

## MINUTES

### GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, January 11, 2005 at 7:00 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS KREBS, LEYES, NGUYEN, ROSEN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, Matthew Fertal; Deputy City Manager, Les Jones; Administrative Services Director, Kathy Porter; Real Property Agent, Armando Morales (representing Community Development Director); Community Services Director, Cal Rietzel; Finance Director, Kingsley Okereke; Fire Chief, Keith Osborn; Personnel Director, Steve Larson; Intelligence Sergeant, Robert Fowler (representing Police Chief); Public Works Director, Keith Jones; City Attorney, John Shaw; and City Clerk, Ruth Smith.

#### INVOCATION AND PLEDGE

Deputy City Manager Les Jones gave the Invocation. Council Member Krebs led the Pledge of Allegiance to the Flag of the United States of America.

#### PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Dalton called forward Lee Butterfield and presented her with a Certificate of Appreciation for her 15 years of dedicated service on the Planning Commission, and hard work, dedication, and generosity to the city of Garden Grove. Council Members individually praised Ms. Butterfield for all of her contributions. (F: 52.3) (XR: 122.10A)

#### INTRODUCTIONS

Mayor Dalton recognized Council Chair De Alwis from Sri Lanka, who was present in the audience. (F: 52.3)

## ORAL COMMUNICATIONS - PUBLIC

J. Tilman Williams addressed the City Council, praising Lee Butterfield's work on the Planning Commission. He congratulated the new Council, noting that he hopes to see more women in government positions. (F: 53.3)

Verla Lambert addressed the City Council concerning the Orange Grove Quilters Guild, which meets on Main Street and attracts people from all over the area. Additionally, she announced that OCTA will be at her house for a meeting on the 22 Freeway on January 15 at 9:30 a.m. (F: 53.3)

Joe Pak, President of the Sister City Association, addressed the City Council concerning the student exchange program. He reviewed some of the upcoming activities that will be taking place when 10 students arrive. (F: 53.3) (XR: 102.1)

Tran Kenneth, representing the Vietnamese Buddhist Association, addressed the City Council and asked for approval for the use of the Garden Grove Park for the celebration of Buddha's birthday on May 8, noting that they are prepared to underwrite all security costs. (F: 53.3) (XR: 88.1) (XR: 73.5)

Phu Nguyen addressed the City Council, requesting a 90-day funding extension for the distribution of the Tet Festival funds and asking that this matter be placed on the next Council agenda for discussion. He also requested approval for exclusive use of Garden Grove Park to commemorate the birth of Buddha, noting that Buddha's birthday is an important celebration for the Vietnamese community. (F: 53.3) (XR: 42.8a) (XR: 88.1) (XR: 73.5)

Chris Prevatt addressed the City Council, expressing concern about issues concerning the homeless and requesting that a task force be established to address the issue. (F: 53.3)

Bob Owens addressed the City Council, commenting that there should not be homeless individuals in Orange County. He also spoke about the City Council appointment that was made at the previous City Council meeting. (F: 53.3)

Cy LaBree addressed the City Council, expressing concern about the request for exclusive use of the Garden Grove Park for the Buddha Birthday celebration. (F: 53.3) (XR: 88.1) (XR: 73.5)

REQUEST FROM THE GREAT PARK CONSERVANCY FOUNDATION TO JOIN THE GREAT PARK ADVISORY COUNCIL AS A CITY MEMBER (F: 88.1)

A communication dated December 15, 2004, from the Great Park Conservancy was introduced, inviting Mayor Dalton to join the Great Park Conservancy's Advisory Council as a city member.

Mayor Dalton noted that he believes that area would make a good airport.

Council Member Rosen commented that he believes the Orange County Great Park idea is premature.

Both Council Member Krebs and Council Member Nguyen commented that an airport would be a much better use than a park, and this request is not beneficial to the citizens of Garden Grove.

REQUEST FROM THE VIETNAMESE BUDDHIST ASSOCIATION REQUESTING EXCLUSIVE USE OF GARDEN GROVE PARK TO COMMEMORATE THE BIRTH OF BUDDHA (F: 88.1) (XR: 73.5)

A communication, along with a staff report dated January 11, 2005, was introduced, requesting exclusive use of Garden Grove Park on Sunday, May 8, 2005, to commemorate the birth of Buddha.

Staff provided detailed information concerning the event, noting that May 8 is Mothers Day, and outlining concerns and issues which would need to be addressed.

Council Member Krebs expressed concern, noting that Mothers Day historically is a picnic day, and approval of this request would deny the use of this park to other citizens.

In response to an inquiry from Mayor Dalton, staff noted that parking would spill out into surrounding neighborhoods.

Council Member Rosen commented that Mothers Day is not a good day to reserve the park.

It was noted that Buddha's birthday is actually May 15, and Mayor Dalton asked why May 8 was the date that was chosen. A representative of the Association noted that date was chosen by the Temple.

Council Member Nguyen commented that perhaps this event could be held on May 15 instead, further commenting that this is a group of respected leaders who will pay for all the costs.

Council Member Rosen suggested they check on the new date and come back again to the City Council for that approval.

Mayor Dalton indicated that staff should be certain of the costs of this. He suggested the Association check to see if May 15 will work and come back with the new date.

Council Member Krebs suggested staff check with the police regarding any impacts there.

Council Member Leyes suggested other venues be sought out as well, such as school sites.

REQUEST FROM MIKE MCGILL, MAYOR OF CYPRESS, FOR LETTER OF SUPPORT TO THE CALIFORNIA COUNCIL ON BASE RETENTION ASKING FOR RETENTION OF THE LOS ALAMITOS JOINT FORCES TRAINING BASE AND THE SEAL BEACH NAVAL WEAPONS STATION; AND FOR THE SIGNING OF A REQUEST FROM CALIFORNIA CITIES ASKING THE DEPARTMENT OF DEFENSE TO NOT CLOSE ANY BASES IN CALIFORNIA (F: 88.1) (XR: 117.5)

A communication dated December 28, 2004, was introduced, requesting a letter of support to the California Council on Base Retention.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that approval be given only for the letter of support to the California Council on Base Retention, asking for the retention of the Los Alamitos Joint Forces Training Base and the Seal Beach Naval Weapons Station.

RECESS

At 8:05 p.m., the Mayor declared a recess.

RECONVENE

At 8:15 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

## INTRODUCTIONS

Mayor Dalton recognized Boy Scout Troop 507 in the audience.  
(F: 52.3)

## RECESS

At 8:16 p.m., the Mayor declared a recess to honor Council Member Krebs at a reception.

## RECONVENE

At 8:56 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

## EXONERATION OF SUBDIVISION IMPROVEMENT BONDS FOR TRACT MAP NO. TR 16483 (F: 103.TT-16483)

Staff report dated January 11, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that Subdivision Improvement Bonds for Tract Map No. TR 16483, posted by Western Pacific Housing, Inc., be and hereby are exonerated; and public improvements on Century Boulevard, Taft Street, McKeen Street, and Dorothy Avenue, and the development water system and appurtenant structures be accepted for City maintenance.

## AWARD OF CONTRACT TO CALIFORNIA HAZARDOUS SERVICES, INC. FOR MANDATED UPGRADES TO CITY-OWNED UNDERGROUND FUEL STORAGE TANKS (F: 55) (XR: 24.1)

Staff report dated January 11, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that California Hazardous Services, Inc., be and hereby is determined to be the lowest acceptable bidder for mandated upgrades to City-owned underground fuel storage tanks; that contract for said project be and hereby is awarded to said company in the sum of \$28,100.00, in accordance with the terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the Mayor and City Clerk are authorized to execute said contract.

ADVANCED PAY STEP APPOINTMENT OF NEW SENIOR TRAFFIC SIGNAL ELECTRICIAN TO "E" STEP OF SALARY RANGE (F: 78.1)

Staff report dated January 11, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the advanced pay step appointment of a new Senior Traffic Signal Electrician to "E" step of the salary range for this position, be and hereby is approved.

MINUTES (Vault)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held October 12 and October 26, 2004, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 326513 through 328280 and Wire W174 through W178, and payroll warrants 138302 through 138717, Direct Deposits D99734 through D100835 and Wires W916 through W927, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-105-04 (F: 116.PUD-105-04)

Planned Unit Development No. PUD-105-04, initiated by Trask Avenue Cottages, LLC, proposing to rezone a 37,680 square foot lot located on the north side of Trask Avenue, west of Newhope Street, at 11311 Trask Avenue, from an R-1 (Single-Family Residential) zone to PUD-R (Planned Unit Development Residential) to allow the development of a small-lot, single-family residential subdivision.

On November 18, 2004, the City Planning Commission, pursuant to Resolution No. 5464, recommended approval of PUD-105-04, and pursuant to Legal Notice published December 23, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 11, 2005, was introduced, and staff reviewed the information provided concerning this project.

In response to an inquiry by Council Member Rosen, the City Manager indicated that no condition was prepared relative to noise from the Pacific Electric Right-of-Way; however, that could be addressed.

Mayor Dalton declared the public hearing open and asked if anyone wished to address the Council on the matter.

Manny Nunez addressed the City Council, noting that he is affiliated with this venture, and he requested that the City Council approve this project.

Ray Littrell addressed the City Council, noting that these are nice looking homes; however he is concerned with the density of the project. He submitted a printout addressing the density of Orange County cities. He also suggested that park fees be incorporated into Development Agreements. He further indicated that developers should follow the standards the City has set.

Bob Owens addressed the City Council, commenting that Garden Grove needs affordable housing. He also commented that when a development is completed, the houses always sell for more money than was originally indicated.

Chris Prevatt addressed the City Council, commenting that developments need to pay their fair share of sewer fees.

Peggy Bergan addressed the City Council, expressing concern with the impact this project will have upon the community. She commented that our code regulations should be followed and not deviated from.

There being no further comments from the audience, the public hearing was declared closed.

Council Member Krebs commented that he does not like high density anywhere in Garden Grove; however, if people want to buy, that is their business. He can support this development because the whole area there is high density, and seven more homes will make no difference. He further commented that the City needs to stop cluttering Garden Grove with high-density construction.

Council Member Rosen noted that these are \$620,000 homes and are not intended to be affordable housing. He further commented that these are good homes for the location. He suggested that a provision be added with regard to any noise or usages of the Pacific

Electric Right-of-Way and owners be noticed that the Pacific Electric Right of Way may be used for a park or other purposes.

Council Member Leyes commented that he hopes the right of way is not developed; however, charging fees on development agreements possibly may be a constructive measure. He voiced his support for this development.

Mayor Dalton commented that the City is limited on how to develop this area, further commenting that every project needs to be looked at on an individual basis. He noted that the City cannot dictate to the developers the selling price for their developments. He also would like to see more parkland in Garden Grove, but he believes this is a good use of the land in that area.

ORDINANCE NO. 2649 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-105-04, CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE FAMILY, RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-104-05, FOR PROPERTY LOCATED ON THE NORTH SIDE OF TRASK AVENUE, WEST OF NEWHOPE STREET, AT 11311 TRASK AVENUE, PARCEL NO. 100-083-02

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2649 be waived, and said Ordinance be and hereby is passed to second reading, as amended to add another part concerning the notification to purchasers about the Pacific Electric Right-of-Way.

SECOND READING OF ORDINANCE NO. 2648

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2648, be and hereby is waived.

ORDINANCE NO. 2648 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN GARDEN GROVE GATEWAY, LLC, AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF KATELLA AVENUE AND EUCLID STREET, AT 10842 KATELLA AVENUE, PARCEL NO. 089-010-59 (F: 106.156) (XR: 116.SP-355-04)

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that Ordinance No. 2648 be and hereby is declared passed.

DISCUSSION CONCERNING RAISING FUNDS TO COVER THE COST OF THE ANNUAL STRAWBERRY FESTIVAL PARADE, AS REQUESTED BY MAYOR DALTON (F: 42.3)

Mayor Dalton commented that the Strawberry Festival Parade expenses have increased considerably and needs to be subsidized. He spoke of its importance to the community, and he announced that he will be making a donation to help fund it.

Council Member Krebs suggested large corporations in the city should be contacted and their support requested. The Parade is an integral part of our city life, and we should try to keep it going.

APPOINTMENT TO THE PLANNING COMMISSION (F: 122.10a)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that Susan Barry be and hereby is appointed to the Planning Commission, as Council Member Rosen's appointee.

APPOINTMENT TO THE NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSION (F: 122.4a)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that Benny Diaz be and hereby is appointed to the Neighborhood Improvement and Conservation Commission, as Council Member Rosen's appointee.

APPOINTMENT TO THE TRAFFIC COMMISSION (F: 122.11a)

It was moved by Council Member Rosen, seconded by Mayor Dalton, and carried by unanimous vote, that Robin Marcario be and hereby is appointed to the Traffic Commission, as Council Member Rosen's appointee.

APPOINTMENT TO THE SANITARY DISTRICT ADVISORY COMMISSION (F: S-122.1a)

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that Chris Prevatt be and hereby is reappointed to the Sanitary District Advisory Commission, as Council Member Rosen's appointee.

APPOINTMENT TO THE TRAFFIC COMMISSION (F: 122.11a)

It was moved by Council Member Krebs, seconded by Council Member Rosen, and carried by unanimous vote, that Carole Ettlín be and hereby is appointed to the Traffic Commission, as Council Member Krebs' appointee.

APPOINTMENT TO THE SANITARY DISTRICT ADVISORY COMMISSION  
(F: S-122.1a)

It was moved by Council Member Krebs, seconded by Mayor Dalton, and carried by unanimous vote, that Judi LeClair be and hereby is appointed to the Sanitary District Advisory Commission, as Council Member Krebs' appointee.

APPOINTMENT TO THE TRAFFIC COMMISSION (F: 122.11a)

It was moved by Council Member Nguyen, seconded by Council Member Krebs, and carried by unanimous vote, that Kathryn Feather be and hereby is appointed to the Traffic Commission, as Council Member Nguyen's appointee.

APPOINTMENT TO THE TRAFFIC COMMISSION (F: 122.11a)

It was moved by Council Member Leyes, seconded by Council Member Nguyen, and carried by unanimous vote, that Eugene Kirkham be and hereby is appointed to the Traffic Commission, as Council Member Leyes' appointee.

APPOINTMENT TO THE PLANNING COMMISSION (F: 122.10a)

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote, that Bob Kelleher be and hereby is appointed to the Planning Commission, as Mayor Dalton's appointee.

APPOINTMENT TO THE PLANNING COMMISSION (F: 122.10a)

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote, that Roland Chi be and hereby is appointed to the Planning Commission, as Mayor Dalton's appointee.

DISCUSSION CONCERNING WEST STREET BASIN NORTH OF WEST HAVEN PARK, AS REQUESTED BY COUNCIL MEMBER ROSEN (F: 92.6)

Staff report dated November 17, 2004, was introduced, providing information regarding the closure of the fishing pond at the West Street Basin.

Council Member Rosen requested that staff initiate communication with Supervisor Lou Correa to see if we can get some positive reuse on the West Street Basin and use it to expand our park area.

APPOINTMENT OF A COUNCIL MEMBER TO FILL A THREE-YEAR TERM ON THE GARDEN GROVE COMMUNITY FOUNDATION BOARD (F: 130.15) (VIP)

Council Member Nguyen commented that in light of Council Member Krebs' appointment to the City Council, she would like to give up her recent appointment to the Community Foundation Board to enable Council Member Krebs to serve in that capacity.

It was moved by Council Member Nguyen, seconded by Council Member Rosen, and carried by unanimous vote, that Council Member Krebs be and hereby is appointed to fill a three-year term on the Garden Grove Community Foundation Board.

OTHER MATTERS FROM MAYOR AND COUNCIL MEMBERS

Council Member Leyes asked that the request from the Union of Vietnamese Student Associations of Southern California for a 90-day funding extension for the distribution of the Tet Festival funds be listed on the January 25, 2005, Council agenda. Council Member Leyes commented that the City crew did good work on the storm drains during the recent storms. He noted that the Interfaith Council will be holding a prayer service at St. Polycarp Catholic Church on January 20, 2005, for the earthquake and tsunami victims. Lastly, he spoke about his father who passed away on January 7 and requested the meeting be adjourned in his memory. (F: 53.1) (XR: 42.8a) (XR: 24.1) (XR: 46.9)

Council Member Rosen expressed his sympathy to Council Member Leyes. He indicated that he received a complaint that Planning is requiring applicants to record nonstandard documents as a condition for getting approvals for regular improvements to properties. He requested a report as to what documents are being required. He also announced that he was recently elected to the Orange County Transportation Authority, which is a milestone for Garden Grove. He also was elected as Chairman of the John Wayne Airport Commission. He requested that his resignation to the Orange County Regional Airport Authority be listed on the next Council

agenda, with the appointment of a new representative. (F: 53.1) (XR: 80.1) (XR: 23.18) (XR: 23.11b) (XR: 23.11) (VIP)

Council Member Nguyen expressed her sympathy to Council Member Leyes. She spoke of the existence of graffiti throughout the city and requested it be taken care of. She requested an update on the 50<sup>th</sup> Anniversary Committee. She spoke of a recent article in the Register concerning retirees on the Orange County payroll and asked for a report regarding how many City retirees are working as contract employees and how many directors might be retiring this year and will need to be replaced. She also spoke about shopping carts littering the neighborhoods and asked people to call the City and staff to work diligently on this. She noted that Peggy Broadwater was recently in the hospital. This Thursday is Korean American Day celebrating 102 years since their immigration to America, and she would like to recognize January 13 as Korean American Day and thank the Koreans for their contributions to the country and to the city. (F: 53.1) (XR: 122.75)

Council Member Krebs commented on the City's 50th birthday, noting that all subcommittees are meeting on a regular basis and staff is doing a good job. He also extended his condolences to the Leyes family. (F: 53.1) (XR: 122.75)

Council Member Leyes noted that he has heard that the Gem Theater will be mentioned in an article being prepared by Jerry Hicks for the Orange Coast Magazine about some of the old movie houses in the county. (F: 53.1) (XR: 87.3)

Mayor Dalton extended birthday greetings to his granddaughter Kilie Dalton and to his grandson Jacob Scherer. He also expressed his condolences to Council Member Leyes and to former Council Member Tran on the death of his brother. (F: 53.1)

#### ADJOURN TO CLOSED SESSION

At 10:12 p.m., the meeting was adjourned to Closed Session, under the Ralph M. Brown Act, and it was announced that pursuant to Government Code section 54956.9, the City Council will review the status of Claim No. 3/24-2274 et al. (D. Gunther)

RECONVENE IN OPEN SESSION

At 12:09 a.m., Wednesday, January 12, 2005, the meeting was reconvened in Open Session, and it was announced that the matter previously disclosed was discussed and no others.

ADJOURNMENT

At 12:10 a.m., Wednesday, January 12, 2005, the meeting was declared adjourned in memory of Clarence Leyes and Henry Tran.  
(F: 46.9)

RUTH E. SMITH  
CITY CLERK