

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 27, 2004, 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; Personnel Services Director, Steve Larson; Police Captain, Kevin Raney (representing Police Chief); City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

Assistant City Manager Mathew Fertal gave the Invocation. Mayor Broadwater led the Pledge of Allegiance to the Flag of the United States of America.

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward members of the Pacifica High School Senior Student Council Committee and presented them with Certificates of Appreciation and gifts in recognition of their efforts to keep the annual "Adopt-a-Child" holiday program a strong, successful, and proud tradition at Pacifica High School. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Bob Owens addressed the Council, commenting that campaign money is coming to Council candidates from outside the City, noting that the average citizen does not have \$100,000 to run for a Council seat. (F: 53.3)

David Whitmore addressed the Council concerning a problem he had at the Social Security office, commenting that he was physically assaulted by a security guard there and the people who work there do not speak English and failed to address his problems. He also expressed concern about the high-density residential area adjacent to the Social Security office.

Mayor Broadwater suggested Mr. Whitmore contact his Congressman, Ed Royce, and commented that he should have filed a report with the Police Department.

Councilman Rosen requested that Mr. Whitmore's comments be forwarded to Congresswoman Loretta Sanchez by way of a tape-recording of this portion of the proceedings. (F: 53.3)

Joseph Pak, President of the Sister City Association, addressed the Council and expressed his appreciation for the Council's support and cooperation during the recent Anyang students' visit. (F: 53.3) (XR: 102.3)

COMMUNICATION FROM THE WEST GARDEN GROVE LITTLE LEAGUE FOR WAIVER OF FEES FOR USE OF THE SHOWMOBILE FOR THEIR OPENING DAY CEREMONY ON MARCH 13, 2004 (F: 74.27)

Communication from the West Garden Grove Little League, dated January 15, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the fees be waived for use of the Showmobile by the West Garden Grove Little League on March 13, 2004.

COMMUNICATION FROM THE GARDEN GROVE COMMUNITY FOUNDATION REQUESTING THAT A BRIDGE LOAN MADE TO THE FOUNDATION IN THE FIRST YEAR OF THE RENAISSANCE PROGRAM BE FORGIVEN; AND THAT THE REMAINING LOAN BALANCE BE SPREAD INTO THREE ANNUAL PAYMENTS (F: 88.1) (XR: 130.15)

Communication from Virginia Zlaket, President of the Garden Grove Community Foundation, dated January 13, 2004, was introduced.

Councilman Leyes commented that \$30,000.00 is a significant amount of money, and he does not believe the City should forgive the loan; however, he would not have a problem extending the terms. The Foundation is privately funded and operated, and as it becomes more successful, it may be able to pay back this loan.

Councilman Rosen noted the Foundation serves a role the City cannot. Funds from Pepsi were allocated to the Foundation in the past, but not this current year. It would help the Foundation with its fundraising if the City would forgive the loan, noting that he is confident the Foundation will pay it back in the future if it is able.

Councilman Dalton noted that this is a lot of money, but the Foundation has done so much for the community and the events bring outsiders to the city. He commented that the loan is worth forgiving.

At Councilman Tran's request, Mrs. Zlaket provided background information concerning the \$30,000, noting that a business went bankrupt before paying its pledge.

Councilman Rosen moved, seconded by Councilman Dalton, that the bridge loan made to the Foundation in the first year of the Renaissance Program be forgiven, and that the remaining loan balance of \$17,456.00 be spread into three annual payments. Said motion carried by the following vote:

AYES: COUNCILMEMBERS: (4) DALTON, ROSEN, TRAN,
BROADWATER

NOES: COUNCILMEMBERS: (1) LEYES

ABSENT: COUNCILMEMBERS: (0) NONE

ACQUISITION OF AN EASEMENT OVER A PORTION OF REAL PROPERTY
LOCATED AT 13031-13071 HARBOR BOULEVARD, AS PART OF PROJECT
NO. 7244 (F: 96.PROJ.7244) (F: 84.1) (XR: A-55.119)

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the acquisition of an easement over a portion of real property located at 13031-13071 Harbor Boulevard, Parcel 7, for Project No. 7244, Widening and Improvement of the Harbor Boulevard/Garden Grove Boulevard Intersection, be and hereby is approved; the City Manager and City Clerk are authorized to execute the pertinent documents; and the Finance Director is authorized to draw a warrant in the amount of \$460,900.00 to Harbor Plaza Center, LLC, when appropriate to do so.

IMPROVEMENT BONDS EXONERATION FOR TRACT MAP NO. TR 15933
(F: 116.PUD-131-99) (XR: 103.TT.15933)

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that exoneration of the subdivision sewer improvement bonds for Tract Map No. TR 15933, Brandywine Development Corporation, be and hereby is authorized.

PROJECT NO. 7264B – GARDEN GROVE BOULEVARD RAISED MEDIAN ISLAND IMPROVEMENTS BETWEEN MAGNOLIA STREET AND BEACH BOULEVARD - PLANS AND SPECIFICATIONS (F: 96.Proj.7264B)

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that plans and specifications for the above-titled project, be and hereby are approved; and the City Clerk is authorized to advertise for bids.

PROJECT NO. 7237 – PHASE V, LAMPSON AVENUE REHABILITATION FROM DALE STREET TO MAGNOLIA STREET - PLANS AND SPECIFICATIONS
(F: 96.Proj.7237)

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that plans and specifications for the above-titled project, be and hereby are approved; and the City Clerk is authorized to advertise for bids.

APPLICATION FOR A TRAFFIC SAFETY GRANT THROUGH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, FOCUSING ON PEDESTRIAN-INVOLVED AND SPEED-RELATED COLLISIONS) (F: 82.15) (XR: 97.1.03

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Police Department be authorized to apply for a Traffic Safety Grant through the California Office of Traffic Safety, focusing on pedestrian-involved and speed-related collisions.

CITY'S 2004 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 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the City's 2004 Investment Policy be and hereby is approved; and the City Treasurer and Deputy City Treasurer are reappointed as the persons responsible for the City's investments.

APPOINTMENT OF SENIOR ENVIRONMENTAL SERVICES SPECIALIST AT "E" STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the appointment of a Senior Environmental Services Specialist candidate at Step "E" of the salary range for this position be and hereby is approved.

APPOINTMENT OF COMMUNITY SERVICES OFFICER AT "D" STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated January 27, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the appointment of a Community Services Officer candidate at Step "D" of the salary range for this position be and hereby is approved.

MINUTES (F: Vault)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held November 11, November 25, and December 9, and Special Meeting held December 22, 2003, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 304403 through 304925 and wires W129 and W130; and payroll warrants 132934 through 133141, Direct Deposits D86646 through D87190,

and wires W813 through W816, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – AMENDMENT NO. A-103-03 (F: 115.A-103-03)
(XR: 50.3)

Amendment No. A-103-03. The City of Garden Grove is requesting to amend the Municipal Code (Title 9), Section 9.12.030, of Chapter 9.12 Special Uses, pertaining to the conversion of apartment units to condominiums.

On December 4, 2003, the City Planning Commission, pursuant to Resolution No. 5397, recommended approval of A-103-03; and pursuant to Legal Notice published January 15 and January 22, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated January 27, 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. 2621 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 AMENDMENT NO. A-103-03, AN AMENDMENT TO TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE SECTION 9.12.030 CONVERSION OF MULTIPLE-FAMILY RESIDENTIAL UNITS

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that full reading of Ordinance No. 2621 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)

Staff report dated January 27, 2004, was introduced, and it was noted that this item was continued from the meeting of January 13,

2004. Also introduced was an E-mail from the proponent asking that his petition be rescinded.

The City Manager noted that inasmuch as the request has been withdrawn, he would suggest this be tabled; and if it comes back, take it to a neighborhood meeting and then to the Traffic Commission.

Councilman Rosen commented that inasmuch as the proponent has withdrawn his request, he would support tabling this.

Councilman Leyes noted that there is a process in place for these situations, and if there is an issue here, the City should move forward even though the request has been withdrawn.

Councilman Leyes moved, seconded by Mayor Broadwater, that this matter be sent back to the Traffic Commission.

Councilman Rosen commented that three warrants are needed to recommend a three-way stop, and this only meets two warrants. He further noted that the E-mail indicates the individual suffered vandalism because of his request, and that should be looked into.

Mayor Broadwater withdrew his second to the previous motion.

It was moved by Councilman Rosen, seconded by Councilman Dalton and carried by unanimous vote, that this matter be tabled.

SECOND READING OF ORDINANCE NO. 2620

It was moved by Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinance No. 2620 be waived.

ORDINANCE NO. 2620 was presented for second reading and adoption and the title read in full, being 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 (F: 106.148) (XR: 116.SP-335-03)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote of those present, that Ordinance No. 2620 be and hereby is declared passed.

RECESS

At 7:50 p.m., the Mayor declared a recess.

RECONVENE

At 8:23 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)

It was noted that this matter was continued from the meeting of January 13, 2004.

It was moved by Mayor Broadwater, seconded by Councilman Leyes, and carried by unanimous vote, that the resignation of Benjamin H. Freze from the Planning Commission be and hereby is accepted with regret.

APPOINTMENT OF ROBERT W. KELLEHER TO THE PLANNING COMMISSION, AS REQUESTED BY COUNCILMAN DALTON (F: 122.10a) (VIP)

It was moved by Mayor Broadwater, seconded by Councilman Dalton, and carried by unanimous vote, that Robert W. Kelleher be and hereby is appointed to serve on the Planning Commission.

MATTERS FROM THE MAYOR, CITY COUNCILMEMBERS AND CITY MANAGER:

Councilman Leyes spoke about grocery store workers' demonstrations that have taken place in the area of Chapman and Brookhurst, and requested information concerning the cost to the City for police presence at these demonstrations. (F: 53.1)
(XR: 82.1)

Councilman Leyes spoke about a Home Improvement Holiday program the City of Anaheim is enacting, during which time plan and permit fees will be waived for home improvements; additionally, they are looking at an amnesty period for non-permitted residential improvements. He suggested that Garden Grove might want to look into something somewhat similar in the near future. (F: 53.1)
(XR: 35.1)

Councilman Leyes spoke about a state-wide initiative effort co-chaired by Anaheim Mayor Curt Pringle and Former Assembly Speaker Robert Hertzberg wherein the cities would get a larger

share of the property taxes and would give up some sales tax and what is left of the vehicle license fees. He requested that staff obtain a copy of that initiative for analysis. (F: 53.1)

Councilman Leyes noted that the City of Anaheim is looking at some serious economic development in the area around the Anaheim Stadium, inviting ideas with no confines. (F: 53.1)

Councilman Dalton expressed support to look into a modified Home Improvement Holiday and amnesty program. (F: 53.1) (XR: 35.1)

Councilman Rosen expressed his support for some kind of amnesty program for non-permitted homes. (F: 53.1) (XR: 35.1)

Councilman Rosen acknowledged City of Westminster Mayor Pro Tem Andy Quach in the audience. (F: 53.1)

Councilman Tran expressed his support to look into a Home Improvement Holiday and amnesty program for city homeowners. He also expressed appreciation to the Public Works staff for their efforts in planting cherry blossom trees on Brookhurst Street, noting it was a successful public-private partnership with Lee's Sandwiches. (F: 53.1) (XR: 35.1) (XR: 24.1)

At the Mayor's request, the City Clerk spoke about Early Voting that will take place in City Hall from February 3 through February 19 for the March 2 election. (F: 53.1) (XR: 58.1.March 2004)

Mayor Broadwater announced the birth of Gianluca Antonio Berger, grandson of Tony and Emma Lombardi. He also announced that Jennifer Hanson, 1994 Miss Garden Grove and 1994 Miss California, was an award presenter in the 2003 Grammy Awards show. She also has a hit song, "Beautiful Goodbyes." (F: 53.1)

ADJOURN TO CLOSED SESSION

At 8:43 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 54957, the City Council will review candidates for appointment to the City Manager position. And 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. And pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the case of Airport Working Group of Orange County, et al. v. County of Orange, et al., Court of Appeals #D041344.

RECONVENE IN OPEN SESSION

At 10:49 p.m., the meeting was reconvened and it was announced that all matters previously disclosed were discussed and no others. It was also announced that relative to the last Closed Session item regarding the case of Airport Working Group of Orange County, et al. v. County of Orange, et al., the City Council voted unanimously to approve a settlement agreement in this litigation. (F: 44.2)

ADJOURNMENT

At 10:50 p.m., the meeting was declared adjourned.

RUTH E. SMITH
CITY CLERK