

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, June 9, 2009, at 5:32 p.m.

ROLL CALL: PRESENT: (3) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, DO

ABSENT: (2) COUNCIL MEMBER NGUYEN (Absent at Roll
Call, but joined the meeting at 5:37 p.m.)
COUNCIL MEMBER JONES (Absent at Roll Call,
but joined the meeting at 5:40 p.m.)

PUBLIC INPUT ON CLOSED SESSION ITEM

None.

ADJOURN TO CLOSED SESSION

At 5:33 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 LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

City Representative: John D.R. Clark, Human Resources Director

Employee Organizations: Police Management Association and non-represented employees.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 13096 Blackbird Street and 13741 Clinton Street

City's Negotiator: Chet Yoshizaki, Economic Development Director

Negotiating Parties: Dan Fischer for Fischer Investment Group, and Arthur Menaldi for Menaldi Hills, Inc. Partners
Under Negotiation: To seek direction from the City Council about negotiations to sell certain real property and the parameters for price and terms of payment related to such real property sale.

RECONVENE IN OPEN SESSION

At 6:41 p.m., Mayor Dalton reconvened the meeting with all Council Members present.

It was announced that the previously disclosed items were discussed and no reportable action was taken.

INVOCATION AND PLEDGE

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

PRESENTATION - COMMUNITY SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Senior Volunteer Man and Woman of the Year, Frank Nicklus and Bertha Reid and presented each of them with a Certificate of Recognition and memento in honor of their invaluable contributions to the community.

PRESENTATION - BUSINESS SPOTLIGHT (F: 52.3)

Mayor Dalton called forward Tony Lalama of B&C Italian Tailors and Clothiers and presented him with a Certificate of Recognition and gift to honor him as an outstanding business model in the community for nearly 50 years.

ORAL COMMUNICATIONS

Melissa Mylinh Scheyer addressed the City Council regarding the Public Works Department notice she received to remove the trees and shrubs from her property. The Mayor requested staff contact Ms. Scheyer.
(F: 53.3) (XR: 24.1)

Rod Powell read from the Orange County Grand Jury fireworks report.
(F: 53.3) (XR: 61.6)

Russ McDonald addressed the City Council requesting consideration be given to ban fireworks sales in the city. He also spoke against the dissolution of Vehicle Parking District 2. (F: 53.3) (XR: 61.6) (XR: 75.3)

A colleague of John Parker addressed the City Council regarding the planned walk through the city this weekend. (F: 53.3)

Peggy Bergin addressed the City Council, regarding the Planning Commission hearing on the Trailer Park sale, the Stanton Farmer's Market, and the City's budget process. (F: 53.3)

Shirley Kellogg, Ellen Park, and Barbara Sulzbach addressed the City Council requesting the City Council approve the agreement for the Senior Mobility Program. (F: 53.3) (XR: 87.8)

Scott Weimer, Peter Katz, and Charles Mitchell addressed the City Council speaking against the dissolution of Vehicle Parking District 2. (F: 53.3) (XR: 75.3)

Robin Marcario addressed the City Council in support of the agreement for the Senior Mobility Program. (F: 53.3) (XR: 87.8)

David Vill addressed the City Council announcing the upcoming meeting of the Garden Grove Chapter of the AARP Tuesday, June 16, 2009. He also made general comments about the use of fireworks in the city, and thanked both Shirley Kellogg and Barbara Sulzbach for their community service. (F: 53.3) (XR: 61.6)

RESOLUTION HONORING B&C ITALIAN TAILORS AND CLOTHIERS FOR ITS LONGEVITY, LOYALTY, AND OUTSTANDING CARE TOWARDS ITS CUSTOMERS IN THE COMMUNITY (F: 53.2)

Staff report dated June 9, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that the Resolution honoring B&C Italian Tailors and Clothiers for its loyalty and outstanding care toward its customers in the community, be and hereby is adopted.

RESOLUTION EXTENDING THE TIME LIMIT TO RETAIN LAND HELD FOR
RESALE AT 12971-12882 BROOKHURST STREET PER CALIFORNIA
REDEVELOPMENT LAW, HEALTH AND SAFETY CODE SECTION 33334.16
(F: 84.1) (XR: 43.4)

Staff report dated June 9, 2009, was introduced.

RESOLUTION NO. 8894 -09

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that full reading of Resolution No. 8894-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AFFIRMING ITS INTENTION THAT CERTAIN REAL PROPERTY BE USED FOR THE DEVELOPMENT OF HOUSING AFFORDABLE TO PERSONS AND FAMILIES OF LOW AND MODERATE INCOME AND EXTENDING THE TIME LIMIT FOR THE INITIATION OF ACTIVITIES WITH RESPECT TO SUCH PROPERTY BY FIVE YEARS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33334.16; AND MAKING OTHER FINDINGS IN CONNECTION THEREWITH, be and hereby is adopted.

AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY
FOR GRANT FUNDING OF THE SENIOR MOBILITY PROGRAM (F: 55)
(XR: 87.8)

This matter was considered later in the meeting.

ACCEPTANCE OF PROJECT AS COMPLETE FOR STREET SLURRY SEAL
PROJECT NO. IFB 01-1134 (F: 55) (XR: 24.2)

Staff report dated June 9, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Street Slurry Seal Project No. IFB 01-1134 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 in the amount of \$10,088.30 after the County Recorder has recorded the Notice of Completion.

AMENDMENT TO THE AGREEMENT WITH TURBO DATA SYSTEMS, INC., FOR PARKING CITATION-PROCESSING SERVICES (F: 55) (XR: 24.1)

Staff report dated June 9, 2009, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Amendment No. 2 to the Agreement by and between the City of Garden Grove and Turbo Data Systems, Inc., to provide parking citation processing services for two additional years, in the amount not to exceed \$165,000, be and hereby is approved; and the City Manager is authorized to execute the agreement on behalf of the City.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote that Regular Warrants 442984 through 444263; and Wires W500 and W501; 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 Jones, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

AGREEMENT WITH THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR GRANT FUNDING OF THE SENIOR MOBILITY PROGRAM (F: 55) (XR: 87.8)

Staff report dated June 9, 2009, was introduced.

Council Member Broadwater congratulated staff and community members on their efforts to bring this great program to Garden Grove.

It was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote that the Agreement by and between the City of Garden Grove and the Orange County Transportation Authority for the Senior Mobility Program for two years, with grant funding in the amount of \$418,813, be and hereby is approved; and the Mayor is authorized to execute the agreement on behalf of the City.

RECESS

At 7:45 p.m., the Mayor declared a recess.

RECONVENE

At 8:22 p.m., Mayor Dalton reconvened the City Council meeting with all Council Members present.

PUBLIC HEARING - FINAL APPROVAL OF NEIGHBORHOOD STABILIZATION PROGRAM APPLICATION (F: 117.10J) (XR: 57.1)

Staff report dated June 9, 2009, was introduced and reviewed by staff.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Charles Mitchell commented on the foreclosures within the city.

Peggy Bergin inquired as to the salary requirements for participants.

There being no further response from the audience, the Public Hearing was declared closed.

RESOLUTION NO. 8893-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8893-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE NEIGHBORHOOD STABILIZATION PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENT NECESSARY TO PARTICIPATE IN THE NEIGHBORHOOD STABILIZATION PROGRAM, be and hereby is adopted.

PUBLIC HEARING DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-451-09 (F: 116.SP-451-09)

Staff report dated June 9, 2009, was introduced and reviewed by staff.

The Development Agreement is in connection with Site Plan No. SP-451-09, initiated by Heritage Grove Partner, LLC, for the construction of a 32 unit apartment complex on a 77,854 square foot lot, at 11631 and 11641 Trask Avenue

On April 2, 2009, the Planning Commission adopted a Negative Declaration and approved Site Plan No. SP-451-09 and Tentative Tract Map No. TT-17312, by a vote of 5-1, with Commissioner Ellsworth absent. Other than the applicant's representative, no one from the public spoke in favor of or in opposition to the project.

Mayor Dalton stated the Planning Commission has approved the Site Plan for this development. The matter before the City Council is the Development Agreement only.

In response to Council Member Broadwater's long-term liability concerns, staff indicated inspections would be conducted throughout the construction process according to City standards.

Council Member Jones stated it is commonplace for developers to have construction insurance that provides up to ten years of coverage against defect.

Mayor Dalton declared the Public Hearing open and asked if anyone wished to address the City Council on the matter.

Peggy Bergin commented on the development fee, the size of the recreation area, and the impact on parking, traffic, and drainage.

There being no further response from the audience, the Public Hearing was declared closed.

