

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

January 24, 2006

Council Chamber

ROLL CALL: COUNCIL MEMBER KREBS, COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

Council Member Leyes was absent at roll call but joined the meeting at 6:28 p.m.

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the City Clerk, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing. Additionally, any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office to arrange for special accommodations. (City Council Manual of Procedures, Section D). Agenda item descriptions are intended to give a brief general description of the item to advise the public of the item's general nature. The City Council may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Closed Session

6:24 p.m.

REQUEST TO ADD A CLOSED SESSION ITEM TO THE AGENDA

ACTION: Approved.
(4 Ayes. Leyes absent.)

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
MAYOR DALTON

PUBLIC INPUT: (Anyone wishing to address only Closed Session items may do so at this time.)

None.

1. CLOSED SESSION:

- 1.a. Pursuant to Government Code section 54956.9, the City Council will confer with its legal counsel regarding the status of Orange County Coastkeepers, Inc. v. Garden Grove Sanitary District, et al. (F: S-49.1)

ACTION: Discussed. Proposed settlement accepted on a three to two vote of the Board, with Council Member Leyes and Council Member Rosen voting no.

Open Session

7:00 p.m.

INVOCATION: Les Jones, Deputy City Manager.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PRESENTATIONS:

- 2.a. Community Spotlight: Recognition of Nancy Squires, Rae Waldron, and Caroyl Tolman for contributing many hours of their time toward the 50th Anniversary Celebration. (F: 83.1)

ACTION: Recognized.

- 2.b. Department update by Fire Chief Keith Osborne. (F: 61.1)

ACTION: Report presented.

3. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)

- 3.a. Ruth Baird addressed the City Council concerning noise mitigation relating to the needed widening of the 22 Freeway. She noted she

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represents over 700 petition signatures of Garden Grove citizens that are worried about the lack of a sound wall on the 22 Freeway between Euclid and Magnolia Streets on the north side. She spoke about their meeting with the Orange County Transportation Authority (OCTA) last Thursday, also attended by the car dealers along the freeway. OCTA has agreed to place rubberized asphalt along Trask Avenue between Magnolia and Euclid Streets, to be maintained by the City, which must be approved by the City. They also approved placing air conditioning units in 13 classrooms at Sunnyside and Mitchell Elementary Schools, and to pave the quiet rubberized asphalt on the westbound lanes of the expanded 22 Freeway. She asked the City to accept OCTA's proposal, but to push for rubberized asphalt on the eastbound lanes also.

(F: 53.3) (XR: 62.2)

ACTION: Mayor Pro Tem Rosen saluted the citizens group for finding a solution and for their persistence in resolving the issue. He added that OCTA also approved to have a three-foot sound wall on the north side of the 22 Freeway, which would block out 78 percent of the noise generated by tires. He noted that the City Council must agree to the placement of the rubberized asphalt along Trask Avenue, and this will come to the City Council a few weeks for consideration. He noted that he also attended the meeting last week, along with Supervisor Correa who came up with this resolution.

- 3.b. Robin Marcario, Chair of the Traffic Commission, addressed the City Council concerning Agenda Item 7.a., requesting that it be sent back to the Traffic Commission so it can be re-noticed to a wider range of people. She also spoke about Agenda Item 10.c., asking the City Council to place the Fireworks issue on the November ballot for a vote of the people. (F: 53.3) (XR: 122.1) (XR: 61.1)
- 3.c. Bea Jones addressed the City Council, inviting the Council Members to attend the Orange County Black History Parade and Cultural Fair on February 4 in Santa Ana. She also spoke about Black History and prominent figures. (F: 53.3)
- 3.d. Charles Mitchell addressed the City Council, commenting that with regard to illegal immigration, criminal activity is the key factor. (F: 53.3)

