

MINUTES

GARDEN GROVE CITY COUNCIL

An Adjourned 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 Monday, November 13, 2006, at 7:03 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS LEYES, NGUYEN, ROSEN

ABSENT: (1) COUNCIL MEMBER KREBS

INVOCATION AND PLEDGE

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

PRESENTATION (F: 23.1)

Representatives from the Orange County Grand Jury addressed the City Council, reviewing its duties and member qualifications needed to serve. Applications are currently being accepted for the 2007-08 Grand Jury.

DEPARTMENT UPDATE BY POLICE CHIEF JOE POLISAR

Police Chief Joe Polisar provided an update about the new command vehicles in the Police Department.

ORAL COMMUNICATIONS – PUBLIC

Joyce Brittain addressed the City Council concerning ongoing noise and dangerous speeding during the late night hours on Lampson Avenue between Euclid and Nutwood streets. She requested Police surveillance. (F: 53.3) (XR: 82.1)

Peter Katz addressed the City Council in opposition to the Sheldon Development in the Main Street area. He presented 16 objections and considerations. (F: 53.3) (XR: A-55.328)

Verla Lambert addressed the City Council and expressed her appreciation to the Public Works Department for all their work in her neighborhood. She presented for the record the Organization Chart for Lake Havasu City and a photo of a large sign on Harbor Boulevard advertising Olson Homes new condominiums on Palm Avenue, and referenced the City's billboard and sign ordinance in that regard. She noted her opposition to the Sheldon project and requested clarification of Agenda Item 4.a. (F: 53.3) (XR: 24.1) (XR: 94.1) (XR: A-55.328)

George Brietigam addressed the City Council, noting he is attending with Boy Scout Troop 1103. He noted his support to continue to allow safe and sane fireworks and to increase enforcement. Lastly, he expressed concern about the Sheldon project. (F: 53.3) (XR: 61.6) (XR: A-55.328)

Charles Mitchell addressed the City Council concerning the election, offering thanks to his supporters and congratulations to the winners and candidates. He noted that he has removed his signs and asked to be notified if any were missed. (F: 53.3) (XR: 58.2)

REQUEST FROM BOY SCOUT TROOP 1103 FOR CO-SPONSORSHIP OF THE SIXTH ANNUAL CUB SCOUT PUSH CART DERBY ON APRIL 15, 2007 (F 74.7) (XR: 88.1)

Communication dated October 24, 2006, was introduced.

Members of Boy Scout Troop 1103 addressed the City Council, urging approval of their request.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote of those present, that the request from Boy Scout Troop 1103 for co-sponsorship of the Sixth Annual Cub Scout Pushcart Derby on April 15, 2007, be approved.

REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION (GGCF) FOR USE OF WILLOWICK GOLF COURSE ON MAY 16, 2007, FOR THE ANNUAL GGCF/CHAMBER GOLF CLASSIC (F: 130.15) (XR: 73.13) (XR: 88.1)

Communication dated November 13, 2006, was introduced.

It was moved by Council Member Nguyen, seconded by Council Member Rosen, and carried by unanimous vote of those present, that the Garden Grove Community Foundation's (GGCF) request for use of the Willowick Golf Course on May 16, 2007, for the Annual GGCF/Chamber Golf Classic, be approved.

REQUEST FROM THE COLONY OF PERFORMING ARTS FOR EXTENSION OF TIME FRAME FOR RETROFIT OF BUILDING LOCATED AT 12883 MAIN STREET (F: 35.4) (XR: 46.2a) (XR: 88.1)

Communication dated November 1, 2006, was introduced.

In response to an inquiry from Council Member Leyes concerning how much latitude the City Council has in this regard, the City Attorney noted that the provisions are specific relative to the time lines, which has not been met, and measures need to be taken to obtain compliance.

In response to an inquiry from Council Member Rosen, staff reviewed the process and the steps that have been taken, noting that retrofit plans were submitted just recently.

Dan Collins, owner and operator of The Colony of Performing Arts, addressed the City Council, reviewing what they have done to date and noting that they are working to get their equipment moved. He requested a time extension. He noted that they are ready to go out to bid when the plans are approved by the City, and it is estimated the work will take approximately three weeks or so.

Council Member Nguyen announced that she will not be participating in discussion of this item inasmuch as she has an office on Main Street.

COUNCIL MEMBER NGUYEN LEFT THE MEETING ROOM AT 8:00 P.M.

Mr. Collins indicated that this is an important time for their fundraising. A modular building will be placed in the parking lot in 15-20 days for their items. He noted that they shut down their operations from December 15 to January 5, and they hope to do the retrofitting then.

Council Member Rosen noted that if the modular unit is there before the end of November, and if they are proceeding in good faith toward the retrofit, he is amenable to the slight delay.

Council Member Leyes moved, seconded by Council Member Rosen, that the request be received and filed. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) LEYES, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (2) KREBS, NGUYEN

RECESS

At 8:12 p.m., the Mayor declared a recess.

RECONVENE

At 9:00 p.m., the meeting was reconvened with Mayor Dalton and Council Members Leyes, Nguyen, and Rosen in attendance.

AMENDMENT TO AGREEMENT WITH WILLDAN CORPORATION TO PROVIDE BUILDING INSPECTION SERVICES (F: 55) (XR: 35.1)

Staff report dated November 13, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote of those present, that the Amendment to the Agreement by and between the City of Garden Grove and Willdan Corporation, to provide building inspection services, with an additional \$50,000, which brings the total to a maximum of \$111,000, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AWARD OF "ON CALL" PURCHASE ORDERS TO VULCAN MATERIALS, ALL AMERICAN ASPHALT, AND R.J. NOBLE FOR ASPHALT MIX (F: 55) (XR: 24.1)

Staff report dated November 13, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that the award of "On Call" Purchase Orders for asphalt mix in the firm fixed amount of \$135,000, to be divided between Vulcan Materials, All American Asphalt, and R.J. Noble, based on the availability of the materials needed, be and hereby is approved.

ADOPTION OF RESOLUTION REQUESTING THE ORANGE COUNTY
TRANSPORTATION AUTHORITY DISBURSE CONSTRUCTION FUNDS FOR
HARBOR BOULEVARD/TRASK AVENUE INTERSECTION IMPROVEMENTS,
PROJECT NO. 7128 (F: 96.proj.7128)

Staff report dated November 13, 2006, was introduced.

RESOLUTION NO. 8747-06

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that full reading of Resolution No. 8747-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE REQUESTING THE ORANGE COUNTY TRANSPORTATION AUTHORITY TO ALLOCATE COMBINED TRANSPORTATION PROGRAM FUNDS FOR HARBOR BOULEVARD/TRASK AVENUE INTERSECTION IMPROVEMENTS, be and hereby is adopted.

ADOPTION OF RESOLUTION AUTHORIZING THE SUBMITTAL OF AN
APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT
BOARD FOR A TIRE-DERIVED PRODUCT GRANT FOR SIDEWALK
REPLACEMENT AT VARIOUS LOCATIONS ALONG LAMPSON AND CHAPMAN
AVENUES (F: 24.6)

Staff report dated November 13, 2006, was introduced.

RESOLUTION NO. 8748-06

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that full reading of Resolution No. 8748-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR TIRE-DERIVED PRODUCT GRANT, FISCAL YEAR 2006/2007, be and hereby is adopted.

ADOPTION OF RESOLUTION TO ADOPT THE ORANGE COUNTY REGIONAL
WATER AND WASTEWATER MULTI-HAZARD MITIGATION PLAN (F: 112.6)
(XR: 24.1)

Staff report dated November 13, 2006, was introduced.

RESOLUTION NO. 8749-06

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that full reading of Resolution No. 8749-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING THE ORANGE COUNTY REGIONAL WATER AND WASTEWATER MULTI-HAZARD MITIGATION PLAN PURSUANT TO THE DISASTER MITIGATION ACT OF 2000, be and hereby is adopted, with the approval of the submittal of the Orange County Regional Water and Wastewater Multi-Hazard Mitigation Plan to the Offices of FEMA and the California Office of Emergency Services.

ADOPTION OF RESOLUTION ESTABLISHING SALARY RATES FOR PART-TIME EMPLOYEES (F: 78.13)

Staff report dated November 13, 2006, was introduced.

RESOLUTION NO. 8750-06

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that full reading of Resolution No. 8750-06 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A SALARY PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF GARDEN GROVE SPECIFYING THE CLASSIFICATIONS OF PART-TIME POSITIONS IN VARIOUS CITY DEPARTMENTS AND OFFICES, AND RESCINDING RESOLUTION NO. 8353-01, be and hereby is adopted.

METRO CITIES FIRE AUTHORITY BOARD REASSIGNMENTS (F: 61.8)

Staff report dated November 13, 2006, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that authorization for the Metro Cities Fire Authority Board to change Garden Grove's board members from the City Manager (primary) and Assistant City Manager (alternate), to the Assistant City Manager (primary) and the Fire Chief (alternate), be approved.

