

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, August 14, 2007, at 6:42 p.m.

ROLL CALL: PRESENT: (5) MAYOR DALTON, COUNCIL MEMBERS
BROADWATER, JONES, NGUYEN, ROSEN

ABSENT: (0) NONE

INVOCATION AND PLEDGE

Public Works Director Keith Jones gave the Invocation. Council Member Nguyen led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATIONS – COMMUNITY SPOTLIGHT

Mayor Dalton called forward Connie Margolin, Garden Grove Chamber President/CEO, and Joe Hammer, Chairman of the Board, and presented them with a Resolution commemorating the 100th Anniversary of the Garden Grove Chamber of Commerce. (F: 52.3) (XR: 42.1)

PRESENTATIONS – COMMUNITY SPOTLIGHT

Mayor Dalton called forward Harry Davies and Gail Eadens, 2007 Strawberry Ball King and Queen, and presented them with Certificates of Recognition and small gifts. (F: 52.3) (XR: 42.3)

ORAL COMMUNICATIONS - PUBLIC

Hung Nguyen, Pham Van Pho, Scott Le, Dr. Vinh Xuan Nguyen, Neil Nguyen, Rev. Van Tran, Lac Tan Nguyen, Than Hien Tran, Trung Nguyen, Rev. Binh Nguyen, Jessica Le, Linh Nguyen, Lan Nguyen, Peter Vu, Nguyen Hung, Bo Bui, and Quynh Nguyen addressed the City Council/Agency, expressing their opposition to building a casino resort on Harbor Boulevard in Garden Grove, citing issues of traffic; noise;

gambling, alcohol and drug addictions; breakdown of family units; increased crime; lost work productivity; and other social and moral issues. It was also noted that costs to the community would outweigh the financial inducements offered by the tribe. A letter from the Vietnamese Interfaith Council in America was submitted for the record in opposition to allowing the operation of a casino in Garden Grove. Also submitted for the record was a letter from the Vietnamese Community of Southern California requesting that the City not consider the project. A letter on stationery of Lan Quoc Nguyen, Trustee, Board of Education, Garden Grove Unified School District (GGUSD), bearing signatures of Lan Nguyen and Trung Nguyen, GGUSD Board members, Truong Diep, Midway City Sanitary District, Andrew Nguyen, Westminster School District, and Tri Ta, City of Westminster Councilman. And lastly, submitted for the record were 51 pages of petitions bearing signatures of citizens of Garden Grove and surrounding cities in opposition to the casino resort project. (F: 53.3) (XR: A-116.14)

David Lautherboren addressed the City Council/Agency in support of a casino in Garden Grove. (F: 53.3) (XR: A-116.14)

RECESS

At 7:45 p.m., the Mayor declared a recess.

RECONVENE

At 7:50 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

ORAL COMMUNICATIONS – PUBLIC (CONTINUED)

Peter Katz addressed the City Council on behalf of the Garden Grove Downtown Business Association, expressing their concern about the ongoing weekly protests on Main Street against the Vietnamese Newspaper, citing their lack of permits and improper display of the American flag. (F: 53.3) (XR: A-122.5) (XR: 130.13)

Peggy Bergin addressed the City Council/Agency, noting that she is opposed to the building of a casino because of all the lights that would be shining into her home and because of parking issues. She then shared information about a small town she recently visited in Georgia, speaking about their trees, medians, skate park, bike trails, and summer reading program. Lastly, she expressed concern about the removal of green medians in her neighborhood. (F: 53.3) (XR: A-116.4)

David Vill addressed the City Council about the forum AARP held in July with regard to their opposition to fireworks. He indicated their chapter will be starting a fund next month to help the residents who lost their home because of fireworks on July Fourth. (F: 53.3) (XR: 61.6)

Charles Mitchell addressed the City Council/Agency, urging that the issue of bringing a casino to Garden Grove be looked at logically, taking all facets of the matter into consideration; additionally, he referenced the unsuccessful "blue laws" of the past that were put into place to govern the behavior of individuals. He also provided information on the American Legion and urged people to attend their meeting. (F: 53.3) (XR: A-116.14)

Terri Whitney addressed the City Council/Agency, noting that she and her neighborhood are not supportive of a casino in the city. She also complained about an ongoing sewage smell at Nelson Street and Garden Grove Boulevard. (F: 53.3) (XR: 92.1)

Council Member Rosen posed some questions to the City Attorney concerning the legality of the protests being held weekly on Main Street as described by Peter Katz.

