

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, March 11, 2003, at 6:55 p.m.

ROLL CALL: PRESENT: (5) MAYOR BROADWATER, COUNCILMEMBERS
DALTON, LEYES, ROSEN, TRAN

ABSENT: (0) NONE

ALSO PRESENT: Assistant City Manager/Public Works Director, Les Jones; Assistant City Manager/Community Development Director, Matthew Fertal; Community Services Director, Cal Rietzel; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Matthew Fertal gave the Invocation. Councilman Dalton led the Pledge of Allegiance to the Flag of the United States of America.

REQUEST FROM GARDEN GROVE RELAY FOR LIFE EXECUTIVE COMMITTEE FOR WAIVER OR DECREASE OF FEES FOR USE OF THE COMMUNITY MEETING CENTER FOR KICK-OFF EVENT ON APRIL 25, 2003 (F: 88.1) (XR: 48.4) (XR: 74.27)

Mayor Broadwater referenced a communication dated February 27, 2003, from the Relay for Life Executive Committee requesting use of the Community Meeting Center at no or little cost and use of the City Showmobile. He noted that the City could not waive the fees for use of the Community Meeting Center, and he asked if someone would volunteer to pay \$230 for Relay for Life's use of the Center. Tom Vogt, President of Garden Grove Disposal, announced that his company would pay the fee for Relay for Life's use of the Community Meeting Center. Mayor Broadwater noted that their request for use of the City's Showmobile for their July event would be addressed later this evening.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Tom Vogt, President of Garden Grove Disposal; David Pankopf, president of the Garden Grove Strawberry Festival

Association; and Mike Antenese, secretary and president-elect nominee of the Garden Grove Rotary Club, who presented a check for \$35,000 to the City of Garden Grove toward the construction of the new Garden Grove Community Sports and Recreation Complex. Following their presentation, Mayor Broadwater presented them with Certificates of Appreciation and gifts in recognition of their organizations' commitment to improving the community's quality of life. (F: 52.3) (XR: 73.12a)

ADOPTION OF RESOLUTION RECOGNIZING THE OFFICIAL FLAG OF THE VIETNAMESE AMERICAN COMMUNITY, AS REQUESTED BY COUNCILMAN ROSEN (F: 94.1) (XR: 130.14)

Mayor Broadwater noted that he is opening up Oral Communications from the Public at this time for this item only.

Councilman Rosen commented that earlier this year a Virginia legislator submitted a resolution that the flag of the former Republic of Vietnam be the flag recognized by the State of Virginia as the flag for the country of Vietnam. He did that because there are about 34,000 Vietnamese-Americans in the state of Virginia who were refugees, and their children were being taught in the schools that the Communist flag is the only flag for the country of Vietnam. The Resolution passed the general assembly in Virginia, and the state department intervened and put strenuous pressure on the government of Virginia not to approve the resolution. The Communist ambassador from Vietnam also protested, and the legislation was held up in a senate committee and did not pass.

Councilman Rosen noted that there is a large number of Vietnamese Americans in Orange County, and there currently are approximately 51,000 Asians in Garden Grove, most of whom are Vietnamese. The City Council has attended many Vietnamese events, and every event starts off with the Star Spangled Banner, followed by the former Vietnamese National Anthem, followed by a moment of silence for the Americans and Vietnamese who died during the war in Vietnam.

He stressed that this is not an effort to replace the American flag, but is a statement that the symbol of democracy should not be forgotten. The Vietnamese feel very strongly that the yellow flag with three red stripes should be recognized as the flag of the Vietnamese Americans, rather than the Communist flag, and the one that should be displayed at Vietnamese events where it is appropriate for a flag from the Vietnamese community to be flown.

He noted that he has received many calls of support, and it is his understanding that both Assemblyman Maddox and Assemblyman Correa have expressed their support for this resolution. He further noted that the impetus for this is not just from the elderly segment of the population, but also from the younger segment that feel there is a need to speak out for democracy, of which this flag is the strongest symbol. Councilman Rosen

further indicated that he will move adoption of the proposed resolution after hearing comments from the public.

Carolyn Baxter addressed the Council, expressing opposition to passage of the proposed resolution, noting that the Vietnamese came to America for a home. They should accept the American flag, not the Vietnamese flag.

Katherine Dennis addressed the Council, requesting clarification of the flag issue, asking if the Communist flag will also be flown. Mayor Broadwater noted that the Communist flag would not be flown.

Councilman Rosen noted that this resolution would recommend to the School District that the symbolism of the yellow flag with the three red stripes be taught in the schools.

Councilman Tran explained to Mrs. Baxter that the yellow flag with the three red stripes represents freedom and democracy. He noted that he has letters of protest from the Vietnamese Ambassador, complaining that the Communist flag should be represented. Councilman Tran further noted that at the local level we are preempting any potential problems by restating and clarifying that as far as the Vietnamese-American community is concerned, the yellow flag with the three red stripes symbolizes their community.

Toan Thai addressed the Council urging that the proposed resolution be adopted.

Tammy Tran, representing 69th District Assemblyman Lou Correa, addressed the Council and read a portion of a letter of support from Assemblyman Correa.

Ronnie Guyer, a former Vietnam veteran, addressed the Council. He noted he was raised in Garden Grove and attended Rancho Alamitos High School. He served in the 1st Calvary Division that went to Vietnam, and he urged approval of the proposed resolution.

Fred Frueh addressed the Council, expressing concerns with the proposed resolution, noting that the symbolic red, white and blue are what should represent freedom. He urged consideration be given to the need for unity and not separation. He also suggested this should be addressed at the Federal level rather than at the local level of government.

Charles Mitchell addressed the Council, urging support of the proposed resolution.

Mindy Nguyen addressed the Council on behalf of the Vietnamese Community of Southern California, expressing support for the proposed resolution. She noted that the South Vietnamese flag symbolizes freedom, while the Communist flag symbolizes tyranny and oppression.

Hoa Van Pham addressed the Council, urging support of the proposed resolution.

Leslie K. Le addressed the Council, urging support for the proposed resolution. She spoke about the history of the flag of the former Republic of Vietnam, noting it symbolizes the Vietnamese national spirit.

Xuan Vu addressed the Council on behalf of the Vietnamese American Public Affairs Committee, urging support of the proposed resolution.

Hien Tran addressed the Council, urging support of the proposed resolution.

Dietrich Nicholson addressed the Council, urging support of the proposed resolution, noting that this resolution will send a message to the Federal government.

Tony Flores addressed the Council, noting that the flag of the former Republic of Vietnam represented freedom and is a symbol against tyranny and political persecution. He referenced a pending lawsuit against the Mayor, and he also commented on the funding of the parks and the Chapman Sports Complex.

Nguyen Phuong Hung addressed the Council, urging support of the proposed resolution, noting that it stands for freedom, human rights, and justice. He also expressed his appreciation for the many people who died defending the country in the Vietnam War.

Marilyn Nguyen addressed the Council, urging support of the proposed resolution.

Councilman Dalton noted that both flags are flown at Vietnamese events in the city, and our national anthem is sung first, followed by the Vietnamese national anthem. Councilman Dalton noted that he would second Councilman Rosen's motion that the proposed resolution be adopted.

Councilman Tran proposed an amendment that the seventh paragraph of the proposed resolution be changed to add "dating back to 1948" after the "Whereas."

Both Councilman Rosen and Councilman Dalton accepted the amendment to the motion.

Councilman Leyes commented that he has received some telephone calls on this subject, noting that flags are powerful symbols. He referenced an article in the paper about this subject, noting that next to that article is one relating to the car tax being raised here. He spoke of his opposition to the car tax being raised with a secret deal behind the scenes to increase that tax without a vote. He further noted his dismay that he proposed a resolution a month ago to oppose the tripling of the car tax and couldn't get a second because it was supposedly out of the City Council's scope and not an issue the Council

should be involved in. He expressed support for the proposed resolution. He noted this would send a message to other governments, including the government of Vietnam. He commented, however, on the importance of correct protocol, noting that the United States flag is just as important a symbol and should be positioned correctly and higher. He suggested that City staff be tutored on this, and perhaps have something available as a handout to provide guidance. He noted that he believes there is plenty of room in this city to recognize the yellow standard with the three stripes as a symbol of freedom for Vietnam and the enduring spirit of the Vietnamese community in Southern California.

