

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 8, 2008, at 6:01 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, JONES, ROSEN

ABSENT: (1) COUNCIL MEMBER NGUYEN (absent at Roll
Call, but joined the meeting at 7:48 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 6:03 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 LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)
Dutchen v. City of Garden Grove

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)
Vietnamese Buddhism Study Temple in America, et al. v. City of
Garden Grove, et al.
United States District Court Case No. SACV06-728 CJC.

PURSUANT TO GOVERNMENT CODE SECTION 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: City Manager

RECONVENE IN OPEN SESSION

At 6:47 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and Council Members Broadwater, Jones, and Rosen present. Mayor Dalton announced that the Closed Session items previously announced regarding Dutchen v. City of Garden Grove, and the Vietnamese Buddhism Study Temple in America, et al. v. City of Garden Grove, et al. were discussed and there was no reportable action. The Closed Session item regarding the Public Employee Performance Evaluation was continued until the end of the meeting.

INVOCATION AND PLEDGE

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

PRESENTATION OF THE GROWTH AWARD AND TREE CITY USA AWARD BY THE CALIFORNIA DEPARTMENT OF FORESTRY TO THE CITY OF GARDEN GROVE (F: 52.3)

Lynnette Short, representing the California Department of Forestry, presented the City Council the Growth Award plaque and the Tree City USA Award. She congratulated the city on qualifying for these awards for more than ten years.

PRESENTATION BY ONE WATER ONE WATERSHED (F: 52.3) (XR: 112.7)

Mark Norton, representing One Water One Watershed (OWOW), provided a presentation regarding regional watershed-wide planning, and OWOW plans to address the watershed regional issues, including climate change, Colorado River drought, San Joaquin Delta vulnerability, and explosive population growth and development.

PROCLAMATION DECLARING APRIL 2008, AS DONATE LIFE MONTH (F: 83.1) (XR: 53.3)

Vanessa Nguyen, Donate Life Run/Walk representative, addressed the City Council, regarding the importance of becoming an organ/tissue donor, and invited everyone to participate in the upcoming 2008 Donate Life Run/Walk. She expressed appreciation to the City Council for its support in proclaiming April 2008 as Donate Life Month.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote of those present, that April 2008, be and hereby is designated as Donate Life Month.

ORAL COMMUNICATIONS – PUBLIC

Mike Courtney, Soka Gakkai International – USA representative, addressed the City Council, inviting the Council Members, staff, and the public to participate in the upcoming Earth Day Celebration at Garden Grove Park. (F: 53.3)

Richard Princler addressed the City Council in favor of the construction of the archways on Main Street. He commented on the use of fireworks in the city, and suggested a 4th of July community event be offered, providing fundraising opportunities for service clubs and school organizations. (F: 53.3) (XR: A-122.5) (XR: 61.6)

David Lautherboren addressed the City Council, asking the City to contact the hotel regarding the water run-off from its sprinkler system. (F: 53.3)

Eileen Thomas addressed the City Council, regarding the poor condition of Main Street, suggesting the County money earmarked for the construction of the arches would be better used to maintain Main Street. (F: 53.3) (XR: A-122.5)

David Vill addressed the City Council, urging the City Council to ban the sale and use of fireworks in the city. (F: 53.3) (XR: 61.6)

Pastor John Rittenhouse, of Living Spring Christian Fellowship, addressed the City Council, supporting the development of a skate park on the Brookhurst/Bixby OCTA right-of-way, and offered his church's assistance to keep graffiti and trash at a minimum. He indicated skateboarders are allowed to skate on church property, and there are up to 30 skaters per night. (F: 53.3) (XR: 73.1)

Janine Fowler addressed the City Council, commenting on the watershed presentation, and the City's Tree City USA and the Tree City Growth Awards. She also announced she is partnering with others to bring a Garden Club to the city, and invited anyone interested to attend the meetings. (F: 53.3)

Verla Lambert addressed the City Council, stating she had previously recommended an Olympic size pool be developed in the city, and offered suggestions on cost-saving ways a pool could be maintained.

She invited the Council Members and their wives to join the new Garden Club. (F: 53.3)

Virginia Zlaket addressed the City Council, regarding the proposed archways for Main Street. While she is not opposed to the archways, she does not consider their construction a priority. She commented on the need for Main Street to have better street and curb maintenance. She further commented on the low funding available in the assessment fund, and the impact additional maintenance items would have on the fund. (F: 53.3) (XR: A-122.5)

Leo Zlaket addressed the City Council, regarding the poor condition of Main Street, and his embarrassment when visitors to his store comment on its condition. He is not against the arches; however, he suggested a group made up of Council Members, staff, and Main Street merchants meet to discuss ways to improve the condition of Main Street. (F: 53.3) (XR: A-122.5)

Peggy Bergin addressed the City Council, commenting on her participation as a judge for the Garden Grove Pride program. She commented on the construction of the archways on Main Street, the trip to Washington D.C., and the development of a new park in the city. (F: 53.3)

Joshua Matua addressed the City Council, suggesting the sale of fireworks be banned in the city. He offered his assistance to the service and youth groups in collecting donations otherwise attained from firework sales. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the City Council, regarding the tax money and the process used to fund the construction of the arches for Main Street. (F: 53.3) (XR: A-122.5)

RECESS

At 7:50 p.m., the Mayor declared a recess.

RECONVENE

At 8:00 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

REQUEST BY THE GARDEN GROVE DOWNTOWN BUSINESS ASSOCIATION
FOR THE CONSTRUCTION AND ERECTION OF ARCHITECTURAL ARCHWAYS
LOCATED AT BOTH ENDS OF MAIN STREET (F: A-122.5)

Correspondence from the Garden Grove Downtown Business Association (GGDBA) received March 31, 2008, requesting approval for the construction and erection of a set of architectural archways to be located at both ends of Main Street, was introduced.

Scott Weimer, GGDBA President, announced that, with the support and assistance of Supervisor Nguyen, the Association was successful in securing funding from the First District Fund 130 for the archways on Main Street. He provided information on the design, construction, and installation of the arches prepared by the Association's architect, and stated the funds must be expended prior to December 31, 2008. He indicated he provided the City Attorney a copy of the agreement with the County.

Mr. Weimer provided information on the design features of the archways, including banner hooks offering advertising means for events on Main Street; upright poles designed to match the current street poles, and detailed work including strawberries. The center portion is illuminated and will clearly identify Main Street, the County of Orange, and the City of Garden Grove. This project has been approved by the Parking and Main Street Commission and the GGDBA, and is currently being reviewed by the Public Works Department. He further stated the archways would be a wonderful addition to Main Street and the community.

Council Members voiced support of adding the archways to Main Street using County funds. Mayor Dalton and Council Member Broadwater raised concerns regarding the current condition of Main Street, commenting the track record of maintenance and repair of what is already in existence has not been good. Council Member Jones commented on the fragmentation and inability of the Downtown merchants to come to a consensus to help themselves, specifically voting against an increase in the Main Street Assessment CPI adjustment.

In response to Council Members inquiries regarding the archways, Mr. Weimer indicated the funds would be used exclusively for this project, and the archways would be a gift to the City from the GGDBA. Maintenance of the archways would be funded by the Main Street Assessment District budget.

The City Council raised additional concerns regarding the financial condition of the Main Street Assessment District fund, and its inadequacy to fund the maintenance and repairs needed on Main Street appropriately.

Mr. Weimer agreed the damaged and broken items on Main Street are the responsibility of the Parking and Main Street Commission, through the use of the Main Street Assessment fund. He indicated there was a good chance of salvaging the fund, and noted the elimination of the trash bills from the fund last year has resulted in the bank account accruing a balance. He commented on the attempt to raise the assessment several years ago, and indicated the assessment was set in the 1970's at \$20 per linear foot of frontage on Main Street and did not include a CPI or COLA, nor are there provisions for the fee to be reassessed on transfer of ownership. This amount is insufficient to cover the present day expenses. In an attempt to raise the assessment, a majority of property owners did not want to take the financial responsibility of making the fund solvent. He stated he would like the opportunity to campaign again to increase the Assessment, indicating the merchants are more unified than in the past. Should another opportunity be presented to vote on an increase, he is optimistic it would pass.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that staff be directed to provide a complete breakdown on the construction and erection of the archways on Main Street, including the process; maintenance; costs; and the City's responsibility during and after the construction and installation.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, that staff perform an assessment of Main Street, evaluating what needs to be repaired, how long the repairs have been needed; how much it would cost to maintain the street immaculately; and determine which party is responsible for performing the repairs and maintenance.

In response to Council Member Rosen's inquiries, staff indicated the cost to perform the survey would be minimal.

The foregoing motion carried by unanimous vote.

Council Member Rosen commented it has been a pleasant change to have an Orange County Supervisor allocate money to the City of Garden Grove. He moved that the City Council support the archways in concept; and direct staff to proceed and return with specific information regarding ownership options, potential liability issues, and insurance, maintenance and cost information for further consideration by the City Council.

Council Member Jones and Council Member Broadwater indicated support for the archway on Main Street; however, requested the matter be continued until the responsibility and liability in connection to the archways are determined.

Mayor Dalton seconded Council Member Rosen's motion.

Mayor Dalton further commented that the results of the assessment of Main Street would not affect the archway installation. The County is offering \$100,000 for the archway construction and installation, which will be lost if not accepted and expended by the end of the year.

Council Member Nguyen moved a substitute motion to continue this item until the City Council receives staff's report concerning the City's responsibility for the archways.

Council Member Rosen stated his motion is to indicate support for the archways in concept with all of the legal requirements integrated into the project, yet to be determined, and staff proceed to address those issues.

In response to Council Member Nguyen's concerns regarding liability, the staff indicated an encroachment permit would be needed for this project; and documents outlining the liability, insurance, maintenance, and ownership issues would be brought to City Council for consideration.

Upon further inquiries from Council Member Nguyen, the City Attorney stated a vote of approval in concept of the project does not legally jeopardize the City.

Council Member Nguyen withdrew her substitute motion.

The motion to approve the archways in concept; and direct staff to proceed and return with specific information regarding ownership options, potential liability issues, and insurance, maintenance and cost

information for further consideration by the City Council, carried by unanimous vote.

REQUEST FROM THE KOREAN AMERICAN FEDERATION FOR WAIVER OF FEES FOR THE USE OF THE COMMUNITY MEETING CENTER 'A' ROOM ON APRIL 25, 2008 (F: 48.4)

Correspondence from the Korean American Federation of Orange County dated April 1, 2008, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the request from the Korean American Federation of Orange County for waiver of fees for the use of the Garden Grove Community Meeting Center for their Presidential Installation, be and hereby is approved.

RECESS

At 8:37 p.m., the Mayor declared a recess.

RECONVENE

At 8:40 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROCLAMATION DECLARING APRIL 2008, AS DONATE LIFE MONTH (F: 83.1)

This item was heard earlier in the meeting.

PROCLAMATION DECLARING APRIL 2008, AS FAIR HOUSING MONTH (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that April 2008, be and hereby is designated as Fair Housing Month.

PROCLAMATION DESIGNATING APRIL 13-19, 2008 AS NATIONAL CRIME VICTIMS' RIGHTS WEEK (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that April 13-19, 2008, be and hereby is designated as National Crime Victims' Rights Week.

RESOLUTION OF COMMENDATION RECOGNIZING RECIPIENTS OF THE COASTLINE COMMUNITY COLLEGE FOUNDATION 2008 VISIONARY OF THE YEAR AWARD (F: 83.1)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that Ron Shenkman, Rainbow Disposal Chairman; Debbie Keel, Fountain Valley Regional Hospital CEO; Parsa Rohani, Neudesic CEO; and the Orange County Great Park Corporation, be and hereby are recognized as Coastline Community College 2008 Visionary of the Year recipients.

PURCHASE AND INSTALLATION OF OUTDOOR FITNESS EQUIPMENT AT THE H. LOUIS LAKE SENIOR CENTER (F: 87.7)

Staff report dated April 8, 2008, was introduced by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Greenfield Sport Parks, Inc. for the purchase and installation of outdoor fitness equipment, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

INCREASE EXISTING OPEN PURCHASE ORDERS FOR WATER SUPPLIES (F: 60.4) (XR: 112)

Staff report dated April 8, 2008, was introduced by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the blanket purchase order to C. Wells as the City's primary parts and supply vendor; and H.D. Supply, Ferguson Waterworks, and Wells Supply as alternate vendors in descending order in the event that C. Wells cannot provide needed parts in a timely manner, be and hereby is approved; and the Finance Director is authorized to issue a purchase order to C. Wells in the amount not to exceed \$150,000 for a period of five years, for said purchases.

AUTHORIZATION FOR OUT-OF-STATE TRAVEL AND EXPENSE
REIMBURSEMENT FOR CITY COUNCIL MEMBERS TO TRAVEL TO
WASHINGTON D.C. (F: 46.1)

Staff report dated April 8, 2008, was introduced by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that out-of-state travel and expense reimbursement be authorized, including any expenses exceeding \$1,500 per Council Member, for members of the City Council related to travel to Washington D.C., on May 6 through May 8, 2008, provided such expenses are otherwise consistent with the expense guidelines and reimbursement policy adopted at the City Council meeting on April 25, 2006, be and hereby is approved.

RENEWAL OF AGREEMENT WITH THE COUNTY OF ORANGE FOR THE
HOMELAND SECURITY GRANT PROGRAM, ADMINISTERED BY THE ORANGE
COUNTY SHERIFF'S DEPARTMENT (F: 55) (XR: 23.1) (XR: 117.2C)

Staff report dated April 8, 2008, was introduced by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the renewal of the Agreement by and between the City of Garden Grove and the County of Orange for the Homeland Security Grant Program, administered by the Orange County Sheriff's Department, be and hereby is approved; and the Chief of Police and City Clerk are authorized to execute the agreement on behalf of the City.

FINAL PARCEL MAP NO. 2006-281 FOR PROPERTY LOCATED AT 12522
BUARO STREET (F: 118.PM-2006-281)

Staff report dated April 8, 2008, was introduced by staff.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Final Parcel Map No. 2006-281 for property located 12522 Buaro Street, be and hereby is approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that regular warrants 411593 through 413176, and Wires W411844-W412066, and payroll warrants 155105 through 155274, and Direct Deposits D150226

through D150858, and Wires W1306 through W1309, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

RECOMMENDATION FROM THE PARKING AND MAIN STREET COMMISSION CONCERNING THE PROPOSED BUDGET FOR FY 2008-09 FOR MAIN STREET ASSESSMENT DISTRICT NO. 1 (F: 31.4) (XR: 122.6)

Staff report dated April 8, 2008, was introduced and reviewed by staff. In 2005, efforts were made to increase the owner's assessment, but failed. The proposed budget approved by the Parking and Main Street Commission reflects no increase in assessments from FY 2007-08. Annual Assessments combined with reserves are not meeting increased maintenance costs and funds will expire as early as 2008. In 2007, solid waste disposal was separated from the budget in order to provide a balanced budget that did not draw down on the reserves. As a result, all businesses are required to establish solid waste services with the City's solid waste contractor, Garden Grove Disposal.

RESOLUTION NO. 8814-08

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Resolution No. 8814-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 (SECTIONS 22500 ET SEQ. OF THE CALIFORNIA STREETS AND HIGHWAY CODE) DESCRIBING ANY PROPOSED NEW IMPROVEMENTS OR ANY SUBSTANTIAL CHANGES IN EXISTING IMPROVEMENTS IN THE MAIN STREET ASSESSMENT DISTRICT NO. 1, AND ORDERING THE ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF THE ACT, be and hereby is adopted.

DISCUSSION REGARDING PRIORITIES FOR PARK DEVELOPMENT AND PARK EXPANSION OPTIONS (F: 73.1)

Staff report dated April 8, 2008, was introduced and reviewed by staff.

Council Members discussed the concept of developing an aquatics park, and the funding options for this type of project.

Council Member Nguyen agreed a pool would be great; however, a skate park would be more realistic. She inquired as to the status of funding for the skate park. Staff indicated the 1C Grant fund

guidelines have not yet been finalized. The projected date for the guidelines to be ready is the end of 2009, early 2010.

Staff indicated there is some urgency to submit a request to Supervisor Nguyen's office for \$500,000 toward a recreation project, subject to the City agreeing to match the funds.

Council Member Jones raised concerns on the condition of the current recreation facilities, including restrooms, sports fields, playgrounds, and suggested the City focus on bringing these facilities to a better condition.

Council Member Broadwater commented both the aquatics center project and facility maintenance issues can be focused on at the same time. Citing the gymnasium as an example, he indicated once the decision to build a gymnasium was made, staff was able to pursue different kinds of funding from many different sources. The gymnasium is an excellent addition to the city.

After further discussion, it was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that Staff is hereby directed to bring back information regarding the development of an aquatics center to include potential sites and funding options, and to submit a funding request to Supervisor Nguyen's office indicating an aquatics center is a priority project for the City.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER

Council Member Rosen requested information on the tour buses and trucks using Donegal Drive as the route to bring tourists to the shopping center on Garden Grove Boulevard, and if this practice will start again should the Belfast Drive median is removed. He also requested information on placing some type of barriers on the southern end of Donegal Drive to keep it from happening. (F: 53.1) (XR: 96.1)

Council Member Nguyen commented Black April commemorations are a chance to pay tribute to the victims of the Vietnam War, the American Veterans, and the South Vietnamese Veterans, who sacrificed their lives in fighting for freedom. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 9:19 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the previously disclosed item, regarding Public Employee Performance Evaluation.

RECONVENE

At 10:14 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present. It was announced the previously disclosed item was discussed, and no reportable action was taken.

ADJOURNMENT

At 10:15 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
CITY CLERK

MINUTES

GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of the Garden Grove Agency for Community Development was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, April 8, 2008, at 6:01 p.m.

ROLL CALL: PRESENT: (4) CHAIR BROADWATER, MEMBERS DALTON, JONES, ROSEN

ABSENT: (1) MEMBER NGUYEN (absent at Roll Call, but joined the meeting at 7:48 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

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

ADJOURN TO CLOSED SESSION

At 6:02 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 REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: Real property located at 12061 Garden Grove Blvd., Garden Grove, CA, Assessor's Parcel No.: 231-392-25

Agency's Negotiator(s): Matthew Fertal, Agency Director; Chet Yoshizaki, Economic Development Director; and Jim DellaLonga, Project Manager

Negotiating Parties: Garden Grove Agency for Community Development (as potential buyer); Heid Partners, Joan Heid (as owner, potential seller); Sweet Homes Development, LLC, Brian Lam (as potential buyer)

Purpose: The purpose of the closed session is to obtain direction from the Agency for the Agency Negotiator(s) regarding the price and terms for potential acquisition and disposition of the Property pursuant to Government Code Section 7267, et seq.

RECONVENE IN OPEN SESSION

At 6:47 p.m., the meeting was reconvened in the Council Chamber with Chair Broadwater and Members Dalton, Jones, and Rosen present. Chair Broadwater announced that the Closed Session item previously announced was discussed, and there was no reportable action.

RECESS

At 6:48 p.m., the Chair declared a recess.

RECONVENE

At 7:06 p.m., the meeting was reconvened in the Council Chamber with Chair Broadwater and Members Dalton, Jones, and Rosen present.

ORAL COMMUNICATIONS – PUBLIC

None relevant to the Agency.

RECESS

At 7:50 p.m., the Chair declared a recess.

RECONVENE

At 8:38 p.m., the meeting was reconvened in the Council Chamber with Chair Broadwater and all Members present.

MINUTES (F: Vault)

It was moved by Member Dalton, seconded by Member Rosen, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held March 25, 2008, be and hereby are approved.

ADJOURNMENT

At 8:39 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR
SECRETARY