

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 25, 2003, at 6:55 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Community Services Director, Cal Rietzel; Fire Chief, Cameron Phillips; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Streets and Street Tree Manager, Keith Jones (representing Public Works Director); City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Kavi Vyas, California Interscholastic Federation's Spirit of Sport Award recipient, and presented him with a gift and Certificate of Recognition for excellence exhibited in sportsmanship, academic achievement, and community service. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Teresa Micucci, Gary Brown, Hector Aguilar, David Zimmerman, John Miller, Nancy Smith, Mike Parker, Rick Brodowski, Heather Taylor, Ray Phanelif, John Tompkins, Earl Smith, Letitia Jerman, Stephen Lopez, representing various high school and non-profit organizations, addressed the Council, urging the Council to allow their respective groups to continue to sell safe and sane fireworks, citing fundraising needs. (F: 53.3) (XR: 61.6)

Mayor Broadwater advised those who had booths in the areas where it is being proposed to ban the sale of fireworks could place their stands in other areas.

Diane Vo addressed the Council, indicating she is pleased with Superior Court Judge Choate's recent ruling on the City's CyberCafe ordinance. (F: 53.3) (XR: 35.3a)

Mark Gassman, representing TNT Fireworks, addressed the Council, noting his concerns with some of the proposed changes to the ordinance, and making some recommendations of his own. (F: 53.3) (XR: 61.6)

Cy LaBree addressed the Council concerning the CyberCafe ordinance and the judge's recent ruling, reviewing the incidents that have occurred in the vicinity of the CyberCafes. He also spoke about the fireworks issue, noting the difficulty in citing for illegal fireworks when legal ones are permitted. He also challenged Councilman Tran's statement that 35% of the population of Garden Grove is Asian. (F: 53.3) (XR: 35.3a) (XR: 61.6)

Verla Lambert addressed the Council concerning her involvement in the community and noting that she believes in responsible redevelopment and in constructive code enforcement. (F: 53.3)

Cheryl Fotia addressed the Council urging that fireworks be banned and commenting that there is too much high-density building. (F: 53.3) (XR: 61.6)

Jeanne Hennessy addressed the Council, urging that fireworks be banned, commenting that "higher-quality" cities do not permit them. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the Council concerning the agenda item in support of the President and the troops in Iraq, expressing his support for the resolution, but suggesting it should be proposed by someone who has served in the military and should include support for supplementing the salaries and benefits of employees who are called to serve.

Mayor Broadwater commented that the City does supplement the salaries and benefits of employees who are called to serve. (F: 53.3) (XR: 83.1)

RECESS

At 7:52 p.m., the Mayor declared a recess.

RECONVENE

At 8:03 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

INTRODUCTIONS (F: 52.3)

Mayor Broadwater introduced members of Boy Scout Troop 148.

ORAL COMMUNICATIONS – PUBLIC (CONTINUED)

Kim Schow, David Wakefield, and Beverly Koyama, representing various Garden Grove schools, addressed the Council, urging the Council to allow their groups to continue to sell safe and sane fireworks, citing fundraising needs. (F: 53.3) (XR: 61.6)

PROPOSED MODIFICATIONS TO THE MUNICIPAL CODE RELATING TO FIREWORKS REGULATIONS (F: 61.6) (XR: 50.2)

Staff report dated March 25, 2003, was introduced, and the City Manager noted that the goal is not to eliminate safe and sane fireworks, but rather to provide more controls. The problems that have been experienced deal with illegal fireworks and the trash left behind by citizens. The City would like to see the number of booths reduced; and would suggest no stands be permitted within 1000 feet of Garden Grove Park, Twin Lakes Park, Village Green Park, the intersection of Harbor and Westminster, the intersection of Brookhurst and Hazard, the intersection of Magnolia and Westminster, and on Katella from Dale to Euclid.

It was also noted for the record that an E-mail was received from Ted Patrick advising of his opposition to the sale and discharge of fireworks; and two communications from TNT Fireworks detailing their concerns with the proposed ordinance changes.

Mayor Broadwater indicated that no group who sold fireworks last year would be prohibited from doing so this year.

The Fire Chief indicated the number of stands would be reduced over the years through natural attrition.

The Council reviewed the proposed changes to the Municipal Code, as set forth by staff.

The City Manager noted that the ultimate goal down the road is to reduce the number of stands per high school to three, noting that staff will reevaluate the situation after this next 4th of July and will provide a report to Councilmembers.

In response to an inquiry by Councilman Dalton, the City Manager noted that the Police Department recommended the three intersection deletions.

Discussion ensued relative to groups needing a 501(c)(3) status to operate a booth, noting they should simply be local organizations with a verifiable nonprofit status.

In response to an inquiry from Councilman Tran, the Fire Chief noted that after enforcement and cleanup costs are determined, any monies left from the \$500 deposits would be divided equally among the groups.

Councilman Tran suggested that the various clubs could provide voluntary cleanup crews, to which the City Manager responded that could be a possibility.

In response to another inquiry from Councilman Tran, the City Manager noted that the cost analysis for last year was approximately \$29,000. Councilman Tran expressed some concern with moving some of the booths to other positions, especially when the fees are being increased.

Councilman Rosen pointed out that the 1000-foot limits from certain locations have been established to free up police enforcement because of illegal fireworks being set off in those vicinities.

Mayor Broadwater expressed concern that some day someone will die or be hurt because of illegal fireworks. He suggested the proposed regulations be approved and see if it works.

The City Manager noted that staff needs input tonight and will return in two weeks with a proposed ordinance.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Section 5.28.040, "Filing Deposit," be amended to increase the deposit to \$500.00 per stand from which all fees and City costs will be deducted, and any remaining funds refunded.

It was moved by Mayor Broadwater, seconded by Councilman Leyes, and carried by unanimous vote, that Section 5.28.010, "Temporary Stand Permit," be approved in its current form.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Section 5.28.020, "Eligible Organizations," be approved, as amended to reflect that the Police Chief shall have the right to demand verifications that an organization meets the requirements that it is a verifiable non-profit organization when seeking a permit.

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote, that Section 5.28.025, "Membership and Board Roster," be deleted in its entirety.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Section 5.28.030, "Application Contents," be approved in its current form.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that Section 5.28.050, "Permits Limited," be approved, as amended, with a moratorium on new permits enacted to limit permits to current groups, with an annual review by the Council.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Section 5.28.060, "Investigation Required," be approved in its current form.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Sections 5.28.070, "Action of Chief of Collections," and 5.27.080, "Safe and Sane Fireworks," be approved in their current form.

Councilman Leyes moved, seconded by Councilman Rosen, that Section 5.28.090, "Sales Limited," be amended to increase the hours of the stands to 11:00 p.m. on July 4. Said motion failed to carry by the following vote:

AYES: COUNCILMEMBERS: (2) LEYES, ROSEN
NOES: COUNCILMEMBERS: (3) DALTON, TRAN, BROADWATER
ABSENT: COUNCILMEMBERS: (0) NONE

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the hours of the stands be increased to 10:00 p.m. on July 4.

It was moved by Mayor Broadwater, seconded by Councilman Leyes, and carried by unanimous vote, that Section 5.28.095, "Millennium Celebration Sales," be deleted in its entirety.

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote, that Section 5.28.100, "Temporary Stand Regulations," be approved in its current form.

It was moved by Mayor Broadwater, seconded by Councilman Leyes, and carried by unanimous vote, that Section 5.28.110, "Complying With Application," be approved as amended, to state that failure to comply with regulations shall constitute a non-issuance of future permits.

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote, that Section 5.28.120, "Posting Bond," be deleted in its entirety.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that Section 5.28.130, "Liability Insurance," be approved in its current form.

Discussion ensued regarding Section 5.28.140, "Location of Stands," and in response to an inquiry by Councilman Tran, the Fire Chief responded that the displaced stands will be placed in alternate locations, and that is why the 500-foot distance requirement was relaxed.

Mayor Broadwater left the room at 9:13 p.m. during the discussion, and returned at 9:15 p.m.

Councilman Rosen moved that the proposed 1000-foot prohibition of stands at Harbor/Westminster; Brookhurst/Hazard; and Magnolia/Westminster be removed, keeping the prohibition on the Katella area and three parks listed. Motion died for lack of a second.

Councilman Leyes moved that the first paragraph of the section be approved as amended; and the second paragraph only prohibit stands within a thousand feet of Katella from Dale to Euclid. Motion died for lack of a second.

Mayor Broadwater moved, seconded by Councilman Dalton, that both the first and second paragraphs of the section be approved as proposed by staff.

Discussion ensued regarding City costs for cleanup after the 4th of July, and staff noted that the parks listed in the section account for two-thirds to three-fourths of the cleanup.

Councilman Rosen made a motion to amend the previous motion by removing the intersection of Harbor and Westminster from the prohibition areas, noting that intersection is not near any parks. The motion to amend the previous motion died for lack of a second.

Councilman Rosen made a motion to amend the previous motion to delete the intersections of Harbor/Westminster and Brookhurst/Hazard from the 1000-foot prohibition list. Councilman Leyes seconded the motion. Motion carried by the following vote:

AYES: COUNCILMEMBERS: (3) LEYES, ROSEN, TRAN
NOES: COUNCILMEMBERS: (2) DALTON, BROADWATER
ABSENT: COUNCILMEMBERS: (0) NONE

Upon the following vote, the main motion, previously made, that both the first and second paragraphs of the section be approved as proposed by staff, with the exception of the removal of the intersections of Harbor/Westminster and Brookhurst/Hazard from the 1000-foot prohibition, carried by the following vote:

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

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Sections 5.28.150, 5.28.160, 5.28.170, 5.28.180, and 5.28.190 be approved in their current form, with the word, "Exists," in Section 5.28.150 be changed to "Exits."

RECESS

At 9:23 p.m., the Mayor declared a recess.

RECONVENE

At 9:28 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

REQUEST FROM THE OCRAA BOARD FOR ADOPTION OF A RESOLUTION ADVOCATING SUPPORT OF THE MILITARY CONSTRUCTION UTILITY DELIVERY SYSTEMS UPGRADE PROJECT AT THE JOINT FORCES TRAINING BASE IN LOS ALAMITOS (F: 23.11) (XR: 117.5)

Communication dated March 14, 2003, was introduced.

RESOLUTION NO. 8488-03

Councilman Rosen moved, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8488-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADVOCATING SUPPORT OF THE MILITARY CONSTRUCTION UTILITY DELIVERY SYSTEMS UPGRADE PROJECT AT THE JOINT FORCES TRAINING BASE IN LOS ALAMITOS, CALIFORNIA, be and hereby is adopted.

PROCLAMATION – FAIR HOUSING MONTH (F: 83.1) (XR: 23.21)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that April 2003, be and hereby is proclaimed as Fair Housing Month.

PROCLAMATION – BUILDING SAFETY WEEK (F: 83.1) (XR: 35.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that April 6-12, 2003, be and hereby is proclaimed as Building Safety Week in Garden Grove.

PROCLAMATION – DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that April 27 - May 4, 2003, be and hereby is proclaimed as Days of Remembrance of the Victims of the Holocaust.

PROJECT NO. 7257 – HASTER/CHAPMAN INTERSECTION IMPROVEMENTS – PLANS AND SPECIFICATIONS (F: 96.Proj.7257)

Staff report dated March 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that plans and specifications for the above-titled

project be and hereby are approved; and the City Clerk is authorized to advertise for bids.

LICENSE AGREEMENT WITH THE ROTARY CLUB OF GARDEN GROVE FOR USE OF CITY PROPERTY LOCATED AT 11461 GARDEN GROVE BOULEVARD (F: 55)

Staff report dated March 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that the License Agreement by and between the City of Garden Grove and the Rotary Club of Garden Grove, permitting the Club to install and supervise a "rope course," on City property located at 11461 Garden Grove Boulevard, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AMENDMENT NO. 6 TO COOPERATIVE AGREEMENT NO. C-95-974 WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY UPDATING THE LIST OF OPEN PROJECTS TO RECEIVE FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAMS AS SPECIFIED IN THE CTFP MANUAL AND THE BICYCLE AND PEDESTRIAN FACILITIES PROGRAM (F: 55) (XR: 23.18) (XR: 97.19.77)

Staff report dated March 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that Amendment No. 6 to Cooperative Agreement No. C-95-974 by and between the City of Garden Grove and the Orange County Transportation Authority, updating the list of open projects to receive funding under the combined Transportation Funding Programs as specified in the CTFP Manual and the Bicycle and Pedestrian Facilities Program; be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

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, and it was noted that this matter was continued from the meeting of March 11, 2003.

Mayor Broadwater commented that he couldn't vote for this project as long as it includes park money. Additionally, he still needs information on whether meeting American Disabilities Act (ADA) requirements is mandatory.

The City Manager noted that in this instance it is not mandatory to meet ADA requirements, although the current operation may have to be modified.

Councilman Leyes commented that there is still a year left to use the state grant money, and he would like to find a way to have the project either fit

within that budget or find additional funds, other than from the general or park funds, perhaps even from private fund-raising.

Councilman Rosen commented that the \$50,000 earmarked for this project should be redirected toward the two parks in the OCTA right-of-way. However, we have spent part of the grant money getting to this point, and we might have to repay what we have already spent. He suggested we talk with the state to come to an agreement about return of money already spent from the grant fund. If we cannot save anything by canceling the contract, we might as well build the elevator.

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

Councilman Dalton suggested waiting on this to see if private money can be solicited to replace the portion that was to come from park funds.

Mayor Broadwater agreed but suggested no more money be spent at this time on this project until other options are explored.

Further discussion ensued relative to the cost of the project and what it entailed.

Councilman Rosen moved, seconded by Mayor Broadwater, that the agreement with Ron Yeo, Architect, be terminated so staff can negotiate with the State of California to find out how much of the grant money would have to be paid back if the project were terminated.

Councilman Leyes commented that there are capital specific grants that might be available for a facility like this, for only ADA improvements; and there is also the concept of private funding to explore. However, the theater operators would probably rather modify their operations than raise and spend \$50,000 to improve the City's building.

Councilman Rosen commented that using state money to build an elevator in a two-story building is almost a frivolous expenditure at a time when the state budget is in such a deficit. However, he clarified that his motion is simply to not go forward with this contract.

A substitute motion was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that this matter be continued to April 8, 2003, to obtain the requested additional information.

AGREEMENT WITH STEWART STEVENSON TO PROVIDE PARTS AND LABOR FOR THE REPAIR OF WAUKESHA NATURAL GAS ENGINES LOCATED AT CITY WATER FACILITIES (F: 55) (XR: 24.12)

Staff report dated March 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Stewart Stevenson to provide parts and labor for the repair of Waukesha natural gas engines located at City water facilities, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH SHANNON EXECUTIVE SEARCH TO CONDUCT AN EXECUTIVE RECRUITMENT FOR THE POSITION OF FINANCE DIRECTOR (F: 55) (XR: 78.1)

Staff report dated March 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Shannon Executive Search to conduct an executive recruitment for the position of Finance Director, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

PROJECT NO. 7121, VIDEO CAMERA INSTALLATION FOR TRAFFIC MANAGEMENT ACCEPTANCE OF CONTRACT AS COMPLETE (F: 100.Proj.7243) (XR: 24.11) (XR: 100.8)

Staff report dated March 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that Project No. 7121, Video Camera Installation for Traffic Management, be accepted as complete as of this date; the Finance Officer is authorized to release the retention payment to Moore Electrical Contracting, Inc., when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held January 28, 2003, and Adjourned Regular Meeting held February 4, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that regular warrants 284481 through 284889, and payroll warrants 127094 through 127587, Direct Deposits D74542 through D75095, and wires W713 through W716, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – APPEAL OF SITE PLAN NO. SP-317-02 (F: 116.SP-317-02)
(XR: 116.PUD-103-77)

Appeal of Site Plan No. SP-317-02, initiated by Viacom Outdoor, requesting Site Plan approval to relocate a 50-foot-high, 672 square foot billboard to an approximately 5.29-acre parcel located on the north side of Garden Grove Boulevard, east of Fairview Street, at 11311-13341 (sic) Garden Grove Boulevard. The project is a relocation of a billboard that was previously located on the west side of Harbor Boulevard, north of Chapman Avenue.

On January 16, 2003, the City Planning Commission, pursuant to Resolution No. 5340, denied SP-317-02. On February 24, 2003, an appeal was filed by the applicant, and public hearing on the case was ordered by the City Council to be held this date.

The City Manager noted that due to a technical error, this matter will be readvertised, and the public hearing will be held at a later date.

RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR POSSIBLE CAPITAL EXPENDITURE FUNDS TO ASSIST THE CODE ENFORCEMENT DIVISION (F: 80.2) (XR: 97.2.03)

Staff report dated March 25, 2003, was introduced.

RESOLUTION NO. 8489-03

Councilman Leyes moved, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8489-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION, THE INCURRING OF AN OBLIGATION, THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO, AND ANY OTHER DOCUMENTS NECESSARY TO SECURE A CEGP GRANT FROM THE STATE OF CALIFORNIA, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, be and hereby is adopted.

SECOND READING OF ORDINANCE NO. 2598

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2598 be waived.

ORDINANCE NO. 2598 was presented for second reading and adoption 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 (F: 78.12)

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Ordinance No. 2598 be and hereby is declared passed.

RECESS

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

RECONVENE

At 9:50 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

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

Mayor Broadwater noted that this matter was continued from the Council meeting of March 11, 2003. He further noted that several Councilmembers have had discussions on this matter with Bruce Barrows, Chair of the MagLev Subcommittee.

Mayor Broadwater moved that the City join the Gateway Cities, noting that the City of Huntington Beach has joined, and we would be the third city to do so.

Councilman Rosen seconded the motion for purposes of discussion, noting that a copy of the proposed joint powers agreement has not yet been submitted to the Council.

The City Manager noted that only the concept would be voted on at this time, subject to actual approval of the Joint Powers Agreement.

Councilman Dalton noted that there is no cost to the City at this point.

Councilman Leyes noted that he could not support this proposal. He has very little confidence that this will be feasible in the long run, noting some of the assumptions that are being relied upon, such as higher densities around the station areas to create the ridership that would support the system. He further pointed out that it is projected to cost about 3.6 billion dollars.

Councilman Rosen commented that when the Joint Powers Agreement is submitted to the Council, it will say whether there are any fees to join and whether the City has to commit any land; and if there is a cost, he may change his vote at that time.

Councilman Tran indicated that all possibilities should be explored.

The foregoing motion carried by the following vote:

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

WAIVER OF FEES FOR INTERFAITH COUNCIL'S USE OF THE COMMUNITY
MEETING CENTER FOR A BANQUET TO BE HELD ON MAY 9, 2003, AS
REQUESTED BY MAYOR BROADWATER (F: 48.4) (XR: 91.1)

A communication from the Interfaith Council was introduced, along with a staff report providing information to the fee waiver request.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the fees for the Interfaith Council's use of the Community Meeting Center for a banquet to be held on May 9, 2003, be waived.

RENEWAL OF CITY MEMBERSHIP IN THE ORANGE COUNTY DIVISION OF THE
LEAGUE OF CALIFORNIA CITIES, AS REQUESTED BY COUNCILMAN ROSEN
(F: 74.11)

Councilman Rosen noted that the City has received its annual statement from the Orange County Division of the League of California Cities in the amount of \$22,274; and he does not want this bill paid until it is known how the state budget deficit will affect the City.

It was moved by Councilman Rosen and seconded by Councilman Dalton, that this matter be continued to May 2003 to see how the state resolves its budget deficit.

Councilman Leyes noted that he has long opposed paying the League dues, noting that there are other organizations that also require dues; and he suggested payment be held up on those also.

Councilman Rosen amended his motion, seconded by Councilman Dalton, that the original motion also include that no organizational dues, with the exception of professional dues for staff, be paid until Council has approved the expenditure. Said amended motion carried by unanimous vote.

RESOLUTION DESIGNATING APRIL 6-12, 2003, AS GARDEN GROVE CRIME
VICTIMS RIGHTS WEEK, AS REQUESTED BY COUNCILMAN LEYES (F: 83.1)

RESOLUTION NO. 8490-03

Councilman Leyes moved, seconded by Mayor Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8490-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DESIGNATING THE WEEK OF

APRIL 6-12, 2003, AS GARDEN GROVE "CRIME VICTIMS RIGHTS WEEK,"
be and hereby is adopted.

DISCUSSION CONCERNING THE PROPOSED REDUCTION IN THE BASIN
PRODUCTION PERCENTAGE AND INCREASE IN THE REPLENISHMENT
ASSESSMENT PROPOSED BY THE ORANGE COUNTY WATER DISTRICT (OCWD),
AS REQUESTED BY COUNCILMAN LEYES (F: 112.6)

Councilman Leyes noted that the Orange County Water District is proposing to reduce the basin production percentage and increase the replenishment assessment, which means we are going to produce less ground water and pay a significantly higher rate. He referenced the District's presentation at the last Council workshop, noting that there are many factors they are not considering.

Councilman Leyes moved that Council give guidance to the Orange County Water District Board that they not lower the basin production percentage so dramatically and that they not raise the replenishment assessment so dramatically.

Mayor Broadwater suggested the District come back with their presentation at a regular Council meeting for the public to see and discuss at that time.

Staff noted the ground water producers have been working with OCWD staff to reduce the impacts. About ten areas have been identified where their budget can be cut by about \$6.8 million, which would reduce the replenishment assessment. The Board last week considered those ten areas and probably will approve them.

The Mayor asked for a list of those reductions, and staff responded that a memo is being prepared this week that identifies all those cuts.

It was the consensus of the members that this matter be continued to April 8, 2003.

RESOLUTION SUPPORTING THE PRESIDENT OF THE UNITED STATES AND THE
U.S. ARMED FORCES IN THE MATTER OF DISARMING THE DESPOTIC REGIME IN
IRAQ, AS REQUESTED BY COUNCILMAN LEYES (F: 83.1)

Councilman Leyes introduced a resolution he drafted, noting that it was based on a resolution drafted by members of the American Legion. He moved approval of the resolution.

Councilman Rosen moved a substitute motion, seconded by Councilman Dalton, that the bi-partisan resolution he drafted, based on the one passed by the House and Senate last week, putting the emphasis on Iraq and what we are doing in Iraq, be approved.

Councilman Leyes commented that Councilman Rosen's resolution gives too much credit to the United Nations.

Councilman Tran commented that both resolutions are good; however, Councilman Rosen's is more encompassing.

Councilman Dalton noted that Councilman Rosen's resolution is more comprehensive.

RESOLUTION NO. 8491-03

Councilman Rosen moved, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8491-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF GARDEN GROVE EXPRESSING ITS SUPPORT AND APPRECIATION FOR THE PRESIDENT AND THE MEMBERS OF THE ARMED FORCES WHO ARE PARTICIPATING IN OPERATION IRAQI FREEDOM, be and hereby is adopted.

RESOLUTION HONORING THE FLAG OF THE UNITED STATES OF AMERICA AND PROMOTING THE PROPER DISPLAY OF THE FLAG AT ANY AND ALL PUBLIC EVENTS, AS REQUESTED BY COUNCILMAN LEYES (F: 83.1) (XR: 94.1)

Councilman Leyes commented that this proposed resolution is a companion to the resolution adopted at the last Council meeting permitting the posting of the South Vietnamese flag at city functions.

Councilman Dalton asked if, as stated in the proposed resolution, the City has materials available summarizing the appropriate protocols for treatment and display of the flag of the United States of America. Staff noted that material would be available in English, Vietnamese, Korean, and Spanish.

RESOLUTION NO. 8492-03

Councilman Leyes moved, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8492-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF GARDEN GROVE HONORING THE FLAG OF THE UNITED STATES OF AMERICA AND PROMOTING THE PROPER DISPLAY OF THE FLAG AT ANY AND ALL PUBLIC EVENTS, be and hereby is adopted.

COMMENTS BY COUNCILMEMBERS

Councilman Leyes commented on the area of Euclid and Main streets, suggesting that the City stick with the traditional mature, natural, rustic trees in this area rather than removing them and planting palm trees. (F: 53.1)

Councilman Dalton announced his son Brian's birthday tomorrow. He also noted that his granddaughter Crystal appeared with the Mater Dei Drill Team and Cheerleading squad in Florida, which took several honors. (F: 53.1)

Councilman Rosen noted that charges have been filed against the house in question on Ocean Breeze. The City Attorney noted that the material has been removed from the fence at that location. (F: 53.1) (XR: 80.2)

Mayor Broadwater noted that Garden Grove received several grants from the Federal government, being \$90,000 for the Community Center Gymnasium we are preparing to build; and \$225,000 for the Garden Grove Flood Control Line for Yockey/Newland Storm Water Infrastructure Improvements. (F: 53.1) (XR: 97.1) (XR: 73.12a) (XR: 92.1)

Mayor Broadwater noted that the palm trees are obscuring the clock tower. The City Manager noted that the City would be relocating some of the palm trees, noting that they are valuable and we have been waiting for the right time to relocate them. (F: 53.1) (XR: 48.8)

Councilman Rosen suggested thought be given to trees that are more friendly to birds. (F: 53.1) (XR: 108.1)

ADJOURN TO CLOSED SESSION

At 10:31 p.m., the meeting was adjourned to Closed Session, under the Ralph M. Brown Act, and it was announced that the item listed for Closed Session pertaining to labor negotiations would not be discussed. However, pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Choi, et al. v. City of Garden Grove.

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were City Manager, George Tindall; Assistant City Manager, Matthew Fertal; and City Attorney, John Shaw.

RECONVENE IN OPEN SESSION

At 11:04 p.m., the meeting was reconvened in Open Session with Mayor Broadwater and all Councilmembers in attendance, and it was announced that the Council voted 5-0 to appeal to the appellate court the trial court ruling in Choi, et al. vs. City of Garden Grove. (F: 35.3a)

ADJOURNMENT

At 11:05 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK