

MINUTES

GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, January 24, 2006, at 6:24 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS KREBS, LEYES, NGUYEN, ROSEN

ABSENT: (1) COUNCIL MEMBER LEYES (Joined the meeting at 6:28 p.m.)

REQUEST TO ADD A CLOSED SESSION ITEM TO THE AGENDA (F: S-55.20)
(XR: S-49.1)

Mayor Dalton indicated there is a need to add a Closed Session item to the agenda, which requires a four-fifth's vote of the City Council. The item is listed on the Garden Grove Sanitary District for discussion in Closed Session; however, it also needs to be listed on the City Council agenda for discussion in Closed Session.

Council Member Krebs moved, seconded by Council Member Rosen, that the matter of the Orange County Coastkeepers, Inc. v. Garden Grove Sanitary District, et al., be added to the agenda for discussion in Closed Session. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) KREBS, NGUYEN, ROSEN,
DALTON

NOES: COUNCIL MEMBERS: (0) NONE

ABSENT: COUNCIL MEMBERS: (1) LEYES

PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

ADJOURN TO CLOSED SESSION (F: S-55.20) (XR: S-49.1)

At 6:26 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room; and it was announced that pursuant to Government Code section 54956.9, the District Board will confer with its legal counsel regarding the status of Orange County Coastkeepers, Inc. v. Garden Grove Sanitary District, et al.

RECESS

At 7:08 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION (F: S-55.20) (XR: 49.1)

At 7:20 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members in attendance, and it was announced that the previously disclosed item was discussed and no others. Further, that the proposed settlement was accepted on a three to two vote, with Council Member Leyes and Council Member Rosen voting no, and the document will be available in the City Clerk's office for review after it has been prepared.

INVOCATION AND PLEDGE

Deputy City Manager Les Jones gave the Invocation. Council Member Rosen led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATIONS – COMMUNITY SPOTLIGHTS (F: 83.1)

Mayor Dalton called forward Nancy Squires, Rae Waldron, and Caroyl Tolman and presented them with Certificates of Appreciation for their generous contributions of one-of-a-kind quilts for the City of Garden Grove's 50th Anniversary celebration.

DEPARTMENT UPDATE BY FIRE CHIEF KEITH OSBORNE (F: 61.1)

Fire Chief Keith Osborne provided an update of activities in the Fire Department.

ORAL COMMUNICATIONS - PUBLIC

Ruth Baird addressed the City Council concerning noise mitigation relating to the needed widening of the 22 Freeway. She noted she represents over 700 petition signatures of Garden Grove citizens

that are worried about the lack of a sound wall on the 22 Freeway between Euclid and Magnolia Streets on the north side. She spoke about their meeting with the Orange County Transportation Authority (OCTA) last Thursday, also attended by the car dealers along the freeway. OCTA has agreed to place rubberized asphalt along Trask Avenue between Magnolia and Euclid Streets, to be maintained by the City, which must be approved by the City. They also approved placing air conditioning units in 13 classrooms at Sunnyside and Mitchell Elementary Schools, and to pave the quiet rubberized asphalt on the westbound lanes of the expanded 22 Freeway. She asked the City to accept OCTA's proposal, but to push for rubberized asphalt on the eastbound lanes also.

Mayor Pro Tem Rosen saluted the citizens group for finding a solution and for their persistence in resolving the issue. He added that OCTA also approved to have a three-foot sound wall on the north side of the 22 Freeway, which would block out 78 percent of the noise generated by tires. He noted that the City Council must agree to the placement of the rubberized asphalt along Trask Avenue, and this will come to the City Council in a few weeks for consideration. He noted that he also attended the meeting last week, along with Supervisor Correa who came up with this resolution. (F: 53.3) (XR: 62.2)

Robin Marcario, Chair of the Traffic Commission, addressed the City Council concerning Agenda Item 7.a., requesting that it be sent back to the Traffic Commission so it can be re-noticed to a wider range of people. She also spoke about Agenda Item 10.c., asking the City Council to place the Fireworks issue on the November ballot for a vote of the people. (F: 53.3) (XR: 122.1) (XR: 61.6)

Bea Jones addressed the City Council, inviting the Council Members to attend the Orange County Black History Parade and Cultural Fair on February 4 in Santa Ana. She also spoke about Black History and prominent figures. (F: 53.3)

Charles Mitchell addressed the City Council, commenting that with regard to illegal immigration, criminal activity is the key factor. (F: 53.3)

Gerry Gritters, Jackie Koob, Cam Trinh, Bonnie Robba, Tanya Hedani, Richard Robba, Sean Mellen, Charles Walton, Linda Luu, James King, Pat Huttner, Dao Tran, Jean Beers, Terri Jason, Steven Dang, Duong Nguyen, and David Van Meur, all of whom were employees of Childs Town Preschool on Westminster Avenue, citizens, parents, and owners of businesses on Westminster Avenue,

addressed the Council Members. They urged the widening of Westminster Avenue not be approved because doing so would impact the safety of the preschool children and pedestrians, would create more pollution, noise and crime, would negatively impact the businesses on Westminster because of lack of on-street parking, would increase traffic speed, would impact left turns, would create excessive parking in the residential neighborhood behind the preschool, and there was poor notification. Photos, articles, and other materials were presented. (F: 53.3) (XR: 122.1)

Rob Gleason, Janet Scott Tyler, Theodore Lavoot, Lynn Madrid, Will Hames, and Kim Schon, all of whom are affiliated with school booster clubs and nonprofit organizations, addressed the Council Members, indicating they need to sell fireworks to raise necessary funds for their organizations, and it would be difficult to find another way to do this. Further, they indicated the banning of fireworks would not stop the illegal fireworks. All but two indicated they were in favor of placing this on the ballot for a vote of the people. (F: 53.3) (XR: 61.6)

Elaine Caton, Jim Caton, Rus McDonald, David Vill, and Duke Noonan addressed the Council Members. They spoke against the sale and use of fireworks in Garden Grove. Mrs. Caton submitted copies of petitions circulated in 2004 to ban fireworks in Garden Grove. They noted that the police and fire personnel are overwhelmed with the illegal fireworks and the block parties leave much residue on the streets and cause air pollution. This should be placed on the ballot for a vote of the people. AARP members are not supportive of fireworks. (F: 53.3) (XR: 61.6)

John Kelly, Vice President of TNT/Blockbuster Fireworks, addressed the Council Members. They are a wholesaler that provides the fireworks to nonprofit organizations. He suggested that the Police Officers need financing to enforce the ban of illegal fireworks, and severe punishment should be instituted. He spoke about the City of Chino and the measures they have taken, suggesting a surcharge be instituted to regional customers for cleanup of fireworks debris and that people who want to hold block parties should post a bond for the street cleanup. He noted his opposition to a ballot measure. (F: 53.3) (XR: 61.6)

RECESS

At 9:43 p.m., the Mayor declared a recess.

RECONVENE

At 9:54 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

ORAL COMMUNICATIONS – PUBLIC (CONTINUED)

Tony Rector addressed the Council Members, requesting more detail on Consent items and on Closed Session items on the agendas. He also suggested that the City should contact the local engineering firm of Pool Plans for engineering work instead of contracting outside the city. (F: 53.3)

Alma Ramirez addressed the Council Members concerning the importance of Freedom of Speech. (F: 53.3)

James Robert Reade addressed the Council Members concerning Freedom of Speech and police issues. He also commented that Alma Ramirez spoke at the last City Council meeting; however, it was not on a copy of the videotape he ordered.

Council Member Rosen indicated for the record that the Oral Communications portion of the meeting ended at 10:26 p.m. (F: 53.3)

RECESS

At 10:26 p.m., the Mayor declared a recess.

RECONVENE

At 10:34 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

FINAL PARCEL MAP NO. 2003-127 FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF MAGNOLIA AVENUE AND GARDEN GROVE BOULEVARD (F: 118.PM-2003-127)

Staff report dated January 24, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the Final Parcel Map No. 2003-127 for property located on the northeast corner of Magnolia Avenue and Garden Grove Boulevard, be and hereby is approved.

APPOINTMENT OF NEW SENIOR STREET MAINTENANCE WORKER AT "G" STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated January 24, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the appointment of a new Senior Street Maintenance Worker at "G" Step of the salary range for this position be and hereby is approved.

AWARD OF CONTRACT TO UNION BANK OF CALIFORNIA FOR THE PROVISION OF CITY BANKING SERVICES (F: 55) (XR: 60.1)

Staff report dated January 24, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that Union Bank of California be and hereby is determined to be the lowest acceptable bidder in connection with the provision of City banking services, and that contract for said project be and hereby is awarded to said company in the sum of \$803,275.38; that all other bids be and hereby are rejected; and the City Manager and City Clerk are authorized to execute said contract.

INITIATION OF SPRING 2006 WEED ABATEMENT PROGRAM (F: 113.1.Spring 2006)

Staff report dated January 24, 2006, was introduced.

RESOLUTION NO. 8686-06

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8686-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

MINUTES (Vault)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held November 22, 2005, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that regular warrants 352644 through 352858 and Wire W231 through W232, and payroll warrants 144218 through 144400, Direct Deposits D115837 through D116402 and Wires W1055 through W1058, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – AMENDMENT NO. A-124-05 (F: 115.A-124-05)

The City of Garden Grove is proposing to amend Title 9 of the Garden Grove Municipal Code relating to the parking requirements for residential uses.

On November 3, 2005, the City Planning Commission, pursuant to Resolution No. 5520, recommended approval of Amendment No. A-124-05; and pursuant to Legal Notice published January 12, 2006, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 24, 2006, was introduced, and staff reviewed the background information concerning this matter.

It was noted that a study was made by IBI Group to determine if the current code requirements were adequately addressing demand. The consultant recommended that more parking be required for projects with less than 50 housing units, and that less parking be required for projects with 50 housing units or more.

Council Member Rosen commented that he would like to read the IBI Group's study.

Mayor Dalton declared the public hearing opened and asked if anyone wished to address the City Council on this matter.

Charles Mitchell addressed the City Council, commenting on a recent Orange County Register article about a new system of parking where cars are parked on top of each other.

Robin Marcario addressed the City Council, noting her support of this Code amendment.

Richard Robba addressed the City Council, noting his support of this Code amendment.

There being no further comments from the audience, the public hearing was declared closed.

ORDINANCE NO. 2681 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-124-05, AN AMENDMENT TO TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO PARKING REQUIREMENTS FOR RESIDENTIAL USES

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2681 be waived, and said Ordinance be and hereby is passed to second reading.

REMOVAL OF ON-STREET PARKING ON WESTMINSTER AVENUE FROM EUCLID STREET TO MAGNOLIA STREET FOR WESTBOUND TRAFFIC; AND FROM BUSHARD STREET TO EUCLID STREET FOR EASTBOUND TRAFFIC
(F: 122.1)

Staff report dated January 24, 2006, was introduced, and it was noted that this matter was continued from the City Council meeting of January 10, 2006.

Discussion ensued relative to traffic volume on Westminster Avenue and the noticing process for Traffic Commission meetings.

Council Member Leyes moved approval of the widening of Westminster Avenue, as recommended by the Traffic Commission, but to delay the restriping and prohibition of parking until the City of Westminster has finished its segment of the project; further, that staff explore alternatives, including the reconfiguration of the parking lot for the Childs Town Pre-School, the striping issue, and the left-turn issue.

Council Member Nguyen requested an amendment to the motion, that staff provide a report on the various options prior to the restriping.

Council Member Leyes agreed to the addition of the amendment.

Council Member Rosen seconded the motion, with the addition of Council Member Nguyen's amendment.

The foregoing motion, with the addition of the amendment, carried by unanimous vote.

RESIGNATION OF SUSAN BARRY FROM THE PLANNING COMMISSION
(F: 122.10A)

Council Member Leyes moved that the resignation of Susan Barry from the Planning Commission be accepted with regret. Motion died for lack of a second.

Mayor Dalton moved, seconded by Council Member Nguyen, that the matter be continued to February 14, 2006.

Council Member Leyes moved a substitute motion, seconded by Council Member Rosen, that the resignation of Susan Barry from the Planning Commission be received and filed. Said motion carried by unanimous vote.

AMENDMENT TO CITY CODE ESTABLISHING PUBLIC HEALTH, SAFETY, AND PEACE REGULATIONS WITHIN CITY PARKS (F: 127.2) (XR: 82.1) (XR: 50.2)

Staff report dated January 24, 2006, was introduced.

ORDINANCE NO. 2682 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 8.40 OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING THE USE OF PARK FACILITIES

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2682 be waived, and said Ordinance be and hereby is passed to second reading.

SECOND READING OF ORDINANCES NO. 2679 AND NO. 2680

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Ordinances No. 2679 and No. 2680 be and hereby is waived.

ORDINANCE NO. 2679 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN ALWIN LEE (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE (F: 106.165) (XR: 116.SP-384-05)

Council Member Krebs moved, seconded by Council Member Leyes, that said Ordinance be and hereby is passed. Upon the following vote:

AYES: COUNCIL MEMBERS: (4) KREBS, LEYES, ROSEN,
DALTON

NOES: COUNCIL MEMBERS: (1) NGUYEN

ABSENT: COUNCIL MEMBERS: (0) NONE

Ordinance No. 2679 was declared passed.

ORDINANCE NO. 2680 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-125-06, AN AMENDMENT TO TITLE 5 AND TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO SMOKING LOUNGES, AND ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT (F: 115.A-125-06)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, Ordinance No. 2680 be and hereby is declared passed.

APPOINTMENTS TO THE PLANNING COMMISSION AND THE NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSION, AS REQUESTED BY MAYOR PRO TEM ROSEN (F: 122.10B) (XR: 122.4A)

This item was continued from the City Council meeting of January 10, 2006, and was continued to February 14, 2006, by consensus.

APPOINTMENT TO PARKING AND MAIN STREET COMMISSION, AS REQUESTED BY COUNCIL MEMBER LEYES (F: 122.6A)

This item was continued to February 14, 2006, by consensus.

DISCUSSION CONCERNING PLACING A MEASURE ON THE NOVEMBER 7, 2006, BALLOT TO ELIMINATE FIREWORKS SALES AND USE WITHIN THE CITY LIMITS OF GARDEN GROVE, AS REQUESTED BY COUNCIL MEMBER KREBS
(F: 61.6)

Council Member Krebs reviewed the history of fireworks in Garden Grove and how their use impacts the City. He commented that the groups who sell fireworks to raise funds should come up with new ways to obtain these funds. He asked the City Council to either vote to abolish the sale and use of fireworks within the city limits or vote to place the issue on the November 7 ballot for a vote of the people.

Council Member Rosen commented that it is too early to decide this matter for a November ballot. He expressed interest in Mr. Kelly's suggestions to explore surcharges and increasing penalties as means of recovering all law enforcement costs from the sale of fireworks. He asked staff to look into what the City of Chino is doing in this regard.

Mayor Dalton agreed that staff should contact the City of Chino. He also commented that stricter enforcement and higher fines might reduce the use of illegal fireworks, noting that he does not believe that banning legal fireworks will reduce the illegal ones.

Council Member Leyes commented that it is premature for the November election, and he moved to table the issue.

Council Member Krebs commented that placing this matter on the ballot would lay it to rest once and for all.

Council Member Leyes noted that placing this on the ballot is an exercise in futility. He is in favor of fireworks, and he moved to table this matter. Motion died for lack of a second.

Council Member Nguyen commented that she has always enjoyed fireworks. She suggested staff see what other cities have done, commenting that the student groups need the financial help that the sale of fireworks brings.

Council Member Leyes moved, seconded by Council Member Nguyen, that this not be placed on the November 7, 2006 ballot.

Council Member Leyes noted that according to Robert's Rules, if a matter is tabled, it could be placed on an agenda again. He further noted that he is not ready to ban the sale of fireworks and he will not support placing it on the ballot.

Council Member Rosen moved, seconded by Council Member Krebs, a substitute motion that the fireworks issue be tabled. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) KREBS, NGUYEN, ROSEN,
DALTON
NOES: COUNCIL MEMBERS: (1) LEYES
ABSENT: COUNCIL MEMBERS: (0) NONE

COMMENTS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes noted that he attended the Crystal Cathedral service where Robert Schuller, Jr. was ordained. He offered his congratulations to both Robert Schuller, Jr., and Robert Schuller, Sr. He spoke about the City's 50th Anniversary Film Festival on Saturday and Sunday. He referenced a memo from the Police Chief on enforcement of immigration laws by the Police Department. He requested to meet with the Police Chief or the Deputy to go over questions he has. He referenced a recent article in the Register newspaper, noting that he should not have had to read the information in the newspaper. He also suggested the issue of prohibiting a casino be placed on the November ballot for a vote of the people. Lastly, he wished everyone a Happy Lunar New Year. (F: 53.1) (XR: 82.1) (XR: 45.4) (XR: A-116.14)

Council Member Rosen commented that there should not be term limits for City Council persons, noting it lessens influence within the county and that people should decide for themselves on an individual basis. He also noted that Council Member Leyes is termed out, having been elected by the voters four times, and possibly could be elected for a fifth term. He requested that discussion take place at the January 31 study session to place on the June ballot the repeal of the City's Term Limits ordinance in time for the November election. (F: 53.1) (XR: 127.11)

Council Member Nguyen requested information on the history of the term limits ordinance. She also requested information concerning the Pool Plans engineering firm and a report on the casino matter, including information on the mixed use and developers. She also requested information on the Orange County Sheriff Department and Costa Mesa immigration proposals and how they would affect us directly. Lastly, she wished everyone a Happy Lunar Year. (F: 53.1) (XR: 127.11) (XR: A-116.14) (XR: 23.1)

Council Member Krebs spoke about the City's 50th Anniversary activities, noting that a public display of fireworks is scheduled for

one of the events. He spoke about the recent State of the City Luncheon and praised Mayor Dalton for his excellent speech and cable staff for a great video. (F: 53.1) (XR: 45.4) (XR: 45.1)

Mayor Dalton commented on the casino issue, noting that any proposal would be put to the citizens for a vote. Lastly, he commented on the dedication of the new Sports Complex on Saturday. (F: 53.1) (XR: A-116.14) (XR: 73.5c)

ADJOURNMENT

At 12:16 a.m. on Wednesday, January 25, 2006, the meeting was adjourned in memory of Catherine Morrissey and Maurice Hurley, to Tuesday, January 31, 2006, at 6:30 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue. (F: 46.9)

RUTH E. SMITH
CITY CLERK