

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

February 13, 2007

Council Chamber

ROLL CALL: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN,
COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

Mayor Dalton and Council Member Janet Nguyen absent at roll call, but Mayor Dalton joined the meeting at 5:48 p.m., and Council Member Janet Nguyen joined the meeting at 5:51 p.m.

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the City Clerk, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing. Additionally, any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office to arrange for special accommodations. (City Council Manual of Procedures, Section D). Agenda item descriptions are intended to give a brief general description of the item to advise the public of the item's general nature. The City Council may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Closed Session

5:41 p.m.

1. PUBLIC INPUT: (Anyone wishing to address only Closed Session items may do so at this time.)
 - 1.a. Charles Mitchell addressed the City Council, expressing concern about the notification process relative to the Closed Session Item 2.c.,

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

indicating the appropriate agencies and commissions should have been contacted. (F: 53.3)

- 1.b. Scott Weimer addressed the City Council relative to Closed Session Item 2.c., expressing concern about the notification process relative to the Sheldon project public hearing. He spoke about a Writ of Mandate that has been filed and gave a brief overview of the chain of events relative to the proposed development on Main Street. He asked that the public hearings be reopened on this matter. (F: 53.3) (XR: A-55.328)

MEMBER DALTON JOINED THE MEETING AT 5:48 P.M.

- 1.c. Verla Lambert addressed the City Council, noting that she is not a member of the Main Street District; however, she noted that regulations are put in place for a reason, and she cautioned the Agency that decisions made can set a trend for the future. (F: 53.3)

MEMBER JANET NGUYEN JOINED THE MEETING AT 5:51 P.M.

2. CLOSED SESSION:

- 2.a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Vietnamese Buddhism Study Temple in America, et al. v. City of Garden Grove, et al.

United States District Court Case No. SACV06-728 CJC.

ACTION: Discussed. No reportable action taken.

- 2.b. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION (Government Code Section 54956.9(b).) (Significant exposure to litigation – one potential case)

ACTION: Discussed. No reportable action taken.

- 2.c. CONFERENCE WITH LEGAL COUNSEL – Pursuant to Government Code Section 54956.9(a) – PENDING LITIGATION (Litigation to which local agency is a party and has been initiated formally.)

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

City Council closed session to confer with Legal Counsel regarding pending litigation, *Garden Grove Downtown Business Association v. City of Garden Grove, Garden Grove Agency for Community Development, et al.*, Pending in Orange County Superior Court (OCSC), Case No. 07CC 02021, filed January 22, 2007.

ACTION: Discussed. No reportable action taken.

Open Session

6:30 p.m.

INVOCATION: Les Jones, Assistant City Manager.

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

3. PRESENTATIONS: Community Spotlight: Recognition of David Hinkley, Christopher Hinkley, and Dave McIntosh for their heroic actions. (F: 52.3)

ACTION: Recognized.

4. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency Oral Communications.)
 - 4.a. Verla Lambert addressed the City Council, commenting that the trees on Garden Grove Boulevard near her neighborhood had been vandalized; however, residents and City Staff cleaned up the mess. She asked for extra police patrol in the area. (F: 53.3) (XR: 61.6)
 - 4.b. Edith Brenner, Russ McDonald, Mary McDonald, Russell McDonald, Jr., Jean Gibo, David Vill, Terry Fotia, Michael Patterson, Raulia Hilander, and Sharon Tanihara all spoke against the sale and use of fireworks in Garden Grove, citing environmental issues, noise, upset pets, nervous seniors, and use of illegal fireworks. (F: 53.3) (XR: 61.6)
 - 4.c. Rob Gleason addressed the City Council, commenting on the need for fireworks stands to raise funds for organizations. He urged the City to use its administrative powers and punish the violators who use the illegal fireworks. (F: 53.3) (XR: 61.6)

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

- 4.d. Nancy McFaul addressed the City Council about the upcoming American Cancer Relay for Life to be held at Garden Grove High School on July 21 and 22, with the kickoff on March 6 at 5:30 p.m. at the Community Meeting Center. (F: 53.3)
- 4.e. Rosemary McQuinney addressed the City Council, alleging that Council Members have accepted campaign funds from Fireworks companies. She also indicated that the citizens will place the banning of fireworks on the 2008 ballot for a vote of the people. (F: 53.3) (XR: 61.6)
- 4.f. Robin Marcario addressed the City Council, commenting on the recent Special Election and indicating that increasing permit fees for fireworks sales would help cover City costs. Further, that the non-profits should speak to the fireworks companies about sharing the burden of the increased fees. (F: 53.3) (XR: 61.6)
- 4.g. Dawn Pomposelli addressed the City Council, expressing concern about increasing the permit fees to \$2000 and commenting that the fines for the use of illegal fireworks should be increased. (F: 53.3) (XR: 61.6)
- 4.h. Tania Brodowski addressed the City Council, commenting that the pet owners should take responsibility for their pets during the Fourth of July. She is part of a fireworks booth and indicated an increase in permit fees to \$1000 would be acceptable. (F: 53.3) (XR: 61.6)
- 4.i. Bryan Brodowski addressed the City Council, noting that no other fundraiser is as profitable as the Fourth of July fireworks stands. He commented that he would like to take part in discussions regarding funding the public services needed because of the Fourth. (F: 53.3) (XR: 61.6)
- 4.j. Will Hames and Dale Reissig addressed the City Council, commenting that the problem is the illegal fireworks and the enforcement thereof. (F: 53.3) (XR: 61.6)
- 4.k. Peter Katz addressed the City Council, noting he is a member of the Parking and Main Street Commission. He presented a Sworn Affidavit from the Commission, stating that City staff did not bring to the Commission the proposed prohibition of skateboarding along Historic Main Street, as had been previously stated at the City Council meeting on January 23, 2007. (F: 53.3)

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

5. WRITTEN COMMUNICATIONS: None.

RECESS: 8:00 p.m.

