

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

September 26, 2006

Council Chamber

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

Member Leyes and Member Nguyen absent at roll call, but Member Leyes joined the meeting at 6:31 p.m., and Member Nguyen joined the meeting at 7:00 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

6:17 p.m.

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

None relevant to the City Council.

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

2. CLOSED SESSION:

- 2.a. 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 Litigation Counsel regarding pending litigation: *RD Golf Center Company, LLC vs. Garden Grove Sanitary District; the City of Garden Grove; Matthew Fertal; the Garden Grove Agency for Community Development; Atrium Plaza, LLC; Flamingo Street, LLC; Landmark Companies, LLC; Rigg Hotel; Garden Grove Lodging, LLC; Harbor Suites, LLC; Buca Incorporated; and Does 1-10, Inclusive*, Pending in Orange County Superior Court (OCSC), Case No. 04CC12195, filed December 15, 2004.

ACTION: Discussed. Mayor Dalton reported out that a settlement had been reached in this litigation by which RD Golf Center Company, LLC will be paid the total sum of \$2,050,000 in return for giving up its lease and vacating the property, and dismissal of the lawsuit in its entirety. (4 Ayes. Nguyen absent.)

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

City Representative: Matthew Fertal, City Manager

Employee organizations: Garden Grove Fire Fighters Local 2005; Garden Grove Police Association; 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 at close of meeting. No reportable action taken.

Open Session

7:10 p.m.

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

INVOCATION: Community Development Director Susan Emery.
PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

3. PRESENTATIONS:

- 3.a. Presentation of a \$2,000 grant by Target Corporation to the City Council for equipment at the Police Department. (F: 52.3) (XR: 82.4)

ACTION: Presented.

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

- 4.a. George Serna addressed the City Council, expressing concern about the change to a green ball at the signal for westbound traffic on Westminster Avenue turning left onto Bushard, indicating that a large number of traffic accidents has occurred since this change was made. (F: 53.3) (XR: 100.1)

ACTION: Mayor Dalton advised that staff will look into this.

- 4.b. Rosemarie Elliott addressed the City Council, announcing Alpha XI's Spaghetti Dinner at Murphy Hall on October 27 from 7 p.m. to 10 p.m., with the proceeds going to St. Jude Children's Research Hospital. (F: 53.3)
- 4.c. Robin Marcario addressed the City Council, announcing the Central Garden Grove Neighborhood Association's City Council Candidate Forum on Saturday, September 30, at 10 a.m. She also announced the Public Works Open House on October 7, and wished Council Member Leyes a Happy Birthday. (F: 53.3) (XR: 24.1)
- 4.d. Charles Mitchell addressed the City Council concerning the relationship between the sewer rate and the water usage. He also spoke about the lack of a baseball facility at West Grove Park. (F: 53.3) (XR: S-60.1) (XR: 73.11)

5. WRITTEN COMMUNICATIONS: None.

RECESS: 7:24 p.m.

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COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,
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CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 7:30 p.m.

6. CONSENT ITEMS: (It is recommended that Items 6.a. through 6.e. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

6.a. Proclamation designating October 2006, as National Breast Cancer Awareness Month, and October 20 as National Mammography Day. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

6.b. Adoption of Resolution revising City's conflict of interest code for employees. (F: 30.10)

ACTION: Resolution No. 8738-06 adopted.
(5 Ayes.)

6.c. Minutes of Regular Meeting of the City Council held July 25, 2006. (F: Vault)

ACTION: Approved.
(4 Ayes. Rosen abstained.)

6.d. Warrants. (F: 60.5)

ACTION: Approved.
(5 Ayes.)

6.e. Waiver of full reading of Ordinances listed.

ACTION: Approved.
(5 Ayes.)

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7. PUBLIC HEARINGS:

7.a. Planned Unit Development No. PUD-113-06 and Development Agreement. The Applicant, Olson Urban Housing, LLC, is requesting to re-zone a 3.8-acre site to Residential Planned Unit Development in order to construct 33 condominium units, on property located on the west side of Haster Street, south of Lampson Avenue, at 12681 Haster Street. Approval of a Development Agreement is also requested. (F: 116.PUD-113-06)

7.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-113-06, CHANGING THE ZONING DESIGNATION FROM R-3 (MULTI-FAMILY RESIDENTIAL) ZONE TO PLANNED UNIT DEVELOPMENT NO. PUD-113-06

7.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 OLSON URBAN HOUSING, LLC (DEVELOPER) AND THE CITY OF GARDEN GROVE

(IT IS STAFF'S RECOMMENDATION THAT THE ABOVE-LISTED PUBLIC HEARING BE RESCHEDULED FOR OCTOBER 24, 2006.)

ACTION: Public Hearing to be rescheduled.

7.b. Acceptance of Justice Assistance Grant money to be used for funding of the Police Department's Jail Services Contract with Correctional Systems, Inc. (F: 55) (XR: 82.1)

ACTION: Hearing held. Accepted and approved.
(5 Ayes.)

7.c. FY 2005-06 Consolidated Annual Performance and Evaluation Report (CAPER). Annual Report submitted to HUD describing and assessing

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the use of CDBG, ESG, and HOME funds over the past year.
(F: 117.10D)

ACTION: Hearing held. Approved.
(5 Ayes.)

8. COMMISSION/COMMITTEE MATTERS:

8.a. Recommendations from Traffic Commission meeting of September 5,
2006. (F: 122.11)

8.a.1. Installation of an all-way stop at the intersection of Woodbury
Avenue and Erin Road. (XR: 100.1)

ACTION: No action taken.

8.a.2. Removal of parking on the west side of Newhope Street from
Trask Avenue to Westminster Avenue. (XR: 75.1)

ACTION: Approved.
(5 Ayes.)

9. ITEMS FOR CONSIDERATION:

9.a. Award of Contract for Project No. 7237, Phase VII, Construction of
Three Arterial Street Rehabilitations at Magnolia Street, Knott Street,
and Garden Grove Boulevard. (Cost: \$1,700,688)
(F: 96proj.7237.phase VII)

ACTION: Approved.
(5 Ayes.)

10. ORDINANCES PRESENTED FOR SECOND READING:

10.a. ORDINANCE NO. 2694, 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-126-06, AN
AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE
SECTION 9.08.030 TO ALLOW AUTO REPAIR (INCLUDING PAINT AND

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BODY WORK) IN THE C-2 (COMMUNITY COMMERCIAL) ZONE SUBJECT
TO CONDITIONAL USE PERMIT APPROVAL (F: 115.A-126-06)

ACTION: Title read in full. Ordinance passed.
(5 Ayes.)

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

- 11.a. Council Member Leyes noted that today is his 48th Birthday at the same time the City celebrates its 50th. He spoke about previous City Councils and provided some statistics about his tenure as a Council Member, noting that he was the first Council Member who was born in the city and has served for 16 years. He introduced his wife Wanda in the audience. (F: 53.1)
- 11.b. Council Member Rosen wished Council Member Leyes a Happy Birthday. (F: 53.1)
- 11.c. Council Member Nguyen wished Council Member Leyes a Happy Birthday and apologized for taking the "youngest City Council Member elected" title away from him. She requested that the meeting be adjourned in memory of Kikuo Yoshizaki, Economic Development Director Chet Yoshizaki's father. (F: 53.1) (XR: 46.9)
- 11.d. Council Member Krebs referenced Police Badges they were all given. He wished a Happy New Year to his Jewish friends and a Happy and Charitable Ramadan to his Muslim friends. (F: 53.1) (XR: 82.1)
- 11.e. Mayor Dalton wished Council Member Leyes a Happy Birthday. (F: 53.1)

RECESS: 8:04 p.m.

RECONVENE IN CLOSED SESSION: 8:30 p.m.

RECONVENE IN OPEN SESSION: 9:49 p.m.

12. ADJOURNMENT: 9:50 p.m., in memory of Kikuo Yoshizaki. (F: 46.9)

The next Regular Meeting of the City Council will be held on Tuesday, October 10, 2006, at 6:15 p.m., in the City Council Chamber of the Community Meeting Center, located at 11300 Stanford Avenue.

COUNCIL MEMBERS: COUNCIL MEMBER KREBS, COUNCIL MEMBER LEYES,
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HAPPY BIRTHDAY GREETINGS TO COUNCIL MEMBER MARK LEYES