

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

July 12, 2005

Council Chamber

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

All Members present.

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

6:15 p.m.

1. CLOSED SESSION: None.

Open Session

7:07 p.m.

INVOCATION: Les Jones, Deputy City Manager.

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

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

2. PRESENTATIONS:

- 2.a. Community Spotlight: Recognition of Shakespeare of Orange County, recipient of the Outstanding Arts Organization Award at the 2005 Orange County Arts Awards Ceremony. (F: 52.3) (XR: 87.5)

ACTION: Recognized

- 2.b. Community Financial Working Group Report. (F: 52.3) (XR: 122.76)

ACTION: Received and filed.
(5 Ayes.)

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

- 3.a. Bob Owens commented that the General Fund should not be used to back up redevelopment, and that the City Council should attend meetings when the Redevelopment Agency makes presentations to the public. (F: 53.3)
- 3.b. Verla Lambert commented about former Mayor Broadwater and how proud he was of the development on Harbor Boulevard and of "tax fighter" Bob Dinsen and how he worked for the city. She also noted that it is time for the current City Council to help the small businesses. (F: 53.3)
- 3.c. Nancy O'Shaughnessy commented that she was in favor of having a casino in the city and the revenue that it would bring. She commented that the businesses on Harbor Boulevard are experiencing a boom in business because of the development. She was in favor of having outlet stores in the city. (F: 53.3) (XR: 122.76)
- 3.d. David Lautherboren commended the Budget Committee on its presentation. He was in favor of having a casino as a way of getting out of debt. (F: 53.3) (XR: 122.76)

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- 3.e. Anthony Koslosky commented that he also was in favor of a casino and to keep his money here rather than giving it to other cities with casinos. (F: 53.3) (XR: 122.76)
- 3.f. Peter Vuong commented regarding the presentation on the budget and wanted to see a list of revenues and expenses. He was opposed to a casino because there are a lot of intangible costs to the neighborhoods. (F: 53.3) (XR: 122.76)
- 3.g. George Brietigam thanked the City Council and the Police Department for the extra enforcement on the west end of town, noting that it has helped with the speeding problems. He commented regarding the petition that will be circulating regarding Council districts and felt that districts will improve the community and overall communication. He commented on the budget presentation and was disappointed that they only recommended a casino and more taxes, noting that efforts are being wasted on pursuing a casino. People he talked to are in favor of an outlet mall or a drag strip. He also indicated that cities make money operating their own tow yard. (F: 53.3) (XR: 122.76)
- 3.h. David Ramsey commented regarding shopping carts that are continually left in front of his home and that there should be a penalty for taking them. Additionally, he commented on the fireworks this past July 4th, noting that it was much worse this year. He requested that the City Council check on why other cities that do not have them any longer and get rid of them in Garden Grove. (F: 53.3) (XR: 61.6)
- 3.i. Tony Rector commented that he gets aggravated when people talk under Oral Communications and ask pertinent questions and do not get a response. He requested that the City Council answer people's legitimate questions and concerns even by using the City's web site. He indicated that although fireworks are a politically sensitive issue, this 4th of July was like being in downtown Baghdad. He was flabbergasted that the City Council would even consider a casino. He indicated that having more restaurants on Harbor Boulevard would bring in more revenue. Mayor Dalton commented that people who want a response do not get it at the meeting but they are contacted after the meeting. (F: 53.3) (XR: 61.6) (XR: 122.76)
- 3.j. Charles Mitchell commented that if a casino is a feasible idea, no city funds be used. Revenue could be generated by parking large vehicles

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on the PE Right-of-way or by using it for a mobile home park. (F: 53.3)
(XR: 122.76) (XR: 36.3)

4. WRITTEN COMMUNICATIONS: None.

RECESS: 9:03 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 10:51 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. Proclamation declaring August 7, 2005, as National Kids Day in our community. (F: 83.1) (XR: 74.3)

ACTION: Approved.
(5 Ayes.)

5.b. Agreements with Scott Fazekas and Associates, Inc., and Esgil Corporation to provide plan review services. (F: 55) (XR: 35.1)

ACTION: Approved.
(5 Ayes.)

5.c. Agreement with G.I.E. Technologies, Inc., for condition assessment of the street network in connection with the Pavement Management System. (Estimated cost: \$50,000.00) (F: 55) (XR: 24.2)

ACTION: Approved.
(5 Ayes.)

5.d. Revised plan document for the City's existing Deferred Compensation Program. (F: 78.16)

ACTION: Approved.
(5 Ayes.)

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- 5.e. Revised plan document for the City's existing Part-Time – Seasonal Employee Retirement Program. (F: 78.13D)

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. MAIN STREET ASSESSMENT DISTRICT NO. 1 – FISCAL YEAR 2005-06 ASSESSMENTS (F: 31.4)

- 6.a.1. Hearing of Protests.

ACTION: Hearing held.

- 6.a.2. Adoption of Resolution confirming proceedings.

ACTION: Approved. Adopted Resolution No. 8661-05.
(5 Ayes.)

- 6.b. Adoption of the 2004 California Electrical Code by reference. (F: 35.2)

ORDINANCE NO. 2666, for introduction and first reading, by title only,
entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING PORTIONS OF ORDINANCE NO. 2590 AND ADOPTING BY REFERENCE THE FOLLOWING PRIMARY CODE WITH CERTAIN AMENDMENTS, DELETIONS, AND ADDITIONS THERETO:

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CALIFORNIA ELECTRICAL CODE, 2004 EDITION; AS ADOPTED INTO
THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3

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

7. COMMISSION/COMMITTEE MATTERS: None.

8. ITEMS FOR CONSIDERATION:

8.a. ORDINANCE NO. 2667, for introduction and first reading, by title only,
entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE AMENDING CHAPTER 5.12, OF TITLE 5 OF THE MUNICIPAL
CODE RELATING TO MASSAGE REGULATIONS (F: 50.2) (XR: 82.1)

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

8.b. Appointments to the Parks, Recreation, and Arts Commission.
(F: 122.71)

ACTION: No appointments made.

9. ORDINANCES PRESENTED FOR SECOND READING:

9.a. ORDINANCE NO. 2662, for second reading and adoption, by title only,
entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT
NO. PUD-107-05, CHANGING THE ZONING DESIGNATION FROM C-3
(HEAVY COMMERCIAL) TO PLANNED UNIT DEVELOPMENT
NO. PUD-107-05, FOR PROPERTY LOCATED ON THE SOUTH SIDE OF
GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET, AT
10080, 10180 AND 10120 GARDEN GROVE BOULEVARD AND
13011 BROOKHURST STREET, PARCEL NOS. 098-070-35, 098-070-38,
098-070-65, AND 098-070-63 (F: 20.GPA-2-05(A))
(XR: 116.PUD-107-05) (XR: 106.161)

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ACTION: Ordinance passed.
(4 Ayes, Leyes voted no.)

- 9.b. ORDINANCE NO. 2663, 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 GARDEN GROVE GALLERIA, LLC, (DEVELOPER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET, AT 10080 AND 10180 GARDEN GROVE BOULEVARD, PARCEL NOS. 098-070-35 AND 098-070-38 (F: 20.GPA-2-05(A)) (XR: 116.PUD-107-05) (XR: 106.161)

ACTION: Ordinance passed.
(4 Ayes, Leyes voted no.)

- 9.c. ORDINANCE NO. 2664, 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: 61.2)

ACTION: Ordinance passed.
(5 Ayes.)

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

- 10.a. Discussion concerning adopting an eminent domain policy, as requested by Council Member Leyes. (F: 53.1)

ACTION: Council Member Leyes will provide copies of the City of Anaheim City Attorney's decision to be placed on a future agenda.

- 10.b. Discussion concerning the Governor's "reform package" ballot measures, as requested by Council Member Leyes. (F: 53.1)

ACTION: Will be listed on an agenda closer to the election in November.

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- 10.c. Council Member Leyes commended the members of the Community Financial Working Group on their report. He would have liked to see it deal seriously with anything that dealt with cost savings. He supported continuing with redevelopment, but he was not in favor of a casino or a utility tax. He requested that the items in the report be listed on a future agenda for discussion. (F: 53.1) (XR: 122.76)
- 10.d. Council Member Leyes commented that since there will not be a City Council meeting on July 26, he will hold a round table/town hall meeting at 7:00 p.m. at the Community Meeting Center and invited everyone to attend. (F: 53.1)
- 10.e. Council Member Leyes requested that the meeting be adjourned in memory of Mark Gassman, who represented the TNT Fireworks Co. and worked with the City and non-profit organizations for many years. (F: 53.1) (XR: 46.9)
- 10.f. Council Member Rosen requested that staff provide a report on the reduced service of the OCTA Access bus that provides transportation to people with disabilities. (F: 53.1) (XR: 23.18)
- 10.g. Council Member Rosen commented that he attended a performance of "A Midsummer Night's Dream" by Shakespeare Orange County at the Festival Amphitheater. It was a tremendous show, which runs from Thursday through Saturday to July 23. He noted that the only drawback was the noise created by the cars leaving the Friday night car show on Main Street. He requested that staff speak to the organizers and have the cars exit to the south on Main Street. (F: 53.1) (XR: 87.5)
- 10.h. Council Member Nguyen wished Rebecca Weimer well and a speedy recovery in her battle against cancer. (F: 53.1)
- 10.i. Council Member Krebs commented that he also attended "A Midsummer Night's Dream" and encouraged everyone to attend. He also commended the Community Financial Working Group on doing an outstanding job. (F: 53.1) (XR: 87.5) (XR: 122.76)

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- 10.j. Council Member Krebs commended Kathy Porter and Jany Lee, City staff members, for the Korean Cultural Diversity Program that he attended in the morning. (F: 53.1)
- 10.k. Mayor Dalton requested that the meeting also be adjourned in memory of Gail Charle, long time Garden Grove resident. (F: 53.1) (XR: 46.9)
11. ADJOURNMENT: At 11:33 p.m., the meeting was adjourned in memory of Mark Gassman and Gail Charle.

PLEASE NOTE THAT THERE WILL NOT BE A CITY COUNCIL MEETING ON JULY 26, 2005. THE NEXT MEETING OF THE CITY COUNCIL WILL BE HELD ON AUGUST 9, 2005.