

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 11, 2006, at 6:18 p.m.

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

ABSENT: (1) COUNCIL MEMBER LEYES (Joined the meeting at 6:30 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

ADJOURN TO CLOSED SESSION

At 6:20 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 LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Representative: Matthew Fertal, City Manager
Employee Organizations: Garden Grove Firefighters Local 2005; Garden Grove Employees League Chapter of the Orange County Employees Association; Garden Grove Chapter of the Orange County Employees Association; Middle Management; and Central Management.

COUNCIL MEMBER LEYES JOINED THE MEETING AT 6:30 P.M.

RECESS

At 7:10 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 7:18 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members in attendance, and it was announced that the matter previously disclosed was discussed, and that no reportable action was taken.

INVOCATION AND PLEDGE

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

COMMUNITY SPOTLIGHT

Mayor Dalton called forward Christine Correa, named the 2006 Business Leader of the Year for Garden Grove by the Central County Regional Occupational Program, and presented her with a Certificate of Appreciation and a gift. (F: 52.3)

DEPARTMENT UPDATE BY PUBLIC WORKS DEPARTMENT DIRECTOR, KEITH JONES (F: 24.1)

Public Works Department Director Keith Jones provided an update of activities in the Public Works Department.

ORAL COMMUNICATIONS - PUBLIC

Robert Gleason addressed the City Council, urging fireworks not be banned in Garden Grove, noting the problem is the illegal ones and Public Safety personnel should use tougher action against the violators and make it more expensive for them. (F: 53.3) (XR: 61.6)

Tony Rector addressed the City Council, expressing support of placing the fireworks issue on the ballot; however, having a two-year weaning period should the vote be to ban them. (F: 53.3) (XR: 61.6)

Dawn Nielson addressed the City Council, commenting that patriotism is the real issue and indicating that the Police are falling down on the job. (F: 53.3) (XR: 61.6)

Verla Lambert addressed the City Council, commenting that she is still waiting for a report on City building repairs. She asked when the burned building at Town and Country on Harbor Boulevard would be addressed. Lastly, she spoke about the installation of a

left-turn signal sign and the removal of trees in the median on Garden Grove Boulevard. (F: 53.3)

Terry and Cheryl Fotia addressed the City Council, commenting that all fireworks must be outlawed to get rid of the illegal ones, and the lack of Police authority. (F: 53.3) (XR: 61.6)

Fred Gray addressed the City Council, commenting that the illegal fireworks issue is growing, and the Police cannot handle the situation, noting that he is not sure about having the issue go to a vote of the people. He also alleged that campaign contributions might be a factor in fireworks remaining legal in Garden Grove. (F: 53.3) (XR: 61.6)

David Vill, representing AARP, addressed the City Council and invited everyone to attend an open forum on fireworks being held by AARP on August 15 at the Community Meeting Center. He commented that the senior citizens are terrified of the fireworks. (F: 53.3) (XR: 61.6)

Edith Brennen addressed the City Council, noting that she is against fireworks remaining legal in Garden Grove, noting they have become much more sophisticated. (F: 53.3) (XR: 61.6)

J. Tilman Williams addressed the City Council, noting that he allowed a fireworks stand to be placed on his property on Harbor Boulevard and received a good rent for those few days of sales. (F: 53.3) (XR: 61.6)

Russ McDonald addressed the City Council, referencing a 1989 Grand Jury Report on banning the sale of fireworks. He asked that fireworks either be banned or that the matter be placed before the voters. He commented that Police and Fire personnel are doing the best they can. (F: 53.3) (XR: 61.6)

Sharon Tanihara addressed the City Council, commenting that the fireworks situation is getting worse and she is concerned about her safety. (F: 53.3) (XR: 61.6)

Rosemary McQuinny addressed the City Council, commenting that she is against allowing the sale and use of fireworks in Garden Grove. (F: 53.3) (XR: 61.6)

Sherry DeBeaumont addressed the City Council, commenting that fireworks should either be banned or placed on the ballot for a vote of the people. (F: 53.3) (XR: 61.6)

David Zimmerman addressed the City Council, urging that the City Council continue to allow the sale and use of Safe and Sane Fireworks in the city, commenting that church, school, civic, and social groups will suffer if not allowed to raise money by running booths for the sale of fireworks. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the City Council, commenting that a seminar on Aging and Medicare is being held in Midway City on July 24. Additionally, he urged either the fireworks issue be placed on the November ballot for a vote of the people or that the City Council adopt an ordinance banning the sale and use of fireworks. He volunteered to act as a mediator for the issue. (F: 53.3) (XR: 61.6)

Robin Marcario addressed the City Council urging that the fireworks issue be placed on the ballot for a vote of the people. She also announced the meeting of the Central Garden Grove Neighborhood Association on July 15, and invited everyone to attend. (F: 53.3) (XR: 61.6)

Randy Barrows addressed the City Council, commenting that legal fireworks do not cause problems. (F: 53.3) (XR: 61.6)

Dulce Lopez addressed the City Council, commenting that banning fireworks will not stop the illegal ones and that the schools cannot make enough money any other way. (F: 53.3) (XR: 61.6)

Dan Collins addressed the City Council, noting that their fireworks stand provides 92 percent of funding needed by the Colony of Performing Arts. He noted that non-profits cannot contribute to campaign accounts, and he urged that if the matter is placed on the ballot, that the public be fully informed of all the facts. (F: 53.3) (XR: 61.6)

Dietrich Nicholson addressed the City Council, urging that fireworks be banned for environmental reasons and that the matter be placed on the ballot for a vote of the people. Further, that the costs of Police and Fire and clean up be added to the permits. (F: 53.3) (XR: 61.6)

Kenneth Masciana addressed the City Council, noting that he is in favor of allowing fireworks in Garden Grove and commenting that the issue is one of enforcement. (F: 53.3) (XR: 61.6)

Greg Moore addressed the City Council concerning a problem with his wedding in December 2005 at the Community Meeting Center because of a blackout that occurred. He noted that he filed a Claim, which was denied, and would like the matter rectified.

The Mayor advised him that staff will contact him. (F: 53.3) (XR: 49.2)

Lynn Madrid addressed the City Council, asking that the fireworks issue not be placed on the ballot. She represents the Garden Grove High School Football Boosters, and they make lot of money selling the Safe and Sane Fireworks for their needed equipment and uniforms. (F: 53.3) (XR: 61.6)

John Kelly, Vice President of TNT Fireworks, addressed the City Council, noting that illegal fireworks are pouring into the state. He spoke about the City of Chino and how they have handled the issue, noting that the public needs to be educated. He suggested the creation of a task force to address the real problem. (F: 53.3) (XR: 61.6)

RECESS

At 9:06 p.m., the Mayor declared a recess.

RECONVENE

At 9:45 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members in attendance.

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

Rally the Recreation Raccoon came forward and spoke about recreational activities at Eastgate Park and Atlantis Park. He provided the Council Members with small gifts.

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that July 2006, be and hereby is designated as Parks and Recreation Month.

MINUTES (F: Vault)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held June 13, 2006, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that regular warrants 365155 through 365625 and Wire W258, and payroll warrants 146418 through 146627, Direct Deposits D122752 through D123338, and Wires W1105 through W1108, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-111-06 AND DEVELOPMENT AGREEMENT. (F: 116.PUD-111-06) (XR: 106.71)

Planned Unit Development No. PUD-111-06 and Development Agreement, initiated by LV Development, requesting to change the zoning of a 1.3-acre property located at 12661 Nelson Street, to Planned Unit Development Residential, and to enter into a Development Agreement to construct 12 two- and three-story single-family homes.

On May 4, 2006, the City Planning Commission recommended approval for a Planned Unit Development and Development Agreement, and approved a Site Plan to construct the project, a Variance to deviate from the three-acre standard for a Planned Unit Development, and a Tentative Tract Map for a proposed residential subdivision.

Pursuant to Legal Notice published June 22, 2006, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated July 11, 2006, was introduced, and staff reviewed the background information concerning this project.

