

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, October 10, 2006, at 6:18 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS KREBS, ROSEN

ABSENT: (2) COUNCIL MEMBERS LEYES AND NGUYEN WERE ABSENT AT ROLL CALL. HOWEVER, MEMBER NGUYEN JOINED THE MEETING AT 6:25 P.M. AND MEMBER LEYES JOINED THE MEETING AT 6:44 P.M.

PUBLIC INPUT ON CLOSED SESSION ITEM

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

ADJOURN TO CLOSED SESSION

At 6:19 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: John D.R. Clark, Personnel Services Director.

Employee organizations: Garden Grove Fire Fighters Local 2005; Garden Grove Police Association; Middle Management; and Central Management.

RECESS

At 7:00 p.m., the Mayor declared a recess.

RECONVENE IN OPEN SESSION

At 7:08 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members in attendance, and it was announced that no reportable action was taken, and Council Members would again adjourned to Closed Session for further discussion at the end of the Open Session.

INVOCATION AND PLEDGE

Public Works Director Keith Jones gave the Invocation. 47th District Congresswoman Loretta Sanchez led the Pledge of Allegiance to the Flag of the United States of America, following which Mayor Dalton requested a moment of silence for Michael Monsoor, 1999 graduate of Garden Grove High School, who was killed in the line of duty in Iraq.

COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Roy Gleason, recipient of the Purple Heart for bravery exhibited in the Vietnam War, and presented him with a Certificate of Recognition and a City memento.

REPORT FROM THE ORANGE COUNTY HUMAN RELATIONS COMMISSION (F: 23.17)

Eli Reyna, Director, addressed the City Council and presented their annual report for 2005-06. He presented a Certificate of Recognition to the City Council for the City's efforts and support.

ORAL COMMUNICATIONS – PUBLIC

47th District Congresswoman Loretta Sanchez addressed the City Council and presented a Certificate of Special Congressional Recognition from the U.S. Congress to Mr. Roy Gleason. She spoke about the importance of securing our ports, and about her efforts to secure funding for Garden Grove projects. She also commented on the City's very open policy to the residents' concerns. (F: 53.3)

Janet Williams and Ngoc Lam addressed the City Council concerning prostitution and drug problems in their neighborhood on Quatro in the Harbor Boulevard area. Photographs were presented for the record. Mayor Dalton indicated that staff will contact them. (F: 53.3) (XR: 82.1)

Verla Lambert addressed the City Council and requested information concerning City building repairs and the City's lobbyist. (F: 53.3) (XR: 24.1) (XR: 67.6)

Harry Pearce addressed the City Council concerning the proposed Fireworks ordinance, commenting that it lacks enforceability, and he suggested having supervised areas where citizens could set off their fireworks. (F: 53.3) (XR: 61.6)

J. Tilman Williams addressed the City Council, referencing an article in the ACLU Forum about the Buddhist Temple lawsuit, urging that negotiations take place. He also asked that his tenant be permitted to continue doing business in the office building on Harbor Boulevard until it is demolished. (F: 53.3) (XR: 91.1A)

Robin Marcario addressed the City Council, noting that she is glad to see the fireworks issue addressed, and suggested that all people participating in the use of illegal fireworks should be fined. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the City Council, commenting that the proposed fireworks ordinance is only the first step, noting that he would like to see a committee comprised of the City Council, City staff, and citizens formed to come up with regulations. (F: 53.3) (XR: 61.6)

Tony Flores addressed the City Council, suggesting a sliding scale for permit fees be looked into, and spoke of the importance of getting rid of illegal fireworks. He suggested that the non-profits be made aware of this proposed ordinance and requested a copy. He commented that there have been some positive changes in City Hall and praised the leadership that has taken place. (F: 53.3) (XR: 61.6)

RECESS

At 8:01 p.m., the Mayor declared a recess.

RECONVENE

At 9:21 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

APPOINTMENT OF NEW ASSOCIATE ENGINEER AT "E" STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated October 10, 2006, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that the appointment of a new Associate Engineer at "E" Step of salary range for this position be and hereby is approved.

MINUTES (F: Vault)

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held August 8 and August 22, 2006, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that regular warrants 371795 through 372384 and Wire W274 and payroll warrants 147731 through 147909, Direct Deposits D126299 through D126883, and Wires W1131 and W1134, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

REPORT ON THE STATUS OF THE GEM THEATER (F: 87.3)

Staff report dated October 10, 2006, was introduced and reviewed by staff.

It was noted that Mr. Bradac is requesting that the City authorize an additional \$5,000 to pay for the rental of dimmer systems for the production of a Child's Christmas in Wales. In addition to this, it was noted that the cost to make the required repairs to the facility and to replace equipment, lighting and sound systems within the theater is estimated to be \$343,711. There is approximately \$400,000 available within the Art Fund to assist with the cost of the repairs.

Council Member Krebs commented that it is outrageous for the City to invest the \$350,000 estimated to make the required repairs to the facility and to replace equipment, lighting and sound systems within the theater. However, he moved that the City provide the requested \$5,000 for the dimmer systems for the production of the

Child's Christmas in Wales. Council Member Rosen seconded the motion.

Council Member Leyes commented that there should be private financing for this, and he cannot support the \$5,000 requested. Council Member Rosen commented that a percentage of the income taken in for the production should be given back to the City to cover the \$5,000.

The City Manager noted that Dr. Skirvin would like to redevelop his property next to the theater, and perhaps it could be combined with the new theater.

Council Member Rosen suggested that after the Christmas production the whole picture of the theater be looked at.

Council Member Nguyen expressed concern about the continuous requests for money for the production and indicated she cannot support this request.

Council Member Rosen indicated the City should get its money back before any profit to Mr. Bradac is realized.

Council Member Krebs moved an amended motion, seconded by Council Member Rosen, that payment from the Arts Fund to Tom Bradac in an amount not to exceed \$5,000 be approved for the rental of dimming systems for a "Child's Christmas in Wales" production, with the caveat that before any profits from the production are realized, the City must be reimbursed. Said motion carried by the following vote:

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

MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE
EMPLOYEES' LEAGUE (F: 78.9A)

Staff report dated October 10, 2006, was introduced.

RESOLUTION NO. 8739-06

It was moved by Council Member Krebs, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Resolution No. 8739-06 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 EMPLOYEES' LEAGUE CHAPTER OF THE ORANGE COUNTY EMPLOYEES' ASSOCIATION AND THE CITY OF GARDEN GROVE AND ESTABLISHING A SALARY PLAN AND RESCINDING RESOLUTION NO. 8561-04, be and hereby is adopted.

MEMORANDUM OF UNDERSTANDING WITH THE GARDEN GROVE EMPLOYEES ASSOCIATION (F: 78.13C)

Staff report dated October 10, 2006, was introduced.

RESOLUTION NO. 8740-06

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Resolution No. 8740-06 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 CHAPTER OF THE ORANGE COUNTY EMPLOYEES' ASSOCIATION AND THE CITY OF GARDEN GROVE AND ESTABLISHING A SALARY PLAN AND RESCINDING RESOLUTION NO. 8570-04, be and hereby is adopted.

AMENDMENT TO FIREWORKS ORDINANCE AND ESTABLISHMENT OF ADMINISTRATIVE FINES FOR VIOLATION OF FIREWORKS ORDINANCE
(F: 61.6)

Staff report dated October 10, 2006, was introduced, and the City Attorney reviewed the points of the proposed ordinance, which modifies the procedures for application for and issuance of temporary fireworks stand permits; provides for a permit fee in an amount to cover the City costs; clarifies the prohibitions on use of fireworks; and amends the appeals process relating to decisions on stand permits. Further, it establishes an administrative fine program for violations.

Both the Police Chief and the Fire Chief spoke about the proposed ordinance, noting that City Costs will go up dramatically with increased force.

Council Member Leyes noted that the City of Chino has seen violations go down with their system of controlling fireworks. He noted that many people are not aware of this proposed ordinance

and should be given a chance for input. He suggested this matter be continued for a month.

Discussion ensued relative to enforcement issues and proposed fines.

Council Member Rosen commented that block parties should not be cited, and the proposed \$1,000 fine is too high. However, the fines should be higher for use of fireworks on school properties and parks. Lastly, there should be an opportunity for charitable groups to speak on this issue.

Council Member Leyes moved, seconded by Council Member Nguyen, that this matter be continued to November 14.

Council Member Rosen suggested the motion be amended to continue this matter to October 24.

Council Member Leyes amended his motion, seconded by Council Member Nguyen, to continue this matter to October 24. Said motion carried by unanimous vote.

COMMENTS FROM THE MAYOR, CITY COUNCIL MEMBERS

Council Member Leyes commented on the North Korea nuclear bomb situation, noting that we have a strong Korean community here in Garden Grove. He also commented on the annual Korean Festival that takes place next weekend, further commenting that because of development here, this may be the last festival to be held here. Lastly, he reminisced about the 1992 riots that took place in Los Angeles and how he diffused a very anxious situation involving our Korean business people who were fearful that they would be attacked here. (F: 53.1) (XR: 42.7A)

Council Member Rosen requested a report on how the City would spend \$100,000 given by OCTA to connect the Metrolink. He also requested a report concerning the maintenance of the soccer rink north of the new gymnasium. (F: 53.1) (XR: 23.18F) (XR: 24.1)

Council Member Nguyen commented that she hopes the Korean Festival does not leave Garden Grove. She spoke about Michael Monsoor, a Garden Grove High School graduate who lost his life in Iraq fighting for our country. (F: 53.1) (XR: 42.7A) (XR: 46.9)

Council Member Krebs commented on a seminar, "Suicide by Cops," held last Wednesday about suicidal people who try to provoke police into killing them. (F: 53.1)

Mayor Dalton spoke about Michael Monsoor and spoke briefly about his short life here in Garden Grove. He also announced the passing of John Passanisi, previously involved in the Historical Society; and long-time resident Tony Bergin. (F: 53.1) (XR: 46.9)

ADJOURN TO CLOSED SESSION

At 10:46 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to continue discussions on the following:

CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Representative: John D.R. Clark, Personnel Services Director.

Employee organizations: Garden Grove Fire Fighters Local 2005; Garden Grove Police Association; Middle Management; and Central Management.

RECONVENE IN OPEN SESSION

At 11:21 p.m., the meeting was reconvened 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 11:22 p.m., the meeting was declared adjourned in memory of Michael Monsoor, John Passanisi, and Tony Bergin. (F: 46.9)

RUTH E. SMITH
CITY CLERK