

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 22, 2005, at 6:52 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS KREBS, LEYES, NGUYEN, ROSEN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, Matthew Fertal; Deputy City Manager, Les Jones; Real Property Agent, Armando Morales (representing Community Development Director); Community Services Director, Cal Rietzel; Budget Manager, Mike McClellan (representing Finance Director); Personnel Director, Steve Larson; Deputy Police Chief, Kevin Raney; Public Works Director, Keith Jones; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 78.1)

Mayor Dalton called forward representatives from Curves and Office Max and presented them with Certificates of Appreciation for their generous donations to the City's 2004 Adopt-A-Family Program.

PRESENTATION (F: 52.3) (XR: 82.1)

Assemblyman Todd Spitzer, representing the Victim Services Partnership, addressed the City Council, requesting that an Orange County Victim's Bill of Rights be adopted. It was noted that a group representing 40 different organizations has met and is recommending the adoption and implementation of this Bill of Rights. As proposed, the Victim's Bill of Rights would be similar in

process to the "Miranda" Warning, except the admonishment provided would be for victims of crimes rather than suspects.

Assemblyman Spitzer explained the program and the process in great length.

Deborah Courtney addressed the City Council on behalf of other women and children who have been victims.

Patricia Wooskunas also addressed the City Council in support of this Bill of Rights.

Council Member Rosen referenced Police Chief Polisar's recommendation that the City Council take this proposal under submission until the subcommittee comprised of Chiefs of Police can determine staffing and funding concerns that may exist with its implementation.

Assemblyman Spitzer suggested the Resolution could be adopted in concept only at this time.

Discussion ensued, and Council Members expressed some of their concerns with liability issues.

Council Member Nguyen moved to approve this in concept and then look into it further to see if the City Council could support a resolution at a later meeting.

Council Member Rosen saluted Assemblyman Spitzer for taking the leadership in this, and Mayor Dalton expressed appreciation to him for his role.

Council Member Leyes expressed his support conceptually, commenting on the importance of coming up with a method of implementation, which is why it is important to discuss this with the Police Chief. He also suggested that this could be discussed further at the March 29 study session.

Council Member Krebs noted that he could support this conceptually now; however, he would like to see the outcome of the committee and discuss it further with the Police Chief.

Council Member Rosen seconded the motion, which carried by unanimous vote.

ORAL COMMUNICATIONS - PUBLIC

Daniel Flores addressed the City Council, requesting a waiver of a \$5,000 fee for a public hearing to request approval of a permit for an addition to his two-bedroom home on Emerson Street

Mayor Dalton advised Mr. Flores that staff will investigate the matter and report back to the City Council about this situation; and contact Mr. Flores relative to the procedures. (F: 53.3) (XR: 35.1)

Beatrice Jones addressed the City Council concerning Black History Month, noting that this year the theme is The Niagara Movement, Black Protest Reborn. She shared information concerning the historical background of this event and invited everyone to attend the Citizens of Distinction Awards banquet on February 26. (F: 53.3)

Verla Lambert addressed the City Council concerning an automobile accident she was involved in on January 26, expressing concern that the police will come to the scene of an accident only if someone is injured.

Mayor Dalton indicated that most cities no longer take accident reports at scenes of non-injury automobile accidents. (F: 53.3) (XR: 82.1)

Ana Meyer addressed the City Council, requesting a waiver of fees for use of the Showmobile and waiver of additional personal property insurance fees for the use of the Showmobile and parade in conjunction with the West Garden Grove Little League Opening Ceremonies on March 5.

The City Attorney noted that inasmuch as this matter is not listed on the posted agenda for discussion, it is necessary to abide by the 4/5th's rule. A motion must be made by the City Council that a determination has been made that this matter came up after the posting of the agenda, and in light of the date of the event, constitutes an emergency situation that must be addressed at this time.

It was moved by Council Member Leyes, seconded by Mayor Dalton, and carried by unanimous vote, that this matter is added to the agenda, with findings as stated by the City Attorney.

It was moved by Mayor Dalton, seconded by Council Member Krebs, and carried by unanimous vote, that the fees be waived for use of the Showmobile on March 5 and the insurance fees also be waived. (F: 53.3) (XR: 74.27)

Robin Marcario addressed the City Council, expressing her appreciation to the City for sponsoring the Housing and Community Service Forum on February 16, noting that it was a great opportunity for the community to be involved. She also spoke about the Strawberry Festival Parade donations that were received, thus enabling the event to continue this year. (F: 53.3) (XR: 57.1) (XR: 42.3)

REQUEST FROM THE AMERICAN CANCER SOCIETY FOR USE OF THE SHOWMOBILE FOR THE 4TH ANNUAL AMERICAN CANCER SOCIETY'S RELAY FOR LIFE TO BE HELD IN THE CITY OF ORANGE (F: 74.27)

Staff report dated February 22, 2005, was introduced, along with a communication from Orange Relay for Life, requesting the American Cancer Society's use of the Showmobile for their 4th Annual American Cancer Society's Relay for Life to be held in the city of Orange on May 13-14, 2005.

Council Member Nguyen noted that she was approached by an Orange Council Member who asked about their use of the Showmobile, noting that they do not have one of their own. She noted that if Garden Grove does not need it for an event at that time, she would have no problem renting the Showmobile to the City of Orange in support of the American Cancer Society.

Council Member Nguyen moved that the City of Garden Grove rent the Showmobile to the City of Orange for this event.

Further discussion ensued, and Council Member Leyes expressed concern relative to insurance issues and possible needed usage in Garden Grove during that time.

Council Member Krebs commented that Garden Grove needs to work with its neighboring cities and seconded the motion.

Council Member Rosen commented that the Showmobile was designed for Garden Grove purposes, noting that the Strawberry Festival is two weeks after this requested time, and it will be used for that. He noted that he is not in favor of renting it out.

The foregoing motion failed to carry by the following vote:

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

RECESS

At 8:18 p.m., the Mayor declared a recess.

RECONVENE

At 8:35 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – NATIONAL ENGINEERS WEEK (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that February 20-26, 2005, be and hereby is proclaimed as National Engineers Week.

INITIATION OF SPRING 2005 WEED ABATEMENT PROGRAM (F: 113.1.Spring 2005)

Staff report dated February 22, 2005, was introduced.

RESOLUTION NO. 8627-05

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8627-05 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.

RESOLUTION REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS DESIGNATE ALL FIRE STATIONS WITHIN THE CITY'S JURISDICTION AS "SAFE-SURRENDER SITES" FOR NEWBORNS (F: 60.1) (XR: 23.1)

Staff report dated February 22, 2005, was introduced.

RESOLUTION NO. 8628-05

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8628-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO DESIGNATE ALL MUNICIPAL FIRE STATIONS WITHIN THE CITY OF GARDEN GROVE'S JURISDICTION AS "SAFE-SURRENDER SITES" FOR NEWBORNS, be and hereby is adopted.

MINUTES (Vault)

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held December 21, 2004, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that regular warrants 329837 through 330656 and Wires W182 through W184, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

REQUEST FROM THE UNION OF VIETNAMESE STUDENT ASSOCIATIONS OF SOUTHERN CALIFORNIA TO EXTEND THE DEADLINE TO DISTRIBUTE TET FESTIVAL PROCEEDS, BEGINNING WITH THIS YEAR'S FESTIVAL (F: 42.8a)

This item was continued from the City Council meeting of February 8, 2005.

Staff report dated February 22, 2005, presenting options regarding the Union of Vietnamese Student Association (UVSA) request for an extension of the time allotted for the distribution of proceeds to the community, was introduced. The four options were: (1) Deny the UVSA request and maintain the 90-day requirement; (2) Extend the deadline to 150 days (5 months), including City review of distribution list; (3) Extend the deadline to 180 days (6 months), including City review of distribution list; and (4) Remove any requirement pertaining to the City's review of UVSA distributions in return for UVSA covering the full cost of the City's support of the event. It was noted that UVSA currently only covers 50 percent of the cost of this support.

In response to an inquiry by Council Member Leyes, staff noted that the amount of City services not currently covered by the Festival is approximately \$15,000.

Council Member Rosen read from the Tet Festival Booklet wherein it stated that \$50,000 is currently still being held to build a community center, noting that the article was written by Jan Nguyen.

Daniel Do-Khanh addressed the City Council, commenting that the 90-day time frame is difficult to achieve. He also questioned the City's input as to whom they distribute their proceeds, noting that if that is the issue, he is reluctant to sign the amendment. He further noted that the real issue is the extension of time, and they do not retain any of the funds for themselves.

Council Member Rosen noted that the City should not be in the business of approving to whom the Association gives its money; however, they should not be subsidized by the City.

Mr. Do-Khanh commented that if the UVSA is not held to a certain distribution, funds could be used to build a community center.

Council Member Nguyen commented that there has been a breach of the agreement for the last three years and nothing on the contract has been met.

Giang Nguyen, treasurer of the UVSA, addressed the City Council; and spoke about the distribution of funds.

Nicole Nguyen addressed the City Council, commenting that they would like to build a community center; however, the City will not approve it as a use of funds.

Council Members questioned Ms. Nguyen relative to the building of a cultural center and the number of organizations to whom money was given and of those how many were in Garden Grove, to which she responded.

Mayor Dalton inquired what the UVSA does with the 50 percent they keep. Ms. Nguyen responded that they use the money to fund activities in the colleges and high schools for leadership, socials, and scholarships.

In response to an inquiry by Council Member Leyes, staff indicated that the other festivals do not bear the full cost of services required from the City.

Council Member Nguyen noted that if UVSA is not complying with the City's stipulations, she would recommend going back to the 150-day deadline.

Council Member Krebs suggested forming a subcommittee to work with the students and come up with a system and go with Option 2.

Council Member Rosen suggested supporting Option 4, and approve their setting aside funds for a community center.

Council Member Krebs commented that he also could support Option 4.

Council Member Leyes expressed his support for extending the deadline to 150 days with no strings attached and no review process by the City. He also noted that all the festivals should pay the full cost of the City services needed and a fee for wear and tear on the park.

Discussion ensued as to how to handle this year's festival as well as those in the future, with differences enumerated.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the deadline be extended to 150 days for distribution of the funds, which are to be distributed to nonprofit, nonpolitical organizations; further, that the City has the right to audit to make sure that is done. And further, commencing in 2006 the UVSA would cover the full cost of the City's support of the event and a fee as agreed upon.

RECESS

At 9:47 p.m., the Mayor declared a recess.

RECONVENE

At 10:03 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

AGREEMENT WITH RNL DESIGN FOR A FACILITIES ASSESSMENT OF CITY-OWNED BUILDINGS (F: 55) (XR: 24.1)

Staff report dated February 22, 2005, was introduced. It was noted that RFP's were solicited and two proposals were received. It was determined that the low bidder, RNL Design, would provide the desired services at the lowest cost to the City.

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and RNL Design for a facilities assessment of City-owned buildings, at an estimated cost of \$310,205.00, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

MODIFICATION OF SALARY PLAN FOR PART-TIME CLASSIFICATION OF POLICE RECRUIT; AND CITY MANAGER AUTHORIZATION TO APPOINT AT ANY OF THE STEPS OF THE SALARY RANGE (F: 78.13D)

Staff report dated February 22, 2005, was introduced.

RESOLUTION NO. 8629-05

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8629-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING RESOLUTION NO. 8353-01 RELATING TO A SALARY PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF GARDEN GROVE SPECIFYING THE CLASSIFICATIONS OF PART-TIME POSITIONS IN VARIOUS CITY DEPARTMENTS AND OFFICES

AMENDMENT TO THE MUNICIPAL CODE ADDING AN APPOINTMENT PROCESS SECTION TO ESTABLISH REQUISITES FOR APPOINTEES TO THE PARKING AND MAIN STREET COMMISSION (F: 122.6) (XR: 50.3)

Staff report dated February 22, 2005, was introduced. The amendment includes an appointment section wherein the Commission would consist of seven members, of which at least six are either property owners and/or tenants, with one member-at-large to be selected by the Mayor.

ORDINANCE NO. 2654 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MODIFYING THE PARKING AND MAIN STREET COMMISSION

It was moved by Council Member Leyes, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Ordinance No. 2654 be waived, and said Ordinance be and hereby is passed to second reading.

APPOINTMENTS TO CITY COMMISSIONS AND COMMITTEES (F: 122.4a)
(XR: S-122.1a) (XR: 122.2c) (XR: 122.6a)

It was moved by Council Member Leyes, seconded by Council Member Nguyen, and carried by unanimous vote, that George Brietigam be and hereby is appointed to the Neighborhood Improvement and Conservation Commission, as Council Member Leyes' appointee.

Council Member Leyes moved, seconded by Mayor Dalton, that Tony Flores be and hereby is appointed to the Sanitary District Advisory Commission, as Council Member Leyes' appointee.

Council Member Rosen commented that Mr. Flores has been a disruptive influence and antagonistic and has gone out of his way to embarrass staff. Further, he noted that Mr. Flores initiated a lawsuit against the City for which the City paid \$30,000 in legal fees and charged Mr. Flores only a small amount of that.

Council Member Leyes commented that the lawsuit should not necessarily disqualify him, noting that Mr. Flores cares about the city and would be a good representation from the west side of Garden Grove

The foregoing motion failed to carry by the following vote:

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

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote, that Kris Beard be and hereby is appointed to the Administrative Board of Appeals, as Council Member Rosen's appointee.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that Kathleen Wakula be and hereby is appointed to the Parking and Main Street Commission, when the newly adopted ordinance becomes effective, as Council Member Krebs' appointee.

RESIGNATION OF JOSEPH LOCOCO FROM THE GARDEN GROVE HOUSING AUTHORITY (F: H-10.3)

A letter of resignation from Mr. Joseph Lococo was introduced.

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that the resignation of Joseph Lococo from the Garden Grove Housing Authority, be and hereby is accepted with regret; and staff is directed to begin the process of appointing a new Housing Authority Board member.

APPOINTMENTS TO VARIOUS COUNCIL COMMITTEES AND AD HOC COMMITTEES (F: 46.1) (VIP)

It was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote, that Council Member Krebs be and hereby is appointed as Representative on the Garden Grove Unified School District, with Mayor Dalton remaining as the other Representative.

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote, that Council Member Leyes be and hereby is reappointed as Representative on the Asian-American Senior Citizens Association Task Force – City of Westminster.

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote, that Council Member Nguyen be and hereby is appointed as Alternate on the Fire Training Joint Powers Authority, with Mayor Dalton remaining as Representative.

Council Member Rosen noted that he will continue to serve as former Supervisor Smith's Representative on the Orange County Airport Commission through March 16, 2005, at which time Supervisor Correa will be appointing his own Representative.

Council Member Rosen indicated he would continue to serve as Representative on the Orange County Council of Governments.

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote, that Council Member Nguyen be and hereby is appointed as Alternate on the Orange County Public Library Advisory Board, with Mayor Dalton remaining as Representative.

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote, that Council Member Nguyen be and hereby is appointed as Alternate on the Orange County Public Library Advisory Board – Budget & Finance Sub Committee, with Mayor Dalton remaining as Representative.

It was moved by Council Member Nguyen, seconded by Council Member Krebs, and carried by unanimous vote, that Council Member Rosen be and hereby is appointed as Alternate on the Orange County Regional Airport Authority.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that Mayor Dalton be and hereby is appointed as Representative on the Orange County Transportation Authority Measure "M" Growth Management GMA 2, GMA 3, GMA 6 Elected Officials Forum.

It was moved by Council Member Nguyen, seconded by Council Member Krebs, and carried by unanimous vote, that Mayor Dalton be and hereby is appointed as Representative on the Orange County Transportation Authority Policy Committee, with Council Member Rosen remaining as the Alternate.

It was moved by Council Member Nguyen, seconded by Council Member Krebs, and carried by unanimous vote, that Mayor Dalton be and hereby is appointed as a Representative to the Orange County Transportation Authority I-405 Major Investment Committee, with Council Member Leyes remaining as a Representative and Council Member Rosen remaining as the Alternate.

It was moved by Mayor Dalton, seconded by Council Member Krebs, and carried by unanimous vote, that Council Member Nguyen be and hereby is appointed as Representative on the Orange County Transportation Authority Elected Officials Forum, Central County Corridor Study, with Council Member Leyes remaining as the Alternate.

It was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote, that Council Member Rosen be and hereby is appointed as Alternate on the Santa Ana River Flood Protection Agency, with Council Member Leyes remaining as the Representative.

DISCUSSION CONCERNING THE PARAMETERS OF REDISTRIBUTION OF FUNDS FROM CENTERLINE, FOR THE GREATEST BENEFIT FOR GARDEN GROVE, AS REQUESTED BY COUNCIL MEMBER LEYES (F: 23.18F)

Council Member Leyes suggested that the City commend the Orange County Transportation Authority (OCTA) Board for taking a position against CenterLine, and urge them to redirect the funds back to good transportation uses, i.e. Turn Back funds for the greatest benefit to Garden Grove, and encourage OCTA to give up the Pacific Electric

Right of Way. He added that he will formalize this as a proposal and will bring it back to the City Council.

After further comments pertaining to the Right of Way, Council Member Leyes moved that the City formally commend the OCTA Board for taking a position against CenterLine. The motion died for lack of a second.

Council Member Rosen requested that the Pacific Electric Right of Way be listed on the City Council Study Session agenda of March 29, 2005, for discussion and a representative from OCTA be invited to speak on the matter. He noted that it is premature to suggest alternatives until the Study Session is held. He referenced two Right-of-Way documents and requested copies be given to Council Members prior to the Study Session. He also requested that the use of Measure M funds and Turn Back funds be discussed at the Study Session.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes suggested staff look at the volunteer base in the city relative to park maintenance, along with an Adopt a Park program, to augment the existing park maintenance contractor. He noted that George Brietigam came up with a proposal to figure out some of the capital needs at any City facility and develop that list and post it perhaps on the City web site so any group, such as the Eagle Scouts, that wants to do a service project on a volunteer basis can adopt a project. (F: 53.1) (XR: 24.1) (XR: 73.1)

Council Member Leyes volunteered for a High Technology subcommittee of the City Council that could work with staff and brainstorm ideas on how to take advantage of some of the emerging technologies and even coordinate with neighboring cities on this. He requested that this be placed on the next City Council agenda. (F: 53.1)

Council Member Leyes spoke about the Cypress Americana Awards event on February 26, congratulating his wife Wanda as a past recipient of this award. (F: 53.1)

Council Member Rosen noted that Main Street is wireless. Council Member Nguyen noted that the Chamber of Commerce was instrumental in providing that capability. (F: 53.1)

Council Member Nguyen noted she will be attending the Cypress Americana Awards, and she commended those individuals for their work to commemorate Black History Month. (F: 53.1)

Council Member Krebs noted that he also would be attending the Cypress Americana Awards, further noting that he and his wife are past honorees. (F: 53.1)

Mayor Dalton noted that he also would be attending that event. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 11:08 p.m., the meeting was adjourned to Closed Session under the Ralph M. Brown Act, and it was announced that pursuant to Government Code section 54956.8, the City Council will give direction to its negotiator (City Manager) concerning the disposition of City property located at 12461 Springdale Street, leased by the Boys and Girls Club of Garden Grove. The agent for the Boys and Girls Club is Pat Halberstadt.

RECONVENE IN OPEN SESSION

At 12:34 a.m. on Wednesday, February 23, 2005, the meeting was reconvened in Open Session with Mayor Dalton and all Council Members in attendance, and it was announced that the previously disclosed matter was discussed and no others, and no action was taken.

ADJOURNMENT

At 12:35 a.m. on Wednesday, February 23, 2005, the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK