

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

July 8, 2003

7:03 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: Assistant City Manager, Les Jones.

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

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of Tina Javid for her exceptional work in the Garden Grove community. (F: 52.3)

ACTION: Recognized.

- 1.b. Introduction of members of Boy Scout Troop 641. (F: 52.3)

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

- 2.a. Kenda Taylor addressed the Council urging the Gilbert PUD be denied, and indicating she will work on a referendum if it is approved. (F: 53.3)
(XR: 116.PUD-102-03)

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

- 2.b. Gloria Toepel and Verla Lambert addressed the Council, urging the Gilbert PUD be denied. (F: 53.3) (XR: 116.PUD-102-03)
- 2.c. Diane Streich-Harrell addressed the Council, expressing her appreciation that the sports complex will be placed at another location other than at West Haven Park. She indicated there is still a parking problem across from the park and something needs to be done to solve this problem. She commented that signs don't help without patrolling. (F: 53.3) (XR: 73.12a) (XR: 75.1)
- 2.d. Paul Toepel addressed the Council, urging the Gilbert PUD be denied. He also urged fireworks be banned in Garden Grove. (F: 53.3) (XR: 116.PUD-102-03) (XR: 61.6)
- 2.e. Tony Flores addressed the Council and submitted documentation relative to the lawsuit of Flores v. Broadwater, alleging the City Attorney, Councilman Rosen, and Mayor Broadwater have a conflict of interest in that matter. (F: 53.3)
- 2.f. Steve Raganold, President of the Central Garden Grove Residents Association, addressed the Council, urging they reflect on their decision concerning the Gilbert PUD and deny the project. He noted there will be a referendum filed if the Council passes the ordinance, and he invited the Councilmembers to attend their meeting next Saturday. (F: 53.3) (XR: 116.PUD-102-03) (XR: 130.19)
- 2.g. Janine Fowler addressed the Council, urging the Gilbert PUD be denied and referencing the referendum they are ready to submit. (F: 53.3) (XR: 116.PUD-102-03)
- 2.h. Manny Nunes, resident and city planning professional, addressed the Council in support of the Gilbert PUD, praising its quality and design and noting that it completely conforms with the city's General Plan. (F: 53.3) (XR: 116.PUD-102-03) (XR: 113.1)
- 2.i. Valerie Austin addressed the Council expressing concern about the lack of English signs in the area of Brookhurst Street/Westminster Avenue. (F: 53.3) (XR: 94.1)
- 2.j. Robin Marcario addressed the Council concerning agenda item 5.b., urging it not be approved. She also suggested the Gilbert PUD be changed from 14 to 12 residential units. (F: 53.3) (XR: 116.SP-317-02) (XR: 116.PUD-102-03)
- 2.k. Carolyn Rowland addressed the Council, alleging overcrowded building in the city with no increase in police services. She suggested relooking at the General Plan to make it more current, and increasing the parkland. She also suggested that

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

builders be required to incorporate more parks with their developments. (F: 53.3)
(XR: 116.PUD-102-03)

RECESS: 7:43 p.m.

RECONVENE: 8:42 p.m.

3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.h. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
- 3.a. Award of Contract to Three D Service Company, Inc., for the abatement of Asbestos Containing Material (ACM) and the demolition of structures at various locations in the city; and authorize the City Manager and City Clerk to execute the pertinent documents. (Estimated cost: \$216,197.00) (F: 55) (XR: 43.1) (XR: 21.1)
- ACTION: Awarded and authorized.
- (5 Ayes.)
- 3.b. Rejection of sole bid submitted by S&S Mechanical for Project No. 7383, Conversion of Air/Fuel Controllers for Six Natural Gas Engines for Water Wells and Booster pumps; approve revised Plans and Specifications for project; and authorize the City Clerk to advertise for bids. (F: 112.Proj.7383) (XR: 24.12)
- ACTION: Approved and authorized.
- (5 Ayes.)
- 3.c. Approval of Agreement with Curbside, Inc., for the administration of Used Oil Recycling Block Grant programs; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 89.2) (XR: 24.1) (XR: 97.2.93)
- ACTION: Approved and authorized.
- (5 Ayes.)
- 3.d. Approval of Agreement with USbancorp Piper Jaffray as Underwriter for the refunding of the 1993 Tax Allocation issue; and authorize the Finance Director to execute the agreement. (F: A-34.7)
- ACTION: Approved and authorized.

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

(5 Ayes.)

- 3 e. Approval of West Orange County Water Board Budget for Fiscal Year 2003-04.
(F: 112.9)

ACTION: Approved.

(5 Ayes.)

- 3.f. Approval of Minutes of Regular City Council Meeting held April 22, 2003.
(F: Vault)

ACTION: Approved.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

- 3.h. 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. PROPOSED BUDGET FOR FISCAL YEAR 2003-04: (It is recommended that Items 4.a.1. through 4.a.9. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)
(F: 34.1.2003/2004) (XR: A-34.1) (XR: S-34.1) (XR: H-34.1)

ACTION: Hearing held.

- 4.a.1. Resolution adopting Basic Services, Grant Services, Water Services, Capital Improvements, Mobile Home Parks, and Special Assessment Budgets for Fiscal Year 2003-04.

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

ACTION: Continued to July 22, 2003.

(4 Ayes. Broadwater voted no.)

4.a.2 Resolution adopting Fiscal Year 2003-04 Appropriations Limit.

ACTION: Resolution No. 8511-03 adopted.

(5 Ayes.)

4.a.3. Resolution appropriating Fund Balances as of June 30, 2003.

ACTION: Resolution No. 8512-03 adopted.

(5 Ayes.)

4.a.4. Resolution reappropriating Fiscal Year 2002-03 Project Balances and Encumbrances for Fiscal Year 2003-04.

ACTION: Resolution No. 8513-03 adopted.

(5 Ayes.)

4.a.5. Resolution adopting Fiscal Year 2003-04 Agency Budget.

ACTION: Resolution No. 8514-03 adopted.

(5 Ayes.)

4.a.6. Resolution adopting Fiscal Year 2003-04 Agency Budget Administrative Costs.

ACTION: Resolution No. 8515-03 adopted.

(5 Ayes.)

4.a.7. Resolution adopting Fiscal Year 2003-04 Housing Authority Budget.

ACTION: Resolution No. 8516-03 adopted.

(5 Ayes.)

4.a.8. Resolution adopting revised Master Fee Resolution.

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

ACTION: Resolution No. 8517-03 adopted.
(4 Ayes. Leyes voted no.)

4.a.9. Fiscal Year 2003-04 Conference and Training opportunities.

ACTION: Approved.

(5 Ayes.)

4.b. MAIN STREET ASSESSMENT DISTRICT NO. 1 – FISCAL YEAR 2003-04
ASSESSMENTS (F: A-31.2) (XR: 31.4)

4.b.1. Hearing of Protests.

ACTION: Hearing held.

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

ACTION: Resolution No. 8518-03 adopted.

(5 Ayes.)

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

5.a. Award of Contract to P. A. Engineering, Inc., for Project No. 7257, Construction of
Haster/Chapman Intersection Improvements; and authorize the Mayor and City
Clerk to execute the contract. (Estimated cost: \$395,214.00) (F: 96.Proj.7257)

ACTION: Awarded and authorized.

(5 Ayes.)

5.b. Consideration of Viacom Billboard Relocation. (F: 116.SP-317-02) (XR: A-55.287)

5.b.1. Appeal of Site Plan No. SP-317-02, submitted by Viacom Outdoor, which
requested 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, then to June 10, 2003, and subsequently to
this date.

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

ACTION: Resolution No. 8519-03 adopted.
(4 Ayes. Dalton voted no.)

- 5.b.2. Settlement and Release Agreement with the Garden Grove Agency for Community Development and Viacom Outdoor, Inc., regarding relocation of a billboard. (Please note that this item is also listed on the Agency agenda as Item No. 3.a.)

ACTION: Approved and authorized.

(4 Ayes. Dalton voted no.)

- 5.c. Adoption of a Resolution requesting the Orange County Transportation Authority allocate combined Transportation Program funds for the Haster/Chapman Intersection Improvements. (F: 96.Proj.7257) (XR: 23.18)

ACTION: Resolution No. 8520-03 adopted.

(5 Ayes.)

- 5.d. Adoption of a Resolution to amend the Memorandum of Understanding of the Employees' Association to add/modify personnel classifications. (F: 78.13c)

ACTION: Resolution No. 8521-03 adopted.

(5 Ayes.)

- 5.e. Consideration of adoption of Paramedic tax override rate for Fiscal Year 2003-04. (F: 60.11)

ORDINANCE NO. 2609, for introduction and first reading, 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: Ordinance passed to second reading.

(5 Ayes.)

6. ORDINANCES PRESENTED FOR SECOND READING:

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

- 6.a. ORDINANCE NO. 2605, for second reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONE AMENDMENT A-100-03 TO REZONE A PARCEL OF LAND FROM HCSP-OP (OFFICE PROFESSIONAL OF THE HARBOR CORRIDOR SPECIFIC PLAN) TO OP (OFFICE PROFESSIONAL), LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, EAST SIDE OF HASTER STREET, AT 13001 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-111-02, 03 (F: 115.A-103-03) (XR: 106.140) (XR: 116.SP-322-03)

ACTION: Ordinance passed.

(5 Ayes.)

- 6.b. ORDINANCE NO. 2606, 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 THE ORANGE COUNTY VECTOR CONTROL DIVISION AND THE CITY OF GARDEN GROVE FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD AND THE EAST SIDE OF HASTER STREET, AT 13001 GARDEN GROVE BOULEVARD, PARCEL NOS. 231-111-02, 03 (F: 115.A-103-03) (XR: 106.140) (XR: 116.SP-322-03)

ACTION: Ordinance passed.

(5 Ayes.)

- 6.c. ORDINANCE NO. 2607, 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-102-03 CHANGING THE ZONING DESIGNATION FROM R-1-7 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD 102-03 FOR PROPERTY LOCATED ON THE EAST SIDE OF GILBERT STREET, NORTH OF STANFORD AVENUE AT 12632, 12642, 12672, AND 12692 GILBERT STREET, PARCEL NOS. 133-332-17, 29, 30, 42, 43 (F: 116.PUD-102-03) (XR: 106.141) (XR: 111-V-105-03) (XR: 103.TT-16433)

ACTION: Ordinance passed.

(3 Ayes. Dalton and Rosen voted no.)

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

6.d. ORDINANCE NO. 2608, 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 BRANDYWINE
DEVELOPMENT CORPORATION (DEVELOPER) AND THE CITY OF GARDEN
GROVE FOR PROPERTY LOCATED ON THE EAST SIDE OF GILBERT
STREET, NORTH OF STANFORD AVENUE AT 12632, 12642, 12672, & 12692
GILBERT STREET, PARCEL NOS. 133-332-17, 29, 30, 42, 43
(F: 116.PUD-102-03) (XR: 106.141) (XR: 111-V-105-03) (XR: 116.SP-324-03)
(XR: 103.TT-16433)

ACTION: Ordinance passed.

(3 Ayes. Dalton and Rosen voted no.)

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

7.a. Discussion regarding separation of City Selection Committee from the Orange
County Division of the League of California Cities, as requested by Mayor
Broadwater. (F: 74.11)

ACTION: Continued to an unspecified date.

7.b. Consideration of a legal challenge to the constitutionality of the increase in vehicle
license fees, as requested by Councilman Leyes. (Continued from meeting of
June 24, 2003. (F: 44.2)

ACTION: Continued to an unspecified date.

7.c. Consideration of designation of Voting Delegate for 2003 League Annual
Conference. (F: 74.10)

ACTION: Mayor Pro Tempore Tran designated,

(5 Ayes.)

7.d. Councilman Dalton provided update concerning recent action taken by the Orange
County Sanitation District to raise fees. (F: 23.14) (XR: S-74.2)

7.e. Consensus of members to hold special meeting on Monday, July 14, 2003, at
6:00 p.m., to discuss police negotiations in Closed Session. (F: 10.4)

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

7.f. Mayor Broadwater reviewed his ride-along with Battalion Chief on July 4th, noting that he will be bringing an ordinance to the Council to institute a \$500 citation fee for anyone setting off illegal fireworks. He requested a report concerning Buena Park's ordinance on this. (F: 61.6)

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 Flores v. Broadwater.

ACTION: Discussed. Motion to ratify and approve the decision to appeal the trial court decision in Flores v. Broadwater.

(4 Ayes. Broadwater absent.)

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.

ACTION: Discussed.

9. ADJOURNMENT: 11:25 p.m., to Monday, July 14, 2003, at 6:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue.