

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

April 27, 2004

6:58 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

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Rosie Maerowitz, retiring from the City of Garden Grove after 24 years of service. (F: 52.3) (XR: 78.10)

ACTION: Recognized.

- 1.b. Presentation by Garden Grove Community Foundation Vice President Manny Nunes concerning Renaissance Garden Grove 2004 Schedule of Events. (F: 52.3) (XR: 130.15)

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

---

ACTION: Report presented.

2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)
  - 2.a. Verla Lambert addressed the Council, referencing the report presented at the previous Council meeting concerning the West Nile Virus and the importance of not letting water stand in puddles. She commented that such a situation exists in the area of Palm Street and Garden Grove Boulevard in the area of Garden Grove Hospital. (F: 53.3) (XR: 23.20)
  - 2.b. Norman Ross addressed the Council concerning numerous claims he has filed against the Police Department, noting that he has not yet received a determination from the City. (F: 53.3) (XR: 49.1)

ACTION: Mayor advised Mr. Ross that he will look into the complaints.

RECESS: 7:21 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 7:26 p.m.

3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.n. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
  - 3.a. Approval of Proclamation designating April 2004, as National Donate Life Month in Garden Grove. (F: 83.1)
- 3.b. Approval of Proclamation designating May 2004, as Veteran Appreciation Month in Garden Grove. (F: 83.1)

ACTION: Approved.  
(5 Ayes.)

ACTION: Approved.  
(5 Ayes.)

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

---

- 3.c. Approval of Proclamation designating May 2004, as Community Action Month in Garden Grove. (F: 83.1)

ACTION: Approved.  
(5 Ayes.)

- 3.d. Approval of Proclamation designating May 2-8, 2004, as Elks National Youth Week in Garden Grove. (F: 83.1)

ACTION: Approved.  
(5 Ayes.)

- 3.e. Approval of Proclamation designating May 9-15, 2004, as National Women's Health Week in Garden Grove. (F: 83.1)

ACTION: Approved.  
(5 Ayes.)

- 3.f. Approval of Proclamation designating May 16-22, 2004, as National Public Works Week in Garden Grove. (F: 83.1) (XR: 24.1)

ACTION: Approved.  
(5 Ayes.)

- 3.g. Approval of acquisition of an easement over a portion of real property located at 12161 Garden Grove Boulevard, Parcel 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 \$306,188.00 to the sellers, when appropriate to do so. (F: 96.Proj.7244) (XR: 84.1)

ACTION: Approved and authorized.  
(5 Ayes.)

- 3.h. Approval of Exoneration of Bonds, posted by Brandywine Development Corporation, for Tract Map No. TR 16275, located on the west side of Euclid Street between Allen Drive and Palmyra Avenue; and acceptance of public improvements on Euclid Street for City maintenance. (F: 116.PUD-140-01) (XR: 103.TT-16275) (XR: 20.GPA-4-01A) (XR: 116.SP-295-01) (XR: 111.V-286-01) (XR: 106.120)

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

---

ACTION: Approved and accepted.  
(5 Ayes.)

- 3.i. Approval of Plans and Specifications for Project No. 7658, Garden Grove Park Indoor Sports Center/Gymnasium; and authorize the City Clerk to advertise for bids. (F: 73.Proj.7658) (XR: 73.5) (XR: 73.12A)

ACTION: Approved and authorized.  
(5 Ayes.)

- 3.j. Approval of Agreement with Engineering Resources of Southern California, Inc., for the provision of engineering services; and authorize the City Manager and City Clerk to execute the agreement. (Continued from meeting of April 13, 2004.) (F: 55) (XR: 24.11)

ACTION: Approved and authorized, with direction given to staff to begin the process of hiring additional engineering staff person.  
(4 Ayes. Rosen voted no.)

- 3.k. Approval of Agreement with the City of Westminster for joint maintenance of a traffic signal at the intersection of Westminster Avenue and Deodora Street/Swan Street; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 100.1)

ACTION: Approved and authorized.  
(5 Ayes.)

- 3.l. Approval of Final Progress Payment and Acceptance of Contract as Complete for Project No. 7113, Traffic Signal Modifications and Installations at Various Locations; authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to draw a warrant in the amount of \$24,455.72 and release the retention payment to Amelco Electric S.F., Inc., when appropriate to do so. (F: 100.Proj.7113)

ACTION: Approved and authorized.  
(5 Ayes.)

- 3.m. Approval of Final Progress Payment and Acceptance of Contract as Complete for the Installation of an Emergency Generator at Fire Station #4; authorize the Mayor and City Clerk to execute the appropriate

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

---

documents; and authorize the Finance Director to draw a warrant in the amount of \$34,220.70 and release the retention payment to S & S Mechanical, when appropriate to do so. (F: 55) (XR: 24.1) (XR: 62.1)

ACTION: Approved.  
(5 Ayes.)

3.n. Approval of Warrants. (F: 60.5)

ACTION: Approved.  
(5 Ayes.)

4. PUBLIC HEARINGS

4.a. Protests on the Spring 2004 Weed Abatement Notices. (F: 113.1.Spring 2004)

ACTION: Hearing held. Staff directed to proceed with the scheduled weed abatement.  
(5 Ayes.)

4.b. Adoption of the FY 2004/05 Action Plan and Amendment #3 to FY 2003/04 Action Plan for the proposed use of Housing and Urban Development funds. (F: 117.10D)

ACTION: Hearing held. Plan and Amendment adopted.  
(5 Ayes.)

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

5.a. Recommendation from the Traffic Commission to install a three-way stop at the intersection of Lilly Street and Pearce Street. (F: 100.1) (XR: 122.11)

ACTION: Approved.  
(5 Ayes.)

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

6.a. Consideration of possible expansion of the membership of the Parking and Main Street Commission. (F: 122.6)

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

---

ACTION: Consensus that staff return with an ordinance to expand membership from 5 to 7 members.

- 6.b. Adoption of a Resolution authorizing the submittal of a Funding Request Form to the California Department of Conservation to receive funding for beverage container collection, recycling, and litter abatement activities. (F: 24.13)

ACTION: Resolution No. 8552-04 adopted.  
(5 Ayes.)

- 6.c. Initiation of proceedings for the levying of FY 2004-2005 assessments for Street Lighting District, Street Lighting District No. 99-1, and Park Maintenance District. (F: 69.2.2004/05) (XR: 31.5.2004/05)

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

ACTION: Resolutions No. 8553-04, No. 8554-04, and No. 8555-04 adopted.  
(5 Ayes.)

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

ACTION: Resolutions No. 8556-04 adopted.  
(5 Ayes.)

- 6.c.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 June 8, 2004.

ACTION: Resolutions No. 8557-04, No. 8558-04, and No. 8559-04 adopted.  
(5 Ayes.)

- 6.d. Consideration of Resolutions approving salary plan and benefit increases for City employee groups.

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

---

6.d.1. Resolution amending Memorandum of Understanding with the Garden Grove Fire Fighters, Local 2005. (F: 78.6A)

ACTION: Resolution No. 8560-04 adopted.  
(5 Ayes.)

6.d.2. Resolution amending Memorandum of Understanding with the Garden Grove Employees' League. (F: 78.9A)

ACTION: Resolution No. 8561-04 adopted.  
(5 Ayes.)

6.d.3. Resolution approving salary plan and benefits for Middle Management employees. (F: 78.13B)

ACTION: Resolution No. 8562-04 adopted.  
(5 Ayes.)

6.d.4. Resolution approving salary plan and benefits for Central Management employees. (F: 78.13A)

ACTION: Resolution No. 8563-04 adopted.  
(5 Ayes.)

6.d.5. Resolution approving salary plan and benefits for Police Middle Management employees. (F: 78.8A)

ACTION: Resolution No. 8564-04 adopted.  
(5 Ayes.)

6.e. ORDINANCE NO. 2625, 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 (Continued from meeting of April 13, 2004.)  
(F: 115.A-105-04) (XR: 50.3) (XR: 121.2G)

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

---

ACTION: Full reading waived. Ordinance passed to second reading.  
(5 Ayes.)

- 6.f. ORDINANCE NO. 2626, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 1.04, "PENALTY PROVISIONS" OF THE MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF INFRACTIONS AS AN ALTERNATE FORM OF PENALTY FOR MUNICIPAL CODE VIOLATIONS (F: 50.2)

ACTION: Full reading waived. Ordinance passed to second reading.  
(5 Ayes.)

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

- 7.a. Councilman Leyes commented on the proposed plan for the 405 Freeway, noting that he is the City representative on the oversight committee. Secondly, he commented on the Vector Control voting to move forward with a mail ballot to raise its fee. And lastly, he requested that the meeting be adjourned in memory of his neighbor, Daniel Kim. (F: 53.1) (XR: 23.18) (XR: 23.20) (XR: 46.9)

ACTION: Mayor requested information on how our City representative to the Vector Control District voted on this matter.

- 7.b. Councilman Dalton wished his granddaughter Crystal a Happy 18<sup>th</sup> Birthday. He also noted that he was unable to attend many events this past weekend because he had knee surgery on Friday. (F: 53.1)
- 7.c. Councilman Rosen requested that the rezoning of lots on Gilbert Street be brought back to either the Planning Commission or the City Council for discussion. Additionally, he requested that the Gilbert Street overlay proposal that he previously presented be brought back to the City Council. And thirdly, he asked that the meeting also be adjourned in memory of his neighbor, Ede Mansir. (F: 53.1) (XR: 88.1) (XR: 46.9) (XR: 116.PUD-102-03) (XR: 50.3) (XR: 35.3)



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

---

7.d. Mayor Broadwater spoke about the State Department proposing to bring members of the Vietnamese Communist Party through Garden Grove to the Little Saigon area on 48-hour notice, which would have impacted us both from the public safety standpoint and from a fiscal standpoint. He noted that they were talked out of doing this. However, he will bring a Resolution to the May 11 City Council meeting to not let this sort of thing happen again, noting that the City of Westminster is also proposing to adopt such a Resolution. There will be a Press Conference at the Community Meeting Center on April 28 about this issue. (F: 53.1) (XR: 127.1)

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: Not 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: Not discussed.

8.c. 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.

9. ADJOURNMENT: 9:00 p.m., in memory of Daniel Kim and Ede Mansir, residents of Garden Grove. (F: 46.9)