

# AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

February 24, 2004

6:49 p.m.

Council Chamber

ROLL CALL: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,  
MAYOR PRO TEM DALTON, MAYOR BROADWATER

All members present.

*Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the City Clerk, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing. Additionally, any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office to arrange for special accommodations. (City Council Manual of Procedures, Section D)*

INVOCATION: Matthew Fertal, Assistant City Manager.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of former Planning Commissioner, Benjamin Freze. (F: 52.3) (XR: 122.10a)

ACTION: Recognized.

2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)

- 2.a. Eileen Jurak addressed the Council concerning her alleged physical assault at the Social Security office, alleging a police cover-up in the report. (F: 53.3)

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- 2.b. Ana Meyer of the West Garden Grove Little League addressed the Council concerning their previously approved request to use the Showmobile for their opening day ceremony. They asked that the insurance requirement be reduced to last year's level, noting they cannot afford the increase in the premiums. (F: 53.3) (XR: 88.1) (XR: 74.27)

ACTION: Staff indicated this will be taken care of.

- 2.c. Bob Owens addressed the Council concerning contributions being made to local candidates from outside the area, and staff will not provide campaign numbers for local candidates. Further, he alleged that developers are treated better than the citizens are treated. (F: 53.3)
- 2.d. Charles Sloan, President of the West Garden Grove Little League, addressed the Council, about "double charges" for use of lights at Fleming Field in the Chapman Sports Complex. (F: 53.3) (XR: 87.1)

ACTION: Mayor indicated that staff will look into this and will contact Mr. Sloan.

- 2.e. Gene Kirkham addressed the Council about alleged misuse of absentee ballots, in the March 2 election, indicating that he hopes this will be cleared up. (F: 53.3)
- 2.f. Tony Flores addressed the Council concerning the widening of the 22 Freeway, suggesting the City contact the West Garden Grove Residents Association for help in this endeavor. (F: 53.3) (XR: 130.17)

RECESS: 7:26 p.m.

RECONVENE: 8:13 p.m.

3. WRITTEN COMMUNICATIONS:

- 3.a. Request from Garden Grove Relay For Life Executive Committee for waiver of fees for use of the Showmobile on July 30-31, 2004, at Pacifica High School. (F: 88.1) (XR: 74.27)

ACTION: Approved.

(5 Ayes.)

4. CONSENT ITEMS: (It is recommended that Items 4.a. through 4.h. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)

- 4.a. Approval of Proclamation designating February 2004, as Stop in the Name of Love Month. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 4.b. Approval of Agreement with the Garden Grove Strawberry Festival Association, Inc., to conduct the Strawberry Festival annually at the Village Green through 2008; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 42.3)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.c. Approval of License Agreement with Dr. Michael Dao for use of parking spaces at Garden Grove Park to facilitate the expansion of his medical office building; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 73.5)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.d. Approval of Amendment to Cooperative Agreement No. 12-403 with the State of California for improvements involving the Harbor Boulevard undercrossing at SR-22 (Garden Grove Freeway); and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 38.1) (XR: 128.10)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.e. Approval of sole source purchase of a Nitrate Analyzer from Dionex Corporation to meet Federal and State drinking water standards at the City's water facilities. (Estimated cost: \$34,781.25) (F: 60.4) (XR: 24.1)

ACTION: Approved.

(5 Ayes.)

- 4.f. Adoption of Resolution for Initiation of Spring 2004 Weed Abatement Program. (113.Spring 2004)

ACTION: Resolution No. 8540-04 adopted.

(5 Ayes.)

- 4.g. Adoption of Resolution approving applications to the California Integrated Waste Management Board for SB 1346 Rubberized Asphalt Concrete Grant funds. (F: 97.05.01) (XR: 24.1)

ACTION: Resolution No. 8541-04 adopted.

(5 Ayes.)

- 4.h. Approval of Warrants. (F: 60.5)

ACTION: Approved.

(5 Ayes.)

5. PUBLIC HEARINGS

- 5.a. AMENDMENT NO. A-105-04 – The City of Garden Grove is proposing to amend Title 9 of the Garden Grove Municipal Code to create Section 9.08.100, Wireless Telecommunications Facilities. This amendment will establish a review process and specific development standards for telecommunication wireless facilities within the City of Garden Grove. (F: 115.A-105-04) (XR: 121.2G)

On January 15, 2004, the City Planning Commission, pursuant to Resolution No. 5401, recommended approval of A-105-04 and the associated Wireless Telecommunications Master Plan.

ACTION: Public Hearing opened and continued to April 13, 2004.

(5 Ayes.)

- 5.a.1. ORDINANCE NO. , for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING REGULATIONS REGARDING THE SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

- 5.b. APPEAL OF CONDITIONAL USE PERMIT NO. CUP-126-03 – Cingular Wireless is requesting approval to construct and operate a 63-foot wireless

telecommunications facility disguised as a palm tree (monopalm) and related ground-mounted equipment cabinets in an existing small commercial center. The site is located in the CCSP-DC1 (Community Center Specific Plan, District Commercial Area 1) zone on the west side of Euclid Street, north of Chapman Avenue, at 11935 Euclid Street. (F: 51.CUP-126-03)

On December 4, 2003, the City Planning Commission, pursuant to Resolution No. 5398, adopted a Negative Declaration and approved CUP-126-03. Then on December 11, 2003, an appeal was filed by a Councilmember, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held. Appeal denied and Planning Commission decision upheld.

(5 Ayes.)

- 5.c. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-338-04, initiated by Architecture M, Inc./Shahraz Danesh, to construct an approximately 5,000 square foot retail commercial center with a variance to allow a drive-through lane in the required rear and side landscape setbacks. The site is located on the west side of Haster Street, north of Garden Grove Boulevard, at 12881 Haster Street. (F: 106-149) (XR: 116.SP-338-04)

On January 15, 2004, the City Planning Commission, pursuant to Resolution No. 5403, approved SP-338-04 and V-107-04, and recommended approval of the Development Agreement. Public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 5.c.1. ORDINANCE NO. 2622 for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN SHAHRAZ DANESH AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE WEST SIDE OF HASTER STREET, NORTH OF GARDEN GROVE BOULEVARD, AT 12881 HASTER STREET, PARCEL NO. 231-582-15

ACTION: Full reading waived. Ordinance passed to second reading.

(5 Ayes.)

6. ITEMS FOR CONSIDERATION:

- 6.a. Consideration of adoption of a Resolution declaring a retrofit project for the Strawberry Bowl Amphitheater Lighting Tower a Public Works Emergency and waiving formal bid requirements for the Strawberry Bowl Amphitheater Lighting Tower; authorize expenditure of all State grant funds and Park fee funds to this project; and authorize the Mayor and City Clerk to execute the Agreement for construction of said project. (F: 60.4) (XR: 87.5)

ACTION: Resolution No. 8542-04 adopted.

(5 Ayes.)

7. MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS AND CITY MANAGER:

- 7.a. Consideration of Resolution endorsing Propositions 57 and 58 on the March 2004 ballot, as requested by Councilman Rosen. (F: 53.1)

ACTION: Motion to separate the two Propositions for a vote.

(3 Ayes. Rosen and Leyes voted no.)

ACTION: Motion to endorse Proposition 58 in the language delineated by Councilman Tran failed to carry for lack of a second.

ACTION: Motion to endorse Proposition 58.

(5 Ayes.)

ACTION: Motion to adopt the resolution as submitted in original form failed to carry by the following vote:

(2 Ayes. Dalton, Tran, Broadwater voted no.)

ACTION: Motion to endorse Proposition 57.

(4 Ayes. Tran voted no.)

ACTION: Motion to advise the Governor, the State Controller, our state legislators, the media, and other cities in Orange County of the Council's stand on these two Propositions.

(5 Ayes.)

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- 7.b. Councilman Leyes spoke about the March 2 election, expressing his hope that everyone respects the integrity of the voting process and pledging to run a clean campaign. He also noted that in recognition of his involvement and service to the Republican party, he has been selected by President Bush as a California delegate to the Republican National Convention in New York in August. (F: 53.1)
- 7.c. Councilman Dalton congratulated Tom and Marge Doolin on their 50<sup>th</sup> Wedding Anniversary. (F: 53.1)
- 7.d. Councilman Rosen provided an update on the Council subcommittee's efforts in dealing with the OCTA with regard to the widening of the 22 Freeway and how that affects our underpasses. (F: 53.1) (XR: 62.2)
- 7.e. Councilman Tran pledged to run a clean campaign and announced that he was honored by the National Republican Congressional caucus for the second year in a row as the Business Man of the Year for upholding low taxes, principles, and free enterprise and will be honored at the Capitol in Washington, D.C. He also commented that yesterday he had the opportunity to join in a police training seminar on firearm training and public safety for new recruits from our city. He encouraged other Councilmembers to attend this training. (F: 53.1) (XR: 82.1)
- 7.f. Mayor Broadwater encouraged everyone to get out and vote on March 2. (F: 53.1)
- 8. CLOSED SESSION:
  - 8.a. Pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Employee Association, Employee League, and non-represented Management and Central Management employees.

ACTION: Discussed.
  - 8.b. Pursuant to Government Code section 54957.6, the City Council will meet with its negotiator (City Manager) regarding the status of labor negotiations with the Garden Grove Police Association, Police Middle Management, and Garden Grove Fire Fighters Local 2005.

ACTION: Discussed.
  - 8.c. Pursuant to Government Code section 54956.8, the City Council will give direction to its negotiator (City Manager) regarding property located at 12212 and 12222 Tamerlane Drive, Parcel Nos. 231-471-31, 32, Ronald H. White. The party with whom the Council is negotiating is Vista Communications.

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ACTION: Discussed.

9. ADJOURNMENT: 10:21 p.m., in memory of Mary Jean Reid, wife of Don Reid and long-time Garden Grove resident. (F: 46.9)