

## 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, March 11, 2008, at 5:34 p.m.

ROLL CALL: PRESENT: (4) MAYOR DALTON, COUNCIL MEMBERS  
BROADWATER, NGUYEN, ROSEN

ABSENT: (1) MEMBER JONES (absent at Roll Call, but  
joined the meeting at 5:40 p.m.)

#### PUBLIC INPUT ON CLOSED SESSION ITEM

There was no input from the public concerning the Closed Session item.

#### ADJOURN TO CLOSED SESSION

The Mayor announced the Conference with Legal Counsel regarding the Vietnamese Buddhism Study Temple would be pulled from Closed Session discussion. At 5:36 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)

Mines v. City of Garden Grove; Orange County Superior Court Case  
No. 07CC04594

#### RECONVENE IN OPEN SESSION

At 6:30 p.m., the meeting was reconvened in the Council Chamber with Mayor Dalton and all Council Members present.

It was announced that the previously disclosed item was discussed, and no reportable action was taken.

## INVOCATION AND PLEDGE

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

## COMMUNITY SPOTLIGHT

Mayor Dalton called forward Angel Alvarez, Vision Borgonia, Miguel Duran, and Joshua Perez, Boys and Girls Clubs of Garden Grove "2008 Youth of the Year" recipients, and presented each one a Certificate of Recognition and a gift for their service. (F: 52.3)

## SANTA ANA/GARDEN GROVE GO LOCAL PARTNERSHIP PRESENTATION

(F: 55) (XR: 52.3) (XR: 24.1)

Staff presented an update and video on the Santa Ana Transit Master Plan, the GO LOCAL partnership project between Garden Grove and Santa Ana, including development of the Pacific Electric Right-of-Way to the SR-22 with a streetcar fixed guide way system and potential future high speed transportation.

## ORAL COMMUNICATIONS – PUBLIC

Ronald Granados addressed the City Council/Agency, expressing dissatisfaction with the City and Agency handling of his proposal for the Willowick site. He further indicated he has filed a claim against the City. (F: 53.3) (XR: A-53.3)

Ron Miziker addressed the City Council/Agency, expressing dissatisfaction with the City and Agency handling of his and Mr. Granados' proposal for the Willowick site. (F: 53.3) (XR: A-53.3)

Vu Dinh, representative for the Union of Vietnamese Student Associations of Southern California, presented a certification of appreciation plaque to the City Council for its support of the TET Festival. (F: 53.3) (XR: 42.8A)

Robin Marcario addressed the City Council/Agency in support of the GO LOCAL partnership and presentation, and suggested the project be extended to Main Street. She also stated she supports the efforts to place an initiative on the ballot banning fireworks. She requested public be kept better informed on development proposals being considered. (F: 53.3) (XR: A-53.3) (XR: 61.6) (XR: 55)

Russ MacDonald addressed the City Council, submitting a notice of intent to circulate a petition to place an initiative on the ballot prohibiting the sale, use, and discharge of all fireworks in the city. (F: 53.3) (XR: 61.6) (XR: 58.13)

David Vill addressed the City Council, indicating that although the Garden Grove Chapter of AARP sympathizes and supports the efforts to prohibit the use of all fireworks in Garden Grove, the Garden Grove AARP Board has not taken official action regarding the proposed initiative. He suggested a community forum be conducted to bring proponents of both sides together to discuss the concerns and develop solutions regarding the use of fireworks. (F: 53.3) (XR: 61.6)

Phil Bacerra addressed the City Council, suggesting the GO LOCAL project be extended to downtown Garden Grove. (F: 53.3) (XR: 55)

Bob Owens addressed the City Council/Agency, regarding Council/Agency Members responses to Oral Communications comments. (F: 53.3) (XR: A-53.3)

Sharon Tanihara addressed the City Council, commenting that had action been taken on previous attempts to put a measure on the ballot prohibiting fireworks in the city, there would not be a need to go through the initiative process now. (F: 53.3) (XR: 61.6)

David Lautherboren addressed the City Council, raising concerns regarding parking at the hotels near his home, and the steady stream of water from the hotels on the streets around his home. (F: 53.3)

Mayor Dalton responded to Mr. Granados' comments with the following statement: "With regard to the comments of Mr. Granados, City Council met in Closed Session on February 26, as authorized by the Brown Act, to discuss potential price and terms for sale of the Willowick Golf Course to Mr. Granados. The City Council decided not to go forward with the property sale, and directed staff to proceed accordingly. As far as the claims of Mr. Granados of wrongful conduct by the City and City staff, it is my belief that those claims are absolutely without merit."

### RECESS

At 7:44 p.m., the Mayor declared a recess.

RECONVENE

At 7:52 p.m., the meeting was reconvened with Mayor Dalton and all Council Members present.

PROCLAMATION DECLARING MARCH 7, 2008, AS ARBOR DAY (F: 83.1)  
(XR: 24.1)

Staff report dated March 11, 2008, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that March 7, 2008, be and hereby is designated as Arbor Day.

RESOLUTION ACKNOWLEDGING CITY OF MISSION VIEJO'S 20TH ANNIVERSARY (F: 83.1)

Staff report dated March 11, 2008, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the resolution acknowledging and honoring the City of Mission Viejo on achieving its 20<sup>th</sup> year of cityhood, be and hereby is approved.

AWARD OF BID FOR TWO VEHICLES FOR THE PUBLIC WORKS DEPARTMENT  
(F: 60.4) (XR: 24.1)

Staff report dated March 11, 2008, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the purchase of two vehicles, be and hereby is approved, and the Finance Director is authorized to issue a purchase order in the amount of \$32,128.32 to Corona Chevrolet for one Chevrolet Tahoe; and a purchase order in the amount of \$14,899.44 to Champion Chevrolet for one Chevrolet Pick-up Truck, for said purchases.

PURCHASE ORDER FOR EMERGENCY EQUIPMENT AND MODIFICATIONS TO FOUR POLICE DEPARTMENT VEHICLES (F: 60.4) (XR: 82.1)

Staff report dated March 11, 2008, was introduced.

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the build of four Dodge Charger patrol units be complete, and the Finance Director is

authorized to issue a purchase order to 911 Vehicle in the amount of \$49,811.84, for said purchase and installation.

RESOLUTION REVISING THE SALARY PLAN FOR PART-TIME CLASSIFICATIONS TO CONFORM WITH THE JANUARY 1, 2008 INCREASE IN THE STATE MINIMUM WAGE (F: 78.13D)

Staff report dated March 11, 2008, was introduced.

RESOLUTION NO. 8812-08

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8812-08 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING A SALARY PLAN FOR CERTAIN EMPLOYEES OF THE CITY OF GARDEN GROVE SPECIFYING THE CLASSIFICATIONS OF PART-TIME POSITIONS IN VARIOUS CITY DEPARTMENTS AND OFFICES, AND RESCINDING RESOLUTION NO. 8750-06, be and hereby is adopted.

MINUTES (F: Vault)

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that the minutes of the Regular Meetings of the City Council held February 12, and February 26, 2008, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that regular warrants 409299 through 410950, and Wires W367-W371, and payroll warrants 154775 through 154941, and Direct Deposits D148969 through D149595, and Wires W1298 through W1301, 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 HEARINGS - DEVELOPMENT AGREEMENT AND NEGATIVE DECLARATION (F: 106.178) (XR: A-55.190)

Development Agreement and adoption of a Negative Declaration, in connection with Site Plan No. SP-435-07, initiated by Landmark Hospitality, LLC, to expand the existing Embassy Suites Hotel and Conference/Banquet Facilities at 11767 Harbor Boulevard and 12261 Chapman Avenue.

On January 17, 2008, the Planning Commission recommended adoption of a Negative Declaration and the Development Agreement, and approved the Site Plan No. SP-435-07, and Conditional Use permit No. CUP-219-07.

Pursuant to Legal Notice published February 21, 2008, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated March 11, 2008, was introduced and reviewed by staff. The Applicant is proposing to expand the existing Embassy Suites Hotel and conference/banquet facilities by adding a new 17-story, 238-room hotel tower to the existing 374-room hotel, along with 56,000 square feet of new banquet and meeting rooms.

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

Charles Mitchell and David Lautherboren addressed the City Council, each expressing concerns regarding the amount of parking available, and suggested a parking structure be built.

Bob Owens addressed the City Council, commenting on the revenue received from the hotels, and commented that the number of police officers needs to be increased.

Dominic Acolino, representing Landmark Hotels II, LLC, addressed the City Council commenting on the development and the beautification of Harbor Boulevard, increased parking at the site that exceeds code requirements, and the cooperative efforts with the nearby hotels and the community. He stated he is eager to get the project underway, wanting to bring a fair share of the tourism dollars to the city.

In response to Council Member's inquiries, Mr. Acolino indicated that the expansion will make Garden Grove's Embassy Suites the largest in the United States, and should be completed by the end of 2010.

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

In response to Council Member Broadwater's inquiry regarding parking, staff indicated the driving range will be converted to a parking lot. With this expanded parking, the overall site will exceed the number of parking spaces required by providing a total of 1,401 parking spaces, exceeding code requirements by 219 spaces. There will be designated guest parking, valet parking, and employee parking.

Council Member Rosen commented that the increased capacity at the Embassy Suites offers an alternative to the Anaheim Convention Center for convention meeting space.

Mayor Dalton commented on the poor condition of this area of the city prior to its redevelopment. Not only is the area now beautiful and profitable to the city, but Mr. Acolino and the Embassy Suites has provided donations and support to the City's community events and service groups.

ORDINANCE NO. 2724 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 LANDMARK HOTELS II, LLC. (DEVELOPER), AND THE CITY OF GARDEN GROVE

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that Ordinance No. 2724, be and hereby is passed to second reading.

RESIGNATION OF JOSEPH DOVINH FROM THE ADMINISTRATIVE BOARD OF APPEALS (F: 122.2C)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the resignation of Joseph Dovinh from the Administrative Board of Appeals, be and hereby is accepted with regret.

SECOND READING OF ORDINANCES NO. 2721 AND NO. 2722

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the full reading of Ordinance No. 2721 and No. 2722 be and hereby is waived.

Mayor Dalton indicated he owns property within 500 feet of the project, and would be recusing himself from the discussion due to a potential conflict of interest.

MAYOR DALTON LEFT THE MEETING AT 8:21 P.M.

Mayor Pro Tem Rosen assumed the Chair.

ORDINANCE NO. 2721 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 NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-120-07, CHANGING THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT NO. PUD-103-78 TO PLANNED UNIT DEVELOPMENT NO. PUD-120-07

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote of those present, that Ordinance No. 2721 be and hereby is declared adopted. (F: 116.PUD-120-07) (XR: 106.179)

ORDINANCE NO. 2722 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 RONALD PIERCE (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE

Following the reading of the ordinance title, it was moved by Council Member Broadwater, seconded by Council Member Jones, and carried by unanimous vote of those present, that Ordinance No. 2722 be and hereby is declared adopted. (F: 116.PUD-120-07) (XR: 106.179)

MAYOR DALTON REJOINED THE MEETING AND REASSUMED THE CHAIR AT 8:22 P.M.

APPOINTMENT OF ALTERNATE TO THE ORANGE COUNTY SANITATION DISTRICT BOARD (F: 23.14) (XR: S-74.2)

It was moved by Mayor Dalton, seconded by Council Member Rosen, and carried by unanimous vote, that Council Member Jones be appointed as the Alternate to the Orange County Sanitation District Board.



APPOINTMENT OF COMMISSIONERS TO THE GARDEN GROVE HOUSING AUTHORITY (F: H-10.3)

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote, that James O'Connor be reappointed to the Garden Grove Housing Authority.

It was moved by Mayor Dalton, seconded by Council Member Nguyen, and carried by unanimous vote, that Cam Thuan Thi Nguyen be appointed to the Garden Grove Housing Authority.

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER

Council Member Broadwater invited anyone interested to join him at the Graffiti Paint-Out on Saturday, March 15. (F: 53.1) (XR: 24.5)

Council Member Rosen wished his daughter, Jessica, a happy 17th birthday. (F: 53.1)

Council Member Nguyen requested staff to inquire about two programs she has learned other cities offer, which are a business enhancement committee and a soft-proof services program. She further suggested study sessions be offered to the citizens regarding development projects within the city. (F: 53.1)

Council Member Jones wished Jessica Rosen a happy birthday. (F: 53.1)

Mayor Dalton wished both his daughter, Paula, and Jessica Rosen a happy birthday. (F: 53.1)

ADJOURNMENT

At 8:28 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
CITY CLERK

## MINUTES

### GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

A Regular Meeting of the Garden Grove Agency for Community Development was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, March 11, 2008, at 5:34 p.m.

ROLL CALL: PRESENT: (4) CHAIR BROADWATER, MEMBERS DALTON, NGUYEN, ROSEN

ABSENT: (1) MEMBER JONES (absent at Roll Call, but joined the meeting at 5:40 p.m.)

#### ADJOURN TO CLOSED SESSION

Chair Broadwater announced the Conference with Legal Counsel regarding the real property located at 12061 Garden Grove Blvd., Garden Grove, would be pulled from Closed Session discussion.

#### RECESS

At 5:35 p.m., the Chair declared a recess.

#### RECONVENE

At 7:01 p.m., the meeting was reconvened with Chair Broadwater and all Members present.

#### ORAL COMMUNICATIONS – PUBLIC

Ronald Granados addressed the Agency/City Council, expressing dissatisfaction with the City and Agency handling of his proposal for the Willowick site. He further indicated he has filed a claim against the City. (F: A- 53.3) (XR: 53.3)

Ron Miziker addressed the Agency/City Council, expressing dissatisfaction with the City and Agency handling of his and Mr. Granados' proposal for the Willowick site. (F: A-53.3) (XR: 53.3)

Robin Marcario addressed the Agency/City Council in support of the GO LOCAL partnership and presentation, suggesting the project be extended to Main Street. She also stated that she supports the efforts to place an initiative on the ballot banning fireworks. She requested the public be kept better informed on development proposals being considered. (F: A-53.3) (XR: 53.3) (XR: 61.6) (XR: 55)

Bob Owens addressed the Agency/City Council, regarding Agency/Council Members responses to Oral Communications comments. (F: A-53.3) (XR: 53.3)

Janine Fowler and Cheryl Armstrong addressed the Agency, regarding the exclusive negotiating agreement for the Brookhurst Triangle; both requested the public be kept better informed on proposals being considered for development projects. (F: A-53.3) (XR: A-116.7)

Mayor Dalton responded to Mr. Granados' comments with the following statement: "With regard to the comments of Mr. Granados, City Council met in Closed Session on February 26, as authorized by the Brown Act, to discuss potential price and terms for sale of the Willowick Golf Course to Mr. Granados. The City Council decided not to go forward with the property sale, and directed staff to proceed accordingly. As far as the claims of Mr. Granados of wrongful conduct by the City and City staff, it is my belief that those claims are absolutely without merit."

MINUTES (F: Vault)

It was moved by Member Rosen, seconded by Member Jones, and carried by unanimous vote, that the minutes of the Regular Agency Meeting held February 26, 2008, be and hereby are approved.

NEGOTIATING AGREEMENT WITH JPI CALIFORNIA DEVELOPMENT SERVICES, L.P., FOR THE DEVELOPMENT OF THE 13.9 ACRES OF REAL PROPERTY WITHIN THE AREA KNOWN AS THE "BROOKHURST TRIANGLE" (F: A-55.342) (XR: A-116.7)

Chair Broadwater requested this item be continued to the next meeting; and asked staff to provide a presentation on the other proposals submitted for this site, the pros and cons considered, and the process that was followed to determine which proposal was selected.

Member Rosen commented that the public should be able to review proposals submitted for projects during the consideration phase, prior to final consideration by the Agency. He suggested using the City Hall

lobby as a location for projects to be displayed. He also requested clarification on the use of housing set-aside funds for this project.

Member Nguyen requested staff provide a comprehensive explanation to the public on what types of items are considered in Closed Session, as opposed to Open Session.

MATTERS FROM AGENCY MEMBERS AND DIRECTOR

Chair Broadwater requested staff clean up a piano left on the side of the road at the Goldenwest off-ramp of the 22 freeway. (F: A-53.1)

ADJOURNMENT

At 7:51 p.m., the meeting was declared adjourned.

KATHLEEN BAILOR  
SECRETARY