

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

April 13, 2004

6:57 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, Deputy City Manager.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA, led
by Camp Fire USA of Enders Elementary School.

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Marlene Feikema and Patricia Martin as Outstanding Crossing Guards of the Year. (F: 83.1)
(XR: 78.8)

ACTION: Recognized.

- 1.b. Presentation concerning the West Nile Virus, by Michael Hurst of Orange County Vector Control. (F: 52.3) (XR: 23.20)

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

ACTION: Presented.

2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Public Finance Authority Oral Communications.)
 - 2.a. Gary Brown, Main Street business owner and President of the Downtown Business Association, addressed the Council, requesting the City co-sponsor the Friday Night Car Show and provide insurance coverage for the event under its umbrella clause, with a three-year permit. (F: 53.3) (XR: A-122.5) (XR: 88.1)
 - 2.b. J.J. Jauregui and Faribort Farahmand, Main Street business owners, addressed the Council urging support of the City co-sponsorship of the Friday Night Car Show, noting that they depend on the foot traffic from the Car Show. (F: 53.3) (XR: A-122.5) (XR: 88.1)
 - 2.c. Tony Flores, President of the West Garden Grove Residents Association, addressed the Council, concerning Community Development Block Grant funds being diverted into the Redevelopment Agency, noting that these funds should go for beautification along Lampson Avenue. He also noted that the Association would also like to talk to staff about placing traffic signals at the intersections of Manley and Lampson, Blackmer and Lampson, Valley View and Lampson, Topaz and Lampson all the way east to Knott and Lampson. Thirdly, he showed Council a map of the Holder/Springdale area that designated the locations of schools in the Garden Grove area, suggesting the Council send a letter to the City of Cypress requesting that the extension of Holder Street be removed from their Master Plan. (F: 53.3) (XR: 100.1) (XR: 96.1) (XR: 130.17)
 - 2.d. Chris Prevatt addressed the Council, commending the City for taking part in the March early voting and requesting that the City encourage the Registrar to actively educate the citizens about the use of the electronic voting machines. Secondly, he expressed concern that if the City provides the umbrella insurance coverage for the car show, the City will be setting a precedent. He also asked for clarification of agenda item No. 3.I. (F: 53.3) (XR: 58.1) (XR: A-122.5) (XR: 88.1) (XR: 43.1)
 - 2.e. Ray Littrell addressed the Council, challenging a recent article that appeared in a newspaper that said the City is doing business on a pay-

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

as-you-go basis, noting that according to his calculations the City is \$160 million in debt. (F: 53.3)

- 2.f. Robin Marcario addressed the Council concerning the extension of Holder Street, suggesting that if a proper agreement cannot be reached with the City of Cypress, a barrier be placed to preserve the residential street on the Springdale side. (F: 53.3) (XR: 96.1)
- 2.g. Bob Owens addressed the Council about the budget. He also congratulated the new City Manager and spoke about contributions to Garden Grove candidates from outside the city, and the war in Iraq. (F: 53.3)
3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.t. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
- 3.a. Approval of Proclamation designating April 2004, as Fair Housing Month. (F: 83.1)
- ACTION: Approved.
(5 Ayes.)
- 3.b. Approval of Proclamation designating April 2004 as Financial Literacy Month. (F: 83.1)
- ACTION: Approved.
(5 Ayes.)
- 3.c. Approval of Proclamation designating April 18-24, 2004, as National Crime Victims' Rights Week. (F: 83.1)
- ACTION: Approved.
(5 Ayes.)
- 3.d. Approval of Proclamation designating May 2004 as Veteran Appreciation Month. (F: 83.1)
- ACTION: Approved.
(5 Ayes.)

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

- 3.e. Approval of Resolution commending Camp Fire USA, Long Beach Area Council, on 94 years of outstanding service to the young people of the community. (F: 83.1)

ACTION: Approved.
(5 Ayes.)

- 3.f. Approval of acquisition of an easement over a portion of real property located at 13000-13018 Harbor Boulevard, Parcels 6A and 6B, 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 \$148,225.00 to HRB Garden Grove Shopping Center, when appropriate to do so. (F: 96.Proj.7244) (XR: 84.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.g. Award of Contract to New Image Commercial Flooring, Inc., for the re-carpeting of the first floor of the City Hall building; and authorize the Mayor and City Clerk to execute the agreement. (Estimated cost: \$72,785.89) (F: 55) (XR: 48.2)

ACTION: Awarded and authorized.
(5 Ayes.)

- 3.h. Approval of Plans and Specifications for Project No. 7117, Traffic Signal Installation at Westminster Avenue and Deodora Drive, and Raised Median Island Installation on Westminster Avenue at Atlantis Way; and authorize the City Clerk to advertise for bids. (F: 100.Proj.7117)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.i. Approval of Funding Agreements with American Youth Soccer Organization-Region 28 and Northeast Garden Grove Little League; and authorize the City Manager and City Clerk to execute the agreements. (F: 97.4.03) (XR: 87.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.j. Approval of Agreement with Engineering Resources of Southern California, Inc., for engineering services; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 24.11)

ACTION: Continued to April 27, 2004. Staff to provide a report with additional requested information.
(5 Ayes.)

- 3.k. Approval of Agreement with the Orange County Transportation Authority to convey an easement over a portion of the Flood Control Channel for the alignment and improvement of the State Route 22 Corridor (Garden Grove Freeway) from Tustin Road to Valley View; and authorize the City Manager and City Clerk to execute the appropriate documents. (F: 23.18) (XR: 23.18C) (XR: 62.2) (XR: 84.1) (XR: 92.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.l. Approval of Amendatory Agreement with George L. Tindall for paid administrative leave to effectuate the smooth transition of duties to new City Manager; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 43.1)

ACTION: Approved and authorized.
(4 Ayes. Dalton voted no.)

- 3.m. Approval of Agreement with Matthew Fertal for City Manager services; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 43.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.n. Approval of cancellation of agreement with the Agency for Community Development committing funds for a multi-family project; approval of Affordable Housing Loan Agreement with Tamerlane Associates for the purchase of property located at 12212 Tamerlane Drive, and authorize the Mayor and City Clerk to execute the pertinent documents. (F: 117.16Q) (XR: 57.3) (XR: 117.16)

ACTION: Approved and authorized.
(5 Ayes.)

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

- 3.o. Approval of cancellation of agreement with the Agency for Community Development committing funds for a multi-family project; approval of Affordable Housing Loan Agreement with Tamerlane Associates for the purchase of property located at 12222 Tamerlane Drive; and authorize the Mayor and City Clerk to execute the pertinent documents.
(F: 117.16Q) (XR: 57.3) (XR: 117.16)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.p. Award of Purchase Order to Consolidated Office Systems for the upgrade of the City's archival system - Finance Department.
(Estimated cost: \$54,534.24) (F: 60.4)

ACTION: Awarded.
(5 Ayes.)

- 3.q. Approval of Resolution approving the appeal and overturning the Planning Commission's denial of Conditional Use Permit No. CUP-127-03 for property located at 9520 Garden Grove Boulevard, Unit #9.
(F: 51.CUP-127-03)

ACTION: Resolution No. 8550-04 adopted.
(5 Ayes.)

- 3.r. Approval of Minutes of the Regular City Council Meetings of March 9, March 23, and March 30, 2004. (F: Vault)

ACTION: Approved.
(5 Ayes.)

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

ACTION: Approved.
(5 Ayes.)

- 3.t. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.
(5 Ayes.)

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

4. PUBLIC HEARINGS:

- 4.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: 50.3) (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. A public hearing was ordered to be held on February 24, 2004, at which time the hearing was opened and continued to this date.

ACTION: Hearing held and closed. By consensus, first reading of Ordinance continued to April 27, 2004, for incorporation of changes.

- 4.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 ADDING SECTION 9.08.100 AND PARAGRAPH 12 TO SUBSECTION D OF SECTION 9.24.030 TO THE GARDEN GROVE MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF REGULATIONS FOR THE SITING OF WIRELESS TELECOMMUNICATIONS FACILITIES

RECESS: 8:27 p.m.

RECONVENE: 8:40 p.m.

5. ITEMS FOR CONSIDERATION:

- 5.a. Adoption of Resolution authorizing the execution and delivery of documents relating to the sale and delivery of refunding revenue certificates of participation (water services capital improvement program) Series 2004; and authorizing certain documents and directing certain actions in connection therewith. (Please note that this item must be heard in conjunction with Public Finance Authority Agenda Item No. 2.a. relating to this matter.) (F: A-34.9) (XR: 60.1) (XR: P-60.1)

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

ACTION: Resolution No. 8551-04 adopted.
(5 Ayes.)

- 5.b. Award of Contract to Macadee Electrical Construction, for Project No. 7115, Construction of Five Pedestrian Actuated Traffic Signals and Speed Signs; and authorize the Mayor and City Clerk to execute the agreement. (Estimated cost: \$322,228.00) (F: 100.Proj.7115)

ACTION: Awarded and authorized.
(5 Ayes.)

6. ORDINANCES PRESENTED FOR SECOND READING:

- 6.a. ORDINANCE NO. 2623, for second reading and adoption, by title only, entitled

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 (F: 115.A-104-04) (XR: 50.3)

ACTION: Ordinance passed.
(5 Ayes.)

- 6.b. ORDINANCE NO. 2624, 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 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 (F: 106.150) (XR: 116.SP-334-03)

ACTION: Ordinance passed.
(4 Ayes. Leyes voted no.)

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

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

- 7.a. Discussion concerning extensive permits and co-sponsorship of the Main Street Car Show, as requested by Mayor Broadwater. (F: 88.1)
(XR: A-122.5)

ACTION: Consensus that staff provide information about co-sponsorship costs to the City and why a three-year permit is preferable. To return to Council before July 1st, with notification of other Main Street business owners.

- 7.b. Discussion concerning extension of Holder Street to Springdale Street, as requested by Councilman Leyes. (F: 96.1)

ACTION: Consensus that Mayor send a letter to the City of Cypress to find out what their intentions are before taking further action.

- 7.c. Councilman Leyes noted that the Eli Broad Foundation has again selected Garden Grove Unified School District as one of the top five urban school districts in the country to compete for the top award, which is a half a million dollars in scholarships. They are guaranteed a consolation prize of a minimum of \$125,000 in scholarships. This is the third year that they have been selected. He also noted that Orange County Vector Control is proposing a tax increase, and he requested information on this. He further noted that staff has determined that due to electricity rate reductions, the formation of a new street lighting district now is not necessary and we do not need to proceed with a ballot election. Lastly, he referenced a Community Visionary Survey scheduled to be mailed to the residents with their water bills, noting that it references an increase in a utility user's tax, that Garden Grove does not have. He requested that every effort be made to stop the survey because of this false information. (F: 53.1) (XR: 90.5)
(XR: 23.20)

- 7.d. Councilman Dalton wished his granddaughter Makayla Dalton a Happy Birthday. (F: 53.1)

- 7.e. Councilman Rosen referenced the Garden Grove Community Foundation's Schedule of Events brochure, commenting that it is a good schedule. He suggested that both the Community Foundation and the

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

Chamber of Commerce present quarterly reports before the Council.
(F: 53.1) (XR: 130.15)

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.

9. ADJOURNMENT: 10:15 p.m.