CONDUCT AGENCY BUSINESS

RECONVENE: 8:17 p.m.

6. CONSENT ITEMS: (It is recommended that Items 6.a. through 6.k. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

6.a. Proclamation declaring February 18-24, 2007, as National Engineers Week. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

6.b. Agreement with Bound Tree Medical Products, Inc., for the purchase of paramedic supplies. (Cost: Not to exceed \$60,000 per year) (F: 55) (XR: 61.1)

ACTION: Approved.
(5 Ayes.)

6.c. Agreement with Edward Medical Group for pre-employment and DMV physical exams. (Not to exceed: \$25,000 per year) (F: 55) (XR: 78.1)

ACTION: Approved.
(5 Ayes.)

6.d. Agreement with Granicus, Inc., for streaming and distribution of live and archived video and audio content of public meetings. (Not to exceed one-time cost of \$51,631.50, and \$1900 monthly thereafter for managed services) (F: 55) (XR: 45.2)

ACTION: Approved.
(5 Ayes.)

6.e. Resolution for Initiation of Spring 2007 Weed Abatement Program. (F: 113.1)

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

ACTION: Resolution No. 8759-07 adopted.
(5 Ayes.)

- 6.f. Resolution authorizing the Public Works Director to execute and sign various state and federal documents required for highway projects.
(F: 55) (XR: 24.1)

ACTION: Resolution No. 8760-07 adopted.
(5 Ayes.)

- 6.g. Authorization for out-of-state travel and expense reimbursement for Council Members related to travel to Washington D.C. (F: 46.1)
(XR: 127.3)

ACTION: Approved.
(5 Ayes.)

- 6.h. Final Parcel Map No. 2006-174 and acceptance of subdivision monumentation bonds for property located at 12007 Harbor Boulevard.
(F: 118.1-PM 2006-174)

ACTION: Approved.
(5 Ayes.)

- 6.i. Minutes of the Regular City Council Meeting held December 12, 2006.
(F: Vault)

ACTION: Approved.
(5 Ayes.)

- 6.j. Warrants. (F: 60.5)

ACTION: Approved.
(5 Ayes.)

- 6.k. Waiver of full reading of Ordinances listed.

ACTION: Approved.
(5 Ayes.)

7. PUBLIC HEARINGS: None.

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

8. COMMISSION/COMMITTEE MATTERS: None.

9. ITEMS FOR CONSIDERATION:

9.a. Agreement with Redflex Traffic Systems, Inc., to provide red light traffic enforcement cameras for monitoring and enforcement of red-light running violations at up to 9 additional approaches and maintaining the existing 14 approaches within the city. (F: 55)

ACTION: Approved.
(5 Ayes.)

9.b. Amendment to Fireworks Ordinance and establishment of administrative fines for violation of Fireworks Ordinance. (F: 61.6)

9.b.1. ORDINANCE NO. , for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTIONS OF AND ADDING SECTIONS TO CHAPTER 5.28 OF TITLE 5, AND ADDING CHAPTER 1.22 TO TITLE 1, OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING THE SALE AND USE OF FIREWORKS IN THE CITY AND ESTABLISHING ADMINISTRATIVE FINES AND PROCEDURES RELATED THERETO FOR VIOLATION OF CHAPTER 5.28

ACTION: Approval of proposed Ordinance to include Section 5, "Prohibitions"; Section 7, "Seizure and Disposal of Fireworks"; Section 8, "Administrative Citations"; Section 9, "Severability"; and Section 10, addressing the publishing and posting of the Ordinance; and excluding portion dealing with the booths, which is to be brought back at a future meeting.

(4 Ayes. Janet Nguyen voted No.)

NOTE: Amended Ordinance will be brought back for First Reading at meeting of February 27, 2007.

10. ORDINANCES PRESENTED FOR SECOND READING: None.

COUNCIL MEMBERS: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER DINA NGUYEN, COUNCIL MEMBER JANET NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

11. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER:

11.a. Appointments to City Commissions. (F: 122.1)

ACTION: Continued to meeting of February 27, 2007.

11.b. Request by Council Member Rosen for annual review of the City Manager in Closed Session on February 27, 2007. (F: 53.1)

11.c. Request by Council Member Janet Nguyen for information concerning the bidding and RFP process. Additionally, she requested information about the skateboarding issue as it relates to the allegation that staff did not notify the Parking and Main Street Commission. Lastly, Council Member Janet Nguyen thanked the Garden Grove residents for coming out to vote on February 6, 2007. (F: 53.1) (XR: 122.6) (XR: 100.9)

11.d. Council Member Dina Nguyen reminded staff that she would like to bring the skateboarding issue back to the City Council for discussion at the February 27, 2007 meeting. (F: 53.1) (XR: 73.1)

12. ADJOURNMENT: 9:30 p.m., in memory of Jerry Lucas, Public Works Parking Control Specialist. (F: 46.9)

The next Regular Meeting of the City Council will be held on Tuesday, February 27, 2007, at 5:30 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.