

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

March 25, 2003

6:55 p.m.

Council Chamber

ROLL CALL: COUNCILMAN DALTON, COUNCILMAN LEYES, COUNCILMAN ROSEN,  
MAYOR PRO TEMPORE TRAN, 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.*  
(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 Kavi Vyas, CIF Spirit of Sport Award recipient. (F: 52.3)

ACTION: Recognized.

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

- 2.a. Teresa Micucci, Gary Brown, Hector Aguilar, David Zimmerman, John Miller, Nancy Smith, Mike Parker, Rick Brodowski, Heather Taylor, Ray Phanelif, John Tompkins, Earl Smith, Letitia Jerman, Stephen Lopez, Kim Schow, David Wakefield, and Beverly Koyama, representing various high school and non-profit organizations, addressed the Council, urging the Council to allow their respective

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groups to continue to sell safe and sane fireworks, citing fundraising needs. (F: 53.3) (XR: 61.6)

- 2.b. Diane Vo addressed the Council, indicating she is pleased with Superior Court Judge Choate's recent ruling on the City's CyberCafe ordinance. (F: 53.3) (XR: 35.3a)
- 2.c. Mark Gassman from TNT Fireworks addressed the Council, noting his concerns with some of the proposed changes to the ordinance, and making some recommendations of his own. (F: 53.3) (XR: 61.6)
- 2.d. Cy LaBree addressed the Council concerning the CyberCafe ordinance and the judge's recent ruling, reviewing the incidents that have occurred in the vicinity of the CyberCafes. He also spoke about the fireworks issue, noting the difficulty in citing for illegal fireworks when legal ones are permitted. He also challenged Councilman Tran's statement that 35% of the population of Garden Grove is Asian. (F: 53.3) (XR: 35.3a) (XR: 61.6)
- 2.e. Verla Lambert addressed the Council concerning her involvement in the community and noting that she believes in responsible redevelopment and in constructive code enforcement. (F: 53.3)
- 2.f. Cheryl Fotia addressed the Council urging that fireworks be banned and commenting that there is too much high-density building. (F: 53.3) (XR: 61.6)
- 2.g. Jeanne Hennessy addressed the Council, urging that fireworks be banned, commenting that "higher-quality" cities do not permit them. (F: 53.3) (XR: 61.6)
- 2.h. Charles Mitchell addressed the Council concerning Agenda Item 8.f., expressing his support for the resolution, but suggesting it should be proposed by someone who has served in the military and should include support for supplementing the salaries and benefits of employees who are called to serve. (F: 53.3) (XR: 83.1)

RECESS: 9:23 p.m.

RECONVENE: 9:28 p.m.

3. WRITTEN COMMUNICATIONS:

- 3.a. Communication from the OCRAA Board requesting adoption of a Resolution advocating support of the Military Construction Utility Delivery Systems Upgrade Project at the Joint Forces Training Base in Los Alamitos. (F: 23.11) (XR: 117.5)

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ACTION: Resolution No. 8488-03 adopted.

(5 Ayes.)

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

- 4.a. Approval of Proclamation designating April 2003, as Fair Housing Month. (F: 83.1) (XR: 23.21)

ACTION: Approved.

(5 Ayes.)

- 4.b. Approval of Proclamation designating April 6-12, 2003, as Building Safety Week in the City of Garden Grove. (F: 83.1) (XR: 35.1)

ACTION: Approved.

(5 Ayes.)

- 4.c. Approval of Proclamation designating April 27 through May 4, 2003, as Days of Remembrance of the Victims of the Holocaust. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 4.d. Approval of Plans and Specifications for Project No. 7257, Haster/Chapman Intersection Improvements; and authorize the City Clerk to advertise for bids. (F: 96.Proj.7257)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.e. Approval of License Agreement with the Rotary Club of Garden Grove, permitting the club to install and supervise a "rope course" on City property located at 11461 Garden Grove Boulevard; and authorize the City Manager and City Clerk to execute the agreement. (F: 55)

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ACTION: Approved and authorized.

(5 Ayes.)

- 4.f. Approval of Amendment No. 6 to Cooperative Agreement No. C-95-974 with the Orange County Transportation Authority updating the list of open projects to receive funding under the Combined Transportation Funding Programs as specified in the CTFP Manual and the Bicycle and Pedestrian Facilities Program; and authorize the Mayor and City Clerk to execute the amendment. (F: 55) (XR: 23.18) (XR: 97.19.77)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.g. Approval of Agreement with Ron Yeo, Architect, for the preparation of amended construction drawings for the Gem Theater elevator; and authorize the Mayor and City Clerk to execute the agreement. (Continued from meeting of March 11, 2003) (F: 55) (XR: 87.3a)

ACTION: Continued to April 8 for additional information.

(5 Ayes.)

- 4.h. Approval of Agreement with Stewart Stevenson to provide parts and labor for the repair of Waukesha natural gas engines located at City water facilities; and authorize the City Manager to execute the agreement. (F: 55) (XR: 24.12)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.i. Approval of Agreement with Shannon Executive Search to conduct an executive recruitment for the position of Finance Director. (F: 55) (XR: 78.1)

ACTION: Approved.

(5 Ayes.)

- 4.j. Approval of Final Progress Payment and Acceptance of Contract as complete on Project No. 7121, Video Camera Installation for Traffic Management; authorize the Mayor and City Clerk to execute documents; and authorize the Finance Director to

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release the retention payment when appropriate to do so. (F: 100.Proj.7243)  
(XR: 24.11) (XR: 100.8)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.k. Approval of Minutes of Regular City Council Meeting held January 28, 2003, and Adjourned Regular Meeting held February 4, 2003. (F: Vault)

ACTION: Approved.

(5 Ayes.)

- 4.l. Approval of warrants. (F: 60.5)

ACTION: Approved.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

5. PUBLIC HEARINGS:

- 5.a. APPEAL OF SITE PLAN NO. SP-317-02 - Viacom Outdoor is requesting Site Plan approval to relocate a 50-foot-high, 672 square foot billboard to an approximately 5.29-acre parcel located on the north side of Garden Grove Boulevard, east of Fairview Street, at 11311-13341 Garden Grove Boulevard. The project is a relocation of a billboard that was previously located on the west side of Harbor Boulevard, north of Chapman Avenue. (F: 116.SP-317-02) (XR: 116.PUD-103-77)

On January 16, 2003, the City Planning Commission, pursuant to Resolution No. 5340, denied SP-317-02. On February 24, 2003, an appeal was filed by the applicant, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Due to technical error, this case will be readvertised.

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

- 6.a. Consideration of adoption of a Resolution authorizing the submittal of a grant application to the Department of Housing and Community Development for possible capital expenditure funds to assist the Code Enforcement Division. (F: 80.2) (XR: 97.2.03)

ACTION: Resolution No. 8489-03 adopted.

(5 Ayes.)

- 6.b. Consideration of proposed modifications to the Municipal Code relating to Fireworks Regulations. (F: 61.6) (XR: 50.2)

ACTION: Staff directed to return with Ordinance reflecting multiple motions approved, including raising deposit to \$500 with any balance after fees and City costs refunded; Chief shall have the right to demand verification that an organization meets the qualifications of being a non-profit organization; a moratorium will be enacted to limit permits to current groups, with review annually by the Council; stands to close no later than 10 p.m. on July 4<sup>th</sup>; and lastly, relative to location of stands, the Code will be changed to state that no stands shall be permitted within 1000 feet of the following locations: intersection of Magnolia and Westminster, and Katella from Dale to Euclid.

7. ORDINANCES PRESENTED FOR SECOND READING:

- 7.a. ORDINANCE NO. 2598 for second reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (F: 78.12)

ACTION: Ordinance passed.

(5 Ayes.)

RECESS: 9:43 p.m.

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RECONVENE: 9:50 p.m.

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

- 8.a. Consideration of joining a proposed Joint Powers Authority with Gateway Cities for the development of a magnetic levitation transportation system along the PE Right of Way to connect Orange and Los Angeles Counties. (Continued from meeting of March 11, 2003) (F: 36.3)

ACTION: Approved, subject to approval of JPA agreement.

(4 Ayes. Leyes voted no.)

- 8.b. Consideration of waiver of fees for Interfaith Council's use of Community Meeting Center for a banquet to be held on May 9, 2003, as requested by Mayor Broadwater. (F: 48.4) (XR: 91.1)

ACTION: Approved.

(5 Ayes.)

- 8.c. Consideration of renewal of City membership in the Orange County Division of the League of California Cities, as requested by Councilman Rosen. (F: 74.11)

ACTION: Continued to May because of unknown fiscal situation due to State budget deficit. Also directed that other memberships, i.e., SCAG, also be held in abeyance until financial situation is determined.

(5 Ayes.)

- 8.d. Consideration of a Resolution designating April 6-12, 2003, as Garden Grove Crime Victims Rights Week, as requested by Councilman Leyes. (F: 83.1)

ACTION: Resolution Nb. 8490-03 adopted.

(5 Ayes.)

- 8.e. Discussion concerning the proposed reduction in the basin production percentage and increase in the replenishment assessment proposed by the Orange County Water District, as requested by Councilman Leyes. (F: 112.6)

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ACTION: Continued to April 8 meeting for further information.

(5 Ayes.)

- 8.f. Consideration of adoption of a Resolution supporting the President of the United States and the U.S. Armed Forces in the matter of disarming the despotic regime in Iraq, as requested by Councilman Leyes. (F: 83.1)

ACTION: Resolution No. 8491-03 adopted, as substituted by Councilman Rosen.

(5 Ayes.)

- 8.g. Consideration of adoption of a Resolution honoring the Flag of the United States of America and promoting the proper display of the flag at any and all public events, as requested by Councilman Leyes. (F: 83.1) (XR: 94.1)

ACTION: Resolution No. 8492-03 adopted.

(5 Ayes.)

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 Garden Grove Police Association.

ACTION: Not discussed.

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

ACTION: Council voted 5-0 to appeal to the appellate court the trial court ruling in Choi, et al. v. City of Garden Grove. (F: 35.3a)

10. ADJOURNMENT: 11:05 p.m.