

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 25, 2003, at 6:49 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; Community Services Director, Cal Rietzel; Fire Division Chief, Keith Osborn (representing Fire Chief); Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; City Attorney, John Shaw; and City Clerk, Ruth Smith.

INVOCATION AND PLEDGE

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

PRESENTATION – COMMUNITY SPOTLIGHT

Mayor Broadwater called forward Kelvin James and Kim Ernst, representatives from Downey Savings, and presented them with Certificates of Appreciation and gifts in recognition of Downey Savings' major sponsorship in the City's 2002 Adopt-A-Family program. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Marge England addressed the Council, presenting a report on the community forum that was held in Garden Grove on January 30, 2003, by the League of Women Voters of Central Orange County. She noted there seems to be a positive, good feeling overall in the community. (F: 53.3)

Jeff Winter addressed the Council, urging it fight for the residents on Ocean Breeze and direct the City Attorney to file a misdemeanor complaint in Court against the property owner. (F: 53.3)

Connie Naranjo addressed the Council, on behalf of the West Garden Grove Residents Association, concerning \$845,000 the City received from the 2000-

2001 State budget to spend on Garden Grove parks, due in part to the efforts of Senator Dunn. She stated that money was to have been spent in three years or it would be lost. She alleged that money has not yet been spent on those parks, and she is concerned it might be lost. She also commented that, as listed on the agenda, \$666,000 is proposed for West Haven Park, and she expressed concern that the Council is taking money from the other parks and spending it on West Haven Park.

Mayor Broadwater responded that answers will be provided to address Ms. Naranjo's concerns (F: 53.3) (XR: 130.17) (XR: 73.1)

Vera Lambert addressed the Council concerning the request from the City of Anaheim to rename Haster Street. She urged Garden Grove and Anaheim to "bury the hatchet." (F: 53.3)

Charles Mitchell addressed the Council, suggesting a program be instituted to train volunteers to aid the Fire Department with inspections. (F: 53.3) (XR: 61.1)

Larry Bonham addressed the Council concerning various matters. (F: 53.3)

RECESS

At 7:16 p.m., the Mayor declared a recess.

RECONVENE

At 7:21 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

PROCLAMATION – KOREAN IMMIGRATION DAY (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that March 1, 2003, be and hereby is proclaimed as Korean Immigration Day.

PROCLAMATION – ARBOR DAY (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that March 7, 2003, be and hereby is proclaimed as Arbor Day in the City of Garden Grove.

RESOLUTION COMMENDING FOUNDER YOUNG SUP KIM AND SUPPORTERS OF SUNNY HILLS SENIOR CENTER (F: 52.2)

It was moved by Councilman Leyes, seconded by Councilman Rosen, and carried by unanimous vote, a Resolution commending Founder Young Sup Kim and supporters of Sunny Hills Senior Center for their outstanding service to the City of Garden Grove, be and hereby is approved.

AWARD OF CONTRACT FOR EASTGATE COMMUNITY THEATER AMERICAN
DISABILITY ACT UPGRADES (F: 55) (XR: 73.2a)

Staff report dated February 25, 2003.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Warvi Construction, Inc., be and hereby is determined to be the lowest acceptable bidder in connection with Eastgate Community Theater American Disability Act Upgrades; and that contract for said project be and hereby is awarded to said company in the amount of \$63,875.00, 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.

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

Staff report dated February 25, 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 15933, posted by Brandywine Development, for sewer improvements for a residential subdivision located on the southeast corner of Garden Grove Boulevard and Newland Street, be and hereby are exonerated.

FINANCIAL ASSISTANCE AGREEMENT WITH THE COUNTY OF ORANGE FOR A
CAPITAL GRANT RECEIVED THROUGH THE 2000 STATE PARK BOND ACT
FUNDING (F: 55) (XR: 73.12a) (XR: 87.1)

Staff report dated February 25, 2003, was introduced.

Councilman Rosen commented that this agreement pertains to parks, and he also would like to have answers to the questions Ms. Naranjo posed earlier in the meeting. He noted that the newspaper article she referenced from June 2000 discussed a proposed budget that was approved by the Senate, and he recalls that the Governor vetoed some of those projects and that some were frozen in 2001 due to the energy crisis. He noted that \$600,000 of that money was spent on the Chapman Sports Complex for lighting, which was held up because the school district was unsure whether they wanted the lighting; however, ultimately the lighting was installed.

Councilman Rosen clarified that what the Council has before it now are grants from the County of Orange pursuant to a state park bond act, which is separate money from what was mentioned by Ms. Naranjo. He noted that the \$666,000 for the construction of the gymnasium at West Haven Park was discussed previously and would provide additional services for children in the community and would provide for additional parking in the West Haven area.

He noted that these agreements with the County of Orange are for money for the construction of new parks. One of them is for Gutosky Park, which is a small neighborhood park, and this would expand that park into the OCTA right-of-way. The other one is to build a mini-park with some play equipment on the right-of-way between Shelly Drive and Kensington Lane. That also is a good project and will provide an outlet for children who live in very dense apartments in that area. This is an opportunity to expand park land, and hopefully this is the first step toward expanding more park land into the right-of-way.

Councilman Rosen moved, seconded by Councilman Dalton, that the Financial Assistance Agreement by and between the City of Garden Grove and the County of Orange, for a capital grant received through the 2000 State Park Bond Act funding, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the agreement.

Councilman Leyes noted that the only category that got zero, according to Mrs. England's report on the Community Forum that was presented earlier, was "lots of parks," and he suggested this might be related to the quality of parks as well. He expressed concern that the City of Garden Grove was one of two cities in Orange County designated on a web site as a city entitled to money under the parks bond act but has not yet applied for it. The amount was \$1.4 million. He added that fortunately, Garden Grove no longer appears on that listing. He indicated he also would like an answer to Ms. Naranjo's inquiry because he is concerned there are issues out of control.

He noted that the grant money currently before the Council amounts to \$835,400, and the total of Ms. Naranjo's list is \$845,000. He further noted that they are different funding sources, but nearly the same amount of money. If in June 2000 Garden Grove had needs at existing parks, and that amount added up to \$845,000, and the City has not been able to spend all that money, why are we dedicating new sources of funds for new projects when it could be spent on the old needs. He suggested a need to freeze projects and essentially get back to a zero base budgeting state of mind. The City should not be dedicating all the new money for new projects when we have other parks that have a desperate need of improvements in our neighborhoods. He noted that he cannot vote on this agreement until he receives an answer as to where the money has gone.

Mayor Broadwater noted that although some of those funds were withdrawn, he would like to know exactly where that money is and how the City is dealing with it.

The City Manager noted that the City still has two years to complete the Chapman Park project, but it is on track and is a large chunk of the \$800,000. He noted that the award of a contract to Ryco Construction for park improvements at various locations, which is listed on the agenda for approval later this evening, is approximately \$545,000. All the previous money the City received has been allocated for projects, and a large chunk of the State Bond

money has been allocated or set aside for the proposed gymnasium at West Haven Park.

Mayor Broadwater requested that this information be provided at the Council meeting that will be held on March 4, 2003.

Councilman Dalton noted that the new parks on the list currently before the Council for grant funding are much needed because of the high density neighborhoods.

Councilman Leyes noted that in one of the worst financial scenarios that the City has seen in a decade, there will be real cuts to program budgets and capital budgets, and he believes this money possibly could be leveraged to keep our parks clean, active, improved, and maybe even renovated so we can get the most use out of the parks we currently have, and we should not be spending money on new parks at this point. He continued, that as for the contract award for park improvements funded by park fees, he believes those fees might be spent for program expenses and not just capital expenses.

The foregoing motion carried by the following vote:

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

NOES: COUNCILMEMBERS: (1) LEYES

ABSENT: COUNCILMEMBERS: (0) NONE

PROJECT NO. 7282, SAFE ROUTES TO SCHOOL SIDEWALK IMPROVEMENTS -
FINAL PROGRESS PAYMENT AND ACCEPTANCE OF CONTRACT AS COMPLETE
(F: 93.Proj.7282)

Staff report dated February 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the Contract on Project No. 7282, Safe Routes to School Sidewalk Improvements, be and hereby is accepted as complete as of this date; and the Finance Officer is authorized to release the retention payment to Elite Bobcat Service, Inc., when appropriate to do so.

ISSUANCE OF QUITCLAIM DEEDS FOR THE RELINQUISHMENT OF TWO
EASEMENTS FOR WATERLINE PURPOSES THAT ENCUMBER REAL PROPERTY
LOCATED AT 8641 GARDEN GROVE BOULEVARD (F: 84.1) (XR: 111.2) (XR: 24.12)

Staff report dated February 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the issuance of Quitclaim Deeds for the relinquishment of two easements for waterline purposes that encumber real property located at 8641 Garden Grove Boulevard, owned by Nicholas

Frudakis, be and hereby is approved; and the City Manager and City Clerk are authorized to execute the pertinent documents.

AWARD OF PURCHASE FOR ONE SEDAN – POLICE DEPARTMENT (F: 82.4)
(XR: 60.4)

Staff report dated February 25, 2003, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that a purchase order for one sedan for the Police Department be and hereby is awarded to Hardin Buick Pontiac in the amount of \$18,738.61.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that the minutes of the Regular City Council Meetings of December 10, December 24, and December 31, 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 282558 through 283015, wires W96 through W98, and payroll warrants 125806 through 126063, Direct Deposits D73417 through D73977, and wires W705 through W708, which have been audited for accuracy and availability of funds by the Finance Director, be and hereby are approved.

AWARD OF CONTRACT FOR PROJECT NO. 2003, PARK IMPROVEMENTS AT VARIOUS LOCATIONS (F: 73proj.2003) (XR: 24.1)

Staff report dated February 25, 2003. The City Manager noted that most of the money is from park fees and grant funds.

In response to an inquiry from Councilman Leyes, the City Manager noted that park fees are for the construction of parks. However, we have used them for modifications of existing parks, but that is a gray area.

Councilman Rosen noted that there is no impact to the General Fund. Funding for this project is from Park Fees, a grant from the Integrated Waste Management Board, and State Public Resource Account. These funds cannot be used for other General Fund purposes. He further noted that he believes our existing parks can be upgraded without using General Fund money and we can add some badly needed new parks.

Councilman Leyes inquired whether the City spends General Fund money on park maintenance. The City Manager responded in the affirmative. Councilman Leyes then inquired whether the City spends General Fund

money on park improvements. The City Manager responded that funds are spent only for very minor improvements.

Councilman Leyes commented that he believes the City should review the entire parks and recreation budget and all the grant funding and figure out what we're doing, how we're doing it, and how much it is costing us, because we may have to look at closing parks if the state goes forward with its present plan to balance its budget.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that Ryco Construction be and hereby is determined to be the lowest acceptable bidder in connection with Project No. 2003, Park Improvements at Various Locations, and that contract for said project be and hereby is awarded to said company in the amount of \$545,374.00, 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.

INITIATION OF SPRING 2003 WEED ABATEMENT PROGRAM (F: 113.1)

Staff report dated February 25, 2003, was introduced.

RESOLUTION NO. 8485-03

Councilman Leyes moved, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Resolution No. 8485-03 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT A NUISANCE EXISTS IN CONNECTION WITH THE EXISTENCE OF WEEDS, RUBBISH, AND DEBRIS ON CERTAIN PROPERTIES WITHIN THE CITY OF GARDEN GROVE AND AUTHORIZING THE CITY CLERK TO MAIL A WRITTEN NOTICE OF THE NUISANCE(S) IN ACCORDANCE WITH THE PROVISIONS OF GOVERNMENT CODE SECTION 39566 AND 39567.1, be and hereby is adopted.

ACCEPTANCE OF RESIGNATION OF DARLENE PRIETO, HOUSING AUTHORITY COMMISSIONER (F: H-10.3)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the resignation of Darlene Prieto, Housing Authority Commissioner, be and hereby is accepted with regret.

FOLLOW-UP REPORT CONCERNING RECENT CITY COUNCIL VISIT TO SACRAMENTO TO MEET WITH VARIOUS STATE LEGISLATORS (F: 53.1)
(XR: 38.1)

Mayor Pro Tempore Tran noted that he, Councilman Dalton, and Councilman Rosen made a trip to Sacramento last week to meet with various state

legislators to gather some feedback relative to the State budget deficit and to express concerns relative to cutting the Vehicle License Fees, a shifting of the Redevelopment budget, and other miscellaneous costs. He provided an overview of that trip, noting that they met with many representatives over a two-day period. He further noted that none of the legislators have any firm ideas where the budget will go. There is a lot of chaos and lots of blame is being thrown around. He indicated he believes it was very important that the Council had these meetings with the caucus leaders and senior staff, and it was a very productive trip.

Councilman Dalton noted that they were extremely careful to follow the Brown Act regulations on such meetings.

Councilman Rosen noted that no one is optimistic, and he too noted that great care was taken not to violate the Brown Act. He also noted that many of the legislators are former Councilmembers and Supervisors, which is a very positive thing.

Councilman Leyes noted that he was in Sacramento on other business dealing with his job. He met with several people as well. He noted that it has been proposed that policy committees meet with the budget committee, and that it seems they are taking a zero-based budgeting approach.

INTRODUCTION (F: 53.1)

Mayor Broadwater introduced Boy Scouts from Troop 296 and Pack 75.

COMMENTS BY COUNCILMAN LEYES (F: 53.1) (XR: 34.1) (XR: 35.3a) (XR: 38.1)

Councilman Leyes suggested that the City use a zero base approach for its own budget; that legislators be asked to attend a Town Hall meeting to speak, either to our community or to a group of communities, about the State budget issues; and he requested a status report on a recent CyberCafe incident.

Mayor Broadwater asked that a report be provided to the Council concerning that CyberCafe incident.

ADJOURN TO CLOSED SESSION

At 8:08 p.m., the Mayor announced that the Council will adjourn to the Founders Room for Closed Session, under the Ralph M. Brown Act, and that 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; Neighborhood Improvement Manager, Kim Huy; and City Attorney, John Shaw.

RECONVENE IN OPEN SESSION

At 8:26 p.m., the meeting was reconvened in Open Session with Mayor Broadwater and all Councilmembers in attendance, and it was announced that the matter previously disclosed was discussed and no others.

ADJOURNMENT

At 8:27 p.m., the meeting was declared adjourned to Tuesday, March 4, 2003, at 6:30 p.m., in the Founders Room of the Community Meeting Center, 11300 Stanford Avenue.

RUTH E. SMITH
CITY CLERK