

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

June 10, 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: 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 Jordan Intermediate School Air Filters team students Ahmad Qazi, Alex Truong, Elgine Rodriguez, and Coach Kimberly Parker, selected as semi-finalists in the 2002-03 Christopher Columbus Awards. (F: 52.3)

ACTION: Recognized.

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

- 2.a. Joseph Pak, advisor to the Korean Senior Association of Orange County, addressed the Council, urging approval of agenda item 3.g. (F: 53.3) (XR: 55) (XR: 87.8)

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

- 2.b. Beatrice Jones addressed the Council, urging approval of agenda item 3.a. (F: 53.3) (XR: 83.1)
- 2.c. Diane Streich-Harrell addressed the Council concerning ongoing parking problems occurring in the neighborhoods around Westhaven Park and urging another site be selected for the proposed sports building. (F: 53.3) (XR: 73.12a) (XR: 75.1)
- 2.d. Bob Snell addressed the Council, urging that development projects be stopped until the budget turns around, citing a negative impact on the Police Department because of the inability to hire additional officers. (F: 53.3) (XR: 57.1) (XR: 82.1)
- 2.e. Charles Mitchell addressed the Council and announced an American Legion event in Westminster on June 23 at 7:30 p.m., where a presentation is being made on preventative eye care. (F: 53.3)
- 2.f. Maureen Blackman and Toby Rubin addressed the Council, alleging violation of California Public Resource Code 21092(b)(1) in regards to the notification of proposed projects and requesting a moratorium on all projects until the City complies with this code section dealing with a review period and address where documents are available for review. (F: 53.3) (XR: 45.2)

ACTION: Mayor directed City Clerk to look into this matter.

- 2.g. Tony Flores addressed the Council concerning alleged notification violations and his lawsuit against the Mayor, stating his terms of settlement. (F: 53.3)
 - 2.h. Janine Fowler, representing the Central Garden Grove Neighborhood Association, addressed the Council and invited all residents and business owners in Garden Grove to join the Association. (F: 53.3) (XR: 130.19)
3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.m. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
- 3.a. Approval of Proclamation designating June 14, 2003, as Juneteenth Holiday and Juneteenth Celebration Orange County. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

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

- 3.b. Approval of Final Parcel Map No. PM 2002-196 and Subdivision Agreement with Burke Real Estate Group, for property located on the southeast corner of Knott Street and Patterson Drive, at 11450 Knott Street; and authorize the Mayor and City Clerk to execute the agreement. (F: 116.PUD-144-02) (XR: 106.135) (XR: 118.PM-2002-196)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.c. Award of Contract to Howard Roofing Co., Inc., for application of an elastomeric roof coating system at the Community Meeting Center and Senior Center; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$25,990.00) (F: 55) (XR: 48.4) (XR: 24.1)

ACTION: Awarded and authorized.

(5 Ayes.)

- 3.d. Approval of Agreement with Gardner, Underwood & Bacon LLC for financial services relating to bond issuance; and authorize the Mayor and City Clerk to execute the agreement. (F: A-34.8) (XR: A-34.7) (XR: 60.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.e. Approval of Agreement with the County of Orange to utilize the County's Juvenile Work Program to assist with the cleanup of various residential, commercial and public properties throughout the city; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 57.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.f. Approval of Agreement with Engineering Resources of Southern California, Inc., for the continued provision of engineering services on an as-needed basis; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 24.11)

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

ACTION: Approved and authorized.

(5 Ayes.)

- 3.g. Approval of Cooperative Agreement with the Korean American Senior Association and the Orange County Transportation Authority, naming the City as the fiscal receiving agent for the Association's new Senior Mobility Program; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 87.8)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.h. Acceptance of Contract as complete on Project No. 7237, Street Rehabilitation at Various Locations (Phase III); authorize the Mayor and City Clerk to execute documents; and authorize the Finance Director to release the retention payment to R. J. Noble Company when appropriate to do so. (F: 96.proj.7237)

ACTION: Accepted and authorized.

(5 Ayes.)

- 3.i. Acceptance of Contract as complete on Project No. 7163, Magnolia/Chapman Intersection Improvements; authorize the Mayor and City Clerk to execute documents; and authorize the Finance Director to release the retention payment to All American Asphalt when appropriate to do so. (F: 96.proj.7163)

ACTION: Accepted and authorized.

(5 Ayes.)

- 3.j. Approval of Final Progress Payment and Acceptance of Contract as complete for 2002-03 Street Rehabilitation (Overlay); authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to draw warrant in the amount of \$718,019.17 to All American Asphalt and release the retention payment when appropriate to do so. (F: 55) (XR: 24.2)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.k. Award of Purchase Order for sign fabrication equipment and software – Public Works Department. (Estimated cost: \$21,415.31) (F: 24.1) (XR: 60.4)

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

ACTION: Awarded.

(5 Ayes.)

3.l. Approval of warrants. (F: 60.5)

ACTION: Approved.

(5 Ayes.)

3.m. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.

(5 Ayes.)

RECESS: 7:34 p.m.

RECONVENE: 7:51 p.m.

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

4.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 on May 27, 2003, at which time it was continued to this date at the request of the applicant.

ACTION: Hearing held. Appeal denied without prejudice and allow the applicant to go back to the Planning Commission with alternative proposals.

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

(4 Ayes. Broadwater voted no.)

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, Street Rehabilitation at Various Locations (Phase IV); and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$1,243,617.50) (F: 96.proj.7237)

ACTION: Awarded and authorized.

(5 Ayes.)

- 5.b. Award of Contract to KEC Engineering for Project No. 7493, Lampson Avenue Water, Sewer, and Storm Drain Improvements (Phase III); and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$1,665,980.50) (F: 92.proj.7493)

ACTION: Awarded and authorized.

(5 Ayes.)

- 5.c. Initiation of proceedings for Main Street Assessment District No. 1 for 2003-04, approving the Engineer's Report, and setting public hearing for July 8, 2003. (F: 31.4) (XR: 122.6)

ACTION: Resolution No. 8507-03 adopted.

(5 Ayes.)

- 5.d. 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 the decision deferred to April 22, 2003, at which time it was continued to May 27, 2003, and subsequently continued to this date. (F: 116.SP-317-02)

ACTION: Continued to July 8, 2003 subject to modification if four weeks would be prejudicial.

(5 Ayes.)

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

- 5.e. Approval of annual commodity adjustment to water rate for FY 2003-04.
(Continued from meeting of May 27, 2003.) (F: 112.1) (XR: 112.6) (XR: 60.1)

ACTION: Directed the City Manager to use his discretion, as defined by the City Attorney, on the commodity adjustment of up to \$.09 per billing unit.

(3 Ayes. Dalton and Leyes voted no.)

- 5.f. Consideration of National Pollutant Discharge Elimination System Stormwater Permit Local Implementation Plan and its submittal to the County of Orange for inclusion in the required Drainage Area Management Plan submittal to the Santa Ana Regional Water Quality Control Board. (F: 112.15)

ACTION: Approved.

(5 Ayes.)

- 5.g. Consideration of amending the Garden Grove Municipal Code relating to storm water quality; and introduction and first reading, by title only, of ORDINANCE NO. 2603, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING SECTIONS 6.40.030 AND 6.40.050 OF THE GARDEN GROVE MUNICIPAL CODE RELATING TO STORM WATER QUALITY (F: 50.2) (XR: 112.15)

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

(5 Ayes.)

RECESS: 8:54 p.m.

RECONVENE: 9:06 p.m.

6. ORDINANCES PRESENTED FOR SECOND READING:

- 6.a. ORDINANCE NO. 2600 for second reading and adoption, by title only, entitled

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

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

LOCATED ON THE EAST SIDE OF TAFT STREET, NORTH OF TRASK AVENUE, AT 13392 AND 13412 TAFT STREET, PARCEL NOS. 099-271-42, 43 (F: 116.PUD-100-03) (XR: 106.138) (XR: 116.SP-321-03)

ACTION: Full reading waived. Ordinance passed.

(5 Ayes.)

6.b. ORDINANCE NO. 2601 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 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 (F: 116.PUD-100-03) (XR: 106.138)

ACTION: Full reading waived. Ordinance passed.

(5 Ayes.)

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

7.a. Consideration of appointment to the Board of Appeals, as requested by Mayor Broadwater. (F: 122.2c)

ACTION: Pulled by Mayor.

7.b. Consideration of appointment to the Garden Grove Sanitary District Advisory Commission, as requested by Mayor Broadwater. (F: S-122.1A)

ACTION: Pulled by Mayor.

7.c. Consideration of amendment to the Municipal Code regarding selection of Commission members, as requested by Councilman Rosen. (Continued from meeting of May 27, 2003.) (F: 50.2) (XR: 122.1)

7.c.1. ORDINANCE NO. 2604, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 2.21 RELATING TO APPOINTMENT AND REMOVAL OF CITY COMMISSIONERS

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

ACTION: Full reading waived. Version 2 of Ordinance passed to second reading.

(5 Ayes.)

- 7.d. Discussion concerning the development on the southwest corner of Euclid Street and Woodward Lane, as requested by Councilman Rosen. (F: 116.PUD-137-01)

ACTION: Discussed. Staff directed to provide a status report at the June 24, 2003 Council meeting.

- 7.e. Consideration of petitioning OCTA to abandon the Centerline mass transit proposal and review options to redistribute those funds to Orange County cities, as requested by Councilman Leyes. (F: 23.18F)

ACTION: Discussed.

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

ACTION: Report presented.

- 7.g. Councilman Leyes expressed Happy Birthday wishes to Proposition 13, noting that it has been 25 years since its inception. (F: 53.1)

- 7.h. Councilman Leyes requested a report relative to Code requirements for front yard security fences. (F: 53.1) (XR: 80.2)

- 7.i. Councilman Dalton commented that he and Councilman Rosen recently attended a check presentation by the Garden Grove Firefighters to Firefighters Quest for Burn Survivors, at Fire Station 1. (F: 53.1) (XR: 61.1)

- 7.j. Councilman Dalton spoke about the potential state budget ramifications on the Orange County Public Library, noting that the library will continue to operate without any reduction in hours due to money that has been set aside. (F: 53.1) (XR: 68.1)

- 7.k. Councilman Dalton provided a report on the Orange County Sanitation District meeting he attended on May 28, 2003. (F: 53.1) (XR: 23.14) (XR: S-74.2)

- 7.l. Councilman Dalton expressed Happy Birthday wishes to his grandson, William Dalton, III. (F: 53.1)

COUNCILMEMBERS: COUNCILMAN DALTON, COUNCILMAN LEYES,
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- 7.m. Councilman Rosen spoke about the public hearing set for July 21 to consider an increase in sewer rates. He requested this meeting be televised. (F: 53.1) (XR: S-60.1)
- 7.n. Councilman Rosen expressed Happy Birthday wishes to his daughter, Rachel. (F: 53.1)
- 7.o. Mayor Broadwater referenced a piece of property, inhabited by two senior citizens, that is in complete disrepair. He suggested staff look for some kind of mechanism to fix up the property, such as the City putting money into it and then lien it on the sale of the property, or getting some service organizations involved in it. He noted that the City not enforcing its laws opens it up to a lawsuit. He expressed concern that this situation, in fact, may exist elsewhere in the city. (F: 53.1) (XR: 80.2)
- 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 Garden Grove Police Association.

ACTION: Discussed.
- 9. ADJOURNMENT: 10:25 p.m. to Monday, June 16, 2003, at 5 p.m. in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue.