

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

October 28, 2003

6:53 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 Matthew Fertal.

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

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of 2003 USA Athletics Girls Softball Team for winning the 2003 ASA 12-and-Under Girls Fast Pitch National Championship.
(F: 52.3)

ACTION: Recognized.

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

- 2.a. Chuck Fry addressed the Council and presented a check for the final payment of a loan made by the Agency eight years ago for the development of the Arbor Glen Apartments project, which provides affordable housing for low income families.
(F: 53.3) (XR: A-55.159)

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

- 2.b. Wayne King addressed the Council, urging it adopt a Resolution in opposition to the Orange County CenterLine Light Rail Project. (F: 53.3) (XR: 23.18F)
- 2.c. Hsu Han Chao addressed the Council expressing concern about the outside lights not being on at night outside the Regional Library. (F: 53.3)

3. WRITTEN COMMUNICATIONS:

- 3.a. Request from the U.S. Small Business Administration (SBA) for use of various rooms at the Garden Grove Community Meeting Center on February 12, 2004, for its second annual SBA Small Loan Fair. (F: 88.1) (XR: 48.4)

ACTION: Approved.

(5 Ayes.)

- 3.b. Request from Garden Grove Cub Scout Pack 507 for City co-sponsorship of 2004 Pushcart Derby on April 25, 2004. (F: 88.1)

ACTION: Approved.

(5 Ayes.)

4. CONSENT ITEMS: (It is recommended that Items 4.a. through 4.i. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)

- 4.a. Approval of Proclamation designating November 23-30, 2003, as National Bible Week. (F: 83.1)

ACTION: Approved.

(5 Ayes.)

- 4.b. Approval of Resolution commending Garden Grove Police Chief Joseph Polisar for becoming President of the International Association of Chiefs of Police. (F: 52.2) (XR: 82.1)

ACTION: Approved.

(5 Ayes.)

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

- 4.c. Approval of 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: Continued to November 11, 2003.

(5 Ayes.)

- 4.d. Approval of Agreement with Main Place Christian Fellowship, Inc., for the provision of an After-School Tutoring and Enrichment Program at the Family Resource Center for the residents of Buena Clinton; and authorize the Mayor and City Clerk to execute the agreement. (F: 55) (XR: 73.20a)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.e. Approval of Agreement with Air-Ex Air Conditioning, Inc., for Citywide Heating Ventilation and Air Conditioning (HVAC) systems services on an as-needed basis; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 24.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 4.f. Award of Purchase Order to We Do Equipment for one walk-behind roller for street maintenance – Public Works Department. (Estimated cost: \$8,630.78) (F: 60.4) (XR: 24.2)

ACTION: Awarded.

(5 Ayes.)

- 4.g. Award of Purchase Order to Los Angeles Freightliner for one truck – Public Works Department. (Estimated Cost: \$140,818.48) (F: 60.4) (XR: 24.1)

ACTION: Awarded.

(5 Ayes.)

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

4.h. Approval of warrants. (F: 60.5)

ACTION: Approved.

(5 Ayes.)

4.i. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.

(5 Ayes.)

RECESS: 7:30 p.m.

RECONVENE: 8:10 p.m.

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

5.a. Public Hearing to consider a proposed Purchase and Sale Agreement with GT Development Company for the proposed sale and development of certain real property located at 10271 Malinda Lane as a single-family housing development, and appurtenant improvements. (F: 55) (XR: 84.1)

ACTION: Hearing held. Agreement approved and authorized.

(5 Ayes.)

5.b. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-328-03, initiated by Daniel and Kim Seid, to construct a 10,340 square foot multi-tenant retail commercial center on the northeast corner of 15th Street and Brookhurst Street, south of Westminster Avenue, at 10001 15th Street. The site is located in the C-1 (Neighborhood Commercial) zone. (F: 106.144) (XR: 116.SP-328-03)

On September 4, 2003, the City Planning Commission, pursuant to Resolution No. 5381, approved SP-328-03 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.

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

- 5.b.1. ORDINANCE NO. 2616 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 DANIEL AND KIM SEID AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF 15TH STREET AND BROOKHURST STREET, AT 10001 15TH STREET, PARCEL NO. 099-161-23

ACTION: Ordinance passed to second reading.

(5 Ayes.)

- 5.c. GENERAL PLAN AMENDMENT NO. GPA-1-03, AMENDMENT NO. A-102-03, AND A DEVELOPMENT AGREEMENT, IN CONNECTION WITH SITE PLAN NO. SP-330-03, initiated by Shil Park, requesting approval of a General Plan Amendment to change the land use designation of a portion of a lot from Low Medium Density Residential to Light Commercial, a Zone Change from R-2 (Limited Multiple Family) to C-1 (Neighborhood Commercial), and a Development Agreement to construct a new 5,073 square foot commercial building. The site is approximately 18,808 square feet and is located at the northeast corner of Garden Grove Boulevard and Magnolia Avenue, at 9001 Garden Grove Boulevard. (F: 20.GPA-1-03) (XR: 115.A-102-03) (XR: 106-145) (XR: 116.SP-330-03)

On September 18, 2003, the City Planning Commission, pursuant to Resolution No. 5379, recommended approval of GPA-1-03, A-102-03, and a Development Agreement. Public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 5.c.1. Resolution approving General Plan Amendment No. GPA-1-03.

ACTION: Resolution No. 8529-03 adopted.

(5 Ayes.)

- 5.c.2. ORDINANCE NO. 2617, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A ZONE CHANGE AMENDMENT

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

CHANGING THE ZONING DESIGNATION FROM R-2 (LIMITED MULTIPLE RESIDENTIAL) ZONE TO C-1 (NEIGHBORHOOD COMMERCIAL) ZONE, FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA AVENUE AT 9001 GARDEN GROVE BOULEVARD, PARCEL NOS. 133-432-21, 23, AND 39

ACTION: Ordinance passed to second reading.

(5 Ayes.)

- 5.c.3. ORDINANCE NO. 2618, 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 SHIL PARK AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA AVENUE, AT 9001 GARDEN GROVE BOULEVARD, PARCEL NO. 133-432-21, 23, 39

ACTION: Ordinance passed to second reading.

(5 Ayes.)

RECESS: 8:18 p.m.

RECONVENE: 8:33 p.m.

6. ITEMS FOR CONSIDERATION:

- 6.a. Award of Contracts to Nobest, Inc. and to Damon Construction Co., for concrete repair services to improve sidewalk safety and to assure proper drainage of streets; and authorize the Mayor and City Clerk to execute the contracts. (Estimated costs: \$268,700.00 and \$461,300.00, respectively) (F: 55) (XR: 93.1) (XR: 24.1)

ACTION: Awarded and authorized.

(5 Ayes.)

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

- 6.b. Award of Contract to Moreland & Assoc., Inc., for City independent auditor services for FY 2003-04 through FY 2007-08; and authorize the Finance Director and City Clerk to execute the contract. (Estimated cost: \$270,500.00) (F: 55) (XR: 60.1)

ACTION: Awarded and authorized.

(5 Ayes.)

7. ORDINANCES PRESENTED FOR SECOND READING:

- 7.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 October 14, 2003) (F: 50.2) (XR: 82.1)

ACTION: Continued to November 11, 2003.

(5 Ayes.)

- 7.b. ORDINANCE NO. 2613 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 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 (F: 106.142) (XR: 116.SP-325-03)

ACTION: Ordinance passed.

(4 Ayes. Rosen abstained.)

- 7.c. ORDINANCE NO. 2614 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 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 (F: 106.143) (XR: 116.SP-326-03)

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

ACTION: Ordinance passed.

(5 Ayes.)

7.d. ORDINANCE NO. 2615 for second reading and adoption, 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 (F: 11.A-101-03)
(XR: 122.10)

ACTION: Ordinance passed.

(5 Ayes.)

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

8.a. Consideration of Resolution opposing the Orange County CenterLine Light Rail
Project, as requested by Councilman Leyes. (F: 53.1) (XR: 23.18F)

ACTION: Continued to November 11, 2003.

(4 Ayes. Leyes voted no.)

8.b. Consideration of Resolution supporting the repeal of SB-60, which eliminates the
requirement for proof of legal residency when obtaining a Driver's License, as
requested by Councilman Leyes. (F: 53.1)

ACTION: Continued to November 11, 2003.

(4 Ayes. Leyes voted no.)

8.c. Councilman Leyes referenced an article in the Register newspaper about Service
Awards presented to nonprofit groups by the Disneyland Resort, noting that Boys
Hope Girls Hope of Southern California, located in Garden Grove, received
\$12,000. (F: 53.1)

8.d. Mayor Broadwater commented that the City has three fire engines and 11 firemen
fighting the deadly fires in the local mountains. (F: 53.3) (XR: 61.1)

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

9. CLOSED SESSION:

- 9.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: Discussed.

- 9.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.

- 9.c. Pursuant to Government Code section 54956.9(b)(2), the City Council will meet with its legal counsel concerning one matter.

ACTION: Discussed.

- 9.d. Pursuant to Government Code section 54956.9, the City Council will confer with its legal counsel regarding the status of Pham, et al. v. City of Garden Grove.

ACTION: Discussed.

10. ADJOURNMENT: 11:00 p.m., in memory of Jackie Shohet, Garden Grove resident who served on the board of TASK, Team of Advocates for Special Kids; and in memory of Dorothy Lake, wife of the first Mayor of Garden Grove. (F: 46.9)