MINUTES (F: Vault)

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present,

that the minutes of the Regular City Council Meeting held September 26, 2006, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote of those present, that regular warrants 372842 through 374530 and Wires W278-W282, and payroll warrants 148084 through 148421, Direct Deposits D127468 through D128644, and Wires W1139 -W1146, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

HEARING OF PROTESTS ON THE FALL 2006 WEED ABATEMENT INVOICES
(F: 113.Fall 2006)

Staff report dated November 13, 2006, was introduced and reviewed by staff.

Mayor Dalton declared the public hearing open and asked if anyone wished to address the Council on the matter.

There being no response from the audience or comments from Council members, and no protests presented, the public hearing was declared closed.

It was moved by Council Member Nguyen, seconded by Council Member Rosen, and carried by unanimous vote of those present, that staff is directed to proceed with the scheduled weed abatement.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-115-06,
DEVELOPMENT AGREEMENT, AND ADOPTION OF A NEGATIVE DECLARATION
(F: 116.PUD-115-06)

Planned Unit Development No. PUD-115-06, Development Agreement, and Adoption of a Negative Declaration. The Applicant, Wayne Tani Architects, is requesting to rezone a 1.6-acre site located on the north side of Trask Avenue, east of Newhope Street, at 11631 and 11641 Trask Avenue, from R-3 to Planned Unit Development to construct 12 two-story, single-family homes.

On September 21, 2006, the City Planning Commission, pursuant to Resolution No. 5564, recommended approval of PUD-115-06 and a Development Agreement. Pursuant to Legal Notice published November 2, 2006, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated November 13, 2006, was introduced, and staff reviewed the background information concerning this proposed project.

Mayor Dalton declared the public hearing opened and asked if anyone wished to address the Council on the matter.

Peggy Bergen addressed the City Council, citing concerns with lack of parking for visitors. She asked why not stick to our City Code rather than bringing forth variances and PUD's for approval.

There being no further comments from the audience, the public hearing was declared closed.

Council Member Rosen noted that this is a good project; the builder could have proposed something worse.

Mayor Dalton noted his concern with a 4,000 square foot residence and a six-car garage, identified as spaces for four cars, with two workrooms, noting that this configuration encourages multiple family residences. He cannot support the project.

Council Member Leyes noted that there could have been almost twice as many units as are being proposed. The stacked housing is a necessary element to make the project affordable.

Council Member Nguyen commented on the inadequacy of parking spaces and the garage configuration.

Mayor Dalton asked the applicant to come forward; however, no one came forward.

Council Member Rosen moved that the public hearing on this matter be continued to December 12, 2006, when there will be a full City Council. Said motion failed to carry by the following vote:

AYES: COUNCIL MEMBERS: (2) LEYES, ROSEN
NOES: COUNCIL MEMBERS: (2) NGUYEN, DALTON
ABSENT: COUNCIL MEMBERS: (1) KREBS

Council Member Nguyen moved, seconded by Mayor Dalton, to disapprove the proposed ordinances. Said motion failed to carry by the following vote:

AYES: COUNCIL MEMBERS: (2) NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (2) LEYES, ROSEN
ABSENT: COUNCIL MEMBERS: (1) KREBS

In response to an inquiry from Council Member Rosen, the City Attorney indicated that any Council Member could make a motion to reconsider the matter. For example, at the meeting of December 12, a Council Member could request the matter be brought back on January 9, 2007, and if agreed upon, the item would need to be renoticed.

SECOND READING OF ORDINANCES NO. 2695, NO. 2696, NO. 2697, AND NO. 2698

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Ordinances No. 2695, No. 2696, No. 2697, and No. 2698, be and hereby is waived.

COUNCIL MEMBER NGUYEN LEFT THE MEETING ROOM AT 9:30 P.M.

ORDINANCE NO. 2695 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 NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-114-06, CHANGING THE ZONING DESIGNATION FROM CCSP-MX (COMMUNITY CENTER SPECIFIC PLAN – MIXED USE) TO PLANNED UNIT DEVELOPMENT NO. PUD-114-06 (F: 116.PUD-114-06)

Council Member Leyes moved, seconded by Council Member Rosen, that Ordinance No. 2695 be and hereby is declared adopted.

Council Member Rosen referenced an accusation that was made that the parking lot was sold out from under the Main Street merchants who originally had bought it and given it to the City and somehow they have been defrauded.

The City Manager responded that the Vehicle Parking District goes back to the 1950's, when the County still had jurisdiction over this area, and it encompassed much more than Main Street. It would be almost impossible to go back and reconstruct who paid for what, when, and where. The District lots are assets of the City, and they have the ability under the Vehicle Parking District to substitute these parcels, which has been done many times in the past. Parking spaces are being substituted back into the project; however, the

project will construct 107 spaces that are available to the public, so it is not an elimination of the parking spaces, and this is provided for in the Vehicle Parking District law.

Council Member Rosen inquired whether Mr. Weimer or Mr. Katz or anybody else who purports to speak for the Downtown Business Association presented any documents showing that they presently have any real property interest in that parking lot.

The City Manager responded that no such documents have been presented.

Mayor Dalton inquired whether any long-time owners have presented any documentation that shows that this type of transaction took place.

The City Manager again responded that there was an assessment that was used in the development of these parking lots, and there was not anyone that said any property owner is contributing any parking lot.

The aforementioned motion carried by the following vote:

AYES: COUNCIL MEMBERS: (3) LEYES, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (2) KREBS, NGUYEN

said Ordinance No. 2695 was declared adopted.

ORDINANCE NO. 2696 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 NEGATIVE DECLARATION AND ADOPTING A DEVELOPMENT AGREEMENT BETWEEN THE SHELDON GROUP (DEVELOPER) AND THE CITY OF GARDEN GROVE (F: 116.PUD-114-06)

Council Member Leyes moved, seconded by Council Member Rosen, that Ordinance No. 2696 be and hereby is declared adopted. Upon the following vote:

AYES: COUNCIL MEMBERS: (3) LEYES, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (2) KREBS, NGUYEN

said Ordinance No. 2696 was declared adopted.

COUNCIL MEMBER NGUYEN REJOINED THE MEETING AT 9:45 P.M.

ORDINANCE NO. 2697 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 NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-116-06, CHANGING THE ZONING DESIGNATION FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-116-06 (F: 116.PUD-116-06)

Council Member Rosen moved, seconded by Council Member Leyes, that Ordinance No. 2697 be and hereby is declared adopted. Upon the following vote:

AYES: COUNCIL MEMBERS: (4) LEYES, NGUYEN, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) KREBS

said Ordinance No. 2697 was declared adopted.

ORDINANCE NO. 2698 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 NEGATIVE DECLARATION AND ADOPTING A DEVELOPMENT AGREEMENT BETWEEN WESTERN PACIFIC HOUSING, INC. (DEVELOPER) AND THE CITY OF GARDEN GROVE (F: 116.PUD-116-06)

Council Member Nguyen moved, seconded by Council Member Rosen, that Ordinance No. 2698 be and hereby is declared adopted. Upon the following vote:

AYES: COUNCIL MEMBERS: (4) LEYES, NGUYEN, ROSEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) KREBS

said Ordinance No. 2698 was declared adopted.

ADJUSTMENT TO COMPENSATION FOR COUNCIL MEMBERS AND FOR ELECTED MAYOR, AS REQUESTED BY COUNCIL MEMBER ROSEN (F: 46.1) (XR: 44.1)

Staff report dated November 13, 2006, was introduced.

Council Member Rosen indicated that this matter was calendared for the previous meeting; however, the meeting went so late the item was continued to this date.

He commented that there has been no compensation increase for the City Council for 30 years. This proposed increase would not take effect until after the 2008 City Council seating.

Council Member Leyes indicated he cannot support the increase.

Mayor Dalton credited Council Member Rosen for bringing the matter up; however, he cannot support the increase.

All Council Members indicated they are not serving on the City Council for the pay.

COMMENTS FROM THE MAYOR, CITY COUNCIL MEMBERS

Council Member Leyes spoke about the results of the recent election and congratulated Mayor Dalton on his victory. He commented that the new City Council needs to get back to a philosophy of development and come up with a consensus. (F: 53.1)

Council Member Rosen commented on the Wal-Mart contribution made to Council Member Krebs during the past election. He also noted that Measure M and Proposition 1B passed, and there are many deadlines coming up, which staff should react to. He asked the City Attorney to prepare an Opinion concerning whether the Commissioners could remain on their respective Commissions until new appointments are made. Lastly, he congratulated all the winners. (F: 53.1) (XR: A-55.312) (XR: 44.2)

Council Member Nguyen congratulated the winners and all the candidates in the election. She invited community members to come to the reception on November 28 to recognize Council Member Leyes' contributions made while serving on the City Council. (F: 53.1)

Mayor Dalton congratulated the winners and all the candidates in the election. (F: 53.1)

ADJOURNMENT

At 10:07 p.m., the meeting was declared adjourned in memory of Edna Bowerman and Dominic Augustine, long-time Garden Grove residents. (F: 46.9)

RUTH E. SMITH
CITY CLERK