

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

March 23, 2004

7:12 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 Sister City Association Exchange Students who will be visiting Anyang, Korea. (F: 52.3) (XR: 102.3)

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. Joseph Pak addressed the Council, urging approval of CUP-127-03, listed on the agenda as Item 4.a. (F: 53.3) (XR: 51.CUP-127-03)
- 2.b. Edward Kuo addressed the Council concerning an invoice he received from the City for the removal and replacement of a damaged City tree. (F: 53.3) (XR: 24.1) (XR: 108.1)

ACTION: Mayor Broadwater directed Public Works staff to set up a meeting with Mr. Kuo and himself.

- 2.c. Diane Streich-Harrell addressed the Council about parking at West Haven Park, urging long-term solutions for the problem and suggesting "No Parking" signs be installed on surrounding streets. (F: 53.3) (XR: 73.12) (XR: 75.1)

RECESS: 7:29 p.m.

RECONVENE: 7:40 p.m.

3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.l. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)

- 3.a. Approval of Proclamation designating March 28 through April 3, 2004, as National Boys & Girls Club Week in Garden Grove. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.b. Approval of Proclamation designating April 4 through April 10, 2004, as Building Safety Week in Garden Grove. (F: 83.1) (XR: 35.1)

ACTION: Approved.

(5 Ayes.)

- 3.c. Approval of Proclamation designating April 18 through April 25, 2004, as Days of Remembrance of the Victims of the Holocaust in Garden Grove. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.d. Approval of Proclamation designating April 19 through April 24, 2004, as Record-A-Thon Week in Garden Grove. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.e. Approval of acquisition of an easement over a portion of real property located at 13092 Harbor Boulevard, Parcels 6-1 and 6-2, for Project No. 7244, Harbor Boulevard/Garden Grove Boulevard Intersection Improvement; authorize the City Manager and City Clerk to execute the pertinent documents; and authorize the Finance Director to draw a warrant in the amount of \$178,500.00 to Mervyn's, a California Corporation, when appropriate to do so. (F: 96.Proj.7244) (XR: 84.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.f. Approval of Amendment No. 8 to Cooperative Agreement No. C-95-974 with the Orange County Transportation Authority (OCTA), providing an updated project list for funding under the Combined Transportation Funding Programs; and authorize the Mayor and City Clerk to execute the amendment. (F: 55) (XR: 23.18C)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.g. Approval of extension of Agreement with Wood Public Affairs for consulting services in connection with the SR-22 Freeway and OCTA; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 23.18) (XR: 62.2)

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

ACTION: Approved and authorized.

(5 Ayes.)

- 3.h. Approval of Master Agreement No. 000326 with the State of California for the construction of five pedestrian-actuated traffic signals and speed signs, Project No. 7115; and authorize the Mayor and City Clerk to execute the agreement. (F: 100.Proj.7115)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.i. Approval of Agreement with Harris & Associates for the provision of engineering services on an as-needed basis; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 24.11)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.j. Approval of Agreement with California Hazardous Services to replace the underground fuel storage tank monitoring equipment; authorize the Mayor and City Clerk to execute the agreement and authorize the Finance Department to issue a purchase order in the amount of \$32,200.00. (F: 60.4) (XR: 24.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.k. Approval of Minutes of the Regular City Council Meeting held February 24, 2004. (F: Vault)

ACTION: Approved.

(5 Ayes.)

- 3.l. Approval of Warrants. (F: 60.5)

ACTION: Approved.

(5 Ayes.)

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

4. PUBLIC HEARINGS

- 4.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 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 10, 2004, at which time it was continued to March 9 and subsequently continued to this date.

ACTION: Hearing held.

ACTION: Appeal upheld. Staff to return with Resolution outlining conditions of approval.

(5 Ayes.)

- 4.b. AMENDMENT NO. A-104-04 – The City of Garden Grove is proposing to amend Title 9 of the Garden Grove Municipal Code, Subsection E of Section 9.16.260 “Special Requirements” to reduce the percentage of compact parking allowances. (F: 115.A-104-04) (XR: 50.3)

On February 5, 2004, the City Planning Commission, pursuant to Resolution No. 5404, recommended approval of A-104-04, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 4.b.1. ORDINANCE NO. 2623, for introduction and first reading, by title only, entitled

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-104-04, AN AMENDMENT TO TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE, SUBSECTION E OF SECTION 9.16.260 RELATING TO COMPACT CAR PARKING SPACE ALLOWANCES

ACTION: Ordinance passed to second reading.

