

## AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

June 12, 2007

Council Chamber

ROLL CALL: COUNCIL MEMBER BROADWATER, COUNCIL MEMBER JONES,  
COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN, MAYOR DALTON

Council Member Nguyen was absent at roll call but joined the meeting at 5:34 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

5:32 p.m.

1. PUBLIC INPUT: (Anyone wishing to address only Closed Session items may do so at this time.)
  - 1.a. Scott Weimer addressed the City Council/Agency regarding the litigation between the Garden Grove Downtown Business Association v. City of Garden Grove and the Garden Grove Agency for Community Development, expressing his concerns on the City's/Agency's lack of cooperation in settling the matter. (F: A-53.3) (XR: 53.3) (XR: A-122.5)

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2. CLOSED SESSION:

- 2.a. 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.

ACTION: Discussed. No reportable action.

- 2.b. CONFERENCE WITH LEGAL COUNSEL – Pursuant to Government Code Section 54956.9(a) – Pending Litigation (Litigation to which local agency is a party and has been initiated formally.)

City Council closed session to confer with Legal Counsel regarding pending litigation, *Garden Grove Downtown Business Association v. City of Garden Grove, Garden Grove Agency for Community Development, et al.*, Pending in Orange County Superior Court (OCSC), Case No. 07CC 02021, filed January 22, 2007.

ACTION: Discussed. No reportable action.

Open Session

6:48 p.m.

INVOCATION: Les Jones, Assistant City Manager.

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

3. PRESENTATIONS:

- 3.a. Community Spotlight: Recognition of Orange County First District Supervisor Janet Nguyen in appreciation of her Garden Grove City Council service. (F: 52.3) (XR: 46.1)

ACTION: Recognized.

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- 3.b. Community Spotlight: Recognition of retired Garden Grove Commissioners who served on various City Commissions in 2005-07. (F: 52.3) (XR: 122.1)

ACTION: Recognized.

- 3.c. Presentation by Police Master Officer II Ricardo Bermudez concerning Graffiti. (F: 24.5) (XR: 82.1)

ACTION: Report presented.

4. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency Oral Communications.)

- 4.a. Clyde Threat addressed the City Council urging the hiring of more police officers and public works employees to address graffiti. (F: 53.3) (XR: 24.5)
- 4.b. Ray Grangoff addressed the City Council on behalf of the Apartment Association, expressing his appreciation to staff for meeting with community representatives on the water rate adjustment. He expressed his concern on the tiered system that penalizes apartment tenants. (F: 53.3) (XR: 112.16)
- 4.c. Francis Hoffman addressed the City Council on behalf of J. Tilman Williams and himself regarding their business located on Harbor Boulevard. He encouraged the City to come to an agreement with Mr. Williams on the purchase his property, indicating that the City has lost money delaying the settlement. (F: 53.3) (XR: A-116.6)
- 4.d. Martha Parham and Richard Kudlik, representatives of Coast Community College District, thanked the City Council for their support on Measure C. Annual reports were distributed and an update was given on the benefits of Measure C to three community colleges in the area. (F: 53.3) (XR: 28.18c) (XR: A-55.152a)
- 4.e. John Zahn addressed the City Council expressing his concern on the lack of protection from taggers. He indicated that taggers have hit his home more than 18 times, and asked for help. (F: 53.3) (XR: 24.5)

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Mayor Dalton indicated that Mr. Zahn would be contacted by staff.

- 4.f. Donald Spencer addressed the City Council protesting the proposed water rates. (F: 53.3) (XR: 112.16)
- 4.g. Stephen Hanrahan addressed the City Council on behalf of business owners. He has a dental practice at Euclid and Woodbury and patients have expressed fear when graffiti is on their building. He indicated his support of mobile cameras to catch the offenders. (F: 53.3) (XR: 24.5)
- 4.h. Ben Savill addressed the City Council urging their support of the Climate Change Protection Agreement already approved by seven cities in Orange County. (F: 53.3)
- 4.i. Jill Moore addressed the City Council praising the efforts of Allen Serna, Public Works Department employee, in painting out graffiti and supplying paint to her. She urged the Council Members to provide more workers both to the Public Works Department and Police Department in the area of graffiti. (F: 53.3) (XR: 24.5)
- 4.j. Cy LaBree addressed the City Council regarding holding management responsible for the mismanagement of the water services budget. He also commented on Code Enforcement not being as responsive as it once was regarding trucks parking in the neighborhoods. He suggested increasing fines would deter the problem. (F: 53.3)
- 4.k. Roy Kim addressed the City Council on behalf of his restaurant near the corner of Dale and Garden Grove Boulevard; the newly installed medians hindered customers entering their parking lot. He requested that a U-turn sign be placed at the intersection of Dale and Garden Grove Boulevard to assist his customers. He has been in contact with George Allen in Traffic Engineering. (F: 53.3) (XR: 24.11)

Mayor Dalton indicated that staff would contact Mr. Kim.

- 4.l. Tony Flores addressed the City Council regarding the noticing procedure for the water rate adjustment, and commented that he felt the rate could not be increased due to state law requiring the specific amount to be noticed. (F: 53.3) (XR: 112.16)

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- 4.m. David Vill addressed the City Council regarding the benefits of being an AARP member. He further commented fireworks being allowed in the city and the impact it has on its reputation. (F: 53.3) (XR: 61.6)
- 4.n. Lori Farrell addressed the City Council regarding the impact graffiti has on her neighborhood, and praised Allen Serna for his efforts. She expressed her concern regarding retaliation by gang members if their tags are painted out. (F: 53.3) (XR: 24.5)
- 4.o. Dawn Neilsen addressed the City Council regarding the water rate adjustment, eminent domain, additional funding for graffiti removal, and the Harbor Boulevard redevelopment area and its proximity to Disneyland. (F: 53.3)
- 4.p. Robin Marcario addressed the City Council expressing her appreciation to staff for meeting with community representatives on the water rate adjustment. She further commented on the effectiveness of different types of plants and shrubbery in deterring graffiti on walls. (F: 53.3) (XR: 112.16)
- 4.q. Ellis Chang addressed the City Council on behalf of US Dyeing and Finishing, Inc., regarding the negative impact increased water rates would have on their company. (F: 53.3) (XR: 112.16)
- 4.r. Al Mangan addressed the City Council protesting the water rate adjustment indicating that residents will no longer maintain their yards because of the increased cost. He further commented on shopping carts being used by residents for personal use rather than shopping. (F: 53.3) (XR: 112.16)

RECESS: 8:36 p.m.

CONDUCT AGENCY BUSINESS

RECONVENE: 8:51 p.m.

- 5. WRITTEN COMMUNICATIONS: None.
- 6. CONSENT ITEMS: (It is recommended that Items 6.a. through 6.q. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

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- 6.a. Final Tract Map No. 16895 for property located on the northwest corner of Euclid Street and Trask Avenue at 13461 Euclid Street.  
(F: 103.TT-16895) (XR: 24.11)

ACTION: Approved.  
(5 Ayes.)

- 6.b. Exoneration of street and drainage improvement bonds for Tract Map No. 16363, a residential subdivision located at 9212 Katella Avenue.  
(F: 103.TT-16363) (XR: 24.11)

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

- 6.c. Approval of Plans and Specifications for the installation of one traffic signal and five school pedestrian crossing signals; and authorize the City Clerk to advertise for bids. (F: 100.10) (XR: 24.11) (XR: 24.13)

ACTION: Approved.  
(5 Ayes.)

- 6.d. Award of Contract to Impex Technologies to provide one Storage Area Network with a three-year support service agreement.  
(Cost: \$101,702.30) (F: 55) (XR: 43.3)

ACTION: Awarded.  
(5 Ayes.)

- 6.e. Agreement with Smithson Electric, Inc., for the installation of traffic signal loops. (Cost: \$79,892) (F: 55) (XR: 24.11)

ACTION: Approved.  
(5 Ayes.)

- 6.f. Renewal of Agreement with The Boys And Girls Club of Garden Grove for the provision of diversion and counseling services through the Family and Youth Outreach Program. (Cost: \$375,000 for three-year period, \$105,000 of which is in 2007-08 budget year) (F: 55)  
(XR: 82.1) (XR: 74.3)

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ACTION: Approved.  
(5 Ayes.)

- 6.g. Agreement with the Arab American Council to conduct the Arab American Festival at the Village Green. (F: 55) (XR: 87.1) (XR: 42.9)

ACTION: Approved.  
(5 Ayes.)

- 6.h. Agreement with Curbside, Inc., to administer the California Integrated Waste Management Board Eleventh and Twelfth Cycle Used Oil Recycling Block Grant Programs. (Cost: \$89,091 in grant funds) (F: 55) (XR: 24.1) (XR: 89.2)

ACTION: Approved.  
(5 Ayes.)

- 6.i. Agreement with the County of Orange for the transfer of property or funds for the 2006 Homeland Security Grant Program. (F: 55) (XR: 82.1) (XR: 117.2c)

ACTION: Approved.  
(5 Ayes.)

- 6.j. Amendment to the Agreement with the Orange County Transportation Authority (OCTA) for the provision of transportation services for Senior Citizens. (Cost: \$38,985.63) (F: 55) (XR: 87.1) (XR: 87.7)

ACTION: Approved.  
(5 Ayes.)

- 6.k. Adoption of Resolution for Initiation of proceedings for Main Street Assessment District No. 1 for FY 2007-08, approving the Engineer's Report and setting the public hearing for June 26, 2007. (F: 31.4 FY 2007-08) (XR: 122.6) (XR: 24.1)

ACTION: Resolution No. 8774-07 adopted.  
(5 Ayes.)

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- 6.l. Adoption of Resolution allowing employees purchasing CalPERS service credit to do so on a "pre-tax" basis. (F: 78.12)

ACTION: Pulled.

- 6.m. Award of "On-Call" Purchase Orders for concrete ready mix to Cemex Ready Mix Concrete and Aggregates; Standard Concrete Products; and Paramount Ready Mix. (Cost: \$137,000 per year) (F: 60.4) (XR: 24.1)

ACTION: Awarded.  
(5 Ayes.)

- 6.n. Appointment of new Administrative Analyst at "G" Step of salary range for this position. (F: 78.1)

ACTION: Approved.  
(5 Ayes.)

- 6.o. Minutes of Regular City Council Meetings held March 27, April 24, and May 8, 2007; Adjourned Regular Meetings held March 29 and April 16, 2007; and Special Meeting held April 24, 2007. (F: Vault)

ACTION: Approved.  
(5 Ayes.)

- 6.p. Warrants. (F: 60.5)

ACTION: Approved.  
(5 Ayes.)

- 6.q. Waiver of full reading of Ordinances listed.

ACTION: Approved.  
(5 Ayes.)

7. PUBLIC HEARINGS: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

- 7.a. Protests on the Spring 2007 Weed Abatement Invoices.  
(F 113.1 Spring 2007)

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ACTION: Hearing held. No protests received. Resolution No. 8775-07 adopted, directing the Orange County Auditor-Controller to add the designated assessments to the 2007-08 Tax Assessment Roll.  
(5 Ayes.)

- 7.b. Development Agreement in Connection with Site Plan No. SP-387-06, initiated by Mike and Kathy Lee, First Family Limited Partnership, to construct an eight-unit condominium development on a 28,559 square foot lot located on the east side of Josephine Street, south of Lampson Avenue, at 12612 Josephine Street. (F: 106.176) (XR: 116.SP-387-06)

ACTION: Hearing held.

- 7.b.1. ORDINANCE NO. 2711, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN MIKE AND KATHY LEE, FIRST FAMILY LIMITED PARTNERSHIP (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE

ACTION: Title read in full. Ordinance passed to second reading, with changes to the Development Agreement.  
(5 Ayes.)

8. COMMISSION/COMMITTEE MATTERS:

- 8.a. Recommendation from the May 1, 2007, Traffic Commission meeting to place a crossing guard at the intersection of Ward Street and Woodbury Road. (Cost: approximately \$10,000) (F: 78.8) (XR: 122.11)  
(XR: 24.11)

ACTION: Approved.  
(5 Ayes.)

9. ITEMS FOR CONSIDERATION:

- 9.a. Further Consideration of Amendment No. A-133-07, amending Section 9.12.050B of Title 9 of the Garden Grove Municipal Code regarding the

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Main Street Retail Overlay (H-R) zone Permitted Uses, to allow housing above existing commercial establishments on properties located along the east and west sides of Main Street, between Garden Grove Boulevard and Acacia Parkway. (Public hearing was held on May 8, 2007, and this matter was continued for further consideration to this date.) (F: 115.A-133-07) (XR: A-122.5) (XR: A-116.1)

9.a.1. ORDINANCE NO. 2712, 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-133-07, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE

ACTION: Motion to table failed to carry.  
(2 Ayes. Broadwater, Dalton, and Nguyen voted no.)

ACTION: Title read in full. Ordinance passed to second reading.  
(3 Ayes. Nguyen and Rosen voted no.)

9.b. Further consideration of adjustments in water rates and charges. (Public hearing was held on May 29, 2007, and this matter was continued for further consideration to this date.) (F: 112.16) (XR: 24.12) (XR: 60.2)

9.b.1. ORDINANCE NO. 2713, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTION 14.12.010 OF CHAPTER 14.12 OF TITLE 14 ("WATER") OF THE MUNICIPAL CODE RELATING TO WATER RATES AND CHARGES

ACTION: Title read in full. Ordinance passed to second reading.  
(4 Ayes. Nguyen voted no.)

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- 9.c. Discussion concerning issues related to the development of a skate park. (F: 73.1) (XR: 87.1)

ACTION: Continued to July 10.

10. ORDINANCES PRESENTED FOR SECOND READING:

- 10.a. ORDINANCE NO. 2709 for second reading and adoption, by title only, waiving full reading, entitled  
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DESCRIBING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITHIN THE GARDEN GROVE COMMUNITY PROJECT AS REQUIRED BY SECTION 33342.7 OF THE CALIFORNIA HEALTH AND SAFETY CODE (F: A-48.25) (XR: A-46.1)

ACTION: Title read in full. Full reading waived.  
Ordinance adopted.  
(5 Ayes.)

- 10.b. ORDINANCE NO. 2710 for second reading and adoption, by title only, waiving full reading, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DESCRIBING THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT'S PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN WITHIN THE BUENA-CLINTON REDEVELOPMENT PROJECT AREA AS REQUIRED BY SECTION 33342.7 OF THE CALIFORNIA HEALTH AND SAFETY CODE (F: A-48.14) (XR: A-46.1)

ACTION: Title read in full. Full reading waived.  
Ordinance adopted.  
(5 Ayes.)

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

- 11.a. Report concerning the ICSC Annual Conference attended by Mayor Dalton and Council Members. (F: A-78.1)

ACTION: Continued to June 26.

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- 11.b. Discussion concerning disbanding Main Street Parking & Maintenance District No. 1, Vehicle Parking District No. 2, and the Parking and Main Street Commission, as requested by Council Member Rosen. (F: 75.3) (XR: 122.6)

ACTION: Pulled.

- 11.c. Report concerning entertainment and gaming interest for International West. (F: A-116.6)

ACTION: Report provided by City Manager.

- 11.d. Council Member Broadwater invited the public to join him and his family at the graffiti paint-out scheduled for Saturday, June 16, at 7:45 a.m. He wished his wife, Peggy, a happy 36<sup>th</sup> anniversary. (F: 53.1) (XR: 24.5)
- 11.e. Council Member Rosen wished his daughter, Rachel a happy birthday. He announced that his son Josh left for the Peace Corp to Moldova. (F: 53.1)
- 11.f. Council Member Rosen announced the decision by OCTA to implement a bus rapid transit on Harbor from Costa Mesa to Fullerton; and on Westminster from Long Beach to the Santa Ana transportation center. He commented this will be an opportunity for the city of Garden Grove to enjoy advanced transit. (F: 53.1) (XR: 23.18)
- 11.g. Council Member Rosen wished both Council Member Broadwater and his wife, and Council Member Jones and his wife, happy anniversary. (F: 53.1)
- 11.h. Council Member Jones wished his son, Jaiden, a happy first birthday. (F: 53.1)
- 11.i. Council Member Nguyen wished both Council Member Broadwater and his wife, and Council Member Jones and his wife, a happy anniversary. She also wished Jaiden Jones a happy first birthday. (F: 53.1)
- 11.j. Council Member Nguyen congratulated the graduating high school seniors, and encouraged responsible driving while celebrating. (F: 53.1)

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- 11.k. Mayor Dalton wished both Council Member Broadwater and his wife, and Council Member Jones and his wife, a happy anniversary. He also wished Jaiden Jones a happy first birthday. (F: 53.1)
- 11.l. Mayor Dalton announced the upcoming Pacifica High School football fundraiser at the Navy Golf Course. (F: 53.1)
- 12. ADJOURNMENT: 10:44 p.m.

*HAPPY ANNIVERSARY TO COUNCIL MEMBER BROADWATER AND WIFE PEGGY*

*HAPPY ANNIVERSARY TO COUNCIL MEMBER JONES AND WIFE MANI*

The next Regular Meeting of the City Council will be held on Tuesday, June 26, 2007, at 5:30 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.