

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

August 24, 2004

6:51 p.m.

Council Chamber

ROLL CALL: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

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)

INVOCATION: Les Jones, Deputy City Manager.

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

INTRODUCTION OF BOY SCOUT TROOP 507

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Georgia Thieben for her outstanding contributions to the Garden Grove Community. (F: 52.3)

ACTION: Recognized.

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2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)
 - 2.a. Al Snook and Verla Lambert addressed the Council expressing concern about the private discussions that took place relative to placing a casino in Garden Grove and the signing of a confidentiality agreement, alleging they were underhanded and deceitful. (F: 53.3)
 - 2.b. Joe Caggiano addressed the Council, expressing concern about a proposed development of a 220-unit Planned Unit Development on Chapman Avenue next to Pioneer Park, across from Willowbrook, citing concerns about density, traffic, water quality, and sewer impacts. He alleged the traffic analysis is invalid because it was taken during non-peak hours, and the Environmental Impact Report is nine years old. He submitted petitions signed by numerous residents in the area who are against this project. (F: 53.3) (XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04) (XR: 103.TT-16732) (XR: 106.152)
 - 2.c. Fred Duskin addressed the Council, urging the banning of the sale and use of fireworks in Garden Grove (F: 53.3) (XR: 61.6)
 - 2.d. June Eckert addressed the Council, urging the banning of the sale and use of fireworks in Garden Grove. She also spoke against the building of a casino in Garden Grove, citing crime increase, traffic, water, and sewer impacts. (F: 53.3) (XR: 61.6)
 - 2.e. Fran Yorba, representing the Tribal Council of the Juaneno Band of Mission Indians, the Acjachemen Nation, addressed the Council, alleging that they are the original inhabitants of Garden Grove and indicating they would like to meet with the Mesa Grande Tribe concerning the so-called casino project. (F: 53.3)
 - 2.f. Bob Rohdenburg, Sr. Pastor of the Garden Grove United Methodist Church, addressed the Council, noting they are against gambling, and land use issues need to be looked into relative to a casino. (F: 53.3)
 - 2.g. Robin Marcario addressed the Council, suggesting that the City should have informed the citizens of the casino talks and should get input from the residents. (F: 53.3)

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- 2.h. Vivian Kirkpatrick addressed the Council, noting that she owns a townhome at Somerset Place on Chapman Avenue near Harbor Boulevard and Haster Avenue. She noted her opposition to the proposed development of a 220-unit Planned Unit Development on Chapman Avenue next to Pioneer Park, across from Willowbrook, citing the same concerns as expressed by Mr. Caggiano. (F: 53.3)
(XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04)
(XR: 103.TT-16732) (XR: 106.152)
- 2.i. Lee Silva addressed the Council, expressing his opposition to a gambling casino in Garden Grove. (F: 53.3)
- 2.j. Cathy Leurel addressed the Council, expressing her support for a gambling casino in Garden Grove. (F: 53.3)
- 2.k. David Lautherboren addressed the Council, expressing appreciation to water staff for meeting with him about his brown water situation. He noted that the internet site he spoke about at the last meeting is now gone. And he expressed his support for a gambling casino in Garden Grove and defended the confidentiality agreement. (F: 53.3)
(XR: 24.12)
- 2.l. Janine Fowler addressed the Council, expressing displeasure about the so-called confidentiality agreement concerning the gambling casino, noting that information should be made available to the residents so they can decide if they would support it. She noted she has written a letter to Planning requesting information on this. (F: 53.3)
- 2.m. Dietrich Nicholson addressed the Council, noting that other cities with casinos have reported there has been no increase in crime. He also commented that the Agency attorney has indicated that the confidentiality agreement was between Steve Wynn and City employees and not between Wynn and the Agency or City. He inquired who paid for the City Manager and City employees to go to Las Vegas. He further commented, however, that he is in favor of a gambling casino in Garden Grove. (F: 53.3)
- 2.n. Brent Richard addressed the Council concerning the proposed Planned Unit Development on Chapman Avenue next to Pioneer Park, citing the same concerns as those previously expressed by Mr. Caggiano. He also commented on the gambling casino, indicating he is opposed to the

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idea, citing traffic and crime concerns. (F: 53.3) (XR: 20.GPA-4-04)
(XR: 116.PUD-104-04) (XR: 116.SP-349-04) (XR: 103.TT-16732)
(XR: 106.152)

- 2.o. Mary Richard addressed the Council, expressing her concern about the Planned Unit Development on Chapman Avenue, inquiring if the school district knows about this development. She commented that she is opposed to a gambling casino in Garden Grove because this is a family community, and the presence of a casino would not be good for either the community or the children. (F: 53.3) (XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04) (XR: 103.TT-16732) (XR: 106.152)
- 2.p. Ray Littrell addressed the Council, stating that holding secret meetings is bad public policy. He read from portions of the Government Code, alleging possible violations of the Brown Act. He further stated that the Council should call for an investigation from the District Attorney's office; and if they respond that those meetings should have been open, the Council should require the resignation of their attorneys. (F: 53.3)
- 2.q. Norman Ross addressed the Council, alleging further police misconduct towards him and demanding a review of his claim by the Mayor. (F: 53.3) (XR: 49.4)

RECESS 8:00 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 8:21 p.m.

3. WRITTEN COMMUNICATIONS:

- 3.a. Request from the Garden Grove Chamber of Commerce for use of the Council Chamber on October 6, 2004, for a Garden Grove Chamber Candidate's Forum. (F: 88.1) (XR: 48.4) (XR: 42.1)

ACTION: Approved.
(5 Ayes.)

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- 3.b. Request from the Garden Grove Community Foundation for use of Willowick Golf Course for their Fourth Annual Foundation Golf Tournament on June 29, 2005. (F: 88.1) (XR: 73.13) (XR: 130.15)

ACTION: Approved.
(5 Ayes.)

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

- 4.a. Proclamation recognizing the contributions of Cal State Fullerton's Orange County AmeriCorps Alliance Program. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

- 4.b. Proclamation declaring September 2004, as National Alcohol and Drug Addiction Recovery Month. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

- 4.c. Proclamation declaring September 10, 2004, as Developmental Disabilities Day. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

- 4.d. Proclamation declaring September 18, 2004, as Inner-Coastal Watershed Cleanup Day in the city of Garden Grove. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

- 4.e. Proclamation declaring September 20-26, 2004, as National Adult Day Services Week. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

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- 4.f. Proclamation declaring September 27, 2004, as Family Day – A Day to Eat Dinner With Your Children. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

- 4.g. Agreement with the Orange County Conservation Corps to provide park recycling and maintenance services; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 24.1) (XR: 24.13)

ACTION: Approved and authorized.
(5 Ayes.)

- 4.h. Agreement with the County of Orange for the provision of services promoting safe and stable families at the Magnolia Park Family Resource Center; and authorize the City Manager to execute the agreement. (F: 55) (XR: 73.8a)

ACTION: Approved and authorized.
(5 Ayes.)

- 4.i. Advanced pay step appointment of new Community Services Department Secretary to "F" step of salary range for this position. (F: 78.1)

ACTION: Approved.
(5 Ayes.)

- 4.j. Approval of warrants. (F: 60.5)

ACTION: Approved.
(5 Ayes.)

- 4.k. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.
(5 Ayes.)

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5. PUBLIC HEARINGS:

- 5.a. Joint Public Hearing with the Garden Grove Agency for Community Development to consider a Fourth Amendment to the Disposition and Development Agreement with Sycamore Walk, LLC (The Olson Company) for the disposition and development of a portion of Phase II of the Sycamore Walk project, an approximately 1.54-acre site located on the south side of Garden Grove Boulevard from Rockinghorse Road east to Phase I of the Sycamore Walk residential development. (To be continued to September 14, 2004.) (F: A-55.160)

ACTION: Continued to September 14, 2004.
(5 Ayes.)

- 5.b. Public Hearing to consider entering into an Energy Services Contract with Chevron Energy Solutions Company to implement an Energy Efficient Capital Improvement Project for City facilities; and entering into a lease purchase agreement for the financing of the equipment; and authorize the City Manager and City Clerk to execute the pertinent documents. (F: 55) (XR: 24.1) (XR: 33.6)

ACTION: Hearing held. Resolution No. 8600-04 and No. 8601-04 adopted.
(5 Ayes.)

- 5.c. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-346-04, initiated by Andy Quach, to construct 47 attached town homes on a 2.23-acre site located on the south side of Garden Grove Boulevard between Coast Street and Monroe Street, at 8252, 8280, and 8302 Garden Grove Boulevard. (F: 106.147) (XR: 116.SP-346-04) (XR: 103.TT-16688) (XR: 111.V-114-04)

On July 15, 2004, the City Planning Commission, pursuant to Resolution No. 5436, adopted a negative declaration and approved SP-346-04 and recommended approval of the Development Agreement. Public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 5.c.1. ORDINANCE NO. 2636, 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 ADOPTING A DEVELOPMENT AGREEMENT BETWEEN FIRST PACIFIC INVESTMENT GROUP, INC. (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN COAST STREET AND MONROE STREET, AT 8252, 8280, 8302 GARDEN GROVE BOULEVARD, PARCEL NOS. 097-011-08, 09, 10

ACTION: Full reading waived. Ordinance passed to second reading.
(4 Ayes. Rosen absent.)

6. ITEMS FOR CONSIDERATION: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

6.a. Initiation of Fall 2004 Weed Abatement Program. (F: 113.1)

ACTION: Resolution No. 8602-04 adopted.
(5 Ayes.)

7. ORDINANCES PRESENTED FOR SECOND READING:

7.a. ORDINANCE NO. 2634 for second reading and adoption, by title only, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING SPEED LIMITS FOR CERTAIN DESIGNATED CITY STREETS BASED UPON UPDATED TRAFFIC AND ENGINEERING SPEED SURVEY (F: 100.1) (XR: A-122.5)

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

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7.b. ORDINANCE NO. 2635 for second reading and adoption, by title only, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADDING CHAPTER 10.110 ENTITLED "TRAFFIC IMPACT MITIGATION FEE," TO TITLE 10 "VEHICLE AND TRAFFIC" OF THE MUNICIPAL CODE (F: 60.2B) (XR: 23.18C) (XR: 50.2)

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ACTION: Ordinance passed.
(5 Ayes.)

8. MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS AND CITY MANAGER:

- 8.a. Discussion concerning possible casino in Garden Grove, as requested by Councilman Dalton and Councilman Leyes. (F: 53.1)

ACTION: Staff directed to cease discussions with any casino interest and not pursue any casino or gambling interest in the city of Garden Grove.
(5 Ayes.)

- 8.b. Discussion regarding legal and policy compliance with the Brown Act, as requested by Councilman Leyes. (F: 53.1) (XR: 67.4)

ACTION: Councilman Leyes requested that every Council member and Commissioner be given a copy of the Brown Act. He also asked that this be agendized, along with some proposed language for policies.

Councilman Rosen requested that a proposal be listed on the next Council agenda for the holding of Closed Session at 5:00 p.m. or 5:30 p.m., with those same items then being listed for discussion in Open Session.

Councilman Dalton requested that the feasibility of tape recording the Closed Sessions be placed on the next Council agenda for discussion.

- 8.c. Councilman Leyes announced and congratulated the winning of a Gold medal in Women's Softball in the 2004 Athens Olympic Games by Amanda Freed, formerly of Pacifica High School. (F: 53.1)
- 8.d. Councilman Dalton thanked his colleagues for following his lead and voting unanimously to exclude a casino from the city of Garden Grove. (F: 53.1)
- 8.e. Councilman Rosen and Councilman Tran congratulated Harry and Erline Krebs on their 50th Wedding Anniversary. (F: 53.1)

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- 8.f. Mayor Broadwater requested that the reorganization of the Tet Festival Board be listed on either the next Council meeting or at a special Council meeting for discussion, noting that the board needs representatives from more organizations on it to give it some balance. (F: 53.1)
- 8.g. Mayor Broadwater referenced a memo he just received from the Police Chief regarding the double murder at the Hawaiian Cafeteria on Brookhurst Street. He noted that he will provide copies of it to the rest of the Council. Councilman Leyes requested that this matter be placed on the next agenda under his name for discussion regarding the revocation of their CUP, being mindful that the Council does not subvert their fair process at the Planning Commission. (F: 53.1)
9. CLOSED SESSION:
- None.
10. ADJOURNMENT: 9:57 p.m.