

## 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, April 9, 2002, at 6:51 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Controller, Anthony Andrade; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Real Property Agent, Armando Morales; City Attorney, John Shaw; and Deputy City Clerk, Priscilla Stierstorfer.

#### INVOCATION AND PLEDGE

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

#### PRESENTATION - COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Broadwater called forward Connor Nelson, president of the Garden Grove Playhouse in Eastgate Park, and presented him a plaque in honor of their 20<sup>th</sup> Anniversary. (F: 52.3) (XR: 73.2A)

#### ORAL COMMUNICATIONS – PUBLIC (F: 53.3)

Larry Bonham addressed the Council regarding making Twin Lakes Park a safer environment for the birds; and that the writers of the Constitution wrote statements that indicated that we all work together.  
(F: 53.3) (XR: 73.10)

#### RECESS

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

RECONVENE

At 7:03 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – CENTRAL COUNTY REGIONAL OCCUPATIONAL PROGRAM (ROP) DAY (F: 83.1)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that April 23, 2002, be and hereby is proclaimed as Central County Regional Occupational Program (ROP) Day.

PROCLAMATION – CLEAN AIR MONTH (F: 83.1)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that May 2002, be and hereby is proclaimed as Clean Air Month.

APPROVAL OF CITY'S MEMBERSHIP IN THE NATIONAL CHARACTER COUNTS! COALITION (F: 87.1)

Staff report dated April 9, 2002, was introduced.

Councilman Leyes commented that this program is based on Michael Josephsen's program about the "Six Pillars of Character." The Garden Grove Community Foundation is paying half of the membership cost.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, to approve the Character Counts! Coalition membership; authorize the City Manager to sign the application; and approve a proclamation stating that Garden Grove is becoming a "Character Counts! City."

AGREEMENT WITH THE CUBICLE GUY (F: 55) (XR: 78.1)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and The Cubicle Guy for modifications to cubicle work stations, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH SCOTT WALLACE (F: 55) (XR: 96.1) (XR: 100.1)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of

Garden Grove and Scott Wallace for structural engineering design services related to 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 GARDEN GROVE PLAYHOUSE (F: 55) (XR: 73.2A)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Garden Grove Playhouse to continue management of the facility at Eastgate Park and provide community theater entertainment for an additional five years, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH ESGIL CORPORATION (F: 55) (XR: 35.1)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Esgil Corporation to provide building plan check services on an as-needed basis, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

COOPERATIVE LOAN AGREEMENT WITH HANMI BANK, CALIFORNIA CENTER BANK, AND PACIFIC UNION BANK (F: 55) (XR: 57.8)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Hanmi Bank, California Center Bank, and Pacific Union Bank to provide a rehabilitation loan program to commercial property owners within the Korean Business District, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF PURCHASE – TEN POLICE PATROL CARS – POLICE DEPARTMENT (F: 82.4)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the City participate in the Los Angeles County bid; and a purchase order for ten police patrol cars be issued to Wondries Fleet Group in the amount of \$275,732.30.

CONFERENCE ATTENDANCE – PUBLIC WORKS DEPARTMENT (F: 24.1)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Brent Hayes be and hereby is authorized to attend the SSO/CMOM for Gravity Sewer Systems training seminar April 24-26, 2002, in Las Vegas, Nevada; and that Boyd Conkle be and hereby is authorized to attend the SSO/CMOM for Pump Stations and Force Mains training seminar May 8-10, 2002, in Las Vegas, Nevada.

WARRANTS (F: 60.5)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that regular warrants 261613 through 262103 and payroll warrants 118636 through 118954, Direct Deposits D60299 through D60826, and wires W583 through W586, which have been audited for accuracy and availability of funds by the Controller, be and hereby are approved.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF MARCH 14, 2002 (XR: 100.1) (F: 122.11)

Staff report dated April 9, 2002, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the recommendation from the Traffic Commission to establish a 4-hour parking time limit on the north side of the frontage road facing Katella Avenue between Fraley and Barclay streets be returned to the Traffic Commission for further review.

SECOND READING OF ORDINANCES NO. 2568 AND NO. 2569

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinances No. 2568 and No. 2569 be waived.

ORDINANCE NO. 2568 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 ADOPTING A DEVELOPMENT AGREEMENT BETWEEN CHARLES LEE AND TOM LEE AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF BROOKHURST STREET AND TRASK AVENUE AT 9898 TRASK AVENUE, PARCEL NOS. 098-090-57 AND 58 (F: 106.127) (XR: 116.SP-302-02) (XR: 118.PM-2001-243)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2568 be adopted.

ORDINANCE NO. 2569 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 ADOPTING A DEVELOPMENT AGREEMENT BETWEEN TRAN THI THU HANG AND BUI THIEN TRIEU AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTH SIDE OF MC FADDEN AVENUE, EAST OF WARD STREET AT 10551 MC FADDEN AVENUE, PARCEL NO. 108-475-11 (F: 106.127) (XR: 116.SP-302-02) (XR: 118.PM-2001-243)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2569 be adopted.

DISCUSSION CONCERNING THE CITY'S CURRENT NEPOTISM POLICY  
(F: 127.1) (XR: 78.1)

Mayor Broadwater commented that several years ago the Council battled over the Nepotism Policy. He is not changing his position; however, he believes that one young man was hurt by the current policy. He noted that by adding the second paragraph to the proposed ordinance, that young man will be given a chance at full-time employment. The Police Department is now hiring and that young man has a family to support.

Councilman Rosen commented that he also voted for the current policy two years ago. It is too rigid for the worse case scenario.

ORDINANCE NO. 2570 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTION 2.44.440 OF THE MUNICIPAL CODE RELATING TO THE CITY'S NEPOTISM

Councilman Rosen moved, seconded by Councilman Tran, that full reading of Ordinance No. 2570 be waived, and said Ordinance be and hereby is passed to second reading.

Councilman Leyes commented that there were some interesting changes on motives when this first came up, and he felt that the Council needed to be above reproach. He indicated that wanting to hire someone might not be a good reason to change the ordinance. He requested a little more discussion regarding the policy, especially since he does not know who the young man in question is.

Councilman Leyes moved to continue this item.

Councilman Tran commented that he had questions on the policy since he was not on the Council when the ordinance was adopted.

Councilman Leyes withdrew his motion.

Mayor Broadwater commented that two years ago when the ordinance was adopted Councilman Dalton's son and his son-in-law wanted to change from part time to full-time employment with the City. The Council's position was that they could not qualify as long as Councilman Dalton was on the Council. There was a heated discussion, which came to a 3-2 vote on the current policy. He commented that he is recommending a small change to the ordinance, which would allow a young man to get on with his career.

Councilman Leyes questioned whether this ordinance would affect anyone else. The City Manager commented that it will not.

Councilman Dalton commented that this change is not something that he brought up; however, he is in favor of it. He further commented that he has no financial conflict of interest in this ordinance. The City Attorney confirmed this is correct since his son is an adult and Councilman Dalton therefore has no financial connection.

Councilman Tran commented that even though his son is a part time employee, he has to go through the exam and recruitment procedures as any other potential employee. The City Manager commented that was correct. There are presently 12 vacancies in the Police Department. Mr. Dalton has worked 10 years on a part time basis for the City. The Police Chief and staff have recommended that he be hired as a full-time employee.

Councilman Leyes commented that when this previously came up, there was a question on whether there should be an ordinance rather than a change in the policy. He felt that it was important to adopt an ordinance so that the Council would be above reproach. He is not in favor of amending the ordinance because the appearance is very bad to amend an ordinance after everyone has cooled down. He cannot support the change although he means no offense to anyone by not supporting it.

Councilman Tran commented that he will support the amendment because two years ago the motivations and passage of the ordinance was for political reasons. This change affects only one person, and that person qualifies to be a full-time employee. He believes that the Council should right its past wrong and put this issue to rest.

Councilman Rosen commented that there has been a lot of talk of motives on passing this ordinance. He indicated that he has gained a lot of experience since the original ordinance was passed. He commented that the Council only has an impact on hiring the City Manager and the Council's secretary. He noted that it would be a shame for Councilman Dalton's son to wait until there is a different Council before he can be hired. He does not think this employee's benefits or career should be delayed any longer.

The foregoing motion carried by the following vote:

AYES: COUNCILMEMBERS: (3) ROSEN, TRAN, BROADWATER  
NOES: COUNCILMEMBERS: (1) LEYES  
ABSENT: COUNCILMEMBERS: (0) NONE  
ABSTAIN: COUNCILMEMBERS: (1) DALTON

Said Ordinance No. 2570 be and hereby is passed to second reading.

STATUS REPORT REGARDING SOUND WALLS ON THE 22 FREEWAY (F: 120.1)

The Assistant City Manager/Public Works Director provided a status report, noting that the project continues to move forward in a timely manner.

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS AND CITY MANAGER (F: 53.1) (XR: 53.3)

Mayor Broadwater commented that at the last meeting Mr. Tony Flores spoke about a letter that was sent to residents regarding the sound walls. He noted that Mr. Flores accused him of violating city and state codes. The envelopes Mr. Flores provided were photocopies and not original envelopes. Mayor Broadwater noted that the letters he sent had writing on them and the envelopes that it was not printed at City expense. The copies of the envelopes Mr. Flores presented had City postage meter cancellations. The Mayor commented that the letters he sent had postage stamps, which were purchased by Mrs. Broadwater. He commented that the envelopes Mr. Flores presented were frauds. He indicated that three of the reasons Mr. Flores was terminated from the Police Department were for falsification of evidence. He commented that Mr. Flores is a fine speaker, but falsifying evidence and tearing down the Mayor is not going to help him. He noted that Mr. Flores could be a good Councilmember and a good Mayor.

ADJOURNMENT

At 7:28 p.m., the meeting was declared adjourned in memory of Joseph Madigan, long time member of the community. (F: 46.9)

  
PRISCILLA STIERSTORFER  
DEPUTY CITY CLERK

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