

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

June 8, 2004

6:52 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

A moment of silence was held to remember former President Ronald Reagan, following which Mayor Broadwater and each Councilmember shared their thoughts and paid their tributes on the passing of the former President.

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Alex Valenzuela, Sr., Alex Valenzuela, Jr., and Ervin Dubrul for heroism displayed during a car fire. (F: 52.3) (XR: 78.9)

ACTION: Recognized.

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

- 1.b. Presentation of Quarterly Report by Garden Grove Chamber of Commerce. (F: 52.3) (XR: 42.1)

ACTION: Bob Fish, Chairman of the Board, detailed the accomplishments of the Chamber over the past year.

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

- 2.a. Norman Ross addressed the Council concerning the complaints he has filed against the City and his alleged mistreatment, noting that he still has not received a response on his claims and requesting his belongings that were taken by the Police Department be returned to him. (F: 53.3) (XR: 49.2) (XR: 82.1)

ACTION: The Mayor indicated he will look into the matter.

RECESS: 7:28 p.m.

CONDUCT AGENCY BUSINESS

RECONVENE: 7:40 p.m.

3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.j. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)

- 3.a. Recognition of May 16-22, 2004, as Small Business Week. (Continued from meeting of May 11, 2004) (F: 83.1) (XR: 42.1)

ACTION: Recognized.

(5 Ayes.)

- 3.b. Approval of Exoneration of Subdivision Improvement Bonds, posted by Burke Real Estate Group, for Final Parcel Map No. PM 2002-196, located on the southeast corner of Knott Street and Patterson Drive; and acceptance of public improvements on Knott Street and Patterson Drive for City maintenance. (F: 116.PUD-144-02) (XR: 106.135) (XR: 118.PM-2002-196)

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

ACTION: Approved and accepted.

(5 Ayes.)

- 3.c. Approval of Plans and Specifications for Project No. 7122 – Construction of Medians on Lampson Avenue between Knott Street and Lamplighter Street; and authorize the City Clerk to advertise for bids. (F: 96.Proj.7122)

ACTION: Approved.

(5 Ayes.)

ACTION: Councilman Leyes requested that staff look at improving the landscaping on Lampson Avenue in this area toward Valley View.

- 3.d. Approval of Agreement with the Orange County Sheriff's Department for forensics services; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.e. Approval of Renewal of Agreement with Correctional Systems, Inc., to provide jail booking and security services; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.f. Acceptance of Contract as complete on Project No. 7257, Haster/ Chapman Intersection Improvements; authorize the Mayor and City Clerk to execute documents; and authorize the Finance Director to release the retention payment when appropriate to do so. (F: 96.Proj.7257)

ACTION: Accepted and authorized.

(5 Ayes.)

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

- 3.g. Resolution authorizing the submittal of an application to the California Integrated Waste Management Board for a FY 2004/2005 Used Oil Recycling Block Grant. (F: 24.13)

ACTION: Resolution No. 8573-04 adopted.

(5 Ayes.)

- 3.h. Approval of Minutes of the Regular City Council meetings held April 27 and May 11, 2004. (F: Vault)

ACTION: Approved as amended.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

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

- 4.a. MAIN STREET ASSESSMENT DISTRICT NO. 1 – FISCAL YEAR 2004-05 ASSESSMENTS (F: 31.4) (XR: A-31.2)

- 4.a.1. Hearing of Protests for Assessment Increase.

ACTION: Hearing held.

- 4.a.2. Tabulation of Assessment Ballots.

ACTION: Ballots tabulated. There was a majority protest. Continued to June 22, 2004, for a modified Engineer's

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

Report and resolution with no increase in the assessments levied for the previous year.

(5 Ayes.)

4.a.3. Adoption of Resolution confirming proceedings.

4.b. GARDEN GROVE CITY STREET LIGHTING DISTRICT, STREET LIGHTING DISTRICT NO. 99-1, AND PARK MAINTENANCE DISTRICT – FISCAL YEAR 2004-05 (F: 69.2.FY 2004-05)

4.b.1. Hearing of Protests.

ACTION: Hearing held.

4.b.2. Adoption of Resolutions confirming proceedings.

ACTION: Resolutions No. 8574-04, No. 8575-04, and No. 8576-04 adopted.

(5 Ayes.)

4.c. AMENDMENTS TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO MECHANICAL EQUIPMENT IN RESIDENTIAL ZONES, CHANGE OF OWNERSHIP FOR ABC LICENSED ESTABLISHMENTS, FLOOD HAZARD OVERLAY ZONE, RESIDENTIAL FIXTURES IN THE REQUIRED FRONT YARD, AND RESIDENTIAL SIGNAGE

ACTION: Hearing held.

4.c.1. AMENDMENT NO. A-106-04 – The City of Garden Grove is proposing to amend the Municipal Code (Title 9) to allow ground-mounted mechanical equipment in the side or rear setbacks on properties improved with a single-family home. (F: 115.A-106-04) (XR: 50.3)

On April 15, 2004, the City Planning Commission, pursuant to Resolution No. 5414, recommended approval of A-106-04; and public hearing on the case was ordered by the City Council to be held this date.

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GARDEN GROVE APPROVING AMENDMENT NO. A-106-04, AN
AMENDMENT OF TITLE 9 OF THE CITY OF GARDEN GROVE
MUNICIPAL CODE SECTION 9.16.040G TO ALLOW GROUND-
MOUNTED MECHANICAL EQUIPMENT IN THE SIDE OR REAR
SETBACKS ON PROPERTIES IMPROVED WITH A SINGLE-FAMILY
HOME AND DELETING THE REQUIREMENT OF APPROVAL OF A
DIRECTOR'S REVIEW FOR ENCROACHING INTO THE REQUIRED
SETBACK WITH MECHANICAL EQUIPMENT

ACTION: Continued to June 22, 2004, for consideration.

(5 Ayes.)

- 4.c.2. AMENDMENT NO. A-107-04 – The City of Garden Grove is proposing to amend the Municipal Code (Title 9) concerning requirements for conditional use permit (CUP) approval for a change of business ownership for existing establishments operating with a CUP approved before January 1, 1986 and requiring approval of a new conditional use permit if an investigation is required to be conducted by the Department of Alcoholic Beverage Control. (F: 115.A-107-04) (XR: 50.3)

On April 15, 2004, the City Planning Commission, pursuant to Resolution No. 5415, recommended approval of A-107-04; and public hearing on the case was ordered by the City Council to be held this date.

ORDINANCE NO. 2628, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
GARDEN GROVE APPROVING AMENDMENT NO. A-107-04, AN
AMENDMENT OF TITLE 9 OF THE CITY OF GARDEN GROVE
MUNICIPAL CODE, PARAGRAPH 9 OF SUBSECTION B, SECTION
9.08.080 RELATING TO ALCOHOLIC BEVERAGE SALES AND
CHANGES IN OWNERSHIP

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

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

(5 Ayes.)

- 4.c.3. AMENDMENT NO. A-108-04 – The City of Garden Grove is proposing to amend the Municipal Code (Title 9) to update the flood hazard zone information to be consistent with the new maps issued to the City and with the flood zone designations within the City. (F: 115.A-108-04) (XR: 50.3)

On April 15, 2004, the City Planning Commission, pursuant to Resolution No. 5416, recommended approval of A-108-04; and public hearing on the case was ordered by the City Council to be held this date.

ORDINANCE NO. 2629, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-108-04, AN AMENDMENT OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE SECTION 9.12.080 FLOOD HAZARD OVERLAY ZONE

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

(5 Ayes.)

- 4.c.4. AMENDMENT NO. A-109-04 – The City of Garden Grove is proposing to amend the Municipal Code (Title 9) to clarify the development standards for garden furniture, decorative amenities, and statuary in the required front yards of R-1 (Single Family Residential) properties. (F: 115.A-109-04) (XR: 50.3)

On April 15, 2004, the City Planning Commission, pursuant to Resolution No. 5417, recommended approval of A-109-04; and public hearing on the case was ordered by the City Council to be held this date.

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

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-109-04, ADDING SUBSECTION H TO SECTION 9.16.040 AND PARAGRAPH 12 TO SUBSECTION D OF SECTION 9.24.030 OF, AND AMENDING SUBSECTION A OF SECTION 9.08.040 OF, THE GARDEN GROVE MUNICIPAL CODE RELATING TO THE REGULATION OF FIXTURES IN THE REQUIRED FRONT YARDS OF SINGLE FAMILY RESIDENTIAL PROPERTIES IN THE CITY

ACTION: Continued to an unspecified date.

(4 Ayes. Broadwater voted no.)

- 4.c.5. AMENDMENT NO. A-110-04 – The City of Garden Grove is proposing to amend the Municipal Code (Title 9) to expand and clarify the definitions for signage and how to calculate the area of signs. The amendment also establishes design standards for signage on properties developed with one single-family dwelling and will apply to single-family homes in any of the residential zones. (F: 115.A-110-04) (XR: 50.3)

On April 15, 2004, the City Planning Commission, pursuant to Resolution No. 5418, recommended approval of A-110-04; and public hearing on the case was ordered by the City Council to be held this date.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-110-04, AMENDING SUBSECTION C OF SECTION 9.04.060, AND ADDING SECTION 9.16.365 RELATING TO ESTABLISHMENT OF DESIGN CRITERIA FOR SIGNS ON PROPERTY ZONED FOR RESIDENTIAL USES AND DEVELOPED WITH ONE SINGLE FAMILY DWELLING

ACTION: Continued to an unspecified date.

(4 Ayes. Broadwater voted no.)

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

- 4.d. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-320-03, initiated by Michael M. Dao, Inc., requesting to expand an existing 14,500 square foot medical office building on an 85,954 square foot site, with a two-story, 16,000 square foot office addition, on the northwest corner of Westminster Avenue and Atlantis Way, at 9191 Westminster Avenue. (F: 106.151) (XR: 116.SP-320-03)

On April 15, 2004, the City Planning Commission, pursuant to Resolution No. 5421, adopted a negative declaration approving SP-320-03 and recommended approval of the Development Agreement. Public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 4.d.1. ORDINANCE NO. 2630, 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 MICHAEL M. DAO, M.D. (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF WESTMINSTER AVENUE AND ATLANTIS WAY, AT 9191 WESTMINSTER AVENUE, PARCEL NO. 089-401-22

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

(5 Ayes.)

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

- 5.a. Award of Contract to R. J. Noble Company for Project No. 7237, Phase V of Rehabilitation of Lampson Avenue between Dale Street and Magnolia Street; and authorize the City Manager and City Clerk to execute the contract. (Estimated cost: \$564,430.00) (F: 96.Proj.7237 Phase V)

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

ACTION: Awarded and authorized.

(5 Ayes.)

- 5.b. Award of Contract to All American Asphalt for Project No. 7237, Phase VI of Four Arterial Street Rehabilitations at Various Locations in the City; and authorize the City Manager and City Clerk to execute the contract. (Estimated cost: \$2,251,607.75) (F: 96.Proj.7237 Phase VI)

ACTION: Awarded and authorized.

(5 Ayes.)

- 5.c. Resolution requesting the Orange County Transportation Authority to allocate Combined Transportation Program funds for Harbor Boulevard widening north of Chapman Avenue. (F: 96.Proj. 7135)

ACTION: Resolution No. 8577-04 adopted.

(5 Ayes.)

- 5.d. Consideration of City co-sponsorship of the Main Street Car Show. (Continued from meeting of April 13, 2004) (F: 88.1) (XR: A-122.5)

ACTION: Continued to June 22, 2004 for decision as to insurance deductible amount.

(5 Ayes.)

ACTION: Mayor requested an extensive review of the City's whole insurance program as it relates to the four festivals. (F: 126.2)

6. ORDINANCE PRESENTED FOR SECOND READING:

- 6.a. ORDINANCE NO. 2627 for second reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE EXPANDING THE PARKING AND MAIN STREET COMMISSION (F: 122.6) (XR: 50.3)

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

ACTION: Full reading waived. Ordinance passed.

(4 Ayes. Leyes abstained.)

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

- 7.a. Councilman Leyes spoke about the Vector Control ballots that citizens will be receiving to vote on a proposed tax increase, noting his opposition and urging residents to also vote against it. Inasmuch as the City will be voting on this, he asked that this be placed on the July 13, 2004 agenda for discussion. (F: 53.1) (XR: 23.20)
- 7.b. Councilman Leyes announced a candlelight vigil to be held to honor the memory of former President Ronald Reagan on June 10, 2004, from 6 p.m. to 8 p.m. at Calvary Chapel in Garden Grove. (F: 53.1)
- 7.c. Councilman Dalton announced Happy Birthday greetings to his grandsons Tyler and William III. He also asked that the meeting be adjourned in memory of Charles Coleman, a long-time Garden Grove resident who passed away after a lengthy illness. (F: 53.1) (XR: 46.9)
- 7.d. Councilman Rosen announced Happy Birthday greetings to his daughter, Rachel. (F: 53.1)
- 7.e. Mayor Broadwater announced the passing of Denis Witcher, former Garden Grove resident who worked in the White House for President Reagan and was active in the Garden Grove Historical Society. He also announced the passing of City of Stanton Councilman Harry Dotson's wife, Natalie. On a happier note, he wished his wife, Peggy, a Happy 33rd Anniversary. (F: 53.1) (XR: 46.9)

8. CLOSED SESSION:

- 8.a. 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: 9:50 p.m. in memory of former President Ronald Reagan, Denis Witcher, Charles Coleman, and Natalie Dotson. (F: 46.9)