

## 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 28, 2003, at 6:52 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; Fire Division Chief, Keith Osborn (representing Fire Chief); Housing Authority Manager, Mary Ann Hamamura (representing Community Services Director); Personnel Services Director, Steve Larson; Deputy Police Chief, Scott Jordan; Streets and Street Trees Manager, Keith Jones (representing Public Works Director); City Attorney, John Shaw; and City Clerk, Ruth Smith.

#### INVOCATION AND PLEDGE

Assistant City Manager Matthew Fertal gave the Invocation. Councilman Tran led the Pledge of Allegiance to the Flag of the United States of America.

#### ADJOURN TO CLOSED SESSION

At 6:54 p.m., the Mayor declared a recess and announced that pursuant to Government Code section 54957.6, the City Council will conduct a conference with its labor negotiator (Mayor) with regard to terms and conditions of employment for the position of City Manager. Further, pursuant to Government Code section 54956.9(c), the City Council will confer with its Legal Counsel regarding one matter.

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

#### RECONVENE

At 8:04 p.m., the meeting was reconvened in open session with Mayor Broadwater and all Councilmembers in attendance, and it was announced that the matters previously disclosed were discussed and no others.

## ORAL COMMUNICATIONS – PUBLIC

Mayor Broadwater referenced a letter submitted by Tony Flores, who was unable to remain for the Oral Communications portion of the meeting, requesting information concerning Statements of Economic Interests. (F: 53.3)

Chris Prevatt addressed the Council urging the Council to act more wisely than the Orange County Board of Supervisors did when it cut the Orange County Human Relations Commission as a reaction to the State budget deficit. (F: 53.3)

## RECESS

At 8:05 p.m., the Mayor declared a recess.

## RECONVENE

At 8:10 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

## REQUEST FROM WEST GARDEN GROVE LITTLE LEAGUE FOR USE OF SHOW MOBILE FOR OPENING DAY CEREMONY (F: 74.27)

A communication dated January 8, 2003, from the West Garden Grove Little League was introduced, requesting use of the Show Mobile for their opening day ceremony on March 8, 2003.

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that the request from the West Garden Grove Little League for use of the Show Mobile on March 8, 2003, be and hereby is approved.

## PROCLAMATION – NATIONAL ENGINEERS WEEK (F: 83.1) (XR: 24.11)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that February 16-22, 2003, be and hereby is proclaimed as National Engineers Week.

## EXONERATION OF SUBDIVISION IMPROVEMENT BONDS FOR TRACT MAP NO. TR 15940 (F: 103.TT 15940)

Staff report dated January 28, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Subdivision Improvement Bonds for Tract

Map No. TR 15940, posted by B/W Grove Business Center, LLC, for street, landscape, water and irrigation systems improvements for property located on the south side of Trask Avenue between Brookhurst Street and Taft Street, be and hereby are exonerated.

SETTLEMENT AGREEMENT WITH JAMES AND KAREN PELONIS TO SHARE THE COST OF REPAIR TO THEIR REAR BLOCK WALL AND TO ALLOW FOR ACCESS TO THE REAR PORTION OF THEIR PROPERTY AT 6961 PARK AVENUE (F: 24.1) (XR: 46.5)

Staff report dated January 28, 2002, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Settlement Agreement by and between the City of Garden Grove and James and Karen Pelonis, to share the cost of repair to the rear block wall and allow for access to the rear portion of property at 6961 Park Avenue, for a period not to exceed five years, be and hereby is approved; and the Mayor is authorized to execute the agreement.

AGREEMENT WITH THE GARDEN GROVE UNIFIED SCHOOL DISTRICT TO PROVIDE THE DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) CURRICULUM IN THE CLASSROOM (F: 55) (XR: 82.1) (XR: 90.5)

Staff report dated January 28, 2003, was introduced.

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 the Garden Grove Unified School District to provide a Drug Abuse Resistance Education (D.A.R.E.) curriculum in the classroom, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

RENEWAL OF CONTRACT WITH ALL CITY MANAGEMENT TO PROVIDE CROSSING GUARD SERVICES (F: 55) (XR: 78.8)

Staff report dated January 28, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the contract by and between the City of Garden Grove and All City Management to provide crossing guard services, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the contract.

POLICE DEPARTMENT SUBMITTAL OF APPLICATION FOR TRAFFIC SAFETY  
GRANT THROUGH THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (F: 97.1.03)  
(XR: 82.1)

Staff report dated January 28, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Police Department's submittal of an Application for a Traffic Safety Grant through the California Office of Traffic Safety, be and hereby is approved.

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.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Council Policy No. 300-04, relating to Salary Increases for Non-Represented Employees, be and hereby is revised as presented.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Minutes of Regular City Council Meetings held November 12 and November 26, 2002, be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 280120 through 281073, wires W91 through W93, and payroll warrants 124787 through 125347, Direct Deposits D69942 through D71051, D71213 through D71755, D72299 through D72856, and wires W668 through W671 and W695 through W696, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

SECOND READING OF ORDINANCES NO. 2592, NO. 2593, NO. 2594, NO. 2595,  
NO 2596, AND NO. 2597

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Ordinances No. 2592, No. 2593, No. 2594, No. 2595, No. 2596, and No. 2597 be waived.

ORDINANCE NO. 2592 was presented for second reading and adoption, 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 (F: 116.PUD-144-02) (XR: 106.135)

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2592 be and hereby is declared passed.

ORDINANCE NO. 2593 was presented for second reading and adoption, 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 (F: 116.PUD-144-02) (XR: 106.135)

It was moved by Councilman Tran, seconded by Councilman Rosen, and carried by unanimous vote, that Ordinance No. 2593 be and hereby is declared passed.

ORDINANCE NO. 2594 was presented for second reading and adoption, 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 (F: 116.PUD-145-02) (XR: 106.136)

It was moved by Councilman Rosen, seconded by Councilman Leyes, and carried by unanimous vote, that Ordinance No. 2594 be and hereby is declared passed.

ORDINANCE NO. 2595 was presented for second reading and adoption, 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 (F: 116.PUD-145-02) (XR: 106.136)

ORDINANCE NO. 2596 was presented for second reading and adoption, 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 (F: 20.GPA-3-02) (XR: 106.137) (XR: 115.A-223-02)

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that Ordinance No. 2596 be and hereby is declared passed.

ORDINANCE NO. 2597 was presented for second reading and adoption, 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 (F: 20.GPA-3-02) (F: 106.137) (XR: 115.A-223-02)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Ordinance No. 2597 be and hereby is declared passed.

#### APPOINTMENTS TO COMMISSIONS AND COMMITTEES

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Carole Ettlin be and hereby is appointed to the Traffic Commission. (F: 122.11a)

It was moved by Councilman Dalton, seconded by Councilman Rosen, and carried by unanimous vote, that Dina Nguyen be and hereby is appointed to the Neighborhood Improvement and Conservation Commission. (F: 122.4a)

#### DISCUSSION CONCERNING THE STATE BUDGET AND THE COUNCIL TAKING A POSITION RELATIVE TO THE VEHICLE LICENSE FEES, AS REQUESTED BY COUNCILMAN LEYES (F: 67.5)

A proposed Resolution was introduced by Councilman Leyes, opposing the proposed increase in the vehicle license fee and the reduction in "backfill" revenues to cities and encouraging debate on opportunities to reform the fiscal relationship between the State and local government.

Councilman Leyes indicated there is a large move to raise the Vehicle License Fees (VLF) to the 1998 level, noting that the Cities are at the complete mercy of the legislature and should not be put in the position of having to ask for a tax increase. He further noted that the League of California Cities' has taken a position in support of the VLF increase. He indicated the State should balance the budget without reducing backfill and raising VLFs.

Councilman Leyes moved approval of the proposed Resolution. The motion died for lack of a second.

Mayor Broadwater acknowledged that excellent points have been raised in this regard; however, he suggested this be discussed further after the City Council budget session scheduled for February 4, 2003.

Councilman Tran noted that he would be in favor of waiting until after the Council's budget study session so other issues could be incorporated into the City's position on the state budget.

Councilman Rosen suggested this be discussed further at the Council budget study session.

Councilman Dalton requested a copy of the League resolution also be provided at the study session.

The City Manager noted both copies would be provided at that time.

Councilman Leyes expressed concern that February 4 might be too late. He indicated he is not in support of the League's position on this, noting that there is a threat of both a referendum and a lawsuit. He commented that there is no certainty that the cities would even benefit from a tripling of the VLFs.

Mayor Broadwater requested information as to which other cities have taken a position in support of the VLF increase.

Councilman Rosen noted that the absence of a Resolution does not mean the Council supports the League's position, to which Councilman Leyes disagreed.

Councilman Dalton cautioned against moving too quickly, noting that Resolutions should not be discussed until all options are known, to which Councilman Rosen agreed.

Councilman Tran suggested the Council consider taking proactive action and go to Sacramento, with a packet of material, to meet with the legislators to address some of the financial impacts to Garden Grove. Mayor Broadwater agreed.

It was the consensus of the members present that this matter be continued to the February 4, 2003, Council meeting.

ADJOURNMENT

At 8:38 p.m., the meeting was declared adjourned, in memory of Bob Garrett, long-time resident and active community volunteer, to Tuesday, February 4, 2003, at 6:30 p.m., in the Founders Room of the Garden Grove Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH  
CITY CLERK