

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

September 27, 2005

Council Chamber

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

Members Leyes and Nguyen absent at Roll Call, but both joined the Closed Session 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

6:17 p.m.

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

None.

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

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2. CLOSED SESSION:

- 2.a. Pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association, Employee League, Garden Grove Police Association, Police Middle Management, Garden Grove Fire Fighters Local 2005, and non-represented Management and Central Management employees.

ACTION: Discussed.

Open Session

7:16 p.m.

INVOCATION: Les Jones, Deputy City Manager.

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

3. PRESENTATIONS:

- 3.a. Community Spotlight: Recognition of Garden Grove Chamber of Commerce 2005 Man and Woman of the Year, Randy Carr and Sharon Sunda.

ACTION: Recognized.

- 3.b. Council Member Krebs apologized to the residents, the TV audience, the City Council, and staff for his remarks made at the September 13, 2005 City Council meeting that touched Council Member Nguyen's Vietnamese heritage.

RECESS: 7:25 p.m.

RECONVENE: 7:42 p.m.

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

- 4.a. Connie Margolin addressed the City Council, speaking of Council Member Krebs' many affiliations in the community and his support of

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

---

our diverse community. She suggested that the attention being placed on this incident would be better placed on larger matters.

- 4.b. Andrew Do addressed the City Council, commenting that the issue is the racial overtone of Council Member Krebs' remarks, alleging that it was an attempt to demean and silence Council Member Nguyen. He also commented that at the time, no one from the City Council spoke up for humanitarian reasons, and Council Member Krebs' statement should have been made immediately after the fact.
- 4.c. Tam Nguyen addressed the City Council, commenting that he was disappointed to hear Council Member Krebs' insensitive remarks.
- 4.d. Robin Marcario addressed the City Council, commenting on the large crowd in the audience and the Police Chief's recent appointment to the Accreditation Commission. She further commented that she wants to see mutual respect on the City Council.
- 4.e. Michael Lee addressed the City Council, expressing his concern that these comments came from a Councilman who is a representative of the community and how to prevent it from reoccurring.
- 4.f. Tony Nguyen addressed the City Council, expressing the same concerns as were expressed by Michael Lee.
- 4.g. Ray Littrell addressed the City Council, commenting that Council Member Krebs has no racial discrimination in his body, and politicians need to have thick skin. He further commented that Council Member Krebs tried to apologize two times following his remarks at the September 13 meeting.
- 4.h. Jerry Margolin addressed the City Council, commenting that Council Member Krebs is not a racist and his comments were made out of anger. He acknowledged that Council Member Nguyen was hurt and embarrassed; however, it is time to stop looking for racism. This incident cannot split the community, and he encouraged the City Council to get on with business.
- 4.i. Cy LaBree addressed the City Council, commenting that the community should not be divided into associations, with people being bussed in to this meeting. He further commented that the city needs to be put back

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

---

together. He also commented on the new electronic store at Chapman Avenue and Brookhurst Street, indicating that all the workers in the store are Asian and they need to cater to everyone.

- 4.j. Benny Diaz addressed the City Council, commenting that everyone needs to work together.
- 4.k. Tony Flores addressed the City Council, commenting that he could allege discrimination inasmuch as he was voted down for two commissions. He presented a memo relative to discrimination and spoke about his lawsuit against former Mayor Broadwater. He commented that he may not always agree with Council Member Krebs, but he will defend his right to speak his mind. Further, he commented that we need more people to show up at the Council Meetings to get involved in real issues.
- 4.g. David Krebs addressed the City Council, commenting that he knows no one with more integrity, a higher level of ethics, loyalty and commitment than Council Member Krebs.
- 4.h. Bill Walbon addressed the City Council, commenting that Council Member Krebs' comments were uncalled for and do not look good coming from a representative of the city.
- 4.i. Dr. Les Malo addressed the City Council, noting that every resident in the city is a minority. He commented that Council Member Krebs' unfortunate remarks were made out of frustration and hurt people. He further commented that we can either fan the fires of discontent or we can throw cold water on them and light the fires of understanding and knowledge. He urged that the City Council get beyond this and get back to doing the City's business.

WRITTEN COMMUNICATIONS:

- 5.a. Request from Garden Grove Troop 1103 to conduct 2006 Pushcart Derby.

ACTION: Approved.  
(5 Ayes.)

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

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RECESS: 8:38 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 9:15 p.m.

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

6.a. Proclamation declaring October 2005, as National Breast Cancer Awareness Month; and October 21, 2005, as National Mammography Day.

ACTION: Approved.  
(5 Ayes.)

6.b. Agreement with Enviro-Care for park and sports field maintenance. (Estimated cost: \$116,882.00)

ACTION: Approved keeping contract at \$100,000 level, with the \$16,000 referred to the Parks, Recreation, and Arts Commission for determination of usage.  
(4 Ayes. Nguyen voted no.)

6.c. Agreement with Bay Bronze, Inc., for the creation and installation of two statue groupings at the Civic Center Park as part of the City's 50<sup>th</sup> Anniversary celebration. (Estimated cost: \$59,375.00)

ACTION: Approved.  
(5 Ayes.)

6.d. Resolution requesting the Orange County Transportation Authority allocate Combined Transportation Program Funds for Harbor Boulevard/Trask Avenue Intersection Improvements (Project No. 7128).

ACTION: Resolution No. 8674-05 adopted.  
(5 Ayes.)

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

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6.e. Warrants.

ACTION: Approved.  
(5 Ayes.)

6.f. Waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.  
(5 Ayes.)

7. PUBLIC HEARINGS:

7.a. FY 2004-05 Consolidated Annual Performance and Evaluation Report (CAPER). Annual Report submitted to HUD describing and assessing the use of CDBG, ESG, and HOME funds over the past year.

ACTION: Hearing held. Report accepted for transmission to HUD.  
(5 Ayes.)

7.b. Development Agreement in Connection with Site Plan No. SP-372-05. Toura #3 L.P. is requesting to construct 12 attached, three-story residences on the southeast corner of Stanford Avenue and Adelle Street, at 8642 Stanford Avenue. (Continued from meeting of September 13, 2005)

ACTION: Hearing held.

7.b.1. ORDINANCE NO. 2670, 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 TOURA #3 L.P. (DEVELOPER) AND THE CITY OF GARDEN GROVE

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

7.c. General Plan Amendment No. GPA-3-05(A) and Planned Unit Development No. PUD-108-05. Makena Great American is requesting to change the General Plan Land Use designation for property

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

---

encompassing eight proposed lots at the northwest corner of the intersection of Euclid Street and Trask Avenue from LDR (Low Density Residential) to MU (Mixed Use), and to rezone the subject property to PUD (Planned Unit Development).

ACTION: Hearing held.

7.c.1. Resolution approving the General Plan Amendment.

ACTION: Resolution No. 8675-05 adopted.  
(5 Ayes.)

7.c.2. ORDINANCE NO. 2671, 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-108-05, CHANGING THE ZONING DESIGNATION FROM THE CCSP-PR55 (COMMUNITY CENTER SPECIFIC PLAN-PERIPHERAL RESIDENTIAL) TO PUD-MX (PLANNED UNIT DEVELOPMENT MIXED USE)

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

7.d. Revision to Planned Unit Development No. PUD-133-99 (Rev.-05) and a Development Agreement in connection with Site Plan No. SP-373-05. Crystal Cathedral Ministries is requesting a revision to an existing Planned Unit Development No. PUD-133-99 (Rev.-05) to incorporate a single parcel (12148 Salerno Street) into the larger Crystal Cathedral complex (12141 Lewis Street), and a Development Agreement for the project.

ACTION: Hearing held.

7.d.1. ORDINANCE NO. 2672, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A REVISION TO PLANNED UNIT DEVELOPMENT NO. PUD-133-99 (REV.-05), TO ADD

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

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A SINGLE PARCEL INTO THE CRYSTAL CATHEDRAL  
COMPLEX

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

- 7.d.2. ORDINANCE NO. 2673, 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 CRYSTAL CATHEDRAL MINISTRIES  
AND THE CITY OF GARDEN GROVE

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

8. COMMISSION/COMMITTEE MATTERS:

- 8.a. Letter of resignation from Planning Commissioner Robert Kelleher.

ACTION: Accepted with regret. Direction given to agendize  
appointments to all present Commission vacancies on the  
next City Council agenda.

9. ITEMS FOR CONSIDERATION:

- 9.a. Resolution adopting the National Incident Management System as  
directed by Homeland Security Presidential Directive-5, to maintain  
City's eligibility to receive federal grant funding related to emergency  
management and homeland security.

ACTION: Resolution No. 8676-05 adopted.  
(5 Ayes.)

- 9.b. Revised bidding procedures for public works construction and  
acquisition of supplies and equipment.

- 9.b.1. ORDINANCE NO. 2674, for introduction and first reading, by title  
only, entitled



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

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING BID PROCEDURES FOR ACQUISITION OF SUPPLIES AND EQUIPMENT AND CONSTRUCTION OF PUBLIC WORKS

ACTION: Ordinance passed to second reading, as amended.  
(5 Ayes.)

9.b.2. Resolution adopting the Uniform Public Construction Cost Accounting Act and Procedures.

ACTION: Resolution No. 8677-05 adopted.  
(5 Ayes.)

10. ORDINANCES PRESENTED FOR SECOND READING:

10.a. ORDINANCE NO. 2668, 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-122-05, AMENDING SECTION 9.12.110 ENTITLED "DENSITY BONUSES AND OTHER INCENTIVES FOR AFFORDABLE HOUSING," OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE

ACTION: Ordinance passed.  
(5 Ayes.)

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

11.a. Consideration of presentations from Department Directors at City Council meetings, as requested by Mayor Pro Tem Rosen. (Continued from meeting of September 13, 2005)

ACTION: Department Directors to take turns at City Council meetings reporting what their respective departments are doing.  
(5 Ayes.)

11.b. Discussion regarding supporting the Governor's Ballot Propositions 74, 75, 76, and 77, as requested by Council Member Leyes.

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

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ACTION: Motion to table failed to pass.  
(2 Ayes. Leyes, Nuyen, Dalton voted no.)

ACTION: Motion to endorse all four Propositions.  
(3 Ayes. Krebs and Rosen voted no.)

- 11.c. Council Member Leyes condemned, for the record, Council Member Krebs' remarks on September 13, noting they were inappropriate. Further, that a person who went through the formal political process would not have made such comments. He spoke about the recent Gem Theater production of Blake the Musical, noting it was a huge hit, having received four nominations for the Ovation Award.
  - 11.d. Council Member Rosen announced the Public Works Open House on October 8, 2005, commenting that it is always enjoyable.
  - 11.e. Council Member Krebs commented that the City Commissions should be utilized more effectively. He wished everyone a Happy and Healthy New Year.
  - 11.f. Council Member Nguyen spoke about the recent appointment of the Assistant to the City Manager, commenting that the direction given to staff was to come back and let them know what the actual duties of that position would be. She asked that this matter be placed on the City Council agenda for clarification.
12. ADJOURNMENT: 11:49 p.m.

*HAPPY BIRTHDAY GREETINGS TO COUNCIL MEMBER MARK LEYES*