

AGENDA



Garden Grove City
Council

Wednesday, December
20, 2023

6:00 PM

SPECIAL MEETING -
Community Meeting
Center, 11300 Stanford
Avenue, Garden Grove,
CA 92840

Steve Jones

Mayor

Cindy Tran

Mayor Pro Tem - District 3

George S. Brietigam

Council Member - District 1

John R. O'Neill

Council Member - District 2

Joe DoVinh

Council Member - District 4

Stephanie Klopfenstein

Council Member - District 5

Kim B. Nguyen-Penaloza

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 who attend the meeting in-person and would like 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 before the meeting begins. 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: 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

COUNCIL MEMBER BRIETIGAM, COUNCIL MEMBER O'NEILL, COUNCIL MEMBER DOVINH, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K. NGUYEN-PENALOZA, MAYOR PRO TEM TRAN, MAYOR JONES

INVOCATION

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

1. ORAL COMMUNICATIONS

2. CONSENT ITEMS

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

2.a. Acceptance of Project No. CP 1341000 - Chapman Avenue Resurfacing from Springdale Street to Western Avenue as complete. *(Action Item)*

2.b. Approval to waive full reading of Ordinances listed. *(Action Item)*

3. ITEM FOR CONSIDERATION

3.a. Adoption of an Urgency Interim Ordinance imposing a moratorium on the approval of substance abuse treatment centers pursuant to Government Code Section 65858

Entitled: AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF SUBSTANCE ABUSE TREATMENT CENTERS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858. *(Action Item)*

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

5. ADJOURNMENT

The next Regular City Council Meeting is scheduled for Tuesday, January 9, 2024, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California 92840.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Lisa L. Kim From: William E. Murray
Dept.: City Manager Dept.: Public Works
Subject: Acceptance of Project No. CP Date: 12/20/2023
1341000 - Chapman Avenue
Resurfacing from Springdale
Street to Western Avenue as
complete. (*Action Item*)

OBJECTIVE

For City Council to accept Project No. CP 1341000 - Chapman Avenue Resurfacing from Springdale Street to Western Avenue as complete and authorize the City Manager to execute the Notice of Completion of Public Improvements and Work.

BACKGROUND

The Chapman Avenue Resurfacing project consisted of the resurfacing of Chapman Avenue from Springdale Street to Western Avenue. On September 13, 2022, the City entered into a contract with R.J. Noble Company, a general contractor. Specifically, the project consisted of resurfacing by removal and replacement (dig outs) of failed pavement areas, cold milling, installation of ARAM, asphalt paving, repair of damaged sidewalk, curb and gutter, cross gutter, bus pads, upgrade of access ramps, catch basin CPS screens, adjustment of utility covers to finish grade, restoration of traffic signing, and pavement markings, landscaping and irrigation improvements, and reestablishment of centerline ties and monuments.

DISCUSSION

The contractor, R.J. Noble Company, has completed the improvements in accordance with the plans, specifications, and other contract documents.

FINANCIAL IMPACT

Accepting the project as complete has no financial impact. The project was part of the Fiscal Year 2022-23 Capital Improvement Plan budget and was funded by Measure "M2 Local Fair Share" Federal and Gas Tax Funds.

RECOMMENDATION

It is recommended that the City Council:

- Accept Project No. CP 1341000 - Chapman Avenue Resurfacing Improvement, as complete;
- Authorize the City Manager to execute the Notice Completion of Public Improvements and Work; and
- Authorize the Finance Director to release the retention payment when appropriate to do so.

By: Navin Maru
Associate Engineer

ATTACHMENTS:

Description	Upload Date	Type	File Name
Notice of Completion	11/20/2023	Notice	CP1341000.pdf

RECORDING REQUESTED BY

When Recorded Mail To:

City Clerk
City of Garden Grove
P. O. Box 3070
Garden Grove, CA 92842

NOTICE OF COMPLETION
OF PUBLIC IMPROVEMENT AND WORK

NOTICE IS HEREBY GIVEN that the City of Garden Grove, Orange County, California, has caused a public improvement, to wit:

PROJECT NO. CP 1341000
Chapman Avenue Resurfacing Project

to be constructed upon the property hereinafter described. The contract for furnishing of all labor, services, materials, and equipment, and all utilities and transportation, including power, fuel, and water, and performing all work necessary to construct and complete, in a good and workmanlike manner in strict accordance with the specifications, plans, and drawings therefore on file in the office of the City Clerk of the City of Garden Grove, for the construction, installation and completion of the above-described public improvement and work, was heretofore made and entered into with RJ Noble Company on the 13th day of September, 2022, and filed for record in the office of the City Clerk of the City of Garden Grove; that the work upon said public improvement has been completed, and that the City Engineer has notified the City Council that he has made and completed a final inspection of the materials furnished and installed and the work performed in the construction, installation, and completion of said public improvement hereinabove more particularly described and set forth, and has certified in writing to the City Council that all the provisions of the contract and contract documents for the furnishing of all labor, services, materials, and equipment, and the performing of all work necessary for the construction, installation, and completion of said public improvement above described have been fully complied with to his satisfaction as required by the contract document; that final acceptance of the construction, installation, and completion of said public improvement above described was made on the 28th day of November 2023 that the nature of the title to said property of said City of Garden Grove is as follows: That is to say, it owns said public improvement in fee except the right-of-way upon which it is constructed, and that it owns an easement upon, over, and along said right-of-way for the purpose of the construction, installation, and completion of said public improvement hereinabove described and the use thereof after said completion; that the property hereinabove referred to and on which said public improvement is situated is described as follows, to wit:

PROJECT NO. 1341000
Chapman Avenue Resurfacing Project

NAME OF SURETY on Labor and Material Bond is: Western Surety Company
2 Park Plaza, Suite 400
Irvine, CA 92614
Tel No. (949) 399-4970

DATED this _____ day of _____ 20 _____

CITY OF GARDEN GROVE

By _____
City Manager of the City of Garden
Grove

ATTEST:

City Clerk of the City of Garden Grove

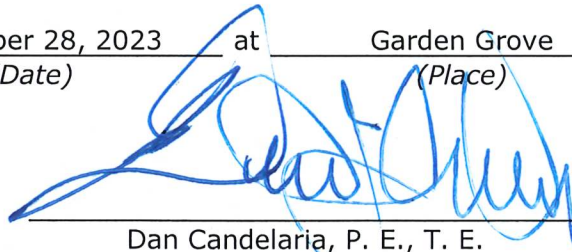
STATE OF CALIFORNIA
COUNTY OF ORANGE

I am the City Engineer of the City of Garden Grove.

I have read the foregoing Notice of Completion of Public Improvement and Work, and know the contents thereof; and I certify that the same is true of my own knowledge, except as to those matters, which are therein stated upon my information or belief, and as to those matters I believe to be true.

I certify (or declare), under penalty of perjury, that the foregoing is true and correct.

Executed on November 28, 2023 at Garden Grove, California
(Date) (Place)



Dan Candelaria, P. E., T. E.
City Engineer

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Lisa L. Kim	From:	Niki Wetzel
Dept.:	City Manager	Dept.:	Community Development
Subject:	Adoption of an Urgency Interim Ordinance imposing a moratorium on the approval of substance abuse treatment centers pursuant to Government Code Section 65858		
		Date:	12/20/2023

OBJECTIVE

For the City Council to adopt an urgency interim ordinance imposing a moratorium on the approval of permits or land use entitlements for substance abuse treatment centers.

BACKGROUND

City staff has received inquiries about establishing substance abuse treatment centers in the City. These are facilities or clinics that operate outpatient treatment and counseling centers that in addition to counseling treat individuals with substance abuse disorder by employing medicines that eliminate drug cravings and withdrawal symptoms that typically occur when individuals with various substance dependence stop using their substance of abuse. While these uses provide a valuable service to the community, they can be associated with negative impacts on surrounding properties. These negative impacts can include, but are not limited to, loitering, narcotic use activities, disturbances, trespass, assaults and battery, interference with use and enjoyment of property, and property devaluation arising from the negative public perception pertaining to living in or operating a business in proximity to them. Because of this, the public health, safety, and welfare may be negatively impacted without adequate regulation of such uses.

A review of the Garden Grove Municipal Code reveals a lack of regulations for substance abuse treatment centers, which was not a problem when the City was more agricultural in nature. Now that the City is built out, the Code needs to be revised to address potential negative impacts associated with substance abuse treatment centers, especially with respect to surrounding businesses and sensitive uses such as residences, schools, and parks. In addition, the City is required by the State and its certified Housing Element to ensure that a minimum number of additional housing stock is developed in the City. With some of the City's mixed-use zones intended to allow residential development in zones that were formerly exclusively reserved for other uses, permitting substance abuse treatment centers to develop within mixed use zones may cause a conflict with the City's Housing Element and State Housing Laws, which need to be studied and addressed. For these reasons, staff recommends adopting a moratorium to preserve the status quo as it studies and processes a Code amendment to address possible impacts and conflict with the City's Housing Element and State Housing Laws.

DISCUSSION

The attached urgency ordinance imposes a moratorium on the issuance of permits or land use entitlements for substance abuse treatment centers or clinics and exempts centers or clinics for which a building permit has been issued and construction has begun as of the date of the adoption of the urgency ordinance. This exemption is required by State Law to protect the Due Process of owners of property who have relied on a building permit to start construction of their facility.

Pursuant to Government Code § 65858, the moratorium will be in place for 45 days during which the City will notice a public hearing for the City Council to consider extending it for an additional 10 months and 15 days.

The adoption of the urgency ordinance requires 6 affirmative votes of the City Council.

