

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center
11300 Stanford Avenue

November 11, 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: 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 City's Teen Ad Hoc Committee for their volunteer efforts. (F: 52.3) (XR: 122.67)

ACTION: Recognized.

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

- 2.a. Nativo Lopez, National Director of the National Mexican Latin American Brotherhood and the Mexican American Political Association, and Zeke Hernandez, District 1 Director of the League of United Latin American Citizens, addressed the Council concerning Agenda Item 6.b., urging that the Council not

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approve the proposed resolution to support the repeal of SB-60, noting that it is a state issue and a transportation and safety issue. (F: 53.3) (XR: 53.1)

- 2.b. David Vill, President of AARP Chapter 1639, addressed the Council concerning Agenda Item 6.a., urging the Council to support the Orange County CenterLine Light Rail Project, noting that it is important for the senior citizens. (F: 53.3) (XR: 53.1) (XR: 23.18F)
- 2.c. Charles Mitchell addressed the Council, remembering the veterans of our country on this Veterans Day holiday, and inviting everyone to attend the American Legion Meeting in Midway City on November 24, 2003. (F: 53.3)
- 2.d. Diane Streich-Harrell addressed the Council, providing an update on the parking situation in West Haven Park area, noting that things have deteriorated and the police have been no help. (F: 53.3) (XR: 73.12a) (XR: 75.1)
- 2.e. Laurie Merrick addressed the Council, requesting that a stop sign be placed at Halekalani and Pleasant Street to address traffic issues. She also spoke concerning Agenda Item 3.b., noting that there are better things to do with the \$150,000 proposed to pay a consultant to find out what the community wants. (F: 53.3) (XR: 100.2) (XR: 122.11)

ACTION: Mayor Broadwater advised Ms. Merrick to submit her request for the stop sign to the Traffic Commission.

- 2.f. Verla Lambert and Kevin Lambert addressed the Council concerning Agenda Item 3.b., noting that the Councilmembers should meet and talk with the residents and listen to their comments and suggestions instead of hiring a consultant. Mrs. Lambert also suggested a Town Hall meeting be held to discuss Harbor Boulevard. (F: 53.3) (XR: 55) (XR: 45.1)
- 2.g. Ray Littrell addressed the Council, noting that one of the hotels on Harbor Boulevard is not paying its property tax. He stated that it is time to audit the hotels' books. (F: 53.3)

ACTION: Mayor Broadwater asked staff to provide a report on the gross and net amounts of TOT received for the last six years.

RECESS CITY COUNCIL: 7:28 p.m.

CONDUCT AGENCY BUSINESS

RECONVENE CITY COUNCIL: 7:29 p.m.

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3. CONSENT ITEMS: (It is recommended that Items 3.a. through 3.i. be acted on simultaneously unless separate discussion and/or action is requested by a Councilmember.)

3.a. 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. (Continued from meeting of October 28, 2003) (F: 55) (XR: 74.3) (XR: 82.1)

ACTION: Approved and authorized.

(5 Ayes.)

3.b. Approval of Agreement with Sheldon Public Relations to conduct a community vision campaign to determine future services, projects, and events for the city; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 45.1)

ACTION: Approved and authorized.

(4 Ayes. Rosen voted no.)

3.c. Approval of Amendment to Agreement with the Garden Grove Unified School District for the use of the Chapman Sports Complex; and authorize the City Manager and City Clerk to execute the agreement. (F: 55) (XR: 87.1) (XR: 95.1) (XR: 73.23)

ACTION: Approved and authorized.

(5 Ayes.)

3.d. Approval of Final Progress Payment and Acceptance of Contract as complete for Project No. 2003, Park Improvements at Various Locations; authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to draw a warrant in the amount of \$55,800.16 to Ryco Construction, Inc., and release the retention payment when appropriate to do so. (F: 55) (XR: 73.12a) (XR: 24.1)

ACTION: Approved and authorized.

(5 Ayes.)

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- 3.e. Approval of Final Progress Payment and Acceptance of Contract as complete for Apparatus Door Replacement at Fire Station No. 1; authorize the Mayor and City Clerk to execute the appropriate documents; and authorize the Finance Director to draw a warrant in the amount of \$14,167.80 to DuCharme Door Corporation, and release the retention payment when appropriate to do so. (F: 55) (XR: 24.1) (XR: 61.1)

ACTION: Approved and authorized.

(5 Ayes.)

- 3.f. Approval to appoint new Finance Director at "G" step of salary range. (F: 78.1)

ACTION: Approved.

(5 Ayes.)

- 3.g. Approval of Minutes of the Regular City Council Meeting held August 12, 2003. (F: Vault)

ACTION: Approved.

(5 Ayes.)

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

ACTION: Approved.

(5 Ayes.)

- 3.i. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.

(5 Ayes.)

4. ITEMS FOR CONSIDERATION:

- 4.a. Award of Contract to Ben's Asphalt, Inc., for 2003/04 and 2004/05 Street Rehabilitation (Overlay); and authorize the Mayor and City Clerk to execute the contract. (Estimated cost: \$799,606.68 and \$559,272.80, respectively) (F: 55) (XR: 24.2[2003/04; 2004/05])

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ACTION: Awarded and authorized.

(5 Ayes.)

- 4.b. Adoption of Resolution for application submittal to Caltrans for Bicycle Transportation Account funding. (F: 33) (XR: 36.6)

ACTION: Resolution No. 8530-03 adopted.

(5 Ayes.)

5. ORDINANCES 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 October 28, 2003) (F: 50.2) (XR: 82.1)

ACTION: Ordinance passed.

(5 Ayes.)

- 5.b. ORDINANCE NO. 2616 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 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 (F: 106.144) (XR: 116.SP-328-03)

ACTION: Ordinance passed.

(5 Ayes.)

- 5.c. ORDINANCE NO. 2617 for second reading and adoption, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A ZONE CHANGE AMENDMENT CHANGING THE ZONING DESIGNATION FROM R-2 (LIMITED MULTIPLE RESIDENTIAL) ZONE TO C-1 (NEIGHBORHOOD COMMERCIAL) ZONE, FOR PROPERTY LOCATED AT THE

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NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND MAGNOLIA AVENUE AT 9001 GARDEN GROVE BOULEVARD, PARCEL NOS. 133-432-21, 23, AND 39 (F: 20.GPA-1-03) (XR: 115.A-102-03) (XR: 106.145) (XR: 116.SP-330-03)

ACTION: Ordinance passed.

(5 Ayes.)

5.d. ORDINANCE NO. 2618 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 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 NOS. 133-432-21, 23, AND 39 (F: 20.GPA-1-03) (XR: 115.A-102-03) (XR: 106.145) (XR: 116.SP-330-03)

ACTION: Ordinance passed.

(5 Ayes.)

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

6.a. Consideration of Resolution opposing the Orange County CenterLine Light Rail Project, as requested by Councilman Leyes. (Continued from meeting of October 28, 2003) (F: 53.1) (XR: 23.18F)

ACTION: Resolution No. 8531-03 adopted as amended.

(5 Ayes.)

ACTION: City Clerk directed to check Election Calendar for placement of a measure on the March ballot concerning redirection of monies, identified in Measure M for light rail transportation, to the improvement of the SR-22 Freeway

6.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. (Continued from meeting of October 28, 2003) (F: 53.1)

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ACTION: Motion to table.

(2 Ayes. Dalton, Leyes, and Tran voted no.)

ACTION: Resolution No. 8532-03 adopted.

(3 Ayes. Rosen voted no, and Broadwater abstained.)

- 6.c. Consideration of Resolution commemorating Veterans Day and supporting our troops, as requested by Councilman Leyes. (F: 52.2)

ACTION: Resolution No. 8533-03 adopted.

(5 Ayes.)

- 6.d. Councilman Rosen noted that the Garden Grove Community Foundation is selling the Garden Grove-Opoly game as a fundraiser. He noted that this makes a good holiday gift, and he urged residents to purchase this item either at Zlaket's Market or at City Hall.

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: Not 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.

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- 7.d. 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.

8. ADJOURNMENT: 9:51 p.m., in memory of Anne Louise Green, long-time Garden Grove resident. (F: 46.9)