The City Attorney responded, noting that no permit has been required for the activities that are currently taking place, noting the demonstrators are expressing their political views in a public forum in a peaceful manner on the sidewalk. (F: 53.1) (F: A-122.5) (XR: 130.13)

Council Member/Agency Chair Broadwater indicated that he appreciated all the people who came to the meeting; however their fears are premature, further commenting that in his opinion there will never be a casino in Garden Grove. (F: 53.1) (XR: A-116.14)

Council/Agency Member Rosen noted his agreement with Council Member/Agency Chair Broadwater; noting, however, that when and if the proposed numbers actually are presented, the City Council and Agency has an obligation to look at them. The money proposed by the tribe for the schools may or may not be forthcoming; however, if so, the school district also has an obligation to look at the proposal, because scholarship money may mean college for students who would not otherwise be able to further their education. (F: 53.1) (XR: A-116.14)

Mayor/Agency Member Dalton noted that he will reserve his comments for future consideration; however, the Governor should be asked whether there is a possibility of such a project here.
(F: 53.1) (XR: A-116.14)

Council/Agency Member Nguyen thanked everyone for attending the meeting. She indicated that she is against a casino project; and the Agency will be discussing the matter in Closed Session this evening and she will remember all the comments made both for and against it.
(F: 53.1) (XR: A-116.14)

ADJOURN TO CLOSED SESSION

At 8:41 p.m., under the Ralph M. Brown Act, the meeting was adjourned to Closed Session in the Founders Room to discuss the following:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
(Subdivision (a) of Section 54956.9)

Vietnamese Buddhism Study Temple in America, et al. v. City of Garden Grove, et al.

United States District Court Case No. SACV06-728 CJC.
(F: GPA-4-05 (A))

RECONVENE IN OPEN SESSION

At 9:40 p.m., the meeting was reconvened with Mayor Dalton and Council Members Broadwater, Nguyen, and Rosen present, and it was announced that the previously disclosed item was discussed and no reportable action was taken.

ORAL COMMUNICATIONS – PUBLIC (CONTINUED)

There were no further comments made by the public.

COUNCIL MEMBER JONES RE-ENTERED THE MEETING ROOM AT 9:41 P.M.

RECESS

At 9:41 p.m., the Mayor declared a recess.

RECONVENE

At 9:42 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROCLAMATION – FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN (F: 83.1)

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that September 24, 2007, be and hereby is designated Family Day – A Day to Eat Dinner With Your Children.

RESOLUTION COMMEMORATING THE 100TH ANNIVERSARY OF THE GARDEN GROVE CHAMBER OF COMMERCE (F: 52.2) (XR: 42.1)

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the Resolution commemorating the 100th Anniversary of the Garden Grove Chamber of Commerce, be and hereby is approved.

ACQUISITION OF RIGHT-OF-WAY AT 13632 EUCLID STREET FOR THE WIDENING AND IMPROVEMENT OF A RIGHT-TURN LANE ON NORTHBOUND EUCLID STREET TO THE EASTBOUND STATE ROUTE 22 ON-RAMP, PROJECT NO. 7140 (F: 96.proj.7140) (XR: 24.1) (XR: 57.9)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the acquisition of the right-of-way at 13632 Euclid Street for the widening and improvement of a right-turn lane on northbound Euclid Street to the eastbound State Route 22 on-ramp, Project No. 7140, be and hereby is approved; the City Manager and City Clerk are authorized to execute the Right-of-Way Agreement and accept the Street Deed on behalf of the City; and the Finance Officer is authorized to draw a warrant in the amount of \$8,575 when appropriate to do so.