(5 Ayes.)

- 4.c. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-334-03, initiated by De Hua Jr., to construct a 3,670 square foot addition to an existing 4,470 square foot restaurant (Seafood Place Chinese Restaurant) and to expand the overall restaurant floor area by incorporating an adjacent 7,050 square foot vacant retail space for a combined restaurant floor area of 15,190 square feet. The subject site is located on the west side of Brookhurst Street, north of Bixby Avenue, at 12171 and 12181 Brookhurst Street. (F: 106.150) (XR: 1116.SP-334-03)

On February 5, 2004, the City Planning Commission, pursuant to Resolution No. 5392, approved SP-334-03 and CUP-120-03, 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.

- 4.c.1. ORDINANCE NO. 2624, 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 DE HUA JR. (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE WEST SIDE OF BROOKHURST STREET, NORTH OF BIXBY AVENUE, AT 12171 AND 12181 BROOKHURST STREET, PARCEL NOS. 133-111-24, 33

ACTION: Ordinance passed to second reading.

(4 Ayes. Leyes voted no.)

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

5. COMMISSION/COMMITTEE MATTERS: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

5.a. Recommendation from the Parking and Main Street Commission concerning the proposed budget for FY 2004-05 for Main Street Assessment District No. 1. (F: 31.4) (XR: A-31.2) (XR: 122.6)

5.a.1. Resolution describing the proposed improvements, directing the Engineer to prepare the required report, and authorizing staff to initiate assessment proceedings.

ACTION: Resolution No. 8548-04 adopted.

(4 Ayes, Leyes voted no.)

5.a.2. Resolution approving the Engineer's Report, setting the date and time for a public hearing, and authorizing the City Clerk to mail notices and assessment ballots to all affected property owners.

ACTION: Resolution No. 8549-04 adopted, setting public hearing for June 8, 2004.

(4 Ayes, Leyes voted no.)

6. ITEMS FOR CONSIDERATION: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

6.a. Award of Contract to Excel Paving Company, for the Street Rehabilitation Project in the western section of the city; and authorize the Mayor and City Clerk to execute the agreement. (Estimated cost: \$931,828.25) (F: 24.2)

ACTION: Awarded and authorized.

(5 Ayes.)

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

7.a. Councilman Leyes spoke about the Westminster School District Board taking a stand against amending their uniform compliant procedure

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

policy, to make it compliant with State and Federal law, to recognize self-identification of a student's gender. He urged Garden Grove residents in that school district to contact the Board and tell them they are doing the right thing. (F: 53.1)

- 7.b. Councilman Leyes requested that the extension of Holder, in Cypress, across the drainage ditch to connect with Springdale, be placed on the next Council agenda for discussion, including the possibility of a lawsuit. (F: 53.1) (XR: 96.1)
- 7.c. Councilman Dalton requested that staff provide all the information that Cypress has as far as the traffic flows relative to the extension of Holder. Additionally he asked for information relative to the legality of changing the speed limit in front of all of the schools to 25 miles an hour. He also wished Happy Birthdays to his son Brian, his granddaughter Kelsey, and his son Bob. (F: 53.1) (XR: 96.1)
- 7.d. Councilman Rosen congratulated Councilman Dalton's son Brian, on being selected Rookie of the Year on the Garden Grove Police force, noting that 30 years ago Councilman Dalton was also given that honor. (F: 53.1) (XR: 82.1)
- 7.e. Mayor Broadwater requested that the expansion of the Parking and Main Street Commission from 5 to 7 members be placed on the next Council agenda. (F: 53.1) (XR: 122.6)

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 and Police Middle Management.

ACTION: Discussed.

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

- 8.c. Pursuant to Government Code section 54956.9, the City Council will confer with its legal counsel regarding the status of Bolinger v. City of Garden Grove, et al.

ACTION: Discussed.

- 8.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. ADJOURNMENT: 11:45 p.m., in memory of Don Murray, resident of Garden Grove. (F: 46.9)