housing aimed at low-income Americans. These tax credits are more attractive than tax deductions as the *credits* provide a dollar-for-dollar reduction in a taxpayer's federal income tax, whereas a *tax deduction* only provides a reduction in taxable income.
10. **Not In My Backyard (NIMBYism)** – is a term used to express opposition by local citizens to locating a civic project in their neighborhood that, though valued and needed by the larger community, is considered potentially unsightly, dangerous, or likely to lead to decreased property values.
11. **Point in Time (PIT) Count** - is a count of sheltered and unsheltered homeless persons on a single night in January. HUD requires that Continuums of Care conduct an annual count of homeless persons who are sheltered in emergency shelter, transitional housing, and Safe Havens on a single night. Continuums of Care also must conduct a count of unsheltered homeless persons every other year (odd numbered years). Each count is planned, coordinated, and carried out locally.
12. **Section 8 Housing Vouchers** – a federal program, named for Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f), for assisting very low-income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. In practice, the Section 8 Voucher will pay the balance of a rent payment that exceeds 30% of a renter's monthly income. The participant is free to choose any housing that meets the requirements of the program and is not limited to units located in subsidized housing projects.

California Penal Code Sections §933 and §933.05

[Note: to reduce grand jury requests for additional response information, the grand jury has bolded those words in §933.05 which should be appropriately included in a response]

- §933 (a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.
- (b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.
- (c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.
- (d) As used in this section "agency" includes a department.

- §933.05 (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent **agrees** with the finding.
 - (2) The respondent **disagrees wholly or partially** with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation **has been implemented**, with a summary regarding the implemented action.
 - (2) The recommendation **has not yet been implemented, but will be implemented** in the future, with a **timeframe** for implementation.
 - (3) The recommendation **requires further analysis**, with an explanation and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation **will not be implemented** because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.



CITY OF GARDEN GROVE

August 29, 2018

The Honorable Charles Margines
Presiding Judge of the Superior Court of California
County of Orange
700 Civic Center Drive West
Santa Ana, CA 92701

**RE: Response to the 2017-18 Orange County Grand Jury Report re Housing
Orange County's Chronically Homeless**

Dear Judge Margines,

In accordance with Penal Code 933.05(a) and (b), the City of Garden Grove submits the following response to the report, findings, and recommendations of the 2017-18 Orange County Grand Jury report entitled, "Where There's Will, There's A Way: Housing Orange County's Chronically Homeless".

FINDINGS

F1. Homelessness in Orange County is a regional problem requiring regional approaches and solutions.

Response: The City of Garden Grove agrees with the above finding.

F2. The lack of a regional plan designating specific development goals for Permanent Supportive Housing contributes to an insufficient number of available units to house the chronically homeless.

Response: The City of Garden Grove agrees with the above finding.

F4. Cities' reluctance to provide sites for Permanent Supportive Housing development has contributed to the overcrowded emergency shelters and an increased unsheltered homeless population.

Response: The City of Garden Grove agrees with the above finding.

F6. Service Planning Area meetings have successfully brought together city, county and non-profit entities to share information on homeless issues, but have not fostered decision-making or action.

Response: The City of Garden Grove agrees with the above finding

F7. NIMBYism has impeded the creation of housing for the homeless, including Permanent Supportive Housing, in the County of Orange.

Response: The City of Garden Grove agrees with the above finding

F8. Orange County cities and the County have engaged in blaming and finger-pointing, hampering the collaborative efforts needed to site, finance, and maintain Permanent Supportive Housing.

Response: The City of Garden Grove agrees with the above finding

F9. Cities have taken a silo approach to developing Permanent Supportive Housing, resulting in inefficient leveraging and pooling of funds across municipal borders.

Response: The City of Garden Grove only partially agrees with the above finding. Although state law requires Cities to enable the development of shelters and low-income housing by removing local regulatory barriers, the law does not require cities to acquire real property nor fund development of new housing or shelters. Except for Cities like Garden Grove, who have chosen to enact its own Housing Authority and directly manage Federal CDBG and HOME grants as an entitlement city, most other cities in the County must apply to the County for pass-through funding for social and housing programs as subrecipients. Welfare and Institutions Code 17000 makes it a County responsibility to provide public assistance to the indigent, and funding for social and housing programs is almost exclusively directed to the County. Consequently, the lack of funding available directly to cities minimizes their ability to take on a direct role in the development of housing and shelters.

F10. There is no established, independent leadership body in the County empowered to address regional homeless issues in an effective manner.

Response: The City of Garden Grove only partially agrees with the above finding. The City recognizes the County's efforts in exploring solutions, including the creation of the Homeless Czar and Service Planning Areas.

RECOMMENDATIONS

R1. Orange County cities and the County should develop a Permanent Supportive Housing development plan, and should consider a plan structure similar to the proposal put forth by Association of California Cities – Orange County, that proportionally allocates sites among the cities. (F1, F2, F4, F7, F8)

Response: The recommendation has not yet been implemented, but will be implemented in the future. The City of Garden Grove is a member of the Association of California Cities – Orange County (ACCOC) and, as such, is a member of the ACCOC Homelessness Task Force. On May 8, 2018, the Garden Grove City Council adopted Resolution No. 9504-18 (Attachment 1) authorizing City Staff to participate in the ACCOC’s planning efforts regarding County-wide permanent supportive housing. The Orange County Board of Supervisors has published its “Affordable Housing Strategic Plan”, which provides a comprehensive, regional housing business plan that identifies both the number of Permanent Supportive Housing units needed as well as the associated costs of renovating existing units or building new ones. The City of Garden Grove anticipates (upon City Council approval) pledging its support of the “Affordable Housing Strategic Plan” and working with the County to implement its recommendations.

R2. Each Service Planning Area should identify sites for Permanent Supportive Housing proportional to the allocation suggested in the Association of California Cities – Orange County proposal. (F1, F4)

Response: The recommendation has not yet been implemented, but will be implemented in the future. The City of Garden Grove is a member of the Association of California Cities – Orange County (ACCOC) and, as such, is a member of the ACCOC Homelessness Task Force. On May 8, 2018, the Garden Grove City Council adopted Resolution No. 9504-18 (Attachment 1) authorizing City Staff to participate in the ACCOC’s planning efforts regarding County-wide permanent supportive housing. The City of Garden Grove is in the process of producing a list of sites for potential Permanent Supportive Housing developments.

R4. Cities should ensure decision-makers fully participate in their region’s Service Planning Area meetings. (F1, F6, F8, F9)

Response: The recommendation has been implemented. The City of Garden Grove is fully committed to participating in the region’s Service Planning Area meetings. Additionally, Garden Grove City Manager, Scott Stiles, is a member of the Orange County City Manager’s Association (OCCMA) who is currently working with U.S. District Court Judge Carter to inventory available housing and supportive services in the Central SPA.

R6. Cities should collaborate with, and leverage the work done by, United Way on their “United to End Homelessness” public awareness campaign. (F7)

Response: The recommendation has been implemented. The City of Garden Grove is collaborating with the United Way in their public awareness campaign, “United to End Homelessness”. Additionally, I (Steven R. Jones, Mayor of Garden Grove) am a member of the United Way’s “United to End Homelessness” Leadership Council.

R7. To streamline shelter and Permanent Supportive housing development, the County and its cities should establish a decision-making body, such as a Joint Powers Authority, that is empowered to identify and allocate sites and pool funding associated with housing and supportive services for the homeless. (F1, F3, F4, F7, F8, F9, F10)

Response: The recommendation has not yet been implemented, but will be implemented in the future. The City of Garden Grove is committed to partnering with the County and its fellow

municipalities in forming a decision-making body to identify and allocate potential Permanent Supportive Housing sites, and to explore funding options associated with housing and supportive services for the homeless. The County of Orange is in the process of forming a Joint Powers Authority (JPA) known as the Orange County Housing Trust (OCHT) that would act as a regional entity to address homelessness and housing issues through the pooling of public and private funding. The City of Garden Grove anticipates (upon City Council approval) participating in the OCHT.

R8. Such a decision-making body should develop a comprehensive, regional housing business plan that identifies both the number of Permanent Supportive Housing units needed as well as the associated costs of renovating existing units or building new ones. (F1, F2, F3, F4, F8, F9, F10)

Response: The recommendation has not yet been implemented, but will be implemented in the future. The Orange County Board of Supervisors has published its "Affordable Housing Strategic Plan", which provides a comprehensive, regional housing business plan that identifies both the number of Permanent Supportive Housing units needed as well as the associated costs of renovating existing units or building new ones. The City of Garden Grove anticipates (upon City Council approval) pledging its support of the "Affordable Housing Strategic Plan" and working with the County to implement its recommendations.

R9. Such a decision-making body should propose a plan for securing local, supplemental sources of funding for both Permanent Supportive housing development and associated support services. (F1, F3, F8, F9, F10)

Response: The recommendation has not yet been implemented, but will be implemented in the future. The County of Orange has published its "Affordable Housing Strategic Plan", which proposes a plan for securing local, supplemental sources of funding for both Permanent Supportive Housing development and associated support services. The City of Garden Grove anticipates (upon City Council approval) pledging its support of the "Affordable Housing Strategic Plan" and working with the County to implement its recommendations.

Respectfully Submitted,

Steven R. Jones
Mayor of Garden Grove

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Approval of a Density Bonus Housing Agreement with Avi Marciano for a mixed-use project located at 12885 and 12891 Main Street, Garden Grove. (<i>Action Item</i>)		
		Date:	7/24/2018

OBJECTIVE

To request City Council approval for a Density Bonus Housing Agreement with an individual, Avi Marciano ("Developer").

BACKGROUND

As of January 1, 2005, in an effort to promote affordable housing, the State's Density Bonus law went into effect. As a result, the City of Garden Grove amended Municipal Code Section 9.12.30.070—Density Bonuses and other Incentives for Affordable Housing, to bring the code into compliance with State law. The Density Bonus law promotes development of affordable housing through increased density, concessions and incentives.

DISCUSSION

On May 17, 2018, the Garden Grove Planning Commission adopted Resolution No. 5919-18 approving Site Plan No. SP-053-2018 to construct a new mixed-use building at 12885 and 12891 Main Street with approximately 3,888 square feet of commercial lease space and nine (9) residential units above. The Site Plan's "Conditions of Approval" provide a density bonus to the project in exchange for the Developer's agreement to restrict one (1) of the nine (9) units for rental to, and occupancy by, very low income households at an affordable rent for a period of 55 years.

Per State Density Bonus Law, the Applicant is requesting a density bonus of 35%, as well as two concessions: 1) to reduce the minimum dimensions of a passive recreation area; and 2) to reduce the minimum size of a private open space balcony.

In exchange for the aforementioned increased density and concessions, the

Conditions of Approval require the Developer to enter into a Density Bonus Housing Agreement with the City. This Agreement details how the affordable housing provisions of this project will be implemented and monitored for the 55-year affordability period.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Approve the attached Density Bonus Housing Agreement between the City and Avi Marciano; and
- Authorize the City Manager to execute the Density Bonus Housing Agreement and all other documents necessary to implement the agreement, and to make minor modifications as appropriate thereto.

By: Allison Wilson, Neighborhood Improvement Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
Density Bonus Affordable Housing Agreement	7/16/2018	Backup Material	2018_Main_Street- Smallwood_Plaza_Density_Bonus_Agreement.pdf

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Garden Grove
11222 Acacia Parkway
Garden Grove, California 92840
Attention: City Clerk

APN: 098-120-29 & 30

This document is recorded at the request and for the benefit of the City of Garden Grove and exempt from payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

**DENSITY BONUS HOUSING AGREEMENT
(Smallwood Plaza-12885 and 12891 Main Street)**

[THIS AGREEMENT CONTAINS SUBORDINATION REQUIREMENTS TO PRESERVE PRIORITY OF
LAND USE AND REGULATORY COVENANTS]

This **DENSITY BONUS HOUSING AGREEMENT** ("Agreement"), dated for identification purposes only as of _____, 2018 ("Date of Agreement"), is entered into by and between the **CITY OF GARDEN GROVE**, a California municipal corporation ("City"), and **AVI MARCIANO**, an individual ("Developer").

RECITALS

A. Developer is the owner of approximately 9,152 square feet of real property in the City, generally located at 12885 and 12891 Main Street, Garden Grove, California, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein ("Site").

B. Developer submitted an application to City for approval of a site plan to construct a mixed use development project on the Site consisting of a building with 3,888 square feet of commercial lease space on the Main Street frontage and nine (9) residential units above, inclusive of a 1-unit density bonus and certain concessions and incentives ("Project").

C. In response to Developer's application, pursuant to Planning Commission Resolution No. 5919-18, the City approved Site Plan No. SP-053-2018 for the Project, subject to certain "Conditions of Approval," which were accepted by Developer, as evidenced by Developer's execution of a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval" and recordation of such notice in the Official Records of Orange County on _____, 2018 as Instrument No. _____.

D. The Conditions of Approval provide for City's granting of a density bonus and other concessions and incentives to the Project pursuant to California Government Code Section 65915, *et seq.*, and Garden Grove Municipal Code Section 9.12.030.070 (collectively, "Density Bonus Law"), in exchange for Developer's agreement to restrict one (1) of the nine (9) Housing Units at the Site to rental to and occupancy by a Very Low Income Household at an Affordable Rent (as those terms are defined below).

F. In connection with the density bonus and concessions and incentives granted to the Project, the Density Bonus Law and the Conditions of Approval require Developer to enter into this Agreement with City to implement Developer's affordable housing obligations at the Project. Pursuant to the Density Bonus Law and the Conditions of Approval, this Agreement must be executed and recorded against the Site in the Official Records of Orange County, California prior to City's issuance of building permits for the Project.

G. Developer and City desire to enter into this Agreement to provide for Developer's rental of one (1) of the Housing Units at the Site to a Very Low Income Household at an Affordable Rent, as required by the Density Bonus Law, and the Conditions of Approval, in accordance with the terms, conditions, and restrictions set forth below in this Agreement.

H. This Agreement shall be recorded, prior to the issuance of building permits for the Project, in the Official Records of Orange County, California, as senior, non-subordinate covenants and as an encumbrance running with the land for the full Term (defined below) of this Agreement. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the Project, or any other lien or encumbrance whatsoever for the entire Term of this Agreement. Nor shall this Agreement be made junior or subordinate to any extension, amendment, or modification of any lien or encumbrance recorded against the Site prior to the date hereof.

I. The foregoing Recitals are true and correct and constitute a substantive part of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and Developer agree as follows:

Section 1. Definitions.

(i) **Affordable Rent.** Affordable Rent means an affordable rent for Very Low Income Households, as defined in California Health and Safety Code Section 50053. For Very Low Income Households whose gross incomes exceed the maximum income for extremely very low income households (as defined in Health and Safety Code Section 50106), Affordable Rent means the product of thirty (30) percent times fifty (50) percent of the Area Median Income for Orange County adjusted for family size appropriate to the unit. "Adjusted for family size appropriate to the unit" has the same meaning as in Health and Safety Code Section 50052.5(h).

For purposes of this Agreement, "Affordable Rent" means the total of monthly payments for (a) use and occupancy of each Affordable Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by Developer which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone, internet, television or digital access services, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and real property facilities associated therewith by a public or private entity other than Developer. In the event that all utility charges are paid by the landlord rather than the tenant, no utility allowance shall be deducted from the rent.

(ii) Affordable Units. Affordable Units means the Housing Unit at the Project which is required to be made available for, rented to, and occupied by the Very Low Income Household paying an Affordable Rent, as set forth in more detail below.

(iii) Agreement. Agreement means this Density Bonus Housing Agreement between City and Developer.

(iv) Area Median Income. Area Median Income means the median income as determined and published annually for each county in California by the California Department of Housing and Community Development.

(v) City. City means the City of Garden Grove, a California municipal corporation.

(vi) Conditions of Approval. Conditions of Approval means the conditions imposed by the City in connection with the approval of Developer's Site Plan No. SP-053-2018 with the approval of Planning Commission Resolution No. 5919-18, as referenced in that certain "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval" recorded in the Official Records of Orange County on _____, 2018 as Instrument No. _____.

(vii) Date of Agreement. Date of Agreement means the date set forth in the first paragraph of this Agreement.

(viii) Density Bonus Law. Density Bonus Law means California Government Code Section 65915, *et seq.*, and Garden Grove Municipal Code Section 9.12.030.070. In the event of a conflict between State and City law, Government Code Section 65915 *et seq.* shall control.

(ix) Developer. Developer means Avi Marciano, an individual, and all of his/her/its successors and assigns.

(x) Housing Units. Housing Units means each of the nine (9) total apartment units to be constructed by Developer at the Site. The Housing Units range in size from 964 to 1,046 square feet, and are 1 to 2-bedroom units with 1 bathroom.

(xi) Very Low Income Household. Very Low Income Household has the meaning set forth in California Health and Safety Code Section 50105.

(xii) Project. Project means the mixed use development to be constructed by Developer on the Site, which includes nine (9) Housing Units, all in accordance with Site Plan No. SP-053-2018, the Conditions of Approval, and this Agreement.

(xiii) Schedule of Performance. Schedule of Performance means the Schedule of Performance attached hereto as Exhibit B and incorporated herein.

(xiv) Site. Site means that certain approximately 9,152 square feet of real property in the City, generally located at 12885 and 12891 Main Street, Garden Grove, California, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein.

(xv) Term. Term means the term of effectiveness of this Agreement, which shall continue for 55 years from the date the final certificate of occupancy is issued for the Project.

Section 2. Density Bonus and Development Concessions and Incentives. As set forth in the Conditions of Approval, and the Density Bonus Law, Developer petitioned for and was granted the following concessions and incentives as part of the approval of Developer's Site Plan No. SP-053-2018 for the Project:

(i) Density Bonus. The Garden Grove Municipal Code permits a maximum density of seven (7) residential units for the Site. By providing one (1) Housing Unit reserved for a Very Low Income Household, the Density Bonus Law, and the Conditions of Approval permit the Developer to develop the Site with an additional density of 35% for a total of nine (9) Housing Units.

(ii) Passive Recreational Area Waiver. Garden Grove Municipal Code Section 9.18.110.030(F) provides that passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. Site Plan No. SP-053-2018 approves a courtyard for the Project at 20 feet in width and 25'10" in length, which is a reduction of the required 30 feet in length.

(iii) Private Open Space Waiver. Garden Grove Municipal Code Section 9.18.110.030(F) requires minimum private open space. Site Plan No. SP-053-2018 approves a waiver of this requirement for one unit with a balcony of 40 square feet rather than the required 90 square feet.

Section 3. No Further Incentives or Waivers. Developer acknowledges and agrees that the waivers and incentives set forth in Section 2 above fully satisfy any duty City may have under the Garden Grove Municipal Code, the Density Bonus Law, or any other law or regulation applicable to the Project, to provide any development incentive or to waive any building, zoning, or other requirement. By this Agreement, Developer releases any and all claims Developer may have against City in any way relating to or arising from City's obligation to waive requirements of or provide development incentives pursuant to any state, federal, or local law, rule, or regulation applicable to the Project.

Section 4. Affordable Units. Developer hereby agrees to make available, restrict occupancy to, and rent one (1) of the Housing Units at the Project to a Very Low Income Household at an Affordable Rent. The Affordable Unit shall be a "floating" unit that is not permanently designated. The unit size of the Affordable Unit shall range in size from 964 to 1,046 square feet. The Affordable Unit shall consist of a 1-2 bedroom unit that is part of the Project. In accordance with Garden Grove Municipal Code Section 9.12.030.070(G)(4), the Affordable Units shall be of similar design and appearance of the total Project.

(a) A person or family (i.e., a "tenant household") who qualifies as a Very Low Income Household at the time he/she/it first occupies an Affordable Unit shall be deemed to continue to be so qualified until such time as a recertification of such tenant household's income in accordance with Section 14 below demonstrates that such tenant household no longer qualifies as a Very Low Income Household. Moreover, a unit previously occupied by a Very Low Income Household and then vacated shall be considered occupied by such Very Low Income Household for a temporary period until reoccupied, at which time the character of the unit shall be re-determined. In no event shall such temporary period exceed thirty-one (31) days.

(b) At such time as a tenant household occupying the Affordable Unit ceases to qualify as a Very Low Income Household, the unit occupied by such tenant household shall cease to be an Affordable Unit. Developer shall replace each such Affordable Unit by designating the next available unit and any necessary units thereafter as an Affordable Unit. For purposes of this

Agreement, such designated unit will be considered an Affordable Unit if it is held vacant and available for occupancy by a Very Low Income Household and, upon occupancy, the income eligibility of the tenant household as a Very Low Income Household is verified and the tenant household pays an Affordable Rent.

(c) In the event a tenant household occupying an Affordable Unit initially qualifies as a Very Low Income Household but the income of such tenant household increases, such increase shall not be deemed to result in a violation of the restrictions of this Agreement concerning limitations upon income of occupants, provided that the occupancy by such household is for a reasonable time of not to exceed one year (measured from the time the income of the household ceases to qualify as a Very Low Income Household), at which time the Housing Unit shall cease to be an Affordable Unit and the provisions of the immediately preceding paragraph shall apply.

Section 5. Use of the Site. All uses conducted on the Site, including, without limitation, all activities undertaken by the Developer pursuant to this Agreement shall conform to all applicable provisions of the Garden Grove Municipal Code and other applicable federal, state, and local laws, rules, and regulations. The Project shall at all times during the term of this Agreement be used as an apartment complex and none of the Housing Units in the Project shall at any time be utilized on a transient basis, nor shall the Site or any portion thereof ever be used as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanitarium or rest home, short-term or vacation rental, or be converted to condominium ownership. All of the community facilities and any social programs provided to the Project's residents shall be available at all times on an equal, non-discriminatory basis to residents of all Housing Units at the Project.

Section 6. Duration of Affordability Requirements. The Affordable Units shall be subject to the requirements of this Agreement throughout the entire Term of this Agreement.

Section 7. Schedule of Performance. The Affordable Units shall be constructed and completed concurrently with the non-restricted Housing Units in the Project. Construction of the Project shall be completed in accordance with the Schedule of Performance attached hereto as Exhibit B and incorporated herein.

Section 8. Occupancy Limits. The maximum occupancy for the Housing Unit shall not exceed two persons per bedroom, plus one, as set forth in the Conditions of Approval.

Section 9. Maintenance. Developer shall maintain or cause to be maintained the interior and exterior of the Project and the Site in a decent, safe and sanitary manner, and in accordance with the standard of maintenance of first class multifamily rental apartment complexes within Orange County. If at any time Developer fails to maintain the Project or the Site in accordance with this Agreement and such condition is not corrected within five days after written notice from City with respect to graffiti, debris, and waste material, or thirty days after written notice from City with respect to general maintenance, landscaping and building improvements, then City, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Project or the Site and perform all acts and work necessary to protect, maintain, and preserve the Project and the Site, and to attach a lien upon the Site, or to assess the Site, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Developer to City upon demand.

Section 10. Marketing Program. Each Affordable Unit shall be leased to Very Low Income Household selected by Developer who meet all of the requirements provided herein. Within the time set forth in the Schedule of Performance, Developer shall prepare and obtain City's approval, which approval shall not be unreasonably withheld, of a marketing program for the leasing of the Housing Units at the Project ("Marketing Program"). The leasing of the Housing Units shall thereafter be marketed in accordance with the Marketing Program as the same may be amended from time to time with City's prior written approval, which approval shall not unreasonably be withheld. Developer shall provide City with periodic reports with respect to the leasing of the Housing Units in accordance with Sections 14 and 15.

Section 11. Management Plan. Within the time set forth in the Schedule of Performance, Developer shall submit for the reasonable approval of City a "Management Plan" which sets forth in detail Developer's property management duties, a tenant selection process in accordance with this Agreement, a security system and crime prevention program, the procedures for the collection of rent, the procedures for eviction of tenants, the rules and regulations of the Site and manner of enforcement, a standard lease form, an operating budget, the identity of the professional property management company to be contracted with to provide property management services at the Site ("Property Manager"), and other matters relevant to the management of the Site. The Management Plan shall require Developer to adhere to a fair lease and grievance procedure. The management of the Site shall be in compliance with the Management Plan as approved by City.

If City determines that the performance of the Property Manager is deficient based upon the standards set forth in the approved Management Plan and in this Agreement, City shall provide notice to Developer of such deficiencies and Developer shall use its best efforts to correct such deficiencies. In the event that such deficiencies have not been cured within the time set forth in Section 19 hereof, City shall have the right to require Developer to immediately remove and replace the Property Manager with another property manager or property management company which is reasonably acceptable to the City Manager, which is not related to or affiliated with Developer, and which has not less than five (5) years' experience in property management, including significant experience managing housing facilities of the size, quality and scope of the Project.

Section 12. Selection of Tenants. Developer shall be responsible for the selection of tenants for the Housing Units in compliance with lawful and reasonable criteria and the requirements of this Agreement. To the extent permitted by law, a reasonable preference in the leasing of the Housing Units shall be given to prospective tenants on the Garden Grove Housing Authority's Section 8 Housing Vouchers waiting list and Affordable Housing waiting list, and to prospective tenants that live or work in the City.

Prior to the rental or lease of an Affordable Unit to a tenant(s), Developer shall require the tenant(s) to execute a written lease and to complete a Tenant Income Verification Form (in substantially the form attached hereto as Exhibit C) certifying that the tenant(s) occupying the Affordable Unit is/are a Very Low Income Household and otherwise meet(s) the eligibility requirements established for the Affordable Unit. Developer shall verify the income of the tenant(s) as set forth in Section 14 below.

Section 13. Provisions regarding Section 8 Vouchers. Developer may accept as tenants on the same basis as all other prospective tenants, persons who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor; provided, Developer shall not rent the Affordable Unit to a tenant household holding a Section 8 certificate unless none of the Housing Units not restricted to occupancy by Very

Low Income Households pursuant to this Agreement are available. If the only available Housing Unit is an Affordable Unit, Developer shall no longer designate the Housing Unit rented to a tenant household holding a Section 8 certificate as an Affordable Unit, shall designate the next-available Housing Unit as an Affordable Unit, and shall make available, restrict occupancy to, and rent such newly designated Affordable Unit to a Very Low Income Household at an Affordable Rent pursuant to this Agreement, such that at all times reasonably possible the one (1) Housing Unit at the Project shall be an Affordable Unit not occupied by tenants holding Section 8 certificates. Furthermore, in the event Developer rents the Affordable Unit to a household holding a federal certificate, the rental agreement (or lease agreement, as applicable) between Developer, as landlord, and the tenant shall expressly provide that monthly rent charged shall be the Affordable Rent required hereunder for the Affordable Unit (not fair market rent) and that the rent collected directly from such tenant holding a federal certificate shall be not more than 30% of the tenant's actual gross income pursuant to the applicable federal certificate program regulations; i.e., the rent charged to such tenant under the rental agreement shall be the Affordable Rent chargeable hereunder and not fair market rent for the area, as would otherwise be permitted under the applicable federal certificate program. Thus, the subsidy payment to Developer under any federal certificate shall not exceed the difference between 30% of the tenant's actual gross income and Affordable Rent chargeable for the applicable Affordable Unit hereunder. If and to the extent any restrictions in this Agreement conflict with the provisions of Section 8 of the United States Housing Act of 1937 or any rules or regulations promulgated thereunder, the provisions of Section 8 of the United States Housing Act of 1937 and all implementing rules and regulations thereto shall control. Developer shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

Section 14. Income Verification and Certification. Following the initial lease-up of the Project, and annually thereafter throughout the Term of this Agreement, Developer shall submit to City, at Developer's expense, a summary of the income, household size and rent payable by each of the tenants of the Affordable Units. At City's request, Developer shall provide to City completed income computation and certification forms, in substantially the form of the Tenant Income Verification Form (attached hereto as Exhibit C) or such other form as may reasonably be requested by City, for any Very Low Income Household renting the Affordable Unit at the Project. Developer shall obtain, or shall cause to be obtained by the Property Manager, a certification from each household leasing an Affordable Unit demonstrating that such household meets the applicable income requirements and eligibility requirements established for a Very Low Income Household renting such Affordable Unit. Developer shall verify, or shall cause the Property Manager to verify, the income certification of the Very Low Income Household.

Section 15. Monitoring and Recordkeeping. Throughout the Term of this Agreement, Developer shall annually complete and submit to City an Annual Project Compliance Report (attached hereto as Exhibit D) or such other form as may reasonably be requested by City. Representatives of City shall be entitled to enter the Site, upon at least thirty-six (36) hours' notice, to monitor compliance with this Agreement, and shall be entitled, at City's sole cost and expense, to inspect the records of the Project and to conduct an independent audit or inspection of such records at a location within the City that is reasonably acceptable to the City Manager. Developer agrees to cooperate with City in making the Site and the records of the Project available for such inspection or audit. Developer agrees to maintain each record of the Project for no less than 5 years after creation of each such record.

Section 16. Indemnity. Developer shall, at its expense, defend (with counsel acceptable to City and subject to approval by Developer), indemnify, and hold harmless City, and their officers, agents, employees and representatives from any and all losses, liabilities, claims, lawsuits, causes of

action, judgments, settlements, court costs, attorneys' fees, expert witness fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature arising out of or in connection with Developer's failure to perform Developer's obligations under this Agreement, Developer's ownership or operation of the Site, or the development of the Project, except for such liability arising from the gross negligence or willful misconduct of City.

Section 17. Agreement to be Recorded; Covenants Run with the Land; Priority. This Agreement shall be recorded, prior to the issuance of building permits for the Project, in the Official Records of Orange County, California, as senior, non-subordinate covenants and as an encumbrance running with the land for the full Term of this Agreement. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the Project, or any other lien or encumbrance whatsoever for the entire Term of this Agreement. Nor shall this Agreement be made junior or subordinate to any extension, amendment, or modification of any lien or encumbrance recorded against the Site prior to the date hereof. Prior to recordation of this Agreement, Developer shall provide City with evidence satisfactory to the City that all deeds of trust, liens, encumbrances, or other documents recorded against the Site since April 24, 2018, if any, have been or will be subordinated to this Agreement, at Developer's sole cost and expense.

Section 18. Mortgage Protection. No breach or default under this Agreement shall defeat, terminate, extinguish, render invalid or otherwise affect the lien of any junior mortgage or deed of trust encumbering the Site, the Project, or any part thereof or interest therein.

Section 19. Default. An event of default occurs under this Agreement when: (a) there is a breach of any condition, covenant or promise set forth herein; (b) written notice thereof has been given to the defaulting party; and (c) such breach has not been cured within thirty (30) days after such notice was given to the defaulting party or, if such breach cannot reasonably be cured within such thirty (30) day period, the defaulting party fails to commence to cure the breach and/or fails thereafter to diligently proceed to complete such cure. A waiver by either party of any such breach shall not be construed as a waiver of any succeeding breach of the same or other condition, covenant or promise.

Section 20. Remedies. The occurrence of an event of default hereunder shall give the non-defaulting party the right to proceed with any and all remedies available at law or equity. Such remedies may include an action for damages, an action or proceeding for specific performance, and/or an action or proceeding for injunctive relief. Such actions or proceedings may require the defaulting party to pay damages, to perform its obligations and covenants under this Agreement, and to enjoin or cease and desist from acts which may be unlawful or in violation of the provisions of this Agreement.

Section 21. Additional Remedies for Certain Defaults; Remedy For Excessive Rent Charge.

(a) It shall constitute a default for the Developer to charge or accept for any Affordable Unit rent amounts in excess of the Affordable Rent. In the event that the Developer charges or receives such higher rental amounts, in addition to any other legal or equitable remedy that the City shall have for such default, the Developer shall be required to pay to the City an amount equal to the difference between the Affordable Rent that should have been charged and the amount of the rent received from the tenant, plus interest compounded at the maximum rate allowable for judgments.

(b) It shall also constitute a default for the Developer to fail to rent any of the required Affordable Units to a Very Low Income Household, or to knowingly (or without

investigation as required herein) initially rent any Affordable Unit to a tenant who is not a Very Low Income Household. In the event the Developer violates this provision, in addition to any other remedy at law or equity that the City shall have for such default, the Developer, for each separate violation, shall be required to pay to the City an amount equal to the total rent the Developer received from such ineligible tenant, plus interest compounded at the maximum rate allowable for judgments.

Section 22. Attorneys' Fees and Costs. In addition to any other remedies provided hereunder or available pursuant to law, if either party to this Agreement commences an action against the other party to this Agreement arising out of or in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, expert witness fees, costs of investigation, and costs of suit from the losing party.

Section 23. Rights and Remedies Cumulative. The rights and remedies of the parties are cumulative, and the exercise by either party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

Section 24. Time of Essence. Time is expressly made of the essence with respect to the performance by City and Developer of each and every obligation and condition of this Agreement.

Section 25. Third Party Beneficiaries. No persons or entities other than the parties and their successors and assigns shall have any right of action under this Agreement.

Section 26. City Approvals and Actions. City shall maintain authority of this Agreement and the authority to implement this Agreement through City Manager (or his duly authorized representative). City Manager (or his designee) shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of this Agreement on behalf of City so long as such actions do not materially or substantially change the uses or development permitted on the Site, or materially or substantially add to the costs incurred or to be incurred by City as specified herein, and such interpretations, waivers and/or amendments may include extensions of time to perform. All other material and/or substantive interpretations, waivers, or amendments shall require the consideration, action and written consent of the City.

Section 27. Successor and Assigns. This Agreement shall run with the land, and all of the terms, conditions, restrictions, and covenants contained in this Agreement shall be binding upon Developer, City, their permitted successors and assigns, and all successors in interest to all or any portion of the Site or the Project. Whenever the terms "Developer" or "City" are used in this Agreement, such terms shall include any other successors and assigns as herein provided. Not later than 30 days prior to a transfer of any interest in the Site or the Project or any interest in Developer, Developer shall provide written notice to the City of such transfer.

Section 28. Notices. Any approval, disapproval, demand, document or other notice which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, (iii) mailing in the United States first-class mail, postage prepaid, or (iv) by email, with confirmation of receipt to the intended recipient, addressed to the address of the party as set forth below, or at any other address as that party may later designate by notice:

If to the City: City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
Attention: Community & Econ. Development Dir.

If to the Developer: Avi Marciano
24 Hammond, Suite C
Irvine, CA 92618
714-478-3600
949-521-6654
Email: avim@me.com

Section 29. Amendment. Any alteration, change or modification of or to this Agreement, in order to become effective, shall be made in writing and in each instance signed on behalf of each party. Each alteration, change, or modification to this Agreement shall be recorded against the Site in the Official Records of Orange County, California.

Section 30. Legal Advice. Each party represents and warrants to the other the following: they have carefully read this Agreement, and in signing this Agreement, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to the matters set forth in this Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement, and they have freely signed this Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other party, or their respective agents, employees or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

Section 31. Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property and the owner of such property.

Section 32. Exhibits. This Agreement includes the following exhibits, each of which is attached hereto and incorporated herein by this reference:

- (i) Exhibit A: Legal Description of Site
- (ii) Exhibit B: Schedule of Performance
- (iii) Exhibit C: Tenant Income Verification Form
- (iv) Exhibit D: Annual Project Compliance Report

[Signatures appear on following page.]

IN WITNESS WHEREOF, City and Developer have executed this Density Bonus Housing Agreement as of the date first set forth above.

DEVELOPER:

By: _____
Avi Marciano

CITY OF GARDEN GROVE,
a California municipal corporation

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF SITE

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF GARDEN GROVE, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

APN: 089-213-20

The Westerly 122.00 feet of Lot 19 of the School addition, in the City of Garden Grove, County of Orange, State of California, as per map recorded in Book 5, Page 20 of miscellaneous maps, in the office of the County Recorder of said County.

APN: 089-213-21

Lots 17 and 18 school addition to Garden Grove, in the City of Garden Grove, State of California, as per map recorded in Book 5, Page 20, of miscellaneous maps, in the office of the County Recorder of said County.

EXHIBIT B

SCHEDULE OF PERFORMANCE

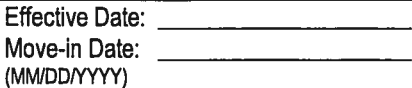
Action Item	Status
1. Approval and Execution of Agreement. City shall approve and execute the Agreement.	Within 30 days ¹ of submittal of signed Agreement by Developer.
2. Record Agreement. City shall cause the Agreement to be recorded against the Site.	Within 10 days of City approval and execution of Agreement and receipt of evidence of subordination of existing liens and encumbrances pursuant to Section 17 of Agreement.
3. Construction Drawings. Developer shall submit construction drawings for the Project to City for plan check.	Completed.
4. Revision to Construction Drawings. Developer shall revise and resubmit construction drawings to address reasons for conditional approval or disapproval by City.	Completed.
5. Building Permits. Developer shall obtain all required building permits for the Project.	Within 30 days of approval and execution of Agreement by City
6. Management Plan and Marketing Program. Developer shall submit its proposed Management Plan and Marketing Program to City for review and approval.	Within 90 days of approval and execution of Agreement by City.
7. Approval of Management Plan and Marketing Program. City shall review and approve, conditionally approve, or disapprove Developer's proposed Management Plan and Marketing Program.	Within 30 days of receipt of a complete submittal from Developer.
8. Revision to Management Plan and Marketing Program. Developer shall revise the Management Plan and/or Marketing Program to address reasons for conditional approval or disapproval by City.	Within 30 days of conditional approval or disapproval by City.
9. Approval of Revised Management Plan and Marketing Program. City shall review and approve or disapprove revised Management Plan and Marketing Program.	Within 30 days of receipt of revised Management Plan and Marketing Program from Developer.
10. Commencement of Construction. Developer shall commence the construction of the Project.	Within 30 days of approval and execution of Agreement by City

¹ All days are calendar days unless otherwise noted.

	Action Item	Status
11.	Progress Reports. During the construction of the Project, Developer shall prepare and submit to City monthly written progress reports.	Commencing 30 days after start of construction and continuing until completion of construction, but only after execution of Agreement by City.
12.	Completion of Construction. Developer shall complete the construction of the Project.	On or before September 1, 2020
13.	Off-Site Improvements. Developer shall complete all off-site improvements required in connection with the construction of the Project.	On or before September 1, 2020

Exhibit C

Tenant Income Verification Form

☐ Initial Certification* ☐ Recertification* ☐ Other _____

Property Name: _____
Address: _____ Unit Number: _____ # Bedrooms: _____

HH Mbr #	Last Name	First Name & Middle Initial	Relationship to Head of Household	Date of Birth (MM/DD/YYYY)	F/T Student (Y or N)
1			HEAD		
2					
3					
4					
5					
6					
7					

HH Mbr #	(A) Employment or Wages	(B) Soc. Security/Pensions	(C) Public Assistance	(D) Other Income <i>(state type of income)</i>
TOTALS	\$	\$	\$	\$
Add totals from (A) through (D), above			TOTAL INCOME (E):	\$

Hshld Mbr #	(F) Type of Asset	(G) Cash Value of Asset	(H) Annual Income from Asset
Net Cash Value of Assets (G):		\$	
Total Actual Income from Assets (H):			
If line G is greater than \$5,000, multiply line by the current passbook rate, 2.00% and enter results here; otherwise, leave blank. Imputed Income (I):			\$
Enter the greater of the total of column H, or I (Imputed income) TOTAL INCOME FROM ASSETS (J)			\$
(K) Total Annual Household Income from all Sources [Add (E) + (J)]			\$

The information on this form will be used to determine maximum income eligibility. I/we have provided for each person(s) set forth in Part II acceptable verification of current anticipated annual income. I/we agree to notify the landlord immediately upon any member of the household moving out of the unit or any new member moving in. I/we agree to notify the landlord immediately upon any member becoming a full time student.

Under penalties of perjury, I/we certify that the information presented in this Certification is true and accurate to the best of my/our knowledge and belief. The undersigned further understands that providing false representations herein constitutes an act of fraud. False, misleading or incomplete information may result in the termination of the lease agreement.

Page 72 of 239

SIGNATURE OF OWNER/REPRESENTATIVE

I hereby certify that the above information agrees with the rental applications and documents presented by the above applicants, and that I have reviewed and attached documentation and the above information is true and correct to the best of my knowledge and belief. Based on the representations herein and upon the proofs and documentation required to be submitted, the individual(s) named in Part II of this Tenant Income Certification is/are eligible under the provisions of the Affordable Housing Agreement and in accordance with the HOME Investments Partnerships Act (HOME) Final Rule, 24 CFR 92.203.

SIGNATURE OF OWNER/REPRESENTATIVE_____
DATE**PART V. RENT**Tenant Paid Rent \$ _____
Utility Allowance \$ _____Rent Assistance: \$ _____
Other non-optional charges: \$ _____GROSS RENT FOR UNIT:
(Tenant paid rent plus Utility Allowance & other non-
optional charges)
\$ _____

Unit Meets Rent Restriction at:

☐ 80% ☐ 60% ☐ 50%

Maximum Rent Limit for this unit: \$ _____

DEFINITION OF INCOME

Federal regulations at 24 CFR 5.609 (Part 5) define annual income as the *gross amount of income of all adult household members that is anticipated to be received* during the coming 12-month period. Each of the italicized phrases in this definition is key to understanding the requirements for calculating annual income:

24 CFR Part 5 Annual Income Inclusions

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except for certain exclusions, listed in Exhibit 3.2, number 14).
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (except for certain exclusions, as listed in Exhibit 3.2, number 3).
6. Welfare Assistance. Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income:
 - Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
 - Are otherwise excluded from the calculation of annual income per 24 CFR 5.609(c).If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; **plus**
 - the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is reduced from the standard of need by applying a percentage, the amount calculated under 24 CFR 5.609 shall be the amount resulting from one application of the percentage.

24 CFR Part 5 Annual Income Exclusions

1. Income from employment of children (including foster children) under the age of 18 years.
2. Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses (except as provided in Exhibit 3.1, number 5 of Income Inclusions).
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of a live-in aide (as defined in 24 CFR 5.403).
6. Certain increases in income of a disabled member of qualified families residing in HOME-assisted housing or receiving HOME tenant-based rental assistance (24 CFR 5.671(a)).
7. The full amount of student financial assistance paid directly to the student or to the educational institution.
8. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
9. (a) Amounts received under training programs funded by HUD.
(b) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).
(c) Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and which are made solely to allow participation in a specific program.
(d) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time.
- (e) Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
10. Temporary, nonrecurring, or sporadic income (including gifts).
11. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era.
12. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
13. Adoption assistance payments in excess of \$480 per adopted child.
14. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home.
17. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply. A notice will be published in the Federal Register and distributed to housing owners identifying the benefits that qualify for this exclusion.

Part 5 Annual Income Net Family Asset Inclusions and Exclusions

Inclusions	Exclusions
<p>1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance. Assets held in foreign countries are considered assets.</p> <p>2. Cash value of revocable trusts available to the applicant.</p> <p>3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset. Under HOME, equity in the family's primary residence is not considered in the calculation of assets for owner-occupied rehabilitation projects.</p> <p>4. Cash value of stocks, bonds, Treasury bills, certificates of deposit, mutual funds, and money market accounts.</p> <p>5. Individual retirement, 401(K), and Keogh accounts (even though withdrawal would result in a penalty).</p> <p>6. Retirement and pension funds.</p> <p>7. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).</p> <p>8. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.</p> <p>9. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.</p> <p>10. Mortgages or deeds of trust held by an applicant.</p>	<p>1. Necessary personal property, except as noted in number 8 of Inclusions, such as clothing, furniture, cars, and vehicles specially equipped for persons with disabilities.</p> <p>2. Interest in Indian trust lands.</p> <p>3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset.</p> <p>4. Equity in cooperatives in which the family lives.</p> <p>5. Assets not accessible to and that provide no income for the applicant.</p>

Exhibit D

Annual Project Compliance Report

ANNUAL PROJECT COMPLIANCE REPORT

Smallwood Plaza

Monitoring Period:

Owner Name: Avi Marciano

Project Address: 12885-12891 Main Street

Total Number of Units: 9

Number of Affordable Units: 1

Prepared By:

Date Prepared:

Affordability: 50% AMI at 50% Rent

[illegible]

Reviewed By:

Date: _____

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Maria Stipe
Dept.:	City Manager	Dept.:	City Manager
Subject:	Authorization for Council Member Bui to participate in the ACC-OC Advocacy Delegation in Washington D.C., on September 16-18, 2018. (Cost: \$1,800) (<i>Action Item</i>)	Date:	7/24/2018

OBJECTIVE

To request City Council authorization for Councilmember Bui to participate in the Association of California Cities Orange County (ACC-OC) advocacy delegation in Washington D.C. on September 16-18, 2018.

BACKGROUND

The ACC-OC will be leading a delegation of local elected officials, key city staff, and community and business stakeholders to meet with federal lawmakers in Washington D.C. about important issues facing Orange County communities on September 16-18, 2018. Among the topics to be discussed are sober living homes, homelessness, affordable housing, local funding, cyber security, transportation and water infrastructure, aviation patterns and drones, and cannabis regulation.

DISCUSSION

Since January 2015, Councilmember Bui has served as the City's appointed representative for the ACC-OC and has represented Garden Grove's interests in the area of advocacy. As the City's representative, Councilmember Bui is eligible and prepared to participate in the ACC-OC delegation to Washington D.C. In addition to addressing the issues mentioned above, Councilmember Bui will also be advocating for human rights and seeking funding for Garden Grove and Orange County for public safety, infrastructure, and housing.

Pursuant to the City's expense guidelines and reimbursement policy for City Council Members, expenses for out-of-state travel and expenses in excess of \$1,500 require City Council approval.

FINANCIAL IMPACT

The cost to participate in the delegation including related travel and lodging is approximately \$1,800. Funds for this expense will be paid from the current City Council budget.

RECOMMENDATION

It is recommended that the City Council:

- Authorize participation by Councilmember Bui in the ACC-OC advocacy delegation in Washington D.C. on September 16-18, 2018 including travel, lodging, food, and other ancillary expenses.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Todd Elgin
Dept.:	City Manager	Dept.:	Police
Subject:	Authorize the issuance of a purchase order to National Auto Fleet Group to purchase one new utility truck for the Police Department Special Resources Team. (Cost: \$39,507.75) (<i>Action Item</i>)		
		Date:	7/24/2018

OBJECTIVE

To obtain City Council authorization to purchase one (1) new utility truck from National Auto Fleet Group through the National Joint Powers Alliance (NJPA) competitive bid program, Contract #120716 for the Special Resource Team (SRT) in the amount of \$39,507.75.

BACKGROUND

The SRT is comprised of two full-time police officers whose primary duty is to serve the homeless community, including those that suffer from mental health conditions. Calls for service related to homelessness and mental illness have increased more than two hundred percent within the last year.

SRT calls for service at times result in arrests of individuals with large amounts of personal property, which requires transport of the personal property in a specialty truck-type vehicle to the Police Department.

DISCUSSION

The purchase of a specialized pickup truck vehicle for the SRT would eliminate added officer delay and the need to involve other City employees to respond with a vehicle appropriate to transport personal property associated with an arrest of a person carrying or holding large amounts of personal property. This specialized vehicle would be equipped with a "crew-cab" that would be suitable for property transport and a lift gate to load bulky items into the back of the pickup truck. The truck would be a "police" vehicle equipped with emergency lights, siren, and a police radio. This vehicle would be an addition to the police vehicle fleet and would be purchased through Nation Auto Fleet Group.

The NJPA nationally solicits, evaluates and awards contracts through a competitive bid process. As a member of NJPA, the City is able to utilize NJPA bid awards for equipment purchases. Staff recommends piggybacking on the results of a recent NJPA competitive bid program, Contract #120716. The results deemed Nation Auto Fleet Group as the lowest responsive bid.

National Auto Fleet
Group
\$39,507.75*

* These prices include all applicable tax and destination charges.

FINANCIAL IMPACT

There is no impact to the General Fund. The vehicle purchase would be funded utilizing the Supplemental Law Enforcement Service Fund (SLESF).

RECOMMENDATION

It is recommended that the City Council:

- Appropriate \$39,508.75 from the SLESF for the purchase of the SRT police vehicle.
- Authorize the Finance Director to issue a purchase order in the amount of \$39,507.75 to National Auto Fleet Group for the purchase of one (1) new utility truck.

By: Captain Travis Whitman

ATTACHMENTS:

Description	Upload Date	Type	File Name
SRT Police Vehicle Quote	7/17/2018	Backup Material	Staff_Report_-_SRT_Vehicle_Supporting_Documentation.pdf

National Auto Fleet Group

A division of Chevrolet of Watsonville
490 Auto Center Drive, Watsonville, CA 95076
855 BUY-NJPA 626-457-5590
855 289-6572 626-457-5593

June 28, 2018

Mr. Steve Sudduth
City Of Garden Grove
13802 New Hope St.
Garden Grove, California 92843
Delivery Via Email

Dear Mr. Sudduth,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at Garden Grove, new/unused 2018 F150 Police Responder truck responding to your requirement with the attached specifications for

2018 Ford F150 Responder	36,658.00
Sales Tax	2,841.00
Tire tax	8.75
Total	39,507.75

These vehicles are available under the NJPA master vehicle contract# 120716.

Terms are net 30 days.

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.



John Oviyach
National Law Enforcement Account Manager
National Auto Fleet Group
Wondries Fleet Group



Prepared By:
 Administrator
 Your Dealership Name Here

2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

SELECTED MODEL

Code	Description
W1P	2018 Ford F-150 Police Responder 4x4 XL

SELECTED VEHICLE COLORS

Code	Description
-	Interior: MEDIUM EARTH GRAY
-	Exterior 1: SHADOW BLACK
-	Exterior 2: No color has been selected.

SELECTED OPTIONS

Code	Description	Class
PACKAGES		
150A	Equipment Group 150A Base (99G) Engine: 3.5L V6 EcoBoost; (44G) Transmission: Electronic 10-Speed Automatic : Includes selectable drive modes: normal/tow-haul/snow-wet/EcoSelect/sport.; (XL9) Electronic Locking w/3.55 Axle Ratio; (STDGV) GVWR: 7,000 lbs Payload Package; (STDTR) Tires: LT275/65R18 OWL A/T; (STDWL) Wheels: 18" 6-Spoke Machined-Aluminum : Includes magnetic painted pockets.; (P) Cloth 40/Blank/40 Front-Seats : Includes police-grade heavy-duty cloth and 8-way power driver/manual passenger. Center-section deleted. (Restraint control module cover provided).; (STDRD) Radio: AM/FM Stereo/Single-CD Player : Includes 6 speakers.	OPT
EMISSIONS		
422	California Emissions System Required code for California Emissions States registration. Optional code for Cross Border State dealers (Arizona, District of Columbia, Idaho, New Hampshire, Nevada, Ohio, Virginia and West Virginia).	OPT
93N	Dealer Order For California States Registration Federal Emissions state dealers ordering a California Emissions system (422) are also required to use order code 93N to attest that the vehicle is to be registered in a California Emissions state. Note: It is a violation of federal law for a Federal Emissions state dealer to sell a vehicle with a California Emissions system for registration in a Federal Emissions state, unless the vehicle also meets EPA standards (i.e. 50-state emissions). NOT AVAILABLE for stock orders.	OPT

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

SELECTED OPTIONS

Code	Description	Class
EMISSIONS (Continued)		
POWERTRAIN		
99G	Engine: 3.5L V6 EcoBoost	INC
44G	Transmission: Electronic 10-Speed Automatic Includes selectable drive modes: normal/tow-haul/snow-wet/EcoSelect/sport.	INC
XL9	Electronic Locking w/3.55 Axle Ratio	INC
STDGV	GVWR: 7,000 lbs Payload Package	INC
WHEELS & TIRES		
STDTR	Tires: LT275/65R18 OWL A/T	INC
STDWL	Wheels: 18" 6-Spoke Machined-Aluminum Includes magnetic painted pockets.	INC
SEATS & SEAT TRIM		
P	Cloth 40/Blank/40 Front-Seats Includes police-grade heavy-duty cloth and 8-way power driver/manual passenger. Center-section deleted. (Restraint control module cover provided).	INC
OTHER OPTIONS		
145WB	145" Wheelbase	STD
PAINT	Monotone Paint Application	STD
53A	Trailer Tow Package Class IV Trailer Hitch Receiver : Includes smart trailer tow connector and 4-pin/7-pin wiring harness.; Auxiliary Transmission Oil Cooler; Engine Oil Cooler; Pro Trailer Backup Assist. Towing capability up to 10,700 lbs. Includes tailgate LED and smart trailer tow connector. Ordering the Trailer Tow Package does not include Trailer Tow Mirrors. Trailer Tow Mirrors are a standalone option and must be ordered separately. (Option Code: 54Y/59S). Ordering the Trailer Tow Package does not include Integrated Brake Controller (67T). Integrated Brake Controller (67T) is a standalone option and must be ordered separately.	OPT
85H	Backup Alarm System	OPT
18B	Black Platform Running Boards	OPT

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

SELECTED OPTIONS

Code	Description	Class
OTHER OPTIONS (Continued)		
153	Front License Plate Bracket Standard in states requiring 2 license plates, optional to all others.	OPT
76R	Reverse Sensing System	OPT
STDRD	Radio: AM/FM Stereo/Single-CD Player SYNC : Includes enhanced voice recognition communications and entertainment system, 911 assist, 4.2" LCD display in center stack, Applink and 1 smart charging USB port. Includes 6 speakers.	INC
96W	Spray-In Bedliner (Pre-Installed) Custom Accessory.	OPT
INTERIOR COLORS FOR : PRIMARY		
PG	Medium Earth Gray	OPT
EXTERIOR COLORS FOR : PRIMARY		
G1	Shadow Black	OPT

OPTIONS TOTAL

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Powertrain

- *EcoBoost 375hp 3.5L DOHC 24 valve twin turbo V-6 engine with Ti-VCT variable valve control, port/direct injection*
- *Recommended fuel : regular unleaded*
- *Emissions Type: non-state registration*
- *10 speed automatic transmission with overdrive, SelectShift sequential sport shift, driver mode select*
- *Part-time 4 wheel drive*
- *Fuel Economy City: 17mpg*
- *Fuel Economy Highway: 23mpg*
- *Fuel Tank Capacity: 26.0gal.*
- *Driver selectable rear locking differential*

Suspension/Handling

- *Front independent double wishbone suspension with HD anti-roll bar, HD shocks*
- *Rear rigid axle leaf suspension with HD shocks*
- *Speed-sensing electric power-assist rack-pinion steering*
- *Front and rear 18" x 7.5" machined w/painted accents aluminum wheels*
- *LT275/65SR18.0C OWL AT front and rear tires*

Body Exterior

- *4 doors*
- *Conventional left rear passenger door*
- *Conventional right rear passenger door*
- *Driver and passenger power remote door mirrors*

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Body Exterior (Continued)

- *Black door mirrors*
- *Black bumpers*
- *Running boards*
- *Trailer hitch*
- *Trailer harness*
- *Pickup box style: regular*
- *Pickup bed liner*
- *Clearcoat paint*
- *Trailer sway control*

Convenience

- *Manual air conditioning*
- *Cruise control with steering wheel controls*
- *Power windows*
- *Driver and passenger 1-touch down*
- *Driver and passenger 1-touch up*
- *Remote power door locks with 2 stage unlock and illuminated entry*
- *Manual tilt steering wheel*
- *Manual telescopic steering wheel*
- *Day-night rearview mirror*
- *Emergency communication system*

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Convenience (Continued)

- *Wireless phone connectivity*
- *2 1st row LCD monitors*
- *Front and rear cupholders*
- *Passenger visor vanity mirror*
- *Driver and passenger door bins*
- *Rear door bins*

Seats and Trim

- *Seating capacity of 5*
- *Front 40-40 bucket seats*
- *8-way (8-way power) driver seat adjustment*
- *Power height adjustable driver seat*
- *4-way passenger seat adjustment*
- *60-40 folding rear split-bench seat*
- *Cloth seat upholstery*

Entertainment Features

- *AM/FM stereo radio with radio data system*
- *Single CD player*
- *CD-MP3 decoder*
- *SYNC external memory control*
- *Steering wheel mounted radio controls*

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Entertainment Features (Continued)

- 6 speakers
- Fixed antenna

Lighting, Visibility and Instrumentation

- Halogen aero-composite headlights
- Delay-off headlights
- Fully automatic headlights
- Variable intermittent front windshield wipers
- Light tinted windows
- Tachometer
- Voltmeter
- Oil pressure gauge
- Compass
- Outside temperature display
- Low tire pressure warning
- Trip computer
- Parking sensors
- Trip odometer
- Rear camera

Safety and Security

- 4-wheel ABS brakes

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Safety and Security (Continued)

- *Brake assist*
- *4-wheel disc brakes*
- *Electronic stability*
- *ABS and driveline traction control*
- *Dual front impact airbag supplemental restraint system*
- *Dual seat mounted side impact airbag supplemental restraint system*
- *Safety Canopy System curtain 1st and 2nd row overhead airbag supplemental restraint system*
- *Airbag supplemental restraint system occupancy sensor*
- *Power remote door locks with 2 stage unlock and panic alarm*
- *Security system with SecuriLock immobilizer*
- *Manually adjustable front head restraints*
- *3 manually adjustable rear head restraints*

Specs and Dimensions

- *Engine displacement: 3.5L*
- *Engine horsepower: 375hp @ 5,000RPM*
- *Engine torque: 470 lb.-ft. @ 3,500RPM*
- *Bore x stroke : 3.64" x 3.45"*
- *Compression ratio: 10.50:1*
- *Gear ratios (1st): 4.70*
- *Gear ratios (2nd): 2.99*

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2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Specs and Dimensions (Continued)

- Gear ratios (3rd): 2.15
- Gear ratios (4th): 1.77
- Gear ratios (5th): 1.52
- Gear ratios (6th): 1.28
- Gear ratios (7th): 1.00
- Gear ratios (8th): 0.85
- Gear ratios (9th): 0.69
- Gear ratios (10th): 0.62
- Gear ratios (reverse): 4.87
- Curb weight: 4,825lbs.
- GVWR: 7,000lbs.
- Front GAWR: 3,450lbs.
- Rear GAWR: 3,300lbs.
- Payload: 2,030lbs.
- Towing capacity: 10,700lbs.
- Exterior length: 231.9"
- Exterior body width: 79.9"
- Exterior height: 77.2"
- Wheelbase: 145.0"

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June 27, 2018

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Prepared By:
Administrator
Your Dealership Name Here

2018 Ford F-150 Police Responder

• VEHICLE REPORT

2018 Ford F-150 Police Responder W1P 4x4 XL

STANDARD EQUIPMENT

Specs and Dimensions (Continued)

- *Turning radius: 23.9'*
- *Min ground clearance: 9.3"*
- *Max ground clearance: 10.2"*
- *Front legroom: 43.9"*
- *Rear legroom: 43.6"*
- *Front headroom: 40.8"*
- *Rear headroom: 40.4"*
- *Front hiproom: 62.5"*
- *Rear hiproom: 64.7"*
- *Front shoulder room: 66.7"*
- *Rear shoulder room: 65.9"*
- *Passenger volume: 131.8cu.ft.*
- *Approach angle: 25.5 deg*
- *Departure angle: 26.0 deg*
- *Interior maximum cargo volume: 51.9cu.ft.*
- *Box length: 66.0"*
- *5th-wheel towing capacity : 10,200 lbs.*

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions. PC Carbook®. Data Version: 5.0, Data updated 07/17/2014 07:13:22 PM ©Copyright 1986-2012 Chrome Data Solutions, LP. All rights reserved.

June 27, 2018

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City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Teresa Pomeroy
Dept.: City Manager Dept.: City Clerk
Subject: Receive and file minutes Date: 7/24/2018
from the meeting held on
July 10, 2018. (*Action Item*)

Attached are the minutes from the July 10, 2018, meeting recommended to be received and filed as submitted or amended.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Minutes	7/19/2018	Minutes	July_10__2018.pdf

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, July 10, 2018

Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:31 p.m., Mayor Jones convened the meeting in the Council Chamber.

ROLL CALL PRESENT: (7) Mayor Jones, Mayor Pro Tem Beard, Council
Members O'Neill, T. Nguyen, Bui,
Klopfenstein, K. Nguyen

ABSENT: (0) None

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COMMUNITY SPOTLIGHT IN RECOGNITION OF SCOTT WEIMER AND GAYLE KNIGHT
FOR BEING NAMED THE 2018 GARDEN GROVE CHAMBER OF COMMERCE MAN AND
WOMAN OF THE YEAR

MATTERS FROM THE MAYOR, CITY COUNCIL, AND CITY MANAGER

Mayor Jones asked that Jack Wallin approach and be recognized by the City Council for all of his contributions over the years to the City, and he announced that local artist and restaurant owner Jennifer Stewart is to be commissioned to sculpt a bronze statue of Jack Wallin to be installed at the Atlantis Play Center. Following City Council comments, it was moved by Mayor Jones, seconded by Council Member Bui to list consideration honoring Mr. Jack Wallin with a bronze statue to be installed at the Atlantis Play Center on the next City Council agenda.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

CITY OF GARDEN GROVE LONG-RANGE FORECAST AND FINANCIAL
SUSTAINABILITY PRESENTATION BY MANAGEMENT PARTNERS

City Manager Stiles introduced Jay Trevino, Project Manager with Management Partners, and Mr. Trevino introduced Robert Leland who provided a PowerPoint presentation for the purpose of reviewing budget goals and the City's long term financial outlook.

ORAL COMMUNICATIONS

Speakers: Brandi Kelly-Contreras, Leland Sisk, Dale Soeffner, Jenna and Sharon Tower, Bob Donelson, Charles Mitchell, Maureen Blackmun

CONSIDERATION OF A WRITTEN REQUEST TO WAIVE FEES FOR THE USE OF
ATLANTIS PLAY CENTER FOR THE OC AUTISM CHRISTMAS EVENT ON SATURDAY,
DECEMBER 15, 2018

Following staff presentation and City Council discussion, it was moved by Council Member O'Neill, seconded by Council Member T. Nguyen that:

Fees, in the amount of \$920, be waived for the Orange County Autism organization for the use of the Atlantis Play Center for the OC Autism Christmas event on Saturday, December 15, 2018.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

RECESS

At 8:35 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 8:44 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A PROCLAMATION DECLARING JULY AS PARKS MAKE LIFE BETTER MONTH

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

A Proclamation declaring July as Parks Make Life Better Month, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

APPROVAL OF A LETTER AGREEMENT WITH THE GARDEN GROVE UNIFIED SCHOOL DISTRICT FOR USE OF SOUTHERN CALIFORNIA EDISON AND CITY POLES FOR THE INSTALLATION OF BANNERS

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

The Letter Agreement with GGUSD for the use of Southern California Edison and City poles for the installation of banners for special events be approved; and

The City Manager, or his designee, be authorized to sign the Letter Agreement on behalf of the City, including making minor modifications as appropriate and necessary.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

AUTHORIZE ISSUANCE OF A PURCHASE ORDER FOR ONE (1) NEW POLICE DEPARTMENT SEDAN

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

The Finance Director be authorized to issue a purchase order in the amount of \$24,313.92 to National Auto Fleet Group for the purchase of one (1) new Police Department sedan.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

APPROVAL OF AN AGREEMENT WITH WESTNET, INC., FOR THE INSTALLATION OF
FIRE STATION ALERTING SYSTEMS FOR FIRE STATION NO. 6 LOCATED AT 12232
WEST STREET, GARDEN GROVE

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

The agreement with Westnet, Inc., in the amount of \$72,553.77, to install fire station alerting systems for Fire Station No. 6, be approved; and

The City Manager be authorized to sign the Agreement on behalf of the City.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

AUTHORIZE ISSUANCE OF PURCHASE ORDERS TO VILLA FORD, AUTONATION
FORD TUSTIN, AND FORD OF ORANGE FOR AUTO PARTS TO REPAIR CITY
VEHICLES

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

The Finance Director be authorized to issue three (3) purchase orders for Ford auto parts in a fixed amount collectively not to exceed \$150,000 per year for five (5) years and to be divided between Villa Ford, AutoNation Ford Tustin, and Ford of Orange.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

AUTHORIZE ISSUANCE OF PURCHASE ORDERS TO SIMPSON CHEVROLET, SELMAN
CHEVROLET AND DELILLO CHEVROLET FOR AUTO PARTS TO REPAIR CITY
VEHICLES

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

The Finance Director be authorized to issue three (3) purchase orders for Chevrolet auto parts in a fixed amount collectively not to exceed \$150,000 per year for five (5) years to be divided between Simpson Chevrolet, Selman Chevrolet, and DeLillo Chevrolet as needed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON JUNE 26, 2018
(F: Vault)

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

The minutes from the meeting held on June 26, 2018, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

WARRANTS

It was moved by Council Member O'Neill, seconded by Council Member Klopfenstein that:

Regular Warrants 640046 through 640305, 640306 through 640315; 640316 through 640576; and Wires W2202 through W2207; W2208 through W2212; W640315 through W64057; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

PUBLIC HEARING - ADOPTION OF A RESOLUTION ORDERING THE VACATION OF
GENERAL EASEMENTS FOR PUBLIC UTILITY PURPOSES FOR A PORTION OF THE
PROPERTY LOCATED AT 11235 BOWLES AVENUE, GARDEN GROVE

Following staff's presentation, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Speakers: None

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

It was moved by Council Member O'Neill, seconded by Mayor Jones that:

Resolution No. 9521-18 entitled: A Resolution of the City Council of the City of Garden Grove ordering the General Vacation of various public utility easements generally located across Parcels 1 and 2 of Lot Line Adjustment No. 007-2014, be adopted; and

The City Clerk be authorized to record the Resolution with the County of Orange in order for vacations to become effective.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.
Nguyen, Jones
Noes: (0) None

PUBLIC HEARING - CONSIDERATION OF AN APPEAL OF A GARDEN GROVE
PLANNING COMMISSION ACTION FOR A DENIAL OF CONDITIONAL USE PERMIT
NO. CUP-120-2018 FOR THE PHO HOA AN RESTAURANT LOCATED AT 14291
EUCLID STREET #D101, GARDEN GROVE

Following staff's presentation, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council.

Speakers: Andy Quach representing the applicant and Kimberly Le the applicant; Leland Sisk, Maureen Blackmun, Bob Donelson, Brandi Kelly-Contreras all spoke in opposition to the request.

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

Following City Council discussion, it was moved by Council Member Beard, seconded by Council Member Klopfenstein to uphold the Planning Commission's decision and deny the appeal.

Following further City Council discussion, a substitute motion was made by Council Member Bui, seconded by Council Member K. Nguyen that:

This matter be continued to the next City Council meeting and directed staff to come back with a Resolution for the City Council to consider that would address noise mitigation, hours for live entertainment, and a six month review period for the Pho Hoa An restaurant.

The motion carried by a 5-2 vote as follows:

Ayes: (5) O'Neill, T. Nguyen, Bui, K. Nguyen, Jones
Noes: (2) Beard, Klopfenstein

APPROVAL OF AN AGREEMENT WITH SIEMENS INDUSTRIES, INC. FOR IMPLEMENTING AN ENERGY EFFICIENCY MODERNIZATION PROJECT; AND APPROVAL OF AN INTERFUND LOAN AND REPAYMENT AGREEMENT FOR THE UPGRADE AND PURCHASE OF ENERGY EFFICIENCY EQUIPMENT FOR THE OPERATION OF THE CITY'S HEATING, VENTILATION, AIR CONDITIONING SYSTEMS AND LIGHTING

Following staff presentation and City Council discussion with Council Member Bui expressing concern regarding the expenditure, it was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

The Interfund Loan and Repayment Agreement from the Risk Management Fund to the General Purpose Fund, in the amount not to exceed \$2,850,550 with the first annual payment beginning in Fiscal Year 2019-2020, be approved;

The Agreement with Siemens Industries, Inc., for the City's Facilities Energy Efficiency Project in the amount of \$2,846,439, be approved; and

The City Manager be authorized to sign the agreement on behalf of the City, and make minor modifications as appropriate.

The motion carried by a 6-1 vote as follows:

Ayes: (6) Beard, O'Neill, T. Nguyen, Klopfenstein, K. Nguyen, Jones
Noes: (1) Bui

REPORT ON STAFF REVIEW OF THE ORANGE COUNTY FIRE AUTHORITY (OCFA) FIRE SERVICE PROPOSAL

City Manager Stiles introduced the matter and gave an overview of the points to be discussed, and stated that Fire Chief Schultz and Budget Manager Ann Eifert would be providing a PowerPoint presentation with the findings and analysis. He noted that

the newly appointed OCFA Chief Brian Fennessey accompanied by Assistant Chief of Business Services, Lori Zeller, and other OCFA staff were in attendance.

Fire Chief Schultz provided information on deployment, and Budget Manager Ann Eifert provided the financial projection for the City to contract with OCFA. Issues that have been identified are: Paramedic response times, retention and recruitment, and public safety infrastructure. The analysis of the OCFA proposal does address these issues and would result in improved services to the residents. Financial analysis was structured around the City's Fiscal Year 2018-19 that included: staffing, salaries and benefits, equipment maintenance, and fire stations. The analysis incorporated the OCFA proposal cost of \$22,191,928, and start-up costs of \$1,136,225 amortized over five years at \$227,245 with additional one time capital improvement costs.

The costs to the City would include pension obligations for pre-OCFA unfunded liability, retiree medical premium contribution, workers compensation claims, records management, weed abatement, and the need for a full time employee to administer the Emergency Operations Coordination, training and compliance, ambulance contract and records requests for incidents prior to transition. There would be some cost savings in utilities for the fire stations and insurance premiums for General Liability at \$30,000 and Workers' Compensation at \$70,000. With an estimated 2.92% per year beginning in Fiscal Year 2018-19, the additional cost to the City to contract with OCFA would be \$1,642,108.

Council Member Bui stated that he would like to make sure that the City's projection of costs and increases are reflective of OCFA's projection before he makes a decision.

City Manager Stiles noted that this information will be available to OCFA and the Fire Department staff for review and discussion.

Council Member O'Neill commented that they initially thought there would be a cost savings for the City, however, by reviewing the costs as presented by the City, OCFA Fire services will actually cost the City more than what the City would save. He expressed concern about the fire truck Mechanic and if that employee would be retained by the City. He noted that the fire trucks would be leased to the Authority and asked what happens to the equipment when the lease is over, and if the Garden Grove logo would be on the fire trucks.

OCFA Battalion Chief Brad Phoenix and Assistant Chief of Business Services Lori Zeller approached the City Council, and Mr. Phoenix stated that the fire truck would have the Garden Grove logo along with the OCFA logo and that those trucks would be returned to the City after the lease was up. Ms. Zeller noted that OCFA would be unable to make up the CalPers unfunded liability for the City and she commended City staff on the review.

Council Member K. Nguyen stated that this is a lot of information and that she would have liked to have had a Study Session. She noted that per staff analysis, the cost

to contract with OCFA does not save money and would cost the City more money, and she asked about the Recapture Clause and how that might affect the cost to the City for a contract with OCFA. She asked if there was an analysis on how the City could save money or improve deployment and would it be possible to realize a cost savings without contracting with OCFA.

Chief Schultz responded that information on ways for the City to save money and improve deployment could be provided at a later date; Ms. Eifert responded that the Recapture Clause is essentially funding that is not used and would carry-over to the next Fiscal Year's budget.

Council Member K. Nguyen noted that she did go on a ride along with OCFA and was impressed, and questioned whether Garden Grove would be able to offer parity for the residents.

Council Member Klopfenstein asked how this would impact the non-sworn positions.

Mr. Phoenix responded that of the five non-sworn employees with the Fire Department, there are currently positions available for two of the inspectors and one position for the Office Assistant. There is a part time employee that would not have a position, as well as a Fiscal Analyst who is overqualified for any of the positions that are currently available.

Ms. Zeller noted that the Recapture Clause is a method to recapture operating expenses as costs fluctuate, however, they would not recover annual costs that would exceed 4.5 percent.

Council Member Bui noted that with Chief Schultz's analysis, OCFA offers a higher quality of service with less risk; however, the cost of the contract with OCFA does not offer a cost savings for the City. He asked whether OCFA would be open to any further negotiations.

Ms. Zeller stated that this is a cost recovery contract and to change it would put OCFA in a negative situation, which is not something they would be interested in doing.

Council Member Bui requested that the Fire Chief provide the City Council with a Fire Department cost projection for the next ten years if the Fire Department were to remain with the City.

Council Member K. Nguyen agreed that it would be helpful to have the cost projection for Fire services if the Fire Department were to remain with the City. She stated that they have a duty to the residents and to the Firefighters to ensure quality service, and to determine whether equipment upgrades would cost the City more.

Council Member Bui stated that he felt that he needs to fully understand the impact to the City and would like as much information as possible before making a decision. He requested a risk assessment for going with OCFA or remaining with the City.

Mr. Phoenix stated that OCFA staffing includes risk management, community educator, nurse educator and hazmat equipment. In response to Council Member Bui asking if this would change the proposal amount, Mr. Phoenix stated no; however, they could segregate the administrative costs from fire services.

Council Member O'Neill commented that it would take about 40 years for the City to be relieved of pension obligations.

Council Member Beard thanked staff for the information and stated that more details are needed before a decision can be made. He suggested that a Study Session would provide an opportunity for more detail.

Council Member Bui noted the need to make a decision soon, as the labor contract with the Firefighters is expired and agreed that a Study Session is needed.

City Manager Stiles noted that the OCFA proposal expires this Fiscal Year, and the labor contract has expired; he suggested that the City Council make a determination on whether they would like to move forward with the OCFA proposal.

Council Member K. Nguyen stated that there needs to be a collaborative effort between the City and OCFA to bring all of the information together at a Study Session to clearly define the comparison.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (Continued)

Council Member K. Nguyen thanked the Orange County Board of Supervisors, specifically Supervisor Do, by committing to raising the fence at the Wintersburg Channel.

Council Member Klopfenstein stated that she looks forward to a report regarding a third Animal Services Officer. She noted that Vector Control had one out of three sample pools test positive for the West Nile virus near Garden Grove Boulevard and Newhope Street, and that there will be more testing in the area and throughout Garden Grove. She encouraged residents to take precautions to avoid mosquito bites and infestation.

Council Member Bui commended Ms. Diep, President of OC Autism for all of her work and he encouraged people to get involved and support OC Autism so that Ms. Diep can continue to provide a much needed service for the community.

Council Member T. Nguyen thanked Mr. Stegler from District 3 for keeping her informed on neighborhood issues, and she thanked Public Works staff for their fast response. She also praised City staff member Shawn Park for his exceptional service.

Council Member O'Neill commented that he hoped everyone enjoyed their July 4th holiday, and he encouraged everyone to download the Garden Grove App to their devices for quick access to phone numbers for services. He encouraged residents to look out for their neighbors, and be proactive about helping out in their neighborhoods.

Council Member Beard stated that the City needs to continue to educate the public, issue citations, and enforce the laws pertaining to illegal fireworks. He would like the report on the costs to the City and is interested in forming an advisory committee and to continue to address illegal fireworks throughout the year. He invited everyone to attend the upcoming Summer Concert Series held at Eastgate Park on Thursday evenings.

City Manager Stiles stated that an after action update on the July 4th holiday will be provided at the next City Council meeting. He noted that the City did issue 71 \$1000 citations for illegal fireworks, and that the Fire Chief, Police Chief, and City Attorney will be working on addressing illegal fireworks for the coming year. He noted Fire Chief Schultz has reported that the Sherwood property has been cleared up. He asked the City Council Members to share specific information on what they would like to discuss at a Study Session on the OCFA proposal.

Mayor Jones commended staff on a very thorough review of the OCFA proposal. He stated that he would like to address illegal fireworks before the next July 4th holiday. He commented that changing permits for block parties to mitigate emergency access issues, using technology such as drones, and increasing the number of citations are possibilities to address the use of illegal fireworks. He stated that the Brookhurst Place Ribbon Cutting took place today for Phase I, which are 180 for-lease apartments that look amazing. Phase II will begin construction soon that will offer affordable housing, commercial space, an urban trail and open space within the project, and he is looking forward to the completion of the project.

ADJOURNMENT

At 11:56 p.m., Mayor Jones adjourned the meeting. The next Regular City Council Meeting will be held on Tuesday, July 24, 2018, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC
City Clerk

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Teresa Pomeroy
Dept.:	City Manager	Dept.:	City Clerk
Subject:	Approval of warrants. (<i>Action Item</i>)	Date:	7/24/2018

Attached are the warrants recommended for approval.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Warrants	7/19/2018	Warrants	CC_Warrants_7-24-18.pdf

182247	MICHAEL J JOHNSON	(VOID)	0.00	182248	MICHAEL J JOHNSON	(VOID)	0.00
182423	TINA LY		50.54	182424	ROSS L LAIRD III	(VOID)	0.00
182425	ROSS L LAIRD III		646.04	182426	TIMOTHY M SUTTON		258.59
182427	RAFAEL LOERA JR	(VOID)	0.00	182428	MICHAEL J JOHNSON	(VOID)	0.00
182429	MICHAEL J JOHNSON		4194.91	182430	MICHAEL J JOHNSON	(VOID)	0.00
182431	MICHAEL J JOHNSON		60433.33	182432	GUY BROWN		623.94
182433	GUY BROWN		7700.93	182434	JAMES E COLEGROVE		10897.34
182435	JAMES E COLEGROVE		28113.55	182436	GLORIA GAW		2066.53
182437	GLORIA GAW		2065.82	182438	MARK E MONSON		2275.67
182439	MARK E MONSON		1339.11	182440	SUSAN A HOLSTEIN		34431.80
182441	SUSAN A HOLSTEIN		2642.52	182442	JUDITH A MOORE		2023.84
182443	DIANE BELAIR		1644.96	182444	JO ANNE M CHUNG		2311.34
182445	THOMAS E BUTTERS		2100.25	182446	JUSTIN M MORRIS		753.55
182447	CHRIS M VERES		2358.02	182448	WILLIAM J ENGELS		646.98
182449	ROBERT R MOUNGEY		541.76	182450	MICHAEL F ROCHA		1905.18
182451	RAYMOND A BUCHLER		631.88	182452	DANIEL C MOSS		1855.27
182453	YUKIYOSHI NAKAGAWA		1506.85	182454	FRANK X DE LA ROSA		1918.62
182455	ALEX C BEARD		912.56	182456	CASEY S BEARD		897.25
182457	MELISSA L BELL		867.98	182458	DEANNA M CHUMACERO		230.83
182459	BLADEN E CROSBY		232.40	182460	ARMANDO H GARZA		181.10
182461	STEVEN E GOMEZ		331.82	182462	ALINA D GONZALEZ		797.74
182463	DEBORAH GONZALEZ		289.32	182464	JOHN C KONRAD		227.40
182465	AARON B LAITINEN		706.02	182466	TINA LY		204.88
182467	JUAN A MARTINEZ		381.93	182468	ZAIDA E MONARES		280.43
182469	HEAVYN J NANCE		872.97	182470	KATHLEEN T NGUYEN		50.54
182471	DANIEL G NORDWICK		773.03	182472	JULIE T PHAN		209.41
182473	ALEXA PRADO		375.18	182474	SHADY S PUATLOA		207.18
182475	MARIA D ROSALES		200.33	182476	GENESIS SERRATOS		534.54
182477	SAMUELE M TRAN		732.93	182478	SAMANTHA B VARGAS		870.90
182479	JENNIFER J VICENS		888.68	182480	JEFF W HANNA		2063.41
182481	ALBERT R LECO JR		1444.23	182482	EUN WHA LEE		659.75
182483	O.C.E.A. GENERAL		2374.69	182484	O.C.E.A.		1318.85
182485	COMMUNITY HEALTH CHARITI	(VOID)	50.00	182486	GARDEN GROVE POLICE ASSO		1510.00
D332285	STEPHANIE AMBRIZ		-1107.36	D332742	KRIS C BEARD		447.91
D332743	CAROL E BECKLES		49.27	D332744	PHAT T BUI		54.25
D332745	STEVEN R JONES		129.58	D332746	STEPHANIE L KLOPFENSTEIN		300.83
D332747	DIEDRE THU HA NGUYEN		410.48	D332748	KIM B NGUYEN		412.27
D332749	JOHN R O'NEILL		444.79	D332750	STEVE R SOLORIO		45.52
D332751	PAMELA M HADDAD		1623.74	D332752	SHAWN S PARK		1903.64
D332753	SCOTT C STILES		6296.20	D332754	MARIA A STIPE		5016.84
D332755	MEENA YOO		1989.96	D332756	DENISE KEHN		2164.24
D332757	MARITZA PIZARRO		1630.35	D332758	TERESA L POMEROY		2786.75
D332759	LIZABETH C VASQUEZ		1802.20	D332760	SHAUNA J CARRENO		2011.98
D332761	TERESA G CASEY		1464.75	D332762	VIRGINIA DELGADO		1592.20
D332763	DANNY HUYNH		3413.28	D332764	VILMA C KLOESS		1834.57
D332765	IVY LE		2066.11	D332766	TAMMY LE		1298.54
D332767	LINDA MIDDENDORF		2414.85	D332768	ROSALINDA MOORE		1374.47
D332769	MARIA A NAVARRO		2164.16	D332770	PHUONG VIEN T NGUYEN		2227.78

**** PAGE TOTAL = 247881.55

D332771	QUANG NGUYEN	2309.71	D332772	TINA T NGUYEN	2187.44
D332773	THYANA T PHI	2243.49	D332774	MARIA RAMOS	2131.31
D332775	TANYA L TO	1478.85	D332776	CUONG K TRAN	1718.07
D332777	ELAINE TRUONG	1334.36	D332778	THANH-NGUYEN VO	1419.12
D332779	SYLVIA GARCIA	2026.36	D332780	KINGSLEY C OKEREKE	4982.72
D332781	KAREN M HARRIS	2734.07	D332782	HEIDI M JANZ	2482.45
D332783	CHRISTI C MENDOZA	613.48	D332784	ANN C EIFERT	2605.13
D332785	DEBORAH A POWELL	1686.34	D332786	MARGARITA A ABOLA	1772.21
D332787	MARY ANN M ALCANCIA	2650.23	D332788	MARISA ATIN RAMOS	1062.09
D332789	ELLIS EUN ROK CHANG	2607.82	D332790	JANET J CHUNG	1973.13
D332791	RHONDA C KAWELL	2258.32	D332792	ROBERT W MAY	1345.67
D332793	SHAWNA A MCDONOUGH	1508.07	D332794	HEIDY Y MUNOZ	2443.67
D332795	ALEXANDER TRINIDAD	2564.17	D332796	LIGIA ANDREI	1422.30
D332797	ARIANA B BAUTISTA	1535.03	D332798	KAREN J BROWN	698.10
D332799	CORINNE L HOFFMAN	2335.50	D332800	JEFF N KURAMOTO	2281.03
D332801	CHELSEA E LUKAS	1471.87	D332802	EDWARD E MARVIN JR	1724.78
D332803	ANGELA M MENDEZ	1743.17	D332804	MONICA A NEELY	2754.55
D332805	JENNIFER L PETERSON	1823.93	D332806	ANH PHAM	1672.74
D332807	EVA RAMIREZ	1675.44	D332808	HELEN E WHITTAKER DEGEN	830.45
D332809	JAIME F CHAVEZ	1671.51	D332810	GARY F HERNANDEZ	1580.67
D332811	NEAL M MANALANSAN	1508.45	D332812	DANIEL J SANCHEZ	1545.87
D332813	SANDRA E SEGAWA	3249.00	D332814	ALANA R CHENG	2246.36
D332815	LISA L KIM	4595.21	D332816	JAYME K AHLO	2352.18
D332817	JULIE A ASHLEIGH	1863.27	D332818	MICHAEL G AUSTIN	2464.77
D332819	RITA M CRAMER	2402.45	D332820	CHRISTOPHER J CRANDALL	2528.19
D332821	DAVID A DENT	4046.22	D332822	TODD C HARTWIG	2366.60
D332823	RALPH V HERNANDEZ	2151.62	D332824	AARON J HODSON	1983.88
D332825	DONALD E LUCAS	2686.71	D332826	GUADALUPE E MERCADO	1812.43
D332827	SVETLANA MOURE	2077.75	D332828	PHU T NGUYEN	3209.09
D332829	LORENA J QUILLA-SOULES	2282.30	D332830	CHRISTOPHER CHUNG	2461.22
D332831	PAUL GUERRERO	2576.75	D332832	LEE W MARINO	3589.48
D332833	MARIA L MEDRANO	1993.70	D332834	MARIA C PARRA	2619.95
D332835	ERIN WEBB	3240.72	D332836	GREG BLODGETT	2877.28
D332837	MONICA COVARRUBIAS	2709.95	D332838	GRACE E LEE	2211.99
D332839	AMEENAH ABU-HAMDIYYAH	1680.71	D332840	ROY N ROBBINS	2702.26
D332841	ALLISON D WILSON	1936.47	D332842	MICHAEL C BOS	2257.42
D332843	DANIEL J CANDELARIA	4117.51	D332844	VINCENT L DE LA ROSA	1951.73
D332845	KAMYAR DIBAJ	2125.36	D332846	ALICIA M HOFER	1628.55
D332847	NICOLAS C HSIEH	2814.30	D332848	ROSEMARIE JACOT	1888.69
D332849	SHAN L LEWIS	1951.47	D332850	NAVIN B MARU	3377.17
D332851	JUAN C NAVARRO	2129.06	D332852	MICHAEL F SANTOS	2607.37
D332853	MARK P UPHUS	3425.55	D332854	JOSE A VASQUEZ	2474.67
D332855	ANA G VERGARA NEAL	2184.26	D332856	DAI C VU	3563.57
D332857	KHANG L VU	2926.41	D332858	JOSHUA J ARIONUS	1997.88
D332859	JAN BERGER	1921.70	D332860	ROBERT P BERMUDEZ	3611.27
D332861	TIM P CANNON	2811.49	D332862	MYUNG J CHUN	2965.97
D332863	CARINA M DAN	506.24	D332864	JUSTIN E DAVENPORT	1244.41
D332865	RYAN H DAVIS	1310.42	D332866	RONALD W DIEMERT	1870.50

**** PAGE TOTAL = 214995.15

D332867	CHRIS N ESCOBAR	2447.80	D332868	JASON A FERTAL	1575.06
D332869	ALEXANDER L GERRY	1232.98	D332870	ALEJANDRO GONZALEZ	5288.64
D332871	MICHAEL J GRAY	1090.72	D332872	LARRY GRIFFIN	1729.54
D332873	ROBERT A HAENDIGES	2433.48	D332874	RYAN S HART	1700.64
D332875	ROBERT M HIGGINBOTHAM	1277.80	D332876	EDWARD A HUY	2026.57
D332877	VIDAL JIMENEZ	2144.17	D332878	SAMUEL K KIM	3355.86
D332879	BRENDA L LAI	90.82	D332880	REBECCA PIK KWAN LI	3171.25
D332881	SCOTT T LOWE	2780.30	D332882	DAVID MA'AE	1466.92
D332883	TYLER MEISLAHN	1826.42	D332884	JESSE K MONTGOMERY	1698.68
D332885	STEVEN J MOYA JR	1929.74	D332886	BASIL G MURAD	2440.19
D332887	KIRK L NATLAND	662.22	D332888	DUC TRUNG NGUYEN	1901.37
D332889	CORNELIU NICOLAE	2450.26	D332890	ANDREW I ORNELAS	1545.15
D332891	DAVID A ORTEGA	2506.78	D332892	CELESTINO J PASILLAS	2457.28
D332893	WILLIAM F PEARSON	2690.94	D332894	LES A RUITENSCHILD	2516.40
D332895	JONATHAN RUIZ	1799.21	D332896	MODESTO R SALDANA	1879.93
D332897	ALEXIS SANTOS	1015.91	D332898	ADRIAN M SARMIENTO	2450.72
D332899	ALBERT TALAMANTES JR	2638.95	D332900	MINH K TRAN	2239.59
D332901	ALEJANDRO VALENZUELA JR	1227.24	D332902	ALEJANDRO N VALENZUELA	1473.59
D332903	KATHLEEN N VICTORIA	794.57	D332904	RONALD J WOLLAND	1658.03
D332905	VICTOR K YERGENSEN	2890.56	D332906	ALICE K FREGOSO	1811.54
D332907	RAQUEL K MANSON	2466.75	D332908	CAROLYN E MELANSON	1550.08
D332909	WILLIAM E MURRAY JR	5962.99	D332910	EMILY H TRIMBLE	1526.86
D332911	ALFRED J AGUIRRE	3142.53	D332912	RODOLPHO M BECERRA	1717.11
D332913	EDGAR A CANO	1610.70	D332914	ALBERT J CARRISOZA	1542.33
D332915	MARRAY R CHAPMAN	671.90	D332916	GABRIELA R CONTRERAS	1911.08
D332917	JULIE T COTTON	704.35	D332918	DANIEL A DEL ROSARIO	704.95
D332919	ERIC M ESPINOZA	1349.90	D332920	HECTOR M ESPINOZA	1501.00
D332921	ROBERT J FRANCO	548.11	D332922	MAURICIO S GARCIA	2243.67
D332923	RICHARD R GOSSELIN	2926.73	D332924	HERMILO HERNANDEZ	1590.95
D332925	DARNELL D JERRY	817.94	D332926	BRENT KAYLOR	2199.54
D332927	MARK W LADNEY	2692.78	D332928	RAUL LEYVA	2054.82
D332929	ANTONIO R MARTIN	2105.98	D332930	DIEGO A MEJIA	1737.15
D332931	RIGOBERTO MENDEZ	2739.64	D332932	JON A MIHAILA	678.01
D332933	STEVEN T ORTIZ	1690.13	D332934	RICHARD L PINKSTON	1922.72
D332935	BRADLEY J POINDEXTER	597.70	D332936	STEVE J TAVANU'U	4391.80
D332937	SUSAN VITALI	988.77	D332938	STEPHANIE A WASINGER	902.70
D332939	IOAN ANDREI	681.75	D332940	SYLVESTER A BABINSKI IV	1675.22
D332941	JEFFREY G CANTRELL	1918.14	D332942	THOMAS C COUNTS	2056.33
D332943	JAMES CUNNINGHAM	2053.79	D332944	EARNEST L DOMINGUEZ	600.76
D332945	JULIA ESPINOZA	1159.76	D332946	ALBERT R EURS II	2098.00
D332947	CECELIA A FERNANDEZ	1129.79	D332948	CONRAD A FERNANDEZ	945.12
D332949	DIANA GOMEZ	638.49	D332950	JORGE GONZALEZ	1239.27
D332951	MICHAEL R GREENE	1952.40	D332952	RONALD D GUSMAN	866.93
D332953	GLORIA A HARO	1142.63	D332954	ERIC W JOHNSON	1046.61
D332955	URIEL MACIAS	818.17	D332956	LUIS Y MENDOZA AGUILAR	920.32
D332957	KHUONG NGUYEN	1142.63	D332958	ALEJANDRO ORNELAS	944.66
D332959	WILLIAM R PICKRELL	2613.12	D332960	DELFRADO C REYES	1142.63
D332961	RAFAEL ROBLES	1269.68	D332962	ADRIANNA M RODRIGUEZ	858.22

**** PAGE TOTAL = 170423.91

D332963	RODERICK THURMAN	1556.35	D332964	EVARISTO VERA	1714.38
D332965	RICHARD L WILLIAMS	1668.76	D332966	ANSELMO AGUIRRE	1766.39
D332967	CHRISTOPHER L ALLEN	1753.08	D332968	PHILLIP J CARTER	2359.32
D332969	RICK L DUVAL	2718.71	D332970	CASEY G GIROUARD	601.13
D332971	AARON R HANSEN	1281.62	D332972	PATRICIA CLAIR HAYES	2336.44
D332973	HUY HOA HUYNH	1975.96	D332974	BRYAN D KWIAKOWSKI	1918.81
D332975	CHRISTOPHER B PRUDHOMME	1754.91	D332976	ROLANDO QUIROZ	1935.78
D332977	TODD R REED	1966.99	D332978	ESTEBAN H RODRIGUEZ	1948.16
D332979	ROBERTO RODRIGUEZ	613.13	D332980	LUIS A TAPIA	2054.16
D332981	MICHAEL W THOMPSON	3171.76	D332982	WILLIAM J WHITE	2027.87
D332983	JESSE GUZMAN	2069.21	D332984	BRETT A MEISLAHN	2378.15
D332985	AUSTIN H POWELL	1716.98	D332986	MELVIN P REED	1145.12
D332987	STEPHEN D SUDDUTH	1727.51	D332988	TIMOTHY WALLINGFORD	3680.63
D332989	HILLARD J WILLIAMS	623.38	D332990	SOMELIA K GOUNTOUNA	1556.74
D332991	ALBERT J HOLMON III	3207.30	D332992	VICTOR T BLAS	2600.31
D332993	ERVIN DUBRUL	1880.34	D332994	JEREMY J GLENN	1215.52
D332995	JOSE GOMEZ	2290.60	D332996	BRENT W HAYES	3432.22
D332997	FRANK D HOWENSTEIN	2175.98	D332998	ALLEN G KIRZHNER	2258.41
D332999	BRANDON S NUNES	1130.35	D333000	STEPHEN PORRAS	3744.69
D333001	JESSE VIRAMONTES	2626.90	D333002	JOHN ZAVALA	2000.67
D333003	VERONICA AVILA	1770.91	D333004	JEFFREY P DAVIS	1940.71
D333005	NOELLE N KIM	2396.70	D333006	MISSY M MENDOZA	175.67
D333007	MARIE L MORAN	2410.40	D333008	ANA E PULIDO	3105.27
D333009	KRISTY H THAI	2139.18	D333010	KAETLYN L AGATEP	610.89
D333011	YOLANDA A ALVARADO	123.06	D333012	EDWARD D AMBRIZ GARCIA	677.17
D333013	STEPHANIE AMBRIZ	821.37	D333014	JOSELYN D AVALOS	780.36
D333015	SARAH M BAIRD	1416.24	D333016	GABRIELLA E BALANDRAN	666.24
D333017	VALERIA J BARON	537.37	D333018	JOSUE BARREIRO MENDOZA	1227.07
D333019	NICHOLAS J BARRETT	83.04	D333020	ALEXIS R BAUTISTA-MOYANO	223.03
D333021	DYLAN J BOGGAN	665.13	D333022	MEGAN M CALDERON	41.79
D333023	IMMANUEL M CALDONA	534.76	D333024	RACHEL M CAMARENA	1807.36
D333025	RENE CAMARENA	1750.34	D333026	MARTI CARROLL	1624.44
D333027	VICTORIA M CASILLAS	2733.49	D333028	AMANDA D CROSS	1165.88
D333029	GISELL L CRUZ	484.09	D333030	KENNETH E CUMMINGS	941.37
D333031	KEVIN J CUMMINGS	55.58	D333032	MARLY DELGADO CHAVEZ	408.26
D333033	GABRIELA DIAZ	475.15	D333034	LORENE U DO-LE	629.05
D333035	GRISSELL V EVERASTICO	597.91	D333036	MARK C FREEMAN	2820.76
D333037	JARED D GARCIA	395.55	D333038	VANESSA L GARCIA	582.14
D333039	ANTHONY GOMEZ JR	247.61	D333040	JACOB R GRANT	1818.01
D333041	ASHLY L HANNAH	172.24	D333042	EMERIE R HERRERA	734.65
D333043	KIMBERLY K HOLER	596.01	D333044	CAROLINA HONSTAIN	260.10
D333045	ANA C IZQUIERDO	669.98	D333046	MARITZA JIMENEZ	90.96
D333047	ANN KELLER PLUMB	193.53	D333048	KALYSTA N LOPEZ	716.16
D333049	MARISSA D LOPEZ	57.09	D333050	ERIK C LUBSEN	753.06
D333051	STEPHANIA LUNA	583.91	D333052	ELAINE M MA AE	2153.82
D333053	JOHANA L MALDONADO	313.84	D333054	JESUS MEDINA	1471.94
D333055	JUAN MEDINA	1956.71	D333056	JOHN A MONTANCHEZ	4143.73
D333057	BRIANNA M MOORE	1087.86	D333058	KIRSTEN K NAKAISHI	979.99

**** PAGE TOTAL = 138403.65

D333059	GINA D NECCO	526.16	D333060	JACOB J NEELY	391.14
D333061	ALLEN T NGUYEN	856.69	D333062	NOEL N NICHOLAS	1232.53
D333063	JENNIFER GODDARD NYE	2391.91	D333064	GABRIELA O'CADIZ-HERNAND	3011.13
D333065	NANCY A OCAMPO	674.02	D333066	LORI OCHOA	1782.34
D333067	STEPHANIE ORTIZ	343.80	D333068	CHRISTIAN PANGAN	451.72
D333069	BRENDA PATINO MARQUEZ	564.41	D333070	EMILY PATINO MARQUEZ	404.63
D333071	GABRIELA PEDRAZA	414.62	D333072	JANET E PELAYO	2799.84
D333073	JESUS PEREZ	390.90	D333074	KATIE L PHAM	564.41
D333075	ARIELLE PICKRELL	1477.93	D333076	JENAVIE QUINTERO	712.70
D333077	SUGEIRY REYNOSO	2370.20	D333078	CATIA J RIVERA	780.52
D333079	MARINA Y ROMERO	1593.69	D333080	MONICA K ROMO	84.07
D333081	TANYA ROSAS	593.60	D333082	DIANA SALDIVAR	350.15
D333083	RICARDO SALDIVAR	408.81	D333084	YARELI SANCHEZ GUIJOSA	697.38
D333085	LARISSA E SANTOS	669.70	D333086	DANA MARIE SAUCEDO	2170.36
D333087	EMERON J SCHLUMBERGER	925.63	D333088	ALEJANDRA M SERNA	700.83
D333089	KRISTOF A SIERRA	20.21	D333090	REBECCA S SMITH	992.66
D333091	SARAH L SMITH	672.83	D333092	AUSTIN M ST MARSEILLE	327.46
D333093	RYAN J STEVENS	181.91	D333094	ANGELICA Q TO	720.67
D333095	MIRANDA M TORRES	268.43	D333096	KENNETH P TRAVIS III	313.30
D333097	CLAUDIA VALDIVIA	2760.34	D333098	JEFFREY VAN SICKLE	2072.93
D333099	BREANA C VARGAS	533.05	D333100	DAISY O VENCES	432.03
D333101	JOSHUA VENCES	232.12	D333102	JACOB D VIRAMONTES	304.75
D333103	ALAN P VU	780.41	D333104	JANICE PHUONG VU	1419.19
D333105	TIFFANY D VU	577.69	D333106	DAVID M WILMES	813.56
D333107	AMANDA M POLLOCK	1572.25	D333108	THOMAS R SCHULTZ	2795.42
D333109	TREVOR G SMOUSE	1865.56	D333110	ALBERTO ACOSTA	3829.23
D333111	ANTHONY R ACOSTA	4813.13	D333112	JOHN D BARANGER III	3790.30
D333113	LUCAS B BAUER	2433.30	D333114	BRADLEY D BELL	4316.41
D333115	JERRY R BRENNEMAN	5264.43	D333116	JOSE J CAMBEROS	2637.88
D333117	DANIEL L CLEARWATER	4353.49	D333118	YVES G CLERMONT	3215.08
D333119	JOE W CRAWFORD	3022.03	D333120	TIMOTHY A CRAWFORD	3390.68
D333121	JUSTIN D DOYLE	4745.03	D333122	MICHAEL G ECKHARDT JR	5175.91
D333123	DAVID W EDNOFF	5477.52	D333124	STEVE P FELNER	5590.52
D333125	JAMES L GABBARD	4615.53	D333126	DREW R GARCIA	2861.23
D333127	MATTHEW R HENSHAW	2979.10	D333128	MICHAEL L JACOBS	2304.77
D333129	WILLIAM R JAEGER	2144.21	D333130	JORDAN R JEMIOLA	3604.56
D333131	MATTHEW C KLEIBACKER	1754.66	D333132	SCOTT A KUHLMAN	3183.55
D333133	NICHOLAS A LERARIO	1753.60	D333134	COREY L LINDSAY	1631.32
D333135	NORMAN M LOVELY	3706.05	D333136	CHEYNE C MAULE	6776.63
D333137	TERRY A MCGOVERN JR	6674.47	D333138	SHANE D MELLEME	2156.80
D333139	TRAVIS M MELLEME	6362.63	D333140	MARK A MICKELSEN	8985.82
D333141	SON L NGUYEN	3264.18	D333142	THANH Q NGUYEN	4514.32
D333143	FREDERICK N NIBLO	2687.58	D333144	BRENT C PARDOEN	5313.40
D333145	MICHAEL KURT RIETH	3826.82	D333146	WADE E RUHMAN	3588.32
D333147	DENNIS L RUZICKA	4573.63	D333148	DAVID C SANCHEZ	5273.71
D333149	TIMOTHY S SAWYER	3863.63	D333150	NICK R SCHAEFER	2099.25
D333151	SCOTT A SCHERER	2285.99	D333152	MORRIS B SPELL	5519.51
D333153	WILLIAM S STROHM	3732.84	D333154	JUSTIN D TRAVER	2790.29

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D333155	CHRISTOPHER B TRENHOLM	2034.93	D333156	JUSTIN TRUHILL	6539.75
D333157	MARIO G VALDERRAMA	2434.07	D333158	DAVID S WALDSCHMIDT	3781.56
D333159	MARK S WEISS	8301.11	D333160	JOSEPH A WINGERT JR	2941.15
D333161	JASON R BLOMGREN	2939.59	D333162	MYLES A BURROUGHS	2851.64
D333163	DAVID M CARLSON	3403.37	D333164	PARKER W CARY	2397.88
D333165	JOSHUA A FELDMAN	4782.62	D333166	TIMOTHY D FISHER	4185.95
D333167	GARRET M FURUTA	2323.69	D333168	CHRISTOPHER P HAWKINS	3374.03
D333169	SHANE S HOWEY	1482.26	D333170	PETER M HUBER	3325.01
D333171	JAYCEN R JUSTUS	3272.91	D333172	ANTHONY L KNAACK	2553.61
D333173	JOSHUA D LEE	3763.13	D333174	DANIEL J MOORE	4905.34
D333175	GRANT A NOBLE	3520.03	D333176	ERIC S NORRDM	3833.83
D333177	ANTHONY J PAGE	2298.45	D333178	ERIC M PALOMO	4013.37
D333179	ANDREW J ROACH	4441.78	D333180	RICHARD RONSTADT	4603.46
D333181	TIMOTHY N STOWE	3073.43	D333182	ERIC THORSON	5178.55
D333183	RYAN D VAN WIE	3856.63	D333184	JONATHAN C WHITE	4192.22
D333185	GREGORY D WILLIAMS	2025.75	D333186	JEREMIE E YORKE	3671.99
D333187	BRYSON T DAHLHEIMER	1912.79	D333188	LISA S GUARDI	674.00
D333189	DON T NGUYEN	1690.48	D333190	NICHOLAS S SEELEY	145.32
D333191	JOSEPH I VALENZUELA	145.32	D333192	PAUL J WHITTAKER	5173.99
D333193	RANDY ABRAHAMSON	3765.98	D333194	TODD D ELGIN	5796.53
D333195	CAROLE A KANEGAE	2470.78	D333196	KRISTEN A BACKOURIS	1559.91
D333197	SHARON S BAEK	1706.43	D333198	GENA M BOWEN	1275.27
D333199	JESSENIA CAMPOS	1221.85	D333200	THOMAS R DARE	4685.99
D333201	HELENA ELSOUSOU	3604.37	D333202	ROBERT D FOWLER	3800.26
D333203	PATRICK E GILDEA	2711.49	D333204	AI KELLY HUYNH	1922.23
D333205	CINDY S NAGAMATSU HANLON	2304.60	D333206	JEFFREY C NIGHTENGALE	3244.65
D333207	REYNA ROSALES	1527.87	D333208	TIMOTHY R ASHBAUGH	2152.38
D333209	ALFREDO R AVALOS	3328.13	D333210	RENE BARRAZA	3363.39
D333211	CARLOS BAUTISTA JR	2486.73	D333212	RYAN S BERLETH	1883.21
D333213	SUMMER A BOGUE	1825.87	D333214	ROBERT W CAMPBELL	1403.73
D333215	JEROME L CHEATHAM	2796.22	D333216	GARY L COULTER	2605.97
D333217	NATHANIEL D COX	2170.46	D333218	CHARLIE DANIELEY III	1840.15
D333219	NICHOLAS A DE ALMEIDA LO	6477.32	D333220	JARED R DOYLE	1573.59
D333221	MICHELLE N ESTRADA-MONSA	2670.82	D333222	KARI A FLOOD	2184.14
D333223	VICTORIA A GILL	1572.96	D333224	BRIAN C GIRGENTI	3239.73
D333225	JOSEPH P GROSS JR	2612.42	D333226	TROY HALLER	3367.47
D333227	ALLAN S HARRY	4607.57	D333228	WILLIAM T HOLLOWAY	3384.63
D333229	MICHAEL J JENSEN	3013.26	D333230	NICKOLAS K JENSEN	2515.24
D333231	PATRICK R JULIENNE	2475.58	D333232	KRISTOFER D KELLEY	2511.88
D333233	TIMOTHY P KOVACS	2842.34	D333234	AUSTIN C LAVERTY	2418.04
D333235	CHRISTOPHER LAWTON	3091.11	D333236	JON D LOFQUIST	2061.12
D333237	BRADLEY A LOWEN	2255.10	D333238	SHAYLEN L MAO	2409.34
D333239	MATTHEW P MARCHAND	2649.66	D333240	MARIO MARTINEZ JR	3510.41
D333241	BRYAN J MEERS	2582.75	D333242	JEREMY N MORSE	2903.53
D333243	MITCHEL S MOSSER	2756.49	D333244	JASON M MURO	2686.47
D333245	PATRICK J MUSCHETTO	2304.43	D333246	AARON S NELSON	2752.69
D333247	ADAM C NIKOLIC	3384.42	D333248	LUIS A PAYAN	2728.27
D333249	JASON S PERKINS	3422.83	D333250	PHILLIP H PHAM	2111.37

**** PAGE TOTAL = 284576.44

D333251	DOUGLAS A PLUARD	3294.25	D333252	COREY T POLOPEK	2562.42
D333253	JOHN E REYNOLDS	4271.05	D333254	CHRISTIN E ROGERS	3702.03
D333255	AARON T SHIPLEY	1912.20	D333256	GAREY D STAAL	3446.54
D333257	BRIAN T STROUD	3352.92	D333258	VINCENTE J VAICARO	3917.08
D333259	EDGAR VALENCIA	3144.18	D333260	DANIEL J VILLEGAS	1109.73
D333261	JONATHAN B WAINWRIGHT	2772.81	D333262	CHRISTOPHER A WASINGER	3499.90
D333263	ROYCE C WIMMER	2543.97	D333264	ADAM D ZMIJA	7347.86
D333265	MARCOS R ALAMILLO	3795.16	D333266	BOBBY B ANDERSON	2683.37
D333267	PEDRO R ARELIANO	3053.39	D333268	JOHN F BANKSON	7943.87
D333269	JOSHUA K BEHZAD	2337.32	D333270	JEFFREY A BROWN	3549.33
D333271	JOHN CASACCIA II	4693.27	D333272	JUAN C CENTENO	3511.64
D333273	HAN J CHO	2778.44	D333274	BRIAN M CLASBY JR	3250.23
D333275	JULIO C CORTEZ	2264.04	D333276	KEVIN DINH	2697.00
D333277	AMIR A EL-FARRA	3672.79	D333278	HECTOR FERREIRA JR	2187.15
D333279	GEORGE R FIGUEREDO	3637.44	D333280	ROGER A FLANDERS	1505.60
D333281	MICHAEL E GERDIN	2561.82	D333282	ROBERT J GIFFORD	3394.39
D333283	SEAN M GLEASON	3694.58	D333284	BRIAN G HATFIELD	2768.45
D333285	EFRAIN A JIMENEZ JR	2117.11	D333286	ARION J KNIGHT	8331.15
D333287	RAPHAEL M LEE	1973.76	D333288	DEREK M LINK	2888.13
D333289	RAFAEL LOERA JR	2797.65	D333290	CHARLES H LOFFLER	3364.58
D333291	MARK A LORD	3755.53	D333292	TAYLOR A MACY	2323.11
D333293	GIANLUCA F MANIACI	1827.49	D333294	NATHAN D MORTON	2622.91
D333295	PATRICK W MURPHY	2020.74	D333296	RUDOLPH J NEGRON	2596.05
D333297	JEFFREY C NGUYEN	2961.25	D333298	STEVEN TRUJILLO ORTIZ	1932.32
D333299	OMAR F PEREZ	2716.61	D333300	JOHN E RANEY	3575.48
D333301	THOMAS S REED	2608.15	D333302	RYAN R RICHMOND	2406.62
D333303	ERIC T RUZIECKI	2809.06	D333304	SEAN M SALAZAR	3503.65
D333305	PHILIP E SCHMIDT	4888.09	D333306	ROBERT M STEPHENSON III	3542.78
D333307	JOHN J YERGLER	2105.34	D333308	KATHERINE M ANDERSON	6124.37
D333309	PAUL W ASHBY	4674.62	D333310	RYAN V BUSTILLOS	2968.63
D333311	THOMAS A CAPPS	2071.77	D333312	MICHAEL K ELHAMI	3359.20
D333313	DANNY J MIHALIK	2905.14	D333314	RON A REYES	4701.38
D333315	ROCKY F RUBALCABA	3033.71	D333316	LINO G SANTANA	6451.61
D333317	JUAN L DELGADO JR	3004.36	D333318	CHRISTOPHER M EARLE	2626.15
D333319	BENJAMIN M ELIZONDO	2338.07	D333320	OTTO J ESCALANTE	4642.85
D333321	GEORGE KAISER	4177.49	D333322	PETER M KUNKEL	3534.01
D333323	NICHOLAS A LAZENBY	3251.61	D333324	LUIS F RAMIREZ	3164.52
D333325	AARON J COOPMAN	2615.36	D333326	DONALD J HUTCHINS	3684.26
D333327	JASON L JOHNSON	2511.38	D333328	ERICK LEYVA	3198.77
D333329	RYAN M LUX	3148.76	D333330	RAUL MURILLO JR	4626.27
D333331	JOSHUA T OLIVO	3314.65	D333332	COURTNEY P ALLISON	2170.82
D333333	LISA A BELTHIUS	941.46	D333334	RANDY G CHUNG	353.77
D333335	ADAM B COUGHRAN	45.37	D333336	CHRISTOPHER C DOVEAS	422.54
D333337	DANIEL S EDWARDS	947.66	D333338	CRAIG A HERRICK	10.84
D333339	VERONICA NELSON	455.52	D333340	TRAVIS J WHITMAN	6378.09
D333341	CARL J WHITNEY	4094.51	D333342	FRANCISCO AVALOS JR	491.11
D333343	ISAAC DAVILA	229.54	D333344	JULIAN TAPIA	374.70
D333345	KENTON TRAN	739.50	D333346	CALEB I VAUGHN	607.39

**** PAGE TOTAL = 286915.54

D333347	KAREN D BRAME	889.42	D333348	KENNETH L CHISM	1843.18
D333349	RENZO CHUMBE	2093.71	D333350	PAUL E DANIELSON	2433.61
D333351	RUSSELL B DRISCOLL	431.34	D333352	KORY C FERRIN	3336.06
D333353	JAMES D FISCHER	916.32	D333354	VICTORIA M FOSTER	1463.58
D333355	KIRK P HURLEY	1722.19	D333356	CODY M JOHNSON	1798.31
D333357	CHAD B KIM	1855.20	D333358	EDWARD K KIM	1883.72
D333359	ROBERTO MACHUCA	1758.36	D333360	JORGE L MAZON	1718.43
D333361	JAKE T MELLA	1758.36	D333362	KENNETH E MERRILL	475.11
D333363	CHARLES W STARNES	5540.49	D333364	MICHAEL J VISCOMI	6645.70
D333365	TUONG-VAN NGUYEN VU	1785.23	D333366	WILLIAM ALLISON	3235.22
D333367	FLOR DE LIS ELIZONDO	1316.45	D333368	GARY E ELKINS	2169.02
D333369	JOHN A FLAWS	2033.74	D333370	JASON S FULTON	1929.85
D333371	JAMES C HOLDER	2925.81	D333372	ROBERT J KIVLER	1314.85
D333373	MICHELLE L KRESS	1174.33	D333374	VICTORIA L LAWTON	3015.20
D333375	EDUARDO C LEIVA	4040.51	D333376	RAQUEL D MATA	1114.73
D333377	REBECCA S MEES	2821.33	D333378	DAVID C YOUNG	3382.76
D333379	MARIA A ALCARAZ	1837.10	D333380	CARISSA L BRUNICK	2699.05
D333381	TAMMY L CHAURAN-HAIGROV	1800.15	D333382	VERONICA FRUTOS	1031.66
D333383	DAVID L GEORGE	2021.66	D333384	JOAN L HIGHTOWER	1714.55
D333385	PINKY C HINGCO	1892.44	D333386	SHELBY KEUILIAN	1564.44
D333387	ALLYSON T LE	1478.99	D333388	ANGELA LEDESMA	1893.47
D333389	MARIA C MCFARLANE	2014.35	D333390	JENNIFER L MONG	1407.70
D333391	TRINA T NGUYEN	1679.06	D333392	DEBRA J NICHOLS	2014.11
D333393	DIANA L O'BRIEN	1056.48	D333394	FELICIA H PEREZ	1359.14
D333395	ASHLEY C ROJAS	1661.66	D333396	JENNIFER V ROMBOUGH	1723.76
D333397	KIMBRA S VELLANOWETH	2124.90	D333398	KRISTIN M WEISS	1855.84
D333399	SHANNON M YELENSKY	1731.72	D333400	JENNIFER A DIX	2930.23
D333401	KATHERINE M FRANCISCO	1772.44	D333402	AMANDA B GARNER	2111.95
D333403	ARCHIE GUZMAN	3164.88	D333404	ROBERT D LUX	2465.07
D333405	MELISSA MENDOZA-CAMPOS	2723.89	D333406	MICHAEL A MOSER	1768.31
D333407	BRANDY J PARK	2857.57	D333408	CRISTINA V PAYAN	1629.85
D333409	JENNIFER M RODRIGUEZ	1937.93	D333410	TANYA L SAMOFF	2637.26
D333411	SUSAN A I SEYMOUR	2808.01	D333412	NICOLE D SHORROW	2239.94
D333413	DANNY J SOSEBEE	1671.60	D333414	MARSHA D SPELLMAN	2847.47
D333415	SPENCER T TRAN	2054.50	D333416	SANTA WARDLE	943.48
D333417	CHERYL L WHITNEY	2544.43	D333418	CLAUDIA ALARCON	2810.09
D333419	RICHARD A ALVAREZ-BROWN	2649.01	D333420	EVAN S BERESFORD	2406.94
D333421	RAY E BEX	4464.15	D333422	RICHARD O BURILLO	3462.68
D333423	DANIEL A CAMARA	2497.61	D333424	SCOTT A COLEMAN	3628.51
D333425	BRIAN D DALTON	1885.81	D333426	RICHARD E DESBIENS	1596.91
D333427	STEPHEN C ESTLOW	1161.75	D333428	JAMES D FRANKS	3698.22
D333429	PETE GARCIA	2046.83	D333430	STEVEN H HEINE	1874.00
D333431	JOSE D HERRERA	3042.68	D333432	THI A HUYNH	2556.00
D333433	GERALD F JORDAN	2578.66	D333434	JOSEPH L KOLANO	2214.59
D333435	LEA K KOVACS	2696.37	D333436	DAVID LOPEZ	2608.23
D333437	STEVEN W LUKAS	1501.40	D333438	SINDY RAMIREZ OROZCO	2256.83
D333439	TERRA M RAMIREZ	1993.35	D333440	CHRISTOPHER M SHELGREEN	2127.81
D333441	PAUL M TESSIER	2558.50	D333442	DENNIS WARDLE	2657.74


**** PAGE TOTAL = 211467.83

D333443	RONALD A DOSCHER	405.80	D333444	ERIC A QUINTERO	3254.69
D333445	MARY C CERDA	1922.21	D333446	NICHOLAS G FRANC	1783.17
D333447	BRANDI M HART	871.08	D333448	LIANE Y KWAN	2811.50
D333449	JANY H LEE	3375.08	D333450	SHERRILL A MEAD	2168.21
D333451	CAITLYN M STEPHENSON	1658.78	D333452	LAURA J STOVER	4793.56
D333453	SANDRA L VERA	2855.21	D333454	FRANA K CASSIDY	1664.03
D333455	ANNA L GOLD	1653.52	D333456	HIEN Q PHAM	1752.43
D333457	KATRENA J SCHULZE	379.99	D333458	MATTHEW T SWANSON	1246.22
D333459	ANTHONY VALENZUELA	1347.15	D333460	CANDY G WILDER	1928.32
D333461	STEVEN F ANDREWS	1179.39	D333462	TERENCE S CHANG	2152.24
D333463	VERNA L ESPINOZA	1770.18	D333464	CESAR GALLO	2429.22
D333465	CHARLES D KALIL	4223.98	D333466	GEOFFREY A KJOESS	2578.07
D333467	RACHOT MORAGRAAN	3310.31	D333468	NOEL J PROFFITT	3099.15
D333469	ANAND V RAO	3608.33	D333470	JOSEPH M SCHWARTZ	2262.85
D333471	ROD T VICTORIA	2153.79	D333472	TERREL KEITH WINSTON	3433.31
D333473	POLICE ASSN	15834.66	D333474	GG FIRE FIGHTERS 2005	21662.78
D333475	SO CAL CU	82649.00	D333476	SOUTHLAND CU	11111.94
D333477	STEPHANIE AMBRIZ	609.09	W2486	GREAT WEST LIFE 457 #340	129289.53
W2487	GREAT WEST LIFE OBRA#340	5927.71	W2488	INTERNAL REVENUE SERVICE	385451.69
W2489	EMPLOYMENT DEVELOPMENT D	116087.55			

**** PAGE TOTAL = 836695.72

TOTAL CHECK PAYMENTS	66	199,617.40
TOTAL DIRECT DEPOSITS	737	1,781,861.84
TOTAL WIRE PAYMENTS	4	636,756.48
GRAND TOTAL PAYMENTS	807	2,618,235.72

Checks #182423 thru #182486, and Direct Deposits #D332285 thru #D333477, and wire #W2486 thru #W2489 presented in the Payroll Register submitted to the Garden Grove City Council 24 JUL 2018, have been audited for accuracy and funds are available for payment thereof.


KINGSLEY C OKEREKE - FINANCE DIRECTOR

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
638716	EXCLUSIVE AUTO DETAIL	REV & VOID	-1,340.00 *
639878	PENCO ENGINEERING, INC.	REV & VOID	-14,871.50 *
640103	BUBBLE PLAYGROUND	REV & VOID	-616.00 *
640360	DOAN, HIEP THI	REV & VOID	-906.00 *
640408	KEITH AND HOLLY CORPORATION	REV & VOID	-2,562.00 *
640417	LAS FLORES APARTMENTS	REV & VOID	-819.00 *
640522	SCHWERTMAN, CELESTE	REV & VOID	-1,412.00 *
640577	STATE OF CALIF-FRANCHISE TAX BOARD	WAGE ATTACHMENT	404.26 *
640578	CHEVRON AND TEXACO CARD SERV	MV GAS/DIESEL FUEL	100.35 *
640579	CONTINENTAL CONCRETE CUTTING	OTHER MAINT ITEMS	1,330.00 *
640580	DOCUMEDIA GROUP	PAPER/ENVELOPES	143.38 *
640581	ES ENGINEERING	OTHER PROF SERV	18,308.94 *
640582	FOUNTAIN VALLEY MUSIC	UNCLM PROPERTY REFUND	1,625.40 *
640583	HAAKER EQUIPMENT COMPANY	UNCLM PROPERTY REFUND	960.77 *
640584	STEVEN ENTERPRISES, INC.	REPRO SUPPLIES	258.60 *
640585	TIME WARNER CABLE	CABLE TV SERVICE	666.13 *
640586	HELEN LOUISE SWAIM	UNCLM PROPERTY REFUND	26.03 *
640587	ORANGE COUNTY SHERIFF/ LEVYING OFFICER CENTRAL DIV	WAGE ATTACHMENT	422.61 *
640588	PHILLIPS, MICHAEL	ACCOUNTS RECEIVABLE	6,514.92 *
640589	CHEVRON & TEXACO UNIVERSAL CARD	MV GAS/DIESEL FUEL	97.94 *
640590	CHESHIRE MEDICAL CORPORATION PROCARE WORK INJURY CENTER	MEDICAL SERVICES	3,011.87 *

PAGE TOTAL FOR "*" LINES = 11,344.70

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640591	HUGHES COMMUNICATION INC DBA: HUGHES NETWORK SYSTEMS LLC	OTHER MAINT ITEMS	184.68 *
640592	MONSON, MARK	UNIFORM/TOOL ALLOW	800.00 *
640593	SCHWERMANN, CELESTE	WAGE ATTACHMENT RENT SUBSIDY	-150.00 1,412.00 1,262.00 *
640594	DOAN, HUY	WAGE ATTACHMENT RENT SUBSIDY	-318.75 1,275.00 956.25 *
640595	UNION BANK	ADVERTISING OTHER PROF SERV TAXES/LICENSES FOOD OTHER PROF SUPPLIES OFFICE SUPPLIES/EXP	232.06 170.00 49.99 51.38 320.36 17.85 841.64 *
640596	VOID WARRANT		
640597	UNION BANK	OTHER RENTALS ADMN/ENTRANCE FEE FOOD SERV SUPPL OTHER CLOTHING ITEMS OTHER FOOD ITEMS HSHLD EQUIP/SUPPLIES OFFICE SUPPLIES/EXP MINOR OFFICE FURN/EQ MINOR FURN/EQUIP OTHER MINOR TOOLS/EQ ATHLETIC SUPPLIES AWARDS/TROPHIES OTHER REC/CULT SUPP	217.50 440.25 92.04 131.74 619.93 59.51 906.86 626.69 169.99 28.96 64.63 180.00 692.11 4,230.21 *
640598	VOID WARRANT		
640599	UNION BANK	FACT:YTH ENRCH FACT:PROGRAM EXP FOOD FOOD SERV SUPPL	219.05 223.22 286.83 82.87

PAGE TOTAL FOR "*" LINES = 8,274.78

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640600	VOID WARRANT		
640601	UNION BANK		
		BOTTLED WATER	47.41
		OTHER FOOD ITEMS	912.25
		MEDICAL SUPPLIES	123.79
		HSHLD EQUIP/SUPPLIES	96.33
		OFFICE SUPPLIES/EXP	194.11
		MINOR OFFICE FURN/EQ	64.60
		OTHER REC/CULT SUPP	245.26
			2,495.72 *
		FACT:YTH ENRCH	731.51
		L/S/A TRANSPORTATION	70.18
		ADMN/ENTRANCE FEE	209.00
		FACT:PROGRAM EXP	355.40
		FACT:STGTH FTHRS	79.38
		FOOD	320.18
		FOOD SERV SUPPL	464.42
		BOTTLED WATER	33.51
		OTHER FOOD ITEMS	590.26
		OTHER PROF SUPPLIES	32.31
		OFFICE SUPPLIES/EXP	473.30
		OTHER MINOR TOOLS/EQ	211.52
		OTHER REC/CULT SUPP	213.49
			3,784.46 *
640602	AT&T	TELEPHONE	4,457.41 *
640603	AT&T	TELEPHONE	298.02 *
640604	ANAHEIM, CITY OF	ELECTRICITY	91.83 *
640605	SPOK, INC.	TELEPHONES/BEEPERS	189.35 *
640606	FRONTIER COMMUNICATIONS	TELEPHONE/BEEPERS	1,426.63 *
640607	MCI COMM SERVICE	TELEPHONE	34.25 *
640608-640611	VOID WARRANTS		
640610	SO CALIF EDISON CO	ELECTRICITY	116,619.95 *
640611	SO CALIF GAS CO	NATURAL GAS	20,015.20 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640614	SPRINT	TELEPHONE	69.60 *
640615	TIME WARNER CABLE	CABLE	315.70 *
640616	VERIZON WIRELESS-LA	TELEPHONE/BEEPERS	14,561.07 *
640617	AAA OIL, INC. dba California Fuels & Lub	MV GAS/DIESEL FUEL	47,148.77 *
640618	ALLIANT INSURANCE SERVICES INC	MISC LIABILITY INS	9,908.00 *
640619	CALIFORNIA JOURNAL FOR FILIPINO AMERICANS	ADVERTISING	500.00 *
640620	EXCLUSIVE AUTO DETAIL	MOTOR VEHICLE MAINT	1,340.00 *
640621	GARDEN GROVE SECURED STORAGE	LAND/BLDG/ROOM RENT	240.00 *
640622	S.C. YAMAMOTO, INC.	MAINT-SERV CONTRACTS	9,684.25 *
640623	UNION BANK	REGISTRATION FEES	1,575.00
		ADMN/ENTRANCE FEE	587.00
		FOOD	1,117.57
		UNIFORMS	62.50
		OFFICE SUPPLIES/EXP	109.86
			3,451.93 *
640624	UNION BANK	ELECTROLIERS	998.00
		TUITION/TRAINING	1,102.00
		OTHER MINOR TOOLS/EQ	142.68
		HARDWARE	418.47
			2,661.15 *
640625	UNION BANK	POSTAGE	20.10
		OTHER EDUCATION EXP	540.00
		OTHER MAINT ITEMS	64.79
		OFFICE SUPPLIES/EXP	122.85
			747.74 *
640626	UNION BANK	REGISTRATION FEES	125.00
		OFFICE SUPPLIES/EXP	259.44
			384.44 *
640627	UNION BANK	REGISTRATION FEES	25.00 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640628	UNION BANK	NETWORKING SERVICES	57.03
		LODGING	278.60
		REGISTRATION FEES	1,050.00
		TUITION/TRAINING	34.99
		TELEPHONE EQUIP	279.94
		OTHER MOTOR VEH SUPP	137.95
		NETWORKING SUPPLIES	281.34
		SOFTWARE	109.99
		OFFICE SUPPLIES/EXP	406.85
			2,636.69 *
640629	CARL WARREN & CO	SELF-INS ADMN	9,315.00 *
640630	OCLEEEAA	DUES/MEMBERSHIPS	690.00 *
640631	COUNTY OF ORANGE TREASURER REVENUE RECOVERY-A/R UNIT	CITATION DIST	56,345.50 *
640632	BECERRA, RUDY	SAFETY EQ/SUPPLIES	84.48 *
640633	GOSSELIN*, RICHARD	SAFETY EQ/SUPPLIES	150.00 *
640634	ALLIANT INSURANCE SERVICES INC	ALL RISK - PROPERTY	608,393.73
		MISC PROPERTY INS	1,676.00
			610,069.73 *
640635	STATE OF CALIF-FRANCHISE TAX BOARD	WAGE ATTACHMENT	318.75 *
640636	STATE OF CALIF-FRANCHISE TAX BOARD	WAGE ATTACHMENT	150.00 *
640637	DELGADO, JUAN	TRAVEL ADVANCE-P.D.	156.70 *
640638	DELGADO, JUAN	MED TRUST REIMB	635.00
		DEP CARE REIMB	710.78
			1,345.78 *
640639	GUERRERO, PAUL	MED TRUST REIMB	140.00 *
640640	*HARTWIG, TODD	SAFETY EQ/SUPPLIES	240.00 *
640641	HOLDER, JAMES C	MED TRUST REIMB	1,125.00 *
640642	HOLLYWOOD WAX MUSEUM, INC.	ADMN/ENTRANCE FEE	677.58 *

PAGE TOTAL FOR "*" LINES = 683,445.21

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640643	JOHN BARANGER III	MED TRUST REIMB	1,051.68 *
640644	LOWE*, SCOTT T	MED TRUST REIMB	1,530.84 *
640645	NATURAL HISTORY MUSEUM OF LOS ANGELES COUNTY	ADMN/ENTRANCE FEE	256.00 *
640646	O'CADIZ-HERNANDEZ*, GABRIELA	MED TRUST REIMB	375.00 *
640647	PHI, THYANA	MED TRUST REIMB	2,499.90 *
640648	SEGAWA*, SANDRA	MED TRUST REIMB	65.00 *
640649	UNION BANK	MV GAS/DIESEL FUEL	562.50 *
640650	UNION BANK	MV GAS/DIESEL FUEL	838.30 *
640651	UNION BANK	MV GAS/DIESEL FUEL	474.96 *
640652	UNION BANK	FOOD	29.98 *
640653	UNION BANK	REGISTRATION FEES	18.99
		TUITION/TRAINING	134.70
		OTHER MOTOR VEH SUPP	86.94
		ELECTRICAL SUPPLIES	36.34
		OFFICE SUPPLIES/EXP	582.46
		GEN PURPOSE TOOLS	798.22
			1,657.65 *
640654	UNION BANK	LODGING	1,976.24
		OTHER CONF/MTG EXP	25.00
		TUITION/TRAINING	320.00
		BOOKS/SUBS/CASSETTES	24.99
		OTHER PROF SUPPLIES	107.97
			2,454.20 *
640655	VOID WARRANT		
640656	WEISS, MARK S	MED TRUST REIMB	137.44 *
640657	VALDIVIA, CLAUDIA	MED TRUST REIMB	91.67
		DEP CARE REIMB	400.00

PAGE TOTAL FOR "*" LINES = 11,933.45

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640658	VASSY, KARLA PIXIE DUST ENTERTAINMENT	OTHER PROF SERV	491.67 *
640659	NORTH JUSTICE CENTER	BAIL BOND DEP REFUND	480.00 *
640660	HODSON, AARON	DEP CARE REIMB	500.00 *
640661	CITIBANK %CITIGROUP	OTHER PROF SERV LODGING OTHER CONF/MTG EXP	92.31 * 60.00 3,658.98 700.29 4,419.27 *
640662	OC TREASURER-TAX COLLECTOR	PERMITS/OTHER FEES	107.13 *
640663	GARDEN GROVE DOWNTOWN BUSINESS ASSOCIATION	EXP REIMBURSEMENT	1,319.42 *
640664	D-PREP, LLC	TUITION/TRAINING	390.00 *
640665	CALIF PARK & RECREATION SOCIETY CPRS	TUITION/TRAINING	790.00 *
640666	COUNTY OF ORANGE TREASURER REVENUE RECOVERY-A/R UNIT	CITATION DIST	27,280.00 *
640667	M. GANNON ECKHARDT	MED TRUST REIMB	45.00 *
640668	ORANGE COUNTY SHERIFF'S DEPT	TUITION/TRAINING	450.00 *
640669	MEERS, BRYAN	MED TRUST REIMB DEP CARE REIMB	646.10 1,370.54 2,016.64 *
640670	ELIZABETH PETERSON	OTHER PROF SERV	200.00 *
640671	BERESFORD, EVAN	TRAVEL ADVANCE-P.D.	156.70 *
640672	DOUCETTE, JON	PROP/EV REFUND	292.00 *
640673	ALLIANT INSURANCE SERVICES INC	MISC LIABILITY INS	55,222.32 *
640674	A&A WIPING CLOTH, INC	WHSE INVENTORY	1,155.62 *
640675	ACA COMPLIANCE SERVICES INC DBA CIMPLX COMPLIANCE SERVICES	OTHER PROF SERV	1,368.75 *

PAGE TOTAL FOR "*" LINES = 96,776.83

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640676	AKM CONSULTING ENGINEERS	ENGINEERING SERVICES	19,605.00 *
640677	APP-ORDER, LLC	OTHER PROF SERV	680.00 *
640678	ABSOLUTE INTERNATIONAL SECURITY	OTHER PROF SERV	1,933.88 *
640679	ADAMSON POLICE PRODUCTS	MOTOR VEH PARTS	-459.77
		GUNS/AMMUNITION	1,959.42
			1,499.65 *
640680	ALAN'S LAWN AND GARDEN CENTER INC.	OTHER MAINT ITEMS	228.54 *
640681	MAYFLOWER DISTRIBUTING CO	OTHER REC/CULT SUPP	324.19 *
640682	ALL BRANDS SEWING & VACUUM	GEN PURPOSE TOOLS	38.45 *
640683	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD SERV	10,030.68 *
640684	AMTECH ELEVATOR SERVICES	MAINT-SERV CONTRACTS	756.11 *
640685	CITY OF ANAHEIM DIVISION OF COLLECTION	FAIR SHARE COST	366,167.57 *
640686	ANAHEIM HOUSING AUTHORITY COMMUNITY DEV.	MOBILITY INSP FEE	1,050.00 *
640687	ANAHEIM REGIONAL MEDICAL CENTER	MEDICAL SERVICES	800.00 *
640688	ANGELUS QUARRIES, INC.	AGGREGATES/MASONRY	75.43 *
640689	AUTO PARTS DISTRIBUTOR	MOTOR VEH PARTS	8,348.30 *
640690	BC TRAFFIC SPECIALIST	SAFETY EQ/SUPPLIES	10,159.13 *
640691	BAY ALARM COMPANY	NATURAL GAS	174.97 *
640692	BENDRITE SHEET METAL, INC.	HARDWARE	45.26 *
640693	BIG RON'S AUTO BODY & PAINT, INC.	REPAIRS-FURN/MACH/EQ	5,344.99 *
640694	ANTHONY BIRMINGHAM WINDOW CLEANING	MAINT-SERV CONTRACTS	1,351.00 *
640695	BLAIS & ASSOCIATES, INC.	OTHER PROF SERV	3,379.50 *
640696	BOLSA NURSERY	TREES	328.70 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640697	BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	808.32 *
640698	BROWNELLS, INC.	OTHER MINOR TOOLS/EQ	383.80 *
640699	BUTTERS, THOMAS E.	SAFETY EQ/SUPPLIES	219.30 *
640700	CJ CONCRETE CONSTRUCTION, INC.	MAINT-SERV CONTRACTS	143,754.50 *
640701	C.WELLS PIPELINE MATERIALS INC.	WHSE INVENTORY	1,770.36 *
640702	CALIF FORENSIC PHLEBOTOMY INC	MEDICAL SERVICES	2,996.00 *
640703	CAMERON WELDING SUPPLY	OTHER PROF SERV	44.90
		FACT:PROGRAM EXP	20.30
		MOTOR VEH PARTS	253.76
		OTHER REC/CULT SUPP	44.90
			363.86 *
640704	CAMPBELL WINDOW FILM	MAINT OF REAL PROP	1,960.00 *
640705	CERTIFIED TRANSPORTATION SERVICES, INC.	L/S/A TRANSPORTATION	2,473.50 *
640706	CHUN, MYUNG	SAFETY EQ/SUPPLIES	240.00 *
640707	CHEM PRO LABORATORY, INC	MAINT-SERV CONTRACTS	732.39 *
640708	CIVILTEC ENGINEERING INC	ENGINEERING SERVICES	950.00 *
640709	SUPPLYWORKS	WHSE INVENTORY	1,542.81
		JANITORIAL SUPPLIES	147.26
			1,690.07 *
640710	CLEANSTREET	STREET SWEEPING SERV	103,350.92 *
640711	COASTLINE EQUIPMENT	MOTOR VEH PARTS	426.50 *
640712	COMMUNITY VETERINARY HOSPITAL	OTHER PROF SERV	800.00 *
640713	COMLOCK SECURITY GROUP COMMERCIAL LOCK & SECURITY	REPAIRS-FURN/MACH/EQ	900.04
		OTHER PROF SUPPLIES	1,617.37
			2,517.41 *
640714	CONTINENTAL CONCRETE CUTTING	OTHER MAINT ITEMS	11,282.00 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640715	CONTROL AUTOMATION DESIGN	MAINT-SERV CONTRACTS	6,670.00 *
640716	COOLSHIRT SYSTEMS	SAFETY EQ/SUPPLIES	1,553.25 *
640717	CPC SYSTEMS, INC.	LABORATORY CHEMICALS	400.00 *
640718	CRON & ASSOCIATES TRANSCRIPTION, INC.	OTHER PROF SERV	5,755.80 *
640719	L.N.CURTIS & SONS DEPT 34921	SAFETY EQ/SUPPLIES	130.91 *
640720	CUTTERS EDGE	GEN PURPOSE TOOLS	748.04 *
640721	DEKRA-LITE INDUSTRIES INC.	OTHER PROF SERV	86.10 *
640722	DENNIS GRUBB & ASSOCIATES, LLC	OTHER PROF SERV	4,050.00 *
640723	DIAMOND ENVIRONMENTAL SERVICES	OTHER RENTALS	236.02
		MAINT-SERV CONTRACTS	1,515.82
		OTHER MAINT ITEMS	185.92
			1,937.76 *
640724	DOOLEY ENTERPRISES, INC.	GUNS/AMMUNITION	862.00 *
640725	DUNN-EDWARDS CORPORATION	PAINT/DYE/LUBRICANTS	166.89 *
640726	ECONOLITE CONTROL PRODUCTS INC	TRAFFIC SIGNAL MAINT	18,374.45 *
640727	ENTENMANN-ROVIN CO	UNIFORMS	2,929.93 *
640728	ENTERPRISE FLEET MGMT INC CUSTOMER BILLINGS	VEHICLE OP LEASE	5,951.18 *
640729	ES ENGINEERING	OTHER PROF SERV	5,262.00 *
640730	EWING IRRIGATION PRODUCTS, INC.	REPAIRS-FURN/MACH/EQ	414.00
		PIPES/APPURTENANCES	1,208.04
			1,622.04 *
640731	JOHN B EWLES INC	OTHER MAINT ITEMS	200.00 *
640732	EXCLUSIVE AUTO DETAIL	MOTOR VEHICLE MAINT	2,576.00 *
640733	FEDERAL EXPRESS CORP	DELIVERY SERVICES	57.80 *

PAGE TOTAL FOR "*" LINES = 59,334.15

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640734	FISHER, TIM*	TUITION/TRAINING	200.00 *
640735	FORD OF ORANGE	MOTOR VEH PARTS	6,552.47 *
640736	FRYE SIGN CO	MOTOR VEHICLE MAINT SAFETY EQ/SUPPLIES	735.00 25.86 760.86 *
640737	FUN EXPRESS, INC.	FACT: PROGRAM EXP OTHER REC/CULT SUPP	75.82 543.45 619.27 *
640738	MONTROSE AIR QUALITY SERVICES, LLC	MAINT-SERV CONTRACTS	2,245.00 *
640739	GANAHL LUMBER COMPANY	LUMBER	1,383.82 *
640740	CITY OF GARDEN GROVE	CITY WATER SERVICES	100.81 *
640741	REPUBLIC SERVICES #676	REFUSE COLL SERV	1,320.06 *
640742	REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC	AMT DUE GG DISPSL REFUSE COLL SERV	28,721.32 9,813.09 38,534.41 *
640743	GARDEN GROVE UNIFIED SCHOOL DIST	LAND/BLDG/ROOM RENT	595.20 *
640744	GOLDEN OFFICE TRAILERS INC	LAND/BLDG/ROOM RENT	862.00 *
640745	GRAFFITI PROTECTIVE COATINGS, INC.	MAINT-SERV CONTRACTS TRAFFIC SIGNAL MAINT	23,515.21 572.18 24,087.39 *
640746	GUZMAN, JESSE	UNIFORM/TOOL ALLOW	800.00 *
640747	HAAKER EQUIPMENT COMPANY	MOTOR VEH PARTS	219.36 *
640748	HACH COMPANY INC	LABORATORY CHEMICALS	818.17 *
640749	HARBOR POINTE AIR CONDITIONING & CONTROL SYSTEMS, INC.	AIR COND SUPPLIES	465.00 *
640750	HARRINGTON INDUSTRIAL PLASTICS LLC	OTHER MAINT ITEMS	290.56 *
640751	*LEDESMA, ANGELA	MILEAGE REIMB	42.67 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640752	HILLCO FASTENER WAREHOUSE	MOTOR VEH PARTS	25.42 *
640753	HILL'S BROS LOCK & SAFE INC	MAINT-SERV CONTRACTS	1,254.39
		MOTOR VEH PARTS	124.77
		ELECTRICAL SUPPLIES	5.00
		OTHER MAINT ITEMS	215.23
		OTHER MINOR TOOLS/EQ	568.86
		HARDWARE	415.10
			2,583.35 *
640754	HUYNH, AI KELLY	TUITION REIMB	240.00 *
640755	INTERWEST CONSULTING GROUP	OTHER PROF SERV	15,378.52 *
640756	INTERVAL HOUSE	OTHER PROF SERV	24,129.58 *
640757	DANGELO CO	OTHER MAINT ITEMS	90,094.09 *
640758	JAY'S CATERING	OTHER PROF SERV	576.44
		OTHER AGR SUPPLIES	247.83
		FOOD	227.00
			1,051.27 *
640759	JOHNSTONE SUPPLY	AIR COND SUPPLIES	456.35 *
640760	KILMER, WAGNER & WISE PAPER COMPANY, INC.	PAPER/ENVELOPES	414.08 *
640761	KLEIBACKER, MATT	MINOR FURN/EQUIP	631.94 *
640762	KNORR SYSTEMS, INC.	REPAIRS-FURN/MACH/EQ	1,628.76
		OTHER MAINT ITEMS	650.28
			2,279.04 *
640763	KOA CORPORATION	OTHER PROF SERV	2,100.00 *
640764	LSA ASSOCIATES, INC	DEPOSIT REFUND	2,309.14 *
640765	LANGUAGE LINE SERVICES	TELEPHONE	20.68 *
640766	LAWSON PRODUCTS, INC.	MOTOR VEH PARTS	3,842.44 *
640767	LEON'S TRANSMISSION SERVICES INC	REPAIRS-FURN/MACH/EQ	2,355.42 *

PAGE TOTAL FOR "*" LINES = 147,911.32

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640768	LORRAINE MENDEZ & ASSOCIATES, LLC	OTHER PROF SERV	1,600.00 *
640769	LUDWIG, DAWNA	INSTRUCTOR SERVICES	808.15 *
640770	MAULE, CHEYNE	TUITION REIMB	2,800.00 *
640771	MC MASTER-CARR SUPPLY CO	ELECTRICAL SUPPLIES	511.24
		OTHER MAINT ITEMS	71.28
			582.52 *
640772	MERCHANTS BLDG MAINT LLC	MAINT-SERV CONTRACTS	11,569.98
		JANITORIAL SUPPLIES	444.48
			12,014.46 *
640773	GARDEN GROVE ACE HARDWARE	HARDWARE	72.94 *
640774	MOMAR, INC	JANITORIAL SUPPLIES	715.02
		OTHER MINOR TOOLS/EQ	945.29
			1,660.31 *
640775	MR. D'S AUTOMOTIVE	MOTOR VEHICLE MAINT	35.00 *
640776	MUNIENVIRONMENTAL, LLC	OTHER PROF SERV	7,960.75 *
640777	NATIONAL CONSTRUCTION RENTALS	OTHER RENTALS	364.61 *
640778	VOID WARRANT		
640779	OFFICE DEPOT, INC	OFFICE SUPPLIES/EXP	5,059.49 *
640780	NGUYEN, MARIA THOA	TENANT UTILITY REIMB	2.00 *
640781	NIAGARA PLUMBING	ELECTRICAL SUPPLIES	10.88
		PIPES/APPURTENANCES	433.58
			444.46 *
640782	OCEAN BLUE ENVIRONMENTAL SERVICES, INC.	MAINT-SERV CONTRACTS	2,440.70
		OTHER PROF SERV	2,176.16
			4,616.86 *
640783	ORANGE COUNTY APPLIANCE PARTS	AIR COND SUPPLIES	31.62 *
640784	O.C. HOUSING AUTHORITY ACCTG DEPT.	MOBILITY INSP FEE	5,550.00 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640785	ORANGE COUNTY NEWS	ADVERTISING	4,962.25 *
640786	ORANGE COUNTY STRIPING SERV	MAINT-SERV CONTRACTS	18,813.08 *
640787	PENNER PARTITIONS, INC.	JANITORIAL SUPPLIES	905.10 *
640788	PETDATA	OTHER PROF SERV	3,752.60 *
640789	PACIFIC COAST CABLING, INC. PCC NETWORK SOLUTIONS	NETWORKING SERVICES	9,152.03
		NETWORKING SUPPLIES	702.97
			9,855.00 *
640790	PACIFIC ROOTER DAY & NIGHT PLUMBING	MAINT-SERV CONTRACTS	180.00 *
640791	PAVEMENT COATINGS CO.	ASPHALT PRODUCTS	2,267.68 *
640792	PEARSON, WILLIAM	DUES/MEMBERSHIPS	235.00
		SAFETY EQ/SUPPLIES	228.35
			463.35 *
640793	PENCO ENGINEERING, INC.	ENGINEERING SERVICES	616.62
		OTHER PROF SERV	2,400.00
			3,016.62 *
640794	PEST OPTIONS, INC.	MAINT-SERV CONTRACTS	917.25
		NON-SPEC CONTR SERV	525.00
			1,442.25 *
640795	PETERSON, KATHLEEN I.	TENANT UTILITY REIMB	111.00 *
640796	PLUMBERS DEPOT INC.	REPAIRS-FURN/MACH/EQ	2,719.19 *
640797	POOL WATER PRODUCTS	PIPES/APPURTENANCES	89.44
		OTHER MAINT ITEMS	89.44
			178.88 *
640798	PRIM&MULTI-SPEC CLN OF ANAHEIM DBA GATEWAY URGENT CARE CTR	MEDICAL SERVICES	1,130.00 *
640799	PRIME TRUCK TIRE SERVICE	MOTOR VEHICLE MAINT	350.00 *
640800	PRO-FORCE LAW ENFORCEMENT	MONITORED EQUIP	25,692.99 *
640801	PYRO-COMM SYSTEMS, INC.	MAINT-SERV CONTRACTS	135.00 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640802	RADI'S CUSTOM UPHOLSTERY	MOTOR VEH PARTS	1,700.00 *
640803	THE ORANGE COUNTY REGISTER	BOOKS/SUBS/CASSETTES	314.09 *
640804	PROACTIVE WORK HEALTH SERVICES	MEDICAL SERVICES	2,448.00 *
640805	SIEMENS INDUSTRY, INC.	MAINT-SERV CONTRACTS	5,274.00 *
640806	DATA TICKET, INC	MAINT-SERV CONTRACTS	44.00 *
640807	ALEXANDER'S CONTRACT SERVICES, INC.	OTHER MAINT ITEMS	597.00 *
640808	RICHARD FISHER ASSOCIATES	OTHER PROF SERV	4,684.76 *
640809	NEWHOPE P & L, INC. DBA NEWHOPE PAINT & COATINGS	TOWING SERVICES	2,495.00 *
640810	S.C. YAMAMOTO, INC.	MAINT OF REAL PROP	29,799.00 *
640811	SAFETY 1st PEST CONTROL, INC	MAINT-SERV CONTRACTS	725.00 *
640812	SAFEGWAY INC	FACT:PROGRAM EXP	469.36
		OTHER FOOD ITEMS	152.22
			621.58 *
640813	SAXE-CLIFFORD, PH.D., SUSAN	MEDICAL SERVICES	2,700.00 *
640814	SHOETERIA	SAFETY EQ/SUPPLIES	1,423.15 *
640815	SHRED CONFIDENTIAL, INC.	OTHER PROF SERV	220.50 *
640816	SIMPSON CHEVROLET OF GG	REPAIRS-FURN/MACH/EQ	1,217.03
		MOTOR VEH PARTS	2,772.84
			3,989.87 *
640817	SITEONE LANDSCAPE SUPPLY HLDING	WHSE INVENTORY	516.51 *
640818	SOUTH COAST AQMD	PERMITS/OTHER FEES	7,018.14 *
640819	SOUTH COAST EMERGENCY VEHICLE SERVICES	REPAIRS-FURN/MACH/EQ	1,218.21 *
640820	SOUTHERN CALIFORNIA GAS CO ML 711D	MAINT-SERV CONTRACTS	575.00 *
640821	SOUTHERN COUNTIES LUBRICANTS LLC.	WHSE INVENTORY	3,718.28 *

PAGE TOTAL FOR "*" LINES = 70,082.09

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640822	SPARKLETT'S	BOTTLED WATER OTHER MAINT ITEMS	234.93 80.51 315.44 *
640823	STERLING SLEEP SYSTEMS	HSHLD EQUIP/SUPPLIES	1,680.67 *
640824	STRADLING, YOCCA, CARLSON & RAUTH	LEGAL FEES	6,802.00 *
640825	SUNBELT RENTALS	HEAVY EQUIP RENTAL	3,543.39 *
640826	SYBATEK, INC.	MAINT-SERV CONTRACTS	9,603.20 *
640827	TOMAHAWK LIVE TRAP LLC	CANINE EXPENSES	1,038.37 *
640828	THOMSON REUTERS- WEST C/O WEST PAYMENT CENTER	DUES/MEMBERSHIPS	545.70 *
640829	TIERRA WEST ADVISORS, INC	OTHER PROF SERV	1,753.75 *
640830	TIME WARNER CABLE	CABLE TV SERVICE	342.59 *
640831	TIRE CENTERS WEST, LLC	TIRES/TUBES	3,597.26 *
640832	HONEYWELL (FORMER TOTAL FIRE GROUP)	UNIFORMS SAFETY EQUIP	256.80 600.08 856.88 *
640833	TRAN, DIANNE	TENANT UTILITY REIMB	71.00 *
640834	TRANSFORMING LIFE CENTER, INC	FACT:PARENT ED 2	2,700.00 *
640835	TRANSPORTATION STUDIES, INC.	ENGINEERING SERVICES	680.00 *
640836	TRUCK & AUTO SUPPLY INC. TrucParCo	MOTOR VEH PARTS	550.40 *
640837	TURNOUT MAINTENANCE COMPANY	FIRE TURNOUTS REPAIR	1,753.50 *
640838	TYCO FIRE&SECURITY(US) MGMT, INC JOHNSON CONTROLS FIRE PROTEC	MAINT-SERV CONTRACTS	64.60 *
640839	U.S. ARMOR CORP.	UNIFORMS	903.38 *
640840	UNDERGROUND SERVICE ALERT OF SOUTHERN CALIFORNIA	OTHER MAINT ITEMS	526.45 *
640841	UNIFIRST CORP	LAUNDRY SERVICES	4,155.00 *

PAGE TOTAL FOR "*" LINES = 41,483.58

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640842	UNITED PARCEL SERVICE	DELIVERY SERVICES OFFICE SUPPLIES/EXP	192.93 27.00 219.93 *
640843	URBAN FUTURES, INC	OTHER PROF SERV	3,252.38 *
640844	VALLEY POWER SYSTEMS, INC. DEPT 34677	OTHER MAINT ITEMS	70.41 *
640845	VISION MARKING DEVICES	OTHER PROF SUPPLIES	35.30 *
640846	VULCAN MATERIALS COMPANY WESTERN DIVISION	ASPHALT PRODUCTS	58,296.88 *
640847	GRAINGER	WHSE INVENTORY ELECTRICAL SUPPLIES MAINT SUPP-TRAFF SIG SAFETY EQ/SUPPLIES OTHER MINOR TOOLS/EQ HARDWARE	1,561.24 606.14 129.00 393.26 52.50 203.60 2,945.74 *
640848	WALLINGFORD, TIMOTHY	UNIFORM/TOOL ALLOW	800.00 *
640849	WALTERS WHOLESALE ELECTRIC	JANITORIAL SUPPLIES ELECTRICAL SUPPLIES PIPES/APPURTENANCES	376.33 1,127.46 500.89 2,004.68 *
640850	WATERLINE TECHNOLOGIES, INC.	LABORATORY CHEMICALS	2,855.77 *
640851	WAXIE SANITARY SUPPLY	WHSE INVENTORY JANITORIAL SUPPLIES	1,332.29 109.16 1,441.45 *
640852	TREMCO/WEATHERPROOFING TECHNOLOGIES, INC.	MAINT-SERV CONTRACTS	3,480.00 *
640853	UNITED WATER WORKS, INC.	WHSE INVENTORY	1,652.45 *
640854	WEST COAST ARBORISTS INC	TREE TRIMMING SERV	20,053.00 *
640855	WESTERN EXTERMINATOR	MAINT-SERV CONTRACTS	755.00 *
640856	WESTERN OIL SPREADING SERVICES	ASPHALT PRODUCTS	149.40 *

PAGE TOTAL FOR "*" LINES = 98,012.39

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640857	WILLIAMS & MAHER INC	MAINT-SERV CONTRACTS	4,226.16 *
640858	WOODRUFF, SPRADLIN & SMART A PROFESSIONAL CORP	LEGAL FEES	82,428.12 *
640859	GEORGE YARDLEY COMPANY	OTHER MAINT ITEMS	330.50 *
640860	YERGENSEN *, VICTOR	SAFETY EQ/SUPPLIES	390.00 *
640861	ZEPHYR TURFCARE EQUIPMENT	HEAVY EQUIP RENTAL	2,407.50 *
640862	ZEP SALES & SERVICE	WHSE INVENTORY	936.25 *
640863	2-1-1 ORANGE COUNTY	OTHER PROF SERV	1,304.25 *
640864	DUALEH, KEYSE HERSI	TENANT UTILITY REIMB	18.00 *
640865	THE MICHELSON FOUND ANIMAL FOUNDATION INC	CANINE EXPENSES	277.76 *
640866	VALDIVIA, CLAUDIA	FACT:YTH ENRCH FACT:PROGRAM EXP	82.57 44.46 127.03 *
640867	VASSY, KARLA PIXIE DUST ENTERTAINMENT	OTHER PROF SERV	340.00 *
640868	GENDY, NABIH NASSIEF FAHMY	TENANT UTILITY REIMB	21.00 *
640869	AVALOS-FARIAS, MARIO	TENANT UTILITY REIMB	129.00 *
640870	KLINGSPOR	OTHER MINOR TOOLS/EQ	543.07 *
640871	CANTRELL, JEFF	SAFETY EQ/SUPPLIES	150.00 *
640872	TOOLTOPIA, LLC	GEN PURPOSE TOOLS	2,692.18 *
640873	SAFARILAND, LLC	OTHER PROF SUPPLIES	1,729.07 *
640874	DTNTech MARKETING	ADVERTISING FACT:YTH ENRCH FACT:PROGRAM EXP PINS/MENTOS AWARDS/TROPHIES	1,941.64 1,829.60 1,798.12 1,906.82 75.43 7,551.61 *

PAGE TOTAL FOR "*" LINES = 105,601.50

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640875	PEREZ, MATT	BLDG PERMIT REFUND	118.32
		BSASRF STATE FEE	0.80
		FEE REFUND	12.00
			131.12 *
640876	SUPER BUILDERS ACCTING DEPT	BLDG PERMIT REFUND	69.36
		GENERAL PLAN FEE	2.94
		PLMBG PERMIT REFUND	52.00
		BSASRF STATE FEE	0.80
		FEE REFUND	12.00
		PLAN CK FEE REFUND	60.00
		PERMIT REFUND	1.46
			198.56 *
640877	HOPPER ENGINEERING ASSOCIATES	STATE ADA PASSTHRU	0.40
		BUS OPER TAX REFUND	42.50
		BOT FEE REFUND	10.00
		CITY ADA ASMT 90%	3.60
			56.50 *
640878	HERNANDEZ, EVELYN	DEPOSIT REFUNDS	95.00 *
640879	LAM, DUNG QUOC	DEPOSIT REFUNDS	515.00 *
640880	GARCIA, VALERIE	DEPOSIT REFUNDS	75.00 *
640881	LIPARI, BARBARA	DEPOSIT REFUNDS	28.00 *
640882	THAI, LINH	DEPOSIT REFUNDS	45.00 *
640883	LICEA, GUADALUPE	DEPOSIT REFUNDS	250.00 *
640884	CASTANEDA, ELIZABETH	DEPOSIT REFUNDS	75.00 *
640885	PHABMIXAY, TOM	CITATION DIST	64.00 *
640886	TAYLOR, ANDREW	CITATION DIST	79.00 *
640887	ALEJANDRO VALENZUELA, JR	DUES/MEMBERSHIPS	80.00 *
640888	ASSOCIATED SOILS ENGINEERING, INC.	ENGINEERING SERVICES	1,525.00 *
640889	MIDWEST MOTOR SUPPLY CO INC KIMBALL MIDWEST	MOTOR VEH PARTS	250.25 *

PAGE TOTAL FOR "*" LINES = 3,467.43

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640890	OTC BRANDS, INC ORIENTAL TRADING	FACT:PROGRAM EXP	734.06 734.06 *
640891	GLOBAL EQUIPMENT COMPANY	WHSE INVENTORY	144.19 *
640892	ICSC ATTN: MEMBER RECORDS	DUES/MEMBERSHIPS	135.00 *
640893	HANDY HOSE SERVICES ADVANTAGE HOSE SERVICES LLC	REPAIRS-FURN/MACH/EQ	963.81 *
640894	S&S WORLDWIDE INC	FACT:PROGRAM EXP	2,003.38 *
640895	GRIFFIN, LARRY	SAFETY EQ/SUPPLIES	199.32 *
640896	TRELOAR, TOM	OTHER PROF SERV	300.00 *
640897	COMMERCIAL AQUATIC SERVICES	OTHER PROF SERV	2,485.59 *
640898	MCFADDEN DALE INDUSTRIAL HARDWARE	HARDWARE	123.27 *
640899	S. CALIF. MUNICIPAL ATHLETIC FEDERATION	OTHER PROF SERV	393.75 *
640900	SOUTHLAND MEDICAL LLC	SAFETY EQ/SUPPLIES	348.96 *
640901	MAAE, DAVID	SAFETY EQ/SUPPLIES	327.98 *
640902	LEVEL 27 MEDIA	OTHER REC/CULT SUPP	1,999.99 *
640903	THOMAS PLUMBING CO MILLER, THOMAS E	MAINT-SERV CONTRACTS	5,488.30 *
640904	VIET BAO DAILY, INC.	ADVERTISING	200.00 *
640905	NORTH NET TRAINING AUTHORITY	TUITION/TRAINING	1,651.60 *
640906	FOPCO INCORPORATED FUEL OIL POLISHING CO	MV GAS/DIESEL FUEL	1,333.50 *
640907	GFOA	DUES/MEMBERSHIPS	300.00 *
640908	EMERGENCY MEDICAL SERVICES AUTH	TUITION/TRAINING	74.00 *
640909	BADOUD, TOM	OTHER PROF SERV	537.75 *
640910	STATEWIDE TRAFFIC SAFETY AND SIGNS INC	WHSE INVENTORY	244.36 *

PAGE TOTAL FOR "*" LINES = 19,988.81

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640911	KUHLMAN, SCOTT	TUITION/TRAINING	1,090.00 *
640912	ADVANCED CAR CARE INC	TIRES/TUBES	2,633.39 *
640913	O'REILLY AUTO PARTS	MOTOR VEH PARTS	4,027.71 *
640914	MAJOR LEAGUE SOFTBALL, INC.	OTHER PROF SERV	330.00 *
640915	AARON HANSEN	TUITION REIMB	276.00 *
640916	BEST TINT	MOTOR VEH PARTS	80.00 *
640917	VERITIV OPERATING COMPANY	WHSE INVENTORY	1,823.13 *
640918	LEXISNEXIS RISK SOLUTIONS	BOOKS/SUBS/CASSETTES	718.00 *
640919	COSTAR GROUP, INC. ATTN: ACCOUNTING DEPT-CONTRACTS	OTHER PROF SERV	450.77 *
640920	M. GANNON ECKHARDT	TUITION/TRAINING	200.00 *
640921	ANAHEIM FENCE CO.	NON-SPEC CONTR SERV	1,976.00 *
640922	KURAMOTO, JEFF	UNIFORMS	300.55 *
640923	MARQUEZ, LORETTA A	TENANT UTILITY REIMB	10.00 *
640924	EDWARD HUY	SAFETY EQ/SUPPLIES	47.92 *
640925	SCHORR METALS, INC.	HARDWARE	130.14 *
640926	GMS AUTOGLASS	REPAIRS-FURN/MACH/EQ MOTOR VEH PARTS	1,181.59 476.39 1,657.98 *
640927	VARIDESK, LLC	MINOR OFFICE FURN/EQ	457.95 *
640928	GLEN W. SAMPLE DBA GLEN SAMPLE SIGNS	SIGNS/FLAGS/BANNERS	380.00 *
640929	AMERINATIONAL COMMUNITY SERVICES, INC.	OTHER PROF SERV NSP HOME IMP GRANT	162.45 42.00 204.45 *
640930	R&M ELECTRICAL CONTRACTING	MAINT OF REAL PROP	9,653.00 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640931	DUNHAM, JEANNE K. DBA JEANNE K. JONES-DUNHAM	FACT:CMT SUPVSR	630.00 *
640932	ORTEGA, DAVID	SAFETY EQ/SUPPLIES	148.21 *
640933	SECOND HARVEST FOOD BANK OF ORANGE COUNTY, INC.	FACT:PROGRAM EXP OTHER FOOD ITEMS	250.00 243.92 493.92 *
640934	BATTERY SYSTEMS INC.	MOTOR VEH PARTS ELECTRICAL SUPPLIES	488.81 473.02 961.83 *
640935	LT PROPERTIES	LAND/BLDG/ROOM RENT	16,433.60 *
640936	TEAM OF ADVOCATES FOR SPECIAL KIDS	OTHER PROF SERV	629.23 *
640937	AUDIO DYNAMIX	OTHER PROF SERV	56.16 *
640938	JOHNNY DAVID ALLEN JR. DBA JOHNNY ALLEN TENNIS ACADAMY	INSTRUCTOR SERVICES	1,851.57 *
640939	SUPERCO SPECIALITY PRODUCTS	PAINT/DYE/LUBRICANTS	618.00 *
640940	ELLS, MICHAEL JAMES	MAINT-SERV CONTRACTS	4,886.00 *
640941	BELNICK INC DBA BIZCHAIR.COM	MINOR OFFICE FURN/EQ	70.99 *
640942	NGUYEN, BECKY	TENANT UTILITY REIMB	58.00 *
640943	THE ORANGE COUNTY HUMANE SOCIETY	OTHER PROF SERV	24,166.66 *
640944	ZAVALA, JOHN	DUES/MEMBERSHIPS	85.00 *
640945	ISERI, ALEXANDER	OTHER PROF SERV	105.00 *
640946	RANDY FERGUSON & MIKE MESSINA DBA GRAFIX SYSTEMS	OTHER PROF SUPPLIES	275.06 *
640947	SOCAL SALES & MARKETING	OTHER MOTOR VEH SUPP	1,109.12 *
640948	DEPARTMENT OF JUSTICE	LIFESCAN FEE-DOJ	1,855.00 *
640949	BANNER BANK	BLDGS/IMPROVEMENTS	59,391.98 *
640950	SCHAFER CONSULTING, INC.	OTHER PROF SERV	5,840.00 *

PAGE TOTAL FOR "*" LINES = 119,665.33

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640951	CSAC EXCESS INSURANCE AUTHORITY	LIABILITY INS WORKERS COMP HONESTY/FID BONDS MISC LIABILITY INS	257,498.00 265,233.00 10,338.00 3,770.00 536,839.00 *
640952	RABC-ECC A JOINT VENTURE	BLDGS/IMPROVEMENTS	594,003.79 *
640953	MARK BEDOR	OTHER PROF SERV	975.00 *
640954	THE LEW EDWARDS GROUP	OTHER PROF SERV	5,000.00 *
640955	FAIR HOUSING FOUNDATION	OTHER PROF SERV	1,848.97 *
640956	ARTI NEHRU	OTHER PROF SERV	162.00 *
640957	FASSTENAL INDUSTRIAL CONSTRUCTION SUPPLY	WHSE INVENTORY	218.78 *
640958	KOREA TIMES LOS ANGELES	ADVERTISING	400.00 *
640959	SUPPLY SOLUTIONS	WHSE INVENTORY	1,868.13 *
640960	WEST COUNTY TIRE & AUTO INC.	WHSE INVENTORY	5,051.29 *
640961	RAYMOND HANDLING SOLUTIONS	REPAIRS-FURN/MACH/EQ	108.00 *
640962	CANNON, TIMOTHY	SAFETY EQ/SUPPLIES	226.61 *
640963	HF&H CONSULTANTS, LLC	OTHER PROF SERV	2,164.88 *
640964	YO-FIRE SUPPLIES	WHSE INVENTORY	3,033.36 *
640965	TRUESDAIL LABORATORIES, INC	OTHER PROF SERV	2,581.50 *
640966	HAYES, BRENT	SAFETY EQ/SUPPLIES	173.99 *
640967	THE GEO GROUP, INC.	JAILER SERVICES	45,497.33 *
640968	DIVISION OF THE STATE ARCHITECT	STATE ADA PASSTHRU	1,577.00 *
640969	SEAVCO IVR SEAVER MOTORCYCLES	REPAIRS-FURN/MACH/EQ	855.17 *
640970	JULIA PEREZ LEON	TENANT UTILITY REIMB	11.00 *

PAGE TOTAL FOR "*" LINES = 1,202,595.80

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640971	ORANGE COUNTY CLERK RECORDER HALL OF FINANCE & RECORDS	FEE REFUND	50.00
		EXEMPT FEE REFUND	100.00
			150.00 *
640972	GGTPC	AMT DUE TPC	300,000.00 *
640973	EVARISTO VERA	SAFETY EQ/SUPPLIES	264.96 *
640974	LINE GEAR FIRE & RESCUE EQUIPMENT	WILDLAND/SAFETY	9,300.76 *
640975	GRP2 UNIFORMS, INC KEYSTONE UNIFORMS, OC	UNIFORMS	10,719.99 *
640976	D'ALESIO, INC.	SAFETY EQ/SUPPLIES	43.63 *
640977	SOUTHERN COMPUTER WAREHOUSE	NETWORKING SUPPLIES	70.08
		DATA PROCESSING SUPP	371.41
			441.49 *
640978	CORNERSTONE COMMUNICATIONS, INC.	COMMUNITY RELATIONS	8,000.00 *
640979	INFOSEND, INC.	POSTAGE	6,349.09
		PRINTING	353.67
		OTHER PROF SERV	803.25
		PAPER/ENVELOPES	798.58
			8,304.59 *
640980	BRETT MEISLAHN	UNIFORM/TOOL ALLOW	800.00 *
640981	PREMIUM QUALITY LIGHTING	ELECTRICAL SUPPLIES	4,260.69 *
640982	POSITIVE CONCEPTS/ATPI	PAPER/ENVELOPES	518.40 *
640983	MAYER PRINTERS	PRINTING	301.70 *
640984	SAN DIEGO POLICE EQUIPMENT	GUNS/AMMUNITION	1,357.99 *
640985	AUTONATION FORD TUSTIN	REPAIRS-FURN/MACH/EQ	720.28 *
640986	DATABLAZE LIGHTING UP WIRELESS DATA	OTHER PROF SERV	79.90 *
640987	JD FUTURE ENTERPRISES INC DBA: BLUEDOGINK	OFFICE SUPPLIES/EXP	565.66 *
640988	LY, NANCY	TENANT UTILITY REIMB	16.00 *

PAGE TOTAL FOR "*" LINES = 345,846.04

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
640989	SOBHANI, ELAHEH	TENANT UTILITY REIMB	16.00 *
640990	LIEBERT CASSIDY WHITMORE	LEGAL FEES	210.00 *
640991	FUN EXPRESS	OTHER REC/CULT SUPP	37.12 *
640992	CA SHOPPING CART RETRIEVAL CORP	OTHER PROF SERV	2,083.00 *
640993	LACEY CUSTOM LINENS, INC.	LAUNDRY SERVICES	165.06 *
640994	NICOLAE, CORNELIU	TUITION REIMB	1,350.00 *
640995	CMTA	DUES/MEMBERSHIPS	195.00 *
640996	MMASC C/O ORANGE COUNTY DIV LCC	DUES/MEMBERSHIPS	85.00 *
640997	OCC BUILDERS INC	BLDGS/IMPROVEMENTS	7,251.00 *
640998	MELTWATER NEWS US INC.	OTHER PROF SERV	4,000.00 *
640999	ORANGE COUNTY EMERGENCY PET CLINIC	OTHER PROF SERV	1,900.00 *
641000	ESPINOZA, HECTOR	SAFETY EQ/SUPPLIES	65.48 *
641001	GLOBAL ENVIRONMENTAL NETWORK INC.	OTHER MAINT ITEMS	147.68 *
641002	COUNTY OF ORANGE TREASURER-TAX COLLECTOR	NETWORKING SERVICES	1,115.00
		OTHER PROF SERV	13,632.00
		FORENSIC SERV	43,762.75
			58,509.75 *
641003	ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA INC.	ENGINEERING SERVICES	10,315.00 *
641004	BILL'S SOUND & SECURITY	MAINT-SERV CONTRACTS	325.00
		OTHER PROF SERV	300.00
			625.00 *
641005	KUSTOM IMPRINTS	UNIFORMS	642.83 *
641006	CITYSPAN TECHNOLOGIES, INC	OTHER PROF SERV	1,500.00 *
641007	CRUZ, GISELL	MILEAGE REIMB	44.03 *

PAGE TOTAL FOR "*" LINES = 89,141.95

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
641008	PATRICK REED	UNIFORM/TOOL ALLOW	400.00 *
641009	AUSTIN POWELL	UNIFORM/TOOL ALLOW	800.00 *
641010	NATIONAL CREDIT REPORTING	OTHER PROF SERV	51.80 *
641011	JTB SUPPLY CO INC	ELECTRICAL SUPPLIES	1,573.15 *
641012	HOWENSTEIN, FRANK	DUES/MEMBERSHIPS	95.00 *
641013	PROFESSIONAL TURF SPECIALTIES, INC.	MAINT OF REAL PROP	18,400.00 *
641014	ORANGE COUNTY THERMAL INDUSTRIES, INC	OTHER MAINT ITEMS	1,715.19 *
641015	WILLIAMS, HILLARD	UNIFORM/TOOL ALLOW	400.00 *
641016	SORIANO, TERESA	TENANT UTILITY REIMB	50.00 *
641017	FLEMING ENVIRONMENTAL INC.	MAINT-SERV CONTRACTS	420.00 *
641018	ROSS CREATIONS SOUND STAGE & LIGHTING	OTHER PROF SERV	4,995.00 *
641019	CHILD GUIDANCE CENTER, INC.	OTHER PROF SERV	7,075.20 *
641020	GOLDENWEST LAWNMOWERS	GEN PURPOSE TOOLS	38.06 *
641021	COMMUNITY SENIOR SERV	OTHER PROF SERV	5,000.00 *
641022	VIVINT SOLAR DEVELOPER LLC	BLDG PERMIT REFUND	256.00
		ELECT PERMIT REFUND	19.20
		PLAN CK FEE REFUND	128.00
			403.20 *
641023	NGUYEN, KHOI	WATER CLOSING BILL REFUND	52.04 *
641024	GREER, RANDY	WATER CLOSING BILL REFUND	36.53 *
641025	KRE8TIVE CONCEPTIONS	WATER CLOSING BILL REFUND	60.52 *
641026	STENSTROM, JEAN	WATER CLOSING BILL REFUND	62.75 *
641027	SMITH, THOMAS	WATER CLOSING BILL REFUND	91.49 *

PAGE TOTAL FOR "*" LINES = 41,719.93

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
641028	BORTON, SARAH	WATER CLOSING BILL REFUND	129.92 *
641029	AMBULNZ HEALTH LLC	WATER CLOSING BILL REFUND	80.31 *
641030	ECOGEAR FX, INC	WATER CLOSING BILL REFUND	83.32 *
641031	NGUYEN, YVONNE	WATER CLOSING BILL REFUND	32.14 *
641032	DO BUILDER & DESIGN CO.	WATER CLOSING BILL REFUND	102.75 *
641033	KONG, SIVKEANG	WATER CLOSING BILL REFUND	51.35 *
641034	CHO, CHRISTINA	WATER CLOSING BILL REFUND	66.81 *
641035	KOO, JANE	WATER CLOSING BILL REFUND	40.43 *
641036	NGO, ANDY	WATER CLOSING BILL REFUND	3.39 *
641037	MAIER, MICHAEL	WATER CLOSING BILL REFUND	311.17 *
641038	DO, ANH	WATER CLOSING BILL REFUND	90.69 *
641039	HOANG, CONG	WATER CLOSING BILL REFUND	64.37 *
641040	NGUYEN, GINA	WATER CLOSING BILL REFUND	51.62 *
641041	LE, TRAN	WATER CLOSING BILL REFUND	55.86 *
641042	YU, DENNIS	WATER CLOSING BILL REFUND	41.88 *
641043	ALLEN, AUSTIN	WATER CLOSING BILL REFUND	36.01 *
641044	LE, LUAN N	WATER CLOSING BILL REFUND	44.10 *
641045	VECCHIO REAL ESTATE	WATER CLOSING BILL REFUND	22.51 *
641046	TRAM, VIET	WATER CLOSING BILL REFUND	51.68 *
641047	NGUYEN, HENRY	WATER CLOSING BILL REFUND	530.23 *
641048	VOL-KER PROPERTY	WATER CLOSING BILL REFUND	4.10 *
641049	PHAM, DY	WATER CLOSING BILL REFUND	6.27 *

PAGE TOTAL FOR "*" LINES = 1,900.91

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
641050	LUBCZYNSKI, SYLVESTER	WATER CLOSING BILL REFUND	22.60 *
641051	MC LAUGHLIN, AUSTIN G	WATER CLOSING BILL REFUND	110.93 *
641052	NGUYEN, PETER	WATER CLOSING BILL REFUND	65.45 *
641053	DOUG'S DOWNTOWN GRILL	WATER CLOSING BILL REFUND	264.52 *
641054	PHAM, THUY	WATER CLOSING BILL REFUND	96.96 *
641055	TRAN, NGÀ THI BICH	WATER CLOSING BILL REFUND	10.34 *
641056	RAMIREZ, VERONICA	WATER CLOSING BILL REFUND	97.28 *
641057	2MB INVESTMENTS LLC	WATER CLOSING BILL REFUND	52.46 *
641058	HANRAHAN, JAMES T	WATER CLOSING BILL REFUND	181.89 *
641059	TRUONGGIA, DIEUTHOA	WATER CLOSING BILL REFUND	32.44 *
641060	NGUYEN, TUYET	WATER CLOSING BILL REFUND	21.76 *
641061	MATIAS NANEZ, FERNARDO	WATER CLOSING BILL REFUND	1.10 *
641062	PHAM, QUOI	WATER CLOSING BILL REFUND	17.87 *
641063	MARQUEZ, FRANCISCO	WATER CLOSING BILL REFUND	6.58 *
641064	LY, PHUC KEVIN	WATER CLOSING BILL REFUND	21.19 *
641065	TUBON, GERALDINE	WATER CLOSING BILL REFUND	7.31 *
641066	VU, JEFFREY	WATER CLOSING BILL REFUND	12.20 *
641067	NGUYEN, ANDY	WATER CLOSING BILL REFUND	11.30 *
641068	KEITH AND HOLLY CORPORATION	RENT SUBSIDY	2,562.00 *
641069	DOAN, HIEP THI	RENT SUBSIDY	979.00 *
W22101	CALIFORNIA STATE DISBURSEMENT UNIT	WAGE ATTACHMENT	3,303.90 *
W22143	DELTA CARE USA ATTN: ACCTS RECEIVABLE	SELF-INS ADMN	7,873.73 *

PAGE TOTAL FOR "*" LINES = 15,752.81

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 07/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
W2215	MARYLAND CHILD SUPPORT ACCOUNT	WAGE ATTACHMENT	343.38 *
W2216	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	PENSION PAYMENT	502,788.74 *

PAGE TOTAL FOR "*" LINES = 503,132.12

FINAL TOTAL 4,852,824.08 *

DEMANDS #640577 ~ 641069 AND WIRES W2213 - W2216 AS PRESENTED IN THE WARRANT REGISTER SUBMITTED TO THE GARDEN GROVE CITY COUNCIL JULY 24, 2018, HAVE BEEN AUDITED FOR ACCURACY AND FUNDS ARE AVAILABLE FOR PAYMENT THEREOF


KINGSLEY C. OKEREKE - FINANCE DIRECTOR

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Consideration of an appeal of Date: 7/24/2018 a Garden Grove Planning Commission action for a denial of Conditional Use Permit No. CUP-120-2018 for the Pho Hoa An Restaurant located at 14291 Euclid Street #D101, Garden Grove. (Continued from the July 10, 2018, meeting.) (<i>Action Item</i>)		

OBJECTIVE

To consider the appeal of the Garden Grove Planning Commission's denial of Conditional Use Permit No. CUP-120-2018, regarding an existing restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101.

BACKGROUND

The site is improved with a multi-tenant retail shopping center called the Euclid Retail Center. The center includes retail stores, restaurants, medical, and office professional uses. The specific 1,885 square foot tenant space under application has been in operation as a restaurant since 1992, changing ownership several times during subsequent years. According to business license records, the current business owner, the applicant, Kimberly B. Le, has been operating the current restaurant, Pho Hoa An Restaurant, since 2014.

In June of 1999, the City of Garden Grove approved Conditional Use Permit No. CUP-455-99, which allowed the existing restaurant to operate with a new State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License.

In March of 2003, the City of Garden Grove approved Conditional Use Permit No. CUP-102-03, which allowed the existing restaurant, currently operating with a

State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License, to have live entertainment in the form a solo performer, but with no audience participation, amplified sound system, stage, or dance floor allowed. At the time of the approval of CUP-102-03, the restaurant had existing illegal improvements that included items such as a stage, music instruments, and an amplified sound system. A condition of approval required that all said improvements were to be removed within thirty (30) days from the date of the approval of CUP-102-03.

In late 2016, the applicant had submitted a preliminary inquiry to the City for a request for Conditional Use Permit (CUP) approval to allow an upgrade of the restaurant's existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License. Up to this point, the restaurant had developed a history of non-compliance with its Conditional Use Permit and the applicable conditions of approval, along with other legal violations such as customers smoking within the business. Shortly thereafter, the applicant met with the Police Department to discuss the CUP request. The Police Department outlined past and ongoing issues related to the restaurant including, but not limited to, illegal karaoke live entertainment, amplified music, and the use of an amplified sound system with associated equipment. It should be noted that recent calls for service relating to the restaurant, that were received by the Police Department, included, but were not limited to: disturbing the peace (loud audible music from outside the restaurant), a call relating to a fight, and a call relating to an assault with a deadly weapon.

Typically, if a restaurant has developed a history of non-compliance (e.g., repeated CUP violations) with its CUP and/or demonstrated an unwillingness to correct ongoing issues, the Police Department has not supported requests/applications where an applicant's request would intensify and/or expand an existing restaurant use (i.e., upgrading an ABC License to add hard liquor sales to beer and wine sales, increasing hours of operation to later hours, etc.). At its meeting, the Police Department advised the applicant that it could not support the applicant's request unless the applicant operated the restaurant in compliance with its Conditional Use Permit (CUP-102-03), demonstrated good operational behavior, and encouraged the business owner to return to the City and re-submit its request for reconsideration after demonstrating CUP compliance and good operational behavior for a period of at least one (1) year.

In October of 2017, the applicant submitted a follow-up preliminary inquiry to the City for a request for Conditional Use Permit (CUP) approval to allow an upgrade of the restaurant's existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License.

It should be noted that the application review process typically begins with the submittal of a preliminary review application package to Staff for review. Said package may include a request in writing, a business proposal, a menu (if applicable), and proposed plans. During the preliminary review process, Staff will work with the applicant to address any issues with the proposal and/or the proposed plans, to ensure the project complies with the requirements of the Municipal Code

and is supportable by Staff. Before Staff had completed its preliminary review of the applicant's request (to determine whether or not the City would support the request), the applicant decided to forgo the preliminary review process and submitted a land use entitlement application for its CUP request on December 5, 2017.

Following receipt of the CUP application, Staff continued its preliminary review. During said review, it was noted by the Police Department that on several occasions, including a business check that occurred on December 23, 2017, police officers had observed CUP violations in the subject restaurant, Pho Hoa An Restaurant. Observations included but were not limited to: loud audible music from outside the restaurant, customers smoking within the establishment, karaoke live entertainment, amplified music, and an amplified sound system with associated equipment. The applicant had not been operating in compliance with its current Conditional Use Permit (CUP-102-03), which includes, but is not limited to, the following conditions of approval:

P. Live entertainment shall be limited to a solo paid professional performer. No audience participation and amplified sound system allowed.

Q. There shall be no dancing, karaoke or disc-jockey entertainment or sport bar permitted at any time.

R. Noise generated from the establishment shall not be audible outside the establishment.

S. There shall be no stage area or dance floor allowed at any time.

T. The existing stage with music instruments and amplified sound system and a big-screened television shall be removed within thirty (30) days from the date of Conditional Use Permit approval.

Staff scheduled the applicant's item for the February 1, 2018 Planning Commission meeting. On January 9, 2018, the applicant submitted a request to withdraw their CUP item from the February 1, 2018 Planning Commission meeting agenda, in order to modify their proposal by adding a request to allow karaoke live entertainment, in addition to its current request to upgrade its ABC Type "41" License to an ABC Type "47" License.

On February 5, 2018, the applicant had met with Staff, which included the Police Department, to discuss their modified CUP request (to add karaoke live entertainment). The Police Department noted there had been no apparent recent efforts made by the applicant to bring its business into compliance with its current Conditional Use Permit (CUP-102-03), to remove all illegal improvements within the establishment, and to demonstrate good operational behavior since the last meeting between the applicant and the Police Department, which took place approximately one (1) year ago. Accordingly, the Police Department noted it would not support the modified CUP request until the business owner had removed all illegal improvements within the establishment, and successfully demonstrated good operational behavior in compliance with its current CUP, for a period of at least one (1) year. After such time, the Police Department again encouraged the business owner to return to the

City and re-submit their request for reconsideration. The applicant stated she would remove all existing illegal improvements and operate in compliance with her current CUP.

On March 5, 2018, the applicant submitted a request to agenda her item, Conditional Use Permit No. CUP-120-2018, for the next available Planning Commission meeting, forgoing the Police Department's direction to operate in compliance with its current CUP for at least one (1) year before resubmitting her request.

The restaurant is located in a crime district that is 7% above the average crime count per district, and in an area of an over-concentration of Alcoholic Beverage Control on-sale licenses.

On April 19, 2018, the Planning Commission held a public hearing to consider Conditional Use Permit No. CUP-120-2018. Six (6) members of the public, which included the applicant and the applicant's representative, came forward to speak in favor of the project. The Planning Commission expressed concerns with the restaurant operators' history of prior issues and Conditional Use Permit (CUP) violations, and also urged the applicant to follow the Police Department's direction to demonstrate good operational behavior in compliance with the current CUP, for a period of at least one (1) year, after such time returning to the City and re-submitting the request for reconsideration. The Community and Economic Development Department and the Police Department had reviewed the request and did not support the proposal. City Staff had included a proposed Resolution of Denial for the Planning Commission's consideration. The documentation submitted by the applicant in support of its request had also been included for the Planning Commission's consideration. It was noted to the Planning Commission that it was not bound by City Staff's recommendation and should make an independent decision based on the facts and evidence presented at the public hearing. By a vote of 5-0 (with 2 commissioners absent), a successful motion was made by the Planning Commission to adopt Resolution No. 5907-18 to deny CUP-120-2018.

DISCUSSION

Appeal of the Denial of Conditional Use Permit No. CUP-120-2018

On May 8, 2018, the Appellant filed an appeal of the Planning Commission's denial of CUP-120-2018. On the submitted appeal form, the Appellant provided the following comments in support of the appeal: (i) that the applicant has demonstrated compliance with most requirements of the Garden Grove Police Department; (ii) that the restaurant's current Conditional Use Permit is outdated; and (iii) that the applicant's restaurant is the only restaurant in the City that is actively trying to comply with the City's regulations.

On June 2, 2018, the Garden Grove Police Department conducted a business check at the subject restaurant, Pho Hoa An Restaurant. Officers discovered numerous Conditional Use Permit (CUP) violations in the restaurant, including but not limited to: karaoke live entertainment, amplified music, an amplified sound system with associated karaoke equipment, and a stage. It should be noted that although

restaurant customers were not observed to be smoking inside the business during the business check, officers noted a strong odor of cigarette smoke inside the business, including numerous cigarette butts dropped on the floor. Due to the observed CUP violations, the business owner, Kimberly B. Le, was issued an administrative citation of \$1,000 for violation of Garden Grove Municipal Code Section 1.22.010(a).

On June 15, 2018, the Garden Grove Police Department conducted a business check at the subject restaurant, Pho Hoa An Restaurant. Officers again observed numerous CUP violations in the restaurant, including but not limited to: karaoke live entertainment, amplified music, an amplified sound system with associated karaoke equipment, and loud music audible from outside of the business. Due to the lack of compliance with the restaurant's Conditional Use Permit, and continued ongoing problems, the police officers seized the speakers, laptop, and sound equipment that were utilized for the karaoke live entertainment, which were booked into Garden Grove Police Department as evidence. Due to the observed CUP violations, the business owner was again issued an administrative citation of \$1,000 for violation of Garden Grove Municipal Code Section 1.22.010(a).

On July 10, 2018, the Garden Grove City Council held a public hearing and considered the appeal of the Garden Grove Planning Commission's denial of Conditional Use Permit No. CUP-120-2018. Two (2) members of the public, which included the applicant and the applicant's representative, came forward to speak in favor of the appeal. Four (4) members of the public came forward to speak in opposition of the appeal. Staff had included a Resolution of Denial (to deny the appeal), based on the Planning Commission's initial denial of CUP-120-2018. It was noted during the meeting that the applicant submitted a request to modify her Conditional Use Permit proposal to remove her request to upgrade the existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, but to maintain her request to allow karaoke live entertainment along with associated components. By a vote of 5-2, a successful motion was made by the City Council directing Staff to bring back a Resolution of Approval to the next City Council meeting, on July 24, 2018, to approve the appeal in part by: (i) removing the Applicant's request to upgrade the ABC Type "41" License to an ABC Type "47" License; (ii) allowing karaoke live entertainment for a probationary period of six (6) months and, after such time, to bring back the item to the City Council for review; and (iii) ensuring that certain conditions of approval are included in the Conditional Use Permit that would adequately mitigate any potential noise issues stemming from the restaurant and the associated live entertainment.

Per the direction of the City Council, Staff has prepared a Resolution of Approval, along with proposed conditions of approval under CUP-120-2018, for the City Council's consideration.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution approving the appeal, in part, overturning the Planning Commission's decision to deny Conditional Use Permit No. CUP-120-2018, and thereby approving Conditional Use Permit No. CUP-120-2018, subject to the recommended Conditions of Approval; or
- Adopt the attached Resolution upholding the Planning Commission's decision to deny Conditional User Permit No. CUP-120-2018; or
- Provide further direction to Staff.

By: Chris Chung, Associate Planner

ATTACHMENTS:

Description	Upload Date	Type	File Name
Planning Commission Staff Report dated April 19, 2018	7/13/2018	Backup Material	Planning_Commission_Staff_Report_dated_April_19__2018.pdf
Planning Commission Resolution No. 5907-18	7/13/2018	Backup Material	Planning_Commission_Resolution_No._5907-18.docx
Planning Commission Minute Excerpt of April 19, 2018	7/13/2018	Backup Material	Planning_Commission_Minute_Excerpt_of_April_19__2018.doc
Appellant's Appeal Form	7/13/2018	Backup Material	Appellant_s_Appeal_Form.pdf
Applicant's Request to Modify CUP Proposal	7/13/2018	Backup Material	Applicant_s_Request_to_Modify_CUP_Proposal.pdf
City Council Staff Report dated July 10, 2018	7/20/2018	Backup Material	7-10-18_Staff_Report.pdf
CC Reso - Draft CUP-120-2018 denial	7/19/2018	Resolution	7-24-18_CC_CUP-120-2018_CCDraftResoDenial_(2).pdf
CC Reso - Draft CUP-120-2018 approval	7/19/2018	Resolution	7-24-18_CUP-120-2018ResoApproval_(2).docx
Exhibit "A" Conditions of Approval for CUP-120-2018	7/17/2018	Resolution	CUP-120-2018COA.doc

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: West side of Euclid Street, south of Forbes Avenue, at 14291 Euclid St. #D101
HEARING DATE: April 19, 2018	GENERAL PLAN: Industrial/Commercial Mixed Use
CASE NO.: Conditional Use Permit No. CUP-120-2018	ZONE: PUD-104-81/86 REV. 90 (Planned Unit Development)
APPLICANT: Quan Hoa An LLC c/o Kimberly B. Le	CEQA DETERMINATION: Exempt
PROPERTY OWNER: Euclid Real Estate Development (Attn: Doreen Louise Galchutt)	APN: 099-183-03

REQUEST:

A request for Conditional Use Permit (CUP) approval to upgrade an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to allow live entertainment, in the form of karaoke, along with associated components (i.e., amplified sound, stage, and karaoke equipment), for an existing 1,885 square foot restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101, which is currently operating under Conditional Use Permit No. CUP-102-03.

BACKGROUND:

The site is improved with a multi-tenant retail shopping center called the Euclid Retail Center. The center includes retail stores, restaurants, medical, and office professional uses. The specific 1,885 square foot tenant space under application is located near the center of the development. The subject tenant space has been in operation as a restaurant since 1992, changing ownership several times during subsequent years. According to business license records, the current business owner, the applicant, Kimberly B. Le, has been operating the current restaurant, Pho Hoa An Restaurant, since 2014.

The property is located in the PUD-104-81/86 REV. 90 (Planned Unit Development) zone and has a General Plan Land Use Designation of Industrial/Commercial Mixed Use. The shopping center is adjacent to PUD-104-81/86 REV. 90 zoned properties to the north, west, south, and single-family residentially developed properties located in the City of Santa Ana, across Euclid Street, to the east.

In June of 1999, the City of Garden Grove approved Conditional Use Permit No. CUP-455-99, which allowed the existing restaurant to operate with a new State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License.

In March of 2003, the City of Garden Grove approved Conditional Use Permit No. CUP-102-03, which allowed the existing restaurant, currently operating with a State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License, to have live entertainment in the form a solo performer, but with no audience participation, amplified sound system, stage, or dance floor allowed. At the time of the approval of CUP-102-03, the restaurant had existing illegal improvements that included items such as a stage, music instruments, and an amplified sound system. A condition of approval required that all said improvements were to be removed within thirty (30) days from the date of the approval of CUP-102-03.

In late 2016, the applicant had submitted a preliminary inquiry to the City for a request for Conditional Use Permit (CUP) approval to allow an upgrade of the restaurant's existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License. Up to this point, the restaurant had developed a history of non-compliance with its Conditional Use Permit and the applicable conditions of approval, along with other legal violations such as customers smoking within the business. Shortly thereafter, the applicant met with the Police Department to discuss the CUP request. The Police Department outlined past and ongoing issues related to the restaurant including, but not limited to, illegal karaoke live entertainment, amplified music, and the use of an amplified sound system with associated equipment. It should be noted that recent calls for service relating to the restaurant, that were received by the Police Department, included, but were not limited to: disturbing the peace (loud audible music from outside the restaurant), a call relating to a fight, and a call relating to an assault with a deadly weapon.

Typically, if a restaurant has developed a history of non-compliance (e.g., repeated CUP violations) with its CUP and/or demonstrated an unwillingness to correct on-going issues, the Police Department has not supported requests/applications where an applicant's request would intensify and/or expand an existing restaurant use (i.e., upgrading an ABC License to add hard liquor sales to beer and wine sales, increasing hours of operation to later hours, etc.). At its meeting, the Police Department advised the applicant that it could not support the applicant's request unless the applicant operated the restaurant in compliance with its Conditional Use Permit (CUP-102-03), demonstrated good operational behavior, and encouraged the business owner to return to the City and re-submit its request for reconsideration after demonstrating CUP compliance and good operational behavior for a period of at least one (1) year.

DISCUSSION:

In October of 2017, the applicant submitted a follow-up preliminary inquiry to the City for a request for Conditional Use Permit (CUP) approval to allow an upgrade of the restaurant's existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License.

It should be noted that the application review process typically begins with the submittal of a preliminary review application package to Staff for review. Said package may include a request in writing, a business proposal, a menu (if applicable), and proposed plans. During the preliminary review process, Staff will work with the applicant to address any issues with the proposal and/or the proposed plans, to ensure the project complies with the requirements of the Municipal Code and is supportable by Staff. Before Staff had completed its preliminary review of the applicant's request (to determine whether or not the City would support the request), the applicant decided to forgo the preliminary review process and submitted a land use entitlement application for its CUP request on December 5, 2017.

Following receipt of the CUP application, Staff continued its preliminary review. During said review, it was noted by the Police Department that on several occasions, including a business check that occurred on December 23, 2017, police officers had observed CUP violations in the subject restaurant, Pho Hoa An Restaurant. Observations included but were not limited to: loud audible music from outside the restaurant, customers smoking within the establishment, karaoke live entertainment, amplified music, and an amplified sound system with associated equipment. The applicant had not been operating in compliance with its current Conditional Use Permit (CUP-102-03), which includes, but is not limited to, the following conditions of approval:

- P. Live entertainment shall be limited to a solo paid professional performer. No audience participation and amplified sound system allowed.*
- Q. There shall be no dancing, karaoke or disc-jockey entertainment or sport bar permitted at any time.*
- R. Noise generated from the establishment shall not be audible outside the establishment.*
- S. There shall be no stage area or dance floor allowed at any time.*
- T. The existing stage with music instruments and amplified sound system and a big-screened television shall be removed within thirty (30) days from the date of Conditional Use Permit approval.*

Staff scheduled the applicant's item for the February 1, 2018 Planning Commission meeting. On January 9, 2018, the applicant submitted a request to withdraw their CUP item from the February 1, 2018 Planning Commission meeting agenda, in order to modify their proposal by adding a request to allow karaoke live entertainment

including other associated components (i.e., amplified sound, stage, and karaoke equipment), in addition to its current request to upgrade its ABC Type "41" License to an ABC Type "47" License.

On February 5, 2018, the applicant had met with Staff, which included the Police Department, to discuss their modified CUP request (to add karaoke live entertainment). The Police Department noted there had been no apparent recent efforts made by the applicant to bring its business into compliance with its current Conditional Use Permit (CUP-102-03), to remove all illegal improvements within the establishment, and to demonstrate good operational behavior since the last meeting between the applicant and the Police Department, which took place approximately one (1) year ago. Accordingly, the Police Department noted it would not support the modified CUP request until the business owner had removed all illegal improvements within the establishment, and successfully demonstrated good operational behavior in compliance with its current CUP, for a period of at least one (1) year. After such time, the Police Department again encouraged the business owner to return to the City and re-submit their request for reconsideration. The applicant stated she would remove all existing illegal improvements and operate in compliance with her current CUP.

On March 5, 2018, the applicant submitted a request to agendize her item, Conditional Use Permit No. CUP-120-2018, for the next available Planning Commission meeting, forgoing the Police Department's direction to operate in compliance with its current CUP for at least one (1) year before resubmitting her request.

The restaurant is located in a crime district that is 7% above the average crime count per district, and in an area of an over-concentration of Alcoholic Beverage Control on-sale licenses. A summary of the district, can be found in Resolution No. 5907-18 for Conditional Use Permit No. CUP-120-2018.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

The ABC Census Reporting District No. 889.03 shows the subject site to be located in an over-concentration of Alcoholic Beverage Control on-sale licenses; therefore the City is required to make a finding of public convenience or necessity to approve the ABC request. However, Staff does not believe a finding of public convenience or necessity should be made. Staff believes that the proposal to intensify the existing restaurant use, by upgrading the ABC Type "41" (Beer and wine) License to an ABC Type "47" (Beer, wine, and hard liquor) License and to add karaoke live entertainment, at this time will potentially adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the applicant has not successfully demonstrated a continuous display of compliance with its current Conditional Use Permit.

Furthermore, Business and Professions Code Section 23958 states that an application for an ABC license shall be denied if issuance of the license would tend to create a law enforcement problem. Staff believes that the applicant's request would intensify the business operations through the upgrade of the current ABC Type "41" License to an ABC Type "47" License, and the addition of karaoke live entertainment, stage, amplified sound, and associated karaoke equipment. Based on previous observations made by the Police Department, where the applicant had not shown the ability to operate in compliance with its current Conditional Use Permit, Staff further believes that applicant's request will potentially put further strain on Police Department resources and increase the calls for service in an area that is above the average crime count for the district.

The Community and Economic Development Department and the Police Department have reviewed the request and do not support the proposal. Therefore, City Staff has included a proposed Resolution of Denial for the Planning Commission's consideration. The documentation submitted by the applicant in support of its request has also been included for the Planning Commission's consideration.

The Planning Commission is not bound by City Staff's recommendation and should make an independent decision based on the facts and evidence presented at the public hearing. In the event the Planning Commission believes the applicant's proposal should be approved, in whole or in part, City Staff recommends that the Planning Commission continue the public hearing to a date certain to allow for consideration of the necessary findings and conditions of approval.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution denying Conditional Use Permit No. CUP-120-2018.



Lee Marino
Planning Services Manager



By: Chris Chung
Urban Planner

Attachment 1: Applicant's Request in Writing

Proposal:

The Pho Hoa An Restaurant aka Quan Hoa An, LLC (the applicant) is seeking a **Modification of Conditional Use Permit No. CUP 102-03** to be allowed to operate with an **ABC -type 47** On-Sale General for Bond Fide Public Eating Place with all other conditions to remain the same. Currently the applicant is operating with an ABC type 41 On-Sale Beer and Wine for Bona Fide Public Eating Place.

Background:

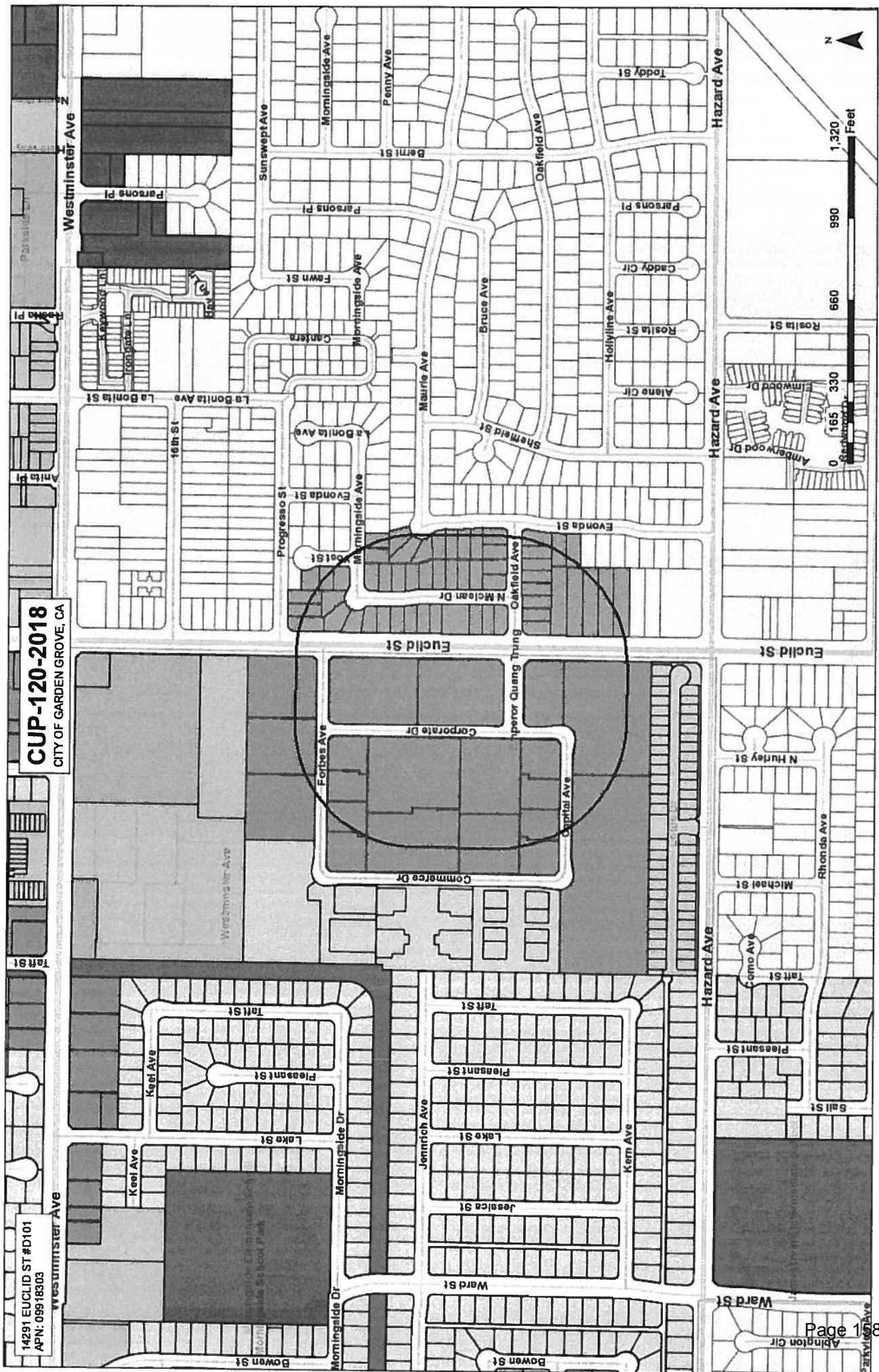
The applicant was chosen to receive the ABC type 47 around October 19, 2016 thru the ABC lottery. Thereafter, she contacted the Garden Grove Planning Dept. to begin the process of the CUP Modification and as she went through the Pre-application phase, Garden Grove Police Officer Pete Arellano contacted her to inform her that she should and must wait for an indefinite amount of time because of previous police calls for service (smoking violations) in the Restaurant's Shopping Center. The applicant explained to Officer Arellano that she had just taken over the restaurant for about a year and a half and that the violations occurred prior to her management. He was understanding but suggested that she waits a few months. Although many of the violations occurred throughout the shopping center and not just specific to the applicant's restaurant, she complied. Over the next several months, a series of face to face and telephonic conferences were made between the applicant and Officer Arellano to ensure that the restaurant was always in compliance and good standing. Around June 2017, another Officer who has just taken Officer Arellano position informed the applicant that she should proceed with the CUP application with the planning department. The GGPD had no input. The applicant is ready to proceed exactly one year from initial contact with the GGPD and operating with a clean record.

The Pho Hoa An Restaurant currently occupies an 1885 square foot restaurant space located on the West side of Euclid Street, South of Forbes Avenue, at 14291 Euclid Street, Parcel No. 099-183-03. It operates under an ABC type-41 and is licensed to have live entertainment in the form solo performers. The current hours of operations are 10:00 am to 12:00 midnight 7 days a week. The minimum age for patrons is 21 years old and identification is always requested if necessary. At any given time, there are always at least 6 employees and up to 10 during peak hours. The restaurant has a full on-site service kitchen that is open at all hours of operation (menu) enclosed. There is no bar or cocktail lounge on the premise. The restaurant is equipped with an interior security camera system. Currently there are no security guards provided and it had never been a need because most diners and patrons are older adults.

The approval of this request will benefit both the applicant and community by allowing the natural progression of a business to expand its goods and services and contributing to the growth of the Garden Grove business environment.

CUP-120-2018
CITY OF GARDEN GROVE, CA

14291 EUCLID ST #D101
APN: 09918303



**14291 EUCLID STREET, SUITE D - 101
GARDEN GROVE, CA 92843**

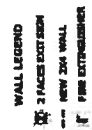


CORPORATE DRIVE



Age = 3 years

PROJECT DATA



FLOOR PLAN

1. INTRODUCTION

Sheet:

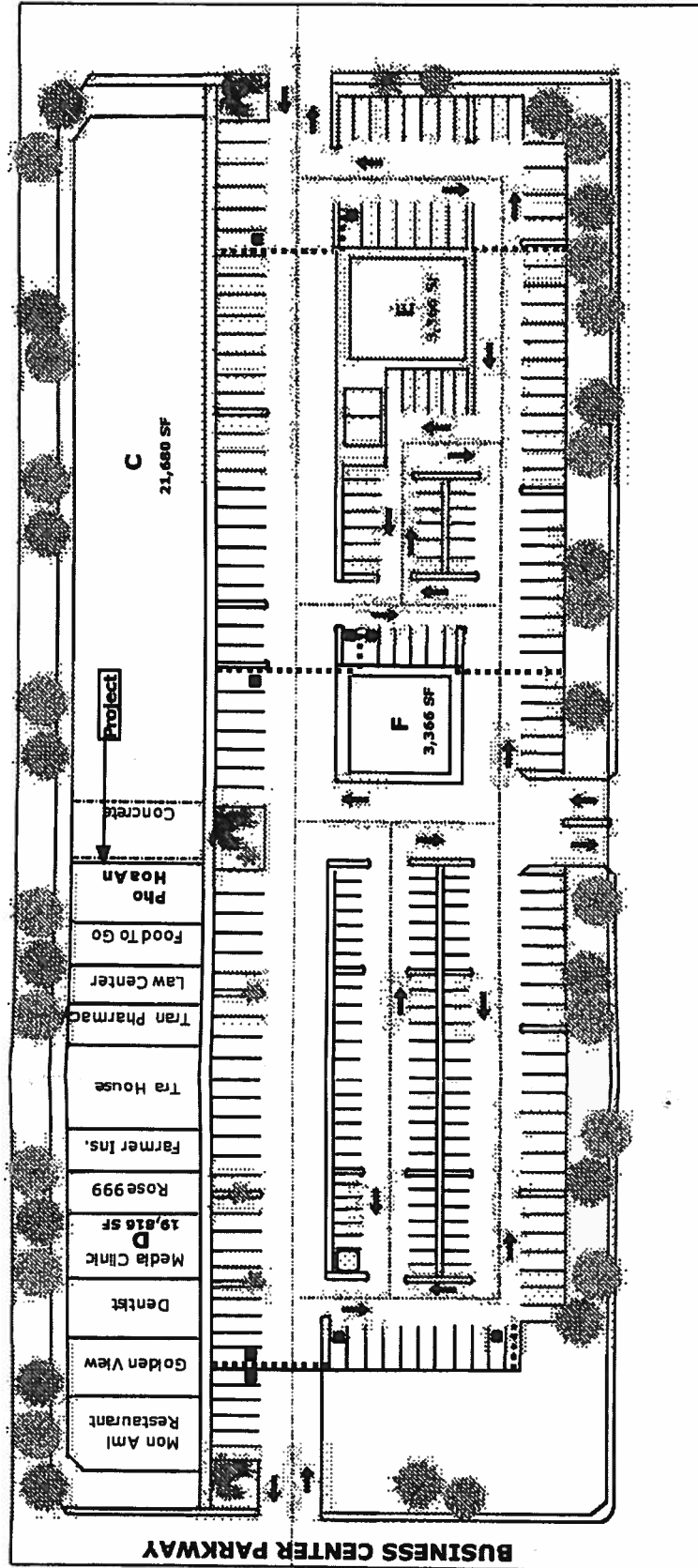
Name by _____
 Date by _____
 Date _____
 Job Number _____
 Order No. _____

GreenBuild Construction
12652 Groveview Street
Garden Grove, CA 92640
Tel: 714-720-6420
CALL # R832466

VICINITY MAP

PROJECT DATA

CORPORATE DRIVE



EUCLID STREET

SITE PLAN

SCALE: 1" = 50'

CUP-120-2018

SCALE: 1/4" = 1'

GreenBuild Construction
12652 Groveview Street
Garden Grove, CA 92840
Tel: 714-720-6420
CA Lic. # B.832466

Project:
TENANT IMPROVEMENT FOR

Hoa An Restaurant & Lounge

Address:
14291 Euclid Ave.
Garden Grove, CA 92843

Design by:	
Drawn by:	Jason Le
Scale:	
Date:	
Job Number:	
Contractor:	

Sheet: **A-1**

RESOLUTION NO. 5907-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE
DENYING CONDITIONAL USE PERMIT NO. CUP-120-2018.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby deny the request for approval of Conditional Use Permit No. CUP-120-2018 for a property located at the west side of Euclid Street, south of Forbes Avenue, at 14291 Euclid St. #D101, Assessor's Parcel No. 099-183-03 (the "Property"), and hereby determines that public convenience and necessity would not be served by the issuance of a new Alcoholic Beverage Control License Type "47" (On-Sale, General, Public Eating Place) License for the existing establishment.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-120-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Quan Hoa An LLC c/o Kimberly B. Le ("Applicant").
2. The Applicant is requesting Conditional Use Permit (CUP) approval to upgrade an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to allow live entertainment, in the form of karaoke, along with associated components (i.e., amplified sound, stage, and karaoke equipment), for an existing 1,885 square foot restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101, which is currently operating under Conditional Use Permit No. CUP-102-03.
3. Because the application is denied, the project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15270(a).
4. The property has a General Plan Land Use designation of Industrial/Commercial Mixed Use, and is zoned PUD-104-81/86 REV. 90 (Planned Unit Development).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on April 19, 2018, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of April 19, 2018 and considered all information presented; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The site is improved with a multi-tenant retail shopping center called the Euclid Retail Center. The center includes retail stores, restaurants, medical, and office professional uses. The specific 1,885 square foot tenant space under application is located near the center of the development. The subject tenant space has been in operation as a restaurant since 1992, changing ownership several times during subsequent years. According to business license records, the current business owner, the applicant, Kimberly B. Le, been operating the current restaurant, Pho Hoa An Restaurant, since 2014.

The property is located in the PUD-104-81/86 REV. 90 (Planned Unit Development) zone and has a General Plan Land Use Designation of Industrial/Commercial Mixed Use. The shopping center is adjacent to PUD-104-81/86 REV. 90 zoned properties to the north, west, south, and single-family residentially developed properties located in the City of Santa Ana, across Euclid Street, to the east.

In June of 1999, the City of Garden Grove approved Conditional Use Permit No. CUP-455-99, which allowed the existing restaurant to operate with a new State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License.

In March of 2003, the City of Garden Grove approved Conditional Use Permit No. CUP-102-03, which allowed the existing restaurant, currently operating with a State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License, to have live entertainment in the form a solo performer, but with no audience participation, amplified sound system, stage, or dance floor allowed. At the time of the approval of CUP-102-03, the restaurant had existing illegal improvements that included items such as a stage, music instruments and an amplified sound system. A condition of approval required that all said improvements were to be removed within thirty (30) days from the date of the approval of CUP-102-03.

According to the Garden Grove Police Department, there is a history of Municipal Code violations and noncompliance with CUP conditions of approval by the operator(s) of the subject restaurant, and a relatively high volume of calls for service have been generated by or associated with the subject restaurant since 2015. For example, in 2015, the Garden Grove Police Department responded to calls for service associated with the subject restaurant related to a fight, a suspect reported to be armed and dangerous, and an assault with a deadly weapon. From 2016 to present, the Garden Grove Police Department has responded to calls for services associated with the subject restaurant related to, but not limited to, noise, disturbing the peace, and an assault.

In April 2016, the Police Department issued an administrative citation to the business operator for failing to comply with the conditions of approval for CUP-102-03. Issues noted with respect to this incident included smoking on the premises, a karaoke performer on an unpermitted stage, and use of an amplified sound system.

In June 2016, officers from the Garden Grove Police Department performed a business check on the subject establishment, noted patrons illegally smoking on the premises, and cited them.

In late 2016, a Garden Grove Police Department officer met with the applicant, pointed out the past problems and violations that had occurred at the business, and requested that the applicant operate the business in compliance with the conditions of approval for the existing CUP.

Subsequent to the 2016 meeting, Garden Grove Police Department officers continued to observe CUP violations at the subject restaurant. For example, during a business check on December 23, 2017, police officers observed CUP violations in the subject restaurant related to loud audible music from outside the restaurant, customers smoking within the establishment, karaoke live entertainment, amplified music, and an amplified sound system with associated equipment.

According to the Police Department, the applicant has not been operating in compliance with its current Conditional Use Permit (CUP-102-03), which includes, but is not limited to, the following conditions of approval:

- P. Live entertainment shall be limited to a solo paid professional performer. No audience participation and amplified sound system allowed.*
- Q. There shall be no dancing, karaoke or disc-jockey entertainment or sport bar permitted at any time.*
- R. Noise generated from the establishment shall not be audible outside the establishment.*
- S. There shall be no stage area or dance floor allowed at any time.*
- T. The existing stage with music instruments and amplified sound system and a big-screened television shall be removed within thirty (30) days from the date of Conditional Use Permit approval.*

In February 2018, the Police Department issued another administrative citation to the business operator after observing music from the establishment that was audible outside.

The restaurant is located in a crime district that is 7% above the Citywide average, and in an area with an over-concentration of Alcoholic Beverage Control Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 117.
- The crime count for the District is 188.
- Average crime count per district in the City is 176.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 7% above the Citywide average; therefore it is not located within a high crime district.
- However, the subject Property is located in an area of over-concentration of Alcoholic Beverage Control Licenses. The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 889.03, which allows for ten (10) on-sale licenses within the District. Currently, there are fourteen (14) on-sale licenses in the district.

The City of Garden Grove Community and Economic Development Department and Police Department have reviewed the request and do not support the proposal.

NO FINDING OF PUBLIC CONVENIENCE OR NECESSITY

Because there is an over-concentration of on-sale licenses in ABC Census Reporting District No. 889.03, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new Alcoholic Beverage Control license to the Applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the license. The Planning Commission cannot make a finding of public convenience or necessity. The Planning Commission finds that the proposal to intensify the existing restaurant use, by upgrading the ABC Type "41" (Beer and wine) License to an ABC Type "47" (Beer, wine, and hard liquor) License and to add karaoke live entertainment, at this time will potentially adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the applicant has not successfully demonstrated a continuous display of compliance with its current Conditional Use Permit.

Furthermore, Business and Professions Code Section 23958 states that an application for an ABC license shall be denied if issuance of the license would tend to create a law enforcement problem. The Planning Commission finds that approval of the applicant's request would intensify the business operations through the upgrade of the current ABC Type "41" License to an ABC Type "47" License, and the addition of karaoke live entertainment, stage, amplified sound, and associated karaoke equipment. Based on previous observations made by the Police Department, where the applicant had not shown the ability to operate in compliance with its current Conditional Use Permit, the Planning Commission further finds that the applicant's request will potentially put further strain on Police Department resources and increase the calls for service in an area that is above the average crime count for the district.

FINDINGS AND REASONS SUPPORTING DENIAL OF CUP REQUEST:

In order to approve Conditional Use Permit No. CUP-120-2018, all of the findings set forth in Garden Grove Municipal Code Section 9.32.030(D)(4) must be made. In this case, based on the totality of information provided, the Planning Commission finds that not all of the required findings set forth in Section 9.32.030(D)(4) can be made for the following reasons:

- A. In order to approve the requested Conditional Use Permit, the Planning Commission must find that the proposed use will be consistent with the City's adopted General Plan. General Plan Land Use Element Goal LU-4 provides that "The City seeks to develop uses that are compatible with one another." In addition, pursuant implementing Policy LU-IMP-4A of the General Plan Land Use Element, it is the City's policy to monitor existing and review all requests to expand intensive commercial uses. The existing restaurant, with alcohol sales and limited non-amplified live entertainment, is already an intensive commercial use, and the request to upgrade the alcohol license to allow liquor sales and to add live entertainment in the form of amplified karaoke would further significantly intensify the permitted restaurant use. The existing Conditional Use Permit governing the subject restaurant does not permit live entertainment involving audience participation, an amplified sound system, a stage, or a dance floor and provides that sound generated in the establishment should not be audible outside of the premises; however, the evidence presented to the Planning Commission shows that many provisions of the existing Conditional Use Permit have not been regularly complied with in the past. According to the Garden Grove Police Department, the prior and current owners and/or operators of the subject restaurant have a documented history of failing to comply with the existing Conditional Use Permit and applicable conditions of approval, and the Police Department has issued both verbal warnings and administrative citations to the current owner for CUP violations. In addition, the Police Department reports that, historically, there have been a relatively large volume of calls for service associated with the subject establishment, including, without limitation, calls for service involving noise complaints, disturbing the peace, fights, and individual possessing weapons. Police officers have also observed and issued citations for patrons illegally smoking inside the establishment. These documented violations negatively impact surrounding properties and businesses. Allowing the existing establishment to operate with hard liquor sales and/or amplified live entertainment in the form of karaoke will intensify the characteristics of the business associated with these negative impacts that affect surrounding properties and businesses. Further, the provisions of the PUD in which the subject restaurant is located permits all retail and restaurant uses within the shopping center in which the restaurant is located to be parked at a ratio of 1 space per 250 square feet, while restaurants of this size located in other parts of the City would generally be required to be parked at a ratio of 1 space per 100 square feet, with entertainment uses generally requiring even more parking. Approval of the proposed Conditional Use Permit would intensify the existing restaurant use further and likely generate additional parking demand,

which would negatively impact other businesses within the shopping center. For these reasons, the more intense uses proposed would be incompatible with surrounding uses, and approval of the requested Conditional Use Permit would not be consistent with Goal LU-4 of the General Plan's Land Use Element. Therefore, the Planning Commission is unable to find that the proposed uses are consistent with the City's General Plan.

- B. In order to approve the requested Conditional Use Permit, the Planning Commission must find that the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Subsection 9.16.020.080.C.1 of the Garden Grove Municipal Code provides that in considering requests for conditional use permits for alcoholic beverage sales, "of particular concern will be . . . the compatibility of the proposed use with neighboring uses, and that no adverse effect on public health, safety or welfare will be created." Subsection 9.16.020.080.C.3 further provides, "The proposed use shall not be incompatible with the adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation, nor shall it create any adverse effect on public health, safety or welfare." The applicant proposes to upgrade the existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, under which the restaurant operates, to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to add karaoke live entertainment, a stage, and amplified music/entertainment. This proposed intensification of use has the potential to adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, may potentially interfere with the use, enjoying or valuation of the property of other persons located within the vicinity of the site, and may potentially jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. From 2015 to present, the Police Department has responded to a relatively large volume of calls for service generated from or associated with the existing restaurant, has observed multiple instances of noncompliance with the existing conditions of approval governing the establishment and issued at least two administrative citations to the restaurant's operator for such violations, and has observed and cited patrons of the restaurant for smoking inside the restaurant. Despite being put on notice of these issues, the applicant has not demonstrated a consistent ability to comply with the conditions of approval and other laws governing its business. It can be anticipated that allowing the sale of hard liquor and/or allowing expanded, amplified entertainment at the restaurant will compound the problems previously observed and result in even more calls for service by the Police Department for crimes and incidents. Thus, approval of the applicant's request would potentially put further strain on Police Department resources and increase the calls for service in an area that is already above the average crime count for the district. Further, the provisions of the PUD in which the subject restaurant is located permits all retail and restaurant uses within the shopping

center in which the restaurant is located to be parked at a ratio of 1 space per 250 square feet, while restaurants of this size located in other parts of the City would generally be required to be parked at a ratio of 1 space per 100 square feet, with entertainment uses generally requiring even more parking. Approval of the proposed Conditional Use Permit would intensify the existing restaurant use further and likely generate additional parking demand, which would negatively impact other businesses within the shopping center. As a result, the Planning Commission is unable to make the required finding that the proposed use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

- C. In order to approve the requested Conditional Use Permit, the Planning Commission must find that the proposed site is adequate in size and shape to accommodate the parking facilities prescribed in the Land Use Code or as is otherwise required in order to integrate such use with the uses in the surrounding area. The provisions of the PUD in which the subject restaurant is located permits all retail and restaurant uses within the shopping center in which the restaurant is located to be parked at a ratio of 1 space per 250 square feet, while restaurants of this size located in other parts of the City would generally be required to be parked at a ratio of 1 space per 100 square feet, with entertainment uses generally requiring even more parking. Approval of the proposed Conditional Use Permit would intensify the existing restaurant use further and likely generate additional parking demand, which would negatively impact other businesses within the shopping center. Therefore, the Planning Commission is unable to make the required finding that the size and shape of the site for the proposed more intense uses is adequate to accommodate the parking demand that would be generated or to integrate the proposed uses with the uses in the surrounding area.

RELIANCE ON THE RECORD

Unless otherwise provided, each and every one of the findings and conclusions in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Conditional Use Permit. The findings and conclusions constitute the independent findings and conclusions of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole. Unless otherwise provided, all summaries of information in this Resolution are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The requested Conditional Use Permit does not possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. The applicant's request for Conditional Use Permit No. CUP-120-2018 is denied in its entirety.

Adopted this 19th day of April 2018

ATTEST:

/s/ GEORGE BRIETIGAM
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on April 19, 2018, by the following vote:

AYES:	COMMISSIONERS:	(5)	BRIETIGAM, LAZENBY, NGUYEN, TRUONG, SALAZAR
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(2)	KANZLER, LEHMAN

/s/ JUDITH MOORE
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is May 10, 2018.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-120-2018. FOR PROPERTY LOCATED AT 14291 EUCLID STREET #D101, WEST SIDE OF EUCLID STREET, SOUTH OF FORBES AVENUE.

Applicant: QUAN HOA AN, LLC (KIMBERLY B. LE)

Date: April 19, 2018

Request: Conditional Use Permit approval to upgrade an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to allow live entertainment, in the form of karaoke, along with associated components (i.e., amplified sound, stage, and karaoke equipment), for an existing 1,885 square foot restaurant, Pho Hoa An Restaurant, currently operating under Conditional Use Permit No. CUP-102-03. The site is in the PUD-104-81 (Planned Unit Development) zone.

Action: Public Hearing held. Speaker(s): (All spoke in favor of request) Dale Washington, Kimberly Le, Andy Quach, Patrick Hoang, Mimi Nguyen, Van Le

Action: Resolution of Denial No. 5907-18 was approved.

Motion: Lazenby Second: Salazar

Ayes: (5) Brietigam, Lazenby, Nguyen, Salazar, Truong

Noes: (0) None

Absent: (2) Kanzler, Lehman

2018 MAY -8 PM 3:31

APPEAL

REQUEST FOR CITY COUNCIL OR PLANNING COMMISSION PUBLIC HEARING

TO: City Clerk's Office, City of Garden Grove
11222 Acacia Parkway, Garden Grove, CA 92840
(714) 741-5040

Pursuant to Section 9.32.110 of the Municipal Code, I hereby appeal the decision of the
☒ **Planning Commission** / ☐ **Zoning Administrator** in Case No. CUP-120-2018
and petition the ☒ **City Council** / ☐ **Planning Commission** for a Public Hearing to
consider ☒ **approving** / ☐ **denying** / ☐ **modifying** the subject application for the
following reasons:

Applicant has demonstrated most requirements of the
GAPD & the current CUP is outdated. The Applicant
is the only restaurant within the city that is trying to
comply with the city's regulations.

Requesting July 10 2018 council meeting.

Date: 5/8/2018 Appeal Fee (see reverse): _____

Appellant: Rimberly Lee

Address: 14291 Euclid St # D101

City & ZIP: Garden Grove 92843 Phone No.: (714) 553-9767

pls: cc Andy Quach@hotmail.com (714) 287-8792

TITLE 9 APPEALS

SECTION 9.32.110 PURPOSE

The purpose of an appeal of a Hearing Body decision is to allow an applicant or an interested party of a land use action who feels aggrieved by the decision to seek review of the case by another imported hearing body.

SECTION 9.32.120 TIME FOR APPEAL

A decision of a Hearing Body on a land use action may be appealed by the applicant or an individual within twenty-one (21) days of the date on which the decision was rendered.

SECTION 9.32.130 FILING OF AN APPEAL

All appeals shall be submitted to the City Clerk on a City application form along with all applicable fees and shall specifically state the basis for the appeal.

SECTION 9.32.140 NOTICE OF AN APPEAL

Notice of an appeal hearing shall conform to the manner in which the original notice was given, as described in Section 9.32.040-100 of this Chapter.

SECTION 9.32.150 APPEAL HEARING/DECISION

- A. The hearing and decision procedures of an appeal shall be in accordance with 9.32.040-100 of this Chapter.
- B. Any modification of a land use action that was appealed by City Council shall be returned to the City Council for review.

Appeal Fee*	
General Plan Amendment	\$350
Amendment	\$350
Site Plan Amendment	\$350
Site Plan	\$350
Variance	\$350
Conditional Use Permit	\$480
Unclassified Use Permit	\$350
Planned Unit Development	\$350

*Tenants/Owners/Residents within legal notification area (300 feet) the appeal fee is \$100.00.

May 7, 2018

2018 MAY -8 PM 3: 31

To: Garden Grove City Clerk

12222 Acacia Parkway, Garden Grove CA, 92840

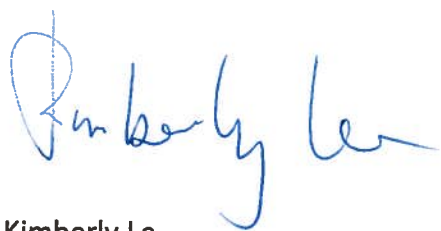
From: Kimberly Le

14291 Euclid St # D101, Garden Grove CA, 92843

Re: Appeal of Thursday, April 19, 2018 Planning Commission's Decision to the Garden Grove City Council (Item C.1.) PUBLIC - HEARING - CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 14291 EUCLID STREET #D101, WESTSIDE OF EUCLID STREET, SOUTH OF FORBES AVENUE.

This letter is to appeal the above referenced planning commission denial to the Garden Grove City Council to its next earliest available agenda. If you have any questions. Please call (714)553-9767.

Sincerely,

A handwritten signature in blue ink that reads "Kimberly Le". The signature is fluid and cursive, with the first name "Kimberly" and the last name "Le" clearly distinguishable.

Kimberly Le,

Applicant/Owner

June 25, 2018

Hi Chris,

This email is to formally request a change in our city council appeal from asking for a type 47 to just maintaining our current type 41. Our request for live entertainment remains. E.g., we are canceling the hard liquor request!

Thank you very much for your time and attention.

Kimberly B. Le
HOA AN QUAN
14291 Euclid St. Unit D101
Garden Grove, CA 92843

 6/25/2018

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Consideration of an appeal of a Garden Grove Planning Commission action for a denial of Conditional Use Permit No. CUP-120-2018 for the Pho Hoa An Restaurant located at 14291 Euclid Street #D101, Garden Grove. (<i>Action Item</i>)		
		Date:	7/10/2018

OBJECTIVE

To conduct a Public Hearing to consider the appeal of the Garden Grove Planning Commission's denial of Conditional Use Permit No. CUP-120-2018, regarding an existing restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101, Garden Grove.

BACKGROUND

The site is improved with a multi-tenant retail shopping center called the Euclid Retail Center. The center includes retail stores, restaurants, medical, and office professional uses. The specific 1,885 square foot tenant space under application has been in operation as a restaurant since 1992, changing ownership several times during subsequent years. According to business license records, the current business owner, the applicant, Kimberly B. Le, has been operating the current restaurant, Pho Hoa An Restaurant, since 2014.

In June of 1999, the City of Garden Grove approved Conditional Use Permit No. CUP-455-99, which allowed the existing restaurant to operate with a new State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License.

In March of 2003, the City of Garden Grove approved Conditional Use Permit No. CUP-102-03, which allowed the existing restaurant, currently operating with a State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License, to have live entertainment in the form a solo performer, but with no audience participation, amplified sound system, stage, or dance floor allowed. At the time of the approval of CUP-102-03, the restaurant had existing illegal improvements that included items such as a stage, music instruments, and an amplified sound system. A condition of approval required that all said improvements were to be removed within thirty (30) days from the date of the approval of CUP-102-03.

In late 2016, the applicant had submitted a preliminary inquiry to the City for a request for Conditional Use Permit (CUP) approval to allow an upgrade of the restaurant's existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License. Up to this point, the restaurant had developed a history of non-compliance with its Conditional Use Permit and the applicable conditions of approval, along with other legal violations such as customers smoking within the business. Shortly thereafter, the applicant met with the Police Department to discuss the CUP request. The Police Department outlined past and ongoing issues related to the restaurant including, but not limited to, illegal karaoke live entertainment, amplified music, and the use of an amplified sound system with associated equipment. It should be noted that recent calls for service relating to the restaurant, that were received by the Police Department, included, but were not limited to: disturbing the peace (loud audible music from outside the restaurant), a call relating to a fight, and a call relating to an assault with a deadly weapon.

Typically, if a restaurant has developed a history of non-compliance (e.g., repeated CUP violations) with its CUP and/or demonstrated an unwillingness to correct on-going issues, the Police Department has not supported requests/applications where an applicant's request would intensify and/or expand an existing restaurant use (i.e., upgrading an ABC License to add hard liquor sales to beer and wine sales, increasing hours of operation to later hours, etc.). At its meeting, the Police Department advised the applicant that it could not support the applicant's request unless the applicant operated the restaurant in compliance with its Conditional Use Permit (CUP-102-03), demonstrated good operational behavior, and encouraged the business owner to return to the City and re-submit its request for reconsideration after demonstrating CUP compliance and good operational behavior for a period of at least one (1) year.

In October of 2017, the applicant submitted a follow-up preliminary inquiry to the City for a request for Conditional Use Permit (CUP) approval to allow an upgrade of the restaurant's existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License.

It should be noted that the application review process typically begins with the submittal of a preliminary review application package to Staff for review. Said package may include a request in writing, a business proposal, a menu (if applicable), and proposed plans. During the preliminary review process, Staff will work with the applicant to address any issues with the proposal and/or the proposed plans, to ensure the project complies with the requirements of the Municipal Code and is supportable by Staff. Before Staff had completed its preliminary review of the applicant's request (to determine whether or not the City would support the request), the applicant decided to forgo the preliminary review process and submitted a land use entitlement application for its CUP request on December 5, 2017.

Following receipt of the CUP application, Staff continued its preliminary review. During said review, it was noted by the Police Department that on several occasions, including a business check that occurred on December 23, 2017, police officers had observed CUP violations in the subject restaurant, Pho Hoa An Restaurant. Observations included but were not limited to: loud audible music from outside the restaurant, customers smoking within the establishment, karaoke live entertainment, amplified music, and an amplified sound system with associated equipment. The applicant had not been operating in compliance with its current Conditional Use Permit (CUP-102-03), which includes, but is not limited to, the following conditions of approval:

P. Live entertainment shall be limited to a solo paid professional performer. No audience participation and amplified sound system allowed.

Q. There shall be no dancing, karaoke or disc-jockey entertainment or sport bar permitted at any time.

R. Noise generated from the establishment shall not be audible outside the establishment.

S. There shall be no stage area or dance floor allowed at any time.

T. The existing stage with music instruments and amplified sound system and a big-screened television shall be removed within thirty (30) days from the date of Conditional Use Permit approval.

Staff scheduled the applicant's item for the February 1, 2018, Planning Commission meeting. On January 9, 2018, the applicant submitted a request to withdraw their CUP item from the February 1, 2018 Planning Commission meeting agenda, in order to modify their proposal by adding a request to allow karaoke live entertainment including other associated components (i.e., amplified sound, stage, and karaoke equipment), in addition to its current request to upgrade its ABC Type "41" License to an ABC Type "47" License.

On February 5, 2018, the applicant had met with Staff, which included the Police Department, to discuss their modified CUP request (to add karaoke live entertainment). The Police Department noted there had been no apparent recent efforts made by the applicant to bring its business into compliance with its current Conditional Use Permit (CUP-102-03), to remove all illegal improvements within the establishment, and to demonstrate good operational behavior since the last meeting between the applicant and the Police Department, which took place approximately one (1) year ago. Accordingly, the Police Department noted it would not support the modified CUP request until the business owner had removed all illegal improvements within the establishment, and successfully demonstrated good operational behavior in compliance with its current CUP, for a period of at least one (1) year. After such time, the Police Department again encouraged the business owner to return to the City and re-submit their request for reconsideration. The applicant stated she would remove all existing illegal improvements and operate in compliance with her current CUP.

On March 5, 2018, the applicant submitted a request to agenda her item, Conditional Use Permit No. CUP-120-2018, for the next available Planning Commission meeting, forgoing the Police Department's direction to operate in compliance with its current CUP for at least one (1) year before resubmitting her request.

The restaurant is located in a crime district that is 7% above the average crime count per district, and in an area of an over-concentration of Alcoholic Beverage Control on-sale licenses.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23816 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. In addition, Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a

The department shall deny an application for a license if issuance of such license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

The ABC Census Reporting District No. 889.03 shows the subject site to be located in an over-concentration of Alcoholic Beverage Control on-sale licenses; therefore the City is required to make a finding of public convenience or necessity to approve the ABC request. However, Staff did not believe a finding of public convenience or necessity should be made. Staff believed that the proposal to intensify the existing restaurant use, by upgrading the ABC Type "41" (Beer and wine) License to an ABC Type "47" (Beer, wine, and hard liquor) License and to add karaoke live entertainment, at this time would potentially adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the applicant has not successfully demonstrated a continuous display of compliance with its current Conditional Use Permit.

Furthermore, Business and Professions Code Section 23958 states that an application for an ABC license shall be denied if issuance of the license would tend to create a law enforcement problem. Staff believed that the applicant's request would intensify the business operations through the upgrade of the current ABC Type "41" License to an ABC Type "47" License, and the addition of karaoke live entertainment, stage, amplified sound, and associated karaoke equipment. Based on previous observations made by the Police Department, where the applicant had not shown the ability to operate in compliance with its current Conditional Use Permit, Staff further believed that applicant's request would potentially put further strain on Police Department resources and increase the calls for service in an area that is above the average crime count for the district.

On April 19, 2018, the Planning Commission held a public hearing to consider Conditional Use Permit No. CUP-120-2018. Six (6) members of the public, which included the applicant and the applicant's representative, came forward to speak in favor of the project. The Planning Commission expressed concerns with the restaurant operators' history of prior issues and Conditional Use Permit (CUP) violations, and also urged the applicant to follow the Police Department's direction to demonstrate good operational behavior in compliance with the current CUP, for a period of at least one (1) year, after such time returning to the City and re-submitting the request for reconsideration. The Community and Economic Development Department and the Police Department had reviewed the request and did not support the proposal. City Staff had included a proposed Resolution of Denial for the Planning Commission's consideration. The documentation submitted by the applicant in support of its request had also been included for the Planning Commission's consideration. It was noted to the Planning Commission that it was not bound by City Staff's recommendation and should make an independent decision based on the facts and evidence presented at the public hearing. By a vote of 5-0 (with 2 commissioners absent), a successful motion was made by the Planning Commission to adopt Resolution No. 5907-18 to deny CUP-120-2018.

DISCUSSION

Appeal of the Denial of Conditional Use Permit No. CUP-120-2018

On May 8, 2018, the Appellant filed an appeal of the Planning Commission's denial of CUP-120-2018. On the submitted appeal form, the Appellant provided the following comments in support of the appeal: (i) that the applicant has demonstrated compliance with most requirements of the Garden Grove Police Department; (ii) that the restaurant's current Conditional Use Permit is outdated; and (iii) that the applicant's restaurant is the only restaurant in the City that is actively trying to comply with the City's regulations.

On June 2, 2018, the Garden Grove Police Department conducted a business check at the subject restaurant, Pho Hoa An Restaurant. Officers discovered numerous Conditional Use Permit (CUP) violations in the restaurant, including but not limited to: karaoke live entertainment, amplified music, an amplified sound system with associated karaoke equipment, and a stage. It should be noted that although restaurant customers were not observed to be smoking inside the business during the business check, officers noted a strong odor of cigarette smoke inside the business, including numerous cigarette butts dropped on the floor. Due to the observed CUP violations, the business owner, Kimberly B. Le, was issued an administrative citation of \$1,000 for violation of Garden Grove Municipal Code Section 1.22.010(a).

On June 15, 2018, the Garden Grove Police Department conducted a business check at the subject restaurant, Pho Hoa An Restaurant. Officers again observed numerous CUP violations in the restaurant, including but not limited to: karaoke live entertainment, amplified music, an amplified sound system with associated karaoke equipment, and loud

karaoke live entertainment, amplified music, an amplified sound system with associated karaoke equipment, and loud music audible from outside of the business. Due to the lack of compliance with the restaurant's Conditional Use Permit, and continued ongoing problems, the police officers seized the speakers, laptop, and sound equipment that were utilized for the karaoke live entertainment, which were booked into Garden Grove Police Department as evidence. Due to the observed CUP violations, the business owner was again issued an administrative citation of \$1,000 for violation of Garden Grove Municipal Code Section 1.22.010(a).

Staff has reviewed the appeal request and recommends that the City Council uphold the Planning Commission's decision to deny CUP-120-2018. The basis for Staff's recommendation and the Planning Commission's denial of CUP-120-2018 are set forth in detail in the April 19, 2018, Planning Commission Staff Report (Attachment 1), and Planning Commission Resolution No. 5907-18 (Attachment 2).

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council conduct a Public Hearing and:

- Adopt the attached Resolution denying the appeal submitted by the Appellant, and uphold the Planning Commission's decision to deny Conditional Use Permit No. CUP-120-2018; or
- Provide further direction to Staff.

By: Chris Chung, Associate Planner

ATTACHMENTS:

Description	Upload Date	Type	File Name
Planning Commission Staff Report dated April 19, 2018	6/18/2018	Backup Material	Planning_Commission_Staff_Report_dated_April_19__2018.pdf
Planning Commission Resolution No. 5907-18	6/18/2018	Backup Material	Planning_Commission_Resolution_No._5907-18.docx
Planning Commission Minute Excerpt of April 19, 2018	6/18/2018	Backup Material	Planning_Commission_Minute_Excerpt_of_April_19__2018.doc
CC Draft Resolution of Denial	7/5/2018	Resolution	7-10-18_CC_CUP-120-2018_CCDraftResoDenial.docx
Appellant's Appeal Form	6/18/2018	Resolution	Appellant_s_Appeal_Form.pdf
Appellant's modified Appeal	6/29/2018	Backup Material	7-10-18_Applicant_Request_to_Modify_Appeal_6-25-18.pdf

REVIEWERS:

Department	Reviewer	Action	Comments
Community and Economic Development	Marino, Lee	Approved	
City Clerk	Pomeroy, Teresa	Approved	
City Attorney	Sandoval, Omar	Approved	
Deputy City Manager	Stipe, Maria	Approved	
City Manager	Stiles, Scott	Approved	

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION
TO DENY CONDITIONAL USE PERMIT NO. CUP-120-2018

WHEREAS, the case was initiated by Quan Hoa An LLC c/o Kimberly B. Le ("Applicant"), owner/operator of Pho Hoa An Restaurant, an existing restaurant located on the west side of Euclid Street, south of Forbes Avenue, at 14291 Euclid St. #D101, Garden Grove, Assessor's Parcel No. 099-183-03 (the "Property"), and currently operating with an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License approved under Conditional Use Permit No. CUP-102-03;

WHEREAS, the Conditions of Approval to Conditional Use Permit No. CUP-102-03 permit the restaurant to operate with, but not limited to: live entertainment limited to a solo paid professional performer; no audience participation; no amplified sound system; no dancing, karaoke or disc-jockey entertainment or sport bar activity; no noise generated from the establishment to be audible outside the establishment; no stage area or dance floor allowed;

WHEREAS, the property is located in the PUD-104-81/86 REV. 90 (Planned Unit Development) zone, and has a General Plan Land Use Designation of Industrial/Commercial Mixed Use;

WHEREAS, the Applicant is requesting Conditional Use Permit (CUP) approval to upgrade an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to allow live entertainment, in the form of karaoke, along with associated components (i.e., amplified sound, stage, and karaoke equipment), for an existing 1,885 square foot restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101, Garden Grove, which is currently operating under Conditional Use Permit No. CUP-102-03;

WHEREAS, pursuant to Resolution No. 5907-18, the Planning Commission, following a Public Hearing held on April 19, 2018, denied Conditional Use Permit No. CUP-120-2018;

WHEREAS, the applicant has appealed the Planning Commission's denial of Conditional Use Permit No. CUP-120-2018 to the City Council;

WHEREAS, the City of Garden Grove has determined that because the application is denied, the project is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines 15270(a);

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on July 10, 2018, and on July 24, 2018, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of July 10, 2018 and its meeting of July 24, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. In order to approve Conditional Use Permit No. CUP-120-2018, all of the findings set forth in Garden Grove Municipal Code Section 9.32.030(D)(4) must be made. In this case, based on the totality of information provided, the City Council concurs with the decision of the Planning Commission and finds that not all of the required findings set forth in Section 9.32.030(D)(4) can be made consistent with the facts, findings, and reasons set forth in Planning Commission Resolution No. 5907-18 for the following reasons:

- A. In order to approve the requested Conditional Use Permit, the City Council must find that the proposed use will be consistent with the City's adopted General Plan. General Plan Land Use Element Goal LU-4 provides that "The City seeks to develop uses that are compatible with one another." In addition, pursuant implementing Policy LU-IMP-4A of the General Plan Land Use Element, it is the City's policy to monitor existing and review all requests to expand intensive commercial uses. The existing restaurant, with alcohol sales and limited non-amplified live entertainment, is already an intensive commercial use, and the request to upgrade the alcohol license to allow liquor sales and to add live entertainment in the form of amplified karaoke would further significantly intensify the permitted restaurant use. The existing Conditional Use Permit governing the subject restaurant does not permit live entertainment involving audience participation, an amplified sound system, a stage, or a dance floor and provides that sound generated in the establishment should not be audible outside of the premises; however, the evidence presented to the Planning Commission and City Council shows that many provisions of the existing Conditional Use Permit have not been regularly complied with in the past. According to the Garden Grove Police Department, the prior and current owners and/or operators of the subject restaurant have a documented history of failing to comply with the existing Conditional Use Permit and applicable conditions of approval, and the Police Department has issued both verbal warnings and administrative citations to the current owner for CUP violations. In addition, the Police Department reports that, historically, there have been a relatively large volume of calls for service associated with the subject establishment, including, without limitation,

calls for service involving noise complaints, disturbing the peace, fights, and individuals possessing weapons. Police officers have also observed and issued citations for patrons illegally smoking inside the establishment in violation of State law. These documented violations negatively impact surrounding properties and businesses. Allowing the existing establishment to operate with hard liquor sales and/or amplified live entertainment in the form of karaoke will intensify the characteristics of the business associated with these negative impacts that affect surrounding properties and businesses. Further, the provisions of the PUD in which the subject restaurant is located permits all retail and restaurant uses within the shopping center in which the restaurant is located to be parked at a ratio of 1 space per 250 square feet, while restaurants of this size located in other parts of the City would generally be required to be parked at a ratio of 1 space per 100 square feet, with entertainment uses generally requiring even more parking. Approval of the proposed Conditional Use Permit would intensify the existing restaurant use further and likely generate additional parking demand, which would negatively impact other businesses within the shopping center. For these reasons, the more intense uses proposed would be incompatible with surrounding uses, and approval of the requested Conditional Use Permit would not be consistent with Goal LU-4 of the General Plan's Land Use Element. Therefore, the City Council is unable to find that the proposed uses are consistent with the City's General Plan.

- B. In order to approve the requested Conditional Use Permit, the City Council must find that the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Subsection 9.16.020.080.C.1 of the Garden Grove Municipal Code provides that in considering requests for conditional use permits for alcoholic beverage sales, "of particular concern will be . . . the compatibility of the proposed use with neighboring uses, and that no adverse effect on public health, safety or welfare will be created." Subsection 9.16.020.080.C.3 further provides, "The proposed use shall not be incompatible with the adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation, nor shall it create any adverse effect on public health, safety or welfare." The applicant proposes to upgrade the existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, under which the restaurant operates, to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to add karaoke live entertainment, a stage, and amplified music/entertainment. This proposed intensification of use has the potential to adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, may potentially interfere with the use, enjoying or valuation of the property of other

persons located within the vicinity of the site, and may potentially jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. From 2015 to present, the Police Department has responded to a relatively large volume of calls for service generated from or associated with the existing restaurant, has observed multiple instances of noncompliance with the existing conditions of approval governing the establishment and issued at least two administrative citations to the restaurant's operator for such violations, and has observed and cited patrons of the restaurant for smoking inside the restaurant in violation of State law. Despite being put on notice of these issues, the applicant has not demonstrated a consistent ability to comply with the conditions of approval and other laws governing its business. It can be anticipated that allowing the sale of hard liquor and/or allowing expanded, amplified entertainment at the restaurant will compound the problems previously observed and result in even more calls for service by the Police Department for crimes and incidents. Thus, approval of the applicant's request would potentially put further strain on Police Department resources and increase the calls for service in an area that is already above the average crime count for the district. Further, the provisions of the PUD in which the subject restaurant is located permits all retail and restaurant uses within the shopping center in which the restaurant is located to be parked at a ratio of 1 space per 250 square feet, while restaurants of this size located in other parts of the City would generally be required to be parked at a ratio of 1 space per 100 square feet, with entertainment uses generally requiring even more parking. Approval of the proposed Conditional Use Permit would intensify the existing restaurant use further and likely generate additional parking demand, which would negatively impact other businesses within the shopping center. As a result, the City Council is unable to make the required finding that the proposed use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

- C. In order to approve the requested Conditional Use Permit, the City Council must find that the proposed site is adequate in size and shape to accommodate the parking facilities prescribed in the Land Use Code or as is otherwise required in order to integrate such use with the uses in the surrounding area. The provisions of the PUD in which the subject restaurant is located permits all retail and restaurant uses within the shopping center in which the restaurant is located to be parked at a ratio of 1 space per 250 square feet, while restaurants of this size located in other parts of the City would generally be required to be parked at a ratio of 1 space per 100 square feet, with entertainment uses generally requiring even more parking. Approval of the proposed Conditional Use

Permit would intensify the existing restaurant use further and likely generate additional parking demand, which would negatively impact other businesses within the shopping center. Therefore, the City Council is unable to make the required finding that the size and shape of the site for the proposed more intense uses is adequate to accommodate the parking demand that would be generated or to integrate the proposed uses with the uses in the surrounding area.

Section 3. Based upon the foregoing findings, and the upon the facts, findings and reasons set forth in Planning Commission Resolution No. 5907-18 (which are on file in the office of the City Clerk, concurrently submitted in the agenda materials for Conditional Use Permit No. CUP-120-2018, and incorporated herein by reference with the same force and effect as set forth in full), the Applicant's appeal is hereby denied, the Planning Commission's decision is upheld, and Conditional Use Permit No. CUP-120-2018 is hereby denied.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPEAL, IN PART, OVERTURNING THE PLANNING COMMISSION'S DECISION TO DENY CONDITIONAL USE PERMIT NO. CUP-120-2018, AND THEREBY APPROVING CONDITIONAL USE PERMIT NO. CUP-120-2018

WHEREAS, the case was initiated by Quan Hoa An LLC c/o Kimberly B. Le ("Applicant"), owner/operator of Pho Hoa An Restaurant, an existing restaurant located on the west side of Euclid Street, south of Forbes Avenue, at 14291 Euclid St. #D101, Assessor's Parcel No. 099-183-03 (the "Property"), and currently operating with an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License approved under Conditional Use Permit No. CUP-102-03;

WHEREAS, the Conditions of Approval under Conditional Use Permit No. CUP-102-03 permit the restaurant to operate with, but not limited to: live entertainment limited to a solo paid professional performer; no audience participation; no amplified sound system; no dancing, karaoke or disc-jockey entertainment or sport bar activity; no noise generated from the establishment to be audible outside the establishment; no stage area or dance floor allowed; and

WHEREAS, the property is located in the PUD-104-81/86 REV. 90 (Planned Unit Development) zone, and has a General Plan Land Use Designation of Industrial/Commercial Mixed Use;

WHEREAS, the Applicant's original request was for Conditional Use Permit (CUP) approval to upgrade an existing State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License, and to allow live entertainment, in the form of karaoke, for an existing 1,885 square foot restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101, which is currently operating under Conditional Use Permit No. CUP-102-03;

WHEREAS, pursuant to Resolution No. 5907-18, the Planning Commission, following a Public Hearing held on April 19, 2018, denied Conditional Use Permit No. CUP-120-2018;

WHEREAS, the applicant had appealed the Planning Commission's denial of Conditional Use Permit No. CUP-120-2018 to the City Council;

WHEREAS, the applicant had submitted a request to modify the Conditional Use Permit proposal to remove the request to upgrade the existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47"

(On-Sale, General, Public Eating Place) License, but to maintain the request to allow karaoke live entertainment;

WHEREAS, the Applicant is requesting approval to allow live entertainment, in the form of karaoke, for an existing 1,885 square foot restaurant, Pho Hoa An Restaurant, located at 14291 Euclid Street #D101;

WHEREAS, the City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act;

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on July 10, 2018, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meetings of July 10, 2018, and July 24, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. In order to approve Conditional Use Permit No. CUP-120-2018, all of the findings set forth in Garden Grove Municipal Code Section 9.32.030(D)(4) must be made. In this case, based on the totality of information provided, the City Council finds all of the required findings set forth in Section 9.32.030(D)(4) can be made consistent for the following reasons:

- A. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The subject site has a General Plan Land Use Designation of Industrial/Commercial Mixed Use, and is zoned PUD-104-81/86 REV. 90 (Planned Unit Development). Eating establishments with alcohol sales and live entertainment are conditionally permitted in this zone. The Pho Hoa An Restaurant has been operating under Conditional Use Permit No. CUP-102-03, which allows the existing restaurant to operate with a State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Premises) License, to have live entertainment in the form a solo performer, but with no audience participation, amplified sound system, stage, or dance floor allowed. Approval of Conditional Use Permit No. CUP-120-2018 will allow the existing restaurant to provide karaoke live entertainment. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

- B. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol will be ancillary to the sale of food, and the live entertainment will be an additional amenity to customers and be incidental to the operation of the full service restaurant. Food is required to be served during all hours of operation, and the sale of alcohol must be incidental to the sale of food. Conditions of approval will minimize potential impacts, especially those related to noise, to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area. The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

- C. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

All site improvements are existing, including parking and loading facilities, landscaping, and perimeter fencing. The site, with the existing site improvements, is of adequate size to accommodate the existing restaurant use, with the addition of karaoke live entertainment, within the surrounding area, provided the conditions of approval are adhered to for the life of the project.

- D. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is adequately served by existing public streets. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

Section 3. Based upon the foregoing findings, the Applicant's appeal, in part, is hereby approved, overturning the Planning Commission's decision to deny Conditional Use Permit No. CUP-120-2018, and thereby approving Conditional Use

Garden Grove City Council

Resolution No.

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Permit No. CUP-120-2018, to allow the existing restaurant to provide karaoke live entertainment.

BE IT FURTHER RESOLVED that the City Council does conclude:

1. The Conditional Use Permit possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Conditional Use Permit No. CUP-120-2018.

EXHIBIT "A"

Conditional Use Permit No. CUP-120-2018

14291 Euclid Street #D101

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Quan Hoa An LLC c/o Kimberly B. Le, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Zoning Administrator, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Police Department

6. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
7. Hours of operation of the establishment shall be permitted only between the hours of 10:00 a.m. to 12:00 a.m., seven (7) days a week. Karaoke live entertainment shall cease by 10:00 p.m., seven (7) days a week. The City of Garden Grove reserves the right to reduce hours of operation of the establishment and/or the hours of karaoke live entertainment, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
8. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
10. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
11. The business shall show proof to the Police Department, within 60 days, unless otherwise extended by the Chief of the Police Department, that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
12. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010(a).
13. In the event that an Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the City Council for review or further consideration.

14. In the event that it is found in any incident, reported by the Police Department, that the business has violated any of the Conditions of Approval, under CUP-120-2018, and/or at the discretion and request of the Chief of the Police Department, the Conditional Use Permit shall be presented to the City Council for review and further consideration.
15. The sale and service of alcohol shall cease thirty (30) minutes prior to the required closing time.

Fire Department

16. Illuminated exit signs shall be provided.
17. Occupant sign shall be posted.
18. Fire extinguishers shall be provided within the establishment as required by the Fire Department.

Public Works Department

19. In the event the following improvements are not already provided, and as required, a properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There is to be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. The grease interceptor is to be located outside of the building and accessible for routine maintenance. The property owner shall maintain comprehensive grease interceptor maintenance records and shall make the records available to the City of Garden Grove upon request.
20. In the event the following improvements are not already provided, and as required, a Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have a RPPD device. Any carbonation dispensing equipment is to have a stainless steel RPPD device. Installation to be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector is to be notified for inspection after the installation is completed. Owner is to have RPPD device tested once a year by a certified backflow device tester and the test results to be submitted to the Public Works, Water Services Division.

Community and Economic Development Department

21. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
22. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the sales of food.
23. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
24. Food shall accompany any sales and service of alcoholic beverages in the restaurant.
25. There shall be no separate bar or lounge area to provide direct and sole service of alcoholic beverages to customers.
26. The owner of the establishment shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
27. The sale of alcoholic beverages for consumption off the premises is prohibited.
28. No outside storage or displays shall be permitted at any time.
29. The open space, on the north side of the restaurant, shall be kept clean from all debris, storage, and food preparation.
30. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the restaurant's entrance, and shall also be visible to the public.

31. Limited live entertainment shall be subject to the following:

- a. Live entertainment shall be limited to karaoke. There shall be no other forms of live entertainment permitted such as dancing, sports bar, or disc jockey entertainment, on the premises at any time.
- b. All live entertainment shall be conducted only within the wholly enclosed building.
- c. Sound or vibration emitted from the premises shall not be audible from outside the boundaries (walls and/or windows) of the establishment. The applicant shall provide and implement sound attenuation to ensure noises and vibrations emitted from the premises do not negatively impact neighboring uses and properties.
- d. No amplified sound shall be permitted outside of the fully enclosed building.
- e. The applicant shall submit a proposal, subject to review and approval by the Community and Economic Development Department, Planning Division, which outlines specific mitigation measures and improvements to be made, by the applicant, to the restaurant/establishment in order to provide adequate sound attenuation. This shall include a double door system, insulated window system, interior sound absorbing materials, or other effective mitigation measures as deemed adequate by the Community and Economic Development Department. These measures shall be installed prior to commencement of any karaoke live entertainment, and all necessary permits shall be obtained, as required, from the Building and Safety Division.
- f. There shall be no dance floor allowed within the premises at any time.
- g. Audience participation may be allowed provided it is only in conjunction with karaoke live entertainment activities.
- h. The restaurant shall not operate as a night club or bar at any time.
- i. Provided building permits are obtained and finalized as necessary, a raised platform or stage, in association with the permitted live entertainment, may be allowed on the premises, subject to review and

approval by the Community and Economic Development Department, Planning Division.

- j. Live entertainment shall be incidental to the restaurant. At no time shall the live entertainment be utilized as a primary use.
 - k. Food service shall be provided during all hours of operation, including when the live entertainment is occurring.
 - l. No cover charge or other type of entrance fees shall be required for entrance into the restaurant.
- 32. No employee or agent shall be permitted to accept money or any other thing of value from a customer for purposes of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available, either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of or for the customers.
 - 33. The property owner shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate adjacent properties.
 - 34. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
 - 35. There shall be no deliveries to or from the premises before 8:00 a.m. and after 10:00 p.m., seven (7) days a week.
 - 36. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
 - 37. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
 - 38. The trash bin shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.

Conditional Use Permit No. CUP-120-2018
Conditions of Approval

39. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification or application.
40. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
41. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
42. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to windows and/or doors shall count toward the maximum window coverage area. No curtains or solid window or door coverings shall be permitted at any time.
45. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
46. A copy of the decision approving Conditional Use Permit No. CUP-120-2018 shall be kept on the premises at all times.
47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-120-2018, and his/her agreement with all conditions of the approval.

Conditional Use Permit No. CUP-120-2018
Conditions of Approval

48. Conditional Use Permit No. CUP-102-03 shall become null and void, and therefore, is superseded in its entirety by the approval of Conditional Use Permit No. CUP-120-2018.
49. The approval of Conditional Use Permit No. CUP-120-2018 is probationary and shall be reviewed by the City Council six (6) months from the effective date of this approval to review the operational behavior and determine if the restaurant, under the ownership of the applicant, Kimberly B. Le, or respective successors and assigns, including any subsequent purchasers and/or tenants, is operating in compliance with CUP-120-2018. In addition, the applicant shall submit an audited report of sales ratio of food to alcoholic beverages to the City for review, pursuant to Condition Nos. 22 and 26. Should the City Council approve the business to continue its operation, under CUP-120-2018, the Conditional Use Permit shall be reviewed every year thereafter, in order to determine if the business is operating in compliance.
50. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for the approval of a new Conditional Use Permit subject to the approval by the appropriate hearing body.
51. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning CUP-120-2018. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Maria Stipe
Dept.:	City Manager	Dept.:	City Manager
Subject:	Placement of a one cent (1%) Sales Tax (Transactions and Use) Measure on the November 6, 2018, General Election Ballot for voter consideration. (<i>Action Item</i>)	Date:	7/24/2018

OBJECTIVE

The purpose of this report is for the City Council to consider placement of a local funding measure, known as the **Garden Grove Public Safety/9-1-1 and Vital City Services Measure**, a one cent (1%) sales tax (transactions and Use) measure on the November 6, 2018 General Election Ballot for voter consideration. The proposed ballot measure question would read:

To provide effective 9-1-1 emergency response by preventing cuts to police/firefighter/paramedic staffing levels; maintain neighborhood police patrols/gang/drug prevention; protect local drinking water supplies; repair streets/potholes; address homelessness; support affordable housing options, and protect vital city services, shall the City of Garden Grove establish a one-cent sales tax providing \$19,000,000 annually until ended by voters, requiring annual independent audits, citizens oversight, all funds used locally?

BACKGROUND

The State of California has taken several million annually in local tax dollars from Garden Grove since 1992. The City will continue to lose another \$3.5 million dollars every year in General Fund property tax revenues due to the State's required shift of Education Revenue Augmentation Fund (ERAF). In addition, the City lost a total of about \$13.7 million dollars in Redevelopment/Housing Tax Increment funding from 2003 through 2011.

In 2012, the City was forced to return to the State of California approximately \$9.8 million of redevelopment and housing tax increment that has been legally collected for critical economic, redevelopment and housing activities in Garden Grove. In addition, the dissolution of Redevelopment Agencies by the State has required the

City's General Fund to pick up prior Redevelopment Agency obligations of over \$3.9 million each year starting in 2012. These obligations include interfund loan repayments and debt service on bonds sold to acquire properties for redevelopment along the Harbor Corridor.

DISCUSSION

The City has faced financial challenges since the recession in 2008. In order to combat those challenges the City and City Council have been proactive in addressing the problem by making significant cuts in operating costs, including:

- Reducing full-time staff from 687 to 643;
- Implementing a two tiered retirement structure;
- Requiring all City employees to contribute to their own retirement ranging from 8% to 12%;
- Reduced healthcare subsidies for City employees;
- Restructuring animal care service delivery;
- Contracting out City services including building permitting & inspections; tree and landscaping services; janitorial; utility billing printing and mailing; fire plan check; and street sweeping;
- Implementing an early-retirement incentive program to achieve labor savings; and
- Implementing a 5% budget reduction in FY 2018-19.

Public Safety Needs

Public safety is a top priority in Garden Grove and represents about 71% of the City's Basic Fund. However, Public Safety staffing levels have not been restored to pre-recession levels even after making other significant citywide cuts and adding seven additional police officers over the past three fiscal years. Moreover, due in large part to statewide early prison release laws and voter approved initiatives that have changed many felonies to misdemeanors, overall Part I crimes (e.g., robberies, burglaries, aggravated assault and homicide) have increased by over 45% in Garden Grove since 2015 and homeless/mentally ill calls for service have increased by an alarming 47%.

Without a continued local funding source the City will be forced to cut public safety services, including gang and drug prevention; neighborhood police patrols; police officer staffing at local schools; and consider reducing firefighting services. The City needs additional funds to continue to provide citywide crime prevention, gang and youth violence prevention and intervention programs and keep police officers in schools to keep kids off the streets and away from gangs and drugs. Additionally, the City needs funds to maintain firefighters and paramedics levels, and keep rapid 9-1-1 emergency response times so that people suffering from heart attacks, strokes or other medical emergencies continue to receive the immediate, life-saving care they need.

Local Infrastructure Needs

Over the last few decades the City has used General Fund revenues to help support the maintenance of the community's local streets; fund park and playground equipment at the City's 21 neighborhood parks; and maintain City owned buildings, which include Police public safety buildings and fire stations. Going forward, starting

with the 2019-20 Fiscal Year budget, none of these vital programs will be funded beyond the City's required allocation for OCTA grant eligibility. Additionally, all non-emergency facility improvements aside from the Siemens energy efficiency project will be deferred.

Community Engagement and Feedback

City staff has held numerous resident and business group presentations about the City's finances. These meetings have been held at the Community Meeting Center, local services clubs, neighborhood watch sites, City parks, churches, school facilities, hotel meeting rooms, family resource centers and local residences across all districts. Copies of the community survey have been sent to each utility customer, emailed to Chamber of Commerce members, mailed to community leaders, distributed at City counters and community meetings, included in the Garden Grove Parks and Recreation Guide and placed on the City's website. The City has received over 1,700 responses to the community survey asking for feedback on what City services are most important.

Based on feedback from community members the top priorities for Garden Grove include in priority order:

- Maintain 911 emergency response times.
- Prevent cuts to the number of police officers, paramedics, and firefighters.
- Maintain neighborhood police patrols.
- Fight gangs and drugs.
- Protect local drinking water supplies.
- Address homelessness.
- Provide affordable housing options.

Deficit Reduction Alternatives

The best way to reduce Garden Grove's structural deficit is through expenditure reductions. However, as was previously mentioned, a large number of cost-cutting efforts have already been implemented. Reductions were made in the FY 2018-19 budget which will have a long-term negative impact on roadways, parks, and other important City-wide infrastructure. Some of the reductions to date include:

- Reduce tree trimming;
- Rotate closures of park restrooms;
- Reduce plan check contracts;
- Reduce Garden Grove Community Foundation support;
- Eliminate Citizen Emergency Response Team (CERT) program;
- Reduce Master Reserve Officer program and civilian Police staffing;
- Restructure school crossing guard program funding;
- Reduce school resource officer;
- Reduce building repair/maintenance;
- Reduce City Attorney contract;
- Reduce training/customer support;
- Eliminate Open Government software;
- Reduce recreation programming;
- Reduce median maintenance;
- Reduce traffic signal maintenance;
- Defer capital projects.

Additional cuts will further reduce vital City services to a level that will be unacceptable for our residents and business community based on community feedback of wanting to maintain current service levels.

Revenue Augmentation Alternative

Staff believes additional staffing or other operational expense cuts would result in service levels that would not be in the best interest of the residents of Garden Grove and would impact the quality of life. Feedback from the community also placed a high priority on maintaining vital service levels. Various options to increase revenue have been carefully considered, most require voter consideration. As Staff evaluated the revenue options a commitment was made that the recommended revenue enhancement must:

- Have local control – State cannot touch a penny of any voter approved funds;
- Be for local Garden Grove community needs only;
- Maintain local service levels and especially vital Police and Fire services;
- Create long term fiscal sustainability;
- Be funded by both residents and visitors to Garden Grove;
- Not be a specific parcel tax on individual homes or property;
- Have community accountability and transparency.

City Council established a Budget Sub-Committee last year to explore possible revenue opportunities and determine each City department's current and future critical needs. The Sub-Committee reviewed the following:

- **City Revenue Sources:** An in-depth review of the City's General Fund revenue sources and projections under the City's existing revenue authority. This included all revenues from property, sales, hotel, and motor vehicle taxes, as well as gas tax, property transfer taxes, City fees for permits, franchises, business licenses, traffic, parking, and other fines, grant overhead support, recreation, municipal support, interest, and street repair charges.
- **Business License:** Information regarding the City's current business license tax structure and rates were provided and compared to cities of Anaheim, Orange, Santa Ana, Huntington Beach, Irvine, and Fullerton.
- **Internal Service Funds:** Financial data regarding the City's internal service funds, which includes Risk Management, Workers' Compensation, and Fleet Management. The review included 10-year cash flow statements and an overview of the funds' purpose and program costs.
- **Community Priorities and Preferences:** A survey was conducted to analyze Garden Grove resident's general attitudes and concerns about their community and City services.
- **Department Review:** A review of each City department's budget, challenges, critical needs, and impact of budget reductions.
- **Revenue Tax Benchmarking Data:** Various tax rates were reviewed and compared to all other Orange County cities. A review of potential revenue enhancement measures were considered and discussed. Less viable options for increases in tax revenue were analyzed including utility taxes, increases in hotel taxes, and property/parcel taxes.

After carefully assessing the options and listening to community feedback which overwhelmingly indicated a desire to maintain and restore public safety service levels, it is Staff's belief that a local transaction and use (sales) tax measure is the

only option that would:

- Maintain vital City services and meet the needs of residents and the business community;
- Begin to address the General Fund structural deficit; and
- Move the City towards its stated goal of fiscal sustainability, which includes cash solvency / budget solvency / long term solvency / service solvency.

The most viable option which meets the goals of local control and local use is:

- Establishing a sales tax (transactions and use tax) measure. A one cent (1%) increase on sales made in the City of Garden Grove (per California Department of Tax and Fee Administration - excludes food purchased as groceries or prescription medication) would raise approximately \$19 million per year. This tax would be a shared tax, as non-residents making purchases in the City would be picking up a share of the cost. This revenue source is protected by the State constitution whereby the State of California cannot take sales tax from local agencies. In order to pass the measure, 50% + 1 of voting residents would need to approve it in an election.

It should be noted the City Council does not have the unilateral authority to enact a tax increase, and must place a measure on the ballot for voter consideration.

This additional revenue would accomplish the following for the community:

- Maintain and/or restore vital City services
 - o Maintain 911 emergency response times
 - o Maintain current level of police protection as well as firefighters and paramedics
 - o Add Police officers to address increased crime and homeless calls for service
 - o Restore funding for maintaining City streets, parks and infrastructure
 - o Maintain quality public City facilities including Police and Fire stations; recreation and senior centers; City Hall and City Yard
- Address other required obligations
 - o Sufficiently fund the unfunded liability for both pension and OPEB obligations
 - o Restore reserves to adopted policy levels
 - o Fund essential public works City facility maintenance needs
- Commitment to Accountability and Transparency
 - o Including specific information during mid-year financial review and annual budget process
 - o Annual Report to City Council
 - o Accountability reports posted on City Website

There are a number of reasons why a local sales tax measure is a preferred option to any other voter-approved revenue alternative, including:

- Local control for vital Garden Grove community service needs;
- Costs would be shared by residents, businesses and visitors to Garden Grove who purchase certain taxable goods and products;
- The measure would not be applicable to certain indispensable items such as

groceries and medicine;

- The measure would ensure the funds cannot be taken by Sacramento and they would stay in Garden Grove. In 2004 and 2010, two statewide ballot initiatives (Propositions 1A and 22) were approved by California voters, both of which increased protection against State reallocation of local sales tax revenues to fund the State's agencies or programs. Article XIII, Section 24(b) of the State Constitution, enacted by Proposition 22, provides, "The Legislature may not reallocate, transfer, borrow, appropriate, restrict the use of, or otherwise use the proceeds of any tax imposed or levied by a local government solely for the local government's purposes." A recent appellate court case confirmed the broad language and protection afforded cities by this provision. Therefore, revenues from a city-approved sales tax, used for the city's purposes, are constitutionally protected from State-mandated revenue shifts away from the city pursuant to a State statute, including a shift that is part of a "budget trailer bill" enacted as part of the annual State Budget Act;
- Is not a parcel tax on homes or property;
- The goal to pay off the debt and unfunded liabilities and help maintain vital City services could be accomplished with this measure in place.