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- 3.e. Gerry Gritters, Jackie Koob, Cam Trinh, Bonnie Robba, Tanya Hedani, Richard Robba, Sean Mellen, Charles Walton, Linda Luu, James King, Pat Huttner, Dao Tran, Jean Beers, Terri Jason, Steven Dang, Duong Nguyen, and David Van Meur, all of whom were employees of Childs Town Preschool on Westminster Avenue, citizens, parents, and owners of businesses on Westminster Avenue, addressed the Council Members concerning Agenda Item 7.a. They urged the widening of Westminster Avenue not be approved because doing so would impact the safety of the preschool children and pedestrians, would create more pollution, noise and crime, would negatively impact the businesses on Westminster because of lack of on-street parking, would increase traffic speed, would impact left turns, would create excessive parking in the residential neighborhood behind the preschool, and there was poor notification. Photos, articles, and other materials were presented. (F: 53.3) (XR: 122.1)
- 3.f. Rob Gleason, Janet Scott Tyler, Theodore Lavoot, Lynn Madrid, Will Hames, and Kim Schon, all of whom are affiliated with school booster clubs and nonprofit organizations, addressed the Council Members, indicating they need to sell fireworks to raise necessary funds for their organizations, and it would be difficult to find another way to do this. Further, they indicated the banning of fireworks would not stop the illegal fireworks. All but two indicated they were in favor of placing this on the ballot for a vote of the people. (F: 53.3) (XR: 61.1)
- 3.g. Elaine Caton, Jim Caton, Rus McDonald, David Vill, and Duke Noonan addressed the Council Members concerning Agenda Item 10.c. They spoke against the sale and use of fireworks in Garden Grove. Mrs. Caton submitted copies of petitions circulated in 2004 to ban fireworks in Garden Grove. They noted that the police and fire personnel are overwhelmed with the illegal fireworks and the block parties leave much residue on the streets and cause air pollution. This should be placed on the ballot for a vote of the people. AARP members are not supportive of fireworks. (F: 53.3) (XR: 61.1)
- 3.h. John Kelly, Vice President of TNT/Blockbuster Fireworks, addressed the Council Members. They are a wholesaler that provides the fireworks to nonprofit organizations. He suggested that the Police Officers need financing to enforce the ban of illegal fireworks, and severe punishment should be instituted. He spoke about the City of Chino and the

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measures they have taken, suggesting a surcharge be instituted to regional customers for cleanup of fireworks debris and that people who want to hold block parties should post a bond for the street cleanup. He noted his opposition to a ballot measure. (F: 53.3) (XR: 61.1)

- 3.i. Tony Rector addressed the Council Members, requesting more detail on Consent items and on Closed Session items on the agendas. He also suggested that the City should contact the local engineering firm of Pool Plans for engineering work instead of contracting outside the city. (F: 53.3)
- 3.j. Alma Ramirez addressed the Council Members concerning the importance of Freedom of Speech. (F: 53.3)
- 3.k. James Robert Reade addressed the Council Members concerning Freedom of Speech and police issues. He also commented that Alma Ramirez spoke at the last City Council meeting; however, it was not on a copy of the videotape he ordered. (F: 53.3)

4. WRITTEN COMMUNICATIONS: None.

RECESS: 10:25 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 10:34 p.m.

5. CONSENT ITEMS: (It is recommended that Items 5.a. through 5.g. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

- 5.a. Final Parcel Map No. 2003-127 for property located on the northeast corner of Magnolia Avenue and Garden Grove Boulevard. (F: 118.2003-127)

ACTION: Approved.
(5 Ayes.)

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- 5.b. Appointment of new Senior Street Maintenance Worker at "G" Step of salary range for this position. (F: 78.1)

ACTION: Approved.
(5 Ayes.)

- 5.c. Award of Contract to Union Bank of California for the provision of City banking services. (F: 55) (XR: 82.1)

ACTION: Approved.
(5 Ayes.)

- 5.d. Resolution for Initiation of Spring 2006 Weed Abatement Program. (F: 113.1)

ACTION: Resolution No. 8686-06 adopted.
(5 Ayes.)

- 5.e. Minutes of Regular Meeting of the City Council held November 22, 2005. (F: Vault)

ACTION: Approved.
(5 Ayes.)

- 5.f. Warrants. (F: 60.5)

ACTION: Approved.
(5 Ayes.)

- 5.g. Waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.
(5 Ayes.)

6. PUBLIC HEARINGS:

- 6.a. Amendment No. A-124-05. An Amendment to Title 9 (Land Use) relating to the parking requirements for residential uses. (F: 115.A-124-05)

ACTION: Hearing held.

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- 6.a.1. ORDINANCE NO. 2681, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-124-05, AN AMENDMENT TO TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO PARKING REQUIREMENTS FOR RESIDENTIAL USES

ACTION: Ordinance passed to second reading.
(5 Ayes.)

7. COMMISSION/COMMITTEE MATTERS:

- 7.a. Removal of on-street parking on Westminster Avenue from Euclid Street to Magnolia Street for westbound traffic; and from Bushard Street to Euclid Street for eastbound traffic. (Continued from meeting of January 10, 2006) (F: 122.1)

ACTION: Approved widening of Westminster Avenue, as recommended by the Traffic Commission, but delay the restriping and prohibition of parking until the City of Westminster has finished its segment of the project. Staff to explore alternatives, including the reconfiguration of the parking lot, the striping issue, and the left-turn issue, with staff to provide a report on options prior to the restriping.
(5 Ayes.)

- 7.b. Resignation of Susan Barry from the Planning Commission.
(F: 122.10A)

ACTION: Received and filed.
(5 Ayes.)

8. ITEMS FOR CONSIDERATION:

- 8.a. ORDINANCE NO. 2682, for introduction and first reading, by title only, entitled

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 8.40 OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO REGULATIONS GOVERNING THE USE OF PARK FACILITIES (F: 127.2) (XR: 82.1) (XR: 50.2)

ACTION: Ordinance passed to second reading.
(5 Ayes.)

9. ORDINANCES PRESENTED FOR SECOND READING:

- 9.a. ORDINANCE NO. 2679 for second reading and adoption, by title only, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN ALWIN LEE (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE (F: 106.165) (XR: 116.SP-384-05)

ACTION: Ordinance passed.
(4 Ayes. Nguyen voted no.)

- 9.b. ORDINANCE NO. 2680 for second reading and adoption, by title only, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-125-06, AN AMENDMENT TO TITLE 5 AND TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO SMOKING LOUNGES, AND ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT (F: 115.A-125-06)

ACTION: Ordinance passed.
(5 Ayes.)

10. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER:

- 10.a. Appointments to the Planning Commission and the Neighborhood Improvement and Conservation Commission, as requested by Mayor Pro Tem Rosen. (Continued from meeting of January 10, 2006.) (F: 122.10B) (XR: 122.4A)

ACTION: Continued to February 14, 2006.

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- 10.b. Appointment to Parking and Main Street Commission, as requested by Council Member Leyes. (F: 122.6A)

ACTION: Continued to February 14, 2006.

- 10.c. Discussion concerning placing a measure on the November 7, 2006, ballot to eliminate fireworks sales and use within the city limits of Garden Grove, as requested by Council Member Krebs. (F: 61.6)

ACTION: Tabled.
(4 Ayes. Leyes voted no.)

- 10.d. Council Member Leyes noted that he attended the Crystal Cathedral service where Robert Schuller, Jr. was ordained. He offered his congratulations to both Robert Schuller, Jr., and Robert Schuller, Sr. He spoke about the City's 50th Anniversary Film Festival on Saturday and Sunday. He referenced a memo from the Police Chief on enforcement of immigration laws by the Police Department. He requested to meet with the Police Chief or the Deputy to go over questions he has. He referenced a recent article in the Register newspaper, noting that he should not have had to read the information in the newspaper. He also suggested the issue of prohibiting a casino be placed on the November ballot for a vote of the people. Lastly, he wished everyone a Happy Lunar New Year. (F: 53.1) (XR: 82.1) (XR: 45.4)

- 10.e. Council Member Rosen commented that there should not be term limits for City Council persons, noting it lessens influence within the county and that people should decide for themselves on an individual basis. He also noted that Council Member Leyes is termed out, having been elected by the voters four times, and possibly could be elected for a fifth term. He requested that discussion take place at the January 31 study session to place on the June ballot the repeal of the City's Term Limits ordinance in time for the November election. (F: 53.1) (XR: 127.11)

- 10.f. Council Member Nguyen requested information on the history of the term limits ordinance. She also requested information concerning the Pool Plans engineering firm and a report on the casino matter, including information on the mixed use and developers. She also requested information on the Orange County Sheriff Department and Costa Mesa

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immigration proposals and how they would affect us directly. Lastly, she wished everyone a Happy Lunar Year. (F: 53.1) (XR: 127.11) (XR: 60.12) (XR: 23.1)

- 10.g. Council Member Krebs spoke about the City's 50th Anniversary activities, noting that a public display of fireworks is scheduled for one of the events. He spoke about the recent State of the City Luncheon and praised Mayor Dalton for his excellent speech and cable staff for a great video. (F: 53.1) (XR: 45.4) (XR: 45.1)
- 10.h. Mayor Dalton commented on the casino issue, noting that any proposal would be put to the citizens for a vote. Lastly, he commented on the dedication of the new Sports Complex on Saturday. (F: 53.1) (XR: 60.12) (XR: 73.5c)

ADJOURNMENT: At 12:16 a.m. on Wednesday, January 26, 2006, the meeting was adjourned in memory of Catherine Morrissey and Maurice Hurley, to Tuesday, January 31, 2006, at 6:30 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue. (F: 46.9)