

AGENDA

Regular Meeting

GARDEN GROVE CITY COUNCIL

Community Meeting Center  
11300 Stanford Avenue

December 14, 2004

7:05 p.m.

Council Chamber

ROLL CALL: COUNCIL MEMBER LEYES, COUNCIL MEMBER ROSEN, COUNCIL MEMBER 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.  
(City Council Manual of Procedures, Section D)*

INVOCATION: Deputy City Manager, Les Jones.

STAR SPANGLED BANNER SUNG BY AMY LEE

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA, led by Harold Wall and Velma Terry; and Jard and Jace Pluemer.

INTRODUCTIONS OF DIGNITARIES PRESENT

1. ORAL COMMUNICATIONS FROM THE PUBLIC REGARDING CERTIFICATION OF ELECTION

- 1.a. Fawad Yacoob, member of the Islamic Society, addressed the Council, expressing his appreciation to the Mayor and City Council for all it has done for the Islamic community and expressing hope that the incoming Council will continue in the same direction. (F: 53.1)

COUNCIL MEMBERS: COUNCIL MEMBER LEYES, COUNCIL MEMBER ROSEN,  
COUNCIL MEMBER TRAN, MAYOR PRO TEM DALTON,  
MAYOR BROADWATER

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2. DECLARATION OF RESULTS OF GENERAL MUNICIPAL ELECTION AND SEATING OF ELECTED MAYOR AND COUNCIL MEMBERS:

- 2.a. Adoption of Resolution reciting the fact of the General Municipal Election held on November 2, 2004, declaring the results and such other matters as provided by law. (F: 58.2)

ACTION: Resolution No. 8621-04 adopted.  
(5 Ayes.)

- 2.b. Courtesy of the floor extended to outgoing Council Member Tran. (F: 53.1) (XR: 58.2)

ACTION: Courtesy extended.

- 2.c. Courtesy of the floor extended to outgoing Mayor Broadwater. (F: 53.1) (XR: 58.2)

ACTION: Courtesy extended.

- 2.d. Oath of Office administered to elected Mayor Dalton by The Honorable Van T. Tran, Assemblyman, 68th District; Certificate of Election presented by the City Clerk; and Mayor Dalton seated. (F: 58.2)

ACTION: Oath administered and Mayor seated.

- 2.e. Oath of Office administered to elected Council Member Rosen by The Honorable Tom Umberg, Assemblyman, 69th District; Certificate of Election presented by the City Clerk; and Council Member Rosen seated. (F: 58.2)

ACTION: Oath administered and Council Member seated.

- 2.f. Oath of Office administered to elected Council Member Nguyen by The Honorable David Carter, Judge of the U.S. District Court for the Central District of California; Certificate of Election presented by the City Clerk; and Council Member Nguyen seated. (F: 58.2)

ACTION: Oath administered and Council Member seated.

COUNCIL MEMBERS: COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN,  
COUNCIL MEMBER ROSEN, MAYOR DALTON

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- 2.g. Courtesy of the floor extended to Mayor Dalton, Council Member Rosen, and Council Member Nguyen. (F: 53.1) (XR: 58.2)

ACTION: Courtesy extended.

RECESS FOR RECEPTION: 8:25 p.m.

RECONVENE: 9:10 p.m.

ROLL CALL: COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN, COUNCIL MEMBER ROSEN, MAYOR DALTON

All members present.

3. PRESENTATIONS:

None.

4. ORAL COMMUNICATIONS – PUBLIC: (To be held simultaneously with Agency, Sanitary District, and Industrial Development Authority Oral Communications.)

- 4.a. Charles Mitchell addressed the Council, commenting that the voters made their choice in the November 2 election. (F: 53.3) (XR: 58.2)
- 4.b. George Brietigam addressed the Council, expressing hope that inasmuch as he was the third highest voter-getter in the Council election, he would be appointed to fill the Council vacancy, referencing Measure B, an advisory measure passed by the voters in 1990. (F: 53.3) (XR: 58.2)
- 4.c. Verla Lambert addressed the Council, expressing her congratulations to the new Council. She also handed out books to all members, along with a revised sketch of the International Sports Field vs. a Theme Park. (F: 53.3)
- 4.d. Steve Spry addressed the Council, urging the Council to appoint George Brietigam to fill the Council vacancy. (F: 53.3) (XR: 58.2)
- 4.e. Bob Owens addressed the Council, noting that George Brietigam is qualified to fill the Council vacancy. (F: 53.3) (XR: 58.2)

COUNCIL MEMBERS: COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN,  
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- 4.f. Dietrich Nicholson addressed the Council, urging the Council to appoint George Brietigam to fill the Council vacancy, commenting that to pick someone who did not run is wrong. (F: 53.3) (XR: 58.2)
- 4.g. Greg Beard addressed the Council, urging the Council to appoint George Brietigam to fill the Council vacancy. (F: 53.3) (XR: 58.2)
- 4.h. Kris Beard addressed the Council, reviewing George Brietigam's accomplishments and urging the Council to appoint him to fill the Council vacancy. (F: 53.3) (XR: 58.2)
- 4.i. Tony Flores addressed the Council, referencing a packet given to the Council that contained signatures in support of his being appointed to the Council and summarizing his qualifications to be appointed to the Council vacancy. (F: 53.3) (XR: 58.2)

APPOINTMENT TO VACANT COUNCIL POSITION:

- 5.a. Consideration of appointment to fill the vacancy on the City Council, with possible administration of Oath of Office and presentation of Certificate of Appointment to appointed Council Member by the City Clerk. (F: 58.2) (XR: 46.1)

ACTION: Consensus to continue to December 21, 2004.

6. REORGANIZATION OF THE CITY COUNCIL:

- 6.a. Selection of Mayor Pro Tem. (F: 46.1)

ACTION: Council Member Rosen selected as Mayor Pro Tem.  
(3 Ayes. Leyes voted no.)

7. WRITTEN COMMUNICATIONS:

- 7.a. Request from the City of Anaheim to adopt a Resolution supporting their efforts to retain the name "Anaheim Angels" for their baseball team. (F: 53.4)

ACTION: Resolution No. 8622-04 adopted.  
(4 Ayes.)

COUNCIL MEMBERS: COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN,  
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- 7.b. Request from the Garden Grove Community Foundation to appoint a Council Member to fill a three-year term on the Board. (F: 130.15) (VIP)

ACTION: Council Member Nguyen appointed.  
(4 Ayes.)

RECESS CITY COUNCIL: 10:03 p.m.

CONDUCT AGENCY BUSINESS

CONDUCT SANITARY DISTRICT BUSINESS

CONDUCT INDUSTRIAL DEVELOPMENT AUTHORITY BUSINESS

RECONVENE CITY COUNCIL: 10:31 p.m.

8. CONSENT ITEMS: (It is recommended that Items 8.a. through 8.l. be acted on simultaneously unless separate discussion and/or action is requested by a Council Member.)

- 8.a. Approval of 2003-04 Annual Report for the Garden Grove Agency for Community Development and transmittal to the State Controller. (Report is included in Agency packet as Item 3.a.) (F: A-128.1)

ACTION: Approved.  
(4 Ayes.)

- 8.b. Rejection of all bids for the renovation of the Civic Center Office Building; and authorize the City Clerk to rebid the project with revised plans and specifications. (F: 82.1)

ACTION: Rejected and authorized.  
(4 Ayes.)

- 8.c. Renewal of Agreement with All City Management Services, Inc., to provide School Crossing Guard services. (F: 55) (XR: 82.1)

ACTION: Approved.  
(4 Ayes.)

- 8.d. Construction and Maintenance Agreements with the City of Stanton for street improvements on Garden Grove Boulevard between Fern Street and Beach Boulevard. (F: 55) (XR: 96.1)

ACTION: Approved.  
(4 Ayes.)

- 8.e. Agreement with Converse Consultants to perform materials testing services on an as-needed basis. (F: 55) (XR: 24.11)

ACTION: Approved.  
(4 Ayes.)

- 8.f. Acceptance of Contract as Complete for Project No. 7237, Phase IV, Four Arterial Street Rehabilitations. (F: 96.Proj.7237.Phase IV)

ACTION: Accepted.  
(4 Ayes.)

- 8.g. Acceptance of Contract as Complete for Project No. 7237, Phase V, Lampson Avenue Rehabilitation. (F: 96.Proj. 7237. Phase V)

ACTION: Accepted.  
(4 Ayes.)

- 8.h. Acceptance of Contract as Complete for Project No. 7493 – Phase III, Lampson Avenue Water, Sewer and Storm Drain Improvements. (F: 92.Proj.7493.Phase III)

ACTION: Accepted.  
(4 Ayes.)

- 8.i. Approval of one part-time and one full-time staff positions in the Community Services Department for the Buena Clinton Family Resource Center. (F: 78.1)

ACTION: Approved.  
(4 Ayes.)

- 8.j. Minutes of the Regular Meetings of the City Council held September 14, and September 28, 2004. (F: Vault)

ACTION: Approved.  
(4 Ayes.)

8.k. Approval of warrants. (F: 60.5)

ACTION: Approved.  
(4 Ayes.)

8.l. Approval of waiver of full reading of Ordinances listed for adoption.

ACTION: Approved.  
(4 Ayes.)

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

9.a. Public Hearing of Protests on the Fall 2004 Weed Abatement Invoices.  
(F: 113.Fall 2004)

ACTION: Hearing held. Resolution No. 8623-04 adopted.  
(4 Ayes.)

9.b. DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-355-04, initiated by Garden Grove Gateway, LLC, to construct a 14,820 square foot, one-story retail building with a drive-through window, and a 7,522 square foot one-story retail building on the southwest corner of Katella Avenue and Euclid Street, at 10842 Katella Avenue. (Walgreen's) (Auto Zone) (F: 106.156) (XR: 116.SP-355-04)

On October 21, 2004, the City Planning Commission, pursuant to Resolution No. 5460, approved SP-355-04 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.

9.b.1. ORDINANCE NO. 2648, 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 GARDEN GROVE GATEWAY, LLC AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF KATELLA AVENUE AND EUCLID STREET, AT 10842 KATELLA AVENUE, PARCEL NO. 089-010-59

ACTION: Full reading waived. Passed to second reading.

COUNCIL MEMBERS: COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN,  
MAYOR PRO TEM ROSEN, MAYOR DALTON

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(4 Ayes.)

10. COMMISSION MATTERS:

10.a. Resignations from the Planning Commission - Lee Butterfield and Janet Nguyen. (F: 122.10a)

ACTION: Accepted with regrets.  
(4 Ayes.)

11. ITEMS FOR CONSIDERATION:

11.a. Affordable Housing Loan Agreements with Tamerlane Associates, LLC, for the purchase of three 6-unit apartment buildings located at 12181, 12201, and 12202 Tamerlane Drive. (F: 117.16Q)

ACTION: Approved.  
(4 Ayes.)

11.b. Adoption of Resolution approving two applications to the California Integrated Waste Management Board for SB 1346 Rubberized Asphalt Concrete Grants. (F: 24.13)

ACTION: Resolution No. 8624-04 adopted.  
(4 Ayes.)

12. ORDINANCES PRESENTED FOR SECOND READING:

12.a. ORDINANCE NO. 2643 for second reading and adoption, 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 (F: 20.GPA-5-04) (XR: 115.A-113-04) (XR: 115.A-112-04) (XR: 106.154)

ACTION: Ordinance passed.  
(4 Ayes.)



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- 12.b. ORDINANCE NO. 2644 for second reading and adoption, 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 WESTMINSTER AVENUE, WEST OF PARSONS PLACE, PARCEL NUMBER 100-190-33 (F: 20.GPA-5-04) (XR: 115.A-113-04) (XR: 115.A-112-04) (XR: 106.154)

ACTION: Ordinance passed.  
(4 Ayes.)

- 12.c. ORDINANCE NO. 2645 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 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(F: 20.GPA-5-04) (XR: 115.A-113-04) (XR: 115.A-112-04) (XR: 106.154)

ACTION: Ordinance passed.  
(4 Ayes.)

- 12.d. ORDINANCE NO. 2646 for second reading and adoption, 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 11th STREET AND KERRY STREET, AT 9721 EAST 11th STREET, PARCEL NUMBER 098-631-06 (F: 20.GPA-6-04) (XR: 115.A-114-04)

ACTION: Ordinance passed.  
(4 Ayes.)

COUNCIL MEMBERS: COUNCIL MEMBER LEYES, COUNCIL MEMBER NGUYEN,  
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- 12.e. ORDINANCE NO. 2647 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 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 (F: 106.155) (XR: 116.SP-357-04)

ACTION: Ordinance passed.  
(4 Ayes.)

13. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS AND CITY MANAGER:

- 13.a. Discussion concerning raising funds to cover the cost of the annual Strawberry Festival Parade, as requested by Mayor Dalton. (F: 42.3)

ACTION: Continued to January 11, 2005.

- 13.b. Council Member Leyes congratulated Mayor Dalton, Council Member Rosen and Council Member Nguyen on their success in the election and noted that he is midway through his own term. He wished everyone a Merry Christmas and a safe holiday season. (F: 53.1)
- 13.c. Council Member Rosen acknowledged his nephew, Andrew Deeds, who resides in Palm Springs. He also requested that a claim submitted under the Americans with Disabilities Act that was discussed in Closed Session on June 24 again be listed for discussion in Closed Session for a review of its status. He spoke of the need for a Parks and Recreation Commission relating to youth and would like to look at the West Street basin north of West Haven Park and requested this be agendized for the first meeting in January or a staff report be provided. Lastly, he requested that a review of the status of the City's Redevelopment attorneys be listed for discussion in Closed Session in January. (F: 53.1) (XR: 122.1)
- 13.d. Council Member Nguyen thanked the voters, commenting that it is an honor for her to represent them in this capacity. She wished everyone a Happy Holiday and a safe New Year. (F: 53.1)
- 13.e. Mayor Dalton wished his wife Sandy and his daughter Pam a Happy Birthday and wished everyone a Merry Christmas and a Happy New Year. (F: 53.1)

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14. CLOSED SESSION:

None.

15. ADJOURNMENT: 11:12 p.m., in memory of former long-time City employee Shirley Simons, to Tuesday, December 21, 2004, at 6:45 p.m.  
(F: 46.9)

***HAPPY BIRTHDAY TO SANDY DALTON***

Please note that there will be no meetings on Tuesday,  
December 28, 2004

***HAPPY HOLIDAYS***