

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

April 22, 2003

6:46 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 Fire Chief Cameron Phillips, retiring from the City after 29 years of service. (F: 52.3) (XR: 78.6)

ACTION: Recognized.

- 1.b. Presentation by the Orange County Water District on the Groundwater Basin Overdraft. (F: 52.3) (XR: 112.6)

ACTION: Presented.

- 1.c. Mayor Broadwater introduced members of Boy Scout Troop 288. (F: 46.1)

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

2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)
 - 2.a. Larry Bonham addressed the Council concerning Twin Lakes Park, the ecology of the planet, and the importance of having more area for open space and parks. (F: 53.3) (XR: 73.10)
 - 2.b. Diane Streich-Harrell addressed the Council concerning parking issues in residential areas adjacent to West Haven Park, noting there are still problems during the weekends and on holidays because most people ignore the No Parking signs that are posted. (F: 53.3) (XR: 73.12) (XR: 75.1)
 - 2.c. David Vill, president of AARP, addressed the Council, urging the banning of fireworks because of health and safety reasons. (F: 53.3) (XR: 61.6)
 - 2.d. Mark Gassman, representing ADT Fireworks, addressed the Council requesting that in the proposed Fireworks Ordinance, under the "Location of Stands," the intersection of Magnolia and Westminster be deleted from the paragraph delineating where no stands shall be permitted. (F: 53.3) (XR: 61.6)
 - 2.e. Janine Fowler addressed the Council in support of Councilman Rosen's proposed ordinance to amend the selection of Commission members. (F: 53.3) (XR: 122.1)

RECESS: 7:55 p.m.

RECONVENE: 8:33 p.m.

3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.q. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
 - 3.a. Approval of Resolution commending retiring Fire Chief for 29 years of service to the community. (F: 52.2) (XR; 78.6)

ACTION: Approved.
(5 Ayes.)
 - 3.b. Approval of Proclamation designating April 20-26, 2003, as Public Education Week. (F: 83.1)

ACTION: Approved and authorized.
(5 Ayes.)

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

- 3.c. Approval of Proclamation designating May 2003, as Water Awareness Month.
(F: 83.1) (XR: 112.1)

ACTION: Approved.

(5 Ayes.)

- 3.d. Approval of Proclamation designating May 2003, as National Mental Health
Month. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.e. Approval of Proclamation designating May 3, 2003, as Day of Celebration of
Korean-American contributions and achievements. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.f. Approval of Proclamation designating May 4-10, 2003, as Elks National Youth
Week. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.g. Approval of Proclamation designating May 4-10, 2003, as Brain Tumor Awareness
Week. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 3.h. Approval of Proclamation designating May 18-24, 2003, as National Public Works
Week. (F: 83.1) (XR: 24.1)

ACTION: Approved.

(5 Ayes.)

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

- 3.i. Award of Contract to J and S Sign Company for the installation of thermoplastic catch basin markings at the entrances to all storm drain openings; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$26,525.67) (F: 55) (XR: 92.1)

ACTION: Awarded and authorized.

(5 Ayes.)

- 3.j. Award of Contract to Action Awnings, Inc., for the installation of a permanent protective cover for hazardous materials at the Municipal Service Center; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$27,130.00) (F: 55) (XR: 24.1)

ACTION: Awarded and authorized.

(5 Ayes.)

- 3.k. Approval of Plans and Specifications for Project No. 7237, Street Rehabilitation in Various Locations. Phase IV; and authorize advertisement for bids. (F: 96.proj.7493)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.l. Approval of Plans and Specifications for Project No. 7493, Lampson Avenue Water, Sewer, and Storm Drain Improvements, Phase III; and authorize advertisement for bids. (F: 92.proj.7493)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.m. Approval of Amendment to the Agreement with Kimley-Horn and Associates, Inc., for additional work related to Project No. 7238, Harbor Boulevard Smart Street Environmental Impact Report; and authorize the Mayor and City Clerk to execute the amendment. (F: 96.proj.7238) (XR: 23.26A)

ACTION: Approved and authorized.

(5 Ayes.)

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

- 3.n. Approval of Agreement with S&S Building Maintenance for the provision of janitorial services for Police substations; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.o. Approval of Agreement with 5G Wireless for the provision of additional wireless antennas equipment to expand the City's Wide Area Network; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 43.3)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.p. Approval of 2003 Agreement of Settlement and Mutual Release with Marvin, Thomas, and Iris Smotrich and the Smotrich Family Trusts, for the conveyance of Agency real property located along the west side of Euclid Street, south of Garden Grove Boulevard, being a portion of the OCTA Right-of-Way; authorize the City Manager and City Clerk to execute the appropriate documents; and authorize the Finance Director to draw a warrant in the amount of \$100,000.00 when appropriate to do so. (Please note that this item is also listed on the Agency agenda as Item No. 2.c.) (F: A-55.280) (XR: A-84.1) (XR: 84.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.q. Approval of warrants. (F: 60.5)

ACTION: Approved.

(5 Ayes.)

4. PUBLIC HEARINGS:

- 4.a. Protests on the Spring 2003 Weed Abatement Notices. (F: 113.1)

ACTION: Hearing held. Staff directed to proceed with the scheduled weed abatement.

(5 Ayes.)

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

- 4.b. Allocation of FY 2003-04 State Supplemental Law Enforcement Services in the amount of \$338,695.00 for Law Enforcement Programs. (F: 82.5) (XR: 97.3.00)

ACTION: Hearing held. Allocation approved.

(5 Ayes.)

- 4.c. APPEAL OF VARIANCE NO. V-100-03 AND CONDITIONAL USE PERMIT NO. CUP-101-03 – The Applicant, CP Property Trust-Christine Pietsch, is requesting approval to construct a 550 square foot detached second unit on an approximately 8,280 square foot lot, and to deviate from the minimum lot size, rear yard setback, and required parking. The site is located on the north side of Gamble Avenue between Gardenaire Lane and Rainier Court, at 9811 Gamble Avenue. (F: 51.CUP-101-03) (XR: 111-V-100-03)

On March 6, 2003, V-100-03 and CUP-101-03 were deemed denied by the City Planning Commission because of a split vote. Then on March 19, 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: Hearing held. Appeal upheld. Appropriate resolution to be presented at next Council meeting.

(5 Ayes.)

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

- 5.a. Consideration of Appeal of Site Plan No. SP-317-02, submitted by Viacom Outdoor, requesting approval to relocate a 50-foot-high, 672 square foot billboard to the north side of Garden Grove Boulevard, east of Fairview Street, at 13311-13341 Garden Grove Boulevard. Public Hearing on this matter was held on April 8, 2003, at which time the public hearing was declared closed and a decision deferred to this date. It is recommended that this matter be continued to May 27, 2003. (F: 116.SP-317-02) (XR: 112.10)

ACTION: Continued to May 27, 2003.

- 5.b. Award of Contract to Mike Prlich & Sons on Project No. 7800, Sewer Improvements at Six Locations; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$344,731.00) (F: 92.proj.7800)

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

ACTION: Awarded and authorized.

(5 Ayes.)

- 5.c. Consideration of proposed modifications to the Municipal Code relating to the distribution and sales of fireworks. (F: 61.6)

ORDINANCE NO. 2599, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ENACTING AMENDMENTS TO CHAPTER 5.28, "FIREWORKS," OF THE
MUNICIPAL CODE

ACTION: Ordinance passed to second reading, as amended to delete intersection of Magnolia and Westminster from prohibited areas.

(5 Ayes.)

- 5.d. Initiation of proceedings for the levying of FY 2003-2004 assessments for Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District. (F: 69.2) (XR: 31.5)

- 5.d.1. Adoption of Resolutions initiating the proceedings for Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District.

ACTION: Resolutions No. 8494-03, No. 8495-03, and No. 8496-03 adopted.

(4 Ayes. Leyes voted no.)

- 5.d.2. Adoption of Resolution approving the Engineer's Reports for Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District.

ACTION: Resolution No. 8497-03 adopted.

(4 Ayes. Leyes voted no.)

- 5.d.3. Adoption of Resolutions of Intention for Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District setting public hearing date for May 27, 2003.

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

ACTION: Resolutions No. 8498-03, No. 8499-03, and
No. 8500-03 adopted.

(4 Ayes. Leyes voted no.)

- 5.e. Consideration of formation of a Street Lighting Overlay District for FY 2003-04.
(F: 69.3)

ACTION: Staff directed to begin process.

(4 Ayes. Leyes voted no.)

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

- 6.a. Consideration of appointment to the Housing Authority. (F: H-10.3)

ACTION: Appointed John Lococo.

(5 Ayes.)

- 6.b. Designation of Voting Delegate and Alternate for a Special Meeting of the League
of California Cities General Assembly to consider proposals concerning the state
budget and state-local fiscal reform. (F: 74.10)

ACTION: Appointed Mayor Broadwater as Voting Delegate, with
other Councilmembers serving as alternates.

(5 Ayes.)

- 6.c. Discussion regarding Assembly Bill 1221, concerning reallocation of local sales
and property taxes, as requested by Councilman Leyes. (F: 46.1)

ACTION: Tabled.

- 6.d. Consideration of amendment to the Municipal Code regarding selection of
Commission members, as requested by Councilman Rosen. (F: 122.1)

ORDINANCE NO. , for introduction and first reading, by title only, entitled

AN ORDINANCE AMENDING THE CITY CODE REGARDING SELECTION OF
COMMISSION MEMBERS

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

ACTION: City Attorney directed to bring two versions of ordinance to Council meeting of May 27 for consideration.

(5 Ayes.)

- 6.e. Status report regarding parking issues on West Street and adjacent residential streets. (F: 75.1) (XR: 73.12)

ACTION: Report presented.

- 6.f. Request by Councilman Leyes that consideration of a more stringent Conflict of Interest Code for Councilmembers be placed on the May 27, 2003, agenda for discussion. (F: 46.1)
- 6.g. Councilman Leyes requested a review of allegations that a police officer was told not to attend West Garden Grove Association meetings. (F: 46.1) (XR: 82.1) (XR: 130.17)
- 6.h. Councilman Leyes requested two items be placed on the Council agenda of May 27, 2003 for discussion: Wasteful use of tax dollars for OCTA Centerline Program; and City's SCAG membership. (F: 46.1) (XR: 23.18F) (XR: 74.16)
- 6.i. Councilman Leyes commented that he will be at the Council Chambers on May 13, 2003, a regularly scheduled meeting date, and will meet with any citizens who might attend. (F: 46.1)

ACTION: Motion to adjourn to May 27, 2003.

(4 Ayes. Leyes voted no.)

- 6.j. Mayor Broadwater commented on erroneous media coverage concerning a "Theme Park" on Harbor Boulevard, noting that meetings are being held to discuss Harbor Boulevard development in general. (F: 46.1)

7. CLOSED SESSION:

- 7.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: Discussed.

8. ADJOURNMENT: 10:43 p.m.

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

**NO CITY COUNCIL MEETINGS ARE SCHEDULED UNTIL
MAY 27, 2003.**