

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 12, 2005, at 7:07 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 Leyes.

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 87.5)

Mayor Dalton called forward Tom Bradac, representing Shakespeare of Orange County, recipient of the Outstanding Arts Organization Award at the 2005 Orange County Arts Awards Ceremony, and presented him with a Certificate of Recognition.

PRESENTATIONS (F: 52.3) (XR: 122.76)

Members of the Community Financial Working Group provided a power point presentation and a report on their findings.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and approved by unanimous vote, that the report from the Community Financial Working Group, be and hereby is received and ordered filed.

ORAL COMMUNICATIONS - PUBLIC

Bob Owens commented that the General Fund should not be used to back up redevelopment, and that the City Council should attend meetings when the Redevelopment Agency makes presentations to the public. (F: 53.3)

Verla Lambert commented about former Mayor Broadwater and how proud he was of the development on Harbor Boulevard, and about "tax fighter" Bob Dinsen and how he worked for the city. She also noted that it is time for the current City Council to help the small businesses. (F: 53.3)

Nancy O'Shaughnessy commented that she was in favor of having a casino in the city and the revenue that it would bring. She commented that the businesses on Harbor Boulevard are experiencing a boom in business because of the development. She was in favor of having outlet stores in the city. (F: 53.3) (XR: 122.76)

David Lautherboren commended the Budget Committee on its presentation. He was in favor of having a casino as a way of getting out of debt. (F: 53.3) (XR: 122.76)

Anthony Koslosky commented that he also was in favor of a casino and to keep his money here rather than giving it to other cities with casinos. (F: 53.3) (XR: 122.76)

Peter Vuong commented regarding the presentation on the budget and wanted to see a list of revenues and expenses. He was opposed to a casino because there were a lot of intangible costs to the neighborhoods. (F: 53.3) (XR: 122.76)

George Brietigam thanked the City Council and the Police Department for the extra enforcement on the west end of town, noting that it has helped with the speeding problems. He commented regarding the petition that will be circulating regarding City Council districts and felt that districts would improve the community and overall communication. He commented on the budget presentation and was disappointed that they only recommended a casino and more taxes, noting that efforts are being wasted on pursuing a casino. People he talked to are in favor of an outlet mall or a drag strip. He also indicated that cities make money operating their own tow yard. (F: 53.3) (XR: 122.76)

David Ramsey commented regarding shopping carts that are continually left in front of his home, suggesting that there should be a penalty for taking them. Additionally, he commented on the fireworks this past July 4th, noting that it was much worse this year. He suggested that the City Council check on why other cities no longer have fireworks and requested that the City Council get rid of them in Garden Grove. (F: 53.3) (XR: 61.6)

Tony Rector commented that he gets aggravated when people talk under Oral Communications and ask pertinent questions and do not get responses. He requested that the City Council answer people's legitimate questions and concerns even by using the City's web site. He indicated that although fireworks are a politically sensitive issue, this 4th of July was like being in downtown Baghdad. He was flabbergasted that the City Council would even consider a casino. He indicated that having more restaurants on Harbor Boulevard would bring in more revenue. Mayor Dalton commented that people who want responses do not get them at the meeting; however, they are contacted after the meeting. (F: 53.3) (XR: 61.6) (XR: 122.76)

Charles Mitchell commented that if a casino is a feasible idea, no city funds should be used. Revenue could be generated by parking large vehicles on the PE Right-of-Way or by using it for a mobile home park. (F: 53.3) (XR: 122.76) (XR: 36.3)

RECESS

At 9:03 p.m., the Mayor declared a recess.

RECONVENE

At 10:51 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – NATIONAL KIDS DAY (F: 83.1) (XR: 74.3)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that August 7, 2005, be and hereby is proclaimed as National Kids Day.

AGREEMENTS WITH SCOTT FAZEKAS AND ASSOCIATES, INC., AND ESGIL CORPORATION TO PROVIDE PLAN REVIEW SERVICES. (F: 55) (XR: 35.1)

Staff report dated July 12, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Agreements by and between the City of Garden Grove and Scott Fazekas and Associates, Inc. and Esgil Corporation, to provide plan review services, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the agreements.

AGREEMENT WITH G.I.E. TECHNOLOGIES, INC., FOR CONDITION ASSESSMENT OF THE STREET NETWORK IN CONNECTION WITH THE PAVEMENT MANAGEMENT SYSTEM (F: 55) (XR: 24.2)

Staff report dated July 12, 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 G.I.E. Technologies, Inc., for condition assessment of the street network in connection with the Pavement Management System, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

REVISED PLAN DOCUMENT FOR THE CITY'S EXISTING DEFERRED COMPENSATION PROGRAM (F: 78.16)

Staff report dated July 12, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the revised Plan Document for the City's Existing Deferred Compensation Program, be and hereby is approved; and the City Manager is authorized to establish the administrative policies for this plan and submit an adoption agreement to the plan administrator.

REVISED PLAN DOCUMENT FOR THE CITY'S EXISTING PART-TIME – SEASONAL EMPLOYEE RETIREMENT PROGRAM (F: 78.13D)

Staff report dated July 12, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the revised Plan Document for the City's existing part time – seasonal employee Retirement Program, be and hereby is approved; and the City Manager is authorized to establish the administrative policies for this plan and submit an adoption agreement to the plan administrator.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 338479 through 340081 and Wire W202, and payroll warrants 141234 through 141456, Direct Deposits D107967 through D108523, and Wires W990 through W993, which have been audited

for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING TO CONSIDER MAIN STREET ASSESSMENT DISTRICT NO 1
– FISCAL YEAR 2005-06 ASSESSMENTS (F: 31.4)

Staff report dated July 12, 2005, was introduced.

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

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

RESOLUTION NO. 8661-05

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8661-05 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 ASSESSMENTS IN THE MATTER OF MAIN STREET ASSESSMENT DISTRICT NO. 1, be and hereby is adopted.

PUBLIC HEARING – ADOPTION OF THE 2004 CALIFORNIA ELECTRICAL CODE
BY REFERENCE (F: 35.2)

Staff report dated July 12, 2005, was introduced.

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

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

ORDINANCE NO. 2666 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 PORTIONS OF ORDINANCE NO. 2590 AND ADOPTING BY REFERENCE THE FOLLOWING PRIMARY CODE WITH CERTAIN AMENDMENTS, DELETIONS, AND ADDITIONS THERETO: CALIFORNIA ELECTRICAL CODE, 2004 EDITION; AS ADOPTED INTO THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3

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

Ordinance No. 2666 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE AMENDING MUNICIPAL CODE RELATING TO MASSAGE REGULATIONS (F: 50.2) (XR: 82.1)

Staff report dated July 12, 2005, was introduced.

ORDINANCE NO. 2667 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 5.12, OF TITLE 5 OF THE MUNICIPAL CODE RELATING TO MASSAGE REGULATIONS

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Ordinance No. 2667 be waived, and said Ordinance be and hereby is passed to second reading.

APPOINTMENTS TO THE PARKS, RECREATION, AND ARTS COMMISSION
(F: 122.70a)

No appointments were made.

SECOND READING OF ORDINANCES NO. 2662, NO. 2663, AND NO. 2664

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Ordinances No. 2662, No. 2663, and No. 2664 be and hereby is waived.

ORDINANCE NO. 2662 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 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 (F: 20.GPA-2-05(A)) (XR: 116.PUD-107-05) (XR: 106.161)

Council Member Krebs moved, seconded by Council Member Nguyen, that Ordinance No. 2662 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. 2662 was declared passed.

ORDINANCE NO. 2663 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 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 (F: 20.GPA-2-05(A)) (XR: 116.PUD-107-05) (XR: 106.161)

Council Member Krebs moved, seconded by Council Member Nguyen, that Ordinance No. 2663 be and hereby is declared passed. Upon the following vote:

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

Ordinance No. 2663 was declared passed.

ORDINANCE NO. 2664 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: 61.2)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that Ordinance No. 2664 be and hereby is declared passed.

DISCUSSION CONCERNING ADOPTING AN EMINENT DOMAIN POLICY, AS REQUESTED BY COUNCIL MEMBER LEYES (F: 53.1)

Council Member Leyes commented regarding the recent Supreme Court decision that cities can use eminent domain on private property. He distributed copies of the City of Anaheim's policy; and noted that once he receives copies of the Anaheim City Attorney's decision, he will reschedule this item for discussion.

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

Council Member Leyes commented that he did not expect the City Council to take a position on all the Propositions, but he requested that the Council Members endorse Propositions No. 74, No. 76, and No. 77.

Council Member Rosen commented that he would prefer to wait until it is closer to the election and make sure that the propositions will stay on the ballot before taking a position.

Council Member Leyes agreed that this item could be listed on an agenda closer to the election in November.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes commended the members of the Community Financial Working Group on their report. He would have liked to see it deal seriously with measures dealing with cost savings. He supported continuing with redevelopment, but he was not in favor of a casino or a utility tax. He requested that the items in the report be listed on a future agenda for discussion. (F: 53.1) (XR: 122.76)

Council Member Leyes commented that since there will not be a City Council meeting on July 26, he will hold a round table/town hall meeting at 7:00 p.m. at the Community Meeting Center and invited everyone to attend. (F: 53.1)

Council Member Leyes requested that the meeting be adjourned in memory of Mark Gassman, who represented the TNT Fireworks Co. and worked with the City and non-profit organizations for many years. (F: 53.1) (XR: 46.9)

Council Member Rosen requested that staff provide a report on the reduced service of the OCTA Access bus that provides transportation to people with disabilities. (F: 53.1) (XR: 23.18)

Council Member Rosen commented that he attended a performance of "A Midsummer Night's Dream" by Shakespeare Orange County at the Festival Amphitheater. It was a tremendous show, which runs from Thursday through Saturday until July 23. He noted that the only drawback was the noise created by the cars leaving the Friday night car show on Main Street. He requested that staff speak to the organizers and have the cars exit to the south on Main Street. (F: 53.1) (XR: 87.5)

Council Member Nguyen wished Rebecca Weimer well and a speedy recovery in her battle against cancer. (F: 53.1)

Council Member Krebs commented that he also attended " A Midsummer Night's Dream" and encouraged everyone to attend. He also commended the Community Financial Working Group on doing an outstanding job. (F: 53.1) (XR: 87.5) (XR: 122.76)

Council Member Krebs commended Kathy Porter and Jany Lee, City staff members, for the Korean Cultural Diversity Program that he attended in the morning. (F: 53.1)

Mayor Dalton requested that the meeting also be adjourned in memory of Gail Charle, long time Garden Grove resident. (F: 53.1) (XR: 46.9)

ADJOURNMENT

At 11:33 p.m., the meeting was declared adjourned in memory of Mark Gassman and Gail Charle. (F: 46.9)

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK