

MINUTES

GARDEN GROVE CITY COUNCIL

A Regular Meeting of the City Council of the City of Garden Grove was called to order in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, on Tuesday, January 13, 2004, at 7:00 p.m.

ROLL CALL: PRESENT: (5) MAYOR BROADWATER, COUNCILMEMBERS DALTON, LEYES, ROSEN, TRAN

ABSENT: (0) NONE

ALSO PRESENT: City Manager, George Tindall; Assistant City Manager/Community Development Director, Matthew Fertal; Assistant City Manager/Public Works Director, Les Jones; Community Services Director, Cal Rietzel; Finance Director, Kingsley Okereke; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Les Jones gave the Invocation. Councilman Dalton led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Exchange Students from Anyang, South Korea taking part in the Garden Grove Sister City Association's 2004 student exchange program. He wished them a pleasant continued stay in our city, a safe trip back home, and extended a personal invitation to come back and visit again in the near future. (F: 52.3) (XR: 102.3)

ORAL COMMUNICATIONS – PUBLIC

Allison Hanna addressed the Council concerning the agenda item to consider a recommendation from the Traffic Commission to install stop signs at the intersection of Blackmer Street/Santa Catalina

Avenue. She asked that a left-turn signal be installed at Springdale and Chapman before a thought is given to extending Holder Street. (F: 53.3) (XR: 100.2)

COMMUNICATION FROM PHIL FABIAN OF GARDEN GROVE MERCANTILE TO ADDRESS THE COUNCIL REGARDING MAIN STREET AND HOW IT FITS WITHIN THE PLANS OF THE COMMUNITY DEVELOPMENT DEPARTMENT AND THE AGENCY FOR COMMUNITY DEVELOPMENT (F: A-116.1)

Communication from Phil Fabian, dated January 2, 2004, was introduced, and Mayor Broadwater called forward Mr. Fabian.

Mr. Fabian distributed photographs showing disrepair on Main Street. He indicated this street used to be a good business location. Now, however, most of the antique and specialty stores are gone, many store fronts remain empty, and the stores that are being rented out are offering more pedestrian fare such as discount furniture and bedding, which lack the appeal of Main Street as a destination of unique and special import. The street itself is physically deteriorating and repairs that are made are done hastily and without much thought or planning. Many of the old buildings on Main Street are not up to code for earthquake safety because the owners either can't afford the cost involved in retrofitting or they don't know if there are any kinds of programs offered by the City, State, or Federal governments to help them. He noted that the City's web site shows Main Street as being a key redevelopment Project Area; therefore, more energy and resources should be directed toward this area.

He cited other cities in the north Orange County area in which the City governments have been highly proactive in revitalizing their own downtowns through the use of Rebate programs, grant funds, and Federal tax incentives.

Mr. Fabian indicated that the merchants are asking that the City use its Community Development Department to help redirect funds and/or resources to rehabilitate the cracking, crumbling bricks and street furniture and to promote and attract more specialty retail to the street. They would also like the Parking and Main Street Commission to do their job and have a better working relationship with the City. And they would like the redevelopment resources to help property owners with the funding and/or financing of retrofitting their buildings so they may be brought up to state code so Main Street can be a successful part of the city.

Lastly, he noted that their main concern is whether the City has a long-range plan for Main Street, and what is being done to retain business there.

C. Ebenhack addressed the Council concerning this matter. He asked what the City is going to do to promote retail on Main Street, noting he is opening a Christian store in that area.

Leo Zlaket addressed the Council and commended Mr. Fabian for his presentation. He noted that the communities surrounding Garden Grove are enhancing their downtown areas. He provided a brief history of Main Street, and he noted that business on Main Street is currently depressed and many businesses have left. He commented that the City Council, staff, and business people met when Main Street was formed, and suggestions from the business community were encouraged. He noted that better communication is needed now.

Mayor Broadwater commented that the City has put money into Main Street; however, it should be kept up and improved. He indicated he would meet with the Parking and Main Street Commission members and see what can be done.

FINAL PARCEL MAP NO. PM 2002-193 (F: 118.PM-2002-193)

Staff report dated January 13, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote of those present, that Final Parcel Map No. PM 2002-193 with Arroyo Development Partners, LLC, for property located on the east side of Haster Street, north of Lampson Avenue, be and hereby is approved.

AGREEMENT WITH THE KOREAN CHAMBER OF COMMERCE OF ORANGE COUNTY TO CONDUCT THE ANNUAL KOREAN FESTIVAL (F: 55) (XR: 42.7a)

Staff report dated January 13, 2004, was introduced.

Councilman Rosen expressed concern that the agreement does not state where the festival will be held, commenting the location could alter the cost.

The City Manager noted that it would be held on the Brookhurst Triangle.

Councilman Rosen noted that the festival was held at the Brookhurst Triangle last year, resulting in many complaints about the noise, and he is not sure the festival should be held at that location for the three-year term of the agreement.

Councilman Rosen moved that this matter be continued for two weeks. Motion died for lack of a second.

Councilman Leyes noted that this agreement amends the contract in place in order to be in line with other similar agreements to cover police costs.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and the Korean Chamber of Commerce of Orange County, to conduct the annual Korean Festival, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH WOOD PUBLIC AFFAIRS FOR CONSULTING SERVICES IN CONNECTION WITH THE SR-22 FREEWAY AND OCTA (F: 55) (XR: 23.181) (XR: 62.2)

Staff report dated January 13, 2004, was introduced.

Councilman Leyes inquired about the time frame for the agreement and why proposals were not solicited.

Mayor Broadwater indicated the term is for two months, and Wood Public Affairs knows the subject and has already provided a tremendous amount of information.

Councilman Leyes indicated he would like to go out to bid on this, noting that he knows of a couple other consultants who know the subject.

Mayor Broadwater indicated that time is of the essence; and after the two-month agreement ends, the City could go out to bid.

The City Manager noted that because of the City's lawsuit with OCTA, the clock is running, and \$5,000 has already been paid out.

Councilman Rosen noted that the consultant knows what questions to ask.

Councilman Dalton commented that he is impressed with the information they have provided.

Councilman Tran commented that we have a window of opportunity to fix the 22 Freeway and he does not believe we should switch consultants in midstream.

Councilman Leyes stated that this consultant is very expensive, and he would like a resume and backup information on the consultant.

Councilman Rosen moved, seconded by Councilman Tran, that the Agreement by and between the City of Garden Grove and Wood Public Affairs for consulting services in connection with the SR-22 Freeway and OCTA, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement. Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER
NOES: COUNCILMEMBERS: (1) LEYES
ABSENT: COUNCILMEMBERS: (0) NONE

INCREASE IN CITY'S CONTRIBUTION TOWARD HEALTH/DENTAL INSURANCE WHILE NEGOTIATIONS CONTINUE WITH EMPLOYEE GROUPS (F: 78.1) (XR: 78.13C) (XR: 78.9A) (XR: 78.6A) (XR: 78.13A) (XR: 78.13B)

Staff report dated January 13, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the City Manager is authorized to increase the composite contribution toward health/dental insurance for each of the listed employee groups by \$31 per month, plus an adjustment to cover the increase in retiree costs as of January 1, 2004, while negotiations continue with employee groups.

AUTHORIZE FINANCE DIRECTOR TO REIMBURSE GRANT MOTORS, INC., FOR RAISED MEDIAN CONSTRUCTION ON GARDEN GROVE BOULEVARD AT DALE STREET (F: 116.SP-304-02) (XR: 51.CUP-592-02)

Staff report dated January 13, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the Finance Director is authorized to reimburse Grand Motors, Inc., in an amount not to

exceed \$90,385.70, for raised median construction on Garden Grove Boulevard at Dale Street.

AWARD OF PURCHASE – ONE VAN - PUBLIC WORKS DEPARTMENT (F: 60.4)
(XR: 24.1)

Staff report dated January 13, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that a purchase order for one new van, be and hereby is awarded to the lowest acceptable bidder, Victor Buick/GMC of Corona, in the amount of \$16,729.09.

ADOPTION OF CITY'S REVISED EMERGENCY OPERATIONS PLAN (F: 117.2A)
(XR: 61.1)

Staff reports dated January 13, 2004, were introduced.

RESOLUTION NO. 8537-04

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Resolution No. 8537-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING THE CITY'S REVISED EMERGENCY OPERATIONS PLAN INCORPORATING THE PROVISIONS OF THE STATE'S EMERGENCY MANAGEMENT SYSTEM (SEMS) AND FEDERAL GUIDELINES CONTAINED IN CPG1-8A, be and hereby is adopted.

ADOPTION OF THE ORANGE COUNTY BOARD OF SUPERVISORS REVISED MAXIMUM EMERGENCY BASIC LIFE SUPPORT AMBULANCE RATES (F: 55)
(XR: 26.1) (XR: 61.1)

Staff advised that this item is being withdrawn and will be relisted.

MINUTES (F: Vault)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that the minutes of the Regular City Council Meeting held October 28, 2003, and Special Meeting held November 5, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that regular warrants

302329 through 303895, 304120 through 304402, wires W125 and W126, payroll warrants 132300 through 132933, Direct Deposits D85024 through D86645, and wires W798 through W812, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-335-03 (F: 106.148) (XR: 116.SP-335-03)

Development Agreement for Site Plan No. SP-335-03, initiated by Rajani Family Real Estate Partnership, for the construction of a 27,976 square foot multi-tenant commercial center consisting of 22,242 square feet of retail use, 3,000 square feet of restaurant use, and 2,734 square feet of bank use. The site is located in the C-2 (Community Commercial) zone on the north side of Garden Grove Boulevard, east of Galway Street, at 9757 Garden Grove Boulevard.

On November 20, 2003, the City Planning Commission, pursuant to Resolution No. 5395, adopted a negative declaration approving SP-335-03 and recommended approval of the Development Agreement. Pursuant to Legal Notice published December 25, 2003, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 13, 2004, was introduced, and staff reviewed the background information concerning this project.

Mayor Broadwater declared the public hearing opened and asked if anyone wished to address the Council on the matter.

There being no comments from the audience, the public hearing was declared closed.

ORDINANCE NO. 2620 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN THE RAJANI FAMILY REAL ESTATE PARTNERSHIP AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF GALWAY STREET, AT 9757 GARDEN GROVE BOULEVARD, PARCEL NO. 133-371-15

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2620 be waived, and said Ordinance be and hereby is passed to second reading.

RECOMMENDATION FROM THE TRAFFIC COMMISSION MEETING OF NOVEMBER 4, 2003 TO INSTALL A THREE-WAY STOP AT THE INTERSECTION OF BLACKMER STREET AND SANTA CATALINA AVENUE (F: 122.11) (XR: 100.2)

This matter was continued from the meeting of December 9, 2003.

Staff indicated additional time is needed to gather background information and data; therefore, it was requested that this item be continued to the January 27, 2004 meeting.

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that this matter be continued to January 27, 2004.

RECESS

At 7:54 p.m., the Mayor declared a recess.

RECONVENE

At 8:53 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

RESIGNATION OF BENJAMIN H. FREZE FROM THE PLANNING COMMISSION (F: 122.10a) (VIP)

Mayor Broadwater asked that this matter be continued to January 27, 2004, in order to concurrently consider a replacement to serve on the Planning Commission.

CONSIDERATION OF PROPOSED ORDINANCES RELATING TO THE USE OF EMINENT DOMAIN BY THE REDEVELOPMENT AGENCY FOR VARIOUS PROJECTS (F: 127.1) (XR: A-127.1)

Staff report dated December 9, 2003, was introduced providing two draft ordinances for consideration, one drafted by Councilman Leyes, and one drafted by Councilman Tran.

Councilman Leyes indicated that he previously proposed a policy or ballot measure that would limit if not prohibit eminent domain, especially against residential properties; however, the attorneys have advised him that the People may not enact an ordinance prohibiting a redevelopment agency from using eminent domain. He noted that Councilman Tran previously proposed an ordinance to do something very similar to what the ballot measure would have done;

however, it was restricted to residential single-family homes in redevelopment project areas.

Councilman Leyes suggested that the ordinance submitted by Councilman Tran be changed to reflect that the eminent domain power shall not be utilized for the acquisition of privately owned real estate in connection with the City's redevelopment project activities arising from established or newly created redevelopment project areas.

Mayor Broadwater commented that "privately owned real estate" should be better defined. Additionally, he would like to know how the ordinance would implement the widening of streets that are under Agency control, noting that the City needs to have the basic requirements that it needs to overhaul the onramps of the 22 Freeway.

Councilman Leyes responded that privately owned real estate is any property that is not publicly owned. It makes sense to have an exemption that the Agency can use eminent domain powers to acquire property with the consent of all owners of the property. Relative to the public works aspect, he noted that it has never been his intent to include in the ordinance the normal course of activities and the normal long-standing authority of a public agency to have eminent domain available for public works.

Mayor Broadwater suggested that wording be included in the text of the ordinance.

Councilman Tran commented that his ordinance is straightforward and short, suggesting that Councilman Leyes' ordinance is over-reaching. He noted that he would be happy to rewrite the ordinance with Councilman Leyes and include the Mayor's concerns.

Councilman Rosen noted that the Register newspaper constantly misstates the City's position on eminent domain. A vote to include an area within the Redevelopment area is not a vote to exercise eminent domain. Eminent domain is always a last resort and takes four votes of the Agency or City Council. He further noted that either of the ordinances presented would pass with three votes, which means that in the future if there were an eminent domain project where four Councilman were in support of it, all they would have to do is repeal the ordinance and exercise eminent domain. He also noted that if there is a finding that an area is blighted and eminent domain has to be used to get rid of the blight, the whole city is benefited by doing that; and it would be harmful to the City to

impose a declaration of not using eminent domain in areas that are already in the Redevelopment Area, particularly where we are already in negotiations. We need to preserve the power, at least in our existing redevelopment area project.

Councilman Dalton moved, seconded by Councilman Rosen, that Councilman Leyes and Councilman Tran serve as a subcommittee to work this out and make a presentation back to the full Council.

Councilman Tran noted that he would be happy to work with Councilman Leyes on this.

Mayor Broadwater noted that he will put his positions in writing and will provide them to the subcommittee.

Councilman Leyes asked the City Attorney about the proper terms of exempting the normal City authority on public works. The City Attorney responded that he would be happy to work with the subcommittee to address that.

Councilman Dalton asked if February 24 would provide enough time to accomplish this. Councilman Rosen suggested March 9.

Councilman Leyes indicated if the Council wants to make a date certain, that would be fine; however, he is not sure it will take that long. He noted that they would see what they could come up with.

Councilman Rosen commented that he and Councilman Dalton should set up a subcommittee informally to figure out how to protect homeowners who don't live in blighted areas and who are the main body of the homeowners in this city.

The foregoing motion carried by unanimous vote.

DISCUSSION CONCERNING FEASIBILITY OF EXTENDING HOLDER STREET TO SPRINGDALE STREET, AS REQUESTED BY COUNCILMAN LEYES (F: 96.1)

Mayor Broadwater asked Councilman Leyes to pull this item so staff can get some information from the City of Cypress to see exactly what they are doing.

Councilman Leyes noted that there would be an increase in traffic down Springdale, and there are homes and schools fronting on that street. He suggested that there is a need to look at some serious mitigation measures. He will look forward to a more detailed report.

Councilman Dalton noted that he has heard that it would go from 2200 or 2400 cars a day to over 22,000 if the street is opened up, and there are at least four schools along the street there.

Mayor Broadwater commented that if Cypress does open up the street, we want to make sure that any amenities we need, Cypress can provide.

Councilman Rosen commented that if this goes through, at the very least there should be a left-turn signal at Springdale and Chapman installed.

Councilman Leyes referenced previous flooding on the west side, noting that care should be taken so there would be no flooding ramifications.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes wished everyone a Happy New Year and spoke about John Sulzbach, long-time Garden Grove resident, who recently passed away. (F: 53.1)

Councilman Dalton extended birthday greetings to his granddaughter, Kiley Dalton, and grandson, Jacob Scherer. (F: 53.1)

Councilman Rosen wished everyone a Happy New Year. (F: 53.1)

Councilman Tran wished everyone a Happy New Year and noted that the Lunar New Year is next Wednesday. (F: 53.1)

Mayor Broadwater announced the birth of his granddaughter, Lexi Broadwater. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 9:35 p.m., the meeting was adjourned to Closed Session, under the Ralph M. Brown Act, and it was announced that 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. And, 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. Further, pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Flores v. Broadwater; and pursuant to Government Code section 54957, the City Council will conduct a performance review of the City Manager.

RECONVENE IN OPEN SESSION

At 11:29 p.m., the meeting was reconvened and it was announced that all matters previously disclosed were discussed and no others.

ADJOURNMENT

At 11:30 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK