

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

March 9, 2004

7:02 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: Les Jones, Assistant City Manager.

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

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of David B. Lewis, Recipient of the Silver Beaver Award from the Orange County Council, Boy Scouts of America. (F: 52.3)

ACTION: Recognized.

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency Oral Communications.)
 - 2.a. Brandon Beard, Boy Scout Troop 1103, addressed the Council expressing appreciation for sponsoring the pushcart derby. (F: 53.3)
 - 2.b. Marrel Alonzo, Boy Scout Troop 1103, addressed the Council, requesting more bike lanes on the streets and stronger enforcement of motor vehicle laws. (F: 53.3) (XR: 33.3)
 - 2.c. Ryan Hust, Boy Scout Troop 1103, addressed the Council, requesting the installation of a turn signal at Chapman Avenue and Springdale Street to alleviate the number of accidents that are occurring there. (F: 53.3) (XR: 100.1)
 - 2.d. George Brietigam, Boy Scout Troop 1103, addressed the Council, expressing appreciation for the Council's support to keep fireworks legal in Garden Grove. (F: 53.3) (XR: 61.6)
 - 2.e. Brandon Leming, Boy Scout Troop 1103, addressed the Council, expressing appreciation for sponsoring the pushcart derby. (F: 53.3)
 - 2.f. Sean Ascani, Boy Scout Troop 1103, addressed the Council, expressing appreciation for keeping the streets clean and in good condition. (F: 53.3) (XR: 24.1)
 - 2.g. Jeremy Hill, Boy Scout Troop 1103, addressed the Council, requesting the serious parking situation at West Haven Park be remedied. (F: 53.3) (XR: 75.1) (XR: 73.12)
 - 2.h. Dyllan Eastman, Boy Scout Troop 1103, addressed the Council, expressing his appreciation for sponsoring the pushcart derby and for keeping the city a safe place for kids to grow up. (F: 53.3)
 - 2.i. Tony Flores addressed the Council concerning the Holder Street extension that was discussed at the January 13 meeting, commenting that the City should speak to the City of Cypress about its responsibility to pay mitigation costs. (53.3) (XR: 96.1)
 - 2.j. Bob Owens addressed the Council about past Councilman Robert Dinsen, noting that he stuck to his beliefs. He also commented on funds raised outside the district by Assembly candidate Van Tran. He

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

also commented about Supervisor candidate Bruce Broadwater and thanked Councilman Rosen for returning phone calls from residents in the western portion of Garden Grove. (F: 53.3)

2.k. Verla Lambert addressed the Council concerning the City's code as it relates to gambling, expressing concern about agenda item 3.b. and about the Garden Grove Community Foundation Casino Night. (F: 53.3) (XR: 130.15)

2.l. Charles Mitchell addressed the Council concerning bike riders in the city after sunset with no lights or reflectors and wearing dark clothing. Additionally, he reported that four streetlights are out on Yockey Street between Westminster Avenue and Hewlett Avenue. (F: 53.3) (XR: 69.1)

3. WRITTEN COMMUNICATIONS:

3.a. Request from the Sister City Association of Garden Grove for City co-sponsorship of Tapestry of Garden Grove on April 15, 2004. (F: 88.1) (XR: 48.4) (XR: 102.3)

ACTION: Approved.

(5 Ayes.)

3.b. Request from Miss Garden Grove Scholarship program for City co-sponsorship of their "Texas Hold-Em" fundraiser in July 2004. (F: 88.1) (XR: 48.4) (XR: 42.2)

ACTION: Approved.

(5 Ayes.)

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

4.a. Approval of Proclamation designating March 7, 2004, as Arbor Day in the city of Garden Grove. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

- 4.b. Approval of Resolution recognizing Stan Sprague, General Manager, upon his retirement from the Municipal Water District of Orange County. (F: 52.2) (XR: 112.5)

ACTION: Approved.

(5 Ayes.)

- 4.c. Approval of Final Tract Map No. TR 16498 and Subdivision Agreement for property located on the east side of Taft Street, north of Trask Avenue, at 13392 and 13412 Taft Street; accept the Subdivision Improvement Bonds; and authorize the Mayor and City Clerk to execute the agreement. (F: 116.PUD-100-03) (XR: 103.TT.16498) (XR: 116.SP-321-03) (XR: 106.136)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.d. Approval of Agreement with Power Play Sports, LTD, for the operation and maintenance of the Pioneer Park hockey rink; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 73.18)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.e. Approval of Amendment to Agreement with the Orange County Transportation Authority to provide transportation services to enable senior citizens to participate in the Area Agency on Aging senior nutritional program; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 87.8)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.f. Rejection of bid for the window replacement at Fire Station No. 4; and authorize Purchasing to re-bid the project. (F: 60.4)

ACTION: Rejected and authorized.

(5 Ayes.)

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

- 4.g. Approval of Final Progress Payment and Acceptance of Contract as complete for Project No. 7388, Natural Gas Engine Smog Control Retrofit; authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to release the retention payment when appropriate to do so. (F: 92.Proj.7288)
(XR: 92.Proj.7244)

ACTION: Approved.

(5 Ayes.)

- 4.h. Approval to appoint new Accounting Manager at "F" Step of salary range for this position. (F: 78.1)

ACTION: Approved.

(5 Ayes.)

- 4.i. Approval of Minutes of the Regular City Council Meetings of January 13, January 27, and February 10, 2004. (F: Vault)

ACTION: Approved.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

- 4.k. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.

(5 Ayes.)

5. PUBLIC HEARINGS

- 5.a. APPEAL OF CONDITIONAL USE PERMIT NO. CUP-127-03 – Hee Sook Lee is requesting approval to allow an existing restaurant (B.C.D. Tofu House, Inc.) currently operating under an Alcoholic Beverage Control

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

Type "41" (On-Sale Beer and Wine, Public Eating Place) License, to expand its permitted hours of operation to 24 hours a day, seven days a week. The site is located in the C-2 (Community Commercial) zone on the southeast corner of Garden Grove Boulevard and Gilbert Street, at 9520 Garden Grove Boulevard. (F: 51.CUP-127.03)

On December 4, 2003, the City Planning Commission, pursuant to Resolution No. 5399, denied CUP-127-03. On January 2, 2004, an appeal was filed by the appellant, and public hearing on the case was ordered by the City Council to be held on February 13, 2004, at which time it was continued to this date.

ACTION: Continued to March 23, 2004.

(5 Ayes.)

6. ITEMS FOR CONSIDERATION:

- 6.a. Adoption of Resolutions authorizing the application for grant funding under the 2000 and 2002 State Park Bond Acts. (F: 97.1.04) (XR: 73.12A) (XR: 73.7)

ACTION: Resolutions No. 8543-04, No. 8544-04, No. 8545-04, No. 8546-04, and No. 8547-04 adopted.

(5 Ayes.)

- 6.b. Consideration of retaining a Financial Advisor, Bond Counsel, and Underwriter for the financing of the City's 1993 Water Revenue Bonds. (F: 55) (XR: 60.1) (XR: P-60.1)

ACTION: Approved.

(5 Ayes.)

7. ORDINANCES PRESENTED FOR SECOND READING:

- 7.a. ORDINANCE NO. 2622, for second reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN SHAHRAZ

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

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
(F: 106.149) (XR: 116.SP-338-04)

ACTION: Ordinance passed.

(5 Ayes.)

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

- 8.a. Councilman Leyes congratulated winners in the March 2 election, noting that it was a good day for Garden Grove, and he thanked his own supporters. He spoke about Garden Grove's fallen police officer, Howard Dallies, Jr., this being the 11th anniversary of his slaying. He also spoke about former Councilman Bob Dinsen who recently passed away, noting that he served eight years with him on the Council. He commented that Mr. Dinsen was a decent and kind gentleman who had firm beliefs, noting that he will be missed, and he extended condolences to the family. (F: 53.1)
- 8.b. Councilman Leyes asked that the eminent domain ordinance be brought back to the Council for discussion and implementation, noting it would be a good way to pay respect to former Councilman Dinsen. (F: 53.1) (XR: 127.1) (XR: A-127.1)
- 8.c. Councilman Dalton wished his granddaughter Cassandra Shearer and daughter Paula a Happy Birthday. He spoke about the Howard Dallies, Jr., street dedication ceremony that took place today and about the fact that Garden Grove has a total of 5 fallen police officers, the highest number in Orange County. (F: 53.1)
- 8.d. Councilman Rosen congratulated Mayor Broadwater and Councilman Tran on their victories in the March 2 election, commenting that both individuals will do good job of representing Garden Grove. He spoke about former Councilman Dinsen, noting that he was consistent in his beliefs and served honorably on the City Council, representing his constituency well. He also spoke about his dealings with Councilman Dinsen in the Measure M issue. Additionally, he wished his daughter Jessica a Happy Birthday. (F: 53.1)

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

- 8.e. Councilman Rosen requested a report from staff about scattered rice in the street on Ocean Breeze. Additionally, he commented that the sign ordinance needs to be looked at relative to Constitutional issues. (F: 53.1) (XR: 122.10) (XR: 44.2)

ACTION: City Attorney advised that he has written a revised sign ordinance that will go to the Planning Commission for review in April. Additionally, he will look into the Ocean Breeze issue.

- 8.f. Councilman Tran congratulated Councilman Leyes for a hard-fought campaign and Mayor Broadwater for his successful showing. He noted he will be staying in Garden Grove, and he will work with Councilman Leyes on the eminent domain ordinance. (F: 53.1) (XR: 127.1) (XR: A-127.1)

- 8.g. Mayor Broadwater congratulated Councilman Tran and extended his condolences to Councilman Leyes. He thanked the Garden Grove residents who voted for him. He also spoke about Police Officer Dallies and the event that was held for him today. Lastly, he spoke about former Councilman Dinsen, noting he was a strong-willed gentleman who always put up his campaign signs himself. (F: 53.1)

9. CLOSED SESSION:

- 9.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.

- 9.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 and Police Middle Management.

ACTION: Discussed.

- 9.c. Pursuant to Government Code section 54957(a), the City Council will confer with the City Manager and City security managers regarding security issues associated with the public facilities.

COUNCILMEMBERS: COUNCILMAN LEYES, COUNCILMAN ROSEN, COUNCILMAN TRAN,
MAYOR PRO TEM DALTON, MAYOR BROADWATER

ACTION: Discussed.

- 9.d. Pursuant to Government Code section 54957.6(a), the City Council will confer with its Negotiator (Mayor Broadwater and Councilmember Dalton) concerning employee benefits and compensation with respect to the City Manager and City Manager Designate.

ACTION: Discussed.

- 9.e. Pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Garden Grove v. Orange County Transportation Authority.

ACTION: Discussed.

10. ADJOURNMENT: At 11:30 p.m., the meeting was adjourned in memory of former Councilman Robert "Taxfighter" Dinsen and fallen police officer Howard Dallies, Jr. (F: 46.9)