

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, March 9, 2004, at 7:02 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; Personnel Services Director, Steve Larson; Police Chief, Joe Polisar; 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 David B. Lewis and presented him with a Certificate of Recognition and a gift for being the recipient of the Silver Beaver Award from the Orange County Council, Boy Scouts of America. (F: 52.3)

ORAL COMMUNICATIONS – PUBLIC

Brandon Beard, Boy Scout Troop 1103, addressed the Council expressing appreciation for sponsoring the pushcart derby. (F: 53.3)

Marrel Alonzo, Boy Scout Troop 1103, addressed the Council, requesting more bike lanes on the streets and stronger enforcement of motor vehicle laws. (F: 53.3) (XR: 33.3)

Ryan Hust, Boy Scout Troop 1103, addressed the Council, requesting the installation of a turn signal at Chapman Avenue and Springdale Street to alleviate the number of accidents that are occurring there. (F: 53.3) (XR: 100.1)

George Brietigam, Boy Scout Troop 1103, addressed the Council, expressing appreciation for the Council's support to keep fireworks legal in Garden Grove. (F: 53.3) (XR: 61.6)

Brandon Leming, Boy Scout Troop 1103, addressed the Council, expressing appreciation for sponsoring the pushcart derby. (F: 53.3)

Sean Ascani, Boy Scout Troop 1103, addressed the Council, expressing appreciation for keeping the streets clean and in good condition. (F: 53.3) (XR: 24.1)

Jeremy Hill, Boy Scout Troop 1103, addressed the Council, requesting the serious parking situation at West Haven Park be remedied. (F: 53.3) (XR: 75.1) (XR: 73.12)

Dyllan Eastman, Boy Scout Troop 1103, addressed the Council, expressing his appreciation for sponsoring the pushcart derby and for keeping the city a safe place for kids to grow up. (F: 53.3)

Tony Flores addressed the Council concerning the Holder Street extension that was discussed at the January 13 meeting, commenting that the City should speak to the City of Cypress about its responsibility to pay mitigation costs. (53.3) (XR: 96.1)

Bob Owens addressed the Council about past Councilman Robert Dinsen, noting that he stuck to his beliefs. He also commented on funds raised outside the district by Assembly candidate Van Tran. He also commented about Supervisor candidate Bruce Broadwater and thanked Councilman Rosen for returning phone calls from residents in the western portion of Garden Grove. (F: 53.3)

Verla Lambert addressed the Council concerning the City's code as it relates to gambling, expressing concern about the agenda item concerning the request from the Miss Garden Grove Scholarship program and about the Garden Grove Community Foundation Casino Night coming up. (F: 53.3) (XR: 130.15)

Charles Mitchell addressed the Council concerning bike riders in the city after sunset with no lights or reflectors and wearing dark clothing. Additionally, he reported that four streetlights are out on Yockey Street between Westminster Avenue and Hewlett Avenue. (F: 53.3) (XR: 69.1)

Councilman Rosen referenced comments made by Jeremy Hill concerning parking for Pony Baseball. He visited the Pony Baseball kickoff on Saturday, and Shetland Street is posted for No Parking for West Haven Park. He inquired whether those signs are enforceable.

The City Manager responded that staff will return with the information requested. (F: 53.1) (XR: 53.3) (XR: 73.12) (XR: 75.1)

RECESS

At 7:36 p.m., the Mayor declared a recess.

RECONVENE

At 7:37 p.m., the meeting was reconvened with Mayor Broadwater and all Councilmembers in attendance.

COMMUNICATION FROM THE SISTER CITY ASSOCIATION OF GARDEN GROVE FOR CITY CO-SPONSORSHIP OF TAPESTRY OF GARDEN GROVE (F: 88.1) (XR: 48.4) (XR: 102.3)

Communication from the Sister City Association of Garden Grove, dated March 1, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that City co-sponsorship of Tapestry of Garden Grove on April 15, 2004, be and hereby is approved.

