

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, April 25, 2006, at 7:05 p.m.

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

ABSENT: (0) NONE

INVOCATION AND PLEDGE

Deputy City Manager Les Jones gave the Invocation. Mayor Dalton led the Pledge of Allegiance to the Flag of the United States of America.

COMMUNITY SPOTLIGHT (F: 52.3) (XR: 90.5)

Mayor Dalton called forward students, their teacher, and principal from Hare High School and presented them each with a certificate in recognition of their efforts to help combat underage drinking and driving.

DEPARTMENT UPDATE BY FINANCE DIRECTOR KINGSLEY OKEREKE (F: 60.1)

Finance Director Kingsley Okereke provided an update of activities in the Finance Department.

ORAL COMMUNICATIONS - PUBLIC

David Terry Lautherboren addressed the City Council, noting that he lives on Hampton Avenue behind the Crown Plaza Hotel. There are buses and recreational vehicles parked in the hotel parking lot creating noise and fumes all night long. He urged the City Council to take care of this situation because he does not want to move.

Mayor Dalton indicated that staff will look into the matter and someone will contact Mr. Lautherboren this week. (F: 53.3) (XR: 75.1))

Alma Ramirez addressed the City Council and spoke about the Jews perpetuating crimes against the Mexicans. She also urged the Garden Grove Police Department be dismantled. (F: 53.3)

Robin Marcario addressed the City Council concerning Assembly Bill 2089, which Assemblyman Van Tran has proposed. She urged the City Council support this bill, which proposes a nine-day sales tax holiday for the purchase of items for disaster preparedness. (F: 53.3)

James Reade addressed the City Council concerning the former Costa Mesa Police Chief and the 69th Assembly District seat. (F: 53.1)

RECESS

At 7:40 p.m., the Mayor declared a recess.

RECONVENE

At 8:03 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROCLAMATION – UNITED WE PAINT DAY (F: 83.1)

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that April 29, 2006, be and hereby is designated United We Paint Day.

EXONERATION OF STREET IMPROVEMENT BONDS FOR PARCEL MAP NO. PM-2004-309, LOCATED AT THE SOUTHWEST CORNER OF KATELLA AVENUE AND EUCLID STREET (F: 118.PM-2004-309)

Staff report dated April 25, 2006, was introduced.

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that Street Improvement Bonds for Parcel Map No. PM-2004-309, located at the southwest corner of Katella Avenue and Euclid Street (Walgreen drugstore and Auto Zone), be and hereby are exonerated.

APPOINTMENT OF NEW PROJECT ENGINEER AT "G" STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated April 25, 2006, was introduced.

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that the appointment of a new Project Engineer in the Public Works Department at "G" step of salary range for this position, be and hereby is approved.

MINUTES (Vault)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held February 28, 2006, and Adjourned Regular Meeting held March 11, 2006, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 359456 through 361012 and Wire W248, and payroll warrants 145327 through 145507, Direct Deposits D119257 through D119832 and Wires W1081 through W1084, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – ADOPTION OF THE FY 2006-07 ACTION PLAN FOR THE USE OF CDBG, HOME, AND ESG FUNDS (F: 117.10D)

Staff report dated April 25, 2006, was introduced and reviewed by staff.

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

Robert Rivers, Executive Director of Senior Meals and Services, addressed the City Council and expressed his appreciation for funding received.

There being no further response from the audience or comments from Council Members, the public hearing was declared closed.

It was moved by Council Member Nguyen, seconded by Council Member Rosen, and carried by unanimous vote, that the 2006-07 Action Plan for the use of HUD Funds be and hereby is approved; and the City Manager is authorized to negotiate and execute related documents and agreements.

PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-391-06 (F: 106.169)

Development Agreement in Connection with Site Plan No. SP-391-06, initiated by Burke Real Estate Group, requesting to improve a 9.34-acre parcel on the northeast corner of Orangewood Avenue and Monarch Street, at 7301 Orangewood Avenue, with four industrial buildings that allow for multi-tenant occupancy.

On March 16, 2006, the City Planning Commission adopted a Negative Declaration and approved Site Plan No. SP-391-06 and Tentative Parcel Map No. PM-2006-102, and recommended approval of the Development Agreement.

Pursuant to Legal Notice published April 13, 2006, public hearing on the case was ordered by the City Council to be held this date.

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

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

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

ORDINANCE NO. 2687 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN SAINT GOBAIN (PROPERTY OWNER) AND BURKE REAL ESTATE GROUP (DEVELOPER) AND THE CITY OF GARDEN GROVE

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2687 be waived, and said Ordinance be and hereby is passed to second reading.

INITIATION OF PROCEEDINGS FOR LEVYING OF FY 2006-2007 ASSESSMENTS FOR STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT (F: 69.2.FY 2006-2007) (XR: 31.5)

Staff report dated April 25, 2006, was introduced, indicating there are no proposed additions or significant changes to the improvements for FY 2006-07 as compared to FY 2005-06.

Council Member Leyes commented that as the fund balance goes down, other options need to be sought; i.e., an external change so the costs do not exceed the revenues, a street lighting assessment change so revenues go up, or general fund coverage. He further commented that the cost of benefit and the cost to the beneficiary are not calculated right. He also commented that he has a philosophical problem with the way the churches are assessed, and he has not supported this in the past because of that.

Council Member Krebs noted that he would like to discuss this issue sometime, as Council Member Leyes might have a good point.

RESOLUTION NO. 8695-06

Council Member Krebs moved, seconded by Council Member Rosen, that full reading of Resolution No. 8695-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2006-07 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8695-06 was declared adopted.

RESOLUTION NO. 8696-06

Council Member Krebs moved, seconded by Council Member Rosen, that full reading of Resolution No. 8696-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2006-07 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8696-06 was declared adopted.

RESOLUTION NO. 8697-06

Council Member Krebs, seconded by Council Member Rosen, that full reading of Resolution No. 8697-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2006-07 FISCAL YEAR FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8697-06 was declared adopted.

RESOLUTION NO. 8698-06

Council Member Krebs moved, seconded by Council Member Rosen, that full reading of Resolution No. 8698-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE ENGINEER'S REPORTS REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2006-07, be and hereby is adopted. Said motion carried by the following vote:

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

said Resolution No. 8698-06 was declared adopted.

RESOLUTION NO. 8699-06

Council Member Krebs moved, seconded by Council Member Rosen, that full reading of Resolution No. 8699-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT FOR FISCAL YEAR 2006-07 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for June 13, 2006, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8699-06 was declared adopted.

RESOLUTION NO. 8700-06

Council Member Krebs moved, seconded by Council Member Rosen, that full reading of Resolution No. 8700-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2006-07 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for June 13, 2006, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8700-06 was declared adopted.

RESOLUTION NO. 8701-06

Council Member Krebs moved, seconded by Council Member Rosen, that full reading of Resolution No. 8701-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTION 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2006-07 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for June 13, 2006, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8701-06 was declared adopted.

ESTABLISHMENT OF EXPENSE GUIDELINES AND AN EXPENSE REIMBURSEMENT POLICY FOR CITY COUNCIL AND OTHER LEGISLATIVE BODY MEMBERS, IN COMPLIANCE WITH AB 1234 (F: 127.3)

Staff report dated April 25, 2006, was introduced and reviewed by the City Attorney.

It was noted that out of state travel and expenses foreseeably exceeding \$1,500 per trip per member would necessitate prior City Council approval. Travel approval for the upcoming ICSC will be presented to the City Council at the May 9 meeting.

RESOLUTION NO. 8702-06

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8702-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING EXPENSE GUIDELINES AND AN EXPENSE REIMBURSEMENT POLICY FOR CITY COUNCIL AND OTHER LEGISLATIVE BODY MEMBERS, be and hereby is adopted, as amended, to include that under no circumstances shall alcohol be reimbursable for meals or any other expenses.

SECOND READING OF ORDINANCE NO. 2686

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2686 be and hereby is waived.

ORDINANCE NO. 2686 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN RAMANLAL S. PATEL AND THE CITY OF GARDEN GROVE (F: 106.168) (XR: A-55.127)

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that Ordinance No. 2686 be and hereby is declared passed.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes spoke about the Adjourned Regular City Council meeting scheduled for May 3, 2006, to interview a potential lobbyist, noting he cannot attend that meeting because of a work commitment. He also commented that in the past the City Council has resisted hiring lobbyists because it has been the Mayor's job to act in that capacity and it would be a major expense in the neighborhood of between \$120,000 and a quarter of a million dollars a year. Additionally, with the current astute City Council, he questions the need for a lobbyist. He also expressed concern that the City Council might be violating the spirit of the Brown Act by not televising the meeting, noting that he would prefer to have this item placed on a regular City Council meeting agenda so it could be televised.

Council Member Leyes also spoke about a recent tornado that hit Garden Grove's El Dorado Mobile Home Park, where a Traffic Commissioner resides. He praised the emergency response that took place.

Lastly, Council Member Leyes commented on the new statue of Alonzo Cook that is in place and indicated the dedication will be held on May 31. (F: 53.1) (XR: 67.6)

Mayor Pro Tem Rosen also spoke about the May 3 City Council meeting, noting that he and Council Member Nguyen were a subcommittee to review the issue of a lobbyist and could not make a definitive recommendation. He said there is no need to televise the interviews, and a vote will be taken at a regular City Council

meeting. He also spoke of matters that will be coming up for which a lobbyist would be helpful. (F: 53.1) (XR: 67.6)

Council Member Nguyen also spoke about the issue of a lobbyist, noting that she would not support exceeding a cost of \$100,000 for this. (F: 53.1) (XR: 67.6)

Council Member Krebs also spoke about the May 3 meeting, noting his surprise at Council Member Leyes' comments, noting that he was under the impression that the entire City Council had agreed on that date. He further commented that he believes that having a lobbyist would be very helpful.

Council Member Krebs commented on the successful Ride Share program and the recent annual luncheon.

Council Member Krebs also commented on the SGIUSA Buddhist event that was held Saturday at Twin Lakes Park. It was a good event, and he hopes the community turnout will be better next year.

Lastly, Council Member Krebs spoke about the Push Cart Derby that was held on the west side of Garden Grove. It was a successful event, with 120 contestants, and everyone received a trophy. Next year all the Boy Scout troops in the city will be invited to participate. (F: 53.1) (XR: 67.6)

Mayor Dalton noted that Council Member Krebs' grandson came in second overall in the Push Cart Derby.

Mayor Dalton spoke about the lobbyist interviews, commenting that the City Council is only looking to see if a lobbyist would be helpful for the City. It would be a month-to-month contract, and the City Council will also explore other possibilities.

Mayor Dalton spoke about the Garden Grove Pride event Monday evening and noted that gasoline cards were donated to every judge of the event by Joe Hu of the Shell Gas Station at Chapman Avenue and Euclid Street. (F: 53.1) (XR: 67.6)

ADJOURN TO CLOSED SESSION

At 9:08 p.m., the meeting was adjourned to Closed Session under the Ralph M. Brown Act, and it was announced that the following matters would be discussed:

Pursuant to Government Code section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
City Representative: Matthew Fertal, City Manager
Employee organization: Garden Grove Police Association

Pursuant to Government Code section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

RECONVENE IN OPEN SESSION

At 11:09 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance, and it was announced that the matters previously disclosed were discussed and no reportable action was taken.

ADJOURNMENT

At 11:10 p.m., the meeting was declared in memory of Lesley Davis, 33-year resident of Garden Grove and a 26-year Marine Corps veteran, who passed away from Lou Gehrigs Disease, to Wednesday, May 3, 2006, at 6:30 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove. (F: 46.9)

RUTH E. SMITH
CITY CLERK