

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 26, 2003 at 6:49 p.m.

ROLL CALL: PRESENT: (5) MAYOR BROADWATER, COUNCILMEMBERS
DALTON, LEYES, ROSEN, TRAN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Finance Director, Anthony Andrade; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Deputy Police Chief, Scott Jordan; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Councilman Leyes led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Joan Malm and Leo Zlaket, Garden Grove Chamber of Commerce 2003 Woman and Man of the Year, and presented each of them with a plaque in recognition of their many generous years of service to our community. (F: 52.3)

PRESENTATION

Sheldon Singer, Garden Grove's representative on the Orange County Vector Control District's Board of Trustees, introduced Michael Hurst, Public Information Officer for the Vector Control District. Mr. Hurst provided an update on the status of the West Nile Virus, noting that it has been found at the Salton Sea area and is dangerous particularly to animals. The key is to eliminate standing water.

ORAL COMMUNICATIONS – PUBLIC

Sharon Tanihara addressed the Council concerning fireworks, urging the Council to ban fireworks in Garden Grove. (F: 53.3) (XR: 61.6)

David Vill, President of the Garden Grove chapter of AARP, addressed the Council, urging they ban fireworks in Garden Grove. He also invited Councilmembers to attend one of their meetings. (F: 53.3) (XR: 61.6)

Tony Flores addressed the Council, requesting more information on the Force Restructuring item listed on the agenda. He also suggested cities who have banned fireworks be contacted to find out what other activities the youth organizations are doing to raise funds. (F: 53.3) (XR: 34.1) (XR: 61.6)

Carolyn Rowland addressed the Council, asking that a meeting be set to study Planned Unit Development standards. She also requested that the ordinance Councilman Rosen previously presented relative to the Gilbert Street development should be studied further. (F: 53.3)

Steve Raganold addressed the Council and announced that they had received verbal confirmation that they had obtained the necessary number of signatures for their referendum. (F: 53.3) (XR: 58.14) (XR: 116.PUD-102-03)

Dietrich Nicholson addressed the Council, urging the Council enact a “pooper scooper” ordinance, noting that the City of Cypress has one, and he will provide the City Manager with a copy. (F: 53.3)

REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION FOR USE OF WILLOWICK GOLF COURSE (F: 130.15)

A communication from the Garden Grove Community Foundation dated July 28, 2003, was introduced.

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that the request from the Garden Grove Community Foundation for the use of the Willowick Golf Course for their Third Annual Foundation Golf Tournament on June 30, 2004, be approved.

REQUEST FROM CALIFORNIA LITERACY, INC., FOR GARDEN GROVE TO JOIN THE CITIES THAT READ CAMPAIGN (F: 74.1) (XR: 68.3)

A communication from California Literacy dated August 5, 2003, was introduced.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the City of Garden Grove hereby endorses the Cities That Read campaign, as coordinated by California Literacy.

RECESS

At 7:28 p.m., the Mayor declared a recess.

RECONVENE

At 7:56 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

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

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that September 2003, be and hereby is proclaimed as National Alcohol and Drug Addiction Recovery Month.

PROCLAMATION – FAMILY DAY (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that September 22, 2003, be and hereby is proclaimed as Family Day.

PROCLAMATION HONORING THE 30TH ANNIVERSARY OF ANYANG CITY, SOUTH KOREA (F: 83.1) (XR: 102.3)

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote, that the Proclamation honoring the 30th anniversary of Anyang City, South Korea, be and hereby is approved, as amended.

RENEWAL OF AGREEMENT WITH ESGIL CORPORATION TO PROVIDE BUILDING PLAN CHECK SERVICES ON AN AS-NEEDED BASIS (F: 55) (XR: 35.1)

Staff report dated August 26, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Esgil Corporation, to provide building plan check services on an as-needed basis, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AFFORDABLE HOUSING AGREEMENT WITH SAGHIR ASLAM TO PURCHASE AND REHABILITATE EIGHT MULTIFAMILY HOUSING UNITS AT 10812 PALMA VISTA AVENUE (F: 117.170) (XR: A-117.6) (XR: 117.101) (XR: 117.17C)

Staff report dated August 26, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Affordable Housing Agreement by and

between the City of Garden Grove and Saghir Aslam, to purchase and rehabilitate eight multifamily housing units at 10812 Palma Vista Avenue, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 294515 through 296037, Wires W113 and W114 and payroll warrants 130244 through 130514, Direct Deposits D80711 through D81260, and Wires W763 through W766, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

CREATION OF BLUE RIBBON COMMITTEE TO MAKE PLANS FOR THE CITY'S 50TH ANNIVERSARY CELEBRATION (F: 122.75) (XR: 45.1)

Staff report dated August 26, 2003, was introduced, and it was noted that the City will celebrate 50 years of incorporation on June 18, 2006, and it is not too early to begin planning and preparing for a celebration.

Councilman Leyes suggested various community groups be invited to apply to serve on the committee.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that Councilmembers each appoint one member to the Blue Ribbon Committee to make plans for the City's 50th Anniversary Celebration.

ADOPTION OF A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM TO ENABLE THE CITY TO PROCEED WITH FEDERALLY FUNDED HIGHWAY PROJECTS (F: 117.13)

Staff report dated August 26, 2003, was introduced, and it was noted that this matter was continued from the meeting of August 12, 2003.

RESOLUTION NO. 8528-03

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8528-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR ALL PROJECTS IN THE CITY OF GARDEN GROVE RECEIVING UNITED STATES DEPARTMENT OF TRANSPORTATION FUNDING AND ESTABLISHING A DISADVANTAGED BUSINESS GOAL OF 12 PERCENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2004, be and hereby is adopted.

ADOPTION OF A LONG-TERM STORAGE PROGRAM WITH THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY, AND THE ORANGE COUNTY WATER DISTRICT
(F: 55) (XR: 24.12) (XR: 112.1) (XR: 112.4) (XR: 112.5) (XR: 112.6)

Staff report dated August 26, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Long-Term Storage Program with the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, and the Orange County Water District, be and hereby is adopted; and the Mayor and City Clerk are authorized to execute the agreement.

ADOPTION OF AN ORDINANCE AMENDING LICENSING PROVISIONS RELATING TO INDEPENDENT CONTRACTORS ASSOCIATED WITH MASSAGE THERAPY
(F: 50.2) (XR: 82.1)

Staff report dated August 26, 2003, was introduced, and it was noted that the State Legislature adopted recent legislation authorizing cities to require massage permits of independent contractors associated with persons of the healing arts, including chiropractors, and this proposed amendment is to be consistent with the new legislation.

Further, this amended ordinance would require that any person, including independent contractors of any person licensed to practice the healing arts, cosmetologists, and barbers, shall obtain a massage permit from the Chief of Police. This will require all individuals who will work as massage therapists in the city to come into the police department and apply for a massage permit. These permits include a background investigation for prior criminal activity and will allow the City to track the number of massage therapists at a business and which businesses offer massage therapy.

Discussion ensued, and the City Attorney noted that the City of Garden Grove has some of the toughest requirements than any other city. Councilman Leyes suggested further consideration be given to the renewal process.

ORDINANCE NO. 2611 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 "REGULATION OF MASSAGE ACTIVITY" WITHIN THE CITY CORPORATE BOUNDARIES

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2611 be waived, and said Ordinance be and hereby is passed to second reading.

SECOND READING OF ORDINANCE NO. 2610 (F: 60.1) (XR: 82.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2610, be waived.

ORDINANCE NO. 2610 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 CHAPTER 8.60 "ALARM SYSTEMS," RELATING TO FALSE ALARM PREVENTION FEES

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Ordinance No. 2610 be and hereby is passed.

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS AND CITY MANAGER

Councilman Rosen asked that the establishment of an on-going City Council Ad Hoc Teen Committee be placed on the next Council agenda for consideration. (F: 53.1) (XR: 122.67)

Councilman Tran asked that property on the east side of Brookhurst Street across from Thirteenth Street be checked for heavy growth of weeds and grass. (F: 53.1) (XR: 80.2)

Councilman Tran asked that OCTA provide a presentation on the progress of the 22 Freeway expansion as soon as possible. (F: 53.3) (XR: 62.2) (XR: 23.18)

Mayor Broadwater commented that some people seem to be so involved in the process of matters, they are missing the big picture. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 8:23 p.m., the meeting was adjourned to Closed Session, under the Ralph M. Brown Act, and it was announced that pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Garden Grove Police Association, Police Middle Management, and Garden Grove Fire Fighters Local 2005; and pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association, Employee League, and non-represented Management and Central Management employees. Further, that pursuant to Government Code section 54956.9, the City Council will confer with its legal counsel regarding the status of Dutton v. City of Garden Grove.

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were City Manager, George Tindall; Assistant City Manager, Les Jones; Personnel Services Director, Steve Larson; Legal Counsel Dan Spradlin, and City Attorney, John Shaw.

RECESS

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

RECONVENE IN CLOSED SESSION

At 9:26 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were City Manager, George Tindall, Assistant City Manager, Les Jones; Assistant City Manager, Matthew Fertal; Personnel Services Director, Steve Larson; Deputy Police Chief Scott Jordan; and Controller, Anthony Andrade.

RECESS

At 10:20 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 10:23 p.m., the meeting was reconvened in Open Session with Mayor Broadwater and all Councilmembers in attendance.

CONSIDERATION OF PROPOSED FORCE RESTRUCTURING ELEMENT OF THE FY 2003-04 BUDGET (F: 34.1)

Staff report dated August 26, 2003, was introduced, and it was indicated that this matter was continued from the Council meeting of August 12, 2003.

Councilman Leyes noted this is a legitimate option available under PERS and makes sense, as it will provide \$600,000 in savings.

Councilman Leyes moved, seconded by Mayor Broadwater, that the Force Restructuring component of the FY 2003-04 budget be approved.

Councilman Dalton expressed concern with the figure of \$600,000 in savings that was presented. He also commented that cutting more City positions would be more difficult for the citizens, noting that Garden Grove has the least number of employees for a city of its size and the employees remaining would have an increased work load. He further noted that in good financial times he could support this; but he has difficulty supporting it at this time.

Councilman Dalton referenced AB 55, noting that it is currently on the Governor's desk, whereby employees can buy years of service with their own money.

He further noted that Garden Grove employees are paid less than the current market for their positions, and he believes new employees hired to fill

positions left vacant by retiring employees will not be hired at the introductory step for the position.

Councilman Tran indicated that he is inclined to support the force restructuring; however, in Closed Session some crucial material was presented relative to certain employee groups, and he would like an opportunity to review and discuss it further before coming to a decision. There is an issue of equity involved.

Councilman Tran moved a substitute motion, seconded by Councilman Dalton, that this matter be continued to September 9, 2003, and that the Employee Association and League negotiations also be discussed in Closed Session at that meeting.

Councilman Rosen expressed concern that this essentially is a short-term solution to a long-term problem. He noted that he agrees with Councilman Dalton's comments. The projected savings may not be achieved, and some employees will retire anyway. This sends a bad message to rank and file employees and adversely affects morale. Non-retirees have expressed opposition to this proposal.

Councilman Leyes noted that the City is already looking at 10 percent across-the-board cuts to balance the budget; and if this \$600,000 savings is not approved, further cuts will need to be made. He would like to see a 20-year projection of cost of retirement figures.

Mayor Broadwater commented that he believes the non-public safety employees are getting cheated, and it is time it ends. This proposal would provide the City with a \$600,000 shot in the arm. Some employees will benefit and some won't.

The foregoing motion carried by the following vote:

AYES: COUNCILMEMBERS: (3) DALTON, ROSEN, TRAN
NOES: COUNCILMEMBERS: (2) LEYES, BROADWATER
ABSENT: COUNCILMEMBERS: (0) NONE

ANNOUNCEMENT CONCERNING CLOSED SESSION

It was announced that the matters previously disclosed for discussion in Closed Session were discussed, and no others. Further the City Council directed its legal counsel to proceed with the Dutton v. City of Garden Grove lawsuit.

ADJOURNMENT

At 10:40 p.m., the meeting was adjourned in memory of Ruth Hain, long-time involved Garden Grove resident and volunteer. (F: 46.9)

RUTH E. SMITH
CITY CLERK