COMMUNICATION FROM THE MISS GARDEN GROVE SCHOLARSHIP PROGRAM FOR CITY CO-SPONSORSHIP OF THEIR "TEXAS HOLD-EM" FUNDRAISER (F: 88.1) (XR: 48.4) (XR: 42.2)

Communication from the Miss Garden Grove Scholarship program dated February 25, 2004, and staff memo dated March 9, 2004, were introduced.

In response to an inquiry by Councilman Rosen, the City Manager responded that this event would be in keeping with the City's gambling code.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that City co-sponsorship of the Miss Garden Grove Scholarship program "Texas Hold-Em" fundraiser in July 2004, be and hereby is approved.

PROCLAMATION – ARBOR DAY IN THE CITY OF GARDEN GROVE (F: 83.1)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that March 7, 2004, be and hereby is designated Arbor Day in the city of Garden Grove.

RESOLUTION RECOGNIZING STAN SPRAGUE, GENERAL MANAGER,
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (F: 52.2) (XR: 112.5)

Communication from the Municipal Water District of Orange County dated February 20, 2004, was introduced.

It was moved by Councilman Leyes, seconded by Councilman Dalton, and carried by unanimous vote, that the Resolution of Commendation for Stanley E. Sprague upon his retirement from the Municipal Water District of Orange County, be and hereby is approved.

FINAL TRACT MAP NO. TR 16498 AND SUBDIVISION AGREEMENT FOR
PROPERTY LOCATED ON THE EAST SIDE OF TAFT STREET, NORTH OF TRASK
AVENUE, AT 13392 AND 13412 TAFT STREET (F: 116.PUD-100-03)
(XR: 103.TT-16498) (XR: 116.SP-321-03) (XR: 106.136)

Staff report dated March 9, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Final Tract Map No. 16498 and Subdivision Agreement by and between the City of Garden Grove and Taft Avenue Cottage Associates, LLC, for property located on the east side of Taft Street, north of Trask Avenue, at 13392 and 13412 Taft Street, be and hereby are approved; Subdivision Improvement Bonds are accepted; and the Mayor and City Clerk are authorized to execute the agreement.

AGREEMENT WITH POWER PLAY SPORTS, LTD FOR THE OPERATION AND
MAINTENANCE OF THE PIONEER PARK HOCKEY RINK (F: 55) (XR: 73.18)

Staff report dated March 9, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Agreement by and

between the City of Garden Grove and Power Play Sports, LTD, for the operation and maintenance of the Pioneer Park hockey rink, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

AMENDMENT TO AGREEMENT WITH ORANGE COUNTY TRANSPORTATION AUTHORITY TO PROVIDE TRANSPORTATION SERVICES TO SENIOR CITIZENS
(F: 55) (XR: 87.8)

Staff report dated March 9, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the Amendment to the Agreement by and between the City of Garden Grove and the Orange County Transportation Authority (OCTA) to provide transportation services to enable senior citizens to participate in the Area Agency on Aging senior nutritional program, be and hereby is approved; and the Mayor and City Clerk are authorized to execute the agreement.

REJECTION OF BID FOR WINDOW REPLACEMENT AT FIRE STATION NO. 4 AND AUTHORIZATION TO READVERTISE FOR BIDS (F: 60.4)

Staff report dated March 9, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the single bid received for the window replacement at Fire Station No. 4 be and hereby is rejected; and Purchasing is authorized to readvertise for bids.

PROJECT NO. 7388 - NATURAL GAS ENGINE SMOG CONTROL RETROFIT - ACCEPTANCE OF CONTRACT AS COMPLETE (F: 92.Proj.7388)
(XR: 92.Proj.7244)

Staff report dated March 9, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that Project No. 7388, Natural Gas Engine Smog Control Retrofit, be accepted as complete as of this date; the Finance Director is authorized to release the retention payment to S. S. Mechanical when appropriate to do so; and the Mayor and City Clerk are authorized to execute the Notice of Completion.

APPOINTMENT OF NEW ACCOUNTING MANAGER AT "F" STEP OF SALARY RANGE FOR THIS POSITION (F: 78.1)

Staff report dated March 9, 2004, was introduced.

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the appointment of a new Accounting Manager at Step "F" of the salary range for this position, be and hereby is approved.

MINUTES (F: Vault)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that the minutes of the Regular City Council Meetings held January 13, January 27, and February 10 2004; be and hereby are approved.

WARRANTS (F: 60.5)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that regular warrants 306700 through 308133 and Wires W132 through W136, and payroll warrants 133604 through 133813, Direct Deposits D88280 through D88826, and wires W827 through W830, 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; and pursuant to Legal Notice published on January 22, 2004, public hearing on the case was ordered by the City Council to be held on February 10, 2004, at which time it was continued to this date.

The City Manager noted that the applicant is requesting this matter be continued to March 23, 2004.

It was moved Councilman Dalton, seconded by Councilman Tran, and carried by unanimous vote, that the public hearing on the Appeal of Conditional Use Permit No. CUP-127-03 be and hereby is continued to March 23, 2004.

AUTHORIZATION FOR APPLICATION FOR GRANT FUNDING UNDER THE 2000 AND 2002 STATE PARK BOND ACTS (F: 97.1.04) (XR: 73.12A) (XR: 73.7)

Staff report dated March 9, 2004, was introduced.

RESOLUTION NO. 8543-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8543-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000, be and hereby is adopted.

RESOLUTION NO. 8544-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8544-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000, be and hereby is adopted.

RESOLUTION NO. 8545-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8545-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN

AIR, AND COASTAL PROTECTION BOND ACT OF 2000, be and hereby is adopted.

RESOLUTION NO. 8546-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8546-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002 be and hereby is adopted.

RESOLUTION NO. 8547-04

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote, that full reading of Resolution No. 8547-04 be waived, and said Resolution entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE APPLICANT TO APPLY FOR GRANT FUNDS FOR THE ROBERTI-Z'BERG-HARRIS BLOCK GRANT PROGRAM UNDER THE CALIFORNIA CLEAN WATER, CLEAN AIR, SAFE NEIGHBORHOOD PARKS, AND COASTAL PROTECTION ACT OF 2002, be and hereby is adopted.

REFUNDING OF THE WATER REVENUE BONDS, SERIES 1993 AND APPROVAL OF FINANCIAL ADVISOR, BOND COUNSEL, AND UNDERWRITER (F: P-60.1) (XR: 60.1) (F: 55)

Staff report dated March 9, 2004, was introduced, and the City Manager noted that we have an opportunity to refinance our current debt with a lower interest rate that would save the City approximately \$125,000.00 a year.

Councilman Leyes commented that the cost is going to be approximately \$175,000.00 to compensate the different consultants; however, the City will get a net present value savings of \$1.685 million, which is a yearly debt service savings of approximately \$125,000.00. He asked if the savings was accounted for in the current water budget, to which the City Manager responded in the negative. Councilman Leyes commented that this is something that should have been pursued sooner, which may have eased the pressure a little bit on the commodity charge increase.

It was moved by Councilman Rosen, seconded by Councilman Tran, and carried by unanimous vote that RBC Dain Rauscher be and

hereby is approved as the Underwriter; Stradling, Yocca, Carlson & Rauth be and hereby is approved as the Bond Counsel; Jones Hall Law Firm be and hereby is approved as Disclosure Counsel; and the Finance Director be and hereby is authorized to enter into the necessary agreements to complete the Water Revenue Bond, Series 1993 refunding.

SECOND READING OF ORDINANCE NO. 2622 (F: 106.149)
(XR: 116.SP-338-04)

It was moved by Councilman Rosen, seconded by Councilman Dalton, and carried by unanimous vote, that full reading of Ordinance No. 2622 be waived.

ORDINANCE NO. 2622 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 SHAHRAZ DANESH AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE WEST SIDE OF HASTER STREET, NORTH OF GARDEN GROVE BOULEVARD, AT 12881 HASTER STREET, PARCEL NO. 231-582-15.

It was moved by Councilman Tran, seconded by Councilman Leyes, and carried by unanimous vote, that Ordinance No. 2622 be and hereby is declared passed.

MATTERS FROM THE MAYOR AND CITY COUNCILMEMBERS

Councilman Leyes congratulated winners in the March 2 election, noting that it was a good day for Garden Grove, and he thanked his own supporters. He spoke about Garden Grove's fallen police officer, Howard Dallies, Jr., this being the 11th anniversary of his slaying. He also spoke about former Councilman Bob Dinsen who recently passed away, noting that he served eight years with him on the Council. He commented that Mr. Dinsen was a decent and kind gentleman who had firm beliefs, noting that he will be missed, and he extended condolences to the family. (F: 53.1)

Councilman Leyes asked that the eminent domain ordinance be brought back to the Council for discussion and implementation, noting it would be a good way to pay respect to former Councilman Dinsen. (F: 53.1) (XR: 127.1) (XR: A-127.1)

Councilman Dalton wished his granddaughter Cassandra Shearer and daughter Paula a Happy Birthday. He spoke about the Howard Dallies, Jr., street dedication ceremony that took place today and

about the fact that Garden Grove has a total of five fallen police officers, the highest number in Orange County. (F: 53.1) (XR: 82.1)

Councilman Rosen congratulated Mayor Broadwater and Councilman Tran on their victories in the March 2 election, commenting that both individuals will do a good job of representing Garden Grove. He spoke about former Councilman Dinsen, noting that he was consistent in his beliefs and served honorably on the City Council, representing his constituency well. He also spoke about his dealings with Councilman Dinsen in the Measure M issue. Additionally, he wished his daughter Jessica a Happy Birthday. (F: 53.1)

Councilman Rosen requested a report from staff about scattered rice in the street on Ocean Breeze. Additionally, he commented that the sign ordinance needs to be looked at relative to Constitutional issues. The City Attorney advised that he has written a revised sign ordinance that will go to the Planning Commission for review in April, and the rice issue on Ocean Breeze will be looked into. (F: 53.1) (XR: 122.10) (XR: 44.2)

Councilman Tran congratulated Councilman Leyes for a hard-fought campaign and Mayor Broadwater for his successful showing. He noted he will be staying in Garden Grove, and he will work with Councilman Leyes on the eminent domain ordinance. (F: 53.1) (XR: 127.1) (XR: A-127.1)

Mayor Broadwater congratulated Councilman Tran and extended his condolences to Councilman Leyes. He thanked the Garden Grove residents who voted for him. He also spoke about Police Officer Dallies and the event that was held for him today. Lastly, he spoke about former Councilman Dinsen, noting he was a strong-willed gentleman who always put up his campaign signs himself. (F: 53.1)

ADJOURN TO CLOSED SESSION

At 8:09 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, and Police Middle Management.

Also, pursuant to Government Code section 54957 (a), the City Council will confer with the City Manager and City security managers regarding security issues associated with the public facilities.

In addition, pursuant to Government code section 54957.6(a), the City Council will confer with its Negotiator (Mayor Broadwater and Councilmember Dalton) concerning employee benefits and compensation with respect to the City Manager and City Manager Designate.

Lastly, 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.

RECESS

At 9:30 p.m., the Mayor declared a recess.

RECONVENE IN CLOSED SESSION

At 9:45 p.m., the meeting was reconvened in Closed Session with Mayor Broadwater and all Councilmembers in attendance.

RECONVENE IN OPEN SESSION

At 11:29 p.m., the meeting was reconvened in Open Session, and it was announced that all matters previously disclosed were discussed and no others.

ADJOURNMENT

At 11:30 p.m., the meeting was declared adjourned in memory of former Councilman Robert F. Taxfighter Bob Dinsen and fallen police officer Howard Dallies, Jr. (F: 46.9)

RUTH E. SMITH
CITY CLERK