Council Member Jones commented that Mrs. Bergin concerns have been considered and addressed through the Planning Commission review. He stated the developer is over delivering per the Code; specifically choosing to build a 32-unit complex, rather than a 43-unit complex; and having over 13,000 square feet of open space, rather than the required 9,600 square feet.

Council Member Broadwater stated that a vote against the Development Agreement would not prevent the development from proceeding, that it would only prevent the City from collecting developer fees.

ORDINANCE NO. 2748 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN HERITAGE GROVE PARTNER, LLC (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE

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

It was moved by Council Member Jones, seconded by council Member Broadwater, and carried by unanimous vote of those present that Ordinance No. 2748 be and hereby is passed to second reading.

PUBLIC HEARING - PROPOSED BUDGET FOR FISCAL YEAR 2009-10
(F: 34.1)

Staff reports dated June 9, 2009, were introduced.

The Finance Director reviewed the proposed budget, stating it is a balanced budget. Due to the economic downturn, the City has had to make adjustments in its operation. Those adjustments include the initiation of a hiring freeze and managed downsizing; substantial lockdown on expenses; tapping into rainy day funds; and the continuation of aggressive redevelopment. In addition, staff continues to apply for and receive grants at the county, state, and federal level.

Mayor Dalton declared the Public Hearing opened and asked if anyone wished to address the City Council on the matter.

Charles Mitchell inquired about the likelihood the Sanitary District Funds would be taken by the State to balance its budget.

There being no response from the audience, the Public Hearing was declared closed.

Council Member Do inquired about the gas tax funds the City receives and the possible State legislation to take away these funds at the county-level. Staff indicated the discussions on the gas tax funds, as

it relates to cities, is that the State may suspend payment of the gas tax funds with a promise to pay the cities back in September.

Council Member Do requested staff keep the City Council informed concerning this matter.

RESOLUTION NO. 8895-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8895-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A BASIC SERVICES, CABLE SERVICES, GRANT SERVICES, CAPITAL IMPROVEMENTS, MOBILE HOME PARKS, SPECIAL ASSESSMENT RELATING TO STREET LIGHTING, SPECIAL ASSESSMENT RELATING TO MAIN STREET AND THE PARKING DISTRICT, SPECIAL ASSESSMENT RELATING TO PARK MAINTENANCE AND WATER SERVICES BUDGETS FOR FISCAL YEAR 2009-10, be and hereby is adopted.

RESOLUTION NO. 8896-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8896-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-10 IMPLEMENTING ARTICLE XIII B OF THE STATE CONSTITUTION PURSUANT TO SECTION 7900 ET SEQ. OF THE GOVERNMENT CODE, be and hereby is adopted.

RESOLUTION NO. 8897-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8897-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROPRIATING FUND BALANCES AS OF JUNE 30, 2009, TO RESERVES FOR FUTURE YEAR REAPPROPRIATION, be and hereby is adopted.

RESOLUTION NO. 8898-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8898-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REAPPROPRIATING CERTAIN FISCAL YEAR 2008-09 PROJECT BALANCES AND ENCUMBRANCES FOR THE FISCAL YEAR 2009-10, be and hereby is adopted.

RESOLUTION NO. 8899-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8899-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN ANNUAL BUDGET FOR THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT FOR FISCAL YEAR 2009-10, be and hereby is adopted.

RESOLUTION NO. 8900-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8900-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S EXPENDITURE OF FUNDS FOR THE PROVISION OF CERTAIN ADMINISTRATIVE FUNCTIONS, be and hereby is adopted.

RESOLUTION NO. 8901-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8901-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING AN ANNUAL BUDGET FOR THE GARDEN GROVE HOUSING AUTHORITY FOR FISCAL YEAR 2009-10, be and hereby is adopted.

RESOLUTION NO. 8902-09

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8902-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING AND AMENDING USER AND DEVELOPMENT PROCESSING FEES FOR VARIOUS CITY SERVICES, be and hereby is adopted.

FISCAL YEAR 2009-10 CONFERENCE AND TRAINING OPPORTUNITIES

It was moved by Council Member Broadwater, seconded by Council Member Do, and carried by unanimous vote that the Fiscal Year 2009-10 Overnight Conferences and Training Sessions, be and hereby are approved as submitted.

