

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

November 23, 2004

6:51 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: Les Jones, Deputy City Manager.

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

1. PRESENTATIONS:

- 1.a. Community Spotlight: Recognition of the Burns Family and the Volunteers who participated in the Extreme Makeover Home Edition Project. (F: 52.3)

ACTION: Recognized.

RECESS: 7:08 P.M.

RECONVENE: 7:25 P.M.

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2. ORAL COMMUNICATIONS - PUBLIC: (To be held simultaneously with Agency, and Sanitary District Oral Communications.)
  - 2.a. Tony Flores read from different letters and from an article in the paper regarding the proposed Vietnamese Cultural Center. He commented that government cannot donate land for a temple as the article stated the City was proposing. He commented regarding the meeting that was held by the West Garden Grove Homeowners Association regarding recent flooding in the area. (F: 53.3) (XR: A-116.10) (XR: 130.15)
  - 2.b. Marge Heard submitted a petition signed by people who oppose the construction of a Vietnamese Cultural Center on Garden Grove Boulevard. She also commented on not impeding the work of the Police Department by adding developments that create more traffic. She also noted her opposition to eminent domain. (F: 53.3) (XR: A-116.10)
  - 2.c. Robin Marcario commented on the article about Police Chief Joe Polisar and commended him on having been the President of the International Association of Police Chiefs. She also reminded everyone to attend the Community Visioning Project presentation to be held on November 30 at the Community Meeting Center. (F: 53.3)
  - 2.d. David Lautherboren noted his opposition to the proposed cul-de-sac at Sorrell Street, noting that it will be more difficult to get children to the two schools in the area. He also commented that he and his neighbors have put up with a lot of noise from busses in the hotel parking lots. He said that they have asked several times that the busses use the northern portion of the parking lot that will not affect the residential neighborhood. (F: 53.3) (XR: 122.11)
  - 2.e. Janine Fowler commented that since there will be a vacancy when Councilman Dalton becomes Mayor, residents should call the Council Members and let them know how they feel. Residents should have a say in the process on how the vacant seat is filled. (F: 53.3)
3. WRITTEN COMMUNICATIONS:  
None.

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

4.a. Proclamation designating November 28, 2004, as Extreme Makeover Home Edition Day in Garden Grove. (F: 83.1) (XR: 52.3)

ACTION: Approved.  
(5 Ayes.)

4.b. Award of Contract to Andersen's Door Service for the replacement of the rear apparatus door at Fire Station #5, 12751 Western Avenue. (Estimated cost: \$5,985.00) (F: 61.1) (XR: 24.1)

ACTION: Awarded.  
(5 Ayes.)

4.c. Agreement with the State of California to acquire all necessary right-of-way for the widening of State Route 22. (F: 62.2a)

ACTION: Approved.  
(5 Ayes.)

4.d. Approval of Final Progress Payment and Acceptance of Contract as complete for the City Hall First Floor Carpet Project. (F: 55) (XR: 48.2)

ACTION: Approved.  
(5 Ayes.)

4.e. Minutes of the Regular Meeting of the City Council held August 24, 2004. (F: Vault)

ACTION: Approved.  
(5 Ayes.)

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

ACTION: Approved.  
(5 Ayes.)

RECESS: 8:06 p.m.

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CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

RECONVENE: 9:42 p.m.

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

5.a. Joint Public Hearing with the Garden Grove Agency for Community Development to consider an amendment to the sublease agreement with the City of Garden Grove for the Agency's leased building at 11277 Garden Grove Boulevard. (F: A-55.170) (XR: 78.4a)

ACTION: Hearing held. Approved amendment.  
(5 Ayes.)

5.b. Substantial Amendment No. 1 to the 2004/05 Housing and Community Development Action Plan. (F: 117.10D)

ACTION: Hearing held. Approved amendment.  
(4 Ayes. Leyes voted no.)

5.c. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-357-04, initiated by Pacific Cities Real Estate Group, to construct 42 two-story, single-family homes on a 4.62-acre site located on the south side of Katella Avenue at 9212 through 9432 Katella Avenue. (F: 106.155) (XR: 116.SP-357-04)

On October 7, 2004, the City Planning Commission, pursuant to Resolution No. 5459, recognized the previously adopted negative declaration and approved SP-357-04 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.

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5.c.1. ORDINANCE NO. 2647, 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 PACIFIC CITIES REAL ESTATE GROUP (PROPERTY OWNER) AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF KATELLA AVENUE, AT 9212 THROUGH 9432 KATELLA AVENUE, PARCEL NOS. 132-071-09, 10, 11, 13, 31, 32, 33, 34, 35, 36 & 37

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

5.d. GENERAL PLAN AMENDMENT NO. GPA-5-04; AMENDMENT NO. A-113-04; AMENDMENT NO. A-112-04; AND DEVELOPMENT AGREEMENT, initiated by Ard Keuilian and the City of Garden Grove, proposing to construct a 115,377 square foot, three-story mini-warehouse and storage facility on a 74,407 square foot lot, a portion of which is located in the City of Santa Ana and proposed to be annexed to the City of Garden Grove. The subject site is located on the south side of Westminster Avenue, west of Parsons Place, and on the west side of Parsons Place, south of Westminster Avenue. (F: 20.GPA-5-04) (XR: 115.A-113-04) (XR: 115.A-112-04) (XR: 106.154)

On September 16, 2004, the City Planning Commission, pursuant to Resolutions No. 5452, No. 5454, No. 5455, and No. 5456, recommended approval of A-113-04, GPA-5-04, and A-112-04, and public hearing on the case was ordered by the City Council to be held this date. (Continued from meeting of November 9, 2004.)

ACTION: Hearing held.

5.d.1. General Plan Amendment No. GPA-5-04, proposing to amend the General Plan land use map changing the land use designation of an approximately 2.25 acre area from light commercial to industrial. Also, a request to provide an industrial land use designation to a land-locked 27,522 square foot parcel of land use proposed to be annexed from the City of Santa Ana to the City of Garden Grove.

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5.d.1 (a). Resolution approving General Plan Amendment No. GPA-5-04

ACTION: Approved. Adopted Resolution No. 8619-04.  
(5 Ayes.)

5.d.2. Amendment No. A-113-04, proposing to delete the requirement for mini-storage facilities to be located adjacent to freeways.

5.d.2 (a) ORDINANCE NO. 2643, 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-113-04, AN AMENDMENT TO TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE, SECTION 9.08.050.51, SPECIAL OPERATING CONDITIONS AND DEVELOPMENT STANDARDS, DELETING THE REQUIREMENT THAT MINI WAREHOUSE AND STORAGE BUILDINGS BE LOCATED CONTIGUOUS WITH A FREEWAY RIGHT-OF-WAY

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

5.d.3. Amendment No. A-112-04, requesting a pre-zone of a portion of the property to be annexed into the City of Garden Grove to the M-1 (Limited Industrial) zone.

5.d.3 (a) ORDINANCE NO. 2644, 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-112-04, PRE-ZONING A PORTION OF A PROPERTY TO BE ANNEXED TO THE CITY OF GARDEN GROVE FROM THE CITY OF SANTA ANA. THE PROPERTY IS LOCATED SOUTH OF

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WESTMINSTER AVENUE, WEST OF PARSONS  
PLACE, PARCEL NUMBER 100-190-33

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

5.d.4. Development Agreement in Connection with Site Plan  
No. SP-350-04, to construct a new 115,377 square foot self-  
storage facility on a 74,407 square foot lot on the subject site.

5.d.4 (a) ORDINANCE NO. 2645, 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 ARD  
KEULIAN AND THE CITY OF GARDEN GROVE FOR  
PROPERTY LOCATED ON THE SOUTH SIDE OF  
WESTMINSTER AVENUE, WEST OF PARSONS  
PLACE, AT 11248 WESTMINSTER AVENUE, PARCEL  
NOS. 100-190-32 AND 100-190-33

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

5.e. GENERAL PLAN AMENDMENT NO. GPA-6-04 AND AMENDMENT  
NO. A-114-04, initiated by Linh Ngoc Nguyen, proposing to construct  
eight attached three-story town homes on 24,000 square feet of land  
with a Tentative Tract Map to create the subdivision, and a Variance for  
the front and street side yard setbacks for the recreation areas and  
required parking. The applicant is requesting to change the land use  
designation from Low Density Residential to Low Medium Density  
Residential to rezone the property from the R-1 zone (Single-Family  
Residential) to the R-3 zone (Multiple Family Residential).  
(F: 20.GPA-6-04) (XR: 115.A-114-04)

On September 16, 2004, the City Planning Commission, pursuant to  
Resolutions No. 5448 and No. 5449, adopted a negative declaration and

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recommended approval of GPA-6-04, and public hearing on the case was ordered by the City Council to be held this date.

ACTION: Hearing held.

- 5.e.1. Resolution approving General Plan Amendment No. GPA-6-04.

ACTION: Approved. Resolution No. 8620-04 adopted.  
(4 Ayes. Broadwater voted no.)

- 5.e.2. ORDINANCE NO. 2646, for introduction and first reading, by title only, entitled

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONE CHANGE AMENDMENT NO. A-114-04, CHANGING THE ZONING DESIGNATION FROM R-1-6 (SINGLE FAMILY RESIDENTIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 11<sup>TH</sup> STREET AND KERRY STREET, AT 9721 EAST 11<sup>TH</sup> STREET, PARCEL NO. 098-631-06

ACTION: Full reading waived. Ordinance passed to second reading.  
(4 Ayes. Broadwater voted no.)

6. COMMISSION/COMMITTEE MATTERS:

- 6.a. Recommendations from the Traffic Commission Meeting of November 2, 2004.

- 6.a.1. Installation of an all-way stop at the intersection of Bailey Street and Laurelton Avenue. (F: 122.11) (XR: 100.1)

ACTION: Approved.  
(5 Ayes.)

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6.a.2. Placement of a crossing guard at the intersection of Garden Grove Boulevard and Palm Street. (F: 122.11) (XR: 100.1) (XR: 78.8)

ACTION: Approved.  
(5 Ayes.)

6.a.3. Addition of the intersection of Westminster Avenue and Kerry Street to the Traffic Signal Priority List. (F: 122.11) (XR: 100.1)

ACTION: Approved.  
(5 Ayes.)

6.b. Recommendation from the Traffic Commission Meeting of November 14, 2002, to permanently close Sorrell Street at Trask Avenue with a cul-de-sac as a result of the State Route 22 Widening Project. (F: 122.11) (XR: 62.2a)

ACTION: Approved.  
(5 Ayes.)

6.c. Recommendation from the Traffic Commission Meeting of November 16, 2004, to temporarily close Taft Street at the State Route 22 (SR-22) undercrossing just south of Trask Avenue as a result of the SR-22 Widening Project. (F: 122.11) (XR: 62.2a)

ACTION: Approved.  
(5 Ayes.)

7. ITEMS FOR CONSIDERATION:

7.a. Award of Contract to Nativ Engineering, Inc., for Project No. 7264-B, Median Improvements on Garden Grove Boulevard from Magnolia Street to Brookhurst Street. (Estimated cost: \$688,888.00) (F: 96.Proj.7264B)

ACTION: Awarded.  
(5 Ayes.)

7.b. Acquisition of a right-of-way easement over portions of the real property located at 100 and 300 Alicante Plaza, owned by Atrium Plaza,

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LLC, for the construction of a right-turn lane at the northwest corner of Harbor Boulevard and Chapman Avenue, Project No. 7135.  
(F: 96.Proj.7135) (XR: A-55.71)

ACTION: Approved.  
(5 Ayes.)

8. ORDINANCES PRESENTED FOR SECOND READING:

None.

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

9.a. Discussion concerning the adoption of a policy relating to the use of eminent domain, as requested by Councilman Leyes. (F: 53.1)

ACTION: Discussed. No action taken.

9.b. Council Member Leyes congratulated Council Member Tran on getting married last weekend, and wished him well in Sacramento. He reminded everyone to watch the Extreme Makeover TV program that will feature the Burns home on November 28. He requested that the Council consider on the next agenda supporting the city of Anaheim in keeping the name of the Anaheim Angels. (F: 53.1)

9.c. Council Member Dalton wished Council Member Rosen a Happy Birthday and sent best wishes to his son and his son-in-law. He commented on the Council vacancy and noted that he was not in favor of a special election because of the cost involved. People who are interested may call any Council Member or write a letter. (F: 53.1)

9.d. Council Member Rosen also congratulated Council Member Tran. He commented that the next Council meeting will be December 14, noting that they have until January 12, 2005, to fill the vacancy. They may call a special meeting in December. (F: 53.1)

9.e. Council Member Tran thanked everyone for their good wishes. He commented that although this is his last City Council meeting, he will be working for the City of Garden Grove in Sacramento. He advised that one of his first actions is try to save the State money by cutting the salaries of members whose committees only meet once a month.  
(F: 53.1)

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9.f. Mayor Broadwater also congratulated Council Member Tran. He noted that at the next meeting there will be a changing of the guard.  
(F: 53.1)

10. CLOSED SESSION:  
None.

11. ADJOURNMENT: 11:30 p.m.

**HAPPY BIRTHDAY GREETINGS TO**  
**COUNCILMAN DALTON**  
**AND**  
**COUNCILMAN ROSEN**