

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

March 27, 2007

Council Chamber

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

All Members present.

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

5:34 p.m.

1. PUBLIC INPUT: (Anyone wishing to address only Closed Session items may do so at this time.)

None.

2. CLOSED SESSION:

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

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

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 – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)

Christian Brandmeyer, Brandon Kilgore v. City of Garden Grove, et al.
United States District Court Case No. CV06-3352 MMM(MANx)

ACTION: Discussed. No reportable action taken.

Open Session

6:58 p.m.

INVOCATION: Keith Jones, Public Works Director.

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

3. PRESENTATIONS:

- 3.a. Presentation by the Orange County Transportation Authority on the status of the SR 22 and the Renewed Measure M. (F: 62.2)

ACTION: Presentation made.

4. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)

- 4.a. Rob Gleason addressed the City Council, expressing appreciation that the City Council will allow non-profit organizations to continue to sell safe and sane fireworks as a fundraiser. (F: 53.1) (XR: 61.6)
- 4.b. Reese Nguyen, representing Assemblyman Jose Solorio, addressed the City Council, conveying the appreciation of Assemblyman Solorio for listing AB 823 on the City Council agenda for an expression of support. (F: 53.1) (XR: 64.1)

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

- 4.c. Ray Littrell addressed the City Council, congratulating Janet Nguyen for her successful campaign for County Supervisor. He spoke about the appointment of a new Council Member to fill her vacancy. (F: 53.1)
- 4.d. David Vill addressed the City Council concerning the fireworks issue, commenting that there are not enough public safety officers to enforce the fireworks ordinance, and more street lights are needed to enable the officers to better see the illegal activities occurring. He also asked for further dialog on the issue. (F: 53.1) (XR: 61.6)
- 4.e. Charles Mitchell addressed the City Council, asking that the meeting be adjourned in memory of a long-time American Legion member, Betsy Ross Pigg. He congratulated Janet Nguyen on her victory, and he thanked staff for putting City Commission material on the Web site. Lastly, he urged the City Council to consider those individuals who ran for City Council in the November election in the selection of an individual to fill the City Council vacancy created by former Council Member Janet Nguyen's victory to the seat of County Supervisor of the First District. (F: 53.1)
- 4.f. Tony Flores addressed the City Council, expressing appreciation for the City Council's action to continue to allow the sale of safe and sane fireworks. He asked that former City Council Member Harry Krebs be appointed to fill the City Council vacancy, referencing the 1990 Advisory Ballot Measure, noting that if Mr. Krebs is not appointed, he would ask the City Council appoint him, Tony Flores. (F: 53.1) (XR: 61.6)
- 4.g. David Lautherboren addressed the City Council urging support of the U.S. Veterans. He also noted that he hope OCTA institutes the modification of the diamond lane. (F: 53.1)
- 4.h. Russ McDonald addressed the City Council, urging that safe and sane fireworks be abolished in the city. (F: 53.1) (XR: 61.6)
- 5. WRITTEN COMMUNICATIONS:
 - 5.a. Request from the Vietnamese American Community of Southern California that the City give permission and take responsibility for hanging U.S. and Vietnamese Flags on certain power poles during Black April Commemoration Weeks, April 21 to May 6, 2007. (Continued from meeting of March 13, 2007) (F: 130.14)

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

ACTION: Approval given to hang the flags if insurance and other requirements are met; however, the City will assume no financial responsibility in the matter.
(4 Ayes.)

RECESS: 7:51 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 8:35 p.m.

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

6.a. Proclamation declaring April 2007, as Donate Life Month. (F: 83.1)

ACTION: Approved.
(4 Ayes.)

6.b. Proclamation declaring April 2007, as Fair Housing Month. (F: 83.1)

ACTION: Approved.
(4 Ayes.)

6.c. Proclamation declaring April 15-21, 2007, as Recording for the Blind and Dyslexics Record-A-Thon Week. (F: 83.1)

ACTION: Approved.
(4 Ayes.)

6.d. Proclamation declaring April 22-28, 2007, as Victims Rights: Every Victim Every Time Week. (F: 83.1)

ACTION: Approved.
(4 Ayes.)

6.e. Proclamation declaring April 23–29, 2007, as West Nile Virus and Mosquito and Vector Control Awareness Week. (F: 83.1)

ACTION: Approved.
(4 Ayes.)

- 6.f. Proclamation declaring May 1, 2007, as Paint Your Town Purple Day, and July 21 and 22, 2007, as Relay for Life Days. (F: 83.1)

ACTION: Approved.
(4 Ayes.)

- 6.g. Agreement with Hennessey & Hennessey LLC for appraisal services on an as-needed basis. (Cost: Not to exceed \$50,000 annually)
(F: 55)

ACTION: Approved.
(4 Ayes.)

- 6.h. Agreement with the Municipal Water District of Orange County for the City's participation in the Weather Based Irrigation Controller Rebate Program. (Cost not to exceed \$2,000) (F: 112.5) (XR: 24.1)

ACTION: Approved.
(4 Ayes.)

- 6.i. Amendment No. 1 to Agreement with Turbo Data Systems Incorporated to provide citation-processing services. (Cost: Not to exceed \$105,000 annually) (F: 55) (XR: 24.1)

ACTION: Approved.
(4 Ayes.)

- 6.j. Amendment No. 12 to Cooperative Agreement No. C-95-974 with the Orange County Transportation Authority for receipt of funding under the Combined Transportation Funding Programs. (F: 55) (XR: 24.1)

ACTION: Approved.
(4 Ayes.)

- 6.k. Adoption of Resolution authorizing the submittal of an application for CalHome funds, through the California Department of Housing and Community Development, to be used for the First-Time Homebuyers Program and the Single-Family Home Rehabilitation Program.
(F: 117.18A) (XR: 57.1)

ACTION: Resolution No. 8763-07 adopted.
(4 Ayes.)

- 6.l. Purchase of replacements for 60 desktop personal computers.
(Cost: \$58,535.70) (F: 55) (XR: 43.3)

ACTION: Approved.
(4 Ayes.)

- 6.m. Purchase of a geographic/community notification system from "Reverse 911," which will be reimbursed by Urban Area Security Initiative funds.
(Cost: \$65,000) (F: 55) (XR: 82.1)

ACTION: Approved.
(4 Ayes.)

- 6.n. Authorization for travel and expense reimbursement for City Council Members related to travel to Anyang, South Korea, April 6-14, 2007.
(F: 127.3) (XR: 102.3) (XR: 53.1)

ACTION: Approved.
(4 Ayes.)

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

ACTION: Approved.
(4 Ayes.)

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

ACTION: Approved.
(4 Ayes.)

7. PUBLIC HEARINGS:

- 7.a. Receipt of Protests on the Weed Abatement Notices for the Spring 2007 program. (F: 113.1.Spring.2007)

ACTION: Hearing held. Staff directed to proceed with the scheduled weed abatement.
(4 Ayes.)

- 7.b. Development Agreement in connection with Site Plan No. SP-418-07, initiated by Hung The Quach, M.D., requesting to construct an 18-unit condominium development on a 47,619 square foot lot located at 14051 and 14061 Hope Street. (F: 116.SP-418-07) (XR: 57.1)

ACTION: Hearing held.

- 7.b.1. ORDINANCE NO. 2703, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN HUNG THE QUACH (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE

ACTION: Title read in full. Ordinance passed to second reading.
(4 Ayes.)

8. COMMISSION/COMMITTEE MATTERS:

- 8.a. Recommendation from the Traffic Commission meeting of March 6, 2007, to remove parking on Newhope Street from Garden Grove Boulevard to Trask Avenue, and install bike lanes. (F: 33.3) (XR: 122.11) (XR: 24.1)

ACTION: Approved.
(5 Ayes.)

9. ITEMS FOR CONSIDERATION:

- 9.a. Agreement with Clear Channel Outdoor to provide and maintain 100 new bus shelters; and consideration of an amendment of the Municipal Code to allow for a longer contract term of up to a maximum of 15 years. (F: 55) (XR: 36.1A) (XR: 24.1)

ORDINANCE NO. 2704, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 36 OF TITLE 11 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO BENCHES AND SHELTERS

ACTION: Title read in full. Ordinance passed to second reading.
(4 Ayes.)

- 9.b. Amendment to regulations applicable to issuance, suspension and revocation of fireworks stand permits. (F: 50.2) (XR: 61.6)

ORDINANCE NO. 2705, 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 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING PERMIT PROCEDURES FOR THE SALE OF FIREWORKS IN THE CITY

ACTION: Title read in full. Ordinance passed to second reading.
(4 Ayes.)

- 9.c. Modification to regulations regarding parade peddler permits. (F: 50.2) (XR: 60.2)

ORDINANCE NO. 2706, 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 5.22 OF TITLE 5 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING PARADE PEDDLERS

ACTION: Title read in full. Ordinance passed to second reading.
(4 Ayes.)

- 9.d. Adoption of the County of Orange's "Barking Dog Ordinance." (F: 50.2) (XR: 55)

ORDINANCE NO. 2707, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TITLE 6 OF THE GARDEN GROVE MUNICIPAL CODE BY ADDING CHAPTER 6.05 PERTAINING TO BARKING DOGS

ACTION: Title read in full. Ordinance passed to second reading.
(4 Ayes.)

10. ORDINANCES PRESENTED FOR SECOND READING: None.

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

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

ACTION: Appointments made to Administrative Board of Appeals, Neighborhood Improvement and Conservation Commission and Sanitary District Advisory Board.
(4 Ayes.)

11.b. Appointments to various City Council Committees and Ad Hoc Committees. (F: 122.1)

ACTION: Consensus to continue to April 24, 2007.

11.c. Report concerning recent trip to Washington, D.C., by Mayor Dalton and Council Member Dina Nguyen. (F: 53.1)

ACTION: Report presented.

11.d. Consideration of establishing dog parks, as requested by Mayor Dalton. (F: 73.1)

ACTION: Pulled.

11.e. Consideration of the City Council taking a position of support for AB 823 to encourage the County of Orange to share its Gas Tax and Proposition 42 funds with Orange County cities, as requested by Mayor Pro Tem Rosen. (F: 64.1)

ACTION: Position of support taken.
(4 Ayes.)

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

- 11.f. Consideration of appointment to fill the vacancy on the City Council.
(F: 46.1)

ACTION: Continued to March 29, 2007.

- 11.g. Council Members Broadwater and Rosen asked citizens interested in being appointed to the City Council vacancy to contact a Council Member and express their interest. (F: 53.3) (XR: 46.1)
- 11.h. Council Member Rosen asked that the meeting be adjourned in memory of his next-door neighbor, Hersh Mansir. (F: 53.3) (XR: 46.9)
- 11.i. Mayor Dalton wished many members of his family a Happy Birthday.
(F: 53.3)
12. ADJOURNMENT: 9:30 p.m., in memory of Betsy Ross Pigg and Hersh Mansir, to Thursday, March 29, 2007, at 5:30 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue. (F: 46.9)

The next Regular Meeting of the City Council will be held on Tuesday, April 24, 2007, at 5:30 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.