ENVIRONMENTAL REVIEW

Pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations, the proposed urgency Ordinance is exempt from California Environmental Quality Act review because there is no possibility the adoption of the proposed Ordinance, and establishment of the interim moratorium thereby, will have a significant effect on the

environment, because the moratorium prevents the issuance of a land use permit during the moratorium period.

FINANCIAL IMPACT

None at this time.

RECOMMENDATION

It is recommended that the City Council read by title only, waive further reading, and adopt Urgency Ordinance No. 2949 entitled: AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF SUBSTANCE ABUSE TREATMENT CENTERS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Urgency Ordinance	12/19/2023	Ordinance	2949_Urgency_Ordinance_Imposing_45_Day_Moratorium_on_the_Approval_of_Substance_Abuse_Treatment_Centers.pdf

URGENCY ORDINANCE NO. 2949

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF SUBSTANCE ABUSE TREATMENT CENTERS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. Legislative Intent and Findings.

A. Pursuant to California Government Code Section 65858, the City Council finds and determines that a current and immediate threat to the public health, peace, safety and general welfare exists which necessitates the immediate enactment of this Ordinance for the immediate preservation of the public health, peace, safety and general welfare based upon the facts set forth in this Ordinance and the facts presented to the City Council. The approval of Substance Abuse Treatment Centers, as defined below, would result in a threat to the public health, safety, and general welfare of the City's residents and businesses absent specific development standards and review processes applicable to such uses to prevent and/or mitigate negative impacts that may be created with their development or establishment. Furthermore, approval of Substance Abuse Treatment Centers in mixed use zones could cause the City to violate State Housing Laws which require compliance with Housing Element policies to promote housing opportunities and to implement no net loss requirements for uses or activities that prevent the development of housing.

B. "Substance Abuse Treatment Centers" are facilities or clinics that operate outpatient treatment and counseling centers that in addition to counseling treat individuals with opioid use disorder by employing medicines such as methadone, suboxone, subutex, and vivitrol, which eliminate drug cravings and withdrawal symptoms that typically occur when an opioid-dependent individual stops using their substance of abuse.

C. The City is primarily a residential community that is substantially built-out, with different zoning districts adjacent to residential neighborhoods, schools, and parks. There are currently no regulations applicable to Substance Abuse Treatment Centers and their activities currently fall within the definition of outpatient medical facilities that are permitted without regard to the impacts that Substance Abuse Treatment Centers are known to create. Medical offices are currently permitted in various zoning districts within and adjacent to residential neighborhoods and other sensitive uses without the need for discretionary review, which, without specific development standards and review processes, because of their nature can expose residential neighborhoods, sensitive uses and other businesses to negative impacts that could include loitering, narcotic use activities, disturbances, trespass, assaults and battery, interference with use and enjoyment of property, and property devaluation arising from the negative public perception pertaining to living in or operating a business in proximity to them. In addition, it is important to consider the effect of permitting these facilities in mixed use zones and their impact on the opportunity to develop additional housing on mixed use properties. Many of the properties within the City's mixed-use zones are included in the

certified Housing Element Housing Sites Inventory and the City must ensure that no barriers to the development of these properties into housing are created to maintain compliance with State Housing laws. The City intends to process a Zoning Code amendment to address these negative impacts, conform with State Housing Laws, comply with Housing Element implementation, and establish reasonable standards and review processes applicable to Substance Abuse Treatment Centers.

Section 2. Moratorium on the Approval of Substance Abuse Treatment Centers.

A. Pursuant to California Government Code Section 65858, no person, firm, corporation, or other entity shall develop, establish or construct and no subdivision, use permit, variance, building permit or any other applicable land use entitlement, construction or other permit, license, or certificate to occupy or operate shall be issued for a Substance Abuse Treatment Center effective upon the passage of this ordinance.

B. The moratorium imposed herein shall not apply to a Substance Abuse Treatment Center for which a building permit has been issued and construction thereof has begun as of the passage of this Ordinance. However, the exception set forth herein shall not provide an amnesty for the use of property, buildings, or other facilities that have not otherwise complied with current zoning or building requirements or that would otherwise constitute illegal uses of property. For example, the exception does not apply to development, construction, or buildings that were constructed or modified to become Substance Abuse Treatment Centers without the required building, electrical, mechanical, and plumbing or other applicable permits or land use entitlements.

Section 3. Effective Date. This interim ordinance shall become effective immediately upon its adoption and shall remain in force and effect for forty-five (45) days unless extended for an additional period of time pursuant to Government Code Section 65858.

Section 4. Urgency. This interim ordinance is necessary for the immediate protection of the public health, welfare, and general safety for the reasons identified in Section 1 hereof.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED and ADOPTED this 20th day of December 2023.

ATTEST:

MAYOR

CITY CLERK

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

I, TERESA POMEORY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was passed by the City Council of the City of Garden Grove, by a vote of four-fifth (4/5th) of the members thereof, at a special meeting held on the 20th day of December, 2023 by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

CITY CLERK