

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

December 13, 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

7:23 p.m.

INVOCATION: Les Jones, Deputy City Manager.

COUNCIL MEMBERS: COUNCIL MEMBER KREBS, COUNCIL MEMBER LEYES,  
COUNCIL MEMBER NGUYEN, MAYOR PRO TEM ROSEN,  
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PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

2. PRESENTATIONS:

- 2.a. Community Spotlight: Recognition of Community Services Director Cal Rietzel, retiring after 31 years of dedicated service to the City; and Personnel Services Director Steve Larson, retiring after 19 years of dedicated service to the City. (F: 52.3) (XR: 78.1)

ACTION: Recognized.

- 2.b. Department update by Community Services Director, Cal Rietzel. (F: 87.1)

ACTION: Report presented.

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

- 3.a. Norma Martinez-Barrett addressed the City Council, expressing appreciation to the Police and Fire personnel for their response to an emergency at her home. She asked that the City Council and the Police Department issue an apology for the suffering they caused Theresa Dang and her family because of the protest on May 25 at the Women's Club. (F: 53.1) (XR: 82.1) (XR: 61.1)
- 3.b. Scott Sink addressed the City Council regarding the incident at the Women's Club and the arrest of Theresa Dang and subsequent finding of the court of innocence. He asked that the charges against those still waiting trial be dropped. (F: 53.1) (XR: 82.1)
- 3.c. Duane Roberts addressed the City Council concerning the Theresa Dang incident. He expressed his disappointment with the conduct of the Police Department. (F: 53.1) (XR: 82.1)
- 3.d. Gilbert Flores, past State Director, California League of United Latin American Citizens (LULAC), addressed the City Council concerning the Theresa Dang incident and a request that action be taken against individuals in the Garden Grove Police Department. He distributed a letter to the City Council containing his comments. (F: 53.1) (XR: 82.1)

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- 3.e. Tony Flores addressed the City Council and distributed copies of the Annual Report, Amended Garden Grove Community Project and Buena-Clinton Project, July 1, 2003 – June 30, 2004. He referenced pages in the report concerning a parking facility in the project area on Harbor Boulevard to be funded by Landmark Hospitality. He also referenced a memorandum and expressed concern that funds earmarked for the Chapman Sports Complex were used for OCTA Right-of-Way Improvements at Shelley-Kensington and Gutosky Park. Lastly, he referenced e-mails written concerning a waiver of fees for use of the soccer fields at Chapman Sports Complex on January 14 and 16, 2006. (F: 53.1) (XR: A-128.3) (XR: 73.23)
- 3.f. J. Tilman Williams addressed the City Council, commenting that any name change to Lewis Street, requested by the Crystal Cathedral, should be paid for by them. (F: 53.1) (XR: 98.1)
- 3.g. Charles Mitchell addressed the City Council concerning the high cost of ambulance service, noting that the residents should be made aware of that. (F: 53.1) (XR: 26.1)
- 3.h. Benny Diaz addressed the City Council, noting that the Latino community has been asking questions about the Theresa Dang incident. He asked for a community forum to be held to discuss the issues. He also requested that Theresa Dang's case be reopened. (F: 53.1) (XR: 82.1)
- 3.i. Alma Ramirez addressed the City Council, indicating that the Garden Grove Police Department should be dismantled and she will be filing a civil rights suit. (F: 53.1) (XR: 82.1)
- 3.j. Tony Rector addressed the City Council. He complimented Council Member Nguyen on her recent article in the Register. He noted the importance of bringing in developers for the vacant land that exists in the city and suggested auctioning off this land. (F: 53.1)
- 3.k. Naui Huitzilopochti addressed the City Council concerning the Theresa Dang issue, commenting that the city should get rid of bad police officers. (F: 53.1) (XR: 82.1)

RECESS: 8:45 p.m.

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RECONVENE: 9:05 p.m.

4. REORGANIZATION OF THE CITY COUNCIL:

4.a. Selection of Mayor Pro Tem. (F: 10.6)

ACTION: Mayor Pro Tem Rosen reselected as Mayor Pro Tem.  
(4 Ayes. Leyes voted no.)

RECESS: 9:14 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT INDUSTRIAL DEVELOPMENT AUTHORITY BUSINESS

RECONVENE: 9:27 p.m.

5. WRITTEN COMMUNICATIONS: None.

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

6.a. 2004-05 Annual Report for the Garden Grove Agency for Community Development, with transmittal to the State Controller. (Report is included in Agency packet as Item 5.a.) (F: A-128.3)

ACTION: Approved.  
(4 Ayes. Leyes voted no.)

6.b. Resolution setting aside certain City owned real property for the improvement and realignment of Century Boulevard at its intersection with Garden Grove Boulevard. (F: 110.SV-114-05) (XR: A-116.11)

ACTION: Resolution No. 8679-05 adopted.  
(5 Ayes.)

6.c. Agreement with Enterprise Systems Consulting for the purchase, installation, and maintenance of a point-to-point wireless network. (Estimated cost: \$70,568.07) (F: 55) (XR: 82.1)

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ACTION: Approved.  
(5 Ayes.)

- 6.d. Acceptance of Contract as complete for Project No. 7264-B, Garden Grove Boulevard Median Improvements between Magnolia and Brookhurst streets. (F: 96.proj.7264-B)

ACTION: Approved.  
(5 Ayes.)

- 6.e. Acceptance of Contract as complete for Project No. 7237, Four Arterial Street Rehabilitations, Phase 6. (F: 96.proj.7237)

ACTION: Approved.  
(5 Ayes.)

- 6.f. Increased appropriation of \$340,000 for plan check consultant services. (F: 55) (XR: 80.1)

ACTION: Approved.  
(4 Ayes. Rosen voted no.)

- 6.g. Purchase of 4 Police Patrol Cars from Wondries Fleet Group. (Estimated cost: \$102,431.48) (F: 82.4) (XR: 60.4)

ACTION: Approved.  
(5 Ayes.)

- 6.h. Purchase of 2 Brush Chippers from RDO Vermeer LLC – Public Works Department. (Estimated cost: \$53,803.59) (F: 24.1) (XR: 60.4)

ACTION: Approved.  
(5 Ayes.)

- 6.i. Purchase of 2 Air Compressors from Nations Rent – Public Works Department. (Estimated cost: \$27,939.58) (F: 24.1) (XR: 60.4)

ACTION: Approved.  
(5 Ayes.)

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- 6.j. Appointment of new Permit Technician at "G" Step of salary range for this position. (F: 78.1)

ACTION: Withdrawn.

- 6.k. Minutes of the Regular City Council Meeting held November 8, 2005. (F: Vault)

ACTION: Approved.  
(5 Ayes.)

- 6.l. Warrants. (F: 60.5)

ACTION: Approved.  
(5 Ayes.)

7. PUBLIC HEARINGS: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

- 7.a. Appeal of Conditional Use Permit No. CUP-169-05 – Thuan Pham is requesting approval to change the type of an existing Alcoholic Beverage Control License from a Type "20" (Off-Sale Beer and Wine) to a Type "21" (Off-Sale General) for an existing Dee's Mini-Market. The site located in a C-1 (Neighborhood Commercial) zone, located on the northeast corner of Harbor Boulevard and Trask Avenue, at 13458 Harbor Boulevard. (F: 51.CUP-169-05)

ACTION: Hearing held. Resolution No. 8680-05 adopted, upholding the Planning Commission decision and denying the Appeal.  
(3 Ayes. Nguyen and Rosen voted no.)

- 7.b. Planned Unit Development No. PUD-109-05, Development Agreement, and Appeal of Site Plan No. SP-378-05. Kaiser Foundation Hospitals is requesting to change the zoning of property located on the east side of Euclid Street, south of Chapman Avenue, at 12092 Euclid Street, from CCSP-HD (Community Center Specific Plan-Hospital District) to Planned Unit Development; a Site Plan and Development Agreement to add a three-story 44,737 square foot medical office building to an existing building; and to increase the number of parking spaces on the site. (F: 116.PUD-109-05) (XR: 116.SP-378-05) (XR: 106.164)

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ACTION: Hearing held.

- 7.b.1. ORDINANCE NO. 2677, 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-109-05, CHANGING THE ZONING DESIGNATION FROM COMMUNITY CENTER SPECIFIC PLAN-HOSPITAL DISTRICT TO PLANNED UNIT DEVELOPMENT NO. PUD-109-05, AND APPROVING THE APPEAL OF CONDITION NO. 15 OF SITE PLAN NO. SP-378-05

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

- 7.b.2. ORDINANCE NO. 2678, 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 KAISER FOUNDATION HOSPITALS (DEVELOPER) AND THE CITY OF GARDEN GROVE

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

- 7.c. 2005 Urban Water Management Plan. (F: 112.10)

ACTION: Hearing held.

- 7.c.1. Adoption of Resolution.

ACTION: Resolution No. 8681-05 adopted.  
(5 Ayes.)

8. COMMISSION/COMMITTEE MATTERS: None.

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9. ITEMS FOR CONSIDERATION:

- 9.a. Agreement with Tamerlane Associates for the purchase of a multi-family rental apartment property located at 12182 Tamerlane Drive. (F: 117.16T)

ACTION: Approved.  
(5 Ayes.)

- 9.b. Renewal of Agreement with All City Management Services, Inc., to provide Crossing Guard services. (Estimated cost: \$303,506.00) (F: 55) (XR: 82.1)

ACTION: Approved.  
(5 Ayes.)

- 9.c. Appointments to the Administrative Board of Appeals; Parks, Recreation, and Arts Commission; Parking and Main Street Commission; and the Sanitary District Advisory Commission.

ACTION: Sandra Leslie appointed to the Administrative Board of Appeals as Council Member Nguyen's appointee. (F: 122.2c)  
(5 Ayes.)

ACTION: Gina Selvaggi appointed to the Parks, Recreation, and Arts Commission as Council Member Nguyen's appointee. (F: 122.70a)  
(5 Ayes.)

ACTION: Linda Zamora appointed to the Sanitary District Advisory Commission as Mayor Pro Tem Rosen's appointee. (F: 122.1B)  
(5 Ayes.)

ACTION: Eric Adams appointed to the Parks, Recreation, and Arts Commission as Mayor Dalton's appointee. (F: 122.70a)  
(5 Ayes.)

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10. ORDINANCES PRESENTED FOR SECOND READING: None.

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

- 11.a. Council Member Leyes commented that there might be some sense of urgency in renaming Lewis Street to Crystal Cathedral Street, if there is an interest in doing so, inasmuch as the City of Orange is looking at approval of some condominiums at the Block off of Lewis Street, which might complicate any name change. He spoke about the Theresa Dang incident, noting that a private group invited a private citizen to come to a private facility and people came to hear that person, to support that person, and to object to that person, which actions are supported and encouraged under the Constitution. The crux of that issue was illegal immigration. He noted that on This Week in Garden Grove there was discussion of the City of Costa Mesa adopting a new policy for their police department on how to deal with people arrested that are illegal immigrants. Additionally, the Orange County Sheriff's Department also has a policy on this. He noted that he would like to discuss this issue further in the coming year. He would like to see if what Costa Mesa is doing would make sense for Garden Grove. He suggested a Town Hall meeting be held on this next year. He also spoke about the death of his father this year and illness of family members, and he hopes next year is a better one. He noted that he is completing his 15<sup>th</sup> year on the City Council. He wished everyone a Happy Holiday, a Merry Christmas, and a Happy New Year. (F: 53.1) (XR: 82.1)
- 11.b. Mayor Pro Tem Rosen commented that there is a fifth Tuesday in January so there will likely be a Study Session. He suggested Council Member Leyes' items be discussed at that time. He saluted the City Council Members for a job well done this past year, and he wished everyone a Merry Christmas and Happy Holidays to everyone. (F: 53.1) (XR: 82.1)
- 11.c. Council Member Nguyen commented that she also was going to speak about the Costa Mesa Police policy to deal with illegal immigrants, noting that something similar be adopted here. She suggested this be discussed in Closed Session. She wished Sandy Dalton a Happy Birthday. She thanked the citizens for electing her last November, noting that tomorrow will be the end of her first year as Council Member. She thanked staff for all their efforts, her colleagues for their

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patience, and wished everyone a Happy Holiday and Happy New Year.  
(F: 53.1) (XR: 82.1)

11.d. Council Member Krebs wished Sandy Dalton a Happy Birthday and thanked Police Officer Gus, the Sergeant at Arms at the Council meetings. He thanked staff for their support this year and the citizens of Garden Grove for their active participation in City government. He wished everyone Happy Holidays. (F: 53.1) (XR: 82.1)

11.e. Mayor Dalton noted that on December 7 he attended a Southern California Graffiti Task Force meeting sponsored by the City. He noted that the City spent \$130,000 last year in dealing with graffiti, and arrested 220 arrests were made. Officer Bermudez talked about this on Channel 3 recently, and after the first of the year he would like him to do a short presentation at a City Council meeting. He urged citizens to call the graffiti hotline if they see any taggers. He noted that his daughter shares the same birthday as his wife, Sandy. He thanked staff for their efforts. He also suggested everyone evaluate information being sought from staff and consider its need, purpose, and benefit. He wished everyone a Merry Christmas and a Happy New Year. (F: 53.1) (XR: 82.1) (XR: 24.5)

12. ADJOURNMENT: 11:14 p.m.

HAPPY BIRTHDAY TO SANDY DALTON

Please note that there will be no meetings on Tuesday,  
December 27, 2005

HAPPY HOLIDAYS