

## 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 24, 2004 at 6:51 p.m.

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

ABSENT: (0) NONE

ALSO PRESENT: City Manager, Matthew Fertal; Deputy City Manager, Les Jones; Community Services Director, Cal Rietzel; Finance Director, Kingsley Okereke; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; 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. Councilman Dalton led the Pledge of Allegiance to the Flag of the United States of America.

#### INTRODUCTION

Mayor Broadwater introduced members of Boy Scout Troop 507. (F: 52.3)

#### PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Georgia Thieben, Master Gardener employed with the Garden Grove Home Depot, and presented her with a Certificate of Appreciation and a gift for her many wonderful and selfless contributions to our community. (F: 52.3)

#### ORAL COMMUNICATIONS – PUBLIC

Al Snook and Verla Lambert addressed the Council expressing concern about the private discussions that took place relative to

placing a casino in Garden Grove and the signing of a confidentiality agreement, alleging these actions were underhanded and deceitful. (F: 53.3)

Joe Caggiano addressed the Council, expressing concern about a proposed development of a 220-unit Planned Unit Development on Chapman Avenue next to Pioneer Park, across from Willowbrook, citing concerns about density, traffic, water quality, and sewer impacts. He alleged the traffic analysis is invalid because it was taken during non-peak hours, and the Environmental Impact Report is nine years old. He submitted petitions signed by numerous residents in the area who are against this project. (F: 53.3) (XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04) (XR: 103.TT-16732) (XR: 106.152)

Fred Duskin addressed the Council, urging the banning of the sale and use of fireworks in Garden Grove (F: 53.3) (XR: 61.6)

June Eckert addressed the Council, urging the banning of the sale and use of fireworks in Garden Grove. She also spoke against the building of a casino in Garden Grove, citing crime increase, and traffic, water, and sewer impacts. (F: 53.3) (XR: 61.6)

Fran Yorba, representing the Tribal Council of the Juaneno Band of Mission Indians, the Acjachemen Nation, addressed the Council, alleging that they are the original inhabitants of Garden Grove and indicating they would like to meet with the Mesa Grande Tribe concerning the so-called casino project. (F: 53.3)

Bob Rohdenburg, Sr. Pastor of the Garden Grove United Methodist Church, addressed the Council, noting they are against gambling, and land use issues need to be looked into relative to a casino. (F: 53.3)

Robin Marcario addressed the Council, suggesting that the City should have informed the citizens of the casino talks and should get input from the residents. (F: 53.3)

Vivian Kirkpatrick addressed the Council, noting that she owns a town home at Somerset Place on Chapman Avenue near Harbor Boulevard and Haster Avenue. She noted her opposition to the proposed development of a 220-unit Planned Unit Development on Chapman Avenue next to Pioneer Park, across from Willowbrook. Ms. Kirkpatarick submitted a seven-page written response to the staff report on the project delineating her concerns, which include traffic impacts, impact on the schools, maintenance of public

facilities, air quality concerns, geophysical concerns, and open space concerns. (F: 53.3) (XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04) (XR: 103.TT-16732) (XR: 106.152)

Lee Silva addressed the Council, expressing his opposition to a gambling casino in Garden Grove. (F: 53.3)

Cathy Leurel addressed the Council, expressing her support for a gambling casino in Garden Grove. (F: 53.3)

David Lautherboren addressed the Council, expressing appreciation to water staff for meeting with him about his brown water situation. He noted that the Internet site he spoke about at the last meeting is now gone. And he expressed his support for a gambling casino in Garden Grove and defended the confidentiality agreement. (F: 53.3) (XR: 24.12)

Janine Fowler addressed the Council, expressing displeasure about the so-called confidentiality agreement concerning the gambling casino, noting that information should be made available to the residents so they can decide if they would support it. She noted she has written a letter to Planning requesting information on this. (F: 53.3)

Dietrich Nicholson addressed the Council, noting that other cities with casinos have reported there has been no increase in crime. He also commented that the Agency attorney has indicated that the confidentiality agreement was between Steve Wynn and City employees and not between Wynn and the Agency or City. He inquired who paid for the City Manager and City employees to go to Las Vegas. He further commented, however, that he is in favor of a gambling casino in Garden Grove. (F: 53.3)

Brent Richard addressed the Council concerning the proposed Planned Unit Development on Chapman Avenue next to Pioneer Park, citing the same concerns as those previously expressed by Mr. Caggiano. He also commented on the gambling casino, indicating he is opposed to the idea, citing traffic and crime concerns. (F: 53.3) (XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04) (XR: 103.TT-16732) (XR: 106.152)

Mary Richard addressed the Council, expressing her concern about the Planned Unit Development on Chapman Avenue, inquiring if the school district knows about this development. She commented that she is opposed to a gambling casino in Garden Grove because this is

a family community, and the presence of a casino would not be good for either the community or the children. (F: 53.3)  
(XR: 20.GPA-4-04) (XR: 116.PUD-104-04) (XR: 116.SP-349-04)  
(XR: 103.TT-16732) (XR: 106.152)

Ray Littrell addressed the Council, stating that holding secret meetings is bad public policy. He read from portions of the Government Code, alleging possible violations of the Brown Act. He further stated that the Council should call for an investigation from the District Attorney's office; and if they respond that those meetings should have been open, the Council should require the resignation of their attorneys. (F: 53.3)

Norman Ross addressed the Council, alleging further police misconduct towards him and demanding a review of his claim by the Mayor. (F: 53.3) (XR: 49.4)

#### RECESS

At 8:00 p.m., the Mayor declared a recess.

#### RECONVENE

At 8:21 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

#### REQUEST FROM THE GARDEN GROVE CHAMBER OF COMMERCE FOR USE OF THE COUNCIL CHAMBER FOR THE CANDIDATE'S FORUM (F: 88.1) (XR: 48.4) (XR: 42.1)

A communication from the Garden Grove Chamber of Commerce, dated July 28, 2004, was introduced.

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that the request from the Garden Grove Chamber of Commerce for the use of the Council Chamber on October 6, 2004, for a Garden Grove Chamber Candidate's Forum, be and hereby is approved.

#### REQUEST FROM THE GARDEN GROVE COMMUNITY FOUNDATION FOR USE OF WILLOWICK GOLF COURSE (F: 130.15)

A communication from the Garden Grove Community Foundation dated August 11, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the request from the Garden Grove Community Foundation for the use of the Willowick Golf Course for their Fourth Annual Foundation Golf Tournament on June 29, 2005, be approved.

PROCLAMATION RECOGNIZING THE CONTRIBUTIONS OF CAL STATE FULLERTON'S ORANGE COUNTY AMERICORPS ALLIANCE PROGRAM (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the contributions of Cal State Fullerton's Orange County Americorps Alliance Program be and hereby are recognized as an exemplary program committed to bettering our youth, our fellow citizens, and our communities.

PROCLAMATION – NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 2004, be and hereby is proclaimed as National Alcohol and Drug Addiction Recovery Month.

PROCLAMATION – DEVELOPMENTAL DISABILITIES DAY (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 10, 2004, be and hereby is proclaimed as Developmental Disabilities Day.

PROCLAMATION – INNER-COASTAL WATERSHED CLEANUP DAY (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 18, 2004, be and hereby is proclaimed as Inner-Coastal Watershed Cleanup Day.

PROCLAMATION – NATIONAL ADULT DAY SERVICES WEEK (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 20-26, 2004, be and hereby is proclaimed as National Adult Day Services Week.

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

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that September 27, 2004, be and hereby is proclaimed as Family Day – A Day To Eat Dinner With Your Children.

AGREEMENT WITH THE ORANGE COUNTY CONSERVATION CORPS TO PROVIDE PARK RECYCLING AND MAINTENANCE SERVICES (F: 55) (XR: 24.1) (XR: 24.13)

Staff report dated August 24, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Orange County Conservation Corps, to provide park recycling and maintenance services paid for with grant funds, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

AGREEMENT WITH THE COUNTY OF ORANGE FOR THE PROVISION OF SERVICES PROMOTING SAFE AND STABLE FAMILIES AT THE MAGNOLIA PARK FAMILY RESOURCE CENTER (F: 55) (XR: 73.8a)

Staff report dated August 24, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the County of Orange for the provision of services, promoting safe and stable families, at the Magnolia Park Family Resource Center, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

ADVANCED PAY STEP APPOINTMENT OF NEW COMMUNITY SERVICES DEPARTMENT SECRETARY (F: 78.1)

Staff report dated August 24, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the advanced pay step appointment of a new Community Services Department Secretary to "F" step of the salary range for this position, be and hereby is approved.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that regular warrants 318205 through 318715 and Wire W153; and payroll warrants 136416 through 136651, Direct Deposits D94815 through D95359 voided, D95360 through D95904, and Wires W879 through W882, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

JOINT PUBLIC HEARING WITH THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO CONSIDER A FOURTH AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH SYCAMORE WALK, LLC (THE OLSON COMPANY) FOR THE DEVELOPMENT OF A PORTION OF PHASE II OF THE SYCAMORE WALK PROJECT ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD FROM ROCKINGHORSE ROAD EAST TO PHASE I OF THE SYCAMORE WALK RESIDENTIAL DEVELOPMENT (F: A-55.160)

Staff report dated August 24, 2004, was introduced, requesting a continuance of this hearing inasmuch as staff and the developer are still discussing several logistical issues related to the remediation of contamination on the property prior to its reuse for the Los Sanchez restaurant relocation and Sycamore Walk relocation and its conveyance to the developer.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that this matter be continued to September 14, 2004.

PUBLIC HEARING TO CONSIDER ENTERING INTO AN ENERGY SERVICES CONTRACT WITH CHEVRON ENERGY SOLUTIONS COMPANY TO IMPLEMENT AN ENERGY EFFICIENT CAPITAL IMPROVEMENT PROJECT FOR CITY FACILITIES; AND TO CONSIDER ENTERING INTO A LEASE PURCHASE AGREEMENT FOR THE FINANCING OF THE EQUIPMENT (F: 55) (XR: 24.1) (XR: 33.6)

Staff report dated August 24, 2004, was introduced and reviewed by the Public Works Director.

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

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

RESOLUTION NO. 8600-04

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8600-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN ENERGY EFFICIENCY LOAN FROM THE CALIFORNIA ENERGY COMMISSION TO IMPLEMENT ENERGY EFFICIENCY MEASURES, be and hereby is adopted.

RESOLUTION NO. 8601-04

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8601-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CERTAIN ENERGY CONSERVATION MEASURES AUTHORIZING THE EXECUTION OF AGREEMENTS, SIGNATORIES AND MAKING OTHER DETERMINATIONS IN CONNECTION THEREWITH, be and hereby is adopted.

PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-346-04 (F: 106.147) (XR: 116.SP-346-04)  
(XR: 103.TT-16688) (XR: 111.V-114-04)

Development Agreement in Connection with Site Plan No. SP-346-04, initiated by Andy Quach, to construct 47 attached town homes on a 2.23-acre site located on the south side of Garden Grove Boulevard between Coast Street and Monroe Street, at 8252, 8280, and 8302 Garden Grove Boulevard.

On July 15, 2004, the City Planning Commission, pursuant to Resolution No. 5436, adopted a negative declaration and approved SP-346-04, and recommended approval of the Development Agreement. Pursuant to Legal Notice published August 12, 2004, public hearing on the case was ordered by the City Council to be held this date.

Councilman Rosen referenced a communication dated August 20, 2004, wherein it stated that Mr. Andy Quach of Quach & Associates no longer represents Riverpark Court Limited Partnership and First Pacific Investment Group, Inc. Councilman Rosen stated that even though Andy Quach has pulled out, he will excuse himself and leave the meeting inasmuch as he is representing Mr. Quach in a legal matter.



Staff report dated August 24, 2004, was introduced, and staff reviewed the background information concerning this project.

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

Steve Lee addressed the Council, expressing his opposition to this project, noting that if the alleyway is opened up, crime problems that exist in that area will impact his neighborhood.

Hai Lai addressed the Council, noting that he represents the property owner. He commented that this project will clean up the area and will provide revenue for the City of Garden Grove. He further commented that this project will not bring about increased crime.

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

Councilman Tran noted that he likes the project, given the fact that it cleans up this area. It meets the Code requirements, and he believes the crime concerns are without merit.

Councilman Dalton commented that there was a lot of criminal activity in the bar at that location; however, the bar is now closed. The area is in need of being developed, and he believes this project will actually diminish the crime element.

ORDINANCE NO. 2636 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN FIRST PACIFIC INVESTMENT GROUP, INC. (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN COAST STREET AND MONROE STREET, AT 8252, 8280, 8302 GARDEN GROVE BOULEVARD, PARCEL NOS. 097-011-08, 09, 10

Councilman Dalton moved, seconded by Councilman Tran, that full reading of Ordinance No. 2636 be waived, and said Ordinance be and hereby is passed to second reading. Upon the following vote:

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

COUNCILMAN ROSEN REJOINED THE MEETING AT 9:42 P.M.

INITIATION OF FALL 2004 WEED ABATEMENT PROGRAM  
(F: 113.1.Fall 2004)

Staff report dated August 24, 2004, was introduced.

RESOLUTION NO. 8602-04

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8602-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND REFUSE ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

SECOND READING OF ORDINANCES NO. 2634 AND NO. 2635

Councilman Dalton moved, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinances No. 2634 and No. 2635 be waived.

ORDINANCE NO. 2634 was presented for second reading and adoption and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING SPEED LIMITS FOR CERTAIN DESIGNATED CITY STREETS BASED UPON UPDATED TRAFFIC AND ENGINEERING SPEED SURVEY (F: 100.1)  
(XR: A-122.5)

Councilman Tran moved, seconded by Councilman Leyes, that Ordinance No. 2634 be and hereby is passed. Said motion carried by the following vote:

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

## INTRODUCTION

Mayor Broadwater introduced members of Boy Scout Troop 147.  
(F: 52.3)

ORDINANCE NO. 2635 was presented for second reading and adoption and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADDING CHAPTER 10.110 ENTITLED "TRAFFIC IMPACT MITIGATION FEE," TO TITLE 10 "VEHICLE AND TRAFFIC" OF THE MUNICIPAL CODE (F: 60.2B) (XR: 23.18C) (XR: 50.2)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2635 be and hereby is passed.

