

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, February 10, 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; Finance Director, Kingsley Okereke; Fire Chief, Keith Osborn; Personnel Services Director, Steve Larson; Deputy Police Chief, Scott Jordan; City Attorney, John Shaw; and Deputy City Clerk, Priscilla Stierstorfer.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Marco Morales of Handbill Printing, and Dianne Tilcock of Boise Cascade, and presented with Certificates of Recognition for being major sponsors of the Adopt-A-Family Program. (F: 52.3)

PRESENTATION

Mayor Broadwater called forward Beckie Welty, representing the Orange County Human Relations Council. She presented a Certificate of Recognition to the Council for outstanding support of

positive human relations in collaboration with the Orange County Human Relations Council. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Eileen Jurak noted her problems with the Social Security Office and the lack of information provided by the Police Department regarding the incident. The Mayor requested that staff determine whether there was a District Attorney report and provide a copy to Ms. Jurak. (F: 53.3) (XR: 82.1)

Bob Owens commented regarding affordable housing for people earning minimum wage, the lack of English-speaking workers at the Social Security office, and American people being put out of work because of production overseas. (F: 53.3)

Craig Durfey distributed information on raising money for the disabled and urged the Council to talk to the legislators regarding the passage of Assembly Bill 8110. (F: 53.3)

RECESS

At 7:25 p.m., the Mayor declared a recess.

RECONVENE

At 7:26 p.m., the meeting was reconvened with Mayor Broadwater and all Council members in attendance.

ACQUISITION OF AN EASEMENT OVER A PORTION OF REAL PROPERTY LOCATED AT 13000-13018 HARBOR BOULEVARD, PARCELS 6A AND 6B, FOR PROJECT NO. 7244 (F: 96.PROJ.7244) (F: 84.1)

Staff report dated February 10, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the acquisition of real property located at 13018 Harbor Boulevard, Parcels 6A and 6B, 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 accept the pertinent documents; and the Finance Director is authorized to draw a warrant in the amount of \$148,225.00 to Garden Grove Partners 1, LLC, when appropriate to do so.

RESOLUTION APPROVING INDIVIDUALS WHO ARE AUTHORIZED TO INVEST MONIES IN THE LOCAL AGENCY INVESTMENT FUND (F: 127.7) (XR: 60.1)

Staff report dated February 10, 2004, was introduced.

RESOLUTION NO. 8538-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8538-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AUTHORIZING INVESTMENT OF CITY MONIES IN THE LOCAL AGENCY INVESTMENT FUND, be and hereby is adopted.

RESOLUTION FOR CONTINUOUS ADOPTION OF THE ORANGE COUNTY MAXIMUM EMERGENCY GROUND AMBULANCE RATES FOR BASIC LIFE SUPPORT AMBULANCE TRANSPORTS (F: 26.1) (XR: 61.1)

Staff report dated February 10, 2004, was introduced.

RESOLUTION NO. 8539-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8539-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING MAXIMUM EMERGENCY GROUND AMBULANCE RATES IN THE CITY OF GARDEN GROVE, be and hereby is adopted.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that regular warrants 304926 through 306297, payroll warrants 133142 through 133390, Direct Deposits D87191 through D87732, and wires W817 through W822, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

PUBLIC HEARING – APPEAL OF CONDITIONAL USE PERMIT NO. CUP-127-03 (F: 51.CUP-127-03)

Appeal of Conditional Use Permit No. CUP-127-03, initiated by Hee Sook Lee to allow an existing restaurant (B.C.D. Tofu House, Inc.) currently operating under an Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Public Eating Place) License, to expand its permitted hours of operation to 24 hours a day, seven days a week.

The site is located in the C-2 (Community Commercial) zone on the southeast corner of Garden Grove Boulevard and Gilbert Street, at 9520 Garden Grove Boulevard.

On December 4, 2003, the City Planning Commission, pursuant to Resolution No. 5399, denied CUP-127-03. On January 2, 2004, the applicant filed an appeal. Pursuant to public notice published on January 22, 2004, public hearing on the case was ordered by the City Council to be held this date.

Staff report dated February 10, 2004, was introduced, and staff reviewed the background information concerning this project.

Councilman Rosen inquired whether the applicant has stopped operating 24-hours since the Planning Commission denied the request. Staff commented that the applicant continues to operate.

Councilman Rosen inquired as to how many calls for service were received for this location. Staff noted that there have been very few.

Councilman Leyes questioned whether there were any reasons why the operator believed that he could operate 24 hours. Staff commented that during the review office hearing, the applicant was told that he does not have a 24-hour business and was told he should close while pursuing a new conditional use permit. He decided to continue operating 24-hours anyway.

Councilman Tran commented that this establishment has been operating for four years, 24 hours a day. He questioned why is it an issue now. Staff noted that the Police Department saw a trend in conditional use permit applications. The new applicants felt that they could be open 24 hours since the Tofu House was. That began the process of requiring Tofu House to apply for a new conditional use permit.

Mr. King Woods, attorney representing the applicant, addressed the Council. He noted that this is a chain of 11 restaurants in Southern California that specializes in tofu dishes. He noted that one of the problems in closing earlier is that their clientele work in the garment district and international trade. They come to the restaurant between 11 p.m. and 7 a.m. for their meals. He commented that Mr. Lee was never given a copy of the conditional use permit when he purchased the business. He will continue to operate 24 hours until the matter is settled. If he does not operate 24 hours, he will have to lay off 10 to 12 employees. He noted that he is gathering

information so Mr. Lee can establish a corporate identity for this restaurant and is requesting more time. He requested that this matter be continued to a later date.

Mayor Broadwater commented that this public hearing could be continued.

Councilman Dalton commented that he had no problem with continuing it; however, he felt that the applicant should comply with the current conditional use permit conditions during this time.

Mayor Broadwater commented that he was willing to give them the four weeks continuance; and if the request is not approved, the hours could be changed at that time.

Mr. Woods commented that they will abide by the reduced hours if that is the Council's decision. However, closing at 2:00 or 3:00 a.m. is better than 11:00 p.m. or 12:00 a.m.

Councilman Rosen commented that the current conditional use permit is that they have to close at 11:00 p.m.; and if the hearing is continued, the Council is not amending the conditional use permit to allow them to stay open 24 hours.

The City Attorney commented that it is within the City Council discretion to defer enforcement.

It was moved Councilman Leyes, seconded by Councilman Tran, and carried by unanimous vote, that the Appeal of Conditional Use Permit No. CUP-127-03 be continued to March 9, 2004, and that there be only enforcement of illegal activities and not the hours of operation until the matter is resolved.

AWARD OF CONTRACT FOR PROJECT NO. 7121, TRAFFIC SIGNAL INTERCONNECT ON MAGNOLIA STREET FROM TRASK AVENUE TO ORANGEWOOD AVENUE (F: 100.PROJ.7121) (XR: 23.18C)

Staff report dated February 10, 2004, was introduced.

It was moved by Councilman Dalton, seconded by Councilman Leyes, and carried by unanimous vote, that Steiny and Company, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 7121, Traffic Signal Interconnect on Magnolia Street from Trask Avenue to Orangewood Avenue; that contract for said project be and hereby is awarded to said company in the sum of \$357,865.00, in accordance with the

terms of the City's plans and specifications and the bid submitted by said company; that all other bids be and hereby are rejected; and the Mayor and City Clerk are authorized to execute said contract.

REVISION OF THE MASTER PLAN FOR UTILITY UNDER-GROUNDING DISTRICTS, TO INCLUDE GILBERT STREET FROM GARDEN GROVE BOULEVARD TO CHAPMAN AVENUE, TO THE PROPOSED PROJECT LIST
(F: 121.#23)

Staff report dated February 10, 2004, was introduced.

Councilman Leyes commented that there has been a debate over the rural atmosphere of Gilbert Street. He questioned whether there should be any additional work done on the storm drains and gutters.

The City Manager commented that storm drains have been built on Gilbert close to Bixby, and the water lines have been replaced between Garden Grove Boulevard and Chapman Avenue. He noted that there are a lot of trees on Gilbert and under-grounding the utilities will eliminate conflict between the power lines and the trees. There will not be any mature trees destroyed because there is more flexibility in under-grounding the utilities. He also commented that when they are ready to do the project, there would be a public hearing to notify the residents and the utility companies.

It was moved by Councilman Tran, seconded by Councilman Dalton, and carried by unanimous vote, that the Utility Under-Grounding District Master Plan be and hereby is revised as presented.

SECOND READING OF ORDINANCE NO. 2621

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

ORDINANCE NO. 2621 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 APPROVING AMENDMENT NO. A-103-03, AN AMENDMENT OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE SECTION 9.12.030 CONVERSION OF MULTIPLE-FAMILY RESIDENTIAL UNITS (F: 115.A-103-03) (XR: 50.3)

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, that Ordinance No. 2621 be and hereby is declared passed.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes commented regarding the stay of execution for Mr. Cooper's conviction 20 years ago and the length of time it takes for justice in California, noting that the snipers arrested in Washington, D.C., have already been convicted. (F: 53.1)

Councilman Rosen requested a Closed Session item regarding security measures and how the Neighborhood Watch Program can assist in the event of a national attack. (F: 53.1) (XR: 82.1)

Councilman Tran requested information on the photo enforcement program and why certain intersections were chosen. (F: 53.1) (XR: 100.7)

Councilman Tran congratulated the City Attorney on the outcome of the cyber café case. The City Attorney commented that the appellate court ruled that the ordinance met constitutional standards and were very favorable of the Police Department's reports. The Court did not agree with the requirement of a conditional use permit. Some of the owners did agree with the City's requirements and were willing to work with us.

Councilman Tran inquired whether the conditional use permit requirements will be brought back to the City Council. The City Attorney commented that the Court held that the conditional use permit criteria were too general. He noted that it is a matter of fine-tuning the criteria and evaluating where the City wants to go. (F: 53.1) (XR: 35.3a) (XR: 44.1)

ADJOURN TO CLOSED SESSION

At 8:05 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. Also pursuant to Government Code section 54956.9, the City Council will confer with its Legal Counsel regarding the status of Vo, et al., v. City of Garden Grove.

In addition, pursuant to Government code section 54957, the City Council will review candidates for appointment to the City Manager position.

RECONVENE IN OPEN SESSION

At 9:33 p.m., the meeting was reconvened and it was announced that all matters previously disclosed were discussed and no others.

ADJOURNMENT

At 9:34 p.m., the meeting was declared adjourned in memory of Jennie Suggs, a long-time Garden Grove resident. (F: 46.9)

PRISCILLA STIERSTORFER
DEPUTY CITY CLERK