As such, staff recommends City Council approve a Resolution calling for the placement of a general tax measure on the ballot of the November 6, 2018 election to adopt a transactions and use tax and authorizing guidelines regarding the measure for voter consideration.

Ballot Measure

Approval of the recommended action to adopt the attached resolution would place a one cent (1%) sales tax measure on the November 6, 2018 ballot. The City Clerk would file a certified copy of the attached resolution with the Board of Supervisors of Orange County and the Registrar of Voters of Orange County on or before August 10, 2018. Passage of the measure would require 50% + 1 approval of the voters in the City of Garden Grove.

FINANCIAL IMPACT

The City would have the opportunity to maintain firefighters and paramedics as well as its current level of police protection and other essential City services. The City would be available to maintain 9-1-1 emergency response times and neighborhood police patrols; protect local infrastructure, including streets and aging public safety buildings; fight gangs and drugs; and address homelessness. This measure would address the City's current structural deficit and provide the ability to maintain reserves at GFOA recommended levels and set aside funds for pension and OPEB unfunded liabilities.

RECOMMENDATION

It is recommended that the City Council:

- Declare that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and 15060(c)(3) (the activity is not a project as defined in Section 15378) of

the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly; and

- Adopt the Resolution calling for the placement of a general tax measure on the ballot of the November 6, 2018 consolidated election to adopt a transactions and use tax.

Attachment 1: Resolution Submitting Tax Measure to Voters

Exhibit A: Transactions and Use Tax Ordinance

ATTACHMENTS:

Description	Upload Date	Type	File Name
Attachment 1: Resolution	7/19/2018	Resolution	GG_Resolution_Submitting_Tax_Measure_to_Voters_(1).docx
Exhibit A	7/19/2018	Ordinance	Garden_Grove_2018_Transactions_and_Use_Tax_Ordinance_(1).docx

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PROPOSING AND SUBMITTING TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE ELECTION TO BE HELD ON NOVEMBER 6, 2018, A PROPOSAL TO ADOPT AN INITIATIVE ORDINANCE ESTABLISHING A ONE CENT (1%) TRANSACTIONS AND USE (SALES) TAX; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND AUTHORIZING AND SETTING DEADLINES FOR THE FILING OF ARGUMENTS FOR OR AGAINST THE BALLOT MEASURE

WHEREAS, people live in Garden Grove because it offers a better quality of life and better services than other nearby communities; and

WHEREAS, years of state takeaways and changes to state law have severely impacted the City's ability to provide the quality of life services that make Garden Grove a great place to live, work, and raise a family; and

WHEREAS, the State of California has taken millions in local tax dollars from Garden Grove since 1992. The City will continue to lose another \$3.5 million dollars every year in General Fund property tax revenues due to the State's required shift of Education Revenue Augmentation Fund (ERAF) and about \$13.7 million dollars in Redevelopment/Housing Tax Increment; and

WHEREAS, in 2012, the City was forced to return to the State of California \$9.8 million of redevelopment and housing tax increment that has been legally collected for critical economic, redevelopment and housing activities in Garden Grove. In addition, the dissolution of Redevelopment Agencies by the State has required the City's General Fund to pick up prior RDA obligations of \$3.9 million each year starting in 2012; and

WHEREAS, since 2009, the City has been forced to adopt General Fund budgets with structural deficits. For Fiscal Year 2018-19 that structural operating deficit has grown to \$4.2 million and the City has been using reserves to balance its General Fund operations; and

WHEREAS, in order to balance the FY 2018-19 Budget, various cost-reduction programs were implemented including an early-retirement incentive program and 5% budget reduction. Even with these cuts, the City's structural deficit is projected to increase from \$4.2 million to over \$75 million dollars annually within the next seven years; and

WHEREAS, eliminating the structural deficit will require additional deep cuts in all service areas, including police, 9-1-1 emergency response times, street, park, and public facilities maintenance; and

WHEREAS, response times for 9-1-1 calls are critical for stopping crime, protecting victims, and saving lives; and

WHEREAS, this measure will increase funding for neighborhood police patrols, retain officers on the street, and improve law enforcement response times to all neighborhoods in our city; and

WHEREAS, when you have an emergency, seconds count. The majority of calls to the City of Garden Grove's Fire Department are related to medical emergencies; and

WHEREAS, this measure will keep fire stations open and ensure that firefighters and paramedics can quickly respond to emergencies and save lives; and

WHEREAS, public safety is a top priority in Garden Grove and represents 71% of the City's General Fund. However, Public Safety staffing levels have not been restored to pre-recession levels even after making other significant citywide cuts and adding seven additional police officers over the past three fiscal years; and

WHEREAS, due in large part to statewide early prison release laws and voter approved initiatives that have changed many felonies to misdemeanors, overall Part I crimes (e.g., robberies, burglaries, aggravated assault and homicide) have increased by over 45% in Garden Grove since 2015 and homeless/mentally ill calls for service have increased by an alarming 47%; and

WHEREAS, policies enacted by Sacramento politicians like early release from prison and other changes to state laws are putting more criminals back on the street; and

WHEREAS, passing this measure will allow the Garden Grove Police Department to put more officers on the street to patrol neighborhoods and parks, and crack down on drugs and gangs, making our community safer; and

WHEREAS, without a continued local funding source the City will be forced to cut public safety services, including gang and drug prevention; neighborhood police patrols; police officer staffing at local schools; and consider reducing firefighting services. The City needs additional funds to continue to provide citywide crime prevention, gang and youth violence prevention and intervention programs and keep police officers in schools to keep kids off the streets and away from gangs and drugs; and

WHEREAS, this measure will allow the City police department to dedicate officers and resources to keep gang members and drug dealers from nearby communities out of our City, which will keep our neighborhoods safe; and

WHEREAS, the City needs funds to maintain firefighters and paramedics levels, and keep rapid 9-1-1 emergency response times so that people suffering from heart attacks, strokes or other medical emergencies continue to receive the immediate, life-saving care they need; and

WHEREAS, the American Heart Association says that brain deterioration starts six minutes after a person stops breathing, but right now our local paramedics only meet that standard 38% of the time; and

WHEREAS, in 2007, more than 11,000 or 85% of calls to 9-1-1 were related to medical emergencies, like heart attacks, strokes, and car accidents; and

WHEREAS, with an aging population, this measure is needed to provide Garden Grove paramedics and firefighters with the staffing and resources they need to respond quickly and effectively to medical emergencies; and

WHEREAS, over the last few decades the City has used General Fund revenues to help support the maintenance of the community's local streets; fund park and playground equipment at the City's 21 neighborhood parks; and maintain City owned buildings, which include Police public safety buildings and fire stations. Going forward, starting with the FY 2019-20 Fiscal Year budget, none of these vital programs will be funded beyond the City's required allocation for OCTA grant eligibility; and

WHEREAS, an independent analysis of Garden Grove's infrastructure found that nearly 40% of our local streets and roads are in fair/very poor condition; and

WHEREAS, this measure will provide a local source of funding to invest in our roads by fixing potholes, curbs and sidewalks, and repaving streets, which will reduce wear-and-tear on cars and improve safety for drivers and pedestrians; and

WHEREAS, in light of the structural deficit, additional revenues are needed in order to preserve essential city services and the high quality of life in the City of Garden Grove; and

WHEREAS, this measure will help our local property values by making sure Garden Grove has well-maintained streets, safe and clean neighborhoods, and high quality public safety services, keeping our property values strong; and

WHEREAS, additional revenues will be subject to a clear system of accountability, including public audits and disclosures of all funds spent to ensure that all funds are spent properly; and

WHEREAS, this measure includes strict Citizen Oversight, giving an independent voice in overseeing this measure's funds; and

WHEREAS, all additional revenues raised by this measure will be used to fund essential city services in Garden Grove, and cannot be taken away by the state or used for other purposes; and

WHEREAS, a consolidated general municipal election to be held on Tuesday, November 6, 2018, has been called by City Council Resolution No.9505-18, adopted on June 12, 2018; and

WHEREAS, the City Council adopted Resolution No. 9506-18, on June 12, 2018, requesting the Board of Supervisors of the County of Orange to consolidate the General Municipal Election with the Statewide Election; and

WHEREAS, the City Council proposed and desires to submit to the voters the approval of an Ordinance establishing a one cent (1%) transactions and use tax on the sale of all tangible personal property sold at retail in the City, whose revenues may be used for any and all governmental purposes of the City, which may include any general fund services such as police patrols and crime prevention, 9-1-1 emergency response and street maintenance and pothole repair; and

WHEREAS, Article 13C of the California Constitution and section 53724 of the California Government Code provide that no local government may impose, extend or increase any general tax unless and until that tax is proposed by a two-thirds vote of the governing body and submitted to the electorate and approved by a majority vote at an election consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by a unanimous vote of the governing body.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the laws of the State of California relating to General Law Cities, the City Council of the City of Garden Grove hereby calls and orders to be held in the City of Garden Grove, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of submitting to the registered voters of the City of Garden Grove the following ballot measure for their adoption or rejection:

Measure ____ : Garden Grove Public Safety/9-1-1 and Vital City Services Measure

To provide effective 9-1-1 emergency response by preventing cuts to police/firefighter/paramedic staffing levels; maintain neighborhood police patrols/gang/drug prevention; protect local drinking water supplies; repair streets/potholes; address homelessness; support affordable housing options, and protect vital city services, shall the City of Garden Grove establish a one-cent sales tax providing \$19,000,000 annually until ended by voters, requiring annual independent audits, citizens oversight, all funds used locally?	YES
	NO

SECTION 2. The text of the proposed Ordinance for the ballot measure submitted to the City's voters is set forth in full in Exhibit "A" attached hereto and incorporated by this reference.

SECTION 3. The City Council hereby orders and directs the City Clerk to cause the proposed Ordinance and notice of the General Municipal Election to be published in the time, form, and manner as required by law.

SECTION 4. In all particulars not expressly recited in this Resolution, the election shall be held and conducted as provided by law for holding general municipal elections.

SECTION 5. The City Council hereby authorizes, instructs, and directs the City Attorney to prepare an impartial analysis of the ballot measure, in accordance with the provisions of the Elections Code section 9280, showing the effect of the measure on existing law and the operation of the measure. The impartial analysis, not exceeding 500 words in length, shall be filed with the City Clerk on or before August 7, 2018.

SECTION 6. Pursuant to Elections Code section 9282, the City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the measure. Pursuant to Elections Code section 9283, any argument filed by the City Council, or any member or members of the City Council, shall be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. The argument may not be signed by more than five persons, otherwise the signatures of the first five shall be printed on the sample ballot. Any direct argument shall be accompanied by a signed Form of Statement and in accordance with guidelines for filing of arguments which are available in the Office of the City Clerk. Direct arguments shall be filed with the City Clerk on or before August 7, 2018, and shall be subject to a 10 calendar-day public examination period in accordance with the provisions of Elections Code section 9295.

SECTION 7. Pursuant to Elections Code sections 9282 and 9285, when the City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall send a copy of the argument in favor of the measure to the authors of the argument against, and a copy of the argument against the measure to the authors of the argument in favor. The author or a majority of the authors of an argument may prepare and submit a rebuttal argument or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument shall be filed with the City Clerk with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. A rebuttal argument may not be signed by more than five persons and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument

which it seeks to rebut. Rebuttal arguments for or against the measure, not exceeding 250 words in length, shall be filed with the City Clerk on or before August 17, 2018. Any rebuttal argument shall be accompanied by a signed Form of Statement and in accordance with guidelines for the filing of arguments which are available in the Office of the City Clerk. Rebuttal arguments shall be subject to a 10-calendar-day public examination period in accordance with the provisions of Elections Code section 9295.

SECTION 8. If more than one argument for or more than one argument against the ballot measure is submitted, the City Clerk shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority to the submitted arguments in accordance with the provisions of Elections Code section 9287.

SECTION 9. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of the General Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, as requested by and subject to Garden Grove City Council Resolution No. 9506-18.

SECTION 10. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 11. This Resolution shall take effect upon adoption. The City Clerk is hereby directed to deliver forthwith certified copies of this Resolution to the Registrar of Voters of the County of Orange and to the Clerk of the Board of Supervisors of the County of Orange.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Garden Grove at a regular meeting on the 24th day of June 2018.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

AN INITIATIVE ORDINANCE OF THE PEOPLE OF THE CITY OF GARDEN GROVE, ADDING CHAPTER 3.09 TO TITLE 3 OF THE GARDEN GROVE MUNICIPAL CODE, IMPOSING A TRANSACTIONS AND USE (SALES) TAX TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION

City Attorney Summary

This Ordinance, presented to the City's voters for approval at the regular municipal election of November 6, 2018, imposes a 1% sales tax in the City.

WHEREAS, people live in Garden Grove because it offers a better quality of life and better services than other nearby communities; and

WHEREAS, years of state takeaways and changes to state law have severely impacted the City's ability to provide the quality of life services that make Garden Grove a great place to live, work, and raise a family; and

WHEREAS, the State of California has taken millions in local tax dollars from Garden Grove since 1992. The City will continue to lose another \$3.5 million dollars every year in General Fund property tax revenues due to the State's required shift of Education Revenue Augmentation Fund (ERAF) and about \$13.7 million dollars in Redevelopment/Housing Tax Increment; and

WHEREAS, in 2012, the City was forced to return to the State of California \$9.8 million of redevelopment and housing tax increment that has been legally collected for critical economic, redevelopment and housing activities in Garden Grove. In addition, the dissolution of Redevelopment Agencies by the State has required the City's General Fund to pick up prior RDA obligations of \$3.9 million each year starting in 2012; and

WHEREAS, since 2009, the City has been forced to adopt General Fund budgets with structural deficits. For Fiscal Year 2018-19 that structural operating deficit has grown to \$4.2 million and the City has been using reserves to balance its General Fund operations; and

WHEREAS, in order to balance the FY 2018-19 Budget, various cost-reduction programs were implemented including an early-retirement incentive program and 5% budget reduction. Even with these cuts, the City's structural deficit is projected to increase from \$4.2 million to over \$75 million dollars annually within the next seven years; and

WHEREAS, eliminating the structural deficit will require additional deep cuts in all service areas, including police, 9-1-1 emergency response times, street, park, and public facilities maintenance; and

WHEREAS, response times for 9-1-1 calls are critical for stopping crime, protecting victims, and saving lives; and

WHEREAS, this measure will increase funding for neighborhood police patrols, retain officers on the street, and improve law enforcement response times to all neighborhoods in our city; and

WHEREAS, when you have an emergency, seconds count. The majority of calls to the City of Garden Grove's Fire Department are related to medical emergencies; and

WHEREAS, this measure will keep fire stations open and ensure that firefighters and paramedics can quickly respond to emergencies and save lives; and

WHEREAS, public safety is a top priority in Garden Grove and represents 71% of the City's General Fund. However, Public Safety staffing levels have not been restored to pre-recession levels even after making other significant citywide cuts and adding seven additional police officers over the past three fiscal years; and

WHEREAS, due in large part to statewide early prison release laws and voter approved initiatives that have changed many felonies to misdemeanors, overall Part I crimes (e.g., robberies, burglaries, aggravated assault and homicide) have increased by over 45% in Garden Grove since 2015 and homeless/mentally ill calls for service have increased by an alarming 47%; and

WHEREAS, policies enacted by Sacramento politicians like early release from prison and other changes to state laws are putting more criminals back on the street; and

WHEREAS, passing this measure will allow the Garden Grove Police Department to put more officers on the street to patrol neighborhoods and parks, and crack down on drugs and gangs, making our community safer; and

WHEREAS, without a continued local funding source the City will be forced to cut public safety services, including gang and drug prevention; neighborhood police patrols; police officer staffing at local schools; and consider reducing firefighting services. The City needs additional funds to continue to provide citywide crime prevention, gang and youth violence prevention and intervention programs and keep police officers in schools to keep kids off the streets and away from gangs and drugs; and

WHEREAS, this measure will allow the City police department to dedicate officers and resources to keep gang members and drug dealers from nearby communities out of our City, which will keep our neighborhoods safe; and

WHEREAS, the City needs funds to maintain firefighters and paramedics levels, and keep rapid 9-1-1 emergency response times so that people suffering from heart attacks, strokes or other medical emergencies continue to receive the immediate, life-saving care they need; and

WHEREAS, the American Heart Association says that brain deterioration starts six minutes after a person stops breathing, but right now our local paramedics only meet that standard 38% of the time; and

WHEREAS, in 2007, more than 11,000 or 85% of calls to 9-1-1 were related to medical emergencies, like heart attacks, strokes, and car accidents; and

WHEREAS, with an aging population, this measure is needed to provide Garden Grove paramedics and firefighters with the staffing and resources they need to respond quickly and effectively to medical emergencies; and

WHEREAS, over the last few decades the City has used General Fund revenues to help support the maintenance of the community's local streets; fund park and playground equipment at the City's 21 neighborhood parks; and maintain City owned buildings, which include Police public safety buildings and fire stations. Going forward, starting with the FY 2019-20 Fiscal Year budget, none of these vital programs will be funded beyond the City's required allocation for OCTA grant eligibility; and

WHEREAS, an independent analysis of Garden Grove's infrastructure found that nearly 40% of our local streets and roads are in fair/very poor condition; and

WHEREAS, this measure will provide a local source of funding to invest in our roads by fixing potholes, curbs and sidewalks, and repaving streets, which will reduce wear-and-tear on cars and improve safety for drivers and pedestrians; and

WHEREAS, in light of the structural deficit, additional revenues are needed in order to preserve essential city services and the high quality of life in the City of Garden Grove; and

WHEREAS, this measure will help our local property values by making sure Garden Grove has well-maintained streets, safe and clean neighborhoods, and high quality public safety services, keeping our property values strong; and

WHEREAS, additional revenues will be subject to a clear system of accountability, including public audits and disclosures of all funds spent to ensure that all funds are spent properly; and

WHEREAS, this measure includes strict Citizen Oversight, giving an independent voice in overseeing this measure's funds; and

WHEREAS, all additional revenues raised by this measure will be used to fund essential city services in Garden Grove, and cannot be taken away by the state or used for other purposes.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF GARDEN GROVE HEREBY ORDAIN AS FOLLOWS:

Chapter 3.09 is hereby added to Title 3 of the Garden Grove Municipal Code to read as follows:

CHAPTER 3.09

TRANSACTIONS AND USE TAX

Section 3.09.010. TITLE. This chapter shall be known as the “Garden Grove Transactions and Use Tax Ordinance.” The city of Garden Grove hereinafter shall be called "City." This chapter shall be applicable in the incorporated territory of the City.

Section 3.09.020. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of the ordinance enacting this chapter, the date of such adoption being as set forth below.

Section 3.09.030. PURPOSE. This chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

Section 3.09.040. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.09.050. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated

territory of the City at the rate of one percent (1%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of the ordinance enacting this chapter.

Section 3.09.060. PLACE OF SALE. For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

Section 3.09.070. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.09.080. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

Section 3.09.090. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.09.100. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

Section 3.09.110. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the

Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of the ordinance enacting this chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for

any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.09.120. AMENDMENTS. All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter.

Section 3.09.130. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.09.140. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3.09.150. EFFECTIVE DATE. This chapter and the ordinance enacting it relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 3.09.160. CITIZEN OVERSIGHT COMMITTEE. The City shall empanel a Citizen's Oversight Committee to review and report on the revenue and expenditure from funds raised under the tax adopted by this chapter.

Section 3.09.170. ANNUAL INDEPENDENT AUDITS. The City shall ensure that annual independent audits are conducted to account for the tax revenues received and expenditures made in relation to the one percent (1%) transaction and use tax. Such audits will be provided to the Citizens' Oversight Committee for their review.

PASSED AND ADOPTED by the City Council of the City of Garden Grove,
State of California, at a regular meeting held on _____, by the
following vote:

AYES:

NOES:

ABSENT:

Mayor

Attest:

City Clerk

The background of the slide is a light gray gradient, decorated with numerous realistic water droplets of various sizes. Some droplets are large and prominent, while others are small and subtle. They are scattered across the page, with a higher concentration in the top-left and bottom-right corners.

GARDEN GROVE

4TH OF JULY 2018

AFTER ACTION REPORT

SUPPLEMENTAL SAFETY STAFFING

ARSON TEAM PATROLS

- 2 ARSON TEAM MEMBERS WERE TEAMED WITH POLICE OFFICERS

PREVENTION

- 1 PREVENTION SPECIALIST



SUPPLEMENTAL SAFETY STAFFING

EXTRA FIREFIGHTER STAFFING

- ENGINE 4
 - 1 FIREFIGHTER/PARAMEDIC
- TRUCK 1
 - 1 FIREFIGHTER

EXTRA POLICE OFFICERS

- 32 OFFICERS
- 5 SUPPORT CIVILIANS
- 1 MANAGER

STAFFING

PUBLIC WORKS STAFFING

- PUBLIC WORKS FOREMAN
- 4 SENIOR PARK MAINT. WORKERS
- UTILITY WORKER

COMMUNITY SERVICES & IT

- COMMUNITY SERVICES MANAGER
- PRINCIPAL OFFICE ASSISTANT
- RECREATION SPECIALIST
- GIS MAP

PUBLIC WORKS

- **SETUP AND REMOVED BARRICADES, SIGNS, AND PLACARDS AT PARKS AND PARKING LOTS PROHIBITING THE USE OF ALL FIREWORKS**
- **REMOVED DEBRIS FROM KENSINGTON/SHELLY AND LOS NIÑOS PARKS**

ZERO TOLERANCE FOR ILLEGAL FIREWORKS

ENFORCEMENT

- **71 CITATIONS WERE ISSUED**
 - **47 RESIDENTS & 24 NON-RESIDENTS**
 - **22.4% INCREASE FROM 2017**
- **193 CALLS FOR FIREWORKS**
 - **4.5% DECREASE FROM 2017**

ENFORCEMENT(CONT.)

- **792 EMERGENCY & NON-EMERGENCY CALLS**
 - **10.6% DECREASE FROM 2017**
- **3 CONFIRMED FIRES RELATED TO FIREWORKS**
 - **2 DUMPSTERS & 1 TREE**
- **60 POUNDS OF ILLEGAL FIREWORKS
CONFISCATED**

ENFORCEMENT(CONT.)

- **ALL 19 BLOCK PARTIES WERE INSPECTED**
 - **2 NON PERMITTED MITIGATED**
- **OCSD BOMB SQUAD RESPONDED TO ILLEGAL FIREWORKS RIGGED TO A BIKE AND TRAILER**
- **1 INJURY**
TRAUMA TO UCI DUE TO ILLEGAL FIREWORKS

FINANCIAL IMPACT OF SERVICES PROVIDED DURING 4TH OF JULY

POLICE

- \$17,128

FIRE

- \$6,394

PUBLIC WORKS

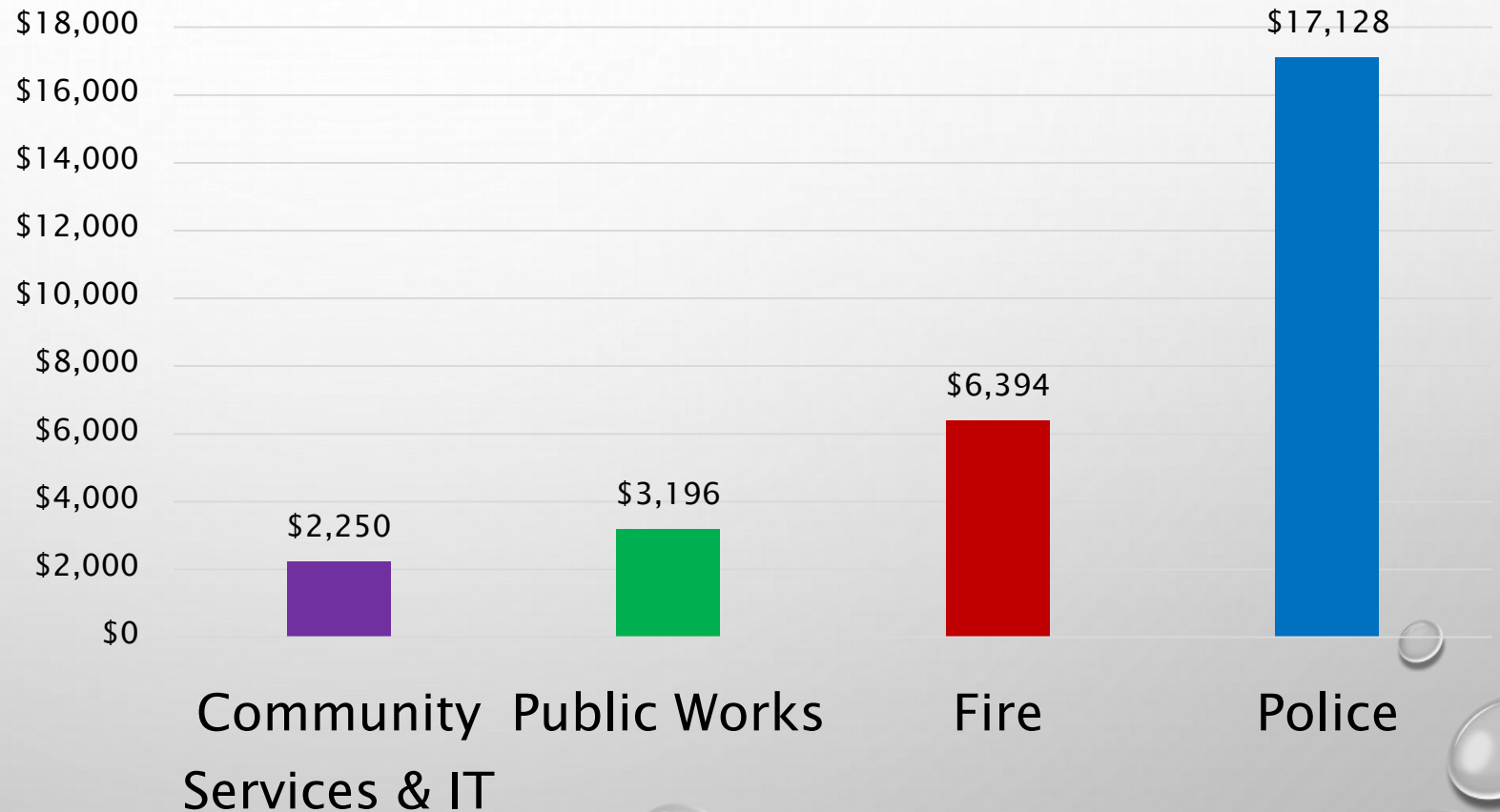
- \$3,196

COMMUNITY SERVICES & IT

- \$2,250

TOTAL

- \$28,968



2019 4TH JULY RECOMMENDATIONS

- CONTINUE TO BE PROACTIVE
- CONTINUE TO EDUCATE THE PUBLIC
- CONTINUE BLOCK PARTY INSPECTIONS
- CONTINUE TO ENFORCE ZERO TOLERANCE FOR ILLEGAL FIREWORKS
- INCREASE POLICE OFFICERS ON-DUTY
- INCREASE FIREFIGHTER STAFFING



QUESTIONS



City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Teresa Pomeroy
Dept.:	City Manager	Dept.:	City Clerk
Subject:	Consideration for the commission of a bronze sculpture to be located at the Atlantis Play Center honoring Mr. Jack Wallin for his contributions to the City and community of Garden Grove as requested by the City Council. (<i>Action Item</i>)	Date:	7/24/2018

At the City Council meeting held on July 10, 2018, the City Council voted unanimously to list an action item on the July 24, 2018, City Council agenda to consider the commission and placement of a bronze statue to honor Mr. Jack Wallin, a long time community volunteer with numerous civic organizations including the Kiwanis Club of Garden Grove and the Strawberry Festival organization. And, as a former employee of the City of Garden Grove, Mr. Wallin was instrumental in conceiving and developing the Atlantis Play Center.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Report on an update of the Code Enforcement Program as requested by the City Council.	Date:	7/24/2018

OBJECTIVE

Report on an update of the Code Enforcement Program as requested by the City Council.

BACKGROUND

Following transition of the Code Enforcement Unit from the Neighborhood Improvement Division to the Building and Safety Division in January 2018, a comprehensive review of the Code Enforcement activities was initiated. Recommendations for the improvement of policies and procedures were developed based on the results.

DISCUSSION

The Code Enforcement Unit is responsible for the enforcement of the Garden Grove Municipal Code (GGMC) pertaining to property maintenance, quality of life, and land-use through community engagement, education and public cooperation. The presentation is provided as an update of the current status of the division operations, the overall violation statistics, and recommendations.

FINANCIAL IMPACT

There is no financial impact to the General Fund.

RECOMMENDATION

This report is for information only.

By: David Dent, Chief Building Official

ATTACHMENTS:

Description	Upload Date	Type	File Name
PowerPoint Presentation	8/6/2018	Backup Material	7-24- 18_Code__Enf_101_(Council_Presentation)- _Final_(1).pdf

Code Enforcement Program Update

Building & Safety Division

Community and Economic Development Department

July 24, 2018

Code Enforcement Overview

Enforce the Municipal Code pertaining to land use regulations, promote and maintain a quality living, and working environment through reactive and pro-active enforcement efforts

Do...



- ❖ Overgrown Vegetation
- ❖ Property Landscape
- ❖ Painted Exterior



- ❖ Storage of Debris
- ❖ Inoperative Vehicles
- ❖ Short Term Rentals



- ❖ Sign Regulations
- ❖ Trash Storage Areas
- ❖ Animal/ Pest

NOT Do...



- ❖ Police
- ❖ Public Works
- ❖ Traffic

- ❖ Building Abatement
- ❖ Vector Control
- ❖ Animal/ Pest

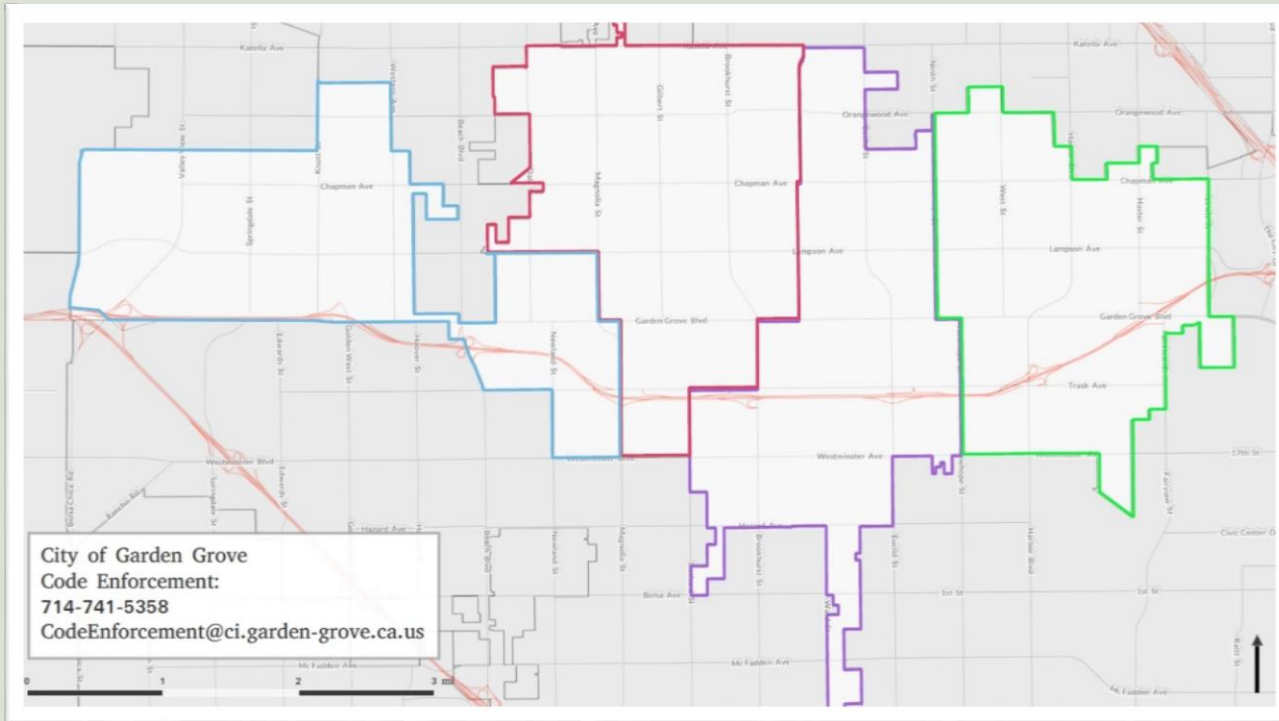


- ❖ Neighborhood Issues
- ❖ Excessive Parking
- ❖ Environmental



Current Code Enforcement Program

Map of Enforcement Districts

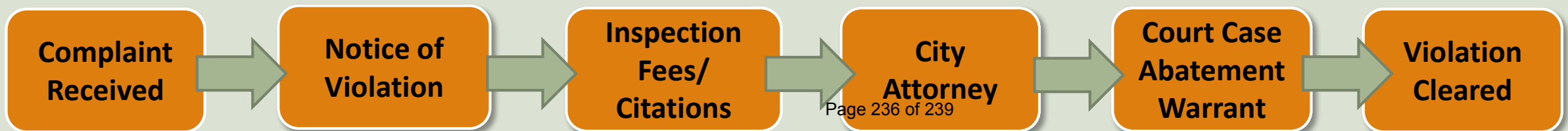


Tools of Enforcement

- ❖ Notice of Violation
- ❖ Inspection Warrant
- ❖ Re-inspection Fees
- ❖ Admin Citation
- ❖ Receivership

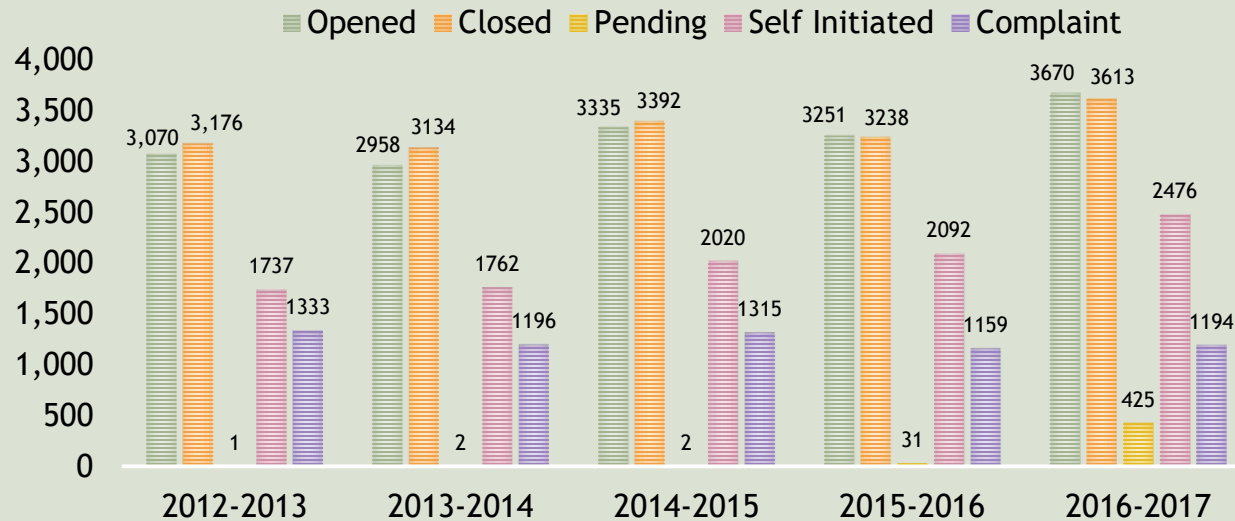


The Enforcement Process



Code Enforcement Statistics

Open/ Closed Cases



Top Violations

VIOLATION	2015	VIOLATION	2016	VIOLATION	2017
Storage of Debris	984	Storage of Debris	1004	Storage of Debris	1006
Overgrown Vegetation	827	Overgrown Vegetation	607	Overgrown Vegetation	852
Trash Containers Left Out	589	Trash Containers Left Out	599	Trash Containers Left Out	574
Inoperative Vehicle	348	Parking on the Unpaved	501	Parking on the Unpaved	464

Daily CE Operations

- Inspections per day
- Time on site
- Daily Field Time
- Daily Office Time
- Response time

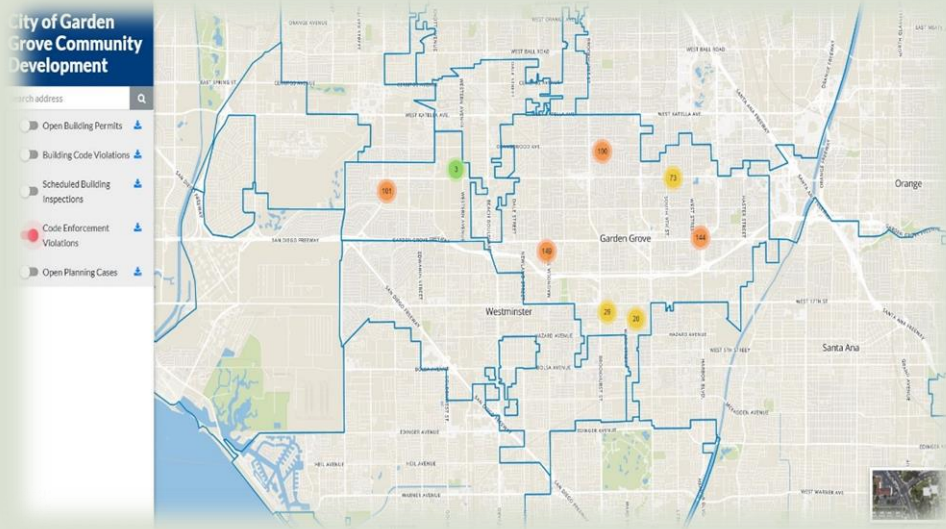
Case Study #1



Property Type	Residential
Case Opened	11/16/2017
Cased Closed	04/23/2018
Duration	158 days
Violations	<ul style="list-style-type: none"> Un-painted building Trash, rubbish & debris Commercial vehicle in residential area Illegal business in the residential area
Inspections Conducted	12
Notices of Violations Issued	11/16/17 11/30/17
Invoices Issued	none
Administrative Citation(s) Issued	none

What's next for Code Enforcement

New Technology and Training



New Codes and Best Practices



Community Outreach and updated Volunteer Program



New Pro-Active Enforcement

- ❖ Short Term Rentals (STRs)
- ❖ Dead Lawns
- ❖ Commercial Properties
- ❖ Parking Enforcement
- ❖ Assertive Citations



Thank You