

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 25, 2005, at 7:05 p.m.

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

ABSENT: (0) NONE

INVOCATION AND PLEDGE

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

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward William Dumas and presented him with a plaque in recognition of his retirement after 26 years of dedicated service to the Fire Department.

PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Sue Catlin, representing the 2005 Garden Grove Strawberry Festival Association Board, and presented her with a Plaque in appreciation for a successful Festival.

DEPARTMENT UPDATE BY POLICE CHIEF, JOE POLISAR (F: 82.1)

Chief Polisar provided an update of activities in the Police Department.

ORAL COMMUNICATIONS - PUBLIC

Alberto and Carmen Martinez with Henry Banuelos interpreting commented they will be impacted because of the pillar for the freeway overpass and are currently being impacted because of the traffic that is being diverted through their neighborhood on Dakota

to Magnolia. They are trying to come up with a solution to give themselves more parking and access. They also commented regarding a letter they received from Code Enforcement and are worried that the time is nearing a deadline to get the work done. The Mayor advised that staff will call them regarding all the issues. (F: 53.3) (XR: 80.2) (XR: 62.2)

Henry Banuelos also commented that he has not had luck finding someone at OCTA to speak to regarding the diverted traffic. He noted that the local people in the residential areas are more impacted than the people trying to get to the freeway. Council Member Rosen commented that these are all temporary detours and advised that the project manager at OCTA is Rich Grebner, noting that the project is being designed as it is being constructed. (F: 53.3) (XR: 62.2)

J. Tilman Williams commented that churches and even the Girl Scouts have a lot of signage up. He wants to put up a sign on Harbor Boulevard for his Esperanto Group and questioned whether there was a cost to him or the churches for the signage. He distributed an article regarding an environment of religious indoctrination at the U. S. Air Force Academy. He requested that the City Council adopt a resolution that there should be a separation between church and state, especially at the military academy. (F: 53.3)

Ray Littrell alleged that funds marked for the Sports Complex were not used and they were returned. He also noted that the City Council failed to make appointments to the Parks, Recreation, and Arts Commission, which is a violation of Ordinance No. 2604, as well as Government Code Section 12222. He requested that the City Attorney enforce the Government Code because of a willful omission on performing their duties in making appointments. (F: 53.3) (XR: 73.5c) (XR: 122.70)

REQUEST FROM GARDEN GROVE COMMUNITY FOUNDATION TO APPOINT A CITY COUNCIL MEMBER TO ITS BOARD OF DIRECTORS (F: 130.15) (VIP)

Communication dated October 3, 2005, was introduced.

Council Member Leyes commented that the Foundation should strive to be independent from the City, and that the bylaws should be changed and not require City Council participation.

Council Member Krebs moved, seconded by Council Member Nguyen, that Council Member Rosen be appointed to the Garden

Grove Community Foundation Board of Directors for a three-year term beginning January 2006. The motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) KREBS, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (1) LEYES
ABSENT: COUNCIL MEMBERS: (0) NONE
ABSTAIN: COUNCIL MEMBERS: (1) ROSEN

RECESS

At 7:55 p.m., the Mayor declared a recess.

RECONVENE

At 8:10 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

ADOPTION OF NEGATIVE DECLARATION FOR PROJECT NO. 7246, EUCLID STREET/HAZARD AVENUE INTERSECTION IMPROVEMENT PROJECT (F: 96.Proj.7246)

Staff report dated October 25, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Negative Declaration of Environmental Impact for Project No. 7246, Euclid Street/Hazard Avenue Intersection Improvement Project, be and hereby is adopted.

ADOPTION OF NEGATIVE DECLARATION FOR PROJECT NO. 7265, BROOKHURST STREET/GARDEN GROVE BOULEVARD INTERSECTION IMPROVEMENT PROJECT (F: 96.Proj.7265)

Staff report dated October 25, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Negative Declaration of Environmental Impact for Project No. 7265, Brookhurst Street/Garden Grove Boulevard Intersection Improvement Project, be and hereby is adopted.

AGREEMENT WITH HARBOR POINTE AIR CONDITIONING CONTROL SYSTEMS AND GRAYCON, INC., FOR HVAC SYSTEMS REPAIR AND MAINTENANCE

(F: 55) (XR: 24.1)

Staff report dated October 25, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Agreements by and between the City of Garden Grove and Harbor Pointe Air Conditioning Control Systems and Graycon, Inc., for HVAC systems repair and maintenance on an "as needed" basis, be and hereby is approved.

PROJECT NO. 7117, TRAFFIC SIGNAL INSTALLATIONS AND MODIFICATIONS AT VARIOUS LOCATIONS - ACCEPTANCE OF CONTRACT AS COMPLETE

(F: 100.proj.7117)

Staff report dated October 25, 2005, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that Project No. 7117, Traffic Signal Installations and Modifications at Various Locations, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to Macadee Electrical Construction, Inc., when appropriate to do so; and the City Manager and City Clerk are authorized to execute the Notice of Completion.

KATELLA COTTAGES/LA FAVORITA MARKET SETTLEMENT AND MUTUAL GENERAL RELEASE AGREEMENT (F: A-55.299) (XR: A-55.290)

Staff report dated October 25, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the Settlement and Mutual General Release Agreement be and hereby is approved; and the City Manager is authorized to sign the Agreement Repayment of Relocation Expenses with Katella Cottages LLC.

MINUTES (Vault)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Minutes of the Regular City Council Meetings held September 13 and September 27, 2005, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that payroll warrants 142782 through 142972, Direct Deposits D109368 and D111908 through D112465, and Wire W1023, 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 2005 WEED ABATEMENT NOTICES
(F: 113.FALL 2005)

Staff report dated October 25, 2005, was introduced.

Mayor Dalton declared the public hearing opened and asked if anyone wished to address the City 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 Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that staff be and hereby is directed to proceed with the Fall 2005 Weed Abatement.

PUBLIC HEARING – APPEAL OF CONDITIONAL USE PERMIT NO. CUP-169-05
(F: 51.CUP-169-05)

Appeal of Conditional Use Permit No. CUP-169-05 – Thuan Pham is requesting approval to change the type of an existing Alcoholic Beverage Control License from a Type “20” (Off-Sale Beer and Wine) to a Type “21” (Off-Sale General) for an existing Dee’s Mini-Market. The site located in the C-1 (Neighborhood Commercial) zone, located on the northeast corner of Harbor Boulevard and Trask Avenue, at 13458 Harbor Boulevard.

On September 1, 2005, the City Planning Commission, pursuant to Resolution No. 5507, denied CUP-169-05. The applicant filed an appeal. Pursuant to Legal Notice published October 13, 2005, public hearing on the case was ordered by the City Council to be held this date.

The City Manager noted that a request was received to continue the appeal to December 13, 2005.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Appeal of CUP-169-05 be continued to December 13, 2005.

SECOND READING OF ORDINANCE NO. 2669

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Ordinance No. 2669 be and hereby is waived.

ORDINANCE NO. 2669 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 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

Council Member Krebs moved, seconded by Council Member Rosen, that Ordinance No. 2669 be and hereby is declared passed. Upon 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 declared passed.

COMMENTS BY COUNCIL MEMBERS AND MAYOR

Council Member Leyes commented regarding the Sports Complex, noting that there is a belief that money was returned that was not used. He noted that there are more improvements that could be done. He requested a report from staff. Secondly, he commented regarding the OCTA Board voting not to spend any more money on the CenterLine project, and that the Pacific Electric right-of-way should again be considered. Most of it is zoned Open Space, and the City should take the opportunity to consider rezoning it while it is in the process of working on a new General Plan. Lastly, he commented that the League of California Cities has endorsed Proposition 76. (F: 53.1) (XR: 73.5c) (XR: 23.18F) (XR: 36.3)

Mayor Pro Tem Rosen wished Barbara Kehke a Happy Birthday, and congratulated Deputy City Manager Les Jones and his wife Jill on their Wedding Anniversary. He provided an update that the 22 Freeway will be completed in 2006, and the ramp to the 5 Freeway will be closed for eight months starting November 1. He indicated

that OCTA will be hosting a celebration Wednesday morning at the Community Meeting Center to celebrate the halfway completion of the 22 Freeway. Lastly, he commented regarding the vacancies on the Commissions, and that he and Council Member Krebs made their appointments on the Parks, Recreation, and Arts Commission. He indicated that if the remaining City Council Members do not want to make their appointments, the Commission should be dissolved. He commented regarding amending the ordinance to state that if vacancies are not made in a timely manner, then the Mayor or Mayor Pro Tem would make them. (F: 53.1) (XR: 62.2) (XR: 122.1) (XR: 122.70)

Council Member Nguyen congratulated the Korean Festival Association Board for a successful Festival. She noted that there are a lot of shopping carts littering the City. She requested a report on how staff can get rid of them within 24 hours. (F: 53.1) (XR: 42.7a) (XR: 24.8)

Council Member Krebs commented that Commissioners should be put to work or the Commission should be disbanded. He commented regarding the poor condition of the field at the Sports Complex, and that there is a plan to get it in shape for the soccer tournament. (F: 53.1) (XR: 122.1) (XR: 122.70) (XR: 73.5c)

Mayor Dalton commented that some of the information he received regarding the Sports Complex is that the Grant money was not given to the City. The City was reimbursed as the bills were submitted. He requested that the meeting be adjourned in memory of Joe Gomez, Public Works employee, and provided an outline of all that Joe accomplished during his almost 40 years with the City. (F: 53.1) (XR: 73.5c) (XR: 46.9)

ADJOURNMENT

At 8:35 p.m., the meeting was adjourned in memory of Joe Gomez. (F: 46.9)

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK