

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

July 11, 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 6:30 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

6:18 p.m.

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

None.

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2. CLOSED SESSION:

- 2.a. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6

City Representative: Matthew Fertal, City Manager

Employee organizations: Garden Grove Firefighters Local 2005; Garden Grove Employees League Chapter of the Orange County Employees Association; Garden Grove Chapter of the Orange County Employees Association; Middle Management; and Central Management.

ACTION: Discussed. No reportable action taken.

RECESS: 7:10 p.m.

Open Session

7:18 p.m.

INVOCATION: Les Jones, Assistant City Manager.

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

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Christine Correa, CCROP Business Leader of the Year for Garden Grove. (F: 52.3)

ACTION: Recognized.

- 1.b. Department update by Public Works Department Director Keith Jones. (F: 24.1)

ACTION: Report provided.

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

- 2.a. Robert Gleason addressed the City Council, urging fireworks not be banned in Garden Grove, noting the problem is the illegal ones and

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- Public Safety personnel should use tougher action against the violators and make it more expensive for them. (F: 53.3) (XR: 61.6)
- 2.b. Tony Rector addressed the City Council, expressing support of placing the fireworks issue on the ballot; however, having a two-year weaning period should the vote be to ban them. (F: 53.3) (XR: 61.6)
- 2.c. Dawn Nielson addressed the City Council, commenting that patriotism is the real issue and indicating that the Police are falling down on the job. (F: 53.3) (XR: 61.6)
- 2.d. Verla Lambert addressed the City Council, commenting that she is still waiting for a report on City building repairs. She asked when the burned building at Town and Country on Harbor Boulevard would be addressed. Lastly, she spoke about the installation of a left-turn signal sign on Garden Grove Boulevard and the removal of trees in the median there. (F: 53.3)
- 2.e. Terry and Cheryl Fotia addressed the City Council, commenting that all fireworks must be outlawed to get rid of the illegal ones, and further commenting on lack of Police authority. (F: 53.3) (XR: 61.6)
- 2.f. Fred Gray addressed the City Council, commenting that the illegal fireworks issue is growing and the Police cannot handle the situation, noting that he is not sure about having the issue go to a vote of the people. He also alleged that campaign contributions might be a factor in fireworks remaining legal in Garden Grove. (F: 53.3) (XR: 61.6)
- 2.g. David Vill, representing AARP, addressed the City Council and invited everyone to attend an open forum on fireworks being held by AARP on August 15 at the Community Meeting Center. He commented that the senior citizens are terrified of the fireworks. (F: 53.3) (XR: 61.6)
- 2.h. Edith Brennen addressed the City Council, noting that she is against fireworks remaining legal in Garden Grove, noting they have become much more sophisticated. (F: 53.3) (XR: 61.6)
- 2.i. J. Tilman Williams addressed the City Council, noting that he allowed a fireworks stand to be placed on his property on Harbor Boulevard and received a good rent for those few days of sales. (F: 53.3) (XR: 61.6)

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- 2.j. Russ McDonald addressed the City Council, referencing a 1989 Grand Jury Report on banning the sale of fireworks. He asked that fireworks either be banned or that the matter be placed before the voters. He commented that Police and Fire personnel are doing the best they can. (F: 53.3) (XR: 61.6)
- 2.k. Sharon Tanihara addressed the City Council, commenting that the fireworks situation is getting worse and she is concerned about her safety. (F: 53.3) (XR: 61.6)
- 2.l. Rosemary McQuinny addressed the City Council, commenting that she is against allowing the sale and use of fireworks in Garden Grove. (F: 53.3) (XR: 61.6)
- 2.m. Sherry DeBeaumont addressed the City Council, commenting that fireworks should either be banned or placed on the ballot for a vote of the people. (F: 53.3) (XR: 61.6)
- 2.n. David Zimmerman addressed the City Council, urging that the City Council continue to allow the sale and use of Safe and Sane Fireworks in the city, commenting that church, school, civic, and social groups will suffer if not allowed to raise money by running booths for the sale of fireworks. (F: 53.3) (XR: 61.6)
- 2.o. Charles Mitchell addressed the City Council, commenting that a seminar on Aging and Medicare is being held in Midway City on July 24. Additionally, he urged either the fireworks issue be placed on the November ballot for a vote of the people or that the City Council adopt an ordinance banning the sale and use of fireworks. He volunteered to act as a mediator for the issue. (F: 53.3) (XR: 61.6)
- 2.p. Robin Marcario addressed the City Council urging that the fireworks issue be placed on the ballot for a vote of the people. She also announced the meeting of the Central Garden Grove Neighborhood Association on July 15, and invited everyone to attend. (F: 53.3) (XR: 61-6)
- 2.q. Randy Barrows addressed the City Council, commenting that legal fireworks do not cause problems. (F: 53.3) (XR: 61.6)

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- 2.r. Dulce Lopez addressed the City Council, commenting that banning fireworks will not stop the illegal ones and that the schools cannot make enough money any other way. (F: 53.3) (XR: 61.6)
- 2.s. Dan Collins addressed the City Council, noting that their fireworks stand provides 92 percent of funding needed by the Colony of Performing Arts. He noted that non-profits cannot contribute to campaign accounts, and he urged that if the matter is placed on the ballot, that the public be fully informed of all the facts. (F: 53.3) (XR: 61-6)
- 2.t. Dietrich Nicholson addressed the City Council, urging that fireworks be banned for environmental reasons and that the matter be placed on the ballot for a vote of the people. Further, that the costs of Police and Fire and the clean up be added to the permits.(F: 53.3) (XR: 61.6)
- 2.u. Kenneth Masciana addressed the City Council, noting that he is in favor of allowing fireworks in Garden Grove and commenting that the issue is one of enforcement. (F: 53.3) (XR: 61.6)
- 2.v. Greg Moore addressed the City Council concerning a problem with his wedding in December 2005 at the Community Meeting Center because of a blackout that occurred. He noted that he filed a Claim, which was denied, and would like the matter rectified. (F: 53.3) (XR: 49.1)

ACTION: Mayor advised him that staff will contact him.

- 2.w. Lynn Madrid addressed the City Council, asking that the fireworks issue not be placed on the ballot. She represents the Garden Grove High School Football Boosters, and they make lot of money selling the Safe and Sane Fireworks for their needed equipment and uniforms. (F: 53.3) (XR: 61.6)
- 2.x. John Kelly, Vice President of TNT Fireworks, addressed the City Council, noting that illegal fireworks are pouring into the state. He spoke about the City of Chino and how they have handled the issue, noting that the public needs to be educated. He suggested the creation of a task force to address the real problem. (F: 53.3) (XR: 61.6)

3. WRITTEN COMMUNICATIONS: None.

RECESS: 9:06 p.m.

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CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 9:45 p.m.

4. CONSENT ITEMS: (It is recommended that Items 4.a. through 4.d. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

4.a. Proclamation declaring July 2006, as Parks and Recreation Month.  
(F: 83.1) (XR: 87.1)

ACTION: Approved.  
(5 Ayes.)

4.b. Minutes of Regular Meeting of the City Council held June 13, 2006.  
(Vault)

ACTION: Approved.  
(5 Ayes.)

4.c. Warrants. (F: 60.5)

ACTION: Approved.  
(5 Ayes.)

4.d. Waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.  
(5 Ayes.)

5. PUBLIC HEARINGS:

5.a. Planned Unit Development No. PUD-111-06 and Development Agreement. LV Development is requesting to change the zoning of a 1.3-acre property located at 12661 Nelson Street, to Planned Unit Development Residential, and to enter into a Development Agreement to construct 12 two- and three-story single-family homes.  
(F: 116.PUD-111-06) (XR: 106.71)

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(IT WAS DETERMINED THAT MAYOR DALTON MIGHT HAVE A CONFLICT OF INTEREST; THEREFORE HE LEFT THE MEETING ROOM AT 9:50 P.M. AND MAYOR PRO TEM ROSEN ASSUMED THE CHAIR.)

ACTION: Hearing held and continued to July 18, 2006, in order to obtain additional traffic information.  
(3 Ayes. Krebs voted no and Mayor Dalton was absent.)

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-111-06, CHANGING THE ZONING DESIGNATION FROM CCSP-PR (COMMUNITY CENTER SPECIFIC PLAN PERIPHERAL RESIDENTIAL PR 11) TO PLANNED UNIT DEVELOPMENT NO. PUD-111-06

- 5.a.2. ORDINANCE NO. , 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 LV DEVELOPMENT, INC. (DEVELOPER) AND THE CITY OF GARDEN GROVE

(MAYOR DALTON REJOINED THE MEETING AT 10:41 P.M. AND REASSUMED THE CHAIR.)

6. COMMISSION/COMMITTEE MATTERS: None.

7. ITEMS FOR CONSIDERATION:

- 7.a. Resolution amending Schedule A of the City's Master Fee Resolution. (Continued from meeting of June 27, 2006) (F: 60.2A)

ACTION: Resolution No. 8730-06 adopted to reflect a \$20.70 fee for late payment of water bills (4 Ayes, Member Leyes No); Art in Public Places Fee to remain status quo, (3 Ayes, Rosen and Leyes No) and General Plan and Cultural Arts Fee to remain

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status quo (3 Ayes, Rosen and Leyes No), as adopted by  
Resolution No. 8731-06.

8. ORDINANCES PRESENTED FOR SECOND READING:

- 8.a. ORDINANCE NO. 2689, for second reading and adoption, by title only, 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 (F: 60.11)

ACTION: Ordinance passed.  
(4 Ayes. Nguyen abstained.)

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

- 9.a. Proposed Ballot Measure for the November 7, 2006, General Election, to eliminate fireworks sales and use within the city limits of Garden Grove, as requested by Council Member Krebs. (Continued from meeting of June 27, 2006) (F: 53.1) (XR: 61.6) (XR: 58.9)

ACTION: Discussed. No action taken.

- 9.b. Council Member Leyes spoke about the Grove Theater Center who held many productions at the Gem Theater and have now gone. (F: 53.1) (XR: 87.3)

- 9.c. Council Member Krebs spoke about the Hamlet production at the Amphitheater, the Fourth of July party that was held at the Senior Center, and the Orange County Veterans Fair held last Saturday in the park. (F: 53.1)

10. ADJOURNMENT: 12:25 a.m. on Wednesday, July 12, 2006, to Tuesday, July 18, 2006, in memory of Mikhael Haddad, former resident of Garden Grove and father-in-law of Council Liaison, Pamela Haddad. (F: 46.9)