

## 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, April 26, 2005, at 6:15 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; Community Development Director, Susan Emery; Leisure Services Manager, Pilar Alcivar McCoy (representing Community Services Director); Finance Director, Kingsley Okereke; Division Chief, Dave Barlag (representing Fire Chief); Personnel Director, Steve Larson; Police Chief, Joe Polisar; Public Works Director, Keith Jones; City Attorney, John Shaw; and Deputy City Clerk, Priscilla Stierstorfer.

#### PUBLIC INPUT PERTAINING TO CLOSED SESSION

There were no comments from the public pertaining to the Closed Session items.

#### ADJOURN TO CLOSED SESSION

At 6:16 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room, and it was announced that pursuant to Government Code section 54957, the City Council will conduct a performance review of the City Manager.

#### RECONVENE

At 7:22 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council members in attendance, and it was announced that the matter previously disclosed was discussed and no others.

## INVOCATION AND PLEDGE

Deputy City Manager Les Jones gave the Invocation.

Brandon Beard of Boy Scout Troop 1103 led the Pledge of Allegiance to the Flag of the United States of America.

## PRESENTATION (F: 52.3) (XR: 82.1)

Mayor Dalton called forward Master Officer Dale Walker and presented him a plaque for his 24 years of service to the City of Garden Grove Police Department.

## PRESENTATION (F: 52.3) (XR: 87.1)

Mayor Dalton called forward Gabriela O'Cadiz Hernandez, Assistant Supervisor for the Buena Clinton Family Resource Center, and presented the Community Services Department with a plaque commending them for receiving the CPRS Award for Excellence in the Recreation/Community Services Category and the Creating Community Award of Distinction.

## ORAL COMMUNICATIONS - PUBLIC

J. Tilman Williams thanked the Council for assisting in getting his property appraised. (F: 53.3)

Justin Thompson, representing Boy Scout Troop 1103, thanked the City Council for attending the Push Cart Derby held on April 24. (F: 53.3)

Greg Beard also thanked the City Council for attending the Derby and commended the Lemming family for all the time they spent on the event. He also commented that the property on the corner of Lampson and Manley needs to be cleaned up. (F: 53.3)

George Brietigam commented that the City Council's presence at the Derby meant a lot to the boys. He also commented regarding the newspaper article on casinos. Mayor Dalton commented that the article was incorrect. (F: 53.3)

Scott Evans, Tom Reusing, Charles Johanson, Sondi Foley, and Kevin Cochran, spoke in favor of accepting the Grove Theater Center's proposal to fulfill their contractual obligations through June 30, 2006. (F: 53.3) (XR: 87.3)

Sheldon Singer provided an update of the current activities of Vector Control, and spoke regarding proposed Assembly Bill 991, urging the City Council to support the current number of city representatives. (F: 53.3) (XR: 23.20)

Verla Lambert commented in favor of Council districts to provide more representation for the citizens. (F: 53.3)

Ray Littrell urged the City Council to take care of the situation at the Gem Theater. (F: 53.3) (XR: 87.3)

Bob Owens commented that the government cares more about every other country than it does its own citizens. (F: 53.3)

Peggy Bergin congratulated Council Member Nguyen on the recent newspaper article, commended staff on a successful Earth Day celebration, commented regarding the newspaper article on city manager salaries, and commented on the newspaper article on Indian casinos. (F: 53.3)

Dr. Eugene Zaluzec spoke in favor of having City Council voting districts, and commented that the United Garden Grove Residents Association was formed to prepare the petition for creating the districts. (F: 53.3)

Bob Walker commented regarding Council Member Rosen's appearance on television, and inquired that if Garden Grove is the 5<sup>th</sup> largest by population, why is it so broke. He also questioned whether there will be soil mitigation before Los Sanchez is built on Garden Grove Boulevard. (F: 53.3)

John Ramirez commented that he lives in Garden Grove because he was able to find affordable housing. He noted that the last five or six projects that have been built here have included affordable housing. (F: 53.3)

#### RECESS

At 8:45 p.m., the Mayor declared a recess.

#### RECONVENE

At 9:45 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

PROCLAMATION – CLEAN AIR MONTH (F: 83.1)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that May 2005, be and hereby is proclaimed Clean Air Month.

PROCLAMATION – DAYS OF REMEMBRANCE IN MEMORY OF THE VICTIMS OF THE HOLOCAUST AND IN HONOR OF THE SURVIVORS (F: 83.1)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that May 1-8, 2005, be and hereby is proclaimed Days of Remembrance in memory of the victims of the Holocaust and in honor of the survivors.

PROCLAMATION – PUBLIC SERVICE RECOGNITION WEEK (F: 83.1)  
(XR: 24.1)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that May 2-8, 2005, be and hereby is proclaimed Public Service Recognition Week.

DENIAL OF CLAIMS (F: 49.2)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that claims submitted on behalf of Myrna, Edwin, and Don Gonzalez, be and hereby are denied.

ISSUANCE OF QUITCLAIM DEED TO RELINQUISH A CERTAIN EASEMENT FOR WATERLINE PURPOSES, WHICH ENCUMBERS REAL PROPERTY AT 11962 DANIEL AVENUE (F: 84.1) (XR: 112.1)

Staff report dated April 26, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the issuance of a Quitclaim Deed for the relinquishment of the easement for waterline purposes which encumbers real property located at 11962 Daniel Avenue, owned by Cuong Chi Nguyen, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the pertinent documents.

AMENDMENTS TO AGREEMENTS WITH THE ARAB AMERICAN COUNCIL,  
GARDEN GROVE STRAWBERRY FESTIVAL ASSOCIATION, KOREAN CHAMBER  
OF COMMERCE, AND THE UNION OF VIETNAMESE STUDENT ASSOCIATIONS  
(F: 55) (XR: 42.9) (XR: 42.3) (XR: 42.7a) (XR: 42.8a)

Staff report dated April 26, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Amendments to the Agreements with the Arab American Council, Garden Grove Strawberry Festival Association, Korean Chamber of Commerce, and the Union of Vietnamese Student Associations, providing new language for the section regarding insurance requirements in each agreement, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the amendments.

AMENDMENT TO AGREEMENT WITH THE UNION OF VIETNAMESE STUDENT  
ASSOCIATIONS (UVSA) (F: 55) (XR: 42.8a)

Staff report dated April 26, 2005, was introduced.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Amendment to the Agreement with the Union of Vietnamese Student Associations (UVSA) to conduct an annual Tet Festival at Garden Grove Park, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the amendment.

MINUTES (F: Vault)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Minutes of the Regular City Council Meeting held February 22, 2005, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that regular warrants 333982 through 334360, and wire W191, and payroll warrants 140103 through 140288, Direct Deposits D104656 through D105203, and wires W958 through W963, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

AGREEMENTS WITH ASSOCIATED SOILS ENGINEERING, INC., AND GEO ENVIRON TO PERFORM MATERIALS TESTING SERVICES. (F: 55) (XR: 24.1)

Staff report dated April 26, 2005, was introduced.

Council Member Rosen requested that when agreements are up for renewal, the staff report include whether there have been any complaints or concerns with a contractor.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Agreements by and between the City of Garden Grove and Associated Soils Engineering, Inc., and Geo Environ to perform materials testing services, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the agreements.

AGREEMENTS WITH BRUCE HALL LAND SURVEYOR, INC.; COAST SURVEYING, INC.; NORRIS-REPKE, INC.; AND R.T. QUINN & ASSOCIATES, INC., TO PROVIDE LAND SURVEYING AND RELATED SERVICES  
(F: 55) (XR: 24.1)

Staff report dated April 26, 2005, was introduced.

Council Member Rosen requested that when agreements are up for renewal, the staff report include whether there have been any complaints or concerns with a contractor.

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that the Agreements by and between the City of Garden Grove and Bruce Hall Land Surveyor, Inc.; Coast Surveying, Inc.; Norris-Repke, Inc.; and R.T. Quinn & Associates, Inc. to provide land surveying and related services, on an as-needed basis, be and hereby are approved; and the City Manager and City Clerk are authorized to execute the agreements.

PUBLIC HEARING - PROTESTS ON THE SPRING 2005 WEED ABATEMENT NOTICES (F: 113.1.Spring 2005)

Staff report dated April 26, 2005, was introduced.

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

There being no response from the audience or comments from the Council Members, the public hearing was declared closed.

It was moved by Council Member Leyes, seconded by Council Member Krebs, and carried by unanimous vote, that staff be and hereby is directed to proceed with the scheduled Spring 2005 Weed Abatement.

PUBLIC HEARING – AMENDMENT NO. A-120-05 AND AMENDMENT NO. A 121-05  
(F: 115.A-120-05) (F: 115.A-121-05) (XR: 50.2) (XR: 50.3)

Amendment No. A-120-05. The City of Garden Grove is proposing to amend Title 9 of the Garden Grove Municipal Code, Section 9.16.040 General Requirements and Section 9.16.050 General Development Standards for single family residential properties, amending lot coverage requirements and setbacks for garage structures.

On March 17, 2005, the City Planning Commission, pursuant to Resolution No. 5490, adopted a negative declaration and recommended approval of A-120-05, and pursuant to Legal Notice published April 14, 2005, public hearing on the case was ordered by the City Council to be held this date.

Amendment No. A-121-05. The City of Garden Grove is proposing to amend, in its entirety, Chapter 8.47 of Title 8 of the Garden Grove Municipal Code, entitled "Noise Control."

On March 17, 2005, the City Planning Commission, pursuant to Resolution No. 5491, adopted a negative declaration and recommended approval of A-121-05; and pursuant to Legal Notice published April 14, 2005, public hearing on the case was ordered by the City Council to be held this date.

Staff report for both A-120-05 and A-121-05 dated April 26, 2005, was introduced.

Council Member Leyes inquired whether the definition in A-121-05 for commercial use was too limiting. Staff noted that there is a category that includes industrial uses, and the word "retail" could be eliminated for clarification.

Council Member Leyes was in favor of leaving out the word "retail" and noted that other changes could be made before the second reading.

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

John Ramirez commented regarding A-120-05 and questioned what the set back requirements are for garages. He also inquired whether paving the entire front yard was considered lot coverage. The City Manager commented that the revisions to the lot coverage are to allow the extended portion of the garage not to be counted against the property owner. He noted that the goal is to have 50% landscaping and 50% concrete.

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

ORDINANCE NO. 2659 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 AMENDMENT NO. A-120-05, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE MODIFYING THE LOT COVERAGE AND GARAGE SETBACKS FOR THE R-1 (SINGLE FAMILY RESIDENTIAL) ZONE

It was moved by Council Member Rosen, seconded by Council Member Leyes, and carried by unanimous vote, that full reading of Ordinance No. 2659 be waived, and said Ordinance be and hereby is passed to second reading, as amended deleting the word "retail" from the definition of commercial use.

ORDINANCE NO. 2660 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 AMENDMENT NO. A-121-05, AMENDING CHAPTER 8.47, ENTITLED "NOISE CONTROL," OF TITLE 8 OF THE GARDEN GROVE MUNICIPAL CODE

It was moved by Council Member Rosen, seconded by Council Member Krebs, and carried by unanimous vote, that full reading of Ordinance No. 2660 be waived, and said Ordinance be and hereby is passed to second reading.

REVIEW OF THE GEM THEATER AND THE AMPHITHEATER FACILITIES AGREEMENTS (F: 55) (XR: 87.3)

The City Manager noted that this item was continued from the meeting of April 12, 2005. He indicated that Kevin Cochran, Artistic



Director for Grove Theater Center, submitted a letter dated April 25, 2005. In the letter, Mr. Cochran comments that they would like to continue operating until the end of the 2006 season. They will provide an audit statement as part of their proposal.

Council Member Krebs commented that next year is the city's 50<sup>th</sup> Anniversary. We would like to showcase the Gem Theater, and we need to vacate it at the end of this year so that it can be cleaned, painted, and landscaped. He noted that they have now come up with a schedule for 2006 when they didn't have any last month. He was not in favor of giving them an out when they could come back and ask for another \$25,000 for this year and last year. They are willing to give us an audited accounting for 2003/04. If they had the shows and provided the audits when they should have, we would not be in what he considered a mess. He indicated that the Grove Theater Center (GTC) does not know how to operate the Gem. He noted that regardless of the scripted comments during Oral Communications, there were no Garden Grove residents who spoke on GTC's behalf. He was in favor of ending the contract at a reasonable point and getting the theater ready for future use.

Council Member Rosen commented that he gave GTC a hard time when this came up for renewal. The Gem is a venue in a tough location, and you cannot get perfection at that venue. He noted his concern is that the City did not get their audit; however, they said they would provide it. They have a list of performances for 2006, and the City can use this time to see what it wants to do with the Gem.

Mayor Dalton commented that he has been a big supporter for a long time. The City wants something with some class in the theater arena, and at times we have been really disappointed. He commented that he would like a smooth transition. The City has to figure out what should be done with the Gem. He indicated that the best solution might be to let the contract run out and support the proposal presented by the Grove Theater Center.

Council Member Leyes moved, seconded by Council Member Rosen, to accept the proposal of the Grove Theater Center as outlined in their letter dated April 25 and have staff bring back the necessary amendment to their contract for the May 10 agenda. The motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) LEYES, NGUYEN, ROSEN, DALTON  
NOES: COUNCILMEMBERS: (1) KREBS  
ABSENT: COUNCILMEMBERS: (0) NONE

APPOINTMENTS TO PARKS AND RECREATION COMMISSION (F: 122.70a)

It was moved by Council Member Krebs, seconded by Council Member Nguyen, and carried by unanimous vote, that Barbara Barker be and hereby is appointed to the Parks and Recreation Commission, as Council Member Krebs' appointee.

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

Council Member Leyes commended Enrique Brito and Yasuko Joyner for organizing the Earth Day celebration at Twin Lakes Park. He requested another copy of the report regarding Council districts. He also commented that whether having a casino is a good thing or a bad thing is not the issue. The City Manager's Community Financial Working Group is reviewing any potential revenue for the city. (F: 53.1) (XR: 122.76)

Council Member Rosen commented that if the Community Financial Working Group recommends that a casino should be discussed, it will be listed on a City Council agenda. (F: 53.1) (XR: 122.76)

Council Member Nguyen thanked Council Members for attending the dedication of the cherry trees. She commented regarding her visits with Mayor Dalton to businesses in Garden Grove and how impressed she was with these businesses. (F: 53.1)

Council Member Krebs commented that he is a member of the Chamber of Commerce and commended Mayor Dalton and Council Member Nguyen for reaching out to the business community. He commented regarding the casino article in the newspaper and how he was misquoted. (F: 53.1)

Mayor Dalton commented that the Community Financial Working Group was appointed to look at any potential source of revenue for the city. Their recommendations will be discussed at a City Council meeting in open session. He commended the organizers of the Donate Life activity, and invited everyone to attend the Magnolia Park Family Resource Center's 5<sup>th</sup> Anniversary on Saturday, April 30. He requested that four students from Ralston School: Ryan Doherty, Brett Williamson, Brian Leigh, and Greg Long, be invited for the Community Spotlight. They turned in missing bags from vending machine revenue. He also commented regarding his visits to Garden Grove businesses and how impressed he was with the businesses. He would like to see a weekly column in one of the newspapers informing the residents of the best-kept secrets in Garden Grove. He

indicated that he would like to showcase some of the things that Garden Grove has and does that most people are not aware of.  
(F: 53.1)

ADJOURNMENT

At 10:45 p.m., the meeting was declared adjourned.

PRISCILLA STIERSTORFER  
DEPUTY CITY CLERK