

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, September 12, 2006, at 6:16 p.m.

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

ABSENT: (0) NONE

PUBLIC INPUT ON CLOSED SESSION ITEM

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

ADJOURN TO CLOSED SESSION

At 6:17 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 Fire Fighters Local 2005; Garden Grove Police Association; 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.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Hoffman v. Garden Grove
Orange County Superior Court Case No. 05CC10968

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)

Joan Shaw v. City of Garden Grove, et al.
Orange County Superior Court Case No. 05CC10042

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.

RECESS

At 7:43 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 7:47 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members in attendance. The Mayor asked the City Attorney to clarify some misinformation being reported on the litigation involving the City and the Vietnamese Buddhism Study Temple.

The City Attorney stated that reports in some newspapers and other media outlets of a restraining order being granted in favor of the Vietnamese Buddhism Study Temple are not accurate. Copies of the order issued by Judge Carney, specifically denying the Plaintiff's application for a temporary restraining order, are available to the public.

The Mayor announced that the matters previously disclosed were discussed, and no reportable action was taken. Additional Closed Session with the exception of Labor Negotiations, which will be discussed at the end of the Open Session. (F: 20.GPA-4-05(A))

INVOCATION AND PLEDGE

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

COMMUNITY SPOTLIGHT

Mayor Dalton called forward Doris Kothman and presented her with a special memento on her retirement from 30 years of outstanding service to the City. (F: 52.3) (XR: 45.1)

DEPARTMENT UPDATE BY FINANCE DEPARTMENT DIRECTOR, KINGSLEY OKEREKE (F: 60.1)

Finance Department Director Kingsley Okereke provided an update of activities in the Finance Department.

ORAL COMMUNICATIONS – PUBLIC

Verla Lambert addressed the City Council, praising Public Works staff on the trees and entry garden into her tract and shared pictures with the City Council. She also repeated her desire to keep trees in the City's medians. (F: 53.3) (XR: 24.1)

David Terry Lautherboren commented on the parking available at the Los Sanchez Restaurant new site. He commented that the buses parking in the hotel parking lot adjacent to his home is being addressed, although sometimes the drivers need to be reminded. Additionally, Mr. Lautherboren commented on the assistance provided to the Armed Services personnel returning to the United States. (F: 53.3) (XR: 75.1) (XR: 115.A-119-05)

Manny Nunez wished a Happy Anniversary to Mayor Dalton and his wife. He presented his ideas on adding an adjunct to the General Plan to develop a master development plan for the civic center. (F: 53.3) (XR: 20.1) (XR: 48.1)

Mallory Vega, Executive Director for Acacia Adult Day Care Services, addressed the City Council outlining the 27-year history of Acacia Adult Day Services and its relationship with the City. She also announced National Adult Day Care Week, September 17-23, 2006, and invited the City Council to Acacia's 27th Anniversary Celebration. (F: 53.3) (XR: A-55.178) (XR: 106.88)

RECESS

At 8:15 p.m., the Mayor declared a recess.

RECONVENE

At 9:10 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – FAMILY DAY (F: 83.1)

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that September 25, 2006, be and hereby is designated as Family Day.

AWARD OF CONTRACT TO HARRIS & ASSOCIATES, FOR ENGINEERING DESIGN SERVICES FOR 2006/2007 ARTERIAL HIGHWAY REHABILITATION PROJECTS, PROJECT NO. 7237, PHASE VIII (F: 96 proj.7237.phaseVIII)

Staff report dated September 12, 2006, was introduced.

It was noted that this item was continued from the meeting of August 8, 2006.

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that Harris & Associates is determined to be the best qualified bidder in connection with the engineering design services for 2006/2007 Arterial Highway Rehabilitation Projects, Project No. 7237, Phase VIII, and that contract for said project be and hereby is awarded to said company in the sum of \$126,596.60, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the City Manager and City Clerk are authorized to execute the agreement.

