

MINUTES

GARDEN GROVE CITY COUNCIL

GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

GARDEN GROVE SANITARY DISTRICT

An adjourned regular meeting of the City Council, Agency for Community Development, and Garden Grove Sanitary District was called to order in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, March 4, 2003, at 6:42 p.m.

COUNCIL

ROLL CALL: PRESENT: (5) MAYOR BROADWATER, COUNCILMEMBERS DALTON, LEYES, ROSEN, TRAN

ABSENT: (0) NONE

AGENCY

ROLL CALL: PRESENT: (5) CHAIRMAN ROSEN, MEMBERS BROADWATER, DALTON, LEYES, TRAN

ABSENT: (0) NONE

SANITARY DISTRICT

ROLL CALL: PRESENT: (5) PRESIDENT BROADWATER, MEMBERS DALTON, LEYES, ROSEN, TRAN

ABSENT: (0) NONE

ALSO PRESENT: City Manager/Director/General Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Assistant to the City Manager, George Skelton; Community Services Director, Cal Rietzel; Fire Chief, Cameron Phillips; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; Deputy City Attorney/Legal Counsel, Doug Holland; and Deputy City Clerk/Deputy Secretary, Priscilla Stierstorfer.

ORAL COMMUNICATIONS - PUBLIC

There were no oral communications from the public.

PRESENTATION BY ORANGE COUNTY WATER DISTRICT ON THE  
GROUNDWATER BASIN OVERDRAFT (F: 112.6)

John Kennedy and Phil Anthony, representing the Orange County Water District Board (OCWD), provided a slide presentation on the new management approach that has been developed to determine the Basin Production Percentage (BPP) for the region. Mr. Kennedy noted that over the past four years, Southern California has experienced below average rainfall conditions, which has greatly reduced the amount of flow captured from the Santa Ana River and recharged into the groundwater basin. Staff from OCWD and Ground Water Producers developed guiding principles for basin management, a target BPP level, and a corresponding resolution for OCWD's consideration. He indicated that if OCWD lowers the BPP to 66%, then this would increase Garden Grove's water purchases by over \$1.3 million a year, which could potentially increase the average residential customer's water bill by \$2.00 per month.

In response to Mayor/President Broadwater, Mr. Kennedy commented that OCWD must purchase water to put into the water basin, which is why they would like to reduce the amount of water that cities are pumping out. OCWD does not want to get the basin so low that more water must be purchased to fill the basin, which would cost the cities more.

Councilman/Member Leyes inquired why cities were not told of the reduction in the BPP prior to this year. He noted that a reduction of 12% in the BPP would cause the City to purchase more water, which the City cannot afford at this time. He commented that cities should be paid not to pump, and OCWD should be buying water from all kinds of sources. He indicated that he is inclined to oppose any change this year because it is too radical at this point in time. Mr. Anthony commented that they are trying to reduce the replenishment assessment—the amount of money cities pay for groundwater pumping below the BPP—and they are asking cities what the impact of the assessment would be to cities.

Councilman/Member Rosen commented regarding the green acres project. Mr. Anthony commented that the idea was to take water from the Sanitary District and treat enough to use for landscaping but not for drinking. This water could be sold at a discount when used for irrigation. Golf courses and parks have been using reclaimed water for irrigation.

The City Manager/General Manager commented that staff would continue to keep the City Council informed of OCWD's progress on this issue and work with OCWD to reduce the impacts to customers.

DISCUSSION AND UPDATE OF PROPOSED 4<sup>TH</sup> OF JULY SAFE AND SANE  
FIREWORKS REGULATIONS (F: 61.6)

The City Manager commented that staff is not proposing to eliminate fireworks, but to find more reasonable controls to monitor what is happening

on the 4<sup>th</sup> of July. There are a lot of illegal fireworks in the city. Staff would like to implement some controls for the 4<sup>th</sup> of July this year, and discuss it further for subsequent years.

The Fire Chief prepared a slide presentation with a goal to obtain further direction from the City Council on modifications to the Fireworks Ordinance. He provided options available which included: limiting the number of stands; limiting three stands per high school and one per organization; not accepting new applications in 2003; and increasing the fee to \$500, with a possible refund based on the cost to the City for overtime and clean-up.

Parents from Pacifica High School addressed the City Council. They commented that the sale of fireworks is the primary fundraiser for the entire year, noting that they pay for many items that the School District and the School do not cover. They were in agreement that there is a clean-up problem.

Councilman Tran commented that based on the comparison chart with other cities and the reduction in the number of stands, he questioned whether there was any data or information on how the reduction of stands will affect any clean-up of the sites. The Fire Chief commented that from the information they gathered, there have been some improvements in other cities. However, non-residents using parking lots adjacent to the stands cause the biggest clean-up problems.

Councilman Leyes commented that eliminating stands along Katella Avenue would not stop people from shooting off fireworks. The Fire Chief noted that he is proposing to reduce the number of stands in problem areas and enforce penalties with high fines for using fireworks on commercial properties.

In response to a parent from Pacifica High School in the audience, the Fire Chief commented that Pacifica currently has 11 firework stands. The proposal is for each school to have only seven or eight stands this year and reduce it to three stands per school at a latter time.

Other members of the audience were not in favor of continuing firework sales and commented that firework stands should be in the vicinity of the schools that operate them. People make illegal fireworks using the legal ones.

Councilman Tran inquired as to the costs that are associated with cleaning up after July 4<sup>th</sup>. The Fire Chief commented that the direct costs, which included clean up, amounted to approximately \$28,646 last year.

Mayor Broadwater commented that there should be some controls in place this year such as reducing the number of stands and requiring the \$500 fee. Reducing the number of booths through attrition and insuring that only groups with a valid non-profit status can sell fireworks can also be done this year. The Police Department needs to be given some authority to make arrests.

Councilman Rosen inquired whether volunteers could be used to help with clean up to reduce the City's cost. The City Manager commented that sometimes heavy equipment is used, and the majority of the cost is that equipment. The Public Works Director noted that it would be difficult to field and supervise a number of volunteers.

Councilman Leyes commented that before imposing any fines, we need to make sure that it is a justifiable fee with the Court. He noted that his biggest concern is with the restricted zones, although he did agree with restricting locations, especially adjacent to parks. He was in favor of closing the stands at 10 p.m. on July 4<sup>th</sup>.

Councilman Rosen commented that the City is one disaster away from abolishing fireworks. The City's goal is to get some regulations in place before a disaster occurs. He noted that staff should concentrate on the hot zones this year, especially the ones adjacent to vacant areas. People assume they can set off their fireworks in the same parking lot where they purchased them. He recommended larger signs warning people that they cannot light up their fireworks there; increasing fees to cover the cost of clean-up; limiting the number of stands; increasing fines for illegal fireworks; and giving the Police Department power to make arrests. He did not agree with closing the stands early.

Councilman Dalton requested that the surrounding cities be called to find out what types of calls for service they receive on July 4<sup>th</sup>.

#### RECESS

At 8:30 p.m., the Mayor/Sanitary District President and the Agency Chairman declared a recess for their respective bodies.

#### RECONVENE

At 8:45 p.m., the meeting was reconvened with Mayor/President/Member Broadwater, Councilman/Chairman/Member Rosen, and all members in attendance.

#### DISCUSSION AND DIRECTION REGARDING THE FUTURE OPERATION AND MANAGEMENT OF THE VILLAGE GREEN COMPLEX (F: 87.3) (XR: 122.68) (XR: 55)

Staff report dated March 4, 2003, was introduced.

The City Manager commented that this item was continued from the Council meeting of January 14, 2003. He noted that before them is a plan to meet the City Council's goals of increasing community use of the City's theater facilities, along with maintaining participation by the Grove Theater Center. The proposal is to frame a new agreement to have Grove Theater Center produce a minimum of five professional performances at the Gem Theater; and when there are no performances scheduled, the theater would be available to the community for usage.

He noted that in order to operate the theater, it requires outside funds to make it work, noting that seat fees are not enough. The recommendation also includes splitting the operation of the Gem Theater from the Amphitheater. A proposal from Shakespeare Orange County was received to operate the Amphitheater. Its proposal includes two professional performances, and with community groups brought in to increase the utilization of that facility. The funding to the Grove Theater Center would be reduced to \$25,000 and Shakespeare Orange County has requested \$15,000. The proposal is for the money to come out of the Arts fund.

Councilman Tran inquired whether the Grove Theater Center has agreed to these terms. The Assistant to the City Manager commented that they have agreed to the terms that were discussed; however, they have concerns with a few new ones have been added.

Kevin Cochran addressed the Council, noting that their concern is with the increase in the membership of the board and the two-party checks. They were in favor of the remainder of the agreement. He noted that requiring two-signature checks makes it difficult to purchase items at the last minute. He requested that two-signature checks be required only when the check exceeds a certain amount. He commented that when they set their season, there would be a calendar on the web site. Booking community events will be done through the City.

Mayor Broadwater inquired as to how the ticket sales are monitored. The City Manager commented that they are required to provide a report on a quarterly basis.

Councilman Leyes commented that he is pleased with the progress that has been made. It is in keeping with the last direction from Council. This will require more accountability from Grove Theater Center and allow more usage for the community. Shakespeare Orange County has community access components in its contract and is also non-exclusive. There will be two theater operators, and Grove Theater Center will be retained.

Councilman Leyes moved, seconded by Councilman Tran for purposes of discussion, that staff's recommendations be approved and staff be directed to prepare the agreement.

Councilman Tran commented that there are now five board members, and Kevin Cochran and Charles Johansen are two of the five. He suggested that the motion include that the board membership be expanded to seven or nine. Also, the requirement of the two-signature checks should be on a minimum amount.

Councilman Dalton commented that he agreed with the increase in the board membership and the minimum amount of the two-signature checks. He noted that he is looking forward to the productions by the Shakespeare group.

Councilman Rosen questioned whether Shakespeare Orange County has an affiliation with Chapman College. He requested that the relationship be well defined.

Councilman Leyes noted that in the Council packet there was a lot of data and information on Grove Theater Center and not much on Shakespeare Orange County. He requested more information on the structure of the latter.

Councilman Rosen commented that the City has been involved with the Grove Theater operators for 10 years, and the City has been struggling with them most of that time. Staff has been telling the Council that Grove Theater Center is not in compliance with its contract. The operators have not provided what was required of them, and they have had very little accountability for the money they have received. They had very little cooperation with the Ad Hoc Committee, and they did not comply with their requirement for a non-profit status until December 2002. He commented that he doesn't trust them to comply with any new requirements when they haven't complied with anything in the current contract. The community group at Eastgate Park does not need any subsidy from the City. He noted that the City has to be careful how much it spends on the arts when it is looking at laying off employees.

Mayor Broadwater commented that he cannot support the motion for the same reasons as Councilman Rosen presented.

The foregoing motion including increasing the board to seven or nine members and a minimum amount requirement for the two-signature checks carried by the following vote:

AYES: COUNCILMEMBERS: (3) DALTON, LEYES, TRAN  
NOES: COUNCILMEMBERS: (2) ROSEN, BROADWATER  
ABSENT: COUNCILMEMBERS: (0) NONE

DISCUSSION CONCERNING CITY'S PROPOSED CAPITAL IMPROVEMENTS PROGRAM FOR THE UPGRADING AND REHABILITATION OF CITY PARKS AND FUNDING FOR NEW FACILITIES. (F: 20.1) (XR: 73.1) (XR: 73.12a)

Staff report dated March 4, 2003, was introduced.

The Community Services Director commented that the Chapman Sports Complex project has not been out to bid for construction because of the State budget problems and because of the current agreement with the School District, which expires in 2008. If the School District needs that property back and the City cannot replace that land, the City may have to purchase it from the District.

The City Manager commented that many of our parks are on a lease agreement with the School District. The School District has indicated that it

may open the site of the Chapman Sports Complex as a middle school. The City will try to negotiate a longer lease with the District.

In response to Councilman Leyes, the City Manager noted that the City has not lost any State money for parks.

Mayor Broadwater requested that the information that was presented on the Park Development Capital Improvement Program overview be compiled in a binder and made available at Council meetings to respond to questions from citizens.

#### RECESS

At 9:35 p.m., the Mayor/Sanitary District President and the Agency Chairman declared a recess for their respective bodies.

#### RECONVENE

At 9:50 p.m., the meeting was reconvened with Mayor/President/Member Broadwater, Councilman/Chairman/Member Rosen, and all members in attendance.

#### CONSIDERATION OF ACQUISITION OF PROPERTY LOCATED AT 12625 AND 12721 HARBOR BOULEVARD (F: A-84.1) (XR: A-55.232) (XR: A-116.6)

Staff report dated March 4, 2003, was introduced.

The Director commented that the Fire Station Motel has the highest number of calls for service. It has turned out to be a place for released convicts. He commented that the goal was to use the \$10 million bond money, and the Agency to date has only used \$2.8 million.

Member Dalton commented that his concern is the unknown with the State budget and the Agency using the money without knowing if it will be needed later. The Director indicated that the money is being used to acquire property that will clean up a bad area.

Chairman Rosen inquired as to the status of the hotels south of the Crown Plaza Hotel. The Director commented that they have been delayed because the developer is waiting to see what the economy will do before proceeding.

In response to Member Tran, the Director commented the first \$10 million was to buy site B-2, and the second \$10 million was for the construction of a parking structure. The two hotels are on hold, and we are preparing to use \$2.5 million now to clean up the area.

In response to Member Dalton, the Assistant Director commented that there are homebuilders interested in that site.

Member Tran expressed concern because of the uncertain budget and because Stonebridge has not yet constructed the other two hotels.

The Director noted that this is the only money the Agency has to assemble properties since the City and the Agency may be facing some tough issues with the State budget.

Member Leyes commented that even if the Agency is going into the bond funds, those funds could be reimbursed when the property is sold to a developer. The property is being sold to the Agency on time, and the City is getting rid of two problem properties. By acquiring those 10 acres on Harbor Boulevard, it will be something that is marketable.

Member Broadwater moved, seconded by Member Leyes, that the acquisition of real properties located at 12625 and 12721 Harbor Boulevard, be and hereby is approved; the Director and Secretary are authorized to execute the appropriate documents; and the Finance Officer is authorized to draw warrants in the appropriate amounts as outlined in the approved agreements to TOG Enterprises (TOG) and Terry and Patricia Tognazzini when appropriate to do so. Said motion carried by the following vote:

AYES: MEMBERS: (4) BROADWATER, LEYES, TRAN, ROSEN  
NOES: MEMBERS: (1) DALTON  
ABSENT: MEMBERS: (0) NONE

#### ADJOURN TO CLOSED SESSION

The meeting was adjourned to Closed Session with Chairman Rosen and all Agency members in attendance, under the Ralph M. Brown Act. It was announced that pursuant to Government Code section 54956.8, the Agency would give direction to its negotiator (Agency Director) regarding property located at 12700 Garden Grove Boulevard (Holiday Express). The negotiating party is Park Crest Development Co.

Present in Closed Session, in addition to Chairman Rosen and all Agency members, were Director, George Tindall; Assistant Director, Matthew Fertal; Assistant City Manager, Les Jones; and Deputy Legal Counsel, Doug Holland.

#### RECONVENE

At 10:24 p.m., the meeting was reconvened with Chairman Rosen and all Agency members in attendance, and it was announced that the matter previously disclosed was discussed and no others.



ADJOURNMENT

At 10:25 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER  
DEPUTY CITY CLERK/  
DEPUTY SECRETARY