SALE OF REAL PROPERTY LOCATED AT 13096 BLACKBIRD AND AT 13741 CLINTON STREET (F: 84.1) (XR: 43.4)

Staff report dated June 9, 2009, was introduced and reviewed by staff.

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that the Purchase and Sale Agreement by and between the City of Garden Grove and Fischer Investment Group LLC, for the sale of real property, the Bahia Village Mobile Home Park located at 13096 Blackbird Street and the Emerald Isle Mobile Home Park located at 13741 Clinton Street, for the purchase price of \$25,000,000, be and hereby is approved; the City Manager is authorized to execute the agreement on behalf of the City; and the Finance Officer is authorized to fund \$25,000 for closing cost.

INITIATION OF PROCEEDINGS FOR THE LEVYING OF FY 2009-2010 ASSESSMENTS FOR THE GARDEN GROVE STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND THE PARK MAINTENANCE DISTRICT (F: 69.1) (XR: 73.1) (XR: 24.11)

Staff report dated June 9, 2009, was introduced and reviewed by staff. Staff indicated the rates proposed are the same adopted by the City Council in FY 2008-09, and there are no proposed additions or significant changes to the improvements as compared to FY 2008-09.

RESOLUTION NO. 8903-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8903-09 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 HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2009-10 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 8904-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8904-09 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 HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2009-10 FISCAL YEAR FOR THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1 AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 8905-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8905-09 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 HIGHWAYS CODE) INITIATING PROCEEDINGS TO LEVY ANNUAL ASSESSMENTS FOR THE 2009-10 FISCAL YEAR FOR THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT AND ORDERING THE CITY ENGINEER TO PREPARE AND FILE A REPORT IN ACCORDANCE WITH ARTICLE 4 OF CHAPTER 1 OF SAID ACT, be and hereby is adopted.

RESOLUTION NO. 8906-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8906-09 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE CITY ENGINEER'S REPORTS REGARDING THE LEVY OF AN ANNUAL ASSESSMENT WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT, CITY OF GARDEN GROVE STREET LIGHTING DISTRICT NO. 99-1, AND THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2009-10, be and hereby is adopted.

RESOLUTION NO. 8907-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8907-09 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 HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT FOR FISCAL YEAR 2009-10 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, be and hereby is adopted.

RESOLUTION NO. 8908-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8908-09 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 HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE STREET LIGHTING DISTRICT 99-1 FOR FISCAL YEAR 2009-10 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, be and hereby is adopted.

RESOLUTION NO. 8909-09

It was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that full reading of Resolution No. 8909-09 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 HIGHWAYS CODE) DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF GARDEN GROVE PARK MAINTENANCE DISTRICT FOR FISCAL YEAR 2009-10 AND SETTING A TIME AND PLACE FOR A PUBLIC HEARING ON THE LEVY OF THE PROPOSED ASSESSMENTS, be and hereby is adopted.

ADMINISTRATIVE CITATION PROGRAM (F: 50.2) (XR: 80.2) (XR: 82.1)

Staff report dated June 9, 2009, was introduced and reviewed by staff. It was noted that this meeting was continued from the April 28, 2009, meeting. Two versions of a draft ordinance were presented for the City Council to consider.

Version 1 authorizes issuance of administrative citations and imposition of administrative fines of \$1,000 per violation of the Municipal Code, including conditions imposed in conjunction with land use entitlements or permits issued by the City. It authorizes Police Officers, Code Enforcement Officers, Community Service Officers, the Building Official, Building Inspectors, Community Development Director, City Engineer, the Fire Marshal, and persons designated by the City Manager, Community Development Director, and Fire Chief to issue Administrative Citations.

Version 2 limits authorization for issuance of citations to violations of Conditional Use Permits, in addition to the previously adopted citation authorizations relating to fireworks, graffiti, and the property foreclosure regulations. It provides the first citation shall be for \$500 instead of \$1,000, and limits the persons who may issue citations to sworn Police Officers, the Fire Marshal, and those Fire Department employees designated by the Fire Chief.

Mayor Dalton indicated he supports Version 1. It allows for more employees to issue citations at the time of the offense rather than requiring a lengthy process and review.

In response to Council Member Broadwater's question regarding citing residents who leave their trashcans on the street, staff responded that the goal is to gain compliance to the code. The Ordinance would be a tool to use in situations when gaining compliance has been unsuccessful.

Council Member Do stated that expanding the number of employees authorized to issue citations causes difficulty in ensuring a consistent standard is applied. He stated any action taken by the City could be deemed prosecution, and it would be necessary to be careful not to use selective prosecution.

Mayor Dalton moved, seconded by Council Member Broadwater that Version 1 of the Ordinance be and hereby be passed to second reading.

Council Member Nguyen stated she wants to keep the city safe and service-oriented. She indicated Version 1 of the Ordinance is overly broad. In conversations with staff, the most difficult violations to enforce include fireworks, graffiti, building abatement, sewer spills, dumping oil, nuisance abatement, CUP violations, and foreclosed properties. In response to her concerns of citing residents for overuse of water, staff responded the goal is to first gain compliance. However, should it become necessary to move from voluntary to mandatory water conservation, and compliance could not be reached; Version 1 of the Ordinance would be a mechanism to pursue compliance.

Council Member Nguyen moved a substitute motion, seconded by Council Member Do, amending Version 2 to add Building Abatement including dangerous conditions and illegal coercions; Sewer Spills; Dumping of Oil; Nuisance Abatement; Conditional Use Permit Violations; and Foreclosed Properties Maintenance as citable offenses.

Council Member Broadwater stated in order to keep the city looking good, Version 1 is the tool that is needed. It is important to have the employee who is the expert in the area be the one to issue the citations.

Mayor Dalton indicated Version 1 includes the requirement that when there is immediate danger to health and safety, the City is required to allow the responsible person a reasonable time to correct the violation before the imposition of a fine. This addresses notification and compliance. Limiting the Ordinance would limit the improvement in the city.

Council Member Do expressed concern the City would be caught between neighbor disputes, and there should be some kind of supervisor level person to give consistency to this kind of power.

Council Member Jones indicated he prefers to give staff latitude to clean up the city, and is in support of Version 1. There is an appeal process included in the Ordinance.

After further City Council discussion, the substitute motion failed to carry by the following vote:

AYES: COUNCIL MEMBERS: (2) DO, NGUYEN
NOES: COUNCIL MEMBERS: (3) BROADWATER, JONES, DALTON
ABSENT: COUNCIL MEMBERS: (0) NONE

ORDINANCE NO. 2749 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 CHAPTER 22 OF TITLE 1 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO ADMINISTRATIVE CITATIONS AND FINES FOR VIOLATIONS OF THE MUNICIPAL CODE

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

Mayor Dalton moved, seconded by Council Member Broadwater that Ordinance No. 2749 be and hereby is passed to second reading. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) BROADWATER, JONES, DALTON
NOES: COUNCIL MEMBERS: (2) DO, NGUYEN
ABSENT: COUNCIL MEMBERS: (0) NONE

ADOPTION OF PARAMEDIC TAX OVERRIDE RATE FOR FISCAL YEAR 2009-10
(F: 60.11)

Staff report dated June 9, 2009, was introduced and reviewed by staff.

ORDINANCE NO. 2750 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 THE AMOUNT OF MONEY FOR PARAMEDIC SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE

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

It was moved by Mayor Dalton, seconded by Council Member Jones and carried by unanimous vote that Ordinance No. 2750 be and hereby is passed to second reading.

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

Council Member Broadwater invited Council Member Do to join him in ride-a-long with Code Enforcement. (F: 53.1) (XR: 80.2)

Council Member Nguyen encouraged residents to shop in Garden Grove, and reminded residents of the first time homebuyer's program, website: comehometogardengrove.org. She announced that the Farmer's Market is moving from Main Street and looking for a new home. Lastly, she commented on the recent celebration she attended for Buddha's birthday at the Anaheim Convention Center. (F: 53.1)

Mayor Dalton read a letter received from a resident thanking a Public Works employee for his assistance. He thanked the Public Works Department for its annual heavy equipment show at Wakeham Elementary School. He announced the upcoming productions for the Shakespeare Orange County at the Festival Amphitheater, encouraging everyone to attend the productions. He too attended the celebration for Buddha's birthday at the Anaheim Convention Center. In conclusion, he offered his condolences to both the Singer and Krom families. (F: 53.1) (XR: 24.1) (XR: 87.5) (XR: 46.9)

ADJOURNMENT

At 10:28 p.m., the meeting was declared adjourned in memory of Sheldon Singer and Noah Krom. (F: 46.9)

KATHLEEN BAILOR
CITY CLERK