

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, May 9, 2000, at 6:45 p.m.

ROLL CALL: PRESENT: (5) MAYOR BROADWATER, COUNCILMEMBERS
CHUNG, DALTON, LEYES, ROSEN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Deputy City Manager, Catherine Standiford; Community Development Director, Matthew Fertal; Community Services Director, Cal Rietzel; Controller, Anthony Andrade; Fire Chief, Cameron Phillips; Police Chief, Joe Polisar; Public Works Director, Les Jones; One-Stop Center Operations Manager, Judy Chen-Lee; City Attorney, John Shaw; and City Clerk, Ruth Smith.

ORAL COMMUNICATIONS - PUBLIC

Bob Owens, Pam Scherer, Brian Dalton, Cy LaBree, Scott Scherer, George Brietigam, Wally Suggs, Lawrence Sticek, Ray Littrell, and Wendy Carven addressed the Council on the agenda item concerning the City's nepotism policy, urging the hiring of Brian Dalton and Scott Scherer. (F: 53.3)
(XR: 78.1)

REQUEST FROM THE GARDEN GROVE CHAMBER OF COMMERCE FOR USE OF THE COUNCIL CHAMBER FOR A CANDIDATES NIGHT FORUM (F: 48.4)

Written communication from the Garden Grove Chamber of Commerce, dated April 18, 2000, was introduced, requesting use of the Council Chambers on October 2, 2000, for the purpose of holding a Candidates' Night Forum.

CEO/President Connie Margolin addressed the Council and presented the request.

Mayor Broadwater suggested that because there will probably be numerous candidates this year, this matter be continued to May 30, 2000, to allow time to check the calendar at the Community Meeting Center to see about the availability of additional rooms for this event.

RECESS

At 7:14 p.m., the Mayor declared a recess.

RECONVENE

At 7:24 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

INVOCATION AND PLEDGE

The Invocation was given by Deputy City Manager Catherine Standiford. The Pledge of Allegiance to the Flag of the United States of America was led by Councilman Chung.

PRESENTATION (F: 52.3) (XR: 73.7) (XR: 78.10)

A presentation was made to the Council by the Maintenance Superintendents Association in recognition of the City's landscaping efforts in Gutosky Park.

PROCLAMATION - ELKS NATIONAL YOUTH WEEK (F: 83.1)

Ted Jones, representing the Elks Lodge, addressed the Council and expressed gratitude for the recognition.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that May 7-13, 2000, be and hereby is proclaimed as Elks National Youth Week.

PROCLAMATION - NATIONAL PUBLIC WORKS WEEK (F: 83.1)

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that May 21-27, 2000, be and hereby is proclaimed as Public Works Week.

PROCLAMATION - ARMY DAY (F: 83.1)

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that June 14, 2000, be and hereby is proclaimed as Army Day.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that June 17, 2000, be and hereby is proclaimed as Vietnam Veterans Appreciation Day.

STREET DEED AND RIGHT-OF-WAY AGREEMENT (F: 84.1) (XR: 96.Proj.7163)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that Street Deed and Right-of-Way Agreement for Parcel 2, 8921 Lampson Avenue, in connection with Project No. 7163, Chapman Avenue/Magnolia Street Intersection Improvement, be and hereby are approved; the City Manager and City Clerk are authorized to execute said documents; the City Clerk is authorized to accept the Street Deed on behalf of the City; and the Controller is authorized to draw a warrant in the amount of \$56,200.00 to Byong Chan Kim when appropriate to do so.

AGREEMENTS WITH COAST SURVEYING, INC.; HUITT-ZOLLARS; NORRIS-REPKE, INC.; AND PENCO ENGINEERING, INC., TO PROVIDE LAND SURVEYING SERVICES FOR CAPITAL PROJECTS ON AN AS-NEEDED BASIS (F: 55) (XR: 78.10)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that agreements with Coast Surveying, Inc.; Huitt-Zollars; Norris-Repke, Inc.; and Penco Engineering, Inc., to provide land surveying services for capital projects on an as-needed basis, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the agreements when appropriate to do so.

AGREEMENTS WITH THE COUNTY OF ORANGE FOR THE OPERATION OF ONE STOP CENTER YOUTH PROGRAMS FOR FISCAL YEAR 2000-2001; AND APPROVAL TO ADD FOUR NEW GRANT-FUNDED POSITIONS (F: 55) (XR: 78.15) (XR: 78.4A)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that agreements with the County of Orange for the operation of One Stop Center youth programs for Fiscal Year 2000-2001, and the addition of four new grant-funded positions, be and hereby are approved; and the City Manager is authorized to execute the agreements.

PROJECT NO. 7380, INSTRUMENTATION AND CONTROLS FOR VARIOUS WATER SYSTEM WELLS AND RESERVOIR FACILITIES - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 112.1)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that Project No. 7380, Instrumentation and Controls for Various Water System Wells and Reservoir Facilities, be accepted as complete as of this date; the Controller is authorized to release the retention payment to Soffa Electric, when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

AWARD OF PURCHASE - UTILITY TRUCKS - PUBLIC WORKS DEPARTMENT
(F: 78.10)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that a purchase order for the replacement of four utility trucks, be and hereby is awarded to the lowest qualified bidder, Wondries Fleet Division of Alhambra, in the amount of \$120,156.33.

AWARD OF PURCHASE - DUMP TRUCK - PUBLIC WORKS DEPARTMENT
(F: 78.10)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that a purchase order for the replacement of a dump truck, be and hereby is awarded to the lowest qualified bidder, Peck Road Truck Center of Whittier, in the amount of \$61,799.80.

AWARD OF PURCHASE - PARAMEDIC TRUCK - FIRE DEPARTMENT
(F: 78.6)

Staff report dated May 9, 2000, was introduced.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that a purchase order for the replacement of a paramedic truck, be and hereby is awarded to the lowest qualified bidder, Wondries Fleet Division of Alhambra, in the amount of \$54,463.31.

MINUTES (F: Vault)

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that the Minutes of the Regular City Council Meetings of January 25, February 8, and February 29, 2000, and Special

Meetings of February 16 and February 26, 2000, be and hereby are approved.

WARRANTS (F: 60.5)

Councilman Rosen indicated that he will be abstaining from voting on Warrant No. 217107.

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that regular warrants 216812 through 217296 and payroll warrants 97496 through 97821, Direct Deposits D35385 through D35831, and wires W343 through W346, which have been audited for accuracy and availability of funds by the Controller, be and hereby are approved.

PRESENTATION OF REPORT FROM COUNCIL SUBCOMMITTEE RELATING TO THE CITY'S NEPOTISM POLICY (F: 78.1)

Councilman Leyes indicated that at the last City Council meeting a subcommittee, consisting of Mayor Broadwater and himself, was formed to study the issue of the City's nepotism policy. He noted that they met and discussed this issue. Councilman Leyes reviewed the history of the existing policy, and spoke of the importance of avoiding both the potential and the appearance of a conflict of interest. He indicated that they looked at various alternatives and discussed whether the existing policy should be relaxed or even abandoned. He stated that it was the conclusion of the subcommittee that the existing policy is really a good one for a public agency such as the City. Further, they would recommend that subsection 3 of the proposed Ordinance be made stricter to include the City Manager in the listing of whose relatives shall not be employed by the City.

Councilman Leyes moved, seconded by Mayor Broadwater approval of the Ordinance presented for adoption establishing a nepotism policy, for purposes of discussion.

Councilman Dalton noted that he surveyed other cities in the county, noting that out of 29, he found only seven have a no-hire policy for relatives. He also indicated that in the City of Yorba Linda relatives of the Mayor work for the City, and they actually encourage children of the Mayor and Council to work there.

Councilman Dalton noted that applicants for positions in the City have to go through a testing process, and only the most qualified are hired. He referenced his remarks at the previous Council meeting pertaining to staff members working in areas that provided them access to testing materials, yet their relatives were hired and placed in City positions, and he inquired whether the subcommittee is saying that staff has integrity but a Councilmember does not.

Councilman Dalton indicated he has a revised Administrative Regulation he would like to submit for consideration.

Councilman Dalton moved a substitute motion, seconded by Councilman Chung, to approve the revised Administrative Regulation. He read the definition of nepotism as it appears in Black's Law Dictionary.

Discussion ensued relative to clarification of policies and potential conflicts of interest, and the City Attorney responded to questions posed by various councilmembers.

Councilman Chung expressed concern that the proposed ordinance is too restrictive, noting that he believes it would be much more practical to discuss these issues on a case by case basis. He also voiced his suspicion that there might be political motives behind the issue at hand.

Councilman Rosen reviewed the events that have taken place to date relative to this matter. He reviewed what surrounding cities in Orange County have in place relative to nepotism policies, and he recommended the current policy be continued and put in ordinance form. He indicated that the proposed policy as submitted by Councilman Dalton does not say a relative cannot serve under the direct supervision of another relative and leaves it all to discretion.

Councilman Leyes indicated that he believes the existing policy needs to be kept and formalized.

Councilman Dalton moved a substitute motion to the previous substitute motion to continue this matter for a couple weeks to allow the formation of another committee, which could include some citizens. Motion failed to carry by the following vote:

AYES: COUNCILMEMBERS: (2) CHUNG, DALTON
NOES: COUNCILMEMBERS: (3) LEYES, ROSEN, BROADWATER
ABSENT: COUNCILMEMBERS: (0) NONE

Mayor Broadwater noted that when people apply for a job and it goes to a Councilman's son, many will say that is unfair. He expressed compassion for Councilman Dalton's situation. He commented that he really did not want this to come before the City Council because he believed the administrative regulation currently in place was adequate.

Mayor Broadwater further commented that he and Councilman Leyes met for three hours on this matter. He indicated that he believes the nepotism policy in place is adequate and needs to be observed.

The first substitute motion failed to carry by the following vote:

AYES: COUNCILMEMBERS: (2) CHUNG, DALTON
NOES: COUNCILMEMBERS: (3) LEYES, ROSEN, BROADWATER
ABSENT: COUNCILMEMBERS: (0) NONE

ORDINANCE NO. 2517 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A NEPOTISM POLICY

The foregoing original motion to waive full reading of Ordinance No. 2514 and pass said Ordinance to second reading, as amended to include the City Manager in the listing of whose relative shall not be employed by the City, carried by the following vote:

AYES: COUNCILMEMBERS: (3) LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (2) CHUNG, DALTON
ABSENT: COUNCILMEMBERS: (0) NONE

RECESS

At 8:38 p.m., the Mayor declared a recess.

RECONVENE

At 8:54 p.m., the meeting was reconvened with Mayor Broadwater and all councilmembers in attendance.

AGENCY

ROLL CALL: PRESENT: (5) CHAIRMAN LEYES, MEMBERS BROADWATER, CHUNG, DALTON, ROSEN

ABSENT: (0) NONE

JOINT PUBLIC HEARING WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO CONSIDER A FIRST AMENDMENT TO THE GROUND LEASE AGREEMENT WITH ACACIA ADULT DAY SERVICES (AADS) FOR AGENCY-OWNED PROPERTY LOCATED ON THE NORTH SIDE OF ACACIA PARKWAY BETWEEN SEVENTH AND EIGHTH STREETS, AT 11391 ACACIA PARKWAY (F: A-55.178)

Staff report dated May 9, 2000, was introduced, providing background information concerning this matter. It was noted that AADS has completed and occupied the modular building. They also have raised sufficient funds for the construction of the permanent facility, which indicates that they are prepared to enter the second phase of the development. However, because of the growing need for adult day-care services, AADS submitted a letter requesting that certain changes be made to the Ground Lease, and these changes were delineated in the staff report. It was noted that the leaseable area for the permanent facility would be increased from 12,000 square feet to 13,000 square feet. Furthermore, it was noted that other issues have been brought to AADS' attention which have been addressed and incorporated into the amendment.

Councilman/Chairman Leyes declared the public hearing opened and asked if anyone wished to address the Council/Agency on this matter.

Mallory Vega, Executive Director for Acacia Adult Day Services, addressed the Council/Agency, indicating that she would be happy to answer any questions the Council/Agency members might have.

There being no further response from the audience or comments from the Council/Agency members, the public hearing was declared closed.

It was moved by Councilman/Member Chung, seconded by Mayor/Member Broadwater, and carried by unanimous vote, that the First Amendment to the Ground Lease Agreement with Acacia Adult Day Services for Agency-owned property located on the north side of Acacia Parkway between Seventh and Eighth Streets, at 11391 Acacia Parkway, be and hereby is approved; and the Agency Chairman and Secretary are authorized to execute the Amendment.

THE AGENCY RECESSED AT 8:58 P.M.

RESIGNATION FROM THE NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSION (F: 122.4)

Communication dated April 25, 2000, was introduced.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that the resignation of Doris Wallace, member of the Neighborhood Improvement and Conservation Commission, be and hereby is accepted with regret, and staff is directed to advertise to fill the vacancy.

CONSIDERATION OF APPEAL OF SITE PLAN NO. SP-263-00 AND CONDITIONAL USE PERMIT NO. CUP-493-00 FOR THE CONSTRUCTION AND OPERATION OF A RELIGIOUS FACILITY (COA DAI CHURCH) AND AN ACCESSORY BUILDING ON THE NORTH SIDE OF ORANGEWOOD AVENUE, WEST OF MAGNOLIA STREET, AT 8791 ORANGEWOOD AVENUE (F: 116.SP-263-00) (XR: 51.CUP-493-00)

It was noted a public hearing on this matter was held on April 25, 2000, and the decision was continued to this date.

Communication from the Cao Dai Church, dated May 2, 2000, was introduced, requesting that this matter be continued to June 13, 2000 because the architect of the project needs more time to revise the elevation of the towers.

It was moved by Councilman Chung, seconded by Councilman Leyes, and carried by unanimous vote, that this matter be continued to June 13, 2000.

INITIATION OF PROCEEDINGS FOR STREET VACATION NO. SV-110-99, A PORTION OF ANZIO STREET AND SALERNO STREET, TO ACCOMMODATE THE DEVELOPMENT OF AN INTERNATIONAL HOSPITALITY CENTER AND THE EXPANSION OF THE EXISTING CEMETERY AT THE CRYSTAL CATHEDRAL AT THE SOUTHWEST CORNER OF CHAPMAN AVENUE AND LEWIS STREET (F: 116.PUD-133-99) (XR: 110.SV-110-99) (XR: 106.105)

Staff report dated May 9, 2000, was introduced.

RESOLUTION NO. 8279-00

Councilman Chung moved, seconded by Councilman Rosen, that full reading of Resolution No. 8279-00 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DECLARING ITS INTENTION TO PROCEED WITH STREET VACATION NO. SV-110-99 TO VACATE A PORTION OF ANZIO STREET AND SALERNO STREET, GENERALLY LOCATED AT THE

NORTHERLY TERMINUS OF ANZIO STREET AND SALERNO STREET, DESCRIBED IN EXHIBITS A, B, & C ATTACHED, AND SCHEDULING A HEARING TO CONSIDER SAID STREET VACATION, be and hereby is adopted, setting the public hearing for May 30, 2000. Upon the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

said Resolution No. 8279-00 was declared adopted.

CONSIDERATION OF PROPOSED INITIATIVE (F: 58.13) (XR: 58.9)

Staff report dated May 9, 2000, was introduced.

Mayor Broadwater requested that this be discussed in Closed Session before having open discussion.

The City Attorney advised that under the provisions of the Brown Act, upon a four-fifth's vote, this matter can be discussed in Closed Session this evening.

It was moved by Mayor Broadwater, seconded by Councilman Rosen, and carried by unanimous vote, that this matter be discussed in Closed Session.

ADJOURN TO CLOSED SESSION

At 9:03 p.m., the meeting was adjourned to Closed Session under the Ralph M. Brown Act, and it was announced that pursuant to Government Code section 54956.9(b)(1)(c), the City Council will meet and confer with its legal counsel regarding the prior matter. Present in Closed Session were Mayor Broadwater and all Councilmembers; City Manager, George Tindall; Deputy City Manager, Catherine Standiford, Controller, Anthony Andrade; and City Attorney, John Shaw.

RECONVENE

At 9:20 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

CONSIDERATION OF PROPOSED INITIATIVE (CONTINUED)

Councilman Leyes noted that the Council previously ordered an analysis of the ballot measure, including administrative, legal, and financial impacts, noting that the recommendation is that there will be no impact.

The City Manager noted that the City Attorney has provided a very good analysis of the initiative, and the conclusion is that the City is and has always been in compliance with Proposition 218 and that the initiative as written has no effect on the City.

Councilman Rosen referenced the initiative, and inquired whether the water system, the Sanitary District, and the Street Lighting District currently expend any funds for other than direct expenses. The City Manager, City Attorney, and Controller responded in the negative.

Councilman Rosen then inquired whether the City currently take any funds from these entities with the funds to be used for general City uses. The City Manager, City Attorney, and Controller responded in the negative.

Councilman Rosen noted that the balance of the initiative is essentially a restatement of one portion of Proposition 218. He inquired where this ordinance would appear in the Code book should it be adopted. The City Attorney noted that this ordinance would not be codified, but would be adopted and placed at the end of the Municipal Code book.

Discussion ensued relative to the legal process for addressing this initiative.

Mayor Broadwater inquired that if we are not doing these things anyway, how can the Council make it a law. He noted that there are two choices, either the City Council adopt the ordinance or place it on the ballot.

Councilman Dalton moved that this be placed on the ballot for the voters to decide. Motion died for lack of a second.

Councilman Rosen inquired what is the effect of the notice of intent to circulate petition, which is not part of the measure but is part of what was circulated when the voters were presented with the petition.

The City Attorney responded that it has no legal effect because the law is very clear that you look to the four corners of the instrument for understanding what it says, and you look at no other documents unless there is ambiguity. He further advised that the initiative is straightforward in what it is saying and actually restates the essence of the initiative.

Councilman Leyes indicated that whether the initiative is adopted tonight or passed in November, nothing will change.

Councilman Rosen indicated that all this ordinance does is to say obey Proposition 218, and he noted that it is the opinion of staff that we are in compliance with Proposition 218. Therefore, the initiative does not do anything. He further noted, however, if we are not in compliance with Proposition 218, as he reads the initiative, it proposes an interpretation of Proposition 218 saying that the City shall abide by the literal meaning of said section of the California Constitution. He asked the City Attorney whether we are in compliance with the literal meaning of the section of Proposition 218.

The City Attorney responded in the affirmative, and explained why.

Councilman Rosen indicated he believes it is risky to simply adopt the ordinance.

Councilman Dalton moved, seconded by Councilman Rosen, that the initiative be placed on the November 7 ballot.

Mayor Broadwater indicated he believes that would be a waste of the taxpayers' money. He noted that the initiative is poorly written, especially the use of the word "cease." He further noted that he believes the City is setting itself up for a lawsuit, no matter how it is interpreted.

Mayor Broadwater moved, seconded by Councilman Chung, a substitute motion that the initiative be passed as an ordinance this evening.

Councilman Leyes noted that Mr. Dinsen gathered over 7,000 signatures for his initiative and then requested that the City Council adopt it and save the taxpayers money, so he would be willing to grant that request.

ORDINANCE NO. 2518 was introduced for first reading and the title read in full, entitled
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE RESTATING CERTAIN PROVISIONS OF PROPOSITION 218

The foregoing substitute motion to waive full reading of Ordinance No. 2518 and pass said Ordinance to second reading carried by the following vote:

AYES: COUNCILMEMBERS: (3) CHUNG, LEYES, BROADWATER
NOES: COUNCILMEMBERS: (2) DALTON, ROSEN
ABSENT: COUNCILMEMBERS: (0) NONE

SECOND READING OF ORDINANCE NO. 2516 (F: 116.PUD-103-76 REV.'00)

(XR: 116.SP-266-00) (XR: 51.CUP-496-00)

It was moved by Councilman Chung, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2516 be waived.

