

## 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 28, 2005, at 7:25 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. The Pledge of Allegiance to the Flag of the United States of America was led by Council Member Rosen.

#### PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 87.7)

Mayor Dalton called forward Richard Bushnell and Lynn Longoria, 2005 Strawberry Ball King and Queen, and presented them with Certificates of Appreciation and small gifts in recognition of their valuable work in the community.

#### ORAL COMMUNICATIONS - PUBLIC

Charles Mitchell addressed the City Council, noting that the City is doing all it can relative to Code Enforcement, and commenting that the citizens are not aware of all the steps that are being taken to address enforcement issues. He suggested a person who has an issue with a neighbor's property should offer to help the neighbor with the issue. Further, he suggested that commercial and large vehicles be encouraged to park on paved right-of-ways by permit. (F: 53.3) (XR: 80.2)

Peggy Bergin addressed the City Council concerning recent Supreme Court rulings, including those of a religious nature. She also asked for prayers for her ailing mother. (F: 53.3)

Tony Flores addressed the City Council and reviewed his and Verla Lambert's report on the findings of the Community Financial Working Group. He provided each Council Member with a copy of the report. (F: 53.3) (XR: 122.76)

Robin Marcario addressed the City Council, indicating that crime is down in Garden Grove and encouraging all residents to keep safe and only use safe and sane fireworks on the Fourth. (F: 53.3)

David Lautherboren addressed the City Council, commenting that he has called the Police Department many times about code enforcement issues, and they called him a troublemaker. (F: 53.3) (XR: 82.1)

Richard Kessler addressed the City Council concerning the City taking his property on Trask Avenue for the Nicklus Chevrolet establishment. He also spoke about his exposure to Code Enforcement over his trailer being parked on the street and grass. Lastly, he noted that he is against moving recreational vehicles off of one's private property. (F: 53.3) (XR: 80.2)

#### RECESS

At 8:03 p.m., the Mayor declared a recess.

#### RECONVENE

At 9:37 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

#### PROCLAMATION – PARKS AND RECREATION MONTH (F: 83.1) (XR: 87.1)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that July 2005, be and hereby is designated Parks and Recreation Month.

#### FINAL TRACT MAP NO. TR 16767 AND SUBDIVISION AGREEMENT FOR PROPERTY LOCATED ON THE NORTH SIDE OF TRASK AVENUE, WEST OF NEWHOPE STREET, AT 11311 TRASK AVENUE (F: 103.TT.16767)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that Final Tract Map No. 16767 and Subdivision Agreement by and between the City of Garden Grove and Trask Avenue Cottage, LLC, for property

located on the north side of Trask Avenue, west of Newhope Street, at 11311 Trask Avenue, be and hereby are approved; Subdivision Improvement Bonds are accepted; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF CONTRACT TO PRICON, INC., FOR THE PURCHASE OF 120 DESKTOP PERSONAL COMPUTERS

Staff report dated June 28, 2005, was introduced.

Council Member Rosen commented that he does not believe computers should be replaced every three years. He is concerned about cutting expenditures; and in his opinion, this is an excessive expenditure for Word Processing users.

Council Member Leyes moved, seconded by Mayor Dalton, that Pricon, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with the purchase of 120 desktop personal computers, and that contract for said project be and hereby is awarded to said company in the sum of \$97,040.24, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the Mayor and City Clerk are authorized to execute said contract. Said motion carried by the following vote:

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

AMENDMENT TO THE AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY (OCTA) FOR THE PROVISION OF TRANSPORTATION SERVICES FOR SENIOR CITIZENS (F: 55) (XR: 87.8)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and the Orange County Transportation Authority (OCTA) for the provision of transportation services for senior citizens, at an estimated cost of \$38,985.63, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the amendment.

AGREEMENT WITH ANDERSEN'S DOOR SERVICE FOR MAINTENANCE ON THE ROLLUP DOORS AT FIRE STATIONS AND OTHER CITY BUILDINGS (F: 55) (XR: 24.1)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the agreement by and between the City of Garden Grove and Andersen's Door Service for maintenance on the rollup doors at Fire Stations and other City buildings, at an estimated cost of \$50,000.00, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH RBF CONSULTING FOR THE PREPARATION OF PLANS AND SPECIFICATIONS FOR THE INSTALLATION OF FIBER OPTICS AND AN AMBER ALERT SYSTEM TO CONTROL ALL EXISTING TRAFFIC SIGNALS ON THE WEST SIDE OF GARDEN GROVE (F: 55) (XR: 24.11)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Krebs, and carried by unanimous vote, that the agreement by and between the City of Garden Grove and RBF Consulting for the preparation of plans and specifications for the installation of fiber optics and an Amber Alert System to control all existing traffic signals on the west side of Garden Grove, at an estimated cost of \$117,797.00, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

PROJECT NO. 7122, LAMPSON AVENUE MEDIAN CONSTRUCTION BETWEEN KNOTT STREET AND LAMPLIGHTER STREET – ACCEPTANCE OF CONTRACT AS COMPLETE (F: 96.Proj.7122)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that Project No. 7122, Lampson Avenue Median Construction between Knott Street and Lamplighter Street, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Griffith Company when appropriate to do so, and to release payment in the amount of \$300 per year for the next three years for the landscape maintenance contract; and the City Manager and City Clerk are authorized to execute the Notice of Completion.

PHASE II OF THE ENERGY EFFICIENT RETROFIT PROGRAM FOR CITY FACILITIES – ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 24.1)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that Phase II of the Energy Efficient Retrofit Program for City facilities, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Chevron Energy Solutions Company when appropriate to do so; and the City Manager and City Clerk are authorized to execute the Notice of Completion.

RESOLUTION TO ADD PERSONNEL CLASSIFICATIONS TO THE MIDDLE MANAGEMENT AND CENTRAL MANAGEMENT GROUPS (F: 78.13A)  
(XR: 78.13B)

Staff report dated June 28, 2005, was introduced.

RESOLUTION NO. 8648-05

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Resolution No. 8648-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING RESOLUTIONS NO. 8562-04 AND 8563-04 RELATING TO PERSONNEL CLASSIFICATIONS FOR MIDDLE MANAGEMENT AND CENTRAL MANAGEMENT POSITIONS OF THE CITY OF GARDEN GROVE, be and hereby is adopted.

RESOLUTION OVERTURNING THE PLANNING COMMISSION DECISION OF APPROVAL FOR SITE PLAN NO. SP-367-05 (F: 116.SP-367-05)

Staff report dated June 28, 2005, was introduced.

RESOLUTION NO. 8649-05

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8649-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE OVERTURNING THE PLANNING COMMISSION DECISION OF APPROVAL AND DENYING WITHOUT PREJUDICE SITE PLAN NO. SP-367-05 FOR LAND LOCATED ON THE SOUTHWEST CORNER OF LAMPSON AVENUE AND MANLEY STREET AT 5262 LAMPSON AVENUE, PARCEL NO. 217-293-01, be and hereby is adopted.

MINUTES (Vault)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Minutes of the Regular City Council Meeting held June 14, 2005, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that regular warrants 338017 through 338478 and Wires W197-W201, and payroll warrants 140838 through 141233, Direct Deposits D106851 through D107966, and Wires W982 through W989, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – ALLOCATION OF FY 2005-06 STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR LAW ENFORCEMENT PROGRAMS  
(F: 82.5)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the allocation of FY 2005-06 State Supplemental Law Enforcement Services Funds for the C-CAT Team, Crime Analysis Unit, and Wireless MCT system, be and hereby is approved.

PUBLIC HEARING TO CONSIDER GARDEN GROVE CITY STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT – FISCAL YEAR 2005-06 (F: 69.2.FY 2005-06) (XR: 31.5)

Staff report dated June 28, 2005, was introduced, and it was noted that the assessments reflect no increases.

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

David Lautherboren addressed the City Council, commenting that a streetlight at Hampton and Buaro streets is flickering.

Staff advised Mr. Lautherboren that Southern California Edison Company owns and maintains the streetlights; however, staff will report this to the Edison Company.

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

RESOLUTION NO. 8650-05

Council Member Rosen moved, seconded by Council Member Krebs, that full reading of Resolution No. 8650-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2005-2006 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8650-05 was declared adopted.

RESOLUTION NO. 8651-05

Council Member Rosen moved, seconded by Council Member Krebs, that full reading of Resolution No. 8651-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2005-2006 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT 99-1, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8651-05 was declared adopted.

RESOLUTION NO. 8652-05

Council Member Rosen moved, seconded by Council Member Krebs, that full reading of Resolution No. 8652-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE MAKING DETERMINATIONS FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND CONFIRMING THE DIAGRAM AND ASSESSMENT FOR 2005-2006 FISCAL YEAR, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8652-05 was declared adopted.

PUBLIC HEARING TO CONSIDER THE PROPOSED BUDGET FOR FISCAL YEAR  
2005-06 (F: 34.1) (XR: A-34.1) (XR: H-34.1) (XR: S-34.1) (XR: 60.2a)

Staff reports dated June 28, 2005, were introduced.

The City Manager commented that the City is starting this fiscal year with a brighter picture than was previously projected. There was a significant increase in the new hotel tax; and a greater cost savings was realized, but that has resulted in a drop in service.

The Finance Director reviewed the staff report, summarizing specific general issues and provided a power point presentation of the proposed budget.

Council Member Nguyen indicated that she would like to see a detailed summary of the figures for each department before approving the budget, noting her concern about the issue of increased City park maintenance that was raised at a previous City Council meeting.

Council Member Rosen agreed, noting that the purpose of presenting the budget to the City Council is to enable the Council Members to make decisions about transference of funds.

Council Member Leyes also commented concerning the need for a better level of detail. He also noted that the City Council is still waiting for the report from the Community Financial Working Group. He also would like to defer the adoption of the budget.

Mayor Dalton commended staff for the work that has been done on this budget, especially in light of the fact that the Finance Department has had a large turnover and is understaffed.

The City Manager noted that the Community Financial Working Group will present its report at the City Council meeting on July 12, 2005; and adoption of the budget could be delayed until August 23, 2005.



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

Ray Littrell addressed the City Council concerning the proposed budget and raised some questions concerning numbers presented. He referenced a recent editorial in the Orange County Register that alleged there was no financial crisis in Garden Grove. He also commented that the Agency and City Council members should not be the same individuals, and the City providing loans to the Agency is not a good situation.

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

It was the consensus of the Council Members that the Resolution adopting Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2005-06; and the Resolution adopting the Fiscal Year 2005-06 Appropriations Limit, be continued to the City Council meeting of August 23, 2005.

RESOLUTION NO. 8653-05

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8653-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN ANNUAL BUDGET FOR THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT FOR FISCAL YEAR 2005-06, be and hereby is adopted.

RESOLUTION NO. 8654-05

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8654-05 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE CITY COUNCIL AUTHORIZING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S EXPENDITURE OF FUNDS FOR THE PROVISION OF CERTAIN ADMINISTRATIVE FUNCTIONS, be and hereby is adopted.

RESOLUTION NO. 8655-05

It was moved by Council Member Leyes, seconded by Council Member Rosen, and carried by unanimous vote, that full reading

of Resolution No. 8655-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN ANNUAL BUDGET FOR THE GARDEN GROVE HOUSING AUTHORITY FOR FISCAL YEAR 2005-06, be and hereby is adopted.

RESOLUTION NO. 8656-05

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8656-05 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE CITY COUNCIL APPROPRIATING FUND BALANCES AS OF JUNE 30, 2005, TO RESERVES FOR FUTURE YEAR REAPPROPRIATION, be and hereby is adopted.

RESOLUTION NO. 8657-05

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8657-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REAPPROPRIATING CERTAIN FY 2004-05 PROJECT BALANCES AND ENCUMBRANCES FOR THE FISCAL YEAR 2005-06, be and hereby is adopted.

FISCAL YEAR 2005-06 OVERNIGHT CONFERENCES, TRAINING SESSIONS, AND SEMINARS

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Fiscal Year 2005-06 Overnight Conferences, Training Sessions, and Seminars, be and hereby are approved as submitted.

ADJUSTED FEES IN MASTER FEE RESOLUTION

The City Manager noted that some plan check fees and fees for the use of the Community Meeting Center have been increased. However, the largest fee increase deals with the In-Lieu Park fees, as a way to build up a fund to finance improvements at our parks.

Council Member Nguyen referenced the increased Community Meeting Center fee, and requested that staff compare these fees with those charged by the hotels.

RESOLUTION NO. 8658-05

Council Member Rosen moved, seconded by Council Member Krebs, that full reading of Resolution No. 8658-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING USER FEES FOR VARIOUS CITY SERVICES, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8658-05 was declared adopted.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-2-05(A), PLANNED UNIT DEVELOPMENT NO. PUD-107-05, AND A DEVELOPMENT AGREEMENT (F: 20.GPA-2-05(A)) (XR: 116.PUD-107-05) (XR: 106.151) (XR: 116.SP-368-05

General Plan Amendment No. GPA-2-05 (A), Planned Unit Development No. PUD-107-05, and a Development Agreement The applicant, Garden Grove Galleria, LLC (Ted Yoon), is requesting to amend the General Plan from HC (Heavy Commercial) to MU (Mixed Use); and to rezone the site to PUD-MX (Planned Unit Development) to construct an eight-story mixed-use building on the south side of Garden Grove Boulevard, west of Brookhurst Street, at 10080 and 10180 Garden Grove Boulevard.

On May 19, 2005, the City Planning Commission, pursuant to Resolution No. 5495, approved GPA-2-05(A) and PUD-107-05 and recommended approval of the Development Agreement; and pursuant to Legal Notice published June 16, 2005, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated June 28, 2005, was introduced, and staff reviewed the background information concerning this project, including the unique aspects of the development and traffic and sewer capacity issues. It was noted that a traffic study revealed no significant impacts; however, sewer capacity is deficient.

COUNCIL MEMBER NGUYEN LEFT THE MEETING ROOM AT 11:12 P.M.

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

Sheldon Singer, President of the Hoag Foundation, addressed the City Council, urging support of the proposed project.

Robin Marcario addressed the City Council, commenting that the proposed project meets the criteria nicely and is an improvement from the current vacant lot. She also noted that it would benefit the adjacent Boys and Girls Club.

COUNCIL MEMBER NGUYEN REJOINED THE MEETING AT 11:25 P.M.

Daniel Lim addressed the City Council, expressing concern about traffic issues and confusion about the project.

Peggy Bergin addressed the City Council, expressing concern about traffic and sewer issues.

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

Council Members questioned the developer, Charles Kim, about financial aspects of the development.

Council Member Leyes noted that this is an ambitious and well-designed project; however, he is concerned about the fact that it is on leased land. And to have Garden Grove's first mixed use project on leased land is problematic. He cannot support the project because of his worries about the leased land issue and because of the ownership residential above the commercial. He added that he hopes the project works out and that his concerns are not valid.

RESOLUTION NO. 8659-05

Council Member Krebs moved, seconded by Council Member Nguyen, that full reading of Resolution No. 8659-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING GENERAL PLAN AMENDMENT NO. GPA-2-05(A) CHANGING THE LAND USE MAP FROM HEAVY COMMERCIAL TO MIXED USE, FOR FOUR PROPERTIES LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET AT 10080, 10180, AND 10120 GARDEN GROVE BOULEVARD AND 13011 BROOKHURST STREET, PARCEL NUMBERS 098-070-35, 098-070-38, 098-070-65, AND 098-070-63, be and hereby is adopted. Upon the following vote:

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

said Resolution No. 8659-05 was declared adopted.

ORDINANCE NO. 2662 was introduced for first reading and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-107-05, CHANGING THE ZONING DESIGNATION FROM C-3 (HEAVY COMMERCIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-107-05, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET, AT 10080, 10180, AND 10120 GARDEN GROVE BOULEVARD AND 13011 BROOKHURST STREET, PARCEL NOS. 098-070-35, 098-070-38, 098-070-65, AND 098-070-63

Council Member Rosen moved, seconded by Mayor Dalton, that full reading of Ordinance No. 2662 be waived, and said Ordinance be and hereby is passed to second reading. Upon the following vote:

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

said Ordinance No. 2662 was declared passed to second reading.

ORDINANCE NO. 2663 was introduced for first reading and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN GARDEN GROVE GALLERIA, LLC, (DEVELOPER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET, AT 10080 AND 10180 GARDEN GROVE BOULEVARD, PARCEL NOS. 098-070-35 AND 098-070-38

Council Member Rosen moved, seconded by Council Member Krebs, that full reading of Ordinance No. 2663 be waived, and said Ordinance be and hereby is passed to second reading. Upon the following vote:

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

said Ordinance No. 2663 was declared passed to second reading.

#### RECESS

At 12:08 a.m., the Mayor declared a recess.

#### RECONVENE

At 12:13 a.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

#### ADOPTION OF MEASURE M SEVEN-YEAR CAPITAL IMPROVEMENT PROGRAM (F: 23.18c)

Staff report dated June 28, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that the Measure M Seven-Year Capital Improvement Program be and hereby is adopted; and the Public Works Director is authorized to execute the Maintenance of Effort Reporting form and transmit the documentation to OCTA.

#### CITY MEMBERSHIP IN THE CALIFORNIA PUBLIC ENTITY INSURANCE AUTHORITY, THROUGH WHICH WORKERS' COMPENSATION INSURANCE EXCESS COVERAGE CAN BE PURCHASED (F: 126.3)

Staff report dated June 28, 2005, was introduced.

#### RESOLUTION NO. 8660-05

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8660-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CITY OF GARDEN GROVE MEMBERSHIP IN CALIFORNIA PUBLIC ENTITY INSURANCE AUTHORITY, be and hereby is adopted.

PARAMEDIC TAX OVERRIDE RATE FOR FISCAL YEAR 2005-06 (F: 60.11)

Staff report dated June 28, 2005, was introduced.

ORDINANCE NO. 2664 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING THE AMOUNT OF MONEY FOR PARAMEDIC SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2664 be waived, and said Ordinance be and hereby is passed to second reading.

URGENCY ORDINANCE ESTABLISHING HEALTH AND SAFETY REGULATIONS GOVERNING THE USE OF CITY PARKS (F: 127.2) (XR: 50.2)

Staff report dated June 28, 2005, was introduced.

ORDINANCE NO. 2665 was introduced for adoption and the title read in full, entitled AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 8.40, "GARDEN GROVE PARK FACILITIES-RULES AND REGULATIONS," OF TITLE 8, "PUBLIC PEACE, SAFETY, AND MORALS," OF THE MUNICIPAL CODE

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2665 be waived, and said Ordinance be and hereby is declared passed.

SECOND READING OF ORDINANCE NO. 2661 (F: 78.1) (XR: 127.1)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Ordinance No. 2661 be and hereby is waived.

ORDINANCE NO. 2661 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 AMENDING PROVISIONS OF SECTION 2.44.440 RELATING TO NEPOTISM POLICY

Council Member Krebs moved, seconded by Council Member Rosen, that Ordinance No. 2661 be and hereby is declared passed. Upon the following vote:

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

Ordinance No. 2661 was declared passed.

DISCUSSION CONCERNING THE GOVERNOR'S "REFORM PACKAGE" BALLOT MEASURES, AS REQUESTED BY COUNCIL MEMBER LEYES (F: 53.1)

Council Member Leyes noted that the Governor has three ballot measures on the November 8, 2005 ballot, being an amendment that requires a balanced budget, a teacher tenure reform, and redistricting. Council Member Leyes commented on these proposed measures and moved that the City Council endorse these three initiatives that are part of the Governor's Reform Package. The motion died for lack of a second.

Council Member Rosen noted that he believes it is premature to take positions on these measures due to lack of information thus far, inasmuch as the election is not until November. He also shared his views on the Governor's Reform Package.

Council Member Nguyen asked that staff come back with additional information on this.

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

Council Member Nguyen wished everyone a Happy Fourth of July.  
(F: 53.1)

Council Member Leyes spoke briefly about the Supreme Court's recent ruling on eminent domain, and he requested the issue of an eminent domain policy be placed on the July 12, 2005, agenda for discussion. He also spoke about the redistricting initiative, commenting that the City Council could put it on the November ballot. Lastly, he spoke about the recent 50<sup>th</sup> Anniversary of the Garden Grove Church of God, and the upcoming public hearing on July 12, 2005, to consider placing the trash bills on the property tax rolls. He also wished everyone a Happy Fourth of July and urged people to discourage the use of any illegal fireworks they might see.  
(F: 53.1) (XR: S-60.1)

Council Member Rosen also spoke about the Supreme Court's recent ruling on eminent domain, noting that it essentially preserves the status quo. He spoke of the untimely passing of his friend,



Assemblyman and former El Segundo mayor, Mike Gordon, and asked that the meeting be adjourned in his memory. (F: 53.1) (XR: 46.9)

Council Member Krebs spoke of a recent visit Governor Schwarzenegger made to the Grove Body Shop, owned by Tony and Emma Lombardi, to discuss the effects of sales tax on small business owners. He noted that the Garden Grove Education Association (GGEA) distributed flyers with offensive and false statements to the Garden Grove schools. The Superintendent of Schools has issued an apology. (F: 53.1) (XR: 90.5)

Mayor Dalton also spoke about the GGEA flyer, commenting on its offensive nature and noting that it was an affront to the integrity of the Lombardis. He also wished everyone a Happy Fourth of July. (F: 53.1) (XR: 90.5)

#### ADJOURNMENT

At 12:45 a.m., on Wednesday, June 29, 2005, it was the consensus of the City Council that the meeting be adjourned in memory of Assemblyman Mike Gordon. (F: 46.9)

RUTH E. SMITH  
CITY CLERK