AWARD OF CONTRACT TO WG ZIMMERMAN ENGINEERING, INC., FOR ENGINEERING DESIGN SERVICES FOR 2006/2007 ARTERIAL HIGHWAY REHABILITATION PROJECTS, PROJECT NO. 7237, PHASE IX (F: 96.PROJ.7237.phaseix)

Staff report dated September 12, 2006, was introduced.

It was noted that this item was continued from the meeting of August 8, 2006.

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that WG Zimmerman Engineering, Inc., is determined to be the best qualified bidder in connection with the engineering design services for

2006/2007 Arterial Highway Rehabilitation Projects, Project No. 7237, Phase IX, and that contract for said project be and hereby is awarded to said company in the sum of \$126,490 in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the City Manager and City Clerk are authorized to execute the agreement.

SUBLEASE OF PROPERTY LOCATED AT 11277 GARDEN GROVE BOULEVARD, BY THE AGENCY TO THE CITY OF GARDEN GROVE (F: 55) (XR: A-55.170)

Staff report dated September 12, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Leyes and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Agency for Community Development, for the Sublease (Overlease) of property located at 11277 Garden Grove Boulevard, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the pertinent documents on behalf of the City Council.

SUB-SUBLEASE TO THE CITY OF LA HABRA FOR A PORTION OF PROPERTY LOCATED AT 11277 GARDEN GROVE BOULEVARD (F: 55) (XR: A-55.170)

Staff report dated September 12, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Leyes and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the City of La Habra, for the Sub-Sublease of property located at 11277 Garden Grove Boulevard, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the pertinent documents on behalf of the City Council.

RESOLUTION REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY DISBURSE RIGHT-OF-WAY FUNDS FOR THE HARBOR BOULEVARD/TRASK AVENUE INTERSECTION IMPROVEMENTS, PROJECT NO. 7128 (F: 96 proj.7128)

Staff report dated September 12, 2006, was introduced.

RESOLUTION NO. 8735-06

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8735-06 be waived, and said Resolution entitled A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE COMBINED TRANSPORTATION PROGRAM FUNDS FOR HARBOR BOULEVARD/TRASK AVENUE INTERSECTION IMPROVEMENTS, be and hereby is adopted.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that regular warrants 367982 through 369417 and 354607 through 369791 and Wires W268 through W270; payroll warrants 147059 through 147537, Direct Deposits D125114 through D125710, and Wires W1124 and W1126, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

COOPERATIVE AGREEMENT WITH CALTRANS FOR THE RECONSTRUCTION OF THE MAGNOLIA STREET BRIDGE ON SR22 (F: 55) (XR: 62.2)

Staff report dated September 12, 2006, was introduced.

In response to Council Member Leyes' concerns on traffic signal coordination and whose responsibility it will be to maintain the facilities, staff responded that the City works with CalTrans District 12 for traffic signal coordination once projects are completed and has a good working relationship with District 12. The City is responsible for the maintenance of all projects not built on the State right-of-way.

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote, that the Cooperative Agreement #12-559 by and between the City of Garden Grove and the State of California, for the reconstruction of the Magnolia Street Overcrossing at SR22, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

2006-2009 MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE FIRE FIGHTERS LOCAL 2005 (F: 78.6A)

Staff report dated September 12, 2006, was introduced.

Council Member Leyes questioned that this item is being voted on, yet there is a Closed Session item being discussed later this evening that includes the Firefighters.

Staff responded that the Closed Session item is in regards to medical contributions, which is not included in what is being considered at this time.

RESOLUTION NO. 8736-06

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8736-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE MEMORANDUM OF UNDERSTANDING ON SALARIES, WAGES AND FRINGE BENEFITS 2006–2009 BY AND BETWEEN THE GARDEN GROVE FIRE FIGHTERS LOCAL 2005 AND THE CITY OF GARDEN GROVE AND ESTABLISHING A SALARY PLAN AND RESCINDING RESOLUTION NO. 8560-04, be and hereby is adopted.

MINUTES (F: Vault)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held July 11, 2006, be and hereby are approved.