ORDINANCE NO. 2516 was presented for second reading and adoption and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PUD-103-76 REV. '00, AN AMENDMENT TO THE PLANNED UNIT DEVELOPMENT IRVINE INDUSTRIAL DISTRICT, TO ALLOW CARD LOCK FUELING FACILITIES IN THE DISTRICT

Councilman Leyes moved, seconded by Councilman Chung, that Ordinance No. 2516 be and hereby is passed. Upon the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN,
BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

said Ordinance No. 2516 was declared passed.

DISCUSSION CONCERNING REMOVAL OF ABC FROM THE TIME WARNER SYSTEM (F: 95.6)

A communication from Time Warner, dated May 8, 2000, was introduced, providing an update on the ongoing ABC television retransmission consent negotiations with Disney. They noted that customers will be compensated for the temporary loss of ABC.

Councilman Rosen indicated that he requested this be placed on the agenda for discussion this evening. He indicated that the City is currently in negotiations with Time Warner. He reviewed some points of the current agreement, noting that Time Warner has been pushing hard to eliminate the two percent funding for the public, educational and governmental programs. He also noted that Garden Grove is the only city in the vicinity that does not have fiber optics cable, and one of the things we have been requesting is the installation of fiber optics.

Councilman Rosen indicated that Time Warner does not have a complete monopoly over televising programs in that there is direct satellite TV. He suggested that staff pursue available options and explore whether satellite

television is an option to renewing the franchise; whether it would provide us with the public, educational and governmental programming; and whether it would provide us with the same flow of income that currently exists. He noted, unfortunately it would not provide us with fiber optics. He indicated that one of the down sides of AOL taking over Time Warner is that AOL would not only control a large internet facility but would also control cable.

He noted that Councilman Leyes and he sit on a committee with regard to the negotiations with Time Warner, and they would like to see additional options explored.

Councilman Leyes noted another alternative is an antenna. He further noted that we are limited in negotiations, but it is necessary to review all options. Time Warner has a monopoly of sorts because of their investment in the community. He expressed hope that they are negotiating in good faith with both us and ABC.

DISCUSSION CONCERNING AQMD PROPOSED RULE 1191, CLEAN ON-ROAD LIGHT- AND MEDIUM-DUTY PUBLIC FLEET VEHICLES (F: 76.16A)

This was placed on the agenda for discussion at Councilman Rosen's request; however, Councilman Rosen asked that discussion on this be postponed.

REQUEST FOR AGENDA ITEM (F: 53.3) (XR: 127.4)

Councilman Dalton asked that the televising of Oral Communications be placed on the next agenda for discussion.

RECESS

At 9:57 p.m., the Mayor declared a recess.

RECONVENE

At 10:00 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

ADJOURN TO CLOSED SESSION

At 10:00 p.m., the meeting was adjourned to Closed Session under the Ralph M. Brown Act, and it was announced that pursuant to Government Code section 54957.6, the City Council will meet and confer with its negotiator on labor relations, including the status of labor negotiations with the Garden Grove Police Association. Present in Closed Session were Mayor Broadwater

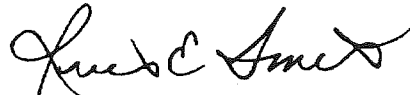
and all Councilmembers; City Manager, George Tindall; Deputy City Manager, Catherine Standiford, Community Development Director, Matthew Fertal; Police Chief, Joe Polisar; and Public Works Director, Les Jones.

RECONVENE

At 11:13 p.m., the meeting was reconvened with Mayor Broadwater and Councilmembers Dalton, Leyes, and Rosen in attendance, and it was announced that the matter previously disclosed was discussed and no others.

ADJOURNMENT

At 11:13 p.m., the meeting was declared adjourned in memory of Sally Williams, former Mayor J. Tilman Williams' wife.



RUTH E. SMITH
CITY CLERK

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