## DISCUSSION CONCERNING POSSIBLE CASINO IN GARDEN GROVE, AS REQUESTED BY COUNCILMAN DALTON AND COUNCILMAN LEYES (F: 53.1)

Councilman Dalton commented that there are many things he wants to see developed on Harbor Boulevard; however, his vision does not include a casino.

Councilman Dalton moved, seconded by Councilman Rosen, that staff cease discussions with any casino interest and not pursue any casino or gambling interest in the city of Garden Grove.

Councilman Rosen commented that he believes this is an important issue, and he read from a 5-page document he had prepared to address the process, where the City is in the process, some of the misconceptions that were generated by the Orange County Register, and why the City should not proceed further with this and with the casino. He ended by indicating that he believes the Council can find something better that will do less damage to Garden Grove.

Councilman Leyes reviewed the chronology of events leading up to a meeting with Mr. Steve Wynn in Las Vegas in May of 2004. Councilman Leyes commented that on June 8 a confidentiality agreement was passed around for signatures. Then, on June 22, 2004 in Closed Session he indicated that he refused to sign the confidentiality agreement inasmuch as he believed it was not appropriate without communicating with the public.

Councilman Leyes further commented that he had asked that interest in a casino be placed on a public survey to get an idea what the citizens thought about it; however it was not listed. He

commented that people do not like secrecy and want to be involved. He further noted that he believes missteps have been made in desperation to get money into the city.

MAYOR BROADWATER LEFT THE MEETING AT 9:14 P.M. AND MAYOR PROTEM DALTON ASSUMED THE CHAIR

Councilman Tran commented that given the fact that the city is as diverse and as progressive and as large as it is, this is not the right time to proceed with this project.

MAYOR BROADWATER REJOINED THE MEETING AT 9:17 P.M. AND REASSUMED THE CHAIR

Mayor Broadwater noted that he was unable to attend the ICSC convention in Las Vegas this past May. However, he does not believe Orange County will ever have a casino, noting that the cities of Stanton and Cypress voted against one; and Disneyland will never permit Garden Grove to have one. He further commented that he does not want something on Harbor Boulevard that may take away from the positive work that has been done there.

The foregoing motion carried by unanimous vote.

DISCUSSION REGARDING LEGAL AND POLICY COMPLIANCE WITH THE BROWN ACT, AS REQUESTED BY COUNCILMAN LEYES (F: 53.1) (XR: 67.4)

Councilman Leyes expressed concern about seeming noncompliance with the Brown Act and the Council straying from the topic at hand. He requested that every Councilmember be given a copy of the Brown Act. He also asked that this be placed on a future agenda, along with some proposed language for policies.

Mayor Broadwater commented that this Council adheres better to the Brown Act than other cities, and is not in violation of the Brown Act.

Councilman Rosen requested that a proposal be listed on the next Council agenda for the holding of Closed Session at 5:00 p.m. or 5:30 p.m., with those same items then being listed for discussion in Open Session.

Councilman Tran indicated he does not believe it is necessary to provide everyone with a copy of the Brown Act.

## MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes announced and congratulated the winning of a Gold medal in Women's Softball in the 2004 Athens Olympic Games by Amanda Freed, formerly of Pacifica High School. (F: 53.1)  
Councilman Dalton thanked his colleagues for following his lead and voting unanimously to exclude a casino from the city of Garden Grove. (F: 53.1)

Councilman Dalton also requested that the feasibility of tape-recording the Closed Sessions be placed on the next Council agenda for discussion.(F: 53.1)

Councilman Rosen and Councilman Tran congratulated Harry and Erline Krebs on their 50<sup>th</sup> Wedding Anniversary. (F: 53.1)

Mayor Broadwater requested that the reorganization of the Tet Festival Board be listed on either the next Council meeting or at a special Council meeting for discussion, suggesting that the Board needs representatives from more organizations on it to give it some balance. (F: 53.1)

Mayor Broadwater referenced a memo he just received from the Police Chief regarding the double murder at the Hawaiian Cafeteria on Brookhurst Street. He noted that he will provide copies of it to the rest of the Council. Councilman Leyes requested that this matter be placed on the next agenda under his name for discussion regarding the revocation of their CUP, being mindful that the Council does not subvert their fair process at the Planning Commission. (F: 53.1)

## ADJOURNMENT

At 9:57 p.m., the meeting was declared adjourned

RUTH E. SMITH  
CITY CLERK