

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 14, 2003, at 6:55 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 Officer, Anthony Andrade; Fire Chief, Cameron Phillips; Police Chief, Joe Polisar; Real Property Agent, Armando Morales; 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 Nguyen Chi Thien, renowned Poet and Crusader for Human Rights in Vietnam, and presented him with an Honorary Citizen Certificate and gift in recognition of his unparalleled struggles and sacrifices. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Peggy Moore, Janice Lyle, Marie Anderson, and Mabel Houdyshell, residents of Garden Grove and long-time Gem Theater subscribers, addressed the Council, urging support for the current Grove Theater Center (GTC) management's continued operation of the facilities. (F: 53.3) (XR: 87.3) (XR: 55) (XR: 122.68)

Diane Streich-Harrell addressed the Council, advising that the parking problems in the residential neighborhood in the vicinity of West Haven Park hopefully are being resolved. (F: 53.3) (XR: 75.1) (XR: 73.12)

Jeff Winter, Joy McLean, and Kevin Grimshaw addressed the Council concerning neighborhood issues with signage and the operation of a church in their residential neighborhood, at 12541 Ocean Breeze. They alleged that it is the City's responsibility to make sure the nature and character of the neighborhood is not changed.

Mayor Broadwater assured the residents that staff has met with the City Attorney, and steps are being taken to resolve the matter. (F: 53.3) (XR: 80.2)

Marge England addressed the Council, inviting citizens to be a part of a League of Women Voters-sponsored forum to discuss *Choices for a Vital Community*, on January 31. She noted that a summary of the comments will be provided to the Council. (F: 53.3)

Larry Bonham addressed the Council, commenting that when the Civic Center pond was cleaned, all the fish died because of the chlorine. Additionally, he was despondent because there are not enough open fields. (F: 53.3)

Tom Bradac addressed the Council, noting that he is a 22-year resident of Garden Grove and is interested in the agenda item relating to the operation of the Village Green Cultural Arts Complex. (F: 53.3) (XR: 87.3) (XR: 55) (XR: 122.68)

Laurie Trimper addressed the Council, expressing concern about stacked houses and overcrowding in the city, urging that the large lots and trees be preserved. (F: 53.3)

Chris Rey, resident of Ocean Breeze, addressed the Council concerning the proposed monument signage along Brookhurst Street that was discussed at a previous Council meeting. (F: 53.3) (XR: 94.1)

RECESS AND ADJOURN TO CLOSED SESSION

At 7:45 p.m., the Mayor declared a recess and announced that pursuant to Government code section 54957.6, the City Council will meet with its negotiator (City Manager) to provide direction regarding the Employee League, Employee Association, and Management employees; and that pursuant to Government Code section 54956.9, the City Council will confer with its legal counsel regarding OCRAA, City of Garden Grove, et al. v. County of Orange, LA SUP. Case No. 02CC04400. Further, that pursuant to Government Code section 54956.9, the City Council will confer with its legal counsel regarding Brentwood Distributors, Inc., et al. v. City of Garden Grove.

Present in Closed Session, in addition to Mayor Broadwater and all Councilmembers, were City Manager, George Tindall; Legal Counsel, Joe Forbath; Assistant City Manager, Les Jones; Assistant City Manager, Matthew Fertal; and City Attorney, John Shaw.

RECESS

At 8:45 p.m., the Mayor declared a recess.

RECONVENE

At 9:16 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance, and it was announced that the matters previously disclosed were discussed and no others. Further, it was announced that no final action was taken.

ORAL COMMUNICATIONS – PUBLIC (CONTINUED)

Ngoc Ho, GTC youth employee; Lilo Haenisch of Laguna Woods; Denise Moses, actress from Glendale; Lara Lawrence and Patricia Thomas, Garden Grove residents and subscribers; and Sondi Kroeger Foley, actress from Redondo Beach, addressed the Council, urging support for the current Gem Theater Center management's continued operation of the facilities. (F: 53.3) (XR: 87.3) (XR: 55) (XR: 122.68)

Kevin Cochran and Charles Johanson, GTC operators, addressed the Council requesting support for their continued operation of the Grove Theater Center. Mr. Johanson presented a list of current Board members. (F: 53.3) (XR: 87.3) (XR: 55) (XR: 122.68)

Ray Littrell addressed the Council concerning a public hearing item occurring later in the agenda regarding a Planned Unit Development and a Development Agreement at the southeast corner of Century Boulevard and Taft Street. He commented that there is insufficient open space for the proposed project. He also spoke about an agenda item to demolish unoccupied structures on Katella Avenue, alleging those buildings on Katella Avenue may not be vacant. (F: 53.3) (XR: 106.136) (XR: A-116.4)

REQUEST FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR CITY CO-SPONSORSHIP OF TAPESTRY OF GARDEN GROVE ON APRIL 24, 2003.

(F: 88.1) (XR: 48.4) (XR: 102.1)

A communication dated November 21, 2002, from the Sister City Association of Garden Grove, was introduced, requesting co-sponsorship of their Tapestry of Garden Grove event to be held on April 20, 2003, in the Community Meeting Center.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the request from the Sister City Association of Garden Grove for City co-sponsorship of Tapestry of Garden Grove, be and hereby is approved.

REQUEST FROM GARDEN GROVE CUB PACK 507 FOR CITY CO-SPONSORSHIP OF 2003 PUSH CART DERBY (F: 88.1) (XR: 48.4)

A communication dated November 5, 2003, from Cub Scout Pack 507, was introduced, requesting co-sponsorship of the 2003 Pushcart Derby, tentatively scheduled for April 27, 2003, at the Springdale and 22 Freeway overpass. They also indicated they would like to expand the time to make it an all day event, which would provide an opportunity to invite more Cub Scouts from other Garden Grove Packs to participate in the derby.

Mayor Broadwater suggested that staff needs to talk with the City of Westminster and Cal Trans before official approval can be given.

It was moved by Mayor Broadwater, seconded by Councilman Tran, and carried by unanimous vote, that Councilman Dalton and Councilman Rosen meet with Cub Pack 507 leaders to discuss details and community impact issues.

RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF THE KOREAN WAR ARMISTICE (F: 83.1)

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that the Resolution commemorating the 50th Anniversary of the Korean War Armistice, be and hereby is approved.

CLAIMS FOR DAMAGES (F: 49.2)

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that claims submitted by Pacific Bell and Will B. King, be and hereby are denied.

AWARD OF CONTRACT FOR CONSTRUCTION OF NEW MODULAR OFFICE BUILDING AT THE MUNICIPAL SERVICE CENTER (F: 24.1)

Staff report dated January 14, 2003, was introduced, advising that three bid proposals were received and opened for the above project. It was noted that the City is in the process of hiring personnel to meet mandated programs for Sanitation, Storm Water, and other Environmental programs, and there is not office space available to house these operations at the Municipal Service Center.

Councilman Rosen commented that the estimated cost of this modular building is almost \$85,000; and in light of the news that because of the looming State budget deficit 20 percent of the City's budget may be cut, this project should be delayed. He also suggested that the new individuals use office space in City Hall.

Councilman Leyes commented that there is discussion taking place at the State level about relieving Cities of many of the mandates, which is another reason to delay this expenditure.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that all bids be rejected and the project be delayed due to budget uncertainty.

AGREEMENT WITH HARRIS AND ASSOCIATES TO PROVIDE STREET LIGHTING AND PARK MAINTENANCE DISTRICT SERVICES FOR FY 2003-04 (F: 69.2) (XR: 31.5) (XR: 121.2A)

Staff report dated January 14, 2003, was introduced. In addition to providing engineering services related to the Street Lighting and Park Maintenance Districts, staff is proposing to proceed with the formation of a new and separate street lighting district to address the energy rate increases by Southern California Edison. The existing street lighting district would have no changes in rates or methodology. The proposed district would be subject to a special ballot vote following the provisions of Proposition 218. Every non-government-owned parcel in the city would participate in the ballot process for the proposed City of Garden Grove Street Lighting District No. 03-1.

Councilman Leyes commented that he is not comfortable at this time with forming a new district, and he inquired whether that portion of the recommendation could be continued. The City Manager noted that there is a time frame that needs to be adhered to; however, the new district portion could be considered at a later time.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Agreement by and between the City of Garden Grove and Harris and Associates, to provide Street Lighting and Park Maintenance District services for FY 2003-04, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

LOAN AGREEMENT WITH THOMAS HOUSE TEMPORARY SHELTER FOR THE ACQUISITION OF PROPERTIES LOCATED AT 12591 AND 12601 MORNINGSIDE AVENUE (F: 117.15) (XR: 117.10I)

Staff report dated January 14, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that the Loan Agreement by and between the City of Garden Grove and Thomas House Temporary Shelter, for the acquisition of properties located at 12591 and 12601 Morningside Avenue, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

DEMOLITION OF 31 UNOCCUPIED STRUCTURES LOCATED AT CHAPMAN AVENUE AND HASTER STREET, HARBOR BOULEVARD SOUTH OF CHAPMAN AVENUE, AND KATELLA AVENUE WEST OF GILBERT STREET (F: 60.4) (XR: 24.1)

Staff report dated January 14, 2003, was introduced.

RESOLUTION NO. 8479-03

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that all bids received for the demolition of the aforementioned 31 unoccupied structures be rejected; that full reading of Resolution No. 8479-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE WAIVING FORMAL BID REQUIREMENTS FOR DEMOLITION WORK OF PROPERTIES LOCATED AT HASTER STREET AT CHAPMAN AVENUE; HARBOR BOULEVARD AT CHAPMAN AVENUE; AND KATELLA AVENUE, WEST OF GILBERT STREET, be and hereby is adopted; and that the City Manager be authorized to expend the funds necessary to effect the immediate demolition of the unoccupied structures.

RESOLUTION DENYING APPEAL OF VARIANCE NO. V-292-02 FOR PROPERTY LOCATED AT 12562 LEROY AVENUE (F: 111.V-292-02) (XR: 122.10)

RESOLUTION NO. 8480-03

Councilman Rosen moved, seconded by Councilman Dalton, that full reading of Resolution No. 8480-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF VARIANCE NO. V-292-02 FOR LAND LOCATED ON THE EAST SIDE OF LEROY AVENUE, SOUTH OF LAMPSON AVENUE AT 12562 LEROY AVENUE, PARCEL NO. 133-291-07, be and hereby is adopted. Upon the following vote:

AYES: COUNCILMEMBERS: (3) DALTON, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (2) LEYES, TRAN
ABSENT: COUNCILMEMBERS: (0) NONE

said Resolution No. 8480-03 was declared adopted.

RESOLUTION DECLARING SUPPORT FOR THE INTERNATIONAL FAMILY OF CODES AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL (F: 35.2)

Staff report dated January 14, 2003, was introduced.

RESOLUTION NO. 8481-03

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that full reading of Resolution No. 8481-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE SUPPORTING STATEWIDE ADOPTION OF THE INTERNATIONAL CODES, be and hereby is adopted.

REVISION OF COUNCIL POLICY NO. 300-04 (F: 127.3)

The proposed revision to Council Policy No. 300-04, *Salary Increases – Non-Represented Employees*, was introduced.

Councilman Rosen indicated he believes the proposed revision is not what was discussed previously in Closed Session. The City Manager noted that this could be either denied or continued.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that this matter be delayed for two weeks.

Councilman Leyes suggested the matter be tabled.

Councilman Rosen expressed his agreement, noting that this would enable the corrected version to be brought up in two weeks.

A substitute motion was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, to table this item.

CITY'S 2003 INVESTMENT POLICY AND REAPPOINTMENT OF CITY TREASURER AND DEPUTY CITY TREASURER AS PERSONS RESPONSIBLE FOR THE CITY'S INVESTMENTS (F: 127.7) (XR: 60.8)

Staff report dated January 14, 2003, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that the City's 2003 Investment Policy be and hereby is approved; and the City Treasurer, Steve Larson, and the Deputy City Treasurer, Anthony J. Andrade, be reappointed.

AWARD OF PURCHASE – AERIAL TRUCK – PUBLIC WORKS DEPARTMENT (F: 60.4) (XR: 24.1)

Staff report dated January 14, 2003, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that the purchase of one aerial truck for the Public Works Department, through the City of Santa Clarita Bid #PS-01-02-08, be and hereby is awarded to the lowest qualified bidder, Altec Industrial, in the amount of \$78,031.47.

MINUTES (F: Vault)

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that the Minutes of the Regular City Council Meetings of September 24, 2002 (continued from meeting of December 10, 2002), October 8, October 22, and October 29, 2002, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that regular warrants 278417 through 280119, wire W90, and payroll warrants 124280 through 124786, Direct Deposits D70099 through D71212, and wires W660 through W667, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-144-02, AND A DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-315-02 (F: 116.PUD-144-02) (XR: 116.PUD-103-76.Rev'92) (XR: 106.135)

Planned Unit Development No. PUD-144-02 and a Development Agreement in Connection with Site Plan No. SP-315-02, initiated by Burke Real Estate Group, proposing to rezone the southeast corner of Knott Street and Patterson Drive from PUD-103-76 Revised 1992 to PUD-144-02, to accommodate a proposed industrial park development; and approval of a Development Agreement to construct a 77,985 square foot industrial park on a 5.7-acre site located at 11450 Knott Street.

On November 21, 2002, the City Planning Commission, pursuant to Resolutions No. 5329 and No. 5330, approved SP-315-02 and recommended approval of PUD-144-02 and the Development Agreement. Pursuant to Legal Notice published December 26, 2002, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 14, 2003, was introduced, and staff reviewed the background information concerning this project.

In response to a comment by Councilman Rosen, staff clarified that the staff report reference to a "residential" project is in error.

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

Pat Peterson, a partner of Burke Real Estate, addressed the Council, noting that he is available to answer any questions the Council might have.

Ray Littrell addressed the Council, inquiring whether the Council can override the CC&R's to restrict size. The City Attorney responded in the affirmative.

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

ORDINANCE NO. 2592 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-144-02,

CHANGING THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT NO. PUD-103-76 REVISED 1992 TO PLANNED UNIT DEVELOPMENT NO. PUD-144-02, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF KNOTT STREET AND PATTERSON DRIVE AT 11450 KNOTT STREET, PARCEL NOS. 131-023-17, 23

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2592 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2593 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 KV PROPERTY, INC. (PROPERTY OWNER), BURKE REAL ESTATE GROUP (DEVELOPER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF KNOTT STREET AND PATTERSON DRIVE AT 11450 KNOTT STREET, PARCEL NOS. 131-023-17, 23

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2593 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. PUD-145-02, AND A DEVELOPMENT AGREEMENT IN CONNECTION WITH SITE PLAN NO. SP-316-02
(F: 116.PUD-145-02) (XR: 106.136) (XR: A-116.4)

Planned Unit Development No. PUD-145-02 and a Development Agreement in Connection with Site Plan No. SP-316-02, initiated by Western Pacific Housing, proposing to rezone approximately 5.28 acres at the southeast corner of Century Boulevard and Taft Street from CCSP/PR51 (Peripheral Residential District Area 51 of the Community Center Specific Plan) to a Residential Planned Unit Development zone; and approval of a Development Agreement to construct 37 detached, two-story, single-family residential units at 13201 Century Boulevard.

On December 5, 2002, the City Planning Commission, pursuant to Resolutions No. 5335 and No. 5336, approved SP-316-02 and recommended approval of PUD-145-02 and the Development Agreement. Pursuant to Legal Notice published December 26, 2002, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 14, 2003, was introduced, and staff reviewed the background information concerning this project. Also introduced into the record was a communication from Roberta Adler requesting traffic safety and ingress and egress issues be considered.

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

John Myhre of Western Pacific Housing addressed the Council, commenting that these are quality homes, and he is hopeful the Council will approve the project.

Councilman Leyes inquired whether the developer can incorporate the Samoan Church property into the project at a later date should that property become available. Mr. Myhre responded in the affirmative.

Ray Littrell addressed the Council, noting his opposition to the density of the project and commenting that there is insufficient space for children to play on the property. He also commented that 70 percent of the parking should be outside the gate.

Robin Marcario addressed the Council, commenting that these homes will greatly impact the schools at a time when money is tight.

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

Councilman Tran expressed his support for the project, noting that the PUD restricts the number of units; and there is a need for new housing, further noting that this project is still considered affordable housing. As for the impact on the schools, this issue is beyond the City's jurisdiction, noting that the school district received a fee from the developer.

Mayor Broadwater expressed his support for the project, noting that the State is encouraging cities to provide increased affordable housing. Councilman Leyes commented that this project has less density than the General Plan calls for, and this will put the property back on the tax rolls.

Councilman Dalton commented that there is a market for houses on smaller lots. He also noted that the school district was wise not to sell off its vacant land in the past because there is now a need for those schools.

Councilman Rosen commented that this project is beneficial for the city. These are good developers, and this places the property back on the tax rolls.

ORDINANCE NO. 2594 was introduced for first reading and the title read in full, entitled
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN
GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-145-02,
FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CENTURY
BOULEVARD AND TAFT STREET, AT 13201 CENTURY BOULEVARD,
PARCEL NOS. 099-131-25 & 099-110-12, 13 & 47

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2594 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2595 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
WESTERN PACIFIC HOUSING, INC., AND THE CITY OF GARDEN GROVE
FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CENTURY
BOULEVARD AND TAFT STREET, AT 13201 CENTURY BOULEVARD,
PARCEL NOS. 099-131-25 & 099-110-12, 13 & 47

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2595 be waived, and said Ordinance be and hereby is passed to second reading.

PUBLIC HEARING – GENERAL PLAN AMENDMENT NO. GPA-3-02, AMENDMENT NO. A-223-02, AND A DEVELOPMENT AGREEMENT (F: 20.GPA-3-02) (XR: 106.137) (XR: 115.A-223-02)

General Plan Amendment No. GPA-3-02, Amendment No. A-223-02, and a Development Agreement, initiated by Dr. John Kim, requesting to change the General Plan designation for the rear portion of property located at 9618 Garden Grove Boulevard from MDR (Medium Density Residential) to LC (Light Commercial), and to rezone the rear portion of the property to C-2 (Community Commercial), and to approve a Development Agreement to construct two new retail/commercial buildings. The first building is a proposed 60,400 square foot, two-story building with subterranean parking. The second building is a 6,350 square foot, one-story retail/commercial pad building. On November 21, 2002, the City Planning Commission, pursuant to Resolutions No. 5314 and No. 5315, recommended approval of GPA-3-02, and the Development Agreement. Pursuant to Legal Notice published December 26, 2002, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 14, 2003, was introduced, providing background information.

Councilman Leyes referenced a letter that was submitted as part of the record from an attorney representing a tenant of the center. The City Attorney explained that the letter concerns a private property dispute between the tenant and the property owner.

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

John Kim, the applicant, addressed the Council, noting that he has been working on this project for the last four years. He showed the proposed design of the center and noted that he had purchased property to address the parking concerns.

James Kawamura, Mr. Kim's traffic engineer, addressed the Council and answered questions concerning the number of parking spaces, noting that

there will be 336 spaces, 104 of which are underground. He displayed a rendering showing the buildings and the parking configuration.

Peggy Bergan addressed the Council and inquired whether the center has tenants.

Mayor Broadwater indicated that the center is being overhauled and will not have a tenant problem.

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

Councilman Rosen commented that this project is a vast improvement to the area. He further commented that the applicant has four years in which to construct the proposed project, and by that time the lawsuit should be cleared up.

Councilman Leyes commented that this is the type of investment that will help the business district.

RESOLUTION NO. 8482-03

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8482-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING GENERAL PLAN AMENDMENT NO. GPA-3-02 FOR A PARCEL OF LAND LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD BETWEEN GALWAY STREET AND GILBERT STREET, AT 9618 GARDEN GROVE BOULEVARD, PARCEL NO. 98-222-18, be and hereby is adopted.

ORDINANCE NO. 2596 was introduced for first reading and the title read in full, entitled AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONE AMENDMENT NO. A-223-02, TO REZONE A PARCEL OF LAND FROM THE R-3 (MULTI-FAMILY RESIDENTIAL) ZONE TO THE C-2 (COMMUNITY COMMERCIAL) ZONE, LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD BETWEEN GALWAY STREET AND GILBERT STREET, AT 9618 GARDEN GROVE BOULEVARD, PARCEL NO. 98-222-18

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2596 be waived, and said Ordinance be and hereby is passed to second reading.

ORDINANCE NO. 2597 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 DR. JOHN KIM (PROPERTY OWNER), AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE

BOULEVARD BETWEEN GALWAY STREET AND GILBERT STREET, AT
9618 GARDEN GROVE BOULEVARD, PARCEL NOS. 98-222-18, 24, 35, 36,
37, 38 & 39

It was moved by Councilman Rosen, seconded by Councilman Dalton, and
carried by unanimous vote, that full reading of Ordinance No. 2597 be waived,
and said Ordinance be and hereby is passed to second reading.

RECESS:

At 10:52 p.m., the Mayor declared a recess.

RECONVENE

At 10:56 p.m., the meeting was reconvened with Mayor Broadwater and all
Councilmembers in attendance.

RECOMMENDATION FROM THE CULTURAL ARTS AD HOC COMMITTEE
REGARDING THE FUTURE OPERATION AND MANAGEMENT OF THE VILLAGE
GREEN CULTURAL ARTS COMPLEX (F: 87.3) (XR: 122.68) (XR: 55)

Staff report dated January 14, 2003, was introduced, transmitting the
recommendation of the Cultural Arts Ad Hoc Committee regarding the future
operation and management of the Village Green Cultural Arts Complex. That
recommendation is to terminate the contract with the Grove Theater Center
(GTC), giving them the required 240-day notice, and enter into negotiations
with Shakespeare Orange County to assume the responsibilities of the Village
Green Cultural Arts Complex.

Staff noted that if the Council concurs with the Committee's recommendation,
it is recommended that the March 2001 Funding Agreement with the Grove
Theater Center be amended to require more frequent program reports, and
require that the City be notified, in advance, of any activities or performances.
If the City continues to provide \$10,000 per quarter to Grove Theater Center
until the facilities management agreement terminates, it will be important to
ensure that the operators continue to offer programs throughout the final
months of the contract.

Staff further recommended if the Council should decide to terminate the
management agreement, other programming options might be considered,
such as (1) establishing a City Council subcommittee to work with staff in
developing recommendations; (2) directing staff to develop a request for
proposal, which would solicit additional proposals for the operation of the
Grove Theater Center; or (3) directing staff to recruit for a part-time position
that would conduct a facilities inventory report and initiate programming for a
period of time, as well as marketing the facility for other community use.

Councilman Tran asked Harry Krebs, Chair of the Cultural Arts Ad Hoc
Committee, to approach the Council. In response to inquiries by Councilman

Tran, Mr. Krebs indicated the committee considered the Amphitheater and Gem Theater as one venue. Councilman Tran commented that he finds the lack of recommendations by the Ad Hoc Committee troubling.

Mr. Krebs noted that the facilities are underutilized and dilapidated. The Committee did not question the artistic ability of the current operators, but felt they did not know how to manage the facilities. He also noted that the list of proposed Board of Directors submitted earlier this evening by the GTC operators was never given to the Committee.

In response to a question by Councilman Rosen, Mr. Krebs indicated that the Committee never was given the incorporation documents.

In response to a question by Councilman Leyes, Mr. Krebs noted that the only member listed on the proposed board they had met was David Seigle.

Councilman Rosen asked whether there was any discussion about the Community Foundation becoming involved in the management of the theater complex. Mr. Krebs responded that is a possibility.

Councilman Dalton inquired why a City Council subcommittee was not established earlier to work with staff to develop recommendations.

The City Manager noted there is a need to discuss goals, and staff does not believe that dividing the two facilities is necessarily a good idea. He commented that it seems that the Grove Theater Center has now set up a board of directors. GTC needs outside contributors. If the Council decides to continue with GTC, a new contract needs to be structured, and a Council subcommittee could help with that. He further noted there has been a lack of usage of the facilities, and it has been difficult for other community organizations to obtain access. He suggested the GTC could manage the amphitheater facility and charge outside groups for the lights and sound system with a developed rate structure.

Mayor Broadwater noted he has no problem with the artistic ability of the operators; the problem is they did not maintain the property properly, and the Amphitheater is a complete mess. He commented that he met Mr. Seigle about the board members, noting that no one from Garden Grove is on that board, and the list was not given out until this evening. He further noted that there has been no mention of any fundraising activities.

Councilman Rosen commented that although no Garden Grove people are on the list of board members, the proposed members might have the ability to raise money. He further commented that the Council has to look at what is best for the community, noting the importance of having a venue for local groups also, and commenting that the current operators only want to put on professional theater. He reviewed notes from the last hearing in September and from the Register newspaper. He noted his support to end the current

contract and seek different management, which would not necessarily preclude the current operators.

Councilman Tran noted he has met with both the current operators and Mr. Seigle; however, he was hoping for more in the way of recommendations from the Ad Hoc Committee.

Mayor Broadwater commented that every time a decision is delayed, all the Gem Theater Center supporters turn out to speak. A decision needs to be made; however, he would like to delay a decision and come up with a plan.

Councilman Tran moved, seconded by Councilman Leyes, that this matter be continued for 30 days to allow for discussions between staff and GTC management to try to absolve existing communication problems between all parties; to expand GTC Board of Directors to include community members; and to develop methods of providing community groups with access to both facilities for expanded usage.

Mr. Krebs noted that regarding Councilman Tran's comments about the committee not providing enough information, Council was not clear as to how much information it was looking for. The committee was just asked to see whether the Grove Theater Center was in compliance with their contract with the City. He further noted that minutes from the committee meetings are available and can be provided to the Council.

Councilman Tran responded that the Council gave carte blanche to the committee, and its purpose was to come up with positive solutions for the Council to implement.

Councilman Rosen proposed an amendment to the motion to refer the matter back to the Ad Hoc Committee and the committee writes a more extensive report, with discussion of various options, including the Community Foundation taking over the management of the theater. The amendment died for lack of a second.

Councilman Leyes noted that it clearly has become a policy choice, being community versus professional theater. He also noted that one of the committee members indicated to him that he gave in to get the issue over with. He further noted that for various reasons the Ad Hoc Committee cannot be reconstituted. Further, canceling the contract now before knowing what direction the Council wants to take puts the cart before the horse.

Councilman Dalton indicated that he spoke to a committee member who did not fully understand what his vote meant.

The original motion made by Councilman Tran and seconded by Councilman Leyes carried by the following vote:

AYES: COUNCILMEMBERS: (3) DALTON, LEYES, TRAN
NOES: COUNCILMEMBERS: (2) ROSEN, BROADWATER
ABSENT: COUNCILMEMBERS: (0) NONE

RECESS

At 12 midnight, the Mayor declared a recess.

RECONVENE

At 12:04 a.m, the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

AWARD OF CONTRACTS FOR CONCRETE REPAIR SERVICES TO IMPROVE SIDEWALK SAFETY AND TO ASSURE PROPER DRAINAGE OF STREETS (F: 55) (XR: 93.1) (XR: 96.1)

Staff report dated January 14, 2003, was introduced.

Mayor Broadwater asked staff if these projects are necessary.

The City Manager responded that both could be held off and brought back after the budget is presented.

Councilman Rosen requested a breakdown on the sidewalk portion when it is brought back.

It was the consensus of the members that this be continued because of budget uncertainties.

SUBMITTAL OF TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM (F: 23.18C) (XR: 96.1) (XR: 100.1)

Staff report dated January 14, 2003, was introduced.

RESOLUTION NO. 8483-03

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8483-03 be waived, and said Resolution entitled A RESOLUTION OF THE GARDEN GROVE CITY COUNCIL APPROVING THE SUBMITTAL OF TRANSPORTATION IMPROVEMENT PROJECTS TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER THE COMBINED TRANSPORTATION FUNDING PROGRAM, be and hereby is adopted.

APPOINTMENTS TO PLANNING COMMISSION AND ORANGE COUNTY VECTOR CONTROL DISTRICT (F: 122.10A) (XR: 23.20) (VIP)

Communication from the Orange County Vector Control District was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Janet Nguyen be and hereby is appointed to the Planning Commission; and Dr. Sheldon Singer be and hereby is reappointed to the Orange County Vector Control District, both for two-year terms.

REQUEST BY COUNCILMAN LEYES THAT THE COUNCIL TAKE A POSITION IN OPPOSITION TO THE STATE RAISING VEHICLE LICENSE FEES (VLF) (F: 67.5)

Councilman Leyes commented that the State has proposed ending the Vehicle License Fee (VLF) backfill to the cities. He noted that the League is requesting the legislators restore the VLF. Councilman Leyes moved that the Council take a stand that it is unacceptable to raise the VLF and eliminate the backfill. The motion died for lack of a second.

Councilman Rosen commented that taking such a position this evening is premature because our priorities have not yet been determined in this budget crisis.

DISCUSSION CONCERNING THE COUNCIL TAKING A POSITION ON LOSS OF REVENUE FOR THE EXPANSION OF THE 22 FREEWAY, AS REQUESTED BY COUNCILMAN ROSEN (F: 67.5) (XR: 62.1)

Councilman Rosen indicated he is continuing this item until the budget is discussed.

DISCUSSION CONCERNING PARTICIPATION IN LAWSUITS, AS REQUESTED BY COUNCILMAN ROSEN (F: 53.1)

This item was not discussed.

STATUS REPORT REGARDING PARKING ISSUES ON WEST STREET AND ADJACENT RESIDENTIAL STREETS (F: 75.1) (XR: 73.12)

No report presented.

ADJOURNMENT

At 12:18 a.m., on January 15, 2003, the meeting was declared adjourned in memory of Paul DeNuncio and John Cannon.

RUTH E. SMITH
CITY CLERK

cc01/14/03m