

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 23, 2003, at 6:57 p.m.

ROLL CALL: PRESENT: (4) MAYOR BROADWATER, COUNCILMEMBERS
DALTON, LEYES, ROSEN

ABSENT: (1) COUNCILMEMBER TRAN

ALSO PRESENT: Assistant City Manager/Public Works Director, Les Jones; Assistant City Manager/Community Development Director, Matthew Fertal; Community Services Director, Cal Rietzel; Police Chief, Joe Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Matthew Fertal gave the Invocation. Councilman Dalton led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward members and coaches of the 2003 Pacifica High School Girls Softball Team, and presented them with Certificates of Recognition for being the CIF Southern Section Division III Champions and NFCA National Championship Runner-Up. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Harry Pearce addressed the Council, indicating that the people opposing the Gilbert Estates project came before the Council hoping it would be their advocate. He urged the Council to adopt some formal rules for small lot developments. (F: 53.3) (XR: 116.PUD-102-03)

Charles Mitchell addressed the Council, suggesting law enforcement return to wearing hats to provide a more intimidating presence among young people. (F: 53.3) (XR: 82.1)

Barbara Beck, representing the South Coast Air Quality Management District, addressed the Council, requesting a letter to the California Air Resources Board be placed on a future Council agenda, asking them to significantly

strengthen their proposed state and federal strategy for the California State Implementation Plan prior to approval of the AQMD 2003 Air Quality Management Plan. (F: 53.3) (XR: 74.16A)

REQUEST FROM SAINT POLYCARP CATHOLIC CHURCH FOR WAIVER OF FEES FOR USE OF CITY SHOWMOBILE (F: 74.27)

A communication from Saint Polycarp Catholic Church, dated September 12, 2003, was introduced.

Councilman Leyes noted that although the church is located in Stanton, many of their parishioners are Garden Grove residents.

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote of those present, that the request from Saint Polycarp Catholic Church for waiver of fees for use of the City Showmobile at their 36th Annual Fiesta fundraising event October 10-12, 2003, be approved.

RECESS

At 7:30 p.m., the Mayor declared a recess.

RECONVENE

At 7:46 p.m., the meeting was reconvened with Mayor Broadwater and Councilmembers Dalton, Leyes, and Rosen in attendance.

PROCLAMATION – LUPUS AWARENESS MONTH (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that October 2003 be and hereby is proclaimed as Lupus Awareness Month.

PROCLAMATION – WORLD POPULATION AWARENESS WEEK (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that October 20-25, 2003, be and hereby is proclaimed as World Population Awareness Week.

PROCLAMATION RECOGNIZING FARM ANIMALS AS SENTIENT BEINGS (F: 83.1)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote of those present, this item be tabled.

AGREEMENT WITH S & S MECHANICAL CORPORATION FOR THE REPLACEMENT OF THE EMERGENCY GENERATOR AT FIRE STATION #4

(F: 55) (XR: 24.1) (XR: 62.1)

Staff report dated September 23, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and S & S Mechanical Corporation for the replacement of the emergency generator at Fire Station #4, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AMENDMENT TO AGREEMENT WITH FOLSOM ARCHITECTURE FOR ADDITIONAL WORK RELATED TO DESIGN CHANGES FOR PROJECT NO. 7244, INTERSECTION IMPROVEMENTS AT HARBOR BOULEVARD AND GARDEN GROVE BOULEVARD
(F: 55) (XR: 24.11) (XR: 96.PROJ.7244)

Staff report dated September 23, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that the Amendment to the Agreement by and between the City of Garden Grove and Folsom Architecture for additional work related to design changes for Project No. 7244, Intersection Improvements at Harbor Boulevard and Garden Grove Boulevard, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH COUNTY OF ORANGE FOR THE PROVISION OF ANIMAL CONTROL SERVICES (F: 55) (XR: 27.1)

Staff report dated September 23, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that the Agreement by and between the City of Garden Grove and the County of Orange for the provision of Animal Control services, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

PERMANENT PROTECTIVE COVER FOR HAZARDOUS MATERIALS PROJECT – FINAL PROGRESS PAYMENT AND ACCEPTANCE OF CONTRACT AS COMPLETE
(F: 55) (XR: 24.1)

Staff report dated September 23, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that Final Progress Payment for Permanent Protective Cover for Hazardous Materials Project, in the amount of \$24,417.00, be and hereby is approved; the Finance Director is authorized to draw warrant to Action Awnings, Inc., in said amount and release retention payment when appropriate to do so; and the contract be accepted as complete as of this date.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that the minutes of the Regular City Council Meeting held June 24, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that regular warrants 296377 through 296800, Wires W115 and W116 and payroll warrants 130786 through 131017, Direct Deposits D81802 through D82347, and Wires W771 through W774, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

HEARING OF PROTESTS ON THE FALL 2003 WEED ABATEMENT NOTICES
(F: 113.FALL 2003)

Staff report dated September 23, 2003, was introduced.

Mayor Broadwater 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. It was noted that no protests were received.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote of those present, that staff be and hereby is directed to proceed with the Fall 2003 Weed Abatement.

PUBLIC HEARING REGARDING THE FY 2002-03 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (F: 117.10D)

Staff report dated September 23, 2003, was introduced.

Mayor Broadwater 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.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote of those present, that the FY 2002-03 consolidated Annual Performance and Evaluation Report be approved and submitted to the U.S. Department of Housing and Urban Development.

APPOINTMENT TO THE CABLE TELEVISION CORPORATION BOARD (F:
F: 113.1.Spring 2002)

It was moved by Mayor Broadwater, seconded by Councilman Leyes, and carried by unanimous vote of those present, that Gigi Horowitz be and hereby is reappointed to the Cable Television Corporation Board.

DISCUSSION CONCERNING STATUS OF VARIOUS PARK PROJECTS, AS
REQUESTED BY COUNCILMAN LEYES (F: 73.1)

Councilman Leyes commented that he asked that this be placed on the agenda so that information received could become part of the record. He requested that staff provide an update on the status of Edgar Park and the Chapman Sports Complex.

Staff noted that the funds for these projects are still deposited with the state, for reimbursement to the City as the money is spent.

Relative to Edgar Park, the picnic shelter was just started and should be completed by the end of October, which is the final piece of that project.

Relative to the Chapman Sports Complex, it is in the final stages of plan check with the State. The City has full cooperation and coordination with the school district, the owner of the property. Barring any delays, project bidding could be initiated by the end of year, and the project should be completed next summer.

Staff noted that there are no actual changes to the current fields. Some parking is being added in the front and lights are being added to one or two of the big soccer fields, depending on funding.

Staff further noted that the Public Works Department actually manages the projects. As for allowing contributions of money and services, further research needs to be done on that subject. It was further noted that we are working around the soccer season schedule, which lasts until the end of the year.

In response to an inquiry by Councilman Leyes, staff noted that in terms of volunteer labor, they will need to check whether prevailing wage requirements are called for.

Councilman Rosen asked whether the Community Services Department has had to lay off any full-time employees, which would impact the speed at which these projects are being addressed. The Community Services Director responded in the negative.

Councilman Rosen then inquired about Shelley/Kensington Park and the expansion of Gutosky Park. Staff said there is a hearing for each park scheduled in October. It was noted that there are some easement issues to look at relative to Shelley/Kensington Park, and staff has to work with the Flood Control at Gutosky Park.

The Public Works Director noted that their department has experienced some reduction in the speed of processing due to reduction in staffing, and they are in the midst of reprioritizing projects.

UPDATE AND STATUS OF MEGAN'S LAW, AS REQUESTED BY COUNCILMAN LEYES (F: 82.1)

Staff report dated September 17, 2003, was introduced.

Councilman Leyes commented that the California State legislature adjourned a week ago. There was a flurry of activity, and a lot of bills were pushed through in the last hours. There was a bill that had been in the system for a long time that would have extended the sunset on Megan's Law; however, it was not passed. Therefore, on December 31 of this year the state law that authorizes the posting of the data under Megan's Law will expire.

Councilman Leyes provided background information about Megan's Law. The State Governor has asked the assembly to come back into session to extend the law next Monday. He indicated that they need to do more than just extend the law. They also need to extend it so that we can post more useful information on a public basis, which includes names and addresses and actual offenses and includes photos of the people and have it available on the Internet, noting that there has been a U.S. Supreme Court ruling that says that this is not illegal. On August 18 of this year Garden Grove's system went public and can be accessed through our Web site. Our information is both more accurate and more useful than the countywide system and is maintained by our own police detectives. There is a map of the city divided by Zip Code, maintained in a computer in the police department. He is asking the Governor that there be a special session to address the issues of access, completeness, and to post it on the Internet so anyone can get that information.

Councilman Dalton noted that our system is based on Zip Code, and he noted that there was a \$3 million lawsuit in Oklahoma as a result of misinformation. He noted that caution must be taken for accuracy. He added that on the computer at our police department you can see a photograph, the charges, arrests, and convictions of the sex offenders.

The Police Chief commented that that is the reason the Police Department in Garden Grove chose to create their own system, because they had much more trust in their own information.

Councilman Leyes congratulated the Police Department and Information Systems staff on their system, commenting that hopefully the State government will get their act together and the ACLU will back off of the Megan's Law and we will see some real reform.

Councilman Rosen noted that the only two entities in the County who actually have it on the Internet are the County of Orange and the City of Garden Grove. He noted that Councilman Leyes pushed this issue and got it on the Internet

and deserves credit for singling out this issue and accomplishing the end result.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes announced that the first week of October is Lawsuit Abuse Week. (F: 53.1)

Councilman Leyes announced that the Garden Grove Unified School District was the recipient of a \$125,000 Eli Broad Foundation award for the second year in a row. This recognizes urban school systems that have closed achievement gaps. (F: 53.1) (XR: 90.5)

Councilman Dalton commented on the passing of 90-year-old Wanda Smith, former secretary at Saint Columban's Church and a long-time resident of the city. (F: 53.21)

Councilman Rosen indicated that he received an E-mail from the Secretary of State announcing that the October 7, 2003, State election will go on as planned, and he urged everyone to get out and vote, reminding them that the polling places are different for this election. (F: 53.1) (XR: 58.1)

Mayor Broadwater invited everyone to attend the Public Works Open House to be held on October 11, 2003. (F: 53.1) (XR: 24.1)

Mayor Broadwater announced the passing of Woodrow Butterfield, former Councilmember. Memorial Services will be held on Friday, September 26, 11:00 a.m., at the Community Meeting Center. (F: 53.1)

Mayor Broadwater also announced that the two items listed on the agenda to be discussed in Closed Session will be continued to the meeting of October 14, 2003.

ADJOURNMENT

At 8:24 p.m., the meeting was declared adjourned in memory of Woodrow Butterfield and Wanda Smith. (F: 46.9)

RUTH E. SMITH
CITY CLERK