

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

June 28, 2005

Council Chamber

ROLL CALL: COUNCIL MEMBER KREBS, COUNCIL MEMBER LEYES, 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

6:15 p.m.

1. CLOSED SESSION: None.

Open Session

7:25 p.m.

INVOCATION: Les Jones, Deputy City Manager.

COUNCIL MEMBERS: COUNCIL MEMBER KREBS, COUNCIL MEMBER LEYES,
COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

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

2. PRESENTATIONS:

- 2.a. Community Spotlight: Recognition of Richard Bushnell and Lynn Longoria, 2005 Strawberry Ball King and Queen. (F: 52.3) (XR: 87.7)

ACTION: Recognized.

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

- 3.a. Charles Mitchell addressed the City Council, noting that the City is doing all it can relative to Code Enforcement, and commenting that the citizens are not aware of all the steps that are being taken to address enforcement issues. He suggested a person who has an issue with a neighbor's property should offer to help the neighbor with the issue. Further, he suggested that commercial and large vehicles be encouraged to park on paved right-of-ways by permit.
- 3.b. Peggy Bergin addressed the City Council concerning recent Supreme Court rulings, including those of a religious nature. She also asked for prayers for her ailing mother.
- 3.c. Tony Flores addressed the City Council and reviewed his and Verla Lambert's report on the findings of the Community Financial Working Group. He provided each Council Member with a copy of the report.
- 3.d. Robin Marcario addressed the City Council, indicating that crime is down in Garden Grove and encouraging all residents to keep safe and only use safe and sane fireworks on the Fourth.
- 3.e. David Terry Lautherboren addressed the City Council, commenting that he has called the Police Department many times about code enforcement issues, and they called him a troublemaker.
- 3.f. Richard Kessler addressed the City Council concerning the City taking his property on Trask Avenue for the Nicklus Chevrolet establishment. He also spoke about his exposure to Code Enforcement over his trailer being parked on the street and grass. Lastly, he noted that he is against moving recreational vehicles off of one's private property.

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MAYOR DALTON

4. WRITTEN COMMUNICATIONS: None.

RECESS: 8:03 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 9:37 p.m.

5. CONSENT ITEMS: (It is recommended that Items 5.a. through 5.m. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

5.a. Proclamation designating July 2005, as Parks and Recreation Month.
(F: 83.1) (XR: 87.1)

ACTION: Approved.
(5 Ayes.)

5.b. Final Tract Map No. TR 16767 and Subdivision Agreement for property located on the north side of Trask Avenue, west of Newhope Street, at 11311 Trask Avenue (Trask Avenue Cottages), with acceptance of the Subdivision Improvement Bonds. (F: 103.TR-16767)

ACTION: Approved.
(5 Ayes.)

5.c. Award of Contract to Pricon, Inc., for the purchase of 120 Desktop Personal Computers. (Estimated cost: \$97,040.24)

ACTION: Awarded.
(4 Ayes. Rosen voted no.)

5.d. Amendment to the Agreement with the Orange County Transportation Authority (OCTA) for the provision of transportation services for Senior Citizens. (Estimated cost: \$38,985.63) (F: 55) (XR: 87.8)

ACTION: Approved.
(5 Ayes.)

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

- 5.e. Agreement with Andersen's Door Service for maintenance on the rollup doors at Fire Stations and other City buildings. (Estimated cost: \$50,000.00) (F: 55) (XR: 24.1)

ACTION: Approved.
(5 Ayes.)

- 5.f. Agreement with RBF Consulting for the preparation of plans and specifications for the installation of fiber optics and an Amber Alert system to control all existing traffic signals on the west side of Garden Grove. (Estimated cost: \$117,797.00) (F: 55) (XR: 24.11)

ACTION: Approved.
(5 Ayes.)

- 5.g. Acceptance of Contract as complete for Project No. 7122, Lampson Avenue Median Construction between Knott Street and Lamplighter Street. (F: 96.Proj.7122)

ACTION: Accepted.
(5 Ayes.)

- 5.h. Acceptance of Contract as complete for Phase II of the Energy Efficient Retrofit Program for City facilities. (F: 55) (XR: 24.1)

ACTION: Accepted.
(5 Ayes.)

- 5.i. Resolution to add personnel classifications to the Middle Management and Central Management groups.

ACTION: Resolution No. 8648-05 adopted.
(5 Ayes.)

- 5.j. Resolution overturning the Planning Commission decision of approval and denying without prejudice Site Plan No. SP-367-05 for land located at 5262 Lampson Avenue, as directed by the City Council on June 14, 2005.

ACTION: Resolution No. 8649-05 adopted.
(5 Ayes.)

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

5.k. Minutes of Regular City Council Meeting held June 14, 2005. (F: Vault)

ACTION: Approved.
(5 Ayes.)

5.l. Warrants. (F: 60.5)

ACTION: Approved.
(5 Ayes.)

5.m. Waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.
(5 Ayes.)

6. PUBLIC HEARINGS:

6.a. Allocation of FY 2005-06 State Supplemental Law Enforcement Services Funds in the amount of \$250,926.00 for Law Enforcement Programs. (F: 82.5)

ACTION: Hearing held. Allocation of funds for the C-CAT Team, Crime Analysis Unit, and Wireless MCT system approved.
(5 Ayes.)

6.b. Garden Grove City Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District – Fiscal Year 2005-06. (F: 69.1.FY.2005-06)

6.b.1. Hearing of Protests.

ACTION: Hearing held.

6.b.2. Adoption of Resolutions confirming proceedings.

ACTION: Resolutions No. 8650-05, No. 8651-05, and No. 8652-05 adopted.
(4 Ayes. Leyes voted no.)

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- 6.c. Proposed Budget for Fiscal Year 2005-06: (It is recommended that Items 6.c.1. through 6.c.9. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.) (F: 34.1)

ACTION: Hearing held.

- 6.c.1. Resolution adopting Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2005-06.

ACTION: Consensus to continue tentatively to August 23, 2005, so more detailed information can be provided.

- 6.c.2 Resolution adopting Fiscal Year 2005-06 Appropriations Limit.

ACTION: Consensus to continue tentatively to August 23, 2005, so more detailed information can be provided.

- 6.c.3. Resolution appropriating Fund Balances as of June 30, 2005.

ACTION: Resolution No. 8656-05 adopted.
(5 Ayes.)

- 6.c.4. Resolution reappropriating Fiscal Year 2004-05 Project Balances and Encumbrances for Fiscal Year 2005-06.

ACTION: Resolution No. 8657-05 adopted.
(5 Ayes.)

- 6.c.5. Resolution adopting Fiscal Year 2005-06 Agency Budget.

ACTION: Resolution No. 8653-05 adopted.
(5 Ayes.)

- 6.c.6. Resolution adopting Fiscal Year 2005-06 Agency Budget Administrative Costs.

ACTION: Resolution No. 8654-05 adopted.
(5 Ayes.)

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6.c.7. Resolution adopting Fiscal Year 2005-06 Housing Authority Budget.

ACTION: Resolution No. 8655-05 adopted.
(5 Ayes.)

6.c.8. Resolution adopting revised Master Fee Resolution.

ACTION: Resolution No. 8658-05 adopted.
(4 Ayes. Leyes voted no.)

6.c.9. Fiscal Year 2005-06 Conference and Training opportunities.

ACTION: Approved.
(5 Ayes.)

6.d. General Plan Amendment No. GPA-2-05(A), Planned Unit Development No. PUD-107-05, and Development Agreement in connection with Site Plan No. SP-368-05. Garden Grove Galleria, LLC (Ted Yoon) is requesting to amend the General Plan from HC (Heavy Commercial) to MU (Mixed Use); and to rezone the site to PUD-MX (Planned Unit Development) to construct an eight-story mixed-use building on the south side of Garden Grove Boulevard, west of Brookhurst Street, at 10080 and 10180 Garden Grove Boulevard. (F: 20.GPA-2-05(A))

On May 19, 2005, the City Planning Commission, pursuant to Resolution No. 5495, approved GPA-2-05(A) and PUD-107-05, and recommended approval of the Development Agreement. Public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

6.d.1. Resolution approving the General Plan Amendment.

ACTION: Resolution No. 8659-05 adopted.
(4 Ayes. Leyes voted no.)

6.d.2. ORDINANCE NO. 2662, for introduction and first reading, by title only, entitled

COUNCIL MEMBERS: COUNCIL MEMBER KREBS, COUNCIL MEMBER LEYES,
COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-107-05, CHANGING THE ZONING DESIGNATION FROM C-3 (HEAVY COMMERCIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-107-05, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET, AT 10080, 10180 AND 10120 GARDEN GROVE BOULEVARD AND 13011 BROOKHURST STREET, PARCEL NOS. 098-070-35, 098-070-38, 098-070-65, AND 098-070-63

ACTION: Ordinance passed to second reading.
(4 Ayes. Leyes voted no.)

- 6.d.3. ORDINANCE NO. 2663, 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 GARDEN GROVE GALLERIA, LLC, (DEVELOPER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET, AT 10080 AND 10180 GARDEN GROVE BOULEVARD, PARCEL NOS. 098-070-35 AND 098-070-38

ACTION: Ordinance passed to second reading.
(4 Ayes. Leyes voted no.)

7. COMMISSION/COMMITTEE MATTERS: None.

8. ITEMS FOR CONSIDERATION:

- 8.a. Adoption of Measure M Seven-Year Capital Improvement Program, certifying that the Garden Grove Circulation Element is consistent with the County of Orange Master Plan of Arterials. (F: 23.18c)

ACTION: Adopted.
(5 Ayes.)

- 8.b. Resolution approving City's membership in the California Public Entity Insurance Authority, through which Workers' Compensation Insurance excess coverage can be purchased.

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

ACTION: Resolution No. 8660-05 adopted.
(5 Ayes.)

- 8.c. Adoption of Paramedic tax override rate for Fiscal Year 2005-06.
(F: 61.2)

ORDINANCE NO. 2664, for introduction and first reading, by title only,
entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE ESTABLISHING THE AMOUNT OF MONEY FOR PARAMEDIC
SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE
AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE

ACTION: Ordinance passed to second reading.
(5 Ayes.)

- 8.d. An Urgency Ordinance establishing health and safety regulations
governing the use of city parks.

ORDINANCE NO. 2665, for adoption, by title only, entitled

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GARDEN GROVE AMENDING CHAPTER 8.40, "GARDEN GROVE PARK
FACILITIES-RULES AND REGULATIONS," OF TITLE 8, "PUBLIC PEACE,
SAFETY, AND MORALS," OF THE MUNICIPAL CODE

ACTION: Ordinance passed.
(5 Ayes.)

9. ORDINANCES PRESENTED FOR SECOND READING:

- 9.a. ORDINANCE NO. 2661, for second reading and adoption, by title only,
entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GARDEN GROVE AMENDING PROVISIONS OF SECTION 2.44.440
RELATING TO NEPOTISM POLICY (F: 78.1) (XR: 127.1)

ACTION: Ordinance passed.
(4 Ayes. Leyes voted no.)

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
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10. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER:

- 10.a. Discussion concerning the Governor's "reform package" ballot measures, as requested by Council Member Leyes.

ACTION: Motion to endorse Governor's three measures died for lack of a second.

- 10.b. Council Member Nguyen expressed interest in staff providing further information on the preceding item. She also wished everyone a Happy Fourth of July.
- 10.c. Council Member Leyes spoke briefly about the Supreme Court's recent ruling on eminent domain, and he requested the issue of an eminent domain policy be placed on the July 12, 2005, agenda for discussion. He also spoke about the redistricting initiative, commenting that the City Council could put it on the November ballot. Lastly, he spoke about the recent 50th Anniversary of the Garden Grove Church of God, and the upcoming public hearing on July 12, 2005, to consider placing the trash bills on the property tax rolls. He also wished everyone a Happy Fourth of July and urged people to discourage the use of any illegal fireworks they might see.
- 10.d. Council Member Rosen spoke about the Supreme Court's recent ruling on eminent domain, noting that it essentially preserves the status quo. He spoke of the untimely passing of his friend, Assemblyman and former El Segundo mayor, Mike Gordon, and asked that the meeting be adjourned in his memory.
- 10.e. Council Member Krebs spoke of a recent visit Governor Schwarzenegger made to the Grove Body Shop, owned by Tony and Emma Lombardy, to discuss the effects of sales tax on small business owners. He noted that the Garden Grove Education Association (GGEA) distributed flyers with offensive and false statements to the Garden Grove schools. The Superintendent of Schools has issued an apology.
- 10.f. Mayor Dalton also spoke about the GGEA flyer, commenting on its offensive nature and noting that it was an affront to the integrity of the Lombardys. He also wished everyone a Happy Fourth of July.

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

11. ADJOURNMENT: 12:45 a.m. on Wednesday, June 29, 2005, in memory of
Assemblyman Mike Gordon.