AGREEMENT WITH GARDNER TRACTOR SERVICE FOR THE PROVISION OF OLEANDER TRIMMING AND STORM DRAIN MAINTENANCE (F: 55) (XR: 24.1)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Gardner Tractor Service for the provision of oleander trimming and storm drain maintenance be and hereby is approved in an amount not to exceed \$205,134.12 for

the three-year performance period, amounting to \$68,378.04 per year, with two one-year options to renew for a total of five years; and the City Manager and City Clerk are authorized to execute a service agreement on behalf of the City of Garden Grove.

AGREEMENT WITH PATSCHECK CONSTRUCTION FOR SITE DEMOLITION OF THE BUENA CLINTON ROLLER HOCKEY RINK IN PREPARATION FOR THE CONSTRUCTION OF THE NEW BUENA CLINTON YOUTH AND FAMILY CENTER (F: 55) (XR: 24.11)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Patscheck Construction for site demolition of the Buena Clinton Roller Hockey Rink in preparation for the construction of the new Buena Clinton Youth and Family Center, be and hereby is approved, in the amount of \$49,820; and the City Manager and City Clerk are authorized to execute the contract agreement on behalf of the City.

COOPERATIVE AGREEMENT WITH THE CITY OF WESTMINSTER FOR THE REHABILITATION OF TRASK AVENUE FROM BEACH BOULEVARD TO NEWLAND AVENUE (F: 55) (XR: 24.11) (XR: 23.18c)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the Cooperative Agreement by and between the City of Garden Grove and the City of Westminster for the rehabilitation of Trask Avenue from Beach Boulevard to Newland Avenue, be and hereby is approved, with the City of Garden Grove's share of the estimated cost at \$44,955.13 of Measure "M" funds; and the Mayor and City Clerk are authorized to execute the agreement on behalf of the City.

SERVICE AGREEMENT WITH PCC NETWORK SOLUTIONS TO INSTALL A STRUCTURED CABLING SYSTEM FOR THE POLICE DEPARTMENT HEADQUARTERS (F: 55) (XR: 78.22) (XR: 82.1)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the Service Agreement by and between the City of Garden Grove and PCC Network Solutions to install a Structured Cabling System for the Police

Department headquarters, in the firm fixed price of \$48,999.90, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the service agreement on behalf of the City.

WEST ORANGE COUNTY WATER BOARD BUDGET FOR 2007-08 (F: 112.9)
(XR: 24.12)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the proposed West Orange County Water Board Budget for 2007-08, be and hereby is approved.

MINUTES (F: Vault)

Council Member Rosen moved, seconded by Council Member Broadwater, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held July 10 and July 24, 2007, and the Special Meetings held July 22 and July 24, be and hereby are approved, with a correction to the July 22 minutes, as requested by Council Member Rosen, to show that the related matters were discussed, but no action was taken.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that regular warrants 393664 through 395744 and Wires W320-W325; and payroll warrants 151879 through 151885, and 151952 through 152160, Direct Deposits D139518 through D140153, and Wires W1229-W1232, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

WAIVER OF FULL READING OF ORDINANCES LISTED

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the full reading of all Ordinances listed for consideration of adoption be waived.

PUBLIC HEARING – APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. CUP-205-07 (F: 51.CUP-205-07)

The City Manager noted that a request for a continuance to September 11, 2007, has been received.

The City Attorney indicated that if anyone is present in the audience to speak on this matter, they should be given the opportunity to do so at this time.

No member of the audience came forward.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that this matter be continued to September 11, 2007.

PUBLIC HEARING TO CONSIDER PROPOSED ADJUSTMENTS OF VARIOUS CITY FEES (F: 60.2)

Staff report dated August 14, 2007, was introduced and reviewed by staff. It was noted that this matter was continued from the meeting of June 26, 2007, and the proposed Resolution contains updated fees for a variety of City services.

Council Member Jones commented on the proposed increases in In-Lieu Park Fees, noting that a year or two ago these fees were raised from \$1250 per unit to \$5000 per unit. He further commented that the proposed increase would discourage any kind of high rise development because it would push the developer back to something of a lower density, and he would not be in favor of this increase of another ten percent. Therefore, he cannot support this proposed increase.

Council Member Rosen noted his agreement with Council Member Jones' comments. He also asked for clarification on the Tow Application Fees under Police Services.

Council Member Nguyen noted her concern with the proposed increase in Code Enforcement Re-inspection Fees. She indicated that taking into consideration a three percent cost of living increase, she would recommend the proposed increase in First Re-inspection fees be reduced to \$70, and the Subsequent Re-inspection fees be reduced to \$100.

Council Member Nguyen also referenced the proposed fee increases to Classification V of the H. Louis Lake Center, indicating that taking into consideration a three percent cost of living increase, the proposed fee increases should be reduced to \$60 per hour.

Discussion took place as to clarification of the rates for the A and B Rooms of the Community Meeting Center.

Council Member Rosen requested clarification on the Public Works Drainage Fees. He indicated that he has a concern with having just recently raised the water rates by such a high percentage, playing catch-up with these fees also.

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, the public hearing was declared closed.

Additional discussion took place on the proposed drainage fees.

Council Member Rosen expressed concern about the Community Development Planning Application fee schedule, commenting that he would prefer not to raise these fees at all.

It was suggested that separate votes be taken on the items that have raised a concern with individual Council Members.

Council Member Nguyen moved, seconded by Council Member Rosen, that the proposed fees for Code Enforcement inspections be changed to reflect First Re-inspection Fees at \$70; and Subsequent Re-inspection Fees at \$100. Said motion carried by the following vote:

AYES:	COUNCIL MEMBERS:	(4)	JONES, NGUYEN, ROSEN, DALTON
NOES:	COUNCIL MEMBERS:	(1)	BROADWATER
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the Annual Tow Inspection/Renewal Fee be approved as proposed by staff.

It was moved by Council Member Rosen, seconded by Council Member Nguyen, and carried by unanimous vote, that the Community Development Planning Fee Schedule not reflect any fee increases.

Council Member Jones moved, seconded by Council Member Broadwater, that relative to the In-Lieu Park fees, the fees for Single Family Dwelling, Town House, Condominium, or Planned Unit Development Units not be increased; and that Two, Three, or Multiple Family Dwellings be reduced to \$2750; and that Mobile Home Parks be increased to \$2750.

Council Member Nguyen moved a substitute motion that the first three fees not be increased, and that the fourth fee be increased to \$2750. Council Member Rosen seconded the motion.

Council Member Jones commented that high rises will not be developed in Garden Grove if the substitute motion passes. The City Manager suggested that another category could be included in the schedule to reflect that a fee for anything above 20 units per acre be set at \$2750.

Council Member Jones indicated that would be acceptable.

Council Member Nguyen asked if she could include that in her substitute motion.

Council Member Rosen commented that the money is supposed to go toward parks in lieu of the developer providing parks, which ultimately provides something that the City can use.

Council Member Jones commented that there is a weird dynamic in valuing land because if a project such as the Chapman Commons were to be developed, the construction costs are \$200 a foot versus \$80 a foot, and the developer has huge finance carrying costs over several years to build the whole project before the units can be sold and closed. Therefore, if you are looking at it from a developer's standpoint, a fee of \$5000 per unit for the number of units in a high rise would discourage the developer from building a high rise.

The City Manager noted that there is some merit to Council Member Jones' comments.

Council Member Rosen indicated he will withdraw his second to the substitute motion and recommended that this matter be repackaged and brought back to the City Council at a later date.

Council Member Nguyen withdrew her substitute motion.

Council Member Jones withdrew his original motion.

It was the consensus of the Council Members that this matter be repackaged and continued to a future meeting.

Council Member Rosen moved, seconded by Council Member Jones, that the Drainage Fee be reduced to \$3000 per acre, with the proposed \$0.15 per square foot lot size recalculated based on the \$3000. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, JONES,
ROSEN, DALTON
NOES: COUNCIL MEMBERS: (1) NGUYEN
ABSENT: COUNCIL MEMBERS: (0) NONE

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the proposed amended rates for the A and B Rooms of the Community Meeting Center, under Classification IV, set at \$1455 for each room, both separately and together, be approved.

After clarification by staff addressing Council Member Nguyen's concern about a non-profit rate for the H. Louis Lake Center, it was moved by Council Member Broadwater, seconded by Council Member Nguyen, and carried by unanimous vote, that the amended rates be approved.

Council Member Nguyen moved to reduce fees listed under Classification V of the H. Louis Lake Senior Center for use of the Activity Rooms.

Council Member Rosen indicated that the rooms are used by entities that can afford to either rent or not rent the rooms.

Council Member Rosen moved, seconded by Mayor Dalton, to approve the proposed rates as recommended by staff. Said motion carried by the following vote:

AYES: COUNCIL MEMBERS: (4) BROADWATER, JONES,
ROSEN, DALTON
NOES: COUNCIL MEMBERS: (1) NGUYEN
ABSENT: COUNCIL MEMBERS: (0) NONE

RESOLUTION NO. 8791-07

It was the consensus of the City Council Members, that full reading of Resolution No. 8791-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING AND AMENDING USER, DEVELOPMENT PROCESSING AND DEVELOPMENT IMPACT FEES FOR VARIOUS CITY SERVICES, be and hereby is adopted, as amended to reflect previous motions as delineated above.

ACCEPTANCE OF 2006 ASSISTANCE TO FIREFIGHTERS – FIRE PREVENTION AND SAFETY GRANT AWARD (F: 61.1) (XR: 97.1)

Staff report dated August 14, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote, that the 2006 Assistance to Firefighters – Fire Prevention and Safety Grant Award in the amount of \$45,384, with City matching funds of \$11,346, for education materials, be and hereby is accepted.

ACCEPTANCE OF 2007 ASSISTANCE TO FIREFIGHTERS GRANT (F: 61.1) (XR: 60.4) (XR: 97.1)

Staff report dated August 14, 2007, was introduced and reviewed by staff.

It was moved by Mayor Dalton, seconded by Council Member Jones, and carried by unanimous vote, that the 2007 Assistance to Firefighters Grant in the amount of \$60,929, with City matching funds of \$15,232, be and hereby is accepted; and award of purchases of 11 Automated External Defibrillators to ZOLL, and 26 Dual EBSS Retrofit Kits to Fisher Scientific, in the amounts of \$48,622 and \$27,539, respectively.

SECOND READING OF ORDINANCE NO. 2715 (F: 78.12)

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Ordinance No. 2715, be and hereby is waived.

ORDINANCE NO. 2715 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 AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE MILITARY SERVICE CREDIT AS PRIOR SERVICE

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Mayor Dalton, and carried by unanimous vote, that Ordinance No. 2715 be and hereby is declared adopted.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Broadwater requested that the City Attorney draw up paperwork for placing a ballot measure on the February ballot to change Garden Grove from a General Law City to a Charter City for discussion at the August 28 meeting. He asked staff about the sewage smell at Garden Grove Boulevard and Nelson Street. Staff noted that it is the County's pipeline. Council Member Broadwater asked staff to speak to the County about the matter and fix it. He wished his wife Peggy a Happy Birthday. (F: 53.1) (XR: 58.9.2008) (XR: 92.1)

Council Member Rosen wished his wife Sandy a Happy Anniversary. (F: 53.1)

Council Member Nguyen wished Council Member Rosen and his wife a Happy Anniversary and Peggy Broadwater a Happy Birthday. She asked staff to look into the availability of emergency funds for the victim of the July Fourth fire. (F: 53.1) (XR: 61.6)

Mayor Dalton wished Council Member Rosen and his wife a Happy Anniversary and Peggy Broadwater a Happy Birthday. (F: 53.1)

ADJOURNMENT

At 10:38 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK