

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, February 13, 2007, at 5:41 p.m.

ROLL CALL: PRESENT: (3) MAYOR PRO TEM ROSEN, COUNCIL MEMBERS BROADWATER, DINA NGUYEN

ABSENT: (2) MAYOR DALTON (JOINED THE MEETING AT 5:48 P.M.) AND COUNCIL MEMBER JANET NGUYEN (JOINED THE MEETING AT 5:51 P.M.)

PUBLIC INPUT ON CLOSED SESSION ITEM

Charles Mitchell addressed the City Council, expressing concern about the City's notification process relative to the Closed Session item concerning Garden Grove Downtown Business Association pending litigation. He commented that the appropriate agencies and commissions should have been contacted. (F: 53.3) (XR: A-55.328)

Scott Weimer addressed the City Council relative to the same matter, 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. He asked that the public hearings be reopened on this matter. (F: 53.3) (XR: A-55.328)

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

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 that decisions made can set a trend for the future. (F: 53.3)

ADJOURN TO CLOSED SESSION

At 5:50 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

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.

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

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.)

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.

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

RECESS

At 6:40 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 6:48 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present. It was announced that the previously disclosed items were discussed and that no reportable action was taken.

INVOCATION AND PLEDGE

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

ORAL COMMUNICATIONS - PUBLIC

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)

Edith Brenner, Russell McDonald, Mary McDonald, Russell McDonald, Jr., Jean Gibo, and David Vill, all spoke against the sale and use of fireworks in Garden Grove, citing environmental issues, noise, nervous seniors, and use of illegal fireworks. (F: 53.3)
(XR: 61.6)

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)

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)

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward David Hinkley and Christopher Hinkley and presented them with a certificate and gift in recognition of their heroic actions in bringing a criminal to justice.

ORAL COMMUNICATIONS – PUBLIC (CONTINUED)

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)

Terry Fotia and Michael Patterson addressed the City Council and spoke against the sale and use of fireworks in Garden Grove. Mr. Patterson spoke about the large number of upset pets because of the noise.

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)

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)

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)

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)

Raulia Hilander and Sharon Tanihara addressed the City Council, urging the banning of the sale and use of fireworks in the city.

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)

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)

RECESS

At 8:00 p.m., the Mayor declared a recess.

RECONVENE:

At 8:17 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROCLAMATION – NATIONAL ENGINEERS WEEK (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that February 18-24, 2007, be and hereby is designated National Engineers Week.

AGREEMENT WITH BOUND TREE MEDICAL PRODUCTS, INC., FOR THE PURCHASE OF PARAMEDIC SUPPLIES (F: 55) (XR: 61.1)

Staff report dated February 13, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Janet Nguyen, and carried by unanimous vote, that the Professional Services Agreement by and between the City of Garden Grove and Bound Tree Medical Products, Inc., for the purchase of paramedic supplies, with terms of the agreement for a period of one year, with an option to extend said agreement for an additional four years, one year at a time, in an amount not to exceed \$60,000 per year, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH EDWARD MEDICAL GROUP FOR PRE-EMPLOYMENT AND DMV PHYSICAL EXAMS (F: 55) (XR: 78.1)

Staff report dated February 13, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the Professional Services Agreement by and between the City of Garden Grove and Edward Medical Group for pre-employment and DMV physical exams for a three-year period, with an additional year twice, at the City's volition, in an amount not to exceed \$25,000 per year, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH GRANICUS, INC., FOR STREAMING AND DISTRIBUTION OF LIVE AND ARCHIVED VIDEO AND AUDIO CONTENT OF PUBLIC MEETINGS (F: 55) (XR: 78.1)

Staff report dated February 13, 2007, was introduced.

Council Member Rosen commented that the system is a great idea. He requested that staff provide information concerning what the cost would be to place all Commission meetings on the Internet.

It was moved by Council Member Rosen, seconded by Council Member Dina Nguyen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Granicus, Inc., for streaming and distribution of live and archived video and

audio content of public meetings, integrate its Media Management Software on the City's website, and administer the Streaming Solution through a Managed Services Solution, in an amount not to exceed a one-time cost of \$51,631.50, and \$1900 monthly thereafter for the managed services, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

INITIATION OF SPRING 2007 WEED ABATEMENT PROGRAM (F: 113.1)

Staff report dated February 13, 2007, was introduced.

RESOLUTION NO. 8759-07

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8759-07 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.

AUTHORIZATION FOR THE PUBLIC WORKS DIRECTOR TO EXECUTE AND SIGN VARIOUS STATE AND FEDERAL DOCUMENTS REQUIRED FOR HIGHWAY PROJECTS (F: 55) (XR: 24.1) (XR: 62.1)

Staff report dated February 13, 2007, was introduced.

RESOLUTION NO. 8760-07

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8760-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE AND SIGN VARIOUS STATE AND FEDERAL DOCUMENTS REQUIRED FOR HIGHWAY PROJECTS, be and hereby is adopted, authorizing the execution of master and supplemental agreements and the signing of state and federal documents required for highway projects including street right-of-way certifications.

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)

Staff report dated February 13, 2007, was introduced.

It was moved by Council Member Janet Nguyen, seconded by Council Member Broadwater, and carried by unanimous vote, that authorization be approved for out-of-state travel and expense reimbursement, including any expenses exceeding \$1,500 per Council Member, for members of the City Council related to travel to Washington D.C., on March 4 through March 7, provided such expenses are otherwise consistent with the expense guidelines and reimbursement policy adopted at the City Council meeting on April 25, 2006.

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)

Staff report dated February 13, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that Final Parcel Map No. 2006-174 for property located at 12007 Harbor Boulevard be approved; and subdivision monumentation bonds be accepted.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held December 12, 2006, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 378696 through 380360 and Wires W292-W300, and payroll warrants 141391 through 149602, Direct Deposits D131014 through D132207, and Wires W1173-W1178, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

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) (XR: 100.7) (XR: 24.1)

Staff report dated February 13, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Professional Services Agreement by and between the City of Garden Grove and 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 for three years with the option to extend the Agreement for two years, one year at a time, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AMENDMENT TO FIREWORKS ORDINANCE AND ESTABLISHMENT OF
ADMINISTRATIVE FINES FOR VIOLATION OF FIREWORKS ORDINANCE
(F: 61.6) (XR: 50.3) (XR: 50.2)

Staff report dated October 10, 2006, was introduced, along with two communications from residents, one indicating they clean up their own residue from lighting off fireworks; the other indicating that organizations who operate fireworks stands should have been notified that this matter would be discussed at this meeting.

Deputy Police Chief Raney provided information on this matter. He noted that illegal fireworks in the city are jeopardizing public safety; and it is the hope that this proposed ordinance, imposing a \$1,000 fine for all violators, will stop the illegal behavior.

Council Member Rosen moved, seconded by Mayor Dalton, that the first reading of the proposed Ordinance will be presented at the City Council meeting of February 27, 2007, which will 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 the portion dealing with the booths, which is to be brought back at a future City Council meeting. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, DINA NGUYEN,
ROSEN, DALTON
NOES: COUNCIL MEMBERS: (1) JANET NGUYEN
ABSENT: COUNCIL MEMBERS: (0) NONE

Mayor Dalton commented that the names of adult violators should be published in the newspapers.

Council Member Rosen commented that publicity about the City's education program in this regard should be disseminated.

Council Member Broadwater commented that he would like to see some criteria for the administrative law judge.

APPOINTMENTS TO CITY COMMISSIONS (F: 122.1)

It was the consensus of the City Council Members that this matter be continued to February 27, 2007.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Rosen requested that the annual review of the City Manager be placed on the February 27, 2007, agenda for discussion in Closed Session. (F: 53.1)

Council Member Janet Nguyen requested 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)

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)

ADJOURNMENT

At 9:30 p.m., the meeting was declared adjourned in memory of Jerry Lucas, Public Works Parking Control Specialist. (F: 46.9)

RUTH E. SMITH
CITY CLERK