Council Member Krebs moved, seconded by Council Member Rosen, that the minutes of the Regular City Council Meeting held July 18, 2006, be and hereby are approved. Said motion carried by the following vote:

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

PUBLIC HEARING – AMENDMENT NO. A-126-06 (F: 115.A-126-06)

The City of Garden Grove is proposing to amend Title 9 of the Garden Grove Municipal Code to allow auto repair (including paint and body work) in the C-2 (Community Commercial) zone subject to Conditional Use Permit approval.

On July 20, 2006, the City Planning Commission, pursuant to Resolution Nos. 5552 and 5553, recommended approval of Amendment No. A-126-06; and pursuant to Legal Notice published August 31, 2006, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated September 12, 2006, was introduced, and staff reviewed the background information concerning this matter.

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.

In response to Council Member Krebs' inquiry, staff indicated that permitted uses would be in compliance with AQMD requirements.

ORDINANCE NO. 2694 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-126-06, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9.08.030 TO ALLOW AUTO REPAIR (INCLUDING PAINT AND BODY WORK) IN THE C-2 (COMMUNITY COMMERCIAL) ZONE SUBJECT TO CONDITIONAL USE PERMIT APPROVAL

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2694 be waived, and said Ordinance be and hereby is passed to second reading.

RECOMMENDATION FROM THE TRAFFIC COMMISSION TO ELIMINATE THE SCHOOL CROSSING AT ELMWOOD STREET AND LAMPSON AVENUE, RELOCATE THE SCHOOL CROSSING AT PINE STREET AND LAMPSON AVENUE, AND PLACE AN ADULT CROSSING GUARD AT THE NEW CROSSING (F: 122.11) (XR: 100.1) (XR: 78.8)

Staff report dated September 12, 2006, was introduced. Currently there are no crossing guards at any of these locations; approval of the recommendation would add an adult crossing guard at Pine Street and Lampson Avenue.

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that the recommendation of the Traffic Commission meeting of July 5, 2006, to eliminate the crosswalk at the intersection of Elmwood Street and Lampson Avenue; relocate the school crossing at Pine Street and Lampson Avenue; and place an adult crossing guard at the intersection of Pine Street and Lampson Avenue, be and hereby is approved.

INITIATION OF FALL 2006 WEED ABATEMENT PROGRAM
(F: 113.1 Fall 2006)

Staff report dated September 12, 2006, was introduced.

Council Member Nguyen inquired on the success rate of sending out assessment notices to the property owners.

Staff responded that currently there are 29 lots listed on Exhibit A. Generally, once the notices are sent, the list will be reduced to 6-9 lots.

RESOLUTION NO. 8737-06

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8737-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

AGREEMENT WITH BLACK & VEATCH CORPORATION TO DEVELOP A FINANCIAL PLAN FOR THE WATER ENTERPRISE FUND (F: 55) (XR: 112.1)

Staff report dated September 12, 2006, was introduced.

Council Member Rosen noted that this item was discussed during the budget review process and he is satisfied with the information provided and will be voting to approve the agreement. He further noted that challenging staff reports has historically kept the City in good shape, citing the County's bankruptcy wherein had the City Council followed conventional wisdom at the time and participated, the City would be in bad shape today.

Council Member Leyes applauded Mr. Rosen's critical review of staff reports; commenting, however, that his review should not be at the expense of making decisions. Mr. Leyes indicated that he will also be voting to approve the contract.

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that the agreement

by and between the City of Garden Grove and Black & Veatch Corporation to develop a financial plan for the Water Revenue Fund, at a cost not to exceed \$95,000, be and hereby is approved; and the City Manager and City Clerk are authorized to execute said agreement.

AFFORDABLE HOUSING LOAN AGREEMENT WITH TAMERLANE ASSOCIATES FOR THE PURCHASE OF A FOUR-UNIT APARTMENT COMPLEX LOCATED AT 12132 TAMERLANE DRIVE (F: 117.16X)

Staff report dated September 12, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote, that the Affordable Housing Loan Agreement by and between the City of Garden Grove and Tamerlane Associates for the purchase of a multi-family rental apartment located at 12132 Tamerlane Drive, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement and all other documents necessary to implement the agreement.

DISCUSSION CONCERNING ASSESSING FEES TO PAY FOR EXTRA PUBLIC SAFETY SERVICES AND CLEAN-UP REQUIRED FROM IMPACT OF FOURTH OF JULY FIREWORKS, AND DEVELOPMENT OF A SCHEDULE OF PENALTIES AND FINES FOR THE USE OF ILLEGAL FIREWORKS, AS REQUESTED BY COUNCIL MEMBER KREBS (F: 53.1) (XR: 61.6) (XR: 60.2)

Council Member Krebs reviewed the history of the fireworks issue within the city, citing the Garden Grove Journal poll that indicated 75% of the city residents are in favor of eliminating fireworks.

Council Member Krebs proposed that the Police and Fire Chiefs prepare an ordinance with the help of the City Attorney that would assess fees to pay for extra public safety personnel and the cost of clean-up services required from the impact of the 4th of July fireworks. He further proposed that a schedule of penalties and fines be developed for the use of illegal fireworks within the city limits.

Discussion ensued regarding past memos that addressed different aspects of the fireworks issue and current fines allowable under the Municipal Code.

Mayor Dalton asked the City Attorney if State Law would preempt any charges in the City's fee structure under the Municipal Code.

The City Attorney responded that there would be some limits on the City's ability to increase fees in view of the fact that the State Legislature has specifically enacted prohibitions on the use of illegal fireworks. However, some discretion has been given to local public agencies. If the City Council directs, staff can determine whether there is an ability within that framework to assess fines in certain situations.

Direction was given to the City Attorney to determine what fines and fees are allowable for cities to charge for firework related issues under the State Law, and bring that information back to the City Council.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Leyes spoke on the 9/11 Commemoration that he attended at the First Christian Church of Garden Grove and noted that the Crystal Cathedral was not mentioned in an OC Business Journal Survey. He thanked Manny Nunez for his ideas on developing the Civic Center Area and recalled different ideas of thinking out-of-the box that he has suggested over the years of his service on the City Council and encouraged Mr. Nunez and others to continue presenting their ideas. (F: 53.1) (XR: 48.1)

Council Member Rosen wished a Happy Birthday to Irene Orapeza and commented on the 9/11 Interfaith event that he attended. He noted that the Los Sanchez Grand Re-Opening is a redevelopment project that worked well for Los Sanchez; they are now landowners rather than tenants. (F: 53.1) (XR: 91.1) (XR: 115.A-119-05)

Council Member Rosen outlined the reasons why he does not want to be a rubber stamp for projects brought before the City Council. (F: 53.1)

Council Member Nguyen commented on attending the 9/11 First Christian Church of Garden Grove's event, and hoped that we not only remember our men and women in the Armed Forces but also our local heroes, on a daily basis and to be thankful that we are Americans and live in a democracy. She also wished Mayor Dalton and his wife a Happy Anniversary. (F: 53.1)

Council Member Krebs commented on the parking situation at Los Sanchez indicating there are ongoing discussions on using the adjacent parking lot. He offered his congratulations to Mayor Dalton and his wife on their anniversary. (F: 53.1) (XR: 115.A-119-05)

Mayor Dalton wished his wife Sandy a Happy 45th Anniversary and offered his condolences to the family of George Lubben a retired Garden Grove Police Officer. (F: 53.1) (XR: 82.1)

ADJOURN TO CLOSED SESSION

At 10:16 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 Fire Fighters Local 2005; Garden Grove Police Association; 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.

RECONVENE IN OPEN SESSION

At 11:30 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 no reportable action was taken.

ADJOURNMENT

At 11:30 p.m., the meeting was declared adjourned in memory of George Lubben, retired Garden Grove Police Officer. (F: 46.9) (XR: 82.1)

KATHLEEN BAILOR
DEPUTY CITY CLERK