

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 27, 2004, at 6:58 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, Matthew Fertal; Deputy City Manager, Les Jones; Administrative Services Director, Kathy Porter; Community Development Director, Susan Emery; Community Services Director, Cal Rietzel; Finance Director, Kingsley Okereke; Fire Chief, Keith Osborn; Police Chief, Joe Polisar; Public Works Director, Keith Jones; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Rosie Maerowitz, retiring after 24 years of service to the City, and presented her with a plaque in recognition of her commitment. (F: 52.3) (XR: 78.10)

Garden Grove Community Foundation Vice President Manny Nunes presented an update on the Foundation and its accomplishments. He reviewed the 2004 Schedule of Events, providing information on the upcoming Progressive Party and Casino Night, the Garden Tour and Tea, and the Golf Tournament. (F: 52.3) (XR: 130.15)

ORAL COMMUNICATIONS – PUBLIC

Verla Lambert addressed the Council, referencing the report presented at the previous Council meeting concerning the West Nile Virus and the importance of not letting water stand in puddles. She commented that such a situation exists at Palm Street and Garden Grove Boulevard in the area of Garden Grove Hospital. (F: 53.3)
(XR: 23.20)

Norman Ross addressed the Council concerning numerous claims he has filed against the Police Department, noting that he has not yet received a determination from the City. Mayor Broadwater advised Mr. Ross that he would look into the complaints. (F: 53.3)
(XR: 49.1)

RECESS

At 7:21 p.m., the Mayor declared a recess.

RECONVENE

At 7:26 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – NATIONAL DONATE LIFE MONTH (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that April 2004, be and hereby is proclaimed as National Donate Life Month in Garden Grove.

PROCLAMATION – VETERAN APPRECIATION MONTH (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that May 2004, be and hereby is proclaimed as Veteran Appreciation Month in Garden Grove.

PROCLAMATION – COMMUNITY ACTION MONTH (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that May 2004, be and hereby is proclaimed as Community Action Month in Garden Grove.

PROCLAMATION – ELKS NATIONAL YOUTH WEEK (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that May 2 -8, 2004, be and hereby is proclaimed as Elks National Youth Week in Garden Grove.

PROCLAMATION – NATIONAL WOMEN’S HEALTH WEEK (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that May 9 -15, 2004, be and hereby is proclaimed as National Women’s Health Week in Garden Grove.

PROCLAMATION – NATIONAL PUBLIC WORKS WEEK (F: 83.1) (XR: 24.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that May 16-22, 2004, be and hereby is proclaimed as National Public Works Week in Garden Grove.

ACQUISITION OF AN EASEMENT OVER A PORTION OF REAL PROPERTY LOCATED AT 12161 GARDEN GROVE BOULEVARD, FOR PROJECT NO. 7244, HARBOR BOULEVARD/GARDEN GROVE BOULEVARD INTERSECTION IMPROVEMENT (F: 96.PROJ.7244) (F: 84.1)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the acquisition of an easement over a portion of real property located at 12161 Garden Grove Boulevard, Parcels 2, for Project No. 7244, Widening and Improvement of the Harbor Boulevard/Garden Grove Boulevard Intersection, be and hereby is approved; the City Manager and City Clerk are authorized to execute the pertinent documents; and the Finance Director is authorized to draw a warrant in the amount of \$306,188.00 to the sellers, when appropriate to do so.

EXONERATION OF SUBDIVISION IMPROVEMENT BONDS FOR TRACT MAP NO. TR 16275, PROPERTY LOCATED ON THE WEST SIDE OF EUCLID STREET BETWEEN ALLEN DRIVE AND PALMYRA AVENUE (F: 116.PUD-140-01) (XR: 103.TT-16275) (XR: 20.GPA-4-01A) (XR: 116.SP-295-01) (XR: 111.V-286-01) (XR: 106.120)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Subdivision Improvement Bonds for Tract Map No. TR 16275, posted by Brandywine Development Corporation for work on site and within the public right-of-way for street, water, sewer, street light and landscaping improvements for a residential subdivision located on the west side of Euclid Street between Allen Drive and Palmyra Avenue, be and hereby are exonerated; and public improvements on Euclid Street be accepted for City maintenance.

PROJECT NO. 7658, GARDEN GROVE PARK INDOOR SPORTS CENTER/GYMNASIUM - PLANS AND SPECIFICATIONS (F: 73.PROJ.7658)
(XR: 73.5) (XR: 73.12A)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, 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.

AGREEMENT WITH ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC., TO PROVIDE ENGINEERING SERVICES ON AN AS-NEEDED BASIS
(F: 55) (XR: 24.11)

Staff report dated April 27, 2004, was introduced, noting that this item was continued from the meeting of April 13, 2004, for further information.

Councilman Rosen referenced a communication from G&W Builders, Inc., complaining about their negative experiences with engineering personnel from Engineering Resources working for the City. He suggested that instead of filling this position through Engineering Resources, the City hire someone directly.

Staff responded that plans are underway to hire an additional staff person next year and in the meantime we would continue with Engineering Resources.

In response to an inquiry from Councilman Dalton, staff indicated they have received complaints on two specific projects; however, two compliments were also received.

Councilman Rosen moved that staff return with an analysis laying out all options. Motion died for lack of a second.

In response to an inquiry from Councilman Leyes, staff noted that the contract with Engineering Resources is still being honored; and if it is not extended, staff will be severely impacted because they will have to handle those duties in addition to their own. Additionally, it was noted that the contract requires only a month's cancellation notice.

The City Manager indicated the recruitment could begin earlier.

Mayor Broadwater commented that the hiring process should get started.

Councilman Dalton moved, seconded by Councilman Tran, that the Agreement by and between the City of Garden Grove and Engineering Resources of Southern California, Inc., for the provision of engineering services on an as-needed basis, be and hereby is approved; the City Manager and City Clerk are authorized to execute the agreement; and staff is directed to begin the process of hiring an additional engineering staff person.

Councilman Rosen noted that he supports the recruitment for the position, but is opposed to renewing the contract.

Said motion carried by the following vote:

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

AGREEMENT WITH CITY OF WESTMINSTER FOR JOINT MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF WESTMINSTER AVENUE AND DEODORA STREET/SWAN STREET (XR: 55) (XR: 100.1)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the City of Westminster for joint maintenance of a traffic signal at the intersection of Westminster Avenue and Deodora Street/Swan Street, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

PROJECT NO. 7113, TRAFFIC SIGNAL MODIFICATIONS AND INSTALLATIONS AT VARIOUS LOCATIONS - ACCEPTANCE OF CONTRACT AS COMPLETE
(F: 100.PROJ.7113)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Final Progress Payment on Project No. 7113, Traffic Signal Modifications and Installations at Various Locations, in the amount of \$24,455.72, be and hereby is approved; the Finance Director is authorized to draw warrant to Amelco Electric S.F., Inc., in said amount and release the retention payment when appropriate to do so; and the Contract be accepted as complete as of this date.

INSTALLATION OF AN EMERGENCY GENERATOR AT FIRE STATION #4 - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 24.1) (XR: 62.1)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Final Progress Payment for the Installation of an Emergency Generator at Fire Station #4, be and hereby is approved; the Finance Director is authorized to draw warrant to S & S Mechanical in said amount and release the retention payment when appropriate to do so; and the Contract be accepted as complete as of this date.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that regular warrants 310247 through 310671, payroll warrants 134235 through 134433, Direct Deposits D89913 through D90457, and wires W839 through W842, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING - PROTESTS ON THE SPRING 2004 WEED ABATEMENT NOTICES (F: 113.1.Spring 2004)

Staff report dated April 27, 2004, was introduced.

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

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

Councilman Dalton asked the City Attorney if he should abstain from voting on this inasmuch as one of the properties is in the vicinity of his residence. The City Attorney responded in the negative.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that staff be and hereby is directed to proceed with the scheduled Spring 2004 Weed Abatement.

PUBLIC HEARING – FY 2004/05 ACTION PLAN AND AMENDMENT #3 TO FY 2003/04 ACTION PLAN FOR THE PROPOSED USE OF HOUSING AND URBAN DEVELOPMENT FUNDS (F: 117.10D)

Staff report dated April 27, 2004, was introduced.

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

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

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that the FY 2004/05 Action Plan and Amendment #3 to FY 2003/04 Action Plan for the Proposed Use of Housing and Urban Development Funds, be and hereby is approved; and the City Manager is authorized to negotiate and execute pertinent documents.

RECOMMENDATION BY THE TRAFFIC COMMISSION TO INSTALL A THREE-WAY STOP AT THE INTERSECTION OF LILLY STREET AND PEARCE STREET (F: 100.1) (XR: 122.11)

Staff report dated April 27, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the recommendation of the Traffic Commission to install a three-way stop at the intersection of Lilly Street and Pearce Street, be and hereby is approved.

EXPANSION OF THE MEMBERSHIP OF THE PARKING AND MAIN STREET COMMISSION (F: 122.6)

Staff report dated April 27, 2004, was introduced.

It was the consensus of the Councilmembers that staff return with an ordinance expanding the membership of the Parking and Main Street Commission from 5 to 7 members.

The City Manager indicated that staff will bring back an ordinance to amend the code appropriately.

RESOLUTION AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST FORM TO THE CALIFORNIA DEPARTMENT OF CONSERVATION TO RECEIVE FUNDING FOR BEVERAGE CONTAINER COLLECTION, RECYCLING, AND LITTER ABATEMENT (F: 24.13)

Staff report dated April 27, 2004, was introduced.

RESOLUTION NO. 8552-04

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8552-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF A FUNDING REQUEST FORM TO THE DEPARTMENT OF CONSERVATION TO REQUEST AND RECEIVE FUNDS FOR BEVERAGE CONTAINER COLLECTION, RECYCLING, AND LITTER ABATEMENT ACTIVITIES, be and hereby is adopted.

INITIATION OF PROCEEDINGS FOR LEVYING OF FY 2004-2005 ASSESSMENTS FOR STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT (F: 69.2.FY 2004-2005) (XR: 31.5)

Staff report dated April 27, 2004, was introduced, indicating there are no proposed additions or significant changes to the improvements for FY 2004-05 as compared to FY 2003-04.

Councilman Leyes indicated that he still has a problem with the allocation of charges, noting that he believes churches and non-profit organizations are being overcharged. However, since there is no rate increase, he will support the resolutions.

RESOLUTION NO. 8553-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8553-04 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 2004-05 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.

RESOLUTION NO. 8554-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8554-04 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 2004-05 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.

RESOLUTION NO. 8555-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8555-04 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 2004-05 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.

RESOLUTION NO. 8556-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8556-04 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 2004-05, be and hereby is adopted.

RESOLUTION NO. 8557-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8557-04 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 2004-05 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for June 8, 2004, be and hereby is adopted.

RESOLUTION NO. 8558-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8558-04 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 2004-05 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, setting public hearing date for June 8, 2004, be and hereby is adopted.

RESOLUTION NO. 8559-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8559-04 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 2004-05 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE

PROPOSED ASSESSMENTS, setting public hearing date for June 8, 2004, be and hereby is adopted.

MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES AND FRINGE BENEFITS FOR 2003-2006 FOR GARDEN GROVE FIRE FIGHTERS, LOCAL 2005 (F: 78.6A)

Staff report dated April 27, 2004, was introduced.

RESOLUTION NO. 8560-04

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8560-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE MEMORANDUM OF UNDERSTANDING ON SALARIES AND FRINGE BENEFITS FOR 2003-2006, BY AND BETWEEN THE GARDEN GROVE FIRE FIGHTERS, LOCAL 2005, AND THE CITY OF GARDEN GROVE, AND RESCINDING RESOLUTIONS NO. 8222-99, 8245-99 AND 8319-00, be and hereby is adopted; and the City Manager is authorized to finalize any last minute language changes that may occur between the parties.

MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES AND FRINGE BENEFITS FOR 2003-2006 FOR THE GARDEN GROVE EMPLOYEES LEAGUE (F: 78.9A)

Staff report dated April 27, 2004, was introduced.

RESOLUTION NO. 8561-04

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8561-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE MEMORANDUM OF UNDERSTANDING ON SALARIES AND FRINGE BENEFITS FOR 2003-2006, BY AND BETWEEN THE GARDEN GROVE EMPLOYEES LEAGUE CHAPTER OF THE ORANGE COUNTY EMPLOYEES ASSOCIATION AND THE CITY OF GARDEN GROVE AND ESTABLISHING A SALARY PLAN AND RESCINDING RESOLUTIONS NO. 8220-99, AND 8344-01, be and hereby is adopted; and the City Manager is authorized to finalize any last minute language changes that may occur between the parties.

MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES AND FRINGE BENEFITS FOR 2003-2006 FOR GARDEN GROVE MIDDLE MANAGEMENT EMPLOYEES (F: 78.13B)

Staff report dated April 27, 2004, was introduced.

RESOLUTION NO. 8562-04

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8562-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A SALARY PLAN AND FRINGE BENEFITS FOR MIDDLE MANAGEMENT EMPLOYEES OF THE CITY OF GARDEN GROVE AND EXEMPTING MIDDLE MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE SECTION 2.44.390 AND OVERTIME AND RESCINDING RESOLUTION NOS. 8345-01, 8462-02 AND 8521-03, be and hereby is adopted.

SALARY PLAN FOR 2003-2006 FOR GARDEN GROVE CENTRAL MANAGEMENT EMPLOYEES (F: 78.13A)

Staff report dated April 27, 2004, was introduced.

RESOLUTION NO. 8563-04

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8563-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A SALARY PLAN AND FRINGE BENEFITS FOR CERTAIN POSITIONS IN CENTRAL MANAGEMENT CLASSIFICATIONS AND EXEMPTING CENTRAL MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE SECTION 2.44.390 AND OVERTIME AND RESCINDING RESOLUTION NOS. 8346-01 AND 8462-02, be and hereby is adopted.

SALARY PLAN FOR 2003-2006 FOR GARDEN GROVE POLICE MIDDLE MANAGEMENT EMPLOYEES (F: 78.8A)

Staff report dated April 27, 2004, was introduced.

RESOLUTION NO. 8564-04

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution

No. 8564-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING SALARY AND FRINGE BENEFITS FOR POLICE MIDDLE MANAGEMENT EMPLOYEES OF THE CITY OF GARDEN GROVE AND EXEMPTING POLICE MIDDLE MANAGEMENT CLASSIFICATIONS FROM MUNICIPAL CODE SECTION 2.44.390 AND OVERTIME AND RESCINDING RESOLUTION NOS. 8223-99 AND 8314-00, be and hereby is adopted.

WIRELESS TELECOMMUNICATIONS ORDINANCE AND MASTER PLAN
(A-105-04) (F: 115.A-105-04) (XR: 50.3) (XR: 121.2G)

Staff report dated April 27, 2004, was introduced, and it was noted that this matter was continued from the meeting of April 13, 2004, at which time a public hearing was held. The public hearing was closed, and in response to the comments provided by representatives of the telecommunications industry at that meeting, staff was directed to provide for an allowance of exceptions to the ordinance, and to change the abatement of abandoned facilities requirement such that a City-approved form can be used to satisfy that requirement.

Councilman Leyes inquired whether staff circulated this proposed ordinance to the telecommunications industry interested parties. Staff responded that this ordinance was circulated to everyone who had made comments on the prior draft, and no additional comments were received back from those parties.

ORDINANCE NO. 2625 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADDING SECTION 9.08.100 AND PARAGRAPH 12 TO SUBSECTION D OF SECTION 9.24.030 TO THE GARDEN GROVE MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF REGULATIONS FOR THE SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2625 be waived, and said Ordinance be and hereby is passed to second reading.

UPDATING OF PENALTY PROVISIONS OF THE MUNICIPAL CODE (F: 50.2)

Staff report dated April 27, 2004, was introduced, and the City Attorney indicated that the Municipal Code currently provides that every violation of the Code shall constitute a misdemeanor.

However, under state law municipalities are allowed to designate some or all municipal code violations as infractions. He noted that it is very common for cities to have a provision in their codes allowing the City Attorney to elect to file either a misdemeanor action or infraction action depending on the circumstances. There are situations where an infraction is a more efficient enforcement mechanism.

ORDINANCE NO. 2626 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 1.04, "PENALTY PROVISIONS," OF THE MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF INFRACTIONS AS AN ALTERNATE FORM OF PENALTY FOR MUNICIPAL CODE VIOLATIONS

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2626 be waived, and said Ordinance be and hereby is passed to second reading.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes referenced the Closed Session item on the lawsuit involving OCTA and the 22 Freeway. He noted there is currently another study being performed for the 405 Freeway, which also affects Garden Grove. Currently there are 13 options to consider, which will be narrowed down over time with public input. He commented that he is the City's representative who serves on that committee. (F: 53.1) (XR: 23.18) (XR: 62.2)

Councilman Leyes also referenced a communication from the Orange County Vector Control District advising that they voted 24 to 3 to approve moving forward with the process of raising taxes for their services. He expressed curiosity as to how Garden Grove's representative voted on this. Mayor Broadwater requested that staff contact Mr. Singer and find out how he voted on that issue. Councilman Rosen also referenced the same letter, noting that it says they approved the ballot measure so the people will determine whether there is a fee increase. Councilman Leyes noted that this will be a Proposition 218 process, which means that every affected property owner will receive a ballot, weighted based on the value of the property, which will be mailed in. Councilman Leyes noted that the City of Garden Grove City is a property owner in the district and will vote on this. (F: 53.1) (XR: 23.20)

Lastly, Councilman Leyes noted that his neighbor, a teenager named Daniel Kim, took his own life; and he asked that the meeting be adjourned in his memory. (F: 53.1) (XR: 46.9)

Councilman Dalton wished his granddaughter Crystal a Happy 18th Birthday. He also noted that he was unable to attend many events this past weekend because he had knee surgery on Friday. (F: 53.1)

Councilman Rosen requested that the rezoning of lots that are 15,000 square feet on Gilbert Street be brought back to the appropriate body for discussion. Additionally, he requested that the Gilbert Street overlay proposal that he previously submitted be again submitted as part of the rezoning on Gilbert. Lastly, Councilman Rosen asked that the meeting be adjourned also in memory of his neighbor, Ede Mansir, long-time resident of Garden Grove and matriarch of four generations who live on that same street. (F: 53.1) (XR: 88.1) (XR: 46.9) (XR: 116.PUD-102-03) (XR: 50.3) (XR: 35.3)

Mayor Broadwater spoke about the State Department proposing to bring members of the Vietnamese Communist Party through Garden Grove to the Little Saigon area on a 48-hour notice, which would have impacted us both from the public safety standpoint and from a fiscal standpoint. He noted that they were talked out of doing this. However, he will bring a Resolution to the May 11 City Council meeting that will prohibit this sort of thing from happening again, noting that the City of Westminster is also proposing to adopt such a Resolution. There will be a Press Conference at the Community Meeting Center on April 28 about this issue. (F: 53.1) (XR: 127.1)

ADJOURN TO CLOSED SESSION

At 8:15 p.m., the meeting was adjourned to Closed Session, under the Ralph M. Brown Act, and it was announced that pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Garden Grove v. Orange County Transportation Authority. It was also announced that the other two items listed for discussion in Closed Session dealing with labor negotiations will not be discussed.

RECONVENE IN OPEN SESSION

At 8:59 p.m., the meeting was reconvened, and it was announced that the matter previously disclosed was discussed and no others.

ADJOURNMENT

At 9:00 p.m., the meeting was declared adjourned in memory of Daniel Kim and of Ede Mansir, residents of Garden Grove. (F: 46.9)

RUTH E. SMITH
CITY CLERK