

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, July 10, 2007, at 5:35 p.m.

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

ABSENT: (1) COUNCIL MEMBER JONES (JOINED THE
MEETING AT 5:40 P.M.)

PUBLIC INPUT ON CLOSED SESSION ITEM

There were no comments from the public.

ADJOURN TO CLOSED SESSION

At 5:36 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.

COUNCIL MEMBER JONES JOINED THE MEETING AT 5:40 P.M.

RECESS

At 6:06 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 6:35 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present. It was announced

that the previously disclosed item was discussed and that no reportable action was taken.

INVOCATION AND PLEDGE

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

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 82.1)

Mayor Dalton called forward Olivia Martinez and presented her with a Certificate of Recognition and a gift for being selected as "2006-07 Outstanding School Crossing Guard of the Year" by All City Management Services, the provider of school crossing guards for the City.

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 102.3)

Mayor Dalton called forward Tom Kim and Joseph Pak and presented them with Certificates of Appreciation and gifts for their efforts in coordinating the Republic of Korea trip for the Mayor and City Council.

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 60.1)

Mayor Dalton called forward Kingsley Okereke, Director of Finance for the City, and recognized him for receiving the Achievement of Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.

ORAL COMMUNICATIONS - PUBLIC

Alireza Jazayeri addressed the City Council regarding the Agenda item for agreements with various towing companies, alleging the bidding procedure was unfair, citing results of the inspection were not relayed, only one business in Garden Grove was chosen, and the lack of City Council involvement in the evaluation process. (F: 53.3) (XR: 82.2)

David Glickman, Attorney for Caldwell Towing, addressed the City Council concerning the Agenda item for agreements with various towing companies, requesting this matter be reconsidered and resurveyed. (F: 53.3) (XR: 82.2)

Russ McDonald addressed the City Council, indicating that David Vill by a vote of the AARP membership, was given authority to speak for the Chapter concerning the banning of fireworks. (F: 53.3) (XR: 61.6)

Gene Kirkham addressed the City Council about his participation in a ride-along with Public Safety on the Fourth of July, commenting citations were given, but there were a lot fewer fireworks this year. (F: 53.3) (XR: 61.6)

Dusty, representing Carr Towing, addressed the City Council concerning the Agenda item for agreements with various towing companies, requesting this matter be reconsidered. (F: 53.3) (XR: 82.2)

Amir Esfahani, representing American Tow, addressed the City Council concerning the Agenda item for agreements with various towing companies, noting that his business is in Garden Grove, and his lot was inspected but he also was not contacted concerning the results of the inspection. (F: 53.3) (XR: 82.2)

Robin Marcario addressed the City Council and announced a meeting of the Central Garden Grove Neighborhood Association on Saturday, July 14 and outlined political representatives who will be there to speak. She also noted that there will be a public forum on July 19 to discuss the draft EIR for Wal-Mart at the CMC. (F: 53.3) (XR: 130.19) (XR: 57.10)

David Vill, President of the Garden Grove Chapter of AARP, addressed the City Council and announced that their Chapter meets on the third Tuesday of every month at the CMC. He also spoke about their membership being against uncontrolled fireworks and the financial problems seniors are experiencing. (F: 53.3) (XR: 61.6)

Bert Ashland addressed the City Council and announced that there will be an Open House at the Courtyard Center on July 11 to meet with representatives of Wal-Mart. (F: 53.3) (XR: 57.10)

RECESS

At 7:19 p.m., the Mayor declared a recess.

RECONVENE

At 7:22 p.m., the meeting was reconvened with Mayor Dalton and all City Council Members present.

PROCLAMATION – PARKS AND RECREATION MONTH (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that July 2007, be and hereby is designated Parks and Recreation Month.

RESOLUTION COMMEMORATING THE 20TH ANNIVERSARY OF THE THOMAS HOUSE TEMPORARY SHELTER (F: 52.2) (XR: 117.15)

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the Resolution commemorating the 20th Anniversary of the Thomas House Temporary Shelter, be and hereby is approved.

AGREEMENT WITH THE ORANGE COUNTY CONSERVATION CORPS TO PROVIDE RECYCLING AND MAINTENANCE SERVICES (F: 55) (XR: 24.1)

Staff report dated July 10, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Orange County Conservation Corps, in the amount of \$45,650, to be paid with Department of Conservation funds, for the provision of recycling and maintenance services, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

RENEWAL OF AGREEMENT WITH SCOTT FAZEKAS AND ASSOCIATES FOR PLAN CHECK SERVICES, WITH ALLOCATION OF FUNDING (F: 55) (XR: 35.1)

Staff report dated July 10, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Scott Fazekas and Associates for plan check services, be and hereby is approved with allocation of funding not to exceed \$250,000, offset entirely with the collection of plan review fees; and the Mayor and City Clerk are authorized to execute the agreement.

RENEWAL OF AGREEMENT WITH WILLDAN CORPORATION FOR PLAN REVIEW SERVICES, WITH ALLOCATION OF FUNDING (F: 55) (XR: 35.1)

Staff report dated July 10, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Willdan Corporation for plan review services, be and hereby is approved with allocation of funding not to exceed \$238,000, offset entirely with the collection of plan check fees; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THE ORANGE COUNTY CHILDREN AND FAMILIES COMMISSION FOR THE CONTINUED OPERATION OF THE HEALTH CARE ACCESS PROGRAM AT THE MAGNOLIA PARK FAMILY RESOURCE CENTER
(F: 55) (XR: 73.8)

Staff report dated July 10, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Orange County Children and Families Commission for two years of grant funding for the continued operation of the Health Care Access Program at the Magnolia Park Family Resource Center, be and hereby is approved, at a cost of \$690,767 for the two-year period, \$360,597 of which is in the 2007-08 budget year; the City Manager and City Clerk are authorized to execute the agreement; and the City Manager is authorized to make any modifications during the agreement period for the operation and implementation of the services.

NEW CLASSIFICATION OF SENIOR REAL PROPERTY AGENT IN THE ECONOMIC DEVELOPMENT DEPARTMENT (F: 78.1) (XR: 43.4) (XR: 57.9)

The City Manager announced that this item is being pulled.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that regular warrants 391053 through 393329 and Wire W319; and payroll warrants 151439 through 151663, Direct Deposits D138281 through D138893, and Wires W1219-W1222, 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 Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the full reading of all Ordinances listed for consideration of adoption be waived.

AGREEMENTS WITH B & D TOWING, ACTION SOUTHLAND TOWING, COUNTRY CITY TOWING, AND CRC TOWING TO PROVIDE ON-CALL ROTATIONAL TOWING SERVICES FOR THE POLICE DEPARTMENT (F: 55) (XR: 82.1)

Staff report dated July 10, 2007, was introduced.

Council Member Rosen indicated that he represents one of the towing companies on another matter; therefore he will recuse himself.

COUNCIL MEMBER ROSEN LEFT THE MEETING ROOM AT 7:24 P.M.

In response to an inquiry by Council Member Broadwater, staff indicated that this was the first time the RFP process was used.

Council Member Broadwater indicated that he would like to pull this matter and review the process with the Police Department.

Mayor Dalton indicated he would prefer more information than simply ratings of pass and disqualify, noting that he would like to know why a company was disqualified. He also would like to see more Garden Grove companies involved, noting that consideration should be given to local companies.

In response to an inquiry by Council Member Nguyen, the City Attorney indicated that the City has the ability to reject everything and start the process over.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote of those present, that this item be continued.

COUNCIL MEMBER ROSEN RE-ENTERED THE MEETING ROOM AT 7:33 P.M.

PUBLIC HEARING – APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. CUP-205-07 (F: 51.CUP-205-07)

The City Manager referenced a request for a continuance of this matter received from the Law Offices of Debra Korduner,

representing Westbrook Development Company and its major tenant, Saigon Supermarket.

Council Member Rosen asked if the Saigon Supermarket was still having cars towed from the beauty college.
Tam Bui stepped to the podium, noting that he filed an appeal and responded that the towing has ceased.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that this matter be continued to August 14, 2007.

AGREEMENT WITH THE COUNTY OF ORANGE FOR ANIMAL CARE SERVICES
(F: 55) (XR: 43.1)

Staff report dated July 10, 2007, was introduced.

Council Member Nguyen noted that she has received complaints about road kill not being cleaned up and asked that the phone number of the County's Animal Care Services be publicized so citizens can report these incidents.

It was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the County of Orange for the provision of animal care services be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

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

Staff report dated June 12, 2007, was introduced and reviewed by staff.

In response to an inquiry from Council Member Rosen, staff noted that a needs assessment has not been initiated.

Discussion ensued relative to the estimated cost, funding options, availability of grants from the state, potential liability issues, and traffic and parking concerns.

Council Member Rosen questioned the need for a skate park if there are other ones around Garden Grove. He also suggested the Twin Lakes Park be looked at as a potential location, as well as on Brookhurst north of Chapman Avenue and in the 22 Freeway clover

leafs. He also suggested the possibility of incorporating a skate park into the RFPs that are going out for property south of the Fire Station Motel.

It was moved by Council Member Nguyen, seconded by Council Member Broadwater, that this matter be continued until additional information is gathered.

SECOND READING OF ORDINANCES NO. 2713-A AND NO. 2714

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that full reading of Ordinances No. 2713-A and No. 2714, be and hereby is waived.

ORDINANCE NO. 2713-A 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 SECTION 14.12.010 OF CHAPTER 14.12 OF TITLE 14 ("WATER") OF THE MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES (F: 112.16)

Following the reading of the ordinance title, Council Member Rosen moved, seconded by Council Member Broadwater, that Ordinance No. 2713-A be and hereby is declared adopted. 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-A was declared adopted.

ORDINANCE NO. 2714 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 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 (F: 60.11)

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that Ordinance No. 2714 be and hereby is declared adopted.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Broadwater requested a progress report on instituting the new part-time position in the City Manager's office to act as a liaison to the Vietnamese community, further requesting this be established soon because the articles in the Vietnamese newspaper are one-sided. Lastly, he asked that the meeting be adjourned in memory of Carmen Van Dine, long-time resident of Garden Grove. (F: 53.1) (XR: 78.1) (XR: 46.9)

Mayor Pro Tem Rosen spoke about the OCTA bus strike, noting that the negotiators were still meeting as of 4:30 this afternoon. He and Mayor Dalton and Supervisor Nguyen met with OCTA on this, and he expressed hope that the strike would settle soon. He also indicated that he rode with the Police on the Fourth of July, and there was a marked decrease in the number of illegal fireworks this year, which leads him to believe the citation plan is working. Lastly, he announced the beginning of the Concert in the Park series on Thursday at Eastgate Park, and he encouraged everyone to attend. (F: 53.1) (XR: 23.18) XR: 61.6)

Council Member Nguyen spoke about a program for renters and homeowners 65 and older with annual incomes of \$42,000 or less, where they can get money back. The outreach center is located at 9191 Bolsa Avenue. She expressed her sorrow for Mr. Matua's residential fire on the Fourth. (F: 53.1)

Mayor Dalton spoke about his ride-along on the Fourth, noting that about 125 citations were issued for \$1000 fines for the use of illegal fireworks, many of which were on the west side of Garden Grove. He expressed hope that the situation will improve each year. He noted that he will also be adjourning the meeting in memory of Jackie Costa, another long-time resident of Garden Grove. (F: 53.1) (XR: 61.6) (XR: 46.9)

ADJOURNMENT

At 8:10 p.m., the meeting was declared adjourned in memory of Carmen Van Dine and Jackie Costa, long-time residents of Garden Grove. (F: 46.9)

RUTH E. SMITH
CITY CLERK