The City Attorney advised Mayor Dalton to excuse himself from the proceedings and leave the Council Chamber while discussion on this matter is taking place inasmuch as he may own property within a 500-foot radius of the affected property.

MAYOR DALTON LEFT THE MEETING ROOM AT 9:50 P.M. AND MAYOR PRO TEM ROSEN ASSUMED THE CHAIR.

In response to an inquiry by Council Member Nguyen concerning traffic in the area, staff indicated that no traffic study is warranted.

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

Peggy Bergan addressed the City Council expressing concerns about sufficient parking places for both the residents and visitors in the complex.

Judy Dickson, representing St. Columban's Catholic Church, spoke in favor of the project, noting that this is a very beautiful improvement of the neighborhood.

Jack Lee, representing the developer, addressed the City Council, requesting support of the project.

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

Council Member Krebs commented that this is another infill construction, and he is opposed to high density.

Council Member Leyes noted that this is a very creative solution to the parking issue at St. Columban's, and he moved approval of the project, seconded by Council Member Rosen.

Council Member Nguyen noted that she is concerned with the traffic issue in the area and would like a traffic study performed.

Council Member Leyes withdrew his motion and moved the matter be continued and further investigation be done to see if Mayor Dalton can participate. He suggested the matter be continued for one month and the traffic information be reviewed.

The City Attorney noted that if there is additional information the public hearing should be continued.

In response to an inquiry by Council Member Rosen, Ms. Dickson of St. Columban's Church noted that she has a concern with continuing the matter for a month because they are ready to put in the parking lot and this is an opportune time before the school is in session again.

The City Attorney noted that inasmuch as the information that has been requested needs to be brought forward, the public hearing should not be closed at this time.

Council Member Rosen noted that a special City Council meeting could be held to address the timing issue.

Council Member Leyes noted that he could amend his motion, to continue the matter to July 18, 2006.

The City Manager noted that Council Member Nguyen has asked for a traffic study to be performed, and that cannot be accomplished by July 18.

Council Member Nguyen indicated that she would like to propose a compromise and suggested that the matter be continued to July 18, and she will visit the site over the weekend and see what the traffic situation looks like.

RECESS

At 10:26 p.m., the Mayor Pro Tem declared a recess.

RECONVENE

At 10:38 p.m., the meeting was reconvened in the Council Chamber with Mayor Pro Tem Rosen and Council Members Krebs, Leyes, and Nguyen in attendance.

PLANNED UNIT DEVELOPMENT NO. PUD-111-06 AND DEVELOPMENT AGREEMENT (CONTINUED) (F: 116.PUD-111-06) (XR: 106.71)

Council Member Leyes moved, seconded by Council Member Nguyen, that the public hearing be continued to July 18, 2006, in order to obtain additional traffic information. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) LEYES, NGUYEN, ROSEN
NOES: COUNCIL MEMBERS: (1) KREBS
ABSENT: COUNCIL MEMBERS: (1) DALTON

MAYOR DALTON REJOINED THE MEETING AT 10:41 P.M. AND ASSUMED THE CHAIR.

RESOLUTION AMENDING SCHEDULE A OF THE CITY'S MASTER FEE RESOLUTION (F: 60.2A)

Staff report dated July 11, 2006, was introduced and reviewed by staff. It was noted that this item was continued from the meeting of June 27, 2006.

Council Member Rosen moved, seconded by Council Member Krebs, that the Master Fee Resolution reflect a \$20.70 fee for late payment of water bills. Said motion carried by the following vote:

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

Council Member Nguyen moved, seconded by Council Member Krebs, that the Art in Public Places fee remain status quo. Said motion carried by the following vote:

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

Council Member Leyes moved, seconded by Council Member Rosen, that the General Plan Fee remain without the cultural arts fee. Said motion failed to carry by the following vote:

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

Council Member Krebs moved, seconded by Council Member Nguyen, that the General Plan and Cultural Arts Fee remain status quo. Said motion carried by the following vote:

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

RESOLUTION NO. 8730-06

Council Member Rosen moved, seconded by Council Member Krebs, that full reading of Resolution No. 8730-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SCHEDULE A OF THE CITY'S

MASTER FEE RESOLUTION 8726-06, be and hereby is adopted.
Upon the following vote:

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

said Resolution No. 8730-06 was declared adopted.

SECOND READING OF ORDINANCE NO. 2689

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Ordinance No. 2689 be and hereby is waived.

ORDINANCE NO. 2689 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

Council Member Leyes moved, seconded by Council Member Krebs, that Ordinance No. 2689 be and hereby is declared passed. Upon the following vote:

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

Ordinance No. 2689 was declared passed.

PROPOSED BALLOT MEASURE FOR THE NOVEMBER 7, 2006, GENERAL ELECTION, TO ELIMINATE FIREWORKS SALES AND USE WITHIN THE CITY LIMITS OF GARDEN GROVE, AS REQUESTED BY COUNCIL MEMBER KREBS (F: 53.1) (XR: 61.6) (XR: 58.9)

Staff report dated July 11, 2006, was introduced, and the Deputy Police Chief reviewed the incidents that occurred on July 4, noting that there was an increase in the use of illegal fireworks this year, primarily aerals.

Also submitted for the record were six letters from residents urging the ban of fireworks and placement of a measure on the ballot.

COUNCIL MEMBER NGUYEN LEFT THE MEETING ROOM AT 11:12 P.M. AND RETURNED AT 11:15 P.M.

The Fire Chief also reviewed incidents that occurred on July 4, noting that in many incidents the safe and sane fireworks were out in view and the illegal ones were hidden.

Council Member Rosen inquired whether the District Attorney would prosecute if people were arrested for using illegal fireworks, to which the Deputy Police Chief responded in the affirmative.

In response to an inquiry by Council Member Nguyen, the Deputy Police Chief noted that the City of Chino has much more public safety staffing to deal with the Fourth of July issues.

Council Member Leyes commented that he sees this as an enforcement issue and the City should look at stricter enforcement and the formation of a task force. He is not prepared to place this on the ballot, because the citizens want fireworks.

Council Member Krebs commented that the use of illegal fireworks has gotten out of control. There were 378 calls this year, a large number of which were unanswered, and there were 204 fire incidents. He is concerned about the safety of the citizens and their property. The City should consider putting on fireworks displays. He urged this matter be placed on the ballot so the people can decide.

Council Member Rosen noted that the citizens enjoy getting together and setting off the fireworks in their neighborhoods, which is a great way to celebrate. Additionally the firework stands are a good source of revenue for non-profit organizations. The illegal fireworks should be addressed. He also suggested increasing the fee on the sale of fireworks to pay for law enforcement.

Council Member Nguyen also urged control and enforcement of illegal fireworks. She noted that she will gladly serve on a Task Force to come up with solutions.

Mayor Dalton commented that banning fireworks will not stop the illegal ones. He would like to meet with officials in the City of Chino to see what they are doing. The Police and Fire personnel are doing their job, but more enforcement is needed. He would like to look at the calls for service.

Council Member Nguyen suggested the formation of a task force, made up of two City Council Members, members of AARP, representatives from TNT, and representatives from various service clubs, to look at the issue before next year.

Council Member Leyes commented that it is not appropriate to talk about a task force at this time.

Council Member Krebs moved that the City Council approve placing on the November 2006 ballot a question asking whether an ordinance banning the sale, purchase, possession, and use of fireworks in the City of Garden Grove be adopted. The motion died for lack of a second.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes spoke about the Grove Theater Center who held many productions at the Gem Theater and have now gone. (F: 53.1) (XR: 87.3)

Council Member Krebs spoke about the Hamlet production at the Amphitheater, the Fourth of July party that was held at the Senior Center, and the Orange County Veterans Fair held last Saturday in the park. (F: 53.1)

ADJOURNMENT

At 12:25 a.m. on Wednesday, July 12, 2006, the meeting was adjourned to Tuesday, July 18, 2006, in memory of Mikhael Haddad, former resident of Garden Grove and father-in-law of Council Liaison, Pamela Haddad. (F: 46.9)

RUTH E. SMITH
CITY CLERK