

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

October 14, 2003

7:21 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 Jim and Marilyn Tortolano on the 20<sup>th</sup> Anniversary of the Garden Grove Journal. (F: 52.3)

ACTION: Recognized.

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

- 2.a. Charles Mitchell spoke about child safety and the need to slow down and not speed in front of schools. Parents with children should be given a warning by the Police Department when they cross the street in the middle of the block without using the crosswalk. (F: 53.3)

COUNCILMEMBERS: COUNCILMAN DALTON, COUNCILMAN LEYES,  
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- 2.b. Tony Flores commented regarding his suit with the Mayor. (F: 53.3) (XR: 49.1)
- 2.c. Steve Raganold commented regarding item 4.e. and the need to pass this ordinance. However, he urged the Council to preserve the residential neighborhoods. (F: 53.3) (XR: 115.A-101-03) (XR: 122.10)
- 2.d. Martin Lemire requested clarification on item 4.e. The Mayor commented that it only refers to separate structures on the property and not additions to the house. (F: 53.3) (XR: 115.A-101-03) (XR: 122.10)
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. Approval of Agreement with Katz, Okitsu and Associates to prepare and implement traffic signal timing plans for 12 intersections on Euclid Street between Westminster Avenue and Orangewood Avenue; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 100.1)
- ACTION: Approved and authorized.  
(5 Ayes.)
- 3.b. Approval of Subrecipient Agreement with the Fair Housing Council of Orange County to provide fair housing services for FY 2003-04; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 23.21)
- ACTION: Approved and authorized.  
(5 Ayes.)
- 3.c. Approval of Subrecipient Agreement with Senior Meals and Services, Inc., to provide daily home-delivered meals and congregate meal services to Garden Grove senior citizens; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 87.7)
- ACTION: Approved and authorized.  
(5 Ayes.)
- 3.d. Approval of Final Progress Payment and Acceptance of Contract as complete for the Elastomeric Roof Coating project; authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to draw warrant in the amount of \$23,391.00 to Howard Roofing Company, Inc., and release the retention payment when appropriate to do so. (F: 55) (XR: 48.4) (XR: 24.1)

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COUNCILMAN ROSEN, MAYOR PRO TEMPORE TRAN,  
MAYOR BROADWATER

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ACTION: Approved and authorized.  
(5 Ayes.)

- 3.e. Acceptance of Contract as complete for Project No. 7135, Southbound Harbor Boulevard Right Turn Lane at Chapman Avenue; authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to release the retention payment to Alliance Streetworks, Inc., when appropriate to do so. (F: 96.Proj.7135)

ACTION: Approved and authorized.  
(5 Ayes.)

- 3.f. Approval of Minutes of Regular City Council Meetings of July 8, July 22, and July 29, 2003, and Special Meeting held July 14, 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. Public Hearing to consider the allocation of FY 2003-04 State Supplemental Law Enforcement Services Funds in the amount of \$253,089.00 for Law Enforcement Programs. (F: 82.5) (XR: 97.3.00)

ACTION: Hearing held. Allocation approved.  
(5 Ayes.)

- 4.b. Public Hearing to consider acceptance and allocation of Local Law Enforcement Block Grant Federal money, in the amount of \$111,750.00, to help fund the Department's Jail Service contract with Correctional Systems, Inc. (F: 82.5) (XR: 55)

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ACTION: Hearing held. Allocation approved.  
(5 Ayes.)

- 4.c. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN  
NO. SP-325-03, initiated by G & W Builders, Inc., for the expansion of an existing 2,570 square foot industrial warehouse by an additional 8,606 square feet on a 21,762 square foot site, zoned MK-1 (Limited Industrial), located at the terminus of West Street, north of Westminster Avenue, at 13781 West Street. (F: 106.142) (XR: 116.SP-325-03)

On August 21, 2003, the City Planning Commission, pursuant to Resolution No. 5374, approved SP-325-03 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.c.1. ORDINANCE NO. 2613 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 GEORGE P. HEIDLER (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED AT THE TERMINUS OF WEST STREET, NORTH OF WESTMINSTER AVENUE, AT 13781 WEST STREET, PARCEL NO. 100-591-13

ACTION: Full reading waived. Ordinance passed to second reading.  
(4 Ayes, Rosen abstained.)

- 4.d. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN  
NO. SP-326-03, initiated by Choco Realty Corp., to construct a new two-story 13,760 square foot medical office building and provide related improvements on an approximately one-acre site, zoned Office Professional, located on the south side of Chapman Avenue, east of Nutwood Street, at 10602 Chapman Avenue. (F: 106.143) (XR: 116.SP-326-03)

On August 21, 2003, the City Planning Commission, pursuant to Resolution No. 5377, adopted a Negative Declaration, approved SP-326-03, and recommended approval of the Development Agreement. Public hearing on the case was ordered by the City Council to be held this date.

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ACTION: Hearing held.

- 4.d.1. ORDINANCE NO. 2614 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 CHOCO REALTY CORPORATION (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF CHAPMAN AVENUE, EAST OF NUTWOOD STREET, AT 10602 CHAPMAN AVENUE, PARCEL NO. 89-141-59

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

- 4.e. AMENDMENT NO. A-101-03 – The City of Garden Grove, is requesting to amend the City of Garden Grove Municipal Code (Title 9), Section 9.08.050, subpart 44 (Second Units); Section 9.08.030, Table 1 (Land Use Matrix); and Section 9.16.060, Subsection D (Detached Accessory Structures). The amendment will bring the Municipal Code into compliance with the State Assembly Bill No. 1866, by eliminating the requirement for discretionary review for second unit proposals and authorizing ministerial approval. Second units will be subject to all City development standards and conditions contained in the ordinance. The City of Garden Grove has determined that this project is exempt pursuant to CEQA. (F: 115.A-101-03) (XR: 122.10)

On August 21, 2003, the City Planning Commission, pursuant to Resolution No. 5375, adopted a negative declaration and recommended approval of A-101-03, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 4.e.1. ORDINANCE NO. 2615, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING TABLE 1 OF SECTION 9.08.030, SUBSECTION 44 OF SECTION 9.08.050 AND SUBSECTION D OF SECTION 9.16.060 OF THE GARDEN GROVE MUNICIPAL CODE, RELATING TO SECOND UNITS

COUNCILMEMBERS: COUNCILMAN DALTON, COUNCILMAN LEYES,  
COUNCILMAN ROSEN, MAYOR PRO TEMPORE TRAN,  
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ACTION: Full reading waived. Ordinance passed to second reading.  
(5 Ayes.)

RECESS CITY COUNCIL: 9:00 p.m.

CONDUCT AGENCY BUSINESS

RECONVENE CITY COUNCIL: 9:01 p.m.

5. ORDINANCE PRESENTED FOR SECOND READING:

5.a. ORDINANCE NO. 2611 for second reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING CHAPTER 5.12 "REGULATION OF MASSAGE ACTIVITY" WITHIN THE CITY CORPORATE BOUNDARIES (Continued from meeting of September 9, 2003) (F: 50.2) (XR: 82.1)

ACTION: Continued to October 28, 2003.  
(5 Ayes.)

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

6.a. Consideration of Ordinance relating to use of eminent domain powers, as requested by Mayor Pro Tempore Tran. (F: 127.1) (XR: A-127.1)

ACTION: Withdrawn for consideration at a later date.

6.b. Councilman Leyes requested that a discussion and possible Council position regarding the Orange County CenterLine Project public hearing on the Environmental Impact Report be listed on the October 28 agenda. (F: 23.18F)

6.c. Councilman Leyes commented on the death of Wally George and noted that he was a Garden Grove resident. (F: 53.1)

6.d. Councilman Dalton commented on the deaths of Sam Sparks and James Taylor, noting that they both worked for the Garden Grove Fire Department. (F: 53.1) (XR: 61.1)

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- 6.e. Councilman Rosen commented that the CenterLine project has taken away money and staff time from the expansion of the 22 Freeway project. If the Council is going to take a position on the project, he requested that Councilman Leyes provide it in the next agenda packet. (F: 23.18F)
- 6.f. Councilman Tran extended sympathy to Lee Butterfield on the death of her husband Woody. He served with Mrs. Butterfield on the Planning Commission for two years. (F: 53.1)
- 6.g. Councilman Tran provided a report on his trip to Korea and participation in the Anyang celebration. (F: 53.1) (XR: 102.3)
- 6.h. Mayor Broadwater commented regarding a very nice article in the L.A. Times featuring Judge Brett London. (F: 53.1)
7. CLOSED SESSION:
- 7.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 Employee Association, Employee League, and non-represented Management and Central Management employees.
- ACTION: Not discussed.
- 7.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, Police Middle Management, and Garden Grove Fire Fighters Local 2005.
- ACTION: Discussed.
- 7.c. 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.
- 7.d. Pursuant to Government Code section 54956.9(c), the City Council will confer with its legal counsel regarding one matter.
- ACTION: Discussed.

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8. ADJOURNMENT: 12 a.m. on Wednesday, October 15, 2003, in memory of Wally George, Sam Sparks, and James Taylor. (F: 46.9)

***HAPPY BIRTHDAY TO MAYOR PRO TEMPORE VAN TRAN***