

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 14, 2006, at 7:04 p.m.

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

ABSENT: (1) COUNCIL MEMBER LEYES (Joined the meeting at 7:12 p.m.)

INVOCATION AND PLEDGE

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

DEPARTMENT UPDATE BY COMMUNITY DEVELOPMENT DIRECTOR SUSAN EMERY (F: 57.1)

Community Development Director Susan Emery provided an update of activities in the Community Development Department.

ORAL COMMUNICATIONS - PUBLIC

Harry Pearce addressed the City Council indicating that he would discourage the repeal of the term limits ordinance and the spending of the money to do so. (F: 53.3) (XR: 127.11)

Jon Wilmes addressed the City Council regarding an excessive water maintenance rate increase, noting that the City has admitted to overcharging him. His water bill will jump 100 percent instead of 125 percent, and he has had to raise his tenants' rates because of this. (F: 53.3) (XR: 60.1)

Tony Rector addressed the City Council concerning term limits for the City Council, noting that term limits bring new people who bring in new bright ideas. (F: 53.3) (XR: 127.11)

Betty Layne addressed the City Council concerning the Buddhist Temple near her residence, noting that people set off fireworks there and the Police say their hands are tied. (F: 53.3) (XR: 82.1)

Verla Lambert addressed the City Council concerning the water bills, commenting that reminders are sent out too soon. She suggested that the water bills be sent out monthly and that late charges be enacted. She also indicated her support for term limits and commented on the oral communication card order. (F: 53.3) (XR: 127.11) (XR: 60.1)

Robin Marcario addressed the City Council, noting that she serves on the Traffic Commission. She urged the City Council support the agenda item for a crossing guard at Lewis Street and Downie Avenue. She also noted that she is not in favor of placing term limits on the June ballot. (F: 53.3) (XR: 122.11) (XR: 127.11)

Peggy Bergin addressed the City Council, noting that her water rate went up 105 percent. She expressed her support for term limits and urged this not be placed on the ballot again. (F: 53.3) (XR: 60.1) (XR: 127.11)

Alma Ramirez addressed the City Council concerning racial strife that exists. (F: 53.3)

James Reade addressed the City Council, noting his support for term limits. (F: 53.3) (XR: 127.11)

Bruce Broadwater addressed the City Council, noting he is opposed to placing the issue of term limits on the ballot again; however, if the City Council votes to do so, he would like to have his signature on the opposition statement on the ballot. (F: 53.3) (XR: 127.11)

Bob Owens addressed the City Council, concerning term limits, commenting on the cost to place it on the ballot. He also spoke about developers contributing money to elected officials. Lastly, he asked what the City's financial situation is and whether it shows a deficit. (F: 53.3) (XR: 127.11) (XR: 34.1)

RECESS

At 8:04 p.m., the Mayor declared a recess.

RECONVENE

At 9:08 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – NATIONAL ENGINEERS WEEK (83.1)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that February 19-25, 2006, be and hereby is designated National Engineers Week.

RESOLUTION CELEBRATING THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS' (LULAC) 77TH ANNIVERSARY OF COMMUNITY SERVICE TO INCREASE EDUCATIONAL OPPORTUNITIES AND IMPROVE THE EQUALITY OF LIFE FOR HISPANIC AMERICANS (F: 52.2)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Resolution celebrating the LULAC's 77th Anniversary of Community Service to increase educational opportunities and improve the equality of life for Hispanic Americans, be and hereby is approved.

RESOLUTION COMMENDING RUTH SMITH AS CYPRESS COLLEGE FOUNDATION AMERICANA AWARDS 2006 CITIZEN OF THE YEAR (F: 52.2) (XR: 78.2)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Resolution commending Ruth Smith as Cypress College Foundation Americana Awards 2006 Citizen of the Year, be and hereby is approved.

FINAL TRACT MAP NO. 16732 FOR PROPERTY LOCATED ALONG THE SOUTH SIDE OF CHAPMAN AVENUE EAST OF HARBOR BOULEVARD (WESTERN PACIFIC HOUSING, INC.) (F: 103.TT.16732)

Staff report dated February 14, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Final Tract Map No. 16732 for property located along the south side of Chapman Avenue east of Harbor Boulevard (Western Pacific Housing, Inc.), be and hereby is approved.

AWARD OF CONTRACT TO HB WOODWORKS FOR THE CONSTRUCTION OF BLEACHER SEATING AT THE NEW SPORTS AND RECREATION CENTER
(F: 55) (XR: 73.5c)

Staff report dated February 14, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that HB Woodworks be and hereby is determined to be the lowest acceptable bidder in connection with the construction of bleacher seating at the new Sports and Recreation Center, and that contract for said project be and hereby is awarded to said company in the sum of \$32,648.25, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the City Manager and City Clerk are authorized to execute said contract.

PLANS AND SPECIFICATIONS FOR PROJECT NO. 7123, INSTALLATION OF 2 DYNAMIC MESSAGE SIGNS NORTHBOUND AT HARBOR BOULEVARD AND FLAGSTONE AVENUE, AND AT VALLEY VIEW STREET NORTH OF TIFFANY AVENUE (F: 100.Proj.7123)

Staff report dated February 14, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Plans and Specifications for Project No. 7123, Installation of 2 Dynamic Message Signs northbound at Harbor Boulevard and Flagstone Avenue, and at Valley View Street north of Tiffany Avenue, be and hereby are approved, with authorization to advertise for construction bids.

AMENDED AGREEMENTS WITH SCOTT FAZEKAS AND ASSOCIATES, INC., AND ESGIL CORPORATION, AND A NEW AGREEMENT WITH WILLDAN, INC., FOR PLAN REVIEW SERVICES (F: 55) (XR: 35.1)

Staff report dated February 14, 2006, was introduced.

Council Member Rosen indicated that he has brought up in the past that Esgil Corporation is in San Diego and should not be doing plan review services for Garden Grove.

Council Member Leyes moved, seconded by Council Member Krebs, that the Amended Agreements by and between the City of Garden Grove and Scott Fazekas and Associates, Inc., and Esgil Corporation, and a new agreement by and between the City of

Garden Grove and Willdan, Inc., for plan review services, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the agreements. Said motion carried by the following vote:

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

RENEWAL OF AGREEMENT WITH THE ORANGE COUNTY SHERIFF'S
DEPARTMENT FOR THE USE OF THEIR FIREARMS TRAINING FACILITY
(F: 55) (XR: 82.1)

Staff report dated February 14, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Agreements by and between the City of Garden Grove and the Orange County Sheriff's Department for the use of the County's Katella Firing Range, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF PURCHASE TO COOK EQUIPMENT COMPANY FOR 2 TRAILERS –
PUBLIC WORKS DEPARTMENT (F: 60.4) (XR: 24.1)

Staff report dated February 14, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that a purchase order for 2 trailers for the Public Works Department, be and hereby is awarded to Cook Equipment Company, in the amount of \$44,619.28.

AWARD OF PURCHASE TO VARIOUS DEALERS FOR 8 VEHICLES – PUBLIC
WORKS AND POLICE DEPARTMENTS (F: 60.4) (XR: 24.1)

Staff report dated February 14, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that a purchase order for 8 vehicles for the Public Works and Police Departments, be and hereby is awarded to various dealers, in the amount of \$129,687.82.

MINUTES (Vault)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held December 13, 2005, and January 10, 2006, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 352859 through 355023 and Wire W233 through W237, and payroll warrants 144401 through 144631, Direct Deposits D116403 through D116972 and Wires W1059 through W1064, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-383-06 (F: 106.166) (XR: 116.SP-383-06) (XR: 103.TT-16935)

Development Agreement in Connection with Site Plan No. SP-383-06. The Applicant, Yuet Ngan Kwong, is asking to construct ten condominium units with two- and three-story split-level designs on the east side of Lorna Street, south of Stanford Avenue, at 12782 Lorna Street.

On January 5, 2006, the City Planning Commission, pursuant to Resolution No. 5526, adopted a negative declaration, approved SP-383-06, and recommended approval of the Development Agreement. Pursuant to Legal Notice published February 2, 2006, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 25, 2006, was introduced, and staff reviewed the background information concerning this project.

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

The property owners were present and offered to answer any questions.

Charles Mitchell addressed the City Council expressing concern that the developer will pay the proper amount for the hookup to the sewer system.

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

Staff noted that all projects are required to be reviewed by water staff to be sure there is proper sewer capacity; and in this case it has been determined that there is sufficient capacity.

ORDINANCE NO. 2683 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN YUET NGAN KWONG (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Ordinance No. 2683 be waived, and said Ordinance be and hereby is passed to second reading.

INSTALLATION OF A STOP SIGN ON DEWEY DRIVE AT BISCAYNE COURT, WITH A DOUBLE YELLOW CENTERLINE ON BISCAYNE COURT (F: 122.11) (XR: 100.1)

Staff report dated February 14, 2006, was introduced, and it was noted that this matter was referred from the Traffic Commission's meeting of January 3, 2006.

Council Member Rosen noted that he can understand placing a double yellow centerline on Biscayne Court, but he cannot picture the placement of the stop sign going west, noting that this is too short of a path for a stop sign.

Council Member Leyes noted that the original request to the Traffic Commission was for a three-way stop; however, it did not meet the warrants as established by the City Council policy. The minutes reflected the residents were not interested in an all-way stop; they were interested in a two-way stop. However, the motion was actually to do only one stop sign and do the striping. Additionally, there were two Commissioners absent and there was a split vote; therefore, a minority of the Commission approved an off-the-books recommendation. Further, if the City Council is willing to ignore the warrant requirement for this intersection, how many others are there that would be similar to this and under this exception would be eligible for a stop sign. He suggested this should be referred back to the Traffic Commission and let the whole Commission look at the revised proposal.

Mayor Dalton commented that either the Minutes or the staff report are erroneous as they pertain to a unanimous vote by the Traffic Commission, where there were only three members present, and the vote was two to one for approval.

The City Manager noted that the staff report is incorrect.

In response to an inquiry by Council Member Leyes relative to the striping, staff noted that the field study indicated that people were cutting across the knuckle and were not staying in their proper lanes.

Further, staff noted that the request came from a Commissioner at a previous Commission meeting. However, no residents showed up at the Commission meeting; the opinions of residents were solicited by a Commissioner.

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that this matter be referred back to the Traffic Commission for review by the complete Commission.

PLACEMENT OF A CROSSING GUARD AT THE INTERSECTION OF LEWIS STREET AND DOWNIE AVENUE (F: 122.11) (XR: 78.8)

Staff report dated February 14, 2006, was introduced.

Council Member Leyes noted that this matter also was discussed at the same Traffic Commission meeting, with only three members present and passed on a two-one vote, so a minority of the Commission approved this also. However, he noted that he could approve this one.

Staff noted that because the warrants established by the City Council were not met, it was staff's recommendation not to provide an adult crossing guard at that location.

Council Member Krebs noted that providing crossing guards is a major expense to the City, and the School District does not wish to participate.

Council Member Rosen noted that to be consistent with the previous action taken, he would like to refer this matter back to the Traffic Commission.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote that this matter be referred back to the Traffic Commission

PLACEMENT OF A CROSSING GUARD AT THE INTERSECTION OF WARD STREET AND MAST AVENUE (F: 122.11) (XR: 78.8)

Staff report dated February 14, 2006, was introduced, and it was noted that this matter was referred from the Traffic Commission's meeting of March 22, 2005.

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that the placement of a crossing guard at the intersection of Ward Street and Mast Avenue, be and hereby is approved.

SECOND READING OF ORDINANCES NO. 2681 AND NO. 2682

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinances No. 2681 and No. 2682, be and hereby is waived.

ORDINANCE NO. 2681 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-124-05, AN AMENDMENT TO TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO PARKING REQUIREMENTS FOR RESIDENTIAL USES (F: 115.A-124-05)

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that Ordinance No. 2681 be and hereby is declared passed.

ORDINANCE NO. 2682 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 AMENDING CHAPTER 8.40 OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING THE USE OF PARK FACILITIES (F: 127.2) (XR: 82.1) (XR: 50.2)

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that Ordinance No. 2682 be and hereby is declared passed.

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

It was noted that this matter was continued from the meeting of January 24, 2006.

Council Member Leyes requested that this matter again be continued.

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

Mayor Pro Tem Rosen moved, seconded by Council Member Leyes, that Dina Nguyen be appointed to the Planning Commission.

Mayor Dalton reviewed the history of how appointments have been made to the various Commissions, noting that there is a commitment made by the individual when appointed to complete their term of office, and Ms. Nguyen currently is serving on the Neighborhood Improvement and Conservation Commission. He noted that he could not support this appointment for that reason.

Said motion failed to carry by the following vote:

AYES: COUNCIL MEMBERS: (2) LEYES, ROSEN
NOES: COUNCIL MEMBERS: (3) KREBS, NGUYEN, DALTON
ABSENT: COUNCIL MEMBERS: (0) NONE

DISCUSSION CONCERNING PLACING A MEASURE ON THE JUNE 6, 2006, BALLOT TO REPEAL TERM LIMITS ORDINANCE ENACTED IN MARCH 1996, AS REQUESTED BY MAYOR PRO TEM ROSEN (F: 127.11)

Mayor Pro Tem Rosen commented that this is an item to put the repeal of term limits on the June ballot. He noted that at the meeting two weeks ago that was not televised he spoke about why this should be put on the ballot. The first and foremost reason we should not have term limits is that it is anti-democratic. If the voters want to re-elect someone, they should be able to do that. He reviewed the historical background of how term limits came about in Garden Grove. He commented that term limits are actually of little consideration to the voters. In Garden Grove if you are unhappy with the way things are going, in any election you have the power to elect two new Council people and a new Mayor. The history of Garden Grove has disproved the theory that only incumbents can raise money, thus giving them the advantage. In 1996 and in 1998

an incumbent was defeated in Garden Grove. Since then, challengers raised more money than incumbents. And interest groups are raising more money than incumbents and are having a bearing on the elections. A lot of the assumptions upon which term limits were based are just not accurate in this city anymore.

He noted that he has had a lot of calls in the last two weeks from people who say they are against term limits but would rather have the measure placed on the November ballot so Council Member Leyes can get termed out and then pass it so that no one else faces term limits, which is pernicious to our democratic society.

He further commented that this should be put on the ballot in June so the voters can decide whether they want Council Member Leyes to be able to run again in November and be faced with a real live situation rather than an abstraction.

Council Member Krebs read from an argument in favor of the term limits measure in 1996, being, "Don't be fooled by arguments from people who have held office for 15 years or more that term limits are anti-democratic," and this was signed by Council Member Leyes and others.

He reviewed the history of how the term limits ordinance came about, noting that the vote on the term limits passed 74% to 26%. Term limits have nothing to do with an individual; it has to do with a philosophy, and the issue should not be politicized when we approach the end of somebody's term. He noted that he trusts the people who voted, and he is not willing to spend the City's hard-earned money to put this on the ballot again.

Mayor Dalton commented that if the citizens wanted term limits abolished, there would have been a ground swell. Everyone who has mentioned the subject to him indicated we should keep term limits.

