

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

June 22, 2004

7:00 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: Steve Larson, Personnel Services Director.

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

A moment of silence was held to remember the South Korean businessman, Kim Sun-il, who was assassinated by the terrorists in Iraq.

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Melissa Byram for saving the life of a drowning victim. (F: 52.3)

ACTION: Recognized.

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

2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency and Sanitary District Oral Communications.)
 - 2.a. Norman Ross and Linda Knott addressed the Council concerning the complaints they filed against the City, their alleged mistreatment by the Police Department, and the City's denial of their claims. (F: 53.3) (XR: 49.2)
 - 2.b. Bea Jones thanked Mayor Broadwater and Councilman Rosen for attending the Juneteenth celebration this past weekend. (F: 53.3)
 - 2.c. Gary Brown commented regarding co-sponsorship of the Friday night car show on Main Street and urged the Council to approve the request. He also discussed the recent vote that was taken regarding the Main Street Assessment District. (F: 53.3) (XR: 88.1) (XR: A-122.5) (XR: 31.4) (XR: A-31.2)
 - 2.d. J. J. Jaureque commented regarding co-sponsorship of the Friday night car show on Main Street, noting that the event has been reviewed in newspapers, and it draws in people from outside the community. (F: 53.3) (XR: 88.1) (XR: A-122.5)

RECESS: 7:40 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 8:40 p.m.

3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.l. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
 - 3.a. Denial of claims submitted by State Farm Insurance Company for Cynthia Cowan, Serafin Vidovic, and Cynthia Cowan; claims submitted on behalf of Donald Cordill as a Successor in interest to Marie Cordell, and Donald Cordill; David Gunther; Thuy Ngo; Kee Quesenberry and Chung Kim; Anwar Alameddine and Lena Ayvazian; and claims submitted by James Rederburg and by Lynda Knott and Norman Ross. (F: 49.2)

ACTION: denied, except for claims submitted on behalf of Donald Cordill as a Successor in the interest to Marie Cordell and Donald Cordill, which were continued to July 13, 2004.
(5 Ayes.)

- 3.b. Award of Contract to Thompson Company, Inc., for application of elastomeric roof coatings on the Public Safety and Gem Theater buildings; and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$26,770.00) (F: 55) (XR: 82.1) (XR: 87.3)

ACTION: Awarded and authorized.
(5 Ayes.)

- 3.c. Award of Contract to A-1 Fence of Anaheim to repair and improve the security fencing at Central Stores; and authorize the Mayor and City Clerk to execute the contract (F: 55) (XR: 60.4) (F: 24.1)

ACTION: Awarded and authorized.
(5 Ayes.)

- 3.d. Renewal of Agreement with Northrop Grumman Public Safety, Inc., for the maintenance of software systems for the Police Department; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.e. Renewal of Agreement with Cron & Associates, Inc., for telephone transcription services for the Police Department; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.f. Renewal of Agreement with the Boys and Girls Club of Garden Grove for the Youth Diversion Program; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.g. Renewal of Agreement with Carl Warren & Company for claims administration services; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 49.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.h. Agreement with KDF Malabar, LP, for lease of office space for a neighborhood police post at 9777 Bixby Avenue; authorize the City Manager and City Clerk to execute the agreement; and authorize the Finance Director to draw warrants in the amount of One Dollar annually for rental fee, and payment of telephone service. (F: 55) (XR: 82.1)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.i. Agreement with AmeriNational Community Services, Inc., for loan portfolio management services; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: A-55.195)

ACTION: Approved and authorized.
(5 Ayes.)

- 3.j. Award of Purchase Order for a used hydroflusher truck for the Public Works Department. (Estimated cost: \$80,000.00)
(F: 60.4) (XR: 24.1)

ACTION: Awarded.
(5 Ayes.)

- 3.k. Warrants. (F: 60.5)

ACTION: Approved.
(5 Ayes.)

- 3.l. Waiver of full reading of Ordinances listed for second reading.

ACTION: Approved.
(5 Ayes.)

4. PUBLIC HEARINGS (Motion to approve will include adoption of each Resolution unless otherwise indicated.)
- 4.a. ALLEY VACATION NO. AV-104-04, initiated by Tzu Chiang Chen, requesting that the City vacate a portion of an alley located west of Flower Street and south of Park Avenue. (F: 110.AV-104-04)

Pursuant to publication of Resolution No. 8571-04, adopted on May 11, 2004, public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held. Resolution No. 8578-04 adopted.
(5 Ayes.)

- 4.b. ALLEY VACATION NO. AV-105-04, initiated by CHOCO Realty, requesting that the City vacate a portion of an alley located at the rear of property located on the south side of Chapman Avenue, east of Nutwood Street, at 10602 Chapman Avenue, as conditioned under Site Plan No. SP-326-03 for the development of a medical office building. (F: 110.AV-105-04)

Pursuant to publication of Resolution No. 8572-04, adopted on May 11, 2004, public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held. Resolution No. 8579-04 adopted.
(5 Ayes.)

- 4.c. GENERAL PLAN AMENDMENT NO. GPA-1-04, initiated by the City of Garden Grove, proposing to adopt a new element of the General Plan entitled the "Storm Water and Urban Water Runoff Element." (F: 20.GPA-1-04) (XR: 112.15)

The City Planning Commission, pursuant to Resolution No. 5424, recommended approval of GPA-1-04 on May 6, 2004, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held. Resolution No. 8580-04 adopted.
(5 Ayes.)

- 4.d. PROPOSED BUDGET FOR FISCAL YEAR 2004-05: (It is recommended that Items 4.d.1. through 4.d.9. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.) (F: 34.1) (XR: A-34.1) (XR: H-34.1) (XR: S-34.1)

ACTION: Hearing held.

- 4.d.1. Resolution adopting Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2004-05.

ACTION: Resolution No. 8581-04 adopted.
(4 Ayes, Leyes voted no.)

- 4.d.2 Resolution adopting Fiscal Year 2004-05 Appropriations Limit.

ACTION: Resolution No. 8582-04 adopted.
(5 Ayes.)

- 4.d.3. Resolution appropriating Fund Balances as of June 30, 2004 adopted.

ACTION: Resolution No. 8583-04 adopted.
(5 Ayes.)

- 4.d.4. Resolution reappropriating Fiscal Year 2003-04 Project Balances and Encumbrances for Fiscal Year 2004-05.

ACTION: Resolution No. 8584-04 adopted.
(5 Ayes.)

- 4.d.5. Resolution adopting Fiscal Year 2004-05 Agency Budget.

ACTION: Resolution No. 8585-04 adopted.
(5 Ayes.)

- 4.d.6. Resolution adopting Fiscal Year 2004-05 Agency Budget Administrative Costs.

ACTION: Resolution No. 8586-04 adopted.

(5 Ayes.)

- 4.d.7. Resolution adopting Fiscal Year 2004-05 Housing Authority Budget.

ACTION: Resolution No. 8587-04 adopted.
(5 Ayes.)

- 4.d.8. Resolution adopting revised Master Fee Resolution. (XR: 60.2a)

ACTION: Resolution No. 8588-04 adopted as amended,
eliminating the increase in the grading plan check fee.
(3 Ayes, Leyes and Tran voted no.)

- 4.d.9. Fiscal Year 2004-05 Conference and Training opportunities.

ACTION: Approved.
(5 Ayes.)

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

- 5.a. Amendment No. A-106-04, which would allow ground-mounted mechanical equipment in the side or rear setbacks on properties improved with a single-family home. (Continued from meeting of June 8, 2004) (F: 115.A-106-04) (XR: 50.3)

- 5.a.1. ORDINANCE NO. 2631, 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: Full reading waived. Ordinance passed to second reading.

(5 Ayes.)

- 5.b. Modified Engineer's Report for Main Street Assessment District No. 1 – Fiscal Year 2004-05 Assessments, and adoption of Resolution confirming proceedings. (Continued from meeting of June 8, 2004) (F: 31.4) (XR: A-31.2)

ACTION: Resolution No. 8589-04 adopted.
(5 Ayes.)

- 5.c. Consideration of City co-sponsorship of the Main Street Car Show (Continued from meeting of June 8, 2004) (F: 88.1) (XR: A-122.5)

ACTION: Approved two-year permit. Approved \$1 million insurance requirement for one year or until a report is provided justifying the new \$2 million insurance requirement.
(4 Ayes, Rosen voted no.)

- 5.d. Adoption of Paramedic tax override rate for Fiscal Year 2004-05. (F: 60.11)

ORDINANCE NO. 2632, for first reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ESTABLISHING THE AMOUNT OF MONEY FOR PARAMEDIC SERVICES THAT MUST BE RAISED BY AN AD VALOREM TAX OVERRIDE AND THE SETTING OF THE TAX RATE OF SAID OVERRIDE

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

- 5.e. Adoption of Measure M Seven-Year Capital Improvement Program, certifying that the Garden Grove Circulation Element is consistent with the County of Orange Master Plan of Arterials. (F: 23.18c)

ACTION: Resolution No. 8590-04 adopted.
(5 Ayes.)

6. ORDINANCES PRESENTED FOR SECOND READING:

- 6.a. ORDINANCE NO. 2628, for second reading and adoption, by title only,
entitled (F: 115.A-107-04) (XR: 50.3)

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

ACTION: Ordinance passed.
(5 Ayes.)

- 6.b. ORDINANCE NO. 2629, for second reading and adoption, by title only,
entitled (F: 115.A-108-04) (XR: 50.3)

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: Ordinance passed.
(5 Ayes.)

- 6.c. ORDINANCE NO. 2630, for second reading and adoption, by title only,
entitled (F: 106.151) (XR: 116.SP-320-03)

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: Ordinance passed.
(5 Ayes.)

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

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

- 7.a. Councilman Leyes commented that an item will be listed on the July 13 agenda regarding the City's vote on the tax assessment for the Orange County Vector Control District. (F: 53.1) (XR: 23.20)
- 7.b. Councilman Leyes commented regarding the candlelight vigil in honor of former President Ronald Reagan that was held on June 10, 2004, at Calvary Chapel. People who attended signed a book that will be sent to the Reagan family. He requested that the book be placed in the lobby of City Hall for one week to provide the opportunity for people to sign it. (F: 53.1)
- 7.c. Councilman Dalton commented that he and Councilman Tran attended the Garden Grove Firefighters check presentation to the Firefighters Quest for Burn Survivors event that was held Tuesday morning. He noted that this organization goes from city to city collecting donations for firefighter burn survivors. The Garden Grove Fire Department presented a check to the Grossman Burn Center. (F: 53.1) (XR: 61.1)
- 7.d. Councilman Tran commented that on Monday he met with President Bush's Homeland Security Secretary Tom Ridge. The Homeland Security Department has increased to 180,000 people including airport and ports security. The Federal Government cannot do it alone and they need the help and cooperation of everyone to maintain vigilance. (F: 53.1) (XR: 117.2c)
- 7.e. Mayor Broadwater commented that on Wednesday there will be a candlelight service held in the Korean Business District in memory of Kim Sun-il, who was brutally killed by terrorists in Iraq. (F: 53.1)

RECESS: 10:20 p.m.

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: 11 p.m.