

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 26, 2009, at 6:43 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO, JONES, NGUYEN

ABSENT: (0) NONE

INVOCATION AND PLEDGE

The Invocation was given by Keith Jones, Public Works Director. Council Member Nguyen led the Pledge of Allegiance to the Flag of the United States of America.

ORAL COMMUNICATIONS

Nick Dibs addressed the City Council, encouraging the approval of a resolution to bring troops home to aid in the Country's financial crisis. (F: 53.3)

Bob Owens addressed the City Council, commenting on the war and the country's economic condition. (F: 53.3)

Rod Powell read from the Orange County Grand Jury fireworks report, and commented on various civic and community matters. (F: 53.3) (XR: 61.6)

Mike Silva addressed the City Council, regarding the proposed dissolution of Vehicle Parking District No. 2. He requested the Parking and Main Street Commission remain intact, and parking issues on both the east and west side of Main Street be addressed. (F: 53.3) (XR: 75.3) (XR: 122.6)

Peggy Bergin addressed the City Council, regarding various community and civic matters. (F: 53.3)

Scott Weimer, Peter Katz, Jeremy Harris, and Charles Mitchell, addressed the City Council in opposition to the dissolution of Vehicle Parking District No. 2. (F: 53.3) (XR: 75.3)

Robin Marcario addressed the City Council, thanking the Council Members for allowing her to decorate the bus bench on Chapman Avenue in front of the First Christian Church with mosaic tile. She indicated her willingness to decorate more benches within the city. (F: 53.3) (XR: 24.1)

RECESS

At 7:28 p.m., the Mayor declared a recess.

RECONVENE

At 7:50 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PROCLAMATION RECOGNIZING THE AMERICAN LUNG ASSOCIATION'S 100TH ANNIVERSARY (F: 83.1)

Staff report dated May 26, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that June 6, 2009, be and hereby is proclaimed as a day set apart for the American Lung Association's 100th Anniversary Oxygen Ball.

AGREEMENT WITH GARY MAITEN CONSULTING TO SERVE AS THE JAIL AND POLICE VEHICLE FLEET SERVICES CONSULTANT/COORDINATOR (F: 55) (XR: 82.1)

Staff report dated May 26, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and Gary Maiten Consulting to serve as Jail Consultant/Coordinator and Police Vehicle Fleet Services Consultant/Coordinator, in the amount not to exceed \$42,240, be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City.

AGREEMENT WITH THE CITY OF WESTMINSTER FOR THE REHABILITATION OF BUSHARD STREET FROM HAZARD AVENUE TO WESTMINSTER BOULEVARD (F: 55) (XR: 24.11)

Staff report dated May 26, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Cooperative Agreement by and between the City of Garden Grove and the City of Westminster for the rehabilitation of Bushard Street from Hazard Avenue to Westminster Boulevard, in the amount of \$190,786.75, be and hereby is approved; and the Mayor is authorized to execute the agreement on behalf of the City.

ACCEPTANCE OF PROJECT AS COMPLETE FOR PROJECT NO. 7123 – INSTALLATION OF AMBER ALERT SIGNS AND FIBER OPTIC COMMUNICATION SYSTEM (F: 100.proj.7123) (XR: 24.11)

Staff report dated May 26, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that Project No. 7123, Installation of Amber Alert Signs and Fiber Optic Communication System be accepted as complete; the City Manager is authorized to execute the Notice of Completion of Public Works Improvement and Work; and the Finance Director is authorized to release the retention payment when appropriate to do so.

PURCHASE ORDERS WITH QUARTERMASTER, INC., CARMEN'S UNIFORM, AND GALLS FOR POLICE EQUIPMENT AND UNIFORMS (F: 60.4) (XR: 82.1)

Staff report dated May 26, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Finance Director is hereby authorized to issue purchase orders to Quartermaster, Inc., Carmen's Uniform, and Galls for Police Department uniforms and Police Department safety equipment not to exceed \$150,000 per year for five years; and the City Manager is authorized to renew these purchase orders on an annual basis, following a review.

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the minutes of the Special Meeting of the City Council held March 17, 2009, be and hereby are received and filed.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that Regular Warrants 442598 through 442983; and Wires W496 through W499; and Payroll Warrants 161431 through 161945, Direct Deposits D169128 through D171145, and Wires W1436 through W1447, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

APPOINTMENT TO THE GARDEN GROVE HOUSING COMMISSION (F: H-10.3)

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote that Ella Nevarez be and hereby is appointed to the Garden Grove Housing Authority.

INITIATION OF PROCEEDINGS FOR MAIN STREET ASSESSMENT DISTRICT NO. 1 FOR FY 2009-10, APPROVING THE ENGINEER'S REPORT AND SETTING THE PUBLIC HEARING FOR JUNE 23, 2009 (F: 34.1) (XR: 24.1)

Staff report dated May 26, 2009, was introduced and reviewed by staff.

The City Parking and Main Street Commission at its March 12, 2009, meeting discussed the 2009-10 Fiscal Year maintenance service levels for Main Street, as well as potential enhancements or changes to existing improvements. The Commission recommended that the City Council approve the proposed 2009-10 FY budget as presented.

Staff indicated the assessment, currently set at \$19.92 per linear foot, meets the minimal service level costs for the proposed budget.

RESOLUTION NO. 8891-09

It was moved by Council Member Jones, seconded by Council Member Nguyen, and carried by unanimous vote, that full reading of Resolution No. 8891-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DECLARING ITS INTENTION TO ORDER THE MAINTENANCE OF CERTAIN IMPROVEMENTS IN THE "MAIN STREET ASSESSMENT DISTRICT NO. 1" IN THE CITY OF GARDEN GROVE; DESCRIBING THE DISTRICT TO BE BENEFITED, AND TO PAY THE COST AND EXPENSES THEREOF; AND SETTING THE TIME AND PLACE FOR THE HEARING ON THE QUESTION OF THE LEVY OF THE PROPOSED ASSESSMENT, be and hereby is adopted.

INITIATION OF PROCEEDINGS FOR THE DISSOLUTION OF VEHICLE PARKING DISTRICT NO. 2 (F: 75.3) (XR: 43.4)

Staff report dated May 26, 2009, was introduced and reviewed by staff.

It was reported that over the past 25 years the need for and the usefulness of the operation of Vehicle Parking District No. 2 (District) in the city have declined. One major factor leading to this decline is new developments within the District that are being constructed with designated parking located on-site. The declining need for and usefulness of the District is further evidenced by the underutilization of the parking lots, and the extensive and expensive substitution and change of use proceedings not normally required for operation of City-owned parking lots or other publicly owned land.

The City has incurred costs associated with the administration and operation of the District while receiving only a modest tax apportionment. The dissolution of the District would streamline future policy direction from the City Council, while maintaining control of public parking and public lands within its authority and powers under California law.

It is staff's recommendation that a series of procedures and proceedings similar to the manner in which the District was originally formed be followed to dissolve the District. The first step in these proceedings would be to consider and adopt a Resolution of Intention to dissolve the District and set a date for a Public Hearing.

At the May 14, 2009, Regular Meeting of the Parking and Main Street Commission, the Commission adopted a motion recommending that the City Council table or postpone any City Council action on the dissolution proceedings.

Council Member Do inquired as to the necessity of dissolving the District and asked additional questions regarding the District's budget, assessments, parking studies, and parking requirements.

Staff responded that the District no longer serves the purpose needed when it was originally formed before the City's incorporation. Development within the District has been required to have self-contained parking. In addition, the City has had to undertake extensive and expensive proceedings for substitution and change of use proceedings not normally required for operation of City-owned parking lots or other publicly owned land outside the District. Staff reiterated the dissolution of the District would streamline future policy directions from the City Council.

In response to Council Member Do's concern on the amount of parking needed for Main Street, staff indicated should the District indeed be dissolved, there were no plans on removing any parking spaces. The intent of this action is to remove an administrative layer of government.

Council Member Do moved that this item be continued for one or two meetings to allow further analysis of the issue.

The motion died for lack of a second.

Council Member Broadwater commented that tonight's matter is to initiate proceedings that would allow for additional discussion and a public hearing on the matter before a decision is made. He further commented that it is not a good circumstance when a layer of government exists within a government, using the Garden Grove Sanitary District as an example.

Council Member Nguyen indicated her decision in this matter would be based on what would be a just and fair balance for the entire city. She asked the City Manager if the current Commission would remain intact should the dissolution proceed. The City Manager indicated the Commission would still be in existence acting as the advisory board to the City Council on matters relating to Main Street.

Council Member Jones stated a vote tonight does not automatically dissolve the District.

Mayor Dalton indicated he would support the initiation of the proceedings. The District is an unnecessary layer of government.

RESOLUTION NO. 8892-09

Council Member Broadwater moved, seconded by Council Member Nguyen that full reading of Resolution No. 8892-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING ITS INTENTION TO INITIATE PROCEEDINGS TOWARD DISSOLUTION OF VEHICLE PARKING DISTRICT NO. 2, AND MAKING CERTAIN OTHER FINDINGS be adopted.

Said motion carried by the following vote:

AYES:	COUNCIL MEMBERS:	(4)	BROADWATER, JONES, NGUYEN, DALTON
NOES:	COUNCIL MEMBERS:	(1)	DO
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

SECOND READING OF ORDINANCE NO. 2747 (F: A-48.14) (XR: A-48.15)
(XR: 43.4)

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

ORDINANCE NO. 2747 was presented for second reading and adoption and the title read in full, being ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ELIMINATING THE TIME LIMIT ON ESTABLISHMENT OF LOANS, ADVANCES, AND INDEBTEDNESS WITH RESPECT TO THE BUENA CLINTON PROJECT AREA AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH

It was moved by Council Member Do, seconded by Council Member Jones, and carried by unanimous vote that Ordinance No. 2747 be and hereby is declared adopted.

REPORT BY COUNCIL MEMBER JONES AND COUNCIL MEMBER NGUYEN,
CONCERNING THE INTERNATIONAL COUNCIL OF SHOPPING CENTERS
ANNUAL CONFERENCE ATTENDED BY CITY COUNCIL MEMBERS (F: 78)
(XR: 53.1)

Council Member Jones and Council Member Nguyen provided reports on activities and contacts made while attending the ICSC Annual Conference held in Las Vegas, Nevada, from May 18-May 22, 2009.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

Council Member Nguyen thanked Mrs. Marcario for her efforts in decorating the bus bench, and encouraged her to decorate more within the city. She thanked the Strawberry Festival Association for a successful festival. Lastly, she encouraged residents to shop in Garden Grove. (F: 53.1)

Council Member Jones commented on an event he attended at Violette Elementary School featuring a water conservation poster contest sponsored by the Public Works Department. (F: 53.1) (XR: 24.1)

Council Member Do requested the meeting be adjourned in memory of Vu Nguyen, a former reporter for the Orange County Register. He offered his condolences to the Vu Nguyen family. (F: 53.1) (XR: 46.9)

Mayor Dalton commented on a thank you letter he received commending Public Works Water Service employees. He noted that Gordon Lawrence, owner of Jerome's Interiors for 57 years, recently passed away. He offered his condolences to the Vu Nguyen and Gordon Lawrence families. (F: 53.1) (XR: 24.1) (XR: 46.9)

ADJOURNMENT

At 8:54 p.m., the meeting was declared adjourned in memory of Vu Nguyen and Gordon Lawrence. (F: 46.9)

KATHLEEN BAILOR
CITY CLERK