

## 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, October 9, 2007, at 6:33 p.m.

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

ABSENT: (0) NONE

#### 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.

#### RESOLUTION HONORING JAY MASTROIANNI ON THE PUBLICATION OF HIS BOOK, "CATERING CZAR" (F: 52.2)

It was moved by Council Member Rosen, seconded by Council Member Jones, and carried by unanimous vote, that the Resolution honoring Jay Mastroianni on the publication of his book, "Catering Czar," be and hereby is approved.

#### PRESENTATIONS – COMMUNITY SPOTLIGHT (F: 52.3) (XR: 52.2)

Mayor Dalton called forward Jay Mastroianni and presented him with the aforementioned Resolution, recognizing him on the publication of his book, "Catering Czar," detailing a life story of perseverance and determination.

#### PRESENTATION BY THE ORANGE COUNTY WATER DISTRICT (F: 52.3) (XR: 112.6)

Phil Anthony, President of the Orange County Water District, John Kennedy, General Manager, and Kay Barr, Board member, presented an update on the proposed Irvine Ranch Water District Annexation, including the history, the process, and the fiscal impact.

## ANNOUNCEMENT

The Public Works Director announced that Richard Mathis, Water Services Manager, has accepted a position in Laguna Beach, and Dave Entsminger will be assuming the position of Water Services Manager. (F: 78.9)

## ORAL COMMUNICATIONS – PUBLIC

Verla Lambert addressed the City Council concerning a recent traffic accident at Palm and Garden Grove Boulevard and the need for a left-turn signal there. Additionally, she noted that Charter Cities result in more power for city councils. (F: 53.3) (XR: 24.11)

Council Member Broadwater left the meeting room at 7:20 p.m.

Jonathan Taylor addressed the City Council, expressing concern about the real estate market and the increase in foreclosures. He offered to present Consumer Education Lectures to educate the public on selling and buying real estate, at no charge to them.

Council Member Broadwater rejoined the meeting at 7:23 p.m.

Mayor Dalton indicated that staff will contact him about his offer. (F: 53.3) (XR: 88.1)

David Vill addressed the City Council urging the banning of fireworks. Additionally, he noted that his chapter of AARP has raised close to \$1,000 for the Matua family. (F: 53.3) (XR: 61.6)

Ralph Laudenslayer addressed the City Council, expressing his support for the proposed in-lieu park fees. Additionally, he spoke about the need for a tree replacement program and enacting a fee for this and for a water truck. (F: 53.3) (XR: 60.2) (XR: 57.1) (XR: 24.4)

Peggy Bergin addressed the City Council and spoke about Senate Bill 741, which bans the importation or manufacturing of products containing asbestos. She spoke about the one-year anniversary of her husband's death from Mesothelioma, caused by exposure to asbestos. (F: 53.3)

Charles Mitchell addressed the City Council on behalf of the American Legion and our country's veterans. He asked the Mayor to close tonight's meeting in memory of Veteran Tom Miller. (F: 53.3) (XR: 46.9)

Robin Marcario addressed the City Council and passed around the latest edition of the Central Garden Grove Neighborhood Association Newsletter. She spoke about the postponing of the Wal-Mart development due to redesign changes. Additionally she spoke about planting more trees in the city and bringing back the water truck. Lastly, she suggested that the City contact its lobbyist relative to the water situation. (F: 53.3) (XR: 57.10) (XR: 24.4) (XR: 24.12)

Lingyun Zhao addressed the City Council about her personal experiences of persecution as Falun Gong Practitioners in China and expressed her hope that the City Council will approve the Resolution listed on the agenda condemning the persecution of Falun Gong practitioners in China. (F: 53.3) (XR: 52.2)

#### RECESS

At 7:50 p.m., the Mayor declared a recess.

#### RECONVENE

At 7:54 p.m., the meeting was reconvened with Mayor Dalton and all Council Members in attendance.

#### AGREEMENT WITH F. EARL MELLOTT & ASSOCIATES TO PROVIDE ARCHITECTURAL SERVICES FOR CITY PROJECTS (F: 55) (XR: 24.1)

Staff report dated October 9, 2007, was introduced.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and F. Earl Mellott AIA, to provide architectural services for City projects on an as-needed basis, for the term of three years, with an option for two additional years at the City's discretion, at a cost of \$100,000 a year, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

#### AGREEMENT WITH DEKRA-LITE FOR THE PURCHASE AND INSTALLATION OF A TREE AND HOLIDAY DECORATIONS (F: 55) (XR: 87.1)

Staff report dated October 9, 2007, was introduced.

Council Member Rosen stated that he does not believe the benefit is consistent with the cost, and he cannot support this.

Council Member Broadwater moved, seconded by Mayor Dalton, that the Agreement by and between the City of Garden Grove and Dekra-Lite for the purchase and installation of a tree and holiday decorations for the tree lighting ceremony during the first week of December at the Village Green, at a cost of \$39,730.12, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement. Said motion carried by the following vote:

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

MINUTES (F: Vault)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held September 11, 2007, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that regular warrants 398422 through 399980 and Wires W335–W338; and payroll warrants 152763 through 152935, and Direct Deposits D142060 through D142691, and Wires W1245-W1248, 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 Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the full reading of all Ordinances listed for consideration of adoption be waived.

PROPOSED AMENDMENT TO IN-LIEU PARK FEES (F: 60.2) (XR: 57.1)

Staff report dated October 9, 2007, was introduced and reviewed by staff. It was noted that this matter was continued from the City Council meeting of August 14, 2007.

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

Robin Marcario and Janine Fowler addressed the City Council in favor of the amended fees.

Charles Mitchell addressed the City Council, commenting that the amount is not the key issue, but rather, where does the money go and is it used for park purposes.

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

The City Manager noted that the fees are kept in a separate fund, and although it may be difficult to acquire more park land, the money is used for upkeep and park infrastructure purposes.

Council Member Rosen inquired whether the Parks and Recreation Commission has discussed the topic of adding new parks, to which the City Manager responded in the negative. Council Member Rosen requested that this be placed on their agenda for consideration.

RESOLUTION NO. 8794-07

It was moved by Council Member Rosen, seconded by Council Member Broadwater, and carried by unanimous vote, that full reading of Resolution No. 8794-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ESTABLISHING AND AMENDING IN-LIEU PARK FEES, be and hereby is adopted, to become effective in 60 days.

FURTHER CONSIDERATION OF PLANNED UNIT DEVELOPMENT NO. PUD-119-07, IN CONJUNCTION WITH SITE PLAN NO. SP-427-07 (F: 116.PUD-119-07)

The City Manager referenced a communication from the applicant requesting that the hearing be delayed to enable them to obtain certain information requested by the City Council. It was noted that a public hearing was held on this matter on September 25, 2007 and was continued to this date for further consideration.

TRANSPORTATION PROJECTS PROPOSED FOR FUNDING VIA THE COUNTY OF ORANGE UNDER PROPOSITION 42 AND PROPOSITION 1B (F: 96.1)  
(XR: 23.1) (XR: 24.11)

Staff report dated October 9, 2007, was introduced and reviewed by staff.

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that the list of

projects presented for funding via the County of Orange under Proposition 42 and 1B be and hereby is approved and directed to be forwarded to the County Supervisor for District 1, Janet Nguyen, for funding consideration.

SECOND READING OF ORDINANCE NO. 2717 (F: 116.PUD-118-07)

It was moved by Council Member Broadwater, seconded by Council Member Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2717, be and hereby is waived.

ORDINANCE NO. 2717 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-118-07, CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-118-07

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. 2717 be and hereby is declared adopted.

DISCUSSION CONCERNING ASSISTANCE TO THE MATUA FAMILY, AS REQUESTED BY COUNCIL MEMBER NGUYEN (F: 53.1) (XR: 61.6)

Staff indicated that they have checked into two funding sources in an effort to see if there is any possible way the City can provide assistance to the Matua family on the loss of their possessions due to a fire in their home on the Fourth of July, and there is nothing available.

Discussion ensued, and it was noted that the Matua family has not personally asked the City for aid. Further, Mr. Matua was a renter in the home.

Council Member Nguyen noted that the Matua family has been relocated, and they received aid from the Fire Department and AARP.

Council Member Broadwater noted he would like to have more information on this matter, such as the type of insurance held. Council Member Rosen commented that some people really do not want the government intruding into their lives.

ADOPTION OF RESOLUTION CONDEMNING THE PERSECUTION OF FALUN GONG PRACTITIONERS IN CHINA, AS REQUESTED BY COUNCIL MEMBER NGUYEN (F: 52.2)

Council Member Nguyen noted that at the last City Council meeting she requested this Resolution be brought forward to the Council Members for adoption, noting that several people spoke at the September 25 meeting and shared their experiences of persecution as Falun Gong Practitioners in China and urged the City Council to support their cause by passing this resolution. She further noted that she would like to delete a paragraph in the prepared resolution that references "credible evidence of the harvesting of organs of Practitioners for profit.

Council Member Broadwater commented that he will support this; however, he is dubious about the City Council taking on foreign countries.

RESOLUTION NO. 8795-07

It was moved by Council Member Nguyen, seconded by Mayor Dalton, and carried by unanimous vote, that full reading of Resolution No. 8795-07 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING OPPOSITION TO THE PERSECUTION OF FALUN GONG PRACTITIONERS IN THE PEOPLE'S REPUBLIC OF CHINA, be and hereby is adopted, as amended to delete the above-mentioned paragraph.

A young lady from the audience addressed the City Council and expressed her appreciation to the Council Members for adopting this resolution. She presented the Mayor with a box of lotus flowers, representing purity.

MATTERS FROM THE MAYOR AND CITY COUNCIL MEMBERS

Council Member Broadwater spoke about the abundance of trees currently seen throughout the city of Garden Grove, as compared with the city's earlier years and with surrounding cities. He also spoke about the excessive exposure to asbestos many years ago through filtered cigarettes and x-ray machines in shoe stores, and he expressed his condolences to Peggy Bergin on the death of her husband. Lastly, he requested that the issue of placing a Fireworks initiative on the ballot be placed on the October 23 City Council agenda. (F: 53.1) (XR: 61.6)

Council Member Rosen commented on the great Bye Bye Birdie production currently playing at the Amphitheater, noting that the producer, Damian Lorton, has expressed his interest in taking over the Gem Theater at no cost to the city. He noted that he would like to see staff explore this. He also indicated he received a call from the person who owns the land known as the Little Brookhurst Triangle north of Stanford Avenue between Brookhurst Way and Brookhurst Street. He has a franchise agreement with Starbucks for that corner and had a complaint that after submitting a lot of drafts, the Planning Division is saying that there are still more issues and they can't get to it this year. He indicated that he would like to see this project expedited and asked staff to look into it. Lastly, he noted that the Foothill Freeway south, the 241 southern extension to the 5 Freeway, has been in the works for about 20 years and are being held up at the Coastal Commission. Consequently, south county traffic is being clogged all the way up to Irvine, and has impacts on the rest of the county. They are eager to make presentations to City Councils and have City Councils in this county take positions on supporting the 241 extension, and he would like to calendar a presentation by the Transportation Corridor Agency for an upcoming City Council meeting. He wished Council Member Jones a Happy Birthday. (F: 53.1) (XR: 57.1) (XR: 87.3)

Council Member Nguyen asked for more information on the Skate Park update, including looking at the right-of-way area in the proposed Wal-Mart area. She also suggested having the Parks and Recreation Commission look at this. Lastly, she wished Council Member Jones a Happy Birthday. (F: 53.1) (XR: 73.1) (XR: 57.10)

Mayor Dalton spoke about the 8<sup>th</sup> Annual Public Works Open House that was held last Saturday, and he lauded the Public Works staff on an excellent event. He indicated he will be adjourning the meeting tonight in memory of Peggy Bergin's husband, Tony, on the one-year anniversary of his passing, Tom Miller, as requested by Charles Mitchell, and Amber Lynn Murphy, a victim of Melanoma at the age of 24. He indicated that the First Annual Miles for Melanoma Walk, in Amber's honor, will be held at Garden Grove High School on November 3, from 4:00 p.m. to 10:00 p.m. (F: 53.1) (XR: 24.1) (XR: 46.9)



ADJOURNMENT

At 8:30 p.m., the meeting was declared adjourned in memory of Tom Miller, Tony Bergin, and Amber Lynn Murphy. (F: 46.9)

RUTH E. SMITH  
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, October 9, 2007, at 5:31 p.m.

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

ABSENT: (0) NONE

#### PUBLIC INPUT ON CLOSED SESSION ITEM

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

#### ADJOURN TO CLOSED SESSION

At 5:32 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 REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: Parcels commonly referred to as the "Brookhurst Triangle" comprised of the following parcels listed by Assessor Parcel Number (APN), address, if available, and current owners.

APN 089-071-05, 089-071-06, 089-071-07, 089-071-13 and 089-071-14. Owner: Dai and Debbie Lee

APN 089-661-03, 089-661-04, 089-661-05, 089-071-11 and 089-071-24. Owner: Garden Grove Agency for Community Development.

APN 089-071-25, 089-071-08 and 089-071-12. Owner: J.O. Trust

Agency's Negotiators: Matthew Fertal, Agency Director; Chet Yoshizaki, Economic Development Director; Kingsley Okereke, Finance Director; Greg Blodgett, Economic Development Sr. Project Manager;

Jim DellaLonga, Economic Development Project Manager; Tom Clark, Agency Counsel; Celeste Stahl Brady, Agency Counsel.

Negotiating Parties: Ronnie Lam for Kam Sang Company, Inc.; Ricardo Graf for Trumark Companies of Southern California; Brian Bauer for South Coast Communities, LLC and Watt Communities; Rose Cooper for JPI California Development Services, L.P.; Anthony Doan for Park 8 Place, LP; Scott Newcomb for The Olson Company; Douglas Stowell for Integral Communities; and Steve Sheldon for The Sheldon Group.

Under Negotiation: Price and terms related to the potential Agency disposition of certain rights and/or real property interests in the subject Properties. The purpose of the closed session is to seek direction from the Agency about negotiations to dispose of rights and/or interests in the Properties and the parameters for price and terms related to such real property negotiations.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: APN 089-071 -25, 089-071 -08, 089-071 -12. Owner: J.O. Trust

Agency's Negotiators: Matthew Fertal, Agency Director; Chet Yoshizaki, Economic Development Director; Kingsley Okereke, Finance Director; Greg Blodgett, Sr. Project Manager; Jim DellaLonga, Project Manager; Tom Clark, Agency Counsel; Celeste Stahl Brady, Agency Counsel

Negotiating Parties: JO ANN TRAASDAHL, formerly known as Jo Ann Ayala, as trustee of the J. O. Trust dated August 2001, and JOHN C. NELSON, as trustee under the will of Mildred Ruth Smith, deceased, of the separate trust for the benefit of Carri Lyn Conaty, formerly known as Carri Lyn Van Nimwegen, and as trustee under the will of Newell Roy Owenby, deceased, for the primary benefit of Bonnie Faye Owenby.

Under Negotiation: Price and terms related to the potential Agency acquisition of certain rights and/or real property interests in the subject Properties. The purpose of the closed session is to seek direction from the Agency regarding the price and terms of payment with respect to such real property negotiations.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Properties: APN 231-471-19 (12251 Thackery Drive). Owner: Miguel E. Mendoza  
APN 231-471-20 (12261 Thackery Drive). Owner: Jesus and Irene V. Alvarado and  
APN 231-471-21 (12281 Thackery Drive). Owner: Alfred E. Kasulka Trust

Agency's Negotiators: Matthew Fertal, Director; Chet Yoshizaki, Economic Development Director; Greg Brown, Sr. Project Manager

Negotiating Parties: Garden Grove Agency for Community Development and Owner: Miguel Mendoza; Jesus and Irene Alvarado; and Alfred Kasulka.

Under Negotiation: Price and terms related to the potential Agency acquisition of title to the property and/or certain rights or interests in the property. The purpose of the closed session is to seek direction from the Agency about negotiations to acquire title to and rights and/or interests in the property and the parameters for price and terms related to such real property negotiations.

#### RECESS

At 6:12 p.m., the Chair declared a recess.

#### RECONVENE IN OPEN SESSION

At 7:17 p.m., the meeting was reconvened in the Council Chamber with Chair Broadwater and all Agency Members present.

#### ORAL COMMUNICATIONS - PUBLIC

Verla Lambert addressed the Agency, commenting on the Redevelopment Agency, Economic Development, identification of the Agency Director, and the cost to purchase properties along Harbor Boulevard. (F: A-53.3)

#### ANNOUNCEMENT REGARDING CLOSED SESSION

Chair Broadwater announced that the Closed Session items previously announced were discussed, and there was no reportable action.

EXCLUSIVE NEGOTIATING AGREEMENT WITH MCWHINNEY REAL ESTATE SERVICES, INC., FOR THE DEVELOPMENT OF 29 ACRES OF REAL PROPERTY OWNED BY THE AGENCY, LOCATED AT 12625 HARBOR BOULEVARD (F: A-55.338) (XR: A-116.6)

Staff report dated October 9, 2007, was introduced.

It was moved by Member Jones, seconded by Member Dalton, and carried by unanimous vote, that the Exclusive Negotiating Agreement by and between the Garden Grove Agency for Community Development and McWhinney Real Estate Services, Inc., for the development of 29 acres of real property owned by the Agency, located at 12625 Harbor Boulevard, be and hereby is approved; and the Agency Director and Secretary are authorized to make minor modifications and execute pertinent documents on behalf of the Agency when appropriate to do so.

PURCHASE AND SALE AGREEMENT WITH JO ANN TRAASDAHL, ET AL, FOR 3.22 ACRES OF IMPROVED REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET, A PORTION OF THE 14-ACRE BROOKHURST TRIANGLE SITE (F: A-55.337) (XR: A-116.7)

Staff report dated October 9, 2007, was introduced and reviewed by staff.

It was moved by Member Jones, seconded by Member Nguyen, and carried by unanimous vote, that the Purchase and Sale Agreement by and between the Garden Grove Agency for Community Development and Jo Ann Traasdahl, et al., for 3.22 acres of improved real property located on the northwest corner of Garden Grove Boulevard and Brookhurst Street, a portion of the 14-acre Brookhurst Triangle site, be and hereby is approved; the Finance Director is authorized to appropriate Agency funding of (1) the initial deposit of \$2 million; (2) additional deposit upon the first anniversary of the date of this Agreement of \$1 million; and (3) remaining balance of \$8,935,725 due 18 months from the date of this Agreement; and the Agency Director and Secretary are authorized to make minor modifications and execute the pertinent documents on behalf of the Agency when appropriate to do so.

ADJOURNMENT

At 7:54 p.m., the meeting was declared adjourned.

RUTH E. SMITH

SECRETARY