Councilman Rosen commented on previous remarks made about a lawsuit, noting that individual failed to indicate that he was the one who filed the lawsuit against the Mayor, which is something that cannot be done in Vietnam. He indicated no government is permanent, and he noted that Latvia, Lithuania, and Estonia were then taken over by the Soviet Union during World War II and were held captive for almost 50 years. The refugees from those three little countries maintained an embassy in Washington, D.C., with their flags they had prior to the war, and they would attend official government functions to the extent they were allowed. There were people who thought they were crazy, that those three countries would never again be independent. However, they broke away from the Soviet Union and regained their freedom from communism. He noted that with symbolic resolutions like this one, we could perhaps in some small way help to bring down the communist government in Vietnam.

Councilman Tran referenced an American medal on Mr. Guyer's cap that represents the Nationalist Vietnamese flag, noting that most of the US soldiers and officers who served in Vietnam are entitled to wear that and proudly display it as a symbolic representation of their service during the Vietnam war. He noted that over 58,000 Americans fought and died during the Vietnam War, along with over 300,000 Vietnamese soldiers. They fought under both the American and the Nationalist flags. He also noted that most of the senior commanders who are currently serving in the Persian Gulf wear the South Vietnamese flag on their uniforms, along with their other medals, because they also served during the Vietnam War. He commented that In Garden Grove, almost one of three citizens is of Vietnamese descent. He noted that the Vietnamese American community is the most pro-American and patriotic community of all the communities, and in Little Saigon over the past two weeks the Vietnamese American community has staged rallies in support of the President's policy in the Middle East and against terrorism.

Councilman Tran further noted that the nationalist flag represents so much in the Vietnamese community as a symbolic statement of freedom and a reiteration of what is acceptable and what is not. He indicated that the Communist Vietnamese Ambassador and his agents are protesting this meeting and the proposal to pass this resolution vehemently, but the idealism of local rule in representing the interests of the people here in the city of

Garden Grove rests in its elected officials, who also must take a stand for freedom and democracy. He noted he would support the resolution.

Mayor Broadwater referenced the history of the American flag. He commented that Garden Grove has a high ethnic diversity, and flying the flag of an ethnic group will do no harm to the American flag. He referenced the Korean business district along Garden Grove Boulevard, noting there is a Korean flag along with an American flag, identifying a cultural district. Other flags are also flown at the Arab festival in Garden Grove, with the American flag being flown the highest. He commented that America is the freest country in the world, noting that his hope and desire is that someday a Mayor of the City of Garden Grove will visit a Sister City in free Vietnam.

Mayor Broadwater acknowledged Xuan Vu, who wrote the resolution on behalf of the Vietnamese American Public Affairs Committee, a nationwide organization that promotes resolutions such as this.

RESOLUTION NO. 8486-03

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8486-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY OF GARDEN GROVE RECOGNIZING THE YELLOW FLAG WITH THREE RED STRIPES AS THE OFFICIAL FLAG OF THE VIETNAMESE AMERICAN COMMUNITY, be and hereby is adopted.

RECESS

At 8:11 p.m., the Mayor declared a recess.

RECONVENE

At 8:36 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

INTRODUCTIONS (F: 53.1)

Mayor Broadwater introduced Cub Scout Pack 507 members in the audience.

ORAL COMMUNICATIONS – PUBLIC - (CONTINUED)

Jeff Lee addressed the Council, announcing the 11th year of the postal letter carriers food drive on May 10, 2003. He requested a proclamation declaring Saturday, May 10, 2003, as Food Drive Day, and approval for banners to be hung throughout the city to announce the event.

Mayor Broadwater suggested Mr. Lee meet with staff concerning banner regulations and a proclamation. (F: 53.3) (XR: 83.1) (XR: 94.1)

Kathy Evans addressed the Council, alleging that mixed messages are being given about City Codes, in particular fence and wall heights, alleging the City

budget is being balanced by fining citizens unjustly for code violations.
(F: 53.3) (XR: 80.2)

Mark Langenfeld and Woody PIPPS addressed the Council on behalf of the Chapman Villas Homeowners Association, presenting a petition with 32 signatures requesting removal of the bike lane on the north side of Chapman Avenue between Dale and Magnolia, indicating there is a shortage of parking and cars are being towed.

Mayor Broadwater noted this is a Traffic Commission matter, and they will be notified as to when that commission will hear it. (F: 53.3) (XR: 122.11)

Loretta Evans addressed the Council, indicating that she was unjustly cited for the height of her front yard security fence.

Mayor Broadwater directed Code Enforcement to send Mrs. Evans a letter advising her of the appeal process, and provide him with a copy of that letter.
(F: 53.3) (XR: 80.2)

Verla Lambert addressed the Council, alleging that the Neighborhood Improvement and Conservation Commission has not met since last year, noting that she wants to address the commission concerning the City's enforcement codes. (F: 53.3) (XR: 122.3) (XR: 80.2)

REQUEST FROM GARDEN GROVE RELAY FOR LIFE EXECUTIVE COMMITTEE FOR USE OF THE SHOWMOBILE APRIL 26-27, 2003 (CONTINUED) (F: 88.1)
(XR: 48.4) (XR: 74.27)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that use of the Showmobile on July 26-27, 2003, for the American Cancer Society's Relay for Life event, be and hereby is approved.

PROCLAMATION – AUTISM AWARENESS MONTH (F: 83.1)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that April 2003, be and hereby is proclaimed as Autism Awareness Month.

PROCLAMATION – SOROPTIMISTS MAKING A DIFFERENCE DAY (F: 83.1)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that April 26, 2003, be and hereby is proclaimed as Soroptimists Making a Difference Day.

CLAIMS FOR DAMAGES (F: 49.2)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that claims submitted by Nigel Reynolds, and by attorneys on behalf of Phong and Van Duong, be and hereby are denied.

GRANT CONTRACT FOR FUNDING UNDER THE 2000 PARK BOND ACT PER CAPITA GRANT PROGRAM FOR THE COMMUNITY SPORTS AND RECREATION COMPLEX PROJECT AT WEST HAVEN PARK (F: 73.12a) (XR: 97.4.01)

Staff report dated March 11, 2003, was introduced.

Councilman Leyes noted that we were in danger of losing this grant because of noncompliance; however, this helps bring us into compliance and brings \$1,435,000 million in funding to Garden Grove. He noted, however, that he couldn't support this because the entire amount is being dedicated to one project in one park in one part of the city, rather than spreading the money around for projects and improvements in other parks in the city.

Councilman Rosen moved, seconded by Councilman Tran, that the Grant Contract for funding under the 2000 Park Bond Act Per Capita Grant Program for the Community Sports and Recreation Complex Project at West Haven Park, be and hereby is approved; and the City Manager is authorized to execute the contract. Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

AGREEMENT WITH RON YEO, ARCHITECT, FOR THE PREPARATION OF AMENDED CONSTRUCTION DRAWINGS FOR THE GEM THEATER ELEVATOR (F: 55) (XR: 87.3a)

Staff report dated March 11, 2003, was introduced.

Mayor Broadwater inquired as to where the funds for this project are coming from. The Assistant City Manager noted that the cost of the elevator is approximately \$208,000, with \$150,000 from a specific grant that was obtained through Assemblyman Maddox' office for the project, and the remainder from park impact fees.

Councilman Rosen asked how much would be owed Mr. Yeo if the project were not approved. The Assistant City Manager responded that amount is approximately \$5,000.

Councilman Leyes noted that one of the reasons this project was proposed was to comply with the American Disabilities Act (ADA).

The Assistant City Manager noted that on Saturday night the current operators operate a comedy cabaret on the second floor, where the refreshment stand is also located, neither of which is accessible for the disabled if this elevator project is not completed.

Mayor Broadwater indicated he couldn't support putting \$50,000 of park fund money into this project, even though the grant funding would go back to the State of California.

Councilman Dalton inquired what the ADA repercussions might be if this project were not approved.

The Assistant City Manager noted that it is a Federal law, and there would only be repercussions if someone challenged the City on it and filed a claim, necessitating legal defense.

In response to an inquiry from Councilman Rosen, the Assistant City Manager noted that as of 1993 there is a requirement that public buildings must be retrofitted to bring them up to ADA standards. Not all cities have done this yet and do not hold public gatherings in those buildings or make accommodations to not hold public gatherings on a second floor.

In response to an inquiry from Mayor Broadwater, the Assistant City Manager noted that the money for the architect would come out of grant funds.

Councilman Rosen commented on the configuration of the theater, noting that there is a bar setup on the first floor with a gathering place. On the second floor is another bar area and a gathering place. He indicated that under the current budgetary conditions, he believes this is an awfully big expenditure to be spending to put an elevator in a two-story building, and before voting to spend the money, he would like to get a legal memo about whether this money has to be spent to comply with ADA.

He further noted that the City is short somewhere between \$20,000 and \$50,000 for the parks we have the opportunity to build in the OCTA right-of-way, and he would rather spend the park money to expand our parkland than to install an elevator.

Councilman Leyes asked whether the grant funds have to be used on the Gem Theater for an elevator. The Assistant City Manager responded that it is his understanding those funds are very specific to that location and for that purpose.

Councilman Leyes moved that the agreement with the architect be approved for an amount not to exceed \$20,000, use the grant funds for that purpose, and direct the architect to try and come up with a project that fits within the grant amount.

Councilman Tran requested clarification on whether the contract for an elevator company has been approved yet, to which the Assistant City Manager responded in the negative.

Councilman Tran seconded the motion, with an amendment that this project must be within the state grant budget.

Councilman Rosen moved to continue the motion for two weeks to provide time for the City Attorney to provide legal information regarding the ADA and its application to this particular project.

Councilman Leyes withdrew his motion and seconded the motion to continue the matter to March 25, 2003.

The motion to continue the matter for two weeks carried by unanimous vote.

AGREEMENT WITH THE CITY OF WESTMINSTER FOR REHABILITATION OF A SHARED PORTION OF WARD STREET FROM HAZARD AVENUE TO MAST AVENUE (F: 55) (XR: 96.1)

Staff report dated March 11, 2003, was introduced.

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the City of Westminster for rehabilitation of a shared portion of Ward Street from Hazard Avenue to Mast Avenue, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH ROSENOW SPEVACEK GROUP, INC., TO PROVIDE AFFORDABLE HOUSING MONITORING SERVICES (F: 55) (XR: 117.10I)

Staff report dated March 11, 2003, was introduced.

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Rosenow Spevacek Group, Inc., to provide affordable housing monitoring services, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

SUBMITTAL OF ONE STOP YOUTH CAFE APPLICATIONS FOR SPECIAL YOUTH GRANTS TO VARIOUS COMPANIES, FOUNDATIONS, AND/OR NON-PROFIT GROUPS TO ENHANCE ITS PROGRAMS (F: 78.4a)

Staff report dated March 11, 2003, was introduced.

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that the submittal of One Stop Youth Cafe

applications for special youth grants to various companies, foundations, and/or non-profit groups to enhance its programs, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held January 14, 2003, be and hereby are approved, as amended, to add the word "hopefully" to Ms. Streich-Harrell's comments on page 1 regarding parking problems in the vicinity of West Haven Park being resolved.

WARRANTS (F: 60.5)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that regular warrants 283016 through 284480, and payroll warrants 126064 through 127093, Direct Deposits D73978 through D74541, and wires W709 through W712, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RECESS

At 9:06 p.m., the Mayor declared a recess.

RECONVENE

At 9:09 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

AWARD OF CONTRACT FOR RETROFIT OF VILLAGE GREEN AMPHITHEATER
(F: 55) (XR: 87.5)

Staff report dated March 11, 2003.

In response to inquiries from Councilman Tran and Councilman Dalton, the Assistant City Manager indicated that the majority of the work is expected to be completed before the Strawberry Festival and will not interfere with the events taking place there. The entire project should be completed by the first of July.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that CCS Enterprises be and hereby is determined to be the lowest acceptable bidder in connection with the retrofitting of the Village Green Amphitheater, and that contract for said project be and hereby is awarded to said company in the amount of \$282,524.00, 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 Mayor and City Clerk are authorized to execute said contract.

AMENDMENT TO CONTRACT WITH THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) TO ELIMINATE THE EMPLOYEE COST-SHARING AGREEMENT OF 1% AMENDMENT THAT NON-SAFETY EMPLOYEES AGREED TO IN 1995 (F: 78.12)

Staff report dated March 11, 2003, was introduced.

RESOLUTION NO. 8487-03

Councilman Rosen moved, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8487-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY OF GARDEN GROVE DECLARING ITS INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, be and hereby is adopted.

ORDINANCE NO. 2598 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2598 be waived, and said Ordinance be and hereby is passed to second reading.

STATUS REPORT REGARDING PARKING ISSUES ON WEST STREET AND ADJACENT RESIDENTIAL STREETS (F: 75.1) (XR: 73.12a)

Staff provided a status report regarding parking issues on West Street and adjacent residential streets, noting that discussions are being held with the School District, who is cooperating to resolve this issue. Staff will continue to monitor the situation.

APPOINTMENT OF ELECTED OFFICIAL TO SERVE AS LEGISLATIVE LIAISON TO ORANGE COUNTY DIVISION OF CALIFORNIA CITIES (F: 74.11) (VIP)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Councilman Dalton be and hereby is appointed to serve as Legislative Liaison to the Orange County Division of California Cities.

Councilman Rosen noted that at the last League meeting it was proposed to increase cities dues. He indicated that the Orange County Division should be cutting its budget instead of proposing an increase at a time when cities are facing uncertainty in light of the State budget crisis.

Councilman Rosen made a motion that the City suspend payment of League dues pending approval of the Council after the State budget crisis is resolved. He noted that probably the most expendable item in the City's budget is dues to the League of California Cities, which is about \$20,000.00.

Councilman Leyes commented that the motion is inappropriate given the listing on the agenda, and he expressed confidence that staff will be careful about paying anything like that without approval of the Council.

The Assistant City Manager, in response to an inquiry from Councilman Rosen, noted that until further notified the City will be holding this particular bill. Councilman Rosen requested this matter be listed on the next Council agenda for discussion.

RECOMMENDATION FROM COUNCIL AD-HOC COMMITTEE REGARDING CITY CO-SPONSORSHIP OF THE CUB SCOUT PUSH CART DERBY ON APRIL 27, 2003

(F: 88.1)

Staff report dated March 11, 2003, was introduced, providing background information concerning the Cub Scout Push Cart Derby. It was noted that this is the second year for this event.

Chris Beard, event organizer with Cub Scout Pack 507, addressed the Council concerning their push cart derby event. He thanked the City for hosting the event last year and invited the Mayor and Councilmembers to serve as race judges.

Councilman Dalton inquired whether Mr. Beard has contacted the City of Westminster. Mr. Beard responded that they have started the process.

Councilman Dalton noted that he and Councilman Rosen met with the Cub Pack and discussed some of the City's concerns. He indicated this event cannot be held anywhere else, and they agreed to a recommendation that the hours be expanded to 8:00 a.m. to 2:00 p.m. at no extra charge. However, they must obtain approval from the City of Westminster, as a portion of the street closure involves that city.

Councilman Rosen noted the event was very successful last year, and it is a good activity.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that City sponsorship of the Push Cart Derby with Cub Scout Pack 507 on April 27, 2003, be and hereby is approved; and the Pack be allowed to operate the event from 8:00 a.m. to 2:00 p.m.

CONSIDERATION OF JOINING A PROPOSED JOINT POWERS AUTHORITY WITH GATEWAY CITIES FOR THE DEVELOPMENT OF A MAGNETIC LEVITATION TRANSPORTATION SYSTEM ALONG THE PE RIGHT OF WAY TO CONNECT ORANGE AND LOS ANGELES COUNTIES (F: 36.3)

Communication dated March 4, 2003, from Gateway Cities was introduced.

Mayor Broadwater noted that he attended a presentation on this system and he believes the Council might want to get involved in this project, noting that there is no cost to the City to join the Joint Powers Authority.

Bruce Barrows, Mayor of the City of Cerritos and Chair of this committee, addressed the Council and presented an overview of the system, noting they are not trying to disrupt the Centerline project. This would be an advanced high-speed transportation system operating along the former Pacific Electric "Red Car" and adjoining corridors, extending from downtown Los Angeles to central Orange County. The study was initiated by the Gateway Cities Council of Governments, in cooperation with the Southern California Association of Governments, to see if this is economically feasible and can provide high quality access and mobility improvements to support current and planned development along the corridor. He expressed hope that the system would be up and running by 2008.

Councilman Leyes noted that although the City is being asked to join the Joint Powers Authority (JPA), Council has not been provided with a copy of the JPA agreement; therefore, he cannot vote on this now. He indicated he would also like to see the economics on this system. Additionally, he commented that before entering into any agreement, homeowners should be made away of this project.

Councilman Tran suggested a presentation be provided for the Councilmembers.

It was moved by Mayor Broadwater, seconded by Councilman Rosen for purposes of discussion, that the City join the Joint Powers Authority if there is no cost.

Councilman Rosen inquired about private funding. Mr. Barrows noted that the Orange County Transportation Authority owns the right of way, and the financial studies have to come from the public sector.

Mayor Broadwater and Councilman Rosen withdrew their motion.

It was the consensus of the Councilmembers that this matter be continued to March 25, 2003.

DISCUSSION REGARDING MEGAN'S LAW AND THE CITY'S PARTICIPATION IN THE COUNTYWIDE PROGRAM TO PROVIDE INFORMATION ON SEX OFFENDERS THROUGH THE COUNTY WEB SITE, AS REQUESTED BY COUNCILMAN LEYES (F: 82.1)

Staff report dated March 11, 2003, was introduced, providing an update of the proposed Orange County Sex Offender Mapping System and discussing the issues involved with regard to the Garden Grove Police Department's participation in the program.

Councilman Leyes commented that he is aware of some practical issues, but noted that more information is better than less, further commenting that he would like to find a way to make this work rather than find excuses not to participate. He referenced staff's recommendation to meet with Digital Map Products to discuss the issues and subsequently recommend either participating in that effort or using the City's website to provide similar information. He stated that the City's website still has problems and crashes computers when users try to access it.

Councilman Leyes moved that staff be directed to proceed with participating in the Orange County Sheriff Department's Sex Offender Data Base.

Mayor Broadwater seconded the motion for purposes of discussion, noting that he would like to know the ramifications on liability to the City if an error were made.

The City Attorney responded that the County is proposing a hold harmless agreement where the City would bear any potential liabilities.

Councilman Leyes provided background information on the origin of Megan's Law, noting that the liability involved would be based on information that is already available through law enforcement agencies; and if someone has a criminal record of this sort, that is why they would be listed. If they have provided incomplete information or inaccurate information, then he does not know why the City would be liable for that. Individuals currently have to go down to the Police Station for this information, rather than accessing it on their home computers.

Mayor Broadwater noted that the City needs to know what it is going to cost us for this liability coverage, and he does not agree with the County's hold harmless ruling.

In response to inquiries by Councilman Rosen, staff noted that any city with a population of less than 200,000 is supposed to direct inquiries to the County Sheriff's Department. Citizens would have to go down to the Sheriff's Department and provide their Zip Code, which would be used for their access of information with regard to the registrants within that area. When these offenders register with the Police Department, that information is provided to Digital Map Products, who then plots that person's approximate location on a

map. It was noted, however, that these maps are inaccurate. They have intentionally provided a 1500-foot offset to the circles so one could not look at the circle and figure that the center of the circle is where the offender lives. Therefore one looking at the map could erroneously conclude that they live close to an offender when they really don't, and someone who in fact does live close to an offender can be misled to conclude they do not live close to an offender. The Police Department provides the information to the Department of Justice, where it is entered into the Megan's Law database, and that is what the County accesses. Staff noted that more information could be obtained by visiting the Sheriff's Department, because the offender's full name and any aliases, date of birth, convictions, photo, and physical description are given there.

Councilman Tran inquired as to the turn around time for the information to go from the City to the State to the Sheriff's Department, and to the vendor. Staff was unable to provide that information.

Councilman Tran asked whether the City has the technical capability to set up its own system to supply this information, which he believes has its advantages.

The Police Chief responded that providing this information to the citizens of Garden Grove is a positive thing. However, the concerns that have been raised resulted because the County proceeded with this process without seeking any input from the cities. Had the Police Chiefs been included, these issues would have been raised and the current problems that are being experienced might have been avoided. Only four cities have agreed to this process, and they are probably half the size of our city. Garden Grove currently has approximately 200 registered sex offenders, and the state database shows something different. He noted that the meeting on April 13 with the president of Digital Map Products would include police staff and the Information Systems Manager to discuss the issues raised.

Councilman Tran expressed concern about the current inaccuracy of the County maps due to the inaccuracy of the circles in terms of where the sex offender is residing, noting that many issues need to be ironed out.

Councilman Dalton expressed concern that there is currently no system that deletes offenders from the old area or has a tracking system for his movement from area to area, noting that skews the data.

Councilman Leyes noted there are currently some bills to address the tracking of the sex offenders.

The Police Chief commented they have been working with the Information Systems Division of the City for the last four months and are very close to automating the city's registrants.

Mayor Broadwater inquired when staff could provide answers to the issues and concerns.

The Police Chief responded they should have information, including the cost and liability, in approximately a month.

Councilman Leyes amended his motion to accept staff's recommendation, that Police and Information Systems staff meet with Digital Map Products staff to discuss the issues identified and subsequently recommend either participating with that effort, or using the City's website to provide similar information.

Mayor Broadwater, who previously seconded the motion, accepted the amended motion.

Councilman Tran commented that he would prefer using the City's website to provide this information, if possible, noting that the information would be more timely than that provided by the County.

Councilman Rosen suggested that staff take Councilman Leyes' comments about the City web site to heart and try to make it more accessible.

The foregoing motion carried by unanimous vote.

COMMENTS BY COUNCILMAN LEYES

Councilman Leyes requested that the proposed reduction in the basin production percentage, and increase in the replenishment assessment proposed by the Orange County Water District be placed on the next Council agenda for discussion. (F: 53.1) (XR: 112.6)

Councilman Leyes suggested that the Police Color Guard develop guidelines on flag protocol for the public sector. (F: 53.1) (XR: 94.1) (XR: 82.1)

Councilman Leyes also requested that a Resolution supporting the President and our military in Iraq be placed on the next Council agenda for consideration. (F: 53.1)

Councilman Leyes requested that staff take a look at the City code as it relates to fences and security fences and possible appropriate exceptions thereto. (F: 53.1) (XR: 80.2)

Councilman Rosen wished his daughter Jessica a Happy Birthday. (F: 53.1)

Councilman Dalton wished his daughter Paula a Happy Birthday. (F: 53.1)

Mayor Broadwater commented that the message that was given by the citizens when the Community Project Area Amendment was considered was to use code enforcement, rather than redevelopment, to clean up neighborhoods. He

noted that some fences in the community look quite dangerous. (F: 53.1)
(XR: A-48.25) (XR: 80.2)

Mayor Broadwater announced that the item scheduled for discussion in Closed Session would not be discussed.

ADJOURNMENT

At 10:26 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK