

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

May 27, 2003

6:50 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: Les Jones, Assistant City Manager.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Danny Castro, retiring from the Public Works Department after 39 years of service. (F: 52.3) (XR: 78.9)

ACTION: Recognized.

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

- 2.a. Tony Flores addressed the Council and presented copies of ten documents, being the Mayor's letter on City web site; an invoice from LEDO International; a letter from Woodrow Butterfield; a Notice of Adjournment; a letter to Legal Counsel from Mr. Flores with a settlement proposal for Flores v. Broadwater, and a response from Counsel; and a letter to the City Manager from Mr. Flores requesting amount

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of money City has paid on lawsuit. He thanked Councilmembers for attending meetings of the West Garden Grove Association. (F: 53.3) (XR: 130.15)

- 2.b. Claudio Gallegos addressed the Council concerning Agenda Item 7.a., requesting the Appeal be denied and the billboard be placed elsewhere. (F: 53.3) (XR: 116.SP-317-02)
- 2.c. Bob Snell addressed the Council concerning the Gilbert Estates project recently heard by the Planning Commission. He called for the resignation of the current Planning Commissioners and the appointment of new ones consisting of two representatives from the West Garden Grove Residents Association, two from the Central Garden Grove Residents Association, and one appointed by the Council. He spoke against high density, noting that according to the Register newspaper, Garden Grove is listed as one of the most congested cities. (F: 53.3) (XR: 122.10)
- 2.d. Christopher Rae addressed the Council concerning a residence on Ocean Breeze that is being used as a temple. He commented that the neighbors believe the Council has let them down. He provided photos of the residence in question. (F: 53.3) (XR: 80.2)

ACTION: Council advised that the City is taking action on this matter, and staff will revisit the site.

- 2.e. Laurie Merrick addressed the Council concerning the Gilbert Estates project, indicating the neighbors do not want it. (F: 53.3) (XR: 122.10)
- 2.f. Carolyn Rowland addressed the Council concerning the makeup of the Planning Commission and expressing concern that the Planned Unit Development projects seem to get rubber-stamped approval. (F: 53.3) (XR: 122.10)
- 2.g. Liz Raganold addressed the Council concerning Agenda Item 9.c., indicating that appointments to the commissions should be changed and the Planning Commission is not representing the citizens. (F: 53.3) (XR: 122.1) (XR: 122.10)

RECESS: 7:20 p.m.

RECONVENE: 7:45 p.m.

3. WRITTEN COMMUNICATIONS:

- 3.a. Request from the Refugee Forum of Orange County for City co-sponsorship of the Refugee Day celebration on Friday, July 11, 2003, from 9:00 a.m. to 1:00 p.m. at the Garden Grove Community Meeting Center. (F: 88.1) (XR: 48.4)

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ACTION: Approved.

(5 Ayes.)

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

- 4.a. Approval of Proclamation designating May 2003, as the American Lung Association's Clean Air Month. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 4.b. Denial of Claim submitted on behalf of Juventino Prieto. (F: 49.2)

ACTION: Denied.

(5 Ayes.)

- 4.c. Award of Contract to DuCharme Door Corporation for the replacement of two sectional doors at Fire Station No. 1; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$15,742.00) (F: 55) (XR: 24.1) (XR: 61.1)

ACTION: Awarded and authorized.

(5 Ayes.)

- 4.d. Award of Contract to Prudential Overall Supply for Public Works Employees' Uniforms and Uniform Cleaning Service; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$31,301.855) (F: 55) (XR: 24.1)

ACTION: Awarded and authorized.

(5 Ayes.)

- 4.e. Approval of Plans and Specifications for Project No. 7383, Conversion of Air/Fuel Controllers for Six Natural Gas Engines for Water Wells and Booster Pumps; and authorize advertisement for bids. (F: 112.Proj.7383)

ACTION: Approved and authorized.

(5 Ayes.)

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- 4.f. Approval of City's Annual Action Plan Report outlining use of grant funds to address community development and housing needs of low and moderate income residents during the upcoming fiscal year. (F: 117.10D)

ACTION: Approved.

(5 Ayes.)

- 4.g. Approval of annual commodity adjustment to water rate for FY 2003-04. (F: 112.1) (XR: 112.6) (XR: 60.1)

ACTION: Continued to June 10, 2003, for backup information.

(4 Ayes. Leyes voted no.)

- 4.h. Approval of Second Amendment to Grant Agreement with the Orange County Children and Families Commission for the provision of health care access services at the Magnolia Park Family Resource Center; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 73.8a)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.i. Approval of License Agreement with the Orange County Transportation Authority for use of portions of the Pacific Electric Right-of-Way adjacent to Gutosky Park and Shelly Drive for the installation of playground equipment and landscaping; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 23.18) (XR: 73.7) (XR: 117.17D)

ACTION: Approved and authorized.

(4 Ayes. Leyes abstained.)

- 4.j. Acceptance of Contract as complete on the Eastgate Park Theater Deck Retrofit for handicapped accessibility; authorize the Mayor and City Clerk to execute the documents; and authorize the Finance Director to draw warrant in the amount of \$23,976.20 to Warvi Construction, Inc., and release the retention payment when appropriate to do so. (F: 55) (XR: 73.2a)

ACTION: Accepted and authorized.

(5 Ayes.)

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- 4.k. Approval of Final Progress Payment and Acceptance of Contract as complete on Project Nos. 7388, 7244 and 7388, Twintree/Haster Storm Drain, Garden Grove Boulevard Sewer, and Haster Street Water Main Improvements; authorize the Mayor and City Clerk to execute the documents; and authorize the Finance Director to release the retention payment to Paulus Engineering, Inc., when appropriate to do so. (F: 92.Proj.7388) (XR: 92.Proj.7244)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.l. Adoption of Resolution approving the appeal and overturning the Planning Commission's denial of Variance No. V-100-03 and Conditional Use Permit No. CUP-101-03, for a second unit at 9811 Gamble Avenue. The City Council formally upheld the appeal at its meeting of April 22, 2003. (F: 51.CUP-101.03) (XR: 111.V-100-03)

ACTION: Resolution No. 8502-03 adopted.

(5 Ayes.)

- 4.m. Approval of acquisition of easement and wood-frame structure located at 11151 Westminster Avenue, Parcels 9 and 10, for Project No. 7236, Widening and Improvement of Westminster Avenue from Fairview Street to Euclid Street; 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 \$36,200.00 to TRI "C" Trust when appropriate to do so. (F: 96.Proj.7236) (XR: 84.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.n. Approval of Minutes of Regular City Council Meetings held March 11, March 25, and April 8, 2003. (F: Vault)

ACTION: Approved.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

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COUNCILMAN ROSEN, MAYOR PRO TEMPORE TRAN,
MAYOR BROADWATER

4.p. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.

(5 Ayes.)

5. PUBLIC HEARINGS: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

5.a. APPEAL OF DENIAL OF REQUEST FOR MODIFICATION TO CONDITIONAL USE PERMIT NO. CUP-572-01 – The Applicant, Trails End RV Storage, is requesting a modification to Conditional Use Permit No. CUP-572-01 to allow for an eight-foot-high block wall to replace the required five-foot-wide landscape planter along the east side of the Trails End RV Storage facility located on the Southern California Edison easement and the Union Pacific Railroad right-of-way, between Chapman Avenue and Lampson Avenue, east of Western Avenue. (F: 51.CUP-572-01)

On April 3, 2003, the City Planning Commission, pursuant to Resolution No. 5354, denied the modification to CUP-572-01. An appeal was filed by the applicant on April 24, 2003, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Continued to June 10, 2003.

(5 Ayes.)

5.b. PLANNED UNIT DEVELOPMENT NO. PUD-100-03 AND DEVELOPMENT AGREEMENT FOR SITE PLAN NO. SP-321-03, initiated by Taft Avenue Cottages Association, LLC, proposing to rezone a 3.2-acre site located on the east side of Taft Street, north of Trask Avenue, from R-3 (Multi-family Residential) to Planned Unit Development, and approval of a Development Agreement, to subdivide the site into 37 lots and construct 33 two-story detached single-family homes at 13392 and 13412 Taft Street. (F: 116.PUD-100-03) (XR: 106-138) (XR: 116.SP-321-03)

On April 3, 2003, the City Planning Commission, pursuant to Resolution No. 5355, recommended approval of PUD-100-03 and the Development Agreement, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

5.b.1. ORDINANCE NO. 2600, for introduction and first reading, by title only, entitled

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-100-03, CHANGING THE ZONING DESIGNATION FROM R-3 (MULTI-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-100-03, FOR PROPERTY LOCATED ON THE EAST SIDE OF TAFT STREET, NORTH OF TRASK AVENUE, AT 13392 AND 13412 TAFT STREET, PARCEL NOS. 099-271-42, 43

ACTION: Full reading waived. Ordinance passed to second reading.

(5 Ayes.)

- 5.b.2. ORDINANCE NO. 2601, 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 TAFT AVENUE COTTAGES ASSOCIATES, LLC (DEVELOPER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE EAST SIDE OF TAFT STREET, NORTH OF TRASK AVENUE, AT 13392 AND 13412 TAFT STREET, PARCEL NOS. 099-271-42, 43

ACTION: Full reading waived. Ordinance passed to second reading.

(5 Ayes.)

- 5.c. GENERAL PLAN AMENDMENT NO. GPA-4-02, PLANNED UNIT DEVELOPMENT NO. PUD-146-02, AND DEVELOPMENT AGREEMENT FOR SITE PLAN NO. SP-318-02, initiated by Johnston Real Estate, requesting to change the General Plan designation from OP (Office Professional) to LMR (Low Medium Density Residential); to rezone an approximately 1.78 acre site from OP to Planned Unit Development, and to approve a Development Agreement to construct 16 detached, two-story, single-family residential units. The subject property is located on the southeast corner of Chapman Avenue and Nutwood Street, at 10510 Chapman Avenue. (F: 20.GPA-4-02) (XR: 116.PUD-146-02) (XR: 116.SP-318-02) (XR: 106-139)

The City Planning Commission, pursuant to Resolution No. 5337, recommended approval of GPA-4-02, PUD-146-02, and a Development Agreement on April 3,

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MAYOR BROADWATER

2003, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held. Project denied.

(4 Ayes. Broadwater voted no.)

5.c.1. Resolution approving General Plan Amendment No. GPA-4-02.

5.c.2. ORDINANCE NO. , for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-146-02, FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET, AT 10510 CHAPMAN AVENUE, PARCEL NO. 089-141-61

5.c.3. ORDINANCE NO. , 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 JOHNSTON REAL ESTATE AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND NUTWOOD STREET, AT 10510 CHAPMAN AVENUE, PARCEL NO. 089-141-61

5.d. GARDEN GROVE CITY STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT – FISCAL YEAR 2003-04 (F: 69.4) (XR: 31.5)

5.d.1. Hearing of Protests.

ACTION: Hearing held.

5.d.2. Adoption of Resolutions confirming proceedings.

ACTION: Resolutions No. 8503-03, No. 8504-03, and No. 8505-03 adopted.

(4 Ayes. Leyes voted no.)

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COUNCILMAN ROSEN, MAYOR PRO TEMPORE TRAN,
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6. COMMISSION/COMMITTEE MATTERS: (Motion to approve will include adoption of each Resolution unless otherwise indicated.)

- 6.a Recommendation from the Parking and Main Street Commission concerning the proposed budget for FY 2003-04 for Main Street Assessment District No. 1. (F: 122.6) (XR: 31.4)

ACTION: Resolution No. 8506-03 adopted.

(5 Ayes.)

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

- 7.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 April 22, 2003, at which time it was continued to this date. (F: 116.SP-317-02)

ACTION: Continued to June 10, 2003.

(5 Ayes.)

- 7.b. Adoption of a Resolution authorizing the submittal of an application to the California Integrated Waste Management Board for a FY 2003-04 Used Oil Recycling Block Grant. (F: 97.5.01) (XR: 24.1)

ACTION: Resolution No. 8501-03 adopted.

(5 Ayes.)

- 7.c. ORDINANCE NO. 2602, for introduction and first reading, 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 AND REPEALING ORDINANCE NO. 2598 (F: 78.12)

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

ACTION: Full reading waived. Ordinance passed to second reading scheduled for June 24, 2003.

(5 Ayes.)

8. ORDINANCES PRESENTED FOR SECOND READING:

8.a. ORDINANCE NO. 2599 for second reading and adoption, 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 (F: 61.6)

ACTION: Full reading waived. Ordinance passed.

(5 Ayes.)

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

9.a. Consideration of appointment to the Neighborhood Improvement and Conservation Commission. (F: 122.4a)

ACTION: Appointed Linda Zamora.

(5 Ayes.)

9.b. Consideration of request from Orange Line Development Authority for funding for the development of a high-speed magnetic levitation transportation system along the Pacific Electric Railway Corridor; and review of Draft Joint Exercise of Powers Agreement, as requested by Mayor Broadwater. (F: 36.12) (XR: 36.3)

ACTION: City withdrawing from Authority.

(5 Ayes.)

9.c. Consideration of amendment to the Municipal Code regarding selection of Commission members, as requested by Councilman Rosen. (Continued from meeting of April 22, 2003.) (F: 122.1) (XR: 50.2)

ACTION Continued to June 10, 2003, for finalization of proposed Ordinance.

(5 Ayes.)

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COUNCILMAN ROSEN, MAYOR PRO TEMPORE TRAN,
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- 9.d. Consideration of renewal of City membership in the Orange County Division of the League of California Cities, as requested by Councilman Rosen. (Continued from meeting of March 25, 2003) (F: 74.11)

ACTION: Consensus that dues not be paid until further notice.

- 9.e. Discussion concerning the City's membership in SCAG (Southern California Association of Governments), as requested by Councilman Leyes. (F: 74.16)

ACTION: SCAG membership withdrawn.

(5 Ayes.)

- 9.f. Consideration of opposing OCTA's Centerline Mass Transit Project, as requested by Councilman Leyes. (F: 23.18F)

ACTION: Motion to oppose this project died for lack of a second. Councilman Rosen requested Council be provided with copies of Grand Jury reports from four years ago and this year on the subject.

- 9.g. Consideration of prohibition of the use of eminent domain power for acquisition of residential properties in redevelopment areas, as requested by Mayor Pro Tempore Tran. (F: A-127.1)

ACTION: Councilman Leyes' and Councilman Tran's proposed documents on this subject to be forwarded to the City Attorney for analysis.

(5 Ayes.)

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

ACTION: Report presented. Staff directed to provide report to Diane Streich-Harrell.

- 9.i. Mayor Broadwater announced that Barbara Sulzbach, a long-time community resident and volunteer is recovering from a serious illness. (F: 53.1)

- 9.j. Comments by Councilman Dalton concerning his recent vacation and the cancellation of the Council meeting of May 13, 2003. (F: 53.1)

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10. CLOSED SESSION:

10.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.

11. ADJOURNMENT: 12:35 a.m. on Wednesday, May 28, 2003, in memory of Sandy Dalton's mother, Beverly Koerner. (F 46.9)

HAPPY ANNIVERSARY TO BRUCE AND PEGGY BROADWATER