

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, August 23, 2005, at 11:17 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS KREBS, LEYES, NGUYEN, ROSEN

ABSENT: (0) NONE

ORAL COMMUNICATIONS - PUBLIC

There were no oral communications relative to the City Council.

RECESS

At 11:23 p.m., the Mayor declared a recess.

RECONVENE

At 11:30 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH (F: 83.1)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that September 2005, be and hereby is designated National Alcohol and Drug Addiction Recovery Month.

RESOLUTION RECOGNIZING 25th ANNIVERSARY MILESTONE YEAR OF INTERVAL HOUSE (F: 83.1)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that a Resolution recognizing the 25th Anniversary Milestone Year of Interval House, be and hereby is approved.

RESOLUTION AUTHORIZING THE APPLICATION FOR GRANT FUNDS FOR THE MAGNOLIA PARK FAMILY RESOURCE CENTER AND THE FOCUS COLLABORATIVE UNDER THE COUNTY OF ORANGE FAMILIES AND COMMUNITY TOGETHER PROGRAM (F: 73.8a)

Staff report dated August 23, 2005, was introduced.

RESOLUTION NO. 8666-05

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8666-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR MAGNOLIA PARK FAMILY RESOURCE CENTER AND THE FOCUS COLLABORATIVE UNDER THE COUNTY OF ORANGE FAMILIES AND COMMUNITY TOGETHER (FaCT) PROGRAM, be and hereby is adopted.

AWARD OF BLANKET PURCHASE ORDER FOR ASPHALT MIX – PUBLIC WORKS DEPARTMENT (F: 24.2) (XR: 60.4)

Staff report dated August 23, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that three blanket purchase orders for asphalt mix be and hereby is awarded, in the firm fixed amount of \$126,000.00 per year, to Vulcan Materials, All American Asphalt, and R.J. Noble, based on the availability of the materials needed.

APPOINTMENT OF NEW ACCOUNTING TECHNICIAN TO "E" STEP OF SALARY RANGE (F: 78.1)

Staff report dated August 23, 2005 was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the appointment of a new Accounting Technician to "E" step of the salary range for this position, be and hereby is approved.

APPOINTMENT OF NEW SENIOR ECONOMIC DEVELOPMENT SPECIALIST TO "F" STEP OF SALARY RANGE (F: 78.1)

Staff report dated August 23, 2005 was introduced.

Council Member Rosen requested that this matter be continued to the meeting of September 13, 2005, in order to obtain some additional information.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the appointment of a new Senior Economic Development Specialist to "F" step of the salary range for this position, be and hereby is continued to the meeting of September 13, 2005.

MINUTES (Vault)

Council Member Krebs moved, seconded by Council Member Rosen, that the Minutes of the Regular City Council Meeting held August 9, 2005, be and hereby are approved. Said motion carried by the following vote:

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

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 342255 through 342589 and Wires W210-W211, and payroll warrants 141966 through 142176, Direct Deposits D109368, and D109648 through D110212, and Wires W1004 through W1007, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

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 report dated August 23, 2005, was introduced, and it was noted that this matter was continued from the meeting of June 28, 2005 for the securing of more detailed information.

The City Manager noted that because of higher than projected revenues, additional cost savings, and a healthy carryover, the City is in a better financial position for FY 2005-06 than was previously forecast, with a projected budget of over \$166 million. However, because VLF funds were received from the State this year instead of next year, thus not necessitating the drawing down on reserves, we will probably need to draw down on those reserves next year.

Council Member Nguyen and Council Member Rosen requested clarification of some items listed in the budget, to which staff responded.

Council Member Rosen requested further information concerning the use and amount of Measure M turn back funds for street maintenance and how much was spent on street maintenance in FY 2004-05.

Council Member Rosen commented that in response to budget questions he had at the July 12 meeting about employment, he was advised that approximately \$4.8 million was budgeted for health and \$4.3 million for worker's compensation premiums.

Council Member Leyes commented on increases in the Fire and Police budgets.

In response to an inquiry by Council Member Leyes, staff noted that the Water Services Budget includes a commodities adjustment that was previously approved.

Council Member Leyes indicated that he cannot support a budget that does not fund DARE, especially when there is a 7 percent increase in the Police Department budget with only one position added and no funding for a program as important and as popular as the DARE program.

RESOLUTION NO. 8667-05

Council Member Krebs moved, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8667-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A BASIC SERVICES, CABLE SERVICES, GRANT SERVICES, WATER SERVICES, CAPITAL IMPROVEMENTS, MOBILE HOME PARKS, SPECIAL ASSESSMENT RELATING TO STREET LIGHTING, SPECIAL ASSESSMENT RELATING TO MAIN STREET AND THE PARKING DISTRICT AND SPECIAL ASSESSMENT RELATING TO PARK MAINTENANCE BUDGETS FOR FISCAL YEAR 2005-06, be and hereby is adopted. 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

RESOLUTION NO. 8668-05

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8668-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2005-06 IMPLEMENTING ARTICLE XIII B OF THE STATE CONSTITUTION PURSUANT TO SECTION 7900 ET SEQ. OF THE GOVERNMENT CODE, be and hereby is adopted.

APPOINTMENTS TO THE PARKS, RECREATION, AND ARTS COMMISSION

(F: 122.70a)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that Christine Pietsch be and hereby is appointed to the Parks, Recreation, and Arts Commission, as Council Member Rosen's appointee.

Council Member Leyes moved, seconded by Mayor Dalton, that Tony Flores be and hereby is appointed to the Parks, Recreation, and Arts Commission, as Council Member Leyes' appointee. The motion failed to carry by the following vote:

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

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

Council Member Leyes spoke about the Orange County District Attorney's release of the report regarding its inquiry into possible violations of the Brown Act by the Agency. He suggested that the California First Amendment Coalition be contacted for materials and possible training in the Brown Act for Council Members, Commissioners, and even the public. He also suggested a look be taken at the City Manager's recommendations on this issue. He also took exception with newspaper articles on this matter relative to there being no wrong doing, because there was a violation of the Brown Act. He commented that the Agency attorney should be brought in to talk about what happened. There should be some accountability and measures taken to see that it does not happen again, and he would like to have this matter placed on an agenda in the near future. (F: 53.1)

Council Member Rosen suggested that the Senior Citizens Center consider looking into requesting surplus Access buses that are available annually from OCTA. He noted that he recently spoke with Supervisor Correa, who suggested that we get some help from Sacramento relative to the sewer issue, and Council Member Rosen requested that discussion about hiring lobbyists be placed on the City Council agenda for the August 30 meeting.

Council Member Rosen also spoke about the Brown Act, noting that the District Attorney really did not have a case, but spent taxpayer dollars and wrote a 29-page report saying that they could have had a case if they had decided to prosecute, which is a cheap shot at people who don't have the courtroom to respond to it. He noted that we have to be careful not to jump to the other end of the spectrum and not do certain things that should be done as a City Council. However, he agreed that the Redevelopment Agency Attorney's involvement in this should be reviewed. He also suggested that screening meetings should be held to review proposed projects much earlier in the process to see if the City Council is interested in going forward with them. He noted that he has previously asked for regular reports by each department at the City Council meetings.

Lastly, Council Member Rosen requested that the City Council consider asking the Attorney General to give an opinion as to the extent to which proprietary information agreements are legal under the Brown Act so there is some consistency throughout the state of California; and also relative to guidelines for serial meetings. He also would like to see an outside attorney advise the City Council on the Brown Act. (F: 53.1) (XR: 87.8)

Council Member Nguyen thanked everyone for their good wishes on her recent wedding. (F: 53.1)

Council Member Krebs noted that he would welcome some training on the Brown Act. He also commented that the District Attorney's report should be put to rest. He also spoke about the Miss Garden Grove Pageant and congratulated the Court. (F: 53.1)

Mayor Dalton spoke about the proposed sewer tax increase, noting that no one wants to raise taxes, but sometimes it is necessary to be equitable. (F: 53.1)

ADJOURNMENT

At 12:22 a.m. on Wednesday, August 24, 2005, the meeting was declared adjourned to Tuesday, August 30, 2005, at 6:30 p.m. in the Council Chamber of the Garden Grove Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH
CITY CLERK