Council Member Leyes commented that although he was instrumental in getting a term limit initiative on the ballot ten years ago, almost everyone he has talked to believe they should be repealed. Term limits are in some respect anti-democratic because it doesn't let the voters return somebody that they might want to return to office. Term limits are at best an imperfect solution to a real issue, and that is the advantages of incumbency, because the perfect solution would be an informed and enlightened electorate who participates and can make informed choices. He also commented that the fact that we have a directly elected Mayor distorts the value of term limits.

Council Member Nguyen commented that the term limits currently in place will allow members to come back after sitting out for one term, which is only two years. She is not in favor of spending the money for a ballot measure inasmuch as the people have spoken.

COMMENTS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes commented that perhaps there should be an ordinance that says one cannot run for another office until completing their current term and that he would like to see this agendized at a future meeting. He referenced an article in the Register, noting that Mayor Pringle was trying to preempt a casino from coming to Anaheim, not from coming to Garden Grove. However, there is talk of a County Charter amendment that would prohibit gambling casinos in the County, which might prohibit one coming to Garden Grove. He spoke about the Anaheim Angels lawsuit and about the Olympics currently underway. Lastly, he spoke about Steve Fossett, a Garden Grove native and 1962 graduate of Garden Grove High School, noting that he recently flew around the world and made the longest flight in history. He suggested that the City honor him for this. He wished his wife Wanda a Happy Valentine's Day. (F: 53.1) (XR: A-116.14)

Council Member Rosen commented that John Shaw has resigned as the City Attorney, and he would like the City to send him a letter of thanks for his service and recognize him at a City Council meeting for his years of service, noting that he served long and did a fine job. There was an item on the OCTA agenda for the Board of Directors this morning that was pulled because they wanted to tweak it a little more having to do with cities being eligible to receive allocations of \$100,000 to develop transit visions within the cities related to Metro Link. There is one specific reference in the staff report to assessing the transit needs of the Pacific Electric Right-of-Way, and if there is an opportunity for Garden Grove to receive this grant, we ought to take advantage of that. It is scheduled to be heard in two weeks. He wished his wife Sandy a Happy Valentine's Day. (F: 53.1) (XR: 44.1) (XR: 23.18F)

Council Member Nguyen wished her husband a Happy Valentine's Day. (F: 53.1)

Council Member Krebs commented on the closing of Los Sanchez on somewhat of a bitter note, noting that the radio implicated the Hodges contractors absconded with a million dollars of their funds. He further commented that on this Valentine's Day he hopes this

Council meeting closes with the Council Members realizing that none of their comments were personal and that everyone will remain friends. He wished his wife Erline a Happy Valentine's Day. (F: 53.1) (XR: A-55.301)

Mayor Dalton commented that everyone appreciates the money the City of Anaheim and their Mayor have spent to protect the good name of their city and the Angels baseball team, and a Charter amendment. He noted he agrees with Mayor Pringle that Orange County has become a family friendly entertainment destination. In keeping with values, though, he assumes that Anaheim is not going to sell Lotto tickets anymore or alcohol in their bars or restaurants or Club 33 in Disneyland. He noted that he does not believe Garden Grove will ever have a casino, but he noted that if it ever happens, he will at that time propose it be called the Anaheim Casino of Garden Grove. He wished his wife Sandy a Happy Valentine's Day, and he will adjourn the meeting in memory of John Augusta, a fantastic 105-year-old Garden Grove resident. (F: 53.1) (XR: 46.9) (XR: A-116.14)

Council Member Leyes asked that the meeting also be adjourned in memory of Chet Wray, former Assemblyman who served us well, noting that he interned for him one summer. (F: 53.1) (XR: 46.9)

ADJOURNMENT

At 10:18 p.m., the meeting was adjourned in memory of John Augusta and former Assemblyman Chet Wray. (F: 46.9)

RUTH E. SMITH
CITY CLERK