

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, June 12, 2007, at 5:32 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, JONES, ROSEN

ABSENT: (1) COUNCIL MEMBER NGUYEN (JOINED THE
MEETING AT 5:34 P.M.)

PUBLIC INPUT ON CLOSED SESSION ITEM

Scott Weimer addressed the Agency/City Council regarding the litigation between the Garden Grove Downtown Business Association and the City, expressing his concern on the Agency's/City's lack of cooperation in settling the matter. (F: A-53.3) (XR: 53.3) (XR: A-122.5)

ADJOURN TO CLOSED SESSION

At 5:38 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9), Vietnamese Buddhism Study Temple in America, et al. v. City of Garden Grove, et al. United States District Court Case No. SACV06-728 CJC.

CONFERENCE WITH LEGAL COUNSEL – Pursuant to Government Code Section 54956.9(a) – Pending Litigation (Litigation to which local agency is a party and has been initiated formally.)

City Council closed session to confer with Legal Counsel regarding pending litigation, Garden Grove Downtown Business Association v. City of Garden Grove, Garden Grove Agency for Community Development, et al., Pending in Orange County Superior Court (OCSC), Case No. 07CC 02021, filed January 22, 2007.

RECONVENE IN OPEN SESSION

At 6:48 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present. It was announced the previously disclosed items were discussed and no reportable action was taken.

INVOCATION AND PLEDGE

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

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 46.1)

Mayor Dalton called forward Orange County First District Supervisor Janet Nguyen and presented her with a plaque in appreciation of her Garden Grove City Council service.

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 122.1)

Mayor Dalton called forward retiring Commissioners Barbara Barker, Larry Callahan, Benny Diaz, Sandra Leslie, Peter Katz, Robin Marcario, Constance Naranjo, Bob Wilson, and Linda Zamora presenting each of them with mementos and certificates of appreciation for their service as Garden Grove Commissioners on various City Commissions in 2005-07. In addition, Supervisor Nguyen's office provided certificates of appreciation for the retired Commissioners.

PRESENTATIONS (F: 24.5) (XR: 82.1)

Police Master Officer II Ricardo Bermudez provided a report concerning Graffiti and the enforcement and education measures taken by the City, the County, and the District Attorney's office.

ORAL COMMUNICATIONS - PUBLIC

Clyde Threat addressed the City Council urging the hiring of more police officers and Public Works employees to address graffiti. (F: 53.3) (XR: 24.5)

Ray Grangoff addressed the City Council on behalf of the Apartment Association, expressing his appreciation to staff for meeting with community representatives on the water rate adjustment. He expressed his concern on the tiered system that penalizes apartment tenants. (F: 53.3) (XR: 112.16)

Francis Hoffman addressed the City Council on behalf of J. Tilman Williams and himself regarding their business located on Harbor Boulevard. He encouraged the City to come to an agreement with Mr. Williams on the purchase of his property, indicating the City has lost money delaying the settlement. (F: 53.3) (XR: A-116.6)

Martha Parham and Richard Kudlik, representatives of Coast Community College District, thanked the City Council for their support on Measure C. Annual reports were distributed and an update was given on the benefits of Measure C to three community colleges in the area. (F: 53.3) (XR: 28.18c) (XR: A-55.152a)

John Zahn addressed the City Council expressing his concern on the lack of protection from taggers. He indicated taggers have hit his home more than 18 times, and he asked for help.

Mayor Dalton indicated staff would contact Mr. Zahn. (F: 53.3) (XR: 24.5)

Donald Spencer addressed the City Council protesting the proposed water rates. (F: 53.3) (XR: 112.16)

Stephen Hanrahan addressed the City Council on behalf of business owners. He has a dental practice at Euclid and Woodbury and patients have expressed fear when graffiti is on their building. He indicated his support of mobile cameras to catch the offenders. (F: 53.3) (XR: 24.5)

Ben Savill addressed the City Council urging their support of the Climate Change Protection Agreement already approved by seven cities in Orange County. (F: 53.3)

Jill Moore addressed the City Council praising the efforts of Allen Serna, Public Works Department employee, in painting out graffiti and supplying paint to her. She urged the Council Members to provide more workers both to the Public Works Department and Police Department in the area of graffiti. (F: 53.3) (XR: 24.5)

Cy LaBree addressed the City Council regarding holding management responsible for the mismanagement of the water services budget. He also commented on Code Enforcement not being as responsive as it once was regarding trucks parking in the neighborhoods. He suggested increasing fines would deter the problem. (F: 53.3)

Roy Kim addressed the City Council on behalf of his restaurant near the corner of Dale and Garden Grove Boulevard; the newly installed medians hindered customers entering their parking lot. He requested

a U-turn sign be placed at the intersection of Dale and Garden Grove Boulevard to assist his customers. He has been in contact with George Allen in Traffic Engineering.

Mayor Dalton indicated staff would contact Mr. Kim. (F: 53.3) (XR: 24.11)

Tony Flores addressed the City Council regarding the noticing procedure for the water rate adjustment, and commented he felt the rate could not be increased due to state law requiring the specific amount to be noticed. (F: 53.3) (XR: 112.16)

David Vill addressed the City Council regarding the benefits of being an AARP member. He further commented on fireworks being allowed in the city and the impact it has on its reputation. (F: 53.3) (XR: 61.6)

Lori Farrell addressed the City Council regarding the impact graffiti has on her neighborhood, and praised Allen Serna for his efforts. She expressed her concern regarding retaliation by gang members if their tags are painted out. (F: 53.3) (XR: 24.5)

Dawn Neilsen addressed the City Council regarding the water rate adjustment, eminent domain, additional funding for graffiti removal, and the Harbor Boulevard redevelopment area and its proximity to Disneyland. (F: 53.3)

Robin Marcario addressed the City Council expressing her appreciation to staff for meeting with community representatives on the water rate adjustment. She further commented on the effectiveness of different types of plants and shrubbery in deterring graffiti on walls. (F: 53.3) (XR: 112.16)

Ellis Chang addressed the City Council on behalf of US Dyeing and Finishing, Inc., regarding the negative impact increased water rates would have on their company. (F: 53.3) (XR: 112.16)

Al Mangan addressed the City Council protesting the water rate adjustment, indicating residents will no longer maintain their yards because of the increased cost. He further commented on shopping carts being used by residents for personal use rather than for shopping. (F: 53.3) (XR: 112.16)

RECESS

At 8:36 p.m., the Mayor declared a recess.

RECONVENE

At 8:51 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

FINAL TRACT MAP NO. 16895 FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF EUCLID STREET AND TRASK AVENUE AT 13461 EUCLID STREET (F: 103.TT-16895) (XR: 24.11)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that Final Tract Map No. 16895 for property located on the northwest corner of Euclid Street and Trask Avenue at 13461 Euclid Street, be and hereby is approved.

EXONERATION OF STREET AND DRAINAGE IMPROVEMENT BONDS FOR TRACT MAP NO. 16363, A RESIDENTIAL SUBDIVISION LOCATED AT 9212 KATELLA AVENUE (F: 103.TT-16363) (XR: 24.11)

Council Member Jones excused himself from this portion of the meeting at 8:52 p.m., citing he was a Planning Commissioner when this item was brought before the Planning Commission.

Staff report dated June 12, 2007, was introduced.

Council Member Rosen moved, seconded by Council Member Nguyen, that Street Improvement Bonds for Tract Map No. TR 16363, be and hereby are exonerated.

Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, NGUYEN,
ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) JONES

COUNCIL MEMBER JONES REJOINED THE MEETING AT 8:54 P.M.

APPROVAL OF PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF ONE TRAFFIC SIGNAL AND FIVE SCHOOL PEDESTRIAN CROSSING SIGNALS (F: 100.10) (XR: 24.11) (XR: 24.13)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that plans and specifications for the above-titled project, be and hereby are approved; and authorized advertisement for bids for the construction of a new traffic signal and the construction of five pedestrian signals.

AWARD OF CONTRACT TO IMPEX TECHNOLOGIES TO PROVIDE ONE STORAGE AREA NETWORK (F: 55) (XR: 43.3)

Staff report dated June 12, 2007, was introduced. It was determined of the ten proposals with 16 options received, Impex Technologies, Inc., Option 2, was the highest scoring proposer.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the contract to provide one storage area network, including a three-year support service agreement, be and hereby is awarded to Impex Technologies, Inc., in the firm fixed price amount of \$101,702.30; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

AGREEMENT WITH SMITHSON ELECTRIC, INC., FOR THE INSTALLATION OF TRAFFIC SIGNAL LOOPS (F: 55) (XR: 24.11)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Smithson Electric, Inc., for the installation of traffic signal loops, be and hereby is approved in the amount of \$79,892.00; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

RENEWAL OF AGREEMENT WITH THE BOYS AND GIRLS CLUB OF GARDEN GROVE FOR THE PROVISION OF DIVERSION AND COUNSELING SERVICES THROUGH THE FAMILY AND YOUTH OUTREACH PROGRAM (F: 55) (XR: 82.1) (XR: 74.3)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Consultant Agreement by and between the City of Garden Grove and The Boys and Girls Club of Garden Grove for diversion services offered through the Family and Youth Outreach Program, be and hereby is approved in the amount of \$375,000 for a three-year period, \$105,000 of which is

in the 2007-08 budget year; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

AGREEMENT WITH THE ARAB AMERICAN COUNCIL TO CONDUCT THE ARAB AMERICAN FESTIVAL AT THE VILLAGE GREEN (F: 55) (XR: 87.1) (XR: 42.9)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the five-year Agreement by and between the City of Garden Grove and the Arab American Council to conduct the Arab American Festival, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement on behalf of the City.

AGREEMENT WITH CURBSIDE, INC., TO ADMINISTER THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD ELEVENTH AND TWELFTH CYCLE USED OIL RECYCLING BLOCK GRANT PROGRAMS (F: 55) (XR: 24.1) (XR: 89.2)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Curbside, Inc., for the administration of the California Integrated Waste Management Board Eleventh and Twelfth Cycle Used Oil Recycling Block Grant Programs, be and hereby is approved in an amount not to exceed \$89,091 through June 30, 2009; and the City Manager and City Clerk are authorized to execute the agreement on behalf of the City.

AGREEMENT WITH THE COUNTY OF ORANGE FOR THE TRANSFER OF PROPERTY OR FUNDS FOR THE 2006 HOMELAND SECURITY GRANT PROGRAM (F: 55) (XR: 82.1) (XR: 117.2c)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the County of Orange, to transfer property or funds for 2006 Homeland Security Grant program purposes be and hereby is approved; the Mayor and City Clerk are authorized to execute the agreement; and adopt the resolution authorizing the City Manager, Assistant City Manager, and Chief of Police to sign implementing agreements on behalf of the City.

AMENDMENT TO THE AGREEMENT WITH THE ORANGE COUNTY
TRANSPORTATION AUTHORITY (OCTA) FOR THE PROVISION OF
TRANSPORTATION SERVICES FOR SENIOR CITIZENS (F: 55) (XR: 87.1)
(XR: 87.7)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that Amendment No. 12 to Agreement No. C-8-0369, by and between the City of Garden Grove and the Orange County Transportation Authority for the provision of transportation services for senior citizens, be and hereby is approved in the amount of \$38,985.63; and the Mayor and City Clerk are authorized to execute the amendment on behalf of the City.

ADOPTION OF RESOLUTION FOR INITIATION OF PROCEEDINGS FOR MAIN
STREET ASSESSMENT DISTRICT NO. 1 FOR FY 2007-08
(F: 31.4 FY 2007-08) (XR: 122.6) (XR: 24.1)

Staff report dated June 12, 2007, was introduced. On May 8, 2007, the City Council approved an incorrect resolution in regards to the Main Street Assessment District No. 1. The Resolution being considered tonight has been corrected.

RESOLUTION NO. 8774-07

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8774-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DECLARING ITS INTENTION TO ORDER THE MAINTENANCE OF CERTAIN IMPROVEMENTS IN THE "MAIN STREET ASSESSMENT DISTRICT NO. 1" IN THE CITY OF GARDEN GROVE; DESCRIBING THE DISTRICT TO BE BENEFITED, AND TO PAY THE COST AND EXPENSES THEREOF; AND SETTING THE TIME AND PLACE FOR THE HEARING ON THE QUESTION OF THE LEVY OF THE PROPOSED ASSESSMENT, be and hereby is adopted, approving the Engineer's Report and setting the public hearing for June 26, 2007.

ADOPTION OF RESOLUTION ALLOWING EMPLOYEES PURCHASING CALPERS
SERVICE CREDIT TO DO SO ON A "PRE-TAX" BASIS (F: 78.12)

This item was pulled and will return for consideration at the June 26, 2007, meeting.

AWARD OF "ON-CALL" PURCHASE ORDERS FOR CONCRETE READY MIX TO CEMEX READY MIX CONCRETE AND AGGREGATES; STANDARD CONCRETE PRODUCTS; AND PARAMOUNT READY MIX (F: 60.4) (XR: 24.1)

Staff report dated June 12, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that three blanket purchase orders for concrete ready mix in the firm fixed amount of \$137,000 per year, be and hereby are awarded to Cemex Ready Mix Concrete and Aggregates as the primary vendor, and to Standard Concrete Products and Paramount Ready Mix as alternate vendors, based on the availability of the materials needed.

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

Staff report dated June 12, 2007, was introduced.

In response to Mayor Dalton's questions on the history of this position and the structure of the Risk Management Division, staff indicated there are two ways in which reclassifications may take place. During contract negotiations bargaining units may make requests, and departments may make requests for reclassification study on individual positions.

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote, that the appointment of an Administrative Analyst candidate at "G" step of the salary range (M150) for this position, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held March 27, April 24, and May 8, 2007; Adjourned Regular Meetings held March 29 and April 16, 2007; and Special Meeting held April 24, 2007, be and hereby are approved

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 387984 through 390246 and Wires W312-W316, and payroll warrants 150694 through 151252, Direct Deposits D135839 through D137670,

and Wires W1203-W1214, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING - PROTESTS ON THE SPRING 2007 WEED ABATEMENT INVOICES (F: 113.Spring 2007)

Staff report dated June 12, 2007, was introduced, reviewing the requirement to hold a public hearing for receipt of objections to the Weed Abatement Invoices mailed to parcel owners whose properties were cleaned by the City's contractor during the Spring 2007 Weed Abatement Program.

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

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

RESOLUTION NO. 8775-07

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8775-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONFIRMING REPORT OF COSTS OF SPRING 2007 WEED ABATEMENT AND DIRECTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD OUTSTANDING ASSESSMENTS TO THE 2007-2008 ASSESSMENT ROLL AS INDICATED BY SAID REPORT, be and hereby is adopted.

PUBLIC HEARING - DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-387-06 (F: 106.176) (XR: 116.SP-387-06)

Development Agreement in Connection with Site Plan No. SP-387-06, initiated by Mike and Kathy Lee, First Family Limited Partnership, to construct an eight-unit condominium development on a 28,559 square foot lot located on the east side of Josephine Street, south of Lampson Avenue, at 12612 Josephine Street.

On May 3, 2007, the City Planning Commission adopted a Negative Declaration and the Site Plan; and pursuant to Legal Notice published May 24, 2007, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated June 12, 2007, was introduced, and staff reviewed the background information concerning this project.

Council Member Rosen asked staff to clarify the term of the agreement, expiring after four years, with one-year extensions as approved by the City.

Staff indicated the applicant couldn't start construction until the sewers are expanded for the area, not anticipated until 2014. It is conceivable the timeline could speed up allowing them to start development sooner. The applicant wants the assurance to develop at the time the sewer work is complete.

Council Member Rosen expressed concern developers are being prevented from constructing project for such a long period of time because of the condition of the City's sewer system.

Staff responded as part of the sewer rate increase, the Capacity Assurance Plan was developed with approximately 80 projects on the list were prioritized. The Josephine project was scheduled for 2014/2015. The Brookhurst Sewer Line and the Coast Street Sewer line, the number one problems identified in the plan are near completion. Future sewer projects are reevaluated as funds become available.

Staff indicated the developer was given the option to pay for the repair of the sewer deficiency on the portion of Josephine, allowing his project to be built. Reimbursement to the developer by the City would be in accordance to the timeline established as part of the Capacity Assurance Plan.

Council Member Rosen raised a concern regarding approving a development that could be outdated in seven years.

Staff indicated with or without approval of the Development Agreement, the entitlement stays with the property; the developer could go in front of the Planning Commission on an annual basis for approval.

In response to Council Member Jones' question if the time period could be conditional upon the sewer capacity being resolved or extended

through 2014, staff stated within the conditions listed in the Development Agreement if the sewer capacity is cleared up earlier, the project could move forward. The City Council at its discretion could extend the time period to 2014, thus guaranteeing the developer the entitlements, and allowing the project to move forward once the sewer deficiency is repaired pursuant to existing development guidelines at the time of construction.

Council Member Rosen indicated the further out into the future development is, the more likely the plan will conflict with the neighborhood design.

Council Member Broadwater commented on the similar situation recently addressed by the City Council in the Stanford neighborhood, wherein a development was approved years ago.

Mayor Dalton declared the public hearing opened and asked if anyone wished to address the City Council on this matter. Francis Ang, architect for the developer, addressed the City Council regarding the project, complimenting Planning staff for their assistance. When the sewer deficiency issue was discovered, the option for annual extensions was considered. He indicated the developer is aware that zoning codes may be different at the time of construction.

Alan Lee, owner of the property, indicated a sewer study was conducted at the request of the Public Works Department, and the results came back deficient. He wanted to assure the City Council what is being proposed is a viable plan for the future.

In response to Council Member Jones' question regarding how it was determined there was a sewer capacity deficiency, staff reported three years ago there were three projects proposed to be built on Josephine. It was believed a sewer deficiency did not exist on Josephine, and one of the projects was approved. Construction on the project did not begin until about one and a half years later. During the year and half, with the City's analysis of the sewer model and monitoring in the field, the deficiency on Josephine was discovered resulting in permits not being issued and the City denying the projects.

The City Manager further commented the City was under close scrutiny by the Water Quality Board regarding the sewer system. The potential of approving new developments was already at capacity, and the City was put on notice it was dangerously close to being in violation of regulations. To rectify the situation, the City went forward with an aggressive sewer program. The City was mandated to deal with

development in this manner. The City could be held both criminally and civilly liable if projects were approved and a spill occurred.

Council Member Jones stated he has seen studies done with proposed site-specific solutions developed allowing a project to move forward. He asked if there were any specific solutions developed for this project and what was the budget.

Staff could not recall specific problems downstream, but a sag existed a few hundred feet on Josephine and the cost for the repair would be approximately \$300,000. The three developers proposing to build on Josephine were approached by staff with the opportunity of paying for the sewer project repairs and then reimbursed according to the Capacity Assurance Plan timeline.

Peggy Bergin addressed the City Council raising concerns regarding parking, the future financing available for this project, and the maintenance of the property.

Alan Lee responded to Ms. Bergin's concerns regarding parking, indicating the proposed parking is in compliance with the City's code. Additionally, he has owned the property since 2002 and has five units. The property is maintained well, but the structure was built in the 1940's, and major repairs and renovations have been completed. There are no plans to tear the structures down until approval is received to construct the new buildings. He indicated he is evaluating participating in the reimbursement program.

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

Council Member Broadwater expressed his support for the project, stating he thinks Mr. Lee is a gambler. He is confident Mr. Lee will continue to maintain his property until he receives approval for construction. He moved to approve the Development Agreement.

Council Member Rosen commented he hoped there is a way to correct the sewer issue, allowing developers to build sooner.

Council Member Rosen asked that Council Member Broadwater's motion be amended to include the language change to the Development Agreement in paragraph one, to read "...successive one year or longer term at discretion of the City Council ..."

Council Member Broadwater agreed to the change.

ORDINANCE NO. 2711, 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 MIKE AND KATHY LEE, FIRST FAMILY LIMITED PARTNERSHIP (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2711 be waived.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote, that Ordinance No. 2711 be and hereby is passed to second reading, with the language change to the Development Agreement, paragraph one, to read "...successive one year or longer term at discretion of the City Council ..."

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING TO PLACE A CROSSING GUARD AT THE INTERSECTION OF WARD STREET AND WOODBURY ROAD (F: 78.8) (XR: 122.11) (XR: 24.11)

Staff report dated June 12, 2007, was introduced and reviewed by staff. This matter was referred from the Traffic Commission's meeting of May 1, 2007.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the recommendation of the Traffic Commission to place an adult crossing guard at the intersection of Ward Street and Woodbury Road, be and hereby is approved.

AMENDMENT NO. A-133-07, AMENDING SECTION 9.12.050B OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE REGARDING THE MAIN STREET RETAIL OVERLAY (H-R) ZONE PERMITTED USES, TO ALLOW HOUSING ABOVE EXISTING COMMERCIAL ESTABLISHMENTS ON PROPERTIES LOCATED ALONG THE EAST AND WEST SIDES OF MAIN STREET, BETWEEN GARDEN GROVE BOULEVARD AND ACACIA PARKWAY (F: 115.A-133-07) (XR: A-122.5) (XR: A-116.1)

Staff report dated May 8, 2007, was introduced. It was noted the Public Hearing on this matter was held May 8, 2007, and the matter was continued for further consideration to this date.

Staff recommended this matter be continued pending resolution of the Downtown Business Association litigation. The City Attorney indicated

the City Council had discretion to continue the item with the resolution of the litigation triggering it being brought back, or to a date certain.

Council Member Rosen suggested action be taken either at the resolution of the litigation, or 90 days, whichever occurs sooner.

Council Member Broadwater indicated he wanted to give the Main Street businesses an opportunity to build, and he moved to support approval of the Amendment.

Council Member Rosen stated the proposal is based on the same parking study being challenged in the Downtown Business Association litigation. If the result of the litigation determines the parking study is defective, the decision tonight would be based on the very same study. He further commented it would be unwise to pass this ordinance until the litigation is settled. He indicated Sheldon Public Relations submitted a motion scheduled to be heard on June 29, 2007, which is not too long to wait for a decision. The fate of this amendment does not affect the ability to move forward on building a loft over the pizza parlor; the owners could seek a variance from the Planning Commission.

In answer to Council Member Nguyen's question, staff reported the parking study performed for the Grove Street housing project was also used to determine the number of residential units to be constructed on Main Street.

Mayor Dalton commented he didn't think it was fair to make people jump through hoops to get a variance. A parking study has been done supporting the building of residential units on Main Street. The court could take longer than June 29, 2007, to decide.

Mayor Dalton seconded Council Member Broadwater's motion to approve the amendment.

Council Member Rosen moved a substitute motion, seconded by Council Member Jones, to table the item for 90 days or until resolution of the Downtown Business Association lawsuit.

The City Attorney stated any decision made by the City Council should not affect the Court's decision on the litigation.

The substitute motion to table the item for 90 days or until resolution of the Downtown Business Association lawsuit failed to carry by the following vote:

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

ORDINANCE NO. 2712, was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-133-07, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE

Council Member Jones indicated he reviewed this amendment while serving on the Planning Commission. While he is in full support of the amendment, he concurs with Council Member Rosen on the inherent conflict using the parking study prior to the court ruling on its validity. It would be prudent to continue this item, but he will support the amendment.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2712 be waived.

Council Member Broadwater moved, seconded by Mayor Dalton, that Ordinance No. 2712, be and hereby is passed to second reading.

Upon the following vote:

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

said Ordinance No. 2712 was declared passed to second reading.

ADJUSTMENTS IN WATER RATES AND CHARGES (F: 112.16) (XR: 24.12)
(XR: 60.2)

Staff report dated June 12, 2007, was introduced and reviewed by staff, including the discussions with the community representative committee. It was noted the Public Hearing on this matter was held on May 8, 2007, and the matter was continued for further consideration to this date.

The City Council was presented with two proposals for the water rate adjustment. The original 65 percent plan, with nine years of five

percent increases annually; and a second plan of 40 percent the first year and 20, 10, 9, and 5 percent increases annually. Each ordinance represented two different business philosophies; a pay as you go versus debt financing. Both plans would fund capital improvement projects proposed by staff.

COUNCIL MEMBER BROADWATER LEFT THE ROOM AT 10:06 P.M.

Council Member Nguyen recommended an immediate review by a second consultant to see if there are has any other alternatives than have been presented.

RECESS

At 10:08 p.m., the Mayor declared a recess.

RECONVENE

At 10:13 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

ADJUSTMENTS IN WATER RATES AND CHARGES (CONTINUED) (F: 112.16) (XR: 24.12) (XR: 60.2)

At 10:13 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

Mayor Dalton stated an increase is needed to address the infrastructure needs of the city. He could support a plan that included an annual review and vote by the City Council; and the increase would not be fixed, but would be a not-to-exceed a stated percentage.

Council Member Rosen commented the water system is deteriorating. For the past three to four years there have been insufficient funds to address its needs. If the system fails, the whole city will suffer financially. He agreed, politicians do not want to be known for raising rates, but it is time for the City Council to take action. He indicated he could support either ordinance.

Council Member Broadwater moved, seconded by Council Member Rosen to approve the 40 percent plan.

Council Member Broadwater asked staff to provide information to the City Council on instituting payment plans for the water bill.

Council Member Jones indicated he is prepared to vote for a rate increase. After review of the 40 percent plan, he believes it will work.

ORDINANCE NO. 2713, 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 SECTION 14.12.010 OF CHAPTER 14.12 OF TITLE 14 ("WATER") OF THE MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2713 be waived.

Council Member Broadwater moved, seconded by Council Member Rosen, that Ordinance No. 2713, reflecting the 40 percent plan be and hereby is passed to second reading; staff is directed to agendize review of the water rate adjustments on an annual basis; and staff is directed to periodically meet with interested community members to discuss methodology for implementation of water rate adjustments.

Upon the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, JONES, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (1) NGUYEN
ABSENT: COUNCIL MEMBERS: (0) NONE

said Ordinance No. 2713 was declared passed to second reading.

DISCUSSION CONCERNING ISSUES RELATED TO THE DEVELOPMENT OF A SKATE PARK (F: 73.1) (XR: 87.1)

The Mayor announced this item would be continued to the July 10, 2007, City Council meeting.

SECOND READING OF ORDINANCES NO. 2709 AND NO. 2710

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2709 and No. 2710 be and hereby is waived.

ORDINANCE NO. 2709 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, CALIFORNIA, DESCRIBING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITHIN THE GARDEN GROVE COMMUNITY PROJECT AS REQUIRED BY SECTION 33342.7 OF THE CALIFORNIA HEALTH AND SAFETY CODE (F: A-48.25) (XR: A-46.1)

Following the reading of the ordinance title, it was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that Ordinance No. 2709 be and hereby is declared adopted.

ORDINANCE NO. 2710 was presented for second reading and adoption, and the titled read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DESCRIBING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITHIN THE BUENA-CLINTON REDEVELOPMENT PROJECT AREA AS REQUIRED BY SECTION 33342.7 OF THE CALIFORNIA HEALTH AND SAFETY CODE (F: A-48.14) (XR: A-46.1)

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that Ordinance No. 2710 be and hereby is declared adopted.

REPORT CONCERNING THE ICSC ANNUAL CONFERENCE ATTENDED BY MAYOR DALTON AND COUNCIL MEMBERS (F: A-78.1)

The Mayor announced this item would be continued to the June 26, 2007, City Council meeting.

DISCUSSION CONCERNING DISBANDING MAIN STREET PARKING & MAINTENANCE DISTRICT NO. 1, VEHICLE PARKING DISTRICT NO. 2, AND THE PARKING AND MAIN STREET COMMISSION, AS REQUESTED BY COUNCIL MEMBER ROSEN (F: 75.3) (XR: 122.6)

Council Member Rosen requested this item be pulled.

REPORT CONCERNING ENTERTAINMENT AND GAMING INTEREST FOR INTERNATIONAL WEST (F: A-116.6)

In compliance with City Council policy set in August, the City Manager reported on a recent meeting between two Council Members and representatives of the Gambrieleno Tribe of Mission Indians from Santa Monica for the purpose of considering the feasibility and advisability of such a complex within International West. The concerns and challenges of gaming in Garden Grove were shared with the representatives. It was also expressed to the representatives the Tribe would need to take the lead in Sacramento to pursue their concept further. A letter was sent from Council Member Rosen to Assemblyman Jose Solorio confirming the meeting had taken place.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER:

Council Member Broadwater invited the public to join him and his family at the graffiti paint-out scheduled for Saturday, June 16, at 7:45 a.m. He wished his wife, Peggy, a happy 36th anniversary. (F: 53.1) (XR: 24.5)

Council Member Rosen wished his daughter, Rachel, a happy birthday. He announced his son Josh left for the Peace Corp to Moldova. (F: 53.1)

Council Member Rosen announced the decision by OCTA to implement a bus rapid transit on Harbor from Costa Mesa to Fullerton, and on Westminster from Long Beach to the Santa Ana transportation center. He commented this would be an opportunity for the city of Garden Grove to enjoy advanced transit. (F: 53.1) (XR: 23.18)

Council Member Rosen wished both Council Member Broadwater and his wife, and Council Member Jones and his wife, a happy anniversary. (F: 53.1)

Council Member Jones wished his son, Jaiden, a happy first birthday. (F: 53.1)

Council Member Nguyen wished both Council Member Broadwater and his wife, and Council Member Jones and his wife, a happy anniversary. She also wished Jaiden Jones a happy first birthday. (F: 53.1)

Council Member Nguyen congratulated the graduating high school seniors, and encouraged responsible driving while celebrating. (F: 53.1)

Mayor Dalton wished both Council Member Broadwater and his wife, and Council Member Jones and his wife, a happy anniversary. He also wished Jaiden Jones a happy first birthday. (F: 53.1)

Mayor Dalton announced the upcoming Pacifica High School football fundraiser at the Navy Golf Course. (F: 53.1)

ADJOURNMENT

At 10:44 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
DEPUTY CITY CLERK