

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 13, 2005, at 6:15 p.m.

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

ABSENT: (0) NONE

PUBLIC INPUT:

Verla Lambert thanked staff for providing more information on the Closed Session items. (F: 53.3)

RECESS TO CLOSED SESSION:

At 6:16 p.m., under the Ralph M. Brown Act, the Mayor announced that pursuant to Government Code section 54957.6, the City Council will adjourn to Closed Session in the Founders Room to meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association, Employee League, Garden Grove Police Association, Police Middle Management, Garden Grove Fire Fighters Local 2005, and non-represented Management and Central Management employees.

RECONVENE

At 7:33 p.m., the meeting was reconvened with Mayor Dalton and all City Council Members in attendance and it was announced that the Closed Session item was not discussed and will be continued to the end of the meeting.

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 Rosen.

PRESENTATION (F: 52.3)

Mayor Dalton called forward Carmen and Jeanette Nava and presented them with Certificates of Recognition for their dedicated service in the M & m Youth Mentor Program.

PUBLIC HEARING - DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-372-05 (116.SP-372-05) (XR: 106.163)

Development Agreement in Connection with Site Plan No. SP-372-05. The applicant, Toura #3 L.P., is requesting to construct 12 attached, three-story residences on the southeast corner of Stanford Avenue and Adelle Street, at 8642 Stanford Avenue.

On July 7, the City Planning Commission, pursuant to Resolution No. 5502, recommended approval of the Development Agreement, and pursuant to Legal Notice published September 1, 2005, public hearing on the case was ordered by the City Council to be held this date.

Donna Chessen, representing the applicant, requested this item be continued.

It was moved by Council Member Nguyen, seconded by Council Member Dalton, and carried by unanimous vote, that the Development Agreement in Connection with Site Plan No. SP-372-05 be and hereby is continued to September 27, 2005.

ORAL COMMUNICATIONS - PUBLIC

Verla Lambert commented regarding the event on Cultural Networking that she attended at the Hampton Suites. She also invited everyone to attend the auction and tea at the United Methodist Church on October 1. (F: 53.3)

J. Tilman Williams thanked staff for going to his house on Acacia and clearing the objectionable signage. (F: 53.3)

Larry Bonhzy spoke about Adult Protective Services, and how they have disrupted his life. (F: 53.3)

Janine Fowler commended staff for the Emergency Preparedness manual that the City has in place. She also encouraged everyone to get a copy of the pamphlet that the City hands out, which contains a lot of information on being prepared for an emergency. She also

commented that if people want to donate to an organization for hurricane relief, they should check the Better Business Bureau's web site to make sure it is a reputable organization. (F: 53.3)

Hamid Frasd requested assistance from the City Council to help him lease property at the northwest corner of Brookhurst and Bixby to farm and sell fresh produce. The Mayor advised that staff will contact him. (F: 53.3)

Tony Rector commented about items on the consent calendar where the City was spending a lot of money and not purchasing these items from Garden Grove businesses. He said that items should be purchased from businesses that have business licenses in the city and belong to the Chamber of Commerce. The Mayor responded that the City spends less on their vehicles when they join the County of Los Angeles in its bid process. (F: 53.3)

REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION AND THE GARDEN GROVE CHAMBER OF COMMERCE FOR USE OF THE WILLOWICK GOLF COURSE (F: 130.15) (XR: 42.1) (XR: 73.13)

Communication dated September 13, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the request for use of the Willowick Golf Course for their Annual Golf Classic on May 17, 2006, be and hereby is approved.

RECESS

At 8:26 p.m., the Mayor declared a recess.

RECONVENE

At 11:25 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – DEVELOPMENTAL DISABILITIES DAY (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that September 16, 2005, be and hereby is designated Developmental Disabilities Day.

PROCLAMATION – MAKE A DIFFERENCE DAY (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that October 23, 2005, be and hereby is designated Make a Difference Day.

ACQUISITION OF REAL PROPERTY LOCATED AT 13642 EUCLID STREET, AS PART OF PROJECT NO. 7140 (F: 96.PROJ.7140)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the acquisition of real property located at 13642 Euclid Street, for Project No. 7140, Northbound Euclid Street Right-Turn Lane at Eastbound SR-22 Freeway, be and hereby is approved; the City Manager and City Clerk are authorized to accept the pertinent documents; and the Finance Director is authorized to draw a warrant in the amount of \$660,747.00 to Equilon Enterprises LLC when appropriate to do so.

FINAL PARCEL MAP NO. PM 2004-147 FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF EUCLID STREET AND GARDEN GROVE BOULEVARD (12951 EUCLID STREET) (F: 118.2004-147)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote, that Final Parcel Map for property located at the northwest corner of Euclid Street and Garden Grove Boulevard (12951 Euclid Street) be and hereby is approved.

POLICE DEPARTMENT ANNEX - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 55) (XR: 82.1)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that final progress payment for the Police Department Annex Project in the amount of \$23,094.42 be and hereby is approved; the Finance Director is authorized to draw warrant to Thomco Construction, jInc. In said amount and release the retention payment when appropriate to do so; and the City Manager and City Clerk are authorized to execute the Notice of Completion.

AWARD OF PURCHASE – WONDRIES FLEET GROUP – FOUR POLICE CARS – PUBLIC WORKS DEPARTMENT (F: 82.4) (XR: 60.4)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that a purchase order for four Police patrol cars, be and hereby is awarded to the lowest qualified bidder, Wondries Fleet Group in the amount of \$120,284.00.

AWARD OF PURCHASE – ZOLL MEDICAL CORPORATION – TWO EKG DEFIBRILLATORS – FIRE DEPARTMENT (F: 82.4) (XR: 60.4)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that a purchase order for two EKG defibrillators, be and hereby is awarded to the lowest qualified bidder, Zoll Medical Corporation in the amount of \$30,420.20.

APPOINTMENT OF SENIOR ECONOMIC DEVELOPMENT SPECIALIST TO “F” STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated September 13, 2005, was introduced, noting that this item was continued from the meeting of August 23, 2005.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the appointment of a Senior Economic Development Specialist at Step “F” of the salary range for this position be and hereby is approved.

APPOINTMENT OF ECONOMIC DEVELOPMENT SPECIALIST TO “E” STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the appointment of an Economic Development Specialist at Step “E” of the salary range for this position be and hereby is approved.

MINUTES (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 August 23, 2005, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 342590 through 344265 and Wires W212-W213, and payroll warrants 142177 through 142402, Direct Deposits D110213, through D110780, and Wires W1008 through W1011, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

QUITCLAIM DEED FROM THE ORANGE COUNTY FLOOD CONTROL DISTRICT FOR THE CONVEYANCE OF THE GILBERT-CERRITOS STORM DRAIN FACILITY
(F: 84.3) (XR: 92.1) (XR: 92.2)

Staff report dated September 13, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the conveyance of the storm drain facility from the Orange County Flood Control District located along Gilbert Street between Anaheim -Barber City Channel and Katella Avenue, be and hereby is approved; and the City Clerk is authorized to accept the Deed on behalf of the City.

AWARD OF SOLE SOURCE CONTRACT FOR PROJECT NO. 7658 – GARDEN GROVE SPORTS COMPLEX (F: 73.5PROJ.7658)

Staff report dated September 13, 2005, was introduced.

In response to Council Member Nguyen, the Deputy City Manager commented that the contractor agreed to release the City from the original contract, and the City was able to get the same flooring from someone else for less cost.

It was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote, that The Fitness Standard, Inc. be and hereby is awarded the sole source contract for Project No. 7658; Garden Grove Sports Complex, in the amount of \$126,749.89, and the City Manager and City Clerk are authorized to execute said contract.

AWARD OF PURCHASE – WONDRIES FLEET GROUP – TWO COMPRESSED
NATURAL GAS VANS – PUBLIC WORKS DEPARTMENT (F: 82.4) (XR: 60.4)

Staff report dated September 13, 2005, was introduced.

Council Member Nguyen questioned why a Garden Grove dealership was not chosen. The Deputy City Manager commented that the bid was supplied to all the local dealerships, and the bid is given to the lowest bidder for fleet prices.

It was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote, that a purchase order for two Compressed Natural Gas vans, be and hereby is awarded to the lowest qualified bidder, Wondries Fleet Group in the amount of \$80,560.63.

PUBLIC HEARING – STREET VACATION NO. SV-113-05 (F: 110.SV-113-05)

Street Vacation No. SV-113-05. The Applicant, Ernesto Estrada, requested that the City vacate a portion of Roberta Place located between 13132 and 13152 Roberta Place.

On August 9, 2005, the City Council adopted a Resolution of Intention to set this date as the time and place for the hearing.

Staff report dated September 13, 2005, was introduced, and staff reviewed the background information concerning this request.

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

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

RESOLUTION NO. 8669-05

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8669-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING STREET VACATION NO. SV-113-05 TO VACATE THAT PORTION OF ROBERTA PLACE LOCATED BETWEEN 13132 AND 13152 ROBERTA PLACE AS IDENTIFIED AS PARCELS "A, B, AND C" AND AS DESCRIBED HEREIN, AND DETERMINING THAT THE STREET

VACATION IS CONSISTENT WITH THE CITY'S GENERAL PLAN, be and hereby is adopted.

PUBLIC HEARING – STREET VACATION NO. SV-114-05 (F: 110.SV-114-05)

Street Vacation No. SV-114-05. The City of Garden Grove is proposing to vacate a portion of Century Boulevard and Nelson Street right-of-way located at the southwest corner of Garden Grove Boulevard and Century Boulevard, addressed as 13011 Century Boulevard

On August 9, 2005, the City Council adopted a Resolution of Intention to set this date as the time and place for the hearing.

Staff report dated September 13, 2005, was introduced, and staff reviewed the background information concerning this request.

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

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

RESOLUTION NO. 8670-05

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8670-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING STREET VACATION NO. SV-114-05 TO VACATE THAT PORTION OF CENTURY BOULEVARD AND NELSON STREET LOCATED AT THE SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND CENTURY BOULEVARD, ADDRESSED AS 13011 CENTURY BOULEVARD (ASSESSOR PARCEL NUMBERS 099-081-02, 32, 099-082-01), DESCRIBED IN EXHIBIT "A" AND SHOWN ON EXHIBIT "B" ATTACHED, AND DETERMINING THAT THE STREET VACATION IS CONSISTENT WITH THE CITY'S GENERAL PLAN, be and hereby is adopted.

PUBLIC HEARING – AMENDMENT NO. A-122-05 (F: 115.A-122-05)

Amendment No. A-122-05 The City of Garden Grove is proposing to amend Section 9.12.110 of Title 9 of the Garden Grove Municipal Code modifying the Density Bonus Ordinance in order to revise the current code to be in compliance with recent changes in State Law.

On July 7, 2005, the City Planning Commission, pursuant to Resolution No. 5498, recommended approval of A-122-05, and pursuant to Legal Notice published September 1, 2005, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated September 13, 2005, was introduced, and staff reviewed the background information concerning this request.

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

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

ORDINANCE NO. 2668 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-122-05, AMENDING SECTION 9.12.110, ENTITLED "DENSITY BONUSES AND OTHER INCENTIVES FOR AFFORDABLE HOUSING," OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE

It was moved by Council Member Leyes, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Ordinance No. 2668 be waived, and said Ordinance be and hereby is passed to second reading.

INITIATION OF FALL 2005 WEED ABATEMENT PROGRAM
(F: 113.1.Fall 2005)

Staff report dated September 13, 2005, was introduced.

RESOLUTION NO. 8671-05

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8671-05 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.

SUBMITTAL OF AN APPLICATION FOR CALHOME FUNDS (F: 117.18a)

Staff report dated September 13, 2005, was introduced.

RESOLUTION NO. 8672-05

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Resolution No. 8672-05 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM, be and hereby is adopted.

AMENDMENT TO THE CITY'S CONTRACT WITH THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR NON-SAFETY EMPLOYEES (F: 78.12)

Staff report dated September 13, 2005, was introduced.

RESOLUTION NO. 8673-05

Mayor Dalton moved, seconded by Council Member Krebs, that full reading of Resolution No. 8673-05 be waived, and said Resolution entitled A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF GARDEN GROVE 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

ORDINANCE NO. 2669 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Mayor Dalton moved, seconded by Council Member Krebs, that full reading of Ordinance No. 2669 be waived, and said Ordinance be and hereby is passed to second reading. 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

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

There were no appointments made.

CONSIDERATION OF PRESENTATIONS FROM DEPARTMENT DIRECTORS AT CITY COUNCIL MEETINGS, AS REQUESTED BY MAYOR PRO TEM ROSEN
(F: 46.1)

Mayor Pro Tem Rosen requested that this item be continued to September 27, 2005.

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

Council Member Leyes commented that the hurricane disaster in New Orleans reminds us of how vulnerable we are, and that our own City needs to be prepared. (F: 53.1)

Council Member Rosen commented that he attended the 50th Anniversary celebration at Gilbert Elementary School, where all three of his children attended. (F: 53.1)

Council Member Nguyen requested an item for the next agenda to discuss the idea of contracts for bulk rate discounts such as trophies and telephones.
(F: 53.1)

Council Member Krebs commented that his wife worked at Gilbert Elementary School when they first moved to Garden Grove. He joined other Council Members in wishing Mayor Dalton and his wife Sandy a Happy Anniversary. (F: 53.1)

ADJOURNED TO CLOSED SESSION:

At midnight, under the Ralph M. Brown Act, the Mayor announced that the meeting is being adjourned to Closed Session in the Founders Room 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, Garden Grove Police Association, Police Middle Management, Garden Grove Fire Fighters Local 2005, and non-represented Management and Central Management employees.

RECONVENE

At 12:19 a.m. on Wednesday, September 14, 2005, the meeting was reconvened and it was announced that the matter under Closed Session was discussed and no action was taken.

ADJOURNMENT

At 12:20 a.m. on Wednesday, September 14, 2005, the meeting was adjourned in memory of Harry Dotson, former Mayor of Stanton; Ellen Dorio, active member of the community and St. Columban's Church; and Charles Kim, President of U. S. Dyeing & Finishing. (F: 46.9)

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK